Agency 115

Kansas Department of Wildlife and Parks

Editor's Note:

The Department of Wildlife and Parks uses agency numbers 23 and 33 and 115. Currently regulations are being revised to utilize the new agency number 115. See K.S.A. 32-801 through 32-806.

Article 25 in Agency 115 fixes the seasons and establishes creel, size and possession limits for fish and bag limits and possession limits for game birds, game and fur-bearing animals as authorized by K.S.A. 77-415. Copies of the regulations may be obtained by contacting the Department: Secretary of Wildlife and Parks, Landon State Office Building, 900 S.W. Jackson, Room 502-N, Topeka, KS 66612-1220.

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Article 1.—DEFINITIONS

115-1-1. Definitions. (a) Except as specified in subsection (b), the following definitions shall apply to all of the department's regulations.

(1) "Arrow" means a missile shot from a bow or a crossbow.

(2) "Bag limit" means the maximum number of any species, except fish and frogs, that may be taken by a person in a calendar day.

(3) "Bait fish" means a member of the minnow or carp family *(Cyprinidae),* sucker family *(Catostomidae),* top minnows or killifish family *(Cyprinodontidae),* shad family *(Clupeidae),* and sunfish family *(Centrarchidae),* but excluding black basses

and crappie. The fish listed in K.A.R. 115-15-1 and in K.A.R. 115-15-2 shall not be considered as bait fish.

(4) "Bird dog" means a dog used to point, flush, or retrieve game birds, migratory birds, or both.

(5) "Bow" means a handheld device with a cord that connects both of its two ends and that is designed to propel an arrow. This term shall include long, recurve, and compound bows.

(6) "Bridle path" means an established, maintained, and marked pathway for the riding of animals.

(7) "Camping" means erecting a shelter or arranging bedding, or both, or parking a recreation vehicle or other vehicle for the purpose of remaining overnight.

(8) "Camping unit" means any vehicle or shelter specifically used for sleeping upon a portion of department lands or waters.

(9) "Cast net" means a circular or conical weighted net designed to be cast mouth-downward by hand and withdrawn by lines attached to its margin.

(10) "Creel limit" means the maximum total number of any species of fish or frogs that may be taken by a person in a calendar day.

(11) "Crossbow" means a transverse-mounted bow with a cord that connects the two ends and that is designed to propel an arrow, including compound crossbows. The arrow is released by a mechanical trigger.

(12) "Culling" means replacing one live fish held by an angler for another live fish of the same species if the daily creel limit for that species of fish has not been met.

(13) "Department lands and waters" means state parks, state lakes, recreational grounds, wildlife areas, sanctuaries, fish hatcheries, natural areas, historic sites, and other lands, waters, and facilities that are under the jurisdiction and control of the secretary through ownership, lease, license, cooperative agreement, memorandum of understanding, or other arrangement.

(14) "Depth finder" means an electronic device used to locate fish or determine underwater structures.

(15) "Dip net" means a handheld net that has rigid support about the mouth and is used to land fish.

(16) "Draft livestock" means horses, mules, donkeys, and oxen used singly or in tandem with other horses, mules, donkeys, and oxen for pulling purposes.

(17) "Drag event" means a competitive event in which hounds pursue a scent trail. The event may involve a caged, pen-raised furbearer that is not released from the cage during the event.

(18) "Dryland set" means any trapping device that is placed or set on land or is not in contact with water.

(19) "Eyass" means a young of the year raptor not yet capable of flight.

(20) "Falconer" means the holder of a falconry permit.

(21) "Falconry" means the taking of wildlife with a trained raptor.

(22) "Field trial event for dogs" means a competitive event involving at least six dogs that are judged on hunting or running ability.

(23) "Firearm" means a rimfire or centerfire rifle, handgun, or shotgun; a muzzleloading shotgun, rifle, or handgun; or a cap-and-ball pistol.

(24) "Fire ring" means an open-topped, man-made, fire-retaining device.

(25) "Fireplace" means an enclosed, man-made, fire-retaining device.

(26) "Fishing line" means any hand-operated string or cord, utilizing hooks that may be used in conjunction with rods, poles, reels, bows, or spearguns.

(27) "Fish trap" means a device for catching fish consisting of a net or other structure that diverts the fish into an enclosure arranged to make escape more difficult than entry.

(28) "Fully automatic firearm" means a firearm capable of firing more than one round with a single trigger pull.

(29) "Gaff" means a hook attached to a rigid pole.

(30) "Gig" means a hand-operated spear with one or more prongs with or without barbs.

(31) "Group camping area" means any area within a state park designated by posted notice for camping by organized groups.

(32) "Haggard" means an adult raptor in mature plumage.

(33) "Hook" means a device with a single shaft and one or more points with or without barbs, used for catching fish and frogs.

(34) "Imping" means the repair of damaged feathers.

(35) "Kill site" means the location of the wildlife carcass as positioned in the field immediately after being harvested.

(36) "Length limit" means the minimum length of a fish allowed in order to take it and not release it to the waters immediately. For the purpose of this paragraph, the length of the fish shall be measured from the tip of the snout to the end of the tail, with the mouth closed and the tail lobes pressed together.

(37) "Moorage site" means a location designated for the fastening or securing of a vessel.

(38) "Nonsport fish" means carp, drum, white amur, threadfin and gizzard shad, goldfish, gar, suckers including carpsuckers and buffalo, eel, sturgeon, goldeye, white perch, and bowfin.

(39) "Orthopedic device" means a device that attaches to the body and is required to enable a handicapped person to walk.

(40) "Overflow camping area" means an area in a state park that is separate from the designated overnight camping area and that may be used for a maximum of 24 continuous hours of camping if no alternative camping facilities are available within reasonable driving distances.

(41) "Passage" means an immature raptor on first fall migration still in immature plumage.

(42) "Pen-raised wildlife" means any wildlife raised in captivity.

(43) "Pets" means domesticated wildlife, including dogs and cats.

(44) "Possession limit" means the maximum total number of a species that can be retained per person at any one time.

(45) "Prime camping site" means any site within a state park so designated by posted notice of the secretary and subject to an additional charge.

(46) "Raptors" means members of the order Falconiformes or Strigiformes and specifically falcons, hawks, and owls.

(47) "Raw pelt" means the undressed skin of an animal with its hair, wool, or fur in its natural state, without having undergone any chemical preservation converting the skin to a leather condition.

(48) "Recreational vehicle" means a vehicle or trailer unit that contains sleeping or housekeeping accommodations, or both.

(49) "Running" means the pursuing or chasing of furbearers or rabbits with hounds. This term shall not include the capturing, killing, injuring, or possessing of furbearers or rabbits, or having a firearm or other weapon in possession while running, except during established furbearer or rabbit hunting seasons.

(50) "Sanctioned or licensed coyote field trial" means a competitive event that involves only sight or trail hounds and that has been advertised in one of the national foxhound journals no fewer than 30 days before the event.

(51) "Sanctioned or licensed furbearer field trial" means a competitive event in which dogs pursue unrestrained furbearers and that is sanctioned or licensed by any of the national kennel or field dog organizations for the express purpose of improving the quality of the breed through the awarding of points or credits toward specific class championships or other national recognition.

(52) "Seine" means a net with a float line and lead line designed to be pulled through the water for the purpose of catching fish.

(53) "Set line" means a string or cord anchored at one point that does not have more than two hooks and is not associated with a hand-operated mechanical reel.

(54) "Sight hound" means a dog used to pursue furbearers, rabbits, hares, or coyotes by sight.

(55) "Skin and scuba diving" means swimming or diving while equipped with a face mask or goggles, allowing underwater vision and possibly involving an underwater breathing apparatus.

(56) "Snagging" means the hooking of a fish in any part of its anatomy other than the inside of the mouth.

(57) "Speargun" means a device used to propel a spear through the water by mechanical means or compressed gas.

(58) "Sport fish" means northern pike, walleye, saugeye, sauger, yellow perch, striped bass, white bass, black bass including largemouth, spotted, and smallmouth bass, striped bass hybrid, trout, muskellunge, tiger muskie, channel catfish, blue catfish, flathead catfish, paddlefish, and panfish including bullhead, black and white crappie, bluegill, redear sunfish, green sunfish, warmouth, and rock bass.

(59) "State fishing lake" means a department facility that contains the words "state fishing lake" in the name of the area.

(60) "Tip-up" means an ice fishing device designed to signal the strike of a fish.

(61) "Trail hound" means a dog used to trail furbearers, rabbits, hares, or coyotes by scent.

(62) "Transfer," means any of the following:

(A) To reassign one's license, permit, or other issue of the department to another individual;

(B) to exchange any license, permit, or other issue of the department between individuals; or

(C) to carry another individual's license, permit, or other issue of the department when that individual is not present.

(63) "Trot line" means a string or cord anchored at one or more points that does not have more than 25 hooks and is not associated with a hand-operated mechanical reel.

(64) "Turkey" means wild turkey.

(65) "Unattended fishing line" means any fishing line set to catch fish that is not marked or tagged as required by K.A.R. 115-7-2 or K.A.R. 115-17-11 and not immediately attended by the operator of the fishing line.

(66) "Wake" means the waves thrown by a vessel moving on water.

(67) "Water race" means a competitive event in which hounds pursue a scent device or a caged, pen-raised furbearer through water. The furbearer is not released during the event.

(68) "Water set" means any trapping device that has the gripping portion placed or set in flowing or pooled water and remains in contact with the flowing or pooled water.

(b) Exceptions to the definitions in this regulation shall include the following:

(1) The context requires a different definition.

(2) The defined term is specifically defined differently within the department's other regulations. (Authorized by and implementing K.S.A. 32-807; effective Dec. 26, 1989; amended June 8, 1992; amended Sept. 19, 1997; amended Nov. 21, 2003.)

Article 2.—FEES, REGISTRATIONS AND OTHER CHARGES

115-2-1. Amount of fees. The following fees shall be in effect for the following licenses, permits, and other issues of the department: (a) Hunting licenses and permits.

(1)	Resident hunting license	$18.00
(2)	Nonresident hunting license	70.00
(3)	Nonresident junior hunting license (under 16 years of age)	35.00
(4)	Resident big game hunting permit:	
	General resident: either-sex elk permit	250.00
	General resident: antlerless-only elk permit	100.00
	General resident youth (under 16 years of age): either-sex elk permit	125.00
	General resident youth (under 16 years of age): antlerless-only elk permit	50.00
	Landowner/tenant: either-sex elk permit	125.00
	Landowner/tenant: antlerless-only elk permit	50.00
	Hunt-on-your-own-land: elk permit	50.00
	General resident: deer permit	30.00
	General resident youth (under 16 years of age): deer permit	15.00
	General resident: antlerless-only deer permit	15.00
	General resident youth (under 16 years of age): antlerless-only deer permit	7.50
	Landowner/tenant: deer permit	15.00
	Hunt-on-your-own-land: deer permit	15.00
	Special hunt-on-your-own-land: deer permit	30.00
	General resident: antelope permit	40.00
	General resident youth (under 16 years of age): antelope permit	20.00
	Landowner/tenant: antelope permit	20.00
	Hunt-on-your-own-land: antelope permit	20.00
	Antelope preference point service charge	5.00
	Any-deer preference point service charge	5.00
	Application fee for elk permit	5.00
(5)	Resident game tag:	
	Turkey game tag	10.00
(6)	Wild turkey permit:	
	General resident: turkey permit (1-bird limit)	20.00
	General resident youth (under 16 years of age): turkey permit (1-bird limit)	10.00
	Landowner/tenant: turkey permit (1-bird limit)	10.00
	Nonresident: turkey permit (1-bird limit)	30.00
	Resident: turkey preference point service charge	5.00
(7)	Nonresident big game hunting permit:	
	Nonresident hunt-on-your-own-land: deer permit	75.00
	Nonresident: deer permit (antlered deer)	300.00
	Nonresident: deer permit (antlerless only)	75.00
	Nonresident: antelope permit (archery only)	200.00
	Nonresident: deer permit application fee	20.00
	Nonresident: mule deer stamp	100.00
(8)	Nonresident game tag:	
	Turkey game tag	20.00
(9)	48-hour waterfowl hunting permit	25.00
(10)	Field trial permit: game birds	20.00
(11)	Lifetime hunting license	440.00
	or eight quarterly installment payments of	60.00
(12)	Migratory waterfowl habitat stamp	5.00
(13)	Special dark goose hunting permit	5.00
(14)	Sandhill crane hunting permit: validation fee	5.00
(15)	Disabled person hunt-from-a-vehicle permit	0

(b) Fishing licenses and permits.

Resident fishing license	18.00
Nonresident fishing license	40.00
24-hour fishing license	3.00
Three-pole permit	4.00
Tournament bass pass	10.00
Paddlefish permit (six carcass tags)	10.00
Paddlefish permit youth (under 16 years of age) (six carcass tags)	5.00
Hand fishing permit	25.00
Floatline fishing permit	0
Lifetime fishing license	440.00
or eight quarterly installment payments of	60.00
Five-day nonresident fishing license	20.00
Institutional group fishing license	100.00
Special nonprofit group fishing license	50.00
Trout permit	10.00

(c) Combination hunting and fishing licenses and permits.

Resident combination hunting and fishing license	36.00
Resident lifetime combination hunting and fishing license	880.00
or eight quarterly installment payments of	120.00
Nonresident combination hunting and fishing license	110.00

(d) Furharvester licenses.

Resident furharvester license	18.00
Resident junior furharvester license	10.00
Lifetime furharvester license	440.00
or eight quarterly installment payments of	60.00
Nonresident furharvester license	250.00
Nonresident bobcat permit (1-bobcat limit per permit)	100.00
Resident fur dealer license	100.00
Nonresident fur dealer license	400.00
Field trial permit: furbearing animals	20.00

(e) Commercial licenses and permits.

Controlled shooting area hunting license	15.00
Resident mussel fishing license	75.00
Nonresident mussel fishing license	1,000.00
Mussel dealer permit	200.00
Missouri river fishing permit	25.00
Game breeder permit	10.00
Controlled shooting area operator license	200.00
Commercial dog training permit	20.00
Commercial fish bait permit	20.00
Commercial prairie rattlesnake harvest permit (without a valid Kansas hunting license)	20.00
Commercial prairie rattlesnake harvest permit (with a valid Kansas hunting license or exempt from this license requirement)	5.00
Commercial prairie rattlesnake dealer permit	50.00
Prairie rattlesnake round-up event permit	25.00

(f) Collection, scientific, importation, rehabilitation, and damage-control permits.

Scientific, educational, or exhibition permit	10.00
Raptor propagation permit	0
Rehabilitation permit	0
Wildlife damage-control permit	0
Wildlife importation permit	10.00
Threatened or endangered species: special permits	0

(g) Falconry.

Apprentice permit	75.00
General permit	75.00
Master permit	75.00
Testing fee	50.00

(h) Miscellaneous fees.

Duplicate license, permit, stamp, and other issues of the department	10.00
Special departmental services, materials, or supplies	At cost
Vendor bond	
For bond amounts of $5,000.00 and less	50.00
For bond amounts of more than $5,000.00	50.00
plus $6.00 per additional $1,000.00 coverage or any fraction thereof.	

This regulation shall be effective on and after January 1, 2009. (Authorized by and implementing K.S.A. 32-807 and K.S.A. 2007 Supp. 32-988; effective Dec. 4, 1989; amended Sept. 10, 1990; amended Jan. 1, 1991; amended June 8, 1992; amended Oct. 12, 1992; amended April 11, 1994; amended Aug. 29, 1994; amended June 5, 1995; amended Aug. 21, 1995; amended Feb. 28, 1997; amended July 30, 1999; amended Jan. 2, 2002; amended Jan. 1, 2003; amended Jan. 1, 2004; amended Feb. 18, 2005; amended Jan. 1, 2006; amended May 1, 2006; amended Jan. 1, 2007; amended Jan. 1, 2008; amended Jan. 1, 2009.)

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 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 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.)

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 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	$150.00
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	150.00
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 (includes utilities)—per month, per unit (annual camping permit and annual vehicle permit required):	
One utility	200.00
Two utilities	260.00
Three utilities	320.00
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

(i) This regulation shall be effective on and after January 1, 2009. (Authorized by and implementing K.S.A. 32-807 and K.S.A. 2007 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.)

115-2-3a. Cabin camping permit fees. (a) The following cabin camping permit fees shall be in effect for the following state parks:

(1) Cedar Bluff:

Cabins 1 and 2:	
Year-round, per night	$45.00
Cabins 3 and 4:	
Year-round, per night	$80.00
Cabin 5:	
Year-round, per night	$60.00
Cabins 6 and 7:	
Year-round, per night	$70.00

(2) Cheney:

Cabins 1 through 7:	
Sunday through Thursday, year-round, per night	$55.00
Friday and Saturday, May 1 through September 30, per night	$75.00
Friday and Saturday, October 1 through April 30, per night	$55.00
Year-round, per week	$370.00
Cabins 8 and 9:	
Sunday through Thursday, year-round, per night	$85.00
Friday and Saturday, May 1 through September 30, per night	$100.00
Friday and Saturday, October 1 through April 30, per night	$85.00
Year-round, per week	$570.00

(3) Clinton:

Cabins 1 and 2:	
Sunday through Thursday, April 1 through September 30, per night	$65.00
Sunday through Thursday, October 1 through March 31, per night	$55.00
Friday and Saturday, April 1 through September 30, per night	$85.00
Friday and Saturday, October 1 through March 31, per night	$75.00
April 1 through September 30, per week	$450.00
October 1 through March 31, per week	$375.00

(4) Crawford:

Cabins 1 and 2:	
Sunday through Thursday, April 1 through September 30, per night	$75.00
Sunday through Thursday, October 1 through March 31, per night	$65.00
Friday and Saturday, April 1 through September 30, per night	$95.00
Friday and Saturday, October 1 through March 31, per night	$85.00

April 1 through September 30, per week	$460.00
October 1 through March 31, per week	$385.00
Cabins 3 through 5:	
Sunday through Thursday, April 1 through September 30, per night	$65.00
Sunday through Thursday, October 1 through March 31, per night	$55.00
Friday and Saturday, April 1 through September 30, per night	$85.00
Friday and Saturday, October 1 through March 31, per night	$75.00
April 1 through September 30, per week	$450.00
October 1 through March 31, per week	$375.00

(5) Cross Timbers:

Cabins 1 through 4:	
Sunday through Thursday, April 1 through September 30, per night	$65.00
Sunday through Thursday, October 1 through March 31, per night	$55.00
Friday and Saturday, April 1 through September 30, per night	$85.00
Friday and Saturday, October 1 through March 31, per night	$75.00
April 1 through September 30, per week	$450.00
October 1 through March 31, per week	$375.00

(6) Eisenhower:

Cabin 1:	
Year-round, per night	$36.00
Year-round, for 3 consecutive nights	$100.00
Year-round, per week	$225.00
Cabins 2 and 3:	
Sunday through Thursday, April 1 through September 30, per night	$65.00
Sunday through Thursday, October 1 through March 31, per night	$55.00
Friday and Saturday, April 1 through September 30, per night	$85.00
Friday and Saturday, October 1 through March 31, per night	$75.00
April 1 through September 30, per week	$450.00
October 1 through March 31, per week	$375.00
Yurts 1 and 2:	
Year-round, per night	$36.00
Year-round, for 3 consecutive nights	$100.00
Year-round, per week	$225.00

(7) El Dorado:

Cabins 1 through 5:	
Sunday through Thursday, year-round, per night	$30.00
Friday and Saturday, year-round, per night	$35.00
Year-round, per week	$175.00
Year-round, per month	$600.00
Cabin 6:	
Year-round, per night	$100.00
Year-round, per week	$560.00
Year-round, per month	$1,800.00
Cabin 7:	
Year-round, per night	$110.00
Year-round, per week	$560.00
Year-round, per month	$1,800.00
Cabins 8 and 9:	
Year-round, per night	$85.00
Year-round, per week	$525.00
Year-round, per month	$1,650.00
Cabin 10:	
Year-round, per night	$75.00
Year-round, per week	$455.00
Year-round, per month	$1,350.00

(8) Fall River:

Cabins 1 and 2:	
Sunday through Thursday, April 1 through September 30, per night	$65.00
Sunday through Thursday, October 1 through March 31, per night	$55.00
Friday and Saturday, April 1 through September 30, per night	$85.00
Friday and Saturday, October 1 through March 31, per night	$75.00
April 1 through September 30, per week	$450.00
October 1 through March 31, per week	$375.00

(9) Glen Elder:

Cabins 1 through 4:	
Year-round, per night	$75.00
Year-round, per week	$450.00

(10) Hillsdale:

Cabins 1 and 2:	
Sunday through Thursday, April 1 through September 30, per night	$65.00
Sunday through Thursday, October 1 through March 31, per night	$55.00
Friday and Saturday, April 1 through September 30, per night	$85.00
Friday and Saturday, October 1 through March 31, per night	$75.00
April 1 through September 30, per week	$450.00
October 1 through March 31, per week	$375.00

(11) Kanopolis:

Cabins 1 through 5:	
Sunday through Thursday, year-round, per night	$55.00
Friday and Saturday, April 1 through September 30, per night	$70.00
Friday and Saturday, October 1 through March 31, per night	$55.00
April 1 through September 30, per week	$400.00
October 1 through March 31, per week	$350.00

(12) Lovewell:

Cabins 1 through 8 (fee covers two adults; add $5.00 for each additional adult):	
Year-round, per night	$45.00

(13) Milford:

Cabins 1 through 3:	
Sunday through Thursday, year-round, per night	$45.00
Friday and Saturday, April 1 through September 30, per night	$65.00
Friday and Saturday, October 1 through March 31, per night	$45.00
April 1 through September 30, per week	$300.00
October 1 through March 31, per week	$275.00
Cabins 4 and 5:	
Sunday through Thursday, April 1 through September 30, per night	$75.00
Friday and Saturday, April 1 through September 30, per night	$95.00
Sunday through Thursday, October 1 through March 31, per night	$65.00

Friday and Saturday, October 1 through March 31, per night $85.00
April 1 through September 30, per week ... $520.00
October 1 through March 31, per week $445.00

(14) Perry:
Cabins 1 through 4:
Sunday through Thursday, April 1 through September 30, per night $55.00
Sunday through Thursday, October 1 through March 31, per night $45.00
Friday and Saturday, April 1 through September 30, per night $65.00
Friday and Saturday, October 1 through March 31, per night $55.00
Year-round, per week $300.00

(15) Pomona:
Cabins 1 and 2:
Sunday through Thursday, April 1 through September 30, per night $65.00
Sunday through Thursday, October 1 through March 31, per night $55.00
Friday and Saturday, April 1 through September 30, per night $85.00
Friday and Saturday, October 1 through March 31, per night $75.00
April 1 through September 30, per week ... $450.00
October 1 through March 31, per week $375.00

(16) Prairie Dog:
Cabins 1 and 2 (fee covers two adults; add $5.00 for each additional adult):
Year-round, per night $45.00
Cabin 3:
Year-round, per night $65.00
Year-round, per week $420.00

(17) Scott:
Cabins 1 and 2:
Year-round, per night $70.00
Year-round, per week $420.00

(18) Tuttle Creek:
Cabins 1 through 4:
Sunday through Thursday, April 1 through September 30, per night $65.00
Sunday through Thursday, October 1 through March 31, per night $55.00
Friday and Saturday, April 1 through September 30, per night $85.00
Friday and Saturday, October 1 through March 31, per night $75.00
April 1 through September 30, per week ... $450.00
October 1 through March 31, per week $375.00
Cabins 5 through 7:
Sunday through Thursday, April 1 through September 30, per night $75.00
Sunday through Thursday, October 1 through March 31, per night $65.00
Friday and Saturday, April 1 through September 30, per night $95.00
Friday and Saturday, October 1 through March 31, per night $85.00
April 1 through September 30, per week ... $520.00
October 1 through March 31, per week $445.00

(19) Webster:
Cabin 1:
Sunday through Thursday, year-round, per night $50.00
Friday and Saturday, year-round, per night $70.00
Year-round, per week $375.00

(20) Wilson:
Cabins 1 through 6:
Sunday through Thursday, April 1 through September 30, per night $60.00
Friday and Saturday, April 1 through September 30, per night $70.00
October 1 through March 31, per night $50.00
April 1 through September 30, per week ... $380.00
October 1 through March 31, per week $325.00

(b) The following cabin camping permit fees shall be in effect for the following state fishing lakes and wildlife areas:

(1) Atchison:
Cabin 1:
Year-round, per night $60.00
Year-round, per week $420.00

(2) Clark:
Cabins 1 and 2:
Year-round, per night $60.00
Year-round, per week $420.00

(3) Fall River:
Cabin 1:
Year-round, per night $60.00
Year-round, per week $420.00

(4) Jamestown:
Cabin 1:
Year-round, per night $60.00
Year-round, per week $420.00

(5) Kingman:
Cabin 1:
Year-round, per night $60.00
Year-round, per week $420.00

(6) McPherson:
Cabin 1:
Year-round, per night $60.00
Year-round, per week $420.00

(7) Mined land:
Cabins 1 and 2:
Year-round, per night $60.00
Year-round, per week $420.00

(8) Ottawa:
Cabin 1:
Year-round, per night $60.00
Year-round, per week $420.00

(9) Woodson:
Cabins 1 and 2:
Year-round, per night $60.00
Year-round, per week $420.00

(Authorized by and implementing K.S.A. 32-807 and K.S.A. 2007 Supp. 32-988; effective Jan. 1, 2005; amended Jan. 1, 2007; amended July 25, 2007; amended Jan. 1, 2008; amended May 16, 2008; amended Dec. 1, 2008.)

115-2-4. Boat fees. (a) The following boat-

ing fees shall be in effect for vessel registrations and related issues for which a fee is charged:

Testing or demonstration boat registration	$30.00
Additional registration	5.00
Vessel registration: each vessel	30.00
Water event permit	25.00
Duplicate registration, certificate, or permit	10.00
Special services, materials, or supplies	at cost

(b) This regulation shall be effective on and after May 1, 2006. (Authorized by and implementing K.S.A. 2004 Supp. 32-1172; effective Aug. 1, 1990; amended Oct. 12, 1992; amended Jan. 1, 2002; amended Jan. 1, 2006; amended May 1, 2006.)

115-2-5. Trail access pass; requirement, fees, exceptions, and general provisions. (a) Each individual 16 years of age and older using the Prairie Spirit rail trail or any designated portions of this trail shall possess a trail access pass.

(b) Subsection (a) shall not apply to any individual who is using a trail system for which the trail access pass is required if the individual meets any of the following requirements:

(1) Is engaged in construction, development, operation, maintenance, concession, or agricultural activities approved by the secretary in writing;

(2) is engaged in emergency or law enforcement activities;

(3) is engaged in official government business for a governmental entity;

(4) is in possession of a special permit or pass issued by the secretary;

(5) is engaged in news media activities as described in K.A.R. 115-18-6; or

(6) is using the trail system during the period of time established by the secretary as free state park use days.

(c) The fees for a trail access pass shall be the following:

Annual trail access pass	$10.00
Daily trail access pass	2.00

(d) Each annual trail access pass shall expire on December 31 of the year for which the pass is issued.

(e) Each daily trail access pass shall expire at 11:59 p.m. on the day for which the pass is issued.

(f) A trail access pass shall not be transferable.

(g) Each daily trail access pass shall be valid only for the trail system for which the pass is issued.

(h) A motor vehicle permit shall not be required to enter the Prairie Spirit rail trail.

(i) This regulation shall be effective on and after January 1, 2009. (Authorized by and implementing K.S.A. 32-807, K.S.A. 32-901, and K.S.A. 2007 Supp. 32-988; effective April 1, 1996; amended Aug. 2, 1996; amended Jan. 1, 2009.)

115-2-6. Other fees and charges. (a) The following fees and charges shall be in effect for state parks and for other designated areas for which fees and charges are required.

(1) Annual private boat dock fee $25.00

(2) Private cabin, club, and organization site assignment transfer fee 25.00

(3) Private cabin, club, and organization site annual fee.

(A) The annual fee for private cabin, club, and organization sites shall be adjusted when the lease agreement for a site is newly assigned, transferred, or renewed, unless the existing lease agreement specifies a fee applicable for the renewal term.

(B) The annual fee for fees adjusted before January 1, 2003 shall be $200.00.

(C) The annual fee shall be recalculated on January 1, 2003; January 1, 2008; and January 1, 2013, based on the equation in subsection (b).

(b) The annual fee for private cabin, club, and organization sites shall be calculated as follows, using terms as defined in the remainder of this subsection.

$$\text{Annual Fee} = \begin{matrix}\text{Previous}\\ \text{Annual Fee}\end{matrix} \times \frac{(\text{New CPI})}{(\text{Previous CPI})}$$

(1) "CPI" means the "consumer price index for all urban consumers" (CPI-U) for the midwest region average for all items, 1982-1984 = 100, as published in the "CPI detailed report" by the bureau of labor statistics of the U.S. department of labor.

(2) "Previous annual fee" means $200 for the recalculation of the annual fee on January 1, 2003, and for each recalculation thereafter means the annual fee calculated five years previous to the new calculation, using the equation in subsection (b).

(3) "New CPI" means the CPI on July 1 immediately preceding the January 1 date for a newly calculated annual fee.

(4) "Previous CPI" means the CPI on July 1, 1998 for the recalculation of the annual fee on January 1, 2003, the CPI on July 1, 2002 for the

recalculation of the annual fee on January 1, 2008, and the CPI on July 1, 2007 for the recalculation of the annual fee on January 1, 2013.

(c) Each private cabin, club, and organization site lease and each private boat dock permit shall expire on the date specified in the respective lease or permit.

(d) This regulation shall be effective on and after July 1, 2002. (Authorized by and implementing K.S.A. 32-807 and K.S.A. 32-988, as amended by L. 2001, Ch. 211, Sec. 9; effective Jan. 1, 1999; amended July 1, 2002.)

Article 3.—SMALL GAME

115-3-1. Game birds; legal equipment, taking methods, and possession. (a) Legal hunting equipment for game birds shall consist of the following:

(1) Shotguns and muzzleloading shotguns not larger than 10 gauge and using only shot;

(2) archery equipment;

(3) falconry equipment; and

(4) other equipment or methods as allowed by permit.

(b) The use of dogs, horses, and mules shall be permitted while hunting, but no person shall shoot while mounted on a horse or mule.

(c) Hunting hours shall be from ½ hour before sunrise to sunset.

(d) Game birds shall be shot only while the bird is in flight.

(e) Any type of apparel may be worn while taking game birds.

(f) Legally taken game birds may be possessed without limit in time and may be given to another if accompanied by a dated written notice that includes the donor's printed name, signature, address, and permit or license number. The person receiving the meat shall retain the notice until the meat is consumed, given to another, or otherwise disposed of. It shall not be deemed unlawful for a person to relinquish possession of a game bird for the purpose of dressing the bird.

(g) Pheasants in an individual's possession for the purpose of transportation shall retain intact a foot, plumage, or some part by which the sex can be readily established. (Authorized by and implementing K.S.A. 32-807 and K.S.A. 32-1002; effective, T-115-7-27-89, July 27, 1989; effective Sept. 18, 1989; amended June 1, 2001.)

115-3-2. Rabbits, hares, and squirrels; legal equipment, taking methods, and possession. (a) Legal hunting equipment for rabbits, hares, and squirrels shall consist of the following:

(1) Firearms, except fully automatic rifles and handguns and except shotguns and muzzleloading shotguns larger than 10 gauge or using other than shot ammunition;

(2) pellet and BB guns;

(3) archery equipment;

(4) crossbows;

(5) falconry equipment;

(6) projectiles hand-thrown or propelled by a slingshot;

(7) box traps for rabbits only;

(8) optical scopes or sights that project no visible light toward the target and do not electronically amplify visible or infrared light; and

(9) other equipment or methods as allowed by permit.

(b) The use of dogs, horses, and mules shall be permitted while hunting, but no person shall shoot while mounted on a horse or mule.

(c) Legal hours for the hunting and taking of rabbits, hares, and squirrels shall be from ½ hour before sunrise to sunset during established hunting seasons, except that legal hours for the running and box-trapping of rabbits shall be 24 hours per day during established running seasons.

(d) Any type of apparel may be worn while hunting or running rabbits.

(e) Legally taken rabbits, hares, and squirrels may be possessed without limit in time and may be given to another if accompanied by a dated written notice that includes the donor's printed name, signature, address, and permit or license number. The person receiving the meat shall retain the notice until the meat is consumed, given to another, or otherwise disposed of. (Authorized by and implementing K.S.A. 32-807 and K.S.A. 32-1002; effective, T-115-7-27-89, July 27, 1989; effective Sept. 18, 1989; amended, T-115-12-28-89, Dec. 28, 1989; amended Jan. 22, 1990; amended Sept. 19, 1997; amended June 1, 2001; amended July 23, 2004; amended Feb. 18, 2005.)

Article 4.—BIG GAME

115-4-1. (Authorized by K.S.A. 32-807 and K.S.A. 1999 Supp. 32-937; implementing K.S.A. 32-807, K.S.A. 1999 Supp. 32-937, K.S.A. 32-1001, and K.S.A. 32-1002; effective Jan. 22, 1990; amended May 27, 1991; amended June 1, 1993; amended May 10, 1996; amended June 6, 1997;

amended April 24, 1998; amended July 21, 2000; revoked June 1, 2001.)

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

(1) Each permittee shall sign, record the county, the date, and the time of kill, and attach the carcass tag to the carcass immediately following the kill and before moving the carcass from the site of the kill. Except for a wild turkey or big game animal taken with an "either sex" permit, the beard of the wild turkey or the head of the big game animal shall remain naturally attached to the carcass while in transit from the site of the kill to the permittee's residence or to a place of processing or preservation, unless the carcass has been tagged with a department check station tag. The carcass tag shall remain attached to the carcass until the animal is processed for consumption. The permittee shall retain the carcass tag until the animal is consumed, given to another, or otherwise disposed of.

(2) Any legally acquired big game or wild turkey meat may be given to and possessed by another, if a dated written notice that includes the donor's printed name, signature, address, and permit number accompanies the meat. The person receiving the meat shall retain the notice until the meat is consumed, given to another, or otherwise disposed of.

(3) Any person may possess a salvaged big game or wild turkey carcass if a department salvage tag issued to the person obtaining the carcass is affixed to the carcass. The salvage tag shall be retained as provided in paragraph (a)(1). Big game or wild turkey meat may be donated as specified in paragraph (a)(2) using the salvage tag number. Each salvage tag report prepared by the department agent issuing the tag shall be signed by the individual receiving the salvaged big game or wild turkey carcass. Each salvage tag shall include the following information:

(A) The name and address of the person to whom the tag is issued;

(B) the salvage tag number;

(C) the species and sex of each animal for which the tag is issued;

(D) the location and the date, time, and cause of death of each animal; and

(E) the date of issuance and the signature of the department agent issuing the salvage tag.

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

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

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

(3) Removal of the carcass tag from the permit or game tag shall invalidate the permit or game tag for hunting, unless otherwise authorized by law or regulation.

(4) In addition to other penalties prescribed by law, each big game and wild turkey permit or game tag shall be invalid from the date of issuance if obtained by an individual under any of these conditions:

(A) Through false representation;

(B) through misrepresentation; or

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

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

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

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

(3) The designated individual shall use only the type of equipment authorized for use by the disabled permittee. (Authorized by K.S.A. 32-807, K.S.A. 2003 Supp. 32-937, as amended by L. 2004, Ch. 99, Sec. 5, and L. 2004, Ch. 99, Sec. 12; implementing K.S.A. 32-807, K.S.A. 2003 Supp. 32-937, as amended by L. 2004, Ch. 99, Sec. 5, L. 2004, Ch. 99, Sec. 12, K.S.A. 2003 Supp. 32-1001, K.S.A. 32-1002, and K.S.A. 32-1004, as amended

by L. 2004, Ch. 99, Sec. 9; effective June 1, 2001; amended April 22, 2005.)

115-4-3. (Authorized by K.S.A. 32-807 and K.S.A. 1999 Supp. 32-937; implementing K.S.A. 32-807, K.S.A. 1999 Supp. 32-937, K.S.A. 32-1001, and K.S.A. 32-1002; effective April 30, 1990; amended May 27, 1991; amended June 8, 1992; amended June 1, 1993; amended May 30, 1995; amended May 10, 1996; amended June 6, 1997; amended July 21, 2000; revoked June 1, 2001.)

115-4-4. Big game; legal equipment and taking methods. (a) Hunting equipment for the taking of big game during a big game archery season shall consist of the following:

(1) Archery equipment.

(A) Each bow shall be hand-drawn.

(B) No bow shall have a mechanical device that locks the bow at full or partial draw.

(C) Each bow shall be designed to shoot only one arrow at a time.

(D) No bow shall have any electronic device attached to the bow or arrow, with the exception of lighted pin, dot, holographic sights, or illuminated nocks.

(E) Each arrow used for hunting shall be equipped with a broadhead point incapable of passing through a ring with a diameter of thirteen-sixteenths of an inch when fully expanded.

(F) No bow with less than 50 pounds of draw weight shall be used to archery hunt for elk.

(2) Crossbows and locking draws as authorized under K.A.R. 115-18-7.

