

AGENDA
KANSAS DEPARTMENT OF WILDLIFE, PARKS & TOURISM
COMMISSION MEETING AND PUBLIC HEARING
Thursday, April 25, 2013
Great Plains Nature Center
6232 E 29th St N
Wichita, Kansas

- I. CALL TO ORDER AT 1:30 p.m.**
- II. INTRODUCTION OF COMMISSIONERS AND GUESTS**
- III. ADDITIONS AND DELETIONS TO AGENDA ITEMS**
- IV. APPROVAL OF THE March 21, 2013 MEETING MINUTES**
- V. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS**
- VI. DEPARTMENT REPORT**
 - A. Secretary's Remarks**
 - 1. Agency and State Fiscal Status (Robin Jennison)**
 - 2. 2013 Legislature (Chris Tymeson)**
 - B. General Discussion**
 - 1. Lincoln Street, Ark River Project Update (Doug Nygren)**
 - 2. Fishing Regulations (Doug Nygren)**
 - 3. Park Regulations (Linda Lanterman)**
 - 4. Late Migratory Bird Seasons (Tom Bidrowski)**
 - C. Workshop Session**
 - 1. Early Migratory Bird Seasons (Tom Bidrowski)**
 - 2. Agritourism Regulations (Chris Tymeson)**
 - 3. Fort Riley Deer and Other Considerations (Lloyd Fox)**
 - 4. Furbearer Regulations (Matt Peek)**
 - 5. Lesser Prairie Chicken Federal Listing Update (Keith Sexson and Jim Pitman)**
 - 6. Prairie Chicken Regulations (Jim Pitman)**
 - 7. Public Land Regulations (Brad Simpson)**

VII. RECESS AT 5:00 p.m.

VIII. RECONVENE AT 7:00 p.m.

IX. RE-INTRODUCTION OF COMMISSIONERS AND GUESTS

X. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

XI. DEPARTMENT REPORT

D. Public Hearing

- 1. KAR 115-2-3. Camping, utility, and other fees. (Linda Lanterman)**
- 2. KAR 115-4-11. Big game and wild turkey permit application (Jim Pitman)**
- 3. KAR 115-25-7. Antelope; open season, bag limit, and permits. (Matt Peek)**
- 4. KAR 115-25-8. Elk; open season, bag limit, and permits. (Matt Peek)**

XII. OLD BUSINESS

XIII. OTHER BUSINESS

A. Future Meeting Locations and Dates

XIV. ADJOURNMENT

If necessary, the Commission will recess on April 25, 2013, to reconvene April 26, 2013, 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, June 27, 2013 at Lee Richardson Zoo, Garden City, KS.

**Kansas Department of Wildlife, Parks and Tourism
Commission Meeting Minutes
Thursday, March 21, 2013
Kansas History Center, Topeka, KS**

Subject to
Commission
Approval

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

The March 21, 2013 meeting of the Kansas Wildlife, Parks and Tourism Commission was called to order by Chairman Gerald Lauber at 1:34 p.m. at the Kansas History Center in Topeka. Chairman Lauber and Commissioners Don Budd, Tom Dill, Roger Marshall and Robert Wilson 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 – Linda Lanterman will present Workshop item #3 in place of Rick Martin.

IV. APPROVAL OF THE January 10, 2013 MEETING MINUTES

Commissioner Robert Wilson moved to approve the minutes as presented, Commissioner Tom Dill second. **Approved.** (Minutes – Exhibit B).

V. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

Ken Kreif - Came in January and spoke with you, and as requested I have met with Jason Goeckler and his staff at the Emporia office. Good job on tourism (signs displayed); however signs should say wear protective gear when entering water, like gloves and shoes. Have issue with transporting water and zebra mussel problems (on handout – Exhibit C). Two statements: 1) Transporting wild caught bait-fish equals water from that same location moving with the fish. The water could likely have zebra mussel microscope eggs. Which by the way is why the fishing regulations requires live wells to be drained – so that same water is not transporting contamination via the boat's live well, that contamination being zebra mussels or other aquatic nuisance species. 2) The posting of a water body as contaminated does not occur until after the contamination has happened - meanwhile people are moving this contaminated water with the wild caught bait fish to other bodies of Kansas waters before the posting occurred. Why are you allowing transport of bluegill and green sunfish? We don't want you to allow any transport of fish, like surrounding states. Requested in January, reverse position which will cause contamination and proliferation. Don't allow any fish to be transported. Thanks for consideration of my request. (Read from brochure found on table regarding aquatic hitchhikers).

Tim Medean - Hunting in Kansas, major tourist attraction; but you need to protect private-owned land. What rights do landowners have? Record deer poached 2011 was poached on our land. Called and reported spotlighting at night, I feel those antlers belong to me from that poached deer. I can't set up high fence, but while deer are on our private property we should have rights. Chairman Lauber directed him to speak to Kevin Jones. Mike Pearce – Didn't the Judge award you \$8,000? Medean – Yes, we just received the first check. The deer should have some value, plus trespassing. Pearce – Was value you put on hunting there before or after poaching? Medean – Before.

Robert Williams, Topeka – I would like to see year-end statistics on fines. Started for-profit hunting in this state and the guy who poached that deer was front and center on the magazine of a state group. Contacted wildlife and parks about a reserve officer program, for safety and financial reasons; if finances are an issue add fee to nonresident license. Outfitters should not be permitted in the state if you have no oversight on their activities. Minimum on coast is a six-pack license that allows someone to take six people out on a boat or hunting. Also, exception to crossbow hunting, no locking device on compound bow; understand crossbow does not have range of rifle, but does have trigger device which makes it a safety issue. Not objecting to elderly, disabled or kids using crossbows. Used to have a draw weight in regulations, which we no longer have, burden of ethics on shoulder of who is out there hunting, like to see more oversight from the state. Any statistics on Unit 19 hunts? Need to do studies on effectiveness, saw deer feeders within 100 yards or I-70 should be restrictions on drawing animals to that area.

Chairman Lauber – Comment on bluegill and green sunfish, they are used as bait and this was a private waters issue. Asking law enforcement to minimize, difficult to tell where fish are being moved from. Appreciate need for water movement; cannot move water from contaminated waters now. Depend on burden of ethics on shoulders of hunter, each officer responsible for about 2-3 counties in 105 counties, they are overburdened now. Interesting that there are feeders close to the highway, seems counterproductive. Commissioner Budd – On outfitter side of this, always a big issue, they are collecting fees for a service they are providing and legislature weighed in on this and took permitting outfitters away. Tymeson – History, in 1990 started regulating guides; shortly after bill was passed in 2000, legislature came in and parched out certain things and left bill with only big game and waterfowl guides requiring licenses; then bill introduced to do away with outfitter licenses. Our position was to regulate all, or none, and they decided to regulate none. We regulate public lands, but that is all. Chairman Lauber – When we talk to constituents there is a high level of disdain for outfitters and there has been a big increase with commercialization. Guides and outfitters are seen by some as a conduit for commerce, but are extremely unpopular. Don't know what we can do about leasing. Commission Budd – When I talked to hunters, we have same opinion as legitimate outfitters do, they know there is disdain from public and wouldn't mind the regulations because they are creating a profit off of resource in Kansas and don't want bad apple ruining it for the rest of the outfitters. A lot of the issues discussed here seem to relate to outfitters. Tymeson – Another bill was introduced a few years ago to regulate, a board was to be set up; but was it was an attempt to keep out out-of-state outfitters.

VI. DEPARTMENT REPORT

A. Secretary's Remarks

1. Agency and State Fiscal Status – Robin Jennison, Secretary, presented this update to the Commission. Active couple of weeks on finances for the department – when we put budget together, Governor wanted reduction of EDIF money for parks and tourism and some administration. Took all out of parks with the thought that paying off the cabin loan would bring in \$800,000 to \$1 million dollars annually and thought it would be back up to park passport (Michigan got 20 percent - conservatively said we would get 10 percent). Didn't calculate any annual permits, made it look like PFF was going to do well, but in hindsight we should have left it flat. When budget made it to full appropriations, they took out some of transportation money, which would be a loss in revenue and swept cabin revenue fund and took about \$500,000; need to be able to keep ending balances to get through a bad year, think we will get that back. If you read the bill, they took KDOT money that was going to go into our roads. Parks passport only got about 2 percent of those registering, so far this month about 3,500 parks passports have been sold, so I think it will grow and become successful, but not sure it will this year. PFF is running low compared to last year.

2. 2013 Legislative Update – Chris Tymeson, chief legal counsel, presented this update to the Commission (Exhibit D). First year of two-year cycle and we are past turnaround, which means bills that didn't come out of an exempt committee are dead, but can still come out if pushed. Supplement, Mega and Omnibus bills will coming out of the legislature separately this year; and they are trying to go on 80-day session track, allowed 90 days. I track about 120 bills in a session that impact the agency in some way. SB49 (KDWPT initiative)--Current law makes it unlawful to operate a vessel with a blood or breath alcohol concentration of .08 at the time of or within two hours of operating a vessel. This bill would increase the time period from two hours to three hours after operation of a vessel, making it consistent with state DUI laws for motor vehicles. This bill is on House general orders. SB50 (KDWPT initiative)--This bill would require anyone born on or after January 1, 1989 to complete an approved boater education course before operating a vessel without supervision. Current law exempts anyone 21 or older from education requirements. This bill was referred to the Senate Natural Resources Committee. This bill had a hearing January 24 and hasn't gone anywhere and don't expect movement. SB57 -- Under statute, anyone possessing domesticated deer must be permitted under the Kansas Department of Agriculture. This bill would amend that statute to allow the Department of Agriculture to request assistance from the Kansas Department of Wildlife, Parks and Tourism in implementing and enforcing laws governing domesticated deer. On House general orders today, expect final action tomorrow. SB74 -- This bill would prohibit the Department of Corrections from producing modular homes, including KDWPT cabins. We have requested an exemption to allow DOC to produce the cabins being placed in state parks, state fishing lakes and wildlife areas. This bill was amended to protect the KDWPT cabin program and the department supports the bill as amended. Placed on House general orders today. SB94 --This bill deals with certain crimes and punishments and amends the definition of a firearm to exempt antique firearms including matchlock, flintlock and percussion cap muzzleloaders, making it consistent with the federal definition of firearms. Sitting in Committee. SB223 -- This bill would authorize use of a crossbow by all hunters during big game archery season. The bill has been referred to the

Committee on Natural Resources. Senate Resolution 1711 -- This resolution opposes the black-footed ferret programmatic harbor agreement and environmental assessment drafted by the U.S. Fish and Wildlife Service, which involves black-footed ferrets that were reintroduced into Logan County in 2007. This resolution was referred to the Senate Committee on Natural Resources and passed the Senate as amended 31-9. HB2030 (KDWPT initiative)--This bill would allow the department to issue ten "Wounded Warrior Deer Permits" to disabled veterans who sustained injuries in combat and have a service-connected disability of not less than 30 percent. Passed House yesterday and expect it to pass out of Senate today and pass on to the Governor. HB2052 - - This bill creates the crime of unlawful discharge of a firearm within or into the corporate limits of any city. However, it allows the discharge of a firearm to lawfully take wildlife, including nuisance wildlife, if approved by the KDWPT and the governing body of the city. Hearing this morning, appears it will be firearms omnibus bill, not sure what concealed carry and other firearms bills will become a part of this. HB2076 -- This bill would exempt any honorably discharged veteran who resides in Kansas and has a service connected disability equal to or greater than 30 percent from all hunting and fishing license/permit requirements and fees. The department opposes this bill. Sounds good, but to give free licenses someone has to pay for that, five currently because funded by SGF or EDIF funds now. HB2244 (KDWPT initiative) -- This bill was introduced as a result of the ballot issue which passed in November 2012 allowing the state constitution to be amended and a change to the way watercraft are taxed in the state. This bill would gradually reduce the percentage of appraised value used to assess property tax on a watercraft to 20 percent in 2014, 10 percent in 2015, then exempting watercraft from taxation for tax year 2016 and thereafter. Hostile environment at House Committee, Department of Revenue came up with alternative plan, reduce boat taxes for next two years by one-third, than 15 percent then 11.5 percent for two years after that. Don't think subcommittee wanted zero. Our plan would save 60 percent to 65 percent. Current House plan would result in 75 percent decrease in one year because of age of vessels in Kansas fleet. HB2362 -- This bill would amend provisions of the nongame and endangered species conservation act, specifically redefining critical habitat as it relates to a threatened and endangered species, as well as significantly changing how species are designated threatened or endangered (T&E) in Kansas. The department opposes the bill, which was referred to the Committee on Agriculture and Natural Resources. This bill had a hearing in February, department has started process for recommendations on T&E species. There is a potential for bill to go forward next year. Chairman Lauber – Explain Senate Resolution 1711 again? Senate Resolution 1711 – Keith or Robin would be better at this, but resolution opposes the black-footed ferret programmatic harbor agreement and environmental assessment drafted by the U.S. Fish and Wildlife Service, which involves black-footed ferrets that were reintroduced into Logan County in 2007. Chairman Lauber – Saw multiple emails on this. Secretary Jennison – Safe harbor is more widespread than just Kansas, member of WAFWA in cooperative agreement with NRCS, attempts to reward landowners to put in a place for reintroduction of ferrets where prairie dogs are. Will be changes to it, but expect it will come into effect. Tymeson – Comment period for safe harbor is open right now. Commissioner Marshall – On T&E, KDWPT speak in favor or opposed? Tymeson – Opposed, department has authority to list species, national environmental policy act allows us to act on NEPA grants. If T&E laws are watered down, then all species reviews would have to go to USFWS. Bill was short-sighted and pertains to fringe species. Genesis of the bill was due to agriculture development. Chairman Lauber – Deal with a snake? Tymeson – It did. Commissioner Budd – What about crossbow issue? Tymeson – May know more tonight. Commissioner Budd – Is legislature more involved

in last 4-5 years? Tymeson – Since I started with the department, I don't feel any less. People go to legislators to get law changed. Commissioner Budd – If acting on crossbow issue tonight and people don't like it could go to legislature and potentially overturn that. Chairman Lauber – If we make a mistake we can come back and correct it; but if legislature makes a mistake they may not come back and correct it. Tymeson – We deal in regulations and statutes control what we do, similar to deer issue and deer statute, cobbled together and changed and eventually put us into a box, which we try to avoid. Chairman Lauber – We are not elected, we pass regulations, not statutes and regulations go through a long process; legislators can do some things in 24 hours if they want. Commissioner Budd – Agree, problem is with lawmakers who put us in a box and then law enforcement and wildlife and parks suffer the consequences. Continue to allow lawmakers to make policy or we may not only be in a box, but not own the box anymore.

3. Recreational Access to Kansas Waterways - Chris Tymeson, chief legal counsel, presented this update to the Commission (Exhibit E). Short briefing on recreational access to Kansas waterways – there are two types of waters in Kansas: navigable and non-navigable. Navigable waters decided in Meek v. Hays 1990 court case which defines navigable rivers: Kaw or Kansas, Missouri, and Ark or Arkansas were listed as navigable. This stemmed out of a criminal case, but could have been put in the constitution and made all waterways navigable and we did not want that. Also, there were AG opinions: traverse or ordinary high-water mark. Non-navigable is everything else; and requires permission of the underlying landowner. Commissioner Marshall – If people upset about four wheelers going up dry riverbeds that is a legislative issue. Tymeson – Waters are not owned by the department, owned by state, constitutional issues of taking public property for private use. Doug Phelps, Manhattan – Do you have to have permission of both landowners on each side of river to be on it? Tymeson – Have permission of underlying landowner, but don't know where those lines lie.

B. General Discussion

1. Presentation of an Outstanding Sportfish Restoration Award for 2012 - Mike Stone, American Fisheries Society (AFS) Fisheries Section President-elect, presented this award to the Fisheries Section. On behalf of Fisheries Administration Section of AFS we are pleased to provide the 2012 Sport Fish Restoration Outstanding Project award in Sport Fishery Development and Management Access category to Kansas Department of Wildlife, Parks and Tourism on Kansas Fishing Impoundments and Stream Habitats (FISH) program (Exhibit F – letter). Program in place since 1988, revitalized recently using a combination of funds; updated lease rates were developed and provided priority areas. Had a 181 percent increase in 2012 from 2011. Background on AFS – oldest and largest society advancing fishing science and resource, founded in 1970 with over 130,000 members. DJ/PR funds come from revenue tax on boats, tackle and motorboat fuel, created in 1950 and expanded in 1984. Kansas fisheries received about \$4.9 million in 2012; from 1950-2012 \$106.3 million total. Significance goes far beyond funding. Expansion in 1984, Kansas received hatchery improvements, motorboat access, etc. The award is intended to highlight the importance and effectiveness of the Sport Fish Restoration program and recognize excellence in fisheries management, research, and education. (*Gerald Lauber accepted the award*). Doug Nygren – This program was a joint effort with wildlife section, Jake George obtained VPA grant in coordination with Tom Lang who has since moved to Texas. Regional supervisors and fisheries biologists helped make this program successful.

