

AGENDA
KANSAS DEPARTMENT OF WILDLIFE AND PARKS
COMMISSION MEETING AND PUBLIC HEARING
Thursday, October 28, 2004
Atchison Heritage Conference Center, Mercantile Ball Room
710 S. 9th, Atchison

Tour of Missouri River from new boat ramp. Meet at 9:15 for a 9:30 am launch. Off Highway 59, turn left on N. 4th St., cross tracks to Main St., turn right, go two blocks to N. 2nd St, turn left to Commercial St (turns into River Rd), follow river about two blocks, ramp on right, parking on left of street. Return at 11:30 am in time for lunch on your own.

- 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 August 26, 2004 MEETING MINUTES**
- V. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS**
- VI. DEPARTMENT REPORT**
 - A. Secretary's Remarks**
 - 1. 2005 Potential Legislation (Chris Tymeson)**
 - 2. FY 2006 Budget (Dick Koerth)**
 - B. General Discussion**
 - 1. Wildscape Projects in the Atchison Area (Hank Booth)**
 - 2. State Comprehensive Wildlife Plan (Keith Sexson/Laurie Yasui)**
 - 3. Proposed 2005 Recreational Trail Grant Applications (Jerry Hover)**
 - 4. KDWP Private Land Programs (Joe Kramer)**
 - 5. Cooperative Efforts with Department of Commerce (LeAnn Schmitt/Shari Wilson)**
 - 6. Lewis and Clark Commemoration Summary (Jeff Bender)**
 - C. Workshop Session**
 - 1. State Law Action pertaining to Exotic Cat Ownership (Kevin Jones)**
 - 2. Unit Archery Permitting (Lloyd Fox)**

3. **T&E and SINC Species Regulations - KAR 115-15-1 and KAR 115-15-2 (Ed Miller)**
4. **KAR 115-18-1. Wildlife rehabilitation permit; application, reporting and general provisions (Kevin Jones)**
5. **Regulations per wild turkey split from Big Game (Roger Applegate)**

VII. RECESS AT 5:00 p.m.

VIII. RECONVENE AT 7:00 p.m.

IX. RE-INTRODUCTION OF COMMISSIONERS AND GUESTS

X. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

XI. DEPARTMENT REPORT

B. Workshop Session (continued)

6. **Revenue Task Force Recommendations on KAR 115-2-1, Amount of Fees (Mike Miller)**
7. **Big game regulations (Lloyd Fox)**

D. Public Hearing

1. **KAR 115-2-2. Motor vehicle permit fees. (Jerry Hover)**
2. **KAR 115-2-3. Camping, utility, and other fees. (Jerry Hover)**
3. **KAR 115-2-3a. Cabin camping permit fees. (Jerry Hover)**
4. **KAR 115-4-14. Landowner deer management program; implementation, application, selection, property requirements, deer permitting, property posting, evaluation, renewal, and other provisions. (Lloyd Fox)**
5. **KAR 115-7-1. Fishing; legal equipment, methods of taking, and other provisions. (Doug Nygren)**
6. **Secretary's Orders - Fishing. (Doug Nygren)**
7. **KAR 115-18-14. Nontoxic shot; statewide. (Kevin Jones)**
8. **KAR 115-25-6. Turkey; spring season bag limit, permits, and game tags. (Roger Applegate)**

XII. OLD BUSINESS

XIII. OTHER BUSINESS

A. Future Meeting Locations and Dates

XIV. ADJOURNMENT

If necessary, the Commission will recess on October 28, 2004, to reconvene October 29, 2004, 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, January 20, 2005, at Memorial Hall Auditorium, (beside Landon State Office Building), Topeka, Kansas.

**KANSAS DEPARTMENT OF WILDLIFE AND PARKS
COMMISSION MEETING MINUTES FOR
Thursday, August 26, 2004
Highland Hotel and Convention Center (formerly Holiday Inn)
3017 10th St., Great Bend, Kansas**

**Subject to
Commission
Approval**

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

The August 26, 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 Highland Hotel and Convention Center, Great Bend. Chairman Dykes and Commissioners John Fields, Kelly Johnston, Frank Meyer, Doug Sebelius, and Shari Wilson were present. Commissioner Jim Harrington arrived later.

Chairman Dykes welcomed new Commissioner Frank Meyer from Herington and thanked Cris Collier and Gary Gorp for hosting the lunch at the Country Club.

II. INTRODUCTION OF COMMISSIONERS AND GUESTS

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

III. ADDITIONS AND DELETIONS TO AGENDA ITEMS

Chairman Dykes made a correction, under Department Report, Secretary's Remarks, Item number 1 should be FY 2006 Budget, not 2005 and under the Public Hearing section, he switched the order of presentation for items 1 and 2.

V. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

Robin Bailey, Webster Lake Association - (Handout Exhibit C). Bailey spoke to Commissioners about water loss at Webster Lake due to irrigation and drought. The Webster Lake Association was formed in June to assist KDWP and the Irrigation District to come to some type of agreement on a minimum lake level. This year the irrigation district took 4 feet 9 inches of water out of the lake. They have taken 64,000 acre-feet over the last three years and this has resulted in only one boat ramp being usable. Approximately \$133,000 has been spent on the boat ramps over the last few years. Bailey provided Commissioners information and charts showing current lake levels and the amount of inflows required to maintain viable lake levels. The lake association proposes to assist the irrigation district to make the water delivery system more efficient. The association wants to ensure that Webster State Park maintains services and visitation. When lake levels are full in 1995, visitation was 285,000; in 1992, when the lake was low, only 21,000 visited the park. She asked the Commission how the lake association could help. Chairman Dykes asked how many members the Association had. Bailey said there were

394. Chairman Dykes asked if the association had brought their concerns to the attention of the department. Bailey said there had been several meetings with KDWP staff. She added that there was enormous local support for the park, but there is resistance to raising the fees in the area. Commissioner Sebelius asked about trends in park visitation since the drought started. Bailey said that when the lake elevation is near conservation pool, seven or eight bass tournaments will be held each summer. When lake levels drop to current levels, tournaments stop coming to the lake. Commissioner Sebelius asked Bailey what she was hearing about possible park fee increases. She said most were not in favor of the fee increases. Chairman Dykes asked Secretary Hayden if he noted similarities between Webster and the situations at Cedar Bluff and the Almena Water District. Secretary Hayden said there were similarities. There are four reservoirs in northwest Kansas with KDWP facilities and they have all suffered these water cycles. In 1992, after a 5-year negotiation, KDWP bought the water in Cedar Bluff. To show the difference of what it means to own the water; Webster is at about 14 percent capacity, Cedar Bluff is at 74 percent because the only loss is essentially been through evaporation, and a little bit to the City of Russell. It makes an enormous difference. In the case of Almena, KDWP has leased the water in Sebelius Reservoir, which is at about 24 percent capacity. Currently, water is leased for two years and serious negotiations are not starting on a permanent buy-out. These agreements require a willing Irrigation District. Almena Water District just signed a 50-year contract a few years ago and the water is theirs. Essentially the federal government granted it to them and unless they are willing to work with us we are at their mercy. When the water is low the value of the park and the value of the resource is tremendously diminished. The real solution is to sit at the table with the irrigation district and purchase some, or all, of the water. Chairman Dykes asked if those discussions had been initiated with the Water District at Webster. Secretary Hayden said that KDWP had put out some feelers but hadn't received any positive response -- but they haven't said no either. These irrigators have made a lot of investments based on this water and so negotiations are very sensitive. There is a lot of capital involved and a lot of people affected. KDWP bought the water at Cedar Bluff in 1992 and that was when it was at the second lowest water level in its history. The time to buy these things is when they are empty, that is when you get the best buy, and then wait for them to refill. Now is a good time to negotiate for water rights, as long as the irrigation district is willing. Bailey commented that the Webster Lake Association is going to last this out. The association doesn't want to continue with the current pattern of lake level fluctuations and wants to see conservation level at the lake and a park everyone can use.

Crystal Walter, Great Bend, expressed concerns about rattlesnake roundups. She asked when the last time rattlesnake populations were studied and if killing them off was a good idea for the ecosystem. Chairman Dykes said this issue had come up at several meetings this year and he thought there was ongoing research being done by University of Kansas herpetologists and others. He acknowledged the controversy surrounding the roundup and added that both parties were present at the Commission meeting in Burns. Essentially they struck a compromise, biologists saying they wished the roundup didn't exist but understood the need for Sharon Springs to have it. They also said they wanted to monitor snake populations. Walter asked if monitoring was going to occur. Chairman Dykes confirmed that there is continual monitoring of prairie rattlesnakes in western Kansas, especially in the area of the roundup. Walter asked if that was the only area conducting a roundup. Chairman Dykes said that it was the only one the Commission was aware of.

Chairman Dykes commented that he inadvertently went past item four, approval of the June 24 Commission meeting minutes.

IV. APPROVAL OF THE JUNE 24, 2004 MEETING MINUTES

Commissioner Fields moved to accept minutes, Commissioner Johnston second. All approved. (Minutes - Exhibit B).

VI. DEPARTMENT REPORT

A. Secretary's Remarks

1. FY 2006 Budget - Dick Koerth, Assistant Secretary of Administration, presented this report to the Commission (Exhibit D). FY 2006 begins on July 1, 2005, and budgets must be submitted by September 15, 2004. The State General Fund (SGF) allocation was at the same level as FY 2005, however a Reduced Resources reduction of \$150,095 will have to be submitted as part of the budget process. In addition, the allocations included expenditures of \$155,000 from the State Water Plan Fund: \$115,000 to be used for river access and \$40,000 for stream monitoring. No employee salary increases at this time, they will be addressed by the Governor at a later date. For FY 2006, KDWP will be allowed to request replacement vehicles. Acquisitions have not been allowed for the last two fiscal years. Any vehicle to be replaced must have at least 140,000 miles of operation and be justified by providing information on operating cost, etc. The allocation to the Divisions was for zero increase in operations expenditures, but the department is still concerned with the fiscal status of the major funds used to finance operations including the State General Fund (SGF), the Wildlife Fee Fund (WFF), the Parks Fee Fund (PFF), and the Boating Fee Fund (BFF). In addition, the Department will limit position increases to major program initiatives. Funding has been set aside for the following items, pending funding availability: Circle K Ranch operations \$250,000; vehicle acquisitions \$800,000; enhancement to CLAP program \$800,000; initial development of State Park #24 \$615,000; and stage III of the Prairie Sprite Rail Trail \$1,015,703. The ending balance in the PFF for FY 2004 was \$75,038 if all approved expenditures are made. For FY 2006, estimated revenue is \$6,400,000 (with the fee increases) and if a current status budget is utilized there will be a negative balance of \$191,427 at the end of the fiscal year. In addition, the cash flow demands on the PFF for ongoing expenditures will result in the fund "going broke" at the end of calendar year 2005 or half way through the fiscal year. To avoid a situation where KDWP must close state parks, the Department is requesting a FY2005 SGF supplemental appropriation of \$600,000. This amount will provide an ending balance at the end of FY 2005 of \$675,038 and at the end of FY2006 of \$408,573. It is estimated that the monthly cash balance in the PFF could be as low as \$7,882 in March 2006. The status of the WFF and the BFF are considered to be appropriate at this time. The estimated balance in the WFF for FY2006 is approximately \$3.2 million, pending further adjustments, the receipts and estimated expenditures are close to equal. The estimated balance in the BFF is \$106,221 and expenditures are approximately equal to revenue. At the October Commission meeting, the Department will provide the actual detail on the submitted budget.

B. General Discussion

1. Wildscape Projects in the Great Bend Area - Hank Booth, Wildscape Executive Director, presented this report to the Commission (Exhibit E). There are no OK Kids projects in Great Bend, but Wildscape is here to help get youth programs going and provide prizes for the events. There were have events in Marquette, 550 people; a fishing derby at Wilson; and last year Wildscape helped sponsor an Eco-Meet at Quivira National Wildlife Refuge. The pad sites have been poured for the cabins at Tuttle Creek and one of the cabins is to be shipped out Monday with another one to be shipped soon after. Two cabins should be in place for the dedication which is planned for September 24 at 10:00 am. This is just the beginning, as four cabins will be located at Tuttle Creek State Park and there are plans for other undetermined locations. Wildscape hopes to fund dozens of cabins in state parks across the state. A new Projects Committee liaison has been hired to work with KDWP to help further the programs for kids, state parks, as well as hunting and fishing. Wildscape would also like to help with the Cheyenne Bottoms project. It was exciting to see water in the area this morning. The new visitors center is going to be wonderful and Wildscape would like to help with that.

Chairman Dykes thanked Cheyenne Bottoms Wildlife Area manager Karl Grover again for the tour of Cheyenne Bottoms.

2. Cheyenne Bottoms Wildlife Area Management - Karl Grover, public land manager, presented this report to the Commission (Exhibit F). Prior to 1990, almost all water movement within the basin was by gravity flow and the largest tractor owned was a 70 HP 2-wheel drive. Since that time two Challenger tractors, two 30-foot disks, a pull behind scraper (purchased by BOR) have been acquired. A renovation project began in 1990 with the primary goal of increasing water conservation and addressing cattail expansion. To get rid of cattails, pools have been disked two-four times each year, cattle grazing was experimented with, and areas were sprayed, mowed and burned. The drought has allowed staff to finally get cattails under control. The size of the Cheyenne Bottoms pools dwarf all other agency marsh pools in the state and make management difficult. Grover mentioned the addition of two pumps that allow movement of water, in addition to gravity flow. In addition, the water control structures have been upgraded and three diversion dams on the inlet system have been constructed. On the inlet to Dry Creek, there were problems with culverts plugging so new concrete culverts were put in. There are three diversion dams used to put water into Cheyenne Bottoms. The first dam takes water out of the Arkansas River, and places it in an open canal for 6 miles before it is placed in Dry Creek. It then goes to a second dam on Dry Creek where it is placed in a tube under Highway 96 then dumped into Wet Walnut Creek, where it flows to the third dam, then it is diverted into the basin. Lack of water is the biggest concern. Efficiency of the canal is compromised because of vegetation growing and eroding the lining and trees along the canal are also a problem because they rob water and when they die they fall into the canal. It is very hard to control the tree growth. The canal is 30 years old, but a project is underway to make it more efficient.

3. Cheyenne Bottoms Education/Visitor's Center - Secretary Hayden presented this report to the Commission (Exhibit G). He commented that Cheyenne Bottoms Wildlife Area encompasses 20,000 acres and there is only one outhouse. Facilities on the area have never been adequate. The City of Great Bend has been a great partner working on this. Technically this is not a Visitors Center, but a Wetland's Interpretive Center. KDWP received a federal grant from the Kansas Department of Transportation (KDOT) for the development of an Education/ Visitor

Center at Cheyenne Bottoms Wildlife Area (CHBWA) in the amount of \$1,999,264 and approximately \$2 million must still be raised to get this built. The department will develop the Center in cooperation with the City of Great Bend and local communities interested in being involved. The City of Great Bend will provide the source of water because there is no potable water on site and in addition, KDWP will develop an operations/business agreement with Fort Hays State University for the operation of the facility. The University has conducted research projects on CHBWA for a number of years and has just recently received permission from the State Board of Regents to include funding in the FY2006 budget to operate the Center. This approval has resolved the issue of operations financing and will allow private fund raising to begin. Fort Hays is launching the fund raising project for the extra \$1 _ million, required for ongoing operation funding. As was reported to the Commission last year, the total project is estimated to cost approximately \$3.5 million. KDWP will meet with personnel from KDOT on August 30, 2004 to discuss the status of the project. The plans for the facilities are done and construction will begin as soon as the money is received. This will be a great facility not only for Kansas, but for the world as Cheyenne Bottoms is a Wetland of National Importance. Chairman Dykes asked if staff from KDWP and Fort Hays would be housed at the center. Secretary Hayden said that biologists Helen Hands would be in an office there and that KDWP would probably pay for the space used. Fort Hays will have at least one full time person there. Chairman Dykes asked if the property directly across from this site going would be included. Secretary Hayden said would not because it belongs to KDOT. KDOT was worried about developing sites on both sides of the highway because of public safety issues. Unknown Public Comment asked if there would be a fee to enter the building. Secretary Hayden said there would be no fee but that donations would be accepted, and there might be a book store selling items.

4. Revenue Task Force Report - Mike Miller, magazine editor and special assistant to the Assistant Secretary, presented this report to the Commission (Exhibit H). The Secretary charged the Revenue Task Force with this task in December 2003, and the first meeting was held January 2004. Eleven KDWP staff were selected to serve on the Task Force with Dick Koerth serving as Chairman. The Task Force was charged with determining the Department's options for meeting long-term funding needs at a time when hunting and fishing license sales have stagnated, the state's economy and demographics are changing dramatically, and State General Fund (SGF) money is steadily being eliminated from the Department's budget. Although the reductions in SGF funding over the past several years has primarily impacted the state park system, the Task Force's study was not limited to the Parks Division alone, but to all facets of the Department's operations. Surveys were completed within sections, and subcommittees. Major long-term funding options include: 1) Motor vehicle registration fee - The Task Force's primary recommendation is a \$4.50 fee (\$4.00 to the Parks Division and \$.50 to the Local Outdoor Recreation Grant Program) to be added to the motor vehicle registration fee paid by all Kansas residents who own motor vehicles. In return for the fee, those residents will have free entrance to state parks year-round. Nonresidents would still have to pay and all camping fees would also be charged. The state parks are a public entity for all citizens, and were created by the legislature to be available to the public, therefore funding of the parks should come from all Kansas residents. This could generate \$10.4 million. A refund option may be considered, however, there is a statutory provision that an agency cannot issue a check (i.e. for a refund) for less than \$5. 2) Dedicated tax - The Task Force feels that the department has not adequately educated its

consumptive and non-consumptive constituents as to where funding comes from and how it is spent, therefore it recommends that a committee be appointed to develop a plan for securing a portion of state sales tax receipts as a long-term funding solution. If the motor vehicle registration fee is successfully implemented, this option may not be necessary. 3) Additional recommendations - a) recommend that a follow-up committee be formed to review the lifetime license pricing structure; b) Recommend that a follow-up committee be formed to draft a proposal for a youth license for hunters 11-15 years of age to allow the Department to collect more federal aid. c) Recommend that a follow-up committee be formed to draft a proposal for a senior license to generate federal aid. All Kansas resident hunters and anglers over the age of 65 on or after January 1, 2006 purchase a Senior Combo Lifetime License for \$20 and those who are already 65+ would be required to buy a \$5 license. d) Increase nonresident deer permits to \$300 and require them to purchase a primary deer permit before they can purchase a game tag. e) Increase the 48-hour waterfowl license fee from \$26 to \$40-\$45. f) Create a nonresident bobcat permit for \$100 (currently a furharvester license is required to take a bobcat). g) Increase the cost of a 24-hour fishing license from \$6 to \$7.50. h) Create a \$4 permit for a 3rd fishing rod. i) Create an affinity credit card where a percentage of the interest generated by each card would be available to the entire Department. j) Revitalize Wildtrust as a way for the Department to accept donations of money and land. k) Mandatory restitution should be collected from wildlife violators. Legal staff will draft a bill for this provision to potentially be introduced in the 2005 legislative session. When violators are caught without the proper license they would be offered the choice of buying a temporary license or receiving a citation. Oklahoma does this and money goes directly to the agency. The cost of a temporary license would be more than the cost of a regular annual hunting license. l) Institute one \$30, 3-year registration fee, for all lengths of boats and a 3-year registration fee for all manually propelled vessels. M) KSA 32-1173 required that moneys collected from boating fines be deposited in the boating fee fund, however, this has not occurred. In the past 5 years, KDWP has not been given \$204,764 in boating fines money. n) Charge for services that currently do not have fees attached, such as various Environmental Services permits. o) Create a habitat stamp to be used for habitat enhancement on lands and waters owned by the Department.

