

Proposed

Wildlife and Parks Commission

Notice of Public Hearing

A public hearing will be conducted by the Wildlife and Parks Commission at 7:00 p.m., Thursday, March 10, 2011 at the KDWP Region 2 Office, 300 SW Wanamaker Road, Topeka, Kansas, to consider the approval and adoption of proposed regulations of the Kansas Department of Wildlife and Parks.

A general discussion and workshop meeting on business of the Wildlife and Parks Commission will begin at 1:30 p.m., March 10 at the location listed above. The meeting will recess at 5:30 p.m. then resume at 7:00 p.m. at the same location for more business and the regulatory hearing. There will be public comment periods at the beginning of the afternoon and evening meetings 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 11 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 of Deaf and Hard 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 and Parks, 1020 S. Kansas Ave, Suite 200, Topeka, KS 66612 or to sheilak@wp.state.ks.us 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. 115-2-2. This permanent regulation establishes fees and provisions for park motor vehicle permits. The proposed amendment would change the expiration of daily motor vehicle permits from noon to 2:00 pm.

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



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K.A.R. 115-2-3. This permanent regulation establishes camping, utility and other fees for state parks. The proposed amendments would change the expiration of overnight camping permits from noon to 2:00 pm.

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

K.A.R. 115-4-6b. This new permanent regulation establishes elk management units. The proposed regulation would establish three elk units to better manage the elk population in Kansas.

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

K.A.R. 115-4-11. This permanent regulation establishes big game and wild turkey permit applications. The proposed amendments would take provisions from the deer, elk, antelope and turkey regulations related to application periods and place them into one central location.

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

K.A.R. 115-16-5. This permanent regulation establishes the operational requirements under wildlife control permits. The proposed amendments would allow the use of sound suppression devices in wildlife control.

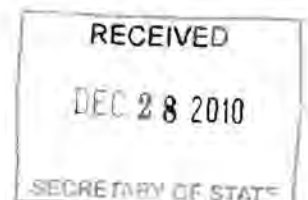
Economic Impact Summary: The proposed amendments are not anticipated to have any appreciable negative economic impact on the department, other agencies, small businesses or the public.

K.A.R. 115-25-5. This exempt regulation establishes the fall turkey season, bag limit and permits. The proposed version would remove provisions related to applications to be placed in K.A.R. 115-4-11.

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

K.A.R. 115-25-6. This ^{exempt} permanent regulation establishes the spring turkey season, bag limit and permits. The proposed version would remove provisions related to applications to be placed in K.A.R. 115-4-11.

Economic Impact Summary: The proposed amendments are not anticipated to have any



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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.kdwp.state.ks.us, or by calling (785) 296-2281.

Kelly Johnston, 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:

~~January 1, 2007 through March 31, 2007:~~

One-day temporary motor vehicle permit.....\$2.20
Annual motor vehicle permit.....17.20
Additional annual motor vehicle permit.....9.70

April 1 through September 30:

One-day temporary motor vehicle permit.....	\$2.70
Annual motor vehicle permit.....	22.20
Additional annual motor vehicle permit.....	12.20

October 1 through March 31, ~~effective beginning October 1, 2007:~~

One-day temporary motor vehicle permit.....	\$2.20
Annual motor vehicle permit.....	17.20
Additional annual motor vehicle permit.....	9.70

(b) Each one-day temporary motor vehicle permit shall expire at ~~noon~~ 2:00 p.m. on the day following its effective date. ~~However, each one-day temporary motor vehicle permit shall expire at 2:00 p.m. on Sundays and on Memorial Day, Independence Day, and Labor Day when the Sunday or the listed holiday is the day following the effective date of the one-day temporary motor vehicle permit.~~

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


~~(d) This regulation shall be effective on and after January 1, 2007.~~ (Authorized by and

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K.A.R. 115-2-2

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implementing K.S.A. 32-807 and K.S.A. 32-901; 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 P-_____.)

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115-2-3. Camping, utility, and other fees. (a) Each overnight camping permit shall be valid only for the state park for which it is purchased and shall expire at ~~noon~~ 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 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 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):

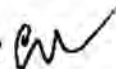
Annual camping permit.....\$250.00

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Overnight camping permit	7.00
14-night camping permit.....	99.00
Prime camping area permit.....	2.00
Camping--per camping unit (October 1 through March 31):	
Annual camping permit.....	200.00
Overnight camping permit.....	6.00
14-night camping permit.....	85.00
Overflow primitive camping permit, per night.....	5.00
Recreational vehicle long-term camping permit, except for El Dorado, Milford, and Tuttle Creek State Parks (includes utilities)--per month, per unit (annual camping permit and annual vehicle permit required):	
One utility	240.00
Two utilities	300.00
Three utilities	360.00
Recreational vehicle long-term camping permit for El Dorado, Milford, and Tuttle Creek State Parks (includes utilities)--per month, per unit (annual camping permit and annual vehicle permit required):	
One utility	280.00
Two utilities	340.00
Three utilities	400.00

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Recreational vehicle short-term parking--per month.....	125.00
Utilities--electricity, water, and sewer hookup per night, per unit:	
One utility	6.50
Two utilities	8.50
Three utilities	9.50
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, 2011.~~ (Authorized by and implementing K.S.A. 32-807 and K.S.A. 2009 Supp. 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 P-_____.)