2. Recognition of Service for K-9 Rex - Kevin Jones, Law Enforcement Division Director presented this award (Exhibit G). About ten years ago (2002) this idea was brought forth by Lt. Jason Barker, five teams were selected and training was done in Indiana. After 10 years of faithful service, K-9 Officer Rex retired from KDWPT. Owner and program supervisor Lt. Jason Sawyers has been partners with Rex since the program's inception. During their initial training in Indiana, Sawyers and Rex were educated in tracking, wildlife detection and evidence recovery. As one of five teams in Kansas Jason and Rex played a pivotal role in the enforcement of game-related laws and conservation of our resources. Rex was obtained from an animal shelter and will remain with Sawyer's family. (*Jason Sawyers accepted the award*)

Chairman Lauber – We need to go out of order and do roadside maintenance before tourism.

4. Roadside Maintenance for Wildlife - Scott Shields, KDOT, presented this update to the Commission (Exhibit H). Roadside Aesthetics Task Force - At the direction of the Secretary of Transportation, Deb Miller, 21 participants representing ten agencies and organizations were selected by her staff for a multi-discipline task force to study the issues in roadside management. The Task Force identified specific concerns for effective native plant management and those presented by the Secretary. Recommendations: 1) Develop demonstration/enhancement native plant beds at significant interchanges and other prominent sites within the Flint Hills. These would attract the travelers' attention and promote an awareness and appreciation for prairie plants. Planting beds would include a selection of native wildflowers and grasses for a show of colorful blooms throughout the growing season. 2) Restrict mowing on rural roadsides. Recommended changes to the mowing policy would discontinue all mowing, except for urban areas, shoulders, medians, and safety zone mowing for sight distance. Areas outside the shoulders would only be mowed out as required to control woody tree seedlings, noxious weeds, or other undesirable growth. Chairman Lauber – Would like to see seed mix? I would expect roadside plantings have an impact on deer issues. Shields – Some road right-of-ways are very narrow, not sure vegetation makes a difference; deer are going to travel from point A to point B, no matter what. Commissioner Marshall - What roads are in your control? Shields – State and federal highways only, not county roads. Commissioner Marshall – County commissioners would control those; why do you think they mow them so short? Shields – Depends on their local sentiment. Clay Adams, KDOT – To specifically address deer issue, studies done on national level in other states, hard to control. Secretary Jennison and our Secretary Mike King met to discuss roadside maintenance, interested in doing a study in Kansas. We are looking and gathering information on state highway system to find location with a lot of accidents. Thought is that when we mow right-of-way deer come out to eat fresh green grass. Our two secretaries are looking at possibility of working together. Chairman Lauber – Feel less mowing might be better, but that is my opinion only. Roger Wolfe – In response to county maintenance, we got a copy of the report that committee put together; take it to county commissions and show them what KDOT is adopting. Talked about that in committee and feel some counties are adopting those. Commissioner Marshall – Have we reached out? Wolfe – Possibly through biologists, don't know. Pat Wakeman – Comments for KDOT – why do you hay right-of-ways? Adams – Have hay policy, allow adjacent landowners to mow, first rights up until March 31, open for others to apply after that. Not issuing permits for native wildflower areas to be mowed. Shields – Places planted in 1980s and 1990s are smooth brome and they want to hay those. Ron Klataske,

Audubon of Kansas – Complement KDOT for improvements made in recent years; we have come a long way, but quite a ways to go yet; like invasion of Caucasian bluestem, which will be great threat to native plants. Most of members of committee suggested mowing delayed to November, when better chance of plants going dormant, would like them to delay until late winter or early spring. Haying is a big problem, especially in western Kansas, more commercial operation there than just landowners. If mowed down where will birds nest? Not the best cover next to the road, but it is some cover. Tim Donges, Quality Deer Management (QDM) Association – Noble Foundation out of Oklahoma and Dr. Craig Harper out of Tennessee have listed what plants/forbs species deer prefer.

Break

3. Tourism 2012 Year in Review - Becky Blake, Tourism Division director, presented this update to the Commission (Exhibit I). Summary of accomplishments shown on video. 2012 was a busy year, one in which we muddled through with a shortened staff. Thank my incredible team; we have close to smallest budget in the country. March folks are thinking about summer and fall travel; doing integrated campaign with TV and print, also did several travel shows. Online components continue to become more important every year; collectively about 25,000 consumers following us on Facebook and Twitter. Over one million names in database who we communicate with on their specific interest. We are often asked why we don't see commercials for Kansas, and the reason is we are not running those in Kansas, but it is also a resource issue. We will be doing more television spots in state starting next month. Five focus areas: history, western arts and culture, discovery (zoos and scientific attractions), and nature-based (both consumptive and non-consumptive). Did 2012 ad effectiveness study and getting about \$80 back for every \$1 spent. Went back to annual travel guides this year and Outdoor Guide, which was a supplement of *Kansas Magazine*, both supported over half by advertising. Not done with database transfer, populated by industry across the state. It is an ongoing challenge to keep it current with 30,000 to 45,000 unique visitors to *Travel Kansas* each month. Magazine received best in show for our website design. Have five microsites on our TravelKs website: Kansas Magazine, Kansas Byways, Flint Hills, Agritourism, and Tourism industry. We will be in Chicago in a couple of months, and five communities will join us there. Implementing 2013, and plans are underway for 2014 ad campaigns. Awarded five grants for \$100,000, had 16 requests so difficult challenge to find just five. Coordinate byways program, Sue Stringer came over from KDOT to work on that and she is doing a tremendous job. Working on guidelines for interpretive plans; extensive photography plan underway for that. Assisting KDOT with bike trail on byways in Kansas and have new byways booklet. Agritourism we are continuing to promote, this if the year for five-year renewal; Flint Hills is priority for development. Access to private lands – Flint Hills vacations, two landowners who opened this corporation. River/trail development, microsite will occur shortly after; working with Network Kansas and other groups to see if we can get folks interested in providing services along the river. Why do we do all this? Measuring tourism, not standard economic terms, demand side industry. IHS Global is looking at tourism benefits in Kansas to provide consistent benchmark on how we are doing. *Showed DVD highlighting tourism. (From posters around room: 321 million visitors in 2011; 6.3 percent more than 2009; every 217 visitors creates a new job; each visitor contributes \$61 in tax receipts, \$32 which got to state and local government; it takes 320 visitors to pay for one public school student; \$5.8 billion economic impact in 2011, \$12.8 in 2009; 2012 ad campaign: 133,000 incremental trips to*

KS from target markets, \$73,500,000 spent; \$915,000 investments; 27.4 percent of state and local tax revenue; third largest private sector employer behind healthcare and retail trade. Visitors to Kansas spent \$7.6 billion in the state in 2011; 148,000 jobs in 2011, 7.8 percent more than 2009. Tourism is responsible for about 14.4 percent of tax revenues.) Commissioner Dill – Is visitor numbers increasing? Blake – Overall numbers are leveling out. Commissioner Dill – See trails going in across the state? Linda Craghead – Secretary Jennison and I met with Secretary King of KDOT to work on trail priorities; progress being made on Flint Hills trail which will link us to Katy Trail in Missouri and Homestead Trail in Nebraska. Also, there is some trail advancement west of Wichita; on Herington to Salina trail, not sure, need local community buy-in. We would be happy to sit down with local people on opportunities.

5. Webless Migratory Birds – Rich Schultheis, waterfowl biologist, presented this report to the Commission (Exhibit J). No changes recommended for webless game birds; subject to same process as waterfowl, but are in permanent regulation so can handle them a little different than waterfowl. Unless changes are requested no further action will be required of the Commission.

6. Early Migratory Bird Seasons – Tom Bidrowski, waterfowl biologist, presented this report to the Commission (Exhibit K). Blue-winged teal are one of the earliest migrating waterfowl; as long as the blue-winged teal May Breeding Population Index (BPI) is above 3.3 million, a 9-day teal season can be held. If the blue-winged teal BPI exceeds 4.7 million, a 16-day season can be allowed. The 2013 blue-winged teal breeding population total will not be known until late June, but based on last year's (2012) blue-winged teal breeding population of 9.2 million and spring habitat conditions in the Prairie Pothole Region, the 2013 BPI is expected to allow a 16-day season. Staff recommendations in April, final vote in June. Commissioner Marshall – Plenty of them? Bidrowski – Yes. Commissioner Budd – Will other migratory birds be set at that time? Bidrowski – No, surveys won't be done until July. Pearce – What are projections on numbers? Bidrowski – Good moisture and looking good for breeding conditions, but not sure how they will be affected by oil production. Commissioner Budd – Any predictions for waterfowl season? Bidrowski – Expect to remain in liberal package.

7. Furharvester Regulations – Matt Peek, furbearer biologist, presented this report to the Commission (Exhibit L). Sixteen changes that span five regulations: KAR 115-5-1: 1) delete “conibear-type” as per request from Victor trap manufacturer; “conibear” name is trademarked. Two years ago, we specified that foothold traps must be smooth-jawed; this applied to both land and water sets. Since then, some trappers have complained about the inability to use toothed traps; injury rate not much different. In Commission book said these were considerations, but bringing forward as recommendations from the department. The authorization to hunt coyotes from vehicles and with radios is provided in 115-5-1. We are considering whether to allow these activities except during the primary 12-day firearm deer season; came from recommendation of Group led by Kevin Jones. 2) KAR 115-5-2: Currently only bobcats to be sold or shipped from the state must be tagged. To avoid confusion, the tagging requirement could be applied to all bobcats. 3) KAR 115-6-1: Add otter to area that specifies that furdealers may purchase only bobcats and swift foxes that have been pelt tagged. Furdealers must turn in record books by April 1; by changing this due date to May 1, most dealers would have liquidated their fur, and be able to zero out their books. A dealer's application may be refused or revoked for failure to comply

with or violating licensing conditions. This could be expanded to include violation of department laws or regulations, or suspension or revocation of any other Department license or permit. Colorado does not require tagging of swift fox. 4) KAR 115-16-5: Add otter, which subjects bobcat and swift fox to furharvesting tagging requirements. Allow KDWPT No. to be used as an alternative to user's name and address. 5) KAR 115-25-11: Trappers have often requested an alternative to discarding incidentally taken muskrats during beaver season after muskrat season is closed. We are considering options for allowing them to keep these incidentally taken muskrats. Extend furbearer running season closure from November 1 to November 8 so harvest season opens November 12-18, depending on the year. We've had requests from houndsmen to alter the field trial permit so they can hold events between running season and harvest season in 115-13-4. Extending running season for all is a better alternative. As an alternative to November 8, we could close it a week before the harvest opener (the Wednesday after the first Saturday in November). Otter season changes are being considered: eliminate the 100 otter season quota; eliminate requirement to contact the department within 24 hours of harvest; eliminate requirement to present pelt for tagging within four days of harvest. Instead require pelt to be tagged within seven days of season like bobcat; eliminate requirement to turn in carcass to the department. Instead, require lower canine teeth to be turned in at time of tagging; maintain the two-otter quota. All indications are the population is healthy, reproducing well, and gradually expanding in range into central Kansas, though in pretty low numbers outside of southeast Kansas. We can be a little less conservative than we are now without eliminating limits altogether. We're working on a modeling technique to come up with a population estimate, a five-year project, after which we would expect to stop collecting teeth or at least go to voluntary compliance. Eliminating the quota while retaining the two-otter bag limit is the next logical step in relaxing take. It will better tell us how many people want to trap otters, as everyone will have the opportunity to do so (i.e. no season-ending quota). It will allow trappers to take otters when they want as opposed to when they have to due to fear of season end, and it will allow isolated incidentals to be kept by trappers during the beaver season. Chairman Lauber – Suggestions are logical. What will you call conibear traps? Peek – Body-gripping traps. Commission Dill – If you take bobcat on own property, would it have to be tagged? Peek – Right now we don't, but with this we would. Commissioner Budd – Why stop coyote hunting during deer hunting? Peek – It is an avenue that opens deer hunting to questionable activity. Chairman Lauber – A few years ago there was a lot of complaining about that; best if eliminated vehicles at least. Commissioner Budd – So this is a road hunting issue? Chairman Lauber – Coyotes are only things that can be shot out of vehicle. Peek – Considered all types several different scenarios. Steve Sorensen – Way that reads, are you considering whether to allow during 12 days? Peek – Exempt 12-day rifle season from when they are allowed? Commissioner Wilson – How long have you been tagging bobcats? Fox – Since 1977. Peek – The U.S. entered into a treaty with other nations CITES, bobcats classified under appendix II as a look-alike species; has nothing to do with those species in the U.S. Commissioner Wilson – Used to have to send in pelts. Peek – Before my time, but doing that with river otter carcasses now. Ron Klataske – Support idea of limiting vehicle hunting during deer hunting. Is there a compelling reason for trapping river otters in Kansas? Want to know what populations are and what watersheds they are on before you set trapping; they may not have repopulated on some watersheds. I question statewide trapping. What has been take and what are estimates on populations? Peek – Population in thousands, will send report that I did a few years ago. No population survey done for a few years. Harvest quota was 100, harvest was 130. One of major reasons for initiating season was we were getting

complaints as was the Legislature of otters in ponds and strip pits in southeast Kansas. Klataske – On raccoons, I think take on raccoons could be far more liberal than we have currently. They may be limiting factor on bird species. Increase raccoons, armadillos and opossums take. Tim Donges, QDM – Five to one on limiting coyote hunting during deer hunting, happy to see that. Use vehicles to run coyotes to go across fields at 50 miles per hour, not seen as fair chase and problem in ethics.

8. Fort Riley Deer and Other Considerations - Lloyd Fox, big game biologist, presented this report to the Commission (Exhibit M). Shawn Stratton here from Fort Riley; they have requested the additional period from October 11, 2013 through October 14, 2013); season dates for firearms deer hunting at Fort Riley to be from November 29, 2013 through December 1, 2013, and December 14, 2013 through December 22, 2013; and additional archery hunting days before the regular archery season and also in January when individuals authorized by Fort Riley to hunt and take antlered deer (September 1, 2013 through September 15, 2013 and from January 13, 2014 through January 31, 2014). Commissioner Marshall – Like to hear more from Fort Riley? Shawn Stratton – Fort Riley has always asked for these dates due to military training, this allows us to open larger areas. Each year since we have done that (4-5 years) now units of soldiers have qualified that wouldn't have in the past. Commissioner Marshall – What is working and what is not working? Stratton – All those who hunt on base must view PowerPoint presentation on safety, done education-based program to show different ages of deer. Meet with KDWPT Emporia staff annually and look at spotlight deer numbers. Commissioner Marshall – What is quality and quantity over last two years, is it the same? Stratton – Yes, since 2008 higher harvest 358 in 2011, 446 in 2012; keeping eyes on that. Not seeing any hunting detriment to herd. Commissioner Marshall – Drought hurt them? Stratton – Not seen drought or EHD on Fort Riley. Commissioner Budd – How big is deer herd? Stratton - 1,500 to 1,600 animals; harvested 38 percent of population last year. Commissioner Dill – Not as many acres to hunt if you take out hardwood acres. Stratton – Correct, probably about 60,000 acres.

9. Lesser Prairie Chicken Federal Listing Update - Keith Sexson, Assistant Secretary, presented this report to the Commission (Exhibit N). Significant declines in lesser prairie chicken (LEPC) populations and their range were cause enough for the U.S. Fish and Wildlife Service (USFWS) to list the species as “warranted but precluded from listing” in 1996. Comment period closed March 11, expect comment period to be extended 30 days and plan to refine the plan and work with stakeholders on conservation efforts of the LEPC. What does the plan mean for landowners, etc? Held three more public meetings in Kansas: in Lakin, Wakeeney and Greensburg and had a fair number of landowners attend. In April, we plan on doing webinars and show what it means for landowners to manage for LEPC. At end of April it will be turned over to the USFWS with final determination the end of September. Jim and Kansas has risen to the top of the heap and acted in leadership role; Jim did his master's thesis in LEPC in western Kansas and has been a valuable asset.

C. Workshop Session

1. Upland Bird Regulations - Jim Pitman, wildlife biologist, presented this report to the Commission (Exhibit O). On schedule from now until October because we are not sure how we will have to make recommendations to correspond with the listing decision. Will bring forward

recommendation in August and either pass it or amend it in October. Chairman Lauber – Will we have to amend maps in areas where both greater and lesser prairie chickens are? Pitman – Possibly may allow incidental take. Ron Klataske – With species warranted, but not listed found it out of sync last year to increase number of hunting permits where they overlap. On annual basis chicken seasons should be reviewed by Commission because of drought, habitat conditions and other factors; not sure you want to set yourself into early brood season in early September. Like to see department be a lot more progressive. Chairman Lauber – I disagree, feel hunting has no impact on numbers. Our LEPC range is expanding, understand your thoughts, but don't think being progressive is going to make any difference and we need to make our case to the extent we can. Pitman – I agree, have solid research and harvest information to know the numbers. Think we were progressive last year because we did decide to permit and could track that. Commissioner Marshall – How does it benefit KDWPT? Pitman – Using sportsman's dollars to do surveys and fund research; second landowners are managing their property to benefit the species, because hunting is available; third agency folks have most experience developing conservation plans so there is more management of the species through contact with landowners. Commissioner Marshall – Is there perception issue to what we do would sway USFWS either way? Pitman – No, in their own words they feel hunting is not an issue. Commissioner Wilson – This is not just in Kansas, a consortium of states; Kansas lucky to have a huntable sustainable population. Pearce – Only state with LEPC season in last three years? Pitman – Yes, Texas had one up until three years ago.

