

REVISED AGENDA
KANSAS DEPARTMENT OF WILDLIFE, PARKS & TOURISM
COMMISSION MEETING AND PUBLIC HEARING
Thursday, April 23, 2020

- 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 January 9, 2020 MEETING MINUTES**
- V. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS**
- VI. DEPARTMENT REPORT**
 - A. Secretary's Remarks**
 - 1. Agency and State Fiscal Status (Brad Loveless)**
 - 2. 2020 Legislature (Chris Tymeson)**
 - B. General Discussion**
 - 1. KAR 115-6-1. Fur dealers license; application, authority, possession of furs, records, and revocation. (Electronic records) (Matt Peek)**
 - 2. Falconry Regulations (Jake George)**
 - C. Workshop Session**
 - 1. KAR 115-5-1. Furbearers and coyotes; legal equipment, taking methods and general provisions. (Use of thermal imaging and night vision equipment) (Matt Peek)**
 - 2. KAR 115-25-9a. Deer; open season, bag limit, and permits; additional considerations; Fort Riley. (Levi Jaster)**
- 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 115-25-20, Sandhill crane; management unit, hunting season, shooting hours, bag and possession limits, and permit validation (Richard Schultheis)**
 - 2. 2020-21 Waterfowl Seasons (Tom Bidrowski)**
 - 3. Duck Hunting Zones (Tom Bidrowski)**
 - 4. KAR 115-25-7. Antelope; open season, bag limit and permits. (Matt Peek)**

5. **KAR 115-25-8. Elk; open season, bag limit and permits (Matt Peek)**
6. **KAR 115-4-2. Big game and wild turkey; general provisions (Levi Jaster)**
7. **KAR 115-4-4. Big game; legal equipment and taking methods (Levi Jaster)**
8. **KAR 115-4-6. Deer; management units (Levi Jaster)**
9. **KAR 115-25-9 Deer; open season, bag limit and permits (Levi Jaster)**

XII. OLD BUSINESS

XIII. OTHER BUSINESS

A. Future Meeting Locations and Dates

XIV. ADJOURNMENT

If necessary, the Commission will recess on April 23, 2020, to reconvene April 24, 2020, 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, June 25, 2020 at New Strawn Community Center, New Strawn, Kansas.

Kansas Department of Wildlife, Parks & Tourism
Commission Meeting Minutes
Thursday, January 9, 2020
Riverside Community Building
510 Park Ave, Iola, Kansas

Subject to
Commission
Approval

The January 9, 2020 meeting of the Kansas Wildlife, Parks and Tourism Commission was called to order by Chairman Gerald Lauber at 1:30 p.m. at the Riverside Community Building, Iola. Chairman Lauber and Commissioners Emerick Cross, Gary Hayzlett, Aaron Rider, Warren Gfeller, Lauren Sill and Troy Sporer were present.

II. INTRODUCTION OF COMMISSIONERS AND GUESTS

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

III. ADDITIONS AND DELETIONS TO AGENDA ITEMS

Sheila Kemmis – Agenda on the table has been revised to add item 3 to general discussion, an award presentation by Jason Deal instead of Stuart Schrag. (Agenda – Exhibit B).

IV. APPROVAL OF THE November 14, 2019 MEETING MINUTES

Commissioner Warren Gfeller moved to approve the minutes, Commissioner Lauren Queal Sill second. *Approved* (Minutes – Exhibit C).

V. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

David Lauber, Yates Center – Deer hunting and permits, brought up that deer population is smaller than it used to be, but Woodson County is increasing. I am fixing fences daily; they are destroying crops and are overpopulated. Had four hunters coming from Texas this fall to archery hunt, but they did not get drawn; and a neighbor who had two hunters who did not draw. Did calculations based on how much nonresident deer hunters pay, how much they pay us and neighbor and in Yates Center, roughly \$13,000 in lost revenue. Didn't hunt this year for physical reasons. See minimum of 20 deer in patch of timber, 80 to 90 acres. One of your employees two years ago counted 80 deer on 30 acres; a year ago my brother drove three miles and saw 60 deer. Do something to get population down, doing damage, worried about CWD and deer sizes are getting smaller. Usually rut is over by the time rifle deer season starts but bucks still chasing does last week. Request from Texas guys, since he didn't get drawn and got a preference point, can get deer tag next year? Somebody didn't make the list so the whole group got denied. How should they apply, as group or individuals? Landowners are feeding deer, not your deer until deer season, wildlife if car accidents or damage. To help feelings, don't understand why landowner can't get a tag for no charge, I know I can get it for \$20 but costing us time and money, lot more the \$20 it costs. If your livelihood depends on farming and cattle, hurting us and lot of deer car accidents, see dead deer all the time. Why can't a landowner get a tag to sell to a lease hunter to supplement income, farming not great right now. Cost us \$4,000 last fall that we could have used. I am in charge of hunting policy in the family, if leasers come in and want to hunt a buck they must shoot a doe too. Can remember when you only could get a doe tag. Deer are multiplying. I know we can't do anything about beaver or armadillos and the damage they do, but deer can be managed if come up with solution to get deer numbers down. Chairman Lauber – On preference point, how does that work? Assistant Secretary Miller – Ninety-one percent of the nonresidents who applied last year drew permits, anyone who didn't got a preference point and will draw a permit next year. If they want to apply as a group all of them need that same status, if one in group doesn't have a preference point it will drop back to that. They each need to apply for same permit type and unit and if they all have one preference point they will be drawn;

virtually guaranteed a deer permit with one preference point. David Lauber – If they want to come in and lease to hunt I will let them. When they got denied it cost them \$25 for administrative fees; done by computer and they should be able to get all of their money back. Doesn't seem right. Chairman Lauber – Reserve the right to disagree on some points and agree on others. Secretary Loveless – Talk to Levi Jaster, our deer expert, he will be here later. He keeps track of population trends and would like to hear your information and share our best data. That data, including observations like yours, helps us set standards for different units. More liberal on issuing depredation tags and our folks have flexibility to help you with that, want to target does on that. Nonresidents not interested in shooting does, but our residents are. You mentioned landowner transferable tags, our concern is it makes it difficult to know numbers of deer that would be harvested, important as we try to maintain a sweet spot where quality remains high, reputation remains good and then you can command top dollar on leased land. The value is your land, that is what you are selling. We are trying to keep success rate high, over 90 percent, which is good, especially compared to states in the west where you wait years for a tag. Mike mentioned group permits and there is a strategy involved and we would be glad to coach you on that. Love to talk to you more and Levi can share data.

Grant Corley, Westphalia – Too many deer also. Fixing fences daily. Sister has 80 acres, had a deer walk first weekend and walked 35 deer out of that 80 acres and know some probably went out the north side that we did not see. Have out-of-state hunters who would be willing to buy a doe tag. When a hunter comes in he has to stay somewhere, eat somewhere and buy fuel, and Kansas should have some of that money. Secretary Loveless – We have been talking about offering nonresidents a doe tag. Tried to summarize conversation for one of our legislators, what I heard was that in our experience there is low demand for nonresidents to just to shoot a doe, want to hunt trophy bucks, can count number of nonresidents on one hand that will come just for a doe, as far as requests we see.

Wes Troll, Richmond (*did not sign roster*) – Before this meeting, I spent third day today fixing electric fence, no deer shortage. Disagree with nonresidents not having interest. I go to Texas to hunt antlerless axis deer. Comment on group permit, excellent job describing that permit, wish do as well in publication. Makes no mention of fact that individual with least opportunity to draw the tag is chosen to represent the group, that is misleading. There have been several cases where father and son apply, one would draw, and one wouldn't, and they have asked if they could come hunt a doe. In current situation you give that doe tag away, human nature is you only covet items you value and there is no value to that individual. If individual, for example, drew tag in Kansas and had someone who wanted to come with me that didn't draw, if they could purchase a doe tag over-the-counter, it would allow them to come and enjoy the resource and spend dollars in rural communities. Rural Kansas not doing well. In my opinion, department doesn't manage deer herd, using nonresident tags as an opportunity to manage access. If deny individuals who have a lease don't draw, discourages them from making transaction; think department feels that if we discourage a nonresident from access to property that will encourage resident. Bank doesn't care if I offer opportunity to residents, they want their money. If resident wants to lease from me we can come to an agreement. Limiting economic opportunity for landowner to realize full value of his property. Not a biologist or deer expert, but I know my ground. Current system limits my ability to properly manage that ground. Under-valuing doe tags, there is a demand and you should make it available. Everyone talks about North American model of wildlife management, the bible in this profession, but pick and choose what that model says. Mr. Leopold talked about value of private property to further wildlife, ignore those statements. Theodore Roosevelt made the same statement. The value of private property is future and value of wildlife in this country, especially in state with 98 percent private ownership. Be as clear in rules in regulations in stating issues on group permit as you were at this meeting.

Adrian Johnson, Westphalia (*did not sign roster*) – Pay \$130 a year to try and help control the deer. Have lease ground by us where they will kill trophy buck or nothing. If tag goes up any more will go back to the way we used to control the, set deer stands and take care of it when they come to eat.

Dean Klahr, Kansas Livestock Association – Spent a lot of time wanting transferable permits. Echo what has been said, like to see option for doe tags for nonresidents. Majority come for trophy buck but have a lot of members and landowners in the state who have developed a business model where their operation depends

on income from fee hunting opportunities; doe tag would allow relationship to be sustained. Chairman Lauber – A nonresident can obtain a doe tag now but need buck tag first. You are recommending, if unsuccessful in drawing buck tag could get doe tag in areas where you feel we have too many deer? Klahr – Yes sir. Secretary Loveless – That was what our discussion has been, how that would work, and pros and cons. Appreciate comments. One of the concerns we have is how to enforce regulations; challenge in groups, even if you don't have buck tag you can bag it and someone else will tag it, something we are trying to avoid. Concerned about how we manage that, if insight into that love to hear it. Anyone can hunt in late season, which may not coincide when friends coming in for another deer season. Clarity and good coaching in application process for group permits is important. Troll – The logic you just issued; give me your car keys because I know you are going to violate a traffic law. Yes, there will be violations, but can't manage resource because a violation might occur. Secretary Loveless – That is not it, we are trying to make good prudent decisions to allow law enforcement folks to be successful, a daunting task if you look at our regulations with different kinds of permits they have to manage, trying to do a good job and be fair to folks we are trying to encourage to be out there. We want to be wise in regulations we put out forth to give them the best chance to be fair. We get a lot of complaints from people who say folks are breaking the law and ask us to do something about it, so sensitive about that too. Trying to make regulations that are clear, enforceable and fair, understand not 100 percent. Troll – Not fair to say you will not have doe permits available because they will party hunt and violate. Chairman Lauber – They may be doing that already. Secretary Loveless – Larger conversation, glad to have it and we do want to encourage nonresidents to come in. Troll – We have been having this conversation for 20 years. Secretary Loveless – Hopefully we can come to resolution. We can talk at break to be able to get more of your experience; trying to get the best information we can. Improve over time with your good input. Chairman Lauber – Meeting today with a lot of deer, but when meeting in other areas of state deer are declining, so social issues differ. Have tremendous number of constituents who will vote and push the legislature because they don't have a place to hunt anymore, nothing we can do because 98 percent private ground. Not universally popular to have a lease. Not all just based on nonresidents, about half of ground leased is leased by residents. Two sides the commission and agency has to deal with, and we pay attention to both sides. Klahr – Thank you for your time, continue relationship to allow some sort of option for landowners.

Assistant Secretary Miller – You mentioned the \$25 application fee they don't get refunded. We have a full licensing staff at Pratt, and they spent almost the whole month of April on the phone with nonresident deer applicants; and they do explain buddy permits that way, maybe not explained in print as well as it should be, and I apologize for that. It is changing, not the same since new permit system went into place, demand for nonresident deer permits has increased in this part of the state over the last two years, I don't know if we could have predicted that, so seeing hunters suddenly not drawing permits, don't know if shifting from one part of the state to another, but did see more nonresident applications than we ever have. Demand has increased, more in this area. Troll – I remember sitting in a meeting when you did away with transferable permits; statement was made that the department would take a five-year study of nonresident applications that would form a base number which could be increased or decreased by 50 percent based on deer populations. We haven't seen that flexibility in numbers, is that policy still being followed? Chairman Lauber – At one point had maximum limit of 15- or 16-percent. Troll – Policy was for this department to break away number from resident population. Chairman Lauber – I think that is the case. Assistant Secretary Miller – Yes, at just over 22,000 nonresident permits available in the draw; when we started it was about 18,000. This is the first year with no leftovers. We were looking at meeting demand, seven adjustment factors to set permit numbers. One of the concerns was resident opportunities, seen marked decrease in resident deer hunters in last five years, a lot contributed to difficulty in getting access. No one thing affects that. When talking about deer population control love to have you bring out a bunch of kids from town to shoot does. You can get up to five doe permits in this area. Tools are in place as well as depredation permits from district biologist. Troll – Depredation permits have to be used by a resident. Assistant Secretary Miller – You can designate someone outside of the hunting season, we want you to allow hunting to control deer that is our first option. Once you start having a serious deer problem we can help you reduce deer numbers. David Lauber – On those tags, do you leave the deer lay or utilize? Assistant Secretary Miller – You can utilize the deer if you want, years ago you were supposed to leave them lay. Troll – On an annual basis how much does the department refund to nonresidents? Assistant Secretary Miller – We had 24,000 applications,

refunded about 2,000 permits. Troll – About \$500 per permit. Basic economics says that money hits economic system at a velocity of four, so if we took one individual who didn't get their tag, refunded \$500, that mean local economy taking hit of \$2,000; talking probably \$5- to \$6-million out on an annual basis. Assistant Secretary Miller – We still have same number of deer permits available in these units even though some hunters you know didn't draw so same number of hunters are still coming here to hunt and still spending money locally. If we manage wildlife strictly on basis of economics that would be a disaster; somebody said your deer were getting smaller and younger and that may mean we are harvesting too many mature bucks. David Lauber – We have too many does and are overpopulating, rut used to be done by time rifle season started now breeding season is going longer and we are seeing fawns in summer. Known fact that if you overpopulate, like Texas did several years ago, deer get smaller. I used to train dogs and go to field trials in Texas and the deer were small. Ashamed that seeing deer in Kansas the same size as those guys are bragging about in Texas, it is a population issue, not shooting a buck issue. Chairman Lauber – If control deer, have to harvest does. One possible suggestion was to allow people who applied and were unsuccessful in getting a buck permit as a nonresident that denial would allow antlerless permit; we should consider that. This is a complicated matter, appreciate your sentiment and honesty. Thanks for coming forward and giving us your thoughts. Heard a lot of comments, agree with some and don't agree with every solution, there are lots of ways to get it done.

Adrian Johnson – Adjoining out-of-state hunters have shot one doe in six or seven years, if no trophy buck they go home with nothing. On another neighbor they didn't hunt, have a 50-bushel feeder out there for deer, saw 21 deer in one evening.

Grant Corley – Have one farm quarter section, with wild pig damage. Have problem developing, at least two known wild pigs in our area. I know you don't have anything to say about that but that is something we don't need in this state. I hunt wild pigs in Oklahoma, fun but they destroy a lot. Chairman Lauber – Kansas doing good job in managing increase in wild pigs and one of the ways we do that is we don't allow recreational hog hunting because the people start bringing them in. Human assistance is why they are here. If you have evidence of wild pigs let your game warden know and we will do everything we can to minimize their growth. Corley – I contacted some people and told to contact the Livestock Association, they brought a trap and caught him, and it got out. There are hard to control, knew in area but as far as I know I was the only one who actually saw it.

VI. DEPARTMENT REPORT

A. Secretary's Remarks

1. Agency and State Status Report – Brad Loveless, Secretary, presented this update to the Commission – Fiscal status, completed submitting 2021 budget, state budget has been recommended approved, but no response yet, coming soon and will find out where we stand. The only adjustment made was on supplemental on moving law enforcement from KPERS to KP&F retirement, governor agreed but legislature requested that we remove it from her budget because not approved by legislature yet, after review then it will be added back into the budget. EDIF apportionment will the same as in the past, just over \$5 million; spread between administration, parks and tourism. Hold budget static from FY 2020 to 2021. Question is the need to address flooding issues; water was down in December, our projection, trying to quantify, revenue down \$1.3 million. The big hit was maintenance, gravel, rip-rap, asphalt roads and parking areas we knew would suffer, projected cost to restore those is \$9.7 million. Wrote up for governor and legislature in three buckets, what we would do right now, orders for docks, etc. that would take us six months to do and finally those things we don't feel we can get to until next summer and fall. Priority is to have things ready for people to come back in the spring. So have a plan but don't have those monies to spend on this. Not sure how money will come in and what we can do first, second and third. Cabin revenue for the year was down 16 percent from previous year; wildlife fee fund is up 2.3 percent, balance end of December only off by a couple of hundred thousand, about \$14.7 million. Almost entirely funded by sports men and women's dollars and licenses that leverage federal tax monies. Pittman Robertson (PR) funds are down 15 percent next year as result of lower sales of those outdoor items. Dingell Johnson (DJ) is up three percent. Chairman

Lauber – That money can't be used to fix our parks, have to be used for purpose of the PR and DJ Acts. Revenue during Obama years made more money on sales of guns, down now and not as much money. Secretary Loveless – This is Law Enforcement Appreciation Day, have a number of officers here, core under Colonel Jason Ott in law enforcement and others in in parks and public lands. Appreciate them (*applause*). Update on buck poached in Osage County in 2011 from a roadside and has become controversial. Have a neighbor who claimed buck should be his. My goal has been to get us past that issue, last night at 5:00 we met and adjacent landowner bid \$16,001 for that deer head and we gave him the head, hopefully that will allow the department to move on. In all the dialog around that we lost a key issue, poaching is a big problem in Kansas, it is criminal activity, involves wasting of wildlife and deprives individuals of a wonderful opportunity to trace these animals. The money will go into account to incentivize people to report issues to Operation Gamethief, hope it goes to a good cause. Commissioner Gfeller – It is a reward fund? Secretary Loveless – Exactly right. We hope it goes to a good cause and we can work our way past this. I am leaving at break, have a meeting in California I need to go to.

2. 2020 Legislature – Chris Tymeson, chief legal counsel, presented this update to the Commission – Starts Monday, second year of two-year cycle and an election cycle. There are several political things going on at state level, like Medicaid expansion and others, may help session go along easier. Also, budget issues, rift in one of other branches of government, so broader issues may slow our process down. Five initiatives: Kansas Police and Fire (KP&F) retirement, which Secretary referenced, for law enforcement officers, last year passed out of committee and languished on House floor where it didn't make the procedural deadlines and was stricken from the calendar; we are going to reintroduce it this year. Dynamic pricing for cabins and campsites, around for four years now and last year it made it three quarters of the way through the process and is in House appropriations, did not meet the deadlines; working on that again. We have fee caps, many of our fees are capped in statute and you set fees by regulation based on recommendations of the department; only two fee increases in last 20 years 2002 and 2015; eventually the caps will have to be raised in order to leverage federal dollars as well as continue operations at the same level. Proposed two years ago, no hearing last year, discussions in committee on Wednesday. Fourth area is land acquisition, there is a piece of property we are attempting to purchase, waiting on a legal description, it adjoins Kingman Wildlife Area. Three years ago, we introduced a bill to purchase a piece of property that Ducks Unlimited owns, bringing back this year with some compromises and discussions; essentially Ducks Unlimited is doing a swap with a neighbor and we will end up with a slightly different piece of property than two years ago. Personal floatation devices, nomenclature change to statute first than will filter down into regulation changes. Likely anti-poaching bill, in draft I saw would provide restitution to landowners of half of the amount of value of animals; also heard talk of other deer items like unlimited nonresident and transferable tags. Chairman Lauber – Nothing pre-filed that we have an interest in? Tymeson – Nothing that impacts what we normally put on the website; tracking 120 bills, by end of session 160 or so. None that would impact constituents directly have been pre-filed. There is one that would impact the regulatory process that I have concerns about. Chairman Lauber – Objection to retirement plan we tried to get through? Tymeson – Strategically we are a fee-funded agency so it would come out of our budget and we have planned for that. There are a couple of other issues that deal with KP&F retirement; another cabinet level agency wants to be part of it but is a funded by the State General Fund and that causes difficulty. Local correction entities want to enter into KP&F as well, which muddies the water. If it was us alone it should pass but add those other things and it makes it more difficult. Secretary Loveless – Want legislature to take each of those cases on their own merit; we have a strong case for representing our law enforcement folks. Commissioner Rider – Transferable deer bill done? It was gutted last year. Tymeson – The way the process worked, bill was introduced and passed through the House by one vote, made it to Senate and they did a gut-and-go where they put contents of another topic in that shell bill, so no longer a deer bill, now hemp bill, which passed and was signed by the governor; so that topic is dead. Would have to come back as a new bill.

Secretary Loveless – Forgot to mention on recovering parks damage, submitting all of that to FEMA, slow process, FEMA representatives have not looked at all of those locations, but quantifying all of that and will submit in counties where that is an option. Typically get about 75 percent or less than requested.

B. General Discussion

1. Commissioner Permit Update and Drawing – Mike Miller, chief of Information assistant secretary, presented this update to the Commission (Exhibit D). Started in 2006. Started drawing for conservation organizations operating in Kansas are eligible. Nonprofit..... These would be drawn by conservation organizations to auction off a big game permit and then that money would be used for a mutually agreed upon conservation project. It started out slow with 59 applications in 2006, but elk permit went high and they did sell permits for about \$49,000. Each year it has grown a little. The conservation organizations have to be nonprofit based or operating in Kansas and actively promote wildlife conservation and hunting and fishing heritage. Each chapter is eligible to win one of these permits once in three-year period. They sell to highest bidder and take 15 percent and we subtract the amount of the permit out of that remaining fee and they submit that to us. We agree on a conservation project and the money goes back to them to complete that project. Sometimes a Ducks Unlimited chapter may put that money back into Bringing Back the Bottoms or a Pheasants Forever chapter might donate back to a pheasant initiative project. There are a variety of projects they use money for; some has been for youth recruitment programs, youth hunts or sport shooting events and things like that. Over the years it has been highly successful. As you see in the briefing item we raised nearly \$597,000 for conservation over the years. It can be seven deer permits or five deer permits, an elk and an antelope permit. They make a choice when they apply. It has been mostly deer that they have preferred; it is any deer, statewide, any season with legal equipment for that season. We still receive some applications for elk and would have to go to Fort Riley area to utilize that. Chairman Lauber – It is the only way you can get two antlered permits? Miller – Correct, it does not count against any of your other permits, so if you drew a tag or bought a tag and bought one of these, you could have two antlered permits. We had 210 eligible applications this year. Chairman Lauber – Did any of them request elk? Sheila Kemmis – Yes, some of them did; most listed deer as their first choice.

Drawing Winners (Exhibit):

Commissioner Emerick Cross – (1) – #210, DU Cheyenne Bottoms #7 (deer)

Commissioner Warren Gfeller – (2) – #78 DU Prairie Dog #51 (deer)

Commissioner Gary Hayzlett – (3) – #166, PF North Fork Tailgunners #502 (deer)

Chairman Gerald Lauber – (4) – #198, DU Topeka #6 (deer)

Commissioner Aaron Rider – (5) – #107, DU Kiowa County #155 (deer)

Commissioner Lauren Queal Sill – (6) – #205, DU St. Paul #93 (deer)

Commissioner Troy Sporer – (7) – #207, DU Woodson County #152 (deer) (*mistakenly said Wyandotte County during the meeting, Wyandotte was number 208*)

2. Boating Educator of the Year Award Presentation – Dan Heskett, Law Enforcement Division Major, presented this award (Exhibit E). Created in 2011, the National Association of State Boating Law Administrator (NASBLA) along with Boaterexamine.com announced the Boating Educator of the Year Award. The award is designed to recognize those in boating education who go above and beyond to engage students and boaters, raise awareness, and make boating education initiatives relevant, thorough and exciting. Nominations for this award must be submitted electronically by a boating law administrator through the members on the NASBLA website. Boating law administrators should nominate candidates who have made an outstanding contribution to boating safety through education. Educators and volunteers from state and local agencies and from nonprofit organizations are eligible. Three regional finalists will be chosen and win a paid trip to the NASBLA annual conference where the national winner will be chosen and announced during the awards ceremony. According to John Johnson, NASBLA director, the role boating educators play in recreational safety is clear and they should be recognized. NASBLA will recognize those that are making a noticeable effort to increase boating safety awareness and reduce accident injury and death on the water through education. Officer Jesse Gehrt was nominated by the Region 2 Law Enforcement Division as the regional boating educator of the year; it was reviewed and submitted with a few additions to the western states Boating Administrator's Association where officer Gehrt was announced as the regional winner. As regional winner NASBLA paid for him to attend the annual conference held in Anchorage, Alaska and was recognized in front of his peers. Winners of the northern and southern states were also present and officer Gehrt was awarded the national award, a prestigious award that encompasses state, federal and private entities across the states and six territories. Congratulations. Captain Melson will read the nomination.

Captain Dan Melson - Lieutenant Jesse Gehrt was acknowledged for his efforts to recreational boating safety and was selected as the Boating Educator of the Year for the Western Association of Boating Law Administrators after being selected as the department's boating educator of the year. Jesse became one of three finalists for the Boating Educator of the Year award for the National Association of Boating Law Administrators and was announced as the recipient of that award during the NASBLA fall conference held in Anchorage, Alaska. Lt. Gehrt's nomination included many accomplishments toward promoting recreational boating safety. A few of the highlights of his nomination included the statistic of Milford Reservoir, which was claiming one to three drownings per year, mainly Fort Riley soldiers. During the 12 years that Lt. Gehrt worked on Milford and his efforts to incorporate boating safety classes at the Fort Riley Military Base and the military's marina, there has been three drownings within the 12 years. Lt. Gehrt also coordinated efforts with K-State to include the Kansas Recreational Boating Safety class into a curriculum for college credit and Lt. Gehrt teaches the laws and regulation portion of the class. Lt. Gehrt is also sought after for his instruction for the department's law enforcement staff and other agencies. He teaches water safety survival, field sobriety, seated battery instruction and is a boating safety instructor. The boating safety educator of the year award was launched by NASBLA in 2011 to recognize those who go above and beyond to encourage students and boaters, to raise awareness and make boating education initiatives relevant and exciting. Congratulations. *(presented award and took photos)*

Dan Heskett – We rank in middle of all states in number of registered boaters in the bodies of water we have. In the last four years we have had two national award winners and a regional winner so our state is well represented on national level, which is something we should take pride in.

