

**Kansas Department of Wildlife, Parks and Tourism  
Commission Meeting Minutes  
Thursday, June 19, 2014  
Lamplighter Inn & Suites  
4020 Parkview Dr, Pittsburg, KS**

**Approved** Subject to  
**8/21/14** Commission  
Approval

**I. CALL TO ORDER AT 1:00 p.m. CDT**

The June 19, 2014 meeting of the Kansas Wildlife, Parks and Tourism Commission was called to order by Chairman Gerald Lauber at 1:00 p.m. at the Lamplighter Inn and Suites, Pittsburg. Chairman Lauber and Commissioners Don Budd, Gary Hayzlett, 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).

Chairman Lauber welcomed former Commissioner John Fields to the meeting.

**III. ADDITIONS AND DELETIONS TO AGENDA ITEMS**

*None*

**IV. APPROVAL OF THE April 17, 2014 MEETING MINUTES**

Commissioner Hayzlett moved to approve the minutes as presented, Commissioner Wilson second. Approved. (Minutes – Exhibit B).

**V. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS**

*None*

**VI. DEPARTMENT REPORT**

Chairman Lauber – This is Commissioner Wilson’s last meeting and we appreciate all of the effort, sacrifice and commitment he has made to the agency. We agreed most of the time, but not always. I appreciate everything he has done and as a token of our appreciation we have a plaque and a card for him. Commissioner Wilson – It has been interesting, and I have seen a lot of places I didn’t even know existed in Kansas. I came here with the purpose of trying to serve and try to give something back to the people who hunt and fish. This agency has been good to me over the years. I have had the opportunity to do a lot of hunting and fishing in a lot of places and Kansas ranks right up there with the best of them. I’ve got some things I want to do and it is going to take quite a bit of time to do them. I have a buddy in British Columbia where I want to

go hunting for a month and fishing opportunities out of the country; so I will be busy, but if anybody needs anything give me a holler.

### **A. Secretary's Remarks**

1. Agency and State Fiscal Status – Robin Jennison, Secretary, presented this update to the Commission. Before I get started; on behalf of myself and the department I would like to thank Robert for his service to not only the natural resources of Kansas, but the hunters and anglers. One of the things I appreciate about this Commission is the ability to be at the Commission meetings for the last four years, all of these gentlemen have heartfelt feelings for our natural resources and hunting and angling opportunities. The chairman alluded to that we don't agree all the time, but everybody is working from the heart. Appreciate you Robert, and your service to the state.

As we are coming to a close of our fiscal year as well as the state's; we have had our first meeting with the new budget director, Shawn Sullivan who was previously the Secretary of the Dept of Aging. There is not going to be a lot of changes on our budget from the standpoint of Administration. The indication was that they are not going to be asking us for any reduced resources, which is an important fact as the revenues have not come in like the estimates. The economy is still recovering nationally and we are seeing the same thing other states are seeing. We are starting a new two-year budget cycle in earnest; last year the Governor said we were going to have a two-year cycle so we will have the same budget as last year for FY15 starting on July 1; but it wasn't really something the agency constructed. This is the first time we will actually be looking two years down the road to try and develop our budget. The first budget we put together is one that starts a year from July 1 so we will be trying to anticipate costs for over two years out so that is going to create some challenges, but will be good for the agency and the state in the long run. I gave you a shortened version of this document at the last meeting (Exhibit C) and the first one is the park fee fund and I have highlighted what we are looking at; we have been making comparisons since FY11, it has steadily gone up and our balances have increased significantly in part from the two strategies we have had. We have paid off cabins and the gross revenues in our Cabin Fee Fund (CFF) have not come up that much because we have not added any cabins; in FY11 it was \$86,000 and to date \$727,000, so a significant amount of revenue to the agency by paying those off and allowed parks to comply with what the Legislature has done and reduce use of tax money. Originally, parks got their money from State General Fund (SGF) but now is Economic Development Investment Funds (EDIF) money. The last document I want to bring to your attention to is the wildlife fee fund (WFF), previous administrations have done a great job for the department. If you look at this I would guess we will come in around \$23.5 million, less than what we had last fiscal year. Our revenues have not been bad considering just how devastating the weather has been out west and what it has done to the natural resources and the pheasant harvest out there. What Kansas has done over the last 20 years in terms of diversity for hunters and anglers. There are still opportunities for people here and that is proven by the fact that our revenues are still significant and we are still selling licenses and we are going to be able to match the revenue from the Pittman/Robinson (PR) and Dingle/Johnson (DJ) funds. If you look at us compared to other states in the middle of the country we are staying fairly stable. Chairman Lauber – Was it last year that the PR money was elevated because of the gun and ammunition sales? Jennison – The last several years it has been going up. The estimates they made for last year were increased so that still may be the case, not sure when that will level off.

Commissioner Marshall – At our next meeting could we see what that amount of money looks like on a graph like this? Jennison – How much income we are getting? Commissioner Marshall – Yes, the past two or three years, it is nice to know the income streams. Is money going to WFF totally from licenses and game tags? Cindy Livingston – Yes. Commissioner Marshall – That is a testament of the diversity of the hunting and fishing opportunities we have in this state, different than a community who puts all of their eggs in one basket. Jennison – I will have federal aid guys put a graph together of how much federal aid we qualify for; you can make that out from the next part, it depicts when grants actually are sent to get reimbursed from these monies, but I will try to get something more self explanatory. Commissioner Budd - Have we ever designated how many of those fee fund dollars are resident and nonresident? Jennison – We went over 50 percent on nonresident sales the second year I was here, I think we are up to 60 percent in dollar amount. Commissioner Budd – The PFF and CFF are separate things? Jennison – Yes. Commissioner Budd – Whoever is doing that is doing a tremendous job. Jennison – We continue to run parks with a shortage of FTE and we are trying to get those up but are purposely slow at filling positions, but at some point are going to have to get those positions filled. Commissioner Budd – In taking that \$1.7 million to pay off those cabins, you are going to recoup those dollars in no time. Do you project, on resident licenses and tags, that we will continue to see an increase in nonresident tags and a decrease in resident tags? Jennison – We are projecting revenues and will make recommendations based on those. Commissioner Budd – Does that echo with other states, that 50 percent of license sales are nonresident? Jennison – I can't tell you that. I would guess some higher and some lower, but we can find out. Commissioner Budd – Huge benefit in the state for economic dollars as well. Tymeson – Not 50 percent of total licenses sold, but 50 percent of the revenue dollars.

2. 2014 Legislative Update – Chris Tymeson, chief legal counsel, presented this update to the Commission (Exhibit D). Finished up second year of two-year cycle in the legislature: 2013 bills passed and signed by the Governor: SB57 -- related to domestic cervids, which are permitted under the Kansas Department of Agriculture. The bill amended the statute to allow our department to offer assistance in implementing and enforcing laws governing domesticated deer. SB74 -- prohibited the Department of Corrections from producing modular homes, including KDWPT cabins, so we requested an exemption to allow DOC to produce the cabins being placed in state parks, state fishing lakes and wildlife areas. This bill was amended to protect the KDWPT cabin program. Commissioner Marshall – Did we get the exemption? Tymeson – Yes, we did. SB83 – Is a bill I have worked on for the 15 years I have been here and deals with vessel taxation and ultimately had to get a constitutional amendment passed that came back with a statute and we introduced the bill HB2244 and made it into SB83. Last year boats were taxed on 30 percent of evaluation. Next year it will be 11.5 percent and 5 percent in 2015 and thereafter; ultimately one sixth of what it was three years ago. HB2030 –dealt with "Wounded Warrior Deer Permits" which allows us to issue up to 10 permits to disabled veterans. HB2052 – firearms bill that dealt with unlawful discharge of a firearms within city limits, but allowed the discharge of a firearm to lawfully take wildlife if approved by KDWPT and the governing body of the city. Ultimately became much larger firearm-related bill but still includes original provisions related to unlawful discharge. HB2218 – dealt with boating under the influence bill and trying to make BUI and DUI laws for motor vehicles consistent. HB2244 – Became part of SB 83. Senate Resolution 1711 -- This resolution opposed the black-footed ferret programmatic harbor agreement and environmental assessment drafted by the U.S. Fish and Wildlife Service, which

involves black-footed ferrets that were reintroduced into Logan County in 2007. The resolution was referred to the Senate Committee on Natural Resources and passed the Senate as amended. In 2014, we had a number of bills I tracked, usually 100 to 120 bills a session with about 10-20 going to our website that directly impact our constituents or agency in some way. These were passed and signed by the Governor: SB272 – deals with controlled shooting areas and limitation that can be enrolled in a certain county, which was 3 percent, bill asked for no cap but was amended to retain cap but increase it to 5 percent. SB357 – department initiative that dealt with hunter education apprentice licenses or deferrals, each valid for the license year during which it was purchased, was amended to allow two separate deferrals, rather than the proposed three and was placed in conference committee. The conference committee agreed on two separate deferrals and placed provisions of other bills (SB366 and SB370 – land bills which required legislative support). They also included modified provisions of HB2538, which dictates what the department can do with unlawfully taken wildlife parts after awarded by the court. HB2051 - dealing with prairie chickens, passed with minor modifications. Basically, it was a statement opposing the listing of the lesser prairie chicken. Commissioner Marshall – Back to 357, these deferrals of apprentice licenses are those available over-the-counter? Tymeson – It is just an apprentice license, if you don't have hunter education you can ask for that license at vendors. Commissioner Marshall – The state keeps track of how many of those you have? Tymeson – Correct. HB2422 -- cleaned up the definition of watercraft for the purpose of taxation, some boats that were inadvertently left off. HB2578 – broad gun bill that dealt with open carry and things like that and we had one small part that dealt with forfeited firearms to be used by our department for hunter education purposes. HB2595 – dealt with naming two state fossils; the tylosaurus and the pteranodon that are found in western Kansas and we supported this bill because it is important to use symbols to enhance the heritage of our state. We don't have a state fish and would like to see that get passed at some time. There were a number of bills that did not pass: SB50 -- required anyone born on or after Jan. 1, 1989 to complete an approved boater education course before operating a vessel without supervision. Current law exempts anyone 21 or older from education requirements. SB94 -- would have amended the definition of a firearm to exempt antique firearms including matchlock, flintlock and percussion cap muzzleloaders, making it consistent with the federal definition of firearms. SB223 – would have authorized the use of a crossbow by all hunters during big game archery season. Our regulations now allow that. SB281 -- would have removed the redbelly snake and smooth earth snake from the state Threatened and Endangered Species List established under the Nongame and Endangered Species Conservation Act. SB323 -- would have terminated conservation easements, prohibiting perpetual conservation easements. Which could have affected tax issues and many feel conservation easements have their place in protecting natural resources such as wetlands. SB366 and SB 370 -- were the two land bills that ended up in SB 357. SB447 – was the first version of the gun bill that didn't go anywhere. HB2076 -- would have given all honorably discharged veteran who resided in Kansas a free hunting and fishing license/permit, which would have had a fiscal impact on the department plus put that burden on other license buyers by making that pool smaller. Senate Sub. For HB2118 – when the snake bill did not make it out of committee this bill was proposed repealing the Kansas Nongame and Endangered Species Act. It was referred to Committee on Natural Sources and the committee recommended bill be passed. It was placed on Senate General Orders but was stricken from the calendar. HB2362 -- would have significantly amended provisions of the Kansas Nongame and Endangered Species Act again, making it akin to federal law and listed species. HB2473 – was another gun bill that got folded together into

HB2578. HB2538 -- would have amended ownership of wildlife in the state, and is now contained in the conference committee report in SB357. HB2626 -- would have authorized the department to use leashed tracking dogs to track and find dead, wounded or injured big game; which we have been working on since the beginning of the year (before bill was introduced). HB2627 -- would have exempted concealed carry permit holders from requirement of hunter education, which we opposed. HB2694 -- would have required written permission prior to hunting on any private land other than the landowner. Was onerous as even the landowner's children would have had to have written permission to hunt on that property, but some felt it was pro-landowner. HB2737 -- came in very late and didn't get a hearing, it dealt with lions, tigers, leopards, jaguars, cheetahs, mountain lions, bears and all non-native, venomous snakes which we discussed 10 years ago, this would have added nonhuman primates and wolves to that list. I anticipate this bill to come back in some other form. A long session but came out fairly well at the end. Chairman Lauber -- HB2538 and SB357, the one had to do with private ownership of wildlife which was not passed; which one took of the issue of ownership of antlers that were harvested illegally? Tymeson -- It was HB2538, dealt with antlers of unlawfully taken wildlife and was in ownership of the wildlife section of law, which in the North American model of wildlife management that says the public owns wildlife managed in trust by the state, there is a whole long list of case law. That bill passed out fast out of the House, and there were 30 or 31 national conservation organizations came out in opposition to that. Ultimately it is not a question of ownership of wildlife, but a question of the disposition of evidence and what happens to evidence after a court case has been resolved. That is where it came out in SB357 and there are a number of provisions under statute; previously the department only had two options 1) to sell item at a public auction, or 2) can be used for scientific, educational or operational purposes. Now it would allow the department to offer a seized item, if unlawfully taken wildlife parts, to a landowner and added language that we could destroy the items.