2. Public Land Regulations – Brad Simpson, Public Lands Section chief, presented this report to the Commission (Exhibit P). Three regulations will be adopted into 8-1. Two exceptions from last time: listed designated dove fields for non-toxic shot; and add Elk City WA House Mound marsh to no motorized boat area, otherwise the same as last time. Commissioner Dill – Address non-toxic shot and why you are recommending that? Simpson – Extended dove fields, 114 now; in first three days of season, we collected hunter information and there were 3,500 hunters who fired 67,000 shots, areas are near marshes and game fields. Only takes one or two pellets to give a bird lead poisoning and then there is nothing you can do for the bird. Also under consideration is KAR 115-8-23 bait, hunting and providing a definition of baiting. There is a possible issue in the department-managed dove fields under the current definition. Last is KAR 115-8-2 blinds, tree stands, and decoys - clarifying or defining stands and blinds to remove the word "tree" and refer to them only as stands.

3. Camping and Utility Fees – Linda Lanterman, Parks Division director, presented this report to the Commission (Exhibit Q). Currently, our short-term parking is \$125.00 per month if someone wants to leave their boat or RV in the parks. Last summer we had several RV owners who pushed their RVs off into the cedar trees. A group of farmers requested this of us in western Kansas. The five locations we brought it down to are Meade, Glen Elder, Kanopolis, Scott and Webster. We spoke to area businesses, and we are looking at a fee of \$50 a month to see if this will help alleviate this. Trying to look at two avenues: one is revenue and the other is being proactive. Chairman Lauber – I think it is a good idea; we are trying to be sufficiently sensitive to public. Natalie Donges – What about looking at tourism grant or something like that for the man who wants to expand his area to include storage, keep this private not park run. Lanterman – Businesses in western Kansas cannot just start that up; we are trying to make this affordable for those people and be proactive. Donges – Just don't want to open an avenue for this to happen at

other parks.

4. Antelope and Elk 25-Series Regulations – Matt Peek, furbearer biologist, presented this report to the Commission (Exhibit R). Third meeting for pronghorn and elk – have permit allocations to recommend for pronghorn: 96 firearm and 24 muzzleloader permits for Unit 2, a 5 percent decrease; 36 firearm and 10 muzzleloader permits for Unit 17, a 9 percent decrease; in Unit 18 same as last year, 10 firearm and 8 muzzleloader permits. Pearce – Is archery harvest going up steadily? Peek – Yes. We are planning on looking closer at that as time permits. Success rates are still low, so not effecting harvest yet; total harvest has increased from 150 to 200 animals. Pearce - How many overall? Peek – About 380 permits sold.

Elk: The only change is permit allocations: 10 any-elk and 15 antlerless elk authorized in Unit 2, which encompasses Fort Riley and Unit 3. Unlimited hunt-on-your-own-land antlerless only and hunt-on-your-own-land either-sex elk permits in Units 2 and 3. Also, unlimited general resident and landowner/tenant antlerless only either-sex permits in Unit 3.

5. Agritourism Regulations – Chris Tymeson, legal counsel, presented this report to the Commission (Exhibit S). Taken awhile to work out this issue and get regulations straightened out should be ready for vote in June.

Tymeson - Update HB2030 passed senate 40-0 this afternoon (wounded warrior deer permit); HB2244 – boat tax, draft bill was amended to say that tax rate would fall to 11.5 percent in 2014 and to 5 percent in 2015 and thereafter.

VII. RECESS AT 5:12 p.m.

VIII. RECONVENE AT 7:00 p.m.

IX. RE-INTRODUCTION OF COMMISSIONERS AND GUESTS

XI. DEPARTMENT REPORT

X. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

Tim Donges, QDM Association – Took a look at trophy class deer being harvested and compared to other Midwest states, got research report from Boone and Crockett. We saw a 2 percent decrease in scores and associate this with age class decline. Kansas dropped from number 6 to number 8; behind those states have shotgun season, which inadvertently allows bucks to reach an older age class. A shotgun firearm season might improve overall quality of deer here. Another option might be antler restrictions. Biologically sound and would ensure more hunters to come here and encourage more people to harvest does. Big concern is fear that we will lose the quality of our deer herd. Not huge differences in numbers, but if stay in the game need to look at future of deer herd. When in balance there is a shortened overall rut length and fawns being born in better time of year; are we going to keep up with other states in the future, 3 ½ years on up in age. Pearce – Give me three sentences of what you want? Donges – Antler restriction, shotgun season in firearm season and control does.

XI. DEPARTMENT REPORT

D. Public Hearing

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

1. KAR 115-2-1. Amount of fees. – Lloyd Fox, big game biologist, presented this report to the Commission (Exhibit U). This permanent regulation would establish the price of the nonresident antlered and antlerless deer combination permit, as directed by the Legislature, for \$315. Pearce – For any nonresident permit, and mule deer stamp? Fox – Right, three classes, muzzleloader, firearm and archery. Pearce – A \$35 price break? Fox – Would have two tags, due to concerns that antlerless harvest was not adequate where nonresidents were leasing land and not buying permits at same rate as residents; would obtain antlerless permit. Chairman Lauber – Can they buy a regular antlered deer permit and not buy the combination? Fox – No, but will still be on the books. They can buy additional whitetail antlerless permits; they could buy second to fifth antlerless-only permits. Commissioner Dill – Cannot buy antlered deer permit for \$300 as a nonresident? Fox – Correct.

Commissioner Roger Marshall moved to approve KAR 115-2-1 before the Commission. Commissioner Tom Dill seconded.

The roll call vote on KAR 115-2-1 as recommended was as follows (Exhibit X):

Commissioner Bolton	Absent
Commissioner Budd	Yes
Commissioner Dill	Yes
Commissioner Doll	Absent
Commissioner Marshall	Yes
Commissioner Wilson	Yes
Commissioner Lauber	Yes

The motion as presented KAR 115-2-1 passed 5-0.

2. KAR 115-4-4. Big game; legal equipment and taking methods. Lloyd Fox, big game biologist, presented this report to the Commission (Exhibit V). This permanent regulation establishes the legal equipment and taking methods for big game. The proposed amendments remove some archery equipment restrictions, allow the use of crossbows by all individuals in the archery deer season, remove restrictions on elk muzzleloader equipment, allow the use of centerfire cartridges in firearms season, remove shotgun slug gauge restrictions in firearms season, update the regulation for statutory changes and remove restrictions related to possessing certain equipment for the permit type possessed. Guiding principles on process we went through, listen to public and review and simplify and clarify regulation, protect the resources and decide what is essential. Allow flexibility in choices and use language that would be enforceable (i.e. excluded foot pounds of energy). Transmitter arrow, electronic equipment such as rangefinders, cameras and radio frequency devices can be attached. On muzzleloaders it drops to

single specification -- .4 inches in diameter bore or more. When minimum draw weights were eliminated for archery years ago, we did not see marked change in equipment people used. On firearms, for many years, bullet larger than 23 inches in diameter and 1.28 inch cartridge case length and eliminate that type of language; recommend any centerfire rifle or handgun. Eliminated draw weight on crossbows. On shotgun and slug, remove gauge distinctions for different species of game. Added optical scopes (night scopes) and clarified some other language. Had section that required permittee to have in possession, equipment that was authorized for the most restrictive permit they had in possession and have eliminated that language, which allows the hunter to carry a handgun, etc. Steve Sorensen, Kansas Wildlife Federation (KWF) – Should have received letter from president stating concern of eliminating caliber restrictions. On page 4, “any range finding device...” does that include rangefinder in a scope? Fox – Yes, it would be included. Sorensen – As scorer for Boone and Crockett (B&C), they will not certify a trophy taken with a rangefinder in a scope, Pope and Young (P&Y) will not certify deer taken with night scope. Recommend you eliminate those two items for firearms and archery. Brent Gardner, NRA national rep, Fairfax, VA – Address two separate areas: bullet size, adjust caliber to person out there hunting, recruitment and retention (R&R) amongst women and youth and create lifelong hunter. Offering full range of calibers allows them to pick what is right for them. The inclusion of crossbows, a nationwide effort continues to grow on that, asked to make this a part of what you allow. Saw no problems where it has been permitted, opposition seems to be in archery hunters. Twenty-two states have enacted it, or are in process of enacting it. This is hunter choice, no statistical change in success rate. Look at R&R problems, 71 out of 100 hunters leave the field and don’t come back. Michigan got \$1 million increase in PR funds. Commissioner Budd – How many states allow this? Any caliber? Gardner – Chris? Tymeson – I think it is 35 require .22 or no caliber, 7 states require .23 caliber and larger and 7 states don’t allow rifles and require shotgun and slug. Gardner – Line up hunters with appropriate caliber for them. Commissioner Budd – Stats on how long in place in those 35 states? Tymeson – On .22 or any centerfire. Gardner – Most individuals would want to make sure the caliber is appropriate for game they are hunting. Commissioner Budd – Feel argument will be for those using .17 or .22 caliber. Need to have a reason why we allow it. Gardner – These states that have made the transition it has not been an issue. Look at case studies of what has happened; no one has repealed or altered it. Chairman Lauber – People will try to use something they feel will be effective. Tymeson – Only .17 caliber I am familiar with is one, there are others that are rimfire not centerfire. Commissioner Budd – This is probably a good thing, but need to explain in simplest of terms. Chairman Lauber – Constituent suggested statement to encourage use of right caliber, not endorsing one over the other, those that choose to use .223 will use good judgment; may be appealing to new hunters, but not that big of issue, just encourage use of right caliber. Pearce – How long has NRA been involved in crossbows? Gardner – A number of years don’t know exact date. Want to be as inclusive as we can be net positive impact to this, brings new people in and keeps older people in the sport. Chuck Haggard, Topeka – Taken up deer hunting in recent years, support .22 caliber centerfire. I came to speak in support of the changes for firearm hunting and am interested in crossbow. I have never bowhunted. I am firearms instructor, police officer and have a military background; a person can make good choices in caliber, educate hunters on good deer bullet, but shot placement is more important. Disallows 10 mm handgun, because case length is too short, but allows a 357 magnum; a good move in allowing hunters more choice in what they are able to use. Commissioner Dill – Misconception of what we are trying to do so appreciate your comments. Marvin Whitehead, KBA – One of our

members, our legislative representative got called away on emergency and asked me to read his letter (*read John Hampton letter*) (Exhibit V-2). Commissioner Marshall – Is it true that bowhunters don't have to take hunter education? Tymeson – Any hunter has to have hunter education if born after July 1, 1957. Commissioner Marshall – Don't believe a crossbow hunter would walk around with a cocked bow anymore than a rifle hunter would walk around with a bullet in the chamber. Chairman Lauber – Crossbow could be used in any season, rifle or archery? Tymeson – Correct. Pearce – If we are removing poundage and caliber why still minimum on muzzleloaders? Fox – Items we left in that might be taken out later. Tried to address most of them, but could have left some of them out, looked at .410 shotgun and .40 caliber pistol for muzzleloading as option to leaving it open. Pearce – Why change, opposed crossbows last year, came up with pilot units, and said they were going to use it for two years. Why change from one year to another. Chairman Lauber – Felt more pressure last year, more proponents have shown up and shown favorable interest and opinion. Commissioner Dill – Two-year study was dictated by legislature. Tymeson – Our position hasn't changed legislatively. We want regulatory authority because we want to regulate ourselves rather than be mandated by statute. Secretary Jennison – Last year a variety of items put into one bill, wanted full inclusion of crossbows in House, two-year study was a compromise to get the rest of the items in that bill passed. It is a difficult issue for us, don't think it was ever a biological issue, but doesn't mean it's not a controversial issue. Don't feel we have changed our view. Pearce – Why not pushed before? Secretary Jennison – Societal issue I believe. Want people to get in the field, using crossbow doesn't take away anyone's right to use a compound bow, or hurt their hunt. Pearce – Gerald said he heard more in favor of crossbow, what about the rest of you? Commissioner Wilson – Three proponents, 33 against. Commissioner Marshall – In letters against it, seemed to be bowhunters against it, others for or no opinion. Commissioner Dill – That was also my experience. Commissioner Budd – All get same emails, mine was more evenly split. On crossbow, this is something we don't know what upside or downside is. Had two-year study, like to see two more years on study of crossbows, we can change or minds or reverse things if there is a negative effect, can revisit it. How many people on deer committee? Fox – I believe 11. Commissioner Budd – Did the committee have a unanimous vote on this decision? Fox – No. Commissioner Wilson – Wasn't aware P&Y wouldn't recognize trophy deer if range finder in their scope. Whitehead – On any equipment. Tymeson – That is already current law, not a new proposal. We don't manage our deer on P&Y and B&C standards. Commissioner Wilson – This will apply to elk hunting also, so consider that too. Chairman Lauber – In 35 states, can't see people using too small a caliber, can use .243 on elk, but don't know of anyone who would. If they did they would probably not be very successful with any caliber. Doug Phelps, Manhattan – Elk, eliminating draw weight on deer, was it retained for elk? Fox – 50 pounds. Phelps – Need reasonable thought. Pearce – Talked to elk hunters who drew a permit, put all best equipment together they can get; it is such a special deal, it is different. Commissioner Budd – Anyone opposed to continuing study for two more years? Fox – Not opposed to any additional research. We are going to continue to monitor the harvest. Tymeson – In relation to that it was in another regulation we passed last year, 115-25-9a, I will add that section back in if that is the direction you want to go, but not in this regulation. Commissioner Dill – Keep gathering the information, gives us luxury to change minds. Tymeson – Authorization mandate for June meeting? Commissioner Marshall – Want to explain my vote, deer herd is a treasure to Kansas, value it as such, spent lot of time trying to educate ourselves. Look at scientifically and biologically speaking, 1965, 34,000 deer in state; 600,000 a couple years ago. I agree deer herd has been hurt

last few years, but don't feel population will be hurt. Can still only shoot one buck a year, may shoot it earlier in the year. Biggest issue was whether gun sighted in or not. Next look at sociologically speaking; third is politically speaking, won't cower to legislators over this issue, people can go that route and that is their constitutional right.

**Commissioner Tom Dill moved to approve KAR 115-4-4 before the Commission.
Commissioner Don Budd seconded.**

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

Commissioner Bolton	Absent
Commissioner Budd	Yes
Commissioner Dill	Yes
Commissioner Doll	Absent
Commissioner Marshall	Yes
Commissioner Wilson	Yes
Commissioner Lauber	Yes

The motion as presented KAR 115-4-4 passed 5-0.

3. KAR 115-18-7. Use of permits for big game hunting by persons with disabilities; application, permit, and general provisions. Lloyd Fox, big game biologist, presented this report to the Commission (Exhibit W). This permanent regulation establishes the use of crossbows and locking draws for big game and wild turkey hunting for persons with disabilities. It eliminates the draw weight, etc. same as previous regulation related to crossbows.

**Commissioner Roger Marshall moved to approve KAR 115-18-7 before the Commission.
Commissioner Tom Dill seconded.**

The roll call vote on KAR 115-18-7 as recommended was as follows (Exhibit X):

Commissioner Bolton	Absent
Commissioner Budd	Yes
Commissioner Dill	Yes
Commissioner Doll	Absent
Commissioner Marshall	Yes
Commissioner Wilson	Yes
Commissioner Lauber	Yes

The motion as presented KAR 115-18-7 passed 5-0.

4. KAR 115-25-9. Deer; open season, bag limit and permits. - Lloyd Fox, big game biologist, presented this report to the Commission (Exhibit Y). Creates pre-rut two-day season, rest of changes are changes of dates to coincide with current calendar year. Same number of whitetail antlerless permits in same units as last year. Commissioner Dill – Was two years also mandated on this? Fox – Yes. Commissioner Budd – What would happen if we voted against it? Tymeson – Legislature gives flexibility in process to have pre-rut season, next year it would be specific or lose ability to manage deer. Of all mandates we have ever received this one is pretty

broad.

Commissioner Roger Marshall moved to approve KAR 115-25-9 before the Commission. Commissioner Tom Dill seconded.

Rob Polter, Topeka – Same day and units? Fox – Same designation and same total of permits a hunter would buy; changes have been made according to the calendar. Polter – Ever thought about changing units? Fox – Have looked at smaller units, but more expensive to sample.

