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

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Topeka, Kansas 66612-1233

Title of Document -- Public Hearing

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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

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Liaison officer's signature

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Title

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Phone

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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 6:30 p.m., Thursday, March 26, 2015 at Kansas Historical Museum, 6425 SW 6<sup>th</sup>, Topeka, Kansas, to consider the approval and adoption of a proposed regulation 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., March 26 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. March 27 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 the 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](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.

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

**K.A.R. 115-25-7.** This exempt regulation establishes antelope open season, bag limits and permits. The proposed version of the regulation would increase antelope permits by 18 permits overall.

**Economic Impact Summary:** The proposed amendment to 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. 115-25-8.** This exempt regulation establishes elk open season, bag limits and permits. The proposed version of the regulation would cease the mandatory harvest reporting

requirement.

**Economic Impact Summary:** The proposed amendment to 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. 115-25-9.** This exempt regulation establishes deer open season, bag limits and permits. The proposed version of the regulation would adjust season dates for the coming season, reduce antlerless seasons in two units and increase antlerless harvest in one unit.

**Economic Impact Summary:** The proposed amendment to the regulation 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 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

**115-25-7. Antelope; open season, bag limit, and permits.** (a) The open season for the taking of antelope shall be as specified in this subsection. The unit designations in this subsection shall have the meanings specified in K.A.R. 115-4-6.

(1) Archery season.

(A) The archery season dates shall be September 19, 2015 through September 27, 2015 and October 10, 2015 through October 31, 2015.

(B) The taking of antelope during the established archery season shall be authorized for Smoky Hill, unit 2; West Arkansas, unit 17; and Cimarron, unit 18. Unlimited archery permits for residents and nonresidents shall be authorized for the area.

(2) Firearm season.

(A) The firearm season dates shall be October 2, 2015 through October 5, 2015.

(B) The open units for the taking of antelope during the established firearm season and the number of permits authorized shall be as follows:

(i) Smoky Hill, unit 2: One hundred and four resident firearm permits shall be authorized for the unit.

(ii) West Arkansas, unit 17: Thirty-six resident firearm permits shall be authorized for the unit.

(iii) Cimarron, unit 18: Fourteen resident firearm permits shall be authorized for the unit.

(3) Muzzleloader-only season.

(A) The muzzleloader-only season dates shall be September 28, 2015 through October 1, 2015. Muzzleloader permits also shall be valid in the unit for which the

permit is authorized during the established firearm season dates.

(B) The open units for the taking of antelope during the established muzzleloader-only season and the number of permits authorized shall be as follows:

(i) Smoky Hill, unit 2: Twenty-six resident muzzleloader permits shall be authorized for the unit.

(ii) West Arkansas, unit 17: Ten resident muzzleloader permits shall be authorized for the unit.

(iii) Cimarron, unit 18: Eight resident muzzleloader permits shall be authorized for the unit.

(b) The bag limit for each archery, firearm, and muzzleloader permit shall be one antelope of either sex.

(c) This regulation shall be effective on and after May 1, 2015, and shall have no force and effect on and after March 1, 2016. (Authorized by and implementing K.S.A. 2014 Supp. 32-807 and K.S.A. 2014 Supp. 32-937.)

## ECONOMIC IMPACT STATEMENT

**K.A.R. 115-25-7.** Antelope; open season, bag limit, and permits.

**DESCRIPTION:** This proposed exempt regulation establishes hunting unit boundaries, bag limit, application periods and season dates for the 2015 firearm, muzzleloader, and archery antelope seasons. The hunting units include all of the area included during the 2015 season. An unlimited number of archery permits are authorized, however, recent trends indicate that about 320 people may apply for these permits for residents. 16 nonresident archery permits were issued in 2014 and it is anticipated that a like number will be issued in 2015.

The proposed unit boundaries for the 2015 firearm hunting season are the same as the 2015 unit boundaries. A total of 154 firearms permits are proposed in three management units as follows: Unit 2-104 permits, Unit 17-36 permits, and Unit 18-14 permits, an increase of 14 permits from the previous season. In addition, 44 muzzleloader permits are proposed in three management units as follows: Unit 2-26 permits, Unit 17-10 permits, and Unit 18-8 permits, an increase of 4 permits from the previous season.

