

Proposed

Wildlife, Parks, and Tourism Commission

Notice of Public Hearing

A public hearing will be conducted by the Wildlife, Parks, and Tourism Commission at 6:30 p.m., Thursday, June 22, 2017 at the George Meyn Community Center, 126th and State Ave., Kansas City, Kansas to consider the approval and adoption of proposed regulations of the Kansas Department of Wildlife, Parks, and Tourism.

A general discussion and workshop meeting on business of the Wildlife, Parks, and Tourism Commission will begin at 1:00 p.m., June 22 at the location listed above. The meeting will recess at approximately 5:00 p.m. then resume at 6:30 p.m. at the same location for the regulatory hearing and more business. There will be public comment periods at the beginning of the afternoon and evening meeting for any issues not on the agenda and additional comment periods will be available during the meeting on agenda items. Old and new business may also be discussed at this time. If necessary to complete business matters, the Commission will reconvene at 9:00 a.m. June 23 at the location listed above.

Any individual with a disability may request accommodation in order to participate in the public meeting and may request the meeting materials in an accessible format. Requests for accommodation to participate in the meeting should be made at least five working days in advance of the meeting by contacting Sheila Kemmis, Commission Secretary, at (620) 672-5911. Persons with a hearing impairment may call the Kansas Commission for the Deaf and Hard of Hearing at 1-800-432-0698 to request special accommodations.

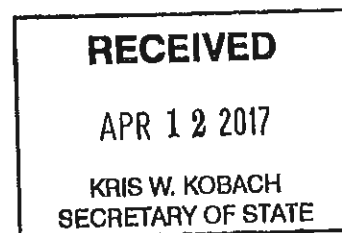
This 60-day notice period prior to the hearing constitutes a public comment period for the purpose of receiving written public comments on the proposed administrative regulation.

All interested parties may submit written comments prior to the hearing to the Chairman of the Commission, Kansas Department of Wildlife, Parks, and Tourism, 1020 S. Kansas Ave, Suite 200, Topeka, KS 66612 or to sheila.kemmis@ks.gov if electronically. All interested parties will be given a reasonable opportunity at the hearing to express their views orally in regard to the adoption of the proposed regulation. During the hearing, all written and oral comments submitted by interested parties will be considered by the commission as a basis for approving, amending and approving, or rejecting the proposed regulation.

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

K.A.R. 115-16-3. This permanent administrative regulation establishes requirements for nuisance bird control permits. The proposed changes would remove one species from the listing of nuisance birds.

Economic Impact Summary: The proposed amendments to the regulation are not anticipated to have any appreciable negative economic impact on the department, other agencies, small businesses or the public.



K.A.R. 115-20-2. This permanent regulation establishes guidelines for the legal equipment, taking methods and possessions and license requirements for certain wildlife. The proposed amendments relate to changing the classification of exotic doves.

Economic Impact Summary: The proposed amendments are not anticipated to have any appreciable negative economic impact on the department, small businesses, other agencies, or the public.

K.A.R. 115-20-7. This permanent regulation establishes certain requirements for hunting of doves. The proposed amendments would establish methods of take under the regulation would only be for migratory doves.

Economic Impact Summary: The proposed amendments are not anticipated to have any appreciable negative economic impact on the department, small businesses, other agencies, or the public.

K.A.R. 115-25-19. This exempt regulation establishes requirements for hunting doves. The proposed version of the regulation increases the allowable number of days for taking exotic doves.

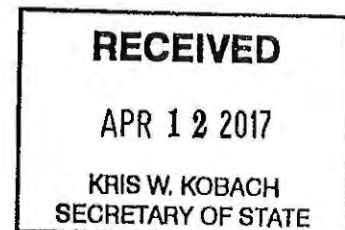
Economic Impact Summary: The proposed amendments are not anticipated to have any appreciable negative economic impact on the department, small businesses, other agencies, or the public.

K.A.R. 115-25-9a. This exempt regulation establishes additional considerations for the 2016-2017 firearm, muzzleloader and archery deer seasons. The main items in the regulation set the deer seasons on Fort Riley, Fort Leavenworth, and Smokey Hill military reservation in order to better accommodate the changing training missions.

