

**Kansas Department of Wildlife and Parks
Commission Meeting Minutes
The Dole Institute
2350 Petefish Drive, Lawrence, Kansas**

Subject to
Commission
Approval

Ron Kaufman, director of Information Services Division, stated that we were live streaming audio on the web and that there were certain rules for presenting: explain items on screen presentations; use microphones; online, let us know what you think; and use KDWP link to post comments. This is the first step, as there are plans to expand in future to online audio and video and real-time participation. Live webcast on agency at webpage <http://kdwp.state.ks.us>

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

The January 6, 2011 meeting of the Kansas Wildlife and Parks Commission was called to order by Chairman Kelly Johnston at 1:30 p.m. at the Dole Institute, Lawrence. Chairman Johnston and Commissioners Debra Bolton, Gerald Lauber, Frank Meyer, Doug Sebelius, Robert Wilson and Shari Wilson were present.

II. INTRODUCTION OF COMMISSIONERS, STAFF AND GUESTS

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

Representative Barbara Ballard – I am the associate director of the Dole Institute and professor here on campus. We welcome you on behalf of Bill Lacey who is out on vacation. We are always pleased to have people visit this facility at the University of Kansas. The facility pays tribute to Senator Robert Dole for all the work he did for the state of Kansas and for the United States having been the longest serving Republican majority leader. You are welcome to come here, bring visitors to enjoy our museum, but you should also to take the white glove tour of the archives in our lower level. We do lots of programs, and our mission is to think of public service as an honorable profession. We hope you enjoy the Dole Institute of Politics whenever you are in Lawrence, or visit online where all of our videos and speakers are recorded. I hear this is the first time you are online, I wish you success with it; technology is wonderful, most of the time.

III. ADDITIONS AND DELETIONS TO AGENDA ITEMS

None

IV. APPROVAL OF THE October 14, 2010 MEETING MINUTES

Commissioner Shari Wilson – I have a correction on page 7, under item 5, line 8; remove the words “Kansans for Children in Nature (NCN)” and replace with “the” *No Child Left Inside* program.

Commissioner Frank Meyer moved to approve the minutes as amended, Commissioner Shari Wilson second. Approved. (Minutes – Exhibit B).

V. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

None

VI. DEPARTMENT REPORT

A. Secretary's Remarks

Secretary Hayden – Before Chris gives his report, let me say that this is my last Commission meeting as Secretary of the department. I want to thank Commissioners for the great job you have done. I have had the privilege of being Secretary for nine years and served with a number of Commissioners and have appreciated your passion and compassion for the natural resources of Kansas. It has been an honor and privilege for me to work with you, and hopefully our paths will cross many times in the future. To the employees: our agency is 105 years old. It is a very proud agency, and it has done a tremendous amount of work. In reality our natural resources in Kansas, particularly fish and wildlife and parks, are in pretty good shape. The reason is the 400 and some employees of the Kansas Department of Wildlife and Parks, many of whom have devoted their entire careers to the department and to the state. I have had the privilege of being a state employee for 28 years, and I am exceedingly proud of that, and I am proud of all of you. We have done a lot of good things, as I think back, talking about electronic licensing and now live audio and soon live video and in April bringing in electronic camping reservations into the state for the first time. I feel good because I know I am leaving the department in real good hands when I look out at all of you and know the job you have done and the position you have put us in as a state, I am very proud of that. I want to thank you personally and say if I can ever help you in your careers down the road, don't hesitate to ask. You have served me well, the people well and the natural resources of Kansas. Thank you and God Bless to you all. *(Standing Ovation)*

Chairman Johnston – This will be a bittersweet Commission meeting. In my 6 ½ years, I have come to know you to be one of the few people who knows as much about the flora and fauna and history of this state and you have always educated me and other Commissioners on these topics with such flair and it has been a privilege and honor to have served with you during this time.

1. 2011 Legislature – Chris Tymeson, chief legal counsel, gave this report to the Commission. The 2011 Legislative Session begins Monday, and so far it has been a slow start for bills. We submitted items to transition team for potential topics, but they have not been approved at this point. Some of the things we originally talked about were transferring cervid management to the department from the animal health department; constitutional right to hunt, fish and trap seems to keep coming up, there were four ballot initiatives this last year in various states, three passed, Arizona's failed; net metering for rural KDWP properties to allow us to put up wind turbines and offset electric costs; removing cabins from regulations when dealing with cabin fees in order to better market those and take advantage of slow times. We have also heard

of other topics in the last several weeks, including BUI enhancement of penalties; concealed carry in bowhunting (prohibited right now); boat titling; boater education and removing grandfather clause. I have have not heard of any bills pre-filed.

B. General Discussion

1. Commissioner Permit Update and Drawing – Mike Miller, Information Production section chief, presented this update to the Commission (Exhibit C). This is the sixth drawing for commissioner permits. We are allowed to provide seven deer permits; or or six deer permits and an antelope and/or elk permit, depending on what the applicants select. Applicants must be local chapters of nonprofit organizations based or operating in Kansas and must actively promote wildlife conservation and the hunting and fishing heritage. An organization or chapter is only eligible to be drawn once out of every three-year period. The first year we did this, we only had 59 applicants, but the permits sold for \$49,000. It dropped off somewhat after that, but it looks like it is on the upswing right now because last year the permits sold for about \$47,000. The organization subtracts 85 percent of the total and that is used on mutually approved conservation projects and they are allowed to keep 15 percent of the proceeds to spend as they choose. We have 91 eligible applicants this year. So it is staying fairly consistent.

Winners:

Commissioner Robert Wilson – (1) - #100 – KAWS Southeast Chapter (ELK)
Commissioner Shari Wilson – (2) - #21 – DU El Dorado #27 (DEER)
Commissioner Doug Sebelius – (3) - #59 – NWTF McPherson (DEER)
Chairman Kelly Johnston – (4) - #55 – NWTF St. Paul (DEER)
Commissioner Gerald Lauber – (5) - #35 – Safari Club International (ANTELOPE)
Commissioner Frank Meyer – (6) - #9 – KAWS I70 Chapter (DEER)
Commissioner Debra Bolton – (7) - #29 – DU Johnson County (DEER)

2. Kanopolis Trapping Update – Kevin Jones, Law Enforcement Division director, gave this report to the Commission. Update of findings we had to date involving the unfortunate killing of a bird dog on the Kanopolis public hunting area. On November 26, 2010 a Brittany belonging to Gary Anderson Sr. of Conway, Arkansas was killed in a body-gripping or conibear-type trap on public hunting ground south of Kanopolis. The initial report was filed with Ellsworth County Sheriff's Office, and the deputy sheriff who took the report took possession of trap that was on the dog. On November 27, our officer, Officer Jim Cherry, took possession of trap and on November 29, was contacted with more details regarding incident. Officer Cherry made contact with Mr. Anderson and searched the area and found no other traps. It was initially reported there wasn't a tag on this trap, so he started looking for leads and information, and after following up on tip information he was able to identify the trapper and make contact with him on December 22. The trapper took Officer Cherry to the location where trap was set, and there were still wooden stakes in the ground in drainage area that had water in it. It was determined it was a water set, and he could find no lure, but felt beaver scent may have been on trap that attracted the dog. The trapper ID tag was on chain, instead of link closer to the trap and was overlooked in first examination, but it had appropriate information. Officer Cherry could not justify any charges and no legal action was taken. Chairman Johnston – You were careful in reporting the conclusions regarding this being a water-set. What is significance for that conclusion? Jones –

