

AGENDA
KANSAS DEPARTMENT OF WILDLIFE AND PARKS
COMMISSION MEETING AND PUBLIC HEARING
Thursday, April 19, 2007
Silver Spur Convention Center,
1510 W. Wyatt Earp Blvd, Dodge City

Tour of Spearville Wind Farm at 10:00 a.m. (17 miles – meet at Convention Center at 9:30 a.m. where we have lined up a bus for transportation). We will also be doing a short visit at Herron and Stein Playas.

- I. CALL TO ORDER AT 1:30 p.m.**
- II. INTRODUCTION OF COMMISSIONERS AND GUESTS**
- III. ADDITIONS AND DELETIONS TO AGENDA ITEMS**
- IV. APPROVAL OF THE March 15, 2007 MEETING MINUTES**
- V. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS**
- VI. DEPARTMENT REPORT**

Recognition of Deer Task Force Members

A. Secretary's Remarks

- 1. 2007 Legislation (Chris Tymeson)**
- 2. FY 2008 Budgets (Mike Hayden)**

B. General Discussion

- 1. Playa Lakes Joint Venture (PLJV) (Mike Carter, PLJV Coordinator)**
- 2. Western Kansas Tourism (Ted Eubanks, Fermata, Inc.)**
- 3. Horse Thief Reservoir Project (Ron Allen, Manager, Pawnee Watershed District)**
- 4. Boating Regulations (Dan Heskett)**
- 5. Status of Mountain Lions in Kansas and Large Carnivore Response Plan (Matt Peek)**

6. **Fishing Issues and Regulations (Doug Nygren)**
7. **Park Regulations - ADA access issue (Jerry Hover)**
8. **Public Lands Regulations (Brad Simpson)**
9. **Late Migratory Bird Seasons (Helen Hands)**

VII. RECESS AT 5:00 p.m.

VIII. RECONVENE AT 7:00 p.m.

IX. RE-INTRODUCTION OF COMMISSIONERS AND GUESTS

X. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

XI. DEPARTMENT REPORT

C. Workshop Session

1. **Early Migratory Bird Seasons (Helen Hands)**
2. **KAR 115-2-3a. Cabin camping permit fees. (Jerry Hover)**
3. **KAR 115-25-9a. Additional deer regulatory considerations (Lloyd Fox)**
4. **KAR 115-4-13. Deer permits; descriptions and restrictions (Lloyd Fox)**

D. Public Hearing

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

XII. OLD BUSINESS

XIII. OTHER BUSINESS

A. Future Meeting Locations and Dates

XIV. ADJOURNMENT

If necessary, the Commission will recess on April 19, 2007, to reconvene April 20, 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, June 21, 2007, at the Kansas Wesleyan University, Peters Hall, Salina.

**KANSAS DEPARTMENT OF WILDLIFE AND PARKS
COMMISSION MEETING MINUTES
Thursday, March 15, 2007
The Great Overland Station
Topeka, Kansas**

Subject to
Commission
Approval

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

The March 15, 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 Great Overland Station, Topeka. 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 – There is still a vacancy on the Commission by the leaving of Dr. Harrington, but we expect an appointment by the next Commission Meeting.

III. ADDITIONS AND DELETIONS TO AGENDA ITEMS

None

IV. APPROVAL OF THE January 11, 2007 MEETING MINUTES

Commissioner Frank Meyer moved to accept the minutes, second by Commissioner Shari Wilson (Exhibit B)

V. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

Dr. Bob Robel – Hunting license sales are down across the country therefore funding is down for state agencies. I have what I believe to be two fruitful options. I have copies of my comments (Exhibit C). The first is on shooting ranges. In the 1990s the agency did a survey that showed a shortage of ranges and Fancy Creek was built at Tuttle Creek. The rifle and pistol range was built, but the multipurpose range was not. It is run by the Friends of Fancy Creek Range, a 501(c)(3) organization, that charges

range fees. The shooters pay a park entrance fee to use the range and this is a way maximize or increase revenues coming into the state by building more ranges within parks. The second one is hunting preserves, of which there are about 100 in the state -- called controlled shooting areas. While sales of hunting licenses have gone down, shooting range licenses have increased. People who shoot on those ranges are required to buy a license and several of the facilities have trap or skeet ranges and we receive revenue from the PR fund from the sale of ammo and those types of items. Chairman Johnston – Mr. Secretary, could the department come back to us at a future meeting with ideas on this? Secretary Hayden – I will talk about shooting ranges in the budget portion.

Roy Cook - On behalf of my stepson Keith Visocsky who could not be here today, I wanted to give you a proposal on youth hunting. I have copies of some figures that he put together (handout – Exhibit D). He would like to know if we could reduce the cost for deer hunting permits to half price for youth. It is difficult for parents to get their kids out there. Chris Tymeson – This was part of the proposal by the Deer Task Force, to reduce youth to half price. We hope we can get this passed this year or next. Cook – We would also like this to address turkey.

Bill Long, Tuttle Creek Lake Association – The ramps at Tuttle Creek are very slippery and several years ago steel mats were put on there and the Tuttle Creek Lake Association has been replacing those. We would like you to consider planning for the replacement of those on a maintenance basis. Chairman Johnston – Mr. Nygren will talk about that later in the Boating Task Force report.

Cris Coller, Great Bend Visitors Bureau – I would like to thank KDWP for your partnership and give you a registration form for the Wings N Wetlands Weekend (handout – Exhibit E).

Janet Crane, Barton County – I am the Financial Officer for Barton County, but I also work on the National Scenic Byway. As of September 2005 a 77-mile stretch was awarded this status. We are putting up posters in a kiosk being built on K-4 overlooking Cheyenne Bottoms. Also, I gave you a handout on the byway grant, applied for in 2006. We were awarded the grant and have gotten bids from three firms. We have entered into contract negotiations with Fermada. An interpretive plan, interpretive signs and trail markers, a CD audio tour, a website, and brochures and trail guides will be developed. I have given you a letter and a brochure (Exhibit F).

Commissioner Meyer – My wife and I recently drove through Quivira Wildlife area, and it is beautiful.

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. Complete bills can be found on the agency website.

SB38 would rename State Park No. 24 as Kaw River State Park. The bill was passed favorably by the Senate Natural Resources committee and has been referred to the House Economic Development and Tourism Committee (HB 2046) but has received no hearing.

SB157 would allow the department to purchase liability insurance for all of its boats. This bill is a department initiative and was placed on the Consent Calendar.

SB188 would increase monetary values of certain wildlife when the court requires restitution for illegally commercialized wildlife and adds bobcats to the list. This bill is a department initiative and was referred to the Senate Natural Resources Committee. A hearing was held on February 8. The bill passed the Senate 40-0, and is on the Consent Calendar.

SB189 amends K.S.A. 32-920 to allow a person who is 16 or older to obtain a one-time deferral of completion of Hunter Education that is valid until the end of the current license year, who then may purchase an apprentice hunting license and hunt under the direct supervision of an adult 21 years old or older. In addition, the bill would remove mandatory provisions related to bowhunter education. This bill is a department initiative and was referred to the Senate Natural Resources Committee. Possible action on March 16.

SB191 would correct a punctuation error (a missing comma) when it was amended two years ago. This bill is a department initiative and passed the Senate 40-0 and the House 120-2.

SB192 clarifies that local chapters of nonprofit organizations operating in Kansas are eligible for Commissioner permits. This bill is a department initiative and passed the Senate 40-0 and was placed on the Consent Calendar February 28. The bill was amended on the House floor to increase the fee for nonresident big game permits by \$10, with proceeds supporting a "feed the hungry" fund which would generate about \$150,000 a year. There is no oversight for this money and could create potential diversion issues with federal aid, but passed the House 117-7. Another amendment added on the House floor would establish "youth hunt of a lifetime" deer permits, allowing issuance of up to ten such permits per year, for use by "youth under the age of 21 who are handicapped or experiencing life threatening illnesses."

SB257 would amend K.S.A. 80-1201 to allow landowners to submit prairie dog management plans and maintain prairie dog colonies on their property rather than being forced to destroy them. This bill was referred to the Natural Resources Committee.

SB266 would amend and/or repeal statutes dealing with big game and turkey, and is proposed as a result of the Deer Task Force recommendations, which would then be implemented through the Kansas Wildlife and Parks Commission and the regulatory process. A substitute bill was offered by the committee that sets the sunset provision on nonresident transferable permits to 2009, and raises the cap for nonresident firearms permits to 50 percent of resident permits issued. The bill passed the Senate 40-0, and has been referred to the House Agriculture and Natural Resources committee.

SB267 would create the crime of failure to comply with a Wildlife and Parks citation and allow the court system to suspend or revoke wildlife and parks privileges for noncompliance with Wildlife and Parks citations, similar to what is currently done with traffic citations, particularly nonresidents. This bill is scheduled for final action on March 16.

SB330 would appropriate state general funds to KDWP so that the agency could provide Kansas disabled veterans with a 30 percent service-connected disability annual hunting and annual fishing licenses at no charge. This bill is similar to the National Guard bill.

Senate bills are up for hearing on March 16.

HB2002 requires that commissioners represent the five current administrative regions of the Department. The bill passed in the House, passed in the Senate, and has been signed into law by Governor Sebelius.

HB2027 would require a search warrant be issued prior to searching a building located on property posted as requiring hunting, fishing or furharvesting with written permission. The bill has been referred to House Judiciary Committee, but would affect all property and all law enforcement agencies. No action was taken.

HB2046 would rename State Park No. 24 as Kaw River State Park. This bill passed the House 124-0 and was referred to the Senate Natural Resources Committee (SB 38).

HB2052 The Water Projects Environmental Coordination Act requires a review of the environmental effects of water development projects prior to issuance of a permit to proceed with the projects. The bill would amend the act to exclude KDWP environmental review and permitting of projects that will impound less than five acre-feet of water. The bill was referred to Agriculture and Natural Resources Committee and the department opposes the provisions contained in the bill. No action.

HB2088 would provide for the new crime of criminal trespass against children when a sex offender, as defined in the bill, would return to a location whose primary purpose is to provide for the education, care, or recreation of a child or children, including state parks, after being provided written notice of ejection. Should the sex offender fail to leave or return after being provided written notice of ejection, the individual could be charged with the crime of criminal trespass against children. The bill had hearing on January 22, 2007 but the committee took no action at that time.

HB2143 would amend a law that prevents the department from selling a person who is arrearages for child support a license or permit to include suspension of lifetime hunting, fishing and furharvesting licenses for such persons. The bill was withdrawn from House General Orders and has been referred to Federal and State Affairs.

HB2158 would establish the bluegill as the state fish. The bill has been referred to Agriculture and Natural Resources Budget. No action.

HB2234 would prevent any net loss of public lands open to hunting and is being pushed by NRA and would impact things past our control. No action.

HB2242 removing hunting license requirements on controlled shooting areas and was referred to the Agriculture and Natural Resources Committee. No hearing or movement.

HB2311 repealing the nongame and endangered species act was referred to the Agriculture and Natural Resources Committee. No action.

HB2386 would designate little bluestem as the state grass. No action.

HB2426 would require KDWP to issue anyone who had completed at least 15 years of service in the Kansas National Guard a lifetime combination hunting and fishing license at no charge. The bill was

referred to Transportation. No action.

HB2431 imposition of transient guest tax on certain activities of the Department of Wildlife and Parks on state park property, which would include cabins on state park property anywhere transient guest taxes apply. The bill was referred to Economic Development and Tourism Committee. A hearing is scheduled for March 19.

HB2437 would extend the sunset provision on nonresident transferable deer permits from June 30, 2007, to June 30, 2011. The bill was referred to Agriculture and Natural Resources Budget. A hearing was conducted February 19. The bill was amended in committee to sunset June 30, 2008. A hearing is scheduled for March 20.

HB2462 transfers KDWP property to Miami County for highway purposes. This bill was referred to the Appropriations Committee but has not moved.

HB 2498 resident and nonresident deer permit fees to increase by \$1, with proceeds going to the feed the hungry fund and has the same diversion issues as SB192.

Appropriations are on the House floor today.

Commissioner Lauber – Why is the spotted skunk referred to as the Missouri skunk? Tymeson – It is the Eastern Spotted Skunk, which we have fringe populations of in Kansas. Commissioner Lauber – On SB266 what happened? Tymeson – We are frantically trying to put those recommendations into bill form instead. They had problems with the regulatory aspects, a lack of trust, so we are trying to pass a substitute bill. Commissioner Lauber – The agency spent in excess of a year and gathered information and came up with recommendations in the spirit of compromise and it seemed like the recommendations was something everyone could live with. But the Legislature felt they could be better trusted to handle agency business better than us. Some of our problems have been created by the legislature and it is frustrating. How can we salvage the spirit of recommendations, the time and effort put into it and the sportsman's dollars spent? Tymeson – Statutory issues have led us to inflexibility of where we are today, and we will be restricted once again by statutory constraints, but we think we can get this passed.

Terrance Elliott (did not come to the microphone) – Are you allowing more tags for nonresidents for 2007? Tymeson – The amended Task Force recommendation does allow for an increase. Elliott – Three times you allowed as many nonresident applications and 750 permits were left in 2006. Tymeson – This is a complex issue and it is not true that there are three times as many nonresident applications. That is not true demand for nonresident participation because some applications are doubled because the landowner and hunter both are applying. Elliott – I was talking about the shortage of archery tags compared to firearms tags. You have to purchase archery tags from landowners because none are available. Tymeson – Once again, this is a complex issue and current statutory constraints don't allow for exceeding or meeting demand by nonresident participants. It is 25 percent based on resident participation and naturally there are more rifle hunters than bowhunters in the state, 17,000 bowhunters and about 50,000 rifle hunters. It is based on an arbitrary percentage imposed by the legislature. In some areas there is a severe shortage of nonresident archery permits; Unit 16 is a prime example. There are

few resident bowhunters, but a high demand for nonresident tags. We are proposing hunter designate tags which means a nonresident, at time of application, chooses what type of equipment they want to use and there will be “X” amount of permits per unit and the nonresident chooses what equipment they want to hunt with.

Secretary Hayden – We have a special presentation to make at this time, a 30-year certificate for Bill Porter, East Region Parks Supervisor. Thanks for your years of service.

Chairman Johnston - Thank you to partners who made the buffalo luncheon possible. This is our way to thank people at the state house for all of the work they do and we hope we will be able to do it again next year.

2. FY 2008 Budgets – Mike Hayden, Secretary, gave this report to the Commission (Exhibit G). The 2007 Kansas Legislature is still in session. Dick is on the floor of the House today at the Appropriations Committee hearing and I am going to refer to the third page of his handout. SWM is the Senate Ways and Means recommendations and HAPP is the House Appropriations Committee. Dick has laid out what the recommendations are from the Governor and the House and Senate versions. Salary increases for all state employees was deleted from the bill. Open admission to State Parks, both voted for half price not free, SWM did not get 2nd half of FY 2008 passed, House did. We wanted to see if half price permits would increase visitation to State Parks. The issue will be ongoing. On Park 24, soon to be Kaw River State Park, we are going on tour there at 3:00 p.m. The Governor recommended a new position and operating money and both committees passed it but they had an issue with the rent money for office space to be shared with the regional office. Park 24’s new road, electronic railroad crossing and boat ramp, was passed by the Senate but so far the House has not. Almena Irrigation lease for Sebelius Reservoir, Senate approved \$200,000, House did not approve. Both said to continue to negotiate with Irrigation District and they will reconsider the Governor’s recommendation. We have made five offers, none that have been accepted, but are sending one more offer in the morning to keep the minimum pool. Enhancements include: Archery in Schools, Senate out, House in; Community Fisheries Assistance Program (CFAP), Senate out, House in; shooting range grants, Senate out, House in, Senate may reconsider, we have the money; web-based survey, Senate out, House in; boating access grants, Senate out, House in; radios both in, but House put into Park Fee Fund (PFF) instead of State General Fund (SGF); vehicle replacement, Senate in, House out, this is a global issue and they are treating us like other state agencies; public land acquisition, Senate in, House held us to last year’s figure and said that we needed to put \$50,000 in salt cedar control which is a decision that needs to be left to the division, not legislative mandate; WIHA expansion, passed both; and \$950,000 for Parks major maintenance, Senate in, House out. Provisos from the House: restricted provisions on river access and approval on navigable rivers; no money for Circle K; last three would allow legislation to replace provisos on a permanent basis as long as they continue to fund it. Commissioner Lauber – What is the approval of adjacent landowners about? Hayden – What this says is we have to have permission of two

adjacent landowners. People who use these rivers are good stewards of the resources and we field very few complaints on this access problem. There are always rumors of problems and that is what this stems from.