3. National Bobwhite Conservation Initiative Fire Bird Conservation Award Presentation – Jason Deal, Public Lands, presented this award. The Fire Bird award was established by National Bobwhite Conservation Initiative to allow state quail coordinators the opportunity to recognize an individual, a group or an entity that has made a significant contribution to bobwhite quail restoration in their state over the past year. John Johnson has been the manager at Woodson Wildlife Area since 2012. Since that time John has implemented many quail-friendly practices and habitat improvements on the 3,000 acre area, including oak savanna restoration, invasive tree removal, spring/summer/fall burning rotations and patch burn grazing rotations. John has monitored impacts from grazing regimes by utilizing exclusion devices and established contracts to document and quantify plant diversity changes based on these regimes. He has also established a fall covey count to survey and monitor responses in the population. He researches and obtains equipment to assist in improving efficiency and effectiveness while implementing habitat actions. Multiple presentations have been provided to department personnel, private landowners, noxious weed directors and academia. This has been well received by local ranchers and has influenced their management to adopt more quail and wildlife-friendly practices. He has done this by showing it actually improves the producers' bottom line. By influencing the local community, it has expanded the footprint of management beyond the wildlife area. John is deserving of recognition for positive changes in landscape habitat and community attitudes. It is for these reasons we are pleased to present Public Lands manager John Johnson with the 2019 Fire Bird Conservation Award. *(presented award and photos)*

Chairman Lauber – I and my cousins have land near Woodson Wildlife Area, not only has John worked tirelessly to keep the property in pristine condition, he has established a rapport with locals and wildlife and parks is considered a good neighbor. Congratulations.

Break

Chairman Lauber – This year there was a tremendous crappie harvest at Pomona lake, a 50-fish lake. Based on the size the number of boats, they have been hammered this year. I've been contacted by local anglers to make it a 20-fish limit lake. In my opinion limits make you feel better than do good but that is important, too. Last time with this much harvest was at Glen Elder, made a limit there. Pomona has dropped 10-inch minimum because short fish were being discharged through the dam and spillway. A lot of 12-inch-plus fish being caught. Doug, I would like you to talk to local biologists and law enforcement. Don't know if we have commercial black market fish sale going on but talk to appropriate people to get traction on that. Doug Nygren – We can do that. Chairman Lauber – Byproduct of terrible summer of fishing because the water was high. Assume a lot of young of the year that grew fast so a lot to eat. Now that water has settled back down it

seems to be good in a lot of different lakes. Doug Nygren – Putting article in magazine on prospects for next year with key look at what floods did to fishing for the past year; Jeff Koch, research biologist at Emporia, is authoring that, probably news release as well. There is great fishing ahead of us. High water kept people off the lakes, so fish carried over as they were not harvested and had tremendous reproduction, a positive story but did lose some fish flushing over the dam. When we get fantastic fishing reports, people think others take more fish than they deserve so not surprised by concerns you are hearing. The good news there are a lot of fish out there. Up to us to come up with right strategies to make this last as long as we can.

4. Walleye Telemetry Study at Glen Elder Reservoir – Scott Waters, district fisheries biologist, presented this update to the Commission (PowerPoint - Exhibit F). Several years ago, we introduced the Kansas Walleye Initiative, and this study is a byproduct of that initiative. Part of that was that we altered many length and creel limits on reservoirs and state fishing lakes. PAI proposed new regulation at Glen Elder - an 18- to 24-inch seasonal length limit but after looking into that, I decided my estimates on mortality needed to be revamped, so I rescinded the length limit proposal and began looking at mortality rates. Worked with Emporia folks and did research grant, a voluntary addition to our regular duties and I have been wanting to work on telemetry since I have been here. There is a telemetry-based mortality estimation model that works well in these types of waters. I was able to combine the need to look at mortality of walleye with this new telemetry project. Besides getting mortality rate, we're getting a lot more information from this project. It is a three-year project that started in November 2018. Four objectives to the study include, primarily to look at mortality rates, but also look at sources of mortality, when mortality is occurring and what is affecting mortality. For instance, this year it was high water. Locating fish, looking at individual fish and tracking movements, look at habitat preferences and home ranges, all kinds of different factors. Looking at movements and how they relate to different factors; when I locate a walleye, I want to be able to explain why it is there in that spot, pinpoint what walleye are looking for in reservoirs. In addition, doing creel surveys; last year and this year, in conjunction with telemetry to try and explain angler fishing patterns and harvest rates, coinciding with what I am seeing in tagged fish. Capture/recapture, anytime we are tracking we have "x" number of fish in the population and we go out and find 90 percent of those fish. In between each tracking location, this helps us estimate mortality rates; between fish being caught, dying of natural mortality, or fish lost to flooding releases. This model is more in-depth. I can look at daily mortality rates, monthly or annual rates and look at different causes. I did my master's research in Puerto Rico studying largemouth bass, which was the first time I was exposed to this model. We tagged 50 fish over a two-year period, 100 total and came up with mortality estimates. I found out the largemouth were spawning six months out of the year, between January and June; only lived to be two to three years old and died of natural mortality; they had high harvest restrictions with and more consumptive resource. Altered length and creel limits and allowed more harvest. In Roanoke Reservoir in Virginia we looked at mortality rates of striped bass. I worked on another mortality project in North Carolina on striped bass. Even in coastal areas. Applying that same model and procedure here; it can be applied to different water bodies and impoundments. Excited to do it here in Kansas. When I talk about walleye habitat most of you have a general idea about what we are talking about but there is a list of variables I can collect during the study. When I locate an individual fish, I collect a GPS location, depth of water fish is in, water temperature and dissolved oxygen levels. Then I can go back using GIS to map coordinates and I can calculate average distance from shore, which varies throughout the year. Microspatial habitat selection, why is fish selecting that spot. Look at distance and how far down or up the lake they are; what substrates are they selecting and location relative to where food is or another reason. What is average home range size, males to females or older fish to younger fish and get better idea of spawning behavior of walleye; many questions to answer. When you think of telemetry you think of holding up an antenna and tracking an animal, even fish can be tracked with radio telemetry. Because of depth of Glen Elder, radio signals don't travel very far so I selected ultrasonic telemetry which has a hydrophone. You have to put it in the water and listen for the fish and rotate to the direction the signal is coming from. The bad thing about it is you also hear everyone's depth finders, so it's nice to go out when there's not as much fishing pressure. Use 36-month tags to track fish so can check patterns year to year as the fish grow. They weigh 17 grams and there is a rule that you can't put a transmitter on a fish that weighs more than two percent of body weight of fish, so that limits me to about 1.8 pound walleye and bigger. I can hear them up to about a kilometer away. On a lake like Glen Elder, which is 12,500 acres, we spend a lot of time to search looking for fish. We have individual frequencies and codes for each fish. Planting the transmitters

is a lot of the fun doing this project, doing the surgery on the fish; we do them on boat ramp or tailgate of a truck; we put an anesthetic in the water and knock them out which makes them easier to work on; give them a shot of OTC, an internal antibiotic, we want to be sure the fish doesn't die from the surgery; use iodine solution before we start the surgery, usually make a one-inch incision, sometimes 1½-inch, put transmitter inside the fish and sew them back up with about three sutures and superglue, which seals wound shut. No surgery related fatalities out of 67 so far. Have \$100 reward tags to get anglers attention and get them to turn in the tagged fish, not 100 percent reporting rate, but from what I have heard everyone so far has turned in tagged fish. Within 2-3 weeks after surgery fish resume normal behavior. I mentioned 1.8 pounds is limit of fish we can tag; Glen Elder currently 18-inch minimum so not every fish we tagged was legal fish; probably all legal now. Get a lot of fish at length limit and they drop off quickly once anglers start harvesting them; had a couple of 26-inch walleye so I was excited to see what their behavior patterns were and if they were any different than typical Glen Elder walleye. We were flooded, got to about 11 feet high, which made tracking more difficult, interesting to see where fish would go during high water periods. In November 2018 we tagged 27 walleye and in April the last 33, so 60 tagged total; anglers started returning tags, so we immediately put seven of them back out; 12 of 67, 18 percent harvested so far. Fishing pressure less with flooding, boat ramps closed much of the year. One of 67 died of natural mortality, 12 fish we haven't been able to locate in the last 7-8 months and we think they were lost due to migration we think with outflows. Monthly, from November 2018 when we tagged them to December 2019; it is seasonal, one fish caught during spawn, low mortality. May is busiest month for harvest, flood happened after that and dropped off. We had a lot of fishing pressure in the fall, but no fish were turned in. The first fish was caught in April 2019, last fish turned in was the end of July; tracked last fish in December. Average depth of walleye located, fish spend the winter in deeper water, come up to shallower water during the spawn, move deeper to rest and recover and spent the summer going shallower. In the middle of August, the water temperature is in the mid-80s and the fish average about 12 feet of water, but that could be because we had flooded conditions; obviously related to feeding as there are a lot of shad in that shallower water; then moved deeper for the winter; a pattern. After all of the fish were tagged and in the water did a map with where they all were located; map does not show bottom contour, or the river channel, eventually plan to map on better maps. At one point half of the fish tagged hung out in one area. Pulled a couple of tagged fish, one 19-inch female; male did the same thing. Tagged one of bigger females in April, never found for four months, then September 21 showed up again; probably went up the river channel farther than we were looking; maybe a survival tool as the fish is probably 7-8 years old. Future direction, track monthly in winter, every other week in summer and spring; plan to retag 11 fish in April to get sample size back up to around 60; track more in spawning; collect more on oxygen profiles to see if concentrating in certain areas because of higher oxygen levels; did some 24-hour tracking, selected 4-5 fish and tracked every two hours or so, got daily movements done to see what they are doing throughout the day, plan to do more of that; improve mapping; and look at home ranges. Presented this at division meeting and asked for ideas and got a lot of directions to go with this study. Secretary Miller – Help with this? Waters – Yes, had a lot of help tracking from seasonal undergrad students. Charlie Black, Kansas Wildscape – If this turns out to be revealing are you going to implement at other lakes? Waters – Up to individual biologists. A lot of mortality rates and information I get from this will apply to other reservoirs with similar conditions. Reason to do another species later, looking forward to that.

5. Use of Thermal Imaging and Night Vision Equipment – Matt Peek, biologist, presented this update to the Commission (Exhibit G). Here to discuss the use of lights and thermal imaging in night hunting. The regulation applicable to this is 115-5-1, furbearers and coyotes; legal equipment, taking methods, and general provisions. The part of the regulation provided allows the use of scopes that do not project light or amplify light in current coyote and furbearer activities. There are no shooting hours that apply to coyotes and furbearers so you can currently use scoped equipment at night but can't use lights and thermal imaging equipment or night vision. Both the department and the commission have received numerous requests and inquiries over the last several years about the use of lights, night vision and thermal imaging equipment for hunting predators, primarily coyotes. At the last commission meeting there was a request for clarification on use of thermal imaging for coyote by individuals who have an Animal Damage Control (ADC) permit. The commission asked the department to present on this subject and after internal discussions. Staff have provided a list of items for public input and guidance from the commission. Significant initial consideration may be whether the objective of allowing this equipment is to provide additional recreational

opportunity or provide population or damage control for coyotes; past requests and discussion decided the need to control damage from coyotes. If that is the motive to allow this equipment you should be aware the ADC permittees can already use this equipment if licensed and dealing with cases of damage. The man at the last commission meeting, who has an NADC permit can currently use night vision and those types of equipment we are talking about today. Landowners, tenants or property owners can also already use this equipment as per a state law that broadly allows landowners and legal occupants to protect their property from wildlife damage. Recreational spotlighting says you can't spotlight while in possession of weapons or equipment; it should say an exemption to state law K.S.A. 32-1002 that allows landowners the ability to protect their property. In general, if a landowner has damage there are legal avenues right now for them to use this equipment. Some have suggested this equipment could be effective at controlling coyote populations, not related to private property damage, just to bring the coyote population down. I provided a handout (Exhibit H) showing current coyote harvest over the last ten years, averaged about 100,000 per year and is slightly increasing. I have 24 years of data primarily gathered from the small game harvest survey. It also shows that the population has increased over time two-, three-, possibly four-fold; a lot of things went on during that time that were beneficial to coyotes, one of which is implementation of CRP program. Roadside survey started the year after CRP was put on the ground. It is safe to say the population has increased in spite of an annual harvest of over 90,000 and more recently 100,000 per year. The question is how many coyotes would have to be harvested by the ability to use this new method to stabilize or control the population; don't know answer to that but it seems unlikely, considering the fact of what is already allowed to kill coyotes, you can trap, hunt with dogs, predator call, hunt year around, hunt at night without light, chase with vehicles so a lot of other techniques already established. It's unlikely addition of night hunting with lights will increase the harvest of coyotes by more than a couple of percent. I don't think this will be a significant factor in population control either. Where we do think the potential value lies is to do this as a recreational opportunity, which is where most of the requests are. Consider this and weigh pros and cons relative to value as recreational activity. Whether or not it is fair chase to employ technology that allows significant advantage that outweighs wildlife's ability to naturally detect and avoid predators; the answer may be different by different types of lights you might consider.

What equipment should be legal? There is interest in red light, spotlight, night vision and thermal imaging. How should equipment be employed? For example, gun mounted, or vehicle mounted; also talk about the weapons themselves like shotgun only, caliber restrictions for rifle, or rimfire/centerfire. Also need to give consideration to what species, coyotes only, some furbearers, or all furbearers. Some states restrict this to private land use only, might be consideration to whether we want to allow this on public land; also, roadways are another sensitive area that we may or may not want to allow. Hunting methods are another consideration, from a vehicle, on foot only, perhaps specified distance from vehicle/road, also some state differentiate on whether you have to be stationary calling versus some type of mobile shining.

We have also given consideration to various season dates, year-round, also expressed concern about allowing during any deer season, perhaps a compromise might be to open January 1 and end March 31. Some states restrict who can hunt, if allow on private land only they might restrict to landowners or their guests, perhaps those with written permission; or people with a special permit; may establish a night hunting permit as requested, a way to keep track of how many people are doing it. There are a series of special restrictions that could be considered to better allow us to monitor who is doing it, one would be requiring electronic check-in, like iSportsman, one state requires call-in with local sheriff's department, or written permission may be required.

Poaching enforcement concerns have been the main reason we have held back on this issue. I provided a list of other state regulations on second page so you can see diversity of what other states in the Midwest have done to make this palatable. Commissioner Rider – Does landowner controlling damage need a special permit? Peek – No, state law allows them to protect their property, doesn't require any special license. It does say they can't keep the wildlife they kill.

Commissioner Gfeller – Have you visited with any other states that allow this and have some sense of what kind of issues they have experienced? Peek – My counterparts, the furbearer biologists of the Midwest have not had issues with it. I know Jason in law enforcement may have a little different perspective, he mentioned an issue or two in Texas. I don't know that it winds up getting used as widely as you would expect.

Commissioner Gfeller – Safety issue? Raise cattle and have quite a few coyotes and we have only one documented coyote death, so not that concerned about coyote population. If you allow hunting at night, even

if I don't allow on my own land but the neighbors do, when calving out at night, is there an issue of safety and errant shots? Peek – Instances are rare, as far as I have gathered. Same as daytime hunting, or dawn or dusk or somebody hunting at night without a light, which they can currently legally do. Safety concerns expressed I don't believe are an issue in other states, just as safe as any other hunting types allowed.

Commissioner Gfeller – Are there more incidents of people hunting on land without permission, more tendency at night? Peek – Not that I have heard. Same can be said of coon hunter or coyote hunters who can already currently hunt at night. Heard these concerns, possible but not being reported, not so common that other states are curtailing this type of hunting. Commissioner Gfeller – How big is the demand? Chairman Lauber – Demand is growing, requests more frequent and louder. Concern of certain legislator introducing this, he is not our friend. Commissioner Gfeller – What is his motivation or interest? Chairman Lauber – Hard to explain but probably commercial or revenue. Look at this as recreational perspective, on our terms, probably done anyway on terms we may not be able to manage. Like to have night vision and thermal imaging, primary new equipment, lawful method of take and not have lawful during primary deer season and include all furbearers during their appropriate seasons. If start to restrict on front end, bogged down on restrictions and impatience from legislature. Pass and as we have incidents and unintended consequences, deal with them as they come up. Don't know if additional safety factor. One constituent has contacted me and wants us to be technical on definition, projects no visible light towards the target, thermal imaging is permitted if you took the narrow definition of that part that we put in our publication. I don't know if intent of regulation is to prevent this type of activity. He sells these products. Chris says no and pretty sure intent is not there. Opinion of law enforcement and I had. I would have lawful with control and tweak as it comes up.

Commissioner Gfeller – I would like more discussion and to hear from law enforcement. Only thing shot on my ranch with spotlights are my cows so having more people out there with spotlights doesn't really excite me. Interested in input from the public and department; needs more study. Hate the idea we might be getting railroaded, willing to hear more. Chairman Lauber – Response I heard on where we were at, since not elected it takes a long time, workshop twice so looking at four months before we can vote, maybe more. We have six months of discussion before it might be passed. Not including spotlighting as lawful means of take, only night vision and infrared. If we ask law enforcement, we have a little more opportunity, why hesitant is because they would be out there at night, harder for them to deal with. If we don't deal with this type of hunting we could have it anyway. Secretary Loveless – Important to understand demand, survey from other states, is it your sense that it increases initially then levels off? Peek – Don't know if they survey how many people are out there doing that. I do know a lot of people in Kansas are asking for it. Secretary Loveless – Data available? Peek – I recall talking to some of them who said they don't differentiate in their surveys, not sure if anybody is. I can check. Secretary Loveless – Is this something, because of expense or specialty of it, if there is small community of potential users and never expands beyond that.

Commissioner Gfeller – I'd like to hear more about potential demand. Hear more about fair chase aspect and hear from law enforcement, that might add another 12 hours to their day, so it is a burden in some fashion. Jason Ott – Had meeting internally that I participated in and polled my command staff; our opinion stays about the same, we have concern is resources, not a lot of game wardens state wide, now if there is a gunshot coupled with a spotlighting call, that probably means the game warden needs to go find that. We legalize another version of that in some form is that something we can justify going out. We may go out and pursue them and if they are coyote hunting they are fine, but if they have a trophy buck in the back then there is a problem. Our concern comes to resources we have and the conservation of the animals that are pursued. We will work within whatever regulations. Conservation of species, protection of furbearers, fair chase and safety all legitimate concerns we discussed. We will do whatever research you want us to do, we can come up with some other things. I have talked to counterparts in other states and not a lot of big problems out of this; in Texas shooting cattle, leaving them lay and then hunting coyotes around them. Extreme yes, would it happen here, maybe or maybe not.

Chairman Lauber – Told people who contacted me, argument earlier was give them your car keys, why should we suffer because of poachers who probably are going to poach anyway. I don't know if it is fair chase. Know that our own statistics, given to unfriendly legislators, they would say coyotes are going up and we need to do something about this; good for Kansas and America and that is what is going to happen.

Commissioner Gfeller – Is technology such that you can distinguish what you're are shooting? Ott – It depends on the technology. There are several different generations of night vision, which needs ambient light to work so a lot of times an infrared illuminator attached to scope or projector that produces light for you; as

they get newer, technology gets better, they are good but limited by ambient light and range of projector. Thermal technology is outstanding even in broad daylight I can pick sparrows out of the trees at 75 to 100 yards away. One issue we see with that, if sitting on ground calling coyotes, scanning with binoculars and finding what I am looking for, if guy goes out and spends \$4,000 or \$5,000 on a thermal scope or night vision, is he also going to buy the binoculars to go with it to scan or is he scanning through a scope. If he is doing that is he pointing his rifle at where he may or may not want to shoot? The safety issue of knowing your backstop and what is beyond, is it better or worse will depend on the situation or where you are at but does create another hurdle. Commissioner Sill – Ask lots of questions on safety issue and I have a lot of concerns there, but I am concerned about the fair chase piece. We don't ask nearly enough questions about ethical basis of this. I am concerned about the idea of acting on regulations out of fear of the legislature, I don't think that is what we are mandated to do. We need to work wisely, cooperate, but to say something is going to come anyway so therefore we need to do it our way without considering fair chase or ethical basis; what we are instilling in people? If we don't teach fair chase or encourage that aspect of conservation, we are not building a generation that will continue that in the future. We will continue to treat our resources as commodities, not as resources. We will use them for financial gain instead of seeing them for the inherent value they have. Not just look at economics and safety, look at intangibles. Chairman Lauber – I suspect every participant would make a strong argument that it is fair chase. Commissioner Sporer – This type of hunting is legal today with appropriate permits, you can go to the Extension office, take a test that is open book, go to local Wildlife and Parks agent and he will issue you a nuisance animal damage control permit and you can go night hunting, so it is legal. We could just do nothing, the answer to the legislature is that there are already laws in place; whether you can shoot off the road, whether permission or don't have permission, those are in place so don't need to change. Chairman Lauber – That wouldn't solve the demand for recreational opportunity. Commissioner Sporer – You could change the animal control permit to a special permit of some sort; or change legal equipment, include night vision or thermal. Got opportunity to hunt with thermal, using \$7,000 optic, and it is not that easy; not shooting fish in a barrel, the coyotes move, they move around at night just like they do in the day. Only issue I have with changing legal equipment is the huge difference between a \$7,000 thermal and \$700 thermal. Ott – Absolutely. Commissioner Sporer – It is huge, difference in quality of the optics, that is the only real issue I have. Not a big public hunting issue where everyone has access to do this. Chairman Lauber – I agree, make it lawful means of hunting, but not during primary deer season. Commissioner Sporer – The economic impact to Kansas will be nothing. Looked at all people who have nuisance control permit, only 10-15 people hunt coyotes with that. Lots of people have permits but it is something to do with pest control, not night vision coyote hunting. Jake George – In total, 250 to 260 permits issued annually, up considerably since folks did realize you could use thermal and infrared optics to take coyotes. We don't specifically ask that question; they are supposed to ask to have it included on the permit itself. We estimate 30- to 35-percent of those 250 permits intend to use it for coyotes. Commissioner Sporer – About 70 people. Those guys who came to Scott City took test and are using it in Kansas now. George – The main difference is it does have to be for damage control purposes. Chairman Lauber – Suggest regulation be proposed and vote it down or not and try to do the best you can and that will give us 4-5 months to gather information. Don't see as much downside risk as getting more people hunting in Kansas. Commissioner Gfeller – I would like to see more people hunt, but just not at night. Need to hear more. Getting demand to get that license but don't have a client, if they have a license for damage control I assume they have to have customers, or their own land, which they can hunt on anyway. Chairman Lauber – Probably just go ask permission. Having animal damage control permits is a funky way to deal with this, think everyone will try to get one and then you have lost control of how many people are actually doing something that the permit says to do. Commissioner Gfeller – Back to fair chase, enforcement issue and demand of department when you have more hunters at night. Poachers out at night already and more lawful hunters at night with this. Don't understand the technology well enough to know whether a calf can look like a coyote at night or with cheaper lens, so safety issues I need to understand better. Chairman Lauber – Suggest Matt come up with something we can vote on in a few months. In meantime have opportunity to debate the issues as they come up. Peek – Law enforcement issues are legitimate, gunshot at night might be legal, good chance now that it is illegal. No way around that. Commissioner Sporer – As simple as changing legal methods? Chairman Lauber – I do. Eliminates never-ending discussion on regulations and then let experience in the field determine if we need to reverse ourselves. In a lot stronger position to reverse decision if poaching calls increase or having livestock damage. Change method of take and limit use in regular

firearm deer season. Commissioner Sporer – I agree, we have laws in place, daytime laws ally to nighttime, just change method. Chairman Lauber – If you want to shoot a bobcat in legal season you can. Secretary Loveless – Want to be clear and not have customers have to work around the edges. With idea that we change method of take, evaluate that and look at ramifications. This will never be perfect but want to move forward in considered way. Chris Tymeson – Based on date today, earliest to vote is June, which gives two more commission meetings to discuss. Chairman Lauber – Which would make it legal for next fall’s hunting season? Tymeson – Right, workshop in March and April and potentially vote in June. Chairman Lauber – Use website to get public comment. Secretary Loveless – Use resources from other states who have experience with this; will make better decision on our part and more rounded conversation. Commissioner Hayzlett – Grandparents, dad and brothers in cattle business and the only cattle shot were shot from the road at night. I did a lot of coyote calling on family property at night with telescopes and handheld call. You knew when coyotes were there in your scope. This new technology, which they are using in Texas, probably wouldn’t hear the shot anymore because most of rifles have suppressors. Not doing anything that is detrimental, at least three of my brother’s calves have been killed by coyotes this year. Secretary Loveless – Comments on enabling this outside early rifle deer season, does that make sense to you all? Chairman Lauber – Felt during that particular time game wardens are snowed under and gives some relief. Commissioner Hayzlett – I believe it should be illegal during rifle deer season. Secretary Loveless – Wanted to clarify, you all agree that is something we should avoid. Commissioner Sill – I would avoid that even more, from mid-January to early summer. Keep honest people honest.

6. 115-18-10. Importation and possession of certain wildlife; prohibition, permit requirement, and restrictions – Monk Parakeet – Jake George, Wildlife Division director, presented this update to the Commission (Exhibit I). Contacted by resident of Lawrence asking us to review monk parakeets on the prohibited species list. They were popular pets, especially in the 1950s and 1960s and some states still allow them. After conducting review, basically it is the communal nest building behavior of the birds that makes them such a nuisance and allows them to survive in climates much colder than native Argentina. The communal nests can have 30-40 pairs of birds and weigh upwards of 400 pounds, they are built from sticks. Originally there were some concerns regarding potential for crop damage, there is an issue with that in Argentina. Feral populations have established in about 12 states in the U.S. They adapt in the winter, primarily in cities, likely due to higher incidences of pet releases, but change feeding habitats and use bird feeders. They eat seeds and fruit. In those 12 states, the population in Florida, with milder climate, is increasing exponentially, estimated at over a half million birds and utility companies spend millions of dollars annually in those states in nest removals, they build around transformers or on transmission lines. With that information, we feel it is not appropriate to remove the species from the list. We are not recommending any changes to this regulation at this time.