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115-4-6b. Elk; management units. Each of the following subsections shall designate an elk management unit: (a) Cimarron; unit 1: that part of Kansas bounded by a line from the Oklahoma-Kansas state line north on county road CR-24 to its junction with state highway K-51, then north on state highway K-51 to its junction with road U, then west on state highway K-51 to its junction with road 9, then north on road 9 to its junction with road V, then west on road V to its junction with the Colorado-Kansas state line, then south on along the Colorado-Kansas border to its junction with the Oklahoma-Kansas border, and then east along the Oklahoma-Kansas border to its junction with county road CR-24, except federal and state sanctuaries.

(b) Republican-Tuttle; unit 2: That part of Kansas bounded by a line from the federal highway US-77 and interstate highway I-70 junction, then northeast along interstate highway I-70 to its junction with state highway K-177, then north on state highway K-177 to its junction with state highway K-13, then northeast on state highway K-13 to its junction with the Pottawatomie-Riley county line, then north along the Pottawatomie-Riley county line to its junction with state highway K-16, then west on state highway K-16 to its junction with 22nd road, then west along 22nd road to its junction with state highway 15, then south along state highway K-15 to its junction with state highway K-18, then east on state highway K-18 to its junction with state highway K-77, and then south along state highway K-77 to its junction with interstate highway I-70, except federal and state sanctuaries.

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Fort Riley; subunit 2a: The following described area shall be designated a subunit of unit 2, and, with approval of Fort Riley command, the area shall be open for the taking of elk during the elk season: United States government land lying entirely within the boundaries of the Fort Riley military reservation. Each person hunting in this subunit shall be in possession of any permits and licenses required by Fort Riley.

(c) Kansas; unit 3: statewide except for the areas described in units 1 and 2. (Authorized by K.S.A. 32-807; implementing K.S.A. 32-807 and K.S.A. 2010 Supp. 32-937; effective P-
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115-4-11. Big game and wild turkey permit applications. (a) General application provisions.

(1) Unless otherwise authorized by law or regulation, an individual shall not apply for or obtain more than one antlered or horned big game or wild turkey permit for each big game species or wild turkey, except when the individual is unsuccessful in a limited quota drawing and alternative permits for the species are available at the time of subsequent application or when the individual is the final recipient of a commission permit.

(2) Unless otherwise authorized by law or regulation, each big game or wild turkey permit application shall be signed by the individual applying for the permit.

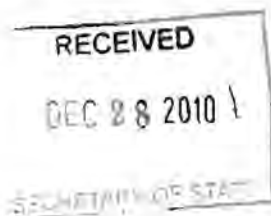
(3) Subject to any priority draw system established by this regulation, if the number of permit applications of a specific species and type received by the designated application deadline exceeds the number of available permits of that species and type, a random drawing to issue permits of that species and type shall be conducted by the secretary.

(4) A hunt-on-your-own-land permit shall not be tabulated in a priority draw system if the permit would otherwise reduce the applicant's odds of receiving a big game permit through that draw system.

(b) Deer permit applications.

(1) Subject to any priority draw system established by this subsection, in awarding deer permits in units having a limited number of permits, the first priority shall be given to those applicants who did not receive, in the previous year, a deer permit that allowed the taking of an antlered deer. All other deer permit applicants shall be given equal priority.

(2) In awarding a limited number of deer permits by a priority draw system, the first priority



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shall be given to those individuals who have earned the highest number of preference points. Preference points shall be awarded as follows:

(A) One point shall be awarded to an individual for each year the individual is unsuccessful in obtaining, by a priority draw system, a deer permit that allows the taking of an antlered deer.

(B) If the individual fails to make at least one application or purchase one preference point within a period of five consecutive years, all earned points shall be lost.

(C) If an applicant obtains, by a priority draw system, a deer permit that allows the taking of an antlered deer, all earned points shall be lost.

(D) If the number of applicants with the most preference points exceeds the number of permits for specified units or permit types, then a drawing shall be held to determine the successful applicants.

(E) If an individual desires to apply for a preference point for a deer permit that allows the taking of antlered deer and not receive a permit, the person may apply for and receive a preference point by paying the proper application or preference point fee and making application during the application period specified in K.A.R. 115-25-9. No individual may apply for more than one preference point in the same calendar year, and no individual shall apply for a preference point in the same calendar year as the calendar year in which the individual is applying for a permit.

