

AGENDA
KANSAS DEPARTMENT OF WILDLIFE, PARKS & TOURISM
COMMISSION MEETING AND PUBLIC HEARING
Thursday, November 15, 2018
Fossil Creek Hotel, Dole-Specter Conference Center
1430 S. Fossil, Russell, KS

- I. CALL TO ORDER AT 1:30 p.m.**
- II. INTRODUCTION OF COMMISSIONERS AND GUESTS**
- III. ADDITIONS AND DELETIONS TO AGENDA ITEMS**
- IV. APPROVAL OF THE August 2, 2018 MEETING MINUTES**
- V. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS**
- VI. DEPARTMENT REPORT**
 - A. Secretary's Remarks**
 - 1. Agency and State Fiscal Status (Linda Craghead)**
 - 2. 2019 Legislature (Chris Tymeson)**
 - B. General Discussion**
 - 1. E-bicycles (Linda Lanterman)**
 - 2. Controlled Shooting Area Operational Requirements (Jason Ott)**
 - 3. Public Land Regulations (Stuart Schrag)**
 - 4. Squirrel Regulations (Kent Fricke)**
 - C. Workshop Session**
 - 1. 2019-2020 Turkey Regulations (Kent Fricke)**
 - 2. Antelope and Elk 25-Series Regulations (Matt Peek)**
 - 3. Big Game Regulations (Levi Jaster)**
 - 4. Deer 25-Series Regulations (Levi Jaster)**
 - 5. Coast Guard Navigation Rules (Dan Heskett)**
 - 6. Unmanned Aerial Vehicles (Rich Schultheis)**
 - 7. Electronic Licensing Update (Todd Workman)**

8. Fishing Regulations (Doug Nygren)

9. Backcountry Access Pass (Linda Lanterman)

VII. RECESS AT 5:00 p.m.

VIII. RECONVENE AT 6:30 p.m.

IX. RE-INTRODUCTION OF COMMISSIONERS AND GUESTS

X. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

XI. DEPARTMENT REPORT

D. Public Hearing

1. KAR 115-2-3. Camping, utility, and other fees. (Linda Lanterman)

2. KAR 115-2-5. Trail access pass. (Linda Lanterman)

3. KAR 115-7-3. Fish; taking and use of baitfish or minnows. (Doug Nygren)

4. KAR 115-17-2. Commercial sale of fish bait. (Doug Nygren)

5. KAR 115-18-10. Importation and possession of certain wildlife; prohibition, permit requirement, and restrictions. (Doug Nygren)

XII. OLD BUSINESS

XIII. OTHER BUSINESS

A. Future Meeting Locations and Dates

XIV. ADJOURNMENT

If necessary, the Commission will recess on November 15, 2018, to reconvene November 16, 2018, at 9:00 a.m., at the same location to complete their business. Should this occur, time will be made available for public comment.

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

The next commission meeting is scheduled for Thursday, December 13, 2018 at Great Plains Nature Center, 6232 E 29th St. N., Wichita, KS.

**Kansas Department of Wildlife, Parks & Tourism
Commission Meeting Minutes
Thursday, August 2, 2018
Gyp Hills Guest Ranch
3393 SW Woodward Rd., Medicine Lodge, KS**

Subject to
Commission
Approval

**NOTE: An evening session will not be conducted because there are no public hearing items.
Meeting will adjourn after all agenda items are completed.**

The August 2, 2018 meeting of the Kansas Wildlife, Parks and Tourism Commission was called to order by Chairman Gerald Lauber at 1:30 p.m. at the Gyp Hills Guest Ranch, Medicine Lodge. Chairman Lauber and Commissioners Emerick Cross, Tom Dill, Gary Hayzlett, Aaron Rider and Harrison Williams were present. Ward Cassidy was unable to attend.

II. INTRODUCTION OF COMMISSIONERS AND GUESTS

The Commissioners and department staff introduced themselves (Attendance Roster – Exhibit A).

III. ADDITIONS AND DELETIONS TO AGENDA ITEMS

Sheila Kemmis – Todd Workman will present Agency and State Fiscal Status in place of Robin. On last item, ASK Update, only Jessica Rice will be presenting (Agenda – Exhibit B).

IV. APPROVAL OF THE June 21, 2018 MEETING MINUTES

Commissioner Harrison Williams moved to approve the minutes, Commissioner Aaron Rider second. *Approved* (Minutes – Exhibit C).

V. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

None

VI. DEPARTMENT REPORT

A. Secretary's Remarks

1. Agency and State Fiscal Status – Todd Workman, assistant secretary of Administration, presented this update to the Commission (Exhibit D). June was another million-dollar month for the park fee fund (PFF), three in a row. As a caveat, the ACH deposit for week of July 21 won't be included so these numbers would have been higher, that will be reflected in the August report. The Wildlife Fee Fund (WFF) number is low, \$711,000, ACH is \$336,000 that has not been put in so actually a little over \$1 million, in line with other years, nothing to be alarmed about. Cabin fund revenue history, FY19 \$130,647, shows a slight decline from last year, but is one less full weekend.

2. 2018 Legislature – Changes to Regulatory Process – Chris Tymeson, chief legal counsel, presented this update to the Commission. A new law that is going to impact how we do regulatory process and it went into effect in late June. We had scheduled a vote on KAR 115-20-7, revocation dealing with doves, published that regulation and as part of regulatory process, there are bunch of steps that you don't see; one is it has to go before Joint Rules and Regulations Committee, they said it was not in conformance with new law so no hearing tonight. Because of new law, we have scheduled meetings for November, December and February on top of January, March and April meetings. I don't have a grasp of the impact on changes and timelines but will probably cancel October meeting because we don't feel regulations will be ready in time. The purpose of the new law is to provide more economic analysis on regulation changes. Also, there is another approval process through the Division of Budget that was not involved before, in addition to Department of Administration and Attorney General approval, which adds time to regulations getting approved. If regulation has \$3 million impact or more over a two-year period it will have to have a second public hearing, not sure if those have to be separate and not overlap or can run consecutively. To get regulations for deer published in time to vote in March to allow for April nonresident application process, we may have to have two meetings in March to do that, assuming public comment periods can overlap. Possible problems with turkey regulations too; have not analyzed fiscal impact for elk and antelope yet or fishing. We will have more commission meetings and in some may or may not have regulations to vote on but have to have dates possible to make regulatory process work. Not anything we can't handle, we just have to move forward, and it will require additional commitment from you. Chairman Lauber – Key is \$3 million impact, or time to have various approvals? Tymeson – Adds more time to the process, the \$3 million adds another hearing for that regulation. Chairman Lauber – Are Secretary's Orders on deer considered a public hearing? Tymeson – No, not a regulation. Chairman Lauber – Wouldn't that be the one that is over \$3 million? Tymeson – That sets the number of permits, the regulation that sets season is where fiscal impact will be. Chairman Lauber – Hopefully some refinements as time goes on. As a commission we will comply as needed. Issue of significance would be expense required to set up each meeting and may be easier to have central locations to eliminate some of that expense. Tymeson – I agree. Sheila and I went over some dates and locations; as this cycles and smooths out we will have firmer grasp on times, which us puts us in precarious position for October; don't know how long process has been lengthened, relying on other people to do approvals. Everyone in state government has been working on this issue, it will add time. Once we figure out double hearing issue, not clear guidance in statute yet, will be determined by Attorney General and executive branch. Chairman Lauber - Look at November and December now. Tymeson - We looked at dates, limited times because of holidays; possibly November 15 and December 13. Wait until the end of meeting to talk about future commission meetings and give everyone time to look at their schedules. Commissioner Williams – What about October? Tymeson – Don't think we will have regulations ready by October. Chairman Lauber – It makes sense to cancel October meeting if no business we can accomplish. Commissioner Rider – November, December, January, February of every year? Tymeson – This first year anyway. For now, have to see how this is going to work out. Chairman Lauber – If we have key votes we can consider remote meetings. Tymeson – Trouble in the past with remote scenario. Chairman Lauber – Some commissioners may be able to attend, some not. Tymeson – We need a quorum, keep all of that in mind if someone can't attend. Let's move discussion to the end of meeting and discuss further. Chairman Lauber – Not sure I fully understand why we have to change. Tymeson – A lot of back end stuff that you don't see.

B. General Discussion

1. Tourism Update – Linda Craghead, assistant secretary parks and tourism, presented this update to the Commission. Success of parks Todd mentioned, if you go back to 2011 and where we are today, if you were to take \$485,000 in July this year that is almost doubled revenue since 2011; very proud of the team. Same kind of results in Tourism since 2008, saw another increase of 3.6 percent in local transient guest tax, which goes back to local communities to use in a variety of ways, increased to \$45.2 million last fiscal year. Anticipate revenues for sales tax to be the same, shows 3.9 percent increase. I gave you a handout of a study done by the Bureau of Economic Analysis (Exhibit E). It talks about outdoor recreation and the impact it makes in the United States. Outdoor recreation economy accounted for 2 percent of gross domestic product in 2016. It breaks it down to \$673 billion, consisting of motor vehicles, RVs and campers; boating and fishing; hunting, shooting and trapping; guided tours and outfitted travel; and multi-use apparel, which is the retail side of things. Overall, it generated more than 4.3 million jobs. The website is on the bottom of handout. We are in consumptive business but what we have found is that the birding initiative in the state has been untapped and Michael Pearce has been out in western Kansas. We want to use Little Jerusalem in combination with Historic Lake Scott State Park to fully launch economy in western Kansas from tourism perspective, a premier location to come and see lesser and greater prairie chickens. We already have four bookings from Europe to come and stay in either Scott City or Oakley, also will be going to Quivira for waterfowl migration. Also, just booked two separate groups from the east coast, 26 people each. They pay to see, and the farmer is getting \$50 per person and that money goes back into the community; looking to grow that economy. From birding perspective, but also standpoint of chuckwagon feeds, ranching experiences and those types of things. The destination for spring was Sun City. Other thing is spring digital campaigns (Exhibit F). Talk about two of them, state parks and fishing and urban angler efforts. Haven't marketed state parks other than by word of mouth, Facebook and social media and website development. We ran a campaign that focused on the Kansan; ran 679,000 impressions on the radio this spring, 468 spots in total. We also did some native digital advertising; we put pixels on there and talk about Big Brother and knowing whether those are working. Estimate over past year we saw only 10 percent, know we had 2,578 verified arrivals, times 10 is 25,000 people into the state, just by placing digital ad in front of the right people at the right time. With respect to anglers, focused on moms, people in urban areas, focused on creating a family experience, ran mostly in Kansas City and engaged them in trying to participate in fishing. Also, on native and Facebook ads, had 623 verified anglers, again only 10 percent picture. People ask, how do you know they are coming; put pixel on website, someone clicks on ad, brings them somewhere on our site and we know that person has looked at our ad, clicked through to our site and maybe watched a video and maybe bought a license and actually came to Kansas. We don't know their name, or who they are, but we can tell you the state it originated in; a 10 percent sampling, not 100 percent and that is through program called *Arrivalist*. Good results with digital campaign. We are going to work harder to let staff know when hunting shows are coming in to film in Kansas. Three coming in focused on upland game or waterfowl, The Flush, Sporting Dogs USA and Wingshooting USA. They are not only filming but pushing media in a big way. Little Jerusalem plans finalized, elevations measured and putting out for bids to build a parking lot, hopefully open this fall. Because of Senate Bill 331 had to have Flint Hills Trail Advisory Council in place, each of the commissions has responsibility to designate a commissioner or appoint a person and each city that is county seat also have a person; appointments were due August 1. The Speaker of the House will appoint first council

chair and Senate president will appoint the first vice president, both members of House and Senate, but haven't made appointments yet. They will meet quarterly on Flint Hills Trail. Showed video on Kansas travelks website.

2. Big Game Regulations – Levi Jaster, big game research biologist, presented this report to the Commission (Exhibit G). Introducing permanent regulations for review and 25-series on seasons. On 115-4-2, general provisions that includes information on a carcass tag, registration including photo check option and other things. There were minor changes a few years ago to allow elk hunters to electronically register animals, no proposed changes. 115-4-4, big game legal equipment, required quite a bit of review, no proposed changes but currently looking at air rifles for big game and ammunition that has been developed, which many are also non-toxic options; may come back with more on that. 115-4-6, firearm deer management units, 19 units, no proposed changes, keep the same because it allows us to do trend analysis. 115-4-11, big game and wild turkey permit applications, originally no changes, but recently had a new recommendation because of new season for elk set in August, move deadline for applications to second Friday in June for both elk and any deer permits, instead of second Friday in July, licensing folks scrambling to get permits out on time before seasons open. Also, with elk we don't collect fees right away, make it a better customer experience for getting permits. The second Friday in June is also pronghorn application deadline. Commissioner Rider – Not proposing to change the start of application? Jaster – Haven't talked about that but will need to evaluate. Mike Miller – Right now from mid-May to mid-June for antelope, so probably the same. Jaster – Same length but shifted time period. 115-4-13, deer permit descriptions and restrictions and outlines what permits are available where and what can be taken on those permits. Started in 2016 to not issue either-species antlerless-only permits and since then have had the lowest harvest on mule deer since mid-1980s, which is good because of concerns over mule deer populations and will continue to monitor and evaluate that. Not proposing any changes. (Handout on deer seasons – Exhibit H). Staying with traditional season structure, with a couple of potential changes to 2019-2020 deer season. We have had many comments that it is too hot in September for youth and muzzleloader hunting so considering option to also have period to access change and how that could be worked around, we are recommending that during the pre-rut season, October 12-14 also allow continuation of youth and muzzleloader season for those three days, gives them later option when cooler and keeps number of firearm days where muzzleloader may be used overall the same and keeps the days archers have to wear orange the same. Proposing to continue one-day season in January in DMUs with only one whitetail antlerless deer permit is allocated. Three lengths of whitetail antlerless seasons to work with: one day, five days and 12 days; the shortest season would not have a weekend. We would make adjustments on units that may or may not be included based on survey data. Youth and Disability, September 7-15, 2019, reopen October 12-14, 2019; Early Muzzleloader, September 16-29, 2019, reopen October 12-14, 2019; Archery, September 16 - December 31, 2019; Pre-Rut WAO, October 12-14, 2019, which is Columbus Day; Regular Firearm, December 4-15, 2019; First Extended WAO, January 1, 2020; Second Extended WAO, January 1-5, 2020; Third Extended WAO, January 1-12, 2020; and Extended Archery (DMU 19), January 13-31, 2020. Chairman Lauber – Primary change is during October season, if you used your muzzleloader you could harvest an antlered deer during that three-day pre-rut season, using muzzleloader only? Jaster – Yes. Chairman Lauber – Don't see a problem and it doesn't cause any more blaze orange inconvenience. Need to try it and see what happens.

3. Private Lands Habitat Specialist Program – Wes Sowards, assistant director, Wildlife Division, presented this update to the Commission (Exhibit I, PP – Exhibit J). The Wildlife Division employs 29 district wildlife biologists and biologist technicians who work directly with private landowners, providing technical guidance on best management practices and creating habitat management plans through the division's Habitat First program, as well as providing advice on the multitude of practices offered through the U.S. Department of Agriculture. This effort has been stymied in some areas of the state where landowners don't have the equipment and or time necessary to complete the practices properly; or live in another state. We have field staff provide the technical guidance and some financial support, but there wasn't manpower to implement the practices directly on the landscape. To address these issues, the wildlife division has begun our own habitat specialist program on private lands. Currently the Habitat First (HF) program offers a multitude of things, primarily cost share assistance on beneficial wildlife practices. Practices include prescribed burning, fencing out sensitive areas to quail shelter in the southwest. HF also provides job sheets with specifications and tips on maintenance for each practice. We provide cost sharing; technical guidance on USDA conservation programs and practice specifications; equipment loans like grass drills, tree planters and root plows; and limited assistance with practice implementation, which brings us to private lands habitat specialist program. Current limitations with HF is changing farming practices like no-till, CRP and limited available agricultural equipment for producers in certain areas to fully implement habitat management practices. We work with a lot of busy producers who lack the time to complete the practices to standard. Also, there is an increasing number of nonresident landowners and a limited number of contractors to take on the additional workload. In our approach, a lot of that like Public Land Division's, we partnered with Habitat Forever, a subsidiary of Pheasants Forever (PF), to employ habitat specialists on the landscape to work with district biologists. The objective is to provide more efficient habitat delivery system where KDWPT and PF work hand-in-hand to effectively improve wildlife habitat on a broad scale. Also plan to educate private landowners on proper wildlife habitat management techniques and practices to further emphasize the importance of private lands on wildlife populations, done by completing practices on the ground. We plan to increase overall delivery of state and federal habitat programs, eliminating bottleneck and being able to do more habitat management on the ground and making more habitat plans for the future. Primary focus is lands enrolled in our Walk-In Hunting Access (WIHA) program and to address conservation issues with Statewide Wildlife Action Plan (SWAP) program targeting Ecological Focus Areas (EFA) in line with Habitat First priorities. Currently we have three positions, at Dodge City, Wilson and mined land district in southeast Kansas. The habitat specialist in Wilson district coincides with Smoky Hills EFA and primary conservation issue is managing succession to keep brush at bay on grassland landscape. The Dodge City position is addressing conservation issues such as grassland conversion and proper grazing regimes that increases sediment discharge to basins of playa lakes. Practices such as draining wetlands and cropland cultivation can degrade water quality from runoff and increased sedimentation. Trying to increase playa restoration efforts with this position. The goal is to expand to private lands. There is some successional brush management in this district as well. The position in southeast area, in mined land district, is addressing conservation of improper applied use of prescribed fire or infrequent burning that allows shrubs to take over, diving deep into succession issues and working on federal wetland reserve easements, which have degraded over the years with growth of trees and shrubby vegetation. All

of these opportunities can provide good waterfowl opportunities down the road in southeast Kansas. For fiscal year 2018 we have treated about 500 acres since May; overall, Habitat First has treated 25,000 acres, 3-4 times as much as just five years ago. We submitted a PR grant for Habitat First program which allowed us to increase our capacity to deliver more projects. A distribution of habitat practices includes successional management, vegetation control and mechanical and chemical tree control, cover crop plantings for brood rearing habitat when chicks need it the most, and prescribed fire.

