

AGENDA
KANSAS DEPARTMENT OF WILDLIFE AND PARKS
COMMISSION MEETING AND PUBLIC HEARING
Thursday, August 14, 2008
Hoisington Activity Center
106 N. Main, Hoisington, KS

9:00 am - Tour Cheyenne Bottoms Wetlands Center - meet at Wetlands Center, then we will tour Cheyenne Bottoms on our way to Hoisington.

- 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 June 26, 2008 MEETING MINUTES**
- V. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS**
- VI. DEPARTMENT REPORT**
 - A. Secretary's Remarks**
 - 1. FY 2009 Budget Status (Dick Koerth)**
 - B. General Discussion**
 - 1. Cheyenne Bottoms Update (Karl Grover)**
 - 2. Big Game Permanent Regulations (Lloyd Fox)**
 - 3. Threatened and Endangered Species Review Process (Ed Miller)**
 - C. Workshop Session**
 - 1. Spring Turkey Season (Jim Pitman)**
 - 2. Cabin Fee Regulations (Jerry Hover)**
 - 3. Fishing Regulations and Reference Document Changes (Doug Nygren)**
- VII. RECESS AT 4:00 p.m.**
- VIII. RECONVENE AT 7:00 p.m.**
- IX. RE-INTRODUCTION OF COMMISSIONERS AND GUESTS**
 - Recognition Ceremony for Donation of Land**

X. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

XI. DEPARTMENT REPORT

D. Public Hearing

- 1. Late Migratory Bird Seasons (Faye McNew)**
- 2. KAR 115-2-3. Camping, utility, and other fees (Jerry Hover)**
- 3. KAR 115-2-5. Trail access pass; requirement, fees, exceptions, and general provisions (Jerry Hover)**
- 4. KAR 115-8-9. Camping (Jerry Hover)**
- 5. KAR 115-8-10. Pets; provisions and restrictions (Jerry Hover)**
- 6. KAR 115-20-2. Certain wildlife; legal equipment, taking methods, possession, and license requirement – prairie dogs (Joe Kramer)**

XII. OLD BUSINESS

XIII. OTHER BUSINESS

A. Future Meeting Locations and Dates

XIV. ADJOURNMENT

If necessary, the Commission will recess on August 14, 2008, to reconvene August 15, 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, October 23, 2008 at Tonganoxie High School Auditorium, Tonganoxie.

**Kansas Department of Wildlife and Parks
Commission Meeting Minutes
Thursday, August 14, 2008
Hoisington Activity Center, Hoisington, KS**

Subject to
Commission
Approval

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

The August 14, 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 the Hoisington Activity Center, Hoisington, KS. 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

NOTE: Afternoon session ends at 4:00 pm to accommodate another meeting at 4:00 pm.

IV. APPROVAL OF THE June 26, 2008 MEETING MINUTES

Commissioner moved to approve minutes as revised, Commissioner second. *Approved.* (Minutes – Exhibit B).

V. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

VI. DEPARTMENT REPORT

A. Secretary's Remarks

1. 2009 Budget Status - Dick Koerth, Assistant secretary of administration, gave this report to the Commission (Exhibit C).

B. General Discussion

1. Cheyenne Bottoms Update – Karl Grover, Public Land Manager gave this report to the Commission (Exhibit D).

2. Big Game Permanent Regulations – Lloyd Fox, big game research biologist, presented this report to the Commission (Exhibit E).

3. Threatened and Endangered Species Review Process – Ed Miller, Non-game biologist, presented this report to the Commission (Exhibit F).

Break

C. Workshop Session

1. Spring Turkey Season (KAR 115-25-6) - Jim Pitman, wildlife research biologist, presented this report to the Commission (Exhibit G). At present time, there are four turkey hunting units in Kansas and an initial turkey permit can be purchased over-the-counter for all units except Unit 4 (southwest Kansas). Also, we sell second turkey game tags for certain hunting units. Hunters can currently purchase a game tag for use only in Unit 2 (eastern Kansas) or Unit 3 (central Kansas). A total of 325 permits are now issued for Unit 4 through a pre-season drawing, however, the hunt was still oversubscribed as 399 applications were received. Results from the most recent spring harvest survey (2007) reveal that the department sold 64,096 permits (43,990 initial permits and 20,106 game tags). The 2007 total was a record and marked the 11th consecutive year of record permit sales. Of the 43,990 permitted hunters, an estimated 42,265 actively pursued turkeys and harvested just less than 33,000 birds during the 2007 season. Approximately 62 percent of active hunters harvested at least 1 bird (one of the highest success rates in the country). Only 18.5 percent of all active hunters (7,800) filled both their initial permit and a game tag during the spring 2007 season. During the four seasons prior to spring 2008, the numbers of hunters and their harvest have stabilized around 40,000 and 32,000, respectively. However, when the spring 2008 hunter survey data are tabulated, it is expected that a decline in success and total harvest will have occurred, most notably in southeast Kansas. Survey results for the eastern half of the state indicate that the turkey population has declined over the last 3 years. This decline is due primarily to three consecutive years of average (2006) or poor (2005 and 2007) production. The decline in turkey numbers has been the most dramatic in southeast Kansas. Portions of southeast Kansas received almost 15 inches of rain in less than 48 hours during late June 2007. At this time the department is not considering any changes to spring turkey regulations. Spring harvest of male turkeys has little impact on subsequent populations. Thus, restricting spring harvest in an attempt to address population declines is not a sound biological approach. The department turkey committee will be discussing fall regulations to determine if harvest restrictions are warranted in the fall.

2. Cabin Fee Regulation (KAR 115-2-3a) – Jerry Hover, Parks Division Director, presented this report to the Commission (Exhibit H). Commission will probably see this bill annually as we add cabins. Proposed Cabins for 2009 are: Eisenhower; Crawford; Milford; Kanopolis; Pomona; Scott; and Prairie Dog.

3. Fishing Regulations – Doug Nygren, Fisheries Section Chief, presented this report to the Commission (Exhibit I). We won't talk about changes to the reference document at this time. Currently jug fishing (by means of a free floating device) is not a legal method of take for Kansas sport fish. Free floating jugs are allowed in some surrounding states. Our Fisheries Section goals include increasing fishing opportunity and success. Staff has looked at the biological aspects of allowing free floating jug lines on our large reservoirs and has concluded

that we do not have evidence of any potential negative impact to channel catfish, blue catfish, flathead catfish or wiper populations. Staff recognizes the need to provide increased angling opportunity and increased success. With this in mind, staff recommends amending Regulation 115-7-1 to include float fishing using free floating devices as a legal method of take with the following stipulations for a three-year pilot project. Float fishing will be allowed only on eight reservoirs: Hillsdale, Council Grove, Tuttle Creek, Kanopolis, John Redmond, Toronto, Wilson, and Pomona. Float fishing shall only take place during daylight hours from July 15th through September 15th. All floats set in a body of water shall be under the immediate supervision of the angler. Immediate supervision shall be defined as the angler being on the water within visual contact of where the floats are set and readily available to identify floats to a law enforcement officer. Floats will be removed from the water when fishing ceases. To stay consistent with current setline regulations, an angler may use no more than eight setlines or eight float lines (one line per float) with not more than two hooks each. A float fishing permit will be required of all participants at a cost of \$2.50 (\$0 for the permit and a \$2.50 KOALS transaction fee). By issuing this permit, the Department will be able to survey float anglers and assess this method of angling during the three-year pilot period. Floats may only be “closed-cell,” made of plastic, wood or foam material, which do not hold water -- to help ensure that zebra mussel infested water is not transported to other water bodies. Metal or glass floats are prohibited. In addition, floats must be marked with the owner's name, address and KDWP float fishing permit number.

