

**KANSAS DEPARTMENT OF WILDLIFE AND PARKS
COMMISSION MEETING MINUTES FOR**

Thursday, January 22, 2004

Kansas State Historical Society, Topeka, Kansas

Subject to
Commission
Approval

Menninger Memorial Park Tour at 10:00 a.m. Lunch at Kansas State Historical Society, sponsored by Audubon of Kansas; Ducks Unlimited; Kansas Bowhunters Association; Kansas Guides and Outfitters; Kansas Recreation and Parks Association; Kansas Sporthunting Association; Kansas Walleye Association; Kansas Wildlife Federation; National Wild Turkey Federation; Pheasants Forever; Quail Unlimited; and Rocky Mountain Elk Foundation at 11:30 am.

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

The January 22, 2004 meeting of the Kansas Department of Wildlife and Parks Commission was called to order by Chairman John Dykes at 1:32 p.m. at the Kansas State Historical Society, Topeka. Chairman Dykes and Commissioners John Fields, Lori Hall, James Harrington, Kelly Johnston, Doug Sebelius and Shari Wilson were present.

Chairman Dykes introduced Governor Kathleen Sebelius and she gave a welcome speech. She said it was nice to pay her respects in person and thanked the Commission and staff for the important work they do in natural resources. Gov. Sebelius expressed gratitude to Secretary Mike Hayden, and mentioned working with him in 1986 when she became a Legislator and Secretary Hayden became Governor. She was pleased that he came back and agreed to become Secretary of KDWP. Through working with Secretary Hayden the past year she has learned about the great assets we have and the chance to preserve them. Gov. Sebelius mentioned Westar Energy President Jim Haines and his work to get the Prairie Preserve deeded back to the Kansas Park Service from the National Park Trust. She also talked about getting land on the former Menninger campus, adjacent to Cedar Crest, donated to the state to be developed into a park with trails and river access. In closing, Gov. Sebelius thanked Commission again and pledged her support in promoting hunting and fishing in Kansas.

Secretary Hayden asked Westar President Jim Haines to say a few words. Haines focused the company's Green Team, an employee organization committed to Kansas natural resources and outdoor recreation. He recognized Brad Loveless, the leader and the inspiration for the Green Team. Secretary Hayden stated that Westar owns Jeffrey Energy Center and Wolf Creek, which both offer public opportunities for outdoor recreation. He mentioned he may have made the first legal cast at Wolf Creek and was there when they opened the hunting season. Secretary Hayden said that KDWP is indebted to Westar for this program, which is exactly the kind of public/private cooperation needed.

II. INTRODUCTION OF COMMISSIONERS AND GUESTS

The Commissioners and Department staff introduced themselves (Attendance roster - Exhibit A).

Secretary Hayden recognized the luncheon sponsors and asked them to stand and be recognized: Audubon of Kansas; Ducks Unlimited; Kansas Bowhunters Association; Kansas Guides and Outfitters; Kansas Recreation and Parks Association; Kansas Sporthunting Association; Kansas Walleye Association; Kansas Wildlife Federation; National Wild Turkey Federation; Pheasants Forever; Quail Unlimited; and Rocky Mountain Elk Foundation.

Boating Education Program coordinator Cheri Swayne gave a brief talk about Jeffrey Energy Center, thanked sponsors for lunch and passed copies of the new boating guides to the Commissioners. Swayne presented the Division 31 award to Travis Whitt, the Coast Guard Auxiliary's outgoing Division Captain; and Jim Koch, the incoming Division Captain. The Coast Guard Auxiliary Division 31 provided volunteers to work on the Zebra Mussel Task Force and for teaching boater safety classes, radio communications, environmental inspections, safety patrols, search and rescue assistance, and aids in navigation inspections, vessel safety checks and marine dealer visits. There are 95 members (divided into 4 flotillas) in the Kansas Coast Guard Auxiliary and they are the volunteer arm of the Coast Guard, and part of Homeland Security. The Auxiliary served 121,400 constituents with 72 public programs; provided 490 hours of safety patrols; 146 boater assists; and 171 hours of boater education class hours. Division 31 members are Pam Chaffee, Shirley Higgins, Patti Martin, Travis Whitt, Jenny Whitt, Mike Snively, and Carol Lee Prossler.

Swayne also presented an award to Pam Chaffee for her work organizing the Zebra Mussel Task Force at El Dorado Lake. On August 25, 2003, five days before a major holiday, zebra mussels were discovered in El Dorado Lake. The Auxiliary members provided education to boaters at El Dorado Lake over Labor Day weekend. In four days, Chaffee rounded up volunteers to walk the boat ramps at El Dorado and talk to boaters. She also ensured they had accommodations for the weekend. (Exhibit B)

Chairman Dykes invited Brandon Houck to make a presentation on behalf of the National Wild Turkey Federation. Brandon introduced other NWTF representatives and stated that they appreciate the partnership with KDWP. He mentioned there were 30 NWTF chapters across Kansas. On behalf of NWTF, Houck presented a check for \$38,500 to the department for various conservation projects.

III. ADDITIONS AND DELETIONS TO AGENDA ITEMS

Discuss KAR 115-4-13 during tonight's meeting.

IV. APPROVAL OF THE OCTOBER 23, 2003 MEETING MINUTES

Commissioner Harrington pointed out a couple of typographical errors. On page one, change June date in heading to August 21, 2003. Also, second to last page, change Commissioner Hall second to Commissioner Johnston. Commissioner Johnston moved and Commissioner Harrington seconded to approve the revised minutes from the October 23, 2003 Commission meeting. All Commissioners were in favor (Exhibit C).

V. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

Doug Phelps, Manhattan, asked the Commission to consider requiring hunters to wear hunter orange on public land during upland bird season.

Richard Reidel, Tonganoxie, invited Commission to come back to Tonganoxie and offered BBQ supper.

Kyle Michael, expressed his concern that Deer Management Unit 19 is the only unit where bordering units can come in to hunt. He said there were no vehicle accidents with deer in his area. Encouraged Commission to continue quality deer management and didn't understand why January deer season was still in place or why Unit 19 has an additional October season. He felt too many deer were being killed. He also commented on the proposed new Hunter Education law that wouldn't allow youth to take HE until they were 12. He felt the minimum age should be dropped to 9 to give the kids a window of opportunity.

Chairman Dykes welcomed Representative Terre Huntington.

