

Wildlife, Parks, and Tourism Commission

Notice of Public Hearing

A public hearing will be conducted by the Wildlife, Parks, and Tourism Commission at 7:00 p.m., Thursday, October 13, 2011 at the KDWPT Operations Office, 512 SE 25th Ave, Pratt, 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 1:30 p.m., October 13 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. October 14 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. 115-2-3. This permanent regulation establishes the camping, utility and other fees for state parks. The proposed amendments would increase utility fees by \$1.00 to offset rising utility costs.

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. 115-8-1. This permanent regulation establishes hunting, furharvesting, and discharge of firearms restrictions on public lands. The proposed amendments update the reference document restrictions for various properties.

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. 115-8-9. This permanent regulation establishes camping restrictions on department lands and waters. The proposed amendments would waive occupancy requirements for prepaid state park campsites reserved through the departments electronic reservation system.

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. 115-8-10. This permanent regulation establishes provisions and restrictions for pets on department lands and waters. The proposed amendments would allow pets in designated public-use department cabins.

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. 115-17-1. This permanent regulation establishes legal species, harvest seasons, size restrictions, daily limits, and possession limits for commercial harvest of fish bait. The proposed amendments would remove amphibians from the list of species available for commercial harvest and are proposed in conjunction with a regulation package designed to prevent the introduction and spread of invasive species.

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. 115-17-2. This permanent regulation establishes commercial sale of fish bait requirements. The proposed amendments would alter the list of fish and crayfish species available for commercial sale, require certification of pathogen free status, require holding and retail tanks to use a potable water source, and require receipts to accompany bait fish sales. The amendments are proposed in conjunction with a regulation package designed to prevent the introduction and spread of invasive species.

Economic Impact Summary: The proposed amendments may have an economic impact on commercial bait dealers. Otherwise, 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. 115-17-2a. This new permanent regulation establishes testing procedures for certification of pathogen free status of bait fish for sale. The proposed regulation would enact testing procedures similar to those used in other states and are proposed in conjunction with a regulation package designed to prevent the introduction and spread of invasive species.

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. 115-17-3. This permanent regulation establishes requirements, applications and general provisions for commercial fish bait permit. The proposed amendments would require certain record keeping aspects and are proposed in conjunction with a regulation package designed to prevent the introduction and spread of invasive species.

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. 115-17-4. This permanent regulation establishes legal equipment, taking methods and general provisions for commercial harvest of fish bait. The proposed amendment would remove amphibians from the list of species and is proposed in conjunction with a regulation package designed to prevent the introduction and spread of invasive species.

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. 115-17-5. This permanent regulation establishes open areas for commercial harvest of fish bait. The proposed amendments would remove amphibians from the open areas for commercial harvest and are proposed in conjunction with a regulation package designed to prevent the introduction and spread of invasive species.

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. 115-17-10. This permanent regulation establishes permit requirements, application, reports, and permit revocations for commercial harvest of fish. The proposed amendments would update and streamline the regulation and are proposed in conjunction with a regulation package designed to prevent the introduction and spread of invasive species.

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. 115-17-11. This permanent regulation establishes legal equipment and taking methods, identification tags and identification tag fee for commercial harvest of fish. The proposed amendments would update the regulation and are proposed in conjunction with a regulation package designed to prevent the introduction and spread of invasive species.

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. 115-17-12. This permanent regulation establishes legal species, seasons, size restrictions, daily limits, and possession limits for commercial harvest of fish. The proposed amendments would require that certain species of fish be dispatched prior to transport after commercial harvest and are proposed in conjunction with a regulation package designed to prevent the introduction and spread of invasive species.

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. 115-25-14. This exempt regulation establishes statewide limits and open season for fishing in Kansas. The proposed version would establish a new trout location and adjust length and creel limits for certain water bodies.

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.

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



115-2-3. 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 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

Overnight camping permit..... 7.00



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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
Recreational vehicle short-term parking--per month.....	125.00
Utilities--electricity, water, and sewer hookup per night, per unit:	

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One utility	6.50 <u>7.50</u>
Two utilities	8.50 <u>9.50</u>
Three utilities	9.50 <u>10.50</u>
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, 2012. (Authorized by and implementing K.S.A. 32-807 and K.S.A. 2009 2010 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 April 8, 2011; amended P-_____.)

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ECONOMIC IMPACT STATEMENT

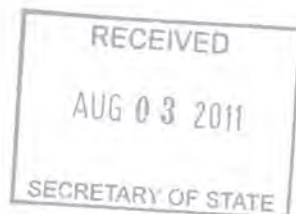
K.A.R. 115-2-3. Camping, utility, and other fees.

DESCRIPTION: This regulation establishes the overnight and annual camping permit prices, fees for utility connections, and related fees within state parks. This is a user fee regulation and the proposed amendments would increase the cost of utility fees by \$1.00.

FEDERAL MANDATE: None.