## **B. General Discussion**

1. Tourism Update -- Linda Craghead, assistant secretary of Tourism and Parks, presented this update to the Commission. I don't know if any of you have had an opportunity to view any of the commercials that were kicked off in April promoting Kansas as a leisure tourism destination. We have had good feedback from targeted regions: Lincoln, Hastings and Kearney, Nebraska; Columbia and Jefferson City, Missouri; Kansas City Kansas and Missouri; Springfield and Joplin, Missouri; and Tulsa and Oklahoma City, Oklahoma. Targeted those areas to bring drive through tourism but to market Kansas as a whole. Ran in state advertising in Wichita, Topeka, Lawrence and Pittsburg to improve perception of Kansans as to what there is to do and see in Kansas. Had significant results based on the feedback we have received online and per phone calls for solicitation of further information. Our out of state campaign ran April 28 to May 25 and in state, April 21 to May 25 and depending on budget we do plan to expand that. In addition, we have focused on digital campaign which is focused on websites, using drive site campaign I already talked about; and Chicago, Illinois and focused on fishing, birding and kayaking there, with 3 million ad impressions in Chicago alone. In October we will be holding a large media event for outdoor activities in Kansas that are focused on hunting and birding; location is yet to be determined and will take place in latter part of October. We hope to partner with communities and CVBs, but also with retail marketplace partners and controlled shooting areas. Even though pheasant numbers are down, we want folks to know that this is a great place

to hunt and offers a lot of diversity. Hope to see out-of-state revenue continue to grow. For the first time we have partnered with television and hope to show the pheasant ad we have come up with. Sporting Dog USA and Jeff Bowler has a broad-based representation on the television spot and his focus is not only on upland game, but waterfowl, turkey and the diversity of game we have. His shows run nationwide and nationally. Partnering with Scott Linden to do Cabelas Upland road trip, destination Kansas, so we will be able to share some of those spots with you as well. Linda will highlight some parks things going on. We did just recently found out that Milford will host Cabela's national walleye championship next June. In tourism we don't have a large paid staff, but we rely heavily on a team that makes us affective at what we do. Introduced B.J. Harris, CVB director for Crawford County who did an amazing job of helping us host the national sporting clay competition.

B.J. Harris – Thank you for allowing me to talk. Excited about what is happening in tourism in Kansas. Pittsburg and Crawford County is experiencing our best year of tourism year in history; about 4,000 more hotel stays this year from last year, which is how we track how well we are doing. That equates to about \$300,000 to \$400,000 more in hotel and tax revenue; probably close to \$2-\$3 million in economic impact above what we were last year. Travel and tourism is about a \$13 million dollar industry here. We are fortunate to have Pittsburg State and an active city that gives us sports, which can also turn into some leisure opportunities and the outdoors (Mined Land WA, Crawford SP and Bone Creek Reservoir). Outdoors is not my expertise and has not been the focus of my office, but hope to try and expand that. One thing we have done to improve that is bring on Dave Goble from Crawford State Park to my advisory board to help us open our horizon for outdoor travel. The sporting clay championship, the U.S. Open that was held at Claythorne Lodge and we are fortunate to have good partnerships locally, which is actually in Cherokee County; but along with Labette County and Joplin, Missouri we were able to bring it together to promote event and help house the people. They had over 1,300 shooters from around the country and internationally. It was one of the largest and most successful U.S. opens for that event. They were actually able to open part of the Mined Land WA and shoot there so I commend KDWPT for allowing Claythorne folks to go on state property. We talk about partnerships, but about 18 months ago, Pittsburg State, City of Pittsburg, Crawford CVB and individuals were able to come together and fund an indoor track and field facility and we landed the indoor national championships for track and field for division two, so we will host two national championships, one in 2016 and one in 2018 and that was made possible by those partnerships. If we continue to partner locally and nationally we will be successful.

2. 2015 Turkey Regulations - Jim Pitman, wildlife biologist, presented this report to the Commission (Exhibit E). This is 115-25-5 and -6, the 2015 fall and spring turkey season. This past spring we sold 71,903 carcass tags, which is the second highest ever for the state, with last year being the high with 73,000. Typically 33,000 to 35,000 birds are harvested in the spring and expect it will be around there, once I get the data analyzed. The most recent fall season we sold 13,720, which has consistently been in that 10,000 to 15,000 range for the last seven or eight years; and usually harvest 5,000 to 7,000 birds. We have seen a bit of a recovery over the last couple of years in the eastern part of the state, but we bottomed out due to all of the wet weather and we have seen some recovery, but still not back up to the peak we had in the mid-2000s. The drought in the western part of the state has had the opposite affect and made production poor over the last couple of years. We haven't collected any reproductive information yet for this year, but concerned with all of the recent rain, which in the long run is a good thing, but it

coincided with peak time of hatching so in the short term may not be beneficial. Two years ago the department adopted an adaptive harvest management strategy that helps guide recommendations we bring to the Commission. One of the triggers in that strategy is spring harvest which helps us set bag limits. No recommendation at this time, working on analyzing data and hope to have it done in next month or so and have our department committee meeting to bring recommendations to next meeting. Last fall we did already adopt some changes for this coming fall, reducing bag limit from four to one in three of our six management units (3, 5 and 6). The only unit that will still have a four-bird bag will be northcentral Kansas. We also adopted some changes for the spring season structure for next year to give youth and disabled hunters that first weekend in April to themselves and maintain next weekend for archery-only hunters. The regular firearm season would start the Wednesday following the second full weekend in April. Commissioner Marshall – Explain what happens when it gets too wet, is it just too cool for them to hatch or get flooded out or what happens? Pitman – A lot of people will assume that the nests are flooded, and some of that does occur, but the bigger impact is those little poults and chicks (for all game birds, not just turkeys) can't regulate their own body temperature so dependent on mom to keep them warm; when wet for extended period of time they get hypothermia even if it seems mild to us. Game birds are really sensitive, want wet in early spring to stimulate vegetation growth, but when it gets time for hatching you want it to be fairly dry at least for first few weeks of peak hatch. Commissioner Marshall – How did the moisture affect the timing of prairie chicken hatch? Pitman – Still too early to tell, but expecting average year reproductively; the rain this year will help production next year. Commissioner Marshall – Do game birds hatch at about the same time? Pitman – Prairie chickens, pheasants and turkeys are a little earlier, the end of May, first part of June; quail are end of June, first part of July and also have a higher reproduction potential because they can nest multiple times and sometimes males incubate the nest and females will go off and initiate another nest. So quail have a longer nesting season, but are also the most sensitive to environmental condition changes.

3. Mined Land Restoration Project - David Jenkins, Mined Land Wildlife Area manager (Exhibit F, PowerPoint – Exhibit G). The Kansas Department of Health and Environment's Surface Mined Section in cooperation with KDWP Mined Land WA staff, has completed about 90 percent of the strip mine we are working on. The Mined Land WA is about 14,500 acres located in Crawford and Cherokee counties where 70 percent of the area was surface mined for coal which gave the area neat topography. The coal mining process was devastating, but over time with high rain falls and warm temperatures, vegetation grows rapidly. Big Brutus is an 11 million-pound shovel that is a state museum and is located near the wildlife area near West Mineral. When they mine, they remove the top soil and shale (overburden) to expose the coal. They piled the overburden in dumps and at the end of the section they are mining they end up with a deep, long strip pits that typically have filled up with water and created tremendous fishery and wildlife habitat. One of the agencies we work closely with is the Kansas Department of Health and Environment surface mining section, which is located here in Pittsburg. They operate under the Surface Mining Control and Reclamation Act of 1977, which was federal legislation that required coal companies to pay a 26 cent tax on every ton of coal that is mined throughout the country and that money is placed in a federal coffer and reallocated to states with abandoned mine lands to justify the projects they have done on the area. There has to be a safety concern, but some of the other benefits we gain are to improve infrastructure and habitat restoration. I am going to point out some things on a couple of different projects. One project

was completed on Units 5 and 6 just west of Pittsburg and the concern was a high wall area located along 560 Ave on the north end of Unit 6; construction was completed in 2009, cost \$1.1 million and now we have a 5.1-acre marsh, 90.5 acres of forbs and wildflowers were planted and innovative dams and drainage projects were included. Also, a couple miles of interior roads were widened and sharp turns taken out and rock base improved, three new boat ramps, improved one mile of shoreline access for anglers (many of strip mine lakes are high-sided and unless you have a boat you can't get to the water's edge), and tree planting and stream construction. One of the main complaints was that we were destroying habitat, but native grass was replanted and there is woodland; it complements the existing habitat. Created the rock gabion weir and many of the dams that were constructed weren't very good to begin with, so these types of improvements will pay off for a long time. On some of the water loss, we were able to make it up in other areas, with the rock gabion dam were able to add some flooded area for the fishery. Commissioner Marshall – What is a rock gabion weir? Jenkins – It was constructed with rock bags that were 2 foot x 4 foot x 8 feet filled with three- and four-inch rock, stacked and tied in with poured concrete. At first we were destroying some habitat, but now it has gone through the vegetation process; made infrastructure improvements, put in riparian areas and intermittent stream that was displaced during mining process. A second reclamation was just south of the first one along 180<sup>th</sup> Road, the cost of the project was \$1 million and similar infrastructure improvements were made; ¾ mile of shoreline, 37 acres of native grass, 950 bare root seedlings were planted to mitigate gray bat habitat (a state listed endangered species) and channels were created to connect some other bodies of water so fishermen could access more than one area. This is a high-use area and it is similar at West Mineral units. The third project is the one that has created a stir, Deer Creek project located just north of Claythorne Lodge. It is a \$3.5 million reclamation project with 1.5 million cubic yards of material to be moved. Infrastructure improvements include: a new boat ramp, new parking area with boulder barricade, concrete weir will replaced failed metal pipe, new concrete culverts beneath county roadway, and raise bed of roadway to decrease flooding. There will be a 10-acre wetland, a 5-acre wetland, and a 5-acre pond basin to mitigate for lost water. Also, liming, mulching and planting 142 acres of warm season grass and forbs. This is about 320 acres. There wasn't any shoreline access to this pit and with this project will be creating a lot of shoreline access; adding diversity to area with wetland and provide some more hunting opportunities also. One of the concerns was there was a major loss of fish and other aquatic life. We designed a trench from each cell as they filled in and most of the water and fish life was pushed down into the remaining strip mine lake. We have spent about \$9.8 million through KDHE, developed about 40 acres of wetland, restored 533 acres of native grass and it has been a tremendous project and the resource and the users will benefit for years to come. Commissioner Marshall – So the money came from current coal mining? Jenkins – Current and past. Commissioner Marshall – Can you control the water to flood those wetlands? Jenkins – There will be water control structures in the two wetlands, we will have to rely on rainfall. Unknown audience comments. Jenkins - There will be a loss of some wildlife, but for the betterment of all wildlife the project is going to pay off. John Johnson – There were some other options KDHE could have done other than filling this pit in; in private areas they are putting rock walls and guard rails and I didn't understand why we had to lose all of that resource right there. We have lost a lot of water and habitat and 35 is not the only area we are having trouble with, you also worked on areas 17, 18 and 19 near West Mineral and widening roads and putting in finger pits which are shallow, those were dug before the 1930s, probably the first reclamation ever done here. KDHE went in and pushed 80 year old oaks, walnut and cottonwoods out of that