(b) Hunting equipment for the taking of big game during a big game muzzleloader-only season shall consist of the following:

(1) Archery equipment as authorized in subsection (a);

(2) muzzleloading rifles and muskets that can be loaded only through the front of the firing chamber with separate components and that fire a bullet of .39 inches in diameter or larger, except for the hunting of elk, which shall require a bullet of .49 inches in diameter or larger; and

(3) single barrel muzzleloading pistols .45 caliber or larger that have a barrel length of 10 inches or greater and can be loaded only through the front of the barrel with separate components, except for the hunting of elk, which shall require a bullet of .49 inches in diameter or larger. Only hard-cast solid lead, conical lead, or saboted bullets shall be used with muzzleloading pistols.

(c) Hunting equipment for the taking of big game during a big game firearm season shall consist of the following:

(1) Archery equipment as authorized in subsection (a);

(2) muzzleloader-only season equipment as authorized in subsection (b);

(3) centerfire rifles and handguns that are not fully automatic, that fire a bullet larger than .23 inches in diameter, and that use a cartridge case that is 1.280 inches or more in length, while using only hard-cast solid lead, soft point, hollow point, or other expanding bullets, except for the hunting of elk, which shall require a bullet larger than .25 inches in diameter and a cartridge case that is 1.75 inches or more in length;

(4) shotguns using only slugs of 20 gauge or larger, except that the hunting of elk shall require a slug of 12 gauge or larger; and

(5) crossbows of not less than 125 pounds of draw weight, using arrows not less than 16 inches in length that are equipped with broadhead points incapable of passing through a ring with a diameter of thirteen-sixteenths of an inch when fully expanded.

(d) Accessory equipment.

(1) Each individual hunting deer or elk during a firearms deer or elk season and each individual assisting an individual hunting deer or elk as authorized by K.A.R. 115-4-2 or K.A.R. 115-18-15 during a firearms deer or elk season shall wear clothing of a bright orange color having a predominant light wavelength of 595-605 nanometers, commonly referred to as daylight fluorescent orange, hunter orange, blaze orange, or safety orange. This bright orange color shall be worn as follows:

(A) A hat with the exterior of not less than 50 percent of the bright orange color, an equal portion of which is visible from all directions; and

(B) a minimum of 100 square inches of the bright orange color that is on the front of the torso and is visible from the front and a minimum of 100 square inches that is on the rear of the torso and is visible from the rear.

(2) Nonelectric calls, lures, and decoys, except live decoys, shall be legal while hunting big game.

(3) Any individual may use blinds and stands while hunting big game.

(4) Optical scopes or sights that project no visible light toward the target and do not electronically amplify visible or infrared light may be used.

(5) Any range-finding device, if the device does

not project visible light toward the target, may be used.

(6) Devices capable of dispensing chemicals to take big game animals shall not be used.

(e) Big game permittees shall possess hunting equipment while hunting only as authorized by this regulation and by the most restrictive big game permit in possession while hunting.

(f) Shooting hours for deer, antelope, and elk during each day of any deer, antelope, or elk hunting season shall be from one-half hour before sunrise to one-half hour after sunset.

(g) Horses and mules may be used while hunting big game, except that horses and mules shall not be used for herding or driving elk. (Authorized by K.S.A. 32-807 and K.S.A. 2007 Supp. 32-937; implementing K.S.A. 32-807, K.S.A. 2007 Supp. 32-937, K.S.A. 2007 Supp. 32-1002, and K.S.A. 32-1015; effective June 1, 2001; amended April 19, 2002; amended April 22, 2005; amended June 2, 2006; amended April 13, 2007; amended April 11, 2008.)

115-4-4a. Wild turkey; legal equipment and taking methods. (a) Hunting equipment for the taking of wild turkey during a wild turkey archery season shall consist of the following:

(1) Archery equipment.

(A) Each bow shall be hand-drawn.

(B) No bow shall have a mechanical device that locks the bow at full or partial draw.

(C) Each bow shall be designed to shoot only one arrow at a time.

(D) No bow shall have any electronic device attached to the bow or arrow, with the exception of lighted pin, dot, holographic sights, or illuminated nocks.

(E) Each arrow used for hunting shall be equipped with a broadhead point incapable of passing through a ring with a diameter of thirteen-sixteenths of an inch when fully expanded.

(2) Crossbows and locking draws as authorized under K.A.R. 115-18-7.

(b) Hunting equipment for the taking of wild turkey during a wild turkey firearm season shall consist of the following:

(1) Archery equipment as authorized in subsection (a);

(2) shotguns and muzzleloading shotguns not less than 20 gauge and using only size two shot through size nine shot; and

(3) only during the spring wild turkey firearm season, crossbows of not less than 125 pounds of draw weight, using arrows not less than 16 inches in length that are equipped with broadhead points incapable of passing through a ring with a diameter of thirteen-sixteenths of an inch when fully expanded.

(c) Legal accessory equipment for the taking of wild turkey during any wild turkey season shall consist of the following:

(1) Nonelectric calls, lures, and decoys, except live decoys;

(2) blinds and stands;

(3) range-finding devices, if the devices do not project visible light toward the target; and

(4) optical scopes or sights that project no visible light toward the target and do not electronically amplify visible or infrared light.

(d) Each wild turkey permittee shall possess hunting equipment while hunting only as authorized by this regulation and by the most restrictive wild turkey permit or game tag in possession while hunting.

(e) Shooting hours for wild turkey during each day of any turkey hunting season shall be from one-half hour before sunrise to sunset.

(f) Each individual hunting turkey shall shoot or attempt to shoot a turkey only while the turkey is on the ground or in flight.

(g) Dogs may be used while hunting turkey, but only during the fall turkey season. (Authorized by K.S.A. 32-807 and K.S.A. 2006 Supp. 32-969; implementing K.S.A. 32-807, K.S.A. 2006 Supp. 32-969, and K.S.A. 2006 Supp. 32-1002; effective April 22, 2005; amended April 13, 2007; amended April 11, 2008.)

115-4-5. (Authorized by K.S.A. 32-807 and K.S.A. 1999 Supp. 32-937; implementing K.S.A. 32-807, K.S.A. 1999 Supp. 32-937, K.S.A. 32-1001, and K.S.A. 32-1002; effective April 30, 1990; amended May 27, 1991; amended June 8, 1992; amended June 1, 1993; amended May 30, 1995; amended May 10, 1996; amended June 6, 1997; amended July 21, 2000; revoked June 1, 2001.)

115-4-6. Deer; management units. Each of the following subsections shall designate a deer management unit: (a) High Plains; unit 1: that part of Kansas bounded by a line from the Nebraska-Kansas state line south on federal highway US-283 to its junction with interstate highway I-70, then west on interstate highway I-70 to the Colorado-Kansas state line, then north along the Colorado-Kansas state line to its junction with the Nebraska-

Kansas state line, then east along the Nebraska-Kansas state line to its junction with federal highway US-283, except federal and state sanctuaries.

(b) Smoky Hill; unit 2: that part of Kansas bounded by a line from the Colorado-Kansas state line east on interstate highway I-70 to its junction with state highway K-147, then south on state highway K-147 to its junction with state highway K-4, then west on state highway K-4 to its junction with federal highway US-83, then south on federal highway US-83 to its junction with state highway K-96, then west on state highway K-96 to its junction with the Colorado-Kansas state line, then north along the Colorado-Kansas state line to its junction with interstate highway I-70, except federal and state sanctuaries.

(c) Kirwin-Webster; unit 3: that part of Kansas bounded by a line from the Nebraska-Kansas state line south on state highway K-8 to its junction with federal highway US-36, then east on federal highway US-36 to its junction with federal highway US-281, then south on federal highway US-281 to its junction with interstate highway I-70, then west on interstate highway I-70 to its junction with federal highway US-283, then north on federal highway US-283 to its junction with the Nebraska-Kansas state line, then east along the Nebraska-Kansas state line to its junction with state highway K-8, except federal and state sanctuaries.

(d) Kanopolis; unit 4: that part of Kansas bounded by a line from the interstate highway I-70 and state highway K-147 junction, then east on interstate highway I-70 to its junction with federal highway US-81, then south on federal highway US-81 to its junction with state highway K-4, then west on state highway K-4 to its junction with state highway K-147, then north on state highway K-147 to its junction with interstate highway I-70, except federal and state sanctuaries.

Smoky Hill Air National Guard Range; subunit 4a.The following described area shall be designated a subunit of unit 4, and, with approval of air national guard command, the area shall be open for the taking of deer during the firearm season: United States government land lying entirely within the boundaries of the Smoky Hill Air National Guard Range. Each person hunting in this subunit during the firearm deer season shall be in possession of any permits and licenses required by the air national guard.

(e) Pawnee; unit 5: that part of Kansas bounded by a line from the state highway K-4 and state highway K-14 junction, then south on state highway K-14 to its junction with federal highway US-50, then west on federal highway US-50 to its junction with federal highway US-183, then northeast and north on federal highway US-183 to its junction with federal highway US-156, then west on federal highway US-156 to its junction with federal highway US-283, then north on federal highway US-283 to its junction with state highway K-4, then east on state highway K-4 to its junction with state highway K-14, except federal and state sanctuaries.

(f) Middle Arkansas; unit 6: that part of Kansas bounded by a line from the state highway K-4 and federal highway US-77 junction, then south on federal highway US-77 to its junction with federal highway US-50, then west on federal highway US-50 to its junction with state highway K-14, then north on state highway K-14 to its junction with state highway K-4, then east on state highway K-4 to its junction with federal highway US-77, except federal and state sanctuaries.

(g) Solomon; unit 7: that part of Kansas bounded by a line from the Nebraska-Kansas state line 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 federal highway US-281, then north on federal highway US-281 to its junction with federal highway US-36, then west on federal highway US-36 to its junction with state highway K-8, then north on state highway K-8 to its junction with the Nebraska-Kansas state line, then east along the Nebraska-Kansas state line to its junction with federal highway US-81, except federal and state sanctuaries.

(h) Republican; unit 8: that part of Kansas bounded by a line from the Nebraska-Kansas state line south on federal highway US-77 to its junction with federal highway US-24, then south on federal highway US-24 to its junction with state highway K-177, then south on state highway K-177 to its junction with interstate highway I-70, then west on interstate highway I-70 to its junction with federal highway US-77, then south on federal highway US-77 to its junction with state highway K-4, then west on state highway K-4 to its junction with federal highway US-81, then north on federal highway US-81 to its junction with the Nebraska-Kansas state line, then east along the Nebraska-Kansas state line to its junction with federal highway US-77, except federal and state sanctuaries.

Fort Riley; subunit 8a. The following described area shall be designated a subunit of unit 8, and, with approval of Fort Riley command, the area shall be open for the taking of deer during the firearm deer season: United States government land lying entirely within the boundaries of the Fort Riley military reservation. Each person hunting in this subunit during the firearm deer season shall be in possession of any permits and licenses required by Fort Riley.

(i) Tuttle Creek; unit 9: that part of Kansas bounded by a line from the Nebraska-Kansas state line, south on federal highway US-75 to its junction with Shawnee County NW 62 Street, then west on Shawnee County NW 62 Street to its junction with Shawnee County Landon Road, then south on Shawnee County Landon Road to its junction with Shawnee County NW 46 Street, then west on Shawnee County NW 46 Street to its junction with Shawnee County NW Humphrey Road, then south on Shawnee County NW Humphrey Road to its junction with federal highway US-24, then west on federal highway US-24 to its junction with Carlson-Rossville Road, then south on Carlson-Rossville Road to its junction with interstate highway I-70, then west on interstate highway I-70 to its junction with state highway K-177, then north on state highway K-177 to its junction with federal highway US-24, then north on federal highway US-24 to its junction with federal highway US-77, then north on federal highway US-77 to its junction with the Nebraska-Kansas state line, then east along the Nebraska-Kansas state line to its junction with federal highway US-75, except federal and state sanctuaries.

(j) Kaw; unit 10: that part of Kansas bounded by a line from the Nebraska-Kansas state line south on federal highway US-75 to its junction with Shawnee County NW 62 Street, then east on Shawnee County NW 62 Street to its junction with Jefferson County Clark Road, then south on Jefferson County Clark Road to its junction with Jefferson County 50 Road, then east on Jefferson County 50 Road to state highway K-237, then south on state highway K-237 to its junction with federal highway US-24, then east on federal highway US-24 to its junction with Tonganoxie Drive, then northeast on Tonganoxie Drive to its junction with Leavenworth County 187 Street, then north on Leavenworth County 187 Street to its junction with state highway K-92, then west on state highway K-92 to its junction with Leavenworth County 207 Street, then north on Leavenworth County 207 Street to its junction with state highway K-192, then northeast on state highway K-192 to its junction with federal highway US-73, then east on federal highway US-73 to the Missouri-Kansas state line, then north along the Missouri-Kansas state line to its junction with the Nebraska-Kansas state line, then west along the Nebraska-Kansas state line to its junction with federal highway US-75, except federal and state sanctuaries.

Fort Leavenworth urban; subunit 10a. The following described area shall be designated a subunit of unit 10, and, with approval of Fort Leavenworth command, the area shall be open for the taking of deer during the firearm deer season: United States government land lying entirely within the boundaries of the Fort Leavenworth military reservation. Each person hunting in this subunit during the firearm deer season shall be in possession of any permits and licenses required by Fort Leavenworth.

(k) Osage Prairie; unit 11: that part of Kansas bounded by a line from the Oklahoma-Kansas state line north on federal highway US-169 to its junction with state highway K-47, then west on state highway K-47 to its junction with federal highway US-75, then north on federal highway US-75 to its junction with federal highway US-56, then east on federal highway US-56 to its junction with Johnson County 199 Street, then east on Johnson County 199 Street to its junction with the Missouri-Kansas state line, then south along the Missouri-Kansas state line to its junction with the Oklahoma-Kansas state line, then west along the Oklahoma-Kansas state line to its junction with federal highway US-169, except federal and state sanctuaries.

(1) Chautauqua Hills; unit 12: that part of Kansas bounded by a line from the Oklahoma-Kansas state line north on federal highway US-169 to its junction with state highway K-47, then west on state highway K-47 to its junction with federal highway US-75, then north on federal highway US-75 to its junction with federal highway US-54, then west on federal highway US-54 to its junction with state highway K-99, then south on state highway K-99 to its junction with federal highway US-160, then west on federal highway US-160 to its junction with state highway K-15, then east and south on state highway K-15 to its junction with the Oklahoma-Kansas state line, then east along the Oklahoma-Kansas state line to its junction

with federal highway US-169, except federal and state sanctuaries.

(m) Lower Arkansas; unit 13: that part of Kansas bounded by a line from the Oklahoma-Kansas state line north on federal highway US-81 to its junction with state highway K-53, then east on state highway K-53 to its junction with state highway K-15, then southeasterly on state highway K-15 to its junction with the Oklahoma-Kansas state line, then west along the Oklahoma-Kansas state line to its junction with federal highway US-81, except federal and state sanctuaries.

(n) Flint Hills; unit 14: that part of Kansas bounded by a line from the junction of interstate highway I-70 and Shawnee County SW Auburn Road, then south on Shawnee County Auburn Road to its junction with Shawnee County SW 93 Road, then east on Shawnee County SW 93 Road to its junction with South Topeka Boulevard, then south on South Topeka Boulevard to its junction with federal highway US-56, then east on federal highway US-56 to its junction with federal highway US-75, then south on federal highway US-75 to its junction with federal highway US-54, then west on federal highway US-54 to its junction with state highway K-99, then south on state highway K-99 to its junction with federal highway US-160, then west on federal highway US-160 to its junction with federal highway US-77, then north on federal highway US-77 to its junction with interstate highway I-70, then east on interstate highway I-70 to its junction with Shawnee County SW Auburn Road, except federal and state sanctuaries.

(o) Ninnescah; unit 15: that part of Kansas bounded by a line from the Oklahoma-Kansas state line north on state highway K-179 to its junction with state highway K-14, then continuing north on state highway K-14 to its junction with state highway K-42, then west on state highway K-42 to its junction with federal highway US-281, then north on federal highway US-281 to its junction with federal highway US-50, then east on federal highway US-50 to its junction with federal highway US-77, then south on federal highway US-77 to its junction with state highway K-15, then west and northwest on state highway K-15 to its junction with state highway K-53, then west on state highway K-53 to its junction with federal highway US-81, then south on federal highway US-81 to the Oklahoma-Kansas state line, then west along the Oklahoma-Kansas state line to its junction with state highway K-179, except federal and state sanctuaries.

(p) Red Hills; unit 16: that part of Kansas bounded by a line from the Oklahoma-Kansas state line north on federal highway US-283 to its junction with federal highway US-54, then east on federal highway US-54 to its junction with federal highway US-183, then north on federal highway US-183 to its junction with federal highway US-50, then east on federal highway US-50 to its junction with federal highway US-281, then south on federal highway US-281 to its junction with state highway K-42, then east on state highway K-42 to its junction with state highway K-14, then south on state highway K-14 to its junction with state highway K-179, then south on state highway K-179 to the Oklahoma-Kansas state line, then west along the Oklahoma-Kansas state line to its junction with federal highway US-283, except federal and state sanctuaries.

(q) West Arkansas; unit 17: that part of Kansas bounded by a line from the Colorado-Kansas state line east on state highway K-96 to its junction with federal highway US-83, then north on federal highway US-83 to its junction with state highway K-4, then east on state highway K-4 to its junction with federal highway US-283, then south on federal highway US-283 to its junction with federal highway US-156, then east on federal highway US-156 to its junction with federal highway US-183, then south on federal highway US-183 to its junction with federal highway US-54, then southwest on federal highway US-54 to its junction with federal highway US-283, then north on federal highway US-283 to its junction with federal highway US-56, then southwest on federal highway US-56 to its junction with state highway K-144, then west on state highway K-144 to its junction with federal highway US-160, then continuing west on federal highway US-160 to the Colorado-Kansas state line, then north along the Colorado-Kansas state line to its junction with state highway K-96, except federal and state sanctuaries.

(r) Cimarron; unit 18: that part of Kansas bounded by a line from the Colorado-Kansas state line east on federal highway US-160 to its junction with state highway K-144, then east on state highway K-144 to its junction with federal highway US-56, then east on federal highway US-56 to its junction with federal highway US-283, then south on federal highway US-283 to its junction with the Oklahoma-Kansas state line, then west along the Oklahoma-Kansas state line to its junction with

the Colorado-Kansas state line, then north along the Colorado-Kansas state line to its junction with federal highway US-160, except federal and state sanctuaries.

(s) Kansas City urban; unit 19: that part of Kansas bounded by a line from the Missouri-Kansas state line west on Johnson County 199 Street to its junction with federal highway US-56, then west on federal highway US-56 to its junction with South Topeka Boulevard, then north on South Topeka Boulevard to its junction with Shawnee County SW 93 Road, then west on Shawnee County SW 93 Road to its junction with Shawnee County SW Auburn Road, then north on Shawnee County SW Auburn Road to its junction with interstate highway I-70, then west on interstate highway I-70 to its junction with Carlson-Rossville Road, then north on Carlson-Rossville Road to its junction with federal highway US-24, then southeast on federal highway US-24 to its junction with Shawnee County NW Humphrey Road, then north on Shawnee County NW Humphrey Road to its junction with Shawnee County NW 46 Street, then east on Shawnee County NW 46 Street to its junction with Shawnee County NW Landon Road, then north on Shawnee County NW Landon Road to its junction with Shawnee County NW 62 Street, then east on Shawnee County NW 62 Street to its junction with Jefferson County Clark Road, then south on Jefferson County Clark Road to its junction with Jefferson County 50 Road, then east on Jefferson County 50 Road to state highway K-237, then south on state highway K-237 to its junction with federal highway US-24, then east on federal highway US-24 to its junction with Tonganoxie Drive, then northeast on Tonganoxie Drive to its junction with Leavenworth County 187 Street, then north on Leavenworth County 187 Street to its junction with state highway K-92, then west on state highway K-92 to its junction with Leavenworth County 207 Street, then north on Leavenworth County 207 Street to its junction with state highway K-192, then northeast on state highway K-192 to its junction with federal highway US-73, then east on federal highway US-73 to the Missouri-Kansas state line, then south on the Missouri-Kansas state line to Johnson County 199 Street, except federal and state sanctuaries. (Authorized by K.S.A. 32-807; implementing K.S.A. 32-807 and K.S.A. 2006 Supp. 32-937; effective April 30, 1990; amended June 8, 1992; amended June 1, 1993; amended June 13, 1994; amended May 30, 1995; amended June 6, 1997; amended July 21, 2000; amended April 18, 2003; amended July 25, 2003; amended Feb. 18, 2005; amended April 14, 2006; amended Feb. 8, 2008.)

115-4-6a. (Authorized by K.S.A. 32-807; implementing K.S.A. 32-807 and K.S.A. 2003 Supp. 32-937, as amended by L. 2004, Ch. 99, Sec. 5; effective Feb. 18, 2005; revoked Feb. 8, 2008.)

115-4-7. (Authorized by K.S.A. 32-807 and K.S.A. 1999 Supp. 32-937; implementing K.S.A. 32-807, K.S.A. 1999 Supp. 32-937, K.S.A. 32-1001, and K.S.A. 32-1002; effective April 30, 1990; amended May 27, 1991; amended June 8, 1992; amended June 1, 1993; amended June 13, 1994; amended May 30, 1995; amended May 10, 1996; amended June 6, 1997; amended April 24, 1998; amended July 21, 2000; revoked June 1, 2001.)

115-4-8. (Authorized by K.S.A. 32-807; implementing K.S.A. 32-807 and K.S.A. 32-1015; effective, T-115-9-26-89, Sept. 26, 1989; effective Oct. 30, 1989; amended May 30, 1995; revoked June 1, 2001.)

115-4-9. (Authorized by K.S.A. 1989 Supp. 32-807; implementing K.S.A. 1989 Supp. 32-807, K.S.A. 1989 Supp. 32-1002 and K.S.A. 1989 Supp. 32-1004; effective Sept. 10, 1990; revoked June 1, 2001.)

115-4-10. (Authorized by and implementing K.S.A. 1989 Supp. 32-807; effective, T-115-9-26-89, Sept. 26, 1989; effective Oct. 30, 1989; amended Sept. 10, 1990; revoked June 1, 2001.)

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 big game or wild turkey permit for each big game species or wild turkey.

(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 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.

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

(3) If an applicant obtains a firearm permit, 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.

(d) Elk permit applications. 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:

(1) 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.

(2) 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 subsection (d), however, this individual may apply for and receive an any-elk or bull-only elk permit without a waiting period.

(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.

(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. (Authorized by K.S.A. 32-807 and K.S.A. 2003 Supp. 32-937, as amended by L. 2004, ch. 99, sec. 5, and L. 2004, ch. 99, sec. 12; implementing K.S.A. 2003 Supp. 32-937, as amended by L. 2004, ch. 99, sec. 5, and L. 2004, ch. 99, sec. 12; effective Sept. 10, 1990; amended May 27, 1991; amended June 1, 2001; amended April 18, 2003; amended Feb. 18, 2005.)

115-4-12. (Authorized by K.S.A. 32-807 and K.S.A. 32-937 as amended by L. 1994, Chapter 245, sec. 1; implementing K.S.A. 32-807, K.S.A. 32-937 as amended by L. 1994, Chapter 245, sec. 1 and K.S.A. 32-1002; effective May 27, 1991; amended Oct. 17, 1994; revoked June 1, 2001.)

115-4-13. Deer permits; descriptions and restrictions. Except as otherwise specified or further restricted by law or regulation, the following deer permit descriptions, provisions, and restrictions shall be in effect.

(a) White-tailed deer permits.

(1) Resident any-season white-tailed deer permit. This permit shall be valid for the hunting of white-tailed deer statewide during the established muzzleloader-only, archery, and firearms deer seasons using equipment that is legal during the established season.

(2) Antlerless white-tailed deer permit. This permit shall be valid for the hunting of antlerless white-tailed deer statewide during the established muzzleloader-only, archery, and firearms deer seasons using equipment that is legal during the established season. The first antlerless white-tailed deer permit issued to an applicant shall be valid statewide on all lands and waters. If any subsequent antlerless white-tailed deer permit is issued to the same applicant, that permit shall be valid in designated management units but shall not be valid on department lands and waters, unless otherwise specified in these regulations.

(3) Nonresident white-tailed deer permit. This permit shall be valid for the hunting of white-tailed deer within a designated management unit and one additional adjoining management unit using legal equipment for one of the following deer seasons, which shall be selected at the time of application: muzzleloader-only, archery, or firearms deer season. Muzzleloader-only permits may be used in the early muzzleloader season and during the regular firearms season, using equipment that is legal during the muzzleloader deer season.

(b Either-species, either-sex deer permits.

(1) Resident archery either-species, either-sex deer permit. This permit shall be valid for the hunting of any antlered or antlerless white-tailed deer or mule deer statewide during the established archery deer season, using equipment that is legal during the archery deer season.

(2) Resident firearm either-species, either-sex deer permit. This permit shall be valid for the hunting of any antlered or antlerless white-tailed deer or mule deer during the established firearms deer season within designated management units, using equipment that is legal during the firearms deer season.

(3) Resident muzzleloader either-species, either-sex deer permit. This permit shall be valid for the hunting of any antlered or antlerless white-tailed deer or mule deer during the established muzzleloader-only and firearms deer seasons within designated management units, using muzzleloader equipment that is legal during the muzzleloader-only deer season.

(4) Nonresident either-species, either-sex deer permit. Any nonresident possessing a nonresident archery or muzzleloader-only white-tailed deer

permit valid for a management unit designated by the department as a mule deer unit may apply for one of a limited number of mule deer stamps that, if drawn, will convert the applicant's white-tailed deer permit to an either-species, either-sex deer permit.

(5) Antlerless either-species permit. This permit shall be valid for the hunting of any antlerless white-tailed deer or mule deer within a designated management unit or units during the established muzzleloader-only, archery, and firearms deer seasons, using equipment that is legal during the established season.

(c) Hunt-on-your-own-land deer permits. Each hunt-on-your-own-land permit shall be valid for any white-tailed deer or mule deer, unless otherwise specified in these regulations.

(1) Resident hunt-on-your-own-land deer permit. This permit shall be available to individuals who qualify as resident landowners or as tenants or as family members domiciled with the landowner or with the tenant. This permit shall be valid during the muzzleloader-only, archery, and firearms deer seasons, using equipment that is legal during the established season. This permit shall be valid only on lands owned or operated by the landowner or tenant.

(2) Special resident hunt-on-your-own-land deer permit. This permit shall be available to individuals who qualify as lineal ascendants or descendants and their spouses, or as siblings of resident landowners or as tenants. This permit shall be valid during the muzzleloader-only, archery, and firearms deer seasons, using equipment that is legal during the established season. This permit shall be valid only on lands owned or operated by the landowner or tenant.

(3) Nonresident hunt-on-your-own-land deer permit. This permit shall be available to nonresident individuals who qualify as Kansas landowners. This permit shall be valid during the muzzleloader-only, archery, and firearms deer seasons, using equipment that is legal during the established season. This permit shall be valid only on lands owned or operated by the nonresident landowner.

(d) Each deer permit shall be valid only for the species of deer specified and only for the antler category of deer specified by regulation or on the permit.

(1) An either-sex deer permit shall be valid for deer of either sex.

(2) An antlerless deer permit shall be valid only for a deer without a visible antler plainly protruding from the skull.

(3) An either-species, either-sex deer permit shall be valid for a white-tailed deer of either sex or a mule deer of either sex, except that an antlerless either-species deer permit shall be valid only for a deer of either species without a visible antler plainly protruding from the skull. (Authorized by K.S.A. 32-807 and K.S.A. 2006 Supp. 32-937, as amended by L. 2007, Ch. 133, Sec. 1; implementing K.S.A. 32-807, K.S.A. 2006 Supp. 32-937, as amended by L. 2007, Ch. 133, Sec. 1, and K.S.A. 2006 Supp. 32-1002; effective Jan. 30, 1995; amended June 6, 1997; amended July 30, 1999; amended June 1, 2001; amended April 22, 2005; amended July 20, 2007; amended April 11, 2008.)

115-4-14. (Authorized by and implementing K.S.A. 32-807 and K.S.A. 2003 Supp. 32-968, as amended by L. 2004, Ch. 76, Sec. 1; effective Nov. 29, 2004; revoked Feb. 8, 2008.)

Article 5.—FURBEARERS

115-5-1. Furbearers and coyotes; legal equipment, taking methods, and general provisions. (a) Hunting equipment permitted during furbearer hunting seasons and during coyote hunting seasons shall consist of the following:

(1) Firearms, except fully automatic firearms;

(2) archery equipment;

(3) crossbows; and

(4) optical scopes or sights that project no visible light toward the target and do not electronically amplify visible or infrared light.

(b) Trapping equipment permitted during furbearer and coyote trapping seasons shall consist of the following:

(1) Foothold traps;

(2) body-gripping traps;

(3) box traps;

(4) live traps;

(5) snares; and

(6) deadfalls.

(c) The following general provisions shall apply to the taking of furbearers and coyotes:

(1) Calls may be used in the taking of furbearers and coyotes.

(2) Handheld, battery-powered flashlights, hat lamps, and handheld lanterns may be used while trapping furbearers or coyotes or while running furbearers.

(3) .22 caliber rimfire rifles and handguns may

be used to take trapped furbearers or trapped coyotes when using a light to check traps.

(4) .22 caliber rimfire rifles and handguns may be used while using a handheld, battery-powered flashlight, hat lamp, or handheld lantern to take furbearers treed with the aid of dogs.

(5) Lures, baits, and decoys may be used in the taking of furbearers and coyotes.

(6) The use of horses and mules shall be permitted while hunting, trapping, or running furbearers and coyotes.

(7) The use of motor vehicles for taking coyotes shall be permitted while hunting coyotes.

(8) The use of radios in land or water vehicles shall be permitted for the taking of coyotes.

(9) The use of dogs for hunting and during running seasons shall be permitted.

(10) Any conibear-type, body-gripping trap with a jawspread of eight inches or greater shall be used only in a water set.

(11) Only landowners or tenants of land immediately adjacent to the right-of-way of a public road, or their immediate family members or authorized agents, may set slide-locking wire or snare-type cable traps as dryland sets within five feet of a fence bordering a public road or within 50 feet of the outside edge of the surface of a public road. Only these landowners or tenants, or their immediate family members or authorized agents, may possess the fur, pelt, skin, or carcass of any furbearer or coyote removed from these devices located within these specified limits.

(12) A person shall not have in possession any equipment specified in subsection (a) while pursuing or chasing furbearers with hounds during the running season.

(13) All trapping devices included in subsection (b) shall be tagged with the user's name and address and shall be tended and inspected at least once every calendar day. (Authorized by K.S.A. 32-807; implementing K.S.A. 32-807, K.S.A. 32-1002, and K.S.A. 32-1003; effective March 19, 1990; amended Nov. 15, 1993; amended July 19, 2002; amended Feb. 18, 2005.)

115-5-2. Furbearers and coyotes; possession, disposal, and general provisions. (a) Raw furs, pelts, or skins of furbearers may be possessed for the shorter of the following time periods:

(1) Not more than 30 days following the closing of the season in which that species of furbearer may legally be taken; or

(2) until the day before the beginning of the running season in which that species of furbearer may legally be run.

(b) Requests to possess raw furs, pelts, or skins beyond the possession period as specified in subsection (a) shall be submitted to the department and, if granted, shall be authorized in writing by the secretary. Each request shall specify the number of each species of furbearers possessed and the applicant's name, address, and furharvester license number.

(c) Live furbearers legally taken during a furbearer season may be possessed only through the last day of the season in which taken.

(d) Unskinned carcasses of furbearers, except bobcat and swift fox carcasses, may be possessed for not more than 48 hours following the closing of the season in which that species of furbearer may legally be taken. Skinned carcasses and meat of furbearers may be possessed without limit in time.

(e) Legally acquired skinned carcasses and meat of furbearers may be sold or given to and possessed by another, and legally acquired raw furs, pelts, and skins of furbearers may be given to and possessed by another, if a written notice that includes the seller's or donor's name, address, and furharvester license number accompanies the carcass, pelt, or meat. A bobcat or swift fox tag as described in subsection (h) shall meet the requirements of written notice.

(f) Legally taken raw furs, pelts, skins, or carcasses of coyotes or legally taken live coyotes may be possessed without limit in time.

(g) Any person in lawful possession of raw furbearer or coyote furs, pelts, skins, or carcasses may sell or ship or offer for sale or shipment the same to licensed fur dealers or any person legally authorized to purchase raw furbearer or coyote furs, pelts, skins, or carcasses.

(h) Any bobcat or swift fox pelt legally taken in Kansas may be sold to any fur dealer or shipped from the state for the purpose of selling if an export tag provided by the department has been affixed to the pelt.

(1) The pelt of any bobcat or swift fox taken in Kansas shall be presented to the department for tagging within seven days following closure of the bobcat or swift fox hunting and trapping season.

(2) Each pelt presented for tagging shall be accompanied by the furharvester license number under which the pelt was taken.

(i) Bobcat or swift fox pelts tagged by the department may be possessed without limit in time.

(j) Properly licensed persons may legally salvage furbearers and coyotes found dead during the established open seasons for hunting or trapping of furbearers or coyotes. Salvaged furbearers and coyotes may be possessed or disposed of as authorized by this regulation. (Authorized by K.S.A. 32-807; implementing K.S.A. 32-807 and K.S.A. 32-1002; effective March 19, 1990; amended Oct. 17, 1994; amended Nov. 29, 1999; amended July 19, 2002.)

115-5-3. Furbearers and coyotes; management units. The management unit for furbearers and coyotes shall be statewide. (Authorized by and implementing K.S.A. 32-807; effective Oct. 17, 1994; amended July 19, 2002.)

115-5-4. Nonresident bobcat hunting permit; tagging, disposal, legal equipment, shooting hours, and general provisions. (a) Each permittee shall sign, record the county, date, and time of kill, and attach the carcass tag to the carcass immediately following the kill and before moving the carcass from the site of the kill.

(b) The carcass tag shall remain attached to the carcass or pelt until presented to the department for tagging with an export tag. The export tagging shall occur within seven calendar days of the harvest of the bobcat.

(c) Nonresident bobcat hunting permits shall be valid only for the hunting season specified in K.A.R. 115-25-11.

(d) Nonresident bobcat hunting permits purchased during the open season shall not be valid until the next calendar day.

(e) Nonresident bobcat hunting permits shall not be transferred to another person.

(f) Removal of the carcass tag from the nonresident bobcat hunting permit shall invalidate the permit for hunting, unless otherwise authorized by law or regulation.

(g) Legally acquired, skinned carcasses and meat of bobcats taken with a nonresident bobcat hunting permit may be sold or given to and possessed by another, and legally acquired raw furs, pelts, and skins of bobcats may be given to and possessed by another, if a written notice that includes the seller's or donor's name, address, and nonresident bobcat hunting permit number accompanies the carcass, pelt, or meat. A bobcat export tag as described in subsection (b) shall meet the requirements of written notice.

(h) Hunting equipment permitted during bobcat hunting season for use with a nonresident bobcat hunting permit shall consist of the following:

(1) Firearms, except fully automatic firearms;

(2) archery equipment;

(3) crossbows; and

(4) optical scopes or sights that project no visible light toward the target and do not electronically amplify visible or infrared light.

(i) The following general provisions shall apply to the hunting of bobcats with a nonresident bobcat hunting permit:

(1) Calls, lures, baits and decoys may be used in the hunting of bobcats.

(2) Shooting hours shall be one-half hour before sunrise to one-half hour after sunset.

(3) The bag limit shall be one bobcat for each nonresident bobcat hunting permit purchased. (Authorized by K.S.A. 32-807; implementing K.S.A. 32-807 and K.S.A. 32-1002; effective May 20, 2005.)

Article 6.—FUR DEALERS

115-6-1. Fur dealers license; application, authority, possession of furs, records, and revocation. (a) Applications shall be on forms provided by the department. Each applicant shall provide the following information:

(1) name of applicant;

(2) address;

(3) business locations;

(4) inventory of raw furs, pelts, skins and carcasses of furbearing animals and coyotes on hand at time of application; and

(5) other information as required by the secretary.

(b) A fur dealer license shall expire on June 30, except any fur dealer's license issued for the calendar year 1990 shall not expire until June 30, 1991.

(c) Fur dealers shall deal with only properly licensed persons and only at authorized fur dealer business locations.

(d) Fur dealers may buy, purchase or trade in the furs, pelts, skins or carcasses of coyotes.

(e) Each fur dealer may possess legally acquired furs, pelts, skins, or carcasses of furbearing animals for no more than 30 days after the expiration date of the fur dealer's license. Coyote furs, pelts, skins or carcasses may be possessed without limit in time.

(f) Each fur dealer shall purchase or acquire

only those bobcat pelts that have been tagged with a department export tag or with the official export tag provided by the wildlife agency of another state.

(g) Each fur dealer shall maintain a furharvester record book and a fur dealer record book provided by the department. Entries shall be made in the appropriate record book whenever receiving, shipping or otherwise disposing of furs, pelts, skins or carcasses of furbearing animals or coyotes. Each record book, all receipts and all furs, pelts, skins and carcasses in possession of the fur dealer shall be subject to inspection upon demand by any conservation officer. Each record book and all receipts shall be subject to copying upon demand by any conservation officer. Each fur dealer shall forward all record books annually to the department on or before April first. The furharvester record book and the fur dealer record book shall include the following information:

(1) furharvester record book:

(A) name of fur dealer;

(B) address;

(C) fur dealer license number;

(D) the date of each receipt of furs, pelts, skins or carcasses;

(E) name, address and license number of each person from whom furs, pelts, skins or carcasses were acquired;

(F) name of the state where harvested;

(G) number of each species of furs, pelts, skins or carcasses acquired; and

(H) other information as required by the secretary.