One option the Task Force does not recommend at this time is a public land access or user fee. There are concerns about the impact of such a fee on federal aid and concerns about enforcing the system. In addition, public lands staff identified need for in-depth surveying of public land users to see what they want and if they would be willing to pay a fee. Concerns were voiced about how public lands would meet the demands of both consumptive and non-consumptive users. The Task Force recommends the motor vehicle registration fee be pursued first of all. If that is not successful in securing funding for public lands, then further exploration of how to assess a user fee should occur. If a user fee were implemented that it be at a rate higher than a hunting or fishing license, which a person could also purchase to use the land. By purchasing a hunting or fishing license to use public lands, there are no conflicts with federal aid.

The Task Force realizes that the marketing efforts of the Department will be greatly enhanced by the automation of licensing, but a few specific ideas were discussed. Value-added packaging of permits and licenses would could provide a package of licenses, stamps, applications, permits and a subscription to the magazine or family or couple hunting and fishing license packages at a price less that purchasing items individually. The Revenue Task Force recommends that work groups be assigned to develop value-added packaging ideas approved by the Secretary and Management Team. Also, develop and market nontraditional uses for state parks such as rock

climbing and paint ball areas.

Commissioner Johnston asked about restitution for illegally taken game and if state law need to be changed to facilitate and if fines need to be mandatory rather than just discretionary. Miller conferred. Robin Bailey spoke in support of the vehicle registration fee.

Commissioner Wilson asked to see follow up on mandatory restitution because fines go to SGF, not agency. She also recommended providing a way for non-consumptive users to contribute through Wildtrust rather than charging them a fee.

Commissioner Sebelius commented that the department should work on legislation that would have boating violation fines go the department rather than SGF.

Commissioner Fields complimented staff on the report. Miller said that the report was compiled by LeAnn Schmitt. Commissioner Fields asked how KDWP could get monies from the past.

Secretary Hayden commented that historically KDWP has continually run the problem of getting SGF, not being able to compete with education and other needs. It would be best to not rely on the SGF for funding at all. The license plate is very popular with the legislators because we get out of the system and give something to the constituents. On restitution, we could work on getting that money and using it for federal aid. Chairman Dykes asked about boating fee fund money Dick Koerth commented that there are several funds out there where the money has gone to the SGF instead of to the fund it belongs in. However, KDWP is asking for \$600,000 from SGF to supplement our Parks, and in light of that request, these smaller amounts are probably lost.

Chairman Dykes asked for more information on how the license idea came about and what the challenges are to make that happen. Secretary Hayden said it was patterned after Montana's plan where residents paid an extra \$4 when registering vehicles and in return got into all state parks free. Secretary Hayden said the Governor is very excited about this idea, and he feels that if KDWP bring this plan to her she will pass it. Montana made the \$4 fee refundable to get the Legislature to pass that. Less than 10 percent of the people have filed for a refund. This will help this mixed funding base. The more fees increase, the fewer people visit parks, but if everyone can enter "free" with the purchase of a license visitation will increase. Commissioner Meyer asked how refunds would be made. Secretary Hayden said that anyone who wanted could fill out the papers. Chairman Dykes asked about the statute prohibiting checks for less than \$5. Secretary Hayden said KDWP might have to work to change that. He added that there would be strong support on this proposal because it will put more money back in the state general fund. The Secretary of Revenue will not like lowering the refund policy, but I she will work with the department. Commissioner Johnston asked if this would be presented during the 2005 legislative session. Secretary Hayden said it will be sent to the Governor and two budgets, the "A" budget, that does not include this, and the "B" budget that does would be presented. If successful, it would take effect in January 2006. Chairman Dykes asked about legislative limit on any of the fees mentioned. Secretary Hayden - No.

Steve Sorensen asked us the dedicated tax proposal would be dropped if the motor vehicle registration fee was passed. Miller said the Task Force's priority was for the vehicle registration fee to go to the state parks first and then work on some of these other items.

Doug Phelps said he supported motor vehicle increase, which will allow a lot of low income people to use our parks, and he asked if deer, antelope and turkey permits were considered in the temporary license proposal. Miller said that issuing temporary permits was not included in the proposal. Phelps said he would like to see fines a lot more than \$500. Secretary Hayden added that this proposal wouldn't work for big game and KDWP didn't intend to use it there.

Chairman Dykes asked if senior exemptions would be to be taken away this next year. Secretary Hayden said that senior exemption was an important issue because that is the largest growing population group. The permits cost KDWP twice, once to issue it and once because we cannot claim federal aid cannot be claimed. The department will consider a grandfather clause for everyone already exempt and a one time fee for anyone who turns 65 before a certain date. It will also be recommended that a permanent plastic card be offered. KDWP's first priority will be the vehicle registration fee to help fund parks, then look at the tough issues like the senior exemptions.

Ed Kline, Great Bend, asked about the distribution of the 50 cents to the Local Government Outdoor Grant Program and senior exemptions. He asked if the program funded indoor recreation and who was eligible. He said he wouldn't oppose paying the fees and not being exempt. Chairman Dykes asked Parks Division director Jerry Hover to respond. Hover said the Local Government Outdoor Recreation Program had been available until four years ago. It was developed to enhance local outdoor recreational facilities, but indoor recreation was not considered. It is available for any group that meets the criteria. Kline asked if there restrictions on smaller communities. Hover said there wasn't and that the Advisory Committee spreads the money evenly across the state. Commissioner Fields commented that he remembered some small projects that took only a couple thousand dollars in the past.

Chairman Dykes commented that the Commission has tried for years to remove the senior exemptions. Kline said that a one time fee might be the answer to the federal funding issue. Chairman Dykes asked how a one-time fee help federal aid. Federal aid coordinator Terry Denker said that federal aid requires the license to cost more than the cost of issuing it. To generate the federal aid, for instance, \$5 would account for one year, \$10 two years, KDWP claims a lifetime license for 12 years because it is based on the annual fee of \$18. Unknown Public asked for an explanation of the \$4.50 motor vehicle fee Miller said that there are 2.3 million motor vehicles in Kansas, not including trailers, farm trucks and tractors. Phelps asked about fleet fees. Secretary Hayden said the department would have to check on those. Kline asked if the department would still be looking at park fee increases if this passed. Secretary Hayden said that if it passed, the department wouldn't get vehicle fees until January 2006, at the earliest. The increase in the camping fees would tide us over for the next 18 months. Unknown Public asked about senior exemptions. Secretary Hayden said that currently seniors pay half price for park vehicle permits but don't pay anything for hunting and fishing. If the vehicle registration proposal passes, parks would be free to everyone. Unknown Public Comment asked if farm vehicles would be exempt. Miller said that the current proposal didn't include farm vehicles. Koerth added that the fee would be added to the category that includes cars, RVs, motorcycles, etc.. Chairman Dykes commented that this is the first opportunity we have had to discuss this and we will discuss it again in October. He then asked Task Force members who were present to stand and applauded their efforts.

Break

C. Workshop Session

1. Fishing Regulation Changes for 2005 - Doug Nygren, Fisheries Section chief, presented this report to the Commission (Exhibit I). If we move ahead with Revenue Task Force recommendation to have a third fishing pole, we will need to change this regulation. New

proposals include: 1) a 20 crappie per day creel limit at Melvern Reservoir (possibly Cedar Bluff, Clinton, Hillsdale and Perry in the future). Also, want to add a 10-inch length limit at Clinton. This is the average and will cause some controversy, it is not a biological change even though it may cause some redistribution of harvest in a given year, but a social change. 2) One paddlefish per day creel limit for the Chetopa paddlefish snagging fishery. The proposed regulations are very similar to the regulations in place in Oklahoma on this shared fishery. The season would still be opened by posted notice on the current season dates. 3) A 35-inch minimum length limit on Blue catfish at El Dorado Reservoir. Zebra mussels were verified in El Dorado during August of 2003 and this marks the first Kansas water body to be infested with this nuisance aquatic invasive species. Blue catfish have been requested for stocking in El Dorado Reservoir for fall of 2004 and Farlington Hatchery is currently rearing them.

Unknown Public Comment asked if the average fisherman could identify the different kinds of catfish. Nygren said he thought they could if the proper information is distributed. Commissioner Johnston asked if blue catfish would be stocked at Cheney. Nygren said it was possible.

2. T&E and SINC Species Regulations - Ed Miller, nongame wildlife biologist, presented this report to the Commission (Exhibits J, K). A Threatened and Endangered Species Scientific Review Committee, consisting of: William Busby, Kansas Biological Survey; Mark Eberle, Fort Hays State University; Elmer Finck, Fort Hays State University; Tom Mosher, Kansas Dept. of Wildlife & Parks; Dan Mulhern, U.S. Fish and Wildlife Service; Bryan R. Simmons, Kansas Dept. of Wildlife & Parks; and Edwin J. Miller, Kansas Dept. of Wildlife & Parks, screens the petitions and supporting documents to determine if sufficient evidence is presented to continue the process. Seven species have been identified. They are: brindled madtom, silver chub, delia hydrobe snail, night snake, red-shouldered hawk, white-faced ibis, and Eastern chipmunk. Recommendations include: removing the Eastern chipmunk from the Species in Need of Conservation (SINC) list; removing white-faced ibis from the threatened list; removing red-shouldered hawks from the SINC list; downlisting night snakes from the threatened list to the SINC list; add delta hydrobe to the SINC list; keep silver chub on the endangered list; and list brindled madtom on the SINC list. As a housekeeping item, changes need to be made to the lists found in KAR 115-15-1 and 115-15-2. We would correct some common names, such as the speckled chub to Arkansas River speckled chub; and the squawfoot mussel to the creeper mussel; and to change some of the scientific binomial names. This item will be up for vote in October.

3. State Law Action Pertaining to Exotic Cat Ownership - Kevin Jones, Law Enforcement Division director, presented this report to the Commission (Exhibit L). The enactment of the Captive Wildlife Safety Act, an amendment to the federal Lacey Act, has prompted the review of the of the possession of large cats in the State of Kansas. Discussions have been held with the members of the Governor's Sub-cabinet on Natural Resources, as well as select representatives of the Kansas Department of Health and Environment and the Kansas Animal Health Department. All are in agreement that it would be wise to further regulate and control the possession of these large cats in the state. A small work group of department employees has made an initial review of the Wildlife and Parks regulations and suggested a possible course of action. This would include the rewriting, and possible revocation, of several existing regulations. Provisions would be developed allowing the continued operation of zoos, and accredited public displays serving the public good, but would eliminate the possession of

these animals merely as pets. Recently the Secretary was contacted by the Secretary of State, who requested a meeting to further discuss ways to clarify and bring better control over this issue. Law Enforcement staff had been assigned to review regulations and nothing has been formalized. KAR 115-18-10 will be the regulation most affected. Need to incorporate language that lists prohibited species. Six large cat species are included on the federal list in interstate commerce and transportation. This list should be included in this regulation. Bears and other nonhuman primates should be considered for inclusion to this list. Looking at a time line and exemption qualifications for having the animals and transporting them. Create requirements that would permit individuals to get permission from local zoning groups before getting state approval. We would like to have something put together by October meeting with more details and final action in January.

Commissioner Johnston asked if there was consideration to add diamondback rattlesnakes to the list. Jones said they were discussed briefly and could be added if the Commission was interested in that. This is a huge issue when exotics and species like that are dealt with. Other species will be added in the future.

Harvey Holladay, Dodge City that he has kept an African lion for 16 years and has a pen strong enough to hold an elephant. He expressed hope that he would be allowed to keep the lion.

Commissioner Johnston asked if grandfathering was still part of the proposal. Jones said that keeping up with the inspection of these animals could be a problem. A prohibition date of maybe January 10, 2010, was being considered. Holladay described his pen made of 3-inch oil field pipe and sucker rod with a second pen completely around it. Commissioner Meyer asked how large the pen was. Holladay said it was large and the lion even has a house with windows inside the pen. Commissioner Fields asked how long lions lived. Holladay said about 20 years.

4. Spring 2005 Turkey Season and Regulations as per Turkey Split from Big Game - Roger Applegate, wildlife biologist, presented this report to the Commission (Exhibits M, N). There are no change to season dates. Primary change is an increasing spring turkey permit numbers in Unit 4 to 200 general permits and raising the number of youth permits from 25 to 75. Any of those 75 permits not issued to youth would be issued to the general public. Through the approval of Senate Bill 364 in the past legislative session, amended KSA 32-701 to eliminate wild turkey from the definition of big game. Work is under way to develop the necessary regulation(s) to implement the provisions of this statute which is effective January 1, 2005. Showed a chart which showed spring harvest. Commissioner Fields asked why there was such a decrease in harvest from 2002 to 2003. Applegate guessed there were some weather factors but couldn't provide an explanation. Commissioner Fields commented that he hadn't seen a drop in the turkey population and the success rate is still there. Applegate said that permits have still been increasing and that inactive hunters were a factor -- people who get the permit and for one reason or another don't go hunting. Commissioner Fields asked if the Commission had passed a regulation that allowed the hunting of turkeys with dogs. Applegate said that was passed last season. Secretary Hayden asked about the electronic survey, such as costs and time saved. Applegate could show any savings because this year costs have been higher just getting set up on the system. He said he hoped that in the future the process could get a real time system to query information. Chairman Dykes asked what percentage of survey respondents responded electronically. Applegate said it was 100 percent, but that a mailing had just been sent out to the those who have not responded. This mailing serves as a reminder to log on and enter information or ask for a paper survey. It will be a combination sample this year, on line sales and over-the-

counter sales. All responses so far have been electronic. Chairman Dykes asked for clarification about the survey. Applegate said that those who provided an email address received an email message giving the link to respond to the survey and the other group received a card and the card gave the link. An option for paper copies was not offered on that mailing. This is a test case. Commissioner Sebelius asked if the department felt there will ever be a depredation permit issued for turkey. A person in his area says he has 400 turkeys wreaking havoc on his place. Applegate said the potential for depredation permits is there. The preferred approach is to make contact with those folks, remove those birds and move them to another location. They should contact their local biologist. Commissioner Johnston asked if under current regulations, the department could issue a depredation permit for turkeys. Applegate said that it could at the moment but that after January 1, turkey will not be big game. The department would rather deal with the situation by trapping and transplanting. Chairman Dykes asked what other practical applications were for removing turkey from big game. Applegate said issuing permits like game tags and that it frees up the ability to manage that resource and utilize harvest. It is better to recognize it as a separate entity.

VII. RECESS AT 4:20 p.m.

VIII. RECONVENE AT 7:00 p.m.

IX. Reintroduction OF COMMISSIONERS AND GUESTS

The Commission recognized former Commissioner Lori Hall and welcomed her to the meeting.

X. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

Stan Christianson, Kansas Trophy Whitetails, commented on nonresident transferable tags be restricted to the county or counties where the landowner owns land. He had land in three counties and couldn't hunt one of his counties.

XI. DEPARTMENT REPORT

B. General Discussion (continued)

5. Farmers and Hunters Feeding the Hungry (FHFH) - Tony DeRossett, FHFH state director, presented this report to the Commission (Exhibits O, P - flyer). Farmers and Hunters Feeding the Hungry (FHFH) is a not-for-profit program that uses hunter harvested venison to supply meat to food pantries across the state. The program has been around for three years and has grown quite successful. Nearly 1,000 deer have been processed, providing 165,000 meals to hungry Kansans. There are currently two challenges for this program: finding new volunteers to help with expansion into new areas of Kansas and raising the funds to pay for the deer processing. Until recently, DeRossett, Kansas Department of Wildlife and Parks staff, and a handful of volunteers have spoken to individuals, companies, and church groups to raise awareness and bring in donations to fund this great program. However, a simple way for anyone to donate \$2.00 or more was recently established. Beginning this past summer, a check-off box with the question "Do you want to donate \$2.00 or more to FHFH?" was included on deer and

turkey permit applications. To help promote this new opportunity FHFH will have a "Grand Prize Giveaway" at the end of the year, with 10 hunting related prizes such as deer stands, bows, and camouflage clothing, as well as an all-inclusive hunt. FHFH does have some insurance companies on board for funding. Last year the group was in the hole financially, but ended the year ahead. The first check from the license donations was \$5,400, which doubles the budget and will help a lot more people. Chairman Dykes asked how the permit donation works. DeRossett said that it was on application forms sent out his summer and the first check was from May and June of this year.

Ken Schumacher asked if FHFH gave venison to Hungry Hearth kitchens. DeRossett said they did and that usually the kitchens would contact FHFH and then they would try to find a processor in the area. FHFH negotiates with the processors and pays \$60 for each deer processed.

Roberta Pike asked hunters donate deer. DeRossett said you can contact FHFH or take it to a cooperating processor. Chairman Dykes asked when a list of processors would be available. DeRossett said FHFH has a website and which will be updated. Chairman Dykes asked if the website was linked to KDWP's website. DeRossett said it was.

6. Unit Archery Permitting - Lloyd Fox, wildlife biologist, presented this report to the Commission (Exhibit). Senate Bill No. 363 was passed and signed during the 2004 legislative session. Among other provisions, this bill directed the department to establish not less than nine archery deer management area units for deer. Of the transferable nonresident archery permits being issued, 34 percent are going into six counties in Unit 16, and it could be as high as 70 percent. Guides and Outfitters in other parts of the state are concerned about availability for permits in their area. Fox prepared tables included in the briefing book materials. Options considered for creating archery deer management units (DMUs) include: 1) Use existing firearm units, limiting choice of units to one, plus DMU 19. 2) Use existing firearm units, limiting choice of units to two, plus DMU 19. 3) Combine adjacent DMUs to create nine archery units, plus DMU 19. 4) Use combined nine DMUs, limiting choice of units to two, plus DMU 19. 5) Use combined nine DMUs, limiting choice of units to one, plus DMU 19. Allocation of 2005 nonresident archery permits will be made on survey distribution of resident archery deer permits during the 2004 season, but will be allocated on distribution of sale of resident archery permits in subsequent years. The recommendation is number five, limiting choice to one unit, plus DMU 19. This will be brought back for workshop in October and public hearing in January. Commissioner Wilson why two units couldn't be allowed. Fox said it would complicate the process.

Dan Witt, Hoisington, asked who sponsored and supported this bill. Fox said this is an amendment to Bill 363 and the department opposed the amendment. He said that there are about as many deer permits in Unit 16 as there are residents, so it is very lopsided. Chairman Dykes asked if we knew who sponsored the amendment. Secretary Hayden said to was a committee amendment in the Natural Resources Committee and we opposed it, but it was passed in the House and Senate. The amendment also said that the department would report on how this mandate was implemented before January 31, 2005. In regards to Commissioner Wilson's question, the truth is, any regulation that the majority of the Commission votes for can be passed, but the legislature said they wanted no less than nine units and we might be able to allow someone to hunt in two adjacent units, but they put nine in for a reason and expect us to only allow hunting in one unit. It is expected they will support Lloyd's DMU 19 proposal. We could

try for more than one unit, but next year they could say only one and increase the number of units, thus making the hunting areas even smaller. At the same time we need to have a reasonable plan and be able to support the deer herd management and our bowhunters. This is the first crack out of the box. Chairman Dykes asked who much support the bill had. Secretary Hayden said he suspected it passed the Senate overwhelmingly and doubted there was even a single no vote. The House rolled it out of Committee also.