B. General Discussion

1. Boating Task Force Update – Doug Nygren, chief of Fisheries Section and Task Force Chairman, presented this report to the Commission (Exhibit H and I) The Task Force members are Troy Brown, Parks Division; Robert Barbee, Sport Fish Restoration Motorboat Access grant coordinator; Randy Just, Parks Division; Erika Nighswonger, Boating Education coordinator; Dan Heskett Boating Law administrator; Doug Nygren, Fisheries Section chief; and Trish Jarmer, documentation. The Task Force received charge from Keith Sexson and has been reviewing existing boating programs, but we realized need additional information. The Task Force's charge was to look at and consider these issues: boating law enforcement program, access facilities, Information and Education (I&E) programs, customer service, partnerships, budgets and personnel. Then the Task Force was to prioritize needs and develop an action plan. The boating program consists of boat registration – KOALS, boating education (I&E Section) (12-18 year olds need this education), boating law (LE Division), Coast Guard money (LE Division), DJ motorboat access (F&W Division and Engineering), State Park boat access facilities, CFAP development grants to build river access and boat ramps, and Big River access that Roger will discuss later. We have come up with a partial list of issues such as boating safety, customer desires poorly understood, improved loading/unloading facilities, no title law in Kansas (no title, unlike a car, leads to theft), capturing federal boating funds (went to over \$1 million), taxes on boat gas (department doesn't get money from gas sold at the pump, can maybe use for matching funds), non-motorized boats (canoes, kayaks, etc.), dealing with drought, inventory of boating access sites, navigation aids (responsible for putting out on waters and looking at policies on where they should be located), and paved access on upper reaches of reservoirs (usually not paved road or paved boat ramp). Long way to go on recommendations, but do have two action items: improve safety signage at motorboat access sites and conduct a survey of registered boaters. Signs will be more pictures or images than words. Signs will be 8-foot-by-8-foot with a center 4-foot-by-4-foot section and four corner 2-foot-by-2-foot sections for images and can also hang banners from the bottom of the signs. A tremendous amount of different images are available that can be posted on the signs. The boater survey will give more information as needed before the Task Force can move ahead. The survey design is completed with internet and paper options for invitees with two separate sets of invitations because of 70 questions. Part would focus on boating education and Law Enforcement registration and the other set on access, boat use and demographics. This will minimize the number of questions for individual respondents. Major issues outstanding include understanding boaters' desires, funding of boating program, guidelines for MBA development, boating registration in Kansas, statute and regulation concerns, Best Management Practices for I&E, building stronger partnerships, and above all safety. Boating safety issues are

contributing factors to problems at the boat ramp, impaired by alcohol, inexperienced boat operators, bad decisions boarding a vessel, weather emergencies, and crowded ramps.

Ray Cook – I live near Lecompton and there is a landing at the north end of bridge. Was there any consideration to putting additional access on the south side? Roger Wolfe – No. We looked for a long time to put access on the south side but there are railroad issues there. That bridge closure will cause some problems.

2. Kaw River Fishing Access – Roger Wolfe, Region 2 Fish and Wildlife Division Supervisor, presented this report to the Commission (Exhibit J and K). This is an update from a presentation I gave about a year ago and in addition to a presentation Tom Swan did on the Arkansas River. Efforts are made to get local government partnerships for development and maintenance and helps with feelings of ownership and participation. A renewed interest and emphasis was placed on river access in the 1990s. Since 2002, almost \$500,000 has been committed to river access on Kansas, Missouri and Arkansas rivers. Kansas River Access - Eleven access sites currently in place, and two additional projects are under design. Other sites that are top priority for development are Topeka Park 24, Ogden K-18, and Maple Hill area – between here and Wamego. Current Kansas River Sites - Kaw Point (Kansas City), Lewis and Clark project, and confluence of Missouri and Kansas Rivers. Primary funding is by local efforts (about \$2 million). Sites completed in 2004 include, Edwardsville, completed in 2006, Friends of the Kaw, \$10,000 grant from KDWP and local donations; De Soto, completed in 2006, Friends of the Kaw, local donations, funds and about \$10,000 from KDWP; and Eudora Site, constructed in 1970s, located on the Wakarusa River. There are two at Lawrence, maintained by the city of Lawrence, which were developed in the 1970s and provides access above and below the Bowersock Dam. Lecompton Rising Sun was completed in 2005 and is owned by KDWP, and we have been asked by construction people to park some of their equipment there. The Topeka site is located at the east edge of Topeka on Seward Avenue. Currently, no other developed access is available upstream until St. George (60 miles), and this ramp is maintained by the City of Topeka and is a 1970s ramp. St. George was completed in 2003 and Friends of the Kaw was the primary force in getting this site constructed with assistance from the Green Team, local efforts and KDWP (\$5,000). There are two sites in Manhattan, one at the mouth of the Blue River is maintained by the City of Manhattan and the new Manhattan Ramp under the -177 bridge and that is the farthest west we have. We are working on two projects, one in Wamego, \$20,000 committed for an under-the-bridge and the other is the City of Junction City (Grant Ave.) at the mouth of the Republican River, \$20,000 available from KDWP. It would be desirable to have access every 10-15 miles. Areas of need: no access currently available between Topeka and Wamego (51 river miles), Topeka (Park #24) would solve part of the gap. We need access sites in the Willard/Maple Hill vicinity. Topeka Information: City of Topeka has established fishing access on the north bank at the water intake weir. The City is exploring options for placing an additional boat ramp and canoe portage to meet permit requirements. Other Fishing locations: Water One Weir in Kansas City is in the process of constructing a portage, and Bowersock Dam in Lawrence. Currently KDWP has F.I.S.H. properties in Wabaunsee and Jefferson counties that provide limited access (nothing developed). Commissioner Lauber – Does

the city own property on both sides of the Weir? Wolfe – Yes, they do, two different arms of the city own each side and they agreed to allow access. Commissioner Meyer – Could we get more bridge access? Wolfe – Some are not KDOT roads, but are county roads, so we would be negotiating with different groups. Commissioner Meyer – I have canoed a lot of places, and it is a matter of educating. We just need access, and it would be good for Kansas recreation opportunities. Wolfe – As we get more access sites, advertising or brochures will need to be done. Commissioner Shari Wilson – I hear a lot of complaints on Water One Weir and they are building portage now as a requirement by law, not just an option. Correct, you can't totally block access? Hayden – In the permitting process you have to get a permit from the Corps of Engineers because these are navigable rivers and they ask for comments from people like Wildlife and Parks and they make a condition of your permit the fact that they have to construct a portage. I have met with Water One people and also with the Friends of Kaw and they are developing a portage around the Water One Weir. Commissioner Shari Wilson – They have been working on that for a long time. It has been destroyed by high water a couple of times in the last ten or 15 years, so I know it is a constant maintenance and rebuilding process there, but somehow it always seems like the portage comes last. Commissioner Lauber – Where is the Water One Weir? Wolfe – In the city near the west loop of 435 on the east.

VII. RECESS AT 3:13 p.m. to visit Region 2 Office and Kaw River State Park

VIII. RECONVENE AT 7:00 p.m.

IX. RE-INTRODUCTION OF COMMISSIONERS AND GUESTS

V. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

None

B. General Discussion (continued)

3. Chronic wasting disease and avian influenza update – Ruby Mosher, Wildlife Disease Coordinator, presented this report to the Commission (Exhibit L and M). My position is funded by USDA grants. I coordinate avian influenza (AI) and chronic wasting disease (CWD) surveillance, sample collections, train personnel to take proper testing, do database management, summarize results, do grant management, and as time is available assist with wildlife health issues. Marvin Kraft and Helen Hands worked on the monitoring for avian influenza in Kansas in wild birds. Waterbirds such as ducks, shorebirds, and gulls are natural reservoirs for the disease. In Kansas, it is low pathogenic, a mild disease of the respiratory and/or GI tract and is transmitted by fecal droppings, saliva, and/or nasal discharge. The avian influenza cycle or “Asian Bird Flu” (HPAI H5N1) in Asia, Africa and the United Kingdom was a reminder that wild birds aren't the only way that H5N1 could come to North America.

Legal and illegal trade of birds, global travel, and terrorist activity are other ways. Marvin and Helen tested 760 birds: 350 ducks --10 species, 104 shorebirds -- 9 species, 234 geese -- 3 species, and 72 sandhill cranes. There were 1,818 birds tested in Kansas (760 by KDWP and the rest by federal agencies); 110,573 birds were tested in the U.S. The high path was not detected, but low path was, which was expected in wild waterfowl populations. The high path H5N1 "Asian Strain" has not been detected in North America. HPAI H5N1 has not mutated to be spread through human to human contact and many strains of low path AI occurs naturally. Continued surveillance is planned. Surveillance of CWD is occurring in Kansas and other states. CWD is endemic in several states and a few Canadian provinces. History of CWD testing in Kansas was that there was very little testing in 1996 to almost 3,000 in 2006, with a target of 3,150. Kansas was divided into seven regions with 450 samples to come from each region. There is a national roadblock to CWD testing --- a national rendering company announced it would not accept carcasses from CWD tested deer. We worked around this by using taxidermists, road kill, and meat processors who used landfill or composting methods of waste disposal. Results on two-thirds of the 2,945 samples in Kansas are negative. There are 895 results pending and we are expecting complete KSU results any day. Most of the samples came from random hunters, then taxidermists, vehicle accidents, CWD suspect deer and other sources. There is very minimal risk to hunters in Kansas concerning CWD and AI. We do encourage all hunters to take reasonable precautions when handling game. Kansas will continue to monitor CWD and AI in the foreseeable future. Chairman Johnston – On AI, no cases of high path H5N1 in North American, what about South America? Mosher – Not that I know of. Helen Hands – I don't think there has been testing in South America. Commissioner Lauber – Is there any way to get around National Byproducts chain not wanting them in their lockers? Mosher – Unfortunately they made that announcement right before hunting season and we had a number of lockers already signed up in the northeast corner of Kansas and we had to do some scabbling. The locker plants are between a rock and a hard place because they want to work with us but they don't have anything else to do with the deer refuse. I'm not saying I agree with National Rendering's policy but the regulations are that they cannot pick up CWD positive animals and so the way they get around it is not to pick up any CWD tested animals. It is burying their heads in the sand but as far as getting around that there is not any way for us to do it. We have been able to affectively work around it and taxidermists are a very good source and we are working with the highway department to get road kill animals so we get the job done regardless. Commissioner Lauber – You wanted about 3,000 heads a year or something like that? Mosher - Lloyd says for me to get as many as I can. As far as the number that was chosen for this, Lloyd gave us the target numbers and the reason why he picked the number is the confidence number for statistics.

4. Farm Bill Coordination – Cherrie Nolden, Ag Liaison, presented this report to the Commission (Exhibit N and O). The Farm Bill is the law governing farm and food policies and expires every five years. It is a comprehensive bill covering commodity programs, trade, conservation, farm credit, agricultural research, food stamps, kids school lunches, WIC, and commodity marketing. The 2002 Farm Bill was \$782 billion with the biggest share in nutrition programs. Conservation was about 17

percent. The 2007 Farm Bill timeline is: January – State of the Union which gave guidance; February – Administration Farm Bill outline; March – baseline budget released today which asked people to give input by March 15; April – hearings and committee bill drafting; May-July – Senate and House markup; September-October – Conference Committee; and November – bill to President. The USDA farm bill impacts wildlife significantly, drives farming practices, is the commodity title, provides wildlife habitat, is the conservation title, and possibly the energy title. Most of Kansas is in private ownership and in agricultural production and it is difficult to impact due to increased cropping intensity and narrow profit margin. The decline due to habitat changes over time is due to farm management. Conservation programs provide the most opportunity for wildlife habitat, retirement programs like Conservation Reserve Program (CRP) and Wetland Reserve Program (WRP); and working lands programs like Environmental Quality Incentives Program (EQIP), Wildlife Habitat Incentives Program (WHIP), Conservation Security Program (CSP), Grassland Reserve Program (GRP), Farm and Ranch Lands Protection Program (FRPP), and Continuous CRP (CCRP). CRP has the greatest wildlife impact and Kansas has 3 million acres, which is 10 percent of all cropland and is mostly warm-season native grass. There are 85,000 acres in Continuous CRP Buffers (CCRP) which is great upland bird habitat with good edge and diversity. Funding is available and signup is ongoing. It is profitable for landowners to retire small critical parts of fields to provide good benefit per dollar spent. Continuous CRP practices are: filter strips and riparian forest buffers; contour grass strips on or in place of terraces; crosswind trap strips; waterways; windbreaks; farmable wetlands; and habitat buffers for upland birds (field borders). EQIP has wildlife possibilities for rangeland improvement, tree removal, grazing management, patch burning, and converting brome and fescue to native grass. WHIP is the only program specifically for wildlife, but full funding was not realized. New dynamics in 2007 include a unique moment in the history of agricultural policy with diverse proposals now coming from traditional commodity groups, mainstream farm organizations, faith groups, sustainable agriculture groups, hunger and nutrition groups, international organizations, energy groups, fruit and vegetable growers, and livestock interests. The committee process will be in public view this time because of new players and young inexperienced staffers. About 70 percent of these did not participate in 2002 farm bill process. Challenges include the budget deficit, energy emphasis, high commodity prices, competition for funding for Farm Bill titles (conservation, commodity, etc.), competitions among commodities and regions of the country (corn, cotton, vegetables), and world trade issues. The administration proposal has a potential for WHIP to merge into EQIP and would be great if wildlife was considered an equal partner, but we need to push for wildlife benefits, easement programs combined, focus CRP on most sensitive lands, sodsaver to discourage conversion, market-based conservation, CRP used for biomass, increase CIG funding, Regional Water Enhancement Program, and Conservation Reserve Program. The good news is both the Senate and House Ag Committee Chairmen have said CRP will remain, but the bad news is that USDA is discussing reducing CRP acres for corn or using CRP for biomass production for fuel with early outs without penalties, specifically for producing corn for ethanol. Recent USDA talks about not allowing CRP enrollment in 2007 and 2008. Preferred outcomes include continued CRP/WRP programs while expanding CRP to 45 million acres and enrolling 300,000 acres of WRP per year. Sodsaver is a program

that prevents conversion of native grass to crops. Support WHIP (for wildlife as a resource concern in EQIP) and support open fields legislation and link commodity payments to conservation. The Kansas delegation includes: the House Ag Committee, Representative Jerry Moran, Representative Nancy Boyda, the Senate Ag Committee, and Senator Pat Roberts. We will be working with other partners on this. The Farm Bill has huge potential for wildlife and we encourage you to provide your perspective to ensure we have wildlife as a focus. Chairman Johnston – The federal allocation for one of the programs went up seven times, but the full funding was never realized. Can you explain what happened there? Nolden – I don't know all of the details of that, but we didn't receive the full funding for the program. Steve Sorensen – They increased the authorization, but they never came through with the money. Commissioner Shari Wilson – Recently I heard of a new group, the Kansas Conservation Coalition, are you involved in that? Sorensen – We are about ready to announce that (handout – Exhibit P).