VI. DEPARTMENT REPORT

A. Secretary's Remarks

1. 2004 Legislation - Chris Tymeson, Agency Attorney presented this issue to the Commission (Exhibit D). Issues submitted include: 1) Ag Bill: not expected to go very far. 2) Law Enforcement Bill: Kansas would join 20 other states in the Wildlife Violators Compact to share criminal history information on repeat offenders to deny hunting privileges; ensure police dog protection for the department's canine officers; update the value of illegally taken fish and freshwater mussels to conform with the American Fisheries Society guidelines; and update vessel statutes to conform with changes in federal laws and regulations. 3) Administration of Wildlife Permits Bill: remove the wild turkey from big game designation which would allow the department to independently manage this species; authorize Wildlife and Parks Commissioners' Permits, which are special limited permits donated to nonprofit conservation organizations that could auction the permits to raise money; allow the direct issuance of big game permits to military personnel who forfeit limited draw permits during a time of war. 4) Hunter Education Bill: establish an alternate hunter education "crash" course good for one year, aimed primarily at nonresidents; and establish a 12-year-old minimum age for hunter education (all hunters under 12 would not need hunter education, but may only hunt under the direct supervision of a licensed adult). 5) State Parks Bill: establish the Menninger Memorial State Park, pending donation or acquisition of the property. In addition, the department intends to support two additional bills, if amended, that were introduced during the 2003 Legislative Session: Senate Bill (SB) 81: which would require all hunters, furharvesters, and anglers to purchase an annual conservation stamp, with proceeds used to purchase and improve public land; and House Bill (HB) 2027: which identifies the prairie dog as a species that needs both protection and control, while also allowing landowners to effectively manage them. Commissioner Johnston asked if the department had interest in any other bills. Tymeson responded that it is still early in session. Chairman Dykes asked about legislation on the Circle K ranch. Secretary Hayden said that legislation involved is

an appropriations bill and changing the current bonding authority for the state of Kansas, which is restricted to Water Office and surface water only. This bill would extend to ground water. In addition, it expands the bonding authority to a number of other agencies for water-related projects. The Legislature would have to approve any bill for appropriations. Those are the two pieces of legislation that will effect the purchase of the Circle K. Commissioner Wilson asked for the bill number on Menninger State Park project. Tymeson said that no number had been assigned yet.

2. FY2004 and 2005 Budget - Dick Koerth, Assistant Secretary of Administration, presented this report to the Commission (Exhibit E). The budget recommendations in the FY 2005 Governor's Budget Report (GBR) will provide funding for several new major initiatives, (does not reduce the number of full-time employees authorized for the Department) and continue operations of existing facilities. For FY 2004, the GBR provides \$53,447,332 for expenditures, of which \$3,168,729 is from the State General Fund. There are no adjustments in expenditures or financing to the operating expenditures. The Governor's recommendations provide for development of the Cheyenne Bottoms Wildlife Area Education and Visitor Center -- \$1,999,264 in federal funds to match with other funds to develop a \$3.5 million center; \$1.5 million "loaned" from the U.S. Corps of Engineers (USACE) to KDWP for mitigation of the Tuttle Creek State Park River Pond Campground, which will be impacted by a project to renovate the dam at Tuttle Creek Reservoir (as discussed with the Commission at the October meeting). The FY 2005 GBR provides for total expenditures of \$43,208,183, \$2,732,319 of which is from the State General Fund. The Governor has recommended that the Department phase out financing from the State General Fund over a period of years to become a totally fee funded agency. For FY 2005, the SGF appropriation was reduced by \$500,000 and expenditures from the Park Fee Fund increased by a like amount. All of the SGF received by the Department is used to finance direct and indirect cost associated with the state parks. The gradual phase-out of SGF will require increased expenditures from the Park Fee Fund and an increase in revenue to that fund. Department operating expenditures were also reduced by \$548,787 to reflect projected savings from BEST recommendations regarding IT and purchasing. These reductions were taken from numerous special revenue funds and further review will be required to determine possible diversion issues. And provide for implementation of the revised pay structure for certain KDWP employees requested by the Department plus a three percent cost of living increase for all employees. KDWP has created an internal Revenue Task Force to review potential revenue sources, increase utilization of existing facilities, and establishment of fees for nontraditional users. The task force is scheduled to complete its mission by August 1, 2004. The Governor's recommendations for FY 2005 include several major initiatives: an amount of \$440,491 from the State Water Plan Fund for the first payment on bonds used to acquire the 7,000 acre Circle K ranch in Edwards County (KDWP anticipates reimbursements from the Federal Government will finance a large portion of the acquisition cost); and \$100,000 from the Park Fee Fund to begin design on the development of the Menninger Memorial State Park (the park will be approximately 80 acres in size and will be on donated property adjacent to the Kansas River and will be a day-use-only facility and will include access to the Kansas River and will be a free park). The 2004 Session of the Kansas Legislature has just begun and the Governor's recommendations will be subject to review by the Legislature. Chairman Dykes asked about the amount to be received from the State General Fund. Koerth said \$3.2 million. There is not money in the Park Fee Fund at this time to replace the SGF. Commissioner Johnston asked how

many years were given to phase out the SGF. Koerth stated that no number was given. Secretary Hayden said that half million dollars was cut this year, and if that it prorated it would be about five years before the department loses all of SGF support. Commissioner Sebelius asked if he was putting this report forward from the Governor's budget. Koerth said yes. Chairman Dykes about surplus carry-over each year. Secretary Hayden said that it shouldn't be called surplus, but there is a balance to cover the bills. A half million dollars is okay, but less than that is critical. There must be a balance to make payroll and pay the bills. Commissioner Hall asked if the department could use any federal funds. Secretary Hayden stated he would let Koerth speak about that, but since diversion the department errors on the side of caution. Koerth stated some wildlife fee fund is being used in the 2004 budget and we will see how that goes.

B. General Discussion

1. Wildscape Projects in the Burns Area - Hank Booth, Wildscape, presented this report to Commission. Commended Megan Kreir, Wildscape employee, for her work with OK kids. He thanked OK Kids partners. Meade State Park, was awarded first place and won a \$1,000 award. Second place was El Dorado State Park, and third place was Tuttle Creek State Park, each received \$250. Over half of the events occurred on the free park entrance days, but the rest were spread out throughout the year. A Memorandum of Understanding (MOU) has been worked out on the Kansas State Park cabin proposal, using money from the Tuttle Creek Country Stampede as collateral. The project will start with four cabins at Tuttle Creek, and some at Cross Timbers and Fall River State Parks.

Jerry Hover stated that staff have tried for four years to get private enterprises to put in family lodging and have not had anyone apply for the grants available. (Powerpoint presentation - Exhibit F). Showed pictures of cabins at El Dorado and possible cabin sites at Tuttle Creek, Clinton, Cross Timbers, Fall River, Perry, Milford, Kanopolis and Wilson State Parks. Cabins already exist at Cedar Bluff, Lovewell, Webster, Cheney, El Dorado and Eisenhower State Parks. Booth talked about projects at Milford Wetland, Cheyenne Bottoms, and a smaller project involving the Melvern pond. There is discussion to purchase blinds for a handicapped turkey hunt. Wildscape recently received a memorial to use on handicapped projects. Commissioner Wilson asked about which the cabins would be built first. Booth stated that it was up to KDWP.

