

**Kansas Department of Wildlife, Parks and Tourism
Commission Meeting Minutes
Thursday, January 10, 2013
Butler County Community College
Clifford/Stone Community Room, 901 S Haverhill Rd, El Dorado** Subject to
Commission
Approval

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

The January 10, 2013 meeting of the Kansas Wildlife, Parks and Tourism Commission was called to order by Chairman Gerald Lauber at 1:30 p.m. at Butler County Community College, El Dorado. Chairman Lauber and Commissioners Debra Bolton, Don Budd, Randy Doll, Tom Dill, Roger Marshall and Robert Wilson were present.

II. INTRODUCTION OF COMMISSIONERS, STAFF AND GUESTS

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

III. ADDITIONS AND DELETIONS TO AGENDA ITEMS

Sheila Kemmis – Rick Martin will be presenting Workshop Session item No. 2 instead of Linda Lanterman.

IV. APPROVAL OF THE October 18, 2012 MEETING MINUTES

Commissioner Roger Marshall, moved to approve the minutes as presented, Commissioner Randy Doll, second. Approved. (Minutes – Exhibit B).

V. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

Carla Fisher, Interim President, Butler County Community College – We built this facility two years ago for this reason, to invite people to campus. From Noah: don't miss the boat; all in the same boat; plan ahead; stay fit; don't listen to critics; build future on high ground; for safety travel in pairs; don't have to be fast; arc was built by amateurs, Titanic by professionals; and always rainbows. Thanks for coming here.

Gary Ball – farm northeast of lake – Not 65, but glad for new bill that says I only have to buy one combo for revenue, good thing for state. Crossbows, had injury in stand with compound bow, appreciate law, great thing for me. Introduced crossbow to seniors, family and youth; expect a couple of them to take up deer hunting now. Would like to see younger people, especially women, given a chance to shoot a crossbow because they aren't as strong. Coyote hunters, I don't hunt coyotes, but friends do, saw people shooting out of vehicle window. Like to see no coyote hunting year-round any more. Like to see rifles cased while in the pickup for all

seasons. Like to see five feeders on lake within casting distance of the shore, will increase revenue and bring in more anglers. Can catch two walleye over 21 inches, very difficult because of white perch, change to either two fish limit on walleye with slot limit of 15-21 inches. I know they want big fish to eat white perch; or maybe five fish 15-21, keep four and one over 21 inches. Crappie should have 10-inch limit, hard to clean anything smaller than that. New law on convicted poachers a big thing, but besides punishment don't allow them to be with youth hunting.

Ken Kreif – Zebra mussel control (handout – Exhibit C). Did chemical and biological warfare in military and looked at decontamination of zebra mussels. They continue to contaminate lakes, clean, drain and dry is best message and should apply to any body of water. Contamination increased in Kansas over the years. Found new rule on bluegills and sunfish, as long as caught in non-designated water. If not named contaminated, but is, can spread contamination through the water. Other states understand the moving of water. Using baitfish where taken is a great idea, now allowing bluegills and sunfish. Lake Kahola has own rules to not bring in fish or water from anywhere else. Don't allow any fish transported. Villagers can stay alive 21 days. Doug Nygren – Allow bluegill and sunfish because of private water impoundments, so have no authority to stop that; have 8,000 lakes that we don't even check. Villagers can be moved by water from lake to lake, that is true. Chairman Lauber – Sometimes not practical. We know villagers can be transported in water, but don't know how much coming from water or how much from boats, do we? Nygren – Can also be transported on equipment working in the streams, livestock watering, trying to teach public about dangers of moving water from point A to point B. Commissioner Budd – What if you put boat in water, drain boat when you come out, but don't get one gallon dumped, can pass through that into the next lake? Nygren – Yes. There are safe ways to move water from point A to point B. Kreif – Idaho inspects boats being brought across their borders to make sure, clean, drained and dry. Hot weather will kill them when out of the water. Boats cannot go on Lake Kahola until inspected, and sealed, otherwise put into quarantine. Can stop the spread, but may be uncomfortable to do it. Council Grove infestation plugged water lines to the city, so more than just fishing issue. Commissioner Budd – Expect to deal with this again in the future. Can you work with Doug on that? Kreif – Sure, work with Jason already.

VI. DEPARTMENT REPORT

A. Secretary's Remarks

1. Agency and State Fiscal Status – Robin Jennison, secretary, presented this update to the Commission. Recap of previous meeting, presented budget, asked to take off 10 percent of EDIF funds which go to parks and tourism, took totally out of parks for 2014 fiscal year. Our hope is park passport will increase revenues to parks. Some changes, states fiscal picture is better than anticipated, revenues in December may have been because of potential federal tax increases. More importantly Governor is most likely to propose, similar to last year, revenue neutral package. Take away tax credits and expect revenue hole that was projected to not happen; should know next week at Governor's state of the state. Park passports are working fairly well so far, hope to meet our projections of 10 percent of cars and light trucks. If you compare this fiscal year to last year, going into this period with \$400,000 to \$500,000 in reserve and not counting potential money in cabin fee fund. Had to borrow from road fund last year and hope to not have

to do that this year. Think we have done something significant with the parks. Hope to add revenue from 65 and over hunters. Also, looking at ways to market licenses (not increase fees), make easier to buy, like an affinity card, and smart phones.

