

REVISED AGENDA
KANSAS DEPARTMENT OF WILDLIFE, PARKS & TOURISM
COMMISSION MEETING AND PUBLIC HEARING
Thursday, August 11, 2011
Wetlands Education Center (Cheyenne Bottoms)
592 NE K-156 Hwy, Great Bend, Kansas

Tour 9:30 am, Cheyenne Bottoms (meet at Wetland Education Center to carpool); followed by lunch served by Great Bend CVB at the courtyard at Best Western, 2920 10th St in Great Bend at 11:30 am.

- I. CALL TO ORDER AT 1:30 p.m.**
- II. INTRODUCTION OF COMMISSIONERS AND GUESTS**
- III. ADDITIONS AND DELETIONS TO AGENDA ITEMS**
- IV. APPROVAL OF THE June 23, 2011 MEETING MINUTES**
- V. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS**
- VI. DEPARTMENT REPORT**
 - A. Secretary's Remarks**
 - 1. Agency and State Fiscal Status (Dick Koerth)**
 - B. General Discussion**
 - 1. Tourism Briefing (Linda Craghead)**
 - 2. Geocaching (Linda Lanterman)**
 - 3. Big Game Permanent Regulations (Lloyd Fox)**
 - C. Workshop Session**
 - 1. Potential Changes in Deer Regulations 2012 (Lloyd Fox)**
 - 2. Spring Turkey Season (Jim Pitman)**
 - 3. KAR 115-8-1 Public Lands Reference Document Items (Brad Simpson)**
 - 4. Fishing Regulations (Doug Nygren)**
 - 5. ANS/Bait Regulations (Doug Nygren)**
 - 6. Park Regulations (Linda Lanterman)**
 - 7. Falconry Regulations (Mike Mitchener)**

VII. RECESS AT 5:00 p.m.

VIII. RECONVENE AT 7:00 p.m.

IX. RE-INTRODUCTION OF COMMISSIONERS AND GUESTS

X. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

XI. DEPARTMENT REPORT

D. Public Hearing

- 1. KAR 115-16-3. Nuisance bird control permit; application, provisions and requirements. (Tom Bidrowski)**
- 2. Late Migratory Bird Seasons (Tom Bidrowski)**
- 3. KAR 115-2-3a Cabin Camping Permit Fees (Mark Stock)**
- 4. Cabin Camping Permit Fees Under New Process (Mark Stock)**
- 5. KAR 115-8-13. Vehicles on the Ice (Brad Simpson)**

XII. OLD BUSINESS

XIII. OTHER BUSINESS

A. Future Meeting Locations and Dates

XIV. ADJOURNMENT

If necessary, the Commission will recess on August 11, 2011, to reconvene August 12, 2011, at 9:00 a.m., at the same location to complete their business. Should this occur, time will be made available for public comment.

If notified in advance, the department will have an interpreter available for the hearing impaired. To request an interpreter call the Kansas Commission of Deaf and Hard of Hearing at 1-800-432-0698. Any individual with a disability may request other accommodations by contacting the Commission Secretary at (620) 672-5911.

The next commission meeting is scheduled for Thursday, October 13, 2011 at the Pratt KDWPT Headquarters, 512 SE 25th Ave, Pratt Kansas.

**Kansas Department of Wildlife and Parks
Commission Meeting Minutes
Norton Community High School
103 W Woodfield, Norton, KS**

Subject to
Commission
Approval

Tour at 10:00 a.m. Met at high school parking lot to ride bus to wildlife area and state park.

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

The June 23, 2011 meeting of the Kansas Wildlife and Parks Commission was called to order by Chairman Kelly Johnston at 1:30 p.m. at the Norton Community High School Auditorium, Norton. 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).

Brook Dicks, director Norton Chamber of Commerce – I have been here six months, and I want to welcome you to Norton. It is great to have Prairie Dog State Park (PDSP) so close. It is a great asset and great for tourism and economic development.

III. ADDITIONS AND DELETIONS TO AGENDA ITEMS

Sheila Kemmis – Revised agenda (same as handout) – added general discussion No. 2, public lands reference document; Brad Simpson will be the presenter. And in the workshop section added No. 5, cabin camping permit fees; Mark Stock will present. Rest of items renumbered. Also, changed presenter on all of Faye McNew's items to Tom Bidrowski. McNew could not be here. Doug Nygren will be presenting No. 8 under workshop session. Under public hearing, added No. 3, KAR 115-1-1 definitions (to redefine water sets); Matt Peek will be presenter. Renumbered rest of items.

IV. APPROVAL OF THE April 21, 2011 MEETING MINUTES

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

V. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

Carl Gofelt, President of First Community Bank and Trust Company and member of Friends of PDSP. Came to also welcome you to Norton, PDSP, Sebelius Lake and Norton Wildlife Area and to introduce myself to the new Secretary. We want to thank Doug Sebelius for job well done (*applause*). I was born in 1959 when the lake had just come off drawing board and construction

began. I remember as a child going out to bluff and watching construction. When I was five years old, we stood on the dam and watched lake fill up. I have watched the state park, lake and wildlife area evolve into the jewel it is today. Thank you for your dedication to making them the jewels they are today.

Scott Sprowl, Economic Development executive director for Norton County – I wanted to commend Secretary Jennison, Commission and staff for finding a way to bring tourism back into wildlife and parks and really mesh that organization together. They are so related, it is going to be great to have them intertwined. Also, I want to commend Secretary Jennison on the vision of the Governor's pheasant hunt that will be coming and working with the communities in western Kansas. It will be a great economic boost for western Kansas.

Mike Pearce, Wichita Eagle – About 10 days ago we had the 10th annual Wichita Eagle kids Fishing Clinic at Chisholm Creek Park, which is held in conjunction with the Walk with Wildlife. We are a small part of it, and it should be called the Wichita Eagle/Wildlife and Parks Kids Fishing Clinic. As near as I can tell, we have taken 4,000 to 5,000 kids fishing in those 10 years. This year we took 328 kids. They show up in a half-hour session and 20- to 25-percent are minorities, probably 40 percent come with single parents and a tremendous number of grandparents who are raising kids. Any kid that has never caught a fish doesn't leave without catching one thanks to you because Kansas Department of Wildlife and Parks (KDWP) puts enough green sunfish hybrids in there that you could almost walk across the pond. KDWP provides an amazing staff, tackle, bait, worms, and a group of individuals called the Flatland Flyfishers are some amazing volunteers. I realize one of the reasons the agency has this is they are trying to generate youth interest and sell permits down the road. I want to share a couple of tales that are an upside of it too. This year I watched a 2 ½ year old blind girl touch her first fish, and it was amazing. She touched it with her hands twice, then her finger tips went over the whole thing, and she started smiling and giggling, and then her finger tips started again, and she went in the mouth and around the eyes, every ridge on the dorsal fin and the raise in the tail. She didn't like it when they took it away. Jessica Mounts, who works for the agency, and I agreed that every year there is that one kid who sticks in our mind, and there was a little girl with one eye swollen shut and one black eye. She was about 9-years-old. I looked out there and she was off to the side. I didn't even know she was in the clinic and I went over to talk to her. She was very quiet and kept her face down. I found out from an elderly woman, who I assume was foster care that they had been there about an hour and her heart wasn't on trying to catch a fish because she had tried somewhere before and hadn't caught one. I asked her about school and she said she didn't do well in school. So, I asked her about a pet, and she said she had a dog, but she doesn't get to live at that house anymore. I asked her about brothers and sisters and she said she had a brother and a sister but they didn't live together anymore. I saw from her badge that she had never caught a fish, and I promised her that if she stayed we would get her a fish. Fishing was tough, and we moved from spot to spot, and I am trying to reach this kid. When she lifted her pole and I saw this little fish go into orbit and she pounced on it. Her first words were "Oh my gosh it is so beautiful." She held the fish as long as I would let her; I thought it was going to die. She took it over to the pond, and she named it by then, she leaned down and let it swim and told

it goodbye. She turned around and the foster parent had tears in her eyes and the girl was singing “I caught a fish” and she skipped all the way out. That is the power of one fish. I want to thank the department for holding those programs. No matter where you are doing, you’re fishing clinics they are making a difference in people’s lives.

VI. DEPARTMENT REPORT

A. Secretary's Remarks

1. 2011 Legislature – Chris Tymeson, chief legal counsel, gave this report to the Commission (Exhibit C). – The legislative cycle has ended, and we are preparing for next year. In final veto session there was not a lot of action. The first item was the Executive Reorganization Order No. 36, which renames the Wildlife and Parks as Wildlife, Parks and Tourism and combines KDWP and the Division of Travel and Tourism. Since neither House took action against the order, it does go into effect July 1. SB 123 was a department initiative we had for several years in relation to cabin fees. Instead of setting fees in regulation we would set them through Secretary's Orders at public Commission meetings, which still allows the public to comment but also allows us to be more reactive to change in market conditions. Went through the Senate, went into the House where it was amended on House Floor to include provisions of a bill that restricts the purchase of department lands by the department. The final version kept in our cabin fee portion original HB 2149. The final version of the bill after conference included the original cabin provision but does restrict KDWP land purchases to less than 320 acres without legislative approval, 640 acres or less if under appraised value without legislative approval or as approved by the State Finance Council, effective July 1. SB 152 dealt with concealed carry permits and carrying a concealed handgun while hunting, fishing or furharvesting, and it also allows the use of suppressors in lawful hunting as well. It passed the Senate and House and is effective July 1. HB 2013 isn't a hunting bill, but it does affect our constituents; there was a prohibition of sale of rifles and shotguns from any state other than contiguous states to or from residents of Kansas. Federal law changed in 1986 and Kansas law never kept up with that. Federal law says as long as it is legal in your state and legal in the state you are purchasing it in, you can go ahead and purchase. That passed and is effective July 1. All of these bills are on our website, and I will briefly touch on a couple of bills I think are important that did not pass. SB 120 is the vessel titling act that went through the Senate, had a hearing in the House and isn't going anywhere as far as I can tell. The bill is still alive for session next year. HB 2149, as I mentioned those provisions got stuck into SB 123, and this bill doesn't pertain to Wildlife and Parks anymore. HB 2168 would have given free state park entrance to any veteran who is a resident of this state and has been honorably discharged; bill had a hearing but was tabled in Committee. HB 2295 was the a deer bill that would have exempted landowner's immediate family members from hunting license requirements and given them permits, which we already do through a different provision of the law (a reduced price permit). It dealt with crossbows, extended deer seasons, mandatory contributions to Hunters Feeding the Hungry and raised the caps on nonresident fees. The bill had a hearing, was sent to a subcommittee and was recommended to be tabled by the sub-committee and subsequently tabled by the full committee. We will see where that goes next year. HB 2398 came in late in the session, so it really didn't see any movement; it deals with feral swine and would make importation of feral swine a class C misdemeanor rather than a civil penalty and would change the definition of feral swine. Another big one is House Concurrent Resolution No. 5017. Every year we hear talk about valuation of vessels and taxation of vessels. The House did pass the concurrent resolution then it went to

Senate Taxation Committee late in the session. Maybe we can get the Senate to get it out of committee and out to the full Senate. If that happens that would send it to the voters in November as a ballot question that would basically say, if the legislature chooses to amend the taxation level on boats they would have the authority to do so. It takes a Constitutional amendment to currently do that. Commissioner Lauber – We need a constitutional amendment to allow a different type of classification for vessels? Tymeson – That is correct. Commissioner Lauber – What does it say? Is there anything else in the same category as vessels? Tymeson – General personal property; cars and RVs were exempted out of that; point three is the taxation level. Commissioner Lauber – We would support this bill? Tymeson – There are obvious pros and cons; pros to individual boat and vessel owners, the con would be loss of revenue, particularly at a time when revenue is difficult to come by for counties. We haven't done anything on the bill. Senator Jeff King was the proponent and a couple of other proponents. The department is just monitoring at this point. Commissioner Lauber – Seems like fairer approach and if done like cars there would probably be an increase in vessels that would be registered. Tymeson – There are a couple of potential outcomes and one key consideration, even if the legislature passes this and if the voters passed it; it doesn't automatically force a shift in the load in the level of taxation. Then the legislature again has to take action to change that level of taxation. If we could get something like this, it doesn't mean it has to be changed immediately, it might be prudent to wait for optimal time. I think we would see numbers of vessels registered in Kansas go up and people would trade off older boats.

2. Agency and State Fiscal Status – Dick Koerth, assistant secretary of Administration, presented this update to the Commission (Exhibit D). – This session of the legislature is over and they have completed their work. The approved budget for the current department doesn't include the inclusion of the Travel and Tourism Division of approximately \$4.3 million. We have already been assigned duties to promote tourism across the state. For the current fiscal year, the approved budget includes expenditures of \$473,000 for a sewer line from the Pratt Operations Office to the City of Pratt sewer plant. For a number of years, the Kansas Department of Health and Environment has been concerned with the sewage system discharge at the Pratt office. An amount of \$260,000 was approved to provide additional funds for the repair of the Clark SFL; the original amount appropriated was not adequate to repair the dam and spillway. For the current fiscal year the department should be able to complete the year within the amounts appropriated. Expenditures from the Cabin Revenue Fund and the Park Fee Fund are being monitored to ensure expenditures remain within appropriate limits. The Legislature approved a salary reduction of 7.5 percent in the current year for certain positions, to include the Commission and Secretary Jennison, which was only for one payroll period by the time they got it passed. For FY 2012, approved expenditures of \$68.2 million, of which \$4.8 million will be financed from the State General Fund (SGF). The budget includes expenditures of \$6.9 million for capital improvements. The approved FTE number is 430.5; in addition to the 12 positions for the Travel and Tourism, plus one position for managing the Grand Osage Wildlife Area in Labette County (formerly the Parsons Army Ammunition Plant). The FY 2012 Governor's budget recommendation included an amount of \$2 million for upland habitat land acquisition as requested by the previous Secretary. Secretary Jennison's priorities for the department include

the use of private land by leasing property rather than acquisition. Therefore, the amount was reduced to \$300,000 for upland habitat land acquisition. The reduction of \$1.7 million will be used as follows: \$310,000 to provide additional funding the F.I.S.H. program; \$70,000 for improvements at Rocky Ford WA; \$600,000 for improvements at the Milford Fish Hatchery to prevent zebra mussels (the first of a two-year program); \$100,000 for minor repairs at three SFL dams, Douglas, Shawnee, and Leavenworth; and \$620,000 to expand the WIHA program. The legislature approved reductions for cell phone usage; IT; longevity payments; and bottled water/office supplies. In addition, the legislature did not approve any continued funding to the state employee market adjustment program (that was supposed to be a five-year program to go through all of the classified positions to bring them up to market standards class, they did two years of it and now it has been discontinued); included a \$2.00 check-off to assist on funding free hunting and fishing licenses and annual park permits provided to Kansas National Guard members and disabled veterans. Also, required the state to prepare a list to prioritize the sale of ten percent of state assets by September 1, 2011. For FY 2012, the Legislature passed an “across the board reduction” of approximately 1.2 percent or \$5.9 million for all agencies which was vetoed by Governor Brownback. The Governor stated in his veto message that he would determine reductions equal to the amount of reduction, but that he needed flexibility to determine the reductions and did not consider across the board reductions to be the appropriate method. The key point is that there will be a statewide reduction of \$5.9 million from the Governor. The Governor vetoed a 2.5 percent surcharge on state employee health insurance premiums. The actions taken by the legislature and Governor Brownback have improved the ending balance in the SGF. For FY 2011 the ending balance is estimated at \$76.2 million and for FY 2012 approximately \$72.3 million. These are better than they have been for the last several years in the SGF. It should be noted that the Brownback administration is committed to reducing the size of state government and future actions to implement this commitment are anticipated. The department is currently developing the FY 2013 capital improvement budget for submission on July 1, 2011. Secretary Jennison has issued FY 2013 budget guidelines, which provide direction to the types and amounts of capital improvements to be requested. Those include motorboat access (MBA) programs; \$600,000 to complete the Milford Fish Hatchery project; \$1.7 million for road projects; \$200,000 bridge repair funds; and \$300,000 for cabin site preparation. A total of \$950,000 for land acquisition, of which \$650,000 is for wetlands. In addition, the department will request an additional \$1.5 million of SGF funds for major maintenance projects at the state parks. Given the status of the SGF, this amount may not be obtainable, but it is important that the department continue to express concerns regarding the condition of state parks facilities and infrastructure. We used to get approximately \$1.5 million per year for that purpose, but the last several years we have not, and our facilities continue to deteriorate and need improvements. Commissioner Sebelius – Looked at Glen Elder since flooding occurred and it looks like camping affected and some roads. Do you anticipate any money needing to be utilized from the budget for that? Koerth – The water is still up and we don’t know what the extent of the damage might be. Linda Craghead has been touring the state parks this week and might have a better feel for conditions at that park. Linda Craghead – Linda Lanterman, Alan and Troy have worked diligently to identify what some of those costs are going to be. The water will be up probably until August. Sixty percent of our campsites are under water so we don’t know ramifications yet.

They are making some modifications so we can have some July 4 camping. We have, and are, submitting information to FEMA so hopefully we can recover some loss. Also, the Bureau has indicated they may have some additional funding for us as well so the Secretary has submitted a letter of request to Bureau as well. Considering the circumstances, our park manager, who is new, is doing a remarkable job of trying to make things work. It won't be resolved for some time for our customers. Commissioner Sebelius – Anything happen to the trout pond? Craghead – Water has now receded from the road and it is separate from that, but yes there was cross contamination between the two as a result of the high water. We still have roads and campsites under water, and it is not going to resolve itself for quite some time. Commissioner Shari Wilson – With regard to moving the Department of Travel and Tourism over do we have a timetable for moving the employees? Koerth – We have a plan to do that close to July 1. We have designated space in the Secretary's Office. It will be a little tight, but we will all be there.

B. General Discussion

1. Spring Turkey Season – Jim Pitman, wildlife biologist, presented this report to the Commission (Exhibit E). – Indications are that we had a good hunting season again. We sold 65,406 permits to 43,359 people, which is a slight decline of about 1,200 from previous year, but still in ballpark of where we have been for last seven or eight years. I am in the middle of conducting harvest survey and still collecting data, but I looked at preliminarily data yesterday. Our statewide hunt success is still going to be in the ballpark of 60 percent, which is where it has been for last several years and one of the highest in the country. Our turkey populations in this part of the state are stable or increasing, in southeast Kansas the population is picking back up after declines. At this point the weather, for productivity, has been favorable this year. The department is not requesting any changes to bag limits or season dates because we feel hunter satisfaction and populations are strong enough to continue at the current rate. Chairman Johnston – We have heard for years that the population in southeast Kansas has been down, but have not heard any solution to change that, but I heard you say that population is rebounding? Pitman – The last couple of years, our mail carrier survey has ticked upwards slightly, nowhere near where we were at five or six years ago, but we are heading in the right direction and expect that to continue to happen.

