

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., Thursday, August 17, 2023, at Pittsburg State University, Bicknell Center VIP Room, 1711 S. Homer Street, Pittsburg, Kansas 66762, 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., August 17, 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 30-day notice period prior to the hearing constitutes a public comment period for the purpose of receiving written public comments on the proposed administrative regulation.

All interested parties may submit written comments prior to the hearing to the Chairman of the Commission, Kansas Department of Wildlife 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. 115-25-9a. This regulation sets deer seasons on military installations in the state and adjusts the dates from the previous season.

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Economic Impact Summary. The proposed amendments will not enhance or restrict business activities and growth. The proposed amendments would have an economic effect on businesses surrounding the military installations and individuals who purchase permits to hunt deer on those installations. However, any economic impact would be included in K.A.R. 115-25-9, statewide deer seasons, because permits are not available specifically for military installations and it is impossible to estimate the number of participants. There are no costs associated with this proposal. Any data is included in the general deer regulation, K.A.R. 115-25-9.

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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115-25-9a. Deer; open season, bag limit, and permits; additional considerations; military subunits. (a) In addition to the pre-rut antlerless whitetail deer only season for ~~designated persons~~ specified in K.A.R. 115-25-9, in the Fort Riley subunit the antlerless white-tailed deer only season for ~~designated persons~~ shall also be October 8, 2022 through October 10, 2022; November 24, 2023, through November 26, 2023.

(b) In the Fort Riley subunit, the open firearm season for the taking of deer shall be December 16, 2023, through December 23, 2023 ~~November 25, 2022 through November 27, 2022; December 17, 2022 through December 23, 2022; and December 26, 2022 through December 27, 2022.~~ A deer hunter may use only one white-tailed antlerless-only permit in Fort Riley.

(c) ~~In addition to the archery season specified in K.A.R. 115-25-9, the open archery season for the taking of deer in the Fort Riley subunit shall be September 1, 2022 through September 11, 2022 and January 1, 2023 through January 31, 2023 by individuals who possess the required authorization issued by Fort Riley to hunt for deer during the specified days.~~

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

(e) ~~In the Fort Riley subunit, the extended firearms season for the taking of antlerless-only white-tailed deer shall be closed.~~

(fc) In the Fort Leavenworth subunit, the open firearm season for the taking of deer shall be November 12, 2022 through November 13, 2022; November 19, 2022 through November 20, 2022; November 24, 2022 through November 27, 2022; December 3, 2022 through December 4, 2022; and December 10, 2022 through December 11, 2022 November 11, 2023, through November 12, 2023; November 18, 2023, through November 19, 2023; November 23, 2023, through November 26, 2023;

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December 2, 2023, through December 3, 2023; and December 9, 2023, through December 10, 2023.

(gd) In the Fort Leavenworth subunit, the extended firearms season for the taking of antlerless-only white-tailed deer shall be ~~January 1, 2023~~ January 1, 2024, through ~~January 23, 2023~~ January 22, 2024.

(he) In the Fort Leavenworth subunit, the extended archery season for the taking of antlerless-only white-tailed deer shall be ~~January 23, 2023~~ January 22, 2024, through January 31, ~~2023~~ 2024.

(if) In the ~~Smokey~~ Smoky Hill subunit, the open firearm season for the taking of deer shall be ~~November 30, 2022 through December 11, 2022~~ November 29, 2023, through December 10, 2023. Five additional antlerless white-tailed deer permits shall be valid in subunit 4a. This regulation shall have no force and effect on and after March 1, ~~2023~~ 2024. (Authorized by and implementing K.S.A. 32-807, as amended by L. 2023, ch. 7, sec. 28, and K.S.A. 32-937.)

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Kansas Administrative Regulations Economic Impact Statement (EIS)

KDWP

Agency

Dan Riley

Agency Contact

296-1032

Contact Phone Number

115-25-9a

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).

This proposed version of the regulation sets deer seasons on military installations in the state and adjusts the dates from the previous season.

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.)*

This is not a federal mandate. Missouri, Oklahoma, Nebraska, and Colorado all have varying regulations dealing with deer seasons.

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;

The proposed amendments will not enhance or restrict business activities and growth.

- B. The economic effect, including a detailed quantification of implementation and compliance costs, on the specific businesses, sectors, public utility ratepayers, individuals, and local governments that would be affected by the proposed rule(s) and regulation(s) and on the state economy as a whole;

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

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

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

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

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

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

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

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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.

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

- ☐ 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.

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

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.

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

- 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.

Not applicable.

- H. Describe how the agency consulted and solicited information from businesses, associations, local governments, state agencies, or institutions and members of the public that may be affected by the proposed rule(s) and regulation(s).

The information regarding the amendment to the regulation was presented at public meetings held on April 27, 2023, and June 22, 2022. For both meetings, approximately 51 members of the public attended either in person or by Zoom. The proposed regulation was published in the Kansas Register and on 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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