ECONOMIC IMPACT: The changes are anticipated to generate an estimated additional \$80,000 in FY 12 and \$160,000 in FY 13, all of which will accrue to the Park Fee Fund. Otherwise, the proposed amendments are not anticipated to have any appreciable economic impact on the department, small businesses, other agencies, or the public.

ALTERNATIVES CONSIDERED: None.



115-8-1. 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 "~~KDWP~~ KDWPT fisheries and wildlife division public land special use restrictions," dated ~~April 6, 2010~~ July 18, 2011, is hereby adopted by reference. (Authorized by K.S.A. 32-807; implementing K.S.A. 32-807; effective Dec. 4, 1989; amended July 13, 2001; amended May 16, 2008; amended May 15, 2009; amended July 23, 2010; amended P-_____.)

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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.

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.



Proposed

115-8-9. Camping. (a) Camping shall be allowed only in designated areas on department lands and waters and shall be subject to provisions or restrictions as established by posted notice.

(b) All campers and camping units shall be limited to a stay of not more than 14 consecutive days in a campground unless otherwise established by posted notice or as otherwise authorized by the department.

(c) Upon completing 14 consecutive days in a campground, each person and all property of each person shall be absent from that campground for at least five days.

(d) One extended camping stay of not more than 14 additional consecutive days at the same campground may be granted through a written permit issued by the department if vacant camping sites are available. Upon completing 28 consecutive days at the same campground, each person and all property of each person shall be absent from the department-managed area for at least five days, except as authorized in subsection (e).

(e) Long-term camping in state parks shall be allowed on designated camping sites for six consecutive months through a written permit issued by the department if vacant long-term camping sites are available. Upon completing six consecutive months at the same state park, each person and all property of each person shall be absent from the state park for at least five days.

(f) ~~Except as~~ Unless authorized by the department or located on a prepaid state park campsite reserved through the department's electronic reservation system, camping units shall not be left unoccupied in a campground for more than 24 hours.

(g) ~~Except as~~ Unless authorized by the department or located on a prepaid state park campsite



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reserved through the department's electronic reservation system, vehicles or other property shall not be left unattended upon department lands or waters for more than 24 hours.

(h) Except as authorized by the department, any property unoccupied or unattended for more than 48 hours, unless the property is on a prepaid state park campsite reserved through the department's electronic reservation system, and any property abandoned upon department lands or waters shall be subject to removal by the department and may be reclaimed by the owner upon contacting the department.

(i) A campsite shall not be left unoccupied in a campground for more than 24 hours, unless the department so authorizes or the campsite is a prepaid state park campsite reserved through the department's electronic reservation system. (Authorized by and implementing K.S.A. 32-807; effective March 19, 1990; amended Feb. 10, 1992; amended Oct. 12, 1992; amended Sept. 12, 2008; amended P-_____.)

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ECONOMIC IMPACT STATEMENT

K.A.R. 115-8-9. Camping.

DESCRIPTION: This administrative regulation establishes certain restrictions on camping on department owned and managed lands. The proposed amendment to the regulation would allow prepaid state park campsites that are reserved electronically to remain unoccupied.

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.



Proposed

115-8-10. Pets; provisions and restrictions. (a) Pets shall be allowed but shall not be permitted to enter into any of the following:

(1) Areas that are posted as swimming beaches or swimming areas that are delineated by buoys or other markers;

(2) public buildings, except designated public-use department cabins; or

(3) public structures.

(b) Pets shall be controlled at all times by using any of the following:

(1) Hand-held lead not more than 10 feet in length;

(2) tethered chain or leash not more than 10 feet in length. The pet shall be under the direct observation of and control by the owner; or

(3) confined to a cage, pen, vehicle, trailer, ~~or~~ privately owned cabin, or designated public-use department cabin.

(c) The requirements of subsection (b) shall not apply to dogs while being used during and as a part of any of the following acts or activities:

(1) Hunting during open hunting seasons on lands or waters open for hunting;

(2) authorized field trial events;

(3) noncommercial training of hunting dogs subject to any provisions or restrictions as established by posted notice;

(4) special events or activities as authorized by the department; or

(5) working as a "guide dog," "hearing assistance dog," or "service dog," as defined in K.S.A.



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39-1113 and amendments thereto.

(d) Guide dogs, hearing assistance dogs, and service dogs shall not be restricted by the requirements of subsection (a). (Authorized by and implementing K.S.A. 32-807; effective Dec. 4, 1989; amended Sept. 12, 2008; amended P-_____.)

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ECONOMIC IMPACT STATEMENT

K.A.R. 115-8-10. Pets; provisions and restrictions.

DESCRIPTION: This administrative regulation establishes certain restrictions on pets on department owned and managed properties. The proposed amendment to the regulation would allow pets into certain designated cabins.

FEDERAL MANDATE: None.

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

ALTERNATIVES CONSIDERED: None.



