

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, January 10, 2008
Independence Memorial Hall
Independence, Kansas**

Subject to
Commission
Approval

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

The January 10, 2008 meeting of the Kansas Department of Wildlife and Parks Commission was called to order by Chairman Kelly Johnston at 1:30 p.m. at Memorial Hall, Independence. 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

None

IV. APPROVAL OF THE October 18, 2007 MEETING MINUTES

Commissioner Shari Wilson moved to accept the minutes as printed, second by Commissioner Meyer (Exhibit B). Chairman Johnston - On page 3, two-thirds of the way down, change beginning of sentence to "In" instead of "On", add "He was" in front of "talking..." and put Chris Tymeson as making the statement that begins with "We tried...". Chairman Johnston moved to accept the changes as made, Commissioner Shari Wilson second.

V. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

George Walls, Farlington – I was born and raised in the sandhills between Great Bend and Pratt. I have a Kawasaki Mule and I would like to see you pass that regulation so I can drive that around the state parks. Chairman Johnston – We have that on this evening's discussion. Walls – I can't be here this evening. Chairman Johnston – Proceed. Walls – Dave Goble has no problem with me using that and I don't see how anyone can ride a go-cart, possibly a two-wheeled moped, but that would be difficult also.

This Mule weighs 975 pounds and I can get in and out easily. I would like to be able to go around the lake to visit the neighbors and down to the water, not through the brush. Chairman Johnston – Does the Mule description fall under that proposal? Tymeson – Yes, it is a work-site vehicle.

Chuck Spellman, Parsons – On January 1, 2011 and every day after that 10,000 baby boomers will become senior citizens. I can't qualify for a disabled tag, but I can't walk in CRP or uphill very well. This is a problem for all older Americans. Most of my friends can't do it anymore. Are they being given access to this public land? Also, I would like to see you expand WIHA to other activities besides hunting and fishing. Reevaluate the current policies. Chairman Johnston – On WIHA, have we ever considered other types of uses and approached the landowners? Tymeson – There would be some issues with the federal aid grant program that funds that program, but that doesn't mean there aren't people out there partaking of other activities. Chairman Johnston – Is there a possibility of getting disabled people access on private WIHA ground? Is that kind of access a question of contract between the department and landowner and what issues would be involved in contract negotiations? What would be involved in considering that? Tymeson – WIHA has been successful, but the key has been that it is walk-in access only. From a contractual standpoint that is what binds us. ADA does not require every piece of land to be accessible and we have public lands nearby. To gain access on private land when we have public land available is difficult. Also, gate access would be a problem, right now we are bound by contract and philosophically it would cost more. Also, grassfires could be potentially started by a catalytic converter or something else like that could be a problem. Brad Simpson – This came up two years ago and when we surveyed WIHA contractors there was some interest, but it was small. Most landowners wouldn't be in favor of it. They are in this program because it is walk-in only. I have the report back at the office if anyone would like a copy. Chairman Johnston – I would like to see that. I would like the department to assess logistics to include this kind of solicitation and cost predictions. It could easily be included in county access maps in the same color-coded manner -- a few places where landowners were willing to allow people to come in on same type of vehicles we are discussing later.

Max Hedges – I would like to know if a survey has been done to shut seasons down on prairie chickens. We have a decline here. It would bring the population back if we shut the season down within a certain range. Chairman Johnston – We looked at greater prairie chickens and lesser prairie chickens in recent meetings, but the details of those discussions are not immediately available to you. We look at these issues every year and recently we moved the boundary northward towards I70 for lesser prairie chickens, but greater prairie chickens is different. When we look at regulations for the fall prairie chicken season, it would be timely to discuss this at that time.

VI. DEPARTMENT REPORT

A. Secretary's Remarks

1. 2008 Legislature – Chris Tymeson, legal counsel, gave this report to the Commission. Session starts Monday, January 14, and we have five issues this year: 1) Park funding is our big push for this year -- get half of entrance fee; 2) failure to comply with Wildlife and Parks citation made it half way through the process and expect it out early; 3) vessel liability insurance; there is some difficulty with that bill and we will see what happens; 4) field trial permits; we double regulate on CSAs; and 5) change in two statutes to allow tagging turkeys using a tagless system in the fall, but need to change the system. A few other issues will come up like vessel muffling; zebra mussels; prairie dog litigation still ongoing; conservation easements – the Secretary met with some interested parties on that; wind energy may spring back up; Intensive Groundwater (IGUCA), we are indirectly involved in as we have water rights; and possibly FHFH, but we have not heard from them since we assisted them in getting a grant from SRS. We don't expect much from deer. Other bills that pertain to us are SB 38, SB 189, SB 266, and HB 2143. All of them have topics that are contained in those bills that passed in other bill forms last year, but we will still be tracking those on our website because we don't want people to think we are not paying attention to them. Commissioner Shari Wilson – Why is the vessel liability insurance bill so controversial? Tymeson – I don't think the topic is controversial. It passed out of the Senate with no issues, then passed out of House Committee and was placed on consent calendar. The consent calendar is just a process where if it is there for three days and nobody objects, it is like they passed it and is considered a non-controversial subject. However, one Legislator can pull a bill off of the consent calendar and somebody did. I don't know who did it. Commissioner Shari Wilson – So it just languished in general orders after that happened? Tymeson – Yes. It sat on general orders, moved above the line one day and then continued to fall lower on the House calendar every day. Chairman Johnston – At the last meeting we heard about prairie dog issue. Did the department investigate what had happened at Smoky Valley Ranch? It was an incomplete investigation at that time. Has that been completed? Tymeson – Yes it is complete. Citations were written and that has been resolved. Chairman Johnston – Can we have a report at the next meeting? Tymeson – Citations were given for the use of phosphide without a permit and their attorney reached a diversion agreement with the County Attorney. Chairman Johnston – Who? Tymeson – Charlie Lee and Rob Manes.

B. General Discussion

1. Commissioner Permit Drawing – Keith Sexson, Assistant Secretary for Operations, gave this report to the Commission (Exhibit C). Quick report on Hunt of a Lifetime (Exhibit C) first. Hunt of a lifetime applications were sent out the first part of September with a deadline of September 30. 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. We had two hunters come for the hunt: one from New Philadelphia, Ohio and one from Boothwyn, Penn. Both hunters took whitetail bucks in Pawnee County on Monday, December 3, 2007.

On Commissioner permits, in January 2007 Wildlife and Parks held the second annual drawing for Commission permits. Permits sold for a total of \$26,973.56 with the 85 percent, minus the cost of the permit, being \$21,340.63. 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.

Winners in order – Commissioner Lauber – No.110, Friends of NRA South Central KS No. 18, deer; Commissioner Robert Wilson – No. 87, Kansas DU State Committee, elk; Commissioner Meyer – No. 98, Friends of NRA High Plains No. 32, deer; Chairman Johnston – No. 34, Quail Unlimited Jayhawk Chapter No. 75, deer; Commissioner Bolton – No. 21, Pheasants Forever Fort Riley Outdoorsmen Group, 2nd choice deer; Commissioner Sebelius – No. 46, NWTF Concordia, 2nd choice deer; and Commissioner Shari Wilson – No. 45, NWTF Columbus, 2nd choice deer.

2. Free Park Entrance Days and Free Fishing Days – Jerry Hover, Parks Division Director, presented these Secretary’s Resolutions to the Commission (Exhibit D). This year free fishing days will be June 7 and 8; no fishing license will be required. Under K.S.A. 32-901(e), we are allowed two days for free park entrance days as well, consecutive or separate. Three years ago we started allowing different days at different parks. Most are consecutive days, but a few are split. Commissioner Bolton – Do we see enough of an increase to justify decreases in revenue? Hover – The reason we started this was to get people out to parks in hopes they will come back. Attendance varies because of weather and events are aimed at children. We don’t see a reduction in revenue because of it, in fact there is a possibility it increases revenue because of return visits. Commissioner Lauber – Clinton has August 16 and 17, is that same time as the Wakarusa festival? Are we having Wakarusa? Hover – Maybe. We don’t have a contract at this time.

3. Cabin Camping Permit Fees – Brad Simpson, Public Lands Section chief, presented this to this report to the Commission (Exhibit E). We are proposing to amend in cabins at Atchison SFL and McPherson at \$60 a night or \$420 per week, year-round. Commissioner Shari Wilson – It appears that we are approving cabins every meeting? Tymeson – We are trying to do this on an annual basis, but the last couple of votes, June last year, then in October were because of new cabins. We are dependent on the whims of people producing cabins. We are doing this now and probably will again in October. We are putting stuff on paper for cabins that aren’t on the ground yet, so as they are set up we have to add them.

4. 2007 Deer Legislation and Regulation Review – Mike Miller, magazine editor and special assistant, presented this report to the Commission (Exhibit F). 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. Changes will include: 1) 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.” 2) Throughout the statutes “game tag” has been replaced with “permit” when referencing whitetail antlerless permits. 3) A special hunt-on-your-own-land (HOL) 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. 4) Resident whitetail either-sex permits may be issued that are valid statewide and during any season with the equipment legal for that season. 5) Resident either-species, either-sex (any deer) archery permits that are valid statewide may be issued. 6) Resident either-species, either-sex muzzleloader permits valid in designated units may be issued. 7) Resident either-species, either-sex firearms permits valid in designated units may be issued. 8) 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. 9) Nonresident permits will be valid in two adjacent units. 10) Nonresident applicants will select the season in which they want to hunt upon application. 11) 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 covert the permit to an either-species, either-sex permit. Other things will be discussed as we bring these items up. Commissioner Meyer – Unit 13 not on map, but one unit is not marked. Was that unintentionally left off? Miller – No. The number was inadvertently left off of Unit 13 on that map. Commissioner Lauber – If landowners have 1,000 acres and there are only two people living there, can they only get two permits? Miller – They can get a permit for every 80 acres for lineal relatives. Chairman Johnston – On calculation of permit quotas, a formula is used in briefing paper, is this something anyone could do if they knew the formula? Miller – The formula is based on actual demand. Commissioner Lauber – For instance, demand plus 10 percent? Miller – At least 10 percent. Mike Pearce – On expanded HOL, do grandkids from Illinois need nonresident license to go with deer permit? Kevin Jones – Yes, they have to have a nonresident hunting license. Pearce – Unit increases could be 10-50 percent on everything? Fox – Firearm, muzzleloader and archery, did not include HOL, those still are available so they are not included in that.

George Glines, Independence – If I draw a mule deer stamp, my permit goes to an either sex, either species permit? Miller – If you apply for mule deer stamps, which are limited to muzzleloader and archery only, and are successful, you permit will be an either species, either sex permit.

Garry Cook, Fort Scott – **Will fees be different for landowners? Miller – All will be \$15.**

C. Workshop Session

1. Public Lands Regulations – Brad Simpson, Public Lands Section chief, presented this report to the Commission (Exhibit G). This is to organize all posted notices into a reference document that we will put into regulation. I have passed out the draft. I will go over those categories (Exhibit H), workshop again in March and vote in April. 1) Access restrictions, lists each region and area with those restrictions. 2) Age restrictions -- lists definitions of novice/mentor areas and youth/mentor areas. 3) Alcohol restrictions lists areas that don't allow alcohol. 4) All non-toxic shot. 5) Boating restrictions -- no motorized boats and no-wake areas. 6) Closed to all hunting, but some of these areas may be included in special hunting areas. 7) Equipment restrictions includes archery only, no center fire rifles, shotgun and archery only (like Berentz-Dick area we saw this morning), shotgun, archery and muzzleloader only, and shot shell limit. 8) Handicap accessible hunting. 9) No shooting from dikes or levees. 10) No swimming. 11) Refuges – will need to spend time here to go over those subcategories – closed to all activities year-round, some areas do allow hunts through special hunts; closed to all activities September 1 through March 31 (Elk City WA); closed September 15 through March 15; closed October 1 through January 15; closed October 1 through March 31, closed October 21 through January 15, closed through portions of year, closed to hunting (year-round), special parts of areas, but could be included in special hunts; closed to hunting seasonally; access by permit only year-round; access by permit October 1 through March 1; access by permit November 1 through March 1. 12) Seasonal closures – access by permit October 1 through March 31; open to hunting Thursday, Saturday and Sunday September 10 – March 31; December 1 through January 31, Tuesday, Thursday, Saturday (Berentz-Dick); open to upland bird hunting Tuesday, Thursday, Sunday; closed to fishing September 15 – April 15. 13) Shooting area range. 14) Shooting hour restrictions, shooting hours end 1 p.m. 15) Special permits -- daily use hunt permits; and special restrictions hunting.

2. KAR 115-25-5. Turkey; fall season, bag limit and permits – Jim Pitman, wildlife biologist, gave this report to the Commission (Exhibit I). Our fall season is greater than 80 days in length and three of four turkey management units are open to hunting. Hunters may 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 number of permits and game tags issued for the fall 2006-2007 turkey season was 16,227 (includes 4,530 game tags). 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; 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. 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.

3. KAR 115-25-7. Antelope; open season, bag limit and permits – Matt Peek, wildlife biologist, presented this report to the Commission (Exhibit J). No major changes. In 2005 we reopened archery season on the Saturday following the firearms season and continued approximately through the end of October. 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, only two killed. A muzzleloader season (residents only) was initiated in 2001. 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. We will have recommendations at the next meeting. Chairman Johnston – Out of 30 resident permits only two were successful? Peek – Two in the late season. Chairman Johnston – What was the success rate? Peek – There were 115 pronghorn harvested, we sold 190 permits this year which is higher than five years ago. Sorensen – Why are you starting and ending muzzleloader season on a Monday? Peek – Put in so it fits between archery season and rifle season, the four days in between before larger number of firearms are allowed. Secretary Hayden – What is the status of antelope in the Flint Hills? Peek – We try to do a survey every July or August, three years ago we counted 54 animals which is highest we have seen. There has been good production, out of 30 animals this year we counted 9 fawns. The last couple of years, survey conditions have not been good and we have only counted about 30. We talked about conducting a winter survey when there is no snow on the ground and less cover. Commissioner Lauber – Are predators the largest problem? Peek – Coyotes mainly, predation of fawns when they are less than two weeks of age. In that landscape there is not a lot of cover after the burns and their eyesight is hindered because of the hills. Chairman Johnston – Have we ever had a season in the Flint Hills? Peek – No.

