

**Kansas Department of Wildlife, Parks & Tourism
Commission Meeting Minutes
Thursday, December 13, 2018
Great Plains Nature Center Auditorium
6232 E 29th St N, Wichita**

Approved Subject to
1/17/19 Commission
Approval

The December 13, 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 Great Plains Nature Center Auditorium. Chairman Lauber and Commissioners Emerick Cross, Gary Hayzlett and Harrison Williams were present. Ward Cassidy resigned and has not been replaced; Aaron Rider and Tom Dill were 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

None. (Agenda – Exhibit B).

IV. APPROVAL OF THE November 15, 2018 MEETING MINUTES

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

V. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

Kent Barrett, Outdoor Education supervisor – As you are aware hunting and fishing numbers are declining. In an effort to improve numbers, we instituted a hunter recruitment model and have added a recruitment retention and reactivation (R3) program coordinator, Tanna Fanshler.

Tanna Fanshler – I grew up in Lawrence, am a K-State graduate where I studied fisheries, Wildlife and conservation biology. I was also involved in communication programs like the science communication initiative in partnership with NPR radio. After chatting with other state representatives about the R3 model, one of greatest barriers reported was lack of agency buy-in and support in most states. I have received nothing but encouraging, positive feedback from everyone and want to make sure we continue to support R3. To further that message, we are putting together an R3 fact sheet for agency personnel to communicate the way R3 is applicable to all departments. We will be holding an education retreat where everyone can ask questions about the R3 Action Plan. We are looking to move forward in next 18 months to two years. The goal is to get boots on the ground and understand programs in place and see what we are doing well right now, what is working in other states and where we need improvement here. In the future we will have more of an update of what programs we have in place. Looking at doing some university gear rental programs and things of that nature. We want to ensure education is

available within agency and we have support and partnership with NGOs and will continue to move forward.

Jacob Wareham, Kansas.gov – You have a way to get access to permits to state parks through your online vendor. We have, through Kansas.gov portal, a service we provide to all national parks, like Yellowstone and Glacier, who use this service to gain access and get permits to all of the parks across the country. We are trying to get that down to state level, so people can see local places, too. Convenient and handy in one place and keep people going to parks, too.

VI. DEPARTMENT REPORT

A. Secretary's Remarks

Chairman Lauber – This is Keith's last meeting, he retires tomorrow. He has been a tireless servant for the agency, thank you. We will have cake later during break.

1. Agency and State Fiscal Status – Linda Craghead, interim secretary, presented this update to the Commission (Exhibit D). Continue Robin's tradition of giving financial update. Visited with Steve Adams, he indicated Pittman-Robertson (PR) funds expected to be down next year as a result of lower sales; Dingle-Johnson (DJ) expected to be up slightly. The good news the PR drop is less than they thought it was going to be. Agency funding in state parks, revenue down slightly from last year, negative .24 percent, but have maintained cash balance as in the past, try to keep \$5 million at all times, may ebb and flow some, want to have six months of operation money in the bank in case of catastrophic events. If we have to use it, we will but since we receive no state general fund we will be able to operate. The Wildlife Fee Fund (WFF) is up overall, but earnings are down slightly, negative .366 percent.

2. 2019 Legislature – Chris Tymeson, chief legal counsel, presented this update to the Commission – As we talk about 2019/2020 legislature, January is beginning of new two-year cycle. All bills will start brand new. Based on elections, House is more conservative, not sure of exact makeup of the Senate but don't anticipate substantial change. Assuming new administration approval of legislative initiatives, we have five. Still working on: 1) dynamic pricing for cabins and campsites; 2) language for protection of endangered species data; 3) last year had increase in fee cap, statutes set a cap on hunting and fishing license prices and commission raises or lowers fees based upon regulation; in some cases we are hitting the cap, for example on hunting licenses, it is capped at \$25 and that is the current fee so we need to increase caps for future growth; 4) an affiliation with KPF for law enforcement officers in the agency; and 5) commission and council full pay, the last time those were amended was in 1975, applicable for the whole state and need to tread lightly there. There was a land transaction last year, which has not gone through and a possible of tweak on hunter education requirements.

Tymeson – I have appreciated working with Keith the last 20 years. About 10 years ago I was in Pratt and I got sick and Keith made me go to the hospital and my appendix ruptured, he extended hospitality to my family to come stay a week while I was in the hospital and I always appreciated that. Thanks Keith.