7. 2020-21 Waterfowl Seasons – Tom Bidrowski, Migratory Gamebird Program manager, presented this regulation to the Commission (Exhibit J). The U.S. Fish and Wildlife Service (USFWS) annually develops frameworks from which states are able to establish migratory game bird hunting seasons. These frameworks establish maximum bag and possession limits, season lengths, and earliest and latest closing dates. States must operate within these frameworks when establishing state-specific migratory game bird seasons. Season frameworks and pertinent background information are included in briefing item. Notable changes from previous years, duck season closing date of January 31, previously the last Sunday of January, and two additional hunting days for veterans and active military. Staff recommendations and results from recent hunter surveys will be presented at March commission meeting. Chairman Lauber – No reason to not expect liberal framework based on what you know? Bidrowski – We will again be in the liberal frameworks, only changes are January 31 closure and additional days for veterans and active military. Commissioner Sporer – There is a question in there about shooting specks, is it going to be 88-day season? Bidrowski – For the past five years or so we have gone with Option B, the later season dates with two-bird limit. Don’t see any reason to change what we have previously had. Commissioner Rider – I was contacted today by somebody who liked that proposal, more days. Chairman Lauber - Recommendation in March.

C. Workshop Session

1. Duck Hunting Zone Boundaries – Tom Bidrowski, Migratory Gamebird Program manager, presented this regulation to the Commission (Exhibit K). Every five years the US Fish and Wildlife Service opens the frameworks for duck zone guidelines, any changes for the 2021/2022 season must be submitted by May 1, 2020. Zoning is simply the establishment of independent seasons in two or more areas 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. Guidelines and zone options are listed in briefing item. Zoning only applies to Kansas low plains zone. The high plains unit in the western third of Kansas is not part of this process. Zones have to be contiguous and zone split configurations must conform to one of the four options listed. Since 1972, Kansas waterfowl seasons have had zones or splits with the Low Plains being created in 1996 and Southeast Zone in 2011. Zones and splits are partly based off hunter preference, the department integrates hunter feedback in the decision making process. Six public meetings were held in August to garner waterfowl hunter input and we are currently finishing up a statewide survey of Kansas waterfowl hunters. Although zone boundaries are in place for five years, season dates and bag limits can be adjusted annually. If no changes are adopted, the zones will remain the same as they have been from 2016-2020 season. Commissioner Gfeller – Early zone, why such an irregular shape? Bidrowski – That is part of contiguous boundary requirement; try to match like migration patterns, habitat types and hunter preferences, so that connects Jamestown down to some of the playas around Dodge City, Cheyenne Bottoms, McPherson and some of the earlier shallow-water areas.

2. Webless Migratory Bird Regulations – Richard Schultheis, migratory game bird research biologist, presented this regulation to the Commission (Exhibit L, PowerPoint – Exhibit M). One regulation staff is considering changes to, 115-25-20, pertaining to sandhill crane hunting and seasons in Kansas. Overall the area open to hunting of sandhill cranes is the western 2/3 of the state, has a 58-day season that opens Wednesday after the first Saturday in November; shooting hours are currently sunrise to sunset; we have a three-bird bag limit and possession limit of nine. It does require the purchase of a sandhill crane permit and before you can purchase it you are required to take an online sandhill crane hunting education test. Since we started the season in 1993, we have averaged 885 crane permits issued and a little less than half, 377, are active crane hunters. These numbers are available through the US Fish and Wildlife Service, based on HIP surveys. Overall our average harvest is 829 birds annually. Majority of harvest occurs in central part of the state and some out west. Receive a request frequently to align seasons with migration. Federal reservoirs and ebird, an online website, track when they see the birds and in the last two or three years there has been an effort to compile that data to make it available. Seeing cranes show up in early October and generally by early- to mid-December most of them are gone. When we compare that to general season framework you can see the request is well founded; crane season is late of when cranes are actually here; for last quarter to half of the seasons there are not usually many cranes left in the state. By December hunting days and harvest are minimal. This goes back when we started hunting sandhill cranes, we made a decision to delay the season opening to avoid potential conflict with whooping cranes. Initially the season opened the first Saturday in November, back in 1993, through 2004, when there was a whooping crane shooting incidence outside of Quivira, after that KDWPT further delayed opening day of sandhill crane season to the Wednesday after the first Saturday in November. Crane regulations, just like all webless migratory game bird regulations are permanent, so we don't vote on it annually. Implications of having season later, just moving 4-5 days, has reduction of harvest and permits out there. During same time period, starting 2005, midcontinent population has taken off, a number of surveys, count during spring migration, close to a million birds in this population. We have a management plan for this population, not doing a very good job right now and the population has exploded. Plenty of cranes out there. Requests to move season dates; difficult because they are migratory game birds and we are working within frameworks, along with partners at US Fish and Wildlife Service and they are not in favor of moving season earlier with same concerns of conflicts with whooping cranes. There is passion about this species, and we will receive negative feedback if it is in line with same area as whooping cranes. What we are talking about is to split apart this zone to provide some season dates earlier in the year in areas we don't see whooping cranes present. Population of whooping cranes is one of most well-studied species because they are endangered; there are about 500 birds, many studies done on them and we know when they are in the state, so predictable corridor of whooping cranes through the central part of the state. We are proposing splitting unit into west and central

to carve out the corridor in central part of state, create a new unit in the west where we can adjust season dates. Additional dataset is maintained by the US Fish and Wildlife Service; when whooping cranes show up we report it, documented since 1961. Of all of the observations, less than three percent were seen in the proposed western unit, in last ten years only two observations. Recommendation is to split unit to west and central zone; open west unit third Saturday in October and run for 58 days consecutively, the amount of days we can have that season. No changes are proposed for central unit, open Wednesday after first Saturday in November and run for 58 days consecutively also. The east boundary the same as before. Starting on U.S. highway 183 on south side of state, run north, carve part out around Webster because there is some core area we wanted to avoid, so jogs to west and meets up with U.S. highway 283; language in briefing book on boundary. Have to go through UD Fish and Wildlife Service process first because change to frameworks. Currently this has already been through this part of federal process. The other states and provinces of the Central Flyway, migratory bird and whooping crane staff of US Fish and Wildlife Service, and the Service regulations committee has approved this change. It will be available for 2020 if commission chooses to make changes to state regulations accordingly. In creating the West Zone with earlier season dates is likely to increase hunter satisfaction and opportunity and potential to redistribute hunters out of whooping crane areas. Commissioner Gfeller – Do we know how many of 829 permits would be in west and in central zones? Schultheis – There is no specific allocation, it is open region-wide. As far as harvest, I can look at that and tell you at next commission meeting. Majority of birds are in central unit in Stafford and Barton counties, how much may be redistributed to the west is anyone's guess. Can try to come up with numbers and give you an estimate. Commissioner Gfeller – Know where whooping cranes are at all the time? Schultheis – Not all the time, know areas where they stop, and some are marked so we would actually know where they are. Our agency doesn't follow that or know that information, but we know areas they stop. Commissioner Gfeller – Impractical or considered opening earlier and closing if whooping cranes show up? Schultheis – There is a whooping crane contingency plan in place, so that is the way it works now; when whooping cranes show up on Cheyenne Bottoms there is an area that is closed to activities, crane and light goose hunting is closed, so that occurs now. Those conversations did occur the last time we went through this process. It is something we consider from biological standpoint and I think we could move to earlier date across the region and I don't think you would have a meaningful effect, but this represents a compromise to increase hunter satisfaction while protecting whooping cranes, not additional hunting. Could be option but difficult to pursue with the US Fish and Wildlife Service and potentially in the state. Chris Tymeson – Looked at Oklahoma and Texas, wonder about trepidation of the US Fish and Wildlife Service to not allow us to utilize the full frameworks when it seems those two southern states can, unfair to Kansas hunters; they can hunt during peak migration times and they have 90 days. Is our framework 90 days and we set it at 58? Schultheis – We have 58 days, when that decision was made, it took three tries to get that sandhill crane season going in this state. That is where we ended up on initial request and it has stayed that way. It would take a change to those frameworks. Bidrowski – And split season would have to be consecutive. Schultheis – I don't disagree with you when you start adding the days up and you look at when whooping cranes are present in Oklahoma and Texas, an issue we have faced that other states haven't, it does seem like a strange dichotomy in the way they are handling things with this species. We have some opportunity and that could be something we pursue if that is the direction we would like to go. Commissioner Sporer – If sandhills are not in your area when season opens most people won't buy a permit, but if they see the opportunity. If they come in October and the season is closed we don't ever buy a permit. Not something that you just buy and wait for the opportunity.

3. Antelope 25-Series Regulations – Matt Peek, biologist, presented this regulation to the Commission (Exhibit N). KAR 115-25-7 deals with pronghorn antelope and has been presented several times. Only new thing to add is that we completed Units 17 and 18 winter aerial surveys. We counted the same number as last year in Unit 17, 232 animals and the number continues to decline in Unit 18, counted 105, down from 135 last year and 190s the three years before that. Working with biologists next week to come up with permit allocations, which will be available at the next meeting. Season structure and dates is the same as in previous seasons.

4. Elk 25-Series Regulations – Matt Peek, biologist, presented this regulation to the Commission (Exhibit O). KAR 115-25-8 has also been presented several times. One new thing is elk season on Fort Riley

ended at end of December; 11 out of 12 any-elk permits were filled by antlered bulls, 11 of 18 antlerless elk were filled, so harvest success rates were good. The population there continues to do well. Rest of state, except for Unit 1, which is Cimarron National Grassland, is still open to hunting through March 15. Recommendations are unchanged from previous seasons. Proposing 12 any-elk permits and 18 antlerless elk permits for Fort Riley. Rest of state, with exception of Unit 1, Cimarron area, is open to over-the-counter permits by general residents or landowner/tenants. Specifically, around Fort Riley general residents can't get them but landowner/tenants can.

VII. RECESS AT 4:50 p.m.

VIII. RECONVENE AT 6:30 p.m.

IX. RE-INTRODUCTION OF COMMISSIONERS AND GUESTS

X. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

Dustin King, Jackson County – Are we doing anything about issue of amount of nonresident deer hunters in state? I did some research and 28 percent of 2018 were nonresident tags. Nebraska was closest at 13 percent, Iowa 4 percent, Wisconsin 6 percent, Missouri 3 percent; the physical number isn't increasing it is actually the decline in number of residents buying tags. More frustration, antlerless dropped 25 percent in last five years and antlered was roughly 15 percent. Not raising number of tags, reflects what people are saying. From long-term perspective, a problem for the youth because if I, as a resident, did not take my kids and it snowballs from there. Then even more commercialization. How is that going to impact deer numbers? Nonresidents come to shoot bucks, not does. Is that going to affect maturity levels and increase doe numbers? Maybe a few of them are interested in shooting does; and residents not hunting, who take care of most of the does. Imbalance sooner or later. Agree with some outfitters, put age limits and inch limits on deer; but people will make mistakes, 140 inches is 2-3 years old. Residents don't have any land to hunt they probably are not going to hunt at all. Perceived financial loss from not selling as many tags. Outfitters could scale back and charge more. Don't know what impact on them, hypothetically releasing ground for other people to hunt. If losing residents, we are the ones buying equipment locally (gear, camo, bow, guns, cameras, stands, tractors) so could balance that out. It feels like we are commercializing this. Get on same page with other whitetail states that seem to have a better plan and making this a coveted place to come; only come every 3-4 years, not every year. That is not what hunting is supposed to be. Chairman Lauber – Heard from the other side this afternoon who want more nonresident permits.

Tim Nedeau, northern Osage County – Came to correct a statement made earlier this afternoon. Secretary Loveless said that last night an infamous deer poaching case took place and the deer mount was purchased by a neighboring landowner. I want to make a correction to that statement. I bought the deer mount last night because it was poached on my land, my family's land. I gave a summary to your record keeper of the official Osage County police report filed by Officer Lynn Cook, a multi-award-winning officer. The act of criminal hunting, the poacher did unlawfully hunt and shoot without first obtaining permission of the landowner or person in possession of the said land; Tim Nedeau is listed in his official document. Chairman Lauber – Are you landowner? Nedeau – My mother is. Chairman Lauber – Then why did it say Tim Nedeau? Nedeau – Because when the poacher got caught there were people at the Monster Buck Classic that knew who owned the land and they said you need to call Tim and gave them my number. I am in charge. Wildlife and Parks, the Governor's office, state legislature has been given all kinds of documentation from my mother that I am her land manager, her representative. When the poaching took place, my mom was in Atlanta, Georgia and she said I was her representative. There is another document her that simply says, criminal hunting without the consent of the landowner, I am listed. Officer Cook's report that he filed and signed; said "report truthfully reflects evidence and persons I observed and the information I received, I solemnly swear that the above foregoing conclusion is true and correct so help me God". Commissioner Gfeller – Did he prepare that report at the scene or at the event? Nedeau – The report was February 1, 2012, Officer Cook called me at work on the 1st, he asked me if we had our land posted with purple paint or signs and I said yes to both. He then finished his report later that day and turned it in on the same date. I also included the poacher's

handwritten statement that he gave to three officers of Wildlife and Parks; which I typed up word for word. Chairman Lauber – There is a difference of opinion. You have a document that you say is completely accurate, but for a few inaccuracies. Irrespectively we have gone through this again and again. What was your purpose in coming here today? Nedeau – Poacher states where he was, driving east, deer to his left on north, which is our land, he shot twice, and deer ran across the road and died. Statement for Osage County prosecuting attorney that states the poacher pled guilty. He told judge he thought Tim should be able to keep the antlers, that didn't happen. I am listed as a victim for restitution. The reason I am here is I am not a neighboring landowner; I am the landowner and I want statement corrected. People can have whatever opinion they want, but when you have a man pled guilty to the poaching on my land, I am not a surrounding neighbor, I am the landowner. I want that clarified. Last night I picked up a deer I paid \$16,001 for that was poached on my property. I paid \$16,000 because Wildlife and Parks invited Bass Pro Shop, a multi-billion dollar company, to bid against a schoolteacher. I had to pay \$16,000 for a deer that if it were poached today on my land, I would get it for free. All I ask is that whenever this is talked about again you have the truth, know the truth, and speak the truth. Chairman Lauber – We will speak the truth as we understand it to be. Nedeau - I have all the court documents explaining the truth.

VI. DEPARTMENT REPORT

B. General Discussion (continued)

7. Chronic Wasting Disease (CWD) – Levi Jaster, big game biologist, presented this regulation to the Commission (PowerPoint – Exhibit P). With potential chronic wasting disease (CWD) has to impact our state, and the importance of deer and deer hunting in the state; rather than tackle the huge topic of CWD all at once, we will start diving into it a little at a time. Overview of what is going on in Kansas right now and run through important things to consider in the future. Dive into some of those deeper at a later date. CWD is a transmissible spongiform encephalopathy, a prion disease, not a bacteria, it is a mis-folded piece of protein. It causes neurons to die and holds it in the brain, so brain takes on spongy appearance. CWD is form for deer, elk, moose and reindeer can get it. Other animals can get it but different names for those, scrapie is sheep form, BSE or mad cow disease is bovine form, Creutzfeldt-Jakob disease is human form and there are a few other not as well known, in mink and camels. Always fatal, deer don't die directly from the disease, but it destroys their immune system to the point they are going to die from something else, often pneumonia or respiratory issues. It takes 1 ½ to 2 years for clinical signs to appear. Droopy drooler, where ears are drooping down and they are salivating heavily and in poor body condition; before that hard to tell unless tested, which is only effective three to six months after the deer is infected. Few deer show slight resistance, which means they live a little longer, which is a two-edged sword, spreading prions that much longer. Considered to be the biggest disease threat to North American cervids, largely because difficult to study and come up with answers. Once infected can't easily get rid of it. International issue, in South Korea and Norway. A widespread issue starting in Colorado. Even states that haven't detected it are taking measures to prevent getting it. Borders of Kansas, have it on three sides where we know it is going on, Oklahoma has had minimal sampling so not much information. Eastern Kansas not detected yet but keeping track of it. First detected in a captive elk in 2000 in Harper County, that herd was depopulated, yet to detect it in surrounding counties or in a wild herd there. It took until 2005 before we first got it in the wild herd in Cheyenne County. Since then it has slowly spread across the state. 2011 was the last year of statewide sampling where we saw it pop up farther south, data is too lean to tell us whether that was human-assisted or was there at extremely low prevalence rates. The number of samples we get in a year are very low in those areas. As we have progressed we added more counties; added six in 2018. In 2019, the only county we added was Russell. Included disease zones and this year we were sampling northwest corner of state, detected in every county in that area. Not adding more in 2019 may be because we weren't sampling in counties where not detected yet. We have had 263 samples, 96 total positives; break downs by zones, northwest 78, none in east zone, southcentral detected in a few counties along western edge; 78 of positives of 204 samples in northwest. Chairman Lauber – Does southcentral include Harper County elk? Jaster – No, these numbers are just this year, not cumulative. The initial analysis on prevalence rate from data in northwest indicates we are in 34- to 49-percent range for bucks 2 ½ years old or older. With number of samples we are able to get we can't estimate any closer right now, confident to 95 percent sure that it falls within that range. Positive samples, most come from bucks,

which is good news, if we started to see female numbers rise we would be concerned that prevalence rate was high. Species breakdown is 2/3 to 1/3 breakdown between whitetail and mule deer. Heavy into 3 ½ years or older bucks, that may change as we progress. In 2011, we stopped statewide sampling; in 2015 in northwest part of state, and in 2019 we saw that jump again; no different than other states, slow at first then climbs. In 2017, Western states produced a recommended management best practices, adopted in 2018, AFWA, which is a deep technical document. Working on an additional document outlining other practices and a deeper dive. It follows four sections, prevention, surveillance, management and support activities are best practices. For prevention, movement prohibition restrictions are recommended; you don't move anything but, antlers with clean skull cap/clean hide, deboned meat with options like quartering animals the next best thing. To leave head, brain matter and spine in the field. Prevent unnatural concentrations of deer - baiting and feeding. Also recommend prohibiting use of natural urine products. While not actually prohibiting things, we recommend to hunters that they follow those as best they can. Talk more about prevention at other meetings, as well as the rest of those. Surveillance, maintaining a good idea of what is going on in the state to see how prevalence is changing, especially if implementing changes to see if they are working. In Kansas, using five-year rotation with five disease zones, rotate in clockwise direction, so in northcentral this coming season. Encourage hunters to test, especially if hunting in area where CWD has been detected. Work with cooperators, work with taxidermists and processors and making it easier for hunters to sample. For management, Kansas has an internal CWD plan written in 2009. We are updating that. Set harvest goals to reduce animals most likely to be infected; one recommendation is later seasons for states that hunt earlier, we already do that. Also, restrict rehabilitation of deer. Take actions to reduce environmental contamination and minimize number of prions out there. Supporting activities, developing communications to get more information out to folks. Educate hunters on what needs to happen. Work with Nadia in Public Affairs on that. She has worked on poster to go in rental cabins, to let hunters know what they need to do and best disposal issues, etc. Human dimensions work, survey going on now; looking at hunter knowledge of the disease, what actions they support; will discuss later when final reports are done. Educate hunters, public and staff, put out video last year to show hunters how to take sample with pocketknife and zip lock bag. Will need to address economic impacts CWD will cause, changes to deer herd, severe loss of hunters, recreational property values have declined in other states, and how to go forward. Continue monitoring, other research projects, deeper look at sampling and what we are doing around the state in DMUs and what landscape it first appears in to focus sampling in those areas. Additional human dimensions work to assist each other in managing this. Revise regulations where needed. Commissioner Sill – Those prevalence rates in the northwest, in materials I have read we are at risk of it affecting our population? It is high enough to be in that range? Jaster – Yes. Commissioner Sill – Almost irrelevant given where most of our elk are located, they are affected, is this part of the conversation? Jaster – Yes, next biggest population is elk along Arkansas River in southwest Kansas. Elk tend to get it at lower prevalence rate than deer in same area, partially behavior, but keeping track. Commissioner Sill – As we move forward with regulations this may apply to elk as well. Jaster – Potentially yes. Chairman Lauber – May be forced to discuss carcass movement. May find ourselves cornered. One of the things that would resolve a lot of that; 30,000 to 40,000 deer taken to processing plants, risk could be minimized if carcasses moved to a processing plant and properly disposed of. They don't know how and what best practices are. They are currently paying to have them picked up and don't know where they go. May need to consider putting dumpsters out and dispose of tissue. Jaster – That is the issue with movement, the disposal at the end. Chairman Lauber – Locker plant willing to work with us if we help them. Keep that in mind.

Dustin King – Baiting or feeding sites, have you been looking at that as something to restrict? Surrounding states with the exception of Oklahoma; at least some restrictions. Jaster – One of those things, without accounting for long distance movements, we can't tackle short distance movements. It is on the human dimensions survey to get idea of what is an acceptable plan. Don't want to jump in too early and have it completely overturned and go backwards; tough thing to tackle. A problem in relation to CWD and potentially the issue if somebody develops a treatment or cure for it because that it likely the way we would have to deliver it. Anything that is a problem can be adapted to be a solution too and we want to work with folks to do that.

David Lauber – How is it transmitted from deer to deer? Jaster – Through behavior, but not sure about how it transmits; orally through behavior of licking can be one route, environmentally, which is why feeders could be a problem, research that plants can take it up and deer eat the plants. David Lauber – As a landowner and see deer not acting right do we contact law enforcement officer? Jaster – Yes. In those cases, any sick suspect animal we will come and check out and everyone one of those animals we encounter we try to test. David Lauber – Gerald made comment about properly disposing them. Can spores be spread if semi hits a deer and drives across the country, can it be spread that way? Jaster – Potentially, we also don't know what dosage deer have to have before they get it. It could be that way, but minimal material not known, but that site where hit could be contaminated. Recommended practice is to put carcasses in a landfill or put back where harvested. David Lauber – Same spore as mad cow disease? Jaster – It is similar, this is deer version versus bovine version. David Lauber – It can't be passed on? Chairman Lauber – To humans? David Lauber – No, to cattle? Jaster – It has not been observed yet. There has been a laboratory study where they directly injected it into cattle, it took a specific dose given directly to animal, not seen in the wild, but there is definitely concern. It originally came from scrapie's and that it could change again. A concern with almost every disease. Commissioner Gfeller – A number of our deer hunters process their own deer. If disposal is an issue, proper way to dispose of it? Jaster – Landfills are the best option or take back where it came from. Chairman Lauber – They have dumpsters out in Wyoming for sportsmen. Jaster – Some eastern states have gone that route too. We are discussing that. Chairman Lauber – Don't solve problem if you take it back where it came from, but didn't spread it, just stays there. The theory is that it travels at 55 miles per hour. Jaster – Yes. It is one of those cases where help from our hunters is definitely a help.

8. KAR 115-25-9a. Deer; open season, bag limit, and permits; additional considerations; Fort Riley – Levi Jaster, big game biologist, presented this regulation to the Commission (Exhibit Q). Typical to previous years with one exception, Smoky Hill Air National Guard subunit requested same season as statewide. Fort Riley subunit are additional archery days for individuals authorized by Fort Riley to include period from September 1-13 and January 11-31; typically, individuals deployed or going to be deployed and would not have an opportunity to hunt otherwise. Also, would like additional days for designated persons, youth and disabled, for October 10-12, replaces pre-rut season they don't want. Firearms season dates of Nov 27-29 and December 15-23. It adjusts the dates but don't get any more days, just 12 same as the rest of the state. Fort Leavenworth subunit wants open firearm season for deer November 14-15, November 21-22, November 26-29, December 5-6, and December 12-13; again, only adjusts dates and they only get 12 days. They want extended firearm season for antlerless deer January 1-24; and extended archery season for antlerless only whitetail deer January 25-31. Deer hunters can use one antlerless-only permit on Fort Riley, in subunit A, and Smokey Hill subunit 4A; and five at Fort Leavenworth, subunit 10A. Military installations season dates will be completed at the Public Hearing in June.

C. Workshop Session (continued)

5. Big Game Regulations – Levi Jaster, big game biologist, presented this regulation to the Commission (Exhibit R). KAR 115-4-2, general provisions. Because of CWD, one alternative is to completely debone meat is to allow quartered carcasses with no spinal column or head attached. We recommend we a change to proof of sex regulations on antlerless deer to allow for quartering and leave portion of hide with visible sex organs attached as proof of sex, or they could, as they currently can, photo register their deer and totally debone it. This would allow hunters to remove portion of carcass we want left in the field without placing actual restriction on movement. Hunters with either-sex permit are already allowed to do this. Commissioner Sill – Either or can leave the head attached as now, or requiring them to take the head off and leave sex organ or just adding that option? Jaster – Added option. Commissioner Sill – Leave head attached or quarter and leave sex organs attached, either way is good for now? Jaster – Yes, this would apply to all big game animals, so would include elk and pronghorn. Tymeson – Voted on in March. 115-4-4, legal equipment. Seeking input on proposed option to remove prohibition on devices that lock a vertical bow at partial or full draw to be allowed as legal. Can be used by any archery hunter. Garry Cook, Fort Scott – Have crossbows, why do we need draw locks? Chairman Lauber – Allowing crossbows, why not draw locks. Cook – Not very accurate because not holding any pressure, hard to hold arm out steady. Chairman Lauber – People who feel helpful to their situation. Don't see a big difference between the two as

far as mechanical. Cook – Not in favor of crossbows either. In favor for handicap, but not anybody. Chairman Lauber – I understand. Not sure physics distinction or how they really work. Cook – With crossbow can pull into shoulder and hold pressure, with draw lock you can't. Commissioner Gfeller – Is draw any different on crossbow versus a regular bow with a draw lock? Does it make it easier for somebody to draw a bow? Cook – No, the only advantage is don't have to move, you still have to draw it by hand. Jaster – Some are designed to use your foot and pull with both hands. Commissioner Sill – Applies not just to draw locks but to many inventions that come along, issue of fair chase. There are a lot of regulations that make it easier for hunters, not easier to gain access or become better hunters. Making it easier to kill game, have game cameras that ping your phone and show you right where the deer are; gone from traditional muzzleloaders that are 50-75 yard weapons to muzzleloaders that are accurate at 250 plus yards; gone from traditional archery equipment to crossbows that are accurate at 50 yards in the hand of a beginner; we erect elevated stands in wheat fields where you can stay warm, out of the wind and drink our coffee, move around and shoot 300 yard shots or more at grazing deer; pile corn in the field and train the deer to come to the corn and shoot them; and we call this hunting. Theodore Roosevelt is credited with articulating the idea of fair chase in the 1880s. It is the same time that market hunting was exploiting resources and economic gain was the primary issue and it was seen as a severe threat to the resource and to us, ultimately because of that. Out of the exploitation came hunting and conservation ethic, that has guided conservation and hunting for 150 years in our country. Exploitation was the motivation for the development of ethics, so if we look back at the past 60 years in our state we have seen it go from pendulum, from money, greed and market hunting to successful conservation processes, practices and ethics. It is swinging back, we don't sell meat, but sell antlers, sell access, sell opportunities for bragging rights. We see our natural resources as commodities, and value the outcome over the process of hunting, value economic benefit over intangible resources, and ignore principal of democracy of hunting as benefits to all citizens, not just wealthy and privileged. We appeal to North American model and we tell people wildlife belongs to the state and people of the state, not to landowners, but we seem to forget all of those other pillars, which includes the concept of fair chase. It is time to realize some of our decisions there are ethical dimensions, not just practical and economic. Without retaining a foundation that includes the ethics and things like fair chase, how far are we going to go with innovations. Why not just sell permits on Amazon for \$5.99 to do whatever you want if no ethical base for things and considering that in the decisions we make. I find that concerning. Not about cheating, but we have to consider what does making it easier for the hunter really mean. Chairman Lauber – I have a Weatherby magnum and several rifles that have been modified and changed to shoot more accurately, shoot flatter, have more ballistically coefficient because of the loads, because of technology but I don't consider that as reducing fair chase. I don't consider reducing fair chase from using a long bow to a compound bow, yes it made it easier and gave you an edge, but I don't think that affected fair chase. I understand what you are saying but technology is advancing, and I don't think we need to go back to 45-70s and round bullets, harder to kill a deer and hunt but at what point do we say we are done with technology. These things occur incrementally, thought draw lock same as crossbow. Heard this when we allowed scopes on muzzleloaders. Easier to hunt with a centerfire than it is with a muzzleloader. Still think this is fair chase. Dustin King – I agree with what she said, when do we draw the line? Chairman Lauber – I agree with some of it and some I don't.