4. Hatchery System Update – Kyle Austin, assistant director, Fisheries Division, presented this update to the Commission (Exhibit K - PP). We appreciate time to showcase our fish hatchery system. The Meade complex, in southwest Kansas, includes adjacent to Meade State Park and public Wildlife Area and the fish hatchery, which had two full-time positions, we hired a third this week. It is 16 ponds equaling 20 surface acres fed by 100 percent well water, no surface water. Ten years ago, we put up bass propagation facility with a couple of raceways in it, where we bring in largemouth bass and spawn them up to 45 days before they would spawn in the wild, which gives them a competitive advantage. We control the photoperiod by using lights and timers and monitoring temperature and fool bass into thinking it is April and May. Two or so years after we realized there wasn't enough space and we built two more raceways in the incubation space we had set aside. We had temporary incubation space set up, so we are adding an addition to include egg incubation room, laboratory and office space for three FTEs. Historically we've had problems with ponds leaking water, top off one day and low next day, really sandy soil and we have tried a number of solutions to seal those over the years. Tried soda ash to seal the ponds in 2014, we go into pond and take core sample to determine how much soda ash to use to seal bottom, go in and remove several inches of soil off the top, apply soda ash, backfill over than then add another layer of soda ash. We sealed four ponds in 2014, and earlier this year sealed eight more ponds. All of them, except one, were used for production this year and all 16 ponds are filled now. Come a long way in last 10-15 years. Other Meade infrastructure projects include: constructing a pole barn for equipment using existing concrete slab from pheasant raising days; replacing roof on old fish house, formerly a two-car garage, plan to use metal trusses and metal roof; construct walleye intermediate production building next to bass propagation building, part of statewide walleye initiative, includes water-efficient recirculating aquatic system, grow-out facility for two-inch fingerlings coming from fish house and raising to 10-inch fish, on specialized walleye artificial diet and hope to produce 30,000 fish annually. Farlington Hatchery has 30 ponds that were constructed in 1939, with roughly 32 surface acres and water supply comes from Crawford State Fishing Lake. The Kansas Aquatic Biodiversity Center (KBAC) was recently completed and is slated for grand opening on August 16. Commissioners are invited. Funding came from Kansas Department of Health and Environment using Natural Resource Damage Assessment (NRDA) funds, wildlife conservation funds and state wildlife grant from USFWS. This building will be used to propagate nongame fish, mussels and other aquatic native species in need of conservation and is the only facility in Kansas for this specialized culture work and one of a handful of state and federal facilities in the U.S. The recirculating pond is located on the back side of building. We toured a facility in Alabama a few years ago and came back with some good ideas. They stressed putting all of the plumbing and floor drains so not tripping over water lines so that is what we did. We will have electrical drops coming off the ceiling and racks of aquarium stuff to raise these native species. Again, have a nice laboratory set up, these guys are scientists and deserve a good place to work. Pond out back

is deep, and the recirculating system provides water to the building and minimizes need for water from Crawford SFL and is a continuous water supply in the winter. There is a harvest structure too, in case we ever use it for native species, we can get them out of there easily. Other infrastructure projects at Farlington include: completed replacing five water control structures in five ponds, including Kansas Kettle (other states using our engineering plans and call it that; basically a harvest structure built below grade of pond bottom) and when we drain ponds the fish come down into those concrete raceways, we have fresh water available and are able to harvest them and can take time getting them out of there; replace main pond dike along south side as it is narrow and leaks, in engineering phase; we have four FTEs who are also responsible for Woodson Rearing Pond, which is about an hour away. The agency has a major project at Woodson State Fishing Lake, repairing emergency spillway, working on the water tower. It has been dewatered for about two years, so we are going to replace siphon lines that feed the rearing pond, renovate the pond dike and improve harvest structure. We produce about 80,000 intermediate-size catfish there each year and stock all over the state, so miss having that in production the last few years; we shifted duties and are making due. Milford Hatchery is 35 years old, has six FTEs, uses well and surface water all year, 24 raceways. Recently installed a new alarm system, old one was outdated and would go off in the middle of the night, new system shows up on phone what the problem is and most of the time can fix it by punching some buttons on the phone and then go over and check it out. Have a new inside filtration system for fish house. In the past had two sand filters, new system will deliver 500 gallons a minute and that is where we hatch the majority of our walleye, striped bass and hybrid striped bass production; also, we have phase one and two walleye programs there. Six ponds built in mid-1990s, with water table high we had to line ponds with polyurethane liners. They are over 20 years old and will need to be replaced. Pratt Hatchery is the oldest facility, have over 80 ponds with gravity flow water system with well water and surface water available. It is the most efficient hatchery with the smallest budget of all the hatcheries and produces more fish than any of our other hatcheries. There have been many infrastructure projects there and are always fixing water lines, working on pond dikes and water control structures. In the near future: plan to seal leaking ponds with soda ash, replacing water control structures and repairing main water supply from Ninnescah River, a two-mile stretch that is dammed up and is gravity fed into the first pond out of a 21-inch clay water line; we have had a number of issues with it and at some point will either need to repair it or replace it. Have five FTEs there. Doug, Keith and Robin have been supportive of fish culture section and I want to thank them for that support. Chairman Lauber – Idea when Woodson will be completed? Workman – Had a meeting yesterday with all of the engineering firms involved and spillway should be completed by the end of August. Chairman Lauber – If rain, will hatchery be usable next summer? Workman – Yes, if it fills up, that would be up to the fishery guys.

Break

5. Bluegill Research Update – Ben Neely, fisheries biologist, presented this update to the Commission (Exhibit L). This is a project started this summer and wanted to give you an update on where we are at, what we have learned and how we can apply it to making fishing better. Bluegill, also known as perch and grouped with other sunfish, are found throughout Kansas. They are versatile fish, can be pursued for trophy, sport, sustenance, opportunity and bait. Bluegill are most important fish species for R3 (recruitment, retention and reactivation)

efforts we are working on; easy to catch, can start with cane pole, a small hook and a nightcrawler. It is the first fish caught for many anglers. In 2013, licensed angler survey showed them as seventh most fished for species in Kansas. Currently managed with no harvest regulations and do have potential to support trophy fisheries, have in the past, but don't have them right now. One trait bluegill have is that bluegill beds are distinct in clear water along the shoreline and males are the big, mean ones. Males get in beds and defend them, prepare beds for spawning and attack anything that comes into that; that is why when you drag jig or nightcrawler through you are going to catch them. This leaves potential to harvest largest males in population and when you take the biggest ones out eventually you are left with genes from smaller ones and don't have big fish anymore. We identified a broad, biological idea that bluegill is susceptible, so we worked with Susan Steffen and sent out a survey in early 2017; asked folks what they thought about bluegill management. There were 886 responses, 43 percent indicated they chased bluegill for bait; 73 percent indicated they chased bluegill for sport. When we asked if bluegill was sport fish or bait fish and 62 percent said it was a sport fish. We asked for bait size and came up with 3-5 inches, sport size was seven inches, trophy size was 10 inches and anglers wanted to harvest five fish per trip to consider it successful. We thought we would see a north/south trend but did not see that gradient. Have broad biological background, susceptible to harvest, social aspect of anglers open to managing bluegill, and looking at specifics now. We sampled 34 small impoundments in August/September 2017, caught 7,000 bluegill, took age from 1,600 of them to get a good representation across the state. These waters were ones where biologists were interested in bluegill populations, whether slow or fast growing, big or little, something they wanted to manage. A 2-year-old is about 2 inches long, 4-year-old is 6 inches then taper off and grow up to 7-8 inches but don't get much bigger than that. Once we got to 7 inches or greater, not seeing very many of those fish, a lot attributed to age, but once hitting age four they are disappearing from population at age four. We look at annual mortality of fish, a percentage that we expect to die annually and see a big range with bluegill; on average 64 percent, that is high, but expected, not only a sport fish but also a fish that other fish eat; expect to see high mortalities, from as high as 90 percent down to 40 percent. We need to export options to reduce this mortality if we want to look at bigger fish. Used two examples, KU Cross Lake is just north of Lawrence at Biological Survey field station, it is unfished, zero angler harvest; and Sheridan SFL, a popular lake in Sheridan County and gets a lot of bluegill fishing and growth curves are very different. At KU lake fish are growing bigger, faster, live longer and maximum size is bigger than at Sheridan SFL. When we have growth information and annual mortality we can estimate percent of fish that hatch that are going to reach 174 mm, 6.85 inches that anglers see as sport. At KU Cross Lake, 15 percent are going to reach that; at Sheridan SFL one percent is going to reach that 6.85 inches. This figure paints picture that angler harvest might be causing a bigger issue than we previously thought. They grow quick, and in different states growing faster than mean growth. From 1991 to 2009, we had 27 10-inch bluegill in samples, 2010 to 2018 we haven't had one yet. We can manage nutrients and plankton to try and create food for bluegill, also saw some instances where nitrogen and phosphorus were influencing growth. Want to look at top-down management, similar to stocking saugeye to control crappie populations, seeing if predator densities, like largemouth bass, influence bluegill growth; and we saw no relative relationship. That leaves us with directive management. What we typically do, regulate size and number of fish we allow anglers to harvest. We have a couple of options; minimum length limit, great when need to protect fish up to a certain size, one problem with minimum length limits would be if fish reproduce readily they can overpopulate and stunt. Another option is reduced

creel limits; Wisconsin has been successful that, currently we are unlimited; Colorado, Missouri and Nebraska have limits, Oklahoma has limits on some impoundments; Texas, Louisiana and Kansas are only states with no bluegill regulations at all. Our biggest problem with this is they are considered bait fish in Kansas and limiting fish isn't an acceptable answer. We looked at protected slot length limit which disallows harvest in a length range. Basically, get little fish into the slot, finite amount food in system, if too many little fish they are not going to grow big; so, get some little fish out to push others into the slot to protect for a certain amount of time then limit harvest of bigger fish. Slot limits are useful when anglers harvest smaller fish; useful when populations recruit well. We haven't explored this with walleye because they don't reproduce and recruit, but bluegill do. Implementation of protected slot of 6-9 inches should meet three main objectives: get development of new trophy opportunities, increase number of fish within slot to improve recreational angling, and allow harvest for bait. Chairman Lauber – Do bluegill in small impoundments like a pond spawn all summer intermittently or tight time frame when they spawn? Neely – Both, they peak towards the end of May and protect the spawn throughout the summer. Bigger fish will spawn early and then others come in and spawn on abandoned beds throughout the summer. Chairman Lauber – I catch fish that appear like a bluegill, but expect they are hybrid. Is that common? Or does that just happen in an impoundment? Neely – It is common enough that they are called technicolor sunfish, they hybridize readily, but indicative of anything. Some suggestion might not be enough bluegill so seeing hybridization but seem to be opportunists. Chairman Lauber – Happen more in cloudy water? Neely – Don't know. Chairman Lauber – Think slot limit makes a lot of sense, but number caught in slot limit is small. Is this statewide? Neely – Four impoundments; Miami SFL, Gardner City Lake, Pottawatomie SFL #2 and Jewell SFL. Jessica Rice – In research are you including hybrids or just bluegill only? Neely – No, bluegill only. Documenting when we see them and see them in most lakes.

C. Workshop Session

1. 2019-2020 Turkey Regulations – Kent Fricke, small game biologist presented this update to the Commission (Exhibit M, PP – Exhibit N). Provided additional handout with most current statewide production estimates completed with rural mail carrier survey, statewide looking better this year (handout – Exhibit O). Follows rule of thumb, in western Kansas when we get rain, get good turkey production; in eastern Kansas when you don't get rain you get good production, when not as many flooding events. Things are better this year, not great. A better year would be if 100 poults per 100 adults, roughly two poults per hen. Have been on 10-15-year decline in terms of numbers of birds we are seeing each spring, but not declining at rate we have been; better this year. On statewide fall harvest, number of active hunters continues to see decline, in numbers pursuing turkey in the fall and total harvest has declined substantially since late 2000s, continuing trend. Of 1,200 birds harvested in fall 2017 season, about one-third were hens statewide. Most of remaining numbers will focus on spring harvest, we saw a substantial decline in number of birds harvested in spring 2018 season, 23,000 birds harvested, the first time we have dipped below 30,000 birds harvested in quite some time. Overall hunter success was 43 percent, we have maintained high success rates for a number of years but declining in recent years. That is reflected in overall hunter satisfaction from surveys, decline in number of overall satisfied and increase in neutral and dissatisfied numbers. Every hunter has his own definition of satisfaction and that has become evident with declines in turkey numbers in number of permits and game tags sold. About half of hunters who buy a license buy a second game tag. The question becomes, what population of hunters is driving decrease in permits sold. The number of

residents buying a game tag is dropping; nonresidents have peaked at around 15,000 permits with associated game tags. Residents are buying fewer permits and game tags. Spring index of turkeys per 100 miles, as abundance declines, residents are responding. In the northwest part of the state, for 2018, production estimates were 73 percent above five-year average; a decline in hunter success overall and decrease of adult birds. In northcentral Kansas, it is unique as there are a lot of birds and a lot of hunters in the spring, more nonresidents than residents because you are still in Rio country and a lot of turkeys in general, as well as a lot of public land and WIHA, a lot of pressure occurring there; overall declines in number of adult birds but potential recovery in production. The northeast sees highest pressure, a big decline in resident hunter success and 10 percent decline in nonresident success; same story with number of adult birds and recovery. Seeing drought in eastern Kansas that is good for our population going forward. In southwest limited draw permit for residents, production estimates highly dependent on weather and number of birds translocated, however it has been a number of years since we needed to move nuisance birds or birds from other parts of the state, so low number of birds. In southcentral Kansas, lower pressure units, similar story, getting rain and see low production estimates but recovering and more stable in terms of number of adults being seen. In southeast, high pressure, high number of hunter residents and nonresidents, continued decline in hunter success, looking better in number of young per 100 adults. The resident hunter success is variable, we use adaptive harvest strategy for turkey units and overall, the NE, NW, SC and SE continue to be below 55 percent threshold, in terms of reducing opportunity and harvest in those units. Staff recommendation for 2019 includes suspension of fall season in NW, NE, SC and SE; no change in unit 4 and unit 2. In addition to bag limit discussion, staff was asked to consider changes to the season structure regarding spring turkey season revolving around the early archery season. Our current structure has youth season starting on April 1, and I highlighted 2017 and 2018, different because of calendar shift. Starts on April 1 and goes through first full weekend; in 2017, it was only two days, archery started on the Monday after that weekend and ran for nine days and had its own weekend and goes through Tuesday before regular season starts on Wednesday after first full two weekends in April. In 2018, because April 1 fell on Sunday and not a full weekend the youth season was eight days long, archery season began on Monday after that and was nine days long and regular season started on April 18. One of the things we are look at is iSportsman data, how public lands are being utilized in eastern and central part of the state, where it is primarily at, and the breakdown of hunter activity, per-day check-ins and portion of days in each season. For 2016, 2017 and 2018, majority of hunters on public lands are around 80- to 85-percent in regular season, doesn't say if hunting archery or firearms, but if using public land; 80 percent focused on regular season, 15- to 20-percent in archery season and 3 percent in youth season. Similar results in harvest broken down in those same days. Also look at total harvest by equipment, and archery harvest, which includes crossbows, has increased through time. In 2015, early archery was separated from the youth season and has sustained 2016-2018. Looked at effect of regular season start date, April 7-19, since 2005, when season started, and subsequent harvest success. For example, when season started on April 13, one season had about 40 percent success, and another that started around April 13 had 60 percent. Slight trend shows earlier start dates have higher hunter success, peaks around mid-April, but not much of pattern. In years with a lot of turkeys, we have a lot of hunter success and when we see declines in number of turkeys, see declines in hunter success. Staff would appreciate recommendations on three different options regarding spring turkey season: 1) keep as is, the calendar repeats itself every seventh year, chart shows each option and how seasons would play out, number of days per season and youth has flex with

weekend, archery has nine days with a weekend and flex in regular season as well. April 1 is start date for youth and archery and regular season according to the calendar shift. Under current structure, the latest start date for regular season would be April 18 and the earliest would be April 12 and the years flex in between. 2) Is limited archery season, still exists but rather than flex in regular season, it would be in archery season, the main difference in verbiage would be, rather than regular season starting Wednesday after second full weekend, would be just second Wednesday in April; difference means three of six years archery season would be two days long and not guaranteed a weekend, and when youth season does not encapsulate, the second Wednesday is later in the season; youth would still get a weekend and archery would get a weekend; similar start date just moved up a couple of days; half time two-day season, half time 9-day season. 3) Elimination of archery season; youth would start on April 1, regular season would start Wednesday after first full weekend, early archery would be zero days and earlier start to regular season. Two primary issues: bag limits beginning in 2019, recommendation from staff is to suspend fall season in NW, NE, SC and SE units; and seeking input on three options on early archery and regular seasons.