(2) fur dealer record book:

(A) name of fur dealer;

(B) address;

(C) fur dealer license number;

(D) date of each receipt or disposal of furs, pelts, skins, or carcasses;

(E) name, address and fur dealer license number of each fur dealer from which furs, pelts, skins or carcasses are acquired or to which they are sold;

(F) number and species of furs, pelts, skins or carcasses acquired or sold; and

(G) other information as required by the secretary.

(h) In addition to other penalties prescribed by law, the secretary may refuse to issue or may revoke a fur dealer's license if:

(1) the application is incomplete or contains false information;

(2) the fur dealer fails to meet reporting requirements; or

(3) the fur dealer violates license conditions. (Authorized by L. 1989, Chapter 118, section 9 and K.S.A. 32-163, as amended by L. 1989, Chapter 118, section 73; implementing L. 1989, Chapter 118, section 9; K.S.A. 32-163, as amended by L. 1989, Chapter 118, section 73; and L. 1989, Chapter 118, section 14; effective March 19, 1990.)

Article 7.—FISH AND FROGS

115-7-1. Fishing; legal equipment, methods of taking, and other provisions. (a) Legal equipment and methods for taking sport fish shall be the following:

(1) Fishing lines with not more than two baited hooks or artificial lures per line;

(2) trotlines;

(3) setlines;

(4) tip-ups;

(5) using a person's hand or hands for flathead catfish in waters designated as open to hand fishing, subject to the following requirements:

(A) An individual hand fishing shall not use hooks, snorkeling or scuba gear, or other man-made devices while engaged in hand fishing;

(B) an individual hand fishing shall not possess fishing equipment, other than a stringer, while engaged in hand fishing and while on designated waters or adjacent banks;

(C) stringers shall not be used as an aid for hand fishing and shall not be used until the fish is in possession at or above the surface of the water;

(D) each individual hand fishing shall take fish only from natural objects or natural cavities;

(E) an individual hand fishing shall not take fish from any man-made object, unless the object is a bridge, dock, boat ramp, or riprap, or other similar structure or feature; and

(F) no part of any object shall be disturbed or altered to facilitate the harvest of fish for hand fishing;

(6) snagging for paddlefish in waters posted or designated by the department as open to the snagging of paddlefish, subject to the following requirements:

(A) Each paddlefish caught and landed shall be included in the creel and possession limit, unless a minimum length limit has been established and posted for that area, in which case each paddlefish not meeting the minimum length limit shall be

released immediately into the waters from which it came;

(B) each individual fishing for paddlefish shall place all paddlefish legally caught on a stringer, cord, cable, or chain, or in a basket, sack, cage, or other holding device, which shall be marked with the individual's name and address;

(C) each individual with a filled creel limit shall cease all snagging activity in the paddlefish snagging area until the next calendar day; and

(D) each individual taking paddlefish to be included in the creel and possession limit during the snagging season shall sign the carcass tag, record the county, the date, and the time of harvest on the carcass tag, and attach the carcass tag to the lower jaw of the carcass immediately following the harvest and before moving the carcass from the site of the harvest; and

(7) floatlines in waters posted or designated by the department as open to floatline fishing, which shall be subject to the following requirements:

(A) All floatlines shall be under the immediate supervision of the angler setting the floats. "Immediate supervision" shall mean that the angler has visual contact with the floatlines set while the angler is on the water body where the floatlines are located;

(B) all floatlines shall be removed when float fishing ceases;

(C) floatlines shall not contain more than one line per float, with not more than two baited hooks per line;

(D) all float material shall be constructed only from plastic, wood, or foam and shall be a closed-cell construction. A "closed-cell" construction shall mean a solid body incapable of containing water.

(b) Legal equipment and methods for taking non-sport fish shall be the following:

(1) Fishing lines with not more than two baited hooks or artificial lures per line;

(2) trotlines;

(3) setlines;

(4) tip-ups;

(5) bow and arrow with a barbed head and a line attached from bow to arrow;

(6) crossbow and arrow with a barbed head and a line attached from arrow to crossbow;

(7) spear gun, without explosive charge, while skin or scuba diving. The spear, without explosive charge, shall be attached to the speargun or person by a line;

(8) gigging;

(9) snagging in waters posted by the department as open to snagging; and

(10) floatlines in waters posted or designated by the department as open to floatline fishing, which shall be subject to the requirements specified in paragraphs (a)(7)(A) through (D).

(c) Dip nets and gaffs may be used to land any legally caught or hooked fish.

(d) Fish may be taken by any method designated by the secretary when a fish salvage order has been issued by the secretary through public notice or posting the area open to fish salvage.

(e) Fish may be taken with the aid of boats, depth finders, artificial lights, sound attracters, and scents.

(f) Fish may be taken by legal means from vehicles.

(g) The following additional requirements shall apply in the flowing portions and backwaters of the Missouri river and in any oxbow lake through which the Kansas-Missouri boundary passes:

(1) Each individual shall place all legally caught fish on a stringer, cord, cable, or chain, or in a basket, sack, cage, or other holding device, separate from those fish caught by any other individual.

(2) The equipment and methods specified in paragraphs (b)(5) and (b)(6) shall be legal only from sunrise to midnight.

(3) The equipment and method specified in paragraphs (a)(7), (b)(9), and (b)(10) shall be legal only from sunrise to sunset. (Authorized by K.S.A. 32-807; implementing K.S.A. 32-807 and K.S.A. 2007 Supp. 32-1002; effective Dec. 26, 1989; amended Feb. 10, 1992; amended Oct. 1, 1999; amended Dec. 8, 2000; amended Sept. 27, 2002; amended Nov. 29, 2004; amended Nov. 27, 2006; amended Nov. 16, 2007; amended Dec. 1, 2008.)

115-7-2. Fishing; general provisions. (a) Except as authorized in this regulation, any person may operate or set two fishing lines and, in addition, one trotline, eight floatlines, or eight setlines.

(b) Each fishing line, trotline, and setline shall be checked at least once every 24 hours.

(c) Each trotline, setline, tip-up, floatline, and unattended fishing line shall have a tag or label securely attached, designating the name and address of the operator. No trotline, floatline, or setline shall be set within 150 yards of any dam.

(d) Sport fish shall be deemed legally taken by hook and fishing line only when hooked within the mouth, except paddlefish, which may be snagged

as authorized by K.A.R. 115-7-1. Other sport fish hooked elsewhere shall be returned unrestrained to the water immediately.

(e) Fish may be taken by legal methods through the ice, unless the area is closed to ice fishing by posted notice or otherwise prohibited by regulation. Ice holes used for ice fishing shall not exceed 12 inches in diameter or 144 square inches.

(f) For ice fishing, a tip-up may be used on each of the allowed eight setlines, unless otherwise posted.

(g) Bow and arrow fishing and crossbow and arrow fishing shall be permitted in all waters of the state except those waters posted as closed to such fishing and except all waters within 50 yards of an occupied boat dock or ramp, occupied swimming area, occupied picnic or camping area, or other occupied public use area.

(h) Speargun fishing shall be permitted on waters open to skin and scuba diving, unless prohibited by posted notice or regulation. By posted notice, certain water areas may be opened by the department for the taking of one or more species of sport fish by spearguns during a specified time period.

(i) Unless otherwise prohibited by regulation, in the flowing portions and backwaters of the Missouri river and in any oxbow lake through which the Kansas-Missouri boundary passes, any person may operate or set three fishing lines and, in addition, one trotline, eight floatlines, or eight setlines.

(j) Unless otherwise prohibited by regulation, in the waters of the state other than those waters specified in subsection (i), any person in possession of a three-pole permit may operate or set three fishing lines, and, in addition, one trotline, eight floatlines, or eight setlines. (Authorized by K.S.A. 32-807; implementing K.S.A. 2007 Supp. 32-1002; effective Dec. 26, 1989; amended Sept. 27, 2002; amended Feb. 18, 2005; amended Dec. 1, 2008.)

115-7-3. Fish; taking of bait fish or minnows. (a) Bait fish may be taken for noncommercial purposes by the following methods:

(1) a seine not longer than 15 feet and four feet deep with mesh not larger than ¼ inch;

(2) a fish trap with mesh not larger than ¼ inch and a throat not larger than one inch in diameter;

(3) a dip or cast net with mesh not larger than ⅜ inch; or

(4) a fishing line.

(b) Each fish trap shall be tagged with the operator's name and address when the fish trap is in use.

(c) Bait fish taken shall not exceed 12 inches in total length.

(d) The possession limit shall be 500 bait fish. (Authorized by K.S.A. 1989 Supp. 32-007; implementing K.S.A. 1989 Supp. 32-807 and K.S.A. 1989 Supp. 32-1002; effective Sept. 10, 1990.)

115-7-4. Fish; processing and possession. (a) Each person who takes any fish from a body of water shall leave the head, body, and tail fin attached while the person has possession of the fish on the water.

(b) Each person who has taken any fish shall retain the fish in that person's possession until any of the following occurs:

(1) The fish is consumed or processed for consumption.

(2) The fish is transported to the person's domicile or given to another person.

(3) The fish is transported to a place of commercial preservation or place of commercial processing for consumption.

(4) The fish is returned unrestrained to the waters from which the fish was taken.

(5) The fish is disposed of at a location designated for fish disposal or at a designated fish cleaning station. (Authorized by K.S.A. 32-807; implementing K.S.A. 32-807 and K.S.A. 2005 Supp. 32-1002; effective Dec. 26, 1989; amended Nov. 27, 2006.)

115-7-5. Bullfrogs and turtles; legal equipment, methods of take and license requirements. (a) Legal equipment and methods for taking bullfrogs shall be the following:

(1) Hand;

(2) hand dip net;

(3) hook and fishing line;

(4) gig;

(5) bow and arrow with barbed head and a line attached from arrow to bow; and

(6) crossbow and arrow with barbed head and a line attached from arrow to crossbow.

(b) Legal equipment and methods for taking common snapping turtles and soft-shelled turtles shall be the following:

(1) Hand;

(2) hook and fishing line;

(3) set line;

(4) hand dip net;

(5) seine;

(6) turtle trap; and

(7) gig.

(c) Artificial light and boats may be used while taking bullfrogs and turtles.

(d) A valid Kansas fishing license shall be required to take common snapping turtles and soft-shelled turtles. (Authorized by K.S.A. 32-807; implementing K.S.A. 32-807, K.S.A. 1998 Supp. 32-906, K.S.A. 32-919 and K.S.A. 32-1002; effective Dec. 26, 1989; amended July 30, 1990; amended Oct. 1, 1999.)

115-7-6. Fishing; bait. (a) The following baits may be used for the taking of fish, frogs, or turtles by legal means and methods:

(1) artificial lures;

(2) bait fish;

(3) prepared bait;

(4) vegetable material;

(5) material or artificial matter attached to a hook; and

(6) other wildlife, except those species specifically prohibited as bait and those species listed under K.A.R. 115-15-1 or K.A.R. 115-15-2.

(b) Animal, vegetable, or other non-toxic material may be used as fish attractants. (Authorized by K.S.A. 1989 Supp. 32-807; implementing K.S.A. 1989 Supp. 32-807 and K.S.A. 1989 Supp. 32-1002; effective Sept. 10, 1990.)

115-7-7. Fishing; Missouri river license requirements. (a) A person possessing a valid sport fishing license issued by the state of Missouri shall not be required to obtain a Kansas fishing license in order to fish in the following locations in Kansas:

(1) The flowing portions and backwaters of the Missouri river; and

(2) any oxbow lake through which the Kansas-Missouri boundary passes.

(b) Any person fishing in the Missouri river as authorized by subsection (a) may fish from and attach any legal device or equipment to the land as part of fishing within these waters. However, each person fishing as authorized by subsection (a) shall be subject to the following requirements:

(1) No person shall fish in any tributary of the Missouri river within Kansas boundaries without a valid Kansas fishing license.

(2) If any law or regulation governing fishing in Missouri is different from the corresponding law or regulation in Kansas, each person possessing only a Missouri sport fishing license shall comply with the more restrictive state's law or regulation.

(c) This regulation shall be effective on and after January 1, 2003. (Authorized by and implementing K.S.A. 32-807 and K.S.A. 2001 Supp. 32-906; effective Jan. 1, 2003.)

115-7-8. Weigh-in black bass fishing tournaments using tournament black bass pass. (a) Each individual or organization desiring to conduct a registered and permitted weigh-in black bass fishing tournament that allows the use of the tournament black bass pass shall apply to the secretary on a form provided by the department. These tournaments may be held only within the period beginning September 1 and extending through June 15.

(b) Each application shall contain the following information:

(1) The name, address, and phone number of the individual or the contact member of the organization desiring to conduct the tournament;

(2) the location of the proposed tournament and a copy of the written permission of the facility manager authorizing the tournament location and the date or dates;

(3) the date or dates and the times that the tournament is to be conducted;

(4) a description of the equipment used to conduct weigh-in and release procedures;

(5) a map containing the proposed location of the weigh-in and release sites; and

(6) other relevant information as required by the secretary or the secretary's designee.

(c) Upon approval of the application by the secretary and before the start of the tournament, the individual or organization conducting the tournament shall provide the following items to each registered tournament participant:

(1) A department-provided, waterproof tournament participant card;

(2) a department-provided catch-reporting form;

(3) department-provided tournament guidelines; and

(4) one or more vessel decals or signs that clearly state that each individual in the vessel is participating in a registered and permitted tournament.

(d) Each individual or organization conducting the tournament shall ensure that all of the following minimum requirements are met when conducting weigh-in procedures:

(1) One individual shall provide work crew support for each 10 registered anglers.

(2) One weigh-in tank filled with an electrolyte chemical-water solution and fitted with recirculation and aeration accessories shall be maintained for each 25 registered anglers.

(3) If the water temperature at the tournament location is 75 degrees Fahrenheit or cooler, the water contained in the weigh-in tank shall be maintained at the same temperature as that of the tournament location water.

(4) If the water temperature at the tournament location is warmer than 75 degrees Fahrenheit, the water in the weigh-in tank shall be maintained at a temperature that is between five and 10 degrees Fahrenheit cooler than the tournament location water but shall not exceed 85 degrees Fahrenheit at any time.

(5) Not more than four anglers shall be in the weigh-in line at any one time.

(6) Each weigh-in bag containing water from the well of the vessel shall be reinforced, reusable, and capable of holding up to 15 pounds of live fish and two gallons of water.

(7) The weigh-in site shall meet the following requirements:

(A) Be located near the vessel mooring site and the release site, vehicle, or vessel; and

(B) be located at all times under a portable awning, in an event tent, or in the shade.

(e) Each individual or organization conducting the tournament shall ensure that all of the following minimum requirements are met when conducting the release procedures:

(1) The direct release of fish into the tournament location water after the weigh-in shall not be permitted.

(2) If the tournament is conducted with release tubes, vehicles, or vessels, the holding tanks shall contain a one-half percent noniodized salt solution.

(3) If the tournament is conducted without release tubes, vehicles, or vessels, the fish shall be dipped, for a period of time ranging from 10 seconds to 15 seconds before release, in a three percent noniodized salt solution having the same temperature as that of the water in the weigh-in tank.

(4) The release site shall meet the following conditions:

(A) Be located in water reaching at least three feet in depth with good circulation and a hard bottom; and

(B) be located away from vessel traffic and public-use vessel ramps.

(f) Each registered and permitted tournament participant shall meet the following requirements:

(1) Provide all data related to the participant's tournament catch to the tournament organizer, on a form provided by the department;

(2) place at least one tournament-authorized decal or sign on the participant's vessel used in the tournament;

(3) possess a tournament identification card and tournament black bass pass at all times while participating in the tournament;

(4) ensure that each well in the participant's vessel used in the tournament is properly working and contains an electrolyte chemical-water solution;

(5) be able to cull fish after reaching the daily creel limit; and

(6) ensure that the participant's vessel used in the tournament is cleaned before and after the tournament in compliance with department guidelines regarding the prevention of aquatic nuisance species.

(g) Each individual or organization conducting a black bass fishing tournament shall provide all catch and mortality data for the tournament to the department within 30 days following the conclusion of the tournament, on a department-provided form.

(h) In addition to any other penalty prescribed by law, an individual or organization that fails to comply with the provisions of this regulation shall not be eligible to apply to conduct a registered and permitted black bass fishing tournament for at least one year from the date of noncompliance.

(i) The provisions of paragraph (d)(7)(A) may be waived by the secretary within the period beginning September 1 and extending through June 15 if the proximity proposed to the release site does not pose an inordinate risk to the wildlife resource and all other requirements of this regulation are met. (Authorized by K.S.A. 32-807; implementing K.S.A. 32-807 and K.S.A. 2006 Supp. 32-1002; effective Nov. 27, 2006; amended Nov. 16, 2007; amended April 11, 2008.)

115-7-9. Weigh-in black bass fishing tournaments not using tournament black bass pass. (a) Each individual or organization conducting a weigh-in black bass fishing tournament that does not allow the use of the tournament black bass pass shall ensure that all of the

following minimum requirements are met when conducting weigh-in procedures:

(1) One individual shall provide work crew support for each 10 registered anglers.

(2) One weigh-in tank filled with an electrolyte chemical-water solution and fitted with recirculation and aeration accessories shall be maintained for each 25 registered anglers.

(3) If the water temperature at the tournament location is 75 degrees Fahrenheit or cooler, the water contained in the weigh-in tank shall be maintained at the same temperature as that of the tournament location water.

(4) If the water temperature at the tournament location is warmer than 75 degrees Fahrenheit, the water in the weigh-in tank shall be maintained at a temperature that is between five and 10 degrees Fahrenheit cooler than the tournament location water but shall not exceed 85 degrees Fahrenheit at any time.

(5) Not more than four anglers shall be in the weigh-in line at any one time.

(6) Each weigh-in bag containing water from the well of the vessel shall be reinforced, reusable, and capable of holding up to 15 pounds of live fish and two gallons of water.

(7) The weigh-in site shall meet the following requirements:

(A) Be located near the vessel mooring site and the release site, vehicle, or vessel; and

(B) be located at all times under a portable awning, in an event tent, or in the shade.

(b) Each individual or organization conducting the tournament shall ensure that all of the following minimum requirements are met when conducting the release procedures:

(1) The direct release of fish into the tournament location water after the weigh-in shall not be permitted.

(2) If the tournament is conducted with release tubes, vehicles, or vessels, the holding tanks shall contain a one-half percent noniodized salt solution.

(3) If the tournament is conducted without release tubes, vehicles, or vessels, the fish shall be dipped, for a period of time ranging from 10 seconds to 15 seconds before release, in a three percent noniodized salt solution having the same temperature as that of the water in the weigh-in tank.

(4) The release site shall meet the following conditions:

(A) Be located in water reaching at least three feet in depth with good circulation and a hard bottom; and

(B) be located away from vessel traffic and public-use vessel ramps.

(c) Each tournament participant shall meet the following requirements:

(1) Ensure that each well in the participant's vessel used in the tournament is properly working and contains an electrolyte chemical-water solution; and

(2) ensure that the participant's vessel used in the tournament is cleaned before and after the tournament in compliance with department guidelines regarding the prevention of aquatic nuisance species.

(d) The provisions of paragraph (a)(7)(A) may be waived by the secretary within the period beginning September 1 and extending through June 15 if the proximity proposed to the release site does not pose an inordinate risk to the wildlife resource and all other requirements of this regulation are met. (Authorized by K.S.A. 32-807; implementing K.S.A. 32-807 and K.S.A. 2006 Supp. 32-1002; effective Jan. 1, 2008; amended April 11, 2008.)

Article 8.—DEPARTMENT LANDS AND WATERS

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 fisheries and wildlife division public land special use restrictions," dated January 30, 2008, 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.)

115-8-2. Blinds and tree stands. Subject to provisions and restrictions as established by posted notice, blinds and tree stands shall be allowed on department lands and waters as follows: (a) portable blinds, floating blinds, and portable tree stands used for hunting may be placed not more than 14 days prior to the hunting season for which the blind or stand will be used and shall be removed from department property within 14 days after the hunting season for which the blind or stand was placed has ended;

(b) portable blinds, floating blinds and portable tree stands used for purposes other than hunting may be placed for a period of time not to exceed 14 days and shall be removed from department property at the conclusion of 14 days or after the intended use of the blind or stand has ended, whichever time period is less;

(c) ladders, screw-in metal steps, and steps attached by ropes, cables, or chains may be used for access to portable tree stands and shall be removed at the same time as the portable tree stand is removed as required by subsections (a) or (b);

(d) natural blinds may be used for any authorized activity and shall be constructed of natural herbaceous materials or woody debris or both that are present at the site of the natural blind;

(e) any individual may use a placed portable blind, floating blind, portable tree stand or natural blind when the blind or stand is not occupied; and

(f) any blind, stand or climbing device not in conformance with rules and regulations or posted notice provisions or restrictions may be removed or destroyed by the department. (Authorized by K.S.A. 1989 Supp. 32-807; implementing K.S.A. 1989 Supp. 32-807 and K.S.A. 1989 Supp. 32-1015; effective April 30, 1990.)

115-8-3. Non-toxic shot; department lands and waters. Each individual hunting with a shotgun on department lands or waters posted as a "steel shot only" area or "non-toxic shot only" area shall possess and use only non-toxic shot as approved under K.A.R. 115-18-14. (Authorized by K.S.A. 32-807; implementing K.S.A. 32-807 and K.S.A. 32-1002; effective Sept. 18, 1989; amended Dec. 27, 1994.)

115-8-4. Non-commercial hunting dog training. (a) Subject to provisions and restrictions as established by posted notice, department lands and waters that are designated for public hunting or other areas as designated by the department shall be open for the non-commercial training of hunting dogs as follows:

(1) The non-commercial training of bird dogs and retrieving dogs shall be authorized throughout the year.

(2) The non-commercial training of trail hounds and sight hounds shall be authorized during and in compliance with established running and hunting seasons.

(b) Pigeons, pen-raised or wild-trapped, may be released and shot during the non-commercial training of bird dogs and retrieving dogs. Banding of released pigeons shall not be required.

(c) Other than pigeons, no game bird, pen-raised bird, or wild-trapped bird may be released on department lands or water during the noncommercial training of bird dogs and retrieving dogs, unless specifically authorized by a permit issued by the department. (Authorized by K.S.A. 32-807; implementing K.S.A. 32-807 and K.S.A. 32-1002; effective Dec. 4, 1989; amended Oct. 5, 2001.)

115-8-5. (Authorized by L. 1989, Ch. 118, Sec. 9; implementing L. 1989, Ch. 118, Sec. 9 and 126; effective Dec. 4, 1989; revoked July 13, 2001.)

115-8-6. Fishing, fish bait, and seining. Fishing and the taking of fishing bait shall be allowed on department lands and waters, subject to the following general restrictions:

(a) Fishing shall be prohibited at boat ramps and boat docks closed to fishing by posted notice.

(b) Fishing shall be prohibited at swimming areas, and swimming beaches posted as swimming areas or swimming beaches and delineated by buoys or other markers.

(c) Minnows and other fishing bait may be taken for use as fishing bait only on a noncommercial basis and may be used only in the department-managed water where taken.

(d) Seining in department-managed waters shall be prohibited.

(e) The cleaning of fish in state parks shall occur only at designated fish cleaning stations or other locations as established by the department.

(f) The use of trot lines and set lines shall be prohibited in the waters of Crawford state park, Meade state park, Scott state park, and all department-managed impoundments under 500 surface acres in size.

(g) Additional restrictions may be established by posted notice. (Authorized by K.S.A. 32-807; implementing K.S.A. 32-807 and K.S.A. 32-1015; effective Dec. 4, 1989; amended Dec. 28, 1992; amended Nov. 29, 1999.)

115-8-7. Boating and general restrictions. All department lands and waters and all federal reservoirs shall be open to boating subject to provisions, restrictions, and closures as established by posted notice. All of the following general restrictions shall apply:

(a) Each operator of a motorized vessel on a state fishing lake shall operate the vessel only for fishing or hunting purposes unless otherwise authorized by the department.

(b) Each operator of a motorized vessel on a state fishing lake shall operate the vessel at no-wake speeds if required by posted notice.

(c) No operator of a vessel shall operate the vessel within 200 feet of any area posted specifically for swimming or diving and delineated by buoys or other markers.

(d) Each operator of a vessel shall operate the vessel at no-wake speeds of five miles per hour or less when within 200 feet of any of the following:

(1) A dock;

(2) a boat ramp;

(3) a person swimming;

(4) a bridge structure;

(5) a moored or anchored vessel;

(6) a sewage pump-out facility;

(7) a nonmotorized watercraft;

(8) a boat storage facility; or

(9) a concessionaire's facility.

(e) An operator of a vessel shall not moor or store the vessel in excess of 24 hours, except at sites designated for moorage or storage of vessels.

(f) Vessels left unattended at other than a designated moorage or storage site or vessels not in conformity with posted notice provisions or restrictions for moorage or storage sites shall be subject to removal by the department as authorized by law. (Authorized by K.S.A. 32-807 and K.S.A. 32-1103; implementing K.S.A. 32-807, K.S.A. 32-1015, and K.S.A. 32-1103; effective Dec. 4, 1989; amended Sept. 14, 2007.)

115-8-8. Swimming. (a) Swimming shall be allowed in all department waters, subject to the following restrictions:

(1) Swimming shall be prohibited in state fishing lakes except as authorized by posted notice.

(2) Skin and scuba diving shall be allowed only in department waters designated for these activities by posted notice.

(3) Swimming in any department water may be prohibited or restricted by posted notice.

(b) In any department water where swimming is otherwise prohibited, body contact with water that occurs incidental to allowed activities shall be authorized.

(c) On lands that are designated by posted notice as swimming beaches or in waters that are designated by buoys or other markers as swimming areas, the following restrictions shall apply:

(1) Possession of liquor or beer shall be prohibited.

(2) No containers other than shatterproof containers shall be possessed. (Authorized by K.S.A. 32-807; implementing K.S.A. 32-807 and K.S.A. 32-1015; effective Dec. 4, 1989; amended July 13, 2001.)

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 authorized by the department, camping units shall not be left unoccupied in a campground for more than 24 hours.

(g) Except as authorized by the department, 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 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. (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.)

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; 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.

(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. 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.)

115-8-11. Domestic animals and livestock; provisions and restrictions. (a) Livestock used for riding shall be allowed for riding purposes on maintained roads, bridle paths, parking areas and other areas designated by posted notice, except the riding of livestock on state park areas shall be restricted to maintained bridle paths and other areas designated by posted notice.

(b) Draft livestock used for draft purposes shall be allowed on maintained roads, parking areas, and other areas designated by posted notice, except the use of draft livestock in state parks shall occur only as authorized by the department.

(c) Livestock may be ridden or used for draft purposes during a department approved special event provided the activity has been approved as a part of the special event.

(d) The stabling of livestock used for riding or for draft purposes shall be restricted to designated areas or as authorized by the department.

(e) Livestock and domestic animals not used for riding or draft purposes or as allowed by K.A.R. 115-8-10 shall be prohibited except as authorized by the department. (Authorized by L. 1989, Ch. 118, Sec. 9; implementing L. 1989, Ch. 118, Sec. 9 and 126; effective Dec. 4, 1989.)

115-8-12. Stocking or releasing of wildlife. Wildlife may be stocked or released on department lands or waters only as authorized by any of the following:

(a) A written agreement issued by the department;

(b) a permit issued by the department;

(c) a department-approved management plan;

(d) rules and regulations; or

(e) posted notice. (Authorized by K.S.A. 32-807; implementing K.S.A. 32-807, K.S.A. 32-1002, and K.S.A. 32-1015; effective Dec. 4, 1989; amended July 13, 2001.)

115-8-13. Motorized vehicles and aircraft; authorized operation. (a) Motorized vehicles shall be operated only on department roads and parking areas, except as otherwise established by posted notice or as approved by the secretary.

(b) Motorized vehicles shall be operated at speeds not in excess of 25 miles per hour or as otherwise established by posted notice.

(c) Motorized vehicles shall be operated in accordance with load limits as established by posted notice for roads or bridges.

(d) Motorized aircraft landings and takeoffs shall be allowed in designated areas only or as authorized by the secretary.

(e) (1) Except as provided in this regulation, each motorized vehicle that meets either of the following conditions shall be prohibited from being operated on all department lands and roads:

(A) Is not registered with one of the following:

(i) The director of vehicles pursuant to K.S.A. 8-127 and amendments thereto; or

(ii) the corresponding authority in another state or country; or

(B) is unlawful to be operated on any interstate highway, federal highway, or state highway pursuant to K.S.A. 8-15,100 and L. 2007, Ch. 140, Sec. 3, and amendments thereto.

(2) The term "motorized vehicle" shall include all-terrain vehicles, work-site utility vehicles, golf carts, go-carts, and electric or gasoline-powered two-wheeled vehicles.

(f) Any person with a disability, as defined by K.S.A. 8-1,124 and amendments thereto, may annually request a permit from the secretary to utilize a motorized vehicle for accessing certain department lands and roads to provide access to recreational opportunities that would otherwise be unavailable to disabled persons. Each written request shall include the following:

(1) The name, address, and telephone number of the applicant;

(2) the nature of the disability;

(3) the name and location of the property to be accessed;

(4) the date or duration of the entry requested; and

(5) documentation of that person's disability in the form of a disabled accessible parking placard, disabled motor vehicle license plate, or disabled identification card issued by the director of vehicles of the department of revenue pursuant to K.S.A. 8-1,125 and amendments thereto, or similar documentation issued by another state.

(g) No person who is in possession of a motorized vehicle and has a permit to operate the motorized vehicle on department lands and roads shall perform either of the following:

(1) Allow another person to operate the vehicle on department lands and roads unless that other person has a permit issued by the department; or

(2) operate the vehicle on department lands and roads unless that person is in possession of a permit issued by the department.

(h) Each permit issued by the department that authorizes the operation of a motorized vehicle on department lands and roads shall expire on the last day of the calendar year in which the permit was issued, unless otherwise specified on the permit.

(i) A permit that authorizes the operation of a motorized vehicle on department lands and roads shall not be issued or shall be revoked by the secretary for any of the following reasons:

(1) The disability does not meet the requirements for the permit.

(2) The application is incomplete or contains false information.

(3) The disability under which the permit was issued no longer exists.

(4) The documentation of disability in the form of a disabled accessible parking placard, disabled motor vehicle license plate, or disabled identification card issued by the director of vehicles of the department of revenue pursuant to K.S.A. 8-1,125 and amendments thereto, or similar documentation issued by another state, has expired.

(5) The permit holder fails to comply with the terms and limitations of the permit or with the requirements specified in this regulation.

(6) The issuance or continuation of the permit would be contrary to the preservation of habitat or species located on or in department lands or waters.

(j) This regulation shall not apply to any motorized vehicle that is owned by the department or a designated agent and is used in the operation and maintenance of department lands and roads. (Authorized by K.S.A. 32-807; implementing K.S.A. 32-807; effective Dec. 4, 1989; amended Feb. 8, 2008.)

115-8-14. Fireworks; discharge and public displays. (a) Subject to provisions and restrictions as established by posted notice, using or discharging fireworks shall be allowed only in designated areas or as authorized by the department.

(b) Public fireworks displays may be conducted through special event permits issued by the department.

(c) Public fireworks displays shall comply with all state laws and rules and regulations applicable

to public fireworks displays. (Authorized by L. 1989, Ch. 118, Sec. 9; implementing L. 1989, Ch. 118, Sec. 9 and 126; effective Dec. 4, 1989.)

115-8-15. Fire; authorized uses. (a) Subject to provisions and restrictions as established by posted notice, fires shall be allowed for the following purposes:

(1) cooking or heat in firerings, fireplaces, grills and stoves;

(2) department approved management purposes; and

(3) other purposes as authorized by posted notice.

(b) Fires shall be attended at all times and shall be totally extinguished prior to persons leaving the site of the fire. (Authorized by L. 1989, Ch. 118, Sec. 9; implementing L. 1989, Ch. 118, Sec. 9 and 126; effective Dec. 4, 1989.)

115-8-16. (Authorized by L. 1989, Ch. 118, Sec. 9; implementing L. 1989, Ch. 118, Sec. 9 and 126; effective Dec. 4, 1989; revoked July 13, 2001.)

115-8-17. Reserved.

115-8-18. (Authorized by L. 1989, Ch. 118, Sec. 9; implementing L. 1989, Ch. 118, Sec. 9 and 126; effective Dec. 4, 1989; revoked July 13, 2001.)

115-8-19. Personal conduct on department lands and waters; provisions, restrictions and penalties. (a) The conduct, actions, or activities of persons on department lands and waters shall be subject to provisions and restrictions as established by posted notice. The following general provisions and restrictions shall apply.

(1) No person shall advertise, engage in or solicit any business, or make a charge for any event or service except as authorized by the department.

(2) Quiet hours shall be observed between the hours of 11:00 p.m. and 6:00 a.m. Except as authorized by the department, actions which will alarm, anger or disturb others shall be prohibited during quiet hours. Individuals with knowledge or probable cause to believe that their actions will alarm, anger or disturb others or who engage in noisy conduct during quiet hours may be subject to the provisions of subsection (b) of this regulation.

(3) Subject to the provisions of K.A.R. 115-8-21 and other posted provisions or restrictions, individuals may possess, consume or drink cereal malt beverages with no more than 3.2% alcohol by weight, as defined in K.S.A. 41-2701 and amendments thereto.

(4) The consumption or possession of alcoholic liquor as defined in K.S.A. 41-102 and amendments thereto, shall be prohibited.

(b) In addition to penalties prescribed by law or rule and regulation, failure to comply with laws, rules and regulations, permit conditions or posted restrictions by an individual may result in such individual or equipment of the individual being removed from departmental lands or waters. (Authorized by K.S.A. 32-807; implementing K.S.A. 32-807 and K.S.A. 32-1015; effective Jan. 30, 1995.)

115-8-20. Construction, littering, and prohibited activities. (a) The following activities shall be prohibited on department lands and waters except as specified in rules and regulations or as authorized by the department.

(1) Constructing any structure, building, facility, appurtenance or roadway;

(2) dumping, discarding, or depositing trash, litter, or waste material;

(3) digging holes or pits; and

(4) destroying, defacing, degrading, or removing any of the following:

(A) Signs;

(B) real or personal property, other than property owned by that person;

(C) geological formations;

(D) historical sites;

(E) archeological relics or ruins; or

(F) vegetation, except for the noncommercial gathering of edible wild plants, wild fruits, nuts, or fungi for human consumption.

(b) Trash, litter, and waste material shall be deposited or discarded only in containers provided for the depositing of trash, litter, and waste material. Each person using lands or waters where these containers are not provided shall remove any trash, litter, and waste material generated as a result of and during the person's use of the area. (Authorized by K.S.A. 32-807; implementing K.S.A. 32-807 and K.S.A. 32-1015; effective Dec. 4, 1989; amended July 13, 2001.)

115-8-21. Special events; permit requirements and procedures; department lands and waters. (a) A special event permit shall be required for any event occurring on department lands or waters, or both, if one of the following conditions exists:

(1) An entrance, admission, or participation fee is charged.

(2) Food, merchandise, or service is offered for sale.

(3) The exclusive use of a facility or a specified land or water area is necessary, other than facilities or areas for which other permits may be issued.

(4) An organized or advertised competition will be conducted.

(5) Sound will be amplified that may disrupt area users.

(6) Temporary structures, other than blinds or common camping equipment, will be erected.

(b) An event sponsored in part or in total by the department shall not require a special event permit.

(c) For a field trial or a water event on department lands or waters, a special event permit may be issued by the department in place of a field trial permit or a water event permit if the requirements of K.A.R. 115-13-2 or K.A.R. 115-30-9, respectively, are met in addition to the requirements for a special event permit.

(d) Permit procedures.

(1) Each application for a special event permit shall be made to the department no fewer than five weekdays before the event is to be held.

(2) Payment of the special event permit fee specified in K.A.R. 115-2-3 shall accompany each application.

(3) The permit fee shall be returned to the applicant if the special event permit is not approved by the department.

(4) The permit fee shall not be refunded for an issued special event permit.

(5) A performance deposit may be required as a condition of special event permit issuance.

(6) The deposit shall be returned by the department if the special event permittee has met all permit conditions.

(e) Permit holders may tag or mark wildlife only as allowed under permit conditions.

(f) A special event permit may be refused issuance by the department if the proposed event meets any of the following conditions:

(1) Would not be compatible with intended uses of the area;

(2) Would result in misuse or damage to facilities, structures, or the natural environment; or

(3) Would pose a threat to public health, safety, or welfare.

(g) In addition to other penalties prescribed by law, failure to comply with all rules and regulations and permit conditions shall be grounds for revocation of a special event permit or refusal to issue a special event permit.

(h) This regulation shall be effective on and after January 1, 2002. (Authorized by K.S.A. 32-807; implementing K.S.A. 32-807 and K.S.A. 32-1015; effective March 19, 1990; amended Jan. 1, 2002.)

115-8-22. Concession operations on department lands; contracting provisions and restrictions. (a) Renewal of an existing concession contract without a competitive bid process shall be considered by the secretary for any concession contract if the gross income under the concession contract for the most recent full year of operation did not exceed $25,000.

(b) Each concession contract renewed without a competitive bid process shall not exceed three years in duration.

