

NUISANCE ANIMAL DAMAGE CONTROL PERMIT INFORMATION

Regulations (K.A.R. 115-16-5 and 115-16-6) adopted by the Kansas Department of Wildlife and Parks (KDWP) require that you take a self-directed training course and pass an examination with an 80% or better score to qualify for a Nuisance Animal Damage Control permit. Self-directed training materials may be found at the web sites provided below. Contact the Pratt Office if a hard copy of the training materials is needed. The exam will be considered “open book,” which means you may bring any materials you think might aid in passing the exam. The training materials contain the information necessary to answer all the exam questions.

<https://www.wildlife.k-state.edu/doc/wildlifemanualfull.pdf> (Source for animal damage control techniques and urban wildlife)

<https://www.wildlife.k-state.edu/nuisance-wildlife.html> (includes training manual)

The current regulations require that if you are using firearms as a control measure that you be certified as having taken the Hunter Education program and if you use fur harvesting methods that you be certified as having taken the Fur harvester Education program. The Fur Harvester Exam and training materials are available at www.trappered.com. After you have completed the self-directed training required, you may take the exam at the KDWP office listed below that is nearest you or you may contact your local K-State County Extension office. If you take the exam at one of our regional offices, bring your completed application with you and leave it when you test. If you take the exam at a local County Extension Office, they will give you the answer sheet and a statement with the date and score you received. Attach both to your application and forward it to the Regional Office that is closest to you. If you pass the exam, the regional law enforcement supervisor will send the application to the Pratt Headquarters. The permit will be sent to you from Pratt.

If you have any questions, please feel free to contact the Pratt office at 620-672-5911.

Contact your local County Extension Office for the test or any of the following offices.

Region 1
1426 HWY 183 Alt
Hays, KS 67601
(785)628-8614

Region 2
300 SW
Wanamaker Rd
Topeka, KS 66606
(785)273-6740

Region 3
6232 E 29th St. N
Wichita, KS 67220
(316)683-8069

Permit Conditions:

(Refer to KSA 32-807, 32-1002, KAR 115-16-5, KAR 115-16-6)

1. This Permittee is NOT an employee of the Kansas Department of Wildlife and Parks. Permittee agrees to cooperate with all requests and procedures of KDWP.
2. Will follow established procedures of wild animal control listed in the "Handbook on Prevention and Control of Wildlife Damage" available from Cooperative Extension Service University of Nebraska-Lincoln.
3. Control efforts will be confined to the area described on the application form.
4. This Permit must be available for inspection by any person in lawful possession of the property where control activities are being conducted or by any person requesting control activities or by any law enforcement officer.
5. A daily record of all animal control activity will be kept current & made available for inspection by KDWP and submitted annually to KDWP.
6. In recurring cases, capturing and removing animals is merely treating a symptom and not the cause. Direct control efforts toward eliminating the attractant, not just the animal.
7. Permittee shall have approval of property owner and confine activity to such property.
8. Wildlife live-captured may be released in a suitable habitat at least ten (10) miles outside of city limits after first obtaining prior permission from the landowner at the release site or they may be euthanized. Injured or obviously diseased animals should be euthanized, and carcasses disposed of properly. Species that are protected under the Migratory Bird Treaty Act and Threatened or Endangered species, and Species in Need of Conservation may not be killed and must be released unharmed.
9. Dens, dams, and runways may be destroyed to control beaver and muskrat damage.
10. Problems pertaining to migratory birds require a federal permit for many species. If in doubt refer such problems to APHIS-WS (785)532-1549, K-State Extension (785)532-5734 or KDWP (620)672-5911.
11. The Kansas Department of Wildlife and Parks assumes no liability for permittee actions in capturing, transporting, and releasing of problem animals.
12. Failure to comply with the guidelines set forth in this permit will result in the immediate revocation of the permit.
13. All permits expire on December 31 of the year in which they were issued.
14. All state laws not exempted with this permit must be followed. The permit does not authorize the taking or possession of state threatened or endangered species, or those protected by federal law. Local ordinances must be followed.