115-17-1. Commercial harvest of fish bait; legal species, harvest seasons, size restrictions, daily limits, and possession limits. (a) The following wildlife may be commercially harvested in Kansas for sale as fishing bait:

- (1) Crayfish ~~and~~ all species;
- (2) ~~amphibians:~~
 - (A) ~~Tiger salamander;~~
 - (B) ~~Blanchard's cricket frog;~~
 - (C) ~~spotted chorus frog;~~
 - (D) ~~plains leopard frog;~~
 - (E) ~~plains spadefoot toad;~~
 - (F) ~~American toad;~~
 - (G) ~~great plain's toad;~~ and
 - (H) ~~Woodhouse's toad;~~
- (3) annelids; and
- (4) (3) insects.

(b) The season for commercial harvest of wildlife listed above in subsection (a) shall be year-round.

(c) There shall be no minimum or maximum size restrictions for wildlife listed above in subsection (a).

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- (d) There shall be no maximum daily or possession limits for wildlife listed ~~above~~ in subsection (a).
- (e) Wildlife listed in K.A.R. 115-15-1 or in K.A.R. 115-15-2 shall not be harvested.

This regulation shall be effective on and after January 1, 2012. (Authorized by and implementing K.S.A. 32-807; implementing K.S.A. 32-807 and K.S.A. 32-1002; effective Sept. 10, 1990; amended Nov. 30, 1998; amended P-_____.)

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ECONOMIC IMPACT STATEMENT

K.A.R. 115-17-1. Commercial harvest of fish bait; legal species, harvest seasons, size restrictions, daily limits and possession limits.

DESCRIPTION: This permanent regulation establishes the legal species, harvest seasons, size restrictions and daily and possession limits for the commercial harvest of fish bait. The proposed changes to the regulation would eliminate amphibians from the list of species harvested for commercial fish bait. This amendment is proposed in conjunction with similar amendments to other regulations governing commercial harvest of fish bait in order to prevent the introduction and spread of invasive species.

FEDERAL MANDATE: None.

ECONOMIC IMPACT: The proposed amendment could have a negative economic impact on any individuals or businesses currently harvesting amphibians for sale as fishing bait, however, that number is believed to be extremely small. No other economic impact is expected for the department, other state agencies, small businesses or the remaining public.

ALTERNATIVES CONSIDERED: None.



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

(1) ~~All species of fish, except that the sale of live specimens shall be restricted to only those species native to or naturalized in Kansas. However, Asian carps, cichlids of the genus *Tilapia*, and rudd shall not be sold as fish bait.~~ The following species of fish:

- (A) Black bullhead (*Ameiurus melas*);
- (B) bluegill (*Lepomis macrochirus*), including hybrids;
- (C) common carp (*Cyprinus carpio*), including koi;
- (D) fathead minnow (*Pimephales promelas*), including "rosy reds";
- (E) golden shiner (*Notemigonus crysoleucas*);
- (F) goldfish (*Carassius auratus*), including "black saltys";
- (G) green sunfish (*Lepomis cyanellus*), including hybrids; and
- (H) yellow bullhead (*Ameiurus natalis*);

(2) ~~All only species of annelids, except that the sale of live specimens shall be restricted to only those species native to or naturalized in the continental United States;~~


(3) ~~all the following species of crustaceans, except that the sale of live specimens shall be restricted to only those species native to or naturalized in Kansas; crayfish:~~

- (A) Virile crayfish (*Orconectes virilis*);
- (B) calico crayfish (*Orconectes immunes*); and
- (C) white river crayfish (*Procambarus acutus*); and



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(4) ~~all species of amphibians, except that the sale of live specimens shall be restricted to only those species native to or naturalized in Kansas;~~

(5) ~~all only species of insects, except that the sale of live specimens shall be restricted to only those species native to or naturalized in Kansas.~~

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

(c) Live aquatic bait shall be certified free of the following pathogens before import or sale, according to K.A.R. 115-17-2a:

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

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

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

This regulation shall be effective on and after January 1, 2012. (Authorized by and implementing K.S.A. 32-807; implementing K.S.A. 32-807 and K.S.A. 32-1002; effective Sept. 10,



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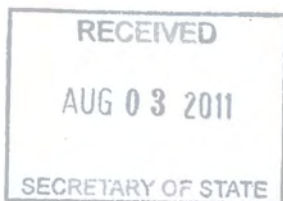
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K.A.R. 115-17-2

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1990; amended Nov. 30, 1998; amended P-_____.)



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ECONOMIC IMPACT STATEMENT

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

DESCRIPTION: This permanent regulation establishes the legal species that can be sold for commercial fish bait. The proposed amendments would eliminate restrict the species of fish and crayfish that can be sold as commercial fish bait, require certification of pathogen free status before import or sale, require the use of a potable water source in distribution and holding tanks and the sale of bait accompanied by a receipt. This amendment is proposed in conjunction with similar amendments to other regulations governing commercial aspects of fish bait designed to prevent the introduction and spread of invasive species. Other amendments are editorial.

FEDERAL MANDATE: None.