2. 2013 Legislative Update – Chris Tymeson, chief legal counsel, presented this update to the Commission. Monday will start 2013, beginning of two-year cycle so bills that don't make it out will be alive next year. One bill about vessel registration caps, that didn't make it last year. Number one item, constitutional item that passed in November, so vessel taxation comes due in January; now 30 percent, hope to decrease, next year 20 percent, then 10 percent then zero. Fiscal impact based on those in regards to school finance. Time limitation on blood alcohol changed, proposing three-hour period instead of two-hours. Boating education now has grandfather clause date, it says, January 1, 1989, but those over 21 don't have to have it; remove over 21 from bill and just leave date, so that anyone born on or after Jan. 1, 1989 would need to have boater education. Have deer hunter youth hunt of a lifetime permits, but have received a number of requests for disabled combat veterans permit, proposing setting aside 10 for those, as well. Potential of regulation captive cervids again; department wants captive cervids, Animal Health controls them and wants to cooperate with us on enforcement of the program, have concerns with the spread of CWD to wild deer herd. Model language on constitution hunt, fish and trap, proposal submitted to me, expect to be placed on ballot in November 2014. Also threatened and endangered species act possible changes. Commissioner Bolton – What does constitutional right to hunt, fish and trap look like? Chairman Lauber – Reaffirmation that basic right in Kansas, makes it harder for non-hunting groups to come in. Tymeson – Statutory right to hunt now, standard of how you have to pass regulations currently, don't know if passing constitutional right would change that and if it is least restrictive. Commissioner Doll – Who is bringing this forward? Tymeson – NRA, but is a national effort. A wave that is coming and it depends on how you write it and how court system interprets it. Commissioner Doll – What is department's position? Tymeson – Suggested revisions and if that is done, we could support.

Doug Phelps, Manhattan – Wildlife Violator Compact, concern if made constitutional could compromise state's rights? Tymeson – Rights can be restricted.

Ron Klataske – On threatened and endangered (T&E) changes, more about that and what is reason for it? Tymeson – Deals with permits and mitigation and primarily two areas: metropolitan areas moving into critical habitat and nexus that brings in our dept, we comment on and only time we comment on T&E, some feel mitigation is excessive; last year in Johnson County, red-bellied snake habitat and in the southwest a lagoon project required mitigation. So mitigation is the issue. Klataske – Is mitigation really ominous or people just don't want to slow down? Tymeson – Johnson County was more governmental issue, but no good answer to your question. Klataske – Need more detail to argue in legislature. If mitigation has worked out, or become win/win. Greater concern is if that goes into legislature, risk is that the whole T&E act will be eviscerated. Tymeson – Six to eight years ago there was an attempt to do that; should be well discussed. Klataske – Hope Commission proactively discusses this. Chairman Lauber – We haven't been asked to take a position? Tymeson – Not until an actual bill is introduced. Chairman Lauber – Ron has good point, stay on top of this.

Tim Donges, Quality Deer Management (QDM) – One issue of road hunting problem, any

intention of something to help us in field with law enforcement? Tymeson – Discussed last year, new ways to combat poaching, department has authority on coyote hunting as discussed earlier, other things being discussed internally on some of these items and expect on next commission agenda as general discussion item. Donges – Look forward to discussing this problem we are having, don't forget about these items.

Commissioner Wilson – On vessel registration tax, mentioned at 30 percent, then 20 percent, then 10 percent, ever see it ever going to zero? Tymeson – That is our proposal in 2016 to be zero. Commissioner Wilson – Legislature won't pass zero will they? Tymeson - Expect counterproposals. Commissioner Wilson – What would replace this if revenue is taken away from counties? Tymeson – Talking about \$130 a boat to county, percentage of overall budget that makes a difference on. Commissioner Wilson – What about length of vessel for taxation purposes? Tymeson – Potential option, but Department of Revenue would like as simple as possible. Counter-proposals could come up. Commissioner Budd – About \$1.6 million in revenue? Tymeson – That is \$1.6 million in school revenue, \$10 million in statewide tax. Commissioner Doll – Spread out now? Tymeson – Spread over 105 counties. Commissioner Doll – How can revenue be offset? Tymeson – If we do not take to zero; if competitive those registering out of state, could come back and even buy new boats. Chairman Lauber – No new revenue, but get sales tax from sale of boats. Commissioner Doll – How many vessels? Tymeson – About 10,000, Oklahoma has about 5,000; don't know exact number from Missouri.

Doug Phelps – Department have any projection on increased registration and federal funds? Tymeson – Department gets federal funding for coast guard on number of boats registered, 50/50 match. Don't have projection on that, have to have increased registration fees or increased registration of boats registered in other states. Encourage people to do what is legal. Secretary Jennison – Could make more revenue for some counties, if not zero; but expect to sell more boats and have more boats on our lakes. It will be doing something positive to Kansas economy. Also, what service is local government doing for boats? And that is what we are going to be talking about. There are positive things that will happen if zero tax on boats.