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

None

XI. DEPARTMENT REPORT

D. Public Hearing

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

1. Late Migratory Bird Seasons – Faye McNew, waterfowl research biologist, presented this report to the Commission (Exhibit K). Late season waterfowl seasons include duck and goose. We're still waiting for frameworks. The northern U.S. prairies are in a drought, but prairie parklands have good numbers. The boundary change for our zones we request was denied, so we have to wait until 2012.

2. KAR 115-2-3. Camping, utility, and other fees – Jerry Hover, Parks Division director, presented this report to the Commission (Exhibit L). Raise utilities by \$1.00 each (currently 1 utility 5.50; 2 utilities 7.50; and 3 utilities 8.50);

3. KAR 115-2-5. Trail access pass; requirement, fees, exceptions, and general provisions – Jerry Hover, Parks Division director, presented this report to the Commission (Exhibit M). Remove trail access pass from Sand Hills state park and add it to requiring a motor vehicle permit instead (appropriate vehicle parking lots are constructed and a new, modern campground will be opened to the public in 2009).

4. KAR 115-8-9. Camping – Jerry Hover, Parks Division director, presented this report to the Commission (Exhibit N). Long-term camping allows a camping unit on one designated camping site for a continuous period up to 6 months (a maximum of 10 percent of total camp sites) without having to be removed from the campsite or from the park for 5 days.

5. KAR 115-8-10. Pets; provisions and restrictions – Jerry Hover, Parks Division director, presented this report to the Commission (Exhibit O). On pets, add the words “private” before cabin to allow pets in privately-owned cabins on department-controlled lands. For health reasons and additional dirt, hair and pet dander. We will provide a kennel and are adding mobility impairment.

6. KAR 115-20-2. Certain wildlife; legal equipment, taking methods, possession, and license requirement – prairie dogs – Joe Kramer, Fish and Wildlife Division director, presented this report to the Commission (Exhibit P).

Commissioner Shari Wilson moved to bring KAR 115-25-19 before the Commission. Commissioner Debra Bolton seconded.

The roll call vote on KAR 115-25-19 as recommended was as follows (Exhibit Z):

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

The motion as presented KAR 115-25-19 passed 7-0.

XII. Old Business

XIII. Other Business

A. Future Meeting Locations and Dates

August 14, 2008, Hoisington Activity Center, Hoisington (morning tour of Cheyenne Bottoms Wetlands Center - under construction)

October 23, 2008, Tonganoxie High School Auditorium
January 8, 2009, Emporia
March
April

Tymeson – It helps for both Sheila and I to plan for publication of the regulations. Chairman
Johnston – Recommendation for January?
January 8, 2008 (legislative session starts on 12th), Emporia (last time was 2002)

XIV. ADJOURNMENT

Commissioner made motion to adjourn, Commissioner second. The meeting adjourned at 8:31 p.m.

(Exhibits and/or Transcript available upon request)

Secretary's Remarks

TO: Members of the Commission on Wildlife and Parks

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

SUBJECT: KDWP Budget Report

DATE: August 14, 2008

The Kansas Department of Wildlife and Parks (KDWP) has completed the FY 2008 fiscal year with adequate balances in the major funds. The ending balance in the Wildlife Fee Fund was \$5.8 million and for the Park Fee Fund the amount was \$1.3 million. All State General Fund (SGF) operations appropriations were utilized. The agency expenditures were within approved amounts.

For FY 2009, the estimated revenue to the Wildlife Fee Fund and the Park Fee Fund will be adequate to finance approved expenditures. It should be noted that the Department has been asked to reduce FY 2009 SGF expenditures by two percent or \$176,447. The reduction will be from several state park capital improvement items that have been delayed due to lack of available matching federal funds.

The Commission was briefed at the June 2008 meeting on the proposed FY 2010 Capital Improvement budget request that totaled \$10,635,114. The request included funding for ongoing programs without any major new initiatives. The request did include an amount of \$3 million from the Expanded Lottery Act Revenue Fund (ELARF) for State Parks Major Maintenance.

KDWP staff is still involved in the development of the FY 2010 operations budget request that is due on September 15, 2008. As mentioned at the June Commission meeting, due to decreased funds available the request will not include any new enhancements or new programs financed from the Wildlife Fee Fund. The Wildlife Fee Fund balance has diminished to a level that precludes any expansion of programs and with increased cost for fuel and other items, existing programs may be reduced. In order to continue existing programs beyond FY 2010 a request to the Commission for a license fee increase effective on January 1, 2010 should be considered.

The FY 2010 SGF allocation for KDWP continued the reduction of two percent or \$176,447 from the approved FY 2009 level. In addition, KDWP has been asked to submit a reduced resources target with a further reduction of five percent or \$434,814. This reduction is not considered likely but in order to comply with the Division of Budget request, reductions of that amount will be identified. The Park Fee Fund has remained stable but with decreased SGF availability, this source will be utilized to maintain existing services with minimal increases for the cost of utilities and fuel.

In addition to concerns regarding operating costs, KDWP may be impacted by costs associated with the implementation of a new state pay plan that will not be fully completed until FY 2013. The department will advise the Commission at the October meeting on the completed FY 2010 budget submission. If the Commission has any questions, please advise. Thank you.

General Discussion

Cheyenne Bottoms Update

The Cheyenne Bottoms update includes a brief summary of flood damages that occurred during 2007, and progress on repairs of those damages.

A very brief recap on vegetation responses to the high water and a forecast for the upcoming waterfowl season.

Big Game Permanent Regulations

All permanent regulations dealing with big game will be discussed together at this meeting. The regulations are brought forward in the General Discussion portion of the Commission meeting to allow public comments on future changes in these regulations.

Background

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

The regulation contains the following items:

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

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

The regulation contains the following items:

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

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

This regulation established the boundaries for the 19 Deer Management Units in Kansas. This regulation was recently changed to exclude Landowner Deer Management Program properties from each deer management unit. The boundary between DMU 10 and DMU 19 was changed to include areas of the city of Leavenworth in the DMU 19. Fort Leavenworth, unit 10A, was changed to an urban deer management unit.

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

This regulation describes general application procedures, including the establishment of priority drawing procedures when the number of applicants exceeds the availability of authorized permits. The regulation also authorized hunters to purchase a preference point for future applications.

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

The regulation contains the following items:

- ▶ Creates permit types that include:
 - ▶ White-tailed deer, either sex permit and white-tailed deer antlerless only permit for residents of Kansas. These permits are valid statewide and during all seasons with equipment authorized for that season.
 - ▶ White-tailed deer, either sex permit for nonresidents that are valid for one equipment type and one unit. Nonresident hunters may designate one adjacent unit where they may hunt.
 - ▶ Either species, either sex permit and the restrictions on seasons and units where they may be used by resident and nonresident deer hunters.
 - ▶ Hunt-on-your-own-land permits, including resident HOYOL, nonresident HOYOL, and special HOYOL permits for certain direct relatives of the landowner or tenant.
- ▶ Each deer permit or game tag shall be valid only for the species and antler category specified on the permit or game tag.
- ▶ Antlerless deer are defined as a deer without a visible antler plainly protruding from the skull.

Discussion

Significant changes were initiated last year. The changes included an expansion in the equipment that could be used to hunt deer (e.g., muzzleloader with telescope during the early muzzleloader season, crossbows during the firearms season, and knapped broad heads during archery hunting). The permits types were also changed, creating greater hunting opportunities for more hunters (e.g. white-tailed deer either sex permit valid statewide for residents and during all seasons with the equipment authorized during those seasons). This will be the first year for those and other changes. At this time no problems have been encountered that require changes in the regulations; however, further review of these regulations will be made as the seasons progress.

Recommendation

Recommendations are not proposed at this time.

