

**Kansas Wildlife and Parks Commission
Notice of Public Hearing**

A public hearing will be conducted by the Kansas Department of Wildlife and Parks Commission (the Commission) at 12:00 p.m. on Thursday, November 21, 2024, at the Great Plains Nature Center, 6232 East 29th St N #2200, Wichita, Kansas 67220, to consider the approval and adoption of proposed administrative regulations of the Kansas Department of Wildlife and Parks. Other Commission business will follow and will include general discussions, which may include educational presentations, workshop sessions, and public comment opportunity following the public hearing. The meeting will continue until all business is complete. The public hearing will be conducted in person and via video conferencing system. Members of the public who wish to attend the public hearing virtually must pre-register at <https://ksoutdoors.zoom.us/meeting/register/tZApfuuoqDMrHNQEVUf7v68a00potnhDDOFH>.

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 regulations. All interested parties may submit written comments prior to the hearing to the Chairperson 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 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.

Copies of the complete text of the regulations and economic impact statements may be obtained by writing the Chairperson of the Commission at the address above, may be accessed electronically on the Department's website at www.ksoutdoors.com, or by calling (785) 296-2281.

Any individual with a disability may request an accommodation 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 ten (10) business 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.

Summaries of the proposed regulations and their economic impact follow. (Note: Statements indicating that "The Commission anticipates that the proposed amendment/new regulation will have minor to no economic impact" are intended to indicate that no economic impact on the Commission, other state agencies, persons subject to the proposed regulations, or the general public have been identified.)

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K.A.R. 115-25-8. Elk; open season, bag limit, and permits.

This regulation change establishes a January firearm season in Fort Riley.

Economic Impact:

This regulation will have a positive impact on business activities by adding 31 days of elk hunting on Fort Riley. The added days of hunting will increase the revenue of businesses associated with elk hunting in Kansas.

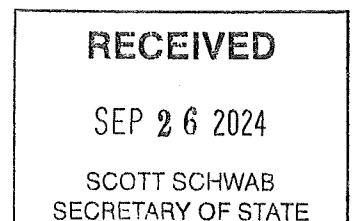
K.A.R. 115-25-9a. Deer; open season, bag limit, and permits; additional considerations; military subunits.

This regulation change establishes the deer season for the military subunits for the 2024-2025 season.

Economic Impact:

No economic effect nor any implementation or compliance costs are expected, and the impact on the state economy, if any, will be minimal. Businesses that engage in sales to military personnel that participate in the deer season may be minimally impacted.

Whitney Damron, Chair
Kansas Department of Wildlife and Parks Commission



115-25-8. Elk; open season, bag limit, and permits. (a) The unit designations in this regulation shall have the meanings specified in K.A.R. 115-4-6b, except that the area of Fort Riley, subunit 2a, shall not be included as part of Republican-Tuttle, unit 2.

(b) The open seasons for the taking of elk shall be as follows:

(1) The archery season dates and units shall be as follows:

(A) Statewide, except Fort Riley, subunit 2a, and unit 1: the Monday after the second Saturday in September through the last day of the same year.

(B) Fort Riley, subunit 2a: the first day of September through the last day of September.

(2) The firearm season dates and units shall be as follows:

(A) Statewide, except Fort Riley, subunit 2a, and unit 1: the first day of August through the last day of August; the Wednesday after Thanksgiving through the second following Sunday; and the first day of January through the 15th day of March.

(B) Fort Riley, subunit 2a:

(i) First segment: the first day of October through the last day of October.

(ii) Second segment: the first day of November through the last day of November.

(iii) Third segment: the first day of December through the last day of December.

(iv) Fourth segment: the first day of January through the last day of January.

(3) The muzzleloader season dates and units shall be as follows:

(A) Statewide, except Fort Riley, subunit 2a, and unit 1: the first day of September through the last day of September.

(B) Fort Riley, subunit 2a: the first day of September through the last day of September.