(3) If an individual is a final recipient of a commission deer permit, the individual shall not possess more than one regular antlered deer permit and one commission deer permit.

(4) Applications for nonresident limited-quota antlered deer permits shall be accepted in the Pratt office from the earliest date that applications are available through the last Friday of April each year.

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Any nonresident applicant may select, at the time of application, one deer management unit and up to one adjacent management unit where that permit shall be valid.

(5) Applications for resident firearms either-species, either-sex permits shall be accepted at designated locations from the earliest date that applications are available through the second Friday of July.

(6) Applications for resident any-season white-tailed either-sex deer permits, resident archery deer permits, resident muzzleloader either-species either-sex permits, and hunt-on-your-own-land deer permits shall be accepted at designated locations from the earliest date that applications are available through December 30.

(7) Each resident applicant for either-species, either-sex muzzleloader or firearm deer permits shall select, at the time of application, the unit where the permit shall be valid. The west unit permit shall be valid in units 1, 2, 17, and 18. The east unit permit shall be valid in units 3, 4, 5, 7, and 16.

(8) Applications for antlerless white-tailed deer permits shall be accepted at designated locations from the earliest date that applications are available through January 30 of the following year.

(c) Firearm antelope permit applications. In awarding firearm antelope permits, the first priority shall be given to those individuals who have earned the highest number of preference points. Preference points shall be awarded as follows:

(1) One point shall be awarded to an individual for each year the individual is unsuccessful in obtaining a firearm antelope permit.

(2) If the individual fails to make at least one application or purchase one preference point within

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a period of five consecutive years, all earned points shall be lost.

(3) If an applicant obtains a firearm permit by a priority draw system, all earned points shall be lost.

(4) If the number of applicants with the most preference points exceeds the number of permits for specified units or permit types, then a drawing shall be held to determine the successful applicants.

(5) If an individual desires to apply for a preference point for an antelope firearms permit that allows the taking of an antelope and not receive a permit, the person may apply for and receive a preference point by paying the preference point fee and making application during the application period specified in K.A.R. 115-25-7. No individual may apply for more than one preference point in the same calendar year, and no individual shall apply for a preference point in the same calendar year as the calendar year in which the individual is applying for a permit.

(6) Applications for resident firearm and muzzleloader permits shall be accepted in the Pratt office from the earliest date that applications are available through the second Friday of June.

(7) Applications for resident and nonresident archery permits shall be accepted at designated locations from the earliest date that applications are available through October 30.

(8) If there are any unfilled permits after all timely applications have been considered, the application period may be extended by the secretary.

(9) Any applicant unsuccessful in obtaining a permit through a drawing may apply for any permit made available during an extended application period, or any other permit that is available on an unlimited basis.

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(d) Elk permit applications.

(1) An individual receiving a limited-quota elk permit shall not be eligible to apply for or receive an elk permit in subsequent seasons, with the following exceptions:

(+) (A) An individual receiving an any-elk or a bull-only elk permit may apply for and receive an antlerless-only elk permit in subsequent seasons.

(-) (B) An individual receiving a limited-quota, antlerless-only elk hunting permit shall not be eligible to apply for or receive a limited-quota, antlerless-only elk permit for a five-year period thereafter. Subject to this subsection, however, this individual may apply for and receive an any-elk or bull-only elk permit without a waiting period.

(-) (C) When a limited number of elk permits are awarded by a random draw system, each individual shall have an additional opportunity of drawing for each bonus point earned by the individual in addition to the current application. Bonus points shall be awarded as follows:

(A) (i) One bonus point shall be awarded to an individual for each year the individual is unsuccessful in obtaining, by a random draw system, an elk permit that allows the taking of an elk.

(B) (ii) If an individual fails to make at least one application or purchase one bonus point within a period of five consecutive years, all earned bonus points shall be lost.

(C) (iii) If an applicant obtains, by a random draw system, an elk permit that allows the taking of an elk, all earned points shall be lost.

(D) (iv) If an individual desires to apply for a bonus point for an elk permit that allows the taking

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of elk and not receive a permit, the person may apply for and receive a bonus point by paying the proper application or bonus point fee and making application during the application period specified in K.A.R. 115-25-8. No individual may apply for more than one bonus point in the same calendar year, and no individual shall apply for a bonus point in the same calendar year as the calendar year in which the individual is applying for a permit.

(4) (D) Each individual who is the final recipient of a commission elk permit shall be eligible for a limited-quota elk permit, subject to the provisions of this subsection (d).

(E) Limited-quota antlerless-only elk permits and limited-quota either-sex elk permits shall be awarded from a pool of applicants who are Fort Riley military personnel and applicants who are not Fort Riley military personnel.

(2) Applications for hunt-on-your-own-land and unlimited over-the-counter elk permits shall be accepted at designated locations from the earliest date that applications are available through March 14 of the following year.

