

Wildlife, Parks, and Tourism Commission

Notice of Public Hearing

A public hearing will be conducted by the Wildlife, Parks, and Tourism Commission at 6:30 p.m., Thursday, November 15, 2018 at the Dole-Specter Conference Center, Fossil Creek Hotel, 1430 S. Fossil St., Russell, Kansas to consider the approval and adoption of proposed regulations of the Kansas Department of Wildlife, Parks, and Tourism.

A general discussion and workshop meeting on business of the Wildlife, Parks, and Tourism Commission will begin at 1:30 p.m., November 15 at the location listed above. The meeting will recess at approximately 5:00 p.m. then resume at 6:30 p.m. at the same location for the regulatory hearing and more business. There will be public comment periods at the beginning of the afternoon and evening meeting for any issues not on the agenda and additional comment periods will be available during the meeting on agenda items. Old and new business may also be discussed at this time. If necessary to complete business matters, the Commission will reconvene at 9:00 a.m. November 16 at the location listed above.

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

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

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

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

**K.A.R. 115-2-3.** This permanent regulation establishes camping fees. The proposed amendments to the regulation would increase long term camping user fees.

**Economic Impact Summary:** The economic effect on long term state park campers in the form of a user fee would be an increase of \$100 per month per campsite for most state parks and \$150 per month per campsite in 5 state parks. The proposed increase would generate approximately \$104,800 annually, all of which would accrue to the park fee fund. Otherwise, no

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other economic impact to the department, other state agencies, small businesses, or individual members of the public is anticipated.

**K.A.R. 115-2-5.** This permanent regulation establishes the trail access pass fee requirement. The regulation is being proposed for revocation.

**Economic Impact Summary:** The revocation of the regulation should increase use on trails and therefore, stimulate local businesses. Otherwise, no other significant economic impact to department, other state agencies, small businesses, or individual members of the public is anticipated.

**K.A.R. 115-7-3.** This permanent regulation establishes taking and use of baitfish or minnows. The proposed amendments to the regulation would increase mesh size for cast nets from ½ inch to 1 inch.

**Economic Impact Summary:** The proposed amendments are not anticipated to have any significant economic impact to the department, other state agencies, small businesses, or individual members of the public.

**K.A.R. 115-17-2.** This permanent regulation establishes provisions related to the commercial sale of fish bait. The proposed amendments to the regulation would remove common carp from the allowable list of fish bait commercially available in order to reduce vectors of introduction.

**Economic Impact Summary:** Less than 5 percent of the 200 commercial fish bait dealers in Kansas sell common carp as bait but many other species are allowed for sale under the regulation. Otherwise, the proposed amendments are not anticipated to have any significant economic impact to the department, other state agencies, small businesses, or individual members of the public.

**K.A.R. 115-18-10.** This permanent regulation establishes the prohibited species list for Kansas. The proposed amendments to the regulation would add the marbled crayfish to the list of prohibited species.

**Economic Impact Summary:** The proposed changes may have a potential impact on the pet industry but the species is not known to currently exist in Kansas. Otherwise, the proposed amendments are not anticipated to have any significant economic impact to the department, other state agencies, small businesses, or individual members of the public.

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

Gerald Lauber, Chairman

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**115-2-3. Camping, utility, and other fees.** (a) Each overnight camping permit shall be valid only for the state park for which the permit is purchased and shall expire at 2:00 p.m. on the day following its effective date.

(b) Any annual camping permit may be used in any state park for unlimited overnight camping, subject to other laws and regulations of the secretary. This permit shall expire on December 31 of the year for which the permit is issued.

(c) Any 14-night camping permit may be used in any state park. This permit shall expire when the permit has been used a total of 14 nights, or on December 31 of the year for which the permit is issued, whichever is first.

(d) Camping permits shall not be transferable.

(e) The fee for a designated prime camping area permit shall be in addition to the overnight, annual, 14-night, or other camping permit fee and shall apply on a nightly basis.

(f) Fees shall be due at the time of campsite occupancy and by noon of any subsequent days of campsite occupancy.

(g) Fees set by this regulation shall be in addition to any required motor vehicle permit fee specified in K.A.R. 115-2-2.

