

**AGENDA**  
**KANSAS DEPARTMENT OF WILDLIFE AND PARKS**  
**COMMISSION MEETING AND PUBLIC HEARING**  
**Thursday, March 15, 2007**  
**The Great Overland Station, 701 N Kansas Ave., Topeka**

**Legislative Luncheon 11:30 a.m., Capitol Building, 1<sup>st</sup> Floor Rotunda**

- I. CALL TO ORDER AT 1:30 p.m.**
- II. INTRODUCTION OF COMMISSIONERS AND GUESTS**
- III. ADDITIONS AND DELETIONS TO AGENDA ITEMS**
- IV. APPROVAL OF THE January 11, 2007 MEETING MINUTES**
- V. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS**
- VI. DEPARTMENT REPORT**
  - A. Secretary's Remarks**
    - 1. 2007 Legislation (Chris Tymeson)**
    - 2. FY 2008 Budgets (Dick Koerth)**
  - B. General Discussion**
    - 1. Boating Task Force Update (Doug Nygren)**
    - 2. Kaw River Fishing Access (Roger Wolfe)**
- VII. RECESS AT 3:00 p.m. for tour of Region 2 Office and Kaw River State Park (Park 24)**
- VIII. RECONVENE AT 7:00 p.m.**
- IX. RE-INTRODUCTION OF COMMISSIONERS AND GUESTS**
- X. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS**
- XI. DEPARTMENT REPORT**
  - B. General Discussion (continued)**
    - 3. CWD and AI Update (Ruby Mosher)**
    - 4. Farm Bill Coordination (Cherrie Nolden)**
    - 5. Additional deer regulatory considerations (Lloyd Fox)**
    - 6. KAR 115-2-3a. Cabin camping permit fees. (Jerry Hover)**

## **7. Early Migratory Bird Seasons (Helen Hands)**

### **C. Workshop Session**

- 1. KAR 115-25-7. Antelope; open season, bag limit and permits. (Mike Mitchener)**
- 2. KAR 115-25-8. Elk; open season, bag limit and permits. (Mike Mitchener)**
- 3. KAR 115-25-9. Deer; open season, bag limit and permits. (Lloyd Fox)**
- 4. KAR 115-9-9. Electronic licenses, permits, stamps, tags, and other issues of the department; other requirements. (Kevin Jones)**

### **D. Public Hearing**

- 1. KAR 115-4-4a. Wild turkey; legal equipment and taking methods. (Jim Pitman)**
- 2. KAR 115-25-5. Turkey; fall season, bag limit and permits. (Jim Pitman)**
- 3. KAR 115-4-4. Big game; legal equipment and taking methods. (Lloyd Fox)**

## **XII. OLD BUSINESS**

## **XIII. OTHER BUSINESS**

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

## **XIV. ADJOURNMENT**

**If necessary, the Commission will recess on March 15, 2007, to reconvene March 16, 2007, 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, April 19, 2007, at the Silver Spur Convention Center in Dodge City, Kansas.**

**KANSAS DEPARTMENT OF WILDLIFE AND PARKS  
COMMISSION MEETING MINUTES  
Thursday, January 11, 2007  
Southwestern College  
Wroten Hall, Winfield, Kansas**

Subject to  
Commission  
Approval

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

The January 11, 2007 meeting of the Kansas Department of Wildlife and Parks Commission was called to order by Chairman Kelly Johnston at 1:30 p.m. at the Southwestern College, Winfield. Chairman Johnston and Commissioners Gerald Lauber, Frank Meyer, Doug Sebelius, Shari Wilson and Robert Wilson were present.

**II. INTRODUCTION OF COMMISSIONERS AND GUESTS**

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

Chairman Johnston - The department staff and Commissioners expressed sorrow and extended condolences to the family and friends of Jodi Sanderholm. Also, acknowledged and thanked members of the department who assisted in the search and recovery effort in this unfortunate case. Employees from the Law Enforcement Division are Clint Lee, Tyson Nielson, Jason Barker and his partner Moose; from Public Lands, Kurt Grimm, Troy Smith, Stuart Schrag, Brent Konen, and Brent Theede.

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

Chairman Johnston – Sheila, will you outline the changes to the agenda. Sheila Kemmis - We will move the awards presentation for Frank Meyer to the evening session to be after award presentation for Dr. Harrington. The Upland Game Bird Season, under Secretary's Remarks, will be moved to the evening session. Also, a note on Workshop item Number 4 on Elk, the item in the briefing book was edited and I have given you the newer version.

Commissioner Permits – Keith Sexson, Assistant Secretary for Operations, presented this report to the Commission (Exhibit B). All permits are sold now, we were unsure of Quail Forever's permit at last Commission meeting, but it sold for \$6,000. As a reminder Quail Forever got a deer permit; Rocky Mountain Elk Foundation Wichita Chapter got an elk permit; Rocky Mountain Elk Foundation Greater Kansas City Chapter got a deer permit; Kansas Friends of NRA Greenwood Chapter got a deer permit; Kansas Friends of NRA Nemaha Chapter got a deer permit; Kansas Friends of NRA Flint Hills Chapter got a deer permit; and Ducks Unlimited South Central Kansas Chapter got a deer permit. The permits sold for a total of \$35,700. The organizations keep 15 percent and 85 percent comes back to the department. We are ready to do it again this year and I am going to call on Sheila and the Chairman to help with those. We had 119 applications this year. Sheila took some golf balls and numbered them from 1-119 and put

them in the box and even if someone looks in there and grabs a particular number they don't know what organization that number represents until Sheila looks at her sheet. On the application the organization also indicates their 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> choice for a permit. We can issue one elk permit, one antelope permit and up to seven deer permits. Since we only have six Commissioners in attendance at this meeting we will start with the Chairman, have each of the Commissioners draw and then have the Chairman draw the last number.

Drawings were as follows:

1. Kelly Johnston - #48 Friends of NRA - KS-26 Ottawa – Deer (1<sup>st</sup> Choice)
2. Doug Sebelius - #31 Friends of NRA - KS-4 Topeka – Deer (1<sup>st</sup> Choice)
3. Shari Wilson - #94 NWTF - Lawrence Chapter – Elk (1<sup>st</sup> Choice)
4. Gerald Lauber - #65 Pheasants Forever - Solomon Valley – Deer (1<sup>st</sup> Choice)
5. Robert Wilson - #95 NWTF - Ottawa Chapter – Deer (2<sup>nd</sup> Choice)
6. Frank Meyer - #5 Ducks Unlimited - Shawnee Mission – Deer (1<sup>st</sup> Choice)
7. Kelly Johnston - #18 Pheasants Forever - Flint Hills Chapter – Deer (2<sup>nd</sup> Choice)

Sheila Kemmis – We will be contacting each of the winners with a letter and asking for their money for the permit.

Commissioner S. Wilson – On last year's permits I noticed that three of the permits were sold but we still haven't made any arrangements for the department's share on those. Sexson – We have money still being held by Friends of the NRA in those three chapters and we are still working with the chapters on that. Their interest is in hunter education and shooting sports or something of that nature. At the last Commission meeting we indicated that we wanted to make it clear that the money will actually be sent to the department, we will then hold it in our Wildtrust account and will work with the organization. The Ducks Unlimited and Pheasants Forever projects were acceptable projects, but the Commission agreed that all of the money should be sent into the department and then work back out with the organizations in terms of what projects. We intend to make that clear how the process works to the folks who got the permits this year and in the future. Commissioner S. Wilson – I think that is a better way to go. Will there be a time limit or time frame in which they will be expected to send their money in after they have sold the permit? Sexson – We can establish a time period. It did take us a while in terms of Quail Forever to actually find out it had been sold. After this first year we have learned a few things about the process and what we need to do. I don't think there was any problem with the organizations, I just think it was unclear at the beginning on how we would operate. Some of the permits don't get sold until later on depending upon how they are trying to market them and through what kinds of banquets and meetings. In terms of the records on who applied, if there are any questions from anybody on that, we have those records and will be happy to share the applicants and numbers.

~~Awards Presentation – Jerry Hover, Parks Director, presented the American Trails Nature Award to Frank Meyer. Moved to evening so Secretary Hayden could be present.~~

#### **IV. APPROVAL OF THE October 26, 2006 MEETING MINUTES**

Chairman Johnston – On page 24, three lines from the bottom, after my name is mentioned, that should read “I intend” instead of “I would tend” to vote (Exhibit C). *Approved as changed.*

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

*None*

## **VI. DEPARTMENT REPORT**

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

1. Proposed Legislation for FY 2007 Legislative Session – Chris Tymeson, legal counsel, gave this report to the Commission. As you know the legislature just started this week and we have already seen some bills come out. I will talk about the department's legislative initiatives for the 2007 session. Essentially, they come in four areas. The first one is law enforcement, we've got some corrections to make in some statutes, for instance in one there was a comma left out a couple of years ago by a reviser and it caused a bit of consternation in some criminal cases. Most of those items should go through fairly well because there are just two or three corrective measures. Two parts deal with hunter education; the first one deals with a disparity between hunter education and bowhunter education and the department is proposing to make bowhunter education an advanced hunter education course rather than a mandatory restrictive course and at the same time procedurally increase the amount of bowhunter education that occurs in hunter education. The second portion of that deals with a crash course which is akin to a learner's permit. The last two years we have had authority to run crash courses, which are shortened four-hour courses that target primarily the opening of seasons to deal with people who may not meet our legal requirements coming into the state to hunt, with respect to hunter education. For example if they come from Texas they may not have hunter education when they are coming to Kansas because the dates are substantially different. What several states have done, as a way of recruiting adult hunters, is to allow a one-time exemption from hunter education as long as the individual is supervised by a licensed hunter. With the non-success of the crash course and its intended audience and what we were trying to accomplish, we think we can accomplish that with a deferral or one-time exemption from hunter education. The department continues to seek long-term stable funding for Parks and hopefully free admission for Kansas residents. The last item deals with deer and the statutory review that has been undertaken for the last 18 months. Essentially we have gone in and revamped the deer statutes to shift the control back to the Commission to set deer management and hunting through regulation rather than statutory mandate. There have been a couple of bills that have come out, three that will come up on the website by the end of the week. One deals with the membership of the Wildlife and Parks Commission, House Bill 2002, and it would essentially take everyone currently on the Commission off the Commission as of July 1 and then people would be reappointed with staggered terms. The impetus for the bill is to ensure there is geographic representation throughout the state, which in my opinion has been dealt with procedurally by the Governor as she has placed people on the Commission. This is similar to a bill that was introduced last year. There is a bill that deals with posted land and searches of buildings on posted land. Land that is posted for hunting by written permission only which is House Bill 2027. I don't know the impetus for it yet but it just came out this week. The way the bill is drafted it has implications far beyond our department. It would impact sheriff's departments, KBI or the Highway Patrol, but is in our statutes. As soon as I find out the origin I will let you know more. Senate Bill 38 came out

today and it would name Park 24 Kaw River State Park, so hopefully after three years we will get a name for that state park.

2. FY 2008 Budgets – Dick Koerth, Assistant Secretary of Administration, gave this report to the Commission (Exhibit D). The FY 2008 Governor’s Budget Recommendations have been provided to the department. The Governor’s budget was announced last night and details were made available this morning. For FY 2007 there is no change from our request. For FY 2008 we have three additional new positions. Two of them are for Parks offices at Pomona and Crawford state parks, changing two Administrative Assistants to full time instead of part time and in addition, one position for a manager at Park 24 (or Kaw River State Park). The recommendation includes “Open Admissions” at state parks, but as Chris mentioned we have a need for dedicated funding and that was not addressed. The Governor has provided funding for the “Open Admissions” in the form of additional SGF, but I hesitate because what she has done has funded open admissions from January 1, 2008 until June 30, 2008, to continue past that would require a FY 2009 appropriation which is not in her current recommendations. This would eliminate the required vehicle permit to access state parks and would be applicable to all persons entering a state park. Additional funding will be required in FY 2009 to adequately fund the entire calendar year. The recommendations provide for the operation and development of State Park 24. There is \$220,000 SGF and one position to manage the park. In addition, there are capital improvements totaling \$745,000 for improvements to the railroad crossing; for boat ramp installation; and the road improvements that go down to the boat ramp. KDOT has agreed to do the design work for the road which will lessen our cost and we appreciate their cooperation on the project. The Governor has provided \$1 million from the State Water Plan Fund to purchase additional water storage rights from the Almena Irrigation District at Sebelius Reservoir. The last three years we have been leasing from the district water rights to maintain a minimum level in the reservoir for outdoor recreation usage. This will provide a long-term solution to that problem, basically a 99-year lease. At the October meeting we mentioned enhancements we were considering, including \$1 million from the State Lottery that was not approved. We had 75 replacement vehicles that were in accordance with the 140,000-mile criteria and we were approved for 45. We don’t have the details yet, but hope to get that sometime next week. We requested \$50,000 for a Marketing Plan and \$400,000 to support acquisition of the Circle K Ranch and both of those items were not recommended. However, some enhancements were approved: the radio plan; expand Archery in the Schools program; expand Community Fishing Access Program; local shooting range grants; expand the WIHA program; a web-based survey of hunting and fishing participants; and Local Community Boating Grants. These are important enhancements to us and will allow us to better serve the public. The last enhancement provides for a step increase plus a 1.5 percent COLA for all of our classified employees. That totals 4 percent. In addition, those who are eligible for longevity bonuses the current amount is \$40 per year of service and her recommendation goes to \$50 per year of service. Capital Improvements (C/I) provide for a total of \$9,657,200 including: development of State park No. 24; land acquisition; Parks major maintenance (which was reduced from our request by \$800,000 which was shifted to Health and Finance and the open admissions program); river access; fish hatchery renovation projects (as mentioned in October is a shift of funding, money was approved for a water line at Milford Hatchery, which will not be done at this time, but will be used to improve hatcheries, primarily Milford); and purchase of water rights at Sebelius Reservoir. For years we received \$1.5 million from the state highway fund through KDOT to maintain roads in our state parks and such. It has been that way for a

number of years and every year it is less adequate to get the job done. Working with KDOT we now have a program that every year that amount will be increased by the inflation factor as determined by the State Consensus Revenue Estimating Group. So for FY 2008 there will be a three percent increase, so it will be \$1,545,000 and every year it will grow.

Commissioner Meyer – The last couple of years we have been taking money out of the road and bridge fund and putting it into parks. Koerth – That is two separate funds, the Road Fund and the Bridge Fund and we have used both of them to continue funding the state parks. You are correct. Commissioner Meyer – Are we starting to repay that? Koerth – We are supposed to repay that when there are adequate funds available in the Park Fee Fund and there are not adequate funds available. We are 8 percent down for the year. Commissioner Meyer – Not doing maintenance is not a good way to do it. Koerth – We used them in different years, first the Bridge money and the next year the Road Fund. This year the parks budget is fully funded not using either of those funds.

Commissioner S. Wilson – I am disappointed the marketing plan didn't make it into the Governor's budget. I was hoping that we could get started on that. I think it is really important to be marketing our parks and wildlife areas especially to new groups of people in our urban areas that may not receive the department publications we currently have. Maybe we can look for other sources of funding to do that. We were talking earlier that acquisition of the Circle K Ranch was not in the Governor's budget. Koerth – It is not a lack of desire to acquire that property. The City of Hays is not in the mood to market that property at the current time. We talked to Hays and it is off the market for now and we can't put money in the budget we can't use. We still desire that ranch and still feel it would be an excellent place for a facility. Commissioner S. Wilson – Would you explain the radio plan? Koerth – I am going to ask Kevin to do that. Kevin Jones – Approximately three or four years ago the Governor implemented a plan which was to offer 800 megahertz (MHz) emergency radio systems to the state. It is administered by the Kansas Department of Transportation and the Kansas Highway Patrol. The object behind the program was to create a radio system for emergency services broadcasts. Nevertheless it would be so that we could communicate with State Highway Patrol and anyone else on the 800 MHz frequency. The Federal Communication Commission is trying to push all emergency management into that realm. A lot of importance has been placed on this since 911 and it is in every state emergency management plan across the nation. Commissioner S. Wilson – The funding to expand the Milford Nature Center to build the addition to the education center, is that still in there? Koerth – Yes, that is in there, it is on the last table, number 9 for \$75,000.

~~3. Upland Game Bird Season – Mike Hayden, Secretary presented this report to the Commission. Moved to evening.~~

## **B. General Discussion**

1. Deer Working Group Report – Mike Miller, special assistant and Task Force Chairman, presented this report to the Commission (Exhibit E; PowerPoint – Exhibit F). We have been talking about this since last January, and since that time we have embarked on an aggressive public input campaign. We established a blog (300 posts), accepted several hundred emails and did 14 public meetings in different locations throughout the month of August with over 600 people attending. We also surveyed hunters and landowners. The Deer Task Force started meeting again in September and met through early November to revise what we had in our first set of recommendations to come up with recommendations to go to the legislature with. Our

goals are similar to what they were when we started this. The Chairman of the House Wildlife, Parks and Tourism Committee's requested that we look at our deer-related statutes and make recommendations on how we could condense or simplify those statutes. We realized we weren't going to change one or two things without affecting the whole program. It has become a complicated program, especially with additions over the last 10 years, some through agency regulations and some through legislation, so we decided to make changes to the whole program. What we would like to do is convince the legislature that this new program can work so we can repeal legislation that mandates us to do certain things. If we can get the statutes repealed or changed we will come back through the regulatory process and Commission to make the changes that are included in these recommendations which is a more public flexible process and could be modified year to year depending on populations and conditions. We want to establish a permitting system that distributes permits fairly; promotes wise use of deer resource; and protects hunting traditions. We think we can simplify the deer permitting process, but we also want to improve deer hunting opportunities for our resident deer hunters. We have developed a model, or beginning of a formula that will help us set nonresident deer permit numbers and we want to do this to satisfy the desires of our landowners, but we also want to maximize our hunting opportunities. Currently a resident can buy a permit over-the-counter for any unit he chooses, there is no limit, he can get one permit that allows him to get a buck or a doe, but if he is a firearm or muzzleloader hunter he is restricted to a particular management unit and archers are restricted to two management units. Resident recommendations: 1) Establish statewide whitetail either sex, any season permit. The hunter would still be limited to one permit that allows him to take an antlered deer. 2) Establish statewide archery either species, either sex permit; the way the archery permit used to be, but in the western part of the state it would be valid for either mule deer or a whitetail. 3) Establish two units for use of limited either species either sex firearms and muzzleloader permits. 4) Maintain 19 DMUs for use of whitetail antlerless-only permits so we can direct additional or reduce harvest pressure in certain areas as dictated by population, deer depredation, deer/vehicle accidents or whatever factors would be taken into that. 5) Eliminate whitetail antlerless-only game tags, instead establish one type of whitetail antlerless-only permit, the first one purchased is valid on public or private land. In some units currently you can purchase up to four additional antlerless game tags which are only valid on private land and we are proposing that up to four more whitetail antlerless permits, which would only be valid on private land, in specified units and maybe some specified public lands and walk-in hunting areas (WIHA). 6) Eliminate transferable Hunt-Own-Land (HOL) permit. Currently, the HOL permit is any-season either species, either sex, but they can transfer to a lineal or collateral relative. Law Enforcement has been frustrated with the inability to enforce these types of permits. Out of about 13,000 HOL permits, about 900 are transferred and the landowner must give up his permit if he wants to transfer it to a relative so they can come back and hunt on that land. We are recommending allowing immediate (lineal) family members, two generations up or down from landowner to qualify for HOL permits, regardless of residency, 80 acres required for each family member permit. There would be no transfer involved, they would just be purchasing a permit under that landowner's name and ownership to hunt on that farm. Nonresident recommendations: 1) Eliminate landowner/transferable nonresident permits and establish nonresident permit quotas based on demand, landowner tolerance and resource biology. 2) Maintain DMUs for nonresident permits and set a quota for each unit having an adjustment number of each unit, using seven factors: population trends; deer related vehicle accidents; age structure in our harvest; deer damage; landowner desire for more nonresident

permits and general public desires; and health and habitat which will be our professional input from our biologists. The adjustment factor will determine 2008 permit based on average demand from previous 6 years, however for the first year we recommend not less than 10 percent increase per DMU and not more than 50 percent increase per permit (except Unit 16). Currently, statute dictates that we set the numbers based on resident sales from the previous year and in some units where there are few resident archery hunters, so it may be very difficult to get a nonresident archery permit and that drives the price up on after-market sales. Landowners then are frustrated because if they want to bring in nonresident hunters they can't find permits for them and many feel that archery hunters have less of an impact than a firearms hunter on the resource. One of the reasons we went with some of these percent increases was because we don't know how demand will fall out. Last year we had over 7,000 applications for landowner transferable permits and we know a lot of those were double ups, husband and wife applying. We realize politically that we have to try and satisfy landowners in some of these areas or this isn't going to fly. Unit 16 is different. Hunters there have figured out system, applying for an archery permit in a unit with low demand, then selecting Unit 16 as their second choice. There are more hunters down there than actually show on paper. 3) Keep 18 DMUs, but establish "Hunter Designate" permits. 4) Establish a mule deer "stamp" that applies for archery or muzzleloader whitetail either sex. If they want to hunt a mule deer they would have to apply for stamp. Currently, the only way a nonresident can hunt a mule deer is with a muzzleloader any deer permit and there is a very small number of those permits available. There are certain groups or outfitters that can dominate those draws. The stamp will be for muzzleloader or archery only, not firearms. The cost of stamp would be \$100. Currently, our resident archery kill on animals is about 194 animals a year. We still have a nonresident HOL permit that is not transferable and family members would not be eligible. Recommendations for seasons are that we start with youth season (currently starts with muzzleloader season). Start Friday of second to last full weekend in September, running Friday, Saturday and Sunday; then open muzzleloader and archery season on the following Monday and run muzzleloader season two full weekends and archery season through December 31. This was done because we heard from muzzleloader hunters who asked for a little bit later season because it can be so warm and uncomfortable the first part of September. The hunting pressure in both of those seasons is low and we don't think there will be a lot of conflicts by running those seasons overlapping and it is a compromise. Keep season structure the same for other seasons, rifle season will still open Wednesday after Thanksgiving, special antlerless extended season as needed in January. We are looking for ways to make Landowner/Tenant requirements more enforceable. Right now the definition is fairly well defined, but being able to enforce that when you look at tenants and managers is very difficult. We are going to work with Farm Bureau and KLA to see if we can't come up with some wording, perhaps on the permit, when you sign, that says "by signing this I realize I may be asked for proof of my qualifications as a landowner/tenant". We are not going to require that up front, but want some way of making sure they do qualify by law. Our Law Enforcement has been frustrated at not being able to enforce those laws. Overall, the biggest simplification will come to resident hunters who will be able to purchase a whitetail any season permit and an antlerless any season permit and hunt anywhere in the state during any season with the legal equipment. If they wanted to take more deer than that they would have to be aware of which units had additional antlerless permits and what seasons they were valid for. We have not gone to the legislature yet. Chris intends to go to the legislature as early as next week. If we are successful with the legislature, we will repeal or change those statutes that mandate the way we

allocate nonresident permits or mandate the way we do certain things. We want to then go back and implement these recommendations through the regulatory process. It would take the next year to do that and we wouldn't get any of this done until the 2008 deer season. So 2007 will be very similar to 2006 as far as permit allocations and procedures go. We feel we have something in here for everyone and that we can satisfy the different constituencies.