NUISANCE WILDLIFE CONTROL PERMIT APPLICATION

(KSA 32-807, 32-1002, KAR 115-16-6)

NEW RENEWAL (CURRENT PERMIT #) _____

Name of Applicant: _____
Last First MI

Business Name: _____
EACH employee MUST complete separate application

Social Security Number*: _____ Applicant's Date of Birth _____
MM/DD/YYYY

Address: _____
Street City State Zip

Phone: _____
Business Home Cell

Email Address: _____

PLEASE INDICATE WILDLIFE REQUESTING TO CONTROL:

_____ Furbearers (raccoons, skunks, opossums, beaver, etc.)

_____ Small Game (squirrels, rabbits, etc.)

_____ Non-Game Mammals (rodents, armadillos, prairie dogs, etc.) *No permit required for Norway rats or house mice*

_____ Reptiles and Amphibians (snakes, turtles, etc.)

_____ Bees, wasps and other insects or invertebrates *No permit required for only insects and other invertebrates*

_____ Coyote

_____ Pigeons, English sparrows, starlings

_____ Migratory Birds and Waterfowl *Subject to KSA 32-1008. Federal permit required.*

Please apply with appropriate agency for permission to answer complaints on

*This is for internal State of Kansas use only and REQUIRED under Statutes 74-148 and 74-149. A permit will not be issued if this information is not provided.

Do you plan to use pesticides (insecticides, rodenticides, repellents, etc.)? YES NO

A Kansas Pesticide Applicator Certificate and/or Kansas Pesticide Business License, issued by the KS Dept. of Agriculture (785-296-2263), may be required to use chemicals or poisons which are used to prevent, destroy, control, repel, attract, or mitigate any pest.

County or counties where wildlife control activity will be conducted:

Describe previous use of wildlife control methods and equipment as an authorized wildlife control operator:

How long have you performed wildlife control activities? _____

Will you use a **firearm** in your Nuisance Wildlife Control activities: YES NO

Do you have a Hunter Education Certificate? YES NO Hunter Ed Cert # _____
Hunters Education is REQUIRED if firearms will be used in your Nuisance Wildlife Control activities.

Will you use **furharvester** equipment in your Nuisance Wildlife Control activities: YES NO
Furharvester equipment means traps, including live traps, used to take furbearing animals and coyotes.

Do you have a Furharvester Education Certificate? YES NO Furharvester Educ. Cert # _____
It is REQUIRED if furharvester equipment will be used in your Nuisance Wildlife Control activities.

Wildlife Control Permit Test: List date taken, score, and location *This information needed for new applicants only*

Date: _____ Score: _____ Location: _____

I request permission to relocate wildlife on the following KDWPT managed wildlife area(s):

APPROVAL: Wildlife relocation authorized on _____ Wildlife Area(s).

I CERTIFY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE. I AM AWARE THAT MY NAME, BUSINESS NAME AND PHONE NUMBER MAY BE MADE AVAILABLE TO THE PUBLIC AS A REFERRAL FOR WILDLIFE CONTROL COMPLAINTS.

Signature of Applicant Date

Regional Law Enforcement Signature Print Name Date

Nuisance Bird Control Permit may be issued by Regional Offices to control: Blackbirds, cowbirds, grackle, crow, magpie, feral pigeon, English sparrow, and starling.

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
September 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 September 10, 1990.)

115-16-3. Nuisance bird control permit; application, provisions, and requirements. (a) The term “nuisance birds” shall include those species specified in the department’s “Kansas nuisance bird species table,” dated April 11, 2017, which is hereby adopted by reference.

(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 that involves poisons or chemicals for controlling nuisance birds other than the English sparrow or European starling.

(d) Any person may apply to the secretary for a nuisance bird control permit. The application shall be submitted on forms provided by the department. Each applicant shall provide the following information:

- (1) The applicant’s name;
- (2) the applicant’s address;
- (3) the applicant’s telephone number;
- (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; and
- (8) the length of time for which the permit is requested.

(e) Issuance of a permit may be denied by the secretary if any of the following conditions is met:

- (1) The permit application is unclear or incomplete.
- (2) The need for nuisance bird control has not been established.
- (3) Use of the poison or chemical would pose inordinate risk to the public, non-target wildlife, or the environment.

