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ITEMS SUBMITTED IN DUPLICATE

CERTIFICATION

I hereby certify that I have reviewed the attached documents, and that they conform to all applicable Kansas Register publication guidelines and to the requirements of K.S.A. 75-431, as amended. I further certify that submission of these items for publication is a proper and lawful action of this agency, that funds are available to pay the publication fees and that such fees will be paid by this agency on receipt of billing.

Christopher J. Tymeson
Liaison officer's typed name

Liaison officer's signature

Department Attorney
Title

(785) 296-2281
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Wildlife, Parks, and Tourism Commission

Notice of Public Hearing

A public hearing will be conducted by the Wildlife, Parks, and Tourism Commission at 7:00 p.m., Thursday, March 21, 2013 at Kansas Historical Museum, 6425 SW 6th Ave, Topeka, 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 1:30 p.m., March 21 at the location listed above. The meeting will recess at approximately 5:30 p.m. then resume at 7:00 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. March 22 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 30-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, Parks, and Tourism, 1020 S. Kansas Ave, Suite 200, Topeka, KS 66612 or to sheila.kemmis@ksoutdoors.com 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.

In addition to the previously published regulations, the other regulation that will be heard during the regulatory hearing portion of the meeting are as follows:

K.A.R. 115-25-9. This permanent regulation sets the open season, bag limits, and permits for deer.

Economic Impact Summary: The proposed amendment is 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.kdwpt.state.ks.us, or by calling (785) 296-2281.

Gerald Lauber, Chairman

115-25-9. Deer; open season, bag limit, and permits. (a) The open season for the taking of deer shall be as follows:

(1) Archery season.

(A) The archery season dates shall be September 16, 2013 through December 31, 2013.

(B) The entire state shall be open for the taking of deer during the archery deer season.

However, nonresident archery deer permits shall be valid in only two adjacent deer management units designated at the time of application and unit 19.

(C) All archery deer permits also shall be valid during the portion of the extended firearm season beginning on January 1, 2014 and extending through the last open day in units open during an extended firearm season and shall be valid with any legal equipment authorized during a firearm season, but shall be valid only for antlerless white-tailed deer during those dates.

(D) The number of archery deer permits based on a review of deer population indices, biological and ecological data, history of permit use and harvest rates, public input, and other relevant information shall be as established by the secretary with the concurrence of the commission.

(E) The urban antlerless-only white-tailed deer archery season shall begin on January 20, 2014 and extend through January 31, 2014 in all units designated as an urban deer management unit.

(2) Firearm season.

(A) In the Fort Leavenworth subunit, the firearm season dates shall be November 23, 2013 through November 24, 2013, November 28, 2013 through December 1, 2013, December 7, 2013 through December 8, 2013, December 14, 2013 through December 15, 2013, and December 21, 2013 through December 22, 2013. In the Smoky Hill Air National Guard subunit, the firearm season dates shall be

December 4, 2013 through December 15, 2013. The regular firearm season dates in all other deer management units shall be December 4, 2013 through December 15, 2013.

(B) The pre-rut white-tailed deer antlerless-only season in all deer management units shall be October 12, 2013 through October 13, 2013.

(C) During the regular and extended firearm deer seasons, white-tailed either-sex deer permits issued for a deer management unit adjacent to or encompassing an urban deer management unit shall be valid in both the designated unit and the urban deer management unit.

(D) The number of firearm deer permits for each management unit based on a review of deer population indices, biological and ecological data, history of permit use and harvest rates, public input, and other relevant information shall be as established by the secretary with the concurrence of the commission.

(3) Muzzleloader-only season.

(A) The muzzleloader-only season in all deer management units shall be September 16, 2013 through September 29, 2013. Muzzleloader deer permits shall also be valid during established firearm seasons using muzzleloader equipment, except that during the portion of the extended firearm season beginning on January 1, 2014 and extending through the last open day in units open during an extended firearm season, these permits shall be valid with any legal equipment authorized during a firearm season. During an extended firearm season, only muzzleloader deer permits for deer management units open during these dates shall be valid, and only for antlerless white-tailed deer.

(B) The number of muzzleloader deer permits issued for each management unit based on a review of deer population indices, biological and ecological data, history of permit use and harvest rates,

public input, and other relevant information shall be as established by the secretary with the concurrence of the commission.

(4) Season for designated persons.

(A) The season for designated persons to hunt deer shall be September 7, 2013 through September 15, 2013 in all deer management units.

(B) Only the following persons may hunt during this season:

(i) Any person 16 years of age or younger, only while under the immediate supervision of an adult who is 18 years of age or older; and

(ii) any person with a permit to hunt from a vehicle issued according to K.A.R. 115-18-4 or a disability assistance permit issued according to K.A.R. 115-18-15.