2. Tuttle Creek/COE Campground Project - Todd Lovin, Tuttle Creek State Park Manager, presented this report to the Commission (Exhibit G; powerpoint presentation - Exhibit H). As part of their nationwide Dam Safety Assurance Program, the United States Army Corps of Engineers (USACE) has determined that a significant risk of dam failure exists at Tuttle Creek should an earthquake of 5.7 or greater occur on the Humboldt Fault near Wamego. The dam at Tuttle Creek sits on a sand base which could liquefy during an earthquake and cause the dam to fail. The following mitigation precautions are being implemented: 1) install monitoring devices and a voice instructional warning and siren system downstream; 2) install a Jersey barrier system on top of the dam to decrease potential for wave overtopping the dam; and 3) drill several thousand three-foot-diameter holes through the sand layer below and in front of the dam to a rock layer (an estimated 80-120 feet deep). These holes will be injected with a cement mixture in order to strengthen the sand layer below the dam. In order to drill in front of the dam, a portion of the dam back slope will be removed and used to construct a drilling platform in front of the dam and later returned. This process could take more than ten years to accomplish with an

estimated cost of \$210 million, and the operation would take from dawn to dusk six days per week. Currently, some small diameter tests holes are being drilled on the front portion of the dam. KDWP's River Pond Campground of Tuttle Creek State Park will be impacted the most. After a series of meetings and negotiations, a Memorandum of Agreement was signed with the USACE in September of 2003 with the following projects being approved and funded by the USACE (Up to \$1.5 million) in order to mitigate some of the negative impacts construction will have on KDWP-managed interests. The Department facilities will be connected to an acceptable outside potable water source. An accessible fishing pond will be constructed in a portion of the River Pond that can be stocked to replace loss of the seep stream trout fishery. Twenty sites in the River Pond Area (Row C) will be renovated and updated due to loss of sites, an additional 50 sites and a shower house will be built. In the fall of 2003, the USACE purchased and delivered road rock, railroad timbers, recycled plastic picnic tables, lantern holders and fire rings/grills to help construct and renovate these 70 campsites. An engineering consulting firm (Schwab-Eaton) is currently doing the design work required for these projects. Two small connector roads have been constructed at the base of the dam due to the eventual need to reroute traffic away from the existing dam road. A new prototype gatehouse is being developed and will be operational by June 1, 2004. Mitigation is progressing to develop the new campground area. Also working on potable water provider. Several potential options are being considered. Commissioner Fields asked about the number of holes that need to be drilled. Lovin said there could be about 20,000 holes.

3. Zebra Mussel Control Management at El Dorado - Tom Mosher, fisheries research biologist, presented this report to the Commission (Exhibit I; powerpoint presentation - Exhibit J). El Dorado Lake was lowered 3.5 feet below conservation pool by the U.S. Army Corps of Engineers during December and January. The lake will be held at this level until the end of January and then allowed to refill. The purpose of this drawdown is to kill zebra mussels in the dewatered area of the shoreline and determine the extent of the population. Surveys of the area have revealed many dead zebra mussels. It appears they have grown substantially in size and population since first discovery in August. Within the most heavily infected area of the lower lake, densities ranged as high as 200 per square meter compared to 55 in late August. In August most mussels were less than 10 mm long. Veligers were found through out lake and in spillway in September and in 17 feet of water in October. Size and growth lines on shells indicate some of these have been present since 2001. On December 23, 2003, 155 zebra mussels per square meter were found in the southeast corner of the lake. Those were about 10-15 mm long, but some appear to be as old as three years and as big as 25 mm (1 inch). Signs at El Dorado warns lake users about the presence of zebra mussels, and signs at all other areas warn lake users to be on the watch for zebra mussels. The department is attempting to prevent the spread of zebra mussels through public information and education. A statewide invasive species plan is being developed and are a statewide coordinator for aquatic, terrestrial and plant species control may be hired. It is a proactive approach and once the Governor has signed the plan a \$60,000 grant will be sought from the Invasive Species Task Force to fund the coordinator and program. The position would have to be unclassified at this time. The department is looking for matching money and Westar has provided \$15,000 so far. KDWP will be working with any city or state entity that has a concern with this. The Coast Guard Auxiliary has done a lot of work on this and trained their people on how to detect zebra mussels. It will take lots of volunteers to prevent the spread. An extensive outreach program in Minnesota has controlled zebra mussel spread in that state so far.

Boaters are aware of the problem and are taking an active roll. There also is a law that prohibits water in holding tanks on boats. First offense is a warning, second a \$100 fine and third \$1,000 fine. Commissioner Johnston why Kansas hasn't implemented laws to regulate this. Mosher laws have been discussed, but not implemented. Commissioner Johnston stated that the effort should be encouraged because it is disturbing that the zebra mussels have been in El Dorado for three years. He encouraged staff to be more proactive. Mosher stated that for the last two years literature on zebra mussels has been included with fishing and boating information and it was because of these brochures that they were discovered. Staff had been looking for zebra mussels, but mainly around boat ramps and not under rocks. Commissioner Sebelius asked if there was information at state parks. Mosher stated that there were brochures at all state parks and offices and that boating education coordinator Cheri Swayne sent the same information out to all boat owners. Commissioner Hall asked how long the mussels were in the Veliger stage. Mosher stated two to three weeks. Commissioner Hall asked if information was distributed at boat shows. Mosher said it was. He added that these efforts started in 1996 or 1997. Chairman Dykes asked if the City of El Dorado drew all of their water from the lake. Mosher said they did, but they have a five-inch pipe and were not concerned at this time. Chairman Dykes asked how long Oklahoma had had zebra mussel problem. Mosher said for about 10 years, but have not had any serious problems because Oklahoma is on the southern end of the zebra mussel range. They did find mussels north of Tulsa that were also three years old. Chairman Dykes asked if there were cooperative efforts with Oklahoma. Mosher said that Kansas and Oklahoma were part of the 100th Meridian group and the Basin Advisory Group. Staff also work with the Corps of Engineers. Commissioner Hall asked if they could establish in rivers. Mosher said they couldn't survive in fast water because they could not stand the movement of gravel. There have been some found in the Missouri and Mississippi rivers.

4. CWD Updates and Monitoring Efforts - Lloyd Fox, wildlife research biologist, presented this report to the Commission (Exhibit K). So far there have been 2,847 deer and elk collected. Samples for CWD testing have been collected from 2,385 animals a year old or older. Lab reports had been completed on 1,671 animals with 714 still to be shipped to the lab, None had tested positive for the prions of CWD. There is hope to implement new testing techniques that have a turn around of time of 48 hours. To date samples from 4,715 deer and elk have been analyzed.

5. USDA WHIP Technical Service Program - Mike Mitchener, Wildlife Section chief, presented this report to the Commission (powerpoint presentation - Exhibit L). KDWP has a 50 percent matching agreement with NRCS. KDWP provides technical service with 14 District wildlife biologists and six biological technicians, and NRCS pays \$115 per status review, and \$382 for each plan written to KDWP (with a maximum of 336 plans per year which equates to 50 percent of district wildlife biologists annual work time - maximum payment of \$321,026.50). KDWP responsibilities include: conservation planning; contract assistance; inventory and evaluation; soil conservation practice application; customer assistance and general information; inspection and verification of conservation practices; and program support work task reporting (an NRCS process that shows how much work is being done and where). Biologists received a week-long training from NRCS(ArcView training). Historically most of the applications and contracts have been in the eastern half of the state. This year there will be an area allocation with five NRCS areas in the county and they only have to compete within their NRCS area. Region 5 has the

most contracts and money, otherwise its pretty well distributed across the state. As of January 14, 2004 district biologists have four contracts, with approximately \$34,000 worth of work being done so far. There is some legislation in Congress that Assistant Secretary Sexson requested be brought to the Commission's attention: Senate Bill 1840/House Regulation 3482 (Senator Pat Roberts is one of the main supporters of this bill). This bill provides habitat incentives and will provide \$50 million in Commodity Credit Corporation funds annually (2003-07). It encourages owners and operators of privately-held farm and ranch land to voluntarily make their land available for access to the public under programs administered by the States. This program would not have a lot of strings attached to it. This will enable us to strengthen existing programs.

Chairman Dykes stated that because we are ahead of time we will continue with general discussion items.

Secretary Hayden stated that we need to not go over the deer management assistance program issue (#7) until this evening because there were some people who would be expecting it to be on this evening's agenda.