Commissioner Lauber – This has been discussed informally with Farm Bureau and KLA? Miller – Yes. Commissioner Lauber - They have expressed limited reservations? Miller – They did not express opposition to it. Their main concern is landowners and landowner concerns and when we are looking at trying to meet demand in those units they will support that. They have been involved with this from an early stage. Commissioner Lauber – The number of nonresident permits granted in Unit 16 is to be looked at from a different perspective, the reason we are being forced politically to raise the number of permits is because essentially that area has frozen out access to resident hunters for quite a while so therefore the number of nonresident permits has been very low and the demand is there for the higher paying nonresident permits. Miller – I am not exactly sure if we saw a decrease in residents. Access has always been difficult because it is an area of large privately owned ranches so there has never been a lot of access down there for residents or nonresidents. I would say thriving nonresident outfitter businesses have sprung up down there. It is a highly desired area for nonresidents. There has been a lot of pressure to get the types of permits they want to see because of those businesses. Commissioner Lauber – I don't have a problem with it because that is a political reality, but that unit is managed more for the nonresident, not by us, but by the landowners there. Miller – Another reason that is taken out of the context like that is because it actually does have more hunters than would show on paper. What would look like a huge increase is not as big of increase of the number of hunters down there just because our data shows first choice only. Commissioner Lauber – I think the group has done a good job in trying to address a wide variety of issues and I think there has been considerable compromise and personally would be disappointed if these recommendations don't gain traction. Nobody but the most selfish would have any reason to object or oppose these. Commissioner S. Wilson – With regard to the resident HOL permit, to transfer that to a family member, is there a fee? Miller – It wouldn't be transferred. Commissioner S. Wilson – You would just walk in and be able to buy as a landowner without actually having to go through a transfer process? Miller – The son of a landowner, for example, who lives in Missouri now, would be able to apply for one of these permits under that landowners' name and land and that would be the name he listed, the county and the number of acres and he would be eligible to purchase a HOL permit for that land. Commissioner S. Wilson – Does that address the concern Senator Lee had last year? Miller – Some of her concern was when we eliminated the ability to purchase an antlerless permit as a nonresident. She had relatives that were coming to Kansas and hunting under an antlerless permit. When we changed the requirement that you had to purchase an antlered permit first, that was where she was upset. This year we eliminated that requirement after December 30 so during the extended season you could purchase an antlerless permit and I think that alleviated some of her concerns, but I don't know if this will take care of her concerns in the regular season. Commissioner Sebelius – I like the suggestion that you eliminate the transferable HOL permits. In the past there has been potential for confusion and fraud and it is harder for Law Enforcement to know when they come across somebody to make sure they obtained it legitimately. I think this is a good move and hope it stays. Something I might suggest is, when you are working on the application for the landowner/tenant you might add a phrase to that where it cautions the person that it is a felony to induce official action or this governmental

agency to issue permits when they have used false information or misrepresentation in writing. I have used that in some of my work and it cuts down on people trying to get an official to do something. They often don't realize it is more than a game when you put that information down. It is amazing to me the cavalier fashion people approach to get an application. They just don't think it is any big deal and I think we ought to let them know that it is. Miller – I think you are right, people take it lightly and we need to have a little more teeth on the permit or some way to increase our ability to enforce that.

Steve Sorensen – Clarification, on statewide resident whitetail either sex any season permit, how much? Miller – We haven't talked about raising fees on any of these. Sorensen – You are going to have to break into the fee statute in order to establish such a permit. Miller – The fees are done by regulation within a cap set by the statute so fees are something we can do in the regulation.

Sorensen – But this is a new kind of permit isn't it? Tymeson – Statute 32-988 sets a cap of \$100 for residents, \$400 for nonresidents and then we set the permit classes within that in regulations.

Sorensen – Ok, as a Task Force what have you been talking about? Years ago, in-house they talked about a statewide any season whitetail either sex permit and they were talking \$100. Is that anywhere near what you are talking about? Miller – We really haven't talked about it. If we offered a secondary permit, a unit permit, or a rifle-only permit we might be talking about it, but since that is the only permit that most people are going to be buying we haven't talked about a fee increase on it. At one time we talked about offering that as a premium permit. You could have bought your local archery, or firearm, but we aren't looking to offer any additional tiers or permits. It would either be statewide archery or statewide either sex, so we did not talk about increasing the fee. Sorensen – The answer is probably going to be the same on eliminating the game tags and going with the whitetail antlerless-only permit? Miller – Again that would be regulation, but the Task Force talked about a \$15 permit across the board on those. That would be a regulation. Sorensen – That is going to be a big question by the deer hunter if you are talking about going from the \$30 permit to a \$50 or \$60 permit. The new HOL permit will be sold over-the-counter? Miller – They are now, you can buy them over the internet now. Sorensen – With the problems we are having with getting documentation on HOL permits now, we are expecting some Wal-Mart employee to determine two generations up? Miller – The person is going to apply and sign that they are such and such generation of this particular person, but no. It will be easier for a CO to identify if that person is a son or grandchild of this person rather than a cousin or spouse of a cousin. Sorensen – We are talking straight up and down lineage now? Miller – Right. Sorensen – I like Commissioner Sebelius' recommendation about the wording on making sure everybody knows it is a felony.

Randy Smith, KBA – We would like to know if there has been any consideration about requiring bowhunter education for the new one tag all season permit? We feel people shouldn't just be able to buy a bow and come right into it now that we have that option. We would like to see that requirement. The other questions we had were already asked, about the fees. If we are eliminating the game tags we were concerned if all of the antlerless tags were going to go to a \$30 tag? Miller – That wasn't our intention as a Task Force, we were talking about an across the board \$15. Again, this would be things that could be done through regulation with public input and discussion through the whole process. Smith – We would like to see the one tag be a premium tag and the price go up on it.

Bill Dexter, Landowner in Chautauqua County – Do I understand that the out-of-state permits will be applied by that person out-of-state as opposed to myself trying to apply for him? Miller – Yes. Dexter – I think that is good because I have seen too many cases in the past where a person

who has a small tract of land and applies for it, then sticks it on the internet and all he is interested in is getting as much as he can for it. I had one of our hunters ask this person what he wanted for the permit and he said he wanted all he could get, but that the land wasn't huntable and he wasn't interested in the place. When a nonresident applies to hunt on my property do they need to identify my property as to being where he is going to hunt? Miller – He will apply for the unit that your property is in. Dexter - If the person applying for that knows that I have enough property for himself and whoever he wants to bring with him, then the person that has a small tract of land that is not huntable should never have a permit. Too often you can list and overload property pretty quick and get someone killed by too many people hunting on the same land. I think it is good that I don't have to go through that hassle of trying to apply for somebody. I would like for the nonresident to be able to get one if I am going to sign a long-term lease for him to hunt on it.

Chairman Johnston – On the HOL permits, how are spouses' first or second lineal generations going to be treated? Miller – We didn't discuss allowing spouses to qualify. We were looking at blood relatives, so they would not qualify under this recommendation. Chairman Johnston – With respect to the impact overall, if all of the recommendations would be approved, what would be your expectation of increase in hunting pressure on our deer? Miller – When we look at demands, the leveling off of nonresident demand and the limiting nature of access in Kansas we don't see a huge increase. We have seen more and more leftover permits in the eastern units. We haven't seen demand continue to climb as we have increased permits by that two percent increment each year, so we don't anticipate a huge increase. If we are able to do something with this formula those things could be adjusted year to year if we saw an area that had a big increase, or saw a reduction in the age structure of the harvest, there would be adjustments that could be made through regulation.

Commissioner Lauber – Do you expect, during the firearm season, to have a little more pressure as a result of bowhunters laying down their archery equipment and picking up a gun or will most bowhunters choose to harvest with the weapon of choice or their hunting means of choice?

Miller – That is an unknown. I would anticipate that we would see a little increase, a little overlap there, but I think there are diehard archers and rifle hunters that only rifle hunt. There have been people over the years that have expressed interest in this permit, I think there will be some of that and we will have to keep an eye on it. Chairman Johnston – I am curious with respect to your expectation that there is not going to be a significant increase in hunting demand. What is the rationale for recommending an across the board, except for Unit 16, 10 percent increase in available nonresident permits? Miller – Because we are eliminating the transferable permit and looking at the actual demand to set that base number. We don't know how actual demand will fall out, but we don't think this thing will fly politically if we have a unit where a lot of nonresidents don't draw permits and landowners are upset with us. After the first year we will be in trouble. It is a guess that a 10 percent increase will cover demand in those areas. We are not using the entire demand we are using actual demand from general nonresident demand applications and all of those landowner applications are going to be out of the system so we are giving it a 10 percent increase in some of those units to ensure that we come close to meeting that actual demand. Chairman Johnston – Assuming the formula would pass in the manner in which you conceived it, would it be possible in a particular unit to issue more nonresident either sex permits than resident permits? Miller – I suppose it could depending on your net resident demand. Lloyd Fox – We have that now in Unit 16 in archery where we do have more nonresidents hunt for archery deer than residents. They are obtaining a permit, listing their

primary unit as one of the other units and their secondary unit was A5. So theoretically that is possible. Commissioner Lauber – In Unit 16 you very likely are going to have it split or a greater number of nonresidents than residents now. That is what I said earlier, because resident hunting opportunity and access is low and we will have to raise the number. The problem is if we don't provide a tremendous number of nonresident permits for that extremely nonresident-friendly deer management unit, they are going to squawk loudly and then the whole efforts of this Task Force could be derailed by politicians serving that area. I don't particularly like it Mr. Chairman, but I feel we have to do something along that line or we will have the Ag interests outweighing, politically, what support we can muster. Chairman Johnston – My concern isn't so much for 16, I think I understand the situation and rationale there. My concern is the 10 percent and 50 percent numbers apparently will have no bearing or relationship to how many resident permits are being sold or available in a unit. My concern is that if we are going to potentially vastly increase. We don't know what the demand is going to be for the number of nonresident either sex permits available, and without any overall cap that has any bearing to resident usage that we could end up with even more situations like Unit 16. Miller – Under our current model of using this formula we would increase the harvest from 11 percent to 14 percent by nonresidents. We used this model and went through it unit by unit, where we could see in some areas up to a 50 percent increase in permits, other units we would see a very minimal increase. The overall deer harvest by nonresidents would still be only 14 percent of the entire harvest, so we are still talking about a small percentage of our permits and harvest. Commissioner Lauber – Without the benefits of scientific knowledge I think some of these "caps" are just cosmetic. I think they are left there to soothe the fears of the Ag interests. In a lot of units I think the demand has already been met and that is the reason you have transferable permits that go begging. If Kelly's concern is right, and it is a valid point, then we have more issues. I guess I feel like the purpose is to get this back into wildlife professionals doing the managing rather than elected politicians doing the managing. We have to take some level of risk even though I pray against unintended consequences, which would be a lot of nonresident areas where a resident can't get a place to hunt and everybody is mad at us and we can't do anything about it. Chris Tymeson – Also, the base line average is over a six year period so you can't see substantial spikes from year to year once your first year is established.

Commissioner S. Wilson – We have been talking about how these percentages are at least partly to gain the support from specific interest groups such as Farm Bureau or groups of that sort. Has this been discussed with them and do they support it? Miller – They did not oppose it. We did discuss it with Steve Swaffar and Mike Beam and their main concern was that we take care of landowner interests in these areas, but they did not oppose it they thought it looked like a reasonable plan. Commissioner S. Wilson – I was hoping to hear something a little stronger than that from them. It would be nice, if this is the package we are going to move forward with, and I think overall the Task Force did a good job trying to address all of the various concerns and make the system simpler. It was a tall order, but it would be nice to have support rather than lack of opposition, although that sometimes is not insignificant in itself. Miller – Those were my words. They didn't say, "Boy, this was a great plan", they thought this made sense and was workable. I don't know, but I didn't sense any opposition from them.

Commissioner R. Wilson – After the nonresident application period for this season we had how many tags left over? Miller – We had 2,200 left over. Those went back on sale and the last we saw we still had over a thousand that hadn't sold. Commissioner R. Wilson – Are they in this mix of numbers? Taken into consideration? Miller – Yes.

Chairman Johnston – I would like to ask Lloyd, related to the mule deer impact, do we have any information as to the impact of the blizzard in western Kansas on mule deer? Fox – No we don't have specifics. We have received a couple of phone calls about deer in stress. In general, at our latitude we seldom, if ever, see winter mortality. While that was a tremendous blizzard I was back out in Lakin and Dighton the day before yesterday and it is mild now and there is also, in places, bare ground. Deer can function quite well in those areas so I don't anticipate any significant deer mortality as a result of that blizzard. There will be some, but not significant.

Keith Sexson – In summary, we have to constantly remind ourselves, as we look at these specific regulatory changes, that the Commission could have a great deal of say in this. Our first task is to actually be able to repeal some of the existing statutes that hold us to our current deer management programs. The real task is to go through the legislative process to even be able to get to some of these other recommendations. We need all the help we can get.

2. Free Park Entrance Days and Free Fishing Days - Jerry Hover, Parks Division Director, presented this report to the Commission (Exhibit F, G). KSA 32-901 allows us to choose free park entrance days. In response to demand by the public, we separated those out from one weekend to several different days. They are broke down by the date and a brief description of some of the events that will occur that day. Those have been extremely popular with the public simply because if they wanted to go to El Dorado and Cheney, by holding them on different days, they could attend both of those events. Also, we are introducing a new crowd to the state parks. The second Secretary Resolution concerns free fishing days. There are two days available under KSA 32-902 and are recommended for June 2 and 3, 2007 statewide, which is the first weekend in June.

3. Life Hunts for Big Game - Matt Stucker, Natural Resource Officer, Region 3, presented this report to the Commission (Exhibit H). There is a handout called "History of Life Hunts" that is just in the area I work in, which is Larned. I do understand that there have been other people that have held these events. Several years ago Mr. Tim Schaller decided to have deer hunts for children with life-threatening diseases. It came about through Make a Wish Foundation, but because of political pressure they could not bring these children to a hunt. They were denied money and told if they did it they would be denied money for everything. There are certain entities that have taken over this part. These entities find the children, but they don't have any money involved, usually. In Larned it is a community based effort and they have done very well in donating to this. The fees for the permits, airfare, motels and mounting all come through private donation. In fact I have a deer head in my truck right now from one of our Kansas Life Hunters that I am going to deliver on the way home. The problem is because the children have life threatening diseases the regular permit process is too exacting for children to go through. We have utilized transferable permits in the past which has not been the best option, and with the plans to do away with transferable permits, will not work for sure. The transferable permits are a primary permit, so the individual that has that transferable permit can't get another permit until he transfers that one. This issue came up with the hunters in the Larned area when a few years ago a landowner bought a transferable permit and bought an archery permit for himself, which made him illegal. The next year the transferable permits were transferred sooner, but three of the children that were supposed to come had setbacks in their illness, mostly cancer and weren't able to come. Then we had three permits that weren't used. What would be really handy would be a dedicated permit for this system. About three years ago I did visit with Chris Tymeson to figure

out if there was a possibility and he helped draft some sort of legislation. We want to make sure it is not an abuse-type permit. These entities are well established, like Buck Masters, American Deer Foundation, Hunt of a Lifetime and those kinds of groups. They are not-for-profit organizations. The problem being, Mr. Schaller who runs these in Larned is not a member of any of these organizations so I would like to find some way to make sure he can continue. Those organizations don't run the program. The local people in the area run the program. We want to make sure that those permits, even though they are dedicated for the children, that the person that is able to pass them out can and that everything is legal. There are some issues with the way permits are handed out. The money is not an issue we get enough to take care of price of permit. It is just the dedication of specific permits for use for these children to be transferred in a short period of time. We don't have to have a name until the kids arrive because of health reasons. Tymeson – I am going to try do this through a regulatory process if this is something you would like to move forward on to potentially have it in place for this year to accommodate some of these children. Chairman Johnston – It sounds like an excellent idea. Are some of these children out-of-state or just resident? Stucker – There are pictures at the back of the room of previous hunts. We don't differentiate, we let the foundations find the deserving children, but they can be resident or nonresident. Obviously resident hunters are not a problem because they can buy the permit over-the-counter. The system is already in place for them to buy the permit one calendar day before they are going to hunt. The problem is with nonresidents. It is not that we are not dealing with residents. We delivered a deer head to SE Kansas three years ago where the child died right after the mount was delivered. Chairman Johnston – Do the rest of the Commissioners authorize Chris to proceed with permit? *Commissioners agreed.* Please proceed.

4. Electronic Licenses and Permits - Kevin Jones, Law Enforcement Division Director, presented this report to the Commission (Exhibit I). This situation is something we recently discovered as a result of the implementation of our KOALS system. We allow hunters to donate or transfer game that they have legally harvested to another individual. As a part of the process the hunter needs to provide written notice stating that they had harvested the game, the date of the harvest, their name and signature and the license or permit number issued to the hunter who harvested the game. With the KOALS system, however we have run into the situation where there is not an actual license or permit number issued. It is called a transaction number. This is a unique identifiable number to that transaction to indicate they had purchased the proper permit or license but it does not reflect that language that is in the regulation. By going into KAR 115-9-9 which deals with electronic licenses, by adding a subsection to that regulation. We would be adding language that would say, "In those situations where in statute a license or permit is referred to the transaction number shall substitute for that number," so that becomes a legal identifiable number to do whatever process is necessary. This is a simple fix to a situation that occurred some time ago getting the donation process lined out. We also have to maintain referenced license numbers because we have lifetime license numbers out there as well.

*Break*

Chairman Johnston – Secretary Hayden came in during break. He was detained by the legislative session.

### **C. Workshop Session**

1. KAR 115-4-4a. Wild turkey; legal equipment and taking methods. - Jim Pitman, wildlife research biologist, presented this report to the Commission (Exhibit J). The regulation contains the following items: legal equipment for hunting wild turkey; accessory equipment such as calls, decoys, and blinds; shooting hours; special restrictions prohibiting shooting at turkeys while they are in a tree; and the use of dogs while hunting turkey during the fall turkey season. The department is recommending that we add lighted arrow nocks to this regulation. It has been requested by several folks and we are not opposed to that addition because the lighted arrow nocks do not project any sort of light onto the target and they do not aid the archer in accuracy in any way. They allow the bowhunter to follow the path of the arrow after it is shot. We are offering this as a recommendation to this regulation.

2. KAR 115-25-5. Turkey; fall season, bag limit and permits. - Jim Pitman, wildlife research biologist, presented this report to the Commission (Exhibit K). At the last Commission meeting the Commissioners voted to accept the department's recommendation to realign the spring turkey unit boundaries and this is a follow-up to those changes in that we want to recommend that the fall boundaries coincide. What that would do to the fall regulations is allow fall turkey hunting in some of the eastern most regions that are currently in Unit 4. Those areas now are not open to fall turkey hunting. You can see in the briefing materials the existing boundaries and the ones we are proposing as well as the bag limits in each of those units. Tymeson – We will vote on those two regulations in March.