(3) Applications for limited-quota antlerless-only elk permits and limited-quota either-sex elk permits shall be accepted at designated locations from the earliest date that applications are available through the second Friday in July.

(4) If there are leftover limited-quota antlerless-only elk permits or limited-quota either-sex permits after all timely applications have been considered, the application periods for those permits may be reopened by the secretary. Leftover permits shall be drawn and issued on a daily basis for those application periods reopened by the secretary. Any applicant unsuccessful in obtaining a permit through

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a drawing may apply for any leftover permit or any other permit that is available on an unlimited basis.

(5) Any individual may apply for or obtain no more than one permit that allows the taking of an elk, unless the individual is unsuccessful in a limited-quota drawing and alternative permits for elk are available at the time of subsequent application or the individual obtains a commission permit pursuant to this subsection.

(e) Wild turkey permit applications.

(1) When awarding wild turkey permits in units having a limited number of permits, the first priority shall be given to those individuals who did not receive a permit in a limited wild turkey unit during the previous year. All other applicants shall be given equal priority.

(2) In awarding a limited number of wild turkey permits by a priority draw system, the first priority shall be given to those individuals who have earned the highest number of preference points. Preference points shall be awarded as follows:

(A) One point shall be awarded to an individual for each year the individual is unsuccessful in obtaining, by a priority draw system, a wild turkey permit.

(B) If the individual fails to make at least one application or purchase one preference point within a period of five consecutive years, all earned points shall be lost.

(C) If an applicant obtains, by a priority draw system, a wild turkey permit, all earned points shall be lost.

(D) If the number of applicants with the most preference points exceeds the number of permits for specified units or permit types, then a drawing shall be held to determine the successful applicants.

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(E) If an individual desires to apply for a preference point for a wild turkey permit and not receive a permit, the person may apply for and receive a preference point by paying the preference point fee and making application during the application period specified in K.A.R. 115-25-6. No individual may apply for more than one preference point in the same calendar year, and no individual shall apply for a preference point in the same calendar year as the calendar year in which the individual is applying for a permit.

(3) Fall wild turkey permits for unit 1, unit 2, and unit 3 and game tags for unit 2 may be purchased over the counter at designated locations, from the earliest date in the year that applications are available through 5:00 p.m. on January 30 of the following year.

(4) Applications for spring wild turkey permits in unit 4 shall be accepted by the department from the earliest date that applications are available until midnight on the third Friday of February. If there are turkey permits left over after all timely applications have been considered, the application period may be reopened by the secretary. Leftover turkey permits shall be issued on a daily competitive basis until the day before the last day of the turkey season or until all turkey permits are issued.

(5) Spring wild turkey permits in unit 1, unit 2, and unit 3, youth turkey permits, and second turkey game tags in unit 2 and unit 3 may be purchased over the counter at designated locations from the earliest date that applications are available until midnight on the day before the closing date for the season. (Authorized by K.S.A. 32-807, K.S.A. 2008 2009 Supp. 32-937, K.S.A. 2008 2009 Supp. 32-969, and K.S.A. 2008 2009 Supp. 32-970; implementing K.S.A. 2008 2009 Supp. 32-937, K.S.A. 2008 2009 Supp. 32-969, and K.S.A. 2008 2009 Supp. 32-970; effective Sept. 10, 1990; amended May 27,

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1991; amended June 1, 2001; amended April 18, 2003; amended Feb. 18, 2005; amended May 15, 2009;
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115-16-5. Wildlife control permit; operational requirements. (a) Each person holding a valid wildlife control permit issued according to K.A.R. 115-16-6, and each person assisting the permittee while under the constant and direct supervision and in the constant presence of the permittee, shall be authorized to take, transport, release, and euthanize wildlife subject to the restrictions described in this regulation and on the permit.

(b) Wildlife may be taken under the authorization of a wildlife control permit only when one or more of the following circumstances exist:

- (1) The wildlife is found in or near buildings.
- (2) The wildlife is destroying or about to destroy property.
- (3) The wildlife is creating a public health or safety hazard or other nuisance.

(c) Subject to the restrictions described in this regulation and on the permit, a wildlife control permit shall allow the taking of the following species, notwithstanding other season, open unit, or limit restrictions that may be established by the department:

- (1) Furbearers;
- (2) small game;
- (3) reptiles;
- (4) amphibians;
- (5) coyotes;
- (6) nongame mammals, except house mice and Norway rats;



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(7) pigeons, English sparrows, and starlings; and

(8) migratory birds and waterfowl, subject to K.S.A. 32-1008, and amendments thereto.

(d) Subject to applicable federal, state, and local laws and regulations, the wildlife listed in subsection (c) may be taken with the following equipment or methods:

(1) Trapping equipment, if each trapping device is equipped with a metal tag with the permittee's name and address and is checked at least once each calendar day, and if snares are not attached to a drag.

