

Document No. \_\_\_\_\_

KANSAS REGISTER  
SUBMISSION FORM

Agency Number -- 710-01

Agency Name -- Kansas Department of Wildlife, Parks and Tourism

Agency Address - 1020 S. Kansas Ave., Suite 200

Topeka, Kansas 66612-1233

Title of Document -- Public Hearing

Desired Date of Publication - August 18, 2016

**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  
Phone

---

This space for Register office use only

## 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, October 20, 2016 at the Seward County Event Center, 810 Stadium Road, Liberal, 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., October 20 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. October 21 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@ksoutdoors.com](mailto: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 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. 115-2-2.** This permanent regulation establishes daily and annual permit prices for vehicles entering and using state parks and other areas requiring a motor vehicle permit. The proposed amendments would set a permit price for unconventional motor vehicle permits.

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

**K.A.R. 115-2-3.** This permanent regulation establishes the overnight and annual camping permit prices, fees for utility connections, and related fees within state parks. This is a user fee regulation and the proposed amendments would increase fees for annual camping permits, daily camping permits and 14 day camping permits.

**Economic Impact Summary:** If the same number of permits were sold as calendar year 2015, the proposed increases would generate an additional \$1,111,973.00, all of which would accrue to the park fee fund. Otherwise, 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. 115-7-1.** This permanent regulation establishes legal fishing equipment and methods for sportfish and for nonsportfish. The proposed amendment would allow the use of floatlines 24 hours a day.

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

**K.A.R. 115-7-10.** This permanent regulation establishes special provisions related to fishing. The proposed amendments would update the reference document related to new invasive species waters as well as remove receipt requirements when fishing with baitfish.

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

**K.A.R. 115-8-13.** This permanent regulation establishes the authorized operation of motorized vehicles and aircraft upon department lands and roads. The proposed amendments provide for the use of unconventional motorized vehicles on department roads within state parks.

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

**K.A.R. 115-17-2.** This permanent regulation establishes the legal species that can be sold for commercial fish bait. The proposed amendments would eliminate the requirement for commercial baitfish dealers to provide receipts on sale.

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

**K.A.R. 115-18-20.** This permanent regulation establishes the tournament bass pass. The proposed amendments would allow tournament anglers who possess the bass pass the ability to keep up to five fish that meet the statewide length limit but do not meet the length limit for the specific body of water where the tournament is being conducted.

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

**K.A.R. 115-25-5.** This proposed exempt regulation establishes hunting unit boundaries, bag limit and season dates for the 2017 fall wild turkey seasons. The proposed change would close the fall season for units 3, 5 and 6 to take into account several years of poor reproduction and correct an error in the boundary descriptions. Otherwise, the regulation would be unchanged from previous seasons.

**Economic Impact Summary:** In 2015, the department issued 12,133 fall turkey permits of various types, generating \$211,590. It is anticipated that the closure of the fall season in three

additional units will reduce permit sales by 7300 permits, and reducing income to the wildlife fee fund by approximately \$130,000. Administrative costs associated with the season are borne by the department.

The department estimates over 24,000 days of hunting activity will occur, thus providing economic benefit to businesses providing goods and services. No other economic impact on the general public, small businesses or on other state agencies is anticipated.

**K.A.R. 115-25-6.** This proposed exempt regulation establishes hunting unit boundaries, bag limits and season dates for the spring turkey hunting season. The proposed changes would correct an error in the boundary descriptions.

**Economic Impact Summary:** It is anticipated that approximately 61,973 permits and game tags will be issued in 2017, based on 2016 permit sales. Estimated revenue if the above number of permits and tags are issued would be \$1,925,577.00. Administrative costs associated with the season are borne by the department.

Approximately 310,000 recreational days of hunting could occur, thus providing economic benefit to businesses providing goods and services. No other economic impact on the department, general public, small businesses, or on other state agencies is anticipated.

**K.A.R. 115-25-14.** This proposed exempt regulation establishes statewide limits and open seasons for fishing in Kansas. The proposed changes relate to removing the length limit on walleye, saugeye and sauger on streams and rivers, allowing floatline fishing year round and 24 hours a day, updates to the reference document related to length and creel limits for specific bodies of water and the addition of one trout water.

**Economic Impact Summary:** The proposed changes would likely have no substantive economic impact to the department, other state agencies, small businesses, 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](http://www.kdwpt.state.ks.us), or by calling (785) 296-2281.

Gerald Lauber, Chairman

**115-2-2. Motor vehicle permit fees.** (a) The following motor vehicle permit fees shall be in effect for state parks and for other areas requiring a motor vehicle permit:

Daily motor vehicle permit .....	\$3.50
Senior or disabled daily motor vehicle permit .....	1.75
Annual motor vehicle permit .....	22.50
Senior or disabled annual motor vehicle permit .....	11.25
Easy pass annual motor vehicle permit .....	15.00
<u>Unconventional motor vehicle permit .....</u>	<u>50.00</u>

(b) Each daily motor vehicle permit shall expire at 2:00 p.m. on the day following its effective date.

(c) Annual motor vehicle permits shall not be valid during designated special events.

This regulation shall be effective on and after January 1, ~~2013~~ 2017. (Authorized by and implementing K.S.A. 2015 Supp. 8-134, as amended by ~~L. 2012, Ch. 164, Sec. 1~~, K.S.A. 2015 Supp. 32-807, as amended by ~~L. 2012, Ch. 47, Sec. 25~~, and K.S.A. 2015 Supp. 32-901, as amended by ~~L. 2012, Ch. 164, Sec. 2~~; effective Jan. 22, 1990; amended Oct. 12, 1992; amended Aug. 21, 1995; amended Jan. 1, 2001; amended Jan. 1, 2003; amended Jan. 1, 2005; amended Jan. 1, 2007; amended April 8, 2011; amended Jan. 1, 2012; amended Jan. 1, 2013; amended P-\_\_\_\_\_.)