B. General Discussion

1. Furbearer Regulations – Matt Peek, biologist, presented this report to the Commission (Exhibit E). These are a series of regulations dealing with furbearers, which were last brought in front of the Commission in 2013. Several regulations are included in furbearer regulations and we'll talk about them one at a time. Starting with 115-5-1, furbearers and coyote legal equipment, taking methods and general provisions. Three items under consideration: possibility of adding pellet guns as legal equipment to harvest furbearers, they have become increasingly popular in hunting certain species, and we have received a few requests to use them for hunting coyotes. Tymeson – Talking about equipment we saw here last time we met here? Peek – Air rifles, yes. The second item we have received a lot of comments on is using lights or night vision to hunt coyotes at night; can currently hunt at night but cannot use lights. Hunters would like to do that, there are some instances right now where people could do that but not open to general public; one example would be people who have a wildlife control permit could do this for damage. Every year with furbearer harvest survey we receive comments and receive letters requesting allowing night vision or lights. Handed out a list of regulation from other states (Exhibit F); you can see a variety of different options that other states do: may limit equipment type, limit season dates, limit where you can be relative to a vehicle; or who can hunt, landowners versus other individuals. At the last meeting Colonel Ott spoke for law enforcement (LE) on this issue and at current time LE is concerned about potential issues of poaching and increased time for field staff to manage this opportunity, so we don't support a change at this time. Also, looking at clarifying language on body-gripping traps with spread of eight inches or greater that may only be used in water sets, which means half submerged in water. Chairman Lauber – Is eight inches the size of the 330s we commonly think of? Peek – Less than eight inches is the 220s, if larger than that it has to be a water set. Chairman Lauber – Suggest instead of using the term pellet gun, change to air rifles. My opinion on hunting at night, I respect law enforcement's concern, but will see ever-increasing pressure to have this legalized. While that may be position now, see this not going away. Don't necessarily have to change it but getting more requests; predict legal within next 10 years. Commission Hayzlett – Always was legal for years in western Kansas; one of biggest controls for coyote problems was cattle people. There were more illegal hunters turned in by night hunters than you realize. I'm a firm believer in it. Last few years tremendous coyote problem, needs serious thought, not as big of issue in Kansas flat-land country as in other states. Jason Ott – Stand by what we stated in Russell. Point out that in hunter education we tell them to be sure what is beyond the target, can't do that with night vision unless you have separate optical. Peek – Fine with leaving off as department recommends right now? Chairman Lauber – Yes will have time to change later. Peek – On 115-5-2, furbearer and coyote possession, disposal and general provisions; language clarification between 5-2(a) and 5-2(b) take out duplication language; eliminate requirement to surrender otter teeth to get them aged, don't have to do that anymore. 115-5-3 is furbearer and coyote management units, no changes to recommend, eliminated furbearer units years ago and manage at statewide level; continue to leave that. 115-5-4 is nonresident bobcat hunter permit, this is tagging and other provisions. There are a couple of other regulations with similar stipulations updated in recent years; this permit is not currently valid until the next calendar day. We have done away with that in big game and turkey and can do away with that here. Regulation also states that removal of the carcass tag from permit invalidates it, that is no longer valid with internet sales. Could also allow air rifles to be used under this permit type. Chairman Lauber – Not recommending use of air rifles, but we may

be? Peek – Yes. Chairman Lauber - Still think we need to continue to discuss night hunting with lights, look at that more and air rifles in the future.

Peek - 115-6-1 is fur dealer's license, application, authority and possession. Current regulation says that bobcats, otter and swift fox may only be purchased by a fur dealer if they have a pelt tag from the state they originated. The problem is that not every state requires swift foxes to be tagged. This is something Kansas did when petitioned for listing under federal Threatened and Endangered Species Act. We want to allow untagged swift foxes to be purchased from states that do not require swift fox pelt tagging. Chairman Lauber – This is not the CITES tag? Peek – Right this is state requirement, CITES requirement is federal so bobcats and otters have to be tagged in order for there to be an international pet trade; done through U.S. Fish and Wildlife Service. Kansas implemented swift fox pelt tagging program to better monitor their harvest when the species was being considered for federal listing; they were listed as warranted but precluded. We maintained that because harvest is less than 100 animals and furbearer harvest survey doesn't reach out to enough furharvesters to accurately collect information. Chairman Lauber – Are there some bobcats that would have a state and federal tag? Peek – No, the tags we put on bobcats and otters are federal tags, sent to us by USFWS. There is no state tag for bobcats and otters, that is a federal CITES tag they send to us and we apply them to the pelts.

115-13-4, field trial permit for furbearers and coyotes; discussing with LE and asking them to take into consideration, based on requests from individuals. Currently requires map of specific areas where field trial is to occur, different than a night hunt. A field trial uses a captive animal and is a confined situation, not aware of any occurring; but there is a night hunt that is a competition hunt, three to four dogs going out together hunting wild raccoons on private landscape. Complaint was, might have five to six groups might go to three or four different locations and might end up with an extensive map, looking at whether or not we need to require that map, asked LE to review.

115-25-11, furbearer open season and bag limits; we recommend increasing bag limit on otters from two to five, population is healthy, reproducing well and gradually expanding into central Kansas. The greatest numbers are in southeast and eastern Kansas. That is where greatest push is to increase the quota related to damage. When they get into ponds where people live, they can bring in a trapper and he might catch two right away and then he is done. There is a lot of interest to help people removing problem otters. Doesn't exist in western Kansas or much in central Kansas, don't exist when run out of water. It doesn't make sense to wait until they become abundant, on edge of their territory. Current harvest is between 115 and 170 per year in far eastern counties and don't see this will affect dispersal or movement into central part of state. Chairman Lauber – Is this mostly intentional harvest or incidental trying to trap other species? Peek – Some of each. If there is a lot of beaver trapping, the number of incidentals goes up and that is how most are trapped in central part of state; where populations are smaller, less likely to intentionally trap. We also want to collect public comment on changing the furbearer season opener from noon to a calendar day, like most other species. Originally done as a compromise between trappers and houndsmen, competition between groups not as great. Trappers want to start setting traps on calendar day in the morning. Chairman Lauber – Looking at noon as opposed to 12:01 am. Peek – Yes.