Kansas Threatened and Endangered Species: Five year review for 2008

Every five years, KDWP is required to conduct a review of the species listed as threatened or endangered in Kansas (KSA 32-960). It is the time when species are added, removed or moved to a different ranking. The process was initiated in February 2008 by use of press releases and making available blank petition forms to the wildlife community and interested individuals. Petitions were due by June 1, 2008. Nineteen petitions were received and evaluated by the Threatened and Endangered Species Task Committee.

Members of the Threatened and Endangered Species Task Committee are:

- Wm. Busby, Kansas Biological Survey
- Mark Eberle, Fort Hays State University
- Elmer Finck, Fort Hays State University
- Tom Mosher, Kansas Department of Wildlife & Parks
- Dan Mulhern, U.S. Fish and Wildlife Service
- Bryan Simmons, Kansas Department of Wildlife & Parks
- Edwin Miller, Coordinator, Kansas Department of Wildlife & Parks

The Task Committee evaluated the 19 submitted petitions. It was recommended that seven of the petitioned species be assigned to the Species-in-need-of-conservation (SINC) list. It was also decided that nine of these petitioned species merited further review before a decision could be made.

The following species petitions **warrant further review** for possible listing or delisting as threatened or endangered.

Species being reviewed for **listing** to threatened or endangered categories:

delta hydrobe (aquatic snail)	<i>Probythinella emarginata</i>
American eel	<i>Anguilla rostrata</i>
plains minnow	<i>Hybognathus placitus</i>
shoal chub	<i>Macrhybopsis hyostoma</i>
bigeye shiner	<i>Notropis boops</i>
redfin darter	<i>Etheostoma whipplei</i>

Species being reviewed for **delisting** from threatened or endangered categories:

broadhead skink (lizard)	<i>Eumeces laticeps</i>
bald eagle	<i>Haliaeetus leucocephalus</i>
peregrine falcon	<i>Falco peregrinus</i>

Prior to Threatened and Endangered Task Committee making final recommendations to Secretary Hayden and the eventual approval by the KDWP Commission, several procedures must be completed:

- 1) Publication of the species under review in the Kansas Register
- 2) 90 day comment period
- 3) Information meetings provided during this 90-day comment period
- 4) T&E Task Committee continues to review literature regarding status of the species being reviewed

- 5) Expert review will be sought by using quantitative rating evaluation forms
- 6) Notification of adjacent states where the species occurs
- 7) Documentation and status information is available for review at local repository

Some definitions:

Endangered Species: any species of wildlife whose continued existence as a viable component of the state's wild fauna is determined to be in jeopardy (KSA 32-958c).

Threatened Species: any species of wildlife which appears likely, within the foreseeable future, to become an endangered species (KSA 32-958f).

Species-in-Need-of-Conservation: (SINC) those species which are highly specialized, whose habitat is very limited in Kansas, or show population declines that warrant data collection concerning its status in Kansas. Conservation efforts focused on these species can prevent future listing as threatened or endangered.

Workshop Session

Spring turkey season (K.A.R. 115-25-6)

Turkey; spring season, bag limit, permits, and game tags

Background

There are four turkey hunting units (Figure 1) in Kansas, and a spring turkey permit can be purchased over-the-counter for all units except Unit 4 (southwest Kansas). In addition to the initial spring turkey permit, a second turkey game tag has been offered for certain hunting units since 1990. Hunters can purchase a game tag for use only in Unit 2 (eastern Kansas) or Unit 3 (central Kansas). A total of 325 permits are now issued for Unit 4 through a pre-season drawing, of which 250 permits are designated for the regular draw and 75 are designated for a drawing of applicants 16 or younger. The Unit 4 quota was increased from 200 to 325 for the 2008 spring season in hopes of meeting hunter demand. However, the hunt was still oversubscribed as 399 applications were received.

For the 2008 spring season, a total of 62,375 permits were sold (43,072 permits and 19,303 game tags). After 11 consecutive years of increases in permit sales, the 2008 total was down by about 2,000. At the time of this report, the 2008 harvest figures had not yet been calculated but it is expected that a decline in harvest and success will have occurred. This decline is expected to be the most severe in southeast Kansas where bird numbers have been on the decline for the last couple of years. The most recent hunter and harvest figures (2007) indicate that an estimated 42,265 active hunters pursued turkeys and harvested more than 33,000 birds. Approximately 62 percent of active hunters harvested at least 1 bird in 2007. Only 18.5 percent of all active hunters (7,800) filled both their permit and game tag during the spring 2007 season. During the four seasons prior to spring 2008 the hunter numbers and their harvest stabilized at around 40,000 and 32,000, respectively.

Survey results for the eastern half of the state indicate that the turkey population has declined over the last three years. This decline is due primarily to three consecutive years of average (2006) or poor (2005 and 2007) production. The decline in turkey numbers has been the most dramatic in southeast Kansas. Portions of southeast Kansas received more than 15 inches of rain in less than 48 hours during late June 2007. At the time these rains and the subsequent flooding occurred, many hens were still incubating nests and many recently hatched poults were still incapable of flight and regulation of their body temperature. Undoubtedly, the flooding destroyed many nests and numerous poults likely drowned or died from exposure. As a result of the wet weather, turkey production indices in southeast Kansas were at all-time lows in 2007. Hunting in southeast Kansas was reported to be difficult in 2008 and the poor 2007 year class will likely make it even more difficult in 2009. Untimely rains occurred again this past spring in much of southeast Kansas and likely hampered production again this year. Turkey numbers in other parts of the state are either slowly increasing or stabilizing. Weather and habitat conditions in most of central and western Kansas appeared to be favorable in 2008, with the exception of far southwest Kansas which is experiencing a drought.

Discussion

At this time, the department is not considering any changes to spring turkey regulations. Spring harvest of male turkeys has little impact on subsequent populations. Thus, restricting spring harvest in an attempt to address population declines is not a sound biological approach. The department turkey committee will be discussing fall (when hens may also be taken) regulations during our next meeting to determine if harvest restrictions are warranted in certain regions of the state.

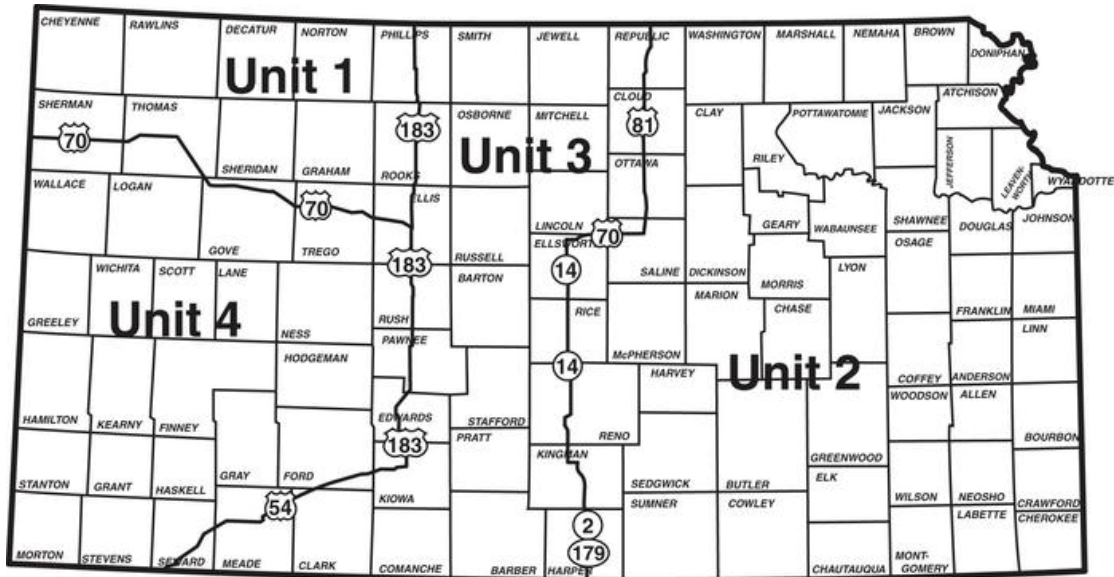


Figure 1. Current spring wild turkey hunting units in Kansas. The initial permit is valid within Units 1, 2, & 3 can be purchased over-the-counter. A pre-season drawing is used to issue the 325 permits allocated for Unit 4. An additional spring game tag can be purchased over-the-counter and it is valid only within Units 2 & 3.