Economic Impact Summary: The proposed amendments are not anticipated to have any appreciable negative economic impact on the department, small businesses, other agencies, or the public.

Copies of the complete text of the regulation and its respective 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.kdwpt.state.ks.us, or by calling (785) 296-2281.

Gerald Lauber, Chairman



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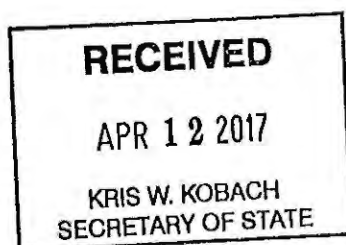
115-16-3. Nuisance bird control permit; application, provisions, and requirements. (a) The term "nuisance birds" shall include those species specified in the department's "Kansas nuisance bird species table," dated ~~May 9, 2011~~ April 11, 2017, which is hereby adopted by reference.

(b) Nuisance birds may be controlled when found depredating or about to depredate upon ornamental or shade trees, agricultural crops, livestock, or wildlife, or when concentrated in such numbers and manner as to constitute a health hazard or other nuisance.

(c) A nuisance bird control permit shall be required to use any lethal method of control that involves poisons or chemicals for controlling nuisance birds other than the ~~feral pigeon~~, English sparrow, or European starling.

(d) Any person may apply to the secretary for a nuisance bird control permit. The application shall be submitted on forms provided by the department. Each applicant shall provide the following information:

- (1) The applicant's name;
- (2) the applicant's address;
- (3) the applicant's telephone number;
- (4) the location of the nuisance bird problem;
- (5) a description of the problem;
- (6) the species of birds involved;
- (7) the proposed method of control; and
- (8) the length of time for which the permit is requested; and



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DEPT. OF ADMINISTRATION

~~(9) any other relevant information as required by the secretary.~~

(e) Issuance of a permit may be denied by the secretary if any of the following conditions is met:

(1) The permit application is unclear or incomplete.

(2) The need for nuisance bird control has not been established.

(3) Use of the poison or chemical would pose inordinate risk to the public, non-target wildlife, or the environment.

(f) Each permit shall be valid only for the period specified on the permit, which shall not exceed one year.

(g) A permit may be extended by the secretary upon request and justification by the permittee. However, the combined total of the original and extended time periods shall not exceed one year.

(h) Each permit shall be valid only for the locations specified in the permit.

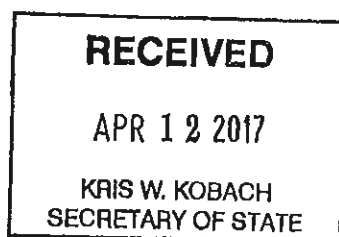
(i) In addition to other penalties as prescribed by law, a nuisance bird control permit may be revoked by the secretary if either of the following conditions is met:

(1) The permit was secured through false representation.

(2) The permittee fails to meet permit requirements or violates permit conditions.

(j) A nuisance bird control permit shall not be required to control nuisance bird problems as described in subsection (b) if the control method is nonlethal or if the control method involves use of firearms, air rifles, air pistols, archery equipment, or falconry.

(k) Nuisance birds killed and the plumage of nuisance birds killed during nuisance bird control may be possessed, transported, and otherwise disposed of or utilized, except that nuisance birds killed



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APR 12 2017
DEPT. OF ADMINISTRATION

and the plumage of nuisance birds killed during nuisance bird control shall not be sold or offered for sale.

(l) Nontoxic shot and bullets shall be required for the taking of nuisance birds pursuant to this regulation, except when using an air rifle, air pistol, or .22 caliber rimfire firearm. (Authorized by K.S.A. 2016 Supp. 32-807 and K.S.A. 32-955; implementing K.S.A. 32-955, ~~K.S.A. 2010 Supp. 32-1002, and K.S.A. 2010 Supp. 32-1003~~; effective Sept. 10, 1990; amended Aug. 31, 1992; amended Sept. 9, 2011; amended P-_____.)

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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 ~~rules and~~ regulations, wildlife listed ~~below~~ 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;
- (5) (6) gopher;
- (6) (7) ground squirrel;
- (7) (8) invertebrates;
- (8) (9) kangaroo rat;
- (9) (10) mole;
- (10) (11) porcupine;
- (11) (12) prairie dog;
- (12) (13) reptiles, except common snapping turtles and soft-shelled turtles;
- (13) (14) woodchuck; and
- (14) (15) wood rat.

