

**AGENDA**  
**KANSAS DEPARTMENT OF WILDLIFE, PARKS & TOURISM**  
**COMMISSION MEETING AND PUBLIC HEARING**  
**Tuesday, December 6, 2011 (special session)**  
**Topeka KDWPT Region 2 Office (basement conference room)**  
**300 SW Wanamaker Rd, Topeka, KS**

- I. CALL TO ORDER AT 7:00 p.m.**
- II. INTRODUCTION OF COMMISSIONERS AND GUESTS**
- III. ADDITIONS AND DELETIONS TO AGENDA ITEMS**
- IV. APPROVAL OF THE October 13, 2011 MEETING MINUTES**
- V. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS**
- VI. DEPARTMENT REPORT**

**D. Public Hearing**

- 1. KAR 115-2-2. Motor vehicle permit fees. (Linda Lanterman)**
- 2. KAR 115-7-3. Fish; taking and use of bait fish or minnows. (Doug Nygren)**
- 3. KAR 115-7-6. Fishing; bait. (Doug Nygren)**
- 4. KAR 115-7-10. Fishing; special provisions. (Doug Nygren)**
- 5. KAR 115-8-6. Fishing, fish bait, and seining. (Doug Nygren)**
- 6. KAR 115-8-12. Stocking or releasing of wildlife. (Doug Nygren)**
- 7. KAR 115-30-13. Removal of vessels from waters of the state. (Doug Nygren)**

**XII. OLD BUSINESS**

**XIII. OTHER BUSINESS**

**A. Future Meeting Locations and Dates**

**XIV. ADJOURNMENT**

If necessary, the Commission will recess on December 6, 2011, to reconvene December 7, 2011, at 9:00 a.m., at the same location to complete their business. Should this occur, time will be made available for public comment.

If notified in advance, the department will have an interpreter available for the hearing impaired. To request an interpreter call the Kansas Commission of Deaf and Hard of Hearing at 1-800-432-0698. Any individual with a disability may request other accommodations by contacting the Commission Secretary at (620) 672-5911.

The next commission meeting is scheduled for Thursday, January 5, 2012 at the Kansas Wesleyan University Student Activities Center (Hauptli), 100 E Claflin Ave, Salina, KS

**Kansas Department of Wildlife, Parks & Tourism  
Commission Meeting Minutes  
October 13, 2011  
Pratt KDWPT Operations Office  
512 SE 25<sup>th</sup> Ave, Pratt, KS**

Subject to  
Commission  
Approval

Tour Hatchery and Green Recreation Trail

**I. CALL TO ORDER AT 1:30 p.m. CDT**

The October 13, 2011 meeting of the Kansas Wildlife, Parks and Tourism Commission was called to order by Chairman Gerald Lauber at 1:30 p.m. at the Pratt KDWPT Operations Office, Pratt. Chairman Lauber and Commissioners Debra Bolton, Don Budd, Randy Doll, Tom Dill, Frank Meyer, and Robert Wilson and were present.

**II. INTRODUCTION OF COMMISSIONERS, STAFF AND GUESTS**

The Commissioners and Department staff introduced themselves (Attendance roster - Exhibit A).

**III. ADDITIONS AND DELETIONS TO AGENDA ITEMS**

Sheila Kemmis – Revised agenda and moved (revised copy) Fall Turkey from Workshop to General Discussion; added Recreational Bait/ANS Regulations to Workshop as item No. 7; Doug Nygren will be presenting.

**IV. APPROVAL OF THE August 11, 2011 MEETING MINUTES**

*Commissioner Randy Doll moved to approve the minutes, Commissioner Frank Meyer second. Approved. (Minutes – Exhibit B).*

**V. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS**

Tim Donges, Blue Stem Branch Quality Deer Management Association – (Handout - Exhibit C) Gave information on bill from Ohio on tougher penalties for deer poaching. I moved to Kansas in 1998 from Pennsylvania, and have noticed a lot of illegal hunting going on here. I have hunted several other states. Poaching, trespassing and shooting from the roads are common, and not just in my area. Ohio did a fiscal statement and implemented a system with Boone and Crockett and fining system using that scale. Kansas has more of a flat fee (\$5,000 in Kansas, but up to \$30,000 in Ohio for a prime animal). I want to see Kansas to get on board and change the penalties. The Ohio law is a good starting point for us. I disagreed with Ohio's bill on one point because restitution is not mandatory. Kansas laws give flexibility to judges and lawyers, and different counties have different fees or fines so there is no equality. Several of our members stressed road hunting issues. Kansas is one of four states that don't have a gun case law; some states also require gun locks. We have trespassing laws, like purple paint law, but the fines are too small. Need something behind it. Law enforcement is doing their job, but fines are not enough deter them from doing it again. Also, there is a problem with coyote hunting during rifle season because they

use that as an excuse. We're not getting backing from judges and prosecutors, and it is frustrating for all of us. For repeat offenders, double the fines; some states are doing that. Give them a real ticket, not just a slap on hand (\$93, with \$9.50 court cost). I have neighbors who have had their barns shot up and animals killed. You can make a difference for us as sportsmen. Look at what Ohio is doing and do something for us. Ohio said it could generate \$100,000 a year and not cost much money. I will donate time and resources to help implement something. Commissioner Budd – Where is Quality Deer Management out of? Donges – Georgia. That's our headquarters. We have 50,000 members. They will back Kansas and help get new laws that are tougher on poachers. Over 50 percent of violators today are driving around drinking. Commissioner Budd – How many members in Kansas? Donges – No, 50,000 members nationwide. Quality Deer Management form coops and teaches people who to manage their habitat and herd. Commissioner Budd – Both rifle and archery hunters? Donges – Everyone who hunts white-tailed deer. We want to preserve the future of deer hunting. Kansas is in one of best positions in the country to preserve it if we do the right thing. You have to look at habitat and herd management. We need to educate landowners and sportsmen. Commissioner Budd – Are you an outfitter? Donges – Absolutely not. I'm just an average guy. Commissioner Budd – You've had specific problems in your area? Donges – I've had serious problems in my area. I average two prosecutions and year and I have had direct threats to me. They've said this is our neighborhood – you just need to leave it alone. Commissioner Budd – Have you worked with local conservation officers? Donges – I am his number one caller, Tyson Nielson is his name. He's been great and done everything I've asked him to do. Commissioner Budd – Do you have solution for immediate problem, a shorter-term solution? Donges – I have gone out and talked to all of the landowners 4 or 5 miles of me, most of them are afraid of these poachers doing damage to their property. Commissioner Budd – Talk to our law enforcement and get temporary solution. Can't say if they can or can't help you, but it is a start. Donges – Take all the help we can get. Have group of guys who go out during hunting season and watch, not hunt. I don't know if you have ever heard of Tom Dillon from Ohio, he was killing hunters and fishermen, look him up on internet. These are not good people out there doing this, not people trying to feed their families. Commissioner Doll – Where are you at? Donges – South of Cassody. Chairman Lauber – I appreciate what you are saying, but I don't know what we can do in immediate near term. I am interested in having law enforcement review and discuss whether higher fines would have a deterrent. Talk to local law enforcement and sheriff's department. Donges – I can fight battle there, but it never goes away, the guy we caught with 23 deer didn't learn. We need to make them understand we are not playing anymore. I know of a hunter education guy in Wichita area who quit hunting a farm because of social negative pressures. Commissioner Doll – Chris, from your perspective if we beef up fines, what would we do. Tymeson – That is not something this board can do, has to be done by statute.

Willard Riggs, Graham County – Some of you may remember when I went to Topeka and talked to commissioners and legislators, and you partially fulfilled one of my requests; did make license available for deer hunting other than the draw. I am from mule deer area; we need a drive to get rid of mule deer in Graham County. I called the sheriff and he told me that 80 percent of traffic accidents in Graham County are deer related. My neighbor hit four deer, our local legislator hit four, and I have hit three. We need to do something about mule deer, they eat alfalfa field. A lot of people shooting deer and leaving them lay and I don't agree with that either. Any landowner or farmer should be able to shoot doe or fawn if causing problem on their land. Need to get rid of does, and we shouldn't have to buy a license. Last year when sent application, they sent my money back, this year they didn't even send me a form. Deer cost me thousands of dollars. I truck garden, and they came in and wiped out my tomato crop; and it was mostly fawns. Chairman Lauber – You can get depredation permits for deer damaging your property. You need to call law enforcement and they will come out. Other than that there is not much we can do. Mule deer permits are in considerable demand, spotty areas of significant populations, but not

universal issue. Riggs - I only have 100 yards and they come through at night. Deer in whole area need to be reduced. Chairman Lauber – Other people in the area may not feel the same as you. Riggs – Unless you come take a look, you won't know how big our problem is. Chairman Lauber – Not sure what we can do. Riggs – Change laws. I was B24 gunner, but I can't protect or fight for my own property. These deer are costing us millions for a few out-of-state hunters to come in; costs in crop damage, vehicle damage, etc. Chairman Lauber – Will take comments under consideration. Riggs – Shoot more does. Look at the whole picture. I drove 150 miles to get here. Chairman Lauber – Thank you for coming.

## **VI. DEPARTMENT REPORT**

### **A. Secretary's Remarks**

1. Agency and State Fiscal Status – Robin Jennison, secretary, presented this update to the Commission (Exhibit D). I will not read the report – most people who read the newspaper understand that the state's fiscal condition is doing better this year, but not out of woods. In August we were up \$17 million. The legislature increased the sales tax percentage and the July and August reports are the first where we can compare apples to apples. In the agency report the first item deals with Tourism, and it's a very important issue. We have requested a supplemental to deal with this. When we moved Tourism's budget over to the department no one thought of administrative costs of tourism. It has not increased our administrative costs but to avoid diversion issues, we need to allocate to \$300,000 to \$350,000, so they have that much less to use on programs than they did. We have put that in a supplemental and have asked for more EDIF for FY 2013. Tourism was in Commerce, and it cost them \$545,000 to \$585,000. Technically, the cost for them is less with our department that it was with Commerce, but we did not get money we asked for and are appealing that. On the wildlife side of the agency, we have been spending more money than we take in. It looks like that in 2013, we were going to have somewhere around \$1.8 million as ending balance in the Wildlife Fee Fund and we were not comfortable with that. Reduced budget by \$950,000; took \$500,000 out of WIHA, but when I came on board I put \$650,000 in WIHA that we took out of land purchasing, so technically have \$150,000 more in walk-in hunting than we did in January. And also the Voluntary Public Access Program, which we think is going to be a great long-term program that will create some good habitat – we're doing that. You will see the same thing for 2013, part of the money came out in 2012, the rest is 2013; expect \$4.5 million ending balance. That brings us to the Parks side and as everyone knows, this was a difficult summer, due to heat, blue-green algae, and high waters. The numbers will not be good, and we've made tough decisions and more to come to make it to the end of the year. We requested a \$200,000 supplement for seasonal employees and \$1 million to supplant Park Fee Fund that we did not raise this year. We've reduced estimates for what parks revenue was going to be this year. We're showing slight increase in 2013 over 2012, but that part of the agency is so dependent on weather. We have big legislative agenda this year, and I will bring up one thing; this dovetails into an issue that you will be dealing with today – and that is ceasing to have the second vehicle permit tag. I'm quite certain the Governor wants us to be more self-supportive. He hasn't specifically said that, but legislature has said that. We can't do that overnight and even if we were to begin phasing that in, we would have to have significant SGF revenues. Since the first park at Kanopolis was opened, we've been up and down on how much general funding we receive. The original philosophy was that having parks was for the general good and that we would get general tax revenue, but that has changed. In some years we get general fund money and in some years they've taken general fund money. It's hard for parks division to do strategic planning. We've decided that to set fees that will be more stable and that is what we are going to do in legislative comment. The second vehicle permit creates problems because you have to have a title to get it, so would like to get rid of it, which will bring up red flags. Chris Tymeson and I met with Secretary Jordan of Revenue this week; the next action is

statutory action. I've talked to the Governor about implementing a park passport that you would get when buying your car tags. You would opt in by checking park passport and paying \$15. Revenue thinks they can do programming and do it by the first of July and have phase-in. We wanted you to see the whole picture; park passport will be straight across fee for everyone, no senior or off-season rates. In FY11, with annual and daily permits, added \$1.6 million to PFF; in FY10, \$1.8 million, \$742,000 of that was daily; FY11 was \$500,000; if we get 10 percent of registered vehicles that is about \$3.8 million, double what all registrations were.