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 will:

- A. Add technical changes to formatting and numbering,
- B. Add one additional cabin to Crawford SP and set fees,

.....	Cabins 1 through 4 and 2:
Sunday through Thursday, April 1 through September 30, per night.....
..... \$65.00 <u>\$75.00</u>
Sunday through Thursday, October 1 through March 31, per night... \$55.00 <u>\$65.00</u>
Friday and Saturday, April 1 through September 30, per night..... \$85.00 <u>\$95.00</u>
Friday and Saturday, October 1 through March 31, per night..... \$75.00 <u>\$85.00</u>
April 1 through September 30, per week..... \$450.00 <u>\$460.00</u>
October 1 through March 31, per week..... \$375.00 <u>\$385.00</u>
 <u>Cabins 3 through 5:</u>	
<u>Sunday through Thursday, April 1 through September 30, per night.....</u>	<u>.....\$65.00</u>
<u>Sunday through Thursday, October 1 through March 31, per night.....</u>	<u>.....\$55.00</u>
<u>Friday and Saturday, April 1 through September 30, per night.....</u>	<u>.....\$85.00</u>
<u>Friday and Saturday, October 1 through March 31, per night.....</u>	<u>.....\$75.00</u>
<u>April 1 through September 30, per week.....</u>	<u>.....\$450.00</u>
<u>October 1 through March 31, per week.....</u>	<u>.....\$375.00</u>

- C. Add one cabin to Cheney SP at current fees,

Changing from cabin to Cabins 8&9

D. Add two cabins to Milford SP and set fees,

.....	<u>Cabins 4 and 5:</u>
<u>Sunday through Thursday, April 1 through September 30, per night.....</u>	<u>\$75.00</u>
<u>Friday and Saturday, April 1 through September 30, per night.....</u>	<u>\$95.00</u>
<u>Sunday through Thursday, October 1 through March 31, per night.....</u>	<u>\$65.00</u>
<u>Friday and Saturday, October 1 through March 31, per night.....</u>	<u>\$85.00</u>
<u>April 1 through September 30, per week.....</u>	<u>\$520.00</u>
<u>October 1 through March 31, per week.....</u>	<u>\$445.00</u>

E. Add one cabin at Prairie Dog SP,

Cabin 3:

<u>Year-round, per night.....</u>	<u>\$65.00</u>
<u>Year-round, per week.....</u>	<u>\$420.00</u>

F. Add one cabin to Clark SFL at current fees, \$60 per night and \$420 per week,

F. Add one cabin to Mined Land WA at current fees,

G. Add one cabin to Woodson WA at current fees,

H. Add cabin to Fall River WA and set fees same as other WA cabins,

I. Add cabin to Jamestown WA and set fees same as other WA cabins,

J. Add cabin to Kingman SFL and set fees same as other WA cabins,

The proposed amendment will be brought forward for a Public Hearing at the next KDWP Commission meeting in October and if adopted the amendment would become effective for the 2009 calendar year.

2009 Fishing Regulation Changes

Float (Jug) Fishing. Changing Regulation 115-7-1; Fishing; legal equipment, methods of taking, and other provisions.

Background

Currently jug fishing (by means of a free floating device) is not a legal method of take for Kansas sport fish as defined in KAR 115-7-1. Free floating jugs are allowed in some surrounding states as a means to provide an extra angling opportunity. Missouri, Colorado, Oklahoma, and Arkansas all allow some form of jug fishing with floating devices, whereas in Nebraska, free floating lines are illegal.

Discussion

Our Fisheries Section Goals include increasing fishing opportunities and success. Staff has looked at the biological aspects of allowing free floating jug lines on our large reservoirs and has concluded that we do not have evidence of any potential negative impact to channel catfish, blue catfish, flathead catfish or wiper populations. Channel catfish could likely be the main target of most jug fishing anglers, and most feel that our channel catfish populations in large reservoirs are underutilized. Wipers might be vulnerable to this type of angling technique and are usually not good candidates for “catch and release.” Blue catfish could be targeted in some reservoirs, but most of these populations are protected with minimum length limits and reduced creel limits. Identification between blue catfish and channel catfish always causes concern.

Recommendations

Staff recommends amending Regulation 115-7-1 to include float fishing using free floating devices as a legal method of take with the following stipulations for a three-year pilot project:

- Float fishing will be allowed only on the following reservoirs:
Hillsdale Kanopolis Wilson
Council Grove John Redmond Pomona
Tuttle Creek Toronto
- Float fishing shall only take place during daylight hours from July 15 through September 15.
- All floats set in a body of water shall be under the immediate supervision of the angler. Immediate supervision shall be defined as the angler being on the water within visual contact of where the floats are set and readily available to identify floats to a law enforcement officer. Floats will be removed from the water when fishing ceases.
- To stay consistent with current setline regulations, an angler may use no more than 8 setlines or 8 float lines (one line per float) with not more than 2 hooks each.
- A float fishing permit will be required of all participants at a cost of \$2.50 (\$0 for the permit and a \$2.50 KOALS transaction fee). By issuing this permit, the Department will be able to survey float fishing anglers and assess this method of angling during the three-year pilot period.
- Floats must be of “closed-cell,” material -- plastic, wood or foam. “Closed-cell” floats do not hold water, and this requirement should prevent zebra mussels from being transported

to other water bodies. Metal or glass floats are prohibited. In addition, floats must be marked with the angler's name, address and KDWP float fishing permit number.

2009 Reference Document for Special Length and Creel Limits:

- Glen Elder Reservoir – change to 18-inch minimum length limit on walleye.
- Lake Afton – change to 21-inch minimum length limit on wipers, walleye, and saugeye.
- Crawford SFL – change to 18-inch minimum length limit and daily creel limit of 2 on largemouth bass.
- Cheney, El Dorado, and Milford Reservoirs – change to daily creel limit of 5 on blue catfish.
- Lake Shawnee – change to 13- to 18-inch slot length limit and daily creel limit of 5 on largemouth bass.
- Lake Shawnee – remove the 15-inch minimum length limit on channel catfish.
- Brown SFL – change to daily creel limit of 2 on channel catfish.
- Atchison SFL - change to daily creel limit of 2 on channel catfish.
- Nebo SFL - change to daily creel limit of 2 on channel catfish.
- Council Grove Reservoir – add 18-inch minimum length limit and daily creel limit of 2 on wipers.
- Graham County-Antelope Lake – change to 18-inch minimum length limit and daily creel limit of 2 on saugeye.
- McPherson SFL – change to 13- to 18-inch slot length limit on largemouth bass.
- Marion Reservoir – change to daily creel limit of 5 on wipers.
- Bourbon Co.-Elm Creek Lake, Mound City Lake, Ft. Scott Gunn Park Fern Lake, and Ft. Scott Gunn Park West Lake – remove the 10-inch minimum length limit and remove the daily creel limit of 10 on crappie.
- Sedgwick County Park Lakes – change to 21-inch minimum length limit on wipers.
- Colwich City Lake – add daily creel limit of 2 on channel catfish and largemouth bass.
- Mt. Hope – Oak Street Park Pond - add daily creel limit of 2 on channel catfish.
- Mt. Hope – Oak Street Park Pond - add 18-inch minimum length limit and daily creel limit of 2 on largemouth bass.
- Harvey County East Lake - change to daily creel limit of 2 on saugeye and walleye.
- Tallgrass Prairie Preserve FISH Properties – Catch and Release Fishing Only.
- Overbrook City Lake - change to 13- to 18-inch slot length limit on largemouth bass.
- Woodson SFL - change to 18-inch minimum length limit on walleye.
- Osage SFL - change to 18-inch minimum length limit on walleye.
- Osage SFL - change to 13- to 18-inch slot length limit on largemouth bass.