The significance would be what type of trap would be legal for a water-set. In this situation, the trap had a jaw greater than 8 inches, which would require it to be a water-set. Initial information indicated it may have been a dry-land set. Commissioner Shari Wilson – We had someone come to us about a year ago -- we have an article about his dog -- Mr. Carson Mansfield, from the Salina area. His dog was also caught in one of these traps, and we discussed it for a couple of meetings, and one of the things we talked about was surveying our trapping community about what their thoughts might be about the use of these conibear traps. I don't know if we actually did that; it just seems we are getting a lot of these reports. I noticed in our packet a couple of articles from nationwide sources. It seems to be an issue that is not just coming up in our state, but in other states, and maybe we should be a little proactive and at least gather more information about not using these types of traps. Jones – My division wasn't involved in collecting any information. Matt Peek could speak to that more accurately. Peek - I did report on the survey we conducted at the last meeting. I don't know what your specific question is, and I don't remember exact details, but quite a few trappers used these types of traps on public lands. It is difficult to get real reliable information on a voluntary survey because they are aware of controversy surrounding the subject. We surveyed houndmen on the issue of traps and snares or more generally on what their major concerns were of running hounds on public lands and traps did not come to forefront as one of the major issues they were concerned about. I can send the Commission the report that we completed on that specific survey. Commissioner Shari Wilson – I would appreciate that, and I apologize for not remembering the details of that survey. When we were discussing this before, I raised the issue as well if a child would get caught in one of those traps. We do have people trying to get outside more ,and we are actively involved in encouraging that. Commissioner Sebelius – Was there an issue of marking the location of this? The initial report was that it was out on land, correct? Jones – From the information we first received, there was some indication that this may have been a dry-land set, but this was a water set. Commission Sebelius – Is there a difference of marking those that are on land as opposed to those that make contact with the water? Jones – Other than the normal tag requirement on the trap, no. Commissioner Sebelius- So there is nothing up in the air to indicate to a hunter that there might be traps. Jones – There is no requirement for flagging or signage or anything like that. Commissioner Lauber – Does the department have any recommendations that you would suggest be considered or do we think this is just an odd couple of years and the conflict between trapping and dogs will always be there, but be like it used to be where you didn't hear so much about it. Jones – From my perspective I think this is something where there have been instances of this over the course of time. We do, unfortunately, have these types of situations that occur, and I think there is a need to consider the balance of overall management of wildlife and the need for furharvesting and trapping to be taking place across the state. It serves a legitimate management function for wildlife. We also have people enjoying bird hunting and various other types of activities during that time, as well. When you talk about the times of year, I have read comments about staggered seasons, but you are talking about two different activities, furharvesting in comparison with bird hunting, you are talking about a direct overlap in time. How do you prioritize one activity over another? The fur season is a very specific and particular time in the calendar year as is the time we hunt upland birds. I have thought this through quite a bit, and I don't know rule, regulation, or direction we could take that would really address the root issue of this; trying to eliminate any potential for a dog to be caught in any type of trap, whether leg-hold, body-gripping, snare or any other kind of device; if you have any of those types of activities

going on coinciding timeframe, you have a potential for an incident like this to occur.

Commissioner Lauber – I hate when this type of thing happens and if it was your dog you would be upset and I understand that, but having said that I would hate to see trapping eliminated on public lands because there is right for them the same as the right for someone to hunt. There is certainly no shortage of furbearers and there is good biological reason to do that. My concern is whether we should address something to preserve trapping on public lands, but I don't know other than to make some conibear restrictions.

Peek – Department regional supervisors, public and private lands, and administrators have had lengthy discussions over regulatory possibilities on this issue. We did not come to a consensus but decided to let the season play out. We will be revisiting this issue and discussing the options.

Chris Tymeson – Speaking with Matt before this topic came up on the agenda we had planned on addressing furbearer regulations in March, April and June of this year anyway in relation to some other topics, so if there are some changes that the department or you want to recommend, that opportunity is going to be available.

Commissioner Meyer – We have studied both sides of it and appreciate if constituents would look at both sides and realize that we are trying to protect two valuable outdoor exercises. Trapping is a vital part of the control of furbearers, so totally eliminating it is not feasible. We ask everyone to look at both sides as we are required to and understand it is not a simple answer and probably not a perfect answer, but we are working on it.

Chairman Johnston – For us to understand and appreciate both sides, we need to continue studying this subject. I am curious if Mr. Peek would share with us what some of the unresolved debate among our public land supervisors consists of. Apparently they have not come to a consensus yet, which tells me there may be differing opinions.

Peek – It is obviously a terrible thing when a dog is killed on public land. The issue of people has been brought up with traps, but there is basically no risk whatsoever to people with these trap. That gets brought up quite often, but this is a dog issue and not a fear for children's safety or anything like that. Obviously that is something we want to avoid. There is also a philosophy among public land personnel that public lands are there for public use, involving a wide range of things, and when people use public lands they realize that other people are going to be out there and that it is a multi-use area. There is strong philosophy among public lands personnel that they want to keep regulations to a minimum, not just pertaining to trapping, but to all uses; open to multiple public uses. There is also a contingent there that fears if we take away 220s from trappers that the next time somebody gets their dog caught in a foot-hold trap, somebody is going to come after foot-hold traps on public lands. There is a mentality opposed to giving ground when it comes to this controversial subject. The conflict is between further regulations and the loss of the ability to take furbearers versus potential harm to someone's dog. The debate comes down to this: are we willing to accept a small number of dogs being killed on a public land in any given year? Some people think the benefits obtained by allowing trappers to use kill traps is worth the loss of a dog or two. Some people say the loss of a dog or two is too much, and trappers can still catch fur by using other traps, so that is ultimately the two things being weighed here.

Commissioner Meyer – We need to look back before they had the kill/conibear trap there was a great uproar over the suffering that would be caused by a jaw trap and stories of animals chewing their legs off. The kill trap is much more humane. If you are out there in the wild you have to realize the risks and know where you are so some of the responsibility is with the dog owner, know where dog is. We don't want to take out privilege of being out in the wild country.

Chairman Johnston – It seems the choice is not as stark as whether we are willing to lose a few dogs a year versus losing the opportunity to trap on public lands. The

threat I have seen running through the last two Kanopolis complaints that we have heard about; as well as another complaint that was put on my desk here today about an incident at Cedar Bluff; is the lack of notice. The owners of the two dogs were unaware the areas in which they were hunting with dogs were areas in which trapping was taking place. It seems, at a minimum, we ought to provide members of the public with that information in a more distinct and high profile manner. We are well aware of little yellow signs we see on barbed wire all around the state acknowledging certain locations as public hunting locations. Just as an example it would seem to me to be a simple thing for them to say public hunting and trapping, as well as mentioning this on our information and display stands around our state parks, wildlife areas and public hunting areas. Giving more information to the public is the least offensive option to the status quo that I think we should consider, and I would hope the public land supervisors are talking about that subject as well. Commissioner Shari Wilson – I agree that more information is a good way to approach this. I don't think anyone is talking about eliminating the opportunity to trap on public lands, but many people may not think about it. If they were aware of it through a sign or seeing it on the flyer they could pick up, then at least it would be on their mind when they are out there and that would be a good start.

Dennis Carnine, Tonganoxie – If you are worried about that you could put that on the sign also that it is 99 percent water set kill traps in the area. That way upland people can hunt away from the water and still be able to use public lands and stay away from kill traps.

3. Mountain Lion Sighting – Matt Peek, wildlife biologist, presented this report to the Commission. Most of you are aware the department was able to verify a fifth mountain lion in the state in Nemaha County, near bait pile set out for deer. The animal was caught on trail cam four times on December 7, and we verified location and sighting. Prior to that, we had one in October in Republic County, also a picture on a trail cam; in March 2010, the Colorado collared mountain lion came through Kansas; in October 2009, Trego County hunter photographed a cat; and the original was Barber County, the one that was shot. In November, perhaps associated the two most recent Kansas sightings, perhaps not, the Missouri Department of Conservation verified a mountain lion in Platt County, which borders Kansas, next to Leavenworth County. A landowner photographed this mountain lion in a tree. And recently, January 2, a landowner shot one in Gray County, Missouri, which is just north of Kansas City. It was 115-pound male lion, and would have been approximately 50 miles from the Kansas border. Our recent sightings have been associated with deer feeding and attractants for deer. They may follow deer trails because of ease of movement. I should also add that the verification of another sub-adult male in Missouri is just one more indication that these are most likely dispersal-age lions -- males moving through rather than a resident population that is living in a certain area and potentially reproducing. We have not been able to verify that there are any adult lions permanently residing and reproducing in Kansas. Chairman Johnston – With respect to the one in Missouri, did the examination of the lion produce any other information? Peek – It hasn't yet. They collected hair off the tree from the Platt County one and are comparing that to samples from this one to see if they are the same animal. Also, there is a pretty good growing database of lion tissue of known origin so they hope to be able to genetically link this cat back to its source. There is some question still about how effective that technique might be. Chairman Johnston – I don't think you said why this lion was shot, was there personal safety or property issue involved? Peek – The landowner indicated he

