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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.

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Liaison officer's typed name

Liaison officer's signature

Department Attorney
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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, June 19, 2014 at the Lamplighter Inn & Suites, 4020 Parkview Dr., Pittsburg, 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., June 19 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. June 20 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 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.

The regulations that will be heard during the regulatory hearing portion of the meeting are as follows:

K.A.R. 115-8-1. This permanent regulation establishes hunting, furharvesting, and discharge of firearms provisions on department lands and waters. The proposed amendments would update the reference document, particularly related to removing some restrictions on vehicle traffic, adjusting some non toxic shot requirements, adjusting some boating restrictions, coordinating some refuge area requirements and adding some daily use permits.

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.

115-25-9a. This permanent regulation establishes additional considerations for the deer

open season, bag limit, and permits including Fort Riley and crossbow survey number. The proposed version of the regulation sets the deer seasons on Fort Riley only in order to better accommodate the changing training mission at Fort Riley.

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.

115-4-2. This permanent regulation establishes general provisions for big game and wild turkeys. The proposed amendments would remove the restriction on same day purchase of permits and hunting big game and wild turkeys.

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

115-25-1. This exempt regulation establishes the open seasons, bag limits, and possession limits and permits for prairie chickens. The proposed version of the regulation includes closing the season in the southwest unit pursuant to a listing by the United States Fish and Wildlife Service as a threatened species under the federal endangered species act.

Economic Impact Summary: There will be some economic impact to closing the prairie chicken season in the southwest unit but it cannot be quantified at this time. Otherwise, the proposed version of the regulation is not anticipated to have some 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

115-8-1. Department lands and waters: hunting, furharvesting, and discharge of firearms.

(a) Subject to provisions and restrictions as established by posted notice or as specified in the document adopted by reference in subsection (e), the following activities shall be allowed on department lands and waters:

(1) Hunting during open seasons for hunting on lands and waters designated for public hunting;

(2) furharvesting during open seasons for furharvesting on lands and waters designated for public hunting and other lands and waters as designated by the department;

(3) target practice in areas designated as open for target practice; and

(4) noncommercial training of hunting dogs.

(b) Other than as part of an activity under subsection (a), the discharge of firearms and other sport hunting equipment capable of launching projectiles shall be allowed on department lands and waters only as specifically authorized in writing by the department.

(c) The discharge of fully automatic rifles or fully automatic handguns on department lands and waters shall be prohibited.

(d) Department lands and waters shall be open neither for commercial rabbit and hare furharvesting nor for commercial harvest of amphibians and reptiles.

(e) The department's "KDWPT fisheries and wildlife division public land special use restrictions," dated ~~March 25, 2013~~ April 1, 2014, is hereby adopted by reference. (Authorized by and implementing K.S.A. ~~2012~~ 2013 Supp. 32-807; effective Dec. 4, 1989; amended July 13, 2001; amended May 16, 2008; amended May 15, 2009; amended July 23, 2010; amended Nov. 14, 2011; amended Jan. 1, 2013; amended July 26, 2013; amended P-_____.)

ECONOMIC IMPACT STATEMENT

K.A.R. 115-8-1. Department lands and waters; hunting, furharvesting, and discharge of firearms.

DESCRIPTION: This permanent regulation establishes certain requirements for and restrictions on certain activities on department lands and waters, including hunting, furharvesting, and other discharge of firearms. Over a period of many years, posted notice has been used to restrict access to certain properties and enhance recreational opportunities. Many of those posted notice restrictions have become long-term policies and to better inform the public as well as enforce the posted notices, the department has consolidated many of those notices into a reference document for adoption by reference. This is an update to that reference document, particularly related to removing some restrictions on vehicle traffic, adjusting some non toxic shot requirements, adjusting some boating restrictions, coordinating some refuge area requirements and adding some daily use permits.

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.

115-25-9a. Deer; open season, bag limit, and permits; additional considerations; Fort Riley. (a) In addition to the archery seasons specified in K.A.R. 115-25-9, the open archery season for the taking of deer in the Fort Riley subunit shall also be September 1, 2014 through September 15, 2014 by individuals who possess the required authorization issued by Fort Riley to hunt for deer during the specified days.

(b) In addition to the season for designated persons specified in K.A.R. 115-25-9, in the Fort Riley subunit the season for designated persons shall also be October 10, 2014 through October 13, 2014.