area. You have eight more areas that they are going to go in Cherokee County where you want to push roads in? Jenkins – There are several projects in the design, but I don't have the whole list with me. I know there are three coming in the next year or so, but to address the filling in of finger pits, the Deer Creek project is the only project where we are having this large of impact on the volume of water. The other areas we are just improving the road ways and putting in the rock toes (to keep pit from silting in), which is making much better fishing access. Johnson – I know Wildlife and Parks got these areas back in 1981, but I grew up here and hunted and fished all of this. Ten days ago we had a meeting at Cherokee County, that KDWPT and KDHE were at, also Senator Laturner and Representative Houser, and Senator Laturner brought up an idea that he is going to go back to state legislature and recommend that KDWPT and KDHE go to elected officials before they do any of this because there is so much going on in Cherokee County, probably one of the poorest counties in Kansas and we depend on this tourism and the use of these areas. Commissioner Marshall – In your opinion, five years from now it is going to worse than it was 10 years ago? Johnson – They have done some good, but their idea...Cherokee county has small population and people who come in there are visitors hunters are not going to see the same thing. Commissioner Marshall – You think the work that has been done there is going to hurt tourism? Johnson – Yes, I believe it is. In West Mineral there has been three new houses built by hunters to seize the opportunity we have there. I want the Commission to keep them from doing any more work until our legislators can work something out. Commissioner Budd – What would you propose they do to improve the areas to make them safer to accomplish what they are trying to do to make it better? Johnson – When KDWPT first got those areas there were roads through all the pit areas, they had bathrooms and trash picked up and I don't know what percentage of roads they have closed, but those are wildlife areas. There used to be 15 MPH speed limit signs and those are all gone, just let it be a wildlife area. They have been able to grade these roads since 1981 and now it is a big problem. Commissioner Marshall – You think we should just leave it alone. Johnson – Yes. Commissioner Marshall – How big of impact was the \$10 million spent in the community? Johnson – I would have no idea about that? Johnson – It was a \$3.5 million project in area 35 that nobody knew about, even the county commissioners. Somebody needs to answer to elected officials. There are 15 most dangerous areas and eight of them belong to KDWPT that are in Cherokee County, it is something that needs to be looked into to see what is going on. Chairman Lauber – Is the concern safety from the roads? Jenkins – Yes sir. Chairman Lauber – Had there been a statistical group of events that have prompted this? Jenkins – There are documented safety instances. Johnson – More people drown in state lakes than in this strip pit area in southeast Kansas. Commissioner Marshall – Robert, is the safety issue drowning, falling off the cliffs, is it the roads, what? Commissioner Wilson – No, it is traffic on these roads. What they have done in the past is used guardrails because there are pits that run parallel with the roadway; now they are going to fill some of those pits in and that seems to be where the problem is. Johnson – It seems like one state agency allowing another state agency to come in and spend that federal money coming in and they are interpreting their way of spending that money, and there are many ways they could have spent it differently. Steve Ford, Professor of Biology, Pittsburg State – In my 29 years of teaching at the university and living in this area for 25 years within a stone's throw of a strip pit, I have become enamored with the strip pits. I flew over the area and was impressed by number of unreclaimed mine land, to an outdoorsmen a feather in the cap. There is no better fishing, hunting and bird watching in Kansas. I have been impressed by the work KDWPT has done in this area, they are dedicated and know what they are doing and doing a great job. I can't address the safety aspect, but I have

seen some areas where it is pretty obvious there could be a safety problem and now there is not. I am more adverse in the landscape and habitat changes in Crawford and Cherokee counties, not only game species, but I am a bird watcher so nongame species and fisheries, recreational pursuits such as canoeing and scuba diving. Vitrally concerned about strip pits and the future. What Mr. Jenkins and his predecessors have done has done nothing but increase the value of our mined land areas for wildlife. Nothing is scarier than seeing a bulldozer in front of a wooded area, but they are going to pay benefits, not today, but 5, 10, 15, 25 years down the line. There will be more species and abundance of wildlife, which will attract people in pursuit of game and nongame species. What they are doing is making this unique area that puts Crawford and Cherokee counties on the map and enhance it significantly. These people doing this work have my admiration and support. Commissioner Budd – I got a hand written letter and a couple of emails on this so I drove down here a month or two ago to look at this project, because I had never been here before. I'm sure when the mining was happening people wondering what would happen, and if you look at it now it is a mess, but compared to the ones that are not done and the one that is complete, it seems much better, but like you said, ten years from now it is going to be 100 percent better than when the coal company left. We do these types of restoration projects to wetland areas all the time and some of these best practices are just that; they get changed and are better in the future. Jenkins – We feel we are going in the right direction. As far as other people are concerned; economic benefits in Cherokee County – the contractor on the Deer Creek project has hired staff locally to run equipment, also the fuel and equipment and food bought locally. Jennison – I want to thank David on this project. When I first became acquainted with the controversy of it about two months ago, I contacted Keith and Brad and we had a public meeting here about a month ago. Had a good turnout and KDHE and David presented the program and I appreciate Mr. Johnson, Mr. Ford and Mr. Delmont coming up and Mr. Delmont told me that if we had that type of public meeting before the project started we wouldn't have had the problem and I think that is probably accurate, but Keith thought it would be good for the Commission to be brought up to speed on it. Apparently they had a County Commission meeting, that Mr. Johnson alluded to and Senator Lartuned called me and wanted to let me know what a great job David Jenkins was doing down here and that is a great project. The challenge is the communication over it, like a number of things we do, we get out and try to let people know and you don't get the turn out and then once somebody sees what is going on they let everybody know and there is a lot of interest and I think the same thing has happened here. There is a real safety concern here, the strip pits have eroded back to the guardrails in some places and they have very steep sides on the pits. KDHE and KDWPT are addressing those concerns and improving the asset and add longevity to the resource. I think the residents, in time, will come to appreciate what is being done out there.

*Break*

### **C. Workshop Session**

1. Park Regulations – Linda Lanterman, Parks Division director, presented this update to the Commission (Exhibit H). Linda introduced Dave Goble. (NO SOUND) Dave Goble, Crawford State Park manager - The park itself has 74 utility sites, 28 primitive sites, beach and group use area. It doesn't sound like a very big park, but we average 240,000 user visits per year and that translates to about \$4.4 million dollars in tourism annually to the local economy,

according to 1999 K-State figures. We did a survey of our parks in 2000 and looked at economic impact of state parks. Right now, given our visitation and revenue increase, we are looking at around \$5 million for this local area. One of the important things about Crawford State Park is programming (done statewide in the 1990s). AmeriCorp does campfire programs every weekend, we take people kayaking every weekend at no cost; a value-added experience. We do anything to get the kids out and promoting park activities and family safe outdoor experiences. We have fishing resources in the lake also. We have a lot of history in our area, like the CCC camp or the Spider Lake bridge. Through natural interpretation in our state parks, we maintain a lot of the natural and social history of the lands. Told story of the Cherokee neutral lands, which is part of cultural history of the area. We work with Farlington Fish Hatchery in the Fisheries Division; they are right next to the park.

Linda Lanterman – June is national Great Outdoors month and we participated in one of the first capitol campouts ever done, the first in the nation. So we strategically planned ours first, the last weekend of May; with four other states holding it on June 13 and 14; June 14 was National Get Outdoors Day. The campout was done at McClennan Park on the Governor’s lawn. We had 150 participants with Coleman Company as the main sponsor. Other partners were Wal-Mart, America Recreation Coalition, CFS Engineers, Capitol Federal, West Star Energy, Highway Patrol, Kansas Hunter Education, Wildscape, National Park Service, Boy and Girl Scouts, AmeriCorp, Shawnee County Parks and Recreation, Kansas Forest Service, U.S. Army Corp of Engineers, U.S. Forest Service and Friends of El Dorado State Park. Coleman Company gave us a check for \$31,000 in equipment that included tents, canopies, and sleeping bags for youth. We had all races, ages and genders and the weather could not have been more pristine. The Governor signed the proclamation, the first one for the nation. Coleman wants to continue the partnership into the future; they gave about \$110,000 for these programs in Arkansas, Georgia, Washington, Colorado and Kansas, with \$31,000 to us in Kansas. Another program, if you go to [www.activetimes.com](http://www.activetimes.com), three of our state parks made the 36 stunning parks in the U.S.; they were Wilson, Kanopolis and Scott state parks.

In anticipation of the completion of the 64 campground sites at Sand Hills State Park, this park needs to be added to a portion of the current regulation 115-2-3 and added to the list of recreational vehicle seasonal camping permits (Exhibit I). We are looking at the higher rate which would be the same as El Dorado, Milford, and Tuttle Creek State Parks; would need annual camping permit, plus \$332 for one utility, \$392 for two, and \$432 for three. This park is in Reno County north of Hutch and is going to popular.

2. Fishing Regulations – Doug Nygren, Fisheries Section chief, presented this report to the Commission (Exhibit J). First workshop on proposed changes for next calendar year. Glen Elder and Lovewell, add 35-inch minimum length limit on blue catfish, it takes eight years to reach sexual maturity so after natural reproduction will be more liberal. Critzer Reservoir in Linn County opened about three years ago and we wanted to be conservative when we first opened, but now want to remove that and allow statewide regulations on crappie. Commissioner Marshall – On behalf of my dad, what is going to happen to walleye limit at El Dorado, size is 21 inch? Nygren – It is there to control white perch which is an invasive species there and at Cheney. We are in the middle of a case study with K-State (Dr. Martha Mather), looking at the stomach contents of walleye and hybrid striped bass to see if they are eating white perch and if we determine from that study that they are not, I think we could have a conversation about reducing back to 18-inch limit. I have a picture sent to me that had a walleye with a 4-inch white perch in

its stomach so there is some consumption of white perch. Commissioner Marshall – Are they looking at the wiper at the same time, I expect they eat five times more than a walleye would? Nygren – They are looking at wipers and walleye.

Tymeson – Representative Bob Grant is in the back of the room. Chairman Lauber – Welcome.