(C) All resident and nonresident deer permits shall be valid during this season.

(D) All persons hunting during this season shall wear blaze orange according to K.A.R. 115-4-4.

(5) Extended firearm seasons.

(A) Each unfilled deer permit valid in unit 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, or 19, as applicable, shall be valid during the extended firearm season beginning January 1, 2014 and extending through January 12, 2014 in those units.

(B) Each unfilled deer permit valid in units 7, 8, 10A, 15, and 19 shall be valid in a special extended firearm antlerless-only season in units 7, 8, 10A, 15, and 19. The special extended firearm season shall be January 13, 2014 through January 19, 2014. The bag limit shall be one antlerless deer.

(C) Only antlerless white-tailed deer may be taken.

(D) Permits restricted to a specific unit shall remain restricted to that unit during the extended

firearm season.

(E) Equipment legal during a firearm season shall be authorized with any permit.

(b) Unlimited resident hunt-on-your-own-land, special hunt-on-your-own-land, and nonresident hunt-on-your-own-land deer permits shall be authorized for all units. These permits also shall be valid during the portion of the extended firearm season beginning on January 1, 2014 and extending through the last open day in units open during an extended or special extended firearm season, but shall be valid only for antlerless white-tailed deer during an extended or special extended firearm season.

(c) Any individual may apply for and obtain multiple deer permits, subject to the following limitations:

(1) Any individual may apply for or obtain no more than one deer permit that allows the taking of an antlered deer, except when the individual is unsuccessful in a limited quota drawing and alternative permits for antlered deer are available at the time of subsequent application.

(2) Any individual may obtain no more than five antlerless white-tailed deer permits. One antlerless white-tailed deer permit shall be valid statewide, including lands managed by the department. One antlerless white-tailed deer permit shall be valid statewide, on lands not managed by the department, except Cedar Bluff, Glen Elder, Kanopolis, Kirwin, Lovewell, Norton, Webster, and Wilson Wildlife Areas. Three antlerless white-tailed deer permits shall be valid in units 1, 2, 3, 4, 5, 7, 8, 10A, 11, 12, 13, 15, 16, and 19 on lands not managed by the department, except Cedar Bluff, Glen Elder, Kanopolis, Kirwin, Lovewell, Norton, Webster, and Wilson Wildlife Areas.

(3) Any resident may obtain no more than one either-species, either-sex permit through the application period described in K.A.R. 115-4-11.

(4) Nonresidents shall be eligible to obtain antlerless white-tailed deer permits. Otherwise, a nonresident shall be eligible to apply for and obtain only those permits designated as nonresident deer permits.

(5) No resident or nonresident shall purchase any deer permit that allows the taking of antlerless-only deer without first having obtained a deer permit that allows the taking of antlered deer, unless the antlerless-only deer permit is purchased after December 30, 2013.

(6) Any individual may obtain one antlerless-only either-species deer permit, subject to the number of antlerless-only either-species deer permits authorized.

(d) The bag limit for each deer permit shall be one deer, as specified on the permit issued to the permittee.

(e) No deer permit issued pursuant to this regulation shall be valid after January 31, 2014.

(f) This regulation shall be effective on and after May 1, 2013, and shall have no force and effect on and after March 1, 2014. (Authorized by and implementing K.S.A. 2012 Supp. 32-807 and K.S.A. 2012 Supp. 32-937.)

ECONOMIC IMPACT STATEMENT

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

DESCRIPTION: The proposed exempt regulation establishes hunting bag limits, application periods and season dates for the 2013-2014 firearm, muzzleloader and archery deer seasons. There are very few changes from 2012-2013 seasons. Season dates are adjusted to coincide with the calendar and some public lands where additional white-tailed antlerless deer may be taken have been added to the regulation. Additionally, the pre-rut antlerless season as directed by the Legislature was added.

FEDERAL MANDATES: None

ECONOMIC IMPACT: If the economic impact to the department, the general public, small business and other agencies from the 2013-14 seasons were to be similar to the estimate for the 2013-2014 seasons, total revenue to the department from the sale of all resident, nonresident, and landowner/tenant deer permits is estimated to be approximately \$10,045,760.

Approximately 575,000 days of hunting activity by 115,000 hunters are anticipated. A 2006 survey conducted by the U.S. Fish and Wildlife Service estimated that big game hunters spent approximately \$1100 per year on trip and equipment expenditures, thus the 2013-14 deer seasons in Kansas are anticipated to generate approximately \$126.5 million worth of direct economic benefit to businesses providing big game goods and services. No other economic impact to state agencies, small businesses, or other individuals is anticipated.

ALTERNATIVES CONSIDERED: None.