**FEDERAL MANDATE:** None.

**ECONOMIC IMPACT:** It is anticipated that 534 antelope hunting permits will be authorized. Estimated revenue if all permits are issued would be approximately \$18,700. That amount represents equal participation in the antelope season by landowner/tenants and general residents, as well as nonresident participation. Approximately 1150 people will apply for an antelope permit or preference point. A \$5 nonrefundable application fee from all applicants will generate an additional \$5,575. Other administrative costs associated with the season are borne by the Department.

Approximately 2670 days of hunting activity will occur. The national survey of fishing, hunting, and wildlife associated recreation conducted by the U.S. Fish and Wildlife Service estimated that an average big game hunter spent more than \$1100 per season, thus the antelope season may generate \$587,400 in direct economic benefits to businesses providing goods and services. There will be no other economic impact on the general public, small businesses or on other state agencies.

**ALTERNATIVES CONSIDERED:** None.

**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: September 14, 2015 through December 31, 2015.

(B) Fort Riley, subunit 2a: September 1, 2015 through September 30, 2015.

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

(A) Statewide, except Fort Riley, subunit 2a, and unit 1: December 2, 2015 through December 13, 2015 and January 1, 2016 through March 15, 2016.

(B) Fort Riley, subunit 2a:

(i) First segment: October 1, 2015 through October 31, 2015.

(ii) Second segment: November 1, 2015 through November 30, 2015.

(iii) Third segment: December 1, 2015 through December 31, 2015.

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

(A) Statewide, except Fort Riley, subunit 2a, and unit 1: September 1, 2015 through September 30, 2015.

(B) Fort Riley, subunit 2a: September 1, 2015 through September 30, 2015.

(c) A limited-quota either-sex elk permit shall be valid during any season using

equipment authorized for that season. Ten 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. Five 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. Five 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. Five 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 1, 2015 through September 30, 2015 archery and muzzleloader seasons.

(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.

(i) This regulation shall have no force and effect on and after April 1, 2016. (Authorized by and implementing K.S.A. 2014 Supp. 32-807 and K.S.A. 2014 Supp. 32-937.)

## ECONOMIC IMPACT STATEMENT

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

**DESCRIPTION:** This proposed exempt regulation establishes hunting unit boundaries, bag limit, application periods and season dates for the 2015-2016 muzzleloader, archery, and firearm seasons for elk. The units allow for statewide use for limited-quota permits, except in a portion of Morton County. Limited-quota elk and unlimited hunt-on-your-own-land (HOYOL) hunters would be allowed to hunt during any open season with the equipment that was allowed during that season. Unlimited general either-sex and antlerless-only permits would allow the use of the permits in all units but would exclude two units. Unlimited HOYOL either-sex and antlerless-only permits would be allowed statewide, except a portion of Morton County, Unit 1. The proposed regulation would allow elk hunting from September 1, 2015 through March 15, 2016 statewide (outside Fort Riley, except Unit 1). Fifteen limited-quota antlerless permits would also be valid during a September muzzleloader and archery equipment season on Fort Riley, Subunit 2a. However, only five limited-quota antlerless-only elk permits at a time would be made available for use during each of three seasons on subunit 2a (Fort Riley) (October 1, 2015 through October 31, 2015; November 1, 2015 through November 30, 2015; and December 1, 2015 through December 31, 2015). Ten limited-quota either-sex elk permits would be valid from September 1, 2015 through December 31, 2015 on subunit 2a and from September 1, 2015 through March 15, 2016 in the remainder of the state, except Unit 1. Fort Riley military personnel would continue to control access to the military grounds for the purpose of elk hunting, and are expected to provide hunting access only during a portion of the available days during the open seasons. The seasons are intended to provide increased opportunity for those hunters drawing elk permits, and increased flexibility to address elk that may disperse off the Fort as well as those animals beginning to appear within other locations in the State. This represents no change from the total limited-quota permits for 2014.

