

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 16, 2014 at the Martinelli's Restaurant Meeting Room, 158 S Santa Fe Ave, Salina, 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 16 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 17 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.

In addition to previously published notices, 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. 115-7-10. This permanent regulation establishes special provisions for fishing. The proposed amendment would update the reference document regarding waters containing invasive species.

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 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

115-7-10. 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 ~~October 2, 2012~~ July 24, 2014, 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 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. ~~2012~~ 2013 Supp. 32-807; effective Nov. 20, 2009; amended Jan. 1, 2012; amended Jan. 1, 2013; amended Nov. 15, 2013; 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.

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.

Kansas Department of Wildlife, Parks, and Tourism

Kansas Designated Aquatic Nuisance Waters Tables

Dated: July 24, 2014

Designated waters containing select prohibited species

Kansas River

Missouri River

El Dorado Reservoir

Walnut River from El Dorado Reservoir dam to Oklahoma

Winfield City Lake

Timber creek from Winfield City Lake dam to confluence of the Walnut River

Cheney Reservoir

North Fork Ninescah River from Cheney Reservoir dam to confluence of the Arkansas River

Arkansas River from Lincoln Street Dam in Wichita to Oklahoma state line

Perry Reservoir

Delaware River from Perry Reservoir dam to confluence of the Kansas River

Marion Reservoir

Cottonwood River from Marion Reservoir dam to confluence of the Neosho River

John Redmond Reservoir

Milford Reservoir

Republican River from Milford Reservoir dam to confluence of the Smoky Hill River

Jeffery Energy Center Make-up Lake

Jeffery Energy Center Auxiliary Lake

Council Grove City Lake

Council Grove Reservoir

Neosho River from Council Grove Reservoir dam to Oklahoma state line

Kanopolis Reservoir

Smoky Hill River from Kanopolis Reservoir dam to confluence of the Republican River

Melvern Reservoir

Marais des Cygnes River from Melvern Reservoir dam to Missouri state line

Melvern Reservoir River Pond

Melvern Reservoir Rearing Pond

Wilson Reservoir

Saline River from Wilson Reservoir dam to confluence of the Smoky Hill River

Lake Afton

Clearwater Creek to confluence of the Ninescah River

Coffey County Lake (Wolf Creek Nuclear Operating Corporation Lake)

Kingman Hoover Pond

Kingman State Fishing Lake

Camp Minnescah dam, South Fork Ninescah River to confluence of the North Fork Ninescah

Chase County State Fishing Lake

Sedgwick County Park Lakes

Vic's Lake, Horseshoe Lake, Tom Scott Lake, Moss Lake and Kids Pond at Sedgwick County Park

Hutchinson Carey Park Pond

Lagoon and Fishing pond

Clinton Reservoir

Wakarusa River from Clinton Reservoir dam to confluence of the Kansas River

Big Blue River from Rocky Ford dam to confluence of the KS River

Browning Oxbow

Spirit/Boeing Employee Association Lake

Glen Elder Reservoir (Waconda Lake)

Solomon River from Glen Elder Dam to confluence with the Smoky Hill River

Lake Wabaunsee

East Branch of Mill Creek below Lake Wabaunsee

Lake Shawnee

Deer Creek from Lake Shawnee dam to confluence with the Kansas River

Atchison County

Independence Creek from Atchison SFL to confluence of MO River

Walnut Creek to confluence of MO River

Lang Hollow to confluence of MO

Owl Creek to confluence of MO

Little Walnut Creek to confluence with MO

Brown County

Terrapin Creek to confluence of Walnut Creek

Mulberry creek to confluence of Walnut Creek

Walnut Creek to Nebraska state line

Doniphan County

Squaw creek to confluence of the MO

Spring Creek to confluence of MO

Mill Creek to confluence of MO

Mission creek to confluence of MO

Wolf River

Brush Creek to confluence of the MO

Mosquito Creek to confluence of the MO

Smith Creek to confluence of the MO

Peters Creek to confluence of the MO

Douglas County

Mud Creek to confluence of the KS

Nemaha County

S Fork Big Nemaha River to Nebraska State Line

Burger Creek to confluence of Turkey Creek

Turkey Creek to confluence of the S Fork Big Nemaha River

Clear Creek to confluence of Turkey Creek

Negro Creek to confluence of Clear Creek

Manley Creek ton confluence of Pole Creek

Pole Creek to confluence of Turkey Creek

Harris Creek to Confluence of the S Fork Big Nemaha River

Wildcat Creek to confluence of Harris Creek

S Fork Wildcat Creek to confluence of Wildcat Creek

N Fork Wildcat Creek to confluence of Wildcat Creek

Fisher Creek to confluence of S Fork Big Nemaha River

Tennessee Creek to confluence of S Fork Big Nemaha River

Illinois Creek to confluence of the S Fork Big Nemaha River

Deer Creek from Sabetha City Lake to confluence of the S Fork Big Nemaha River

Wolf Pen Creek to confluence of Deer Creek

Four Mile Creek to Nebraska State Line

Rock Creek to Nebraska State Line

Johnson County

Coffee Creek to confluence of Wolf Creek

Wolf Creek to confluence of the Little Blue River

Little Blue River to Big Blue River

Big Blue River to Missouri State Line

Leavenworth County

Stranger Creek to confluence of the KS