

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 25, 2021 at the Lake Shawnee Reynolds Lodge, 3315 SE Tinman Circle, Topeka, Kansas to consider the approval and adoption of the proposed regulation 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 25 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 26 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 regulation.

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 regulation. 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 regulation.

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. 115-25-9.** This exempt regulation sets the open season, bag limit and permits for deer. The proposed version of the regulation updates the season dates and allows for youths under 17 to hunt in the youth season.

**Economic Impact Summary:** The proposed version of the regulation would generate approximately \$13,285,926 for the wildlife fee fund and an additional \$186,597,904 for the Kansas economy. Otherwise, no substantial negative economic impact to the department, other state agencies, small businesses, or individual members of the public is anticipated.

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**Proposed**

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](http://ksoutdoors.com), or by calling (785) 296-2281.

Gerald Lauber, Chairman

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**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 13, 2021 through December 31, 2021.

(B) Archery deer permits also shall be valid during the portion of the extended firearm season beginning on January 1, 2022 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 24, 2022 and extend through January 31, 2022 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 1, 2021 through December 12, 2021.

(B) The pre-rut white-tailed deer antlerless-only season in all deer management units shall be October 9, 2021 through October 11, 2021.

(C) During the regular and extended firearm deer seasons, white-tailed either-sex deer permits issued for a deer management unit adjacent to or encompassing an urban deer

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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 13, 2021 through September 26, 2021. 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, 2022 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 4, 2021 through September 12, 2021 in all deer management units.

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

(i) Any person 17 years of age or younger, only while under the immediate supervision

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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, 2022 and extending through January 9, 2022 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, 2022 and extending through January 16, 2022 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, 2022 and extending through January 23, 2022 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 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

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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, 2022 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 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.

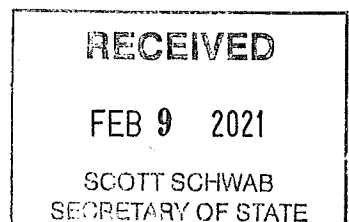
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(5) No resident or nonresident shall purchase any deer permit that allows the taking of antlerless-only deer without first having obtained a deer permit that allows the taking of antlered deer, unless the antlerless-only deer permit is purchased after December 30, 2021.

(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, 2022.

This regulation shall have no force and effect on and after March 1, 2022. (Authorized by and implementing K.S.A. 2020 Supp. 32-807 and K.S.A. 2020 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. 115-25-9

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 2021-2022 seasons for deer hunting in Kansas. The basic season structure is generally the same as last season, except the youth season will now include youths 17 and under rather than 16 and under.

**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.

**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

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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 \$13,285,926 to the agency, all of which accrues to the wildlife fee fund, based on 2020 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 \$13,285,926 to the agency, all of which accrues to the wildlife fee fund, based on 2020 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 191,874 in 2020. This generates approximately \$13,285,926 for the agency, all of which accrues to the wildlife fee fund, and is paid by user fees. Additionally, each individually identifiable deer hunter (115,469) goes 11 days afield per year and spends approximately \$1616 per year, generating \$186,597,904 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 August 20, attended by 94 members of the public, on September 24, attended by 22 members of the public, on November 19, attended by 24 members of the public, on January 14, attended by 52 members of the public and will hold a public hearing on March 25.

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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.