(c) Subject to the provisions of subsection (a), any person operating a concession business under contract with the department upon department lands or waters may make written request for a concession contract renewal to the secretary. The request shall include the following information:

(1) the name and address of concession business owner or owners;

(2) the name and address of each concession business manager or operator;

(3) the location of concession operation with map attached showing such location;

(4) the current concession contract number and expiration date;

(5) a complete financial statement from the previous year's concession operation;

(6) an operational plan for the requested contract renewal period; and

(7) other information as required by the secretary.

(d) The renewal, renegotiation or re-establishment of a concession contract may be refused by the secretary if:

(1) a loss of revenue or services to the department would result;

(2) a reduction in the amount or quality of services available to the public would occur; or

(3) the non-competitive bid process for establishment of the concession contract would not be in the best interest of the department or the public.

(e) The renewal of these concession contracts shall be on negotiated terms approved by the sec-

retary and shall not be limited by any term, provision, restriction or condition of any previous contract or agreement. (Authorized by and implementing K.S.A. 1992 Supp. 32-807, as amended by L. 1993, Chapter 185, section 2; effective April 11, 1994.)

Article 9.—LICENSES, PERMITS, STAMPS, AND OTHER DEPARTMENT ISSUES

115-9-1. (Authorized by and implementing L. 1989, Ch. 118, Sec. 97; effective Dec. 26, 1989; revoked Dec. 27, 1993.)

115-9-2. Issuance of duplicate licenses, permits, stamps and other department issues. (a) Any person who has lost or destroyed a current license, permit, stamp or other department issue may secure a duplicate license, permit, stamp or other department issue upon submitting the proper application and appropriate fee to the department.

(b) The application shall include the following information:

(1) applicant's name and address;

(2) type of duplicate applied for;

(3) county of purchase;

(4) location of purchase;

(5) month of purchase;

(6) signature of applicant attesting to the loss or destruction of the issue; and

(7) other information as required by the secretary. (Authorized by L. 1989, Ch. 118, Sec. 9 and K.S.A. 1988 Supp. 32-104b as amended by L. 1989, Ch. 118, Sec. 98; implementing K.S.A. 1988 Supp. 32-104b as amended by L. 1989, Ch. 118, Sec. 98; effective Dec. 26, 1989.)

115-9-3. Purchase of lifetime hunting or lifetime combination hunting and fishing licenses without certificate of completion of an approved hunter education course. (a) Any individual may purchase a lifetime hunting or lifetime combination hunting and fishing license on behalf of a Kansas resident born after July 1, 1957, under procedures specified in K.S.A. 1988 Supp. 32-104m, as amended by L. 1989, Ch. 118, Sec. 67, prior to issuance to that resident of a certificate of completion of an approved hunter education course.

(b) Any resident may purchase a lifetime hunting or lifetime combination hunting and fishing license prior to issuance of a certificate of completion of an approved hunter education course to that resident.

(c) Lifetime licenses purchased under provisions of subsection (a) and (b) shall be issued with a notice that the lifetime license is not valid until the recipient of the lifetime license has been issued a certificate of completion of an approved hunter education course. (Authorized by L. 1989, Ch. 118, Sec. 9 and K.S.A. 1988 Supp. 32-401 as amended by L. 1989, Ch. 118, Sec. 61; implementing K.S.A. 1988 Supp. 32-401 as amended by L. 1989, Ch. 118, Sec. 61; effective Dec. 26, 1989.)

115-9-4. Hunting or furharvester license or permit purchase. (a) Any individual required to have a certificate of completion of an approved hunter or bowhunter education course before purchasing a hunting license or permit, or an approved furharvester education course before purchasing a furharvester license or permit, may purchase a hunting or furharvester license or permit by attesting to the individual's successful completion of an approved hunter, bowhunter, or furharvester education course, respectively, at the time of purchase.

(b) The signature of the individual on the hunting, bowhunting, or furharvester license or permit, respectively, shall satisfy the attesting requirement of subsection (a). (Authorized by K.S.A. 32-807; implementing K.S.A. 32-807, K.S.A. 2003 Supp. 32-912, and K.S.A. 2003 Supp. 32-920, as amended by L. 2004, Ch. 99, Sec. 2; effective Dec. 26, 1989; amended Feb. 22, 2002; amended Feb. 18, 2005.)

115-9-5. Hunting, fishing and furharvester licenses; state park permits; effective dates. (a) Any individual may purchase an annual hunting, fishing, or furharvester license, state park annual permit, or annual trail pass for the next calendar year on and after a mid-December date determined annually by the secretary.

(b) Any hunting, fishing, or furharvester license, state park annual permit, or annual trail pass purchased on or after the determined date shall be valid from the date purchased through the expiration date as stated on the license, permit, or pass. (Authorized by and implementing K.S.A. 32-807, K.S.A. 1996 Supp. 32-906, K.S.A. 32-911 and K.S.A. 32-919; effective Dec. 4, 1989; amended Aug. 15, 1994; amended Sept. 19, 1997.)

115-9-6. Vehicle permits; display. Each

person who purchases a vehicle permit for entry into a state park or other area requiring a vehicle permit shall affix the permit to the inside lower corner of the windshield on the driver's side of the vehicle for which the vehicle permit was purchased. Annual and second vehicle permits shall be permanently affixed. (Authorized by 1989 HB 2005, Sec. 9; implementing 1989 HB 2005, Sec. 54; effective, T-115-7-27-89, July 27, 1989; effective Sept. 18, 1989.)

115-9-7. Hunting licenses; general activities for which a hunting license shall not be required. A hunting license shall not be required for those activities which are not a part of the actual shooting, capturing or harvesting of wildlife. Such activities shall include, but not be limited to:

(a) carrying or assist with carrying wildlife for another while in the company of that individual;

(b) possession of wildlife for the purpose of dressing, cleaning, processing for human consumption or preparing for human consumption;

(c) assisting with the dressing, cleaning, processing for human consumption or preparing for human consumption;

(d) performance of taxidermy work;

(e) possession of finished taxidermy work;

(f) possession of finished wildlife products;

(g) accompanying one or more hunters in the field who are engaged in hunting, except the accompanying individual shall not be in possession of hunting equipment for the shooting, capturing or harvesting of wildlife;

(h) possession of donated wildlife that was acquired, possessed and given by another;

(i) possession of wildlife that was legally acquired by the individual;

(j) wildlife observations;

(k) nature observations and studies;

(l) feeding of wildlife;

(m) watering of wildlife;

(n) accidental killing or injuring of wildlife such as vehicle collision with wildlife; or

(o) assisting with the tracking of wounded wildlife. (Authorized by K.S.A. 32-807 and K.S.A. 32-919; implementing K.S.A. 32-807, K.S.A. 32-919 and K.S.A. 32-1002; effective Oct. 17, 1994.)

115-9-8. Migratory bird harvest information program; requirements, exemptions. (a) As used in this regulation "migratory game bird" shall mean any wild duck, goose, merganser, crane, dove, rail, snipe, woodcock, or other migratory bird for which a hunting season is established in the state of Kansas.

(b) Each person hunting migratory game birds in the state of Kansas shall be required to complete a Kansas migratory bird harvest information card, as provided by the secretary.

(c) Upon completion of a Kansas migratory harvest information card, a harvest information program stamp shall be issued by the secretary or the secretary's designee to the person completing the card.

(1) Each person required to comply with subsection (b) shall be in possession of a valid harvest information program stamp issued to that person while hunting any migratory game bird within the state of Kansas.

(2) Each harvest information program stamp shall be validated by the signature of the stamp holder written across the face of the stamp.

(3) A harvest information program stamp shall be valid from the date of issuance through June 30 following the date of issuance.

(4) A harvest information program stamp shall not be transferable.

(d) The provisions of subsection (b) shall not apply to the hunting of any migratory game bird by any of the following:

(1) tribal members on federal Indian reservations or tribal members hunting on ceded lands;

(2) a person, or member of a person's immediate family domiciled with that person, on land owned by that person or on land leased or rented by that person for agricultural purposes; or

(3) a resident of this state who is less than 16 years of age or who is 65 or more years of age.

(e) This regulation shall take effect on and after July 1, 1998. (Authorized by and implementing K.S.A. 32-807; effective July 1, 1998.)

115-9-9. Electronic licenses, permits, stamps, tags, and other issues of the department; other requirements. The requirements specified in this regulation shall apply to licenses, permits, stamps, tags, and other issues of the department purchased from electronic or telephone license vendors or by means of a computer network. These requirements shall consist of the following:

(a) Each individual who receives an issue of the department purchased from an electronic or telephone license vendor or by means of a computer network shall sign the issue, attesting that all information on the issue is true and correct.

(b) Each individual who receives a departmental issue from a telephone vendor shall carry the confirmation number while actively engaged in any activity authorized by the departmental issue. When the individual receives the physical copy of any issue received from a telephone vendor, the individual shall sign and carry the physical copy of the departmental issue while actively engaged in any activity authorized by the departmental issue.

(c) Each stamp received from an electronic or telephone license vendor or by means of a computer network shall be validated if the individual signs the issue displaying the valid stamp purchase. The confirmation number of each stamp purchased from a telephone license vendor shall be proof of signature until the individual receives the physical copy of the stamp purchased from the license vendor.

(d) Any current issue of the department that is destroyed or lost may be replaced by an electronic license vendor or by means of a computer network. Each individual whose current issue was destroyed or lost shall sign the new issue, attesting to the destruction or loss of the current issue.

(e) An application form shall not be required for an individual to purchase any issue from an electronic or telephone license vendor or by means of a computer network. The signature on the issue by the individual receiving the issue shall satisfy the signature requirement on application forms.

(f) The removal of the carcass tag from any big game or wild turkey permit or game tag purchased from an electronic license vendor or by means of a computer network shall not invalidate the permit, game tag, or carcass tag for hunting. However, signing any carcass tag before harvesting an animal for which the carcass tag was issued shall invalidate the carcass tag and either the permit or the game tag for use.

(g) Each temporary annual park permit purchased from an electronic or telephone license vendor or by means of a computer network shall be valid only if visibly displayed on the vehicle or camping unit for which the annual park permit was purchased. Each individual with a temporary annual park permit purchased from an electronic license vendor or by means of a computer network shall exchange the permit for a permanent annual park permit at a department office or automated park license vendor.

(h) Each person required to provide the identifying number of a license, permit, tag, stamp, or other issue of the department shall use the transaction number of the electronic license, permit, tag, stamp, or other issue. (Authorized by K.S.A. 32-807, K.S.A. 2005 Supp. 32-980, and K.S.A. 2005 Supp. 32-1001; implementing K.S.A. 2005 Supp. 32-980 and K.S.A. 2005 Supp. 32-1001; effective July 22, 2005; amended May 18, 2007.)

Article 10.—SPECIAL SURETY BOND

115-10-1. Special surety bond program; definitions. (a) "appointing authority" means either the secretary or the county clerk of any county in Kansas;

(b) "license or permit" means any license, stamp or permit issued by the department for sale to the general public;

(c) "applicant" means any person who has presented the appointing authority with a completed application for appointment as a vendor agent for selling licenses and permits;

(d) "special surety bond" means a bond agreement issued by a vendor agent and accepted by the secretary as having satisfied the bond requirements established in K.S.A. 1989 Supp. 32-985;

(e) "premium period" means the period of time in which the vendor agent has paid the prescribed fee and in which the special surety bond shall be in effect; and

(f) "vendor agent" means any person authorized by the appointing authority, pursuant to K.S.A. 1989 Supp. 32-985, to sell licenses and permits of the department. (Authorized by K.S.A. 1989 Supp. 32-807; implementing K.S.A. 1989 Supp. 32-985; effective April 30, 1990.)

115-10-2. Special surety bond authorized. (a) Any vendor agent may elect to satisfy the special surety bond requirements provided in K.S.A. 1989 Supp. 32-985 by executing a special surety in favor of the state of Kansas as provided in K.A.R. 115-10-3.

(b) Each special surety bond shall be in a form approved by the secretary. (Authorized by K.S.A. 1989 Supp. 32-807; implementing K.S.A. 1989 Supp. 32-985; effective April 30, 1990.)

115-10-3. Special surety bond procedure. (a) Each special surety bond authorized by the secretary shall be issued for the period specified in the special surety bond and shall meet the following requirements:

(1) each applicant shall complete an applica-

tion form which shall include the following information:

(A) the name, age, address and occupation of the applicant;

(B) the amount of bond requested and the proposed effective date of bond;

(C) the vendor agent number; and

(D) three credit references.

(2) each applicant shall certify the facts represented in the application. Any applicant may be required by the secretary to provide the department, at applicant's expense, a current audited financial statement;

(3) each applicant shall agree to be firmly bound to the state of Kansas and to fully indemnify the department for all losses to the state of Kansas arising out of the applicant's actions as a vendor agent; and

(4) each applicant shall authorize the applicant's officer or agent executing the prescribed application form and special surety bond to fully bind and represent the applicant in all activities undertaken as an authorized vendor agent, and shall provide evidence of this authority as required by the secretary.

(b) Each application shall be accompanied by a fee, as established by K.A.R. 115-2-1, that shall be applied to the one-year bond premium period. The fee shall be returned to the applicant if the applicant is not authorized to act as a vendor agent. (Authorized by K.S.A. 1989 Supp. 32-807; implementing K.S.A. 1989 Supp. 32-985; effective April 30, 1990.)

115-10-4. Special surety bond term of effect and renewal. (a) Each special surety bond shall expire one year from the date of its issuance.

(b) The special surety bond period of coverage shall coincide exactly with the period for which a vendor agent is authorized to act as a vendor agent.

(c) Any vendor agent may renew a special surety bond upon its expiration by providing the department with a renewal request containing the vendor agent name and number, the requested renewal date, and the requested bond amount, and by paying the fee prescribed in K.A.R. 115-2-1. (Authorized by K.S.A. 1989 Supp. 32-807; implementing K.S.A. 1989 Supp. 32-985; effective April 30, 1990.)

115-10-5. Effect of loss of special surety bond on vendor agent authority. The expiration of a special surety bond shall automatically terminate the authority of the vendor agent to act as a vendor agent. (Authorized by K.S.A. 1989 Supp. 32-807; implementing K.S.A. 1989 Supp. 32-985; effective April 30, 1990.)

115-10-6. Authorized amount of special surety bond. The amount for which an applicant shall be authorized to execute a special surety bond shall be determined by the secretary. (Authorized by K.S.A. 1989 Supp. 32-807; implementing K.S.A. 1989 Supp. 32-985; effective April 30, 1990.)

115-10-7. Reduction or increase in special surety bond. (a) Each special surety bond, once authorized and in effect, shall not be reduced within the premium period.

(a) Any special surety bond may be increased after the vendor agent has:

(1) supplied the secretary with information the secretary determines necessary to process the amendment application;

(2) paid the required premium for the increased amount, prorated to the bond premium period; and

(3) justified the increase to the secretary. (Authorized by K.S.A. 1989 Supp. 32-807; implementing K.S.A. 1989 Supp. 32-985; effective April 30, 1990.)

115-10-8. Grounds for termination of a special surety bond. (a) A special surety bond may be terminated, suspended or refused for renewal by the secretary when a vendor agent commits any of the following acts:

(1) fails to pay, within 30 days of the appointing authority's demand, the cash value of all lost, missing, or destroyed licenses and permits;

(2) fails to pay, within 30 days of the appointing authority's demand, the cash value of all monies collected for the licenses and permits sold by the vendor agent;

(3) fails to return all licenses and permits in the vendor agent's possession when required by the terms of the vendor agent indemnification agreement or upon demand by the appointing authority; or

(4) fails to properly perform any of the duties or violates any of the terms of the vendor agent indemnification agreement executed by the vendor agent and the appointing authority.

(b) Any action by the secretary to terminate, suspend or fail to renew a special surety bond shall be administered pursuant to K.S.A. 1989 Supp.

77-501 et seq. (Authorized by K.S.A. 1989 Supp. 32-807; implementing K.S.A. 1989 Supp. 32-985; effective April 30, 1990.)

Article 11.—CONTROLLED SHOOTING AREAS

115-11-1. Controlled shooting areas; license application, issuance priority, and reporting. (a) Each application for a controlled shooting area license shall be made on forms provided by the department.

(b) Each applicant shall provide the following information:

(1) The size of the area;

(2) a map of the area;

(3) the legal description of the area;

(4) the species of game birds to be released and hunted;

(5) a description of the premises and facilities; and

(6) any other relevant information required by the secretary.

(c) Each applicant for renewal of an existing controlled shooting area license shall provide information as required by paragraphs (b) (1) through (b) (5) only if a change of status has occurred.

(d) The applicant shall submit, with the application, proof of ownership or lease for a five-year period of the area described in the application.

(e) An application for a controlled shooting area license that is not a renewal application may be submitted at any time.

(f) Each application for a renewal of a controlled shooting area license shall be submitted not later than July 1.

(g) Each renewal application shall have priority over a new application for a controlled shooting area license in order that the maximum county controlled shooting area acreage limitation not be exceeded.

(h) Each renewal application received after July 1 shall be considered a new application for purposes of subsection (g).

(i) Each licensee shall maintain records of game bird releases, a register of hunters, the number of animals or birds taken for each species of game animal hunted on the controlled shooting area, and any other relevant information required by the secretary on forms provided by the department. These records shall be available for inspection by departmental staff.

(j) A final report consisting of the records and any other information required by the secretary shall be submitted to the department as a part of the renewal application or by August 1 if the controlled shooting area license is not renewed. A controlled shooting area license shall not be issued or renewed until a final report has been received by the department.

(k) This regulation shall be effective on and after July 1, 2005. (Authorized by K.S.A. 32-948; implementing K.S.A. 32-944, K.S.A. 32-945, and K.S.A. 32-948; effective Dec. 4, 1989; amended July 1, 2002; amended July 1, 2005.)

115-11-2. Controlled shooting areas; operational requirements. (a) Each controlled shooting area shall be posted as follows:

(1) Signs shall be made of metal, plastic, or wood and shall be not less than 15 inches by 15 inches.

(2) Signs shall legibly display the words "controlled shooting area" in block lettering that is not less than two inches in height.

(3) Signs shall be placed along the boundary of the controlled shooting area, at intervals of not more than 500 feet.

(b) The licensee shall keep the license and a copy of the laws and regulations pertaining to the controlled shooting areas posted in a conspicuous and readily available place at the headquarters of the area.

(c) If the license of the controlled shooting area is cancelled or revoked, the licensee shall remove all controlled shooting area signs from the boundary of the area within 30 days of the cancellation or revocation date.

(d) If a licensee fails to renew a controlled shooting area license, all controlled shooting area signs shall be removed from the boundary of the area before September 1.

(e) Only those game birds released on the controlled shooting area from August 15 through March 31 of the license period shall be credited toward the allowable take for the area.

(f) The licensee shall not take or permit the taking of more than 100 percent of the number of each species of game bird released on the controlled shooting area. These game bird species shall not be hunted on the area until a release of the game bird species has been made.

(g) The shooting hours for the taking of game birds released on controlled shooting areas shall be from ½ hour before sunrise to sunset.

(h) Game birds taken on a controlled shooting area shall be accompanied during transportation from the area by a form provided by the department and completed by the licensee, which shall include the number and species of game birds being transported, the name and license number of the licensee, the date of harvest, and any other relevant information required by the secretary.

(i) Except as authorized under Kansas dog training and field trial regulations, only hand-reared mallard ducks may be recaptured by trapping after release.

(j) Hunting during the established seasons and in compliance with all laws and regulations governing the hunting activity may occur on a controlled shooting area for wildlife species not included in K.S.A. 32-943, and amendments thereto, and for any wildlife species not included in the license issued for that controlled shooting area, including big game animals and wild turkeys for which the hunter has a valid permit issued by the department. The hunting, shooting, or taking of wild migratory waterfowl, however, shall be prohibited on each controlled shooting area used for the shooting of hand-reared mallard ducks.

(k) This regulation shall be effective on and after April 1, 2005. (Authorized by K.S.A. 32-948; implementing K.S.A. 32-945, K.S.A. 32-946, K.S.A. 32-947, and K.S.A. 32-948; effective Dec. 4, 1989; amended Aug. 31, 1992; amended July 1, 1999; amended July 1, 2002; amended April 1, 2005.)

Article 12.—GAME BREEDERS

115-12-1. Game breeders, operational requirements. (a) Each game breeder shall provide a report of activities to the secretary on or before June 30. The report shall include the following information:

(1) name of permittee;

(2) address;

(3) current game breeders permit number;

(4) the number of each species sold; and

(5) other information as required by the secretary.

(b) Each game breeder shall provide a bill of sale to each person purchasing wildlife. The bill of sale shall contain the game breeder's name and permit number and the bill of sale shall state the species and number of wildlife purchased, purchaser's name and address and date of purchase.

(c) In lieu of submitting the report as specified in subsection (a), items 1 through 4, any permittee may submit copies of all bills of sale to the secretary on or before June 30; provided that the copies are legible and that the name, address and permit number of the permittee is identified with the bills of sale. (Authorized by and implementing K.S.A. 1988 Supp. 32-159 as amended by L. 1989, Ch. 118, Sec. 82; effective Jan. 22, 1990.)

115-12-2. Reserved.

115-12-3. Game breeder permit requirement; other wildlife. A game breeder permit shall be required to engage in the business of raising and selling the following wildlife:

(a) species of reptiles or amphibians that are native to or indigenous to Kansas;

(b) mountain lion, *Felis concolor* Linnaeus;

(c) wolf, *Canis lupus* Say;

(d) black bear, *Ursus americanus* Pallas; and

(e) grizzly bear, *Ursus arctos horribilis* Ord. (Authorized by and implementing L. 1991, Chapter 106, section 1; effective Feb. 10, 1992.)

Article 13.—TRAINING DOGS AND FIELD TRIAL EVENTS

115-13-1. Commercial dog training permit; application and general provisions. (a) The application for a commercial dog training permit shall be on a form provided by the department, and each applicant shall provide the following information:

(1) The name and address of the applicant;

(2) the breeds of dog to be trained;

(3) the type of dog training to be conducted;

(4) a legal description of the area or areas where dog training will be conducted; and

(5) other information as required by the secretary.

(b) Subject to all federal and state laws, rules, and regulations, commercial training of bird dogs shall be authorized throughout the year.

(c) General provisions.

(1) Pen-raised, banded game birds may be released and shot during bird dog training activities.

(2) Pen-raised, banded game birds that escape after release shall not be recaptured, except as authorized by paragraphs (c) (3) and (4) and K.A.R. 115-13-5.

(3) Pen-raised or wild-trapped pigeons and pen-raised, banded mallard ducks may be released and shot during bird dog training activities, and the birds may be recaptured. Nontoxic shot

approved under K.A.R. 115-18-14 shall be required for the taking of pen-raised mallard ducks.

(4) Chukar partridge and hungarian partridge may be released and shot during bird dog training activities, and chukar partridge and hungarian partridge may be recaptured.

(5) The banding of pigeons, chukar partridge, and hungarian partridge shall not be required.

(6) Pigeons, chukar partridge, hungarian partridge and pen-raised, banded birds that are shot during bird dog training activity may be possessed by the commercial bird dog trainer.

(7) All bands used shall be leg bands and shall be coded with the initials "CDT."

(8) No commercial bird dog trainer shall possess unattached bands while conducting bird dog training activities.

(9) Wild birds, except waterfowl, may be pursued during commercial bird dog training activities, but shall not be shot, killed, or possessed except during established hunting seasons for the taking and possession of that species.

(d) Subject to all federal and state laws, rules, and regulations, commercial training of sight and trail hounds for hunting, furbearer running, or furbearer harvesting purposes shall be authorized. This training shall be restricted to established furbearer seasons for the taking of furbearers by hunting methods, running seasons, and hunting seasons.

(e) Pen-raised, legally trapped and possessed, or wild red fox, gray fox, raccoon, opossum, coyote, and cottontail rabbit may be pursued during commercial sight or trail hound training activities, but shall not be shot or killed and shall not be possessed after initial release except during established seasons for the taking and possession of that species.

(f) Commercial dog training activities shall be restricted to the area specified on the permit. (Authorized by K.S.A. 32-807 and K.S.A. 32-954; implementing K.S.A. 32-807, K.S.A. 32-954 and K.S.A. 32-1002; effective Aug. 5, 1991; amended Oct. 5, 2001.)

115-13-2. Non-commercial dog training. (a) Subject to K.A.R. 115-8-4 concerning department lands and waters, non-commercial training of bird dogs shall be authorized throughout the year.

(b) General provisions.

(1) Pen-raised, banded game birds may be released during bird dog training activities, but shall not be shot except during established hunting seasons for that species.

(2) Pen-raised, banded game birds that escape after release shall not be recaptured, except as authorized by paragraphs (b) (3) and (4) and K.A.R. 115-13-5.

(3) Pen-raised or wild-trapped pigeons and pen-raised, banded mallard ducks may be released and shot during bird dog training activities, and the birds may be recaptured. Nontoxic shot approved under K.A.R. 115-18-14 shall be required for the taking of pen-raised mallard ducks.

(4) Chukar partridge and hungarian partridge may be released and shot during bird dog training activities, and chukar partridge and hungarian partridge may be recaptured.

(5) The banding of pigeons, chukar partridge, and hungarian partridge shall not be required.

(6) Pigeons, chukar partridge, hungarian partridge, and pen-raised, banded birds that are shot during bird dog training activity may be possessed by the bird dog trainer.

(7) All bands used shall be leg bands and shall be coded with the initials "DT."

(8) No dog trainer shall possess unattached bands while conducting bird dog training activities.

(9) Wild game birds, except waterfowl, may be pursued during bird dog training activities, but shall not be shot, killed, or possessed except during established hunting seasons for the taking and possession of that species.

(c) Subject to K.A.R. 115-8-4 concerning department lands and waters, non-commercial training of sight and trail hounds for hunting, furbearer running, or furbearer harvesting purposes shall be authorized. This training shall be restricted to established furbearer seasons for the taking of furbearers by hunting methods, running seasons, and hunting seasons.

(d) Pen-raised, legally trapped and possessed, or wild red fox, gray fox, raccoon, opossum, coyote, and cottontail rabbit may be pursued during non-commercial sight or trail hound training activities, but shall not be shot or killed and shall not be possessed after initial release except during established seasons for the taking and possession of that species. (Authorized by K.S.A. 32-807; implementing K.S.A. 32-807 and K.S.A. 32-1002; effective Aug. 5, 1991; amended Oct. 5, 2001.)

115-13-3. Field trial permit; small game. (a) The application for a small game field

trial permit shall be submitted on a form provided by the department. A special event permit issued under K.A.R. 115-8-21 shall satisfy the requirement for a small game field trial permit if the application requirements of K.A.R. 115-13-3 are met. 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) a map of the area in which the small game field trial will be held. The map shall identify the site to be used as the event headquarters, shall be drawn on a scale of not less than ¼ inch to the mile, and shall show county and township roads;

(5) the estimated number of individuals and dogs participating;

(6) the requested dates of the small game field trial;

(7) the daily starting time or times;

(8) a description of the field trial event, including information on the proposed use of wildlife during the event; and

(9) other information as required by the secretary.

(b) Each application for a small game field trial permit shall be submitted at least 15 days before an event. This application deadline may be waived by the secretary for extenuating circumstances, if all other application requirements are met. "Extenuating circumstances" shall mean any condition that is caused by an unexpected event that is beyond the applicant's control.

(c) Each applicant for a small game field trial permit may include in the application a listing of all field trial events for the calendar year if the information required under subsection (a) is provided for each event.

(d) Issuance of a small game field trial permit may be denied by the secretary under any of the following circumstances:

(1) The permit application is unclear or incomplete.

(2) The event does not conform to requirements of a small game field trial event.

(3) The requirements of K.A.R. 115-8-21 are not met.

(4) Issuance of a permit would pose an inordinate risk to the public or wildlife resources.

(e) Subject to all federal and state laws, rules, and regulations, wildlife may be used during a small game field trial event as follows:

(1) Pen-raised game birds that have been banded or otherwise marked may be released and shot.

(2) All bands used shall be leg bands and shall be coded with the initials "FT."

(3) Chukar partridge, hungarian partridge, and wild-trapped or pen-raised pigeons, and pen-raised, banded mallard ducks may be released and shot. Steel shot shall be required for the taking of pen-raised mallard ducks.

(4) The banding or marking of chukar partridge, hungarian partridge, and pigeons shall not be required.

(5) The number of game birds killed during a field trial shall not exceed the number of game birds released of the same species.

(6) Wild game birds, except waterfowl, may be pursued, but shall not be possessed except during established hunting seasons for the taking and possession of that species.

(7) Pen-raised, wild-trapped, or wild cottontail rabbits may be pursued, shot, killed, and possessed during a small game field trial event.

(8) Wildlife shot or killed as authorized by this subsection may be possessed by the permittee or participants in the small game field trial event.

(f) Each small game field trial event held on a controlled shooting area shall be restricted to the licensed controlled shooting area.

(g) Pen-raised game birds that escape after release shall not be recaptured, except as authorized under K.A.R. 115-13-5. Pigeons, chukar partridge, hungarian partridge, and pen-raised, banded mallard ducks that escape after release may be recaptured.

(h) A separate small game field trial event conducted under a small game field trial permit shall not exceed 14 days in duration and shall be conducted only on the area defined in the permit.

(i) Each permittee shall keep a register of the names and addresses of all participants in each small game field trial event and, upon demand, shall make this register available for inspection to the department and any law enforcement officer authorized to enforce the laws of this state or the regulations of the secretary.

(j) In addition to other penalties prescribed by law, a small game field trial permit may be revoked by the secretary under either of the following circumstances:

(1) The permit was secured through false representation.

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

by K.S.A. 32-807 and K.S.A. 32-954; implementing K.S.A. 32-807, K.S.A. 32-954, and K.S.A. 32-1002; effective Aug. 5, 1991; amended Sept. 27, 2002.)

115-13-4. Field trial permit; furbearers and coyotes. (a) The application for a furbearer or coyote field trial permit shall be submitted on a form provided by the department. 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) a map of the area in which the furbearer or coyote field trial will be held. The map shall identify the site to be used as the event headquarters, shall be drawn on a scale of not less than ¼ inch to the mile, and shall show the following:

(A) County and township roads;

(B) stream drainages; and

(C) specific areas where the furbearer or coyote field trial will occur;

(5) the estimated number of individuals and dogs participating;

(6) the requested dates of the furbearer or coyote field trial;

(7) the daily starting time or times;

(8) a description of the furbearer or coyote field trial event, including information on the proposed use of wildlife during the event;

(9) a copy of the furbearer or coyote sanction or license authorization if the event has been sanctioned or licensed; and

(10) other information as required by the secretary.

(b) Each application for a furbearer or coyote field trial permit shall be submitted at least 15 days before an event. This application deadline may be waived by the secretary for extenuating circumstances, if all other application requirements are met. "Extenuating circumstances" shall mean any condition that is caused by an unexpected event that is beyond the applicant's control.

(c) Each applicant for a furbearer or coyote field trial permit may include in the application a listing of all field trial events for the calendar year if the information required under subsection (a) is provided for each event.

(d) Issuance of a furbearer or coyote field trial permit may be denied by the secretary, or approval for a specific furbearer or coyote field trial event requested by the applicant under the furbearer or coyote field trial permit may be withheld by the secretary, under any of the following circumstances:

(1) The permit application is unclear or incomplete.

(2) The requirements of K.A.R. 115-8-21 are not met.

(3) The event does not conform to the requirements of a furbearer or coyote field trial event.

(4) Issuance of a furbearer or coyote field trial permit would pose an inordinate risk to the public or to wildlife resources.

(e) Subject to all federal and state laws, rules, and regulations, wildlife may be used during a furbearer or coyote field trial event as follows:

(1) Pen-raised red fox, gray fox, raccoon, opossum, and coyotes may be released and pursued, but shall not be shot, killed, or possessed except during established seasons for the taking and possession of that species by hunting methods.

(2) Wild or legally trapped and released red fox, gray fox, raccoon, opossum, and coyotes may be pursued, but shall not be shot, killed, or possessed except during established seasons for the taking and possession of that species by hunting methods.

(f) Each separate furbearer or coyote field trial event conducted under a furbearer or coyote field trial permit shall be no longer than seven days in duration and shall be conducted only within the area defined in the permit.

(g) Each permittee shall keep a register of the names and addresses of all participants in each field trial event and, upon demand, shall make this register available for inspection to the department and any law enforcement officer authorized to enforce the laws of this state or the regulations of the secretary.

(h) No furbearer field trial event shall be held between the close of the fall running season established by K.A.R. 115-25-11 and the opening of the season established by K.A.R. 115-25-11 for the taking and possession of red fox, gray fox, raccoon, or opossum by hunting methods.

(i) No individual participating in a furbearer field trial shall possess a firearm except during the seasons established by K.A.R. 115-25-11 for the taking and possession of that species of furbearer.

(j) A coyote field trial event shall not be held during any closed season for the pursuing, shooting, killing, or possession of coyotes.

(k) In addition to other penalties prescribed by law, a furbearer or coyote field trial permit may

be revoked by the secretary under either of the following circumstances:

(1) The permit was secured through false representation.

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

(l) A furbearer or coyote field trial event permit shall not be required for water races or drag events. The following provisions shall apply to water races and drag events.

(1) A water race or drag event may be held at any time of the year if only coyotes or pen-raised furbearers are used in the event.

(2) A water race or drag event in which wild or wild-trapped furbearers or coyotes are used shall be held only during the established trapping season or season established for the taking and possession by hunting methods for the species of wildlife used.

(3) A water race or drag event shall be restricted to a contiguous area that does not exceed 640 acres.

(4) The person holding the water race or drag event shall notify the department at least 10 days before the event and provide a description of the event to be conducted. This notification deadline may be waived by the secretary for extenuating circumstances. "Extenuating circumstances" shall mean any condition that is caused by an unexpected event that is beyond the applicant's control. (Authorized by K.S.A. 32-807 and K.S.A. 32-954; implementing K.S.A. 32-807, K.S.A. 32-954, and K.S.A. 32-1002; effective Aug. 5, 1991; amended Sept. 27, 2002.)

115-13-5. Pen-raised, banded birds; recapture. (a) Recapture call pens may be used to recapture pen-raised, banded birds and birds that have been otherwise marked according to K.A.R. 115-13-3. A recapture call pen permit shall be required to use a recapture call pen.

(b) The application shall be submitted on a form 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 purpose for the use of recapture call pens;

(5) the period of time that recapture call pens would be in use; and

(6) the legal description including range, township, and section number where recapture call pens would be located.

(c) Issuance of a recapture call pen permit may be denied by the secretary if any of the following conditions exists:

(1) The permit application is unclear or incomplete.

(2) The need for use of a recapture call pen has not been established.

(3) The use of recapture call pens would pose inordinate risk to non-target wildlife or wild game birds.

(4) The applicant has been convicted of or plead guilty or nolo contendre to a recapture call pen violation.

(d) Only pen-raised, banded birds and birds that have been otherwise marked according to K.A.R. 115-13-3 may be taken in recapture call pens. Each permittee shall attend to each of the permittee's recapture call pens at least once every 24-hour period while the recapture call pen is in use. Except as may otherwise be authorized by law or by rule and regulation, all nonbanded birds and other wildlife shall be released and shall not be restrained or used in any manner.

(e) The name and permit number of the permittee shall be attached to the roof of the recapture call pen while the recapture call pen is in use.

(f) Each recapture call pen permit shall expire at the close of the expiration date specified in the permit.

(g) Each recapture call pen permittee shall provide a report of permit activity to the department within 10 days after permit expiration. The report shall contain the following information:

(1) The name of the permittee;

(2) the permit number;

(3) the number of days each recapture call pen was used;

(4) the number and species of pen-raised, banded birds and birds otherwise marked according to K.A.R. 115-13-3 that were recaptured;

(5) the number, species, and disposition of other wildlife captured; and

(6) other information as required by the secretary.

(h) In addition to other penalties prescribed by law, a recapture call pen permit may be revoked by the secretary if either of the following applies:

(1) The permit was secured through false representation.

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

by K.S.A. 32-807; implementing K.S.A. 32-807 and K.S.A. 32-1002; effective Aug. 5, 1991; amended Oct. 5, 2001.)

Article 14.—FALCONRY

115-14-1. Falconry; federal regulations. Except as established or further restricted by Chapter 115, Article 14 of the Kansas Administrative Regulations, falconry requirements as established by 50 C.F.R. section 21.28 and section 21.29, as they existed on September 14, 1989, are adopted by reference. (Authorized by K.S.A. 32-807; implementing K.S.A. 32-807 and K.S.A. 32-1002; effective Nov. 12, 1991; amended Aug. 15, 1994.)

115-14-2. Falconry permits. (a) "Service," as used in K.A.R. 115-14-2 through K.A.R. 115-14-12, shall mean the United States fish and wildlife service.

(b) Each individual engaged in falconry shall possess a current Kansas falconry permit or a current falconry permit from a state that the director of the service has determined meets the minimum federal standards for the taking, possessing, and transporting of raptors required by 50 C.F.R. 21.29, as adopted by reference in K.A.R. 115-14-1.

(c) Each individual holding a valid and current falconry permit from another state and moving to Kansas with the intent to establish residency shall apply for a Kansas falconry permit before becoming a resident in Kansas as defined in K.S.A. 32-701, and amendments thereto.

(d) Each falconer shall possess a current hunting license while hunting, unless exempt pursuant to K.S.A. 32-919 and amendments thereto. In addition, each nonresident falconer shall possess a current nonresident hunting license while participating in a falconry field trial or a department-approved special event.