had lost calves and had a cow with a scratch on it and he indicated his grandchildren played in this field, so it was personal safety as well as livestock protection. Ron Klataske, Audubon of Kansas –I wanted to add the fact that we have a 5,000-acre wildlife sanctuary along the Niobrara River in northern Nebraska, and we documented the presence of a mountain lion there on May 8 and it has been seen onsite and in sign in the vicinity since then. One of the things we find noteworthy is our trail cameras that we had set up a year ago with some corn documented an abundance of raccoons. We would see four and five raccoons at different sites in the same evening in the fall of 2009, and this year we had twice as many cameras set up, seven, for a longer period of time, and we only detected one raccoon. From our standpoint in that particular case prairie grouse and other grassland birds and their nesting success, we think this added tier of predation may be reducing the number of raccoons that are notorious nest predators, and may be one of the beneficial sidelines of the presence of a mountain lion in that particular area. The presence of a mountain lion in Kansas should be a note of celebration, that we have that sense of wild in our state and they can live in harmony with our other interests. Hope we keep that in mind as they occur and maybe someday we will have reproduction in some areas and they can live to some degree in that at-risk very low-level species status. There are two wildlife species that we can't bring back, gray wolves and grizzly bears, but mountain lions can live among the landscape and where there is open area and we have plenty of raccoons, possums, armadillos, badgers, coyotes, deer and wild turkeys, many things for them to eat, and I think for the most case that there isn't predation on livestock. Commissioner Sebelius – Matt, has the trail cam altered the protocol you utilize to confirm mountain lion presence, such as the one in Nemaha County? The one in Republic County I saw in their paper -- there were two photos in the paper, but it might have been confirmed by the presence of scat and tracks. The one in Nemaha County you said there was no further information about that, but based on what you saw then you went ahead and confirmed that? Peek – It has not changed our protocol. We still investigate the area and make sure that everything matches up, like the picture with the landscape basically, but there is also a component of interviewing the individual who made the report, and I don't think we can always say with 100 percent certainty, someone could still pull the wool over our eyes. It is mainly a combination of those two things, if we can't find any tracks or any other evidence associated with it. We hope for those things, but even then, as far as being 100 percent certain, somebody could still come up with a pet mountain lion. So, we are not saying with 100 percent certainty in each one of these cases, but we are pretty sure when we verify one that it is a legitimate sighting. Commissioner Sebelius – The public's perception of the department has been historically that there is usually a presumption that it is not valid, and I think that is an improper way for the public to approach it. It seems we have had something to hide or that we make it too difficult to confirm these, and I think from a scientist's standpoint you have to approach it that way in order to have useful data. But then again that doesn't appease the public, they take the presumption that the photo does it. As a prosecutor I like that, because if I've got a photo in a case, boom, that pretty well does it. But, from what I have heard in the past, particularly from yourself, there had to be A, B, and C; evidence of tracks, scat and some visual sighting or perhaps a photograph. Peek – Any one of those things individually could suffice. Commissioner Lauber – For long time we haven't had any pictures of anything close. Peek – That is correct. Commissioner Lauber - And only recently with trail cams did we start picking some of them up. Peek – The last two have been trail cams and part of our confidence in trail cams being effective is based on what has occurred in other states -- Missouri, Iowa and Nebraska all had numerous

trail camera photos associated with their other sightings that occurred. So the lack of trail cam images validated the lack of other verifications. Now that we have verifications by photo, one being shot and the Colorado one was unique. Now they go hand in hand, if you have very many mountain lions you are likely to document them in multiple ways.

4. Outdoor Recreation Management System (ORMS) Update – Linda Lanterman, Parks Division assistant director, presented this update to the Commission (Exhibit D). First I would like to say, Secretary Hayden, thank you for your service. You have made a huge impact to the Kansas State Park Division with your cabin initiative, and it has made a large impact for the economics for the state of Kansas. Your support with this ORMS system has been invaluable, so I would like to thank you for that. ORMS stands for outdoor recreation management system. It is the third phase of what we started in 2005 with our KOALS automated licensing system. Our first phase was to sell our hunting and fishing licenses, big game and park permits as an automated online system or you could purchase them in Wal-Mart and do away with our rolls of tape and stickers; the second phase was boat certificates, which we have implemented; and the final phase was the reservation system. Since 2005, Active Outdoors has purchased ALS and Central Bank and Reserve America, so what Reserve America did was an actual reservation system and they put it under their umbrella, which is who we had our current contract with for KOALS. Reserve America has 33 states under this contract plus the federal contract. The system will come with a full set of reporting and financial reporting that will help our offices in ways that we haven't had before, and it is internet based. From now on you can make your reservations to go to a state park, a campground; and make your reservation at home. One nice thing about that is the cash flow is coming out of the park offices; that has always been a security issue for us. That does not mean you cannot complete a transaction at a state park, but the convenience will be from home also. We have submitted all of our data collection: sites, maps, working on pictures to associate each campsite, and cabins; and will soon move into a testing phase and will test current business rules as they apply today. I'll talk tonight about regulations that we need to have changed to go with this system. Currently they pay a transaction or processing fee of \$1.50 per night. This will be changed to \$2.70 per stay, so if you stay two nights, you are looking at \$3.00 versus \$2.70. These fees go to Active. We will not start out 100 percent reservation by any means, we will start out less and we are going to wait and see how the system transpires before we make a commitment on 50 percent, 40 percent or 60 percent. Commissioner Meyer – Will reserving cabins fees still be \$11? Lanterman – It will be actually \$12.70 exactly.

5. Kansas Wildlifer Challenge Program – Charlie Black, Wildscape, presented this update to the Commission (Exhibit E). I also want to start off by addressing Secretary Hayden, on behalf of Kansas Wildscape Foundation, thanking him for everything he has done for our organization. Secretary Hayden started our organization 20 years ago and had the vision for a need for such an organization. The cabins project could possibly be the biggest project we will ever do, certainly in terms of dollars our biggest project to date, but also in terms of the most impactful project that we have done a it has opened up doors for people to get into the outdoors. I am the director of Kansas Wildscape, and many of you on the Commission are familiar with our organization through the cabins project; we provide the funding for the construction of all the cabins. Other projects our organization has done in the past include the Milford wetland restoration and Marsh of the Swans at Melvern this year. We dabble in a few restoration habitat

projects throughout the state from time to time. One of our current projects in addition to the cabins project is OK Kids. We are celebrating our tenth year and if you are not familiar with that program it is a one-day event at all of the state parks, throughout the year, and kids can come and do a variety of different activities all in a controlled environment. The way we function with that, is we get a state park, city park or parks and recreation board and help them get started, then eventually communities surrounding those parks embrace the OK Kids day. Pretty soon our involvement is arms length; we are still involved, but usually the park managers and communities take control of it and it survives that way and continues to grow. To date OK Kids has reached over 100,000 kids for those one-day events. Last year we had over 11,000 kids at 57 different sites. OK Kids led me to our next program that we are launching next year called the Kansas Wildlifer Challenge. I thought what happens after the day is over? Where do the kids go if this is the only opportunity for the kids to get in the outdoors? I talked to my three boys who are 8, 10 and 13, and they have some friends who come over to the house and they get a fleck of mud on their hand and they come inside to wash it off. I live in Rose Hill and am pretty rural, too. These kids just aren't getting outside much. The state of affairs with children in the outdoors has been on the decline, as well as has the adults. With the Wildlifer Challenge, we are going to them. Ironically, we are going to use the web to reach these kids. They go onto our website: wildliferchallenge.com and register, and we get enough information to communicate back and forth with them. The way the program is put together is daring children to get out and prove they are not the type of kid that sits around all day watching TV and playing video games. The secondary audience is the parents because without their support, kids are not going to be getting outdoors. Parents often times are obstacles. They fear more things in the outdoors. If you go in the website, you will notice we talk directly to the parents sometimes. We have one challenge that we call, "get muddy," and we are asking kids to go out and get head-to-toe muddy. There is a lot of parents that wouldn't tolerate that, and we recognize that, so in that challenge we talk to the parents and say, if you are shaking your head right now and saying no, no, no, just calm down, mud is just wet dirt and it can't get much more natural than that and you are going to get a good photo opportunity so bear with us and let your kid get muddy. Once they register online, it opens the homepage for the challenge (kansaswildlifer.com). You will see the challenge tree, which houses 20 challenges and kids have to complete 15 of the 20 challenges in order to complete the overall challenge. Each icon represents something. It's self explanatory: build a campfire, hit the bull's-eye, canoeing, catch a fish, get muddy, climb a tree, plant a tree, take a picture of something in the outdoors. Once they are registered that unlocks their tree. When they complete a challenge, it grays out the challenge completed and keeps track of them at the bottom bar. It also gives date when they started. The challenge for "catch a frog," once they click on frog on the tree, it opens that challenge. The wildlifer journal tabs up, and there descriptions of the challenge -- basically what we expect them to do and what they can expect to encounter. There are tasks, ideas, places to go and then there is the sponsor's link, anyone helping us out through product or funding. On the task page we ask them to fill out three or four simple questions, "like what did the frog feel like?" So you get feedback and once they fill out the questions it prompts them to upload their picture, and that is how they prove they have done the challenge, with a digital photo of themselves and once they do that in the bottom right hand corner, it says to download your certificate of completion. What they get at the end is a whole journal full of what they did. The first 500 kids to complete this challenge will get items donated by Coleman; a gear bag, lantern and insulated water bottle; in addition to that they get a Wildlifer t-shirt, and the tree it glows in