3. KAR 115-25-7. Antelope; open season, bag limit and permits. - Mike Mitchener, Wildlife Section Chief, presented this report to the Commission (Exhibit L). This regulation pertains to seasons, bag limits, unit boundaries, permits and tags for pronghorn antelope. Kansas has had a pronghorn season since 1974. The firearm pronghorn season has been four days long since 1990 and traditionally has started on the first Friday in October. The archery pronghorn season has been nine days since 1985 and included the two weekends prior to the firearms season. For the past 2 seasons, the archery season has reopened on the Saturday following the firearms season, and continued for approximately 18 days 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. During the first four days of the muzzleloader season, hunters have been restricted to muzzleloader equipment with open or peep sights. During the last four days, which coincided with the firearms season, hunters have been allowed to use telescopic sights. In 2006, nonresident pronghorn permits were allocated for the first time. Nonresidents were restricted to archery hunting, and permits were allocated on an unlimited basis as they are for residents. This past season a total of five nonresident archery permits were sold. No pronghorn were harvested by these individuals and one of the five did not even hunt. The other four averaged almost five days each and only one hunted during the late season, after the firearms season, for two days. They were from Missouri, Pennsylvania, Texas and two from New Jersey. Unsuccessful archery hunting for antelope is not terribly unusual. It is fairly difficult to get antelope with a bow. We recommend archery pronghorn hunting for nonresidents be continued, and that unlimited archery permits be allocated for both residents and nonresidents. Firearm and muzzleloader permits will remain restricted to residents, with half assigned to landowner/tenants and the remainder awarded to general residents. Firearm and muzzleloader permit allocations will be determined following winter aerial surveys. It is pretty hard to spot antelope from the air with snow cover so

surveys will depend on how long we have snow cover. No changes are recommended for the unit boundaries, or bag limits. Unit boundaries are proposed to coincide with firearm deer management units defined in KAR 115-4-6, with units 2, 17, and 18 being open. The proposed season dates are: September 22, 2007 through September 30, 2007 and October 13, 2007 through October 31, 2007 for the archery season; October 1, 2007 through October 8, 2007 for the muzzleloader season; and October 5, 2007 through October 8, 2007 for the firearms season. It is recommended that the application deadline for firearms and muzzleloader permits correspond with the date of the 2006 deadline which would be June 8, 2007. Application for archery permits would be available through the next to last day of the season.

4. KAR 115-25-8. Elk; open season, bag limit and permits. - Mike Mitchener, Wildlife Section Chief, presented this report to the Commission (Exhibit M). 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. Most of the hunting opportunity occurs on the Fort, and emphasis is placed on maintaining this population. Lengthened seasons and unlimited hunt-own-land permits have been allocated off the base since 1999 and elk hunting was opened statewide (except for Morton County) last season. This framework is intended to allow for elk that may be causing crop damage or other conflicts to be harvested, and for landowners to have the opportunity to restrict the distribution of free-ranging elk to the vicinity of Fort Riley if they so choose. In response to several damage complaints, disease concerns, and a growing number of elk occurrences on private land throughout the state, elk hunting was opened statewide last season. The reason we didn't open Morton County, if you remember, was because of some concern by the U.S. Forest Service in that area and local individuals that this may put some undue pressure on the existing elk herd in that part of the state. While the current elk season is ongoing and hunt-own-land (HOL) permits are still available, we have sold 17 HOL (a misprint in the briefing book handout) permits have been sold to date. This is in addition to the limited draw permits which allow for hunting on Fort Riley -- 15 any-elk and 15 antlerless elk permits. To date we have had three elk harvested by antlerless permit holders and six bull elk have been harvested by any elk permit holders. We have a little bit of a change that we are looking at recommending. The peak of the rut for elk in Kansas is September and no elk hunting seasons are open at that time at Fort Riley, however, we have had discussions with Fort Riley personnel and we would like to provide some opportunity to hunt the rut on the Fort. Since muzzleloader season runs throughout September off post, providing muzzleloader season during the same time period would be the most desirable option and the least confusing. We would like some direction on that. There is not a specific archery season on Fort Riley like there is off post. If archery and muzzleloader seasons overlap, archery hunters would be required to wear orange. Our recommendation for season dates on Fort Riley are: September 1, 2007 through September 30, 2007 for a season where both muzzleloader and archery equipment may be used; October 1, 2007 through December 31, 2007 for the firearms season with 1/3 of the antlerless-only permits valid during each of the following segments, first segment - October 1, 2007 through October 31, 2007, second segment - November 1, 2007 through November 30, 2007, and third segment - December 1, 2007 through December 31, 2007; October 1, 2007 through December 31, 2007 for a firearms season for all holders of any-elk permits. The proposed seasons outside the boundaries of Fort Riley are: September 1, 2007 through September 30, 2007 for the muzzleloader season; October 1, 2007 through December 31, 2007 for the archery season; and November 28, 2007 through December 9, 2007, and January 1, 2008 through March 15, 2008 for the firearms

seasons. Unit boundaries are the same as last year -- everything would be open with the exception of Morton County. An unlimited number of HOL antlerless-only elk permits will be authorized, and limited draw permit allocations will be determined closer to the completion of the ongoing season. We recommend again that all elk hunters be required to contact the Department when an elk is harvested to submit samples for CWD testing. Elk permits will be available only to Kansas residents, and permit applications will be separated into military and nonmilitary applicants. The bag limit shall be one elk as specified on the permit. The application deadlines would be similar to 2006 with the deadline being July 13, 2007. Hunt-own-land permit applications would be available through the next to last day of the season.

Steve Sorensen – Earlier they made recommendations on setting the muzzleloader deer season back due to weather. Why wouldn't you do the same thing for elk? Mitchener – Basically because it is an opportunity to hunt the rut and obviously the deer rut is a different time period than the elk rut.

Chairman Johnston – On the question of allowing the muzzleloading and archery seasons to coincide. Have you asked that question of the folks at Fort Riley, whether they have a preference? Mitchener – Mike Houck might be able to speak more to that. Matt talked to them, but he is at training this week so I might let Mike address that specifically. Mike Houck, Fort Riley – Our staff have talked to Matt about that and we have no problems with that. We have had the same situations with archery during the firearms deer season too, so the archery hunters do wear bright orange. Mitchener – I also might mention that historically when we did have a firearms season on elk in Morton County at Cimarron National Grasslands that much of the time there was an overlap in that area of firearms elk season as well as the start of archery deer season and it is the same deal, the archery hunters were required to wear orange.

Chris Tymeson – As I draft the regulations for the September portion of the season, does that mean cow and bull permits will be valid during the rut or just the bull permits on post for those 30 days? Mitchener – I think the best thing to do would be to have them all valid because obviously we are seeing a pretty low harvest on the antlerless portion and I know Matt has expressed some concern on that in the past and that we may need to do something to increase that harvest.

Chairman Johnston – It appears the Commission is in agreement to go ahead.

Tymeson – Depending on when the surveys come in on those animals, we may vote in March or April depending on when those numbers come back from field.

5. KAR 115-4-4. Big game; legal equipment and taking methods. – Lloyd Fox, wildlife research biologist, presented this report to the Commission (Exhibit N). This is very similar to the regulation Jim Pitman talked about. The regulation contains information on specific equipment differences for hunting various big game species. The item for discussion is adding lighted arrow nocks to the list of equipment authorized for archery hunting of big game. That piece of equipment does not aid a bowhunter in shooting. The light from these nocks is activated after the arrow is shot. The primary effect of the lighted hock is to allow the bowhunter to follow the path of the arrow after the arrow is shot. Staff does not oppose the change in this regulation. Chairman Johnston – There is consensus to proceed. Fox - We will go forward with that for our next meeting.

6. KAR 115-25-9. Deer; open season, bag limit and permits. – Lloyd Fox, wildlife research biologist, presented this report to the Commission (Exhibit O). The regulation contains the dates of deer seasons equipment such as archery, firearms, muzzleloader may be used; provisions

when seasons may occur on military subunits within management units; dates for urban firearm deer season and extended archery seasons; dates of deer seasons for designated persons; dates and units when extended firearms seasons are authorized and the type of permits and changes in the species and antler categories of those permits; permit application obtaining multiple permits. Each year we have some annual adjustments in our season dates and application period. Population indices are being examined at this time and compiled and we are gathering public and in-house input on developing a list of units for the extended firearms season when whitetail antlerless deer can be taken; and the units and number of game tags that can be used on certain units. Game tags have not been authorized in the four western units, DMUs 1, 2, 17 or 18 since 2003. Deer populations, especially a localized population on and around Cedar Bluff Reservoir, have increased in recent years and we are discussing with field personnel and other people the possibility of authorizing game tags in DMUs 1 and 2 and also on Cedar Bluff Reservoir which would be something different in the way we have handled game tags. At the previous Commission meeting, there was a request by personnel from Fort Riley to consider a separate regulation which would allow them to provide input on season dates later in the year when they would have more information on when they might have training exercises and access to the Fort. In looking at that we do need to consider the latest date that we can enact a regulation and get it published in our Hunting and Furharvesting brochure, it would probably be our August Commission meeting. The Deer Task Force has been working on simplifying regulations dealing with deer management. The request from personnel at Fort Riley is an example of the process that complicates deer hunting regulations. There are many changes that could be made that would improve a situation, however, each of these changes complicates the system. Season dates for the 2007-08 deer hunting are recommended as follows: early muzzleloader - September 15, 2007 – September 28, 2007; youth and people with disabilities - September 29, 2007 through September 30, 2007; archery - October 1, 2007 through December 31, 2007; early firearms (DMU 19) - October 13, 2007 through October 21, 2007; regular firearms - November 28, 2007 through December 9, 2007; extended whitetail antlerless-only (WAO) - January 1, 2008 through January 6, 2008; and extended archery (DMU 19) - January 7, 2008 through January 31, 2008. The recommendation for the deadline for applications is: nonresident May 31, 2007; resident drawing July 13, 2007; unlimited availability antlered deer permits would end on December 30, 2007 and antlerless deer January 30, 2008. Consideration will be made on issues of extended firearms seasons and deer game tags after information is received. Additional input from the public and the Commission is desired on the issue of creating a separate regulation for deer season dates at Fort Riley.

Secretary Hayden – How effective has our extended archery season been in DMU 19? Fox – It is not very effective at all. We have a very low harvest rate at that time and for that matter the firearm season in DMU 19 has a relatively low additional harvest impact. The core of the harvest still occurs during the core of the firearm deer hunting season and the regular archery season.

Hayden – Have you thought about how we could make that more effective? Fox – At this time I don't have a solution on how to encourage more people. The corresponding question really is, "how do you encourage more access to hunting up in that area?" that is the key. Many of the hunters up there had simply finished hunting by time the January antlerless-only season rolls around. Secretary Hayden – Have we tried anywhere, including Unit 19, any specific WIHA for antlerless-only? Fox – We have an experiment that went on in southeast Kansas in Unit 12. In that area we had a January season that ran a full month that was with any equipment and we allowed the individuals, residents and nonresidents, to obtain four game tags. It was a month

long at a reduced fee and they paid for a game tag in order to hunt. We authorized 385 people and we couldn't issue that many and one year we harvested only 76 deer in a unit that has lots of deer and the other year we harvested a little over 100 deer. This is a problem and it goes back to the mid 1980s and is a problem of encouraging antlerless harvest on private land in areas where hunters had already had a very successful hunting season so far. We have difficulty attracting hunters and getting them to harvest additional deer. Secretary Hayden – When we did that experiment in southeast Kansas did we seek out any WIHA just for the purpose of that season? Fox – No, we did not, but we did have WIHA in the area.

Sorensen – Is there some way next year to open up those last three days of December to firearms antlerless-only hunting? Limiting it next year to only six days and one weekend seems to put some restrictions on trying to get additional doe harvest. Somebody might have a conflict on that weekend, it just seems if you have a longer opportunity, two weekends instead of just one, would offer a little more opportunity. It would require archery hunters to wear orange the last three day of the season. Seems we could open a restricted season. Fox – One year we did close the archery season on December 30, which was a Friday and that allowed a weekend of hunting with December 31 and January 1 and it didn't seem to have a relatively large affect and there were complaints. Changes are sometimes difficult to accept no matter how we do them. We haven't found a good solution there. Sorensen – I wouldn't have expected a big change with the one day addition when one day is already on that weekend, but this year it is going to be six days and we are talking, maybe not next year, but if of these recommendations that the Task Force is going through, the world is going to live with changes. So instead of cutting a season off December 31, to look at the calendar date and utilize a nine-day extended whitetail antlerless-only season. Fox – The extended antlerless season right now does have a holiday and a weekend. It has January 1 and it includes that week plus that next weekend. What we did see, and this goes back to the experiment in southeast Kansas, if you make season too long it appears that hunters procrastinate and they hold off and wait, then the weather turns bad or they decide there won't be any deer left and don't go. Sometimes shorter seasons actually encourage more hunters and activity than longer seasons. It is not a simple solution and I don't have the answer here. I don't know how to stimulate it more than we have.

Commissioner Lauber – About four years ago there was a concern that our deer numbers were down, from the perspective of sportsmen and hunters, and there was criticism on having that extended doe season. Conversely there was pressure from insurance companies and other people wanting to do it. I think by the time the beginning of the year rolls around people are either going to harvest another deer, or they are not, and I am not sure it is going to make a lot of difference. In regards to Secretary Hayden's comments on WIHA in Unit 19, I think it might provide some benefit in that Unit 19 is notoriously locked up and remember because of that population density there is a lot of people that are afraid of rifle hunting because of so many houses close within rifle range. It would be good, but we may find we may spend an awful lot of department hours for every doe that gets harvested because you are going to have to go through a lot of salesmanship to get WIHA done. It would probably spur more harvest, but I don't know if it would be efficient on our end or not. It depends on whether we want to undertake the responsibility to get more deer harvested or whether we want to just try do what opportunity we can easily. Fox – The City of Leavenworth has taken on an aggressive deer management program encouraging antlerless deer harvest in places not open in the past, allowing archery hunters to hunt and they encourage the use of that January season. However, it still is a small number of deer considering the total number of deer that are taken. These programs, if you can

get many programs like that combined they would be effective, but they are administratively costly to put together. Commissioner Lauber – It is particularly difficult in salesmanship around Lawrence and Douglas County. A month or two ago a hawk has a sore wing and stops downtown in Massachusetts and they stop traffic for about three blocks while they get some group to come and rescue the hawk and take it to a shelter. You have to do some salesmanship to get people to realize that hunting is not evil. Chairman Johnston – Taking up from where Secretary Hayden commented, would it be politically palatable to consider discontinuing Unit 19 and January hunt and leaving the rifle hunt in October? I think the major reason for both of these hunts in the past was to try and focus hunting pressure in that corridor but if there aren't many deer being taken in January and not much hope for encouraging additional hunting pressure would that be something we should consider? Fox – I think it is something that could be considered. It is one of the problems we are having in wildlife management in general on deer populations on the North American front -- getting hunters to harvest sufficient numbers of deer to control deer populations. We probably have less of that problem here in the Midwest and in Kansas in particular, than we do nationwide, but it still is a problem in places like DMU 19. We haven't found the techniques that work. We can authorize more permits, we can have longer seasons, but that may not translate into a sufficient harvest to cause a declining or stabilized deer population. Right now there are some deer being harvested during that time period and there are some hunters enjoying that opportunity, but it is not from a population dynamics standpoint. It is not a highly effective program, and certainly needs a great deal more salesmanship and promotion to be effective in population control.

Secretary Hayden – Cindy, based on Steve's comments, what if we opened up one or two days in 2006 as far as its impact on KOALS? As you know, this year we had to put the January season on a 2007 basis, which confused a lot of people when they were trying to buy a permit from home because they didn't know whether to go to 2006 box or 2007 box and then, since it has to be valid for 24 hours prior to sale, and we only put them up for sale on December 31, that gave people a very narrow window to purchase. If we followed Steve's suggestion and put it on the 29<sup>th</sup> or 30<sup>th</sup>, whatever the calendar falls as, and simplified it as a 2006 permit like we do for turkey or anything else that runs into the next year, it seems we would simplify the application and electronic sale of deer permits for the January season. My question is, what do you think? Cindy Livingston – It would work fine. I think our biggest problem this year was it was on a Sunday this year when permits went on sale and we discussed moving it up a few days any way for next year to make it a little simpler. That way we would have staff around to take care of the problems and ALS and Central Bank and their staff. So moving it up three or four more days earlier won't be a problem. The new year permits will go on sale December 17, a Monday this next year, so it should be no problem at all. The way it was set up it said they would go on sale December 31 for January 1 season. Am I right, Chris? Secretary Hayden – So next year we are preparing for that. So are we going to put them on sale December 17 next year? Tymeson – Applications won't affect the sale date of the permit, Law Enforcement concern is with the purchase of the antlerless permit without the antlered permit first and the availability of those being in the field prior to the actual firearms season in early January. Cindy – Throwing this around with Keith and Kevin and they wouldn't be effective until whatever the start date was and I don't know how that will affect law enforcement. The permits would just be on sale earlier. Sexson – It might be an internal thing, but we might need to check our regulation because they might be in violation if they are buying them early with an effective date of January 1. The regulation says you can't even buy one unless you have the whitetail either sex so we need to

flesh this out and certainly need to address this timing thing where you've got people piled up at that one time trying to buy permits on the weekend.

Dennis Beach, local landowner – I have never understood why you have the late doe season. As an archer, why not issue permits during season while a guy is hunting, that should increase the kill a lot. Plus don't have antlered draw. Bucks are losing horns in December. Give it to them while they are out there. Commissioner Lauber – Initially the late season was brought about to address a legislative concern that we had too many deer. There was a sheriff out west who wanted to have deer drives and get rid of them and we were told we needed to do something about the deer problem, not that we can do anything about the deer problem on the edge of a city, but it is expected that we are going to do something. I think there is still non-hunting people who still believe there are too many deer, that they create damage, real or perceived. I think we need to have the extra season just to demonstrate that we are trying to solve this deer surplus problem. I don't think there is that many deer that are really going to get harvested. Beach – So that is just the political approach to the problem that you have extra does. Commissioner Lauber – It started out as a political approach, but we spent 18 months with a Deer Task Force trying to undo, in part, something that arrived out of a regulatory approach. It takes us a while to get these things done and a group in Topeka can get it through both Houses quickly and I think we did it because we perceived a need and it was almost forced on us. Your concerns, in my opinion, are valid too, I just don't think we want to try and get rid of that late season right now. Fox – Every permit and tag that we issue in Kansas allows a hunter to take an antlerless whitetail deer on that tag. Also, once a hunter has a permit that allows them to take an antlered deer they can immediately buy as many game tags and antlerless permits as is authorized in that area and they may use them as soon as they wish. They may take their four or five antlerless whitetail deer as early as the first day of the early muzzleloader season in September, or October, or the first day of the firearms season. They are not restricted to only taking antlerless deer during January. The regulation only prohibits people who do not have an antlered deer permit from buying an antlerless-only permit before the antlerless-only season. This was done a few years ago as a result of our Law Enforcement personnel presenting information on violations that had occurred where individuals were coming in, buying only cheap game tags and taking antlered deer illegally in a group and then having someone within that group tag it with an antlered permit. They asked us to slow this down don't let someone hunt unless they have an antlered deer permit in their possession. There is some confusion on that and we try to clarify that within our brochure, but that is one of the things we get into with complicated systems.

Randy Smith – Other than expense, has KDWP actively promoted urban hunting programs? The City of Leavenworth and private individuals started that program, correct? Fox – Wildlife and Parks has been deeply involved in that program for many years. Long before the program was initiated we had numerous meetings with city councils, not only in Leavenworth, but also in some of the other Kansas City areas. We have promoted this, but it is a time-consuming process and you have to promote it one city or community at a time. Each one of those groups will go through the same learning curve on whether or not they are willing to accept this. If we have good community support then those community leaders will buy into it and that is why it was a success in Leavenworth. There are some other communities that have not initiated anything like that. Smith – As a hunter I can tell you that in Unit 12A and Unit 19, access is the issue. The landowners wanted it in 12A, but when we showed up with our tags they held their hands out and wanted paid to have us shoot those problematic deer. We couldn't get in without paying a trespass fee, and that is their right as a landowner, but that doesn't address the problem deer.

That is the same thing we run into in Unit 19, it is either leased up or it is within the city limits or they are feeding deer and don't allow hunting. Johnson and Leavenworth counties have the most deer/vehicle accidents, but you can't find a place to hunt unless you are willing to pay and therein lays your problem.

Tymeson – Lloyd asked about breaking out Fort Riley from 115-25-9 and I need direction on that. Commissioner Meyer – If there is any way possible I would like us to accommodate the military hunter and take a look at getting that done. Chairman Johnston – That is my sentiment. Commissioner S. Wilson – Are there other groups that would come in and ask for the same thing? We are trying to go down the simple road and we are making it not simple again.

Although this may not be complicated, are we opening a Pandora's box before we even get started? Tymeson – The process from my perspective is fairly simple, I can break it out simply enough. It is more a matter, procedurally that we remember that we are not setting Fort Riley here and it doesn't slip by in June when I have to have the regulation approved. Fort Riley is going to have to transmit the dates that they want at that time. If you look at the three military installations we do set in this process, Fort Leavenworth and the Smoky Hill Range are different. Fort Riley has a training mission that is substantially different than the other two installations. Mike Houck, Fort Riley – Lloyd, you said that the August meeting is the latest? Fox – Yes, if we are going to try and get it in this brochure, we have to have it to the people who produce this. Houck – I thought you said something about June. Tymeson – The regulatory process backs up because I have to draft the regulation to get approved by the Attorney General's office, the Department of Administration and get it published in the Federal Register. So I will need Fort Riley information in June to be able to vote in August. Houck – With everything going on at Fort Riley we need to set it back as far as we can. If you give us the latest time frame you can that will help.

Chairman Johnston – We had an item earlier that we had moved to the evening, that was a discussion of the upland game bird season by Secretary Hayden and since we have 45 minutes I would like to have Secretary Hayden address that now.