(f) Each permit shall be valid only for the period specified on the permit, which 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 periods shall not exceed one year.

(h) Each 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 either of the following conditions is met:

- (1) The permit was secured through false representation.
- (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) if the control method is nonlethal or if the control method involves use of firearms, air rifles, air pistols, archery equipment, 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 nuisance bird control shall not be sold or offered for sale.

(l) Nontoxic shot and bullets shall be required for the taking of nuisance birds pursuant to this regulation, except when using an air rifle, air pistol, or .22 caliber rimfire firearm. (Authorized by K.S.A. 2016 Supp. 32-807 and K.S.A. 32-955; implementing K.S.A. 32-955; effective Sept. 10, 1990; amended Aug. 31, 1992; amended Sept. 9, 2011; amended July 28, 2017.)

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, despite any 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 or the permittee's department-issued identification number 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 and accessory equipment, as follows:

- (A) Optical scopes or sights; and
- (B) sound-suppression devices;
- (3) BB guns and pellet guns;
- (4) archery equipment;
- (5) dogs;
- (6) falconry;

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

- (8) habitat modification;
- (9) net or seine;
- (10) glue board;
- (11) hand;
- (12) any other methods to exclude or frighten wildlife, including repellents; and
- (13) any other method as specified on the permit.

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

(f) Subject to applicable federal, state, and local laws and regulations, wildlife taken pursuant to a

wildlife control permit shall be disposed of using one or more of the following methods:

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

(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, otter, 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 and implementing K.S.A. 2012 Supp. 32-807; effective July 19, 2002; amended Nov. 27, 2006; amended April 8, 2011; amended July 26, 2013.)

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.)

KANSAS

THREATENED & ENDANGERED SPECIES (T&E)

THREATENED:

INVERTEBRATES

Butterfly Mussel, *Ellipsaria lineolata*
Delta Hydrobe, *Probythinella emarginata*
Flutedshell Mussel, *Lasmigona costata*
Ouachita Kidneyshell Mussel, *Prychobranthus occidentalis*
Rock Pocketbook Mussel, *Arcidens canfragosus*
Sharp Hornsnail, *Pleurocera acuta*

FISH

Arkansas Darter, *Etheostoma cragini*
Blackside Darter, *Percina maculata*
Chestnut Lamprey, *Ichthyomyzon castaneus*
Flathead Chub, *Platygobio gracilis*
Hornyhead Chub, *Nocomis biguttatus*
Neosho Madtom, *Noturus placidus*
Plains Minnow, *Hybognathus placidus*
Redspot Chub, *Nocomis asper*
Shoal Chub, *Macrhybopsis hyostoma*
Silverband Shiner, *Notropis shumardi*
Sturgeon Chub, *Macrhybopsis gelida*
Topeka Shiner, *Notropis topeka*
Western Silvery Minnow, *Hybognathus argyritis*

AMPHIBIANS

Eastern Newt, *Notophthalmus viridescens*
Eastern Narrowmouth Toad, *Gastrophryne carolinensis*
Green Frog, *Rana clamitans*
Green Toad, *Bufo debilis*
Longtail Salamander, *Eurycea longicauda*
Spring Peeper, *Pseudacris crucifer*
Strecker's Chorus Frog, *Pseudacris streckeri*

REPTILES

Broadhead Skink, *Eumeces laticeps*
Checkered Garter Snake, *Thamnophis marcianus*
Common Map Turtle, *Graptemys geographica*
Longnose Snake, *Rhinocheilus lecontei*
Redbelly Snake, *Storeria occipitomaculata*
Smooth Earth Snake, *Virginia valeriae elegans*
Texas Blind Snake, *Leptotyphlops dulcis*

BIRDS

Piping Plover, *Charadrius melodus*
Snowy Plover, *Charadrius alexandrinus*

MAMMALS

Eastern Spotted Skunk, *Spilogale putorius*

ENDANGERED:

