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Robin Jennison, Acting Secretary

Department of Wildlife and Parks

Sam Brownback, Governor

NUISANCE WILDLIFE 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 Wildlife 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.

<http://wildlifedamage.unl.edu/> (Source for animal damage control techniques)
<http://www.oznet.ksu.edu/library/wldlf2/> (Includes very useful urban wildlife damage control series)
<http://www.ksu.edu/research/animal/training/Modules/index.htm> (Click on "Check your occupational risks by species" and then "wildlife worker/trapper" at the bottom)

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 Furharvester Education program. The Furharvester Exam and Training materials are available at www.trapped.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 KSU 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 of these 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 this office.

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

Region 1
KDWPT
P.O. Box 338
Hays, KS 67601
785-628-8614

Region 3
KDWPT
1001 McArtor Rd
Dodge City, KS 67801
620-227-8609

Region 5
KDWPT
P.O. Box 777
Chanute, KS 66720
620-431-0380

Region 2
KDWPT
300 SW Wanamaker
Topeka, KS 66606
785-273-6740

Region 4
KDWPT
6232 E 29th St N
Wichita, KS 67220
316-683-8069

Emporia Research Office
1830 Merchant
Emporia, Kansas 66801
620-342-0658

Kansas City District Office
KS Wildlife & Parks
8304 Hedge Lane Terrace
Shawnee, KS 66227
913-422-1314

Kansas Department Wildlife, Parks & Tourism
512 SE 25th Ave
Pratt, KS 67124

Phone 620-672-5911 Fax 620-672-2972 www.kdwp.state.ks.us

State of Kansas
NUISANCE WILDLIFE CONTROL PERMIT APPLICATION
(KSA 32-807, 32-1002, KAR 115-16-6)

Current Permit #: _____

Applicant's Name: _____
(Last) (First) (MI)

Business Name: _____
(Each employee must complete separate application)

Social Security Number: _____ This is for Internal State of Kansas use only. It is REQUIRED by Statutes 74-148 & 74-149. A permit will not be issued if this information is not provided.

Address: _____
(street) (city) (zip)

Applicant's Date of Birth (REQUIRED): _____ (MM/DD/YYYY)

Phone: _____
(business) (home)

Mobile Phone: _____ (optional) Email address: _____ (optional)

PLEASE INDICATE WILDLIFE YOU PLAN TO CONTROL:

- _____ Furbearers (raccoons, skunks, opossums, beaver, etc.)
- _____ Small Game (squirrels, rabbits, etc.)
- _____ Non-Game Mammals (rodents, armadillos, prairie dogs, etc.) NOTE: No permit is required for Norway rats or house mice.
- _____ Reptiles and Amphibians (snakes, turtles, etc.)
- _____ Bees, wasps & other insects or invertebrates. NOTE: No permit is 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 these animals.

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

Do you have a Hunter Education Certificate? Circle one. YES NO Hunter Ed Cert # _____

It is required if firearms will be used in your Nuisance Wildlife Control activities.

Will you use furharvester equipment in your Nuisance Wildlife Control activities? Circle one. YES NO

Furharvester equipment means traps, including live traps, used to take furbearing animals and coyotes.

Do you have a Furharvester Education Certificate? Circle one. 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 KDWP managed 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 general public as a referral for wildlife control complaints.

Signature of Applicant _____ Date _____

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

Regional Public Lands Supervisor _____ Date _____

Regional Law Enforcement Supervisor _____ Date _____

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



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 Kansas Department of Wildlife and Parks.
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 the Kansas Department of Wildlife and Parks.
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. In order to possess a raw fur, pelt, skin, carcass or meat of any furbearing animal taken during the closed season a copy of the form provided must be completed and sent to the appropriate regional office for each pelt, etc.
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, KSU 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.** All permits expire on December 31 in the year in which they were issued.
13. 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.
14. Dens, dams and runways may be destroyed to control beaver and muskrat damage.

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) cage traps;
- (5) colony traps;
- (6) snares; and
- (7) 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) Any .22 caliber rimfire rifle or handgun may be used to take trapped furbearers or trapped coyotes when using a light to check traps.
- (4) Any .22 caliber rimfire rifle or handgun 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) Each conibear-type, body-gripping trap with a jawsread 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. 2008 Supp. 32-1002, and K.S.A. 2008 Supp. 32-1003; effective March 19, 1990; amended Nov. 15, 1993; amended July 19, 2002; amended Feb. 18, 2005; amended Sept. 4, 2009.)

115-5-2. **Furbearers and coyotes; possession, disposal, and general provisions.** (a) Legally taken raw furs, pelts, skins, carcasses, or meat of furbearers may be possessed without limit in time.

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

(c) 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 (f) shall meet the requirements of written notice.

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

(e) 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.

(f) 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.

(g) 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 and K.S.A. 32-942; implementing K.S.A. 32-807, K.S.A. 32-942, and K.S.A. 2008 Supp. 32-1002; effective March 19, 1990; amended Oct. 17, 1994; amended Nov. 29, 1999; amended July 19, 2002; amended Sept. 4, 2009.)