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(c) A limited-quota either-sex elk permit shall be valid during any season using equipment authorized for that season. Twelve either-sex elk permits shall be authorized.

(d) A limited-quota antlerless-only elk permit shall be valid during any season using equipment authorized for that season, except that a limited-quota antlerless-only elk permit shall be valid on Fort Riley, subunit 2a, only as follows:

(1) A first-segment antlerless-only elk permit shall be valid on Fort Riley, subunit 2a, only during the first segment. Six first-segment antlerless-only elk permits shall be authorized.

(2) A second-segment antlerless-only elk permit shall be valid on Fort Riley, subunit 2a, only during the second segment. Six second-segment antlerless-only elk permits shall be authorized.

(3) A third-segment antlerless-only elk permit shall be valid on Fort Riley, subunit 2a, only during the third segment. Six third-segment antlerless-only elk permits shall be authorized.

(4) All antlerless-only elk permits shall be valid on Fort Riley, subunit 2a, during the September archery and muzzleloader seasons, and the January firearm season.

(e) The bag limit shall be one elk as specified on the permit issued to the permittee.

(f) An unlimited number of hunt-on-your-own-land antlerless-only elk permits and either-sex elk permits shall be authorized in units 2 and 3. A hunt-on-your-own-land permit shall be valid during any open season. The bag limit for each hunt-on-your-own-land elk permit shall be one elk as specified on the permit.

(g) An unlimited number of over-the-counter antlerless-only elk permits and either-sex elk permits shall be authorized in unit 3.

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(h) Permits are not valid after March 15 following the date of issuance. (Authorized by and implementing K.S.A. 2023 Supp. 32-807, ~~as amended by L. 2023, ch. 7, sec. 28~~, and K.S.A. 32-937; effective, T-_____ ; effective P-_____.)

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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 specified in K.A.R.

115-25-9, in the Fort Riley subunit the antlerless white-tailed deer only season shall also be ~~November 24, 2023~~ November 29, 2024, through ~~November 26, 2023~~ December 1, 2024.

(b) In the Fort Riley subunit, the open firearm season for the taking of deer shall be ~~December 16, 2023~~ December 14, 2024, through ~~December 23, 2023~~ December 22, 2024. ~~A deer hunter may use only one white-tailed antlerless-only permit in Fort Riley.~~

(c) Five antlerless-only white-tailed deer permits shall be valid in subunit 8A.

~~(e)~~(d) In the Fort Leavenworth subunit, the open firearm season for the taking of deer shall be ~~November 11, 2023~~ November 16, 2024, through ~~November 12, 2023~~ November 17, 2024; ~~November 18, 2023~~ November 23, 2024, through ~~November 19, 2023~~ November 24, 2024; ~~November 23, 2023~~ November 28, 2024, through ~~November 26, 2023~~ December 1, 2024; ~~December 2, 2023~~ December 7, 2024, through ~~December 3, 2023~~ December 8, 2024; and ~~December 9, 2023~~ December 14, 2024, through ~~December 10, 2023~~ December 15, 2024.

~~(d)~~(e) In the Fort Leavenworth subunit, the extended firearms season for the taking of antlerless-only white-tailed deer shall be ~~January 1, 2024~~ January 1, 2025, through ~~January 22, 2024~~ January 19, 2025.

~~(e)~~(f) In the Fort Leavenworth subunit, the extended archery season for the taking of antlerless-only white-tailed deer shall be ~~January 22, 2024~~ January 20, 2025, through ~~January 31, 2024~~ January 31, 2025.

~~(f)~~(g) In the Smoky Hill subunit, the open firearm season for the taking of deer shall be ~~November 29, 2023~~ December 4, 2024, through ~~December 10, 2023~~ December 15, 2024. Five

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K.A.R. 115-25-9a

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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, 2024~~ March 1, 2025. (Authorized by and implementing K.S.A. 2023 Supp. 32-807, as ~~amended by L. 2023, ch. 7, sec. 28,~~ and K.S.A. 32-937; ~~amended Aug. 18, 2023,~~ enacted T-_____ ; enacted P-_____.)

