

**Kansas Wildlife and Parks Commission
Notice of Public Hearing**

A public hearing will be conducted by the Wildlife and Parks Commission (the Commission) at 12:00 p.m., on Thursday, March 28th, 2024, at the Topeka & Shawnee Co. Public Library, Marvin Auditorium 101C, 1515 SW 10th Ave, Topeka, KS 66604, to consider the approval and adoption of a proposed administrative regulation of the Kansas Department of Wildlife and Parks.

The public hearing will begin at 12:00 p.m., Thursday, March 28th, 2024, at the location above. Other Commission business will follow and will include general discussions, which may include educational presentations, workshop sessions, and a public comment opportunity following the public hearing. The meeting will continue until all business is complete.

Any individual with a disability may request an accommodation to participate in the public hearing and may request the proposed regulation and economic impact statement in an accessible format. Requests for accommodation to participate in the hearing should be made at least five working days in advance of the hearing by contacting Sheila Kemmis, Commission Secretary, at (620) 672-5911. Persons with a hearing impairment may call the Kansas Commission for the Deaf and Hard of Hearing at 1-800-432-0698 to request special accommodations.

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

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 Avenue, Suite 200, Topeka, Kansas 66612, or to sheila.kemmis@ks.gov, if submitted electronically. All interested parties will be given a reasonable opportunity at the hearing to express their views orally regarding the adoption of the proposed regulation. During the hearing, all written and oral comments submitted by interested parties will be considered by the Commission as a basis for approving, amending and approving, or rejecting the proposed regulation.

The regulation that will be heard during the regulatory hearing portion of the meeting is as follows:

K.A.R. 115-25-11. This regulation makes changes to the raccoon and opossum harvest season.

Economic Impact Summary: There will be no cost to implement this change. There may be approximately 2,500 licensed fur harvesters who participate in this new season. It is unknown how many days each will participate or what their daily expenditures will be. However, if we estimate each would participate for 20 days with expenditures of \$20 per day, that will equal \$1,000,000 in expenditures by participants. In addition, if 20 new small businesses or individuals were hired to conduct control activities for 30 days each at \$100 per day, that would be an additional \$60,000 of economic impact.

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Copies of the complete text of the regulation and economic impact statement may be obtained by writing the Chairperson of the Commission at the address above, electronically on the Department's website at www.ksoutdoors.com, or by calling (785) 296-2281.

Gerald Lauber, Chairman

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115-25-11. Furbearers; open seasons and bag limits. (a) All hunting, trapping, and running seasons begin at 12:01 a.m. on the opening day and close at ~~12:00 midnight~~ 11:59 p.m. on the closing day.

(b) The open season for the taking of badger, bobcat, gray fox, red fox, swift fox, mink, muskrat, opossum, raccoon, striped skunk, and weasel by hunting and trapping shall be from the first Wednesday after the second Saturday in November through the last day of February of the following year. The bag limit for these species shall be unlimited.

(c) The extended season for the taking of raccoon and opossum by hunting and trapping shall be from the first day of March through the first Tuesday after the second Saturday in November of the same year. Trapping equipment permitted during this season shall consist of box traps, cage traps, and foot-encapsulating traps commonly known as "dog-proof" traps. The bag limit for these species shall be unlimited.

~~(e)~~(d) The open season for the taking of beaver by trapping shall be from the first Wednesday after the second Saturday in November through ~~March 31~~ the last day of March of the following year. The bag limit shall be unlimited. Muskrat that are incidentally taken after the close of the open season for muskrat but during the open season for beaver by trapping may be possessed. The bag limit for incidentally taken muskrat shall be 10 animals.

~~(d)~~(e) The open season for the taking of otter by trapping shall be from the first Wednesday after the second Saturday in November ~~and through March 31~~ the last day of March of the following year. The season bag limit shall be ~~10~~ ten otters per trapper. No more than one otter may be taken from the following otter management units: Western, Solomon, Smoky-Saline, Republican, and Middle Arkansas. No more than two otters may be taken from the

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following otter management units: Big Blue, Kansas, Upper Neosho, and Lower Arkansas. No more than five otters may be taken from the following otter management units: Verdigris and Missouri. No more than 10 otters may be taken from the following otter management units: Lower Neosho and Marais des Cygnes.

~~(e)~~(f) The open season for the running of ~~bobcat, gray fox, red fox, opossum, and raccoon~~ bobcat, gray fox, and red fox shall be from ~~March 1~~ the first day of March through ~~November 8~~ the Wednesday after the first Saturday in November. (Authorized by and implementing K.S.A. 2023 Supp. 32-807; amended P-_____.)

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Kansas Administrative Regulations Economic Impact Statement (EIS)

Kansas Department of Wildlife and Parks
Agency

Dan Riley
Agency Contact

296-1032
Contact Phone Number

115-25-11
K.A.R. Number(s)

Permanent Temporary

Is/Are the proposed rule(s) and regulation(s) mandated by the federal government as a requirement for participating in or implementing a federally subsidized or assisted program?

Yes If yes, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration and the Attorney General. Budget approval is not required; however, the Division of the Budget will require submission of a copy of the EIS at the end of the review process.

No If no, do the total annual implementation and compliance costs for the proposed rule(s) and regulation(s), calculated from the effective date of the rule(s) and regulation(s), exceed \$1.0 million over any two-year period through June 30, 2024, or exceed \$3.0 million over any two-year period on or after July 1, 2024 (as calculated in Section III, F)?

