

KANSAS DEPARTMENT OF WILDLIFE AND PARKS
COMMISSION MEETING MINUTES
Thursday, June 21, 2007
Kansas Wesleyan University, Peters Hall Room 201
Salina

Subject to
Commission
Approval

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

The June 21, 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 Kansas Wesleyan University, Salina. Chairman Johnston and Commissioners Gerald Lauber, Frank Meyer, Doug Sebelius, Robert Wilson, and Shari Wilson were present.

II. INTRODUCTION OF COMMISSIONERS AND GUESTS

The Commissioners and Department staff introduced themselves (Attendance roster - Exhibit A). Chairman Johnston - Debra Bolton is not here this afternoon, but will be here this evening for the public hearing.

III. ADDITIONS AND DELETIONS TO AGENDA ITEMS

None

IV. APPROVAL OF THE April 19, 2007 MEETING MINUTES

Commissioner Robert Wilson moved to accept the minutes as corrected, second by Commissioner Shari Wilson (Exhibit B). Chairman Johnston – On page 7, top of page, line after my name – add “so could you” before “be more specific”. Commissioner Shari Wilson – Also, on page 7, after my name, Nicholas mentions the speedway in “western” Kansas that should be “eastern” as that is in Kansas City. Minutes passed as corrected.

V. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

Richard Riedel, Tonganoxie – Hunter Education is part of our school curriculum and a few years ago you directors had a meeting in Tonganoxie. I have a letter from the superintendent of schools, inviting you to come back to Tonganoxie (Exhibit C). We have a new school auditorium at the High School and there would be no interruptions. We would provide supper and pick up people from the airport in Lawrence. The teacher who ran the program has retired and Dr. Erickson appointed me to work with the new teacher. I invite Commissioner Shari Wilson from Kansas City to come and visit school at any time.

Sean Thompson, Wellsville – I would like to be able to hunt in deer season with a spear. In my area more deer get killed with a car than with a gun. Kevin Jones – A spear is not a legal means of equipment. Thompson – Why? Chairman Johnston – I have never heard this request made

before. How would that be done? Thompson – I have thrown javelin for years. I think of it as a primitive arm and would be interested in this method of hunting. Chairman Johnston – We will talk about it with the biologists and law enforcement. Thompson – Do I need to meet with you? Chairman Johnston – Give us a few months to percolate the idea through staff. Commissioner Lauber – I am curious to what type of spear you would use? While I am sure you are proficient I am not sure about other people. There would be limited use and some unintended consequences. What type of spear do you use? Thompson – A medieval Viking spear that is 6 feet long, it will go 10 inches deep, and the spear point is over two inches wide. Chairman Johnston – Do you have any experience in other states with this? Thompson – No, this is just a discussion among friends. We tried it on a hay bale and it goes through deeper than an arrow.

Warren Kreutziger – I have been a licensed bait vendor for a number of years (Exhibit C-2). One item I want to discuss is night crawlers. A lot of convenience stores and hardware stores can sell them without a license, and I would like to see night crawlers added to the bait license list. Also, on the KDWP website you can charge 2.5 percent on Visa and MasterCard and I can not do that. I could have \$4 in charges and only make \$1 on a \$74 license. Can I collect the same fees? Cindy Livingston – Central Bank, that handles our licenses for us, is getting that fee, not the agency. Kreutziger – I still am getting charged for it and I can't get reimbursed for it. Keith Sexson – That is a convenience fee for using the internet not a service fee for using a credit card. Kreutziger – What are our options to recoup those fees? Commissioner Lauber – There is a financial advantage to buy from a licensed vendor, adding a convenience fee online, might cause people to shop at your store rather than online and they buy other items. We don't want to compete with vendors because their other products that can be sold. I see your problem, but it is to your benefit to get the licenses from you rather than buying it at home on the internet. I understand where you are coming from. Do you add a fee to other items in your store to cover the credit card fees? Kreutziger – I add that into the price. Commissioner Lauber – I had a kid catch night crawlers for a nickel each and never thought about your issue. Do we want to start increasing our supervision? Sexson – We need to look into what you are saying. You are also selling minnows, crayfish and other things too and that is where our concern is. I don't know if we have ever looked at the worm industry. Kreutziger – Are we going to wait until we have a problem like a worm virus before we correct it? Commissioner Lauber – I fail to see, other than economic or competitive issues, any environmental problems. Chairman Johnston – What kind of requirement is needed for a license? Jones – It is a bait dealer license.

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 (Exhibit D). Complete bills can be found on the agency website. Bills that passed include:

SB 188 will increase monetary values (and felony conviction) of certain wildlife when the court requires restitution for illegally commercialized wildlife and adds bobcats to the list. It also allows game breeders to capture escaped game birds on someone else's property.

SB 191 will correct a punctuation error (a missing comma) that occurred when this bill was amended two years ago.

SB 192 clarifies that only local chapters of nonprofit organizations operating in Kansas are

eligible for Commissioner Permits. 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", but this was stricken. It 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." Regional appointment for Commissioners - discrepancy between SB 192 and HB 2002 and the one the Governor signed. HB 2002 added in a slight modification of what was passed through House and Senate, so it was rewritten. Provisions from SB 189 were amended into this bill.

HB 2002 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.

HB 2046 would rename State Park No. 24 as Kaw River State Park.

HB 2393 CSE bill; fish and game licenses.

HB 2437 (substitute) would extend the sunset provision which provides nonresident transferable deer permits from June 30, 2007, to June 30, 2011. The substitute bill is based on recommendations of the department's Deer Task Force, with amended provisions to: (1) provide for issuance of special hunt-own-land deer permits to a landowner's or tenant's siblings and lineal ascendants or descendants and their spouses, and (2) to provide that the department issue nonresident deer permits which would be restricted to two adjacent deer management units.

Bills that didn't pass are:

SB 38 would rename State Park No. 24 as Kaw River State Park, but did not make it through the session. However, HB 2046 passed and the park has been named Kaw River State Park.

SB 157 would allow the department to purchase liability insurance for all of its boats. This bill is a department initiative. Only made it about one-third of the way through.

SB 189 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. That person 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. The committee amended the bill to retain the nonresident hunter education crash course and also amended the bill to retain current provisions regarding the age individuals must be (18) to accompany those under 16 in order to hunt. Provisions of this bill were amended into SB 192, which passed.

SB 257 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.

SB 266 (substitute) 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. This bill stayed in House Committee.

SB 267 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 remains alive for next year.

SB 330 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. Had hearing but did not move.

HB 2027 would have required a search warrant on property posted as requiring hunting, fishing or furharvesting with written permission. No hearing.

HB 2052 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. Received a hearing, but no action.

HB 2070 intensive groundwater use control areas; time limitation on order of designation. Department of Ag cuts everyone's apportionment of water. At Cheyenne Bottoms we have senior water rights and our water right would shut off 200 – 250 farmers water rights if this bill passed.

HB 2088 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 with a primary purpose of providing 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. Had a hearing, but did not go anywhere.

HB 2143 would amend a law that prevents the department from selling a permit or license to a person who is in arrearages for child support (Title 4D) to include suspension of lifetime hunting, fishing and furharvesting licenses for such persons. It is now part of a broader bill that is now HB 2451.

HB 2158 would establish the bluegill as the state fish. No action.

HB 2234 would prevent any net loss of public lands open to hunting and is being pushed by NRA's no net loss program. We would have to open a corresponding public land if one was closed. It had a hearing in the House but did not go anywhere.

HB 2242 would remove hunting license requirements on controlled shooting areas. It was referred to the Agriculture and Natural Resources Committee but had no hearing or movement.