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 October 17, 1994; amended July 19, 2002.)

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) 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 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 August 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.)

115-16-5. 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 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 or swift fox taken under authority of a wildlife control permit shall be subject to the tagging requirements established by K.A.R. 115-5-2. (Authorized by K.S.A. 32-807; implementing K.S.A. 32-807, K.S.A. 32-911, K.S.A. 2009 Supp. 32-919, K.S.A. 2009 Supp. 32-1002, and K.S.A. 2009 Supp. 32-1003; effective July 19, 2002; amended Nov. 27, 2006; amended April 8, 2011.)

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.)

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 the 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 department 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 after 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.)

to 10 years all licenses and permits issued to the convicted person by the Kansas department of wildlife and parks; and

(2) order restitution to be paid to the Kansas department of wildlife and parks for the wildlife taken, which restitution shall be in an amount not less than the aggregate value of the wildlife, as specified in subsection (b).

(f) The provisions of this section shall apply only to wildlife illegally harvested and possessed by any person having actual knowledge that such wildlife was illegally harvested.

History: L. 1989, ch. 85, sec. 1; L. 1994, ch. 291, sec. 67; L. 2003, ch. 121, sec. 3; L. 2004, ch. 130, sec. 2; L. 2006, ch. 194, sec. 26; L. 2007, ch. 144, sec. 2; July 1.

32-1006. Coyotes, moles, gophers. (a) Except as provided by subsection (b), it is lawful for a person to take coyotes in this state at any time if such person holds a valid license to hunt or furharvest, as the case may be. It is lawful for a person to take moles or gophers in this state at any time.

(b) Unless authorized by rules and regulations of the secretary, it is unlawful for any person to take any coyote in this state at any time during the period of time designated by rules and regulations of the secretary as an open season for the hunting or taking of deer by firearm.

History: L. 1978, ch. 151, sec. 2; L. 1985, ch. 133, sec. 1; L. 1989, ch. 118, sec. 117; July 1.

Source or prior law: 32-158, 32-158a.

32-1007. Coyote carcasses. (a) It is unlawful for any person to publicly display the carcass of a coyote.

(b) For the purpose of this section "carcass" means the body of the coyote, either as a part or as a whole, and either with the skin intact or removed. The skin of the coyote, when removed from the animal, shall not be considered a part of the coyote.

(c) The provisions of subsection (a) do not apply to the display of the carcass of a coyote at a fur market or the use of the carcass of a coyote for educational or training purposes.

History: L. 1979, ch. 117, sec. 1; L. 1989, ch. 118, sec. 118; July 1.

32-1008. Migratory birds. (a) As used in this section:

(1) "Migratory birds" means such birds as are defined under the administrative provisions of the migratory bird treaty act (16 U.S.C.A. 703 to 711) and regulations now in force or hereafter adopted thereunder.

(2) "Migratory waterfowl" means such birds as are defined by 16 U.S.C.A. ~ 718.

(b) It is unlawful to take, buy, sell or offer to sell by any means or in any manner any migratory bird or birds in Kansas except as authorized and permitted by federal regulations now in force or hereafter adopted pursuant to authority provided by the migratory bird treaty act.

(c) It is unlawful to take, buy, sell or offer to sell by any means or in any manner any migratory waterfowl in Kansas except as authorized or permitted by 16 U.S.C.A. ~ 718a.

History: L. 1963, ch. 247, sec. 1; L. 1975, ch. 224, sec. 1; L. 1976, ch. 202, sec. 1; L. 1989, ch. 118, sec. 119; July 1.

Source or prior law: 32-156a, 32-216.

32-1009. Nongame species. Except as provided in rules and regulations adopted pursuant to K.S.A. 1989 Supp. 32-963, it shall be unlawful for any person to take, possess, transport, export, process, sell or offer for sale or ship nongame species deemed by the secretary to be in need of conservation pursuant to K.S.A. 1989 Supp. 32-959. Subject to the same exception, it shall further be unlawful for any common or contract carrier knowingly to transport or receive for shipment nongame species deemed by

the secretary to be in need of conservation pursuant to K.S.A. 1989 Supp. 32-959.

History: L. 1989, ch. 118, sec. 120; July 1.

Source or prior law: 32-503.

32-1010. Threatened species. Except as otherwise specifically provided in K.S.A. 1989 Supp. 32-961 or in a special permit issued under K.S.A. 1989 Supp. 32-961 or in any rules and regulations adopted pursuant to K.S.A. 1989 Supp. 32-961, the intentional taking of any threatened species indigenous to this state, which has been determined by the secretary to be a threatened species in this state and is included in a list of such threatened species adopted pursuant to K.S.A. 1989 Supp. 32-960, shall constitute unlawful taking of a threatened species.

History: L. 1975, ch. 221, sec. 8; L. 1989, ch. 118, sec. 121; July 1.

