

Wildlife and Parks Commission
Notice of Public Hearing

A public hearing will be conducted by the Wildlife and Parks Commission at 6:30 p.m., Thursday, November 17, 2022, at the Colby Event Center, 1200 S. Franklin, Colby, Kansas to consider the approval and adoption of proposed administrative regulations of the Kansas Department of Wildlife and Parks.

An education session for commissioners may be conducted beginning at 9:00 a.m., November 17, 2022, at the location listed above. A workshop meeting on business of the Wildlife and Parks Commission will begin at 1:00 p.m., November 17, 2022, 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 meetings 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 the hearing or other business matters, the commission will reconvene at 9:00 a.m., November 18, 2022, at the location listed above.

Any individual with a disability may request an accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statements in an accessible format. Requests for accommodation to participate in the hearing should be made at least five working days in advance of the hearing 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 and Parks, 1020 S. Kansas Ave., Suite 200, Topeka, KS 66612 or to sheila.kemmis@ks.gov, if submitted electronically. All interested parties will be given a reasonable opportunity at the hearing to express their views orally regarding 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. 115-5-1. This permanent regulation amendment adds laser sights to the illuminating devices which may be used for the taking of furbearers treed with the aid of dogs when paired with a .22 or .17 caliber rimfire handgun or rifle.

Economic Impact Summary: This amendment is not expected to have any significant economic impact on the department, other agencies, or the public.

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K.A.R. 115-25-11. This exempt regulation establishes open seasons for hunting, running and trapping furbearers and also establishes bag limits.

Economic Impact Summary: The economic impact will be directly proportionate to any increase in furbearer harvest resulting from an additional 15 days of general furbearer open season and increases in the otter bag limits.

K.A.R. 115-17-6. This permanent regulation revocation will eliminate all licensing provisions for commercial mussel harvest.

Economic Impact Summary: There is no anticipated economic impact to this revocation since commercial mussel harvest has been suspended since 2003.

K.A.R. 115-17-7. This permanent regulation revocation clarifies that commercial mussel harvesting is prohibited at all locations in Kansas.

Economic Impact Summary: There is no anticipated economic impact to this revocation since commercial mussel harvest has been suspended since 2003.

K.A.R. 115-17-8. This permanent regulation revocation eliminates all authorized equipment and methods of taking mussels commercially.

Economic Impact Summary: There is no anticipated economic impact to this revocation since commercial mussel harvest has been suspended since 2003.

K.A.R. 115-17-9. This permanent regulation revocation eliminates the prior designation of areas open to commercial mussel harvest.

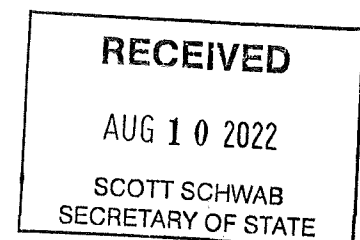
Economic Impact Summary: There is no anticipated economic impact to this revocation since commercial mussel harvest has been suspended since 2003.

K.A.R. 115-17-14. This permanent regulation revocation eliminates the procedure for the issuance, reporting and revocation of commercial mussel harvesting permits.

Economic Impact Summary: There is no anticipated economic impact to this revocation since commercial mussel harvest has been suspended since 2003.

Copies of the complete text of the regulations and 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.ksoutdoors.com, or by calling (785) 296-2281.

Gerald Lauber, Chairman



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

Hunting equipment permitted during furbearer hunting seasons and during coyote hunting seasons shall consist of the following:

- (1) Firearms, except fully automatic firearms;
- (2) archery equipment;
- (3) crossbows; and
- (4) optical scopes or sights that project no visible light toward the target and do not electronically amplify visible or infrared light, except as specified in ~~subsection (d)~~ this regulation.

(b) Trapping equipment permitted during furbearer and coyote trapping seasons shall consist of the following:

- (1) Smooth-jawed foothold traps, except that all types of foothold traps may be used in water sets;
- (2) body-gripping traps;
- (3) box traps;
- (4) cage traps;
- (5) colony traps;
- (6) snares; and
- (7) deadfalls.

(c) The following general provisions shall apply to the taking of furbearers and coyotes:

- (1) Calls may be used in the taking of furbearers and coyotes.
- (2) Handheld, battery-powered flashlights, hat lamps, and handheld lanterns may be used while trapping furbearers or coyotes or while running furbearers.

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(3) Any .22 or .17 caliber rimfire rifle or handgun may be used to take trapped furbearers or trapped coyotes when using a light to check traps.

(4) Any .22 or .17 caliber rimfire rifle or handgun may be used while using a handheld, battery-powered flashlight, hat lamp, ~~or~~ handheld lantern, or laser sight to take furbearers treed with the aid of dogs.

(5) Lures, baits, and decoys may be used in the taking of furbearers and coyotes.

(6) The use of horses and mules shall be permitted while hunting, trapping, or running furbearers and coyotes.

(7) The use of motor vehicles for taking coyotes shall be permitted while hunting coyotes, except as provided in subsection (d).

(8) The use of radios in land or water vehicles shall be permitted for the taking of coyotes.

(9) The use of dogs for hunting and during running seasons shall be permitted.

(10) Each body-gripping trap with an inside jawspread of eight inches or greater, when measured across the jaws at a 90-degree angle, shall be used only in a water set.

(11) Only landowners or tenants of land immediately adjacent to the right-of-way of a public road, or their immediate family members or authorized agents, may set slide-locking wire or snare-type cable traps as dryland sets within five feet of a fence bordering a public road or within 50 feet of the outside edge of the surface of a public road. Only these landowners or tenants, or their immediate family members or authorized agents, may possess the fur, pelt, skin, or carcass of any furbearer or coyote removed from these devices located within these specified limits.