B. General Discussion

1. Commissioner Permit Update and Drawing – Keith Sexson, assistant secretary, presented this report to the Commission (Exhibit D). We will draw for permits when this is over, but give update first. This is eighth year we have held drawing for Commission Big Game Permits since that first drawing in 2006. There can be one elk, one antelope or up to seven deer permits issued with a limit of seven total permits. Once issued, the organizations can then sell or auction the permits off as fundraising efforts. After the permits are sold by the organization, 15 percent can be spent at the organization's discretion and 85 percent of the proceeds are sent to KDWPT to be used on approved projects. After the projects are approved, the money is sent back to the organization. Qualified applicants include local chapters of nonprofit organizations based or operating in Kansas that actively promote wildlife conservation and the hunting and fishing heritage. An organization or chapter is eligible to receive a permit only once in a three-year period. Since 2006, permits sold for \$218,705.56 with 699 eligible applicants. Last January, one elk and six deer permits were issued to two National Wild Turkey Federation (NWTf) chapters, two Ducks Unlimited chapters, two National Rifle Association chapters, and one Rocky

Mountain Elk Foundation chapter. For the 2013 permits, 86 eligible applications were received. Drawing Winners (Exhibit E):

Commissioner Robert Wilson – (1) – #83 Friends of NRA Douglas County #27, deer.

Commissioner Roger Marshall – (2) – #20 NWTf Northeast Kansas, elk.

Commissioner Tom Dill – (3) – #15 NWTf Beloit, deer.

Chairman Gerald Lauber – (4) – #60 Quail & Upland Wildlife Federation Jayhawk Chapter, antelope.

Commissioner Randy Doll – (5) – #35 KAWS State Chapter, deer.

Commissioner Don Budd – (6) – #33 NWTf Chisholm Trail, deer.

Commissioner Debra Bolton – (7) – #66 Crawford County 4-H Shooting Sports, deer.

Mike Pearce, Wichita Eagle – In some states funding goes to conservation for that state, for instance big horn sheep in Montana goes to big horn sheep conservation. Anything like that? Sexson – Use for approved projects. Pearce – Can we provide list of winners? Sheila – I provide to information services for website or anyone can call me to see who the winners are.

2. Public Land Regulations – Brad Simpson, public lands section chief, presented this report to the Commission (Exhibit F). Under no alcohol restrictions: remove Rocky Ford Fishing Area; and add LaCygne Lake and WA. Non-toxic shot – statewide add designated dove fields. Under No Motorized Boats, error, don't remove Elk City WA-Widgeon and Simmons Marshes, but add Housemound Marsh. KAR 115-8-23 bait, hunting – definition of baiting - A possible issue is the department-managed dove fields under the current definition; and KAR 115-8-2 blinds, tree stands, and decoys - clarifying or defining stands and blinds, current regulation refers to only tree stands. Commissioner Wilson – On 8-23, is problem because you scatter seeds? Simpson – Yes, scatter sunflower heads.

C. Workshop Session

1. Agritourism Regulations – Chris Tymeson, legal counsel, presented this report to the Commission (Exhibit G). Discussed before, but when Governor issued ERO #36 in 2011, and authority in SB 316, which merged the Division of Travel and Tourism into our agency, an oversight left out agritourism, which was not technically part of tourism. With agritourism there are a lot of duties and liabilities that come with that. Statutes are renumbered and cleaned up and we will be presenting those regulations to you for your review and approval. Basically clean up issue.

2. Camping and Utility Fees – Rick Martin, state park manager, presented this report to the Commission (Exhibit H). KAR 115-2-3, subsection h, looking at short-term storage. Selected five state parks for pilot program; charging \$50 per month at each of these locations for storage. Trying to provide customer service to more remote areas, customers can leave boats and RVs in these storage locations. No storage facilities within five miles except North Shore bait shop at Webster and we have spoken to them and they are not upset with this. Commissioner Budd – What about Kanopolis and Glen Elder? Martin – No problem at Kanopolis, I didn't talk to Glen Elder owner. Don't want to hurt private enterprise. Commissioner Doll – What is \$125 listed in regulation? Martin – Statute allows up to \$125, but that is too high. Commissioner Budd – How do we plan on storing these? Martin – Gravel, fenced in area. Don't expect 100 percent

occupancy. Commissioner Budd – Have locations at all five places? And costs? Martin – Yes. Cost about \$3,000 for gravel and fence. Commissioner Doll – No lights or security fences? Do you think people will leave unprotected property? Martin – They do now. Pearce – Why is this called short-term parking? Martin – That is the way it is listed in the regulation. Commissioner Budd – Take \$15,000 fiscal risk for potential of \$99,000 a year? Commissioner Dill – Do nine months a year or year-long storage? Martin – Expect year-round. Commissioner Doll – As long as we don't compete against private individuals, have no problem with this. Worked on lease agreement yet? Martin – No, gave Chris language. Commissioner Doll – Put in something about cost of hauling it off if they don't pay.