3. Upland Game Bird Season – Mike Hayden, Secretary, presented this report to the Commission. *Moved from earlier in afternoon.* We changed the upland bird season this year from the traditional dates. We changed prairie chicken, quail and pheasant. Keith and I have talked about some method of evaluation as to what those changes have meant and we have come to the conclusion that in one season alone we really can't get evaluation. A lot of people were not familiar with the changes or hadn't made necessary preparation to adjust to it. One of the techniques that we have used historically is the Docking Institute at Fort Hays State University. We have hired them for a number of studies and surveys over time and it would be my suggestion that we use the same season dates this coming fall for those three species and after those seasons, a year from now, contract with the Docking Institute and have them survey landowners; resident hunters; department employees, particularly our land managers who do both public lands and WIHA; and also try to survey some of the business community, particularly the motels and places like that. Get all that data to the Commission in the winter of 2008 and evaluate what that survey shows us about the first full two seasons and the impact on each segment of our economy and hunting public and then see if any adjustment is necessary or if the survey reveals we are in pretty good shape. Now that we have KOALS we have a better opportunity to evaluate what it meant in license sales. Unfortunately, even though we had KOALS a year ago, because we were phasing into it we still had a lot of paper licenses out there

so we can't just go to the numbers of 2006 and 2007 and compare week by week because of that paper. The paper is all gone now and we've got true numbers for 2007 and will be able to get true numbers for 2008 as it relates to electronic licenses and besides the Docking Institute survey you could look at real figures from our own system as to what it meant in license sales and when. This would give us a much better comparison to make any judgments on whether the system needs to remain the same or we need to make modifications. Chairman Johnston – Procedurally, what kind of feedback are you looking for from the Commission? Ordinarily we would consider upland game bird season dates later in the year and the public might have some thoughts on this subject and didn't have a chance to respond. Are you just looking for feedback from the Commission on a general basis? Secretary Hayden – That is correct. One of the things motel owners have said to us is that they don't care when it is, but they want to know ahead of time. They don't want to go back and forth with the seasons. The earlier we can have these discussions the better it is for the business community. We can make adjustments as an agency as long as Chris has time to run this through the regulatory process. I think we want to maximize the economic development aspect of it and the further we set it in advance the better. Commissioner Meyer – I voted against this, but I have always felt that once I've had my say, whether I win or lose, whatever the decision of the Commission is, I back it and I think it would be a mistake to jump back and forth. Let's give this a fair trial. Do we have any data on whether some of the landowners denied permission to hunt until the normal opening day? There were all kinds of threats going on out there, did any of that happen? Secretary Hayden – There were a few cases of that, yes. The reason a two-year survey would be important to us is to answer the question of whether it had any impact on WIHA. The first year we didn't have any significant impact, but now that we have had the early season some landowners are going to drop out and we won't know that until next year. It will give our land managers the opportunity to evaluate the impacts on WIHA. Clearly we have heard from some who said it was too early and there were still standing crops in the fields. We have heard from other land managers who said it really smoothed things out instead of having one huge peak on one weekend we had two good weekends and the pressure was split which makes it better for a quality hunt and it also gives the resource opportunities to adjust to it. Clearly there was some protest and some people did not allow hunting until the next weekend. Truthfully I'm not sure how long that will last over a period of years. In the total spectrum of things it was a small number of acres, but it was a protest and those people have the right to be heard and express their opinion. Commissioner Meyer – I think we need to give it a fair chance. Chairman Johnston – Commissioner Wilson, you were not on the Commission when we discussed this the last time. How do you feel about this idea? Commission R. Wilson – I am looking at it from a lot of different aspects. One of the things I found this season in pheasant hunting was that a lot of the WIHA was still left in crops because it was earlier and the second thing I found was they had emergency grazing and a lot of those CRP fields were either grazed off or were baled as hay. Those pheasants could see you coming for 300 or 400 yards and they were just wild and got way ahead of you. The first week I went out was on Wednesday. I went out early and I helped haul milo for three days so I would have a place to hunt because there was nothing cut. I went back the second weekend and they just had the milo cut and they were just starting to cut the irrigated corn so we hunted some milo, but never got to hunt the standing corn. I went out a third time to hunt whitetail deer on the second weekend of deer season and they were just finishing up the corn harvest. I spoke to several people out there and had a lot of input from them and they seem to think that we would be better off going back to the traditional second weekend. I am not opposed to trying to sort that out and give it a

chance. Commissioner Lauber – I would leave it the way it is for a while. Anytime you make a change you are going to have people who have a difficult time accepting the change. For better or worse we have made it and there was some merit at the time to make the decision. One of the reasons that I still think there is a benefit to having an opening of quail season separate from pheasant season in certain areas. Trying to obtain hunting opportunity it allowed us two openers and particularly the eastern part of the state might be able to get more people trying to hunt and develop a tradition of hunting quail. I think we ought to see what people think after it is done for a while and be prepared to react to whatever the survey is. I got several emails and looked at some blog that was not all negative, but negative responses were much louder than positive. Mr. Wilson's point about that at Thanksgiving they were still harvesting corn so one week may or may not have made all that much difference as far as the crops. I think we should keep it where it is and after two or three years have an honest survey and be prepared to act on that.

Commissioner S. Wilson – I am not sure how accurate a study we can get after only two years when the first year we were just getting into it, both with our electronic license system and people knowing about the change. I know I would like to see good economic comparison data as well as resource impact data. I would really like to see some numbers this time and some comparisons with other states. We were told that this would make us more competitive with other states and their opening days and weekends. I would like to be able to evaluate the data for myself based on actual numbers from good sources. Commissioner Sebelius – What I have heard has been extremely negative and I didn't support the change either. I agree with Frank, when you do something you stick with it and have a good solid legitimate reason why you should change it again. Despite that I think we can explain to the public the rationale behind why we wish not to make any rapid change backward. That may satisfy the folks who are pretty well lit up about the change in the first place, but it may not be good public policy. We did this in advance to let the motel owners and others that are in the business know what they could plan for. It will upset them again if we do it quickly. I can see the Secretary's point on that. I know a little bit about the Docketing Institute's past studies and how they have helped some people in western Kansas and they are a good resource. I think they will give us some really good information, so I would support that. Chairman Johnston – My primary concern is with trying to have good information on the percent of the grain crops that have been harvested by the first of November. When we considered this last year, we had some information from the Department of Agriculture that over a period of five years that indicated the high 70- or low 80-percent range of the grain crop were in by November 1. I don't recall if that information was specific to northwest, southwest, northeast or southeast Kansas and whether those numbers were divided up that way. I am a little bit concerned that those numbers would be different if we just looked at northwest or southwest Kansas where it is colder. I would like to, if possible, have that type of detailed information when we look at this again. I agree that we ought to give this one more year and I think I would defer to the staff on whether we do that for two or three years. I think the public will be willing, even the ones upset about this would probably understand why we would want to do it at least two years, but three years might be a different matter. Secretary Hayden – We can certainly ask the Department of Agriculture. They do have regions as we do, but they don't necessarily correspond exactly with ours. I believe they have four regions maybe instead of five like we have on the wildlife side or three that we have on the parks side. We could ask them to break down their data by region. The data we gave you before was statewide because that is what we asked for. Chairman Johnston – Aside from the question of which weekend in November to open, even if at some point we would consider moving the opening day of pheasant season back to the

second weekend I would still be in favor of opening quail and prairie chicken a week later statewide based on present information. I think that serves the purpose the Commission voiced last time to help the quail populations. We had surprisingly high numbers of quail in southwest Kansas last year. I am not sure about this year. There are also fair numbers of quail in north central Kansas and 100,000 pheasant hunters in the field also shooting quail I think that was one of the concerns we expressed last time, to have a later opener for quail. Secretary Hayden – It is important to remember that we did make adjustments for three species. By in large it seems the prairie chicken changes seemed to be very well received. That seems to be working well biologically. All of the discussion seems to center mostly around pheasant, but some around quail. We did shorten the season on quail because we were concerned about the declines.

Chairman Johnston – One other consideration for thought along these lines is I have heard some interest expressed to lengthen the pheasant season into February, rather than ending January 31. If we have a healthy stable population of pheasants there may be some reason to consider doing that too to increase hunting opportunities for resident hunters. Secretary Hayden – As you know we have carried goose season into February and we don't have the same concerns about cumulative mortality or additive mortality on pheasants as we did on quail. If we were going to make some adjustments a late pheasant season is something we could consider.

Melvin Lawrence – I have run into quite a bit of opposition in western Kansas with the earlier date. I saw milo fields not cut and farmers that were pretty upset and they had no hunting signs all over. One other thing, our group has been going out there for 50 years and two of guys live in Colorado, but one of them goes to South Dakota to hunt and one goes to Iowa and this year they didn't get back until late Wednesday night and then would have had to pack up to come to Kansas on Friday, so they just didn't come. There were two out-of-state licenses we didn't get. Chairman Johnston – I think Commissioner Wilson expressed some concern about that subject and getting some hard data on it. It is a point well taken. Lawrence – I agree with you moving the quail season a week later. This is the first year since I have went out hunting that I haven't shot quail, so there are fewer out there and where we used to have about three coveys there are about six birds.

Dennis Beach – When I was here at the fall meeting, you were expressing a real possibility of having nonresident unlimited deer permits? Where does that stand now? Chairman Johnston – I think you have seen an abandonment of the original idea to have unlimited nonresident either sex permits, however the system as described by Mr. Miller does provide for a new system with formulas that are different than what we have under current law. I don't think it is fair to state that your recommendations have any overall maximum caps or limits either, except for perhaps Unit 16. Mike Miller – We are recommending quotas in each one of the units based on demand, biology and other factors. Chairman Johnston – There isn't any ceiling or maximum cap that you are proposing? Miller – No. Beach – The more demand there is for those licenses the more you would issue? Miller – Not necessarily. It would be demand from landowners based on averages for the last five years. We use a variety of factors to set the quota. Chairman Johnston – The health of the herd is still a critical factor that would be considered.

**VII. RECESS AT 5:00 p.m.**

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

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

Chairman Johnston - The department staff and Commissioners expressed sorrow and extended condolences to the family and friends of Jodi Sanderholm. Also, acknowledged and thanked members of the department who assisted in the search and recovery effort in this unfortunate case. Employees from the Law Enforcement Division are Clint Lee, Tyson Nielson, Jason Barker and his partner Moose; from Public Lands, Kurt Grimm, Troy Smith, Stuart Schrag, Brent Konen, and Brent Theede.

Awards Presentation – Chairman Johnston and Secretary Hayden presented a plaque for years of service to the Commission to Dr. James Harrington. Chairman Johnston – In the three years that I have served on the Commission it has been my pleasure to get to know many people, department staff, citizens from around the state and four Commissioners who have now left us. I'm sorry I didn't get more of an opportunity to get to know Commissioners Lori Hall, John Fields, Chairman John Dykes and now Dr. Harrington. During the time we have had on the Commission together Dr. Harrington has impressed me and all of the other Commissioners with his analysis, his sense of humor and his leadership as chairman. I would like to present, along with Secretary Hayden this plaque to Dr. Harrington. We also have your photograph that appeared at the Pratt headquarters and your name plate that we thought you might like to have. Dr. Harrington – Having sat where Kelly is I know his number one priority is to get us out of here as fast as he can and that is why I am not going to thank everyone from my mother to my pet termite. I also thought about getting up and saying what they always say at a NASCAR race, the guy who finished 43<sup>rd</sup> always says, "it was a great ride while it lasted", and it was. Instead of doing the David Letterman Top 10 countdown I did the Top 5 reasons why I enjoyed being a Commissioner. Number 5 - the salary, I haven't made this low of salary since I was in the army and that was back when you got drafted and they didn't pay you very much; Number 4 – the scientific knowledge I acquired. I think I can now distinguish a mountain plover from a killdeer and I know more about how the wasting disease is communicated from the female deer to the male deer than I ever wanted to know, thanks to Lloyd; Number 3 – I obtained a great deal of legal information especially from Counselor Tymeson, unfortunately most of it was because of things I found out I had been doing wrong, like shooting bullfrogs and so forth (that was in Oklahoma and it is past the statutes of limitation); Number 2 – Vocabulary, before I became a Commissioner they said something to us about going to see some raptors and I was thinking, I hope it's not Snoop Dog and was relieved to find out it was hawks and owls and when Secretary Hayden kept referring to forbs I'm thinking this guy sits around and reads magazines about millionaires a lot; and Number 1 – the opportunity to work with the nicest people in the entire world, thank you Sheila for organizing everything and Sir, anytime you need an old paratrooper, you just tell me when and where and I will be on the tarmac. My last words are to you Commissioners and that is, always remember you were appointed not elected, and as we all know the number one goal of any elected official is to get reelected so they have to do things against their conscience and you don't. You can do exactly what you feel in your heart is the best thing to happen and the worst thing that can happen is you will find another job that pays like this one does.

Awards Presentation – Jerry Hover, Parks Director, presented the American Trails Nature Award (Exhibit P). It is my honor and deep pleasure to be able to present an award to Commissioner Frank Meyer. The award was actually presented and his name recognized on October 21, 2006 at the awards banquet during the 18<sup>th</sup> National Trails Symposium in the quad cities of Iowa and

Illinois. The award is for outstanding contributions and providing consistent support for trails planning, development and maintenance by individuals in their state. Frank has consistently demonstrated a long-term commitment to improving the quality of life and the furthering of the goals and mission of Kansas trails. On behalf of Bob Searns, Chair of American Trails, I will read a short letter from him to Frank Meyer. "American Trails is pleased to recognize you as a winner of the National Trails Award for 2006. Every two years, American Trails presents awards to recognize the tremendous contribution of volunteers, professionals and other leaders who are working to create a national system of trails for all America. You were nominated by a peer due to your outstanding service to the trails community and selected by the Board of American Trails. We are proud to present to you the enclosed award. Congratulations on receiving your prestigious and much deserved award and wish you continued success." Congratulations. Commissioner Meyer – I accept this on behalf of Konza Rail Trail Conservancy, our Board of Directors and the folks who do all of the work. I just have to sit back and watch them go so it is a real privilege. Turning out-of-service railroads into trails is a once-in-history opportunity. We have never had them available before and never will again. If we don't build them, future generations won't have them. So if there is an out-of-service railroad close to you, get it rail banked, start working, give me a call and I will come help you. We've got a lot of work to do and our generation has got to do it and we will. Thank you.

Secretary Hayden - When I told our Assistant Attorney, Amy Thornton about this award, she said, "When Dick Koerth started I was two months old." Secretary Hayden presented a 35-year Service Award to Dick Koerth. Dick Koerth - Mike failed to mention he started one year after I did with the legislature.

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

John Howard, Wellington – I am a resident of Kansas, but I can go to Oklahoma as a nonresident and buy a lifetime fishing license for \$275. As a resident of Kansas, I have to pay \$440. Why is there such a difference when we live in this state and pay taxes here? Why do they cost so much money? Chairman Johnston – I can't speak for Oklahoma, but lifetime hunting licenses take into consideration many factors and I know they have gradually increased in cost over the years. I haven't been on the Commission long enough to give a historical perspective on that subject. Secretary Hayden – The gentleman makes a good point. The truth is our licenses were less expensive at one time and as time passed costs of doing business has risen and we have increased the price of our license commensurately. We can not control what our neighboring states do and in fact in Colorado their permits are far more expensive. States leap frog each other and it wouldn't surprise me if Oklahoma passed us up before we increase our price again. They are less expensive right now, but that is a matter of timing more than anything else. They will be increasing their permits, as time passes, you have no other choice if you are going to continue to deliver the services. Koerth – The lifetime license is a one-time buy and as a courtesy to the state. We, as an agency, also try to receive federal aid from our various programs so we priced the license at the equivalent of approximately 20 years of license sales for two reasons, so we could claim federal aid for a period of years and the original intent was to create an endowment fund for the agency. The Wildlife Conservation Fund was created with the intent that the cost of lifetime licenses, except for the actual cost of the permit itself, would go into this fund to create an endowment to pay for the fact that these folks weren't buying any more licenses. Yes, we are

priced higher than Oklahoma, but we had reasons for doing that when we first created that program.

Ron Blanken, Andover – I am a lifetime resident and have been hunting deer since 1968. My question has to do with access and I am channeling in from your goal to offer residents opportunities. I think your drafted regulations, from my perspective as an outdoorsman, is very interesting and I am excited about it, however I am concerned about the long run. We have some economic trends going on, I see leasing and other activities, maybe all under the heading of commercialization of hunting. I see it more as economic progress, but I am concerned about balance. What is the value of recreation? There are some intrinsic values out there. I would like to see a little more backing financially for your excellent walk-in hunting (WIHA) to provide access to me and some of my friends that may not be able to lease in the future. Basically, I think we need to have some laws and maybe we need to contact our legislators. I am looking for opportunities for myself, my children and grandchildren. Chairman Johnston – What is so different about Kansas compared to some of the other western states is the amount of land that is in private property ownership, about 97 percent compared to mountain states and western states. Access has always been a problem in Kansas. The WIHA program has been a remarkable success and I think it is a model for other states to emulate. The first year I was on the Commission there was less than a million acres, and now is over 1.1 million. I think there has been a steady increase in the commitment of resources to add these acres to the WIHA and Fishing program. You can expect that we will continue to move in that direction to improve and increase acreage in WIHA. Secretary Hayden – Today the Governor's budget came out for this session and she did approve our request for a \$300,000 increase in WIHA monies. So if the legislature adopts her budget, and in all likelihood they will, we will have a good increase. Another way we counter that is to try and buy more public land so we always have a land acquisition budget and we asked the Governor for an increase of \$150,000 in public land acquisition money and she approved that as well. We are trying to increase the amount of WIHA and public land so you will have a place to hunt and fish.

Harold Gorges, Cheney Lake Association – I would like to know where we are on the white perch situation. Chairman Johnston – We are going to discuss that subject later this evening.

Neal Holland – As the gentleman said before as Kansans we are being squeezed and it all started with the out-of-state deer hunting and has just gotten worse over time. I keep two bird dogs and three rabbit dogs, not only have I lost the ground I used to hunt because of two-step leasing, which I am really against, but now the season is closed on January 20. I am a bird hunter. The landowner said they didn't want us in until after deer season and now we are getting squeezed from this other side. The logical proposal to keep the deer hunters and bird hunters from conflicting would be to have traditional season openers through Thanksgiving, the deer season start the next Wednesday, have a two week closing on the bird hunting and then extend the season. That is our time. Also, on quail season there is no pressure on the birds that time of year anyway. I feel like I am getting it from all sides and it makes a guy bitter, especially when the out-of-state deer season started we were promised that what is happening now was not going to happen. The tags were going to be based on leftover tags and an out-of-state hunter could not draw two years in a row and it was going to head off this leasing. The leasing is fine, but now we are into two-step leasing where outfitters are coming in from out-of-state and the only time the

ground is getting hunted is in that 10 day period, but it is off limits to everybody. Commissioner Lauber – I hear this from people who talk to me and send me emails. Our hands are tied on leasing. We have a mission statement where we have to deal with the interests of sportsmen who are not landowners and landowners that are politically active. We have to maintain a delicate balancing act to get what we have. Make your elected officials aware. There is a limit to what we can do. The bulk of the unpalatable nonresident deer hunting opportunities were not something that Wildlife and Parks asked for, they were something that got crammed down our throat by statute. The transferable HOL permits come to mind. The department came out against that. It was something we felt we couldn't have any control over and it would take away some of our ability to manage. Agricultural interests were louder than all of us. We have looked at getting some property near Kinsley and elsewhere and there are a lot of people who squawk and carry on any time we try to buy additional land. We don't discourage you to share your concerns with us, but if you would share your concerns with your elected officials who may or may not realize what all this leasing is. They won't be able to stop the leasing but they may be able to lend a ear so our hands are tied right now. As far as quail hunting, studies show that there is additional mortality placed on the population as a result of hunting later in the season, January in particular. I've heard this before, where there is an aggressive deer leasing culture that the quail hunting is not available until after the deer season. On the flip side we are having a population decline that we are losing control of, we don't know what to do about it. We may have a season reduced in length and still have mortality, but that is the reason that season was cut short. Holland – It has been open until February 15 in Oklahoma for a long time. Commissioner Lauber – My opinion is that we get farther north as you go up into Kansas you get into different latitudes and the pressure and stress on small upland game birds becomes greater as you have a more harsh winter condition. It is not that the birds get shot in the winter, but they are small and have to covey up in the dark and have added stress and studies show that it does have an affect. Not discounting what you have to say, but that is the way it was.

John Howard – At the last Deer Task Force meeting it was discussed that they would look into doing away with the transferable tags and in our opinion that would help us out. We are competing with people with deep pockets. If you do away with transferable tags the outfitters won't be able to buy those tags and sell them to their customers, so it may open more ground. Chairman Johnston – It is in the recommendations to do away with the transferable nonresident tags, but it is just a recommendation to the legislature. This addresses your point too, Mr. Holland, what the legislature does with it, we advise and hopefully try to guide them to make the right decisions, but it is their decision. So please address your concerns and comments about accessibility and pressures on resident hunting opportunities to your legislators. Howard - One point I want to make is as a resident of Kansas we all deserve to be on a level playing field with the people that are coming from out-of-state. We can't compete with that amount of money. Don't have a problem with out-of-state hunters being able to buy a tag and come here, but when the outfitters can blow the rest of us away with their deep pockets, it is just not fair. Chairman Johnston – If the recommendations of the Deer Task Force are adopted that will do away with the transferable permits, some of the outfitters have done an excellent job in stockpiling deer and that will have a positive impact in the direction you are interested in. But again the legislature has to be encouraged to make the right decision.