Chairman Lauber – Have two issues, fall season and archery issue. Deal with one at a time, let's start with fall season. This recommendation is not new, don't like adaptive harvest structure concept, takes away from true sport of fall turkey hunting. Recognize turkey numbers are generally rising but have not reached percentage of what we perceive as benchmark and takes into no consideration of maintaining fall season, strictly managed to enhance hunter success in the spring. Last year over 6,000 people who wanted to hunt fall turkey; the last two years an average of 7,500 people who wanted an opportunity to hunt fall birds with calling, busting and harvesting young birds is part of hunter strategy and concept. Based on statewide evidence an average of 350 hens was taken each year. On statewide level I view that as insignificant, number is insignificant, but opportunity of having one bird is more important to the sport. Last year, in spite of staff recommendations, we voted against closing fall harvest and will do that again. I think fall turkey hunting should be part of Kansas hunters' opportunity. I have heard from residents and nonresidents about the reduction in number of permits and I understand that, but not harvesting enough hens to make a difference, this is a true sport. Commissioner Williams – Noticed in sales, hunters were not there, back to 2012 or 2013, there were almost 7,000 hunters who didn't purchase licenses, so success rates are going to be down, and everything goes along with purchasing of tags to hunt. I am not a fall turkey hunter, but don't want anyone's opportunity denied because of the success rate. It is the hunt itself, it is not the bag and the success rate. I concur with Commissioner Lauber. Success rates go along with permits being sold. Commissioner Cross – I agree with what they said. Can you educate me on the rural mail carrier survey; explain process and how that works? Is that the sum-total of methodology used to make determination on recommendations? Fricke – No, we use rural mail carrier survey to provide information on how populations are doing. In terms of harvest strategy, it is dictated only by resident hunter success, with the logic that is indicative of turkey population. As resident hunter success declines, the number of turkeys available is declining as well. In terms of rural mail carrier survey, which is conducted four times a year (spring, summer, fall and winter) and the rural mail carriers in the state are sent a postcard and for five days for each of those seasons, fill out what they see along the roads. In the spring, turkeys are most visible, the one conducted in April and is likely what hunters on-the-ground are seeing. Chairman Lauber – I would like to have the department consider modifying adaptive harvest strategy to include a modest position to retain fall turkey hunting. It is going to be a long time before we get the success numbers back up

in excess of 60 percent and will have the same issue every year. Harrison is right, it is not about the harvest it is hunt; something intrigues me and my grandchildren when they hear a flock of young turkeys in the timber clucking in the morning. It is an exciting hunt and an opportunity for recruitment, don't have to sit as still, a lot of value and adaptive harvest strategy throws that out the window and discards it to save 350 birds. The likelihood is you continue to make this recommendation, we will question it and quite likely vote it down again. We haven't had a vote but have had three people speak. From last year a lot of people haven't changed, can we poll commissioners? Tymeson – Debate is signaling your position. Commissioner Rider – How many fall birds are taken statewide? Chairman Lauber – 1,183 in 2017 and 378 were hens and an average of 350 birds in 2016 and 2017 that were hens; the majority are bearded. Commissioner Dill – On adaptive harvest strategy, is 55 percent the magic number or 60 percent. Fricke – It is both, in terms of reductions in hunting pressure, for example removing fall season, or going to one spring and one fall, or from four permits and three game tags and down to one in the fall, all set in motion if hunter success rate is below 55 percent, for two consecutive years. The 60 percent comes in when increasing opportunity. Commissioner Dill – Why is 55 percent the magic number? Fricke – No magic number, desire of where we would like to keep turkey population in the state, not only in number of birds but in harvest success. Commissioner Cross – Same trends in surrounding states that have turkey hunting? Fricke – Certainly, as birds were translocated in mid- to late-1970s, numbers took off; saw peak in early- to mid-2000s, in abundance and harvest. The years may not change, but true throughout the southeastern U.S. and up through the Great Plains. Missouri and Arkansas have seen these declines and if they saw spring hunting success of 43 percent they would be happy with that. They don't have the number of birds to sustain that, more 20 to 25 percent on a good year, of overall hunter success. Nebraska is continuing to see hunter success of 60 to 65 percent but starting to see declines as well; seeing fewer hunters and fewer birds, not as good of landscape for turkeys overall. How low do we let things go before we do something? Chairman Lauber – Hunters self-limit themselves on the second permit as the number of birds decline, maybe with primary tags too. We may not get back to 60 percent, which is trigger to change the fall hunt and we will have eliminated fall turkey hunting opportunity, maybe forever, may never get it back. Like to see recommendation modified to include one fall bird in five of six regions like we did last year. Fricke – The way adaptive harvest strategy was constructed, at this decision point there are two options and still remain within the framework; one is to do what is recommended here, suspend the fall season in those units, or move toward one bird in spring with no option for game tag and still have fall season. Chairman Lauber – That tends to pit spring hunters against fall hunters. Number of birds takes care of second permit. If you were to do that, 6,000 fall hunters and 30,000 spring hunters, spring hunters would say they want two permits. I think adaptive harvest strategy should be amended to protect fall hunting, not fair to have fall hunting as discarded sport based on statistics. Commissioner Rider – Any measurement where you would say, no fall season? Chairman Lauber – Not based on harvest numbers today, doesn't make a difference. If we were looking at harvest numbers of shooting thousands of hens and having these declines I would have to say yes. To eliminate a season completely for 350 birds is swatting flies with a sledgehammer, don't view this number as having an overall effect. Every hen that makes it through the winter has potential to breed, 350 hens doesn't make a big difference, one June rain in the southeast part of the state will wipe out more poults, wouldn't you agree? Fricke – Certainly, it is a small number. However, I would argue that at some point something has to be done. In terms of turkey biology and turkey harvest management, the fall season is where you

make that cut. Chairman Lauber – We have a lot more to gain with turkey population, the sport and support of it if we leave fall turkey season open and have an insignificant amount of birds be harvested. When you manage turkey and deer you look at the numbers and if this starts getting significant; birds harvested has remained static the last two years and populations have been going up. Commissioner Dill – Have staff recommendation, but have legal counsel have language for an amendment allowing for one fall permit when we vote on it. Chairman Lauber – That would be good.

Several members of KBA in the public, hardly anyone introduced themselves.

Unknown - Why not give hunter opportunity to buy a tag at beginning of the year and use in spring or fall, however they see fit. Fricke – That is an option that has been discussed in terms of licensing and law enforcement and all of those things would play out.

Matt Holmquist, Great Bend, bowhunter and president of KBA. Appreciate what you are saying about opportunity for fall and that is how we feel about spring archery season that we will talk about later. Kent, do you know the permit correlation between fall turkey purchases and statewide archery tags. My friends and I buy statewide archery tag and also buy turkey tag in case we had that opportunity. I appreciate what you are saying about protecting that niche season of fall hunting. Fricke – Don't know specific correlations with archery deer permits in general, about 50 percent of fall hunters indicate they hunt fall turkeys opportunistically and 50 percent say they go out specifically to hunt turkeys in the fall. Tymeson – There would be a proposal based on what Kent is saying and if you chose not to enact it we would stay status quo and would not have to go through the amendment process. There will be a proposal for you, if don't enact reverts to where we are currently at, which is what you are saying, which protects the fall season. Commissioner Rider – Chairman, you say you don't feel numbers is enough to eliminate the season, because of retention or getting kids out there or opportunity? Kent, you are saying numbers are drastic enough to make a change? Fricke – Staff recognizes the potential impact of this number of birds does not have a huge population effect, but if decrease has potential to impact the overall population the fall season is where it is going to be at in terms of reducing mortality factor. I can't say it is going to have a large effect, minimal effect at best. Chairman Lauber – Adaptive harvest strategy tells you that is what you are supposed to do. Fricke – We recognize the adaptive harvest strategy for turkeys in Kansas is a very conservative approach in terms of attempting to keep the number of birds and maintaining high hunter success. Chairman Lauber – The fall turkey season is an unintended consequence. Commissioner Rider – If you did not follow the adaptive harvest strategy, would you still make this recommendation? Fricke – It has to be in the discussion at some level. For example, if you ran the same scenario and use 45 percent, it would reduce the number of units up for consideration, in fact several of the units would still be at potentially four permits in the fall. I would tend to argue that was a good move with declines in turkey populations and hunter numbers, to go from four birds to one in the fall. However, some units, specifically southeast unit, would still be at this exact same point with reduced threshold of 45 percent. Overall residents and nonresidents statewide would drop below 43 percent and in some cases below 40 percent in consecutive years. We recognize this is a conservative approach but does seem to be playing out in following and tracking turkey population and resulting hunting success. Commissioner Dill – Do you think if you reduced that calculation to 45 percent it would go down to one in several of the units and still zero in one of the other units? I would like to see what that looks like, at 45 percent. If we leave the proposal as is and we vote it down, it goes back to the way it was, but we still have extra permits, probably more than we should in certain areas. We could go down to one in each unit, as I suggested in the

amendment. Chairman Lauber – Back to the way it was last year would only be one each. Commissioner Dill – I was thinking there was one unit that had more. I would still be interested in seeing that. Fricke – I can send those out to commissioners. When harvest strategy was implemented, if instead of 55 percent threshold we had 45 percent there are some that would not have fallen below that. For example, the north central resident hunter success, would still be at up to four bird potential in the fall; if you look at southeast, they have been below that for the last five years. Chairman Lauber – Tendency to want to defend adaptive harvest strategy and want to defend and protect fall turkey hunting; heard my points and yours and the best thing to do is do what Chris is suggesting, if it doesn't pass it reverts back to a fall season with one permit per unit with exception of southwest unit. Fricke – In terms of the strategy, there is that one/one option as well. Chairman Lauber – I don't think that is merited at this point in time because fall harvest numbers aren't significant enough. Now the other issue, opening seasons for turkey season. Like to suggest, we have three options provided, what if we provided a fourth option; to go back to the way it was before we made this change, where youth/disabled and archery started April? From public land statistics, youth not participating that great on public lands. The earlier the season towards April 1, potential to have enhanced harvest, archers would still get time ahead of firearm season and don't think archers would compete that much with the youth. Fourth option gives me something I can support and not upset archery hunters. In that case, regular season would open on second Wednesday, and would allow youth and archery from April 1, would be 10 days sometimes, or 7-8 days ahead of gun season; like that idea as a compromise. Commissioner Rider – Combine archery and youth/disabled season? Chairman Lauber – That is the way it was for a long time. Not that much of an issue, a lot of archery hunters take youth too, but allows during the week and is a good compromise to let archery/youth/disabled have their own time in advance. Fricke – The primary reason staff brought that forward in 2013 and enacted in 2015 with the split, was because of increasing number of archers so a lot of hunting pressure, especially on public lands during that early season when archery and youth were combined. Chairman Lauber – From iSportsman, data it looks like only one- to two-percent of public hunting were youth, I am all for youth hunting, but a lot of youth hunt on private land. I think it was unduly amplified in 2013 when we made the change. Fricke – The youth portion of season is small, regular season is going to be 45-50 days, nine days for archery and anywhere from two eight days for youth. In terms of the number of youth in our hunting population the two- to three-percent using public lands is more than the number of youth in our overall hunting population, slightly disproportionate representation here. Commissioner Williams – Like to hear from bowhunters. Chairman Lauber – Wanted to see what commissioners said first. Holmquist – That is an interesting compromise. I would want public lands department input on that, but I think it stemmed from conflicts on public land hunts for the youth. Bowhunters don't want to effect youth or disabled hunter's opportunity either. Not opposed to it but wouldn't want to take away from them, something to consider. Of three options, opposed to number three, eliminating archery portion but in favor of staying the same. For option two more discussion would be necessary. A lot of changes made by the Commission over the years have been based on opportunity for sportsman. To see us eliminate archery season would be taking an opportunity away for a group of sportsmen. We are talking about nine days in 61-day season so obviously opposed to that. If public lands not seeing conflicts, like going back to April 1 like we had it from 2007 to 2014, it seemed to work fine. I am in northwest Kansas and I am only one guy. Chairman Lauber – If we were to take portion of days and shut off firearms on May 15 and have next 16 days as archery-only, those are not as good of days, the earlier the season the better the

days. Holmquist – I started April 9 this year and didn't kill my birds until the end of April or early May, every year is different, weather patterns and stuff like that can affect that, but typically agree early days are better. Firearm hunters should have their opportunity as well, choosing a weapon that is more challenging warrants a few days absent of all of the extra pressure, everyone should have opportunity and currently we do.

Gene Brehm – Started with Fish and Game in 1982, retired 1995, had two statewide positions, started as still photographer and moved onto video. I got opportunity to do unique work with turkeys each March and April while photographing. I would argue a little bit, called in more turkeys than anyone in this building by a long shot, into a camera. I can without question say, dealing with turkeys not disturbed, but always called in more mature toms after April 20 until May 10 than any other time of the year. I am a biologist and the reason was when hens started nesting from 10:00 to 2:00 I could call toms in, prior to that I could not get a tom away from a hen. Data may not be of any use to you, but I stand by it strongly. I would support option one or four. Chairman Lauber – Archery hunters and youth will be able to get along, if my theory of compromise is not successful I lean toward option two, not as many days in a lot of cases but is something. In the spirit of compromise, we should do one of the two. Maybe public lands and your group should look to see if my option makes sense or fraught with things I haven't thought about.

Unknown – You don't feel you are taking away opportunity of youth and disabled by allowing us to hunt with them? Chairman Lauber – A little bit, but I don't think taking away that much. I think the vast majority of turkey hunters are gun hunters and there is something to be said about calling undisturbed birds and having that extra week has taken away opportunity for bulk of turkey hunters. When it comes to deer season everyone wants first weekend in November and I am trying to figure out compromise and I think my proposal of having them running concurrently is less sacrifice for archers and doesn't take away that much from youth and disabled. Fricke – There was a reason we were presented with in 2013 when this decision was made, in terms of number of mentored hunts that occur on public lands and unique opportunity. From my standpoint, we need to consider them, increasing number of conflicts and pressure on public lands was primary cause for wanting to go to this current structure. We can have conversations and come back next meeting with more refined recommendation based on your input at this meeting and other comments and recognizing reason for change in 2013.

Unknown – What was reason for the change? Fricke – Increasing number of conflicts between youth mentor hunts and archery hunters and seeing increased number of archery hunters using that portion of turkey season primarily on public lands. Chairman Lauber – I contend that limited instances of that got overamplified to the commission. At that time, we thought it wouldn't make a difference, but later had consequences. Fricke – You are saying the consequence is later firearm season? Chairman Lauber – Yes, starting on April 18.

Barry Raugust, KBA and retired biology teacher – Had opportunity this spring to take two youngest granddaughters turkey hunting this spring, one took bird on first day. I appreciate having youth season early because the birds are highly visible, the opportunity to see them interact and call them is appreciated. The second granddaughter took her out eight times, and she harvested her bird on the last day when you can't see birds because wheat is tall, and vegetation is everywhere. Having the youth opportunity early is a fantastic idea. The fact that you have another 50-60 days to chase turkeys gives them ample opportunity to take a bird on public or private ground whether or not archers are with them or not. Commissioner Dill – I agree early youth is beneficial. Let's do an informal poll, how many here turkey hunt on public lands during

archery season; *quite a few raised their hands*. Unknown – Talking about WIHA too.

Commissioner Dill – Kent, when you are talking about public land are you including WIHA?

Fricke – In terms of data I showed, no that was just public land, but in general WIHA properties are certainly utilized during youth and early archery season. Commissioner Dill – I liked it when we started the same, youth/disabled and archery. I understand there is pressure because of public lands so could it be an option to exclude archery on public lands for that period, but archery open statewide otherwise? Fricke – Never considered that. Commissioner Dill – If youth using public lands that would eliminate the pressure, which is part of the reason the change was made in 2013, do that and still have archery coincide with it, just exclude archery off public lands for that period? Unknown – That falls in same category as fall season, you don't want to take opportunity away from somebody. You can't exclude an archer from public land, can you?

Commissioner Dill – I was just asking if that was an option. Commissioner Williams – That may also be difficult for law enforcement. Fricke – At very least could have confusion among hunters.

Chairman Lauber – Option two and the one I presented is a compromise between option one and three. I propose we look at option all at the same time. Interested in what archers think about option two; some years it is nine days and some years it is two days. That doesn't mean your season ends, you can still hunt when everybody else does too, it is your choice to choose a different weapon and make it more challenging. Gene Brehm – Show chart again that shows how many days on option two. Commissioner Rider – Todd, how many acres have we added in WIHA in last 5-6 years. Workman – I think a little over 1.1 million acres total. Commissioner Rider – That is total, we have added a considerable amount of acres in the last few years. Fricke – Are you talking about just spring turkey WIHA? Commissioner Rider – If the reason it was changed earlier was because of too many conflicts; I'm asking, have we added acreage now to help eliminate some of those conflicts? Jake George – We have seen some increases in spring acreage, but overall fall and spring together, no significant increases. We have been between one million and 1.1 million acres for the last several years.

Unknown – See option one again. Why change what we are doing? Why was that proposed?

Chairman Lauber – Heard a lot of complaints since day one. Unknown – It seems like no matter what we do it is wrong? Chairman Lauber – No matter what we do is wrong to some people, but I think we changed it prematurely the first time. I think going back is a way to compromise.