2. 2011 Legislative Update – Chris Tymeson, chief legal counsel, presented this update to the Commission (Exhibit E). We have a number of bills and I'll also discuss items from 2011 and I also wanted to address items Tim Donges spoke about; law enforcement aspects take legislative change, but since I have been with the department, there have been a number of bills that have passed to enhance law enforcement penalties even though they may not be where everyone wants them to be. The state joined Wildlife Violator Compact, and in 2005/2006 the Kansas Wildlife Federation partnered with the Bowhunter Association and our agency and we had a bill that strengthened penalties for law enforcement violators. There was also a bill in 2006/2007 that increased penalties for trespass. There is some opposition for mandatory minimum penalties; the district attorneys/county attorneys association opposed that because it takes away flexibility. And in relation to recreational spotlighting, there was a court case several years ago; we used to not allow spotlighting, but the Supreme Court overturned the statute and held it unconstitutional. I appreciate him bringing that forward and was aware of the Boone and Crockett minimum penalties and fine levels. This is something we can take a look at, and I will look at the rest of the information you gave us. In the 2011 legislative session, the big one for us was: **Executive Reorganization Order (ERO) No. 36** – We are now Kansas Department of Wildlife, Parks and Tourism; the way that works is the Governor issues them and if the legislature doesn't take action against them, they automatically become law; as a result of that, in this next legislative session, we will have a big recodification bill to rename everything and takes those statutes out of Department of Commerce and bring them over to Wildlife, Parks and Tourism, which will be a big bill. **SB 123** – Dealt with the department voting on cabin fees, which used to be set in regulation, which really doesn't work in setting cabin fees if you want to increase participation. This bill passed which allows the Commission to set them at a public hearing in the evening and it can change every time as long as there is notice. **SB 152** - Allows a person with a concealed carry permit to carry a concealed handgun while legally hunting, fishing or furharvesting; and also allows people to use suppressors while hunting lawfully; it became law July 1. **HB 2013** -- Bill does not impact department directly, but does impact hunters; couldn't purchase or sell rifles and shotguns from contiguous states (an old law from 1968). Federal government mandated that states pass a law in 1987 and Kansas never kept up with it so now that tracks federal law and if is lawful in the state you are purchasing it is lawful in Kansas. There are several bills that didn't pass and I am not going to cover all of them. **SB 120** - Known as the vessel titling act; there is movement out there to have a vessel titling law in Kansas, about 14 states don't have one so there is pressure on those states to pass a law. Expect more bills to come up depending on whose perspective it is and what they want out of the bill. **HB 2089** - This bill would allow a licensed hunter or furharvester to retrieve their hunting dog from posted land without permission. Don't expect it to go anywhere, there seems to be quite a bit of opposition. **HB 2149** - Passed in SB 123 and is a restriction on the amount of land the department can purchase; it limits that to 320 acres without regard to appraised value, 640 acres if equal to or less than appraised value or as approved by State Finance Council. **HB2152** - Strengthens the penalties for the offense of operating a vessel under the influence of drugs or alcohol. **HB2168** - Would have waived state park vehicle entrance fees for any resident who has been honorably discharged from active branch of the armed forces of the United States; tabled based upon potential fiscal impact. **HB2295** – There was one big omnibus deer bill: it would have allowed crossbows in archery season;

extended the antlerless deer season; increased numbers and quotas; required mandatory contributions for Farmers and Hunters Feeding the Hungry (FHFH); and raised caps on nonresident fees. It had a hearing, went to a subcommittee had another hearing and was tabled. That led to some of the work Lloyd has taken on this summer with working groups and taking comments from the public. **HB 2398** – Deals with feral swine and even though we don't regulate feral swine, the Animal Health Department does, and it would have made it a class C misdemeanor rather than civil penalties. **House Concurrent Resolution No. 5017** – Deals with taxation of watercraft; a concurrent resolution would amend the Constitution of the state, would have to be passed by the legislature and go to the voters at a general election in November. That amends the Constitution and allows the legislature to set a different value of taxation. This might get some legs, passed in 2000 or 2001, but failed because it included aircraft and failed when it went to the public. Robin mentioned we will have a number of items to pursue and funding for state parks will be one of the major ones; vessel taxation, recodification of statutes; potential tax credits on FHFH to encourage antlerless harvest; and law enforcement has made a request about electronic ticketing; so there are a number of things going on. Commissioner Budd – There are a lot of these bills that deal directly with what we are discussing today's agenda. Is what we recommend as a commission then have to be passed by the legislature? Tymeson – What you vote on is within the Commission's authority provided by the legislature and statutes. If you have something that you want to see a change in legislatively, I will take back to legislature as a department. Commissioner Budd – HB 2295, deals with mostly deer issues, why would that be in this form rather than just in front of the Commission. Tymeson – Commission may not believe same way legislature believes. Commissioner Budd – HB was submitted by some legislator? Tymeson – Correct. Commissioner Meyer – Why cutting what is bringing money into state, like parks, different administrations have different philosophies on what we are going to do. There is no long-term strategy to that. We've been lucky as state agency; I don't think we took cuts like other agencies did. Governor recognizes we are integral part of economy. Commissioner Budd – We are in a good position to produce own funding. Commissioner Bolton – On ERO, what kind of costs are you seeing with changing of clothing, labeling, etc? Is it quite a bit? Tymeson – We are doing over time is how we are doing it.

Jeff Taylor – Do you have bed tax that goes to the agency? Tymeson – No, bed tax goes to local CVBs, don't want to compete with them, in sense we are gaining from that. Jeff Taylor – Wouldn't see it as competition. Tymeson – We will talk about that internally.

## **B. General Discussion**

1. Welcome to Pratt – Mayor Jeff Taylor – Proud to have you in our community, Pratt has been blessed, KDWP has been integral part of community, wonderful economically and importance of having department of state of Kansas in home town, but a lot beyond that. People here that are involved in the community, quality of employee/citizens in the community. Proud cooperative efforts we have done: City provides electricity; and renovated Lemon Park Lake, which feeds ponds. Pleasure to have them and thank you for allowing that to continue.

Bill Hlavachick, Vice-Mayor – Only interest in being here is to talk about eight jobs recently lost through the buyout. We understand these are jobs are not going to be replaced I understand, but these are fee-funded jobs, which also means they are federal aid reimbursable jobs. I worked here 34 years; if you don't replace them, federal aid will be reduced for the agency and that does not affect SGF. Do what you can to retain these positions here and try to convince them to fill them. This is a small town, but we stepped up three weeks ago and are paying \$60,000 to keep SRS here because it is in the best interest of the City. I encourage you to replace those jobs that are taking the buyout, doesn't help state and will reduce federal aid this agency receives.

George Nusz, Pratt Economic Development President – Welcome you to our community, but after what Jeff said I think I will just brag about community. He covered how important you are to us. Pratt serves as regional trade center with medical care, higher education, Ag business, hunting, fishing and shopping. Plus it is a great place to live and raise a family. KDWPT is one of the key employers of our community and we appreciate employees. In 2011, we saw new Blythe Fitness Center and two new hotels and other business expansion. BTI expansion has offered additional jobs and economic developments to our community. We are happy to have you here in our community. Also, thank you for coming to Rotary and visiting with us.

2. Tourism Briefing – Linda Craghead, assistant secretary for Parks and Tourism presented this update to the Commission (Exhibit F). I hope to have the Tourism team at December meeting in Topeka. You will find on table an annual report of our Tourism department. There are a few key points I want to make: economic impact (page two talks about what kind of difference Tourism makes in state), one of out of every nine Kansas workers owes his/her job to some kind of tourism industry. The industry as a whole is accountable for \$5.46 billion to the state; over 30 million people spend the night as a result of a baseball game, native or nature-based tourism, consumptive or non-consumptive, but there is a large variety of things that tourism promotes. Our Tourism, on a statewide basis, provides partnership to the local CVBs and does what they can't do for themselves. We work collectively to promote state as tourism destination outside state boundaries. Important key initiative for the Governor is to promote the Flint Hills as nature-based tourism area. Being a part of this agency has made us aware that we will have to maintain a sound balance between ecological preservation and conservation of the area that we cherish, which potentially could be overrun by bringing tourism into the area. So we have worked collectively with large group of people: The Nature Conservancy, local farmers and ranchers, local CVBs, the Flint Hills Regional Council, Fort Riley and a large number of other individuals; to work diligently to bring a planning program to the area to be sure we don't overstep our bounds and damage an area. Having annual meeting in partnership with TIAK in Lawrence, Monday, Tuesday and Wednesday, and we wish to invite the Commissioners and anybody else who might be interested in attending. It is interesting the feedback we get in relation to tourism in the state, and everyone is concerned about us just promoting hunting and fishing. We are promoting pheasant hunting, camping, trails, and state parks. Not everything is consumptive-based services. If you look at annual report, you are going to find the largest number of inquiries, from outside the state, are on scenic byways. Give you opportunity to review report and we will go over it in December if you have specific questions.

*Break*

3. Crossbow Response – Lloyd Fox, big game wildlife biologist, presented this report to the Commission (Exhibit G). An individual came to Commission on August with material on this issue, and it has also come up in the state legislature. Nearly as many pages are devoted to crossbows as compound bows in Cabelas' catalogs. Crossbows have been known for thousands of years and used extensively in hunting and warfare since the 4th century B.C. In many respects, the modern crossbow is similar to the modern compound bow except that the crossbow is mounted horizontally on a stock and has a mechanical device that locks the crossbow at full draw, whereas the compound bow requires the hunter to draw and hold the bow at full draw. Most modern crossbows are fitted with a telescopic sight. The crossbow has a shorter power stroke, approximately 12 inches, compared to a 20-inch power stroke on a compound. Typically the crossbows used in deer hunting have a draw weight of 125 pounds or more, while compound bow draw weights range from 50- to 70-pounds. The crossbow generally shoots a shorter and heavier arrow, but both devices produce arrow speed of 300- to 350-feet-per-second and have similar effective ranges. Additional equipment is needed, so there is a substantial investment.

Crossbows allow hunters to take equipment out of the box, similar to a rifle, and have some assurance of accuracy. However, as with a rifle, no hunter should expect to be proficient with a crossbow without practice. There is both an economic push to expand the use of this equipment and a hunter demand aspect; 23 states allow for general hunters to use crossbows and 23 others allow for disabled hunters only. In states where crossbows have been legal for many years there is substantial usage. The states of Arkansas, Ohio and Wyoming have the longest record of allowing crossbows as legal for hunting deer during an archery season. A map of the state regulations dealing with use of crossbows is attached. Crossbows were allowed in Ohio in 1976. Today approximately 43 percent of the deer hunters in Ohio use a crossbow, while about 36 percent of them use compounds and other types of vertical bows. In states where crossbows have only recently been authorized, there are generally few hunters using them. Crossbows are a controversial piece of equipment. The Pope and Young Club recognizes that crossbows are useful devices which allow people with upper limb disabilities to participate in archery seasons. However, Glenn Hisey, Pope and Young Club, explains addition of crossbows to traditional archery equipment may affect future bow seasons because people using that equipment may have a higher success rate and the number of people hunting during the archery season may also increase, thus the impact on the deer herd from an archery season may change. There are a variety of ways that crossbows have been regulated for deer hunting in various states: some states authorize them as equipment that can be used during a particular season; some issue a separate type of permit that allows the hunter to use a crossbow; some restrict their use to people with particular disabilities or people of a particular age; and there are also a variety of restrictions placed on their use, such as draw weight, arrow characteristics and accessories. The crossbow issue was added to the items being reviewed by the deer committee. Among the items evaluated by people attending the five public meetings this summer, 48 percent strongly opposed the inclusion of crossbows as equipment that could be used during an archery season. Additional surveys and public input is sought on this subject. No recommendation for any action at this time. We will come back after surveys are done.

Commissioner Meyer – Figures on how many crossbow hunters during rifle season? Fox – Only number successful, about 1,000 people are taking one or more deer with a crossbow. We have 116,000 deer hunters. Normal success rates are 50-60 percent, less than 2,000 overall.

Secretary Jennison – In states that allow crossbows in archery season, do they restrict high-powered rifles? Fox – Highly variable, Ohio doesn't allow centerfire rifles, Wyoming does, variations going on in that respect. Some states putting in regulations for 125- to 175-pound range.

Florida allows on private land, but not public; Mississippi allows on public land, but not private. Some allow during certain time periods.

Chairman Lauber – I'm sure you have done more research than anyone else, grant that crossbow is helpful tool; from our perspective, just because there are an equal number in catalog for sale, they are just pushing to sell equipment, to expand opportunity and to make money. Don't know what to suggest we do, but there is a bit of an advantage and probably not as proficient as some people would say they are. Expect them to get pushed to legislature no matter which way we go and may be added into a bill. Like to see how these surveys come out. Have significant number to write checks and provide testimony and then have it whether we want it or not, but have not heard a lot of clamoring for it.

Fox – With this much movement in industry, growth area, it is a lightning rod of controversy with Pope and Young and traditional bowhunters. Gone from three to half of the states having something with crossbows. Expect more of a push, will get large like in Ohio (43 percent) and the question is how we handle this in the next 4-5 years.

Commissioner Budd – Are surveys the only way you form opinion? Fox – Gather survey information, then review committee will come up with recommendation and come back to staff before we will come forward with something for Commission to look at. Look at human dimensions and professional aspect to get recommendations.

Commissioner Budd – Proportionally, how many surveys sent to bowhunters, how many to rifle hunters? Fox – Just people who came to public meetings, not other groups.

Commissioner Budd – Being a bowhunter, different opinion than rifle hunter. We need to get a true opinion 50/50 from bowhunters and gun

hunters and then internal panel split the same way. Fox – Deer hunter survey at end of season will be asked the same 10 questions, will have 18-20 different classes of hunters and will be able to see where they stand on support or opposition and that is the type of information we will be relying on.

Commissioner Dill – Do you track ages on that? Fox – Wasn't planning on that. Could break it down into age groups? Commissioner Dill – Just 3-4 year classes. Fox – We don't ask those questions, but take random sample from KOALS data, invited three times to respond, can go back to KOALS data and see what age category after we receive response. Commissioner Budd – Residents and nonresidents?

Fox – Yes. There are 31 license types that allow you to hunt deer in Kansas; also, landowner, etc.