Break

4. KAR 115-25-8. Elk; open season, bag limit and permits – Matt Peek, wildlife biologist, presented this report to the Commission (Exhibit K). There was a three month season October 1 through December 31, three bulls and one cow was killed in the September rut. 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. 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. The proposed season dates outside the boundaries of Fort Riley are: September 1, 2008 through October 5, 2008 for the muzzleloader season; September 22, 2008 through December 31, 2008 for the archery season; and December 3, 2008 through December 14, 2008, and January 1, 2009 through March 15, 2009 for the firearms seasons.

5. KAR 115-25-9. Deer; open season, bag limit and permits – Lloyd Fox, wildlife biologist, presented this report to the Commission (Exhibit L, Map – Exhibit M). Gave a handout of a graph of the seasons showing overlaps (Exhibit N). Youth and persons with disabilities season, two proposals, either a 3-day season with a one weekend, or 9 days with two weekends, both ending September 21, 2008; Early Muzzleloader - September 22, 2008 through October 5, 2008; Archery - September 22, 2008 through December 31, 2008; Early Firearms (DMU 19) - October 11, 2008 through October 19, 2008; Regular Firearms - December 3, 2008 through December 14, 2008; Extended WAO - January 1, 2009 through January 4, 2009; and DMU 19 (urban unit) - January 5, 2009 through January 31, 2009 (error on graph for that season). 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 KAR 115-25-9a which will be workshopped at a later date -- they have asked for a later date. The recommendations for application deadlines are: Nonresident - May 31, 2008; Resident Drawing (either sex, either species) - July 15, 2008; Unlimited Availability 1) Antlered Deer - December 30, 2008; and 2) Antlerless Deer - January 30, 2009. 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 whitetail antlerless-only (WTAO) allowed last year. The second WTAO permit would be valid in all units except units 17 and 18 and would also be valid at Cedar Bluff WA (similar to the first game tag last year), from 115-29-5a to this regulation. The last three WTAO permits would be valid on a restricted list of units and we are gathering information on which units will be allowed in the January season or multiple units. Chairman Johnston – Do you need direction on the 3- or 9-day season for youth and disabled? What are the pros and cons of that issue? Fox – On the pro side, two weekends gives greater opportunity; downside is limited audience, and this was not originally considered by the Deer Task Force, but that doesn't mean it wouldn't have been considered if it had been proposed. This is an alternative. Commissioner Meyer – I would favor two weekends.

Steve Sorensen, Valley Center – I would like to recommend two weekends, but I need clarification. You would open youth on September 12? Fox – September 13. Sorensen – Is there a reason the youth season can't overlap the muzzleloader season? It is hotter earlier in the year. Fox – This is a special season for this particular group, but they can still hunt all other seasons. This season they would have all to themselves. When you look at the types of permits available next year, whitetailed either sex and antlerless permits and half price permits for youth.

Marjorie Snyder – What are the differences in permits? Fox – We will go into this more in 115-4-13. Most Kansas hunters will obtain a whitetail either sex and antlerless-only permit which will allow them to hunt all seasons. The drawing will be for either sex, either species.

Sorensen – You are extending the archery season nine days, what about extending firearms season more than 12 days? Why can't we? Fox – We have put together a chart that shows how the seasons have changed over time, from 5 to 9 to 12 days, we have extended seasons and we have made adjustments in the past and undoubtedly will in the future.

Chairman Johnston – Other comments on youth season options? *Commissioners had a consensus on 9 day season.* Commissioner Meyer – I like the chart, if you put turkeys on there that would be great. Fox – I owe Marvin Kraft a debt of gratitude, this is his chart form.

6. Big Game Permanent Regulations – Lloyd Fox, wildlife biologist, presented this report to the Commission (Exhibit O). I will ask Jim Pitman to come up later and discuss 4-4a. This is not on your agenda, but we will add that.

KAR 115-4-2. Big game; general provisions 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; and 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 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. Commissioner Lauber – For instance, Iowa doesn't want risk of contamination, we say it is a problem and we want the head attached. Would they have to go to the boundary, say the border of Missouri and cut off the head? Fox – They can package the meat, the problem lies with where they take the whole carcass and we haven't come up with a solution on that yet.

KAR 115-4-4. Big game; legal equipment and taking methods. Proposals have been prepared: 1) to include telescopes for muzzleloaders during the early muzzleloader season; 2) 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, also length of the cartridge for deer and elk, which will allow additional rifles to be used; 3) to allow crossbows with more than 125-pound draw weight to be used during a firearms season; 4) 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 which would allow people to use knapped points and ceramic blades in the future; and 5) to allow hard-cast solid bullets to be used. Commissioner Lauber – Focus of attention is

on allowing .22 caliber centerfire firearms to be used? My concern is that a skilled person could kill a deer with that caliber, but less skilled may not be able to. I have heard convincing arguments on both sides of this. Most available .22 caliber would be hard cast full metal jacket or varmit bullet which isn't suitable. I am worried about wounding, which could happen with any caliber. I would like to see use in limited season only to see how it goes and get feedback. Fox – I have one comment, there is a scarcity of hard data in this whole field and great differences of opinion from professionals in ballistics. If you go online you can find all kinds of different opinions. Some states allow centerfire with no diameter restrictions at all. We feel this would be self-regulating and that hunters will make the decisions themselves as opposed to establishing regulations and we fall in the middle of that. Changed this once before and it was changed back shortly after that. It gets very complicated. Commissioner Lauber – The .223 is hard to acquire at this time. Full metal jacket is different than solid core bullet? Fox – Item 5 allows hard cast, but there are definitions, not full metal jacket and they are a lead bullet. Commissioner Lauber – When we allowed .22 and that was rescinded, was there a reason for that? Fox – It was on opinion not on an accumulation of data. That is what these are mostly based on, opinion and preference. Keith Sexson – There were some pros and cons and some ballistics experts who brought information forward at that time. Commissioner Lauber – Do you and Mike have an opinion? Sexson – I feel we can leave it in the hands of the users, options are there and people who have the ability to use that type of equipment will and it will sort itself out. We have gotten along this long with .223 and above, but this gives them the opportunity to use it. Deer hunting will go on. Hayden – It provides more options and there are a small number of hunters who will use these. I'm in favor of change to provide more options. Commissioner Meyer – I talked to several people who make knapped heads and because of the balance, I am not sure if they would be accurate. Commissioner Bolton – What about coyote hunters who use .22 caliber and feel they can hunt deer without a permit? Fox – I hope not, but that is a law enforcement issue. We are trying to get back to simplicity with elimination of game tags. Chairman Johnston – Crossbows used during firearms season does that include muzzleloader season? Fox – No, changes to formatting of these regulations, talk about archery and what is legal and muzzleloaders and what is legal and firearms, which includes archery and muzzleloaders and what is legal, as far as firearms and accessories and their restrictions. It will be clearer on what types can be used in which season. Chairman Johnston – What about scopes on muzzleloaders? I gather it is the department's recommendation? Fox – That is right. Chairman Johnston – Can you explain that? Fox – Public input and information and the wish to simplify the use of muzzleloaders. This will allow some to hunt during early muzzleloader season that couldn't before. Commissioner Bolton – On muzzleloaders, can you limit the power of the scope? Fox – We do not have a primitive equipment season, we have a muzzleloader season and muzzleloaders have changed over time. There is no primitive weapon season, other states have tried to make that definition and it has been difficult.

Garry Cook, Fort Scott – On the crossbow, KBA doesn't want to see that in anything other than disability season. On knapped heads, there is one made commercially that fits that description. Also, I am not a muzzleloader hunter, but I don't like the idea of them using a scope.

Steve Sorensen – I was going to thank you for scopes on muzzleloaders, because being over 50, it is harder to see. Hard cast bullets is going to allow patch and ball, and muzzleloaders have changed. If you want a primitive muzzleloader season we should have a primitive archery season.

Keaton Kelso – Kansas Outfitters Association President – On the muzzleloader scope issue, my personal feeling is no scopes, we call it primitive, 50- to 70-yard game and when you open this up the kill ratio is going to skyrocket. We have muzzleloader hunters that come in and want no scopes. It is unethical to hunt these animals with a small caliber, because whitetails are larger here. Need caliber limit for people who aren't marksman. On crossbows during firearms season, shouldn't be hunter against hunter, should have right to use a crossbow if they want to. If department moves that out of firearms season into archery season we are against that. Diameter of archery equipment to kill deer ethically, but decreasing bullet size, doesn't make sense. On materials for broadhead, we don't even allow mechanical broadheads on our properties; it is all about ethical use and trying to kill that animal. On muzzleloaders, that is a primitive early season. Chairman Johnston – Will adding scopes increase the harvest? Fox – We don't know. I would anticipate the harvest and likelihood that hunters will take shots they wouldn't have before will increase, but also encourages more days hunting. One antlered deer per hunter and timing of seasons such as firearms season and use of multiple permits for does. I can't tell you this will increase it by five percent, sorry, I just don't know. Commissioner Lauber – It is a fact of any season, scopes on muzzleloaders, people will harvest in early season rather than later season. I can't see, at end of year, more bucks being harvested. More people may use antlerless permits and it may enhance does being shot. I would be surprised if it is more than five percent. Keaton Kelso – Has the department ever thought about crossbows with doctor's permission? Couldn't they get a written note from an eye doctor for using scopes on muzzleloaders?

Dan Merantz (did not sign in, unsure of spelling) – You are going hunter against hunter here. If you want to use the electronic stuff use it, but if you don't, you don't have to. Give them the opportunity.

Chairman Johnston – I will go over these items one at a time. Objections to scopes? Commissioner Shari Wilson – When do we vote? Tymeson – March, the next meeting. Chairman Johnston – No objections to scopes. Objections on bullet size? Commissioner Lauber – Kind of. Commissioner Shari Wilson – I have some objections as well. Commissioner Robert Wilson – I use pounds of foot energy, it takes 1,200 foot pounds to penetrate animal through both lungs six inches deep on a deer, elk 10-12 inches deep and that is what I use to determine what gun and caliber to use. I'm not sure you can do that with some of these .22 centerfires. Some of the people shooting these smaller diameters may not humanly dispatch the animal. Chairman Johnston – Commission support is questionable on bullet size. Crossbows? Broadhead composition? Commissioner Meyer – I am not an expert, but I made my objections. Commissioner Shari Wilson – Concerns about that as well. Chairman Johnston – Hard cast bullets? Commissioner Meyer –

From information from last meeting I would say go ahead with that. Chairman Johnston – Go ahead with those even though all of them may not pass.

Jim Pitman, wildlife biologist, presented this to the Commission - KAR 115-4-4a. Wild Turkey; legal equipment and taking methods 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; and the use of dogs while hunting turkey during the fall turkey season (Exhibit P). 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. Proposals have been prepared: 1) to set a minimum diameter of seven-eighths of an inch for broadheads and to remove restrictions on all-metal cutting edges; and 2) 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.

Mike Pearce – What is basis for changes of diameters of broadheads? Pitman – You need to ask Lloyd. Fox – We looked at standard broadheads that are available. Pearce – What does the current regulation say? Fox – There is no size limitation, it says non-barbed. Chairman Johnston – Differences in how Commission feels about these proposals as opposed to the other five? Commissioner Shari Wilson – I feel the same way.

Lloyd Fox - KAR 115-4-11. Big game and wild turkey permit applications. 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. At this time it does not appear that this regulation will need to be changed and we don't have a recommendation to come back in March. KAR 115-4-13. Deer permits; descriptions and restrictions. Proposals have been prepared: 1) to create a resident white-tailed deer permit valid statewide during archery, muzzleloader-only, and firearms seasons with equipment legal during those established seasons; 2) 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; 3) to create 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; 4) for either-species, either-sex deer permits valid for residents. This would return archery to statewide archery, but leave firearms on a draw. These permits are designated for a particular equipment type; 5) 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; and 6) 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 (grandson, grandfather, granddaughter, siblings and their spouse). There are additional descriptions on procedures necessary to get those permits. Commissioner Lauber – HOL will be \$30? Fox – Yes. Commissioner Lauber – Will that be the only HOL? Fox – HOL for landowner tenant and immediate family for \$15; special which allows lineal relatives, siblings and spouses for \$30; and nonresident HOL for \$72.15 with fees.

Garry Cook – Nonresidents can put in for a mule deer stamp, what do residents do? Fox – Residents can get a statewide archery permit or for firearms or muzzleloader go into the drawing for either species, either sex, no longer any deer. Tymeson – We suggested drawing, but unlimited numbers for muzzleloader. Fox – Could be muzzleloader is over-the-counter too. Miller – We will have to go back to the numbers, if they are undersubscribed. Fox – On either sex, either species (resident), that will include multiple units. We will still have nine units, but will allow hunting in four or five units.

Keaton Kelso – Will nonresidents have to choose a season? Fox – The nonresident muzzleloader permit is valid in early and in regular firearms seasons the same as in the past. Kelso – But they have to use a muzzleloader? Fox – Yes. Kelso – Will you still have the leftover tag process? Fox – We will extend the application, there will be no leftovers.