HB 2311 would repeal the Nongame and Endangered Species Act and was referred to the Agriculture and Natural Resources Committee. It had a hearing, where nine opponents, one proponent, testified. It did not go anywhere.

HB 2386 would designate little bluestem as the state grass. No action has been taken.

HB 2426 would require KDWP to issue anyone who had completed at least 15 years of service in the Kansas National Guard lifetime combination hunting and fishing licenses at no charge. No hearing.

HB 2431 would impose a transient guest tax on certain activities of the Department of Wildlife and Parks on state park property, including cabins on state park property anywhere transient guest taxes apply. The bill received a hearing, but did not go anywhere.

HB 2462 would transfer KDWP property to Miami County for highway purposes.

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 SB 192. The bill received a hearing but had no action.

Commissioner Lauber – What about the prairie dog issue? Tymeson – In 2003, that went to the Senate, the laws are antiquated and we need to update them. In 2005, the U.S. Fish and Wildlife

Service said black-tailed prairie dog was warranted, but precluded for listing. Eleven states worked together (where prairie dogs are) and when the Service decided to take them off the list, it took the wind out of the sails to improve our statutes, which date back to 1901. Commissioner Lauber – What about Farmers and Hunters Feeding the Hungry (FHFH), are legislators not in favor of them or is it more complicated than that? Tymeson – It directly affects the surcharge and if you lose control of funds it jeopardizes federal aid to the tune of \$9 million. We would have to agree to part of this as part of our management plan to control deer. I don't think Lloyd would say 600 deer processed would make a dent in our deer population. We are working on other ways to help FHFH. Does it matter if it is venison or beef feeding the hungry, should it be on the backs of all public, not just the 10 percent who hunt?

2. FY 2008 Budgets and FY 2009 Capital Improvements – Dick Koerth, Assistant Secretary of Administration, gave this report to the Commission (Exhibit E). The 2007 Regular Session of the Kansas Legislature is complete and Governor Sebelius has signed all FY 2008 Appropriation Bills. The approved FY 2008 budget for KDWP provides for total expenditures of \$56.4 million of which \$8,567,654 is from the State General Fund (SGF) and provides 410.5 fulltime employees (FTE). This is a reduction of over \$1.2 million in total funds and \$2.15 million from the SGF as compared to the governor's recommendations. The governor had recommended the three additional FTEs as approved. The legislature did not approve of the governor's recommendation for "open admissions" at state parks but will continue half-price admissions for calendar years 2007 and 2008. The following enhancement items were approved by the legislature: a state employee pay plan providing for a base increase of 2 percent plus a bonus payment of \$860 and an increase of \$10 for each year of service included in the annual longevity payment for each employee; increase in the amount for Archery in the Schools; increase in the Community Fishing Access Program; shooting range grants; boating access assistance grants; WIHA program expansion; lease of 800 Mz radios; public land acquisition; Parks major maintenance; wetlands acquisition and development; and fish hatchery renovation projects. The legislature delayed consideration of several major items until the Omnibus Session. The following items and amounts were approved: operating funds for State Park 24 (Kaw River State Park) including one FTE -- \$205,000; 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; and 45 replacement vehicles were also approved. The legislature did not approve additional funding of \$950,000 for State Parks major maintenance. The Appropriations Sub-Committee's tour of the KDWP Region II Office went well and, as discussed above, the department did receive funding to begin the development of the "Kaw River State Park." Commissioner Shari Wilson – Under operating expenditures under road funds there is no money, there is in capital improvements. What about ongoing maintenance? Koerth – In capital improvements, mostly maintenance, but the rest is for Kaw River State Park. Commissioner Shari Wilson - Is the Park Fee Fund lower than past years? Koerth – Because of reduced price admissions it is showing up in State General Fund. Commissioner Shari Wilson – Does money from cabins go into park fee fund? Koerth – No, a separate cabin fee fund to prepare for maintenance in the future. Commissioner Sebelius – On roads, does that work differently if it is a capital improvement rather than a maintenance line item? Koerth – Capital improvement is generally for particular items, road fund money is transferred from KDOT and they are increasing that money over years. We can't take capital improvement funds and use for maintenance. Sexson – How do we decide where we use the money is what he is asking? Sebelius – Do we have to get specific when we do our budget? I don't see how it matters where

we get the money in the budget. Koerth – Operating costs are little, road fund has been the sole source of money for a number of years. Sebelius – Do we have to pay it back? Koerth – We borrowed money from that fund a few years ago to finance state parks and we will pay that back. Sebelius – Why don't they make that maintenance instead of capital improvements all the time? Chairman Johnston – When do you expect the \$950,000 denied for state parks major maintenance to be reinstated? How have we weathered the high water? Jerry Hover – I will delay comment on that until we get to that item on the agenda.

The FY 2009 capital improvement budget will be submitted by July 1, 2007 (Exhibit F). The proposed budget is around \$6.7 million of which \$1.5 million is from the State General Fund (SGF). Last year we got more money than we requested. The approved FY 2008 capital improvement budget totals \$9.6 million of which \$1.5 million is SGF. The major differences are that the FY 2008 capital improvement budget includes \$1 million for Almena Irrigation water rights, \$1.6 million for fish hatchery improvements, and \$745,000 to initiate development of the Kaw River State Park, which were not in FY 2009. The request is based on the funding currently determined to be available for FY 2009. The following items will be included: Parks major maintenance \$2.4 million; motorboat access; major maintenance for public lands; boat storage for Law Enforcement; access roads maintenance; bridge maintenance; land acquisition; wetlands acquisition; and river access. Commissioner Shari Wilson – On river access, is less needed or are we waiting for money to go back in there? Koerth – That will come from the Boating Fee Fund, and we are waiting for availability.

B. General Discussion

1. Dangerous Animal Report – Kevin Jones, Law Enforcement Division Director, presented this report to the Commission (Exhibit G). The 2006 legislature passed standards which took effect on July 1, 2006 – new statutes controlling the possession of dangerous regulated animals. These statutes impose certain prohibitions or limitations on the possession of six species of large cats, bears and non-native venomous snakes. The statutes direct the department to establish regulations prescribing caging standards for holding permitted animals; develop regulations concerning the qualifications for registered designated handlers, to provide training to the local animal control authorities and to maintain an annual report of persons registered to possess these animals. Regulation defined local animal control authority. In May 2006, shortly after the passage of the legislation, two informational programs were made available to county commissioners at their annual association conference. In total, approximately 12 commissioners attended the one-hour sessions. Through the summer months of 2006, the department developed the regulations concerning caging standards and designated handlers which were enacted into law in October 2006. After passage of the regulations, a training program was developed (about two hours – one hour to go over statutes and one hour for regulations) to be presented to the various local animal control authorities. In seeking out an appropriate venue to provide this training to as many agencies as possible through the most effective means possible, the Kansas Law Enforcement Training Center was contacted and arrangements made to provide the training through their tele-net training system. This is a live video program that is transmitted to numerous law enforcement centers, colleges and universities. The program is interactive and provides an excellent means of providing training to an audience across the entire state. Over the course of those two sessions, 42 officers from 19 areas sat in on this training and they received peace officer training for this. Additionally, at our in-service in March we provided this training to 81 of our officers which gave them the ability to give training to local law enforcement. Only one area has taken advantage of this training. April 1 is the date the reports are due and only one

report was received from Labette on two animals. Commissioner Lauber – I was under the impression that there was a significant number of animals scattered across the state. Either the animals have scampered away or there is no compliance. Jones – We have heard of five individuals who have moved their animals out of the state. Commissioner Lauber – At this point in time, it is new legislation, but is it up to us to find the tigers and do something about that or local officers? Jones – It is a violation and we can cite anyone not complying, but I advise my officers to carry out the law and advise local officers to follow that as well. But it basically falls to local officers. Commissioner Lauber – So, virtually there is no compliance and nothing will get done until somebody gets hurt again and then it will be our fault. Commissioner Shari Wilson – Are we responsible for contacting local authorities and reminding them to send these reports in or what other actions can we take to see that they are doing this? It is not our responsibility until someone gets hurt again and then it will be right here back with us. Jones – We could contact local entities through the Sheriff’s Association to spark more interest, but am advising my officers to talk to local authorities about it. There could have been other training that I am not aware of, but I am only aware of the one. Chairman Johnston – Reporting is only required if they are knowledgeable of someone with an animal in their area? Jones – There is a limited number of people under the permit. If they are not permitted or did not meet criteria to be certified it would be in violation of the law and they should be cited. Commissioner Lauber – Continue to tabulate this and give it to the legislature next year and let them run with it because I don’t know what else we should do.