5. Additional deer regulatory considerations – Lloyd Fox, big Game biologist, presented this report to the Commission (Exhibit Q). There are two items under this one heading. 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 Wildlife and Parks have reached levels where traditional management and white-tailed deer permits are inadequate to control the deer population growth. To accomplish these changes we would need to amend KAR 115-4-13 and establish a new regulation. In (a)(4) “This permit shall not be valid on department lands and waters”. 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. We recommend that KAR 115-4-13 be amended to allow the department to establish a list of wildlife management areas where deer game tags could be used, however, the actual listing of the areas would be done in an exempt regulation reviewed annually which would be KAR 115-25-9a. This new regulation would deal with deer seasons and permits on public areas and 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; and limitations on the use of multiple permits and deer game tags on public areas. The majority of the harvest on the fort occurs during the firearms season and 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. Also, 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. 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. 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. Regular firearms season dates proposed by officials at the Fort Riley subunit are as follows: November 23-25, 2007; December 19-23, 2007; and December 27-30, 2007, but could be amended at a later date if needed. The staff also recommends that deer hunters be allowed to use their first deer game tag on Cedar Bluff Wildlife Management Area. Staff has been discussing procedures to include other wildlife areas in the future, but not this year.

Mike Pearce – Just one game tag in that unit? Lloyd – Yes. Pearce – In that the entire unit? Lloyd – Yes, and we will be opening up DMU 2 to one game tag and that will come forward when I cover 115-25-9 later. That is where we designate the units where game tags are authorized. This regulation deals with areas normally precluded from using game tags.

Steve Sorenson, Valley Center – Whitetail or mule deer? Lloyd – Predominantly whitetail. Chairman Johnston – You have a consensus to go forward.

6. KAR 115-2-3a. Cabin camping permit fees – Jerry Hover, Parks Division Director, presented this report to the Commission. This is the preliminary discussion on possibly opening the cabin fee regulation, KAR 115-2-3a. What we would like to do is amend the current camping regulation to increase the price by \$10 in three new cabins at Tuttle Creek State Park later this year and add camping yurts that we have purchased and placed at Eisenhower State Park and to add two other cabins on public lands, one at Mined Land Wildlife Area and one at Ottawa State Fishing Lake. Those will be opening in June or July. We are working with Corrections Facility at Hutchinson to produce these cabins, so we have to be a little flexible to when we will get the cabins. We currently have 36 cabins fully online and have been since last summer. The total number of cabin nights is 4,195 and in recent months we have added two cabins, one today at Kanopolis and one next week at Kanopolis; one at Perry; one at Cross Timbers; and the two yurts at Eisenhower so far. Cabin use has increased dramatically and that is what we expected. Commissioner Meyer – Is transient guest tax issue resolved? Tymeson – HB2431 has a hearing scheduled Monday at 3:30 in the House Economic Development and Tourism Committee. We are testifying as neutral on the bill as we have in the past. Essentially the bill would add us to the list of entities because currently governmental entities are not included in the statute, so the issue is not resolved on whether we would collect it or not. We are not sure what locations we have where there is a county-wide guest tax, but it is fairly minimal. Chairman Johnston – Jerry, you indicated you wanted to raise the cost by \$10 a day on three Tuttle Creek cabins and then talked about other cabins and yurts. Are you proposing that the increase apply to all of the new cabins or just at Tuttle Creek? Hover – Just the ones at Tuttle Creek. The way we propose to set the prices is first we take a survey of the surrounding area on similar type facilities and also motels. In our cabins we don't provide linen service, housekeeping, TV, internet, telephone or those kinds of things. We look at all of those prices and take the highest price and go approximately 10 percent higher than what that is simply because we do not want to directly compete with anything on the area or in the surrounding area, something that is

reasonable, but not exorbitant. We have four cabins at Tuttle Creek now that are smaller and the three new ones are larger and will offer more amenities and feel we should charge a little more for those. We may be coming back a year from now and asking to adjust prices on other cabins as well. Commissioner Sebelius – This idea of going into SFLs, is that something you see evolving into a trend? Who takes care of that or who is your host? Hover – That is taken care of by another division, but I was presenting it all in one package. All of it is public land and the public is asking for more facilities nearby to where they want to hunt, fish or camp so we are responding to that demand. These are two we are trying and if they are successful we may be adding more. Tymeson – In relation to your question about an increase, it is not really an increase because they are not installed yet, just to clarify that. Chairman Johnston – You have consensus to proceed forward.

7. Early Migratory Bird Seasons – Helen Hands, Waterfowl Research Biologist, presented this report to the Commission (Exhibit R). Setting regulations for waterfowl is totally different than setting seasons for deer and other wildlife. 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. Dove regulations are now set by KAR 115-25-19, rather than annual Commission approval. For rails, the recommendation is for a 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. The recommendation is for a snipe season running September 1 through December 16, 2007 with bag and possession limit of 8 and 16, respectively. The recommendation for woodcock is a season running October 13 through November 26, 2007 with a bag and possession limit of 3 and 6, respectively. The season framework is different for teal: We get 16 days if the blue-winged teal breeding population is above 4.7 million, or 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. The recommendation for teal is: 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. For the September Canada goose season 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 five 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. The recommendation is to adopt a 10-day Canada goose season, running September 1 through September 10, 2007, around the cities of Wichita, Topeka, Lawrence and Kansas City, 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. The recommended bag and possession limits are consistent with those established for the regular dark goose season to simplify regulations and reduce confusion. We recommend that we adopt the maximum shooting hours allowed in the frameworks.

Commissioner Meyer – Is there any chance to put geese on a feeding the hungry program like deer?

Hands – That is a good idea, possibly we could look into that.

Tymeson – That is complex because they are federally regulated birds and would have to go to a federally regulated processor in Minnesota.

Hands – It is more complicated than it is worth.

Commissioner Lauber – If we are authorized the 97 day season, we can always have an extra 10 days, but in no case can we have a season longer than the 107 days. If we are given the extra days we want them in the winter when there will be more utilization?

Hands – That is correct, if you prorate harvest over a 10 day period during the regular season and compare that number of geese to what we see taken in the September season it averages two to three times more geese shot in the regular season. Only about four percent of hunters use the September season compared to about 70 percent in the regular season.

Commissioner Shari Wilson – For clarification, I thought the September season was to try and control the nuisance resident geese, especially the ones in the urban areas. If we move all the days to the regular season do the numbers show that the number of geese taken in urban areas and surrounding areas is greatly increased during that time over the September season?

Hands – It is hard for our state waterfowl survey to look at harvest geographically, we don't have enough data points. The harvest survey is designed for estimating the harvest of pheasants. In terms of trying to control resident Canada geese around the cities, it is difficult because you can't hunt in town.

Commissioner Lauber – The Service is going to allow 107 days one way or the other, but we would prefer cold weather months? We want to have as many days as we can to harvest Canada geese, but want to hunt in colder months to get more activity in the harvest.

Hands – That is correct and we still have the potential to shoot some of those resident geese during that time period.

Commissioner Shari Wilson – I know in some areas right now the Canada goose problem is becoming a public health issue, and there are places in Kansas City where they have built playgrounds and the geese have moved in and you can't have kids playing in those problem areas. Are there other strategies we could be using to help these cities rid themselves of some of these geese?

Hands – We have been trying some things. We have a federal permit that allows our district biologists to regulate that in the big cities and they can give that permit out to people who want to oil the eggs or otherwise destroy the eggs of Canada geese. In June when the geese complete their wing feather molt and are easy to round up, you can round up the adult and immature geese and take them somewhere else. The immatures we can take somewhere and let them go and they don't come back, the adults we take to

Cedar Bluff and hold them over the summer. We put leg bands and neck collars on them so we can track them and the result to date is two-thirds or three quarters of those geese are shot out in northwest Kansas where populations are a lot lower, but some end up back in the cities. It is hard to compare those to say what percentage of the geese go back to the cities. Your ability to shoot and recover a bird is different than your ability to just see a bird and the number of people available to see a bird in a big city is a lot more than to see a bird in northwest Kansas where there isn't as many people, so that is one option. The Service has also provided some new options recently. One is called the public health control order and that allows us to provide permits to take Canada geese in the summer if they are shown to be a valid concern for public health in a certain area. They are also allowing us an ag depredation control order to take problem Canada geese in the summer to alleviate crop depredation problems. We have tried to control our Canada goose problems and have documented all that we have done. They have a managed-take order that would allow us to have an additional season during the month of August, like the light goose conservation order where you could shoot a half hour after sunset, use electronic calls and wouldn't have to have a plug in your shotgun, but that would have to be a pretty extreme situation where they would allow that. So there are new options that we have gotten in the last few months.

C. Workshop Session

1. KAR 115-25-7. Antelope; open season, bag limit and permits. - Mike Mitchener, Wildlife Section Chief, presented this report to the Commission (Exhibit S). This is a follow up from the last meeting and there are no changes from that time. Winter aerial surveys are completed and we are recommending a 15 percent decrease in permits in Unit 2 and a ten percent decrease in Unit 17 because of the extreme long-lasting heavy snow we had out there. The Unit 18 survey showed an excellent population, and the area experienced milder winter weather. We saw adequate numbers of antelope, but we decided to err on the side of caution. We recommend Unit 18 permits not be reduced. Commissioner Lauber – Do you have a population estimate on our antelope? Mitchener – We estimate somewhere around 2,000 head in the state. Commissioner Sebelius – Did you get a lot of reports of antelope populations on the move because of the ice where they are getting on the highway looking for food? Mitchener – We got anecdotal information and actually saw some instances where the pronghorn had herded up, but that is typical after bad weather they will group up and will move long ways to get out of the bad weather areas to find food. We heard some reports of them congregating around I-70 for example.

2. KAR 115-25-8. Elk; open season, bag limit and permits. - Mike Mitchener, Wildlife Section Chief, presented this report to the Commission (Exhibit T). This is a change from previous years is having a muzzleloader and archery season on Fort Riley because peak of rut in Kansas is in September, and we thought it might be appropriate to offer them some opportunity at that time. If the archery season occurred during the muzzleloader season they would have to wear blaze orange. This occurred several years ago on Cimarron National Grasslands when there was an overlap. The fort conducted some aerial

surveys in late January and there has been a known increase in poaching mortality on the fort this year, so we are recommending authorizing seven any elk permits and 12 antlerless-only elk permits for 2007. Commissioner Lauber – Do you think that roughly eight bull elk were poached? Mitchener – We know of four bulls and two cows -- that is the information I have. Chairman Johnston – What was the length of the firearms season last year outside of Fort Riley? Does this represent any change? Mitchener – No, there is no change from last year other than the sliding calendar. Chairman Johnston – I had a question about the statement on the recommendation that says, “we recommend authorizing seven any elk permits and 12 antlerless-only elk permits for 2007”, is that just for hunting on Fort Riley? Mitchener – No, that would be for the entire state with the exception of Morton County.

3. KAR 115-25-9. Deer; open season, bag limit and permits. – Lloyd Fox, big game biologist, presented this report to the Commission (Exhibit U). Each year we have some annual adjustments based on the calendar and we have some standards that we have been using for many years now. The number of units where game tags have not been used in recent years are Units 1, 2, 17 and 18, since 2003. We will be looking at a change in that this year to include 1 and 2 as units where game tags will be authorized. You have a map associated with your briefing book and in that map there is an error in that segment because it indicates Units 1 and 2 as areas where no game tags will be authorized. We have looked at expansion of the extended antlerless only firearms season because of requests from Smoky Hill, on their military area, and from individuals in Units 3, 4, 5 and 17. We have also received input from citizens from those same units requesting that we not have an extended season in those areas. The staff recommendation for the 2007/2008 deer hunting season are 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 of antlered deer permits would end on December 30, 2007 and antlerless deer January 30, 2008. Staff recommends that the first whitetail antlerless deer tag that a hunter obtains will be valid on private property throughout the state except for DMU 17 and 18. Up to three additional antlerless whitetail game tags will be valid for Units 10a, 7, 8, 12, 13, 15, 16 and 19. Staff recommends that the firearms extended antlerless whitetail season be allowed in Units 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 19. That is the same as last year. Mike Pearce – When is the closing of the statewide archery season? Fox - December 31, the same closing as always. Pearce – These will be voted on in April? Fox – Yes.

4. KAR 115-9-9. Electronic licenses, permits, stamps, tags, and other issues of the department; other requirements – Kevin Jones, Law Enforcement Division Director, presented this report to the Commission (Exhibit V). This would add a new subsection to this regulation. 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.

D. Public Hearing

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

1. KAR 115-4-4a. Wild turkey; legal equipment and taking methods. - Jim Pitman, wildlife research biologist, presented this report to the Commission (Exhibit X). 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.

Commissioner Lauber moved to bring KAR 115-25-4a before the Commission. Commissioner Shari Wilson seconded.

The roll call vote to approve KAR 115-25-4a as recommended was as follows (Exhibit Y):

| | | |
|-------------------------------|------------|------------|
| Commissioner Lauber | Yes | |
| Commissioner Meyer | | Yes |
| Commissioner Sebelius | | Yes |
| Commissioner R. Wilson | Yes | |
| Commissioner S. Wilson | | Yes |
| Commissioner Johnston | | Yes |

The motion to approve KAR 115-25-4a as presented passed 6-0.

2. KAR 115-25-5. Turkey; fall season, bag limit and permits. - Jim Pitman, wildlife research biologist, presented this report to the Commission (Exhibit Z). The change to the boundaries of the fall regulations would 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. Includes Barton, Rush, Stafford and Pawnee counties.

Commissioner Meyer moved to bring KAR 115-25-5 before the Commission. Commissioner Robert Wilson seconded.

The roll call vote to approve KAR 115-25-5 as recommended was as follows (Exhibit aa):

| | | |
|-------------------------------|------------|------------|
| Commissioner Lauber | Yes | |
| Commissioner Meyer | | Yes |
| Commissioner Sebelius | | Yes |
| Commissioner R. Wilson | Yes | |
| Commissioner S. Wilson | | Yes |
| Commissioner Johnston | | Yes |

The motion to approve KAR 115-25-5 as presented passed 6-0.

3. KAR 115-4-4. Big game; legal equipment and taking methods. – Lloyd Fox, wildlife research biologist, presented this report to the Commission (Exhibit bb). Corresponding to the turkey regulation this 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 nock 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. Mike Pearce – When does this go into effect? Fox – It would go into effect this year, for this coming season. Pearce – Will it include this turkey season? Tymeson – That will be close. It takes 15 days after publication in the Kansas Register. Pearce – How will people know? Tymeson – It is effective the day it is posted in Kansas Register, and it will be online. Doug Phelps – Maybe you could put out flyers to vendors if it is in effect. Chairman Johnston – It will be on website won't it Chris? Tymeson - Yes. Chairman Johnston – Is there any other practical way to let the public know? Tymeson – Probably not. Pearce – Can I say people can check the KDWP website? Tymeson - Yes

Commissioner Shari Wilson moved to bring KAR 115-25-4 before the Commission. Commissioner Doug Sebelius seconded.

The roll call vote to approve KAR 115-25-4 as recommended was as follows (Exhibit cc):

| | | |
|-------------------------------|------------|------------|
| Commissioner Lauber | Yes | |
| Commissioner Meyer | | Yes |
| Commissioner Sebelius | | Yes |
| Commissioner R. Wilson | Yes | |
| Commissioner S. Wilson | | Yes |
| Commissioner Johnston | | Yes |

The motion to approve KAR 115-25-4 as presented passed 6-0.

XIII. OTHER BUSINESS

Dick Koerth – Secretary Hayden went through the budget handout, they did not change anything on that handout but what they have done is add one more item. The handout refers to Park 24 operating expenses. There is an amount there of \$207,500 and one position. Today on the floor they pulled that. There is \$700,000 now in the budget for us to operate Park 24 in FY 2008 in the House version of the bill. They are requiring us to say that no expenditures will be made for state parks for Park 24 until we have an environmental impact statement done, all costs involved with possible hazardous materials, ADA compliant and cultural compliance issues have been identified and rectified or resolved. It is stalling tactics. Capital improvement projects have also been delayed, operating is just maintaining the park. What we are trying to do is to have funds for our State Parks Division to mow the grass and start doing trail work. The legislature gave us the park to work with, but we need funds to do it with.