Marjorie Snyder – Do you have a mechanism in place for landowners? What happens if two people claim the same acreage? Fox – Requirement is in state law, it is 80 acres of agricultural land for each individual that obtains each of these HOL permits, for two people they would have to have 160 acres. Who gets to pick the HOL permit is dependent on the landowner and the limitation on total number of permits. Commissioner Lauber – Are you asking if landowner owns it and tenant rents it, who uses it? Marjorie – Who proves it. Commissioner Lauber – They are supposed to be able to prove it when buying the permit. Tymeson – It is based on honesty and being prosecuted for a felony for falsifying a government document.

Steve Sorensen – Can a landowner give it to his brother? Fox – Yes. Sorensen – A nephew? Fox – No, it has to be a son, daughter or lineal relative, and spouse and siblings.

Fox - One other item that came up, I have a wrong date in 25-9. The application deadline is May 30, not May 31.

7. Weigh-in Bass Tournament Regulations – Doug Nygren, Fisheries Section chief, presented this report to the Commission (Exhibit Q). There are two items needing modification that were associated with the new weigh-in requirements: 1) the addition of the word “not” that was inadvertently omitted

from the first paragraph in 115-7-9; and 2) in 115-7-8 and 115-7-9, 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 came about from ESPN wanting to hold a tournament at Milford and the weigh-in at Junction City). Commissioner Meyer – I went to Junction City on the day this was announced and they convinced me they can do this. Commissioner Shari Wilson – What kinds of conditions would you place on tournaments to ensure “no inordinate risk to the resource”? Nygren – Temperature and how far they transport. Commissioner Sebelius – Was that equipment we saw at a prior meeting something that would be used? Nygren – Yes. Commissioner Shari Wilson – What reason did ESPN give for wanting their weigh-in in Junction City? Nygren – I spoke to ESPN and Dykstra and Junction City just wants to showcase the city.

VII. RECESS AT 5:00 p.m.

VIII. RECONVENE AT 7:00 p.m.

Chairman Johnston welcomed Representative Doug Gatewood.

V. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

Bob Arndt, Americus – I am here asking for a change for safety of hunting. My son was shot about a month ago. Things could be changed. Chairman Johnston – Accept our condolences for your loss. I read in the newspaper a comment from you that said “your son died doing what he loved to do best”. Thank you for coming tonight.

Steve Sorensen – Three items tonight. 1) Wildlife Federation has taken over the coordination of the legislative luncheon, it will be from 11:00 am -1:00 pm or until the food runs out. Lunch and displays are on the first floor rotunda. 2) Just before adjournment at supper, I had a good look at recommendations for 115-4-14. Why couldn't we have had copies of those here? They were signed off on by the Department of Administration and the Attorney General's office before the October meeting. I would like to see proposed language so we can see it before it was done. At the June meeting you discussed items that were signed in March. In order to have informed consent you have to know what you are talking about. You talk generalities and then all of a sudden you have to vote on it. 3) Is the Commission going to ask staff to have another round of discussion on upland game birds? Chairman Johnston – We will consider new opening days as soon as the Docking Institute study on economic changes is available. It might be available by March, but should be ready by April. That is the last piece of information along with that survey and staff input before we make a decision. Sorensen – I am not sure you can compare apples and oranges, with variables involved. Floods in eastern Kansas and quail impacts and same with drought in western Kansas two years ago. Can't see how economics should impact this. You will discuss in March, workshop in April and vote in June? According to the survey

there are a significant number of people who are opposed to what we are doing now. Chairman Johnston – There is not any way to avoid that, we have to approve seasons on an annual basis. Sorensen – You don't address it on an annual basis unless there are changes. Chairman Johnston – My idea is that we are going to evaluate those opening dates as soon as we have all of the data. Also, the composition of the Commission has changed since then and it is important for this Commission to address this. Commissioner Meyer – I thought we felt we had to give it another year to see how it worked out. It will be looked at again. Sorensen – If you voted in June you could change the 2009 seasons. Commissioner Meyer – I don't know if we were wrong or not, it is too early to tell. Sorensen – The survey says you were wrong. Commissioner Lauber – This was an odd year and we need time to make a determination and the survey was taken right after the first year, I don't think the level of discord is the same now as it was then. At the end of 2008, I don't think it would be as intense. I think, for different reasons, we can't determine if it was the right or wrong thing to do. I'm not sure what we are going to figure out when we get that other information. Chairman Johnston – It is my estimation we will be looking at it. Tymeson – On regulatory process, those are online and in the Kansas Register 60 days in advance, the stamp date we have no control over, those are drafts until printed in the Federal Register. Sorensen – Is there anything to stop you from distributing drafts? Tymeson – Sometimes public comment changes the regulation. Sorensen – I have been at some meetings that it was said it can't be changed. Tymeson – Amendments can be made at meetings. Commissioner Meyer – We take comments from all sides. We need to make our decision based on what information we get and we will accept that responsibility. Tymeson – Our agency goes far above many other agencies on notices of changes to the regulations.

Mike Pearce – How has the Commission changed since 2005? Who here voted? *All but Commissioner Bolton and Commissioner Robert Wilson raised their hands.*

VI. DEPARTMENT REPORT

D. Public Hearing

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

1. KAR 115-4-6. Deer; firearm management units – Lloyd Fox, wildlife biologist, presented this report to the Commission (Exhibit S). The proposed amendment would remove references in regard to “firearm” management units and landowner deer management programs areas due to proposed revocation of KAR 115-4-6a and 115-4-14. In each section, where the description of the area includes firearm deer management unit, firearm is removed and in each section that refers to “landowner deer management program” is removed.

Commissioner Frank Meyer moved to bring KAR 115-4-6 before the Commission. Commissioner Shari Wilson seconded.

The roll call vote on KAR 115-4-6 as recommended was as follows (Exhibit T):

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 115-4-6 passed 7-0.

2. KAR 115-4-6a. Deer; archery management units (revocation) – Lloyd Fox, wildlife biologist, presented this report to the Commission (Exhibit U). 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. We will go back to statewide archery tags with no unit designation for residents.

Commissioner Gerald Lauber moved to revoke KAR 115-4-6a. Commissioner Shari Wilson seconded.

The roll call vote on KAR 115-4-6a as recommended was as follows (Exhibit T):

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

The motion to revoke KAR 115-4-6a passed 7-0.

3. KAR 115-4-14. Landowner deer management program (revocation) – Lloyd Fox, wildlife biologist, presented this report to the Commission (Exhibit V). We had only 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 Debra Bolton moved to revoke KAR 115-4-14. Commissioner Doug Sebelius seconded.

The roll call vote on KAR 115-4-14 as recommended was as follows (Exhibit T):

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

The motion to revoke KAR 115-4-14 passed 7-0.

4. KAR 115-8-13. Motorized vehicles and aircraft; authorized operation – Jerry Hover, Parks Division Director, presented these Secretary’s Resolutions to the Commission (Exhibit W). This regulation will provide a definition of motorized vehicles and gives us a method to help less fortunate individuals to access our lands. In the first paragraph delete “maintained” and replace it with “department” and delete “department” and replace it with “secretary” (throughout the document) and change spelling of takeoffs in section d. We are adding item (e)(1), which says, “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:” and adds A, which says, “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. Section B states it is unlawful to operate on highways and can’t be used on department roads. Tymeson – Those two statutory regulations refer to ATVs and mules that the gentleman referred to today. It is illegal to operate on state highways so they can’t operate on state lands. Hover – In Section f, it allows handicapped individuals who meet certain requirements to operate motorized vehicles on state lands. 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, work-site utility 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. Right now we don’t have a regulation dealing with this other than our off-road regulation and 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 – I like this approach, but don’t you worry about someone asking about motorized wheelchairs? Hover – Those are not classified as motorized vehicles. Commissioner Sebelius – I think people will be asking for ATVs and mules for vehicles of choice, because park roads are same as state highways and has the difficulty of approving something that state says they can’t do. There is a difference about ATVs and mules. When ATVs passed Senate Bill 8, you can’t use them on state highways, but can in cities. Tymeson – There is a nuance in statutes, state park roads are not

considered state highways. They are public roadways, but not state highways. Commissioner Sebelius – Leaving approval to the secretary, how will that happen? Tymeson – By delegation of authority to the Park Managers. Commissioner Robert Wilson – How many permits will be issued the first year? Hover – Not very many, I don't think. It will take time to get this out. There are less than 1,000 permits issued to handicap individuals right now. Tymeson – A couple of other nuances, you have to have a driver's license and proper lighting at night. So there are other legal constraints. This also applies to public lands. Commissioner Shari Wilson – How will a person be able to get a permit? Is this based on date or duration of injury? Will they get a permit for a year or every time they come into a park? Hover – It can be up to a year or less than that. It doesn't make sense to have them get a permit every time they come to the park. Chairman Johnston – A properly permitted person could drive an ATV or mule anywhere on public land? Hover – No, there are areas with T&E species or hazardous areas, so there are a number of areas that will be prohibited. It has to be a designated route. Tymeson – There are terms and conditions that can apply and one of the reasons for revocation. They can drive on certain roads or certain areas and be given a map to tell them where they can go.

Diane Hight – On special vehicles, are those to be used anywhere or just on maintained roads. Hover – This is not just for free-wheeling.

Sorensen – Will I need a separate permit for each different area I go to? Hover – Yes, you would. We want you to come in and talk about what areas you are allowed to go on in different areas. Sorensen - I can't just go to the Region 4 office and get one for all of areas I will visit? Hover – No, but it depends on individual circumstances. Sorensen – Do you see park managers giving an individual access to one area and another individual access to somewhere else? A map could be handed out for different areas. Hover – It will be on a daily basis, things can change in different areas. Sorensen – Will I have to come in every time I come to an area? Hover – We will contact you, it is weighed on merits rather than a blanket permit.

Majorie Snyder – Is this just a general hunting regulation or only in context of park regulation? Hover – It is not specific to hunting; it takes in all department-owned public places in all units.

**Commissioner Gerald Lauber moved to bring KAR 115-8-13 before the Commission.
Commissioner Frank Meyer seconded.**

The roll call vote on KAR 115-8-13 as recommended was as follows (Exhibit X):

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

Commissioner S. Wilson
Commissioner Johnston

Yes
Yes

The motion as presented KAR 115-8-13 passed 7-0.

Old Business – Commissioner Shari Wilson went to Cuba and did a presentation on playas. She thanked staff for helping her get her information together for her presentation.

A. Future Meeting Locations and Dates

March 13, 2008, Memorial Hall, Topeka.

April 17, 2008, Finnup Center at Lee Richardson Zoo, Garden City.

June 26, 2008, Newton

August 14, 2008, Cheyenne Bottoms Wetlands Education Center

October 23, 2008, Tonganoxie

XIV. ADJOURNMENT

Commissioner Frank Meyer moved to adjourn, Commissioner Debra Bolton second.

The meeting adjourned at 8:10 p.m.

(Exhibits and/or Transcript available upon request)

Exhibit Y – Special Survey, Hunter and Farm Operator Preferences for Kansas Upland Game-Bird
Season Structure Final Report.

General Discussion

Disabled Access to WIHA

Background

At the January Commission meeting a request was made for information regarding disabled access to land leased under the department's Walk-In Hunting Access Program. The information presented here is drawn from a small postcard survey sent in 2004 to 100 WIHA cooperators, 20 in each KDWP administrative region, in reference to allowing people with permanent disability vehicular access to their WIHA property for hunting purposes only. They were asked if they would allow vehicular access to their WIHA property (Yes or No). If "YES" would they allow restricted or unrestricted access and if restricted what type of restrictions would apply. If they answered "NO" they were asked what their concerns were for not allowing vehicular access. In addition, this was a test survey to receive feedback on the type of questions, if the questions were understood, and to determine if future surveys are warranted.

Information was also gathered from Law Enforcement Division to determine the number of disabled vehicle assistance permits that are issued. According to information kept by Law Enforcement Division an average of 200 permits per year statewide are issued for use of a vehicle by disabled persons to hunt.

Discussion

It must be noted that this is a small sample size, 100 people surveyed out of 2,200 potential WIHA cooperators. This data is not analytically sound and should not be construed as such. This is only baseline data gathered as an indication of landowners' viewpoints. Out of 100 surveys mailed, 77 percent were returned. Of those that responded, 66 percent (51) indicated that they would not allow vehicular access to their WIHA property for hunting purposes only. Of the 34 percent (26) that would allow access, 54 percent (14) would allow restricted access while 46 percent (12) would allow unrestricted access. It is important to note that 25 percent of those that would allow access, indicated that they would, only if all liability was assumed by the State. In addition, if use was restricted, it would be restricted to designated roads only, while others indicated that they would restrict vehicle type and areas. The primary reason landowners would not allow access was concern for fires, followed by liability, property damage, fear of additional roads/trails being developed, unauthorized use of vehicles occurring on their property and farm bill compliance. The results of the survey are on the attached spreadsheet.

Even though 34 percent of the respondents indicated they would allow vehicular access to people with permanent disabilities to their WIHA property, many agreed only if certain conditions were met; for example, release of all liability, not when it's muddy, only if it is controlled, only if they close gates, etc.

Many of these certain conditions can not be regulated or controlled, so potential problems could arise with landowner approval. In addition, many respondents might not recognize the potential problems with farm bill compliance. Since the majority of our acres are in CRP, any new road or trail could put them out of compliance.

Fisheries and Wildlife Division personnel have typically worked with all requests received by people with disabilities who wish to hunt. In most cases we are able to facilitate these requests on public lands where the department controls access and is aware of issues that may inhibit access by various types of vehicles. Department employees located on these public lands can work with these constituents to limit potential damage to habitat as well as provide an added level of security to the use of these properties by disadvantaged hunters by knowing who, when and where these users are hunting. The Department cannot ensure these same protections to private properties and users of these properties.

