

**AGENDA**  
**KANSAS DEPARTMENT OF WILDLIFE, PARKS & TOURISM**  
**COMMISSION MEETING AND PUBLIC HEARING**  
**Thursday, January 9, 2014**  
**Southwestern College**  
**Winfield, Kansas**

- I. CALL TO ORDER AT 1:00 p.m.**
- II. INTRODUCTION OF COMMISSIONERS AND GUESTS**
- III. ADDITIONS AND DELETIONS TO AGENDA ITEMS**
- IV. APPROVAL OF THE October 17, 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. 2014 Legislature (Chris Tymeson)**
  - B. General Discussion**
    - 1. NWTF Presentation (Jared McJunkin, NWTF)**
    - 2. Commissioner Permit Update and Drawing (Keith Sexson)**
    - 3. Tourism Briefing (Linda Craghead)**
    - 4. Public Land Regulations (Brad Simpson)**
    - 5. Five-year review of the Kansas Threatened and Endangered Species Lists (Ed Miller)**
    - 6. Lesser Prairie Chicken Federal Listing Update (Keith Sexson)**
  - C. Workshop Session**
    - 1. Antelope and Elk 25-Series Regulations (Matt Peek)**
    - 2. Deer 25-Series Regulations (Lloyd Fox)**
- VII. RECESS AT 5:00 p.m.**

**VIII. RECONVENE AT 6:30 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 115-4-15. Restitution scoring system; white-tailed deer; mule deer; elk; antelope. (Lloyd Fox)**

**2. KAR 115-2-3. Camping and utility fees. (Linda Lanterman)**

**3. KAR 115-25-5. Turkey; fall season, bag limit and permits. (Jim Pitman)**

**XII. OLD BUSINESS**

**XIII. OTHER BUSINESS**

**A. Future Meeting Locations and Dates**

**XIV. ADJOURNMENT**

If necessary, the Commission will recess on January 9, 2014, to reconvene January 10, 2014, 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, March 20, 2014 at Kansas Historical Museum, 6425 SW 6<sup>th</sup> Ave, Topeka, KS.

**Kansas Department of Wildlife, Parks and Tourism  
Commission Meeting Minutes  
Thursday, October 17, 2013  
Kansas Cosmosphere & Space Center  
1100 N. Plum, Hutchinson, KS**

Subject to  
Commission  
Approval

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

The October 17, 2013 meeting of the Kansas Wildlife, Parks and Tourism Commission was called to order by Chairman Gerald Lauber at 1:30 p.m. at the Kansas Cosmosphere and Space Center in Hutchinson. Chairman Lauber and Commissioners Don Budd, Tom Dill, Randy Doll, Gary Hayzlett, 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**

*None*

**IV. APPROVAL OF THE August 1, 2013 and August 29, 2013 MEETING MINUTES**

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

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

Dale Meyer (Pauline) – Moved to Hodgeman County in 2007 to retire on land we inherited. There are no roads, but we have had three incidents, poaching, trespass and our shop shot up near our home (reported), only 2 square miles, but 14 individuals involved in one way or another and only three want their land in walk-in hunting. Only one has legitimate contract that meets guidelines of having public roads with immediate access to the land. Received letter from Joe Kramer, his erroneous statement said “we believe people who hunt area can hunt ethically”; not true; witnessed people shooting 600 or 700 yards trying to get deer to move out of the section lines. Shot deer and left in our yard twice; also left beer cans, pop cans and litter. It is a short 340 yards to six 1,000 gallon propane tanks and 900 gallons of fuel. Need to address this situation and safety concerns. Chairman Lauber – Two or three issues: first walk-in hunting, no access to this property, don’t knowingly lease if not access area; expect confusion on what was a private road or section line road; two – retaliatory vandalism that we can’t do anything about, have 97-98 percent privately owned land in state and can’t buy public hunting areas. Same risk would be there if that was a private individual leasing that land. With Kansas population density, any bullet can reach some improvement on a third party property. If you could work this out with

neighboring landowner, that would be preferred. We understand your problem. Meyer – With no access from public road, what they are using is private road to reach that property. Secretary Jennison – Please get with me, this came to me through the Governor's office, at least similar situation, and there was a misunderstanding about who had the access; decided to not re-enroll that particular property. Commissioner Lauber – If doesn't fit guideline, we won't re-enroll. Commissioner Wilson – Would that solve the problem if we took it out of WIHA? Meyer – Yes, would have to walk in 4/10 of a mile just to reach it and carry deer out a mile or two to reach it. Commissioner Marshall – Would like to see labels on WIHA maps that roads are on private property and are not access roads.

Andy Fanter – (passed out letter and copy of billboard sign – Exhibit C) – My biggest concern was change in dark goose season, shaved off 7 days off waterfowl hunting and 7 days off tourism. It is the middle of November before they show up in this state and middle of December for Kansas City area. The southeast (SE) duck zone is turning into a joke, everything for the mallard hunter on private land; public land, which is important for everyone, hunt in early season, private land in late season. Access has to be for everyone. Commissioner Budd – Appreciate interest, points well taken. Just because we have members who are passionate about fishing, hunting, etc. doesn't disqualify us from having same opinion as biologist, hunter or fisherman, so unfair to say we have self-serving interests. As you stated middle November before geese show up in the west and December in the east. I can address SE zone, I hunt all zones. Have south unit in SE zone, Neosho, which is a partnership between KDWPT and DU (separate from Neosho WA), received about 100 calls over last three years regarding getting water in that unit; like to address those types of concerns. Private leasing is there, like to turn the clock back on that, but can't and there are tourism dollars that come with that. Would like to work with you rather than butt heads. Fanter – Go hunting on weekends at Cheyenne Bottoms, Marais des Cygnes and Neosho went from 70 vehicles down to 5 vehicles; when hunting on ice there are a few diehards; not talking about that, but days available to average hunter; 7 days off goose season when hardly any geese around. If goose season would have stayed the way it was, we would have been just fine. Hunt geese in February, as migrating back to the north. December is iffy, old goose season worked out well. Commissioner Marshall – How many hunting licenses are sold in January/February versus September/October? Sexson – Have to have their hunting license. Commissioner Marshall – Can we find that out? Sexson – Yes. Fanter – Field access is a big problem, January and February doesn't interfere with pheasant or deer seasons. November will also still have crops in fields in some places. Commissioner Budd – Thought we were talking about public ground? Fanter – I am concerned about public ground, because what happens is hunters have changed, most just want a hunting opportunity, not just mallards. Commissioner Budd – Making an argument for later west and earlier east season. Fanter – Later goose season. Chairman Lauber – Ducks versus goose seasons. Like to see less contentious, not sure good solution at this point. More we hear your opinions and people like you earlier like this the more we can come to a compromise for next year. Considering adjusting SE zone in two more years to make it smaller. Continue to bring us your thoughts. Fanter – Days are one thing; my position is what is best for economies around these duck areas? Chairman Lauber – Different thoughts both ways on that. More sensitive to needs of the common man, but understand. Commissioner Wilson – Did extensive survey on hunting, preference was third week in November, said they wanted it later, tried to make compromise according to survey.

## **VI. DEPARTMENT REPORT**

Quail and Upland Wildlife Federation presentation – Nick Prough – Appreciate time and efforts, as a fellow wildlife biologist, work with chapters all throughout the country, chapter in Lawrence who won Commissioner permit; thank you for that opportunity, applaud the Commission. Partner with quail initiative and other projects statewide and nationally; this chapter is going to use their money on the Kansas quail and pheasant initiative, priority goal of the Commission. John Hill – Want to thank Sheila Kemmis for help on that and Commissioner who pulled our name out of the hat.

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

Secretary Jennison – Have Marc Murrell and Mike Miller come up. HR sends certificate to supervisor and they give to person, unceremoniously. Communication efforts are as important as biologists in the field. Two folks here: Marc Murrell has been with agency 25 years and Mike Miller 30 years. People like me come and go but these guys are the backbone of the agency. Great job of communicating what is going on in the agency.

1. Agency and State Fiscal Status – Robin Jennison, secretary, presented this update to the Commission. Last year was decent year for agency. Request from legislature three weeks ago to tell where we could find efficiencies in our agency (where can we cut your budget). Not many states with great fiscal experience and challenges with amount of money we are operating on, particularly parks and tourism. If people contact you this is information on what we have done (handout – Exhibit D). Picked up activity at parks because Corps facilities were closed part of this month. May be able to tell you revenue numbers in January and February. In South Dakota (SD) a couple of weeks ago, reputation as pheasant hunting state; don't feel they will have the hunters they have had in the past. If you look at our revenues, seen drop in October and November; but growing on an annual basis due to diversity of opportunities in Kansas (i.e. turkey numbers are growing and deer hunters, wetlands that have been built); SD has built so much on one species.

2. 2014 Legislature - Amy Thornton, legal counsel, presented this update to the Commission. Formulating legislative package and will meet with Governor's staff within next month to finalize that.

### **B. General Discussion**

1. Tourism Briefing - Linda Craghead, Assistant Secretary of Tourism and Parks, presented this update to the Commission. Introduce partner in our efforts, tour to Stratica (Underground Salt Museum), director of operations Gale Ferrell. Gale Ferrell – Realized I was invited to be comic relief. Opened May 1, 2007, star bonds helped us accomplish that goal, museum 650 feet underground in active salt mine. Had to invent the wheel because way too many things that had never been done, a lot of challenges. Started out with tour underground with electric tram, dark ride; and train ride. Everything has to go down a shaft, which is a challenge, laid rails and ties three years ago for train; opened bathrooms a year ago. Something new opening November 1, the Salt Safari, the ultimate adventure for hiking, take

20 people out at a time into the dark with hardhat with light on it, a three-hour tour. Hope to increase traffic to Hutchinson to the salt museum and the Cosmosphere; excited about being in business. Come see what we are about.