C. Workshop Session

1. E-bicycles – Linda Craghead, interim secretary, presented this update to the Commission (Exhibit G). Motorized equipment is not currently allowed on any of our long trails

or trails within our parks. Encourage public feedback on use of E-Bikes, which are battery powered “assisted” that comes with pedaling, making pedaling easier when going up grades for long periods of time. Some being used on the trails and we need to move this forward. Chairman Lauber – Any downside to allowing them? Craghead – No. Commissioner Cross – Being used in other states. Craghead – Yes, in most states on long trails.

2. Controlled Shooting Area Operational Requirements – Jason Ott, Law Enforcement Division director, presented this update to the commission (Exhibit H). In 2018, HB 2558 extended the game bird hunting season, which was September 1 to March 31, bill established September 1 to April 30, a one-month extension, and was signed by the governor on April 4, 2018. Extended in order to allow game birds released during the month of April to be credited toward the allowable take, KAR 115-11-2 must be modified to reflect the new date. The department supported this change to the date for controlled shooting areas.

3. Public Land Regulations – Stuart Schrag, Public Lands Division director, presented this update to the commission (Exhibit I). Proposed changes to a couple of public land regulations. Under 115-8-1, subsection (e) covers special use restrictions. Under age restriction, Region 1, Jamestown Wildlife Area (WA), Ringneck and Puddler marshes, mentor areas for all species and all seasons; we want to remove Puddler marsh. Open to general public when season allows, so Ringneck marsh would be only mentor area. Under non-toxic shot, designated dove fields, under Region 1, Glen Elder, Jamestown and Ottawa we want to remove from designated dove fields for non-toxic shot only. The justification is that at Glen Elder those designated dove fields move around annually; at Jamestown the entire property is non-toxic shot because of development and expansion of wetlands there; and at Ottawa State Fishing Lake, those fields are not every year, they move around and are sporadic enough we no longer have the lead deposits and poisoning concerns we once had. Under boating restrictions, no motorized boat, Region 1 under Jamestown WA; currently Pintail, Puddler and Buffalo Creek marshes don’t allow motorized boats and we would like to add Gamekeeper West marsh at Jamestown and also include Talmo marsh, northeast of Concordia. Under refuges, subsection (a) Refuge Area Closed to All Activities Year Round, under Region 3, we would like to include Byron Walker WA in Kingman County, posted for some time but with new four-lane highway we want to expand that area and post so more readily identifiable. Under 115-8-2, blinds, stands and decoys; after internal review, subsection (i) portable blinds shall not be left unattended overnight, department recommendation is to strike that subsection from this regulation. We felt not allowing portable blinds to be left overnight was a deterrent to our R3 program; youth mentor participants rely heavily on portable blinds. That also would alleviate concern addressed here in Wichita at Commission meeting about new elevated stands with portable, collapsible blind at the top.

4. Squirrel Regulations – Kent Fricke, small game biologist, presented this report to the Commission (Exhibit J). Staff was approached last year by law enforcement and made aware that calling squirrels was not allowed in our regulations. With 115-3-2, we want to make that legal with language highlighted at end of briefing item.

5. Antelope Regulations (KAR 115-25-7) – Matt Peek, biologist, presented this report to the Commission (Exhibit K). No changes recommended, including season structure, bag limit and number of permits, everything will remain the same. Proposing unlimited archery permits

for residents and nonresidents. Firearm and muzzleloader permits are restricted to residents only with half assigned to landowner/tenants and remainder to general residents. Firearm and muzzleloader permit allocations will be determined after the winter aerial surveys. I provided the season dates at the bottom of the page. Chairman Lauber – In deer hunting landowner/tenant gets discounted permit valid anywhere in the state, does that need to apply here? Does it need to be in the management unit? Peek – Statewide for deer is a landowner/tenant permit. There is no hunt-own-land permit allocated because those are over the counter, they are applying for landowner/tenant permit which is half price but is restricted to whatever unit they apply in. Chairman Lauber – If I am a landowner in the eastern part of state, I don't qualify? Peek – Correct, you have to have land in the unit you are applying for.

6. Elk 25-Series Regulations (115-25-8) – Matt Peek, biologist, presented this report to the Commission (Exhibit L). No changes to season structure, bag limit or permit type. Unit boundaries are defined in 115-4-6(b) and Units 2 and 3 are open to hunting. I have provided the season dates; they are standard. Elk permits are only available to residents and permit allocations for limited draw permits are divided between military and non-military applicants. Unit 2 permit recommendations will be determined closer to the end of the season with assistance and input of Fort Riley staff. An unlimited number of hunt-own-land and antlerless-only and either-sex permits are authorized in Units 2 and 3; and an unlimited number general resident and landowner/tenant antlerless and any-elk permits are authorized in Unit 3.