Secretary Hayden – The good news is that even though this motion passed it only passed by two votes, 59-57 and it was carried by the Chairman of the Appropriations Committee and when the Chairman can only win by two votes, that indicates there is a lot of opposition to the motion. It clearly is a further attempt by those who are against the park and against the parks system to throw another wrench in the works. The Senate approved the operating money, so it will go to conference and will be in one version and not the other. So hopefully we will be able to get the version that allows it. It gives you an example of these people who are against the park system and who constantly do everything they can to throw up road blocks to keep us from having an adequate park system.

Commissioner Lauber – Who is chair of Appropriations Committee? Hayden – The Chairman is Sharon Swartz from Washington County. She is the one who made the motion. Nine or ten people didn't even vote because they weren't there at the time of the motion. Hopefully we can get the Senate version.

Koerth – That is all they did to our budget.

A. Future Meeting Locations and Dates

April 19, 2007, Dodge City at the Silver Spur Convention Center, 1510 W Wyatt Earp Blvd.
June 21, 2007, Salina, Kansas Wesleyan University, Peters Hall Room 201 (Cloud Ave)

Tymeson – We need to set the August meeting. August 16 or 23? Chairman Johnston – August 16.
Locations? Commissioner Lauber – How about the Leavenworth or Kansas City area. Hayden – We could check out the Great Wolf Lodge in Kansas City possibly.

XIV. ADJOURNMENT

Commissioner Shari Wilson moved to adjourn.

The meeting adjourned at 8:44 p.m.

(Exhibits and/or Transcript available upon request)

Exhibit dd – Parks Division Annual Report for 2006

Secretary's Remarks

TO: Commission on Wildlife and Parks

FROM: J. Michael Hayden, Secretary of Wildlife and Parks

SUBJECT: Status of KDWP FY 2008 Budget

DATE: April 19, 2007

The 2007 Kansas Legislative Session has completed its work and has adjourned until April 25, 2007 to review items during the Omnibus Session. The legislature completed work on the base appropriation bill for state agencies including the Kansas Department of Wildlife and Parks (KDWP). This bill includes the majority of FY 2008 funding for the department. Discussed later in this report are items that have still not been resolved and will be included in the Omnibus Appropriation Bill.

The completed appropriations for KDWP provide for a total budget of \$53,604,330 of which \$8,349,654 is from the State General Fund (SGF) and includes 409.5 FTEs. This is a reduction of approximately \$4.0 million in total funds, \$2.4 million in SGF, and 1.0 FTE from the governor's recommendations. The majority of the deleted funds will be considered during the Omnibus Appropriation Bill process that will be discussed later in this report.

As was discussed with the commission at the March meeting, the legislature has not approved the governor's recommendation for "open admissions" at state parks and will continue the half-price for vehicle fees pending review by the 2008 Session of the Legislature. The half-price vehicle fee will be in effect for calendar years 2007 and 2008.

The following enhancement items were approved by the legislature prior to adjournment:

- A state employee pay plan providing for a base increase of 2% plus a bonus payment of \$860 and an increase of \$10 for each year of service included in the annual longevity payment for each eligible employee. In addition, certain classes of employees received an additional five percent increase, to bring the classes in line with the findings of a recent pay study conducted by the State Division of Personnel Services. Only one employee in KDWP is impacted by this recommendation.
- Increase in the amount for Archery in the Schools, \$20,000
- Increase in the Community Fishing Access Program, \$75,000
- Shooting Range Grants, \$270,000
- Boating Access Assistance Grants, \$75,000
- WIHA program expansion, \$300,000
- Lease of 800 Mz radios, \$490,000

- Public land acquisition, \$750,000
- Parks Major Maintenance, \$1,500,000
- Wetlands Acquisition and Development, \$450,000
- Fish Hatchery Renovation Projects, \$1,598,000.

The items approved by the regular session of the legislature will assist the KDWP in providing enhanced public service.

As mentioned above, the legislature delayed consideration of several major items until the Omnibus Session. Included in these items are the following:

- Operating funds for State Park 24 (Kaw River State Park) including one FTE position - \$220,000
- Capital Improvement funds for Kaw River State Park - \$745,000 - included are road and river access and a railroad crossing
- Lease payments for water storage in Sebelius Reservoir - \$1,000,000
- Replacement vehicles (45) - \$819,675
- Additional funding for Major Maintenance at State Parks - \$950,000
- Acquisition of church camp at Cedar Bluff Reservoir - \$120,000 - potentially from SGF.
- Review of the Park Fee Fund status for FY 2007 and FY 2008 with emphasis on amount of funding available to support state park operations.

The House Committee on Appropriations will begin their review of Omnibus Appropriation Bill items on April 17, 2007 and the Senate Ways and Means Committee will begin their review on April 18, 2007. Each will develop their version of the bill to be reconciled during the Omnibus Session beginning on April 25, 2007. The Omnibus Session is scheduled to last a minimum of ten days.

One other item of note concerns the KDWP House Sub-Committee on Appropriations. The sub-committee will meet on April 16, 2007 to review the Master Plan for State Park 24, be briefed by the Legislative Post Auditor on the audit of the Region II office, and to tour the Kaw River State Park. It is anticipated that other legislators will also attend the reviews and the tour.

General Discussion

Boating Related Regulation Proposals

With approximately 186,000 surface acres of public water open to recreational boating in the state, boating and water-related activities are increasing in popularity. The diversity of the types of boating activity has increased significantly over the past two decades due to advancements in watercraft design.

Kansas addresses the importance of recreational boating safety by reference to state statute; K.S.A. 32-1101. Policy. It is the policy of this state to promote safety for persons and property in and connected with the use, operation and equipment of vessels and to promote uniformity of laws relating thereto.

The following is a listing of the proposed regulatory changes and a brief description of the purpose:

K.A.R. 115-30-1. Display of identification number and decal. The proposed language change will correct current problems that exist with the current language, which is confusing to both the public and KDWP clerical staff. The change will simplify the placement of the expiration decal for the public, ensure it is visible above the water-line, and bring it into compliance with U.S. Coast Guard numbering requirements for the states.

K.A.R. 115-30-5. Boating; capacity plate and operation. Kansas has several vessels registered in the state that were built before capacity plates were required. Several other vessels were purchased as previously owned vessels and may be missing the capacity plates. The proposed regulation change addresses a simple formula administered by the U.S. Coast Guard for boat owners of mono-hull vessels to calculate how many persons may be carried safely on board. This is the same formula that law enforcement officers use.

K.A.R. 115-30-7. Boating; pilot rules. With increased activity and new boat designs, modern recreational vessels are affordable, faster and more maneuverable. Public waters have become more congested, leading to increasing trends in boat collisions. The proposed language changes were drafted from the U.S. Coast Guard regulations for collision avoidance on inland waters and will give better guidance to boaters using Kansas waters, and help them understand the maritime rules that regulate the operation of vessels. The goal is to reduce boat collisions.

K.A.R. 115-30-8. Boating; accident reports. Boat accidents and the relation to response time is crucial for officers to effectively collect the evidence related to the accident. Under the current reporting guidelines, accidents that do not involve injury go unreported, resulting in the loss of statistical information and no investigation of possible criminal activity. Boat accidents should have the same reporting requirements as motor vehicle accidents and be reported immediately to a law enforcement entity to ensure an appropriate investigation. The language proposed addresses this issue.

K.A.R. 115-30-10. Personal watercraft; definition, requirements, and restriction. The proposed change to this regulation has a two-fold purpose. With the passage of K.S.A. 32-1139 - Boater safety education; certification of completion requirements for certain operators; the boating education requirements are beginning to overlap with the requirements that were adopted for personal watercraft in

K.A.R. 115-30-10, making the education requirements very confusing. The law is more restrictive, therefore portions of the regulation are redundant and no longer needed. The second proposed change coincides with changes to K.A.R. 115-8-7.

K.A.R. 115-8-7. Two regulations, 115-8-7 and 115-30-10(4) have contradicting language in regard to personal watercraft. 115-8-7 uses 200 feet and 115-30-10(4) uses 100 feet as a regulatory distance for motorized vessels to reduce speed when coming into a proximity of a variety of listed obstacles. The proposed regulatory change places the same language in both regulations at a distance of 200 feet and maintains that it apply to all waters of the state.

K.A.R. 115-30-12. Marine Sanitation; vessel requirements. This is a new regulation proposal. This proposal is needed to enable other statutes pertaining to marine sanitation to be enforceable. The department has initiated an inspection program with officers securing discharge valves and securing the proper paper trail. This procedure is an attempt to prevent boat owners from discharging their sewage into the waters of our state. Currently, our officers do not have any authority under the current statutes or regulations for those individuals who decide to make their discharge valves active after an inspection for the dumping of sewage overboard.

Dan Heskett
Kansas Dept. of Wildlife and Parks
Boating Law Administrator

Possible Fishing Regulation Changes for 2007

VHS Virus Emergency – Viral Hemorrhagic Septicemia outbreak in the Great Lakes has caused large-scale fish kills. Eight Great Lake states are quarantined and cannot move fishes across the state line without a health certificate indicating a negative test. Staff is concerned that this virus' most likely pathway to Kansas would be through importation of live fishes. The aquarium industry, bait industry, sportfish stocking industry, and the food fish industry are the mostly likely sources. There may be merit in establishing a regulation that requires all fish entering Kansas be certified by an AFS-FHS pathologist as VHS and Spring Viremia of Carp Virus free. Kansas species known to be susceptible to VHS are:

Black crappie *Pomoxis nigromaculatus*
Bluegill *Lepomis macrochirus*
Bluntnose minnow *Pimephales notatus*
Brown bullhead *Ictalurus nebulosus*
Brown trout *Salmo trutta*
Channel catfish *Ictalurus punctatus*
Emerald shiner *Notropis atherinoides*
Freshwater drum *Aplodinotus grunniens*
Gizzard shad *Dorosoma cepedianum*
Skipjack Herring *Clupea spp*
Largemouth bass *Micropterus salmoides*
Pike *Esox lucius*
Rainbow trout *Oncorhynchus mykiss*
Redhorse sucker *Moxostoma spp*
Rock bass *Ambloplites rupestris*
Smallmouth bass *Micropterus dolomieu*
Walleye *Sander vitreus*
White bass *Morone chrysops*
White perch *Morone Americana*
Yellow perch *Perca flavescens*

Add Diploid Grass Carp to the Prohibited Species List – We now have evidence of natural reproduction of grass carp in the Kansas River and the recent National Asian Carp Management and Control Plan calls for all states to suspend the use of diploid (fertile) grass carp in their respective states.

Sterile triploid grass carp have proven to be an effective fisheries management tool. We are considering recommendation to allow use of only triploid grass carp for aquatic vegetation control in Kansas.

Snagging and Gigging –Staff is considering a recommendation to separate the methods of snagging and gigging in regulation. The recommendation would provide that snagging for non-sport fish be left as is, where it is a legal method of take only in waters posted by the department as open to snagging. In addition, the committee recommends that gigging be added to the list of legal equipment and methods for taking non-sport fish without the open posting requirements.

Establish Five Striped Bass Hybrids/Day Option - Staff is considering a recommendation to allow anglers to harvest 5 wipers/day by amending the “Kansas Special Size Limits, Creel Limits, and Bait Restrictions Tables” reference document within regulation 115-25-14. The striped bass hybrid has become an important tool for management biologists in Kansas providing an open water predator to help manage abundant gizzard shad populations and by providing additional fishing opportunities for Kansas anglers. Until the early 1990’s it was extremely difficult for our fish culture section to produce striped bass hybrids, which justified the conservative creel limit of 2 per day. Since that time, the fish culture section has improved its ability to produce fry, fingerlings, and intermediate sized fish. Biologists should have the option of increasing the creel limit on striped bass hybrids when the proper conditions exist.

Add Lake Shawnee to the Designated Trout Water List – Shawnee County is proposing to the department a discontinuation of their trout permit and begin requiring a state trout permit. In return, the department would compensate the County for the cost of their stocking program. This would eliminate confusion on permitting requirements for trout anglers at the Lake Shawnee.

Weigh-in Requirements for Bass Tournaments - The department established weigh-in requirements for the Bass Pass Program that began this year. Tournaments using the Bass Pass must be registered with the Fisheries Section. Part of the registration process requires compliance with weigh-in procedures designed to minimize mortality on bass. There have been calls to make this same requirement effective for all weigh-in bass tournaments. Staff is considering the merit of moving the weigh-in requirements from the Bass Pass regulation and establishing it for all weigh-in bass tournaments.

Private Water Fishing Impoundments and Fishing License Requirements – There seems to be a lack of awareness by the public as to when a state fishing license is required. Staff feels most Kansans believe that when fishing on a private lake or pond, that a state license is not required. That assumption is not correct in many cases. While this may not require any regulatory action, staff is concerned that an effort is needed to inform the public of the current laws regarding licensing requirements when fishing on private property.

Article 7.-GENERAL PROVISIONS

32-701. Definitions.

(o) "Private water fishing impoundment" means one or more water impoundments:

(1) Constructed by man rather than natural, located wholly within the boundary of the lands owned or leased by the person operating the private water impoundments; and

(2) entirely isolated from other surface water so that the impoundment does not have any connection either continuously or at intervals, except during periods of floods, with streams or other bodies of water so as to permit the fish to move between streams or other bodies of water and the private water impoundments, except that the private water impoundments may be connected with a stream or other body of water by a pipe or conduit if fish will be prevented at all times from moving between streams or other bodies of water and the private water impoundment by screening the flow or by other means.

Park Regulations – ADA Access Issue
Amending K.A.R. 115-8-13 Motorized vehicles and aircraft;
authorization operation.

Background: K.A.R. 115-8-13 currently does not allow anyone to use unregistered vehicles on KDWP property. KDWP occasionally receives requests by handicapped individuals to use all-terrain vehicles, scooters, and other vehicles not capable of being legally registered. KDWP wishes to amend the current regulation to allow this type of vehicle to operate on department lands under certain conditions by handicapped individuals meeting certain requirements. KDWP also wishes to clarify the current regulation to specifically prohibit unauthorized use of unregistered motor vehicles including, but are not limited to, four-wheelers, other all terrain vehicles, golf carts, go carts and any two-wheeled vehicle that is propelled by an electric or gasoline powered motor which is not a moped, registered motorcycle, or motorized bicycle as defined by law. The proliferation of small unregistered motorized conveyances being operated by unlicensed individuals has created an enormous safety problem which would be corrected by this amendment. Special permits would be made available to qualified applicants to access specific areas within department lands.

Discussion:

Amending the current regulation would provide a clear definition for courts when a Notice to Appear in court is presented; many courts have requested a clear definition. Amending the current regulation would also allow the department to more fully comply with current ADA requirements and make department lands more accessible to handicapped individuals while maintaining good safety practices and resource protection.

If the concept is approved by the KDWP Commission, one or more public workshops will be scheduled during public Commission meetings and a public hearing scheduled later this calendar year as part of a KDWP Commission meeting.

Requested Commission Action: Approve the concept and allow the department to move forward with preparing a proposed amendment.

2008 Public Land Regulation Proposals

Improvements to Public Lands Regulations

Background

There are more than 100 KDWP-managed public lands, including wildlife areas and state fishing lakes. These areas range from 50 acres to nearly 20,000 acres in size and are just as variable in terms of wildlife habitat, public hunting, fishing, and other use opportunities, management, and infrastructure present. Generally, public land regulations are found in “K.A.R. 115-8 Series” for Department lands and water, however, several of these regulations can be more restrictive by posted notice for a particular piece of property. Posted notices are used statewide and were designed to provide needed flexibility for individual public land areas dependent on the situation. However, there have been some concerns that these posted notices may not be enforceable and some District Attorneys and Judges have questioned the authority to establish certain posted notices. In addition, it may be an issue of fairness and users understanding public land regulations. Currently, there are 14 generalized categories of posted notices used on public lands. These categories include; safety zones, alcohol consumption/possession, seasonal road closures, curfews, ADA areas, hunting restriction, seasonal area closures/openings, special permits, horse trails, shooting areas, boating restrictions, camping, and fishing restrictions. There are more than 361 posted notices on public lands.