Yes If yes, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration, the Attorney General, AND the Division of the Budget. The regulation(s) and the EIS will require Budget approval.

No If no, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration and the Attorney General. Budget approval is not required; however, the Division of the Budget will require submission of a copy of the EIS at the end of the review process.

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Section I

Brief description of the proposed rule(s) and regulation(s).

This regulatory change would open the raccoon and opossum harvest season to year-round.

Section II

Statement by the agency if the rule(s) and regulation(s) exceed the requirements of applicable federal law, and a statement if the approach chosen to address the policy issue(s) is different from that utilized by agencies of contiguous states or the federal government. *(If the approach is different or exceeds federal law, then include a statement of why the proposed Kansas rule and regulation is different.)*

N/A

Section III

Agency analysis specifically addressing the following:

- A. The extent to which the rule(s) and regulation(s) will enhance or restrict business activities and growth;

This change may enhance business opportunity to a small degree associated with intensive management of raccoons and opossums on private land to increase turkey and upland bird survival and nest success.

- B. The economic effect, including a detailed quantification of implementation and compliance costs, on the specific businesses, sectors, public utility ratepayers, individuals, and local governments that would be affected by the proposed rule(s) and regulation(s) and on the state economy as a whole;

Participation in this new extended harvest season will be voluntary and, therefore, will not create any new implementation or compliance costs.

- C. Businesses that would be directly affected by the proposed rule(s) and regulation(s);

There could be some new opportunity created for animal damage control businesses to conduct "predator control" types of activities as landowners learn these species can now be removed year-round. However, current regulations already allow these species to be taken under that scenario so the impact is likely to be minor.

- D. Benefits of the proposed rule(s) and regulation(s) compared to the costs;

The regulation will allow land and property owners more options in managing nuisance raccoons and opossums.

- E. Measures taken by the agency to minimize the cost and impact of the proposed rule(s) and regulation(s) on business and economic development within the State of Kansas, local government, and individuals;

There are no new costs or negative impacts to businesses from this change.

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F. An estimate of the total annual implementation and compliance costs that are reasonably expected to be incurred by or passed along to businesses, local governments, or members of the public.
Note: Do not account for any actual or estimated cost savings that may be realized.

Costs to Affected Businesses – \$0

Costs to Local Governmental Units – \$0

Costs to Members of the Public – \$0

Total Annual Costs – \$0
(sum of above amounts)

Give a detailed statement of the data and methodology used in estimating the above cost estimate.

This change does not impose any new costs on businesses or individuals.

- Yes If the total implementation and compliance costs exceed \$1.0 million over any two-year period through June 30, 2024, or exceed \$3.0 million over any two-year period on or after July 1, 2024, and prior to the submission or resubmission of the proposed rule(s) and regulation(s), did the agency hold a public hearing to find that the estimated costs have been accurately determined and are necessary for achieving legislative intent? If applicable, document when the public hearing was held, those in attendance, and any pertinent information from the hearing.
- No
- Not Applicable

Provide an estimate to any changes in aggregate state revenues and expenditures for the implementation of the proposed rule(s) and regulation(s), for both the current fiscal year and next fiscal year.

There will be no cost to implement this change.

Provide an estimate of any immediate or long-range economic impact of the proposed rule(s) and regulation(s) on any individual(s), small employers, and the general public. If no dollar estimate can be given for any individual(s), small employers, and the general public, give specific reasons why no estimate is possible.

There may be approximately 2,500 licensed fur harvesters who participate in this new season. It is unknown how many days each will participate or what their daily expenditures will be. However, if we estimate each would participate for 20 days with expenditures of \$20 per day, that will equal \$1,000,000 in expenditures by participants. In addition, if 20 new small businesses or individuals were hired to conduct control activities for 30 days each at \$100 per day, that would be an additional \$60,000 of economic impact.

G. If the proposed rule(s) and regulation(s) increases or decreases revenues of cities, counties or school districts, or imposes functions or responsibilities on cities, counties or school districts that will increase expenditures or fiscal liability, describe how the state agency consulted with the League of

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Kansas Municipalities, Kansas Association of Counties, and/or the Kansas Association of School Boards.

Any changes to these revenues are minor and these groups were not consulted.

- H. Describe how the agency consulted and solicited information from businesses, associations, local governments, state agencies or institutions and members of the public that may be affected by the proposed rule(s) and regulation(s).

KDWP surveyed licensed fur harvesters to assess their support and willingness to participate in this proposed season extension. KDWP has also received numerous public comments at Commission Meetings and general correspondence indicating widespread and decisive support for this change.

Section IV

Does the Economic Impact Statement involve any environmental rule(s) and regulation(s)?

- Yes If yes, complete the remainder of Section IV.
 No If no, skip the remainder of Section IV.

- A. Describe the capital and annual costs of compliance with the proposed rule(s) and regulation(s), and the persons who would bear the costs.
- B. Describe the initial and annual costs of implementing and enforcing the proposed rule(s) and regulation(s), including the estimated amount of paperwork, and the state agencies, other governmental agencies, or other persons who would bear the costs.
- C. Describe the costs that would likely accrue if the proposed rule(s) and regulation(s) are not adopted, as well as the persons who would bear the costs and would be affected by the failure to adopt the rule(s) and regulation(s).
- D. Provide a detailed statement of the data and methodology used in estimating the costs used.

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