7. Big Game Regulations – Levi Jaster, big game research biologist, presented this report to the Commission (Exhibit M). Discussing permanent big game regulations, I will go through only the ones we are proposing change on. In 115-4-4, big game legal equipment, and taking methods; evaluating large bore air rifles and tumble-upon-impact centerfire ammunition. This required quite a bit of review; no proposed changes but currently looking at air rifles for big game. We will likely be proposing legalizing tumble-upon-impact ammunition, still open to comment on that. Chairman Lauber – What is that? Jaster – It is ammunition that is designed when it hits soft tissue the bullet goes end-over-end instead of mushrooming and creates a large wound channel; by a different method, rather than expansion. Relatively new and in evaluating autopsy reports from other locations it is perfectly capable of taking big game ethically. Chairman Lauber – Not recommending at this time? Jaster – I didn't get it into the briefing book, support for it came up after this book was published. Chairman Lauber – Does that include support for large bore air rifle? Jaster – Not at this time. Commissioner Williams – Where did that support come from? Jaster – Had internal support within the department and we visited manufacturer of this ammunition and got information from them. Commissioner Cross – Is type listed on the boxes? Jaster – Yes, it is. Chairman Lauber – Why, does it have technically superior features, or do they claim it has? Jaster – No, but it is nontoxic and don't want to discourage hunters from using that. I will have that in briefing book for next meeting. 115-4-11, big game and wild turkey permit applications, change deadlines for applications for both elk and any deer permits, in line with antelope permits. Instead of second Friday in July, change to second Friday in June to be sure people are getting their permits before opener since opening a month earlier and to simplify the application dates hunters need to remember.

8. Deer 25-Series Regulations – Levi Jaster, big game research biologist, presented this report to the Commission (Exhibit N). Dates for seasons, looking at sticking with traditional

dates, proposal to include designated persons, youth/disabled, and muzzleloader season be able to hunt either-sex deer during the pre-rut season, October 12-14. That has received poor support, but still like to hear more comments. Want to continue with three lengths of January seasons, one (to limit harvest, but give opportunity), five and twelve days. Chairman Lauber – Based on the recommendation you would be able to take a muzzleloader permit and shoot an antlered deer at the same time as the pre-rut antlerless-only time? Jaster – Yes. Chairman Lauber – Same thing for youth/disabled, a buck could be harvested? Jaster – Yes. Chairman Lauber – That might eliminate complaints from muzzleloader hunters that it is too hot, by giving another opportunity; same with the youth.

Break (for Keith's cake)

9. Coast Guard Navigation Rules – Dan Heskett, assistant Law Enforcement Division director, presented this update to the Commission (Exhibit O). Proposal is to adopt title 33 of code of federal regulation (CFR) Part 83 by reference into our regulations which governs inland navigation rules. Same discussion we have had numerous times. Chairman Lauber – Enjoy having you come, but how many times will we have to discuss this? Tymeson – Difficulty is getting this regulation through the process, hopefully soon, but this one is a lot more complicated because it has a lot of old adoptions by references that I have manually found back to the 1970s, my guess is March or April.

10. Unmanned Aerial Vehicles (UAV) – Rich Schultheis presented this update to the Commission (Exhibit P). Notice in briefing book we included FAQ (frequently asked questions) document that covers what we anticipate some questions the public may have. That same document is on the department website at ksoutdoors.com/uav under activities subheading. Since last meeting, we have a draft procedures manual we are reviewing as far as department employee use and what we are going to use unmanned aerial vehicles for. That process is ongoing through our UAV Task Force. Also, purchasing contract to buy them is in place now. So, looking at buying some to use in the field. We are still anticipating some clarifying language as far as the definition of aircraft to make sure everyone understands it and does include unmanned aerial aircraft. Chairman Lauber – Some of these questions I would have not thought of. Schultheis – We spent a little time thinking about it. Chairman Lauber - For instance, can a UAV be used for hunting and scouting, I guess it is just like any other airplane. Commissioner Cross – Can a UAV transport bait or a lure? Tymeson – If it is used to take the animal directly, there is an issue. Spent over a year trying to analyze scenarios and questions from the public and department staff. There is a fine line between take and scouting and causation of take, for example if you actually use the drone and transmit images and use those images to stalk and take the deer that is not an allowable method of take. Commissioner Cross – I am talking about transporting bait or lure for fishing over a dam. Schultheis – There is a section about fishing, it is not included in current definition of take for fishing, so not a legal method. Tymeson – It is not authorized. Chairman Lauber – Don't they use little motor boats to take bait out by a dam? Commissioner Cross – I have seen that before that is why I am asking this question. Chairman Lauber – Will be more of an issue because things are getting more affordable and technologically able in the future. Schultheis – Had stuff on the website a day before I got the first email. We will hear more about this and more inquiries about where they can be operated.