Karen Beard, chief of Licensing Section commented that most of the calls she gets are from people who live right on the border and can't hunt four miles from their house, and she indicated she supported allowing two units. Chairman Dykes asked if concerns about Unit 16 would be lessened if two units were allowed. Fox said that the problem Unit 16 was only because of transferable permits which are only half of the total nonresident archery permits. The other half are pretty evenly distributed. He some of the comments he gets from a lot of bowhunters is that they hunt the eastern and western parts of the state, so they feel like they have lost something. Ed Kline, Great Bend, asked what interest group pressed this through the legislature. Chairman Dykes said it happened after the January meeting and was not discussed before it was passed. Fox added that there was a public meeting about unit archery and the Commission voted it down. Kline asked how it could be fixed.

Unknown Audience suggested people address their own legislators and try to get two units.

Unknown Audience Comment said that unit archery was not added until the last minute and was passed very quickly. He did not see the department opposition stated here.

Unknown Audience Comment commented that most of the problems are tied to the transferable tags and abuse of that system. He asked doing away with transferable tags was being considered. Chairman Dykes said that the Commission was in favor of transferable tags to begin with. He said a solution lies with your state Senators and Representatives.

Ralph Renfro, Chase said he wanted to absolve the Commission and publicly thank former Commissioner Lori Hall for telling the agency to find another way. He said he realized there was little the Commission could do, but he said it was sad that one nonresident individual can put residents behind the eight ball with this kind of garbage. The resource and the residents should come first. He would like to see two units instead of one.

Doug Phelps, Manhattan said he would like to see the Commission allocate resident as primary and allow two units. It is going to hurt bowhunter not allowing them to hunt in both the east and west, but it will also hurt their economy. The whole issue is counterproductive to what they are trying to do. Chairman Dykes said that this would impact people no matter where the draw line is drawn.

Karen Beard said that Unit 16 was flooded and a lot of the landowners are stuck with transferable permits.

Mike Elliott, Anthony asked how this impacted transferable permits that were good in two counties. Fox said that after the permit is transferred it becomes a county permit, not a unit permit.

Unknown Audience Comment said the department should try to help resident hunters. Chairman Dykes said that one of the things the agency has done is try to make the units as big as possible.

Unknown Audience Comment said he lives in Barton County and hunts in Rush County. Renfro said that hunters should tell their legislators. Unknown Audience Comment said he had communicated with his legislators.

Mike Elliott asked if county lines could be used to draw the units instead of highways. Fox said the bill specifies using firearm permit boundaries, which are highway boundaries. Renfro asked

who this would affect deer management. He said that the department used to have a wonderful model for deer management and a lot of credit should go to (Keith Sexson). Fox said that this is a social and legal question, and we need to be sure we don't establish a regulation that opens us up for lawsuits. We have tried to come up with some kind of plan to treat everyone fairly. Renfro said his point was that Unit 4 is from Ness County all the way to Marion County, and the department won't know where hunters are harvesting deer. Fox said the proposal tried to break things down into manageable units that are ecologically similar. The wildlife profession is constantly being pulled to make the areas smaller and smaller. This proposal makes them bigger because not all hunters have access everywhere. Even though the density of deer is different from north to south and east to west, hunters find areas to hunt. Renfro asked how surveys would be handled to identify where deer come from. Fox said that was a good point. Doug Marshall, Great Bend asked how the number of permits are limited and how they were issued. Fox said it was similar to how whitetail either sex permits are issued. A hunter would indicate which unit he was going to hunt in. Marshall said that was one more thing vendors would have to do. Chairman Dykes commented that there is no limit on the number of resident archery permits. Secretary Hayden said that permits will be issued through a point of sale process, electronically, in 2006. Stan Christianson asked how is this would affect Unit 16 if the number of permits wasn't limited. Fox said that only about 4 percent of the residents hunt Unit 16 and next year the sale of nonresident permits will be based off of that, so it should work itself out. Unknown Audience Comment said it seemed that nonresidents were dictating what will happen. He wondered if the price of a permit would be jacked up when the average hunter couldn't find a place to hunt. Chairman Dykes said he didn't know what the future holds in regard to fees. The commission and department are reacting to legislation. Secretary Hayden commented that the nonresidents are not dictating what is happening here, but we can not discriminate against nonresidents. The department has not had a lawsuit filed against it yet and he prefer to avoid litigation by being fair. Game is considered interstate commerce, the deer and the hunters travel across state lines. The department walks a thin line legally and it would take a lot of the state's money to defend a lawsuit. Chairman Dykes said that the department can charge nonresidents more to hunt, but not limit them from hunting. Secretary Hayden said nonresidents were charged more and the Revenue Task Force is talking about raising those fees. Bill Rice, Sedgwick recommended charging nonresidents from each state what their state charges even if it is lower. Secretary Hayden said that could cause a border war. For instance, you can't hunt an antlered deer in Oklahoma if you are from Kansas. The department wants to charge a reasonable price, regardless of what state hunters come from. If vendors had to keep track of what each state charged, that would be very difficult. Rice commented that doe permits were too cheap. Secretary Hayden said they have increased this year. Fox said game tags are \$21 for nonresidents and \$11 for residents. Rice said that it was too cheap. Jess Hoeme, Beloit, asked if it wasn't true that we could discriminate against nonresidents if the reason was stated and passed by the legislature. Amy Thornton said that reasonable was a key word, and legislature and reasonable don't go together. Unknown Audience Comment commented that we have a Hunt Own Land (HOL) tag that we can hunt on our own land right now, why not restrict the transferable permits to the land owned by the landowner instead of the counties. Secretary Hayden said that transferable permits are not good unit-wide only county-wide in two counties the landowner owns property in. Unknown Audience Comment asked if this provision would correct the problem of too many permits in certain areas. Secretary Hayden said that we'll find out this fall.

Unknown Audience Comment asked why the permit wasn't restricted to the landowner's land. Chairman Dykes said that it was proposed but it failed. Dykes asked if there was Commission consensus on one or two units? Four would like two units, the rest had no opinion. Unknown Audience Comment said he was in the Air Force, lives in Saline County and hunts on relatives' land all over the state. He said this change would hurt him. Secretary Hayden said starting next year you will be restricted to units, but the units are large.

C. Workshop Session (continued)

5. Park Fees - short-term solution - Jerry Hover, Parks Division director, presented this report to the Commission (Exhibit R). Kansas state parks are at a crossroads, since 1995 State General Funds (SGF) have slowly, but surely, been reduced. In 1996, 60 percent of the Parks budget came from SGF, now it's about 12 percent. In 1995, some parks were close to being eliminated and people said they didn't want to lose parks, so the parks system was upgraded with Parks 2000 money. Next year we will celebrate the 50th year of state parks in Kansas and the philosophy of users paying will again be a factor. The current operating budget for the state park system is less than adequate to properly maintain the current system of facilities and services. Many necessary commodities such as fuel, propane, electricity, and potable water have doubled in cost over the last two years. We do not have the ability to borrow money to keep things afloat until money comes in next year. Several tornados which occurred in June and July may have caused income projections for the July 4 weekend to be inaccurate. Current fees are not adequate to meet the cost of doing business. Setting fees for state parks is not easy because on several lakes we are competing with the Corps of Engineers. If we can add the surcharge on vehicle permits that the Revenue Task Force is proposing we will eliminate the motor vehicle permits. We are looking at other ways to raise \$600,000 by not impacting current users or losing future users. We have tried to increase revenues, but are not making too big of impact. Some things we have looked at are the in-season and off-season pricing schedule. We would like to increase vehicle and 2nd vehicle permits by \$5; implement a new service of short term RV camping storage for \$125 a month; long term camping - right now limited to 14 days and want to increase that to six months, there is a tiered system right now for utilities, one utility - \$260 per month, two utilities - \$285 per month, three utilities - \$320 per month. This is a choice we are offering, not something people have to do. We did recommend a new fee service for hunts and blinds, but would like to delete that from the fee schedule. A couple of years ago, we wanted to make camp sites available to more people so we identified prime sites and charged a \$2 surcharge from April to September, and we want to raise that to \$5 on Friday, Saturday and Sunday from April to September. Offer 14 nights, purchased in off season, for \$85, in season for \$99. The last one is the annual camping permit and we are proposing to raise that to \$249 and \$299 during April to September. Each cabin is priced individually, by the day and we are proposing a separate regulation to address that, with fees ranging from \$35 to \$150 a night.

Chairman Dykes asked if Hover had a projection of revenue. Hover said that going into January 2005, \$400,000 -- \$700,000 for entire year of 2006.

Dennis Hill, Great Bend commented that he had a problem with the increase on prime sites. Some of the designated prime sites are in the bushes. The annual permit that is a 30 percent increase. He didn't think he was getting what he was paying for.

Ken Schumacher, Great Bend, said at these rates, he couldn't afford to go.

Fred Brewster said that fees for handicapped and senior citizens would price the department out

of business.

Pat Brewster, Wichita, said they were on a limited income, but we have camped 40 days so far this year. She asked if a six month camping permit would allow someone to stay in one site for six months.

Fred Brewster asked what happened when a person reserves a site for six months and if they could take his site. Hover said the number of sites will be limited and whoever reserves it first will get it.

Unknown Audience Comment asked if the prime site fee would apply under the long term camping agreement. Hover said it would not. The most popular sites would not be available in the six month program.

Unknown Audience Comment asked if the department had looked into other ways of making money, and if the parks could receive revenue from hunting and fishing license sold in the state parks offices. Secretary Hayden said the parks get reimbursed now for selling licenses and permits.

Jim Mars, Salina, asked why there weren't camp hosts any more. She said without them, people will leave without paying fees. Hover said camp hosts are volunteers, and that sometimes we don't get volunteers. Wilson and Cheney are difficult places to get volunteers.

Mars asked why work was being done on camping areas during the prime camping season.

Hover said it was a complicated issue. The department has to work with KDOT on their schedule or when they are available.

Marcia Unruh, Greensburg, asked about a survey of 15,000 people Hover mentioned. She had not seen that survey and wondered where she could see it. Hover said the surveys were done by local citizens. We did not ask them to do these. Park managers have been meeting with Rotaries and other groups and these are coming from other people, not the department. Unruh asked how as campers, they could get on the committee to vote on this.

Jerry Desmarreau, Great Bend, asked where all the revenue went, and if it stayed in state parks. Secretary Hayden said that all revenues stayed in state parks, but that it didn't begin to pay all the bills.

Unknown Audience Comment asked if since these were short-term solutions, would fees be raised every year. Chairman Dykes commented about the Revenue Task Force's priority to seek legislation to allow the department to add \$4.50 onto vehicle registration fees and then allow free park entrance to everyone with a Kansas license plate.

Unknown Audience Comment said that camp fees would still be way up there. Chairman Dykes said that lot of that would depend on how much revenue is generated.

Unknown Audience Comment said he'd been traveling around the country and that Kansas was cheaper than many of the other states.

Marcia Unruh, Greensburg asked how the parks could be self-supporting if no one camped there.

Unknown Audience Comment asked the Commission how many of them had a camper and how many used state parks. Five Commissioners raised their hands that they have and used campers.)

Commissioner Sebelius said that we've got 18 months to go through before the long term solutions can be put into place. This is a start. He agreed with most of the fee increases, but didn't support the annual camping fee increases. The economy in general is the culprit here.

Commissioner Johnston said that if we are able to succeed in passing legislation to add the fee to vehicle fees, he would like to say that these increases can be rolled back.

Hover provided figures on the numbers of permits sold: daily camp approximately 110,000; annual camp approximately 3,000; and 14 day, just over 1,000. This will be voted on in

Atchison, October 28. (Handed out letter and sample petition sent out by the public to the Commission - Exhibit S.)

6. Landowner Deer Management Program - Lloyd Fox, big game biologist, presented this report to the Commission (Exhibit T). The Landowner Deer Management Program (LDMP) is a new approach in deer management in Kansas, one that will create a contract between a landowner and the department for deer permits. The program will also benefit the public as it will provide access for resident deer hunters on some of the best deer habitat in the state. This will be regulation KAR 115-14-14, directed by HB 2031. It is a three-year pilot program. Deer permits will be available for the 2005 deer season, one pilot contract in each of the five administrative regions, unless there isn't an applicant in one of the regions, and there will be no more than 20,000 acres in each unit. This program could include several landowners working together. Under the management plan, the landowner will specify the number of permits allocated for their clients and randomly selected public applicants and this will be one of the criteria we use and how the area is selected. Habitat protection and enhancement, conservation programs, public access programs (other than deer hunting) will also be selection criteria. Lands eligible will be lands owned in simple fee title by Kansas landowners. Deer densities and regional deer movements influence the recommended minimum size of LDMP properties. In Deer Management Units (DMUs) 1, 2, 3, 4, 5, 7, 16, 17 and 18 - it is recommended that LDMP properties be at least 10,000 contiguous acres. In the eastern part of the state, the minimum size should be 3,000 contiguous acres. Permits issued as client permits to the LDMP manager should be nonresident permits and thus could be transferred to either a resident or nonresident while the permits issued in the public drawing should be resident deer permits. Each permit with its carcass tag should be issued from the Pratt office by the licensing section. Resident permits would be available in the resident draw with an application deadline in mid-July. The permits would be valid during any season with equipment legal during that season. For LDMP client permits, the landowner would receive a certain number of certificates and the client would submit the certificate to the Licensing Section for the permit. The client permits would be priced the same as nonresident deer permits and resident permits would be priced the same as general resident permits. The application for the general public hunt would be on the regular application and hunters could use their preference points. Evaluations will be done of both the landowner and the hunter. Deer permits for a LDMP could be based on the size of the holding, and the average deer harvest density and hunter success rates in the DMU where the property is located. By knowing those three factors, the number of permits a typical area within each unit could support could be calculated. Each application and management plan would be submitted to the regional wildlife supervisor. Each region would assign employees to a review committee, and a community advisory panel may also be selected. The regional review committee will rank the application packages submitted in their area and forward them with their recommendation to statewide selection panel for final review. This plan is posted on our website. It will be back before the Commission for a vote at the October meeting.

Chairman Dykes asked if applications were being developed. Fox said landowners have been contacted, but no applications have been sent yet and they won't be until a regulation is in place. There is interest in all five regions. Chairman Dykes asked if the Commission would be involved in the process. Fox said they would in establishing the regulation then in April, the number of permits will be set by Secretary's Orders. Same as the other 19 units, these five units would be added and they would be good for five years.

Ralph Renfro asked if participants make any money, and if they could charge a trespass fee. Fox said the landowner will make fees from trespass fees and services provided. General residents will not be charged those fees unless they want a guide. Chairman Dykes asked if the landowner could mark up the cost of the certificate to the nonresident. Fox said they could in the form of an access fee, guide service or other add-ons.

Unknown Audience Comment asked who decides who gets the client permits. Fox said that the landowner would only be receiving the certificate and they can give those certificates out to whomever they choose. The actual permits will be issued in Pratt, not even the landowner will get a permit unless he has one of the certificates.

Unknown Audience Comment asked why the minimum is 3,000 in DMU 5 but it 10,000 in nearby DMU 15, Fox said that staff wanted to keep this as simple and a line had to be drawn somewhere.

Unknown Audience Comment asked if the landowner could hire a manager to take care of this, and if that manager had to be a licensed guide. Kevin Jones said that a landowner could hire a manager and that the manager would not have to be a licensed guide.

Steve Sorensen, KWF asked if managers had to pay an application fee. Fox said they didn't. Sorensen then commented about how would pay for the evaluations and asked if permits in DMUs would be reduced. Fox said no, that it was specified by legislation. Sorensen commented that hunters are getting the short end of the stick, and asked whether corporations qualified. Fox said they couldn't, which was also specified by legislation. Sorensen commented that legislation mentioned the Oklahoma program, which charges an application fee. Fox commented that KDWP would not be following the Oklahoma program. That is a DMAP or Deer Management Assistance Program, KDWP will have a simplified way of coming up with the number of permits.

Chairman Dykes asked if statutory change was necessary to charge an application fee. KDWP legal counsel Amy Thornton said she would have to research that.

Stan Christianson asked how many hunters would be able to hunt on LDMP property. Fox said that landowners will be competing, and the more opportunities for general residents the better the chance of getting a permit. Christianson said he manages 25,000 acres and asked if resident hunters could be guided at not additional fee. Fox said the landowner still controls where and when the hunter hunts. That will be between the hunter and the operator. There will be a landowner evaluation and a hunter evaluation. Christianson commented that this would be a good program because managers will know how many permits they can get.

Unknown Audience Comment asked if managers prepare proposal, does that mean they will be able to say how many permits they want. Fox said no, they will bid on how many permits go to clients and how many to the general public.

Unknown Audience Comment asked why corporations and family trusts are not eligible. Fox said that it was specified in the original legislation, and KDWP does not have the authority to supersede that.

D. Public Hearing

Attorney General's office comments (Exhibit U).

Switched order of items, discussed migratory birds first.

2. Late Migratory Bird Seasons - Marvin Kraft, waterfowl biologist, presented this report to the Commission (Exhibit). Late seasons are those that generally open after October 1. Late season waterfowl frameworks (maximum bag, possession limits and season length, and earliest opening and latest closing dates) are established annually by the U.S. Fish and Wildlife Service (Service). These frameworks establish the limits which states must operate within when establishing waterfowl seasons. These frameworks are developed and published around August 15, after results from the May Breeding Duck Survey, July Production Survey, and recommendations from Flyway Councils are available. We do not anticipate major changes in the frameworks for geese, set on three-year averages. Season frameworks and hunting recommendations for these species will most likely be similar to those established last year, with minor adjustment for holidays and calendar shift. Kansas is divided into three zones: High Plains, Early and Late zones.

The recommended daily bag limit is 6 ducks, which may include no more than 1 mottled duck; 1 canvasback, 1 pintail; 2 scaup; 2 redhead; 2 wood ducks; or 5 mallards, of which no more than one mallard may be a female. A daily bag limit for coots of 15, and a daily bag limit for mergansers of 5, which may include no more than 1 hooded merganser. Both the coot and merganser seasons shall run concurrent with the regular duck season in the respective zones. Recommended season dates for ducks in the Early Zone : October 9 through December 12, 2004; and December 25 through January 2, 2005. Recommended season for ducks in the High Plains Zone: October 9 through January 4, 2005 and January 22 through January 30, 2005. Recommended season dates for ducks in the Late Zone: October 30 through January 2, 2005 and January 22 through January 30, 2005. Establish pintail and canvasback seasons during the first 39 days of the regular duck season in each zone, excluding splits, with a daily bag limit of one. The recommended seasons dates for pintails and canvasbacks are: Early and High Plains zones: October 9 through November 16, 2004; and Late Zone: October 30 through December 7, 2004. Recommendations for the Late Duck Zone and all goose seasons are five days later than those adopted last year. This adjustment will put these seasons in sync with the crane season, which begins the first Saturday in November and automatically made this calendar adjustment this year. Also, the season is split in January rather than November, and the second segment of the season is established as late in January as allowed by frameworks. There are benefits and drawbacks to this. Positive: 1) Allows hunting the week prior to opening of upland bird seasons in November. 2) Allows the season to be open the entire month of November, a key period for open-water duck hunting in Kansas. 3) Goose hunting is a growing tradition in Kansas, and goose hunters have expressed a desire to harvest mallards which commonly come into goose decoy spreads during the later part of the goose season. Since much of the anticipated duck harvest during the January 22-30 segment will occur in conjunction with goose hunting, the negative affects of freezing conditions should not be that detrimental since those conditions are desired by many goose hunters and often increase the success of feed field hunts. There are more goose hunters than duck hunters in Kansas and this will allow hunters who hunt both better opportunities. Negative: 1) Reduces the number of January hunt days from 16 to 11, shifting the 5 days to early November. 2) Many college students on holiday break do not return to school until mid-January. 3) Eliminates the five-day split in November. The five-day split may encourage some increased use of hunting areas by ducks during the closed period. The youth waterfowl hunt days will be: October 2 and 3, 2004 in the High Plains Zone; October 2 and 3, 2004 in the Early Zone; and October 16 and 17, 2004 in the Late Zone with a bag limit the same as established for these species during the 2004 regular seasons in Kansas. Adults accompanying youth, and nonresident

youth, must possess licenses and state and federal duck stamps required for them to hunt waterfowl, but they may not hunt during the youth season. It is recommended that the light goose season not be open during the youth waterfowl hunt days due to the 107-day limitation on hunting of any species and the fact that few light geese are present in Kansas during late September and early October.