115-4-6, deer firearm management units. There is a section in south of deer management Unit 10 that falls below Unit 19 (Exhibit S – map). A small triangle that only allows one antlerless deer tag and is surrounded by areas that you could use up to five. Had concern from hunters and landowners in that area, to be more in line with surrounding management. Also, on north side boundaries confusing because it followed many side roads. Rather than changing all of the main boundaries of first 18 units we are proposing expansion of the urban unit, Unit 19. Commissioner Gfeller – We vote in March? Jaster – Yes.

6. Deer 25-Series Regulations – Levi Jaster, big game biologist, presented this regulation to the Commission (Exhibit T). This is where we set number of permits that can be used in what units and seasons. Due to flood damage seeing crop damage complaints around Elk City and Berentz Dick Wildlife Area, also known as the buffalo ranch. While our state property there would only allow one permit to be used for antlerless whitetails, we are recommending adding those areas to list of state wildlife areas that allow four additional antlerless permits. Commissioner Sill – When you buy permits, none of them are marked valid on state land or not valid on state land. Jaster – The first one is marked that way and they all have the units.

Chairman Lauber – It is not easy to tell, you can tell which is the first one, but not easily marked.
Commissioner Sill – Confusing in the book, it says, the first, but in the regulations it says, only one, it doesn't say it is the first one. Also, book didn't include 16 this year. Assistant Secretary Miller – That was a mistake. Commissioner Sill – I got out my tags and started looking at them and I am asking from enforceability perspective. You are asking people on their honor to take one from state land and not the rest because if the tags aren't marked it is difficult. Assistant Secretary Miller – First one says, valid statewide on private and public land. There are only a few wildlife areas that allow more than one and those are listed in the regulations. Tymeson – Issue of size of permit and how much will fit on there. Point well taken. Jaster - We are considering issuing a few either-species antlerless-only permits in Unit 1 where we have had complaints of crop damage caused by mule deer. Number of permits issued will be done through Secretary's Orders; currently looking at population surveys to determine if we will issue any up there or not. Season dates follow what we have done historically except for adding more days to hunt in extended whitetail antlerless-only seasons in January; 10 days in shortest season, 17 days in middle and 24 days in long season. Youth and disabled season, September 5-13, 2020; early muzzleloader, 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, October 10-12, 2020; regular firearm season, December 2 through December 13; first extended season January 1-10, 2021; for second season, January 1-17, 2021; and third season, January 1-24, 2021; and extended archery season in Unit 19, January 25-31, 2021. Dustin King – With extending these, have we done study on how many shed bucks? I have two that have already shed, which is my concern with extending that. Jaster – Looking at harvest last couple of years, harvest between 800 to 1,000 shed deer, from those we saw about 25 percent harvested in January, rest in regular seasons; which amounts to about 216 shed bucks a year killed in January. I will keep an eye on that as we move forward if we extend season lengths. That amounts to needing over 100 square miles for one of those deer across the state. Many of hunters that take those deer want a deer and we want to give them an opportunity; the ones that want to grow animals out are the ones that take the time to identify and are okay with not having a deer that year. We will pay attention to that and looking deeper into harvest numbers from past years.

D. Public Hearing

None

XII. OLD BUSINESS

XIII. OTHER BUSINESS

A. Future Meeting Locations and Dates

March 26, 2020 – Topeka, Kansas Historical Society

April 23, 2020 – Hutchinson, Hutchinson Zoo

June 25, 2020 – New Strawn (Burlington), New Strawn Community Center

August 20, 2020 – Meet in Beloit, tour Ring Neck Ranch in morning as invited

XIV. ADJOURNMENT

Adjourned at 7:25 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

KAR 115-6-1

Fur dealers license; application, authority, possession of furs, records, and revocation.

Background

This regulation provides oversight of furdealers in Kansas. It currently requires fur dealers to maintain record books provided by the department, and books must be filled out as fur is received, shipped, or otherwise disposed of. The regulation further states that the books shall be subject to inspection and copying upon demand by any conservation officer.

Discussion & Recommendations

We have one fur dealer who has requested to collect and maintain fur dealer records electronically. We would like to modify this regulation to allow furdealers to use electronic systems that collect the same data required in our books, and that allow for this data to be promptly printed or viewed as needed for inspection, thereby providing for the same level of oversight as our paper books.

Falconry Regulations - K.A.R. 115-14-[11-15]

In August of 2012, existing falconry regulations K.A.R. 115-14-[1-10] were revoked and new falconry regulations K.A.R. 115-14-[11-15] were approved. This process was prompted by changes in federal regulations that required states to handle the permitting of falconers as opposed to USFWS issued federal permits. The new regulations were certified as meeting USFWS minimum standards for falconry.

Per the federal regulations, state regulations may be more restrictive than the federal standards but may not be less restrictive. Additionally, state regulations must be consistent with the terms contained in any convention between the United States and any foreign country for the protection of raptors and the Migratory Bird Treaty Act.

The current regulations are being reviewed for potential changes that could help to streamline the administrative processes of falconry permitting, as well as analyzing any need for clean-up of language and/or definitions. The Department is working with the Kansas Hawking Club to complete this review.

Recommendations for changes will be made once a thorough review is completed regarding compliance with the minimum federal standards.

Workshop Session

Night Hunting - Use of Light, Night Vision and Thermal Imaging Equipment

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

(4) optical scopes or sights that project no visible light toward the target and do not electronically amplify visible or infrared light.

Commissioners and staff have received requests and inquiries about the use of thermal imaging and night vision equipment for coyote control or predator hunting at night. Most recently, there was a request for a clarification on the use of thermal imaging equipment for coyote control under an Animal Damage Control (ADC) permit. After internal discussions, staff have provided a list of discussion items that require public input and guidance from the Commission.

- Recreational hunting opportunity or strictly coyote control
- ADC permit regulations
- Control options currently legal for operators or landowners
- If recreational hunting is considered, fair chase must be discussed.
- Equipment: red light, spotlight, night vision, thermal imaging, gun mounted, vehicle mounted, shotgun only, caliber restriction, rimfire/centerfire
- Species: Coyotes only, some furbearers, all furbearers
- Where legal: Public land or private land, from roads
- Hunting methods: From a vehicle, on foot only, distance from vehicle/road, calling versus shining
- Season: Year-round or outside of deer seasons, Jan. 1-March 31
- Who can hunt? Age restrictions, landowner/tenants/ special permit required
- Special restrictions: Electronic check-in, call-in with local sheriff's department, written permission required
- Poaching enforcement issues
- Recreational spotlighting (K.S.A. 32-1003 Methods of taking wildlife. (a) It is unlawful . . . (7) for any person, unless authorized by law or rules and regulations of the secretary, to: throw or cast the rays of a spotlight, headlight or other artificial light on any highway, roadway, field, grassland, woodland or forest for the purpose of spotting, locating or taking any wildlife, while having in possession or control, either singly or as one of a group of persons, any rifle, pistol, shotgun, bow or other implement whereby wildlife could be taken, except that nothing in this subsection shall be construed to prohibit a person from carrying a weapon while using artificial light for conducting surveillance, actively caring for agricultural equipment or livestock or conducting activities described in subsection (c)(2) of K.S.A. 32-1002 and amendments thereto, when on land under the person's control, if the person owns such land, is in lawful possession of such land or is regularly employed for purposes of livestock or agricultural production or management on such land.)

K.A.R. 115-25-9a. Deer; open season, bag limit, and permits; additional considerations; Smoky Hill ANG, Fort Riley, and Fort Leavenworth

Background

This regulation has typically been brought to a Public Hearing in June. Personnel at Fort Riley requested this later period to finalize the seasons because the schedule for military training activities were occasionally unknown at the time KAR 115-25-9 was approved. The regulation has also been used to address legislative actions pertaining to deer hunting that were made after KAR 115-25-9 was approved.

Discussion

We shall address all deer season on military subunits under one regulation. Personnel at Smoky Hill ANG, Fort Riley and Fort Leavenworth have been contacted and we have received preliminary information on the season dates that they prefer.

Smoky Hill ANG has requested to have deer hunting seasons at the same dates as the seasons established in KAR 115-25-9.

Fort Riley has requested the same seasons as those established in KAR 115-25-9 with the following exceptions:

- Additional archery days for individuals authorized by Fort Riley would include the period from September 1, 2020 through September 13, 2020, and from January 11, 2021 January 31, 2021.
- Additional days of hunting opportunity for designated persons (i.e., youth and people with disabilities) from October 10, 2020 through October 12, 2020.
 - No pre-rut firearms season for antlerless white-tailed deer.
- Firearm season dates of November 27, 2020 through November 29, 2020, and December 15, 2020 through December 23, 2020.

Fort Leavenworth has requested the same deer hunting seasons described in KAR 115-25-9 with the following exceptions:

- The open firearm season for the taking of deer shall be November 14, 2020, through November 15, 2020, November 21, 2020 through November 22, 2020, November 26, 2020 through November 29, 2020, December 5, 2020 through December 6, 2020, and December 12, 2020 through December 13, 2020.
- An extended firearm season for the taking of antlerless-only, white-tailed deer shall be from January 1, 2021 through January 24, 2021.
- An extended archery season for the taking of antlerless-only, white-tailed deer shall be from January 25, 2021 through January 31, 2021.

A deer hunter may use one antlerless-only white-tailed deer permit in Fort Riley, subunit 8A or Smoky Hill ANG, subunit 4A. A deer hunter may use up to five antlerless-only white-tailed deer permits in Fort Leavenworth, subunit 10A.

Recommendation

The proposed dates for the firearm season at the Smoky Hill Air National Guard subunit, Fort Riley subunit and at the Fort Leavenworth subunit will be reviewed at Workshop Session in March. Final action on those seasons shall be completed at the Public Hearing in June.

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 - January 23, 2020

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

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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, March 26, 2020 at the Kansas State Historical Society and Museum, 6425 SW 6th Ave, Topeka, 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., March 26 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. March 27 at the location listed above.

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

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

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

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

K.A.R. 115-4-2. This permanent regulation sets general provisions for big game and wild turkey. The proposed amendments would allow for quartering of big game carcasses with proper evidence of sex attached.

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. 115-4-4. This permanent regulation sets legal equipment and taking methods for big game animals. The proposed amendments would allow the use of locking draws during the archery season.

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. 115-4-6. This permanent regulation sets deer management unit boundaries. The proposed amendments would amend the unit boundaries of DMU 19.

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. 115-25-8. This exempt regulation sets the open season, bag limit and permits for elk. The proposed version of the regulation would adjust the season dates for the new year.

Economic Impact Summary: The proposed version of the regulation is expected to generate \$17,000 to the agency, all of which would accrue to the wildlife fee fund and generate a corresponding collateral economic impact to the State of Kansas estimated at \$156,752. 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. 115-25-9. This exempt regulation sets the spring season, bag limit, and permits for deer. The proposed version of the regulation would adjust the season dates for the new year and adjust two wildlife area locations for additional white-tailed deer pressure.

Economic Impact Summary: The proposed version of the regulation is expected to generate \$12,950,000 to the agency, all of which would accrue to the wildlife fee fund and generate a corresponding collateral economic impact to the State of Kansas estimated at \$172,666,368. 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

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 - February 20, 2020

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

(785) 296-2281

Title

Phone

This space for Register office use only

Wildlife, Parks, and Tourism Commission

Notice of Public Hearing

A public hearing will be conducted by the Wildlife, Parks, and Tourism Commission at 6:30 p.m., Thursday, March 26, 2020 at the Kansas State Historical Society and Museum, 6425 SW 6th Ave, Topeka, 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., March 26 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. March 27 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 30-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, in addition to the previously published notice, that will be heard during the regulatory hearing portion of the meeting is as follows:

K.A.R. 115-25-7. This exempt regulation sets the season, bag limit, and permits for antelope. The proposed version of the regulation would adjust the season dates and permit numbers for the new year.

Economic Impact Summary: The proposed version of the regulation is expected to generate \$36,532 to the agency, all of which would accrue to the wildlife fee fund and generate a corresponding collateral economic impact to the State of Kansas estimated at \$940,512. 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

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 - March 5, 2020

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

(785) 296-2281

Title

Phone

This space for Register office use only

Wildlife, Parks, and Tourism Commission

Notice of Public Hearing

A public hearing will be conducted by the Wildlife, Parks, and Tourism Commission at 6:30 p.m., Thursday, April 23, 2020 at the Hutchinson Zoo, 6 Emerson Loop E, Hutchinson, 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., April 23 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. April 24 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 30-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, in addition to the previously published notice, that will be heard during the regulatory hearing portion of the meeting is as follows:

K.A.R. 115-25-20. This exempt regulation sets management unit, hunting season, shooting hours, bag and possession limits, and permit validation for sandhill cranes. The proposed version of the regulation would adjust the season dates and management units for sandhill crane season.

Economic Impact Summary: The proposed version of the regulation is expected to generate approximately \$7,000 to the agency, all of which would accrue to the wildlife fee fund and generate a corresponding collateral economic impact to the State of Kansas estimated at \$1,411,022. 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

January 15, 2020

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

Mr. Chris Tymeson
Kansas Department of Wildlife, Parks, and Tourism
1020 S. Kansas Ave.
Topeka, KS
VIA Hand Delivery

RE: **K.A.R. 115-4-2, -4, and -6; 115-25-8, -9, and -20**

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

AnnLouise Fitzgerald
Assistant Attorney General

AL:sb
Enclosures

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



STATE OF KANSAS
OFFICE OF THE ATTORNEY GENERAL

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WWW.AG.KS.GOV

February 5, 2020

Mr. Chris Tymeson
Kansas Department of Wildlife, Park, and Tourism
1020 S. Kansas Ave.
Topeka, KS

RE: **K.A.R. 115-25-7**

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

AnnLouise Fitzgerald
Assistant Attorney General

AL:sb
Enclosure

cc: Sen. Caryn Tyson, Chair, Joint Committee on Rules and Regulations
Rep. Ron Highland, 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

J. G. SCOTT
Director
MELISSA RENICK
Assistant Director for Research
AMY DECKARD
Assistant Director for Fiscal Affairs



STAFF
LEGISLATIVE COORDINATING COUNCIL
INTERIM COMMITTEES
STANDING COMMITTEES
LEGISLATIVE INQUIRIES

KANSAS LEGISLATIVE RESEARCH DEPARTMENT

Room 68-West — State Capitol Building — 300 SW Tenth Avenue — Topeka, Kansas 66612-1504
(785) 296-3181 ♦ www.kslegislature.org/kldr ♦ kslegres@kldr.ks.gov

March 6, 2020

Secretary Brad Loveless
Department of Wildlife, Parks and Tourism
1010 S. Kansas Ave., Room 200
Topeka, Kansas 66612

Dear Secretary Loveless:

At its meeting on March 3 the Joint Committee on Administrative Rules and Regulations reviewed for public comment rules and regulations promulgated by your agency. The enclosed Committee report from that meeting contains comments for which a response from your agency is expected.

The enclosed 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.

Thank you for your attention to this matter. Please let us know if you have any questions.

Sincerely,

A handwritten signature in blue ink that reads "Jill A. Shelley". The signature is written in a cursive style.

Jill A. Shelley,
Principal Research Analyst



Kansas Legislative Research Department

Providing nonpartisan, objective research and fiscal analysis for the Kansas Legislature since 1934

68-West-Statehouse | 300 SW 10th Ave. | Topeka, Kansas 66612-1504
(785) 296-3181

kslegres@klrd.ks.gov

kslegislature.org/klrd

March 6, 2020

To: Kansas Legislature

From: Joint Committee on Administrative Rules and Regulations

Re: Report of the March 3, 2020, meeting of the Joint Committee on Administrative Rules and Regulations

With this report, the Joint Committee on Administrative Rules and Regulations (Committee) provides its comments on rules and regulations reviewed at its meeting of March 3, 2020. Agencies are asked to respond to each comment or request for information; responses are compiled and maintained by staff of the Kansas Legislative Research Department.

Board of Veterinary Examiners

KAR 70-5-1, fees.

The Committee had no comments.

Kansas Board of Regents

New Article 25, AO-K to Work Program: KAR 88-25-1, program title; KAR 88-25-2, AO-K career pathways, industry-recognized credentials; KAR 88-25-3, career readiness certificate; KAR 88-25-4, high school equivalency requirements; KAR 88-25-5, fee.

The Committee requests additional information about the fees for materials required for each student working to earn career readiness certification. Specifically, the Committee asks the number of such certifications sought each year, the approximate materials fee for each, who decides whether to waive the fee and, if the institutions on the approved credentials and pathways list make available such information, how much the institutions waive in materials fees.

The Committee asks the agency to provide information about the process used to determine which institutions are included in the approved credentials and pathways list dated August 30, 2019. It also asks which institutions are in the process of applying or declined to participate.

The Committee requests additional information about the competency levels associated with the ACT National Career Readiness Certificate,

including the employer competency percentage associated with each level of certificate achievement.

Kansas Department of Wildlife, Parks and Tourism

KAR 115-4-2, big game and wild turkey, general provisions; KAR 115-4-4, big game, legal equipment and taking methods; KAR 115-4-6, deer, management units; KAR 115-25-8, elk, open season, bag limit, and permits; KAR 115-25-9, deer, open season, bag limit, and permits.

KAR 115-25-7, antelope, open season, bag limit, and permits.

KAR 115-25-20, sandhill crane; management unit, hunting season, shooting hours, bag and possession limits, and permit validation.

The Committee requests a legal analysis regarding the statutory authority for the Secretary of Wildlife, Parks and Tourism to conduct an auction on January 2, 2020, involving a set of antlers from a buck shot by a poacher in Osage County in 2011.

Kansas Board of Healing Arts

New Article 78, Business entities: KAR 100-78-1, business entity certificate of authorization, expiration date; KAR 100-78-2, fees.

The Committee had no comments.

Kansas State Board of Nursing

KAR 60-11-116, reinstatement of inactive or lapsed license; KAR 60-11-119, payment of fees; KAR 60-13-110, reinstatement of inactive or lapsed authorization.

The Committee had no comments.

Kansas Department of Health and Environment, Division of Environment, Bureau of Environmental Remediation, Storage Tank Section

KAR 28-44-12, general provisions; KAR 28-44-13, program scope; KAR 28-44-14, definitions; KAR 28-44-15, application for installation or modification of an underground storage tank; KAR 28-44-16, underground storage tank systems, design, construction, installation, modification and notification; KAR 28-44-17, underground storage tank registration and operating permit; KAR 28-44-18, registration of nonregulated underground storage tanks; KAR 28-44-19, general operating requirements; KAR 28-44-20, underground storage tank contractor licensing; KAR 28-44-21, underground storage tank installer and remover licensing; KAR 28-44-22, underground storage tank tester licensing; KAR 28-44-23, release detection; KAR 28-44-24, release reporting, investigation, and confirmation; KAR 28-44-25, release response and corrective action for UST systems; KAR 28-44-26, out-of-service UST systems and closure;

KAR 28-44-27, financial responsibility; KAR 28-44-28, revoked (was aboveground storage tank fees); KAR 28-44-29, aboveground storage tank operating permit; KAR 28-44-30, operator training and requirements; KAR 28-44-31, UST systems with field-constructed tanks and airport hydrant fuel distribution systems.

KR 28-44-17. The Committee is concerned that “within seven days” in subsection (c) could be insufficient time to complete and submit a registration form and asks how the agency determined the timeframe.

In many of the proposed rules and regulations, the agency requires communications to be “in writing” but does not define “in writing.” The Committee asks whether the agency intends to include electronic communications and suggests the agency define the term for the purpose of these rules and regulations.

The Committee requests information about funding for the Storage Tank Section, including balances in state funds applicable to the program (*e.g.*, the Aboveground Petroleum Storage Tank Release Trust Fund and the UST Redevelopment Fund), federal moneys received, and the amounts directed to or received from the State General Fund, over the past five years. The Committee notes the agency states the additional funds from fee increases will contribute to the costs of enhancing outreach efforts to the regulated community, operating and maintaining a new database, and provide for online permitting, and requests any additional information to justify increasing fees.

Wildlife, Parks, and Tourism Commission

Notice of Public Hearing

In response to concerns related to COVID-19, the public hearing of the Kansas Department of Wildlife, Parks and Tourism Commission proposed administrative regulations scheduled for March 26, 2020, was postponed and the public hearing on those regulations shall be conducted during the April 23, 2020 Kansas Department of Wildlife, Parks and Tourism Commission meeting. Additionally, the in-person public hearing of the Kansas Department of Wildlife, Parks and Tourism Commission scheduled for April 23, 2020 shall be held by video conference. Anyone desiring to participate in the public hearing video conference must pre-register at: <https://zoom.us/meeting/register/u5QtcOmqrTMqyhP2Ri9OYP3Kq4X-ZBqf0g>. The meeting will also be live-streamed on the Kansas Department of Wildlife, Parks and Tourism website (www.ksoutdoors.com). Because of potential video-conference capacity limitations, comments and questions for the Commission and staff may also be submitted during the meeting through email to kdwpt.kdwptinfo@ks.gov. Individuals without internet access may listen to the meeting by dialing toll-free 1-877-853-5257, meeting ID 600702380, password 034792.

The video-conference public hearing will be conducted by the Wildlife, Parks, and Tourism Commission at 6:30 p.m., Thursday, April 23, 2020 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., April 23 at the web link listed above. The meeting will recess at approximately 5:00 p.m. and then resume at 6:30 p.m. 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., April 24 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 as soon as possible 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 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 previously submitted comments will still be considered valid and need not be resubmitted.

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 electronically to sheila.kemmis@ks.gov. All interested parties will be given a reasonable opportunity at the hearing to express their views orally in regard to the adoption of 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. To provide all parties with an opportunity to present their views, it may be necessary to request that each participant limit any oral presentation to ten minutes.

The previously published regulations 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 for quartering of big game carcasses with proper evidence of sex attached.

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. 115-4-4. This permanent regulation sets legal equipment and taking methods for big game animals. The proposed amendments would allow the use of locking draws during the archery season.

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. 115-4-6. This permanent regulation sets deer management unit boundaries. The proposed amendments would amend the unit boundaries of DMU 19.

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. 115-25-8. This exempt regulation sets the open season, bag limit and permits for elk. The proposed version of the regulation would adjust the season dates for the new year.

Economic Impact Summary: The proposed version of the regulation is expected to generate \$17,000 to the agency, all of which would accrue to the wildlife fee fund and generate a corresponding collateral economic impact to the State of Kansas estimated at \$156,752. 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. 115-25-9. This exempt regulation sets the open season, bag limit, and permits for deer. The proposed version of the regulation would adjust the season dates for the new year and adjusts two wildlife area locations for additional white-tailed deer hunting pressure.

Economic Impact Summary: The proposed version of the regulation is expected to generate \$12,950,000 to the agency, all of which would accrue to the wildlife fee fund and generate a corresponding collateral economic impact to the State of Kansas estimated at \$172,666,368. 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. 115-25-7. This exempt regulation sets the open season, bag limit, and permits for antelope. The proposed version of the regulation would adjust the season dates and permit numbers for the new year.

Economic Impact Summary: The proposed version of the regulation is expected to generate \$36,532 to the agency, all of which would accrue to the wildlife fee fund and generate a corresponding collateral economic impact to the State of Kansas estimated at \$940,512. 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. 115-25-20. This exempt regulation sets management unit, hunting season, shooting hours, bag and possession limits, and permit validation for sandhill cranes. The proposed version of the regulation would adjust the season dates and management units for sandhill crane season.

Economic Impact Summary: The proposed version of the regulation is expected to generate approximately \$7,000 to the agency, all of which would accrue to the wildlife fee fund and generate a corresponding collateral economic impact to the State of Kansas estimated at \$1,411,022. 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

115-25-20. Sandhill crane; management unit, hunting season, shooting hours, bag and possession limits, and permit validation. (a) The open season for the taking of sandhill crane in the central crane hunting zone shall begin on the Wednesday after the first Saturday in November and shall continue for 58 days, including the opening day. The open season for the taking of sandhill crane in the west crane hunting zone shall begin on the third Saturday in October and shall continue for 58 days, including the opening day.

(b) The following areas shall be open for the taking of sandhill crane during the established hunting season:

(1) Central zone: that part of Kansas bounded by a line from the junction of interstate highway I-35 and the Oklahoma-Kansas state line, then north on interstate highway I-35 to its junction with interstate highway I-135, then north on interstate highway I-135 to its junction with interstate highway I-70, then north on federal highway US-81 to its junction with the Nebraska-Kansas state line, then west on Nebraska-Kansas state line to its junction with federal highway US-283, then south on federal highway US-283 to its junction with state highway K-24, then east on state highway K-24 to its junction with state highway K-18, then southeast on state highway K-18 to its junction with federal highway US-183, then south on federal highway US-183 to its junction with state highway K-1, then south on state highway K-1 to its junction with the Oklahoma-Kansas state line, and then east on the Oklahoma-Kansas state line to its junction with interstate highway I-35, except federal and state sanctuaries.