Trapping equipment shall consist of the following:

(A) Foothold traps;

(B) body-gripping traps;

(C) box traps;

(D) live traps; and

(E) snares;

(2) firearms, ~~except that BB guns and pellet guns also shall be authorized~~ and accessory

equipment, as follows:

(A) Optical scopes or sights; and

(B) sound-suppression devices;

(3) BB guns and pellet guns;

(4) archery equipment;



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~~(4)~~ (5) dogs;

~~(5)~~ (6) falconry;

~~(6)~~ (7) toxicants registered by the Kansas department of agriculture, except that such use may be subject to K.A.R. 115-16-1, K.A.R. 115-16-2, or K.A.R. 115-16-3;

~~(7)~~ (8) habitat modification;

~~(8)~~ (9) net or seine;

~~(9)~~ (10) glue board;

~~(10)~~ (11) hand; ~~and~~

~~(11)~~ (12) any other methods to exclude or frighten wildlife, including repellents; and

(13) any other method as specified on the permit.

(e) No person shall possess a live species of wildlife taken under the authority of a wildlife control permit beyond the close of the calendar day following capture, unless specifically authorized by the department. Live wildlife shall not be used for display purposes, programs, training dogs, or otherwise kept in captivity, except that pigeons may be used for training dogs.


(f) Subject to applicable federal, state, and local laws and regulations, wildlife taken pursuant to a wildlife control permit shall be disposed of using one or more of the following methods:

(1) Wildlife taken alive may be controlled using lethal methods or equipment including ~~those~~ the methods or equipment listed in paragraphs (d)(2), (d)(3), (d)(4), and ~~(d)(6)~~ (d)(7).

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(2) Wildlife taken alive may be relocated and released, subject to the following requirements:

(A) Wildlife may be released only in suitable habitat located at least 10 miles from the original capture site and only with the prior written permission of the person in legal possession of the release site.

(B) Wildlife shall not be released in a location so close to human dwellings that the release is likely to result in recurrence of the reason the wildlife was taken.

(C) Wildlife shall not be released within the limits of any municipality without prior written permission from the appropriate municipal authority.


(D) Wildlife may be released on department lands or waters only with the prior written approval of the department.

(E) Wildlife shall not be released if injured or if displaying common symptoms of disease, including any of the following:

- (i) Lack of coordination;
- (ii) unusual lack of aggressiveness;
- (iii) unusual secretions from the eyes, nose, or mouth;
- (iv) rapid or uneven respiration;
- (v) malnourishment;
- (vi) loss of muscle control; or
- (vii) loss of large patches of hair.

(F) Wildlife shall not be transported from the state except as authorized by the department.

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(3) Wildlife species listed in K.A.R. 115-15-1 or K.A.R.115-15-2, or other wildlife species designated by the department, shall be released according to paragraph (f)(2) if unharmed. If harmed or injured, these species shall be submitted to either the department or a person holding a valid wildlife rehabilitation permit issued according to K.A.R. 115-18-1.

(4) Wildlife controlled by poison shall be removed immediately, and all dead wildlife shall be disposed of using one of the following methods:

(A) The wildlife may be submitted to a licensed landfill, renderer, or incinerator.

(B) The wildlife may be disposed of on private property with the prior written permission of the person in legal possession of the property, except that the wildlife shall not be disposed of within the limits of any municipality without prior written permission from the appropriate municipal authority.

(C) Any part of the wildlife, excluding the flesh, may be sold, given, purchased, possessed, and used for any purpose, with the following restrictions and exceptions:

(i) The raw fur, pelt, or skin of furbearers may be sold only to a licensed fur dealer.

(ii) The carcass and meat of a furbearer may be sold, given, purchased, possessed, and used for any purpose.

(iii) No part of any migratory bird or waterfowl shall be sold, given, purchased, possessed, or used for any purpose.

(iv) Each person purchasing unprocessed parts of the wildlife shall maintain a bill of sale for at

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least one calendar year.

(D) Dead wildlife controlled by poison or showing symptoms of disease shall be either buried below ground or disposed of as authorized by paragraph (f)(4)(A).