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Kansas Administrative Regulations Economic Impact Statement (EIS)

Kansas Department of Wildlife and Parks
Agency

Kurtis Wiard
Agency Contact

785.296.1032
Contact Phone Number

115-25-8
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 or more in implementation and compliance costs that are reasonably expected to be incurred by or passed along to businesses, local governmental units and individuals as a result of the proposed rule and regulation over the initial five-year period following adoption of such rule(s) and regulation(s) (as calculated in Section III, F)?

Yes If "Yes," then the agency shall not adopt the rule(s) and regulation(s) until the rule(s) and regulation(s) has been ratified by the Legislature with a bill, unless the proposed rule(s) and regulation(s) are: 1) mandated by the federal government as a requirement for participating in or implementing a federally subsidized or assisted program, as described in K.S.A. 77-416(b)(1)(B), and amendments thereto; 2) temporary rule(s) and regulation(s) adopted pursuant to K.S.A. 77-722, and amendments thereto; or 3) rules and regulations adopted pursuant to K.S.A. 2-3710 (Kansas Agricultural Remediation Board). Continue to fill out the remaining EIS form to be included with the regulation packet in the review process to the Department of Administration and the Attorney General. The submitted EIS will be independently analyzed by the Division of the Budget for 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. The submitted EIS will be analyzed by the Division of the Budget for approval.

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Section I

Analysis, brief description, and cost and benefit quantification of the proposed rule(s) and regulation(s). If the approach chosen by the Kansas agency to address the policy issue is different from that utilized by agencies of contiguous states or of the federal government, the economic impact statement shall include an explanation of why the Kansas agency's rule and regulation differs.

The proposed regulation establishes open seasons, bag limits, and permit conditions for elk hunting in Kansas. Previously, the regulation provided firearm elk hunting seasons for Fort Riley in the months of October, November, and December. The proposed regulation would add a January firearm season for Fort Riley.

Section II

Explain whether the proposed rule and regulation is mandated by federal law as a requirement for participating in or implementing a federally subsidized or assisted program and whether the proposed rules and regulations exceed the requirements of applicable federal law.

No applicable federal law exists. Contiguous states have varying regulations pertaining to elk hunting seasons, permits, and requirements. This regulation is standard relative to recent seasons in Kansas except that it establishes a new, one-month season at Fort Riley during which any unfilled permits valid on the Fort may be used.

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;

This regulation will have a positive impact on business activities, by adding 31 days of elk hunting on Fort Riley. The added days of hunting will increase the revenue of businesses associated with elk hunting in Kansas.

- 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 will be affected by the proposed rule(s) and regulation(s) and on the state economy as a whole;

The proposed regulation could have a collateral positive impact on service stations, grocery stores, restaurants, hotels, motels, and possibly outfitters.

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

The businesses that would be directly affected by this proposed regulation are landowners and outfitters.

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

The proposed regulation establishes an elk hunting season. Without the regulation, elk populations will rise and negatively impact agriculture producers and motorists. In addition, the positive economic impacts associated with elk hunting would not be realized without the regulation.

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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 negative costs and impacts on businesses associated with this regulation. The costs to individuals were estimated using the previous season's elk permits purchased broken down as follows:

Type of Permit*	Price of Permit	Permits Purchased OTC	Total Revenue of OTC	Permits Purchased Following Draw	Total Revenue of Draw
Hunt-on-your-own-land: either-sex	\$150	19	\$2,850		
Hunt-on-your-own-land: antlerless-only	\$75	5	\$375		
Landowner/tenant: either-sex	\$150	37	\$5,550	1	\$150
General resident: either-sex	\$300	26	\$7,800	11	\$3,300
General resident youth: either-sex	\$125	11	\$1,375		
General resident: antlerless-only	\$150	9	\$1,350	18	\$2,700
Landowner/tenant: antlerless-only	\$75	7	\$525		
General resident youth: antlerless-only	\$50	3	\$150		
Nonresident tenant: antlerless-only	\$150	1	\$150		
Nonresident tenant: either-sex	\$300	30	\$9,000		
TOTAL		148	\$29,125	30	\$6,180
GRAND TOTAL PERMITS					178
GRAND TOTAL REVENUE					\$37,085

*There is a \$10 application fee for elk permits.