The roll call vote on KAR 115-25-9 as recommended was as follows (Exhibit Z):

Commissioner Bolton	Absent
Commissioner Budd	Yes
Commissioner Dill	Yes
Commissioner Doll	Absent
Commissioner Marshall	Yes
Commissioner Wilson	Yes
Commissioner Lauber	Yes

The motion as presented KAR 115-25-9 passed 5-0.

5. Secretary's Orders for Deer - Lloyd Fox, big game biologist, presented this report to the Commission (Exhibit AA). Permit numbers are placed here. This year's harvest was 96,000 deer, down about 3,000, a 4 percent decline from previous year. Our recommendation was to keep secretary's orders and permit numbers the same as last year because changing a number of other factors this year (i.e. pre-rut and combo permit). Do understand some units have had downward trends and is reflected in data we have. Then we can make a change in the future. Pearce – Nonresident numbers stay the same? Fox – Yes, they will stay the same. Pearce – First time we didn't raise numbers since 2008? Fox – One other year we didn't and small increase in some. Higher demand than number of permits, but total number of permits might be higher than applications and are made available as leftovers. All permits for nonresidents are taken and has been taken in the past.

6. KAR 115-4-4a. Wild turkey; legal equipment and taking methods. - Jim Pitman, wildlife biologist, presented this report to the Commission (Exhibit BB). This permanent regulation establishes the legal equipment and taking methods for wild turkeys. The proposal would remove restrictions on archery equipment to coincide with changes in archery deer season, allow the use of crossbows by all individuals in the spring and fall archery season, remove gauge restrictions on shotguns, updates the regulation as to statutory changes and remove restrictions related to possessing certain equipment for the permit type possessed. Pearce – Not for upcoming spring season? Tymeson – Not in time for archery season, actually effective four weeks from now. We will have a news release and it will be on our website. Polter - Do away with gauge restriction on shotguns? Pitman – Yes, it does.

Commissioner Don Budd moved to approve KAR 115-4-4a before the Commission. Commissioner Tom Dill seconded.

The roll call vote on KAR 115-4-4a as recommended was as follows (Exhibit DD):

Commissioner Bolton	Absent
Commissioner Budd	Yes
Commissioner Dill	Yes
Commissioner Doll	Absent
Commissioner Marshall	Yes
Commissioner Wilson	Yes
Commissioner Lauber	Yes

The motion as presented KAR 115-4-4a passed 5-0.

7. KAR 115-25-5. Turkey; open season, bag limit, and permits. - Jim Pitman, wildlife biologist, presented this report to the Commission (Exhibit CC). This exempt regulation establishes the fall season, bag limits and permits for turkey hunting. The proposed change would only close the fall turkey season during the regular firearms deer season.

Commissioner Don Budd moved to approve KAR 115-25-5 before the Commission. Commissioner Roger Marshall seconded.

The roll call vote on KAR 115-25-5 as recommended was as follows (Exhibit DD):

Commissioner Bolton	Absent
Commissioner Budd	Yes
Commissioner Dill	Yes
Commissioner Doll	Absent
Commissioner Marshall	Yes
Commissioner Wilson	Yes
Commissioner Lauber	Yes

The motion as presented KAR 115-25-5 passed 5-0.

XII. Old Business

None

XIII. Other Business

A. Future Meeting Locations and Dates

April 25, 2013 – Wichita – (GPNC)

June 27, 2013 – Garden City (Lee Richardson Zoo)

August 1, 2013 – Yates Center (Community Center)

October 17, 2013 – Hutchinson (KS Cosmosphere; tour 9:00 am - Underground Salt Mines)

January 9, 2014 – Winfield

XIV. ADJOURNMENT

Commissioner Tom Dill moved to adjourn, Commissioner Roger Marshall second.
The meeting adjourned at 8:46 p.m.

(Exhibits and/or Transcript available upon request)

Secretary's Remarks

Agency and State Fiscal Status
No briefing book items – possible handout at meeting

2013 Bills as of April 10, 2013

SB49 (KDWPT initiative)--Current law makes it unlawful to operate a vessel with a blood or breath alcohol concentration of .08 at the time of or within two hours of operating a vessel. This bill would increase the time period from two hours to three hours after operation of a vessel, making it consistent with state DUI laws for motor vehicles. This bill had a hearing on Wednesday, Feb. 6, 2013, and passed out of committee. This bill passed the Senate 39-0 and has been received and introduced in the House. This bill has been referred to the House Committee on Corrections and Juvenile Justice. The bill had a hearing and the House Committee passed the bill out favorably. **The bill sat on the House Calendar and ultimately was stricken from the calendar by rule when it did not pass before the Legislative deadline.**

SB50 (KDWPT initiative)--This bill would require anyone born on or after Jan. 1, 1989 to complete an approved boater education course before operating a vessel without supervision. Current law exempts anyone 21 or older from education requirements. This bill was referred to the Senate Natural Resources Committee. **This bill had a hearing Jan. 24.**

SUB SB57 -- Under statute, anyone possessing domesticated deer must be permitted under the Kansas Department of Agriculture. This bill would amend that statute to allow the Department of Agriculture to request assistance from the Kansas Department of Wildlife, Parks and Tourism in implementing and enforcing laws governing domesticated deer. This bill had a hearing for opponents on Wednesday, Feb. 6, 2013. This bill had a hearing for proponents on Feb. 13, and was scheduled for Committee Final Action on Feb. 25. The bill passed the Senate 40-0 and has been referred to House Ag and Natural Resources. The full House passed the bill 79-40 and the conference committee report was passed by the full House and Senate. **The bill is enrolled and awaiting signature by the Governor. The department supports provisions of this bill related to domestic deer.**

SB74 -- This bill would prohibit the Department of Corrections from producing modular homes, including KDWPT cabins. The bill had a hearing on Thursday, Feb. 7. KDWPT requested an exemption to allow DOC to produce the cabins being placed in state parks, state fishing lakes and wildlife areas. This bill was amended to protect the KDWPT cabin program and the department supports the bill as amended. The bill passed the Senate 36-4 and has been referred to the House Committee on Commerce, Labor and Economic Development. The House Committee passed the bill out favorably for passage and the full House passed the bill 87-32. **The bill was signed by the Governor on April 10.**

SB 83 --This bill deals with income, severance and sales tax issues and was amended to include provisions of HB2244, which reduces the percentage of value that watercraft are assessed at to 11.5 percent in 2014 and 5 percent in 2015 and thereafter. **The conference committee report on the bill was passed by both houses and awaits signature by the Governor.**

SB94 --This bill deals with certain crimes and punishments and amends the definition of a firearm to exempt antique firearms including matchlock, flintlock and percussion cap muzzleloaders, making it consistent with the federal definition of firearms.

SB223 -- This bill would authorize use of a crossbow by all hunters during big game archery season. **The bill has been referred to the Committee on Natural Resources and was scheduled for a hearing but the hearing was cancelled.**

HB2030 (KDWPT initiative)--This bill would allow the department to issue 10 "Wounded Warrior Deer Permits" to disabled veterans who sustained injuries in combat and have a service-connected disability of not less than 30 percent. This bill had a hearing Tuesday, Jan. 29, 2013. This bill passed as amended out of committee and passed the House 115-0. It has been referred to the Senate Committee on Natural Resources. The Senate Committee recommended the bill favorable for passage and the bill passed the Senate 40-0. **The Governor approved the bill on April 2.**

HB2052 -- This bill creates the crime of unlawful discharge of a firearm within or into the corporate limits of any city. However, it allows the discharge of a firearm to lawfully take wildlife, including nuisance wildlife, unless prohibited by the KDWPT or the governing body of the city. This bill had a hearing on Feb. 7. The bill passed the full House 121-2 and was referred to the Senate Federal and State Affairs Committee. The bill was amended by the Committee to include the original provisions as well as several provisions related to firearms and concealed carry permits. The bill passed the Senate 35-5 and the conference committee report was adopted by both houses. **The bill awaits signature by the Governor.**

HB2076 -- This bill would exempt any honorably discharged veteran who resides in Kansas and has a service connected disability equal to or greater than 30 percent from all hunting and fishing license/permit requirements and fees. The department opposes this bill. This bill had a hearing Tuesday, Jan. 29, 2013. **The bill was tabled in committee on Wednesday, February 6, 2013.**

HB2244 (KDWPT initiative) -- This bill was introduced as a result of the ballot issue which passed in November 2012 allowing the state constitution to be amended and a change to the way watercraft are taxed in the state. This bill would gradually reduce the percentage of appraised value used to assess property tax on a watercraft to 20 percent in 2014, 10 percent in 2015, then exempting watercraft from taxation for tax year 2016 and thereafter. This bill had a hearing on February 18 and was referred to a sub-committee for further discussion. The amended bill reduces the percentage of value that watercraft are assessed at to 11.5 percent in 2014 and 5 percent in 2015 and thereafter. The amended version of the bill passed the House on Emergency Final Action 107-15. It was received and introduced to the Senate on March 27. **The provisions of the bill were then placed into SB 83.**

HB2362 -- This bill would amend provisions of the nongame and endangered species conservation act, specifically redefining critical habitat as it relates to a threatened and endangered species, as well as significantly changing how species are designated threatened or endangered in Kansas. The department opposes the bill, which was referred to the Committee on Agriculture and Natural Resources. **This bill had a hearing on February 25.**

Senate Resolution 1711 -- This resolution opposes the black-footed ferret programmatic harbor agreement and environmental assessment drafted by the U.S. Fish and Wildlife Service, which involves black-footed ferrets that were reintroduced into Logan County in 2007. This resolution was referred to the Senate Committee on Natural Resources. **This resolution passed the Senate as amended 31-9.**

General Discussion

Lincoln Street, Ark River Project Update

Background

The Lincoln Street Dam in Wichita was recently replaced, with the new design including a combined fish passage and flume structure – the first of its kind in Kansas. While the fish passage is designed to encourage natural fish migration upstream for up to 40 fish species, the center flume provides safer passage for recreational paddlers to pass over the dam without portage and enhances the river's status as a destination for recreation. This project maintains the river as an aesthetic in the downtown area, provides additional access for anglers and paddlers, and provides public parking and formal access for all river users. The partners in this project (KDWPT, City of Wichita and USFWS) are looking forward to renewed public interest in a more accessible and more natural Arkansas River, as this project is helping our river become an increasingly important part of our urban landscape. Assessment of the fish community before and after the implementation of the fish passage will be a useful tool in evaluating the effectiveness of this structure in reducing the effect of dam obstructions for Kansas fishes by improving biodiversity and angling opportunities. Modeling sediment flows and geomorphology of this project will be useful for future passage projects in Kansas. Evaluating the use of the flume by paddlers could assess additional public support for future similar projects.

2014 Reference Document Proposed Changes for Special Length and Creel Limits:

- Gridley City Lake -- add 10-inch minimum length limit on crappie, add 18-inch minimum length limit and 2/day creel limit on smallmouth bass and change to a 18-inch minimum length limit on largemouth bass.
- Shawnee County-Lake Shawnee -- change to a 2/day creel limit on largemouth bass.
- Holton-Elkhorn Lake -- change to a 13- to 18-inch slot length limit and 5/day creel limit on largemouth bass.
- Miami State Fishing Lake -- change to a 13- to 18-inch slot length limit and 5/day creel limit on largemouth bass.
- Brown State Fishing Lake -- change to an 18-inch minimum length limit and 2/day creel limit on largemouth bass.
- Leavenworth State Fishing Lake -- remove the 13- to 18-inch slot length limit on largemouth bass.
- Garnet City Lake North -- change to 5/day creel limit on largemouth bass.
- Woodson State Fishing Lake -- change to 5/day creel limit on largemouth bass and remove 10/day creel limit on crappie.
- Garnett-Cedar Valley Reservoir -- remove the 20/day creel limit on crappie.
- Yates Center City Lake -- remove the 10-inch minimum length limit and change to 20/day creel limit on crappie.

2013 Posted Notice Effective Calendar Year 2014

Background: This initiative is intended to strengthen posted notice regulations in the courts, as well as provide the opportunity for the public to comment on our posted notices. We are in the process of compiling a reference document for posted notices in state parks.

Examples of posted notices are as follows,

1. No glass containers on beaches
2. No Hunting Allowed in state park
3. Day-use Only
4. No swimming or fishing off courtesy docks

Regulation: To be developed.

2013-2014 LATE MIGRATORY GAME BIRD SEASONS

April 25, 2013

BACKGROUND

The U.S. Fish and Wildlife Service (USFWS) annually develops the frameworks for states to establish migratory game bird hunting seasons. The USFWS frameworks establish maximum bag, possession limits and season lengths, and earliest opening and latest closing dates. States must operate within the frameworks when establishing state specific waterfowl seasons. Late migratory game bird frameworks are published in August, after results from the May Breeding Duck Survey and other population and harvest data are available, and recommendations from the various Flyway Councils are reviewed at the USFWS Regulation Committee Meeting (August 1). Working within the confines of the USFWS frameworks, KDWPT annually establishes general waterfowl seasons, youth hunter waterfowl days and falconry waterfowl seasons during their late migratory game bird season setting process.

DUCK, MERGANSER, AND COOT SEASONS

Since 1995, Adaptive Harvest Management (AHM) has been adopted for setting duck hunting regulations in the United States. The AHM approach provides the framework for making objective decisions through four regulatory packages listed below. Optimal AHM strategies are calculated using: (1) harvest-management objectives specific to each mallard stock; (2) regulatory alternatives; and (3) current population models and associated weights for mid-continent mallards.

AHM Regulatory Packages

- **Liberal package**
 - o Season Length: 74-day Low Plains Season, 97-day High Plains Season
 - o Daily bag limit: 6 birds with various species restrictions.
- **Moderate package**
 - o Season Length: 60-day Low Plains Season, 83-day High Plains Season
 - o Daily bag limit: 6 birds with various species restrictions.
- **Restrictive package**
 - o Season Length: 39-day Low Plains Season, 51-day High Plains Season
 - o Daily bag limit: 3 birds with various species restrictions.
- **Closed**

The 2013-14 Federal Frameworks for ducks, mergansers and coots will not be determined until the August 1 USFWS Service Regulations Committee (SRC) Meeting. However, based on the 2012 duck population estimate of 48.6 million birds (43 percent above the long-term average) and current habitat conditions in the Prairie Pothole Region, another high production year for ducks is expected and will likely result in liberal federal frameworks for the 2013-14 season. Kansas has been in these liberal frameworks since 1996. Listed below are the previous year's (2012-13) federal frameworks as prescribed by the liberal regulatory package. Note that individual species bag limits frequently change from year to year.

Outside Dates:

- Between the Saturday nearest September 24 (September 21 in 2013) and the last Sunday in January (January 26 in 2013)

Season Length:

- *High Plains Unit:* 97 days. The last 23 days may start no earlier than the Saturday nearest December 10 (December 7 in 2013)
- *Low Plains Unit:* 74 days

Bag Limit:

- *Duck:* The daily bag limit is 6 ducks, with species and sex restrictions as follows: 5 mallards (no more than 2 of which may be females), 2 redheads, 3 wood ducks, 2 pintails, and 1 canvasback
- *Merganser:* The daily bag limit is 5 mergansers, only 2 of which may be hooded mergansers. States have the option to include mergansers in the duck daily bag limit, the daily limit may be the same as the duck bag limit, only two of which may be hooded mergansers
- *Coot:* The daily bag limit is 15 coots
- The possession limit is twice the daily bag limit

Zones/ Split Options:

- *High Plains* – no zones and up to 2 segments
- *Low Plains* – 3 zones with each having up to 2 segments
Or 3-way split season, no zones

Shooting Hours: One-half hour before sunrise until sunset daily

YOUTH WATERFOWL HUNTING DAYS

States may select two consecutive days per duck-hunting zone, designated as “Youth Waterfowl Hunting Days,” in addition to their regular duck seasons, under the following guidelines:

1. The days must be held outside any regular duck season on a weekend, holidays, or other non-school days when youth hunters would have the maximum opportunity to participate.
2. The days may be held up to 14 days before or after any regular duck-season frameworks or within any split of a regular duck season, or within any other open season on migratory birds.
3. The daily bag limits may include ducks, geese, tundra swans, mergansers, coots, moorhens, and gallinules and would be the same as those allowed in the regular season. Flyway species and area restrictions would remain in effect.
4. Shooting hours would be one-half hour before sunrise to sunset.
5. Youth hunters must be 15 years of age or younger. In addition, an adult at least 18 years of age must accompany the youth hunter into the field. This adult may not duck hunt but may participate in other seasons that are open on the special youth day.