Trying to modify it in such a way that not one group takes all of the blame. You are choosing to hunt with a bow, you get to hunt public land the first time and some people say you have to hunt public land the first weekend or the birds get call shy, whoever gets to public land first has an advantage over someone coming two weeks later. *Discussion in crowd, could not hear.*

Unknown – On option two, if this sticks you will see in 2018, 2019 and 2020, you will see significant drop in archery tags purchased, I don't know if a bowhunter would buy a tag if he only got two days to hunt. Chairman Lauber – He gets 50 days to hunt. Unknown – From our perspective. Chairman Lauber – You want exclusivity? Unknown – Absolutely, we are hunting with primitive weapons, not everybody uses a compound.

Holmquist – Where are all the people upset about this change, in this room all I see is bowhunters. I drove 3½ hours, where are they? Chairman Lauber – Not everyone makes their opinion known by showing up at a meeting, a lot of people who don't voice their opinion that way. Holmquist – I agree. On option two, it is better than option three, but that is all I can say for it. Clyde is right, you will see decrease in sale of tags. If we went with option three I don't think you will see an increase in firearm hunters but could see decrease in guys that chose to archery

hunt, especially those from other states. With structure we have now it spreads out the pressure and everybody has an opener. I understand you want to have time without pressured birds too, but we shouldn't be punished just because we use archery equipment. Chairman Lauber – You are not being punished, still getting priority. Holmquist – Firearms can be used for 50 days, nine days if archery only.

Tymeson – Question was not answered about a direction. Chairman Lauber – Like to have fourth option included for when we vote. Tymeson – Any other alternatives? Commissioner Hayzlett – I don't mind the fourth option. Commissioner Dill – We are coming back with one, two, three or four, not all. Tymeson – In order to vote on a regulation, we have to have a firm direction and then if modifications or other people that don't want that option, I need to know that. If the direction is we want option four, then I draft regulation change for that. Chairman Lauber – Lets do option four with a possible amendment of option two. Commissioner Williams – Are we doing away with option one? Commissioner Dill – Option one is as is. Tymeson – Option one exists if you don't make a change; if you voted not to enact regulatory change, then it would stay status quo. Option one is always the “no” option. Commissioner Dill – If we vote option two or four and it fails, it will stay option one? Tymeson – Correct. Commissioner Cross – When will we vote? Tymeson – Normally in October, but November is what we are looking at. It is for 2020 season. Chairman Lauber – You have to narrow it down from regulation standpoint to have one, a lot of times one and possible amendment? Tymeson - An option with possible amendment based on discussion. A second possible amendment would be a no vote on everything and stay status quo. Chairman Lauber – I would say, fourth or second option be a motion to be voted on and possible amendment have the other one and see where we are from there. Commissioner Dill – Do we need to change it? I would lean toward option two if we change it but okay as it is. Chairman Lauber – We've got to make a decision and that is what I propose. Tymeson – I have some direction and I will work with Kent to prepare language.

Break

2. Park Regulations – Linda Lanterman, Parks Division director, presented this report to the Commission (Exhibit P). Talked about making changes permits for new state parks, Little Jerusalem and the Flint Hills Trail. Because Little Jerusalem is such a unique location we have had nothing like it in our state park system, the landscape is fragile so would like to implement a back-country pass for \$50 to allow visitors to take guided hikes further in that area. We need to control that, so we know who is in there. Commissioner Dill – Each time to go down into it is \$50? Lanterman – Each time you go back into it, we will have hiking public can use from a distance, but not going down in it. Commissioner Cross – The folks that want to come back to and not hike down into it, are they going to pay \$50? Lanterman – No, just a park permit pass. Linda Craghead – When we went there, overlooking entire valley of heart of the formation, the hiking trails will take you clear around, a two-mile hike from parking area and that would be open to anybody just like any other park pass. Initially every backcountry pass would be a guided hike. Commissioner Cross – How many are you taking? Does \$50 cover one, ten, five? Lanterman - \$50 is one. On Prairie Spirit, we have had a trail permit pass, \$2 for daily and \$10 annual. We don't get use out of that and significant labor to enforce that permit regulation. I pulled up numbers since 2015 and we don't even get \$10,000 a year on those trail permits. We are proposing to do away with the trail pass to encourage more users on Prairie Spirit Trail and Flint Hills Trail. We have staff in those areas already and we could make sure people on the trail

are safe but would not require a trail permit. For last several years, had seasonal camping program, which allows an individual to come in March through November to stay in one campsite and never move, called seasonal camping program and has produced good revenue. Because of people living in campgrounds, not for recreation use, felt utility prices have increased. What it costs on daily campsite permit is \$19, 21 and \$22, if you look at what these individuals would pay with these increases, it would be \$12, \$14 and \$16.38 for parks at lower rate and parks with higher rate, which is Milford, Clinton, Tuttle Creek and El Dorado would still be lower than daily camp fee we have today. In those smaller parks it is an extra \$100 a month, \$150 for larger parks. It is still significantly lower than if you camp for 14 days on a daily permit. Commissioner Cross – Anyone from the public given feedback? Lanterman – No, not yet. Tymeson – Based on number of permits we sell, what will be the economic impact? Lanterman – We could lose a few, but the ones we lose are the ones we need to. Need to keep campgrounds clean, do not want to be a living quarters area. This is a great deal, it is convenient, they get to use recreation areas, can fish and use their boats, use trail systems and not move every day. See some increases but will lose those who shouldn't be there.

3. Fishing Regulations – Doug Nygren, fisheries division director, presented this report to the Commission (Exhibit Q). Second workshop of fishing regulation changes for 2019. Start with the reference document where we list length and creel limits that are different than statewide regulations. At Lovewell Reservoir, add a 10-inch minimum length limit and a 20/day creel limit on crappie; and Glen Elder Reservoir, add a 10-inch minimum length limit on crappie, already have 20/day creel limit. Ben did fantastic job on bluegill, explaining our desire to improve bluegill fishing through a slot length limit and reduced creel; four waters we want to experiment with to enhance populations by moving fish through a slot and hopefully out the backside at nine inches while still allowing people to harvest small fish for bait. Kanopolis Reservoir 35-inch minimum length limit on blue catfish as we are trying to establish a new fishery there and protecting those fish until we start to see natural reproduction and age on population. Move on to other regulation changes: 115-25-14, add two trout lakes; Eisenhower State Park Pond and Coffeyville LeClere Lake to Type 1 lakes, which means anyone 16 and over would have to have a trout permit. Currently have two Youth/Mentor Fishing Ponds: Pratt Kid's Pond and Demon Lake in Dodge City, and have five new locations; Wilson State ark Pond, Kanopolis State Park Pond, Melvern Mentoring Pond, Fall River State Park Pond and Elk City State Park Pond we want to set aside for child and mentor to fish together, valuable to have kids fish with family and reinforces fishing as a wholesome activity.

115-18-10: Basically, this is the prohibited species list, and when we see something we don't want we put them on the list, which makes it illegal for people to possess them. We want to add the marbled crayfish, talked about this last time. This is a species that can reproduce by cloning itself, doesn't require two individuals; a scary situation that could be detrimental to our native crayfish. Chairman Lauber – When you do this, do you send notification to pet shops? How does somebody know they can't possess one? Nygren – It would be up to us to do just that. When we added snakeheads several years ago we bought existing stock of snakeheads, so they would not have a financial loss and notified them they could no longer have them. Chairman Lauber – We don't know if any in the state? Nygren – We do not, but not aware of any.

115-17-2: commercial sale of bait fish. Proposing to remove common carp, including coy, from list of species that can be sold for bait. The Western Association of Fish and Wildlife Agencies is undertaking a new trojan Y technology which has promised to help eradicate invasive species

and to make that work you don't want anyone bringing in any new individuals that would slow implementation of a program to eliminate an invasive species. Hope they will target common carp and hopefully over next few years be involved with taking first steps toward eradicating common carp.

115-7-2: general provisions, this has to do with people using illegal electrofishing devices that we shared with you at the last commission meeting. When fish come to the surface taking them with a bow; the compromise was, rather than ban bowfishing statewide, ban on rivers where they could be deployed clandestinely. On reservoir less likely but could still do it. Could allow bowfishing on reservoirs that don't have a length limit on catfish.

115-7-3: taking of fish and use of baitfish for minnows, proposed reacting to request to allow larger mesh size for cast netters. Looking at maybe three-quarter inch, not nailed down yet. That would satisfy their desire to catch larger gizzard shad to be used for bait in waters where taken. Tymeson – Go back to coy or common carp, would you also want to put them on the prohibited species list? Nygren – That would be something we would want to consider because it will be important for us to stop the import of any more of them. Tymeson – First step of that. Nygren – Not down the road far enough yet to add to prohibitive species list, probably take three to four years to develop brood stock to start producing first trojan Y males. Tymeson – Would the agency be producing that or another state agency? Nygren – The Association of Fish and Wildlife Agencies will be focusing on multiple species; already doing brook trout, which are being produced by Idaho and they are making trojan Y brood stock available to other states. One state might be an expert in one species and another state in another species. There is also interest in the U.S. Fish and Wildlife Service federal hatcheries to get involved, talking about carp being produced at Gavin's Point fish hatchery on the Missouri River. Not clear yet but we have plenty of time to put on prohibited species list.

We have a revised aquatic nuisance species designated waters list (Aquatic Nuisance Species Designated Waters – Exhibit R). We did have a finding of zebra mussels at Geary SFL last year, but it happened too late to put on the list, so the only change so far is to add the finding at Geary SFL. No new locations this year so far, hopeful that will remain and a testament to measures we have been taking to stop the spread.

4. Coast Guard Navigation Rules – Dan Heskett, Law Enforcement Division assistant director, presented this update to the Commission (Exhibit S). Proposal is to adopt title 33 of code of federal regulation (CFR) Part 83 by reference into our regulations, which governs inland navigation rules.

5. Webless Migratory Bird Regulations – Rich Schultheis, migratory game bird biologist, presented this report to the Commission (Exhibit T). Hoping this would be in public hearing but due to changes in process hope to at next commission meeting. KAR 115-20-7, which contains taking methods, legal equipment and possession of migratory doves, initially adopted in 2009 in conjunction with establishing our exotic dove season. When we removed exotic doves from regulation in 2017 we can now defer to federal regulations and this is no longer necessary. Recommendation is to revoke of 115-20-7.

6. Unmanned Aerial Vehicles (UAV) – Rich Schultheis presented this update to the Commission. Had summary at last meeting had members of unmanned aerial task force reported on potential use of UAVs by department staff. Also, some information pertaining to public use

on department owned and managed lands. We have existing regulations are in place to prohibit UAV use on department owned and managed lands without prior authorization of the department secretary. A list of state parks that will offer specific UAV operating areas is in development. I'm here today because we are going to be recommending some changes to regulations, including the definition of UAVs in 115-1-1. This regulation will be in workshop session for at least one more meeting. Tymeson – Hopefully we will be ready to vote in November and the language will track what is already in statute for stalking. Chairman Lauber – Got call last winter from guys fishing at Pomona where a UAV hovered near their boat and they thought a game warden was checking them out. Schultheis – Maybe it was a competing fisherman checking out his hotspot.

7. ASK Program Update – Jessica Rice, administrative support and ASK program coordinator, Kansas City, presented this update to the Commission (Exhibit U). ASK stands for Adaptive Sportsmen of Kansas program, spearheaded by Assistant Secretary Todd Workman. It is designed to provide added mobility for hunters with disabilities. That will be accomplished through reservable department-owned track chairs. They are track driven, all-terrain powered wheelchairs. They allow users to safely navigate and maneuver through Kansas rough terrain. We are planning to purchase a total of eight chairs, two of each housed in four corners of the state. They will be made available for public use on a first-come first-serve basis at preapproved events like special hunts and other conservation-based events as determined by the department. The purchase of these track chairs, associated trailers and generators was made possible by a Pittman/Robertson grant as well as donations. One donation was made on behalf of Bushnell, that has generously committed \$20,000 for this program. While still in the works and we have several loose ends to tie up we wanted the commissioners to be the first ones to know about this program and the exciting possibilities. We have a kick-off event planned piggy-backing off special hunt already schedule at Marion Wildlife Area the first weekend of muzzleloader season, September 21-23 and use all eight chairs and raise awareness for the program and hopefully more donations to help support the program. Commissioner Cross – Would it be reservation program? Rice – Yes. Commissioner Cross - How do you determine who gets to go, first-come first-serve on the reservation? Rice – Yes and it has to be through already approved events, not available to individuals per se. Commissioner Williams – How fast do they move? Rice – Not fast, up to 12 miles per hour and they hold a charge for about five miles at a time, so the generators will be inside the trailers to charge on-the-go. They also have gun mounts and fishing pole holders.

XII. OLD BUSINESS

XIII. OTHER BUSINESS

A. Future Meeting Locations and Dates

October 25, 2018 – Colby, Colby Community Building, **cancelled**

November 15, 2018 – Russell – Fossil Creek Hotel, Dole-Specter Conference Center

December 13, 2018 – Wichita – Great Plains Nature Center

January 17, 2019 – Lawrence

February 21, 2019 - Salina

March 28, 2019 – Topeka

Commissioner Rider – December 20 would work better for me. Tymeson – The only reason we suggested December 13 is because it is close to holiday. It doesn't matter regulatorily, just need date available. *Discussion on December date, moved to December 20.* Sheila Kemmis – If we are going to cancel October meeting, move Colby meeting to April. *After discussion, cancelled October and moved to April 25.*

XIV. ADJOURNMENT

Adjourned at 5:27 pm.

Secretary's Remarks

Agency and State Fiscal Status
No briefing book items – possible handout at meeting

2019 Legislature
No briefing book items – possible handout at meeting

General Discussion

E-Bicycles (E-Bike)

E-Bikes are battery powered “assist” that comes with pedaling or in some cases a throttle, making pedaling easier while not eliminating the need to pedal. The battery does not make any sound.

"When you push the pedals on a pedal-assist e-bike, a small motor engages and gives you a boost, so you can zip up hills and cruise over tough terrain without gassing yourself. Called "pedalecs," they feel just like conventional bikes—but better, says Ed Benjamin, senior managing director at the consulting firm eCycleElectric. "You control your speed with your feet, like with a regular bike," he says. "You just feel really powerful and accelerate easily."

~ Bicycling News

Controlled Shooting Area Operational Requirements

Background

In 2018, HB 2558 extended the game bird hunting season allowed on licensed controlled shooting areas.

The season was Sept. 1-March 31. The bill established a season of Sept. 1-April 30 and was signed by the governor on April 4, 2018, extending the season by approximately one month.

Discussion

In order to allow game birds released during the month of April to be credited toward the allowable take, K.A.R. 115-11-2 must be modified to reflect the new date.

The department did support this change to the date for controlled shooting areas.

VI. DEPARTMENT REPORT
C. General Discussion
3. Public Lands Regulations

November 15, 2018

KAR 115-8-1(e) Department Lands and Waters:

Background

Subsection (e) of this regulation covers the Department's public lands special use restrictions.

Discussion

This reference document within the regulation is reviewed annually for revisions.

Recommendation

The Department is proposing an addition to Section XII.) Refuges

- Sub-section a.) Refuge Area Closed to All Activities Year Round
Region 3
*would like to add Byron Walker WA; immediate area surrounding the headquarters and archery range.

KAR 115-8-2 Blinds, stands, and decoys

Background

This regulation covers the provisions and restrictions for blinds, stands, and decoys on department lands and waters. It has not been amended since 2013.

Discussion

Upon internal review within the Public Lands and Law Enforcement Division and from some public comment provided; the Department discussed subsection (i) which states:

- (i) Portable blinds shall not be left unattended overnight

Recommendation

***The Department recommends striking subsection (i) from the regulation**

This restriction was identified as a potential deterrent for constituent use of our public lands

VI. DEPARTMENT REPORT

C. General Discussion

4. KAR 115-3-2 Rabbits, hares, and squirrels; legal equipment, taking methods, and possession

Background

Staff was recently approached and made aware that calling squirrels was technically not allowed under current regulations.

Discussion and Recommendations

Calling squirrels is a common hunting technique and does not conflict with any other hunting activities. In order to have regulations that more align with common hunting techniques, staff are recommending the following additions to KAR 115-3-2 (highlighted):

115-3-2. Rabbits, hares, and squirrels; legal equipment, taking methods, and possession.

- (a) Legal hunting equipment for rabbits, hares, and squirrels shall consist of the following:
- (1) Firearms, except fully automatic rifles and handguns and except shotguns and muzzleloading shotguns larger than 10 gauge or using other than shot ammunition;
 - (2) pellet and BB guns;
 - (3) archery equipment;
 - (4) crossbows;
 - (5) falconry equipment;
 - (6) projectiles hand-thrown or propelled by a slingshot;
 - (7) box traps for rabbits only;
 - (8) optical scopes or sights that project no visible light toward the target and do not electronically amplify visible or infrared light; and
 - (9) other equipment or methods as allowed by permit.
- (b) The use of dogs, horses, and mules shall be permitted while hunting, but no person shall shoot while mounted on a horse or mule.
- (c) Legal hours for the hunting and taking of rabbits, hares, and squirrels shall be from ½ hour before sunrise to sunset during established hunting seasons, except that legal hours for the running and box-trapping of rabbits shall be 24 hours per day during established running seasons.
- (d) Any type of apparel may be worn while hunting or running rabbits.
- (e) Legally taken rabbits, hares, and squirrels may be possessed without limit in time and may be given to another if accompanied by a dated written notice that includes the donor's printed name, signature, address, and permit or license number. The person receiving the meat shall retain the notice until the meat is consumed, given to another, or otherwise disposed of. (Authorized by and

implementing K.S.A. 32-807 and K.S.A. 32-1002; effective, T-115-7-27-89, July 27, 1989; effective Sept. 18, 1989; amended, T-115-12-28-89, Dec. 28, 1989; amended Jan. 22, 1990; amended Sept. 19, 1997; amended June 1, 2001; amended July 23, 2004; amended Feb. 18, 2005.)