(g) Each bobcat or swift fox taken under authority of a wildlife control permit shall be subject to the tagging requirements established by K.A.R. 115-5-2. (Authorized by K.S.A. 32-807; implementing K.S.A. 32-807, K.S.A. 32-911, K.S.A. 2009 Supp. 32-919, K.S.A. ~~2005~~ 2009 Supp. 32-1002, and K.S.A. ~~2005~~ 2009 Supp. 32-1003; effective July 19, 2002; amended Nov. 27, 2006; amended P-
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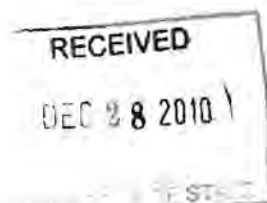
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115-25-5. Turkey; fall season, bag limit, and permits. (a) The open fall season for the taking of turkey shall be the first day of October through the day before the first day of the regular deer firearms season as specified in K.A.R. 115-25-9 and shall reopen on the day following the last day of the regular deer firearms season through the last day in December. The open fall season shall reopen again on the day following the last day of the extended firearms season as specified in K.A.R. 115-25-9 through the last day in January. Any equipment that is legal during an archery or 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 Colorado on the west and Nebraska on the north and a line from the Nebraska-Kansas border 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 border, 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 Nebraska on the north, Missouri on the east, and Oklahoma on the south, and a line from the Nebraska-Kansas border south on federal highway US-81 to its junction with interstate highway I-70, then west on interstate highway I-70 to its junction with state highway K-14, then south on state highway K-14 to its junction with state highway K-2, then south on state highway K-2 to its junction with state highway K-179, and then south on state highway K-179 to its junction with the Oklahoma border, except federal and state sanctuaries. An unlimited number of permits and game tags shall be authorized for unit 2.



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(3) Unit 3. Unit 3 shall consist of that area bounded by Oklahoma on the south and a line from the Oklahoma-Kansas border northeast on federal highway US-54 to its junction with federal highway US-183, then north on federal highway US-183 to its junction with the Nebraska-Kansas border, then east along the Nebraska-Kansas border to its junction with federal highway US-81, then south on federal highway US-81 to its junction with interstate highway I-70, then west on interstate highway I-70 to its junction with state highway K-14, then south on state highway K-14 to its junction with state highway K-2, then south on state highway K-2 to its junction with state highway K-179, and then south on state highway K-179 to its junction with the Oklahoma border, except federal and state sanctuaries. An unlimited number of permits shall be authorized for unit 3.

(4) Unit 4. Unit 4 shall consist of that portion of the state bounded by Oklahoma on the south and Colorado on the west, and a line from the Kansas-Colorado border 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, and then southwest on federal highway US-54 to the Oklahoma border, except federal and state sanctuaries. No permits shall be authorized in unit 4.

(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 and three turkey game tags for the open fall season. Only an individual who has purchased a turkey permit shall be eligible to purchase a turkey game tag.

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

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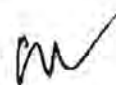
turkey permit or turkey game tag.

(f) This regulation shall be effective on and after May 1, 2011. (Authorized by K.S.A. 32-807 and K.S.A. 2009 Supp. 32-969; implementing K.S.A. 32-807, K.S.A. 2009 Supp. 32-969, and K.S.A. 2009 Supp. 32-1002.)

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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 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 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 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:

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(1) Unit 1. Unit 1 shall consist of that area bounded by Colorado on the west and Nebraska on the north and a line from the Nebraska-Kansas border 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 border, 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 Nebraska on the north, Missouri on the east, and Oklahoma on the south, and a line from the Nebraska-Kansas border south on federal highway US-81 to its junction with interstate highway I-70, then west on interstate highway I-70 to its junction with state highway K-14, then south on state highway K-14 to its junction with state highway K-2, then south on state highway K-2 to its junction with state highway K-179, and then south on state highway K-179 to its junction with the Oklahoma-Kansas border, 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 Oklahoma on the south and a line from the Oklahoma-Kansas border northeast on federal highway US-54 to its junction with federal highway US-183, then north on federal highway US-183 to its junction with the Nebraska-Kansas border, then east along the Nebraska-Kansas border to its junction with federal highway US-81, then south on federal highway US-81 to its junction with interstate highway I-70, then west on interstate highway I-70 to its junction with state highway K-14, then south on state highway K-14 to its junction with state highway K-2, then south on state highway K-2 to its junction with state highway K-179, and then south on state highway K-179 to its junction with the Oklahoma border, except federal and state sanctuaries. An

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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 Oklahoma on the south and Colorado on the west, and a line from the Kansas-Colorado border 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, and then southwest on federal highway US-54 to the Oklahoma border, 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.

(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.

(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 April 1, 2011. (Authorized by K.S.A. 32-807 and K.S.A. 2009 Supp. 32-969; implementing K.S.A. 32-807, K.S.A. 2009 Supp. 32-969, and K.S.A. 2009 Supp. 32-1002.)

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ECONOMIC IMPACT STATEMENT

Proposed

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 change the time that temporary motor vehicle permits would expire from noon until 2:00 p.m.

FEDERAL MANDATE: None.

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

ALTERNATIVES CONSIDERED: None.

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ECONOMIC IMPACT STATEMENT

Proposed

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 amendment would change the time that each overnight camping permit would expire from noon until 2:00 p.m.

FEDERAL MANDATE: None.

ECONOMIC IMPACT: 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.



ECONOMIC IMPACT STATEMENT

Proposed

K.A.R. 115-4-6b. Elk; archery management units.