Discussion

Some of the posted notice categories may need to be simplified, condensed, or organized into a reference document, which can then be voted on by the commission to address the issues of enforcement, user fairness, and understanding of public land regulations. However, there remains the need to have some flexibility to provide for public lands management and certain posted notices maybe necessary.

Recommendations

Approve proceeding with the development of a reference document that simplifies and condenses some posted notices on public lands in an organized manner that is understandable and enforceable.

2007 LATE MIGRATORY BIRD SEASONS

Background

Late season waterfowl frameworks (maximum bag, possession limits and season length, and earliest opening and latest closing dates) are established annually by the U.S. Fish and Wildlife Service (Service). These frameworks establish the limits which states must operate within when establishing waterfowl seasons. These frameworks are published around August 15, after results from the May Breeding Duck Survey and recommendations from Flyway Councils are available.

Discussion

We do not anticipate major changes in the frameworks for geese. We anticipate that the season length for Canada geese will be again be 107 days, the maximum allowed by frameworks. If season length continues to be 107 days, we would need to address the question of whether to provide youth hunt days for Canada geese and reinstate the Special September Canada Goose Seasons. To reinstate these hunts would require use of regular season days (if the regular season length is increased to 107 days).

At this time there is little information upon which to base speculation concerning the duck season frameworks for 2007. The May Breeding Duck Survey, which provides duck abundance as well as pond numbers, has not been completed. Unfortunately, even with the big snows in March the prairies of the Dakotas and Canada have had below average to average precipitation during the past year, so we are unsure if we will experience another year of liberal duck regulations.

The three current Adaptive Harvest Management regulatory packages include the following:

Liberal package – 74-day Low Plains Season, 97-day High Plains Season, (package selected since 1997)

Moderate package – 60-day Low Plains Season, 83-day High Plains Season

Restrictive package – 39-day Low Plains Season, 51-day High Plains Season

The 2006 hunting season was the first year of the three-year Hunters' Choice Experiment in the Central Flyway. The Central Flyway Council has requested that frameworks remain the same for the 2006-2008 hunting seasons to allow for an uncomplicated evaluation of the Hunters' Choice Bag Limit. The Flyway is unsure if the Service will grant this request because at the March meeting we heard proposals from the Service regarding changes in frameworks for scaup and mottled ducks.

As per the Hunters' Choice Experiment's protocol, North Dakota, South Dakota, Wyoming, Kansas, and Texas won the coin flip and will be using the Hunters' Choice Bag Limit during 2006-2008. In these states, within the Liberal and Moderate regulatory alternatives, **the daily bag limit shall be 5 ducks, with species and sex restrictions as follows:**

scaup, redhead and wood duck – 2

only 1 duck from the following group – hen mallard, mottled duck, pintail, canvasback.

Within the Restrictive regulatory alternative, **the daily bag limit shall be 3 ducks, with species and sex restrictions as follows:**

scaup, redhead and wood duck – 2

only 1 duck from the following group – hen mallard, mottled duck, pintail, canvasback.

The possession limit shall be twice the daily bag under all regulatory alternatives.

In summary, goose frameworks and resulting recommended regulations are expected to change little from last year. It is too early to predict which regular season duck regulatory package will be included in the frameworks, although we are hopeful that the liberal package will again be adopted.

Workshop Session

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.

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.

Amending K.A.R. 115-2-3a Cabin camping permit fees.

Description: This regulation establishes fees by locations for cabin camping within the state parks, state fishing lakes and wildlife areas. Initially, cabin use at state parks was limited to primitive cabins that were converted from picnic shelters by local managers. Since then, cabin demand by the public within the state parks has increased considerably. As such, the Department and local citizen support groups have responded and implemented cabin projects throughout the state parks, state fishing lakes and wildlife areas and the cabin program has been highly successful. Prices are based on location, size and accommodations within the actual cabins, and local area prices for private cabins and motel units. The proposed changes take into account new cabin locations throughout department lands that will come on line this summer, sets fees for such cabins, and deletes locations where cabins will not be on line.

Summary of current cabin usage by location:

| Park | # Cabins | 2006# Nights | 2005#Nights |
|---------------|----------|--------------|-------------|
| Cheney | 7 | 597 | 672 |
| Cedar Bluff | 5 | 427 | 495 |
| Eisenhower | 1 | 62 | 50 |
| El Dorado | 10 | 724 | 766 |
| Cross Timbers | 3 | 317 | 74 |
| Lovewell | 6 | 629 | 568 |
| Milford | 3 | 485 | 388 |
| Prairie Dog | 2 | 76 | 44 |
| Perry | 4 | 249 | 101 |
| Tuttle Creek | 4 | 533 | 442 |
| Webster | 1 | 67 | 54 |
| Wilson | 2 | 105 | 0 |
| TOTAL | 48 | 4271 | 3654 |

Proposed amendment summary:

Eisenhower State Park; Two Yurts (wood floor platform, round canvas sides and roof, no utilities) proposed action: **add Yurts 1&2 @ \$36.00 per night** to the regulation page 3.

Tuttle Creek State Park; Three new, larger cabins will be brought on line this summer; proposed action: **increase the fees \$10 per night for Cabins 5 through 7** above the fees for cabins 1 through 4 on page 8.

Mined Lands Wildlife Area; **adds Cabin 1 @ \$60 year-round per night and \$420 year-round per week** on page 10.

Ottawa State Fishing Lake; **adds Cabin 1 @ \$60 year-round per night and \$420 year-round per week** on page 10.

Adds “and wildlife areas” to section (b) page 9.

Changes/Deletes cabin pricing for Clark and Woodson State Fishing Lakes on page 9 and 10 and Adds \$60 year-round per night and \$420 year-round per week making all WA/SFL cabins the same prices year round.

KAR 115-25-9a

Deer; open season, bag limit, and permits; additional considerations.

Background

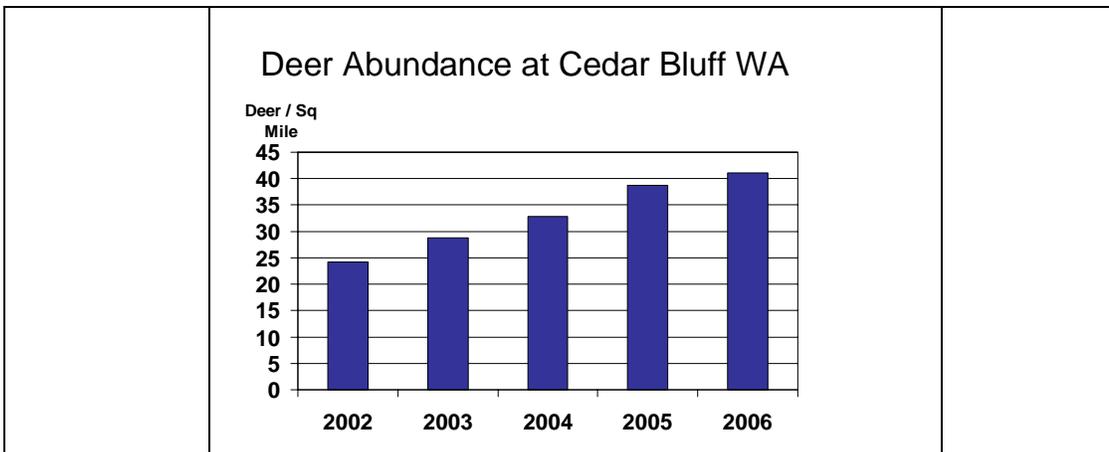
This would be the new regulation dealing with deer seasons and permits on public areas. The regulation would contain the following items:

- ▶ Dates when archery and firearms seasons may occur at Fort Riley.
- ▶ 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 indicated 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. Firearms 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. |
|------------------|--------------------------------------------------------------------------------------------------------------------------------|

The staff recommends that deer hunters be allowed to use a deer game tag valid in DMU 2 on Cedar Bluff Wildlife Management Area.

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 areas open would be listed in an exempt regulation reviewed annually.

Public Hearing

115-25-9. Deer; open season, bag limit, and permits. (a) The open season for the taking of deer shall be as follows:

(1) Archery season.

(A) The archery season dates shall be October 1, 2007 through December 31, 2007.

(B) The entire state shall be open for the taking of deer during the archery deer season.

However, archery deer permits shall be valid in only two archery deer management units in addition to archery deer management unit 19, as specified in K.A.R. 115-4-6a.

(C) All archery deer permits also shall be valid during the portion of the extended firearm season beginning on January 1, 2008 and extending through the last open day in units open during an extended firearm season and shall be valid with any legal equipment authorized during a firearm season, but shall be valid only for antlerless white-tailed deer during those dates and valid only in firearms management units that are contained within the archery management units recorded on the archery deer permit and open to the extended firearms season.

(D) The number of archery deer permits based on a review of deer population indices, biological and ecological data, history of permit use and harvest rates, public input, and other relevant information shall be as established by the secretary with the concurrence of the commission.

(E) The urban antlerless-only white-tailed deer archery season shall begin on January 7, 2008 and extend through January 31, 2008 in all units designated as an urban deer management unit.

(2) Firearm season.

(A) In the Fort Leavenworth subunit, the firearm season dates shall be 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. In the Smoky Hill Air National Guard subunit, the firearm season dates shall be November 20, 2007 through December 1, 2007. The regular firearm season dates in all other deer management units shall be November 28, 2007 through December 9, 2007.

(B) The urban firearm deer season in all units designated in K.A.R. 115-4-6 as an urban deer management unit shall be October 13, 2007 through October 21, 2007. White-tailed either-sex firearm permits issued for a deer management unit adjacent to an urban deer management unit shall be valid only in the urban deer management unit during the urban firearm deer season.

(C) During the regular and extended firearm deer seasons, white-tailed either-sex firearm deer permits issued for a deer management unit adjacent to an urban deer management unit shall be valid in both the designated unit and the urban deer management unit.

(D) The number of firearm deer permits for each management unit based on a review of deer population indices, biological and ecological data, history of permit use and harvest rates, public input, and other relevant information shall be as established by the secretary with the concurrence of the commission.

(3) Muzzleloader-only season.

(A) The muzzleloader-only season in all deer management units shall be September 15, 2007 through September 28, 2007. Muzzleloader deer permits shall also be valid during established firearm

seasons using muzzleloader equipment, except that during the portion of the extended firearm season beginning on January 1, 2008 and extending through the last open day in units open during an extended firearm season, these permits shall be valid with any legal equipment authorized during a firearm season. During an extended firearm season, only muzzleloader deer permits for units open during these dates shall be valid, and only for antlerless white-tailed deer.

(B) The number of muzzleloader deer permits issued for each management unit based on a review of deer population indices, biological and ecological data, history of permit use and harvest rates, public input, and other relevant information shall be as established by the secretary with the concurrence of the commission.

(4) Season for designated persons.

(A) The season for designated persons to hunt deer shall be September 29, 2007 through September 30, 2007 in all deer management units.

(B) Only the following persons may hunt during this season:

(i) Any person 16 years of age or younger, only while under the immediate supervision of an adult who is 18 years of age or older; and

(ii) any person with a permit to hunt from a vehicle issued according to K.A.R. 115-18-4 or a disability assistance permit issued according to K.A.R. 115-18-15.

(C) All resident and nonresident deer permits and game tags shall be valid during this season.

(D) All persons hunting during this season shall wear blaze orange according to K.A.R. 115-4-4.

(5) Extended firearm seasons.

(A) Any unfilled firearm, muzzleloader, or archery permit or antlerless white-tailed deer game tag valid in unit 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, or 19, as applicable, shall be valid during the extended firearm season beginning January 1, 2008 and extending through January 6, 2008 in those units.

(B) Only antlerless white-tailed deer may be taken.

(C) Permits restricted to a specific unit shall remain restricted to that unit during the extended firearm season.

(D) Equipment legal during a firearm season shall be authorized with any permit.

(b) Unlimited resident hunt-on-your-own-land, special hunt-on-your-own-land, and nonresident hunt-on-your-own-land deer permits shall be authorized for all units. These permits also shall be valid during the portion of the extended firearm season beginning on January 1, 2008 and extending through the last open day in units open during an extended firearm season, but shall be valid only for antlerless white-tailed deer during an extended firearm season.

(c) Permit applications.

(1) Applications for resident firearms and muzzleloader any-deer permits shall be accepted in the Pratt office from the earliest date that applications are available through July 13, 2007. Applications with a postmark date of not later than July 13, 2007 shall also be accepted.

(2) Applications for resident firearm white-tailed either-sex deer permits, resident archery deer permits, and hunt-on-your-own-land deer permits shall be accepted at designated locations from the earliest date that applications are available through December 30, 2007.

(3) The following types of deer permits may be purchased at designated locations from the earliest date that applications are available through January 30, 2008:

(A) Antlerless white-tailed deer permits; and

(B) antlerless white-tailed deer game tags.

(4) Applications for nonresident antlered deer permits shall be accepted in the Pratt office from the earliest date that applications are available through May 31, 2007. Applications with a postmark date of not later than May 31, 2007 shall also be accepted.

(d) Any individual may apply for and obtain multiple deer permits, subject to the following limitations:

(1) Any individual may apply for or obtain no more than one deer permit that allows the taking of an antlered deer.

(2) Any individual may obtain no more than one antlerless white-tailed deer permit and four antlerless white-tailed deer game tags. One antlerless white-tailed deer game tag shall be valid statewide, except that no antlerless white-tailed deer game tags shall be valid in units 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.

(3) Any resident may obtain no more than one any-deer permit through the application period described in paragraph (c)(1).

(4) Nonresidents shall be eligible to obtain antlerless white-tailed deer permits and antlerless white-tailed deer game tags. Otherwise, a nonresident shall be eligible to apply for and obtain only those permits designated as nonresident deer permits.

(5) No resident or nonresident shall purchase any deer permit or game tag that allows the taking of antlerless-only deer without first having obtained a deer permit that allows the taking of antlered deer, unless the antlerless-only deer permit or game tag is purchased after December 30, 2007.

(e) The bag limit for each deer permit or game tag shall be one deer, as specified on the permit or game tag issued to the permittee.

(f) No deer permit or deer game tag issued pursuant to this regulation shall be valid after January 31, 2008.

(g) This regulation shall be effective on and after May 1, 2007, and shall have no force and effect on and after March 1, 2008. (Authorized by K.S.A. 32-807 and K.S.A. 2006 Supp. 32-937; implementing K.S.A. 32-807, K.S.A. 2006 Supp. 32-937, and K.S.A. 2006 Supp. 32-1002.)

ECONOMIC IMPACT STATEMENT

K.A.R. 115-25-9. Deer; open season, bag limit, and permits.

DESCRIPTION: The proposed exempt regulation establishes hunting bag limits, application periods and season dates for the 2007-2008 firearm, muzzleloader and archery deer seasons. There are three main changes from the 2006-07 seasons. First, the extended firearm season for antlerless white-tailed deer in January is shortened to six days. In 2005-06, the season was a total of seven days. Second, the Fort Riley firearms seasons will be set in a new regulation in order to better accommodate the changing mission and training at Fort Riley. Finally, game tags would be authorized in two units where they were not authorized the previous year, both in the northwestern part of the state.