(c) In the Fort Riley subunit, the open firearm season for the taking of deer shall be November 28, 2014 through November 30, 2014 and December 13, 2014 through December 21, 2014.

(d) In addition to the archery season specified in K.A.R. 115-25-9, the open archery season for the taking of deer in the Fort Riley subunit shall be January 12, 2015 through January 31, 2015 by individuals who possess the required authorization issued by Fort Riley to hunt for deer during the specified days.

(e) In the Fort Riley subunit, the special extended firearms season and the pre-rut white-tailed deer antlerless-only season specified in K.A.R. 115-25-9 shall be closed.

(f) This regulation shall be effective on and after July 1, 2014, and shall have no force and effect on and after March 1, 2015. (Authorized by and implementing K.S.A. 2013 Supp. 32-807 and K.S.A. 2013 Supp. 32-937.)

ECONOMIC IMPACT STATEMENT

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

DESCRIPTION: This exempt regulation establishes additional considerations for the 2014-2015 firearm, muzzleloader and archery deer seasons. The main items in the regulation set the deer seasons on Fort Riley only in order to better accommodate the changing training mission at Fort Riley.

FEDERAL MANDATES: None

ECONOMIC IMPACT: No significant economic impact to the department, state agencies, small businesses or the public is anticipated.

ALTERNATIVES CONSIDERED: None.

115-4-2. Big game and wild turkey; general provisions. (a) Possession.

(1) Each permittee shall sign, record the county, the date, and the time of kill, and attach the carcass tag to the carcass in a visible manner immediately following the kill and before moving the carcass from the site of the kill. The carcass tag shall remain attached to the carcass or in the possession of the permittee if transporting a quartered or deboned animal until the animal reaches the permittee's residence or a commercial place of processing or preservation and is processed for consumption. The permittee shall retain the carcass tag until the animal is consumed, given to another, or otherwise disposed of.

(2) Except for a wild turkey or big game animal taken with an "either sex" permit, the beard of the wild turkey shall remain naturally attached to the breast or the head of the big game animal shall remain naturally attached to the carcass while in transit from the site of the kill to the permittee's residence or to a commercial place of processing or preservation, unless the carcass has been tagged with a department check station tag, the permittee has obtained a transportation confirmation number after electronically registering the permittee's deer or wild turkey on the department's electronic registration site, or the permittee retains photographs necessary for electronic registration until registration occurs. "Electronically registering" shall mean submitting any necessary and relevant information and digital photographs of the deer head or turkey breast and of the completed carcass tag of sufficient clarity to display the species and the antlered or antlerless condition of the deer, the beard of the wild turkey, and the transaction number and signature on a completed carcass tag.

(3) Any legally acquired big game or wild turkey meat may be given to and possessed by

another, if a dated written notice that includes the donor's printed name, signature, address, and permit number accompanies the meat. The person receiving the meat shall retain the notice until the meat is consumed, given to another, or otherwise disposed of.

(4) Any person may possess a salvaged big game or wild turkey carcass if a department salvage tag issued to the person obtaining the carcass is affixed to the carcass. The salvage tag shall be retained as provided in paragraph (a)(1). Big game or wild turkey meat may be donated as specified in paragraph (a)(3) using the salvage tag number. Each salvage tag report prepared by the department agent issuing the tag shall be signed by the individual receiving the salvaged big game or wild turkey carcass. Each salvage tag shall include the following information:

- (A) The name and address of the person to whom the tag is issued;
- (B) the salvage tag number;
- (C) the species and sex of each animal for which the tag is issued;
- (D) the location and the date, time, and cause of death of each animal; and
- (E) the date of issuance and the signature of the department agent issuing the salvage tag.

(b) Big game and wild turkey permits and game tags.

(1) ~~A permit or game tag purchased during the open season shall not be valid until the next calendar day.~~

~~(2)~~ Big game and wild turkey permits and game tags shall not be transferred to another person, unless otherwise authorized by law or regulation.

~~(3)~~ (2) In addition to other penalties prescribed by law, each big game and wild turkey permit or

game tag shall be invalid from the date of issuance if obtained by an individual under any of these conditions:

(A) Through false representation;

(B) through misrepresentation; or

(C) in excess of the number of permits or game tags authorized by regulations for that big game species or wild turkey.

~~(4)~~ (3) No individual shall copy, reproduce, or possess any copy or reproduction of a big game or wild turkey permit or carcass tag.