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 individuals. *Note: Do not account for any actual or estimated cost savings that may be realized. Implementation and*

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compliance costs determined shall be those additional costs reasonably expected to be incurred and shall be separately identified for the affected businesses, local governmental units, and individuals.

Costs to Affected Businesses – \$0

Costs to Local Governmental Units – \$0

Costs to Individuals – \$37,085

Total Annual Costs – \$37,085

(sum of above amounts)

Give a detailed statement of the data and methodology used in estimating the above cost estimate.

This was the cost of 178 elk hunting permits sold to hunters in 2023. The money accrues to KDWP's Wildlife Fee Fund.

- Yes If the total implementation and compliance costs exceed \$1.0 million or more in implementation and compliance costs over the initial five-year period following adoption of such rule(s) and regulation(s) that are reasonably expected to be incurred by or passed along to businesses, local governmental units and individuals as a result of the proposed rule and regulation, 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

If applicable, click here to enter public hearing information.

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 changes are anticipated relative to previous years' permit sales.

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.

No economic impact to any individuals, small employers, and the general public is anticipated.

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

No change is anticipated in revenues for cities, counties, or school districts.

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

New releases statewide, public hearings with public online access, publication in the Kansas Register and on the agency website. The regulation was presented three times at Commission meetings.

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 individuals or entities 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 individuals who will bear the costs.

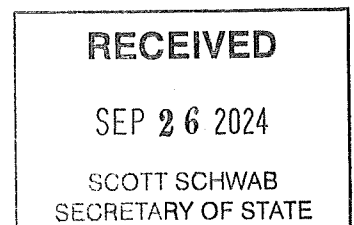
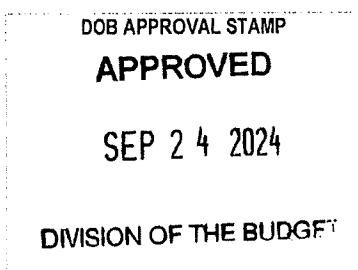
Click here to enter agency response.

C. Describe the costs that would likely accrue if the proposed rule(s) and regulation(s) are not adopted, the individuals or entities who will bear the costs and who will 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.



Kansas Administrative Regulations
Economic Impact Statement (EIS)

Kansas Department of Wildlife and Parks
Agency

Dan Riley
Agency Contact

785.296.1032
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 or more in implementation and compliance costs that are reasonably expected to be incurred by or passed along to businesses, local governmental units and individuals as a result of the proposed rule and regulation over the initial five-year period following adoption of such rule(s) and regulation(s) (as calculated in Section III, F)?

Yes If "Yes," then the agency shall not adopt the rule(s) and regulation(s) until the rule(s) and regulation(s) has been ratified by the Legislature with a bill, unless the proposed rule(s) and regulation(s) are: 1) mandated by the federal government as a requirement for participating in or implementing a federally subsidized or assisted program, as described in K.S.A. 77-416(b)(1)(B), and amendments thereto; 2) temporary rule(s) and regulation(s) adopted pursuant to K.S.A. 77-722, and amendments thereto; or 3) rules and regulations adopted pursuant to K.S.A. 2-3710 (Kansas Agricultural Remediation Board). Continue to fill out the remaining EIS form to be included with the regulation packet in the review process to the Department of Administration and the Attorney General. The submitted EIS will be independently analyzed by the Division of the Budget for approval.