(12) A person shall not have in possession any equipment specified in subsection (a) while

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pursuing or chasing furbearers with hounds during the running season.

(13) All trapping devices included in subsection (b) shall be tagged with either the user's name and address or the user's department-issued identification number and shall be tended and inspected at least once every calendar day.

(14) Each foothold trap that has an outside jawspread greater than seven inches, when measured across the jaws at a 90-degree angle, shall be used only in a water set.

(d) From January 1 through March 31, the following provisions shall apply to the hunting of coyotes:

(1) Artificial light, scopes and equipment that amplify visible light, and thermal-imaging scopes and thermal-imaging equipment may be used for hunting.

(2) The use of vehicles when hunting with the equipment specified in paragraph (d)(1) shall be prohibited.

(3) The use of the equipment specified in paragraph (d)(1) shall not be authorized on department lands and waters.

(4) Each person using the equipment specified in paragraph (d)(1) in the manner prescribed in this subsection shall first obtain a permit from the department. (Authorized by and implementing K.S.A. 2019 Supp. 32-807 and 32-1003; effective March 19, 1990; amended Nov. 15, 1993; amended July 19, 2002; amended Feb. 18, 2005; amended Sept. 4, 2009; amended July 22, 2011; amended July 26, 2013; amended May 31, 2019; amended Sept. 18, 2020; amended P-_____.)

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Proposed

115-17-6. (Authorized by and implementing K.S.A. 32-807 and K.S.A. 32-941; effective Jan. 1, 1991; amended June 8, 1992; amended Nov. 30, 1998; amended Nov. 22, 2002; amended April 18, 2003; amended July 20, 2012; revoked P-_____.)

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115-17-7. Commercial harvest of mussels prohibited; ~~legal species, seasons, size restrictions, daily limits, and possession limits.~~ (a) The commercial harvest of all species of mussels shall be prohibited under all circumstances and in all locations. ~~The following listed mussel species may be taken for commercial purposes, except that no mussels may be commercially harvested on and after January 1, 2003 through December 31, 2022, unless a mussel salvage order has been issued by the secretary through public notice or posting the area open to mussel salvage:~~

- ~~(1) Threeridge, *Amblema plicata*;~~
- ~~(2) monkeyface, *Quadrula metanevra*;~~
- ~~(3) mapleleaf, *Quadrula quadrula*;~~
- ~~(4) bleufer (purple shell), *Potamilus purpuratus*; and~~
- ~~(5) Asian clam, *Corbicula fluminea*.~~

~~(b) The season for the commercial harvest of mussels shall be on and after April 1 through September 30. However, mussels shall not be commercially harvested on and after January 1, 2003 through December 31, 2022, unless a mussel salvage order has been issued by the secretary through public notice or posting the area open to mussel salvage.~~

~~(c) Harvesting requirements shall include the following:~~

- ~~(1) The minimum size of mussels shall be measured by passing the mussel shell through a circular measuring device with the appropriate inside diameter.~~
- ~~(2) Measurement shall occur immediately upon removal of the mussel from the water.~~
- ~~(3) If the mussel passes through the appropriate circular measuring device from any angle or direction, the mussel shall not be deemed to meet the minimum size requirement and shall be immediately returned to the water.~~

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~~(4) The minimum shell size for mussel species shall be the following:~~

~~(A) Threeridge: 3 inch diameter;~~

~~(B) monkeyface: 2 $\frac{3}{4}$ inch diameter;~~

~~(C) mapleleaf and bleufer: 3 inch diameter; and~~

~~(D) Asian clam: no minimum size.~~

~~(d) There shall be no maximum daily or possession limits for mussels. (Authorized by and implementing K.S.A. 32-807 and K.S.A. 32-941; effective Jan. 1, 1991; amended June 8, 1992; amended Nov. 22, 2002; amended April 18, 2003; amended July 20, 2012; amended P-_____.)~~

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115-17-8. (Authorized by and implementing K.S.A. 32-807 and K.S.A. 32-941; effective Jan. 1, 1991; amended Nov. 22, 2002; amended April 18, 2003; amended July 20, 2012; revoked P-

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Proposed

115-17-9. (Authorized by and implementing K.S.A. 32-807 and K.S.A. 32-941; effective Jan. 1, 1991; amended June 8, 1992; amended Nov. 22, 2002; amended April 18, 2003; amended July 20, 2012; revoked P-_____.)

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Proposed

115-17-14. (Authorized by K.S.A. 32-807 and K.S.A. 32-941; implementing K.S.A. 32-941 and K.S.A. 32-1002; effective June 8, 1992; amended Nov. 30, 1998; amended Nov. 22, 2002; revoked P-
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115-25-11. Furbearers; open seasons and bag limits. (a) All hunting, trapping, and running seasons shall begin at 12:01 a.m. on the opening day and close at 12:00 midnight on the closing day.

(b) The open season for the taking of badger, bobcat, gray fox, red fox, swift fox, mink, muskrat, opossum, raccoon, striped skunk, and weasel by hunting and trapping shall be from the first Wednesday after the second Saturday in November through the last day of February of the following year. The bag limit for these species shall be unlimited.

(c) The open season for the taking of beaver by trapping shall be from the first Wednesday after the second Saturday in November through March 31 of the following year. The bag limit shall be unlimited. Muskrat that are incidentally taken after the close of the open season for muskrat but during the open season for beaver by trapping may be possessed. The bag limit for incidentally taken muskrat shall be 10 animals.