2. KAR 115-8-1 Public Lands Reference Document Items – Brad Simpson, public lands section chief, presented this report to the Commission (Exhibit F) – This is the start of the process to update our public land reference document on special use restrictions on state fishing lakes (SFL) and wildlife areas (WA). These special restrictions are to address the management issues for those particular pieces of property. We have a number of things we want to add, some we want to remove and some clarifications or modifications. Add: McPherson Wetlands North Refuge to existing document. This has always been but was omitted from reference document. Two areas at Cedar Bluff currently in a refuge and open those up to youth/mentor all species, all seasons, one for archery/ shotgun below the dam the other for all species, all seasons. We have three new areas in northeast Kansas that were purchased with Corps mitigation on the Missouri River (Elwood WA, Dalbey WA and Burr Oak WA) and Talmo Marsh at Jamestown WA to require non-toxic shot only. Clarify refuge area at Cedar Bluff, water portion of refuge and change current refuge to remain on that area closed to all activities September 1 through January 31. We want to close several areas to alcohol consumption -- Rocky Ford Fishing Area, Rising Sun River Access, Kansas River WA (K-18), Dalbey WA and Burr Oak. On the Kansas River WA we will add Fitzgerald Tract, which is new and was donated to us by Mr. Fitzgerald, and also add as youth/mentor all species, all seasons by special permit. Make Pottawatomie SFL #1 and #2, north and east of Manhattan make no wake SFLs. Add disabled accessible hunting at Milford WA. Establish upland bird hunting days at Dalbey WA and Burr Oak WA (again these are two new pieces of property that will be open to hunting) -- on Tuesday, Thursday and Sunday, consistent with Elwood WA. And on Shawnee SFL we need to add archery shooting range as well as the firearm range already listed. Deletions include: No wake area, refuge area closed to all activities October 1 and change to September 1 at Cedar Bluff WA. Daily hunt permits required at Cedar Bluff WA and Webster WA. Change/Modify: At Saline SFL we need

to open sunrise to sunset daily. It's currently 6:00 am to 10:00 pm. And at Kansas River WA Urish, McVicar and K-18 tracts to no center fire rifles or firearms deer hunting, because of proximity to the community.

C. Workshop Session

1. Vehicles on the Ice – Brad Simpson, public lands section chief, presented this report to the Commission (Exhibit G) – At Commission request we have reviewed this subject. KAR 115-8-13 (a) states motorized vehicles shall be operated only on department roads and parking areas, except as otherwise established by posted notice, therefore their use on ice would be prohibited. By definition, “motorized vehicle” includes all-terrain vehicles, work-site utility vehicles, golf carts, go-carts, and electric or gasoline-powered two-wheeled vehicles. Allowing the use of certain motorized vehicles for ice fishing will further support and enhance this winter activity for anglers. Recommendations: 1) By regulation, allow motorized electric or gasoline-powered two-wheeled vehicles, all-terrain vehicles, work-site utility vehicles, golf carts, and snowmobiles to be operated on ice covered department waters, unless otherwise prohibited, at certain locales as adopted by reference in the “KDWP fisheries and wildlife division public land special use restrictions” document and posted notice accordingly. 2) The above-listed motorized vehicles shall be operated for ice fishing only from one-half hour before sunrise to one-half hour after sunset. 3) Motorized vehicles shall only be entered onto the ice from boat ramps and other points of entry established by posted notice. Commissioner Lauber – I was the one most anxious to have this. This is a workable recommendation, and I would support this. Commissioner Sebelius – You didn’t mention micro-trucks? Simpson – Not proposing allowing those. Mike Pearce – What waters is this for? Simpson – All waters that are in department ownership, SFLs and BOR. It will exclude COE properties because they prohibit it. Chairman Johnston – Curious if we had age regulations in place that will apply safety rules to the operation of vehicles on ice or does regulation allow anyone? Simpson – No restrictions. Chairman Johnston – Opposed to not having child wearing safety jackets. They have to be available for boats. Tymeson – Yes, children under 12 have to wear them, older people have to have them available. Chairman Johnston – What is justification for not requiring that for people on the ice on ATV? Commissioner Lauber – If someone goes through the ice it is not going to make much difference, don’t see apparent need. I don’t see very many people out ice fishing anyway. Don’t believe it is necessary and there is a big difference from boaters. COEs reason not to allow is not safety, don’t require safety jackets; their concern is ATV will be driven in the parks if driven on the ice. Chairman Johnston – Our responsibilities to classify minors if we are going to allow this type of activity and should be included in the regulation. Commissioner Shari Wilson – How do they determine if the ice is thick enough and you talked about tools available? Do we have any legal liability if someone is hurt? Tymeson – We don’t have any responsibility. Minors can walk on the ice without a life jacket. Chairman Johnston – But now we are talking about something that is not permitted. Commissioner Sebelius – I share concern about not having some sort of age requirement. We could say consistent with boating regulations. Commissioner Shari Wilson – Support recommendation number 2. Commissioner Lauber – I understand where Johnston and Sebelius coming from, the risk of ice fishing is walking on the ice like risk of boating is whether it is too windy or not. Don’t see any liability. Commissioner Bolton – Who determines if the ice is okay for the vehicle? Simpson – The person who is going to take the vehicle out on it has that responsibility. Commissioner Bolton – Missed April meeting could you review for me why we are discussing this? Commissioner Lauber – This has been done by ice fishermen for years. This

year, COE decided not to promote or deny this. It is an established practice of ice fishing to have ATVs on ice. COE will be more apt to look at what state does to handle their future restrictions, but at least if we are promoting angling activity, we should be consistent with all states that allow ice fishing and start with our own properties first. Chairman Johnston – What do other states do for safety equipment? Kevin Jones – In Wyoming none required. Simpson – Surveyed other states, many do allow vehicles on ice, some with some restrictions, but no safety restrictions. I believe a couple of states had age restrictions. Commissioner Lauber – The only states I am aware of have age restrictions on operating equipment not on being on the ice.

2. Fishing Regulations – Doug Nygren, fisheries section chief, presented this report to the Commission (Exhibit H). – We are recommending some changes in length and creel limits. I'll talk about three large reservoirs. At Glen Elder and Lovewell, we are raising larger numbers of blue catfish so we are reducing creel limit to let them grow larger (reduce limit to five per day). Coffey County Lake has their own biologist and they decided to change their regulations, which include an 18-inch minimum length limit on walleye, a 12-inch minimum length limit and five per day creel limit on crappie, and removing the 12-inch minimum length limit on white bass. In addition the department acquired Grand Osage Wildlife Area, and we're recommending protecting largemouth bass of a length less than 18 inches, and channel catfish of a length less than 15 inches, and establishing daily creel limits for largemouth bass creel limit of two, and channel catfish of two. Also, we have a new trout location at Colby. Chairman Johnston – What about Thayer, Frontenac, and Bone Creek; what is current creel limit on crappie? Nygren – All are ten per day.

3. Park Regulations – Linda Lanterman, assistant Park Division director, presented this report to the Commission (Exhibit I; PowerPoint – Exhibit J). – KAR 115-2-3. We are looking at utility fees. In 2006 we raised utility fees \$0.50 and in 2009, we raised them \$1.00. Current fee for three consecutive nights is \$52.50; \$55.50 (with increase) ORMS will be less because issuance fee is less, \$55.20, if we increase \$1. Compared to other states, we are in with everyone else and are actually lower for electricity. For full hook-ups at \$19.50 we are in line with other states. These fees do not include daily entrance fee. Last year utilities were \$941,000. Now they are \$1.3 million, almost \$400,000 more and this is my concern. There could be multiple factors for this, and that is why we are requesting a \$1.00 increase, which would give us about \$180,000. Chairman Johnston – Which is still short? Lanterman – Yes, but we need to work on a total funding plan. This wouldn't take effect until January, and we haven't done anything since 2009. Commissioner Lauber – There is a \$.30 savings by going to park office? Lanterman – More if you stay one night because flat \$2.70 fee. Commissioner Meyer – Ever considered putting a meter on one site to see what they cost? Lanterman – We do have some meters, but I have to look at funding for whole state. We're looking at statewide shortfall. Commissioner Meyer – Know cost per park? Lanterman – I sure do, but looking at statewide figures. Commissioner Shari Wilson – Do these numbers reflect cost of each park as a whole, including utilities the department uses as well as customers? Lanterman – That is correct. Commissioner Shari Wilson – Are there other ways to conserve, people won't get upset with a dollar increase? Lanterman – We have applied for funding for working on energy improvements in state park buildings, and

we're close to finalizing that document. Chairman Johnston – Seems like modest increase. Commissioner Robert Wilson – One utility goes from \$7 to \$8; so raising all utilities by \$1.00, a 10 percent increase in three-utility price. In a couple years down the road, \$180,000 will be insufficient. Would it be less painful to raise higher now then come back in a few years and raise again? Lanterman – We called around to friends groups, and they would prefer raising a little each year rather than all at once. Commissioner Bolton – Is there a set fee for pets? Lanterman – 115-8-10b3, pets in cabins: We are recommending a fee of up to \$50, but not in rustic cabins. It wouldn't be same in all cabins, and not all cabins would allow pets. Commissioner Meyer – Would we charge \$5-\$10 for staying in a tent? Lanterman – We looked at other states, and they are anywhere from \$10-\$50. We also looked at motels and it varies in the state. On 115-8-9, We are recommending to forego 24-hour occupancy requirement for a camping unit if they use reservation system. Right now, you have to occupy every 24 hours. Commissioner Sebelius – You gave us overall utility costs. Do you have it broken down into what jumped up the most? Lanterman – It is electricity. Commissioner Sebelius – Could we put a surcharge on larger campers, like 50-amp ones? Lanterman – Once we have recreation management system in place, we will know. This is a long-term management issue. We didn't want to fall behind substantially on utility costs since it has been four years since we raised them. On pets, it could cost up to \$50, not as much for rustic cabins. Commissioner Shari Wilson – It is a fee not a deposit? Lanterman – Correct.

Break

4. Falconry Regulations – Mike Mitchener, Wildlife Section chief, presented this report to the Commission (Exhibit K). – This was brought to you last year and tabled because of additional information that was needed from U.S. Fish and Wildlife Service (USFWS) and by them eliminating federal falconry permit and requiring each state to require a state falconry permit. We are on track and have comments back from USFWS. Mr. Tymeson is working on final draft to take to AG office in August. We will send for final approval from USFWS and vote in October to take effect January 1 of this coming year. Working on updating questions on state falconry test to match new regulations and working with USFWS on new 3-186A electronic reporting form.

5. KAR 115-2-3a Cabin Camping Permit Fees – Mark Stock, special assistant, presented this report to the Commission (Exhibit L). – SB 123 was adopted and approved and goes into effect July 1, 2011. We plan to have an item at next meeting to repeal fees and establish new ones. We have 104 cabins open to the public, seven on site and almost ready to open; and nine under construction at three correctional facilities. Commissioner Shari Wilson – Are all cabins being constructed at correctional facilities? Are we no longer using private vendor? Stock – We are not using private vendor at this time. Chairman Johnston – Will we be repealing current regulations and not replacing them at different meetings? Tymeson – The timing is such that we will be repealing regulations at next meeting, but effective date will be September 15 because of federal register notification. At the next meeting we will also set the fees effective for September 15 and beyond, so it will be at the same time. Commissioner Sebelius – Chris, describe what the

new process will entail. Tymeson – Regulatory process is cumbersome so main difference is instead of once or twice a year making changes, we could change at every meeting with just a voice vote.

6. Late Migratory Bird Seasons - Tom Bidrowski, waterfowl biologist, presented this report to the Commission (Exhibit M, PowerPoint – Exhibit N). – The U.S. Fish and Wildlife Service (USFWS) annually sets the late season waterfowl frameworks, which include maximum bag and possession limits, season length, and earliest opening and latest closing dates. These frameworks establish the limits that states must operate within and are published around August 15, after results from the May Breeding Duck Survey and recommendations from Flyway Councils are available. Currently, habitat conditions are very good and wet, so we expect good numbers and don't anticipate major changes. We anticipate that the season length for Canada geese will again be 107 days, the maximum allowed by Migratory Bird Treaty Act. At this time, there is little information upon which to base speculation concerning the duck season frameworks for 2011. The results of the duck survey, which provides duck abundance as well as pond numbers, will not be available until late July. Conditions in Dakotas will drive population numbers. Since 1995, we have used Adaptive Harvest Management regulatory packages allowed, depending on pond numbers and breeding bird surveys. There are three different packages, liberal, moderate and restrictive which all have varying season lengths and bag limits. However, since inception of adaptive harvest package we have remained in the liberal package. In summary, we anticipate no changes in frameworks in season length, bag limit and possession limits and opening or closing dates from previous year for the general duck and goose season. Mike Pearce – Heard anything from USFWS on additional duck zone in southeast Kansas? Tom – That will be discussed this evening.

7. K.A.R. 115-16-3. Nuisance bird control permit; application, provisions and requirements – Tom Bidrowski, waterfowl biologist, presented this report to the Commission (Exhibit O, PowerPoint – Exhibit N). – Many birds are federally protected, and KAR 115-16-3 allows for the take of certain species under a nuisance bird control permit. The nuisance birds may be controlled when found depredating or about to depredate ornamental or shade trees, agricultural crops, livestock, or wildlife, or when concentrated in numbers and manner to constitute a health hazard or other nuisance. The regulation lists the species allowed for take under the permit, application requirements and general provisions. Many of the species on the list are jointly regulated by the U.S. Fish and Wildlife Service (USFWS). In December 2010, the USFWS published a final decision in the Federal Register (Vol. 75, No. 231). It removed the Mexican crow and the rusty blackbird from the list of species that may be controlled under the depredation order, 50 CFR 21.43. This was due to long-term population declines throughout much of these two species' ranges. In addition to this ruling, the USFWS also required nontoxic shot or bullets in most cases when a firearm is used to control any species listed under the order to prevent toxicity hazards to other wildlife. This federal regulation was effective on January 3, 2011. The Mexican crow is an endemic species in the Tamaulipan Brushlands of Mexico with a small resident population near Brownsville, Texas. Rusty blackbirds breed in Canada and Alaska and winter distribution is the eastern United States, including the eastern portion of Kansas.

Their removal from the nuisance bird list should not have a significant impact in Kansas. We recommend we amend KAR 115-16-3 to disallow the take of rusty blackbird and Mexican crow based on this regulation, identify definitive list of species allowed to take (primarily nonnative as defined in the Migratory Bird Treaty Reform Act of 2004 and 50 CFR 10.13), and require the use of nontoxic shot when taking nuisance birds, except if using an air rifle, an air pistol, or a .22 caliber rimfire firearm. PowerPoint includes list of species that can be taken. Commissioner Lauber – This doesn't have anything to do with ability or allowance for someone to protect crops or gardens on your property? This is mainly for urban areas? Tom – This would cover migratory birds on the list whether in urban area or agricultural depredation. Basically we are just removing the two species from what is currently on the list. Commissioner Lauber – In theory, if my seed wheat was being attacked by Mexican crows and I went out and shot some, could I do that? Tymeson – We have a Kansas statute that allows taking of depredating birds. Bidrowski – You would be under federal law, which would not allow that bird to be taken.

VII. RECESS AT 3:30 p.m.

VIII. RECONVENE AT 7:00 p.m.

IX. RE-INTRODUCTION OF COMMISSIONERS AND GUESTS

X. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

Jerry Ponton, Jr., Manchester – On the furbearer field trial application form, it requires you to put the legal description of the property we are going to hunt on. On a furbearer hunt, we hunt the whole county, and it is a little hard to put the description of the land we are going to hunt. We have people from all over come to these things, and it is a little hard to fill out the application to receive the permit. If you could just do away with that and list county hunted in; there is a statement at the bottom that says "This permit doesn't give you the legal right to trespass" you still have to have permission so that should cover everything else. You need to make it easier.

Chairman Johnston – This is the last Commission meeting for Commissioner Sebelius and myself. I have enjoyed my years on the Commission, met a lot of great, smart and knowledgeable people, many of whom are in this audience. I have greatly appreciated this opportunity. I have several concerns I would like to mention for the next Commission. Three items of major concern for the future of Wildlife and Parks Commission and the department. First is invasive species, which we will talk about tonight. Second has to do with revenue so this department can function in proper fashion, not only in respect to science used by our biologists to instruct us, but law enforcement. We have too few law enforcement officers and have for a long time. This department definitely needs a dedicated funding source contributing to the immediate future, the reason is because the baby boomers are retiring, reaching age 65 and won't have to buy licenses anymore, and I think the wisdom of allowing the use and enjoyment of our resources without contribution of citizens 65 and older should be addressed. There may be segments of our society that deserve that reward and that will be a subject for discussion, but this

problem is not going to get better. It is going to continue to worsen. Finally, greater prairie chicken: On April 10, Mr. Pearce wrote an article for the Wichita Eagle on a study being done by Lance McNew in the Flint Hills that was shocking in what it had to say about the future of greater prairie chickens. Among the things he said were, quote: "In past four years I have observed near complete reproductive failure. A prairie chicken has about a five percent chance of making it from being an egg to an adult. Prairie chickens in the Flint Hills produce only about one chick for every 10 adult females annually. This equates to an annual decline of about 30 percent in some areas annually that is no way to sustain a population." This Commission had an idea, a couple of years ago, an idea to establish a no hunting zone in the eastern border tier of Kansas that did not go anywhere. We owe this species our concern to preserve it, indeed it is in our statutory duties to conserve and protect this species and all species. I don't think we are doing that. It is a difficult problem with many variables in the situation, such as described by Mr. McNew, but I think it is time again to discuss a no hunting zone for greater prairie chickens in the Flint Hills or eliminating or curtailing the early prairie chicken season hunting in the Flint Hills. There are places in the state where greater prairie chickens and lesser prairie chickens are doing very well. I don't think there is the same concern west of Highway 77. This species is going to disappear if what Mr. McNew has discovered remains as described.

Commissioner Bolton – I would like to thank Commissioner Sebelius and you as our Chair for your great leadership these past four years of my being on the Commission. I want to tell you that we will miss you. Chairman Johnston – Thank you, I will miss you all.

Commissioner Sebelius – I could do one of two things: reprise my performance on how to succeed in business without really trying that I did in this auditorium in 1968, or I could just say that I hope there is somebody that will follow me as the Commission smart aleck. I appreciate you putting up with that for eight years, but really I would like to say, as I have said to my family and many people I know, I am probably the luckiest person I have ever met. I have been able to do and see things that the average person maybe hasn't; I have been associated with many good people, brilliant people, but mostly people with integrity, people with purpose, dedicated people and I would say the largest population of those dedicated people that accomplish much and do great things for this planet of ours are employees of Kansas Department of Wildlife and Parks. The National Parks Service that I had the privilege of working for, for a few years, and I almost chose that as a career path rather than doing what many of my friends said was the lowest thing I could do, which was to become a lawyer. One fellow told me, when I was going to KU and getting a degree in journalism instead of law school that we are up to our eyeballs in lawyers and they don't accomplish much. It could be true, but it leads me to my last thought and that is, if Kevin will still hang with me, I have already started an outline of what I see as a prosecution manual for my colleagues. I have been a prosecutor for 31 years and probably the greatest insight I have probably gained is that the regulations and the laws that we have passed in this state to protect the environment and the wildlife that God gave us get the lowest attention and in some places, complete disregard. I think it was maybe Commissioner Bolton that passed this on as a result of some failed case in southwest Kansas done by two people that I consider friends. The result of that case, which was a poaching case apparently, was a \$100 fine and they got their equipment back and they didn't lose any privileges and paid the court costs. That doesn't happen in this county. I think that manual would at least be something that could raise the consciousness

of my colleagues and I say this because I can't even get my own Association to return my phone calls about trying to do this on the level it should be done. I can't even get them to give a CLE and I volunteered to do that. I want to remain engaged and if people in the department will hang with me I think we can get that done. Like Kelly said, what good does it do trying to have a handful of officers trying to do a huge job over gigantic areas of what we put in place; where does it go if we don't enforce it? What happens if we don't raise the level of respect out in the public because somebody cares? I would like to see that done, I take them seriously and it has one thing left that no other offense in this state can accomplish and that is a prosecution fee. I don't want to let the legislature know that it is there; I have used it and paid my county back after billing it for prosecuting a case and it gives a great deal of incentive for somebody to work with me on a valid and respectable sentence if they got to pay me to oppose it. If you take that oath and assume this job you better do it like any other crime. *(applause)*

Doug Phelps, Manhattan – As a private citizen and natural resource and wildlife advocate for a number of years I have gotten know all of you pretty well. We haven't always agreed on everything, but I leave you with my thanks, respect and gratitude for the sacrifices you and your families have made to do this job. I don't think the supporting public understands how much this job can take out of an individual. I know the compensation is great, unfortunately it is not monetary. I will always remember the contributions you made to my state.