## **ECONOMIC IMPACT STATEMENT**

### **K.A.R. 115-2-2. Motor vehicle permit fees.**

**DESCRIPTION:** This regulation establishes daily and annual permit prices for vehicles entering and using state parks and other areas requiring a motor vehicle permit. This is a user fee for entering and using state parks. The proposed amendments would set a permit price for unconventional motor vehicle permits.

**FEDERAL MANDATE:** None.

**ECONOMIC IMPACT:** The new permit is based on repeated requests for use of unconventional motor vehicles. There will be some increase to the park fee fund but it is purely speculative at this point as to the amount. Otherwise, the amendments are not anticipated to have any other appreciable economic impact on the department, other agencies, individuals or small businesses.

**ALTERNATIVES CONSIDERED:** None.

**115-2-3. Camping, utility, and other fees.** (a) Each overnight camping permit shall be valid only for the state park for which ~~it~~ the permit is purchased and shall expire at 2:00 p.m. on the day following its effective date.

(b) Any annual camping permit may be used in any state park for unlimited overnight camping, subject to other laws and regulations of the secretary. This permit shall expire on December 31 of the year for which ~~it~~ the permit is issued.

(c) Any 14-night camping permit may be used in any state park. This permit shall expire when the permit has been used a total of 14 nights, or on December 31 of the year for which ~~it~~ the permit is issued, whichever is first.

(d) Camping permits shall not be transferable.

(e) The fee for a designated prime camping area permit shall be in addition to the overnight, annual, 14-night, or other camping permit fee and shall apply on a nightly basis.

(f) Fees shall be due at the time of campsite occupancy and by noon of any subsequent days of campsite occupancy.

(g) Fees set by this regulation shall be in addition to any required motor vehicle permit fee specified in K.A.R. 115-2-2.

(h) The following fees shall be in effect for state parks and for other designated areas for which camping and utility fees are required:

Camping--per camping unit (April 1 through September 30):

Annual camping permit.....~~\$ 200.00~~ \$ 250.00

Overnight camping permit .....	<del>7.00</del> <u>9.00</u>
14-night camping permit.....	<del>99.00</del> <u>110.00</u>
Prime camping area permit .....	2.00
Camping--per camping unit (October 1 through March 31):	
Annual camping permit.....	<del>150.00</del> <u>200.00</u>
Overnight camping permit .....	<del>6.00</del> <u>9.00</u>
14-night camping permit.....	<del>85.00</del> <u>110.00</u>
Overflow primitive camping permit, per night .....	5.00
Recreational vehicle seasonal camping permit, except for El Dorado, Milford, Sand Hills, and Tuttle Creek State Parks (includes utilities)--per month, per unit (annual camping permit and annual vehicle permit required):	
One utility .....	270.50
Two utilities .....	330.50
Three utilities .....	390.50
Recreational vehicle seasonal camping permit for El Dorado, Milford, Sand Hills, and Tuttle Creek State Parks (includes utilities)--per month, per unit (annual camping permit and annual vehicle permit required):	
One utility .....	310.50
Two utilities .....	370.50
Three utilities .....	430.50

Recreational vehicle short-term parking--per month .....	50.00
Utilities--electricity, water, and sewer hookup per night, per unit:	
One utility .....	9.00
Two utilities .....	11.00
Three utilities .....	12.00
Youth group camping permit in designated areas, per camping unit--per night.....	2.50
Group camping permit in designated areas, per person--per night .....	1.50
Reservation fee, per reservation (camping, special use, or day use).....	10.00
Rent-a-camp: equipment rental per camping unit--per night .....	15.00
Duplicate permit.....	10.00
Special event permit negotiated based on event type, required services, and lost revenue—maximum.....	200.00

This regulation shall be effective on and after January 1, ~~2015~~ 2017. (Authorized by and implementing K.S.A. ~~2013~~ 2015 Supp. 32-807 and 32-988; effective Jan. 22, 1990; amended Jan. 28, 1991; amended June 8, 1992; amended Oct. 12, 1992; amended Aug. 21, 1995; amended Sept. 19, 1997; amended Jan. 1, 1999; amended Jan. 1, 2001; amended Jan. 1, 2003; amended Jan. 1, 2005; amended Jan. 1, 2009; amended Jan. 1, 2011; amended April 8, 2011; amended Jan. 1, 2012; amended May 24, 2013; amended Feb. 7, 2014; amended Jan. 1, 2015; amended P-\_\_\_\_\_).

## **ECONOMIC IMPACT STATEMENT**

### **K.A.R. 115-2-3. Camping, utility, and other fees.**

**DESCRIPTION:** This regulation establishes the overnight and annual camping permit prices, fees for utility connections, and related fees within state parks. This is a user fee regulation and the proposed amendments would add increase fees for annual camping permits, daily camping permits and 14 day camping permits.

**FEDERAL MANDATE:** None.

**ECONOMIC IMPACT:** If the same number of permits were sold as calendar year 2015, the proposed increases would generate an additional \$1,111,973.00, all of which would accrue to the park fee fund. Otherwise, the proposed amendments are not anticipated to have any appreciable economic impact on the department, small businesses, other agencies, or the public.