(2) West zone: that part of Kansas bounded by a line from the junction of federal highway US 283 and the Nebraska-Kansas state line, then south on federal highway US-283 to

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its junction with state highway K-24, then east on state highway K-24 to its junction with state highway K-18, then southeast on state highway K-18 to its junction with federal highway US-183, then south on federal highway US-183 to its junction with state highway K-1, then south on state highway K-1 to its junction with the Oklahoma-Kansas state line, then west on the Oklahoma-Kansas state line to its junction with the Colorado-Kansas state line, then north on the Colorado-Kansas state line to its junction with the Nebraska-Kansas state line, and then east on the Nebraska-Kansas state line to its junction with federal highway US-283, except federal and state sanctuaries.

(c) Shooting hours shall be from sunrise until sunset.

(d) The daily bag limit shall be three sandhill cranes.

(e) The possession limit shall be nine sandhill cranes.

(f) Each person hunting sandhill cranes in Kansas shall possess a federal sandhill crane hunting permit that has been issued through and validated by the department. Except as specified in subsection (g), any individual may secure a federal sandhill crane hunting permit upon application to the department and payment of the sandhill crane permit validation fee.

(g) Each person wanting to hunt sandhill cranes in Kansas shall be required to pass an annual, online sandhill crane identification examination before meeting the requirements specified in subsection (f). (Authorized by and implementing K.S.A. 2019 Supp. 32-807.)

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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. 115-25-20
K.A.R. Number(s)

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

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

This proposed version of the regulation sets the seasons for sandhill crane hunting in Kansas. The proposal would create two crane hunting zones rather than one.

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 and Colorado all have varying regulations dealing with crane hunting seasons and requirements. Nebraska does not currently have a crane season.

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 may enhance business activities and growth.

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

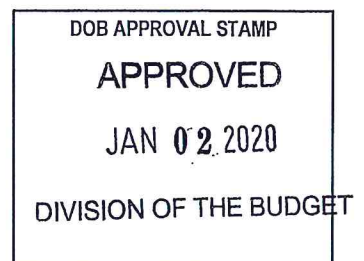
The proposed version of the regulation could have a collateral positive economic impact on grocery stores, hotels and motels, outfitters, service stations, etc.

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

Outfitters or landowners.

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

The proposed version of the regulation establishes two sandhill crane hunting zones. The two zones allow for an early opening



date in the west zone. Additionally, the corresponding positive economic impact to Kansas would not occur without the season.

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

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

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

The sale of crane hunting permits to the public generates approximately \$7,000 to the agency, all of which accrues to the wildlife fee fund, based on 2019 permit sales.

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.

The sale of crane hunting permits to the public generates approximately \$7,000 to the agency, all of which accrues to the wildlife fee fund, based on 2019 permit sales.

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

YES NO

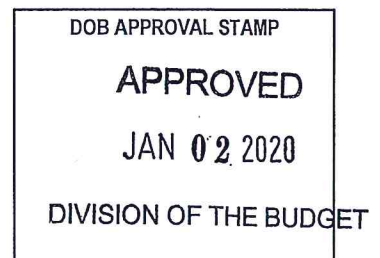
Give a detailed statement of the data and methodology used in estimating the above cost estimate.

The total number of crane hunting permits sold was 1382 in 2019. This generates approximately \$7,000 for the agency, all of which accrues to the wildlife fee fund, and is paid by user fees. Additionally, each individually identifiable elk hunter (1382) goes 7 days afield per year and spends approximately \$1021 per year, generating \$1,411,022 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 November 14 in Scott City, where 8 members of the public signed the attendance roster, and will hold public commission meetings on January 9 in Iola, on March 26 in Topeka and April 23 in New Strawn.



- 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.



Figure 1. Areas open to sandhill crane hunting in Kansas

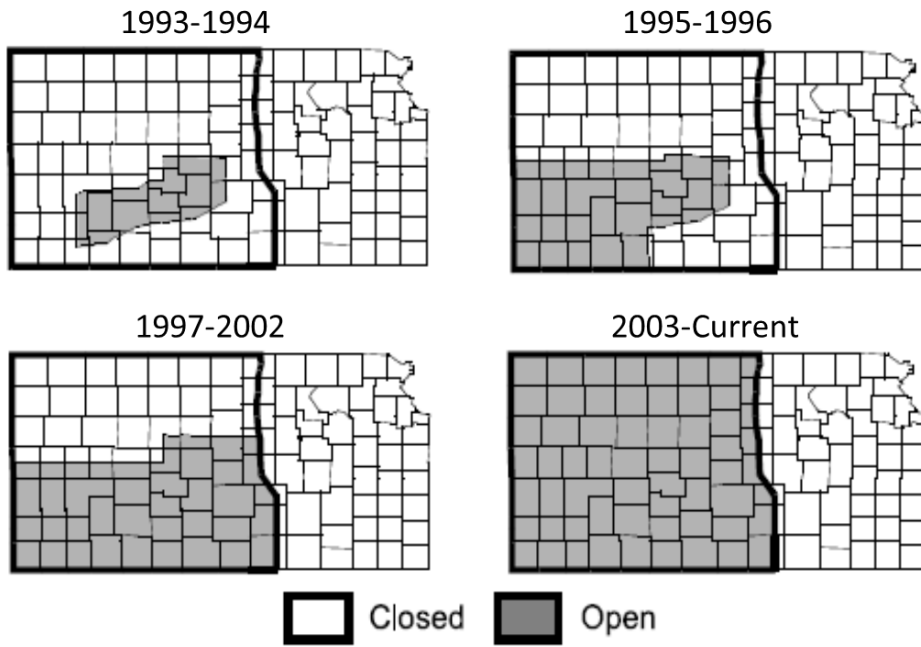


Figure 2. Mid-continent sandhill crane abundance and population thresholds

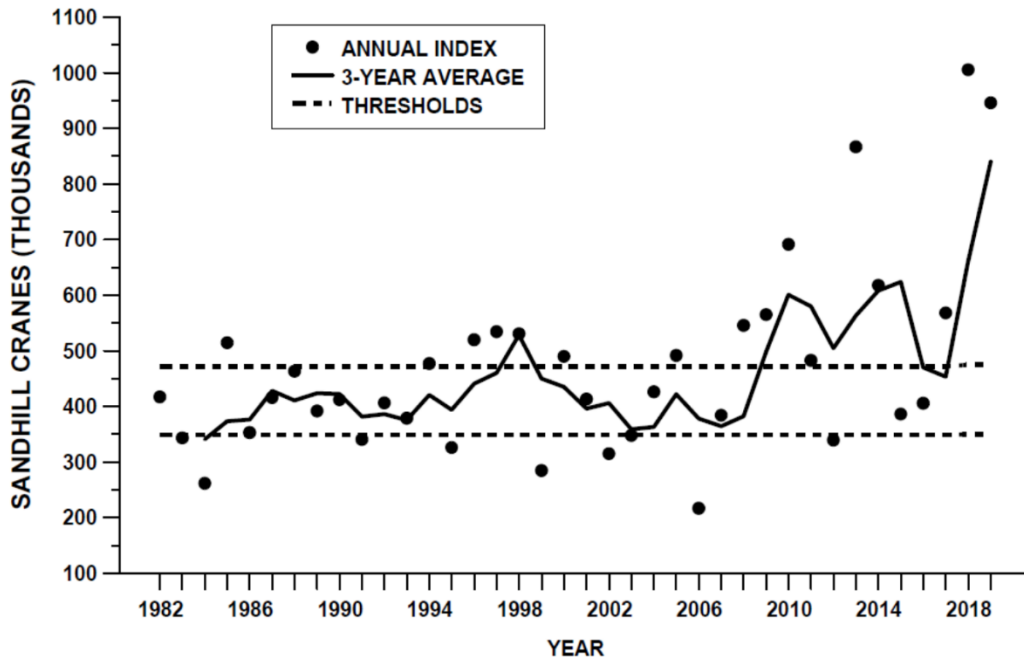


Figure 3. Sandhill crane permits issued and harvest estimates prior to and after changes to season structure and regulations.

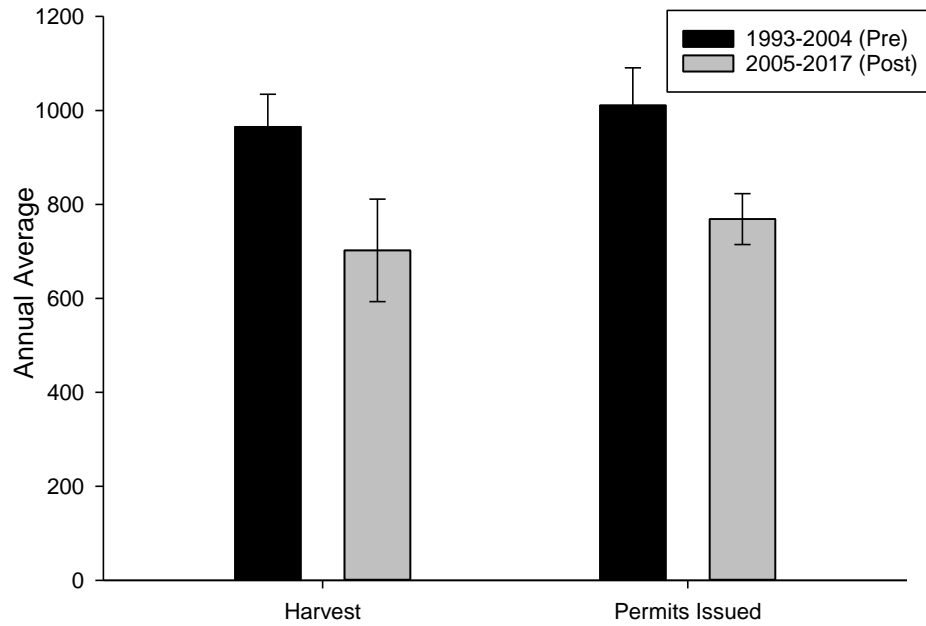


Figure 4. Sandhill crane abundance indices with general season framework (shaded area) since changes in 2005.

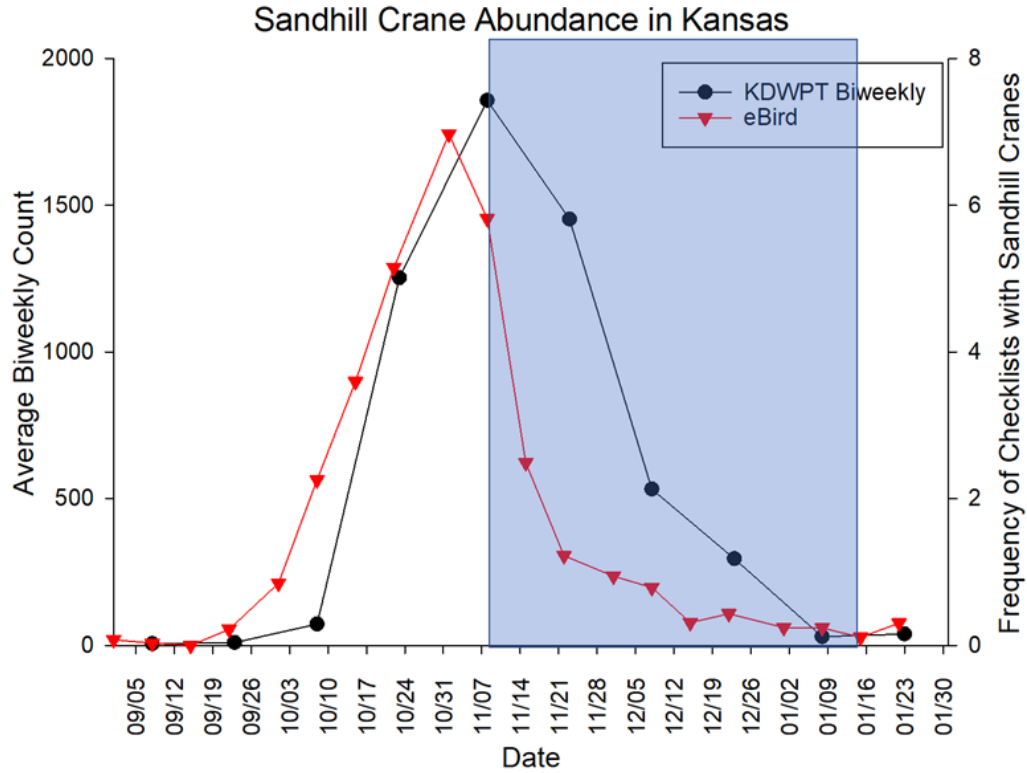
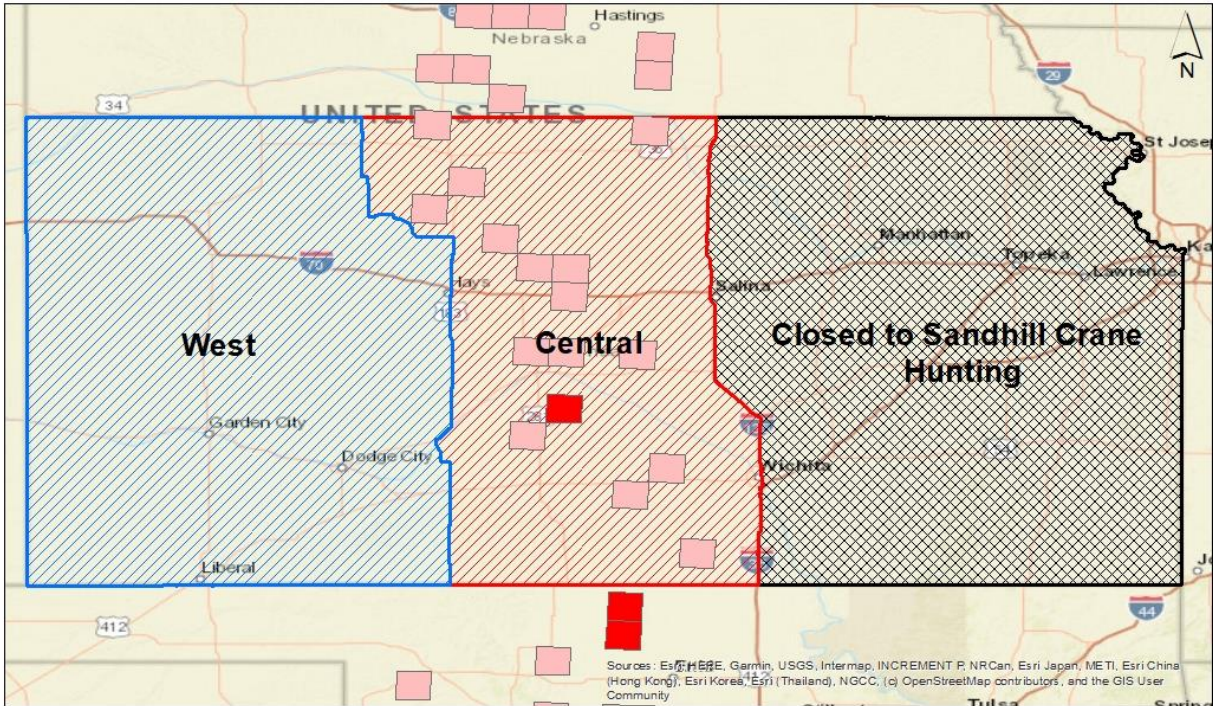


Figure 5. Proposed division of the Kansas sandhill crane hunting unit into west (blue) and central (red) hunting zones, with overlaid whooping crane migration corridor core (pink) and extended use core (red) use areas in Kansas.



KDWPT WATERFOWL SEASON BRIEFING

April 23, 2020

BACKGROUND

The U.S. Fish and Wildlife Service (USFWS) annually develop frameworks 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. The following is pertinent background material and USFWS frameworks for which Kansas may establish Kansas' 2020-21 waterfowl hunting seasons.

SEPTEMBER TEAL SEASON - Blue-winged teal are one of the earliest migrating waterfowl, with most migrating through Kansas from August through October, often prior to the opening of general duck seasons. Green-winged teal are also early migrants but are commonly found in Kansas throughout the fall and winter. Cinnamon teal are occasionally found mixed with flocks of blue-winged teal in Kansas. Special teal seasons were initiated to provide additional harvest opportunities for blue-winged and green-winged teal when their populations are above certain thresholds. States can offer a 9-day September teal season when the blue-winged teal breeding population index (BPI) is above 3.3 million and a 16-day season is permitted when the blue-winged teal BPI exceeds 4.7 million. The most recent blue-winged teal BPI of 5.4 million allows a 16-day season for 2020 teal season. In the High Plains Unit of Kansas (west of Highway 283), the liberal package framework allows for 97 days of general duck season. Coupled with two youth hunting days, the addition of a nine- or 16-day teal season would exceed the Migratory Bird Treaty Act's (MBTA) maximum allowance of 107 annual hunting days for any one migratory species. Thus, when the liberal package for the regular duck season is available and a teal season can be held, it is necessary to either reduce the High Plains Unit teal season to 8 days or reduce days in the High Plains Unit general duck season to 96 days in order to not exceed 107 hunting days MBTA limitation. For the past 10 seasons, a nine-day teal season coupled with a 96-day regular duck season has been selected in the High Plains Unit to satisfy this criterion.

DUCK, MERGANSER, AND COOT SEASONS - Since 1995, Adaptive Harvest Management (AHM) has been adopted for setting duck hunting regulations in the United States. The AHM approach provides the framework for making objective decisions through four regulatory packages listed below. Optimal AHM strategies are calculated using: (1) harvest-management objectives specific to each mallard stock; (2) regulatory alternatives; and (3) current population models and associated weights for midcontinent mallards. The four AHM regulatory alternatives are:

- **Liberal Alternative**
 - o Season Length: 74-day Low Plains Season, 97-day High Plains Season
 - o Daily bag limit: 6 birds with various species restrictions.
- **Moderate Alternative**
 - o Season Length: 60-day Low Plains Season, 83-day High Plains Season
 - o Daily bag limit: 6 birds with various species restrictions.
- **Restrictive Alternative**
 - o Season Length: 39-day Low Plains Season, 51-day High Plains Season
 - o Daily bag limit: 3 birds with various species restrictions.
- **Closed Alternative**

The final USFWS federal frameworks have not been released. However, it is anticipated the prescribed regulatory choice for the 2020-21 general duck season is the liberal alternative with only change in the scaup regulatory alternative moving from moderate to restrictive package (scaup daily bag limit from 3 to 1).

GOOSE SEASONS - Harvest prescriptions for the Central Flyway's goose populations are based on population and harvest objectives as specified in population specific management plans.

YOUTH WATERFOWL HUNTING DAYS - States may select two days per duck-hunting zone, designated as "Youth Waterfowl Hunting Days," in addition to their regular duck seasons.

VETERANS AND ACTIVE MILITARY WATERFOWL HUNTING DAYS - States may select two days per duck-hunting zone, designated as "Veteran and Active Military Waterfowl Hunting Days," in addition to their regular duck seasons.

EXTENDED FALCONRY SEASON - In addition to general waterfowl seasons, falconers may take migratory game birds during the special "extended" falconry season. The combined total number of days of take (i.e., teal season, general waterfowl season, and falconry) cannot exceed the Migratory Bird Treaty Act imposed maximum allowable 107 annual hunting days for any one species. This allows for additional 15 hawking days for waterfowl in Kansas Low Plain zones.

ANTICIPATED 2020-21 WATERFOWL USFWS FRAMEWORK

SEPTEMBER TEAL SEASON

Season Dates: Between September 1, 2020 and September 30, 2020
Season Length: 16 days
Daily Bag Limit: 6 teal (any combination of teal)
Possession Limit: 18 teal in possession (any combination of teal)
Shooting Hours: One-half hour before sunrise to sunset
Zones/ Split: No zones or splits options

DUCK, MERGANSER, AND COOT SEASONS

Season Dates: Between the September 26, 2020 and January 31, 2021
Season Length: *High Plains Unit:* 97 days. The last 23 days may start no earlier than December 07, 2019
Low Plains Unit: 74 days
Daily Bag Limit: *Duck:* 6 ducks, with species and sex restrictions as follows: 5 mallards (no more than 2 of which may be females), 3 wood ducks, 2 redheads, 2 canvasbacks, 1 pintail, and 1 scaup.
Merganser: 5 mergansers of which only 2 may be hooded mergansers. States have the option to include mergansers in the duck daily bag limit, in which case the daily limit of merganser would be the same as the duck bag limit (6), of which two may be hooded mergansers
Coot: 15 coots
Possession Limit: Three times the daily bag limit.
Shooting Hours: One-half hour before sunrise until sunset
Zones/ Split: *High Plains* – no zones and up to two segments
Low Plains – 3 zones with each having up to two segments
or no zones with three segments
Ducks zones are visited every 5 years. Next zone configuration window will be in 2021.

GOOSE SEASONS

Season Dates: *Dark Geese* (all geese except Ross's and snow geese): between September 26, 2020 and February 14, 2021
Light Geese (Ross's and Snow): between September 26, 2020 and March 10, 2021
Light Goose Conservation Order: between January 1, 2021 and April 30, 2021 (KAR 115-18-16). Must be held outside of all other waterfowl seasons
Season Length: *Dark Geese:*
Canada geese (or any other dark goose species except white-fronted geese) not to exceed 107 days
White-fronted geese - states may select either a season of:
Option A: 74 days with a bag limit of 3
Option B: 88-day season with a bag limit of 2
Light Geese: not to exceed 107 days

Light Goose Conservation Order: Must be held outside of all other waterfowl seasons

Daily Bag Limit:

Dark Geese:

Canada geese (or any other dark goose species except white-fronted geese) 8 geese

White-fronted geese - states may select either a season of:

Option A: 74 days with a bag limit of 3

Option B: 88-day season with a bag limit of 2

Light Geese: 50 light geese

Light Goose Conservation Order: No daily bag limit

Possession Limit:

Dark Geese: Three times the daily bag limit

Light Geese: No possession limit

Light Goose Conservation Order: No possession limit

Shooting Hours:

General Goose Seasons: One-half hour before sunrise to sunset

Light Goose Conservation Season: One-half hour before sunrise to one-half hour after sunset

Zones/ Split:

General Goose Seasons: No zones and up to two segments

Light Goose Conservation Season: No zones or splits

SPECIAL YOUTH, VETERAN, AND ACTIVE MILITARY PERSONNEL WATERFOWL HUNTING DAYS

States may select 2 days per duck-hunting zone, designated as “Youth Waterfowl Hunting Days,” and 2 days per duck-hunting zone, designated as “Veterans and Active Military Personnel Waterfowl Hunting Days,” in addition to their regular duck seasons. The days may be held concurrently. The Youth Waterfowl Hunting Days must be held outside any regular duck season on weekends, holidays, or other non-school days when youth hunters would have the maximum opportunity to participate. Both sets of days may be held up to 14 days before or after any regular duck-season frameworks or within any split of a regular duck season, or within any other open season on migratory birds.

Daily Bag Limits: The daily bag limits may include ducks, geese, swans, mergansers, coots, moorhens, and gallinules and would be the same as those allowed in the regular duck season. Flyway species and area restrictions would remain in effect.

Shooting Hours: One-half hour before sunrise to sunset.

Participation Restrictions for Youth Waterfowl Hunting Days: States may use their established definition of age for youth hunters. However, youth hunters must be under the age of 18. In addition, an adult at least 18 years of age must accompany the youth hunter into the field. This adult may not duck hunt but may participate in other seasons that are open on the special youth day. Youth hunters 16 years of age and older must possess a Federal Migratory Bird Hunting and Conservation Stamp (also known as Federal Duck Stamp).

Participation Restrictions for Veterans and Active Military Personnel Waterfowl Hunting Days:

Veterans (as defined in section 101 of title 38, United States Code) and members of the Armed Forces on active duty, including members of the National Guard and Reserves on active duty (other than for training), may participate. All hunters must possess a Federal Migratory Bird Hunting and Conservation Stamp (also known as Federal Duck Stamp).

EXTENDED FALCONRY SEASON

Season Dates: Between September 1, 2020 and March 10, 2021

Season Length: For all hunting methods combined, the combined length of the extended season, regular season, and any special or experimental seasons must not exceed 107 days for any species or group of species in a geographical area.

Daily Bag Limit: No more than 3 migratory game birds, singly or in the aggregate

Possession Limit: Three times the daily bag limit

Hawking Hours: One-half hour before sunrise to sunset

Zones/ Split: Each extended season may be divided into a maximum of three segments

Table 1. Kansas September Teal Season Dates and September Teal Harvest from 1992 to 2019

Year	Low Plains Dates	Hunting Days	High Plains Dates	Hunting Days	Bag Limit	Green-winged Teal	Blue-winged Teal	Total Harvest
1992*	Sept 12-20	9	Sept 12-20	9	4	4,267	12,902	17,169
1993*	Sept 11-19	9	Sept 11-19	9	4	1,081	5,604	6,685
1994*	Sept 10-18	9	Sept 10-18	9	4	2,217	7,083	9,300
1995*	Sept 16-24	9	Sept 16-24	9	4	1,896	10,227	12,123
1996*	Sept 14-22	9	Sept 14-22	9	4	1,415	17,115	18,530
1997*	Sept 13-21	9	Sept 13-21	9	4	2,367	14,858	17,225
1998*	Sept 12-27	16	Sept 12-20	9	4	8,454	19,727	28,181
1999*	Sept 11-26	16	Sept 11-19	9	4	3,052	28,022	31,074
2000	Sept 9-24	16	Sept 9-16	8	4	4,621	27,724	32,345
2001	Sept 15-30	16	Sept 15-22	8	4	1,790	10,741	12,531
2002	Sept 21-29	9	Sept 21-28	8	4	3,783	8,723	12,506
2003	Sept 13-28	16	Sept 20-27	8	4	9,024	21,393	30,417
2004	Sept 18-26	9	Sept 18-25	8	4	2,901	19,173	22,074
2005	Sept 17-25	9	Sept 17-24	8	4	2,200	10,387	12,587
2006	Sept 9-24	16	Sept 16-23	8	4	4,733	23,664	28,397
2007	Sept 8-23	16	Sept 15-22	8	4	4,534	25,582	30,116
2008	Sept 13-28	16	Sept 13-20	8	4	7,200	15,120	22,320
2009	Sept 12-27	16	Sept 19-26	8	4	2,775	15,165	17,940
2010	Sept 11-26	16	Sept 18-26	9	4	1,812	16,829	18,641
2011	Sept 10-25	16	Sept 17-25	9	4	1,748	22,562	24,310
2012	Sept 8-23	16	Sept 15-23	9	4	4,298	19,420	23,718
2013	Sept 7-22	16	Sept 14-22	9	6	2,323	28,213	30,536
2014	Sept 13-28	16	Sept 20-28	9	6	2,806	36,736	39,542
2015	Sept 12-27	16	Sept 19-27	9	6	3,620	28,504	32,124
2016	Sept 10-25	16	Sept 17-25	9	6	3,172	22,910	26,082
2017	Sept 9-24	16	Sept 16-24	9	6	4,821	13,329	18,150
2018	Sept 8-23	16	Sept 15-23	9	6	3,091	33,918	37,009
2019	Sept 14-29	16	Sept 21-29	9	6	N/A**	N/A**	N/A**
1999-2018 Average						3,715	21,406	25,121

* Years prior to 1999, harvest estimates are based on USFWS Mail Survey Questionnaire.

