

AGENDA
KANSAS DEPARTMENT OF WILDLIFE AND PARKS
COMMISSION MEETING AND PUBLIC HEARING
Thursday, January 10, 2008
Independence Memorial Hall
Penn & Locust, Independence

- 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 October 18, 2007 MEETING MINUTES**
- V. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS**
- VI. DEPARTMENT REPORT**
 - A. Secretary's Remarks**
 - 1. 2008 Legislature (Chris Tymeson)**
 - B. General Discussion**
 - 1. Commissioner Permit Drawing (Keith Sexson)**
 - 2. Free Park Entrance Days and Free Fishing Days (Jerry Hover)**
 - 3. Cabin Camping Permit Fees (Brad Simpson)**
 - 4. 2007 Deer Legislation and Regulation Review (Mike Miller)**
 - C. Workshop Session**
 - 1. Public Lands Regulations (Brad Simpson)**
 - 2. KAR 115-25-5. Turkey; fall season, bag limit and permits. (Jim Pitman)**
 - 3. KAR 115-25-7. Antelope; open season, bag limit and permits. (Matt Peek)**
 - 4. KAR 115-25-8. Elk; open season, bag limit and permits. (Matt Peek)**
 - 5. KAR 115-25-9. Deer; open season, bag limit and permits. (Lloyd Fox)**
 - 6. Big Game Permanent Regulations (Lloyd Fox)**
 - 7. Weigh-in Bass Tournament Regulations (Doug Nygren)**
- VII. RECESS AT 5:00 p.m.**

VIII. RECONVENE AT 7:00 p.m.

IX. RE-INTRODUCTION OF COMMISSIONERS AND GUESTS

X. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

XI. DEPARTMENT REPORT

D. Public Hearing

- 1. KAR 115-4-6. Deer; firearm management units. (Lloyd Fox)**
- 2. KAR 115-4-6a. Deer; archery management units. (Revocation) (Lloyd Fox)**
- 3. KAR 115-4-14. Landowner deer management program. (Revocation) (Lloyd Fox)**
- 4. KAR 115-8-13. Motorized vehicles and aircraft; authorized operation. (Jerry Hover)**

XII. OLD BUSINESS

XIII. OTHER BUSINESS

A. Future Meeting Locations and Dates

XIV. ADJOURNMENT

If necessary, the Commission will recess on January 10, 2008, to reconvene January 11, 2008, at 9:00 a.m., at the same location to complete their business. Should this occur, time will be made available for public comment.

If notified in advance, the department will have an interpreter available for the hearing impaired. To request an interpreter call the Kansas Commission of Deaf and Hard of Hearing at 1-800-432-0698. Any individual with a disability may request other accommodations by contacting the Commission Secretary at (620) 672-5911.

The next commission meeting is scheduled for Thursday, March 13, 2008 at Memorial Hall, Topeka.

**KANSAS DEPARTMENT OF WILDLIFE AND PARKS
COMMISSION MEETING MINUTES
Thursday, October 18, 2007
Colby Community Center
Colby, Kansas**

Subject to
Commission
Approval

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

The October 18, 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 Colby Community Center, Colby. Chairman Johnston and Commissioners Debra Bolton, 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).

III. ADDITIONS AND DELETIONS TO AGENDA ITEMS

Sheila Kemmis - Under general discussion, added Shooting Range Grants Update and added Commission Permit Update to item #1.

IV. APPROVAL OF THE August 16, 2007 MEETING MINUTES

Chairman Johnston had a change on Page 4 – deleted words “vista shots, and” towards bottom of page and on Page 7 – changed antidotal to anecdotal.

Chairman Johnston moved to accept the minutes as corrected, second by Commissioner Shari Wilson (Exhibit B).

V. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

Jim Engel, Emergency Management Director, Thomas County – I would like to see a change to the regulation to allow cast bullets for big game hunting. Some other states allow them and I know you don't allow non-expanding bullet. These are intended for hunting. Chairman Johnston – I would like to hear from Chris Tymeson. Tymeson – Are these muzzleloader or rimfire? Engel – Rimfire. They are a cast lead bullet, which offers a quick kill and is better for entrance and exit of bullet. Tymeson – Regulation 115-4-4 would cover that, and we would need to examine that and discuss it with Lloyd and Law Enforcement. Commissioner Lauber – Where can I get these, can I buy them or do I pour them myself? Engel – They are intended for older cartridges. It is not like a full metal jacket, but has a full front plate. Commissioner Lauber – You can buy the form and fill with lead yourself? Engel – Yes. Chairman Johnston – We will look at that and take it under advisement.

VI. DEPARTMENT REPORT

A. Secretary's Remarks

1. Budget Status Report – Dick Koerth, Assistant Secretary of Administration, gave this report to the Commission (Exhibit C). FY 2009 CI budget was submitted in June 2007 and discussed at the June meeting. We are trying to get gaming money or some other funding for parks. The FY 2009 budget requested is \$56,689,422 of which \$49,909,922 is for operations and \$6,779,500 for capital improvements. KDWP is also requesting 12 new FTE for a total of 422.5. Additional amounts were included for seasonal and temporary employees, fuel, utilities and IT services. In addition, \$55,000 was included for development of new State Financial Management System and \$2 million from SGF for “Open Admissions” (state park) effective January 1, 2009. Currently, entrance fees are half-price. Enhancement items: three additional Law Enforcement positions; three for parks, including one Ranger for Clinton and two Administrative Assistants, of which one will be at El Dorado; one Information and Education position; one wildlife management position at Jamestown; one Information Technology technical support position and we want to reclassify three unclassified positions. We asked for additional 2008 funding of \$448,201 for state park operations and the Governor approved \$3.9 million for flood repairs including \$1 million to repair the bridge on Prairie Spirit Rail Trail. Also, we submitted a request for damage repairs for expenditures from the Wildlife Fee Fund and for an increase to build up the Kansas Wetlands Education Center building site. Commissioner Sebelius – Lets go back to the dedicated source of funding. Have we decided not to use vehicle registration as a source of funding? We had to go in and ask for money for half-price admission. What do you see being suggested as a permanent source of funding? Secretary Hayden – As an agency, we still have an interest in the vehicle registration source. It is working well in Montana, but we cannot garner the legislative vote. I sat down with the Governor to discuss options, assuming that one was not viable. In 2006, the new gaming revenue fund was set up from money received from casinos and slot machines at dog tracks and the legislature did not earmark that money but has said what it can be expended on. It can be spent on capital improvements (CI) and the budget director suggested we seek a portion of those gaming funds for CI in the parks. We suggested as they dedicate that fund, as money starts coming in this year, that we try to earmark \$3 million of that per year for that use. That can’t be used on operations. Commissioner Sebelius – Will that take a piece of legislation or will we have to ask for it each year? Hayden – We would need permanent legislation. Lottery money was dedicated 20 years ago and those fees are still dedicated for those sources. Our goal would be to get a statutory commitment. It will be a bill, but other people will be trying to get that money also. That fund is expected it to be \$200-\$300 million a year. We have a good chance of doing that.

2. 2008 Legislature – Chris Tymeson, legal counsel, gave this report to the Commission. Park funding is our big push for this year, including flood damage, free entrance and long-term funding; failure to comply with W&P citation is three-fourths of the way through the process, and it would allow courts to suspend licenses if violators failed to comply; vessel liability insurance – there is some difficulty with that bill; field trial permits, double regulate on CSAs, attempted recently to address this in regulation and Attorney General denied us; KPF retirement package, some state employees are in this, some are not, they meet next week to look at our law enforcement officers and rangers joining that; prairie dogs, there is ongoing litigation; NRA no net loss statute, that would be to reopen additional land for land that is closed and have right to hunt amendment, spoke with NRA representative and it doesn’t appear they are going to push forward; conservation easements, decision on coal fired plants and wind power being made today will bring this to the forefront; IGUCA, indirectly involved as we have water rights in those areas and the interim committee is meeting next week; FHFH, we assisted them in getting a grant from SRS, and possible long-term stable funding from SRS; free hunting and fishing for veterans (since 2003), if this goes through we would lose the fees for the license sales and federal aid

because they will not be counted as sold; guides want to be licensed again, under Commerce instead of us; transient guest tax, possible on cabins; CSAs and removing hunting license requirements, expect no movement; bills that deal with exempting us from commenting on bills (three) water projects environmental coordination act, T&E species repeal, and posted land-searches of building; registered sex offenders in parks, not much action; hunter education exemption for military; over 65 free fishing licenses; feral swine; captive cervid; deer, not much action on deer because new program starting next year, 10 years ago we had 25 bills in one year; and other bills out there that pertain to us are SB 38, SB 189, SB 266, and HB 2143 may be used as vehicles to get bills moving. One other item of note, on the boating bill that passed a couple years ago, it is raising consternation on muffling laws. Commissioner Meyer – Huge number of Canada geese in Herrington area, could we add them to the feeding the hungry program. Tymeson – They are federal migratory species and would have to go to a processor in Minnesota, which is cost prohibitive. Chairman Johnston – On zebra mussels at Perry Reservoir, have you heard anything on that? Tymeson – No, as session gets closer we will hear from some legislators on that. Chairman Johnston – On discussions with a legislator in Wichita, before the Perry news, talking about a law requiring boats to go through a bleaching or chemical process to be moved from one water to another. We tried to find out if he is going to do something or not. Commissioner Lauber – I have seen the dipping pit that would be used to take the gel coat off your boat and I think it would be crazy. There are unenlightened fishermen who have the wrong perception of how serious this is. I don't know what can be done, but that is more radical than people are going to put up with. Other than not being able to move boats from one lake to another. Tymeson – I will make an attempt to call him. Mike Pearce – Zebra mussels at Perry is new to me. Doug Nygren – We did confirm the presence of zebra mussels in the marina, as a boat that had not left the lake for 10 years was pulled out he noticed them, divers found vilagers at 8-10 feet and we have posted the lake. Pearce – Do you expect them to go down the Kansas River? Nygren – They have not been detected downstream, but they go with the flow. They have been detected on barges in the Missouri River.

B. General Discussion

1. Hunt of a Lifetime and Commissioner Permit Updates – Keith Sexson, Assistant Secretary for Operations, gave this report to the Commission (Exhibit). We can issue up to 10 permits. Applications were sent out the first part of September with a deadline of the end of September. We received applications for three permits, one from Hunt of a Lifetime out of Harborcreek, Penn. and two from Buckmasters American Deer Foundation out of Tuscaloosa, Ala. All three hunts will occur in Pawnee County with Tim Schaller, who has been doing this for a long time. We called both organizations and told them we have seven more permits that we could issue to them or any other organization.

There are seven commissioner permits that can be issued each year, one elk and one antelope or all of them can be deer (Exhibit E). In January 2007 Wildlife and Parks held the second drawing. Winners of the permits were: Ducks Unlimited - Shawnee Mission Chapter; two to Pheasants Forever (Flint Hills and Soloman Valley Chapters); two to Friends of NRA chapters (KS-4 Topeka and KS-26 Ottawa); and two to NWTF (Lawrence and Ottawa Chapters). Permits sold for a total of \$26,973.56. In 2006, the combined permits sold for \$49,000 which was higher because Rocky Mountain Elk Foundation sold the elk permit for \$23,000. Permit applications for 2008 will be available November 1 with the winners being drawn at the January 10, 2008 Commission Meeting in Independence. Chairman Johnston – In 2008 we set in place rules for how the funds were handled. How did that work? Keith – They can extract funds they have coming to them and send the rest to us and we put the money in Wildtrust. Then they submit

projects and we send them back the money. Archery in Schools funds or something similar will go right to those special projects from us. Before that, we let them hold the money and expend it on projects as they saw fit. Chairman Johnston – The report says that NRA has not sent in their funds. Sexson – We need to remind them the money needs to go through us. They are involved in a lot of shooting sports programs that we like to see.

2. Prairie Dog Update – Keith Sexson, Assistant Secretary for Operations, gave this report to the Commission. This was an opportunity to revisit email traffic as a result of our involvement in the Logan County prairie dog issue and bring you up to where we are. There are state statutes in place, 80-1201 to 80-1208, that allow access to private property for prairie dog eradication. About two years ago a notice went out to Logan County landowners that said unless they controlled the prairie dogs, the county would come in and control them. Essentially, this action was the center of the controversy. KDWP wasn't involved directly in initial discussions because methods didn't require permitting from the department. In late August 2007, an application came to the department asking to apply Phostoxin as a permit is required under 115-16-2 (to apply poisonous gas or smoke) to do that. The initial permit was asking to treat 10,000 acres on three adjoining landowners. In reviewing that we determined that to be excessive for the use of phostoxin. The applicator was contacted by phone and told this would pose an inordinate risk to non-target species, which is one category we can deny the permit. Following that an amended application was received for 3,000 acres and considering the acreage and location that was also determined to be excessive. Knowing the landowners involved had been attempting control on their borders, it was determined an acceptable condition for the issue of the permit to apply Phostoxin was to limit its use to those borders adjoining neighbors who were not originally named in the application. In consulting with the Extension wildlife specialist who was familiar with the area and the border control plan, the department did issue a conditional use permit for 2 ¾ miles of border to a width no greater than 100 yards. That amounted to about 100 acres. That permit was issued on September 4, application of Phostoxin started on September 7, and three-fourths of a mile was treated. On September 10, a temporary restraining order was issued and the application of Phostoxin was stopped. The restraining order names KDWP and the Logan County Commissioners and was brought by the three landowners. A hearing is set for October 29. We await the hearing process. Another issue is The Nature Conservancy (TNC) applying Phostoxin without a permit, and those allegations have been under investigation and we are awaiting the results. Chairman Johnston – The ongoing investigation of TNC's alleged use, is that being performed by KDWP? So we can't talk about it since it is an incomplete investigation. Sexson – Absolutely. Lauber – I am hearing a cacophony of opinions. Tymeson – Stop. Keith has been subpoenaed for this court hearing, so stick to facts on your questions. If it is any sort of opinion or any other speculation, or where is Keith going I would say Keith should not discuss it. Chairman Johnston – I suggest you feel free to interrupt him if he starts to wander. Commissioner Lauber – I am trying to figure out, since I believe this is a property rights issue, if this battle can go on and we can remain on the sidelines. This is a controversial issue and there are lots of opinions. If we take a side one way or the other there are activists that will want us to support their position or aggravate Farm Bureau and KLA. So, I wish there was a way we could keep out of this fight. Tymeson – That pertains to litigation strategy and Keith can't comment on that. Commissioner Sebelius – Have we ever given much thought to taking the position as a department, not just this case but anything in the future on species like prairie dogs, just banning the use of that substance or do you feel it has a place in control? Tymeson – If you want to, perhaps at a future meeting, we could discuss Phostoxin permits, but I would suggest we wait until after this litigation and go through that step-by-step to see if we need to modify our regulations. Commissioner Meyer – I feel it would be appropriate to address non-target species so they are protected throughout this whole thing. Commissioner Shari Wilson – I echo what

Commissioner Meyer said. When there was a less toxic option available within a month or so of when the permit was requested, that concerned me and I would like to see these issues dealt with in the least toxic way possible, in my opinion. That is part of good wildlife management in general. Chairman Johnston – Discuss at future date the future permitting and use of chemicals? Commissioner Shari Wilson – That is a good idea. Commissioner Lauber – This litigation could go on forever and will probably be dealt with in the legislature at some point in time so based on counsel’s advice, Keith may not be able to talk to us for a while. It was my understanding that there were less aggressive methods considered and tried, but there was no landowner cooperation, that there were cattle present and certain reasons that Rozol. I am hearing a lot of those general facts. I too am concerned about non-target species and believe prairie dogs are blamed for more damage and harm than they are guilty of. Be careful on getting a large group of agricultural interests mad at us because they perceive us as not ag-friendly. I think it would best if we could keep out of this fight.

Ron Klataske, Executive Director of Audubon Kansas, Manhattan– I would like to provide background information on the specific properties involved in the permit for the use of Phostoxin. Two years ago I was contacted by landowners involved, and they were concerned about the fact that their property rights were being violated by the county and were trying to accommodate as much wildlife as possible. They are conservation interested and recognize that prairie dog colonies are valuable for burrowing owls, swift fox, ferruginous hawks, golden eagles, bald eagles and many other species. I can make an analogy to a prairie with prairie potholes or wetlands in it. If you have a prairie you are likely to have a diversity of species that are associated with the grassland. The same thing is true for shortgrass prairie and you have prairie dog “potholes” and you get more diversity of wildlife. Some landowners enjoy this.

Unfortunately the Kansas Legislature has not repealed or revised the century-old statutes that are certainly not consistent with modern thinking on wildlife conservation or property rights. It may be an issue where the department can’t always take the middle of the road and not be involved. We have a position we would like to advocate. Up to this year, Logan County Commission’s attempt to try and get imposed controlled eradication on this land. This landowner who was involved in Phostoxin, hired the county noxious weed person to come in last fall to treat a strip of 20-plus miles of his border in 220 yards and was planning on doing the same thing this fall. Unfortunately, the application process did not involve any communication between the Department of Wildlife and Parks and the landowners. This has exposed some major flaws in the permitting process. Not only has this landowner dedicated over 250 acres to vegetative buffer strips that he doesn’t graze, which defers colony growth, he implemented last year and planned to use less dangerous poison, zinc phosphide. It kills prairie dogs or whatever eats the poison oats, but does not kill secondary predators that feed on the dead or dying prairie dogs. They don’t want harm to come to the swift fox or burrowing owls or anything else. The problem with Phostoxin is it will kill every living thing. The other problem with Phostoxin is it is being imposed on them and it is very expensive, \$75 an acre or more. We need to change the protocols on the use of Phostoxin permits so the landowners are in the loop. These landowners have not been blind to the concerns of surrounding landowners. In fact, in partnership with Audubon of Kansas and the U.S. Fish and Wildlife Service, \$40,000 was allocated last fall to be used to control prairie dogs on surround lands within a mile or so without any expense. We should not allow these landowners to provide some of elements identified of great importance. (As recommended) in the 2001 Kansas Prairie Dog Conservation and Management Plan that the state developed with shareholders involved, including the Farm Bureau, these landowners are providing one of the two prairie dog complexes of 5,000 acres or more identified as important. The other thing they are doing is providing for species at risk conservation, which was also identified and prioritized in the 2005 Kansas Wildlife Diversity Conservation Plan. These guys are modern day conservation heroes and should be given partnerships from wildlife agencies.