(c) Wildlife listed ~~above~~ in subsection (b) shall be taken only with any of the following legal

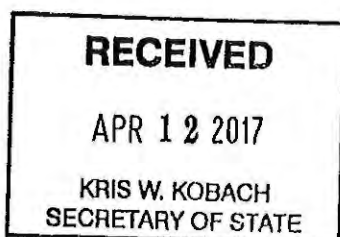


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equipment or methods:

- (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 above in subsection (b) shall be year-round.



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(e) There shall be no maximum daily bag or possession limit for wildlife listed above in subsection (b), except that no more than five of any one species of amphibian, reptile, or mussel may be possessed and no more than five live specimens of mussels may be possessed. Two opposing shells shall constitute one mussel.

(f) 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) Legally taken wildlife listed above in subsection (b) may be possessed without limit in time.

~~(g)~~ (h) A hunting license shall not be required to take invertebrates. (Authorized by K.S.A. 2016 Supp. 32-807; implementing K.S.A. 2016 Supp. 32-807; and K.S.A. 2016 Supp. 32-919; K.S.A. 32-1002, and K.S.A. 32-1003; effective Sept. 10, 1990; amended Nov. 30, 1998; amended July 13, 2001; amended Nov. 22, 2002; amended Feb. 18, 2005; amended P-_____.)

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115-20-7. Migratory doves; legal equipment, taking methods, and possession. (a) Legal hunting equipment for migratory doves shall consist of the following:

(1) Shotguns that are not larger than 10 gauge, use shot ammunition, and are incapable of holding more than three shells in total capacity;

(2) pellet and BB guns;

(3) archery equipment;

(4) crossbows;

(5) falconry equipment;

(6) optical scopes or sights that project no visible light toward the target and do not electronically amplify visible or infrared light; and

(7) blinds, stands, calls, and decoys, except live decoys.

(b) The use of dogs shall be permitted while hunting.

(c) Any type of apparel may be worn while hunting migratory doves.

(d) Legally taken migratory doves may be possessed without limit in time and may be given to another if accompanied by an attached, dated written notice that includes the donor's printed name, signature, and address; the total number of birds; the dates the birds were killed; and the permit or license number. The person receiving the meat shall retain the notice until the meat is consumed, given to another, or otherwise disposed of.

(e) Migratory doves shall be taken only while in flight. (Authorized by and implementing K.S.A. 2016 Supp. 32-807; effective Nov. 20, 2009; amended July 20, 2012; amended P-_____.)

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115-25-9a. Deer; open season, bag limit, and permits; additional considerations; military subunits.

(a) In addition to the archery seasons specified in K.A.R. 115-25-9, the open archery season for the taking of deer in the Fort Riley subunit shall also be September 1, 2017 through September 11, 2017 by individuals who possess the required authorization issued by Fort Riley to hunt for deer during the specified days.

(b) In addition to the season for designated persons specified in K.A.R. 115-25-9, in the Fort Riley subunit the season for designated persons shall also be October 6, 2017 through October 9, 2017.

(c) In the Fort Riley subunit, the open firearm season for the taking of deer shall be November 24, 2017 through November 26, 2017 and December 16, 2017 through December 24, 2017.

(d) 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, 2017 through September 10, 2017 and January 2, 2018 through January 31, 2018 by individuals who possess the required authorization issued by Fort Riley to hunt for deer during the specified days.

(e) 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.

(f) In the Fort Leavenworth subunit, the open firearm season for the taking of deer shall be November 18, 2017 through November 19, 2017, November 23, 2017 through November 26, 2017, December 2, 2017 through December 3, 2017, December 9 through December 10, 2017, and December 16, 2017 through December 17, 2017.



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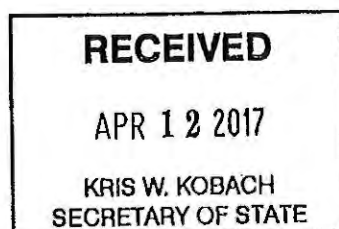
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(g) In the Fort Leavenworth subunit, the extended firearms season for the taking of antlerless only white-tailed deer shall be January 1, 2018 through January 14, 2018.