(d) The open season for the taking of otter by trapping shall be from the first Wednesday after the second Saturday in November and through March 31 of the following year. The season bag limit shall be 10 otters per trapper. No more than one otter may be taken from the following otter management units: Western, Solomon, Smoky-Saline, Republican, and Middle Arkansas. No more than two otters may be taken from the following otter management units: Big Blue, Kansas, Upper Neosho, and Lower Arkansas. No more than five otters may be taken from the following otter management units: Verdigris and Missouri. No more than 10 otters may be taken from the following otter management units: Lower Neosho and Marais des Cygnes.

(e) The open season for the running of bobcat, gray fox, red fox, opossum, and raccoon shall be from March 1 through November 8. (Authorized by and implementing K.S.A. 32-807.)

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Kansas Administrative Regulations Economic Impact Statement (EIS)

KDWP
Agency

Dan Riley
Agency Contact

296-1032
Contact Phone Number

115-5-1
K.A.R. Number(s)

☒ Permanent ☐ Temporary

Is/Are the proposed rule(s) and regulation(s) mandated by the federal government as a requirement for participating in or implementing a federally subsidized or assisted program?

☐ Yes If yes, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration and the Attorney General. Budget approval is not required; however, the Division of the Budget will require submission of a copy of the EIS at the end of the review process.

☒ No If no, do the total annual implementation and compliance costs for the proposed rule(s) and regulation(s), calculated from the effective date of the rule(s) and regulation(s), exceed \$1.0 million over any two-year period through June 30, 2024, or exceed \$3.0 million over any two-year period on or after July 1, 2024 (as calculated in Section III, F)?

☐ Yes If yes, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration, the Attorney General, AND the Division of the Budget. The regulation(s) and the EIS will require Budget approval.

☒ No If no, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration and the Attorney General. Budget approval is not required; however, the Division of the Budget will require submission of a copy of the EIS at the end of the review process.

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Section I

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

The proposed regulation amendment authorizes the addition of a laser sight to the existing .22 or .17 caliber rifle or handgun authorized for the taking of furbearers treed with the aid of dogs.

Section II

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

There are no relevant federal laws or standards. Most states allow night coon hunting with a light source and several other allow laser sights.

Section III

Agency analysis specifically addressing the following:

- A. The extent to which the rule(s) and regulation(s) will enhance or restrict business activities and growth;
No significant or measurable impact on business activities is anticipated.
- 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(s) and regulation(s) and on the state economy as a whole;
No significant compliance or implementation costs are anticipated for any group or individual.
- C. Businesses that would be directly affected by the proposed rule(s) and regulation(s);
No known direct impact for businesses is anticipated.
- D. Benefits of the proposed rule(s) and regulation(s) compared to the costs;
No costs anticipated. Benefits anticipated- increased accuracy resulting in fewer wounded but not taken animals, more efficient harvest of raccoons by hunters using tree dogs.
- 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;
No measures required, no cost or significant impact to local government or individuals in Kansas is anticipated.

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- F. An estimate of the total annual implementation and compliance costs that are reasonably expected to be incurred by or passed along to businesses, local governments, or members of the public.
Note: Do not account for any actual or estimated cost savings that may be realized.

Costs to Affected Businesses – \$None
 Costs to Local Governmental Units – \$None
 Costs to Members of the Public – \$None
Total Annual Costs – \$None
 (sum of above amounts)

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

No costs anticipated

- ☐ Yes If the total implementation and compliance costs exceed \$1.0 million over any two-year period through June 30, 2024, or exceed \$3.0 million over any two-year period on or after July 1, 2024, and prior to the submission or resubmission of the proposed rule(s) and regulation(s), did the agency hold a public hearing 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.
- ☐ No
- ☒ Not Applicable

No anticipated costs, however the agency held a hearing on January 13, 2022 (virtually) 28 members of the public attended, March 31, 2022 26 public attendees, April 21, 2022 in Beloit, Kansas with a total of 19 public attendees and June 23, 2022 with 28 public attendees.

Provide an estimate to any changes in aggregate state revenues and expenditures for the implementation of the proposed rule(s) and regulation(s), for both the current fiscal year and next fiscal year.

Not applicable.

Provide an estimate of any immediate or long-range economic impact of the proposed rule(s) and regulation(s) on any individual(s), small employers, and the general public. If no dollar estimate can be given for any individual(s), small employers, and the general public, give specific reasons why no estimate is possible.

Not applicable

- 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 statewide, public hearings with on-line access, publication in the Kansas Register and the agency website.

Section IV

Does the Economic Impact Statement involve any environmental rule(s) and regulation(s)?

☐ Yes If yes, complete the remainder of Section IV.

☒ No If no, skip the remainder of Section IV.

- A. Describe the capital and annual costs of compliance with the proposed rule(s) and regulation(s), and the persons who would bear the costs.

Click here to enter agency response.

- B. Describe the initial and annual costs of implementing and enforcing the proposed rule(s) and regulation(s), including the estimated amount of paperwork, and the state agencies, other governmental agencies, or other persons who would bear the costs.

Click here to enter agency response.

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

Click here to enter agency response.

- D. Provide a detailed statement of the data and methodology used in estimating the costs used.

Click here to enter agency response.

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Kansas Administrative Regulations Economic Impact Statement (EIS)

KDWP

Agency

Dan Riley

Agency Contact

296-1032

Contact Phone Number

115-17-6

K.A.R. Number(s)

☒ Permanent ☐ Temporary

Is/Are the proposed rule(s) and regulation(s) mandated by the federal government as a requirement for participating in or implementing a federally subsidized or assisted program?