3. Deer 25-Series Regulations - Lloyd Fox, big game research biologist, presented this report to the Commission (Exhibit I). The regulation (115-25-9) contains season dates. One item this year, from SB 314, the department has been directed to develop a pre-rut white-tailed deer antlerless-only season. Season dates suggested for deer hunting during 2013-14 are as follows: Youth and Disability - September 7-15, 2013; Early Muzzleloader - September 16-29, 2013; Archery - September 16-December 31, 2013; Pre-Rut WAO - October 12-13, 2013; Regular Firearms - December 4-15, 2013; Extended WAO- January 1-12, 2014; Special Extended WAO- January 13-19, 2014; and Extended Archery (DMU 19) - January 20-31, 2014. Eliminated early deer management season in DMU 19 and in order to allow same number of deer days included DMU under special extended WAO-firearms. Not considering any additional units to include more than one antlerless permit other than ones last year. Chairman Lauber – On pre-rut, are we using existing game tags? Fox – Yes, use permits they have, special permits are use it or lose it permit, but decided to allow them to use any permit they have to take antlerless whitetail, for better flexibility of hunter. Chairman Lauber – How many years mandated to have this season? Fox – Two years I believe, 2013/2014 will be first year of pre-rut hunt. Chairman Lauber – Figure out area where mandated area might work? Fox – It will be statewide in 2013. Commissioner Dill – Can hunt with firearm with archery tag in this pre-rut season? Fox – That is correct. Commissioner Dill – Why that weekend? Fox – Moved archery opener in 2008. Tried to find weekend when there was a break in system. Felt October 12 and 13 were best dates. Confusion before change made in 2008, during review process in 2006 and 2007, cleaned up and started archery season same time as early muzzleloader season. Commissioner Budd – Any idea what drought is doing to deer herd? Fox – Using spotlight surveys and KDOT information and asked personnel for information on populations, so expect data from those before this comes back to you in March and will have preliminary estimates on deer harvest. Appears EHD has spotty distribution; effect of drought even harder to estimate, fawn recruitment is best place to pick that up. Commissioner Budd – Not affect entire unit, maybe part of unit? Drought statewide and more or less of a problem than EHD? Fox – Yes, parts of unit. On drought, just don't know. Deer move a great deal more than in other parts of North America and move to water, food and cover. Commissioner Budd – Suggest tourism promote “toughest deer in country.” Commissioner Doll – Matt Bain sent email said he requested deer committee meeting minutes and got BG report? Fox – Don't know, expect got big game report. Expect refers to 4-4 in next regulation. Those are long in-house discussions. Isn't deer committee all KDWP staff? Fox – Ten employees from law enforcement, fish and wildlife and administrators. Secretary Jennison – Deer committee and staff recommendations, same, but deer committee looks at it, then staff managers makes recommendations. Fox – Matt has what came from deer committee, but staff recommendation comes from whole department after going through managers. Commissioner

Marshall – What is goal of deer management in state? Would like to have 10-15 minute presentation on deer management, with bullet points. Fox – Have had decades of strategic planning on big game objectives, spelled out in older publications, now strategic plan is broader. Maintain healthy population, surviving in habitat and at level people will accept. That is why we run human dimension surveys. Done since 1965, a consistent program.

4. Deer Permanent Regulations - Lloyd Fox, big game research biologist, presented this report to the Commission (Exhibit J). KAR 115-4-2, KAR 115-4-6 deer and KAR 115-4-11, have no change recommendations. We will have changes to KAR 115-4-4 big game; legal equipment and taking methods, which is still in discussion phase. Attempting to make regulation broad enough to not have to come back every year with changes. In review process, look at draw weights and restrictions on archery and crossbows and felt we could remove those restrictions. Looking at allowing archers to use mouth tab or other body parts to allow them to draw the bow. Lot of input on crossbows, pilot program required by state legislature, put in four of our deer management units and have surveyed those people; 72 percent completed survey from January 1 to today. Most information was positive. Have results, but bottom line is people using crossbows are both firearm and compound bow users prior to this year; 71 percent used firearms, and 60 percent used compound bows. Of those, 89 percent took deer with firearm first time in their life; 75 percent had taken deer with compound bow. And 30 percent went out and bought a crossbow in last 12 months. Majority indicated they would use crossbows in future and indicated that it would be preferred deer hunting weapon. Also, ran resident deer hunting survey on archery deer permit or any-season permit and history of using archery. One question was if crossbows were detrimental to their season: 46 percent indicated it would probably not be detrimental to their hunting and 37 percent said it would be. In 4-4 recommending significant change for use in big game archery seasons, not restricted to a particular age or disability. Also, looking at simplification of muzzleloader specifications, minimum size of 0.40 inches in diameter. With shotgun and slug, allowing all gauges of shotguns with a slug for taking big game animals. Simplification would allow use of .410 for big game hunting, which is similar to smaller muzzleloader. These changes allow hunter to choose option on equipment they will use. Removed section on possession of equipment and most restrictive big game permit the person had. Clarified language on sound suppression and possession of handguns to fit state law on concealed carry and possession of handguns. Similar to allowing field points even though it is prohibited to deer hunt with them. Still a restriction of sights that magnified thermal energy as means of detecting target and cleaned up language to make easier to understand. Allow greater flexibility of equipment to use. Allowing range finders, film and video cameras, and radio frequency device to help retrieve wounded deer. Chairman Lauber – Would eliminate caliber limitation? Fox – Yes, would allow centerfire rifles. Pearce – Any centerfire? Fox – Yes. Pearce – For this fall? Fox – Yes, this fall. Some states have made the change already to allow all centerfire rifles. To minimize and simplify, hunters select equipment that will be best for their use, they don't select inferior equipment; places burden of decision on them. Commissioner Budd – Controversial no matter what you do, but simplifies for law enforcement, don't have to check bullet and size of caliber. Hunters will pick best caliber and equipment for them. Good job of simplifying. Feel at disadvantage, when refer to survey would like to have copy of the survey, number of who responded and who came up with questions; just a summary in front of us. Fox - Can provide results to Sheila and she can provide to you or put results on website. Pearce – Chris, where are we at in process? Recommend, discussion in March? Tymeson – March will be