ECONOMIC IMPACT: The proposed amendment could have a negative economic impact on any individuals or businesses currently selling crayfish or other native fish not on the list as bait. However, the economic ramifications of introduction of invasive species is equally damaging to the economy of the State of Kansas. No other economic impact is expected for the department, other state agencies, small businesses, or the remaining public.

ALTERNATIVES CONSIDERED: None.



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115-17-2a. Commercial sale of bait fish; testing procedures. (a) Live aquatic bait shall be certified free of the following pathogens before import or sale, according to the requirements in this regulation:

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

(b) On and after January 1, 2014, upon application or renewal, each applicant and each commercial fish bait permittee shall provide documentation of two consecutive years of pathogen-free status from an independent laboratory approved by United States department of agriculture, animal and plant health inspection service, for the pathogens listed in subsection (a) for the source of bait fish being sold. If the facility is new, the applicant shall certify by affidavit that the facility does not meet the requirements in this regulation and shall provide documentation of pathogen-free status for the current year of operation.


(c) The sample size shall be 150 fish and shall include moribund fish observed in the sampling process. The samples shall be collected twice each year. The samples shall be collected once during the month of October, November, or December and once during the month of March, April, or May.

(d) Collection of each sample shall be overseen by a doctor of veterinary medicine accredited by the United States department of agriculture, animal and plant health inspection service. The collection shall be made under the direct observation of the overseer to the extent that the official can attest to the origin of the fish and that the sampling scheme meets the requirements in this regulation.



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(e) Each sample shall include all of the ponds and grow-out tanks. The final species and age composition of each sample shall reflect the overall composition of the certified fish on location. For locations with more than 50 ponds, all species and sizes of fish shall be included in each sample, but the ponds may be sampled in rotation so that all ponds are sampled at least once every two years.

This regulation shall be effective on and after January 1, 2012. (Authorized by and implementing K.S.A. 32-807; effective P-_____.)

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ECONOMIC IMPACT STATEMENT

K.A.R. 115-17-2a. Commercial sale of bait fish; testing procedures.

DESCRIPTION: This new permanent regulation establishes the procedure for documenting certification of pathogen free status for the sale of bait fish. This regulation is proposed in conjunction with similar amendments to other regulations governing commercial aspects of fish bait designed to prevent the introduction or transfer of invasive species.

FEDERAL MANDATE: None.

ECONOMIC IMPACT: The proposed amendment could have a negative economic impact on any individuals or businesses currently selling bait fish. However, many other states already require the same testing procedures and in addition, the economic ramifications to the State of Kansas are equally damaging if an invasive species or pathogen is introduced. No other economic impact is expected for the department, other state agencies, small businesses or the remaining public.

ALTERNATIVES CONSIDERED: None.



115-17-3. Commercial fish bait permit; requirement, application, and general provisions. (a) A commercial fish bait permit shall be required for the harvest, sale, or purchase for resale of fish bait, except that a commercial fish bait permit shall not be required for the harvest or sale of crayfish harvested in this state, for the harvest or sale of annelids or insects; or for the purchase of annelids or insects for resale.

(b) Any person may apply to the secretary for a commercial fish bait permit. The application shall be submitted on forms provided by the department ~~and each applicant shall provide the following information:~~

- ~~(1) The name of the applicant;~~
- ~~(2) the address of the applicant;~~
- ~~(3) the telephone number of the applicant;~~
- ~~(4) the business address of the applicant;~~
- ~~(5) the telephone number of the business;~~
- ~~(6) the species of wildlife proposed for harvest, purchase for resale, or sale; and~~
- ~~(7) other information as required by the secretary and completed in full by the applicant. Each~~

incomplete application shall be returned to the applicant.

(c) Each commercial fish bait permit shall be valid for only those wildlife species specified in the permit.

(d) ~~Subject to all federal and state laws and rules and regulations,~~ a Each commercial fish bait permit shall authorize a the permittee to perform any of the following:



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- (1) Sell fish bait to any person for use as fish bait;
- (2) purchase fish bait for resale as fish bait, if the purchase is made from a person who meets at least one of the following requirements:
 - (A) Possesses a valid commercial fish bait permit;
 - (B) possesses a valid game breeders permit;
 - (C) is a commercial fish grower, as defined by K.S.A. 1989 Supp. 32-974 and amendments thereto; or
 - (D) is authorized by another state to export and sell fish bait; or
- (3) import fish bait for sale as fish bait.
- (e) Each permittee harvesting or purchasing fish bait shall maintain records of the following information; and, if requested by the secretary, shall provide a report to the department containing the following information:
 - (1) The permittee's name of the permittee;
 - (2) the permit number;
 - (3) the number, location, and species of wildlife harvested; ~~and~~
 - (4) the number and species of wildlife sold;
 - (5) for each permittee purchasing fish bait, the name, address, and phone number of each individual distributor or producer from whom the permittee purchased; and



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(6) for each permittee purchasing fish bait, the delivery date of each purchase.