Commissioner Shari Wilson – This may also be my last meeting so I have a few things I would like to say, also. I think we have accomplished a lot in the areas education, parks and tourism in the last eight years. It has been my privilege to be able to assist in those efforts as part of the Commission. I never dreamed I would have the opportunity to serve in this capacity and it has been a wonderful learning experience for me. Getting to know so many of our constituents (the best of any agency), people who really care about what happens with our natural resources, our youth and to help promote our state's tourism areas. I think we are really ready to do some big things now with education and tourism. We have developed partnerships over the last few years in those areas, especially in public health and education organizations that were new. We are growing all the time as we learn that we are all working toward many of the same goals to help our state citizens spend more time outdoors, live healthier lives and care about the outdoors and they will also be committed to be good stewards of the resources for the next generation, which is something I feel very honored to have been part of this Commission because I think we have really worked as a team toward that end with the staff of Wildlife and Parks. I would echo what others have said about the staff. I want to thank all of you, I had a very steep learning curve coming on the Commission and had no idea of all of the topic areas that this agency covers and you have helped me along the way at every meeting. I cannot tell you how much I appreciate your dedication. I know many of you have spent most, if not all, of your careers working in Kansas; I know you could have gone other places, but chose to stay here and we owe you an awful lot for that. I look forward to continuing to be involved in whatever capacity I can with many of these areas; projects related to youth in the outdoors to promoting our state, increasing opportunities for tourism in our state. I really think the time is now, the stakes are high in terms of the health of our kids and getting them devoted to the outdoors the way so many of us are. I will be willing to support it in the future when they are the ones sitting up here and the ones sitting in the audience, making policy and spending decisions for our state. Thank you, it has

been a privilege to work with all of you and I look forward to working with you in whatever capacity that is. (*applause*)

Secretary Jennison – On behalf of the department and sportsmen across the state of Kansas, I want to thank you Mr. Chairman, Commissioner Sebelius and Commissioner Wilson for the role that you played and the leadership, the guidance you give the department. Also, and more importantly, from my standpoint, is the opportunity that you give the constituents to participate in this process because I think that is very important for an agency like ours that touches so many people in an area that is so dear to so many people's hearts, and that is the natural resources of the state; and the opportunity to enjoy those natural resources. I think the role this Commission plays in doing that is important. And certainly in my short tenure here, dealing with issues such as invasive species, I think it is important to have a representative group of Kansans to help us as we work through this issue, because it is a very difficult issue. I can only guess that there have been numerous issues like that over your tenure on the Commission. There are going to continue to be numerous issues like that and the Commission is very important to this department and we appreciate your efforts in that regard and we wish you well as you continue. I do have a very small token and hopefully, in the near future, we will have something more durable to show you our appreciation for your efforts on the part of Kansas and for the natural resources of the state. We thank you.

XI. DEPARTMENT REPORT

C. Workshop Session (continued)

8. Potential Changes in Deer Regulations 2012 - Lloyd Fox, big game wildlife biologist, presented this report to the Commission (Exhibit P). – This item is the same as what we had at the last Commission meeting in Wichita. Normally we start discussing deer regulations in October, but we have had three years of stable deer regulations and have had public comments that indicated people would like to see us consider additional hunting opportunities, seasons for children, and legislators have advocated for changes that would result in an expanded antlerless-only season. We have also had criticism of some of our programs, so we are reviewing this in a longer process than we normally do. These are not recommendations, just putting ideas out there based on requests from the public, legislators and others. A few of these points could possibly change our season structure and opportunities. We were thinking specifically of youth, 16 and under, other college-aged hunters and working class hunters. We are looking at establishing seasons around established holidays. For example, instead of having our nine-day season for youth and people with disabilities, could be split into two 4-day seasons, one starting Friday before Labor Day and one starting Friday before Columbus Day. We would have four weekend days and two holidays. The most controversial suggestion made was changing the 12-day traditional deer firearm season and starting it before Thanksgiving instead of Wednesday after. Another possible change would be to consider moving the whitetail antlerless season earlier in the year; possibly to start before Christmas, and possibly a pre-rut whitetail antlerless weekend in September or October. There is a suggestion to expand archery season dates, September through end of January; some other states have that, and that is being done on one of the military bases,

which we will discuss later tonight. We looked at the possibility of increasing the number of days when muzzleloaders might be used at a later time. In the past we have looked at the possibility of dual-tag permits. These are items we are trying to get a discussion going on. We hear unsolicited comments like, "what I want" or "I am concerned about what another person is doing." We try to weigh those and look at unbiased surveys, as well as structured surveys. Our recommendation is to go through a process of five open public meetings as well as commission meetings. We are looking at Garden City, Beloit, Hutchinson, Lawrence and Fredonia. We also, plan on doing a surveys through our landowner deer survey, and I talked to the Department of Ag statistics and am trying to make an arrangement to conduct that survey, and we've incorporated these types of questions into our deer hunter report card system. We're here to get direction from Commission and input from public. Commissioner Lauber – A lot of these suggested topics, I've received a lot of feedback. Changing the traditional 12-day season got a lot of negative response on that issue. Chairman Johnston – During my eight years we've discussed how we persuade hunters to shoot does and we've not been very successful. For that reason, having an antlerless hunting season earlier in the fall would be practical, and I support that effort. Mike Pearce – If we went with a youth season before Labor Day that would sometimes be in August, what happens if does are shot, I still see spots on fawns at that time what would be their chance of survival? Fox – Research has been done on that and the majority of fawns will be weaned at that time. There have been circumstances where doe is lost, and the survival of fawns is very high -- nearly as good as when doe is with them. Pearce – Do kids get out of school for Columbus Day? Fox – I went online and checked a few websites and some do and some don't. It won't be less of an opportunity because there will be the double weekend. Pearce – You can email this information to me: on average the number of bucks that are bow-killed from the weekend before Christmas to the end of the year? Fox – Will put estimated date when antlered deer are taken. Pearce – Also, number of does shot and number of hunters during muzzleloader season. Dr. Peterson – When is nonresident deadline to apply for deer? Fox – Application is month of April, due the last Friday of April. Peterson - When is resident deadline? Fox – Second Friday in July. Peterson - Why? Fox – People coming from out of state want application early so they can put in for vacation time. Peterson – Would like to make a recommendation to take into consideration. The state of Nebraska has three drawings, first is for residents who did not have a tag last year; second is for residents who had a tag last year; and third is for nonresidents. Take care of your residents first and leave the out-of-staters second. Consider the whole month of December firearms deer season. If you look in the Norton paper since January 1 we have had at least 80 accidents from deer in Norton County. Thanks for coming to Norton.

9. ANS/Bait Regulations – Doug Nygren, Fisheries Section chief, presented this report to the Commission (Exhibit Q, additional document – Exhibit R). – This is a complicated issue. First of all, beginning July 1, the department budget includes \$240,000 to deal with Asian carp and other ANS issues. Jason Goeckler will talk about what he is going to use that money on. Jason has done an excellent job of presenting this issue to you. We sent him for human dimensions training, and he has used it fully. He is a national leader dealing with invasive species, and we appreciate how much work he has done for Kansas and nation as a whole. There are two issues dealing with bait: use of bait purchased commercially; establishing a list of fish

legal to sell as bait, providing some regulations that would deal with the sale of bait that is disease-free for four pathogens; the last one would be the bait shops, where they are getting their water and whether they are taking their water from a marina that is sitting on an ANS infested lake; want to have a secure source of water. We have a technical clean-up to clarify to people who are applying for a commercial bait dealer's permit that they need to supply us with personal information including their social security numbers. Some people don't like to do that but the law does require it. Are you comfortable with commercial bait issue? *Commission consensus.* On the use of wild caught bait: that has been difficult for us and we have been struggling with what to bring to you. We presented a recommendation at the last meeting you could take bait and use it where caught, which is pretty restrictive and we realize that is going to be controversial. I asked Jason to take those percentages and expand that to actual number of people who would be affected: 400,000 fish within the borders of Kansas; 244,000 use live fish as bait; 71,000 collect bait from wild; 56,000 transport bait to location other than where they took it; and 166,000 anglers release baitfish in water where fishing. In addition to that, most anglers have trouble identifying Asian carp, white perch, threatened and endangered fish that we don't want them to use, so not only can't they identify the bad fish, they can't identify the fish that are protected. There are 280,000 who think there is a likelihood that zebra mussel spread can be prevented through draining of water; 252,000 anglers think the collection of baitfish could cause the movement of ANS; and 236,000 would accept a restriction on the movement of wild-caught bait to the water where collected. Even though a majority of anglers wouldn't be too upset with regulations dealing with live bait, there are going to be a significant number of people who are going to be unhappy no matter what we do. We have proposed two options for wild-caught bait: 1) restrict transport of live baitfish and water (feel this is best option); or 2) restrict transport of live baitfish and ANS infested water with four species exception (green sunfish, bluegill, black bullhead and yellow bullhead). We don't want, when they are taking baitfish out of reservoir with a cast net, we don't want those fish to be moved upstream or past a physical or natural barrier so they would get into places that they wouldn't have been able to get to on their own; so no transport over a dam or natural barrier and no fish could be transported alive from an ANS infested water. That means any fish caught in infested water, as well as the baitfish would have to be killed before you could leave that water. The beauty of this proposal as opposed to some of the others we talked about is we are not imposing this on waters that aren't infested. It would require us to create an infested lake list that would be adopted in our reference document and we would maintain that. If we added new waters that had prohibited species in them and then we would have a list of waters that you could not take any fish alive from infested water. We would make a map of all of the bodies of water we deemed to be infested with a species on the prohibited species list. This gets around some law enforcement issues we had. This has been discussed with law enforcement, legal counsel and our biologists, and we think this would be a good option to consider.

Commissioner Shari Wilson – In addition to referencing ANS waters in the reference document, I am assuming there would be signs posted all over the place. Nygren – Absolutely, we currently do that now on the Kansas River and all the access sites to let them know there are Asian carp. And any time we identify some species immediately signs are put up in areas where the public comes and goes. I want to make sure you understand there are some ANS species that are not on

the prohibited species list, such as aquatic nuisance plants and animals such as Chinese mystery snail because we haven't deemed them onerous enough to put on that list.

Commissioner Robert Wilson – Baitfish can only be used in a lake where harvested? Do you know what those fish are? Nygren – same as it is right now, what is legal size and species that are established in current regulation. Commissioner Robert Wilson – What are they? Nygren – You can take shad, anything on that list; sportfish, if caught by rod and reel that are not protected by a length limit can also be used if harvested legally. Commissioner Robert Wilson – In that lake? Nygren – In that lake; in this proposal we are saying, other than those four species any other fish you want to take from that lake need to be used in that lake. The baitfish that can be taken include: carp family including suckers, top minnows, killifish; the shad family, sunfish family, excluding black bass and crappie; but my understanding is if a black bass or crappie are caught by rod and reel and are of legal length they can be used. Chairman Johnston – With respect to option 2, and the relationship between moving bullheads, bluegill and green sunfish from anywhere into anywhere? Nygren – I need to clarify that. You would not be able to take those four species from infested waters. You could use them in infested waters or uninfested waters, but if you use them in a lake that is infested when you leave you can't take them with you live because during that period you may have flushed your tank out with water from that lake and you may have an invasive species in that water. Chairman Johnston – I understand that. My confusion is how does that dovetail with transport over dam or natural barrier? Nygren – We understand invasive species tend to work downstream, but the intent of the use it where you take it is to use it in the impoundment or pool where you take it so you are not moving them somewhere they couldn't have gotten on their own. Chairman Johnston – It has more to do with what you do with your bait already after you are in the impoundment. Nygren – Correct. Commissioner Lauber – Tried to prioritize the risk of having Asian carp transported is greater than any other species. I think option 2 is a more reasonable approach, not as effective, but reasonable. No fish being transported alive, I my drain livewell, but let the fish die naturally. Even though it steps on some toes, it is most reasonable. Commissioner Bolton – I worry about option 2. I would have to know what I am taking, and that makes option 1 the better option. Nygren - There also is the potential for people to move from infested waters that we don't know about yet. Commissioner Lauber – People know green sunfish and bluegill, but may use improper term. Asian carp is greatest risk, big difference from those look like. Commissioner Sebelius – What is the difference in red and yellow dots on the map? Jason Goeckler – That is the map we have been using throughout this process. The red dots are where the new young-of-the-year Asian carp turned up in 2010 and the yellow dots are the historic locations of Asian carp. Nygren – I can tell because of the flows in the Missouri River, we are going to have another banner year of Asian carp and another big year class coming on. Chairman Johnston – Also, on the map, two of the zebra mussel sites are lighter colored than the rest, is there some reason for that? Goeckler – The red sites are confirmed and the yellow sites are the next to be infested because they are downstream of the previously infested water bodies. Paul Barr, Ellsworth – (brought pictures of fish he caught) This is a 34-pound striper caught two years ago at Wilson lake. I caught the 40-pounder last year. And this is state record caught in May of last year by myself. All three of these fish, and many fish that I catch, are caught on gizzard shad on Wilson Lake in the spring and they were not gizzard shad that I caught at Wilson

Lake. I am 42 in August, and I learned what I know from a lot of people. They have been doing this for a number of years the way I am doing this and with what you are proposing no longer can I do that. I understand the problem, but I think we have to find a better way than what I have heard other than option 2. Is there a way to make me as a fisherman certified in knowing the difference between the Asian carp and the gizzard shad because I would hate to resort to using a perch because I couldn't have the success I have had before. I also have a petition here signed by 400 Kansas residents (Exhibit S). Chairman Johnston – One feature of department is problem solving and includes education and we haven't talked about that. Have you heard of other states that have tried certification programs? Nygren – We have had a lot of discussion about some sort of education program that would include a test, would certify them for something other than those four species. The problems we saw with that is if you do it online there are a lot of people who don't have internet access. We talked about doing it as part of KOALS system, and if you answered you were going to use live bait it would go through a series of questions and educate them of the importance of being careful what they move. The problem is the vendor wants to get them in and out, and if the vendor finds out he can answer the questions instead of the customer he will. We have had that happen before on other issues. We looked at sandhill crane issue where they have to take a test. I don't think the issue of gizzard shad is quite as much of a problem as bad as for this gentleman who fishes on Wilson, but for people on other reservoirs the gizzard shad is readily available with a cast net so it may be a relatively small number of people that would take that test if we were to provide it. That is something we could do if that is what you want us to pursue.

Don Peterson – I have pictures of shad and Asian carp, and you can distinctly identify that they have a black dot on it that the Asian carp doesn't. If person can't see the difference they shouldn't be fishing. Where are you getting numbers? Nygren – The numbers come from two sources, the 400,000 anglers that fish in Kansas comes from the National Survey of Hunting, Fishing and Outdoor Recreation done through the U.S. Census Bureau every five years. Peterson – If you put this up for a vote in Kansas by survey, I bet you would get shot out of the water because there are no Asian carp out here; they are all out in northeastern Kansas. Nygren – I appreciate your concern, but the reason we are doing this is so they won't be in western Kansas. Peterson – Educate the fisherman better, shad has a black spot. Jason Goeckler – On the handout we provided it is estimated that 72,000 can identify an Asian carp (12 percent). Those are just from pictures, not actual fish. Commissioner Lauber – That would be 88 percent that could not identify them? Goeckler – Correct. Pearce – On option 2, this is an addition; you cannot take anything from an ANS water; new at this meeting? Nygren – That is correct. Pearce – Also, education seems pretty important here and you say you post the signs, but I was at several locations that had Asian carp last year, and ten days after they were found and there was nothing there, both in Kansas City and Lawrence. Also, in the Kansas City area, will the signs be in different languages because there are a lot of people who don't speak English. Nygren – Most of those locations are signed. We deployed a host of temporaries who went out and posted, but in English only. Pearce – Is it currently legal to catch baitfish from one reservoir and move them to another location? Nygren – It has to do with department managed waters. Pearce – How do you define that? Tymeson – It is lands and waters under our control so the reservoir is not under our control, but a state fishing lake is. Commissioner Robert Wilson – What kind of fish are

wandering around? Nygren – Gizzard shad are the primary baitfish, which are a wonderful forage resource. Commissioner Robert Wilson – Is the water too clear at Wilson to catch them? Nygren – It is a combination of a good black bass population, good striped bass and walleye. Shad numbers are fairly low and they grow fairly rapidly, so get the right size of intermediate ones is difficult. We have larger ones that provide reproduction and young-of-the-year small ones which are perfect for walleye and other species to eat most of the year, but catching intermediate size is more difficult. Chairman Johnston – I was originally in favor of option 1, but more in favor of option 2 at this point, but we have to do something and we have to do it soon. Had similar situation at Cheney Reservoir. We passed a regulation that outlawed possession of white perch. While we can't say that single act is what straightened Cheney out, but it is better. We were facing predictions for the loss of hundreds of thousands of dollars which had been invested in the Cheney fishery over time due to the white perch infestation. This is more serious than that. If Asian carp find their way into Wilson Reservoir, it would destroy fishing of all kinds. We are trying to take action to preserve your striper fishery at Wilson. I understand your concern, fish for stripers, but I trust biologists and Mr. Nygren if he told this Commission that a certification educational program for striper fisherman at Wilson would be effective, would be manageable then I think it would be something to talk about. At this point recommend option 2, to whoever has to deal with this. Nygren – I would like Jason to give you an overview on how we are going to invest that money to prevent the spread. Goeckler – This is the largest budget allocation since the ANS program inception. It was great forethought that we now have the opportunity to address the bait issue with this allocation. We plan to work with commercial industry to bring bait dealers up to speed on species they are going to be allowed to sell; and deploy inspectors to their location and check certification and do testing of those fish to be sure they comply. On the wild caught side, we will deploy a massive outreach/education program. Most of the funding will go toward that end. Due to extensive human dimensions work, we are poised perfectly to do this with what we feel are the most effective techniques. We will use marketing person at the Secretary's office coupled with a proposal done in 2010 using mass media to all Kansans not just the natural resource users. The newer thing I wanted to highlight is we intend to work with KOALS to have a separate sheet printed out with every license. Working on an anglers' pledge idea -- just because we have passed rules, they may not want to comply with it. Hope to bridge over into boater registration as well. It will take some money to do the change in KOALS, but it will be money well spent. Jerry Ponton – He was mentioning giving this information to people purchasing licenses, my dad is 82 so he doesn't purchase one and I have brothers who have combo lifetime permits so they won't receive this information. You have to figure out a way to get that information to people who don't buy a license. Goeckler – We will do direct marketing to those folks. Tymeson – Nothing will happen on this until October. There has been a shift in the AG's office -- the person who reviews our regulations, at least in my tenure is retired, so now I am teaching a new AG. This is substantial revision on the commercial side and impacts about 10 regulations, so that is still working through.