the dark. We are trying to get the Secretary of Wildlife and Parks and the Governor possibly to sign some sort of letter that the kids might receive and frame. The website launched in late summer, and we have 175 kids that have signed up, not sure where they are coming from because we have not launched any major campaigns yet. We have 100,000 brochures printed up and some available on back table, and we will be distributing those in various communities. Will ask communities to embrace the project and help us get the word out through boys and girls clubs, scout troops, or schools. We are ambitious with this, but feel we need to do some radio and television advertising. We are politely daring parents and children to get involved and prove it. I think we could do some really neat work that would also lead to systemic change with parents and the mindset of just getting outdoors and letting their kids do these things, once they realize they need to loosen up with letting kids outdoors and away from the video games. Outdoors used to be the babysitter and the phrase of “go outside and play” is gone or going away. Wildscape is serious about this, and we don’t see the emphasis corporately from getting kids outside; most of our funding came from Cox Communications, which is interesting because they are an internet and television provider, and they heard this message and jumped on board. Cessna Aircraft in Wichita gave us a gift. We really haven’t had much trouble with individuals and corporations outside of the outdoor world. They have been very receptive. Where you would expect to get funding, from the big box suppliers, they agree with it, but it is hard to get support from them except for Coleman. Commissioner Shari Wilson – Thank you for coming today and making the presentation. I want to also recognize Jennifer Rader, who is in the audience and has done a lot of work on this as well. I also want to echo Charlie’s thanks to Secretary Hayden for his support for Kansas Wildscape and also for Kansans for Children in Nature. The executive order that was done by Governor Sebelius and continued by Governor Parkinson, an effort to convene a number of organizations, including Kansas Wildscape, to put together a plan and direction to work towards to get more kids outside. Secretary, you were a driving force behind that and we thank very much for that. I hope before you all go home, you will grab some brochures. I can see many certificates being sent to grandparents and to other family members when they accomplish what seems like a small thing to us, but catching a frog is not always easy, so it can be a big deal. Black – We are proud of this program, but not too proud of it, so if there is another organization who wants to embrace this and take it on and let us provide materials for it, have at it. The end goal is to get more kids outdoors and however we can accomplish that through the use of this, we are all onboard for that. Chairman Johnston – Great idea.

6. Natural Resource Planner Demonstration – Eric Johnson, Environmental Services Section ecologist, presented this update to the Commission (Exhibit F). I would like to take the opportunity to acknowledge Mike Houts, my colleague with the Kansas Biological Survey. He is our GIS technician for the department, and he has put a lot of time and effort into these GIS-based technologies and getting information from deep down in the databases in wildlife and parks and out to a form people can use. I would also like to thank Secretary Hayden for continued support and guidance in the development of this. He has probably seen this presentation four or five times in the last year. We presented this tool to the Governor’s Sub-cabinet on Natural Resources and also the Sub-cabinet on Energy Policy and two or three other state agencies in the past year and gotten a lot of feedback. You will see some additional data layers that were not housed under Wildlife and Parks, more anthropogenic energy development layers that we got from our sister agencies. (PowerPoint - Exhibit G) The one that is up and running for the last

couple of years is the Kansas Natural Resource Planner (NRP). There are three other similar tools we are currently developing: the recently range-wide lesser prairie chicken decision support tool, the ecological project evaluation tool, and the Kansas aquatic resource planner. All are web-based decision support tools to make educated, transparent decisions regarding primarily large landscape development, oil and gas, energy, transmission and whatnot. The Kansas Natural Resource Planner was originally called the Kansas Wind Resource Planner because it was developed in response to rapid wind development throughout Kansas, from 2005 on. It was originally a static map of basic resource layers and other energy-related layers of interest. We presented this static map at the Renewable Energy Conference in 2008. Since that time, it has moved onto an online form through GIS technology. The early version was just a Wildlife and Parks generated partnership, but since then we have brought on the U.S. Fish and Wildlife Service, The Nature Conservancy, KBS, K-State, Fort Hays and Emporia State to add additional data. As of a couple of months ago we moved onto a version two and added additional capability to it. The intro page has basic buttons like when you use any other mapper program: like zoom, zoom-out, pan and information buttons. All the different layers you can click on and off are over on the left, and if you click on the plus signs a legend will open up so you can see what the different colors mean. When you are talking about wind development -- from 10,000 to 20,000 acres -- that is a lot of land in future development through wind here in Kansas. Why you don't see a big push for wind development right now is because we are transmission constrained -- plenty of wind but not many transmission lines to move it, but they are quickly in the process of remedying that issue. Our new partnerships with Kansas Corporation Commission are more traditional energy electric supplies: fossil fuels and one nuclear. Something we have added for other state agencies is the density of oil and gas per square mile in the state. This does include plugged and unplugged wells. This layer is probably the most known, at least biologically, throughout the state: the 2005 land cover. From a landscape perspective you can see the Flint Hills, the most ecologically diverse grassland; the Red Hills or Gyp Hills; other grasslands such as the sandsage, the sand prairie, and the remnants of the Smoky Hills mixed-grass prairie in northern Kansas. Another biological layer is the whooping crane migration corridor, primarily centered on Cheyenne Bottoms, Quivira and Kirwin. You can use the information tool and click on any one of the points, and it will bring up information of exactly what that species is, when it was collected or saw. There are several different species. The Flatridge Wind Facility in northeast Barber County and you can see some of the sensitive species point occurrences and also see the eastern edge of that 30-mile bat buffer. For the most part, these are aquatic species, not probably directly impacted by wind development, but this particular developer took it pretty seriously. We worked with this developer prior to this tool, and it took us about three years back and forth correspondence to work out issues. Having this tool at that time, I think would have cut it down to maybe two meetings and would have really helped. In central Kansas, Ellsworth/Lincoln County line, the Smokey Hill windfarm, probably one of the most well-known if you travel down I-70. The Smokey Hills is one of the strongholds of the greater prairie chicken populations throughout Kansas, and we have all heard about the issues surrounding habitat fragmentation and this is probably the most well known. You can actually see the turbines on this aerial, and we should be updating some of the aerials with the new 2010 NAPE imagery. Moving far west, these are playa lakes, ephemeral wetlands; probably the most well noted when you are talking about pintails. These are primarily in cropland, so we have historically pushed a lot of wind development and other type of anthropogenic development to the croplands at the point

where we need to work towards to better educate as far as some of these half-way functional wetlands in western Kansas. This is a quantitative method much like the grassland, an area of wetland per square mile to give a reference of sensitivities in the area. Biology has always been plagued with not enough data. You can't survey the entire state, you don't have enough money to hire a biologist for every township so you are always data limited. When you use point occurrence data, you always underestimate the true range of a species. You could have two points, but it is likely they are in between, too, but we just can't prove it. On the other end of the spectrum, we often use range maps, which often over-estimate the true range of distribution, so you are on two opposite ends of the spectrum. The technology has been around for a little while, primarily in the military, but we are starting to use more species distribution modeling, correlating where a species is found and what environmental habitat that it needs, and then the computer program will go out and find that similar habitat somewhere else, and it will give the likelihood that species is found here. The next step was our development of the maximum entry model, which takes the next step between the point of occurrence and the range models. These are the additional tools we are currently working with. Myself, Jim Pitman and Mike Houts have been charged, via Keith Sexson in the Western Governors' Association, to develop a range-wide lesser prairie chicken model in coordination with five states. Surprisingly enough, it is difficult to talk across state lines when everybody has different jurisdictions and different understanding, and it has been some pretty amazing growing pains if Jim would add to that, but we are surprisingly making a lot of headway. We have to have it done by August of this year under direction of the Western Governors' Association. We are moving forward, and it is going to be similar to the lesser prairie chicken model. Another tool we developed in partnership with the wildlife section, we partnered and went with a GIS technician group out of Wichita to develop an ecologic project tool for environmental services. On the wildlife side, they developed a Walk-In Hunting Atlas type of tool that the field biologists could implement township, range, and section type of information as well as contract information to make that more efficient. This is currently in the testing phase, and as far as my section it will really help with the initial project reviews to see if there is any potential impacts primarily with threatened and endangered species, but we also have the capability of adding any additional wetlands, public land areas to trigger them ahead of time before they even come talk to us. The last tool, Dr. Keith Guido with Kansas State University developed a model for every fish species in Kansas. Much like the prairie chicken model, it gives you probabilities of occurrence based on environmental variables. We have had that data in-house but just hadn't had the ability to get that on the web, so what we plan on doing is mirroring a site, much like the Natural Resource Planner, but we'll call it the Aquatic Resource Planner. In doing so, we have had a lot of interest from the Water Office, the Division of Water Resources, and I know we have briefly talked with the fisheries section about adding some additional recreational opportunities -- those areas in the state where you could most likely find smallmouth bass or spotted bass or something like that to add a different component. We are hoping to get to that in the next couple of years, but it is going to take a little bit of time. As far as the Natural Resource Planner, the easiest way to find it is to just go to your search engine and type in "Kansas Natural Resource Planner" and it should come up first.