Unknown Audience commented that this was the best one ever proposed.

Steve Sorensen asked if the briefing book included a typo where it listed the youth season limits being the same as those proposed for the regular 2003 season. Kraft said it was a typo, and it should read the same as those established for the 2004 season.

Commissioner Fields said he liked preferred option.

Chairman Dykes asked to call a vote for each section.

Commissioner Fields moved to approve proposed duck and youth waterfowl seasons. Commissioner Johnston seconded.

The roll call vote on proposed duck and youth waterfowl seasons was as follows (Exhibit W):

Commissioner Dykes	Yes
Commissioner Fields	Yes
Commissioner Harrington	Out of the room
Commissioner Johnston	Yes
Commissioner Meyer	Yes
Commissioner Sebelius	Yes
Commissioner Wilson	Yes

The motion to approve duck and youth waterfowl seasons, passed 6-0.

Canada Goose season recommendations are for a split Canada goose season with a bag limit of three, a possession limit of double the daily bag, and with the following dates: October 23 and 24, 2004; and November 6 through February 6, 2005. White-fronted Goose season recommendations is for a split season, with season dates being: October 23 and 24 and November 6 through January 28, 2005 with a daily bag of 2 white-fronted geese and a possession limit of double the daily bag. Light Goose season recommendations are for a season from October 23, 2004 through February 6, 2005, with a daily bag of 20 and no possession limit, basically unchanged from last year, and ends on the same day as the season for Canada geese. The Conservation Order for light geese will automatically open on February 7, the day following the close of the Canada and light goose seasons. Hunters will be able to take light geese beginning October 23, 2004 and continuing through April 30, 2005. Dark Goose Management Unit recommendations have the same season dates for both Marais des Cygnes and Southeast units of December 18, 2004 through February 6, 2005. However, shooting hours for Marais des Cygnes unit is one-half hour before sunrise to 1:00 p.m. and one-half hour before sunrise to sunset for the Southeast Unit. No permits are required for either unit. People don't like the 1:00 close at Marais des Cygnes, but staff feel that if there was too much hunting pressure the birds would move to Missouri. 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 of double the daily bag.

Commissioner Fields made comments on the number of days in the late zone, felt there was an error, but that was checked and found there was no error.

Commissioner Fields moved to approve proposed goose seasons. Commissioner Johnston seconded.

The roll call vote on proposed goose seasons was as follows (Exhibit W):

Commissioner Dykes	Yes
Commissioner Fields	Yes
Commissioner Harrington	Yes
Commissioner Johnston	Yes
Commissioner Meyer	Yes
Commissioner Sebelius	Yes
Commissioner Wilson	Yes

The motion to approve goose seasons, passed 7-0.

Falconry season recommendations are 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: Thursday, February 17 through Thursday, March 10, 2005 in the Early Zone; Thursday, February 17 through Thursday, March 10, 2005 in the Late Zone; and no days available in the High Plains Zone. 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.

Mark Sexson commented that the Falconry Convention will be held in Garden City this year with 300-700 people expected to attend.

Unknown Audience Comment commented that he saw a falconer at Quivira and wondered if they were allowed to hunt there. Kraft said he didn't know what the federal regulations were.

Commissioner Fields moved to approve proposed falconry seasons. Commissioner Johnston seconded.

The roll call vote on proposed falconry seasons was as follows (Exhibit W):

Commissioner Dykes	Yes
Commissioner Fields	Yes
Commissioner Harrington	Yes
Commissioner Johnston	Yes
Commissioner Meyer	Yes
Commissioner Sebelius	Yes
Commissioner Wilson	Yes

The motion to approve falconry seasons, passed 7-0.

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 (Exhibit X). There has been an extensive rewrite so he provided a summary. Changes from last meeting to now would only be grammatical. No change in content. This regulation has gone through quite a bit of review.

Diane Johnson, who has operated a rehabilitation service called Operation Wildlife for 21 years, asked for some changes to the proposed regulation. She said she covers nine counties in northeast Kansas and deals with about 1/5 of state's population. She has a 25,000 sq. ft. facility and fields over 30,000 calls a year. She provided the Commission with copies of the regulation with comments highlighted and said she had provided emails about her suggestions. He suggested changes are as follows: 1) Terminology on Page 2, this is a three tiered system, permittee, subpermittee and volunteers and volunteers are not required to be listed. She asked to stay with a two tier system because there is no way to check on those volunteers. Jones said he didn't recall the discussion on this. There is a requirement to list volunteers on site and KDWP deals with the El Dorado Correctional Facility. Johnson commented that there is no check and balance if one of her volunteers is stopped and KDWP doesn't have their names. 2: Page 3, number 1, states that all consultations must be performed in consultation with a licensed veterinarian on permit or with veterinarian on staff of Kansas State University. That is almost impossible because we see so many animals each day. 3) Same page, number 8, domestic animals section should be omitted completely. She felt it was referring to cross fostering. Left as it stands this is what you are going to get (showed pictures of cats and dogs raising wild animals). 4) Same page, number 9, section h, one month, should be replaced with 90 days, in line with federal regulations. That gives us time to heal breaks. 5) Page 4, (4)(j), two words should be added: orphaned and displaced, not nuisance. 6) Same page, (1)(2)(A), Emergency care - most zoos and nature centers are not capable of dealing with wildlife emergencies. Should remove, or put permitted zoos and permitted nature centers; and department professional should be KDWP department professional. 7) Page 6, (2), the term euthanized is not specific enough. Some people will release an one-eyed, three-legged animal into the back yard. This should prohibit the release of handicapped animals. I have been sending emails since March and some of the emails have been amended.

KDWP legal counsel Amy Thornton recommend a written amendment for next meeting. Chairman Dykes asked for a motion to postpone the vote on this regulation.

Commissioner Harrington moved to postpone vote on KAR 115-18-1 until next meeting. Commissioner Wilson seconded.

The roll call vote to postpone vote on KAR 115-18-1 was as follows (Exhibit Z):

Commissioner Dykes	No
Commissioner Fields	No
Commissioner Harrington	Yes
Commissioner Johnston	Yes
Commissioner Meyer	Yes
Commissioner Sebelius	Yes
Commissioner Wilson	Yes

The motion to postpone vote on KAR 115-18-1 until next meeting, passed 5-2.

Chairman Dykes said that he preferred to take what Johnson recommended and have department staff work on language then redraft the regulation and vote in Atchison.

XII. OLD BUSINESS

XIII. OTHER BUSINESS

A. Future Meeting Locations and Dates

The next meeting is scheduled for October 28, 2004 at the Atchison Heritage Conference Center, 710 S. 9th, Atchison. Morning tour is pending.

January 20, 2005 at Memorial Hall Auditorium, Topeka, Luncheon in Capitol Building, 2nd Floor Rotunda.

Chairman Dykes - The Commissioners are invited to the Homestead Country Club in Prairie Village, November 17, 2004 to meet with area legislators.

Jess Hoeme invited the Commission to meet in Beloit for the April meeting.

XIV. ADJOURNMENT

Commissioner Meyer moved, Commissioner Wilson second to adjourn.

The meeting adjourned at 10:20 p.m.

(Exhibits and/or Transcript available upon request)

Secretary's Remarks

2005 Potential Legislation – no briefing book item

TO: Members of the Commission on Wildlife and Parks

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

SUBJECT: FY 2006 Budget Submission for the Kansas Department of Wildlife and Parks

DATE: October 28, 2004

The Kansas Department of Wildlife and Parks (KDWP) has submitted a FY 2006 budget request to the Division of the Budget. The request is for a total of \$46,560,352 and 408.5 positions, an increase of two positions. Attached is a table with the FY 2006 request by various categories of expenditures. The amount of State General Fund (SGF) expenditure requested is \$4,218,624. The revised FY 2005 budget totals \$56,601,492 of which \$3,399,386 is from the SGF. The large amount of expenditures for FY 2005 includes re-appropriated capital improvement projects from prior years. The approved capital improvement amount for FY 2005 was \$4,844,000.

There are several major issues included in the revised FY 2005 budget request. As discussed with the Commission at the previous meeting, the KDWP has requested a SGF supplemental appropriation to assist in financing the operations of the Parks Division in both FY 2005 and FY 2006. At the current time, receipts to the Park Fee Fund are 7 percent less than the prior year at this time. In addition, the FY 2005 budget request estimated an increase in Park Fee receipts, not a decrease. The status of the SGF supplemental request will not be known until Governor Sebelius submits the FY 2006 budget recommendations in January, 2005.

On September 16, 2004, the KDWP requested State Finance Council approval for an \$800,000 increase in the expenditure limitation for the Wildlife Fee Fund. The additional funding will be used to finance the Community Lakes Leasing Program to provide enhanced fishing opportunities for public fishing. The KDWP will use local governmental expenditures for public fishing as the required match and will receive reimbursement from the U.S. Fish and Wildlife Service for all of its expenditures on this program. The Department included this program in the FY 2005 and FY 2006 requested expenditures submitted on September 15, 2004 pending approval from the State Finance Council. The State Finance Council approved the request on October 13, 2004.

The FY 2006 budget request continues current operations for the KDWP at the previously approved levels with 406.5 positions. Included in the current operations request is an amount of \$266,000 in SGF appropriations to continue the program approved for FY 2005 which provides active Army and Air National Guard members with free hunting and fishing licenses and free annual vehicle permits to state parks. In addition, an amount of \$120,000 is included as the second payment to the Almena Irrigation District for maintaining a minimum water level in the Sebelius Reservoir.

For FY 2006, the KDWP has requested the following enhancements; a request to expend \$233,000 from the Wildlife Fee Fund and 1.0 FTE to provide for management of the Circle K Ranch in Edwards County. It is anticipated that the ranch will be acquired in FY 2005 using the authority of the Kansas Water Office. The KDWP has requested a SGF appropriation of \$103,505 and 1.0 FTE to provide for management of Park No. 24 in Shawnee County. The

donation of this property will be completed in FY 2005 and the Department will be responsible for maintenance of the facility. In addition, an amount of \$957,000 has been requested to replace 48 pickup trucks for the various divisions within the KDWP. The Department has not been able to acquire replacement vehicles for the last two fiscal years and it should be noted that the “backlog” of vehicles projected for replacement totals approximately 95 vehicles.

The Commission has previously been provided information on the FY 2006 Capital Improvement request submitted by the KDWP on July 1, 2005. Attached is an updated listing of projects requested by the Department. It should be noted that the attached listing has been revised and includes the following adjustments; an amount of \$115,000 from the State Water Plan Fund rather than the Boating Fee Fund to finance the Park No. 24 Kansas River access project, and deletion of requests from the Boating Fee Fund.

If the members of the Commission have any questions, please advise. Thank you.

	FY 2004 Actuals	FY 2005 Agy Revised	FY 2006 Agy Request
Programs:			
Administration	8,213,030	8,699,216	9,744,113
Grants-in-Aid	1,925,959	1,560,288	1,585,000
Law Enforcement	4,579,732	5,284,150	5,151,211
Parks	8,331,321	8,713,228	8,667,521
Fisheries and Wildlife	14,609,646	15,532,338	15,920,269
Capital Improvements	4,551,537	16,812,722	5,492,238
TOTAL	42,211,225	56,601,942	46,560,352
Expenditure Groups:			
Salaries and Wages	21,080,818	23,049,099	23,382,462
Contractual Services	9,399,582	10,150,942	10,372,503
Commodities	4,124,801	3,516,299	3,685,485
Capital Outlay	1,128,528	1,512,592	2,042,664
Aid/Other Assistance	1,925,959	1,560,288	1,585,000
Capital Improvements	4,551,537	16,812,722	5,492,238
TOTAL	42,211,225	56,601,942	46,560,352
Funding:			
Operating Expenditures:			
State General Fund	3,167,803	3,364,514	4,015,483
Nonrestricted Fund	188,270	232,472	200,000
Park Fee Fund	5,728,089	6,400,270	6,191,000
Boating Fee Fund	1,537,105	776,406	784,351
Boating Fee Fund – Federal	-	597,427	634,000
Wildlife Fee Fund	22,339,565	16,597,049	18,307,474
Wildlife Fee Fund – Federal	-	7,179,602	7,000,000
Federal Ag Fund	677,597	638,998	667,828
Land and Water Conservation Fund	564,062	500,000	500,000
Federal Grants Fund	2,107,716	1,926,708	1,905,030
Wildlife Conservation Fund	775,691	136,749	144,041
Water Plan Fund	40,002	-	40,000
Nongame Fund	122,650	208,550	219,100
Other Funds	411,138	1,230,475	459,807
TOTAL	37,659,688	39,789,220	41,068,114
Capital Improvements:			
State General Fund	-	34,872	203,141
Water Plan Fund	-	-	115,000
Bridges Fund	140,770	786,279	200,000
Roads Fund	1,655,026	1,740,698	1,500,000
Wildlife Conservation Fund	642,393	2,737,954	-
Wildlife Conservation Fund – Federal	-	1,682,000	650,000

Park Fee Fund	253,971	284,537	-
Boating Fee Fund	107,901	915,654	-
Boating Fee Fund – Federal	-	-	105,000
Wildlife Fee Fund	678,486	2,463,769	265,370
Wildlife Fee Fund – Federal	-	-	800,000
Migratory Waterfowl Fund	29,723	409,840	200,000
Land and Water Conservation Fund	545,204	1,972,475	641,165
Federal Grants Fund	495,927	2,520,844	812,562
Tuttle Creek Mitigation	-	1,263,800	-
Other Funds	2,136	-	-
	4,551,537	16,812,722	5,492,238
TOTAL	42,211,225	56,601,942	46,560,352
FTE	406.5	406.5	408.5

FY 2006 CAPITAL IMPROVEMENTS – Requested

(Revised 9/15/2004)

Priority	Level	Description	State General Fund	Wildlife Conserv Fund	Wildlife Fee Fund	Water Plan Fund	Roads Fund	Boating Fee Fund	Federal Funds*	Other Funds***	TOTAL
1	CS	Land Acquisition		500,000							500,000
2	ENH	State Park # 24 Development**				115,000	500,000	0			615,000
3	CS	Public Lands Major Maintenance			150,000						150,000
4	CS	Parks Major Maintenance							641,165		641,165
5	ENH	River Access**				0					0
6	CS	Wetlands Acquisition/Development		150,000						200,000	350,000
7	ENH	Complete Prairie Spirit Trail	203,141						812,562		1,015,703
8	CS	Motorboat Access			875,370						875,370
9	CS	Roads Maintenance					1,000,000				1,000,000
10	CS	Bridge Maintenance								200,000	200,000
11	CS	Coast Guard Grant Projects						105,000			105,000
TOTAL			203,141	650,000	1,025,370	115,000	1,500,000	105,000	1,453,727	400,000	5,452,238

* \$641,165 for LWCF projects; \$812,562 for development of Prairie Spirit trail.

** Upon further review of project needs and Boating Fee Fund balances, Water Plan funds will be substituted to fund river access plans for Priority #2.

*** \$200,000 from Bridge Maintenance Fund and \$200,000 from Migratory Waterfowl Fund.

General Discussion

Wildscape Projects in the Atchison Area – no briefing book item

State Comprehensive Wildlife Plan

Kansas Department of Wildlife and Parks (KDWP) has started a project that will have a long-term positive impact on all the fish and wildlife of our state. Several years ago Congress passed State Wildlife Grant legislation that provided new federal dollars to prevent additional species from becoming endangered and to conserve those already of concern. This year, through State Wildlife Grants, Kansas will receive about \$800,000. One of the requirements for receiving these funds is the state must develop a Comprehensive Wildlife Conservation Plan (CWCP) by October 2005. The CWCP has the long term goal to keep common species common.

KDWP's plan will consider a wide range of views and perspectives on conservation from experts, partner organizations and the public. The first rank of experts will be KDWP employees. Department efforts such as the Kansas Wildlife Diversity Plan and the Threatened and Endangered Species Committee report will be used to develop this plan. Research studies by KDWP, along with contracted studies through Section 6, State Wildlife Grant, Wildlife Conservation Restoration Program and Pittman/Robertson and Dingell/Johnson will be documented and their results incorporated into the plan.

The CWCP will identify the priority species and habitats in greatest need of conservation. It will also identify necessary actions to keep our state's fish and wildlife healthy and set the parameters for which future grant funds will be expended. It will identify partners and cooperators who will help in accomplishing the goals of the plan. The CWCP will also be used to justify continuation of funding for identified conservation actions that can be undertaken by a wide array of public and private natural resource organizations in Kansas. The CWCP will be Kansas' contribution to a nation-wide overview.