D. Public Hearing

Notice and Submission Forms; Kansas Legislative Research Letter and Attorney General Letter

(Exhibit T).

1. Early Migratory Bird Seasons – Tom Bidrowski, waterfowl biologist, presented this report to the Commission (Exhibit U, PowerPoint – Exhibit N). – Frameworks established by USFWS establishes frameworks for webless species such as doves, cranes, rails, snipe and woodcock whose numbers don't vary much so they are set in regulations. We will concentrate on September teal that move through the state well in advance of our regular duck season. So these seasons were utilized in the 1960s to take advantage of this under-harvested population. In order to have these seasons, the blue-winged teal population has to be above 3.3 million to have a 9-day season, 4 daily bag and 8 possession. If the population, determined by May pond count survey, exceeds 4.7 million, we are allowed to have a 16-day season, with a daily bag of 4 and possession limit of 8. Last year the blue-winged teal breeding population was about 6.3 million and we won't know this year's population until later this week, but expect the same 16-day season. We split our state because the migratory bird act only allows 107 days. For blue-winged and green-winged teal in the High Plains Zone (area west of Hwy 283) we recommend an 8-day season running September 17 through September 24, 2011 with regular season 96 days. For the area east of 283, the Low Plains zone we would recommend a 16-day season running September 10 through September 25, 2011. Shooting hours and bag limits we recommend adopting the maximum of ½ hour before sunrise to sunset. *Consensus.*

2. Duck Zone Regulations 2011 through 2015 – Tom Bidrowski, waterfowl biologist, presented this report to the Commission (Exhibit V, PowerPoint - Exhibit N). – The USFWS considers requests at five-year intervals for changes to duck zones/boundaries. This open window occurs for 2011. USFWS has a basic option for a state to have one season with one split with two segments and no zones. They do allow for three other options: no more than three zones with no splits; a statewide season with two splits with three segments; and two zones, plus High Plains zone in Kansas, with option for one split or two segments in each zone, which is our current option. It is being discussed for 2011 the potential for two more options: a three zone, plus the High Plains with the option of one split or two segments; or four zones, plus the High Plains with no splits. Although the zone boundaries are permanent for five years, the season dates and bag limits can be adjusted annually. Kansas' diverse landscape offers a variety of waterfowl opportunities and zoning may cause some complexity to regulations, but the benefit is to waterfowl hunters by matching season dates with available habitats, migration chronology and season preferences of duck hunters for a specific area. The benefits of zones become more increasing under restrictive season lengths like we had in the late 1980s and early 1990s, where we had a 39-day season. These recommendations from field personnel are based on feedback from waterfowl hunters and a waterfowl hunter opinion survey conducted in 2010. If proposed changes are not adopted, the proposed changes will stay as they have been for 2006 through 2010 seasons for the next five years. We are recommending changes in three areas of the state: proposing a boundary change in the High Plains Zone around Cedar Bluff reservoir; second change is in Low Plains zone boundary around McPherson Wetlands; and the third recommendation is to add a third zone in southeast corner of the state in the low plains late zone. The High Plains zone was created in the early 1960s and is the area west of Hwy 283, created to

take advantage of under-harvested population of mallard populations. Our proposal is to move the line in Trego County to include Cedar Bluff Reservoir, which provides a late winter mallard roosting resting area. It currently lies in the Low Plains zone so it had same regulations as Cheyenne Bottoms and McPherson Wetlands. Our second recommendation on McPherson Wetlands is because it currently lies in two different zones, and we want to move it all into the same Early Zone. And if the new option is allowed, it would create the Southeast Zone that would allow for a later season. This is currently being reviewed by the USFWS Review Committee. We expect McPherson to go through, standard; but Cedar Bluff and Southeast zones have been deferred to USFWS July meeting. If the USFWS allows, we recommend to adopt the changes as presented. *Consensus.*

3. KAR 115-1-1. Definitions. – Matt Peek, wildlife biologist, presented this report to the Commission (Exhibit Y). – I will provide an overview of proposed furharvest changes. I provided handouts following up from last meeting (Exhibits W, X). One is a draft of what is going in our regulations summary informing hunters on public lands where trapping is allowed and information on how to release a dog from different types of land sets. The other handout is a result of the special section of this year’s furbearer harvest survey, which included questions about support or opposition to our regulation changes. There was fairly significant support for each of these regulation changes; the lowest amount of support was prohibiting the use of foothold traps larger than size #4 on land sets and a follow-up question of how many people actually used those. Just 2.9 percent of survey respondents indicate those larger traps are being used on land. The second part of that question was do you use any toothed or serrated-jaw traps on land, and only 1.4 percent used those. The impact would be minimal as far as fur trapping activity on land.

I will move into 115-1-1 (a)(68), the definition of water set is defined as: “any trapping device that has the gripping portion placed or set in flowing or pooled water and remains in contact with the flowing or pooled water.” We are proposing that the gripping portion of a water set be half-submerged when placed or set in flowing or pooled water and would remain half-submerged. Chairman Johnston – Pool of water is in current language? Peek – Yes. Commissioner Meyer – Is this on public land? – Peek – I believe Mr. Simpson is going forward with that.

**Commissioner Frank Meyer moved to bring KAR 115-1-1 before the Commission.
Commissioner Debra Bolton seconded.**

The roll call vote on KAR 115-1-1 as recommended was as follows (Exhibit BB):

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

The motion as presented KAR 115-1-1 passed 7-0.

4. KAR 115-5-1. Furbearers and coyotes; legal equipment, taking methods and general provisions. – Matt Peek, wildlife biologist, presented this report to the Commission (Exhibit ZZ). – The changes are in (b)(1), adding “smooth-jawed” to foothold traps and establish a maximum jaw spread allowable in non-water sets in (c)(14). This would eliminate the use of serrated or tooth-jawed traps, which are basically obsolete today, and establish a maximum jaw spread in non-water sets. Many new beaver traps have a jaw spread of more than 7 inches, but there are larger traps on the market. It is unnecessary to use such large traps to capture terrestrial furbearers or coyotes, and injury to target and nontarget captures, as well as public perception, become concerns when using such large traps in land sets. In (c)(3) and (c)(4) would allow the use of .17 caliber firearms. A request was made to the Commission to allow .17 cal rimfire rifles to take trapped or treed furbearers with the aid of light, currently the law only allows .22 calibers. In (c)(13) would allow KDWP numbers to be used for identification purposes on traps, clarify terminology related to traps and restrict certain traps to water sets. Traps must currently be “tagged with the user’s name and address” so that the user may be identified. Trappers have occasionally requested that they be allowed to tag traps with a unique identification number in order to protect their identity from the general public, while allowing them to be identified by any department employee and would uniquely identify each furharvester, and any department employee with access to KOALS could identify the trap user. In addition to these changes, the department intends to increase signage near public access points, particularly in those areas with established public trails, to better notifying the public that trapping is allowed on wildlife areas. We have completed draft text of a brochure to better inform hunters of trapping and how to release dogs from traps.

**Commissioner Kelly Johnston moved to bring KAR 115-5-1 before the Commission.
Commissioner Shari Wilson seconded.**

The roll call vote on KAR 115-5-1 as recommended was as follows (Exhibit BB):

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

The motion as presented KAR 115-5-1 passed 7-0.

5. KAR 115-5-2. Furbearers and coyotes; possession, disposal and general provisions – Matt Peek, wildlife biologist, presented this report to the Commission (Exhibit AA). – Proposed unlimited harvest of river otters in (f)(2); and pelts in (f)(3) have to be tagged through CITES just as bobcats, and a 24-hour report would be required; with four days to present skinned pelt to a department employee to be tagged. Information would be collected to track harvest, and

examining the carcass would provide evidence of whether the animal was reproductively active. The trapper would have four days to bring the pelt and carcass in, which will ensure that it won't be decayed. Pearce – Limited number of otters? Peek – In next regulation.

**Commissioner Frank Meyer moved to bring KAR 115-5-2 before the Commission.
Commissioner Debra Bolton seconded.**

The roll call vote on KAR 115-5-2 as recommended was as follows (Exhibit BB):

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

The motion as presented KAR 115-5-2 passed 7-0.

6. KAR 115-25-11. Furbearers; open seasons and bag limits – Matt Peek, wildlife biologist, presented this report to the Commission (Exhibit CC). – Also pertains to river otter and would open a limited otter season. We are proposing a statewide season, even though the current range is mainly the southeast part of state. With an estimated population of 1,400, the recommendation would allow 100 to be taken for the season. There would be a three-day grace period and establishes a limit of two otters per trapper and requires contact of the department within 24 hours of taking the otter. Tymeson – The amendment (Exhibit DD) takes the word otter out of section (b) which should only appear in section (d).

**Commissioner Shari Wilson moved to bring KAR 115-25-11 before the Commission.
Commissioner Robert Wilson seconded.**

Commissioner Doug Sebelius moved to amend KAR 115-25-11 to strike word “otter” in section (b). Commissioner Kelly Johnston seconded.

The roll call vote to amend KAR 115-25-11 as recommended was as follows (Exhibit EE):

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

The motion as presented KAR 115-25-11 passed 7-0.

The roll call vote on regulation KAR 115-25-11 as amended was as follows (Exhibit EE):

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

The motion as presented KAR 115-25-11 passed 7-0.

7. 115-25-9a. Deer; open season, bag limit, and permits; additional considerations – Lloyd Fox, big game wildlife biologist, presented this report to the Commission (Exhibit FF). The proposed version of the regulation sets the deer seasons on Fort Riley only in order to better accommodate the changing training mission at Fort Riley.

Commissioner Debra Bolton moved to bring KAR 115-25-9a before the Commission. Commissioner Doug Sebelius seconded.

The roll call vote on KAR 115-25-9a as recommended was as follows (Exhibit GG):

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

The motion as presented KAR 115-25-9a passed 7-0.

XII. Old Business

XIII. Other Business

A. Future Meeting Locations and Dates

August 11, 2011 – Wetlands Education Center, Great Bend

October 13, 2011 – Pratt, location TBA

January 5, 2012 - TBA

Commissioner Shari Wilson – Sunday's Kansas City Star showed Kansas state parks have three of the ten hotspots in Kansas. I would like to thank the hosts from this morning's tour, the areas looked great. Thank you for your time.

XIV. ADJOURNMENT

The meeting adjourned at 8:51 p.m.

(Exhibits and/or Transcript available upon request)

Secretary's Remarks

**Agency and State Fiscal Status
No Briefing Book Item, Handout Only**

General Discussion

Tourism Division

On July 1, 2011, the Division of Travel and Tourism moved from the Department of Commerce and merged with the Kansas Department of Wildlife and Parks. The agency's new title is the Kansas Department of Wildlife, Parks and Tourism.

Tourism Mission: Encourage and promote the traveling public to visit Kansas by publicizing information as to the recreational, historic and natural advantages of the state and its facilities for transient travel and to contract with organizations for the purpose of promoting tourism within the state.

Vision for Tourism in Kansas by 2013:

*Kansas will be a top visitor destination in the Midwest, generating more than **\$6 billion** in economic impact and directly supporting more than 130,000 **jobs** by expanding its brand appeal and providing quality unique experiences that showcase our natural, historic and cultural assets.*

Tourism Defined:

While tourism is typically perceived as a nonresident visiting an area on vacation, tourism actually encompasses a great deal more. Tourism includes nonresident business visitors traveling for purposes of commercial business and often extending their stays to experience local attractions and events. A significant segment of tourism revenue for Kansas is obtained from group visitors including meetings, conventions, training sessions, participatory and spectator sports and reunions. Day trips also represent an important piece of tourism's overall impact and often result from community festivals and special events. Of particular importance to Kansas, are the transient visitors who spend money while passing through the state en route to another final destination. Each of these segments provides significant opportunity for revenue generation and is incorporated into this strategic tourism plan for Kansas.

Kansas' tourism industry continues to play an increasingly important role in the state's economy. It has a proven track record, generating nearly \$7.2 billion in spending, creating an impact of \$5.36 billion, generating over \$961,000 in state and tax revenue and supporting 125,000 jobs, 9.4 percent of total non-farm employment.

The State of Kansas boasts a wealth of natural and private tourism assets, all of which need intensive promotion to visitors nationally and internationally.

Goals

#1 - Serve as the lead state agency in promoting consumer travel to and within Kansas.

1. Develop brand awareness and increase visitor spending by developing and implementing an integrated out of state domestic leisure travel marketing plan.
2. Increase resident travel within Kansas.
3. Continue to develop and promote Kansas' distinct marketing advantages through niche marketing.

4. Promote Kansas attraction/event development through Marketing Grant Program.
5. Promote Kansas by producing and distributing high quality publications/collateral.
6. Administer Attraction Sign Program.
7. Support expanded sports market for Kansas.
8. Support local efforts to lure additional convention & meeting business to Kansas.
9. Attract Group/Motor coach tours to Kansas.
10. Successfully deliver excellent customer service to visitors in the TICs for the purpose of increasing awareness of the Kansas tourism product and extending visitor stays and expenditures.
11. Develop brand awareness and increase visitor spending by developing and implementing an integrated international travel marketing plan.

#2 - Strategically develop and enhance Kansas' tourism product to establish state as a destination.

1. Evaluate Attraction Development Grant Program and implement changes to support Tourism Strategic Plan goals.
2. Support efforts of Flint Hills Tourism Coalition and Fermata, Inc. plan recommendations.
3. Provide technical assistance in development of community tourism plans.
4. Implement ongoing destination assessment program.
5. Work with KDOT to provide marketing and management expertise to the Kansas Scenic Byways program.
6. Expand and sustain rural tourism development program.

#3 - Improve communication and outreach to tourism industry.

1. Implement an integrated strategy that communicates to all stakeholder audiences the importance of tourism as a key economic driver in Kansas.
2. Establish regional field representatives to improve communication and support development statewide.
3. Provide on-going quality educational opportunities to tourism industry.
4. Utilize technology in delivering programs.
5. Partner with Travel Industry Association of Kansas and other appropriate organizations in hosting Annual Tourism Conference.
6. Maintain resources on travelks.com to provide timely information for industry.
7. Conduct annual stakeholder survey to evaluate Division effectiveness and needs of industry.
8. Develop certified tourism ambassador hospitality training program for industry statewide.

#4 - Develop a research program to guide Travel and Tourism Division programs, public and private sector investments, and local tourism industry direction to opportunities that offer the highest rate of return on investment.

1. Conduct primary research.
2. Make research readily available to the industry.
3. Utilize all available secondary research to make informed decisions.

#5 - Align resources to create efficiencies and to support business plan.

1. Obtain necessary financial resources to support strategic plan initiatives.
2. Evaluate and make staffing adjustments necessary to implement annual business plan.
3. Support staff training and professional development to stay abreast of current trends and to develop and implement efficient and effective business plans.
4. Appoint members to the Kansas Tourism Council to ensure that the industry is appropriately represented.
5. Continue to seek innovative opportunities to expand resources (i.e. cooperative industry partnerships, corporate support).

Evaluation System: The Travel and Tourism Industry is difficult to measure because it is not a single recognized industry, but a combination of many industries. There are, however, a number of evaluation methods generally accepted within the Industry nationwide. In Kansas, the Travel and Tourism Division will use a comprehensive evaluation system to measure the success and impacts of tourism development and to insure that activities are consistent with the strategic goals.

A SWOT analysis was used to assist in development of this plan. While many perceptions have been shared during various planning processes in recent years, the following list represents those that appear to be consistent over time. Sources used include:

- Tourism stakeholder survey data & feedback
- Staff/ Strategic Planning Team
- Kansas Tourism Council members
- Kansas Tourism Initiative (KTI) stakeholder survey
- “Kansas Tourism Opportunities Strategic Overview”, Dr. David Edgell, 2005
- Kansas Travel & Tourism Research/Marketing Plan

Geocaching

KDWPT began a geocaching program in 2008, after Lovewell State Park successfully hosted a geocaching event as part of their OK Kids Day. The first year, 27 people submitted their entry forms, with twelve receiving first place prizes (annual camp permit or a two-night cabin stay), four getting either 14-day camp permits or one night in a cabin, and 11 people receiving two nights camping with utilities. In 2009, nine people got first tier prizes, two got second, and six got third, for a total of 17 participants. In 2010, nine people again earned first tier, three got second, and seven achieved third, with five more submitting entry forms but receiving only thank you letters.

In 2011, volunteers stepped forward to post our caches on geocaching.com to encourage more participation. We set the start date for Friday of Memorial Day weekend, in order to give managers time to set the caches, volunteers to post on geocaching.com and participants to learn about the contest. We revised the rules to simplify them for participants and staff. Many positive comments have been received from geocachers, as well as offers to assist with next year's contest.

Following are the numbers of recorded participants in the contest in past years:

	2008	2009	2010
First prize	12	9	9
Second prize	4	2	3
Third prize	11	6	7
Letter			5
TOTAL PARTICIPANTS	27	17	24

Big Game Permanent Regulations.

All permanent regulations dealing with big game will be discussed together at this meeting. These regulations are brought forward in the General Discussion portion of the Commission Meeting in August to allow public comments for future changes in these regulations. These regulations are presented again in a Workshop Session for additional public comments and input from the Commission as well as to provide an update on the status of staff recommendations. Selected regulations will be reviewed during a second Workshop Session and finally they will be brought back for a vote at a Public Hearing (generally at the March Commission meeting).

Background

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

This regulation contains the following items:

- < Information that must be included on the carcass tag
- < Registration (including photo check) needed to transport certain animals
- < Procedures for transferring meat to another person
- < Procedures for possessing a salvaged big game carcass
- < Who may assist a big game permittee and how they may assist, including the provisions for designated individuals to assist disabled big game permittees.

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

This regulation contains the following items:

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

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

This regulation establishes the boundaries for the 19 deer management units in Kansas.

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

This regulation describes general application procedures, including the establishment of priority drawing procedures when the number of applicants exceeds the number of

authorized permits. The regulation also authorizes hunters to purchase a preference point for future applications.

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

This regulation contains the following items:

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

Discussion

A photo check deer registration system was initiated for the 2010 seasons (KAR 115-4-2). Hunters used that system. Some minor difficulties were encountered and corrected by the department's IT staff. Additional modifications of the regulation may be needed for hunter convenience in situations where hunters lack adequate communications equipment or service to the Internet. One potential modification would be to allow hunters to call and notify the department that they had taken a deer and then transport the deer without the head being attached if they carried the required photos to photo check the deer. The hunter would then have a limited time to register their deer on-line when they reached an area with Internet service.

So far this year there has been few comments from the public for changes in KAR 115-4-4. An individual contacted the department last year with a request to change this regulation so that a device he was building could be used to aid hunters in the recovery of archery wounded deer. His device used a transmitter attached to an arrow. The miniature transmitter remained attached to the deer even if the arrow passed through or fell off. At this time no proto-type of the device has been presented for evaluation.

No changes in deer management unit boundaries, KAR 115-4-6, are currently being discussed within the department.