(f) Each permittee shall make records required under the permit available for inspection by any law enforcement officer or department employee upon demand.

(g) Each permittee shall make the fish and the distribution or retail holding tanks that are subject to sample testing pursuant to K.A.R. 115-17-2a available for inspection by any law enforcement officer or department employee upon demand.

(h) Each permittee shall respond to any survey regarding activities conducted under the permit if requested by the secretary.

(h) (i) In addition to other penalties prescribed by law, a commercial fish bait permit or application may be denied or revoked by the secretary if either of the following conditions is met:

(1) The application is incomplete or contains false information; ~~or.~~

(2) The permittee fails to meet permit requirements or violates permit conditions.

(i) (j) Each commercial fish bait permit shall expire on December 31 of the year for which the permit is issued.

(j) (k) A permittee may possess and sell legally acquired wildlife for fish bait for not more than 30 days following expiration of the permit.

(k) This regulation shall be effective on and after January 1, ~~1991~~ 2012. (Authorized by K.S.A. ~~1989 Supp. 32-807 and K.S.A. 1989 Supp. 32-941; implementing K.S.A. 1989 Supp. 32-807, and K.S.A. 1989 Supp. 32-941, K.S.A. 1989 Supp. 32-1002, K.S.A. 1989 Supp. 32-1004 and K.S.A. 1989 Supp. 32-1005; effective Jan. 1, 1991; amended P-~~_____.)



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ECONOMIC IMPACT STATEMENT

K.A.R. 115-17-3. Commercial fish bait permit; requirement, application, and general provisions.

DESCRIPTION: This permanent regulation establishes the requirements, application and general provisions for commercial fish bait permits. The proposed amendments would require certain record keeping items for inspection. This amendment is proposed in conjunction with similar amendments to other regulations governing commercial aspects of fish bait designed to prevent the introduction or transfer of invasive species. Other amendments are editorial.

FEDERAL MANDATE: None.

ECONOMIC IMPACT: The proposed amendment could have a negative economic impact on any individuals or businesses currently offering fishing bait for sale. However, the economic impact of introducing invasive species to the State of Kansas is equally damaging. No other economic impact is expected for the department, other state agencies, small businesses or the remaining public.

ALTERNATIVES CONSIDERED: None.



Proposed

115-17-4. Commercial harvest of fish bait; legal equipment, taking methods, and general

provisions. (a) Legal equipment and taking methods permitted for commercial harvest of wildlife for use as fish bait shall be as follows:

(1) Crayfish ~~and amphibians~~ may be taken by the following methods and means:

(A) By hand;

(B) by trap with ½-inch or smaller mesh size, using the bar measurement, and with two-inch or smaller entrance openings;

(C) by seine with ½-inch or smaller mesh size, using the bar measurement. The seine may be of any length, height, or twine size;

(D) by lift net with ½-inch or smaller mesh size, using the bar measurement;

(E) by dip net with ½-inch or smaller mesh size, using the bar measurement. The dip net may be of any dimension and have any handle configuration; and

(F) by other methods as approved by the secretary.

(2) Annelids and insects may be taken by any method.

(b) ~~General provisions:~~

(1) Boats with or without mechanical propulsion may be used.

(2) depth-recording or fish-locating devices may be used.

(3) holding baskets, holding cages, and holding bags may be used, if the permittee's name and permit number ~~of the permittee is~~ are attached.

(4) the permittee's name and permit number ~~of the permittee~~ shall be attached to each trap and



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seine while the trap or seine is in use.

This regulation shall be effective on and after January 1, 2012. (Authorized by and implementing K.S.A. 32-807 and K.S.A. 32-941; ~~implementing K.S.A. 32-807, K.S.A. 32-941 and K.S.A. 32-1002;~~ effective Sept. 10, 1990; amended Nov. 30, 1998; amended P-_____.)

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ECONOMIC IMPACT STATEMENT

K.A.R. 115-17-4. Commercial harvest of fish bait; legal equipment, taking methods, and general provisions.

DESCRIPTION: This permanent regulation establishes the legal equipment and taking methods for the commercial harvest of fish bait, along with other general provisions. The proposed amendment would remove amphibians from the language of the regulation. This amendment is proposed in conjunction with similar amendments to other regulations governing commercial aspects of fish bait designed to prevent the introduction or transfer of invasive species.

FEDERAL MANDATE: None.

ECONOMIC IMPACT: The proposed amendment could have a negative economic impact on any individuals or businesses currently offering fish bait for sale. However, the economic impact to the State of Kansas for introduction of an invasive species is equally damaging. No other economic impact is expected for the department, other state agencies, small businesses, or the remaining public.

ALTERNATIVES CONSIDERED: None.