Commissioner Meyer – I have a tremendous amount of respect from primitive weapons users, bows and muzzleloaders. Commissioner Wilson – If we send out 10,000 surveys, what percentage will you get back? Fox – About 60 percent for internet survey. Michael Pearce, Wichita Eagle – Mr. Chairman, what did you mean by get "it" one way or another? Chairman Lauber – Crossbows allowed in archery season one way or another. Fox – Crossbows are legal in archery for disabilities, and are also legal in firearm season. Commissioner Dill – Legislated or regulated. Commissioner Meyer – We can educate legislators. Chairman Lauber – While I had no disagreement with conceal and carry a year ago, we were fumbling around and the legislature said shame on your slowness and boom it passed right away. On captive wildlife safety act, we were considered slow and it was passed. Concern with not getting to review it ourselves.

Tim Donges – Hunted Ohio for 10 years, archery hunter myself. Crossbow hunters were going through woods like firearm hunters, not in trees. Saw deer drives, while we were out there archery hunting. Chairman Lauber – Comforting thought.

Commissioner Bolton – Talking about overlapping seasons, haven't heard biology discussed at all. What will be the biological impact, more failed or increase in number of deer killed? Fox – Will have to monitor as it develops. In states that allow openly in archery, very little change, may have to reduce days or permits or other adjustments to bring harvest into balance for desires of deer herd in that particular area. Continual adjustment.

Drew McCartney, Gorham – Done admirable job of allowing crossbows for disabled and during rifle season. You have been liberal and kind and I don't think legislature should hold that over your heads.

Natalie Donges – Not a hunter, I videotape, on biological standpoint, allowing crossbow will have an effect during rut, don't allow it because Cabelas or someone is pushing it into our lives. If other states want to do it – go there and hunt.

4. Hillsdale Shooting Range Update – Ross Robins, Education Section chief, presented this update to the Commission (PowerPoint – Exhibit H, Exhibit I). First I want to give short overview of shooting range development program in Kansas. There is a real for need safe places to shoot in Kansas; for sighting in a rifle, patterning a shotgun and we need places for youth programs to shoot and for live fire for hunter education. We provide a grant process, intent to develop basic no-frills shooting ranges. Our partners provide 25 percent of the construction costs, usually in the form of materials or labor, and they agree to operate and maintain the ranges and keep it open for department to use for events. Under this program we have partnered with 21 different groups. Two of larger grants we gave out were to Horton and Garnett and are fully baffled. Baffles are lined up in such a way that a bullet would be stopped, boxes are filled with pea gravel, basically. Fancy Creek is also fully baffled. Partnerships have stretched dollars, given more places to shoot and partners take care of ranges. The great increase in sale of firearms and ammunition has increased the amount of federal dollars from USFWS for shooting ranges. Through grant completed handgun range at Fancy Creek and that made Hillsdale range possible. Gary Lucas and Virgil Corbin are here and were tireless in getting this program off the ground. Demand in that area is extremely high and Hillsdale State Park is located in the most populous area of the state,

but opportunities to shoot are limited. The population of Miami County, where the park is located, is 28,904. The population adjacent, Johnson County, is almost 2 million, so the need for shooting opportunities is tremendous. Approximately 600,000 people used Hillsdale State Park last year and it is estimated that the shooting range could easily draw 100 shooters per day. The range is just south of the Corp office. The Hillsdale shooting range complex will consist of a 20-position 50- to 100-yard rifle range, a 5-position 100- to 200-yard rifle range, a 24-position 25- to 50-yard handgun range, a combination skeet/trap shotgun field, a gatehouse, a combination classroom/storage building, and two toilet structures. The project will provide shooting opportunities for the public in a very populous area of the state where shooting opportunities are limited. It will also provide opportunities for recreational shooting with rifles, handguns and shotguns, live-fire exercises in hunter education classes, a safe place for hunters to sight-in rifles and shoot clay targets before hunting seasons, and opportunities for 4-H groups and many other youth groups to shoot. The range will be operated and maintained by the Hillsdale Range and Training Facility of East Central Kansas (HR & TF). This group was formed to act as a “friends group” for the range. They will operate and maintain the range, promote small arms competitive events and generally promote shooting sports at the range. The range complex will be built in phases. Phase 1 will include the 50-yard handgun and 100-yard rifle ranges, the gatehouse, the entry road, earthwork for the trap and skeet field and one toilet structure. Future phases will include completion of the combination skeet/trap shotgun field, a 200-yard rifle range, a combination headquarters/storage building and an additional toilet structure. This grant provides funds to pay a full-time range master who will ensure that the range is manned at all times when the range is open to the public. These funds are requested for a period of two years following completion of construction, after which operation costs will be absorbed through range entrance fees. Items will be built per specifications developed by Schwab Eaton, P.A. and 75 percent of the project cost will be covered through a USFWS federal grant. KDWP will fund 25 percent through our shooting range development project. The successful bidder on the project is Killough Construction out of Ottawa. Total cost for phase one of the project is approximately \$950,000. We expect contractor on site next week. Commissioner Meyer – Have instructors on site? Robins – Yes.

5. KAR 115-25-5. Turkey; fall season, bag limit and permits – Jim Pitman, wildlife biologist presented this report to the Commission (Exhibit J). Since the briefing book material was sent out, this has been revised due to an oversight on the recommendation. We currently have four hunting units. The number of permits and game tags issued for the fall 2010-2011 turkey season was 12,989; total permit sales were very similar to last fall, but down about 3,500 from the peak in 2006. The percentage of hunters that harvested at least one turkey during the fall 2010-2011 season was 39 percent. These hunters harvested an estimated 3,954. Harvest taken with all the game tags accounted for only 17.6 percent (about 694 birds) of the total statewide harvest and 24 percent (about 513 birds) of the harvest in Unit 2 where all three game tags were valid. Over the last 10 years, the spring wild turkey population has increased rapidly in the northcentral, northwest, and southwest regions. Spring populations in the northeast, southeast, and southcentral regions peaked in 2004 and are now much lower. Weather has affected populations, but production was near average in the northcentral and northwestern regions this summer, so populations should have remained stable or slightly increased. The department is recommending new fall hunting units. The new units will facilitate the implementation of an adaptive harvest strategy that will allow us to better use our data to guide harvest recommendations for both the spring and fall seasons. The harvest strategy was developed by the department turkey committee over the course of a couple of years and mimics similar guidelines already in use in several states across the country. The strategy establishes standard criteria that would be used as a guide to help us determine when and how changes to bag limits should be recommended for each hunt unit. For the plan to be implemented, it is essential for static hunt units and corresponding management units to be established,

which is the purpose of the recommended boundary change. The proposed hunt units would not result in any immediate changes to the current fall bag limits for any location in the state. If new fall units are adopted, the department would be recommending a change to corresponding spring hunt units. Adaptive harvest strategy would be used to guide recommended changes to fall and spring wild turkey bag limits if the new hunt units are adopted. The strategy would set the spring 2011 season as the baseline year which would mean no changes to bag limits would be recommended until at least 2013. Triggers that would result in recommend changes to bag limits within a hunt unit: 1) The percentage of active resident hunters harvesting at least one bird must be at least 60 percent for each of the previous three years and the percentage of the total harvest composed of jakes must average less than 25 percent over the same period before upward movement will be recommended. 2) The percentage of active resident hunters who harvest at least one bird must be 55 percent or less for two consecutive years before downward movement recommended. Regional and statewide estimates of the percentage of the total spring harvest composed of jakes and the percentage of active resident and nonresident hunters who harvested at least one bird during Kansas' spring turkey season, 2005-2011. This will make units static. Chairman Lauber – Having a jake harvest means there is not enough mature birds, means population is going down? Pitman – The higher jake harvest typically means that hunters are killing a large proportion of the birds and if the harvest is made up of more than 25 percent jakes, then you're relying on previous years hatch, and we don't want to see that happen. But we have never seen 25 percent jake harvest within any region of the state. Commissioner Meyer – Droughts move in northeasterly direction, do you take this into account when looking at production of birds? Pitman – This is reactive strategy rather than proactive, base on spring hunting success. Don't need to react to poor production every year. It takes three to four years to notice any change.

### **C. Workshop Session**

1. Big Game Permanent Regulations – Lloyd Fox, big game wildlife biologist, presented this report to the Commission (Exhibit K) – These are permanent regulations, 4-series, and include: KAR 115-4-2 - Big game; general provisions (information on carcass tag, photo-check system, procedures for transferring meat, depredation, who may assist and how); KAR 115-4-4 - Big game; legal equipment and taking methods (usually the trouble maker, looking at crossbows and other equipment changes); KAR 115-4-6 - Deer; firearm management units, (18 units, 19 with subunit that overlays four permanent units); KAR 115-4-11. Big game and wild turkey permit applications (describes general procedures and priority drawing and preference points); and KAR 115-4-13 - Deer permits; descriptions and restrictions (describes what animals can be taken on what permit and restrictions). We've discussed these three times, and we may not address some of these regulations, but we have to act on 25-series or not have a deer season. On KAR 115-4-2 -- last year we started a photo check deer registration system started for the 2010 seasons and it is up and running. Hunters used that system, but some minor difficulties were encountered and corrected by the department's IT staff. Additional modifications of the regulation may be needed for hunter convenience in situations where hunters lack adequate communications equipment or service to the internet – maybe adding a bar code on the license that can be scanned and submitted. One potential modification would be to allow hunters to call and notify the department when they take a deer and then transport the deer without the head being attached if they carried the required photos to photo check the deer. The hunter would then have a limited time to register their deer on-line when they reached an area with internet service. So far this year there has been few comments from the public for changes in KAR 115-4-4; an individual contacted the department last year with a request to change this regulation to allow a new product, a device that could be used to aid hunters in the recovery of archery wounded deer. His device used a transmitter attached to an arrow. The miniature transmitter remained attached to the deer even if the arrow passed through or fell off. No proto-type has been seen or report

evaluated on the device. No changes in deer management unit boundaries, KAR 115-4-6, are currently being discussed within the department. No changes in the application process of big game or wild turkey permits, KAR 115-4-11, are currently being discussed. Once again this year we will consider combo deer permits to allow hunters to obtain two tags with one permit. The combo permit would allow the hunter to take an either-sex deer plus an additional tag limited to take an antlerless white-tailed deer. That action would require changes to KAR 115-4-13. No changes in the permanent big game regulations are currently proposed. Will take KAR 115-4-6 and KAR 115-4-11 off of the list for January, but keep the rest in case we need to modify those at a later date. Commissioner Budd – This is a moving target for you? Fox –

we try to allow public and Commission input 2-3 times. Staff has not come forward with a recommendation. We are just opening up for public involvement at this time and these will be brought forward many more times. Commissioner Budd – If member of audience, Commission or staff make a comment do we take that under consideration and change recommendation? Fox – That sets the process we have to go through to change one of these. We must develop regulations 60 days in advance, written and approved to go to Attorney General (AG) and Department of Administration before you can act on it as a Commission. We go through a lengthy process just to set up situation. If you did want to create, for example, a combo permit, we would be able to do that because we have had these meetings ahead of time and we will reach deadline date in time for you to vote in March. At this time we have no recommendations, but we've got it set up so we could meet time deadlines. Commissioner Budd – Is more than one hearing is required? Tymeson – Legally only one public hearing is required, but if we don't back plan and begin discussions earlier we won't know what the regulation should look like. As an agency, we go beyond what is legally required. Commissioner Budd – If we have this hearing, and someone from the public has an opinion and I have a different opinion, what do you do? Fox – We will go through our internal process and come up with our recommendation and write that up as an example and bring it to the Commission meeting if you decide you can amend that regulation. What we try to do is have it in as clean of form as we possibly can and have input from public and Commission so you do not need to amend that regulation. And the regulation that has gone to AG and Department of Administration, we hope that is final version, but you have ability to vote on that. Commissioner Budd – Everything done on 3-step process? Fox – Yes. Chairman Lauber – Try to have anticipated controversy out of way in advance to get hunting booklets out and print regulations. Have voted not to uproot tradition as much as possible. Fox – These regulations are permanent and will remain in effect until the Commission changes them. We have two regulations that we don't see the need to bring back: KAR 115-4-6 which is units and KAR 115-4-11, which is application. Feel we do need to return with the other three. *Consensus to drop the two.*

2. Potential Changes in Deer Regulations 2012 - Lloyd Fox, big game wildlife biologist, presented this report to the Commission (Exhibit L). – Update on potential changes. I have results of five deer meetings. The bottom line, in general, is that experience was pretty rewarding and we have had good success with what we attempted to do at that time. No recommendations for changes in the deer seasons or permanent regulations are currently proposed. The planned course of action for the review process includes input and comments on deer season dates and regulations at KDWPT Commission meetings and the continuation of collection of comments by e-mail, letters and telephone calls from people. In addition, a special section of the Deer Hunter Report Card will be devoted to questions on potential changes for deer seasons. That survey will be sent to approximately 35,000 deer hunters. A section of that survey will be developed to determine landowners' desires for changing the current deer seasons. The proposed timeline for the survey is the first mailing in early January 2012 with two follow-up mailings. A random sample of Kansas landowners would be drawn by Kansas Agricultural Statistics. Analyses of the results are planned for late February and early March. It may also be necessary to survey

turkey, waterfowl and upland game hunters about changes in deer seasons. Next step is to survey the 30,000 hunters we are going to survey at the end of the season and a landowner deer survey that we do about once every five years. Chairman Lauber – Not department recommendations, legislative action from last year, indicated we would do an in depth study and you were good to do it and think outside the box. In one opinion, the last question, leave season the same as last three year's, received 75 percent neutral or approval. Had continuing annual deer controversy, had deer study and since the current system has been in place, substantially less negative feedback than I had before. Fox – I agree and give Mike Miller huge amount of thanks in that 2-year process. This is just a one-year process. Commissioner Dill – I've been at two of these meetings, and we had the discussion about not being able to determine age of the deer herd. We talked about drop boxes for teeth. Any discussion about that? Fox – Yes. I have asked for iron rangers to possibly collect teeth at locker plants. It's been discussed by the deer committee. We haven't come up with a good way to do this. Lockers not seeing head, just seeing carcass. No good procedure for monitoring age structure in harvested deer herd. Commissioner Wilson – Lloyd, legislature has hearings and committee that deals with deer issues, who testifies for the department? Fox – Legal staff, Chris and Secretary Jennison and other individuals. On certain bills Chris may call me or some of other members of department to come in for assistant to have expert testimony available and help in preparation of written material to address a particular bill. Commissioner Wilson – Does that have impact on that Committee? Fox – I think so, they know us. We will keep muddling through, win arguments before argued in Topeka, and have good information and good rapport with those people.