(e) Each falconry permit shall be valid from the date of issuance through December 31 in the third calendar year after issuance.

(f) A falconry permit may be renewed without the examination otherwise required by K.A.R. 115-14-4, if renewed before the current permit expires. (Authorized by K.S.A. 32-807; implementing K.S.A. 32-807, K.S.A. 32-1001 and K.S.A. 32-1002; effective Nov. 12, 1991; amended Aug. 15, 1994; amended Oct. 5, 2001.)

115-14-3. Falconry permit classes and requirements. (a) Apprentice class.

(1) Each applicant for an apprentice class permit shall be at least 14 years of age.

(2) Each applicant shall be sponsored by a general or master falconer during the first two years that the apprentice falconry permit is in force, and each apprentice falconer shall notify the department within 30 days of any change in sponsorship.

(3) Each sponsor shall supervise no more than three apprentice class falconers at any one time.

(4) Each apprentice falconer shall possess no more than one raptor. No apprentice falconer shall obtain more than one replacement raptor during any 12-month period.

(5) Each apprentice falconer shall possess only an American kestrel *Falco sparverius* or a red-tailed hawk *Buteo jamaicensis*.

(b) General class.

(1) Each applicant for a general class permit shall be at least 18 years of age.

(2) Each applicant for a general class permit shall have at least two years of experience at the apprentice class level or its equivalent, and shall submit an advancement form completed by the falconer's sponsor when initially applying for a general class permit.

(3) Each general falconer shall possess no more than two raptors. No general falconer shall obtain more than two replacement raptors during any 12-month period.

(c) Master class.

(1) Each applicant for a master class permit shall have at least five years of experience at the general class level or its equivalent.

(2) Each master falconer shall possess no more than three raptors. No master falconer shall obtain more than two replacement raptors during any 12-month period.

(d) Sponsors.

(1) Each sponsor of an apprentice falconer shall hold either a general or master class permit and shall have a minimum of five years of combined experience at any class levels.

(2) Each sponsor of an apprentice falconer shall notify the apprentice falconer upon withdrawing sponsorship and shall notify the department in writing within 30 days of withdrawing sponsorship. (Authorized by K.S.A. 32-807; implementing K.S.A. 32-807 and K.S.A. 32-1002; effective Nov. 12, 1991; amended Aug. 1, 1997; amended Oct. 5, 2001.)

115-14-4. Examination. Each applicant shall successfully pass an examination administered by the department prior to issuance of a falconry permit.

(a) The examination shall cover basic biology, diseases, care and handling of raptors, literature, law, regulations and other appropriate subject matter all relating to falconry and raptors.

(b) A score of 80 percent shall be required as a minimum passing score.

(c) Each applicant failing the examination may reapply after a period of 90 days.

(d) Each applicant holding a valid falconry permit from another state shall not be required to take an examination when applying for a similar Kansas falconry permit. (Authorized by K.S.A. 1990 Supp. 32-807, implementing K.S.A. 1990 Supp. 32-807, K.S.A. 1990 Supp. 32-1001; effective Nov. 12, 1991.)

115-14-5. Facilities and inspection. (a) The following indoor facility known as a mews, and outdoor facility known as a weathering area, shall be provided by each applicant before issuance or renewal of a falconry permit unless an exemption is granted by the department.

(1) Mews.

(A) Each facility shall be large enough to allow easy access for the caring for raptors housed in the facility.

(B) If more than one raptor is to be kept in the mews, the raptors shall be tethered or separated by partitions, and the area for each raptor shall be large enough to allow the raptor to fully extend its wings.

(C) There shall be at least one window and one secure door that can be easily closed.

(D) Each window shall be protected on the inside by vertical bars, spaced at intervals narrower than the width of the raptor's body.

(E) The floor of the mews shall permit easy cleaning and shall be well drained.

(F) Adequate perches shall be provided.

(2) Weathering area.

(A) Each facility shall be fenced and either roofed or covered with netting or wire.

(B) The enclosed area shall be large enough to insure that the raptor cannot strike the fence when flying from the perch.

(C) Protection from excessive sun, wind, and inclement weather shall be provided for each raptor.

(D) At least one perch shall be provided.

(b) A falconry permit shall not be issued to any applicant unless the applicant's facilities have been inspected and certified by the department or a department representative as meeting minimum standards.

(c) All facilities shall be properly maintained and cleaned during the term of the permit. (Authorized by K.S.A. 32-807; implementing K.S.A. 32-807, K.S.A. 32-1002; effective Nov. 12, 1991; amended Oct. 5, 2001.)

115-14-6. Equipment. (a) The following equipment shall be possessed by each applicant before issuance or renewal of a permit:

(1) At least one pair of aylmeri jesses, or jesses of a similar type, constructed of pliable, high quality leather or a suitable synthetic material. The jesses shall be used when any raptor is flown free. Traditional one-piece jesses may be used on raptors when not being flown;

(2) at least one flexible, weather-resistant leash and one strong swivel of acceptable falconry design;

(3) at least one suitable bath container for each raptor that is at least two to six inches deep and wider than the length of the raptor; and

(4) a reliable scale or balance suitable for weighing the raptors that is graduated to increments of not more than ½ ounce (15 grams).

(b) A falconry permit shall not be issued unless all equipment requirements are met.

(c) All equipment shall be properly maintained during the term of the permit. (Authorized by K.S.A. 32-807; implementing K.S.A. 32-807, K.S.A. 32-1002; effective Nov. 12, 1991; amended Oct. 5, 2001.)

115-14-7. (Authorized by K.S.A. 1990 Supp. 32-807; implementing K.S.A. 1990 Supp. 32-807, K.S.A. 1990 Supp. 32-1001, and K.S.A. 1990 Supp. 32-1002; effective Nov. 12, 1991; revoked Oct. 5, 2001.)

115-14-8. Reports. (a) Each falconer shall submit to the department, at the time the report is submitted to the service, a copy of any report required by 50 C.F.R. 21.28 and 21.29 as adopted by reference in K.A.R. 115-14-1.

(b) Each falconer shall provide reports to the department as required by the secretary. Such reports shall be submitted within time periods as established by the secretary and shall include information on permit and hunting activities. (Authorized by K.S.A. 32-807; implementing K.S.A.

32-807, K.S.A. 32-1001, and K.S.A. 32-1002; effective Nov. 12, 1991; amended Aug. 15, 1994.)

115-14-9. Acquisition of raptors. (a) Each falconer attempting to take or taking raptors from the wild shall possess a current hunting license, unless exempt pursuant to K.S.A. 32-919 and amendments thereto.

(b) Eyasses may be taken only by a general or master falconer and only during the period beginning on May 1 and extending through July 1.

(c) Passage and haggard raptors may be taken by apprentice, general, and master falconers during the period beginning on October 1 and extending through January 26.

(d) No more than two eyasses may be taken by the same falconer during the specified time period for the taking of eyasses.

(e) At least two eyasses shall be left in the nest when an eyass is taken.

(f) The following raptors may be taken from the wild, but only during the specified stages of development:

(1) Red-tailed hawk *Buteo jamaicensis* in the eyass and passage stages;

(2) American kestrel *Falco sparverius* in all stages; and

(3) great-horned owl *Bubo virginianus* in all stages.

(g) Any other species of raptor in the eyass or passage stage of development may be taken by general and master falconers if the service authorizes taking of the species from the wild for falconry purposes. No species listed as a Kansas threatened or endangered species shall be taken from the wild.

(h) Each falconer shall apply for authorization from the department before attempting to take raptors from the wild in Kansas.

(i) Each item of equipment used to capture raptors shall have a tag attached containing the permittee's name, address, and current falconry permit number.

(j) Marked raptors may be recaptured at any time.

(k) Each falconer shall purchase, receive, sell, barter, or transfer raptors only in compliance with 50 C.F.R. 21.28 and 21.29, as adopted by reference in K.A.R. 115-14-1.

(l) Captive-bred raptors of any species may be used by general and master falconers if the use of such species for falconry has been authorized by 50 C.F.R. 21.28 and 21.29, as adopted by reference in K.A.R. 115-14-1.

(m) Other than those species listed on the federal or Kansas threatened or endangered lists, raptors taken under a depredation or special purpose federal permit may be used by general and master falconers as authorized by 50 C.F.R. 21.28, as adopted by reference in K.A.R. 115-14-1. (Authorized by K.S.A. 32-807; implementing K.S.A. 32-807, K.S.A. 32-919, and K.S.A. 32-1002; effective Nov. 12, 1991; amended Aug. 15, 1994; amended Aug. 1, 1997; amended Oct. 5, 2001.)

115-14-10. Other provisions. (a) Each person possessing raptors before January 1, 1974 in excess of the number permitted by K.A.R. 115-14-9 shall be authorized to retain the raptors without being subject to falconry requirements. Each raptor shall be identified by a permanent marker provided by the service, and the raptor shall not be replaced.

(b) No raptor shall be intentionally released to the wild without written authorization from the department. When released to the wild, the raptor's marker shall be removed and surrendered either to the department or to the service.

(c) If all requirements established by 50 C.F.R. 21.28 and 21.29 as adopted by reference in K.A.R. 115-14-1 are met, any raptor possessed under authority of a falconry permit may be temporarily held and cared for by a person other than the permittee.

(d) Feathers that are molted or that are from birds that have died in captivity may be retained and exchanged by falconers for imping purposes only.

(e) Nonresident falconers may import their raptors into Kansas for hunting and field trial purposes, special events, and other uses as approved by the department.

(f) Each falconer shall notify the department of any permanent change of address within 30 days after the change.

(g) Falconers may export their raptors to other states for hunting, field trial, and other purposes if the falconer is in compliance with all federal laws and regulations and the laws and regulations of the state to which raptors are to be exported.

(h) Any raptor held by a falconer may be temporarily transferred to a raptor propagation permit holder, but only for purposes of breeding.

(i) Those species that are required by the service to be marked shall be in compliance with 50

C.F.R. 21.28 and 21.29 as adopted by reference in K.A.R. 115-14-1.

(j) Service markers on deceased or destroyed raptors shall be returned to the department within five days of the loss.

(k) The season for taking game birds by falconry shall be September 1 through March 31.

(l) Falconers may possess hen pheasants that are incidentally taken by falconry means during the established falconry game bird season. Each falconer shall possess no more than two hen pheasants per day.

(m) Mistreatment of any raptor shall be grounds for permit revocation and for confiscation of any raptors in possession of a falconer. Mistreatment shall be defined as any of the following:

(1) Having physical custody of a raptor and failing to provide food, potable water, protection from the elements, opportunity for exercise, and other care as is needed for the health or well-being of the raptor;

(2) abandoning or leaving any raptor in any place without making provisions for its proper care; or

(3) failing to meet the requirements of K.A.R. 115-14-5.

(n) If a falconer takes necessary corrective action within 48 hours after receiving notice of mistreatment from the department, no legal action shall be taken against the falconer, and the raptor shall be returned to the falconer within 48 hours after the corrective action has been taken. However, a record of the mistreatment may be retained by the department, and a citation may be issued according to K.S.A. 32-1049, and amendments thereto, if the falconer receives three or more notices of the same mistreatment, even if corrective action has been taken in each specific instance.

(o) If the falconer has not taken necessary corrective action within 48 hours, then a citation may be issued according to K.S.A. 32-1049, and amendments thereto, or the raptors may be seized, or both. The Kansas administrative procedures act, K.S.A. 77-501 et seq., and amendments thereto, shall provide the method of procedure for the seizure of raptors.

(p) In addition to other penalties prescribed by law, a falconry permit may be denied or revoked by the department for violation of any laws or rules and regulations that govern falconry. (Authorized by K.S.A. 32-807; implementing K.S.A. 32-807, K.S.A. 32-1001, K.S.A. 32-1002 and K.S.A. 32-1047; effective Nov. 12, 1991; amended Aug. 15, 1994; amended Oct. 5, 2001.)

Article 15.—NONGAME, THREATENED AND ENDANGERED SPECIES

115-15-1. Threatened and endangered species; general provisions. (a) The following species shall be designated endangered within the boundaries of the state of Kansas.

(1) Invertebrates

Flat floater mussel, *Anodonta suborbiculata* (Say, 1831)

Rabbitsfoot mussel, *Quadrula cylindrica* (Say, 1817)

Western fanshell mussel, *Cyprogenia aberti* (Conrad, 1850)

Neosho mucket mussel, *Lampsilis rafinesqueana* (Frierson, 1927)

Elktoe mussel, *Alasmidonta marginata* (Say, 1818)

Ellipse mussel, *Venustaconcha ellipsiformis* (Conrad, 1836)

Slender walker snail, *Pomatiopsis lapidaria* (Say, 1817)

Scott optioservus riffle beetle, *Optioservus phaeus* (White, 1978)

American burying beetle, *Nicrophorus americanus* (Olivier, 1890)

Mucket, *Actinonaias ligamentina* (Lamarck, 1819)

(2) Fish

Arkansas River shiner, *Notropis girardi* (Hubbs and Ortenburger, 1929)

Pallid sturgeon, *Scaphirhynchus albus* (Forbes and Richardson, 1905)

Sicklefin chub, *Macrhybopsis meeki* (Jordan and Evermann, 1896)

Arkansas River speckled chub, *Macrhybopsis tetranema* (Gilbert, 1886)

Silver chub, *Macrhybopsis storeriana* (Kirtland, 1845)

(3) Amphibians

Cave salamander, *Eurycea lucifuga* (Rafinesque, 1822)

Many-ribbed salamander, *Eurycea multiplicata* (Cope, 1869)

Grotto salamander, *Typhlotriton spelaeus* (Stejneger, 1893)

(4) Birds

Black-capped vireo, *Vireo atricapilla* (Woodhouse, 1852)

Eskimo curlew, *Numenius borealis* (Forster, 1772)
Least tern, *Sterna antillarum* (Lesson, 1847)
Peregrine falcon, *Falco peregrinus* (Tunstall, 1771)
Whooping crane, *Grus americana* (Linnaeus, 1758)

(5) Mammals
Black-footed ferret, *Mustela nigripes* (Audubon and Bachman, 1851)
Gray myotis, *Myotis grisescens* (A.H. Howell, 1909)

(b) The following species shall be designated threatened within the boundaries of the state of Kansas.

(1) Invertebrates
Rock pocketbook mussel, *Arcidens confragosus* (Say, 1829)
Flutedshell mussel, *Lasmigona costata* (Rafinesque, 1820)
Butterfly mussel, *Ellipsaria lineolata* (Rafinesque, 1820)
Ouachita kidneyshell mussel, *Ptychobranchus occidentalis* (Conrad, 1836)
Sharp hornsnail, *Pleurocera acuta* (Rafinesque, 1831)

(2) Fish
Arkansas darter, *Etheostoma cragini* (Gilbert, 1885)
Chestnut lamprey, *Ichthyomyzon castaneus* (Girard, 1858)
Flathead chub, *Platygobio gracilis* (Richardson, 1836)
Hornyhead chub, *Nocomis biguttatus* (Kirtland, 1840)
Neosho madtom, *Noturus placidus* (Taylor, 1969)
Redspot chub, *Nocomis asper* (Lachner and Jenkins, 1971)
Silverband shiner, *Notropis shumardi* (Girard, 1856)
Blackside darter, *Percina maculata* (Girard, 1859)
Sturgeon chub, *Macrhybopsis gelida* (Girard, 1856)
Western silvery minnow, *Hybognathus argyritis* (Girard, 1856)
Topeka shiner, *Notropis topeka* (Gilbert, 1884)

(3) Amphibians
Eastern newt, *Notophthalmus viridescens* (Rafinesque, 1820)
Longtail salamander, *Eurycea longicauda* (Green, 1818)
Eastern narrowmouth toad, *Gastrophryne carolinensis* (Holbrook, 1836)
Green frog, *Rana clamitans* (Latreille, 1801)
Spring peeper, *Pseudacris crucifer* (Wied-Neuwied, 1838)
Strecker's chorus frog, *Pseudacris streckeri* (Wright and Wright, 1933)
Green toad, *Bufo debilis* (Girard, 1854)

(4) Reptiles
Broadhead skink, *Eumeces laticeps* (Schneider, 1801)
Checkered garter snake, *Thamnophis marcianus* (Baird and Girard, 1853)
Common map turtle, *Graptemys geographica* (Le Sueur, 1817)
Texas blind snake, *Leptotyphlops dulcis* (Baird and Girard, 1853)
Redbelly snake, *Storeria occipitomaculata* (Storer, 1839)
Longnose snake, *Rhinocheilus lecontei* (Baird and Girard, 1853)
Smooth earth snake, *Virginia valeriae* (Baird and Girard, 1853)

(5) Birds
Piping plover, *Charadrius melodus* (Ord, 1824)
Snowy plover, *Charadrius alexandrinus* (Linnaeus, 1758)
Bald eagle, *Haliaeetus leucocephalus* (Linnaeus, 1766)

(6) Mammals
Spotted skunk, *Spilogale putorius* (Linnaeus, 1758)

(c) A threatened or endangered species taken during established trapping seasons, authorized commercial wildlife operations, fishing by hook and line, bait fish seining, or other lawful activity shall not be unlawfully taken if immediately released.

(d) Any threatened or endangered species in possession before the effective date of this regulation and not prohibited by any previous regulation of the department or national listings may be retained in possession if either of the following conditions is met:

(1) An application of affidavit to that effect has been filed with and approved by the secretary before January 1, 1990 that states the circumstances of how the species came into possession.

(2) Possession of the animal has been previ-

ously approved by the department. (Authorized by K.S.A. 32-960 and K.S.A. 32-963; implementing K.S.A. 32-960, K.S.A. 32-961, K.S.A. 32-963, K.S.A. 32-1010, and K.S.A. 32-1011; effective Oct. 30, 1989; amended Aug. 31, 1992; amended Nov. 29, 1999; amended Feb. 18, 2005.)

115-15-2. Nongame species; general provisions. (a) The following species shall be designated nongame species in need of conservation within the boundaries of the state of Kansas.

(1) Invertebrates

Cylindrical papershell mussel, *Anodontoides ferussacianus* (I. Lea, 1834)

Snuffbox mussel, *Epioblasma triquetra* (Rafinesque, 1820)

Wartyback mussel, *Quadrula nodulata* (Rafinesque, 1820)

Spike mussel, *Elliptio dilatata* (Rafinesque, 1820)

Wabash pigtoe mussel, *Fusconaia flava* (Rafinesque, 1820)

Fatmucket mussel, *Lampsilis siliquoidea* (Barnes, 1823)

Yellow sandshell mussel, *Lampsilis teres* (Rafinesque, 1820)

Washboard mussel, *Megalonaias nervosa* (Rafinesque, 1820)

Round pigtoe mussel, *Pleurobema sintoxia* (Conrad, 1834)

Creeper mussel, *Strophitus undulatus* (Say, 1817)

Fawnsfoot mussel, *Truncilla donaciformis* (I. Lea, 1828)

Deertoe mussel, *Truncilla truncata* (Rafinesque, 1820)

Ozark emerald dragonfly, *Somatochlora ozarkensis* (Bird, 1833)

Gray petaltail dragonfly, *Tachopteryx thoreyi* (Hagen in Selys, 1857)

Prairie mole cricket, *Gryllotalpa major* (Saussure, 1874)

Neosho midget crayfish, *Orconectes macrus* (Williams, 1952)

Delta hydrobe, *Probythinella emarginata* (Kuster, 1852)

(2) Fish

Banded darter, *Etheostoma zonale* (Cope, 1868)

Banded sculpin, *Cottus carolinae* (Gill, 1861)

Black redhorse, *Moxostoma duquesnei* (Lesueur, 1817)

Blue sucker, *Cycleptus elongatus* (Lesueur, 1817)

Blacknose dace, *Rhinichthys atratulus* (Hermann, 1804)

Bluntnose darter, *Etheostoma chlorosoma* (Hay, 1881)

Brassy minnow, *Hybognathus hankinsoni* (Hubbs, 1929)

Gravel chub, *Erimystax x-punctatus* (Hubbs and Crowe, 1956)

Greenside darter, *Etheostoma blennioides* (Rafinesque, 1819)

Highfin carpsucker, *Carpiodes velifer* (Rafinesque, 1820)

Northern hog sucker, *Hypentelium nigricans* (Lesueur, 1817)

Ozark minnow, *Notropis nubilus* (Forbes, 1878)

Plains minnow, *Hybognathus placitus* (Girard, 1856)

River darter, *Percina shumardi* (Girard, 1859)

River redhorse, *Moxostoma carinatum* (Cope, 1870)

River shiner, *Notropis blennius* (Girard, 1856)

Slough darter, *Etheostoma gracile* (Girard, 1859)

Speckled darter, *Etheostoma stigmaeum* (Jordan, 1877)

Spotfin shiner, *Cyprinella spiloptera* (Cope, 1868)

Spotted sucker, *Minytrema melanops* (Rafinesque, 1820)

Stippled darter, *Etheostoma punctulatum* (Agassiz, 1854)

Tadpole madtom, *Noturus gyrinus* (Mitchill, 1817)

Brindled madtom, *Noturus miurus* (Jordan, 1877)

(3) Amphibians

Red-spotted toad, *Bufo punctatus* (Baird and Girard, 1852)

Crawfish frog, *Rana areolata* (Baird and Girard, 1852)

(4) Reptiles

Alligator snapping turtle, *Macrochelys temminckii* (Troost, in Harlan, 1835)

Rough earth snake, *Virginia striatula* (Linnaeus, 1766)

Western hognose snake, *Heterodon nasicus* (Baird and Girard, 1852)

Timber rattlesnake, *Crotalus horridus* (Linnaeus, 1758)
Eastern hognose snake, *Heterodon platirhinos* (Latreille, 1801)
Glossy snake, *Arizona elegans* (Kennicott, 1859)
Night snake, *Hypsiglena torquata* (Gunther, 1860)

(5) Birds
Bobolink, *Dolichonyx oryzivorus* (Linnaeus, 1758)
Cerulean warbler, *Dendroica cerulea* (Wilson, 1810)
Curve-billed thrasher, *Toxostoma curvirostre* (Swainson, 1827)
Ferruginous hawk, *Buteo regalis* (Gray, 1844)
Golden eagle, *Aquila chrysaetos* (Linnaeus, 1758)
Short-eared owl, *Asio flammeus* (Pontoppidan, 1763)
Henslow's sparrow, *Ammodramus henslowii* (Audubon, 1829)
Ladder-backed woodpecker, *Picoides scalaris* (Wagler, 1829)
Long-billed curlew, *Numenius americanus* (Bechstein, 1812)
Mountain plover, *Charadrius montanus* (Townsend, 1837)
Chihuahuan raven, *Corvus cryptoleucus* (Couch, 1854)
Black tern, *Chlidonias niger* (Linnaeus, 1758)
Black rail, *Laterallus jamaicensis* (Gmelin, 1789)
Whip-poor-will, *Caprimulgus vociferus* (Wilson, 1812)
Yellow-throated warbler, *Dendroica dominica* (Linnaeus, 1776)

(6) Mammals
Franklin's ground squirrel, *Spermophilus franklinii* (Sabine, 1822)
Pallid bat, *Antrozous pallidus* (LeConte, 1856)
Southern bog lemming, *Synaptomys cooperi* (Baird, 1858)
Southern flying squirrel, *Glaucomys volans* (Linnaeus, 1758)
Texas mouse, *Peromyscus attwateri* (J.A. Allen, 1895)
Townsend's big-eared bat, *Corynorhinus townsendii* (Cooper, 1837)

(b) Any nongame species in need of conservation taken during established trapping seasons, authorized commercial wildlife operations, fishing by hook and line, bait fish seining, or other lawful activity shall not be unlawfully taken if immediately released.

(c) Any nongame species in need of conservation in possession before the effective date of this regulation and not prohibited by any previous regulation of the department or national listings may be retained in possession if either of the following conditions is met:

(1) An application of affidavit to that effect has been filed with and approved by the secretary before January 1, 1990, that states the circumstances of how the species came into possession.

(2) Possession of the animal has been previously approved by the department. (Authorized by K.S.A. 32-959 and K.S.A. 32-963; implementing K.S.A. 32-959 and K.S.A. 2003 Supp. 32-1009; effective Oct. 30, 1989; amended Aug. 31, 1992; amended Nov. 29, 1999; amended Feb. 18, 2005.)

115-15-3. Threatened and endangered wildlife; special permits, enforcement actions. (a) The following definitions shall apply only to this regulation.

(1) "Action" means an activity resulting in physical alteration of a listed species' habitat, physical disturbance of listed species, or destruction of individuals of a listed species.

(2) "Critical habitat" means either of the following:

(A) specific areas documented as currently providing essential physical and biological features and supporting a self-sustaining population of a listed species; or

(B) specific areas not documented as currently supporting a listed species, but determined essential for the listed species by the secretary.

(3) "Habitat" means the abode where a listed species is generally found and where all essentials for survival and growth of the listed species are present.

(4) "Intentional destruction" means an act or attempt that is willful, done for the purpose of, and results in, the killing of a threatened or endangered species.

(5) "Intentional taking" means an act or attempt that is willful and done for the purpose of taking a threatened or endangered species, "Intentional taking" includes "intentional destruction" as defined in paragraph (a)(4).

(6) "Listed species" means those species listed in K.A.R. 115-15-1.

(7) "Normal farming and ranching practices" include activities financed with private funds on private lands, and government cost-shared, routine agricultural land treatment measures.

(8) "Publicly funded" means any action of which planning and implementation are wholly funded with monies from federal, state or local units of government.

(9) "State or federally assisted" means any action receiving technical assistance or partial funding from a state or federal governmental agency.

(b) Any person sponsoring or responsible for a publicly funded action, a state or federally assisted action, or an action requiring a permit from another state or federal government agency shall apply to the secretary for an action permit on forms provided by the department unless one of the following exceptions applies.

(1) An action permit shall not be required to conduct normal farming and ranching practices, unless a permit is required by another state or federal agency or such practices involve an intentional taking of a threatened or endangered species.

(2) An action permit shall not be required for development of residential and commercial property on privately owned property financed with private, nonpublic funds, unless a permit is required by another state or federal agency or the development involves an intentional taking of a threatened or endangered species.

(3) An action permit shall not be required for activities for which a person has obtained a scientific, educational, or exhibition permit, as provided by K.S.A. 32-952, and amendments thereto, and K.A.R. 115-18-3, and amendments thereto.

(c) An action permit application shall be submitted no fewer than 90 days before the proposed starting date of the planned action and shall include the following information:

(1) location and description of the proposed action and, if required, detailed plans of the proposed action;

(2) an assessment of potential impacts on the listed species or its habitat resulting from the proposed action;

(3) proposed measures incorporated into the action plan to protect listed species or critical habitat of listed species; and

(4) other relevant information required by the secretary.

(d) Any person sponsoring or responsible for an action for which an action permit is not required by subsection (b) and which will result in the intentional destruction of an individual of any listed species shall apply to the secretary for an action permit on forms provided by the department. An action permit shall not be required for activities for which a person has obtained a scientific, educational, or exhibition permit, as provided by K.S.A. 32-952, and amendments thereto, and K.A.R. 115-18-3, and amendments thereto. An action permit application shall be submitted no fewer than 30 days before the proposed starting date of the planned action and shall include the following information:

(1) location and description of the proposed action and, if required, detailed plans of the proposed action;

(2) an assessment of potential impacts on the listed species or its habitat resulting from the proposed action;

(3) proposed measures incorporated into the action plan to protect listed species or critical habitat of listed species; and

(4) other relevant information required by the secretary.

(e) An action permit required under subsection (b) or (c) shall be issued by the secretary pursuant to a timely and complete application if the proposed action complies with the following conditions:

(1) sufficient mitigating or compensating measures to assure protection of either critical habitats, listed species, or both as conditions require, cooperatively developed by the department and the applicant and incorporated into the proposed action; and

(2) all federal laws protecting listed species.

(f) The secretary may provide for a public hearing on the proposed action before issuance of an action permit.

(g) In addition to other penalties prescribed by law, an action permit may be revoked by the secretary for any of these reasons:

(1) violation of conditions established by the permit;

(2) significant deviation of an action from the proposed action; or

(3) failure to perform or initiate performance of an action within one year after the proposed starting date, unless otherwise specified in the permit or an extension has been authorized in

writing by the secretary after a determination of no significant change in the proposed action.

(h) Law enforcement action shall be undertaken only in cases of intentional taking of a threatened or endangered species.

(i) Nothing in this regulation shall be deemed to absolve a person from the obligation to acquire knowledge of the presence of a listed species by the exercise of due diligence once a listed species is known to exist within an area or the area is designated as critical habitat. This subsection (i) shall be applied only to offenses or obligations arising under state statutes or regulations. (Authorized by K.S.A. 32-961, K.S.A. 32-963, and L. 1997, Ch. 113, sec. 4; implementing K.S.A. 32-961, K.S.A. 32-962, as amended by L. 1997, Ch. 113, sec. 5, K.S.A. 32-963, K.S.A. 32-1010, K.S.A. 32-1011, and L. 1997, Ch. 113, sec. 4; effective Oct. 30, 1989; amended Dec. 29, 1997.)

115-15-4. Recovery plans; procedures. (a) The following definitions shall apply to this regulation.

(1) "Recovery plan" means a designated strategy or methodology that, if funded and implemented, is reasonably expected to lead to the eventual restoration, maintenance, or delisting of a listed species.

(2) "Listed species" means those species listed in K.A.R. 115-15-1 and K.A.R. 115-15-2.

(3) "Local advisory committee" means a committee as described in K.S.A. 32-960a(b), and amendments thereto.

(b) A recovery plan shall be developed for each listed species, subject to the priority list for development of recovery plans, and consistent with the amount of funds appropriated for that purpose.

(1) All listed species shall be ranked to establish priorities for recovery plan development. A recovery plan may include more than one listed species.

(2) When, using the ranked priority list, a species is designated for recovery plan development, notice shall be published to that effect in the Kansas register and shall be mailed to persons who have requested to be notified of the recovery plan process for that species or for all species.

(3) Reasonable opportunity shall be provided for individuals, organizations, or other interested parties to participate and express their views about the development and implementation of a recovery plan.

(4) A local advisory committee shall be established to take part in the development of the recovery plan. The local advisory committee shall identify measures which minimize adverse social and economic impacts during recovery actions.

(c)(1) Each recovery plan shall include the following:

(A) the current status of the listed species, including the existing scientific knowledge of habitat requirements, limiting factors, and distribution;

(B) additional data needs;

(C) actions and land uses affecting the listed species;

(D) specific management activities that may be included in an agreement between the secretary and a landowner;

(E) critical habitat designations required for conservation and recovery of the listed species;

(F) objectives, criteria, and budgeted actions required to recover and protect the listed species;

(G) conservation assistance programs or other incentive-based opportunities for species conservation on private lands;

(H) information and education-based opportunities for conservation of listed species on private lands;

(I) delisting date goal; and

(J) estimated implementation cost.

(2) For each species listed as of January 1, 1998, the department shall maintain the existing critical habitat designation process and permitting authority until a recovery plan is adopted for that species. The recovery plan, once adopted, shall determine the final designations for critical habitat as well as identify specific actions that are subject to permitting and enforcement authority.

(3) For newly listed species, critical habitat shall be temporarily designated by the secretary. Final critical habitat criteria and specific actions that are subject to permitting and enforcement authority shall be determined by the adopted recovery plan.

(4) Critical habitat established through the recovery planning process shall supersede existing criteria and designations.

(d) To meet the requirement that real property is included in management activities as part of a recovery plan, according to K.S.A. 79-32.203(a)(2), and amendments thereto, a landowner shall meet these requirements:

(1) undertake land management activities or improvements identified in the recovery plan; and

(2) be a signed party to an agreement with the

secretary specifying those land management activities or improvements.

(e) Before its adoption, a draft recovery plan shall be distributed to federal and state agencies, local and tribal governments that are affected by the recovery plan, and individuals and organizations that have requested notification of department actions regarding threatened or endangered species.

(f) After adoption of a recovery plan, cooperation with other state and federal agencies, local and tribal governments, and affected landowners for implementation of the recovery plan shall be sought by the secretary.

(g) When a listed species is also designated as a federal threatened or endangered species, or is a candidate for federal designation, the recovery plan for that species shall be submitted to the secretary of the interior.

(h) Each recovery plan shall be reviewed at least once every five years, and the status of the species addressed by the recovery plan shall be monitored in the interim. The department shall consult with the local advisory committee during the review. This review shall take into account any new scientific knowledge or data since the original adoption of the recovery plan, as well as current population trends of the species.

(i) This regulation shall take effect on and after January 1, 1998. (Authorized by L. 1997, Ch. 113, Sec. 3; implementing L. 1997, Ch. 113, Sec. 2, L. 1997, Ch. 113, Sec. 3, and L. 1997, Ch. 113, Sec. 6; effective Jan. 1, 1998.)

Article 16.—WILDLIFE DAMAGE CONTROL

115-16-1. Cyanide gas gun permit; application and requirements. (a) Subject to federal and state laws and rules and regulations, a cyanide gas gun, may be used in an authorized wildlife control program for the purpose of livestock protection. A cyanide gas gun permit shall be required to use cyanide gas gun devices.

(b) Any owner or operator of land used for agricultural purposes may apply to the secretary for a permit to use cyanide gas gun devices. The application shall be 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 legal description of the land where the cyanide gas gun devices will be used;

(5) a description of the wildlife depredation problem and methods used by the applicant to control the depredation;

(6) written approval from the extension specialist in wildlife damage control; and

(7) other information as required by the secretary.

(c) Issuance of a permit may be denied by the secretary if:

(1) the permit application is unclear or incomplete;

(2) the need for use of cyanide gas gun devices has not been established; or

(3) use of cyanide gas gun devices would pose an inordinate risk to the public, non-target wildlife, or the environment.

(d) The following permit conditions shall apply:

(1) The permit shall be valid only for the time periods specified on the permit, but shall not exceed 120 days;

(2) Warning signs indicating use of cyanide gas gun devices shall be conspicuously placed at all property access points. One elevated warning sign shall be placed within six feet of any cyanide gas gun device; and

(3) The permit shall be valid only for the locations specified on the permit.

(e) Each permittee shall submit a report to the department within 10 days after permit expiration. The report shall contain the following information:

(1) the name of the permittee;

(2) the permit number;

(3) the number of coyotes killed;

(4) the number of days that cyanide gas gun devices were in use;

(5) the number and species of non-target wildlife killed; and

(6) other information as required by the secretary.

(f) Each permittee shall use only cyanide gas gun devices and those necessary materials, supplies, signs, and equipment provided through the extension specialist in wildlife damage control.

(g) In addition to other penalties as prescribed by law, a cyanide gas gun permit may be revoked by the secretary if:

(1) the permit was secured through false representation; or

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

by K.S.A. 1989 Supp. 32-807 and K.S.A. 1989 Supp. 32-955; implementing K.S.A. 1989 Supp. 32-955, K.S.A. 1989 Supp. 32-1002 and K.S.A. 1989 Supp. 32-1003; effective Sept. 10, 1990.)

115-16-2. Prairie dog control permit; application and requirements. (a) A prairie dog control permit shall be required to use any poisonous gas or smoke to control prairie dogs, except toxicants labeled and registered for above ground use for prairie dog control shall not require a prairie dog permit.

(b) Any person may apply to the secretary for a prairie dog control permit. The application shall be 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 legal description of land where the poisonous gas or smoke will be used;

(5) a description of the problem requiring prairie dog control;

(6) the type of control method to be used;

(7) written approval from the extension specialist in wildlife damage control; and

(8) other information as required by the secretary.

(c) Issuance of a permit may be denied by the secretary if:

(1) the permit application is unclear or incomplete;

(2) the need for prairie dog control has not been established; or

(3) use of poisonous gas or smoke would pose inordinate risk to the public, non-target wildlife or the environment.

(d) The permit shall be valid only for the time period specified on the permit, but shall not exceed 120 days.

(e) The permit shall be valid only for the locations specified in the permit.

(f) In addition to other penalties as prescribed by law, a prairie dog control permit may be revoked by the secretary if:

(1) the permit was secured through false representation; or

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

(g) All prairie dog control performed under the permit shall be subject to all federal and state laws and rules and regulations. (Authorized by K.S.A. 1989 Supp. 32-807 and K.S.A. 1989 Supp. 32-955; implementing K.S.A. 1989 Supp. 32-955, K.S.A. 1989 Supp. 32-1002 and K.S.A. 1989 Supp. 32-1003; effective Sept. 10, 1990.)

115-16-3. Nuisance bird control permit; application, provisions and requirements. (a) Nuisance birds shall include the following species:

(1) yellow-headed blackbird;

(2) red-winged blackbird;

(3) bi-colored red-winged blackbird;

(4) rusty blackbird;

(5) brewer's blackbird;

(6) cowbird;

(7) grackle;

(8) crow;

(9) magpie;

(10) feral pigeon;

(11) english sparrow; and

(12) starling.

(b) Nuisance birds may be controlled when found depredating or about to depredate upon ornamental or shade trees, agricultural crops, livestock, or wildlife, or when concentrated in such numbers and manner as to constitute a health hazard or other nuisance.

(c) A nuisance bird control permit shall be required to use any lethal method of control which involves poisons or chemicals for controlling nuisance birds other than feral pigeon, english sparrow or starling.

(d) Any person may apply to the secretary for a nuisance bird control permit. The application shall be 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 location of the nuisance bird problem;

(5) a description of the problem;

(6) the species of birds involved;

(7) the proposed method of control;

(8) the length of time for which the permit is requested; and

(9) other information as required by the secretary.