No changes in the application process of big game or wild turkey permits, KAR 115-4-11, are currently being discussed within the department.

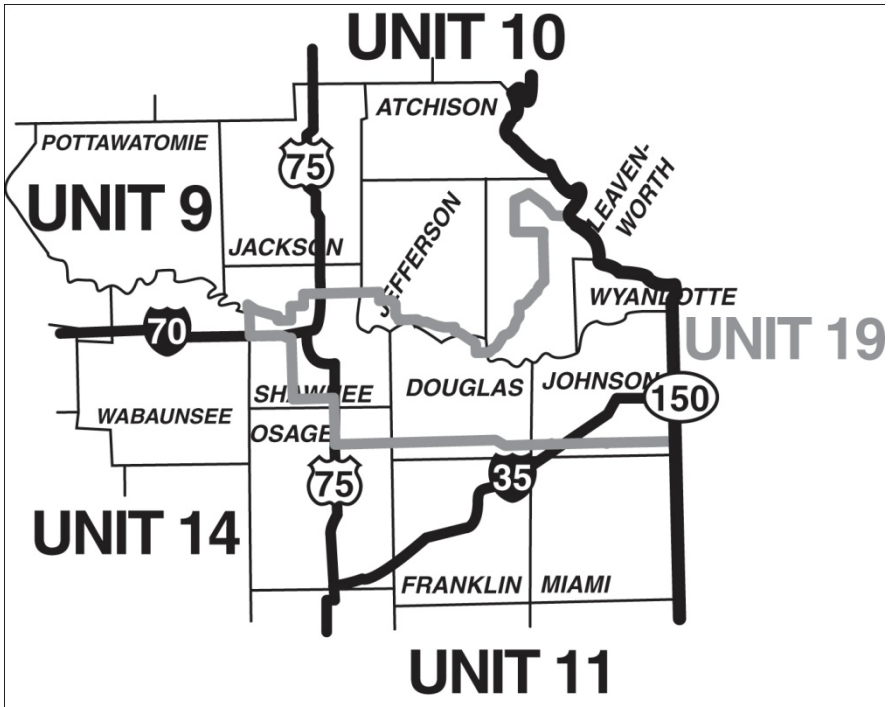
Once again this year we will consider combo deer permits to allow hunters to obtain two tags with one permit. The combo permit would allow the hunter to take an either sex deer plus an additional tag limited to an antlerless white-tailed deer. That action would require changes to KAR 115-4-13.

Recommendation

No changes in the permanent big game regulations are currently proposed. Public input and comments are being sought.

[illegible]

Deer Management Units with Sub-Unit 19



Workshop Session

Potential Changes in Deer Regulations for 2012

Background

Major changes in the deer management system occurred in 2008 after a two-year review process. Changes included additional days of hunting during the archery, muzzleloader and season for youth and people with disabilities. That review process also created new permit types, including an “Any-Season” deer permit for residents who hunted only white-tailed deer.

Public comments have been received, indicating that additional deer hunting opportunities are desired by some deer hunters, and additional deer population control is desired by other people. Parents have advocated for changes that would allow their children to hunt deer during holidays when they are out of school or home from college. Military personnel have advocated for lengthening of various seasons to accommodate deploying and returning soldiers. State legislators have advocated for additional changes in deer management that would significantly expand the antlerless-only season. The current dates for the white-tailed antlerless-only firearms season continues to draw criticism from people who are concerned that this season late in the year may result in the taking of a mature deer that has shed its antlers. Season dates earlier in the year would be preferred by those people.

Nonresident deer hunters and land managers catering to nonresident hunters frequently voice concerns that the hunters are unwilling to purchase antlerless-only permits at a level high enough to control deer populations or obtain a sex ratio the managers desire.

An annual review of deer seasons and regulations are made at the KDWPT Commission meetings. Although those meetings are open to the public for comments, few people have attended those meeting in recent years.

Discussion

A table is included to show the history of deer hunting seasons in Kansas. Some potential changes in the deer hunting seasons that might be considered include:

1. Change current nine-day season for youth and people with disabilities to two four-day seasons with the first season starting on the Friday before Labor Day and the second season starting on the Friday before Columbus Day. Each season would run for four days and include two weekend days and one holiday.
2. Change the dates of the traditional 12-day firearm deer hunting season from the Wednesday after Thanksgiving to the Wednesday before Thanksgiving (thus including two days of holiday and four weekend days).
3. Change the beginning date of the white-tailed deer antlerless-only season from January 1 to the Friday before Christmas and continue it for 17 days. That season would have no

fewer than six weekend days and would include both Christmas and New Year's holidays.

4. Initiate a two-day pre-rut white-tailed antlerless-only season for the last weekend in September.
5. Expand the season dates for bowhunting with the season beginning on the Tuesday after Labor Day and ending on January 31. During the archery season, hunters would be prohibited from taking an antlered deer during any dates open for antlerless-only deer hunting with a firearm.
6. Expand the muzzleloader season to include the 14 days in September, the period prior to the last weekend in September, and seven days in December following the 12-day firearms season.

A table is included that shows the history of permit fees. Some potential changes in permit fees and permit types that might be considered include:

1. Develop a nonresident deer permit that included two tags. One tag would allow the hunter to take a deer of either sex while the other tag would restrict the hunter to an antlerless white-tailed deer. A table follows that compares the number of tags and the revenue from the system in place in 2010 and a potential future combo permit system.
2. Develop a resident deer permit that included two tags. One tag would allow the hunter to take a deer of either sex while the other tag would restrict the hunter to an antlerless white-tailed deer. The combo permit could be established as a mandatory first permit or it might be offered as an optional permit. Experience with optional two tag combo permits suggest that they do not dramatically increase the number of people purchasing two tags, thus they may lead to a reduction in revenue. The fee for a new combo permit might be the same as the current fee for an either sex deer permit and half the price of a current white-tailed deer antlerless-only permit for a general resident. Another option might be to limit the sale of the combo permit to an early time in the year, for example, until the drawing ended for limited quota permits for resident deer hunters (mid July).

During 2010-11 there were 20,271 people who purchased a nonresident deer permit that allowed them to take either sex of deer; however those people purchased only 4,173 white-tailed deer antlerless-only deer permits. Non-resident permit sales generated approximately \$6,170,900 in revenue that KDWPT uses for conservation purposes. If each nonresident deer hunter were issued a combo permit with one either sex permit and one antlerless-only permit, there would be 16,098 more antlerless-only permits sold to non-residents. Under the combo permit system, even though the unit price of the WAO permit has been reduced from \$75 to \$50, the new system would generate \$700,575 or 11.4 percent more than the system used in 2010.

Relatively few nonresidents take part in deer hunting during the antlerless-only deer season. Nonresidents also have a slightly lower harvest rate on antlerless-only deer permits than residents. An increase of approximately 16,000 antlerless-only deer tags in the hands of nonresidents would result in approximately 6,000 more white-tailed antlerless deer being taken.

That would result in a total harvest of 48,807 antlerless white-tailed deer, which is approximately 14 percent higher than the estimated 42,807 taken during the 2010 season.

Non-resident permits and revenue under hunter demand for antlerless permits and mandatory combo permit systems.						
	2010			Mandatory Combo		
	Permits	Price /	Total	Permits	Price /	Total
Permit Type	Issued	Permit	Revenue	Issued	Permit	Revenue
Firearms WTES	7,866	\$300.00	\$2,359,800.00	7,866	\$300.00	\$2,359,800.00
MX WTES	2,291	\$300.00	\$687,300.00	2,291	\$300.00	\$687,300.00
MZ ESES	133	\$400.00	\$53,200.00	133	\$400.00	\$53,200.00
HOL ESES	1,111	\$75.00	\$83,325.00	1,111	\$75.00	\$83,325.00
Archery WTES	8,737	\$300.00	\$2,621,100.00	8,737	\$300.00	\$2,621,100.00
Archery ESES	133	\$400.00	\$53,200.00	133	\$400.00	\$53,200.00
WAO	4,173	\$75.00	\$312,975.00	20,271	\$50.00	\$1,013,550.00
Total	24,444		\$6,170,900.00	40,542		\$6,871,475.00

Recommendation

No recommendations for changes in the deer seasons or permanent regulations are currently proposed. The planned course of action for the review process will include input and comments on deer season dates and regulations at KDWP Commission meetings. In addition, a special section of the Deer Hunter Report Card will be devoted to questions on potential changes for deer seasons. That survey will be sent to approximately 35,000 deer hunters. Information Meetings (Deer Nights) are proposed for Beloit, Hutchinson, Chanute, Scott City, and Lawrence during August and September. A Topic Blog on deer issues will be developed on the agency website as well as an open public format site where people may express their views and opinions about deer management.

The current sites and dates of Deer Night Meetings are:

- | | |
|--|---|
| <p>A) The Trail Room
Municipal Building
Beloit, KS
August 23, 2011: 7:00 - 9:30 pm</p> | <p>C) Alliance Room
Memorial Auditorium
101 South Lincoln
Chanute, KS 66720
August 30, 2011: 7:00 – 9:30 pm</p> |
| <p>B) Dillon Nature Center
3002 East 30th
Hutchinson, KS 67502
August 24, 2011: 7:00 – 9:30 pm</p> | <p>D) William Carpenter 4-H Building
Scott City, KS
Sept. 6, 2011: 7:00 - 9:30 pm</p> |

E) Simon Media Room
Dole Institute of Politics
2350 Petefish Drive
Lawrence, KS 66045
Sept. 8, 2011: 7:00 – 9:30 pm

Assistance from the Kansas Agricultural Statistics has been requested to conduct a survey of Kansas landowners. A section of that survey will be developed to determine landowners' desires for changing the current deer seasons. The proposed timeline for the survey is the first mailing in early January 2012 with two follow-up mailings. A random sample of Kansas landowners would be drawn by Kansas Agricultural Statistics. Analyses of the results are planned for late February and early March.

It may also be necessary to survey turkey, waterfowl and upland game hunters about changes in deer seasons.

PROPOSED 2012 DEER SEASON

	S	M	T	W	T	F	S	
SEPT						31	1	Youth/Disabled
	2	3	4	5	6	7	8	
	9	10	11	12	13	14	15	
	16	17	18	19	20	21	22	Archery and MZ
	23	24	25	26	27	28	29	
	30							
OCT		1	2	3	4	5	6	Youth/Disabled
	7	8	9	10	11	12	13	
	14	15	16	17	18	19	20	
	21	22	23	24	25	26	27	
	28	29	30	31				
NOV					1	2	3	
	4	5	6	7	8	9	10	
	11	12	13	14	15	16	17	
	18	19	20	21	22	23	24	
	25	26	27	28	29	30		Firearms Season
DEC							1	
	2	3	4	5	6	7	8	Archery and MZ
	9	10	11	12	13	14	15	
	16	17	18	19	20	21	22	
	23	24	25	26	27	28	29	
	30	31						WT Antlerless-Only
JAN		1	2	3	4	5		
	6	7	8	9	10	11	12	
	13	14	15	16	17	18	19	
	20	21	22	23	24	25	26	
	27	28	29	30	31			

									Non-Resident			
					Special Tranferred		Hunt- Own- Land		Application Fee	Any Buck	Antlerless	Game Tags
Year	Firearms Either Sex Gen Res	LO/T	Archery Either Sex Gen Res	LO/T	Game Tags Gen Res	Game Tags LO/T	Hunt- Own- Land	Hunt- Own- Land				
1965	\$10	\$5	\$10	\$5								
1966	\$10	\$5	\$10	\$5								
1967	\$10	\$5	\$10	\$5								
1968	\$10	\$5	\$10	\$5								
1969	\$10	\$10	\$10	\$10								
1970	\$10	\$10	\$10	\$10								
1971	\$10	\$10	\$10	\$10								
1972	\$10	\$10	\$10	\$10								
1973	\$10	\$10	\$10	\$10								
1974	\$10	\$10	\$10	\$10								
1975	\$15	\$15	\$15	\$15								
1976	\$15	\$15	\$15	\$15								
1977	\$15	\$15	\$15	\$15								
1978	\$15	\$15	\$15	\$15								
1979	\$15	\$15	\$15	\$15								
1980	\$20	\$20	\$20	\$20								
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1985	\$30	\$20	\$30	\$30								
1986	\$30	\$20	\$30	\$20								
1987	\$30	\$15	\$30	\$15	\$30	\$15						
1988	\$30	\$15	\$30	\$15								
1989	\$30	\$15	\$30	\$15	\$30	\$15						
1990	\$30	\$15	\$30	\$30	\$30	\$30	\$10					
1991	\$30	\$15	\$30	\$15	\$10	\$10	\$10					
1992	\$30	\$15	\$30	\$15	\$10	\$10	\$10					
1993	\$30	\$15	\$30	\$15	\$10	\$10	\$10					
1994	\$30	\$15	\$30	\$15	\$10	\$10	\$10	\$30	\$5.00	\$200	\$50	
1995	\$30	\$15	\$30	\$15	\$10	\$10	\$10	\$30	\$5.00	\$200	\$50	
1996	\$30	\$15	\$30	\$15	\$10	\$10	\$10	\$30	\$5.00	\$200	\$50	
1997	\$30	\$15	\$30	\$15	\$10	\$10	\$10	\$30	\$5.00	\$200	\$50	
1998	\$30	\$15	\$30	\$15	\$10	\$10	\$10	\$30	\$5.00	\$200	\$50	NA
1999	\$30	\$15	\$30	\$15	\$10	\$10	\$10	\$30	\$5.00	\$200	\$50	\$10

2000	\$30	\$15	\$30	\$15	\$10	\$10	\$10	\$30	\$5.00	\$200	\$50	\$10
2001	\$30	\$15	\$30	\$15	\$10	\$10	\$10	\$30	\$5.00	\$200	\$50	\$10
2002	\$30	\$15	\$30	\$15	\$10	\$10	\$10	\$30	\$5.00	\$200	\$50	\$10
2003	\$30	\$15	\$30	\$15	\$10	\$10	\$10	\$30	\$5.00	\$200	\$50	\$10
2004	\$30	\$15	\$30	\$15	\$10	\$10	\$10	\$30	\$20.00	\$200	\$50	\$20
2005	\$30	\$15	\$30	\$15	\$10	\$10	\$10	\$30	\$20.00	\$300	\$50	\$20
2006	\$30	\$15	\$30	\$15	\$10	\$10	\$15	\$30	\$20.00	\$300	\$75	\$20
2007	\$30	\$15	\$30	\$15	\$10	\$10	\$15	\$30	\$20.00	\$300	\$75	\$20
2008	\$30	\$15	\$30	\$15	NA	NA	\$15	\$30	\$20.00	\$300	\$75	NA
2009	\$30	\$15	\$30	\$15	NA	NA	\$15	\$30	\$20.00	\$300	\$75	NA
2010	\$30	\$15	\$30	\$15	NA	NA	\$15	\$30	\$20.00	\$300	\$75	NA

Fisheries and Wildlife Public Lands Special Use Restrictions Proposed Changes

Add

McPherson Wetlands – North Refuge, Closed to all activities 10/1 – 3/31
Cedar Bluff WA – North Dam area, youth/mentor area – all species, all seasons, archery and shotgun only
Cedar Bluff WA – Threshing Machine Canyon (west) area, youth/mentor area – all species, all seasons
Non-Toxic Shot only – Talmo WA, Elwood WA, Dalbey WA, Burr Oak WA
Cedar Bluff WA – Refuge Area closed to hunting, open to all other legal activities 11/1 to 1/31
Lovewell WA – Refuge Area closed to hunting, open to all other legal activities 11/1 to 1/31
Cedar Bluff WA – Refuge Area closed to all activities 9/1 – 1/31
No Alcohol – Rocky Ford Fishing Area, Rising Sun River Access, Kansas River WA (K-18), Dalbey WA, Burr Oak
Kansas River WA – Fitzgerald Tract, Youth/mentor, all species, all seasons by special permit
No Wake – Pottawatomie SFLs #1 and #2
Milford WA – Disabled Accessible Hunting
Dalbey WA – Open to upland bird hunting Tuesday, Thursday, Sunday
Burr Oak WA – Open to upland bird hunting Tuesday, Thursday, Sunday
Shawnee SFL – Archery shooting range
Grand Osage WA – Access by special permit or Army authorization only
Jamestown WA – No gasoline powered engines in Marsh Creek
Jamestown WA – No motorized boats in Pintail Marsh

Delete

Cedar Bluff WA – No wake area
Cedar Bluff WA – Refuge area closed to all activities 10/1 to 1/31
Cedar Bluff WA – Daily hunt permits
Webster WA – Daily hunt permits

Change/Modify

Saline SFL – Open sunrise to sunset daily
Kansas River WA – Urish, MacVicar, K-18 tracts – No center fire rifles
Kansas River WA – Urish, MacVicar, K-18 tracts – No firearms deer hunting
Shawnee SFL – Open to Shotgun Hunting 12/1 through 1/31

2012 Reference Document Proposed Changes for Special Length and Creel Limits:

- Pleasanton City Lake-Old -- add 2/day creel limit and 15-inch minimum length limit on channel catfish, add 2/day creel limit and 21-inch minimum length limit on largemouth bass, and add 10/day creel limit and 10-inch minimum length limit on crappie.
- Jewell SFL -- change to a 13- to 18-inch slot length limit on largemouth bass.
- Glen Elder Reservoir -- change to 5/day creel limit on blue catfish.
- Lovewell Reservoir -- change to 5/day creel limit on blue catfish.
- Hiawatha City Lake -- remove the 18-inch minimum length limit on largemouth bass.
- Brown SFL -- change to a 13- to 18-inch slot length limit and a 5/day creel limit on largemouth bass.
- Coffey County Lake -- change to an 18-inch minimum length limit on walleye, a 12-inch minimum length limit and 5/day creel limit on crappie, and remove the 12-inch minimum length limit on white bass.
- Woodson SFL -- remove the 10-inch minimum length limit on crappie.
- Carbondale East Lake -- remove the 2/day creel limit on blue catfish, remove the 15-inch minimum length limit and change to a 5/day creel limit on channel catfish, remove the 2/day creel limit and 18-inch minimum length limit on smallmouth bass, remove the 2/day creel limit on spotted bass, remove the 2/day creel limit on sauger, and add an 18-inch minimum length limit on saugeye.
- Fall River Toe Drain -- remove the 2/day creel limit on blue catfish and channel catfish.
- Eureka City Lake -- remove the 15-inch minimum length limit on channel catfish and add an 18-inch minimum length limit on spotted bass.
- Olpe-Jones Park Pond -- change to a 2/day creel limit and 18-inch minimum length limit on largemouth bass.
- Emporia-Jones Park Ponds -- change to a 2/day creel limit and 18-inch minimum length limit on largemouth bass.
- Emporia-Peter Pan Park -- change to a 2/day creel limit and 18-inch minimum length limit on largemouth bass.
- Fall River State Park Kids Pond -- change to a 2/day creel limit and 18-inch minimum length limit on largemouth bass.
- Jeffrey Energy Center -- change to 2/day creel limit and remove the 18-inch minimum length limit on walleye.
- Junction City-Riverwalk -- change to 5/day creel limit on channel catfish.
- Junction City-Bluffs -- change to 5/day creel limit on channel catfish.
- Topeka-Auburndale Park Stream -- change to 2/day creel limit on channel catfish.
- Paola-Lake Miola -- change to 5/day creel limit on saugeye.
- Douglas SFL -- change to a 5/day creel limit and a 13- to 18-inch slot length limit on largemouth bass.
- Newton-Sand Creek -- add 5/day creel limit on channel catfish.
- Colwich City Lake -- change to an 18-inch minimum length limit on largemouth bass.
- Marion County Lake -- change to 2/day creel limit on saugeye and walleye.
- Leavenworth SFL -- remove the 2/day creel limits on sauger and saugeye.

