

Wildlife and Parks Commission

Notice of Hearing of Proposed Administrative Regulations

A public hearing will be conducted by the Wildlife and Parks Commission at 7:00 p.m., Thursday, June 25, 2009 at the Morris County Community Center, 612 E Hwy 56, Council Grove, Kansas, to consider the approval and adoption of proposed administrative regulations of the Kansas Department of Wildlife and Parks.

A workshop meeting on business of the Wildlife and Parks Commission will begin at 1:30 p.m., June 25, at the location listed above. The meeting will recess at 5:30 p.m. then resume at 7:00 p.m. at the same location for the regulatory hearing. 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. June 26 at the location listed above.

Any individual with a disability may request 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 of Deaf and Hard Hearing at 1-800-432-0698 to request special accommodations.

This 90-day notice period prior to the hearing constitutes a public comment period for the purpose of receiving written public comments on 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 sheilak@wp.state.ks.us 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 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. 115-15-1. This permanent regulation designates the endangered and threatened species within the boundaries of the state. The proposed amendments would remove one endangered species, the Peregrine falcon, remove one threatened species, the Bald eagle and add three threatened species, the Delta hydrobe, the Plains minnow and the Shoal chub, from the list of species designated.

Economic Impact Summary: The economic impact of the proposed amendments is expected to be minimal due to a number of factors, including the current existence of other species in the same habitat that are already listed as threatened or

endangered (concerning the Shoal chub and Plains minnow) and the limited geographic area (concerning the Delta hydrobe). To the extent the proposed amendments would lead to additional review of projects that would impact one of this species or its habitat, the economic impact would be anticipated to be small. State law requires a permit of such a project only if publicly funded or if a state or federal permit is already required. Of approximately 1000 to 1500 projects reviewed annually, only 20-30 require a permit, and less than 5 percent are required to perform additional mitigation. The proposed amendments would impose some cost on the department for the development and implementation of a recovery plan for the species being listed. However, the plan would be developed based on a priority list of all listed species. No other economic impact on the public or other state agencies is anticipated.

K.A.R. 115-15-2. This permanent regulation designates species in need of conservation (SINC species) within the boundaries of the state. SINC species do not receive the same level of protection as threatened or endangered species. The proposed amendments would add the Bigeye shiner, Redfin darter, Lake sturgeon, Striped shiner, Common shiner, Southern redbelly dace, Cardinal shiner, and Johnny darter and remove the Delta hydrobe and the Plains minnow from the list of SINC species.

Economic Impact Summary: Listing a species as a SINC species provides no special protection or permit requirements other than a prohibition on the intentional taking of such species. Therefore, the proposed amendments would not be anticipated to have an economic impact of the public or other state agencies. Adding a new SINC species would create some cost to the department for the development of a recovery plan for that species.

K.A.R. 115-25-9a. This exempt regulation establishes open season, bag limit and permits for deer. The proposed version would add an extended season in all of units 7 and 8, whereas the previous season only included a portion of units 7 and 8.

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

Copies of the complete text of the regulations and their 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.kdwp.state.ks.us, or by calling (785) 296-2281.

Kelly Johnston, Chairman