2. Trapping on public lands and WIHA – Matt Peek, Furbearer Wildlife Biologist, presented this report to the Commission (Exhibit H). There are 13 species of legally harvestable furbearers not including the coyote. The animals are diverse, adaptable, abundant and secretive because they are mostly nocturnal. KDWP sold 5,900 furharvester licenses in 2006, but not everyone is active in any given year. About 3,000 of those are trappers and 3,300 hunters. About 70 percent of furbearer harvest is trapping, except for coyotes. Primary trap types are: cage traps, which are live capture traps, but there are limitations to the species you can trap so they are not prominently used. They are also expensive and large. Foothold traps are good live capture restraints or can be used in water for a lethal set. There are a wide variety of sizes and types. They are dog proof with modifications like wider jaws and offset swivels. They are most versatile and widely used. Snares are live or lethal depending on the equipment. For live capture, heavier gauge of wire is used. Lethal snares use a small diameter cable with an aggressive lock that will not relax. However, it is not a power devise so it may not kill an animal if the animal does not fight the wire. Animals are captured passing through and used on non-baited trails. Snares are also and cheaper. Body-gripping traps are lethal. There are three main sizes of body-gripping traps; the 110 has a 4.5-inch jaw; the 220 has a 7.5-inch jaw; and the 330 has a 10-inch jaw. Anything larger than 220 has to be set in water. Trapping seasons on private and public lands runs November 15 to February 15. All traps must be tagged with name and address of the trapper and tended daily. Snares must be 5 feet from fence bordering public road or 50 feet from a road with no fence, and body gripping traps larger than 8 inches must be set in water. WIHA ground is not open to public trapping. Chairman Johnston – With respect to public lands, is trapping prohibited on public lands where hunting is not allowed? Peek – No it isn’t, I am referring to department managed lands. Trapping on public lands has no measurable risk to people. Dog captures are rare and injuries to dog captured even rarer. Three of our 27 public land managers received reports last season and we had the first dog killed this year, as far as we know. Traps are more under our control so there is less risk than other factors. Pearce – Was the dog killed with a snare? Peek –

Yes. Incidents are rare because trappers don't want to catch people's dogs. They avoid hunters because they don't want to trap in high-use areas because they know their equipment is at stake and they try to isolate themselves and be discrete. Trappers are selective by setting location, timing, trap type and size, set type, bait presence or absence, and bait type like those that don't attract dogs. Most traps will not injure dogs if they are caught. In a major study that was conducted on Best Management Practices (BMP), most traps used today pass international humaneness standards set for furbearers, and dogs can usually be released from restraining traps. The study is available on the Association of Fish and Wildlife website. The Wildlife Society says trapping is humane. I want to clarify that animal welfare doesn't mean the animal likes it, but it can be released into the wild without significant damage. The only animal that died of 300 captured for the study was a coyote with mange that died of exposure. Lethal traps are used because a quick kill is considered humane, the animal can't escape, and it doesn't draw unwanted attention. On public lands, greater discretion is required and timing is critical. Lethality of a furbearer set is not certain with a dog – snares require animal to draw tight; body grippers prohibit capture of many hunting dogs; and with both of those devices, the presence of the hunter is also a factor. Trapping is most critical aspect of furbearer management. Trap type and techniques allow trappers to be safe and selective. In the future we'll look at defining acceptable conflict levels (on dog status), document dog captures, regulate if we reach predefined conflict thresholds and continue I&E efforts relative to this issue. Commissioner Johnston – I received the call from a man at Cheney whose dog was caught and killed in a snare, and have talked to Matt about this and appreciate the knowledge I have received. I have a problem with trapping on public land where there are walking on trails. I have lingering concerns about places like that where trapping would be permitted, and people would have their dogs with them -- combined use areas. Peek – I spoke to regional public land supervisor and those types of trails are rare. Trappers recognize those areas as places to stay away from as well as prime upland game hunting areas. We don't have restrictions of high-powered rifles near those areas either.

Bob Redeker – I am a Hunter Education Instructor, Furharvester Education Instructor and member of Furharvester Association. Mr. Peek is hard to follow, but as trappers in Kansas we are fortunate to have lenient laws as it is very strict in some states. We had 17 people hurt in hunting related injuries in Kansas last year, but more dogs were hurt in conducting hunting activities, like being hit by a car. Trapping is more than a hobby. It is a way of life and extra income which allows trappers to spend more money to hunt. Seasons overlap because of the primness of fur. I see numerous times where (HE) students go through two days of class but have no place to go but a public hunting area. We teach students to respect all rights of hunters and people using outdoors. Does that include trappers? Hunting and trapping are necessary wildlife management tools. We are proactive in educating public on what traps to use, the last thing we want to do is catch anybody's dog. We like the laws the way they are. For every problem there is a solution. Hunter education classes could have a short presentation on trapping that would teach how to release a dog from a trap. Young hunters need to know about this and there is no reason a dog should parish if the person knows how to free the dog if it is trapped. Another tool might be to provide pamphlets on traps and their function so they can keep their dog safe.

W.R. Brecheisen, Jr. – My whole family are trappers and have been since they came to this country. We do booths at fairs, but need to get more information out to public. Trapping information should be posted on bulletin boards at public hunting areas because I don't think a lot of them know that trapping is there during those seasons. Chairman Johnston – Mr. Peek showed me copy of what is posted at the kiosks and legality of trapping is enclosed in these

documents.

Dan Kvacik – I am a Kansas Furharvester and retired law enforcement officer. Also, I have been an animal damage control trapper for over 27 years and conflicts between animals is more because people feel they can turn the animals loose at night. People need to put some restraint on themselves.

Chairman Johnston – I appreciate this information and agree with Mr. Redeker. Three wildlife managers have heard reports besides Cheney right? Peek – Yes, managers at Wildlife Management areas. Chairman Johnston – My concern is that there seems to be a greater risk that is showing increased incidence with dogs. I am interested in getting further information on this, but how many areas have trails.

Redeker – There is more danger from shooting than traps.

Steve Sorensen, Kansas Wildlife Federation – A dog has to be on a leash while walking those trails unless hunting.

Mike Pearce – Is this talk something you requested? Chairman Johnston – Yes, and I requested more information. Commissioner Lauber – Our concern is not anti-trapping. I buy a furharvester license every year. There is more conflict with more people moving out to rural areas. The information is good, but no concern about trapping itself. Chairman Johnston – That is not my interest, my interest is risk management and particular areas of enhanced risk.

Break

Commissioner Lauber – What is I&E? Peek – Information and Education.