Public Hearing

KANSAS REGISTER
SUBMISSION FORM

Agency Number -- 710-01

Agency Name -- Kansas Department of Wildlife and Parks

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

Topeka, Kansas 66612-1233

Title of Document -- Public Hearing

Desired Date of Publication - May 22, 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

— This space for Register office use only

Wildlife and Parks Commission

Notice of Hearing of Proposed Administrative Regulations

A public hearing will be conducted by the Wildlife and Parks Commission at 7:00 p.m., Thursday, August 14, 2008 at the Hoisington Activity Center, 106 N. Main, Hoisington, Kansas, to consider the approval and adoption of proposed administrative regulations of the Kansas Department of Wildlife and Parks.

A workshop meeting on business of the Wildlife and Parks Commission will begin at 1:30 p.m., August 14, 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. August 15 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. 115-2-3. This permanent regulation establishes camping, utility and other fees. The proposed amendments would raise utility fees by one dollar.

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. 115-2-5. This permanent regulation establishes the trail access pas requirements, fees, exceptions and general provisions. The proposed amendments would remove Sand Hills State Park from the areas where a trail access pass would be required.

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. 115-8-9. This permanent regulation establishes camping requirements. The proposed amendments would allow for long-term camping on designated sites through written permit for up to six consecutive months.

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. 115-8-10. This permanent regulation establishes provisions and restrictions on pets. The proposed amendments would clarify that pets are allowed in privately owned cabins on department lands but not in publicly management cabins.

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. 115-20-2. This permanent regulation establishes legal equipment, taking methods, possession, and license requirements for certain wildlife. The proposed amendments would exempt residents from needing a hunting license for gophers, moles and prairie dogs.

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

STEPHEN N. SIX
ATTORNEY GENERAL

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

May 1, 2008

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

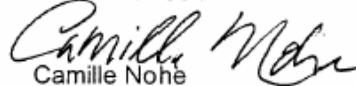
Re: **Various regulations**

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
STEPHEN SIX


Camille Nohe
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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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

Room 010-West — State Capitol Building — 300 SW Tenth Avenue — Topeka, Kansas 66612-1504
PHONE (785) 296-3181 ♦ FAX (785) 296-3824 ♦ TTY (785) 296-3677
INTERNET: <http://www.kslegislature.org/kldr> E-MAIL: kslegres@kldr.state.ks.us

June 10, 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 May 28, 2008, the Joint Committee on Administrative Rules and Regulations reviewed for public comment rules and regulations concerning camping, utility, and other fees; trail access pass, requirement, fees, exceptions, and general provisions; camping; pets, provisions and restrictions; and certain wildlife, legal equipment, taking methods, possession, and license requirement. After discussion, the Committee had the following comment:

- KAR 115-8-10. For subsections (c) and (d), the Committee thinks the exceptions should include pets that are used to support individuals who are mobility impaired, so that those pets are permitted in the areas described.

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

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

Secretary Hayden

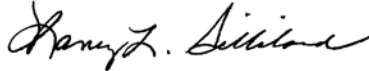
-2-

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

RECOMMENDATIONS FOR 2008 WATERFOWL SEASONS

Introduction and Background

The process of establishing hunting regulations for waterfowl is conducted annually. It involves a number of scheduled meetings in which the status of waterfowl is presented, recommendations by Flyway Councils (representing the states) are developed and forwarded to the U.S. Fish and Wildlife Service (USFWS), and waterfowl season frameworks are established by the USFWS, which set the limits under which states must establish waterfowl seasons. States may establish regulations more restrictive than allowed in the frameworks, but cannot adopt regulations more liberal than allowed in the frameworks.

The fundamental considerations that influence department recommendations for waterfowl seasons include: 1) maximizing hunter opportunity and harvest; 2) sound management of migratory bird resources; and 3) restrictions imposed by the Migratory Bird Treaty Act.

The department adopted the zoning option for duck hunting for years 2006-2010. Although the zone boundaries are locked in place for five years, the season dates within each zone may be changed annually.

Number of Zones for 2006-2010 Seasons

Kansas is divided into three zones: “**High Plains**”, “**Early Zone**” and “**Late Zone**”.

Zone Boundaries

High Plains Zone - That area of Kansas west of U.S. 283.

Early Zone - That area of Kansas east of U.S. 283, and generally west of a line beginning at the Junction of the Nebraska border and KS 28; south on KS 28 to U.S. 36; east on U.S. 36 to KS 199; south on KS 199 to Republic Co. Road 563; south on Republic Co. Road 563 to KS 148; east on KS 148 to Republic Co. Road 138; south on Republic Co. Road 138 to Cloud Co. Road 765; south on Cloud Co. Road 765 to KS 9; west on KS 9 to U.S. 24; west on U.S. 24 to U.S. 281; north on U.S. 281 to U.S. 36; west on U.S. 36 to U.S. 183; south on U.S. 183 to U.S. 24; west on U.S. 24 to KS 18; southeast on KS 18 to U.S. 183; south on U.S. 183 to KS 4; east on KS 4 to I-135; south on I-135 to KS 61; southwest on KS 61 to KS 96; northwest on KS 96 to U.S. 56; southwest on U.S. 56 to KS 19; east on KS 19 to U.S. 281; south on U.S. 281 to U.S. 54; west on U.S. 54 to U.S. 183; north on U.S. 183 to U.S. 56; southwest on U.S. 56 to Ford Co. Road 126; south on Ford Co. Road 126 to U.S. 400; northwest on U.S. 400 to U.S. 283.

Late Zone - The remainder of Kansas.

“EXPECTED” 2008 DUCK, COOT, AND MERGANSER FRAMEWORKS

Shooting Hours

Shooting hours for all species and seasons may extend from ½ hour before sunrise until sunset.

Daily Bag and Possession Limits

The daily bag limit shall be 5 ducks, which may include no more than 2 scaup; 2 redhead; 2 wood ducks; or one duck from the following group - hen mallard, mottled duck, pintail, canvasback.

A daily bag limit for mergansers of 5, which may include no more than two hooded merganser.

The daily bag limit for coots may be no more than 15.

The possession limit for all species may be no more than twice the legal daily bag.

Outside Dates

Seasons may begin no earlier than the Saturday nearest September 24 (September 27, 2008), or extend beyond the last Sunday in January (January 25, 2009).

Season Length

Early and Late Zones (portion of Kansas east of U.S. 283), maximum 74 days.

High Plains Zone (portion of Kansas west of U.S. 283), maximum 97 days.

Youth Waterfowl Hunt Day

1. States may select two consecutive “Youth Waterfowl Hunting Days,” in addition to their regular duck seasons.
2. The youth hunt days must be held outside of any regular duck season on either a weekend or holiday when youth hunters would have the maximum opportunity to participate.
3. The days may be held up to 14 days before or after any regular duck season framework, or within any split of a regular duck season.
4. The daily bag limit may include ducks, geese, mergansers and coots, the same as allowed in the regular season. Canvasback and pintail are allowed in the bag
5. Youth hunters must not yet have reached their sixteenth birthday.
6. An adult at least 18 years of age must accompany the youth hunter into the field. This adult may not hunt waterfowl.