11. Electronic Licensing Update – Todd Workman, assistant secretary, presented this report to the Commission. Update for e-licensing, this was fourth item on licensing committee strategy on need to reduce churn and increase license participation. Multi-year licenses and 365-day licenses and auto-renew are currently implemented and being measured. E-licensing will go off in two phases: initial phase is to produce a working application for cell phones, third party vendor, Aspira, is working on developing that and should have a working model to look at in the next 30 days; if ready to go we will present it to you so you can look at it. Chairman Lauber – Are licenses now a 365-day license? Workman – Yes, good from the day you purchase for 365 days. Chairman Lauber – People like it better and feel like they are getting a better bargain, especially this time of year? Workman – Not only that, but marketing research showed it was hurting license sales and participation level at the end of the year. We are still interested in reducing duplicate fees to \$0, we have to go through a statutory process with the commission to do that. That is part of the e-licensing strategy, after 48 hours you can't reproduce your license right now, so we have to get rid of that in order to make this work effectively. If you lose your phone or something like that they shouldn't have to buy a license again. It is antiquated legislation anyway that went back to the day when it was all paper licenses and you had to manually look things up and it took a lot of time. Now it is all electronic, not much sense to charge \$12.50 for a duplication now. Chairman Lauber – I concur, what do we have to do? Do we need a statute change? Tymeson – It is a regulation change and I am preparing that change now.

Chairman Lauber – We have several items for this evening, we will reconvene at 6:30. We have people coming for non-agenda presentation to talk about tumble-upon-impact bullets.

VII. RECESS AT 3:15 p.m.

VIII. RECONVENE AT 6:30 p.m.

IX. RE-INTRODUCTION OF COMMISSIONERS AND GUESTS

X. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

Chairman Lauber – While we would have had an opportunity to address tumble-upon-impact information in the afternoon they were told the wrong time and we wanted to give them the opportunity now.

Ryan Kraft, Fort Scott Munitions – Ammunition has been the same for about 75 years. There have been some theories on F&Js originally that they would tumble. It was inconsistent because they were not designed to do that, they do tumble, but usually only once and they will either disintegrate or peter out into a small wound cavity. When we started it was with a manual lathe, so we couldn't play with lead so all we had to work with was copper and brass. We found out, by making a F&J shaped projectile that has more of a point, a solid monolithic material you would get more tumble out of it. We also discovered that we could change the shape of nose cone to get tumble when we wanted it to, so it tumbles at the precise moment it needs to for the specific game. It worked out far better than we ever thought it would. We are in all 50 states now. We have solid copper or solid brass in rifle only, solid brass in armor piercing for law enforcement only, we cannot sell that to civilians. What are the benefits of the tumble? We designed it to tumble and exit, but to exit with little to no energy. We put backstops behind the animals when we have gone out hunting and done many other things to make sure it depletes most of the

energy in the animal. Also, on hunts we have taken a timer and started timer compared to competitors to make sure our ammunition beats everything on the market as far as ethically dispatching the animal as soon as possible. If we are slower than another company, we don't sell it. Some of the great benefits it is extremely ethical and extremely effective. The solid copper you don't have to worry about lead on public hunting land. It wasn't just for, one of the benefits was that it was actually for the performance; people get confused that the copper was only for the EPA side of it, but on both sides of the aisle it performs better than standard lead. A lot of people didn't think this was true so we set out to prove it; we travel across the country, go to law enforcement and ask them to compare with their ammunition and over 95 percent of law enforcement we have shown our ammo to have switched and the other five percent don't have the funding and will actually go fill their mags privately with it. We also have law enforcement outside of that who are buying privately from stores because they don't know we can go direct and that we have specific LE rounds, they just get standard copper, which is just as effectively but doesn't have the armor piercing attributes. On hunting side, went on lots of hunts, especially on hogs, and used 556 and .223 and what ends up happening is they ask if they can sell ammo for us even if they don't have a store. It is extremely effective and ethical. We proved it with handgun rounds, lead is bad if you have to dispatch an animal because it can skate around the skull, horrible for the animal, and that is why in hunter education they teach you to do a body shot because it is safer, and you don't run that risk with. There is little to no risk with this ammunition. We went to Canada two years ago and we hunted black bear and the guide has been running that place for over 20 years and he said if he had known we were using anything less than a 168 grain .308 you would not have been allowed to hunt here. We were using 115 grain 300 blackout. He said that was too dangerous to shoot. After doing the autopsy he said we could bring pistol rounds next year; so, we did, we dropped a 150-pound black bear instantly, a non-head shot .388 cp out of a custom T&W rifle, a game changer. With laws the way they are it is extremely confusing on whether our ammo is legal or not legal. Based on talks with the department they are wanting to broaden that and vote towards that. With that confusion we are pushing business out of the state for other businesses to get their ammo used here and we would like it broadly used here in Kansas. Manufactured here in Kansas at Fort Scott, 100 percent Kansas residents. Chairman Lauber – What about pricing? Kraft – The same as with leading hollow point lead, it doesn't jump clear up into the barn section where you have high end really expensive copper; we took a little hit on the margins on purpose because we are wanting to provide a lead alternative at the same price as high-end lead. What your federal HST in 9mm would be priced identical to our copper 9mm would be priced at. Try to stay with lead pricing as it changes. Chairman Lauber – We are going to be workshopping this at several meetings. Will you have a representative there to answer any questions we may develop between now and then? Kraft – Yes. Is that in January? Chairman Lauber – Yes. Kraft – We will do our best to be there. Chairman Lauber – There seems to be a lot of advantages. Do law enforcement demos, break even or lose money because we care a lot about LE. Megan O'Grady owns company that gives "Blue Line Bear" (teddy bears) to fallen officers families, and if anyone purchase those it funds her. She started at 13 and goes around the country and does fallen officer's uniforms and branching out into military and EMTs as well, it is neat to be a part of that. The law enforcement community has been accepting. I would like to get information on how to do demonstrations for game wardens too. With lead run the risk of dispatching an animal, not anything better than this for that based on metal properties alone and add tumbling effect to that and you have quite a deal.