3. Syracuse Sand Park – ATV off road park – Jerry Hover, Parks Division Director presented this report to the Commission (Exhibit I). Each state has an agency that administers the federal recreational trails grants. Parks Division does that in Kansas. Of the grant, 30 percent must be spent on motorized trails; 30 percent on non-motorized; 5 percent for education and administration; and 35 percent on a combination of trails and activities. We have had a tough time getting motorized trail projects so we have money left over from previous years. During the 2006 Recreational Trails Grant period, Saline County was approved for a motorized trail grant; \$700,000 was encumbered and allocated to Saline County, but they have withdrawn their project. We only have a certain amount of time to use the money. KDWP proposes to encumber and allocate the \$700,000 to the City of Syracuse in Hamilton County for the Syracuse Sand Park trails system and amenities. Work will begin immediately upon final approval and signing of the project agreement.

Gene Pflughoft, Hamilton Economic Development Director – The people in the audience with the orange shirts on are also from Syracuse and include a county commissioner and the mayor. (Exhibit J). Sometimes in western Kansas we feel like the forgotten part of the state. It is hard to get people to go out there. The City of Syracuse plans to develop approximately 1,300 acres of sand that the city owns. We went to Waynoka, Oklahoma and looked at what they have. They attract 350,000 riders per year with 1 million visitors. There is 17,500 internet hits for Waynoka, Oklahoma so that showed us there is a lot of interest in sand sports. Does Syracuse have the same potential? We talked to editor from Sand Sports Magazine and the City set up a steering committee. The first sand park was established 75 years ago in Colorado but is closing because land is more valuable for housing. Approximately 150,000 people a year travel through Syracuse each year going to Oklahoma. In the winter you see them going to Colorado to go elk hunting. We are on Highway 50. I just moved to western Kansas three years ago. Unfortunately, we don't

realize what we actually have in our communities. People in eastern Kansas don't know how fortunate they are to have water. We have a lake, some refer to it as a sandpit, but it is water and we can have recreation. The Sand Sports Magazine took pictures of the area before we developed it. ATVs are a great family sport. We spoke to a family who had a \$45,000 pickup, a \$20,000 trailer and seven ATVs at \$6,000 each. These people are spending money on recreation. There are also sand cars. Out of 350,000 visitors in Waynoka, there were 37 injuries, from ages 21-29 (mostly dare-devils with thoracic injuries). The steering committee hired a park director and trained employees and rangers to search vehicles so there is no alcohol there. The local people have been enjoying the sand hills since 1970. We are developing a trail patrol. The most important fact is the economic impact. The small rural western communities are dying. Ethanol plants are bringing some people back. Syracuse was dead. There were a lot of empty homes, and businesses downtown are empty, but now we have new projects coming in. We have three new RV parks, two people are looking at building a possible motel, land purchases, a new ATV dealer and it has sparked enthusiasm in the business community. Four weeks ago when the photo shoot happened, we estimated that 200 people came and each spent at least \$20, about \$4,000 x 7 days = \$28,000. KC's (a local restaurant) ran out of food and the BP gas station ran out of ice and flags. Imagine the growth of 1 million visitors, influx of \$5-\$10 million in new money and youth employment. Syracuse has applied for grants from KDWP and Polaris. This has a regional impact. About 15 years ago there were no dairy cattle in southwestern Kansas and now there is about 85,000 dairy cattle and hundreds of employees and jobs. There is fishing, five hours away in any direction. Water is difficult to find, but we need to work on a grassland fishing spot. We have the sandpit (our lake) and the water is crystal clear. We have been asked if someone can scuba dive there and we hadn't even thought of that. People can enjoy the water when they come to the park. We want to develop a camping area and build lean-tos because there are no trees. People in western Kansas go to Clinton, Oklahoma or Colorado to go camping. Other things to do in the area include Ag tours of irrigation circles from the air; dairy farm milking; the Santa Fe Trail; and Cimarron National Grasslands. Kansas is as big as you think and we need to develop the area for families.

Richard Riedel – Four years ago I went to Waynoka and everything he says is true.

Mike Pearce – Where does the \$700,000 grant come from? Hover – Recreational Trails Grant funded through the Transportation Safety portion through federal Highway Administration.

Pearce – How will KDWP be involved in this? Hover – Because we administer the grant it puts our fingers into it. Pearce – How about after the money is spent? Hover – We will have a yearly review to make sure the money was spent like it was supposed to be. Pearce – Gene, where is the property, is it all right around the sand pit? Pflughoft – There is a 100 yard gap between the river and the sand pit. Pearce – When you get south of river road you get into pristine sand sage prairie. Pflughoft – One mile south and two miles west. Pearce – How do the farmers feel?

Pflughoft – It takes 29 acres to support one cow, and two people have opposed the park, one who lives ¾ mile away and a ranch manager who was vocal against the project. Pearce – Do you have any concerns that this park will expand onto private ranch lands and that is where you will get into areas where lesser prairie chickens and cattle are? Pflughoft – I have ridden out there for 6-8 months and have never seen a lesser prairie chicken. Pearce – If you go very far south and east you definitely get into lesser prairie chicken territory. You are missing my point. Pflughoft – Is there concerns? Pearce – Yes. Pflughoft – Yes if it moved farther south.

Ron Klataske, Executive Director, Audubon of Kansas – (Position Statement – Exhibit K) I am not here to question assumptions made, and I am sure it will promote economic growth. It will stimulate land interest which could be a problem. The City can do what they want with their

land, our concern is with the department and federal support. If they receive Commission consensus, on behalf of members of Audubon, we feel you should take additional time prior to endorsing this. The Commission should not be stampeded by an Independence Day opening. This area is in the vicinity of lesser prairie chicken habitat and other species of concern. In fact a broad sweep of species needs to be considered. Do an evaluation of site prior to awarding \$700,000. Similar habitats are important for scaled quail and mule deer and other species. The Comprehensive Wildlife Conservation Plan published in 2005 identified many species that this land was valuable to. It seems that a portion of the funds should be used to restore habitat in mitigation. Other alternatives for the \$700,000 would be “already ruined” areas such as strip mines.

Steve Sorensen, Valley Center, KS Wildlife Federation – Does this have to be workshopped in two months? Hover – It is not required to be workshopped, no. Chairman Johnston – What is required of Commission? Hover – We can bring it back at a later date, not for approval of the project, just a consensus to move ahead with the project. Chairman Johnston – Consensus approval is required by Commission? Hover – No, the Secretary is the final approval for the grant. This is just an opportunity to bring this before the public in a formal fashion. This gives us a better opportunity to let people know what the issues are. Sorensen – Is there a NEPA review being conducted? Hover – It is in the process. Sorensen – What about an environmental impact study? Is that being conducted? Hover – Yes. Sorensen – I am not sure we should facilitate the destruction of 1,300 acres of sand sage prairie. I feel you should not provide the grant until everything is completely considered.

Commissioner Meyer – Consider the eastern part of the state and how much has been developed for housing, look at the vast area out in western Kansas and how small 1,300 acres is in the overall picture and it is a good economic opportunity for them out there. That far outweighs a little bit of wildlife habitat. Let’s not back away from allowing a community to help themselves out. Commissioner Shari Wilson – What would the grant be used for? Hover – Specific, recreational trails (not rail trail of any type), single use trails, like hiking, biking or nature; then combined use trails and motored trails. They attempted to define what amenities are (two type-written pages) but is not all inclusive. It could include a playground or campground. Each project is looked at individually and what it will be used for. Some that are applied for are rejected because they wanted a playground and put in a trail, just to get a grant. Commissioner Shari Wilson – At any point before the funds are dispersed is there a concrete plan in place? Do you see this as a viable? Hover – An Advisory Committee overlooks all of these grants.