vote on this regulation. Chairman Lauber – Controversy at previous meetings is unlimited use of crossbows and allowing smaller caliber rifles. Also, gadgets attached to arrows were less controversial. Doug Phelps – On crossbow, are you eliminating draw weight, or are there any restrictions on crossbow now? Fox – Currently have restriction on draw length and length of arrow. Phelps – They make a crossbow pistol that will draw 20- to 30-pounds, needs to be full scale crossbow, not those. On firearms, any restriction on bullet construction in regulations, like military balls? Fox – In 4-4, has to be expanding-type of bullet or soft-class lead. Chairman Lauber – I could hunt with .25 caliber pistol legally, but I wouldn't do that; understand the issues, but new ballistics are continually coming out. Chairman Lauber – Simplification could be problematic, but positive reasons to support and propose this regulation. Commissioner Doll – How many states have caliber definition? Fox – Don't know. Chairman Lauber – About half centerfire and half caliber restrictions, I think. Commissioner Marshall – How did you decide to extend season on crossbows? Fox – Public desire to use new types of equipment; ease of use; accuracy; longer. Commissioner Marshall – Why recommending it? Secretary Jennison – If you would ask staff if they personally agreed with every one of these, they won't. Why agency did it - primary reason is we're losing hunters and anglers and need to get people outdoors, new hunters, give older people and young children chance to hunt. Type of weapon you use is your personal ethic, not our job to tell you what your personal ethic should be. Most of our hunters know their abilities. Need to show confidence in our constituents and feel they will pick proper weapon for their skill level. Don't think it will harm our natural resources. Some regulations are so closely defined and new equipment comes in every year and we have to adjust regulations to fit. Crossbow is another tool to get someone out hunting. Chairman Lauber – Last year in January decided not to allow crossbows, almost crammed down our throats legislatively. Need to deal with it ourselves. Pearce – You said that last year, why you wanted it limited to 55. Chairman Lauber – Felt 55 would fit constituents; decided to do nothing and had to do something to avoid legislative statute. Commissioner Marshall – What do bowhunters think? Marvin Whitehead, President of Bowhunter Association – Deep down, don't want crossbows, but feel there is a place for them. There are a lot of youngsters who don't belong in the woods yet. Did you ask any hunters if this was their first year hunting? Fox – Did recruit some new. Commissioner Marshall – How would this be detrimental to bowhunters? Whitehead – More for guys limited to public hunting areas. I have a few acres of private hunting ground to hunt on. Commissioner Marshall – Does crossbow have unfair advantage over compound bow? Whitehead – Have never shot one so don't know. Phelps – Biggest advantage, cock crossbow on Friday and shoot it on Sunday, not a compound bow. Also, can shoot from solid rest. While making it easier; have devalued the hunting permit product. Commissioner Marshall – Any fear detriment of trophy class herd? Whitehead – Not that big of a detriment, people will do what law will allow. Chairman Lauber – What relayed over last several years, easier to use and easier to become proficient at; also felt more competition in archery season. Commissioner Budd – Mandated to a point by legislature, shot crossbow first time this year, easier to learn, but heavier and more cumbersome, for me personally more comfortable with compound bow. No downside to harvest or detriment to population. We need to do whatever we can do to encourage youth to hunt. If we simplify equipment may not get involvement of legislature. Fox – Didn't see any detriment this year at all, took more antlerless deer than antlered and about same success rate. About 3 percent were new of 345 people (about 11 people). Ron Klataske – As landowner, concern about poaching because of silence factor. Chairman Lauber – Can poach with crossbow now. Commissioner Dill – Least efficient way to poach. Bob Griffith, Lebo – Bowhunting since

1996, on public hunting, did not see one mature doe this year, only two bucks, small ones. Already issues of doe harvest and access on public grounds, will create more issues; not near as much on private grounds. Chairman Lauber – There are 2-3 items that will come up at March meeting. Tymeson – Had someone weigh in on centerfire, in favor of it. Expect grassroots bill will be presented again this year. Tenor of legislature has shifted this year. Don't want statutory mandates that we couldn't pull back from ourselves. Commissioner Wilson – Spoke to Missouri hunters, went through all of this and now hunt with rifles during rut. Going on so long now, it is a culture commissioners don't know how to change. If being pushed by industry and legislature; will end up hunting rifle season in rut, they didn't think it would happen, but it did.