6. Federal Legislation and State Law Jurisdiction pertaining to Exotic Cat Ownership -

Kevin Jones, Law Enforcement Division director, presented this report to the Commission (Exhibit M, powerpoint presentation - Exhibit N). On December 19, 2003 President Bush signed the Captive Wildlife Safety Act into law, an amendment to the Lacey Act Amendments of 1981 to include specific restrictions on the foreign and interstate transportation and commerce of certain wildlife species. Violators of the prohibition on interstate and foreign trade of such animals would be subject to criminal and civil penalties (of Federal law). There are an estimated 10,000 to 15,000 animals under this definition in captivity in the United States. Large cat species to be regulated include lions, tigers, leopards, jaguars, cheetahs, cougars and any of their hybrids. There are 36 cat species worldwide which will not be covered under this law. It is estimated that there are about 5,000 tigers in captivity in the United States. Each state is now responsible for controlling possession, transportation and commerce of what are termed "prohibited species" within its borders. At present, 12 states totally ban possession, and seven states have a partial ban. Today there are more than 1,000 web sites that specialize in the trade of lions, cougars, and leopards to promote them as domestic pets. Kansas law currently empowers the Kansas Department of Wildlife and Parks and the Kansas Animal Health Department to regulate certain aspects of importation, possession and commerce of animals. While the Kansas Animal Health Department controls aspects of health and care, the Department of Wildlife and Parks is charged with the regulation of wildlife importation, possession, and commerce. Current laws allow the possession of these animals within certain conditions, depending upon the intended use or reason for possession. The Animal Welfare Act controls health standards for certain activities such as wildlife exhibits or dealers and provides a permitting avenue exempting these activities. Exemptions include: any person, "licensed and inspected by the Animal and Plant Health Inspection Service with respect to that species;" exhibitors; dealers; any state college, university or agency, state-licensed wildlife rehabilitator, or state-licensed veterinarian; and an accredited wildlife sanctuary that cares for prohibited wildlife species. The law does not apply to simple possession situations. The U.S. Fish and Wildlife Service enforce provisions of Title 50 of the Code of Federal Regulations which address wildlife and fisheries, including transportation, possesses and commerce of these animals. The State of Kansas is not obligated to

change any of the existing laws, but this could affect KSA 32-701; KSA 32-701; KSA 32-1002; 32-1004; 32-1005; KSA 32-956; KAR 115-18-10; KSA 32-951; KAR 115-12-3; KAR 115-20-4; and KAR 115-20-3. In 2004, there are 278 game breeder permittees, four permitted for mountain lion (cougar); one permitted for tiger; and one permitted for lion. There were 148 special wildlife possession permits issued: 104 mountain lion (103 cougar; 1 puma); 26 wolves; and 18 bear. Presently only mountain lions are regulated through permit process. Any violations of commercialization would have to be based on federal law and state game breeder regulations. In some cases counties and communities have banned possession through home rule. There are three options: 1) do nothing; 2) immediately implement a total ban on all animals defined as Prohibited Species (could create some logistical problems like where confiscated animals are kept); or 3) implement greater and more restrictive control over Prohibited Species (put out a deadline to meet compliance before taking further action). This is a volatile issue. Public opinion must be sought and evaluated. Chairman Dykes asked if the sub-cabinet had discussed this. Secretary Hayden said they had not but thought they might in the next couple of meetings. Chairman Dykes asked about the prohibited species list. Jones said that they were not on a state list but a federal list. The Commission could go into 115-20-3 and discuss possession or the importation regulation. The regulations are there. Commissioner Hall asked if the department would be liable if it chose no action and something happened. Jones said that in his opinion that the potential is always there. If it is recognized as being a threat, it would have to be overcome in a court of law. Tymeson disagreed, stating that automobiles are recognized as dangerous but they are banned. Chairman Dykes asked if possession of exotics was increasing. Jones said he didn't know but assumed it was. Commissioner Johnston felt the department had a responsibility to do something. Chairman Dykes agreed and asked about included other exotic such as fallow deer. Commissioner Johnston asked about prohibiting exotics under the definition of the federal law. Jones said that it was possible. In Wyoming everything is prohibited except what is listed as legal. Chairman Dykes asked to have more information on the Wyoming model. Commissioner Hall asked what other states prohibited possession. Jones said that he did not know. Chairman Dykes asked Secretary Hayden to take our comments to the sub-cabinet and begin to formulate some policies that could be discussed in future Commission meetings. Secretary Hayden stated that he would, but we need to decide what we can achieve politically. The further we stray from the federal law the more problems we would have. We don't have jurisdiction over fallow deer and some of those others right now because they are controlled by the agricultural community. We could win the lions and tigers issue and start on those first and then discuss with the Livestock Commissioner the other species. With CWD, Bovine TB and TSB issues, there are some ramifications on animal and human health where we might be able to further restrict trade on some of these species. It is a complex area and we will have to take it species by species, maybe a moratorium or grandfather clause and then a deadline for people to dispose of the animals already in the state (a risk policy or zero tolerance). We will have to work our way through it. Commissioner Sebelius stated that he would not want to see us move into this so radically that we exempt local governments from having control to address their problems at their level. Secretary Hayden stated we could work in that area. Chairman Dykes asked for report in March.

8. Transferable Deer Permits, current system and changes for 2004 - Karen Beard, Licensing Section chief presented this report to the Commission (Exhibit O). Nonresident transferable permits were initiated and implemented for the 2000 deer season. In 2000, there were 7,468

permits available with 1,242 applicants, 918 drawn and 687 transferred compared to 2003, with 3,560 available, 8,824 applicants, 3,308 drawn and 3,022 transferred. As per statute KSA 32-397, up to 50 percent of nonresident deer permits are allotted to resident landowner/tenants and nonresident tenants and applicant must qualify as a resident landowner or a tenant. Only one permit per qualified applicant may be obtained (family members residing with landowner/tenants do not qualify unless they qualify as a landowner or tenant). Applications must be submitted by May 31 during the nonresident application period. A preference point draw system was implemented in 2003. Permits are transferable through season and may be transferred to any resident or nonresident, providing the transferee does not possess another antlered deer permit. A landowner/tenant who obtains a nonresident permit may apply for another permit that allows the taking of an antlered deer, but only if the landowner/tenant lawfully transfers the nonresident permit to another individual before the first day of the appropriate season. Commissioner Johnston asked if there was a fee to transfer the permit. Beard said, no. New in 2004, transferable permits will only be valid for the county(s) the landowner/tenant owns or operates land in (maximum two counties) and will be drawn from the permit quota, set per management unit. Landowner/tenant must own or operate at least 80 acres in the unit they are applying for and the county(s) will be listed on the application. Mike Pearce, Wichita Eagle, asked if counties have to be adjacent. Beard said they didn't, but landowners must own land in both counties. Doug Phelps asked if applicants had to be a Kansas landowner. Tymeson said that Kansas landowners or tenants can apply. The allocation of nonresident firearms permits for 2004 will be between 7 and 14 percent of antlered type permits available to resident hunters for a given management unit and nonresident archery permits will be between 9.5 and 19 percent of statewide archery permits sold to resident hunters. Percentage of permit allocation for future years will increase each year through 2006. Mike Pearce asked if Secretary's Orders would decide how many. Tymeson said that big game research biologist Lloyd Fox will determine that unit by unit. Commissioner Johnston asked about permit numbers. Beard said it was too early to tell. Commissioner Fields asked if percentages are set by statute. Beard said they were.