Ron Blanken – On WIHA, my understanding is that of the 1.1 million acres we have enrolled, about 800,000 of those acres are in western third of state. Also, Butler County has one plot lease for 240 acres so the distribution is a little bit staggered. Secretary Hayden – The gentleman has a good point, wherever there is CRP and low population densities it is easier to lease walk-in ground. The farther east you come the more difficult those opportunities become, however we are looking for spring turkey hunting WIHA in the eastern part of the state, obviously quail and in some places prairie chicken. We have some talks about looking for areas to lease, possibly single species WIHA. We are looking at more flexibility in WIHA contracts to get more land in eastern Kansas. You are right about Butler County, it is the biggest county in the state, but it is the fastest growing county in the state from a population standpoint. There are a lot of ranchettes, small acreages, developed land and subdivisions going in and that will reduce our opportunity to get WIHA in Butler County. Blanken – If we are doing nonresident licensing why can't we tap some of those funds, I know part of that goes into a general fund and is apportioned out, but I would like to see more money funneled into WIHA so we can be more competitive with the outfitters. I think the sportsmen could do more. I have a friend who would like to see the \$5 upland game bird stamp again. I understand that was tried a couple of years ago and didn't make it through the legislature. Secretary Hayden – Actually, as far as hunting and fishing revenues go we are very strong, it is not a matter of money, it is a matter of the legislature's approval, we can't spend money without their approval. We can't buy any land unless they approve the money, so we have money in the bank, but the legislators have passed bills that restrict the amount of public land we can buy. We also would like to have more WIHA land, but we need their approval to spend it. Talk to your state Senator and Representative and tell them what your concerns are and that it is important that they support these ideas. Blanken – Do we need to organize a little bit better and have a professional association, maybe the Safari Club or Kansas Rifle Association go to bat for us? I know the KBA represents the 15,000 or so bowhunters we have. Secretary Hayden – These organizations are very important and as the Chairman and Commissioner Lauber pointed out agricultural interests are very well organized, especially the ones that are opposed to more public land and those that are wanting to increase nonresident hunting because they derive the revenues from it. They are well organized and appear before legislative committees, they have their stuff in order and talk to their legislators on a continuing basis and therefore they get their position many times. It is very important that sportsmen be organized to get things passed.

Richard See, Winfield – On the either sex whitetail any season license, is the price of a license is going to skyrocket? Chairman Johnston – We had that question earlier and I don't think there is any expectation that is going to happen. The Deer Task Force has not looked at pricing. See – I had emailed the department several months ago with a suggestion I had. I think many sportsmen would be willing to do a prorated permit, because there are some who just want to muzzleload, archery or rifle hunt. If we want to use that permit in more than one season we can pay for it. If we want one season \$30; two seasons \$40; or all three seasons \$50. What happens if you buy the \$50 permit and fill your tag in muzzleloader season, oh well, you paid for that opportunity. I would love to have the opportunity to take two bucks like we did with the leftover tags. Prorate it and let us pay for it and it will bring more revenue to the state at the same time.

Doug Wilson, Emporia – I would like to thank the Deer meeting group for all of their work. I was most impressed with the objective they hoped to accomplish. I believe when you start to

read that there are several things that are alarming to me. The Governor talked about people leaving the state of Kansas, people like me. As a hunter education instructor, my facility provides opportunities not available within 100 miles of me, but we are losing that and we are not getting the young kids, they are moving on. One of the things I don't understand is the Deer Committee said they heard a tremendous amount of comments on unlimited over-the-counter tags, but this says meeting the demand. I have trouble finding the difference, except the application process. The leasing program is in proportion to access that the nonresident has. If you want to cure the leasing than access to the nonresident has to be limited enough to where they will not draw every year, maybe a preference point system. I agree with lobbying your legislators and they know me by name in my area. We had a year to year increase set in by statute, a minimum and maximum. When I told them this was getting out of hand, especially in eastern part of state, nonresidents or outfitters are leasing land up, they said they gave the Secretary some latitude and he must not see this problem because he is recommending the maximum. I feel like a kid who is caught between their mom and dad. You are telling us to go talk to our legislators, but they are going to say that Wildlife and Parks doesn't see it that way because look at these recommendations. I understand the Ag lobby has the Legislative Committee's ear, but my legislator, my people, my Farm Bureau people that I am doing work for are saying our largest competitor for land is hunters. I am hearing that Ag people are pushing this, but I don't hear that in my area. The first time I met Secretary Hayden he was Governor Hayden and we were going through reclassification and reappraisal and it almost broke me. I went from cheap property tax to a 500 percent increase. We put together a new theory on valuing agricultural land in Kansas, what land sells for has zero to do with how it is assessed for taxation. I wonder if any of us could have foreseen people getting \$2,000 or \$3,000 for land to hunt on and paying taxes like they paid \$75 for it. Why would you let a nonresident own land and hunt on that land as a resident? I know of no other states where that is allowed. That is increasing the buying up of agricultural land and pricing agriculture out of the land business. The average hunter is locked out of land when the reason it is owned is not agriculture. You are never going to make a big dent with WIHA, it is a good program, but it will never be big enough to satisfy the masses. When I go lobby the legislature they are going to look at this recommendation and say they don't see it. I would like to see the Commission say they don't support this because there is too much special interest and not for the average sportsmen. Commissioner Lauber – We realize that there will be special interests and for us to put forth a lopsided proposal that wouldn't fly wouldn't be very responsible on our behalf. What we are trying to do is take control away from the legislature and put it back in department hands. For us to put together a non-Ag friendly confrontational proposal would just alienate everybody and we wouldn't get anywhere with it. Wilson – I agree with you, but my Ag people, my Farm Bureau leaders say this is an Ag unfriendly proposal. The problem I have is that in the past when there was a minimum and a maximum, and I attended these meetings and the hunters said we were at the saturation point and asked you not to increase the nonresident license numbers and every year we went to the maximum. Why did the legislature give the Secretary the choice? I don't see any checks and balances in here for the average sportsman. Commissioner Lauber – The problem we have to deal with is the people who represent Agriculture and outfitting interests and they are complaining that we are not allowing enough certainty of nonresident permits. We are taking away something they had. While nonresident leasing is the most annoying, disharmonious type of leasing, however there is a lot of leasing that is done by residents. People who are trying to compete with what was started with the original transferable land permits. Some of these interests have more money than we do. When it comes to WIHA, we can only give a certain

amount of money. I have sat through some committee hearings and resentments from western Kansas legislators to people on the east of Highway 81 is very noticeable. We have to deal with these realities and have to appear in the middle of the road and try to do it in good faith. I think the best thing for you to do is talk to legislators and tell them how you feel and encourage them to call me, our Attorney, the Secretary or the Chairman if they don't understand something. The one interesting thing that may come about because of this is valuing real estate for purposes of property taxation even you have an additional rental income there is going to be a taxable value that is going to equate to that and at this point in time that is not present in the state. That may reduce some of the luster on agricultural leases for hunting. Wilson – As I told you when I first met the Secretary, when he was Governor, we were under going reclassification and reappraisal. While you will notice there have been several court cases and decisions by Appeals Board of Taxation and the few county appraisers who have tried to move land into recreational land, those guys no longer had a job. We need a middle road proposal from Wildlife and Parks and this is not it. Chairman Johnston – We did address this subject in the afternoon session and this part of the evening agenda is supposed to be items that are not on the agenda so I think we need to move on.

## **B. General Discussion (continued)**

5. Ark River Access - Tom Swan, Region 4 Fish and Wildlife Division Supervisor, presented this report to the Commission (Exhibit Q; PowerPoint - Exhibit R; handouts – Exhibit S). A year ago I talked about the access that was available on the Arkansas River and a few of the projects that were being started. Some of the information was about an effort to get a coalition of people, government agencies, cities and counties together and try and do a thorough study of a corridor of the river to identify the best access sites and how we could best go about developing those. I am going to review that and then talk about what we have done with the money that was made available. The corridor is from the Rice/Reno county line down to Oxford, Kansas. That is about a hundred mile stretch and a year ago there were 11 access sites, but six of those are actually in Rice County above the Rice/Reno county line which were established with Land and Water Conservation funds a number of years ago. They are somewhat in disrepair and are at county road access sites. That is why we left Rice County out because we feel we can, or someone can assist them with redeveloping those sites sometime in the future. We started to talk to groups about developing a study. In the upper part of Reno County and into Rice County if it is spring time and there has been some rain you can put a canoe on it or a flat bottomed boat and float it, but most of the rest of the time you are going to be dragging quite a bit. In Wichita the actual access sites that are public are the 21st Street Bridge which is not a very good site -- there is a dam there, so if you put a canoe on there you could go 100 yards and then you would have to go around the dam or over it. The second one is behind Gander Mountain which is also not a very accessible site. The parking is not very good because you park in Gander Mountain's lot, and it is right behind their service dock. A year ago there was a site completed by the City of Wichita, a \$300,000 project to establish an access site in Garden Park. It is a little hard to find, but it is a nice developed site and has a good asphalt parking area, restrooms and a concrete walkway that winds its way all the way down to the river. There is no boat ramp there, just access for small craft because you have to carry them down there, but it is a good site. That was completed two years ago. The next site on the river is at Oxford, which is a park that has river access, and it just needed to be upgraded and the City of Oxford is interested and is in the

Coalition. The last site that was public at the time was Grouse Creek and Ark River confluence which is on the Kaw Wildlife Area that we lease from the Corps of Engineers. Those were the only five official sites in a 100-mile stretch and three of those are in 15 miles so that doesn't leave real good public access. We are trying to shoot for something like one site per every 5 miles, which would make about 20 access sites in that stretch. The Coalition came together in the last year and acquired enough money to actually hire a consulting firm to do that study for us. The City of Wichita acted as ramrod for this because they were used to doing requests for proposals and engineering studies. Our department, through efforts of Secretary Hayden and Keith, has been putting \$100,000 into the river access program for the last several years. We were able to take \$40,000 from that, some out of one year and some the next, to commit to this study. The contractor is called Applied Ecological Services. Their objectives are to find good access sites, locate what the land ownership is, what the road conditions are and what the engineering might look like in trying to develop those. Also, build public awareness by holding some public meetings and get public input on river access in general and access on the Ark River in particular. The final result should be done by the end of May and they will provide us with a master plan and give the Steering Committee some idea of what the best sites are and what it is going to take to develop the sites financially and in engineering. The Steering Committee is made up of all of the counties and cities that participated in this and who came up with the funding. The second place we would use some of that money would be to help the City of Wichita develop a big access site on the south side of Wichita, the 71st Street Greenway. It is about 158 acres that they call a park that is not developed and they are not planning to develop it, it is supposed to stay relatively wild. They had the plans started and we have taken some of our money and helped develop that site, we used \$45,000 out of last year and the year before on this \$287,000 project. It is almost complete and has a brand new access road; signs to try and keep the off-road vehicles at a low roar; a large parking lot with a circular pattern for vehicles to easily get in and out. Directly between the parking lot and the river will be grassed and cabled off. The actual access comes out of the parking lot to the north, comes around in a switchback trail and has a retaining wall. If the river was high you could launch off of the lower sidewalk, but if is low you would have a little bit of a drag to get to the water. Again, it is a little bit hard to get to and they are going to have to put up some decent signage out on the main streets. All they have left to do on this is some landscaping and later this spring they may do some advertising of that site. The third place we used some money at was to upgrade the river access site at Oxford. We tried to get them some money through our CFAP grants, but it was going to be fairly expensive, so they matched \$40,000 of river access money that we provided. They have completed a big share of the project. This park is an old highway rest area park and has two levels to it. The project consisted of taking an old road that was washed out, providing drainage, shaping it and providing a good asphalt road that was widened to accommodate two vehicles wherever they could. One of the handouts I gave you is an article that appeared in the Winfield paper that talks about that project. The lower road curls around and goes right past the existing boat ramp. In the second phase of the project they are going to repair that boat ramp. The road then goes into the upper part of the park where you can park your car or go back to the highway. Also, in the second phase they are going to set up some shoreline fishing access. I'm not sure how good the fishing will be from that spot. The whole purpose of providing money to these sites is recreational opportunities. It is a public river so once you are on it you are free to go down it. If you can get a good access point that is safe people are going to use those sites, especially if they know there is another one 5 miles down. Educational opportunities include family fishing,

wildlife observation and hunting along there. Just a chance to get on the river is a unique experience. I would like to give some credit to Ken McCloskey, the District Fisheries Biologist in Wichita. If it wasn't for his relationship with the City of Wichita and those other communities and some of the work he did to try and get people on board, this would never have happened. It always sounds like a good idea when you are sitting around a table talking about it, but if you don't have somebody like Ken and Larry Hoetmer, from the City of Wichita, it doesn't ever happen. Chairman Johnston – Thanks for the presentation and I think the amount of progress that has been made is impressive in the year since we last heard about this project.

6. Fishing Opportunities in Cowley County/CFAP - Craig Johnson, Region 4 Fisheries Biologist, presented this report to the Commission (PowerPoint - Exhibit T). I have the El Dorado District which includes this area. There are three fishing opportunity providers in Cowley County: City of Arkansas City; City of Winfield; and Kansas Department of Wildlife and Parks (KDWP). Arkansas City has four areas: Veteran's Lake; Knebler Pond #1; Knebler Pond #2; and Walnut Valley Park. Veteran's Lake is 16 acres in size and is the oldest area. It has a boat ramp, a fishing dock and trail with shelter projects to begin soon. Fishable populations include largemouth bass, bluegill, crappie, and channel catfish. The banks are steep, but the proposed trail is going to help. Knebler Pond #1 is 16 acres in size and was recently awarded CFAP Grant Funding for construction of an earthen fishing pier with construction beginning next week. Fishable populations include largemouth bass, bluegill, crappie, and channel catfish. New fishing pier and trails are in the developmental phase. Knebler Pond #2 is 5 acres and has fishable populations including largemouth bass, bluegill, and channel catfish. Walnut Valley Park has a boat ramp accessing the Walnut River and provides fishing access to the Walnut River. Winfield has: Island Park Lake, Tunnel Mill Dam, and Winfield City Lake. Island Park Lake is 2 acres with very good access to the water, has a playground for kids and has fishable populations including largemouth bass, bluegill, and channel catfish. Tunnel Mill Dam provides fishing access on the Walnut River and has a unique opportunity of fishing below the dam. The fishable populations include channel, flathead, and blue catfish, walleye, white bass, wiper, crappie, largemouth bass, as well as other river species. This used to be a good paddlefish area. Winfield City Lake is the largest water body in Cowley County. It is 1,200 acres with boat ramps, courtesy docks, a fishing dock, and fishable populations of largemouth and spotted bass, bluegill, crappie, walleye, white bass, wiper, channel and flathead catfish. KDWP has Kaw Wildlife Area and Cowley State Fishing Lake. Kaw Wildlife Area has access to Grouse Creek and the Arkansas River, one boat ramp, two canoe access points, and fishable populations of channel, blue, and flathead catfish, white bass, with occasional striper and wiper. Cowley State Fishing Lake is 84 acres with a boat ramp and courtesy dock, a fishing dock, earthen fishing piers, and I have installed fish feeders. Fishable populations include largemouth bass, crappie, bluegill, redear sunfish, channel and flathead catfish. There is quite a bit of diversity here in Cowley County.

Dennis Kramer – Where are the two Knebler lakes? Johnson – The east side of Highway 77 bypass around Ark City.

Brad Katt - What counties are you in charge of? Johnson – Cowley, Butler, Chase and Morris counties.

Richard See – What happened to smallmouth at Cowley? Seven or eight years ago you used to be able to go down there and there was a pretty good population of smallmouth bass after they were introduced 15 years ago or so when they drained it. Johnson – I have been at the lake since

August, 2003 and I haven't seen a single smallmouth and I haven't seen any data that there were ever there. It was renovated in the mid 1980s. I will have to look at that. See – Is there any concern on your part about the population of the geese that stay at Island Park. There are year-round Canada geese and the droppings are terrible. You can't take children there because they are going to step in something. Johnson – That is one of those tough areas whenever you deal with geese. There are people who don't care for them at all or see the disease factor of it and the other people who enjoy going to a park and feeding the geese. Once you have those domestics and you start feeding them they act as natural decoys and we all know why they are there, but once they get comfortable it is hard to get rid of them because 50 percent of the people want to keep them. As far as water quality issues, if their numbers get high enough and they spend enough time in the water they may affect that. Some of the pumping that goes on at Island Park keeps the water stirred up, but it can become a problem. Each body of water is going to be a little different on what it can handle as far as goose fertilization.

Ron Blanken – Have any stripers made it up to Tunnel Mill Dam? Johnson – I have heard of none since 2003. Mostly the wipers that come out of Winfield City Lake and now El Dorado Reservoir. The occasional striper may show up at Kaw Wildlife Area, roughly 31 miles.

Brandon Guthrie – Are there any plans for improving boat ramps on Grouse Creek at Kaw Wildlife Area? Johnson – I would have to talk to Kurt Grimm who is the Wildlife Manager there.

I don't know. Randy Curtis – They were never meant to launch boats, they are just large sidewalks that are for carrying flat bottom boats. Guthrie – The one on the third bridge is pretty decent to get down to. They should take it off the map as a boat ramp if you aren't supposed to launch from there. Johnson – There is a difference between a boat ramp and a canoe access point. Something we might consider really rough, canoeists might consider really good access.

#### **D. Public Hearing**

*Kansas Legislative Research Department and Attorney General's office comments (Exhibit U).*

1. KAR 115-18-10. Add white perch and edit bighead carp in prohibited species list – Doug Nygren, Fisheries Section chief, presented this report to the Commission (Exhibit V). This is a list that we have periodically added species to that are a threat and considered nuisance species that we don't want to become established or if they are established we want to limit their spread. Today there are a couple of changes to this list. We need to change the scientific name of bighead carp genus name as reflected in the briefing book and add white perch to the list of prohibited species. The implication of that would be that you would no longer be able to have live white perch in your possession. If you caught one and wanted to take it home to eat it you would have to dispatch that fish, you wouldn't be able to have it in your boat or on your person alive. Which means you couldn't use it for bait alive either. At the request of the Commission we were asked to come back with a proposal to deal with the potential spread of white perch across the state and adding it to the prohibited species list is the proposal. If it is passed tonight it would become effective February 15, 2007.

Harold Gorges, Cheney Lake Association – KDWP put the fish in the lake and now they are trying to penalize us fishermen. I am a guide out there and this is what I use 90 percent of the time. Fish in the lake do not eat shad, they eat white perch. The population of white perch in Cheney Lake has dropped at least 50 percent in the last four years. I used to be able to go out and catch 350 in 3 hours, now only a dozen in 3 hours. I don't know what has happened to them,

whether they went downstream or what. We still want to use the fish for live bait fishing. We feel this is not going to make the fish show up in other lakes. The illegal transportation of the fish is what is causing the problem and we do not have law enforcement that pays any attention to this. I fished 83 days last year and my license, boat or creel limit was not checked once. The only time they patrol the lake is on weekends and holidays, never during the week. White perch has done the lake good it has fed all the other fish because they are really growing now. I caught a 35 pound striper last year and released it. All the fishermen out there are making comments like, "it won't affect us because no one ever checks us anyway". It will affect me because I try to do it legal and I don't understand why I am going to be penalized because of the people transporting them out of the lake. Chairman Johnston – Doug, do you have any information on the possibility of the white perch population reducing recently at Cheney? Nygren – We have seen gizzard shad in pretty good numbers in our fall samples for the first time in a long time. We do think that maybe we have made some impact on white perch, but we had a ¾ inch gill net that Tom told me was loaded with them again. So we have a bunch of young ones coming on. Basically, what we are asking is for fishermen at Cheney to make a personal sacrifice to benefit other resources in the state that don't have these critters now in an effort to prevent them from spreading. It is a sacrifice on the part of people who use them as live bait.

Neal Holland – What we don't want is the fish transporting to other lakes. Wouldn't it be a better solution to educate the public? I am surprised that they aren't everywhere because 10 years ago, before people knew we had them, people still seined bait upstream. I could have taken them other places. The argument about them coming down to Kaw Lake is one of those half truths. They are going to get down there because Cheney is on the Ninescah River system that feeds the Arkansas River. They are not being transported down there they are being flushed out through the gates at high water times. Why couldn't we have a proposal that says you can't come back to the boat ramp with live white perch in your boat. You can not go back to your vehicle, if you are a bank fisherman with live perch. Educate the public and then educate them on not seining bait in the tributary streams and accidentally taking the little bitty fry and mistaking them for minnows. Fisherman are not taking these fish into other lakes, that is not happening. It would be easier to enforce it at the boat ramps than it would to have somebody driving around the lake trying to figure out who is using a live perch or a dead perch. You won't catch fish on dead perch. I have known Harold a long time as acquaintances, but he knows what he is talking about. You can take a live perch and he will get sour in 15-20 minutes and you have to change him even if he hasn't been bit. I don't know the logic in that, but I know that it is true. For every 10 we use for bait we kill 50 more. It seems you are always making the sportsmen make the sacrifice. We didn't put them in the lake. There has been a tradeoff and we have some big fish in there now, but it has ruined the crappie population and there are no white bass left. We can't be the ones that take the burden every time, just educate us. We are not going to take them anywhere, but they are going to get downstream, if fact they are already downstream. I am surprised they only showed up in two places. Nygren – They did show up in Kingman State Fishing Lake, upstream and we have never found them in the river near the SFL so the most likely scenario is somebody moved them and released them either intentionally or accidentally. Holland – That could have happened 8 or 10 years ago when nobody even knew what those fish were. There is a better way than not allowing us to use them for bait. Every time we figure out a way to cope with one of these deals, we get the rug pulled out from under us. You are not going to catch them on shad, dead white perch or minnows. We can handle this without prohibiting the use of them for bait. Chairman Johnston – I would like to comment on the unfortunate necessity of considering a

regulation like this. We have experienced, at several of our reservoirs already, the problems with zebra mussels which have now shown up at Winfield City Lake. Zebra mussels are very difficult to control because you basically can't see them until they are already infesting a reservoir. White perch is a different matter, as would be the situation with silver carp or any of the other species on this list. These species are not indigenous, they have devastating impacts on the populations of the reservoirs they get into and the longer we wait to take action to prevent invasion of other impoundments, the more impoundments that are going to be invaded. I do not want to be complicit in allowing that to happen to the extent that we have control over it and I intend to support this regulation as unfortunate as it is. I am a striper fisherman and I know what you are talking about. I prefer live bait versus dead bait, but as Mr. Nygren indicated this is an unfortunate situation that fishermen at Cheney are being asked to make a sacrifice over. Although it is our decision that is the decision we must make, to have you do that or not.