- ☐ Yes If yes, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration and the Attorney General. Budget approval is not required; however, the Division of the Budget will require submission of a copy of the EIS at the end of the review process.
- ☒ No If no, do the total annual implementation and compliance costs for the proposed rule(s) and regulation(s), calculated from the effective date of the rule(s) and regulation(s), exceed \$1.0 million over any two-year period through June 30, 2024, or exceed \$3.0 million over any two-year period on or after July 1, 2024 (as calculated in Section III, F)?
- ☐ Yes If yes, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration, the Attorney General, AND the Division of the Budget. The regulation(s) and the EIS will require Budget approval.
- ☒ No If no, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration and the Attorney General. Budget approval is not required; however, the Division of the Budget will require submission of a copy of the EIS at the end of the review process.

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Section I

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

The proposed revocation of this regulation will eliminate all licensure, salvage or commercial harvest permits for mussels in Kansas.

Section II

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

There are no relevant federal laws or standards for Kansas. Most other states identified the threat to mussel populations and have corresponding, and similar provisions. Kansas has had a moratorium prohibiting commercial harvest in place since January 1, 2003. The moratorium expires on December 31, 2022.

Section III

Agency analysis specifically addressing the following:

- A. The extent to which the rule(s) and regulation(s) will enhance or restrict business activities and growth;
No significant or measurable impact on business activities is anticipated.
- 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(s) and regulation(s) and on the state economy as a whole;
No significant compliance or implementation costs are anticipated for any group or individual.
- C. Businesses that would be directly affected by the proposed rule(s) and regulation(s);
No known direct impact for businesses is anticipated. No known commercial mussel industry remains in Kansas. Commercial harvest has been suspended since 2003.
- D. Benefits of the proposed rule(s) and regulation(s) compared to the costs;
No costs anticipated. Benefits anticipated- increased viability and sustainability of mussel species in Kansas.
- E. Measures taken by the agency to minimize the cost and impact of the proposed rule(s) and regulation(s) on business and economic development within the State of Kansas, local government, and individuals;
No measures required, no cost or significant impact to local government or individuals in Kansas is anticipated.

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- F. An estimate of the total annual implementation and compliance costs that are reasonably expected to be incurred by or passed along to businesses, local governments, or members of the public.
Note: Do not account for any actual or estimated cost savings that may be realized.

Costs to Affected Businesses – \$None

Costs to Local Governmental Units – \$None

Costs to Members of the Public – \$None

Total Annual Costs – \$None
 (sum of above amounts)

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

No costs anticipated

- ☐ Yes If the total implementation and compliance costs exceed \$1.0 million over any two-year period through June 30, 2024, or exceed \$3.0 million over any two-year period on or after July 1, 2024, and prior to the submission or resubmission of the proposed rule(s) and regulation(s), did the agency hold a public hearing 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.
- ☐ No
- ☒ Not Applicable

No anticipated costs, however the agency held a hearing on January 13, 2022 (virtually) 28 members of the public attended, March 31, 2022, 26 public attendees, April 21, 2022 in Beloit, Kansas with a total of 19 public attendees and June 23, 2022 in Lawrence with 28 public attendees.

Provide an estimate to any changes in aggregate state revenues and expenditures for the implementation of the proposed rule(s) and regulation(s), for both the current fiscal year and next fiscal year.

Not applicable.

Provide an estimate of any immediate or long-range economic impact of the proposed rule(s) and regulation(s) on any individual(s), small employers, and the general public. If no dollar estimate can be given for any individual(s), small employers, and the general public, give specific reasons why no estimate is possible.

Not applicable

- 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 statewide, public hearings with on-line access, publication in the Kansas Register and the agency website.

Section IV

Does the Economic Impact Statement involve any environmental rule(s) and regulation(s)?

- ☐ Yes If yes, complete the remainder of Section IV.
☒ No If no, skip the remainder of Section IV.

- A. Describe the capital and annual costs of compliance with the proposed rule(s) and regulation(s), and the persons who would bear the costs.

Click here to enter agency response.

- B. Describe the initial and annual costs of implementing and enforcing the proposed rule(s) and regulation(s), including the estimated amount of paperwork, and the state agencies, other governmental agencies, or other persons who would bear the costs.

Click here to enter agency response.

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

Click here to enter agency response.

- D. Provide a detailed statement of the data and methodology used in estimating the costs used.

Click here to enter agency response.

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AUG 10 2022

SCOTT SCHWAB
SECRETARY OF STATE

Kansas Administrative Regulations Economic Impact Statement (EIS)

KDWP

Agency

Dan Riley

Agency Contact

296-1032

Contact Phone Number

115-17-7

K.A.R. Number(s)

☒ Permanent ☐ Temporary

Is/Are the proposed rule(s) and regulation(s) mandated by the federal government as a requirement for participating in or implementing a federally subsidized or assisted program?

☐ Yes If yes, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration and the Attorney General. Budget approval is not required; however, the Division of the Budget will require submission of a copy of the EIS at the end of the review process.

☒ No If no, do the total annual implementation and compliance costs for the proposed rule(s) and regulation(s), calculated from the effective date of the rule(s) and regulation(s), exceed \$1.0 million over any two-year period through June 30, 2024, or exceed \$3.0 million over any two-year period on or after July 1, 2024 (as calculated in Section III, F)?

☐ Yes If yes, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration, the Attorney General, AND the Division of the Budget. The regulation(s) and the EIS will require Budget approval.

☒ No If no, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration and the Attorney General. Budget approval is not required; however, the Division of the Budget will require submission of a copy of the EIS at the end of the review process.

DOB APPROVAL STAMP (If Required)

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AUG 10 2022

SCOTT SCHWAB
SECRETARY OF STATE

Section I

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

The proposed regulation prohibits the commercial harvest of all mussels species in Kansas.

Section II

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

There are no relevant federal laws or standards for Kansas. Most other states identified the threat to mussel populations and have corresponding, and similar provisions. Kansas has had a moratorium prohibiting commercial harvest in place since January 1, 2003. The moratorium expires on December 31, 2022.