Work with the Commission and try to educate them on the importance of working together. Other landowners in Logan County have had shooting interests involved. One had a viable cottage industry of accommodating shooters to stay at his ranch and shoot prairie dogs providing the local community with \$100 to \$150 a day. He could fill up the whole year with the interest that is out there. The department should work with landowners who want to do this. It is unusual that Audubon of Kansas is supporting the shooting of prairie dogs because if you have prairie dog colonies you have opportunities for dependent or associated species. A lot can be accomplished far beyond shooting and conservation. You may want to consider some opportunity for walk-in shooting opportunities. We request that you consider at a future meeting, a resolution to help deal with the Phostoxin issue. I suggest you pass a resolution on a moratorium on the issuance of Phostoxin permits for some length of time, perhaps 6 months to a year (read moratorium he had written). Chairman Johnston – You mentioned there had been some sort of an application of some type of chemical in 2006? Klataske – Yes, Rozol was used, which is the toxicant of choice, but it is not normally used according to label. The label requires that you go back and remove the dead animals. Most people who utilize Phostoxin, apply it and then never worry about the secondary poisoning threats that occur. The reason that the label requires that is because of animals feeding on poisoned animals can die also. There is a case in Nebraska right now where a bald eagle died. When TNC treated their land or surrounding lands a couple of years ago, even though they did follow up, they still found a dead badger. Chances are you are never going to find all of the animals that die this way because they wonder off and perish. The problem with Rozol is it takes five days up to a week to die so the animals are running around with a lethal load of this anticoagulant and are more susceptible to predation. We personally believe that shooting is the preferred means of control and zinc phosphide the second best. Chairman Johnston – Are you aware of a count or study prepared or published as to the numbers and types of animals, if any, that were killed before the temporary injunction was issued? Klataske – It really would be impossible because you are killing everything in burrow and most of those things would be out of sight unless you went down there with an extended camera. One of the things that the landowner noticed was that this applicant was treating all burrows regardless of whether they were live burrows or dead burrows. He also noticed that he treated a burrow that was dug out by a badger. In that case what he did was to squirt some water into the burrows and then throw a couple of Phostoxin tablets and then put a sandbag over it. In a relatively warm and moist environment the tablets evaporate and create this poison that basically kills everything in the burrows. I realize that KDWP didn't intend to step into this situation, and unfortunately had no opportunity to look at how they were going to manage these permits. Paul Babcock, Hoxie – I am a concerned wildlife conservationist. Is there any assumption of economic impact of the financial benefits if the land that is in question, has agreed to allow the reintroduction of black-footed ferrets? In hunting antelope in that area, I see a lot of out-of-state vehicles just to see the geological things down there and it seems to me if the ferrets get reintroduced and established, they will attract a lot of people worldwide just to observe. This could be positive to this area. Chairman Johnston – I don't think it has been resolved that is going to happen yet. Klataske – Last year and this year the Fish and Wildlife Service (FWS) black-footed ferret recovery team has reserved young ferrets to be released here. Last year it wasn't possible because things got delayed too late and then they filed their draft environmental impact assessment in November with the Department of Interior to publish, but for some reason it was never published so the public couldn't comment officially and FWS couldn't review that. We are of the assumption that part of the argument against publishing it was "lets wait and see how the litigation filed against the landowners by Logan County comes out." Basically it was dropped so there is no reason why the Department of Interior needs to hold it up. It may get published soon and then there will be a 30-day comment period. The FWS has to consider all of the views presented and decide whether they should do an experimental reintroduction. We say

experimental reintroduction because of the fact that these animals don't fall in same category as wild and existing endangered species. They are presumed to be expendable which means if someone inadvertently killed one they wouldn't get charged with destroying an endangered species. There are a lot of safeguards that protect the surrounding landowners and no requirements that people can no longer poison prairie dogs close by. There would be no prohibition, but it would bring in other partnerships. FWS is looking at bringing in additional resources to help the surrounding landowners control prairie dogs so they can feel comfortable that the presence of ferrets on these 10,000 acres and/or on TNC's Smokey Valley Ranch may positively impact nearby economic and agricultural interests. Hoping some time this winter that they can be reintroduced. They are available. Commissioner Shari Wilson – I asked about this before and no one can seem to produce anything, but are there any known credible studies that actually show the harm of having a prairie dog colony on your property can cause for cattle grazing or that type of use. We hear that is the reason why some landowners don't want the prairie dogs to come onto their property because they somehow harm the property for cattle grazing, but I have never seen any research study. It seems there would be one out there because this has been going on for so long, and if anyone knows of anything like that, I would be interested in seeing that.

3. KDWP Flood Damage Assessment – Brad Simpson, Public Lands Section chief, presented this report to the Commission (Exhibit F). As of this week, all of the site visits from FEMA are supposed to be completed on our wildlife areas. We know we will be reimbursed on four areas (Marais des Cygnes, Neosho, Pottawatomie SFL #2 and Woodson). They are going to cover our costs of \$114,000, with a 75 percent reimbursement, so we are looking at about \$86,000. The Marais des Cygnes and Neosho were two of the most damaged areas. But if you look at Miami, Louisburg, Hillsdale, those are small areas and the damages were repaired with their O&M fund and when you have a budget of \$7,000 and you spend half of that in the first two or three months of the fiscal year we really need that FEMA reimbursement for them to make it through the rest of the year. We are waiting on the word on the rest of these. Wilson SFL was damaged and even though it was reimbursable, there was enough supplies on that area and it wasn't quite \$20,000 as first anticipated -- that has been completed. One that wasn't on the list is Smoky Hill wildlife area, which is on Kanopolis Reservoir and we didn't think that was going to be eligible because it was on a federal reservoir, but they are going to reimburse for some area that is outside the flood plain, but we don't know how much. If you look at Cheyenne Bottoms, it is still flooded, but it may not be as extreme as we thought. It may only cost \$500,000, depending on availability of soil to repair the levees and the cost of rip-rap. On tornado damage at Kiowa SFL, FEMA visited, but don't know what they are going to cover. They are going to cover, between Pratt Sandhills and Ottawa SFL, about \$15,000 of damages there. We don't know about equipment shed estimated at \$40,000, so we will get about 75 percent of that back. We had 13 areas not eligible for FEMA reimbursement ranging from \$1,000 up to \$500,000 at Fall River. The reason that one is so high is because there were a couple of bridges there that were destroyed. Those bridges are not actually ours so that is going to be a lot lower. We are not going to pay to have the county bridges replaced. Primarily the reason these areas were not reimbursable is because they occurred on federal reservoirs. Because of the lease agreement we have with the Corps of Engineers, they will not pay for damages due to natural causes in the flood plain. We had four wildlife areas that we owned that will not be covered by FEMA because they are not in FEMA eligible counties, so we will have to use O&M money. Again they are small amounts, but when you have small operating budgets it takes a lot away from normal operating procedures. Progress is ongoing and we are learning more as we go. Chairman Johnston – On the list of FEMA eligible repair projects, a number of the projects the work has been completed, what is the status FEMA reimbursement then and how long is that expected to

take? Simpson – They send us a project worksheet that details what the damages are and what they were going to cover. We sign that and send that back in and it goes through the federal system and they determine whether they are going to do all of it or part of it. We don't know what that is until the check comes in, but if it is less than \$59,700 they will upfront us the money to repair damages. Any project over that we have to upfront the money and show them what the expenses were and they will reimburse us 75 percent. Chairman Johnston – Do you have a prediction as to what the horizon is of getting a check from FEMA? Simpson – I met with FEMA last week and they said some of the projects the money has been encumbered so the money is starting to trickle in.

Troy Brown, Parks West Region Supervisor, presented this report to the Commission (Exhibit F). Areas with the most damage are Prairie Spirit Rail Trail (PSRT), El Dorado SP and Crawford SP. PSRT had \$1 million including bridge. We are working with consultant, and once assessed it will be sent to FEMA and we'll receive 75 percent back on that project. Parks are on Corps of Engineers properties so we will have the same problems as Brad -- not much if any. Elk City SP was shut down for most of summer, opened part of it on September 1 and continued to remove debris. The water receded and most debris is picked up. We have three work teams at El Dorado working on campground restoration. We could have used some of that rain out here in western Kansas. Chairman Johnston – By next spring what is your prediction to when repairs will be completed? Brown – We will still be working on that, especially the roads. Elk City will also take some time, but we are making progress. The goal was to get it open for Labor Day weekend, but it is not up to our standards. Next year at this time we will be better off, but not where we need to be. Chairman Johnston – All parks are reopened at this time, is Elk City completely opened? Sexson – I think all of it is, at least a portion. Commissioner Sebelius – If we lost the park office at Crawford, what are we using there? What are they going to do if we can't get FEMA money? Will that be a capital improvement or will the finance council cover that? Koerth – We are a split funded agency and yesterday the Finance Council addressed wildlife funded portions of our budget, essentially wildlife areas. As a special revenue fund they have the authority to increase the limitation. The parks unfortunately are on the parks fee fund can't be increased enough to cover the damage. It takes state general fund appropriation and that takes legislative action. Commissioner Sebelius – So we have to find a trailer or what? Koerth – There is a FEMA trailer available, but the building wasn't totally destroyed, but had a lot of water damage. They are trying to makeshift use of it until something else is available, but general fund appropriations will be next spring before we will know where we are at. We will prepare a request to go to the Governor as a part of her budget, to be reviewed by the legislature. Commissioner Bolton – Of \$4 million in estimated damages, 75 percent of that is FEMA reimbursed? Brown – No, only at PSRT. Commissioner Bolton – How much? Brown – Overall, not much. It's starting to trickle in now, but it will be minimal. Koerth – It will depend on what FEMA declares as eligible. As Troy mentioned the bridge at PSRT is eligible. It is a \$1 million damage estimate and three-fourths of that will be reimbursed by FEMA. At Crawford, we hope some of that will be eligible too, but we don't know how much. Commissioner Bolton – I just didn't want people thinking that isn't as bad as that looks. Koerth - Wildlife areas are not as bad because most of them are not in Corps areas.

4. Statewide Trails Advisory Board Recommendations – Troy Brown, Parks West Regional Supervisor, presented this report to the Commission (Exhibit G). Jerry Hover is at the Trails Conference in Lawrence. The Kansas Recreational Trails Grant Program (KRTGP) began in 1992 with a small amount of funding. It was not funded for 1993 and 1994 but it has been funded annually since 1995. This program is administered by the Parks Division and is funded from the Federal Highway Administration through the Transportation Enhancements portion of the

current SAFE-T-LU authorization and reimbursable up to 80 percent. There were requests of over \$3 million for this year, actually \$5 million before October 2, 2007 meeting pared the list down. Commissioner Meyer is on the Statewide Trails Advisory Board who reviews the applications. We are working with the City of Overbrook to see if they can change their lake trail phase II application to cut it down and reapply for part of that project this year and the rest next year. That is the only one we are still negotiating on. It is a tough decision for Board to make. Applications come in incomplete and those are put at the bottom of list. If the Commission agrees to these we will move forward. There is \$40,000 granted to Horsethief Canyon Reservoir. I was on that committee when we started working on the plan and am personally glad to see that. Commissioner Meyer – Under federal regulations we are required to give 30 percent to motorized trails, but there no applications this year. Last year we gave some to Salina, but we have almost a million dollars to go to motorized trails. The biggest problem with those is noise, there is opposition to boating noise on the water and the same applies to trails. If the legislature could regulate noise not only on water, but on the road, more communities would be receptive to this going on. It is a good program and would be glad to see more motorized applications. Chairman Johnston – Was Syracuse submitted as a motorized application? Commissioner Meyer – No. Chairman Johnston – What is the mitigation for Syracuse Sand Park. Sexson – Our ESS staff, particularly Jim Hays, has been working on that and they have not got back with them and Jerry has not heard from them in terms of proceeding on the grant. I don't know what they are doing. Commissioner Shari Wilson – Syracuse application was non-motorized? Commissioner Meyer – No, it was motorized, but they did not submit an application because of the controversy going on.

Break

5. Shooting Range Grants Update – Ross Robins, chief of Education Section, presented this report to the Commission (Exhibit H). The Shooting Range Grant program was put in place to meet demand for places to shooting. We receive a lot of calls for places to shoot and have to send them a long ways to find a place to shoot. Reasonable access to safe places to sight-in rifles or pattern shotguns prior to hunting, and to learn, practice, and enjoy recreational shooting is an important need. Youth shooting programs, such as those supported by the Department's "Pass It On" program, are increasingly popular, and require places to shoot. In addition, there is a need to provide live-fire training during hunter education classes throughout the state, to better train new hunters. In response to the need for safe, convenient places to shoot, the Kansas Department of Wildlife and Parks has implemented the Shooting Range Grant Program. It is a partnership, which provides funds for the construction, development and improvement of shooting ranges and associated facilities. These funds will be allocated on a cost-share basis to cooperating organizations and individuals through an application process. Partners provide a minimum of 25 percent of the construction costs, and in return agree to operate and maintain the ranges, and to keep them open to the public, and to the department for special events and programs. This grant program is similar to one that the Department administered several years ago. Under that program the department entered into shooting range grant agreements with 20 different partners. Two of the largest grants went to the cities of Garnett and Horton, each of which built fully-baffled rifle and pistol ranges. The ranges are open to the public and are manned by certified range officers. Partners will take care of range operation and maintenance. Applications are due by December 1 and rated on proposed sites, proximity to other sites and suitability of site. We haven't received applications yet but have a number of interested parties.

6. Fall Turkey Season – Mike Mitchener, Wildlife Section chief, presented this report to the Commission (Exhibit I). Unit 4 is not open for turkey hunting during the fall season. New unit

boundaries have taken affect, which include portions of four counties (Rush, Barton, Pawnee, and Stafford) that are now open to fall turkey hunting for the first time. The number of permits and game tags issued for the fall 2006-2007 turkey season was 16,227 (includes 4,530 game tags) and for the eleventh consecutive year exceeded the record number sold the previous year. The percentage of hunters that harvested at least one turkey during the fall 2006-2007 season was 53 percent. These hunters harvested an estimated 6,112 turkeys (770 archery and 5,342 firearm) of which only 33 percent were females. The initial permit accounted for 84.5 percent of the statewide harvest and 81.7 percent of the harvest in an area that approximates hunt unit 2. In Unit 2, where three game tags are valid, the combined harvest taken with second and third game tags accounted for only 5.4 percent of the total harvest during the fall 2006-2007 season. In recent years, the turkey population in the eastern one-third of the state has declined. The population may be starting to stabilize in that portion of the state. It's normal to see a high increase and drop-off to a lower level and maintain there, however, it will take a few more years before we know for sure. The recent heavy rain and flooding that occurred this summer across much of the state reduced production to near record lows. The heavy rain undoubtedly flooded nests along many riparian corridors. As a result, fall hunting this year will be tougher in the eastern part of the state because there will be fewer juveniles. Expect spring hunting will be tougher next spring in the eastern half of the state due to poor production. Spring hunting will be especially tough in 2009 because there will be fewer 2-year old gobblers in the population. Because turkey numbers are expected to be lower for the next couple of seasons the department is not considering any further liberalization to the fall season at this time. Hayden – Since we have had the fall season for a few years, and only 5.4 percent is game tags, possibly we could do away with carcass tags in the fall and go to a daily bag and possession limits as we have on pheasants. This would not start until the 2009-2010 season. After the first turkey there is not much desire to shoot more than that. Mitchener – We haven't discussed that, but we can look at it and bring back some information and see what kind of harvest that might lead to. Hayden – Think about it. Now that we have the KOALS system and the difficulty these carcass tags are causing with the single print issue, it seems like we could experiment in the fall which is our lowest harvest to start thinking about daily bag and possession and do away with problems that come with carcass tags and make it simpler for Law Enforcement as well. Mitchener – We looked at other states regarding carcass tags and there seems to be quite a wide range of things the other states do. We can get some information on that and what kinds of populations and bags they have. The ones I am most familiar with are season bags instead of daily bags. Chairman Johnston – I am interested in hearing more about that subject in terms of simplifying our permitting systems. Commissioner Lauber – I concur as well, but don't want to leave any revenue on the table. People who buy turkey permits don't get as upset as deer permit buyers, but maybe some type of turkey stamp would work. It would be worth looking into.