Commissioner Shari Wilson – I just wonder if someone is looking at that. Hover – Statewide Trail Advisory Committee that does that is asking Syracuse to detail that out more than they have already and we are looking at the environmental impacts against people and animals.

Commissioner Shari Wilson – Are complete plans required? Hover – Shortened in some cases, but in this particular case they are detailed. Impacts of motorized vehicles on sand sage.

Commissioner Shari Wilson – You said an Environmental Impact Statement is in place? Hover – An Environmental Impact Summary. Commissioner Lauber – Pearce’s point was well made. I feel comfortable having a little more information and it is private property and they can do what they wish, but I would like more information. Chairman Johnston – How much time is needed before the review needs to be completed and the Secretary looks at these? Hover – It depends on other agencies. Chairman Johnston – If we deferred for two months to next meeting, would that delay the delivery of the funds? Hover – I don’t know if that would be enough time, they may not be ready. Commissioner Lauber – It is not our call ultimately any way. If it is not unanimous, it may not be our place to ask the questions. Chairman Johnston – Vote or not approve or vote to

postpone, what is consensus of Commission? Feel this is an excellent idea for your community and hope approvals that go beyond this Commission are favorable. Not sure our approval is needed. I feel we should postpone any action. Keith Sexson – Our Environmental Services Section is fully engaged in this and are trying to meet with Syracuse before the July 4th celebration, and we feel they will give a good review to this, so I feel the idea to defer is a good one. We are not ignoring the environmental effects this might have, and they will give us an environmental survey. Chairman Johnston – I personally don't like to see the money delayed. Klataske – You could put conservation easements on surrounding land to prevent it from moving on and on.

Randy Braddock, Hamilton County Commission – Hamilton County has the largest, highest number of acres enrolled in the WIHA. We are concerned with the environment because it is so fragile. This would be a huge boost to our community of 3,000 people. Chairman Johnston – The Commissioners did not say they were not in favor, but would like to see the process be finished before we commit.

4. Spring Turkey Season – Mike Mitchener, wildlife section chief, presented this report to the Commission (Exhibit L). At present time, there are four turkey hunting units in Kansas and an initial turkey permit can be purchased over-the-counter for all units except Unit 4 (southwest Kansas). A total of 200 permits are issued for Unit 4 through a pre-season drawing, of which 125 permits are designated for the regular draw and 75 are designated applicants 16 years of age or younger. In addition to the initial spring turkey permit, a second turkey game tag has been offered for certain hunting units since 1990. Hunters can currently purchase a game tag for use only in Unit 2 (eastern Kansas) or Unit 3 (central Kansas). Results from the most recent spring harvest survey (2006 -- 2007 is not complete) reveal that the department sold 60,592 permits (42,128 initial permits and 18,464 game tags). Of those permit holders, an estimated 40,356 hunters actively pursued turkeys and harvested around 33,000 birds. Approximately 67 percent of active hunters harvested at least 1 bird during the spring 2006 season. Only 18.3 percent of all active hunters (7,400) filled both their initial permit and a game tag during the spring 2006 season. Over the last four years, the number of hunters has begun to stabilize at around 40,000 and harvest at around 32,000 birds. Population indices for the eastern half of the state indicate that the turkey population has declined somewhat over the last two years. This decline is likely a short-term response to two consecutive years of poor production. The decline in turkey numbers has been the most dramatic in the southeastern portion of the state. Results from the spring 2007 harvest survey have not yet been tabulated, so it is uncertain if the decline in turkey numbers had a substantial effect on harvest or hunter success in the southeastern region. Turkey numbers in other parts of the state are either slowly increasing or beginning to stabilize. Recently we had a meeting of the departmental turkey committee and discussed spring permit allocation for Unit 4. For the spring 2007 season, a total of 287 applications were received for 200 permits. The number of applicants declined slightly from the previous two years. The decline in applicants was likely due to the re-aligned unit boundaries that went into effect for the spring 2007 season. The new unit boundaries allowed for over-the-counter permits to be valid in portions of five counties previously contained in Unit 4. Due to slowly increasing turkey populations in the southwestern part of the state, the turkey committee believes that the population in that region can now provide more hunting opportunity. The department recommends increasing the Unit 4 tag allocation from 200 to 325; possibly meeting hunter demand in the coming years. If this change is approved, it would result in 75 youth permits and 250 regular draw permits. Landowners and tenants would still be guaranteed 50 percent of the permits allocated for Unit 4.

The turkey committee also discussed the conflicts created by overlapping the new archery-only season and the youth/disabled season. There were isolated occurrences of competition between youth/disabled and archery hunters during the first part of April for property access (Hutchinson/Reno County area). Because of the increased competition, the turkey committee would like to pursue a recommendation to run the youth/disabled season concurrently with the archery-only season. This change would open both seasons on 1 April and run them through the start of the regular turkey season, which begins on the second Wednesday in April. Such a change would provide the youth/disabled hunters with more days in the field and hopefully minimize competition with archery hunters for property access.

Chairman Johnston – Does it reduce the conflict by increasing the number of days to spread out the pressure? Mitchener – That is correct. Most kids don't get to hunt on Friday, so allowing them the whole time period would essentially only give them one weekend. Our feeling is that this allows the kids more opportunity after school during the week if the opportunity arose.

Sorensen – With the allocation of 50/50 to landowner/tenants, 50 percent does not cover all of the applicants, do the un-used landowner/tenant permits roll over to the general residents?

Mitchener – If not taken in the draw, they are rolled over.

5. Archery in the Schools – Mike Rader, wildlife education coordinator, presented this report to the Commission (Exhibit M). I have given you a fact sheet on this (Exhibit N). The Archery in the Schools program has been active for almost a year now. The initial training was held in June 2006 at Bonner Springs. Twelve KDWP employees went through the program and became facilitators. Gary Keehn, of Soldier, has been hired as the Kansas Archery in the Schools State Coordinator. He brings many years of classroom teaching experience and tremendous enthusiasm to this position. He has many ideas about how to best provide this program to the schools of the state and hopes to begin to implement them in the coming year. Subsequent workshops have been held at Maize and Ottawa, training 29 teachers in 20 schools from 13 school districts around the state. The archery program is also being conducted through a church in conjunction with Boy Scout Pioneers and also in one after-school program. We provide \$1,300 for kits that cost \$2,600 and the budget doubled this year to \$40,000. Upcoming training includes Chanute and Fredonia. Plans are also in the works to provide workshops through the Greenbush Southeast Kansas Education Service Center in July and September. There has been interest shown from the Salina area, so workshop locations are being investigated (showed bow used in the program). Have information on the school districts that have participated and we hope to provide this to more teachers. Also, we introduced the program to 60 primary and secondary math teachers at Fort Hays State in June as part of a week-long education workshop. Commissioner Shari Wilson – How are schools implementing this program? Rader – Through Physical Education primarily, but we are trying to expand that, hence the math teachers that trained last week. We are trying to put the bows in the hands of the kids. Commissioner Shari Wilson – It is important too if you can tie this to their curriculum the better chance to keep it going. Commissioner Robert Wilson – What are the dates for Greenbush and Fredonia? Rader – Later this summer. I have a mailing list of 15,000 and hope to get feed back from that.