Section III

Agency analysis specifically addressing the following:

- A. The extent to which the rule(s) and regulation(s) will enhance or restrict business activities and growth;
No significant or measurable impact on business activities is anticipated.
- 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(s) and regulation(s) and on the state economy as a whole;
No significant compliance or implementation costs are anticipated for any group or individual.
- C. Businesses that would be directly affected by the proposed rule(s) and regulation(s);
No known direct impact for businesses is anticipated. No known commercial mussel industry remains in Kansas. Commercial harvest has been suspended since 2003.
- D. Benefits of the proposed rule(s) and regulation(s) compared to the costs;
No costs anticipated. Benefits anticipated- increased viability and sustainability of mussel species in Kansas.
- E. Measures taken by the agency to minimize the cost and impact of the proposed rule(s) and regulation(s) on business and economic development within the State of Kansas, local government, and individuals;
No measures required, no cost or significant impact to local government or individuals in Kansas is anticipated.

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SCOTT SCHWAB
SECRETARY OF STATE

- F. An estimate of the total annual implementation and compliance costs that are reasonably expected to be incurred by or passed along to businesses, local governments, or members of the public.
Note: Do not account for any actual or estimated cost savings that may be realized.

Costs to Affected Businesses – \$None

Costs to Local Governmental Units – \$None

Costs to Members of the Public – \$None

Total Annual Costs – \$None

(sum of above amounts)

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

No costs anticipated

- ☐ Yes If the total implementation and compliance costs exceed \$1.0 million over any two-year period through June 30, 2024, or exceed \$3.0 million over any two-year period on or after July 1, 2024, and prior to the submission or resubmission of the proposed rule(s) and regulation(s), did the agency hold a public hearing 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.
- ☐ No
- ☒ Not Applicable

No anticipated costs, however the agency held a hearing on January 13, 2022 (virtually) 28 members of the public attended, March 31, 2022, 26 public attendees, April 21, 2022 in Beloit, Kansas with a total of 19 public attendees and June 23, 2022 in Lawrence with 28 public attendees.

- Provide an estimate to any changes in aggregate state revenues and expenditures for the implementation of the proposed rule(s) and regulation(s), for both the current fiscal year and next fiscal year.

Not applicable.

Provide an estimate of any immediate or long-range economic impact of the proposed rule(s) and regulation(s) on any individual(s), small employers, and the general public. If no dollar estimate can be given for any individual(s), small employers, and the general public, give specific reasons why no estimate is possible.

Not applicable

- 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

DOB APPROVAL STAMP (If Required)

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SCOTT SCHWAB
SECRETARY OF STATE

- 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 statewide, public hearings with on-line access, publication in the Kansas Register and the agency website.

Section IV

Does the Economic Impact Statement involve any environmental rule(s) and regulation(s)?

- ☐ Yes If yes, complete the remainder of Section IV.
☒ No If no, skip the remainder of Section IV.

- A. Describe the capital and annual costs of compliance with the proposed rule(s) and regulation(s), and the persons who would bear the costs.

Click here to enter agency response.

- B. Describe the initial and annual costs of implementing and enforcing the proposed rule(s) and regulation(s), including the estimated amount of paperwork, and the state agencies, other governmental agencies, or other persons who would bear the costs.

Click here to enter agency response.

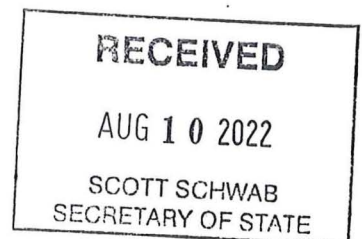
- C. Describe the costs that would likely accrue if the proposed rule(s) and regulation(s) are not adopted, as well as the persons who would bear the costs and would be affected by the failure to adopt the rule(s) and regulation(s).

Click here to enter agency response.

- D. Provide a detailed statement of the data and methodology used in estimating the costs used.

Click here to enter agency response.

DOB APPROVAL STAMP (if Required)



Kansas Administrative Regulations Economic Impact Statement (EIS)

KDWP

Agency

Dan Riley

Agency Contact

296-1032

Contact Phone Number

115-17-8

K.A.R. Number(s)

☒ Permanent ☐ Temporary

Is/Are the proposed rule(s) and regulation(s) mandated by the federal government as a requirement for participating in or implementing a federally subsidized or assisted program?

☐ Yes If yes, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration and the Attorney General. Budget approval is not required; however, the Division of the Budget will require submission of a copy of the EIS at the end of the review process.

☒ No If no, do the total annual implementation and compliance costs for the proposed rule(s) and regulation(s), calculated from the effective date of the rule(s) and regulation(s), exceed \$1.0 million over any two-year period through June 30, 2024, or exceed \$3.0 million over any two-year period on or after July 1, 2024 (as calculated in Section III, F)?

☐ Yes If yes, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration, the Attorney General, AND the Division of the Budget. The regulation(s) and the EIS will require Budget approval.

☒ No If no, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration and the Attorney General. Budget approval is not required; however, the Division of the Budget will require submission of a copy of the EIS at the end of the review process.

DOB APPROVAL STAMP (If Required)

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AUG 10 2022

SCOTT SCHWAB
SECRETARY OF STATE

Section I

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

The proposed revocation of this regulation will eliminate all authority for equipment and taking methods for the commercial harvest of mussels in Kansas.

Section II

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

There are no relevant federal laws or standards for Kansas. Most other states identified the threat to mussel populations and have corresponding, and similar provisions. Kansas has had a moratorium prohibiting commercial harvest in place since January 1, 2003. The moratorium expires on December 31, 2022.