7. Baiting, in relation to Big Game – Lloyd Fox, wildlife biologist, presented this report to the Commission (Exhibit J). This is primarily about deer, but Mitchener has some additional information about turkey if you want it. The use of bait by hunters is a controversial issue throughout North America. It is debated on ethical hunting, and biological and ecological fronts. The use of bait as an attractant is not uniformly regulated for resident wildlife, as it is for migratory waterfowl. No regulations about baiting were established in Kansas when big game seasons were established because the agricultural Midwest was considered an area where food was readily available for big game and individual bait areas were not considered to be highly attractive to wildlife. Since that time there has been substantial refinement in the use of specialty feeders and substances to attract deer. Feeding and baiting wildlife has become an issue with an economic interest. Manufacturers build feeders and stores sell them. Agricultural producers supply the feed used in the feeders. Several states have tried to regulate baiting and have run into

economic consequences. It has long been considered that artificial feeding results in large quantities of food in one area and concentration of wildlife increases the potential for disease transmission. In October 2006 an article was published in *Science* (314:133-136) that documented that saliva from a deer with chronic wasting disease could spread the disease to another deer. That finding prompted some people to speculate that baiting should be ended for herd health reasons. Across the nation there are 25 states where baiting is permitted and 25 where baiting is prohibited. When we do opinion surveys on hunters, landowners and non-hunters, wildlife health issues is an area that has the least amount of controversy and the strongest support. When the question is phrased in a general way, people are in favor of maintaining a healthy wildlife population. The problem becomes how the public will react, residents, nonresidents, landowners and hunters, or how strong the opinions are and if they support regulation of specific baiting practices when the science about the issue could only be expressed in generalities. Two states have tried to change baiting laws and have run into strong opposition. A bill was proposed to the Kansas legislature a few years ago on the use of bait by deer hunters. The emphasis of that bill was to prohibit a hunter or landowner on one property from attracting deer to leave the property of an adjacent landowner. It was not proposed as a wildlife health issue. Personnel at Quivira NWR and the Kansas Cooperative Wildlife Research Unit are currently seeking funds from the U.S. Fish and Wildlife Service to investigate the degree of movement that occurs as deer respond to feeders being used by people adjacent to the refuge. At this time we have no recommendation or proposal to regulate the use of bait in big game hunting. Commissioner Bolton – When you say baiting, is it something you plant or something you bring in? Fox – Dumped on the ground as opposed to food plots. One is habitat related and the other is food related. Commissioner Lauber – Will eliminating baiting slow down the transmission of CWD? Fox – I don't know. I would like to have a strong scientific basis for it. The general assumption is that anything that concentrates deer and increases deer-to-deer communications will increase disease transmission, but I don't know how great the difference is between where it is prohibited and where it is not. I have examples of states where they have no baiting and CWD is still expanding. Chairman Johnston – Of the states equally split that prohibit or don't prohibit baiting, is there a trend since the October 2006 *Science* article one way or the other? Are states that are prohibiting changing their laws? Fox – Prohibiting states are not opening it up, but those that allow baiting are having difficulty not allowing it. Chairman Johnston – You are unaware of any states that have gone to prohibiting baiting? Fox – New Brunswick Canada did take away deer urine as an attractant. Chairman Johnston – Can you clarify how conclusive the article was and the conclusion of CWD spread from deer-to-deer by saliva or urine. Fox – It was a penned study. Carcasses of CWD animals were placed in one pen and removed, then healthy animals were put into that pen and those treatment animals came down with CWD at a significantly higher level than the control group. I don't know how it occurs with saliva. I don't know how prions go from one animal to another. We know there is a binding that occurs on clay particles in the soil, the deer pick it up in feeding or licking the ground, get in their digestive system and it goes into the lymphatic system, but the exact mechanisms are not known at this time. Chairman Johnston – Your recommendation is clear, Kansas should continue baiting. Given the breadth of your discussion I am not sure why. Is this because of the perceived or expected negative reactions from hunters, or retail sellers of feeding equipment or is it a scientific reason? Fox – Tough question. The problems we have is getting hunters and landowners supporting us, and if we try to prohibit baiting, will we lose support, will we cause discussion to go off into other areas, like ethical use of bait, and detract from ability to do other things. At this time I haven't seen where it has been successful and our program has looked for programs that have been done successfully someplace else and then we refine that and take it on. This isn't one at this point that is successful. On the other hand, every opportunity I get professionally to discourage people from baiting, I do that. The difference is between

suggesting and recommending, rather than regulating. I am pushing for education as our first step until we get better information or much stronger support. Commissioner Lauber – You may enlighten us in next subject, but from the concern of CWD transmission, the risk of transmission through baiting is much lower than high population density of captive cervid. If we are going to tackle something controlling captive herds is what we should eliminate or regulate. Fox – Two things occur in captive industry: one is moving animals long distances from one farm to another and the other is high concentrations of animals maintained on the same area for long periods of time. That is why we see the high prevalence of CWD in certain pens in certain areas.

Ron Klataske – I support the approach of trying to educate people and at some point you may want to regulate this if there is additional scientific information. I had a couple transferable deer permits that I issued to a man and his wife who hunted last year, but to my surprise this year he brought two feeders. He had them out for a month. It will look like a stomp lot by early December, and I think the potential of deer saliva shared on ground and on the corn is very high. I was of the impression for many years that we didn't allow baiting in Kansas or people assumed you couldn't and I thought you couldn't even put out salt to attract deer. I suspect at some point you will have to deal with it and it will come into play with turkeys as well. Turkeys are very messy around an area so it may represent a disease issue as well. Chairman Johnston – Was it ever illegal? Sexson – No. Commissioner Robert Wilson – It was for waterfowl. Fox – It still is for waterfowl in all states. Five states allow baiting for turkey, and 25 states allow it for deer. There was confusion regarding salt. Looking back at regulations going back to 1965 I don't see anything that specifically prohibits baiting or salt. In 1973, it specifically says you can use lures. Klataske – Is it prohibited for turkeys or not? Fox – No, we are one of the five states.

8. High Fence Areas – Kevin Jones, Law Enforcement Division Director, presented this report to the Commission (Exhibit K). At one time all deer were under Wildlife and Parks. In 1993, HB 2106 transferred authority of private-owned (domesticated) deer to the Kansas Livestock Commissioner. This bill created several new sections of law and amending several existing statutes. It made it unlawful to raise domesticated deer unless they are permitted by the Livestock Commissioner. This brought in a separate state agency as the controller of domesticated deer. Domesticated deer was defined as any member of the family Cervidae, legally acquired, that are sold or raised in a confined area for breeding stock; for any carcass, skin or part of such animal; for exhibition; or, for companionship. If an individual wanted to keep a deer that was acquired from a non-wild source they could and be permitted by the Livestock Commissioner. Under the criminal procedures law there was an amendment made that states the intentional release or setting free a domesticated deer from a confined area as a violation of law. The definition of domesticate deer shows up elsewhere in numerous places throughout animal health laws, particularly under the Livestock Commissioner's authority and added into the public health law as it applies to the preparation of meat products. Statute 32-954 was affected concerning game breeding which removed that portion of deer from us, so the department has no authority over domesticated deer and no management. The Livestock Commission has the authority to establish rules and regulations. There are marking requirements such as ear tags, tattooing or microchips and permittees are to maintain inventories of their animals and make the confinement area escape-proof. Kansas has 103 permittees that possess captive cervids. There is a ban or prohibition on transport of domesticated deer across state lines to the extent that only deer that have been entered and tested in the CWD prevention program for four years or more can be transported into the state and out. In 1993, the laws were changed and we have no control. Commissioner Lauber – In 1993, I went back and tried to get a handle on what occurred. In an effort to maintain the integrity of the wild deer herd, we had a lot of concerns and felt the need to impose restrictions, and it was probably perceived that we were damaging economic potential. So by statute this was taken away from us. Does the Livestock

Commission, on hotspots of CWD or confirmed clusters around high breeding areas, do anything to try to minimize trading and shuffling of these animals or just promote economic activity on the farm? We all get pictures of whitetails on internet that look like they have elk antlers and can barely hold their head up. I would hate to see any of those get out into the gene pool, is this being addressed or do we do? Jones – There are some correlations between the spread of disease and captive herds. For instance where CWD occurred in northeastern Colorado and southeastern Wyoming originally, now you have it in Wisconsin without a contiguous line in between, which would lead one to believe that is a transport issue. It is an issue with a lot of my contemporaries in other states. Some speculative information that a person could come to that conclusion. As far as the regulation and control by the Livestock Commissioner, there is the moratorium I mentioned, no deer brought in for these herds that have not been in CWD testing program for four years. A person can't just acquire an animal from any place; they need health documentation to show it is from a clean herd. Commissioner Lauber – Personally, I would like to see high fence operations under our supervision. I think it was taken away because we wanted to impose reasonable restrictions. It would be interesting and of value, if we formally request the Livestock Commission show us some reasonable safeguards, have opportunity to have these under our control. I suppose people enjoy hunting these areas, but it is a small segment of our hunting population. I believe they provide some risk to wild herds. My opinion is that very little is done about keeping exposed or affected animals from escaping, and it is hard to keep wild animals out. I think it is a serious problem, but maybe not as serious as I think. Chairman Johnston – What information do you have or are you aware of on the frequency of escapes? Jones – Escapes are supposed to be reported to the Livestock Commissioner and there are provisions under the law to try and catch them and the Livestock Commission can order the destruction of that animal. I hear about two or three a year. It is up to the operator voluntarily reporting that. Chairman Johnston – Quite some time ago there were some CWD positive tests in captive cervid. Jones – Yes, one elk in Harper County and that herd was put down. Chairman Johnston – How long ago was that? Jones – That was in 2001. Chairman Johnston – What is your opinion on getting back authority of high fence areas? Jones – Same thought process as baiting. There is deep-seated emotions on both sides of the issue, and I am concerned about transmitting diseases across the country. Some states have become more prohibitive or banned domestic deer herds. I believe North Dakota has banned domestic deer herds. It is a monumental job. In states where wildlife agencies do the monitoring and control, it takes a lot of time and energy to do the inspections. Wisconsin has 900 facilities, and they hold a deep concern for some of the issues, particularly in disease control. I don't know if I can render an opinion, other than we should be looking at ways to control disease vectors and there are cases in some states where those deer have been brought into the wild herd. There a number of issues of concern out there. Commissioner Lauber – I think that while there might be some controversy, 103 against, but sportsmen are not going to have much sympathy unless they bring in people to hunt in these areas. I don't think it is going to be politically unpalatable for people we represent, but politically unpalatable for those people who perceive that we will reduce economic opportunity for those 103 permittees. Commissioner Sebelius – I would be interested in having more information on how big a task it would be to see if there is a recommendation to repeal the entire thing and return to before 1993. I am sure it would be like getting rid of exotic animals. I don't like the concept. I have had experience with the Livestock Commission; they aren't very big and they don't like to step in on a number of things. I don't know that they wouldn't be interested in getting rid of that. Hayden – We have a good relationship with the Livestock Commissioner and work with him on a number of issues. I suggest we invite him to make an appearance at a Commission meeting and give us a report on the status of high fence operations. If we are going to consider change we need to know more about it. Prepare our questions so he knows what questions we have. Chairman Johnston – I think that is an excellent idea. Hayden – The March

meeting is in Topeka and that is where he is located so he wouldn't have to travel. He does have a small staff and a small budget. I will extend that invitation. Commissioner Shari Wilson – Was there an incident that prompted this being on our agenda? Sexson – It was put on the agenda because Commissioner Lauber had some questions and Lloyd was gone at the last meeting so we postponed it to this meeting.

9. Field Trial Permits and Controlled Shooting Areas – Kevin Jones, Law Enforcement Division Director, presented this report to the Commission (Exhibit L). This deals with a situation that Chris Tymeson spoke about earlier in the legislative briefing. We were contacted by an individual who was questioning the rationale of why it was necessary to issue a field trial permit on a Controlled Shooting Area during their operational year as birds are released, harvested and accounted for under their reporting system. They wanted to know if this could be incorporated into one, collect data on birds taken during field trial, but not require the Controlled Shooting Area to actually go through the process of being issued a field trial permit. We brought that matter before the Attorney General's office and they advised us that we would have to do that under statutory change rather than regulatory change. The recommendation was made that those changes occur to the statute and we would go forward with legislation to affect that. After doing more study, there are some issues concerning permit requirements that we need to look at a little bit more before we bring forward legislation.

C. Workshop Session

1. Big Game Permanent Regulations – Lloyd Fox, wildlife biologist, presented this report to the Commission (Exhibit M). We will be discussing KAR 115-4-2, big game, general provisions – information that would go on a carcass tag and transferring meat to another person - it does not appear that this regulation will need to be changed, however further review of this regulation by staff is necessary; KAR 115-4-4, big game, legal equipment and taking methods – more popular of permanent regulations, requests for changes in equipment that can be legally used - restrictions and liberalizations on the legal equipment (like the earlier discussion on cast bullets), or such items as holographic sites and illuminated arrow nocks. Currently telescopes are not authorized for muzzleloaders during the early muzzleloader season (generally in September), but telescopes are authorized during all other seasons when a muzzleloader could be used. Requests have been made to allow telescopes to be used during all seasons. Currently various primitive hunting devices like spears, and knapped broadheads are not authorized for big game hunting. Requests have been made to allow these equipment types and accessories; KAR 115-4-6, deer, firearm management units - deer management will continue to be monitored on a deer management unit basis with the existing boundaries. Many resident deer hunters will select a deer permit that will be valid in all units, however, non-resident hunter permits and harvest data will continue to be at the level of the traditional deer management units. For nonresidents, the unit boundaries will be used for archery, firearms and muzzleloader equipment users, i.e., there will not be separate units for archery; KAR 115-4-6a, deer, archery management units - this regulation will no longer be needed if we continue on the route proposed by the Deer Task Force and staff recommends we revoke it. Commissioner Robert Wilson – Go back to statewide archery tags with no unit designation? Fox – Right, that will come up in 4-13 where we will describe new permits and one of the permits will be for a resident statewide archery either sex, either species. On KAR 115-4-11 – big game and wild turkey permit application process - legislation won't require us to make any change, however we have had staff discussion on concerns about differences in application fees for permits that include a preference point systems compared to applications where they are not included. We will look into that a little bit more and come back with a specific recommendation on this if we can find a way to be more consistent.

Kenneth Servos, Fontana – On big game legal equipment, is caliber of shells where that should be discussed? Fox – Yes those are in that regulation. Calibers that are legal, for example for centerfire it is a .23 caliber or larger and those are in that regulation. Servos – Are you talking about considering any type of change in that, specifically the calibers? Fifteen years ago I can understand the rationale of the caliber, but with modern technology of the bullets I don't understand how the dividing line of the caliber is. Now with 223 caliber or 22-250 you can go with loaded ammunition from 60 grain up to 90 grain. They are petition bullets made for big game hunting and you can buy 243 loaded down to 55 grain. The bullet technology is so improved and I was wondering what is rationale of keeping it the same? I would like consideration or thought given to changing that. Fox – We have looked at that and one year we changed this regulation and allowed .22 caliber and as a result we had other people come back and petition us to change that back and one of the largest folders in my file cabinets is on ballistics. That regulation is one of our hot button regulations. Servos – That is right and that is why I am here. I remember the time you are talking about and it was an emotional thing and at that time I don't think you could get information because you couldn't buy a factory big game bullet loaded in a .22-250 or .223. But that was 15 or 20 years ago and since then bullet technology is so much different. It is like comparing apples and oranges. Chairman Johnston – It is my understanding that staff is continuing to review this regulation, but would it be acceptable to take a look at this subject as well? Fox – We will be coming back with all of these again in January in a workshop and the final will go through in March or April. Tymeson – Most likely March. Fox – Initially what we were thinking was make the changes in these regulations that will satisfy the change in the state law that occurred with our bill. Whenever you open these up you open it up to spears and .22 calibers and all of the other items. Servos – If they haven't already made up their mind, I can provide information on this and would be happy to do that. Chairman Johnston – Leave your address and phone number with Sheila. Servos – I signed in. Fox – K.A.R. 115-4-13, deer permits, descriptions and restrictions; this is the permanent regulation that will receive the greatest modification as a result of the passage of House Bill 2437. Provisions need to be made to define the various permits that will be new to the system, for example, the mule deer stamp; and KAR 115-4-14, landowner deer program – we had one person in this program and he has requested to get out of it so this regulation will no longer be needed and staff recommends we revoke it. Commissioner Shari Wilson – On 115-4-13, one of the bullet items says, “nonresident deer permits shall be valid for the same season and same management unit as those for which the equivalent resident permits are valid” so we are allocating how many nonresident deer permits we will have based on the number of resident permits in each unit? Fox – This is written up to show what the current regulation has and that will be one of the items that changes, just like it says we will have game tags and the proposal is to do away with game tags and have just permits with different fee structure and residents and nonresidents will go in a separate tract and nonresidents will be on a unit-by-unit equipment basis and residents will have options that will be a whitetail either-sex and it will be any season and any unit. Nonresidents will have options that will allow them to pick their unit plus one adjacent unit. This will see a lot of modification compared to what it looks like right now. Commissioner Shari Wilson – I suggest we go over those items thoroughly so public understands it as well as the Commission.