(f) Legal accessory equipment for the taking of rabbits, hares and squirrels during rabbit, hare and squirrel season shall consist of the following:

(1) Lures; decoys, except live decoys; and calls, including electronic calls

Workshop Session

VI. DEPARTMENT REPORT

C. Workshop Session

1. KAR 15-25-(5-6) Turkey; seasons, bag limits, permits, & game tags

Background

The 2018 spring turkey season was open April 1 – May 31 and included three different segments - youth/disabled, archery, and regular. The fall 2018 season will be open October 1 to January 31 (closed during the regular firearm deer season, November 28 - December 9). Hunting regulations are set within six management units for both spring and fall seasons (Figure 1).

For the spring 2018 season, 38,471 hunters purchased 60,545 carcass tags. Nonresidents accounted for 39 percent of Kansas' spring hunters and 26 percent of the fall hunters in the most recent seasons. Harvest has averaged just over 30,000 turkeys in the spring and about 2,750 in the fall over the last five seasons (Table 1). Statewide spring hunter success declined substantially in 2018 to 43 percent (Table 1). Overall declining rates of hunter success—in conjunction with declining population and production indices—are concerning.

Population Status and Productivity

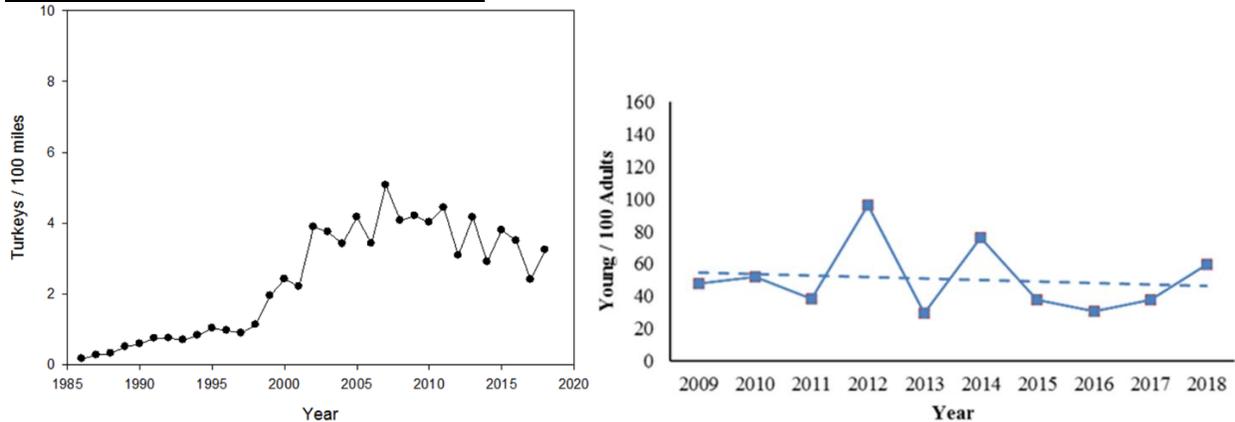
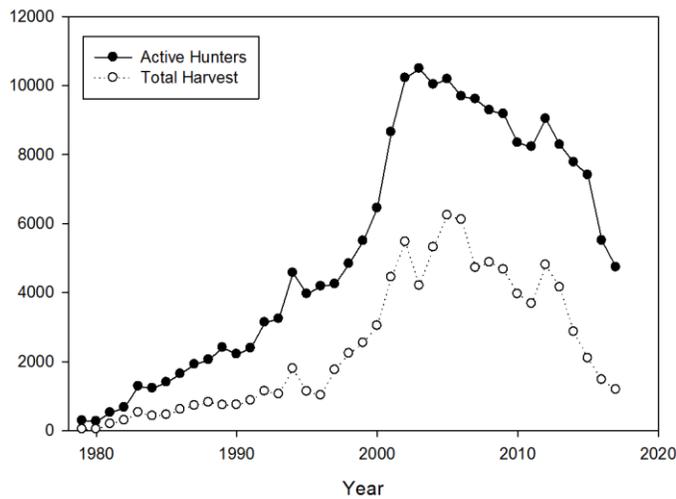


Figure 1. Statewide spring turkey indices estimated from April Rural Mail Carrier Survey.

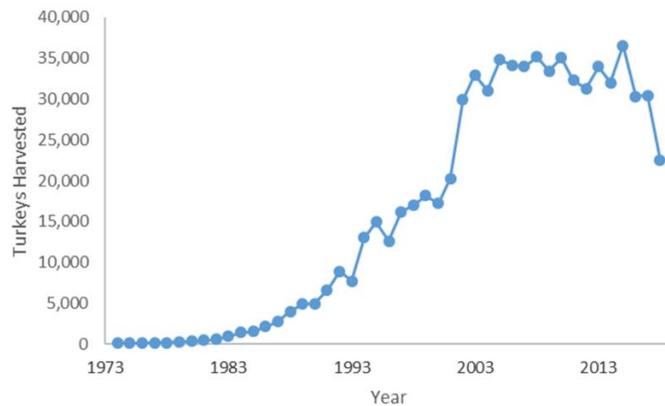
Figure 2. Statewide turkey production estimates from July Rural Mail Carrier Survey.

Harvest and Hunter Success



Year	Fall			
	Permits & Game Tags	Total Harvest	Hen Harvest (%)	Success (%)
2004	14,968	5,308	32	45
2005	16,010	6,236	28	52
2006	16,219	6,112	33	53
2007	15,060	4,716	32	42
2008	13,984	4,871	34	42
2009	13,599	4,664	38	41
2010	12,989	3,954	38	39
2011	12,914	3,677	39	36
2012	14,261	4,799	44	45
2013	13,780	4,152	42	40
2014	13,064	2,862	37	33
2015	12,134	2,093	36	26
2016	8,741	1,471	22	26
2017	6,262	1,183	32	25
2018	--	--	--	--

Figure 2. Estimated statewide fall turkey harvest and permit buyers.



Year	Spring		
	Permits & Game Tags	Total Harvest	Success (%)
2004	--	--	--
2005	56,887	34,782	70
2006	60,592	34,156	66
2007	64,096	33,970	62
2008	62,540	35,166	65
2009	62,889	33,431	61
2010	66,621	35,006	64
2011	64,972	32,298	61
2012	63,928	31,239	60
2013	73,581	33,925	57
2014	71,903	31,988	55
2015	74,609	36,511	55
2016	71,320	30,298	47
2017	65,818	30,441	51
2018	60,545	22,639	43

Figure 3. Estimated statewide spring turkey harvest.

Recommendations

Bag Limits

The department utilizes an adaptive harvest strategy to help guide staff recommendations on wild turkey permit allotments during both the spring and fall seasons. The intent of the strategy is to maintain high hunter success in each management unit while maintaining relatively high populations. The strategy provides a consistent and transparent method of developing staff recommendations and includes a hierarchy of regulation packages for both the spring and fall seasons, as well as established triggers for when and how changes to bag limits will be recommended. The strategy has been in place now for eight years and includes data for the last 15 hunting seasons.

An analysis of the spring 2018 harvest data revealed that four of the six units have continued to experience resident hunter success below the stated thresholds of the strategy for the last two spring seasons (Table 4). This continued decline in hunter success activated a management trigger to reduce bag limits and/or season availability in Units 1, 3, 5, and 6 (Northwest, Northeast, Southcentral, Southeast).

Staff recommend suspending the fall turkey season in Units 1, 3, 5, and 6 for 2019 (October 1, 2019-January 31, 2019).

The recommended bag limits for spring and fall turkey seasons are as follows:

Hunting Unit	Management Unit	(* limited draw, otherwise unlimited availability)	
		Spring	Fall
1	Northwest	2	0
2	Northcentral	2	1
3	Northeast	2	0
4	Southwest	1*	0
5	Southcentral	2	0
6	Southeast	2	0

Season Structure

In 2013, the Commission voted to create three segments to the spring turkey season, which were implemented beginning in 2015. The current structure is as follows:

- Youth / Disabled begins April 1
- Early Archery begins the Monday after the first full weekend in April
- Regular begins the Wednesday after the second full weekend in April

The recommended 2019 Spring and Fall Turkey season dates are as follows:

Spring

- Youth / Disabled April 1 - 16
- Early Archery April 8 - 16
- Regular Firearm April 17 - May 31

Fall

- All Legal Methods October 1 – December 3, December 16 - January 31

At the April and June Commission meetings, staff were requested to examine the spring turkey season structure and make a recommendation regarding the early archery season—specifically, whether or not to retain the early archery season, beginning with the 2020 season.

Staff recommend keeping the season structure in its current form, which provides one weekend for Youth / Disabled only and 1 weekend for Early Archery with Youth / Disabled.

If this recommendation is not acceptable to the Commission, staff recommend moving the start date of the Regular season to the second Wednesday in April, which provides earlier start date to regular season in 3 of 6 years. Early Archery would be provided 2 days in 3 of 6 years and 9 days in 3 of 6 years.

Staff do not recommend combining the Early Archery with the Youth / Disabled Season and do not recommend eliminating the Early Archery season.

KAR 115-25-7

Antelope; open season, bag limit and permits

Background

This regulation pertains to seasons, bag limits, unit boundaries, permits and tags for pronghorn antelope.

Western Kansas pronghorn antelope populations have supported a hunting season since 1974. The firearm pronghorn season has been four days long since 1990, starting on the first Friday in October. The archery pronghorn season was nine days long from 1985 to 2004, and included the two weekends prior to the firearm season. Since 2005, the archery season has reopened on the Saturday following the firearm season and continued through the end of October. A muzzleloader season was initiated in 2001. It has begun immediately after the archery season and ran for eight days, the last four overlapping the firearm season. With the exception of annual adjustments in permit allocations, this regulation has basically been unchanged since 2006.

Discussion & Recommendations

No changes are recommended for this regulation at this time, including season structure, bag limits, and permits.

We propose unlimited archery permits be allocated for both residents and nonresidents. Firearm and muzzleloader permits will remain restricted to residents, with half assigned to landowner/tenants and the remainder awarded to general residents. Firearm and muzzleloader permit allocations will be determined following winter aerial surveys.

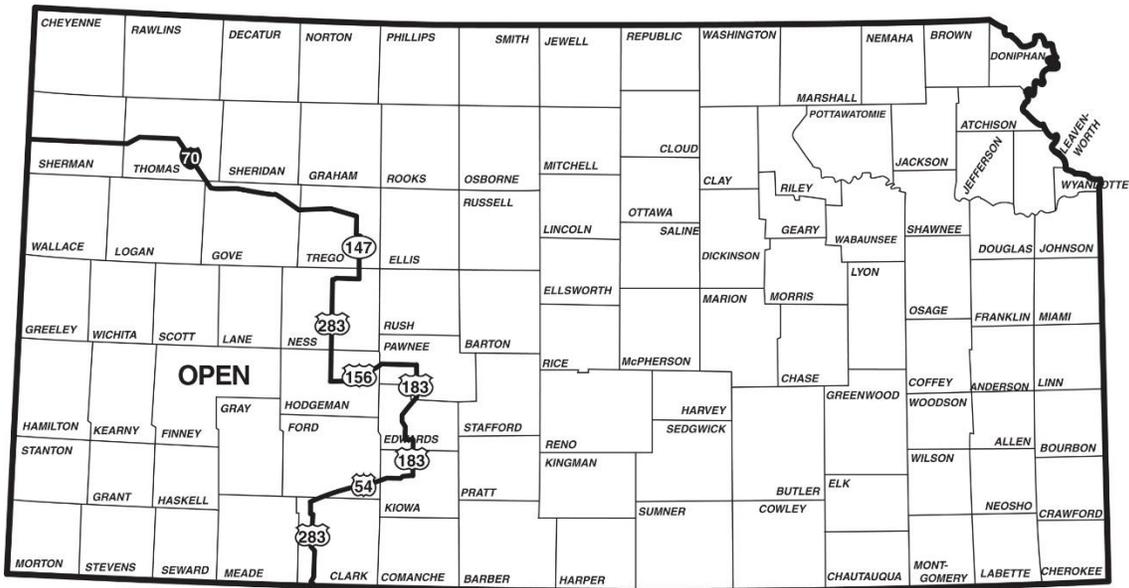
The proposed season dates are:

September 21-29, 2019 and October 12-31, 2019 for the archery season.

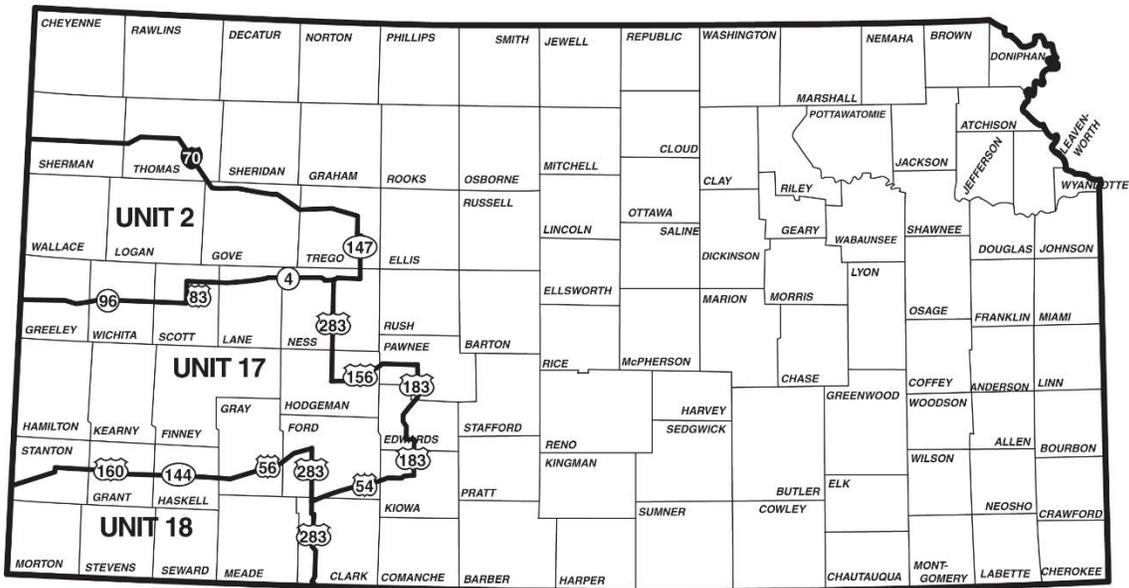
September 30, 2019 - October 7, 2019 for the muzzleloader season.

October 4-7, 2019 for the firearm season.

Archery Pronghorn Unit



Firearm, Muzzleloader Pronghorn Units



KAR 115-25-8

Elk; open season, bag limit and permits

Background

This regulation pertains to seasons, bag limits, unit boundaries, permits and tags for elk hunting.

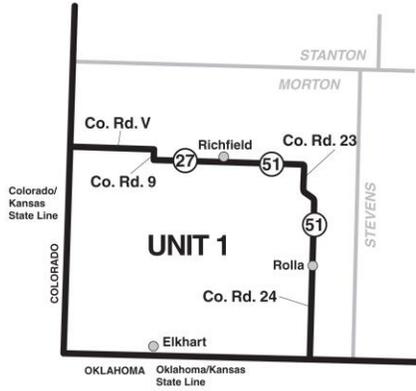
Elk were first reintroduced onto Fort Riley in 1986, and a hunting season was initiated in 1990. Most of the hunting opportunity in the state occurs on the Fort. However, elk do exist on private lands, though unpredictably in most of the state, with parts of southwest Kansas being the main exception. Elk also occur in the vicinity of Cimarron National Grasslands, but these elk are primarily found in neighboring states, and the Grasslands have been closed to elk hunting since 1995, following several years of heavy harvest pressure.

Since 1999, longer seasons and less restrictive permitting options have been authorized except near Fort Riley and the Grasslands. This framework is intended to allow for elk that may be causing crop damage or other conflicts on private land to be harvested, and for landowners to have the opportunity to maintain elk at desirable numbers on their own property while at the same time allowing the Fort Riley and Cimarron herds to be maintained.