Linda Craghead – That opportunity is the only one in the North American continent. Introduce some other individuals here, known for their hard work, efficiency, hospitality and thriftiness; Ryan Stucky, Area Supervisor; Mike Satterlee, Cheney SP; Brian Haug, Cheney SP; Todd Lovin, Tuttle Creek SP; and Joyce Dixon, Tuttle Creek SP. TIAK conference wrapped up last night with 180 people in attendance, talked about several different things. Had national speakers sharing trends in Kansas; shared 2013 agency results (provided copies of handouts – Exhibit E); and marketing opportunities for 2013. Had opportunity to be entertained, provided CD to Commissioners of Logan Meies, a country artist based out of Nashville who is from Clearwater. He is partnering with us to promote Kansas. Governor had Paddle on the Kaw, using the new national water trail, on September 26, had approximately 100 people on the river in canoes and kayaks. Thanks to state park and Pratt folks there were plenty of canoes to go around. Ate on the sand bar and had a great time, which was appreciated. Still space for two teams for Governor's pheasant hunt. Mike Pearce – Where is Governor's pheasant hunt? Craghead – Norton, Kansas.

2. Bass Pass Discussion – Kyle Austin, fisheries biologist, presented this report to the Commission (Exhibit F). It was proposed at the August Commission meeting in Yates Center to amend the current Bass Pass regulation to allow anglers to possess five short bass rather than the currently allowed two. Compromise is good; the current Bass Pass regulation was a compromise that we have worked out with bass clubs. Bass Pass offers two privileges, allows two short bass in addition to three fish in live well and allows them to cull fish after five fish collected. Big Hill Reservoir is the primary target for this proposed regulation change mostly due to the existing 21-inch minimum length limit on largemouth bass. One tournament may not hurt, but some cumulative damage to the population may occur. If we exempt them, may have to exempt other tournament fisherman like walleye and catfish groups. Staff is currently evaluating the existing 21-inch minimum length limit to see whether the quality largemouth bass population can be maintained by changing to an 18-inch minimum length limit. Staff is not recommending any changes to the existing Black Bass Pass regulation. Chairman Lauber – May look at 19- to 21-inch limit. Commissioner Marshall – What are other fishermen in Parsons, non tournament anglers saying? Are they upset about these guys getting special treatment? Sean Lynott – Accepting of length limit we have, when changed in mid-1990s a number were not happy with change. Commissioner Marshall – How many boats? Lynott – Probably 20 boats. Austin – Roughly 225 fish would fall within that pass, cumulative effect is what we are concerned about and we tend to error on the side of caution.

*Break*

Linda Craghead – Two other things I forgot to mention: river trail map guide and limited edition print poster available with Kansas Wildlife and Parks magazine.

3. Antelope and Elk 25-Series Regulations - Matt Peek, wildlife biologist, presented this report to the Commission (Exhibits G, H).

Antelope – No changes to bring forward however, drought has resulted in low production rates in western Kansas over the past several years. Archery permit sales and harvest have tripled in the

past 10 years, resulting in a harvest increase for all permit types of nearly 30 percent. Crossbows were allowed during archery season for youth and hunters age 55 or older in 2012, and became legal equipment for all archery hunters in 2013. Data from the small number of crossbow hunters in 2012: 12 archery hunters used crossbows and success rates may be twice as high as that of traditional bows. Permits allocated to an already stressed limited draw system have been reduced the past few years, but harvest pressure on the herd continues to increase. The department is monitoring these issues during the 2013 season, and will make recommendations after 2013 data has been analyzed. Takes eight preference points to draw a firearm permit. Firearm and muzzleloader permit allocations are typically determined following winter aerial surveys. Commissioner Dill – How many were successful of those 12? Peek – Five, almost 50 percent, archery has usually only about a 20 percent success rate. Commissioner Marshall – How many?? Peek – buck ratios are declining and hunter satisfaction declines. Chairman Lauber – Limiting factor? Peek – Killing higher number and not making up for those lost. Commissioner Marshall – If 7 percent harvested, what is good number. Peek – If 30 bucks per 100 does and only about 30 fawns, so out of 160 are yearlings and take that times the 2,500 total animals. Chairman Lauber – At one time they didn't expand their range, if we expanded numbers would they be denser or expand out more. Peek – Had decades to expand and haven't so they are where they intend to be. Spring conditions could be good and populations could pick back up. Mike Pearce – Year when poor production, how many years down the road does that show up on hunter success? Peek – Have a 20 percent yearling harvest, so it's really two years down the road where more hunters would be satisfied with taking them; so there is a delay of a couple of years. Had three years of drought and unit 18 has been impacted all three years and the other units a couple of those years. Pearce – Possibly considering further reduction in limited draw; possibly changing archery permits to a draw; and/or limiting crossbow use on pronghorns? Peek – No recommendations at this time, but looking at ways to reduce harvest, but a lot of options. Chairman Lauber – Didn't used to consider archery had much impact on resource management; but may need to reconsider that. Don't really know what effect it has had on our deer herd, three times success rate jumping from traditional bows to crossbows; don't know if other factors involved in that. Interesting when considering reducing the harvest, may have to throw archery in same mix. Elk – Regulation unchanged since 2010. No changes are recommended for season structure, unit boundaries, or basic frameworks; will come back with numbers of permits later in the year.

4. Lesser Prairie Chicken Federal Listing Update - Keith Sexson, Assistant Secretary, presented this report to the Commission (Exhibit I). LPC listing and submission of range-wide plan, submitted final plan on September 18, 2013 were to have letter to us by now, but shut down has postponed that. Expect letter any day now. Expect them to endorse our plan and will begin to set up measures in plan. Jim Pitman and 25 or so biologists from the five states will meet in Dodge City to move the guidelines forward. First meeting of LPC Enterprise Council will meet in Wichita at the end of the month. Date for listing is mid- to late-March. Our plan is only plan that addresses the threat for warranted and not listed. Chairman Lauber – Have 50 percent chance of avoiding listing? Sexson – Yes, 50/50 chance; if not warranted or not listed still have to go forward with plan and work with industry to deliver conservation measures to keep species from declining. Hope to fully implement the plan to meet our goals. Chairman Lauber – In our state not had any decline? Sexson – Kansas has had expanding populations and range; drought caused us to have half the birds we had last year, so that doesn't look good to someone on the outside;

but we recognize impacts of drought. Chairman Lauber – Every state affected working on their own plan? Sexson – No, this is a joint plan. There are four eco-regions (mixed grass prairie, sand sagebrush, shinnery oak and shortgrass/CRP mosaic) and dealing with them throughout the range. Chairman Lauber – Who is pushing on the other side of this issue? Sexson – Center for Biological Diversity, no new petitions, going by court order and USFWS has to do something by 2014. There may be others who feel like they should be listed; states are most proponents for not listing. Commissioner Marshall – What county has majority of birds? Sexson – Not one county more important than others. Commissioner Marshall – Understand we have conservation plans where we are offering some type of award for farmers not to graze land. Sexson – Exactly, have brush control, especially eastern red cedar, grazing plans, burning plans and to maintain grassland conditions that would be favorable to chickens. In that plan grazing plans are a part of the incentive package; landowners who manage the land according to the package would be awarded accordingly. Commissioner Marshall – Where is money coming from? Sexson – Funding will come from the impacters (industry) like oil and gas, wind and transmission involved. Oil and gas industry most interested at this time and they are on board with the plan. Chairman Lauber – If unsuccessful and I am a landowner in one of these areas, will I have new burn restrictions? Sexson – General agricultural practices will not be impacted or prohibited even under listed scenario. On flip side when trying to manage for that species or increase species, then have to work with private landowners and provide incentives to manage property to do that, like tree removal; particularly on existing rangelands; also new grass on crop areas. Mike Pearce – New thing for Kansas, with grassland and prairie bird, is there another species that is already gone before us that shows an example, like Gunnison Sage Grouse? How will impact oil and gas, grazing or farming; what can we tell people? Sexson – Feel this might be a model for the sage grouse plans, which are mostly on public lands like Bureau of Land Management, particularly with mineral extractions. The way we have set up eco-regions, if development outside of focal areas, no concern, but where they do impact they have to mitigate for losses and that is where payments come into place. Pearce – Has this been done with any other species or pioneering for other species? Sexson – I think it is a pioneering kind of thing; don't know about Atwater prairie chicken species in Texas, that species has been listed for a long time. On cutting edge from standpoint of state agencies standing up and saying this is a state trust species and states should be able to manage this species. Chairman Lauber – If successful in our own plan, agriculture would be considered an impacter by urban person. If not successful could be mandated without financial incentive, if not successful in keeping species from being listed. Sexson – Can't disagree with that.

### **C. Workshop Session**

Mixed up order...

2. Deer 25-Series Regulations - Lloyd Fox, big game biologist, presented this report to the Commission (Exhibit J). KAR 115-25-9, make annual adjustments are made in the season dates and this process initiates the discussion of potential changes for 2014. Discuss again in January and vote in March. The recommendations follow the traditional season structure. No change in season structure as proposed this year. Full year color calendar provided. Youth and Disability, September 6, 2014 – September 14, 2014; Early Muzzleloader, September 15, 2014 – September 28, 2014; Archery, September 15, 2014 – December 31, 2014; Pre-rut WAO, October

11, 2014 – October 12, 2014; Regular Firearms, December 3, 2014 – December 14, 2014; Extended WAO, January 1, 2015 – January 11, 2015; Special Extended WAO (DMUs 7, 8, 15, 19 and 10a), January 12, 2015 – January 18, 2015; Extended Archery (DMU 19), January 19, 2015– January 31, 2015. Total of 148 deer hunting days, 40.5 percent of the year, 21½ weekends and fairly liberal system of seasons. Establish seasons on Fort Leavenworth subunit: November 22 and 23, November 27 - 30, 2014, December 6 and 7, 2014, December 13 and 14, 2014, and December 20 and 21, 2014. The proposed dates for the firearms season for deer hunting at the Smoky Hill Air National Guard subunit has changed and need to make correction in briefing book, they chose November 25 through December 26, 2014. Firearm season dates for deer hunting at Fort Riley will be established in KAR 115-25-9a which will be covered at a later date. This regulations has units that have multiple WAO permits and looking at which units will have them and how many. Commissioner Dill – This is second year of pre-rut season? Fox – Just completed first year, this will be second year; we were mandated for two. Commissioner Dill – This is where I get most comments from people who are upset that we are doing this season again, they don't understand it was mandated by the legislature. Commissioner Budd – This chart is easy to read, could we include this chart in regulations? Commissioner Dill – Find this very useful and easy to look at. Chairman Lauber – Might incorporate into what you already put in regulations. Fox – This is the calendar that goes out to those completing the end of the year survey, for 4-5 years now. Mike Miller – We can include that calendar. Commissioner Marshall – Any feedback on success of last weekend? Fox – Conservation Officers and area managers provided input and it appears that very little activity went on during this two-day period. The prior three years we had the photo check and, as a rule, only get one to three deer taken during that weekend, was an archery season; this year had 19 deer taken, was an early firearms season. Not a lot of impact. Some public areas got a few hunters; saw none on walk-in areas that we checked. Not a large number of complaints, biggest issue was archery hunter's not wearing blaze orange. We will have better information in February when we do the harvest survey. Commissioner Marshall – Didn't have impact the legislature thought it would? Fox – No, don't expect it to. Commissioner Wilson – Lloyd, appreciated article you did on deer in Kansas Outdoors magazine, it was really enjoyable, thank you. Natalie Donges – Representing QDM – Need to educate hunters why taking does earlier rather than later in the year (pre-rut season). It helps having does removed in over-populated areas.