2. Parks Regulations – ADA access issue - Troy Brown, Parks West Region Supervisor, presented this report to the Commission (Exhibit N). KAR 115-8-13 currently does not allow anyone to use unregistered vehicles on KDWP property, but occasionally we receive requests from handicapped individuals to use all-terrain vehicles, scooters, and other vehicles not capable of being legally registered. We wish to amend the current regulation to allow this type of vehicle to operate on department lands under certain conditions by or for handicapped individuals meeting certain requirements. We also want to further clarify the current regulation to

specifically prohibit unauthorized use of unregistered motor vehicles including, but 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. One of the things we deal with now in the park setting is we don't have a regulation dealing with this other than our off-road regulation. Right now our officers have to write a Notice to Appear in court and 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. Commissioner Sebelius – You are talking about a person who fits the definition of disabled or handicapped can go in off-road areas that are not sensitive. Is that what you are doing? Like golf carts or motorized wheelchairs? You are not trying to liberalize what can be used on public roadways? My concern is that we are trying to expand into an area where we can't. ATV can be used off road, but that is bigger than what you would want someone to go to the shore with. Tymeson – Applies to wildlife areas as well, this puts a formal process in place to access a place to hunt or to get to a shoreline where we have declining water levels. Commissioner Sebelius – This will leave it to the permitting process what could be used as well as where? Tymeson – Yes. Commissioner Bolton – Would that include WIHA areas? Tymeson – No, we are under contractual obligation to landowners and we prohibit motorized vehicles.

3. Public Lands Regulations – Brad Simpson, Public Lands Section chief, presented this report to the Commission (Exhibit O). There are more than 100 KDWP-managed public land areas that include wildlife areas and state fishing lakes. These areas range from less than 100 acres to nearly 20,000 acres in size and are just as varied in the types of wildlife habitat, public hunting, fishing, and other public use opportunities they provide. The department is empowered by state statute 32-807 under powers of the Secretary and 32-1015 for miscellaneous violations to use posted notices for provisions or restrictions as established by posted notice on portions of, or entire, public land areas. Posted notices provide public land managers with a great tool to provide the flexibility necessary on individual areas based on resources, locality and constituents. Posted notices will be categorized into a reference document that we discussed several meetings ago 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. A thorough review is being conducted on posted notices that are in effect for each wildlife area and state fishing lake. The proposed categories in the reference document will include; access restrictions, age restrictions, alcohol prohibited, non-toxic shot, boating restrictions, equipment restrictions, handicapped access, and hunting restrictions. We will address refuges, seasonal closures, shooting areas, shooting hour restrictions, special permits, and swimming restrictions.

Secretary Hayden – We would like to take a picture of the Commission, so if you would stay in place we will have Mike Miller come take a picture.

VII. RECESS AT 5:00 p.m.

VIII. RECONVENE AT 7:00 p.m.

IX. RE-INTRODUCTION OF COMMISSIONERS AND GUESTS

V. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

None

VI. DEPARTMENT REPORT

D. Public Hearing

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

1. KAR 115-2-1. Amount of fees – Mike Miller, magazine editor and special assistant, presented this report to the Commission (Exhibits Q, R). I am presenting these because they are part of the final recommendations provided by the Deer Task Force. It provides big game permits for youth and we are recommending doing away with the deer game tag and going with a whitetail antlerless-only permit for \$15. The recommendations eliminate the transferable hunt-own-land permit so we will have a Special Hunt-Own-Land permit that a landowner's lineal family, siblings and their spouses would be eligible for and that will be \$30. A mule deer stamp will also be available. Nonresidents who apply for a whitetail either sex muzzleloader or archery permit in the nine units in the western part of the state will be allowed to enter a drawing for a limited number of mule deer stamps. They would have to include an additional fee of \$100 which is the recommended fee. If they are drawn, the permit would then become any-deer or either species permit. Other recommended amendments to this regulation include a change in the 24-hour fishing license from \$5 to \$3, and a youth paddlefish permit for anglers under 16 years of age for \$5 which is half-price of the adults. Commissioner Lauber – What was instead of a deer game tag? Miller – An attempt to simplify our permit structure, we have whitetail antlerless-only permits which are currently \$30 and then you drop then you drop down to the game tags that are \$11 or \$12 and they are only valid on private land. The recommendation was that we have whitetail antlerless-only all for \$15 -- the first one you purchase is valid anywhere in the state on public or private land and any others are going to be unit restrictive private land and designated public land areas. Commissioner Shari Wilson – On the special-hunt-own-land permits, you said those are good for lineal relatives? Could you explain who that is? Does that include, for example, my sister's husband? Miller – Yes, landowner siblings and spouses and lineal relatives, kids or grandkids or grandparents, either up or down. Commissioner Shari Wilson – I had a call about this. Miller – Originally the siblings and spouses weren't included in the recommendations, but those are some of the compromises we made as we worked with the legislature. Chairman Johnston – Why is the economic impact in 2008 higher reduction than in 2009 in the wildlife fee fund? Tymeson – If you look at the estimates for the increases or reductions that is how it added up when you take all of the changes combined, you ended up with a larger decrease next year, but it is offset in 2009, because we are going from \$10 to \$15 on game tags and that is offsetting the youth. The last half of 2008 you will see a larger reduction in the budget because we will have more youth participation in the spring. The deer stuff then kicks in for FY 2009.

Pearce – On the transferable permits, these are not the landowner's personal permit. They can still hunt themselves. Miller – It is not a transferable permit, basically family members are eligible. It is still limited to one permit per 80 acres. A landowner can get his own permit and his relatives could purchase a hunt-own-land permit, regardless of residency and that would be the \$30 permit.

Drew McCartney – On the mule deer tags, what will determine how many of those will be issued? Miller – That will come from recommendations of the staff, Lloyd Fox and biologists based on the biology and the deer population. McCartney – Yearly? Miller – Yes. McCartney – Is the landowner tag restricted to land that landowner owns? Miller – Yes, owns or operates. Pearce – The hunt-own-land permits for relatives, would that be any deer? Miller – It would be

the same as hunt-own-land permits are now, so yes. Pearce – If they had 800 acres they could shoot 10 deer. Miller – If they had that many family members.

**Commissioner Frank Meyer moved to bring KAR 115-2-1 before the Commission.
Commissioner Robert Wilson seconded.**

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

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 115-2-1 passed 7-0.

2. KAR 115-2-3a. Cabin camping permit fees – Troy Brown, Parks West Region Supervisor, presented this report to the Commission (Exhibit T). KAR 115-2-3a establishes fees by locations for cabin camping within the state parks, state fishing lakes, and wildlife areas. We evaluate these fees on a yearly basis. We have a few adjustments needed for January 1. Current demand for cabins is exceeding our expectations. At Cedar Bluff SP cabins 1 and 2, we recommend increasing the fee from \$35 to \$45. These are older primitive cabins that are in the process of being completely updated to current standards; Cheney SP cabins 1-8, increase from \$45 to \$55 for Sunday through Thursday, year-round, and from \$65 to \$75 for Friday and Saturday, May 1 to September 30, add cabin 9 at \$85 for Sunday through Thursday, year-round, and \$100 for Friday and Saturday, May 1 to September 30, and \$85 for Friday and Saturday, October 1 through April 30 and a year-round per-week price of \$570 – Cabin 9 is a new and larger cabin on the East Shore; Eisenhower SP cabin 1 and yurts 1 and 2, adding a three consecutive night rate of \$100 and a weekly package price of \$225; Glen Elder SP cabins 1-4, deleting current multiple pricing schedule and implementing a year-round standard price per night of \$75 and a weekly rate of \$450; Kanopolis SP cabins 1-5, Sunday through Thursday from \$45 to \$55, Friday and Saturday April 1 through September 30 from \$60 to \$70, Friday and Saturday October 1 through March 31 from \$45 to \$55, changing the weekly rate from \$300 to \$400 for April 1 through September 30 and from \$275 to \$350 for October 1 through March 31; Scott SP cabins 1 and 2, adding a year-round weekly rate of \$420; Tuttle Creek SP is reduced to 1-4, instead of 1-7; and Webster SP cabin 1, decreasing nightly rate from \$65 to \$50 for Sunday through Thursday and from \$80 to \$70 for Friday and Saturday to stimulate occupancy as this is below estimates due in-part to low reservoir water levels, also changing weekly rate from \$450 to \$375. Effective January 1, 2008. Chairman Johnston – What prompted the reduced rates at Webster. Brown – Struggling with low water levels and cabin hasn't done as well as we thought it would, hope this will help entice people there.

**Commissioner Gerald Lauber 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 U):

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 115-25-6. Turkey; spring season, bag limit, permits and game tags – Mike Mitchener, Wildlife Section chief, presented this report to the Commission (Exhibit V). We talked about this the last couple of meetings and I would like to remind you of the minor changes we put into this. We increased the number of permits in Unit 4, the draw unit, to 325 for general resident and landowner and 75 for youth only. We also extended the youth disabled season, it will open April 1, along with archery-only and run concurrent through the opening day of firearms season

Commissioner Debra Bolton moved to bring KAR 115-25-6 before the Commission. Commissioner Frank Meyer seconded.

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

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 115-25-6 passed 7-0.

4. KAR 115-7-1. Fishing; legal equipment, methods of take and other provisions – Doug Nygren, fisheries section chief, presented this report to the Commission (Exhibit X). Changes have to do with changing the status of gigging as a method of take, right now it requires posting for it to be legal. The change would allow it to be legal unless posted otherwise. Also remove the requirement for a barbless hook for paddlefish snagging.

Commissioner Shari Wilson moved to bring KAR 115-7-1 before the Commission. Commissioner Doug Sebelius seconded.

The roll call vote on KAR 115-7-1 as recommended was as follows (Exhibit AA):

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 115-7-1 passed 7-0.

5. KAR 115-7-8. Bass fishing tournaments – Doug Nygren, Fisheries Section chief, presented this report to the Commission (Exhibit Y). Clarification of regulation that has to do with weigh-in tournaments for bass and we left out the words “black bass” and some people were questioning if it would be legal for striped bass or hybrid striped bass. Black bass is spotted bass, largemouth bass and smallmouth bass.

Commissioner Frank Meyer moved to bring KAR 115-7-8 before the Commission. Commissioner Shari Wilson seconded.

The roll call vote on KAR 115-7-8 as recommended was as follows (Exhibit AA):

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 115-7-8 passed 7-0.

6. KAR 115-7-9. Weigh-in black bass fishing tournaments not using tournament black bass pass – Doug Nygren, Fisheries Section chief, presented this report to the Commission (Exhibit Z). This is a new regulation outlining the requirements for all weigh-in tournaments for black bass. Basically we used many of the requirements we put together for the bass pass program last year. We thought we should hold all of the different tournaments to the same standard in terms of how they handle black bass on a weigh-in tournament. If you go down through there you can see the stipulations. Chairman Johnston – This has nothing to do with expanding bass pass program. Nygren – This would be for non-bass pass weigh-in tournaments.

Commissioner Gerald Lauber moved to bring KAR 115-7-9 before the Commission. Commissioner Robert Wilson seconded.

The roll call vote on KAR 115-7-9 as recommended was as follows (Exhibit AA):

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 115-7-9 passed 7-0.

7. KAR 115-18-10. Importation and possession of certain wildlife; prohibition, permit requirement, and restrictions – Doug Nygren, Fisheries Section chief, presented this report to the Commission (Exhibit BB). This is what we commonly refer to as the regulation that sets the prohibited species list, species that are illegal to have in your possession. We want to add diploid grass carp to the prohibitive species list in an effort to eliminate grass carp reproducing in the wild in Kansas and in our neighboring states. We are doing this in response to a nationwide Asian Carp management control plan that is calling on all fifty states to implement this

regulation. It would still be legal to sell triploid grass carp which are infertile because of a genetic manipulation so people would still be able to use grass carp in their private ponds and we would be able to use them in our hatchery system. Diploids would no longer be allowed in Kansas except by permit. Commissioner Lauber – There are currently diploids in lakes now? Nygren – Yes there are. Commissioner Lauber – So if caught one you would have to dispatch it? Nygren – Right, you can't have them alive. To be safe someone would need to dispatch any grass carp because in reality you can't tell by looking if it is a diploid or triploid. The point would be that over a period of a few years all of the diploids in the wild would disappear and everything that would be stocked subsequent to this regulation passing would be, private and on by the department would be the infertile variety.

Commissioner Doug Sebelius moved to bring KAR 115-18-10 before the Commission. Commissioner Debra Bolton seconded.

The roll call vote on KAR 115-18-10 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 as presented KAR 115-18-10 passed 7-0.

8. KAR 115-18-12. Trout permit; requirements, restrictions, and permit duration – Doug Nygren, Fisheries Section chief, presented this report to the Commission (Exhibit CC). This regulation would allow children under the age of 16 to fish for trout without having to have a trout permit. There is a companion regulation that we will talk about in a moment that would also reduce the creel to two-a-day.

Commissioner Debra Bolton moved to bring KAR 115-18-12 before the Commission. Commissioner Shari Wilson seconded.

The roll call vote on KAR 115-18-12 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 as presented KAR 115-18-12 passed 7-0.

8. KAR 115-18-20. Tournament bass pass; requirements, restrictions, and pass duration – Doug Nygren, Fisheries Section chief, presented this report to the Commission (Exhibit DD). This is clean up language also relating to the clarification that the bass program is a “black bass” program and this has to do with the bass pass itself. This makes it clear that the bass pass is good only for black bass tournaments.

Commissioner Frank Meyer moved to bring KAR 115-18-20 before the Commission. Commissioner Shari Wilson seconded.

The roll call vote on KAR 115-18-20 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 as presented KAR 115-18-20 passed 7-0.

8. KAR 115-25-14. Fishing; creel limit, size limit, possession limit and open season – Doug Nygren, Fisheries Section chief, presented this report to the Commission (Exhibit FF). We have several changes here. This would add one new trout fishing location. It allows for modification of the length and creel limits for paddlefish and the addition of some new water bodies. Willow Lake in Tuttle Creek State Park is being moved over to the list that says if you are fishing there during trout season you must have a trout permit. Lake Shawnee in Shawnee County will be new trout water, under an agreement with Shawnee County to take over their trout program and require the department's trout stamp and they will do away with their local trout stamp which is another simplification for the anglers. Also, on the species creel limit table, you will see we are changing the creel limit for children to two-a-day for children that don't have a trout permit in their possession. In the reference document (Kansas Special Size Limits, Creel Limits, and Bait Restriction Tables – Exhibit HH), we are having a white perch problem at Wilson and to address that we are wanting to implement a five-a-day creel on blue catfish and a 35-inch minimum length limit on blue catfish at Wilson Reservoir and also a 35-inch blue catfish minimum length limit at Cheney Reservoir which has zebra mussels and white perch. We are using the blue catfish to take advantage of this new food source and to try to help control these invasive species. Another one that is new to the reference document is the wiper creel limits. We feel there are some lakes where we can be more liberal than two-a-day on hybrid striped bass so we are proposing to change from two-a-day on Coldwater City Lake, Douglas County Lonestar Lake, John Redmond Reservoir, Leavenworth State Fishing Lake, Paola Lake Miola and Shawnee County Lake Shawnee to five-per-day. We also have a program on the Mined Land Area trout water in Unit 30, the Fish and Wildlife Service and other states are providing brown trout to the department and we want to try and create a unique brown trout fishery there so we are proposing a 20-inch minimum length limit with a one-a-day brown trout creel limit. One last item a clarification on paddlefish snagging locations, the Burlington and Chetopa areas are confined just to the city park areas. There was some confusion on just how far downstream of the dam you could snag paddlefish.

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

The roll call vote on KAR 115-25-14 as recommended was as follows (Exhibit GG):

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 115-25-14 passed 7-0.

XIII. OTHER BUSINESS

Commissioner Meyer – On noodling, did we have several people do this? Nygren – We sold about 96 hand fishing permits, and we are in the middle of conducting a survey, but I don't have the results yet. The reported harvest is going to be well below one per permit.

Commissioner Lauber – We had Audubon of Kansas issue a press release about mountain lion confirmation and without going into any detail I would like our staff, Matt or someone, make a report as to that. I think they did some investigation, but don't know how in depth. Every time a new mountain lion sighting gets in the paper there tends to be a little anti-Wildlife and Park murmuring and I think the more we keep this in the front burner the more we will reduce the rumors that we are stocking them from Blackhawk helicopters. I wouldn't mind seeing what our people have to say about that. Chairman Johnston – I am not sure I want a rebuttal to the Audubon Society's website, but maybe just an update on the latest information. Commissioner Lauber – I agree with that. It would put us in a better light that we take these reports seriously.

A. Future Meeting Locations and Dates

January 10, 2008, Independence Memorial Hall, Independence (Tour – Elk City SP, Buffalo Ranch)

March 13, 2008, Memorial Hall, Topeka.

Set April 17, 2007 for Garden City.

XIV. ADJOURNMENT

Frank Meyer moved to adjourn, Debra Bolton second.

The meeting adjourned at 7:35 p.m.

(Exhibits and/or Transcript available upon request)

General Discussion

Commission Permits Update

In January 2007 Wildlife and Parks held the second annual drawing for Commission permits. Winners of the permits were: Ducks Unlimited - Shawnee Mission; two Pheasants Forever chapters (Flint Hills and Soloman Valley); two Friends of NRA chapters (KS-4 Topeka and KS-26 Ottawa); and two NWTF chapters (Lawrence and Ottawa). Everyone has sent their money in to Wildtrust. In 2007 we requested they send in the 85 percent minus the cost of the permit. Permits sold for a total of \$26,973.56 with the 85 percent, minus the cost of the permit, being \$21,340.63. Ducks Unlimited left their \$1,427 in Wildtrust to be used at Jamestown WA. All of the rest of the money has been requested and sent back to the organizations to be used on agency-approved projects.