(h) The following fees shall be in effect for state parks and for other designated areas for which camping and utility fees are required:

Camping--per camping unit (April 1 through September 30):

Annual camping permit.....\$ 250.00

Overnight camping permit..... 9.00

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14-night camping permit.....110.00

Prime camping area permit..... 2.00

Camping--per camping unit (October 1 through March 31):

Annual camping permit..... 200.00

Overnight camping permit..... 9.00

14-night camping permit.....110.00

Overflow primitive camping permit, per night.....5.00

Recreational vehicle seasonal camping permit, except for Clinton, El Dorado, Milford, Sand Hills, and Tuttle Creek State Parks (includes utilities)--per month, per unit (annual camping permit and annual vehicle permit required):

One utility ..... 270.50 370.50

Two utilities .....330.50 430.50

Three utilities ..... 390.50 490.50

Recreational vehicle seasonal camping permit for Clinton, Milford, Sand Hills, and Tuttle Creek State Parks (includes utilities)--per month, per unit (annual camping permit and annual vehicle permit required):

One utility .....310.50 460.50

Two utilities .....370.50 520.50

Three utilities .....430.50 580.50

Recreational vehicle seasonal camping permit for El Dorado State Park (includes utilities)--per month,

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per unit (annual camping permit and annual vehicle permit required):

One utility .....	<del>335.50</del> <u>485.50</u>
Two utilities .....	<del>395.50</del> <u>545.50</u>
Three utilities .....	<del>455.50</del> <u>605.50</u>
Recreational vehicle short-term parking--per month.....	50.00
Utilities--electricity, water, and sewer hookup per night, per unit:	
One utility .....	9.00
Two utilities .....	11.00
Three utilities .....	12.00
Youth group camping permit in designated areas, per camping unit--per night .....	2.50
Group camping permit in designated areas, per person--per night .....	1.50
Reservation fee, per reservation (camping, special use, or day use) .....	10.00
Rent-a-camp: equipment rental per camping unit--per night.....	15.00
Duplicate permit.....	10.00
Special event permit negotiated based on event type, required services, and lost revenue—maximum.....	200.00

This regulation shall be effective on and after January 1, ~~2018~~ 2019. (Authorized by and implementing K.S.A. ~~2016~~ 2018 Supp. 32-807 and 32-988; effective Jan. 22, 1990; amended Jan. 28, 1991; amended June 8, 1992; amended Oct. 12, 1992; amended Aug. 21, 1995; amended Sept. 19, 1997; amended Jan. 1, 1999; amended Jan. 1, 2001; amended Jan. 1, 2003; amended Jan. 1, 2005; amended

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Jan. 1, 2009; amended Jan. 1, 2011; amended April 8, 2011; amended Jan. 1, 2012; amended May 24, 2013; amended Feb. 7, 2014; amended Jan. 1, 2015; amended Jan. 1, 2017; amended Jan. 1, 2018; amended P-\_\_\_\_\_.)

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**Proposed**

**115-2-5.** This regulation shall be revoked on and after January 1, 2019. (Authorized by and implementing K.S.A. 32-807, K.S.A. 32-901, and K.S.A. 2007 Supp. 32-988; effective April 1, 1996; amended Aug. 2, 1996; amended Jan. 1, 2009; revoked P-\_\_\_\_\_.)

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

(1) A seine not longer than 15 feet and four feet deep with mesh not larger than 1/4 inch;  
(2) a fish trap with mesh not larger than 1/4 inch and a throat not larger than one inch in diameter;

(3) a dip or cast net with mesh not larger than ~~1/2~~ one inch; or

(4) a fishing line.

(b) Each fish trap shall be tagged with the operator's name and address when the fish trap is in use.

(c) Baitfish taken, except gizzard shad, shall not exceed 12 inches in total length.

(d) The possession limit shall be 500 baitfish.

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

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

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

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

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amended Jan. 1, 2012; amended Jan. 1, 2013; amended Jan. 1, 2015; amended P-\_\_\_\_\_.)