Source or prior law: 32-508.

32-1011. Endangered species. Except as otherwise specifically provided in K.S.A. 1989 Supp. 32-961 or in a special permit issued under K.S.A. 1989 Supp. 32-961 or in any rule and regulation adopted pursuant to K.S.A. 1989 Supp. 32-961, the intentional taking of any endangered species indigenous to this state, which has been determined by the secretary to be an endangered species in this state and is included in a list of such endangered species adopted pursuant to K.S.A. 1989 Supp. 32-960, shall constitute unlawful taking of an endangered species.

History: L. 1975, ch. 221, sec. 9; L. 1985, ch. 132, sec. 7; L. 1989, ch. 118, sec. 122; July 1.

Source or prior law: 32-509.

32-1012. Application of prohibitions regarding nongame or endangered species. (a) Nothing in the nongame and endangered species conservation act shall be construed to:

(1) Apply retroactively to any occurrence prior to July 1, 1975;

(2) prohibit importation into the state of wildlife which may be lawfully imported into the United States or lawfully taken and removed from another state; or

(3) prohibit entry into the state or possession, transportation, exportation, processing, sale or offer for sale or shipment of any species of wildlife which is deemed to be threatened or endangered in this state but not in the state where originally taken, if the person engaging therein demonstrates by circumstantial evidence that such species of wildlife was lawfully taken and lawfully removed from such state.

(b) The provisions of this section shall not be construed to permit the possession, transportation, exportation, processing, sale or offer for sale or shipment within this state of any species of wildlife determined to be a threatened species or endangered species pursuant to Pub. L. No. 93-205 (December 28, 1973), the endangered species act of 1973, and acts amendatory thereof except as permitted in K.S.A. 1989 Supp. 32-961.

History: L. 1975, ch. 221, sec. 10; L. 1989, ch. 118, sec. 123; July 1.

Source or prior law: 32-510.

32-1013. Taking wildlife without permission on land posted "by written permission only". (a) Any landowner or person in lawful possession of any land may post such land with signs stating that hunting, trapping or fishing on such land shall be by written permission only. It is unlawful for any person to take wildlife on land which is posted as provided in this subsection, without having in the person's possession the written permission of the owner or person in lawful possession thereof.

(b) Instead of posting land as provided in subsection (a), any landowner or person in lawful

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, *Pomatiopsis 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 aricapilla*
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 siliquoidea*
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 sintoxia*
Snuffbox Mussel, *Epioblasma triquetra*
Spike Mussel, *Elliptia dilatata*
Wabash Pigtoe Mussel, *Fusconaia flava*
Wartyback Mussel, *Quadrula nodulata*
Washboard Mussel, *Megalonias nervosa*
Yellow Sandshell Mussel, *Lampsilis teres*

FISH

Banded Darter, *Etheostoma zonale*
Banded Sculpin, *Cottus caroliniae*
Bigeye Shiner, *Natropis baopsi*
Black Redhorse, *Moxostoma duquesnei*
Blacknose Dace, *Rhinichthys atratulus*
Blue Sucker, *Cycleptus 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, *Carpoides 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 stigmaeum*
Spotfin Shiner, *Cyprinella spiloptera*
Spotted Sucker, *Minytrema 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, *Picoides 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, *Antrozous pollidus*
Southern Bog Lemming, *Synaptomys cooperi*
Southern Flying Squirrel, *Glaucomys volans*
Texas Mouse, *Peromyscus attwateri*
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, *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, *Eurycea spelaea* (Stejneger, 1892)

(4) Birds

- Black-capped vireo, *Vireo atricapilla* (Woodhouse, 1852)
- Eskimo curlew, *Numenius borealis* (Forster, 1772)
- Least tern, *Sterna 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

- 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)
- 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 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)

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)

(6) Mammals

Spotted skunk, *Spilogale putorius* (Linnaeus, 1758)

(7) Turtles

Common 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 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; amended July 24, 2009.)

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, *Megaloniais 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
 - 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, *Carpionodes velifer* (Rafinesque, 1820)
 - Northern hog sucker, *Hypentelium nigricans* (Lesueur, 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)
 - 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)
 - 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, *Phoxinus erythrogaster* (Rafinesque, 1820)
 - Cardinal Shiner, *Luxilus cardinalis* (Mayden, 1988)
 - Johnny Darter, *Etheostoma nigrum* (Rafinesque, 1820)
- (3) Amphibians
 - Red-spotted toad, *Bufo punctatus* (Baird and Girard, 1852)
 - Crawfish frog, *Rana areolata* (Baird and Girard, 1852)

- (4) Reptiles
 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)
 Chihuahuan night snake, *Hypsiglena jani* (Duges, 1865)
- (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)
- (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, 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. 2008 Supp. 32-1009; effective Oct. 30, 1989; amended Aug. 31, 1992; amended Nov. 29, 1999; amended Feb. 18, 2005; amended July 24, 2009.)