1. Big Game Permanent Regulations - Lloyd Fox, big game biologist, presented this report to the Commission (Exhibit K). Have five regulations we are not bringing forward; the only permanent regulation we are going to discuss is 115-4-15. This regulation describes procedures for measuring and scoring certain species of big game to determine a restitution value when these animals are killed in violation of department regulations or state law. The measuring and scoring procedures follow the general techniques of the Boone and Crockett Club (B&C) and Pope and Young for the various species. A potential problem in the wording of the current regulation was detected, which could cause confusion on the definition of an antler point. The new wording for section would be: "Point" means a projection on the antler of a deer or elk that is at least one inch long as measured from its tip to the nearest edge of the antler beam and the length of which exceeds the width at one inch or more of length. Chairman Lauber – If an inch long and fat it is a point? Fox – If it is longer than it is wide. I will make some diagrams and send them around. Commissioner Budd – If take 150 point whitetail what is penalty? Kevin Jones - \$2,500. Commissioner Budd – If penalties are smaller than cost of hunt not gaining anything.

Jones – Restitution is different than penalties, which is in statute. Fox – Nationwide review of restitution was done last summer; Kansas has highest restitution rates. Commissioner Budd – That is a good deal.

Andy Fanter – Why not just adopt Boone and Crockett system? Fox – By state law required to develop this system and Boone and Crockett has copyright issues. Jones – We used B&C formulas, with permission, and we developed our own language to write our regulation.

3. Parks Regulations – Linda Lanterman, Parks Division director, presented this update to the Commission (Exhibit L). Recommend changes to KAR 115-2-3 to increase utilities by \$1.50; which would change the current pricing to: one utility - \$9.00; two utilities - \$11.00; three utilities - \$12.00. Analysis of utility usage at state parks was conducted and current utility rates are rising. We are also looking at recreational vehicle long-term camping permit fees. Current pricing per month, except at El Dorado, Milford, and Tuttle Creek state parks, is: one utility \$240.00; two utilities - \$300.00; three utilities - \$360.00 – recommendation is to increase the monthly fee by \$30.50. Current recreational vehicle long-term camping permit price for month at El Dorado, Milford, and Tuttle Creek state parks is: one utility \$280.00; two utilities - \$340.00; three utilities - \$400.00. The recommendation is to increase the monthly fee by \$30.50. Fees are a fragile basis. Commissioner Marshall – Are we sure this covers our utility fees. Lanterman – We have to be ahead of rising prices. Commissioner Marshall – My home bill is more than \$10 a day. Lanterman – Only have a meter in one location, don't segregate fees by location. Chairman Lauber – Have no way to break out high users, buy contracted minimum amount of power. Some may overpay and some may get a bargain. Lanterman – We charge an extra \$2 for prime sites that are over 50 amp sites. Secretary Jennison – Cannot charge actual cost in Kansas unless you are a utility so we do an average. Linda is trying to not lose money on totality of campsites. Natalie Donges – I also just got back from Tourism conference and TIAK was fun. Linda is on the right track in the parks. We meter and we don't charge more than utility company charges us. Westar is raising rates by 3.5 percent; El Dorado is raising water rates by 8 percent, county raising sewer rates. We look at big RVs, too. Your rate increase will not affect them; the cost is in pulling the RV to the location. Haven't gone up since January 2010, but I need to raise rates and so do some other RV businesses. We did see \$500 more a month in utility bills, same amount of customers, but increase in rates and now these increases. Lanterman – Our demand charge increases. Commissioner Marshall – How much do one of those big campers use? Donges - \$100 a month or \$3.33 a day for just electricity. Overnights use about \$3.60 a day. Since they are held accountable they use less. Water bill increase of \$40 more a month and we have 43 sites. Suggest it goes up higher. Commissioner Marshall – How much more? Donges – On long-term consider raising them up. I charge \$275 a month for long term camping. Lanterman – We are higher, El Dorado would go up to \$430. Donges – I am at \$425 with utilities. Lanterman – We are watching that. Commissioner Dill – That is a 12 percent increase so it is a healthy increase. Commissioner Marshall – We have to be self sufficient. Lanterman – Working on it. Fanter – Overseas they charge boats by the foot, so you might think about, the bigger the RV the higher the rate.

**VII. RECESS AT 4:02 p.m.** (supper at Cosmosphere)

**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**

*None*

**XI. DEPARTMENT REPORT**

**D. Public Hearing**

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

1. KAR 115-2-1. Amount of Fees. - Mike Miller, Information Production Section chief, presented this report to the Commission (Exhibit N). We discussed reduced pricing for resident and nonresident youth big game and turkey permits at the last two meetings. Chairman Lauber – The only thing being changed is youth. Miller – Biggest change will be that we have never had price breaks for nonresident youth. Chairman Lauber – Youth are still figured into available permits? Miller – Yes and if limited still have to go through the drawing.

**Commissioner Don Budd moved to pass KAR 115-2-1 as presented. Commissioner Roger Marshall seconded.**

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

<b>Commissioner Budd</b>	<b>Yes</b>
<b>Commissioner Dill</b>	<b>Yes</b>
<b>Commissioner Doll</b>	<b>Yes</b>
<b>Commissioner Hayzlett</b>	<b>Yes</b>
<b>Commissioner Marshall</b>	<b>Yes</b>
<b>Commissioner Wilson</b>	<b>Yes</b>
<b>Commissioner Lauber</b>	<b>Yes</b>

**The motion as presented for KAR 115-2-1 passed 7-0.**

2. KAR 115-7-10. Fishing; special provisions. – Kyle Austin, fish management specialist, presented this report to the Commission (Exhibit P). The fish passageway on the Lincoln Street Dam on the Ark River in Wichita was put in to help move fish up and down the river. It also allows canoers and kayakers to travel downstream. However, it is causing some user conflicts. People are trying to fish and collect bait on passageway when people are trying to canoe or kayak down it. We want to add an amendment to the regulation that says “no person may fish or collect bait within a fish passage, fish ladder, fish steps, or fishway.” Commissioner Marshall – You are going to clearly mark it? Austin – That is correct. Commissioner Dill – Is that the only fish ladder we have? Austin – Yes. Commissioner Dill – Any future ones? Austin – Yes, nothing on books, but will be looking at it. Mike Pearce – It has been posted since we did

the story on it. Austin – They are aware of it right now.

**Commissioner Tom Dill moved to pass KAR 115-7-10 as presented. Commissioner Robert Wilson seconded.**

**The roll call vote on KAR 115-7-10 as recommended was as follows (Exhibit Q):**

<b>Commissioner Budd</b>	<b>Yes</b>
<b>Commissioner Dill</b>	<b>Yes</b>
<b>Commissioner Doll</b>	<b>Yes</b>
<b>Commissioner Hayzlett</b>	<b>Yes</b>
<b>Commissioner Marshall</b>	<b>Yes</b>
<b>Commissioner Wilson</b>	<b>Yes</b>
<b>Commissioner Lauber</b>	<b>Yes</b>

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

3. KAR 115-25-14. Fishing; creel limit, size limit, possession limit, and open season. - Kyle Austin, fish management specialist, presented this report to the Commission (Exhibit R). Our fishing reference document is contained within this regulation, and we have a number of changes, basically tweaking some bass and channel catfish regulations on community lakes and a few state fishing lakes. We have bass length and creel limit changes for the Grand Osage Wildlife Area, 13- to 18-inch slot length and five per day creel limit on largemouth bass. We do have a proposal to add four new lakes to float fishing areas: Elk City, Fall River, Glen Elder and Lovewell reservoirs for next year; currently eight lakes are included and this will bring the total to 12. Asking for approval of amendment to add Meade State Fishing Lake to Type 2 trout waters, to require possessing trout permit while fish for trout from November 1 to April 15. Chairman Lauber – Currently Type 1? Austin – No designation right now. Chairman Lauber – Type 1 is you have to have a trout permit whether fishing for trout or not? Austin – That is correct, Type 2 is while fishing for or possessing trout.

**Commissioner Don Budd moved to bring forward KAR 115-25-14 as presented. Commissioner Dill seconded.**

Chairman Lauber – Amendment is department amendment? Austin – Correct. Chairman Lauber – Is any part of this a list of designated waters for aquatic nuisance species? Austin – That is part of that regulation as well. Chairman Lauber – Curious if any changes to that? Amy Thornton – Not at this time.