- Gridley City Lake -- remove the 10-inch minimum length limit on crappie.
- Crawford SFL -- change to 2/day creel limit on walleye.
- Coffeyville-LeClere Lake -- change to 5/day creel limit and 15-inch minimum length limit on channel catfish.
- Independence Community College-Campus Pond -- change to 5/day creel limit and 15-inch minimum length limit on channel catfish.
- Regions 2, 4, and 5 impounded F.I.S.H. waters -- change to 2/day creel limit on channel catfish and change to 2/day creel limit and 18-inch minimum length limit on largemouth bass.
- Frontenac City Lake -- change to 20/day creel limit on crappie.
- Thayer City Lake-Old -- change to 20/day creel limit on crappie.
- Thayer City Lake-New -- change to 20/day creel limit on crappie.
- Bone Creek Reservoir -- change to 20/day creel limit on crappie.

Other Proposed 2012 Fishing Regulation Changes.

Change 115-25-14 to include 1 new location for Trout stockings. Colby-Villa High Lake will be added to the list of Type 1 Waters which requires a trout permit for each individual who wants to fish for and possess trout from November 1 through April 15.

In order to address reoccurring problems of high water temperatures for trout waters that open October 15, we propose changing the opening season to November 1.

Length and Creel Limits for Grand Osage Wildlife Area:

Length limits on Grand Osage Wildlife Area: Largemouth bass of a length less than eighteen (18) inches, and channel catfish of a length less than fifteen (15) inches are protected and must be returned to the water immediately.

Daily creel limits on Grand Osage Wildlife Area: Largemouth bass creel limit of two (2), and channel catfish creel limit of two (2).

Potential Regulation Changes to Address Aquatic Nuisance

Discussion:

The previously distributed handout outlining options was again submitted for your review and details are below. In addition to the handout, a list of waters containing ANS has been developed and submitted to legal for review. All waters containing the 115-18-10 prohibited white perch, Asian carp (bighead, silver, or black carp), and zebra mussels were listed. This list would be utilized as reference should Option 2 be adopted.

Option 1

Restrict transport of live baitfish and water.

- Baitfish can ONLY be used in the lake or stream where harvested.
- Transport over dam or natural barrier is prohibited.
- All recreational equipment must be drained by removing drain plugs before leaving.

Option 2

Restrict transport of live baitfish and ANS infested water with 4 species exception.

- Baitfish can ONLY be used in lake where harvested EXCEPT green sunfish, bluegill, black bullhead, and yellow bullhead may be transported to anywhere but may NOT be transported from designated ANS infested waters.
- Transport over dam or natural barrier is prohibited.
- NO fish (sportfish or baitfish) may be transported alive from designated ANS infested waters.

Outreach required with either option:

A comprehensive outreach program would be launched.

- An additional sheet of information would be provided with privilege purchase geared to increase awareness and compliance to new regulations

K A N S Aquatic Nuisance Species



Aquatic Nuisance Species Regulations: wild-caught bait as a vector for spread

Aquatic nuisance species represent a threat to the environment, as well as a threat to water suppliers, industry, power generation and ultimately, the Kansas economy. The negative impacts of ANS include:

- Clogged municipal, agricultural, and industrial water intakes and water delivery systems.
- Burned-out water pumps and pivots.
- Clogged and damaged power generating equipment.
- Decreased recreational opportunity.
- Increase flooding risk due to clogging of water control structures.
- Bioaccumulation of toxins in waterfowl.
- Changes in water quality.
- Increase in algal blooms.
- Habitat degradation.
- Decreased property value.
- Damage to boats and marina infrastructure.
- Physical danger to recreationalists.

The Risks:



Sedgwick County fire truck clogged with mussels



Clogged pipe at Wichita ozone plant



Boat from Wilson Reservoir



bighead carp

gizzard shad (native)

Silver carp



Angler injured by jumping silver carp

Proposed Regulatory Action:**Option 1***Restrict transport of live baitfish and water:*

- Baitfish can ONLY be used in the lake or stream where harvested.
- Transport over dam or natural barrier is prohibited.
- All recreational equipment must be drained by removing drain plugs before leaving.

Option 2*Restrict transport of live baitfish and ANS infested water with 4 species exception.*

- Baitfish can ONLY be used in lake where harvested EXCEPT green sunfish, bluegill, black bullhead, and yellow bullhead may be transported to anywhere but may NOT be transported from designated ANS infested waters.
- Transport over dam or natural barrier is prohibited.
- NO fish (sportfish or baitfish) may be transported alive from designated ANS infested waters.

Outreach required with either option:*A comprehensive outreach program would be launched.*

- An additional sheet of information would be provided with privilege purchase geared to increase awareness and compliance to new regulations.

Supporting information (numbers are approximate):

400,000 Kansas anglers

244,000 use live fish as bait

71,000 collect from the wild

56,000 transport bait to the water where fishing

166,000 anglers release baitfish after fishing

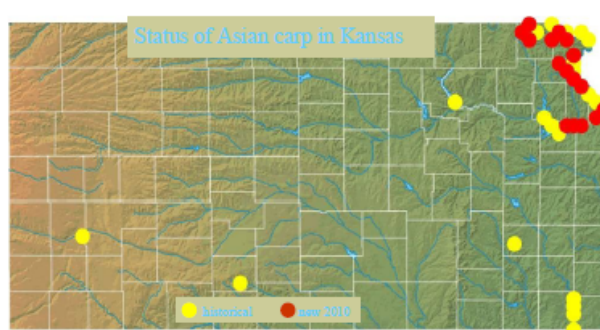
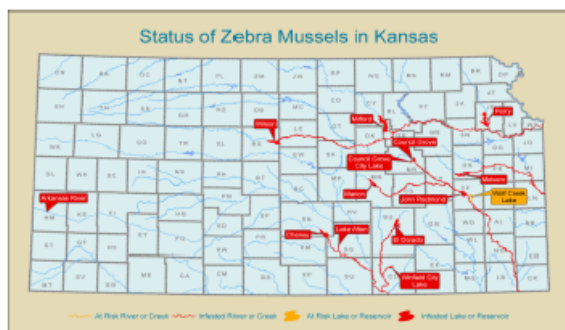
Most anglers have trouble identifying common baitfish (assume 25% error)

72,000 can identify Asian carp—172,000 can identify white perch

280,000 think there is a likelihood that zebra mussel spread can be prevented through draining of water

252,000 anglers think the collection of baitfish would cause the movement of ANS

236,000 accept a restriction on the movement of wild-caught bait to the water where collected



Park Regulations

Background: KDWP regulations that directly impact state parks are reviewed annually. The purposes for the review are to ensure that the regulations are appropriate, do not conflict with other department regulations or laws pertaining to the department, and to develop recommendations for changes, additions or deletions. These are presented to the Commission starting with the April meeting. Regulations that are reviewed are: K.A.R. 115-1; 115-2; 115-8; 115-9-6; 115-18.

Discussion: The department finds the regulations to be appropriate and do not conflict with other department regulations or laws pertaining to the department and more specifically to the State Parks Division. The review also indicates that no regulation should be deleted, however, a few regulations may require changes, and one addition may be recommended.

The changes may include:

K.A.R. 115-2-3. Camping, utility, and other fees. Utilities: the current regulation lists the following fees: one utility - \$7.00; two utilities - \$9.00; three utilities - \$10.00. A recommendation is to analyze utility usage to see if we are subsidizing utilities at the current rate. If so, we would recommend to raise each utility fee. Recommendation is to increase fees \$.50 cents when we go live with the Outdoor Recreation Management System.

K.A.R. 115-8-9. Camping. Adding appropriate language to allow persons who have reservations to forgo the requirement for camping units to be occupied in a 24-hour time period. Those with reservations will have provided information to our database and can be called or notified.

K.A.R. 115-8-10b3. Pets. Add the words allowing pets in “selected department operated rental cabins” for an additional fee. Currently, pets are not permitted inside department-operated rental cabins, however, pets are allowed in privately owned cabins on department controlled lands. We will designate specific cabins that will be pet friendly.

Possible Legislative Actions:

K.S.A. 32-901. Additional Vehicle Permit. Consider removing the additional vehicle permit. Only selling annual vehicle permits. K.A.R. 115-9-6 would need to be changed.

(2) Remove the wording “certificate of titleholder” to allow annual permits to be purchased by someone other than the titleholder of a vehicle for which the permit is being purchased. However, add “proof of registration” for additional vehicle permit purchased in the annual vehicle permit name at the reduced rate. Also, add “proof of registration” for any discounted permit like senior permits or qualifying disability permits.

Spring Turkey Regulations (K.A.R. 115-25-6)

Season, units, bag limits, permits, and game tags

Background

There are four turkey hunting units (Figure 1) in Kansas, and an initial spring turkey permit can be purchased over-the-counter for all units except Unit 4 (southwest Kansas). In addition to the initial spring turkey permit, a second turkey game tag has been offered for certain hunting units since 1990. Hunters can currently purchase a game tag for use only in Unit 2 (eastern Kansas) or Unit 3 (central Kansas). A total of 500 permits are now issued for Unit 4 through a pre-season drawing, of which half are designated for landowner/tenants and half for general residents. Starting in 2010, youth (younger than 6 years of age) could buy a permit over-the-counter that was valid in any unit (including Unit 4).

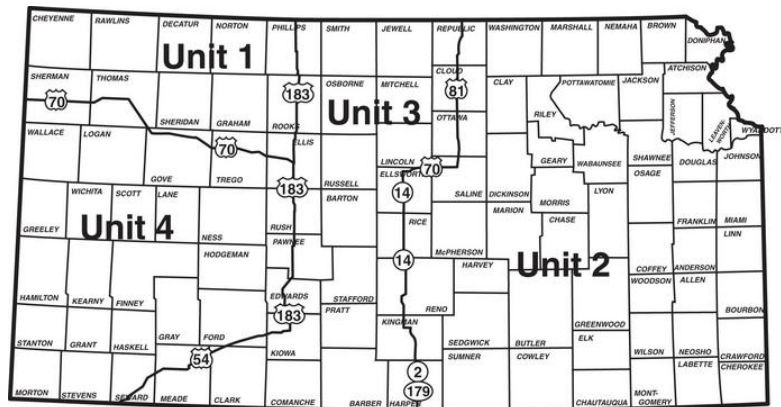
The department sold 65,406 permits (43,359 initial permits and 22,047 game tags) for the spring 2011 season, which is a slightly less than the 66,621 permits issued during the previous year. The harvest estimates have not yet been calculated for the 2011 season but they should be available in the very near future. For 2010, an estimated 41,321 hunters actively pursued turkeys and harvested almost 35,000 birds. Approximately 63 percent of active hunters harvested at least one bird and only 22.9 percent (9,482) filled both the initial permit and a game tag.

Survey results for the eastern third of the state indicate that the turkey population is well below the peak that occurred in the mid 2000s. The lower abundance is due record-low production during 2007 and 2008 as a result of heavy rain and flooding during mid-summer. The most severe weather events occurred while hens were still incubating nests or rearing recently-hatched poultts still incapable of flight or regulation of their body temperature. While the current population in eastern Kansas is nowhere near the peak that was observed 5-6 years ago, the spring population indices have ticked slightly upward during each of the last two years. At the time this was written, the weather conditions appear to have been favorable for productivity in eastern Kansas, so a further increase in abundance seems likely in the near future. Turkey numbers in other parts of the state have been either relatively stable or slightly increasing over the last few years.

Discussion

At this time, the department is not considering any changes to spring bag limits or season dates. The relatively low turkey population in the eastern third of Kansas is a result of the record-low productivity that was observed in 2007 and 2008. The number of hunters and harvest in the affected area has already declined in proportion to the population. When hunting becomes difficult, fewer people participate and because of this behavior, the hunters actually somewhat regulate harvest themselves. The department is concerned about the relatively low population in eastern Kansas compared to other parts of the state, but at this time we don't believe any changes to regulations would help to speed its recovery.

Figure 1. Current spring wild turkey hunting units in Kansas. The initial permit is valid within Units 1, 2, & 3 and can be purchased over-the-counter. A pre-season drawing is used to issue the 500 permits allocated for Unit 4. An additional spring game tag can be purchased over-the-counter and it is valid only within Units 2 & 3.



**KAR 115-14-2, 115-14-3, 115-14-4, 115-14-5,
115-14-6, 115-14-8, 115-14-9, 115-14-10.
Falconry Regulations**

Background

The sport of falconry is the practice of hunting and taking game with raptors. To be permitted to practice falconry, individuals go through a lengthy process of learning how to properly care for, and how to train the raptors they use in the sport. There are three classes in the falconry permit structure that have requirements with regard to age, knowledge, and proficiency. Each different falconry class allows for different numbers and increasingly difficult types of raptors to be handled in the sport from kestrels and red-tailed hawks for the Apprentice Class falconers all the way to peregrine falcons and golden eagles for Master Falconers. Apprentice, General, and Master falconry classes are recognized in Kansas. In order to become an Apprentice falconer, a test must be passed that demonstrates the applicant's knowledge of basic biology, diseases, care and handling of raptors, literature, law, regulations and other appropriate subject matter, all relating to falconry and raptors. The apprentice must also be mentored by a sponsor who is either a General Class or Master Falconer. An Apprentice must be permitted as an Apprentice for at least two years and receive a recommendation from their sponsor to be able to move to the next class, General Falconer. After practicing falconry for at least five years, a falconer can move to the Master Falconer class. Falconry was implemented in Kansas in 1991. There are currently 74 permitted falconers in Kansas.

Discussion

Due to changes in federal regulations, the states have been asked to revise their regulations to meet minimum standards as set forth by federal regulations by January 1, 2014. As soon as a state is certified they meet minimum U.S. Fish and Wildlife Service (USFWS) standards for falconry, federal falconry permits will no longer be required in that state.

A state that wishes to allow falconry must establish laws and regulations that meet the standards established by the USFWS. The director of the USFWS must determine that a state falconry permitting program meets the standards established by the USFWS no later than January 1, 2014. At that time, all federal falconry permits and the federal permitting program will end. Falconry will not be permitted in a state after this date until the state develops a permitting program the director of USFWS certifies to be in compliance with these regulations. State regulations may be more restrictive than these federal standards but may not be less restrictive. State regulations must be consistent with the terms contained in any convention between the United States and any foreign country for the protection of raptors and the Migratory bird Treaty Act.

Items required by USFWS for certification of State Falconry permit;

- A copy of the state's Apprentice Falconer examination, which at a minimum must cover laws and regulations, raptor biology, raptor identification, trapping methods, facilities requirements, care of raptors held for falconry, diseases and health problems of raptors, and training methods.
- Copies of the laws and regulations governing falconry of the state and certification that the laws and regulations meet the requirements of this section.
- Electronic reporting ; the state must work with the USFWS to ensure that the electronic 3-186A reporting system for reporting take, transfers, and loss of falconry birds is fully operational for residents of the state.

When the USFWS concurs that the regulations and examination meet the requirements set forth by USFWS, they will publish a rule in the Federal Register adding the state to the list of those approved for allowing the practice of falconry. USFWS will terminate federal falconry permitting in any state certified under these regulations on January 1 for the calendar year following publication of the rule

Recommendations

Department staff has been in consultation with officers of the Kansas Hawking Club, which is an affiliated member of NFA (National Falconry Association), to review federal regulations and existing state regulations to best determine how to revise the KDWP regulations to meet the new federal requirements.

In general, we agree that adoption of the new federal regulations 50 C.F.R 21.29 which went into effect on October 8, 2008 will be sufficient. There are, however, certain requirements that KDWP staff and officers of the Kansas Hawking Club feel should be more restrictive than federal regulations.

Following are staff recommendations for consideration for the KDWP falconry regulations:

- Lapsed permits may be reinstated at previously existing level without requirement to retake examination in accordance with federal regulations of not having lapsed for more than five years. This is to take into account reasonable circumstances that may occur that an individual may not be able to renew permit or keep birds such as military deployment.
- Apprentice falconers can possess only wild-caught kestrels, red-tailed hawks, and red shouldered hawks.
- Adopt the lowered minimum ages for falconry classes; Apprentice 12 years of age, General Class, 16 years of age
- Indoor and outdoor falconry holding facilities need to be constructed and inspected prior to issuance of falconry permit.
- Falconry equipment as outlined by federal regulations shall be possessed by each applicant before the issuance or renewal of a falconry permit.
- Adopt federal regulations on types of raptors and when they can be taken but require a valid Kansas hunting license to take raptors from the wild.
- No species listed as threatened or endangered in Kansas can be taken.
- Each item of equipment used to capture raptors shall be tagged with permittees name and falconry permit number.
- Raptors taken under a depredation or special purpose federal permit may be used by General and Master falconers. These raptors are typically golden eagles.

Public Hearing

**All public hearing items were stamped and approved by
the Department of Administration on May 18, May 13 or May 24 2011;
and by the Attorney General on May 19 or May 27 2011.**

**Copies of stamped items available upon request
or copies available at Commission meeting.**

Document No. _____

KANSAS REGISTER
SUBMISSION FORMAgency Number -- 710-01Agency Name -- Kansas Department of Wildlife and ParksAgency Address - 1020 S. Kansas Ave., Suite 200Topeka, Kansas 66612-1233Title of Document -- Public MeetingDesired Date of Publication - June 9, 2011ITEMS SUBMITTED IN DUPLICATE

CERTIFICATION

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

Christopher J. Tymeson
Liaison officer's typed name_____
Liaison officer's signatureDepartment Attorney
Title(785) 296-2281
Phone

This space for Register office use only

Wildlife and Parks Commission

Notice of Public Hearing

A public hearing will be conducted by the Wildlife and Parks Commission at 7:00 p.m., Thursday, August 11, 2011 at the Wetlands Education Center, 592 NE K-156 Highway, Great Bend, Kansas, to consider the approval and adoption of proposed regulations of the Kansas Department of Wildlife and Parks.

A general discussion and workshop meeting on business of the Wildlife and Parks Commission will begin at 1:30 p.m., August 11 at the location listed above. The meeting will recess at 5:30 p.m. then resume at 7:00 p.m. at the same location for more business and the regulatory hearing. There will be public comment periods at the beginning of the afternoon and evening meetings for any issues not on the agenda and additional comment periods will be available during the meeting on agenda items. Old and new business may also be discussed at this time. If necessary to complete business matters, the Commission will reconvene at 9:00 a.m. August 12 at the location listed above.

Any individual with a disability may request accommodation in order to participate in the public meeting and may request the meeting materials in an accessible format. Requests for accommodation to participate in the meeting should be made at least five working days in advance of the meeting by contacting Sheila Kemmis, Commission Secretary, at (620) 672-5911. Persons with a hearing impairment may call the Kansas Commission for the Deaf and Hard of Hearing at 1-800-432-0698 to request special accommodations.

This 60-day notice period prior to the hearing constitutes a public comment period for the purpose of receiving written public comments on proposed administrative regulations.