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**115-17-2. Commercial sale of fish bait.** (a) The following live species of wildlife may be commercially sold in Kansas for fishing bait:

(1) The following species of fish:

(A) Black bullhead (*Ameiurus melas*);

(B) bluegill (*Lepomis macrochirus*), including hybrids;

(C) ~~common carp (*Cyprinus carpio*), including koi;~~

(~~D~~) fathead minnow (*Pimephales promelas*), including “rosy reds”;

(~~E~~) (D) golden shiner (*Notemigonus crysoleucas*);

(~~F~~) (E) goldfish (*Carassius auratus*), including “black saltys”;

(~~G~~) (F) green sunfish (*Lepomis cyanellus*), including hybrids; and

(~~H~~) (G) yellow bullhead (*Ameiurus natalis*);

(2) only species of annelids native to or naturalized in the continental United States;

(3) the following species of crayfish:

(A) Virile crayfish (*Orconectes virilis*);

(B) calico crayfish (*Orconectes immunes*); and

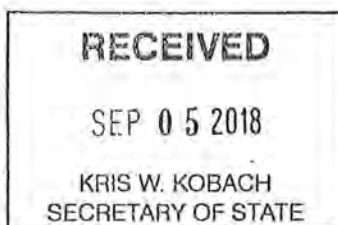
(C) white river crayfish (*Procambarus acutus*); and

(4) only species of insects native to or naturalized in Kansas.

(b) Gizzard shad (*Dorosoma cepedianum*) may be commercially sold only if dead.

(c) Wildlife listed in K.A.R. 115-15-1 or in K.A.R. 115-15-2 or prohibited from importation pursuant to K.S.A. 32-956, and amendments thereto, shall not be sold.

(d) Live aquatic bait shall be certified free of the following pathogens before import, according to K.A.R. 115-17-2a:



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- (1) Spring viremia of carp virus;
- (2) infectious pancreatic necrosis virus;
- (3) viral hemorrhagic septicemia virus; and
- (4) infectious hematopoietic virus.

(e) Each distribution tank and each retail tank shall utilize a source of potable water or well water.

This regulation shall be effective on and after January 1, ~~2018~~ 2019. (Authorized by and implementing K.S.A. ~~2016~~ 2018 Supp. 32-807; effective Sept. 10, 1990; amended Nov. 30, 1998; amended Jan. 1, 2012; amended Jan. 1, 2017; amended Jan. 1, 2018; amended P-\_\_\_\_\_.)

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**115-18-10. Importation and possession of certain wildlife; prohibition, permit requirement, and restrictions.** (a) The importation, possession, or release in the state of Kansas of the following live wildlife species shall be prohibited, except as authorized by terms of a wildlife importation permit issued by the secretary:

- (1) Walking catfish (*Clarias batrachus*);
- (2) silver carp (*Hypophthalmichthys molitrix*);
- (3) bighead carp (*Hypophthalmichthys nobilis*);
- (4) black carp (*Mylopharyngodon piceus*);
- (5) snakehead fish (all members of the family Channidae);
- (6) round goby (*Neogobius melanostomus*);
- (7) white perch (*Morone americana*);
- (8) zebra mussel (*Dreissena polymorpha*);
- (9) quagga mussel (*Dreissena bugensis*);
- (10) New Zealand mudsnail (*Potamopyrgus antipodarum*);
- (11) diploid grass carp (*Ctenopharyngodon idella*);
- (12) marbled crayfish (*Procambarus virginalis*);
- (13) monk parakeet (*Myiopsitta monachus*); and
- (13) (14) Asian raccoon dog (*Nyctereutes procyonoides*).

(b) Any live member of a wildlife species listed in subsection (a) and possessed before the following dates may be retained in possession, in closed confinement, by making application to the secretary that provides information detailing the circumstances, including the location, by which the animal came into the applicant's possession:

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- (1) February 1, 1978 for fish and bird species other than black carp, snakehead fish, round goby, white perch, zebra mussel, quagga mussel, New Zealand mudsnail, and diploid grass carp;
- (2) February 1, 1986 for mammal species;
- (3) October 1, 2000 for black carp;
- (4) May 1, 2003 for snakehead fish;
- (5) August 1, 2004 for round goby, quagga mussel, and zebra mussel;
- (6) May 15, 2005 for New Zealand mudsnail;
- (7) February 15, 2007 for white perch; and
- (8) January 1, 2008 for diploid grass carp; and
- (9) January 30, 2019 for marbled crayfish.

The manner in which the animal is to be used shall be identified in the application.

(c) Wildlife importation permits for the importation or possession of live members of the wildlife species listed in subsection (a) may be issued by the secretary for experimental, scientific, display, or other purposes subject to any conditions and restrictions contained or referenced in a wildlife importation permit.

