

Wildlife and Parks Commission Notice of Public Hearing

A public hearing will be conducted by the Wildlife and Parks Commission at 12:00 p.m., Thursday, June 22, 2023, at the Acorns Resort, 3710 Farnum Creek Rd., Milford, Kansas to consider the approval and adoption of a proposed administrative regulation of the Kansas Department of Wildlife and Parks.

The public hearing will begin at 12:00 p.m., June 22, 2023, at the location above. Other commission business will follow and will include general discussions, which may include educational presentations, workshop sessions, and public comment opportunities following the public hearing and again toward the end of the meeting. The meeting will continue until all business is complete.

Any individual with a disability may request an accommodation in order to participate in the public hearing and may request the proposed regulation 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 regulation.

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

K.A.R. 115-8-23. The proposed amendment will clarify that the prohibition on baiting wildlife KDWP lands and waters does not apply to fur harvesters; and that prohibition does include walk-in hunting areas (WIHA) and integrated walk-in hunting areas (iWHA).

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

Copies of the complete text of the regulation 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

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115-8-23. Bait; hunting (a) No person shall place, deposit, expose, or scatter bait ~~while hunting or preparing to hunt~~ on department lands or place, deposit, expose, or scatter bait in a manner that causes another person to be in violation of this regulation.

(1) This regulation shall include those areas designated by the agency as Walk-in Hunting Areas (WIHA) and Integrated Walk-in Hunting Areas (iWIHA).

(2) This shall not apply to licensed furharvesters as permitted in K.A.R. 115-5-1.

~~(b) Hunting shall be prohibited within 100 yards of any bait placed, deposited, exposed, or scattered on department lands. Bait shall be considered placed, deposited, exposed, or scattered on department lands for 10 days following complete removal of the bait.~~

~~(e)(b)~~ (1) Nothing in this regulation shall prohibit the hunting or taking of wildlife over any of the following:

(A) Standing crops, grain or crop residue following harvest, or flooded standing crops, including aquatic crops;

(B) standing, flooded, or manipulated natural vegetation;

(C) flooded harvested croplands;

(D) lands or areas where seeds or grains have been scattered solely as the result of normal agricultural planting, harvesting, postharvest manipulation, or soil stabilization practice; or

(E) standing or flooded standing agricultural crops over which grain is inadvertently scattered solely as a result of a hunter entering or exiting a hunting area, placing decoys, or retrieving downed wildlife.

(2) The taking of wildlife, except migratory waterfowl, coots, and cranes, on or over any lands or areas meeting the following conditions shall not be prohibited:

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(A) Are not otherwise baited; and

(B) have grain or other feed that has been distributed or scattered solely as the result of manipulation of an agricultural crop or other feed on the land where grown, scattered solely as the result of normal agricultural operations, or scattered solely as the result of normal weather conditions.

~~(d)~~ (c) For the purposes of this regulation, "bait" shall mean any grain, fruit, vegetable, nut, hay, salt, sorghum, feed, other food, or mineral that is capable of attracting wildlife. Liquid scents and sprays shall not be considered bait. (Authorized by and implementing K.S.A. 2012 Supp. 32-807; effective July 20, 2012; amended July 26, 2013; amended P-_____.)

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Kansas Administrative Regulations Economic Impact Statement (EIS)

KDWP
Agency

Dan Riley
Agency Contact

296-1032
Contact Phone Number

115-8-23
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 amendment will clarify that the prohibition on baiting wildlife KDWP lands and waters does not apply to fur harvesters; and that prohibition does include walk in hunting areas (WIHA) and (iWIHA), integrated walk in hunting areas.

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 know relevant federal laws. Most states have similar provisions that either partially or fully prohibit wildlife baiting on public lands.

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 restriction or enhancement 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 economic effect is anticipated.
- C. Businesses that would be directly affected by the proposed rule(s) and regulation(s);
None anticipated.
- D. Benefits of the proposed rule(s) and regulation(s) compared to the costs;
There are no costs anticipated.
- 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 economic impact 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

If applicable, click here to enter public hearing information. No significant costs are anticipated, however the agency held public hearings at which the proposed regulations were discussed on January 13, 2022, (virtual) 28 public attendees, March, 2022 with 26 members of the public, and on April 21, 2022 with 19 public attendees and June 23 with 28 public members.

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, no impact anticipated.

- 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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