

## 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, January 20, 2005 at the Memorial Hall Auditorium, 120 SW 10<sup>th</sup> Street, Topeka, 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., January 20<sup>th</sup> 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. January 21<sup>st</sup> 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 60-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](mailto: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. 115-18-1.** This permanent regulation sets the application, reporting and general requirements wildlife rehabilitation permits. The proposed amendments include minimum age for permittees, a base level of knowledge and experience, examination of applicants and continuing education, inspection of facilities, wildlife care requirements, transfer requirements, provisions for emergency care and transfer, record keeping, and cancellation of permits.

Economic Impact Summary: The proposed amendments will have an impact on the department and current rehabilitation permittees. However, after implementation of the new program, impact to the department and permittees will diminish substantially.

**K.A.R. 115-4-6.** This permanent regulation delineates the boundaries of deer

management units. Proposed changes include the exclusion of landowner deer management program areas and a minor expansion of Unit 19 to include a larger portion of the City of Leavenworth to assist in conducting urban deer management.

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

**K.A.R. 115-4-6a.** This new permanent regulation delineates the boundaries of new archery deer management units.

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

**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 add one new endangered species, the Silver chub, and remove two threatened species, the Texas night snake and White-faced ibis, 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 Silver chub). 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 silver chub. 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 Night snake, Delta hydrobe, and Brindled madtom and remove the Red-shouldered hawk and Eastern chipmunk 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. 115-2-1.** This permanent regulation sets the fee schedule for licenses, permits and other issues of the department. The proposed amendments would establish an elk permit application charge, an any-deer permit preference point service charge, a limited draw turkey permit preference point service charge, realign wild turkey permit fees, increase nonresident deer permit fees, increase lifetime hunting, fishing, combination and furharvesting license fees, establish a three-pole permit fee for fishing and create a nonresident bobcat permit as a subset of the nonresident furharvester license.

Economic Impact Summary: The proposed amendments for new services and issuances would generate approximately \$339,000 annually, all of which would accrue to the wildlife fee fund. The proposed amendments for lifetime license issuances would generate approximately \$371,000 annually, all of which would accrue to the wildlife conservation fund. The proposed amendment for nonresident deer permits would generate approximately \$1,200,000, all of which would accrue to the wildlife fee fund. Otherwise, the proposed amendments are not anticipated to have any further appreciable economic impact on the department, other agencies, or the public.

**K.A.R. 115-3-2.** This permanent regulation sets the legal equipment, taking methods and possession limits for rabbits, squirrels and hares. The proposed amendment would prohibit the use of night vision equipment when hunting these species.

Economic Impact Summary: The proposed amendment is not anticipated to have any appreciable economic impact on the department, other agencies, or the public.

**K.A.R. 115-5-1.** This permanent regulation sets the legal equipment, taking methods and general provisions for furbearers and coyotes. The proposed amendment would prohibit the use of night vision equipment when hunting these species.

Economic Impact Summary: The proposed amendment is not anticipated to have any appreciable economic impact on the department, other agencies, or the public.

**K.A.R. 115-20-1.** This permanent regulation sets the legal equipment, taking methods and possession limits for crows. The proposed amendment would prohibit the use of night vision equipment when hunting these species.

Economic Impact Summary: The proposed amendment is not anticipated to have any appreciable economic impact on the department, other agencies, or the public.

**K.A.R. 115-20-2.** This permanent regulation sets the legal equipment, taking methods, possession limits and license requirements for certain species. The proposed amendment would prohibit the use of night vision equipment when hunting these species.

Economic Impact Summary: The proposed amendment is not anticipated to have any appreciable economic impact on the department, other agencies, or the public.

**K.A.R. 115-7-2.** This permanent regulation contains general provisions for fishing. The proposed amendment would allow the use of a third pole while fishing provided the individual is possession of a third-pole permit.

Economic Impact Summary: The proposed amendment is not anticipated to have any appreciable economic impact on the department, other agencies, or the public.

**K.A.R. 115-25-14.** This exempt regulation contains creel limits, size limits, possession limits and open seasons for fishing. The proposed amendment would add Moon Lake on Fort Riley to list of designated trout waters.

Economic Impact Summary: The proposed amendment is not anticipated to have any appreciable economic impact on the department, other agencies, or the public.

**K.A.R. 115-18-7.** This permanent regulation contains application procedures, permit

requirements and general provisions for the use of crossbows and locking draws for big game and wild turkeys. The proposed amendments would delineate wild turkeys from big game due to changes in the statutory status of wild turkeys as well as clarify certain provisions dealing with telescopic sights.

Economic Impact Summary: The proposed amendment is not anticipated to have any appreciable economic impact on the department, other agencies, or the public.

**K.A.R. 115-4-11.** This permanent regulation deals with big game and wild turkey applications. The proposed amendments would delineate wild turkeys from big game due to changes in the statutory status of wild turkeys as well as create a preference point system for limited wild turkey seasons. In addition, the proposed amendments would allow for the purchase of a preference point in a given year in lieu of applying for a limited deer, antelope or wild turkey permit.

Economic Impact Summary: The proposed amendment is not anticipated to have any appreciable economic impact on the department, other agencies, or the public.

**K.A.R. 115-9-4.** This permanent regulation deals with hunting or furharvesting license purchases. The proposed amendment would permit the attesting of bowhunting or furharvesting certificates of completion when purchasing permits to better accommodate a new automated licensing system.

Economic Impact Summary: The proposed amendment is not anticipated to have any appreciable economic impact on the department, other agencies, or the public.

**K.A.R. 115-11-2.** This permanent regulation deals with operational requirements for controlled shooting areas. The proposed amendments would delineate wild turkeys from big game due changes in the statutory status of wild turkeys.

Economic Impact Summary: The proposed amendment is not anticipated to have any appreciable economic impact on the department, other agencies, 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](http://www.kdwp.state.ks.us), or by calling (785) 296-2281.

John R. Dykes, Chairman