DESCRIPTION: This permanent regulation will establish elk management units within the state of Kansas to better clarify management of elk populations throughout the State of Kansas.

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: Other than the proposed regulation and to continue using deer management units, no other alternatives were considered.



ECONOMIC IMPACT STATEMENT

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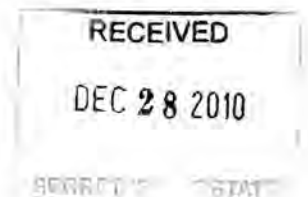
K.A.R. 115-4-11. Big game permit applications.

DESCRIPTION: This regulation addresses permit application requirements for obtaining big game permits. The proposed amendments would take spring and fall turkey, deer, elk and antelope application information from various regulations and place them into one central location.

FEDERAL MANDATE: None.

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

ALTERNATIVES CONSIDERED: None.



ECONOMIC IMPACT STATEMENT

Proposed

K.A.R. 115-16-5. Wildlife control permit; operational requirements.

DESCRIPTION: This permanent regulation establishes requirements for wildlife control permits, and what actions are authorized through a wildlife control permit. These permits authorize the persons or businesses to take nuisance animals outside normal harvest seasons. The proposed amendments would allow the use of sound suppression devices in wildlife control.

FEDERAL MANDATE: None, except that federal law does not allow state authorization to take certain animals without additional federal permits.

ECONOMIC IMPACT: No economic impact to the department, other agencies, or the general public is anticipated.

ALTERNATIVES CONSIDERED: none

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ECONOMIC IMPACT STATEMENT

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

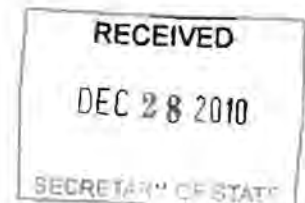
DESCRIPTION: This proposed exempt regulation establishes hunting unit boundaries, bag limit and season dates for the 2011 fall wild turkey seasons. The proposed change would remove the application information to be placed in one central regulation, K.A.R. 115-4-11. Otherwise, the regulation would be unchanged from previous seasons.

FEDERAL MANDATE: None

ECONOMIC IMPACT: It is anticipated that 15,150 fall turkey hunting permits and tags will be issued in 2011. This total includes 7500 resident permits, 2700 second turkey game tags and 2000 nonresident permits. Estimated revenue if all permits are issued would be \$220,000. That amount represents an equal expenditure for those individuals desiring to participate in the fall turkey hunting season. 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 or on other state agencies is anticipated.

ALTERNATIVES CONSIDERED: None.



ECONOMIC IMPACT STATEMENT

Proposed

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 change from the previous version would remove the application information to be placed in one central regulation, K.A.R. 115-4-11.

FEDERAL MANDATE: None

ECONOMIC IMPACT: It is anticipated that approximately 42,356 permits and 23,169 turkey game tags will be issued in 2011, based on 2010 permit allocation data. The estimated 42,356 permits include 24,283 regular resident permits (of which 4,605 are resident youth permits), 6,038 landowner-tenant permits, and 12,554 non-resident permits. The estimated 23,169 turkey game tags include 14,227 resident game tags and 8,942 nonresident game tags. Estimated revenue if the above number of permits and tags are issued would be \$1,142,225. That amount represents an equal expenditure for those individuals desiring to participate in the spring turkey season. Administrative costs associated with the season are borne by the department.

Approximately 320,000 recreational days of hunting could 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.



Wildlife and Parks Commission

Notice of Public Hearing

A public hearing will be conducted by the Wildlife and Parks Commission at 7:00 p.m., Thursday, March 10, 2011 at the KDWP Region 2 Office, 300 SW Wanamaker Road, Topeka, Kansas, to consider the approval and adoption of proposed regulations of the Kansas Department of Wildlife and Parks.

A general discussion and workshop meeting on business of the Wildlife and Parks Commission will begin at 1:30 p.m., March 10 at the location listed above. The meeting will recess at 5:30 p.m. then resume at 7:00 p.m. at the same location for more business and the regulatory hearing. There will be public comment periods at the beginning of the afternoon and evening meetings 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 11 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 of Deaf and Hard Hearing at 1-800-432-0698 to request special accommodations.

This 30-day notice period prior to the hearing constitutes a public comment period for the purpose of receiving written public comments on proposed administrative regulations.

All interested parties may submit written comments prior to the hearing to the Chairman of the Commission, Kansas Department of Wildlife and Parks, 1020 S. Kansas Ave, Suite 200, Topeka, KS 66612 or to sheilak@wp.state.ks.us if electronically. All interested parties will be given a reasonable opportunity at the hearing to express their views orally in regard to the adoption of the proposed regulations. During the hearing, all written and oral comments submitted by interested parties will be considered by the commission as a basis for approving, amending and approving, or rejecting the proposed regulations.