INVERTEBRATES

American Burying Beetle, *Nicrophorus americanus*
Ellipse Mussel, *Venustaconcha ellipsiformis*
Elktoe Mussel, *Alasmidonta marginata*
Flat Floater Mussel, *Anodonta suborbiculata*
Mucket Mussel, *Actinonaias ligamentina*
Neosho Mucket Mussel, *Lampsilis rafinesqueana*
Optiosevus Riffle Beetle, *Optioservus phaeus*
Rabbitsfoot Mussel, *Quadrula cylindrica*
Slender Walker Snail, *Pomatopsis lapidaria*
Western Fanshell Mussel, *Cyprogenia aberti*

FISH

Arkansas River Shiner, *Notropis girardi*
Arkansas River Speckled Chub, *Macrhybopsis tetranema*
Pallid Sturgeon, *Scaphirhynchus albus*
Sicklefin Chub, *Macrhybopsis meeki*
Silver Chub, *Macrhybopsis storeriana*

AMPHIBIANS

Cave Salamander, *Eurycea lucifuga*
Many-ribbed Salamander, *Eurycea multiplicata*
Grotto Salamander, *Typhlotriton spelaeus*

BIRDS

Black-capped Vireo, *Vireo arripilla*
Eskimo Curlew, *Numenius borealis*
Least Tern, *Sterna antillarum*
Whooping Crane, *Grus americana*

MAMMALS

Black-footed Ferret, *Mustela nigripes*
Gray Myotis, *Myotis grisescens*

KANSAS

SPECIES IN NEED OF CONSERVATION (SINC)

INVERTEBRATES

Creeper Mussel, *Strophitus undulatus*
Cylindrical Papershell Mussel, *Anodontoides ferusscianus*
Delta Hydrobe, *Probythinella emarginata*
Deertoe Mussel, *Truncilla truncata*
Fatmucket Mussel, *Lampsilis siliquoides*
Fawnsfoot Mussel, *Truncilla donaciformis*
Gray Petaltail Dragonfly, *Tachopteryx thoreyi*
Neosho Midget Crayfish, *Orconectes macrus*
Ozark Emerald Dragonfly, *Somatochlora ozarkensis*
Prairie Mole Cricket, *Gryllotalpa major*
Round Pigtoe Mussel, *Pleurabema sirtoxia*
Snuffbox Mussel, *Epioblasma triquetra*
Spike Mussel, *Elliptia dilatata*
Wabash Pigtoe Mussel, *Fusconaia flava*
Wartyback Mussel, *Quadrula nodulata*
Washboard Mussel, *Megalania nervosa*
Yellow Sandshell Mussel, *Lampsilis teres*

FISH

Banded Darter, *Etheostoma zonale*
Banded Sculpin, *Cottus caroliniae*
Bigeye Shiner, *Nanopsis baopsi*
Black Redhorse, *Moxostoma duquesnei*
Blacknose Dace, *Rhinichthys atratulus*
Blue Sucker, *Cycorepus elongatus*
Bluntnose Darter, *Etheostoma chlorosoma*
Brassy Minnow, *Hybognathus hankinsoni*
Brindled Madtom, *Noturus miurus*
Cardinal Shiner, *Luxilus cardinalis*
Common Shiner, *Luxilus cornutus*
Gravel Chub, *Erimystax x-punctatus*
Greenside Darter, *Etheostoma blennioides*
Highfin Carpsucker, *Carpodes velifer*
Johnny Darter, *Etheostoma nigrum*
Lake Sturgeon, *Acipenser fulvescens*
Northern Hog Sucker, *Hypentelium nigricans*
Ozark Minnow, *Notropis nubilus*
Plains Minnow, *Hybognathus placitus*
Redfin Darter, *Etheostoma whipplei*
River Darter, *Percina shumardi*
River Redhorse, *Moxostoma carinatum*
River Shiner, *Notropis blennioides*
Southern Redbelly Dace, *Phoxinus erythrogaster*
Slough Darter, *Etheostoma gracile*
Speckled Darter, *Etheostoma sigmaeum*
Spotfin Shiner, *Cyprinella spiloptera*
Spotted Sucker, *Moxostoma melanops*
Stippled Darter, *Etheostoma punctulatum*
Striped Shiner, *Luxilus chrysocephalus*
Tadpole Madtom, *Noturus gyrinus*