BREAK

7. Magazine Capacity Request – Lloyd Fox, wildlife biologist, presented this update to

the Commission (Exhibit H, handout from Jaime Stamatson – Exhibit I). Things have been said about Secretary Hayden today, but I don't think anyone has talked about the fear factor, and I would like to address that a little bit. The man knows where my favorite fishing spots and mushroom hunting spots are, and I fear if he is not busy I am going to have a lot of second pickings next spring. At last commission meeting, a gentleman suggested we look into magazine capacity on firearms used in deer hunting. We examined from two different directions: a review of hunter safety, and the other was feasibility of retrofitting existing equipment to meet a magazine capacity requirement. The International Hunter Education Association provided deer hunting incident summaries since 1989. In that data set, they had 483 deer-related hunting incidents, only two from Kansas. In that data set, they listed 19 incidents that occurred with pumps and 81 with semi-automatic firearms, none involved multiple shot events that might have been eliminated had the firearm been restricted to a three-shot magazine. While there is a potential for problems associated with multiple rapid shots, this has not been a significant safety factor across the United States. The history on plugged or magazine capacity goes back to 1935 with federal migratory waterfowl regulations. The manufacturers of shotguns have engineered and designed their sporting guns to be compatible with that shot limitation. That same feature has not been included with big game firearms, many of which are bolt-action firearms and some models of rifles simply cannot be retrofitted to meet a shot capacity regulation. After looking at the various items, we are not recommending any change in our big game hunting regulations that would require firearms be restricted to a three-shot capacity. Commissioner Meyer – I talked to a number of deer hunters and examined a lot of rifles and totally agree with you that it would be almost impossible to modify most rifles used in deer hunting; any type of big game hunting. As much as I think it might be a good idea, statistics show that it really wouldn't change anything. I don't think it is something we want to do -- go to a three-shot capacity. Commissioner Robert Wilson – During the recent firearms deer season, I had the opportunity to talk to 27 different dead serious deer hunters. I spoke to men, women and young kids that were deer hunting and for some of them this was their first experience. There didn't seem to be a consensus for this type of regulation. Chairman Johnston – Lloyd, is there some reason why you only discussed the subject of a three-shot limitation? Fox – No, that was an arbitrary decision and it was similarity with the federal regulation on waterfowl hunting. Chairman Johnston – I don't think that I have been able to identify a public policy reason or a hunter safety or biological reason why we would want to do that. The question of hunter safety is at the heart of what Mr. Babcock recommended. I certainly wouldn't favor three-, four- or five-shot magazine limitation, and when you start talking about 10 or 11 and multiple clips it just seems to be an analysis that doesn't lead anywhere definitive in terms of the benefits it could achieve. I did want to say that I had hoped for more information from department staff on this discussion. I thought Mr. Babcock's request for the three-shot limitation could have been seen as drawing a line in the sand at an extreme point and hoping to compromise somewhere in the middle. Whatever his intentions were, it seems the information the staff should have supplied to us should have discussed in more detail the subject of larger capacity clip regulations than just three. I am certainly not in favor of making a change. Commissioner Lauber – I can't see any particular need to address it, period, at this point and I think the three-shot limit was brought up because Mr. Babcock so pointedly thought that was absolutely all there should be. I think beyond that where do you draw the line, five-shot, six-shot; the same problem is people rarely use the AR-type guns and not sure there was a lot more that needed to be done. I respectfully differ. I think there wasn't much impetus for doing much. I

don't think there is a need for anything. Chairman Johnston – I didn't mean to suggest there was a need to do anything more staff-wise on this topic. But isn't it true that certain kinds of weapons that Mr. Babcock was talking about aren't even legal to be used for big game hunting in Kansas. Fox – Some of these multi-shot semi-automatics are in .223 or rimfire-types of firearms, which are not legal for deer hunting. Paul did list some of the other firearms that have rapid and multiple-shot capacity. Our hunter education program promotes knowing where the target is and what is beyond it and using appropriate action. We may have individuals who use equipment incorrectly and dangerously, but overall our approach, with education and regulation, has resulted in a relatively safe activity that is enjoyed by 100,000 plus people a year now. Commissioner Lauber – Part of my concern was I viewed this at the last meeting as an undocumented event, without any knowledge if it was one gun, multiple guns, just how many shots were fired; there was no investigation and maybe I was too dismissive to the whole thing. Chairman Johnston – Another subject not covered by the staff in the briefing is the fact that even if we chose to do this, there isn't anything illegal about a target shooter going out in the fall when there are hunters hunting and using a multiple clip weapon for target shooting. From what Paul described that could have been what was going on and there wouldn't have been anything illegal about it. We couldn't keep that from happening. The only point I am making is that I thought Mr. Babcock, the Commission, and those in the audience who were not at our meeting when this subject was raised could have benefitted from a more comprehensive discussion of the subject.

C. Workshop Session

1. KAR 115-25-5. Turkey; fall season, bag limit and permits - Jim Pitman, wildlife biologist, presented this report to the Commission (Exhibit J). I would also like to thank Secretary Hayden for your service. It has been a pleasure working under you for the last five years since I have been in the state, and I hope you get the opportunity to get out and partake in our hunting and fishing opportunities now with some extra time. In Kansas we have four hunt units for fall turkey, all which are open to over-the-counter sales except for Unit 4, which is southwest Kansas. Hunters can buy one permit valid in Units 1, 2 and 3 and up to an additional three game tags valid in the eastern part of the state, which is Unit 2. Currently we sell about 13,000 permits and game tags, and our hunters harvest roughly 5,000 birds each year. Those figures are down somewhat from the peak back in 2006. Most of that decline is due to the fact that our turkey population in eastern Kansas has also declined simultaneously due to poor production over many of those years consistent with wet spring and summer weather conditions. The good news is that this past summer the weather conditions were more suitable for productivity, and we did have a little bit better production in the eastern part of the state. So hopefully our turkey population in the eastern part of the state is back on the upswing and in the rest of the state is remaining stable or increasing still in far western Kansas. The department is concerned about the declines and hunter participation and turkey numbers in the eastern part of the state that we have observed over the last few years, but we believe those numbers will return with the turkey population when we have a little bit better weather for productivity. In response, we are not willing to make any recommendations to season structure or bag limits because those numbers have adjusted themselves with the declining turkey population. Chairman Johnston – We keeping hearing about these southeast turkey populations being down and coming back slowly, but we still trusting your assessment that we don't need to make any changes.

2. KAR 115-25-7. Antelope; open season, bag limit and permits – Matt Peek, wildlife biologist, presented this report to the Commission (Exhibit K). A repeat of last meeting on antelope in that we don't have any changes to recommend for season structure, unit boundaries, bag limits or permits at this time. The highlights of this regulation are that archery permits are allocated to both residents and nonresidents on an unlimited basis. Firearm and muzzleloader permits are restricted to residents with half going to landowner/tenants and the remainder going to general residents. We don't have permit recommendations at this time, we will have. The north aerial surveys have been conducted and the south routes are scheduled. At the next meeting most likely we will have permit recommendations.

3. KAR 115-25-8. Elk; open season, bag limit and permits - Matt Peek, wildlife biologist, presented this report to the Commission (Exhibit L). The main change to the elk regulation this year is that we are proposing new management units be established. These units should simplify elk management and clarify the boundaries, which have been deer management units, but we have been using various counties to meet our management objectives. Unit 1 creates a buffer around Cimarron National Grasslands and this area would be closed to elk hunting. Unit 2 creates a buffer around Fort Riley and within that unit elk hunting could occur by people who obtain the limited draw permits that allow hunting on Fort Riley and also hunt-own-land permits. And Unit 3, which is the remainder of the state, besides those two units, could be hunted by the Fort Riley hunters, limited draw permit hunters, the hunt-own-land, general residents and landowner/tenants could also obtain permits throughout the remainder of Unit 3. Commissioner Robert Wilson – At some point during 2010 we discussed preference points for people who had been in this elk drawing for a long time who had never received a permit. Did we ever study that anymore along those lines? Peek – Yes, there was no preference point system until two years ago, when we initiated what would more accurately be called a bonus point system. Just beginning two years ago, anybody who applied gets a preference point and each year they apply thereafter they would get one extra chance to draw. If somebody is applying for their third year they would get three chances to draw, where if someone is applying for their first year they would have one chance to draw. This weights the odds towards the person who has been drawing for a long time, but it does not completely exclude the first time applicant. With a typical preference point system, the only people that would draw for 10 or 15 years would be the people who applied the first year, which would be a major disincentive for new applicants to apply for elk hunting.