Category 2 - Non-motorized diversified-use projects						
Blue	1	City of Argonia	River Park Trail Enhancements	Additional 300' of trail, observation platform, concrete RV pads, signage	\$42,000	\$33,600
Blue	2	City of Cheney	City Park Trail	2-mile walk-jog-bike trail	\$150,000	\$120,000
Blue	3	City of Lansing	City-Wide Trail System: Winslow Road Extension	Connect existing trails to trails under development	\$45,870	\$36,696
Blue	4	Pratt USD 382	SW Elementary Trail	Improve ADA access and correct drainage problem. Hike, bike, skate, only trail in this part of city.	\$20,000	\$16,000
Blue	5	Rock Creek Valley Historical Society (Westmoreland)	Recreational Trail	ADA recreational trail connecting Oregon Trail Park at Scott Spring to City of Westmoreland. Phase 3 of multi-year project. Only asking for 75% funding.	\$33,020	\$24,765
Blue	6	City of Shawnee	Multi-Use Trail	Improve existing walk-bike trail and develop new trail, nearly \$200,000 total project	\$65,000	\$52,000
Blue	7	City of Wakeeney	Multi-Use Trail	3-mile hike-bike trail	\$32,500	\$26,000
Blue	8	City of Wellington	Worden Park Trail	Materials ONLY for 3,500-feet, 10' wide trail for walking, running, biking, roller-blading. City labor and machine use contribute over 50% match.	\$72,042	\$44,370
Blue	9	City of Wichita	Chisolm Park Trail	500 feet of trail and a shelter house	\$100,000	\$80,000
Blue	10	KDWP-Prairie Spirit Trail	Brush chipper	Obtain small brush chipper for the trail.	\$13,750	\$11,000
Blue	11	KDWP-Cross Timbers & Fall	Trail equipment	Purchase 3 mountain bikes and vehicle racks	\$2,925	\$2,340

		River State Parks		for trail patrol		
Blue	12	Jefferson County Conservation District	Slough Creek Point Trails Project	6,875 feet of trails, 3,000 of which will be HA, fishing pier, wildlife watching stations, HA restroom	\$337,000	\$269,600
Blue	13	Kansas WILDSCAPE	Sander's Mound Trail - Clinton Lake	Designate trails in currently abused area, connect State Park Trails to City trail network. Partners: Wildscape, City of Lawrence, Corps of Engineers	\$200,050	\$154,000
Blue	14	KDWP	Park 24 Trail Development	Develop trails within Park 24	\$125,000	\$100,000
						\$970,371
Category 3 - Diversified-use projects; both motorized and non-motorized						
Yellow	1	KDWP	Circle K purchase	Purchase of Circle K	\$363,175	\$290,540
						\$290,540
Category 4 - Motorized single-use projects						
						\$0
Educational Funds						
Green	1	KDWP-Prairie Spirit Trail	Brochure & Signage	Printing new brochures (\$2,500) and promotional and warning signage (\$5,000)	\$9,375	\$7,500
						\$7,500
Administrative Funds						
		5% of the total available				\$48,423
		Approximately \$968,466 available to distribute			\$2,359,438 total project	\$1,838,215 requested

KDWP PRIVATE LAND PROGRAMS

Since 1973, the Kansas Department of Wildlife and Parks (KDWP) Private Lands Program has officially been in existence. The Game Division of the Old Kansas Forestry Fish and Game Department hired Bob Wood, a professional wildlife biologist, to be a private land/public land Wildlife Habitat Coordinator. Bob Wood published one of the first upland bird/small game habitat booklets that were available to private landowners and the general public in Kansas. Don Dick, a professional wildlife biologist for the department, along with Bob Wood, were the department's first two agriculture liaisons who worked directly with the USDA farm office, then called the Soil Conservation Service (SCS). Both biologists spent much of their early careers assisting and coordinating wildlife habitat programs into the federal farm programs in Kansas through the SCS, now called the Natural Resource Conservation Service (NRCS). Troy Schroeder is our current statewide KDWP agriculture liaison and Brad Simpson is our statewide private land coordinator.

However, it was before 1973 that department staff recognized that USDA Farm Bill programs in Kansas had a dramatic wildlife habitat impact on the landscape, both on the prairie and the tillable farm soil. But USDA Farm Bill Programs and the department were going opposite directions in the 60s and 70s, especially when it came to conserving wildlife habitat on private land. The 1985 USDA Food Security Act brought new provisions that created the very popular Conservation Reserve Program, commonly called CRP. Some of the 1985 USDA Farm Bill programs protected existing wetlands and created nearly 3 million new acres of native grass in Kansas from 1985 to 1990. As a direct result of the 1985 USDA Food Security Act the department's Fisheries and Wildlife Division became much more active partners with the NRCS in Kansas. Below are some important private land department/partnership programs created as a direct result of the 1985 Farm Bill.

- **1973 - Present**
KDWP officially created a private land habitat improvement program by hiring private land Wildlife Biologists. The program was called Wildlife Habitat Improvement Program (WHIP), which provided technical assistance and direct assistance to private landowners who wanted to improve wildlife habitat.
- **1988 - Present**
KDWP's private land wildlife biologists moved off department public lands and provided all private land wildlife habitat assistance.
- **1994 - Present**
An MOA financial agreement between NRCS, the Wildlife Management Institute and the department allowed six KDWP wildlife Biologists the opportunity to provide technical assistance on programs that effect wildlife habitat through the Farm Bill, directly through the NRCS area offices. Six new KDWP bio-tech's were hired and federally funded to assist with the department's private land field work in the six wildlife biologists' counties of responsibility.

- **1995 - Present**
KDWP's private land Walk-In Hunting Access (WIHA) program was created and currently generates over one million acres of public hunting access. Over 50 percent of WIHA acres are enrolled in CRP.
- **2002 - Present**
The 2002 Farm Bill generated another cooperative agreement between NRCS and KDWP that enhanced KDWP efforts on private lands. The agreement allowed KDWP wildlife private land biologists to implement the federal WHIP program. In addition, six new KDWP bio-tech's were hired to assist the department's fourteen private land wildlife biologists within their counties of responsibility.
- **2002 - Present**
KDWP statewide pheasant and quail initiative's with five KDWP regional upland game bird private land plans that involve all current private land programs available to Department: Farm Bill / Kansas Department of Wildlife and Parks wildlife habitat improvement program/ Pheasants Forever / Quail Unlimited / Kansas Alliance for Wetlands and Streams/ Playa Lakes Joint Venture /Ducks Unlimited North American Waterfowl Conservation Act / Upper Mississippi Grant Lakes Joint Venture / U.S. Fish and Wildlife Service / Other Partners
- **2002 - Present**
KDWP/SCC/NRCS Buffer Initiative
- **2003 - Present**
USFWS/KDWP/KAWS federal aid agreement creating a Private Landowner Incentive Program (LIP). The agreement will protect wildlife species in need of conservation in the playa lakes area of Kansas, which includes the western two thirds of the state. Funding will also be available to provide three new KDWP wildlife biologists to provide grant coordination / technical assistance / education and outreach / KAWS chapter involvement

FUTURE DEPARTMENT PRIVATE LAND PROGRAM PLANS INCLUDE:

- **2004 - Present**
Create Private Land Agritourism Training Tool Box which would provide technical assistance for wildlife habitat on farm bill land, WIHA land, Controlled Shooting Area (CSA) land, and fee hunt land.
- **2005 - New**
NRCS/KDWP financial work agreements to protect, develop, and enhance more wetland habitat acres through the current NRCS Wetland Reserve Program (WRP). New NRCS/KDWP financial work agreements to increase participation in the Farm and Ranch Lands Protection Program (FRLPP) and Grassland Reserve Programs (GRP) through NRCS/FSA. Hire four new KDWP bio-tech's to assist with programs above.

- **2005 - Tier two**
LIP financial agreement to put direct wildlife habitat on private land through the current LIP initiative.
- **2005**
Enhance current Farm Bill programs that are wildlife friendly Wildlife Habitat Improvement Program (WHIP), Wetland Reserve Program (WRP), Farm and Ranch Lands Protection Programs (FRLPP), Grassland Reserve Program (GRP), Conservation Reserve Program (CRP), Continuous Conservation Reserve Program (CCRP), Environmental Quality Incentive Program (EQIP), Conservation Security Program (CSP). Of these, Conservation Practice 33 is the first CRP practice established exclusively to provide wildlife habitat and CSP provides financial incentives to landowners that are already implementing good conservation practices.
- **2007**
Increase hunting access on private land through WIHA

KDWP Cooperative Efforts with Kansas Department of Commerce's Travel and Tourism Division

LeAnn Schmitt and Bob Matthews of KDWP and Commissioner Shari Wilson have begun working with the Kansas Department of Commerce's Travel and Tourism Division on a number of joint projects this year. Division director Scott Allegrucci has been our primary contact, although we have worked with a number of the division's full-time and contract staff. KDWP has the opportunity to work with KDOC T&T on a number of marketing efforts, which is a win-win situation for both agencies given our limited funding and staff and our shared interest in promoting outdoor recreation.

The projects we are working on include:

- Develop an outdoor media kit and strategy plan (prior to start of 2005 State Legislative Session)
 - Prioritize market
 - Prioritize opportunities we want to promote
 - Create relationships to forward the above two points
 - Agree on a budget for outdoor media relations
 - Set joint procedures for how to handle outdoor media inquiries
- Development and marketing of a shared Outdoor Recreation Guide
 - 2005 Getaway Guide nearly finalized and will include an Outdoor Recreation Guide section that captures the breadth of outdoor recreation opportunities in the state.
 - Above section may become a stand-alone piece that both KDWP and KDOC can use for general marketing purposes.
 - Fine-tuning and improving this Guide will continue in future years.
- Research related to outdoor recreation customers
 - Identifying what research both agencies already have to help us do more targeted marketing
 - Identify what information we still need
 - Plan for how to obtain that information
 - KDOC has contract with data marketing company that we may be able to utilize in the future
- Signage (in coordination with KDOT)
 - Review current signage and related policies
 - Recommend changes to policies and develop action plan coordinated between KDOC, KDWP, KDOT
 - Recommend priorities for signage

LeAnn Schmitt is the KDWP representative on the Agritourism Advisory Council, which was formed at the beginning of this year as part of KDOC's Agritourism Initiative. There will be an agritourism conference in Great Bend November 3-4. Schmitt will represent the KDWP on the Governor's Council on Travel and Tourism, which is moving forward with developing a comprehensive statewide strategic plan for tourism. She also recently attended the Travel Industry Association of Kansas (TIAK) conference, at the request of KDOC.

In addition to the projects listed above, Commissioner Wilson has become involved with the state's Scenic Byways Committee and the Film Commission. She also attended the TIAK conference.

Lewis and Clark Commemorative Summary – no briefing book item

Workshop Session

State Law Action Pertaining to Exotic Cat Ownership

Background:

The Commission, at their January 2004 meeting, directed the department to review and make recommendations concerning the ownership and possession of large cats. This directive was initiated, in part, due to the passage of the Captive Wildlife Safety Act by Congress and concerns expressed by local government entities and general public.

A department work group has been appointed and several meetings have occurred between the secretary, department, other governmental agencies, zoological facilities and private citizens. Based on the review of current law and the input provided from these discussions, the following recommendations are being made.

It is recommended that KAR 115-18-10, concerning the importation and possession of certain wildlife; prohibitions, permit requirements and restrictions, be amended as follows:

1. The list of animals that are prohibited from importation, possession or release in the state be expanded to include tigers, leopards, cheetahs, jaguars, cougars and lions, or any hybrid of these animals, all bears, wolves and non-human primates.

2. Create a provision that any of the above listed animals currently in possession in the state must be reported to the department and a possession permit issued. An application and permitting period will be provided and upon completion of this period, no additional permits will be issued, except as provided for specific, limited circumstances, such as educational or scientific purposes as provided by statute. Possession permits shall expire and possession of any of these animals in the state shall be prohibited after January 1, 2010.

3. Provisions will be created exempting accredited zoos, schools and universities, circuses, or federally allowable transportation of these animals.

4. Any person applying for the limited time possession permit, or desiring to establish a zoo-type facility will be required to secure the appropriate permissions or permits from the appropriate federal, state, and local government agencies.

5. Reporting requirements will be established requiring that the department be notified of the death, transfer or exportation of any animals permitted under this regulation.

6. The allowable activities for all other exotic animals will be moved to this regulation.

In addition to the amendments to KAR 115-18-10, the following regulations would be affected as follows:

1. KAR 115-20-3 would be repealed and the necessary provisions added to KAR 115-18-10.

2. KAR 115-20-4 would be repealed because the possession permit requirements for mountain lions, bears and wolves would be completely covered in KAR 115-18-10.

3. KAR 115-12-3 would be amended by the removal of mountain lions, bears and wolves from the list of animals that could be raised and sold by game breeders.

4. Two new definitions will be added to KAR 115-1-1. These definitions will be for zoos and exotic wildlife.

At present the regulatory changes are being drafted in anticipation of entry into the Kansas register.

Unit Archery Permitting

Background

Senate Bill No. 363 was passed and signed during the 2004 legislative session. Among other provisions, this bill directed the department to:

“(o) *On or before January 31, 2005:*

- (1) The secretary, by rules and regulations adopted in accordance with K.S.A. 32-805, and amendments thereto, shall establish not less than nine archery management units for deer. To the extent possible, boundaries of firearm management units for deer shall be used in establishing the boundaries of such archery management units.*
- (2) The secretary shall submit to the house standing committee on tourism and parks and the senate standing committee on natural resources a report regarding the archery management units established pursuant to subsection (o)(1).”*

Archery permits have been authorized for statewide use since the inception of archery deer hunting in Kansas in 1965. General resident and nonresident archery permits continue to be valid statewide in 2004. Landowner transferable nonresident archery permits are limited to up to two counties where the landowner owns land. The county restriction is printed on the permit when it is reauthorized.

Discussion

Surveys of resident bowhunters show that a system restricting them to a single firearm DMU would result in a substantial reduction in hunting opportunity that bowhunters have traditionally enjoyed. Public and Commission input at a public meeting in August 2004 favored a system where residents were allowed to select two units.

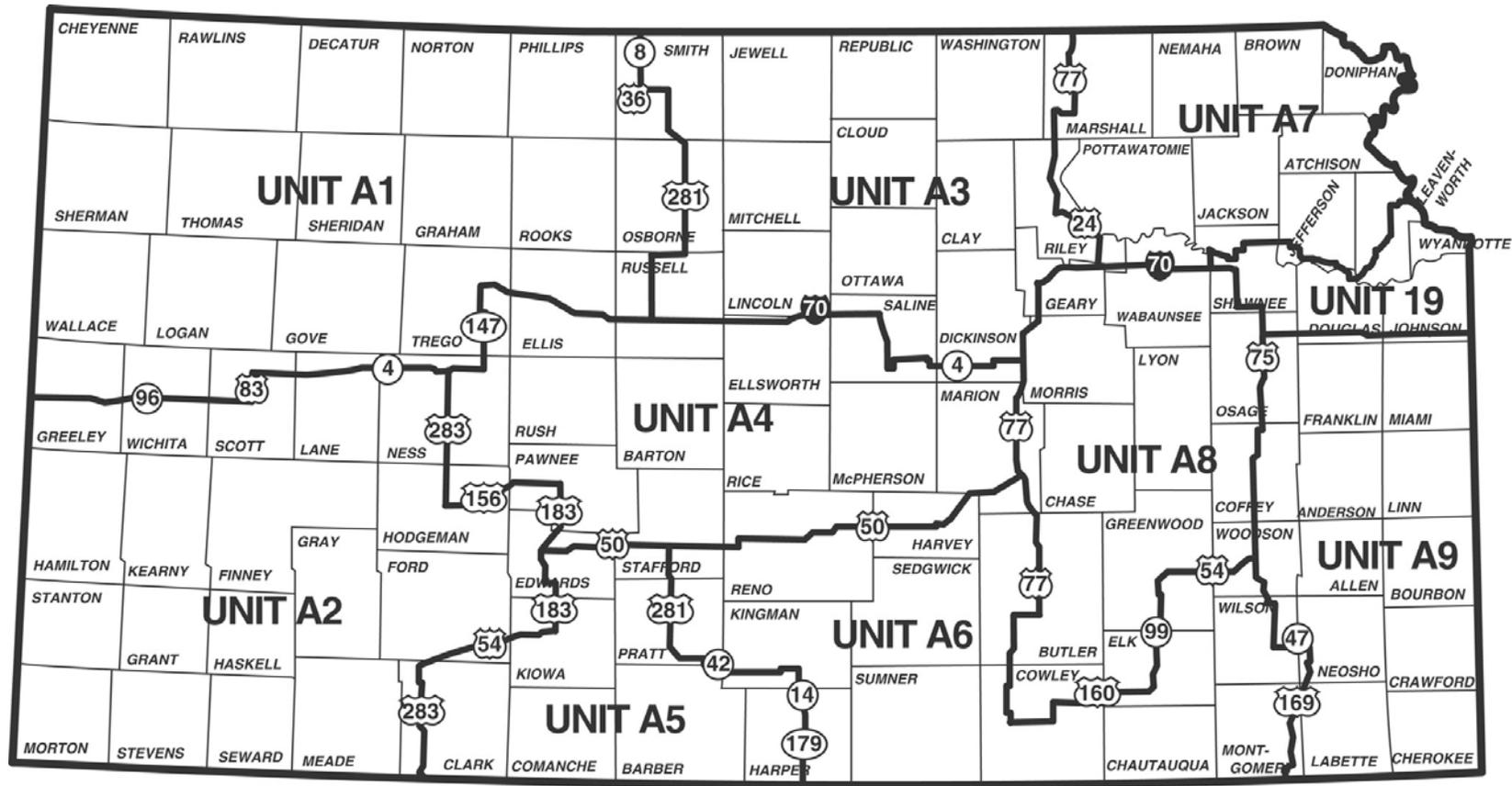
Recommendation

It is the recommendation of the staff to create 10 archery deer management units using the existing boundary lines of firearm management units. The units would be created by combining some adjacent firearms management units and by using the same boundaries as firearms units (see figure 1). Each resident archery deer hunter would be authorized to designate two of these units when they purchased their archery permit. They would also be authorized to hunt in the suburban deer management unit (DMU 19). Nonresident deer permits for 2006 would be allocated based on the number of resident bowhunters that designated each unit. The total number of nonresident bowhunters would be no more than the maximum established in K.S.A. 32-937. Nonresident bowhunters who obtained an archery permit through the drawing would be allowed to select a second archery deer management unit, and they would also be authorized to bowhunt in the suburban deer management unit. Half of the nonresident archery permits in each archery deer management unit would be available for Kansas landowners to obtain and transfer. The transferred archery deer permits would be restricted to no more than two counties where the landowner possessed 80 acres or more of agricultural lands. Resident bowhunters will need to designate the units where their permit will be valid during the 2005 archery season. Permit

authorizations for nonresident bowhunters during the 2005 season will be based on a survey of resident bowhunters to determine the firearm units that they used during the 2004-05 season.

A new regulation would need to be prepared for the archery deer management units. Changes in K.A.R. 115-25-9 would be necessary to establish a system where archery permits were restricted to a specific management unit.

Figure 1. Proposed boundaries for the archery deer management units in 2005.



Threatened and Endangered Species Task Committee Recommendations: 2004

Every five years, Kansas Department of Wildlife and Parks conducts a review of wildlife species that are listed as Endangered, Threatened, or Species-in-need-of-conservation (SINC). This process is required by statute (KSA 32-960 [d]) and ensures that the lists have periodic, critical review. Petition forms and directions were mailed out to individuals, organizations, agencies, and university personnel with knowledge and expertise in wildlife populations. A Threatened and Endangered Species Scientific Review Committee (T&E Task Committee) then screens the petitions and supporting documents to determine if sufficient evidence is presented to continue the process.

If substantial evidence is presented in the submitted petitions, the proposed changes are published in the Kansas Register. “After at least 90 days for comment by agencies, governments, individuals and organizations to which the proposed changes are submitted, the secretary shall submit to the Commission proposed rules and regulations making any changes that the secretary determines should be made in the listings (KSA 32-960 [d 2]).”

During this 90-day review period, which ended in mid-August, expert opinion and survey data was critically examined by the T&E Task Committee. The process reviewed seven petitions.

The following table is a list of species petitioned that the T & E Task Committee reviewed, the current status, and the status the committee recommended to the Commission at the August meeting.

Species	Current Status	Status recommended by T & E Task Committee*
Brindled madtom	Not listed	SINC
Silver chub	Not listed	Endangered
Delta hydrobe snail	Not listed	SINC
Night snake	Threatened	SINC
Red-shouldered hawk	SINC	Delist
White-faced ibis	Threatened	Delist
Eastern chipmunk	SINC	Delist

T & E Scientific Task Committee

Wm. Busby	Kansas Biological Survey
Mark Eberle	Fort Hays State University
Elmer Finck	Fort Hays State University
Bryan Simmons	KDWP
Tom Mosher	KDWP
Dan Mulhern	USFWS
Edwin J. Miller	KDWP

Nomenclature updates:

The common and scientific names of the Endangered, Threatened, and SINC lists as currently found in K.A.R. 115-15-1 and 115-15-2 have been updated. Several of the scientific names and some of the common names have changed. It was decided to follow the same nomenclature used in the National Heritage Database known as NatureServe.