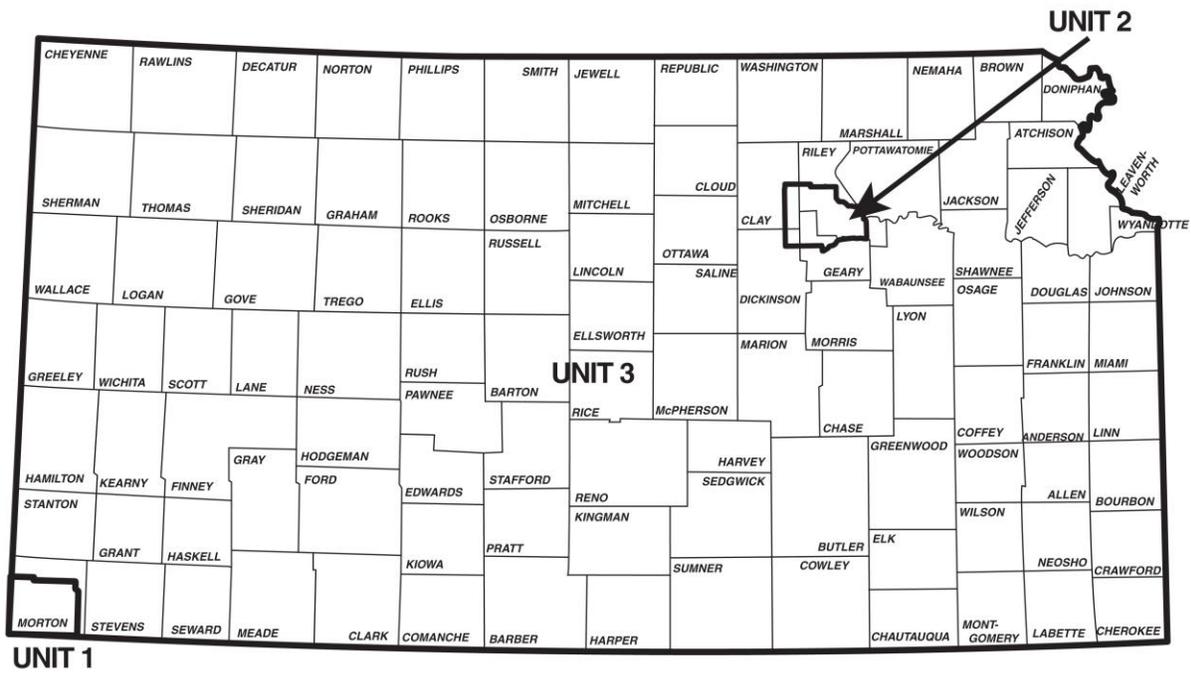
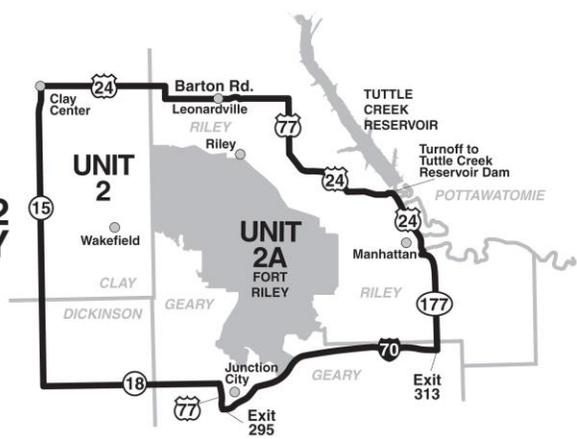
Discussion & Recommendations

Last year an August firearm season was established and the buffer zone around Fort Riley was reduced in size. Both of these regulatory changes were made to allow landowners to better address elk damage concerns. Prior to last year, this regulation had basically been unchanged since 2011. The current season is ongoing and issues could arise, but at this time we do not anticipate any changes to season structure, bag limits or permit types.

Elk Units



NEW UNIT 2 BOUNDARY



VI. DEPARTMENT REPORT

C. Workshop Session

3. Big Game Permanent Regulations.

All permanent regulations dealing with big game will be discussed together at this meeting. In recent years these regulations have been brought forward in the General Discussion portion of the Commission Meeting in August to allow public comments and to determine if further review was needed.

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

Background

This regulation contains the following items:

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

Discussion

Minor changes have been made to this regulation in recent years. Two years ago, elk hunters were given the ability to electronically register their animal.

Recommendation

No change is proposed for this regulation.

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

Background

This regulation contains the following items:

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

Discussion

New hunting equipment continues to be created and people request changes in the regulation to allow novel equipment. Some of the recent requests have been to allow powerful air rifles to be used for big game hunting, to use spears, and atlatl spears.

Historically changes in this regulation have attempted to balance a potential benefit of allowing new equipment to benefit a few people against the added complexity caused by changing the regulation, which may confuse other hunters. Typically, the department has changed this regulation after a review for a period of years rather than annually.

Recommendation

No change is proposed for this regulation.

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

Background

This regulation established the boundaries for the 19 Deer Management Units in Kansas.

Discussion

No changes in deer management unit boundaries are currently being discussed within the department. Changes in the management unit boundaries complicate trend analysis of hunter participation and harvest of deer. Sub-division of units increases the need for larger sample sizes and more expense to obtain adequate information.

Recommendation

No change is proposed for this regulation and it is not scheduled for further review this year.

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

Background

This regulation describes general application procedures, including the establishment of priority drawing procedures when the number of applicants exceeds the availability of authorized permits. The regulation also authorized hunters to purchase a preference point for future applications.

Discussion

No changes in the application process of big game or wild turkey permits are currently being discussed within the department. Requests for changes in allocation of either species, either sex firearm permits for resident youth hunters have been received from the public.

Recommendation

No change is proposed for this regulation and it is not scheduled for further review this year.

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

Background

This regulation contains the following items:

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

Discussion

Starting with the 2016 season, Either-species, Antlerless Only Permits (ESAO) were no longer issued in Kansas. This was done to address the changing mule deer population and reduce harvest of female mule deer. Results from analysis of harvest data from the 2017 season indicate that this likely resulted in the lowest estimated harvest of antlerless mule deer in Kansas since 1983. The effects, from this change in this permit allocation, on harvest rates of female mule deer and the effect of changing harvest rates on mule deer populations will continue to be monitored.

Recommendation

No change is proposed for this regulation and it is not scheduled for further review this year.

VI. DEPARTMENT REPORT

B. Workshop Session

4. Deer 25-Series Regulations.

Background

The regulation contains the following items:

- Dates of deer seasons when equipment such as archery, firearms, or muzzleloader may be used
 - Provisions when seasons may occur on military subunits within management units
 - Dates for a special firearm deer season and extended archery seasons in urban units
 - Dates of deer seasons for designated persons
- Dates and units when extended firearm seasons are authorized and the type of permits and changes in the species and antler categories of those permits
 - Limitations in obtaining multiple permits

Discussion

Annual adjustments will be made in the deer hunting season dates. This review process initiates the discussion of potential changes in deer hunting seasons for 2019-2020. The recommendations at this time follow the traditional season structure, with potential changes to some seasons:

Multiple hunter comments have been received that the designated persons season (youth and disabled season) and the muzzleloader season dates are often set during temperatures that preclude proper care of harvested animals and that hunters utilizing those seasons want to hunt later dates. The option currently being considered, that works within the current season framework:

1. The designated persons season and muzzleloader season also include the dates of Oct.12 - Oct. 14. These are the same dates as the Pre-Rut Whitetail Antlerless Only Season. This change would allow youth/disabled or muzzleloader hunters to hunt later, while keeping the same number of days in which legal, non-archery, deer hunting methods may be used. It also maintains the number of days that archery hunters must wear orange.

Typically, the first extended white-tailed deer antlerless-only (WAO) season has started on the New Year's Holiday and was open through the first weekend in January, or during the first weekend if January 1 fell on a Saturday; but historically has been four or less days. New Year's Day falls on Wednesday in 2020. The option currently being considered follows the seasons set for 2017-18:

1. A one-day season, January 1, 2019, in DMUs where only one WAO permit is allocated. There would still be three lengths of WAO seasons (i.e., 1, 5, and 12 days). The shortest season would not have a weekend day of hunting. Additionally, shift the

pre-rut WAO season to begin October 12 and add one day to the pre-rut WAO season, making it three days long, thus allowing WAO firearm hunting during Columbus Day, which is a holiday for some hunters. This keeps the season framework similar to the 2017-2018 and 2018-2019 seasons.

Population indices, mortality due to disease and changes in fawn recruitment will be examined and public input will be considered in the development of a list of units where an extended firearms seasons and WAO permits will be authorized. The number of WAO permits that may be used in each unit will also be evaluated after additional data becomes available.

Public comment is sought about these options.

Recommendation

Following traditions (see attached table) the proposed season dates suggested for deer hunting during 2019-20 are as follows:

Youth and Disability	Sept. 7, 2019 – Sept. 15, 2019, Oct. 12, 2019 – Oct. 14, 2019
Early Muzzleloader	Sept. 16, 2019 – Sept. 29, 2019, Oct. 12, 2019 – Oct. 14, 2019
Archery	Sept. 16, 2019– Dec. 31, 2019
Pre-Rut WAO	Oct. 12, 2019 – Oct. 14, 2019
Regular Firearm	Dec. 4, 2019 – Dec. 15, 2019
1 st Extended WAO	Jan. 1, 2020
2 nd Extended WAO	Jan. 1, 2020– Jan. 5, 2020
3 rd Extended WAO	Jan. 1, 2020 – Jan. 12, 2020
Extended Archery (DMU 19)	Jan. 13, 2020– Jan. 31, 2020

Coast Guard Navigation Rules

Commissioners, KDWPT Staff and the public,

Kansas Department of Wildlife, Parks and Tourism (KDWPT) provides the Recreational Boating Safety Program for the State of Kansas. To provide boating infrastructures, law enforcement, public education, aids to navigation, search and rescue and administrative duties, the KDWPT relies heavily on Recreational Boating Safety federal dollars administered through the United States Coast Guard, Recreational Boating Safety Division.

Every three years, the U.S. Coast Guard conducts an on-site visit with the Boating Law Administrators of the states to look over the components required within the agreement between the state and the federal government and to inform the state of any inadequacies or deficiencies discovered that relate to changes in Code of Federal Regulations or problems with program implementation.

On August 8-9, 2017, an on-site review of our program was conducted. Though most of our program was found in compliance, one issue requires an action plan to be addressed in front of this commission.

Language from the letter dated on August 16, 2017 from the United States Coast Guard states, “Deficiencies in the following areas were noted that require corrective action by the state: State Boating Laws and Regulations – The Kansas Boating Statutes addressing navigation must contain terminology consistent with the Inland Navigation Rules (NAVRULES) found in Title 33 CFR Part 83. This may be accomplished by adopting 33 CFR Part 83 by reference.”

Today, this is the proposal brought forth in front of this commission.

By authority granted to the Secretary of KDWPT in K.S.A. 32-1119 (k) The secretary is hereby authorized to adopt, in accordance with K.S.A. 1989 Supp. 32-805 and amendments thereto, rules and regulations required to carry out in the most effective manner, all of the provisions of this act and to alter, modify or supplement the equipment requirements contained in this section to the extent necessary to keep these requirements in conformity with the provisions of the federal navigation laws or with the navigation rules promulgated by the United States coast guard.

(1) The secretary is hereby authorized to establish and maintain, for the operation of vessels on the waters of this state, pilot rules in conformity with the pilot rules contained in the federal navigation laws or the navigation rules promulgated by the United States Coast Guard.

Major Dan Hesket

Copies of the following have been made available for your review:

August 16, 2017 USCG Site Visit Compliance Letter.

Corrective Action Plan response to the United States Coast Guard (USCG).

Title 33 CFR Part 83.

References:

Sport Fish Restoration and Boating Trust Fund.

MOU between State of Kansas and USCG for Boating Safety Program

K.S.A. 32-1119

Title 33 CFR Part 83

Site Visit Letter on Compliance Issues, August 16, 2017, USCG.

Corrective Action Plan (CAP) letter to USCG in response to site visit conducted on August 8-9, 2017.

Unmanned Aerial Vehicles
No briefing book items – possible handout at meeting

Electronic Licensing Update
No briefing book items – possible handout at meeting

2019 Reference Document Proposed Changes for Special Length and Creel Limits:

- Lovewell Reservoir -- add a 10-inch minimum length limit and a 20/day creel limit on crappie.
- Glen Elder Reservoir -- add a 10-inch minimum length limit on crappie.
- Sterling City Lake -- add a 21-inch minimum length limit and a 2/day creel limit on saugeye.
- Jewell State Fishing Lake -- add a 6- to 9-inch slot length limit on bluegill, redear sunfish, green sunfish, and their hybrids. In addition, add a 5/day creel limit (single species or in combination) for any of these species greater than 9 inches and no creel limit for fish under 6 inches.
- Lenexa - Lake Lenexa -- add a 6- to 9-inch slot length limit on bluegill, redear sunfish, green sunfish, and their hybrids. In addition, add a 5/day creel limit (single species or in combination) for any of these species greater than 9 inches and no creel limit for fish under 6 inches.
- Miami State Fishing Lake -- add a 6- to 9-inch slot length limit on bluegill, redear sunfish, green sunfish, and their hybrids. In addition, add a 5/day creel limit (single species or in combination) for any of these species greater than 9 inches and no creel limit for fish under 6 inches.
- Pottawatomie State Fishing Lake No. 2 -- add a 6- to 9-inch slot length limit on bluegill, redear sunfish, green sunfish, and their hybrids. In addition, add a 5/day creel limit (single species or in combination) for any of these species greater than 9 inches and unlimited creel number for fish under 6 inches.
- Ottawa State Fishing Lake -- remove the 18-inch minimum length limit on saugeye.
- Woodson State Fishing Lake -- change to a 10-inch minimum length limit and a 10/day creel limit on crappie.
- Holyrood City Lake -- change to a 5/day creel limit on channel catfish.
- Windom City Pond -- change to a 2/day creel limit on channel catfish.
- Louisburg City Lake -- change to a 13- to 18-inch slot length limit on largemouth bass.
- Kanopolis Reservoir -- add a 35-inch minimum length limit on blue catfish.
- Great Bend Stone Lake -- change to an 18-inch minimum length limit on smallmouth bass.

Other 2019 Proposed Fishing Regulation Changes.

Change 115-25-14 to include two new trout stocking locations.

Eisenhower State Park Pond and Coffeyville LeClere Lake will be added to the list of Type 1 Waters, which requires a trout permit for all anglers 16 and older who want to fish at these locations from November 1 through April 15.

Youth/Mentor Fishing Pond - Regulation

"Licensed adults may fish only if accompanied by a person younger than sixteen (16) years of age who is actively engaged in fishing. All other existing use and harvest regulations at each location still apply.

Proposed New Locations for 2019:

Wilson State Park Pond

Kanopolis State Park Pond

Melvern Mentoring Pond

Fall River State Park Pond

Elk City State Park Pond

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

Looking at ways to curb illegal activities associated with the possession of paddlefish eggs.

Change 115-7-2. (g) Fishing; general provisions.

Propose to ban bow and arrow fishing and crossbow and arrow fishing on rivers and streams for blue catfish, channel catfish, and flathead catfish. We want to continue allowing these activities on impoundments where no size limit exists for any of these three species of catfish.

Backcountry Access Pass

Little Jerusalem

The largest Niobrara Chalk formation in Kansas hides like a giant treasure in a valley between Scott City and Oakley. This mile-long stretch of 100-foot-tall spires and cliffs at The Nature Conservancy's Smoky Valley Ranch will soon open to the public, with trails that beg for you to use the panorama setting on your camera.

Ancient Niobrara Chalk formations left from when an inland sea covered Kansas Territory take you back in time with breathtaking views. The soft limestone pyramids are also home to wildlife and plants found nowhere else in the world. The Nature Conservancy is consulting with Kansas Wildlife, Parks, and Tourism to design access that protects the fragile rocks and unique ecology at the one-of-a-kind attraction.

The opportunity to have a backcountry access pass would be an exciting way to experience this unique landscape. Our goal is to provide trails for the public to see the formations while protecting the fragile formations, as well as to provide a pass to hike back through the formations with a guide. The backcountry access pass will cost \$50 per person and allow us to know who is hiking and how to reach them should we need to. We plan on having our staff or an appointed designee to guide the hikes.

Public Hearing

Document No. _____

KANSAS REGISTER
SUBMISSION FORM

Agency Number -- 710-01

Agency Name -- Kansas Department of Wildlife, Parks and Tourism

Agency Address - 1020 S. Kansas Ave., Suite 200

Topeka, Kansas 66612-1233

Title of Document -- Public Hearing

Desired Date of Publication - September 13, 2018

ITEMS SUBMITTED IN DUPLICATE

CERTIFICATION

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

Christopher J. Tymeson
Liaison officer's typed name

Liaison officer's signature

Department Attorney
Title

(785) 296-2281
Phone

This space for Register office use only

Wildlife, Parks, and Tourism Commission

Notice of Public Hearing

A public hearing will be conducted by the Wildlife, Parks, and Tourism Commission at 6:30 p.m., Thursday, November 15, 2018 at the Dole-Specter Conference Center, Fossil Creek Hotel, 1430 S. Fossil St, Russell, Kansas to consider the approval and adoption of proposed regulations of the Kansas Department of Wildlife, Parks, and Tourism.

A general discussion and workshop meeting on business of the Wildlife, Parks, and Tourism Commission will begin at 1:30 p.m., November 15 at the location listed above. The meeting will recess at approximately 5:00 p.m. then resume at 6:30 p.m. at the same location for the regulatory hearing and more business. There will be public comment periods at the beginning of the afternoon and evening meeting for any issues not on the agenda and additional comment periods will be available during the meeting on agenda items. Old and new business may also be discussed at this time. If necessary to complete business matters, the Commission will reconvene at 9:00 a.m. November 16 at the location listed above.

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

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

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

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

K.A.R. 115-2-3. This permanent regulation establishes camping fees. The proposed amendments to the regulation would increase long term camping user fees.