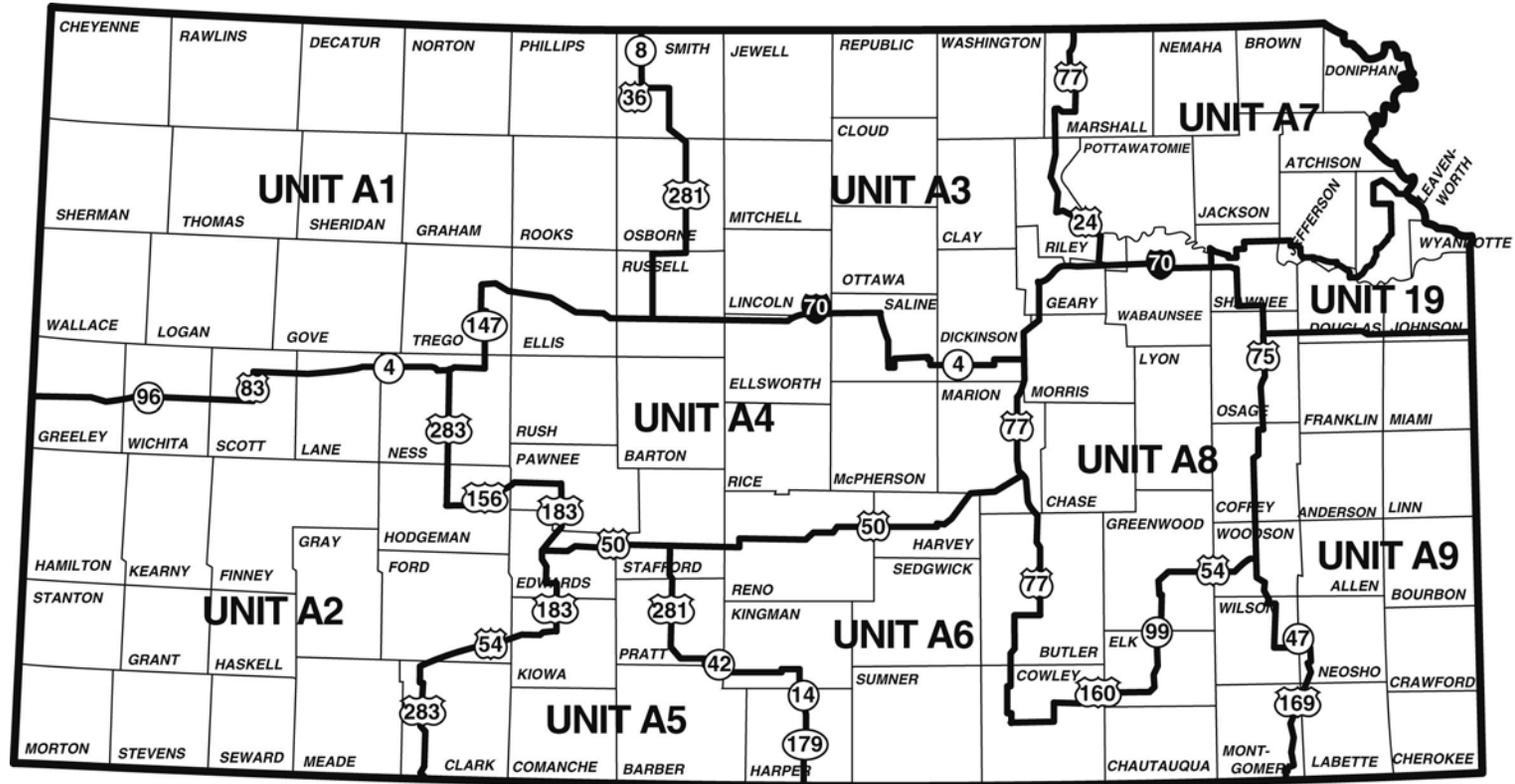
FEDERAL MANDATES: None

ECONOMIC IMPACT: If the economic impact to the department, the general public, and other agencies from the 2007-08 seasons were to be similar to the estimate for the 2006-2007 seasons, total revenue to the department from the sale of all resident, nonresident, and landowner/tenant deer permits and game tags is estimated to be approximately \$8,000,000.

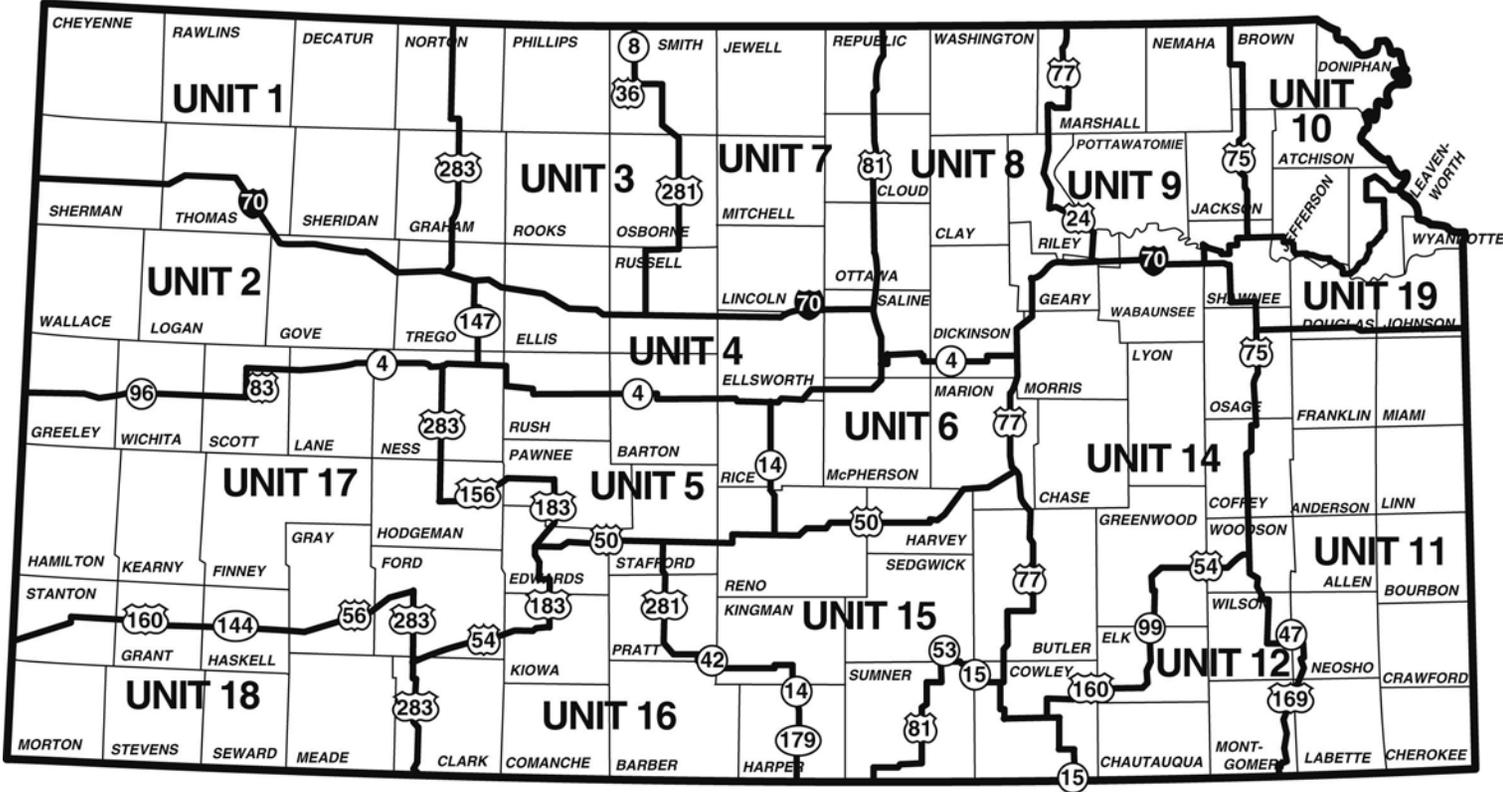
Approximately 415,000 days of hunting activity by 83,000 hunters are anticipated. A 2001 survey conducted by the U.S. Fish and Wildlife Service estimated that big game hunters spent approximately \$512 per year on trip and equipment expenditures, thus the 2006 deer seasons in Kansas are anticipated to generate approximately \$42.5 million worth economic benefit to businesses providing big game goods and services. No other economic impact to state agencies is anticipated.

ALTERNATIVES CONSIDERED: None

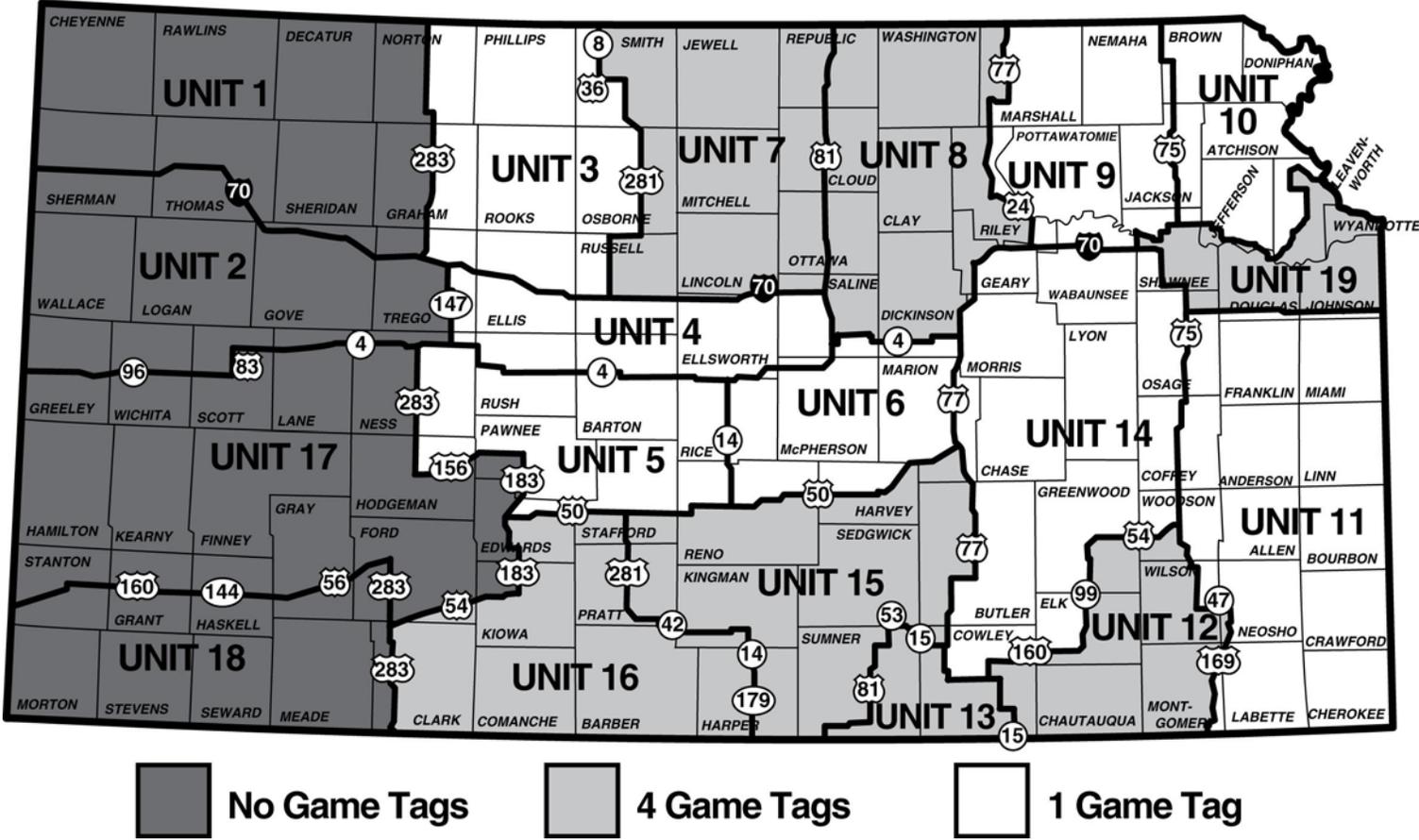
Current Archery Deer Management Units



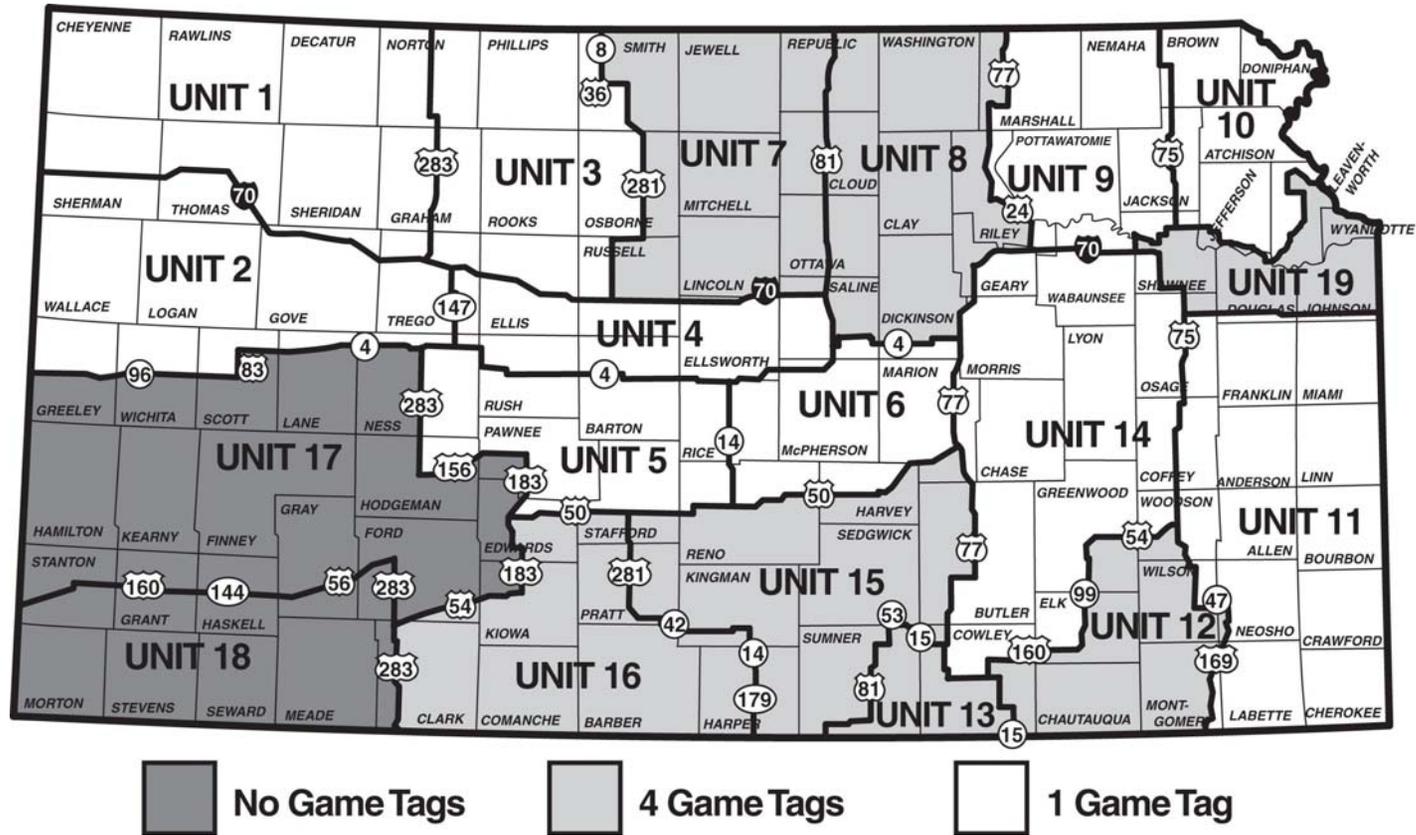
Current Deer Firearms Deer Management Units



Current Game Tag Deer Management Units



Proposed Game Tag Deer Management Units



Secretary's Orders

Background

The Secretary's Orders on Deer Permits are brought before the Commission each year at the public meeting in April. The Secretary's orders contain information on a unit-by-unit basis on the availability of deer permits for residents and nonresidents. The orders list permits that are open in availability as well as permits that require an application and drawing. Staff use trends in deer populations, age structure of the harvest, trends in the harvest, and input from field personnel to establish Secretary's Orders.