VII. RECESS AT 5:00 p.m.

VIII. RECONVENE AT 7:00 p.m.

IX. REINTRODUCTION OF COMMISSIONERS AND GUESTS

Chairman Dykes stated that we covered items 6 and 8 in the afternoon session.

X. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

Randy Athertin, Emporia, asked the Commission to consider a family package for turkey hunting permits. Secretary Hayden stated that a revenue task force will be discussing these types of recommendations.

Athertin also asked about an article that appeared in Field and Stream (Exhibit P). Read paragraph. "Where to go - Kansas Pheasants and Bobwhites" statement by Bob Mathews "... put up 12-20 coveys of quail, and each hunter might get eight to 10 makeable shots at rooster pheasants . . .", is not true. He was concerned that this was inaccurate promotion of hunting in Kansas.

XI. DEPARTMENT REPORT

B. General Discussion (continued)

7. Deer Management Assistance Program - Lloyd Fox, big game research biologist, presented this report to the Commission (Exhibit Q). During its 2003 session, the Kansas legislature instructed KDWP to investigate deer management assistance programs and to prepare a report. Submitted report on January 15, 2004. Many states have programs they call Deer Management Assistance Programs, or DMAP, which are designed to provide antlerless permits to private land managers who wish to decrease the size of the deer herd using their property. The programs are frequently used in areas that have unlimited buck-only permit systems, but restrictive permit systems for antlerless deer. All permits and deer game tags issued in Kansas authorize the holder to take an antlerless white-tailed deer; damage control permits can be issued directly to landowners and used outside the dates when a firearm deer hunting season; and the department maintains the Hunter Referral Program that can provide landowners with a list of hunters willing to take antlerless deer. The availability of willing hunters with antlerless permits and deer game tags makes the DMAP system unnecessary in Kansas. Some states have developed landowner deer management systems based on wildlife habitat and management agreements on private property, sometimes referred to as "Ranching for Wildlife." Programs that work in other states may not work in Kansas due to a variety of social, environmental, and/or economic factors. It is suggested that any proposed change be initiated as a pilot project with a sunset date. Because of regional differences, any pilot project should include at least five initial test sites scattered across the state. Scale is also an important element to the value and potential success and properties involved in these types of programs should be large enough to be managed for deer (most of the programs require sizable contiguous acres and minimum acres). In Kansas the management size would vary from east to west with western Kansas needing a larger block of land, due to habitat, deer behavior, and deer densities. These types of programs require substantial involvement from agency personnel. Concerns of resident hunters need to be incorporated into this project in order to maintain public support. Similar programs in other states restrict the number of people who may enter the program or set a maximum extent for the state, county or management unit where program areas are allowed, consistent with controlled shooting areas. This program would be an alternative to the current program that allows Kansas landowners to obtain nonresident deer permits and resell them. The advantage of this program is that the transferable permits would be guaranteed and there would be a multi-year contract for the landowner. Landowners, tenants and their families should not be eligible to apply for nonresident permits in drawings. An evaluation of the pilot project must be completed before the program is expanded to all potential cooperators and should include social, environmental, and economic factors. It is suggested that expertise from organizations such as the Wildlife Management Institute be used to obtain a professional assessment of the pilot project. Mike Pearce asked if this was what would be presented to the Legislature. Secretary Hayden stated that the report had already been submitted, but legislation proposing a pilot program in each region, starting in 2005, would be introduced. Steve Sorensen, Kansas Wildlife Federation, asked if the number of permits would come out of the total number of permits. Secretary Hayden said that in all likelihood they would be in addition to, but would make landowners ineligible for transferables.

C. Workshop Session

1. KAR 115-18-1. Wildlife rehabilitation permit; application, reporting and general provisions - Kevin Jones, Law Enforcement Division Director, presented this report to the Commission (Exhibits R, S). The Secretary is directed by KSA 32-953 to establish an application and permitting system, and to establish standards of operation for anyone wishing to provide wildlife rehabilitation services in the state. In 2002, a working group was assigned to review current law, rules and regulations and propose changes to the current regulation. The working group consisted of Commissioner Hall, current rehabilitation permittees, and department employees with consultation from the College of Veterinary Science at Kansas State University. Through the working group's review process, a number of changes were proposed: 1) increasing the qualification standards for applicants; 2) requiring permittees to obtain periodic update training; 3) clarifying responsibilities of permittees; and 4) addressing facility inspections and reporting. On December 30, 2003 the Department was notified by the Permitting Office of the U.S. Fish and Wildlife Service in Denver, that changes had been made to the Federal Regulations concerning rehabilitation activities. A complete review of these changes is in progress, and it is expected that modifications to the work draft of 115-18-1 will be made to comply with the new federal regulation. Comments have also been received and are being reviewed and evaluated for possible inclusion. We would review this again in March with final Commission action expected to be taken during the April 2004 meeting, if possible. Commissioner Hall asked how reasonable experience was defined. Jones said that the definition was at issue. The federal regulations talk about apprenticeships, etc. Also, there are subpermittee questions. Commissioner Hall recommended that the reference to care of animals, be changed to care of wildlife. Jones agreed. Commissioner Hall asked who would be exempt from having to have a permit. Jones said that had to do with state agency personnel. And there was better clarification on veterinarians. Chairman Dykes asked if wildlife professional needed some definition. Jones said that it also needed some work -- it would mean a wildlife biologist or someone who works in the wildlife profession.

2. KAR 115-25-5. Turkey; fall season, bag limit and permits - Roger Applegate, wildlife research biologist, presented this report to the Commission (Exhibit T). The dates for 2004 will be October 1 through November 30, and December 13-31, with no changes recommended in numbers of permits in each Unit: Unit 1- 400 firearms and unlimited archery only; Unit 2 - Unlimited permits and game tags and each permit holder may purchase up to three game tags; Unit 3 - Unlimited permits; and Unit 4 - Closed. Permits purchased in Units 2 and 3 may be used in either unit. Population surveys indicate that turkey populations in much of the state continue to grow with the highest abundance in Unit 2. Estimated total harvest in 2002 is included in the report. Due to expansion and growth of turkey habitat the turkey numbers are growing. Last year flushing dogs were allowed and fall hunting opportunities have been expanded. Chairman Dykes asked how many people used flushing dogs. Applegate said there was a few. Unidentified public asked if the legislation that would remove turkey from the big game would change the fees or permits. Tymeson stated that it would split the turkey out of big game into its own statute for clarification.