In the official lists, some species are scientifically named to subspecies level (trinomial) while others are listed to the species level (binomial). As more genetic analysis of DNA occurs to compare different populations, many of the subspecies designations are being dropped by the scientific community. To be consistent, it was decided to remove the subspecies designation from the names where they are currently included in the lists. For instance, the current scientific name for Strecker's chorus frog is *Pseudacris streckeri streckeri* and would be reduced to *Pseudacris streckeri*. This change in designation would not include or exclude any populations that are already protected within Kansas.

The listing and nomenclature changes have been submitted for review to the Attorney General's Office and should be ready for Commission approval at the January meeting.

Definitions

- Endangered and Threatened Species are defined in K.S.A. 32-958;
- Publicly funded projects require an Action Permit from KDWP if habitat of Endangered or Threatened Species is impacted.

Endangered species: means any species of wildlife whose continued existence as a viable component of the state's wild fauna is determined to be in jeopardy.

Threatened species: means any species of wildlife which appears likely, within the foreseeable future, to become an endangered species.

SINC (Species-in-need-of-conservation): generally defined as species that are specialized with limited habitat in Kansas or other reason to question future viability in Kansas. This status is based on survey and research information that reveals that this status is warranted and there is a need for future monitoring and population research before elevation to Threatened or Endangered status.

KAR 115-18-1. Wildlife rehabilitation permit; application, reporting and general provisions.

Background:

This regulation has undergone extensive review and re-writing to raise the operational standards for wildlife rehabilitation. This work has been done through the combined efforts of Commissioners, department personnel and permitted rehabilitation professionals. Through the process, many modifications have been requested and accommodated, causing several re-writes of this regulation and a prolonged review process.

When brought before the Commission at the August meeting in Great Bend, amendments were brought forward by Dianne Johnson, a permitted rehabilitator. Due to the numerous amendments brought forth, the Commission opted to postpone action on the regulation so the suggested amendments could be reviewed.

Department staff and legal counsel have reviewed the suggested amendments and are prepared to offer appropriate amendments for consideration by the Commission. Because of legal filing requirements, final action on this regulation will be at the January 2005 Commission meeting in Topeka.

K.A.R. 115-18-1.
Wildlife rehabilitation permit; application, reporting
and general provisions.
POSSIBLE AMENDMENT

As a result of internal department comment as well as external constituent comment on the proposed amendments to K.A.R. 115-18-1, concerning wildlife rehabilitation permits, the department suggests that the following amendments be made to the version of the regulation submitted for public comment.

K.A.R. 115-18-1. Wildlife rehabilitation permit; application, reporting and general provisions.

1. Amend proposed subsection (b)(D)(iii) on page two as follows:

(iii) a test score of at least 80 percent on a department-administered wildlife rehabilitation examination at a department office location. Each applicant who fails the examination shall wait a minimum of 30 days before retaking the examination. The test may be taken only twice during each calendar year. The test shall not be returned to applicants at any time.

2. Amend proposed subsection (g)(1) on page 5 as follows:

(1) All rehabilitation of wildlife shall be performed in consultation, as necessary, with a licensed veterinarian named on the rehabilitator's permit or with veterinarians on staff at the Kansas State University veterinary hospital.

3. Amend proposed subsection (j) on page 7 as follows:

(j) The secretary or designee shall be notified within 48 hours if the permittee receives for transport or care an endangered species, threatened species, or species in need of conservation, as identified in K.A.R. 115-15-1 and K.A.R. 115-15-2. Permission for treatment and care by the requesting permittee may be granted by the secretary or designee, or an alternate course of action may be specified by the secretary or designee.

4. Amend proposed subsection (l)(1) on page 8 as follows:

(1) Any person may temporarily possess and transport sick, orphaned, displaced or injured wildlife within the state to a person authorized to perform wildlife rehabilitation services or initial treatment. Possession of an individual animal for transportation to initial treatment shall not exceed one day.

4. Amend proposed subsection (1)(3) on page 9 as follows:

(3) Any person authorized by permit to perform wildlife rehabilitation services or exempt by law from the requirement to possess a wildlife rehabilitation permit may possess individual animals for treatment purposes on a temporary basis. Possession of an individual animal for treatment purposes shall not exceed ~~90~~ 120 days, unless an extension has been approved by the secretary or designee.

5. Amend proposed subsection (1)(4)(D) on page 10 as follows:

(D) any wildlife species listed in K.A.R. 115-18-10, except as authorized in writing by the secretary.

6. Amend proposed subsection (o) on page 11 as follows:

(o) ~~This regulation shall be effective on and after January 1, 1990.~~ Any person authorized by permit to perform wildlife rehabilitation services or exempt by law from the requirement to possess a wildlife rehabilitation permit may temporarily possess and transport wildlife to another location within the state for the purposes of providing treatment, releasing wildlife in its natural habitat, or transporting wildlife to an approved temporary or permanent holding facility. Possession of wildlife for transportation to another location shall not exceed ~~one week~~ 48 hours.

7. Amend proposed subsection (p)(2) on page 12 as follows:

(2) Wildlife that cannot be rehabilitated and released to the wild shall be euthanized unless a written request, specifying an alternate course of action, is approved by the secretary or

designee. Each course of action requiring the wildlife to remain in captivity shall be approved only if the wildlife is transferred from the permittee providing the rehabilitation services to an accredited zoological facility, or a scientific, or educational permit holder in accordance with subsection (i). Each transfer shall be allowed only for educational programs or fostering or socialization purposes, and no transfer shall take place unless the secretary or designee has approved the request in writing.

8. Amend proposed subsection (p)(3) on page 12-13 as follows:

(3) All euthanized wildlife and wildlife that have died ~~of natural causes~~ shall be buried, incinerated, or transferred to a person or facility possessing a valid department ~~salvage~~ scientific, educational, or exhibition permit. All federally permitted wildlife shall be disposed of in accordance with the terms of any federal permit. Any deceased wildlife may be disposed of on private property with the prior written permission of the person in legal possession of the private property. Deceased wildlife shall not be disposed of within the limits of any municipality without the prior written permission of the municipality.

9. Amend proposed subsection (q)(4) on page 13 as follows:

(4) The permittee has not been convicted of violating local, state, or federal laws relating to the care, treatment, possession, take, or disposal of wildlife or domestic animals within the previous five years.

10. Amend proposed subsection (s) on page 13 as follows:

~~(s) This regulation shall be effective on and after January 1, 2005.~~

Regulations per Wild Turkey split from Big Game

During the past legislative session, Senate Bill 364 amended KSA 32-701 to eliminate wild turkey from the definition of big game. Work is under way to develop the necessary regulation(s) to implement the provisions of this statute which is effective January 1, 2005.

Revenue Task Force Recommendations KAR 115-2-1 Amount of fees.

The following recommendations for fee increases are the result of the Revenue Task Force report that was presented at the August Commission meeting.

Nonresident Deer Permits

Task Force members were in consensus that the nonresident antlered deer permits were priced below fair market value. Currently, nonresident Whitetail Either Sex firearms and archery permits, and muzzleloader Any Deer permits are priced at \$221, including a \$20 nonrefundable application fee. In addition to a deer permit, a nonresident hunting license is also required. With the \$71 nonresident hunting license, the total cost is \$292. KDWP staff recommend increasing the amount of the permits to \$300 (the statutory cap is \$400, KSA 32-988). This would bring the total cost for license and permit to \$392 (\$301 permit + \$20 application fee + \$71 nonresident hunting license, which includes \$1 issuance fees).

In 2004, 10,268 nonresident Whitetail Either Sex firearms, archery and muzzleloader Any Deer permits were purchased. Based on that figure, this fee proposal will increase revenues by \$1,026,800.

Nonresident Trophy Bobcat Permit

Nonresident deer hunters have expressed an interest in the opportunistic harvest of bobcats. However, this currently requires they possess a \$250 nonresident furharvesters license. This recommendation would establish a \$100 Trophy Bobcat Permit for nonresidents. The permit would allow the harvest of one bobcat during the furbearer hunting season. Nonresident hunters born on or after July 1, 1966 would also be required to have completed an approved furharvester education course.

Lifetime Hunting and Fishing License

Another Revenue Task Force consensus was that the lifetime hunting/fishing licenses were under priced and the current formula for claiming federal aid did not allow the agency to capture funds accurately. Currently, a lifetime hunting or fishing license is \$300, and a combination lifetime hunting/fishing license is \$600. This proposal would increase that fee to \$440 for either a lifetime hunting or fishing license, and \$880 for a combination license. The statutory cap for a lifetime fishing or hunting license is \$500, or \$1,000 for a combination (KSA 32-988). The formula for claiming federal aid based on license sales allows the department to claim that license holder for 12 years for a \$300 license (figured from a ratio of annual license fee versus lifetime license fee). By increasing the price of the lifetime license to \$450, the department could claim those license holders for 25 years. The department receives \$7 per license holder annually in federal aid. Since 1982, an average of 2,075 lifetime licenses have been sold annually. With this increase, \$311,250 of added revenue would be realized, not including the long-term federal aid increases.

Third Fishing Rod Stamp

The Revenue Task Force researched fees and issuances of other states while discussing revenue options. One idea the group felt was worth exploring was a Third Fishing Rod Stamp. Current fishing laws allow an angler to use two rods, in addition to setlines or a trotline. Colorado allows an angler to use only one rod, but offers a second rod stamp that is popular with anglers. This proposal would establish a \$4 Third Fishing Rod stamp that anglers who wanted the option to fish with more than two attended rods could purchase. It is estimated that this stamp could contribute \$200,000 in additional revenue.

BIG GAME REGULATIONS

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

Background

The regulation contains the following items:

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

Discussion

Wild turkeys are no longer classified as a big game species (Senate Bill 363). As a result, changes need to be made to this regulation to cover all appropriate species.

Changes in this regulation are needed to address procedures that will occur with the automated licensing process.

Some difficulties have been encountered with this regulation and the collection of CWD samples from deer killed by hunters. The aspect of this regulation that requires a hunter to retain the head of a big game animal while the carcass is being transported is discouraging some hunters from leaving the head of their deer at unmanned collection barrels.

Recommendation

It is recommended that changes be made to this regulation to refer to “big game species and wild turkey” wherever the phrase “big game species” currently is used.

The following changes are recommended to address procedural changes as a result of the automated license procedures:

- 1) Add a requirement on all permits where the hunter signs to attest that all information is true and correct.
- 2) Add a requirement for the hunter to include a time of kill on the carcass tag when the hunter signs the tag.
- 3) Remove the requirement for the carcass tag to stay attached to the big game permit.
- 4) Add a section to the regulation that designates the carcass tag is invalidated if signed and not attached to a carcass. The carcass tag will be printed with a bold warning on the signature line indicating; **DO NOT SIGN UNTIL KILL HAS BEEN MADE.**

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

Background

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 prohibiting shooting at turkeys while they are in a tree
- ▶ Special restrictions on the use of horses or mules to herd or drive elk.

Discussion

Wild turkeys are no longer classified as a big game species (Senate Bill 363). A new regulation will be created to specify the equipment that may be used to hunt wild turkey.

An error was discovered in section (d) (1) of this regulation.

Three items were received from the public requesting changes in the equipment for deer hunting. Some individuals would like to include centerfire rifles of .22 caliber, (such as 22-250 and 220 Swift). Other comments have been received that encourage the department to allow stone broadheads for archery. Some hunters and community leaders have expressed interest in expanded archery seasons when crossbows might be used. These equipment changes are legal for deer hunting in some states and prohibited in others.

Recommendation

All sections of this regulation dealing with wild turkey should be removed. They will be added to a new regulation dealing with equipment for hunting turkey.

It is recommended that section (d) (1) be changed from K.A.R. 115-4-12 to K.A.R. 115-4-2.

No changes are being proposed for this regulation this year for the equipment that may be used to hunt big game. A public input process is planned for the summer of 2005 to gather additional comments before bringing a recommendation on changes is made to the Commission.

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

Background

The regulation contains the following items:

- ▶ Descriptions of the boundaries of deer management units.

Discussion

This regulation does not include archery unit boundaries or provisions to exclude areas under the Landowner Deer Management Program.

Recommendation

It is recommended that the title of is regulation be changed to “Deer; firearms management units”.

It is recommended that this regulation be modify to exclude areas in the Landowner Deer Management Program from the firearm management units. That would be done in each section that describes a unit boundary. It is proposed that the phrase’ “except federal and state sanctuaries” be changed to “except federal and state sanctuaries and areas enrolled in the landowner deer management program”.

A new regulation is recommended to create archery management units. That regulation will be K.A.R. 115-4-6A and refer to sections in K.A.R. 115-4-6 to combine some firearm management units to create a single archery management area.

REGULATION K.A.R. 115-4-11 Big game permit application.

Background

The regulation contains the following items:

- ▶ Provisions restricting individuals to one permit for each big game species (unless authorized by rules and regulations, such as occurs with leftover firearm deer permits).
- ▶ Application system for pronghorn, and elk hunters and preference point systems for pronghorn permits.
- ▶ Applications system for white-tailed deer hunters.
- ▶ Application and preference point system for mule deer hunters.
- ▶ Application procedures, permits and game tags for turkey hunting. This also includes the drawing priorities that are used where limited numbers of permits occur.

Discussion

Wild turkeys are no longer classified as a big game species (Senate Bill 363). As a result, changes need to be made to this regulation to cover all appropriate species.

Public requests have been received to create a system where hunters could purchase a preference point in lieu of applying for a permit.

Recommendation

It is recommended that changes be made to this regulation to refer to “big game species and wild turkey” wherever the phrase “big game species” currently is used.

It is recommended that a section be added to this regulation that would allow people to purchase a preference point during years that they did not desire to be included in a drawing for a permit.

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

Background

The regulation contains the following items:

- ▶ Creates permit types that includes:
 - ▶ a white-tailed deer, either sex permit valid during muzzleloader and firearms seasons
 - ▶ a white-tailed deer antlerless only permit valid during any season with the appropriate equipment
 - ▶ an antlerless white-tailed deer game tag
 - ▶ Firearm Any-Deer permit
 - ▶ Archery Any-Deer permit
 - ▶ Muzzleloader Any-Deer permit
 - ▶ Leftover any deer permits
 - ▶ Hunt-on-your-own-land permits, including resident HOYOL, nonresident HOYOL, and special HOYOL transferable permits.
- ▶ Nonresident deer permits shall be valid for the same season and same management unit as those for which the equivalent resident permits are valid.
- ▶ Each deer permit 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

Once again this year, as had occurred in 2000 and 2003, a review of this regulation has been requested, with an eye for potentially creating a mule deer only permit.

Recommendation

No changes are being proposed for this regulation this year. It is proposed that a review will occur this year on the issue of separate systems for mule deer and white-tailed deer.

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

Background

The regulation contains the following items:

- ▶ Dates of deer seasons equipment such as archery, firearms, muzzleloader may be used.
- ▶ Provisions when seasons may occur on military subunits within management units.
- ▶ Dates for urban firearm deer season and extended archery seasons.
- ▶ Dates of deer seasons for designated persons.
- ▶ Dates and units when extended firearms seasons are authorized and the type of permits and changes in the species and antler categories of those permits.
- ▶ Dates for extended firearms season in northern DMU 7 & 8.
- ▶ Permit application dates and procedures.
- ▶ Reclassification of permits issues as leftover permits.
- ▶ Limitations in obtaining multiple permits.
- ▶ Check station requirements.

Discussion

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

Input from department personnel indicates that consideration should be made to restrict game tags to people that possess a deer permit.

Recommendation

Section (a)(1)(B) will need to be changed from statewide to archery unit(s) designated on the permit.

Consideration will be made on issues of extended firearms seasons and deer game tags after additional data become available.

Additional public input is desired on the issue of requiring a hunter to purchase a deer permit before they may purchase a deer game tag.

Public Hearing

115-2-2. Motor vehicle permit fees. (a) The following motor vehicle permit fees shall be in effect for state parks and for other areas requiring a motor vehicle permit:

January 1, 2003 through March 31, ~~2003~~ 2005:

One-day temporary motor vehicle permit.....	\$4.50
Annual motor vehicle permit	29.50
Additional annual motor vehicle permit	19.50

April 1 through September 30:

One-day temporary motor vehicle permit.....	\$5.50
Annual motor vehicle permit	44.50 <u>50.00</u>
Additional annual motor vehicle permit	24.50 <u>30.00</u>

October 1 through March 31, effective beginning October 1, ~~2003~~ 2005:

One-day temporary motor vehicle permit.....	\$4.50
Annual motor vehicle permit	34.50
Additional annual motor vehicle permit	19.50

(b) Each one-day temporary motor vehicle permit shall expire at noon on the day following its effective date. However, each one-day temporary motor vehicle permit shall expire at 2:00 p.m. on Sundays and on Memorial Day, Independence Day, and Labor Day when the Sunday or the listed holiday is the day following the effective date of the one-day temporary motor vehicle permit.

(c) Annual motor vehicle permits shall not be valid during designated special events.

(d) This regulation shall be effective on and after January 1, ~~2003~~ 2005. (Authorized by and implementing K.S.A. 32-807 and K.S.A. 32-901; effective Jan. 22, 1990; amended Oct. 12, 1992; amended Aug. 21, 1995; amended Jan. 1, 2001; amended Jan. 1, 2003; amended P-
_____.)

ECONOMIC IMPACT STATEMENT

K.A.R. 115-2-2. Motor vehicle permit fees.

DESCRIPTION: This regulation establishes daily and annual permit prices for vehicles entering and using state parks and other areas requiring a motor vehicle permit. This is a user fee for entering and using state parks. The proposal would raise the in-season annual motor vehicle permit from \$44.50 to \$50 and the in-season second motor vehicle permit from \$24.50 to \$30.

FEDERAL MANDATE: None.

ECONOMIC IMPACT: The proposed amendments may increase revenue to the Park Fee Fund in the estimated amount of \$50,000 in FY 2005 and \$100,000 in FY 2006. Due to a reduction in State General Fund and shift towards increased reliance on the Park Fee Fund, the increases are necessary to continue to provide current service levels in the park system. The amendments are not anticipated to have any appreciable economic impact on other agencies.

ALTERNATIVES CONSIDERED: None

K.A.R. 115-2-2.
Proposed Motor Vehicle Permit Fees Amended Regulation
POSSIBLE AMENDMENT

As a result of internal department as well as public comment on the proposed amendments to K.A.R. 115-2-2, concerning motor vehicle permit fees, the department suggests that the following amendments be made to the version of the regulation submitted for public comment.

K.A.R. 115-2-2. Motor vehicle permit fees.