All interested parties may submit written comments prior to the hearing to the Chairman of the Commission, Kansas Department of Wildlife and Parks, 1020 S. Kansas Ave, Suite 200, Topeka, KS 66612 or to sheila.kemmis@ksoutdoors.com if electronically. All interested parties will be given a reasonable opportunity at the hearing to express their views orally in regard to the adoption of the proposed regulations. During the hearing, all written and oral comments submitted by interested parties will be considered by the commission as a basis for approving, amending and approving, or rejecting the proposed regulations.

The regulations that will be heard during the regulatory hearing portion of the meeting are as follows:

K.A.R. 115-16-3. This permanent regulation establishes the application, provisions and requirements for nuisance bird control permits. The proposed amendments would add and remove birds from the nuisance list and require the use of nontoxic shot and bullets.

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

K.A.R. 115-2-3a. This permanent regulation establishes fees for department cabins. The regulation is proposed for revocation.

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

K.A.R. 115-8-13. This permanent regulation establishes authorized operation for motor vehicles on department lands and waters. The proposed amendments would allow certain motor vehicles onto ice covered department waters for the purpose of ice fishing.

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

Copies of the complete text of the regulations and their respective economic impact statements may be obtained by writing the chairman of the Commission at the address above, electronically on the department's website at www.kdwp.state.ks.us, or by calling (785) 296-2281.

Kelly Johnston, Chairman



STATE OF KANSAS
OFFICE OF THE ATTORNEY GENERAL

DEREK SCHMIDT
ATTORNEY GENERAL

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

May 19, 2011

Chris Tymeson
Legal Counsel
Kansas Department of Wildlife and Parks

Re: K.A.R. 115-2-3a and 115-16-3

Dear Mr. Tymeson:

We have reviewed the above-referenced regulations for legality, and finding no issues of concern, have approved them.

Very truly yours,

OFFICE OF THE ATTORNEY GENERAL
DEREK SCHMIDT


Camille Nohe
Assistant Attorney General

CN:cn

Enclosure: Original document

Cc: Representative Carl Holmes, Chair, Joint committee on Rules and Regulations
Senator Vick Schmidt, Vice Chair, Joint Committee on Rules and Regulations
Representative Janice Pauls, Ranking Minority Member, Joint Committee on
Rules and Regulations
Raney Gilliland, Legislative Research
Ken Wilke, Revisor of Statutes

Regulations/KDWP/various(May 2011)



STATE OF KANSAS
OFFICE OF THE ATTORNEY GENERAL

DEREK SCHMIDT
ATTORNEY GENERAL

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

May 27, 2011

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

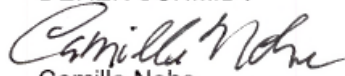
Re: K.A.R. 115-8-13

Dear Mr. Tymeson:

We have reviewed the above-referenced regulation for legality, and finding no issues of concern, have approved it.

Very truly yours,

OFFICE OF THE ATTORNEY GENERAL
DEREK SCHMIDT


Camille Nohe
Assistant Attorney General

CN:cn

Enclosure: Original document

Cc: Representative Carl Holmes, Chair, Joint committee on Rules and Regulations
Senator Vick Schmidt, Vice Chair, Joint Committee on Rules and Regulations
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Rules and Regulations
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Ken Wilke, Revisor of Statutes

STATE OF KANSAS

ALAN D. CONROY
Director
RANEY L. GILLILAND
Assistant Director for Research
J.G. SCOTT
Chief Fiscal Analyst



STAFF
LEGISLATIVE COORDINATING COUNCIL
INTERIM COMMITTEES
STANDING COMMITTEES
LEGISLATIVE INQUIRIES

KANSAS LEGISLATIVE RESEARCH DEPARTMENT

Room 68-West — State Capitol Building — 300 SW Tenth Avenue — Topeka, Kansas 66612-1504
PHONE (785) 296-3181 ♦ FAX (785) 296-3824 ♦ TTY (785) 296-3677
INTERNET: <http://www.kslegislature.org/kldr> E-MAIL: kslegres@kldr.ks.gov

July 28, 2011

Mr. Robin Jennison, Secretary
Kansas Department of Wildlife and Parks
1020 S Kansas Avenue
Building Mail

Dear Secretary Jennison:

At its meeting on July 22, 2011, the Joint Committee on Administrative Rules and Regulations reviewed for public comment rules and regulations concerning motorized vehicles and aircraft, authorized operations; nuisance bird control permit, application, provisions, and requirements; and revocation. After discussion, the Committee had the following comments.

KAR 115-8-13. Please update the statutory reference in the text of the regulation to KSA 8-15,109 to reflect the statute's location in the 2010 Supplements.

KAR 115-16-3. The Committee suggests that the agency review subsections (j) and (l) to determine whether they are in conflict. Would a person using an air rifle be required to have a nuisance bird control permit?

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

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

To assist in that final review:

- Please inform the Joint Committee and me, in writing, at the time the rules and regulations are adopted and filed with the Secretary of State, of any and all changes which have been made following the public hearing.

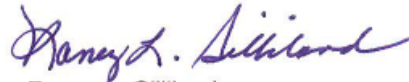
Secretary Jennison

- 2 -

- Please notify the Joint Committee and me, in writing, when your agency has adopted the regulations as permanent; delayed implementation of the regulations; or decided not to adopt any of the regulations.
- Also, please indicate separately to the Joint Committee and me, any changes made to the proposed regulations reviewed by the Committee.

Based upon direction from the Committee, failure to respond to each and every comment contained in this letter may result in the request that a spokesperson from your agency appear before the Committee to explain the agency's failure to reply.

Sincerely,



Raney L. Gilliland
Assistant Director for Research

RLG/db

115-16-3. Nuisance bird control permit; application, provisions, and requirements. (a) The term

“nuisance birds” shall include ~~the following species:~~

~~(1) yellow headed blackbird;~~

~~(2) red winged blackbird;~~

~~(3) bi-colored red winged blackbird;~~

~~(4) rusty blackbird;~~

~~(5) brewer's blackbird;~~

~~(6) cowbird;~~

~~(7) grackle;~~

~~(8) crow;~~

~~(9) magpie;~~

~~(10) feral pigeon;~~

~~(11) english sparrow; and~~

~~(12) starling~~ those species specified in the department’s “Kansas nuisance bird species table,”

dated May 9, 2011, which is hereby adopted by reference.

(b) Nuisance birds may be controlled when found depredating or about to depredate upon ornamental or shade trees, agricultural crops, livestock, or wildlife, or when concentrated in such numbers and manner as to constitute a health hazard or other nuisance.

(c) A nuisance bird control permit shall be required to use any lethal method of control ~~which~~ that involves poisons or chemicals for controlling nuisance birds other than the feral pigeon, English sparrow, or European starling.

(d) Any person may apply to the secretary for a nuisance bird control permit. The application shall be submitted on forms provided by the department ~~and~~. Each applicant shall provide the following information:

- (1) The applicant's name ~~of the applicant~~;
- (2) the applicant's address ~~of the applicant~~;
- (3) the applicant's telephone number ~~of the applicant~~;
- (4) the location of the nuisance bird problem;
- (5) a description of the problem;
- (6) the species of birds involved;
- (7) the proposed method of control;
- (8) the length of time for which the permit is requested; and
- (9) any other relevant information as required by the secretary.

(e) Issuance of ~~the~~ a permit may be denied by the secretary if any of the following conditions is met:

- (1) The permit application is unclear or incomplete;
- (2) The need for nuisance bird control has not been established; ~~or~~
- (3) Use of the poison or chemical would pose inordinate risk to the public, non-target wildlife, or the environment.

(f) ~~The~~ Each permit shall be valid only for the ~~time~~ period specified on the permit, ~~but~~ which shall not exceed one year.

(g) A permit may be extended by the secretary upon request and justification by the permittee. However, the combined total of the original and the extended time ~~period~~ periods shall not exceed one year.

(h) ~~The~~ Each permit shall be valid only for the locations specified in the permit.

(i) In addition to other penalties as prescribed by law, a nuisance bird control permit may be revoked by the secretary if either of the following conditions is met:

(1) The permit was secured through false representation; ~~or~~.

(2) The permittee fails to meet permit requirements or violates permit conditions.

(j) A nuisance bird control permit shall not be required to control nuisance bird problems as described in subsection (b) ~~when if~~ the control method is ~~non-lethal~~ nonlethal or ~~when if~~ the control method involves use of firearms, ~~bow and arrow~~ archery equipment, or falconry.

(k) Nuisance birds killed and the plumage of nuisance birds killed during nuisance bird control may be possessed, transported, and otherwise disposed of or utilized, except that nuisance birds killed and the plumage of nuisance birds killed during nuisance bird control shall not be sold or offered for sale.

(l) ~~All nuisance bird control activities shall be subject to all federal and state laws and rules and regulations~~ Nontoxic shot and bullets shall be required for the taking of nuisance birds pursuant to this regulation, except when using an air rifle, air pistol, or .22 caliber rimfire firearm. (Authorized by K.S.A. ~~1991 Supp.~~ 32-807 and K.S.A. ~~1991 Supp.~~ 32-955; implementing K.S.A. ~~1991 Supp.~~ 32-955, K.S.A. ~~1994~~ 2010 Supp. 32-1002, and K.S.A. ~~1994~~ 2010 Supp. 32-1003; effective Sept. 10, 1990; amended Aug. 31, 1992; amended P-_____.)

ECONOMIC IMPACT STATEMENT

K.A.R. 115-16-3. Nuisance bird control permit; application, provisions, and requirements.

DESCRIPTION: This permanent administrative regulation establishes requirements for nuisance bird control permits. These permits authorize the take of certain species when found depredating. The proposed changes would remove two species from the listing and require the use of nontoxic shot or bullets when using a gun.

FEDERAL MANDATE: Nontoxic shot and species.

ECONOMIC IMPACT: No economic impact to the department, other agencies, small businesses, or the general public is anticipated.

ALTERNATIVES CONSIDERED: None.

Kansas Department of Wildlife and Parks
Kansas Nuisance Bird Species Table

Dated: May 9, 2011

Blackbirds:

- Brewer's blackbird (*Euphagus cyanocephalus*)
- Red-winged blackbird (*Agelaius phoeniceus*).
- Yellow-headed blackbird (*Xanthocephalus xanthocephalus*)

Cowbirds:

- Bronzed cowbird (*Molothrus aeneus*)
- Brown-headed cowbird (*Molothrus ater*)
- Shiny cowbird (*Molothrus bonariensis*).

Grackles:

- Boat-tailed grackle (*Quiscalus major*)
- Common (*Quiscalus quiscula*)
- Great-tailed (*Quiscalus mexicanus*)
- Greater Antillean (*Quiscalus niger*).

Crows:

- American crow (*Corvus brachyrhynchos*)
- Fish crow (*Corvus ossifragus*)
- Northwestern crow (*Corvus caurinus*)

Magpies:

- Black-billed magpie (*Pica hudsonia*)
- Yellow-billed magpie (*Pica nuttalli*)

Pigeons:

- Feral Pigeons (Rock Dove) (*Columba livia*)

Sparrows:

- English (House) Sparrow (*Passer domesticus*)

Starlings:

- European Starlings (*Sturnus vulgaris*)

Nonnative species:

As defined and listed in 70 FR 12710, published March 15, 2005, on the Final List beginning on Page 12714, except those birds listed that are also designated as endangered, threatened, or as a species in need of conservation under K.A.R. 115-15-1 or K.A.R. 115-15-2, or, the Eurasian Collared-Dove (*Streptopelia decaocto*) or the Ringed Turtle-Dove (*Streptopelia risoria*).

2011-2012 Late Migratory Bird Seasons

Background

Late season waterfowl frameworks (maximum bag, possession limits and season length, and earliest opening and latest closing dates) are established annually by the U.S. Fish and Wildlife Service (Service). These frameworks establish the limits which states must operate within when establishing waterfowl seasons. These frameworks are published in mid-August, after results from the May Breeding Duck Survey and recommendations from Flyway Councils are available.

Discussion

Ducks, Mergansers, and Coots - The 2011-12 federal frameworks for ducks, mergansers and Coots are as follows:

- **Outside Dates:** Between the Saturday nearest September 24 (September 24) and the last Sunday in January (January 29).
- **Season Length:**
 - o High Plains Unit: 97 days. The last 23 days may start no earlier than the Saturday nearest December 10 (December 10).
 - o Low Plains Unit: 74 days.
- **Bag Limits:** The daily bag limit is 6 ducks, with species and sex restrictions as follows: 5 mallards (no more than 2 of which may be females), 2 redheads, 2 scaup, 3 wood ducks, 2 pintails, and 1 canvasback.
- **Merganser Limits:** The daily bag limit is 5 mergansers, only 2 of which may be hooded mergansers. In States that include mergansers in the duck daily bag limit, the daily limit may be the same as the duck bag limit, only two of which may be hooded mergansers.
- **Coot Limits:** The daily bag limit is 15 coots.
- **Shooting hours:** ½ hour before sunrise to sunset
- **Zones:** Duck hunting zones have changed from the 2010-11 duck season. A third zone in the Low Plains Unit has been created in the Southeast portion of the state, and the boundary for the Low Plains Early and Low Plains Late has been modified to include all the McPherson Wetland Complex into the Early Zone (see map provide). The changes requested to include Cedar Bluff Wildlife Area in the High Plains Unit was denied by the Service.

Special Youth Waterfowl Hunting Days- States may select two consecutive days per duck-hunting zone, designated as “Youth Waterfowl Hunting Days,” in addition to their regular duck seasons. The days must be held outside any regular duck season on a weekend, holiday, or other non-school day when youth hunters would have the maximum opportunity to participate. The days may be held up to 14 days

before or after any regular duck-season frameworks or within any split of a regular duck season, or within any other open season on migratory birds.

- **Daily Bag Limits:** The daily bag limits may include ducks, geese, tundra swans, mergansers, and coots and would be the same as those allowed in the regular season. Flyway species and area restrictions would remain in effect.
- **Shooting Hours:** One-half hour before sunrise to sunset.
- **Participation Restrictions:** Youth hunters must be 15 years of age or younger. In addition, an adult at least 18 years of age must accompany the youth hunter into the field. This adult may not duck hunt but may participate in other seasons that are open on the special youth day. Tundra swans may only be taken by participants possessing applicable tundra swan permits.

Geese - The 2011-12 federal frameworks for Canada geese, White-fronted, brant geese, and light (Ross's and Snow) geese are as follows:

- **Outside Dates:**
 - o Dark Geese (Canada, White-fronted, and Brant) - may be selected between the outside dates of the Saturday nearest September 24 (September 24) and the Sunday nearest February 15 (February 12).
 - o For light geese (Ross's and Snow), outside dates for seasons may be selected between the Saturday nearest September 24 (September 24) and March 10.
- **Season Lengths and Limits:**
 - o Dark Geese: States may select a season for Canada geese (or any other dark goose species except white-fronted geese) not to exceed 107 days with a daily bag limit of 3. For white-fronted geese, States may select either a season of 74 days with a bag limit of 2 or an 88-day season with a bag limit of 1.
 - o Light Geese: States may select a light goose season not to exceed 107 days. The daily bag limit for light geese is 20 with no possession limit.

Recommendation

Ducks, Mergansers and Coots - Adopt federal frameworks for daily bag limit, possession limit, and shooting hours. Adopt a 74-day season length in the Low Plains Unit and adopt a 96-day season length in the High Plains Unit. The recommended season dates for ducks, mergansers and coots are as follows:

- **High Plains Unit:** Oct. 8 – Jan. 2 and Jan. 21-29
- **Low Plains Early Zone:** Oct. 8 – Dec. 4 and Dec. 17 and Jan. 1
- **Low Plains Late Zone:** Oct. 29 – Jan. 1 and Jan. 21-29
- **Low Plains Southeast Zone:** Nov. 5 – Jan. 8 and Jan. 21-29

Special Youth Waterfowl Hunting Days - Adopt federal frameworks for the special youth waterfowl hunting days. The bag limit recommended is 6 ducks (5 mallards (2 hens), 3 wood ducks, 2 pintails, 2 scaup, 2 redheads, and 1 canvasback), 5 mergansers (only 2 hooded mergansers), 15 coots, 3 dark geese, 2 white-fronted geese, and 20 light geese.

It is recommended that adults accompanying the youth NOT be required to purchase a state hunting license, state waterfowl license, or a federal migratory bird stamp. Adults may not hunt waterfowl during the special youth waterfowl hunting days.

The recommended season dates for the special youth waterfowl hunting days are as follows:

- **High Plains Unit:** Oct. 1 and Oct. 2
- **Low Plains Early Zone:** Oct. 1 and Oct. 2
- **Low Plains Late Zone:** Oct. 22 and Oct. 23
- **Low Plains Southeast Zone:** Oct. 22 and Oct. 23

Geese - Adopt federal frameworks for season length, daily bag limit, possession limit and shooting hours for dark and light Geese. The recommended season dates for dark and light geese are as follows.

- **White-fronted Geese:** Oct. 29 – Jan. 1 and Feb. 4-12
- **Canada and Brant Geese:** Oct. 29 – Nov. 6 and Nov. 9 – Feb. 12
- **Light (Ross's and Snow) Geese:** Oct. 29 – Nov. 6 and Nov. 9- Feb. 12
- **Light Goose Conservation Order:** Feb. 13 – Apr. 30

115-2-3a. This regulation shall be revoked on and after September 15, 2011. (Authorized by and implementing K.S.A. 32-807 and K.S.A. 2009 Supp. 32-988; effective Jan. 1, 2005; amended Jan. 1, 2007; amended July 25, 2007; amended Jan. 1, 2008; amended May 16, 2008; amended Dec. 1, 2008; amended Nov. 20, 2009; amended Jan. 1, 2011; revoked P-_____.)

ECONOMIC IMPACT STATEMENT

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

DESCRIPTION: This regulation establishes fees for cabin camping within the state parks, state fishing lakes and wildlife areas. Due to legislation passed during the 2011 Session that allows the Commission to set the fees at public meetings without using the regulatory process, the Department is proposing to revoke the regulation.

FEDERAL MANDATE: None.

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

ALTERNATIVES CONSIDERED: None.

Cabin Camping Permit Fees Under New Process

Background

Under the new process, proposed changes in cabin camping fees will be discussed during Public Hearing session for commissioner consideration. Changes become effective on September 15, 2011.

Discussion

With the repeal of the regulations at KAR 115-2-3a which previously established the cabin fees, the Commission will need to re-establish the cabin fees. The Department requests adoption of the fees as attached. These fees are the same as are currently charged with four exceptions:

1. Pet Friendly – in an effort to provide additional customer service, the Department desires to start a pilot project for allowing pets in cabins. Currently pets are not allowed in the cabins. Five cabins have been selected for this pilot project. They are Mamie’s Cabin at Eisenhower State Park, Larkspur Cabin at El Dorado State Park, Pioneer Cabin at Lovewell State Park, Big Oak Bungalow at Milford State Park and Pawnee Cabin at Tuttle Creek State Park. The Department proposes a \$50.00 per reservation pet fee.
2. Lovewell State Park Cabins – currently the fee structure at Lovewell State Park charges \$5 per adult beyond the first two adults. It is the only location with this type of fee structure. The Department proposes to eliminate this additional charge in order to align Lovewell’s fee structure with the cabins in other state parks.
3. Cheney State Park Cabins – the Department partners with the Friends of Cheney Lake on the operation of the cabins at Cheney State Park. The Friends Group desires the proposed fee changes which essentially increases the fee by \$10 per night.
4. Kansas State Fair Cabin – the Department also partners with the State Fair on the cabin located on the grounds of the Kansas State Fair in Hutchinson. The State Fair desires the proposed fee change which makes the rate \$75.00 per night all year and eliminates the weekly rates. Currently, the fees for this cabin are as follows:

Prime Season Weeknights = \$75.00
Prime Season Weekends = \$95.00
Prime Season Weekly = \$520.00
Off Season Weeknights = \$65.00
Off Season Weekends = \$85.00
Off Season Weekly = \$445.00

Recommendation

The Department recommends Commission approval and adoption of the proposed fees.