CANADA, WHITE-FRONTED, BRANT, AND LIGHT GEESE

Harvest prescriptions for the Central Flyway’s goose populations are based on population and harvest objectives as specified in population specific management plans. The 2013-14 Federal

Frameworks will not be determined until the August 1 USFWS SRC Meeting. Listed below are the previous year's (2012-13) Federal Frameworks:

Outside Dates:

- *Dark Geese* (Canada, White-fronted, and Brant): may be selected between the outside dates of the Saturday nearest September 24 (September 21 in 2013) and the Sunday nearest February 15 (February 16 in 2013)
- *Light Geese* (Ross's and Snow): may be selected between the outside dates of the Saturday nearest September 24 (September 21 in 2013) and March 10
- *Light Goose Conservation Season*: January 1 through April 30 (KAR 115-18-16)

Season Length and Bag Limits:

- *Dark Geese*:
 - o Canada geese (or any other dark goose species except white-fronted geese) not to exceed 107 days with a daily bag limit of 3 and possession limit of 6
 - o White-fronted geese, States may select either a season of:
 - Option A: 74 days with a bag limit of 2 and possession of 4
 - Option B: 88-day season with a bag limit of 1 and possession of 2
- *Light Geese*: not to exceed 107 days with a daily bag limit of 20 with no possession limit
- *Light Goose Conservation Order*: Must be held outside of all other waterfowl seasons and no daily bag or possession limits. Electronic calls as well as shotguns (no larger than 10 gauge) capable of holding in excess of 3 shells are permitted

Shooting hours:

- *General Goose Seasons*: One-half hour before sunrise to sunset
- *Light Goose Conservation Season*: One-half hour before sunrise to one-half hour after sunset

Zones/ Split Options:

- *General Goose Seasons*: No zones and up to 2 segments
- *Light Goose Conservation Season*: No zones or splits

EXTENDED FALCONRY SEASON

In addition to general waterfowl seasons, falconers may take migratory game birds during the special "extended" falconry season. The combined total number of days of take (i.e. teal season, general waterfowl season, and falconry) cannot exceed the Migratory Bird Treaty Act imposed maximum allowable annual hunting days for any one species of 107. Listed below are the previous year's (2012-13) Federal Frameworks:

Outside Dates: September 1 - March 10

Season Length:

- 107 hawking days not to exceed three segments in any extended season outside the regular season.

Bag Limit:

- No more than three migratory birds, including coot, dove, rail, crow, snipe, woodcock, and any other migratory species in combination such as not to exceed the bag limits on migratory birds.

Figure 1. Kansas Duck Hunting Zones

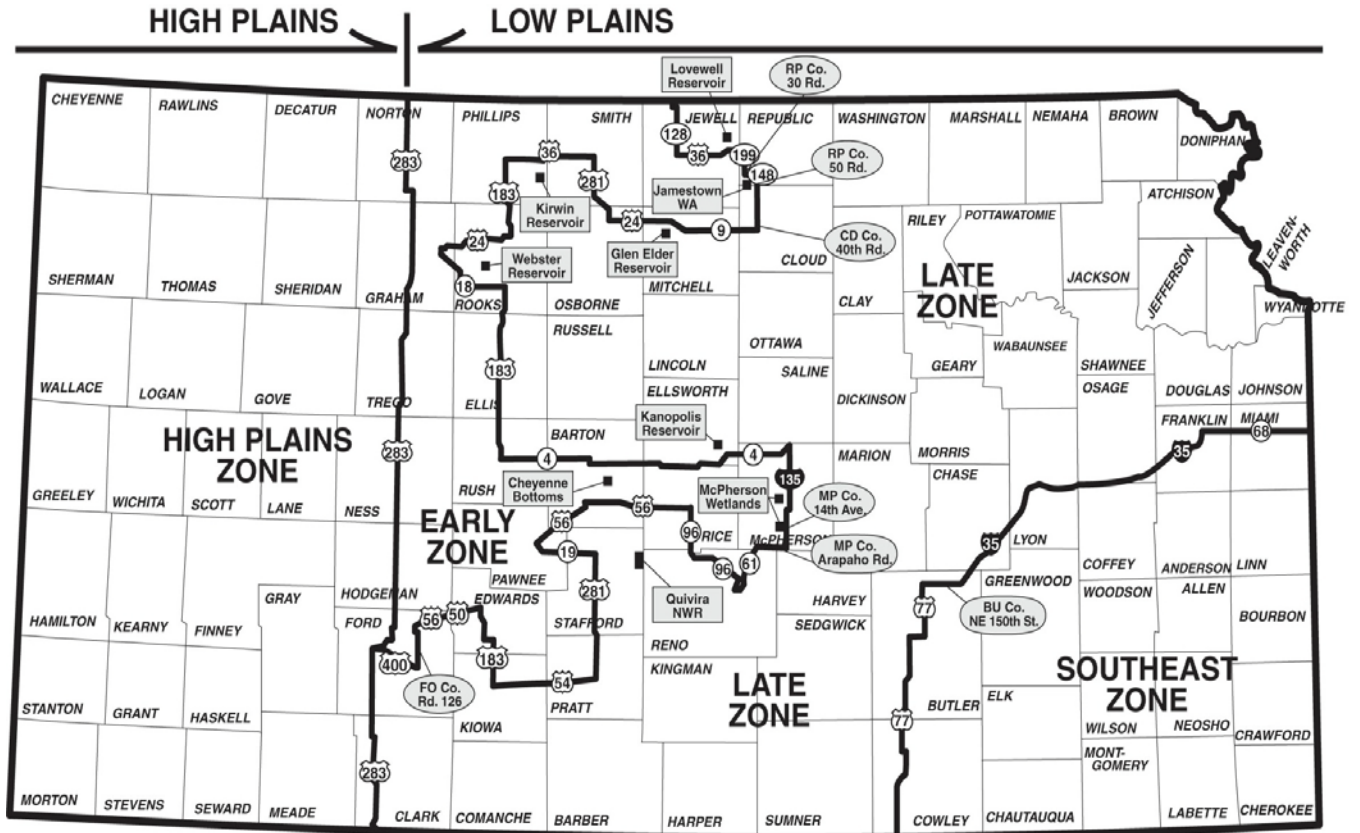


Table 1. Historic season dates by zone in Kansas from 1992 to 2012.

Year	Season Days	High Plains (HP)	Low Plains Early	Low Plains Late	Low Plains Southeast
2012	74 +23 HP	Oct 6 - Dec 30 & Jan 19 - Jan 27	Oct 6 - Dec 2 Dec 15- Dec 30	Oct 27 - Dec 30 Jan 19 - Jan 27	Nov 15 - Jan 27
2011	74 +23 HP	Oct 8 - Jan 2 Jan 21 - Jan 29	Oct 8 - Dec 4 Dec 17 - Jan 1	Oct 29 - Jan 1 Jan 21 - Jan 29	Nov 5 - Jan 8 Jan 21 - Jan 29
2010	74 +23 HP	Oct 9 - Jan 3 Jan 22 - Jan 30	Oct 9 - Dec 5 Dec 18 - Jan 2	Oct 30 - Jan 2 Jan 22 - Jan 30	--
2009	74 +23 HP	Oct 10 - Jan 5 Jan 23 - Jan 31	Oct 10 - Dec 6 Dec 19 - Jan 3	Oct 31 - Jan 3 Jan 23 - Jan 31	--
2008	74 +23 HP	Oct 4 - Dec 30 Jan 17 - Jan 25	Oct 11- Dec 7 Dec 20 - Jan 4	Oct 25 - Dec 28 Jan 17 - Jan 25	--
2007	74 +23 HP	Oct 6 - Jan 1 Jan 19 - Jan 27	Oct 13 - Dec 9 Dec 15 - Dec 30	Oct 27 - Dec 30 Jan 19 - Jan 27	--
2006	74 +23 HP	Oct 7 - Jan 2 Jan 20 - Jan 28	Oct 14 - Dec 10 Dec 16 - Dec 31	Oct 28 - Dec 31 Jan 20 - Jan 28	--
2005	74 +23 HP	Oct 8 - Jan 3 Jan 21 - Jan 29	Oct 15 - Dec 11 Dec 17 - Jan 1	Oct 29 - Jan 1 Jan 21 - Jan 29	--
2004	74 +23 HP	Oct 9 - Jan 4 Jan 22 - Jan 30	Oct 9 - Dec 12 Dec 25 - Jan 2	Oct 30 - Jan 2 Jan 22 - Jan 30	--
2003	74 +23 HP	Oct 11 - Jan 6 Jan 17 - Jan 25	Oct 11 - Dec 14 Dec 26 - Jan 3	Oct 25 - Nov 2 Nov 8 - Jan 11	--
2002	74 +23 HP	Oct 12 - Jan 7 Jan 18 - Jan 26	Oct 12 - Dec 15 Dec 24 - Jan 1	Oct 26 - Nov 3 Nov 9 - Jan 12	--
2001	74 +23 HP	Oct 6 - Jan 1 Jan 12 - Jan 20	Oct 13 - Dec 16 Dec 24 - Jan 1	Oct 27 - Nov 4 Nov 10 - Jan 13	--
2000	74 +23 HP	Sep 30 - Jan 1 Jan 19 - Jan 21	Oct 7 - Dec 10 Dec 23 - Dec 31	Oct 21 - Oct 29 Nov 4 - Jan 7	--
1999	74 +23 HP	Oct 2 - Jan 2 Jan 20 - Jan 23	Oct 9 - Dec 12 Dec 25 - Jan 2	Oct 23 - Oct 31 Nov 6 - Jan 9	--
1998	74 +23 HP	Oct 3 - Jan 3 Jan 14 - Jan 17	Oct 10 - Dec 13 Dec 26 - Jan 3	Oct 24 - Nov 1 Nov 7 - Jan 10	--
1997	74 +23 HP	Oct 4 - Jan 4 Jan 15 - Jan 18	Oct 4 - Dec 7 Dec 20 - Dec 28	Oct 25 - Dec 14 Dec 20 - Jan 11	--
1996	60 +23HP	Oct 12 - Dec 1 Dec 7 - Jan 7	Oct 12 - Dec 1 Dec 21 - Dec 29	Nov 2 - Dec 15 Dec 21 - Jan 5	--
1995	60 +23HP	Sep 30 - Oct 3 Oct 14 - Dec 17 Dec 23 - Jan 5	Oct 21 - Oct 29 Nov 11 - Dec 17 Dec 23 - Jan 5	--	--
1994	49 +12 HP	Oct 15 - Oct 31 Nov 11 - Dec 11 Dec 21 - Jan 2	Oct 22 - Oct 31 Nov 11 - Dec 11 Dec 26 - Jan 2	--	--
1993	39 +12HP	Oct 16 - Oct 31 Nov 13 - Dec 5 Dec 22 - Jan 1	Oct 23 - Oct 31 Nov 13 - Dec 12	--	--
1992	39 +12HP	Oct 17 - Nov 8 Nov 21 - Dec 6	Oct 31 - Nov 13 Nov 21 - Dec 6	--	--

Year	Season Days	High Plains (HP)	Low Plains Early	Low Plains Late	Low Plains Southeast
		Dec 26 - Jan 6	Dec 26 - Jan 3		

Workshop Session

2013-2014 EARLY MIGRATORY GAME BIRD SEASONS

September Teal Season

April 25, 2013

Background

The U.S. Fish and Wildlife Service (USFWS) annually develops the frameworks for states to establish migratory game bird hunting seasons. The USFWS frameworks establish maximum bag, possession limits and season lengths, and earliest opening and latest closing dates. States must operate within these frameworks when establishing state-specific migratory game bird seasons. September Teal Season Frameworks are published in late-June, after results from the May Breeding Duck Survey and recommendations from Flyway Councils are completed.

Blue-winged teal are one of the earliest migrating waterfowl, with most passing through Kansas from late August through September, prior to the opening of the general duck season. Green-winged teal are also early migrants, and many arrive in September and October, but they are commonly found in Kansas throughout the winter, depending on weather conditions. Cinnamon teal are occasionally found mixed with flocks of blue-winged teal in Kansas.

Special teal seasons were initiated to provide additional harvest opportunities on blue-winged and green-winged teal. As long as the blue-winged teal May Breeding Population Index (BPI) is above 3.3 million, a nine-day teal season can be held. If the blue-winged teal BPI exceeds 4.7 million, a 16-day season can be allowed. The 2013 blue-winged teal breeding population total will not be known until late June, but based on last year's (2012) blue-winged teal breeding population of 9.2 million and spring habitat conditions in the Prairie Pothole Region, the 2013 BPI is expected to allow a 16-day season.

In the High Plains Unit of Kansas (west of Highway 283), the liberal package framework allows for 97 days of general duck season. Coupled with two youth hunting days, the addition of a nine- or 16-day teal season would exceed the Migratory Bird Treaty Act's maximum allowance of 107 annual hunting days for any one migratory species. Thus, when the liberal package for the regular duck season is available and a teal season can be held, it is necessary to reduce the High Plains Unit teal season to 8 days, or reduce days in the High Plains Unit general duck season as not to exceed 107 hunting days. For the past three seasons, a nine-day teal season with 96 day regular duck season has been selected in the High Plains Unit to satisfy this criterion.

Prior Season (2012) Federal Framework*

Season Dates:	Between September 1 and September 30, 2012
Season Length:	16 days if blue-winged teal BPI is above 4.7 million 9 days if blue-winged teal BPI is between 3.3 - 4.7 million
Bag Limit:	4 daily, 8 in possession (any combination of teal)
Shooting Hours:	One-half hour before sunrise to sunset

* Final Federal Frameworks will not be set until the June 20, 2013 USFWS Service Regulatory Committee Meeting.

Staff Recommendations

Season Dates:

Low Plains Zones (east of Hwy 283)

16-day season running September 7 through September 22, 2013

High Plains Zone (west of Hwy 283) **

9-day season running September 14 through September 22, 2013

Bag Limit: 4 daily, 8 in possession (any combination of teal)

Shooting Hours: One-half hour before sunrise to sunset

** This selection may reduce the season length of the general duck season in the High Plains Unit by one day due to the Migratory Bird Treaty Act season length restrictions for any one species to 107 days. The regular High Plains Unit duck season in the liberal AHM package is allotted 97 plus two youth hunting days. In order to stay within the 107 day restriction either the September teal season or general duck season must be reduced one day from their allowable Federal frameworks.

Table 1. Kansas September Teal Season Dates and Harvest*

Year	Low Plains Season Dates	Hunting Days	High Plains Season Dates	Hunting Days	Green- winged Teal	Blue- winged Teal	Total Harvest
2012	Sept 8-23	16	Sept 15-23	9	N/A**	N/A**	N/A**
2011	Sept 10-25	16	Sept 17-25	9	1,748	22,562	24,310
2010	Sept 11-26	16	Sept 18-26	9	1,812	16,829	18,641
2009	Sept 12-27	16	Sept 19-26	8	2,775	15,165	17,940
2008	Sept 13-28	16	Sept 13-20	8	7,200	15,120	22,320
2007	Sept 8-23	16	Sept 15-22	8	4,534	25,582	30,116
2006	Sept 9-24	16	Sept 16-23	8	4,733	23,664	28,397
2005	Sept 17-25	9	Sept 17-24	8	2,200	10,387	12,587
2004	Sept 18-26	9	Sept 18-25	8	2,901	19,173	22,074
2003	Sept 13-28	16	Sept 20-27	8	9,024	21,393	30,417
2002	Sept 14-22	9	Sept 21-28	8	3,783	8,723	12,506
2001	Sept 15-30	16	Sept 15-22	8	1,790	10,741	12,531
2000	Sept 9-24	16	Sept 9-16	8	4,621	27,724	32,345
1999	Sept 11-26	16	Sept 11-19	9	3,052	28,022	31,074
1998	Sept 12-27	16	Sept 12-20	9	8,454	19,727	28,181
1997	Sept 13-21	9	Sept 13-21	9	2,367	14,858	17,225
1996	Sept 14-22	9	Sept 14-22	9	1,415	17,115	18,530
1995	Sept 16-24	9	Sept 16-24	9	1,896	10,227	12,123
1994	Sept 10-18	9	Sept 10-18	9	2,217	7,083	9,300
1993	Sept 11-19	9	Sept 11-19	9	1,081	5,604	6,685
1992	Sept 12-20	9	Sept 12-20	9	4,267	12,902	17,169

* Harvest estimates from 1999 to current are based on Harvest Information Program (HIP). For years prior to 1999, harvest estimates are based on USFWS Mail Survey Questionnaire.

** Harvest Data is not available until late July.

Agritourism Regulations

Background

In 2011, Governor Brownback issued Executive Reorganization Order No. 36, which merged the Division of Travel and Tourism of the Department of Commerce with the Department of Wildlife and Parks. The ERO created a new Assistant Secretary for Parks and Tourism, and it created the Tourism Division within the Kansas Department of Wildlife, Parks and Tourism (KDWPT).

In 2012, the Legislature passed Senate Bill 316 in response to ERO 36. SB 316 is commonly known as the trailer bill, which transfers the statutory authorities of the former Division of Travel and Tourism to KDWPT. Trailer bills also provide opportunities to address any unanticipated issues with ERO. EROs, while specific to the topic, are generally generic in nature. Trailer bills are very specific and address items like name changes in the statutes.