4. 115-25-Series Deer Regulations - Lloyd Fox, big game wildlife biologist, presented this report to the Commission KAR 115-25-9 (Exhibit M) is our regulation that sets the season dates for archery, firearm and muzzleloader hunting; it has provisions for seasons at Smoky Hill Air National Guard and Fort Leavenworth, dates for special firearms seasons and extended archery seasons in the urban areas, dates for deer seasons for designated persons, dates and units when extended firearms seasons are authorized, the white-tailed deer antlerless-only (WAO) season, limitation on obtaining multiple permits, and also this year a new item, the antlerless-only either species deer permits that formerly were in a different regulation. Our season structures have remained relatively stable through the years and the structure has remained similar. There are annual adjustments due to the calendar and there has been an increase in

hunting opportunities through the years as the deer herd grew and opportunities became available. We use various population indices and input from the public to evaluate some of our seasons, especially the whitetail antlerless-only season. This year we are recommending our season dates for youth and people with disabilities, September 10, 2011 – September 18, 2011; early muzzleloader, September 19, 2011 – October 2, 2011; archery, September 19, 2011 – December 31, 2011; early firearms in DMU 19, October 8, 2011 – October 16, 2011; regular firearms, November 30, 2011 – December 11, 2011; extended WAO, would be eight days in 2012, January 1, 2012 – January 8, 2012; additional special one week extension to that would be January 9, 2012 – January 15, 2012; and the extended archery in DMU 19, January 9, 2012– January 31, 2012. I won't go into the military dates that have been requested at Smoky Hill or Fort Leavenworth. We are still getting input from employees and hunters on such issues as units for WAO hunting and number of permits that should be allowed in the various units. Currently our recommendation is to allow deer hunters to purchase five WAO permits, one being valid statewide, including lands managed by the department, and the second WAO permit would be valid in all units except 17 and 18 and would be valid on Cedar Bluff Wildlife Area. We are looking at some additional wildlife areas that we might include with that second one, but do not have recommendations at this time. The last three WAO permits would be valid in Units 7, 8, 12, 13, 15, 16, and 19. We have moved into this regulation the section that deals with either-species antlerless-only permits. These are the permits that we use in areas where additional herd control is needed on mule deer, and these permits are available in a limited number and are specified in the Secretary's Orders and available on a first-come first-serve basis after the drawing for the either-sex limited quota deer permits. Commissioner Bolton – Why only one permit in those two units? Fox – Personnel suggestion and more than we used to have.

Carl Puckett, Fredonia – I have a 15-year-old girl who lives and breathes hunting and fishing. In a couple of years, she will be going to college, and when she goes to college, with the deer seasons we have now her deer hunting will be done. I would like to recommend that you guys think about moving regular firearm deer season to the Thanksgiving break. That gives the school kids, the college kids and everybody an opportunity to deer hunt. She doesn't have a lot of opportunity now going to school. I don't look at for just youth, but moving the whole season there, that way adults going to college or those that move away from Kansas who want to come back and hunt still can. I bought her a lifetime hunt and fish license for her Christmas present this year. I would like to see you move the doe season during the Christmas break so the kids can hunt then. All hunting seasons could be set up more with the breaks the kids get in school. You want recruitment. What she gets right now is going to matter, when she gets to my age, with her kids. I know there will be people opposed to it. You won't be able to please everybody. I got two years left with her, and I want to be able to have fun with her, and I know you have your seasons set, but you can change it. Chairman Johnston – Have you learned about our new multi-year license for first time 16-year old hunters? Puckett – No. Chairman Johnston – My understanding is that for the first time 16-year old hunters, and applies to fishing as well, will be able to purchase a 4-year license at a much reduced rate; a tremendous cost savings and that will be available to your daughter. Puckett – She has a lifetime, but I don't know where she will be in the future. She may not reside in Kansas, and I want her to be able to hunt as a resident. The fun she has right now will impact her children. Chairman Johnston – I agree. Lloyd, would you care to give a little information to this gentleman about the pros and cons of moving up the rifle season

into November versus where it is now. Fox – Carl and I did have a short conversation at the break. When you move the season dates around it influences other people, and we discussed that. There are people who have traditions of using the deer resource in various ways and at various times of the year. We have had many public meetings and attempted to look at our deer management program and find ways to make compromises and find areas that were beneficial to the maximum number of people and satisfactory with everyone. We have some of our task force members in the audience right now. I think you made some very good points about seasons; when young hunters have available time on breaks from schools and universities. This may be something we want to consider down the line, but would be something we would have to work at slowly and make sure that we are bringing everybody along on this in order to have the proper amount of agreement. It could be very contentious if an attempt was made to change the season structure we have right now. Puckett – I understand that, but also I have tunnel vision and I have two years left to enjoy my time with my girl. Opportunity she has is going to impact her kids and all school kids. I know for her to get out is hard. She doesn't want to miss school. You are not going to please everybody. Chairman Johnston – Many of us have children and grandchildren who hunt and fish, and we have discussed hunting seasons coinciding with college breaks before and will again. We have talked about having a separate rifle season in October, maybe four or five days, so these discussions are ongoing and we appreciate you bringing your concerns to us.

Lloyd Fox – One more in the 25-series item; 115-25-9a (Exhibit N) which is additional consideration, but deals exclusively with the Fort Riley sub-unit. We have moved the either-species, antlerless-only section in that to 25-9 and moved out application time periods and that information back to 4-11. In this regulation, Fort Riley has requested an additional time period for regular archery season that would run from September 1 through September 18, then continue on as 25-9 does, from September 19 on. They have requested additional days for youth and disability hunting, looking at a weekend and holiday period, from October 7 through October 10. We have their firearms season dates and in addition to that they would like two days in January -- January 7 and 8 where specific personnel would be allowed to hunt for antlered deer during that time period. They have requested archery hunting be continued from January 16 through 31, 2012. They have requested these for their personnel and people using the Fort. At this time we are bringing this forward for input from public and comments from public and Commission. We will go forward with working those items into the regulation.

5. Big Game Permanent Regulations - Lloyd Fox, big game wildlife biologist, presented this report to the Commission (Exhibit O). At this time we have pared it down to just regulation 115-4-11. In that regulation the changes we are proposing include moving the application dates from our exempt 25-series to our permanent 4-series regulations so application times will be consistent and people will be able to know those application deadlines well in advance. In the past we have been setting these regulations and application time periods for the next month. We are trying to, maybe not set them in stone, but be fairly firm for a long time period. This includes applications for deer, pronghorn, elk and wild turkey permits. For nonresident limited quota deer permits would be the last Friday in April (this year April 29, 2011), for resident deer either-sex permits that are limited quota draw permits will be the second Friday in July (July 8, 2011), for deer unlimited permits for antlered deer would be December 30 each year, as in the past, for antlerless deer, January 30 each year. On pronghorn: limited draw would be the second Friday in

June, and for unlimited availability permits for pronghorn would be through the season until October 30. For elk: limited draw would be second Friday in July, and unlimited would be through the season until March 14. There is one change that has come in since the briefing book was prepared: the limited quota for wild turkey. The licensing section would like to stick with a consistent second Friday, as opposed to third Friday, and that would be the second Friday in February. Unlimited availability fall permits would be available through the season until January 30, and unlimited availability spring would be available through midnight of the day before close of season, whatever that was. Those are our recommendations for the change of application time periods and change in 115-4-11. We are not recommending any other changes in the permanent regulations, the 4-series.

VII. RECESS AT 5:00 p.m.

VIII. RECONVENE AT 7:00 p.m.

Representative Barbara Ballard – I hope you had a nice afternoon, and I thought I would come because I wanted to say thank you very much to Kansas Department of Wildlife and Parks. As a legislator you find out a lot and on the appropriations. I get to hear a lot about Wildlife and Parks, and in going around my husband and I love to see. I have been in Kansas since 1973, so I have seen lots of changes, So I want to thank all of the people, especially with Wildlife and Parks for doing it. I would especially like to recognize Secretary Mike Hayden. I just want to say thank you for an outstanding job and one of the things we like to share is Senator Dole’s book that came out three and a half years ago. I’m sure you know all about him, but it is there. Secretary Hayden – Never saw him. Representative Ballard – We did not have a signed copy but I will be going to Washington in February, and if you want it signed I will be happy to take it and have it signed and give it back to you. Also, a token from the Dole Institute of Politics that talks about it. Could you help me and give a round of applause to the Secretary. Thank you and enjoy the rest of your meeting.

IX. RE-INTRODUCTION OF COMMISSIONERS AND GUESTS

X. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

None

Chairman Johnston – I would like to address an off-agenda item just briefly; is Lloyd still here? I would like to hear about the recently published positive CWD test in Kansas if you could share that information with us I would appreciate it. Fox – So far this year we have collected 2,029 samples from deer that we will test for chronic wasting disease (CWD). We have had 96, which have gone through the process, and one was positive and that was a deer from Decatur County. Once again that is sort of our hotspot. We are still collecting samples during the season that is going on right now, but the equipment that is used, the bioread equipment that is used to read the samples, is currently broken at K-State, and that is delaying our analysis. We are hoping they will have that up and running again soon and get the results from the other 2,000 animals that are in the process. Chairman Johnston – You described it as a hotspot, roughly that area of northwest

Kansas is where almost all of our reports have come from. Is that correct? Fox – All of our reports from wild deer have come from the northwest corner of the state; Deer Management Unit (DMU) 1, and one in DMU 2. Most of them are coming out of Decatur County with a few coming from adjacent counties. Doug Phelps, Manhattan – I was curious if you had any more luck in adding contractors or whether you are still operating at essentially the same level you did the year before? Fox – We do have contractors, private individuals, and right now we have a good core of them who have been trained on how to collect the samples. We have some that stay in for a year or so and then we have additional we train on a new basis, but right now we are doing okay.