In 2006, the combined permits sold for \$49,000 with \$35,402.50 (includes the cost of the permit being subtracted) being the 85 percent for projects. Rocky Mountain Elk Foundation is the only one with money still in the Wildtrust account. They have left \$12,500 in Wildtrust to be spent on Archery in the Schools.

Secretary's Resolution

2008 KANSAS FREE FISHING DAYS

Under authorities contained in K.S.A. 32-906(f), the dates of June 7 and 8, 2008 are established as "Free Fishing Days." All persons may fish in the waters of the State, by legal means, without a valid fishing license on these dates. All residents and visitors to the State of Kansas are encouraged to use this opportunity to enjoy our outdoor recreational resources.

Date

J. Michael Hayden, Secretary
Kansas Department of Wildlife and Parks

Secretary's Resolution

2008 KANSAS FREE PARK ENTRANCE DAYS

Under authorities contained in K.S.A. 32-901(e), the following dates:

Milford State Park – January 19 – Eagle Day	Wilson State Park – June 7 and 8 – Free Fish Weekend
Kanopolis State Park – April 19 and 20 – Earth Day	Cedar Bluff State Park – June 14 and 15 – Birds of Prey Demonstration/ Kids scavenger hunt/ Decampathalon
Cheney State Park – May 3 and 4 – OK Kids	Crawford State Park – June 15 – Father's Day Events
Eisenhower State Park – May 3 – OK Kids	Hillsdale State Park – June 15 – Father's Day Events
Meade State Park – May 3 and 4 – OK Kids	Milford State Park – August 16 – Outdoor Water Festival
Prairie Dog State Park – May 3 and 4 – OK Kids	Clinton State Park – August 16 and 17 – Special Events Planned
Webster State Park – May 3 and 4 – OK Kids	Lovewell State Park – September 6 and 7 – Chili Cook-off/Archery shoot
Crawford State Park – May 11 – Mother's Day Events	Tuttle Creek State Park – August 23 and 24 – Outdoor Expo and Youth Events
Hillsdale State Park – May 11 – Mother's Day Events	El Dorado State Park – September 13 and 14 – Special Events
Eisenhower State Park – May 25 – Special Events Planned	Cross Timbers State Park – September 27 – Special Events
Cross Timbers State Park – June 7 – OK Kids	Fall River State Park – September 27 – Special Events
Elk City State Park – June 7 – OK Kids	Elk City State Park – October 25 – Neewallah
Fall River State Park – June 7 – OK Kids	
Glen Elder State Park – June 7 and 8 – Free Fish Weekend	
Perry State Park – June 7 and 8 – Free Fish Weekend	
Pomona State Park – June 7 and 8 – Free Fish Weekend	
Scott State Park – June 7 and 8 – OK Kids and Free Fish Weekend	

are established as “2008 Free Park Entrance Days.” All persons may enter any of the above Kansas state parks free-of-charge. All residents and visitors to the State of Kansas are encouraged to use this opportunity to enjoy our outdoor recreational resources.

Date

J. Michael Hayden, Secretary
Kansas Department of Wildlife and Parks

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. Consumer demand for cabins on KDWP controlled lands continues to increase. Overnight cabin camping fees are based on location, amenities, quality, demand and local area prices for comparables. As additional information is assimilated, cabin camping fees require adjustments to remain comparable to private business and to achieve desired occupancy rates. KDWP should not substantially undercut private business located within a reasonable distance to the KDWP property, nor should fees be excessively high.

The proposed amendment would become effective for the calendar year 2008.

Summary of proposed amendment:

Atchison: Add Cabin 1 year-round at \$60 per night and year-round per week at \$420.00.

McPherson: Add Cabin 1 year-round at \$60 per night and year-round per week at \$420.00.

Senate Substitute For HB 2437

Changes to the deer statutes as a result of 2007 legislation

When substitute HB 2437 passed last April, some major changes were made to statutes that relate to deer hunting, specifically K.S.A. 32-937. Following is a summary of those changes:

- Under definition of tenant, a line was added that states “Evidence of tenancy, if requested, shall be provided to the department and may include but is not limited to, Natural Resource Conservation Service records, Farm Services Agency records, or written agricultural contact or lease documentation.”
- Throughout the statutes “game tag” has been replaced with “permit” when referencing whitetail antlerless permits.
- A special hunt-on-your-own-land permit was established, which may be issued to a landowner/tenant’s siblings and lineal ascendants or descendants and their spouses, whether or not they are a Kansas resident. The fee for the special hunt-own-land permit is \$30. The total number of regular and special HOL permits may not exceed one per 80 acres owned or operated, and evidence of ownership or tenancy and relationship, if requested, shall be provided to the department. Hunt-on-your-own-land permits are no longer transferable.
- Resident whitetail either sex permits may be issued that are valid statewide and during any season with the equipment legal for that season.
- Resident either-species, either-sex (any deer) archery permits that are valid statewide may be issued.
- Resident either-species, either-sex muzzleloader permits valid in designated units may be issued.
- Resident either-species, either-sex firearms permits valid in designated units may be issued.
- The total number of nonresident deer permits that may be issued for a deer season in a management unit and which may be used to take antlered deer shall be established with the goal of meeting demand for those permits, using a formula developed by the department that will consider adjustment factors, including deer population trends, deer-related vehicle accidents, age structure in the harvest, deer damage, landowner desire for nonresident deer permits, general public desires, and health of habitat. The 2008 permit numbers shall be based on the adjustment factors and an average of nonresident demand for permits in each management unit from the previous six years, establishing at least a 10 percent increase but not more than 50 percent increase in permit numbers in each management unit, except in Unit 16, where permit numbers shall not increase more than

100 percent. In subsequent years, the formula shall be used to determine permit allocations based on demand and the adjustment factors.

- Nonresident permits will be valid in two adjacent units.
- Nonresident applicants will select the season in which they want to hunt upon application.
- Nonresidents who apply for an archery or muzzleloader whitetail either sex permit in designated units will have the option of also applying for one a limited number of mule deer stamps. The stamp will cost an additional \$100 and if drawn, will convert the permit to an either-species, either-sex permit.

Workshop Session

2008 Public Land Regulations

Background

There are more than 100 KDWP-managed public lands that include wildlife areas and state fishing lakes. These areas range from 50 acres to nearly 20,000 acres in size and are just as varied in the types of wildlife habitat, hunting, fishing, and other public use opportunities they provide. In addition, the management requirements and infrastructure present vary from area to area. Public land regulations are generally 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. In some cases, posted notices allow certain activities that are otherwise prohibited by regulation. The department is empowered by state statute 32-807 under powers of the Secretary and 32-1015 for miscellaneous violations to use posted notices for provisions or restrictions as established by posted notice on portions of, or entire, public land areas. Posted notices provide public land managers with a great tool to provide the flexibility necessary to manage individual areas based on resources, locality and constituents.

Discussion

Posted notices will be categorized into a reference document 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

A thorough review is being conducted on posted notices that are in effect for each wildlife area and state fishing lake. The proposed categories in the reference document will include; access restrictions, age restrictions, alcohol prohibited, non-toxic shot, boating restrictions, equipment restrictions, handicapped access, hunting restrictions, refuges, seasonal closures, shooting areas, shooting hour restrictions, special permits, and swimming restrictions.

K.A.R. 115-25-5

Turkey; fall season, bag limit, and permits

Background

Over the last 5 years, the fall turkey season in Kansas has averaged more than 80 days in length and three of four turkey management units are open to hunting (Figure 1). Hunters harvest one bird of either sex in Units 1, 2 and 3 and they can purchase three either-sex game tags valid only in Unit 2. The new unit boundaries also took affect this fall and portions of four counties (Rush, Barton, Pawnee and Stafford) were included in Unit 3 and opened to fall turkey hunting for the first time.

The number of permits and game tags issued for the fall 2006-2007 turkey season was 16,227 (includes 4,530 game tags) and for the eleventh consecutive year exceeded the record number sold the previous year. The percentage of hunters that harvested at least one turkey during the fall 2006-2007 season was 53 percent. These hunters harvested an estimated 6,112 turkeys (770 archery and 5,342 firearm) of which only 33 percent were females. The initial permit accounted for 84.5 percent of the statewide harvest and 81.7 percent of the harvest. In Unit 2, where three game tags are valid, the combined harvest taken with game tags 2 and 3 accounted for only 5.4 percent of the total harvest.

Population Status and Productivity

In recent years, the turkey population in the eastern one-third of the state has declined (Figure 2). The population may be starting to stabilize in that portion of the state. However, it will take a few more years before we know. The heavy rain and flooding that occurred this summer across much of the state pushed production to near record lows (Figure 3). The heavy rain undoubtedly flooded nests along many riparian corridors and caused numerous poults to die from exposure. As a result, fall hunting success was likely lower in the eastern part of the state because there were fewer juveniles. Also, spring hunting will be tougher the next two springs in the eastern half of the state due to poor production each of the last two summers. Spring hunting will be especially tough in 2009 because there will be few 2-year old gobblers in the population. Per capita production was much better in far western Kansas the last couple of years but total bird numbers are much less in that part of the state.

Recommendation

Because turkey numbers are expected to be lower for the next couple of seasons, the department is not considering any further liberalization to the fall season at this time.

Figure 1. Fall turkey hunting units in Kansas, 2007-2008.

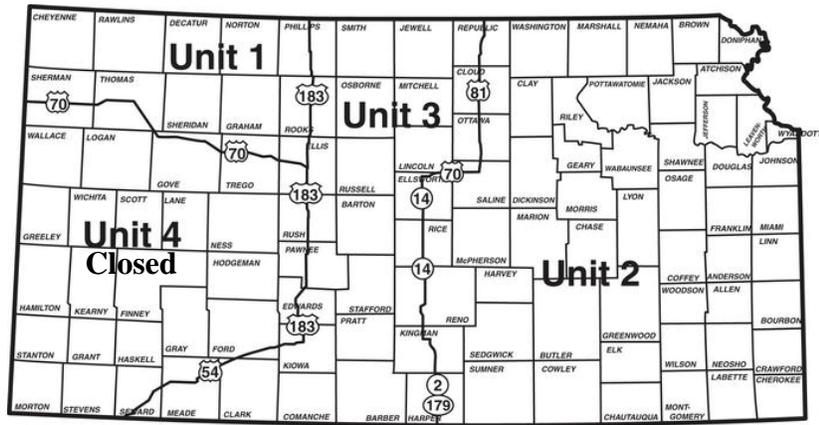


Figure 2. Regional indices (birds/100 mi.) to Kansas' wild turkey population derived from the April rural mail carrier survey, 1986-2007.

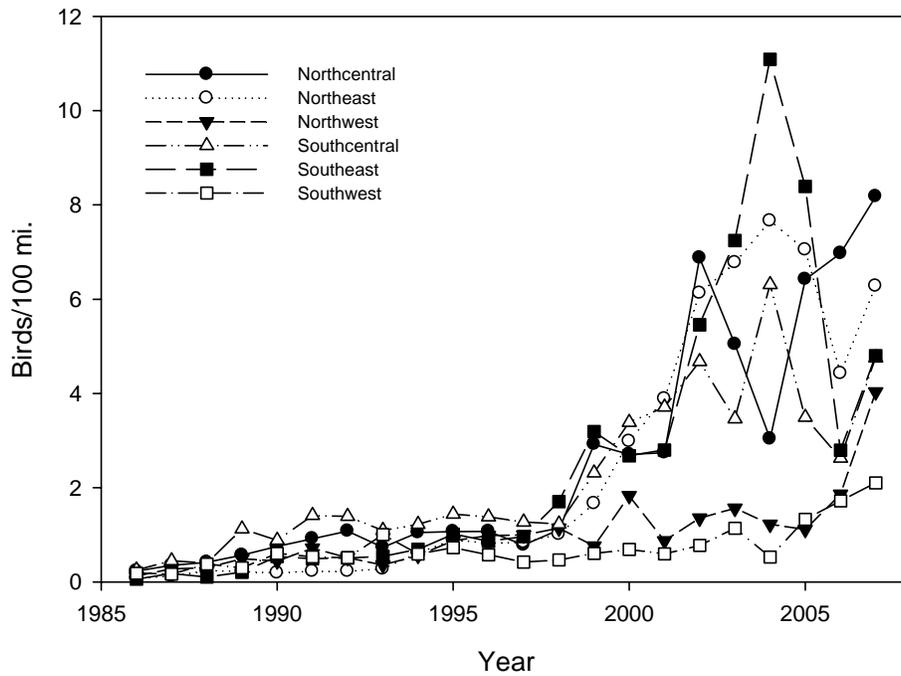
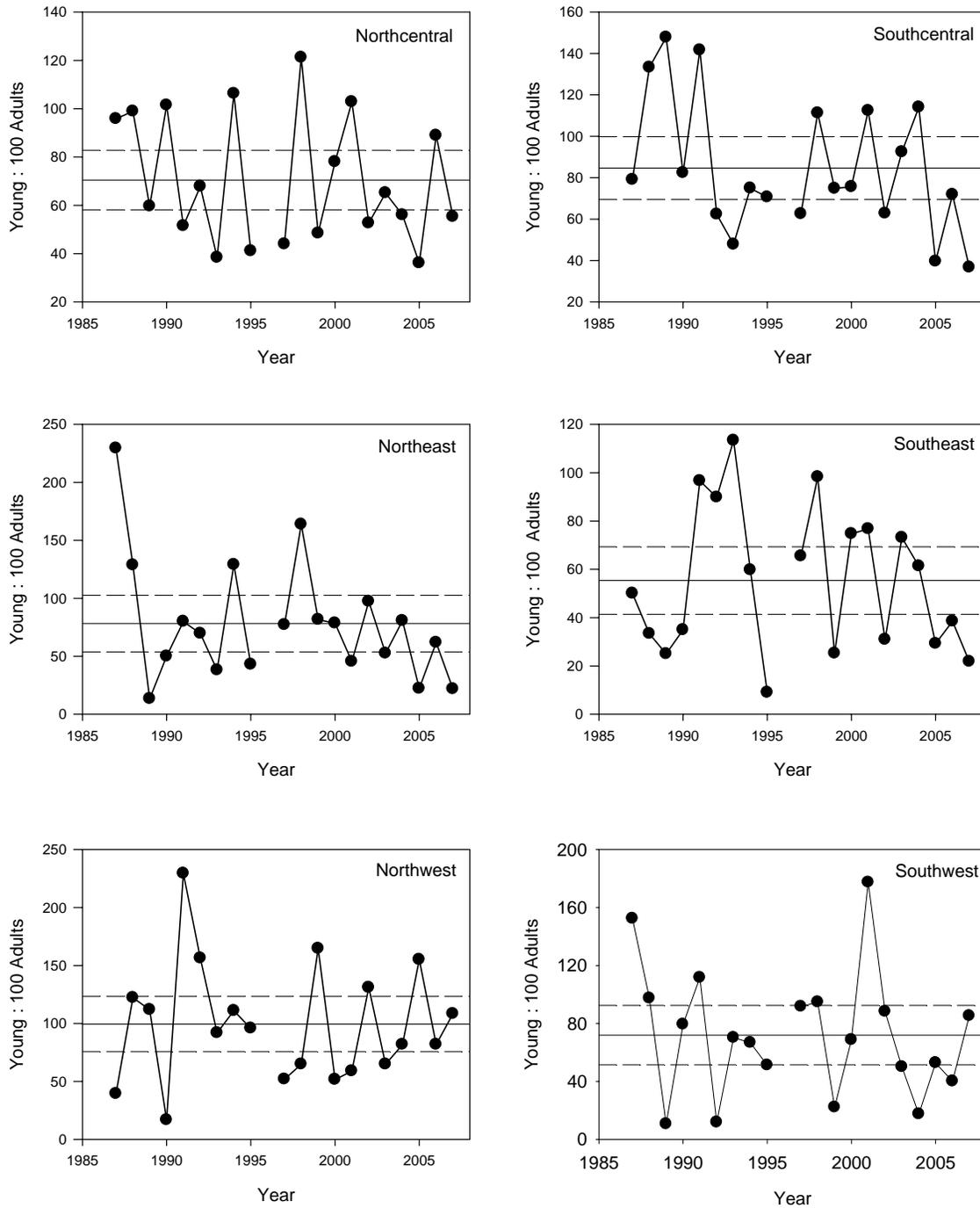


Figure 3. Regional wild turkey production indices (young: adult) in Kansas derived from the July rural mail carrier survey. The solid reference line represents the long-term average and the dashed lines are the 95% confidence intervals.



KAR 115-4-4a. Wild turkey; legal equipment and taking methods.

Background

The regulation contains the following items:

- Legal equipment for hunting wild turkey.
- Accessory equipment such as calls, decoys, and blinds.
- Shooting hours
- Special restrictions prohibiting shooting at turkeys while they are in trees
- The use of dogs while hunting turkey during the fall turkey season.

Discussion

Provisions of this regulation are often discussed as new equipment becomes available or changes to big game equipment are considered. Because changes to big game equipment are being recommended, our staff also took the opportunity to evaluate the subsection covering turkey hunting. To maintain consistency between big game and turkey legal equipment, the department is recommending similar changes to legal turkey equipment and methods.

Recommendation

A proposal has been prepared to set a minimum diameter of seven-eighths of an inch for broadheads and to remove restrictions on all-metal cutting edges.

A proposal has been prepared to allow crossbows with more than 125-pound draw weight to be used during the firearms portion of the spring turkey season.

- Crossbows are not being recommended from the fall turkey season because of the overlap with archery deer season.