Nygren – We do have a request for change on Coffey County Lake, by Wolf Creek Nuclear Operating Corporation. They want to change to a five-day creel limit on blue catfish. Change 115-25-14 to include a new trout stocking location: Father Padilla Pond at Herington will be added to the list of Type 2 Waters, which means you need the permit if fishing for trout, with Type 1 you would need permit if fishing at all during trout season, even if not fishing for trout. Revoke 115-18-21 that requires floatline fishing permit, a no cost permit that was added to six trial locations so we could survey permittees to determine what impact they might be having on the resource. We have expanded to twelve lakes and no longer see a need to survey the floatline users so would like to remove the requirement to possess a permit. Commissioner Marshall – What did you learn from the ones you did survey? Nygren – No problems at all on lakes open to float fishing. Our concerns were human conflicts with other lake users, but we're not aware of any issues.

Have one more item not on agenda. It was brought to us by Secretary's office, asked us to change mesh size on cast net from 3/8 inch to 1/2 inch. The advantage would be it could drop a little faster and allow people to catch large gizzard shad that they use for bait. My staff has no strong opinions one way or the other because people still have to abide by regulations on many fish they can catch with a cast net and the maximum length limit of 12 inches. We might entertain allowing keeping gizzard shad of any size if we go to the 1/2-inch net. This may soften some of the impacts of the restrictions we put on for the taking of wild bait. They have to use the fish on the water where they take them, so we still would have protection of not spreading invasive species. Commissioner Marshall – You want to increase the mesh size from 3/8 inch to 1/2 inch so it will sink faster? Nygren - It will sink faster to catch the larger bait. Commissioner Marshall – I didn't even know there was more than one size. Nygren – There are some stores that sell illegal size, like umbrella rigs that have five rigs and we only allow two. Available in both sizes in the market place. Michael Pearce - On changes on length and creel limits, does that go to a vote in a future meeting. Nygren – Yes, there will be another workshop on these items and then it will go to a vote in October. Pearce – Same way with floatline? Nygren – Yes, vote to do away with floatline permit. Pearce – What about mesh size? Nygren – Same thing.

Commissioner Marshall – On floatline, I would have concern about water skier, jet skier or boater hitting the lines all over the lake. I understand you surveyed the fisherman, but did you survey the other side of it? Also, how long can you leave floatline out there? Nygren – They have to watch their floatlines, they can't put them out and walk away; in other states you can throw them out and come back the next day and I think that is the main reason we have not had a lot of conflicts. They are avoiding high use areas by other users because they have to stay with it. Commissioner Marshall – How many can each fisherman put out? Nygren – Eight. Most fishermen who use float lines are going for blue catfish, and channel catfish and flatheads as well. We, as well as other states, are not seeing mortality of striped bass or hybrid striped bass by floatline fishermen.

### 3. Late Migratory Bird Seasons - Tom Bidrowski, migratory game bird program

manager, presented this update to the Commission (Exhibit ). Annual USFWS frameworks establish maximum bag and possession limits, season lengths, as well as earliest opening and latest closing dates. Frameworks will not be available until July 31 USFWS Service Regulation Committee meeting, but no expected changes for the seasons. The briefing item also contains historic season dates, hunter participation, duck and goose harvest, six options for each of the waterfowl seasons, which will be discussed in more detail at August 21 meeting when we finalize waterfowl seasons. Commissioner Marshall – On mallards going to two females, was it the same last year? Bidrowski – Yes. Commissioner Marshall – I shot one last year, but the purest in me would like to see no females shot. Do most states have two, why not just one? Bidrowski – Allowed two without impacting the mid-continental populations, based off adaptive harvest model. Commissioner Marshall – Completely different from pheasants. Bidrowski – Pheasants don't endure long migrations and different breeding strategy as well. Commissioner Marshall – I assume one drake can fertilize multiple hens. Bidrowski – Drakes have a high breeding propensity. Chairman Lauber – We have a survey that is out and Commission saw a copy of the survey in advance, but we do not have the results yet? Bidrowski – Correct, a postcard went out in late April, early May, which was followed two weeks later with a paper copy of the survey. As of last week we had a bout a 20 percent response rate and the second survey is going out this week to nonrespondents. Chairman Lauber – From that survey you will compile the data and come back in August with your recommendations? Bidrowski – Correct, what is in the briefing book is the six options that were listed in the survey. We will have results of the survey as well as some of the historic harvest estimates, including timing of harvest, numbers of harvest and harvest participation. Chairman Lauber – At the last meeting there was discussion about the survey and it appeared to me you were trying to cover all of the bases and concerns. Bidrowski – Preliminary survey results are pretty much what we expected, a minority want early seasons, a little larger percentage want later seasons, but the vast majority of hunters just want to go hunting when the season is open. Chairman Lauber – Covering this more tonight because most contentious topic and the more we can cover tonight the less pressure in August. I don't like the fact that this tends to be so controversial and there has been so much complaining after the season. Commissioner Budd – I'm glad to hear you say we want to get it resolved without controversy; can we get it done early? Chairman Lauber – With open meeting rules, we really don't have a way to get it done before we have recommendations from staff. Commissioner Budd – Are you going to have the results of the survey before the Commission meeting? Bidrowski – Yes, we will have them at least two weeks to ten days prior. Commissioner Budd – Can we have the results before the meeting? Bidrowski – Yes, last year we shared at June commission meeting in Garden City, but response has been low so far this year. Commissioner Budd – What do you expect to get, 50 percent of the surveys returned? Bidrowski – We hope to get at least 40 percent, but we are seeing some survey-fatigue as we have surveyed our hunters four of the last five years and we are starting to see lower response rates and negative comments. Also, experienced three different seasons in the last three years as well. Commissioner Budd – Last year the two things that were controversial were southeast zone and Canada goose season, so those will probably be hot topics again with maybe another one thrown in there. Bidrowski – One of the things I am seeing is that with 74 days and a liberal bag limit of six ducks is that most hunters are satisfied now no matter what we set the season at. Commissioner Budd – Twenty years ago we didn't have all the data that we do today or the way to gather the data; Delta Waterfowl, for example, is continually doing studies and surveys and they are showing the migration being later and we know that the ducks don't make it to the

southeast zone until the beginning of November. Why would we want to take a group of hunters and give them less of an opportunity to hunt a game species when we know for a fact that a migratory game species is not going to be in the area? That is the question I get asked most often and see firsthand. When you have the Department of Ag that pushes farming and planting seasons earlier and you get independent studies being done on waterfowl that says migration is getting later, a climate change that is getting warmer and migration that is getting later, and yet we are continually wanting to set the season to the disadvantage of hunters in the southeast zone. That is what you and I discuss vigorously every year. I understand certain people like to hunt when the weather is nice and people that want to make it more convenient and more comfortable, but the majority of people want to maximize the opportunity to harvest ducks, geese and crane and that is all I am trying to accomplish. We have a 74-day season and a liberal bag limit so we are arguing about a small thing here. Someone is going to have to show me factually, contrary to what the Department of Ag and independent surveys tell me, why. We want to maximize harvest for hunters in southeast, High Plains and in all zones. It is not like setting the turkey, deer and prairie chicken seasons where we really don't know when the animals are going to show up in your area, but we know when the waterfowl are going to show up within seven days. That is why it is so hard for me to grasp, and the people I try to explain it to when they ask me why there is an argument for the other side. The only argument for the other side I see is for convenience because of weather conditions, because it can't be for harvest. Chairman Lauber – I don't think that is totally correct, I get a lot of feedback and there are people that feel having all of the days pushed towards the back of the season that they don't have the ability to go everywhere in a pretty sizable geographic zone. There are areas within that southeast zone that can ice up where it is convenient and available and the opportunity presents itself and if later may lose their opportunity and there are some people who enjoy hunting early migratory species. If a person can go anywhere in the state and hunt then why don't you make it available wherever the ducks are, whenever the ducks come, but not everybody has the resources to do that and have to hunt fairly close to where they live. Last year we were at Yates Center and there was two equally passionate groups, each taking a different approach and they both had well thought out logic. The logical solution is to reduce the size of the southeast zone as soon as we can, like Robert said at a previous meeting, we shouldn't have gotten it so big to begin with. We have an identifiable boundary with I-35. Commissioner Budd – I don't disagree with you on that, both sides have a legitimate opinion and I am not talking about this because I hunt the southeast zone exclusively, I hunt statewide for waterfowl and last year I hunted all 74 days. You see the migration, and what is happening and all of the factual data on when maximum harvest time is and we want to try to consider other options and that is what is so difficult for me to understand. Commissioner Marshall – Tom, do you agree or disagree that the duck migration is later now than it was 20 years ago? Bidrowski – There is a segment of some of the duck populations, particularly late season mallards have more of a wintering ecology of a goose than it does a duck, they are following the ice and snow line, however there are still some ducks that are going to travel on the calendar. You will see some wood ducks and gadwalls traveling here in October. We will look at some of the harvest data back to 1996 and we have moved the season dates from early October to late October and that is something the Delta Waterfowl report did not take into account. The report on harvest is still skewed to the earlier part of the season. The one report we do have is the hunters themselves have become accustomed to hunting later in the year, primarily for mallards. We have a larger segment of the hunting community that do hunt later in the season, but if you look at hunter participation, particularly on our wildlife areas, it is still well skewed towards

opening weekends. The majority of our hunters hunt less than five or six days and they are using those days in early November. More ardent hunters are definitely hunting later in the year now. Commissioner Marshall – I don't know if you answered my question. I think there are two distinct areas in the southeast zone and an area up north where the water is shallower and those ducks are coming when they always come, haven't changed in 20 years, but in the deeper water they are coming later in the season. Do you agree with what I just said? Bidrowski – Yes, at Neosho if you look at bi-weekly survey they are about a week to 10 days earlier, but we are seeing some differences in habitat types down here, a lot more flooded corn and agricultural crops, which are attractants more than moist soil impoundments that we see to the north, like Marais des Cygnes. We flew aerial survey in mid-January along the Neosho from Oklahoma border to Flint Hills National Refuge and two-thirds of the birds we were finding were on public lands. Chairman Lauber – Most of the people I talk to are closer to the five to ten day hunting a year than people like Don who hunt all 74 days. Season limits and dates, besides protecting the resource are designed to help promote equal sharing of a resource and some people it is just not easy for them to hunt all year long or in areas where they can go to the area where ducks may be. I accept that there are a lot of places that get iced up even with current climate change. I think you understand the attempt to try and please as many participants as possible. I think I am going to rely on your recommendation a little more because the last two years we did not follow your recommendation and the negative responses that all of us received were a lot higher than they had been in previous years. Commissioner Marshall – What negative responses are you talking about; emails or phone calls, I didn't get that many? Chairman Lauber – I get emails and phone calls and Tom mentioned the antidotal comments on the surveys are much greater now than in the past; blogs and emails to the state agencies that have been disparaging to the Commission. I think most people here would acknowledge that it has been more controversial than it has been in the past. Commissioner Budd - The only thing I can think of that is more controversial in recent years is the prairie chicken and it looks like they are trying to do what is right for the prairie chicken and the majority of the people in Kansas. That is my goal with the ducks and I hope Tom, you take into consideration the way the Commission feels and the way the majority of folks feel on the survey. Michael Pearce – When we got the southeast zone established it was for five-years, when is the last season of that? Bidrowski – The 2016/2017 season will be the new zone. Pearce – Is it too far in advance to say the agency is going to try and whittle the southeast zone down a little to do away with some of this debate? Bidrowski – From last year's survey and so far this year, it looks like hunters like the zone from north to south; we will have a number of waterfowl side chats next year with the hunting community regarding the zone changes. It definitely won't grow, but it may shrink. Pearce – You said you hope to have the survey results to the commissioners ahead of the August meeting? Bidrowski – Correct. Pearce – Will the media and the general public have access to that? Bidrowski – It will at least be available on our website. Pearce – Commissioner Budd, do you have an idea which of these options you are going to be requesting at the next meeting? Commissioner Budd – No, I am interested to see what Tom recommends. Would you have a preference? Pearce – No. Commissioner Marshall – I want to talk about the white-fronted geese; last year when some of the Canada geese started coming back, I didn't see any many white-fronted geese coming back. Do they usually come back after the Canadas or right with them? Bidrowski – Normally it is about the same time, some of the Canadas are a little bit earlier, but by the second week in February we are starting to see a significant number of white-fronts. Pearce – There are a good number of white-fronts east of where you are, but to us it seems like they are shifting in migration; we see more coming back

then we get going south. Bidrowski – That is the time of the year where it could be very weather dependent. Larry Wall, duck hunter – Happy with later season and the majority of hunters I talk to are happy with it and we hope the survey results show that. You say you are getting a lot of negative comments; happy hunters are not calling you are just hearing from the ones that are unhappy. Chairman Lauber – That is a good point.

