

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, June 13, 2019 at the Rolling Hills Zoo, 625 N. Hedville Rd., Salina, Kansas to consider the approval and adoption of proposed regulations of the Kansas Department of Wildlife, Parks, and Tourism.

A general discussion and workshop meeting on the business of the Wildlife, Parks, and Tourism Commission will begin at 1:30 p.m., June 13 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. June 14 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.

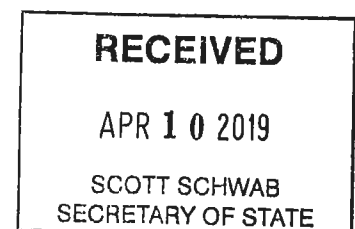
This 30-day notice period prior to the hearing constitutes a public comment period for the purpose of receiving written public comments on the proposed administrative regulations.

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

K.A.R. 115-25-7. This exempt regulation establishes open season, bag limits, and permits for antelope. The proposed version of the regulation merely updates the season dates from previous versions.

Economic Impact Summary: The sale of antelope permits will generate approximately \$31,000 to the department and approximately \$895,000 to the general economy of the state. Otherwise, no substantial economic impact to the department, other state agencies, small businesses, or individual members of the public is anticipated.



K.A.R. 115-25-9a. This exempt regulation establishes the open season, bag limits, permits, and additional considerations for the military subunits for deer. The proposed version of the regulation merely updates the season dates from previous versions.

Economic Impact Summary: The economic impact to all deer seasons is contained in K.A.R. 115-25-9. Otherwise, no substantial economic impact to the department, other state agencies, small businesses, or individual members of the public is anticipated.

Copies of the complete text of each regulation and its respective economic impact statement may be obtained by writing the chairman of the Commission at the address above, electronically on the department's website at ksoutdoors.com, or by calling (785) 296-2281.

Gerald Lauber, Chairman

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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 21, 2019 through September 29, 2019 and October 12, 2019 through October 31, 2019.

(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 4, 2019 through October 7, 2019.

(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 twenty-two resident firearm permits shall be authorized for the unit.

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

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

(3) Muzzleloader-only season.

(A) The muzzleloader-only season dates shall be September 30, 2019 through October 7, 2019. Muzzleloader permits also shall be valid in the unit for which the permit is authorized

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during the established firearm season dates.

(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-four 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, 2020. (Authorized by and implementing K.S.A. 2018 Supp. 32-807 and K.S.A. 2018 Supp. 32-937.)

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115-25-9a. Deer; open season, bag limit, and permits; additional considerations; military subunits. (a) In addition to the season for designated persons specified in K.A.R. 115-25-9, in the Fort Riley subunit the season for designated persons shall also be October 12, 2019 through October 14, 2019.

(b) In the Fort Riley subunit, the open firearm season for the taking of deer shall be November 29, 2019 through December 1, 2019 and December 14, 2019 through December 22, 2019.

(c) In addition to the archery season specified in K.A.R. 115-25-9, the open archery season for the taking of deer in the Fort Riley subunit shall be September 1, 2019 through September 15, 2019 and January 4, 2020 through January 31, 2020 by individuals who possess the required authorization issued by Fort Riley to hunt for deer during the specified days.

(d) In the Fort Riley subunit, the pre-rut white-tailed deer antlerless-only season specified in K.A.R. 115-25-9 shall be closed.

(e) In the Fort Leavenworth subunit, the open firearm season for the taking of deer shall be November 16, 2019 through November 17, 2019; November 21, 2019 through November 24, 2019; November 30, 2019 through December 1, 2019; December 7, 2019 through December 8, 2019; and December 14, 2019 through December 15, 2019.

(f) In the Fort Leavenworth subunit, the extended firearms season for the taking of antlerless only white-tailed deer shall be January 1, 2020 through January 12, 2020.

(g) In the Fort Leavenworth subunit, the extended archery season for the taking of antlerless only white-tailed deer shall be January 13, 2020 through January 31, 2020.

(h) In the Smokey Hill subunit, the open firearm season for the taking of deer shall be

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November 26, 2019 through December 7, 2019.

(i) This regulation shall have no force and effect on and after March 1, 2020.

(Authorized by and implementing K.S.A. 2018 Supp. 32-807 and K.S.A. 2018 Supp. 32-937.)

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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. 115-25-7
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.

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

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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 \$31,265 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 \$31,265 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 antelope hunting permits sold was 554 in 2018. This generates approximately \$31,265 for the agency, all of which accrues to the wildlife fee fund, and is paid by user fees. Additionally, each individually identifiable deer hunter (554) goes 11 days afield per year and spends approximately \$1616 per year, generating \$895,264 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 15, 2018 in Russell, where 11 members of the public signed the attendance roster, on December 13, 2018 in Wichita, where 5 members of the public signed the attendance roster, and on January 17, 2019 in Lawrence, where 4 members of the public signed the attendance roster. The agency will also hold a public meeting on March 28 in Topeka, KS.

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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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**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. 115-25-9a

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 deer seasons on military installations in the state.

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 deer seasons.

III. Agency analysis specifically addressing following:

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

The proposed amendments will not enhance or restrict business activities 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 amendments would have an economic effect on businesses surrounding the military installations and individuals who purchase permits to hunt deer on those installations. However, any economic impact would be included in K.A.R. 115-25-9, statewide deer seasons because permits are not available specifically for military installations and it is impossible to estimate the number of participants.

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

Any business that sells products or services to deer hunters, including sporting goods retailers, outfitters, grocery stores, service stations, hotels, etc.

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

If there were no regulation and no deer season, there would be lost collateral economic impact to the state and deer numbers would increase, thereby causing negative human wildlife interactions.

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

There are no costs associated with this proposal. Any data is included in the general deer regulation, K.A.R. 115-25-9.

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. Any data is included in the general deer regulation, K.A.R. 115-25-9.

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. Any data is included in the general deer regulation, K.A.R. 115-25-9.

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. Any data and methodology is included in the general deer regulation, K.A.R. 115-25-9.

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

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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.