**Commissioner Robert Wilson moved to amend KAR 115-25-14. Commissioner Gary Hayzlett seconded.**

**The roll call vote to amend KAR 115-25-14 as recommended was as follows (Exhibit S):**

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

<b>Commissioner Marshall</b>	<b>Yes</b>
<b>Commissioner Wilson</b>	<b>Yes</b>
<b>Commissioner Lauber</b>	<b>Yes</b>

**The motion to amend passed 7-0.**

**The roll call vote on regulation KAR 115-25-14 as amended was as follows (Exhibit S):**

<b>Commissioner Budd</b>	<b>Yes</b>
<b>Commissioner Dill</b>	<b>Yes</b>
<b>Commissioner Doll</b>	<b>Yes</b>
<b>Commissioner Hayzlett</b>	<b>Yes</b>
<b>Commissioner Marshall</b>	<b>Yes</b>
<b>Commissioner Wilson</b>	<b>Yes</b>
<b>Commissioner Lauber</b>	<b>Yes</b>

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

4. KAR 115-25-6. Turkey; spring season, bag limit, permits, and game tags. - Jim Pitman, wildlife biologist, presented this report to the Commission (Exhibit T). Voting on spring only; fall season did not make it into the briefing book, hopefully will bring two recommendations forward for fall 2014 bag limits at next meeting. 2013 is already set. Increase in archery season days is potentially conflicting participation in youth/disabled season. We've seen an increase of about 60 percent in archery participation and a drop of about 50 percent in youth participation. Staff is recommending a separation of those seasons. We had to look at timing of WIHA contracts, scheduled events, such as Governor's Hunt and others, so this would not take effect until 2015 to allow time to plan. In this recommendation, youth/disabled turkey season would start April 1, and the archery-only season would start on the Monday after that first weekend. That would give youth/disabled a weekend of their own without competition. The archery-only season would run through start of regular season, which would be the Wednesday following second Saturday in April. That would also give archers a weekend without competition with firearm hunters; youth/disabled season would run concurrent with archery season to start of regular season. The big change would be that the regular season would start a week later in four out of seven years, depending on how the calendar fell.

Chairman Lauber – Be prepared for backlash, growing number of archery hunters only represent 15 percent of turkey hunters. Perception is they are receiving priority as far as timing, since birds get call shy. Listen to suggestions made during this next year and be prepared to respond and educate the public. Commissioner Marshall – In 2014 youth and archery open same weekend; in 2015 each would have their own weekend? Pitman – In 2014 no change from what it is now, current language says second Wednesday in April, the new language says the Wednesday following the second Saturday, which some years will be second Wednesday, some years the third. Chairman Lauber – Out of consideration to Governor's One Shot Turkey Hunt, is why the season hasn't been changed for 2014. Pitman – Yes. We worked with coordinator and she was supportive of what we were doing for 2015. Commissioner Dill – Like colored calendar Lloyd had, would like to see something like that in regulation for turkey. Chairman Lauber – The concept is we want to manage turkeys for hunter satisfaction in the spring season, and that means a certain percentage is not jakes? Pitman – That is one of primary triggers, along with resident

hunt success at 55 percent. If success is lower, we recommend reduction. If great than 60 percent, we recommend an increase. Chairman Lauber – In certain areas turkey appear to be on the rebound. Pitman – They have, which makes this appear odd in terms of timing, but at same time turkey numbers were bottoming out in 2007 and 2008, but the harvest adaptive management strategy was not in place yet. If we had it in place, we would have made this recommendation two years ago. Even with better production in last few years we are still far below where we were at in 2007 and 2008. Chairman Lauber – We are below where the population peaked, but I am seeing more turkeys in southeast than I have in a long time. Significant decrease going from four to one; but if success rates get back to 55 percent then increase fall harvest? Pitman – Sixty percent is the trigger. The whole thing is adaptive and this is year one, so the whole thing can change in two to three years. Chairman Lauber – Why don't we change from four to two, your point is nobody ever filled three and four? Pitman – To have significant reduction in harvest, we have to drop from four to one, which reduces fall harvest 20 percent to 25 percent. If we dropped from four to three, we'd see maybe only a two or three percent reduction in harvest. Chairman Lauber – Wanted to make sure could change if they rebound. Pitman – Make as liberal as we can while maintaining certain level of success. Mike Pearce – Did you say archers make up about 15 percent of the turkey hunters? Pitman – That number came from the hip. There is about 6,000 archers and 42,000 hunters. Pearce – Are you talking about people who hunt with a bow, or people who take advantage of early season? Pitman – People who hunt with a bow. Pearce – Keith or Robin, this is one of the few times in 30 years of covering department hunting recommendations that you said hunting was detrimental to a game bird population; but at same time telling U.S. government that hunting is not detriment to the lesser prairie chicken population. Jim explained to me that quail have a 20-30 percent survival rate until the next year, on turkeys it is closer to 50-70 percent, lesser prairie chickens 40-50 percent. Speaking as a sportsman, my concern is about how that would be portrayed by outside groups. I have been here when you told the Commission we don't need to close the prairie chicken season in the Flint Hills. I believe what Jim says as factual, but when dealing with outside entities perception is reality. Do you have any concerns about what a precedence this sets? Sexson – I don't have a problem with that, I feel we can explain turkey versus upland birds. Pitman – The difference is in biology of turkey versus upland game birds; that is the reason we permit turkeys rather than have a daily bag, which allows us to adjust harvest when we need to. Commissioner Marshall – Expand on that a little. Pitman – In terms of affects of harvest between turkey and quail, for instance; likelihood that turkey will survive to next breeding season is much higher than a quail in the absence of that harvest. Vast majority of quail are going to succumb to natural predation whether you hunt them or not and that is not the case with turkeys. We normally have a good carryover of adults, which produces good productivity and provides more adults in the population. Commissioner Marshall – It compares apples and oranges. Pitman – It is. Commissioner Marshall – The number one killer of quail is nature and the number one predator of turkey is man. Pitman – It is, the difference is biology. Chairman Lauber – Make public aware the season date changes are coming up.

**Commissioner Tom Dill moved to pass KAR 115-25-6 as presented. Commissioner Roger Marshall seconded.**

**The roll call vote on KAR 115-25-6 as recommended was as follows (Exhibit U):**

**Commissioner Budd**

**Yes**

<b>Commissioner Dill</b>	<b>Yes</b>
<b>Commissioner Doll</b>	<b>Yes</b>
<b>Commissioner Hayzlett</b>	<b>Yes</b>
<b>Commissioner Marshall</b>	<b>Yes</b>
<b>Commissioner Wilson</b>	<b>Yes</b>
<b>Commissioner Lauber</b>	<b>Yes</b>

**The motion as presented for KAR 115-25-6 passed 7-0.**

**XII. Old Business**

*None*

**XIII. Other Business**

Commissioner Dill (others concurred) requested change of meeting times from 1:00 to 4:30 or 5:00 and start again at 6:00 or 6:30. Secretary Jennison – We can try and see how it works out. Will work on that for March meeting, too late for January meeting.

**A. Future Meeting Locations and Dates**

January 9, 2014 – Winfield (Southwestern College)

March 20, 2014 – Kansas History Center, Topeka

April, 2014 – GPNC, Wichita

June, 2014 – possibly Pittsburg

**XIV. ADJOURNMENT**

The meeting adjourned at 7:33 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**

## **BILLS PASSED IN 2013 SESSION**

**SB49 (KDWPT initiative)/HB 2218--**Current law made 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. The bill was passed favorably by the Senate 39-0 and was recommended favorably for passage in the House Committee but was stricken from House General Orders. Ultimately, the provisions of the bill were incorporated into conference committee report on HB2218 and signed by the Governor on May 22, 2013.

**SB57--**The department supported the provisions of this bill related to domestic deer. Under statute, anyone possessing domesticated deer must be permitted under the Kansas Department of Agriculture. This bill amended 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 passed the Senate 40-0, the House 87-32 and was signed by the Governor on April 16, 2013.

**SB74--**This bill would have prohibited the Department of Corrections from producing modular homes, including KDWPT cabins. KDWPT requested an exemption to allow DOC to produce the cabins being placed in state parks. The bill was amended to protect the KDWPT cabin program and passed the Senate 36-4 and the House 87-32. The bill was signed by the Governor on April 10, 2013.

**HB2244 (KDWPT initiative)/ SB 83--**The 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. The bill, as introduced, would have gradually reduced 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. The bill was referred to a sub-committee and the subcommittee recommended back to the full committee a different bill that reduced the percentage of assessed valuation slowly over a period of 6 years to 11.5 percent. The full committee then amended the substitute bill to reduce 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 passed the House on Emergency Final Action 107-15. It was received and introduced to the Senate on March 27. The provisions of this bill were then incorporated into the conference committee report on SB83, which was signed by the governor on April 16, 2013.

**Senate Resolution 1711--**This resolution opposed 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. The resolution passed the Senate as amended 31-9.

**HB2030 (KDWPT initiative)--**This bill allows 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. The purpose of the bill is to accommodate last minute requests by the certain individuals for nonresident deer permits. The permits must still be paid in full. The bill passed the House 115-0, the Senate 40-0 and was signed by the Governor on April 2, 2013.

**HB2052**--This bill created 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. The bill passed the House, as amended, 121-2. It was referred to the Senate Committee on Federal and State Affairs and had a hearing. The bill was dramatically amended to include items from other firearm-related bills but still included original provisions related to unlawful discharge of a firearm in the city limits. The amended version of this bill passed the Senate 35-5, after conference committee, was signed by the Governor on April 16, 2013.

### **BILLS THAT DID NOT PASS IN 2013**

**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. The bill was referred to the Senate Natural Resources Committee and had a hearing Jan. 24, 2013.

**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 and was referred to the Committee on Natural Resources. The Department opposed this bill. The bill had a hearing scheduled but it was cancelled due to actions taken by the KDWPT Commission.

**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 opposed this bill. This bill had a hearing Jan. 29, 2013 and was tabled in committee on February 6, 2013.

**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 opposed the bill, which was referred to the Committee on Agriculture and Natural Resources. This bill had a hearing on February 25 and saw no further action.

# **General Discussion**

**NWTF Presentation**

**No briefing book items – possible handout at meeting**

## **Commission Permits Update**

### **Background**

In January 2006, the Kansas Wildlife and Parks Commission held the first drawing for Commission Big Game Permits when one elk and six deer permits were issued to applying conservation organizations. As stated in the statute, there can be one elk, one antelope and up to seven deer permits issued with the limit of permits issued being seven.

Qualified applicants include local chapters of nonprofit organizations based or operating in Kansas that actively promote wildlife conservation and the hunting and fishing heritage. An organization or chapter is eligible to receive a permit only once in a three-year period.

In 2006, permits sold for \$49,000 with 59 applications being received; 2007, \$26,973.56 with 119 applicants; 2008, \$24,200 and 113 applicants; 2009, \$34,951 with 111 applicants; 2010, \$47,000 and 108 applicants; 2011, \$41,700.00 and 100 applicants; and in 2012, \$41,811 with 104 applications being received.