4. Five-year Review of the Kansas Threatened and Endangered Species Lists – Ed Miller, wildlife biologist, presented this report to the Commission (Exhibit L). In the process of this five-year review for about a year now; recommendations from the Threatened and Endangered (T&E) Task committee are the ten species submitted for review for status change. These decisions are based on biological and scientific information, and on recent surveys and research. These recommendations have been submitted to the Secretary. It is beyond the purview of the committee to make recommendations based on social, economic or political implications; those considerations would come from the Secretary. KDWPT is tasked to have endangered (most serious), threatened, and species in need of conservation (SINC) lists through the Nongame and Species Conservation Act of 1975. There is no regulatory review of projects that are tax funded or require other state or federal agency permits for those species listed as SINC. As chair of the T&E Task committee I would like to publically thank the members of the committee for their time and effort in analyzing and reviewing the petitions, scientific papers, siting data and input from Ad Hoc expert panels. The task committee members are: Bill Busby, Kansas Biological Survey; Mark Eberle, Fort Hays State University; Elmer Finck, Fort Hays State University; David Haukos, Kansas State University; Jason Goeckler, KDWPT; and Dan Mulhern, USFWS. Most of these people have 25-35 years of experience in fish and wildlife conservation. Also, like to thank expert panels who filled out the scoring sheets and commented on the listing categories, all of their input was considered in making the following recommendations. If the recommendations are accepted this will be the first time that more species will be removed from the Kansas list than added. Remove Eskimo curlew, black-capped vireo and many-ribbed salamander from endangered list; due to lack of evidence that there is a viable population in Kansas or no sightings have been documented in last 35 or more years. Two species are being recommended for removal from the threatened and added to SINC list; they probably do not have a viable population in Kansas although there has been one record of each within the last 35 years; the SINC list would allow them to still be on the radar and sightings would be recorded and would still rank higher for survey or research funding; the chestnut lamprey and silverband shiner. Three species are being shifted from threatened to SINC list; survey data shows that they have crossed the threshold to this list; the spring peeper (a small woodland frog), the longnose snake and the smooth earth snake. One species is being recommended to retain its current status as threatened; the redbelly snake, recent research show it is more of a habitat and diet specialist than previously thought, it requires old growth Hickory forest with proper moisture gradient to maintain its staple food supply of slugs and snails. The northern long-eared bat was petitioned to be removed from threatened status, but the committee recommended it for SINC list; the primary reason is too little is known about this bat and the possible disease status (a fungus known as white-nosed syndrome), nor do we know where this bat hibernates, habitat used by maternity colonies or how restricted or widespread it is in Kansas. A statewide grant proposal is being prepared to find out more about this bat. Also, for housekeeping there are some nomenclature changes that we need to update. The agencies listing intentions must be published in the Kansas Register which will fill a 90-day public comment

period after publication so therefore the Commission will vote on this issue at the October Commission meeting.

Secretary Jennison – First of all like to thank Ed and Threatened and Endangered Task committee for all the time and effort they put into the five-year review. The Kansas Nongame and Species Conservation Act is an important tool in the conservation and protection of our natural resources. One of my favorite conservation quotes is by Theodore Roosevelt, and he said it numerous times and occasions, one time was when he was addressing joint session of Congress; the most complete statement on the importance of conservation. “The conservation of our natural resources and their proper use constitute the fundamental problem which underlies almost every other problem of our national life. As a nation we not only enjoy a wonderful measure of present prosperity, but if this prosperity is used right it is in earnest of our future success such as no other nation will have. The reward of foresight of this nation is great and easily foretold, but there must be the look ahead, there must be the realization of the fact to waste, to destroy our natural resources, to skin and exhaust the land instead of using it in so as to increase its usefulness will result in undermining the days of our children and the very prosperity which we ought by right hand down to them amplified and developed.” Roosevelt understood the role of conservation on the success of our economy as well as the importance of our natural resources will play in future economies. In 1975, Kansas legislature clearly made a commitment to conservation and our state’s future by enacting the Kansas Nongame and Species Conservation Act. In 1997, the Kansas legislature added language to the Act and attempted to balance our conservation efforts for a particular species with social and economic conditions of the affected area. While KSA 32-960a was not retroactive, it sent a very clear message that there needs to be human dimension considerations in plans to establish programs deemed necessary for the conservation of nongame, threatened and endangered species. It’s difficult to know for sure what a legislature’s motivation or intent was, but KSA 32-960a was either an attempt to control agency actions or recognition that to be successful long-term, our conservation efforts cannot lose public support, which does not mean putting our finger in the air and drifting whichever way the wind is blowing. This agency must be a leader in conservation of our state’s natural resources. Sound science and best management practices must be at the core of our philosophy and efforts, but that doesn’t mean human dimension aspects should be ignored. What is means is our recovery plan should be flexible enough to include strategies that conserve not only the targeted species, but also address issues of the local economy and society. If we cannot find that balance we will lose public support for conservation, and the Kansas landscape, the flora and fauna will pay the price. It is with that in mind that we have changed the T&E Task committee recommendation as it relates to the redbelly snake. The department’s recommendation to the Commission will be that the status of the redbelly snake will be moved from threatened to species in need of conservation. This recommendation is an attempt to balance the need for conservation, an action identified in expert review, with social and economic concerns in the redbelly snakes range. The department will use the authority already set out in 115-15-4 to establish a recovery plan for the redbelly snake as a SINC species and will include some methods available to the department with authority of KSA 32-958 such as research, census, habitat acquisition and maintenance, as well as live trapping and transplantation, if appropriate. In addition, the department will look to other units of government, nongovernment organizations and individuals interested in partnering to voluntarily protect and develop redbelly snake habitat within its range. This process will follow legislative mandate in KSA 32-960a, sub D to establish a voluntary advisory committee to work with the Secretary to adapt the recovery plan and

disseminate information to the public. There will be those that say this is a political decision and they would be partly accurate. Anyone in the natural resources profession who's been paying any attention for the last several years have been fairly enlightened. We have seen the federal government overreach in Kansas in respect to the black-footed ferret and now the lesser prairie chicken. I am not arguing or objecting to the merits of protecting either species; what I am objecting to is that the federal government has given no regard to local economies or societies in either instance. The federal government's complete disregard for local concerns when dealing with threatened and endangered species has, and will, impact us all and the good work we were trying to do conserving our own states threatened and endangered species. We cannot afford to make the same mistake. It is important we have the tools to protect our natural resources. The smallest snake in a localized area deserves our attention; however, if we do not use common sense in giving a small snake our attention, we could lose our ability and authority to address species on a much broader scale with greater impact and consequence to the future of Kansas.

Tymeson – These are different regulations that require a 90-day time period for comment as opposed to the 60-day we normally have on the 4-series or the 30-day we have on the 25-series. As a result of that, it will go in the Kansas register around July 10, published July 17 and we will vote at October meeting and will be effective 3-4 weeks after the vote.

Commissioner Budd – Tell me the difference between threatened and SINC as far as mitigation is concerned?

Jennison – The biggest difference would be under SINC there would be no permitting. Threatened requires permit and could require mitigation. Under SINC, there will be no requirement for mitigation. Under SINC it will be something the department has done or people have done voluntarily. Our discussions about this are not new, this has been an issue that has been growing over the last several years. As an example, we purchased a piece of property in Jefferson County that is about to be finalized and that property Eric Johnson had looked at what he deemed to be good redbelly snake habitat and used some mitigation funds from redbelly snake monies. One of the things we are doing is looking for opportunities to buy ground in Douglas County, too. My view is it may put more of a burden on the department to address this issue, but important to do that so we don't lose public support. Rather than forcing individuals into permitting and mitigation, we are going to try and look at a different way to do it to have the same affect.

Commissioner Budd – Since I have been on the commission, this has been something that the department has taken the biggest lead on.

Jennison – It may prove to be as controversial as the southeast duck zone.

Commissioner Budd – Long-term I think the department is going to take the lead in the mitigation process, it is not going to be impactful to the eastern part of the state.

Jennison – It is not easy to balance science and politics, which makes up the social and economic concern, but the science behind the T&E task committee has clearly shown that the redbelly snake is jeopardized in Kansas. Our reaction is one of politics and how we can address that in a reasonable fashion where we can accomplish what the scientific community suggested needs to happen and still keep public support behind us. One of the most devastating things we can do as a natural resource agency is we either need to explain what we are doing so people accept it or we not get so out front that we lose them and that is the challenge we have with this particular species or any threatened and endangered species.

Commissioner Budd – You have made this elementary, you have taken it from us taking the lead as a department to preserve the redbelly snake and putting it on the SINC list.

Jennison – It should be noted that Ed commented, SINC species are still on the radar screen and if this is not successful in five years it could be suggested that it goes back to threatened.

Michael Pearce – Can either of you explain in three or four sentences why this is such a big deal? Is it housing developments, utilities going through that

drew a lot of passion in the legislature? Would you say it could have led to Senator Powell's attempt to gut entire Kansas Threatened and Endangered Species Act? Jennison – The only thing you may have wrong there us to say Powell's desire, because the desire was coming from Johnson County and you are right; it was development in Johnson and Wyandotte County that created the problem. What happened was before the downturn in the economy, Johnson County's economy was pretty good and people accepted that as a cost of doing business, may have been upset with mitigation they were required to do, but didn't criticize as much. As economy came back money wasn't quite there in Johnson County to rebuild and it was more of a problem for them. Development would have been in areas of critical habitat for the redbelly snake. Pearce – Is the redbelly snake on any list at the federal level? Miller – No, it is not. Pearce – Would it be safe to say you are doing this due to legislative pressure, when they wanted to gut the Act? Jennison – I don't think so. I think the way to say it is I have a lot of concern that we would lose public support for this idea of protecting threatened and endangered species. If you go out and talk to people, you don't want to say this is just a little snake and we are going to forget about it; where do you draw the line. There are people who would tell you we are on the periphery so we don't need the redbelly snake in Kansas because they are someplace else, but there are other species that even if it existed in significant numbers in other parts of the country there are people who would say they still want that species in Kansas. I don't think people think philosophically that way, like I think they should, and if you look at studies people are more supportive if we are trying to protect a species. Pearce – You are wanting to step up what the department does for the redbelly snake acquisitions, where is the funding going to come from for that? Jennison – It will be in the normal course of events, just like the land purchases we have right now, and already the Kansas Forest Service is looking at some properties in Douglas County that would also be redbelly snake habitat, that is where we get to the partnerships. We have to look at the way we deal with these recovery plans so they can be more supportive of the public. There is no question that the lesser prairie chicken numbers are down and it may be in need of some significant efforts to make sure it doesn't get any smaller, but the mandate that has turned people against that whole concept of what we do with threatened and endangered species. I think what the federal government did there is going to harm our efforts significantly; if they had allowed the rangewide plan to go into place, which would have been totally voluntary, we could have accomplished the same thing. We can accomplish it with the redbelly snake without the permitting challenges that were created when it is listed as threatened under our statutes. Pearce – This program will be funded by...? Jennison – Voluntary efforts, funded by things we do and properties that we bought in Jefferson County we were going to buy anyway. That is to be determined as we go along, how we provide areas and look at how much range we need to protect for the species and see where it is in five years. Pearce – Ed, what is basic range of the redbelly snake in Kansas? Miller – Probably the eastern tier of counties from Cherokee County on up to Johnson County and over to Douglas County. Pearce – Creature of Hickory forest? Miller – Mature old growth Hickory that has a moist forest soil; south slopes would be too hot and too dry to support the food. Recent research shows they are particular and have not recovered like the smooth earth snake to drought stress that has occurred in last few years. Pearce – So the drought has hurt them too? Miller – Yes. Steve Sorensen, Kansas Wildlife Federation – Confusing comments Robin. If it goes to SINC, how does the department monitor the loss of habitat for the redbelly snake? If you don't have a permit system how will the agency know what is being done in Kansas City, Wyandotte county and that area to critical habitat for this snake? Jennison – That is one of the things that will be