XI. DEPARTMENT REPORT

D. Public Hearing

Notice and Submission Forms, Attorney General letters dated October 3 and October 23 and two

Legislative Research letters dated December 12 (Exhibit Q).

1. Free Park Entrance and Free Fishing Days by Secretary's Orders – Linda Craghead, interim secretary, presented this update to the Commission (Exhibit R). This document establishes free fishing days as June 1 and 2, 2019; no fishing license needed to fish anywhere in the state. Also, free park days at the various parks across the state; I will point out those that are for all parks, May 4 will be Let's Camp America day and Black Friday opt outside to get people outside instead of in the stores to encourage people to get outside and enjoy it before it gets too cold. Every park has determined another free day, whether Ok Kids or National Trails Day or whatever works out best for their park.

2. KAR 115-2-7. Backcountry access pass. – Linda Craghead, interim secretary, presented this update to the Commission (Exhibit S). This regulation adds additional permitting process for backcountry access. This has been reviewed by Joint Committee on Administrative Rules and Regulations and there is concern we need to address, on \$50 admission fee, feels it may limit the amount of people that have access to this portion of Little Jerusalem State Park. You can access Little Jerusalem just like you can any other park, the \$5 daily pass; \$15.50 annual with park passport. Important to remember this is a fragile park, we only have one chance to open it and \$50 sounds like a lot, but more for four people to go to the movie. Kids under 15 are free. It is a guided tour that takes you into the belly of the Badlands and will allow interpretation and allow us an opportunity to ensure if we see some type of an erosion issue we can address that immediately and utilize a different route, most like will access different ways each tour. It is easier to decrease permit cost than to increase. From agency perspective we feel \$50 is not a bad starting point. This cost is only if they want to get down into the belly of the badlands, if they just want to come in and go around the broad view of the badlands there is no extra cost. Chairman Lauber – My first reaction was \$50 was high, but I can see what the committee has. The problem is that part of the park cannot withstand unfettered access and we are using price to regulate. There has to be a cost to pay for the guide. It is a hefty price and may reduce down the road. Craghead – In final development of parking lot and restroom facilities. We will have staff with every person who goes down there, so cost for additional staff. We have no state general tax dollars coming into our agency, but we have to pay for this cost. Unique in that it is not going to be a large number of people and we anticipate each tour would last about two hours, a lot depends on the group.

Commissioner Gary Hayzlett moved to revoke KAR 115-2-7 as presented to the Commission. Commissioner Harrison Williams second.

The roll call vote on to approve was as follows (Exhibit T):

Commissioner Cross	Yes
Commissioner Hayzlett	Yes
Commissioner Williams	Yes
Commissioner Lauber	Yes

The motion as presented on 2-7 passed 4-0.

3. KAR 115-7-1. Fishing; legal equipment, methods of taking, and other provisions. – Doug Nygren, Fisheries Division director, presented this report to the Commission (Exhibit U). Talked before about banning bow and arrow to take catfish in rivers and streams because of concerns of law enforcement and staff had with illegal activities associated with illegal activity in southeast part of the state with small electrofishing devices that are being sold on eBay. It makes it easy for people to bring fish to the surface and take a fish with archery equipment undetected.

Commissioner Harrison Williams moved to approve KAR 115-7-1 as presented to the Commission. Commissioner Emerick Cross second.

The roll call vote on to approve was as follows (Exhibit V):

Commissioner Cross	Yes
Commissioner Hayzlett	Yes
Commissioner Williams	Yes
Commissioner Lauber	Yes

The motion as presented on 7-1 passed 4-0.

4. KAR 115-7-4. Fish; processing and possession. – Doug Nygren, Fisheries Division director, presented this report to the Commission (Exhibit W). This regulation is in regard to possession of paddlefish eggs. Basically, talking about not having eggs from more than one paddlefish, no more than three pounds of eggs. No person can ship or transport out or have in possession with the intent to transport any raw unprocessed paddlefish eggs. Any paddlefish that are leaving the state has to be gutted, no internal organs before they cross the state line. The intent is to stop the illegal caviar trade. Chairman Lauber – Consistent with other states that have paddlefish? Nygren – Yes, states aren't all the same, but this is in line with what our neighboring states have been doing; closer to Oklahoma than some of the other states. Missouri has slightly different possession regulations.