AMPHIBIANS

Crawfish Frog, *Rana areolata*
Red-spotted Toad, *Bufo punctatus*

REPTILES

Alligator Snapping Turtle, *Macrochelys temminckii*
Eastern Hognose Snake, *Heterodon platirhinos*
Glossy Snake, *Arizona elegans*
Night Snake, *Hypsiglena torquata*
Rough Earth Snake, *Virginia striatula*
Timber Rattlesnake, *Crotalus horridus*
Western Hognose Snake, *Heterodon nasicus*

BIRDS

Black Rail, *Laterallus jamaicensis*
Black Tern, *Chlidonias niger*
Bobolink, *Dolichonyx oryzivorus*
Cerulean Warbler, *Dendroica cerulea*
Chihuahuan Raven, *Corvus cryptoleucus*
Curve-billed Thrasher, *Taxostoma curvirostre*
Ferruginous Hawk, *Buteo regalis*
Golden Eagle, *Aquila chrysaetos*
Henslow's Sparrow, *Ammodramus henslowii*
Ladder-backed Woodpecker, *Picooides scalaris*
Long-billed Curlew, *Numenius americanus*
Mountain Plover, *Charadrius montanus*
Short-eared Owl, *Asio flammeus*
Whip-poor-will, *Caprimulgus vociferus*
Yellow-throated Warbler, *Dendroica dominica*

MAMMALS

Franklin's Ground Squirrel, *Spermophilus franklinii*
Pallid Bat, *Antraxus pollidus*
Southern Bog Lemming, *Synaptomys cooperi*
Southern Flying Squirrel, *Glaucanys volans*
Texas Mouse, *Peromyscus atwateri*
Townsend's Big-eared Bat, *Corynorhinus townsendii*

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, *Utterbackia suborbiculata* (Say, 1831)
- Rabbitsfoot mussel, *Thaliderma 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)
- Cylindrical papershell mussel, *Anodontooides ferussacianus* (I. Lea, 1834)

(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)
- Peppered chub, *Macrhybopsis tetranema* (Gilbert, 1886)
- Silver chub, *Macrhybopsis storeriana* (Kirtland, 1845)

(3) Amphibians

- Cave salamander, *Eurycea lucifuga* (Rafinesque, 1822)
- Grotto salamander, *Eurycea spelaea* (Stejneger, 1892)

(4) Birds

- Least tern, *Sternula antillarum* (Lesson, 1847)
- 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, *Ptychobranthus occidentalis* (Conrad, 1836)
- Sharp hornsnail, *Pleurocera acuta* (Rafinesque, 1831)
- Delta hydrobe, *Probythinella emarginata* (Kuster, 1852)

(2) Fish

- 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)
- 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)
- Shoal chub, *Macrhybopsis hyostoma* (Gilbert, 1884)
- Plains minnow, *Hybognathus placitus* (Girard, 1856)

(3) Amphibians

- Eastern newt, *Notophthalmus viridescens* (Rafinesque, 1820)
- Longtail salamander, *Eurycea longicauda* (Green, 1818)
- Eastern narrow-mouthed toad, *Gastrophryne carolinensis* (Holbrook, 1836)

Green frog, *Lithobates clamitans* (Latreille, 1801)

Strecker's chorus frog, *Pseudacris streckeri* (Wright and Wright, 1933)

Green toad, *Anaxyrus debilis* (Girard, 1854)

(4) Reptiles

Broad-headed skink, *Plestidon laticeps* (Schneider, 1801)

Checkered gartersnake, *Thamnophis marcianus* (Baird and Girard, 1853)

New Mexico Threadsnake, *Rena dissectus* (Cope, 1896)

(5) Birds

Piping plover, *Charadrius melodus* (Ord, 1824)

Snowy plover, *Charadrius nivosus* (Linnaeus, 1758)

(6) Mammals

Eastern spotted skunk, *Spilogale putorius* (Linnaeus, 1758)

(7) Turtles

Northern map turtle, *Graptemys geographica* (Le Sueur, 1817)

(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 previously approved by the department. (Authorized by K.S.A. 32-960 and 32-963; implementing K.S.A. 32-960, K.S.A. 2018 Supp. 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; amended July 24, 2009; amended Nov. 14, 2014; amended Dec. 20, 2019.)