**ALTERNATIVES CONSIDERED:** None.

**115-7-1. Fishing; legal equipment, methods of taking, and other provisions.** (a) Legal equipment and methods for taking sport fish shall be the following:

(1) Fishing lines with not more than two baited hooks or artificial lures per line;

(2) trotlines;

(3) setlines, except that any float material used with a setline shall be constructed only from plastic, wood, or foam and shall be a closed-cell construction. A “closed-cell” construction shall mean a solid body incapable of containing water;

(4) tip-ups;

(5) using a person’s hand or hands for flathead catfish in waters designated as open to hand fishing, subject to the following requirements:

(A) An individual hand fishing shall not use hooks, snorkeling or scuba gear, or other man-made devices while engaged in hand fishing;

(B) an individual hand fishing shall not possess fishing equipment, other than a stringer, while engaged in hand fishing and while on designated waters or adjacent banks;

(C) stringers shall not be used as an aid for hand fishing and shall not be used until the fish is in possession at or above the surface of the water;

(D) each individual hand fishing shall take fish only from natural objects or natural cavities;

(E) an individual hand fishing shall not take fish from any man-made object, unless the object is a bridge, dock, boat ramp, or riprap, or other similar structure or feature;

(F) no part of any object shall be disturbed or altered to facilitate the harvest of fish for hand

fishing; and

(G) an individual hand fishing shall not take fish within 150 yards of any dam;

(6) snagging for paddlefish in waters posted or designated by the department as open to the snagging of paddlefish, subject to the following requirements:

(A) Each individual with a filled creel limit shall cease all snagging activity in the paddlefish snagging area until the next calendar day; and

(B) each individual taking paddlefish to be included in the creel and possession limit during the snagging season shall sign the carcass tag, record the county, the date, and the time of harvest on the carcass tag, and attach the carcass tag to the lower jaw of the carcass immediately following the harvest and before moving the carcass from the site of the harvest;

(7) floatlines in waters posted or designated by the department as open to floatline fishing, which shall be subject to the following requirements:

(A) All floatlines shall be under the immediate supervision of the angler setting the floats.

“Immediate supervision” shall mean that the angler has visual contact with the floatlines set while the angler is on the water body where the floatlines are located;

(B) all floatlines shall be removed when float fishing ceases;

(C) floatlines shall not contain more than one line per float, with not more than two baited hooks per line;

(D) all float material shall be constructed only from plastic, wood, or foam and shall be a closed-cell construction. A “closed-cell” construction shall mean a solid body incapable of containing water;

- (8) bow and arrow with a barbed head and a line attached from bow to arrow; and
- (9) crossbow and arrow with a barbed head and a line attached from arrow to crossbow.
- (b) Legal equipment and methods for taking non-sport fish shall be the following:
  - (1) Fishing lines with not more than two baited hooks or artificial lures per line;
  - (2) trotlines;
  - (3) setlines;
  - (4) tip-ups;
  - (5) bow and arrow with a barbed head and a line attached from bow to arrow;
  - (6) crossbow and arrow with a barbed head and a line attached from arrow to crossbow;
  - (7) spear gun, without explosive charge, while skin or scuba diving. The spear, without explosive charge, shall be attached to the speargun or person by a line;
  - (8) gigging;
  - (9) snagging in waters posted by the department as open to snagging; and
  - (10) floatlines in waters posted or designated by the department as open to floatline fishing, which shall be subject to the requirements specified in paragraphs (a)(7)(A) through (D).
- (c) Dip nets and gaffs may be used to land any legally caught or hooked fish.
- (d) Fish may be taken by any method designated by the secretary when a fish salvage order has been issued by the secretary through public notice or posting the area open to fish salvage.
- (e) Fish may be taken with the aid of boats, depth finders, artificial lights, sound attracters, and scents.

(f) Fish may be taken by legal means from vehicles.

(g) The following additional requirements shall apply in the flowing portions and backwaters of the Missouri river and in any oxbow lake through which the Kansas-Missouri boundary passes:

(1) Each individual shall place all legally caught fish on a stringer, cord, cable, or chain, or in a basket, sack, cage, or other holding device, separate from those fish caught by any other individual.

(2) The equipment and methods specified in paragraphs (b)(5) and (b)(6) shall be legal only from sunrise to midnight.

(3) The equipment and method specified in paragraphs ~~(a)(7)~~, (b)(9); and (b)(10) shall be legal only from sunrise to sunset.

(h) The equipment and method specified in paragraphs (a)(8) and (a)(9) shall be legal only for the following species of sport fish where no size limit exists for any of these species of fish:

(1) Blue catfish;

(2) channel catfish; and

(3) flathead catfish.

(i) Optical scopes or sights that project no visible light toward the target and do not electronically amplify visible or infrared light shall be valid for use on bows and crossbows.

(Authorized by and implementing K.S.A. ~~2014~~ 2015 Supp. 32-807; effective Dec. 26, 1989; amended Feb. 10, 1992; amended Oct. 1, 1999; amended Dec. 8, 2000; amended Sept. 27, 2002; amended Nov. 29, 2004; amended Nov. 27, 2006; amended Nov. 16, 2007; amended Dec. 1, 2008; amended Nov. 20, 2009; amended April 16, 2010; amended Nov. 19, 2010; amended Nov. 30, 2015; amended P-

\_\_\_\_\_.)

## **ECONOMIC IMPACT STATEMENT**

**K.A.R. 115-7-1.** Fishing; legal equipment, methods of take and other provisions.

**DESCRIPTION:** This permanent regulation establishes legal fishing equipment and methods for sportfish and for nonsportfish. The proposed amendment would allow the use of floatlines 24 hours a day.

**FEDERAL MANDATE:** None.

**ECONOMIC IMPACT:** It is anticipated that there would be no substantive economic impact to the department, other state agencies, small businesses, or the public.

**ALTERNATIVES CONSIDERED:** None.

**115-7-10. Fishing; special provisions.** (a) A person who takes any fish from a body of water shall not tag, mark, brand, clip any fin of, mutilate, or otherwise disfigure any fish in a manner that would prevent species identification, examination of fins, recovery of tags, or determination of sex, age, or length of the fish before releasing the fish back into the body of water, unless a permit authorizing this activity has been issued to that person by the department.