3. Big Game 25 Series – Deer - Lloyd Fox, big game wildlife biologist, presented this report to the Commission (Exhibit M). This is 25-9 and is the regulation sets the season dates; provisions when seasons may occur on military subunits within management units; dates for a special firearm deer season and extended archery seasons in urban units; dates of deer seasons for designated persons; dates and units when extended firearm seasons are authorized and the type of permits and changes in the species and antler categories of those permits; and limitations in obtaining multiple permits. This is the meat of the deer regulations. We are having a discussion on potential changes. We will provide suggested dates to have seasons established at March meeting. Same sequence of dates established in 2008: Youth and Disability - September 8, 2012 – September 16, 2012; Early Muzzleloader - September 17, 2012 – September 30, 2012; Archery - September 17, 2012 – December 31, 2012; Early Firearms (DMU 19) - October 13, 2012 – October 21, 2012; Regular Firearms - November 28, 2012 – December 9, 2012; Extended WAO - January 1, 2013 – January 13, 2013; Special Extended WAO - January 14, 2013 – January 20, 2013; and Extended Archery (DMU 19) - January 14, 2013– January 31, 2013 (DMUs 7, 8 and 15). The extended WAO season for 2012-13 would be 13 days if we follow the pattern during previous years. Looking at effects of factors like mortality due to hemorrhagic disease and fawn recruitment influenced by the drought will be considered. The proposed dates for the firearm season at the Fort Leavenworth subunit and Smoky Hill Air National Guard subunit have been set. Firearm season dates for deer hunting at Fort Riley will be established in K.A.R. 115-25-9a which will be covered in a workshop at a later date. Consideration is being made to allow hunters to purchase five white-tailed deer antlerless-only permits. Last year the first permit was valid statewide including on lands management by the department. The second WAO permit was valid in all but units 17 and 18 and was also valid at Cedar Bluff WA. The last three WAO permits were valid on a restricted list of units: 7, 8, 12, 13, 15, 16, and 19. Consideration is being given to increasing the wildlife management units where more than one WAO could be used. Getting additional input from field staff. Commissioner Bolton – Comment, constituents still think September 8-16 is too warm for youth season and less kids are getting out and concern with safety of the meat. Fox – Run out of good hunting days. People with disabilities wanted warm weather and the other idea was youth seasons are so they have the first opportunity (before other

hunters). Our recommendation is to keep it just as it is. Chairman Lauber – These January antlerless seasons, are they just management seasons? Fox – Stressing to landowners and hunters to manage deer herd, not just trophy, a chance to manage the herd. Commissioner Budd – Danger of January seasons are putting risk on animals that have lost their horns. If just management style, what about September? Fox – Other people have in other states. Ohio has worked on how to encourage hunters on how to take antlerless deer: like pre-rut firearms season, for instance, in Ohio. Not very popular item. Traditions are hard to break. Chairman Lauber – Is harvest of dropped antlers animals very big? Fox – No, see some dropped antlers in October, November and December; make up small percent of antlerless harvest; 2 ½- to 3-percent. We maintain quality herd with January seasons.

4. Big Game 25-Series – Elk/Antelope – Matt Peek, wildlife biologist, presented this report to the Commission. Overview of pronghorn hunting in Kansas (Exhibit N). We've had a pronghorn hunting season since 1974. The firearms pronghorn season has been four days long since 1990, and has started on the first Friday in October. The archery pronghorn season was nine days from 1985 to 2004 and included the two weekends prior to the firearms season. A muzzleloader season was initiated in 2001. It has begun immediately after the archery season and ran for eight days, the last four of which overlap with the firearms season. Over 1,000 applications are received annually for limited draw permits or preference points. Half of the permits are allocated to landowner/tenants who account for a much smaller percent of applicants than general residents, so they are able to draw with 0-2 preference points. For general residents, 2-4 preference points are required to draw a muzzleloader permit and 4-8 preference points are required to draw a firearms permit. Demand for unlimited archery permits has increased from 100 to 130 over the first five years of this decade to over 250 each of the past three years. We have no changes in recommended season structure, unit boundaries, bag limits, or permits. Unit boundaries are proposed to coincide with firearm deer management units defined in K.A.R. 115-4-6, with units 2, 17, and 18 being open. We are recommending a nine-day archery, eight-day muzzleloader with the last four days overlapping with the four-day firearm season, then pick back up with archery season until end of October.

Overview of elk (Exhibit O): Elk hunting on and around Fort Riley was initiated in 1990, and most of the hunting opportunity in the state occurs on the Fort. However, elk do exist on private lands, though unpredictably in most of the state, with parts of southwest Kansas being the main exception, where there may be about 150 animals. Elk also occur in the vicinity of Cimarron National Grasslands, but these elk are primarily found in neighboring states, and the Grasslands haven't been open to elk hunting since 1995, following several years of herd reduction. Since 1999, increasingly lengthened seasons and less restrictive permitting options have been allocated for areas of the state off of Fort Riley and the Grasslands. This framework is intended to allow for elk that may be causing crop damage or other conflicts on private land to be harvested, and for landowners to have the opportunity to keep elk at desirable numbers on their own property while at the same time allowing the Fort Riley and Cimarron herds to be maintained. No changes are recommended for season structure, unit boundaries, or permits. Cimarron is closed to hunting. We don't have any changes to recommend this year, and this is the first year since 1999 we are not asking to increasing pressure on elk not on private lands. September, muzzleloader; October, November, December open for any equipment, due to fact of limitations, certain units may be closed at any time. Season off of Fort Riley set to coincide with deer hunting. The proposed season dates outside the boundaries of Fort Riley are: September 1, 2012 through September 30, 2012 for the muzzleloader season; September 17, 2012 through December 31, 2012 for the archery season; and November 28, 2012 through December 9, 2012, and January 1, 2013 through March 15, 2013 for the firearms seasons. An unlimited number of general resident and hunt-on-your-own-land antlerless only elk permits and any elk permits will be authorized. Limited draw permit numbers will be determined closer to the completion of the ongoing season (for both pronghorn and elk).

5. Falconry Regulations – Mike Mitchener, wildlife section chief, presented this report to the Commission (Exhibit P). – Falconry is hunting with raptors. This was brought to you because of changes in regulations from the U.S. Fish and Wildlife Service (USFWS) and them eliminating federal falconry permit and requiring each state to require a state falconry permit. Three items have to be approved before January 2014, when the USFWS will no longer offer permits for falconers, states will need to adopt federal restrictions. We have been working with Kansas Hawking Club and are working on updating questions on state falconry test to match new regulations and working with USFWS on new reporting system, form 3-186A -- historically paper forms, now transitioning to electronic reporting form. Once USFWS concurs with requirements they will publish rule in federal register to allow state to practice falconry.

6. 2<sup>nd</sup> Motor Vehicle Permit – Linda Lanterman, parks division deputy director, presented this update to the Commission (Exhibit Q). As the Secretary mentioned earlier, the Parks Division is trying to undergo changes to make us more sustainable, and we are looking to streamline permit sales and reduce enforcement costs on the second vehicle permit by eliminating the sale of this permit. Because a second vehicle permit is permissive, the department has looked at the potential loss from selling a second vehicle permit at a discount as well as fraud. In addition, it could reduce the administrative burden from reviewing titles to ensure the second vehicle is in fact registered to the same individual. It is labor-intensive to issue this permit and has law enforcement problems. Last year, we sold just under \$13,000 in second vehicle permits and about 4,000 of those were second vehicle permits. Some will buy during the prime season, which is a way to gain additional revenue, we have listed revenue as up to an additional \$50,000 in FY 2012 and an additional \$100,000 in FY 2013, but could be substantially more. We are watching other states and seeing what they are doing. This is an effort for us to move forward. Commissioner Meyer - \$15 for all vehicle permits? Lanterman – Yes, if purchased with vehicle tag. Commissioner Bolton – The passport program? Lanterman – That is correct. Natalie Donges – Passport when you go to get your vehicle permit, have ability to opt in at that time, and goes through to next year when you purchase your vehicle tag again? Lanterman – Yes.

7. Recreational Bait/ANS Regulations – Doug Nygren, fisheries section chief, presented this report to the Commission (Exhibit R). In the past, we have spoke to you about *Option 1 and 2* to facilitate discussion; however, the draft regulations have now been developed, making the *Option* format less useful, but we have indicated which option the regulation supports, where applicable. In addition to the regulation review, a list of waters containing ANS has been developed and submitted for your review. All waters with established populations of the 115-18-10 prohibited species were listed and would be utilized as reference should possible amendments be adopted. Further, a map has also been provided to indicate relative locations of aquatic bait dealers should anglers need to purchase baitfish. [KAR 115-7-3. Fish; taking and use of baitfish or minnows](#) (Option 1) - The proposed regulation requires that wild-caught baitfish be used on the body of water where taken. KAR 115-7-3 has a possible amendment, which would be (Option 2) - to allow the transport of black bullhead, bluegill, green sunfish, and yellow bullhead. [KAR 115-7-6. Fishing; bait](#) - The proposed regulation merely updates the regulation in conjunction with a regulation package designed to prevent the introduction and spread of invasive species. [KAR 115-7-10. Fishing; special provisions](#) - would not allow the transport of live fish from designated ANS water. [KAR 115-8-6. Fishing, fish bait, and seining](#) - would clarify that bait fish taken on department lands and waters must be used where taken. Commissioner Meyer – Question on term highway? Tymeson – Public highway is defined in statute, means a public way, not a state highway or paved road. Nygren - [KAR 115-8-12. Stocking or releasing of wildlife](#) - would prohibit stocking or releasing wildlife on navigable publicly owned waters and federal reservoirs. [KAR 115-30-13. Removal](#)

[of vessels from waters of the state](#) (Option 1) - would require draining of livewells and bilges and drain plugs to be removed from all vessels prior to transport on a public highway. KAR 115-30-13 has a possible amendment (Option 2) - to require draining of livewells and bilges and to remove drain plugs from all vessels leaving designated ANS waters prior to transport on a public highway. Commissioner Budd – If option 1, no amendments, if option 2 have to consider amendments? Tymeson – That is correct. I will walk you through that process. Chairman Lauber – I think we are obligated on draining water. We can't regulate carrying water, difference between draining when you remove plug or leaving it open all the time. Found zebra mussels at Kanopolis last week. Nygren - The department's recommendation is to use it where you take it. Chairman Lauber – I prefer option 2, but there is a tremendous amount of merit to option 1 and easiest way to address the problem from a law enforcement perspective. Commissioner Budd – If you don't like option 2, why did you put it on this list? Chairman Lauber – Because I was whining about it. Tymeson – In fairness to our constituents, the more controversial a change is, this compromise is a gesture of good will. Chairman Lauber – There may be more constituents who want option 2. Commissioner Budd –Has there been a lot of public comment on this issue? Nygren – Not tonight, but in December when we are voting on these regulations for wild caught bait, there may be. Law enforcement asked me to mention 115-8-12, mentioned navigable and wonder if that means those three navigable streams? Tymeson – It does. We can look at that again next year. Commissioner Wilson – If on ANS water and caught five channel catfish, when do I dispatch those fish? Nygren – Let Chris handle that. Tymeson – When you get to boatramp, drain livewell, or put on ice, before you leave the lake. As long as not they are not live when transporting down the highway later.

## **VII. RECESS AT 5:17 p.m.**

Keith Sexson - Have a cookout (hot dogs, hamburgers, buffalo burgers, in break room) take out back – everyone invited for \$5.

## **VIII. RECONVENE AT 7:00 p.m.**

## **IX. RE-INTRODUCTION OF COMMISSIONERS AND GUESTS**

## **X. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS**

Natalie Donges, Deer Grove RV Park, El Dorado - TIAK member – Linda will be talking about state park rates. Take your time when making decisions with state parks. What you do effects us in our private parks. Have to meet zoning regulations and apply for permits; pay state and federal taxes; pay utility fees (no reduced rates). A few years ago you built campground at El Dorado state park and advertized to refinery workers and that didn't go over well with us. We want to promote tourism in Kansas. If you run private industry out it will hurt diversity. Chairman Lauber – Appreciate the way you dealt with the issues last year.

## **XI. DEPARTMENT REPORT**

### **D. Public Hearing**

*Notice and Submission Forms; Kansas Legislative Research Letter and Attorney General Letter (Exhibit S).*

1. K.A.R. 115-8-1. Department lands and waters: hunting, furharvesting, and discharge of firearms. – Brad Simpson, public lands section chief, presented this report to the Commission (Exhibit T) – Deals with public lands and state fishing lakes. All public lands fall into 8-1, special regulations, at one time done by posted notice now can be amended into 8-1. This document shows changes we incorporated. Commissioner Doll – Do this every year? Simpson – Just when there are changes.