Harvest estimates from 1999 to current are based on Harvest Information Program (HIP).

** Harvest Data is not available until August.

Figure 1. Kansas Duck Hunting Zones

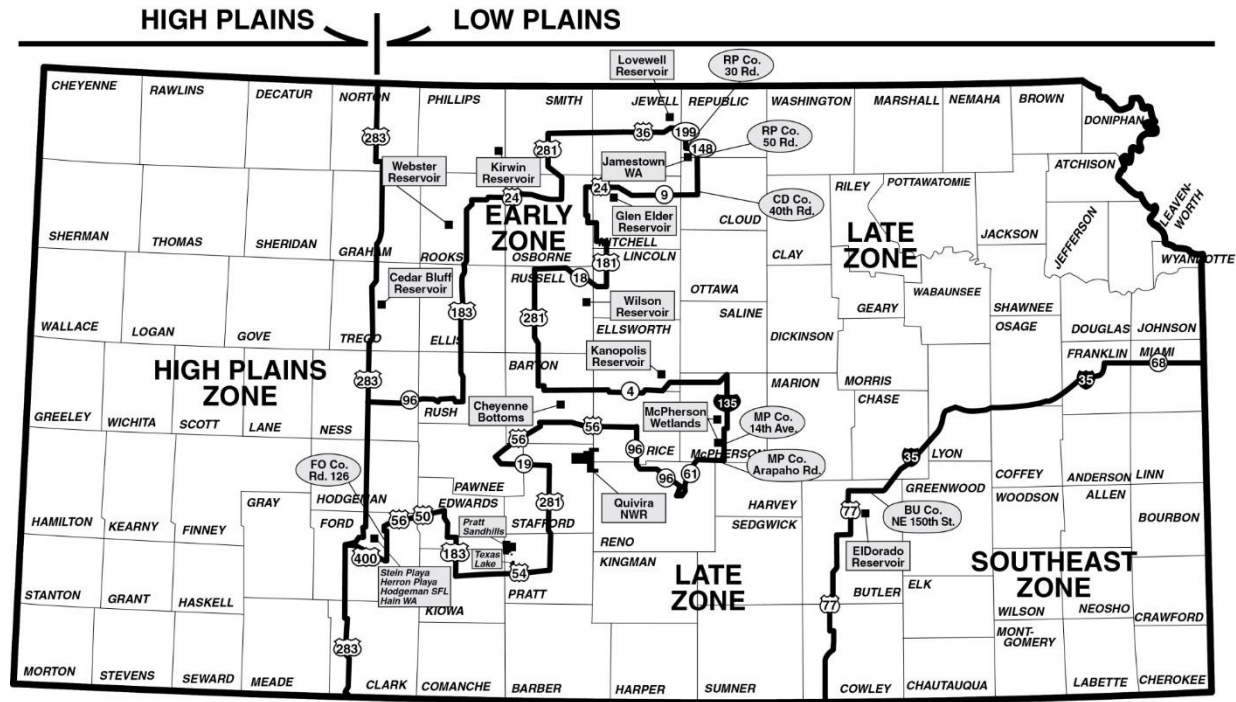


Table 2. Historic season dates by zone in Kansas from 1994 to 2019

Year	Season Days	High Plains (HP)	Low Plains Early	Low Plains Late	Low Plains Southeast
1996	60 +23HP	Oct 12 - Dec 1 Dec 7 - Jan 7	Oct 12 - Dec 1 Dec 21 - Dec 29	Nov 2 - Dec 15 Dec 21 - Jan 5	--
1997	74 +23 HP	Oct 4 - Jan 4 Jan 15 - Jan 18	Oct 4 - Dec 7 Dec 20 - Dec 28	Oct 25 - Dec 14 Dec 20 - Jan 11	--
1998	74 +23 HP	Oct 3 - Jan 3 Jan 14 - Jan 17	Oct 10 - Dec 13 Dec 26 - Jan 3	Oct 24 - Nov 1 Nov 7 - Jan 10	--
1999	74 +23 HP	Oct 2 - Jan 2 Jan 20 - Jan 23	Oct 9 - Dec 12 Dec 25 - Jan 2	Oct 23 - Oct 31 Nov 6 - Jan 9	--
2000	74 +23 HP	Sep 30 - Jan 1 Jan 19 - Jan 21	Oct 7 - Dec 10 Dec 23 - Dec 31	Oct 21 - Oct 29 Nov 4 - Jan 7	--
2001	74 +23 HP	Oct 6 - Jan 1 Jan 12 - Jan 20	Oct 13 - Dec 16 Dec 24 - Jan 1	Oct 27 - Nov 4 Nov 10 - Jan 13	--
2002	74 +23 HP	Oct 12 - Jan 7 Jan 18 - Jan 26	Oct 12 - Dec 15 Dec 24 - Jan 1	Oct 26 - Nov 3 Nov 9 - Jan 12	--
2003	74 +23 HP	Oct 11 - Jan 6 Jan 17 - Jan 25	Oct 11 - Dec 14 Dec 26 - Jan 3	Oct 25 - Nov 2 Nov 8 - Jan 11	--
2004	74 +23 HP	Oct 9 - Jan 4 Jan 22 - Jan 30	Oct 9 - Dec 12 Dec 25 - Jan 2	Oct 30 - Jan 2 Jan 22 - Jan 30	--
2005	74 +23 HP	Oct 8 - Jan 3 Jan 21 - Jan 29	Oct 15 - Dec 11 Dec 17 - Jan 1	Oct 29 - Jan 1 Jan 21 - Jan 29	--
2006	74 +23 HP	Oct 7 - Jan 2 Jan 20 - Jan 28	Oct 14 - Dec 10 Dec 16 - Dec 31	Oct 28 - Dec 31 Jan 20 - Jan 28	--
2007	74 +23 HP	Oct 6 - Jan 1 Jan 19 - Jan 27	Oct 13 - Dec 9 Dec 15 - Dec 30	Oct 27 - Dec 30 Jan 19 - Jan 27	--
2008	74 +23 HP	Oct 4 - Dec 30 Jan 17 - Jan 25	Oct 11 - Dec 7 Dec 20 - Jan 4	Oct 25 - Dec 28 Jan 17 - Jan 25	--
2009	74 +23 HP	Oct 10 - Jan 5 Jan 23 - Jan 31	Oct 10 - Dec 6 Dec 19 - Jan 3	Oct 31 - Jan 3 Jan 23 - Jan 31	--
2010	74 +23 HP	Oct 9 - Jan 3 Jan 22 - Jan 30	Oct 9 - Dec 5 Dec 18 - Jan 2	Oct 30 - Jan 2 Jan 22 - Jan 30	--
2011	74 +23 HP	Oct 8 - Jan 2 Jan 21 - Jan 29	Oct 8 - Dec 4 Dec 17 - Jan 1	Oct 29 - Jan 1 Jan 21 - Jan 29	Nov 5 - Jan 8 Jan 21 - Jan 29
2012	74 +23 HP	Oct 6 - Dec 30 Jan 19 - Jan 27	Oct 6 - Dec 2 Dec 15 - Dec 30	Oct 27 - Dec 30 Jan 19 - Jan 27	Nov 15 - Jan 27
2013	74 +23 HP	Oct 5 - Dec 2 Dec 21 - Jan 26	Oct 5 - Dec 1 Dec 21 - Jan 5	Oct 26 - Dec 29 Jan 18 - Jan 26	Nov 2 – Nov 3 Nov 16 - Jan 26
2014	74 +23 HP	Oct 11 - Dec 8 Dec 20 - Jan 25	Oct 11 - Dec 7 Dec 20 - Jan 4	Nov 01 – Jan 04 Jan 17 - Jan 25	Nov 8 – Nov 9 Nov 15 - Jan 25
2015	74 +23 HP	Oct 10 – Jan 4 Jan 23 - Jan 31	Oct 10 - Dec 6 Dec 19 - Jan 3	Oct 31 – Jan 3 Jan 23 - Jan 31	Nov 14 – Jan 3 Jan 9 - Jan 31
2016	74 +23 HP	Oct 8 – Jan 1 Jan 20 - Jan 29	Oct 8 - Dec 4 Dec 17 - Jan 1	Oct 29 – Jan 1 Jan 21 - Jan 29	Nov 12 – Jan 1 Jan 7 - Jan 29
2017	74 +23 HP	Oct 7 – Jan 1 Jan 20 - Jan 28	Oct 7 - Dec 3 Dec 16 - Dec 31	Oct 28 – Dec 31 Jan 20 - Jan 28	Nov 11 – Dec 31 Jan 6 - Jan 28
2018	74 +23 HP	Oct 13 – Dec 31 Jan 12 - Jan 27	Oct 13 - Dec 16 Dec 22 - Dec 30	Oct 27 – Dec 30 Jan 19 - Jan 27	Nov 10 – Jan 6 Jan 12 - Jan 27
2019	74 +23 HP	Oct 12 – Jan 5 Jan 17 - Jan 26	Oct 12 - Dec 8 Dec 14 - Dec 29	Oct 26 – Dec 29 Jan 18 - Jan 26	Nov 9 – Jan 5 Jan 11 - Jan 26

Table 3. The 2019 duck population and pond estimate from the annual Waterfowl Breeding Population and Habitat Survey and comparison to 2018 and long-term average (1955-2018). Numbers are in millions. The 2020 population and pond estimates are not available until late July.

Species	2019	% Change from 2018	% Change LTA
Mallard	9.4	+2%	+19%
Gadwall	3.3	+13%	+61%
American Wigeon	2.8	0	+8%
Green-winged Teal	3.2	+4%	+47%
Blue-winged Teal	5.4	-16%	+6%
Northern Shoveler	3.7	-13%	+39%
Northern Pintail	2.3	-4%	-42%
Redhead	0.7	-27%	0
Canvasback	0.7	-5%	+10%
Scaup	3.6	-10%	-28%
Total Ducks	38.9	-6%	+10%
May Pond Counts	5.0	-5%	-5%

Figure 2. Estimates of active duck hunters, duck hunting days and duck harvest in Kansas from 1999 to 2018 based upon the Harvest Information Program. The 2019 harvest data is not available until late July.

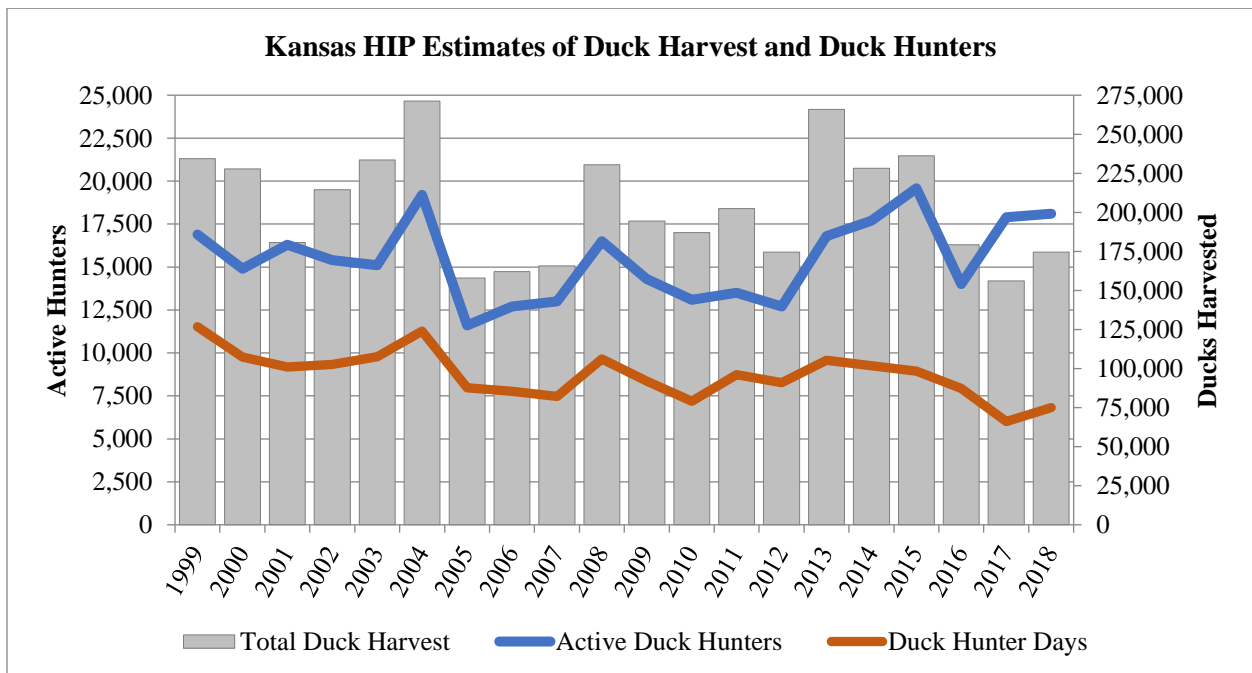


Table 4. All Seasons (teal and regular) estimates of active duck hunters, season duck harvest, and average duck per hunter, average seasonal bag per hunter, and total duck hunter days in Kansas from 1999 to 2018 as estimated by the Harvest Information Program. The 2019 harvest data is not available until late July.

Year	Active Duck Hunters	Duck Harvest	Average Duck Hunter Days	Average Seasonal Duck Bag	Duck Hunter Days
1999	16,900	234,300	7.5	13.9	126,800
2000	14,900	227,900	7.2	15.2	107,400
2001	16,344	180,800	6.2	11.1	100,989
2002	15,426	214,600	6.7	13.9	102,744
2003	15,100	233,600	7.1	15.5	107,600
2004	19,200	271,200	6.5	14.2	124,000
2005	11,600	158,000	7.6	13.7	87,700
2006	12,663	162,100	6.7	12.8	85,416
2007	13,021	165,800	6.3	12.7	82,149
2008	16,531	230,400	6.4	13.9	106,154
2009	14,259	194,400	6.5	13.6	92,081
2010	13,053	187,100	6.1	14.3	79,064
2011	13,534	202,400	7.1	15.0	96,138
2012	12,739	174,600	7.1	13.7	90,851
2013	16,847	265,900	6.3	15.8	105,344
2014	17,700	228,300	5.8	15.9	101,802
2015	19,600	236,200	5.0	12.1	98,300
2016	14,000	179,200	6.2	12.8	87,300
2017	17,900	156,100	3.7	8.7	66,100
2018	18,100	174,600	4.1	9.7	74,900
1999-2017 Average	15,325	180,916	6.4	13.5	97,256
% Change from 2017	+1%	0	+12	+11%	+13%
% Change from LTA	+18%	-24%	-15%	-36%	-28%

Table 5. Duck species composition in the Kansas regular duck season harvest from 1999 to 2018 and as estimated by the Harvest Information Program. The 2019 harvest data is not available until late July.

Year	Total Duck Harvest	Mallard	Gadwall	Green-winged Teal	Blue-winged Teal	Pintail	American Wigeon	Northern Shoveler	Wood Duck	Diving Ducks*
1999	203,226	114,167	27,189	21,918	6,936	5,410	7,075	4,578	4,439	10,404
2000	195,555	102,846	29,363	27,872	2,385	7,453	12,520	1,789	2,683	7,154
2001	168,267	97,739	19,154	20,049	1,074	7,339	6,265	3,401	3,938	8,055
2002	202,093	93,112	36,572	31,423	3,468	4,624	13,032	3,783	3,153	10,614
2003	203,184	95,711	41,063	24,536	4,258	4,157	15,513	4,258	3,751	8,315
2004	249,126	133,582	41,374	29,012	6,812	3,280	13,371	5,298	3,027	10,595
2005	145,413	84,193	21,629	13,197	1,588	3,666	7,332	4,277	1,589	7,453
2006	133,701	55,780	30,594	11,156	1,183	2,704	7,944	6,254	2,874	14,198
2007	135,523	61,041	27,687	22,182	1,296	2,591	6,638	4,210	1,133	7,125
2008	208,056	98,160	34,080	22,560	3,840	6,872	17,760	2,400	3,600	16,864
2009	176,862	80,574	27,589	23,569	3,654	5,664	11,511	7,674	3,106	11,876
2010	168,422	76,639	30,940	15,276	3,366	5,437	8,415	9,321	3,366	14,369
2011	178,112	85,163	29,553	18,113	4,131	5,243	8,262	8,262	2,224	14,777
2012	150,901	78,157	32,473	9,232	1,910	6,367	7,959	2,706	1,114	9,869
2013	235,335	94,432	34,188	32,861	20,414	12,115	9,460	12,945	2,655	15,435
2014	188,655	114,417	13,648	22,067	11,225	4,847	4,975	4,592	1,531	10,716
2015	204,053	112,358	31,068	17,193	11,312	6,033	9,803	4,524	1,508	8,897
2016	153,083	95,986	13,981	16,566	4,699	5,169	3,760	3,290	1,645	6,578
2017	137,833	65,323	19,380	15,126	3,025	4,160	7,185	7,468	1,512	11,818
2018	137,540	72,553	14,722	18,219	4,636	3,335	4,880	4,474	1,464	8,946
1999-2017 Average	178,747	91,546	28,501	20,732	5,083	5,428	9,409	5,317	2,571	10,765
% Change from 2017	0%	11%	-24%	+20%	53%	-20%	-32%	-40%	-3%	-24%
% Change LTA	-24%	-22%	-48%	-13%	-11%	-39%	47%	-47%	-43%	-17%

* includes redhead, canvasback, ring-necked duck, lesser scaup, greater scaup, goldeneye and ruddy duck

Table 6. Kansas goose seasons from 2006 to 2019.

Season	Canada Goose	Days/ Daily Bag Limit	Light Goose	Season Days/ Daily Bag Limit	White-fronted Goose	Days/ Daily Bag Limit
2006	Oct 28 - Oct 29 Nov 08 - Feb 18	105/3	Oct 28 - Oct 29 Nov 08 - Feb 18	105/20	Oct 28 - Oct 29 Nov 08 - Jan 07 Feb 10 - Feb 18	72/2
2007	Oct 27 Oct 28 Nov 07 - Feb 17	105/3	Oct 27 Oct 28 Nov 07 - Feb 17	105/20	Oct 27 - Oct 28 Nov 07 - Jan 06 Feb 09 - Feb 17	72/2
2008	Oct 25 - Oct 26 Nov 05 - Feb 15	105/3	Oct 25 - Oct 26 Nov 05 - Feb 15	105/20	Oct 25 - Oct 26 Nov 05 - Jan 04 Feb 07 - Feb 15	72/2
2009	Oct 31 - Nov 08 Nov 11 - Feb 14	105/3	Oct 31 - Nov 08 Nov 11 - Feb 14	105/20	Oct 31 - Nov 08 Nov 11 - Jan 03 Feb 06 - Feb 14	72/2
2010	Oct 30 - Nov 07 Nov 10 - Feb 13	105/3	Oct 30 - Nov 07 Nov 10 - Feb 13	105/20	Oct 30 - Nov 07 Nov 10 - Jan 02 Feb 05 - Feb 13	72/2
2011	Oct 29 - Nov 06 Nov 09 - Feb 12	105/3	Oct 29 - Nov 06 Nov 09 - Feb 12	105/20	Oct 29 - Jan 01 Feb 04 - Feb 12	74/2
2012	Oct 27 - Nov 04 Nov 07 - Feb 10	105/3	Oct 27 - Nov 04 Nov 07 - Feb 10	105/20	Oct 27 - Dec 30 Feb 02 - Feb 10	74/2
2013	Oct 26 - Nov 03 Nov 06 - Feb 09	105/3	Oct 26 - Nov 03 Nov 06 - Feb 09	105/20	Oct 26 - Dec 29 Feb 01 - Feb 09	74/2
2014	Nov 01 - Nov 09 Nov 12 - Feb 15	105/3	Nov 01 - Nov 09 Nov 12 - Feb 15	105/50	Nov 01 - Dec 14 Jan 17 - Feb 15	74/2
2015	Oct 31 - Nov 01 Nov 04 - Feb 14	105/6	Oct 31 - Nov 01 Nov 04 - Feb 14	105/50	Oct 31 - Jan 03 Jan 23 - Feb 14	74/2
2016	Oct 29 - Jan 01 Jan 04 - Feb 12	105/6	Oct 29 - Jan 01 Jan 04 - Feb 12	105/50	Oct 29 - Jan 01 Jan 21 - Feb 12	74/2
2017	Oct 28 - Oct 29 Nov 08 - Feb 18	105/6	Oct 28 - Oct 29 Nov 08 - Feb 18	105/50	Oct 28 - Dec 31 Jan 27 - Feb 18	88/2
2018	Oct 27 - Oct 28 Nov 07 - Feb 17	105/6	Oct 27 - Oct 28 Nov 07 - Feb 17	105/50	Oct 27 - Dec 30 Jan 26 - Feb 17	88/2
2019	Oct 26 - Oct 27 Nov 06 - Feb 17	105/6	Oct 26 - Oct 27 Nov 07 - Feb 16	105/50	Oct 26 - Dec 29 Jan 25 - Feb 16	88/2

Figure 3. Estimates of active goose hunters, goose hunting days and goose harvest in Kansas from 1999 to 2018 based upon the Harvest Information Program. The 2019 harvest data is not available until late July.

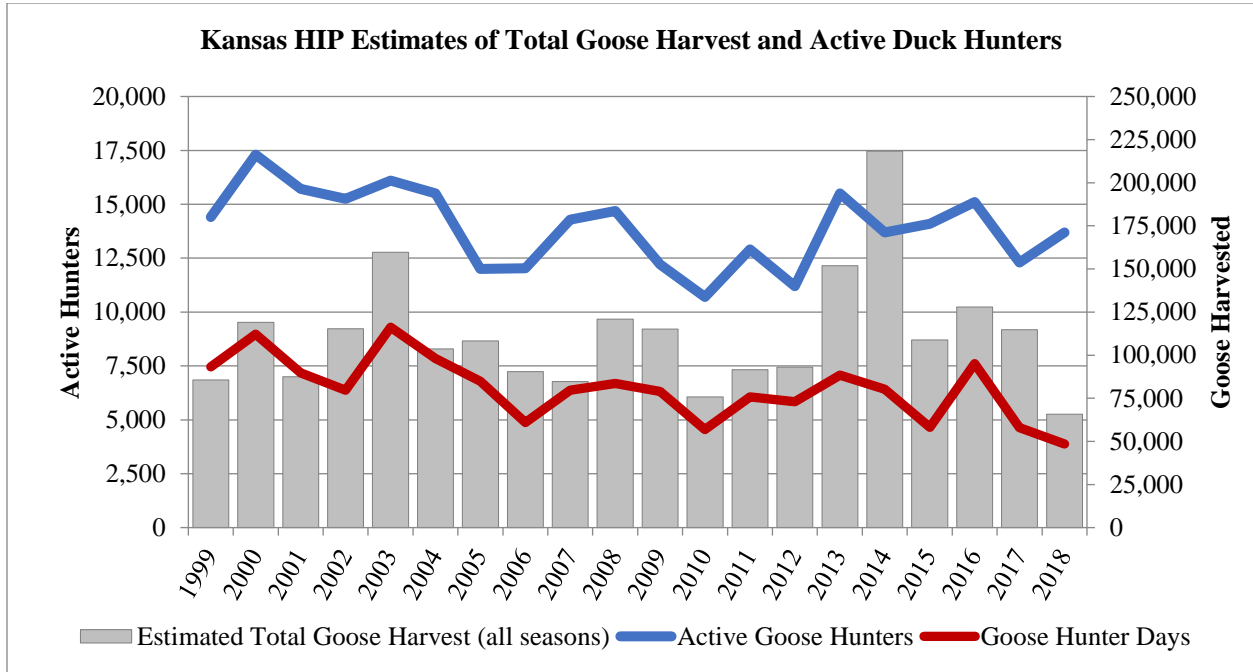


Table 7. Estimates of active goose hunters, goose harvest, average goose per hunter, average seasonal bag per hunter, total goose hunter days, and regular season harvest for Canada, light goose and white-fronted geese in Kansas from 1999 to 2018 based upon the by the Harvest Information Program. The 2019 harvest data is not available until late July.

Year	Active Goose Hunters	Total Goose Harvest	Avg. Goose Hunter Days	Avg. Goose Seasonal Bag	Goose Hunter Days	Canada Goose Harvest	Light Goose Harvest	White-fronted Goose Harvest	Light Goose Conservation Season
1999	14,400	85,700	6.5	5.9	93,300	66,255	12,048	5,476	11,165
2000	17,300	119,000	6.5	6.9	112,200	98,005	8,164	11,303	11,937
2001	15,715	87,499	5.7	5.6	89,663	72,707	4,405	4,721	35,138
2002	15,248	115,400	5.2	7.6	79,771	80,982	18,222	8,966	17,087
2003	16,100	159,700	7.2	9.9	116,200	123,866	19,263	9,735	65,608
2004	15,500	103,700	6.3	6.7	98,000	80,118	16,481	5,688	25,272
2005	12,000	108,300	7.1	9.1	84,800	99,178	3,689	970	18,802
2006	12,038	90,400	5.1	7.5	60,994	59,566	12,848	2,336	12,711
2007	14,294	84,699	5.6	5.9	79,723	59,968	10,943	13,788	4,260
2008	14,692	120,900	5.7	8.2	83,525	87,067	12,540	16,325	11,924
2009	12,213	115,201	6.5	9.4	78,955	92,267	4,267	12,267	15,244
2010	10,700	75,800	5.3	7.1	56,936	66,494	4,459	4,847	53,863
2011	12,900	91,653	5.9	7.1	75,795	51,900	19,876	19,877	62,092
2012	11,207	92,367	6.5	8.3	73,084	72,204	13,016	7,127	72,447
2013	15,543	151,837	5.7	9.8	88,386	108,657	27,253	15,927	92,825
2014	13,700	218,300	5.9	15.9	80,287	166,812	32,409	19,064	55,271
2015	14,100	108,900	4.1	7.7	58,200	71,175	21,928	15,817	41,416
2016	15,100	127,998	6.3	8.5	95,000	96,863	14,222	16,913	45,501
2017	12,300	114,800	4.7	9.3	57,900	95,786	14,255	4,752	73,295
2018	13,700	65,800	3.5	4.8	48,500	50,579	12,864	2,339	78,285
1999-2017 Average	13,948	114,354	5.9	8.2	82,249	86,835	14,226	10,310	38,358
% Change from 2017	+11%	-43%	-25%	-48%	-16%	-47%	-10%	-51%	+14%
% Change LTA	-2%	-42%	-40%	-42%	-41%	-42%	-10%	-77%	+104%

KANSAS DUCK HUNTING ZONE BOUNDARIES

APRIL 23, 2020

BACKGROUND

Zoning is the establishment of independent seasons in two or more areas (zones) within the 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 for 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 were during 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 a means to allocate season dates in waterfowl diverse states (diversity in habitats, waterfowl and hunters) and thus provide greater hunting opportunities.