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

Snuffbox mussel, *Epioblasma triquetra* (Rafinesque, 1820)
Wartyback mussel, *Cyclonaias nodulata* (Rafinesque, 1820)
Spike mussel, *Elliptio dilatata* (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)

(2) Fish

Arkansas darter, *Etheostoma cragini* (Gilbert, 1885)
Banded darter, *Etheostoma zonale* (Cope, 1868)
Banded sculpin, *Cottus carolinae* (Gill, 1861)
Black redhorse, *Moxostoma duquesnei* (Le Sueur, 1817)
Blue sucker, *Cycleptus elongatus* (Le Sueur, 1817)
Western blacknose dace, *Rhinichthys obtusus* (Agassiz, 1854)
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, *Carpionodes velifer* (Rafinesque, 1820)
Northern hog sucker, *Hypentelium nigricans* (Le Sueur, 1817)
Ozark minnow, *Notropis nubilus* (Forbes, 1878)
River darter, *Percina shumardi* (Girard, 1859)
River redhorse, *Moxostoma carinatum* (Cope, 1870)
River shiner, *Notropis blennius* (Girard, 1856)
Slough darter, *Etheostoma gracile* (Girard, 1859)
Highland darter, *Etheostoma teddyroosevelt* (Jordan, 1877)
Spotfin shiner, *Cyprinella spiloptera* (Cope, 1868)
Spotted sucker, *Minytrema melanops* (Rafinesque, 1820)
Sunburst darter, *Etheostoma mihileze* (Agassiz, 1854)
Tadpole madtom, *Noturus gyrinus* (Mitchill, 1817)
Brindled madtom, *Noturus miurus* (Jordan, 1877)
Bigeye shiner, *Notropis boops* (Gilbert, 1884)
Redfin darter, *Etheostoma whipplei* (Girard, 1859)
Lake Sturgeon, *Acipenser fulvescens* (Rafinesque, 1817)
Striped shiner, *Luxilus chrysocephalus* (Rafinesque, 1820)
Common shiner, *Luxilus cornutus* (Mitchill, 1817)
Southern Redbelly Dace, *Chrosomus erythrogaster* (Rafinesque, 1820)
Cardinal Shiner, *Luxilus cardinalis* (Mayden, 1988)
Johnny Darter, *Etheostoma nigrum* (Rafinesque, 1820)
Chestnut lamprey, *Ichthyomyzon castaneus* (Girard, 1858)
Silverband shiner, *Notropis shumardi* (Girard, 1856)

(3) Amphibians

Red-spotted toad, *Anaxyrus punctatus* (Baird and Girard, 1852)

- Crawfish frog, *Lithobates areolatus* (Baird and Girard, 1852)
 Spring peeper, *Pseudacris crucifer* (Wied-Neuwied, 1838)
- (4) Reptiles
 Rough earthsnake, *Haldea striatula* (Linnaeus, 1766)
 Plains hog-nosed snake, *Heterodon nasicus* (Baird and Girard, 1852)
 Timber rattlesnake, *Crotalus horridus* (Linnaeus, 1758)
 Eastern hog-nosed snake, *Heterodon platirhinos* (Latreille, 1801)
 Glossy snake, *Arizona elegans* (Kennicott, 1859)
 Chihuahuan nightsnake, *Hypsiglena jani* (Duges, 1865)
 Red-bellied snake, *Storeria occipitomaculata* (Storer, 1839)
 Long-nosed snake, *Rhinocheilus lecontei* (Baird and Girard, 1853)
 Smooth earthsnake, *Virginia valeriae* (Baird and Girard, 1853)
- (5) Birds
 Bobolink, *Dolichonyx oryzivorus* (Linnaeus, 1758)
 Cerulean warbler, *Setophaga 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)
 Eastern whip-poor-will, *Antrastomas vociferus* (Wilson, 1812)
 Yellow-throated warbler, *Setophaga dominica* (Linnaeus, 1776)
- (6) Mammals
 Franklin's ground squirrel, *Poliocitellus 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)
 Northern long-eared bat, *Myotis septentrionalis* (Trouessart, 1897)