**Commissioner Frank Meyer moved to approve KAR 115-8-1 before the Commission. Commissioner Debra Bolton seconded.**

**The roll call vote on KAR 115-8-1 as recommended was as follows (Exhibit U):**

<b>Commissioner Bolton</b>	<b>Yes</b>
<b>Commissioner Budd</b>	<b>Yes</b>
<b>Commissioner Dill</b>	<b>Yes</b>
<b>Commissioner Doll</b>	<b>Yes</b>
<b>Commissioner Meyer</b>	<b>Yes</b>
<b>Commissioner R. Wilson</b>	<b>Yes</b>
<b>Commissioner Lauber</b>	<b>Yes</b>

**The motion as presented KAR 115-8-1 passed 7-0.**

2. K.A.R. 115-2-3. Camping, utility, and other fees. – Linda Lanterman, assistant Parks Division director, presented this report to the Commission (Exhibit V) – This permanent regulation establishes the camping, utility and other fees for state parks. Looking at structure of what our costs are today. We don't get a cut on utility rates; in 2010 to 2011 our utilities were \$400,000 more than what we budgeted, included new properties and utility increases. Our last rate increase was in 2009. The proposal would increase utility fees by \$1.00 to offset rising utility costs. The changes may include: (a \$1.00 increase per utility) one utility - \$7.00; two utilities - \$9.00; three utilities - \$10.00. We hope to go to nationwide electronic reservation system, which will lead to a reduction in issuance fee. Now every night reserved includes an issuance fee. With the new system, the issuance fee be charged per per stay; this is a 30-cent reduction, so a \$1 utility fee increase will only be a 70-cent increase for the customer. We feel we don't try to get the same customer base as private park owners. Next is the amendment, and this something we did last year. Long-term is different than annual campers, and last year we increased our annual camp fee to \$200 and \$250. We saw a substantial decrease in our annual campers. The group we targeted were Good Sam's customers and we lost that constituent base. I look at seasonal campers as a separate issue. Possible amendment proposed subsection (h) The following fees shall be in effect for state parks and for other designated areas for which camping and utility fees are required Camping--per camping unit (April 1 through September 30) annual camping permit from \$250.00 to 200.00; and October 1 through March 31 from \$200.00 to \$150.00. Commissioner Budd – Goal to get even or make money? Lanterman – Just to get even. Natalie Donges – Did the Good Sam's people come in to visit with you? Lanterman – Yes. Natalie Donges – Were they using other destination parks? Lanterman – We assume they will still do that. They have taken us out of their rotation. Craghead – Singles and Doubles Club moved rotation to Missouri. Donges – Don't want you to lose them either. Lanterman – We're trying to get them back. Commissioner Bolton – Lowering rate? Lanterman – During prime season.

**Commissioner Don Budd moved to bring KAR 115-2-3 before the Commission. Commissioner Robert Wilson seconded.**

**Commissioner Don Budd moved to amend KAR 115-2-3, Commissioner Robert Wilson seconded.**

**The roll call vote on KAR 115-2-3 as recommended was as follows (Exhibit W):**

<b>Commissioner Bolton</b>	<b>Yes</b>
<b>Commissioner Budd</b>	<b>Yes</b>
<b>Commissioner Dill</b>	<b>Yes</b>
<b>Commissioner Doll</b>	<b>Yes</b>
<b>Commissioner Meyer</b>	<b>Yes</b>
<b>Commissioner R. Wilson</b>	<b>Yes</b>
<b>Commissioner Lauber</b>	<b>Yes</b>

**The motion as presented KAR 115-2-3 passed 7-0.**

**The roll call vote on regulation KAR 115-2-3 as amended was as follows (Exhibit W):**

<b>Commissioner Bolton</b>	<b>Yes</b>
<b>Commissioner Budd</b>	<b>Yes</b>
<b>Commissioner Dill</b>	<b>Yes</b>
<b>Commissioner Doll</b>	<b>Yes</b>
<b>Commissioner Meyer</b>	<b>Yes</b>
<b>Commissioner R. Wilson</b>	<b>Yes</b>
<b>Commissioner Lauber</b>	<b>Yes</b>

**The motion as presented KAR 115-2-3 passed 7-0.**

3. K.A.R. 115-8-9. Camping. – Linda Lanterman, assistant Parks Division director, presented this report to the Commission (Exhibit X) – This permanent regulation establishes camping restrictions on department lands and waters. The proposed amendments would waive occupancy requirements for prepaid state park campsites reserved through the department’s electronic reservation system to allow persons who have reservations to forgo the requirement for camping units to be occupied in a 24-hour time period. Those with reservations will have provided information to our database and can be called or notified, so we will exempt them. Benefit for people who make reservations for more than two days.

**Commissioner Don Budd moved to approve KAR 115-8-9 before the Commission. Commissioner Debra Bolton seconded.**

**The roll call vote on KAR 115-8-9 as recommended was as follows (Exhibit Y):**

<b>Commissioner Bolton</b>	<b>Yes</b>
<b>Commissioner Budd</b>	<b>Yes</b>
<b>Commissioner Dill</b>	<b>Yes</b>
<b>Commissioner Doll</b>	<b>Yes</b>
<b>Commissioner Meyer</b>	<b>Yes</b>
<b>Commissioner R. Wilson</b>	<b>Yes</b>
<b>Commissioner Lauber</b>	<b>Yes</b>

**The motion as presented KAR 115-8-9 passed 7-0.**

4. K.A.R. 115-8-10. Pets; provisions and restrictions. – Rick Martin, park manager, Kanopolis, presented this report to the Commission (Exhibit Z) – This permanent regulation establishes provisions and restrictions for pets on department lands and waters. We have had numerous requests at numerous locations. This will establish five pilot parks. There will be a \$50 reservation fee. Commissioner Budd – Reservation refundable or nonrefundable? Martin – Nonrefundable, per stay. Dill – Service dogs? Martin – Already allowed. Natalie Donges – Restriction on number of pets and what can be allowed? Martin – Not at this time.

**Commissioner Debra Bolton moved to approve KAR 115-8-10 before the Commission. Commissioner Frank Meyer seconded.**

**The roll call vote on KAR 115-8-10 as recommended was as follows (Exhibit BB):**

<b>Commissioner Bolton</b>	<b>Yes</b>
<b>Commissioner Budd</b>	<b>Yes</b>
<b>Commissioner Dill</b>	<b>Yes</b>
<b>Commissioner Doll</b>	<b>Yes</b>
<b>Commissioner Meyer</b>	<b>Yes</b>
<b>Commissioner R. Wilson</b>	<b>Yes</b>
<b>Commissioner Lauber</b>	<b>Yes</b>

**The motion as presented KAR 115-8-10 passed 7-0.**

5. Cabin Camping Rates - Rick Martin, Park Manager, Kanopolis, presented this report to the Commission (Exhibit AA). We have started a pilot program to lower rates during lower occupancy times. Parks in all three of our regions: Cross Timbers, Eisenhower, Fall River, Glen Elder and Milford. Tymeson – This was taken out of regulation so it does not have a number.

**Commissioner Frank Meyer moved to approve cabin camping rates as presented to the Commission. Commissioner Tom Dill seconded.**

**The roll call vote on cabin camping rates as recommended was as follows (Exhibit BB):**

<b>Commissioner Bolton</b>	<b>Yes</b>
<b>Commissioner Budd</b>	<b>Yes</b>
<b>Commissioner Dill</b>	<b>Yes</b>
<b>Commissioner Doll</b>	<b>Yes</b>
<b>Commissioner Meyer</b>	<b>Yes</b>
<b>Commissioner R. Wilson</b>	<b>Yes</b>
<b>Commissioner Lauber</b>	<b>Yes</b>

**The motion as presented on cabin camping rates passed 7-0.**

6. K.A.R. 115-17-1. Commercial harvest of fish bait; legal species, harvest seasons, size restrictions, daily limits, and possession limits. – Doug Nygren, fisheries section chief, presented this report to the Commission (Exhibit CC) – This permanent regulation establishes legal species, harvest seasons, size restrictions, daily limits, and possession limits for commercial harvest of fish bait. The proposed amendments would remove amphibians from the list of species available for commercial harvest and are proposed in conjunction with a regulation package designed to prevent the introduction and spread of invasive species. Commissioner Budd – How many dealers are there? Nygren – About 300. No good handle on how many wholesalers there are. Commissioner Budd – Did you notify all of them? Nygren – Yes, we have. Not that many complaints about these regulations. This will protect them from getting diseased fish also. We will list the vendors on the website, also.

**Commissioner Don Budd moved to approve KAR 115-17-1 before the Commission. Commissioner Debra Bolton seconded.**

**The roll call vote on KAR 115-17-1 as recommended was as follows (Exhibit DD):**

<b>Commissioner Bolton</b>	<b>Yes</b>
<b>Commissioner Budd</b>	<b>Yes</b>
<b>Commissioner Dill</b>	<b>Yes</b>
<b>Commissioner Doll</b>	<b>Yes</b>

<b>Commissioner Meyer</b>	<b>Yes</b>
<b>Commissioner R. Wilson</b>	<b>Yes</b>
<b>Commissioner Lauber</b>	<b>Yes</b>

**The motion as presented KAR 115-17-1 passed 7-0.**

7. K.A.R. 115-17-2. Commercial sale of bait fish; testing procedures. – Doug Nygren, fisheries section chief, presented this report to the Commission (Exhibit EE) – This permanent regulation establishes commercial sale of fish bait requirements. The proposed amendments would alter the list of fish and crayfish species available for commercial sale, require certification of pathogen free status, require holding and retail tanks to use a potable water source, and require receipts to accompany bait fish sales. The amendments are proposed in conjunction with a regulation package designed to prevent the introduction and spread of invasive species. Possible amendment proposed subsection (c): Live aquatic bait shall be certified free of the following pathogens before import ~~or sale~~, according to K.A.R. 115-17-2a because we are not aware of any. If positive population appears we may amend. Chairman Lauber – Comes from later recommendation? Nygren – Yes, we’ve not detected those diseases in Kansas. Chairman Lauber – What is a black salty? Nygren – Looks like black goldfish. List includes what can be sold. Commissioner Bolton – How did annelids become native or naturalized? Nygren – For instance, Canadian earthworms, you can find them anywhere but they are but not native. Commissioner Budd – Rather than have amendment document, strike “for sale” from original document? Tymeson – No. The has been published in Federal Register, so can’t change without another 60-day period. Chairman Lauber – If need for striking “for sale” we would have added it then. Commissioner Doll – What was published was 17-2, then clock starts ticking, what came about in those 60 days was this amendment? Tymeson – Yes.

**Commissioner Frank Meyer moved to bring KAR 115-17-2 before the Commission. Commissioner Debra Bolton seconded.**

**Commissioner Randy Doll moved to amend KAR 115-17-2, Commissioner Tom Dill seconded.**

**The roll call vote on KAR 115-17-2a as recommended was as follows (Exhibit FF):**

<b>Commissioner Bolton</b>	<b>Yes</b>
<b>Commissioner Budd</b>	<b>Yes</b>
<b>Commissioner Dill</b>	<b>Yes</b>
<b>Commissioner Doll</b>	<b>Yes</b>
<b>Commissioner Meyer</b>	<b>Yes</b>
<b>Commissioner R. Wilson</b>	<b>Yes</b>
<b>Commissioner Lauber</b>	<b>Yes</b>

**The motion as presented KAR 115-17-2 passed 7-0.**

**The roll call vote on regulation KAR 115-17-2 as amended was as follows (Exhibit FF):**

<b>Commissioner Bolton</b>	<b>Yes</b>
<b>Commissioner Budd</b>	<b>Yes</b>
<b>Commissioner Dill</b>	<b>Yes</b>
<b>Commissioner Doll</b>	<b>Yes</b>
<b>Commissioner Meyer</b>	<b>Yes</b>
<b>Commissioner R. Wilson</b>	<b>Yes</b>
<b>Commissioner Lauber</b>	<b>Yes</b>

**The motion as presented KAR 115-17-2 passed 7-0.**

8. K.A.R. 115-17-2a. Commercial sale of bait fish; testing procedures. – Doug Nygren, fisheries section chief, presented this report to the Commission (Exhibit GG) – This new permanent regulation establishes testing procedures for certification of pathogen free status of baitfish for sale. The proposed regulation would enact testing procedures similar to those used in other states and are proposed in conjunction with a regulation package designed to prevent the introduction and spread of invasive species: spring viremia of carp virus; infectious pancreatic necrosis virus; viral hemorrhagic septicemia virus; and infections hematopoietic virus. The fish will be certified disease-free. Possible amendment proposed in subsection (a) Live aquatic bait shall be certified free of the following pathogens before import for sale, according to the requirements in this regulation (same as the one in 17-2).