3. KAR 115-25-7. Antelope; open season, bag limit and permits. - Matt Peek, furbearer research biologist, presented this report to the Commission (Exhibit U). Successful applicants are determined through a preference point system. Since 1995, there have been about 1,000 applications annually (mostly general residents) for firearms and/or muzzleloader permits - this

is deceiving because it is split 50/50 between landowner/tenants and the general draw. In 2003, 130 total firearms and muzzleloader permits were available. Approximately 6 preference points were required for a general resident to draw a firearms permit, or 2-4 points for a muzzleloader permit. Landowners drew firearms and muzzleloader permits with 0-2 points. The department has been asked to consider the feasibility of establishing a youth pronghorn permits. Under the current permitting system, by the time a general resident youth can gain enough preference points to draw a firearms permit, that individual will be older than 16 and while only 2-4 preference points are needed to draw a muzzleloader permit for a general resident, general resident youth have not drawn any of them either. In the past five seasons, landowner/tenant youth have received 15 limited draw permits. In 2002, 5 of 11 landowner/tenant youth who applied successfully drew limited permits, and all 6 of those who did not draw had no preference points. There are several options to increase the likelihood of youth drawing permits: 1) Ten firearms permits and two or four muzzleloader permits could be allocated, with half going to landowner/tenants and half to general residents with the highest preference points. This would be about 10 percent of all permits allocated under the current system. 2) Some number of permits could be allocated to youth as indicated above, but without regard for weapon choice. (Changes recommended in 1 and 2 cannot be implemented into our current computer draw system, and would require manual drawing of youth permits.) 3) Applications could be accepted before the applicant reached 12 years of age to allow preference points to begin building. This would allow for the possibility of hunting at a younger age. 4) Change nothing. Under the current system, only a small number of youth are applying. Of 936 unsuccessful applicants for the 2002 season, only 33 were youth, and only 27 were general residents. Of over 1,300 individuals with preference points in the past five years, only 40 were youth. The department recommends no changes for the unit boundaries, or bag limits. Chairman Dykes asked if there was a recommendation for a youth season. Peek said there wasn't, but it would be left up to the Commission. Mike Pearce asked about the minimum age changes that would come from hunter education legislation. Tymeson said a youth season would be a moot point if that bill passes because there would be no minimum age on applicants.

4. KAR 115-25-8. Elk; open season, bag limit and permits. - Matt Peek, furbearer research biologist, presented this report to the Commission (Exhibit V). Elk hunting on and around Fort Riley was initiated in 1990. Permits are divided between military and general resident applicants. A general resident had about a 1.5 percent chance of drawing any permit or a 0.5 percent chance of drawing a bull permit. During the past three seasons, 8-10 any-elk permits and 24 antlerless elk permits have been allocated annually. The department has been asked to consider the feasibility of establishing youth elk permits. Dating back to 1999, only three percent of limited draw general resident permit holders (5 of 166) have been youth age 16 years or less (about 41 of the 1,300 applications last season). Unsuccessful applicants are not currently entered into a database. Permit applications are currently separated into military and nonmilitary applicants, and a sample of 100 are drawn from each group. Permits are then randomly awarded to members of that pooled group. To increase the likelihood of youth drawing a permit without effecting the likelihood of military applicants being drawn, a portion of the 100 general resident applicants could be reserved for youth. If we established that 10 youth applicants would be included - approximately five percent of all permits would be allocated to youth, even if you doubled it to 20 you are still talking about three or four permits. Very few people would benefit. The main drawback of this idea is that drawing an elk permit for a general resident is already

difficult. Even though we may only be discussing a few permits that is a fairly significant percentage of those available. Youth currently have equal opportunity to draw a permit. No permit recommendations at this time. A map of the proposed units is in the briefing book, as well as the proposed season dates. Dennis Carnine stated that if money had to be included with the application along with a nonrefundable fee, less people would apply and chances would go up considerably. Peek did think the department wanted to weed people out based on their financial ability. Dennis Carnine - We used to charge application fees for deer. Karen Beard said the current system is very labor free. Ron Klataske questioned whether there was a need to allocate 10 percent for youth, but wondered about a percentage for those 59 years old or older. Steve Sorensen asked if permit holders would be reimbursed if the Fort was closed. Tymeson stated that a refund was offered when the Fort was closed in 2002. Peek said that only five took a refund. Sorensen asked if the department was concerned with antler droppage (with a long antlerless season on private land). Peek said it was a concern since the season on the Fort isn't near that long and in recent years nearly all of the elk are killed on the Fort. Ed Augustine asked if the department was aware that Fort Riley is fenced now. Peek said he was but that elk have gone over some of the fences and there are some underpasses that they can still get under so they are not totally fenced in. Chairman Dykes said thought the youth question is moot.

5. 2003 Deer Legislation to be applied to 2004 Season. - Chris Tymeson, agency attorney, presented this report to the Commission (Exhibit W). House Bill 2078 started as a Department legislative initiative as a result of the 2002 Deer Management Working Group. The legislation 1) Increased caps on nonresident firearms and archery permits scaling up over a five-year period concluding with a cap of 20 percent for firearms and 25 percent for archery in 2007. 2) Nonresident transferable permits shall be limited to a designated county and one additional county where the landowner's or tenant's lands are located. Permits will still be drawn within the unit allocations but will only be valid in the designated counties. 3) The sunset clause for nonresident transferable permits was extended through June 30, 2007 which coincides with the scaling of the caps. 4) Big game tags were split to allow a differential pricing system for residents and nonresidents. Regulatory action was taken in October on this issue and went into effect. 5) The value of deer, when considering charges for illegal commercialization, was increased from \$200 to \$400. 6) The department was directed to present a report with recommendations for the establishment of a landowner deer management program. The report due date is January 15, 2004. 7) KSA 32-1047 was amended to direct the department to sell seized antlers unless an exception for keeping them applies. The department has already held a sale on surplus antlers in conjunction with the buffalo auction in November (Kevin Jones said about 140 or 160 sets were sold). 8) The department was directed to identify local geographic areas where deer populations are causing significant property damage and take regulatory action for the purpose of reducing damage to private property. Two examples are the special seasons for Unit 19 and the Special Southeast Kansas Deer Management Unit. Steve Sorensen asked for clarification on number two -- the landowner has to have land in both of the counties. Tymeson said that was correct.

6. KAR 115-25-9. Deer; open season, bag limit and permits. - Lloyd Fox, big game research biologist, presented this report to the Commission (Exhibits X, Y). We would like public and Commission feedback on this. Deer population indices, hunter harvest, hunter success, landowner tolerance, and deer harvest age structure are collected on a unit-by-unit basis. Trends