Proposed

115-17-5. Commercial harvest of fish bait; open areas. The following areas shall be open for the commercial harvest of crayfish, ~~amphibians~~, annelids, and insects:

(a) For crayfish $\frac{1}{2}$ all lands and waters of the state except ~~departmental~~ department lands and waters and federal and state sanctuaries; and

(b) ~~amphibians—~~all lands and waters of the state except department lands and waters and federal and state sanctuaries; and

(c) for annelids and insects $\frac{1}{2}$ all lands and waters of the state except department lands and waters and federal and state sanctuaries.

This regulation shall be effective on and after January 1, 2012. (Authorized by and implementing K.S.A. 32-807 and K.S.A. 32-941; ~~implementing~~ K.S.A. 32-807, K.S.A. 32-941 and K.S.A. 32-1002; effective Sept. 10, 1990; amended Nov. 30, 1998; amended P-_____.)



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ECONOMIC IMPACT STATEMENT

K.A.R. 115-17-5. Commercial harvest of fish bait; open areas.

DESCRIPTION: This permanent regulation establishes the areas which are open for the commercial harvest of fish bait. The proposed amendment would eliminate areas for harvesting amphibians from a list of legal areas for harvesting commercial fish bait. This amendment is proposed in conjunction with similar amendments to other regulations governing commercial aspects of fish bait designed to prevent the introduction or transfer of invasive species.

FEDERAL MANDATE: None.

ECONOMIC IMPACT: The proposed amendment could have a negative economic impact on any individuals or businesses currently offering fish bait for sale. However, the economic impact of introduction of an invasive species to the State of Kansas is equally damaging. No other economic impact is expected for the department, other state agencies, small businesses or the remaining public.

ALTERNATIVES CONSIDERED: None.



Proposed

115-17-10. Commercial harvest of fish; permit requirement and application, authority, reports, general provisions and permit revocation.

(a) Except as authorized under in K.A.R. 115-17-13, a commercial fishing permit shall be required for the taking of fish for commercial purposes from that portion of the Missouri River bordering on this state.

(b) Each application for a commercial fishing permit shall be submitted on forms provided by the department ~~and include the following information:~~

- ~~(1) The name of the applicant;~~
- ~~(2) the address and telephone number of the applicant;~~
- ~~(3) the business locations and the business telephone numbers of the applicant;~~
- ~~(4) the location of equipment storage;~~
- ~~(5) the location of fish storage or sale, if different from the business locations; and~~
- ~~(6) other information as required by the secretary and completed in full by the applicant. Each incomplete application shall be returned to the applicant.~~

(c) Each Any permittee may possess, sell, transport, or trade those species of fish as authorized under K.A.R. 115-17-12.

(d) Each permittee shall maintain a current record of activity and shall submit monthly reports to the department on forms provided by the department. The reports shall be submitted not later than 15 days following the end of the month for which the report is prepared. A permit shall not be renewed until all reports due have been received by the department.

~~(e) The records and reports shall include the following information:~~



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- ~~(1) The name of the permittee;~~
- ~~(2) the permit number of the permittee;~~
- ~~(3) the address and telephone number of the permittee;~~
- ~~(4) the species and pounds of fish taken by gear types;~~
- ~~(5) the species and pounds of fish sold including:~~
 - ~~(A) A separate entry for each sale stating pounds of fish sold by species;~~
 - ~~(B) the date of each sale; and~~
 - ~~(C) the name and address of person to whom fish were sold; and~~
- ~~(6) other information as required by the secretary.~~
- ~~(f) Each Any permittee may sell fish taken under a commercial fishing permit to any person.~~
- ~~(g) (f) Any person may purchase fish from a commercial fish permittee for commercial purposes~~

or for personal use.

~~(h) (g) Any Each person purchasing fish from a commercial fish permittee for resale purposes shall retain a bill of sale in possession while in possession of the fish.~~

~~(i) (h) In addition to other penalties prescribed by law, a commercial fishing application or permit may be denied or revoked by the secretary if any of the following conditions is met:~~

- ~~(1) The application is incomplete or contains false information;~~
- ~~(2) The permittee fails to meet permit requirements or violates permit conditions; ~~or.~~~~



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(3) The permittee violates any provision of law or ~~rules and~~ regulations related to commercial fishing on the Missouri River.

(+) (i) A Each commercial fishing permit shall expire on December 31 of the year for which the permit was issued.

This regulation shall be effective on and after January 1, 2012. (Authorized by and implementing K.S.A. 1990 Supp. 32-807 and K.S.A. 1990 Supp. 32-941; implementing K.S.A. 1990 Supp. 32-807, K.S.A. 1990 Supp. 32-941 and K.S.A. 1990 Supp. 32-1002; effective May 27, 1991; amended P-_____.)

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ECONOMIC IMPACT STATEMENT

K.A.R. 115-17-10. Commercial harvest of fish; permit requirement and application, reports and permit revocation.

DESCRIPTION: This permanent regulation establishes permit requirements and application, reports and permit revocation for commercial harvest of fish. Currently, commercial fish harvest in Kansas is restricted to the Missouri River. The proposed amendments would streamline and update the regulation and are proposed in conjunction with amendments to other regulations governing commercial aspects of fish bait that are designed to prevent the introduction or transfer of invasive species.