In 2013 one elk and six deer permits were won by three National Wild Turkey Federation (NWTF) chapters – Beloit, Northeast Kansas and Chisholm Trail; the Kansas Alliance for Wetlands and Streams (KAWS) state chapter; the Jayhawk chapter of the Quail and Upland Wildlife Federation; Crawford County 4-H Shooting Sports; and one Friends of NRA chapter, Douglas County. There were 93 applications with only 86 of those eligible (due to winning in past three years) and the permits sold for \$53,200.

After the permits are sold by the organization, the amount of the permit is subtracted and 85 percent of the proceeds are sent to KDWP to be used on approved projects. After the projects are approved, the money is sent back to the organization. The other 15 percent can be spent at the organization's discretion.

**Tourism Briefing**

**No briefing book items – possible handout at meeting**

## **2014 Public Lands Regulations Reference Document Changes under consideration**

### **Access Restrictions**

#### **Region 1**

Saline SFL- open to vehicle traffic sunrise to sunset daily from 3/1 to 9/30 - REMOVE

### **Age Restrictions**

#### **Region 2**

Hillsdale WA-Big Bull wetland area, youth/mentor area - all species, all seasons – ADD

### **All Non-Toxic Shot**

#### **Region 2**

Burr Oak WA - REMOVE

Dalbey WA - REMOVE

Elwood WA - REMOVE

### **Non Toxic Shot – designated dove fields**

#### **Region 2**

Bolton WA - ADD

Dalbey WA - ADD

Elwood WA – ADD

Noe WA - REMOVE

Oak Mills WA - ADD

### **Boating Restrictions**

#### **No Motorized Boats**

##### **Region 2**

Perry WA-no motorized boats are allowed in any wetland areas except East and West pools of the Kyle marsh - REMOVE

#### **No Gasoline Engine Powered Boats**

##### **Region 2**

Perry WA- all marshes, except East and West pools of the Kyle marsh - ADD

#### **No Wake**

Saline SFL - REMOVE

### **Refuges**

**Refuge Area Closed to All Activities 9/1 to 1/31**

**Region 1**

Smoky Hill WA – ADD

Wilson WA - ADD

**Refuge Area Closed to All Activities 10/1 to 1/31**

**Region 1**

Smoky Hill WA - REMOVE

**Refuge Area Closed to All Activities 11/1 to 1/31**

Wilson WA - REMOVE

**Special Permits (Daily/ Use\* Hunt Permits)**

**Region 2**

Dalbey WA - ADD

Douglas SFL - ADD

Hillsdale WA - ADD

Noe WA - ADD

Oak Mills WA - ADD

Perry WA - ADD

**Region 5**

Lyon SFL – ADD

Melvern WA - ADD

## Kansas Threatened and Endangered Species Five-year Review of Lists

The Nongame and Endangered Species Act of 1975 gives KDWPT the authority to list threatened or endangered (T&E) species in Kansas. Currently, there are 24 species listed as endangered and 36 as threatened. There are 12 species on these lists that are also federally listed as endangered or threatened.

A review is conducted every five years of those species listed in Kansas as threatened or endangered. A Threatened and Endangered Task Committee reviews submitted petitions and makes recommendations if substantial biological evidence is met to warrant a full review.

KDWPT also maintains a third list designated as Species-in-need-of-conservation (SINC). This list is for species of concern but either lack the information or level of concern that would place them on the Threatened or Endangered lists.

Following the evaluation of all submitted petitions and input from the Secretary, the following list of species is recommended for a full review to determine whether changes to the current lists are warranted.

Species	Scientific name	Current listing	Change petitioned
Silverband Shiner	<i>Notropis shumardi</i>	Threatened	Remove
Chestnut Lamprey	<i>Ichthyomyzon castaneus</i>	Threatened	Remove
Many-ribbed Salamander	<i>Eurycea multiplicata</i>	Endangered	Remove
Spring Peeper	<i>Pseudacris crucifer</i>	Threatened	Remove from T Add to SINC
Redbelly Snake	<i>Storeria occipitomaculata</i>	Threatened	Remove from T Add to SINC
Smooth Earth Snake	<i>Virginia valeriae</i>	Threatened	Remove from T Add to SINC
Longnose Snake	<i>Rhinocheilus lecontei</i>	Threatened	Reviewing at Secretary's request
Eskimo Curlew	<i>Numenius borealis</i>	Endangered	Remove
Black-capped Vireo	<i>Vireo atricapillus</i>	Endangered	Remove
Northern Long-eared Bat	<i>Myotis septentrionalis</i>	Not listed	Add to Threatened

In addition to the evaluation of status changes, the common and scientific names of all listed species are updated if those name changes are accepted by the scientific community.

The next steps in the process include:

- Publication in Kansas Register followed by a 90-day public comment period
- Informational presentations and information posted on website
- Expert evaluation and scoring sheet of status with numerical ratings
- Literature reviews
- Notifications to surrounding states and tribes
- Final recommendations provided to Secretary from the T&E Task Committee
- Commission votes on proposed changes to the current lists following Public Hearing.

## **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, 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. As the result of the listing proposal, public hearings were held by the USFWS in four of the five affected 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 (KS, CO, OK, NM, and TX) and its partners initiated and developed a range-wide conservation plan. In the judgment of the states, the plan addresses the identified threats and provides 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. The plan could be the foundation from which a not warranted for listing decision can be rendered by the USFWS.

On September 17, 2013, a final version of the range-wide plan was submitted to the USFWS. That final plan included the conservation programs and a business plan for the delivery of conservation efforts. The business plan and directed efforts at delivery will be administered by the Western Association of Fish and Wildlife Agencies (WAFWA).

In a letter dated October 23, 2013 and presented to the five states, the USFWS announced endorsement of the Range-wide Plan (RWP). That October 23, 2013 letter is included with this briefing.

In further action by the USFWS, a 4(d) rule for addressing conservation of the LPC, should it be listed as threatened, was placed in the Federal Register for public review and that remains open for public comment through January 10, 2014. This current version of the RWP is tied to the 4(d) rule and the most recent plan is posted on the WAFWA website for public review. Publication in the Federal Register of the proposed 4(d) rule specifies take exemptions for those enrolled in the RWP. This is the only proposed route at this time that industry can follow to get take exemptions if the bird is listed. Landowners can enroll in the NRCS lesser prairie-chicken initiative in addition to the RWP to get take exemptions. Landowners will probably be provided with that opportunity through CRP, too, but that conference opinion between USDA and USFWS is not completed yet and not specifically mentioned in the proposed 4(d).

Other actions involving implementation of the RWP included:

- 1.) Held a range-wide training of wildlife agency field staff in November in Dodge City. Approximately 70 employees from the five states in attendance and they will all be able to deliver the landowner conservation plans once plan enrollment funds are received from industry.

2.) An industry enrollment seminar was held in December in Amarillo, Tex. A video of the seminar is posted on the WAFWA website and many have viewed it since the live event.

3.) First meeting of the Lesser Prairie Chicken Initiative Council was held in Wichita October 30 – November 1, 2013. This Council is comprised of directors from the five LPC states and one at large WAFWA director.

4.) Nominations for the Lesser Prairie Chicken Advisory Committee are in process. This committee is comprised of 17 members representing industry, agriculture/landowners, non-governmental conservation organizations, state fish and wildlife agencies, USDA and USFWS, and local government.

5.) A proposed Candidate Conservation Agreement with Assurances (CCAA) covering oil/gas industry has been published in the Federal Register and parallels the language in the Certificates of Participation contained within the RWP. The CCAA approach was at the request of oil/gas companies. I would hit the bullets in the Washington D.C. presentation as the reasons oil and gas like the RWP. Representative companies from oil and gas are looking to the wildlife agencies, those with the expertise, to assist them with their planning and development to reduce impacts to the species.

6.) A briefing trip to Washington D.C. resulted in a request from American Wind Energy Association to present to their group specific examples of how the RWP works for wind development. The Association Rural Electrical Cooperatives requested a webinar for their members. The national cattlemen's group has asked for a presentation at their national convention in Feb and the National Association of Conservation Districts has asked for a poster presentation at their annual meeting.



## United States Department of the Interior

FISH AND WILDLIFE SERVICE

Washington, D.C. 20240



In Reply Refer To:  
FWS/AES/055842

OCT 23 2013

Mr. Keith Sexson  
WAFWA Grassland Initiative Director Sponsor  
Kansas Department of Wildlife, Parks and Tourism  
Pratt Operations Office  
512 SE 25<sup>th</sup> Avenue  
Pratt, Kansas 67124-8174

Dear Keith Mr. Sexson:

The U.S. Fish and Wildlife Service (Service) has completed its review of the Western Association of Fish and Wildlife Agencies' *Lesser Prairie-Chicken Range-Wide Conservation Plan*, dated September 2013, as well as your October 4, 2013, letter clarifying certain issues. The Service appreciates and applauds the leadership of you and your fellow State Directors in conceiving this plan and bringing it to completion. It truly is a landmark in collaborative, range-wide planning for conservation of an at-risk species.

The Service is pleased to endorse the *Range-Wide Conservation Plan* as a comprehensive conservation program that is consistent with the criteria set forth in the 4(d) special rule proposed by the Service on May 6, 2013 (78 FR 26302-26308). We find it to reflect a sound conservation design and strategy that, when implemented, will provide a net conservation benefit to lesser prairie-chicken. The *Plan* includes a strategy to address threats to the prairie-chicken throughout its range, establishes measurable biological goals and objectives for population and habitat, provides the framework to achieve those goals and objectives, demonstrates the administrative and financial mechanisms necessary for successful implementation, and includes adequate monitoring and adaptive management provisions.

This endorsement does not imply that implementing the *Range-Wide Conservation Plan* will preclude the need to list the lesser prairie-chicken. However, we will carefully consider the *Plan* and its implementation and effectiveness when we make a final determination on whether to list the lesser prairie-chicken as a threatened or endangered species.

The Service intends to now revise the 4(d) special rule that was proposed on May 6, 2013 (78 FR 26302-26308) to more specifically identify this *Range-Wide Conservation Plan* as one that, when implemented, addresses the conservation needs of the lesser prairie-chicken. If we ultimately conclude that the prairie-chicken warrants listing as a threatened species, a 4(d) rule revised in this fashion would establish that take incidental to implementing the *Range-Wide Conservation Plan* would not be prohibited under the Endangered Species Act.