(d) Each individual desiring to import or possess live members of the wildlife species listed in subsection (a) shall apply to the secretary for a wildlife importation permit. The application shall be submitted on forms provided by the department and shall contain the following information:

- (1) The name, address, and telephone number of applicant;
- (2) the wildlife species to be imported or possessed and the number of wildlife involved;
- (3) the purpose or purposes for importation or possession;

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(4) a description of the facilities for holding and using the wildlife species;

(5) a description of plans to prevent the release of the wildlife species; and

(6) other relevant information as requested by the secretary.

(e) Each wildlife importation permit, once issued, shall be valid during the time period specified on the permit.

(f) In addition to other penalties prescribed by law, any wildlife importation permit may be refused issuance or revoked by the secretary if any of the following conditions is met:

(1) The application is incomplete or contains false information.

(2) Issuance of a permit would not be in the best interest of the public or of the natural resources of Kansas.

(3) The permittee fails to meet permit requirements or violates permit conditions. (Authorized by K.S.A. 2018 Supp. 32-807 and K.S.A. 32-956; implementing K.S.A. 32-956; effective Dec. 27, 1993; amended Sept. 22, 2000; amended April 18, 2003; amended July 23, 2004; amended May 20, 2005; amended Feb. 9, 2007; amended Nov. 16, 2007; amended P-\_\_\_\_\_.)

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

**Proposed**

KDWPT

Agency

Christopher J Tymeson

Agency Contact

785-296-1032

Contact Phone Number

K.A.R. 115-2-3

K.A.R. Number(s)

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

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

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

The proposed changes to regulation include increasing long term camping rates.

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

The regulatory change is not mandated by the federal government. Each state and the federal government has camp sites in various parks that charge rates by location and campsite.

**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;**

Increases in long term camping rates reflect increased costs in providing campsites with utilities. Some individuals may choose to utilized private campgrounds as a result and it may therefore enhance business growth.

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

The economic effect on long term state park campers in the form of a user fee would be an increase of \$100 per month per campsite for most state parks and \$150 per month per campsite in 5 state parks.

**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;**

Costs continue to increase for utilities and therefore campsite pricing must keep up. If state parks are to run like a private

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business, they cannot be subjected to subsidizing user costs. At the same time, state parks do not want to compete with private businesses.

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

The agency balances increased costs for providing utility campsites and competition with private interests and only increases user fees when warranted.

- 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.**

\$104,800 annually.

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

\$104,800 annually.

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

YES ☐ NO ☒

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

673 long term camping permits were sold at the lower rate in 2017. 250 long term camping permits were sold at the enhanced park rate in 2017. Assuming the camping rate stays the same, the 673 permits would generate an additional \$67,300 and the 250 permits would generate an additional \$37,500 for a total of \$104,800 annually, all of which would accrue to the park fee fund.

**Prior to the submission or resubmission of the proposed rule(s) and regulation(s), did the agency hold a public hearing if the total implementation and compliance costs exceed \$3.0 million over any two-year period to find that the estimated costs have been accurately determined and are necessary for achieving legislative intent? If applicable, document when the public hearing was held, those in attendance, and any pertinent information from the hearing.**

YES ☐ NO ☒

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

Not applicable.

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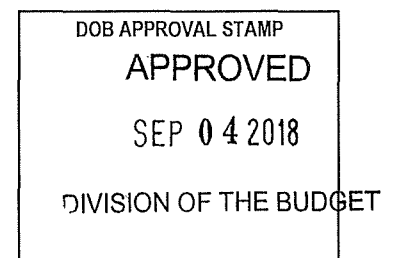
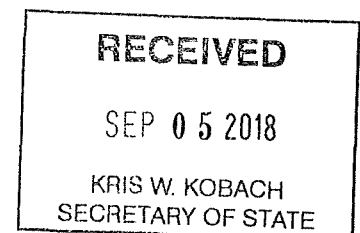
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- H. Describe how the agency consulted and solicited information from businesses, associations, local governments, state agencies, or institutions and members of the public that may be affected by the proposed rule(s) and regulation(s).**

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.



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Proposed

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

KDWPT  
Agency

Christopher Tymeson  
Agency Contact

785-296-1032  
Contact Phone Number

K.A.R. 115-2-5  
K.A.R. Number(s)

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

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

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

The proposed regulation repeals the trail access pass fee requirement.

**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)**

Contiguous states have state parks with both an entrance fee or are free to enter. The federal government manages trail systems that require a fee and do not require a fee to enter.