1. Replace and amend proposed subsection (a) as follows:

(a) The following motor vehicle permit fees shall be in effect for state parks and for other areas requiring a motor vehicle permit:

January 1, ~~2003~~ 2005 through March 31, ~~2003~~ 2005:

One-day temporary motor vehicle permit.....	\$4.50
Annual motor vehicle permit	29.50 <u>34.50</u>
Additional annual motor vehicle permit	19.50

April 1 through September 30:

One-day temporary motor vehicle permit.....	\$5.50
Annual motor vehicle permit	44.50
Additional annual motor vehicle permit	24.50

October 1 through March 31, effective beginning October 1, ~~2003~~ 2005:

One-day temporary motor vehicle permit.....	\$4.50
Annual motor vehicle permit	34.50
Additional annual motor vehicle permit.....	19.50

2. Leave all other amendments as they are proposed.

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, ~~2003~~ 2005 through March 31, ~~2003~~ 2005):

Annual camping permit.....	\$ 110.00 <u>249.00</u>
Overnight camping permit	5.00 <u>6.00</u>
14-night camping permit.....	60.00 <u>85.00</u>

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

<u>Annual camping permit.....</u>	<u>299.00</u>
Overnight camping permit	7.00
14-night camping permit.....	75.00 <u>99.00</u>

Prime camping area permit (<u>Monday through Thursday</u>)	2.00
<u>Prime camping area permit (Friday through Sunday)</u>	5.00
Camping--per camping unit (October 1 through March 31, effective beginning October 1, <u>2003</u> <u>2005</u>):	
<u>Annual camping permit</u>	<u>249.00</u>
Overnight camping permit	6.00
14-night camping permit.....	65.00 <u>85.00</u>
Annual camping permit per camping unit (effective beginning April 1, 2003).....	150.00
Overflow primitive camping permit, per night	5.00
<u>Recreational vehicle long-term camping permit (includes utilities)--per month, per unit (annual camping permit and annual vehicle permit required):</u>	
<u>One utility</u>	<u>200.00</u>
<u>Two utilities</u>	<u>260.00</u>
<u>Three utilities</u>	<u>320.00</u>
<u>Recreational vehicle short-term parking--per month</u>	<u>125.00</u>
Cabin camping permit, per night	
Two persons over 16 years of age.....	35.00
Each additional person over 16 years of age	5.00
Utilities--electricity, water, and sewer hookup per night, per unit:	
One utility	5.50
Two utilities	7.50
Three utilities	8.50
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--maximum200.00

(i) This regulation shall be effective on and after January 1, ~~2003~~ 2005. (Authorized by and implementing K.S.A. 32-807 and K.S.A. ~~2001~~ 2003 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 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. The proposed fee increases would take effect in stages. On January 1, 2005, off-season (October 1-March 31) annual camping permits would increase to \$249.00 from \$150.00 and 14 night camping permits would increase from \$60.00 to \$85.00. On April 1, 2005, the fee for an in-season (April 1-September 30) annual camping permit would become \$299.00 and \$99.00 for a 14-night permit. Prime camping area permits would increase to \$5.00 for Friday through Sunday. The department also intends to implement two new programs, recreational vehicle long term camping and recreational vehicle short-term parking, each priced by month. Cabin camping fees are proposed for removal from the regulation and to be placed in new regulation, K.A.R. 115-2-3a.

FEDERAL MANDATE: None.

ECONOMIC IMPACT: The proposed amendments may increase FY2005 revenues to the Park Fee Fund by approximately \$311,700, and FY2006 revenues by approximately \$623,400. This estimate is based on the number of permits that are normally sold before and after the effective date of the fee increases, and then assumes that the permits sold after the fee increase would be less than the normal number for that time period, due to some initial resistance to the fee increase. In addition, the revenue estimates from the proposed new programs are highly speculative. The costs of the amendments would be borne by members of the public who use state parks. These amendments are proposed in response to a reduction in FY2005 SGF appropriations for state parks, with a corresponding increase in Park Fee Fund appropriations, and are proposed in conjunction with similar amendments to other park fees in K.A.R. 115-2-2. The amendments are not anticipated to have any appreciable economic impact on other agencies.

ALTERNATIVES CONSIDERED: Various levels of price increases have been discussed. The proposed fee arrangement is considered the best alternative at this time to maintain current state park service to the public, while limiting the added burden to the state park users to the extent possible.

K.A.R. 115-2-3.
Proposed Camping, utility and other fees Amended Regulation
POSSIBLE AMENDMENT

As a result of internal department as well as public comment on the proposed amendments to K.A.R. 115-2-3, concerning camping, utility and other fees, the department suggests that the following amendments be made to the version of the regulation submitted for public comment.

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

1. Amend proposed subsection (h) to leave permit fees the same as current levels for annual camping permit at \$150.00 year-round as well as prime camping area permit at \$2.00 but enact the remainder of the changes.

115-2-3a. Cabin camping permit fees. (a) The following cabin camping permit fees shall be in effect for the following state parks requiring a cabin camping permit:

(1) Cedar Bluff:

Cabins 1 and 2:

Year-round, per night.....\$35.00

Cabins 3 and 4:

Year-round, per night.....\$80.00

Cabin 5:

Year-round, per night.....\$60.00

(2) Cheney:

Cabins 1 through 7:

Sunday through Thursday, year-round, per night\$45.00

Friday and Saturday, April 1 through September 30, per night.....\$65.00

Friday and Saturday, October 1 through March 31, per night\$45.00

Year-round, per week.....\$300.00

(3) Crawford:

Cabins 1 through 3:

Sunday through Thursday, April 1 through September 30, per night.....\$65.00

Sunday through Thursday, October 1 through March 31, per night.....\$55.00

Friday and Saturday, April 1 through September 30, per night.....\$85.00

Friday and Saturday, October 1 through March 31, per night\$75.00

April 1 through September 30, per week\$450.00

October 1 through March 31, per week\$375.00

(4) Cross Timbers:

Cabin 1:

Sunday through Thursday, April 1 through September 30, per night.....	\$65.00
Sunday through Thursday, October 1 through March 31, per night.....	\$55.00
Friday and Saturday, April 1 through September 30, per night.....	\$85.00
Friday and Saturday, October 1 through March 31, per night.....	\$75.00
April 1 through September 30, per week.....	\$450.00
October 1 through March 31, per week.....	\$375.00

(5) Eisenhower:

Cabin 1:

Year-round, per night.....	\$36.00
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(6) El Dorado:

Cabins 1 through 5:

Sunday through Thursday, year-round, per night.....	\$30.00
Friday and Saturday, year-round, per night.....	\$35.00
Year-round, per week.....	\$175.00
Year-round, per month.....	\$600.00

Cabins 6, 8, and 9:

Year-round, per night.....	\$100.00
Year-round, per week.....	\$560.00
Year-round, per month.....	\$1,800.00

Cabin 7:

Year-round, per night.....	\$110.00
Year-round, per week.....	\$560.00
Year-round, per month.....	\$1,800.00

(7) Fall River:

Cabin 1:

Sunday through Thursday, April 1 through September 30, per night.....	\$65.00
Sunday through Thursday, October 1 through March 31, per night.....	\$55.00
Friday and Saturday, April 1 through September 30, per night.....	\$85.00
Friday and Saturday, October 1 through March 31, per night.....	\$75.00
April 1 through September 30, per week.....	\$450.00
October 1 through March 31, per week:	\$375.00

(8) Glen Elder:

Cabin 1:

Sunday through Thursday, April 1 through September 30, per night.....	\$65.00
Sunday through Thursday, October 1 through March 31, per night.....	\$55.00
Friday and Saturday, April 1 through September 30, per night.....	\$85.00
Friday and Saturday, October 1 through March 31, per night.....	\$75.00
April 1 through September 30, per week.....	\$450.00
October 1 through March 31, per week.....	\$375.00

Cabin 2:

Year-round, per night.....	\$100.00
Year-round, per week.....	\$560.00
Year-round, per month.....	\$1,800.00

(9) Lovewell:

Cabins 1 through 6 (fee covers two adults; add \$5.00 for each additional adult):

Year-round, per night.....	\$45.00
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(10) Milford:

Cabins 1 through 3:

Sunday through Thursday, year-round, per night	\$45.00
Friday and Saturday, April 1 through September 30, per night.....	\$60.00
Friday and Saturday, October 1 through March 31, per night	\$45.00
April 1 through September 30, per week	\$300.00
October 1 through March 31, per week	\$275.00

(11) Tuttle Creek:

Cabins 1 through 4:

Sunday through Thursday, April 1 through September 30, per night.....	\$65.00
Sunday through Thursday, October 1 through March 31, per night.....	\$55.00
Friday and Saturday, April 1 through September 30, per night.....	\$85.00
Friday and Saturday, October 1 through March 31, per night	\$75.00
April 1 through September 30, per week	\$450.00
October 1 through March 31, per week	\$375.00

(12) Webster:

Cabin 1:

Year-round, per night.....	\$80.00
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(13) Wilson:

Cabins 1 through 5:

Sunday through Thursday, April 1 through September 30, per night.....	\$60.00
Sunday through Thursday, October 1 through March 31, per night.....	\$50.00
Friday and Saturday, April 1 through September 30, per night.....	\$70.00
Friday and Saturday, October 1 through March 31, per night	\$60.00
April 1 through September 30, per week	\$380.00
October 1 through March 31, per week	\$325.00

Cabin 6:

Sunday through Thursday, April 1 through September 30, per night.....	\$80.00
Sunday through Thursday, October 1 through March 31, per night.....	\$70.00
Friday and Saturday, April 1 through September 30, per night.....	\$85.00
Friday and Saturday, October 1 through March 31, per night.....	\$80.00
April 1 through September 30, per week.....	\$500.00
October 1 through March 31, per week.....	\$375.00

(b) This regulation shall be effective on and after January 1, 2005. (Authorized by and implementing K.S.A. 32-807 and K.S.A. 2003 Supp. 32-988, as amended by L. 2004, Ch. 99, Sec. 8; effective P-_____.)

ECONOMIC IMPACT STATEMENT

K.A.R. 115-2-3a. Cabin camping permit fees.

DESCRIPTION: This new regulation establishes fees for cabin camping within the state parks. Previously, cabin use at state parks was limited to primitive cabins that were converted from picnic shelters. Cabin demand by the public within the state parks has increased considerably in the past three years. As such, the Department and local citizen support groups have responded and implemented cabin projects throughout the state parks. The proposed fees are already in place throughout the park system, through the use of special camping permits. The cabin program has proved highly successful. Prices are based on location, size and accommodations within the actual cabins.

FEDERAL MANDATE: None.

ECONOMIC IMPACT: The proposed regulation is simply replacing current pricing practice through the use of special camping permits. The net economic impact is zero by implementation of the regulation. Therefore, the amendments are not anticipated to have any appreciable economic impact on the department, the public or other agencies. However, as the local programs continue to rise in popularity and the department recoups the initial investment in the cabins, the implementation of the regulation will have a cumulative effect of increasing park fee fund revenue but any amount would be purely speculative at this time.

ALTERNATIVES CONSIDERED: None.

K.A.R. 115-2-3a.
Proposed Camping, utility and other fees Amended Regulation
POSSIBLE AMENDMENT

As a result of internal department comment on the proposed amendments to K.A.R. 115-2-3a, concerning cabin camping permit fees, the department suggests that the following amendments be made to the version of the regulation submitted for public comment.

K.A.R. 115-2-3a. Cabin camping permit fees.

1. Amend proposed subsection (a)(11) to add Prairie Dog State Park Cabin 1, and renumber the sections accordingly, with the pricing as follows:

Cabin 1 (fee covers two adults; add \$5.00 for each additional adult):

Year-round, per night.....\$45.00

2. Replace proposed subsection (a)(12), regarding cabin 1 at Webster State Park, with the pricing as follows:

Cabin 1:

Sunday through Thursday, year-round, per night.....\$65.00

Friday and Saturday, year-round, per night..... \$80.00

Year-round, per week.....\$450.00

115-4-14. Landowner deer management program; implementation, application, selection, property requirements, deer permitting, property posting, evaluation, renewal, and other provisions. (a) Project implementation.

(1) A three-year pilot project of the landowner deer management program shall be initiated with deer permits authorized beginning in the 2005 deer season.

(2) One pilot location may be selected from each of the five administrative regions of the department. If sufficient candidate applications do not exist in each administrative region, more than one pilot location per region may be selected.

(3) Not more than three percent of the total acreage of a deer management unit, as specified in K.A.R. 115-4-6, shall be enrolled in the landowner deer management program.

(b) Applications.

(1) Each application for entry into the landowner deer management program shall be submitted to the secretary on a form provided by the department. Cooperative agreements among landowners shall be considered as a single application if the landowner applicant has obtained a power of attorney from each landowner co-applicant relative to the landowner deer management program for each co-applicant's property.

(2) Each applicant shall provide the following information:

(A) The name of the landowner applicant;

(B) the names of landowner co-applicants, if any;

(C) the address of the landowner applicant;

(D) the addresses of landowner co-applicants, if any;

(E) the legal description of all property to be included in the program;

(F) the landowner applicant's selection of permit allocation proportions for both either-sex type permits and antlerless-only permits between private hunting clients and randomly selected public applicants, including the number of days allocated during each season for private

and public hunters as well as the selection of areas where private and public hunters may be restricted;

(G) data on deer population trends, deer status, and hunter harvest success if the deer density is different from the deer density in the surrounding deer management unit;

(H) a description of conservation activities currently implemented on the intended enrolled property; and

(I) a description of planned conservation programs to be initiated during the term of the contract on the property planned for enrollment, including the following:

(i) Habitat protection and enhancement for threatened and endangered species or species in need of conservation within the department's respective administrative region;

(ii) mentoring programs that enhance the recruitment and retention of hunters and anglers; and

(iii) public access programs other than deer hunting.

(c) Property.

(1) All property enrolled in the landowner deer management program shall meet the following conditions:

(A) Be owned in fee simple by Kansas landowners;

(B) be contiguous;

(C) exceed a minimum of 10,000 acres if the property is within deer management unit 1, 2, 3, 4, 5, 7, 16, 17, or 18, as described in K.A.R. 115-4-6;

(D) exceed a minimum of 3,000 acres if the property is within deer management unit 6, 8, 9, 10, 11, 12, 13, 14, 15, or 19, as described in K.A.R. 115-4-6; and

(E) be posted at intervals of not more than one-half mile and at all vehicle access points with eight-inch by 10-inch signs indicating that landowner deer management program permits are required for individuals hunting on the property.

(d) Application selection.

(1) Each application shall be reviewed and ranked by a regional committee based on the proposal for public access to private property, conservation programs, and cost-effectiveness to the department.

(2) A statewide review committee shall determine final selection of the pilot location selection based on regional committee recommendations, selection of representative project types, and distribution within the state.

(3) If two pilot project applications rank identically within the same departmental administrative region, a random selection shall be made to determine the final ranking.

(e) Deer permits.

(1) Landowner deer management program permits shall be valid only on the property enrolled in the pilot program. No other types of deer permits issued by the department shall be valid on property enrolled in the landowner deer management program.

(2) Landowner deer management program permits issued for a pilot program within deer management unit 1, 2, 3, 4, 5, 7, 16, 17, or 18, as described in K.A.R. 115-4-6, shall be designated any-deer permits or antlerless-only, any-deer permits. These permits shall be valid during any season with the equipment authorized for that season.

(3) Landowner deer management program permits issued for a pilot program within deer management unit 6, 8, 9, 10, 11, 12, 13, 14, 15, or 19, as described in K.A.R. 115-4-6, shall be designated white-tailed deer, either-sex permits or white-tailed deer, antlerless-only permits. These permits shall be valid during any season with the equipment authorized during that season.

(4) Each landowner enrolled in the landowner deer management program shall provide each private hunter with a certificate specific to the property enrolled before the private hunter may submit an application for a landowner deer management program permit. Each private hunter shall submit the certificate to the department's licensing section, accompanied by payment for the value of the permit based on general nonresident pricing for antlered or

antlerless permits. No hunter shall apply for and obtain more than one deer permit that allows the taking of antlered deer in any calendar year.

(5) Any resident public hunter may submit an application to hunt on landowner deer management program property. Applications shall be included on the resident deer application form. Preference points obtained in previous applications for resident deer permits pursuant to K.A.R. 115-4-11 may be used when applying for resident public hunter landowner deer management program permits. No hunter shall apply for and obtain more than one deer permit that allows the taking of antlered deer in any calendar year. Those resident public hunter permits not issued in the draw, if any, shall be available to the landowner enrolled in the program for the property enrolled to be used by any private hunter, pursuant to the provisions of paragraph (f)(4).

(6) Landowner deer management program permits shall be issued only through the department's licensing section located in Pratt.

(g) Evaluation and renewal.

(1) Each landowner enrolled in the landowner deer management program shall annually submit a report on or before February 1 on a form provided by the department. The report shall include the number of public and private hunters on the property during the previous hunting season, the type of permit for each hunter, the harvest success for each hunter, and any other relevant information if requested by the secretary.

(2) Each hunter shall annually submit a survey on a form provided by the department regarding the quality of deer hunting, the habitat on the property, harvest information, the quality of access to hunting locations on the property, assistance received by the landowner or representative, overall satisfaction with the program, and any other relevant information if requested by the secretary.

(3) Each landowner enrolled in the landowner deer management program shall meet annually with the district wildlife biologist assigned to the pilot program area and jointly conduct a habitat and population evaluation describing the status of the property relative to the long-term

habitat management plan. The report shall document the status of each aspect of habitat protection and enhancement described in the application for the property.

(4) Each evaluation factor shall be scored in increasing value from one to 10 points, based on conservation enhancement and the benefit to the state of Kansas.

(5) An average score greater than five points throughout the contracted pilot program period shall be required to renew the contract for additional contractual periods. An average score of five or fewer points shall require the landowner to submit a new application and enter into the competitive bidding process for available openings in the landowner deer management program.

(h) Effective dates. This regulation shall be effective on and after November 15, 2004, and shall have no force and effect on and after April 30, 2008. (Authorized by and implementing K.S.A. 32-807 and K.S.A. 2003 Supp. 32-968, as amended by L. 2004, Ch. 76, Sec. 1; effective P-_____.)

ECONOMIC IMPACT STATEMENT

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

DESCRIPTION: This new permanent regulation, based upon 2004 legislation, establishes a three-year pilot program for landowner deer management and provides for evaluation following each year of the pilot. Cooperators are required to competitively apply for each pilot location, geographically dispersed throughout the state. Properties enrolled in the program must be large scale contiguous blocks of land and depending on the location, meet certain minimum acreage requirements. Applications will be surveyed and ranked by regional committees and then a statewide committee. Deer permits will be allocated based on application and transferred by the cooperator to the private hunters. Public hunters will be randomly drawn from a pool of applicants. LDMP deer permits will only be issued in Pratt.

FEDERAL MANDATE: None.

ECONOMIC IMPACT: The proposed regulation would not have any significant negative economic impact on the public or on other agencies. The direct fiscal impact to the department would stem from the operation of the program and will be absorbed within existing budgets. The cooperators chosen from the competitive application process could see significant fiscal gain through hunting services provided to private hunters.

ALTERNATIVES CONSIDERED: None.

KAR 115-7-1. Fishing; legal equipment, methods of taking, and other provisions.

Background

This permanent regulation establishes legal equipment, methods of taking and other provisions with regard to fishing. The proposed amendments would require the use of barbless hooks while fishing for paddlefish on the Neosho River.

Discussion

Catch and release of paddlefish currently is not permitted. Under this proposed change, paddlefish could be released back into the water immediately after being caught, unless kept for the daily limit. Requiring barbless hooks will help prevent excessive mortality of released fish. Paddlefish held in possession must still be tagged immediately and cannot be released (no culling). Anglers must stop snagging when a daily limit of paddlefish is taken into possession.

These proposed regulations are very similar to the regulations in place in Oklahoma on this shared fishery. The season would still be opened by posted notice on the current season dates of March 15 - May 15 and all harvested fish would be required to be tagged.

115-7-1. Fishing; legal equipment, methods of ~~take~~ taking, and other provisions. (a) Legal equipment and methods for taking sport fish shall be the following:

- (1) Fishing lines with not more than two baited hooks or artificial lures per line;
- (2) trotlines;
- (3) setlines;
- (4) tip-ups; and

(5) snagging for paddlefish in waters posted by the department as open to snagging of paddlefish, subject to the following requirements:

(A) Each paddlefish caught and landed shall be included in the creel and possession limit, unless a minimum length limit has been established and posted for that area, in which case each paddlefish not meeting the minimum length limit shall be released immediately into the waters from which it came.