XI. DEPARTMENT REPORT

C. Workshop Session (continued)

7. Potential Regulation Changes to Address Aquatic Nuisance Species – Jason Goeckler, aquatic nuisance specialist, presented this report to the Commission (Exhibits P, Q, and R). As we looked at the issue, we decided it was a two-fold issue, which had a pretty distinct line between them. One being the commercial bait sale and the second being the wild-caught bait and movement of species that way. Considering the timing of this meeting, it would hard for us to implement wild-caught regulations in a regulation summary for 2011. We opted to just discuss commercial bait at this meeting in the hopes of bringing in the wild-caught section at our fisheries meetings in April. We can discuss any of those other components if you would like. The handout folder is made up of three different parts. Bait has not really been on the agenda in a number of years, so we thought we would bring everyone up to speed on what we are currently doing, and then show you what we are moving into. There are three sections separated by the blue tabs. The first one is the packet that we send commercial fish bait permit applicants for renewal. There is a standard letter making them aware of what we are doing; a letter that we send to the bait dealers about concerns with disease, aquatic nuisance species and steps they can take to ensure they are not spreading them through those activities; a copy of the actual permit they fill out in case they have any questions about what we are requiring there; all of the regulations that are directly relevant to the commercial sale of bait, 115-17-1 through 115-17-5; our prohibited species list, which is our major tool for combating aquatic nuisance species at this time; and also provide our threatened and endangered (T&E) species list and species in need of conservation (SINC) list. Once they do fill out the application, we do issue them a permit. We provide their actual permit and handouts that we insert inside. They get a stack of this literature to distribute to the public when they purchase bait from them and a large component is dealing with aquatic nuisance species and we have been doing these for a number of years. Finally, the handout has the page provided in the briefing booklet and four major recommendations to deal with the risk of invasive species through commercial sale of bait. At the last Commission meeting in Goodland, I highlighted the issues we have with commercial bait. The first issue we are trying to deal with is the sale of non-native species. We have had a lot of issues with non-native species being sold in bait shops as incidental bait that was distributed to them from a wholesaler or it was just something they didn't know was not native. Our current regulation states that it is only legal to sell native or naturalized species in the state of Kansas. Because of the way that was written, it causes a gray area and difficulty for our bait dealers to determine what really is native and what is

naturalized. For instance, with silver carp and Asian carp in our state, they would technically be considered naturalized. We do have the protection of the prohibitive species list for that one in particular though, but that is part of the issue. We thought a good way to go about it would be to list a specific list of aquatic species legal for sale. That way the playing field is even, and it identifies what is legal in the state and there is no more gray area. To come up with this list we surveyed, through phone calls, several bait dealers and asked them what their common species were that they sell. This is also coupled with the human dimensions survey. We tried to streamline the number of species used by anglers on top of what our bait dealers are selling most commonly. After the fish species, we listed two other groups that I would appreciate input and comment on. The first group are crayfish. They are difficult to identify and we looked to neighboring states and what they are doing. Many of them are beginning to prohibit the use of crayfish being sold in their states. We do have nine native species in the state that are not listed as SINC or T&E, and after visiting with our stream survey crew and looking through historical data, the virile crayfish appears to be the most common crayfish in Kansas. If we decide to continue to allow crayfish to be sold as bait, this would probably be the species I would recommend we maintain. When we visit with the commercial bait dealers, they indicated there are two species they currently use, and I had a difficult time identifying what those two species were based on the names that were provided. The one that was most commonly called the olive green variety, I believe is the virile crayfish. I believe with crayfish, we either disallow the use of crayfish for sale or just allow one species or broaden it to the nine native species in the state. Beyond the crayfish issue is the freshwater leech issue. Our current rule says native or naturalized annelids in the state. I want to point out we are not trying to regulate nightcrawlers, which are an annelid as well. These are just aquatic baits. Again it is difficult to try and identify what leeches are currently being sold. The trade names that were provided didn't reap any benefits through investigation. Again, looking at our neighboring states, that is where this specific species was brought up and the scientific name is provided. So I feel our option is to go with the most common leech being used, according to dealers, or include all U.S. native leeches, which are 63 different species. Chairman Johnston – On the subject of crayfish, what is the problem? To the extent we have discussed this subject before I don't recall a discussion describing an issue with crayfish. Goeckler – It is two-fold on crayfish. There are some diseases that have come up and moved through that trade, and there aren't any common testing that goes on for those species. And secondly, there crayfish that are being moved around quite frequently that are non-native to the state and are either very aggressive towards other species or create a lot of damage for plant species; mainly like the rusty crayfish, a species of concern in our aquatic nuisance management plan, has been detected in the bait trade and there are some wild populations in Nebraska that they have linked to introductions through bait, and that is part of the reason why they prohibit them in their state. So that is the main issue there is these aggressive crayfish being brought in and their impact on the natural environment. Commissioner Lauber – Are these crayfish being seined in Kansas and sold in Kansas or are they coming from wherever the wholesaler might acquire them? Goeckler – We are talking about those being sold by bait dealers. Commissioner Lauber – But, you don't know the origin? Goeckler – Correct. Chairman Johnston – Another question I had, on the proposed list I don't see black perch? I see three different species of perch, but is one of these proper descriptions inclusive of the black perch? Goeckler – I believe black perch would be part of the green sunfish. Chairman Johnston – Very well. Goeckler – That has been part of the issue. They give them trade names, and we would like to eliminate part of that problem. Chairman Johnston – Out of

curiosity, I gather you believe it is going to lead to more efficient enforcement of these laws to have a list of legal species to sell versus just a list of illegal species. Goeckler – Obviously those are the two different tacks we could take. Obviously we feel that if we continue adding to a list of species that is not legal to sell, we are a little bit behind the curve because the trade is such that they either come up with a new name for the same species, which creates a lot of extra work that way. In visiting with the bait dealers themselves, they would like more of an even playing field so they are not continually chasing these ideas. Commissioner Lauber – How many of these licensed bait dealers does Kansas have? Goeckler – For 2011 we don't have all of the applicants processed, but last year we had 263. Commissioner Lauber – How many wholesalers? Goeckler – Our data is a little fuzzy on that because they are allowed to check any of those boxes on the permit, but we will say distributors are those wholesalers and there are 52. Chairman Johnston – With respect to this question of prohibiting versus legalizing certain species; if we have nine native species of crayfish, you are just proposing one of the nine species to be legally sold? Goeckler – I put two options there. Do we want to allow crayfish and if so do we want to allow just one species or broaden it to all nine native species? Again, visiting with bait dealers there are two species being sold currently. Chairman Johnston – At least on the subject of crayfish this aggressive species you have described, wouldn't it be just as simple to ban that species for sale and not try to discriminate between the nine different species that are indigenous? Goeckler – A good point as they are difficult to identify between all nine species, and we felt by making a recommendation of one species was a lot easier for enforcement purposes. Item number two, is we are concerned about the sale of diseased bait. We have seen a lot of new species come into the state and disease is a pretty significant issue so we have put together this recommendation: We recommend that all live aquatic baits, for commercial sale, be certified pathogen-free to prevent the introduction of dangerous diseases into the waters of Kansas. We would use the American Fisheries Society blue book standards to establish the guidelines for certification. The proposed list I brought forward today was four different virus species, reportable by APHIS as serious diseases that would cause legal action if they would show up into the waters of the state or a commercial dealer. We propose anything that comes into the state for sale as bait undergoes testing to make sure these four viruses are not present. There are a lot more diseases out there and as inherent with this business, bacterial diseases, fish louse, lots of things like that. One of the major distributors in the state, in fact most folks that distribute into Kansas get their fish out of Arkansas, and they do offer a program for certification for any bait that leaves their state. Beyond these recommendations, I have provided the information from Arkansas and what they test for and what is associated with their "certified" bait. Commissioner Lauber – Do you have the budget or the people to do your own certification or analysis? Goeckler – I do not. Commissioner Lauber – So we would have to figure out how to fund that? My question is do you propose to go out to Bob's Bait Shop and take a sample of the water and do preliminary tests and you would have to have some testing equipment and manpower? Goeckler – I believe for anyone producing their own fish in the state we would have to develop something like that where we would have to go out and test those facilities. For anyone importing them into the state they would have to go through the process of getting those fish certified before bringing them into the state and that is why I mentioned the Arkansas example. Commissioner Lauber – I think it is worth the effort and the money, I just didn't know if that was a major factor. Goeckler – By stepping into these regulations on the commercial dealers, I think it will require more manpower and O&M to deal with visiting these facilities more often and dealing with them. Number three, we have a number of bait shops that are operating on waters