determined. One of the things the legislature set in place, and it hasn't been done with many species because we don't have the staff and time, mandated since 1997, when we list something as threatened or endangered to appoint a local group to come up with a recovery plan, and we can also do that with SINC. So when this comes to pass we will appoint that local group and develop a recovery plan for the redbelly snake and within that is where we are going to address your concerns, Steve. Jason Luginbill – We are currently in the process of finishing up a draft recovery plan and part of the plan is to identify critical habitat or core habitat. The goal with that is to take considerable look at those areas, develop partnerships to preserve and/or enhance those areas. If we are in the right areas, after the identification process has been done we feel pretty solid that we can maintain the snake in the state. Sorensen – But as a developer I don't have to tell you where I am going to work and don't have to look at that recovery plan since it is listed as SINC it has no legal authority. What you are doing is putting your energy into developing a recovery plan for a SINC species when you've got threatened species that you haven't even looked at yet. If you want to wipe the redbelly snake off the list don't go to any effort writing a recovery plan, put your efforts on endangered species, at least there you have some legal status that if you define critical habitat and locate it you have a permitting system to mitigate. Once it is in SINC you don't mitigate, you can't mitigate, they volunteer for it but they sure don't have to do anything, right? Luginbill – That is correct, but, I don't agree with you on some of that. I don't believe the regulatory hammer is the way to practice conservation management even though that snake is going to SINC and it doesn't afford the regulatory authority for us to permit with special conditions. There are certain organizations within our state where conservation is a better avenue than depending on a regulatory approach. Sorensen – You think all of the political pressure we have been receiving regarding the two snake species in the northeast is based on the fact that they want to volunteer to pay for mitigation instead of being required to pay for mitigation? Luginbill – I think they are a partnership building exercise and that is a possibility, absolutely. Jennison – I will answer the political question. I don't think, Steve, that the question is framed right. It is not that they want to do voluntary mitigation. I think what I am suggesting is we need to look a method whereby we can use voluntary approaches with non-governmental organizations and other units of government. The folks that are complaining about having to mitigate, that is part of our problem is that we have overreached with our approach to conservation and we are losing public support and if we lose that, I believe we lose our ability to have an impact on a lot of species that are going to have tremendous impact to this state and that is our concern. Michael and you alluded to, I don't choose to call it political reason, I choose to call it public support because I do think the legislature takes action based on what it is getting from the public. Sorensen – You mentioned earlier that all the surveys you have done have shown significant support for protecting endangered species in the state, even if they are not protected in other states. There is great support for requiring mitigation for the loss of threatened and endangered species habitat. You keep saying that we are trying to gain or keep support, but we already have that support. Jennison – If you remember awhile ago when Chairman Lauber was talking about all of the emails opposed to actions they had taken and the gentleman told him that everybody who is happy is not sending an email. When Responsive Management sends a survey out that is a dispassionate survey and people fill them out. When we do a regulatory action that impacts an area then is when we get negative comments, which drives public support that drives the legislature. WE have had that as it relates to the redbelly snake and the long nosed snake and those complaints to the legislature very nearly got legislation introduced that 1) had legislation picking species on the list, and believe me they would not have made the redbelly

snake SINC, they would have taken it off the list; and 2) legislation introduced to do away with the Kansas T&E law completely. Sorensen – But we have idiots in all groups. Whoever came up with the term overreach hit the trifecta; it is used to put down any kind of recommendations. When Ed made his recommendations, I stayed in my chair, but when you made yours I am up here complaining and I am filling out a survey right now that says conservation organizations in the state of Kansas were concerned when Governor Hayden made this a political department, we knew somewhere along the line politics was going to run into wildlife management. I understand there was a bill to get rid of the Kansas Threatened and Species Act, but you saw the public react, they don't want that. We have some big concerns, not about that little snake in northeast Kansas, but we are really concerned when there are potentially other species that could be impacted down the road; a slippery slope. Jennison – When you brought in Governor Hayden and politics is going to enter natural resource management regardless if you have a director or a secretary, but if the department does not pay attention to politics, the legislature will run natural resource management. Sorensen – I understand that, and it is one of our biggest concerns, but when you conduct surveys that show 90 percent of Kansans surveyed support T&E management and making mitigation required. Chairman Lauber – You could go out on the street and talk to a dozen guys and ask if they want to get rid of the Kansas Threatened and Endangered Species Act and the answer would be no, but when you go into the details it becomes different. I know what you are saying but we need to pick our battles. The prairie chicken issue is just beginning and people are going to find out what the long arm of the federal government can do, so you will hear “overreach” a lot. The public always wants to protect fuzzy little creatures, but I don't see this is a good battle for us to pick. If we truly try to prepare some conservation for the species we are doing what we can. Jennison – We tried to do this in such a way that is as totally up front as we can be, so we brought it before you today and we won't vote until October after the 90-day review. There are strong feelings on both sides and we understand that. I don't think conservation is always black and white and we have made the recommendation that will allow us to move forward with conservation. Sorensen – I was surprised in the briefing book that we got Ed's recommendation, but not yours. I don't know how many other people would have been here. Jennison – That would have been done after Chris put it in the register, we are a month early. Sorensen – On July 10 Ed would have put in the register his recommendation to stay threatened? Jennison – No, the recommendation Chris would have put in was mine. Sorensen – Why wasn't it in the briefing book? Jennison – Because I had to write it. Chairman Lauber – There will be more opportunity to discuss this. Sorensen – Some of the Secretary's comments seem conflicting and you may have to define your surveys; if you went out now and told people you were going to save some developers in Kansas City mitigation money, you would get 95 percent, but that is my opinion. Commissioner Wilson – Do we have any other species that was threatened and they needed to do mitigation on and moved to SINC, that we have on record where developers volunteered to do the mitigation? Luginbill – There are several companies out there that have done voluntary mitigation for SINC species, from a partnership aspect. Commissioner Wilson – Do you have that with you? Luginbill – I don't, but I can get you that information. Commissioner Wilson – Please send it to all seven of the commissioners.

5. Use of dogs to track dead or wounded deer - Lloyd Fox, big game research biologist, presented this report to the Commission (Exhibit M). We have changed this since you last saw it. We are limiting our discussion to include four points and eliminating a couple of others we had. Our recommendations are: dogs would be remain on a hand-held leash at all times while tracking

is being done; restricted to dispatch wounded animal with legal equipment during that season; tracking may occur after shooting hours, however no weapon may be possessed by participants; and each person assisting would be required to have a hunting license. These recommendations will go into 115-4-4. We are eliminating the requirement to contact the agency and the restriction to tracking during shooting hours. Commissioner Budd – Chris, what is a concealed carry person going to do about no weapon possessed after dark? Tymeson – There are some regulations in the law that says no law can supersede, for example if someone is lawfully hunting then they can possess the conceal carry firearm with a permit. Commissioner Hayzlett – If you are tracking with a dog after hours and you find the deer is wounded, but not incapacitated what are they supposed to do with it? Fox – They won't be able to dispatch it at that time, they will have to wait until shooting hours. The primary reason tracking dogs are used is to recover dead animals and very seldom is the animal still alive when the trackers get there. It potentially could happen, but don't anticipate often. Tymeson – If you recall from the last meeting, this is a compromise of what was proposed and the desire of some of the folks based on a concern from law enforcement that weapons not be used outside the legal shooting hours. Commissioner Hayzlett – Since I have been hunting deer I have had to dispatch animals I have shot with a rifle that still had arrows in them, so some of the animals survive. Chairman Lauber – I think several of them will live; not sure tracking dogs will be able to locate them if they keep moving away. I have never used a tracking dog, but there are times I wish I had one and have found the animal dead. If they are only wounded they will stay ahead of a dog on a leash and don't think it would be practical. Leave it the way it is and if you find one still breathing cut its throat with a knife or something. Tymeson – Or back out. Commissioner Wilson – Most people, if they suspect they have wounded a deer and darkness falls, most of them will just pull out and come back in the morning. You could bring your dog in the morning and look for the deer and still have the ability to dispatch him with a firearm or whatever the season demands. Pearce – When will this be voted on? Tymeson – August. Pearce – When will the law go into effect if the commissioners pass it? Tymeson – Approximately 3-4 weeks depending how the calendar falls. Pearce – So it would be legal through most of the fall deer season? Tymeson – The majority, yes. It will be legal for firearms deer season.

Commissioner Marshall – Before we adjourn for supper, one more question on ducks. When you present the data to us and you put a median or a mean for some of the answers if you would put a mode that would help me to sort out what most of the hunters want to do and not the averages, when it makes sense. Bidrowski – Sure. Sorensen – When Tom distributes the results of the surveys to the Commissioners can we get it? Tymeson – Yes, Tom said he would try and put it online as soon as he has it ready for distribution.

**VII. RECESS AT 5:00 p.m.**

**VIII. RECONVENE AT 6:30 p.m.**

**IX. RE-INTRODUCTION OF COMMISSIONERS AND GUESTS**

**XI. DEPARTMENT REPORT**

**X. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS**

Brad Harris, Erie/St. Paul – Curious about what was discussed on late season duck hunting?  
Chairman Lauber – In summary, results of survey are not in yet and after survey is reviewed we will receive a recommendation before the August meeting. In the briefing book are a variety of dates which are in the survey and the public should receive results of the survey prior to the next meeting and we hope to have a discussion at that time. The discussion will be, more late or more early days. Do you have an opinion? Harris – Definitely more late days, the more in January we can have the better. Most local people like the way seasons were set last year. One comment was about goose season and adding a week in February. Commissioner Marshall – Where do you hunt, river, public refuge or where? Harris – One-third public, one-third on river, and one-third dry field hunting. For Canadas all dry field hunting. Commissioner Marshall – For ducks is late part because you are hunting on the river then because water is open? How did you hunt them that last week last year? Harris – Ice eaters and keep water open and don't hunt river that much to keep the birds in the area. A lot of dry field hunting; there are a lot of county lakes around here that hold a lot of birds. Commissioner Marshall – How do you get electricity to ice eater? Harris – Generator. If you are willing to work the hunting is the best late.