**Commissioner Lauber moved to bring KAR 115-18-10 before the Commission.  
Commissioner Sebelius seconded.**

**The roll call vote to approve KAR 115-18-10 as recommended was as follows  
(Exhibit W):**

<b>Commissioner Lauber</b>	<b>Yes</b>
<b>Commissioner Meyer</b>	<b>Yes</b>
<b>Commissioner Sebelius</b>	<b>Yes</b>
<b>Commissioner R. Wilson</b>	<b>Yes</b>
<b>Commissioner S. Wilson</b>	<b>Yes</b>
<b>Commissioner Johnston</b>	<b>Yes</b>

**The motion to approve KAR 115-18-10 as presented passed 6-0.**

Neal Holland – Do you ever take anyone's suggestions on these issues? Where was our due process? Chairman Johnston – Sir, we have already heard this issue, had discussion and voted on it.

2. KAR 115-25-14. Fishing; creel limit, size limit, possession limit, and open season – Doug Nygren, Fisheries Section Chief, presented this report to the Commission (Exhibit X; summary – Exhibit Y). I was hoping not to have to come back to you on this regulation for another year but unfortunately we had a mistake that needed to be corrected and since the last Commission meeting had some new lakes that came on board. There is a reference document that accompanies 115-25-14. We did away with the old Secretary's Orders at the last Commission meeting and you voted on the reference document. We need to correct that document. Cheney Reservoir got listed with a channel catfish limit of 2 per day in that document, and that was a mistake. It should be 10 per day. In addition, we need to add the 2-per-day limit on channel catfish to Fall River State Park Kids Pond and Topeka Freedom Valley Lake (a new small pond). There is a summary that Sheila gave you. The next item would be an error, it says add 15-inch length limit on channel catfish at Topeka Freedom Valley Lake and it should be removed. Also, wanted to remove Gardner City Lake from the 2-per-day largemouth bass creel limit; add Herington Father Padilla Pond to the 18-inch largemouth bass length limit; and add Cheney Reservoir to the 21-inch striped bass length limit to leave them in there as long as

possible to help us control white perch. Commissioner S. Wilson – I have a clarification, on the 15-inch length limit for channel catfish we need to remove Topeka Freedom Valley Lake? Nygren – Yes.

**Commissioner Shari Wilson moved to bring KAR 115-25-14 before the Commission. Commissioner Meyer seconded.**

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

<b>Commissioner Lauber</b>	<b>Yes</b>
<b>Commissioner Meyer</b>	<b>Yes</b>
<b>Commissioner Sebelius</b>	<b>Yes</b>
<b>Commissioner R. Wilson</b>	<b>Yes</b>
<b>Commissioner S. Wilson</b>	<b>Yes</b>
<b>Commissioner Johnston</b>	<b>Yes</b>

**The motion to approve KAR 115-25-14 as presented passed 6-0.**

### **XIII. OTHER BUSINESS**

Chairman Johnston – I would like to bring up one item I would like to be considered for a future meeting and that has to do with the legal situation as it relates to use of public lands as well as WIHA for trapping. This has come to my attention through contact of a man near Cheney who has lost a couple of dogs to traps that were placed on public lands and the fact that he was unaware that trappers could put traps on public lands and not even mark them. If that can happen to a dog that can happen to a child or any user of public land and I would like us to look at that to see if there is something we should do to address that situation. Secretary Hayden – We can give you a report at the next meeting.

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

March 15, 2007, The Great Overland Station (changed from Kansas History Museum), Topeka (Lunch at Capitol at 11:30 am, 1<sup>st</sup> Floor Rotunda)

April 19, 2007, Dodge City (tentatively for the Silver Spur)

June 21, 2007, (tentatively Rolling Hills west of Salina for tour of museum and outdoor facilities and meeting)

### **XIV. ADJOURNMENT**

**Commissioner Frank Meyer moved Commissioner Robert Wilson seconded to adjourn.**

The meeting adjourned at 8:54 p.m.

(Exhibits and/or Transcript available upon request)

Exhibit AA – State Wildlife Action Plan  
Exhibit BB – Cowley County Kansas Handouts

# **General Discussion**

## **Boating Task Force Update**

A task force was formed to review the existing boating programs in Kansas and make recommendations on improvements to those programs.

The Task Force members are Troy Brown, Parks Division representative; Robert Barbee, Sport Fish Restoration Motorboat Access grant coordinator; Randy Just, Parks Division representative; Erica Nighswonger, Boating Education coordinator, Dan Heskett Boating Law administrator; and Doug Nygren Fisheries Section chief.

The Task Force has held four meetings to date. The first meeting was with Assistant Secretary Sexson where he gave the task force its charge. Members provided detailed explanations of their boating-related programs to make sure all were aware of the existing program efforts. Boating programs cross division boundaries, include a variety of funding sources, and develop many partnerships with third parties.

Task Force members toured motorboat access sites in Region 4 in October 2006 to get a first-hand look at large reservoir motorboat access facilities, state fishing lakes, community lakes, and river access.

The group has come up with two recommendations to date, one having to do with the need for improved signage of important boating information and education information at heavily-used boat ramps and the other is a need for a boating survey.

## **Kaw River Fishing Access**

The Kansas River is one of three rivers in Kansas categorized as “manageable,” which means that the riverbed between “ordinary high water levels” is open to public access. However, fishing and boating access to the Kansas River is limited due to private ownership along the length of the river. KDWP has been working with local governmental units to provide additional access to the Kansas River for recreational use. Since 2003, five new boat ramps have been constructed utilizing both KDWP and local funding. Currently there are 11 developed public boat ramps on the Kansas River. Sites at Wamego and Junction City are in planning stages with the possibility of construction taking place in 2007. After these two sites, the next planned location will be at Kaw River State Park in west Topeka. Primary needs for access still remain between Topeka and Wamego.

In addition to boat access, there are several public sites open to fishing. There are five F.I.S.H. sites in Jefferson and Wabaunsee counties that provide fishing access to the Kansas River. Also, there is fishing access at the Topeka water intake weir, Bowersock dam in Lawrence and at the Water One water intake weir in Kansas City.

## **Farm Bill Coordination**

Cherrie Nolden, KDWP Farm Bill Coordinator, will present a short summary of Farm Bill programs. Her presentation will cover what the Farm Bill does, why it is important to KDWP and the implications for wildlife.

## **Chronic Wasting Disease and Avian Influenza Update**

A brief update on the current status of Avian Influenza surveillance and Chronic Wasting Disease Surveillance will be presented.

## **Additional deer regulatory considerations**

Consideration is being given to the creation of a new regulation dealing with deer management on public properties. Officials at Fort Riley have requested that the commission enact a regulation dealing with season dates on Fort Riley at a Commission meeting later in the year than when we traditionally establish the deer seasons in the rest of the state.

Deer populations on some of the wildlife management areas owned or licensed to the Kansas Department of Wildlife and Parks have reached levels where traditional management with just white-tailed deer permits are inadequate to control the deer population growth.

To accomplish these changes we would need to amend K.A.R. 115-4-13 and establish a new regulation. It is anticipated that the new regulation could be approved at the June Commission meeting.

## **KAR 115-4-13. Deer Permits; descriptions and restrictions.**

### **Background**

The regulation contains the following items:

- ▶ White-tailed deer permits.
  - ▶ Archery
  - ▶ Firearm and muzzleloader
  - ▶ Antlerless white-tailed deer permit
  - ▶ Antlerless white-tailed deer game tag
- ▶ Any-deer permit.
  - ▶ Archery
  - ▶ Firearms
  - ▶ Muzzleloader
  - ▶ Leftover any-deer permits
- ▶ Hunt-on-your-own-land deer permits.
  - ▶ Resident
  - ▶ Special transferable
  - ▶ Nonresident
- ▶ Nonresident deer permits.
- ▶ Species and antler category.

### **Discussion**

Section (a) (4) deals with the white-tailed deer game tag. It states that “This permit shall not be valid on department lands and waters.” This section would need to be amended if game tags were to be allowed on lands managed by the department.

### **Recommendation**

It is the staff recommendation that this regulation be amended to allow the department to designate wildlife management areas where white-tailed deer game tags could be used. K.A.R. 115-4-13 is a permanent regulation. We recommend that it be amended to allow the department to establish a list of wildlife management areas where deer game tags could be used, however, the actually listing of the areas would be done in an exempt regulation reviewed annually.

## **KAR 115-25-9a. Deer; open season, bag limit, and permits on public areas.**

### **Background**

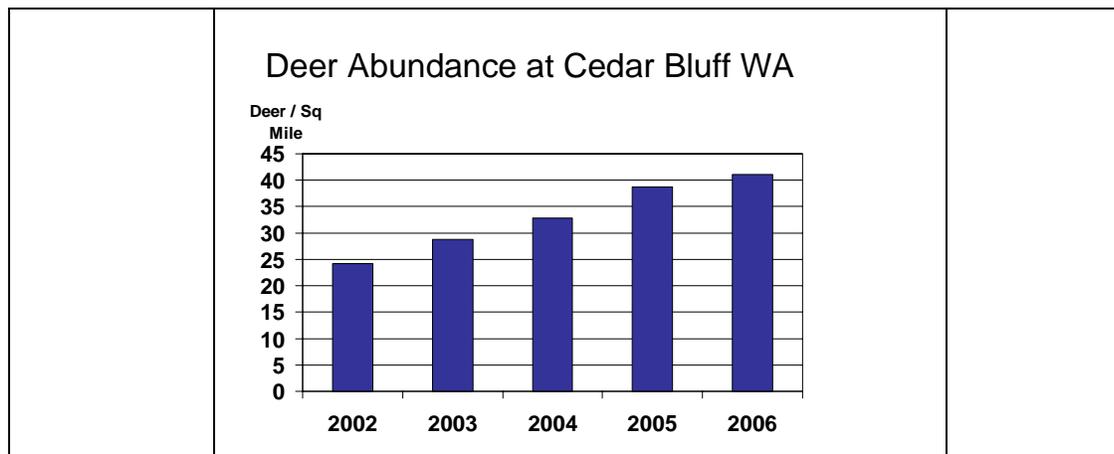
This would be the new regulation dealing with deer seasons and permits on public areas. The regulation would contain the following items:

- ▶ Dates of deer seasons when equipment such as archery, firearms, and muzzleloaders may be used.
- ▶ Provisions for season dates on military subunits within management units.
- ▶ Limitations on the use of multiple permits and deer game tags on public areas.

### **Discussion**

Officials at Fort Riley have requested a later date to submit their final recommendation for season dates for a firearm deer season on the fort. The majority of the harvest occurs during the firearms season. Dates when the fort may be open to hunters are contingent upon military training dates. Selecting the season dates later in the year will allow fort personnel to adjust for changes in the military training dates.

Deer abundance at Cedar Bluff Wildlife Management Area (CDBR) has increased dramatically in recent years. Density estimates using distance sampling procedures have estimated that the deer herd has increased from less than 25 deer per square mile in 2002 to more than 40 deer per square mile in 2006 (see figure below). In recent years the manager has attempted to encourage more hunters to come to the area and to take more antlerless deer, however, the deer population continues to grow. Landowners on adjacent private lands have complained about high deer numbers and damage to their property. Deer hunters at CDBR have not been allowed to use deer game tags on the area.



### **Recommendation**

The staff recommends this new regulation to improve scheduling of hunting dates on Fort Riley, however, even with this procedure the actual entry to the fort cannot be ensured. Military exercises will always take priority over deer hunting seasons. Season dates currently proposed by officials at the Fort Riley subunit are as follows:

Regular firearms	November 23, 2007 - November 25, 2007, December 19, 2007 - December 23, 2007, and December 27, 2007 - December 30, 2007.
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The staff recommends that deer hunters be allowed to use their first deer game tag on Cedar Bluff Wildlife Management Area.

## **RECOMMENDATIONS FOR 2007 "EARLY" MIGRATORY BIRD SEASONS**

### **INTRODUCTION AND BACKGROUND**

The U.S. Fish and Wildlife Service annually develops frameworks for migratory bird seasons. These frameworks establish the most liberal seasons that will be allowed on a particular species or group of species. States may always adopt more restrictive regulations than those allowed in the frameworks, but they may not adopt seasons more liberal than stated in the frameworks. At this time we expect the proposed early season frameworks to be published sometime during mid-July.

The following season dates are recommended for approval by the Commission, with authorization for the Secretary to make any adjustments required as a result of unforeseen framework changes.

### **EXPECTED FRAMEWORKS AND RECOMMENDATIONS**

#### **DOVE:**

**Dove regulations are now set by KAR 115 – 25 – 19, rather than annual Commission approval.**

#### **RAIL (Sora and Virginia):**

**Framework** - Hunting season not exceeding 70 days between September 1, 2007 and January 20, 2008. Daily bag of 25 and possession limit of 25, singly or in aggregate, of sora and Virginia rail.

**Recommendation** - Season running September 1 through November 9, 2007 with a bag and possession limit of 25 and 25, respectively. There is no open season on king rail, common moorhen, and purple gallinule.

#### **SNIPE:**

**Framework** - Hunting season not exceeding 107 days between September 1, 2007 and February 28, 2008. Season may be split once. Daily bag and possession limit not to exceed 8 and 16, respectively.

**Recommendation** - Season running September 1 through December 16, 2007 with bag and possession limit of 8 and 16, respectively.

## **WOODCOCK:**

**Framework** - Season not exceeding 45 days between September 21, 2007 and January 31, 2008. Season may be split. Daily bag and possession limit of 3 and 6, respectively.

**Recommendation** - Season running October 13 through November 26, 2007 with a bag and possession limit of 3 and 6, respectively.

## **TEAL SEASON:**

**Framework** - Hunting season between September 1 and September 30, 2007, not exceeding: 1) 16 days if the blue-winged teal breeding population is above 4.7 million, or 2) 9 days if the breeding population is between 3.3 - 4.6 million, with a daily bag and possession limit of 4 and 8 teal, respectively. Last year's (2006) blue-winged teal breeding population was 5.9 million. The 2007 blue-winged teal breeding population total will not be known until June.

It is possible that only 8 days will be available for the September Teal Season in the High Plains. This potential restriction on the High Plains Teal Season is due to the 107-day annual limit (by treaty) on hunting of any one species. A regular High Plains duck season of 97 days allowed under the regular season liberal package, plus 2 days of youth hunting leaves only 8 days to reach the 107-day total.

### **Recommendation:**

**High Plains Zone** - A bag and possession limit of 4 and 8, respectively, with the following season date possibilities:

A 9-day season running September 15 through September 23, 2007,

or, a 16-day season running September 8 through September 23, 2007,

or, an 8-day season running September 15 through September 22, 2007

**Low Plains Zones** - A bag and possession limit of 4 and 8, respectively, with the following season date possibilities:

A 9-day season running September 15 through September 23, 2007,

or, a 16-day season running September 8 through September 23, 2007.

## **SEPTEMBER CANADA GOOSE SEASON:**

**Background** - Kansas is allowed a maximum of 15 days of Canada goose hunting during early September to assist with the control of nuisance Canada geese. The bag limit may not exceed 5 Canada geese, and there is no possession limit.

KDWP staff expects regular dark goose season frameworks will allow a 107-day season on Canada geese. If Kansas opts to have a September goose season, these days would be subtracted from the regular goose season because the treaty does not permit hunting seasons longer than 107 days. If the federal framework allows a 97-day goose season, the 107 days of Canada goose hunting allowed by treaty could be allocated as follows: 10 days in September, 2 days for a youth waterfowl season, and 95 days during the regular goose season.

**Recommendation –**

**Adopt a 10-day Canada goose season, running September 1 through September 10, 2007, around the cities of Wichita, Topeka, Lawrence and Kansas City (see attached maps), with a bag and possession of 3 and 6 respectively if the federal frameworks allow for a 97-day Canada goose season**

**or, no September Canada goose season if the federal frameworks allow for a 107-day Canada goose season.**

**Discussion -** Canada goose numbers in the cities of Wichita, Topeka, Lawrence and Kansas City have exceeded desired levels during much of the year. Resident Canada geese nesting near these cities are also contributing to the problem during the fall and winter period. Providing for additional harvest near these cities during the month of September, as allowed by the U.S. Fish and Wildlife Service, may assist with efforts to limit problem concentrations. The areas proposed for the September Canada goose hunt include areas of the state surrounding the cities involved, and to the greatest extent possible, are bounded by prominent highways for ease of description.

The recommended bag and possession limits are consistent with those established for the regular dark goose season to simplify regulations and reduce confusion.

Hunters have not taken advantage of the September Canada goose season. During the six years it has been offered, only 4% of waterfowl hunters participated, compared to over 70% of hunters participating in the regular goose season. If you compare harvest of large Canada geese during the September goose season to harvest prorated to 10 days of a regular goose season, harvest during the 10 days of the regular goose season was 2-10 times higher, averaging 2.6 times higher. Thus, the 10-day September Canada goose season does not seem to be a very effective way to reduce populations of resident Canada geese near urban areas.

**September Hunt Area Boundaries -** That part of Kansas bounded by a line from the Kansas-Missouri state line west on K-68 to its junction with K-33, then north on K-33 to its junction with US-56, then west on US-56 to its junction with K-31, then west-northwest on K-31 to its junction with K-99, then north on K-99 to its junction with US-24, then east on US-24 its junction with K-63, then north on K-63 to its junction with K-16, then east on K-16 to its junction with K-116, then east on K-116 to its junction with

US-59, then northeast on US-59 to its junction with the Kansas-Missouri line, then south on the Kansas-Missouri line to its junction with K-68.

That part of Kansas bounded by a line from I-135 west on US 50 to its junction with Burmac Road, then south on Burmac Road to its junction with 279 Street West (Sedgwick/Harvey County line), then south on 279 Street West to its junction with K-96, then east on K-96 to its junction with K-296, then south on K-296 to its junction with 247 Street West, then south on 247 Street West to its junction with US-54, then west on US-54 to its junction with 263 Street West, then south on 263 Street West to its junction with K-49, then south on K-49 to its junction with 90 Avenue North, then east on 90 Avenue North to its junction with KS-55, then east on KS-55 to its junction with KS-15, then east on KS-15 to its junction with US-77, then north on US-77 to its junction with Ohio Street, then north on Ohio to its junction with KS-254, then east on KS-254 to its junction with KS-196, then northwest on KS-196 to its junction with I-135, then north on I-135 to its junction with US.

#### **SHOOTING HOURS FOR ALL EARLY SEASONS:**

**Framework-**Shooting hours frameworks are expected to be ½ hour before sunrise to sunset for all seasons.

**Recommendation-**Adopt maximum shooting hours allowed in the frameworks, probably ½ hour before sunrise to sunset.



# **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 firearms pronghorn season has been four days long since 1990 and traditionally has started on the first Friday in October. The archery pronghorn season had been nine days since 1985 and included the two weekends prior to the firearms season. For the past two seasons, the archery season has reopened on the Saturday following the firearms season, and continued approximately 18 days 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. During the first four days of the muzzleloader season, hunters possessing a muzzleloader antelope permit have been restricted to muzzleloading equipment with open or peep sights. During the last four days, which has coincided with the firearms season, muzzleloading hunters have been allowed to use telescopic sights.

#### **Discussion**

In 2006, nonresident pronghorn permits were allocated for the first time in Kansas. Nonresidents were restricted to archery hunting, and permits were allocated on an unlimited basis as they are for residents. A total of five nonresident archery permits were sold. No pronghorn were harvested by these individuals. One of the five did not hunt. The other four hunted an average of almost five days each. Only one hunted during the late season (after the firearms season) – for two days. Of the three who specified the county in which they primarily hunted, one each primarily hunted Wallace, Logan, and Morton Counties. The state of residence of these individuals was Missouri, Pennsylvania, Texas, and two were from New Jersey.

#### **Recommendations**

We recommend archery pronghorn hunting for nonresidents be continued and that unlimited archery permits be allocated for both residents and nonresidents. Firearm and muzzleloader permits will remain restricted to residents, with half assigned to landowner/tenants and the remainder awarded to general residents.

No changes are recommended for the unit boundaries or bag limits. Unit boundaries are proposed to coincide with firearm deer management units defined in K.A.R. 115-4-6, with units 2, 17, and 18 being open. The proposed season dates are:

September 22, 2007 through September 30, 2007 and October 13, 2007 through October 31, 2007 for the archery season.

October 1, 2007 through October 8, 2007 for the muzzleloader season.

October 5, 2007 through October 8, 2007 for the firearms season.

It is recommended that the application deadline for firearms and muzzleloader permits correspond with the date of the 2006 deadline, which would be June 8, 2007. Archery permits would be available through the next to last day of the season.