6. Hunter Education in Our Schools – Monica Bickerstaff, assistant hunter education coordinator, presented this report to the Commission (Exhibit O, PowerPoint – Exhibit P). The 1972 legislature mandated hunter education for anyone born on or after July 1, 1957. Noted successes in the schools include Tonganoxie Junior High since 1978; Wellsville since 2002; and Central Heights since 2005. It is part of the physical education curriculum in Tonganoxie, but it

is an elective course in Wellsville and Central Heights. So we decided to try and replicate the program in middle school programs statewide. An advisory committee was formed with seven professional educators (two middle-school principals, one college professor, three teachers and one retired superintendent of schools) and department personnel. The goal : “To develop an interactive course of instruction, guided by state and federal curriculum standards, designed to inspire Kansas middle school-aged youth to explore nature and the outdoors as well as teach them skills that will allow them to participate in a safe and knowledgeable manner. The curriculum will not only provide a student with basic outdoor skills, but will also provide him/her with a background in basic firearm safety, ethics, wildlife management and conservation that will spark their desire to further discover the many opportunities afforded them by nature and the potential lifelong recreational enjoyment it holds.” The prospect of offering such an interactive course of instruction in Kansas middle schools was enthusiastically received by advisory committee members. At the recommendation of the Advisory Committee, an informational video was produced and an accompanying portfolio was developed (Exhibit Q) for distribution to approximately 450 attendees. The process of certifying professional educators to present hunter education in their respective classrooms has begun and in fact we certified our first instructor on Tuesday. We anticipate 10 schools will be launching programs in 2007-2008 school year.

Commissioner Shari Wilson – Tell us what the budget is for the Hunter Education in Schools program? Bickerstaff – We rolled this into the entire Hunter Education budget, it is not separate. Commissioner Shari Wilson – How much do you think you have? Bickerstaff – We have an \$80,000 grant. Commissioner Shari Wilson – We don’t put anything into it at the state level? Bob Mathews – Yes, the \$80,000 grant. Commissioner Shari Wilson – But, you don’t get any additional money? Bickerstaff – This should provide the program to the schools.

7. Update on KDWP Emergency Management Efforts – Kevin Jones, Law Enforcement Division Director, presented this report to the Commission. A portion of this will be presented by Jerry Hover and Brad Simpson. Our involvement, devised through Presidential Order through President Bush. There were 15 functions and KDWP was involved in seven of those (Exhibit R). Under one of these plans, we are activated by emergency response like Greensburg and other areas of the state. We get notification and are asked if we have resources we can bring to help with that effort. Then we are tasked to come up with what we have available. On May 4, a tornado went through Greensburg that was 1.7 miles wide and on the ground for 22 miles, and was a 5 on Fugita scale. We had officers in-route to that area right away to help with rescue (3 LE and 1 WA). During the following days, Saturday and Sunday, we had officers providing security. We helped evacuate the entire town and provided security around it. We had seven officers involved on Saturday and eight on Sunday. Tasking was up to Emergency Management on Monday, and we had eight officers going in on 12-hour shifts for 3-day details and then rotated people in and out of there. We had an active presence there, primarily during the night hours. We worked by ourselves and have night equipment that was useful. In all we had 32 officers providing assistance to that area including six Parks and two WA officers. We spent numerous hours and additionally put about 16,000 miles on vehicles. We are talking with FEMA about getting reimbursement of mileage and overtime pay. Commissioner Sebelius – Didn’t we give comp time to quite a few officers? Jones – Yes, however, we gave them overtime pay, not comp time because we hope it will be reimbursed.

Jerry Hover – During the time of the declared disaster, 32 counties were declared federal disaster areas and we had parks in several areas. Central to east was impacted in some way. We had

Ameri-Corps teams at Ottawa and in Greensburg. Impacts to state parks on Memorial weekend had various effects, but we had about the same average attendance as the last two years. Cheney and Milford had to evacuate campgrounds because of flooding and high winds. Clinton had over half a million dollars damage; Pomona, \$400,000; and Kanopolis, \$385,000; Eisenhower, \$2,000; Tuttle Creek, \$300,000; and Cheney, \$365,000, mainly due to flooding and high winds (Exhibit S). We also had damage at parks not in the disaster areas, in fact Perry State Park had about \$70,000 in damage. We are meeting with FEMA, going through figures and expect determination of how much money they will reimburse us in the near future. Chairman Johnston – Why was the estimated damage at Perry at \$70,000? Also, you listed other areas not in the disaster areas and how are the problems being dealt with without federal monies? Hover – We learned from the 1993 floods, but debris removal will be the biggest expense. Chairman Johnston – What kind of time frame do you have to get clean up done in counties not covered by disaster? Hover – We hope to have them cleaned up for the 4th of July. Some parks will still be negatively impacted, like Clinton, one boat ramp is totally closed, and the Marina boat ramp will be open if water continues to go down. We appear to be on the road to a good holiday weekend. Brad Simpson – I cover Wildlife Areas (WA) and State Fishing Lakes (SFL), and I had one officer and several managers for patrol during the following week. Ottawa SFL had the majority of damage. We provided assistance on flood control in Reno County and evacuation help there. We had people on each of our areas where damage occurred. Four areas had significant damage: Kiowa SFL, Texas WA, Ottawa SFL, and Cheyenne Bottoms, with 12 areas having some damage. Four other areas were not in disaster areas. Mainly it is debris clean up and road repair. Pottawatomie SFL II, Clinton, Cheney, Perry, and Clark SFL are some of the areas and we are looking at less than \$2,000 in some areas to several thousands at others. In all we expect about \$1 million of damage to WAs and SFLs, but we are still assessing the flood damage. Commissioner Shari Wilson – Would you send out a list when it is available? Simpson – Yes.

VII. RECESS AT 5:30 p.m.

VIII. RECONVENE AT 7:02 p.m.

IX. RE-INTRODUCTION OF COMMISSIONERS AND GUESTS

Commissioner Debra Bolton was present for the evening session.

V. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

None

Deferred three items from afternoon agenda.

VI. DEPARTMENT REPORT

C. Workshop Session

1. Boating Regulations – Dan Heskett, boating law enforcement, presented this report to the Commission (Exhibit T). There have been approximately 7,000 boating related fatalities -- 30 accidents a year and four fatalities. With our waters becoming more congested it is important to provide adequate facilities as well as updated regulations. I attended the International Boating

Safety Summit in March 2007, in speech given by Mark Duda, he said that law enforcement works, but we need to get guidance for what is enforceable. Chris Tymeson, Chief Legal Counsel has worked diligently to get proposed regulations reviewed by the office of the Attorney General and necessary changes made. It is anticipated that the requested regulation proposals will be presented for a vote during the August Commission meeting, comprising of the following topics: 1) display of the registration identification number and decal; 2) formula for figuring the person capacity on a vessel with the capacity plate missing (never had one or lost it); 3) boating steering and piloting, now “sailing” rules for the operation of these vessels adopted from National Coast Guard rules with a few changes, language people can understand like “maintain a proper look-out”; 4) reporting boating accidents (report immediately to law enforcement agency, 48 hours to report death, missing person, five days to report injury – stems from maritime laws and out-at-sea standards that could take that long to get back into port – Coast Guard changing this also – to retain evidence); 5) restrictions towards personal watercraft at greater than “no wake” speeds when within certain areas (conflicting regulations – make everyone aware PWC is not a toy and make it the same in both regulations) and the removal of redundant language in regard to education requirements (covered by state law on education requirements); and 6) enforcement of marine sanitation devices (did inspections, toilet that has a holding tank that holds the sewage and it is a violation to dump raw sewage into public waters – checked 43 vessels at Wilson and 8 told me they had dumped their sewage where their kids and other people were swimming – main reason was getting vessel to pump out facilities, so we are working on that – strapped Y valve to only dump in holding tank but no way to enforce it if they take the strap off). I also have one unrelated item. We have a Boating Task Force Committee that has Troy Brown and Doug Nygren on it, who are here tonight, as well as others in the agency, that are working on a “Wear It” PFD campaign. We ordered 900 signs so far and are still running out. The number one cause of fatalities is falling out of boat and drowning or capsizing and drowning, so wearing a PFD is important. Another project is updating boat registrations, the first time for this agency. Boat registration began in 1960/1961. Boating safety laws came into effect in 1973, so we sent out a recreational boating survey to registered boaters. The survey is split into two survey groups – boating facilities; and education and law enforcement. We sent 5,000 in each group and are starting to get some of the surveys back. Tymeson – We will be voting in August for an effective date of January.