(e) Issuance of the permit may be denied by the secretary if:

(1) the permit application is unclear or incomplete;

(2) the need for nuisance bird control has not been established; or

(3) use of the poison or chemical would pose

inordinate risk to the public, non-target wildlife or the environment.

(f) The permit shall be valid only for the time period specified on the permit, but shall not exceed one year.

(g) A permit may be extended by the secretary upon request and justification by the permittee. However, the combined total of the original and extended time period shall not exceed one year.

(h) The permit shall be valid only for the locations specified in the permit.

(i) In addition to other penalties as prescribed by law, a nuisance bird control permit may be revoked by the secretary if:

(1) the permit was secured through false representation; or

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

(j) A nuisance bird control permit shall not be required to control nuisance bird problems as described in subsection (b) when the control method is non-lethal or when the control method involves use of firearms, bow and arrow or falconry.

(k) Nuisance birds killed and the plumage of nuisance birds killed during nuisance bird control may be possessed, transported and otherwise disposed of or utilized, except that nuisance birds killed and the plumage of nuisance birds killed during the nuisance bird control shall not be sold or offered for sale.

(l) All nuisance bird control activities shall be subject to all federal and state laws and rules and regulations. (Authorized by K.S.A. 1991 Supp. 32-807 and K.S.A. 1991 Supp. 32-955; implementing K.S.A. 1991 Supp. 32-955, K.S.A. 1991 Supp. 32-1002 and K.S.A. 1991 Supp. 32-1003; effective Sept. 10, 1990; amended Aug. 31, 1992.)

115-16-4. Big game control permit; application, requirements, and provisions. (a) Big game animals may be controlled when found destroying property or when creating a public safety hazard.

(b) A big game control permit shall be required to use any lethal method in controlling big game.

(c) Any owner or operator of land may apply to the secretary for a big game control permit when a big game animal is found destroying property. Any person may apply to the secretary for a big game control permit when a big game animal is creating a public safety hazard. 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 legal description of the land where the problem is occurring;

(5) a description of the problem, including the number of acres involved; and

(6) other information as required by the secretary.

(d) Issuance of a big game control permit may be denied by the secretary if any of the following conditions exists:

(1) The permit application is unclear or incomplete.

(2) The applicant does not agree to attempt to reduce numbers of big game by allowing hunting during the regular firearms season for the appropriate species of big game animal.

(3) Evidence of property destruction or a public safety hazard caused by a big game animal is lacking.

(4) Use of the lethal method of control would pose inordinate risk to the public or to the big game resource.

(e) In addition to any big game control provisions specified in the permit, the following general big game control permit provisions shall apply:

(1) The permit shall be valid for a period not to exceed 45 days.

(2) The permit shall be valid for only the locations specified in the permit.

(3) The number and type of big game that may be killed shall be those specified on the permit.

(4) The killing of big game under a big game control permit shall be restricted to the permittee or to the permittee's designated agent. A designated agent shall have a valid hunting license, unless exempt according to state law, and shall be approved by the department.

(5) The lethal control method shall be as specified on the permit.

(6) Big game killed under permit authority may be possessed as authorized by K.A.R. 115-4-9 or otherwise disposed of as specified on the permit.

(f) Each permittee shall submit a report to the department within 10 days following expiration of the permit. Each permittee shall provide the following information:

(1) The name of the permittee;

(2) the permit number;

(3) the number and type of big game killed;

(4) the disposition of the big game killed; and

(5) other information as required by the secretary.

(g) In addition to other penalties as prescribed by law, a big game control permit may be revoked by the secretary if either of the following conditions exists:

(1) The permit was secured through false representation.

(2) The permittee fails to meet permit requirements or violates permit conditions. (Authorized by K.S.A. 32-807 and 1999 SB 70, § 3; implementing K.S.A. 32-1002, K.S.A. 32-1004, and 1999 SB 70, § 3; effective Sept. 10, 1990; amended June 11, 1999.)

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;

(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;

(3) archery equipment;

(4) dogs;

(5) falconry;

(6) 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) habitat modification;

(8) net or seine;

(9) glue board;

(10) hand; and

(11) any other methods to exclude or frighten wildlife, including repellents.

(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 including those listed in paragraphs (d)(2), (d)(3), and (d)(6).

(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.

(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 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. 32-919, K.S.A. 2005 Supp. 32-1002, and K.S.A. 2005 Supp. 32-1003; effective July 19, 2002; amended Nov. 27, 2006.)

115-16-6. Wildlife control permit; application and reporting requirements. (a) Each person 16 years of age or older wishing to obtain a wildlife control permit shall apply to the department on a form provided by the department and shall provide the following information:

(1) The applicant's name, address, and telephone number;

(2) the wildlife species to be controlled;

(3) the county or counties where wildlife control activities will be conducted;

(4) unless specifically exempted by the department based on previous use of the applicable methods or equipment as an authorized wildlife control operator, proof of completion of the following courses, if applicable:

(A) Department-approved hunter education training, if a firearm would be used to take wildlife; and

(B) department-approved furharvester education training, if furharvester equipment would be used to take wildlife; and

(5) any other information required by the department.

(b) Each applicant shall take a course of instruction approved by the department, which shall include instruction concerning applicable laws and regulations, methods for wildlife control, methods for handling wildlife, and other relevant material, and which shall include eight hours of instruction or the equivalent. The course may be offered by the department or by other approved agencies or organizations, and may be offered in person, by correspondence, or by electronic transmission. No applicant shall be required to take

this course of instruction if the applicant has successfully completed an approved course within the previous five years.

(c) Successful completion of the course of instruction described in subsection (b) shall require that the applicant pass a department examination with a minimum score of 80 percent. No applicant shall be eligible to retake the examination within 30 days of failing the examination, and no applicant shall take the examination more than two times within the period of one year.

(d) A wildlife control permit may be refused issuance, denied, suspended, or revoked by the secretary for any of the following reasons:

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

(2) The applicant does not meet the qualifications specified in this regulation.

(3) The applicant has failed to maintain or to submit required reports.

(4) The applicant has violated department laws or regulations, or has had any other department license or permit revoked or suspended.

(5) Issuance of the permit would not be in the best interests of the public, for reasons including complaints or inappropriate conduct while holding a previous wildlife control permit.

(e) Each wildlife control permit shall expire on December 31, but may be renewed for the next calendar year before expiration.

(f) Each permittee shall be in possession of a valid wildlife control permit while conducting wildlife control activities, in addition to any other federal, state, or local permits that may be required. Upon request by any person in lawful possession of property where control activities are being conducted or by any person requesting control activities, the permittee shall make the wildlife control permit available for inspection. A permittee shall not act as an employee or an agent of the department.

(g) Upon request by any person to control wildlife, a wildlife control permittee shall make a reasonable attempt to identify the wildlife species in question, and shall advise the person requesting assistance of the proposed control method and the estimated cost before conducting any wildlife control activities. In no case shall the permittee conduct wildlife control activities without the authorization of the person in lawful control of the property.

(h) Each wildlife control permittee shall submit an annual report by January 31 following the permit year, on a form supplied by the department. The report shall be kept current and available for inspection throughout the permit year. Each report shall contain the following information:

(1) The name, address, and permit number of the permittee;

(2) the date of any control activity;

(3) the species, number, and condition of the wildlife controlled; and

(4) the control method or methods used.

(i) Each wildlife control permittee shall retain the following information for a minimum of three years and shall make this information available for inspection by the department on request:

(1) The name and postal zip code of the legal occupant where control activities were conducted; and

(2) the disposition of any wildlife taken, including any of the following:

(A) The name and postal zip code of the person in lawful possession of the property where the wildlife was released and the number of wildlife released;

(B) the method used if wildlife was euthanized; or

(C) the name of any licensed wildlife rehabilitator to whom the wildlife was submitted.

(j) Subject to applicable federal or state laws and regulations, any governmental body may be authorized by the secretary to conduct wildlife control activities. (Authorized by K.S.A. 32-807; implementing K.S.A. 32-807 and K.S.A. 32-1002; effective July 19, 2002.)

Article 17.—WILDLIFE, COMMERCIAL USES AUTHORIZED

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—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) 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).

(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 K.A.R. 115-15-2 shall not be harvested. (Authorized by 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.)

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.

(2) All 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 species of crustaceans, except that the sale of live specimens shall be restricted to only those species native to or naturalized in Kansas;

(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; and

(5) all 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 K.A.R. 115-15-2 or prohibited from importation pursuant to K.S.A. 32-956, and amendments thereto, shall not be sold. (Authorized by 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.)

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 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 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.

(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 commercial fish bait permit shall authorize a permittee to:

(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:

(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; 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 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 name of the permittee;

(2) the permit number;

(3) the number and species of wildlife harvested; and

(4) the number and species of wildlife sold.

(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 respond to any survey regarding activities conducted under the permit if requested by the secretary.

(h) In addition to other penalties prescribed by

law, a commercial fish bait permit or application may be denied or revoked by the secretary if:

(1) the application is incomplete or contains false information; or

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

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

(j) 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 January 1, 1991. (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, 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.)

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 name and permit number of the permittee is attached.

(4) The name and permit number of the permittee shall be attached to each trap and seine while the trap or seine is in use. (Authorized by 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.)

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) Crayfish—all waters of the state except departmental lands and waters and federal and state sanctuaries;

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

(c) annelids and insects—all lands and waters of the state except department lands and waters and federal and state sanctuaries. (Authorized by 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.)

115-17-6. Commercial mussel fishing license; mussel salvage permits; license or permit application and requirements, authority, reports, general provisions, and license or permit revocation. (a) A commercial mussel fishing license shall be required for commercial mussel fishing purposes. If a mussel salvage order has been issued by the secretary through public notice or posting the area open to mussel salvage, a mussel salvage permit shall be required for mussel salvage purposes.

(b) Any person may apply to the secretary for a commercial mussel fishing license or a mussel salvage permit. The application shall be submitted on forms provided by the department, and each applicant shall provide the following information, except that no commercial license shall be issued on and after January 1, 2003 through December 31, 2012:

(1) The name of the applicant;

(2) the address and telephone number of the applicant;

(3) the business locations and telephone numbers of the applicant;

(4) the location for mussel storage and processing; and

(5) other information as required by the secretary.

(c) Each mussel fishing licensee shall maintain a current record of activity and shall submit quarterly 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 quarter for which the reports are prepared. A license shall not be renewed until all reports due have been received by the department. Each mussel salvage permittee shall maintain a current record of activity for the duration of the permit and shall submit a report to the department on forms provided by the department. The report shall be submitted not later than 15 days following the expiration of the permit.

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

(1) The name of the licensee or permittee;

(2) the address and telephone number of the licensee or permittee;

(3) the license or permit number of the licensee or permittee;

(4) the total weight or total shell weight of each mussel species harvested;

(5) the total weight or total shell weight of each mussel species sold, including the following information:

(A) A separate entry for each sale stating the total weight or total shell weight of each mussel species sold;

(B) the date of each sale;

(C) the name, address, and license number of the person to whom the mussels were sold; and

(D) the name of the state where harvested; and

(6) other information as required by the secretary.

(e) Each commercial mussel fishing licensee or mussel salvage permittee shall sell mussels only to a person legally authorized to purchase mussels under subsection (f) of this regulation, or pursuant to K.A.R. 115-17-14.

(f) Any person may purchase mussels from a commercial mussel fishing licensee or mussel salvage permittee if the mussels are not purchased for use as fish bait, are not purchased for resale, are not purchased for other commercial use, and are not sold.

(g) In addition to other penalties prescribed by law, a commercial mussel fishing or mussel salvage application, license, or permit may be revoked or denied issuance by the secretary if any of the following conditions is met:

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

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

(3) The licensee or permittee violates any provision of law, rules, or regulations related to the commercial use of mussels.

(h) Each commercial mussel fishing license shall expire on December 31 of the year for which the license was issued. Each mussel salvage permit shall expire on the date written on the salvage permit.

(i) Each commercial mussel fishing license shall permit the possession of mussels harvested for commercial purposes by that licensee for no more than 48 hours after the close of the mussel season. A mussel salvage permit shall permit the possession of mussels harvested for commercial purposes by that permittee for no more than 48 hours after the expiration date written on the salvage permit.

(j) A licensee or permittee may submit a written request to the secretary to possess mussels for commercial purposes beyond the possession period specified above in subsection (i). Each request shall specify the number of each species of mussels possessed and the applicant's name, address, and commercial mussel fishing license or mussel salvage permit number. Authorization of possession beyond the possession period shall be issued in writing and shall include a date on which the authorization expires. Receipt of this authorization by the licensee or permittee shall allow the licensee's or permittee's sale of shells pursuant to subsection (e) of this regulation. Any mussel sale during the authorized time period shall be reported to the department within 48 hours of the sale by both the licensee or permittee and the purchaser. (Authorized by 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 Jan. 1, 1991; amended June 8, 1992; amended Nov. 30, 1998; amended Nov. 22, 2002; amended April 18, 2003.)

115-17-7. Commercial harvest of mussels; legal species, seasons, size restrictions, daily limits, and possession limits. (a) The following listed mussel species may be taken for commercial purposes, except that no mussels may be commercially harvested on and after January 1, 2003 through December 31, 2012, unless a mussel salvage order has been issued by the secretary through public notice or posting the area open to mussel salvage:

(1) Threeridge, *Amblema plicata*;

(2) monkeyface, *Quadrula metanevra*;

(3) mapleleaf, *Quadrula quadrula*;

(4) bleufer (purple shell), *Potamilus purpuratus*; and

(5) Asian clam, *Corbicula fluminea*.

(b) The season for the commercial harvest of mussels shall be on and after April 1 through September 30. However, mussels shall not be commercially harvested on and after January 1, 2003 through December 31, 2012, except when a mussel salvage order has been issued by the secretary through public notice or posting the area open to mussel salvage.

(c) Harvesting requirements shall include the following:

(1) The minimum size of mussels shall be measured by passing the mussel shell through a circular measuring device with the appropriate inside diameter.

(2) Measurement shall occur immediately upon removal of the mussel from the water.

(3) If the mussel passes through the appropriate circular measuring device from any angle or direction, the mussel shall not be deemed to meet the minimum size requirement and shall be immediately returned to the water.

(4) The minimum shell size for mussel species shall be the following:

(A) Threeridge: 3-inch diameter;

(B) monkeyface: 2¾-inch diameter;

(C) mapleleaf and bleufer: 3-inch diameter; and

(D) Asian clam: no minimum size.

(d) There shall be no maximum daily or possession limits for mussels. (Authorized by 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 Jan. 1, 1991; amended June 8, 1992; amended Nov. 22, 2002; amended April 18, 2003.)

115-17-8. Commercial harvest of mussels; legal equipment, taking methods, and general provisions. (a) Legal equipment and taking methods permitted for commercial harvest of mussels shall be the following:

(1) By hand; and

(2) by other methods as approved by the department.

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

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

(3) Underwater breathing equipment may be used while taking mussels, if a diver's flag is prominently displayed while using the underwater breathing equipment.

(4) Holding bags, holding baskets, and holding cages may be used if the name and permit number of the permittee is attached to each such bag, basket, and cage.

(c) No mussels may be commercially harvested on and after January 1, 2003 through December 31, 2012, except when a mussel salvage order has been issued by the secretary through public notice or posting the area open to mussel salvage. (Authorized by 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 Jan. 1, 1991; amended Nov. 22, 2002; amended April 18, 2003.)

115-17-9. Commercial mussel fishing; open areas. Waters of the state open for commercial mussel fishing shall be the following, except that all waters of the state shall be closed on and after January 1, 2003 through December 31, 2012, unless a mussel salvage order has been issued by the secretary through public notice or posting the area open to mussel salvage:

(a) Federal reservoirs;

(b) impoundments operated by other governmental entities, if authorized by the governmental entity;

(c) Fall River from below Fall River Dam to its junction with the Verdigris River, except for the stretch of the Fall River from the county road ford located 1.2 miles east of state highway K-96, 3.2 miles south of Fredonia, Kansas, downstream to the Dun Dam located 2.5 miles west and 2.25 miles north of Neodesha, Kansas, which is a total of 9.89 stream miles including 3.27 impounded miles;

(d) Verdigris River from below Toronto Dam to the state line, except for the stretch of the Verdigris River from the Whitehair bridge located 2.5 miles east of federal highway US-75 on the Wilson-Montgomery county line road, downstream to the Montgomery county road bridge located 1.47 miles east of Sycamore, Kansas, which is a total of 6.66 stream miles; and

(e) Neosho River from below John Redmond Dam to the state line, except for the stretch of the Neosho River from the Neosho Falls dam, at Neosho Falls, Kansas, downstream to the mouth of Rock Creek in the NW ¼, NW ¼, Section 11, T24S, R17E, Allen County, Kansas, which is a total of 3.35 stream miles; and

(f) Elk River. (Authorized by 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 Jan. 1, 1991; amended June 8, 1992; amended Nov. 22, 2002; amended April 18, 2003.)

115-17-10. Commercial harvest of fish; permit requirement and application, authority, reports, general provisions and permit revocation. (a) Except as authorized under 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 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.

(c) Each 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:

(1) the name of the permittee;

(2) the permit number of the permitee;

(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 permittee may sell fish taken under a commercial fishing permit to any person.

(g) Any person may purchase fish from a commercial fish permittee for commercial purposes or for personal use.

(h) Any 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) In addition to other penalties prescribed by law, a commercial fishing application or permit may be denied or revoked by the secretary if:

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

(2) the permittee fails to meet permit requirements or violates permit conditions; or

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

(j) A commercial fishing permit shall expire on December 31 of the year for which the permit was issued. (Authorized by 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.)

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 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 locations:

(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 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. (Authorized by K.S.A. 32-807, K.S.A. 32-941, and K.S.A. 2001 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.)

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.

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

115-17-13. Commercial harvest of fish; state of Missouri commercial fishing permit. (a) Any person authorized by the state of Missouri as a commercial fishing permittee may commercially fish in the Kansas portion of the Missouri river without a commercial fishing permit issued by the department, except that the person shall not fish from or attach any device or equipment to any land under the jurisdiction of the state of Kansas.

(b) Each Missouri commercial fishing permittee shall otherwise comply with the laws and regulations governing commercial fishing within Kansas boundaries.

(c) This exemption from the commercial fishing permit requirement shall be contingent upon the state of Missouri recognizing the same exemption for any person issued a commercial fishing permit by the state of Kansas. (Authorized by 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.)

115-17-14. Commercial mussel dealer permit; permit application and requirements, authority, reports, general provisions, and permit revocation. (a) Each person desiring to purchase or import wild mussels for resale, for export from the state, or for any other commercial use shall make application to the secretary for a commercial mussel dealer permit.

(b) Applications 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 and telephone number of the applicant;

(3) the business locations and the phone numbers of the applicant;

(4) the location for mussel storage and processing; and

(5) other information as required by the secretary.

(c) Any commercial mussel dealer may buy, sell, or trade in those species listed in K.A.R. 115-17-7. A commercial mussel dealer shall not buy, sell, or trade any mussel species for use as fish bait.

(d) Each commercial mussel dealer shall purchase mussels only from sources authorized pursuant to K.A.R. 115-17-6, from a commercial mussel dealer authorized pursuant to this regulation, or from a person authorized by another state to sell mussels.

(e) A commercial mussel dealer shall sell mussels only to the following:

(1) A commercial mussel dealer authorized pursuant to this regulation; or

(2) a person legally authorized by another state to purchase mussels.

(f) When a commercial mussel dealer ships, exports, or otherwise sells mussels commercially, the dealer shall provide a bill of lading with each sale. The bill of lading shall be written on a form provided by the department and shall include the following information:

(1) The name, address and telephone number of the commercial mussel dealer;

(2) the dealer permit number and expiration date;

(3) the shipping date;

(4) the name of the recipient;

(5) the address and telephone number of the recipient; and

(6) the total weight of each species on shipment.

(g) Each permittee shall maintain a commercial mussel dealer record book and shall submit a quarterly report to the department. The record book and quarterly report shall be maintained and submitted on forms provided by the department and shall be subject to inspection upon demand by any conservation officer. The report shall be submitted not later than 15 days following the end of the quarter for which the report is prepared. A permit shall not be renewed until all reports have been received by the department.

(h) The record book and report shall include the following information:

(1) The name of the permittee;

(2) the address and telephone number of the permittee;

(3) the permit number of the permittee;

(4) the total shell weight of each mussel species purchased or imported, including the following information:

(A) A separate entry for each purchase or importation, stating the total shell weight of each mussel species purchased;

(B) the date of each purchase or importation;

(C) the name of the state where harvested; and

(D) the name, address, and permit number of each person from whom mussels were purchased or imported;

(5) a copy of each bill of lading accompanying each sale and shipment; and

(6) other information as required by the secretary.

(i) In addition to other penalties prescribed by law, a commercial mussel dealer permit may be revoked or denied issuance by the secretary if any of these conditions is met:

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

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

(3) The permittee violates any provision of law, rule, or regulation related to the commercial use of mussels.

(j) Each commercial mussel dealer permit shall expire on December 31 of the year for which the permit was issued.

(k) Any commercial mussel dealer may possess and sell legally acquired mussels no more than 30 days after the expiration date of the permit. (Authorized by K.S.A. 32-807 and K.S.A. 32-941; implementing K.S.A. 32-941 and K.S.A. 32-1002; effective June 8, 1992; amended Nov. 30, 1998; amended Nov. 22, 2002.)

115-17-15. Sale and purchase of game animals. (a) Any parts of legally taken game animals, excluding flesh, may be sold, purchased, possessed and utilized for any purpose. Antlers that have been dropped or shed may be possessed and may be sold, purchased, possessed and utilized for any purpose.

(b) Any person purchasing unprocessed parts of legally taken game animals shall maintain a bill of sale for one calendar year. (Authorized by and implementing K.S.A. 1992 Supp. 32-807 as amended by L. 1993, Chapter 185, section 2 and K.S.A. 1992 Supp. 32-1002 as amended by L. 1993, Chapter 185, section 9; effective Dec. 27, 1993.)

115-17-16. Commercial use of prairie rattlesnakes. (a) The commercial harvest, possession or sale of prairie rattlesnakes (Crotalus viridis viridis) or their parts shall be authorized only in conjunction with a commercial event authorized by the department under a commercial prairie rattlesnake special event permit or as otherwise authorized by rules and regulations. Finished products of prairie rattlesnakes taken in conjunction with a commercial prairie rattlesnake special event may be possessed at any time and may be sold at any time.

(b) Any person may apply to the department for a commercial prairie rattlesnake special event permit. Each application shall be on forms provided by the department and shall provide the following information:

(1) the name and address of the applicant;

(2) the telephone number of the applicant;

(3) a description of the event including proposed dates; and

(4) other information as required by the secretary.

(c) Each permittee shall maintain a record of event activity and shall submit a final report to the department within 30 days following the expiration of the special event permit. The record and report shall include the following information:

(1) the name and address of the permittee;

(2) the permit number of the permittee;

(3) the number of commercial prairie rattlesnake harvest permittees registered for the event;

(4) the number of commercial prairie rattlesnake dealer permittees registered for the event;

(5) an estimate of the number and pounds of prairie rattlesnakes processed; and

(6) other information as required by the secretary.

(d) General provisions.

(1) Each application for a commercial prairie rattlesnake special event permit shall be submitted to the department not less than 30 days prior to the requested dates for the event.

(2) Each commercial prairie rattlesnake special event permit shall be issued only for an event which occurs during the period of time from April 1 through June 15.

(3) The length of time for a commercial prairie rattlesnake special event shall not exceed 30 days.

(4) Each commercial prairie rattlesnake special event permit shall authorize the possession of prairie rattlesnakes, their parts or finished products without regard to numbers.

(5) Each prairie rattlesnake that is 18 inches in length or greater and not otherwise disposed of during the commercial prairie rattlesnake special event and each prairie rattlesnake less than 18 inches in length shall be released live and unrestrained at the end of the commercial prairie rattlesnake special event unless otherwise authorized by the department.

(6) Each permittee shall cooperate with enforcement, research and data-gathering efforts conducted or authorized by the department in conjunction with the commercial prairie rattlesnake special event.

(7) Each permittee shall comply with permit conditions as specified in the commercial prairie rattlesnake special event permit.

(e) In addition to other penalties prescribed by law, a commercial prairie rattlesnake special event application or permit may be denied or may be revoked by the secretary if:

(1) the application is incomplete or contains false information;

(2) the permittee fails to meet permit requirements or violates permit conditions; or

(3) the permittee violates any provisions of law, rules or regulations related to the commercial use of prairie rattlesnakes. (Authorized by K.S.A. 1992 Supp. 32-807, as amended by L. 1993, Chapter 185, section 2 and K.S.A. 1992 Supp. 32-941, as amended by L. 1993, Chapter 139, section 1; implementing K.S.A. 1992 Supp. 32-807, as amended by L. 1993, Chapter 185, section 2, K.S.A. 1992 Supp. 32-941, as amended by L. 1993, Chapter 139, section 1, K.S.A. 1992 Supp. 32-1002, as amended by L. 1993, Chapter 185, section 9 and K.S.A. 1992 Supp. 32-1005; effective April 11, 1994.)

115-17-17. Commercial prairie rattlesnake harvest permit; permit application and requirements, authority, reports, general provisions and permit revocation. (a) A commercial prairie rattlesnake harvest permit shall be

required to take prairie rattlesnakes (Crotalus viridis viridis) on a commercial basis.

(b) Any individual may apply to the secretary for a commercial prairie rattlesnake harvest permit. Each application shall be on forms provided by the department and shall provide the following information:

(1) the name of the applicant;

(2) the address of the applicant;

(3) the hunting license number of the applicant unless exempt pursuant to K.S.A. 1992 Supp. 32-919 and amendments thereto or applying for a commercial prairie rattlesnake harvest permit as an individual without a hunting license; and

(4) other information as required by the secretary.

(c) Each permittee shall maintain a current record of activity and shall submit a final report to the department on forms provided by the department. The report shall be submitted not later than 14 days following the end of the time period established for the taking of prairie rattlesnakes on a commercial basis.

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

(1) the name of the permittee;

(2) the address of the permittee;

(3) the permit number;

(4) the number of prairie rattlesnakes harvested;

(5) the location of harvest, by county;

(6) the number of prairie rattlesnakes sold;

(7) the name and address of any person to whom prairie rattlesnakes or their parts were sold; and

(8) other information as required by the secretary.

(e) Each commercial prairie rattlesnake harvest permit shall expire on December 31 of the year for which it is issued.

(f) Each commercial prairie rattlesnake harvest permittee shall only take prairie rattlesnakes during a commercial prairie rattlesnake special event permitted by the department.

(g) Any commercial prairie rattlesnake harvest permittee may possess legally-taken prairie rattlesnake parts as long as the permittee maintains a valid permit. Live prairie rattlesnakes not otherwise disposed of shall be released live and unrestrained not later than the conclusion of the commercial prairie rattlesnake special event for which the commercial prairie rattlesnake harvest permittee was registered unless otherwise authorized by the department.

(h) Any commercial prairie rattlesnake harvest permittee may possess prairie rattlesnakes that are less than 18 inches in length. These prairie rattlesnakes shall be released live and unrestrained not later than the conclusion of the commercial prairie rattlesnake special event for which the commercial prairie rattlesnake harvest permittee was registered.

(i) Each commercial prairie rattlesnake harvest permittee shall only sell prairie rattlesnakes or their parts during a commercial prairie rattlesnake special event as authorized under a commercial prairie rattlesnake special event permit. Each commercial prairie rattlesnake harvest permittee shall register with a commercial prairie rattlesnake special event prior to selling any prairie rattlesnake or the parts of any prairie rattlesnake.

(j) Any commercial prairie rattlesnake harvest permittee may possess or possess and sell prairie rattlesnake finished products without limit in time.

(k) Each commercial prairie rattlesnake harvest permittee shall only sell prairie rattlesnakes or their parts to a person legally authorized to purchase prairie rattlesnakes. A bill of sale shall accompany each sale of prairie rattlesnakes or their parts.

(l) Any person may purchase or receive prairie rattlesnakes, their parts or finished products from a commercial prairie rattlesnake harvest permittee. However, the prairie rattlesnakes or their parts shall not be purchased or received for resale or sold. Finished products may be purchased or received for any purpose.

(m) Any commercial prairie rattlesnake dealer permittee may purchase or receive prairie rattlesnakes, their parts or finished products from a commercial prairie rattlesnake harvest permittee.

(n) In addition to other penalties prescribed by law, a commercial prairie rattlesnake harvest application or permit may be denied or may be revoked by the secretary if:

(1) the application is incomplete or contains false information;

(2) the permittee fails to meet permit requirements or violates permit conditions; or

(3) the permittee violates any provisions of law, rules or regulations related to the commercial use of prairie rattlesnakes. (Authorized by K.S.A. 1992 Supp. 32-807, as amended by L. 1993, Chapter 185, section 2 and K.S.A. 1992 Supp. 32-941, as

amended by L. 1993, Chapter 139, section 1; implementing K.S.A. 1992 Supp. 32-807, as amended by L. 1993, Chapter 185, section 2, K.S.A. 1992 Supp. 32-941, as amended by L. 1993, Chapter 139, section 1, K.S.A. 1992 Supp. 32-1002, as amended by L. 1993, Chapter 185, section 9 and K.S.A. 1992 Supp. 32-1005; effective April 11, 1994.)

115-17-18. Commercial harvest of prairie rattlesnakes; open area, daily bag and possession limit. (a) The open area for the taking of prairie rattlesnakes (Crotalus viridis viridis) on a commercial basis shall be that portion of Kansas west of U.S. highway 283, except Morton county shall not be open for the taking of prairie rattlesnakes on a commercial basis.

(b) A commercial prairie rattlesnake harvest permittee shall not harvest more than 10 prairie rattlesnakes per day or possess more than 10 prairie rattlesnakes per day in the field during the period of time and under the conditions established for the commercial harvest of prairie rattlesnakes.

(c) A commercial prairie rattlesnake harvest permittee shall not possess more than 20 prairie rattlesnakes or the parts of more than 20 prairie rattlesnakes. (Authorized by K.S.A. 1992 Supp. 32-807, as amended by L. 1993, Chapter 185, section 2 and K.S.A. 1992 Supp. 32-941, as amended by L. 1993, Chapter 139, section 1; implementing K.S.A. 1992 Supp. 32-807, as amended by L. 1993, Chapter 185, section 2, K.S.A. 1992 Supp. 32-941, as amended by L. 1993, Chapter 139, section 1, K.S.A. 1992 Supp. 32-1002, as amended by L. 1993, Chapter 185, section 9 and K.S.A. 1992 Supp. 32-1005; effective April 11, 1994.)

115-17-19. Commercial harvest of prairie rattlesnakes; legal equipment, taking methods and general provisions. (a) Legal equipment and taking methods permitted for commercial harvest of prairie rattlesnakes (Crotalus viridis viridis) shall be:

(1) by hand;

(2) by noose;

(3) by snake hook, tong or fork; and

(4) by other methods as approved by the department.

(b) Holding bags, holding baskets and holding cages may be used, provided the name and commercial prairie rattlesnake harvest permit number of the permittee is attached to each. (Authorized by K.S.A. 1992 Supp. 32-807, as amended by L. 1993, Chapter 185, section 2 and K.S.A. 1992 Supp. 32-941, as amended by L. 1993, Chapter 139, section 1; implementing K.S.A. 1992 Supp. 32-807, as amended by L. 1993, Chapter 185, section 2, K.S.A. 1992 Supp. 32-941, as amended by L. 1993, Chapter 139, section 1, K.S.A. 1992 Supp. 32-1002, as amended by L. 1993, Chapter 185, section 9 and K.S.A. 1992 Supp. 32-1005; effective April 11, 1994.)

115-17-20. Commercial prairie rattlesnake dealer permit; permit application and requirements, authority, reports, general provisions and permit revocation. (a) Any person desiring to purchase prairie rattlesnakes (Crotalus viridis viridis) or their parts for resale or for export from the state or both shall make application to the secretary for a commercial prairie rattlesnake dealer permit.

(b) Each application shall be on forms provided by the department and shall provide the following information:

(1) the name of the applicant;

(2) the address and telephone number of the applicant;

(3) the business location or locations of the applicant and the telephone number or numbers at the location or locations;

(4) the location for holding prairie rattlesnakes if different from the business location or locations; and

(5) other information as required by the secretary.

(c) Each commercial prairie rattlesnake dealer desiring to renew a commercial prairie rattlesnake dealer permit shall make application as described in subsection (b) and shall provide a description of prairie rattlesnakes or their parts on inventory at the time of renewal application.

(d) Each commercial prairie rattlesnake dealer shall only purchase or receive prairie rattlesnakes or their parts from:

(1) a commercial prairie rattlesnake harvest permittee;

(2) a commercial prairie rattlesnake dealer; or

(3) a person authorized by another state to sell prairie rattlesnakes.

(e) Any commercial prairie rattlesnake dealer may sell prairie rattlesnakes, their parts or finished products to any person. A bill of sale shall accompany each sale of prairie rattlesnakes or their parts. Finished products may be purchased for any purpose.

(f) Each commercial prairie rattlesnake dealer

shall maintain records and shall submit a report to the department not later than 30 days following the close of the period of time established for the commercial taking of prairie rattlesnakes. The records and report shall be on forms provided by the department and shall include the following information:

(1) the name of the permittee;

(2) the address and telephone number of the permittee;

(3) the permit number of the permittee;

(4) a separate entry for each purchase or sale including:

(A) the date of purchase or sale;

(B) a description of items purchased or sold; and

(C) the name, address and permit number of each person from whom prairie rattlesnakes or their parts were purchased or to whom prairie rattlesnakes or their parts were sold; and

(5) other information as required by the secretary.

(g) Each commercial prairie rattlesnake dealer permit shall be valid through December 31 of the year for which it is issued.

(h) Any commercial prairie rattlesnake dealer may possess prairie rattlesnakes, their parts or finished products without regard to numbers.

(i) Any commercial prairie rattlesnake dealer may sell legally acquired prairie rattlesnakes or their parts not more than 30 days after the expiration date of the permit, except a commercial prairie rattlesnake dealer may continue to possess and sell legally acquired prairie rattlesnakes or their parts if the commercial prairie rattlesnake dealer permit has been renewed.

(j) Each prairie rattlesnake that is less than 18 inches in length shall not be purchased, offered for sale or sold.

(k) In addition to other penalties prescribed by law, a commercial prairie rattlesnake dealer permit may be denied or may be revoked by the secretary if:

(1) the application is incomplete or contains false information;

(2) the permittee fails to meet reporting requirements or violates permit conditions; or

(3) the permittee violates any provision of law or rules and regulations related to commercial use of prairie rattlesnakes. (Authorized by K.S.A. 1992 Supp. 32-807, as amended by L. 1993, Chapter 185, section 2 and K.S.A. 1992 Supp. 32-941, as amended by L. 1993 Chapter 139, section 1; implementing K.S.A. 1992 Supp. 32-807, as amended by L. 1993, Chapter 185, section 2, K.S.A. 1992 Supp. 32-941, as amended by L. 1993, Chapter 139, section 1, K.S.A. 1992 Supp. 32-1002, as amended by L. 1993, Chapter 185, section 9 and K.S.A. 1992 Supp. 32-1005; effective April 11, 1994.)

115-17-21. Commercial harvest of feral pigeons. (a) Feral pigeons may be commercially harvested by any person without regard to number or season, if the person is in possession of a valid hunting license, unless exempt from the hunting license requirement by state law.

(b) Legally taken feral pigeons, or any part of a legally taken feral pigeon, may be sold, purchased, possessed, and used for any purpose. (Authorized by and implementing K.S.A. 32-807 and K.S.A. 32-1002; effective June 11, 1999.)

Article 18.—SPECIAL PERMITS

115-18-1. Wildlife rehabilitation permit; application, reporting and general provisions. (a) Each application for a wildlife rehabilitation permit shall be submitted on a form provided by the department. Each applicant shall provide the following information:

(1) The name of applicant;

(2) the applicant's address;

(3) the location or address of the applicant's facilities if different from applicant's address;

(4) the name of each assisting subpermittee;

(5) the type of wildlife rehabilitation service to be provided;

(6) a description of the applicant's available facilities;

(7) the applicant's qualifications to provide the services specified;

(8) the name of each assisting veterinarian; and

(9) other relevant information as required by the secretary.

(b) (1) A wildlife rehabilitation permit shall be issued only to each individual who meets the following qualifications:

(A) Is 18 years of age or older;

(B) has 100 hours of experience in the handling and care of wildlife acquired over the course of one calendar year. Up to 20 hours of this 100-hour requirement may be fulfilled by successful completion of a training course provided by either the international wildlife rehabilitation council (IWRC) or the national wildlife rehabilitators' association (NWRA);

(C) submits letters of recommendation regarding the applicant's knowledge of wildlife rehabilitation from three persons who have known the applicant for at least two years. The letters of recommendation shall be from any of the following:

(i) A wildlife professional, which may include a biologist employed by a state or federal wildlife agency, the curator or manager of a zoo or wildlife sanctuary, or other person professionally engaged in wildlife management or care;

(ii) a department conservation officer;

(iii) a Kansas-licensed veterinarian; or

(iv) a permitted wildlife rehabilitator; and

(D) has obtained one of the following:

(i) A certificate of completion of a training course offered by the international wildlife rehabilitation council (IWRC) within the preceding three years;

(ii) a certificate of completion of a training course offered by the national wildlife rehabilitators' association (NWRA) within the preceding three years; or

(iii) a test score of at least 80 percent on a department-administered wildlife rehabilitation examination at a department office location. Each applicant who fails the examination shall wait a minimum of 30 days before retaking the examination. The test may be taken only twice during each calendar year. The test shall not be returned to applicants at any time.