Discussion

The Department of Commerce has several regulations in place that deal with agritourism. Since the agritourism duties have been transferred to the KDWPT, the regulations should at some point be brought into the Department's regulation numbering system and the statutory references updated. We anticipate that this change will occur in January or March of next year, once the new statute numbers have been assigned.

C. Workshop Session

3. KAR 115-25- 9a. Deer; open season, bag limit, and permits; additional considerations.

Background

K.A.R 115-25-9a lists additional deer hunting days available only on the Fort Riley subunit. This regulation has traditionally been used to address changes in deer season regulations that are addressed after KAR 115-25-9 had been approved. One issue that occurred during the approval process on KAR 115-25-9 was a request to continue a detailed monitoring of deer hunters use of crossbows. Therefore an addition section of this regulation has been prepared.

Discussion

Fort Riley personnel requested regular archery season dates and regular muzzleloader season dates listed in K.A.R. 115-25-9. In addition they requested additional archery hunting days before the regular archery season and also in January when individuals authorized by Fort Riley may hunt and take antlered deer. The days requested are from September 1, 2013 through September 15, 2013 and from January 13, 2014 through January 31, 2014.

Fort Riley personnel requested additional days to those listed in K.A.R 115-25-9 for designated persons (i.e., 16 years or younger and people with a permit issued according to K.A.R. 115-18-4 or K.A.R. 115-18-15). The additional days are October 11, 2013 through October 14, 2013.

Fort Riley staff requested season dates for firearm deer hunting at DMU 8A to be from November 29, 2013 through December 1, 2013, and December 14, 2013 through December 22, 2013.

Fort Riley personnel have requested extended firearm season dates for the taking of antlerless white-tailed deer listed in K.A.R. 115-25-9, note that this does not include the additional week allowed in DMU 8 for the special extended season or the pre-rut white-tailed deer antlerless only firearm season.

Crossbows will be allowed statewide during the archery deer season for hunters of all ages in 2013. To monitor the participation and hunter success of people using crossbows, we propose to extend and expand the use of a Crossbow User ID system. Crossbow users will be required to obtain a free ID number before they may use a crossbow to hunt deer. The ID number may be obtained at KWDPT offices or on-line at the agency website. It is designed to provide a complete list of crossbow users and to facilitate post season surveys of those hunters.

Recommendation

A regulation has been prepared based on the input and comments from the staff at Fort Riley, the public and the Commission. A public hearing is scheduled for June.

Furbearer Regulations

KAR 115-5-Series. Furbearers; KAR 115-6-Series. Furdealers; KAR 115-25-11. Furbearers; open seasons and bag limits; and 115-16-5. Wildlife Control Permit; operational requirements.

Background:

These regulations referencing furbearers are permanent regulations that are not considered every year. Most of these were last in front of the Commission in 2011. It is anticipated they will be back in front of the Commission in 2015.

Discussion and Recommendations:

K.A.R. 115-5-1. Furbearers and coyotes; legal equipment, taking methods, and general provisions.

- 115-5-1(c)(10) refers to the “conibear-type body gripping trap.” The “conibear” name is trademarked by Victor Trap Company, and should be removed, so that the regulation references only the generic “body gripping trap.”
- Two years ago, we specified that foothold traps must be smooth-jawed (115-5-1(b)(1)). This applied to both land and water sets. Since then, some trappers have complained about the inability to use toothed traps such as No. 14 jump traps and modified No. 4 longspring traps on beavers. Their argument is based on two things. One is that by holding the trapped foot stable, trap related injuries may actually be reduced (this is true in wolf research). The other is that smaller toothed traps are used as an alternative to larger smooth-jawed traps. Making the “smooth-jawed” foothold trap requirement apply to all sets except water sets would accommodate these individuals.
- The authorization to hunt coyotes from vehicles and with radios is provided in 115-5-1(c)(7)&(8). We recommend prohibiting the use of vehicles and two-way radios for coyote hunting during the primary 12-day deer season. The Department has received frequent requests from landowners and hunters wanting something done about illegal deer hunting, particularly involving road hunting and trespassing. We’ve also received complaints directed at coyote hound hunters reportedly trespassing, shooting out draws with deer hunters present, and hunting with vehicles in cooperation with deer hunters. After last deer season, Department NRO’s expressed unified frustration over their inability to adequately enforce existing deer hunting regulations because of loopholes created by legal coyote hunting practices. In response to these issues, a Department workgroup was formed to consider possible solutions to these problems. Several options were considered, including complete closure of coyote season during the primary deer season. However, most of the illegal activities identified included the use of vehicles and

two-way radios, and by prohibiting only their use rather than all coyote hunting, far fewer law abiding coyote hunters would be affected. Though some will be, coyote season is open year-round, including about five months that are huntable with hounds, and our recommendation is to restrict hunting for just 12 days at the time when use by deer hunters and potential for user conflicts is highest. Most importantly, this change will eliminate the ability of all hunters to drive draws or roadhunt, shoot from vehicles, or use radios while deer hunting under the guise of coyote hunting.

K.A.R. 115-5-2. Furbearers and coyotes; possession, disposal, and general provisions.

- Currently only bobcats and swift foxes to be sold or shipped from the state must be tagged (111-5-2(f)(2)). This causes some confusion and enforcement issues. We would recommend any bobcat, swift fox, or otter taken in Kansas should be tagged.

K.A.R. 115-6-1. Fur dealer license; application, authority, possession of furs, records, and revocation.

- 116-6-1(f) specifies that furdealers may purchase only bobcats and swift foxes that have been pelt tagged. Otter should be included. Specification is also needed so furdealers may purchase untagged swift foxes from states that don't require pelt tagging.
- Furdealers must turn in record books by April 1 (116-6-1(g)). By changing this due date to May 1, most dealers would have liquidated their fur, and be able to zero out their books. Several have requested this in the past to simplify their book keeping.
- A dealer's application may be refused or revoked for failure to comply with or violating licensing conditions (115-6-1(h)(1-3)). We recommend expanding this to include violation of Department laws or regulations, or suspension or revocation of any other Department license or permit.

K.A.R. 115-16-5. Wildlife Control Permit; operational requirements.

- We recommend adding otter to 115-16-5(g), which subjects bobcat and swift fox to furharvesting tagging requirements. This was an oversight when the otter season was opened.
- 115-16-5(d)(1) requires permittees to mark their trapping equipment with their name and address. To be consistent with furharvesting regulations, we would like to allow them to use their KDWPT number on their traps as an alternative to their name and address.

K.A.R. 115-25-11. Furbearers; open seasons and bag limits.

- Trappers have often requested an alternative to discarding incidentally taken muskrats during beaver season (when muskrat season is closed). We are proposing to allow them to keep up to 10 incidentally taken muskrats during beaver season (115-25-11).

- The running season currently ends on Nov. 1. Harvest season opens Nov. 12-18, depending on the year. Early November is an excellent time of year for hunting, and two weeks most years is an unnecessarily lengthy closure. We've had requests from houndsmen to alter the field trial permit so they can hold events between running season and harvest season (115-13-4(h)). Extending running season for all is a better alternative. We propose extending the furbearer running season closure from Nov. 1 to Nov. 8 (115-25-11(e)).

Otter season changes being considered:

- Eliminate the 100 otter season quota (115-25-11(d)).
- Eliminate requirement to contact the department within 24 hours of harvest (115-25-11(d)).
- Eliminate requirement to present pelt for tagging within four days of harvest. Instead, require pelt to be tagged within seven days of season (like bobcat -115-5-2(f)(2)).
- Eliminate requirement to turn in carcass to the Department. Instead, require lower canine teeth to be turned in at time of tagging (115-5-2(f)(2)).
- Maintain the two otter quota (115-25-11(d)).

Explanation of changes: All indications are the population is healthy, reproducing well, and gradually expanding in range into central Kansas – with the greatest numbers in southeast Kansas. We can be less conservative than we are now without eliminating limits altogether. We're working on a modeling technique to come up with a population estimate. This is a five-year project, after which we would expect to stop collecting teeth or at least go to voluntary compliance. Eliminating the quota while retaining the two otter bag limit is the next logical step in relaxing restrictions. It will better indicate how many people want to trap otters, as everyone will have the opportunity to do so (i.e. no season ending quota). It will allow trappers to take otters when they want as opposed to when they have to due to fear of season end, and it will allow isolated incidentals to be kept by trappers during the beaver season. The otter season will close March 31, along with beaver.

Lesser Prairie Chicken Federal Listing Briefing

Significant declines in lesser prairie chicken (LPC) populations and their range were cause enough for the U.S. Fish and Wildlife Service (USFWS) to list the species as “warranted but precluded from listing” in 1996. This simply meant that it deserved a review for listing under the Endangered Species Act, but that a review would not take place because there were higher priority species. However, recently the priority status for LPC review went from a level 8 to a level 2 and as such, a preliminary review was completed. After a 60-day extension for a proposed ruling, on November 30, 2012, the USFWS announced the proposed listing for the LPC as threatened. The final rule will be announced on September 30, 2013. As the result of the listing proposal, public hearings are being held by the USFWS in four of the five states (KS, OK, TX and NM) for the purpose of gathering public comments.

In response to the proposed listing as threatened, the five-state LPC Interstate Working Group (Kansas, Colorado, Oklahoma, New Mexico, and Texas) and its partners initiated and have continued to develop a range-wide conservation plan. If this plan can show with certainty that the number of birds and their habitats can be managed to levels that provide for a viable and stable population throughout the LPC’s range, it could influence the USFWS’s final listing decision.

A third version of the range-wide plan was sent to the USFWS on April 2. The plan is also available on the WAFWA website and is open for public review and comment. The working group will continue to work with USFWS in perfecting the plan to meet service needs for making listing decisions.

To reach stakeholders in a more widespread manner, Kansas is planning to use a webinar to link with stakeholders. Specific date for that webinar is under consideration. We are working with Extension to provide locations for those who may not have computer capabilities. There is also plans to do a range-wide webinar.

We have every indication that the USFWS will re-open the listing comment period. This will allow for additional or new comments relative to the listing and will also provide comment relative to the range-wide plan. The re-opening will likely occur toward end of April and will remain open for 45 days.

XI. DEPARTMENT REPORT

C. Workshop Session

6. K.A.R. 115-25-1. Prairie Chickens; seasons, bag limits & possession limits

DISCUSSION

The intent of this item will be to provide some information about how a listing of the lesser prairie-chicken as a federally threatened species might affect prairie chicken hunting regulations for the state (Figure 1). Specific items that will be discussed include how a federal listing might affect our ability to hunt populations of solely lesser prairie-chickens and populations where both prairie chicken species co-exist (Figure 1). More detailed information will be presented or distributed at the meeting. The U.S. Fish and Wildlife Service is scheduled to release their final ruling on the listing status of the species by the end of September, 2013.

Figure 1. Prairie chicken hunting units, season dates, and bag limits in Kansas, 2012-2013.

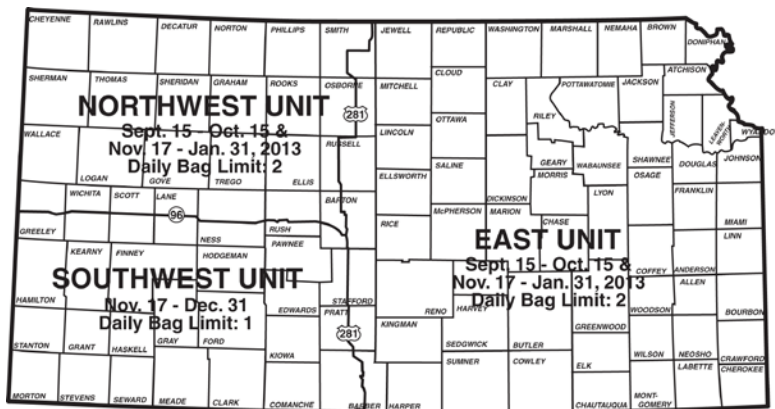
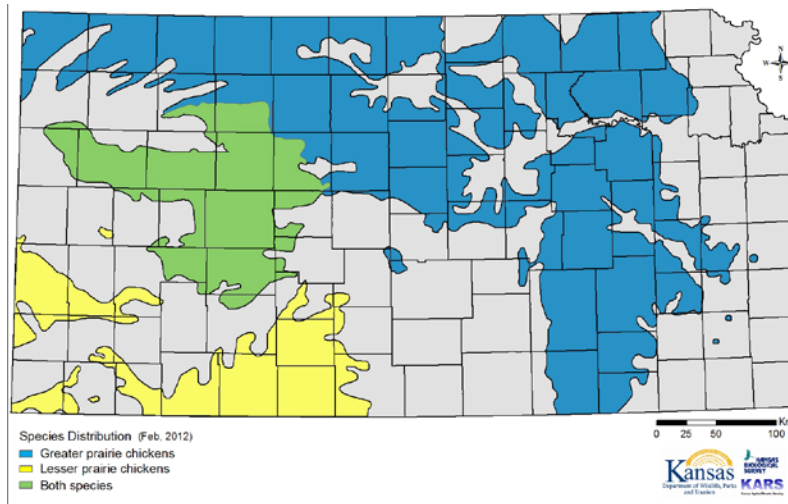


Figure 2. Current distributions of greater and lesser prairie-chicken in Kansas, 2011.



2013 Public Lands Regulations Reference Document Changes under consideration

Access Restrictions

Region 3

Playa Lakes (Herron, Stein & Wild Turkey) Closed to all activities from February 1 through August 31. Open till noon for migratory bird seasons from September 1 through November 22. Open all day during designated youth upland bird season. Open to all hunting all day November 23 through January 31. – REMOVE

Region 5

Grand Osage WA – Access by special permit ~~or Army authorization only~~

Age Restrictions

Region 1

Glen Elder WA- Walnut Creek area, mentor area-all species, all seasons - REMOVE
Glen Elder WA- Granite Creek area, youth/mentor area-all species, October 1 – January 31 – ADD

Region 2

Milford WA-West Broughton area, youth/mentor area hunting-all species, all seasons - ADD

No alcohol

Region 2

Rocky Ford Fishing Area – REMOVE

Region 5

LaCygne Lake & WA- ADD

Non Toxic Shot – designated dove fields - ADD

Region 1

Jamestown WA
Glen Elder WA
Ottawa SFL
Smoky Hill WA
Wilson WA

Region 2

Kansas River WA
Tuttle Creek WA

Clinton WA
Perry WA
Milford WA
Noe WA
Hillsdale WA

Region 4

Cheney WA
El Dorado WA
Marion WA

Region 5

Dove Flats WA
Elk City WA
Fall River WA
La Cygne WA
Mined Land WA
Spring River WA
Toronto WA
Woodson WA

Boating Restrictions

No Motorized Boats

Region 5

Elk City WA-Widgeon, Simmons, and House Mound Marshes --ADD

Refuges

Refuge Area Closed to All Activities Year Round

Region 5

Mined Land WA-portions of Units 28 & 29-REMOVE

Shooting Hours Restrictions -REMOVE

The following properties have shooting hour restrictions that are more restrictive than statewide regulations. These restrictions may be species specific and regulated only on portions of the property.

Shooting Hours End 1 PM - REMOVE

Region 5

Neosho WA-South Unit for waterfowl – REMOVE

Special Permits (Daily/ Use* Hunt Permits)

Region 1

Glen Elder WA – Granite Creek Area during youth/mentor seasons - ADD

KAR 115-8-23. Bait, hunting – definition of baiting. Clarify definition that follows federal regulations in regards to hunting over manipulated crops for waterfowl and other migratory game birds.

KAR 115-8-2. Blinds, tree stands, and decoys. Remove “tree” in reference to stands. This will clarify the use of portable stands for the purposes of hunting.

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 Hearing

Desired Date of Publication - February 21, 2013

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., Thursday, April 25, 2013 at the Great Plains Nature Center, 6232 E 29th Street North, Wichita, Kansas, to consider the approval and adoption of proposed regulations of the Kansas Department of Wildlife, Parks, and Tourism.

A general discussion and workshop meeting on business of the Wildlife, Parks, and Tourism Commission will begin at 1:30 p.m., April 25 at the location listed above. The meeting will recess at approximately 5:30 p.m. then resume at 7:00 p.m. at the same location for the regulatory hearing and more business. There will be public comment periods at the beginning of the afternoon and 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. April 26 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 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. 115-2-3. This permanent regulation establishes camping, utility and other fees for state parks. The proposed amendment would reduce the monthly recreational vehicle short-term parking cost.

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

K.A.R. 115-4-11. This permanent regulation establishes provisions for big game and wild turkey permit applications. The proposed amendments add units to the permit application process consistent with management unit changes for spring and fall seasons.

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. 115-25-7. This exempt regulation establishes the open seasons, bag limit and permits for antelope. The proposed version of the regulation reduces permits slightly over previous years.

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. 115-25-8. This exempt regulation establishes the open seasons, bag limit and permits for elk. The proposed version of the regulation merely updates the season dates from the previous year.

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, or by calling (785) 296-2281.