2. Fishing Issues and Regulations – Doug Nygren, fisheries section chief, presented this report to the Commission (Exhibit U). This is a follow-up of last meeting. We have put together a Governor’s Sub-cabinet task force with Jason Goeckler leading that. I have several items to go over with you. 1) Right now there is a Viral Hemorrhagic Septicemia outbreak in the Great Lakes which has caused large-scale fish kills. Eight Great Lake states are quarantined and cannot move fish across the state lines without a health certificate indicating a negative test. 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 needs to protect native fishes from this threat. Currently the department permits one of the likely pathways, bait dealers, however, we do not have the necessary authority over other pathways such as aquaculture and the pet trade. Commissioner Lauber – How many of those are there in Kansas? Nygren – One big one in Kansas. Commissioner Lauber – Is he cooperative with this issue? Nygren – He understands this and knows he will lose his license if he doesn’t comply. 2) The department established weigh-in requirements for tournaments using

the Bass Pass Program, which began this year to allow people to keep short fish. Tournaments using the Bass Pass must be registered with the Fisheries Section. We left out “black bass” from the regulation last year and we want to put that back in. 3) The National Asian Carp program has requested that we switch from diploid grass carp to triploid grass carp that are presumably sterile. By stocking sterile grass carp, the risk of establishing a population in non-target waters is greatly reduced. 4) On paddlefish, we need to delineate where upstream and downstream areas are on Burlington and Chetopa city dams and make snagging illegal, which is currently unenforceable all the way from Burlington Dam to the Oklahoma border. The 34-inch length limit is unnecessary on the Neosho River. The Marais des Cygnes River below Osawatomie Dam, and the Browning Oxbow Lake of the Missouri River can stay the same. 5) Striped bass hybrids are artificially produced offspring of the striped bass and the white bass. The striped bass hybrid has become an important management tool for biologists. Staff recommends that in addition to the statewide creel limit of two striped bass hybrids per day, an option of five striped bass hybrids be allowed by amending the “Kansas Special Size Limits, Creel Limits, and Bait Restrictions Tables” reference document within regulation 115-25-14. 6) Currently KAR 115-18-12 on trout, states that each individual who wants to fish or to fish and possess trout during those periods of time on those bodies of water established by KAR 115-25-14 shall be required to have a trout permit. Shawnee County has proposed to the department a discontinuation of their own trout permit and will 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 Lake Shawnee. Tuttle Creek State Park-Willow Lake being designated as a year-round trout stocking location has forced all anglers to be in compliance of the trout permit requirements whether they are fishing for trout or not during months when the primary targets are warm water sportfish, so we are recommending that they be removed from that year-round requirement. There has been much internal discussion on how the department can boost “young angler” participation in our trout program. Most feel that a reduced price on the cost of a trout permit for those anglers under 16 would increase participation and recommend no permit, with a daily creel limit of two trout, as long as they are accompanied by a permitted adult. Anglers under 16 who wish to purchase a trout permit will still be able to keep a full daily creel of five trout and will not need to be in the presence of a permitted adult. There is internal debate on whether we want to do it for whole year. 7) Staff recommends that we separate the methods of snagging and gigging in regulation and that snagging for non-sport fish be left as is, where it is a legal method of take only in waters listed in regulation 115-25-14 (“Kansas Special Size Limits, Creel Limits, and Bait Restriction Tables”). In addition, staff recommends that gigging (for the taking of rough fish) be added to the list of legal equipment and methods for taking non-sport fish (Regulation 115-7-1).

3. Park Regulations – ADA access issue – Jerry Hover, Parks Division Director, presented this report to the Commission (Exhibit V). KAR 115-8-13 currently does not allow anyone to use unregistered vehicles on KDWP property, however we are not ready to bring this forward at this time as we are struggling with what types of equipment to allow. We will bring this back in August with a vote in October. Chairman Johnston – I am having a hard time understanding the boundaries between off-road vehicles what the department wishes to allow and not allow. From the description in the briefing book, can you better define what kinds of vehicles you are going to allow? Hover – No vehicle at this time is allowed and we are trying to clarify that. Where we can we want to authorize various types of equipment to get handicapped individuals to a shoreline or something like that. This is usually not a problem, but with lower water levels out west and

higher levels in the east it is and we are struggling on how to define those. The only option right now is a motorized wheelchair. We are struggling with how we narrow it down enough, but cover all the possible types of things we could allow. Commissioner Sebelius – How are we going to define vehicles? The Legislature does not allow ATVs on the street and you can not drive them on public roads. Hover – That is where it becomes very difficult. A person may be on the south end of park, but the area they want to go may be on north end of park so that is the problem we are having. Commissioner Sebelius – You have to struggle with it and see what you can do. Hover – That is why we are not ready with it at this time. Commissioner Bolton – It is semantics, but you should put physical handicap, so as to not include developmental handicaps. Hover – On federal lands they are working on better defining accessible, which will be allowable on federal lands, but not on state lands with federal funds. We don't want to have to change this again later. Tymeson – It is a difficult regulation to deal with, but we are shooting for an October vote. We are getting legislative pressure on this as well, so we will have to deal with this at some point. Hover – It is such a convoluted issue.

4. Public Lands Regulations – Brad Simpson, chief of Public Lands Section, presented this report to the Commission (Exhibit W). This is a similar situation as the fishing regulations referring to posted notices. We intend to provide a reference document at the next Commission meeting and vote in October to take affect in January. We are looking at all of the posted notices that address the issues of enforcement, fairness, and users' understanding of public land regulations. Chairman Johnston – You should look at the size of print on the posted signs. Simpson – Most of the posted notices will be listed in a reference document which will be published with a shortened version of the notice on the kiosk boards.

Keith Sexson – I would like to formerly introduce Faye McNew, the new waterfowl biologist who takes Marvin Kraft's place.

5. Late Migratory Bird Seasons – Faye McNew, waterfowl biologist, presented this report to the Commission (Exhibit X). Late migratory bird seasons are those that start after October 1. I have no season dates to present today as they will not be published until around August 15. We expect the liberal season with no changes except to remove the special Marais des Cygnes zone that had an early closure.