FEDERAL MANDATE: None.

ECONOMIC IMPACT: The proposed amendments are intended to simplify the regulation. The Department anticipates no substantive economic impact to the department, other state agencies, small businesses, or the general public.

ALTERNATIVES CONSIDERED: None.



Proposed

115-17-11. Commercial harvest of fish; legal equipment and taking methods, ~~general provisions,~~ identification tags, and identification tag fee. (a) The legal equipment and taking methods for the

commercial harvest of fish shall be the following:

(1) Hoop net with a mesh size of ~~1.5~~ 2.5 or more inches using the bar measurement and with individual wings and leads not to exceed 12 feet in length. ~~On and after January 1, 2008, each hoop net shall have a mesh size of 2.5 or more inches.~~ There shall be no limitation on the number, net diameter, net length, twine size, or throat size of hoop nets;

(2) gill net and trammel net with a mesh size of two or more inches, using the bar measurement. There shall be no limitation on the number, net length, height, or twine size of gill or trammel nets; and

(3) seine with a mesh size of two or more inches, using the bar measurement. There shall be no limitation on the height, length, or twine size of seines.

(b) ~~General provisions.~~

(1) Boats with or without mechanical propulsion may be used.

(2) Depth-recording or fish-locating devices may be used.

(3) Non-toxic baits may be used.

(4) Each gill net or trammel net shall be attended at all times while the gill net or trammel net is in use.

(5) Each hoop net shall be attended at least one time every 24 hours while the hoop net is in use.

(6) Commercial fishing equipment authorized in subsection (a) shall not be used in the following



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locations, except as authorized by the department:

(A) In any cutoff, chute, bayou, or other backwater of the Missouri river;

(B) within 300 yards of any spillway, lock, dam, or the mouth of any tributary stream or ditch;

and

(C) under or through ice or in overflow waters, ~~except as authorized by the department.~~

(7) Holding baskets and holding cages may be used.

(c) Each net or seine shall have an identification tag supplied by the department and attached as specified by the department during commercial fishing use. Identification tags supplied by the state of Missouri and approved by the department also shall be deemed to meet this requirement.

(d) The fee for identification tags shall be five dollars ~~per~~ for each tag. The payment shall be submitted to the department with the initial or renewal application for a commercial fishing permit.

(e) The holding basket and holding cage used to hold fish shall not require an identification tag, but shall be identified by the permittee with the permittee's name and permit number attached.

This regulation shall be effective on and after January 1, 2012. (Authorized by and implementing K.S.A. 32-807, K.S.A. 32-941, and K.S.A. ~~2001~~ 2010 Supp. 32-988; ~~implementing K.S.A. 32-807, K.S.A. 32-941, K.S.A. 2001 Supp. 32-988, and K.S.A. 32-1002;~~ effective May 27, 1991; amended Sept. 27, 2002; amended P-_____.)

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ECONOMIC IMPACT STATEMENT

K.A.R. 115-17-11. Commercial harvest of fish; legal equipment and taking methods, general provisions, identification tags, and identification tag fee.

DESCRIPTION: This permanent regulation establishes general provisions for commercial harvest of fish, including legal equipment and taking methods. Currently, commercial fish harvest in Kansas is restricted to the Missouri River. The proposed amendments are designed to update and streamline the regulation and are proposed in conjunction with amendments to other regulations governing commercial aspects of fish bait designed to prevent the introduction or transfer of invasive species.

FEDERAL MANDATE: None.

ECONOMIC IMPACT: The Department would anticipate no substantive economic impact to the department, other state agencies, small businesses, or the public.

ALTERNATIVES CONSIDERED: None.



Proposed

115-17-12. Commercial harvest of fish; legal species, seasons, size restrictions, daily limits, and possession limits. (a) The legal species of fish that may be taken under a commercial fishing permit shall be the following:

- (1) Bowfin;
- (2) suckers, including buffalo;
- (3) common carp and exotic carp;
- (4) freshwater drum;
- (5) gar;
- (6) shad;
- (7) goldeye;
- (8) goldfish; and
- (9) skipjack herring.

(b) None of the following shall be possessed by a permittee while in possession of commercial fishing gear or while transporting fish taken using commercial fishing gear:

- (1) All species of fish excluded from subsection (a); and
- (2) any species of fish listed in K.A.R. 115-15-1 or K.A.R. 115-15-2.

The species of fish specified in this subsection shall be immediately returned unharmed to the water from which removed.

- (c) There shall be no size restriction on fish taken by a permittee.



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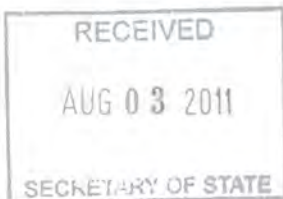
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(d) There shall be no maximum daily or possession limit on the number of fish taken by a permittee.