KAR 115-25-7

Antelope; open season, bag limit and permits

Background

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

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

Discussion

Pronghorn harvest continues to be minimal during the additional days of archery season that have been allocated for the past three seasons, but these days do provide additional hunting opportunity for some. In the first two seasons nonresident archery pronghorn permits have been allocated, only 12 permits have been issued (5 and 7, respectively), and harvest by these individuals has been minimal. Proposed changes in 115-4-4 would allow scopes to be used on muzzleloaders throughout the muzzleloader season; in the past, scopes have only been allowed during the last four days of the eight day season which overlap with the firearms season.

Recommendations

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

Unlimited archery permits be allocated for both residents and nonresidents. Firearm and muzzleloader permits will remain restricted to residents, with half assigned to landowner/tenants and the remainder awarded to general residents. Firearm and muzzleloader permit allocations will be determined following winter aerial surveys.

Unit boundaries are proposed to coincide with firearm deer management units defined in K.A.R. 115-4-6, with units 2, 17, and 18 being open. The proposed season dates are:

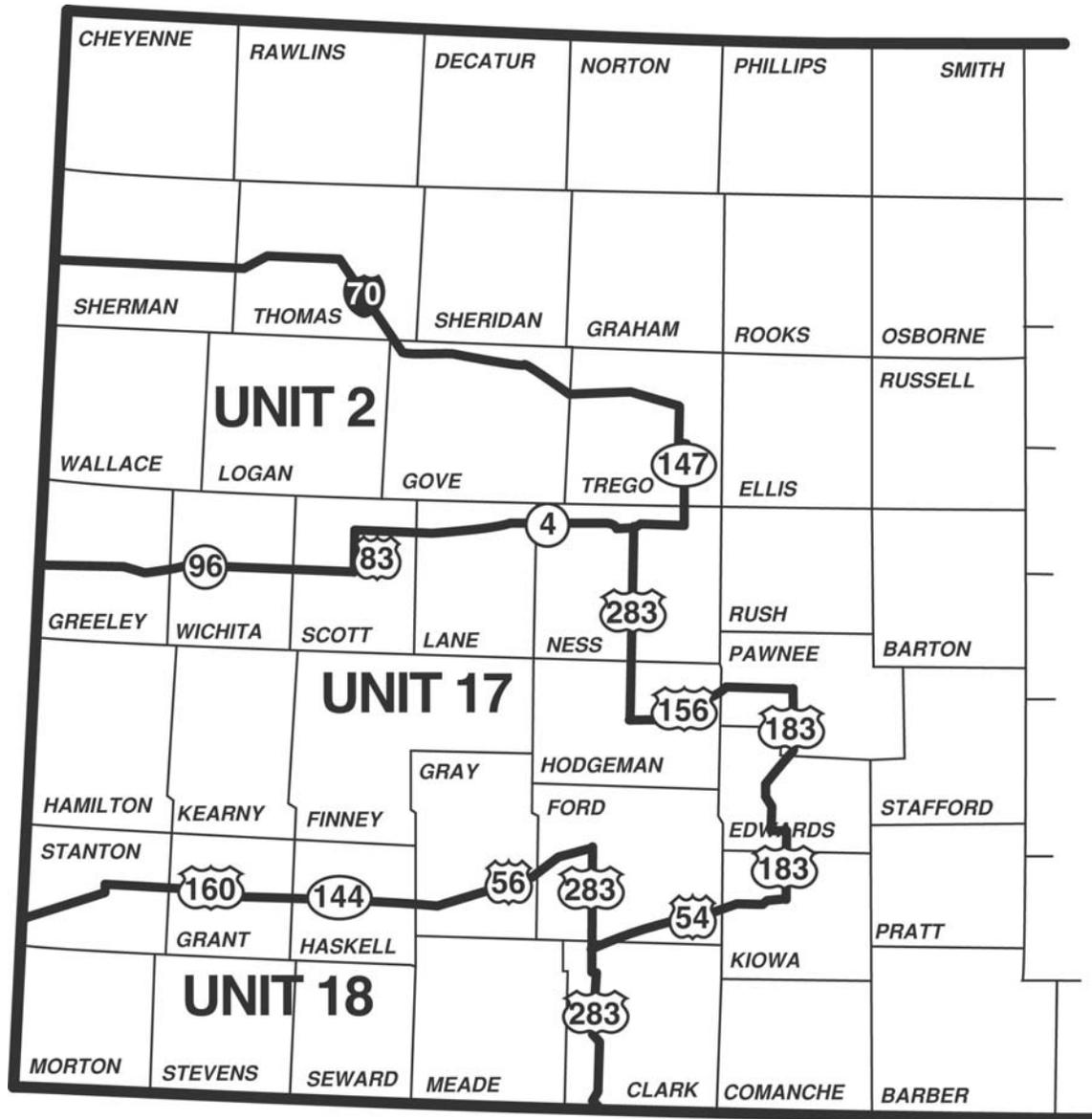
September 20, 2008 through September 28, 2008 and October 11, 2008 through October 31, 2008 for the archery season.

September 29, 2008 through October 6, 2008 for the muzzleloader season.

October 3, 2008 through October 6, 2008 for the firearms season.

It is recommended that the application deadline for firearms and muzzleloader permits correspond with the date of the 2007 deadline, which would be June 13, 2008. Application for archery permits would be available through the next to last day of the season.

Antelope Units



KAR 115-25-8

Elk; open season, bag limit and permits

Background

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

Elk hunting on and around Fort Riley was initiated in 1990. Most of the hunting opportunity occurs on the Fort, and emphasis is placed on maintaining this population. However, lengthened seasons and unlimited hunt-own-land permits have been allocated off the base since 1999, and elk hunting was opened statewide (except for Morton County, where Cimarron National Grassland is located) in 2006. This framework is intended to allow for elk that may be causing crop damage or other conflicts to be harvested, and for landowners to have the opportunity to restrict the distribution of free-ranging elk to the vicinity of Fort Riley if they so choose.

Discussion

The peak of the elk rut in Kansas occurs in September. Prior to last year, no elk hunting seasons were open at that time on Fort Riley. Last season, both archery and muzzleloader hunting were allowed on Fort Riley throughout September. With overlapping seasons, archery hunters are required to wear blaze orange. Three bulls and one cow elk were harvested on Fort Riley last September.

Elk season dates off Fort Riley have corresponded to equipment restrictions for deer where feasible. Consequently elk season structure will need to be slightly altered to remain consistent with deer as a result of recommended changes to 115-25-9.

Recommendations

The proposed season dates on Fort Riley are:

- a) September 1, 2008 through September 30, 2008 for a season in which both muzzleloader and archery equipment may be used.
- b) October 1, 2008 through December 31, 2008 for the firearms seasons with one-third of the antlerless only permits valid during each of the following segments:
 - 1) First segment: October 1, 2008 through October 31, 2008.
 - 2) Second segment: November 1, 2008 through November 30, 2008.
 - 3) Third segment: December 1, 2008 through December 31, 2008.
- c) October 1, 2008 through December 31, 2008 for a firearms season for all holders of any-elk permits.

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

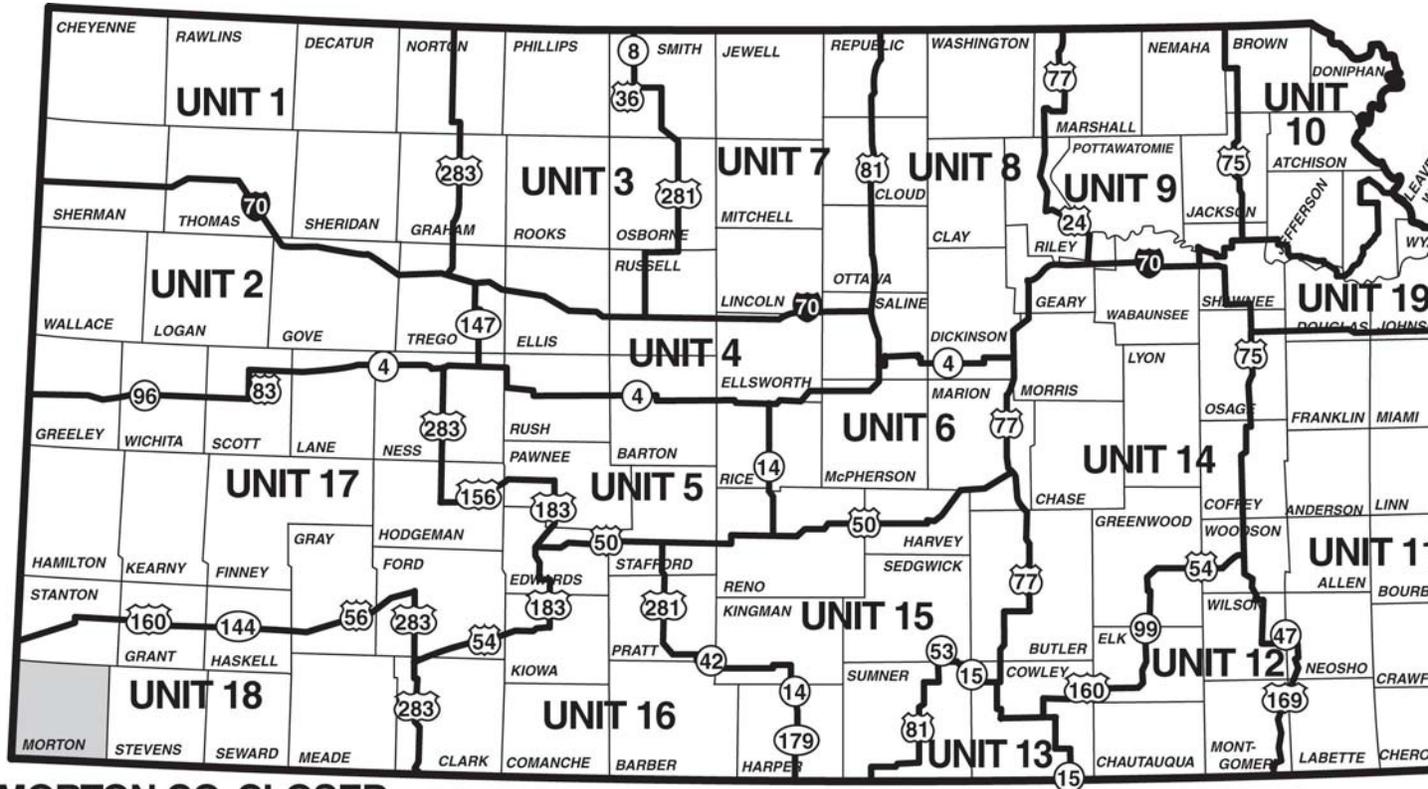
- a) September 1, 2008 through October 5, 2008 for the muzzleloader season.
- b) September 22, 2008 through December 31, 2008 for the archery season.
- c) December 3, 2008 through December 14, 2008, and January 1, 2009 through March 15, 2009 for the firearms seasons.

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

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

It is recommended that the application deadline for elk permits be similar to the 2007 period. The corresponding date would be July 15, 2008. Applications for hunt-own-land permits would be available through the next to last day of the season.

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



MORTON CO. CLOSED

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

Background

The regulation contains the following items:

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

Discussion

Annual adjustments will be made in the season and application dates. Population indices will be examined and public input will be considered in the development of a list of units where extended firearms seasons and whitetail antlerless-only (WTAO) permits will be authorized. The number of WTAO permits that may be used in each unit will also be evaluated after additional data becomes available.

Recommendation

Season dates for the 2008-09 deer hunting are recommended as follows:

Youth and Disability	September 19, 2008 – September 21, 2008
Early Muzzleloader	September 22, 2008 – October 5, 2008
Archery	September 22, 2008 – December 31, 2008
Early Firearms (DMU 19)	October 11, 2008 – October 19, 2008
Regular Firearms	December 3, 2008 – December 14, 2008
Extended WAO	January 1, 2009 – January 4, 2009
Extended Archery (DMU 19)	January 5, 2009 – January 31, 2009

The proposed dates for the firearm season at the Fort Leavenworth subunit are November 22, 2008 through November 23, 2008, November 27, 2008 through November 30, 2008, December 6, 2008 through December 7, 2008, December 13, 2008 through December 14, 2008, and December 20, 2008 through December 21, 2008. The proposed dates for the firearms season for deer hunting at the Smoky Hill Air National Guard subunit are November 25, 2008 through December 6, 2008.

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

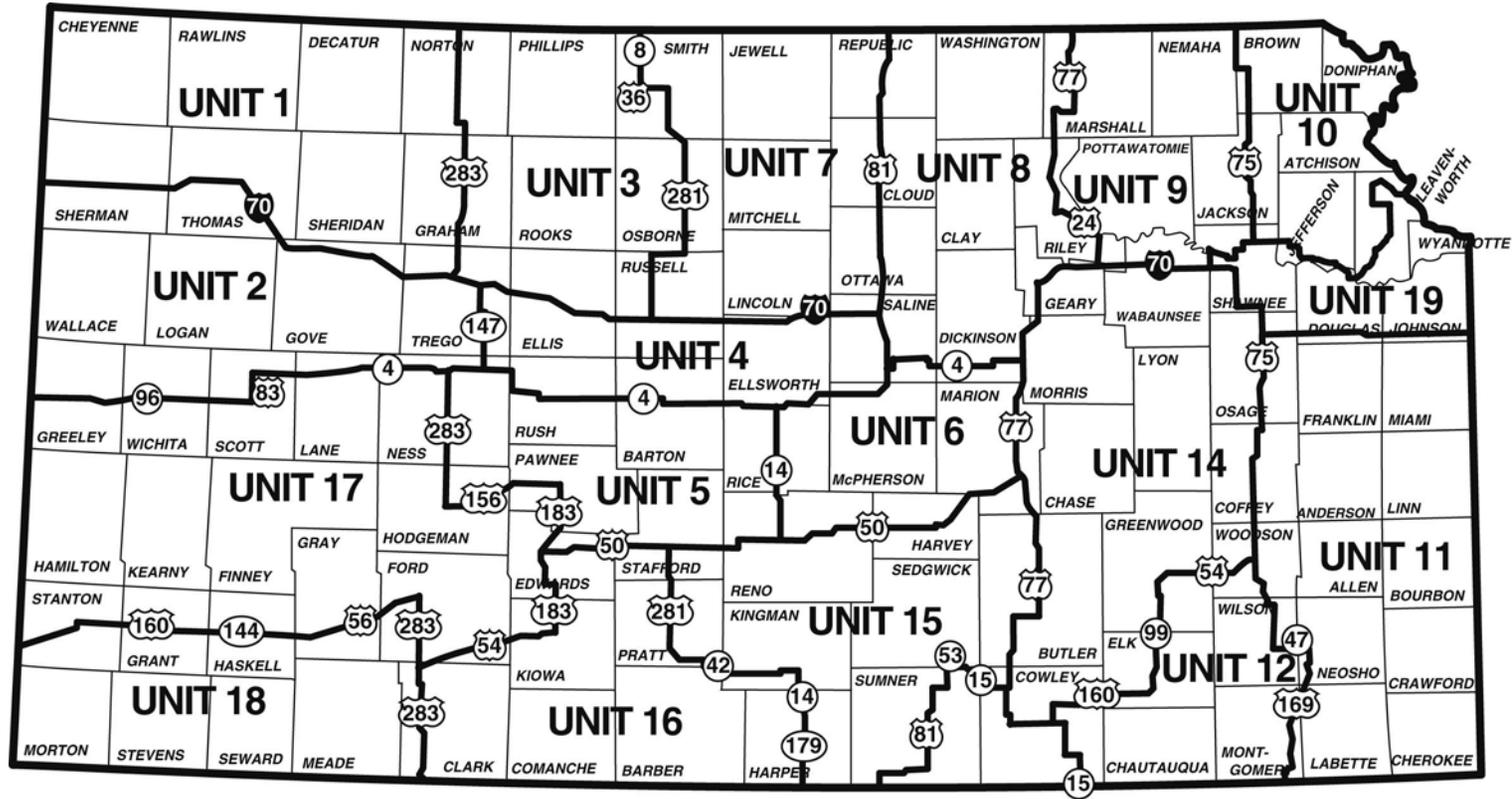
The recommendations for application deadlines are:

Nonresident	May 31, 2008
Resident Drawing	July 15, 2008
Unlimited Availability	
1. Antlered Deer	December 30, 2008
2. Antlerless Deer	January 30, 2009

Consideration will be made on inclusion of Deer Management Units where an extended firearms season will be authorized after additional data become available.

Game tags and transferable permits will not be part of the 2008 deer permit system. Consideration is being made to allow hunters to purchase five white-tailed deer antlerless-only permits. The first permit would be valid statewide including on lands management by the department. That is basically what the \$30 WTAO allowed last year. The second WTAO permit would be valid in all but units 17 & 18 and would also be valid at Cedar Bluff WA (similar to the first game tag last year). The last 3 WTAO permits would be valid on a restricted list of units, such as units 7, 8, 12, 13, 15, 16, and 19.

Deer Management Units



Big Game Permanent Regulations

Background

a) K.A.R. 115-4-2. Big game; general provisions.

The regulation contains the following items:

- ▶ Information that must be included on the carcass tag
- ▶ Procedures for transferring meat to another person
- ▶ Procedures for possessing a salvaged big game carcass
- ▶ Who may assist a big game permittee and how they may assist, including the provisions for designated individuals to assist disabled big game permittees.