(7) Turtles

Alligator snapping turtle, *Macrochelys temminckii* (Troost, in Harlan, 1835)

(b) Any nongame species in need of conservation taken during established trapping seasons, authorized commercial wildlife operations, fishing by hook and line, baitfish 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 32-963; implementing K.S.A. 32-959 and K.S.A. 2018 Supp. 32-1009; effective Oct. 30, 1989; amended Aug. 31, 1992; amended Nov. 29, 1999; amended Feb. 18, 2005; amended July 24, 2009; amended Nov. 14, 2014; amended Dec. 20, 2019.)

115-15-3. Threatened and endangered wildlife; special permits and 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' critical habitat, physical disturbance of listed species, or destruction of individuals of a listed species.

(2) "Critical habitat" means either of the following:

(A) Specific geographic areas supporting a population of a listed species and including physical or biological features that meet the following requirements:

(i) Are essential to the conservation of the species; and

(ii) require special management or protection; or

(B) specific geographic areas not documented as currently supporting a population of a listed species, but determined essential for the conservation of 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 and is 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 is done for the purpose of taking a threatened or endangered species. "Intentional taking" shall include "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" shall include activities financed with private funds on private lands and government cost-shared, routine agricultural land treatment measures.

(8) "Permit from another state or federal agency" shall not include a certification or registration.

(9) "Publicly funded," when used to describe an action, means any action for which planning and implementation are wholly funded with monies from federal, state, or local units of government.

(10) "State or federally assisted," when used to describe an action, means any action receiving technical assistance or partial funding from a state or federal governmental agency.

(b) Each 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 these practices involve an intentional taking.

(2) An action permit shall not be required for the 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.

(3) An action permit shall not be required for any activity for which a person has obtained a scientific, educational, or exhibition permit, pursuant to K.S.A. 32-952 and amendments thereto and K.A.R. 115-18-3.

(4) An action permit shall not be required for any species listed after July 1, 2016 if a recovery plan for the listed species is not completed within four years of the listing date, unless the species is listed as threatened or endangered under federal law or until a recovery plan for the listed species is completed.

(c) Each action permit application shall be submitted at least 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 critical habitat resulting from the proposed action; and

(3) proposed measures incorporated into the action plan to protect listed species or critical habitat of listed species.

(d) Each person sponsoring or responsible for an action for which an action permit is not required by subsection (b) and that will result in the intentional destruction of a member 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 any activity for which a person has obtained a scientific, educational, or exhibition permit, pursuant to K.S.A. 32-952 and amendments thereto and K.A.R. 115-18-3. An action permit application shall be submitted at least 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 critical habitat resulting from the proposed action; and

(3) proposed measures incorporated into the action plan to protect listed species or critical habitat of listed species.

(e) An action permit required under subsection (b) or (d) shall be issued by the secretary pursuant to a timely and complete application, if the proposed action meets the requirements of the following:

(1) Sufficient mitigating or compensating measures to ensure protection of either critical habitats or 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) A public hearing on the proposed action may be provided by the secretary before issuance of an action permit.

(g) In addition to other penalties prescribed by law, any action permit may be revoked by the secretary for any of the following 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.

(i) Nothing in this regulation shall be deemed to exempt a person from the requirement 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 shall be applied only to offenses or obligations arising under state statutes or regulations. (Authorized by K.S.A. 32-960b, K.S.A. 2016 Supp. 32-961, and K.S.A. 32-963; implementing K.S.A. 32-960b, K.S.A. 2016 Supp. 32-961, K.S.A. 32-962, and K.S.A. 32-963; effective Oct. 30, 1989; amended Dec. 29, 1997; amended February 16, 2018.)