As I noted recently in a letter to the Governors of the five lesser prairie-chicken range States, continued State leadership in management and recovery of this species, and a cooperative model

for conservation of prairie-chickens that is compatible with the economic well-being of the ranchers and other private landowners that control most of its habitat, is needed for long term conservation of this species. The *Range-Wide Conservation Plan* exemplifies just that kind of leadership and cooperative model. The *Plan*, along with the special 4(d) rule, could provide an unprecedented model for State leadership in conservation of a threatened species in the event of an Endangered Species Act listing.

Thank you again for your leadership and collaboration in the conservation of this iconic prairie species.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tim A. ...". The signature is fluid and cursive, with a large initial "T" and a long horizontal stroke at the end.

DIRECTOR

Lesser Prairie-Chicken Range-Wide Conservation Plan Key Points  
October 2013- Carter Smith

- Thank you Dan

- First and foremost, on behalf of the Western Association of Fish and Wildlife Agencies, the Interstate Working Group, and specifically, the five states involved in the development of this plan (CO, KS, OK, NM, and TX), I want to extend our sincere thanks to Director Ashe and his team at the U.S. Fish and Wildlife Service for their endorsement of this plan. They are an integral part of this effort, and candidly we wouldn't be here without their leadership, support, and active engagement. For that, we are very grateful.

As Dan noted, the Rangewide Plan represents an unprecedented conservation effort among the states, the USFWS, and our private landowner and industry partners. One would be very hard pressed to identify any other time in conservation history when this group of states and the service has invested so much into a species that is not actively hunted across the entirety of its range. And, there's a good reason for that. The lesser prairie chicken is an iconic grassland species that is a key indicator of the health of the southern Great Plains and grasslands across the central U.S. as a whole. For that reason, we are all unequivocally committed to its conservation, now and to come;

The completion of the Rangewide Plan is a culmination of considerable time, effort, and resources expended by the five states and their partners. More specifically, it is the product of the work of wildlife biologists across the range. These are the professionals who are closest to the bird itself and who understand the life history, biology, and conservation needs of the species better than anyone. That being said, this Plan benefitted considerably from the input of hundreds of stakeholders across its range, both individuals and entities, which have a strongly vested interest in the future of this species and how it affects their lives and their livelihoods. The Plan is better off because of it;

There are a couple of key elements of the plan that I think are worth highlighting- First and foremost, it is a comprehensive, range-wide plan that provides a biologically based vision, foundation and blueprint for ensuring that this species persists now and to come. To that end, the plan articulates very clear, measurable, and biologically supported metrics for population and habitat goals;

-Second, the landscape in which the bird exists is a working one, and our plan provides a clear framework for partnering effectively with farmers, ranchers, oil and gas companies, utilities, electric cooperatives, and other stakeholders to not only conserve this species and its habitats, but also to help support local communities and sustainable economies across the range.

-Last, but not least, this plan is a voluntary one and its success depends upon our ability to engage landowners, businesses, local communities and governments, and other affected stakeholders across its range. Some may perceive that as a weakness, but in this case, we absolutely believe it to be a strength and that the carrot will attract many more conservation participants than a stick.

# **Workshop Session**

## **KAR 115-25-7**

### **Antelope; open season, bag limit and permits**

#### **Background**

This regulation pertains to seasons, bag limits, unit boundaries, permits and tags for pronghorn antelope.

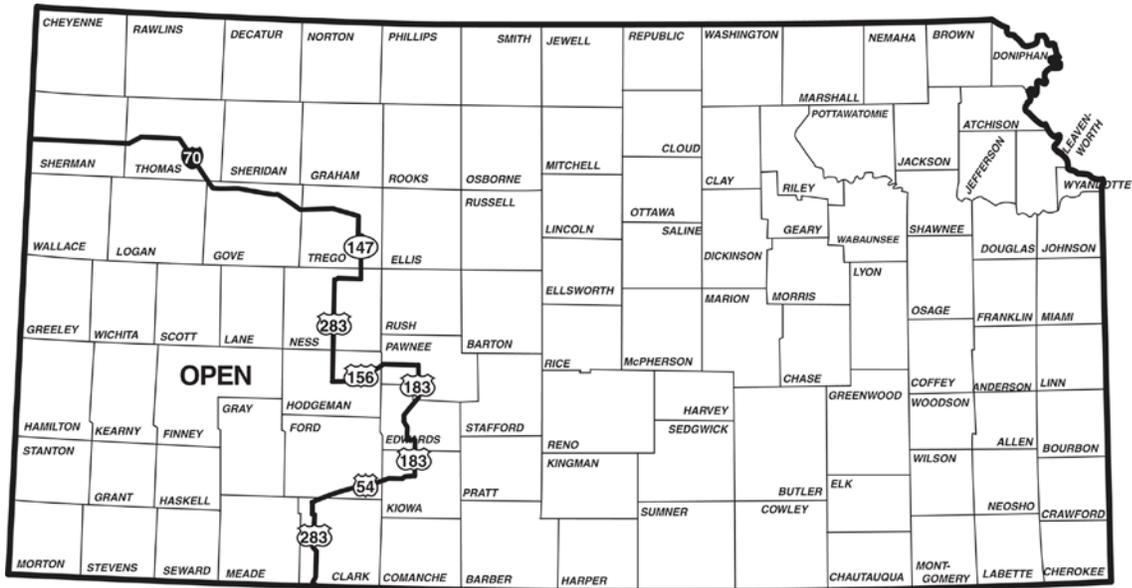
Western Kansas pronghorn antelope populations have supported a hunting season since 1974. The firearm pronghorn season has been four days long since 1990, starting on the first Friday in October. The archery pronghorn season was nine days long from 1985 to 2004, and included the two weekends prior to the firearm season. Since 2005, the archery season has reopened on the Saturday following the firearms season and continued through the end of October. A muzzleloader season was initiated in 2001. It has begun immediately after the archery season and ran for eight days, the last four of which overlap with the firearm season.

#### **Discussion & Recommendations**

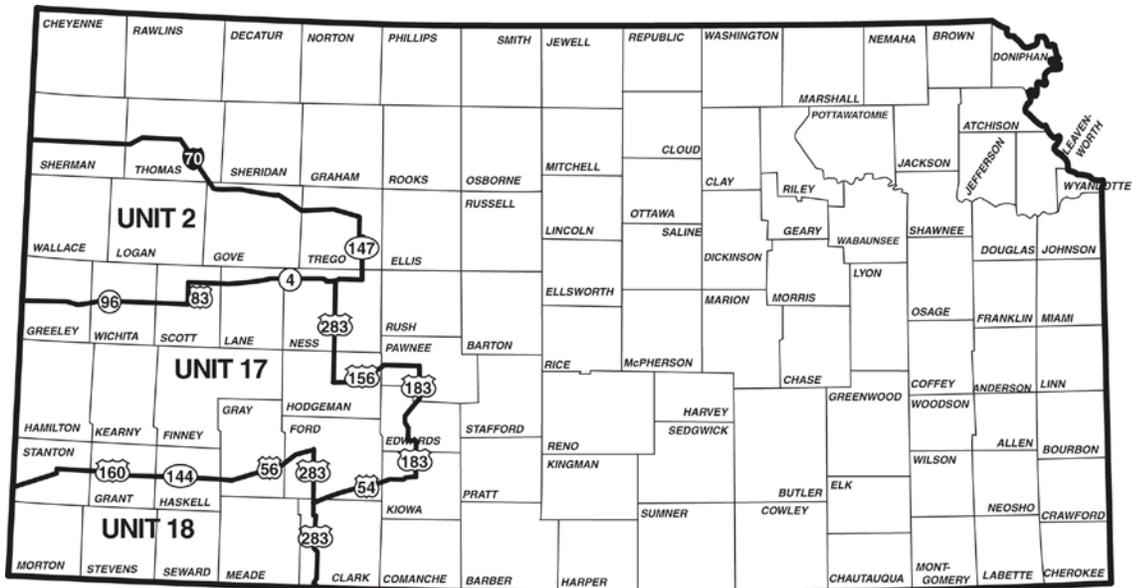
Drought has resulted in low antelope production rates in western Kansas over the past several years. Archery permit sales and harvest have tripled in the past 10 years, resulting in a harvest increase for all permit types of nearly 30 percent. Crossbows were allowed during archery season for youth and hunters age 55 or older in 2012, and became legal equipment for all archery hunters in 2013. In 2012, the small number of crossbow hunters (n=12) had about twice the success rate (42 percent) of traditional archers, causing concern about another potentially substantial increase in harvest.

Despite these concerns, preliminary analysis of 2013 data does not indicate a need for changes in season structure at this time, though additional analyses will be conducted. Firearm and muzzleloader permit allocations will be determined following winter aerial surveys. A “Summary of Pronghorn Harvest Activities Through 2012” can be found on the KDWPT website at this link: <http://www.kdwpt.state.ks.us/news/Services/Research-Publications/Wildlife-Research-Surveys>

## Antelope Pronghorn Unit



## Firearm, Muzzleloader Pronghorn Units



## **KAR 115-25-8**

### **Elk; open season, bag limit and permits**

#### **Background**

This regulation pertains to seasons, bag limits, unit boundaries, permits and tags for elk hunting.

Elk hunting on and around Fort Riley was initiated in 1990, and most of the hunting opportunity in the state occurs on the Fort. However, elk do exist on private lands, though unpredictably in most of the state, with parts of southwest Kansas being the main exception. Elk also occur in the vicinity of Cimarron National Grasslands, but these elk are primarily found in neighboring states, and the Grasslands haven't been open to elk hunting since 1995, following several years of herd reduction.

Since 1999, longer seasons and less restrictive permitting options have been authorized except near Fort Riley and the Grasslands. This framework is intended to allow for elk that may be causing crop damage or other conflicts on private land to be harvested, and for landowners to have the opportunity to maintain elk at desirable numbers on their own property while at the same time allowing the Fort Riley and Cimarron herds to be maintained.

#### **Discussion & Recommendations**

No changes are recommended for season structure, unit boundaries, or permits.

Unit boundaries are defined in K.A.R. 115-4-6b. Units 2 and 3 will be open to hunting.