(b) No person may possess any live fish upon departure from any designated aquatic nuisance body of water, except during a department-permitted fishing tournament. During a department-permitted fishing tournament, any individual may possess live fish upon departure from designated aquatic nuisance waters along the most direct route to the weigh-in site if the individual possesses a department authorization certificate as a participant in the tournament. Designated aquatic nuisance waters shall be those specified in the department's "Kansas designated aquatic nuisance waters tables," dated ~~July 13, 2015~~ July 15, 2016, which is hereby adopted by reference.

~~(c) Each person who purchases live baitfish from a commercial bait dealer shall possess the receipt while fishing with the live baitfish.~~

~~(d)~~ No person may fish or collect bait within, from, or over a fish passage, fish ladder, fish steps, or fishway. "Fish passage, fish ladder, fish steps, or fishway" shall mean a structure that facilitates the natural migration of fish upstream on, through, or around an artificial barrier or dam. (Authorized by and implementing K.S.A. ~~2014~~ 2015 Supp. 32-807; effective Nov. 20, 2009; amended Jan. 1, 2012; amended Jan. 1, 2013; amended Nov. 15, 2013; amended Nov. 14, 2014; amended Nov. 30, 2015; amended P-\_\_\_\_\_.)

## **ECONOMIC IMPACT STATEMENT**

**K.A.R. 115-7-10.** Fishing; special provisions.

**DESCRIPTION:** This permanent regulation establishes special provisions related to fishing. The proposed amendments would update the reference document related to new invasive species waters as well as remove receipt requirements when fishing with baitfish.

**FEDERAL MANDATE:** None.

**ECONOMIC IMPACT:** It is anticipated that there would be no substantive economic impact to the department, other state agencies, small businesses, or the public.

**115-8-13. Motorized vehicles and aircraft; authorized operation.** (a) Motorized vehicles shall be operated only on department roads and parking areas, except as otherwise established by this regulation or posted notice or as approved by the secretary.

(b) Motorized vehicles shall be operated at speeds not in excess of 25 miles per hour or as otherwise established by posted notice.

(c) Motorized vehicles shall be operated in accordance with load limits as established by posted notice for roads or bridges.

(d) Motorized aircraft landings and takeoffs shall be allowed in designated areas only or as authorized by the secretary.

(e) Except as otherwise specified in K.A.R. 115-8-1, posted notice, or this regulation, motorized electric or gasoline-powered two-wheeled vehicles, all-terrain vehicles, work-site utility vehicles, golf carts, and snowmobiles may be operated on ice-covered department waters only for the purpose of ice fishing from one-half hour before sunrise to one-half hour after sunset. These vehicles shall enter onto the ice only from boat ramps and points of entry as established by posted notice.

(f) (1) Except as provided in this regulation, each motorized vehicle that meets either of the following conditions shall be prohibited from being operated on all department lands and roads:

(A) Is not registered with one of the following:

(i) The director of vehicles pursuant to K.S.A. 8-127 and amendments thereto; or

(ii) the corresponding authority in another state or country; or

(B) is unlawful to be operated on any interstate highway, federal highway, or state highway

pursuant to K.S.A. 8-15,100 and K.S.A. 8-15,109, and amendments thereto.

(2) The term “motorized vehicle” shall include cars, trucks, all-terrain vehicles, work-site utility vehicles, golf carts, go-carts, and electric or gasoline-powered two-wheeled vehicles.

(3) Any person desiring to operate an unconventional motorized vehicle on department roads within state parks may purchase an annual unconventional motorized vehicle permit from the secretary.

(A) The term “unconventional motorized vehicle” shall include work-site utility vehicles and golf carts.

(B) Unconventional motorized vehicles shall be operated only from sunrise to sunset by a holder of a valid driver’s license.

(g) Any person with a disability, as defined by K.S.A. 8-1,124 and amendments thereto, may annually request a permit from the secretary to utilize a motorized vehicle for accessing certain department lands and roads to provide access to recreational opportunities that would otherwise be unavailable to disabled persons. Each written request shall include the following:

- (1) The name, address, and telephone number of the applicant;
- (2) the nature of the disability;
- (3) the name and location of the property to be accessed;
- (4) the date or duration of the entry requested; and
- (5) documentation of that person’s disability in the form of a disabled accessible parking placard, disabled motor vehicle license plate, or disabled identification card issued by the director of vehicles of the department of revenue pursuant to K.S.A. 8-1,125 and amendments thereto, or similar

documentation issued by another state.

(h) No person who is in possession of a motorized vehicle and has a permit to operate the motorized vehicle on department lands and roads shall perform either of the following:

(1) Allow another person to operate the vehicle on department lands and roads unless that other person has a permit issued by the department; or

(2) operate the vehicle on department lands and roads unless that person is in possession of a permit issued by the department.

(i) Each permit issued by the department that authorizes the operation of a motorized vehicle on department lands and roads shall expire on the last day of the calendar year in which the permit was issued, unless otherwise specified on the permit.

(j) A permit that authorizes the operation of a motorized vehicle on department lands and roads shall not be issued or shall be revoked by the secretary for any of the following reasons:

(1) The disability does not meet the requirements for the permit.

(2) The application is incomplete or contains false information.

(3) The disability under which the permit was issued no longer exists.

(4) The documentation of disability in the form of a disabled accessible parking placard, disabled motor vehicle license plate, or disabled identification card issued by the director of vehicles of the department of revenue pursuant to K.S.A. 8-1,125 and amendments thereto, or similar documentation issued by another state, has expired.

(5) The permit holder fails to comply with the terms and limitations of the permit or with the

requirements specified in this regulation.

(6) The issuance or continuation of the permit would be contrary to the preservation of habitat or species located on or in department lands or waters.

(k) This regulation shall not apply to any motorized vehicle that is owned by the department or a designated agent and is used in the operation and maintenance of department lands and roads.