DUCK COOT AND MERGANSER SEASON RECOMMENDATIONS

Statewide Bag & Possession Limits and Shooting Hours

A daily bag limit of 5 ducks, which may include no more than 2 scaup; 2 redhead; 2 wood ducks; or one duck from the following group - hen mallard, mottled duck, pintail, canvasback.

A daily bag limit for coots of 15, and a daily bag limit for mergansers of 5, which may include no more than 2 hooded merganser. Both the coot and merganser seasons shall run concurrent with the regular duck season in the respective zones.

Possession limit for all species (ducks, coots and mergansers) shall be double the daily bag.

Shooting hours for all species shall be one-half hour before sunrise to sunset.

Season Dates (Seasons in all three zones split once)

HIGH PLAINS ZONE (West of U.S. 283)

1st Segment - Open October 4 and close December 30, 2008

2nd Segment - Open January 17 and close January 25, 2009

EARLY ZONE

1st Segment - Open October 11 and close December 7, 2008

2nd Segment - Open December 20 and close January 4, 2009

LATE ZONE

1st segment - Open October 25 and close December 28, 2008

2nd segment - Open January 17 and close January 25, 2009

Discussion

Recommended duck season structure for all three zones (High Plains, Late Duck Zone and Early Zone) is unchanged from those adopted last year. Very little comment has been received regarding the timing of 2007 duck seasons, suggesting a general satisfaction with the adopted dates.

Other Discussion - Waterfowl managers have been concerned about the pressure that "Seasons within Seasons" (SWAS), adopted for pintail and canvasback during recent years, imposes on hunters. Closing the season on a brown duck such as the hen pintail, while the regular season continues, introduces the complexity of another opening and/or closing date, likely results in illegal kill of pintail, impacts the harvest of other brown ducks such as gadwall, wigeon, shoveler, and in general require the identification of brown ducks under hunt conditions which can be difficult for even experienced hunters.

This will be the third year the Central Flyway will be evaluating Hunter's Choice (HC) bag limit regulations which are intended to limit harvest on pintails and canvasbacks while allowing their harvest throughout the entire season. In this first of its kind Flyway wide experiment, five states have been randomly assigned to HC regulations while the remaining five states will serve as controls by continuing with SWAS regulations during the three-year evaluation period (three years of the liberal regulatory package). Kansas is included with the five experimental states and has adopted HC regulations.

YOUTH WATERFOWL HUNT DAY RECOMMENDATION

Season Dates - Adopt the following Youth Waterfowl Hunt Days:

High Plains Zone	September 27 and 28, 2008
Early Zone	October 4 and 5, 2008
Late Zone	October 18 and 19, 2008

Bag Limit

The bag limit for ducks, **all** geese, coots and mergansers during the Youth Waterfowl Hunt Day will be the same as established for these species during the 2008 regular seasons in Kansas.

Other Restrictions

Youth hunters must not yet have reached their sixteenth birthday. The adult accompanying the youth hunter **may not** hunt waterfowl.

Discussion

The recommended youth seasons and regulations are similar to last year.

CANADA GOOSE FRAMEWORKS

Season Length and Bag Limit for Canada Geese

Kansas may select a season of 107 days, with a daily bag of not more than 3 Canada geese. The season may be split twice (three segments).

Outside Dates for Canada Geese

The dark goose season may begin no earlier than September 27, 2008 and end no later than February 15, 2009.

Possession Limits for Canada Geese

Possession limit may be no more than twice the legal daily bag.

CANADA GOOSE SEASON RECOMMENDATIONS

Season Dates and Bag & Possession Limits

Adopt a split Canada goose season with a bag limit of 3, a possession limit of double the daily bag, and with the following dates:

1st segment - October 25 and 26, 2008

2nd segment - November 5 through February 15, 2009

WHITE-FRONTED GOOSE FRAMEWORKS

Season Length and Bag Limit

Kansas has two options for season length and bag limit. These options include:

Option 1 - a season of 72 days with a daily bag limit of 2 white-fronted geese,

Option 2 - a season of 86 days with a daily bag limit of 1 white-fronted goose.

Outside Dates

The white-fronted goose season may begin no earlier than September 27, 2008, and end no later than February 15, 2009. The season may be split twice.

Possession Limit for white-fronted geese

The possession limit shall be no more than twice the legal daily bag.

WHITE-FRONTED GOOSE SEASON RECOMMENDATIONS

Season Dates and Bag & Possession Limits

Select a 72 day season with two splits (three segments), a bag limit of two, and season dates being:

1st segment - October 25 and 26, 2008

2nd segment - November 5 through, January 4, 2009

3rd segment - February 7 through February 15, 2009

Possession limit of double the daily bag.

LIGHT (SNOW & ROSS') GOOSE FRAMEWORKS

Season Length and Bag Limit

Kansas may select a season of 107 days with a daily bag of 20 light geese.

Possession Limit for Light Geese

There is no possession limit for light geese.

Outside Dates and splits/zones allowed

The season may begin no earlier than September 27, 2008 and end no later than March 10, 2009. Kansas may split the season twice. There is no limit on the number of zones.

LIGHT GOOSE SEASON RECOMMENDATIONS

Season Dates and Bag & Possession Limits

Adopt a split light goose season with a bag limit of 20, no possession limit, and the following dates:

1st segment - October 25 and 26, 2008

2nd segment - November 5 through February 15, 2009

Discussion

All goose seasons open for two days on October 25 and then close until Wednesday, November 5, when they open along with the sandhill crane season. The second segment of the light goose and Canada goose seasons runs to February 15.

The 105-day regular season for light geese and Canada geese, plus the two days of youth hunting, totals 107 days, the maximum allowed by treaty. By coincidence, a 105-day season allows the use of split seasons and weekend openers/closers, plus one Wednesday opener. The Wednesday opener of the second segment allows all goose seasons and the sandhill crane season to open on the same day.

For the third year, a double split (three segments) season is recommended for white-fronted geese. The timing of the first segment of the season, as well as the opening date of the second segment, is identical to the light goose and Canada goose season opening dates. However, this year the recommendation calls for nine days to be split from the second segment and moved to the end of the allowed framework. Hunters have noted the presence of white-fronted geese during this late period, and this recommendation will allow hunters to take all species of geese during the last nine days of the season.

The Conservation Order for light geese will automatically open on the day following the close of the goose seasons, February 16, 2009.

DARK GOOSE MANAGEMENT UNIT RECOMMENDATIONS

SOUTHEAST UNIT

(Adopt hunt regulations identical to statewide regulations)

Season Dates - Split Season

1st segment - October 25 and 26, 2008

2nd segment - November 5 through February 15, 2009

Shooting Hours

Shooting hours shall be one-half hour before sunrise to sunset.

Permit NOT Required

OTHER RECOMMENDATIONS FOR THE DARK GOOSE MANAGEMENT UNITS

The daily bag and possession limit for the units will be the same as that established for the regular statewide dark goose seasons, 3 Canada and 2 white-fronted geese, with a possession limit double the daily bag.

Discussion

The recommended season for the Southeast Unit is the same as statewide recommended seasons. This allows maximum harvest and hunter opportunity while maintaining the Unit's existence. This will allow management flexibility to reinstate the Unit restrictions in the event that local populations decline in coming years.

FRAMEWORKS FOR 2008 MIGRATORY BIRD FALCONRY SEASONS

Eligible Species: All species of migratory game birds for which a regular season is permitted, including ducks, coots and mergansers, may be taken during the September teal and regular duck seasons and during the selected "special falconry seasons." Falconers may take any migratory game species, including dove, rails and snipe, during any open gun season on those species.