Economic Impact Summary: The economic effect on long term state park campers in the form of a user fee would be an increase of \$100 per month per campsite for most state parks and \$150 per month per campsite in 5 state parks. The proposed increase would generate approximately \$104,800 annually, all of which would accrue to the park fee fund. Otherwise, no

other economic impact to the department, other state agencies, small businesses, or individual members of the public is anticipated.

K.A.R. 115-2-5. This permanent regulation establishes the trail access pass fee requirement. The regulation is being proposed for repeal.

Economic Impact Summary: The repeal of the regulation should increase use on trails and therefore, stimulate local businesses. Otherwise, no other significant economic impact to department, other state agencies, small businesses, or individual members of the public is anticipated.

K.A.R. 115-7-3. This permanent regulation establishes taking and use of baitfish or minnows. The proposed amendments to the regulation would increase mesh size for cast nets from ½ inch to 1 inch.

Economic Impact Summary: The proposed amendments are not anticipated to have any significant economic impact to the department, other state agencies, small businesses, or individual members of the public.

K.A.R. 115-17-2. This permanent regulation establishes provisions related to the commercial sale of fish bait. The proposed amendments to the regulation would remove common carp from the allowable list of fish bait commercially available in order to reduce vectors of introduction.

Economic Impact Summary: Less than 5 percent of the 200 commercial fish bait dealers in Kansas sell common carp as bait but many other species are allowed for sale under the regulation. Otherwise, the proposed amendments are not anticipated to have any significant economic impact to the department, other state agencies, small businesses, or individual members of the public.

K.A.R. 115-18-10. This permanent regulation establishes the prohibited species list for Kansas. The proposed amendments to the regulation would add the marbled crayfish to the list of prohibited species.

Economic Impact Summary: The proposed changes may have a potential impact on the pet industry but the species is not known to currently exist in Kansas. Otherwise, the proposed amendments are not anticipated to have any significant economic impact to the department, other state agencies, small businesses, or individual members of the public.

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

Gerald Lauber, Chairman



STATE OF KANSAS
OFFICE OF THE ATTORNEY GENERAL

DEREK SCHMIDT
ATTORNEY GENERAL

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

September 5, 2018

Chris Tymeson
Chief Legal Counsel
Kansas Department of Wildlife, Parks and Tourism
1020 S. Kansas Ave., Suite 200
Topeka, KS 66612-1327

**RE: K.A.R. 115-2-3; K.A.R. 115-2-5 (revocation); K.A.R. 115-7-3; K.A.R. 115-8-2;
K.A.R. 115-11-2; K.A.R. 115-17-2; K.A.R. 115-18-10**

Dear Chris:

Pursuant to K.S.A. 2018 Supp. 77-420(b), we have reviewed the above-referenced regulations and have approved them for legality. The stamped regulations are enclosed with this letter.

Sincerely,

OFFICE OF THE ATTORNEY GENERAL
DEREK SCHMIDT

Sarah Fertig
Assistant Attorney General

Enclosures

Cc: Sen. Vicki Schmidt, Chair, Joint Committee on Rules and Regulations
Rep. Ron Highland, Vice Chair, Joint Committee on Rules and Regulations
Sen. Oletha Faust-Goudeau, Ranking Minority Member, Joint Committee on Rules
and Regulations
Raney Gilliland, Legislative Research, State Capitol, Room 68-W
Natalie Scott, Office of Revisor, State Capitol, Room 24-E

115-2-3. Camping, utility, and other fees. (a) Each overnight camping permit shall be valid only for the state park for which the permit is purchased and shall expire at 2:00 p.m. on the day following its effective date.

(b) Any annual camping permit may be used in any state park for unlimited overnight camping, subject to other laws and regulations of the secretary. This permit shall expire on December 31 of the year for which the permit is issued.

(c) Any 14-night camping permit may be used in any state park. This permit shall expire when the permit has been used a total of 14 nights, or on December 31 of the year for which the permit is issued, whichever is first.

(d) Camping permits shall not be transferable.

(e) The fee for a designated prime camping area permit shall be in addition to the overnight, annual, 14-night, or other camping permit fee and shall apply on a nightly basis.

(f) Fees shall be due at the time of campsite occupancy and by noon of any subsequent days of campsite occupancy.

(g) Fees set by this regulation shall be in addition to any required motor vehicle permit fee specified in K.A.R. 115-2-2.

(h) The following fees shall be in effect for state parks and for other designated areas for which camping and utility fees are required:

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

Annual camping permit.....	\$ 250.00
Overnight camping permit	9.00
14-night camping permit.....	110.00
Prime camping area permit	2.00

Camping--per camping unit (October 1 through March 31):

Annual camping permit.....	200.00
Overnight camping permit	9.00
14-night camping permit.....	110.00
Overflow primitive camping permit, per night	5.00

Recreational vehicle seasonal camping permit, except for Clinton, El Dorado, Milford, Sand Hills, and Tuttle Creek State Parks (includes utilities)--per month, per unit (annual camping permit and annual vehicle permit required):

One utility	270.50 <u>370.50</u>
Two utilities	330.50 <u>430.50</u>
Three utilities	390.50 <u>490.50</u>

Recreational vehicle seasonal camping permit for Clinton, Milford, Sand Hills, and Tuttle Creek State Parks (includes utilities)--per month, per unit (annual camping permit and annual vehicle permit required):

One utility	310.50 <u>460.50</u>
Two utilities	370.50 <u>520.50</u>
Three utilities	430.50 <u>580.50</u>

Recreational vehicle seasonal camping permit for El Dorado State Park (includes utilities)--per month, per unit (annual camping permit and annual vehicle permit required):

One utility	335.50 <u>485.50</u>
Two utilities	395.50 <u>545.50</u>
Three utilities	455.50 <u>605.50</u>

Recreational vehicle short-term parking--per month.....50.00

Utilities--electricity, water, and sewer hookup per night, per unit:

One utility	9.00
Two utilities	11.00
Three utilities	12.00
Youth group camping permit in designated areas, per camping unit--per night	2.50
Group camping permit in designated areas, per person--per night	1.50
Reservation fee, per reservation (camping, special use, or day use)	10.00
Rent-a-camp: equipment rental per camping unit--per night.....	15.00
Duplicate permit.....	10.00
Special event permit negotiated based on event type, required services, and lost revenue—maximum.....	200.00

This regulation shall be effective on and after January 1, ~~2018~~ 2019. (Authorized by and implementing K.S.A. ~~2016~~ 2018 Supp. 32-807 and 32-988; effective Jan. 22, 1990; amended Jan. 28, 1991; amended June 8, 1992; amended Oct. 12, 1992; amended Aug. 21, 1995; amended Sept. 19, 1997; amended Jan. 1, 1999; amended Jan. 1, 2001; amended Jan. 1, 2003; amended Jan. 1, 2005; amended Jan. 1, 2009; amended Jan. 1, 2011; amended April 8, 2011; amended Jan. 1, 2012; amended May 24, 2013; amended Feb. 7, 2014; amended Jan. 1, 2015; amended Jan. 1, 2017; amended Jan. 1, 2018; amended P-_____.)

**Kansas Administrative Regulations
Economic Impact Statement
For the Kansas Division of the Budget**

KDWPT

Agency

Christopher J Tymeson

Agency Contact

785-296-1032

Contact Phone Number

K.A.R. 115-2-3

K.A.R. Number(s)

Submit a hard copy of the proposed rule(s) and regulation(s) and any external documents that the proposed rule(s) and regulation(s) would adopt, along with the following to: Division of the Budget

504-N

900 SW Jackson, Room

Topeka, KS 66612

I. Brief description of the proposed rule(s) and regulation(s).

The proposed changes to regulation include increasing long term camping rates.

II. Statement by the agency if the rule(s) and regulation(s) is mandated by the federal government and a statement if approach chosen to address the policy issue is different from that utilized by agencies of contiguous states or the federal government. *(If the approach is different, then include a statement of why the Kansas rule and regulation proposed is different)*

The regulatory change is not mandated by the federal government. Each state and the federal government has camp sites in various parks that charge rates by location and campsite.

III. Agency analysis specifically addressing following:

A. The extent to which the rule(s) and regulation(s) will enhance or restrict business activities and growth;

Increases in long term camping rates reflect increased costs in providing campsites with utilities. Some individuals may choose to utilize private campgrounds as a result and it may therefore enhance business growth.

B. The economic effect, including a detailed quantification of implementation and compliance costs, on the specific businesses, sectors, public utility ratepayers, individuals, and local governments that would be affected by the proposed rule and regulation and on the state economy as a whole;

The economic effect on long term state park campers in the form of a user fee would be an increase of \$100 per month per campsite for most state parks and \$150 per month per campsite in 5 state parks.

C. Businesses that would be directly affected by the proposed rule and regulation;

None.

D. Benefits of the proposed rule(s) and regulation(s) compared to the costs;

Costs continue to increase for utilities and therefore campsite pricing must keep up. If state parks are to run like a private business, they cannot be subjected to subsidizing user costs. At the same time, state parks do not want to compete with private businesses.

E. Measures taken by the agency to minimize the cost and impact of the proposed rule(s) and regulation(s) on business and economic development within the State of Kansas, local government, and individuals;

The agency balances increased costs for providing utility campsites and competition with private interests and only increases user fees when warranted.

F. An estimate, expressed as a total dollar figure, of the total annual implementation and compliance costs that are reasonably expected to be incurred by or passed along to business, local governments, or members of the public.

\$104,800 annually.

An estimate, expressed as a total dollar figure, of the total implementation and compliance costs that are reasonably expected to be incurred by or passed along to business, local governments, or members of the public.

\$104,800 annually.

Do the above total implementation and compliance costs exceed \$3.0 million over any two-year period?

YES NO

Give a detailed statement of the data and methodology used in estimating the above cost estimate.

673 long term camping permits were sold at the lower rate in 2017. 250 long term camping permits were sold at the enhanced park rate in 2017. Assuming the camping rate stays the same, the 673 permits would generate an additional \$67,300 and the 250 permits would generate an additional \$37,500 for a total of \$104,800 annually, all of which would accrue to the park fee fund.

Prior to the submission or resubmission of the proposed rule(s) and regulation(s), did the agency hold a public hearing if the total implementation and compliance costs exceed \$3.0 million over any two-year period to find that the estimated costs have been accurately determined and are necessary for

achieving legislative intent? If applicable, document when the public hearing was held, those in attendance, and any pertinent information from the hearing.

YES NO

- G. If the proposed rule(s) and regulation(s) increases or decreases revenues of cities, counties or school districts, or imposes functions or responsibilities on cities, counties or school districts that will increase expenditures or fiscal liability, describe how the state agency consulted with the League of Kansas Municipalities, Kansas Association of Counties, and/or the Kansas Association of School Boards.**

Not applicable.

- H. Describe how the agency consulted and solicited information from businesses, associations, local governments, state agencies, or institutions and members of the public that may be affected by the proposed rule(s) and regulation(s).**

News releases to every newspaper in the state, discussion at prior public hearings and meetings which are broadcast online, publication in the Kansas Register and publication on the Department's website.

- I. For environmental rule(s) and regulation(s) describe the costs that would likely accrue if the proposed rule(s) and regulation(s) are not adopted, as well as the persons would bear the costs and would be affected by the failure to adopt the rule(s) and regulation(s).**

Not applicable.

115-2-5. This regulation shall be revoked on and after January 1, 2019. (Authorized by and implementing K.S.A. 32-807, K.S.A. 32-901, and K.S.A. 2007 Supp. 32-988; effective April 1, 1996; amended Aug. 2, 1996; amended Jan. 1, 2009; revoked P-_____.)

**Kansas Administrative Regulations
Economic Impact Statement
For the Kansas Division of the Budget**

KDWPT
Agency

Christopher Tymeson
Agency Contact

785-296-1032
Contact Phone Number

K.A.R. 115-2-5
K.A.R. Number(s)

Submit a hard copy of the proposed rule(s) and regulation(s) and any external documents that the proposed rule(s) and regulation(s) would adopt, along with the following to: Division of the Budget

504-N

900 SW Jackson, Room

Topeka, KS 66612

I. Brief description of the proposed rule(s) and regulation(s).

The proposed regulation repeals the trail access pass fee requirement.

II. Statement by the agency if the rule(s) and regulation(s) is mandated by the federal government and a statement if approach chosen to address the policy issue is different from that utilized by agencies of contiguous states or the federal government. (If the approach is different, then include a statement of why the Kansas rule and regulation proposed is different)

Contiguous states have state parks with both an entrance fee or are free to enter. The federal government manages trail systems that require a fee and do not require a fee to enter.

III. Agency analysis specifically addressing following:

A. The extent to which the rule(s) and regulation(s) will enhance or restrict business activities and growth;

The repeal of the regulation should enhance business activity by encouraging additional use of the linear state parks.

B. The economic effect, including a detailed quantification of implementation and compliance costs, on the specific businesses, sectors, public utility ratepayers, individuals, and local governments that would be affected by the proposed rule and regulation and on the state economy as a whole;

The repeal of the regulation should have no implementation or compliance costs on specific businesses, sectors, public utility ratepayers and local governments. Individuals would be able to use the linear state parks for free.

C. Businesses that would be directly affected by the proposed rule and regulation;
None.

D. Benefits of the proposed rule(s) and regulation(s) compared to the costs;
There are no costs to repeal the regulation.

E. Measures taken by the agency to minimize the cost and impact of the proposed rule(s) and regulation(s) on business and economic development within the State of Kansas, local government, and individuals;

There is no cost and impact from repealing the regulation on business and economic development within the State of Kansas, local government or individuals.

F. An estimate, expressed as a total dollar figure, of the total annual implementation and compliance costs that are reasonably expected to be incurred by or passed along to business, local governments, or members of the public.

\$0

An estimate, expressed as a total dollar figure, of the total implementation and compliance costs that are reasonably expected to be incurred by or passed along to business, local governments, or members of the public.

\$0

Do the above total implementation and compliance costs exceed \$3.0 million over any two-year period?

YES NO

Give a detailed statement of the data and methodology used in estimating the above cost estimate.

The cost estimate is based upon repeal of the regulation.

Prior to the submission or resubmission of the proposed rule(s) and regulation(s), did the agency hold a public hearing if the total implementation and compliance costs exceed \$3.0 million over any two-year period to find that the estimated costs have been accurately determined and are necessary for achieving legislative intent? If applicable, document when the public hearing was held, those in attendance, and any pertinent information from the hearing.

YES NO

G. If the proposed rule(s) and regulation(s) increases or decreases revenues of cities, counties or school districts, or imposes functions or responsibilities on

cities, counties or school districts that will increase expenditures or fiscal liability, describe how the state agency consulted with the League of Kansas Municipalities, Kansas Association of Counties, and/or the Kansas Association of School Boards.

Not applicable

- H. Describe how the agency consulted and solicited information from businesses, associations, local governments, state agencies, or institutions and members of the public that may be affected by the proposed rule(s) and regulation(s).**

News releases to every newspaper in the state, discussion at prior public hearings and meetings which are broadcast online, publication in the Kansas Register and publication on the Department's website.

- I. For environmental rule(s) and regulation(s) describe the costs that would likely accrue if the proposed rule(s) and regulation(s) are not adopted, as well as the persons would bear the costs and would be affected by the failure to adopt the rule(s) and regulation(s).**

Not applicable.

115-7-3. Fish; taking and use of baitfish or minnows. (a) Baitfish may be taken for noncommercial purposes by any of the following means:

(1) A seine not longer than 15 feet and four feet deep with mesh not larger than 1/4 inch;

(2) a fish trap with mesh not larger than 1/4 inch and a throat not larger than one inch in diameter;

(3) a dip or cast net with mesh not larger than ~~1/2~~ one inch; or

(4) a fishing line.

(b) Each fish trap shall be tagged with the operator's name and address when the fish trap is in use.

(c) Baitfish taken, except gizzard shad, shall not exceed 12 inches in total length.

(d) The possession limit shall be 500 baitfish.

(e) Live baitfish, except for bluegill and green sunfish from non-designated aquatic nuisance waters and baitfish from designated aquatic nuisance waters, may be caught and used as live bait only within the common drainage where caught. However, live baitfish shall not be transported and used above any upstream dam or barrier that prohibits the normal passage of fish. Bluegill and green sunfish collected from non-designated aquatic nuisance waters may be possessed or used as live bait anywhere in the state. Live baitfish collected from designated aquatic nuisance waters shall be possessed or used as live bait only while on that water and shall not be transported from the water alive.

(f) No person shall import live baitfish that does not meet the requirements of K.A.R.

115-17-2 and K.A.R. 115-17-2a.

This regulation shall be effective on and after January 1, ~~2015~~ 2019. (Authorized by and implementing K.S.A. ~~2013~~ 2018 Supp. 32-807; effective Sept. 10, 1990; amended Nov. 20,

2009; amended Jan. 1, 2012; amended Jan. 1, 2013; amended Jan. 1, 2015; amended P-
_____.)

**Kansas Administrative Regulations
Economic Impact Statement
For the Kansas Division of the Budget**

KDWPT

Agency

Christopher J Tymeson

Agency Contact

785-296-1032

Contact Phone Number

K.A.R. 115-7-3

K.A.R. Number(s)

Submit a hard copy of the proposed rule(s) and regulation(s) and any external documents that the proposed rule(s) and regulation(s) would adopt, along with the following to: Division of the Budget

504-N

900 SW Jackson, Room

Topeka, KS 66612

I. Brief description of the proposed rule(s) and regulation(s).

The proposed changes to the regulation would increase the cast net mesh size from ½ inch to 1 inch.