(Authorized by and implementing K.S.A. 2015 Supp. 32-807; effective Dec. 4, 1989; amended Feb. 8, 2008; amended Sept 9, 2011; amended P-\_\_\_\_\_.)

## **ECONOMIC IMPACT STATEMENT**

### **K.A.R. 115-8-13. Motorized vehicles and aircraft; authorized operation.**

**DESCRIPTION:** This permanent regulation establishes the authorized operation of motorized vehicles and aircraft upon department lands and roads. The proposed amendments provide for the use of unconventional motorized vehicles on department roads within state parks.

**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.

**115-17-2. Commercial sale of fish bait.** (a) The following wildlife may be commercially sold in Kansas for fishing bait:

(1) The following species of fish:

(A) Black bullhead (*Ameiurus melas*);

(B) bluegill (*Lepomis macrochirus*), including hybrids;

(C) common carp (*Cyprinus carpio*), including koi;

(D) fathead minnow (*Pimephales promelas*), including “rosy red”;

(E) golden shiner (*Notemigonus crysoleucas*);

(F) goldfish (*Carassius auratus*), including “black saltys”;

(G) green sunfish (*Lepomis cyanellus*), including hybrids; and

(H) yellow bullhead (*Ameiurus natalis*);

(2) only species of annelids native to or naturalized in the continental United States;

(3) the following species of crayfish:

(A) Virile crayfish (*Orconectes virilis*);

(B) calico crayfish (*Orconectes immunes*); and

(C) white river crayfish (*Procambarus acutus*); and

(4) only species of insects native to or naturalized in Kansas.

(b) Wildlife listed in K.A.R. 115-15-1 or in K.A.R. 115-15-2 or prohibited from importation pursuant to K.S.A. 32-956, and amendments thereto, shall not be sold.

(c) Live aquatic bait shall be certified free of the following pathogens before import, according

to K.A.R. 115-17-2a:

- (1) Spring viremia of carp virus;
- (2) infectious pancreatic necrosis virus;
- (3) viral hemorrhagic septicemia virus; and
- (4) infectious hematopoietic virus.

(d) Each distribution tank and each retail tank shall utilize a source of potable water or well water.

~~(e) Each sale of fish bait shall be accompanied by a receipt that indicates the date of sale, the number and type of fish sold, and the name, address, phone number, and bait permit number of the vendor.~~

This regulation shall be effective on and after ~~January 1, 2012~~ January 1, 2017. (Authorized by and implementing K.S.A. 2015 Supp. 32-807; effective Sept. 10, 1990; amended Nov. 30, 1998; amended Jan. 1, 2012; amended P-\_\_\_\_\_.)

## **ECONOMIC IMPACT STATEMENT**

**K.A.R. 115-17-2.** Commercial sale of fish bait.

**DESCRIPTION:** This permanent regulation establishes the legal species that can be sold for commercial fish bait. The proposed amendments would eliminate the requirement for commercial baitfish dealers to provide receipts on sale.

**FEDERAL MANDATE:** None.

**ECONOMIC IMPACT:** The proposed changes should lessen regulatory burdens on baitfish dealers. No other economic impact is expected for the department, other state agencies, small businesses, or the remaining public.

**ALTERNATIVES CONSIDERED:** None.

**115-18-20. Tournament black bass pass; requirements, restrictions, and pass duration.** (a) A tournament black bass pass shall be required for each individual who wants to keep up to ~~two~~ five black bass in a daily creel limit that meet the minimum statewide length limit but that do not meet the special length limit for the specific body of water, or who wants to cull black bass after the daily creel limit has been met, during a weigh-in bass tournament as established in K.A.R. 115-7-9.

(b) Each tournament black bass pass shall be valid statewide through December 31 of the year in which the bass pass is issued.

(c) Each tournament black bass pass shall be validated by the signature of the pass holder written across the face of the pass. A tournament black bass pass shall not be transferable. (Authorized by and implementing K.S.A. 2015 Supp. 32-807; ~~implementing~~ K.S.A. 32-807, K.S.A. ~~2009 Supp. 32-1001~~, and K.S.A. ~~2009 Supp. 32-1002~~; effective Nov. 27, 2006; amended Nov. 16, 2007; amended Nov. 19, 2010; amended P-\_\_\_\_\_.)

## **ECONOMIC IMPACT STATEMENT**

### **K.A.R. 115-18-20. Tournament bass pass; requirements, restrictions, and pass duration.**

**DESCRIPTION:** This permanent regulation establishes the tournament bass pass. The proposed amendments would allow tournament anglers who possess the bass pass the ability to keep up to five fish that meet the statewide length limit but do not meet the length limit for the specific body of water where the tournament is being conducted.

**FEDERAL MANDATE:** None.

**ECONOMIC IMPACT:** No substantial economic impact to the department, other state agencies, small businesses, or members of the public is anticipated.

**ALTERNATIVES CONSIDERED:** None.

**115-25-5. Turkey; fall season, bag limit, and permits.** (a) The open fall season for the taking of turkey shall be the first day of October through the day before the first day of the regular deer firearms season as specified in K.A.R. 115-25-9 and shall reopen on the day following the last day of the regular deer firearms season through the last day in January. Any equipment that is legal during an archery or fall firearm turkey season shall be permitted during this season.

(b) The units and the number of permits authorized for the taking of turkey during the established seasons shall be as follows:

(1) Unit 1. Unit 1 shall consist of that area bounded by a line from the Nebraska-Kansas state line south on federal highway US-183 to its junction with interstate highway I-70, and then west on interstate highway I-70 to the Colorado-Kansas state line, then north along the Colorado-Kansas state line to its junction with Nebraska-Kansas state line, and then east along the Nebraska-Kansas state line to its junction with federal highway US-183, except federal and state sanctuaries. An unlimited number of permits shall be authorized for unit 1.