(c) Hunting assistance. Subject to the hunting license requirements of K.S.A. 32-919 and amendments thereto, the license requirements of the implementing regulations, and the provisions of paragraphs (c)(1), (c)(2), and (c)(3), any individual may assist any holder of a big game or wild turkey permit or game tag during the permittee's big game or wild turkey hunting activity. This assistance may include herding, driving, or calling.

(1) An individual assisting the holder of a big game or wild turkey permit or game tag shall not perform the actual shooting of big game or wild turkey for the permittee, unless authorized by K.A.R. 115-18-15. However, a permittee who is, because of disability, unable to pursue a wounded big game animal or wild turkey may designate any individual to assist in pursuing and dispatching a big game animal or wild turkey wounded by the disabled permittee.

(2) The designated individual shall carry the disabled permittee's big game or wild turkey permit or game tag and shall attach the carcass tag to the carcass immediately after the kill and before leaving

the site of the kill.

(3) The designated individual shall use only the type of equipment authorized for use by the disabled permittee. (Authorized by and implementing K.S.A. 2013 Supp. 32-807, K.S.A. ~~2010~~ 2013 Supp. 32-937, and K.S.A. ~~2010~~ 2013 Supp. 32-969; effective June 1, 2001; amended April 22, 2005; amended April 16, 2010; amended April 20, 2012; amended P-_____.)

ECONOMIC IMPACT STATEMENT

K.A.R. 115-4-2. Big game and wild turkey; general provisions.

DESCRIPTION: The proposed changes would further address concerns with transportation of carcasses beyond the borders of the state and preventing potential disease transmission by allowing a method of electronic registration. The proposed changes would allow hunting on the same day of purchase of a big game or wild turkey permit.

FEDERAL MANDATE: None.

ECONOMIC IMPACT: The proposed regulation is not anticipated to have any appreciable economic impact on the department, other agencies, small businesses or the public.

ALTERNATIVES CONSIDERED: None.

115-25-1. Prairie chickens; open seasons, bag limits, and possession limits; permit. (a) East unit. The open season for the taking of prairie chickens shall be September 15 through October 15 and shall reopen on the third Saturday of November through January 31 of the following year, in that part of Kansas east of federal highway US-281 and bounded by Nebraska on the north, Missouri on the east, and Oklahoma on the south.

(b) Southwest unit. There shall be no open season for the taking of prairie chickens in that part of Kansas bounded by a line from the Colorado-Kansas state line east on state highway K-96 to its junction with federal highway US-56, then east on federal highway US-56 to its junction with federal highway US-281, then south on federal highway US-281 to its junction with 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.

(c) Northwest unit. The open season for the taking of prairie chickens shall be September 15 through October 15 and shall reopen on the third Saturday of November through January 31 of the following year, in that part of Kansas bounded by a line from the Colorado-Kansas state line east on state highway K-96 to its junction with federal highway US-56, then east on federal highway US-56 to its junction with federal highway US-281, then north on federal highway US-281 to its junction with the Nebraska-Kansas state line, then west along the Nebraska-Kansas state line to its junction with the Colorado-Kansas state line, and then south along the Colorado-Kansas state line to its junction with interstate highway I-70.

(d) Daily bag limit. The daily bag limit shall be two prairie chickens in units with an open season for the taking of prairie chickens.

(e) Possession limit. The possession limit shall be eight prairie chickens.

(f) Permit required. Before taking any prairie chickens, the individual shall have obtained and shall possess, while hunting, a current prairie chicken hunting permit from the department. (Authorized by and implementing K.S.A. 2013 Supp. 32-807.)

ECONOMIC IMPACT STATEMENT

K.A.R. 115-25-1. Prairie chickens; open seasons, bag limits, and possession limits.

DESCRIPTION: This proposed exempt regulation establishes hunting seasons, bag limits, and possession limits for prairie chickens. The proposed changes different from previous prairie chicken seasons include closing the season in the southwest unit pursuant to a listing by the United States Fish and Wildlife Service as a threatened species under the federal endangered species act.

FEDERAL MANDATE: None.

ECONOMIC IMPACT: There will be some economic impact to closing the prairie chicken season in the southwest unit but it cannot be quantified at this time. Otherwise, it is not anticipated that the amendments would have any substantial economic impact on the department, the general public, small businesses or other agencies.

ALTERNATIVES CONSIDERED: None