State of Kansas
Kansas Wildlife Parks & Tourism

KDWPT Cabin Rental Rates

as of July 28, 2011

Prime Season = April 1 - September 30

Off Season = October 1 - March 31

Weekly Rates = Seven consecutive nights

PF = Pet Friendly (\$50.00 per reservation)

S = All cabins are deluxe unless noted as Sleeper Cabins

The 19 sleeper cabins do not have indoor plumbing

Proposed changes from current rates are shaded		PF	S	Proposed Rates			
				Prime Season Weeknights	Prime Season Weekend	Off Season Weeknights	Off Season Weekend
Parks Division Cabins							Off Season Weekly Rate
1 Cedar Bluff State Park - Gobbler's Roost				\$80	\$80	\$80	\$80
2 Cedar Bluff State Park - The Flyway				\$80	\$80	\$80	\$80
3 Cedar Bluff State Park - The Jumpin' Catfish				\$60	\$60	\$60	\$60
4 Cedar Bluff State Park - The Trapper's Lodge			S	\$45	\$45	\$45	\$45
5 Cedar Bluff State Park - The Upland (3/31/2011)			S	\$45	\$45	\$45	\$45
6 Cedar Bluff State Park - Whitetail Ridge			S	\$45	\$45	\$45	\$45
7 Cheney State Park - Kestrel				\$65	\$85	\$430	\$65
8 Cheney State Park - Kingfisher				\$65	\$85	\$430	\$65
9 Cheney State Park - Mockingbird				\$65	\$85	\$430	\$65
10 Cheney State Park - Nighthawk				\$65	\$85	\$430	\$65
11 Cheney State Park - Nuthatch				\$65	\$85	\$430	\$65
12 Cheney State Park - Pelican				\$65	\$85	\$430	\$65
13 Cheney State Park - Roadrunner				\$65	\$85	\$430	\$65
14 Cheney State Park - Osprey (6/2/2011)				\$95	\$110	\$640	\$95
15 Cheney State Park - Cabin #9 (not yet available)				\$95	\$110	\$640	\$95
16 Clinton State Park - Camp Creek (7/16/2010)				\$75	\$95	\$520	\$65
17 Clinton State Park - Chicken Creek (7/16/2010)				\$75	\$95	\$520	\$65
18 Clinton State Park - Elk Creek (not yet available)				\$75	\$95	\$520	\$65
19 Clinton State Park - Dry Creek (not yet available)				\$75	\$95	\$520	\$65
20 Clinton State Park - Deer Creek (not yet available)				\$75	\$95	\$520	\$65
21 Clinton State Park - Coon Creek (not yet available)				\$75	\$95	\$520	\$65
22 Clinton State Park - Washington Creek (not yet available)				\$75	\$95	\$520	\$65
23 Crawford State Park - Morning Glory				\$75	\$95	\$520	\$65
24 Crawford State Park - North Wind				\$75	\$95	\$520	\$65
25 Crawford State Park - Shady Rest Cabin				\$95	\$110	\$665	\$80
26 Crawford State Park - The Landing				\$75	\$95	\$520	\$65
27 Crawford State Park - Tralls End (06/14/2011)				\$75	\$95	\$520	\$65
28 Cross Timbers State Park - Eagle's Nest Cabin				\$75	\$95	\$520	\$65
29 Cross Timbers State Park - Sandstone Bluff Cabin				\$75	\$95	\$520	\$65
30 Cross Timbers State Park - Timber Walker Cabin (4/8/2011)				\$75	\$95	\$520	\$65
31 Cross Timbers State Park - Whispering Oaks Cabin				\$75	\$95	\$520	\$65
32 Eisenhower State Park - Algiers Cabin (5/24/2010)				\$75	\$95	\$520	\$65
33 Eisenhower State Park - Arvonla Cabin				\$75	\$95	\$520	\$65
34 Eisenhower State Park - Camp Colt (Yurt) Cabin			S	\$45	\$45	\$275	\$45
35 Eisenhower State Park - Camp Galliard (Yurt) Cabin			S	\$45	\$45	\$275	\$45
36 Eisenhower State Park - Mamie Cabin		PF	S	\$45	\$45	\$275	\$45
37 Eisenhower State Park - Meade Cabin (5/24/2010)				\$75	\$95	\$520	\$65
38 Eisenhower State Park - Melvern Cabin				\$75	\$95	\$520	\$65
39 El Dorado State Park - Cabin #1 Buttercup			S	\$35	\$35	\$175	\$35
40 El Dorado State Park - Cabin #2 Coneflower			S	\$35	\$35	\$175	\$35
41 El Dorado State Park - Cabin #3 Dogwood			S	\$35	\$35	\$175	\$35
42 El Dorado State Park - Cabin #4 Goldenrod			S	\$35	\$35	\$175	\$35
43 El Dorado State Park - Cabin #5 Larkspur		PF	S	\$35	\$35	\$175	\$35
44 El Dorado State Park - Cabin #6 Primrose				\$100	\$100	\$560	\$100
45 El Dorado State Park - Cabin #7 Prairie Willow				\$110	\$110	\$560	\$110
46 El Dorado State Park - Cabin #8 Blazing Star				\$85	\$85	\$525	\$85
47 El Dorado State Park - Cabin #9 Wild Indigo				\$85	\$85	\$525	\$85
48 El Dorado State Park - Cabin #10 Indian Paintbrush				\$75	\$75	\$455	\$75
49 Fall River State Park - Cedar Crest Cabin				\$75	\$95	\$520	\$65
50 Fall River State Park - Heron's Cove Cabin				\$75	\$95	\$520	\$65
51 Fall River State Park - Willow Bend Cabin (not yet available)				\$75	\$95	\$520	\$65
52 Glen Elder State Park - LEOTIE				\$75	\$75	\$450	\$75
53 Glen Elder State Park - TAHOE				\$75	\$75	\$450	\$75

Proposed changes from current rates are shaded		PF	S	Proposed Rates					
				Prime Season Weeknights	Prime Season Weekend	Prime Season Weekly	Off Season Weeknights	Off Season Weekend	Off Season Weekly Rate
Parks Division Cabins (cont.)									
54 Kanopolis State Park - Arapaho				\$75	\$95	\$450	\$75	\$85	\$375
55 Kanopolis State Park - Bat Masterson (7/1/2010)				\$75	\$95	\$450	\$75	\$85	\$375
56 Kanopolis State Park - Bill Doolin (7/1/2010)				\$75	\$95	\$450	\$75	\$85	\$375
57 Kanopolis State Park - Buffalo Bill (10/1/2010)				\$75	\$95	\$450	\$75	\$85	\$375
58 Kanopolis State Park - Cheyenne				\$75	\$95	\$450	\$75	\$85	\$375
59 Kanopolis State Park - Wyatt Earp (10/1/2010)				\$75	\$95	\$450	\$75	\$85	\$375
Delete extra \$5 charge for more than 2 adults from all LOVP cabins									
60 Lovewell State Park - Frontier Cabin			S	\$45	\$45		\$45	\$45	
61 Lovewell State Park - Pine Ridge Cabin			S	\$45	\$45		\$45	\$45	
62 Lovewell State Park - Pioneer Cabin		PF	S	\$45	\$45		\$45	\$45	
63 Lovewell State Park - Southwinds East Cabin			S	\$45	\$45		\$45	\$45	
64 Lovewell State Park - Southwinds West Cabin			S	\$45	\$45		\$45	\$45	
65 Lovewell State Park - Sunrise Cabin			S	\$45	\$45		\$45	\$45	
66 Lovewell State Park - Lookout Cabin (not yet available)				\$75	\$75		\$75	\$75	
67 Lovewell State Park - Pilgrim Cabin (not yet available)				\$75	\$75		\$75	\$75	
68 Lovewell State Park - Scout Cabin (not yet available)				\$75	\$75		\$75	\$75	
69 Lovewell State Park - Settler Cabin (not yet available)				\$75	\$75		\$75	\$75	
70 Milford State Park - Appaloosa Cabin (11/22/2010)				\$75	\$95	\$520	\$65	\$85	\$445
71 Milford State Park - Big Oak Bungalow		PF		\$45	\$65	\$300	\$45	\$45	\$275
72 Milford State Park - Crabapple Cottage				\$75	\$95	\$520	\$65	\$85	\$445
73 Milford State Park - Honey Locust Lodge				\$45	\$65	\$300	\$45	\$45	\$275
74 Milford State Park - Morgan Cabin (11/22/2010)				\$75	\$95	\$520	\$65	\$85	\$445
75 Milford State Park - Mustang Cabin (11/22/2010)				\$75	\$95	\$520	\$65	\$85	\$445
76 Milford State Park - Red Cedar Resort				\$45	\$65	\$300	\$45	\$45	\$275
77 Milford State Park - Sumac Suites				\$75	\$95	\$520	\$65	\$85	\$445
78 Milford State Park - Palomino (4/28/2011)				\$75	\$95	\$520	\$65	\$85	\$445
79 Milford State Park - Pinto (4/28/2011)				\$75	\$95	\$520	\$65	\$85	\$445
80 Perry State Park - Apache Cabin				\$55	\$65	\$300	\$45	\$55	\$300
81 Perry State Park - Cottonwood Cabin				\$55	\$65	\$300	\$45	\$55	\$300
82 Perry State Park - Hazelwood Cabin				\$55	\$65	\$300	\$45	\$55	\$300
83 Perry State Park - Stonefield Cabin				\$55	\$65	\$300	\$45	\$55	\$300
84 Pomona State Park - Lakota (East Cabin) (6/10/2010)				\$65	\$85	\$450	\$55	\$75	\$375
85 Pomona State Park - Tonikawa (West Cabin) (6/3/2010)				\$65	\$85	\$450	\$55	\$75	\$375
86 Pomona State Park - Cabin #3 (not yet available)				\$95	\$110	\$665	\$80	\$95	\$550
87 Pomona State Park - Cabin #4 (not yet available)				\$95	\$110	\$665	\$80	\$95	\$550
88 Prairie Dog State Park - Cedar Crest Cabin			S	\$45	\$45		\$45	\$45	
89 Prairie Dog State Park - Cottonwood Cabin			S	\$45	\$45		\$45	\$45	
90 Prairie Dog State Park - Eagle View Cabin (10/15/2010)				\$75	\$75	\$490	\$75	\$75	\$490
91 Prairie Dog State Park - Prairie Dog Cabin (10/15/2010)				\$75	\$75	\$490	\$75	\$75	\$490
92 Scott State Park - Navajo Cabin				\$75	\$75	\$490	\$75	\$75	\$490
93 Scott State Park - Taos Cabin (5/21/2010)				\$75	\$75	\$490	\$75	\$75	\$490
94 Tuttle Creek State Park - Cherokee Cabin				\$75	\$95	\$520	\$65	\$85	\$445
95 Tuttle Creek State Park - Cheyenne Cabin				\$65	\$85	\$450	\$55	\$75	\$375
96 Tuttle Creek State Park - Kansa Cabin				\$65	\$85	\$450	\$55	\$75	\$375
97 Tuttle Creek State Park - Kiowa Cabin				\$75	\$95	\$520	\$65	\$85	\$445
98 Tuttle Creek State Park - Osage Cabin				\$65	\$85	\$450	\$55	\$75	\$375
99 Tuttle Creek State Park - Pawnee Cabin		PF		\$65	\$85	\$450	\$55	\$75	\$375
100 Tuttle Creek State Park - Sioux Cabin				\$75	\$95	\$520	\$65	\$85	\$445
101 Tuttle Creek State Park - Pottawatomie Cabin (1/21/2011)				\$75	\$95	\$520	\$65	\$85	\$445
102 Tuttle Creek State Park - Riley Cabin (1/21/2011)				\$75	\$95	\$520	\$65	\$85	\$445
103 Tuttle Creek State Park - Nemaha Cabin (not yet available)				\$75	\$95	\$520	\$65	\$85	\$445
104 Tuttle Creek State Park - Shawnee Cabin (not yet available)				\$75	\$95	\$520	\$65	\$85	\$445
105 Webster State Park - Lakeview Cabin 1				\$80	\$100	\$550	\$100	\$90	\$550
106 Webster State Park - Quail Run Cabin (not yet available)				\$70	\$90	\$490	\$70	\$90	\$490
107 Wilson State Park - Elm Bluff				\$75	\$95	\$520	\$70	\$70	\$445
108 Wilson State Park - Elm Crest				\$75	\$95	\$520	\$70	\$70	\$445
109 Wilson State Park - Foxfall				\$75	\$95	\$520	\$70	\$70	\$445
110 Wilson State Park - Kent's Cabin				\$75	\$95	\$520	\$70	\$70	\$445
111 Wilson State Park - Elm Grove Cabin (6/7/2011)				\$75	\$95	\$520	\$70	\$70	\$445
112 Wilson State Park - Elm Ridge Cabin (6/7/2011)				\$75	\$95	\$520	\$70	\$70	\$445

Proposed changes from current rates are shaded		PF	S	Prime Season Weeknights	Prime Season Weekend	Proposed Rates Prime Season Weekly	Off Season Weeknights	Off Season Weekend	Off Season Weekly Rate
Public Lands Division Cabins									
1	Atchison State Fishing Lake - Hickory Point			\$70	\$70	\$490	\$70	\$70	\$490
2	Kingman State Fishing Lake - Ninnescah (north cabin) (9/21/2010)			\$70	\$70	\$490	\$70	\$70	\$490
3	Kingman State Fishing Lake - Sand Plum (south cabin) (9/21/2010)			\$70	\$70	\$490	\$70	\$70	\$490
4	McPherson State Fishing Lake - Elk Lodge			\$70	\$70	\$490	\$70	\$70	\$490
5	Mined Land Wildlife Area - Coal Ridge Cabin			\$70	\$70	\$490	\$70	\$70	\$490
6	Mined Land Wildlife Area - Mine #19 (5/1/2010)			\$70	\$70	\$490	\$70	\$70	\$490
7	Ottawa State Fishing Lake - Uncle Mike's Cabin			\$70	\$70	\$490	\$70	\$70	\$490

Proposed changes from current rates are shaded		PF	S	Prime Season Weeknights	Prime Season Weekend	Proposed Rates Prime Season Weekly	Off Season Weeknights	Off Season Weekend	Off Season Weekly Rate
Non-KDWPT Location Cabins									
1	Kansas State Fair Grounds - D.L. Roy Mullet Cabin (12/2/2010)			\$75	\$75		\$75	\$75	

120 Total Cabins

115-16-3. Nuisance bird control permit; application, provisions, and requirements. (a) The term

“nuisance birds” shall include ~~the following species:~~

~~(1) yellow headed blackbird;~~

~~(2) red winged blackbird;~~

~~(3) bi-colored red winged blackbird;~~

~~(4) rusty blackbird;~~

~~(5) brewer's blackbird;~~

~~(6) cowbird;~~

~~(7) grackle;~~

~~(8) crow;~~

~~(9) magpie;~~

~~(10) feral pigeon;~~

~~(11) english sparrow; and~~

~~(12) starling~~ those species specified in the department’s “Kansas nuisance bird species table,”

dated May 9, 2011, which is hereby adopted by reference.

(b) Nuisance birds may be controlled when found depredating or about to depredate upon ornamental or shade trees, agricultural crops, livestock, or wildlife, or when concentrated in such numbers and manner as to constitute a health hazard or other nuisance.

(c) A nuisance bird control permit shall be required to use any lethal method of control ~~which~~ that involves poisons or chemicals for controlling nuisance birds other than the feral pigeon, English sparrow, or European starling.

(d) Any person may apply to the secretary for a nuisance bird control permit. The application shall be submitted on forms provided by the department ~~and~~. Each applicant shall provide the following information:

- (1) The applicant's name ~~of the applicant~~;
- (2) the applicant's address ~~of the applicant~~;
- (3) the applicant's telephone number ~~of the applicant~~;
- (4) the location of the nuisance bird problem;
- (5) a description of the problem;
- (6) the species of birds involved;
- (7) the proposed method of control;
- (8) the length of time for which the permit is requested; and
- (9) any other relevant information as required by the secretary.

(e) Issuance of ~~the~~ a permit may be denied by the secretary if any of the following conditions is met:

- (1) The permit application is unclear or incomplete;
- (2) The need for nuisance bird control has not been established; ~~or~~
- (3) Use of the poison or chemical would pose inordinate risk to the public, non-target wildlife, or the environment.

(f) ~~The~~ Each permit shall be valid only for the ~~time~~ period specified on the permit, ~~but~~ which shall not exceed one year.

(g) A permit may be extended by the secretary upon request and justification by the permittee. However, the combined total of the original and the extended time ~~period~~ periods shall not exceed one year.

(h) ~~The~~ Each permit shall be valid only for the locations specified in the permit.

(i) In addition to other penalties as prescribed by law, a nuisance bird control permit may be revoked by the secretary if either of the following conditions is met:

(1) The permit was secured through false representation; ~~or~~.

(2) The permittee fails to meet permit requirements or violates permit conditions.

(j) A nuisance bird control permit shall not be required to control nuisance bird problems as described in subsection (b) ~~when if~~ the control method is ~~non-lethal~~ nonlethal or ~~when if~~ the control method involves use of firearms, ~~bow and arrow~~ archery equipment, or falconry.

(k) Nuisance birds killed and the plumage of nuisance birds killed during nuisance bird control may be possessed, transported, and otherwise disposed of or utilized, except that nuisance birds killed and the plumage of nuisance birds killed during nuisance bird control shall not be sold or offered for sale.

(l) ~~All nuisance bird control activities shall be subject to all federal and state laws and rules and regulations~~ Nontoxic shot and bullets shall be required for the taking of nuisance birds pursuant to this regulation, except when using an air rifle, air pistol, or .22 caliber rimfire firearm. (Authorized by K.S.A. ~~1991 Supp.~~ 32-807 and K.S.A. ~~1991 Supp.~~ 32-955; implementing K.S.A. ~~1991 Supp.~~ 32-955, K.S.A. ~~1991~~ 2010 Supp. 32-1002, and K.S.A. ~~1991~~ 2010 Supp. 32-1003; effective Sept. 10, 1990; amended Aug. 31, 1992; amended P-
_____.)

ECONOMIC IMPACT STATEMENT

K.A.R. 115-16-3. Nuisance bird control permit; application, provisions, and requirements.

DESCRIPTION: This permanent administrative regulation establishes requirements for nuisance bird control permits. These permits authorizes the take of certain species when found depredating. The proposed changes would remove two species from the listing and require the use of nontoxic shot or bullets when using a gun.

FEDERAL MANDATE: Nontoxic shot and species.

ECONOMIC IMPACT: No economic impact to the department, other agencies, small businesses, or the general public is anticipated.

ALTERNATIVES CONSIDERED: None.