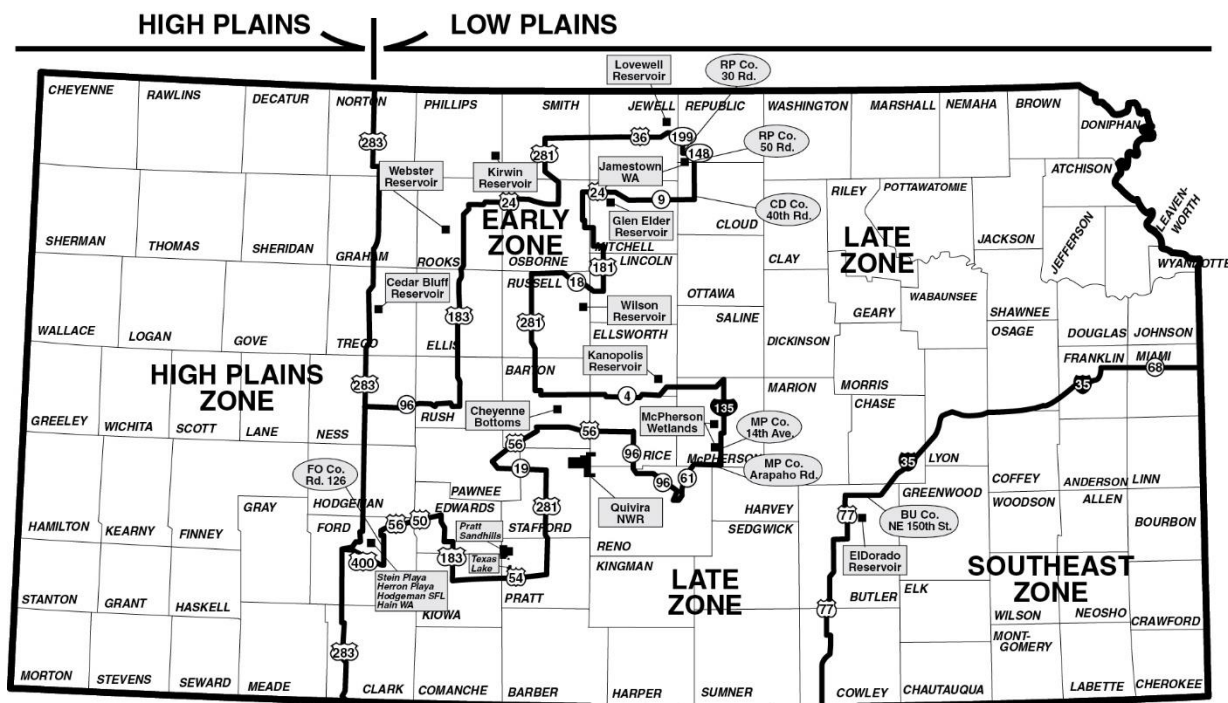
Kansas waterfowl hunters are just as diverse as Kansas waterfowl hunting opportunities. KDWP typically receives strong – and often conflicting – opinions about seasons. Some hunters prefer early seasons while others prefer hunting in later seasons. Zones and splits are tools that help serve a broad constituent 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 was completed December 31st and final report of findings should be completed in January 2020.

DISCUSSION

Staff recommends no changes to Kansas Low Plains Duck Hunting Zones.

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.

115-25-7. Antelope; open season, bag limit, and permits. (a) The open season for the taking of antelope shall be as specified in this subsection. The unit designations in this subsection shall have the meanings specified in K.A.R. 115-4-6.

(1) Archery season.

(A) The archery season dates shall be September 19, 2020 through September 27, 2020 and October 10, 2020 through October 31, 2020.

(B) The taking of antelope during the established archery season shall be authorized for Smoky Hill, unit 2; West Arkansas, unit 17; and Cimarron, unit 18. Unlimited archery permits for residents and nonresidents shall be authorized for the area.

(2) Firearm season.

(A) The firearm season dates shall be October 2, 2020 through October 5, 2020.

(B) The open units for the taking of antelope during the established firearm season and the number of permits authorized shall be as follows:

(i) Smoky Hill, unit 2: One hundred and ten resident firearm permits shall be authorized for the unit.

(ii) West Arkansas, unit 17: Forty resident firearm permits shall be authorized for the unit.

(iii) Cimarron, unit 18: Eight resident firearm permits shall be authorized for the unit.

(3) Muzzleloader-only season.

(A) The muzzleloader-only season dates shall be September 28, 2020 through October 5, 2020. Muzzleloader permits also shall be valid in the unit for which the permit is authorized during the established firearm season dates.

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(B) The open units for the taking of antelope during the established muzzleloader-only season and the number of permits authorized shall be as follows:

(i) Smoky Hill, unit 2: Thirty resident muzzleloader permits shall be authorized for the unit.

(ii) West Arkansas, unit 17: Ten resident muzzleloader permits shall be authorized for the unit.

(iii) Cimarron, unit 18: Four resident muzzleloader permits shall be authorized for the unit.

(b) The bag limit for each archery, firearm, and muzzleloader permit shall be one antelope of either sex.

This regulation shall have no force and effect on and after March 1, 2021. (Authorized by and implementing K.S.A. 2019 Supp. 32-807 and K.S.A. 2019 Supp. 32-937.)

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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. 115-25-7
K.A.R. Number(s)

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

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

This proposed version of the regulation sets the seasons for antelope hunting in Kansas. The agency is proposing a reduction in 24 rifle and muzzleloader permits from the previous season. Archery permits are unlimited.

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 and Colorado all have varying regulations dealing with pronghorn hunting seasons and requirements. Missouri does not have a pronghorn season. The season structure is generally the same as last season.

III. Agency analysis specifically addressing following:

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

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

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

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

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

Outfitters or landowners.



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

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

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

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

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

The sale of antelope hunting permits to the public generates approximately \$36,532 to the agency, all of which accrues to the wildlife fee fund, based on 2019 permit sales.

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.

The sale of antelope hunting permits to the public generates approximately \$36,532 to the agency, all of which accrues to the wildlife fee fund, based on 2019 permit sales.

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 antelope hunting permits sold was 582 and the total of preference points purchased was 761 in 2019. This generates approximately \$36,532 for the agency, all of which accrues to the wildlife fee fund, and is paid by user fees. Additionally, each individually identifiable antelope hunter (582) goes 11 days afield per year and spends approximately \$1616 per year, generating \$940,512 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 September 19 in Great Bend, where 5 members of the public signed the

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attendance roster, on November 14 in Scott City, where 8 members of the public signed the attendance roster, on January 9 in Iola, where 14 members of the public signed the attendance roster, and will hold the public hearing on March 26 in Topeka..

- 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).**

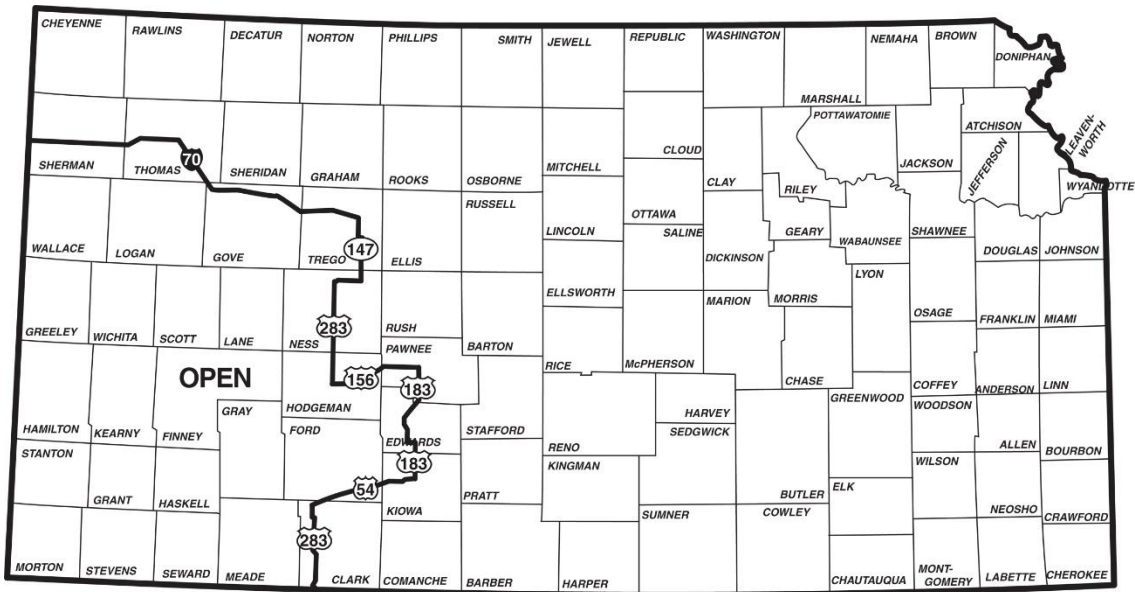
News releases to every newspaper in the state, discussion at prior public hearings and meetings which are broadcast online, publication in the Kansas Register and publication on the Department's website.

- 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).**

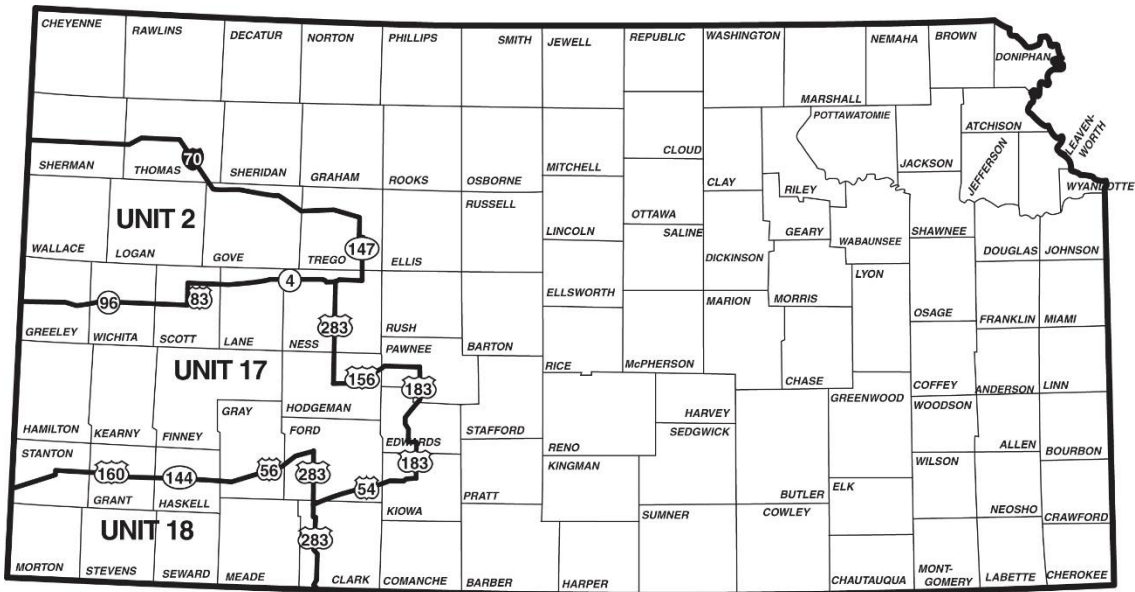
Not applicable.



Archery Pronghorn Unit



Firearm, Muzzleloader Pronghorn Units



115-25-8. Elk; open season, bag limit, and permits. (a) The unit designations in this regulation shall have the meanings specified in K.A.R. 115-4-6b, except that the area of Fort Riley, subunit 2a, shall not be included as part of Republican-Tuttle, unit 2.

(b) The open seasons for the taking of elk shall be as follows:

(1) The archery season dates and units shall be as follows:

(A) Statewide, except Fort Riley, subunit 2a, and unit 1: September 14, 2020 through December 31, 2020.

(B) Fort Riley, subunit 2a: September 1, 2020 through September 30, 2020.

(2) The firearm season dates and units shall be as follows:

(A) Statewide, except Fort Riley, subunit 2a, and unit 1: August 1, 2020 through August 31, 2020; December 2, 2020 through December 13, 2020; and January 1, 2021 through March 15, 2021.

(B) Fort Riley, subunit 2a:

(i) First segment: October 1, 2020 through October 31, 2020.

(ii) Second segment: November 1, 2020 through November 30, 2020.

(iii) Third segment: December 1, 2020 through December 31, 2020.

(3) The muzzleloader season dates and units shall be as follows:

(A) Statewide, except Fort Riley, subunit 2a, and unit 1: September 1, 2020 through September 30, 2020.

(B) Fort Riley, subunit 2a: September 1, 2020 through September 30, 2020.

(c) A limited-quota either-sex elk permit shall be valid during any season using equipment authorized for that season. Twelve either-sex elk permits shall be authorized.

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(d) A limited-quota antlerless-only elk permit shall be valid during any season using equipment authorized for that season, except that a limited-quota antlerless-only elk permit shall be valid on Fort Riley, subunit 2a, only as follows:

(1) A first-segment antlerless-only elk permit shall be valid on Fort Riley, subunit 2a, only during the first segment. Six first-segment antlerless-only elk permits shall be authorized.

(2) A second-segment antlerless-only elk permit shall be valid on Fort Riley, subunit 2a, only during the second segment. Six second-segment antlerless-only elk permits shall be authorized.

(3) A third-segment antlerless-only elk permit shall be valid on Fort Riley, subunit 2a, only during the third segment. Six third-segment antlerless-only elk permits shall be authorized.

(4) All antlerless-only elk permits shall be valid on Fort Riley, subunit 2a, during the September 1, 2020 through September 30, 2020 archery and muzzleloader seasons.

(e) The bag limit shall be one elk as specified on the permit issued to the permittee.

(f) An unlimited number of hunt-on-your-own-land antlerless-only elk permits and either-sex elk permits shall be authorized in units 2 and 3. A hunt-on-your-own-land permit shall be valid during any open season. The bag limit for each hunt-on-your-own-land elk permit shall be one elk as specified on the permit.

(g) An unlimited number of over-the-counter antlerless-only elk permits and either-sex elk permits shall be authorized in unit 3.

This regulation shall have no force and effect on and after April 1, 2021. (Authorized by

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and implementing K.S.A. 2019 Supp. 32-807 and K.S.A. 2019 Supp. 32-937.)

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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. 115-25-8
K.A.R. Number(s)

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

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

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

This proposed version of the regulation sets the 2020 seasons for elk hunting in Kansas.

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 and Colorado all have varying regulations dealing with elk hunting seasons and requirements. Missouri does not currently have an elk season. The season structure is the same as last season and draw permit numbers are the same as last season.

III. Agency analysis specifically addressing following:

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

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

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

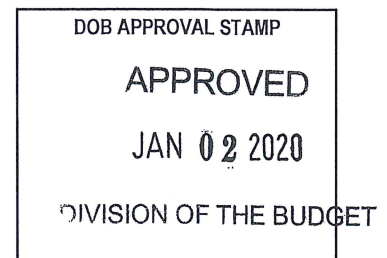
The proposed version of the regulation could have a collateral positive economic impact on grocery stores, hotels and motels, outfitters, service stations, etc.

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

Outfitters or landowners.

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

The proposed version of the regulation establishes an elk season. Without the regulation, elk populations will rise and negative



human-wildlife conflicts will occur. Additionally, the corresponding positive economic impact to Kansas would not occur without the season.

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

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

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

The sale of elk hunting permits to the public generates approximately \$17,000 to the agency, all of which accrues to the wildlife fee fund, based on 2018 permit sales.

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.

The sale of elk hunting permits to the public generates approximately \$17,000 to the agency, all of which accrues to the wildlife fee fund, based on 2018 permit sales.

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

YES NO

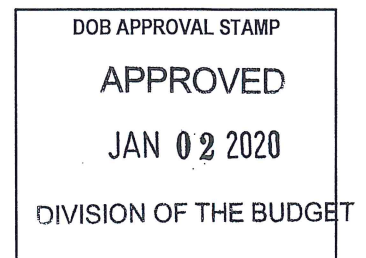
Give a detailed statement of the data and methodology used in estimating the above cost estimate.

The total number of elk hunting permits sold in 2018 was 97. This generates approximately \$17,000 for the agency, all of which accrues to the wildlife fee fund, and is paid by user fees. Additionally, each individually identifiable elk hunter (97) goes 11 days afield per year and spends approximately \$1616 per year, generating \$156,752 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 September 19 in Great Bend, where 5 members of the public signed the attendance roster, on November 14 in Scott City, where 8 members of the public signed the attendance roster, and will hold public commission meetings on January 9 in Iola and March 26 in Topeka.



- 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.**

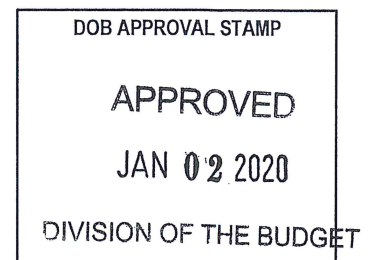
Not applicable.

- 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).**

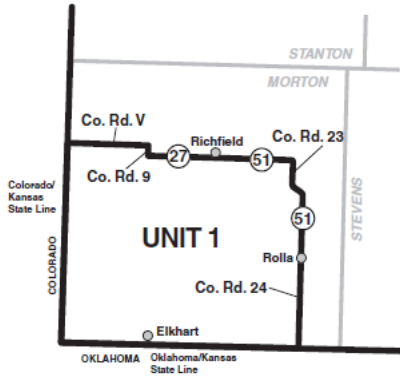
News releases to every newspaper in the state, discussion at prior public hearings and meetings which are broadcast online, publication in the Kansas Register and publication on the Department's website.

- 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).**

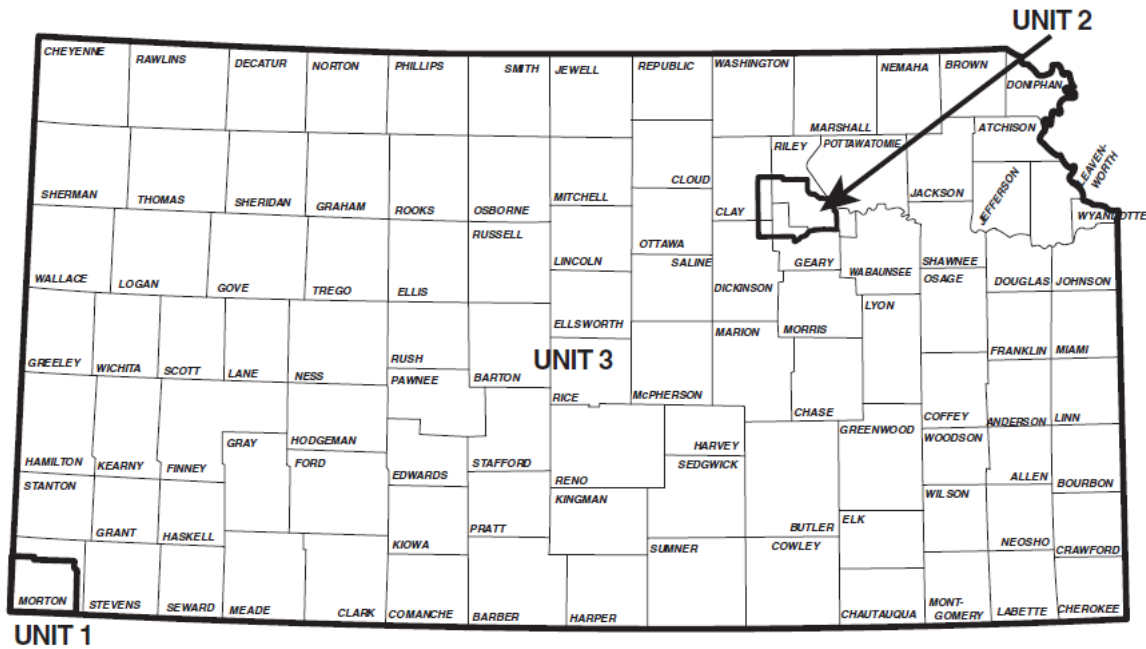
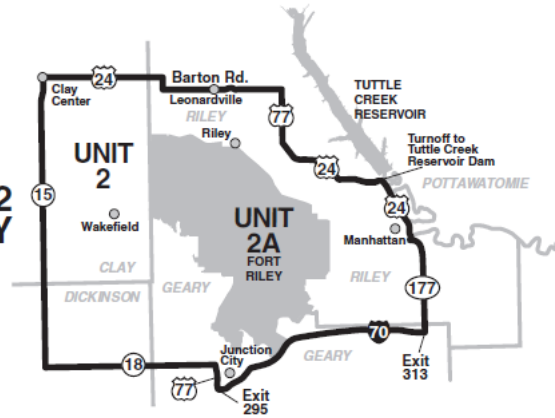
Not applicable.



Elk Units



NEW UNIT 2 BOUNDARY



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. 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~~ and the visible sex organs of the big game animal shall remain naturally attached to the carcass, or a quartered portion of the carcass, while in transit from the site of the kill to the permittee's residence or to a commercial place of

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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 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;

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- (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
- (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.

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(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 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 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. 2019 Supp. 32-807, K.S.A. 2019 Supp. 32-933, K.S.A. 2019 Supp. 32-937, and K.S.A. 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 Dec. 20, 2019; amended P-_____.)

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DIVISION OF THE BUDGET

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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
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 big game and wild turkey requirements. The proposed changes would allow the transport of quartered carcasses and change evidence of sex requirements, primarily to address chronic wasting disease concerns.

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 transport of big game animals.

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;

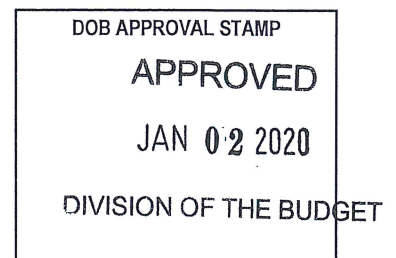
The proposed regulation will likely have no negative economic impact on businesses, individuals or local governments.

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 transport of quartered carcasses of big game animals without requiring the head to be attached.



- 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 August 15 in Overland Park, where 10 members of the public signed the attendance roster, on September 19 in Great Bend, where 5 members of the public signed the attendance roster, on November 14 in Scott City, where 8 members of the public signed the attendance roster, and will hold public commission meetings on January 9 in Iola and March 26 in Topeka.

- 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.

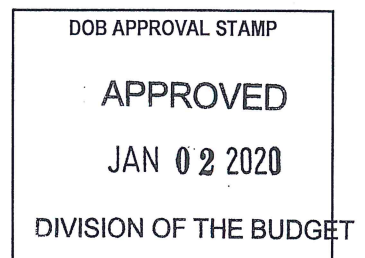
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- H. Describe how the agency consulted and solicited information from businesses, associations, local governments, state agencies, or institutions and members of the public that may be affected by the proposed rule(s) and regulation(s).**

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.



115-4-4. Big game; legal equipment and taking methods. (a) Hunting equipment for the taking of big game during a big game archery season shall consist of the following:

(1) Archery equipment.

(A) ~~No bow shall have a mechanical device that locks the bow at full or partial draw.~~

~~(B)~~ No bow or arrow shall have any electronic device attached to the bow or arrow that controls the flight of the arrow. Devices that may be attached to a bow or arrow shall include lighted pin, dot, or holographic sights; illuminated nocks; rangefinders; film or video cameras; locking draws; and radio-frequency location devices.

~~(C)~~ (B) Each arrow used for hunting shall be equipped with a broadhead point incapable of passing through a ring with a diameter of three-quarters of an inch when fully expanded. A big game hunter using archery equipment may possess non-broadhead-tipped arrows while hunting if the arrows are not used to take or attempt to take big game animals.

(2) ~~Crossbows and locking draws as authorized under K.A.R. 115-18-7.~~

~~(3)~~ Crossbows using arrows that are equipped with broadhead points incapable of passing through a ring with a diameter of three-quarters of an inch when fully expanded. A big game hunter using crossbow equipment may possess non-broadhead-tipped arrows while hunting if the arrows are not used to take or attempt to take big game animals.

No crossbow or arrow shall have any electronic device attached to the crossbow or arrow that controls the flight of the arrow. Devices that may be attached to a crossbow or arrow shall include lighted pin, dot, or holographic sights; illuminated nocks; rangefinders; film or video cameras; and radio-frequency location devices.

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(b) Hunting equipment for the taking of big game during a big game muzzleloader-only season shall consist of the following:

- (1) Archery and crossbow equipment as authorized in subsection (a); and
- (2) muzzleloading rifles, pistols, and muskets that can be loaded only through the front of the firing chamber with separate components and are .40 inches in diameter bore or larger. Only tumble-on-impact, hard-cast solid lead, conical lead, or sabot bullets shall be used with muzzleloading rifles, pistols, and muskets.

(c) Hunting equipment for the taking of big game during a big game firearm season shall consist of the following:

- (1) Archery and crossbow equipment as authorized in subsection (a);
- (2) muzzleloader-only season equipment as authorized in subsection (b);
- (3) centerfire rifles and handguns that are not fully automatic, while using only tumble-on-impact, hard-cast solid lead, soft point, hollow point, or other expanding bullets; and
- (4) shotguns using only slugs.