in these values are used in conjunction with a history of permit and hunt type use in each unit to formulate recommendations about seasons and number of permits. Comments from hunters favor a reduction in the intensity of harvest pressure on antlerless deer. The use of game tags and extended hunting seasons may be reduced from last year. Deer related vehicle accidents continue to set the public tolerance level for deer. Areas around urban centers continue to have a high number of accidents that generate comments about overabundance of deer. By addressing deer numbers in these areas there may be more tolerance for deer in the remainder of the state. Numerous comments were made about the new unit (DMU 19). Confusion and frustration developed among some hunters in western Kansas in 2003-2004 as a result of the elimination of the January season in the unit they hunted. Many comments were received. White-tailed deer either sex permits for firearm hunters did not allow them to hunt in another unit during the extended firearms season whereas archery permits and game tags, that were unfilled during the regular seasons, were valid for antlerless white-tailed deer in any unit where the season was open. Chronic wasting disease continues to be a significant management concern, samples were collected during the 2003-2004 season, but difficulties continue to occur in western Kansas where the scarcity of locker plants that handle deer, results in few concentration points where samples may be collected. Other comments concerned whether bowhunters and firearms hunters should be treated similarly in regards to hunting white-tailed deer; and that nonresident archery transferrable permits might be used disproportionately in western Kansas because of the distribution of landowners with preference points in the southwest part of the state. It was suggested that the resident archery permits should be restricted to a DMU thus allowing nonresidents to be allocated in proportion to resident use as it is with the white-tailed either sex firearm permits. Comments have been received about the use of deer game tags on Corps of Engineers (COE) managed lands that are not licensed to KDWP. Some land managers feel that it is confusing for hunters when COE property and KDWP managed areas occur adjacent to each other on a project area. COE managers are split in their preference for their lands to be included or excluded for use of deer game tags. Season date recommendations are: a) September 11, 2004 through September 24, 2004 for a muzzleloader only season. b) September 25 - 26, 2004 for a season for youths and persons with disabilities. c) October 1, 2004 through November 30, 2004, and December 13 - 31, 2004 for archery only seasons. d) December 1 - 12, 2004 for the regular firearms season, and October 16 - 24, 2004 for the early firearm season in DMU 19. e) January 1 - 2, 2005 for an extended firearms antlerless white-tailed deer season. f) January 3 - 31, 2005 for an extended antlerless white-tailed deer archery hunting season in the newly created suburban deer management unit. This season is unpopular with deer hunters, but in time may develop into a more useful season. The extended firearm season has been shortened from 12 days in 2002-2003 season to a proposed two days for the 2004-2005 season and is proposed for only seven of the deer management units - DMU 1, 2, 3, 4, 5, 17, and 18. Bag limits have been designated on the permit or game tag and are consistent across unit boundaries for each class and hunt type. Game tags have been available in all units since 1999. It is proposed that game tags be issued in all units except DMU 1, 2, 17, and 18. Up to four game tags per hunter are proposed for the combined area of seven traditional deer management units - DMU 7, 8, 12, 13, 15, 16, and 19. However, only one of a person's total allocation of four game tags may be used in the combined area of the remaining eight units proposed to be open this year - DMU 3, 4, 5, 6, 9, 10, 11, and 14. Opportunities to harvest antlerless white-tailed deer would continue to be available through the white-tailed deer antlerless only permit. Application deadlines are proposed as follows: a) July 16, 2004 for residents applying for firearm or muzzleloader permits that allow

either species of deer to taken. b) May 31, 2004 for nonresidents applying for deer permits. c) Residents may apply for unlimited and leftover deer permits when the applications are available. Applications will be accepted through December 31, 2004. d) Residents and nonresidents may apply for game tags when the applications are available. Applications will be accepted through December 31, 2004. Comments are sought on the following items: 1) Initiate deer check stations in DMU 1, 2, 3, 17, & 18 because of the high likelihood for CWD. It is expected that 10,000 deer could be taken in DMUs 1, 2, 3, 17 & 18. There were 13,137 in 2001 and 9,758 in 2002. Currently \$1.00 is paid to check station operators for each deer checked. 2) Because of the disproportionate landowner permits being issued in the west, a provision to change archery permits so that the hunter would select one DMU at the time the permit was purchased (same as white-tailed deer either sex firearm permit). 3) Prohibiting deer game tag use on public lands not owned or licensed to KDWP. There were 1,602 resident bowhunters statewide were sampled, with a 47.1 percent success rate, with 82 percent of all animals taken being antlered deer. For comparison, the same survey was completed by 6,398 residents with a white-tailed deer either sex firearms deer hunting permit, restricted to one unit. They had a 46.1 percent success rate, with a 70.1 percent antlered deer harvest. Chairman Dykes asked if a USDA grant would pay for deer check stations. Fox said that it was a one-time grant and may not be available again. Commissioner Johnston asked for the justification for having the early season in Unit 19. Fox said the idea was to stimulate hunting in that area and reduce the hunting in the four adjacent units. It was hoped there might be a higher density of hunting in that corridor where there is a high deer-vehicle accident rate and decrease the harvest in the other four units. It is before the deer rut. Commissioner Johnston asked if the proposal would be the same. Fox said it would. Many hunters live there but do not hunt there. Commissioner Harrington asked what specific activity would take place check stations that would provide us information on CWD. Fox said that the deer head and the hunter's name would be provided to the department. The way the regulation is written they would have to take the deer home and then bring the deer head back to us. It might be possible to see the majority of deer taken out in that part of the state. Chairman Dykes asked how many check stations would be needed. Fox said in southeast Kansas there are five in a small area. Of the 47 deer taken, 20 were called into the Pratt office, not taken to the check station. Commissioner Fields asked if he was referring to Chautauqua and Montgomery counties. Fox said he was. Chairman Dykes asked again how many check stations would be needed in western Kansas. Fox said at least two per county. It can be labor intensive and it is a long-term process. It takes hunters time to understand. Chairman Dykes conferred that at least 50 or 60 check stations would be needed. Fox agreed saying they would be quick shops, etc. Mike Pearce asked what would happen if someone brought in a mule deer with a white-tailed deer permit if the check station did not have a KDWP person there. Fox said that he hoped it would be turned in, but that check stations would not just be law enforcement tools. Kevin Foerschler, Junction City, asked about if archery permits would still have DMUs 1-19 or just the two. Fox said that it was not a recommendation at this time, only a matter for discussion. Foerschler asked about deer game tags on Corps of Engineers land. Fox said that it was also only a discussion item. Foerschler mentioned that on Corps ground his group sponsored a physically challenged hunt and game tags were used on that hunt. Commissioner Fields asked if it only the disabled hunters that are allowed to hunt. Foerschler said that Corps grounds are open to game tags for everyone. Chairman Dykes asked about allowing game tags on all ground. Fox said that would just be a deer management unit. In favor of keeping the restriction of game tags on public hunting areas. Ed Augustine asked how many thousands of acres are considered Corps ground.

Fox said that it wasn't a lot. Augustine said that it could be substantial if that is where you hunt. He suggested cutting down the number of tags instead of reducing the number of places to hunt. It gets confusing. Kent Wartick, bowhunter who has been hunting for 30 years, wanted to discuss the commercialization of wildlife. He didn't like the idea that he was going to get pushed aside. Fox explained the problem for resident bowhunters in the southwest part of the state, where landowners have a high number of preference points. When those transferable permits are reassigned there will be a disproportionate number in southwest Kansas and the general hunters will have less of opportunity. Fox said the problem may arise now because the landowner cannot transfer the permit to be used across the state. Chairman Dykes asked if the problem would be self correcting. Karen Beard, licensing section chief, said guides and outfitters flood the nonresident draw. Ralph Renfro, Chase, said that 77 percent of permit holder who hunt in Unit 11 hunt there because they see deer there. In Unit 18, they hunt multiple areas because they are not seeing the deer there. He recommending splitting the state into two units and let hunters hunt in the adjacent units, like Unit 19. Suggested bowhunters should oppose the idea. Bowhunting has never been considered a deer management tool, and thinks this is about money. Bowhunters need the statewide tag to go wherever the deer are. Fox talks about the deer vehicle accidents -- 85 percent happened east of K14 Highway, Unit 6, west of K14 is Unit 5. There is less habitat in Unit 5. A year ago at the KBA convention Fox told us to adapt and go where the deer are. People are traveling to hunt because the land they have been hunting has been leased up. I served on the Deer Management Committee and the Pass It On Committee. I hope there is something to pass on because the kids will not be able to pay for it. KDWP has done a wonderful job of managing the deer herd, not legislators or landowners. Having the bowhunters pick one unit is like putting them behind the 8 ball. KBA is opposed to forcing bowhunters to hunt one unit. Wartick asked about selling tags, not transferring tags. This bowhunter issue is the first part of this. The landowner has the right to make money off of his land, but why is one sector allowed to benefit from a public resource? Private ownership of the wildlife is not where Kansas wants to go. He asked KDWP attorney Tymeson to defend that. Tymeson explained that he was the department's attorney, and said that Wartick should to contact his legislator because this is done by statute. Kyle Michael agreed that hunters should go to the state house. That is where this happened and that was the least of the evils that was presented to KDWP. Unidentified public - This was brought on because southwest Kansas landowners are selling tags to be used in other parts of the state. Fox reiterated that landowners with preference points that will get nonresident tags and can sell them. Terry Tracy said that transferrable tags should be used on the landowner's land only. He felt deer were still being privatized. Unidentified public who said he was with the Kansas Guides and Outfitters, said the large out-of-state outfitters are flooding the market in Unit 16. Nine hundred archers will be hunting there. Those outfitters don't care if they are in three trees. KDWP needs to manage the unit specific. He asked why landowners and nonresidents could be made unit specific and general residents left statewide. The big out-of-state outfitters will continue to flood the market. He asked for a compromise. Tymeson said if residents hunt statewide, nonresidents must also be allowed, per statute. Paul Beauchamp, lifetime Kansas resident expressed concern about mule deer and asked about an eastern and western division for mule deer management. He felt the problem will fix itself in Unit 16. He said he lived in Unit 15, close to 13 and 14, and the idea of going unit specific for archery would be a disaster on the resident archers. KDWP has done a wonderful job on acquiring walk in hunting and bowhunters wouldn't be able to utilize that. He said his boys are looking forward to hunting. He is blessed to be able to hunt where he lives, but he wants his boys to be able to experience the rest of Kansas.