Early Waterfowl Seasons

TEAL SEASON:

Framework - Hunting season between September 1 and September 30, 2008, not exceeding: 1) 16 days if the blue-winged teal breeding population is above 4.7 million, or 2) 9 days if the breeding population is between 3.3 - 4.6 million, with a daily bag and possession limit of 4 and 8 teal, respectively. Last year's (2007) blue-winged teal breeding population was 6.7 million. The 2008 blue-winged teal breeding population total will not be known until June.

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

Recommendation:

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

A 9-day season running September 13 through September 21, 2008,

or, a 16-day season running September 6 through September 21, 2008,

or, an 8-day season running September 13 through September 20, 2008

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

A 9-day season running September 13 through September 21, 2008,

or, a 16-day season running September 6 through September 21, 2008.

SHOOTING HOURS FOR ALL EARLY SEASONS:

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

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

PROPOSAL TO MODIFY THE DOVE HUNTING REGULATION (KAR 115 – 25 – 19)

Background

Dove seasons were set annually by the Commission until 2003. That year, KAR 115-25-19 was created and it authorized the hunting of four dove species: mourning doves, white-winged doves, Eurasian collared-doves, and ringed turtle-doves, with the latter three species becoming legal game in Kansas for the first time. Season dates for all four species are concurrent and there is an aggregate bag limit of 15 per day.

Eurasian collared-doves and ringed turtle-doves are exotic species, and the U.S. Fish and Wildlife Service does not regulate their harvest. Thus, each state has the authority to set its own hunting seasons for exotic species. In the 13 of 14 Central Management Unit (CMU) states that hunt doves, 12 states currently allow hunting of Eurasian collared-doves (Fig 1). (Kansas is the only state in the CMU that includes ringed turtle-doves in its dove regulation, a species closely related to and nearly identical in appearance to the Eurasian collared-dove, but more domestic.) Five states have Eurasian collared-dove regulations similar to Kansas; three states allow Eurasian collared-doves to be hunted during the mourning dove season, but with no bag or possession limit; and in Texas, Montana, and Wyoming, Eurasian collared-doves can be shot year round with no bag or possession limits (i.e., classified as “exotic pest” species). In Colorado and Arkansas, Eurasian collared-doves must be transported fully feathered, while white-winged doves and mourning doves can be field dressed. In New Mexico, Eurasian collared doves must be transported with a wing attached. If a hunter chooses to field dress Eurasian collared-doves, then they are included in the dove bag limit.

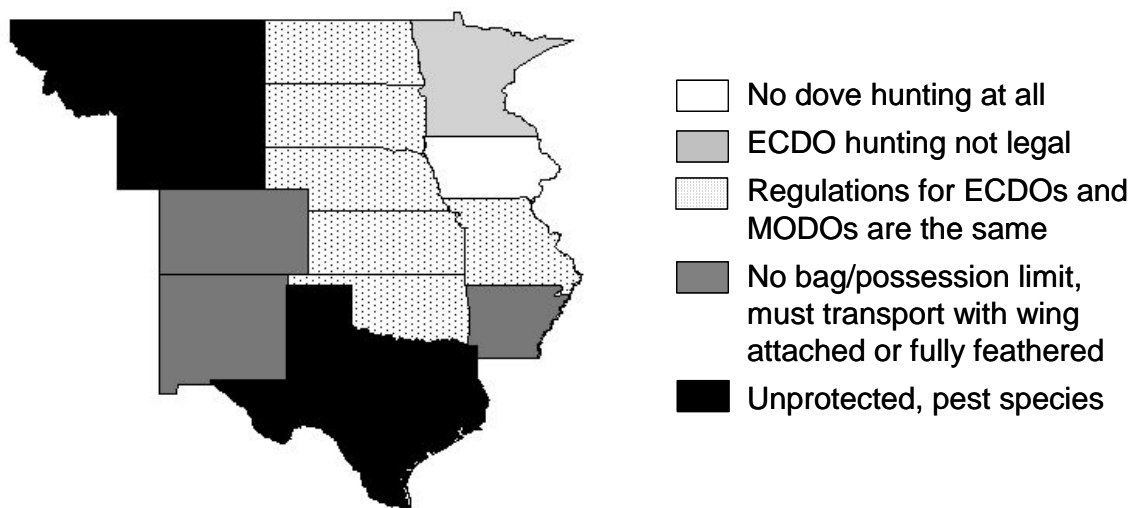


Figure 1. Eurasian collared-dove (ECDO) regulations in the Central Management during 2007. MODO = mourning dove

Since Eurasian collared-doves were first reported in Goodland in 1997, they have spread to all 105 counties and probably have nested in most or all counties. There are no surveys oriented toward Eurasian collared-doves, but they have been counted on Christmas Bird Counts in Kansas since 1998. Christmas Bird Counts are conducted annually in about 50 15-mile-diameter circles across the state (approximately 11 percent of the land area). These surveys are not statistically rigorous, thus, results from these surveys should be interpreted cautiously. During 1998-2005, statewide counts of Eurasian collared-doves increased from 14 to 1,374 with annual increases of 33 percent to 2,100 percent since 1999. The 2006 count (1,192) was a bit lower than in 2005. Highest counts (at least 100 counted within a 15-mile diameter circle) of Eurasian collared-doves have been concentrated in the southwest quarter of the state. Collared doves continue to be most common in towns, but reports from rural areas and farmsteads are increasing.

Recommendations

Modify K.A.R. 115-25-19 such that:

1. No bag or possession limit for Eurasian collared-doves and ringed turtle-doves during the dove season. However, if take of these exotic doves causes the dove bag to exceed 15, then the exotic doves must be transported with a fully-feathered wing attached.
2. Initiate a new hunting season for Eurasian collared-doves and ringed turtle-doves
 - a. Season dates would be November 20 through February 28
 - b. No bag and possession limit for these two species during this season,
 - c. Shooting hours would be one-half hour before sunrise to sunset, and

- d. Eurasian collared-doves and ringed turtle-doves must be transported with a fully feathered wing attached.

Discussion

Harvest of Eurasian collared-doves and ringed turtle-doves is unlikely to increase substantially as a result of the proposed changes because: 1) though increasing, densities of these two species are fairly low throughout Kansas, and 2) most of these doves occur in cities and towns where it is unlawful to discharge firearms. Although harvest of these exotic doves likely will remain low, there are few reasons not to liberalize the hunting regulations for them while their numbers are increasing. Staff studied Eurasian-collared dove regulations in neighboring states to assess options for liberalizing hunting regulations for Eurasian collared-doves and ringed turtle-doves. The proposed regulation change is far more conservative than regulations in Texas, Montana, and Wyoming, which treat Eurasian collared-doves as pest species, such as pigeons.

Two alternatives to the proposed regulation were considered by staff. Alternative 1 (listing these exotic doves as pest species) is not recommended because it would be contradictory to impose the transport regulations on a pest species. The transport regulations are needed for exotic doves to prevent unlawful take of mourning doves because unlike nearly all other pest species exotic doves are similar in size and shape to game species. Regulating exotic doves as pest species also could raise expectations among hunters that exotic doves are abundant in legal hunting areas, which currently is not the case.

Alternative 2 (permit hunting of exotic doves September 1-February 28) is not recommended because it might be confusing to mourning dove hunters who have no intention of hunting exotic doves. Such hunters might mistakenly hunt during the split in the mourning dove hunting season. Staff prefers a clean break between the regular dove season and the exotic dove season.

It could be argued that some hunters will mistakenly shoot mourning and/or white-winged doves during this proposed new dove season. However, this is not likely because: 1) dove identification information is provided in the hunting regulations, and 2) the two exotic doves can be differentiated fairly easily in flight from the two native, migratory doves.

Proposal to establish Wilson's snipe, rail, and woodcock hunting seasons by regulation

Background

Currently the hunting seasons for Wilson's snipe, rails (Virginia rail and sora), and American woodcock in Kansas are set annually through the Kansas Wildlife and Parks Commission process. This occurs because federal frameworks established by the U.S. Fish and Wildlife Service could change annually in response to population trends or other concerns. However, federal frameworks and Kansas' hunting seasons for Wilson's snipe and rails have not changed for at least 19 years. Federal frameworks for American woodcock have not changed since 1997 and Kansas' hunting seasons have only changed due to calendar drift (i.e., to allow the season to open on a Saturday).

Proposal

1. Establish a state regulation for Wilson's snipe, rails, and woodcock hunting in Kansas.
2. Parameters for the Wilson's snipe hunting season would be the same as they have been since 1989 or earlier.
 - a. Opening day of September 1.
 - b. Season length of 107 days
 - c. Daily bag and possession limit of 8 and 16, respectively.
3. Parameters for the rail hunting season would be the same as they have been since 1989 or earlier.
 - a. Opening day of September 1.
 - b. Season length of 70 days.
 - c. Daily bag and possession limits of 25 and 25, respectively.
4. Parameters for the woodcock hunting season would be the same as they have been since 1997.
 - a. Opening day of the Saturday closest to October 14.
 - b. Season length of 45 days.
 - c. Daily bag and possession limits of 3 and 6, respectively.
5. Parameters common to snipe, rails, and woodcock hunting seasons.
 - a. Shooting hours of ½ before sunrise to sunset.
 - b. Season open statewide.

Discussion

If hunting regulations for Wilson's snipe, rails, and American woodcock were established, the Kansas Wildlife and Parks Commission would not be required to annually approve a hunting season for these species. This would not be the first regulation setting the parameters for a hunting season for migratory birds. Currently, hunting seasons for sandhill cranes and doves are set by regulation. For these species, if the federal frameworks require Kansas to change its hunting regulations, the Kansas Commission process provides ample time to do so.

K.A.R. 115-25-1(a, b)

- a. Quail; open seasons, bag limits, and possession limits
- b. Pheasants; open seasons, bag limits, and possession limits

Background

The structure of Kansas' upland bird seasons was changed for the 2006-2007 hunting season. The changes resulted in the pheasant season opening on the 1st Saturday in November and quail season starting on the subsequent Saturday. The ending date remained 31 January for pheasant season but the closing date for quail season was moved up to the 3rd Sunday in January. These changes to the pheasant and quail seasons were met with what appeared to be much resistance from our constituents, landowners, and KDWP employees. After the 2006-2007 seasons an opinion survey was developed to assess preferences for the opening and closing dates for our pheasant and quail seasons. A random sample of 20,000 hunting license holders (resident, non-resident, and lifetime), 5,000 farm operators, and all KDWP employees in the law enforcement and fisheries and wildlife divisions were selected to receive the survey. Responses were received from 7,828 individuals and results were analyzed across all 3 survey groups and within each of KDWP's five administrative regions. The most preferred options were the same across each survey group and within each administrative region but the degree of preference differed somewhat across the various group-region combinations. The general statewide results for the primary questions were as follows:

Opening Date of Pheasant Season (% ± 95% CI)

Preferred Opening Date	* Residents (n = 3,285)	Non-residents (n = 1,461)	KDWP Staff (n = 131)
1 st Saturday in November	27.6 ± 2.9	32.1 ± 4.2	9.2 ± 17.1
2 nd Saturday in November	49.1 ± 2.4	31.7 ± 4.2	74.8 ± 8.7
No Opinion	23.2 ± 3.0	36.2 ± 4.1	16.0 ± 16.1

* Includes responses from both general upland bird hunters and farm operators

Separate or Concurrent Openers for Pheasant and Quail (% ± 95% CI)

Preferred Opener	* Residents (n = 3,285)	Non-residents (n = 1,461)	KDWP Staff (n = 131)
Separate	16.4 ± 3.1	9.7 ± 4.9	18.3 ± 15.8
Concurrent	68.2 ± 1.9	64.8 ± 3.1	73.3 ± 8.9
No Opinion	15.4 ± 3.2	25.5 ± 4.4	8.4 ± 17.2

* Includes responses from both general upland bird hunters and farm operators

Quail Closing Date (3rd Saturday in January or January 31st)

Preferred Closing Date	* Residents (n = 3,285)	Non-residents (n = 1,461)	KDWP Staff (n = 131)
3 rd Sunday in January	14.2 ± 3.2	7.9 ± 4.9	25.2 ± 15.0
31 January	64.1 ± 2.1	50.9 ± 3.6	64.9 ± 10.2
No Opinion	21.8 ± 3.0	41.1 ± 3.9	9.9 ± 16.9

* Includes responses from both general upland bird hunters and farm operators

The department also closely analyzed license sales data to assess how the changes to upland bird seasons impacted total sales and timing of those sales. The total number of general hunting licenses sold was similar between 2005 (pre-changes; 170,882) and 2006 (post-changes; 168,014). The complete set of

2007 license sales data were not available at the time this was written. Weekly sales patterns were also analyzed to determine how sales were distributed around the opening of our upland game seasons before and after the changes took effect. Compared to 2005 (pre-changes) there were approximately 1,500-3,000 fewer non-residents in 2006 and 2007 that purchased their licenses during the week preceding the pheasant season opener. In both 2006 and 2007 there was an increase in license sales of about the same amount during the week prior to the quail opener. Thus, the staggered opener caused about 1,500-3,000 people to wait an additional week before they bought their license. This would indicate that at least that many people waited until pheasant and quail seasons were both open before they came and hunted.

In addition to the license sales analysis, the department investigated the feasibility of conducting an economic impact study to determine how the changes to our upland bird seasons impacted local economies. We discussed several possibilities with the Docking Institute at Fort Hays State University including a business opinion survey. After discussion with an economist it was determined that an opinion survey of business owners would not provide reliable results. The most viable option appeared to be an analysis of sales tax data gathered by the Department of Revenue. These sales tax data are collected on a monthly basis at the county level for various code strings including hunting and trapping, full service restaurant, limited service restaurant, bar, and lodging. Businesses fall into the category which they indicate covers their primary sales. It is the department's conclusion that analysis of the sales tax data will not detect changes at the scale necessary to determine the economics of season changes.