**Commissioner Debra Bolton moved to bring KAR 115-17-2a before the Commission. Commissioner Randy Doll seconded.**

**Commissioner Don Budd moved to amend KAR 115-17-2a, Commissioner Randy Doll seconded.**

**The roll call vote on KAR 115-17-2a as recommended was as follows (Exhibit HH):**

<b>Commissioner Bolton</b>	<b>Yes</b>
<b>Commissioner Budd</b>	<b>Yes</b>
<b>Commissioner Dill</b>	<b>Yes</b>
<b>Commissioner Doll</b>	<b>Yes</b>
<b>Commissioner Meyer</b>	<b>Yes</b>
<b>Commissioner R. Wilson</b>	<b>Yes</b>
<b>Commissioner Lauber</b>	<b>Yes</b>

**The motion as presented KAR 115-17-2a passed 7-0.**

**The roll call vote on regulation KAR 115-17-2a as amended was as follows (Exhibit HH):**

<b>Commissioner Bolton</b>	<b>Yes</b>
<b>Commissioner Budd</b>	<b>Yes</b>
<b>Commissioner Dill</b>	<b>Yes</b>
<b>Commissioner Doll</b>	<b>Yes</b>
<b>Commissioner Meyer</b>	<b>Yes</b>
<b>Commissioner R. Wilson</b>	<b>Yes</b>
<b>Commissioner Lauber</b>	<b>Yes</b>

**The motion as presented KAR 115-17-2a passed 7-0.**

9. K.A.R. 115-17-3. Commercial fish bait permit; requirement, application, and general provisions. – Doug Nygren, fisheries section chief, presented this report to the Commission (Exhibit II) – This permanent regulation establishes requirements, applications and general provisions for commercial fish bait permit. The proposed amendments would require certain record keeping aspects and are proposed in conjunction with a regulation package designed to prevent the introduction and spread of invasive species. Possible amendment proposed is clean up in subsection (d)(2)(B) as follows: ~~Subject to all federal and state laws and rules and regulations,~~ a Each commercial fish bait permit shall authorize the permittee to perform any of the following: ~~(B) possesses a valid game breeders permit.~~ Renumbered remaining items. Tymeson – Dealt with amphibians and no longer have them in these regulations we don't need this section.

**Commissioner Frank Meyer moved to bring KAR 115-17-3 before the Commission. Commissioner Randy Doll seconded.**

**Commissioner Debra Bolton moved to amend KAR 115-17-3, Commissioner Don Budd seconded.**

**The roll call vote on KAR 115-17-3 as recommended was as follows (Exhibit JJ):**

<b>Commissioner Bolton</b>	<b>Yes</b>
<b>Commissioner Budd</b>	<b>Yes</b>
<b>Commissioner Dill</b>	<b>Yes</b>
<b>Commissioner Doll</b>	<b>Yes</b>
<b>Commissioner Meyer</b>	<b>Yes</b>
<b>Commissioner R. Wilson</b>	<b>Yes</b>
<b>Commissioner Lauber</b>	<b>Yes</b>

**The motion as presented KAR 115-17-3 passed 7-0.**

**The roll call vote on regulation KAR 115-17-3 as amended was as follows (Exhibit JJ):**

<b>Commissioner Bolton</b>	<b>Yes</b>
<b>Commissioner Budd</b>	<b>Yes</b>
<b>Commissioner Dill</b>	<b>Yes</b>
<b>Commissioner Doll</b>	<b>Yes</b>
<b>Commissioner Meyer</b>	<b>Yes</b>
<b>Commissioner R. Wilson</b>	<b>Yes</b>
<b>Commissioner Lauber</b>	<b>Yes</b>

**The motion as presented KAR 115-17-3 passed 7-0.**

10. K.A.R. 115-17-4. Commercial harvest of fish bait; legal equipment, taking methods, and general provisions. – Doug Nygren, fisheries section chief, presented this report to the Commission (Exhibit KK) – This permanent regulation establishes legal equipment, taking methods and general provisions for commercial harvest of fish bait. The proposed amendment would remove amphibians from the list of species and is proposed in conjunction with a regulation package designed to prevent the introduction and spread of invasive species. Chairman Lauber – What is bar measurement? Nygren – On a gill net, you have a rectangular shaped mesh and the bar measurement is the distance between the top bar and bottom bar, designed to catch a certain size critter. Move bar on net. Commissioner Budd – What is the impact on violations the first year? Tymeson – We’ve talked about these regulations for almost two years, so most people are aware of them. And they don’t go into effect until January 1, so people will have time to get used to them. Officers may give warnings; it is a matter of discretion. Nygren – The package bait dealers get back after their application has very detailed information and a number they can call with questions. We plan on putting people on the road to visit all 300 of these vendors prior to when these go into affect. Tymeson – Most changes are months ahead of publications. Nygren – Our violations are misdemeanors, but when they cross state lines that involves the Lacy Act. Commissioner Wilson – These bait dealers have regulation now, not something brand new. Nygren – They are permitted annually.

**Commissioner Tom Dill moved to approve KAR 115-17-4 before the Commission. Commissioner Debra Bolton seconded.**

**The roll call vote on KAR 115-17-4 as recommended was as follows (Exhibit NN):**

<b>Commissioner Bolton</b>	<b>Yes</b>
<b>Commissioner Budd</b>	<b>Yes</b>
<b>Commissioner Dill</b>	<b>Yes</b>
<b>Commissioner Doll</b>	<b>Yes</b>

Commissioner Meyer	Yes
Commissioner R. Wilson	Yes
Commissioner Lauber	Yes

**The motion as presented KAR 115-17-4 passed 7-0.**

11. K.A.R. 115-17-5. Commercial harvest of fish bait; open areas. – Doug Nygren, fisheries section chief, presented this report to the Commission (Exhibit LL) – This permanent regulation establishes open areas for commercial harvest of fish bait. The proposed amendments would remove amphibians from the open areas for commercial harvest and are proposed in conjunction with a regulation package designed to prevent the introduction and spread of invasive species.

**Commissioner Debra Bolton moved to approve KAR 115-17-5 before the Commission. Commissioner Frank Meyer seconded.**

**The roll call vote on KAR 115-17-5 as recommended was as follows (Exhibit NN):**

Commissioner Bolton	Yes
Commissioner Budd	Yes
Commissioner Dill	Yes
Commissioner Doll	Yes
Commissioner Meyer	Yes
Commissioner R. Wilson	Yes
Commissioner Lauber	Yes

**The motion as presented KAR 115-17-5 passed 7-0.**

12. K.A.R. 115-17-10. Commercial harvest of fish; permit requirement and application, reports and permit revocation. – Doug Nygren, fisheries section chief, presented this report to the Commission (Exhibit MM) – This permanent regulation establishes permit requirements, application, reports, and permit revocations for commercial harvest of fish. The proposed amendments would update and streamline the regulation and are proposed in conjunction with a regulation package designed to prevent the introduction and spread of invasive species and is specific to the Missouri River only, which is only place we sell commercial fishing permits. This is mostly clean up on application process. Chairman Lauber – Is Bell the contractor? Nygren – Contractor for inland waters, sold for food, if too many fish. Bell operates on single contractor basis. On the Missouri River sell permit to anyone qualified. Chairman Lauber – Food fish? Nygren – Could be, but buffalo and carp primarily. Chairman Lauber – Single contractor does not fall under this regulation? Nygren – No.

**Commissioner Don Budd moved to approve KAR 115-17-10 before the Commission. Commissioner Randy Doll seconded.**

**The roll call vote on KAR 115-17-10 as recommended was as follows (Exhibit NN):**

Commissioner Bolton	Yes
Commissioner Budd	Yes
Commissioner Dill	Yes
Commissioner Doll	Yes
Commissioner Meyer	Yes
Commissioner R. Wilson	Yes
Commissioner Lauber	Yes

**The motion as presented KAR 115-17-10 passed 7-0.**

13. K.A.R. 115-17-11. Commercial harvest of fish; legal equipment and taking methods, identification tags, and identification tag fee. – Doug Nygren, Fisheries Section chief, presented this report to the Commission (Exhibit OO) – This permanent regulation establishes legal equipment and taking methods, identification tags and identification tag fee for commercial harvest of fish. The proposed amendments would update the regulation and are proposed in conjunction with a regulation package designed to prevent the introduction and spread of invasive species. Clean up language, striking out reference to mesh size of 2.5 inches; authorized by department. Chairman Lauber – Do we have 20 permittees? Nygren – No I don't think so. They can get permitted in Kansas or in Missouri. Most opt for the Missouri permit.

**Commissioner Debra Bolton moved to approve KAR 115-17-11 before the Commission. Commissioner Frank Meyer seconded.**

**The roll call vote on KAR 115-17-11 as recommended was as follows (Exhibit QQ):**

<b>Commissioner Bolton</b>	<b>Yes</b>
<b>Commissioner Budd</b>	<b>Yes</b>
<b>Commissioner Dill</b>	<b>Yes</b>
<b>Commissioner Doll</b>	<b>Yes</b>
<b>Commissioner Meyer</b>	<b>Yes</b>
<b>Commissioner R. Wilson</b>	<b>Yes</b>
<b>Commissioner Lauber</b>	<b>Yes</b>

**The motion as presented KAR 115-17-11 passed 7-0.**

14. K.A.R. 115-17-12. Commercial harvest of fish; legal species, seasons, size restrictions, daily limits, and possession limits. – Doug Nygren, fisheries section chief, presented this report to the Commission (Exhibit PP) – This permanent regulation establishes legal species, seasons, size restrictions, daily limits, and possession limits for commercial harvest of fish. The proposed amendments would require that certain species of fish be dispatched prior to transport after commercial harvest and are proposed in conjunction with a regulation package designed to prevent the introduction and spread of invasive species. On the Missouri River, requirement is to haul dead. Commissioner Budd – Is there a use for Asian carp? Nygren – On Mississippi River There now two processing plants, but it is not marketed in U.S. The market is in Asia. The fish are flash frozen and shipped to China.

**Commissioner Don Budd moved to approve KAR 115-17-12 before the Commission. Commissioner Randy Doll seconded.**

**The roll call vote on KAR 115-17-12 as recommended was as follows (Exhibit QQ):**

<b>Commissioner Bolton</b>	<b>Yes</b>
<b>Commissioner Budd</b>	<b>Yes</b>
<b>Commissioner Dill</b>	<b>Yes</b>
<b>Commissioner Doll</b>	<b>Yes</b>
<b>Commissioner Meyer</b>	<b>Yes</b>
<b>Commissioner R. Wilson</b>	<b>Yes</b>
<b>Commissioner Lauber</b>	<b>Yes</b>

**The motion as presented KAR 115-17-12 passed 7-0.**

15. K.A.R. 115-25-14. Fishing; creel limit, size limit, possession limit, and open season. Doug Nygren, fisheries section chief, presented this report to the Commission (Exhibit RR) – This exempt

regulation establishes statewide limits and open season for fishing in Kansas. Because of hot weather we have several trout lakes that won't be stocked or ready this year by October 15 so we want to push back trout fishing to November 1 for all units except for Mined Land for next year and added a new trout lake in Colby. Another reference document dealing with changes in length and creel limits. Most controversial is the large reservoirs: Glen Elder and Lovewell, trying to establish blue catfish so are reducing creel to let them grow larger (reduce limit to five per day) to manage invasive species. Have new property, Grand Osage Wildlife Area at Parsons Ammunition Plant, limited entry in past so basically unfished. When we open it we want to help protect that newly opening area. Largemouth bass of a length less than eighteen (18) inches, creel limit of two; and channel catfish of a length less than fifteen (15) inches, creel limit of two; all other fish are protected and must be returned to the water immediately. Chairman Lauber – When you have 35-inch minimum on blue cats that is basically no harvest? Nygren – On new lakes it does. Chairman Lauber – And generally you don't have a problem with misidentification? Nygren – It can be but we try to address it on our regulation summary and the website. The blue catfish has a barber-combed anal fin and its flat, the channel cat has a rounded anal fin.

**Commissioner Debra Bolton moved to approve KAR 115-25-14 before the Commission. Commissioner Frank Meyer seconded.**

**The roll call vote on KAR 115-25-14 as recommended was as follows (Exhibit SS):**

<b>Commissioner Bolton</b>	<b>Yes</b>
<b>Commissioner Budd</b>	<b>Yes</b>
<b>Commissioner Dill</b>	<b>Yes</b>
<b>Commissioner Doll</b>	<b>Yes</b>
<b>Commissioner Meyer</b>	<b>Yes</b>
<b>Commissioner R. Wilson</b>	<b>Yes</b>
<b>Commissioner Lauber</b>	<b>Yes</b>

**The motion as presented KAR 115-25-14 passed 7-0.**

## **XII. Old Business**

## **XIII. Other Business**

### **A. Future Meeting Locations and Dates**

December 6, 2011 – Topeka, Region 2 Office, 7:00 pm only (special session)

January 5, 2012 – Salina, Kansas Wesleyan University Student Center

March 22, 2012 – Topeka, Kansas Historical Society

April 19, 26, 2012 – Wichita – Great Plains Nature Center

June 21, 2012 – Kansas City – Cabelas

August

## **XIV. ADJOURNMENT**

The meeting adjourned at 8:18 p.m.

(Exhibits and/or Transcript available upon request)

# **Public Hearing**

Document No. \_\_\_\_\_

KANSAS REGISTER  
SUBMISSION FORM

Agency Number -- 710-01

Agency Name -- Kansas Department of Wildlife, Parks and Tourism

Agency Address - 1020 S. Kansas Ave., Suite 200

Topeka, Kansas 66612-1233

Title of Document -- Public Meeting

Desired Date of Publication - October 6, 2011

**ITEMS SUBMITTED IN DUPLICATE**

CERTIFICATION

I hereby certify that I have reviewed the attached documents, and that they conform to all applicable Kansas Register publication guidelines and to the requirements of K.S.A. 75-431, as amended. I further certify that submission of these items for publication is a proper and lawful action of this agency, that funds are available to pay the publication fees and that such fees will be paid by this agency on receipt of billing.

Christopher J. Tymeson  
Liaison officer's typed name

\_\_\_\_\_  
Liaison officer's signature

Department Attorney  
Title

(785) 296-2281  
Phone

---

This space for Register office use only

## Wildlife, Parks, and Tourism Commission

### Notice of Public Hearing

A public hearing will be conducted by the Wildlife, Parks, and Tourism Commission at 7:00 p.m., Tuesday, December 6, 2011 at the KDWPT Region 2 Office, 300 SW Wanamaker, Topeka, Kansas, to consider the approval and adoption of proposed regulations of the Kansas Department of Wildlife, Parks, and Tourism.