**FEDERAL MANDATE:** None

**ECONOMIC IMPACT:** It is anticipated that 25 limited-quota elk permits will be issued. Based on 2014 numbers, it is estimated that at least another 35 HOYOL permits will be issued and as well as 10 unlimited general permits. In addition, it is estimated that 1000 of people will apply for the drawing permits or bonus points and those individuals pay a \$5 nonrefundable application fee. The application fee generates \$5000. Estimated revenue if all permits are issued would be approximately \$10,875. Administrative costs associated with the season are borne by the Department. Approximately 350 days of hunting activity may occur, thus providing \$77,000 economic benefit to businesses providing goods and services. To the extent the expanded unit, seasons, and permit numbers help prevent dispersal of elk onto private land, and therefore help prevent occurrence of damage from dispersed elk, there may be some positive economic impact to the general public. No other economic impact on the general public, small businesses, or on other state agencies is anticipated.

**ALTERNATIVES CONSIDERED:** None

**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 in all deer management units shall be September 14, 2015 through December 31, 2015.

(B) Archery deer permits also shall be valid during the portion of the extended firearm season beginning on January 1, 2016 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.

(C) 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.

(D) The urban antlerless-only white-tailed deer archery season shall begin on January 18, 2016 and extend through January 31, 2016 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 21, 2015 through November 22, 2015, November 26, 2015 through November 29, 2015, December 5, 2015 through December 6, 2015, December 12, 2015 through December 13, 2015, and December 19, 2015 through December 20, 2015. In the Smoky Hill Air National Guard subunit, the firearm season dates shall be November 26, 2015 through November 29, 2015 and December

6, 2015 through December 13, 2015. The regular firearm season dates in all other deer management units shall be December 2, 2015 through December 13, 2015.

(B) The pre-rut white-tailed deer antlerless-only season in all deer management units shall be October 10, 2015 through October 11, 2015.

(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 14, 2015 through September 27, 2015. 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, 2016 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 5, 2015 through September 13, 2015 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 6, 8, 9, 10, 16, or 17, as applicable, shall be valid during an extended antlerless-only firearm season beginning January 1, 2016 and extending through January 3, 2016 in those units.

(B) Each unfilled deer permit valid in units 1, 2, 3, 4, 5, 7, 11, 12, 13, or 14, as applicable, shall be valid during an extended antlerless-only firearm season beginning January 1, 2016 and extending through January 10, 2016 in those units.

(C) Each unfilled deer permit valid in units 10A, 15, or 19, as applicable, shall be valid in an extended antlerless-only firearm season beginning January 1, 2016 and extending through January 17, 2016 in those units.

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

(E) Permits restricted to a specific unit shall remain restricted to that unit during the extended firearm season.

(F) 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, 2016 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, except in unit 18, including lands managed by the department. Four additional antlerless white-tailed deer permits shall be valid in

units 1, 2, 3, 4, 5, 7, 10A, 11, 12, 13, 14, 15, and 19 on lands not managed by the department, except Cedar Bluff, Glen Elder, Kanopolis, Lovewell, Norton, Webster, and Wilson Wildlife Areas and Kirwin National Wildlife Refuge.

(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, 2015.

(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, 2016.

(f) This regulation shall be effective on and after April 1, 2015, and shall have no force and effect on and after March 1, 2016. (Authorized by and implementing K.S.A. 2014 Supp. 32-807 and K.S.A. 2014 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 2015-2016 firearm, muzzleloader and archery deer seasons. There are some changes from 2014-2015 seasons. Season dates are adjusted to coincide with the calendar, antlerless harvest is adjusted in 1 unit across the state and the antlerless-only season is adjusted for 2 units across the state.

**FEDERAL MANDATES:** None

**ECONOMIC IMPACT:** If the economic impact to the department, the general public, small business and other agencies from the 2015-16 seasons were to be similar to the estimate for the 2014-2015 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 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.