Gerald Lauber, Chairman



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.AG.KS.GOV

February 12, 2013

Chris Tymeson
Chief Legal Counsel
Kansas Department of Wildlife, Parks and Tourism
1020 S. Kansas Ave., Suite 200
Topeka, KS 66612-1327

RE: K.A.R. 115-2-3; K.A.R. 115-4-11; K.A.R. 115-25-7; K.A.R. 115-25-8

Dear Chris:

Pursuant to K.S.A. 2012 Supp. 77-420(b), we have determined that the above-referenced regulations are within the statutory authority of your agency and do not present any other legal issues of concern. We have therefore approved the regulations for legality. The regulations are stamped and enclosed with this letter.

Sincerely,

OFFICE OF THE ATTORNEY GENERAL
DEREK SCHMIDT

A handwritten signature in cursive script, appearing to read "Sarah Fertig".

Sarah Fertig
Assistant Attorney General

Enclosures

cc: Rep. Sharon Schwartz, Chair, Joint Committee on Rules and Regulations
Sen. Vicki Schmidt, Vice Chair, Joint Committee on Rules and Regulations
Rep. Jan Pauls, Ranking Minority Member, Joint Committee on Rules and Regulations
Raney Gilliland, Legislative Research, State Capitol, Room 68-W
Kenneth Wilke, Revisor of Statutes, State Capitol, Room 24-E

115-2-3. Camping, utility, and other fees. (a) Each overnight camping permit shall be valid only for the state park for which it is purchased and shall expire at 2:00 p.m. on the day following its effective date.

(b) Any annual camping permit may be used in any state park for unlimited overnight camping, subject to other laws and regulations of the secretary. This permit shall expire on December 31 of the year for which it is issued.

(c) Any 14-night camping permit may be used in any state park. This permit shall expire when the permit has been used a total of 14 nights, or on December 31 of the year for which it is issued, whichever is first.

(d) Camping permits shall not be transferable.

(e) The fee for a designated prime camping area permit shall be in addition to the overnight, annual, 14-night, or other camping permit fee, and shall apply on a nightly basis.

(f) Fees shall be due at the time of campsite occupancy and by noon of any subsequent days of campsite occupancy.

(g) Fees set by this regulation shall be in addition to any required motor vehicle permit fee specified in K.A.R. 115-2-2.

(h) The following fees shall be in effect for state parks and for other designated areas for which camping and utility fees are required:

Camping--per camping unit (April 1 through September 30):

Annual camping permit.....	\$ 200.00
Overnight camping permit	7.00
14-night camping permit.....	99.00
Prime camping area permit	2.00

Camping--per camping unit (October 1 through March 31):

Annual camping permit.....	150.00
Overnight camping permit	6.00
14-night camping permit.....	85.00
Overflow primitive camping permit, per night	5.00

Recreational vehicle long-term camping permit, except for El Dorado, Milford, and Tuttle Creek State Parks (includes utilities)--per month, per unit (annual camping permit and annual vehicle permit required):

One utility	240.00
Two utilities	300.00
Three utilities	360.00

Recreational vehicle long-term camping permit for El Dorado, Milford, and Tuttle Creek State Parks (includes utilities)--per month, per unit (annual camping permit and annual vehicle permit required):

One utility	280.00
Two utilities	340.00
Three utilities	400.00

Recreational vehicle short-term parking--per month	125.00 <u>50.00</u>
--	--------------------------------

Utilities--electricity, water, and sewer hookup per night, per unit:

One utility	7.50
Two utilities	9.50
Three utilities	10.50

Youth group camping permit in designated areas, per camping unit--per night	2.50
---	------

Group camping permit in designated areas, per person--per night	1.50
Reservation fee, per reservation (camping, special use, or day use)	10.00
Rent-a-camp: equipment rental per camping unit--per night.....	15.00
Duplicate permit.....	10.00
Special event permit negotiated based on event type, required services, and lost revenue—maximum.....	200.00

~~This regulation shall be effective on and after January 1, 2012.~~ (Authorized by and implementing K.S.A. 2012 Supp. 32-807 and K.S.A. ~~2010~~ 2012 Supp. 32-988; effective Jan. 22, 1990; amended Jan. 28, 1991; amended June 8, 1992; amended Oct. 12, 1992; amended Aug. 21, 1995; amended Sept. 19, 1997; amended Jan. 1, 1999; amended Jan. 1, 2001; amended Jan. 1, 2003; amended Jan. 1, 2005; amended Jan. 1, 2009; amended Jan. 1, 2011; amended April 8, 2011; amended Jan. 1, 2012; amended P-_____.)

ECONOMIC IMPACT STATEMENT

K.A.R. 115-2-3. Camping, utility, and other fees.

DESCRIPTION: This regulation establishes the overnight and annual camping permit prices, fees for utility connections, and related fees within state parks. This is a user fee regulation and the proposed amendments would increase the cost of monthly short-term parking from \$125 to \$50.

FEDERAL MANDATE: None.

ECONOMIC IMPACT: The changes are anticipated to have no effect on the park fee fund. A fee was set in regulation many years ago but never implemented. On a limited trial basis, the Department is going to try to implement a program and the current fee rate is felt to be too high. Otherwise, the proposed amendments are not anticipated to have any appreciable economic impact on the department, small businesses, other agencies, or the public.

ALTERNATIVES CONSIDERED: None.

115-4-11. Big game and wild turkey permit applications. (a) General application provisions.

(1) Unless otherwise authorized by law or regulation, an individual shall not apply for or obtain more than one antlered or horned big game or wild turkey permit for each big game species or wild turkey, except when the individual is unsuccessful in a limited quota drawing and alternative permits for the species are available at the time of subsequent application or when the individual is the final recipient of a commission permit.

(2) Unless otherwise authorized by law or regulation, each big game or wild turkey permit application shall be signed by the individual applying for the permit.

(3) Subject to any priority draw system established by this regulation, if the number of permit applications of a specific species and type received by the designated application deadline exceeds the number of available permits of that species and type, a random drawing to issue permits of that species and type shall be conducted by the secretary.

(4) A hunt-on-your-own-land permit shall not be tabulated in a priority draw system if the permit would otherwise reduce the applicant's odds of receiving a big game permit through that draw system.

(b) Deer permit applications.

(1) Subject to any priority draw system established by this subsection, in awarding deer permits in units having a limited number of permits, the first priority shall be given to those applicants who did not receive, in the previous year, a deer permit that allowed the taking of an antlered deer. All other deer permit applicants shall be given equal priority.

(2) In awarding a limited number of deer permits by a priority draw system, the first priority shall be given to those individuals who have earned the highest number of preference points. Preference points shall be awarded as follows:

(A) One point shall be awarded to an individual for each year the individual is unsuccessful in obtaining, by a priority draw system, a deer permit that allows the taking of an antlered deer.

(B) If the individual fails to make at least one application or purchase one preference point within a period of five consecutive years, all earned points shall be lost.

(C) If an applicant obtains, by a priority draw system, a deer permit that allows the taking of an antlered deer, all earned points shall be lost.

(D) If the number of applicants with the most preference points exceeds the number of permits for specified units or permit types, then a drawing shall be held to determine the successful applicants.

(E) If an individual desires to apply for a preference point for a deer permit that allows the taking of antlered deer and not receive a permit, the person may apply for and receive a preference point by paying the proper application or preference point fee and ~~making~~ submitting an application during the application period specified in K.A.R. 115-25-9. No individual may apply for more than one preference point in the same calendar year, and no individual shall apply for a preference point in the same calendar year as the calendar year in which the individual is applying for a permit.

(3) If an individual is a final recipient of a commission deer permit, the individual shall not possess more than one regular antlered deer permit and one commission deer permit.

(4) Applications for nonresident limited-quota antlered deer permits shall be accepted in the Pratt office from the earliest date that applications are available through the last Friday of April each year. Any nonresident applicant may select, at the time of application, one deer management unit and up to one adjacent management unit where that permit shall be valid.

(5) Applications for resident firearms either-species, either-sex permits shall be accepted at designated locations from the earliest date that applications are available through the second Friday of July.

(6) Applications for resident any-season white-tailed either-sex deer permits, resident archery deer permits, resident muzzleloader either-species either-sex permits, and hunt-on-your-own-land deer permits shall be accepted at designated locations from the earliest date that applications are available through December 30.

(7) Each resident applicant for either-species, either-sex muzzleloader or firearm deer permits shall select, at the time of application, the unit where the permit shall be valid. The west unit permit shall be valid in units 1, 2, 17, and 18. The east unit permit shall be valid in units 3, 4, 5, 7, and 16.

(8) Applications for antlerless white-tailed deer permits shall be accepted at designated locations from the earliest date that applications are available through January 30 of the following year.

(c) Firearm antelope permit applications. In awarding firearm antelope permits, the first priority shall be given to those individuals who have earned the highest number of preference points. Preference points shall be awarded as follows:

(1) One point shall be awarded to an individual for each year the individual is unsuccessful in obtaining a firearm antelope permit.

(2) If the individual fails to make at least one application or purchase one preference point within a period of five consecutive years, all earned points shall be lost.

(3) If an applicant obtains a firearm permit by a priority draw system, all earned points shall be lost.

(4) If the number of applicants with the most preference points exceeds the number of permits for specified units or permit types, then a drawing shall be held to determine the successful applicants.

(5) If an individual desires to apply for a preference point for an antelope firearms permit that allows the taking of an antelope and not receive a permit, the person may apply for and receive a preference point by paying the preference point fee and ~~making~~ submitting an application during the application period specified in K.A.R. 115-25-7. No individual may apply for more than one preference point in the same calendar year, and no individual shall apply for a preference point in the same calendar year as the calendar year in which the individual is applying for a permit.

(6) Applications for resident firearm and muzzleloader permits shall be accepted in the Pratt office from the earliest date that applications are available through the second Friday of June.

(7) Applications for resident and nonresident archery permits shall be accepted at designated locations from the earliest date that applications are available through October 30.

(8) If there are any unfilled permits after all timely applications have been considered, the application period may be extended by the secretary.

(9) Any applicant unsuccessful in obtaining a permit through a drawing may apply for any permit made available during an extended application period, or any other permit that is available on an unlimited basis.

(d) Elk permit applications.

(1) An individual receiving a limited-quota elk permit shall not be eligible to apply for or receive an elk permit in subsequent seasons, with the following exceptions:

(A) An individual receiving an any-elk or a bull-only elk permit may apply for and receive an antlerless-only elk permit in subsequent seasons.

(B) An individual receiving a limited-quota, antlerless-only elk hunting permit shall not be eligible to apply for or receive a limited-quota, antlerless-only elk permit for a five-year period thereafter. Subject to this subsection, however, this individual may apply for and receive an any-elk or bull-only elk permit without a waiting period.

(C) When a limited number of elk permits are awarded by a random draw system, each individual shall have an additional opportunity of drawing for each bonus point earned by the individual in addition to the current application. Bonus points shall be awarded as follows:

(i) One bonus point shall be awarded to an individual for each year the individual is unsuccessful in obtaining, by a random draw system, an elk permit that allows the taking of an elk.

(ii) If an individual fails to make at least one application or purchase one bonus point within a period of five consecutive years, all earned bonus points shall be lost.

(iii) If an applicant obtains, by a random draw system, an elk permit that allows the taking of an elk, all earned points shall be lost.

(iv) If an individual desires to apply for a bonus point for an elk permit that allows the taking of elk and not receive a permit, the person may apply for and receive a bonus point by paying the proper application or bonus point fee and ~~making~~ submitting an application during the application period specified in K.A.R. 115-25-8. No individual may apply for more than one bonus point in the same calendar year, and no individual shall apply for a bonus point in the same calendar year as the calendar year in which the individual is applying for a permit.

(D) Each individual who is the final recipient of a commission elk permit shall be

eligible for a limited-quota elk permit, subject to the provisions of this subsection.

(E) Limited-quota antlerless-only elk permits and limited-quota either-sex elk permits shall be awarded from a pool of applicants who are Fort Riley military personnel and applicants who are not Fort Riley military personnel.

(2) Applications for hunt-on-your-own-land and unlimited over-the-counter elk permits shall be accepted at designated locations from the earliest date that applications are available through March 14 of the following year.

(3) Applications for limited-quota antlerless-only elk permits and limited-quota either-sex elk permits shall be accepted at designated locations from the earliest date that applications are available through the second Friday in July.

(4) If there are leftover limited-quota antlerless-only elk permits or limited-quota either-sex permits after all timely applications have been considered, the application periods for those permits may be reopened by the secretary. Leftover permits shall be drawn and issued on a daily basis for those application periods reopened by the secretary. Any applicant unsuccessful in obtaining a permit through a drawing may apply for any leftover permit or any other permit that is available on an unlimited basis.

(5) Any individual may apply for or obtain no more than one permit that allows the taking of an elk, unless the individual is unsuccessful in a limited-quota drawing and alternative permits for elk are available at the time of subsequent application or the individual obtains a commission permit pursuant to this subsection.

(e) Wild turkey permit applications.

(1) When awarding wild turkey permits in units having a limited number of permits, the first priority shall be given to those individuals who did not receive a permit in a limited wild

turkey unit during the previous year. All other applicants shall be given equal priority.

(2) In awarding a limited number of wild turkey permits by a priority draw system, the first priority shall be given to those individuals who have earned the highest number of preference points. Preference points shall be awarded as follows:

(A) One point shall be awarded to an individual for each year the individual is unsuccessful in obtaining, by a priority draw system, a wild turkey permit.

(B) If the individual fails to make at least one application or purchase one preference point within a period of five consecutive years, all earned points shall be lost.

(C) If an applicant obtains, by a priority draw system, a wild turkey permit, all earned points shall be lost.

(D) If the number of applicants with the most preference points exceeds the number of permits for specified units or permit types, then a drawing shall be held to determine the successful applicants.

(E) If an individual desires to apply for a preference point for a wild turkey permit and not receive a permit, the person may apply for and receive a preference point by paying the preference point fee and ~~making~~ submitting an application during the application period specified in K.A.R. 115-25-6. No individual may apply for more than one preference point in the same calendar year, and no individual shall apply for a preference point in the same calendar year as the calendar year in which the individual is applying for a permit.

(3) Fall wild turkey permits for unit 1, unit 2, unit 3, unit 5, and unit ~~3~~ 6, youth turkey permits, and game tags for unit 2, unit 3, unit 5, and unit 6 may be purchased over the counter at designated locations, from the earliest date in the year that applications are available through 5:00 p.m. on January 30 of the following year.

(4) Applications for spring wild turkey permits in unit 4 shall be accepted by the department from the earliest date that applications are available until midnight on the second Friday of February. If there are turkey permits left over after all timely applications have been considered, the application period may be reopened by the secretary. Leftover turkey permits shall be issued on a daily competitive basis until the day before the last day of the turkey season or until all turkey permits are issued.

(5) Spring wild turkey permits in unit 1, unit 2, unit 3, unit 5, and unit ~~3~~ 6, youth turkey permits, and ~~second turkey~~ game tags in unit 1, unit 2, and unit 3, unit 5, and unit 6 may be purchased over the counter at designated locations from the earliest date that applications are available until midnight on the day before the closing date for the season. (Authorized by K.S.A. 2012 Supp. 32-807, K.S.A. ~~2010~~ 2012 Supp. 32-937, K.S.A. ~~2010~~ 2012 Supp. 32-969, and K.S.A. ~~2010~~ 2012 Supp. 32-970; implementing K.S.A. ~~2010~~ 2012 Supp. 32-937, K.S.A. ~~2010~~ 2012 Supp. 32-969, and K.S.A. ~~2010~~ 2012 Supp. 32-970; effective Sept. 10, 1990; amended May 27, 1991; amended June 1, 2001; amended April 18, 2003; amended Feb. 18, 2005; amended May 15, 2009; amended Feb. 5, 2010; amended April 8, 2011; amended P-_____.)

ECONOMIC IMPACT STATEMENT

K.A.R. 115-4-11. Big game permit applications.

DESCRIPTION: This regulation addresses permit application requirements for obtaining big game permits. The proposed amendments would add units to the permit application process consistent with management unit changes for spring and fall seasons.

FEDERAL MANDATE: None.

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

ALTERNATIVES CONSIDERED: None.

115-25-7. Antelope; open season, bag limit, and permits. (a) The open season for the taking of antelope shall be as specified in this subsection. The unit designations in this subsection shall have the meanings specified in K.A.R. 115-4-6.

(1) Archery season.

(A) The archery season dates shall be September 21, 2013 through September 29, 2013 and October 12, 2013 through October 31, 2013.

(B) The taking of antelope during the established archery season shall be authorized for Smoky Hill, unit 2; West Arkansas, unit 17; and Cimarron, unit 18. Unlimited archery permits for residents and nonresidents shall be authorized for the area.

(2) Firearm season.

(A) The firearm season dates shall be October 4, 2013 through October 7, 2013.

(B) The open units for the taking of antelope during the established firearm season and the number of permits authorized shall be as follows:

(i) Smoky Hill, unit 2: Ninety-six resident firearm permits shall be authorized for the unit.