II. Statement by the agency if the rule(s) and regulation(s) is mandated by the federal government and a statement if approach chosen to address the policy issue is different from that utilized by agencies of contiguous states or the federal government. *(If the approach is different, then include a statement of why the Kansas rule and regulation proposed is different)*

There is no federal mandate and the federal government does not have a cast net mesh size limitation on inland waters. Colorado limits cast net mesh size to ¼ inch, Missouri and Oklahoma set their limit at 3/8 inch and Missouri has no mesh limit restriction.

III. Agency analysis specifically addressing following:

A. The extent to which the rule(s) and regulation(s) will enhance or restrict business activities and growth;

The regulation would likely not enhance or restrict business activities. Cast nets are already legal. The proposal would merely increase mesh size on the net.

B. The economic effect, including a detailed quantification of implementation and compliance costs, on the specific businesses, sectors, public utility ratepayers, individuals, and local governments that would be affected by the proposed rule and regulation and on the state economy as a whole;

There is no economic effect to the proposed changes in the regulation.

C. Businesses that would be directly affected by the proposed rule and regulation;

Sporting goods retailers would be able to sell larger cast nets but they already have the ability to sell cast nets.

D. Benefits of the proposed rule(s) and regulation(s) compared to the costs;

The benefit of the regulation change would allow the cast net to sink quicker, thereby allowing more baitfish to be caught more quickly.

E. Measures taken by the agency to minimize the cost and impact of the proposed rule(s) and regulation(s) on business and economic development within the State of Kansas, local government, and individuals;

There is no cost or impact to businesses, local governments or individuals from this proposal.

F. An estimate, expressed as a total dollar figure, of the total annual implementation and compliance costs that are reasonably expected to be incurred by or passed along to business, local governments, or members of the public.

\$0.

An estimate, expressed as a total dollar figure, of the total implementation and compliance costs that are reasonably expected to be incurred by or passed along to business, local governments, or members of the public.

\$0.

Do the above total implementation and compliance costs exceed \$3.0 million over any two-year period?

YES NO

Give a detailed statement of the data and methodology used in estimating the above cost estimate.

Cast nets are already legal to sell up to certain sizes of mesh. The proposed change would allow the mesh size to be increased is all.

Prior to the submission or resubmission of the proposed rule(s) and regulation(s), did the agency hold a public hearing if the total implementation and compliance costs exceed \$3.0 million over any two-year period to find that the estimated costs have been accurately determined and are necessary for achieving legislative intent? If applicable, document when the public hearing was held, those in attendance, and any pertinent information from the hearing.

YES NO

- G. If the proposed rule(s) and regulation(s) increases or decreases revenues of cities, counties or school districts, or imposes functions or responsibilities on cities, counties or school districts that will increase expenditures or fiscal liability, describe how the state agency consulted with the League of Kansas Municipalities, Kansas Association of Counties, and/or the Kansas Association of School Boards.**

Not applicable.

- H. Describe how the agency consulted and solicited information from businesses, associations, local governments, state agencies, or institutions and members of the public that may be affected by the proposed rule(s) and regulation(s).**

News releases to every newspaper in the state, discussion at prior public hearings and meetings which are broadcast online, publication in the Kansas Register and publication on the Department's website.

- I. For environmental rule(s) and regulation(s) describe the costs that would likely accrue if the proposed rule(s) and regulation(s) are not adopted, as well as the persons would bear the costs and would be affected by the failure to adopt the rule(s) and regulation(s).**

Not applicable.

115-17-2. Commercial sale of fish bait. (a) The following live species of wildlife may be commercially sold in Kansas for fishing bait:

(1) The following species of fish:

(A) Black bullhead (*Ameiurus melas*);

(B) bluegill (*Lepomis macrochirus*), including hybrids;

(C) ~~common carp (*Cyprinus carpio*), including koi;~~

~~(D)~~ fathead minnow (*Pimephales promelas*), including “rosy reds”;

~~(E)~~ (D) golden shiner (*Notemigonus crysoleucas*);

~~(F)~~ (E) goldfish (*Carassius auratus*), including “black saltys”;

~~(G)~~ (F) green sunfish (*Lepomis cyanellus*), including hybrids; and

~~(H)~~ (G) yellow bullhead (*Ameiurus natalis*);

(2) only species of annelids native to or naturalized in the continental United States;

(3) the following species of crayfish:

(A) Virile crayfish (*Orconectes virilis*);

(B) calico crayfish (*Orconectes immunes*); and

(C) white river crayfish (*Procambarus acutus*); and

(4) only species of insects native to or naturalized in Kansas.

(b) Gizzard shad (*Dorosoma cepedianum*) may be commercially sold only if dead.

(c) Wildlife listed in K.A.R. 115-15-1 or in K.A.R. 115-15-2 or prohibited from importation pursuant to K.S.A. 32-956, and amendments thereto, shall not be sold.

(d) Live aquatic bait shall be certified free of the following pathogens before import, according to K.A.R. 115-17-2a:

(1) Spring viremia of carp virus;

- (2) infectious pancreatic necrosis virus;
- (3) viral hemorrhagic septicemia virus; and
- (4) infectious hematopoietic virus.

(e) Each distribution tank and each retail tank shall utilize a source of potable water or well water.

This regulation shall be effective on and after January 1, ~~2018~~ 2019. (Authorized by and implementing K.S.A. ~~2016~~ 2018 Supp. 32-807; effective Sept. 10, 1990; amended Nov. 30, 1998; amended Jan. 1, 2012; amended Jan. 1, 2017; amended Jan. 1, 2018; amended P-
_____.)

**Kansas Administrative Regulations
Economic Impact Statement
For the Kansas Division of the Budget**

KDWPT

Agency

Christopher J Tymeson

Agency Contact

785-296-1032

Contact Phone Number

K.A.R. 115-17-2

K.A.R. Number(s)

Submit a hard copy of the proposed rule(s) and regulation(s) and any external documents that the proposed rule(s) and regulation(s) would adopt, along with the following to: Division of the Budget

504-N

900 SW Jackson, Room

Topeka, KS 66612

I. Brief description of the proposed rule(s) and regulation(s).

This proposed changes to the regulation include removing common carp from the list of allowable species to be sold for bait. The purpose of the change is to begin the process for removing vectors of introduction of carp into the wild. Technology will allow all states, including the Department, to remove common carp at some point in the future and this is the first step in that process.

II. Statement by the agency if the rule(s) and regulation(s) is mandated by the federal government and a statement if approach chosen to address the policy issue is different from that utilized by agencies of contiguous states or the federal government. (If the approach is different, then include a statement of why the Kansas rule and regulation proposed is different)

This regulation is not mandated by the federal government. The policy issue is attempting to jointly eradicate common carp from the wild. Colorado and Nebraska have restrictions on the sale of common carp. Oklahoma and Missouri do not have restrictions on the sale of common carp.

III. Agency analysis specifically addressing following:

A. The extent to which the rule(s) and regulation(s) will enhance or restrict business activities and growth;

Less than five percent of the 200 plus bait dealers in Kansas sell common carp for bait so the impact will be small.

- B. The economic effect, including a detailed quantification of implementation and compliance costs, on the specific businesses, sectors, public utility ratepayers, individuals, and local governments that would be affected by the proposed rule and regulation and on the state economy as a whole;**

The economic effect of prohibiting the sale of common carp is minimal. There are lots of other species that may be sold as bait.

- C. Businesses that would be directly affected by the proposed rule and regulation;**

Less than five percent of the 200 plus bait dealers in Kansas sell common carp as bait.

- D. Benefits of the proposed rule(s) and regulation(s) compared to the costs;**

The benefit of the prohibition on the sale of common carp is that it reduces vectors for introduction of the species in the wild. In the wild, the species outcompetes native species.

- E. Measures taken by the agency to minimize the cost and impact of the proposed rule(s) and regulation(s) on business and economic development within the State of Kansas, local government, and individuals;**

Contact with the bait dealers who sell common carp as bait.

- F. An estimate, expressed as a total dollar figure, of the total annual implementation and compliance costs that are reasonably expected to be incurred by or passed along to business, local governments, or members of the public.**

\$0 because there are many alternatives for sale of bait.

An estimate, expressed as a total dollar figure, of the total implementation and compliance costs that are reasonably expected to be incurred by or passed along to business, local governments, or members of the public.

\$0 because there are many alternatives for sale of bait.

Do the above total implementation and compliance costs exceed \$3.0 million over any two-year period?

YES NO

Give a detailed statement of the data and methodology used in estimating the above cost estimate.

Phasing out one of the vectors for introduction of an invasive species into the wild is necessary for the long term reduction and elimination of the species in the United States. Many other alternatives exist for the sale of bait fish in Kansas. It is replacing one species with another non-invasive species.

Prior to the submission or resubmission of the proposed rule(s) and regulation(s), did the agency hold a public hearing if the total implementation and compliance costs exceed \$3.0 million over any two-year period to find that the estimated costs have been accurately determined and are necessary for achieving legislative intent? If applicable, document when the public hearing was held, those in attendance, and any pertinent information from the hearing.

YES NO

- G. If the proposed rule(s) and regulation(s) increases or decreases revenues of cities, counties or school districts, or imposes functions or responsibilities on cities, counties or school districts that will increase expenditures or fiscal liability, describe how the state agency consulted with the League of Kansas Municipalities, Kansas Association of Counties, and/or the Kansas Association of School Boards.**

Not applicable.

- H. Describe how the agency consulted and solicited information from businesses, associations, local governments, state agencies, or institutions and members of the public that may be affected by the proposed rule(s) and regulation(s).**

Contact with individual vendors, news releases to every newspaper in the state, discussion at prior public hearings and meetings which are broadcast online, publication in the Kansas Register and publication on the Department's website.

- I. For environmental rule(s) and regulation(s) describe the costs that would likely accrue if the proposed rule(s) and regulation(s) are not adopted, as well as the persons would bear the costs and would be affected by the failure to adopt the rule(s) and regulation(s).**

Not applicable.

115-18-10. Importation and possession of certain wildlife; prohibition, permit

requirement, and restrictions. (a) The importation, possession, or release in ~~the state of~~ Kansas of the following live wildlife species shall be prohibited, except as authorized by terms of a wildlife importation permit issued by the secretary:

- (1) Walking catfish (*Clarias batrachus*);
- (2) silver carp (*Hypophthalmichthys molitrix*);
- (3) bighead carp (*Hypophthalmichthys nobilis*);
- (4) black carp (*Mylopharyngodon piceus*);
- (5) snakehead fish (all members of the family Channidae);
- (6) round goby (*Neogobius melanostomus*);
- (7) white perch (*Morone americana*);
- (8) zebra mussel (*Dreissena polymorpha*);
- (9) quagga mussel (*Dreissena bugensis*);
- (10) New Zealand mudsnail (*Potamopyrgus antipodarum*);
- (11) diploid grass carp (*Ctenopharyngodon idella*);
- (12) marbled crayfish (*Procambarus virginalis*);
- (13) monk parakeet (*Myiopsitta monachus*); and
- ~~(13)~~ (14) Asian raccoon dog (*Nyctereutes procyonoides*).

(b) Any live member of a wildlife species listed in subsection (a) and possessed before the following dates may be retained in possession, in closed confinement, by making application to the secretary that provides information detailing the circumstances, including the location, by which the animal came into the applicant's possession:

- (1) February 1, 1978 for fish and bird species other than black carp, snakehead fish,

round goby, white perch, zebra mussel, quagga mussel, New Zealand mudsnail, and diploid grass carp;

- (2) February 1, 1986 for mammal species;
- (3) October 1, 2000 for black carp;
- (4) May 1, 2003 for snakehead fish;
- (5) August 1, 2004 for round goby, quagga mussel, and zebra mussel;
- (6) May 15, 2005 for New Zealand mudsnail;
- (7) February 15, 2007 for white perch; ~~and~~
- (8) January 1, 2008 for diploid grass carp; and
- (9) January 30, 2019 for marbled crayfish.

The manner in which the animal is to be used shall be identified in the application.

(c) Wildlife importation permits for the importation or possession of live members of the wildlife species listed in subsection (a) may be issued by the secretary for experimental, scientific, display, or other purposes subject to any conditions and restrictions contained or referenced in a wildlife importation permit.

(d) Each individual desiring to import or possess live members of the wildlife species listed in subsection (a) shall apply to the secretary for a wildlife importation permit. The application shall be submitted on forms provided by the department and shall contain the following information:

- (1) The name, address, and telephone number of applicant;
- (2) the wildlife species to be imported or possessed and the number of wildlife involved;
- (3) the purpose or purposes for importation or possession;
- (4) a description of the facilities for holding and using the wildlife species;

(5) a description of plans to prevent the release of the wildlife species; and

(6) other relevant information as requested by the secretary.

(e) Each wildlife importation permit, once issued, shall be valid during the time period specified on the permit.

(f) In addition to other penalties prescribed by law, any wildlife importation permit may be refused issuance or revoked by the secretary if any of the following conditions is met:

(1) The application is incomplete or contains false information.

(2) Issuance of a permit would not be in the best interest of the public or of the natural resources of Kansas.

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

(Authorized by K.S.A. 2018 Supp. 32-807 and K.S.A. 32-956; implementing K.S.A. 32-956; effective Dec. 27, 1993; amended Sept. 22, 2000; amended April 18, 2003; amended July 23, 2004; amended May 20, 2005; amended Feb. 9, 2007; amended Nov. 16, 2007; amended P-
_____.)

**Kansas Administrative Regulations
Economic Impact Statement
For the Kansas Division of the Budget**

KDWPT

Agency

Christopher J Tymeson

Agency Contact

785-296-1032

Contact Phone Number

K.A.R. 115-18-10

K.A.R. Number(s)

Submit a hard copy of the proposed rule(s) and regulation(s) and any external documents that the proposed rule(s) and regulation(s) would adopt, along with the following to: Division of the Budget

504-N

900 SW Jackson, Room

Topeka, KS 66612

I. Brief description of the proposed rule(s) and regulation(s).

The proposed amendments to the regulation include adding the marbled crayfish to the prohibited species list. The marbled crayfish is considered a rapidly reproducing invasive species.

II. Statement by the agency if the rule(s) and regulation(s) is mandated by the federal government and a statement if approach chosen to address the policy issue is different from that utilized by agencies of contiguous states or the federal government. (If the approach is different, then include a statement of why the Kansas rule and regulation proposed is different)

The federal government does not mandate the inclusion of the marbled crayfish on any invasive species list. Missouri bans possession of the marbled crayfish. Oklahoma, Colorado and Nebraska do not.

III. Agency analysis specifically addressing following:

A. The extent to which the rule(s) and regulation(s) will enhance or restrict business activities and growth;

The ban on possession of marbled crayfish may impact the pet industry but there is no indication of sale within Kansas at the current time.

B. The economic effect, including a detailed quantification of implementation and compliance costs, on the specific businesses, sectors, public utility ratepayers, individuals, and local governments that would be affected by the proposed rule and regulation and on the state economy as a whole;

Because it is believed that marbled crayfish are not offered for sale within the State of Kansas at this time, there are no implementation or compliance costs.

C. Businesses that would be directly affected by the proposed rule and regulation;

None.

D. Benefits of the proposed rule(s) and regulation(s) compared to the costs;

Marbled crayfish reproduce rapidly and asexually. Prohibiting their possession reduces the chance of accidental release into the environment and out competing native species.

E. Measures taken by the agency to minimize the cost and impact of the proposed rule(s) and regulation(s) on business and economic development within the State of Kansas, local government, and individuals;

Again, because it is believed that the species is not currently for sale within the State of Kansas, now is the time to act on the proposal because the cost is minimal.

F. An estimate, expressed as a total dollar figure, of the total annual implementation and compliance costs that are reasonably expected to be incurred by or passed along to business, local governments, or members of the public.

\$0

An estimate, expressed as a total dollar figure, of the total implementation and compliance costs that are reasonably expected to be incurred by or passed along to business, local governments, or members of the public.

\$0

Do the above total implementation and compliance costs exceed \$3.0 million over any two-year period?

YES NO

Give a detailed statement of the data and methodology used in estimating the above cost estimate.

The species is not currently offered within the state for sale. Therefore, there is no methodology or data to be used in estimating the above cost estimate.

Prior to the submission or resubmission of the proposed rule(s) and regulation(s), did the agency hold a public hearing if the total implementation and compliance costs exceed \$3.0 million over any two-year period to find that the estimated costs have been accurately determined and are necessary for achieving legislative intent? If applicable, document when the public hearing was held, those in attendance, and any pertinent information from the hearing.

YES NO

- G. If the proposed rule(s) and regulation(s) increases or decreases revenues of cities, counties or school districts, or imposes functions or responsibilities on cities, counties or school districts that will increase expenditures or fiscal liability, describe how the state agency consulted with the League of Kansas Municipalities, Kansas Association of Counties, and/or the Kansas Association of School Boards.**

Not applicable

- H. Describe how the agency consulted and solicited information from businesses, associations, local governments, state agencies, or institutions and members of the public that may be affected by the proposed rule(s) and regulation(s).**

News releases to every newspaper in the state, discussion at prior public hearings and meetings which are broadcast online, publication in the Kansas Register and publication on the Department's website.

- I. For environmental rule(s) and regulation(s) describe the costs that would likely accrue if the proposed rule(s) and regulation(s) are not adopted, as well as the persons would bear the costs and would be affected by the failure to adopt the rule(s) and regulation(s).**

Not applicable.