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

K.A.R. 115-25-9. This exempt regulation establishes the open season, bag limit and permits for deer. The proposed version differs from the previous version only in adjusting the season dates for the calendar.

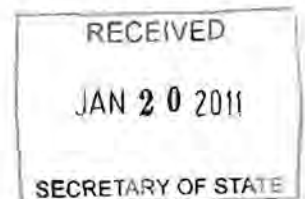
Economic Impact Summary: The proposed amendments are not anticipated to have any appreciable negative economic impact on the department, other agencies, small businesses or the public.



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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.kdwp.state.ks.us, or by calling (785) 296-2281.

Kelly Johnston, Chairman



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

(1) Archery season.

(A) The archery season dates shall be September 19, 2011 through December 31, 2011.

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

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

(C) All archery deer permits also shall be valid during the portion of the extended firearm season beginning on January 1, 2012 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 and valid only in deer management units open to the extended firearms season.

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

(E) The urban antlerless-only white-tailed deer archery season shall begin on January 9, 2012 and extend through January 31, 2012 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 19, 2011

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through November 20, 2011, November 24, 2011 through November 27, 2011, December 3, 2011 through December 4, 2011, December 10, 2011 through December 11, 2011, and December 17, 2011 through December 18, 2011. In the Smoky Hill Air National Guard subunit, the firearm season dates shall be November 22, 2011 through December 3, 2011. The regular firearm season dates in all other deer management units shall be November 30, 2011 through December 11, 2011.

(B) The urban firearm deer season in all units designated in K.A.R. 115-4-6 as an urban deer management unit shall be October 8, 2011 through October 16, 2011. White-tailed either-sex deer permits issued for a deer management unit adjacent to or encompassing an urban deer management unit shall be valid only in the urban deer management unit during the urban firearm deer season.

(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 19, 2011 through October 2, 2011. Muzzleloader deer permits shall also be valid during established firearm

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seasons using muzzleloader equipment, except that during the portion of the extended firearm season beginning on January 1, 2012 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 10, 2011 through September 18, 2011 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.

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(5) Extended firearm seasons.

(A) Any unfilled deer permit valid in unit 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, or 19, as applicable, shall be valid during the extended firearm season beginning January 1, 2012 and extending through January 8, 2012 in those units.

(B) Any unfilled deer permit valid in units 7, 8, and 15 shall be valid in a special extended firearm antlerless-only season in units 7, 8, and 15. The special extended firearm season shall be January 9, 2012 through January 15, 2012. The bag limit shall be one antlerless deer per permit for the species of deer as specified on the permit.

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

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

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

(b) Unlimited resident hunt-on-your-own-land, special hunt-on-your-own-land, and nonresident hunt-on-your-own-land deer permits shall be authorized for all units. These permits also shall be valid during the portion of the extended firearm season beginning on January 1, 2012 and extending through the last open day in units open during an extended firearm season, but shall be valid only for antlerless white-tailed deer during an extended firearm season.

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

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

(2) Any individual may obtain no more than five antlerless white-tailed deer permits. One antlerless white-tailed deer permit shall be valid statewide, including lands managed by the department. One antlerless white-tailed deer permit shall be valid in units 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 10a, 11, 12, 13, 14, 15, 16, and 19 on lands and waters not managed by the department, except Cedar Bluff Wildlife Area. Up to three additional antlerless white-tailed deer permits shall be valid in subunit 10a and in units 7, 8, 12, 13, 15, 16 and 19 on lands and waters not managed by the department.

(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, 2011.

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

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

(f) No deer permit issued pursuant to this regulation shall be valid after January 31, 2012.

(g) This regulation shall be effective on and after May 1, 2011, and shall have no force and effect on and after March 1, 2012. (Authorized by K.S.A. 32-807 and K.S.A. 2009 Supp. 32-937; implementing K.S.A. 32-807, K.S.A. 2009 Supp. 32-937, and K.S.A. 2009 Supp. 32-1002.)

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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 2011-2012 firearm, muzzleloader and archery deer seasons. There are very few changes from 2010-2011 seasons. Season dates are adjusted to coincide with the calendar.

FEDERAL MANDATES: None

ECONOMIC IMPACT: If the economic impact to the department, the general public, small business and other agencies from the 2011-12 seasons were to be similar to the estimate for the 2001-2011 seasons, total revenue to the department from the sale of all resident, nonresident, and landowner/tenant deer permits is estimated to be approximately \$8,000,000.

Approximately 575,000 days of hunting activity by 115,000 hunters are anticipated. A 2006 survey conducted by the U.S. Fish and Wildlife Service estimated that big game hunters spent approximately \$1100 per year on trip and equipment expenditures, thus the 2011-12 deer seasons in Kansas are anticipated to generate approximately \$126.5 million worth 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.

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