(ii) West Arkansas, unit 17: Thirty-six resident firearm permits shall be authorized for the unit.

(iii) Cimarron, unit 18: Ten resident firearms permits shall be authorized for the unit.

(3) Muzzleloader-only season.

(A) The muzzleloader-only season dates shall be September 30, 2013 through October 3, 2013. Muzzleloader permits also shall be valid in the unit for which the permit is authorized during the established firearm season dates.

(B) The open units for the taking of antelope during the established muzzleloader-only

season and the number of permits authorized shall be as follows:

(i) Smoky Hill, unit 2: Twenty-four resident muzzleloader permits shall be authorized for the unit.

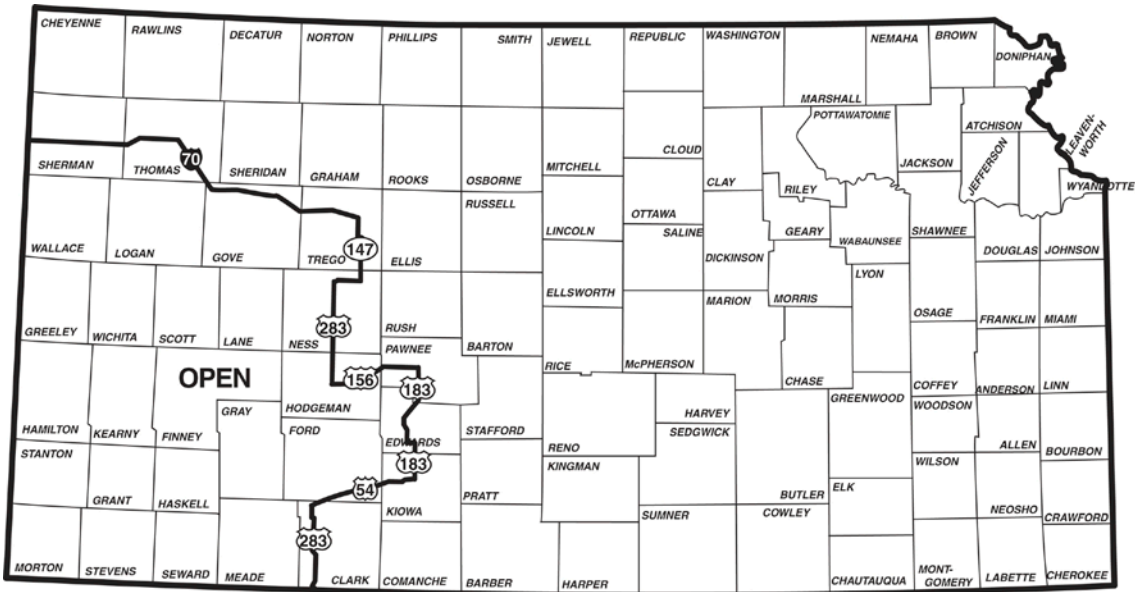
(ii) West Arkansas, unit 17: Ten resident muzzleloader permits shall be authorized for the unit.

(iii) Cimarron, unit 18: Eight resident muzzleloader permits shall be authorized for the unit.

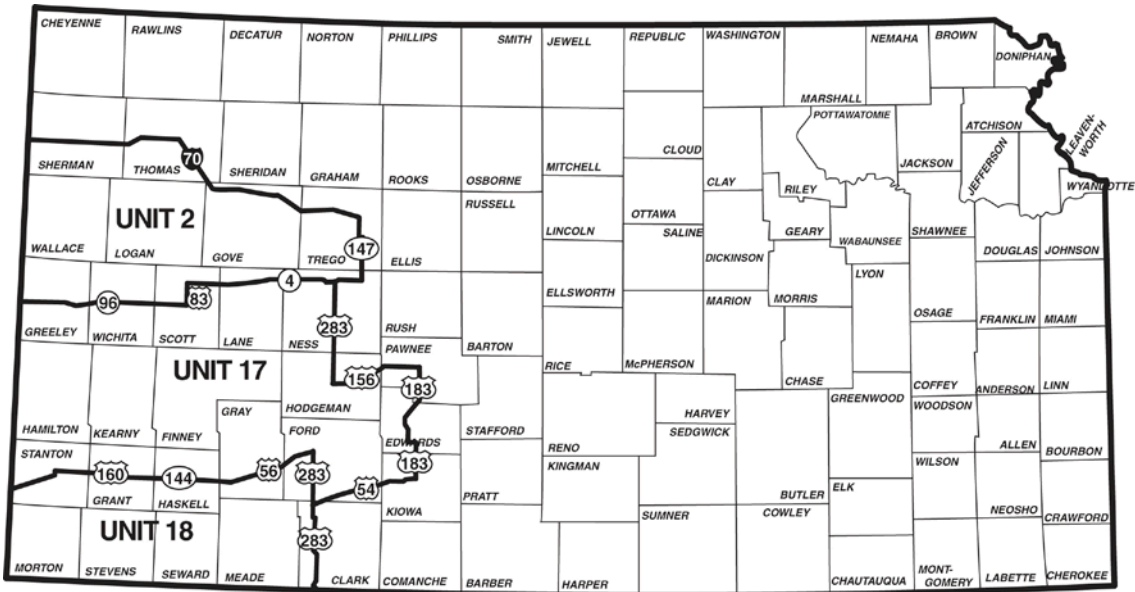
(b) The bag limit for each archery, firearm, and muzzleloader permit shall be one antelope of either sex.

(c) This regulation shall be effective on and after May 1, 2013, and shall have no force and effect on and after March 1, 2014. (Authorized by and implementing K.S.A. 2012 Supp. 32-807 and K.S.A. 2012 Supp. 32-937.)

Archery Pronghorn Unit



Firearm, Muzzleloader Pronghorn Units



ECONOMIC IMPACT STATEMENT

K.A.R. 115-25-7. Antelope; open season, bag limit, and permits.

DESCRIPTION: This proposed exempt regulation establishes hunting unit boundaries, bag limit, application periods and season dates for the 2013 firearm, muzzleloader, and archery antelope seasons. The hunting units include all of the area included during the 2013 season. An unlimited number of archery permits are authorized, however, recent trends indicate that about 250 people may apply for these permits for residents. 4 nonresident archery permits were issued in 2012 and it is anticipated that a like number will be issued in 2013.

The proposed unit boundaries for the 2013 firearm hunting season are the same as the 2012 unit boundaries. A total of 142 firearms permits are proposed in three management units as follows: Unit 2-96 permits, Unit 17-36 permits, and Unit 18-10 permits, a decrease of 8 permits from the previous season. In addition, 42 muzzleloader permits are proposed in three management units as follows: Unit 2-24 permits, Unit 17-10 permits, and Unit 18-8 permits, a decrease of 4 permits from the previous season.

FEDERAL MANDATE: None.

ECONOMIC IMPACT: It is anticipated that 424 antelope hunting permits will be authorized. Estimated revenue if all permits are issued would be approximately \$13,400. That amount represents equal participation in the antelope season by landowner/tenants and general residents, as well as nonresident participation. Approximately 1150 people will apply for an antelope permit or preference point. A \$5 nonrefundable application fee from all applicants will generate an additional \$5,575. Other administrative costs associated with the season are borne by the Department.

Approximately 2120 days of hunting activity will occur. The national survey of fishing, hunting, and wildlife associated recreation conducted by the U.S. Fish and Wildlife Service estimated that an average big game hunter spent more than \$1100 per season, thus the antelope season may generate \$466,400 in direct economic benefits to businesses providing goods and services. There will be no other economic impact on the general public, small businesses or on other state agencies.

ALTERNATIVES CONSIDERED: None.

115-25-8. Elk; open season, bag limit, and permits. (a) The unit designations in this regulation shall have the meanings specified in K.A.R. 115-4-6b, except that the area of Fort Riley, subunit 2a, shall not be included as part of Republican-Tuttle, unit 2.

(b) The open seasons for the taking of elk shall be as follows:

(1) The archery season dates and units shall be as follows:

(A) Statewide, except Fort Riley, subunit 2a, and unit 1: September 16, 2013 through December 31, 2013.

(B) Fort Riley, subunit 2a: September 1, 2013 through September 30, 2013.

(2) The firearm season dates and units shall be as follows:

(A) Statewide, except Fort Riley, subunit 2a, and unit 1: December 4, 2013 through December 15, 2013 and January 1, 2014 through March 15, 2014.

(B) Fort Riley, subunit 2a:

(i) First segment: October 1, 2013 through October 31, 2013.

(ii) Second segment: November 1, 2013 through November 30, 2013.

(iii) Third segment: December 1, 2013 through December 31, 2013.

(3) The muzzleloader season dates and units shall be as follows:

(A) Statewide, except Fort Riley, subunit 2a, and unit 1: September 1, 2013 through September 30, 2013.

(B) Fort Riley, subunit 2a: September 1, 2013 through September 30, 2013.

(c) A limited-quota either-sex elk permit shall be valid during any season using equipment authorized for that season. Ten either-sex elk permits shall be authorized.

(d) A limited-quota antlerless-only elk permit shall be valid during any season using equipment authorized for that season, except that a limited-quota antlerless-only elk permit shall

be valid on Fort Riley, subunit 2a, only as follows:

(1) A first-segment antlerless-only elk permit shall be valid on Fort Riley, subunit 2a, only during the first segment. Five first-segment antlerless-only elk permits shall be authorized.

(2) A second-segment antlerless-only elk permit shall be valid on Fort Riley, subunit 2a, only during the second segment. Five second-segment antlerless-only elk permits shall be authorized.

(3) A third-segment antlerless-only elk permit shall be valid on Fort Riley, subunit 2a, only during the third segment. Five third-segment antlerless-only elk permits shall be authorized.

(4) All antlerless-only elk permits shall be valid on Fort Riley, subunit 2a, during the September 1, 2013 through September 30, 2013 archery and muzzleloader seasons.

(e) The bag limit shall be one elk as specified on the permit issued to the permittee.

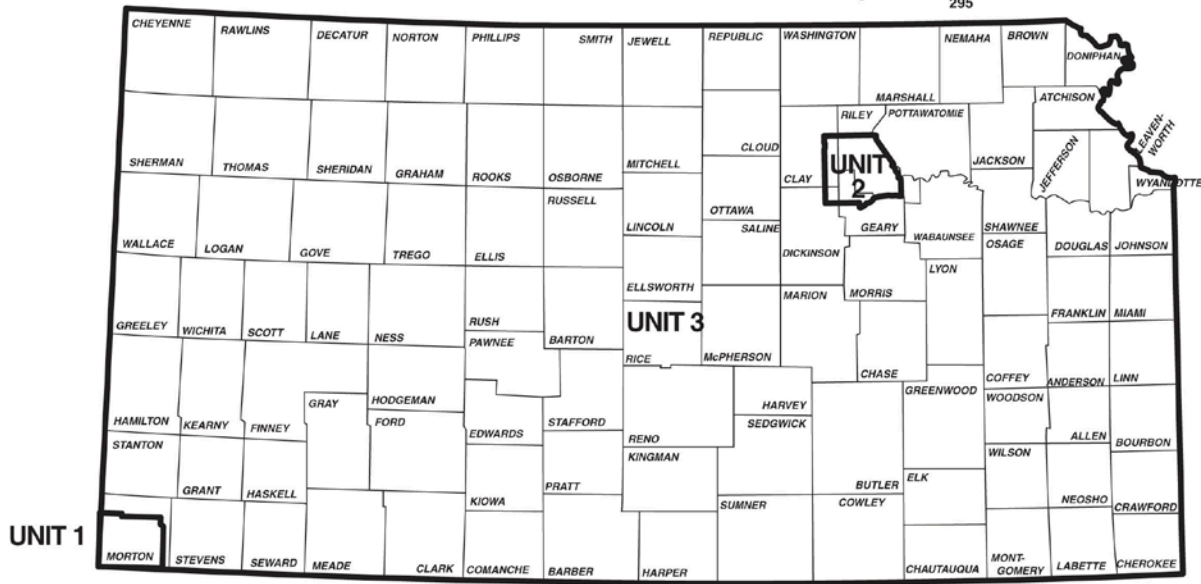
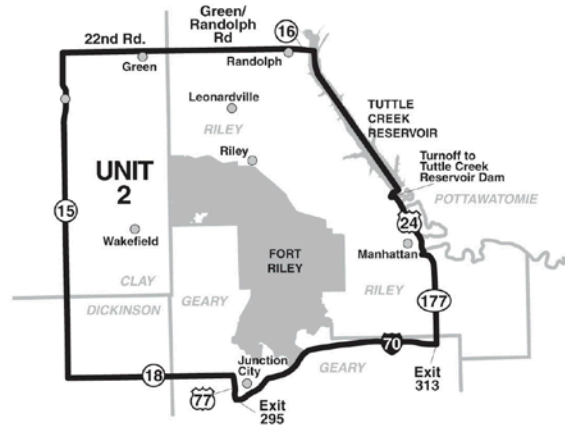
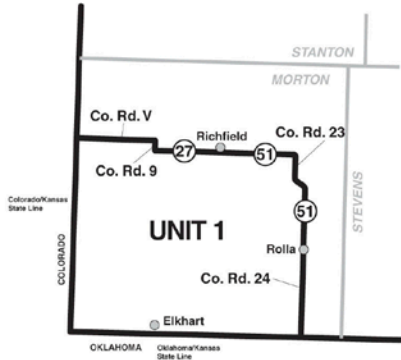
(f) An unlimited number of hunt-on-your-own-land antlerless-only elk permits and either-sex elk permits shall be authorized in units 2 and 3. A hunt-on-your-own-land permit shall be valid during any open season. The bag limit for each hunt-on-your-own-land elk permit shall be one elk as specified on the permit.

(g) An unlimited number of over-the-counter antlerless-only elk permits and either-sex elk permits shall be authorized in unit 3.

(h) Each permit holder shall, upon harvest of an elk, contact designated department staff within two calendar days to arrange for collection of biological data and tissue samples.

(i) This regulation shall have no force and effect on and after April 1, 2014. (Authorized by and implementing K.S.A. 2012 Supp. 32-807 and K.S.A. 2012 Supp. 32-937.)

Elk Units



ECONOMIC IMPACT STATEMENT

K.A.R. 115-25-8. Elk; open season, bag limit and permits.

DESCRIPTION: This proposed exempt regulation establishes hunting unit boundaries, bag limit, application periods and season dates for the 2013-2014 muzzleloader, archery, and firearm seasons for elk. The units allow for statewide use for limited-quota permits, except in a portion of Morton County. Limited-quota elk and unlimited hunt-on-your-own-land (HOYOL) hunters would be allowed to hunt during any open season with the equipment that was allowed during that season. Unlimited general either-sex and antlerless-only permits would allow the use of the permits in all units but would exclude two units. Unlimited HOYOL either-sex and antlerless-only permits would be allowed statewide, except a portion of Morton County, Unit 1. The proposed regulation would allow elk hunting from September 1, 2013 through March 15, 2013 statewide (outside Fort Riley, except Unit 1). Fifteen limited-quota antlerless permits would also be valid during a September muzzleloader and archery equipment season on Fort Riley, Subunit 2a. However, only five limited-quota antlerless-only elk permits at a time would be made available for use during each of three seasons on subunit 2a (Fort Riley) (October 1, 2013 through October 31, 2013; November 1, 2013 through November 30, 2013; and December 1, 2013 through December 31, 2013). Ten limited-quota either-sex elk permits would be valid from September 1, 2013 through December 31, 2013 on subunit 2a and from September 1, 2013 through March 15, 2014 in the remainder of the state, except Unit 1. Fort Riley military personnel would continue to control access to the military grounds for the purpose of elk hunting, and are expected to provide hunting access only during a portion of the available days during the open seasons. The seasons are intended to provide increased opportunity for those hunters drawing elk permits, and increased flexibility to address elk that may disperse off the Fort as well as those animals beginning to appear within other locations in the State. This represents no change from the total limited-quota permits for 2012.

FEDERAL MANDATE: None

ECONOMIC IMPACT: It is anticipated that 25 limited-quota elk permits will be issued. Based on 2012 numbers, it is estimated that at least another 20 HOYOL permits will be issued and as well as 25 unlimited general permits. In addition, it is estimated that 980 of people will apply for the drawing permits or bonus points and those individuals pay a \$5 nonrefundable application fee. The application fee generates \$4900. Estimated revenue if all permits are issued would be approximately \$8000. Administrative costs associated with the season are borne by the Department. Approximately 235 days of hunting activity may occur, thus providing \$51,700 economic benefit to businesses providing goods and services. To the extent the expanded unit, seasons, and permit numbers help prevent dispersal of elk onto private land, and therefore help prevent occurrence of damage from dispersed elk, there may be some positive economic impact to the general public. No other economic impact on the general public, small businesses, or on other state agencies is anticipated.

ALTERNATIVES CONSIDERED: None