Commissioners are requested to concur with the Secretary's Orders. A formal vote is not required.

Discussion

Residents:

Any deer permits for resident bowhunters have been available on an open basis since 1965. White-tailed deer either sex firearm and muzzleloader permits have been available on an open basis for Kansas residents since 2001, following numerous years where limited availability and drawing exceeded the demand for that type of permit. White-tailed deer antlerless only permits valid during any season have been available on an open basis for resident deer hunters since 2001. White-tailed deer antlerless game tags were first authorized in 1989. Their use expanded to additional units in 1998 when they became a key component in deer population control.

Muzzleloader any deer permits for residents have been available since 1978. The early muzzleloader season in September was initiated in 1989. The availability of those permits generally exceeded the demand.

Resident any deer firearm permits have been authorized since 1965. This type of permit has been the most desired permit type through the years as it allows hunters to take either a white-tailed deer or a mule deer.

Antlerless only permits (permits that restricted the hunter to only antlerless deer but which allowed the hunter to take a female whitetail or mule deer) were established in 1981. They have been available to resident hunters every year except 2005 and 2006.

Few changes are proposed for resident deer hunters in 2007. The changes are:

1. Game tags will be authorized in DMU 1 and DMU 2, and
2. Antlerless only permits (n = 100) will be authorized in DMU 3

Nonresidents:

Nonresident deer permits were authorized in 1994. The procedure to allow nonresidents to hunt in Kansas and the maximum number of permits that KDWP could authorize for nonresident use has changed each year since that time. The current system restricts the number of nonresident firearm hunters to 20 percent of the number of resident permits if the permits are limited to residents or to 20 percent of the previous year's sale of permits if that type of permit was open in availability to residents. Nonresident archery permits are limited to 25 percent of the number of resident bowhunters

the previous year. As a result of a slightly higher level of resident deer hunter participation in 2006 compared to 2005 and a change from 18 percent to 20 percent of the resident firearm permits and 23 percent to 25 percent of the resident archery permits there has been an increase in the availability of nonresident deer permit.

Nonresident firearm permits for white-tailed deer will increase from 9,566 in 2006 to 10,626 in 2007. Nonresident archery permits will increase from 4,228 in 2006 to 4,870 in 2007.

Recommendation

The staff recommendation for the Commission is to concur with the Secretary's Orders on deer permits.

SECRETARY'S ORDERS
2007 DEER SEASON PERMIT QUOTAS

The Secretary of the Kansas Department of Wildlife and Parks, as authorized by K.A.R. 115-25-9, hereby establishes the 2007 deer season permit quotas in the following deer management units:

2007 DEER SEASON PERMIT QUOTAS, KANSAS RESIDENTS

HIGH PLAINS; UNIT 1:

| | |
|---------------------------------|----------------|
| Any Deer | 540 |
| Muzzleloader Any Deer | 225 |
| Whitetail Either Sex | one per hunter |
| Whitetail Antlerless Only | one per hunter |
| Antlerless Only Deer Tags | * ^b |

SMOKY HILL; UNIT 2:

| | |
|---------------------------------|----------------|
| Any Deer | 330 |
| Muzzleloader Any Deer | 150 |
| Whitetail Either Sex | one per hunter |
| Whitetail Antlerless Only | one per hunter |
| Antlerless Only Deer Tags | * ^b |

KIRWIN-WEBSTER; UNIT 3:

| | |
|---------------------------------|----------------|
| Any Deer | 500 |
| Muzzleloader Any Deer | 200 |
| Antlerless Only Deer | 100 |
| Whitetail Either Sex | one per hunter |
| Whitetail Antlerless Only | one per hunter |
| Antlerless Only Deer Tags | * ^b |

KANOPOLIS; UNIT 4:

| | |
|---------------------------------|----------------|
| Any Deer | 150 |
| Muzzleloader Any Deer | 50 |
| Whitetail Either Sex | one per hunter |
| Whitetail Antlerless Only | one per hunter |
| Antlerless Only Deer Tags | * ^b |

^a A maximum of four game tags per hunter may be used within the area of DMUs 7, 8, 10A, 12, 13, 15, 16, and 19.

^b A maximum of one game tag may be used within the area of DMUs 1, 2, 3, 4, 5, 6, 9, 10, 11, and 14.

PAWNEE; UNIT 5:

| | |
|---------------------------------|----------------|
| Any Deer | 100 |
| Muzzleloader Any Deer | 75 |
| Whitetail Either Sex | one per hunter |
| Whitetail Antlerless Only | one per hunter |
| Antlerless Only Deer Tags | * ^b |

MIDDLE ARKANSAS; UNIT 6:

| | |
|---------------------------------|----------------|
| Whitetail Either Sex | one per hunter |
| Whitetail Antlerless Only | one per hunter |
| Antlerless Only Deer Tags | * ^b |

SOLOMON; UNIT 7:

| | |
|---------------------------------|----------------|
| Any Deer | 250 |
| Muzzleloader Any Deer | 75 |
| Whitetail Either Sex | one per hunter |
| Whitetail Antlerless Only | one per hunter |
| Antlerless Only Deer Tags | * ^a |

REPUBLICAN; UNIT 8:

| | |
|---------------------------------|----------------|
| Whitetail Either Sex | one per hunter |
| Whitetail Antlerless Only | one per hunter |
| Antlerless Only Deer Tags | * ^a |

TUTTLE CREEK; UNIT 9:

| | |
|---------------------------------|----------------|
| Whitetail Either Sex | one per hunter |
| Whitetail Antlerless Only | one per hunter |
| Antlerless Only Deer Tags | * ^b |

KAW; UNIT 10:

| | |
|---------------------------------|-----------------|
| Whitetail Either Sex | one per hunter |
| Whitetail Antlerless Only | one per hunter |
| Antlerless Only Deer Tags | * ^{ab} |

OSAGE PRAIRIE; UNIT 11:

Whitetail Either Sex one per hunter
 Whitetail Antlerless Only one per hunter
 Antlerless Only Deer Tags * b

CHAUTAUQUA HILLS; UNIT 12:

Whitetail Either Sex one per hunter
 Whitetail Antlerless Only one per hunter
 Antlerless Only Deer Tags * a

LOWER ARKANSAS; UNIT 13:

Whitetail Either Sex one per hunter
 Whitetail Antlerless Only one per hunter
 Antlerless Only Deer Tags * a

FLINT HILLS; UNIT 14:

Whitetail Either Sex one per hunter
 Whitetail Antlerless Only one per hunter
 Antlerless Only Deer Tags * b

NINNESCAH; UNIT 15:

Whitetail Either Sex one per hunter
 Whitetail Antlerless Only one per hunter
 Antlerless Only Deer Tags * a

RED HILLS; UNIT 16:

Any Deer 200
 Muzzleloader Any Deer 125
 Whitetail Either Sex one per hunter
 Whitetail Antlerless Only one per hunter
 Antlerless Only Deer Tags * a

^a A maximum of four game tags per hunter may be used within the area of DMUs 7, 8, 10A, 12, 13, 15, 16, and 19.
^b A maximum of one game tag may be used within the area of DMUs 1, 2, 3, 4, 5, 6, 9, 10, 11, and 14.

WEST ARKANSAS; UNIT 17:

Any Deer 300
 Muzzleloader Any Deer 200
 Whitetail Either Sex one per hunter
 Whitetail Antlerless Only one per hunter

CIMARRON; UNIT 18:

Any Deer 120
 Muzzleloader Any Deer 100
 Whitetail Either Sex one per hunter
 Whitetail Antlerless Only one per hunter

BROUGHAM & KIMPLE LDMP

Whitetail Either Sex (Public Draw) 3
 Whitetail Either Sex (LDMP Client) 21
 Whitetail Antlerless Only (LDMP Client) 31

KANSAS CITY URBAN; UNIT 19:

Antlerless Only Deer Tags * a

HUNT-ON-YOUR-OWN-LAND;

UNITS 1-19:

Any Deer one per hunter

ARCHERY; CHOICE OF TWO ARCHERY UNITS:

Any Deer one per hunter

2007 NONRESIDENT DEER SEASON PERMIT QUOTAS

Secretary's Orders

2007 Deer Season Permit Quotas

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HIGH PLAINS; UNIT 1:

Muzzleloader Any Deer..... 44
Whitetail Either Sex..... 152
Whitetail Antlerless Only one per hunter
Antlerless Only Deer Tags..... * b

SMOKY HILL; UNIT 2:

Muzzleloader Any Deer..... 30
Whitetail Either Sex..... 138
Whitetail Antlerless Only one per hunter
Antlerless Only Deer Tags..... * b

KIRWIN-WEBSTER; UNIT 3:

Muzzleloader Any Deer..... 40
Whitetail Either Sex..... 300
Antlerless Only Deer 20
Whitetail Antlerless Only one per hunter
Antlerless Only Deer Tags..... * b

KANOPOLIS; UNIT 4:

Muzzleloader Any Deer..... 10
Whitetail Either Sex..... 268
Whitetail Antlerless Only.....one per hunter
Antlerless Only Deer Tags..... * b

PAWNEE; UNIT 5:

Muzzleloader Any Deer.....14
Whitetail Either Sex.....280
Whitetail Antlerless Onlyone per hunter
Antlerless Only Deer Tags..... * b

MIDDLE ARKANSAS; UNIT 6:

Whitetail Either Sex.....418
Whitetail Antlerless Onlyone per hunter
Antlerless Only Deer Tags..... * b

SOLOMON; UNIT 7:

Muzzleloader Any Deer..... 14
Whitetail Either Sex.....624
Whitetail Antlerless Only one per hunter
Antlerless Only Deer Tags..... * a

REPUBLICAN; UNIT 8:

Whitetail Either Sex.....898
Whitetail Antlerless Onlyone per hunter
Antlerless Only Deer Tags..... * a

2007 NONRESIDENT DEER SEASON PERMIT QUOTAS

Secretary's Orders

2007 Deer Season Permit Quotas

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LOWER ARKANSAS; UNIT 13:

Whitetail Either Sex.....250
 Whitetail Antlerless Onlyone per hunter
 Antlerless Only Deer Tags..... * a

FLINT HILLS; UNIT 14:

Whitetail Either Sex.....1,116
 Whitetail Antlerless Onlyone per hunter
 Antlerless Only Deer Tags..... * b

NINNESCAH; UNIT 15:

Whitetail Either Sex.....876
 Whitetail Antlerless Onlyone per hunter
 Antlerless Only Deer Tags..... * a

RED HILLS; UNIT 16:

Muzzleloader Any Deer.....24
 Whitetail Either Sex.....368
 Whitetail Antlerless Onlyone per hunter
 Antlerless Only Deer Tags..... * a

TUTTLE CREEK; UNIT 9:

Whitetail Either Sex.....718
 Whitetail Antlerless Onlyone per hunter
 Antlerless Only Deer Tags..... * b

KAW; UNIT 10:

Whitetail Either Sex.....1,016
 Whitetail Antlerless Onlyone per hunter
 Antlerless Only Deer Tags..... *a b

OSAGE PRAIRIE; UNIT 11:

Whitetail Either Sex.....2,120
 Whitetail Antlerless Onlyone per hunter
 Antlerless Only Deer Tags..... * b

CHAUTAUQUA HILLS; UNIT 12:

Whitetail Either Sex.....730
 Whitetail Antlerless Only one per hunter
 Antlerless Only Deer Tags..... * a

^a A maximum of four game tags per hunter may be used within the area of DMUs 7, 8, 10A, 12, 13, 15, 16, and 19.

^b A maximum of one game tag may be used within the area of DMUs 1, 2, 3, 4, 5, 6, 9, 10, 11, and 14.

WEST ARKANSAS; UNIT 17:

Muzzleloader Any Deer..... 40
Whitetail Either Sex..... 234
Whitetail Antlerless Only one per hunter

CIMARRON; UNIT 18:

Muzzleloader Any Deer..... 20
Whitetail Either Sex.....120
Whitetail Antlerless Onlyone per hunter

KANSAS CITY URBAN; UNIT 19:

Antlerless Only Deer Tags..... *^a

HUNT-ON-YOUR-OWN-LAND:

UNITS 1-19:

Any Deer..... one per hunter

WHITE-TAILED EITHER SEX ARCHERY:

ARCHER UNIT A1.....340
ARCHER UNIT A2..... 178
ARCHER UNIT A3.....552
ARCHER UNIT A4.....468
ARCHER UNIT A5.....212
ARCHER UNIT A6.....806
ARCHER UNIT A7.....572
ARCHER UNIT A8.....870
ARCHER UNIT A9.....872

_____ Secretary

_____ Date

^a A maximum of four game tags per hunter may be used within the area of DMUs 7, 8, 10A, 12, 13, 15, 16, and 19.

^b A maximum of one game tag may be used within the area of DMUs 1, 2, 3, 4, 5, 6, 9, 10, 11, and 14.

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

(1) Archery season.

(A) The archery season dates shall be September 22, 2007 through September 30, 2007 and October 13, 2007 through October 31, 2007.

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

(2) Firearm season.

(A) The firearm season dates shall be October 5, 2007 through October 8, 2007.

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

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

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

(3) Muzzleloader-only season.

(A) The muzzleloader-only season dates shall be October 1, 2007 through October 8, 2007.

Muzzleloader permits also shall be valid in the unit for which the permit is authorized during the

established firearm season dates.

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

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

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

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

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

(c) Applications for resident firearm and muzzleloader permits shall be accepted in the Pratt office from the earliest date that applications are available through June 8, 2007. Applications with a postmark date of not later than June 8, 2007 shall also be accepted. Applications for resident and nonresident archery permits shall be accepted where issued from the earliest date that applications are available through October 30, 2007. If there are any unfilled permits after all timely applications have been considered, the application period may be extended by the secretary. Any applicant unsuccessful in obtaining a permit through a drawing may apply for any permit made available during an extended application period, or any other permit that is available on an unlimited basis.

(d) This regulation shall be effective on and after May 1, 2007, and shall have no force and effect on and after March 1, 2008. (Authorized by K.S.A. 32-807 and K.S.A. 2006 Supp. 32-937; implementing K.S.A. 32-807, K.S.A. 2006 Supp. 32-937, and K.S.A. 2006 Supp. 32-1002.)

ECONOMIC IMPACT STATEMENT

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

DESCRIPTION: This proposed exempt regulation establishes hunting unit boundaries, bag limit, application periods and season dates for the 2007 firearm, muzzleloader, and archery antelope seasons. The hunting units include all of the area included during the 2006 season. An unlimited number of archery permits are authorized, however, recent trends indicate that about 190 people may apply for these permits for residents. 5 nonresident archery permits were issued in 2006 and it is anticipated that a like number will be issued in 2007.

The proposed unit boundaries for the 2007 firearm hunting season are the same as the 2006 unit boundaries. A total of 114 firearms permits are proposed in two management units as follows: Unit 2 - 86 permits and Unit 17 - 28 permits, a decrease of 16 total permits from 2006. In addition, 38 muzzleloader permits are proposed in three management units as follows: Unit 2 - 22 permits, Unit 17 - 8 permits, and Unit 18 - 8 permits, a decrease of 6 total permits from 2006.

