

Wildlife and Parks Commission Notice of Public Hearing

A public hearing will be conducted by the Wildlife and Parks Commission (the Commission) at 12:00 p.m., September 7, 2023, at The Finnup Center for Conservation Education at the Lee Richardson Zoo, 312 E. Finnup Drive, Garden City, Kansas 67846-6561, 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., September 7, 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 statement 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 Avenue, Suite 200, Topeka, Kansas 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. 115-20-2. This regulation amendment covers the provision and restrictions for certain wildlife, legal equipment, taking methods, possession, and license requirement.

Economic Impact Summary: There are no changes in aggregate state revenue or expenditures, nor is there any immediate or long-range impact on any legitimate activity of any individual, small employer, or the general public that is anticipated as a result of the proposed regulation.

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Copies of the complete text of the regulation and economic impact statement may be obtained by writing the Chairperson 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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115-20-2.—Certain wildlife; legal equipment, taking methods, possession, and license requirement.

(a)—Subject to federal and state laws and regulations, wildlife listed in subsection (b) may be taken for personal use on a noncommercial basis.

(b) For purposes of this regulation, wildlife shall include the following, excluding any species listed in K.A.R. 115-15-1 or K.A.R. 115-15-2:

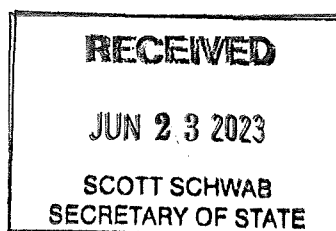
- (1) Amphibians, except bullfrogs;
- (2) armadillo;
- (3) commensal ~~and other~~ rodents, excluding game and furbearing animals;
- (4) exotic doves;
- (5) feral pigeon;
- (6) gopher;
- (7) ground squirrel;
- (8) invertebrates;
- (9) kangaroo rat;
- (10) mole;
- (11) porcupine;
- (12) prairie dog;
- (13) reptiles, except common snapping turtles and soft-shelled turtles;
- (14) woodchuck; and
- (15) wood rat.

(c) Wildlife listed in subsection (b) shall be taken only with any of the following legal equipment or methods:

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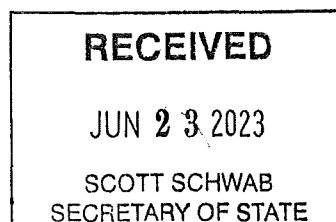
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- (1) Bow and arrow;
 - (2) crossbow;
 - (3) deadfall;
 - (4) dogs;
 - (5) falconry;
 - (6) firearms, except fully automatic firearms;
 - (7) glue board;
 - (8) hand;
 - (9) net or seine;
 - (10) optical scopes or sights that project no visible light toward the target and do not electronically amplify visible or infrared light;
 - (11) pellet and BB gun;
 - (12) poison, poisonous gas, or smoke, if the toxicant is registered and labeled for that use and if all permit requirements for use of the poison, poisonous gas, or smoke have been met;
 - (13) projectiles hand-thrown or propelled by a slingshot;
 - (14) snare or noose; or
 - (15) trap.
- (d) The open season for the taking of wildlife listed in subsection (b) shall be year-round.
- (e) There shall be no maximum daily bag or possession limit for wildlife listed in subsection (b), except that no more than five of any one species of amphibian, reptile, or mussel may be possessed and total of any combination of amphibian may be possessed per person or domicile, whichever is

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reached first, and no more than five reptiles and no more than two individuals of any reptile species per person and/or domicile, whichever is reached first. ~~no~~ No more than five live specimens of mussels may be possessed. Two opposing shells shall constitute one mussel.

(f) For the purpose of this regulation, "domicile" shall mean the address you declare in legal documents to pay taxes, receive social security, vote, bank, permanent abode, and register vehicles and animals.

~~(g)~~(g) Each exotic dove possessed in excess of the aggregate daily bag limit or aggregate possession limit for migratory doves during the open season for migratory doves established in K.A.R. 115-25-19 shall retain a fully feathered wing. For the purpose of this regulation, "migratory dove" shall mean any mourning dove or white-winged dove, and "exotic dove" shall mean a Eurasian collared dove or ringed turtledove.

~~(g)~~(h) Legally taken wildlife listed in subsection (b) may be possessed without limit in time.

~~(h)~~(i) A hunting license shall not be required to take invertebrates. (Authorized by K.S.A. 32-807; implementing K.S.A. 32-807 and K.S.A. 32-919; as amended by L. 2023, ch. 43, sec. 4; effective Sept. 10, 1990; amended Nov. 30, 1998; amended July 13, 2001; amended Nov. 22, 2002; amended Feb. 18, 2005; amended July 28, 2017; amended P-_____.)

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Kansas Administrative Regulations Economic Impact Statement (EIS)

KDWP

Agency

Dan Riley

Agency Contact

296-1032

Contact Phone Number

115-20-2

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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- 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 due to no anticipated impact on any legitimate business.

- ☐ 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 measurable costs are anticipated.

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.

No change in aggregate state revenue or expenditures are anticipated as a result of the proposed regulation.

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. The proposed changes do not have the potential of immediate or long-range impact on any legitimate activity of any individual, small employer or the general public.

- 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

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Kansas Municipalities, Kansas Association of Counties, and/or the Kansas Association of School Boards.

No potential increases or decreases of revenue of cities, counties, or school districts are involved with the proposed regulation.

- 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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