Daily Bag and Possession Limits: Falconry daily bag and possession limits for all permitted migratory game birds shall not exceed 3 and 6 birds, respectively, singly or in the aggregate, during both regular hunting seasons and extended falconry seasons.

Framework Dates: Falconry seasons must fall between September 1, 2008 and March 10, 2009.

Season Length: Total season length for all hunting methods combined may not exceed 107 days for any species (or groups of species) in a geographical area.

MIGRATORY BIRD FALCONRY SEASON RECOMMENDATION

Falconry seasons for migratory game birds will run concurrently with all established hunting seasons for those species.

Daily bag and possession limits for falconers shall be 3 and 6 respectively, for all migratory game birds in aggregate (e.g., 1 dove and 2 ducks).

In addition, extended falconry seasons for ducks, mergansers, and coots will run:

High Plains Zone

No days available.

Early Zone

One Segment - February 25 through Saturday, March 10, 2009

Late Zone

One Segment - February 25 through Saturday, March 10, 2009

Discussion

The extended falconry seasons allow additional opportunity for falconers at a time when the regular season is closed, thereby reducing the risk of conflict with firearms migratory bird hunters.

Because of the 107 day hunting limit imposed by treaty, and the increased length of the September teal season (nine to sixteen days), there are 7 fewer days left for falconers in the Early and Late Zones. No days remain available for falconers in the High Plains Zone.

115-2-3. Camping, utility, and other fees. (a) Each overnight camping permit shall be valid only for the state park for which it is purchased and shall expire at noon on the day following its effective date.

(b) Any annual camping permit may be used in any state park for unlimited overnight camping, subject to other laws and regulations of the secretary. This permit shall expire on December 31 of the year for which it is issued.

(c) Any 14-night camping permit may be used in any state park. This permit shall expire when the permit has been used a total of 14 nights, or on December 31 of the year for which it is issued, whichever is first.

(d) Camping permits shall not be transferable.

(e) The fee for a designated prime camping area permit shall be in addition to the overnight, annual, 14-night, or other camping permit fee, and shall apply on a nightly basis.

(f) Fees shall be due at the time of campsite occupancy and by noon of any subsequent days of campsite occupancy.

(g) Fees set by this regulation shall be in addition to any required motor vehicle permit fee specified in K.A.R. 115-2-2.

(h) The following fees shall be in effect for state parks and for other designated areas for which camping and utility fees are required:

~~Camping--per camping unit (January 1, 2005 through March 31, 2005):~~

Annual camping permit.....\$ 150.00

Overnight camping permit.....6.00

14 night camping permit.....85.00

Camping--per camping unit (April 1 through September 30):

Annual camping permit.....\$150.00

Overnight camping permit	7.00
14-night camping permit.....	99.00
Prime camping area permit	2.00
Camping--per camping unit (October 1 through March 31, effective beginning October 1, 2005):	
Annual camping permit.....	150.00
Overnight camping permit	6.00
14-night camping permit.....	85.00
Overflow primitive camping permit, per night	5.00
Recreational vehicle long-term camping permit (includes utilities)--per month, per unit (annual camping permit and annual vehicle permit required):	
One utility	200.00
Two utilities	260.00
Three utilities	320.00
Recreational vehicle short-term parking--per month.....	125.00
Utilities--electricity, water, and sewer hookup per night, per unit:	
One utility	5.50 <u>6.50</u>
Two utilities	7.50 <u>8.50</u>
Three utilities	8.50 <u>9.50</u>
Youth group camping permit in designated areas, per camping unit--per night	2.50
Group camping permit in designated areas, per person--per night.....	1.50
Reservation fee, per reservation (camping, special use, or day use)	10.00
Rent-a-camp: equipment rental per camping unit--per night.....	15.00
Duplicate permit.....	10.00
Special event permit negotiated based on event type, required services, and lost revenue—maximum.....	200.00

(i) This regulation shall be effective on and after January 1, ~~2005~~ 2009. (Authorized by and implementing K.S.A. 32-807 and K.S.A. ~~2003~~ 2007 Supp. 32-988, ~~as amended by L. 2004, Ch. 99, Sec. 8~~; effective Jan. 22, 1990; amended Jan. 28, 1991; amended June 8, 1992; amended Oct. 12, 1992; amended Aug. 21, 1995; amended Sept. 19, 1997; amended Jan. 1, 1999; amended Jan. 1, 2001; amended Jan. 1, 2003; amended Jan. 1, 2005; amended P-_____.)

ECONOMIC IMPACT STATEMENT

K.A.R. 115-2-3. Camping, utility, and other fees.

DESCRIPTION: This regulation establishes the overnight and annual camping permit prices, fees for utility connections, and related fees within state parks. This is a user fee regulation and the proposed amendment would increase utility fees for camping by \$1.00 per day. The proposed fee increases would take effect on January 1, 2009.

FEDERAL MANDATE: None.

ECONOMIC IMPACT: The proposed amendments may increase FY2009 revenues to the Park Fee Fund by approximately \$79,898, and FY2010 revenues by approximately \$147,796. The costs of the amendments would be borne by members of the public who use state parks. The amendments are not anticipated to have any appreciable economic impact on the department or other agencies.

ALTERNATIVES CONSIDERED: None

115-2-5. Trail access pass; requirement, fees, exceptions, and general provisions. (a) Each individual 16 years of age and older using the Prairie Spirit rail trail or any designated portions thereof, ~~or trail systems on the Sand Hills state park or designated portions thereof,~~ of this trail shall possess a trail access pass.

(b) ~~The provisions of~~ Subsection (a) shall not apply to any individual who is using a trail system for which the trail access pass is required ~~who is~~ if the individual meets any of the following requirements:

(1) Is engaged in construction, development, operation, maintenance, concession, or agricultural activities approved by the ~~department~~ secretary in writing;

(2) is engaged in emergency or law enforcement activities;

(3) is engaged in official government business for a governmental entity;

(4) is in possession of a special permit or pass issued by the secretary;

(5) is engaged in news media activities as described in K.A.R. 115-18-6; or

(6) is using the trail system during the period of time established by the secretary as free state park use days.

(c) The ~~fee~~ fees for a trail access pass shall be the following:

Annual trail access pass\$10.00

Daily trail access pass2.00

(d) Each annual trail access pass shall expire on December 31 of the year for which the pass is issued.

(e) Each daily trail access pass shall expire at 11:59 p.m. on the day for which ~~it~~ the pass is issued.

(f) A trail access pass shall not be transferable.

(g) Each daily trail access pass shall be valid only for the trail system for which ~~it~~ the pass is issued.

(h) A motor vehicle permit shall not be required to enter the Prairie Spirit rail trail ~~or the~~ ~~Sand Hills state park.~~

(i) This regulation shall be effective on and after ~~August 1, 1996~~ January 1, 2009.
(Authorized by and implementing K.S.A. 32-807, K.S.A. 32-901, and K.S.A. ~~1995~~ 2007 Supp. 32-988; effective April 1, 1996; amended Aug. 2, 1996; amended P-_____.)

ECONOMIC IMPACT STATEMENT

K.A.R. 115-2-5. Trail access pass; requirement, fees, exceptions and general provisions.

DESCRIPTION: This regulation sets forth requirements, fees, exceptions and general provisions related to trail access passes. The proposed amendment would remove Sand Hills State Park from the properties where a trail access pass would be required on January 1, 2009. Instead, a park motor vehicle entrance permit would be required as appropriate vehicle parking lots and a new modern campground will be available in 2009.

FEDERAL MANDATE: None.

ECONOMIC IMPACT: It is not anticipated to have any other substantive impact to the department, other agencies or the public.

ALTERNATIVES CONSIDERED: None.