Discussion

A review of this regulation continues. Discussion has occurred on changes in this regulation to allow people to transport a deer carcass with either the head attached or without the head attached and with evidence of the gender of the deer. This has been requested from states that do not want the heads of deer brought to their state from a state where CWD has been found. Without the head being attached during transport we would have difficulties enforcing the antlerless-only restrictions in our system. Suitable alternatives have not been identified.

At this time it does not appear that this regulation will be changed.

Recommendation

No changes in this regulation are proposed by staff this year.

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

The regulation contains the following items:

- ▶ Specific equipment differences for hunting various big game species.
- ▶ Specifications for bright orange colored clothing, which must be worn when hunting during certain big game seasons.
- ▶ Accessory equipment such as calls, decoys, and blinds.
- ▶ Shooting hours
- ▶ Special restrictions on the use of horses or mules to herd or drive elk.

Discussion

Provisions of this regulation have been discussed at numerous public meetings. Restrictions and liberalizations on the legal equipment that may be used to take big game are frequently debated by the public and various proposals are received by the department each year. Some of these proposals are the result of requests from individuals for the use of new equipment that was not available when the regulation was written, such as holographic sites and illuminated arrow nocks. Some changes have occurred to allow additional hunters to participate in the sport, such as the recent change eliminating draw-weight requirements for archers hunting deer or pronghorn.

Requests have been made to allow telescopes to be used during all seasons. Currently various primitive hunting devices like spears and knapped broadheads are not authorized for big game hunting. Requests have been made to allow these equipment types and accessories.

Recommendation

A proposal has been prepared to include telescopes for muzzleloaders during the early muzzleloader season.

A proposal has been prepared to allow centerfire rifles firing a bullet with a diameter of .22 inches or more to be used for deer hunting, and with a diameter of .25 inches or more to be used for elk hunting.

A proposal has been prepared to allow crossbows with more than 125-pound draw weight to be used during a firearms season.

A proposal has been prepared to set a minimum diameter of seven-eighths of an inch for broadheads (may not be passed through a ring with a diameter of thirteen-sixteenths) and to remove restrictions on all metal cutting edges.

A proposal has been prepared to allow hard-cast solid bullets.

c) K.A.R. 115-4-11. Big game and wild turkey permit applications.

The regulation contains the following items:

- ▶ General deer permit application provisions:
 - ▶ Limitations on number of applications a hunter may submit
 - ▶ Requirement for the application to be signed by the hunter
 - ▶ Random draw system for selection of individuals with same priority
 - ▶ Hunt-on-your-own-land permits shall not be tabulated against hunter's priority points
 - ▶ Hunters that did not receive permit allowing hunter to take antlered deer in previous year given first priority if priority draw system had not been used in previous year
 - ▶ Hunters with highest number of preference points given first priority in priority draw system
 - ▶ Hunters must apply once each five years to retain preference points

- ▶ Preference points revert to zero after either sex deer permit is obtained
- ▶ Provisions for hunters to purchase a preference point without applying for deer permit in that year.
- ▶ General pronghorn permit application provisions.
- ▶ General elk permit application provisions.
- ▶ General turkey permit application provisions.

Discussion

Concern has been raised about differences in application fees for permits that include a preference point system compared to application processes that do not include them.

Recommendation

A review of this regulation continues. At this time it does not appear that this regulation will need to be changed. However, the review continues, especially on the subject of development of a consistent and appropriate pricing of the application fees and application processes where there are preference point systems and where there are not preference point systems.

d) K.A.R. 115-4-13. Deer permits; descriptions and restrictions.

The regulation has contained the following items:

- ▶ Creates permit types that include:
 - ▶ a white-tailed deer, either sex permit valid during muzzleloader and firearms seasons
 - ▶ a white-tailed deer antlerless only permit valid during any season with the appropriate equipment
 - ▶ an antlerless white-tailed deer game tag
 - ▶ Firearm Any-Deer permit
 - ▶ Archery Any-Deer permit
 - ▶ Muzzleloader Any-Deer permit
 - ▶ Hunt-on-your-own-land permits, including resident HOYOL, nonresident HOYOL, and special HOYOL permits.
- ▶ Nonresident deer permits shall be valid for the same season and same management unit as those for which the equivalent resident permits are valid.
- ▶ Each deer permit shall be valid only for the species and antler category specified on the permit or game tag.
- ▶ Antlerless deer are defined as a deer without a visible antler plainly protruding from the skull.

Discussion

These are the permanent regulations that will receive the greatest modification as a result of the passage of House Bill 2437. Provisions need to be made to define the various permits that will be new to the system, for example, the mule deer stamp.

Recommendation

A proposal has been prepared to create a resident white-tailed deer permit valid statewide during archery, muzzleloader-only, and firearms seasons with equipment legal during those established seasons.

A proposal has been prepared to create antlerless white-tailed deer permits. The first antlerless only permit issued to a person shall be valid statewide, including lands and waters management by the department. Additional white-tailed deer antlerless-only permits may be authorized for specified units and specified department managed areas.

A proposal creates nonresident white-tailed deer permits valid in a deer management unit and an adjacent unit. At the time of application the hunter selects muzzleloader-only, archery or firearms deer season. A muzzleloader-only permit may be used with muzzleloader equipment during both the early muzzleloader season and the regular firearms season.

A proposal for either-species, either-sex deer permits valid for residents. These permits are designated for a particular equipment type (e.g., archery, muzzleloader or firearms).

A proposal has been prepared for a mule deer stamp for nonresident hunters. It would allow them to enter a second drawing and upgrade their white-tailed deer archery or muzzleloader permit to an either-species permit.

A proposal to change the handling of the hunt-on-your-own-land permit and special HOYOL permits. This proposal allows family members regardless of residence, to obtain these permits directly in their name instead of transferable permits.

Black Bass Tournament Regulation Changes

There are two items needing modification that were associated with the new weigh-in requirements.

First was the addition of the word “not” that was inadvertently omitted from the first paragraph in **115-7-9**.

The second is the addition of language that would allow the Secretary to waive the on-site weigh-in requirements and allow off-site weigh-ins if conditions do not pose an inordinate risk to the resource. This would apply to both **115-7-9** and **115-7-8**.

Public Hearing

KANSAS REGISTER
SUBMISSION FORM

Agency Number -- 710-01

Agency Name -- Kansas Department of Wildlife and Parks

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

Topeka, Kansas 66612-1233

Title of Document -- Public Hearing

Desired Date of Publication - October 25, 2007

ITEMS SUBMITTED IN DUPLICATE

CERTIFICATION

I hereby certify that I have reviewed the attached documents, and that they conform to all applicable Kansas Register publication guidelines and to the requirements of K.S.A. 75-431, as amended. I further certify that submission of these items for publication is a proper and lawful action of this agency, that funds are available to pay the publication fees and that such fees will be paid by this agency on receipt of billing.

Christopher J. Tymeson
Liaison officer's typed name

Liaison officer's signature

Department Attorney
Title

(785) 296-2281
Phone

This space for Register office use only

Wildlife and Parks Commission

Notice of Hearing of Proposed Administrative Regulations

A public hearing will be conducted by the Wildlife and Parks Commission at 7:00 p.m., Thursday, January 10, 2008 at the Memorial Hall, 410 North Penn Avenue, Independence, Kansas, to consider the approval and adoption of proposed administrative regulations of the Kansas Department of Wildlife and Parks.

A workshop meeting on business of the Wildlife and Parks Commission will begin at 1:30 p.m., January 10, at the location listed above. The meeting will recess at 5:30 p.m. then resume at 7:00 p.m. at the same location for the regulatory hearing. There will be public comment periods at the beginning of the afternoon and evening meetings for any issues not on the agenda and additional comment periods will be available during the meeting on agenda items. Old and new business may also be discussed at this time. If necessary to complete the hearing or other business matters, the commission will reconvene at 9:00 a.m. January 11 at the location listed above.

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

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

All interested parties may submit written comments prior to the hearing to the Chairman of the Commission, Kansas Department of Wildlife and Parks, 1020 S. Kansas Ave, Suite 200, Topeka, KS 66612 or to sheilak@wp.state.ks.us if electronically. All interested parties will be given a reasonable opportunity at the hearing to express their views orally in regard to the adoption of the proposed regulations. During the hearing, all written and oral comments submitted by interested parties will be considered by the commission as a basis for approving, amending and approving, or rejecting the proposed regulations.

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

K.A.R. 115-4-6. This permanent regulation establishes deer management units within the state of Kansas. The proposed amendments would remove references from this regulation in regard to firearm management units and landowner deer management program areas due legislation passed by the 2007 Legislature and to the proposed revocation of K.A.R. 115-4-6a and K.A.R. 115-4-14.

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

K.A.R. 115-4-6a. This permanent regulation establishes deer archery management units within the state of Kansas. The proposed revocation is a result of legislation passed by the 2007 Legislature.

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

K.A.R. 115-4-14. This permanent regulation established a three-year pilot program for landowner deer management and provided for evaluation following each year of the pilot program. The proposed revocation is a result of legislation passed by the 2007 Legislature.

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

K.A.R. 115-8-13. This permanent regulation establishes the authorized operation of motorized vehicles and aircraft upon department lands and roads. The proposed amendments provide for the use of all-terrain vehicles, work-site vehicles, golf carts, go-carts, and electric or gasoline-powered two-wheeled vehicles upon department lands and roads by a qualified person with a disability.

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

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

Kelly Johnston, Chairman

STATE OF KANSAS

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STANDING COMMITTEES
LEGISLATIVE INQUIRIES

KANSAS LEGISLATIVE RESEARCH DEPARTMENT

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November 27, 2007

Mr. Michael Hayden, Secretary
Kansas Department of Wildlife and Parks
1020 S Kansas Avenue, Room 200
BUILDING MAIL

Dear Secretary Hayden:

At its meeting on November 19, 2007, the Joint Committee on Administrative Rules and Regulations reviewed for public comment rules and regulations concerning deer, management units; motorized vehicles and aircraft, authorized operation; and revocations. After discussion, the Committee had no comment.

Prior to filing with the Secretary of State, review the history sections of the rules and regulations to update them to the most recent statutory citations, making certain the citations for authorizing and implementing statutes are correct and complete. Please indicate your agency's website address in the filing notice where proposed regulations can be located. In addition, if your agency accepts written comments by e-mail include this information in the public notice. Further, e-mail requests for public accommodation should be included as a part of the notice. Finally, verify that the adoption by reference of any materials included in the regulations is properly completed as prescribed in the *Policy and Procedure Manual for the Adoption of Kansas Administrative Regulations*.

Please make this letter a part of the public record on these regulations. The Committee will review the regulations, which the agency ultimately adopts, and reserves any expression of legislative concern to that review.

To assist in that final review:

- Please inform the Joint Committee and me, in writing, at the time the rules and regulations are adopted and filed with the Secretary of State, of any and all changes which have been made following the public hearing.
- Please notify the Joint Committee and me, in writing, when your agency has adopted the regulations as permanent; delayed implementation of the regulations; or decided not to adopt any of the regulations.

Secretary Hayden

-2-

- Also, please indicate separately to the Joint Committee and me, any changes made to the proposed regulations reviewed by the Committee.

Based upon direction from the Committee, failure to respond to each and every comment contained in this letter may result in the request that a spokesperson from your agency appear before the Committee to explain the agency's failure to reply.

Sincerely,



Raney L. Gilliland
Assistant Director for Research

RLG/jl



STATE OF KANSAS
OFFICE OF THE ATTORNEY GENERAL

PAUL J. MORRISON
ATTORNEY GENERAL

October 3, 2007

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

Chris Tymeson, Legal Counsel
Kansas Department of Wildlife and Parks
1020 S Kansas Avenue, Suite 200
Topeka, Kansas 66612

Re: **K.A.R. 115-4-6, Deer; management units**
K.A.R. 115-4-6a and 115-4-14 - revocations
K.A.R. 115-8-13, Motorized vehicles and aircraft
K.A.R. 115-13-3, Field trial permit

Dear Mr. Tymeson:

We have reviewed the above-referenced regulations for legality pursuant K.S.A. 77-420, and have approved K.A.R. 115-4-6, 115-4-6a and 115-4-14. However, for the reasons explained we cannot approve the other two regulations at this time.

K.A.R. 115-8-13: The new language in section (f) states that a field trial permit *is not* required if the field trial event involves game birds. This appears to be a direct contradiction with K.S.A. 32-954(a) that states a field trial permit *is* required to use wild or pen-raised game birds.

K.A.R. 115-13-3: The history indicates that this regulation implements K.S.A. 32-1015 which is a statute defining criminal offenses ("It is unlawful for any person to: . . ."). In our opinion K.S.A. 32-1015 is a self-contained criminal statute and needs no further implementation via a regulation. Additionally, we do not see in what manner this regulation could be understood to implement this statute. If K.S.A. 32-1015 is removed from the history, we will then approve it.

Sincerely,

OFFICE OF THE ATTORNEY GENERAL
PAUL J. MORRISON

Camille Nohe
Assistant Attorney General

CN:jm

Enclosure: Original document

cc: Representative Carl Holmes, Chair, Joint Committee on Rules and Regulations
Senator Vicki Schmidt, Vice Chair, Joint Committee on Rules and Regulations
Representative Janice L. Pauls, Ranking Minority Member, Joint Committee on
Rules and Regulations
Raney Gilliland, Legislative Research

115-4-6. Deer; firearm management units. Each of the following subsections shall designate a deer ~~firearm~~ management unit: (a) High Plains; unit 1: that part of Kansas bounded by a line from the Nebraska-Kansas state line south on federal highway US-283 to its junction with interstate highway I-70, then west on interstate highway I-70 to the Colorado-Kansas state line, then north along the Colorado-Kansas state line to its junction with the Nebraska-Kansas state line, then east along the Nebraska-Kansas state line to its junction with federal highway US-283, except federal and state sanctuaries ~~and the areas enrolled in the landowner deer management program.~~

(b) Smoky Hill; unit 2: that part of Kansas bounded by a line from the Colorado-Kansas state line east on interstate highway I-70 to its junction with state highway K-147, then south on state highway K-147 to its junction with state highway K-4, then west on state highway K-4 to its junction with federal highway US-83, then south on federal highway US-83 to its junction with state highway K-96, then west on state highway K-96 to its junction with the Colorado-Kansas state line, then north along the Colorado-Kansas state line to its junction with interstate highway I-70, except federal and state sanctuaries ~~and the areas enrolled in the landowner deer management program.~~

(c) Kirwin-Webster; unit 3: that part of Kansas bounded by a line from the Nebraska-Kansas state line south on state highway K-8 to its junction with federal highway US-36, then east on federal highway US-36 to its junction with federal highway US-281, then south on federal highway US-281 to its junction with interstate highway I-70, then west on interstate highway I-70 to its junction with federal highway US-283, then north on federal highway US-283 to its junction with the Nebraska-Kansas state line, then east along the Nebraska-Kansas state line to its junction with state highway K-8, except federal and state sanctuaries ~~and the areas enrolled in the landowner deer management program.~~

(d) Kanopolis; unit 4: that part of Kansas bounded by a line from the interstate highway I-70 and state highway K-147 junction, then east on interstate highway I-70 to its junction with federal highway US-81, then south on federal highway US-81 to its junction with state highway K-4, then

west on state highway K-4 to its junction with state highway K-147, then north on state highway K-147 to its junction with interstate highway I-70, except federal and state sanctuaries ~~and the areas enrolled in the landowner deer management program.~~

Smoky Hill Air National Guard Range; subunit 4a. The following described area shall be designated a subunit of unit 4, and, with approval of air national guard command, the area shall be open for the taking of deer during the firearm season: United States government land lying entirely within the boundaries of the Smoky Hill Air National Guard Range. Each person hunting in this subunit during the firearm deer season shall be in possession of any permits and licenses required by the air national guard.

(e) Pawnee; unit 5: that part of Kansas bounded by a line from the state highway K-4 and state highway K-14 junction, then south on state highway K-14 to its junction with federal highway US-50, then west on federal highway US-50 to its junction with federal highway US-183, then northeast and north on federal highway US-183 to its junction with federal highway US-156, then west on federal highway US-156 to its junction with federal highway US-283, then north on federal highway US-283 to its junction with state highway K-4, then east on state highway K-4 to its junction with state highway K-14, except federal and state sanctuaries ~~and the areas enrolled in the landowner deer management program.~~

(f) Middle Arkansas; unit 6: that part of Kansas bounded by a line from the state highway K-4 and federal highway US-77 junction, then south on federal highway US-77 to its junction with federal highway US-50, then west on federal highway US-50 to its junction with state highway K-14, then north on state highway K-14 to its junction with state highway K-4, then east on state highway K-4 to its junction with federal highway US-77, except federal and state sanctuaries ~~and the areas enrolled in the landowner deer management program.~~

(g) Solomon; unit 7: that part of Kansas bounded by a line from the Nebraska-Kansas state line south on federal highway US-81 to its junction with interstate highway I-70, then west on

interstate highway I-70 to its junction with federal highway US-281, then north on federal highway US-281 to its junction with federal highway US-36, then west on federal highway US-36 to its junction with state highway K-8, then north on state highway K-8 to its junction with the Nebraska-Kansas state line, then east along the Nebraska-Kansas state line to its junction with federal highway US-81, except federal and state sanctuaries ~~and the areas enrolled in the landowner deer management program.~~

(h) Republican; unit 8: that part of Kansas bounded by a line from the Nebraska-Kansas state line south on federal highway US-77 to its junction with federal highway US-24, then south on federal highway US-24 to its junction with state highway K-177, then south on state highway K-177 to its junction with interstate highway I-70, then west on interstate highway I-70 to its junction with federal highway US-77, then south on federal highway US-77 to its junction with state highway K-4, then west on state highway K-4 to its junction with federal highway US-81, then north on federal highway US-81 to its junction with the Nebraska-Kansas state line, then east along the Nebraska-Kansas state line to its junction with federal highway US-77, except federal and state sanctuaries ~~and the areas enrolled in the landowner deer management program.~~

Fort Riley; subunit 8a. The following described area shall be designated a subunit of unit 8, and, with approval of Fort Riley command, the area shall be open for the taking of deer during the firearm deer season: United States government land lying entirely within the boundaries of the Fort Riley military reservation. Each person hunting in this subunit during the firearm deer season shall be in possession of any permits and licenses required by Fort Riley.