Also, on the issue of deer management, deer numbers have decreased 75 percent. If there is an issue with (too many deer) in Wichita, we don't need to impact a whole area. Randy Smith, Americus, presented a map to Commissioners (Exhibit Z). Car/deer accident information that he received from Kansas Department of Transportation, 1990 - 2000, 2000, 2001, 2002, and 2003. He asked the department address the urban deer issue and leave the rest of the state alone. Unidentified public asked if archery tags ever issued like firearms. Fox said that for the first 3 or 4 years and they were unit specific. Unidentified public said that in problem areas, like Unit 19, hunters can't get to problem deer inside city limits, and hunting pressure is just hurting the adjacent areas. City limits for Kansas City, Lawrence and Topeka are expanded out so far that they include crop land. Kent Wartick, Butler County, expressed opposition to requiring bowhunters to hunt in a specific unit. It would be a tragedy. Unidentified public said that on behalf of landowners, only small percentage that landowners are allowed to sell transferable permits. It isn't a big number to give up to let the landowner make a buck or two. Most of the comments here seem anti-landowner. Hunters will go down to Cabela's and spend a lot of money, but cry when they have to pay a landowner. Paul Beauchamp said he thought the landowner should be able to utilize their land the way they want. He said he was a landowner but didn't don't feel he should profit off of a natural resource. Unidentified public asked if sticky tags carcass tags could be brought back. Unidentified public asked if item 8 (on the agenda) had been skipped. Chairman Dykes said it was covered during the afternoon session. Unidentified public asked when transferable tags had to be transferred. Licensing Section Chief Beard said they could be transferred through the end of the season. Law Enforcement Division Director Jones said the transfer can occur any time through the season, however, for the landowner to obtain two antlered permits he must transfer it before he obtains the second one. Chairman Dykes asked what was being asked of the Commission. Fox asked them to consider recommendations on season dates and indicate whether the Commission wants staff to go forward on any of the other three items, drop them or bring them back next year. Commissioner Johnston commented that he had a problem with Unit 19 because it could be inundated with deer hunters from other units. Chairman Dykes asked if there were any other issues. *No Comments from Commissioners.* Commissioner Hall commented that she liked check stations. Commissioner Harrington agreed with Commissioner Hall. Commissioner Johnston - Agreed, but said a solution to the problem in Unit 16 was needed. Chairman Dykes said he felt it was a problem, too -- an unforeseen consequence of legislation. But he didn't think it was acceptable to limit bowhunters to a specific unit. Commissioner Johnston said that if the department needed to initiate legislation to fix the problem, then it needed to be done. However, he felt it was too late for this year. Chairman Dykes agreed and asked if Johnston was suggesting that the department pursue legislation. Commissioner Johnston said a solution was necessary. Secretary Hayden said it was too late this year for a legislative solution. But that options and data from the upcoming season could be examined and recommendations could be brought next year. The county issue with transferables was a compromise so the landowner could still profit but the hunting would also have to occur closer to where the landowners live. Mike Pearce asked if the department talked to any of the outfitters to see how this would affect them. Fox said that some resident outfitters had been involved in discussion. Pearce asked if the Commission did not want the agency to pursue the archery issue. Chairman Dykes said that was correct.

7. KAR 115-25-10. Deer; special southeast firearms season, bag limit, game tags, application, and hunter reporting requirements. - Lloyd Fox, big game research biologist, presented this

report to the Commission (Exhibit AA). Three hundred and eight-five game tags were authorized for the special season (southeast Kansas) during January 2004. As of January 8, 2004 only 165 applications have been received. Contracts were established with five check station operators. It is too early to determine the hunter participation and harvest at this time. Spot light surveys were conducted before the regular firearms deer season along three routes of approximately 20 miles each within the special area. Additional data is needed from the activities of hunters currently using the special deer season before we recommend a continuation or modification of the regulation.

8. KAR 115-4-6. Deer; management units. - Lloyd Fox, big game research biologist, presented this report to the Commission (Exhibit BB). No changes are being proposed for this regulation this year. Changes in unit boundaries are disruptive in the short term. It is too early to tell if the changes we made last year need to be reconsidered. Commissioner Johnston commented that (Unit 19) is the only unit where people can hunt in another unit and I thought it was overkill and didn't think the Commission should approve it. Chairman Dykes pointed out that Fox's argument is that if hunters from the adjacent units aren't allowed, no one will hunt in Unit 19. Commissioner Johnston said that the increased hunting pressure was in the wrong places, and didn't think he'd heard valid justification. Unidentified public commented that he agreed, and added that hunters can't hunt the city limits with firearms, only with archery. Commissioner Fields said he would not dispute that Unit 19 deer numbers were down, but they are down every where.

9. KAR 115-4-11. Big game permit applications - preference points. - Lloyd Fox, big game research biologist, presented this report to the Commission (Exhibit CC). Discussion has been generated within the department on procedures that might allow youth hunts for pronghorn and even elk. It has been decided to address this situation within the 25 series regulations so no changes are being proposed for this regulation this year.

D. Public Hearing

None

XII. OLD BUSINESS

XIII. OTHER BUSINESS

Commissioner Wilson has been working with KDWP to examine the opportunity to have a liaison between the department and Commission in Kansas travel tourism industry and she has drafted a position paper and volunteered to be the liaison (Exhibit DD). We will take this up at the March meeting.

A. Future Meeting Locations and Dates

The next meeting is scheduled for March 25, 2004, at the National Guard Armory, 1021 North State Street, Iola. The April meeting is set for April 22, in the Lovewell State Park area. The June meeting is set for June 17, 2004.

XIV. ADJOURNMENT

Commissioner Harrington moved, Commissioner Hall second to adjourn.

The meeting adjourned at 9:55 p.m.

(Exhibits and/or Transcript available upon request)