Commissioner Marshall – Why not make some compromise of season, why jump from nothing to whole archery season? Fox – Trying to keep it simple, to not cause problems. Don't feel crossbow will change harvest or quality of the deer. Commissioner Budd – Regulation 4-4 will be voted on as one vote in March. Potential of a lot of amendments because of so many items. Tymeson – Can make motion to amend, regulations were turned in today to Kansas register, best option it to let me know in advance. Can make at meeting, but make specific as possible, some legal constraints were passed by legislature a few years ago. Commissioner Bolton – Like idea and flexibility for hunters to choose equipment. Commissioner Marshall keeps talking about trophies' going down; I only shoot does, but didn't hear you mention trophy numbers going down. Phelps – What is difference of pilot program being thrown under the bus and go with this recommendation? Didn't even take one year of pilot program and already developed strategy to go beyond that. Commissioner Dill – An emotional issue and prefer proactive instead of reactive. Like to simplify regulations, bottom line is not limiting anyone's choice, whether you personally do or don't. Phelps – Drawing conclusions that may or may not be correct. Chairman Lauber – Not hurting resource, but whether sociological acceptable or not is question. Phelps – I am saying we don't know. Not limiting discussion, but being repetitive. Pearce – Why making everything legal, less and less in regulatory process, Robert may be right. Worried about what legislature is going to say. Asked people for years to come and get involved and don't see the reason for that with passing everything. Commissioner Budd – What would you suggest? Where is the line? Pearce – Frustrating to see department go one way and then one year later, flips. I hear from people that you shouldn't go to the meetings, because their minds are already made up. Commissioner Marshall – Not true, my mind is not made up. Commissioner Budd – Dealing with several moving parts in one regulation, don't expect it passing as recommended. Personally would like email or call on suggestion they would like to see; got to deal with reality. Chairman Lauber – Our job is to recommend or approve and most of these are vetted by full-time staff. Staff has spent a fair amount of time trying to figure out what to do to create opportunity. I am motivated by what legislature is going to do, would rather vote for it myself. Some of these items have a lot more thought than just what comes out here, we can't call each other and talk about it. Commissioner Bolton – Trying to balance science, politics and what people want and trying to be fair. Pearce – But politics wins. Secretary Jennison – It troubles me if you think legislative politics is guiding this commission or it doesn't do any good for people to come address this commission. Important to bring up political issues, don't rubber stamp this and staff makes recommendations. Don't think it is the case to not have constituents come. Fox – Discussed 4-13, legislature in SB 314 directed secretary to come up with combination antlered/antlerless permit and have recommendations and legal counsel has determined it can be handled in 115-2-1 so we will close 115-4-13.

Tymeson - Representative John Grange is here and he has been a true friend to the department, ran for Senate and not elected.

5. Antelope and Elk 25-Series Regulations – Matt Peek, furbearer biologist, presented this report to the Commission (Exhibit K). This regulation (KAR 115-25-7) Surveys scheduled for next week, nothing new for Commission.

Elk (Exhibit L): This regulation (115-25-8) waiting on surveys, January 18 is scheduled Fort Riley survey. Sold 40 permits in addition to 25 Fort Riley permits. No substantial changes to season structure or regulation from previous years.

6. Fall Turkey – Jim Pitman, small game biologist, presented this report to the Commission (Exhibit M). We are recommending to increase consistency in the fall turkey season dates from one year to the next and minimize confusion. Currently, the fall turkey season is closed during the regular firearm deer season and the extended firearm deer season; it is open during the early firearm deer season (DMU 19) and the special extended firearm deer season and has created confusion.

Pitman - In April or June need to discuss 115-4-11, application deadlines needs to be updated to add new units that were added.

7. Turkey Permanent Regulations – Jim Pitman, small game biologist, presented this report to the Commission (Exhibit N). The regulation contains the following items: legal equipment for hunting wild turkey; accessory equipment such as calls, decoys, and blinds; shooting hours; special restrictions prohibiting shooting at turkeys while they are in a tree; and the use of dogs while hunting turkey during the fall turkey season. The department is recommending that the definition of legal equipment be expanded to include all shotguns and muzzleloading shotguns of not less than .410 bore diameter. Currently, not less than 20 gauge are legal equipment. Chairman Lauber – Any controversy on using 410? Pitman – Discussed for years and pretty good support internally so that is why we are discussing.

Pearce – Altering youth when season opened on public areas? Pitman - Decided to handle by doing it by posted notice on public hunting areas.

VII. RECESS AT 5:20 p.m.

VIII. RECONVENE AT 7:00 p.m.

IX. RE-INTRODUCTION OF COMMISSIONERS AND GUESTS

Chairman Lauber – Welcome former commissioner and new Representative Will Carpenter. Will Carpenter – Thanks for coming to El Dorado and Butler County.