(e) No live specimen of bighead carp, silver carp, or black carp may be transported after commercial harvest.

This regulation shall be effective on and after January 1, 2012. (Authorized by and implementing K.S.A. 32-807 and K.S.A. 32-941; implementing K.S.A. 32-807, K.S.A. 32-941, and K.S.A. 32-1002; effective May 27, 1991; amended Sept. 27, 2002; amended P-_____.)



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ECONOMIC IMPACT STATEMENT

K.A.R. 115-17-12. Commercial harvest of fish; legal species, season, size restrictions, daily limits, and possession limits.

DESCRIPTION: This permanent regulation establishes certain provisions for commercial harvest of fish, including legal species, and various limits on take. Currently, commercial fish harvest in Kansas is restricted to the Missouri River. The proposed amendment would require that certain species of fish be dispatched prior to transport after commercial harvest. This amendment is proposed in conjunction with similar amendments to other regulations governing commercial aspects of fishing designed to prevent the introduction or transfer of invasive species.

FEDERAL MANDATE: None.

ECONOMIC IMPACT: The Department would anticipate no substantive economic impact to the department, other state agencies, small businesses or the public.

ALTERNATIVES CONSIDERED: None.



Proposed

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

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

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

(3) the open season for floatline fishing shall be from sunrise to sunset, July 15 through September 15, on designated federal reservoirs; and

(4) those areas closed by posted notice.

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

(1) November 1 through April 15:

(A) Cedar Bluff Stilling Basin;

(B) Dodge City Lake Charles;

(C) Fort Scott Gun Park Lake;

(D) Garnett Crystal Lake;

(E) Glen Elder State Park Pond;



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- (F) Kanopolis Seep Stream;
- (G) KDOT East Lake, located in Wichita;
- (H) Lake Henry, located in Clinton State Park;
- (I) Pratt Centennial Pond;
- (J) Sandsage Bison Range and Wildlife Area Sandpits;
- (K) the following Sedgwick County Park waters;
 - (i) Vic's Lake; and
 - (ii) Slough Creek;
- (L) Topeka Auburndale Park;
- (M) Walnut River Area, located in El Dorado State Park;
- (N) Webster Stilling Basin; and
- (O) Willow Lake, located in Tuttle Creek State Park; and
- (2) November 1 through October 31: unit number 30, located in the Mined Land Wildlife Area.
- (c) Pursuant to K.A.R. 115-18-12, a trout permit shall be required for each individual who wants

to fish for and possess trout on the following waters from November 1 through April 15:

- (1) Atchison City Lake No. 1;
- (2) Belleville City Lake (Rocky Pond);
- (3) Cameron Springs, located on Fort Riley;
- (4) Cimarron Grasslands Pits;
- (5) Colby-Villa High Lake;
- (6) Great Bend Veterans Memorial Park Lake;



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- (7) Holton-Elkhorn Lake;
- (8) Hutchinson Dillon Nature Center Pond;
- (9) Kanopolis State Park Pond;
- (10) Lake Shawnee, located in Shawnee County;
- (11) Moon Lake, located on Fort Riley;
- (12) Salina Lakewood Lake;
- (13) Scott State Fishing Lake;
- (14) Scott State Park Pond;
- (15) the following Sedgwick County Park waters:
 - (A) Moss Lake; and
 - (B) Horseshoe Lake;
- (16) Sherman County Smoky Gardens Lake;
- (17) Solomon River between Webster Reservoir and Rooks County #2 Road; and
- (18) Syracuse-Sam's Pond.

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

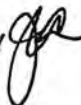
<u>Species</u>	<u>Creel Limit</u>	<u>Size Limit</u>
Black bass: largemouth, spotted, or smallmouth	5*	15"
Channel catfish or	10*	--

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blue catfish		
Trout	5*/2***	--
Flathead catfish	5	--
Walleye, sauger, saugeye	5*	15"
Pike family: northern pike, tiger, or muskellunge	2*	30"
Striped bass	2	--
Wiper: striped bass hybrid	2	--
Paddlefish	2**	--
Crappie: white or black	50*	--
All other species	No limit	--

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

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

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

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

(f) Special size limits, creel limits, and bait restrictions for designated waters shall be those limits and restrictions specified in the department's "Kansas special size limits, creel limits, and bait restriction tables," dated July 5, 2011, which is hereby adopted by reference. All fish caught from these designated



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waters that are of a size or number that is illegal to possess shall be released unrestrained to the water immediately.

This regulation shall be effective on and after January 1, 2012. (Authorized by and implementing K.S.A. 32-807.)



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ECONOMIC IMPACT STATEMENT

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

DESCRIPTION: This exempt regulation establishes statewide limits and open seasons for fishing in Kansas. The proposed amendments relate to trout waters and updates to the reference document related to length and creel limits for specific bodies of water.

FEDERAL MANDATE: None.

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

ALTERNATIVES CONSIDERED: None.