(h) In the Fort Leavenworth subunit, the extended archery season for the taking of antlerless only white-tailed deer shall be January 15, 2018 through January 31, 2018.


(i) In the Smokey Hill subunit, the open firearm season for the taking of deer shall be November 29, 2017 through December 10, 2017.

(j) This regulation shall have no force and effect on and after March 1, 2018. (Authorized by and implementing K.S.A. 2016 Supp. 32-807 and K.S.A. 2016 Supp. 32-937.)



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115-25-19. Doves; management unit, hunting season, shooting hours, and bag and possession

limits. (a) The open season for the taking of migratory doves shall begin on the first day of September and shall continue for 90 days, including the opening day. The open season for the taking of exotic doves shall be year-round.

(b) The entire state shall be open for the taking of doves during the dove seasons.

(c) Shooting hours shall be from one-half hour before sunrise until sunset.

(d) The aggregate daily bag limit for migratory doves during the open season shall be 15 migratory doves.

(e) The aggregate possession limit for migratory doves during the open season shall be 45 migratory doves.

(f) There shall be no aggregate daily bag limit or aggregate possession limit for exotic doves during any open season, except as provided in this regulation.

(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 shall retain a fully feathered wing.

(h) 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.

(Authorized by and implementing K.S.A. 2016 Supp. 32-807.)

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ECONOMIC IMPACT STATEMENT

K.A.R. 115-16-3. Nuisance bird control permit; application, provisions, and requirements.

DESCRIPTION: This permanent administrative regulation establishes requirements for nuisance bird control permits. These permits authorizes the take of certain species when found depredating. The proposed changes would remove one species from the listing of nuisance birds.

FEDERAL MANDATE: Nontoxic shot and species.

ECONOMIC IMPACT: No economic impact to the department, other agencies, small businesses, or the general public is anticipated.

ALTERNATIVES CONSIDERED: None.

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ECONOMIC IMPACT STATEMENT

K.A.R. 115-20-2. Certain wildlife; legal equipment; taking methods, possession and license requirement.

DESCRIPTION: This permanent regulation establishes guidelines for the legal equipment, taking methods and possessions and license requirements for certain wildlife. The proposed amendments relate to changing the classification of exotic doves.

FEDERAL MANDATE: None.

ECONOMIC IMPACT: The proposed amendment is not anticipated to have any appreciable economic impact on the department, other agencies, small businesses, or the public.

ALTERNATIVES CONSIDERED: None.

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ECONOMIC IMPACT STATEMENT

K.A.R. 115-20-7. Migratory doves; legal equipment, taking methods, and possession.

DESCRIPTION: This permanent regulation establishes certain requirements for hunting of doves. The proposed amendments would establish methods of take under the regulation would only be for migratory doves.

FEDERAL MANDATE: None.

ECONOMIC IMPACT: The proposed amendments are not anticipated to have any appreciable economic impact on the department, other agencies, small businesses or the public.

ALTERNATIVES CONSIDERED: None.

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ECONOMIC IMPACT STATEMENT

K.A.R. 115-25-9a. Deer; open season, bag limit, and permits; additional considerations.

DESCRIPTION: This exempt regulation establishes additional considerations for the 2016-2017 firearm, muzzleloader and archery deer seasons. The main items in the regulation set the deer seasons on Fort Riley, Fort Leavenworth, and Smokey Hill military reservation only in order to better accommodate the changing training missions.

FEDERAL MANDATES: None

ECONOMIC IMPACT: No significant economic impact to the department, state agencies, small businesses or the public is anticipated.

ALTERNATIVES CONSIDERED: None.

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ECONOMIC IMPACT STATEMENT

K.A.R. 115-25-19. Doves; management unit, hunting season, shooting hours, bag and possession limits.

DESCRIPTION: This exempt regulation establishes requirements for hunting doves. The proposed version of the regulation increases the allowable number of days for taking exotic doves.

FEDERAL MANDATES: None.

ECONOMIC IMPACT: The proposed amendments are not anticipated to have any appreciable economic impact on the department, other agencies, small businesses, or the public.

ALTERNATIVES CONSIDERED: Other than to not adopt the proposed amendments, no other alternatives were considered.

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