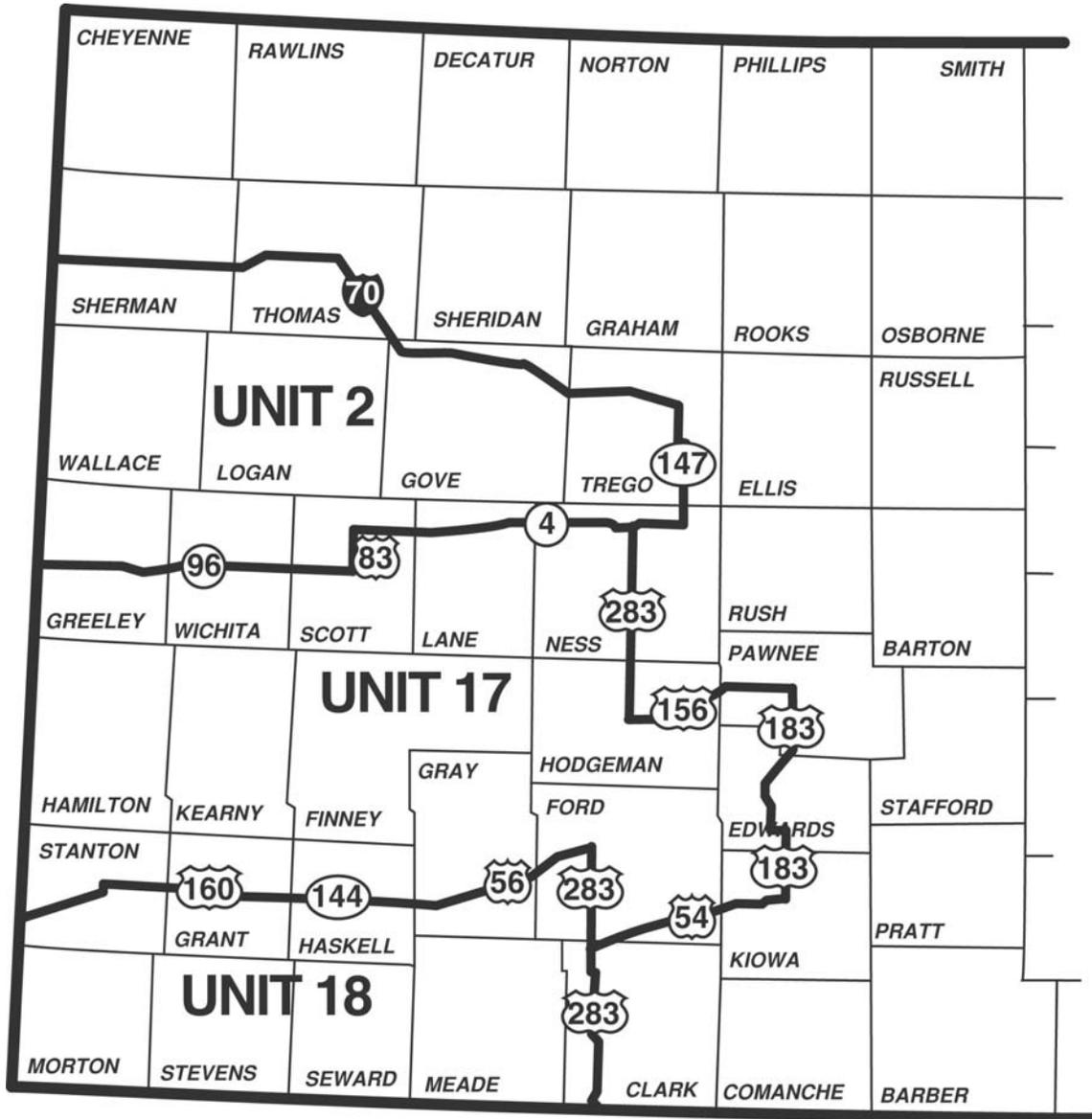
### **Recommended Permit Allocations**

Recommended pronghorn permit allocations for 2007 are below - other years included for comparison. This is about a 15 percent decrease in permits in Unit 2 and 10 percent decrease in Unit 17.

The Unit 18 survey showed an excellent population, and the area experienced milder winter weather. We recommend Unit 18 permits not be reduced.

	Units		Unit 17		Unit 18		Total Permits
	Unit 2		FA	MZ	FA	MZ	
	FA	MZ	FA	MZ	FA	MZ	
<b>2001</b>	116	20	28	10	0	8	182
<b>2002</b>	105	20	30	10	0	8	173
<b>2003</b>	80	15	23	7	0	5	130
<b>2004</b>	80	16	24	8	0	6	134
<b>2005</b>	90	20	30	10	0	8	158
<b>2006</b>	100	26	30	10	0	8	174
<b>2007</b>	86	22	28	8	0	8	152

# Antelope 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. Most of the hunting opportunity occurs on the Fort, and emphasis is placed on maintaining this population. However, lengthened seasons and unlimited hunt-own-land permits have been allocated off the Fort since 1999, and elk hunting was opened statewide (except for Morton County) last season. This framework is intended to allow for elk that may be causing crop damage or other conflicts to be harvested and for landowners to have the opportunity to restrict the distribution of free-ranging elk to the vicinity of Fort Riley if they so choose.

In response to several damage complaints, disease concerns, and a growing number of elk occurrences on private land throughout the state, elk hunting was opened statewide last season, except for in Morton County, which remained closed to protect those elk on the Cimarron National Grassland. While the season is ongoing and hunt-own-land (HOL) permits are still available, 18 HOL permits have been sold to date. This is in addition to the limited draw permits which allow for hunting on Fort Riley (15 any-elk and 15 antlerless elk permits). To date, six elk are known to have been harvested by antlerless permit holders, while six bull elk have been harvested by any elk permit holders.

#### **Discussion**

The peak of the elk rut in Kansas occurs in September. No elk hunting seasons are open at that time on Fort Riley. However, we would like to provide some opportunity to hunt the rut on the Fort, and Fort Riley personnel are agreeable to this. Since the muzzleloader season runs throughout September off post, providing muzzleloader season during the same time period on post would be the least confusing option. However, allowing archery hunting during this time period is reasonable as well, since there is not a specific archery season on Fort Riley as there is off post. If archery and muzzleloader seasons overlap, archery hunters will be required to wear blaze orange.

#### **Recommendations**

The proposed season dates on Fort Riley are:

- a) September 1, 2007 through September 30, 2007 for a season in which both muzzleloader and archery equipment may be used.

- b) October 1, 2007 through December 31, 2007 for the firearms seasons with one-third of the antlerless only permits valid during each of the following segments:
  - 1) First segment: October 1, 2007 through October 31, 2007.
  - 2) Second segment: November 1, 2007 through November 30, 2007.
  - 3) Third segment: December 1, 2007 through December 31, 2007.
- c) October 1, 2007 through December 31, 2007 for a firearms season for all holders of any-elk permits.

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

September 1, 2007 through September 30, 2007 for the muzzleloader season.

- a) October 1, 2007 through December 31, 2007 for the archery season.
- b) November 28, 2007 through December 9, 2007, and January 1, 2008 through March 15, 2008 for the firearms seasons.

Unit boundaries are proposed to coincide with deer management units defined in K.A.R. 115-4-6. It is recommended that permits be available statewide, except in Morton County. An unlimited number of hunt-on-your-own-land antlerless only elk permits will be authorized. We recommend elk hunters again be required to contact the Department when an elk is harvested to submit samples for CWD testing.

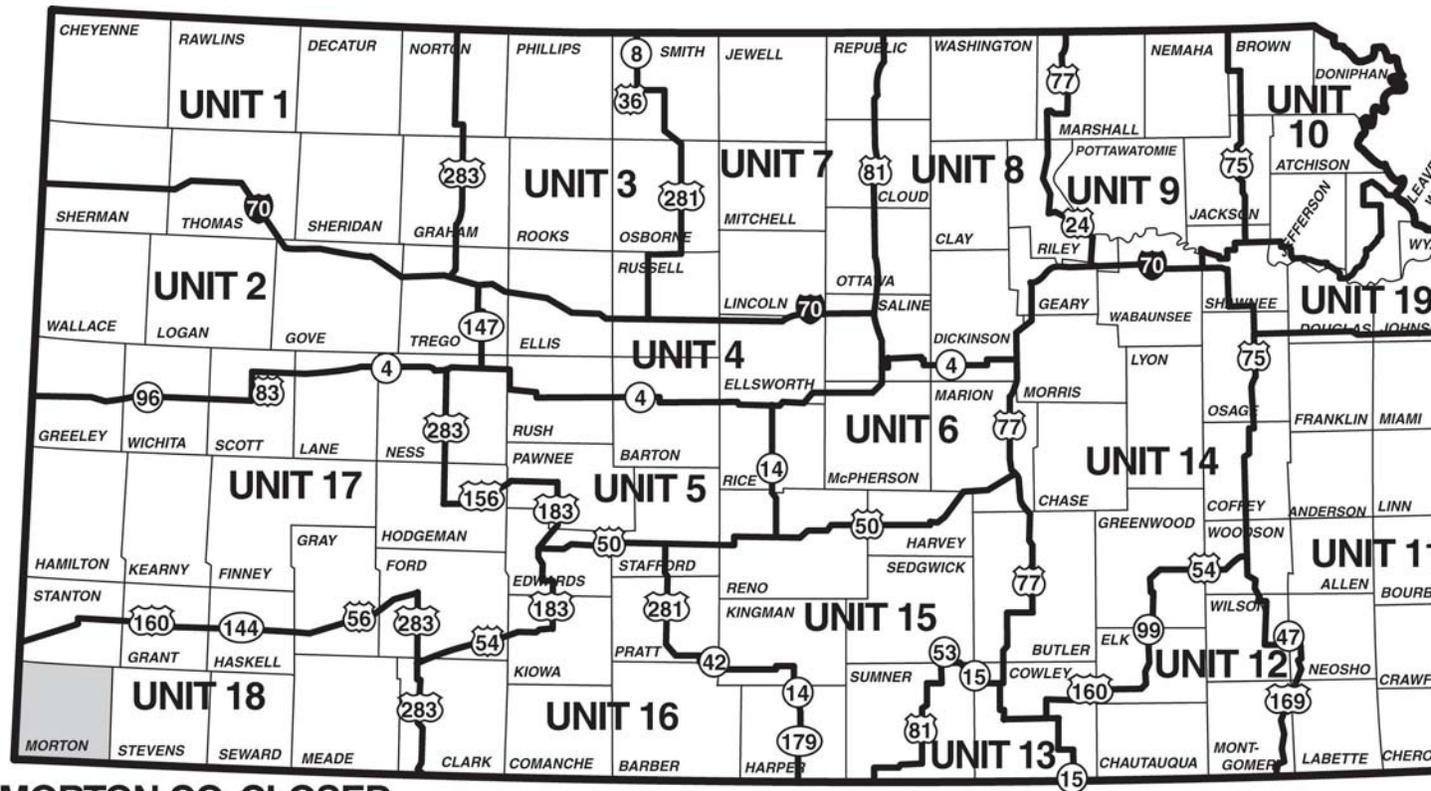
Elk permits will be available only to Kansas residents, and permit applications will be separated into military and nonmilitary applicants. The bag limit shall be one elk as specified on the permit.

It is recommended that the application deadline for elk permits be similar to the 2006 period. The corresponding date would be July 13, 2007. Applications for hunt-own-land permits would be available through the next to last day of the season.

### **Recommended Elk Permit Allocations**

Based on aerial surveys conducted by Fort Riley personnel and a known increase in poaching mortality this year in the area around Fort Riley, we recommend authorizing seven any elk permits and 12 antlerless-only elk permits for 2007.

# Elk Units (all permits open statewide – except Morton County)



## **KAR 115-25- 9. Deer; open season, bag limit, and permits.**

### **Background**

The regulation contains the following items:

- ▶ Dates of deer seasons equipment such as archery, firearms, and muzzleloaders may be used.
- ▶ Provisions when seasons may occur on military subunits within management units.
- ▶ Dates for urban firearm deer season and extended archery seasons.
- ▶ Dates of deer seasons for designated persons.
- ▶ Dates and units when extended firearms seasons are authorized and the type of permits and changes in the species and antler categories of those permits.
- ▶ Permit application dates and procedures.
- ▶ Reclassification of permits issued as leftover permits.
- ▶ Limitations in obtaining multiple permits.

### **Discussion**

Annual adjustments are made in the season and application dates. Population indices are examined and public input is considered in the development of a list of units where extended firearms seasons and antlerless white-tailed deer game tags are authorized. The number of game tags that may be used in each unit is also evaluated after additional data becomes available. Game tags have not been authorized in DMU 1, 2, 17 or 18 since the 2003 seasons. Deer populations, especially a localized population on and around Cedar Bluff Wildlife Management Area have increased in recent years.

Input from field personnel in western Kansas and comments received from the public have supported an expansion of the area where game tags may be used to include DMU 1 and 2. The extended firearm season for the taking of only antlerless white-tailed deer continues to be unpopular with some sportsmen and with agency personnel. Requests for an expansion of the extended firearm season for antlerless white-tailed deer from personnel at the Smokey Hill ANG and from citizens from DMU 3, 4, 5 & 17 were received and considered.

## **Recommendation**

The staff recommendation for the 2007-08 deer hunting season dates are as follows:

Early Muzzleloader	September 15, 2007 – September 28, 2007
Youth and Disability	September 29, 2007 – September 30, 2007
Archery	October 1, 2007 – December 31, 2007
Early Firearms (DMU 19)	October 13, 2007 – October 21, 2007
Regular Firearms	November 28, 2007 – December 9, 2007
Extended WAO	January 1, 2008 – January 6, 2008
Extended Archery (DMU 19)	January 7, 2008 – January 31, 2008

Season dates proposed by officials at the Smoky Hill Air National Guard subunit, are November 20, 2007 through December 1, 2007.

Season dates proposed by officials at the Fort Leavenworth subunit are November 17, 2007 through November 18, 2007; November 22, 2007 through November 25, 2007; December 1, 2007 through December 2, 2007; December 8, 2007 through December 9, 2007; and December 15, 2007 through December 16, 2007.

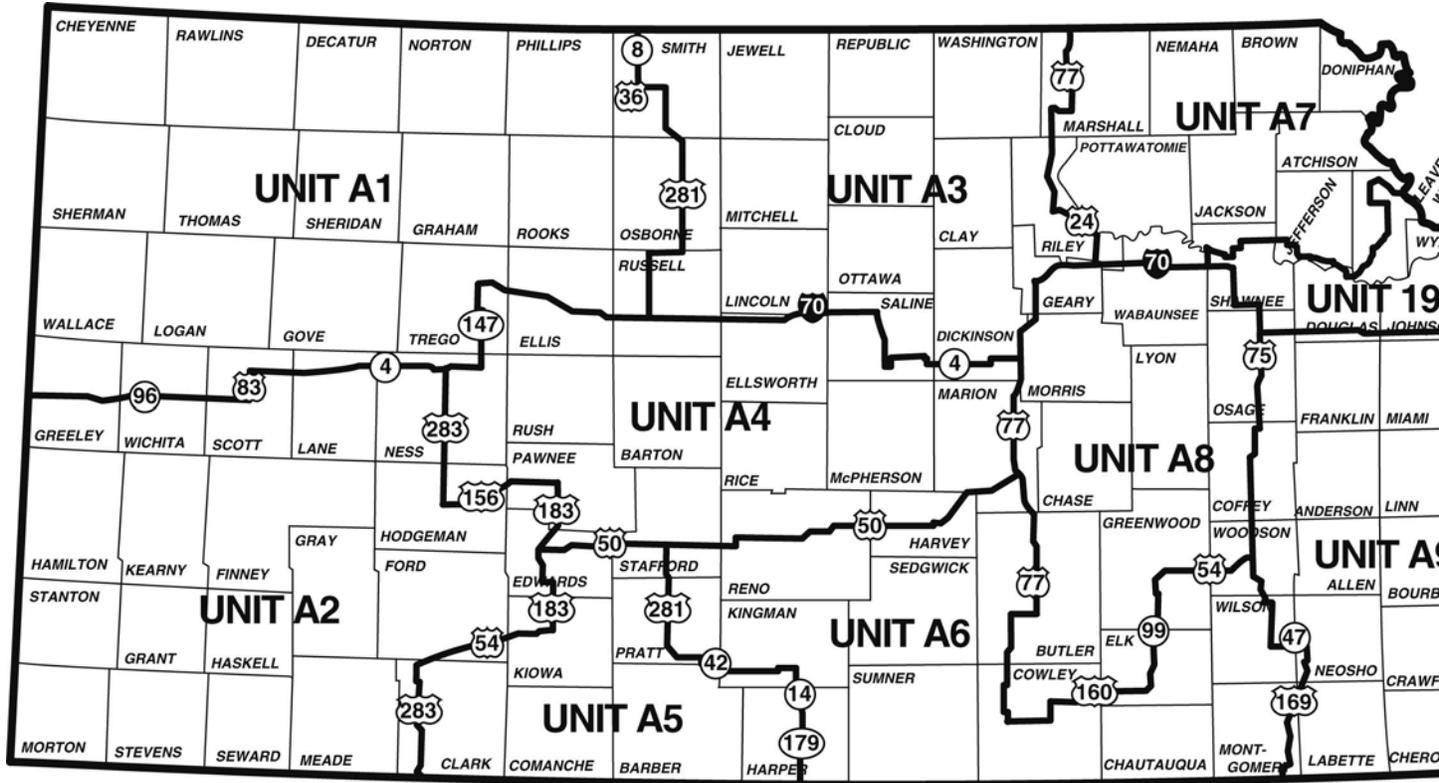
The proposed deadlines for deer permits obtained by application and drawing are:

Nonresident	May 31, 2007
Resident Drawing	July 13, 2007
Unlimited Availability	
1. Antlered Deer	December 30, 2007
2. Antlerless Deer	January 30, 2008

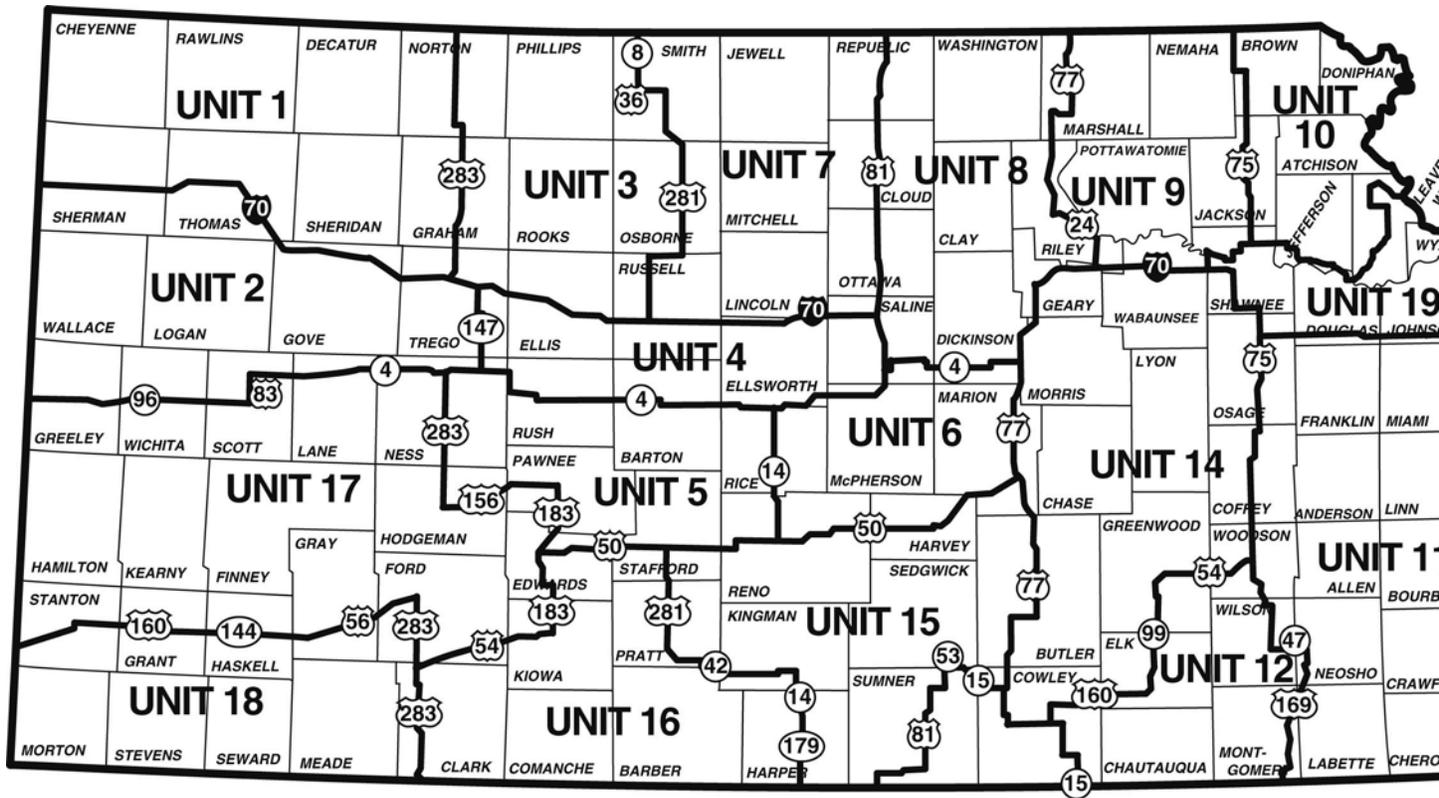
The staff recommends that the first antlerless white-tailed deer game tag that a deer hunter obtains will be valid on private property throughout the state except for DMU 17 and 18. Up to three additional antlerless white-tailed deer game tags shall be valid in subunit 10a and in units 7, 8, 12, 13, 15, 16 and 19.

The staff recommends that an extended firearms season for antlerless white-tailed deer be allowed in units 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 19.