Section III

Agency analysis specifically addressing the following:

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

No significant or measurable impact on business activities is anticipated.

- 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(s) and regulation(s) and on the state economy as a whole;

No significant compliance or implementation costs are anticipated for any group or individual.

- C. Businesses that would be directly affected by the proposed rule(s) and regulation(s);

No known direct impact for businesses is anticipated. No known commercial mussel industry remains in Kansas. Commercial harvest has been suspended since 2003.

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

No costs anticipated. Benefits anticipated- increased viability and sustainability of mussel species in Kansas.

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

No measures required, no cost or significant impact to local government or individuals in Kansas is anticipated.

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SCOTT SCHWAB
SECRETARY OF STATE

- F. An estimate of the total annual implementation and compliance costs that are reasonably expected to be incurred by or passed along to businesses, local governments, or members of the public.
Note: Do not account for any actual or estimated cost savings that may be realized.

Costs to Affected Businesses – \$None

Costs to Local Governmental Units – \$None

Costs to Members of the Public – \$None

Total Annual Costs – \$None

(sum of above amounts)

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

No costs anticipated

- ☐ Yes If the total implementation and compliance costs exceed \$1.0 million over any two-year period through June 30, 2024, or exceed \$3.0 million over any two-year period on or after July 1, 2024, and prior to the submission or resubmission of the proposed rule(s) and regulation(s), did the agency hold a public hearing 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.
- ☐ No
- ☒ Not Applicable

No anticipated costs, however the agency held a hearing on January 13, 2022 (virtually) 28 members of the public attended, March 31, 2022, 26 public attendees, April 21, 2022 in Beloit, Kansas with a total of 19 public attendees and June 23, 2022 in Lawrence with 28 public attendees.

Provide an estimate to any changes in aggregate state revenues and expenditures for the implementation of the proposed rule(s) and regulation(s), for both the current fiscal year and next fiscal year.

Not applicable.

Provide an estimate of any immediate or long-range economic impact of the proposed rule(s) and regulation(s) on any individual(s), small employers, and the general public. If no dollar estimate can be given for any individual(s), small employers, and the general public, give specific reasons why no estimate is possible.

Not applicable

- 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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SCOTT SCHWAB
SECRETARY OF STATE

- 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 statewide, public hearings with on-line access, publication in the Kansas Register and the agency website.

Section IV

Does the Economic Impact Statement involve any environmental rule(s) and regulation(s)?

- ☐ Yes If yes, complete the remainder of Section IV.
☒ No If no, skip the remainder of Section IV.

- A. Describe the capital and annual costs of compliance with the proposed rule(s) and regulation(s), and the persons who would bear the costs.

Click here to enter agency response.

- B. Describe the initial and annual costs of implementing and enforcing the proposed rule(s) and regulation(s), including the estimated amount of paperwork, and the state agencies, other governmental agencies, or other persons who would bear the costs.

Click here to enter agency response.

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

Click here to enter agency response.

- D. Provide a detailed statement of the data and methodology used in estimating the costs used.

Click here to enter agency response.

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AUG 10 2022

SCOTT SCHWAB
SECRETARY OF STATE

Kansas Administrative Regulations Economic Impact Statement (EIS)

KDWP

Agency

Dan Riley

Agency Contact

296-1032

Contact Phone Number

115-17-9

K.A.R. Number(s)

☒ Permanent ☐ Temporary

Is/Are the proposed rule(s) and regulation(s) mandated by the federal government as a requirement for participating in or implementing a federally subsidized or assisted program?

☐ Yes If yes, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration and the Attorney General. Budget approval is not required; however, the Division of the Budget will require submission of a copy of the EIS at the end of the review process.

☒ No If no, do the total annual implementation and compliance costs for the proposed rule(s) and regulation(s), calculated from the effective date of the rule(s) and regulation(s), exceed \$1.0 million over any two-year period through June 30, 2024, or exceed \$3.0 million over any two-year period on or after July 1, 2024 (as calculated in Section III, F)?

☐ Yes If yes, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration, the Attorney General, AND the Division of the Budget. The regulation(s) and the EIS will require Budget approval.

☒ No If no, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration and the Attorney General. Budget approval is not required; however, the Division of the Budget will require submission of a copy of the EIS at the end of the review process.

DOB APPROVAL STAMP (If Required)

RECEIVED

AUG 10 2022

SCOTT SCHWAB
SECRETARY OF STATE

Section I

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

The proposed revocation of this regulation will eliminate all designated areas open to the commercial harvest of mussels in Kansas.

Section II

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

There are no relevant federal laws or standards for Kansas. Most other states identified the threat to mussel populations and have corresponding, and similar provisions. Kansas has had a moratorium prohibiting commercial harvest in place since January 1, 2003. The moratorium expires on December 31, 2022.

Section III

Agency analysis specifically addressing the following:

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

No significant or measurable impact on business activities is anticipated.

- 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(s) and regulation(s) and on the state economy as a whole;

No significant compliance or implementation costs are anticipated for any group or individual.

- C. Businesses that would be directly affected by the proposed rule(s) and regulation(s);

No known direct impact for businesses is anticipated. No known commercial mussel industry remains in Kansas. Commercial harvest has been suspended since 2003.

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

No costs anticipated. Benefits anticipated- increased viability and sustainability of mussel species in Kansas.

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

No measures required, no cost or significant impact to local government or individuals in Kansas is anticipated.

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**SCOTT SCHWAB
SECRETARY OF STATE**

- F. An estimate of the total annual implementation and compliance costs that are reasonably expected to be incurred by or passed along to businesses, local governments, or members of the public.
Note: Do not account for any actual or estimated cost savings that may be realized.