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Section I

Analysis, brief description, and cost and benefit quantification of the proposed rule(s) and regulation(s). If the approach chosen by the Kansas agency to address the policy issue is different from that utilized by agencies of contiguous states or of the federal government, the economic impact statement shall include an explanation of why the Kansas agency's rule and regulation differs.

This regulation sets the dates for deer hunting seasons on military subunits when those dates differ from the statewide season. Different dates in these subunits are requested by Department of Defense officials and are utilized to allow deer hunting activities to occur while minimizing or eliminating conflicts with DOD missions and provide greater opportunity for active service members to hunt in these subunits. Implementation of this regulation is separate from standard statewide seasons and done as late as possible prior to implementation to minimize possible conflicts from changing DOD mission needs.

Section II

Explain whether the proposed rule and regulation is mandated by federal law as a requirement for participating in or implementing a federally subsidized or assisted program and whether the proposed rules and regulations exceed the requirements of applicable federal law.

It is not mandated for that purpose.

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;
No specific enhancement or restriction of any business activities is anticipated from this regulation.
- 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 will be affected by the proposed rule(s) and regulation(s) and on the state economy as a whole;
No economic effect nor any implementation or compliance costs are expected and the impact on the state economy if any will be minimal.
- C. Businesses that would be directly affected by the proposed rule(s) and regulation(s);
Businesses that engage in sales to military personnel that participate in the deer season may be minimally impacted.
- D. Benefits of the proposed rule(s) and regulation(s) compared to the costs;
The benefits of the proposed regulation are providing the hunting season dates requested by the Department of Defense. There are no anticipated costs to provide those dates.

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- 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;

Negligible impact is anticipated and no measures are necessary.

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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 individuals. *Note: Do not account for any actual or estimated cost savings that may be realized. Implementation and compliance costs determined shall be those additional costs reasonably expected to be incurred and shall be separately identified for the affected businesses, local governmental units, and individuals.*

Costs to Affected Businesses – \$0

Costs to Local Governmental Units – \$0

Costs to Individuals – \$0

Total Annual Costs – \$0
(sum of above amounts)

Give a detailed statement of the data and methodology used in estimating the above cost estimate.

Military subunits may have differing dates for deer seasons to accommodate hunting activities around DoD missions, but adjusted days may not exceed the number of days implemented in statewide general seasons. Thus, there is no additional cost to estimate with this regulation.

- Yes If the total implementation and compliance costs exceed \$1.0 million or more in implementation and compliance costs over the initial five-year period following adoption of such rule(s) and regulation(s) that are reasonably expected to be incurred by or passed along to businesses, local governmental units and individuals as a result of the proposed rule and regulation, 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

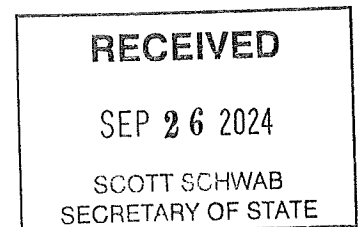
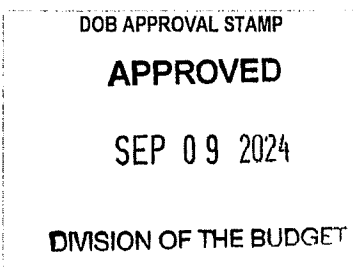
If applicable, click here to enter public hearing information.

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 is anticipated. The process of establishing the alternate hunting dates on DOD properties has been initiated for many years.

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.

No known significant impact has occurred in prior years when dates have been established in this manner and none is anticipated this year.



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

No impact on revenue is anticipated.

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

KDWP works with environmental program staff at Ft. Riley, Ft. Leavenworth, and Smoky Hill ANG Range to determine what dates deer seasons can occur with minimal or no impact to DOD missions. Proposed dates were presented and comments requested at four (4) KDWP Commission Public Meetings held on November 30, 2023, January 25, 2024, March 28, 2024, and April 25, 2024.

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 individuals or entities 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 individuals who will 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, the individuals or entities who will bear the costs and who will 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.