**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 repeal of the regulation should enhance business activity by encouraging additional use of the linear state parks.

**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 repeal of the regulation should have no implementation or compliance costs on specific businesses, sectors, public utility ratepayers and local governments. Individuals would be able to use the linear state parks for free.

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

None.

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

There are no costs to repeal the regulation.

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

There is no cost and impact from repealing the regulation on business and economic development within the State of Kansas, local government or individuals.

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

\$0

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

\$0

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

YES ☐ NO ☒

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

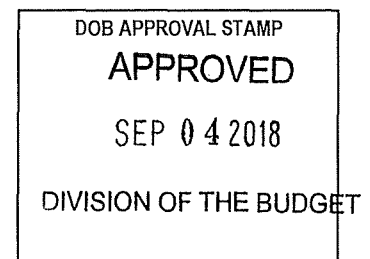
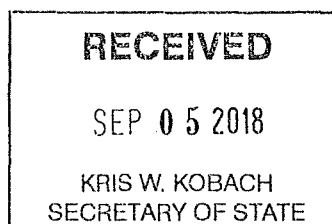
The cost estimate is based upon repeal of the regulation.

Prior to the submission or resubmission of the proposed rule(s) and regulation(s), did the agency hold a public hearing if the total implementation and compliance costs exceed \$3.0 million over any two-year period to find that the estimated costs have been accurately determined and are necessary for achieving legislative intent? If applicable, document when the public hearing was held, those in attendance, and any pertinent information from the hearing.

YES ☐ NO ☒

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

Not applicable



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

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

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

Not applicable.

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Proposed

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

KDWPT

Agency

Christopher J Tymeson

Agency Contact

785-296-1032

Contact Phone Number

K.A.R. 115-7-3

K.A.R. Number(s)

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

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

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

The proposed changes to the regulation would increase the cast net mesh size from ½ inch to 1 inch.

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

There is no federal mandate and the federal government does not have a cast net mesh size limitation on inland waters. Colorado limits cast net mesh size to ¼ inch, Missouri and Oklahoma set their limit at 3/8 inch and Missouri has no mesh limit restriction.

**III. Agency analysis specifically addressing following:**

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

The regulation would likely not enhance or restrict business activities. Cast nets are already legal. The proposal would merely increase mesh size on the net.

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

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

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

Sporting goods retailers would be able to sell larger cast nets but they already have the ability to sell cast nets.

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

The benefit of the regulation change would allow the cast net to sink quicker, thereby allowing more baitfish to be caught more quickly.

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

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

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

\$0.

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

\$0.

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

YES ☐ NO ☒

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

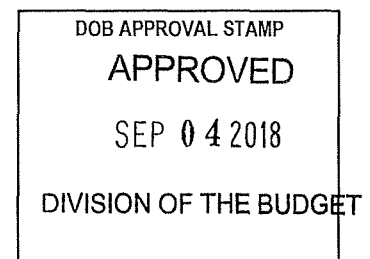
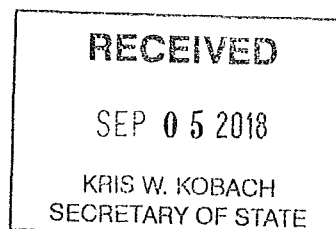
Cast nets are already legal to sell up to certain sizes of mesh. The proposed change would allow the mesh size to be increased is all.

Prior to the submission or resubmission of the proposed rule(s) and regulation(s), did the agency hold a public hearing if the total implementation and compliance costs exceed \$3.0 million over any two-year period to find that the estimated costs have been accurately determined and are necessary for achieving legislative intent? If applicable, document when the public hearing was held, those in attendance, and any pertinent information from the hearing.

YES ☐ NO ☒

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

Not applicable.

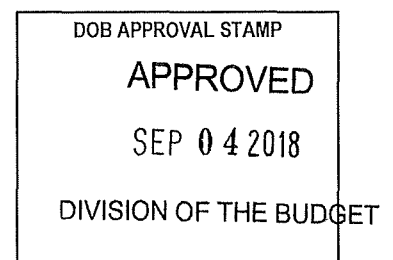
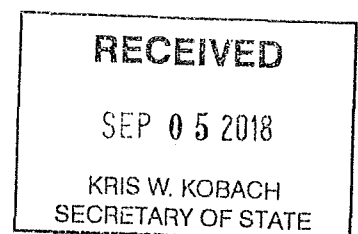


- H. Describe how the agency consulted and solicited information from businesses, associations, local governments, state agencies, or institutions and members of the public that may be affected by the proposed rule(s) and regulation(s).