Costs to Affected Businesses – \$None

Costs to Local Governmental Units – \$None

Costs to Members of the Public – \$None

Total Annual Costs – \$None
 (sum of above amounts)

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

No costs anticipated

- ☐ Yes If the total implementation and compliance costs exceed \$1.0 million over any two-year period through June 30, 2024, or exceed \$3.0 million over any two-year period on or after July 1, 2024, and prior to the submission or resubmission of the proposed rule(s) and regulation(s), did the agency hold a public hearing 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.
- ☐ No
- ☒ Not Applicable

No anticipated costs, however the agency held a hearing on January 13, 2022 (virtually) 28 members of the public attended, March 31, 2022, 26 public attendees, April 21, 2022 in Beloit, Kansas with a total of 19 public attendees and June 23, 2022 in Lawrence with 28 public attendees.

Provide an estimate to any changes in aggregate state revenues and expenditures for the implementation of the proposed rule(s) and regulation(s), for both the current fiscal year and next fiscal year.

Not applicable.

Provide an estimate of any immediate or long-range economic impact of the proposed rule(s) and regulation(s) on any individual(s), small employers, and the general public. If no dollar estimate can be given for any individual(s), small employers, and the general public, give specific reasons why no estimate is possible.

Not applicable

- 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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SCOTT SCHWAB
 SECRETARY OF STATE

- 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 statewide, public hearings with on-line access, publication in the Kansas Register and the agency website.

Section IV

Does the Economic Impact Statement involve any environmental rule(s) and regulation(s)?

- ☐ Yes If yes, complete the remainder of Section IV.
☒ No If no, skip the remainder of Section IV.

- A. Describe the capital and annual costs of compliance with the proposed rule(s) and regulation(s), and the persons who would bear the costs.

[Click here to enter agency response.](#)

- B. Describe the initial and annual costs of implementing and enforcing the proposed rule(s) and regulation(s), including the estimated amount of paperwork, and the state agencies, other governmental agencies, or other persons who would bear the costs.

[Click here to enter agency response.](#)

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

[Click here to enter agency response.](#)

- D. Provide a detailed statement of the data and methodology used in estimating the costs used.

[Click here to enter agency response.](#)

DOB APPROVAL STAMP (If Required)

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AUG 10 2022

SCOTT SCHWAB
SECRETARY OF STATE

Kansas Administrative Regulations Economic Impact Statement (EIS)

KDWP
Agency

Dan Riley
Agency Contact

296-1032
Contact Phone Number

115-17-14
K.A.R. Number(s)

☒ Permanent ☐ Temporary

Is/Are the proposed rule(s) and regulation(s) mandated by the federal government as a requirement for participating in or implementing a federally subsidized or assisted program?

- ☐ Yes If yes, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration and the Attorney General. Budget approval is not required; however, the Division of the Budget will require submission of a copy of the EIS at the end of the review process.
- ☒ No If no, do the total annual implementation and compliance costs for the proposed rule(s) and regulation(s), calculated from the effective date of the rule(s) and regulation(s), exceed \$1.0 million over any two-year period through June 30, 2024, or exceed \$3.0 million over any two-year period on or after July 1, 2024 (as calculated in Section III, F)?
- ☐ Yes If yes, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration, the Attorney General, AND the Division of the Budget. The regulation(s) and the EIS will require Budget approval.
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DOB APPROVAL STAMP (If Required)

RECEIVED

AUG 10 2022

**SCOTT SCHWAB
SECRETARY OF STATE**

Section I

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

The proposed revocation of this regulation will eliminate all permit authority for dealers in commercially harvested mussels in Kansas.

Section II

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

There are no relevant federal laws or standards for Kansas. Most other states identified the threat to mussel populations and have corresponding, and similar provisions. Kansas has had a moratorium prohibiting commercial harvest in place since January 1, 2003. The moratorium expires on December 31, 2022.

Section III

Agency analysis specifically addressing the following:

- A. The extent to which the rule(s) and regulation(s) will enhance or restrict business activities and growth;
No significant or measurable impact on business activities is anticipated.
- 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(s) and regulation(s) and on the state economy as a whole;
No significant compliance or implementation costs are anticipated for any group or individual.
- C. Businesses that would be directly affected by the proposed rule(s) and regulation(s);
No known direct impact for businesses is anticipated. No known commercial mussel industry remains in Kansas. Commercial harvest has been suspended since 2003.
- D. Benefits of the proposed rule(s) and regulation(s) compared to the costs;
No costs anticipated. Benefits anticipated- increased viability and sustainability of mussel species in Kansas.
- E. Measures taken by the agency to minimize the cost and impact of the proposed rule(s) and regulation(s) on business and economic development within the State of Kansas, local government, and individuals;
No measures required, no cost or significant impact to local government or individuals in Kansas is anticipated.

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**SCOTT SCHWAB
SECRETARY OF STATE**

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

Note: Do not account for any actual or estimated cost savings that may be realized.

Costs to Affected Businesses – \$None

Costs to Local Governmental Units – \$None

Costs to Members of the Public – \$None

Total Annual Costs – \$None

(sum of above amounts)

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

No costs anticipated

- ☐ Yes If the total implementation and compliance costs exceed \$1.0 million over any two-year period through June 30, 2024, or exceed \$3.0 million over any two-year period on or after July 1, 2024, and prior to the submission or resubmission of the proposed rule(s) and regulation(s), did the agency hold a public hearing 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.
- ☐ No
- ☒ Not Applicable

No anticipated costs, however the agency held a hearing on January 13, 2022 (virtually) 28 members of the public attended, March 31, 2022, 26 public attendees, April 21, 2022 in Beloit, Kansas with a total of 19 public attendees and June 23, 2022 in Lawrence with 28 public attendees.

