

**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.)