(2) A total of eight hours of continuing education or training every three years from a department-approved program shall be required for the renewal of a permit.

(c) Each applicant or permittee shall allow an inspection of the rehabilitation facilities to be made by a department official. A permit shall not be issued until the rehabilitation facilities have been approved by the inspecting official. All facilities shall be subject, during reasonable hours of operation, to inspection by the department to determine compliance with the provisions of the permit and the provisions contained in this regulation. Each facility shall be inspected by a department official once during the permit period and upon each change in facility location. Each subpermittee authorized to care for wildlife at a site other than the primary permittee's facility shall have those facilities annually inspected and approved by a department official.

(d) Permits issued shall be valid through December 31.

(e) A permittee may provide for subpermittees to operate under the authority of the permit during the effective period of the permit upon approval of the secretary or designee, based on the following requirements:

(1) Each permittee shall submit the name of each individual for whom the designation of subpermittee is requested. The permittee shall be notified by the department in writing of the approval or denial of each request. The permittee shall notify the department in writing of any approved subpermittee whose services with the permit holder are terminated.

(2) Each subpermittee shall be 18 years of age or older and have experience in handling and caring for animals during the previous two years.

(3) Each wildlife rehabilitation permittee shall be responsible for insuring that each subpermittee meets all requirements of the rehabilitation permit.

(4) Each subpermittee needing to care for wildlife in need of rehabilitation at a site other than the primary permittee's facility shall have that site inspected and approved according to the standards set forth in subsection (g) before holding any wildlife at that site.

(5) Each subpermittee holding wildlife at a site different from the primary permittee's facility shall comply with the conditions set forth in the primary permittee's permit.

(f) The rehabilitation activities authorized by each permit issued under this regulation shall be performed only by the permittee or subpermittee specified on the permit. Volunteers may assist in rehabilitation activities only in the presence and under the direction of a permittee or subpermittee. Each permittee utilizing volunteers shall keep on file at the permitted facility a current record of all volunteers working at the facility. At no time shall volunteers be allowed to remove wildlife from the permitted facility, except as provided in subsection (l).

(g) Wildlife rehabilitation care and treatment shall be provided in accordance with the following provisions:

(1) All rehabilitation of wildlife shall be performed in consultation, as necessary, with a licensed veterinarian named on the rehabilitator's permit or with veterinarians on staff at the Kansas State University veterinary hospital.

(2) Individual caging requirements may be specified by the secretary or designee based on the size, species, condition, age, or health of the wildlife under care.

(3) Clean water shall be available at all times except when medical treatment requires the temporary denial of water.

(4) Cages shall be cleaned on a daily basis and disinfected using nonirritating methods.

(5) A person authorized by permit shall observe and provide care for wildlife at least once daily unless otherwise specified by the permit.

(6) Wildlife shall be kept in an environment that minimizes human contact and prevents imprinting and bonding to humans.

(7) Wildlife possessed under a rehabilitation permit shall not be allowed to come into contact with any person other than a permit holder, subpermittee, volunteer, licensed veterinarian, animal control specialist, law enforcement officer, or wildlife professional from the department.

(8) Wildlife shall be housed separately from domestic animals, unless domestic animals are being used for bonding or surrogate parenting.

(9) Public viewing, exhibition, or display of any kind to the public, including electronic viewing, shall be prohibited, unless specifically authorized in writing by the secretary or designee.

(h) Wildlife held under the authority of a rehabilitation permit shall not be sold, bartered, or exchanged for any consideration. A permit issued under this regulation shall not authorize a person, firm, or corporation to engage in the propagation or commercial sale of wildlife.

(i) Wildlife held under the authority of a rehabilitation permit may be transferred from one permittee to another permittee if all of the following conditions are met:

(1) The permittee receiving the wildlife holds all the proper permits and authorizations necessary for that species of wildlife.

(2) The transfer is necessary for the proper treatment or care of the wildlife.

(3) The transfer is properly recorded in both permittees' operational records.

(4) The transfer is approved in writing by the secretary or designee.

(j) The secretary or designee shall be notified within 48 hours if the permittee receives for transport or care an endangered species, threatened species, or species in need of conservation, as identified in K.A.R. 115-15-1 and K.A.R. 115-15-2. Permission for treatment and care by the requesting permittee may be granted by the secretary or designee, or an alternate course of action may be specified by the secretary or designee.

(k) No permittee shall perform any of the following acts, unless the permittee possesses, in advance, an amended permit authorizing this activity from the secretary or designee:

(1) Change the facility location, consulting veterinarian, or subpermittees;

(2) receive previously unauthorized species; or

(3) conduct previously unauthorized activities.

(l) Sick, orphaned, displaced, or injured wildlife may be possessed, transported, or treated in accordance with the following provisions:

(1) Any person may temporarily possess and transport sick, orphaned, displaced, or injured wildlife within the state to a person authorized to perform wildlife rehabilitation services or initial treatment. Possession of an individual animal for transportation to initial treatment shall not exceed one day.

(2) Wildlife in need of rehabilitation treatment or care may be provided emergency medical care and stabilization by any of the following individuals or institutions not holding a rehabilitation permit for 48 hours, after which time the wildlife shall be transferred to a permitted rehabilitator:

(A) Accredited zoological parks;

(B) nature centers;

(C) department wildlife professionals; or

(D) licensed veterinarians.

Any wildlife requiring extensive medical care and recovery may remain under the care of a licensed veterinarian beyond the 48-hour restriction, subject to subsection (g).

(3) Any person authorized by permit to perform wildlife rehabilitation services or exempt by law from the requirement to possess a wildlife rehabilitation permit may possess individual animals for treatment purposes on a temporary basis. Possession of an individual animal for treatment purposes shall not exceed 120 days, unless an extension has been approved by the secretary or designee.

(4) Rehabilitation treatment or care shall not be provided to the following species of wildlife:

(A) European starlings;

(B) English or house sparrows;

(C) feral pigeons; and

(D) any wildlife species listed in K.A.R. 115-18-10, except as authorized in writing by the secretary.

(m) Each permittee shall maintain current records of wildlife rehabilitation services provided under the permit on report forms provided by the department. The records shall be maintained at the designated facility, be made available to de-

partment officials for inspection purposes, and include the following information:

(1) The name of the permittee;

(2) the permittee contact information;

(3) the name and address of the facility;

(4) the wildlife rehabilitation permit number;

(5) the date on which any wildlife is received for treatment;

(6) the species of wildlife received for treatment;

(7) the suspected or known cause for treatment;

(8) the date and disposition of the wildlife at the conclusion of treatment; and

(9) other relevant information as required by the secretary.

(n) Each permittee shall submit the true and accurate, original report required in subsection (m) to the department on or before January 31 of the year following the permitted activity. The permittee may retain a copy of the report for the permittee's records.

(o) Any person authorized by permit to perform wildlife rehabilitation services or exempt by law from the requirement to possess a wildlife rehabilitation permit may temporarily possess and transport wildlife to another location within the state for the purposes of providing treatment, releasing wildlife in its natural habitat, or transporting wildlife to an approved temporary or permanent holding facility. Possession of wildlife for transportation to another location shall not exceed 48 hours.

(p) Wildlife no longer in need of rehabilitation treatment or care shall be handled in accordance with the following requirements:

(1) All wildlife determined to be capable of survival in the wild shall be released to the wild. Each individual releasing wildlife in accordance with this subsection shall ensure that the following conditions are met:

(A) The animal is released in an area consistent with the animal's normal habitat.

(B) The animal is released only on land, including both public and private properties, if written permission has been granted by the person in legal possession of the land where the release is to be made.

(C) The animal is not released in a location so close to human dwellings that the release is likely to result in nuisance, health, or safety problems.

(D) The animal is not released within the limits of any municipality without prior written approval from the appropriate municipal authority.

(2) Wildlife that cannot be rehabilitated and released to the wild shall be euthanized unless a written request, specifying an alternate course of action, is approved by the secretary or designee. Each course of action requiring the wildlife to remain in captivity shall be approved only if the wildlife is transferred from the permittee providing the rehabilitation services to an accredited zoological facility, or a scientific or educational permit holder in accordance with subsection (i). Each transfer shall be allowed only for educational programs or fostering or socialization purposes, and no transfer shall take place unless the secretary or designee has approved the request in writing.

(3) All euthanized wildlife and wildlife that have died shall be buried, incinerated, or transferred to a person or facility possessing a valid department scientific, educational, or exhibition permit. All federally permitted wildlife shall be disposed of in accordance with the terms of any federal permit. Any deceased wildlife may be disposed of on private property with the prior written permission of the person in legal possession of the private property. Deceased wildlife shall not be disposed of within the limits of any municipality without the prior written permission of the municipality.

(q) Any permittee may continue to possess a permit if all of the following conditions are met:

(1) The permit application is complete.

(2) The permit application contains no false information.

(3) The permittee meets the permit requirements and does not violate the permit conditions.

(4) The permittee has not been convicted of violating local, state, or federal laws relating to the care, treatment, possession, take, or disposal of wildlife or domestic animals within the previous five years.

(5) The permit has not expired.

The permittee shall be notified, in writing, of the cancellation of the permit by the secretary or designee. The permittee shall be provided by the secretary or designee with the opportunity to respond, in writing, within 10 days of receipt of the cancellation.

(r) Any provision of this regulation may be temporarily waived by the secretary or designee during a wildlife health crisis for the protection of public or wildlife health.

(s) This regulation shall be effective on and af-

ter January 1, 2006. (Authorized by K.S.A. 32-807, K.S.A. 32-953, and K.S.A. 32-961; implementing K.S.A. 32-807, K.S.A. 32-953, K.S.A. 32-961, K.S.A. 2003 Supp. 32-1001, and K.S.A. 32-1002; effective Jan. 1, 1990; amended Jan. 1, 2006.)

115-18-2. Raptor propagation permit; application, reporting, and general provisions. (a) Any person desiring to possess raptors for propagation purposes shall submit a copy of the person's application for a federal raptor propagation permit to the secretary. A letter of approval issued by the secretary shall satisfy the department's raptor propagation permit requirement, but shall not be effective until the applicant has been issued a federal raptor propagation permit by the U.S. fish and wildlife service.

(b) Each person issued a federal raptor propagation permit shall submit to the department a copy of the approved federal permit and copies of all reports required by the federal permit.

(c) Each permittee shall allow for inspection of the permittee's raptor propagation facilities and records by department officials. (Authorized by 1989 HB 2005, Sec. 9; implementing 1989 HB 2005, Sec. 9 and 114; effective Oct. 30, 1989.)

115-18-3. Scientific, educational, or exhibition permit; application, reporting, and general provisions. (a) Applications for scientific, educational, or exhibition permits shall be on forms provided by the department. Each applicant shall provide the following information:

(1) name of applicant;

(2) address;

(3) number and common name of each species proposed for collecting;

(4) counties of the state where collecting would occur;

(5) methods of collecting;

(6) time period for collecting;

(7) purposes for collecting;

(8) disposition of collected species; and

(9) other information as required by the secretary.

(b) Each permit shall be valid during the time period as specified on the permit.

(c) Each permittee shall maintain a record of permit activity, and shall submit a report to the department on permit activity as required by provisions of the permit.

(d) Each person engaged in any activity covered by the permit shall have a copy of the permit in possession, and shall produce proof of authority to conduct permit activity if so requested by a department official.

(e) Each permittee shall conduct permitted activities only as authorized by law, rules and regulations or as authorized under provisions of the permit.

(f) Each permittee shall submit a copy of any required federal permit to the department when federally protected species are involved in scientific, educational, or exhibition permit activity.

(g) Each permittee shall submit a copy of any technical reports, publications, techniques, or other product resulting from the use of a scientific, educational, or exhibition permit.

(h) In addition to other penalties prescribed by law, the secretary may refuse to issue or may revoke a scientific, educational, or exhibition permit if:

(1) the application is incomplete or contains false information;

(2) issuance of a permit would not be in the best interest of the public; or

(3) the permittee fails to meet permit requirements or violates permit conditions. (Authorized by 1989 HB 2005, Sec. 9 and 83; implementing 1989 HB 2005, Sec. 83; effective Oct. 30, 1989.)

115-18-4. Permits for hunting from a vehicle; applications and requirements. (a) Any person with a disability as defined by K.S.A. 8-1,124, and amendments thereto, may apply to the secretary on forms provided by the department for a permit to hunt from a vehicle. Each applicant shall provide the following information:

(1) Name of applicant;

(2) address;

(3) nature of the disability;

(4) a report signed by an authority as specified in K.S.A. 8-1,125 and amendments thereto, on forms provided by the department, that describes the disability and specifies the disability duration; and

(5) other information as required by the secretary.

(b) For any person with a disability to whom an individual identification card has been issued, as defined in and under the authority of K.S.A. 8-1,125 and amendments thereto, the individual identification card shall serve as a permit to hunt from a vehicle. An individual identification card shall not be used as a permit to hunt from a vehicle under any of the following conditions:

(1) The individual identification card is no longer valid.

(2) The individual identification card was obtained through false pretenses.

(3) The disability for which the individual identification card was issued no longer exists.

(c) The permittee shall be in possession of the permit while hunting.

(d) The permit shall be valid statewide and only for the person to whom the permit was issued.

(e) The permit shall be valid for the time period specified in the permit as determined by the permanent or temporary nature of the disability.

(f) The holder of a permit to hunt from a vehicle may shoot from a nonmoving vehicle, but only in compliance with applicable state and federal laws and regulations.

(g) A permit for hunting from a vehicle may not be issued or may be revoked by the secretary for any of the following reasons:

(1) The disability does not meet the qualifications for the permit.

(2) The application is incomplete or contains false information.

(3) The disability under which the permit was issued no longer exists. If the secretary revokes a person's permit for any of the above reasons, then that person shall not use an individual identification card as a permit to hunt from a vehicle.

(h) Any person may assist the holder of a permit to hunt from a vehicle during the permit holder's hunting activity. A person assisting a holder of this permit shall not perform the actual shooting of wildlife for the permit holder. (Authorized by and implementing K.S.A. 32-931; effective Oct. 30, 1989; amended Nov. 15, 1993; amended Oct. 1, 1999.)

115-18-5. (Authorized by 1989 HB 2005, Sec. 9; implementing 1989 HB 2005, Sec. 54; effective Oct. 30, 1989; revoked Oct. 5, 2001.)

115-18-6. Vehicle permits; news media exemption for state parks and other areas requiring motor vehicle permits. (a) A park and recreation motor vehicle permit shall not be required to enter any state park, or other area requiring a motor vehicle permit, if the vehicle is used for the purpose of:

(1) reporting on newsworthy occurrences by members of the news media; or

(2) other reporting efforts by members of the news media intended to inform and educate the public.

(b) Each motor vehicle used by members of the news media for purposes as established by sections (a)(1) and (a)(2) shall display a media pass issued by the department.

(c) Media passes shall be available upon application to the department and shall be issued at no cost.

(d) A park and recreation motor vehicle permit shall not be required to enter any state park, or other area requiring a motor vehicle permit, by members of the news media when the motor vehicle is used for the purpose of attending a department approved special event, if the motor vehicle displays a media pass issued by the department. (Authorized by K.S.A. 32-807 and K.S.A. 32-901; implementing K.S.A. 32-807, K.S.A. 32-901 and K.S.A. 32-1001; effective Aug. 21, 1995.)

115-18-7. Use of crossbows and locking draws for big game and wild turkey hunting by persons with disabilities; application, permit, and general provisions. (a) Each permanently disabled person qualified to hunt deer, antelope, elk, or wild turkey with a crossbow and desiring to obtain a crossbow and locking draw permit shall apply to the secretary on forms provided by the department. Each applicant shall provide the following information:

(1) Name of applicant;

(2) address;

(3) a physician's signed report, on forms provided by the department, describing the permanent disability and certifying the applicant physically incapable of using a bow; and

(4) other relevant information as required by the secretary.

(b) Each person with a temporary disability who would be qualified to hunt deer, antelope, elk, or wild turkey with a crossbow if the disability were permanent and who desires to obtain a temporary crossbow and locking draw permit shall apply to the secretary on forms provided by the department. Each applicant shall provide the following information:

(1) Name of applicant;

(2) address;

(3) a physician's signed report, on forms provided by the department, describing the disability, certifying the applicant physically incapable of us-

ing a bow, and estimating the time period that the person is likely to be subject to the disability; and

(4) other relevant information as required by the secretary.

Each temporary permit shall expire no more than three years from the date of issuance and shall state the expiration date on the face of the permit.

(c) Any applicant may be required by the secretary to obtain, at the department's expense, a report from a second physician chosen by the secretary.

(d) A crossbow and locking draw permit or temporary permit may be refused issuance or may be revoked by the secretary for any of the following reasons:

(1) The disability does not meet qualifications for the permit.

(2) The application is incomplete or contains false information.

(3) The disability under which the permit was issued no longer exists.

(e) A crossbow and locking draw permit or temporary permit shall be valid statewide.

(f) Any crossbow and locking draw permittee may use a crossbow or bow equipped with a locking draw for hunting deer, antelope, elk, or wild turkey during any archery season established by the secretary for the big game species or wild turkey being hunted by the permittee. This provision shall be subject to the applicable regulations governing archery hunting of that big game species or wild turkey, including possession of a valid hunting permit issued by the department for that big game species or wild turkey, if required.

(g) Legal equipment for hunting any big game or wild turkey by crossbow shall consist of the following:

(1) Crossbows of not less than 125 pounds of draw weight;

(2) arrows not less than 16 inches in length, equipped with broadhead points incapable of passing through a ring with a diameter smaller than thirteen-sixteenths of an inch when fully expanded;

(3) lighted pin, dot, or holographic sights attached to the bow, but no other electronic or chemical device attached to the crossbow or arrow;

(4) optical scopes or sights that project no visible light toward the target and do not electronically amplify visible or infrared light; and

(5) range-finding devices, if the system does not project visible light toward the target.

(h) Legal equipment for hunting any big game or wild turkey using a bow equipped with a locking draw shall consist of legal archery equipment as specified in K.A.R. 115-4-4, except that the bow may have a mechanical device that locks the bow at full or partial draw.

(i) Any person may assist the holder of a crossbow permit or a temporary crossbow permit during the permittee's hunting activity. A person assisting a holder of a permit shall not perform the actual shooting of the crossbow for the permittee. (Authorized by K.S.A. 32-807, K.S.A. 32-919, and K.S.A. 2006 Supp. 32-932; implementing K.S.A. 2006 Supp. 32-932; effective Oct. 30, 1989; amended, T-115-9-9-97, Sept. 9, 1997; amended Dec. 29, 1997; amended Oct. 1, 1999; amended April 19, 2002; amended Feb. 18, 2005; amended April 11, 2008.)

115-18-8. Retrieval and possession of game animals, sport fish, and migratory game birds; requirements. (a) Each individual wounding or killing a game animal, sport fish, or a migratory game bird shall make a reasonable effort to retrieve the wounded or dead game animal, sport fish, or migratory game bird. The retrieved game animal, sport fish, or migratory game bird shall be retained in the individual's bag, creel, or possession limit, unless prohibited by regulations of the secretary for the individual species taken. Nothing in this subsection shall prohibit the catch and release of live sport fish.

(b) Each game animal, sport fish, or migratory game bird retrieved shall be retained until any of the following occurs:

(1) The animal, fish, or bird is processed for consumption.

(2) The animal, fish, or bird is transported to the individual's residence, to a place of commercial preservation, or to a place of commercial processing.

(3) The animal, fish, or bird is given to another person in accordance with K.A.R. 115-3-1 and K.A.R. 115-4-2.

(4) The animal, fish, or bird is consumed.

(c) The provisions of this regulation shall not affect any requirement of state or federal law or regulation regarding any proof of species, age, or sex and the attachment of this proof to the carcass.

(d) For the purpose of this regulation, "migratory game bird" shall mean any duck, goose, coot,

merganser, rail, mourning dove, white-winged dove, snipe, woodcock, or sandhill crane for which a hunting season has been established in this state. (Authorized by K.S.A. 32-807; implementing K.S.A. 32-807 and K.S.A. 32-1002; effective June 8, 1992; amended Jan. 30, 1995; amended Oct. 5, 2001; amended July 25, 2003.)

115-18-9. Furharvester license; unlicensed observer and restrictions. (a) If a non-participating observer accompanies a licensed furharvester who is engaged in furharvesting, the observer shall not be required to have a furharvester license.

(b) A non-participating observer shall be defined as an individual who, while accompanying a licensed furharvester, does not engage in or attempt to engage in any of the following:

(1) Carrying or using any equipment that is used in an activity requiring a furharvester license;

(2) controlling or training any dog that is or can be used for an activity requiring a furharvester license; or

(3) assisting a licensed furharvester in any manner that would otherwise require a furharvester license. (Authorized by K.S.A. 32-807 and K.S.A. 32-911; implementing K.S.A. 32-911; effective Dec. 27, 1993; amended Oct. 5, 2001.)

115-18-10. Importation and possession of certain wildlife; prohibition, permit requirement, and restrictions. (a) The importation, possession, or release in the state of Kansas of the following live wildlife species shall be prohibited, except as authorized by terms of a wildlife importation permit issued by the secretary:

(1) Walking catfish (*Clarias batrachus*);

(2) silver carp (*Hypophthalmichthys molitrix*);

(3) bighead carp (*Hypophthalmichthys nobilis*);

(4) black carp (*Mylopharyngodon piceus*);

(5) snakehead fish (all members of the family Channidae);

(6) round goby (*Neogobius melanostomus*);

(7) white perch (*Morone americana*);

(8) zebra mussel (*Dreissena polymorpha*);

(9) quagga mussel (*Dreissena bugensis*);

(10) New Zealand mudsnail (*Potamopyrgus antipodarum*);

(11) diploid grass carp (*Ctenopharyngodon idella*);

(12) monk parakeet (*Myiopsitta monachus*); and

(13) Asian raccoon dog (*Nyctereutes procyonoides*).

(b) Any live member of a wildlife species listed in subsection (a) and possessed before the following dates may be retained in possession, in closed confinement, by making application to the secretary that provides information detailing the circumstances, including the location, by which the animal came into the applicant's possession:

(1) February 1, 1978 for fish and bird species other than black carp, snakehead fish, round goby, white perch, zebra mussel, quagga mussel, New Zealand mudsnail, and diploid grass carp;

(2) February 1, 1986 for mammal species;

(3) October 1, 2000 for black carp;

(4) May 1, 2003 for snakehead fish;

(5) August 1, 2004 for round goby, quagga mussel, and zebra mussel;

(6) May 15, 2005 for New Zealand mudsnail;

(7) February 15, 2007 for white perch; and

(8) January 1, 2008 for diploid grass carp.

The manner in which the animal is to be used shall be identified in the application.

(c) Wildlife importation permits for the importation or possession of live members of the wildlife species listed in subsection (a) may be issued by the secretary for experimental, scientific, display, or other purposes subject to any conditions and restrictions contained or referenced in a wildlife importation permit.

(d) Each individual desiring to import or possess live members of the wildlife species listed in subsection (a) shall apply to the secretary for a wildlife importation permit. The application shall be submitted on forms provided by the department and shall contain the following information:

(1) The name, address, and telephone number of applicant;

(2) the wildlife species to be imported or possessed and the number of wildlife involved;

(3) the purpose or purposes for importation or possession;

(4) a description of the facilities for holding and using the wildlife species;

(5) a description of plans to prevent the release of the wildlife species; and

(6) other relevant information as requested by the secretary.

(e) Each wildlife importation permit, once issued, shall be valid during the time period specified on the permit.

(f) In addition to other penalties prescribed by law, any wildlife importation permit may be refused issuance or revoked by the secretary if any of the following conditions is met:

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

(2) Issuance of a permit would not be in the best interest of the public or of the natural resources of Kansas.

(3) The permittee fails to meet permit requirements or violates permit conditions. (Authorized by K.S.A. 32-807 and K.S.A. 32-956; implementing K.S.A. 32-956; effective Dec. 27, 1993; amended Sept. 22, 2000; amended April 18, 2003; amended July 23, 2004; amended May 20, 2005; amended Feb. 9, 2007; amended Nov. 16, 2007.)

115-18-12. Trout permit; requirements, restrictions, and permit duration. (a) Each individual who is 16 years of age or older and who wants to fish or to fish for and possess trout during those periods of time on those bodies of water established by K.A.R. 115-25-14 shall be required to have a trout permit.

(b) Each trout permit shall be valid statewide through December 31 of the year in which the permit is issued.

(c) Each trout permit shall be validated by the signature of the permit holder written across the face of the permit. A trout permit shall not be transferable. (Authorized by K.S.A. 32-807; implementing K.S.A. 32-807, K.S.A. 2006 Supp. 32-1001, and K.S.A. 2006 Supp. 32-1002; effective Nov. 15, 1993; amended Jan. 30, 1995; amended July 24, 1998; amended Nov. 27, 2006; amended Nov. 16, 2007.)

115-18-13. Dark geese; management units, permits, and restrictions. (a) Dark geese shall include Canada geese, white-fronted geese, and black brant.

(b) The following dark goose management units shall be established for the taking of dark geese under special restrictions.

(1) Marais des Cygnes Valley (unit 1): that part of Kansas bounded by a line from the Kansas-Missouri state line west on state highway K-68 to its junction with federal highway US-169, then southwest on federal highway US-169 to its junction with state highway K-7, then south on state highway K-7 to its junction with state highway K-31, then east on state highway K-31 to its junction with federal highway US-69, then north on federal highway US-69 to its junction with state highway K-239, then east on state highway K-239 to its junction with the Kansas-Missouri state line, and then north on the Kansas-Missouri state line to its junction with state highway K-68, except federal and state sanctuaries.

(2) Southeast (unit 2): that part of Kansas bounded by a line from the Kansas-Missouri state line east on federal highway US-160 to its junction with federal highway US-69, then north on federal highway US-69 to its junction with state highway K-39, then west on state highway K-39 to its junction with federal highway US-169, then south on federal highway US-169 to its junction with the Kansas-Oklahoma state line, then east on the Kansas-Oklahoma state line to its junction with the Kansas-Missouri state line, and then north on the Kansas-Missouri state line to its junction with federal highway US-160, except federal and state sanctuaries.

(c) The statewide daily bag and possession limit for dark geese shall apply throughout the state, including dark goose management units. (Authorized by K.S.A. 32-807; implementing K.S.A. 32-807 and K.S.A. 32-1002; effective Aug. 15, 1994; amended Sept. 19, 1997; amended Sept. 25, 1998; amended Oct. 1, 1999; amended Sept. 22, 2000; amended Sept. 27, 2002.)

115-18-14. Nontoxic shot; statewide. (a) Each individual hunting with a shotgun for waterfowl, coot, rail, snipe, or sandhill crane shall possess and use only nontoxic shot.

(b) The following nontoxic shot materials shall be approved for the hunting of waterfowl, coot, rail, snipe, and sandhill crane:

(1) Steel shot;

(2) steel shot coated with any of the following materials:

(A) Copper;

(B) nickel;

(C) zinc chromate; or

(D) zinc chloride;

(3) bismuth-tin shot;

(4) tungsten-iron shot alloys;

(5) tungsten-polymer shot;

(6) tungsten-matrix shot;

(7) tungsten-nickel-iron shot alloys;

(8) tungsten-iron-nickel-tin shot;

(9) tungsten-bronze shot alloys;

(10) tungsten-tin-bismuth shot;

(11) tungsten-iron-copper-nickel shot; and

(12) tungsten-tin-iron shot. (Authorized by K.S.A. 32-807; implementing K.S.A. 32-807 and K.S.A. 32-1002, as amended by L. 2005, Ch. 182, Sec. 3; effective Dec. 27, 1994; amended Sept. 22, 1995; amended Dec. 29, 1997; amended Oct. 1,

1999; amended Oct. 5, 2001; amended Sept. 27, 2002; amended Nov. 29, 2004; amended Nov. 18, 2005.)

115-18-15. Disability assistance permit; application, permit, and general provisions. (a) Any person who has a permanent physical or visual disability making that person eligible to receive a disability assistance permit and who desires to obtain a permit shall apply to the secretary. Each applicant shall provide the following information:

(1) name of applicant;

(2) address;

(3) a physician's or an optometrist's signed report, either on a form provided by the department or on the physician's or optometrist's letterhead, describing the permanent disability, certifying the applicant cannot safely hunt or fish without assistance in accordance with law and rules and regulations of the department because of this disability, and indicating the hunting or fishing activities that the applicant is physically or visually unable to safely perform without assistance in accordance with law and rules and regulations of the department; and

(4) other information, as required by the secretary.

(b) An applicant may be required by the secretary to obtain, at department expense, a report from a second physician or optometrist, as appropriate, chosen by the secretary.

(c) A disability assistance permit may be refused issuance or may be revoked by the secretary for any of the following reasons.

(1) The physical disability does not meet qualifications.

(2) The application is incomplete or contains false information.

(3) The physical disability under which the disability assistance permit was issued no longer exists.

(d) The disability assistance permit shall indicate the hunting or fishing activity or activities for which the permit is valid.

(e) The disability assistance permit shall be valid from the date of issuance until and unless revoked by the secretary.

(f) In addition to other penalties prescribed by law, a disability assistance permit shall be invalid from the date of issuance if obtained by an individual through misrepresentation or unauthorized application. (Authorized by K.S.A. 32-807 and L. 1997, Ch. 127, Sec. 2; implementing L. 1997, Ch. 127, Sec. 2; effective, T-115-9-9-97, Sept. 9, 1997; effective Dec. 29, 1997.)

115-18-16. Light goose conservation order; general provisions and restrictions. (a) Light geese shall include lesser snow geese and Ross' geese.

(b) An individual may harvest light geese outside of regularly established waterfowl hunting season dates only if that individual possesses any licenses and stamps required during regularly established waterfowl hunting seasons in Kansas.

(c) In addition to regularly established waterfowl hunting seasons, harvest of light geese shall be allowed from January 1 through April 30. (Authorized by K.S.A. 32-807; implementing K.S.A. 32-807, K.S.A. 32-1002, and K.S.A. 32-1008; effective, T-115-2-17-00, Feb. 17, 2000; effective Sept. 22, 2000.)

115-18-17. Educational bird hunt permit; application, permit, and general provisions. (a) Pen-raised, banded birds may be released and shot outside of established hunting seasons for that species if authorized by an educational bird hunt permit. An educational bird hunt permit shall not be required in order to take any species of bird during established hunting seasons for that species.

(b) Each person who desires to obtain an educational bird hunt permit shall apply to the secretary. Each applicant shall provide the following information:

(1) The name and address of the applicant;

(2) a description of the educational purpose to be met by the proposed hunt;

(3) the date and location of the proposed hunt;

(4) the anticipated number of student participants and instructor participants;

(5) the source, species, and number of birds to be released; and

(6) any other information as required by the secretary.

(c) Issuance of an educational bird hunt permit may be denied by the secretary for any of the following reasons:

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

(2) The proposed hunt does not conform to the requirements for and restrictions governing an educational bird hunt.

(3) The proposed hunt would violate a law or another regulation.

(4) Issuance of the permit would pose an inordinate risk to the public or to wildlife resources.

(d) Each educational bird hunt shall be subject to the following requirements and restrictions:

(1) The purpose of the proposed hunt shall be to educate persons who have not had previous experience hunting upland birds.

(2) Instructor participants may shoot and take released birds, but no more than one instructor participant per student participant shall be permitted.

(3) The number of game birds harvested during an educational bird hunt shall not exceed the number of game birds released of the same species. No game bird species may be hunted during the educational bird hunt until a release of that game bird species has been made.

(4) All pen-raised birds released during an educational bird hunt shall be banded using leg bands and shall be coded with the initials "EH."

(5) Within 30 days of the conclusion of an educational bird hunt, the permittee shall report the following to the department:

(A) The number of student participants and instructor participants; and

(B) the number of birds released and the number of birds harvested, for each species released or harvested. (Authorized by K.S.A. 32-807; implementing K.S.A. 32-807 and K.S.A. 32-1002; effective July 13, 2001.)

115-18-18. Hand fishing permit; requirements, restrictions, and permit duration. (a) Each individual who wants to hand fish for flathead catfish during those periods of time on those bodies of water established by K.A.R. 115-25-14 shall be required to have a hand fishing permit.

(b) Each hand fishing permit shall be valid statewide through December 31 of the year in which the permit is issued.

(c) Each hand fishing permit shall be validated by the signature of the permit holder written across the face of the permit. A hand fishing permit shall not be transferable.

(d) A questionnaire shall be provided to each holder of a hand fishing permit. Each permit holder shall complete and submit the hand fishing questionnaire no later than 30 days after the close of the open hand fishing season. (Authorized by K.S.A. 32-807; implementing K.S.A. 32-807, K.S.A. 2005 Supp. 32-1001, and K.S.A. 2005 Supp. 32-1002; effective Nov. 27, 2006.)

115-18-19. Paddlefish permit; requirements, restrictions, and permit duration. (a) Each individual who wants to snag for paddlefish during those periods of time on those bodies of water established by K.A.R. 115-25-14 shall be required to have a paddlefish permit.

(b) Each paddlefish permit shall be valid statewide through December 31 of the year in which the permit is issued.

(c) Each paddlefish permit shall be validated by the signature of the permit holder written across the face of the permit. A paddlefish permit shall not be transferable.

(d) A questionnaire shall be provided to each holder of a paddlefish permit. Each permit holder shall complete and submit the paddlefish snagging questionnaire no later than 30 days after the close of the open snagging season. (Authorized by K.S.A. 32-807; implementing K.S.A. 32-807, K.S.A. 2005 Supp. 32-1001, and K.S.A. 2005 Supp. 32-1002; effective Nov. 27, 2006.)

115-18-20. Tournament black bass pass; requirements, restrictions, and pass duration. (a) A tournament black bass pass shall be required for each individual who wants to keep up to two black bass in a daily creel limit that meet the minimum statewide length limit but that do not meet the special length limit for the specific body of water, during a registered and permitted bass tournament as established in K.A.R. 115-7-8.

(b) Each tournament black bass pass shall be valid statewide through December 31 of the year in which the bass pass is issued.

(c) Each tournament black bass pass shall be validated by the signature of the pass holder written across the face of the pass. A tournament black bass pass shall not be transferable. (Authorized by K.S.A. 32-807; implementing K.S.A. 32-807, K.S.A. 2006 Supp. 32-1001, and K.S.A. 2006 Supp. 32-1002; effective Nov. 27, 2006; amended Nov. 16, 2007.)

115-18-21. Floatline fishing permit; requirements, restrictions, and permit duration. (a) A floatline fishing permit shall be required for each individual who wants to floatline fish during the open season for floatline fishing.

(b) Each floatline fishing permit shall be valid statewide through December 31 of the year in which the permit is issued.

(c) Each floatline fishing permit shall be validated by the signature of the permit holder writ-

ten across the face of the permit. A floatline fishing permit shall not be transferable. (Authorized by K.S.A. 32-807; implementing K.S.A. 32-807 and K.S.A. 2007 Supp. 32-1002; effective Dec. 1, 2008.)

Article 19.—RESERVED

Article 20.—MISCELLANEOUS REGULATIONS

115-20-1. Crows; legal equipment, taking methods, and possession. (a) Legal hunting equipment for taking crows shall consist of the following:

(1) Firearms, except fully automatic rifles and handguns and except shotguns and muzzleloading shotguns larger than 10 gauge or using other than shot ammunition;

(2) pellet and BB guns;

(3) archery equipment;

(4) falconry equipment;

(5) calls and decoys, except live decoys; and

(6) opitcal scopes or sights that project no visible light toward the target and do not electronically amplify visible or infrared light.

(b) The use of dogs shall be permitted while hunting.

(c) Hunting hours shall be from ½ hour before sunrise to sunset.

(d) Any type of apparel may be worn while hunting crows.

(e) Crows may be shot or pursued by falconry means while the crow is in flight, on the ground, or perched.

(f) Legally taken crows may be possessed without limit in time and number and may be disposed of in any manner. However, crows shall not be purchased, sold, bartered, or offered for purchase, sale, or barter.

(g) Blinds and stands may be used while hunting. (Authorized by K.S.A. 32-807; implementing K.S.A. 32-807 and K.S.A. 32-1002; effective July 30, 1990; amended March 20, 1995; amended July 13, 2001; amended Feb. 18, 2005.)

115-20-2. Certain wildlife; legal equipment, taking methods, possession, and license requirement. (a) Subject to federal and state laws and rules and regulations, wildlife listed below in subsection (b) may be taken for personal use on a noncommercial basis.

(b) For purposes of this regulation, wildlife shall include the following, excluding any species listed in K.A.R. 115-15-1 or K.A.R. 115-15-2:

(1) Amphibians; except bullfrogs;

(2) armadillo;

(3) commensal and other rodents, excluding game and furbearing animals;

(4) feral pigeon;

(5) gopher;

(6) ground squirrel;

(7) invertebrates;

(8) kangaroo rat;

(9) mole;

(10) porcupine;

(11) prairie dog;

(12) reptiles, except common snapping turtles and soft-shelled turtles;

(13) woodchuck; and

(14) wood rat.