(2) Unit 2. Unit 2 shall consist of that area bounded by a line from the Nebraska-Kansas state line south on federal highway US-81 to its junction with interstate highway I-135, then south on interstate highway I-135 to its junction with federal highway US-56, then west on federal highway US-56 to its junction with state highway K-96, then west on state highway K-96 to its junction with federal highway US-183, then north on federal highway US-183 to its junction with the Nebraska-Kansas state line, and then east along the Nebraska-Kansas state line to its junction with federal highway US-183, except federal and state sanctuaries. An unlimited number of permits shall be authorized for unit 2.

(3) Unit 3. Unit 3 shall consist of that area bounded by a line from the Nebraska-Kansas state line south on federal highway US-81 to its junction with interstate highway I-135, then south on interstate highway I-135 to its junction with federal highway US-56, then east on federal highway US-56 to its junction with state highway K-150, then east on state highway K-150 to its junction with federal highway US-50, then east on federal highway US-50 to its junction with interstate highway I-35, then northeast on interstate highway I-35 to its junction with the Missouri-Kansas state line, then north along the Missouri-Kansas state line to its junction with Nebraska-Kansas state line, and then west along the Nebraska-Kansas state line to its junction with federal highway US-81, except federal and state sanctuaries. No permits shall be authorized in unit 3.

(4) Unit 4. Unit 4 shall consist of that portion of the state bounded by a line from the Kansas-Colorado state line east on interstate highway I-70 to its junction with federal highway US-183, then south on federal highway US-183 to its junction with federal highway US-54, then southwest on federal highway US-54 to the Oklahoma-Kansas state line, then west along the Oklahoma-Kansas state line to its junction with the Colorado-Kansas state line, and then north along the Colorado-Kansas state line to its junction with interstate highway I-70, except federal and state sanctuaries. No permits shall be authorized in unit 4.

(5) Unit 5. Unit 5 shall consist of that portion of the state bounded by a line from the Oklahoma-Kansas state line north on interstate highway I-35 to its junction with interstate highway I-135, then northwest on interstate I-135 to its junction with federal highway US-56, then west on federal highway US-56 to its junction with state highway K-96, then west on state highway K-96 to its junction with

federal highway US-183, then south on federal highway US-183 to its junction with federal highway US-54, then southwest on federal highway US-54 to the Oklahoma-Kansas state line, and then east along the Oklahoma-Kansas state line to its junction with interstate highway I-35, except federal and state sanctuaries. No permits shall be authorized in unit 5.

(6) Unit 6. Unit 6 shall consist of that portion of the state bounded by a line from the Oklahoma-Kansas state line north on interstate highway I-35 to its junction with interstate highway I-135, then northwest on interstate I-135 to its junction with federal highway US-56, then east on federal highway US-56 to its junction with state highway K-150, then east on state highway K-150 to its junction with federal highway US-50, then east on federal highway US-50 to its junction with interstate highway I-35, then northeast on interstate highway I-35 to its junction with the Missouri-Kansas state line, then south along the Missouri-Kansas state line to its junction with the Oklahoma-Kansas state line, and then west along the Oklahoma-Kansas state line to its junction with interstate highway I-35, except federal and state sanctuaries. No permits shall be authorized in unit 6.

(c) The bag limit for the open fall season shall be one turkey of either sex for each permit or game tag.

(d) An individual shall not apply for or obtain more than one turkey permit for the open fall season.

(e) Turkey permits and turkey game tags shall be valid only for the unit or units designated on the turkey permit or turkey game tag.

(f) This regulation shall be effective on and after January 1, 2017. (Authorized by and

implementing K.S.A. 2015 Supp. 32-807 and K.S.A. 2015 Supp. 32-969.)

## ECONOMIC IMPACT STATEMENT

**K.A.R. 115-25-5** Turkey; open season, bag limit, and permits

**DESCRIPTION:** This proposed exempt regulation establishes hunting unit boundaries, bag limit and season dates for the 2017 fall wild turkey seasons. The proposed change would close the fall season for units 3, 5 and 6 to take into account several years of poor reproduction and correct an error in the boundary descriptions. Otherwise, the regulation would be unchanged from previous seasons.

**FEDERAL MANDATE:** None

**ECONOMIC IMPACT:** In 2015, the department issued 12,133 fall turkey permits of various types, generating \$211,590. It is anticipated that the closure of the fall season in three additional units will reduce permit sales by 7300 permits, and reducing income to the wildlife fee fund by approximately \$130,000. Administrative costs associated with the season are borne by the department.

The department estimates over 24,000 days of hunting activity will occur, thus providing economic benefit to businesses providing goods and services. No other economic impact on the general public, small businesses or on other state agencies is anticipated.

**ALTERNATIVES CONSIDERED:** None.

**115-25-6. Turkey; spring season, bag limit, permits, and game tags.** (a) The open season for the taking of turkey by archery equipment only shall begin on the first Monday after the first Saturday in April and shall continue through the day before the opening day of the open season specified in subsection (b) in all turkey management units. All turkey permits and second turkey game tags issued for the open season shall be valid during this season for use with archery equipment only.

(b) The open season for the taking of turkey by use of firearms or archery equipment shall begin on the second Wednesday after the first Saturday in April and shall continue through the last day in May.

(c)(1) The season for designated persons for the taking of turkey shall begin on the first day of April and shall continue through the day before the opening day of the open season specified in subsection (b) in all turkey management units. All turkey permits and second turkey game tags issued for the open season shall be valid during this season.

(2) The following persons may hunt during the season for designated persons:

(A) Any person having a valid turkey permit or second turkey game tag who is 16 years of age or younger, while under the immediate supervision of an adult who is 18 years of age or older;

(B) any person with a permit to hunt from a vehicle issued according to K.A.R. 115-18-4; and

(C) any person with a disability assistance permit issued according to K.A.R. 115-18-15.