Discussion

After examining all the information that is currently available, the department is recommending some changes to the structure of Kansas' 2008 upland bird seasons. Because there is little biological relevance to the timing of upland bird seasons, we are recommending changes that better accommodate the most preferred options. However, we are not considering a change to the opening day of pheasant season for 2008 because a substantial number of people have already made plans (vacations, lodging, etc). We are recommending a change to quail season so that it will open and run concurrently with pheasant season in 2008. Thus, both seasons would open on the 1st Saturday of November and close on 31 January and apply to the entire state. We are not recommending any changes to the early or regular chicken seasons at this time.

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

Background

The regulation contains the following items:

- ▶ Dates of firearms deer seasons at Fort Riley.
- ▶ KDWP wildlife management areas open to additional antlerless hunting permits.
- ▶ Establishment of antlerless-only deer permits in units where the harvest of mule deer does is desired.

Discussion

Personnel at Fort Riley requested a later date to establish the season dates for a firearms deer season on the Fort. Typically the deer season dates are established in K.A.R. 115-25-9 at the April Commission meeting. These procedures have been requested by Fort Riley personnel so that they will be able to select days for firearms deer hunting when military training activities will not interfere with potential hunting.

Cedar Bluff Wildlife Area has experienced a substantial increase in deer habitat. The resulting deer population caused crop damage and conflicts with adjacent landowners and therefore an increase in antlerless deer hunting is desired. It will take many years of additional hunting under the current season structure to reduce the population level of this herd. As a result, we placed the Cedar Bluff exception within K.A.R. 115-25-9 because it will be a continuing activity.

No additional managers of wildlife management areas have requested that additional white-tailed deer antlerless-only permits be authorized for use on areas under their control.

Mule deer populations occur at relatively low densities in western Kansas, and the trends in these populations have been relatively stable in recent years. There have been large concentrations of mule deer in a few scattered locations, leading to the desire by some landowners for additional herd control. Antlerless-only permits were authorized in 2007 for DMU 3. Additional units (e.g., DMU 1 & 17) are being considered for this year; however, no consensus has been reached at this time.

Sale of the antlerless-only permits may only be made to people that already have a permit that allows them to take an antlered deer. Demand for these permits is low. The licensing and permitting section

prefers to offer these permits on a first-come, first-served basis after the non-resident deer permit drawing.

Recommendation

Season dates currently being considered for the 2008-09 deer hunting at Fort Riley are as follows:

- November 28, 2008 through November 30, 2008
- December 19, 2008 through December 23, 2008
- December 27, 2008 through December 30, 2008

Multiple white-tailed deer antlerless-only permits are not being considered for additional areas this year.

Antlerless-only permits are recommended again this year for DMU 3. Additional units are being considered but no decision has been reached at this time.

Workshop Session

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

Background

The regulation contains the following items:

- ▶ Dates of deer seasons equipment such as archery, firearms, 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 white-tailed deer 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 13, 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.

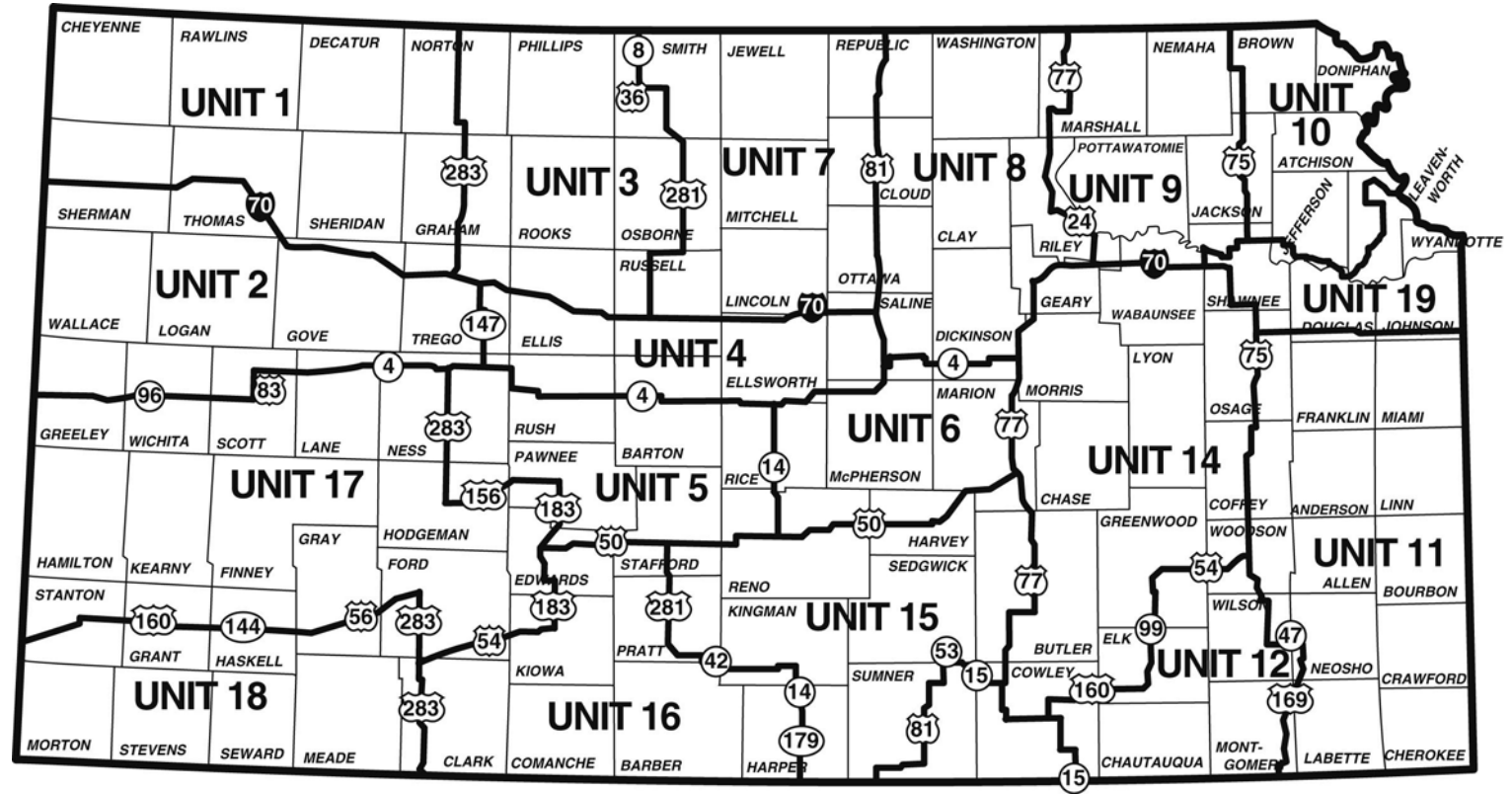
The recommendation for the deadline for applications is:

Nonresident	June 2, 2008
Resident Drawing	July 11, 2008
Unlimited Availability	
1. Antlered Deer	December 30, 2008
2. Antlerless Deer	January 30, 2009

No change is proposed for the inclusion of additional Deer Management Units where an extended firearms season will be authorized in 2008-09.

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



KAR 115-8-1 Department Lands and Water; hunting, furharvesting, and discharge of firearms

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 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.

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.

Crawford State Park: Add Cabins 3 and 4 at same rate as existing cabins (\$65 per night Sunday through Thursday, April 1 through September 30; \$55 Sunday through Thursday, October 1 through March 31; \$85 Friday and Saturday, April 1 through September 30; and \$75 Friday and Saturday, October 1 through March 31. Per week rates of \$450 April 1 through September 30; and \$375 October 1 through March 31.)

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 and Recommendations

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

It is recommended that unlimited archery permits be allocated for both residents and nonresidents. Firearm and muzzleloader permits will remain restricted to residents, with half assigned to landowner/tenants and the remainder awarded to general residents. One hundred fourteen firearms permits and 38 muzzleloader permits are proposed in the three management units as follows:

Unit 2 – 86 firearms permits and 22 muzzleloader permits

Unit 17 – 28 firearms permits and 8 muzzleloader permits

Unit 18 – 8 muzzleloader permits

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:

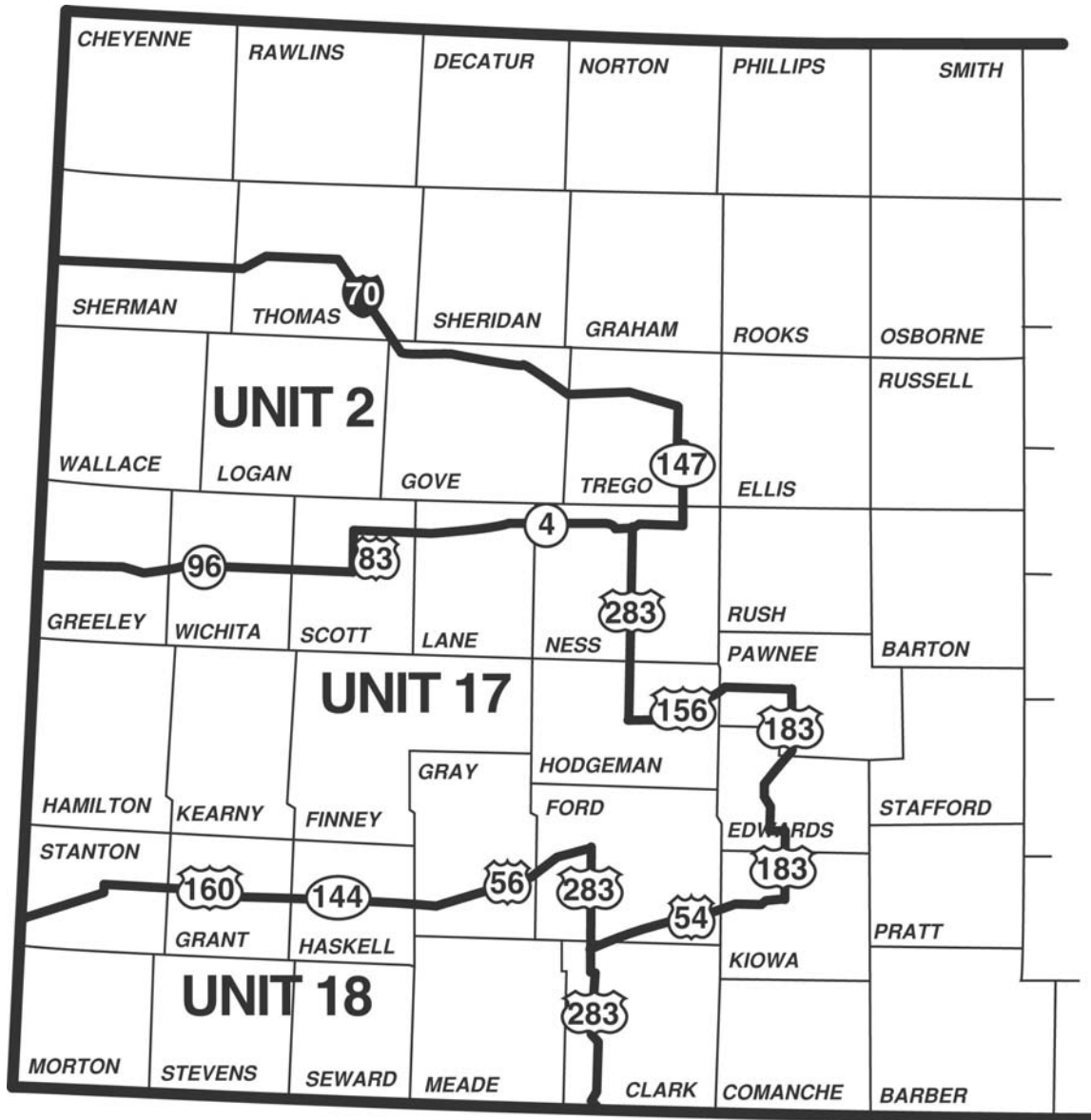
September 20, 2008 through September 28, 2008 and October 11, 2008 through October 31, 2008 for the archery season.

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 6, 2008. Application for archery permits would be available through the next to last day of the season.

Antelope Units



Public Hearing

Document No. _____

KANSAS REGISTER
SUBMISSION FORM

Agency Number -- 710-01

Agency Name -- Kansas Department of Wildlife and Parks

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

Topeka, Kansas 66612-1233

Title of Document -- Public Hearing

Desired Date of Publication - January 10, 2008

ITEMS SUBMITTED IN DUPLICATE

CERTIFICATION

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

Christopher J. Tymeson
Liaison officer's typed name

Liaison officer's signature

Department Attorney
Title

(785) 296-2281
Phone

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Wildlife and Parks Commission

Notice of Hearing of Proposed Administrative Regulations

A public hearing will be conducted by the Wildlife and Parks Commission at 7:00 p.m., Thursday, March 13, 2008 at Memorial Hall, 120 SW 10th St, Topeka, Kansas, to consider the approval and adoption of proposed administrative regulations of the Kansas Department of Wildlife and Parks.

A workshop meeting on business of the Wildlife and Parks Commission will begin at 2:30 p.m., March 13, at the location listed above. The meeting will recess at 5:30 p.m. then resume at 7:00 p.m. at the same location for the regulatory hearing. There will be public comment periods at the beginning of the afternoon and evening meetings for any issues not on the agenda and additional comment periods will be available during the meeting on agenda items. Old and new business may also be discussed at this time. If necessary to complete the hearing or other business matters, the commission will reconvene at 9:00 a.m. March 14 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. 115-4-4. This permanent regulation establishes legal equipment and taking methods for big game. The proposed amendments would allow the use of knapped broadhead points for archery hunting, the use of scopes on muzzleloaders during the muzzleloader season, the use of hard-cast solid lead bullets for muzzleloader and firearms hunting, the use of .22 caliber centerfire cartridges for deer and antelope firearms hunting and the use of crossbows during the firearms season.