(c) Wildlife listed above in subsection (b) shall be taken only with any of the following legal equipment or methods:

(1) Bow and arrow;

(2) crossbow;

(3) deadfall;

(4) dogs;

(5) falconry;

(6) firearms, except fully automatic firearms;

(7) glue board;

(8) hand;

(9) net or seine;

(10) optical scopes or sights that project no visible light toward the target and do not electronically amplify visible or infrared light;

(11) pellet and BB gun;

(12) poison, poisonous gas, or smoke, if the toxicant is registered and labeled for that use and if all permit requirements for use of the poison, poisonous gas, or smoke have been met;

(13) projectiles hand-thrown or propelled by a slingshot;

(14) snare or noose; or

(15) trap.

(d) The open season for the taking of wildlife listed above in subsection (b) shall be year-round.

(e) There shall be no maximum daily bag or possession limit for wildlife listed above in subsection (b), except that no more than five of any one species of amphibian, reptile, or mussel may be possessed and no more than five live specimens of mussels may be possessed. Two opposing shells shall constitute one mussel.

(f) Legally taken wildlife listed above in subsection (b) may be possessed without limit in time.

(g) A hunting license shall not be required to take invertebrates. (Authorized by K.S.A. 32-807; implementing K.S.A. 32-807, K.S.A. 32-919, K.S.A. 32-1002, and K.S.A. 32-1003; effective Sept. 10, 1990; amended Nov. 30, 1998; amended July 13, 2001; amended Nov. 22, 2002; amended Feb. 18, 2005.)

115-20-3. Exotic wildlife; possession, sale and requirements. (a) Subject to federal or state law or rules and regulations, exotic wildlife species may be imported, possessed, sold, offered for sale or purchased, provided the exotic wildlife was legally captured, raised, exported, possessed, sold or purchased or any combination of these activities in its place of origin.

(b) Exotic wildlife may be possessed without limit in time and number.

(c) Exotic wildlife shall be confined or controlled at all times and shall not be released onto the lands or into the waters of this state.

(d) Exotic wildlife shall only include those wildlife species which are non-migratory and are not native or indigenous to Kansas, or do not presently exist in Kansas as an established wild population. (Authorized by K.S.A. 1990 Supp. 32-807; implementing K.S.A. 1990 Supp. 32-807 and K.S.A. 1990 Supp. 32-1002; effective Sept. 10, 1990; amended Feb. 10, 1992.)

115-20-4. Possession of certain wildlife. (a) Any person possessing one of the following animals shall be required to obtain a possession permit:

(1) mountain lion, *Felis concolor* Linnaeus;

(2) wolf, *Canis lupus* Say;

(3) black bear, *Ursus americanus* Pallas; and

(4) grizzly bear, *Ursus arctos horribilis* Ord.

(b) Any individual may apply to the secretary for a possession permit. The 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 species and number of wildlife for which the possession permit is requested;

(5) the purpose for which the wildlife would be possessed;

(6) proof of purchase or receipt; and

(7) other information as requested by the secretary.

(c) Each permittee shall submit a report to the department describing changes in wildlife possession as authorized by the possession permit. The report shall be submitted within five days after the change occurred, except that the escape of any possessed wildlife shall be reported within 24 hours. Changes for which a report shall be required include:

(1) any possessed wildlife sold or otherwise disposed of;

(2) any wildlife purchased or otherwise acquired;

(3) the death of any possessed wildlife; or

(4) the escape of any possessed wildlife.

(d) Each permittee shall only possess wildlife species and numbers as authorized in the possession permit.

(e) The possession permit shall be valid from date of issue and shall expire upon request of the permittee or as so ordered by any legal authority.

(f) The possession of wildlife listed in subsection (a) shall be subject to all federal and state laws and regulations and to all local ordinances.

(g) The provisions of this regulation shall not apply to:

(1) zoos;

(2) licensed veterinarians;

(3) transportation of such wildlife through the state;

(4) possession of such wildlife when the possession shall not exceed five days; or

(5) such wildlife possessed for scientific, educational or display purposes by:

(A) a school or university; or

(B) a circus or other similar business enterprise offering public viewing opportunity. (Authorized by K.S.A. 1990 Supp. 32-807; implementing K.S.A. 1990 Supp. 32-807 and K.S.A. 1990 Supp. 32-1002; effective Feb. 10, 1992.)

115-20-5. Dangerous regulated animals; primary caging requirements. Each person possessing a dangerous regulated animal, as defined in L. 2006, ch. 131, sec. 1 and amendments thereto, shall confine, house, maintain, and transport the animal as follows:

(a) Mammals.

(1) Each primary holding cage shall meet the following requirements:

(A) Be constructed in a manner that prohibits physical contact with the animal by any person other than the owner, designated handler, or veterinarian providing medical attention or treatment; and

(B) be enclosed inside a perimeter fence, rail,

or other physical structure that prohibits physical contact with the animal.

(2) Each gate allowing access through a perimeter fence, rail, or other physical structure surrounding any primary holding cage shall be locked at all times with a key or combination lock to prevent unauthorized entry into the area immediately surrounding the primary holding cage, except when authorized persons are present in the area.

(3) Each primary holding cage shall include a shift cage to isolate the animal from the primary holding cage to permit the feeding, cleaning, repair, or other activities that necessitate the separation or isolation of the animal. Each shift cage shall be constructed so that the animal to be isolated is able to stand, lie naturally, and turn around without touching the sides of the shift cage. If multiple animals are held within a primary holding cage, the shift cage shall be constructed so that multiple animals to be isolated are able to stand, lie naturally, and turn around without touching the sides of the shift cage.

(4) Each primary holding cage shall be accessed through a double-gated entry consisting of a completely enclosed structure, constructed of material of strength or specification equal to or greater than that of the primary holding cage, and equipped with one primary access gate or door and a secondary access safety gate or door. Each door shall be equipped with a latch of sufficient strength and design to prevent the gate from opening accidentally, shall open only inward, and shall be equipped with stops or blocks of sufficient strength to prevent an animal from escaping by charging or striking the door. The primary access door shall be locked with a key or combination lock, separate from the latch, to prevent unauthorized entry. Additionally, the secondary door shall be equipped with either an additional latch or safety chain of sufficient strength and design to secure the door temporarily. Each person entering the primary holding cage shall enter through the primary access door and securely close the door before passing through the secondary access door. The primary access door and secondary access door shall not be open simultaneously when an animal is present in the primary holding cage.

(5) Any primary holding cage may be equipped with a maintenance gate to allow large items, including claw logs and maintenance equipment, to enter the primary holding cage. Each maintenance gate shall be securely double-latched and locked when not in operation. In addition, no maintenance gate shall be open when an animal is present in the primary holding cage.

(6) Each primary holding cage utilizing electrical power on any perimeter fence, secondary barrier, or enclosure shall have a functional, backup electrical system in place that is powered by a gas generator, solar-charged batteries, or the functional equivalent, to be used if the electrical power fails or the primary electrical source malfunctions.

(7) Each primary holding cage for any lions, leopards, jaguars, cheetahs, or mountain lions, or any hybrids of these animals, shall be constructed of materials meeting the following minimum requirements:

(A) The fencing for lions and tigers shall have the strength of a nine-gauge chain-link fence.

(B) The fencing for leopards, cheetahs, jaguars, and mountain lions shall have the strength of an eleven-gauge chain-link fence.

(C) Break-resistant glass or plastic viewing panels may be used if the material is of sufficient strength to prevent breakage by the animals confined.

(D) Each wall shall be at least eight feet in height. Except for any primary cage holding cheetahs, each primary holding cage with walls at least eight feet but not more than 13 feet in height shall be topped with the same fencing material required for the walls for the species of animal held. Each wall greater than 13 feet in height shall be equipped with either a supported, inward-facing overhang of at least 36 inches or two electrified wires encompassing the entire perimeter of the walls, unless topped with fencing materials. Each primary holding cage for cheetahs, unless topped with fencing materials, shall be equipped with either a supported, inward-facing overhang of at least 18 inches or two electrified wires encompassing the entire perimeter of the walls.

(E) Each primary holding cage for any feline species shall have either a concrete footing extending a minimum of one foot into the ground or chain-link or welded wire fencing buried horizontally, of the equivalent strength as that of the primary cage wall, extending a minimum of three feet around the inside of the primary holding cage. All fencing material shall be securely fastened to the primary holding cage framework or to adjacent fencing or footings, in order to prevent separation from the framework or adjacent fencing materials. All fencing that is buried shall consist of nonrusting material.

(F) The vertical and horizontal fencing frame-

work shall be constructed to effectively support the fencing materials and prevent bending or breakage of the fencing materials by the animals held in the primary holding cage.

(G) The floor space of each primary holding cage shall be at least 288 square feet for any feline species if only one animal is confined in the primary holding cage. Each additional animal confined in the same primary holding cage shall require an additional 144 square feet for that animal.

(8) Each primary holding cage for all bear species or any bear hybrids shall be constructed of materials meeting the following minimum requirements:

(A) The fencing for black bears, sloth bears, sun bears, and spectacled or Andean bears shall have the strength of a nine-gauge chain-link fence and shall be eight feet in height.

(B) The fencing for grizzly bears, brown bears, and polar bears shall have the strength of a five-gauge chain-link fence and shall be 10 feet in height.

(C) Any wall may be constructed of vertical steel bars or rods measuring ⅝ inch in diameter, spaced on four-inch centers, and welded at the end to angle iron measuring 1¼ inch by ¼ inch. The horizontal angle iron shall be welded to vertical posts. The bottom horizontal supports shall be not more than three inches above the concrete floor or footing and shall not be spaced more than four feet apart between the floor and the top of the cage.

(D) Break-resistant glass or plastic viewing panels may be used if the material is of sufficient strength to prevent breakage by the animals confined.

(E) Each primary holding cage with walls at least eight feet but not more than 13 feet in height shall be covered with the same fencing material as that required for the walls for the species of animal held. Each wall greater than 13 feet in height, unless topped with fencing material, shall be equipped with either a supported, inward-facing overhang of at least 36 inches or two electrified wires encompassing the entire perimeter of the walls.

(F) Each primary holding cage for all bear species shall have a reinforced concrete floor at least four inches thick or a concrete footing extending at least five feet in the ground.

(G) The vertical and horizontal fencing framework shall be constructed to effectively support the fencing materials and prevent bending or breakage of the fencing materials by the animals held in the cage.

(H) The floor space of each primary holding cage shall be at least 288 square feet for black bears, sloth bears, sun bears, and spectacled or Andean bears if only one animal is confined in the cage. Each additional animal confined in the same cage shall require an additional 144 square feet for that animal.

(I) The floor space of each primary holding cage shall be at least 432 square feet for grizzly bears, brown bears, and polar bears if only one animal is confined in the cage. Each additional animal confined in the same cage shall require an additional 288 square feet for that animal.

(9) Any animal held for sale by a person with a valid license from the United States department of agriculture and any animal held for veterinary care or quarantine may be temporarily held or caged for not more than 60 days in a cage or enclosure that does not meet the primary cage space requirements.

(A) Upon written request to the local animal control authority, this temporary holding or caging period may be extended if conditions certified by a licensed veterinarian necessitate a longer holding period for the health, safety, or welfare of the animal or the public.

(B) The medical records for any animal for which an extension is requested shall be maintained at the facility and available for review upon request.

(C) A cage for temporary care shall not be used if the animal being held is not able to stand, lie naturally, and turn around without touching the sides of the cage. In addition, each animal or cage shall be permanently marked to correlate with records indicating the date on which the animal was placed in confinement.

(10) Any newborn animal may be temporarily confined in incubation and rearing facilities that do not conform to primary cage standards.

(11) Any nursing animal may be temporarily maintained with the animal's parents without regard to primary cage standards that require increases in the square footage of the cage until the nursing animal is weaned. This period may be extended to a date certain, on the recommendation of a licensed veterinarian for the health, safety, or welfare of the animal.

(12) Any juvenile animal may be confined in an enclosure or cage smaller than a primary holding

cage, if the cage is large enough for the animal to stand, lie naturally, and turn around without touching the sides of the cage.

(13) Each juvenile animal that is confined in any cage other than a primary holding cage shall be marked or clearly identifiable to prove the date on which the animal was placed in confinement and the age of the animal and shall be provided space for exercise on a daily basis.

(14) Each juvenile animal shall be transferred permanently to a primary holding cage upon reaching six months of age or twenty-five pounds in weight, whichever occurs first.

(15) Each animal that must be transported to a location other than the primary holding cage shall be transported in a fully enclosed cage that is constructed of materials meeting a standard equivalent to the minimum standard for the primary cage for the species, is not injurious to the animal, and does not allow physical contact between the animal and any person.

(b) Nonnative venomous snakes.

(1) Each primary holding container for snakes shall have an access door or opening that is securely latched and locked, have joined surfaces that meet tightly, and be structurally sound to prevent separation of the surfaces and the escape of the confined snake or snakes.

(2) Each primary holding container for snakes shall be locked within a building or other structure that is inaccessible to unauthorized persons and that is constructed and maintained to prevent the escape of each confined snake.

(3) Each primary holding container for snakes shall be constructed from material meeting one of the following minimum requirements:

(A) Laminated safety glass, plate glass, or tempered glass at least 3⁄16 inch thick;

(B) break-resistant plastic with strength equivalent to the strength of laminated safety glass that is at least 3⁄16 inch thick;

(C) wire-reinforced concrete;

(D) sheet metal;

(E) molded fiberglass; or

(F) plywood or interlocking lumber that has been treated to be impervious to moisture and is at least ½ inch thick.

(4) Each primary holding container shall have adequate ventilation. Each ventilation opening shall be securely covered with double walls made of wire or fiberglass mesh measuring at least 1⁄16 inch.

(5) The perimeter of each primary holding container for snakes less than six feet in length shall be at least 1½ times the length of the snake. The perimeter of each container for snakes more than six feet in length shall be at least twice the length of the snake.

(6) Each primary holding container shall be labeled with the common and scientific names of the species and subspecies of snakes held and the number of snakes held. The label shall be legibly marked with the warning "poisonous" or "venomous" and the name of the appropriate antivenin for the snake species.

(7) Each primary holding container used for public exhibit or display shall have double-pane glass panels.

(8) Written emergency procedures to be followed if a snake escapes shall be posted in a prominent location in the building or structure housing the snakes, along with a written plan from a hospital stating the way that a venomous bite should be treated and a notice of the location of the nearest, most readily available source of appropriate antivenin.

(9) Each snake removed from the primary holding container for feeding or for cleaning the container shall be held in a fully enclosed and ventilated container with a secure and locked lid.

(10) Each snake that must be transported from its primary holding container to another location shall be transported in a cloth sack placed inside a break-resistant, ventilated, and locked box that is made of wood, fiberglass, or plastic and that is clearly marked with the contents of the box. In addition, the box used shall not be injurious to the snake, shall not be subject to breaking from impact or dropping, and shall prohibit physical contact between the snake and any person. (Authorized by and implementing L. 2006, ch. 131, sec. 6; effective Nov. 27, 2006.)

115-20-6. Dangerous regulated animals; registered designated handler. Each person applying to be a registered designated handler, as defined in L. 2006, ch. 131, sec. 1 and amendments thereto, shall meet the following minimum requirements:

(a) Be 18 years of age or older;

(b) have obtained at least 200 hours of training and experience in the care, feeding, handling, and husbandry of the species for which the registration is sought or another species within the same biological order that is substantially similar in size, characteristics, care, and nutritional requirements

to the species for which the registration is sought; and

(c) submit documentation of the training and experience specified in subsection (b), including a description of the training and experience acquired, the dates on which the training and experience were acquired, the location where the training and experience were acquired, and at least two references from individuals having personal knowledge of the documented training and experience. (Authorized by and implementing L. 2006, ch. 131, sec. 10; effective Nov. 27, 2006.)

Article 21.—COMMERCIAL GUIDES

115-21-1. This regulation shall be revoked on and after January 1, 2006. (Authorized by K.S.A. 32-807 and K.S.A. 2002 Supp. 32-964, as amended by 2003 SB 43, Sec. 1; implementing K.S.A. 32-964, as amended by 2003 SB 43, Sec. 1; effective Jan. 28, 1991; amended Dec. 7, 2001; amended Sept. 19, 2003; revoked Jan. 1, 2006.)

115-21-2. This regulation shall be revoked on and after January 1, 2006. (Authorized by K.S.A. 32-807 and K.S.A. 2002 Supp. 32-964, as amended by 2003 SB 43, Sec. 1; implementing K.S.A. 2002 Supp. 32-964, as amended by 2003 SB 43, Sec. 1; effective Jan. 28, 1991; amended Dec. 7, 2001; amended Sept. 19, 2003; revoked Jan. 1, 2006.)

115-21-3. (Authorized by K.S.A. 1992 Supp. 32-807 as amended by L. 1993, chapter 185, section 2 and K.S.A. 1992 Supp. 32-964 as amended by L. 1993, chapter 278, section 1; implementing K.S.A. 1992 Supp. 32-964 as amended by L. 1993, chapter 278, section 1; effective Jan. 1, 1994; revoked Dec. 7, 2001.)

115-21-4. This regulation shall be revoked on and after January 1, 2006. (Authorized by K.S.A. 32-807 and K.S.A. 32-964, as amended by L. 2001, Ch. 185, Sec. 2; implementing K.S.A. 32-964, as amended by L. 2001, Ch. 185, Sec. 2; effective Dec. 7, 2001; revoked Jan. 1, 2006.)

Article 22.—SPORT SHOOTING RANGES

115-22-1. Sport shooting ranges; generally accepted operating practices. The following chapters and articles in "the range manual" of the national rifle association, as revised in June 1998, are hereby adopted by reference as the regulations of the department establishing generally accepted operating practices for sport shooting ranges.

(a) In the "introduction" in section one, the following articles:

(1) "Article 1. introduction";

(2) "article 3. manual organization"; and

(3) "article 4. terminology";

(b) in chapter two of section one, "safety plan," the following articles:

(1) "Article 1. general";

(2) "article 2. safety planning";

(3) "article 3. general administrative regulations"; and

(4) "article 4. general range commands"; and

(c) in chapter six of section one, "sound abatement on shooting ranges," the following articles:

(1) "Article 1. general";

(2) "article 2. definitions"; and

(3) "article 3. concepts and methodology." (Authorized by L. 2001, Ch. 185, Sec. 8; implementing L. 2001, Ch. 185, Sec. 4 and Sec. 8; effective Dec. 7, 2001.)

Article 23 to 24.—RESERVED

Article 25.—EXEMPT REGULATIONS

Article 25 fixes the seasons and establishes creel, size and possession limits for fish and bag limits and possession limits for game birds, game and fur-bearing animals as authorized by K.S.A. 77-415. Copies of the regulations may be obtained by contacting the Department: Office of the Secretary, Landon State Office Building, 900 S.W. Jackson, Room 502-N, Topeka, KS 66612-1220.

Article 26 to 29.—RESERVED

Article 30.—BOATING

115-30-1. Display of identification number and decal. (a) All vessels required to be numbered pursuant to K.S.A. 31-1110 and amendments thereto, except sailboards, shall display the identification number stated on the certificate of number issued by the department to the vessel owner and the decals supplied by the department to the vessel owner as follows:

(1) Each number consisting of a combination of capital letters and arabic numbers shall read from left to right and shall be painted or permanently attached on the top forward half of the vessel.

(2) Each character of the number shall be in block form and easily read.

(3) Each character of the number shall be of

the same height and shall not be less than three inches in height.

(4) The number shall be of a color that contrasts with the color of the vessel.

(5) A hyphen or equivalent space that is equal to the width of a letter other than "I" or a number other than "1" shall separate arabic numbers from capital letters occurring in the number.

(6) Department-issued validation decals shall be placed in line and within three inches of the registration number on both sides of the hull of the vessel.

(b) A sailboard shall display only the decals supplied by the department with the certificate of number issued to the sailboard owner. The decals shall be attached to the front half of the top of the sailboard.

(c) This regulation shall be effective on and after January 1, 2008. (Authorized by K.S.A. 32-807, K.S.A. 32-1103, and K.S.A. 2006 Supp. 32-1110; implementing K.S.A. 2006 Supp. 32-1110; effective Oct. 30, 1989; amended Jan. 1, 2008.)

115-30-2. Certificate-of-number and registration; application, temporary permits and expiration date. (a) Applications for a certificate-of-number and registration shall be available at designated department offices.

(b) Vendor agents shall be authorized to issue temporary and permanent certificates-of-number and registrations.

(c) Issue of a temporary registration shall be authorized when application for and issuance of a permanent certificate-of-number and registration is pending.

(d) The certificate-of-number and registration decals shall be valid for a period of time ending three years from the date of issue.

(e) An address change addendum issued by the department pursuant to K.S.A. 1989 Supp. 32-1111 to a certificate-of-number holder shall be a part of the certifcate-of-number and shall be retained by the holder with the certificate-of-number.

(f) This regulation shall be effective January 1, 1991. (Authorized by and implementing K.S.A. 1989 Supp. 32-1111; effective Jan. 1, 1991.)

115-30-3. Personal flotation devices; requirements. (a) "PFD" means any type I, II, III, IV or V personal flotation device approved by the United States coast guard for use on recreational vessels.

(b) Each vessel shall have at least one type I, II, or III PFD on board for each individual in the vessel and at least one type I, II or III PFD on board for each individual being towed.

(c) To meet the "servicable condition" requirement of K.S.A. 32-1119, each required PFD shall meet the requirements defined by 33 C.F.R. 175.23, as in effect on April 29, 1996, and shall be of the appropriate size and type for the individual to whom it is assigned.

(d) In addition to the provisions of subsection (b), each vessel 16 feet or greater in length, except canoes and kayaks, shall have at least one type IV PFD on board.

(e) A type V personal flotation device may be used to satisfy requirements of subsections (b) or (d) if these conditions are met:

(1) the device is United States coast guard approved;

(2) the device is labeled for the activity for which the recreational vessel is being used;

(3) the device is used in accordance with requirements on the label; and

(4) the device is used in accordance with the requirements in its owner's manual if the label refers to the manual.

(f) To meet the "readily accessible" requirement of K.S.A. 32-1119, each required PFD shall be in open view and shall not be stowed in locked or closed compartments or be inside plastic or other packaging material. (Authorized by and implementing K.S.A. 32-1119; effective Oct. 22, 1990; amended March 20, 1995; amended Feb. 28, 1997.)

115-30-4. Fire extinguishers; requirements. (a) United States coast guard approved hand portable fire extinguishers of type B, size I or type B, size II or both shall be carried on board each motorboat as determined by the following classes:

(1) Class A: at least one type B, size I fire extinguisher shall be carried if any one or more of the following conditions exist:

(A) an inboard engine;

(B) closed compartments under thwarts and seats where portable fuel tanks may be stored;

(C) double bottom construction not sealed to the hull or not completely filled with flotation materials;

(D) closed compartments in which combustible or flammable materials are stored; or

(E) permanently installed fuel tanks. Fuel tanks that cannot be moved in case of fire or other

emergency or if the weight of the fuel tank precludes movement of the tank by an individual on board shall be considered permanently installed.

(2) The provisions of subsection (1) shall not apply if the motorboat has a United States coast guard approved built-in or affixed fire extinguisher in the motor area.

(3) Class 1: at least one type B, size I fire extinguisher shall be carried, except the provisions of this subsection shall not apply if the motorboat has a United States coast guard approved built-in or affixed fire extinguisher in the motor area.

(4) Class 2: at least two type B, size I fire extinguishers or one type B, size II fire extinguisher shall be carried, except each motorboat that has a United States coast guard approved built-in or affixed fire extinguisher in the motor area shall only be required to carry at least one type B, size I fire extinguisher.

(5) Class 3: at least three type B, size I fire extinguishers or one type B, size I fire extinguisher and one type B, size II fire extinguisher shall be carried, except each motorboat that has a United States coast guard approved built-in or affixed fire extinguisher in the motor area shall only be required to carry at least two type B, size I fire extinguishers or one type B, size II fire extinguisher.

(b) Each vessel, including each motorboat having an approved built-in or affixed fire extinguisher in the motor area, that has enclosed living spaces or galleys shall carry at least one United States coast guard approved type B, size I or type B, size II fire extinguisher in the living space or galley. (Authorized by and implementing K.S.A. 1989 Supp. 32-1119; effective Oct. 22, 1990.)

115-30-5. Boating; capacity plate and operation; calculation of person capacity. (a) A capacity plate, once installed on a vessel, shall not be removed, defaced, replaced, or altered.

(b) A vessel shall not be operated with a motor whose horsepower exceeds the maximum horsepower of the motor as specified on the capacity plate or as computed under K.A.R. 115-30-6.

(c) The person capacity for monohull vessels that are less than 20 feet in length, except sailboats, canoes, kayaks, personal watercraft, and inflatable boats, and that are without a manufacturer's capacity plate shall be calculated using the following formula:

(1) Multiply the length of the vessel, in feet, by the width of the vessel, in feet; and

(2) divide the product calculated in paragraph (c)(1) by 15.

(d) This regulation shall be effective on and after January 1, 2008. (Authorized by and implementing K.S.A. 32-1126; effective Oct. 22, 1990; amended Jan. 1, 2008.)

115-30-6. Boating; adoption by reference of certain code of federal regulations. The following parts and sections of the federal rules and regulations promulgated by the United States coast guard are hereby incorporated by reference as the rules and regulations of the department.

(a) "Identification of boats": 33 C.F.R. section 181 Subpart C, including sections 181.21, 181.23, 181.25, 181.27, and 181.29, each as in effect on August 1, 1984; sections 181.31 and 181.33, both as in effect on July 1, 1988; and section 181.35, as in effect on August 1, 1984;

(b) "Definitions": 33 C.F.R. section 183.3, except the definitions of "sailboat" and "vessel," as in effect on June 30, 1996.

(c) "Applicability": 33 C.F.R. section 183.31 as in effect on November 1, 1972;

(d) "Maximum weight capacity: inboard and inboard-outdrive boats": 33 C.F.R. section 183.33 as in effect on November 1, 1972;

(e) "Maximum weight capacity: outboard boats": 33 C.F.R. section 183.35 as in effect on January 13, 1977;

(f) "Maximum weight capacity: boats rated for manual propulsion and boats rated for motors of two horsepower or less": 33 C.F.R. section 183.37 as in effect on November 1, 1972;

(g) "Persons capacity: inboard and inboard-outdrive boats": 33 C.F.R. section 183.39 as in effect on April 3, 1985;

(h) "Persons capacity: outboard boats": 33 C.F.R. section 183.41 as in effect on April 3, 1985;

(i) "Persons capacity: boats rated for manual propulsion and boats rated for motors of 2 horsepower or less": 33 C.F.R. section 183.43 as in effect on August 1, 1980;

(j) "Applicability": 33 C.F.R. section 183.51 as in effect on November 1, 1972;

(k) "Horsepower capacity": 33 C.F.R. section 183.53 as in effect on August 1, 1987;

(l) "Requirements": 46 C.F.R. section 25.35-1 as in effect on August 28, 1991; and

(m) "Tanks and engine spaces": 46 C.F.R. section 25.40-1 as in effect on October 18, 1995. (Authorized by and implementing K.S.A. 32-1119 and

K.S.A. 32-1126; effective Oct. 22, 1990; amended Feb. 28, 1997.)

115-30-7. Boating; steering and sailing requirements. (a) Each operator of a vessel shall keep the vessel to the right of the channel if it is safe and practicable to do so.

(b) When two vessels are approaching each other head-on or nearly so, each operator shall pass the other on that operator's own left side at a speed and distance so that the wake of each vessel will not endanger the other vessel.

(c) When one vessel passes another traveling in the same direction, the operator of the passing vessel shall pass when it is safe to do so and at a speed and distance that do not endanger the overtaken vessel. The operator of the overtaken vessel shall maintain its course and speed until the passing vessel has safely passed.

(d) When two vessels are approaching each other in a crossing situation that involves risk of collision, the operator of the vessel on the right shall maintain that vessel's course and speed. The operator of the vessel on the left shall direct that vessel's course to the right to cross the stern of the other vessel or shall stop and reverse if necessary to avoid collision.

(e) Each operator of a vessel propelled by machinery shall keep that vessel clear of any vessel under sail or being propelled by oars or paddles and shall maintain a speed and distance so that the wake will not endanger any vessel under sail or being propelled by oars or paddles.

(f) Each operator of a vessel shall maintain a proper look-out at all times by sight and sound as well as other available means in order to make a full appraisal of the surroundings and avoid the risk of collision.

(g) Each operator of a vessel shall proceed at a speed that is safe and appropriate under the conditions and with regard to the actual hazards then existing, in order to avoid a collision and stop within any distance necessary to avoid a collision.

(h) No operator of a vessel shall interfere with the placement or visibility of any navigational aid.

(i) No operator of a vessel shall moor the vessel to any navigation buoy except a designated mooring buoy.

(j) This regulation shall be effective on and after January 1, 2008. (Authorized by and implementing K.S.A. 2006 Supp. 32-1119; effective Oct. 22, 1990; amended Jan. 1, 2008.)

115-30-8. Boating; accident reports. (a) Each accident resulting either in property damage in excess of $2000 or in the total loss of any vessel shall be reported to the department by the operator of the vessel. This requirement shall include all collision-type accidents involving other vessels, floating objects, and fixed objects.

(b) Each accident report required under K.S.A. 32-1177 and amendments thereto and each accident specified in subsection (a) shall be filed with the department or a commissioned law enforcement officer by the operator of the vessel immediately after the time of the accident.

(c) An accident report shall be required in accordance with subsection (b) when a person disappears from a vessel under circumstances that indicate death, injury or other cause for disappearance.

(d) An accident report shall be required in accordance with subsection (b) when a person dies, or when a person is injured and requires medical treatment beyond first aid.

(e) Each accident report shall be submitted on forms provided by the department and shall contain the following information:

(1) The names, addresses, and telephone numbers of the vessel operator and any passengers in the operator's vessel;

(2) the names, addresses, and telephone numbers of the vessel operators and any passengers in any other vessels involved;

(3) the registration number and a description of the operator's vessel;

(4) the registration number and a description of any other vessels involved in the accident;

(5) a complete description of the accident, including any injuries or deaths; and

(6) other relevant information as required by the secretary.

(f) Any individual with knowledge of the accident, including a responding or investigating law enforcement officer, may file the required accident report if the operator is unable to file the report due to injury or death.

(g) This regulation shall be effective on and after January 1, 2008. (Authorized by and implementing K.S.A. 32-1103 and K.S.A. 32-1177; effective Oct. 22, 1990; amended Dec. 27, 1993; amended Nov. 22, 2002; amended Jan. 1, 2008.)

115-30-9. Water event permit; application and requirements. (a) A water event per-

mitshall be required for any event as described in K.S.A. 1989 Supp. 32-1149. A special event permit issued under K.A.R. 115-8-21 shall satisfy the requirement for a water event permit on department lands and waters if processed in compliance with provisions of subsections (b) and (d) of K.A.R. 115-30-9.

(b) Any person may apply to the secretary for a water event permit. The application shall be 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 location of the event;

(4) the date and time of the event;

(5) a description of the event;

(6) estimated number of boats and individuals participating;

(7) a description of safety measures to be utilized for the protection of the public and water event participants including, but not limited to:

(A) traffic control;

(B) lifeguards;

(C) patrol boats equipped with life saving equipment;

(D) first aid equipment; and

(E) fire extinguishers;

(8) written approval for the event from the controlling authority of the water to be used; and

(9) other information as required by the secretary.

(c) Each water event permit application may include multiple events if the events to be covered under the water event permit are all conducted on the same area or body of water.

(d) Each application for a water event shall be submitted not less than 30 days prior to the proposed event.

(e) A water event permit shall be valid for the period of time as specified in the permit, but shall not extend beyond December 31 of the year in which the water event permit was issued.

(f) A water event involving 25 or fewer participants shall not require payment of the water event permit fee.

(g) Each water event shall be conducted in conformance with conditions established by the department in the water event permit. (Authorized by and implementing K.S.A. 1989 Supp. 32-1149; effective Jan. 28, 1991.)

115-30-10. Personal watercraft; definition, requirements, and restrictions. (a) Personal watercraft shall mean any vessel that uses an inboard motor powering a jet pump as the vessel's primary source of propulsion and is designed to be operated by a person sitting, standing, or kneeling on the vessel rather than the conventional manner of sitting, standing, or kneeling inside the vessel.

(b) Personal watercraft shall be subject to all applicable laws and regulations that govern the operation, equipment, registration, numbering, and all other matters relating to vessels whenever a personal watercraft is operated on the waters of this state, except as follows:

(1) A personal watercraft shall not be operated unless each person aboard the personal watercraft is wearing a type I, type II, type III, or type V United States coast guard-approved personal floatation device.

(2) Each person operating a personal watercraft equipped by the manufacturer with a lanyard-type engine cutoff switch shall attach the lanyard to the operator's person, clothing, or personal floatation device, as appropriate.

(3) A person shall not operate a personal watercraft between sunset and sunrise.

(4) Each person shall operate a personal watercraft at no-wake speeds of five miles per hour or less when within 200 feet of the following:

(A) A dock;

(B) a boat ramp;

(C) a person swimming;

(D) a bridge structure;

(E) a moored or anchored vessel;

(F) a sewage pump-out facility;

(G) a nonmotorized watercraft;

(H) a boat storage facility; or

(I) a concessionaire's facility.

(5) A person shall operate a personal watercraft in a reasonable and prudent manner. Maneuvers that endanger life, limb, or property shall be prohibited. This prohibition shall include weaving through congested vessel traffic or jumping the wake produced by another vessel at an unsafe distance.

(6) A person shall not operate a personal watercraft unless the person is facing forward.

(7) A person shall not operate or use a personal watercraft to tow a person on waterskis, kneeboards, inflatable crafts, or any other device unless the personal watercraft is designed to accommodate more than one person.

(8) No person in possession of a personal watercraft shall permit another person to operate the

personal watercraft unless that person has met the boater education requirements as specified in K.S.A. 32-1139 and amendments thereto.

(c) A boat livery shall not lease, hire, or rent a personal watercraft to, or for the operation by, any person who has not met the boater education requirements as specified in K.S.A. 32-1139 and amendments thereto.

(d) The provisions of paragraphs (b) (4), (5), (6), and (8) shall not apply to a person participating in a regatta, race, marine parade, tournament, or exhibition that has been authorized or permitted by the department or is otherwise exempt from this authorization or permit requirement.

(e) This regulation shall be effective on and after January 1, 2008. (Authorized by and implementing K.S.A. 32-1103 and K.S.A. 2006 Supp. 32-1119; effective June 13, 1994; amended June 11, 1999; amended Jan. 1, 2008.)

115-30-11. Exemption for numbering. The secretary having determined, pursuant to K.S.A. 32-1113(5), that numbering will not materially aid in identification of certain vessels and that such vessels are exempt from numbering under federal law, numbering shall not be required for any vessel, as defined by K.S.A. 32-1102, and amendments thereto, while actually engaged in water events authorized by K.S.A. 32-1149, and amendments thereto, and by K.A.R. 115-30-9, if that vessel is designed for racing and is operated exclusively in competitive racing, racing demonstrations or special racing exhibitions. (Authorized by K.S.A. 32-1103; implementing K.S.A. 32-1113; effective Aug. 21, 1995.)

115-30-12. Marine sanitation devices; vessel requirements. (a) Each person owning, operating, launching, mooring, docking, or using any vessel equipped with a marine sanitation device on the waters of the state shall meet the following requirements:

(1) Ensure that all valves capable of allowing the discharge of sewage into the water are locked in a closed position by the use of a nonreleasing locking device approved by the department or by removing the handle of the valve after the valve has been placed in the closed position; and

(2) make any necessary modifications to securely lock any overboard sewage discharge valve into the closed position or use any other means listed in paragraph (a)(1).

(b) No person may alter or remove any department-approved locking device once installed by a department employee or authorized agent of the department, unless the person notifies the department in writing before the alteration or removal and includes the following information:

(1) The vessel's registration number or documentation number;

(2) the vessel's hull identification number;

(3) the vessel owner's name and address;

(4) the purpose for altering or removing the locking device; and

(5) the name of the individual or business performing the alteration or removal.

(c) This regulation shall be effective on and after January 1, 2008. (Authorized by and implementing K.S.A. 32-1103; effective Jan. 1, 2008.)

Article 35.—LOCAL GOVERNMENT OUTDOOR RECREATION GRANT PROGRAM

115-35-1. Local government outdoor recreation grant program; application and criteria. (a) Any local government desiring to receive a local government outdoor recreation grant shall apply to the secretary, using a form provided by the department. An application that is incomplete or contains false information may be denied consideration by the secretary.

(b) Grant applications shall be evaluated according to the parameters established by L. 1998, Ch. 70, §2 and §3. In addition, grant applications shall be further evaluated based on the following criteria:

(1) The application demonstrates a local need for the proposed project and a strong likelihood of ongoing local involvement and support.

(2) The proposed project would provide new outdoor recreational opportunities to a significant population or geographic area, or the proposed project would enhance existing outdoor recreation facilities and would improve facilities for users with a wide range of physical abilities, or both.

(3) The applicant's matching funds are available to the applicant at the time of the grant award.

(4) The proposed project has a likelihood of completion within one year from the time of award.

(5) The grant request would not constitute more than 25% of funds appropriated for the grant program in a given fiscal year.

(6) The proposed project would meet applica-

ble environmental standards and would be compatible with existing land use capabilities and surrounding uses.

(7) The application is consistent with "focus 2002: a plan for Kansas wildlife and parks," as published by the department. (Authorized by and implementing L. 1998, Ch. 70, §1, §2, and §3; effective Nov. 30, 1998.)