XI. DEPARTMENT REPORT

X. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

Ernie Condon – During any species hunt, went to Colby, got three deer. Got stopped by game warden and got outside of Great Bend, highway patrol did game check, antlerless only tag, put wrong tag on deer. Had me remove deer from truck, loaded it up and gave me receipt in case I wanted to pick it up. Looked in wallet, had HIP stamp, several tags, a pocket full of green tags. I was wrong, tried to get this resolved, could never get appointment with prosecuting attorney; \$500 fine and \$1,300 grand total, \$200 was for diversion. Felt like a criminal, had no intent to break the law; tried to hire a defense attorney, \$1,000 up front and didn't want to take the gamble. My issue, you bear responsibility for this also, called Pratt and talked to person responsible for the tags; the fine print is hard to read. Tymeson – Some information is required to be there by regulations, size of paper and font don't know. Commissioner Marshall – Can make an effort to improve them. Tymeson – Need to talk to licensing. Cindy Livingston – Set field size on form. Secretary Jennison – Will take a look at it and see if there is a better way.

XI. DEPARTMENT REPORT

B. General Discussion (continued from afternoon)

3. Lesser Prairie Chicken Federal Listing Briefing – Keith Sexson, assistant secretary, presented this update to the Commission (Exhibit O). Here to update you on status of lesser prairie chicken (LEPC) listing and range-wide management plan being worked on by the five states (Colorado, Kansas, Texas, New Mexico and Oklahoma). The final rule will be announced on September 30, 2013. As the result of the listing proposal, public hearings are being held with the next one on Thursday, February 7, 2013, 6:30 p.m. – 8:30 p.m. at the Garden City Community College, 801 N. Campus Drive, Garden City. This plan will be presented to the USFWS in March 2013, so that it can be considered before a final listing is announced. Jim Pitman, Mike Houts and Eric Johnson have been working pretty hard on this and the other states equally as hard.

Jim Pitman, small game biologist, presented this report to the Commission (Exhibits P, Q). Service proposed threatened rule, comments in 90-day period, due March 2013. Deadline at end of March plan is due to be complete. If final ruling in September, statutes will take effect 30 days later. First objective is to secure future of LEPC through voluntary efforts. Coordinated by lesser prairie chicken working group, each of the five states has a member. Contractor coming out of Montana to write the plan. Three working groups: science, voluntary off-set committee; and conservation banking committee. Had team meeting in Kansas to involve NGOs, landowners, etc. Will manage species on larger scale once this is all complete. Soliciting public comment. Major products that will come out of plan: range-wide population and habitat goals, best location for conservation and energy development, consistent method to quantify habitat to estimate losses and gains; and fill research gaps. Set population goal at 66,000 birds, estimated population is 37,000; drought is significant factor in decreased population. To support population goals: focal areas set to target voluntary conservation; and set priority areas for energy development. Followed guidelines to keep birds outside focal areas as well as within the focal areas; may use eco-regional areas to maintain densities. Considered existing populations; high potential restoration areas; and avoided energy development conflicts. Reviewed and modified by state implementation team and made presentation at public meetings. Need 6.3 million acres, but have selected 8.9 million areas; will shrink areas. Have 5.5 million acres in Kansas, may need to

increase in other states. Connectivity zones will bridge gaps between focal areas; maintain 40 percent of suitable habitat. Need to quantify habitat, so worked with science team to come up with set of metrics to do that; identify baseline acres, apply buffers to energy features and other negative features, calculate acres not affected to come up with baseline. Apply multiplier to habitat units to downgrade: ecological site description; vegetation quality; and result in unweighted habitat units. Landscape position used to weight habitats by conservation priorities. Fourth thing to apply would be duration multiplier to further weight for impacts; will guide conservation efforts to protect species. Commissioner Bolton – Do you think LEPC should be listed? Pitman – Think it would be a detriment to the species. Commissioner Marshall – What is detriment? Pitman – To whom? Could hurt energy, but don't know how it would impact landowners. Tymeson – Federally funded project or one funded by another agency could result in litigation. 4D rules, can have incidental take. Commissioner Dill – Listing was more to slow down oil and gas industry. Chairman Lauber – Encouraged from environmental interests. Pitman – Some of those environmental entities are who got the petition going to get this listed. Tymeson – Two major groups that do endangered species litigation entered settlements; suing Service on two issues. There are 250 species including three game species. Suit went away in Colorado. Chairman Lauber – Do we assume they will be listed? Pitman – Hope not. Chairman Lauber – Not that great of decline in Kansas? Pitman – Look back to 1997, increase north of Ark River, same in central, declined in sandsage prairie. Chairman Lauber – Can we get left off this? Tymeson – Depending on 4D rules, it would be difficult. Commissioner Doll – How did they go from 8 to 2, states disagree with that? Pitman – What is driving it is wind and oil and gas production. Commissioner Doll – Working with wind companies, receptive or not receptive? Pitman – Working pretty well with us, rather do voluntarily than have to work with the feds. Ron Klataske – Saw opinion piece in Wall-Street Journal. Can't speak for groups that brought action, but have broad knowledge and motive is concern that species heading towards being biologically endangered. Don't want LEPC to go same way as Atwater Chickens. Greatest benefit of attention to species is management and conservation plans being put together and NRCS working with landowners. Devoted to habitat needs. Chairman Lauber – Kansas is not same as other states. Klataske – Not increasing, expect CRP numbers to drop. Plans may help to retain priorities, not waste of resources. Mike Pearce – Mentioned special habitat programs that some are trying to encourage landowners, correct? Pitman – NRCS second year of program and Farm Service working on CRP.