Provide an estimate to any changes in aggregate state revenues and expenditures for the implementation of the proposed rule(s) and regulation(s), for both the current fiscal year and next fiscal year.

Not applicable.

Provide an estimate of any immediate or long-range economic impact of the proposed rule(s) and regulation(s) on any individual(s), small employers, and the general public. If no dollar estimate can be given for any individual(s), small employers, and the general public, give specific reasons why no estimate is possible.

Not applicable

- 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

DOB APPROVAL STAMP (If Required)

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AUG 10 2022

**SCOTT SCHWAB
SECRETARY OF STATE**

- 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 statewide, public hearings with on-line access, publication in the Kansas Register and the agency website.

Section IV

Does the Economic Impact Statement involve any environmental rule(s) and regulation(s)?

- ☐ Yes If yes, complete the remainder of Section IV.
☒ No If no, skip the remainder of Section IV.

- A. Describe the capital and annual costs of compliance with the proposed rule(s) and regulation(s), and the persons who would bear the costs.

Click here to enter agency response.

- B. Describe the initial and annual costs of implementing and enforcing the proposed rule(s) and regulation(s), including the estimated amount of paperwork, and the state agencies, other governmental agencies, or other persons who would bear the costs.

Click here to enter agency response.

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

Click here to enter agency response.

- D. Provide a detailed statement of the data and methodology used in estimating the costs used.

Click here to enter agency response.

DOB APPROVAL STAMP (If Required)

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AUG 10 2022

SCOTT SCHWAB
SECRETARY OF STATE

Kansas Administrative Regulations Economic Impact Statement (EIS)

KDWP

Agency

Dan Riley

Agency Contact

296-1032

Contact Phone Number

115-25-11

K.A.R. Number(s)

☒ Permanent ☐ Temporary

Is/Are the proposed rule(s) and regulation(s) mandated by the federal government as a requirement for participating in or implementing a federally subsidized or assisted program?

- ☐ Yes If yes, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration and the Attorney General. Budget approval is not required; however, the Division of the Budget will require submission of a copy of the EIS at the end of the review process.
- ☒ No If no, do the total annual implementation and compliance costs for the proposed rule(s) and regulation(s), calculated from the effective date of the rule(s) and regulation(s), exceed \$1.0 million over any two-year period through June 30, 2024, or exceed \$3.0 million over any two-year period on or after July 1, 2024 (as calculated in Section III, F)?
- ☐ Yes If yes, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration, the Attorney General, AND the Division of the Budget. The regulation(s) and the EIS will require Budget approval.
- ☒ No If no, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration and the Attorney General. Budget approval is not required; however, the Division of the Budget will require submission of a copy of the EIS at the end of the review process.

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Section I

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

The proposed regulation amendment authorizes the extension of the general furbearer harvest season which currently runs through February 15, through the end of the month of February and increases bag limits for otter.

Section II

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

There are no relevant federal laws or standards. Many states have extended harvest seasons due to damages sustained as the result of elevated raccoon populations.

Section III

Agency analysis specifically addressing the following:

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

No significant or measurable impact on business activities is anticipated.

- 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(s) and regulation(s) and on the state economy as a whole;

No significant compliance or implementation costs are anticipated for any group or individual.

- C. Businesses that would be directly affected by the proposed rule(s) and regulation(s);

No known direct impact for businesses is anticipated.

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

No costs anticipated. Benefits anticipated-the additional length of furbearer harvest season and increased otter bag limits should result in additional revenue for trappers and raccoon hunters and also provide some relief from damage caused by the animals.

- 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;

No measures required, no cost or significant impact to local government or individuals in Kansas is anticipated.

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

Note: Do not account for any actual or estimated cost savings that may be realized.

Costs to Affected Businesses – \$None

Costs to Local Governmental Units – \$None

Costs to Members of the Public – \$None

Total Annual Costs – \$None

(sum of above amounts)

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

No costs anticipated

- ☐ Yes If the total implementation and compliance costs exceed \$1.0 million over any two-year period through June 30, 2024, or exceed \$3.0 million over any two-year period on or after July 1, 2024, and prior to the submission or resubmission of the proposed rule(s) and regulation(s), did the agency hold a public hearing 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.
- ☐ No
- ☒ Not Applicable

No anticipated costs, however the agency held a hearing on January 13, 2022 (virtually) 28 members of the public attended, March 31, 2022 26 public attendees, April 21, 2022 in Beloit, Kansas with a total of 19 public attendees and June 23, 2022 with 28 public attendees.

Provide an estimate to any changes in aggregate state revenues and expenditures for the implementation of the proposed rule(s) and regulation(s), for both the current fiscal year and next fiscal year.

Not applicable.

Provide an estimate of any immediate or long-range economic impact of the proposed rule(s) and regulation(s) on any individual(s), small employers, and the general public. If no dollar estimate can be given for any individual(s), small employers, and the general public, give specific reasons why no estimate is possible.

Not applicable

- 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 statewide, public hearings with on-line access, publication in the Kansas Register and the agency website.

Section IV

Does the Economic Impact Statement involve any environmental rule(s) and regulation(s)?

- ☐ Yes If yes, complete the remainder of Section IV.
☒ No If no, skip the remainder of Section IV.

- A. Describe the capital and annual costs of compliance with the proposed rule(s) and regulation(s), and the persons who would bear the costs.

Click here to enter agency response.

- B. Describe the initial and annual costs of implementing and enforcing the proposed rule(s) and regulation(s), including the estimated amount of paperwork, and the state agencies, other governmental agencies, or other persons who would bear the costs.

Click here to enter agency response.

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

Click here to enter agency response.

- D. Provide a detailed statement of the data and methodology used in estimating the costs used.

Click here to enter agency response.

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