The proposed season dates on Fort Riley are:

- a) September 1, 2014 through September 30, 2014 for a season in which both muzzleloader and archery equipment may be used.
- b) October 1, 2014 through December 31, 2014 for the firearms season with one-third of the antlerless only permits valid during each of the following segments:
  - 1) First segment: October 1, 2014 through October 31, 2014.
  - 2) Second segment: November 1, 2014 through November 30, 2014.
  - 3) Third segment: December 1, 2014 through December 31, 2014.
- c) October 1, 2014 through December 31, 2014 for a firearms season for all holders of any-elk permits.

The proposed season dates outside the boundaries of Fort Riley are:



## **VI. DEPARTMENT REPORT**

### **C. Workshop Session**

#### **2. Deer 25-Series Regulations.**

##### **Background**

The regulation contains the following items:

- < Dates of deer seasons when equipment such as archery, firearms, and muzzleloader may be used.
- < Provisions when seasons may occur on military subunits within management units.
- < Dates for a special firearm deer season and extended archery seasons in urban units.
- < Dates of deer seasons for designated persons.
- < Dates and units when extended firearm seasons are authorized and the type of permits and changes in the species and antler categories of those permits.
- < Limitations in obtaining multiple permits.

##### **Discussion**

K.A.R. 115-25-9 is an exempt regulation that must be reviewed and passed each year to establish the deer hunting season dates for the following year. We are proposing that the 2014-15 deer season structure follow the pattern of the seasons currently used during 2013-14 seasons.

Additional information from deer population indices, hunter harvest success and satisfaction, deer mortality due to disease, and changes in fawn recruitment will be examined before a final recommendation is prepared. Hunter, landowner and public input will also be considered in the development of a list of units where extended firearms seasons will be authorized. The number of White-tailed Deer Antlerless-only (WAO) permits that a hunter may obtain and use in each unit will also be determined after additional data is reviewed.

Last year, the first WAO permit was valid statewide including on lands managed by the department. The second WAO permit was also valid statewide and was valid at Cedar Bluff, Glen Elder, Kanopolis, Kirwin, Lovewell, Norton, Webster, and Wilson wildlife areas. The last three WAO permits were valid in DMUs, 1, 2, 3, 4, 5, 7, 8, 11, 12, 13, 15, 16, and 19 and were also valid at Cedar Bluff, Glen Elder, Kanopolis, Lovewell, Norton, Webster, and Wilson wildlife areas, and Kirwin NWR. No additional wildlife areas are being considered where more than one WAO permit could be used.

Comments have been received about low deer populations at the Cimarron National Grassland. Department staff are conducting public meetings in that area and conferring with the staff of the U.S. Forest Service. Under consideration is the possible exclusion of White-tailed Deer Antlerless-only permits on the Cimarron National Grassland and excluding that area from the extended season for antlerless white-tailed deer.

## **Recommendation**

The recommendation for deer hunting season dates during 2014-15 is as follows:

Youth and Disability	September 6, 2014 – September 14, 2014
Early Muzzleloader	September 15, 2014 – September 28, 2014
Archery	September 15, 2014 – December 31, 2014
Pre-Rut WAO	October 11, 2014 – October 12, 2014
Regular Firearms	December 3, 2014 – December 14, 2014
Extended WAO	January 1, 2015 – January 11, 2015
Special Extended WAO	January 12, 2015 – January 18, 2015
Extended Archery (DMU 19)	January 19, 2015– January 31, 2015

The proposed dates for the firearm season at the Fort Leavenworth subunit are November 22, 2014 through November 23, 2014, November 27, 2014 through November 30, 2014, December 6, 2014 through December 7, 2014, December 13, 2014 through December 14, 2014, and December 20, 2014 through December 21, 2014. The proposed dates for the firearms season for deer hunting at the Smoky Hill Air National Guard subunit are November 25, 2014 through December 6, 2014.

Firearm season dates for deer hunting at Fort Riley will be established in K.A.R. 115-25-9a which will be covered at a later date.

Application deadlines are now provided in KAR 115-4-11. The deadline for nonresidents to apply for limited-quota deer permits is the last Friday in April, or April 25 in 2014. The deadline for residents to apply for firearm either species deer permits is the second Friday in July, or July 11 in 2014.

Consideration will be made on the number of White-tailed Deer Antlerless-only permits that may be used in each DMU after additional data becomes available. Consideration will be made on inclusion of DMUs where an extended firearms season will be authorized after additional data becomes available.

# **Public Hearing**

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

KANSAS REGISTER  
SUBMISSION FORM

Agency Number -- 710-01

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

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

Topeka, Kansas 66612-1233

Title of Document -- Public Meeting

Desired Date of Publication - November 7, 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 6:30 p.m., Thursday, January 9, 2014 at Southwestern College, 100 College Street, Winfield, 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 1:00 p.m., January 9 at the location listed above. The meeting will recess at approximately 5:00 p.m. then resume at 6:30 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. January 10 at the location listed above.

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

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

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

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

**K.A.R. 115-2-3.** This permanent regulation establishes the camping, utility, and other fees. The proposed amendments would increase seasonal and nightly utility fees.

**Economic Impact Summary:** The fees are expected to generate \$331,240, all of which will accrue to the park fee fund. Otherwise, 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. 115-4-15.** This permanent regulation establishes the restitution scoring system for deer, elk and antelope that are unlawfully taken. The proposed amendment would adjust the definition of a point.

**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. 115-25-5.** This exempt regulation establishes fall turkey season, bag limits and permits. The proposed version of the regulation would reduce the bag limit for units 3, 5, and 6 to adjust for decreased production.

**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.

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

Gerald Lauber, Chairman



STATE OF KANSAS  
OFFICE OF THE ATTORNEY GENERAL

**DEREK SCHMIDT**  
ATTORNEY GENERAL

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

October 7, 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. 115-4-15;**

Dear Chris:

Pursuant to K.S.A. 2013 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

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



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

October 24, 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. 115-25-5**

Dear Chris:

Pursuant to K.S.A. 2013 Supp. 77-420(b), we have reviewed K.A.R. 115-25-5 and have approved the regulation for legality. The stamped regulation is enclosed with this letter.

Sincerely,

OFFICE OF THE ATTORNEY GENERAL  
DEREK SCHMIDT

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 Gililand, Legislative Research, State Capitol, Room 68-W  
Kenneth Wilke, Revisor of Statutes, State Capitol, Room 24-E

**115-4-15. Restitution scoring system; white-tailed deer; mule deer; elk; antelope.** (a) For the purpose of establishing restitution values, each of the following terms shall have the meaning specified in this subsection:

(1) "Abnormal point" means a point that is nontypical in shape or location.

(2) "Antler burr" means the elevated bony rim around the antler base of a deer or elk that is just above the skin of the pedicle.

(3) "First normal point" means the longest, first point immediately above, but not part of, the antler burr. If this point is branched, the longest and straightest portion of the point shall be used for measurement. All other points branching from this point shall be considered abnormal points.

(4) "Gross score" means the number derived by totaling certain measurements taken from the antlers or horns of a big game animal in accordance with this regulation.

(5) "Inside spread of the main antler beams" means the measurement at right angles to the center line of the skull at the widest point between main antler beams.

(6) "Length of the main antler beam" means the measurement from the lowest outside edge of the antler burr over the outer curve to the most distant point of what is or appears to be the main antler beam beginning at the place on the antler burr where the center line along the outer curve of the beam intersects the antler burr.

(7) "Normal point" means a point that projects from the main antler beam in a typical shape or location.

(8) "Point" means a projection on the antler of a deer or elk that is at least one inch long as measured from its tip to the nearest edge of the antler beam and the length of which exceeds the width of its base by at one inch or more of length. "Point" shall not include an antler beam

tip.

(b) All measurements shall be made to the nearest 1/8 of an inch using a flexible steel tape that is 1/4 inch wide.

(c) The gross score of an antlered whitetail deer shall be determined by adding together all of the following measurements:

(1) The inside spread of the main antler beams, not to exceed the length of the longest main antler beam;

(2) the length of the main antler beam on the deer's right side;

(3) the length of the main antler beam on the deer's left side;

(4) the total length of all abnormal points on the right and left antlers;

(5) the total length of all normal points on the right and left antlers as measured from the nearest edge of the main antler beam over the outer curve to the tip. To determine the baseline for normal point measurement, the tape shall be laid along the outer curve of the antler beam so that the top edge of the tape coincides with the top edge of the antler beam on both sides of the point; and

(6) the following circumference measurements from the right and left antlers:

(A) The circumference taken at the smallest place between the antler burr and the first normal point on the main antler beam. If the first normal point is missing, the circumference shall be taken at the smallest place between the antler burr and the second normal point;

(B) the circumference taken at the smallest place between the first normal point and the second normal point on the main antler beam. If the first normal point is missing, the circumference shall be taken at the smallest place between the antler burr and the second normal point;

(C) the circumference taken at the smallest place between the second normal point and the third normal point on the main antler beam; and

(D) the circumference taken at the smallest place between the third normal point and the fourth normal point on the main antler beam. If the fourth normal point is missing, the circumference shall be taken halfway between the third normal point and the tip of the main antler beam.

(d) The gross score of an antlered mule deer shall be determined by adding together all of the following measurements:

(1) The inside spread of the main antler beams, not to exceed the length of the longest main antler beam;

(2) the length of the main antler beam on the deer's right side;

(3) the length of the main antler beam on the deer's left side;

(4) the total length of all abnormal points on the right and left antlers;

(5) the total length of all normal points on the right and left antlers as measured from the nearest edge of the main antler beam over the outer curve to the tip. To determine the baseline for normal point measurement, the tape shall be laid along the outer curve of the antler beam so that the top edge of the tape coincides with the top edge of the antler beam on both sides of the point; and

(6) the following circumference measurements from the right and left antlers:

(A) The circumference taken at the smallest place between the antler burr and the first normal point on the main antler beam. If the first normal point is missing, the circumference shall be taken at the smallest place between the antler burr and the second normal point;

(B) the circumference taken at the smallest place between the first normal point and the

second normal point on the main antler beam. If the first normal point is missing, the circumference shall be taken at the smallest place between the antler burr and the second normal point;

(C) the circumference taken at the smallest place between the main antler beam and the third normal point; and

(D) the circumference taken at the smallest place between the second normal point and the fourth normal point. If the fourth normal point is missing, the circumference shall be taken halfway between the second normal point and the tip of the main antler beam.