(d)(1) Each individual hunting deer or elk during a firearms deer or elk season and each individual assisting an individual hunting deer or elk as authorized by K.A.R. 115-4-2 or K.A.R. 115-18-15 during a firearms deer or elk season shall wear outer clothing of a bright orange color commonly referred to as daylight fluorescent orange, hunter orange, blaze orange, or safety orange. This bright orange color shall be worn as follows:

- (A) A hat with the exterior of not less than 50 percent of the bright orange color, an equal

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portion of which is visible from all directions; and

(B) at least 100 square inches of the bright orange color that is on the front of the torso and is visible from the front and at least 100 square inches that is on the rear of the torso and is visible from the rear.

(2) Lures, decoys except live decoys, and nonelectric calls shall be legal while hunting big game.

(3) Any individual may use blinds and stands while hunting big game.

(4) Optical scopes or sights that project no visible light toward the target and do not electronically amplify visible light or detect infrared light or thermal energy may be used.

(5) Any range-finding device, if the device does not project visible light toward the target, may be used.

(6) Devices capable of dispensing lethal, debilitating, or immobilizing chemicals to take big game animals shall not be used.

(e) Shooting hours for deer, antelope, and elk during each day of any deer, antelope, or elk hunting season shall be from one-half hour before sunrise to one-half hour after sunset.

(f) Horses and mules may be used while hunting big game, except that horses and mules shall not be used for herding or driving big game.

(g) Firearm report-suppressing devices may be used.

(h) Handguns may be possessed during all big game seasons. However, no handgun shall be used to take deer except as legal equipment specified in subsection (c) during a big game firearms

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season.

(i) Dogs may be used to retrieve dead or wounded big game animals if the following requirements are met:

(1) Each dog shall be maintained on a handheld leash at all times while tracking the big game animal.

(2) An individual tracking big game animals outside of legal shooting hours shall not carry any equipment capable of harvesting the big game animal.

(3) Each individual harvesting a big game animal shall be limited to the equipment type for the permit and the season that is authorized.

(4) Each individual participating in the tracking of the big game animal shall have a hunting license, unless the individual is exempt by law or regulation. (Authorized by and implementing K.S.A. 2018 2019 Supp. 32-807 and K.S.A. 2018 2019 Supp. 32-937; effective June 1, 2001; amended April 19, 2002; amended April 22, 2005; amended June 2, 2006; amended April 13, 2007; amended April 11, 2008; amended May 21, 2010; amended April 20, 2012; amended April 19, 2013; amended Sept. 4, 2014; amended April 26, 2019; amended P-_____.)

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

KDWPT
Agency

Christopher J Tymeson
Agency Contact

785-296-1032
Contact Phone Number

K.A.R. 115-4-4
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 locking draws on archery equipment.

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 legal equipment for big game.

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 may enhance business growth as a technology will be authorized for use in big game hunting.

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 negative economic effect on any sector.

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

Locking draw manufacturers.

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

The proposed benefits to allowing the equipment would give some archers another option to harvest big game. The equipment is currently authorized for individuals with disabilities that prevent them from drawing a bow.



- 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 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. This proposal provides an alternative equipment choice for personal use in big game hunting.

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. This proposal provides an alternative equipment choice for personal use in big game hunting

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 August 15 in Overland Park, where 10 members of the public signed the attendance roster, on September 19 in Great Bend, where 5 members of the public signed the attendance roster, on November 14 in Scott City, where 8 members of the public signed the attendance roster, and will hold public commission meetings on January 9 in Iola and March 26 in Topeka.

- 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.

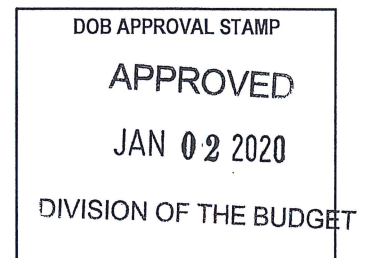
Not applicable.

- 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.



115-4-6. Deer; management units. Each of the following subsections shall designate a deer management unit: (a) High Plains; unit 1: that part of Kansas bounded by a line from the Nebraska-Kansas state line south on federal highway US-283 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 the Nebraska-Kansas state line, then east along the Nebraska-Kansas state line to its junction with federal highway US-283, except federal and state sanctuaries.

(b) Smoky Hill; unit 2: that part of Kansas bounded by a line from the Colorado-Kansas state line east on interstate highway I-70 to its junction with state highway K-147, then south on state highway K-147 to its junction with state highway K-4, then west on state highway K-4 to its junction with federal highway US-83, then south on federal highway US-83 to its junction with state highway K-96, then west on state highway K-96 to its junction with the Colorado-Kansas state line, then north along the Colorado-Kansas state line to its junction with interstate highway I-70, except federal and state sanctuaries.

(c) Kirwin-Webster; unit 3: that part of Kansas bounded by a line from the Nebraska-Kansas state line south on state highway K-8 to its junction with federal highway US-36, then east on federal highway US-36 to its junction with federal highway US-281, then south on federal highway US-281 to its junction with interstate highway I-70, then west on interstate highway I-70 to its junction with federal highway US-283, then north on federal highway US-283 to its junction with the Nebraska-Kansas state line, then east along the Nebraska-Kansas state line to its junction with state highway K-8, except federal and state sanctuaries.

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(d) Kanopolis; unit 4: that part of Kansas bounded by a line from the interstate highway I-70 and state highway K-147 junction, then east on interstate highway I-70 to its junction with federal highway US-81, then south on federal highway US-81 to its junction with state highway K-4, then west on state highway K-4 to its junction with state highway K-147, then north on state highway K-147 to its junction with interstate highway I-70, except federal and state sanctuaries.

Smoky Hill Air National Guard Range; subunit 4a. The following described area shall be designated a subunit of unit 4, and, with approval of air national guard command, the area shall be open for the taking of deer during the firearm season: United States government land lying entirely within the boundaries of the Smoky Hill Air National Guard Range. Each person hunting in this subunit during the firearm deer season shall be in possession of any permits and licenses required by the air national guard.

(e) Pawnee; unit 5: that part of Kansas bounded by a line from the state highway K-4 and state highway K-14 junction, then south on state highway K-14 to its junction with federal highway US-50, then west on federal highway US-50 to its junction with federal highway US-183, then northeast and north on federal highway US-183 to its junction with federal highway US-156, then west on federal highway US-156 to its junction with federal highway US-283, then north on federal highway US-283 to its junction with state highway K-4, then east on state highway K-4 to its junction with state highway K-14, except federal and state sanctuaries.

(f) Middle Arkansas; unit 6: that part of Kansas bounded by a line from the state highway K-4 and federal highway US-77 junction, then south on federal highway US-77 to its junction with federal highway US-50, then west on federal highway US-50 to its junction with state highway K-14, then north

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on state highway K-14 to its junction with state highway K-4, then east on state highway K-4 to its junction with federal highway US-77, except federal and state sanctuaries.

(g) Solomon; unit 7: that part of Kansas bounded by a line from the Nebraska-Kansas state line south on federal highway US-81 to its junction with interstate highway I-70, then west on interstate highway I-70 to its junction with federal highway US-281, then north on federal highway US-281 to its junction with federal highway US-36, then west on federal highway US-36 to its junction with state highway K-8, then north on state highway K-8 to its junction with the Nebraska-Kansas state line, then east along the Nebraska-Kansas state line to its junction with federal highway US-81, except federal and state sanctuaries.

(h) Republican; unit 8: that part of Kansas bounded by a line from the Nebraska-Kansas state line south on federal highway US-77 to its junction with federal highway US-24, then south on federal highway US-24 to its junction with state highway K-177, then south on state highway K-177 to its junction with interstate highway I-70, then west on interstate highway I-70 to its junction with federal highway US-77, then south on federal highway US-77 to its junction with state highway K-4, then west on state highway K-4 to its junction with federal highway US-81, then north on federal highway US-81 to its junction with the Nebraska-Kansas state line, then east along the Nebraska-Kansas state line to its junction with federal highway US-77, except federal and state sanctuaries.

Fort Riley; subunit 8a. The following described area shall be designated a subunit of unit 8, and, with approval of Fort Riley command, the area shall be open for the taking of deer during the firearm deer season: United States government land lying entirely within the boundaries of the Fort Riley

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military reservation. Each person hunting in this subunit during the firearm deer season shall be in possession of any permits and licenses required by Fort Riley.

(i) Tuttle Creek; unit 9: that part of Kansas bounded by a line from the Nebraska-Kansas state line, south on federal highway US-75 to its junction with interstate highway I-70, then west on interstate highway I-70 to its junction with state highway K-177, then north on state highway K-177 to its junction with federal highway US-24, then north on federal highway US-24 to its junction with federal highway US-77, then north on federal highway US-77 to its junction with the Nebraska-Kansas state line, then east along the Nebraska-Kansas state line to its junction with federal highway US-75, except federal and state sanctuaries.

(j) Kaw; unit 10: that part of Kansas bounded by a line from the Nebraska-Kansas state line south on federal highway US-75 to its junction with interstate highway I-35, then northeast on interstate highway I-35 to its junction with state highway K-150, then east on state highway K-150 to the Missouri-Kansas state line, then north along the Missouri-Kansas state line to its junction with the Nebraska-Kansas state line, then west along the Nebraska-Kansas state line to its junction with federal highway US-75, except federal and state sanctuaries.

Fort Leavenworth urban; subunit 10a. The following described area shall be designated a subunit of unit 10, and, with approval of Fort Leavenworth command, the area shall be open for the taking of deer during the firearm deer season: United States government land lying entirely within the boundaries of the Fort Leavenworth military reservation. Each person hunting in this subunit during the firearm deer season shall be in possession of any permits and licenses required by Fort Leavenworth.

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(k) Osage Prairie; unit 11: that part of Kansas bounded by a line from the Oklahoma-Kansas state line north on federal highway US-169 to its junction with state highway K-47, then west on state highway K-47 to its junction with federal highway US-75, then north on federal highway US-75 to its junction with interstate highway I-35, then northeast on interstate highway I-35 to its junction with state highway K-150, then east on state highway K-150 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, then west along the Oklahoma-Kansas state line to its junction with federal highway US-169, except federal and state sanctuaries.

(l) Chautauqua Hills; unit 12: that part of Kansas bounded by a line from the Oklahoma-Kansas state line north on federal highway US-169 to its junction with state highway K-47, then west on state highway K-47 to its junction with federal highway US-75, then north on federal highway US-75 to its junction with federal highway US-54, then west on federal highway US-54 to its junction with state highway K-99, then south on state highway K-99 to its junction with federal highway US-160, then west on federal highway US-160 to its junction with state highway K-15, then east and south on state highway K-15 to its junction with the Oklahoma-Kansas state line, then east along the Oklahoma-Kansas state line to its junction with federal highway US-169, except federal and state sanctuaries.

(m) Lower Arkansas; unit 13: that part of Kansas bounded by a line from the Oklahoma-Kansas state line north on federal highway US-81 to its junction with state highway K-53, then east on state highway K-53 to its junction with state highway K-15, then southeasterly on state highway K-15 to its junction with the Oklahoma-Kansas state line, then west along the Oklahoma-Kansas state line to its

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junction with federal highway US-81, except federal and state sanctuaries.

(n) Flint Hills; unit 14: that part of Kansas bounded by a line from the junction of interstate highway I-70 and federal highway US-75, then south on federal highway US-75 to its junction with federal highway US-54, then west on federal highway US-54 to its junction with state highway K-99, then south on state highway K-99 to its junction with federal highway US-160, then west on federal highway US-160 to its junction with federal highway US-77, then north on federal highway US-77 to its junction with interstate highway I-70, then east on interstate highway I-70 to its junction with federal highway US-75, except federal and state sanctuaries.

(o) Ninnescah; unit 15: that part of Kansas bounded by a line from the Oklahoma-Kansas state line north on state highway K-179 to its junction with state highway K-14, then continuing north on state highway K-14 to its junction with state highway K-42, then west on state highway K-42 to its junction with federal highway US-281, then north on federal highway US-281 to its junction with federal highway US-50, then east on federal highway US-50 to its junction with federal highway US-77, then south on federal highway US-77 to its junction with state highway K-15, then west and northwest on state highway K-15 to its junction with state highway K-53, then west on state highway K-53 to its junction with federal highway US-81, then south on federal highway US-81 to the Oklahoma-Kansas state line, then west along the Oklahoma-Kansas state line to its junction with state highway K-179, except federal and state sanctuaries.

(p) Red Hills; unit 16: that part of Kansas bounded by a line from the Oklahoma-Kansas state line north on federal highway US-283 to its junction with federal highway US-54, then east on federal

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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-50, then east on federal highway US-50 to its junction with federal highway US-281, then south on federal highway US-281 to its junction with state highway K-42, then east on state highway K-42 to its junction with state highway K-14, then south on state highway K-14 to its junction with state highway K-179, then south on state highway K-179 to the Oklahoma-Kansas state line, then west along the Oklahoma-Kansas state line to its junction with federal highway US-283, except federal and state sanctuaries.

(q) West Arkansas; unit 17: that part of Kansas bounded by a line from the Colorado-Kansas state line east on state highway K-96 to its junction with federal highway US-83, then north on federal highway US-83 to its junction with state highway K-4, then east on state highway K-4 to its junction with federal highway US-283, then south on federal highway US-283 to its junction with federal highway US-156, then east on federal highway US-156 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 its junction with federal highway US-283, then north on federal highway US-283 to its junction with federal highway US-56, then southwest on federal highway US-56 to its junction with state highway K-144, then west on state highway K-144 to its junction with federal highway US-160, then continuing west on federal highway US-160 to the Colorado-Kansas state line, then north along the Colorado-Kansas state line to its junction with state highway K-96, except federal and state sanctuaries.

(r) Cimarron; unit 18: that part of Kansas bounded by a line from the Colorado-Kansas state line

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east on federal highway US-160 to its junction with state highway K-144, then east on state highway K-144 to its junction with federal highway US-56, then east on federal highway US-56 to its junction with federal highway US-283, then south on federal highway US-283 to its junction with the Oklahoma-Kansas state line, then west along the Oklahoma-Kansas state line to its junction with the Colorado-Kansas state line, then north along the Colorado-Kansas state line to its junction with federal highway US-160, except federal and state sanctuaries.

(s) Kansas City urban; unit 19: that part of Kansas bounded by a line from the Missouri-Kansas state line west on Johnson County 199 Street to its junction with interstate highway I-35, then southwest on interstate highway I-35 to its junction with federal highway US-75, then north on federal highway US-75 ~~federal highway US-56~~, then west on federal highway US-56 to its junction with South Topeka Boulevard, then north on South Topeka Boulevard to its junction with Shawnee County SW 93 Road Street, then west on Shawnee County SW 93 Road Street to its junction with Shawnee County SW Auburn Road, then north on Shawnee County SW Auburn Road to its junction with interstate highway I-70, then west on interstate highway I-70 to its junction with NW Carlson-Rossville Road, then north on NW Carlson-Rossville Road to its junction with Shawnee County NW 62 Street, then east on Shawnee County NW 62 Street to its junction with Shawnee County NW Hoch Road, then north on Shawnee County NW Hoch Road to its junction with Shawnee County NW 66 Street, then east on Shawnee County NW 66 Street to its junction with Shawnee County NW Humphrey Road, then south on Shawnee County NW Humphrey Road to its junction with Shawnee County NW 62 Street, then east on Shawnee County NW 62 Street to its junction with state highway K-4, then north on state highway K-4 federal

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~~highway US 24, then southeast on federal highway US 24 to its junction with Shawnee County NW Humphrey Road, then north on Shawnee County NW Humphrey Road to its junction with Shawnee County NW 46 Street, then east on Shawnee County NW 46 Street to its junction with Shawnee County NW Landon Road, then north on Shawnee County NW Landon Road to its junction with Shawnee County NW 62 Street, then east on Shawnee County NW 62 Street to its junction with Jefferson County Clark Road, then south on Jefferson County Clark Road to its junction with Jefferson County 50 Road, then east on Jefferson County 50 Road to state highway K-237, then south on state highway K-237 to its junction with federal highway US 24, then east on federal highway US 24 to its junction with Tonganoxie Drive, then northeast on Tonganoxie Drive to its junction with Leavenworth County 187 Street, then north on Leavenworth County 187 Street to its junction with state highway K-92, then west east on state highway K-92 to its junction with Leavenworth County 207 Street, then north on Leavenworth County 207 Street to its junction with state highway K-192, then northeast on state highway K-192 to its junction with federal highway US-73, then east on federal highway US-73 to the Missouri-Kansas state line, and then south on the Missouri-Kansas state line to Johnson County 199 Street, except federal and state sanctuaries and department-owned or -managed properties. (Authorized by K.S.A. 2019 Supp. 32-807; implementing K.S.A. 2019 Supp. 32-807 and K.S.A. 2008 2019 Supp. 32-937; effective April 30, 1990; amended June 8, 1992; amended June 1, 1993; amended June 13, 1994; amended May 30, 1995; amended June 6, 1997; amended July 21, 2000; amended April 18, 2003; amended July 25, 2003; amended Feb. 18, 2005; amended April 14, 2006; amended Feb. 8, 2008; amended April 16, 2010; 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. 115-4-6

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 amendments to the regulation would expand and realign the boundaries of Deer Management Unit 19.

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 big game management units.

III. Agency analysis specifically addressing following:

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

The proposed amendments may enhance business growth as additional hunting opportunity will be authorized for in big game hunting.

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;

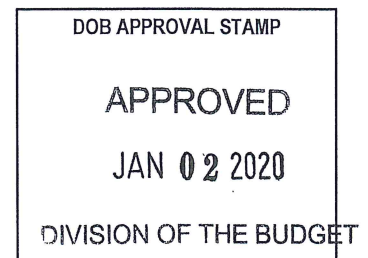
The proposed amendments will have no negative economic effect on any sector.

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

Outfitters, guides and meat processors.

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

The proposed benefits include additional hunting opportunity in an area where access is difficult.



- 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 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 August 15 in Overland Park, where 10 members of the public signed the attendance roster, on September 19 in Great Bend, where 5 members of the public signed the attendance roster, on November 14 in Scott City, where 8 members of the public signed the attendance roster, and will hold public commission meetings on January 9 in Iola and March 26 in Topeka.

- 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.

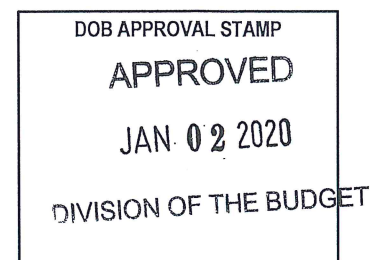


- H. Describe how the agency consulted and solicited information from businesses, associations, local governments, state agencies, or institutions and members of the public that may be affected by the proposed rule(s) and regulation(s).**

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.



115-25-9. Deer; open season, bag limit, and permits. (a) The open season for the taking of deer shall be as follows:

(1) Archery season.

(A) The archery season in all deer management units shall be September 14, 2020 through December 31, 2020.

(B) Archery deer permits also shall be valid during the portion of the extended firearm season beginning on January 1, 2021 and extending through the last open day in units open during an extended firearm season and shall be valid with any legal equipment authorized during a firearm season, but shall be valid only for antlerless white-tailed deer during those dates.

(C) The number of archery deer permits shall be based on a review of deer population indices, biological and ecological data, history of permit use and harvest rates, public input, and other relevant information.

(D) The urban antlerless-only white-tailed deer archery season shall begin on January 25, 2021 and extend through January 31, 2021 in all units designated as an urban deer management unit.

(2) Firearm season.

(A) The regular firearm season dates in all deer management units shall be December 2, 2020 through December 13, 2020.

(B) The pre-rut white-tailed deer antlerless-only season in all deer management units shall be October 10, 2020 through October 12, 2020.

(C) During the regular and extended firearm deer seasons, white-tailed either-sex deer

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permits issued for a deer management unit adjacent to or encompassing an urban deer management unit shall be valid in both the designated unit and the urban deer management unit.

(D) The number of firearm deer permits for each management unit shall be based on a review of deer population indices, biological and ecological data, history of permit use and harvest rates, public input, and other relevant information.

(3) Muzzleloader-only season.

(A) The muzzleloader-only season in all deer management units shall be September 14, 2020 through September 27, 2020. Muzzleloader deer permits shall also be valid during established firearm seasons using muzzleloader equipment, except that during the portion of the extended firearm season beginning on January 1, 2021 and extending through the last open day in units open during an extended firearm season, these permits shall be valid with any legal equipment authorized during a firearm season. During an extended firearm season, only muzzleloader deer permits for deer management units open during these dates shall be valid, and only for antlerless white-tailed deer.

(B) The number of muzzleloader deer permits issued for each management unit shall be based on a review of deer population indices, biological and ecological data, history of permit use and harvest rates, public input, and other relevant information.

(4) Season for designated persons.

(A) The season for designated persons to hunt deer shall be September 5, 2020 through September 13, 2020 in all deer management units.

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(B) Only the following persons may hunt during this season:

(i) Any person 16 years of age or younger, only while under the immediate supervision of an adult who is 18 years of age or older; and

(ii) any person with a permit to hunt from a vehicle issued according to K.A.R. 115-18-4 or a disability assistance permit issued according to K.A.R. 115-18-15.

(C) All resident and nonresident deer permits shall be valid during this season.

(D) All persons hunting during this season shall wear blaze orange according to K.A.R. 115-4-4.

(5) Extended firearm seasons.

(A) Each unfilled deer permit valid in unit 6, 8, 9, 10, or 17, as applicable, shall be valid during an extended antlerless-only firearm season beginning on January 1, 2021 and extending through January 10, 2021 in those units.

(B) Each unfilled deer permit valid in unit 1, 2, 3, 4, 5, 7, 11, 14, or 16, as applicable, shall be valid during an extended antlerless-only firearm season beginning January 1, 2021 and extending through January 17, 2021 in those units.

(C) Each unfilled deer permit valid in unit 10A, 12, 13, 15, or 19, as applicable, shall be valid in an extended antlerless-only firearm season beginning January 1, 2021 and extending through January 24, 2021 in those units.

(D) Only antlerless white-tailed deer may be taken.

(E) Permits restricted to a specific unit shall remain restricted to that unit during the

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extended firearm season.

(F) Equipment legal during a firearm season shall be authorized with any permit.

(b) Unlimited resident hunt-on-your-own-land, special hunt-on-your-own-land, and nonresident hunt-on-your-own-land deer permits shall be authorized for all units. These permits also shall be valid during the portion of the extended firearm season beginning on January 1, 2021 and extending through the last open day in units open during an extended or special extended firearm season, but shall be valid only for antlerless white-tailed deer during an extended or special extended firearm season.

(c) Any individual may apply for and obtain multiple deer permits, subject to the following limitations:

(1) Any individual may apply for or obtain no more than one deer permit that allows the taking of an antlered deer, except when the individual is unsuccessful in a limited quota drawing and alternative permits for antlered deer are available at the time of subsequent application.

(2) Any individual may obtain no more than five antlerless white-tailed deer permits. One antlerless white-tailed deer permit shall be valid statewide, except in unit 18, including lands managed by the department. Four additional antlerless white-tailed deer permits shall be valid in units 1, 2, 3, 4, 5, 7, 10A, 11, 12, 13, 14, 15, 16, and 19 on lands not managed by the department, except Berentz-Dick, Elk City, Glen Elder, Kanopolis, Lovewell, Norton, Webster, and Wilson Wildlife Areas and Kirwin National Wildlife Refuge.

(3) Any resident may obtain no more than one either-species, either-sex permit through

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the application period described in K.A.R. 115-4-11.

(4) Nonresidents shall be eligible to obtain antlerless white-tailed deer permits.

Otherwise, a nonresident shall be eligible to apply for and obtain only those permits designated as nonresident deer permits.

(5) No resident or nonresident shall purchase any deer permit that allows the taking of antlerless-only deer without first having obtained a deer permit that allows the taking of antlered deer, unless the antlerless-only deer permit is purchased after December 30, 2020.

(6) Any individual may obtain one antlerless-only either-species deer permit, subject to the number of antlerless-only either-species deer permits authorized.

(d) The bag limit for each deer permit shall be one deer, as specified on the permit issued to the permittee.

(e) No deer permit issued pursuant to this regulation shall be valid after January 31, 2021.

This regulation shall have no force and effect on and after March 1, 2021. (Authorized by and implementing K.S.A. 2019 Supp. 32-807 and K.S.A. 2019 Supp. 32-937.)

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ATTY. GEN. GENERAL

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

KDWPT
Agency

Christopher J Tymeson
Agency Contact

785-296-1032
Contact Phone Number

K.A.R. 115-25-9
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 proposed version of the regulation sets the 2020-2021 seasons for deer hunting in Kansas.

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 elk hunting seasons and requirements. The season structure is generally the same as last season.

III. Agency analysis specifically addressing following:

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

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

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

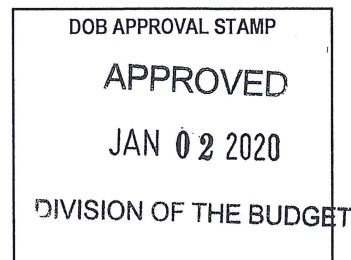
The proposed version of the regulation could have a collateral positive economic impact on grocery stores, hotels and motels, outfitters, service stations, etc.

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

Outfitters or landowners.

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

The proposed version of the regulation establishes various deer seasons. Without the regulation, deer populations will rise and



negative human-wildlife conflicts will occur. Additionally, the corresponding positive economic impact to Kansas would not occur without the season.

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

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

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

The sale of deer hunting permits to the public generates approximately \$12,950,000 to the agency, all of which accrues to the wildlife fee fund, based on 2018 permit sales.

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.

The sale of deer hunting permits to the public generates approximately \$12,950,000 to the agency, all of which accrues to the wildlife fee fund, based on 2018 permit sales.

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

YES NO

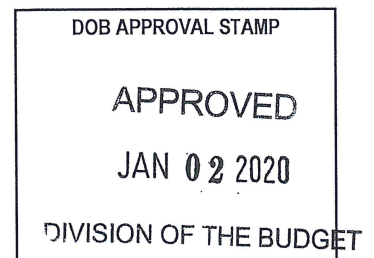
Give a detailed statement of the data and methodology used in estimating the above cost estimate.

The total number of deer hunting permits sold was 157,410 in 2018. This generates approximately \$12,950,000 for the agency, all of which accrues to the wildlife fee fund, and is paid by user fees. Additionally, each individually identifiable deer hunter (106,948) goes 11 days afield per year and spends approximately \$1616 per year, generating \$172,666,368 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 September 19 in Great Bend, where 5 members of the public signed the attendance roster, on November 14 in Scott City, where 8 members of the public signed the attendance roster, and will hold public commission meetings on January 9 in Iola and March 26 in Topeka.



- 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.