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

K.A.R. 115-4-4a. This permanent regulation establishes legal equipment and taking methods for wild turkey. The proposed amendments would allow the use of knapped broadhead points for archery hunting and the use of crossbows during the spring firearms season.

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

K.A.R. 115-4-13. This permanent regulation establishes the descriptions and restrictions for deer permits. The proposed amendments are the result of legislation passed by the 2007 Legislature. The proposed amendments would allow for a resident any-season white-tailed deer permit, simplify antlerless permits, allow nonresidents to select the season for use of white-tailed deer permits, allow for nonresidents to apply for limited mule deer stamps to convert white-tailed deer permits to either-species, either-sex permits and cease the transferability of hunt-on-your-own-land permits.

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

K.A.R. 115-18-7. This permanent regulation establishes the use of crossbows and locking devices for persons with disabilities while hunting big game and wild turkeys. The proposed amendments would allow for the use of knapped broadhead points and scopes with magnification.

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

K.A.R. 115-7-8. This permanent regulation establishes requirements for weigh-in black bass fishing tournaments using tournament black bass pass. The proposed amendment would allow the secretary to waive proximity to water requirements if no inordinate risk to the wildlife resource is posed.

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

K.A.R. 115-7-9. This permanent regulation establishes requirements for weigh-in black bass fishing tournaments not using tournament black bass pass. The proposed amendment would allow the secretary to waive proximity to water requirements if no inordinate risk to the wildlife resource is posed.

Economic Impact Summary: The proposed amendments are not anticipated to have any appreciable negative 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
OFFICE OF THE ATTORNEY GENERAL

PAUL J. MORRISON
ATTORNEY GENERAL

120 SW 10TH AVE., 2ND FLOOR
TOPEKA, KS 66612-1597
(785) 296-2215 • FAX (785) 296-6286
WWW.KSAG.ORG

December 18, 2007

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

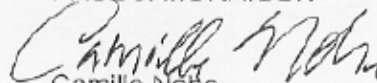
Re: K.A.R. 115-4-4, Big game; legal equipment and taking methods
K.A.R. 115-4-4a, Wild turkey; legal equipment and taking methods
K.A.R. 115-4-13, Deer permits; descriptions and restrictions
K.A.R. 115-7-8, Weigh-in black bass fishing tournaments using black
bass pass
K.A.R. 115-7-9, Weigh-in black bass fishing tournaments not using
black bass pass
K.A.R. 115-18-7, Use of crossbows and locking draws . . .

Dear Mr. Tymeson:

We have reviewed the above-referenced regulations for legality pursuant K.S.A. 77-420, and have approved finding no issues of concern, have approved them.

Sincerely,

OFFICE OF THE ATTORNEY GENERAL
PAUL J. MORRISON


Camille Nohé
Assistant Attorney General

CN:cn

Enclosure: Original document

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

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Document No. _____

KANSAS REGISTER
SUBMISSION FORM

Agency Number -- 710-01

Agency Name -- Kansas Department of Wildlife and Parks

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

Topeka, Kansas 66612-1233

Title of Document -- Public Hearing

Desired Date of Publication - February 7, 2008

ITEMS SUBMITTED IN DUPLICATE

CERTIFICATION

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

Christopher J. Tymeson
Liaison officer's typed name

Liaison officer's signature

Department Attorney
Title

(785) 296-2281
Phone

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Wildlife and Parks Commission

Notice of Hearing of Proposed Administrative Regulations

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A workshop meeting on business of the Wildlife and Parks Commission will begin at 2:30 p.m., March 13, at the location listed above. The meeting will recess at 5:30 p.m. then resume at 7:00 p.m. at the same location for the regulatory hearing. There will be public comment periods at the beginning of the afternoon and evening meetings for any issues not on the agenda and additional comment periods will be available during the meeting on agenda items. Old and new business may also be discussed at this time. If necessary to complete the hearing or other business matters, the commission will reconvene at 9:00 a.m. March 14 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 30-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.

In addition to any previously published notice, the regulations that will be heard during the regulatory hearing portion of the meeting are as follows:

K.A.R. 115-25-8. This exempt regulation establishes the open season, bag limit and permits for elk. The changes from the previous season include the addition of 6 total permits for the taking of elk.

Economic Impact Summary: The proposed amendments are not anticipated to have any appreciable negative 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
OFFICE OF THE ATTORNEY GENERAL

PAUL J. MORRISON
ATTORNEY GENERAL

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January 30, 2008

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

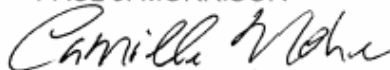
Re: **K.A.R. 115-8-1, 115-25-8 and 115-2-3a**

Dear Mr. Tymeson:

Pursuant to K.S.A. 77-420(b), we have determined that the above-referenced regulations are within the statutory authority of the agency and do not present any other legal issues of concern. We have therefore approved these regulations for legality.

Sincerely,

OFFICE OF THE ATTORNEY GENERAL
PAUL J. MORRISON


Camille Nohe
Assistant Attorney General

CN:cn
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 Pauls, Ranking Minority Member, Joint Committee on Rules and Regulations
Raney Gilliland, Legislative Research

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STATE OF KANSAS



ALAN D. CONROY
Director
RANEY L. GILLILAND
Assistant Director for Research
J.G. SCOTT
Chief Fiscal Analyst
MARY K. GALLIGAN
Assistant Director for Information Management

STAFF
LEGISLATIVE COORDINATING COUNCIL
INTERIM COMMITTEES
STANDING COMMITTEES
LEGISLATIVE INQUIRIES

KANSAS LEGISLATIVE RESEARCH DEPARTMENT

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February 19, 2008

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

Dear Secretary Hayden:

At its meeting on February 15, 2008, the Joint Committee on Administrative Rules and Regulations reviewed for public comment rules and regulations concerning big game, legal equipment and taking methods; wild turkey, legal equipment and taking methods; deer permits, descriptions and restrictions; weigh-in black bass fishing tournaments using tournament black bass pass; weigh-in black bass fishing tournaments not using tournament black bass pass; and use of crossbows and locking draws for big game and wild turkey hunting by persons with disabilities, application, permit, and general provisions. After discussion, the Committee had the following comments.

KAR 115-4-4. In subsection, (a)(1)(D), the Committee believes there is a need to restore the word "device." Also, the Committee is concerned with the term "muzzleloading" in that the term is used to describe rifles and pistols which are becoming more modern. The Committee questions why the definition of "muzzleloading" is not restricted to those weapons with original muzzleloading technology.

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*.

Secretary Hayden

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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.
- 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

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

(1) Archery equipment.

(A) Each bow shall be hand-drawn.

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

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

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

(E) Each arrow used for hunting shall be equipped with a ~~nonbarbed~~ broadhead point ~~with all-metal cutting edges~~ incapable of passing through a ring with a diameter of thirteen-sixteenths of an inch when fully expanded.

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

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

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

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

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

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

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

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

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

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

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

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

~~(B) muzzleloading rifles and muskets that can be loaded only through the front of the firing chamber with separate components and that fire a bullet of .39 inches in diameter or larger, except for the hunting of elk, which shall require a bullet of .49 inches in diameter or larger; and~~

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

~~(D) (3) single barrel muzzleloading pistols .45 caliber or larger that have a barrel length of 10 inches or greater and can be loaded only through the front of the barrel with separate components, except for the hunting of elk, which shall require a bullet of .49 inches in diameter or larger. Only hard-cast solid lead, conical lead, or sabot bullets weighing 210 grains or greater shall be used with muzzleloading pistols; and~~

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

~~(3) Firearms season equipment authorized for elk:~~

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

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

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

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

(1) ~~Muzzleloader-only season equipment authorized for deer and antelope;~~ Archery equipment as authorized in subsection (a);

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

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

(2) muzzleloader-only season equipment as authorized for elk; in subsection (b);

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

larger than .21 inches in diameter, and that use a cartridge case that is 1.280 inches or more in length, while using only hard-cast solid lead, soft point, hollow point, or other expanding bullets, except for the hunting of elk, which shall require a bullet larger than .25 inches in diameter and a cartridge case that is 1.75 inches or more in length;

~~(B) (4) archery equipment as authorized in subsection (a)~~ shotguns using only slugs of 20 gauge or larger, except that the hunting of elk shall require a slug of 12 gauge or larger; and

(5) crossbows of not less than 125 pounds of draw weight, using arrows not less than 16 inches in length that are equipped with broadhead points incapable of passing through a ring with a diameter of thirteen-sixteenths of an inch when fully expanded.

(d) Accessory equipment.

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

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

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

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

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

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

(5) Any range-finding device, if the device does not project visible light toward the target, may be used.

(6) Devices capable of dispensing chemicals to take big game animals shall not be used.

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

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

(g) Horses and mules may be used while hunting big game, except that horses and mules shall not be used for herding or driving elk. (Authorized by K.S.A. 32-807 and K.S.A. ~~2005~~ 2006 Supp. 32-937, as amended by L. 2007, Ch. 133, Sec. 1; implementing K.S.A. 32-807, K.S.A. ~~2005~~ 2006 Supp. 32-937, as amended by L. 2007, Ch. 133, Sec. 1, K.S.A. ~~2005~~ 2006 Supp. 32-1002, and K.S.A. 32-1015; effective June 1, 2001; amended April 19, 2002; amended April 22, 2005; amended June 2, 2006; amended April 13, 2007; amended P-_____.)

ECONOMIC IMPACT STATEMENT

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

DESCRIPTION: This regulation establishes legal equipment and taking methods for big game species. The proposed amendments would allow the use of knapped broadhead points for archery hunting, the use of scopes on muzzleloaders during the muzzleloader season, the use of hard-cast solid lead bullets for muzzleloader and firearms hunting, the use of .22 caliber centerfire cartridges for deer and antelope firearms hunting and the use of crossbows during the firearms season.

FEDERAL MANDATE: None.

ECONOMIC IMPACT: These amendments are not anticipated to have any appreciable negative economic impact on the department, other agencies, or the public. These amendments may spur sales of some types of newly authorized equipment but any amount would be purely speculative at this point.

ALTERNATIVES CONSIDERED: None.

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

POSSIBLE AMENDMENT

As a result of discussion at the Joint Committee of the Legislature for Administrative Rules and Regulations on the proposed K.A.R. 115-4-4, the department suggests that the following amendment be made to the version of the regulation submitted for public comment.

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

Change proposed subsection (a) (1) (D) as follows:

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

115-4-13. Deer permits; descriptions and restrictions. Except as otherwise specified or further restricted by law or regulation, the following deer permit descriptions, provisions, and restrictions shall be in effect.

(a) White-tailed deer permits.

~~(1) Archery white-tailed deer permit. This permit shall be valid for the hunting of white-tailed deer during the established archery deer season within a prescribed management unit or units, using equipment that is legal during the archery deer season.~~ Resident any-season white-tailed deer permit. This permit shall be valid for the hunting of white-tailed deer statewide during the established muzzleloader-only, archery, and firearms deer seasons using equipment that is legal during the established season.

~~(2) Firearm white-tailed deer permit. This permit shall be valid for the hunting of white-tailed deer during the established muzzleloader-only and firearms deer seasons within a prescribed management unit, using equipment that is legal during the established season.~~

~~(3) Antlerless white-tailed deer permit. This permit shall be valid for the hunting of antlerless white-tailed deer statewide during the established muzzleloader-only, archery, and firearms deer seasons using equipment that is legal during the established season.~~ The first antlerless white-tailed deer permit issued to an applicant shall be valid statewide on all lands and waters. If any subsequent antlerless white-tailed deer permit is issued to the same applicant, that permit shall be valid in designated management units but shall not be valid on department lands and waters, unless otherwise specified in these regulations.

~~(4) Antlerless white-tailed deer game tag. This permit shall be valid for the hunting of antlerless white-tailed deer during the established muzzleloader-only, archery, and firearms deer seasons within a prescribed management unit or units, using equipment that is legal during the established season. This permit shall not be valid on department lands and waters, unless otherwise specified in these regulations.~~

(3) Nonresident white-tailed deer permit. This permit shall be valid for the hunting of white-tailed deer within a designated management unit and one additional adjoining management unit using legal equipment for one of the following deer seasons, which shall be selected at the time of application: muzzleloader-only, archery, or firearms deer season. Muzzleloader-only permits may be used in the early muzzleloader season and during the regular firearms season, using equipment that is legal during the muzzleloader deer season.

~~(b) Any deer~~ Either-species, either-sex deer permits.

(1) Resident archery any-deer either-species, either-sex deer permit. This permit shall be valid for the hunting of any antlered or antlerless white-tailed deer or mule deer statewide during the established archery deer season ~~within a prescribed management unit or units~~, using equipment that is legal during the archery deer season.

(2) Resident firearm any-deer either-species, either-sex deer permit. This permit shall be valid for the hunting of any antlered or antlerless white-tailed deer or mule deer during the established firearms deer season ~~within a prescribed~~ designated management unit units, using equipment that is legal during the firearms deer season.

(3) Resident muzzleloader ~~any deer either-species, either-sex deer~~ permit. This permit shall be valid for the hunting of any antlered or antlerless white-tailed deer or mule deer during the established muzzleloader-only and firearms deer seasons within a ~~prescribed~~ designated management unit units, using muzzleloader equipment that is legal during the muzzleloader-only ~~or firearms~~ deer season.