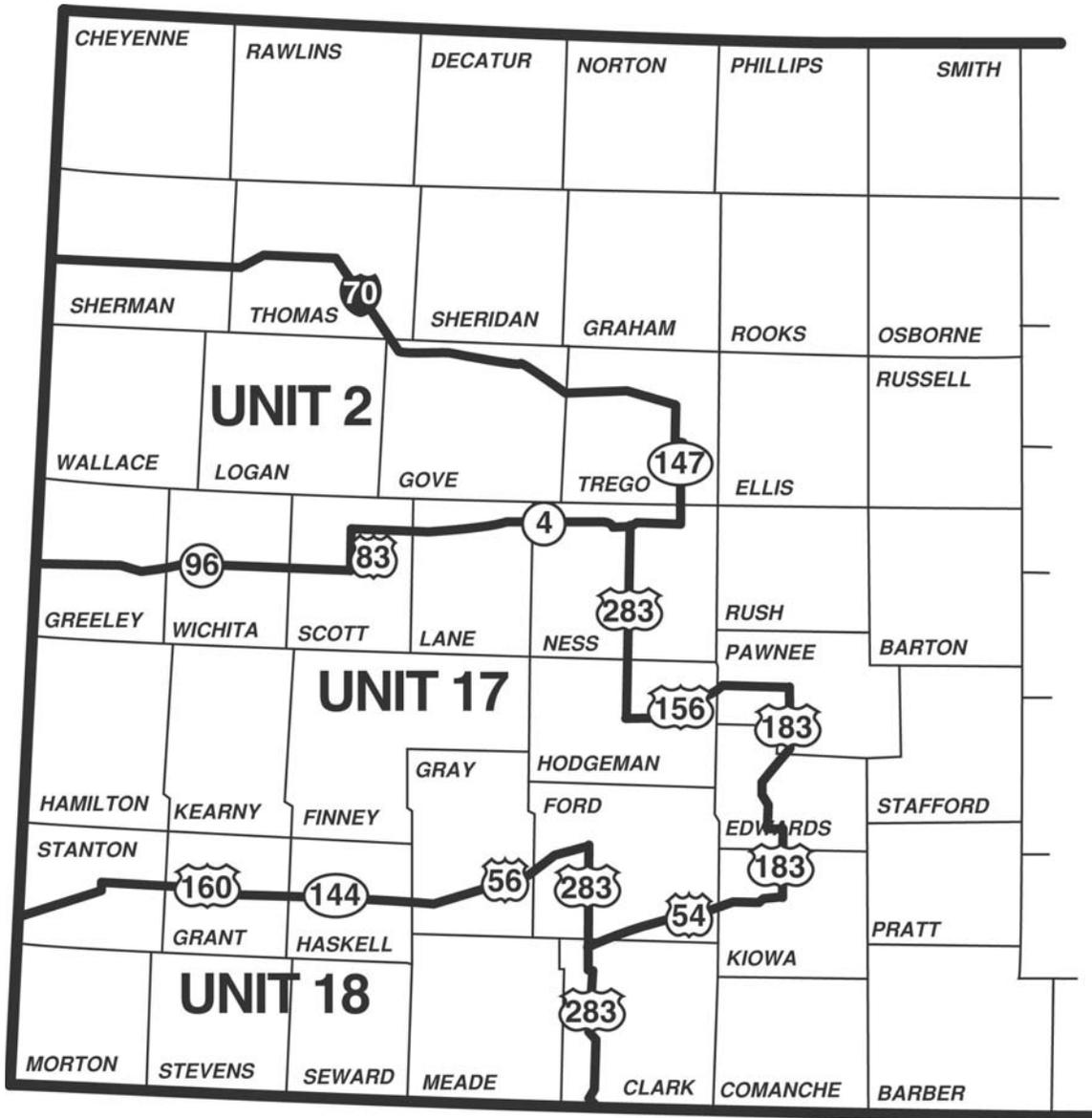
FEDERAL MANDATE: None.

ECONOMIC IMPACT: It is anticipated that 347 antelope hunting permits will be authorized. Estimated revenue if all permits are issued would be \$10,660. That amount represents equal participation in the antelope season by landowner/tenants and general residents, as well as nonresident participation. Approximately 900 people will apply for an antelope permit. A \$5 nonrefundable application fee from all applicants will generate an additional \$4,500. Other administrative costs associated with the season are borne by the Department.

Approximately 1735 days of hunting activity will occur. The national survey of fishing, hunting, and wildlife associated recreation conducted by the U.S. Fish and Wildlife Service estimated that an average big game hunter spent more than \$512 per season, thus the antelope season may generate \$177,664 in economic benefits to businesses providing goods and services. There will be no other economic impact on the general public or on other state agencies.

ALTERNATIVES CONSIDERED: None.

Antelope Units



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

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

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

(A) Statewide, except Fort Riley, subunit 8a, and Morton County, a portion of unit 18: October 1, 2007 through December 31, 2007.

(B) Fort Riley, subunit 8a: September 1, 2007 through September 30, 2007.

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

(A) Statewide, except Fort Riley, subunit 8a, and Morton County, a portion of unit 18: November 28, 2007 through December 9, 2007 and January 1, 2008 through March 15, 2008.

(B) Fort Riley, subunit 8a:

(i) First segment: October 1, 2007 through October 31, 2007.

(ii) Second segment: November 1, 2007 through November 30, 2007.

(iii) Third segment: December 1, 2007 through December 31, 2007.

(3) The muzzleloader unit shall be statewide, except Morton County, a portion of unit 18. The muzzleloader season dates shall be September 1, 2007 through September 30, 2007.

(c) An any-elk permit shall be valid during any season using equipment authorized for that season. Seven any-elk permits shall be authorized.

(d) An antlerless-only elk permit shall be valid during any season using equipment authorized for that season, except that an antlerless-only elk permit shall be valid on Fort Riley, subunit 8a, only as follows:

(1) A first-segment antlerless-only elk permit shall be valid on Fort Riley, subunit 8a, only during the first segment. Four first-segment antlerless-only elk permits shall be authorized.

(2) A second-segment antlerless-only elk permit shall be valid on Fort Riley, subunit 8a, only during the second segment. Four second-segment antlerless-only elk permits shall be authorized.

(3) A third-segment antlerless-only elk permit shall be valid on Fort Riley, subunit 8a, only during third segment. Four third-segment antlerless-only elk permits shall be authorized.

(4) All antlerless-only elk permits shall be valid on Fort Riley, subunit 8a, during the September 1, 2007 through September 30, 2007 archery and muzzleloader seasons.

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

(f) Antlerless-only elk permits and any-elk permits shall be awarded from a pool of applicants who are Fort Riley military personnel and applicants who are not Fort Riley military personnel.

(g) An unlimited number of hunt-on-your-own-land elk permits shall be authorized statewide, except Morton County, a portion of unit 18. A hunt-on-your-own-land permit shall be valid during any open season. The bag limit for each hunt-on-your-own-land elk permit shall be one antlerless elk. Applications for hunt-on-your-own-land elk permits shall be accepted at the Pratt office from the earliest date that applications are available through March 14, 2008.

(h) Applications for antlerless-only elk permits and any-elk permits shall be accepted at designated locations from the earliest date that applications are available through July 13, 2007. Applications with a postmark date of not later than July 13, 2007 shall also be accepted.

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

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

(k) This regulation shall have no force and effect on and after April 1, 2008. (Authorized by K.S.A. 32-807 and K.S.A. 2006 Supp. 32-937; implementing K.S.A. 32-807, K.S.A. 2006 Supp. 32-937, and K.S.A. 2006 Supp. 32-1002.)

ECONOMIC IMPACT STATEMENT

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

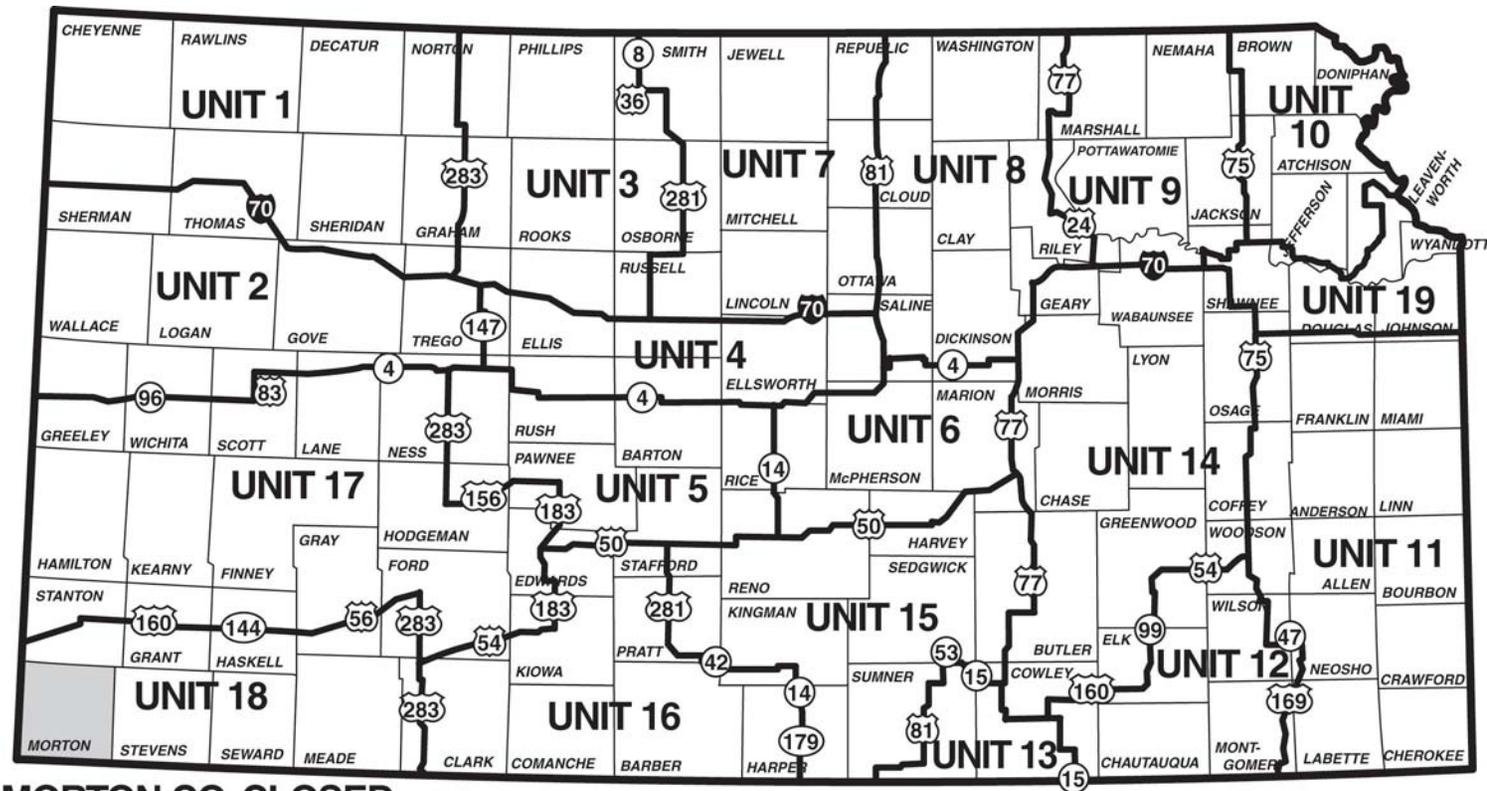
DESCRIPTION: This proposed exempt regulation establishes hunting unit boundaries, bag limit, application periods and season dates for the 2007-2008 muzzleloader, archery, and firearm seasons for elk. The units allow for statewide use, except in Morton County. Elk hunters would be allowed to hunt during any open season with the equipment that was allowed during that season. The proposed regulation would allow elk hunting from September 1, 2007 through March 15, 2008 statewide (outside Fort Riley). All twelve antlerless permits would also be valid during a September muzzleloader and archery equipment season on Fort Riley. However, only four antlerless-only elk permits at a time would be made available for use during each of three seasons on subunit 8a (Fort Riley) (October 1, 2007 through October 31, 2007; November 1, 2007 through November 30, 2007; and December 1, 2007 through December 31, 2007). Seven any-elk permits would be valid from September 1, 2007 through December 31, 2007 on subunit 8a and from September 1, 2007 through March 15, 2008 in the remainder of the state, except Morton County. In addition, an unlimited number of hunt-on-your-own-land (HOYOL) antlerless-only elk permits would be made available, to be used during any open season. Fort Riley military personnel would continue to control access to the military grounds for the purpose of elk hunting, and are expected to provide hunting access only during a portion of the available days during the open seasons. The seasons are intended to provide increased opportunity for those hunters drawing elk permits, and increased flexibility to address elk that may disperse off the Fort. New for the 2007 season would be the opening of subunit 8a (on Fort Riley) for a muzzleloader and archery equipment season during the month of September.

FEDERAL MANDATE: None

ECONOMIC IMPACT: It is anticipated that 39 elk permits may be issued, including 20 available non-HOYOL permits. In addition, it is estimated that 930 of people will apply for the drawing permits and those individuals pay a \$5 nonrefundable application fee. The application fee generates \$4650. Estimated revenue if all permits are issued would be approximately \$8,600. Administrative costs associated with the season are borne by the Department. Approximately 390 days of hunting activity may occur, thus providing economic benefit to businesses providing goods and services. To the extent the expanded unit, seasons, and permit numbers help prevent dispersal of elk onto private land, and therefore help prevent occurrence of damage from dispersed elk, there may be some positive economic impact to the general public. No other economic impact on the general public or on other state agencies is anticipated.

ALTERNATIVES CONSIDERED: None

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



MORTON CO. CLOSED

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

requirements. The requirements specified in this regulation shall apply to licenses, permits, stamps, tags, and other issues of the department purchased from electronic or telephone license vendors or by means of a computer network. These requirements shall consist of the following:

(a) Each individual who receives an issue of the department purchased from an electronic or telephone license vendor or by means of a computer network shall sign the issue, attesting that all information on the issue is true and correct.

(b) Each individual who receives a departmental issue from a telephone vendor shall carry the confirmation number while actively engaged in any activity authorized by the departmental issue. When the individual receives the physical copy of any issue received from a telephone vendor, the individual shall sign and carry the physical copy of the departmental issue while actively engaged in any activity authorized by the departmental issue.

(c) Each stamp received from an electronic or telephone license vendor or by means of a computer network shall be validated if the individual signs the issue displaying the valid stamp purchase. The confirmation number of each stamp purchased from a telephone license vendor shall be proof of signature until the individual receives the physical copy of the stamp purchased from the license vendor.

(d) Any current issue of the department that is destroyed or lost may be replaced by an electronic license vendor or by means of a computer network. Each individual whose current issue was destroyed or lost shall sign the new issue, attesting to the destruction or loss of the current issue.

(e) An application form shall not be required for an individual to purchase any issue from an electronic or telephone license vendor or by means of a computer network. The signature on the issue by the individual receiving the issue shall satisfy the signature requirement on application forms.

(f) The removal of the carcass tag from any big game or wild turkey permit or game tag purchased from an electronic license vendor or by means of a computer network shall not invalidate the permit, game tag, or carcass tag for hunting. However, signing any carcass tag before harvesting an animal for which the carcass tag was issued shall invalidate the carcass tag and either the permit or the game tag for use.

(g) Each temporary annual park permit purchased from an electronic or telephone license vendor or by means of a computer network shall be valid only if visibly displayed on the vehicle or camping unit for which the annual park permit was purchased. Each individual with a temporary annual park permit purchased from an electronic license vendor or by means of a computer network shall exchange the permit for a permanent annual park permit at a department office or automated park license vendor.

(h) Each person required to provide the identifying number of a license, permit, tag, stamp, or other issue of the department shall use the transaction number of the electronic license, permit, tag, stamp, or other issue. (Authorized by K.S.A. 32-807, K.S.A. ~~2004~~ 2005 Supp. 32-980, and K.S.A. ~~2004~~ 2005 Supp. 32-1001; implementing K.S.A. ~~2004~~ 2005 Supp. 32-980 and K.S.A. ~~2004~~ 2005 Supp. 32-1001; effective July 22, 2005; amended P-_____.)

ECONOMIC IMPACT STATEMENT

K.A.R. 115-9-9. Electronic licenses, permits, stamps, tags, and other issues of the department; other requirements.

DESCRIPTION: This permanent regulation allows the transition of certain regulatory license and permit requirements from a paper vendor issuance system to an electronic vendor issuance system. The proposed change would allow the use of the transaction number in lieu of the permit or license number when required.

FEDERAL MANDATE: None.

ECONOMIC IMPACTS: The proposed regulation is not anticipated to have any appreciable economic impact on the department, other agencies, or the public.

ALTERNATIVES CONSIDERED: None.