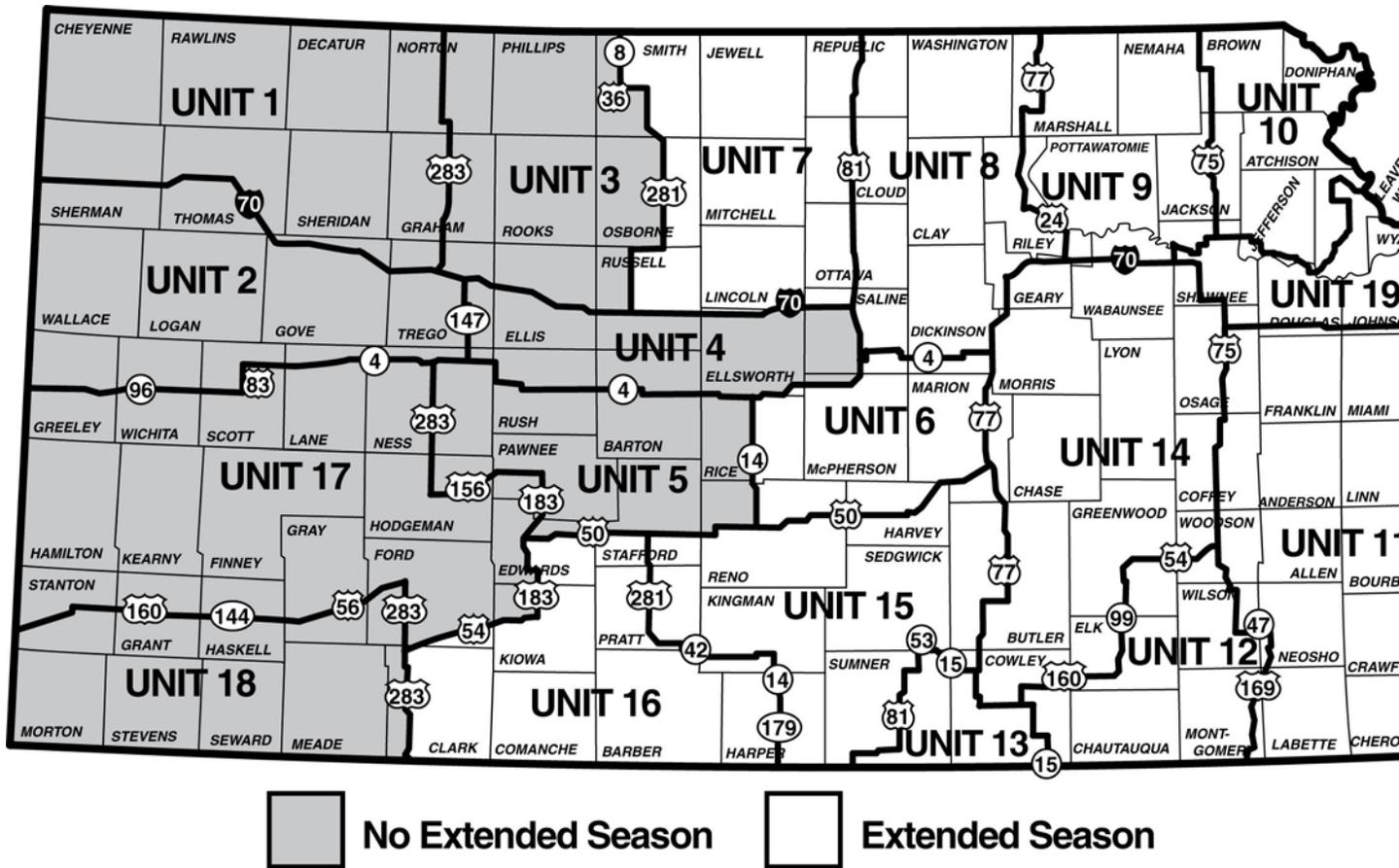
# Current Archery Deer Management Units



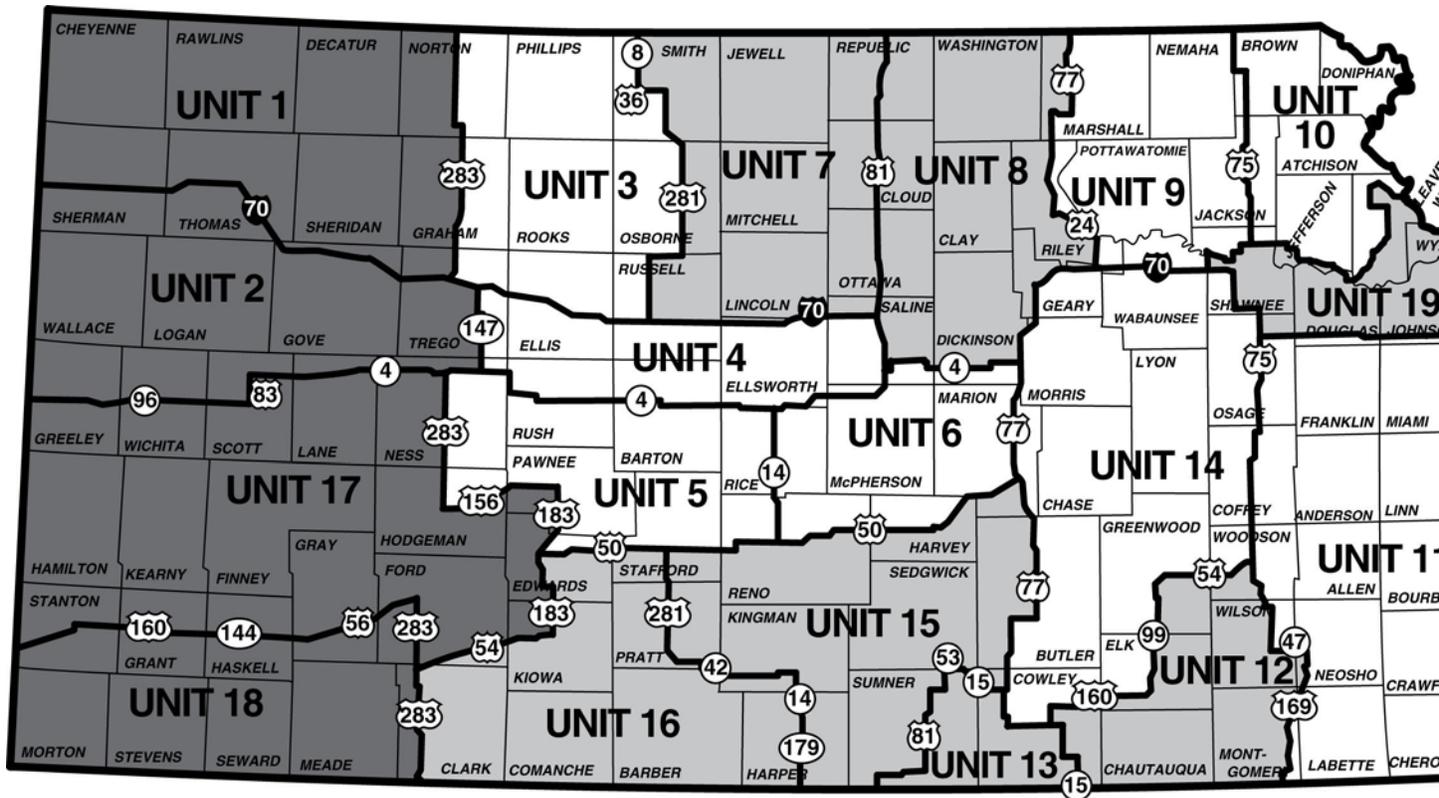
# Current Deer Firearms Deer Management Units



# Extended Season Deer Management Units



# Game Tag Deer Management Units



No Game Tags
  4 Game Tags
  1 Game Tag

## **KAR 115-9-9. Electronic licenses, permits, stamps, tags, and other issues of the department; other requirements.**

### **Background:**

Currently, legally harvested game animals may be given to another person through the use of a written notice of donation. This consists of a dated, written statement that includes, among other information, the license or permit number issued to the hunter who harvested the game. The Department's electronic, computer-based licensing system no longer issues license or permit numbers, but instead uses a transaction number to track the issuance of licenses and permits. The Department continues to issue license numbers on all life-time licenses, thereby requiring the continuation of the reference to license and permit numbers within the current regulations. In order to comply with the requirements to donate harvested game, a modification in the current law is necessary.

### **Recommendation:**

In order to provide a clear means to allow a hunter to donate harvested game to another person, a new subsection to K.A.R. 115-9-9 is being recommended. Because K.A.R. 115-9-9 regulates electronic licenses, permits, stamps, tags, and other issues of the Department, the new subsection would state that in any situation where a license or permit number is required, the transaction number provided on the computer-based license or permit would be a legal substitute.

# **Public Hearing**

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

KANSAS REGISTER  
SUBMISSION FORM

Agency Number -- 710-01

Agency Name -- Kansas Department of Wildlife and Parks

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

Topeka, Kansas 66612-1233

Title of Document -- Public Hearing

Desired Date of Publication - December 28, 2006

**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

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## **Wildlife and Parks Commission**

### **Notice of Hearing of Proposed Administrative Regulations**

A public hearing will be conducted by the Wildlife and Parks Commission at 7:00 p.m., Thursday, March 15, 2007 at The Great Overland Station, East Gallery, 701 N. Kansas Ave, Topeka, Kansas, to consider the approval and adoption of proposed administrative regulations of the Kansas Department of Wildlife and Parks.

A workshop meeting on business of the Wildlife and Parks Commission will begin at 1:30 p.m., March 15 at the location listed above. The meeting will recess at 5:30 p.m. then resume at 7:00 p.m. at the same location for the regulatory hearing. There will be public comment periods at the beginning of the afternoon and evening meetings 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 the hearing or other business matters, the commission will reconvene at 9:00 a.m. March 16 at the location listed above.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statements in an accessible format. Requests for accommodation to participate in the hearing should be made at least five working days in advance of the hearing by contacting Sheila Kemmis, Commission secretary, at (620) 672-5911. Persons with a hearing impairment may call the Kansas Commission of Deaf and Hard 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 and Parks, 1020 S. Kansas Ave, Suite 200, Topeka, KS 66612 or to [sheilak@wp.state.ks.us](mailto:sheilak@wp.state.ks.us) 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. 115-4-4.** This permanent regulation establishes legal equipment and taking methods for big game. The proposed amendment would allow the use of electronically illuminated nocks for arrows as legal archery equipment.

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

**K.A.R. 115-4-4a.** This permanent regulation establishes legal equipment and taking methods for wild turkeys. The proposed amendment would allow the use of electronically illuminated nocks for arrows as legal archery equipment.

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

**K.A.R. 115-25-5.** This exempt regulation establishes the season, bag limits and permits for the fall turkey season. The proposed amendment would expand the boundaries of management unit 3 to conform with unit boundary changes made for the spring turkey season

Economic Impact Summary: The proposed amendments are not anticipated to have any appreciable economic impact on the department, other agencies 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.kdwp.state.ks.us](http://www.kdwp.state.ks.us), or by calling (785) 296-2281.

James Harrington, Chairman

**115-4-4a. Wild turkey; legal equipment and taking methods.** (a) Hunting equipment for the taking of wild turkey during a wild turkey archery season shall consist of the following:

(1) Archery equipment.

(A) Each bow shall be hand-drawn.

(B) No bow shall have a mechanical device that locks the bow at full or partial draw.

(C) Each bow shall be designed to shoot only one arrow at a time.

(D) No bow shall have any electronic or chemical device attached to the bow or arrow, with the exception of lighted pin, dot, ~~or~~ holographic sights, or illuminated nocks.

(E) Each arrow used for hunting shall be equipped with a nonbarbed broadhead point with all-metal cutting edges.

(F) Each arrow used for hunting shall be at least 20 inches in length.

(G) Optical scopes or sights that project no visible light toward the target and do not electronically amplify visible or infrared light may be used.

(H) Range-finding devices may be used or attached to the bow if the system does not project visible light toward the target.

(2) Crossbows and locking draws as authorized under K.A.R. 115-18-7.

(b) Hunting equipment for the taking of wild turkey during a wild turkey firearm season shall consist of the following:

(1) Archery equipment as authorized in subsection (a);

(2) optical scopes or sights that project no visible light toward the target and do not electronically amplify visible or infrared light;

(3) range-finding devices, if the system does not project visible light toward the target; and  
(4) shotguns and muzzleloading shotguns not less than 20 gauge and using only size two shot through size nine shot.

(c) Legal accessory equipment for the taking of wild turkey during any wild turkey season shall consist of the following:

- (1) Nonelectric calls, lures, and decoys, except live decoys; and
- (2) blinds and stands.

(d) Each wild turkey permittee shall possess hunting equipment while hunting only as authorized by this regulation and by the most restrictive wild turkey permit or game tag in possession while hunting.

(e) Shooting hours for wild turkey during each day of any turkey hunting season shall be from one-half hour before sunrise to sunset.

(f) Each individual hunting turkey shall shoot or attempt to shoot a turkey only while the turkey is on the ground or in flight.

(g) Dogs may be used while hunting turkey, but only during the fall turkey season.

(Authorized by K.S.A. 32-807 and ~~L. 2004, Ch. 99, Sec. 12~~ K.S.A. 2005 Supp. 32-969;  
implementing K.S.A. 32-807, ~~L. 2004, Ch. 99, Sec. 12~~ K.S.A. 2005 Supp. 32-969, and K.S.A. 2005 Supp. 32-1002; effective April 22, 2005; amended P-\_\_\_\_\_.)

## **ECONOMIC IMPACT STATEMENT**

**K.A.R. 115-4-4a.** Wild turkey; legal equipment and taking methods.

**DESCRIPTION:** This regulation establishes legal equipment and taking methods for wild turkeys. The proposed change to the regulation would allow the use of electronically illuminated nocks on arrows as legal archery equipment.

**FEDERAL MANDATE:** None.

**ECONOMIC IMPACT:** These amendments are not anticipated to have any appreciable economic impact on the department, 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 December. The open fall season shall reopen again on the day following the last day of the extended firearms season as specified in K.A.R. 115-25-9 through the last day in January. Any equipment that is legal during an archery or 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 Colorado on the west and Nebraska on the north and a line from the Nebraska-Kansas border 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 border, 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 Nebraska on the north, Missouri on the east, and Oklahoma on the south, and a line from the Nebraska-Kansas border south on federal highway US-81 to its junction with interstate highway I-70, then west on interstate highway I-70 to its junction with state highway K-14, then south on state highway K-14 to its junction with state highway K-2, then south on state highway K-2 to its junction with state highway K-179, and then south on state highway K-179 to its junction with the Oklahoma border, 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 Oklahoma on the south and a line from the Oklahoma-Kansas border northeast on federal highway US-54 to its junction with federal highway US-183, then north on federal highway US-183 to its junction with the Nebraska-Kansas border, then east along the Nebraska-Kansas border to its junction with federal highway US-81, then south on federal highway US-81 to its junction with interstate highway I-70, then west on interstate highway I-70 to its junction with state highway K-14, then south on state highway K-14 to its junction with state highway K-2, then south on state highway K-2 to its junction with state highway K-179, and then south on state highway K-179 to its junction with the Oklahoma border, 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 Oklahoma on the south and Colorado on the west, and a line from the Kansas-Colorado border 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, and then southwest on federal highway US-54 to the Oklahoma border, except federal and state sanctuaries. No permits shall be authorized in unit 4.

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

(d) Firearm permits for unit 1, unit 2, and unit 3, and game tags for unit 2 may be purchased over the counter at all regional offices, the Pratt office, the Topeka office of the secretary, and other designated locations, from the earliest date that applications are available through 5:00 p.m. on January 30.

(e) 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.

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

(g) This regulation shall be effective on and after May 1, 2007. (Authorized by K.S.A. 32-807 and K.S.A. 2005 Supp. 32-969; implementing K.S.A. 32-807, K.S.A. 2005 Supp. 32-969, and K.S.A. 2005 Supp. 32-1002.)

## 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, application periods and season dates for the 2007 fall firearm and archery wild turkey seasons. The proposed change would expand the boundaries of turkey management unit 3 to conform this regulation with unit boundary changes for the spring season regulation. Otherwise, the regulation would be unchanged from previous seasons.

**FEDERAL MANDATE:** None

**ECONOMIC IMPACT:** It is anticipated that 15,150 fall turkey hunting permits and tags will be issued in 2007. This total includes 9,200 resident permits, 4,125 second turkey game tags and 1,825 nonresident permits. Estimated revenue if all permits are issued would be \$263,250. 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 or on other state agencies is anticipated.

**ALTERNATIVES CONSIDERED:** None.

**115-4-4. Big game; legal equipment and taking methods.** (a) Hunting equipment for the taking of big game during a big game archery season shall consist of the following:

(1) Archery equipment.

(A) Each bow shall be hand-drawn.

(B) No bow shall have a mechanical device that locks the bow at full or partial draw.

(C) Each bow shall be designed to shoot only one arrow at a time.

(D) No bow shall have any electronic or chemical device attached to the bow or arrow, with the exception of lighted pin, dot, ~~or~~ holographic sights, or illuminated nocks.

(E) Each arrow used for hunting shall be equipped with a nonbarbed broadhead point with all-metal cutting edges.

(F) Each arrow used for hunting shall be at least 20 inches in length.

(G) Optical scopes or sights that project no visible light toward the target and do not electronically amplify visible or infrared light may be used.

(H) Range-finding devices may be used or attached to the bow if the system does not project visible light toward the target.

(I) No bow with less than 50 pounds of draw weight shall be used to archery hunt for elk.

(2) Crossbows and locking draws as authorized under K.A.R. 115-18-7.

(b) Hunting equipment for the taking of big game during a big game firearm season shall consist of the following:

(1) Firearms season equipment authorized for all big game species:

(A) Archery equipment as authorized in subsection (a);

(B) optical scopes or sights that project no visible light toward the target and do not electronically amplify visible or infrared light; and

(C) range-finding devices, if the system does not project visible light toward the target.

(2) Firearms season equipment authorized for deer and antelope:

(A) Centerfire rifles that are not fully automatic and that fire a bullet larger than .23 inches in diameter, while using only soft point, hollow point, or other expanding bullets;

(B) muzzleloading rifles and muskets that can be loaded only through the front of the firing chamber with separate components and that fire a bullet of .39 inches in diameter or larger;

(C) centerfire handguns that are not fully automatic, fire a bullet larger than .23 inches in diameter, and use a cartridge case that is 1.280 inches or more in length, while using only soft point, hollow point, or other expanding bullets;

(D) single barrel muzzleloading pistols .45 caliber or larger that have a barrel length of 10 inches or greater and can be loaded only through the front of the barrel with separate components. Only conical lead or sabot bullets weighing 210 grains or greater shall be used with muzzleloading pistols; and

(E) shotguns using only slugs of 20 gauge or larger.

(3) Firearms season equipment authorized for elk:

(A) Centerfire rifles as authorized in paragraph (b)(2)(A), but only if firing a bullet larger than .25 inches in diameter and using a cartridge greater than 2.5 inches in length;

(B) muzzleloading rifles and muskets as authorized in paragraph (b)(2)(B), but only if firing a bullet of .49 inches in diameter or larger; and

(C) shotguns using only slugs of 12 gauge or larger.

(c) Hunting equipment for the taking of big game during a big game muzzleloader-only firearm season shall consist of the following:

(1) Muzzleloader-only season equipment authorized for deer and antelope:

(A) Muzzleloading rifles and muskets as authorized in paragraph (b)(2)(B), but only if using only open or peep sights that do not magnify the target, project visible light, or electronically amplify visible or infrared light; and

(B) muzzleloading pistols as authorized in paragraph (b)(2)(D), but only if using only open or peep sights that do not magnify the target, project visible light, or electronically amplify visible or infrared light.

(2) Muzzleloader-only season equipment authorized for elk:

(A) Muzzleloading rifles and muskets as authorized in paragraph (b)(3)(B), but only if using only open or peep sights that do not magnify the target, project visible light, or electronically amplify visible or infrared light; and

(B) archery equipment as authorized in subsection (a).

(d) Accessory equipment.

(1) Each individual hunting deer or elk during a firearms deer or elk season and each individual assisting an individual hunting deer or elk as authorized by K.A.R. 115-4-2 or K.A.R. 115-18-15 during a firearms deer or elk season shall wear clothing of a bright orange color having a predominant light wavelength of 595-605 nanometers, commonly referred to as daylight fluorescent orange, hunter orange, blaze orange, or safety orange. This bright orange color shall be worn as follows:

(A) A hat with the exterior of not less than 50 percent of the bright orange color, an equal portion of which is visible from all directions; and

(B) a minimum of 100 square inches of the bright orange color that is on the front of the torso and is visible from the front, and a minimum of 100 square inches that is on the rear of the torso and is visible from the rear.

(2) Nonelectric calls, lures, and decoys, except live decoys, shall be legal while hunting big game.

(3) Any individual may use blinds and stands while hunting big game.

(e) Big game permittees shall possess hunting equipment while hunting only as authorized by this regulation and by the most restrictive big game permit or game tag in possession while hunting.

(f) Shooting hours for deer, antelope, and elk during each day of any deer, antelope, or elk hunting season shall be from one-half hour before sunrise to one-half hour after sunset.

(g) Horses and mules may be used while hunting big game, except that horses and mules shall not be used for herding or driving elk. (Authorized by K.S.A. 32-807 and K.S.A. 2005 Supp. 32-937; implementing K.S.A. 32-807, K.S.A. 2005 Supp. 32-937, K.S.A. 2005 Supp. 32-1002, and K.S.A. 32-1015; effective June 1, 2001; amended April 19, 2002; amended April 22, 2005; amended June 2, 2006; amended P-\_\_\_\_\_.)

## **ECONOMIC IMPACT STATEMENT**

**K.A.R. 115-4-4.** Big game; legal equipment and taking methods.

**DESCRIPTION:** This regulation establishes legal equipment and taking methods for big game species. The proposed amendment would allow the use of electronically illuminated nocks on arrows as legal archery equipment.

**FEDERAL MANDATE:** None.

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

**ALTERNATIVES CONSIDERED:** None.