(i) Tuttle Creek; unit 9: that part of Kansas bounded by a line from the Nebraska-Kansas state line, south on federal highway US-75 to its junction with Shawnee County NW 62 Street, then west on Shawnee County NW 62 Street to its junction with Shawnee County Landon Road, then south on Shawnee County Landon Road to its junction with Shawnee County NW 46 Street, then west on Shawnee County NW 46 Street to its junction with Shawnee County NW Humphrey Road,

then south on Shawnee County NW Humphrey Road to its junction with federal highway US-24, then west on federal highway US-24 to its junction with Carlson-Rossville Road, then south on Carlson-Rossville Road to its junction with interstate highway I-70, then west on interstate highway I-70 to its junction with state highway K-177, then north on state highway K-177 to its junction with federal highway US-24, then north on federal highway US-24 to its junction with federal highway US-77, then north on federal highway US-77 to its junction with the Nebraska-Kansas state line, then east along the Nebraska-Kansas state line to its junction with federal highway US-75, except federal and state sanctuaries ~~and the areas enrolled in the landowner deer management program.~~

(j) Kaw; unit 10: that part of Kansas bounded by a line from the Nebraska-Kansas state line south on federal highway US-75 to its junction with Shawnee County NW 62 Street, then east on Shawnee County NW 62 Street to its junction with Jefferson County Clark Road, then south on Jefferson County Clark Road to its junction with Jefferson County 50 Road, then east on Jefferson County 50 Road to state highway K-237, then south on state highway K-237 to its junction with federal highway US-24, then east on federal highway US-24 to its junction with Tonganoxie Drive, then northeast on Tonganoxie Drive to its junction with Leavenworth County 187 Street, then north on Leavenworth County 187 Street to its junction with state highway K-92, then west on state highway K-92 to its junction with Leavenworth County 207 Street, then north on Leavenworth County 207 Street to its junction with state highway K-192, then northeast on state highway K-192 to its junction with federal highway US-73, then east on federal highway US-73 to the Missouri-Kansas state line, then north along the Missouri-Kansas state line to its junction with the Nebraska-Kansas state line, then west along the Nebraska-Kansas state line to its junction with federal highway US-75, except federal and state sanctuaries ~~and the areas enrolled in the landowner deer management program.~~

Fort Leavenworth urban; subunit 10a. The following described area shall be designated a subunit of unit 10, and, with approval of Fort Leavenworth command, the area shall be open for the

taking of deer during the firearm deer season: United States government land lying entirely within the boundaries of the Fort Leavenworth military reservation. Each person hunting in this subunit during the firearm deer season shall be in possession of any permits and licenses required by Fort Leavenworth.

(k) Osage Prairie; unit 11: that part of Kansas bounded by a line from the Oklahoma-Kansas state line north on federal highway US-169 to its junction with state highway K-47, then west on state highway K-47 to its junction with federal highway US-75, then north on federal highway US-75 to its junction with federal highway US-56, then east on federal highway US-56 to its junction with Johnson County 199 Street, then east on Johnson County 199 Street to its junction with the Missouri-Kansas state line, then south along the Missouri-Kansas state line to its junction with the Oklahoma-Kansas state line, then west along the Oklahoma-Kansas state line to its junction with federal highway US-169, except federal and state sanctuaries ~~and the areas enrolled in the landowner deer management program.~~

(l) Chautauqua Hills; unit 12: that part of Kansas bounded by a line from the Oklahoma-Kansas state line north on federal highway US-169 to its junction with state highway K-47, then west on state highway K-47 to its junction with federal highway US-75, then north on federal highway US-75 to its junction with federal highway US-54, then west on federal highway US-54 to its junction with state highway K-99, then south on state highway K-99 to its junction with federal highway US-160, then west on federal highway US-160 to its junction with state highway K-15, then east and south on state highway K-15 to its junction with the Oklahoma-Kansas state line, then east along the Oklahoma-Kansas state line to its junction with federal highway US-169, except federal and state sanctuaries ~~and the areas enrolled in the landowner deer management program.~~

(m) Lower Arkansas; unit 13: that part of Kansas bounded by a line from the Oklahoma-Kansas state line north on federal highway US-81 to its junction with state highway K-53, then east on state highway K-53 to its junction with state highway K-15, then southeasterly on state highway

K-15 to its junction with the Oklahoma-Kansas state line, then west along the Oklahoma-Kansas state line to its junction with federal highway US-81, except federal and state sanctuaries ~~and the areas enrolled in the landowner deer management program.~~

(n) Flint Hills; unit 14: that part of Kansas bounded by a line from the junction of interstate highway I-70 and Shawnee County SW Auburn Road, then south on Shawnee County Auburn Road to its junction with Shawnee County SW 93 Road, then east on Shawnee County SW 93 Road to its junction with South Topeka Boulevard, then south on South Topeka Boulevard to its junction with federal highway US-56, then east on federal highway US-56 to its junction with federal highway US-75, then south on federal highway US-75 to its junction with federal highway US-54, then west on federal highway US-54 to its junction with state highway K-99, then south on state highway K-99 to its junction with federal highway US-160, then west on federal highway US-160 to its junction with federal highway US-77, then north on federal highway US-77 to its junction with interstate highway I-70, then east on interstate highway I-70 to its junction with Shawnee County SW Auburn Road, except federal and state sanctuaries ~~and the areas enrolled in the landowner deer management program.~~

(o) Ninnescah; unit 15: that part of Kansas bounded by a line from the Oklahoma-Kansas state line north on state highway K-179 to its junction with state highway K-14, then continuing north on state highway K-14 to its junction with state highway K-42, then west on state highway K-42 to its junction with federal highway US-281, then north on federal highway US-281 to its junction with federal highway US-50, then east on federal highway US-50 to its junction with federal highway US-77, then south on federal highway US-77 to its junction with state highway K-15, then west and northwest on state highway K-15 to its junction with state highway K-53, then west on state highway K-53 to its junction with federal highway US-81, then south on federal highway US-81 to the Oklahoma-Kansas state line, then west along the Oklahoma-Kansas state line

to its junction with state highway K-179, except federal and state sanctuaries ~~and the areas enrolled in the landowner deer management program.~~

(p) Red Hills; unit 16: that part of Kansas bounded by a line from the Oklahoma-Kansas state line north on federal highway US-283 to its junction with federal highway US-54, then east on federal highway US-54 to its junction with federal highway US-183, then north on federal highway US-183 to its junction with federal highway US-50, then east on federal highway US-50 to its junction with federal highway US-281, then south on federal highway US-281 to its junction with state highway K-42, then east on state highway K-42 to its junction with state highway K-14, then south on state highway K-14 to its junction with state highway K-179, then south on state highway K-179 to the Oklahoma-Kansas state line, then west along the Oklahoma-Kansas state line to its junction with federal highway US-283, except federal and state sanctuaries ~~and the areas enrolled in the landowner deer management program.~~

(q) West Arkansas; unit 17: that part of Kansas bounded by a line from the Colorado-Kansas state line east on state highway K-96 to its junction with federal highway US-83, then north on federal highway US-83 to its junction with state highway K-4, then east on state highway K-4 to its junction with federal highway US-283, then south on federal highway US-283 to its junction with federal highway US-156, then east on federal highway US-156 to its junction with federal highway US-183, then south on federal highway US-183 to its junction with federal highway US-54, then southwest on federal highway US-54 to its junction with federal highway US-283, then north on federal highway US-283 to its junction with federal highway US-56, then southwest on federal highway US-56 to its junction with state highway K-144, then west on state highway K-144 to its junction with federal highway US-160, then continuing west on federal highway US-160 to the Colorado-Kansas state line, then north along the Colorado-Kansas state line to its junction with state highway K-96, except federal and state sanctuaries ~~and the areas enrolled in the landowner deer management program.~~

(r) Cimarron; unit 18: that part of Kansas bounded by a line from the Colorado-Kansas state line east on federal highway US-160 to its junction with state highway K-144, then east on state highway K-144 to its junction with federal highway US-56, then east on federal highway US-56 to its junction with federal highway US-283, then south on federal highway US-283 to its junction with the Oklahoma-Kansas state line, then west along the Oklahoma-Kansas state line to its junction with the Colorado-Kansas state line, then north along the Colorado-Kansas state line to its junction with federal highway US-160, except federal and state sanctuaries ~~and the areas enrolled in the landowner deer management program.~~

(s) Kansas City urban; unit 19: that part of Kansas bounded by a line from the Missouri-Kansas state line west on Johnson County 199 Street to its junction with federal highway US-56, then west on federal highway US-56 to its junction with South Topeka Boulevard, then north on South Topeka Boulevard to its junction with Shawnee County SW 93 Road, then west on Shawnee County SW 93 Road to its junction with Shawnee County SW Auburn Road, then north on Shawnee County SW Auburn Road to its junction with interstate highway I-70, then west on interstate highway I-70 to its junction with Carlson-Rossville Road, then north on Carlson-Rossville Road to its junction with federal highway US-24, then southeast on federal highway US-24 to its junction with Shawnee County NW Humphrey Road, then north on Shawnee County NW Humphrey Road to its junction with Shawnee County NW 46 Street, then east on Shawnee County NW 46 Street to its junction with Shawnee County NW Landon Road, then north on Shawnee County NW Landon Road to its junction with Shawnee County NW 62 Street, then east on Shawnee County NW 62 Street to its junction with Jefferson County Clark Road, then south on Jefferson County Clark Road to its junction with Jefferson County 50 Road, then east on Jefferson County 50 Road to state highway K-237, then south on state highway K-237 to its junction with federal highway US-24, then east on federal highway US-24 to its junction with Tonganoxie Drive, then northeast on Tonganoxie Drive to its junction with Leavenworth County 187 Street, then north on Leavenworth County 187 Street to

its junction with state highway K-92, then west on state highway K-92 to its junction with Leavenworth County 207 Street, then north on Leavenworth County 207 Street to its junction with state highway K-192, then northeast on state highway K-192 to its junction with federal highway US-73, then east on federal highway US-73 to the Missouri-Kansas state line, then south on the Missouri-Kansas state line to Johnson County 199 Street, except federal and state sanctuaries ~~and the areas enrolled in the landowner deer management program.~~ (Authorized by K.S.A. 32-807; implementing K.S.A. 32-807 and K.S.A. ~~2004~~ 2006 Supp. 32-937; effective April 30, 1990; amended June 8, 1992; amended June 1, 1993; amended June 13, 1994; amended May 30, 1995; amended June 6, 1997; amended July 21, 2000; amended April 18, 2003; amended July 25, 2003; amended Feb. 18, 2005; amended April 14, 2006; amended P-_____.)

ECONOMIC IMPACT STATEMENT

K.A.R. 115-4-6. Deer; firearm management units.

DESCRIPTION: This permanent regulation establishes deer management units within the state of Kansas. The proposed amendment would remove references from this regulation in regard to firearm management units and landowner deer management program areas due to legislation passed by the 2007 Legislature and the resulting proposed revocation of K.A.R. 115-4-6a and K.A.R. 115-4-14.

FEDERAL MANDATE: None.

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

ALTERNATIVES CONSIDERED: Other than the proposed amendments, no other alternatives were considered.

115-4-6a. (Authorized by K.S.A. 32-807; implementing K.S.A. 32-807 and K.S.A. 2003 Supp. 32-937, as amended by L. 2004, Ch. 99, Sec. 5; effective Feb. 18, 2005; revoked P-_____.)

ECONOMIC IMPACT STATEMENT

K.A.R. 115-4-6a. Deer; archery management units.

DESCRIPTION: This permanent regulation establishes deer archery management units within the State of Kansas. The proposed revocation is a result of legislation passed by the 2007 Legislature.

FEDERAL MANDATE: None.

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

ALTERNATIVES CONSIDERED: No other alternatives were considered as these regulatory changes are in response to statutory enactments.

115-4-14. (Authorized by and implementing K.S.A. 32-807 and K.S.A. 2003 Supp. 32-968, as amended by L. 2004, Ch. 76, Sec. 1; effective Nov. 29, 2004; revoked P-_____.)

ECONOMIC IMPACT STATEMENT

K.A.R. 115-4-14. Landowner deer management program; implementation, application, selection, property requirements, deer permitting, property posting, evaluation, renewal, and other provisions.

DESCRIPTION: This permanent regulation established a three-year pilot program for landowner deer management and provided for evaluation following each year of the pilot program. The proposed revocation is a result of legislation passed by the 2007 Legislature.

FEDERAL MANDATE: None.

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

ALTERNATIVES CONSIDERED: No other alternatives were considered as these regulatory changes are in response to statutory enactments.

115-8-13. Motorized vehicles and aircraft; authorized operation. (a) Motorized vehicles shall be operated only on ~~maintained~~ department roads and parking areas, except as otherwise established by posted notice or as approved by the ~~department~~ secretary.

(b) Motorized vehicles shall be operated at speeds not in excess of 25 miles per hour or as otherwise established by posted notice.

(c) Motorized vehicles shall be operated in accordance with load limits as established by posted notice for roads or bridges.

(d) Motorized aircraft landings and ~~take-offs~~ takeoffs shall be allowed in designated areas only or as authorized by the ~~department~~ secretary.

(e) (1) Except as provided in this regulation, each motorized vehicle that meets either of the following conditions shall be prohibited from being operated on all department lands and roads:

(A) Is not registered with one of the following:

(i) The director of vehicles pursuant to K.S.A. 8-127 and amendments thereto; or

(ii) the corresponding authority in another state or country; or

(B) is unlawful to be operated on any interstate highway, federal highway, or state highway pursuant to K.S.A. 8-15,100 and L. 2007, Ch. 140, Sec. 3, and amendments thereto.

(2) The term “motorized vehicle” shall include all-terrain vehicles, work-site utility vehicles, golf carts, go-carts, and electric or gasoline-powered two-wheeled vehicles.

(f) Any person with a disability, as defined by K.S.A. 8-1,124 and amendments thereto, may annually request a permit from the secretary to utilize a motorized vehicle for accessing certain department lands and roads to provide access to recreational opportunities that would otherwise be unavailable to disabled persons. Each written request shall include the following:

(1) The name, address, and telephone number of the applicant;

(2) the nature of the disability;

(3) the name and location of the property to be accessed;

(4) the date or duration of the entry requested; and

(5) documentation of that person's disability in the form of a disabled accessible parking placard, disabled motor vehicle license plate, or disabled identification card issued by the director of vehicles of the department of revenue pursuant to K.S.A. 8-1,125 and amendments thereto, or similar documentation issued by another state.

(g) No person who is in possession of a motorized vehicle and has a permit to operate the motorized vehicle on department lands and roads shall perform either of the following:

(1) Allow another person to operate the vehicle on department lands and roads unless that other person has a permit issued by the department; or

(2) operate the vehicle on department lands and roads unless that person is in possession of a permit issued by the department.

(h) Each permit issued by the department that authorizes the operation of a motorized vehicle on department lands and roads shall expire on the last day of the calendar year in which the permit was issued, unless otherwise specified on the permit.

(i) A permit that authorizes the operation of a motorized vehicle on department lands and roads shall not be issued or shall be revoked by the secretary for any of the following reasons:

(1) The disability does not meet the requirements for the permit.

(2) The application is incomplete or contains false information.

(3) The disability under which the permit was issued no longer exists.

(4) The documentation of disability in the form of a disabled accessible parking placard, disabled motor vehicle license plate, or disabled identification card issued by the director of vehicles of the department of revenue pursuant to K.S.A. 8-1,125 and amendments thereto, or similar documentation issued by another state, has expired.

(5) The permit holder fails to comply with the terms and limitations of the permit or with the requirements specified in this regulation.

(6) The issuance or continuation of the permit would be contrary to the preservation of habitat or species located on or in department lands or waters.

(j) This regulation shall not apply to any motorized vehicle that is owned by the department or a designated agent and is used in the operation and maintenance of department lands and roads.

(Authorized by ~~L. 1989, Ch. 118, sec. 9~~ K.S.A. 32-807; implementing ~~L. 1989, Ch. 118, sec. 9~~ K.S.A. 32-807 and 126; effective Dec. 4, 1989; amended P-_____.)

ECONOMIC IMPACT STATEMENT

K.A.R. 115-8-13. Motorized vehicles and aircraft; authorized operation.

DESCRIPTION: This permanent regulation establishes the authorized operation of motorized vehicles and aircraft upon department lands and roads. The proposed amendments provide for the use of all-terrain vehicles, work-site vehicles, golf carts, go-carts, and electric or gasoline-powered two-wheeled vehicles upon department lands and roads for a qualified person with a disability.

FEDERAL MANDATE: None.

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

ALTERNATIVES CONSIDERED: None.