(e) The gross score of an antlered elk shall be determined by adding together all of the following measurements:

(1) The inside spread of the main antler beams, not to exceed the length of the longest main antler beam;

(2) the length of the main antler beam on the elk's right side;

(3) the length of the main antler beam on the elk's left side;

(4) the total length of all abnormal points on the right and left antlers;

(5) the total length of all normal points on the right and left antlers as measured from the nearest edge of the main antler beam over the outer curve to the tip. To determine the baseline for normal point measurement, the tape shall be laid along the outer curve of the antler beam so that the top edge of the tape coincides with the top edge of the antler beam on both sides of the point; and

(6) the following circumference measurements from the right and left antlers:

(A) The circumference taken at the smallest place between the first normal point and the second normal point on the main antler beam;

(B) the circumference taken at the smallest place between the second normal point and the third normal point on the main antler beam;

(C) the circumference taken at the smallest place between the third normal point and the fourth normal point on the main antler beam; and

(D) the circumference taken at the smallest place between the fourth normal point and the fifth normal point on the main antler beam. If the fifth normal point is missing, the circumference shall be taken halfway between the fourth normal point and the tip of the main antler beam.

(f) The gross score of an antelope shall be determined by adding together all of the following measurements:

(1) The length of the right horn measured along the center of the outer curve from the tip of the horn to a point in line with the lowest edge of the base, using a straight edge to establish the line end;

(2) the length of the left horn measured along the center of the outer curve from the tip of the horn to a point in line with the lowest edge of the base, using a straight edge to establish the line end;

(3) the circumference of the base of each horn, measured at a right angle to the axis of the horn, not to follow the irregular edge of the horn. The line of the measurement shall be entirely on horn material;

(4) three circumference measurements on each horn based on the criteria specified in this paragraph. The length of the longest horn shall be divided by four. Starting at the base, each horn shall be marked at these quarters, even though the other horn may be shorter. The circumference shall be measured at these marks at a right angle to the axis of the horn. If the

prong of the horn interferes with the first measurement from the base, this measurement shall be taken immediately below the swelling of the prong. If the second measurement from the base falls in the swelling of the prong, this measurement shall be taken immediately above the swelling of the prong; and

(5) the length of the prong measured from the tip of the prong along the upper edge of the outer side to the horn, then continuing around the horn, at a right angle to the long axis of the horn, to a point at the rear of the horn where a straight edge crossing the back of both horns touches the horn. If there is a crack where the prong extends from the horn, the length of the prong shall be taken passing over the entire crack. Once the initial prong length is taken, the width of the crack shall be measured and deducted from the initial prong length. The adjusted length shall be the recorded length of the prong.

~~This regulation shall be effective on and after January 1, 2013. (Authorized by and implementing K.S.A. 2013 Supp. 32-807, as amended by L. 2012, Ch. 47, Sec. 25, and K.S.A. 2011 Supp. 32-1032, as amended by L. 2012, Ch. 154, Sec. 9; effective Jan. 1, 2013; amended P-\_\_\_\_\_.)~~

## **ECONOMIC IMPACT STATEMENT**

**K.A.R. 115-4-15. Restitution scoring system; white-tailed deer; mule deer; elk; antelope.**

**DESCRIPTION:** This permanent regulation establishes scoring systems for restitution for unlawful take of big game animals in Kansas. The proposed change would redefine a “point”.

**FEDERAL MANDATE:** None.

**ECONOMIC IMPACT:** The proposed amendment is not anticipated to have any appreciable economic impact on the department, other agencies, individuals or small businesses.

**ALTERNATIVES CONSIDERED:** None.

**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 <del>long-term</del> <u>seasonal</u> 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 .....	<del>240.00</del> <u>270.50</u>
Two utilities .....	<del>300.00</del> <u>330.50</u>
Three utilities .....	<del>360.00</del> <u>390.50</u>
Recreational vehicle <del>long-term</del> <u>seasonal</u> 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 .....	<del>280.00</del> <u>310.50</u>
Two utilities .....	<del>340.00</del> <u>370.50</u>
Three utilities .....	<del>400.00</del> <u>430.50</u>
Recreational vehicle short-term parking--per month.....	50.00
Utilities--electricity, water, and sewer hookup per night, per unit:	
One utility .....	<del>7.50</del> <u>9.00</u>
Two utilities .....	<del>9.50</del> <u>11.00</u>
Three utilities .....	<del>10.50</del> <u>12.00</u>
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

(Authorized by and implementing K.S.A. ~~2012~~ 2013 Supp. 32-807 and ~~K.S.A. 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 May 24, 2013; 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 costs of utilities for nightly and seasonal camping.

**FEDERAL MANDATE:** None.

**ECONOMIC IMPACT:** The changes are anticipated to generate \$331,240, all of which would accrue to the park fee fund. 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.

**115-25-5. Turkey; fall season, bag limit, and permits.** (a) The open fall season for the taking of turkey shall be the first day of October through the day before the first day of the regular deer firearms season as specified in K.A.R. 115-25-9 and shall reopen on the day following the last day of the regular deer firearms season through the last day in January. Any equipment that is legal during an archery or fall firearm turkey season shall be permitted during this season.

(b) The units and the number of permits authorized for the taking of turkey during the established seasons shall be as follows:

(1) Unit 1. Unit 1 shall consist of that area bounded by a line from the Nebraska-Kansas state line south on federal highway US-183 to its junction with interstate highway I-70, and then west on interstate highway I-70 to the Colorado-Kansas state line, then north along the Colorado-Kansas state line to its junction with Nebraska-Kansas state line, and then east along the Nebraska-Kansas state line to its junction with federal highway US-183, except federal and state sanctuaries. An unlimited number of permits shall be authorized for unit 1.

(2) Unit 2. Unit 2 shall consist of that area bounded by a line from the Nebraska-Kansas state line south on federal highway US-81 to its junction with interstate highway I-135, then south on interstate highway I-135 to its junction with federal highway US-56, then west on federal highway US-56 to its junction with state highway K-96, then west on state highway K-96 to its junction with federal highway US-183, then north on federal highway US-183 to its junction with the Nebraska-Kansas state line, and then east along the Nebraska-Kansas state line to its junction with federal highway US-183, except federal and state sanctuaries. An unlimited number of permits and game tags shall be authorized for unit 2.

(3) Unit 3. Unit 3 shall consist of that area bounded by a line from the Nebraska-Kansas state line south on federal highway US-81 to its junction with interstate highway I-135, then

south on interstate highway I-135 to its junction with federal highway US-56, then east on federal highway US-56 to its junction with state highway K-150, then east on state highway K-150 to its junction with federal highway US-50, then east on federal highway US-50 to its junction with interstate highway I-35, then northeast on interstate highway I-35 to its junction with the Missouri-Kansas state line, then north along the Missouri-Kansas state line to its junction with Nebraska-Kansas state line, and then west along the Nebraska-Kansas state line to its junction with federal highway US-81, except federal and state sanctuaries. An unlimited number of permits shall be authorized for unit 3.

(4) Unit 4. Unit 4 shall consist of that portion of the state bounded by a line from the Kansas-Colorado state line east on interstate highway I-70 to its junction with federal highway US-183, then south on federal highway US-183 to its junction with federal highway US-54, then southwest on federal highway US-54 to the Oklahoma-Kansas state line, then west along the Oklahoma-Kansas state line to its junction with the Colorado-Kansas state line, and then north along the Colorado-Kansas state line to its junction with interstate highway I-70, except federal and state sanctuaries. No permits shall be authorized in unit 4.

(5) Unit 5. Unit 5 shall consist of that portion of the state bounded by a line from the Oklahoma-Kansas state line north on interstate highway I-35 to its junction with federal highway US-56, then west on federal highway US-56 to its junction with state highway K-96, then west on state highway K-96 to its junction with federal highway US-183, then south on federal highway US-183 to its junction with federal highway US-54, then southwest on federal highway US-54 to the Oklahoma-Kansas state line, and then east along the Oklahoma-Kansas state line to its junction with interstate highway I-35, except federal and state sanctuaries. An unlimited number of permits shall be authorized for unit 5.

(6) Unit 6. Unit 6 shall consist of that portion of the state bounded by a line from the Oklahoma-Kansas state line north on interstate highway I-35 to its junction with federal highway US-56, then east on federal highway US-56 to its junction with state highway K-150, then east on state highway K-150 to its junction with federal highway US-50, then east on federal highway US-50 to its junction with interstate highway I-35, then northeast on interstate highway I-35 to its junction with the Missouri-Kansas state line, then south along the Missouri-Kansas state line to its junction with the Oklahoma-Kansas state line, and then west along the Oklahoma-Kansas state line to its junction with interstate highway I-35, except federal and state sanctuaries. An unlimited number of permits shall be authorized for unit 6.

(c) The bag limit for the open fall season shall be one turkey of either sex for each permit or game tag.

(d) An individual shall not apply for or obtain more than one turkey permit and three turkey game tags for the open fall season. Only an individual who has purchased a turkey permit shall be eligible to purchase a turkey game tag.

(e) Turkey permits and turkey game tags shall be valid only for the unit or units designated on the turkey permit or turkey game tag.

(f) This regulation shall be effective on and after February 1, 2014. (Authorized by and implementing K.S.A. 2013 Supp. 32-807 and K.S.A. 2013 Supp. 32-969.)

## **ECONOMIC IMPACT STATEMENT**

**K.A.R. 115-25-5** Turkey; open season, bag limit, and permits

**DESCRIPTION:** This proposed exempt regulation establishes hunting unit boundaries, bag limit and season dates for the 2014 fall wild turkey seasons. The proposed change would reduce the bag limits for units 3, 5 and 6 to take into account several years of poor reproduction. Otherwise, the regulation would be unchanged from previous seasons.

**FEDERAL MANDATE:** None

**ECONOMIC IMPACT:** It is anticipated that 12,500 fall turkey hunting permits and tags will be issued in 2014. This total includes 7500 resident permits, 3000 turkey game tags and 2000 nonresident permits. Estimated revenue if all permits are issued would be \$255,000. That amount represents an equal expenditure for those individuals desiring to participate in the fall turkey hunting season. Administrative costs associated with the season are borne by the department.

The department estimates over 24,000 days of hunting activity will occur, thus providing economic benefit to businesses providing goods and services. No other economic impact on the general public, small businesses or on other state agencies is anticipated.

**ALTERNATIVES CONSIDERED:** None.