Commissioner Gary Hayzlett moved to approve KAR 115-7-4 as presented to the Commission. Commissioner Emerick Cross second.

The roll call vote on to approve was as follows (Exhibit X):

Commissioner Cross	Yes
Commissioner Hayzlett	Yes
Commissioner Williams	Yes
Commissioner Lauber	Yes

The motion as presented on 7-4 passed 4-0.

5. KAR 115-7-10. Fishing; special provisions – Doug Nygren, Fisheries Division director, presented this report to the Commission (Exhibit Y, Kansas Aquatic Nuisance Species Designated Waters – Exhibit Z). Update to Aquatic Nuisance Species Designated Waters. So far this year no new detections but this reference change will include some locations discovered in 2017 but too late to put them on the list, which includes Geary State Fishing Lake, Tuttle Creek Reservoir and Osage State Fishing Lake. Chris warns me the year is not over and there are a few

samples out there, so can't say we won't have some. But so far, the first year in a long time with no new infestations of zebra mussels. Chairman Lauber – What is the name of the little crayfish that can reproduce itself? Nygren – Marbled Crayfish. Chairman Lauber – We haven't found one yet? Nygren – No, but they are sold online and that was one reason we wanted to move to ban the sale of those.

Commissioner Harrison Williams moved to approve KAR 115-7-10 as presented to the Commission. Commissioner Gary Hayzlett second.

The roll call vote on to approve was as follows (Exhibit AA):

Commissioner Cross	Yes
Commissioner Hayzlett	Yes
Commissioner Williams	Yes
Commissioner Lauber	Yes

The motion as presented on 7-10 passed 4-0.

6. KAR 115-18-8. Retrieval and possession of game animals, sport fish, and migratory game birds. – Doug Nygren, Fisheries Division director, presented this report to the Commission (Exhibit BB). Clean up in language to handle possession and transfer of fish from one person to another in a way that is similar to how we have done it with game fish, just a tweaking of the regulation and will refer back to authority in 115-7-4.

Commissioner Gary Hayzlett moved to approve KAR 115-18-8 as presented to the Commission. Commissioner Emerick Cross second.

The roll call vote on to approve was as follows (Exhibit CC):

Commissioner Cross	Yes
Commissioner Hayzlett	Yes
Commissioner Williams	Yes
Commissioner Lauber	Yes

The motion as presented on 18-8 passed 4-0.

7. KAR 115-25-14. Fishing; creel limit, size limit, possession limit, and open season. – Doug Nygren, Fisheries Division director, presented this report to the Commission (Exhibit DD). Included with this is the Kansas Special Size Limits, Creel Limits and Bait Restriction Tables reference document (Exhibit EE). Adding two new trout stocking Type 1 lakes, which means anyone 16 and over would have to have a trout permit. Those are Eisenhower State Park Pond and Coffeyville LeClere Lake. On 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 and Kanopolis Reservoir is another lake where we are trying to establish a blue catfish population and we have asked for 35-inch minimum length limit on blue catfish until such time as we are getting natural reproduction. There are a few other smaller lakes changes as well. In addition, we want to add five new Youth/Mentor Fishing Ponds at Elk City

State Park Pond, Fall River State Park Pond, Kanopolis State Park Pond, Melvern Mentoring Pond and Wilson State Park Pond.

Commissioner Gary Hayzlett moved to approve KAR 115-25-14 as presented to the Commission. Commissioner Harrison Williams second.

The roll call vote on to approve was as follows (Exhibit FF):

Commissioner Cross	Yes
Commissioner Hayzlett	Yes
Commissioner Williams	Yes
Commissioner Lauber	Yes

The motion as presented on 25-14 passed 4-0.

8. KAR 115-25-5. Turkey; fall season, bag limits, and permits. – Kent Fricke, small game biologist, presented this report to the Commission (Exhibit GG). Statewide spring turkey hunter success decreased substantially in 2018 to 43 percent. Overall, declining rates in success in conjunction with declining populations and production indices are concerning. The department utilizes an adaptive harvest strategy to help guide staff recommendations on turkey permit allotments during both spring and fall season. The intent of the strategy is to maintain high hunter success, which is also related to population levels in each management unit 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 spring and fall seasons as well as established figures for when and how changes to bag limits will be recommended. An analysis of the 2018 harvest data revealed that four of the six units have continued to experience resident hunter success below the stated threshold of the strategy for the last two spring seasons. This continued decline in hunter success activated a management trigger to reduce bag limits and/or season availability in Units 1, 3, 5 and 7. Staff recommending suspending the fall turkey season in those units for 2019. Chairman Lauber – Had discussion in the past and sentiment for a variety of reasons. It creates opportunity and tradition to continue to have a fall season. At this point there is no appreciable effect on the resource. That does not mean that if suddenly we had a lot of fall activity that we wouldn't want to review this. Sentiment is to keep the fall turkey season. Also, the Joint Committee on Administrative Rules and Regulations have concerns on economic impact of closing turkey units; I don't feel any impact on resources. Our tourism department has marketed this opportunity. Personally, I would like your group to consider benefit and negative features in abandoning or modifying the adaptive harvest strategy. It seems like it is going to continue to be controversial. It was set up and we got something in motion, a policy to take action whether we want to or not. You could continue to reduce threshold for success and reduces benefit of adaptive harvest strategy. Would like to have amendment to have areas that had a fall turkey season in 2018 still have fall turkey season in 2019 in those units as well. How can we do that? Tymeson – Two options, this is the department's proposal; if don't want to go with department's proposal, no motion and second to bring regulation before the Commission; or a "no" vote if brought before the Commission; then it remains the same as it was in 2018. Chairman Lauber – If we take no action it remains the same as what it was in 2018? Tymeson – Correct. Chairman Lauber - Does anyone on Commission want to eliminate fall turkey hunting? Motion?