4. Upland Bird Regulations – Jim Pitman, small game biologist, presented this report to the Commission (Exhibit R). The intent of this discussion will be to provide some information about how a listing of the lesser prairie-chicken as a federally threatened species might affect prairie chicken hunting regulations for the state. Specific items that will be discussed include how a federal listing might affect our ability to hunt populations of solely lesser prairie-chickens and populations where both prairie chicken species co-exist. The U.S. Fish and Wildlife Service is scheduled to release their final ruling on the listing status of the species by the end of September 2013, but there is a possibility for a six-month extension on that decision. May have to delineate greater and lesser prairie chicken habitats.

D. Public Hearing

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

1. KAR 115-9-8. Migratory bird harvest information program; requirements, exemptions – Mike Miller information production chief, presented this report to the Commission (Exhibit T). SB 314, changed exemption age for senior licenses. HIP stamp required by anyone who needs to have hunting license, related back to statute and cleaned up, not stamp so changed wording. If hunting migratory birds required to have HIP stamp, duck stamp and license.

Commissioner Debra Bolton moved to approve KAR 115-9-8 before the Commission. Commissioner Don Budd seconded.

The roll call vote on KAR 115-9-8 as recommended was as follows (Exhibit U):

Commissioner Bolton	Yes
Commissioner Budd	Yes
Commissioner Dill	Yes
Commissioner Doll	Yes
Commissioner Marshall	Yes
Commissioner Wilson	Yes
Commissioner Lauber	Yes

The motion as presented KAR 115-9-8 passed 7-0.

2. KAR 115-14-14. Falconry; taking, banding, transporting, and possessing raptors. – Mike Mitchener, wildlife section chief, presented this report to the Commission (Exhibit V). Issue with one of new falconry regulations that was in conflict; voting on this to clean that up. The issue deals with banding and marking of required to be placed on captive bred raptors. Ron Klataske – On behalf of Audubon of Kansas, need to put new provision that allows and directs KDWPT to manage raptor species by species and not put in one big group. Some species are in jeopardy that we are allowing falconers to take; ferruginous hawks, close to extinction as nesting species in state of Kansas. At one point there were 26 nesting sites in Wallace County, now all gone because prairie dogs are gone. The department doesn't know what birds are being taken or by who. Beneficial to put it in there to manage species. Nine states list as SINC and six list as imperiled. No allowance of golden eagles being taken, but should close door on that. Chairman Lauber – Why would someone from Indiana come to take a ferruginous hawk? Klataske – Can't get them there, also one of the biggest hawks. Not opposed to falconry but don't want to see it imperiling species. Chairman Lauber – Vote, but look at this; rules written to go with federal ruling. Mitchener – Average between 20-30 falconry trapping permits and do send a report card with those permits and get back as much information as we can. Commissioner Marshall – Anyone trap ferruginous hawk that you are aware of? Mitchener – One from Iowa; some came from Indiana but don't know if they were successful. Commissioner Bolton – Can report. Klataske – Filed freedom of information act and it said unknown species. Need to be interested in being best stewards we can be. Move on this and take a look at it over next few months or so. Mitchener – Believe people that trap, do federal report and one of features in new regulation is

new online federal data base (federal 3186a forms).

Commissioner Roger Marshall moved to approve KAR 115-14-14 before the Commission. Commissioner Tom Dill seconded.

The roll call vote on KAR 115-14-14 as recommended was as follows (Exhibit W):

Commissioner Bolton	Yes
Commissioner Budd	Yes
Commissioner Dill	Yes
Commissioner Doll	Yes
Commissioner Marshall	Yes
Commissioner Wilson	Yes
Commissioner Lauber	Yes

The motion as presented KAR 115-14-14 passed 7-0.

XII. Old Business

None

XIII. Other Business

A. Future Meeting Locations and Dates

Commissioner Doll - Invited to Winfield to Southwestern College. Chairman Lauber - Would like to go to Yates Center.

March 21, 2013 – Topeka (History Center)
April 25, 2013 – Wichita – (GPNC)
June 27, 2013 – Garden City (Lee Richardson Zoo)
August 1, 2013 – Great Bend (Cheyenne Bottoms)
October 17, 2013 – Hutchinson to have Tourism element
Possibly January 2014 – Yates Center
Possibly June 2014 - Winfield

Commissioner Marshall – Why mow right-of-ways? Chairman Lauber – Not our issue. Bob Griffith – Work for KDOT and it is a visibility issue. Secretary Jennison – Will get you a report which was put together by Secretary Deb Miller. Ron Klataske – Article in current magazine on that, Sec Deb Miller organized Esthetics Task Force, there are 212 management units in KDOT. Commissioner Dill – Can we change meeting times? Tymeson – Okay if we hadn't posted March meeting in federal register already. Keith Sexson – Can set aside some of briefings and address true issues.

XIV. ADJOURNMENT

The meeting adjourned at 7:32 p.m.

(Exhibits and/or Transcript available upon request)
Exhibit X – Audubon of Kansas Prairie Wings magazine – Winter 2012/Spring 2013