(4) ~~Leftover any deer permit. Leftover any deer permits shall be those firearm and muzzleloader any deer permits that remain unissued after the first drawing process is completed. This permit shall be valid for the hunting of any deer within a prescribed management unit during the established muzzleloader-only, archery, and firearms deer seasons using equipment that is legal during the established season.~~ Nonresident either-species, either-sex deer permit. Any nonresident possessing a nonresident archery or muzzleloader-only white-tailed deer permit valid for a management unit designated by the department as a mule deer unit may apply for one of a limited number of mule deer stamps that, if drawn, will convert the applicant's white-tailed deer permit to an either-species, either-sex deer permit.

(5) Antlerless either-species permit. This permit shall be valid for the hunting of any antlerless white-tailed deer or mule deer within a designated management unit or units during the established muzzleloader-only, archery, and firearms deer seasons, using equipment that is legal during the established season.

(c) Hunt-on-your-own-land deer permits. Each hunt-on-your-own-land permit shall be valid for any white-tailed deer or mule deer, unless otherwise specified in these regulations.

(1) Resident hunt-on-your-own-land deer permit. This permit shall be available to individuals who qualify as resident landowners or as tenants or as family members domiciled with the landowner or with the tenant. This permit shall be valid during the muzzleloader-only, archery, and firearms deer seasons, using equipment that is legal during the established season. This permit shall be valid only on lands owned or operated by the landowner or tenant.

(2) Special resident hunt-on-your-own-land deer permit. This permit shall be available to individuals who qualify as lineal ascendants or descendants and their spouses, or as siblings of resident landowners or as tenants ~~or as family members domiciled with the landowner or with the tenant~~. This permit shall be valid during the muzzleloader-only, archery, and firearms deer seasons, using equipment that is legal during the established season. This permit shall be valid only on lands owned or operated by the landowner or tenant. ~~This permit shall be transferable to family members who are lineal or collateral ascendants or descendants of the landowner or of the tenant. These family members shall include the spouses of lineal or collateral ascendants or descendants of the landowner or of the tenant.~~

(3) Nonresident hunt-on-your-own-land deer permit. This permit shall be available to nonresident individuals who qualify as Kansas landowners. This permit shall be valid during the muzzleloader-only, archery, and firearms deer seasons, using equipment that is legal during the established season. This permit shall be valid only on lands owned or operated by the nonresident landowner ~~or tenant~~.

~~(d) Nonresident deer permits. If nonresident deer permits are issued, each nonresident permit shall be valid for the same season and for the same management unit as those for which the equivalent resident deer permits are valid.~~

~~(e) Each deer permit or game tag shall be valid only for the species of deer specified and only for the antler category of deer specified by regulation or on the permit or game tag.~~

~~(1) An either-sex deer permit shall be valid for deer of either sex.~~

~~(2) An antlerless deer permit or game tag shall be valid only for a deer without a visible antler plainly protruding from the skull.~~

~~(3) An any-deer either-species, either-sex deer permit shall be valid for a white-tailed deer of either sex or a mule deer of either sex, except that an antlerless any-deer either-species deer permit shall be valid only for a deer of either species without a visible antler plainly protruding from the skull.~~

~~(Authorized by K.S.A. 32-807 and K.S.A. 2006 Supp. 32-937, as amended by L. 2007, Ch. 133, Sec. 1; implementing K.S.A. 32-807, K.S.A. 2006 Supp. ~~937~~ 32-937, as amended by L. 2007, Ch. 133, Sec. 1, and K.S.A. 2006 Supp. 32-1002; effective Jan. 30, 1995; amended June 6, 1997; amended July 30, 1999; amended June 1, 2001; amended April 22, 2005; amended July 20, 2007; amended P-_____.)~~

ECONOMIC IMPACT STATEMENT

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

DESCRIPTION: This permanent regulation establishes types of deer permits offered by the department, and restrictions regarding who may obtain them. The proposed amendments are the result of legislation passed in 2007 by the Legislature. The proposed amendments would allow for a resident any-season white-tailed deer permit, simplify antlerless permits, allow nonresidents to select the season for use of white-tailed deer permits, allow for nonresidents to apply for limited mule deer stamps to convert white-tailed deer permits to either-species, either-sex permits and cease the transferability of hunt-on-your-own-land permits.

FEDERAL MANDATE: None.

ECONOMIC IMPACT: By itself, the proposed amendment would not have any economic impact on the public or on other agencies, because this regulation only defines permit types. There will be a minor impact on the department in reformatting the permits themselves but the impact is negligible.

ALTERNATIVES CONSIDERED: None.

115-18-7. Use of crossbows and locking draws for big game and wild turkey hunting by persons with disabilities; application, permit, and general provisions. (a) Each permanently disabled person qualified to hunt deer, antelope, elk, or wild turkey with a crossbow and desiring to obtain a crossbow and locking draw permit shall apply to the secretary on forms provided by the department. Each applicant shall provide the following information:

(1) Name of applicant;

(2) address;

(3) a physician's signed report, on forms provided by the department, describing the permanent disability and certifying the applicant physically incapable of using a bow; and

(4) other relevant information as required by the secretary.

(b) Each person with a temporary disability who would be qualified to hunt deer, antelope, elk, or wild turkey with a crossbow if the disability were permanent and who desires to obtain a temporary crossbow and locking draw permit shall apply to the secretary on forms provided by the department.

Each applicant shall provide the following information:

(1) Name of applicant;

(2) address;

(3) a physician's signed report, on forms provided by the department, describing the disability, certifying the applicant physically incapable of using a bow, and estimating the time period that the person is likely to be subject to the disability; and

(4) other relevant information as required by the secretary.

Each temporary permit shall expire no more than three years from the date of issuance and shall state the expiration date on the face of the permit.

(c) Any applicant may be required by the secretary to obtain, at the department's expense, a report from a second physician chosen by the secretary.

(d) A crossbow and locking draw permit or temporary permit may be refused issuance or may be revoked by the secretary for any of the following reasons:

- (1) The disability does not meet qualifications for the permit.
- (2) The application is incomplete or contains false information.
- (3) The disability under which the permit was issued no longer exists.

(e) A crossbow and locking draw permit or temporary permit shall be valid statewide.

(f) Any crossbow and locking draw permittee may use a crossbow or bow equipped with a locking draw for hunting deer, antelope, elk, or wild turkey during any archery season established by the secretary for the big game species or wild turkey being hunted by the permittee. This provision shall be subject to the applicable regulations governing archery hunting of that big game species or wild turkey, including possession of a valid hunting permit issued by the department for that big game species or wild turkey, if required.

(g) Legal equipment for hunting any big game or wild turkey by crossbow shall consist of the following:

- (1) Crossbows of not less than 125 pounds of draw weight;
- (2) arrows not less than 16 inches in length, equipped with broadhead points ~~and all~~

~~metal cutting edges incapable of passing through a ring with a diameter smaller than thirteen-~~
sixteenths of an inch when fully expanded;

(3) lighted pin, dot, or holographic sights attached to the bow, but no other electronic or chemical device attached to the crossbow or arrow;

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

(5) ~~optical scopes that do not magnify the target; and~~

~~(6)~~ range-finding devices, if the system does not project visible light toward the target.

(h) Legal equipment for hunting any big game or wild turkey using a bow equipped with a locking draw shall consist of legal archery equipment as specified in K.A.R. 115-4-4, except that the bow may have a mechanical device that locks the bow at full or partial draw.

(i) Any person may assist the holder of a crossbow permit or a temporary crossbow permit during the permittee's hunting activity. A person assisting a holder of a permit shall not perform the actual shooting of the crossbow for the permittee. (Authorized by K.S.A. 32-807, K.S.A. 32-919, and K.S.A. 2006 Supp. 32-932; implementing K.S.A. 2006 Supp. 32-932; effective Oct. 30, 1989; amended, T-115-9-9-97, Sept. 9, 1997; amended Dec. 29, 1997; amended Oct. 1, 1999; amended April 19, 2002; amended Feb. 18, 2005; amended P-
_____.)

ECONOMIC IMPACT STATEMENT

K.A.R. 115-18-7. Use of permits for big game hunting by persons with disabilities; application, permit, and general provisions.

DESCRIPTION: This regulation provides for the issuance of a permit to any person with a qualifying disability allowing the use of a crossbow to hunt big game. The proposed amendments would allow the use of telescopic sights that magnify and knapped broadhead points.

FEDERAL MANDATE: None.

ECONOMIC IMPACT: The department annually issues approximately 120 crossbow permits. No fee is currently charged for these permits. Otherwise, no substantial negative economic impact to the department, other state agencies or members of the public is anticipated.

ALTERNATIVES CONSIDERED: None.

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

(1) Archery equipment.

(A) Each bow shall be hand-drawn.

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

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

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

(E) Each arrow used for hunting shall be equipped with a ~~nonbarbed~~ broadhead point with all metal cutting edges incapable of passing through a ring with a diameter of thirteen-sixteenths of an inch when fully expanded.

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

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

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

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

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

- (1) Archery equipment as authorized in subsection (a);
 - (2) ~~optical scopes or sights that project no visible light toward the target and do not electronically amplify visible or infrared light;~~
 - (3) ~~range finding devices, if the system does not project visible light toward the target;~~
- and
- (4) shotguns and muzzleloading shotguns not less than 20 gauge and using only size two shot through size nine shot; and
 - (3) only during the spring wild turkey firearm season, crossbows of not less than 125 pounds of draw weight, using arrows not less than 16 inches in length that are equipped with broadhead points incapable of passing through a ring with a diameter of thirteen-sixteenths of an inch when fully expanded.
- (c) Legal accessory equipment for the taking of wild turkey during any wild turkey season shall consist of the following:
- (1) Nonelectric calls, lures, and decoys, except live decoys; ~~and~~
 - (2) blinds and stands;
 - (3) range-finding devices, if the devices do not project visible light toward the target; and
 - (4) optical scopes or sights that project no visible light toward the target and do not electronically amplify visible or infrared light.

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

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

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

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

(Authorized by K.S.A. 32-807 and K.S.A. ~~2005~~ 2006 Supp. 32-969; implementing K.S.A. 32-807, K.S.A. ~~2005~~ 2006 Supp. 32-969, and K.S.A. ~~2005~~ 2006 Supp. 32-1002; effective April 22, 2005; amended April 13, 2007; amended P-_____.)

ECONOMIC IMPACT STATEMENT

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

DESCRIPTION: This regulation establishes legal equipment and taking methods for wild turkeys. The proposed changes to the regulation would allow the use of knapped broadhead points for archery hunting and the use of crossbows during the spring firearms season.

FEDERAL MANDATE: None.

ECONOMIC IMPACT: These amendments are not anticipated to have any appreciable negative economic impact on the department, other agencies, or the public. These amendments may spur sales of some types of newly authorized equipment but any amount would be purely speculative at this point.

ALTERNATIVES CONSIDERED: None.

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

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

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

(A) Statewide, except Fort Riley, subunit 8a, and Morton County, a portion of unit 18:

September 22, 2008 through December 31, 2008.

(B) Fort Riley, subunit 8a: September 1, 2008 through September 30, 2008.

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

(A) Statewide, except Fort Riley, subunit 8a, and Morton County, a portion of unit 18:

December 3, 2008 through December 14, 2008 and January 1, 2009 through March 15, 2009.

(B) Fort Riley, subunit 8a:

(i) First segment: October 1, 2008 through October 31, 2008.

(ii) Second segment: November 1, 2008 through November 30, 2008.

(iii) Third segment: December 1, 2008 through December 31, 2008.

(3) The muzzleloader season dates and units shall be as follows:

(A) Statewide, except Fort Riley, subunit 8a, and Morton County, a portion of unit 18:

September 1, 2008 through October 5, 2008.

(B) Fort Riley, subunit 8a: September 1, 2008 through September 30, 2008.

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

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

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

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

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

(4) All antlerless-only elk permits shall be valid on Fort Riley, subunit 8a, during the September 1, 2008 through September 30, 2008 archery and muzzleloader seasons.

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

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

(g) An unlimited number of hunt-on-your-own-land elk permits shall be authorized statewide, except Morton County, a portion of unit 18. A hunt-on-your-own-land permit shall be valid during any open season. The bag limit for each hunt-on-your-own-land elk permit shall be one antlerless elk. Applications for hunt-on-your-own-land elk permits shall

be accepted at the Pratt office from the earliest date that applications are available through March 14, 2009.

(h) Applications for antlerless-only elk permits and any-elk permits shall be accepted at designated locations from the earliest date that applications are available through July 11, 2008. Applications with a postmark date of not later than July 11, 2008 shall also be accepted.

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

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

(k) This regulation shall have no force and effect on and after April 1, 2009. (Authorized by K.S.A. 32-807 and K.S.A. 2007 Supp. 32-937; implementing K.S.A. 32-807, K.S.A. 2007 Supp. 32-937, and K.S.A. 2007 Supp. 32-1002.)