Steve Sorensen – I heard on the way here that the Governor has taken \$6 million from state agencies to cover state bills until June 30. Did you lose any? Jennison – That was a certificate of indebtedness and has been used a lot previously. It is a cash flow mechanism and takes idle funds that are in various accounts, but not any of ours. Actually not the Governor, but voted on by the finance council, who are in charge of the finances when the legislature is not in session.

Jeffrey ?? (Mangles), McCune – Back to duck season. I hunt 95 percent public, can hunt private if I want, but public is what our dime pays for. I'm tired of frozen water, so the earlier the better.

Commissioner Marshall – When did the water freeze up last year?

Zach Collard, Pittsburg – Brad and I were on a hunt in the end of December, beginning of January and the ice was about five inches thick, it take a chainsaw, but eventually we made it to the open hole right in front of pool two at Neosho WA and two days of fabulous hunting. If you are willing to put the work in on public ground, which our state stamp goes towards. In order to harvest these ducks the right way you are going to put in some work when the weather gets rough. We are all duck hunters so we are not going to be hunting 75 degree weather, if you want to shoot wood ducks and mosquitoes you can hunt in October. Not much migration in eastern Kansas in October. Last week of the season, the St. Paul DU chapter had a wipe out while everything was warmed up. I remember hunting in the last day of duck season this year in nothing but a hoodie and shorts because it was in the mid-50s and we ended up shooting Canada geese and not ducks and they were out on the public ground and having a heyday. Commissioner Marshall – Is a wipe out good or bad? Collard – Good, shot limits of ducks the last week. I don't understand someone saying you are tired of frozen water, because that is what happens when winter comes around. I don't believe there has been a season that I have hunted Neosho WA where there has been solid ice from December to the end of duck season that just doesn't happen.

Chris Turlop, Crawford County – I have been hunting this area for 45 years, specifically the St. Paul area. We have freeze up, however there is a lot of open water on area lakes, strip pit mine

lakes and most of the time they don't freeze. The marshes freeze because they are shallow and don't get the wind. The later the season the better for the hunting, migration doesn't start until second week of November, within a week. Last year was phenomenal. Another thing people don't realize is the birds we hold, if it freezes up they go south and as the water frees up in 4 to 5 days they come back because we have the grain, shallow water and the feed. Chairman Lauber – I am compelled to bring up again, if we were only talking around here in the southeast zone I would concur, but further north the ice does provide a real disadvantage and it is not practical to take to take chainsaws to open it up. Turlop – We have a lot of people who come to this area to hunt ducks from out of state. Chairman Lauber – I am aware of that. Turlop – We are speaking for our area because this is where our tax dollars go and this is where we hunt. Commissioner Budd – I want to clarify that the southeast zone is the smallest zone we have in Kansas, so if we are going to compare it to the other zones. Chairman Lauber – I'm not sure it is any smaller than the low plains early zone in square miles. Commissioner Budd – Such a convoluted line it is hard to tell, but maybe. I know most of the opinions here are from local people and I think we should listen to everyone of them. No different than listening to deer and crossbows and other issues.

Todd Fluvial, Frontenac – I hunt all over Crawford County, wherever the ducks are at I go, both public and private marshes. I personally like the way the seasons are set up because we travel to Cheyenne Bottoms in October and that allows me to hunt from October to the end of January. I don't have a lot of means, but I find the money to go and take my kids and take advantage of early seasons as well as late seasons. Back to the freeze up, you are rolling the dice, we have no control over mother nature. I didn't even hunt the last week of the season last year because I was so tired of shooting ducks, to be honest with you; and that was on public area at St. Paul. Hunting was phenomenal. Take advantage of early seasons out west, it doesn't take a king's ransom to go there and hunt. Commissioner Marshall – Do you hunt Marais des Cygne? Fluvial – No. Commissioner Marshall – Do you think their season is a little different from your season? If that was the only place to hunt, does that migration happen a little sooner than it does down here? Fluvial – I would say it is pretty similar to here. Commissioner Marshall – It just freezes up sooner. Fluvial – Yes, but they do have the Marais des Cygne river that flows through there and to the east of there in Missouri there are some wildlife areas that hold a lot of ducks.

Secretary Jennison – Linda has her commercial cued up now that we were unable to watch this afternoon (showed commercial). Linda, where will we be using these? Craghead – It will go hand in hand with sport hunting shows we are working collaboratively with. Also, it will be going on our websites in digital ads and on local networks if we can get a good deal on it. Commissioner Marshall – Does Cabelas let you put something like that on their website? Craghead – For a price they do and especially since we are working with them on the upland road trip.

## **XI. DEPARTMENT REPORT**

### **D. Public Hearing**

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

1. Early Migratory Bird Seasons - Tom Bidrowski, migratory game bird program manager, presented this update to the Commission (Exhibit O). The USFWS annually develops the frameworks for states to establish migratory game bird hunting seasons which establish maximum bag, possession limits and season lengths, earliest opening and latest closing dates; defines teal population thresholds for which September teal season can be held; and historic season dates and harvests. Final federal frameworks will not be set until the June 26, 2014 USFWS Service Regulatory Committee meeting, however with current populations in the prairie pothole region and continental teal population we expect no changes in the federal frameworks, which would allow for a 16-day teal season. Last year the bag limit was raised from four to six and possession limit is three times the daily bag. There are two options for the Low Plains Zone and three season options for the High Plains. In staff recommendations we are recommending Option B, the 16-day season running September 13 through September 28, 2014 for the Low Plains; and in the High Plains, Option C, a 9-day season running September 20 through September 28, 2014. If the commission chooses these options it will make the earliest that the High Plains and Low Plains early zone regular duck season could start would be October 11 because, a break of three weekends with the youth season being one of those. Commissioner Marshall – Tell us a little about last year’s migration. Was there any surprises or did you think it was a classic one? Bidrowski – It definitely started with the late spring and late fall in prairie pothole region and that delayed nesting for about two weeks so that had an effect on when the birds started coming down. The first thing we started seeing in the harvest was in calendar days. Traditionally it started the second Saturday, but we started the first Saturday, the earliest ever since 1992. Saw adult males first part of the season and juveniles the last two weeks as well as a few females; so later migration. Commissioner Marshall – The first week was a waste last year, but I realize we can’t really move it. Bidrowski – If you look at the harvest at Cheyenne Bottoms they had another phenomenal season. Late migration also carried into the regular duck season so they had a fantastic October 4 opening weekend there and blue wings remained 40 percent to 60 percent of the harvest up until about the end of October, then started to see gadwall and mallards show up in harvest. Commissioner Marshall – The problem with delaying it a week is it really messes up the start of the next season, more than anything? Bidrowski – Correct. Commissioner Budd – Why does the High Plains have a 9-day season and the Low Plains a 16-day? Bidrowski – The High Plains has a 97-day option for regular duck season, so you add in two youth days and with only 107 maximum hunting days limited by Migratory Bird Treaty Act; so we subtract one from general duck season leaving 96-days in High Plains, two for youth weekend, 9-days for teal season. Commissioner Budd – The Low Plains doesn’t have that option? Bidrowski – Not for 97-day season, they are only allowed 74-days in the Low Plains zone. Commissioner Budd – Why is that? Bidrowski – It is based off under-utilized harvest opportunities in the High Plains zone on western continental mallards. It was divided out in the late 1960s, with the first High Plains zone in 1972. When it was broken out there were fewer hunters and less hunter pressure, so there is more hunting opportunity that way. Commissioner Budd – In the Low Plains, since we have a 16-day season you are wanting to start on September 13 and go through September 28 and since you are limited to 9 days in the High Plains, your first option is September 6 to September 14, second option is September 13 to September 21 and you chose third option, September 20 to September 28. You think that is the best for harvest opportunity? Bidrowski – Most teal would be available at that time. We start seeing teal show up at Cheyenne Bottoms in mid-August and those are some of the further migrants that go down to Central America and Mexico. Commissioner Budd – Do we vote on this tonight? Bidrowski – Yes, we do. Chairman Lauber –

Staff recommends Option B and Option C which are the latest options in both cases.  
Commissioner Budd – I like your way of thinking. Bidrowski – It works well on the front end.  
Commissioner Marshall – Remind when earliest we can start Low Plains regular duck season?  
Bidrowski – October 11, the second Saturday; three weekends used up for teal and one weekend for youth. You would lose half your season options for the regular season early zones.

**Commissioner Hayzlett moved to approve Options B for Low Plains and Option C for High Plains Early Migratory bird seasons before the Commission. Commissioner Budd second.**

Commissioner Marshall – I have to make one point here; if we go through with this plan the Low Plains early season will start a week later than last year. Bidrowski – Correct. Commissioner Marshall – Wasn't there an outcry for October 4? Bidrowski, No, if you go to historic season dates it was typically the second Saturday. It also gives you a three-day weekend for those who have Columbus Day off. Some of the outcry was the December 1 closure.

**The roll call vote on early migratory seasons as recommended was as follows (Exhibit P):**

<b>Commissioner Budd</b>	<b>Yes</b>
<b>Commissioner Dill</b>	<b>Absent</b>
<b>Commissioner Doll</b>	<b>Absent</b>
<b>Commissioner Hayzlett</b>	<b>Yes</b>
<b>Commissioner Marshall</b>	<b>Yes</b>
<b>Commissioner Wilson</b>	<b>Yes</b>
<b>Commissioner Lauber</b>	<b>Yes</b>

**The motion as presented early migratory seasons passed 5-0.**

2. KAR 115-8-1. Department lands and waters: hunting, furharvesting, and discharge of firearms – Brad Simpson, public lands section chief, presented this report to the Commission (Exhibit ). You will be voting on reference document that is adopted into 115-8-1; these are regulations that are on state fishing lakes and wildlife areas. The changes you have been seeing at last few commission meetings have been changed and are in entire reference document that was included in the briefing book so that is what you are voting on. Commissioner Budd – With so many people from this area could you give a two minute update on project?  
Simpson – We do have a major reclamation project, a \$3 million allocation granted to us and a Pittman-Robertson grant that will reimburse 75 percent of costs back to us, so our out-of-pocket will be 25 percent of \$3 million, less than \$1 million. We will start the planning, engineers will be acquiring all of the permits needed to get project underway, not looking at dirt work until after this hunting season. Have a pre-construction meeting on the south unit within the next two weeks where we will be putting in a permanent pump station, which we hope to be in place well before October, however our water right does not allow us to pump until October 1. Hope to be able to flip a switch and fill the south end up this fall. Commissioner Budd – And we are going to have some public meetings? Simpson – We plan to have a public information night where we will present the plan and how we will move through that plan over the next couple of years in developing the wildlife area.

**Commissioner Budd moved to approve KAR 115-8-1 before the Commission.**

**Commissioner Wilson second.**

**The roll call vote on KAR 115-8-1 as recommended was as follows (Exhibit R):**

<b>Commissioner Budd</b>	<b>Yes</b>
<b>Commissioner Dill</b>	<b>Absent</b>
<b>Commissioner Doll</b>	<b>Absent</b>
<b>Commissioner Hayzlett</b>	<b>Yes</b>
<b>Commissioner Marshall</b>	<b>Yes</b>
<b>Commissioner Wilson</b>	<b>Yes</b>
<b>Commissioner Lauber</b>	<b>Yes</b>

**The motion as presented KAR 115-8-1 passed 5-0.**

3. KAR 115-25-9a. Deer; open season, bag limit, and permits; additional considerations; Fort Riley - Lloyd Fox, big game research biologist, presented this report to the Commission (Exhibit S). We have the season recommendations we have gotten from Fort Riley staff. That would include archery that would start September 1. We have two amendments in our briefing book: to change closing date of archery from September 15 to September 14. Season for designated persons, change also in 115-25-9, they have asked for October 10 through October 13. Firearm season would be November 28 through November 30 and December 13 through December 21. Open archery from January 12 through January 31, 2015. They requested no open season during pre-rut season or what used to be the special extended season in deer management units 7 and 8; we have done away with that regulation already in 115-25-9 so we recommend, in the amendment, that you strike “the special extended firearms season and” from the language. The two amendments on this regulation one is in section (a) to change the date from September 15 to September 14; and in section (e) to strike portion of sentence on special extended firearms season. Chairman Lauber – The management of Fort Riley prefers the amendments? Tymeson – The amendments are clean up, if you pass it without the amendments it really has no impact, with amendment only that one day. Our recommendation to vote for the amendments to clean it up.