(B) Each individual fishing for paddlefish shall place all paddlefish legally caught on a stringer, cord, cable, or chain, or in a basket, sack, cage, or other holding device, which shall be marked with the individual's name and address.

(C) Each individual with a filled creel limit shall cease all snagging activity in the paddlefish snagging area until the next calendar day.

(D) Each individual taking paddlefish during the snagging season shall transport each paddlefish taken to a check station established by the department, and each paddlefish shall be taken to the check station immediately upon the filling of the daily creel limit or upon cessation of the day's fishing activity.

(E) Each paddlefish checked shall have a numbered tag attached to its lower jaw at the check station.

(F) Each individual shall provide that person's name, address, and fishing license number to the check station attendant.

(G) Each individual fishing for paddlefish shall use barbless hooks while fishing on the Neosho river. "Barbless hook" shall mean a hook without barbs or upon which the barbs have been bent completely closed.

(b) Legal equipment and methods for taking non-sport fish shall be the following:

(1) Fishing lines with not more than two baited hooks or artificial lures per line;

(2) trotlines;

(3) setlines;

(4) tip-ups;

(5) bow and arrow with a barbed head and a line attached from bow to arrow;

(6) crossbow and arrow with a barbed head and a line attached from arrow to crossbow;

(7) spear gun, without explosive charge, while skin or scuba diving. The spear, without explosive charge, shall be attached to the speargun or person by a line; and

(8) snagging and gigging in waters posted by the department as open to snagging or gigging.

(c) Dip nets and gaffs may be used to land any legally caught or hooked fish.

(d) Fish may be taken by any method designated by the secretary when a fish salvage order has been issued by the secretary through public notice or posting the area open to fish salvage.

(e) Fish may be taken with the aid of boats, depth finders, artificial lights, sound attracters, and scents.

(f) Fish may be taken by legal means from vehicles.

(g) The following additional requirements shall apply in the flowing portions and backwaters of the Missouri river and in any oxbow lake through which the Kansas-Missouri boundary passes:

(1) Each individual shall place all legally caught fish on a stringer, cord, cable, or chain, or in a basket, sack, cage, or other holding device, separate from those fish caught by any other individual.

(2) The equipment and methods specified in paragraphs (b)(5) and (b)(6) shall be legal only from sunrise to midnight.

(3) The equipment and methods specified in paragraph (b)(8) shall be legal only from sunrise to sunset. (Authorized by K.S.A. 32-807; implementing K.S.A. 32-807 and K.S.A. 32-1002; effective Dec. 26, 1989; amended Feb. 10, 1992; amended Oct. 1, 1999; amended Dec. 8, 2000; amended Sept. 27, 2002; amended P-_____.)

ECONOMIC IMPACT STATEMENT

K.A.R. 115-7-1. Fishing; legal equipment, methods of take and other provisions.

DESCRIPTION: This regulation establishes legal fishing equipment and methods for sportfish and for nonsportfish. The proposed amendment, combined with regulatory change undertaken by the State of Oklahoma, would coordinate fishing regulations between the two states so that the same rule would apply to all stretches of the Neosho River when fishing for paddlefish. The proposed amendment would require that paddlefish caught on the Neosho River using barbless hooks.

FEDERAL MANDATE: None.

ECONOMIC IMPACT: The proposed amendment is intended to simplify applicable regulations for fishing for paddlefish on the Neosho River. We would anticipate no substantive economic impact to the department, other state agencies, or the public.

ALTERNATIVES CONSIDERED: No other alternative amendments are being considered at this time.

Proposed Changes in Length and Creel Limits (Secretary's Orders) for 2005

BACKGROUND

Each year department fisheries biologists monitor fish populations to assess the recreational fishing opportunities of public fisheries. One task is to determine what, if any, special fishing regulations changes could be employed to meet management goals. After sampling fish populations and reviewing other information such as creel surveys, stocking success, and habitat conditions, recommendations are made for changes in existing creel and length limits.

DISCUSSION

Additions and deletions of waters covered by the existing Secretary's Orders are still being considered and won't be finalized until fall sampling efforts are completed. At this time, additions, deletions and new proposals are as follows:

Order Number/Title	Additions	Deletions
SO-25-14-1 Channel Catfish 15" Minimum	Johnson Co. – Kill Creek Park Lake Johnson Co. – Shawnee Mission Park Lake Johnson Co. Antioch North Lake Johnson Co. Antioch South Lake Bourbon Co. – Cedar Creek Lake Bourbon Co. – Elm Creek Lake Douglas Co. – Lone Star Lake Shawnee Co. – Lake Shawnee Black Kettle State Fishing Lake	No change
SO-25-14-2A Channel Catfish Creel Limit 2 Per Day	Johnson Co. – Kill Creek Park Lake Johnson Co. – Shawnee Mission Park Lake Johnson Co. Antioch North Lake Johnson Co. Antioch South Lake Bourbon Co. – Cedar Creek Lake Bourbon Co. – Elm Creek Lake Leavenworth Co. – Jerry's Lake Lawrence – Pat Dawson Billings South Lawrence – Pat Dawson Billings North Shawnee Co. – Shawnee Jr. Topeka – Governor's Pond East Topeka – Cedar Crest Pond Topeka – Governor's Pond West	No change
SO-25-14-2B Channel Catfish Creel Limit 5 Per Day	Black Kettle State Fishing Lake	No change

SO-25-14-3A Black Bass Creel Limit 2 Per Day	Johnson Co. – Kill Creek Park Lake Johnson Co. – Shawnee Mission Park Lake Johnson Co. Antioch North Lake Johnson Co. Antioch South Lake Bourbon Co. – Cedar Creek Lake Bourbon Co. – Elm Creek Lake Paola – Lake Miola Shawnee Co. – Lake Shawnee	PW WSD #11 - Bone Creek Reservoir
SO-25-14-3B Black Bass Creel Limit 5 Per Day	PW WSD #11 - Bone Creek Reservoir	No change
SO-25-A4-3C Black Bass Creel Limit 6 Per Day	No change	No change
SO-25-14-4B Black Bass 13- to 18-inch Slot Limit	PW WSD #11 - Bone Creek Reservoir Pottawatomie Co. – Cross Creek Lake	No change
SO-25-14-4C Black Bass 18-inch Minimum Length Limit	Bourbon Co. – Cedar Creek Lake Bourbon Co. – Elm Creek Lake Shawnee Co. – Lake Shawnee	P WWS D #11 - Bone Creek Reservoir Miami State Fishing Lake Kingman State Fishing Lake McPherson State Fishing Lake
SO-25-14-4D Largemouth Bass 21-inch Minimum Length Limit	No change	Perry Reservoir
SO-25-14-4E Largemouth Bass 13- to 18-inch Slot Limit	Melvern River Pond Gridley City Lake	No change
SO-25-14-4F Largemouth Bass 18-inch Minimum	Johnson Co. – Kill Creek Park Lake Johnson Co. – Shawnee Mission Park Lake Johnson Co. Antioch North Lake Johnson Co. Antioch South Lake Miami State Fishing Lake Paola – Lake Miola Black Kettle State Fishing Lake Kingman State Fishing Lake McPherson State Fishing Lake Perry Reservoir	Pottawatomie Co. – Cross Creek Lake
SO-25-14-4G Largemouth Bass 15-inch Minimum	No change	Moline New City Lake
SO-25-14-4H Smallmouth Bass 18-inch Minimum Length Limit	Johnson Co. – Kill Creek Park Lake	No change

SO-25-14-5A Walleye 18-inch Minimum Length Limit	Johnson County – Kill Creek Park Lake Bourbon Co. – Cedar Creek Lake Bourbon Co. – Elm Creek Lake	Lyon State Fishing Lake
SO-25-14-5B Walleye 21-inch Minimum Length Limit	No change	No change
SO-25-14-6A Bluegill 8-inch Minimum Length Limit	No change	Melvern River Pond
SO-25-14-6b Bluegill 10/day	Garnett City Lake North	No change
SO-25-14-7B Saugeye 18-inch Minimum Length Limit	Centralia City Lake	No change
SO-25-14-8A Wiper 18-inch Minimum Length Limit	Shawnee Co. – Lake Shawnee Clinton Reservoir	No change
SO-25-14-8B Wiper 21-inch Minimum Length Limit	No change	No change
SO-25-14-9 Striped Bass and Wiper Creel Limit 2 Per Day	No change	No change
SO-25-14-10 Crappie (White & Black) 10-inch Minimum Length Limit	Bourbon Co. – Cedar Creek Lake Bourbon Co. – Elm Creek Lake Clinton Reservoir	No change
SO-25-14-11A Crappie (White & Black) Creel Limit 10 Per Day	Bourbon Co. – Cedar Creek Lake Bourbon Co. – Elm Creek Lake	No change
SO-25-14-11B Crappie (White & Black) Creel Limit 20 Per Day	Melvern Reservoir Council Grove Reservoir Hillsdale Reservoir Perry Reservoir Clinton Reservoir	No change
SO-25-14-12 Walleye/Sauger/Saugeye Creel Limit 2 Per Day	Bourbon Co. – Cedar Creek Lake Bourbon Co. – Elm Creek Lake Johnson County – Kill Creek Park Lake Shawnee Co. – Lake Shawnee	No change
SO-25-14-13A Striped Bass 18-inch Minimum Length Limit	No change	Douglas Co. – Lone Star Lake
SO-25-14-13 Striped Bass 21-inch Minimum Length Limit	No change	No change
SO-25-14-14 Length and Creel Limits for Coffee County Lake	No change	No change

SO-25-14-15A Paddlefish 34-inch Minimum Length Limit	No change	No change
SO-25-14-15B Paddlefish Creel Limit 1 Per Day	Chetopa – Neosho River	No change
SO-25-14-18A Yellow Perch 10-inch Minimum Length Limit	Yates Center Reservoir	No change
SO-25-14-18B Yellow Perch Creel Limit Five Per Day	Yates Center Reservoir	No change
SO-25-14-16 Length & Creel Limits for the Missouri River (Kansas – Missouri Boundary Waters)	No change	No change
SO-25-14-19 Blue Catfish 35-inch Minimum Length Limit	El Dorado Reservoir	No change

115-18-14. Nontoxic shot; statewide. (a) Each individual hunting with a shotgun for waterfowl, coot, rail, snipe, or sandhill crane shall possess and use only nontoxic shot.

(b) The following nontoxic shot materials shall be approved for the hunting of waterfowl, coot, rail, snipe, and sandhill crane:

(1) Steel shot;

(2) steel shot coated with any of the following materials:

(A) Copper;

(B) nickel;

(C) zinc chromate; or

(D) zinc chloride;

(3) bismuth-tin shot;

(4) tungsten-iron shot;

(5) tungsten-polymer shot;

(6) tungsten-matrix shot;

(7) tungsten-nickel-iron shot; ~~and~~

(8) tungsten-iron-nickel-tin shot;

(9) tungsten-bronze shot;

(10) tungsten-iron shot; and

(11) tungsten-tin-bismuth shot. (Authorized by K.S.A. 32-807; implementing K.S.A. 32-807 and K.S.A. 32-1002; effective Dec. 27, 1994; amended Sept. 22, 1995; amended Dec. 29, 1997; amended Oct. 1, 1999; amended Oct. 5, 2001; amended Sept. 27, 2002; amended P-_____.)

ECONOMIC IMPACT STATEMENT

K.A.R. 115-18-14. Nontoxic shot; statewide.

DESCRIPTION: This permanent regulation establishes legal types of shot for hunting migratory waterfowl and other migratory wetland birds. The proposed amendment would add three materials that received federal approval for use when hunting migratory waterfowl.

FEDERAL MANDATE: The state regulation may be more restrictive than the federal regulation, but not more lenient. By adding these materials to the state's approved list, the state list would include all of those types of shot approved by the U.S. Fish and Wildlife Service.

ECONOMIC IMPACT: Use of the new shot type is solely at the hunter's discretion. New shot material types are generally more expensive than most other types of shot currently approved for use within the state (probably more than twice the cost of steel shot, for example).

Consequently, the number of hunters deciding to use these types of shot is anticipated to be relatively small. Nonetheless, to the extent they are purchased and used by hunters, the proposed amendment would provide an economic benefit to resident businesses selling these types of shot. No other economic impacts are expected for the state or other agencies.

ALTERNATIVES CONSIDERED: None.

115-25-6. Turkey; spring season, bag limit, permits, and game tags. (a) The open season for the taking of turkey by use of firearms or archery equipment shall begin on the second Wednesday in April and shall continue through the last day in May.

(b)(1) The season for designated persons for the taking of turkey shall be the Friday, Saturday, and Sunday immediately before the open season defined in subsection (a) in all turkey management units. All turkey permits and second turkey game tags issued for the open season shall be valid during this season.

(2) The following persons may hunt during the season for designated persons:

(A) Any person having a valid turkey permit or second turkey game tag who is 16 years of age or younger, while under the immediate supervision of an adult who is 21 years of age or older;

(B) any person with a permit to hunt from a vehicle issued according to K.A.R. 115-18-4; and

(C) any person with a disability assistance permit issued according to K.A.R. 115-18-15.

(c) The legal limit shall be one bearded turkey per turkey permit and one bearded turkey per second turkey game tag where game tags are authorized.

(d) The units and the number of permits authorized for the taking of turkey during the established season shall be as follows:

(1) Unit 1. Unit 1 shall consist of that area bounded by Colorado on the west and Nebraska on the north and a line from the Nebraska-Kansas border south on federal highway US-81 to its junction with interstate highway I-70, then west on interstate highway I-70 to its junction with state highway K-14, then south on state highway K-14 to its junction with state highway K-4, then west on state highway K-4 to its junction with state highway federal highway US-183, then north on federal highway US-183 to its junction with interstate highway I-70, then west on interstate highway I-70 to the Colorado-Kansas border, except federal and state sanctuaries. An unlimited number of permits shall be authorized for unit 1.

(2) Unit 2. Unit 2 shall consist of that area bounded by Nebraska on the north, Missouri on the east, and Oklahoma on the south, and a line from the Nebraska-Kansas border south on federal highway US-81 to its junction with interstate highway I-70, then west on interstate highway I-70 to its junction with state highway K-14, then south on state highway K-14 to its junction with state highway K-2, then south on state highway K-2 to its junction with state highway K-179, then south on state highway K-179 to its junction with the Oklahoma border, except federal and state sanctuaries. An unlimited number of permits and an unlimited number of second turkey game tags shall be authorized for unit 2.

(3) Unit 3. Unit 3 shall consist of that area bounded by Oklahoma on the south and a line from the Oklahoma-Kansas border northeast on federal highway US-54 to its junction with federal highway US-183, then north on federal highway US-183 to its junction with federal highway US-50, then east on federal highway US-50 to its junction with federal highway US-281, then north on federal highway US-281 to its junction with state highway K-4, then east on state highway K-4 to its junction with state highway K-14, then south on state highway K-14 to its junction with state highway K-2, then south on state highway K-2 to its junction with state highway K-179, then south on state highway K-179 to its junction with the Oklahoma border, except federal and state sanctuaries. An unlimited number of permits and an unlimited number of second turkey game tags shall be authorized for unit 3.

(4) Unit 4. Unit 4 shall consist of that portion of the state bounded by Oklahoma on the south and Colorado on the west, and a line from the Kansas-Colorado border east on interstate highway I-70 to its junction with federal highway US-183, then south on federal highway US-183 to its junction with state highway K-4, then east on state highway K-4 to its junction with federal highway US-281, then south on federal highway US-281 to its junction with federal highway US-50, then west on federal highway US-50 to its junction with federal highway US-183, then south on federal highway US-183 to its junction with federal highway US-54, then southwest on federal highway US-54 to the Oklahoma border, except federal and state

sanctuaries. A total of 200 permits shall be authorized for unit 4, of which 125 permits shall be designated for the regular draw, and 75 permits shall be designated for a drawing among applicants 16 years of age or younger. Those youth permits not issued during the youth draw shall be available to general applicants during the regular draw in addition to the 125 permits designated for the regular draw.

(e) Turkey permits and second turkey game tags shall be valid only for the unit or units designated on the turkey permit or second turkey game tag.

(f) Only those individuals who have purchased a turkey permit shall be eligible to purchase a second turkey game tag.

(g) An unlimited number of hunt-on-your-own-land turkey permits shall be authorized.

(h) Applications for turkey permits in unit 4 shall be accepted by the department from the earliest date that applications are available until 5:00 p.m. on the third Friday of February. Applications with a postmark date of not later than the third Friday of February shall also be accepted. If there are turkey permits left over after all timely applications have been considered, the application period may be reopened by the secretary. Leftover turkey permits shall be issued on a daily competitive basis until the next to the last day of the turkey season or until all turkey permits are issued.

(i) Applications for turkey permits in unit 1, unit 2, and unit 3 and for second turkey game tags in unit 2 and unit 3 shall be accepted at designated locations from the earliest date that applications are available until 5:00 p.m. on the Friday before the closing date for the season.

(j) Each turkey permit and each second turkey game tag purchased during the open season shall be valid on the calendar day after the date of purchase.

(k) This regulation shall be effective on and after January 1, 2005. (Authorized by K.S.A. 32-807, K.S.A. 2003 Supp. 32-937, as amended by L. 2004, Ch. 99, Sec. 5. and L. 2004, Ch. 99, Sec. 12; implementing K.S.A. 32-807, K.S.A. 2003 Supp. 32-937, as amended by L. 2003, Ch. 99, Sec. 5., K.S.A. 32-1002, and L. 2004, Ch. 99, Sec 5.)

ECONOMIC IMPACT STATEMENT

K.A.R. 115-25-6. Turkey; spring season, bag limit, permits and game tags.

DESCRIPTION: This proposed exempt regulation establishes hunting unit boundaries, bag limits, application periods and season dates for the spring turkey hunting season. The proposal would authorize youth permits for the unit in southwest Kansas increased from 25 to 75 permits. If these permits are not drawn by youth, they would be available during the regular draw. Permits would remain unlimited in other units, and second turkey game tags would also remain unlimited in eastern and in southcentral units. Regular permits or second turkey game tags held by eligible youth may be used during the youth season.

FEDERAL MANDATE: None

ECONOMIC IMPACT: It is anticipated that 38,525 permits and 14,600 turkey game tags will be issued in 2004. The estimated 38,525 permits include 23,400 regular resident permits, 8,600 landowner-tenant (including hunt-on-your-own-land) permits, 6,500 non-resident permits, and 25 youth permits. Estimated revenue if the above number of permits and tags are issued would be \$939,200. That amount represents an equal expenditure for those individuals desiring to participate in the spring turkey season. Administrative costs associated with the season are borne by the department.

Approximately 215,000 recreational days of hunting could occur, thus providing economic benefit to businesses providing goods and services. No other economic impact on the general public or on other state agencies is anticipated.

ALTERNATIVES CONSIDERED: None

K.A.R. 115-25-6.
Turkey; spring season, bag limit, permits, and game tags.
POSSIBLE AMENDMENT

As a result of internal department review of the wild turkey legislation that passed earlier this year, the department suggests that the following amendment be made to the version of the regulation submitted for public comment.

K.A.R. 115-25-9. Turkey; spring season, bag limit, permits, and game tags.

1. Strike proposed subsection (g) as follows:

~~(g) An unlimited number of hunt on your own land turkey permits shall be authorized.~~

2. Re-alphabetize subsections (h), (i), (j) and (k).

Spring Turkey Units