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

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

Not applicable.





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Proposed

**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. 115-17-2

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 proposed changes to the regulation include removing common carp from the list of allowable species to be sold for bait. The purpose of the change is to begin the process for removing vectors of introduction of carp into the wild. Technology will allow all states, including the Department, to remove common carp at some point in the future and this is the first step in that process.

**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 regulation is not mandated by the federal government. The policy issue is attempting to jointly eradicate common carp from the wild. Colorado and Nebraska have restrictions on the sale of common carp. Oklahoma and Missouri do not have restrictions on the sale of common carp.

**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;**

Less than five percent of the 200 plus bait dealers in Kansas sell common carp for bait so the impact will be small.

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

The economic effect of prohibiting the sale of common carp is minimal. There are lots of other species that may be sold as bait.

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

Less than five percent of the 200 plus bait dealers in Kansas sell common carp as bait.

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

The benefit of the prohibition on the sale of common carp is that it reduces vectors for introduction of the species in the wild. In the wild, the species outcompetes native species.

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

Contact with the bait dealers who sell common carp as bait.

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

\$0 because there are many alternatives for sale of bait.

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

\$0 because there are many alternatives for sale of bait.

**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.**

Phasing out one of the vectors for introduction of an invasive species into the wild is necessary for the long term reduction and elimination of the species in the United States. Many other alternatives exist for the sale of bait fish in Kansas. It is replacing one species with another non-invasive species.

**Prior to the submission or resubmission of the proposed rule(s) and regulation(s), did the agency hold a public hearing if the total implementation and compliance costs exceed \$3.0 million over any two-year period to find that the estimated costs have been accurately determined and are necessary for achieving legislative intent? If applicable, document when the public hearing was held, those in attendance, and any pertinent information from the hearing.**

YES ☐ NO ☒

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

Not applicable.

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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).**

Contact with individual vendors, 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.

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

**Proposed**

KDWPT  
Agency

Christopher J Tymeson  
Agency Contact

785-296-1032  
Contact Phone Number

K.A.R. 115-18-10  
K.A.R. Number(s)

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

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

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

The proposed amendments to the regulation include adding the marbled crayfish to the prohibited species list. The marbled crayfish is considered a rapidly reproducing invasive species.

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

The federal government does not mandate the inclusion of the marbled crayfish on any invasive species list. Missouri bans possession of the marbled crayfish. Oklahoma, Colorado and Nebraska do not.

**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 ban on possession of marbled crayfish may impact the pet industry but there is no indication of sale within Kansas at the current time.

**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;**

Because it is believed that marbled crayfish are not offered for sale within the State of Kansas at this time, there are no implementation or compliance costs.

**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;**

Marbled crayfish reproduce rapidly and asexually. Prohibiting their possession reduces the chance of accidental release into the environment and out competing native species.

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

Again, because it is believed that the species is not currently for sale within the State of Kansas, now is the time to act on the proposal because the cost is minimal.

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

\$0

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

\$0

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

YES ☐ NO ☒

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

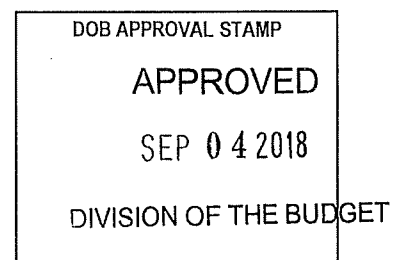
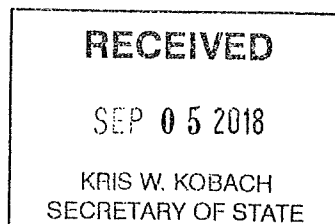
The species is not currently offered within the state for sale. Therefore, there is no methodology or data to be used in estimating the above cost estimate.

**Prior to the submission or resubmission of the proposed rule(s) and regulation(s), did the agency hold a public hearing if the total implementation and compliance costs exceed \$3.0 million over any two-year period to find that the estimated costs have been accurately determined and are necessary for achieving legislative intent? If applicable, document when the public hearing was held, those in attendance, and any pertinent information from the hearing.**

YES ☐ NO ☒

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

Not applicable





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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.

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Not applicable.

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