**Commissioner Marshall moved to bring KAR 115-25-9a before the Commission.  
Commissioner Hayzlett second.**

**Commissioner Budd moved to amend KAR 115-25-9a. Commissioner Hayzlett second.**

**The roll call vote to amend KAR 115-25-9a as recommended was as follows (Exhibit T):**

<b>Commissioner Budd</b>	<b>Yes</b>
<b>Commissioner Dill</b>	<b>Absent</b>
<b>Commissioner Doll</b>	<b>Absent</b>
<b>Commissioner Hayzlett</b>	<b>Yes</b>
<b>Commissioner Marshall</b>	<b>Yes</b>
<b>Commissioner Wilson</b>	<b>Yes</b>
<b>Commissioner Lauber</b>	<b>Yes</b>

**The roll call vote on regulation KAR 115-25-9a as amended was as follows (Exhibit T):**

<b>Commissioner Budd</b>	<b>Yes</b>
<b>Commissioner Dill</b>	<b>Absent</b>
<b>Commissioner Doll</b>	<b>Absent</b>
<b>Commissioner Hayzlett</b>	<b>Yes</b>
<b>Commissioner Marshall</b>	<b>Yes</b>
<b>Commissioner Wilson</b>	<b>Yes</b>
<b>Commissioner Lauber</b>	<b>Yes</b>

**The motion as amended on KAR 115-25-9a passed 5-0.**

4. KAR 115-4-2. Big game and wild turkey; general provisions - Lloyd Fox, big game research biologist, presented this report to the Commission (Exhibit U). We have one change on page 2 (b)(1), delete section that reads, "A permit or game tag purchased during the open season shall not be valid until the next calendar day." This would eliminate that section and renumber the regulation after that. Commissioner Budd – This will let you hunt the same day you buy your permit, correct? Fox – Yes it would.

**Commissioner Budd moved to approve KAR 115-4-2 before the Commission.  
Commissioner Marshall second.**

Commissioner Wilson – The last time this came up I thought we had a recommendation from the Captain of Law Enforcement that they wouldn't do that. Chairman Lauber – I think Law Enforcement had some reservations, but I don't know that we made a commitment not to do it. Commissioner Wilson – I understood that we would not pursue that any longer. Jennison – I think Robert's recollection is right, if it would have been up to law enforcement to come up with a recommendation on this it would have been their choice not to do that. In looking at the totality of this our recommendation is to do what is before you. Michael Pearce – Robin, what is the reason for you to want the regulation changed? Jennison – We have had significant discussion on it and I think in this day and age it has to do with user friendliness and making it easier for people to come in and hunt. Law Enforcement does have some concerns about people coming in and taking game and then going to buy the license afterward. In reviewing that and thinking about it we decided the incidents of that happening were not significant enough to not allow people to come in and hunt the same day as they purchase the license. Chairman Lauber – When this statute came out it was a paper transaction and there was no opportunity to ensure the date and time it was purchased, now with electronic licenses you know exactly when it was purchased. Jennison – That is true. Part of what the chairman is alluding to is the technology that is available today, while in some respects you would think it would make it easier to do that, but at the same time that is the trend; at some point people may be able to get their license on their phone, not saying we are going to, but may be possible. Taking everything into consideration we decided to bring this recommendation forward. Pearce – Did anyone check with surrounding states to see how they did it? Tymeson – The question was asked at the last commission meeting, what were our neighboring states doing, so I checked the four neighboring states and none of them had the prohibition that we currently have. For example, you could go and buy a turkey permit and hunt the same day in any of those four states. Kevin Jones – This a complex issue for law enforcement, the issue we are getting into here is, when does the permit become valid, and in looking at our statute that requires the purchase of a license there is a provision in that which

says, no one shall be found guilty if the license is purchased prior to the arrest, so it is all built on when the legal action starts. This provision keeps the individual from going and buying permit which is valid on the same day the kill is made, but the citation is written after the kill and the purchase was made prior to the arrest so it becomes a time flow issue. We had one case this year dismissed on those grounds because individual was charged with take without a proper license, but the license was purchased prior to when the arrest occurred. The prosecutor did not opt to charge under this regulation, take on invalid permit because it was used on the same day as purchase. Chairman Lauber – Was the arrest made contemporaneous with the investigation? Jones – The deer was found on an inspection of a locker plant, they looked at the tag and the time the kill was made, it was 7:00 am, but permit was purchased at noon. Animal was seized and charges were filed, but statute 32-1001, subsection (e) was used against us because permit was purchased before the arrest was made; it had nothing to do with when the animal was killed. The only thing that has to do with when the animal was killed is when the permit becomes valid. Commissioner Budd – You can't really arrest them before they buy the permit can you? Jones – If you can do that you are a magician. That is our concern and why the recommendation came from law enforcement as it did. Chairman Lauber – By eliminating this it is a lot more user friendly, it may be abused but offers some other benefits.

**The roll call vote on KAR 115-4-2 as recommended was as follows (Exhibit V):**

<b>Commissioner Budd</b>	<b>Yes</b>
<b>Commissioner Dill</b>	<b>Absent</b>
<b>Commissioner Doll</b>	<b>Absent</b>
<b>Commissioner Hayzlett</b>	<b>Yes</b>
<b>Commissioner Marshall</b>	<b>Yes</b>
<b>Commissioner Wilson</b>	<b>No</b>
<b>Commissioner Lauber</b>	<b>Yes</b>

**The motion as presented KAR 115-4-2 passed 4-1.**

5. KAR 115-25-1. Prairie chickens; open seasons, bag limits, and possession limits; permit - Jim Pitman, wildlife biologist, presented this report to the Commission (Exhibit W). We need to modify our prairie chicken regulations due to the recent federal listing to threatened. At last meeting recommendations were to maintain our current hunt units and simply close the season in the southwest unit, which would allow some incidental take in the northwest part of the state. That was authorized by the U.S. Fish and Wildlife Service (USFWS) in their 4(d) exemption when they came out with the listing. Since our last commission meeting we have had more in-depth discussions with USFWS law enforcement personnel and we discovered that while incidental take of lesser prairie chickens is still allowed, possession is not which makes that very problematic because it very difficult to differentiate between lesser and greater prairie chickens (pc) when you have each species in the hands, particularly the hens, genetics are so close. By maintaining hunting in that area where lesser and greater prairie chickens overlap, it places a lot of responsibility on our hunters and law enforcement officers to identify those two species; and other complications of maintaining an open season in that area. We have decided to modify our hunt unit boundaries to exclude almost all of the lesser prairie chicken range and close that to hunting; then combine all of the other units in the northwest and eastern part of the state and maintain one greater prairie chicken season. You will see two on that map, but there is

one area of LPC range that would be in the open area because there have only been two LPC observations in the last five years, in 2011, so we felt there was a minimum risk for hunters and to go further east would eliminate a lot of good hunting opportunities in Russell and Osborne counties, if we were to use a major road as boundary. Pearce – Where? Pitman – In northwest Rush and southeast Ellis counties would still be open if the recommendation is approved. Commissioner Hayzlett – People out west weren't pleased with federal government's choice, but they will abide by this. They are just as protective of prairie chicken as anyone else. What about the corner of Rooks County? Pitman – No hunting in southwest corner, using the roads as boundaries that is the closest we could get. Chairman Lauber – If you had an incidental take, what do you do with it, identify and discard? Pitman – You are supposed to turn it into the USFWS. Legally, according to the 4(d) rule you can kill them, you just can't possess them. We planned on hunting them all along, but they after the listing they decided incidental take is allowed, but possession is not. Kevin Jones, Mike Mitchener and myself explored all of the options and this is it; that small area does have some of the greatest GPC harvest in the state. It is disappointing, but don't think there was anything else we could do.

**Commissioner Marshall moved to bring KAR 115-25-1 before the Commission.  
Commissioner Hayzlett second.**

Tymeson – Need motion to amend, what was originally proposed was to just close that smaller portion of southwest unit, the amendment is that map in the briefing book, so essentially just one greater prairie chicken unit.

**Commissioner Hayzlett moved to amend KAR 115-25-1. Commissioner Marshall second.**

Commissioner Budd – The next time we talk about prairie chickens I would like to see if we can get someone from the USFWS to come down. Pitman – I would be glad to extend that offer.

**The roll call vote to amend KAR 115-25-1 as recommended was as follows (Exhibit X):**

<b>Commissioner Budd</b>	<b>Yes</b>
<b>Commissioner Dill</b>	<b>Absent</b>
<b>Commissioner Doll</b>	<b>Absent</b>
<b>Commissioner Hayzlett</b>	<b>Yes</b>
<b>Commissioner Marshall</b>	<b>Yes</b>
<b>Commissioner Wilson</b>	<b>Yes</b>
<b>Commissioner Lauber</b>	<b>Yes</b>

**The roll call vote on regulation KAR 115-25-1 as amended was as follows (Exhibit X):**

<b>Commissioner Budd</b>	<b>Yes</b>
<b>Commissioner Dill</b>	<b>Absent</b>
<b>Commissioner Doll</b>	<b>Absent</b>
<b>Commissioner Hayzlett</b>	<b>Yes</b>
<b>Commissioner Marshall</b>	<b>Yes</b>
<b>Commissioner Wilson</b>	<b>Yes</b>
<b>Commissioner Lauber</b>	<b>Yes</b>

**The motion as amended on KAR 115-25-1 passed 5-0.**

**XII. Old Business**

*None*

**XIII. Other Business**

**A. Future Meeting Locations and Dates**

August 21, 2014 – Kansas Wetland Education Center, Great Bend

October 16, 2014 – Martinelli’s Restaurant meeting room, Salina

January 8, 2015 – Bonner Springs Parks and Recreation, Sunflower Room

Commissioner Budd – Commissioners Dill, Doll and myself all came on at the same time and they wanted me to extend our appreciation to Robert. Chairman Lauber – We appreciate all the time and service you have given us and hopefully you will come back and visit. Commissioner Wilson – Thank you, I will do that.

Steve Sorensen – Did the motion to adopt the teal season include shooting hours and bag limits? You voted to adopt Options B and C, but not necessarily bag limit of six. Commissioner Marshall – That was the intent.

Jennison – For your information if you are interested we’ve had a bit of concern in western Kansas over pheasant numbers, because of the drought. People think the department is not responding adequately to that situation and do not understand the biological reasons we have the season we have and the bag limits we set. We feel it is a communication problem and to just put something in the magazine is not going to solve the problem and so we are planning, for the last week of July, one or two things; a tour in western Kansas, most likely two days and have public meetings each night. If you are interested keep that open and as we make arrangements we will keep you informed. We will probably extend the invitation to some of the legislators because when constituents have concerns they talk to the legislators; also to non-governmental organizations because we feel like who have something to say as they understand the biology of it. Hopefully the tour will draw some interest.

**XIV. ADJOURNMENT**

The meeting adjourned at 7:35 p.m.

(Exhibits and/or Transcript available upon request)