A regulatory hearing on business of the Wildlife, Parks, and Tourism Commission will begin at 7:00 p.m., December 6 at the location listed above. There will be public comment periods at the beginning of the evening meeting for any issues not on the agenda and additional comment periods will be available during the meeting on agenda items. Old and new business may also be discussed at this time. If necessary to complete business matters, the Commission will reconvene at 9:00 a.m. December 7 at the location listed above.

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

This 60-day notice period prior to the hearing constitutes a public comment period for the purpose of receiving written public comments on proposed administrative regulations.

All interested parties may submit written comments prior to the hearing to the Chairman of the Commission, Kansas Department of Wildlife, Parks, and Tourism, 1020 S. Kansas Ave, Suite 200, Topeka, KS 66612 or to [sheila.kemmis@ksoutdoors.com](mailto:sheila.kemmis@ksoutdoors.com) if electronically. All interested parties will be given a reasonable opportunity at the hearing to express their views orally in regard to the adoption of the proposed regulations. During the hearing, all written and oral comments submitted by interested parties will be considered by the commission as a basis for approving, amending and approving, or rejecting the proposed regulations.

The regulations that will be heard during the regulatory hearing portion of the meeting are as follows:

**K.A.R. 115-2-2.** This permanent regulation establishes motor vehicle permit fees. The proposed amendments negate the option of a second vehicle permit at a reduced price.

**Economic Impact Summary:** The proposed amendments may generate an additional \$50,000 in FY 2012, all of which would accrue to the park fee fund and would be borne by user fees. Otherwise, the proposed amendments are not anticipated to have any other economic impact on the department, other agencies, small businesses or the public.

**K.A.R. 115-7-3.** This permanent regulation establishes provisions related to the taking of bait fish. The proposed amendments require that wild-caught bait fish be used on the body of water where taken in conjunction with a regulation package designed to prevent the introduction and spread of invasive species.

**Economic Impact Summary:** The proposed amendments are not anticipated to have any appreciable negative economic impact on the department, other agencies, small businesses or the public.

**K.A.R. 115-7-6.** This permanent regulation establishes bait restrictions for fishing. The proposed amendments merely update the regulation in conjunction with a regulation package designed

to prevent the introduction and spread of invasive species.

**Economic Impact Summary:** The proposed amendments are not anticipated to have any appreciable negative economic impact on the department, other agencies, small businesses or the public.

**K.A.R. 115-7-10.** This permanent regulation establishes special provisions for fishing. The proposed amendments would not allow the transport of live fish from a designated ANS water in conjunction with a regulation package designed to prevent the introduction and spread of invasive species.

**Economic Impact Summary:** The proposed amendments are not anticipated to have any appreciable negative economic impact on the department, other agencies, small businesses or the public.

**K.A.R. 115-8-6.** This permanent regulation establishes provisions and restrictions for fishing, fish bait and seining on department lands and waters. The proposed amendments would clarify that bait fish taken on department lands and waters must be used where taken in conjunction with a regulation package designed to prevent the introduction and spread of invasive species.

**Economic Impact Summary:** The proposed amendments are not anticipated to have any appreciable negative economic impact on the department, other agencies, small businesses or the public.

**K.A.R. 115-8-12.** This permanent regulation establishes provisions related to stocking or releasing wildlife. The proposed amendments would prohibit stocking or releasing wildlife on navigable publicly owned waters and federal reservoirs in conjunction with a regulation package designed to prevent the introduction and spread of invasive species.

**Economic Impact Summary:** The proposed amendments are not anticipated to have any appreciable negative economic impact on the department, other agencies, small businesses or the public.

**K.A.R. 115-30-13.** This new permanent regulation establishes removal of vessels from waters of the state. The proposed regulation would require draining of livewells and bilges and drain plugs to be removed from all vessels prior to transport on a public highway.

**Economic Impact Summary:** The proposed amendments are not anticipated to have any appreciable negative economic impact on the department, other agencies, small businesses or the public.

Copies of the complete text of the regulations and their respective economic impact statements may be obtained by writing the chairman of the Commission at the address above, electronically on the department's website at [www.kdwpt.state.ks.us](http://www.kdwpt.state.ks.us), or by calling (785) 296-2281.

Gerald Lauber, Chairman



STATE OF KANSAS  
OFFICE OF THE ATTORNEY GENERAL

DEREK SCHMIDT  
ATTORNEY GENERAL

September 20, 2011

MEMORIAL HALL  
120 SW 10TH AVE., 2ND FLOOR  
TOPEKA, KS 66612-1597  
(785) 296-2215 • FAX (785) 296-6296  
WWW.KSAG.ORG

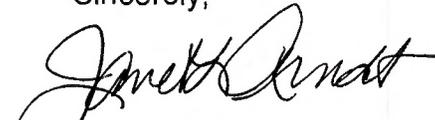
Christopher J. Tymeson  
Chief Legal Counsel  
Kansas Department of Wildlife, Parks, and Tourism  
1020 S. Kansas Ave, Suite 200  
Topeka, KS 66612

RE: K.A.R. 115-7-3; K.A.R. 115-7-6; K.A.R. 115-7-10; K.A.R. 115-8-6; K.A.R. 115-8-12; and K.A.R. 115-30-13

Dear Mr. Tymeson

We have completed our review of the above-referenced regulations and approved them for legality. The original regulations with our approval stamp are enclosed.

Sincerely,



Janet L. Arndt  
Assistant Attorney General

cc: Representative Carl Holmes, Chair, Joint Committee on Administrative Rules and Regulations  
Senator Vicki Schmidt, Vice Chair, Joint Committee on Administrative Rules and Regulations  
Representative Janice Pauls, Ranking Minority Member, Joint Committee on Administrative Rules and Regulations  
Raney Gilliland, Legislative Research, State Capitol, Room 68-W  
Kenneth Wilke, Revisor of Statutes, State Capitol, Room 24-E

JLA:ke

Enclosures: Original Regulations



STATE OF KANSAS  
OFFICE OF THE ATTORNEY GENERAL

**DEREK SCHMIDT**  
ATTORNEY GENERAL

MEMORIAL HALL  
120 SW 10TH AVE., 2ND FLOOR  
TOPEKA, KS 66612-1597  
(785) 296-2215 • FAX (785) 296-6296  
WWW.KSAG.ORG

September 28, 2011

Chris Tymeson, Chief Counsel  
Kansas Department of Wildlife, Parks and Tourism  
1020 S. Kansas, Room 200  
Topeka, KS 66612-132

Re: K.A.R. 115-2-2

Dear Mr. Tymeson:

Pursuant to K.S.A. 77-420(b), I have determined the above referenced regulation is within the statutory authority of the agency and I approve the regulations. Please let me know if you have any questions.

Sincerely,

OFFICE OF THE ATTORNEY GENERAL  
DEREK SCHMIDT

*Athena Andaya* (ls)  
Athena Andaya  
Deputy Attorney General

AA:ke

Cc: Representative Carl Holmes, Chair, Joint committee on Rules and Regulations  
Senator Vick Schmidt, Vice Chair, Joint Committee on Rules and Regulations  
Representative Janice Pauls, Ranking Minority Member, Joint Committee on  
Rules and Regulations  
Raney Gilliland, Legislative Research  
Ken Wilke, Revisor of Statutes

STATE OF KANSAS

**ALAN D. CONROY**  
Director  
**RANEY L. GILLILAND**  
Assistant Director for Research  
**J.G. SCOTT**  
Chief Fiscal Analyst



**STAFF**  
LEGISLATIVE COORDINATING COUNCIL  
INTERIM COMMITTEES  
STANDING COMMITTEES  
**LEGISLATIVE INQUIRIES**

**KANSAS LEGISLATIVE RESEARCH DEPARTMENT**  
Room 68-West — State Capitol Building — 300 SW Tenth Avenue — Topeka, Kansas 66612-1504  
PHONE (785) 296-3181 ♦ FAX (785) 296-3824 ♦ TTY (785) 296-3677  
INTERNET: <http://www.kslegislature.org/klrd> E-MAIL: [kslegres@klrd.ks.gov](mailto:kslegres@klrd.ks.gov)

October 19, 2011

Mr. Robin Jennison, Secretary  
Kansas Department of Wildlife, Parks and Tourism  
1020 S Kansas Avenue  
Building Mail

Dear Secretary Jennison:

At its meeting on October 10, 2011, the Joint Committee on Administrative Rules and Regulations reviewed for public comment rules and regulations concerning motor vehicle permit fees; fish, taking and use of bait fish or minnows; fishing, bait; fishing, special provisions; fishing, fish bait, and seining; stocking or releasing of wildlife; and removal of vessels from waters of the state. After discussion, the Committee had the following comments.

KAR 115-2-2. The Committee requests further detail on the economic impact of the changes in the motor vehicle permit fees, for example, how the increase is expected to affect attendance.

KAR 115-7-3. The Committee is concerned that the rule and regulation does not speak to the transportation of the wild-caught bait fish from a stream basin to a pool or pond. Please clarify.

KAR 115-8-12. In subsection (d), the Committee is concerned about the striking of the words "rules and." The phrase "rules and regulations" is a defined term in the Rules and Regulations Filing Act, and the Committee would like to know the rationale for the elimination of these words. (The essence of this comment will be included in a letter from the Committee to the Department of Administration.)

Prior to filing with the Secretary of State, review the history sections of the rules and regulations to update them to the most recent statutory citations, making certain the citations for authorizing and implementing statutes are correct and complete. Please indicate your agency's website address in the filing notice where proposed regulations can be located. In addition, if your agency accepts written comments by e-mail include this information in the public notice. Further, e-mail requests for public accommodation should be included as a part of the notice. Finally, verify that the adoption by reference of any materials included in the regulations is

properly completed as prescribed in the Policy and Procedure Manual for the Adoption of Kansas Administrative Regulations.

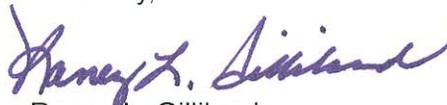
Please make this letter a part of the public record on these regulations. The Committee will review the regulations which the agency ultimately adopts, and reserves any expression of legislative concern to that review.

To assist in that final review:

- Please inform the Joint Committee and me, in writing, at the time the rules and regulations are adopted and filed with the Secretary of State, of any and all changes which have been made following the public hearing;
- Please notify the Joint Committee and me, in writing, when your agency has adopted the regulations as permanent; delayed implementation of the regulations; or decided not to adopt any of the regulations; and
- Please indicate separately to the Joint Committee and me, any changes made to the proposed regulations reviewed by the Committee.

Based upon direction from the Committee, failure to respond to each and every comment contained in this letter may result in the request that a spokesperson from your agency appear before the Committee to explain the agency's failure to reply.

Sincerely,



Raney L. Gilliland  
Assistant Director for Research

RLG/db

**115-2-2. Motor vehicle permit fees.** (a) The following motor vehicle permit fees shall be in effect for state parks and for other areas requiring a motor vehicle permit:

April 1 through September 30:

One-day temporary motor vehicle permit.....	\$2.70
Annual motor vehicle permit .....	22.20
<del>Additional annual motor vehicle permit .....</del>	<del>12.20</del>

October 1 through March 31:

One-day temporary motor vehicle permit.....	\$2.20
Annual motor vehicle permit .....	17.20
<del>Additional annual motor vehicle permit .....</del>	<del>9.70</del>

(b) Each one-day temporary motor vehicle permit shall expire at 2:00 p.m. on the day following its effective date.

(c) Annual motor vehicle permits shall not be valid during designated special events.

This regulation shall be effective on and after January 1, 2012. (Authorized by and implementing K.S.A. 32-807 and K.S.A. 32-901; effective Jan. 22, 1990; amended Oct. 12, 1992; amended Aug. 21, 1995; amended Jan. 1, 2001; amended Jan. 1, 2003; amended Jan. 1, 2005; amended Jan. 1, 2007; amended April 8, 2011; amended P-\_\_\_\_\_.)

## **ECONOMIC IMPACT STATEMENT**

### **K.A.R. 115-2-2. Motor vehicle permit fees.**

**DESCRIPTION:** This regulation establishes daily and annual permit prices for vehicles entering and using state parks and other areas requiring a motor vehicle permit. This is a user fee for entering and using state parks. The proposed amendments would remove the opportunity to purchase a reduced price 2<sup>nd</sup> motor vehicle permit.

**FEDERAL MANDATE:** None.

**ECONOMIC IMPACT:** Based on average sales over the past three years, it is anticipated that the change could generate approximately an additional \$50,000 in FY 2012 and an additional \$100,000 in FY 2013, all of which would accrue to the park fee fund. The amendments are not anticipated to have any other appreciable economic impact on other agencies or small businesses.

**ALTERNATIVES CONSIDERED:** None.

**115-7-3. Fish; taking and use of bait fish or minnows.** (a) Bait fish may be taken for

noncommercial purposes by any of the following means:

(1) A seine not longer than 15 feet and four feet deep with mesh not larger than 1/4 inch;

(2) a fish trap with mesh not larger than 1/4 inch and a throat not larger than one inch in diameter;

(3) a dip or cast net with mesh not larger than 3/8 inch; or

(4) a fishing line.

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

(c) Bait fish taken, except gizzard shad, shall not exceed 12 inches in total length.

(d) The possession limit shall be 500 bait fish.