(d) The legal limit shall be one bearded turkey per turkey permit and one bearded turkey per second turkey game tag where game tags are authorized.

(e) The units and the number of permits authorized for the taking of turkey during the established season shall be as follows:

(1) Unit 1. Unit 1 shall consist of that area bounded by a line from the Nebraska-Kansas state line south on federal highway US-183 to its junction with interstate highway I-70, then west on interstate highway I-70 to the Colorado-Kansas state line, then north along the Colorado-Kansas state line to its junction with Nebraska-Kansas state line, and then east along the Nebraska-Kansas state line to its junction with federal highway US-183, except federal and state sanctuaries. An unlimited number of permits and an unlimited number of second turkey game tags shall be authorized for unit 1.

(2) Unit 2. Unit 2 shall consist of that area bounded by a line from the Nebraska-Kansas state line south on federal highway US-81 to its junction with interstate highway I-135, then south on interstate highway I-135 to its junction with federal highway US-56, then west on federal highway US-56 to its junction with state highway K-96, then west on state highway K-96 to its junction with federal highway US-183, then north on federal highway US-183 to its junction with the Nebraska-Kansas state line, and then east along the Nebraska-Kansas state line to its junction with federal highway US-183, except federal and state sanctuaries. An unlimited number of permits and an unlimited number of second turkey game tags shall be authorized for unit 2.

(3) Unit 3. Unit 3 shall consist of that area bounded by a line from the Nebraska-Kansas state line south on federal highway US-81 to its junction with interstate highway I-135, then south on interstate highway I-135 to its junction with federal highway US-56, then east on federal highway US-56 to its junction with state highway K-150, then east on state highway K-150 to its junction with federal highway US-50, then east on federal highway US-50 to its junction with interstate highway I-35, then northeast on interstate highway I-35 to its junction with the Missouri-Kansas state line, then north along

the Missouri-Kansas state line to its junction with Nebraska-Kansas state line, and then west along the Nebraska-Kansas state line to its junction with federal highway US-81, except federal and state sanctuaries. An unlimited number of permits and an unlimited number of second turkey game tags shall be authorized for unit 3.

(4) Unit 4. Unit 4 shall consist of that portion of the state bounded by a line from the Kansas-Colorado state line east on interstate highway I-70 to its junction with federal highway US-183, then south on federal highway US-183 to its junction with federal highway US-54, then southwest on federal highway US-54 to the Oklahoma-Kansas state line, then west along the Oklahoma-Kansas state line to its junction with the Colorado-Kansas state line, and then north along the Colorado-Kansas state line to its junction with interstate highway I-70, except federal and state sanctuaries. A total of 500 permits shall be authorized for unit 4, and all youth permits shall also be valid in unit 4.

(5) Unit 5. Unit 5 shall consist of that portion of the state bounded by a line from the Oklahoma-Kansas state line north on interstate highway I-35 to its junction with interstate highway I-135, then northwest on interstate highway I-135 to its junction with federal highway US-56, then west on federal highway US-56 to its junction with state highway K-96, then west on state highway K-96 to its junction with federal highway US-183, then south on federal highway US-183 to its junction with federal highway US-54, then southwest on federal highway US-54 to the Oklahoma-Kansas state line, and then east along the Oklahoma-Kansas state line to its junction with interstate highway I-35, except federal and state sanctuaries. An unlimited number of permits and an unlimited number of second turkey game tags shall be authorized for unit 5.

(6) Unit 6. Unit 6 shall consist of that portion of the state bounded by a line from the Oklahoma-Kansas state line north on interstate highway I-35 to its junction with interstate highway I-135, then northwest on interstate highway I-135 to its junction with federal highway US-56, then east on federal highway US-56 to its junction with state highway K-150, then east on state highway K-150 to its junction with federal highway US-50, then east on federal highway US-50 to its junction with interstate highway I-35, then northeast on interstate highway I-35 to its junction with the Missouri-Kansas state line, then south along the Missouri-Kansas state line to its junction with the Oklahoma-Kansas state line, and then west along the Oklahoma-Kansas state line to its junction with interstate highway I-35, except federal and state sanctuaries. An unlimited number of permits and an unlimited number of second turkey game tags shall be authorized for unit 6.

(f) Turkey permits and second turkey game tags shall be valid only for the unit or units designated on the turkey permit or second turkey game tag, except that youth turkey permits shall be valid in all units and unit 4 turkey permits shall also be valid in adjacent units.

(g) Only those individuals who have purchased a turkey permit shall be eligible to purchase a second turkey game tag.

(h) Each turkey permit and each second turkey game tag purchased during the open season shall be valid beginning on the calendar day after the date of purchase.

(i) This regulation shall be effective on and after January 1, 2017. (Authorized by and implementing K.S.A. 2015 Supp. 32-807 and K.S.A. 2015 Supp. 32-969.)

## **ECONOMIC IMPACT STATEMENT**

**K.A.R. 115-25-6.** Turkey; spring season, bag limit, permits and game tags.

**DESCRIPTION:** This proposed exempt regulation establishes hunting unit boundaries, bag limits and season dates for the spring turkey hunting season. The proposed changes would correct an error in the boundary descriptions.

**FEDERAL MANDATE:** None.

**ECONOMIC IMPACT:** It is anticipated that approximately 61,973 permits and game tags will be issued in 2017, based on 2016 permit sales. Estimated revenue if the above number of permits and tags are issued would be \$1,925,577.00. Administrative costs associated with the season are borne by the department.

Approximately 310,000 recreational days of hunting could occur, thus providing economic benefit to businesses providing goods and services. No other economic impact on the department, general public, small businesses, or on other state agencies is anticipated.