D. Public Hearing

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

1. Early Migratory Bird Seasons – Helen Hands, wildlife biologist, presented this report to the Commission (Exhibit Z). These seasons start on or after September 1. The U.S. Fish and Wildlife Service sets these frameworks and states may always adopt more restrictive regulations than those allowed, but may not adopt seasons more liberal than the frameworks. This is the third meeting for going over these regulations. Dove regulations are now set by KAR 115–25–19, rather than annual Commission approval. Frameworks and recommendations are: Rail (sora and Virginia) - hunting season not exceeding 70 days between September 1, 2007 and January 20, 2008 with daily bag of 25 and possession limit of 25, singly or in aggregate, of sora and Virginia rail with a recommendation of a season running September 1 through November 9, 2007 with a bag and possession limit of 25 and 25, respectively and there is no open season on king rail,

common moorhen, and purple gallinule. Snipe – frameworks include a hunting season not exceeding 107 days between September 1, 2007 and February 28, 2008 and the season may be split once with a daily bag and possession limit not to exceed 8 and 16, respectively. The recommendation is for a season running September 1 through December 16, 2007 with bag and possession limit of 8 and 16, respectively. Woodcock - a season not exceeding 45 days between September 21, 2007 and January 31, 2008, season may be split with daily bag and possession limit of 3 and 6, respectively. We recommend a season running October 13 through November 26, 2007 with a bag and possession limit of 3 and 6, respectively. Teal – the season is more complicated and will run between September 1 and September 30, 2007 with two options depending on the May breeding bird population - 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 million and 4.6 million, or 3) no season if the population is less than 3.3 million. Frameworks include a daily bag and possession limit of 4 and 8, respectively. No results yet, so not sure what options are. May only have 8 days in high plains because of 107 day limit and 97 days allowed under the regular season liberal package, plus 2 days of youth hunting leaves only eight days to reach the 107 day total. Our recommendation is for 1) 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; a 16-day season running September 8 through September 23, 2007; or, an 8-day season running September 15 through September 22, 2007 (for reference if allowed 16-day season, we chose 8-day last year). 2) Low 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. The department recommends adopting the maximum shooting hours allowed in the frameworks, ½ hour before sunrise to sunset. Chairman Johnston – With respect to the recommendation on teal season, are you asking us what season to choose or depending on the survey? Hands – It will depend on the breeding bird survey. Sorensen – Why don't you close off the last 8-days of teal season of the 97-day season to allow a 16-day season? Hands – Are you proposing only teal would be shut off? Sorensen – Yes. Hands – You would still be able to hunt ducks and the 107 days is any duck hunting. McNew – We would have to cut out the entire last 8-days for all ducks to make that happen. Hands – It is still 107 days. Sorensen – It seems too logical, so I'm sure it can't be done. Hands – We would still have 107 days in the High Plains zone, trust me, it won't work. *Commissioners concurred with the recommendations.*

2. KAR 115-2-3a. Cabin camping permit fees – Jerry Hover, Parks Division Director, presented this report to the Commission (Exhibit AA and BB). Amending this regulation on page three to add yurts at Eisenhower State Park; at Tuttle Creek State Park, we are changing cabin numbers 1-4 and deleting 7 and adding cabins 5-7 which are larger cabins with the rates listed on page 8; on page 9, we are adding “and Wildlife Areas”, and deleting information on Clark because we have no cabin at this time and are not ready to implement one (when it is implemented at Clark it will be \$60 per night year-round and \$420 per week year-round); adding Mined Lands Wildlife Area on page 10 at \$60 per night and \$420 per week year-round; Ottawa State Fishing Lake, adding cabin at \$60 per night and \$420 per week year-round; deleting cabin pricing for Woodson State Fishing Lakes on page 10 and 11 and adds \$60 per night year-round and \$420 per week year-round making all wildlife areas and state fishing lakes cabins the same prices year-round.

Commissioner Shari Wilson moved to bring KAR 115-2-3a before the Commission.

Commissioner Debra Bolton seconded.

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

Commissioner Bolton	Yes
Commissioner Lauber	Yes
Commissioner Meyer	Yes
Commissioner Sebelius	Yes
Commissioner R. Wilson	Yes
Commissioner S. Wilson	Yes
Commissioner Johnston	Yes

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

3. KAR 115-4-13. Deer permits; descriptions and restrictions - Lloyd Fox, wildlife research biologist, presented this report to the Commission (Exhibit DD). This is the permanent regulation which has to be enacted before we can pass the following exempt regulation. 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” and we would need to amend that section in order to allow the use of game tags on department lands. It is the staff recommendation that this regulation be amended to allow the department to designate wildlife management areas where deer game tags could be used and then we would develop a list. This year we would only be looking at one, but in the future we would be capable of listing other areas if they develop the criteria that we need to allow special additional hunts.

**Commissioner Frank Meyer moved to bring KAR 115-4-13 before the Commission.
Commissioner Shari Wilson seconded.**

The roll call vote to approve KAR 115-4-13 as recommended was as follows (Exhibit EE):

Commissioner Bolton	Yes
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 115-4-13 as presented passed 7-0.

4. KAR 115-25-9a. Deer; open season, bag limit and permits; additional considerations. – Lloyd Fox, wildlife research biologist, presented this report to the Commission (Exhibit FF and GG). This regulation sets the season on Fort Riley and allows a game tag on Cedar Bluff. The amendment would be item (c) to read as follows: “In addition to any other permits or limitations specified in K.A.R. 115-25-9, any individual possessing an antlered deer permit may obtain one antlerless-only deer permit valid in deer firearm management unit 3, subject to the number of antlerless-only deer permits authorized for the deer firearm management unit. Applications for antlerless-only deer permits shall be accepted in the Pratt office from the earliest date that

applications are available through December 30, 2007 and shall be issued on a first-come, first-served basis” and add subsection (d) to state: “This regulation shall be effective on and after July 1, 2007, and shall have no force and effect on and after March 1, 2008”. We established a number of items in the Deer Secretary’s Orders at the last Commission meeting, but did not include that item and this will clear that up a little bit – to accept mule deer doe permits. Chairman Johnston – On the possible amendment, “subject to” is that intended to say no antlerless-only deer permits might be issued, or is it saying there is a cap? Fox – That is subject to the numbers that have already been set, a cap.

Commissioner Frank Meyer moved to bring KAR 115-25-9a before the Commission. Commissioner Shari Wilson seconded.

Commissioner Robert Wilson moved to amend KAR 115-25-9a. Commissioner Shari Wilson seconded.

The roll call vote to amend KAR 115-25-9a as recommended was as follows (Exhibit HH):

Commissioner Bolton	Yes
Commissioner Lauber	Yes
Commissioner Meyer	Yes
Commissioner Sebelius	Yes
Commissioner R. Wilson	Yes
Commissioner S. Wilson	Yes
Commissioner Johnston	Yes

The motion to amend KAR 115-25-9a passed 7-0.

The roll call vote to approve KAR 115-25-9a as amended was as follows (Exhibit HH):

Commissioner Bolton	Yes
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 115-25-9a as amended passed 7-0.

XIII. OTHER BUSINESS

Commissioner Shari Wilson – I again attended the Wilson Lake BBQ contest and the numbers of people grew from last year. I would encourage everybody to go out and enter the contest or just go out and have a good time. I have never seen it so green there.

Commissioner Debra Bolton – We had the second Sand Sage Bison Days in Garden City and had 300 people, had 600 the first time on the 100th anniversary of KDWP, but it was still successful.

A. Future Meeting Locations and Dates

August 16, 2007, Bass Pro Shop, 12051 Bass Pro Drive, Olathe.
October 18, 2007, Colby Community Center, 285 E. 5th St., Colby.

Chairman Johnston – I looked at the long list of where we have held meetings in the past, and we have never held a meeting in Sharon Springs or Ottawa; Newton since 1988; Lawrence since 1990; and Independence since 1989. I suggest we consider these sites.

Commissioner Shari Wilson – If we could set the January meeting tonight that would help for some of us to plan ahead. Tymeson – January 10 would be right before the legislative session starts, which starts January 14. Mike Miller – There is a tremendous new facility at Independence. Chairman Johnston – So we hold that meeting in Independence on January 10.

XIV. ADJOURNMENT

Commissioner Doug Sebelius moved to adjourn, Commissioner Frank Meyer second.

The meeting adjourned at 8:24 p.m.

(Exhibits and/or Transcript available upon request)