115-8-9. Camping. (a) Camping shall be allowed only in designated areas on department lands and waters and shall be subject to provisions or restrictions as established by posted notice.

(b) All campers and camping units ~~are~~ shall be limited to a stay of not more than 14 consecutive days in a campground unless otherwise established by posted notice or as otherwise authorized by the department.

(c) Upon completing 14 consecutive days in a campground, each person and all property of each person shall be absent from that campground for ~~not less than 5~~ at least five days.

(d) One extended camping stay of not more than 14 additional consecutive days at the same campground may be granted through a written permit issued by the department if vacant camping sites are available. Upon completing 28 consecutive days at the same campground, each person and all property of each person shall be absent from the department-managed area for ~~not less than 5~~ at least five days, except as authorized in subsection (e).

(e) Long-term camping in state parks shall be allowed on designated camping sites for six consecutive months through a written permit issued by the department if vacant long-term camping sites are available. Upon completing six consecutive months at the same state park, each person and all property of each person shall be absent from the state park for at least five days.

(f) Except as authorized by the department, camping units shall not be left unoccupied in a campground ~~in excess of~~ for more than 24 hours.

~~(f)~~ (g) Except as authorized by the department, vehicles or other property shall not be left unattended upon department lands or waters ~~in excess of~~ for more than 24 hours.

~~(g)~~ (h) Except as authorized by the department, any property unoccupied or unattended ~~in excess of~~ for more than 48 hours ~~or~~ and any property abandoned upon department lands or waters shall be subject to removal by the department and may be reclaimed by the owner upon contacting the department. (Authorized by and implementing K.S.A. 1991-Supp. 32-807;

implementing ~~K.S.A. 1991 Supp. 32-807, 32-1015~~; effective March 19, 1990; amended Feb. 10, 1992; amended Oct. 12, 1992; amended P-_____.)

ECONOMIC IMPACT STATEMENT

K.A.R. 115-8-9. Camping.

DESCRIPTION: This administrative regulation establishes certain restrictions on camping on department owned and managed lands. The proposed amendment to the regulation would allow long-term camping in state parks subject to space available.

FEDERAL MANDATE: None.

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

ALTERNATIVES CONSIDERED: None.

115-8-10. Pets; provisions and restrictions. (a) Pets shall be allowed but shall not be permitted to enter into any of the following:

(1) Areas that are posted as swimming beaches or swimming areas that are delineated by buoys or other markers;

(2) public buildings; or

(3) public structures.

(b) Pets shall be controlled at all times by using any of the following ~~methods~~:

(1) Hand-held lead not more than 10 feet in length;

(2) tethered chain or leash not more than 10 feet in length ~~provided~~. The pet ~~is~~ shall be under the direct observation of and control by the owner; or

(3) confined to a cage, pen, vehicle, trailer, or privately owned cabin.

(c) The requirements of subsection (b) shall not apply to dogs while being used during and as a part of any of the following acts or activities:

(1) Hunting during open hunting seasons on lands or waters open for hunting;

(2) authorized field trial events;

(3) ~~non-commercial~~ noncommercial training of hunting dogs subject to any provisions or restrictions as established by posted notice;

(4) special events or activities as authorized by the department; or

(5) providing assistance to the visually or hearing impaired.

(d) Dogs used to assist the visually or hearing impaired shall not be restricted by the requirements of subsection (a). (Authorized by and implementing L. 1989, Ch. 118, Sec. 9 ~~K.S.A. 32-807; implementing L. 1989, Ch. 118, Sec. 9 and 126~~; effective Dec. 4, 1989; amended

P-_____.)

ECONOMIC IMPACT STATEMENT

K.A.R. 115-8-9. Camping.

DESCRIPTION: This administrative regulation establishes certain restrictions on camping on department owned and managed lands. The proposed amendment to the regulation would allow long-term camping in state parks subject to space available.

FEDERAL MANDATE: None.

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

ALTERNATIVES CONSIDERED: None.

K.A.R. 115-8-10.
Pets; provisions and restrictions.
POSSIBLE AMENDMENT

As a result of internal Department review of the proposed regulation as well as public comment, the Department suggests that the following amendment be made to the version of the regulation submitted for public comment.

K.A.R. 115-8-10. Pets; provisions and restrictions.

1. Amend proposed subsection (c)(5) as follows:

(c)(5) providing assistance to the visually, mobility, or hearing impaired.

2. Amend proposed subsection (d) as follows:

(d) Dogs used to assist the visually, mobility, or hearing impaired shall not be restricted by the requirements of subsection (a).

115-20-2. Certain wildlife; legal equipment, taking methods, possession, and license

requirement. (a) Subject to federal and state laws ~~and rules~~ and regulations, wildlife listed ~~below~~ in subsection (b) may be taken for personal use on a noncommercial basis.

(b) For purposes of this regulation, wildlife shall include the following, excluding any species listed in K.A.R. 115-15-1 or K.A.R. 115-15-2:

- (1) Amphibians; ~~2~~ except bullfrogs;
- (2) armadillo;
- (3) commensal and other rodents, excluding game and furbearing animals;
- (4) feral pigeon;
- (5) gopher;
- (6) ground squirrel;
- (7) invertebrates;
- (8) kangaroo rat;
- (9) mole;
- (10) porcupine;
- (11) prairie dog;
- (12) reptiles, except common snapping turtles and soft-shelled turtles;
- (13) woodchuck; and
- (14) wood rat.

(c) Wildlife listed ~~above~~ in subsection (b) shall be taken only with any of the following legal equipment or methods:

- (1) Bow and arrow;
- (2) crossbow;
- (3) deadfall;
- (4) dogs;

- (5) falconry;
 - (6) firearms, except fully automatic firearms;
 - (7) glue board;
 - (8) hand;
 - (9) net or seine;
 - (10) optical scopes or sights that project no visible light toward the target and do not electronically amplify visible or infrared light;
 - (11) pellet and BB gun;
 - (12) poison, poisonous gas, or smoke, if the toxicant is registered and labeled for that use and if all permit requirements for use of the poison, poisonous gas, or smoke have been met;
 - (13) projectiles hand-thrown or propelled by a slingshot;
 - (14) snare or noose; or
 - (15) trap.
- (d) The open season for the taking of wildlife listed ~~above~~ in subsection (b) shall be year-round.
- (e) There shall be no maximum daily bag or possession limit for wildlife listed ~~above~~ in subsection (b), except that no more than five of any one species of amphibian, reptile, or mussel may be possessed and no more than five live specimens of mussels may be possessed. Two opposing shells shall constitute one mussel.
- (f) Legally taken wildlife listed ~~above~~ in subsection (b) may be possessed without limit in time.
- (g) A hunting license shall not be required to take invertebrates.
- (h) A hunting license shall not be required of residents to take gophers, moles, and prairie dogs. (Authorized by K.S.A. 32-807; implementing K.S.A. 32-807, K.S.A. 32-919, as

amended by 2008 SB 474, Sec. 1, K.S.A. 2007 Supp. 32-1002, and K.S.A. 2007 Supp. 32-1003;
effective Sept. 10, 1990; amended Nov. 30, 1998; amended July 13, 2001; amended Nov. 22,
2002; amended Feb. 18, 2005; amended P-_____.)

ECONOMIC IMPACT STATEMENT

K.A.R. 115-20-2. Certain wildlife; legal equipment; taking methods, possession and license requirement.

DESCRIPTION: This permanent regulation establishes guidelines for the legal equipment, taking methods and possessions and license requirements for certain wildlife. The proposed amendment would clarify the necessity of a license for hunting prairie dogs, gophers and moles by residents as a result of legislation passed by the 2008 Legislature.

FEDERAL MANDATE: None.

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

ALTERNATIVES CONSIDERED: None.