**ALTERNATIVES CONSIDERED:** None.

**115-25-14. Fishing; creel limit, size limit, possession limit, and open season.** (a) The open season for the taking of fish in Kansas shall be January 1 through December 31, with the following exceptions:

(1) The flowing portions and backwaters of the Missouri river and any oxbow lake through which the Kansas-Missouri boundary passes, for which the open snagging season for the taking of paddlefish shall be March 15 through May 15;

(2) the flowing portions of the Kansas river from its origin downstream to its confluence with the Missouri river and the flowing portions of the Arkansas river from its origin downstream to the Kansas-Oklahoma border and on federal reservoirs from 150 yards away from the dam to the upper end of the federal property, for which the open hand-fishing season for the taking of flathead catfish shall be from sunrise to sunset, June 15 through August 31;

(3) the open season for floatline fishing shall be 24 hours a day, year-round on designated federal reservoirs; and

(4) those areas closed by posted notice.

(b) Pursuant to K.A.R. 115-18-12, a trout permit shall be required for each individual who wants to fish on the following waters during the specified time periods:

(1) November 1 through April 15:

(A) Cedar Bluff Stilling Basin;

(B) Dodge City Lake Charles;

(C) Fort Scott Gun Park Lake;

(D) Garnett Crystal Lake;

(E) Glen Elder Reservoir Outlet;

(F) Glen Elder State Park Pond;

(G) Kanopolis Seep Stream;

(H) KDOT East Lake, located in Wichita;

(I) Lake Henry, located in Clinton State Park;

(J) Pratt Centennial Pond;

(K) Sandsage Bison Range and Wildlife Area Sandpits;

(L) the following Sedgwick County Park waters;

(i) Vic's Lake; and

(ii) Slough Creek;

(M) Topeka Auburndale Park;

(N) Walnut River Area, located in El Dorado State Park;

(O) Webster Stilling Basin; and

(P) Willow Lake, located in Tuttle Creek State Park; and

(2) November 1 through October 31: unit number 30, located in the Mined Land Wildlife Area.

(c) Pursuant to K.A.R. 115-18-12, a trout permit shall be required for each individual who wants to fish for and possess trout on the following waters from November 1 through April 15:

(1) Atchison City Lake No. 1;

(2) Belleville City Lake (Rocky Pond);

(3) Cameron Springs, located on Fort Riley;

(4) Cherryvale City Lake (Tanko);

(5) Cimarron Grasslands Pits;

- (6) Colby-Villa High Lake;
- (7) Great Bend Veterans Memorial Park Lake;
- (8) Great Bend Stone Lake;
- (9) Herington-Father Padilla Pond;
- (10) Holton-Elkhorn Lake;
- (11) Hutchinson Dillon Nature Center Pond;
- (12) Kanopolis State Park Pond;
- (13) Lake Shawnee, located in Shawnee County;
- (14) Meade State Fishing Lake;
- (15) Moon Lake, located on Fort Riley;
- (16) Salina Lakewood Lake;
- (17) Scott State Fishing Lake;
- (18) Scott State Park Pond;
- (19) the following Sedgwick County Park waters:
  - (A) Moss Lake; and
  - (B) Horseshoe Lake;
- (20) Sherman County Smoky Gardens Lake;
- (21) Solomon River between Webster Reservoir and Rooks County #2 Road; and
- (22) Syracuse-Sam's Pond.

(d) The following daily creel limits and size limits shall apply to each pond, lake, impoundment, and other water of the state that is open to public fishing access, and to all perennial and intermittent watercourses of the state, unless special creel limits and size limits apply pursuant to subsection (f).

<u>Species</u>	<u>Creel Limit</u>	<u>Size Limit</u>
Black bass: largemouth, spotted, or smallmouth	5*	15"
Channel catfish or blue catfish	10*	--
Trout	5*/2****	--
Flathead catfish	5	--
Walleye, sauger, saugeye	5*	15"*****
Pike family: northern pike, tiger, or muskellunge	2*	30"
Striped bass	2	--
Wiper: striped bass hybrid	2	--
Paddlefish	2**	--
Crappie: white or black	50*	--
All other species	No limit	--

\* The daily creel limit shall be composed of a single listed species or a combination of the species in the listed species group.

\*\* The total snagging creel limit of paddlefish per calendar year shall be six paddlefish.

\*\*\* The two-trout-per-day creel limit shall be applicable to individuals under 16 years of age not in possession of a valid trout permit.

\*\*\*\* The 15” length limit on walleye, sauger, and saugeye shall not apply to streams, rivers, and tailwaters.

(e) The possession limit shall be three daily creel limits.

(f) Special size limits, creel limits, and bait restrictions for designated waters shall be those limits and restrictions specified in the department’s “Kansas special size limits, creel limits, and bait restriction tables,” dated July 1, 2016, which is hereby adopted by reference. All fish caught from these designated waters that are of a size or number that is illegal to possess shall be released unrestrained to the water immediately.

This regulation shall be effective on and after January 1, 2017. (Authorized by and implementing K.S.A. 2015 Supp. 32-807.)

## **ECONOMIC IMPACT STATEMENT**

**K.A.R. 115-25-14.** Fishing; creel limit, size limit, possession limit, and open season.

**DESCRIPTION:** This exempt regulation establishes statewide limits and open seasons for fishing in Kansas. The proposed changes relate to removing the length limit on walleye, saugeye and sauger on streams and rivers, allowing floatline fishing year round and 24 hours a day, updates to the reference document related to length and creel limits for specific bodies of water and the addition of one trout water.

**FEDERAL MANDATE:** None.

**ECONOMIC IMPACT:** The proposed changes would likely have no substantive economic impact to the department, other state agencies, small businesses, or the public.

**ALTERNATIVES CONSIDERED:** None.