(e) Wild-caught bait fish may be used as live bait only within the pool of a lake or impoundment where taken. If taken on a flowing stream or river, the wild-caught bait fish shall not be transported upstream across any dam or natural barrier.

This regulation shall be effective on and after January 1, 2012. (Authorized by and implementing K.S.A. 32-807; ~~implementing K.S.A. 32-807 and K.S.A. 2008 Supp. 32-1002~~; effective Sept. 10, 1990; amended Nov. 20, 2009; amended P-\_\_\_\_\_.)

## **ECONOMIC IMPACT STATEMENT**

**K.A.R. 115-7-3.** Fish; taking of bait fish or minnows.

**DESCRIPTION:** This permanent regulation establishes provisions applicable to taking of bait fish in Kansas. The proposed amendment would prohibit taking live wild caught baitfish off of the waters where taken to attempt to prevent the spread of aquatic nuisance species.

**FEDERAL MANDATE:** None.

**ECONOMIC IMPACT:** The proposed amendments are not anticipated to have any substantive economic impact to the department, other state agencies, small businesses, or the public.

**ALTERNATIVES CONSIDERED:** No alternative amendments are being considered at this time.

**K.A.R. 115-7-3.**  
**Fish; taking and use of bait fish or minnows.**  
**POSSIBLE AMENDMENT**

As a result of public and internal Department comment on the proposed regulation, the Department offers the following amendment to the version of the regulation submitted for public comment.

**115-7-3. Fish; taking and use of bait fish or minnows.**

**1. Amend proposed subparagraph (e) as follows:**

(e) Wild-caught bait fish, except black bullhead (*Ameiurus melas*), bluegill (*Lepomis macrochirus*), green sunfish (*Lepomis cyanellus*), and yellow bullhead (*Ameiurus natalis*), may be used as live bait only within the pool of a lake or impoundment where taken. If taken on a flowing stream or river, the wild-caught bait fish, except black bullhead (*Ameiurus melas*), bluegill (*Lepomis macrochirus*), green sunfish (*Lepomis cyanellus*), and yellow bullhead (*Ameiurus natalis*), shall not be transported upstream across any dam or natural barrier.

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

- (1) Artificial lures;
- (2) bait fish;
- (3) prepared bait;
- (4) vegetable material;
- (5) material or artificial matter attached to a hook; and
- (6) other wildlife, except those species specifically prohibited as bait and those species listed

~~under~~ in K.A.R. 115-15-1 or K.A.R. 115-15-2.

(b) Animal, vegetable, ~~or~~ and other ~~non-toxic~~ nontoxic material may be used as fish attractants.

This regulation shall be effective on and after January 1, 2012. (Authorized by and implementing K.S.A. 1989 Supp. 32-807; ~~implementing~~ K.S.A. 1989 Supp. 32-807 and K.S.A. 1989 Supp. 32-1002; effective Sept. 10, 1990; amended P-\_\_\_\_\_.)

## **ECONOMIC IMPACT STATEMENT**

**K.A.R. 115-7-6.** Fishing; bait.

**DESCRIPTION:** This permanent regulation establishes provisions applicable to the use of bait in Kansas. The proposed amendments merely update the regulation.

**FEDERAL MANDATE:** None.

**ECONOMIC IMPACT:** The proposed amendments are not anticipated to have any substantive economic impact to the department, other state agencies, small businesses, or the public.

**ALTERNATIVES CONSIDERED:** No alternative amendments are being considered at this time.

**115-7-10. Fishing; special provisions.** (a) A person who takes any fish from a body of water shall not tag, mark, brand, clip any fin of, mutilate, or otherwise disfigure any fish in a manner that would prevent species identification, examination of fins, recovery of tags, or determination of sex, age, or length of the fish before releasing the fish back into the body of water, unless a permit authorizing this activity has been issued by the department.

(b) No person may possess any live fish upon departure from any designated aquatic nuisance body of water. Designated aquatic nuisance waters shall be those specified in the department's "Kansas designated aquatic nuisance waters tables," dated August 25, 2011, which is hereby adopted by reference.

This regulation shall be effective on and after January 1, 2012. (Authorized by and implementing K.S.A. 32-807; implementing K.S.A. 32-807 and K.S.A. 2008 Supp. 32-1002; effective Nov. 20, 2009; amended P-\_\_\_\_\_.)

## **ECONOMIC IMPACT STATEMENT**

**K.A.R. 115-7-10.** Fishing; special provisions.

**DESCRIPTION:** This permanent regulation establishes special provisions related to fishing. The proposed amendments would prohibit transporting live fish from designated waters containing aquatic nuisance species.

**FEDERAL MANDATE:** None.

**ECONOMIC IMPACT:** It is anticipated that there would be no substantive economic impact to the department, other state agencies, small businesses, or the public.

**ALTERNATIVES CONSIDERED:** None.

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

- (a) Fishing shall be prohibited at boat ramps and boat docks closed to fishing by posted notice.
- (b) Fishing shall be prohibited at swimming areas and swimming beaches that are posted as swimming areas or swimming beaches and delineated by buoys or other markers.
- (c) Minnows, bait fish, and other fishing bait may be taken for use as fishing bait only on a noncommercial basis and may be used only in the department-managed water where taken.
- (d) Seining in department-managed waters shall be prohibited.
- (e) The cleaning of fish in state parks shall occur only at designated fish\_cleaning stations or other locations as established by the department.
- (f) The use of trot lines and set lines shall be prohibited in the waters of Crawford state park, Meade state park, Scott state park, and all department-managed impoundments under 1,201 surface acres in size.
- (g) Additional restrictions may be established by posted notice.

This regulation shall be effective on and after January 1, 2012. (Authorized by and implementing K.S.A. 32-807; effective Dec. 4, 1989; amended Dec. 28, 1992; amended Nov. 29, 1999; amended Nov. 20, 2009; amended P-\_\_\_\_\_.)

## **ECONOMIC IMPACT STATEMENT**

**K.A.R. 115-8-6.** Fishing, fish bait, and seining.

**DESCRIPTION:** This regulation establishes certain fishing restrictions on department lands and waters. The proposed amendment clarifies bait fish may only be used where taken on department lands and waters.

**FEDERAL MANDATE:** None.

**ECONOMIC IMPACT:** The department does not anticipate that the amendment would have a substantial economic impact on the public, on the department, small businesses or on other state agencies.

**ALTERNATIVES CONSIDERED:** None.

**115-8-12. Stocking or releasing of wildlife.** Wildlife may be stocked or released on department lands or waters, navigable publicly owned rivers, and federal reservoirs only as authorized by any of the following:

- (a) A written agreement issued by the department;
- (b) a permit issued by the department;
- (c) a department-approved management plan;
- (d) ~~rules and~~ regulations; or
- (e) posted notice.

This regulation shall be effective on and after January 1, 2012. (Authorized by and implementing K.S.A. 32-807; implementing K.S.A. 32-807, K.S.A. 32-1002, and K.S.A. 32-1015; effective Dec. 4, 1989; amended July 13, 2001; amended P-\_\_\_\_\_.)

## **ECONOMIC IMPACT STATEMENT**

**K.A.R. 115-8-12.** Stocking or releasing of wildlife.

**DESCRIPTION:** This permanent regulation establishes certain restrictions on release of wildlife on department lands or waters. The proposed amendments add federal reservoirs and publicly owned navigable rivers to the list of properties where wildlife may not be released in relation to prevention of aquatic nuisance species from establishing in other locations.

**FEDERAL MANDATE:** None.

**ECONOMIC IMPACT:** The proposed amendments are not anticipated to have any appreciable economic impact on the department, other agencies, or the public.

**ALTERNATIVES CONSIDERED:** None

**115-30-13. Removal of vessels from waters of the state.** The livewells and bilges shall be drained and the drain plugs removed from all vessels being removed from the waters of the state before transport on any public highway of the state.

This regulation shall be effective on and after January 1, 2012. (Authorized by and implementing K.S.A. 32-807; effective P-\_\_\_\_\_.)

## **ECONOMIC IMPACT STATEMENT**

**K.A.R. 115-30-13.** Removal of vessels from waters of the state.

**DESCRIPTION:** This new permanent regulation would establish provisions and restrictions concerning removal of vessels from waters of the state. The proposed regulation would require livewells and bilges be drained and the drain plugs removed from all vessels being removed from the waters of the state before transport on any public highway of the state in an attempt to prevent the spread of aquatic nuisance species. The proposed regulation would become effective on January, 1, 2012.

**FEDERAL MANDATE:** None.

**ECONOMIC IMPACT:** The proposed amendment should not have a significant economic impact on the department, the general public, or other agencies.

**ALTERNATIVES CONSIDERED:** None.

**K.A.R. 115-30-13.**

**115-30-13. Removal of vessels from aquatic nuisance designated waters.  
POSSIBLE AMENDMENT**

As a result of public and internal Department comment on the proposed regulation, the Department offers the following amendment to the version of the regulation submitted for public comment.

**115-30-13. Removal of vessels from aquatic nuisance designated waters.**

**1. Amend title as follows: 115-30-13. Removal of vessels from ~~waters of the state~~ designated aquatic nuisance waters.**

**2. Amend proposed regulation as follows:**

(a) The livewells and bilges shall be drained and the drain plugs removed from all vessels being removed from ~~the waters of the state~~ designated aquatic nuisance waters before transport on any public highway of the state.

**3. Add subparagraph (b) as follows:**

(b) Designated aquatic nuisance waters shall be those specified in the department's "Kansas designated aquatic nuisance waters tables," dated August 25, 2011, which is hereby adopted by reference.

# **Kansas Department of Wildlife, Parks, and Tourism**

## **Kansas Designated Aquatic Nuisance Waters Tables**

**Dated: August 25, 2011**

### Designated waters containing select prohibited species

Kansas River

Missouri River

El Dorado Reservoir

Walnut River from El Dorado Reservoir dam to Oklahoma

Winfield City Lake

Timber creek from Winfield City Lake dam to confluence of the Walnut River

Cheney Reservoir

North Fork Ninescah River from Cheney Reservoir dam to confluence of the Arkansas River

Arkansas River from confluence of North Fork Ninescah River to Oklahoma state line

Perry Reservoir

Delaware River from Perry Reservoir dam to confluence of the Kansas River

Marion Reservoir

Cottonwood River from Marion Reservoir dam to confluence of the Neosho River

John Redmond Reservoir

Milford Reservoir

Republican River from Milford Reservoir dam to confluence of the Smoky Hill River

Smoky Hill River from confluence of the Saline River to the confluence of the Republican River

Jeffery Energy Center Make-up Lake

Jeffery Energy Centy Auxillary Lake

Council Grove City Lake

Council Grove Reservoir

Neosho River from Council Grove Reservoir dam to Oklahoma state line

Melvern Reservoir

Marais des Cygnes River from Melvern Reservoir dam to Missouri state line

Wilson Reservoir

Saline River from Wilson Reservoir dam to confluence of the Smoky Hill River

Lake Afton

Clearwater Creek to confluence of the Ninescah River

Kingman Hoover Pond

Kingman State Fishing Lake

Camp Minnescah dam, South Fork Ninescah River to confluence of the North Fork Ninescah

Sedgwick County Park Lakes

Vic's Lake, Horseshoe Lake, Tom Scott Lake, Moss Lake and Kids Pond at Sedgwick County Park

Hutchinson Carey Park Pond

Lagoon and Fishing pond

Wakarusa River from Clinton Reservoir dam to confluence of the Kansas River

Big Blue River from Rocky Ford dam to confluence of the KS River

Browning Oxbow

Atchison County

Independence Creek from Atchison SFL to confluence of MO River

Walnut Creek to confluence of MO River

Lang Hollow to confluence of MO

Owl Creek to confluence of MO

Little Walnut Creek to confluence with MO

Brown County

Terrapin Creek to confluence of Walnut Creek

Mulberry creek to confluence of Walnut Creek

Walnut Creek to Nebraska state line

Cherokee County

Neosho River Chetopa dam to OK state line

Doniphan County

Squaw creek to confluence of the MO

Spring Creek to confluence of MO

Mill Creek to confluence of MO

Mission creek to confluence of MO

Wolf River

Brush Creek to confluence of the MO

Mosquito Creek to confluence of the MO

Smith Creek to confluence of the MO

Peters Creek to confluence of the MO

Douglas County

Mud Creek to confluence of the KS

Nemaha County

S Fork Big Nemaha River to Nebraska State Line

Burger Creek to confluence of Turkey Creek

Turkey Creek to confluence of the S Fork Big Nemaha River

Clear Creek to confluence of Turkey Creek

Negro Creek to confluence of Clear Creek

Manley Creek ton confluence of Pole Creek

Pole Creek to confluence of Turkey Creek

Harris Creek to Confluence of the S Fork Big Nemaha River

Wildcat Creek to confluence of Harris Creek

S Fork Wildcat Creek to confluence of Wildcat Creek

N Fork Wildcat Creek to confluence of Wildcat Creek

Fisher Creek to confluence of S Fork Big Nemaha River

Tennessee Creek to confluence of S Fork Big Nemaha River

Illinois Creek to confluence of the S Fork Big Nemaha River

Deer Creek from Sabetha City Lake to confluence of the S Fork Big Nemaha River

Wolf Pen Creek to confluence of Deer Creek

Four Mile Creek to Nebraska State Line

Rock Creek to Nebraska State Line

#### Johnson County

Coffee Creek to confluence of Wolf Creek

Wolf Creek to confluence of the Little Blue River

Little Blue River to Big Blue River

Big Blue River to Missouri State Line

#### Leavenworth County

Stranger Creek to confluence of the KS