ECONOMIC IMPACT STATEMENT

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

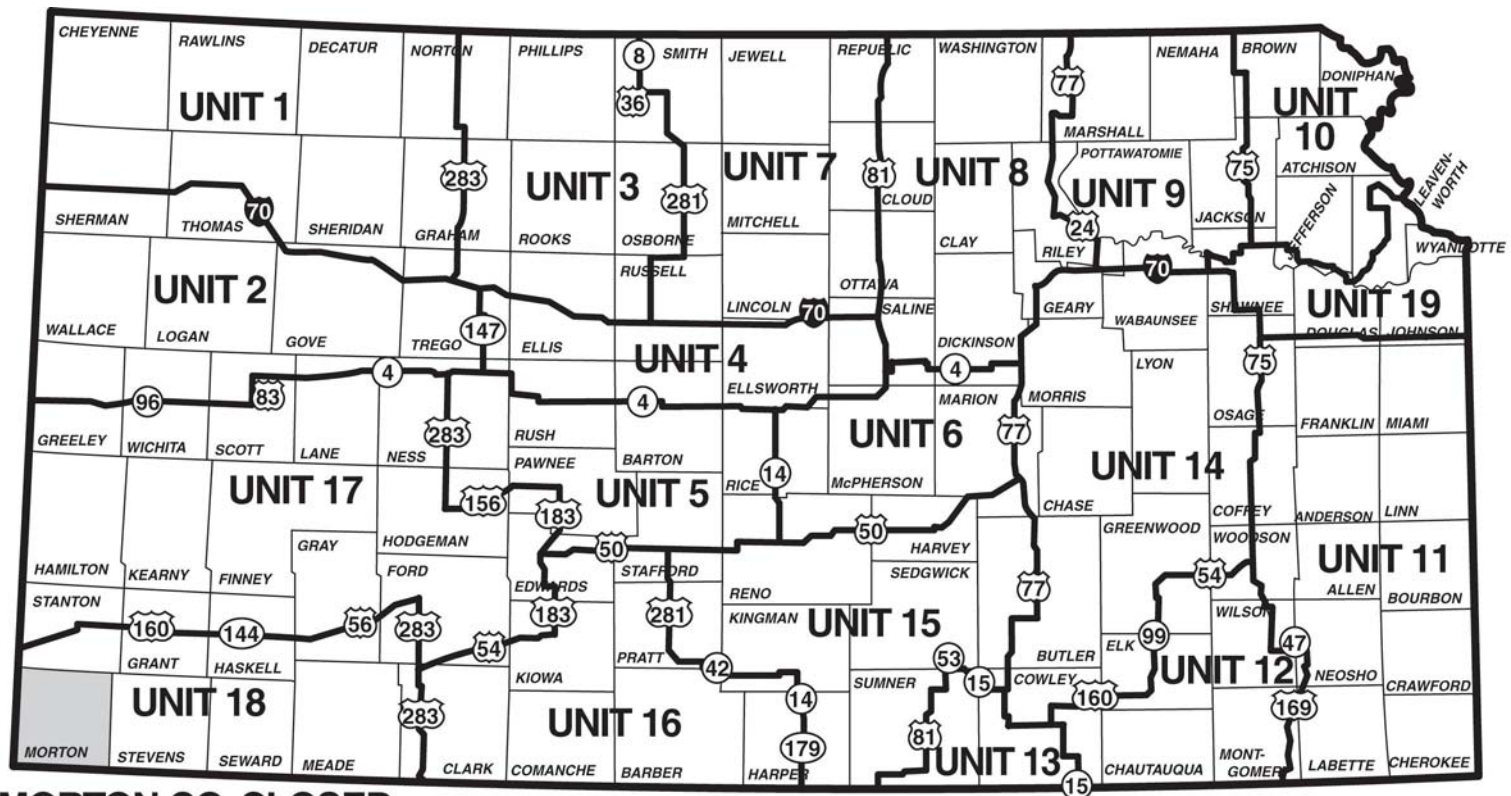
DESCRIPTION: This proposed exempt regulation establishes hunting unit boundaries, bag limit, application periods and season dates for the 2008-2009 muzzleloader, archery, and firearm seasons for elk. The units allow for statewide use, except in Morton County. Elk hunters would be allowed to hunt during any open season with the equipment that was allowed during that season. The proposed regulation would allow elk hunting from September 1, 2007 through March 15, 2008 statewide (outside Fort Riley). All fifteen antlerless permits would also be valid during a September muzzleloader and archery equipment season on Fort Riley. However, only five antlerless-only elk permits at a time would be made available for use during each of three seasons on subunit 8a (Fort Riley) (October 1, 2008 through October 31, 2008; November 1, 2008 through November 30, 2008; and December 1, 2008 through December 31, 2008). Ten any-elk permits would be valid from September 1, 2008 through December 31, 2008 on subunit 8a and from September 1, 2008 through March 15, 2009 in the remainder of the state, except Morton County. In addition, an unlimited number of hunt-on-your-own-land (HOYOL) antlerless-only elk permits would be made available, to be used during any open season. Fort Riley military personnel would continue to control access to the military grounds for the purpose of elk hunting, and are expected to provide hunting access only during a portion of the available days during the open seasons. The seasons are intended to provide increased opportunity for those hunters drawing elk permits, and increased flexibility to address elk that may disperse off the Fort. This represents an increase of 6 total permits for 2008.

FEDERAL MANDATE: None

ECONOMIC IMPACT: It is anticipated that 45 elk permits may be issued, including 20 available non-HOYOL permits. In addition, it is estimated that 930 of people will apply for the drawing permits and those individuals pay a \$5 nonrefundable application fee. The application fee generates \$4650. Estimated revenue if all permits are issued would be approximately \$8,600. Administrative costs associated with the season are borne by the Department. Approximately 390 days of hunting activity may occur, thus providing economic benefit to businesses providing goods and services. To the extent the expanded unit, seasons, and permit numbers help prevent dispersal of elk onto private land, and therefore help prevent occurrence of damage from dispersed elk, there may be some positive economic impact to the general public. No other economic impact on the general public or on other state agencies is anticipated.

ALTERNATIVES CONSIDERED: None

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



115-7-8. Weigh-in black bass fishing tournaments using tournament black bass pass. (a) Each individual or organization desiring to conduct a registered and permitted weigh-in black bass fishing tournament that allows the use of the tournament black bass pass shall apply to the secretary on a form provided by the department. These tournaments may be held only within the period beginning September 1 and extending through June 15.

(b) Each application shall contain the following information:

(1) The name, address, and phone number of the individual or the contact member of the organization desiring to conduct the tournament;

(2) the location of the proposed tournament and a copy of the written permission of the facility manager authorizing the tournament location and the date or dates;

(3) the date or dates and the times that the tournament is to be conducted;

(4) a description of the equipment used to conduct weigh-in and release procedures;

(5) a map containing the proposed location of the weigh-in and release sites; and

(6) other relevant information as required by the secretary or the secretary's designee.

(c) Upon approval of the application by the secretary and before the start of the tournament, the individual or organization conducting the tournament shall provide the following items to each registered tournament participant:

(1) A department-provided, waterproof tournament participant card;

(2) a department-provided catch-reporting form;

(3) department-provided tournament guidelines; and

(4) one or more vessel decals or signs that clearly state that each individual in the vessel is participating in a registered and permitted tournament.

(d) Each individual or organization conducting the tournament shall ensure that all of the following minimum requirements are met when conducting weigh-in procedures:

(1) One individual shall provide work crew support for each 10 registered anglers.

(2) One weigh-in tank filled with an electrolyte chemical-water solution and fitted with recirculation and aeration accessories shall be maintained for each 25 registered anglers.

(3) If the water temperature at the tournament location is 75 degrees Fahrenheit or cooler, the water contained in the weigh-in tank shall be maintained at the same temperature as that of the tournament location water.

(4) If the water temperature at the tournament location is warmer than 75 degrees Fahrenheit, the water in the weigh-in tank shall be maintained at a temperature that is between five and 10 degrees Fahrenheit cooler than the tournament location water but shall not exceed 85 degrees Fahrenheit at any time.

(5) Not more than four anglers shall be in the weigh-in line at any one time.

(6) Each weigh-in bag containing water from the well of the vessel shall be reinforced, reusable, and capable of holding up to 15 pounds of live fish and two gallons of water.

(7) The weigh-in site shall meet the following requirements:

(A) Be located near the vessel mooring site and the release site, vehicle, or vessel; and

(B) be located at all times under a portable awning, in an event tent, or in the shade.

(e) Each individual or organization conducting the tournament shall ensure that all of the following minimum requirements are met when conducting the release procedures:

(1) The direct release of fish into the tournament location water after the weigh-in shall not be permitted.

(2) If the tournament is conducted with release tubes, vehicles, or vessels, the holding tanks shall contain a one-half percent noniodized salt solution.

(3) If the tournament is conducted without release tubes, vehicles, or vessels, the fish shall be dipped, for a period of time ranging from 10 seconds to 15 seconds before release, in a three percent noniodized salt solution having the same temperature as that of the water in the weigh-in tank.

(4) The release site shall meet the following conditions:

(A) Be located in water reaching at least three feet in depth with good circulation and a hard bottom; and

(B) be located away from vessel traffic and public-use vessel ramps.

(f) Each registered and permitted tournament participant shall meet the following requirements:

(1) Provide all data related to the participant's tournament catch to the tournament organizer, on a form provided by the department;

(2) place at least one tournament-authorized decal or sign on the participant's vessel used in the tournament;

(3) possess a tournament identification card and tournament black bass pass at all times while participating in the tournament;

(4) ensure that each well in the participant's vessel used in the tournament is properly working and contains an electrolyte chemical-water solution;

(5) be able to cull fish after reaching the daily creel limit; and

(6) ensure that the participant's vessel used in the tournament is cleaned before and after the tournament in compliance with department guidelines regarding the prevention of aquatic nuisance species.

(g) Each individual or organization conducting a black bass fishing tournament shall provide all catch and mortality data for the tournament to the department within 30 days following the conclusion of the tournament, on a department-provided form.

(h) In addition to any other penalty prescribed by law, an individual or organization that fails to comply with the provisions of this regulation shall not be eligible to apply to conduct a registered and permitted black bass fishing tournament for at least one year from the date of noncompliance.

(i) The provisions of paragraph (d)(7)(A) may be waived by the secretary within the period beginning September 1 and extending through June 15 if the proximity proposed to the release site does not pose an inordinate risk to the wildlife resource and all other requirements of this regulation are met.

(Authorized by K.S.A. 32-807; implementing K.S.A. 32-807 and K.S.A. 2006 Supp. 32-1002; effective Nov. 27, 2006; amended Nov. 16, 2007; amended P-_____.)

ECONOMIC IMPACT STATEMENT

K.A.R. 115-7-8. Weigh-in black bass fishing tournaments using tournament black bass pass.

DESCRIPTION: This permanent regulation sets weigh-in procedures and requirements for black bass fishing tournaments utilizing the tournament black bass pass. The proposed amendment would allow the secretary to waive proximity to water requirements if no inordinate risk to the wildlife resource is posed.

FEDERAL MANDATE: None.

ECONOMIC IMPACT: It is anticipated that there would be no negative economic impact to the department, other state agencies, or the public.

ALTERNATIVES CONSIDERED: None.

115-7-9. Weigh-in black bass fishing tournaments not using tournament black bass pass. (a) Each individual or organization conducting a weigh-in black bass fishing tournament that does not allow the use of the tournament black bass pass shall ensure that all of the following minimum requirements are met when conducting weigh-in procedures:

(1) One individual shall provide work crew support for each 10 registered anglers.

(2) One weigh-in tank filled with an electrolyte chemical-water solution and fitted with recirculation and aeration accessories shall be maintained for each 25 registered anglers.

(3) If the water temperature at the tournament location is 75 degrees Fahrenheit or cooler, the water contained in the weigh-in tank shall be maintained at the same temperature as that of the tournament location water.

(4) If the water temperature at the tournament location is warmer than 75 degrees Fahrenheit, the water in the weigh-in tank shall be maintained at a temperature that is between five and 10 degrees Fahrenheit cooler than the tournament location water but shall not exceed 85 degrees Fahrenheit at any time.

(5) Not more than four anglers shall be in the weigh-in line at any one time.

(6) Each weigh-in bag containing water from the well of the vessel shall be reinforced, reusable, and capable of holding up to 15 pounds of live fish and two gallons of water.

(7) The weigh-in site shall meet the following requirements:

(A) Be located near the vessel mooring site and the release site, vehicle, or vessel; and

(B) be located at all times under a portable awning, in an event tent, or in the shade.

(b) Each individual or organization conducting the tournament shall ensure that all of the following minimum requirements are met when conducting the release procedures:

(1) The direct release of fish into the tournament location water after the weigh-in shall not be permitted.

(2) If the tournament is conducted with release tubes, vehicles, or vessels, the holding tanks shall contain a one-half percent noniodized salt solution.

(3) If the tournament is conducted without release tubes, vehicles, or vessels, the fish shall be dipped, for a period of time ranging from 10 seconds to 15 seconds before release, in a three percent noniodized salt solution having the same temperature as that of the water in the weigh-in tank.

(4) The release site shall meet the following conditions:

(A) Be located in water reaching at least three feet in depth with good circulation and a hard bottom; and

(B) be located away from vessel traffic and public-use vessel ramps.

(c) Each tournament participant shall meet the following requirements:

(1) Ensure that each well in the participant's vessel used in the tournament is properly working and contains an electrolyte chemical-water solution; and

(2) ensure that the participant's vessel used in the tournament is cleaned before and after the tournament in compliance with department guidelines regarding the prevention of aquatic nuisance species.

(d) ~~This regulation shall be effective on and after January 1, 2008~~ The provisions of paragraph (a)(7)(A) may be waived by the secretary within the period beginning September 1 and extending through June 15 if the proximity proposed to the release site does not pose an inordinate risk to the wildlife resource and all other requirements of this regulation are met. (Authorized by K.S.A. 32-807; implementing K.S.A. 32-807 and K.S.A. 2006 Supp. 32-1002; effective January 1, 2008; amended P-_____.)

ECONOMIC IMPACT STATEMENT

K.A.R. 115-7-9. Weigh-in black bass fishing tournaments not using tournament black bass pass.

DESCRIPTION: This permanent regulation sets weigh-in procedures for all black bass fishing tournaments, except those using the tournament black bass pass. The proposed amendment would allow the secretary to waive proximity to water requirements if no inordinate risk to the wildlife resource is posed.

FEDERAL MANDATE: None.

ECONOMIC IMPACT: It is anticipated that there would be no negative economic impact to the department, other state agencies, or the public.

ALTERNATIVES CONSIDERED: None.