that are positive for zebra mussels or other aquatic nuisance species, and we would like to set up a standard for those facilities to be sure they are not distributing these aquatic nuisance species through their operations. I put two options here. It is recommended that all aspects of the commercial sale of baitfish utilize a secure or ANS-free water source, and that is something we will need to define. In particular, concern for those bait shops that are on those infested waters. We would like them to either be required to have Wildlife and Parks approved ANS excluding equipment – filtration -- or have water source isolated from open lake or something like that; or restrict the use of that bait only to that water. Those are the two options. The difficult thing about restricting to that ANS water is the implementation and enforcement of that sort of rule. This is one where we would have to rely on the good people of Kansas; do an education effort. I suggest we would have a receipt specific for that water that warns of the hazards and the restriction of this bait only to that area, so have some sort of red flag so the angler knows when they take it into their possession it needs to only be used there. Commissioner Lauber – That would be very difficult to enforce and having a bait license tied to clean water is going to be a lot easier to enforce. Goeckler – Looking at those two issues specifically, we wanted to make sure we were taking the best effort to protect the waters of the state, but allow for commerce at that sale. Commissioner Lauber – ANS is the biggest potential threat Kansas has right now. Is the commercial bait industry the most likely vector for this or is it still ma and pa seining bait? Goeckler – Personally I believe it is ma and pa. Commissioner Lauber – In certain parts of the state, there is no way to address that problem without stepping on a lot of toes and some old fishing cultures. Today you are just relying on how to deal with the commercial bait dealer because we can force them to be more compliant. I do think these are good ideas and can probably keep some of these things out, and I think the water issues are important, but I still think we are going to have to bite the bullet and deal with the more unpleasant task of how to restrict movement of bait through seines and plastic buckets and how it can be done in a way that law enforcement has a meaningful tool to deal with it and oodles of education. Goeckler – I agree with you completely. It will take a large component for education and to get equal enforcement and that is why we have draft regulations prepared and they are out with our regulation committee for review at this time. Because of the timing of this meeting, we thought it would be hard to enforce those, but prepared to bring those to a future meeting. The final item is a simple application requirement. A few years ago, the state of Kansas required anyone selling a license that we need to take down personal information, like social security numbers or federal identification numbers and that sort of thing. It is not explicitly written in our requirements that is required and our administrative staff is expressing difficulty in getting that information from permit holders, and so we would like to include that in with the application requirements. And secondly, we do have folks out there that are seining for their own sale and currently according to Kansas statute, you can go and seine bait on your own property, your own pond, and sell that. We can't do anything with that since it is in state statute but we would like to see those people that are harvesting from wild, where they are getting the bait to address that silver carp issue. We would like to have them give us their GPS coordinates on where they plan to collect their bait so we can coordinate risk of that vector. Commissioner Shari Wilson – Clarify why you would want to collect somebody's social security number and if they have a business couldn't they provide a tax number? Goeckler – A tax number is not acceptable. It needs to either be a federal ID number or a social security number. It is required because they check backgrounds on anyone that is required to purchase a license to see if they are delinquent on child support or taxes. Commissioner Shari Wilson – That is under state statute then. Chairman Johnston – I don't

think I have enough information to make a decision or advise you what's preferable on the subject of crayfish or leeches, but I like the idea of trying to be proactive with bait dealers and having a list of approved species, and I like the general direction your proposals are going. Commissioner Lauber – At what point would we start to vote on these things? Or are we only advising and not voting? Tymeson – It is a vote on the regulation, and it is a matter of drafting the proposal as soon as we get some direction so we are looking at April, maybe June before we vote by the time it goes through the Attorney General's office. Commissioner Lauber – It would go into effect sometime in mid-2011? Tymeson – There are a couple of options, we could have a delayed implementation to go to January 1 of next year, which might be the best option, but we can discuss that. Commissioner Lauber – I don't have enough information on crayfish and basically I prefer staff to make its own recommendation, and I propose we are pretty aggressive and restrictive on what we do. Chairman Johnston – If this is the hazard for this state and our fisheries, I think the quicker we can move, with well conceived regulations, the better. Commissioner Lauber – Do we have the money to put signs all over the Kansas River? You were involved with filming the girl helping the pretty silver fish go up over the weir and she didn't mean any harm, she just didn't know. Are we providing lots of signage or what are we doing? Goeckler – Our policy is that any place that one of these species is detected that we do place signage at the public contact zones. As far as that particular location, we had to negotiate with that facility because access is through private property, and we got permission and there is a sign posted now.

7. KAR 115-16-5. Wildlife control permit; operation requirements – Kevin Jones, Law Enforcement Division director, gave this report to the Commission (Exhibit S). A request was made during the October 14, 2010 commission meeting in Goodland from APHIS, Tom Halsted, to consider allowing the use of sound suppression devices during nuisance wildlife control activities. We have taken a look at this and are making a recommendation to adopt that language by adding the provision under the allowances for using firearms for these control activities to say that sound suppression devices would be a part of the legal equipment authorized under this regulation. We are also proposing that we would add additional language in the regulation stating that other allowable methods could be considered and permitted under the specific condition of a permit that was issued to address any particular any new requests for techniques as opposed to coming back and having to amend into the regulation allowable devices that we could give consideration to things of this nature and write that under the conditions of the permit on a situation-type basis. Chairman Johnston – My only question has to do with this catch-all clause that you are proposing. I recall the presentation we heard on this subject, and it seemed to be well founded and supported by the Commission, as much as we knew at the time and I don't think the Commission is opposed to proposal to allow for sound suppression devices. But I am a little hazy on this subject of other types of devices be permitted on a case-by-case basis. Sound suppression devices is a generic phrase as it is so what other kinds of devices, other than sound suppression devices, are you conceiving of? Jones – We haven't had a specific request made in that regard, but if there was a request to use such thing as a laser sight, we could make a situational review of that, and if we deemed it a reasonable request and a prudent thing to do and we could write that in as a part of that permit. Chairman Johnston – The subject of wildlife control permits; those are generally issued with terms and conditions unique to the particular situation? Jones – They are typically issued to businesses and companies that are in nuisance animal control work, some of them specializing in certain types of activities. It would be a matter of, as technology comes on,

trying to keep pace with some of this. We thought it might be a reasonable request to put this in so that we can deal with developments in technology and equipment that come forward. Commissioner Lauber – This differs from depredation permits? Jones – Yes, it is totally different. Commissioner Lauber – I think what he suggests makes sense. I understand what you mean, as long as we can have an update from time to time on what special exemptions were allowed or if we see it is getting out of hand or there is something we take exception with we can do something. I can see in some cases laser sights, or some new scope that would work at airports for deer, or something like that. It would be easier to allow it now rather than wait three or four months for us to go through the process of an amendment. Commissioner Shari Wilson – About how many of these wildlife control permits do we issue in a year? Jones – I don't have that number, but I would guess 75-100. I can get you the exact number. Commissioner Shari Wilson – That would be great. Chairman Johnston – Go forward with it.

8. KAR 115-2-2. Motor vehicle permit fees – Linda Lanterman, assistant Parks Division director, gave this report to the Commission (Exhibit T). I talked earlier about the ORMS system and what we would like to do is look at the motor vehicle permit regulation. Currently, expiration for those permits is noon the day after you purchase, except on Sundays and holidays. The bulk of my complaints are in the fall, saying “the park's not full, can't we stay a little longer.” What we want to do is make both of these permits to where they expire at 2:00 pm the following day, all year-round with no exceptions on holidays or Sundays. Commissioner Meyer – I agree with that. Sometimes you can't stay and eat lunch before you go home or someplace else. Lanterman – This at least gives you a chance to have your lunch and then pack up and leave. Please keep in mind that cabins you still have to get out at noon, but you can go to the day use and have your lunch if you need to. Commissioner Sebelius – I think this is a good idea.

9. KAR 115-2-3. Camping and utilities fees – Linda Lanterman, assistant Parks Division director, gave this report to the Commission (Exhibit U). Again, same topic, expiration is at noon, and we would like to do the same, make it 2:00 p.m. year-round, no exceptions and gives us more continuity.

D. Public Hearing

Notice and Submission Forms; Kansas Legislative Research Letter and Attorney General Letter (Exhibit V).

1. Free Park Entrance and Free Fishing Days by Secretary's Orders – Linda Lanterman, assistant Parks Division director, gave this report to the Commission (Exhibit W). As you know each year we have free park entrance days and those entrance days are left up to the events that each manager chooses at that park. We have listed those for you, and we would like approval to go forward with dates as listed.

XII. Old Business

None

XIII. Other Business

A. Future Meeting Locations and Dates

Discussion on June date and location.

March 10, 2011 – KDWP Region 2 Office, Basement Conference Room, Topeka

April 21, 2011 – Great Plains Nature Center, Auditorium, Wichita

June 23, 2011 – Norton

August, 2011 – Wetlands Education Center, Great Bend

XIV. ADJOURNMENT

Chairman Johnston – On a sad note, it our last opportunity to work with Secretary Hayden, but we'll hope to have an equally qualified new Secretary at the next meeting. The meeting adjourned at 7:50 p.m.

(Exhibits and/or Transcript available upon request)

Exhibit X – David Heffel comments

Exhibit Y – Wildscape brochure

Exhibit Z – Photo, Kanza Rail-Trail Bridge over US 75