No Motion (Exhibit HH). Season remains the same as 2018.

9. KAR 115-25-6. Turkey; spring season, bag limits, permits, and game tags. – Kent Fricke, small game biologist, presented this report to the Commission (Exhibit II). In 2013 the Commission voted to the spring turkey season, which were implemented in 2015. The current season structure is: youth/disabled begins April 1 and gets its own weekend; early archery begins the Monday after the first full weekend in April, gets nine days; and regular season begins the Wednesday after the second full weekend in April. Therefore, as part of that regulation we recommend the 2019 spring season as indicated in the briefing book. At the June commission meeting staff were requested to examine the spring turkey season structure and make recommendations regarding the early archery season. Specifically, whether or not to retain the early archery season beginning with the 2020 season. That morphed into considering consolidating that into the youth/disabled season. Staff recommends keeping the season structure in its current form which provides one weekend for youth/disabled only, one weekend for early archery with youth/disabled and then begin the regular season on the following Wednesday; as it currently is. If this recommendation is not acceptable staff recommends moving the start date of the regular season to the second Wednesday in April, which provides earlier start date to the regular season in three of the six years. Early archery would then be provided two days in three of six years and nine days in three of six years. Staff specifically do not recommend combining the early archery with the youth/disabled season and do not recommend eliminating the early archery season. Chairman Lauber – There are two votes I wish I could have back since I have been on the Commission; one changed pheasant season opener and the 2013 vote back because I am not sure what possessed me, other than not understanding the calendar, to vote to eliminate what was a working system. Personally, I don't like the current structure. I have looked at Option 2 and Option 4. Staff does not like Option 4, but that is not from biological standpoint, it is from social opinions. Fricke – From hunter management, specifically on our public areas and concerns with mentored hunts and various things even on private property. Specifically, conflicts and opportunity for youth and disabled hunters and potential conflicts in competing for space and time turkey hunting along with the early archery season. Chairman Lauber – It is your opinion that the archery hunters will push out the youth? Fricke – Archery has become pretty popular method of taking a turkey in the spring season; there are up to 15,000 archery hunters and a large percentage of those hunt during early archery portion. Because of that and increasing conflicts before the switch was made to separate youth/disabled and early archery season, the increasing number of conflicts and opportunity in those areas. Chairman Lauber – Can I have examples of conflicts? Fricke – For example, stories relayed to me include, lining up department mentored youth hunts, getting out on a wildlife area; ready to go on April 1, and had an archery hunter already there two hours before and had to go to Option B or C. Of course, that is part of hunting, but frustrating in terms of trying to create opportunities for youth and disabled hunters. In another case, concern on private ground from staff and mentors to get youth out on the landscape and going to good turkey ground that is leased during the early archery season and concern that a lot of those areas would not be available to youth if archery changed back to overlap those seasons. Chairman Lauber – I prefer Option four because that is the way it was, it is the easiest way. We have 15,000 archery hunters and how many firearm hunters? Fricke – Approximately 40,000 hunters total, so about 25,000. Commissioner Hayzlett – On my end of the state we don't have any turkeys for the season. Commissioner Williams – Leave it the way it is. Have KBA people here. Like to hear from them.

Bob McCartney, Gorham – *(could not hear all comments)* Don't want competition of shotgun hunters but don't want to take away from the youth. Our stance is no change from last year where everybody has their own part of the season. Chairman Lauber – I understand what you are saying but that creates a proportionate disadvantage to shotgun hunters. Shotgun hunters and archery hunters have a comparable range. My constituency I deal with are more gun hunters than archery and they are overwhelming in disapproval of having that, particularly on the years when spring season comes late in the third week, like it did recently. I think we need to move regular season to second Wednesday in April, issue is whether we use Option 4 to bring back to way it was before 2014 or Option 2 which allows some additional days for archers. Easier to explain to go back to combined youth/disabled. I understand what you are saying; not sure if that was more isolated occurrence. Fricke – From feedback from turkey committee, statewide biologists in both wildlife division and public lands, it was a major concern statewide. Chairman Lauber – Do I have any votes for Option 4? If you don't have votes for going back to the way it was prior to 2013, I am going to push Option 2. Commissioner Williams – If none for Option 2? Chairman Lauber – Be disappointed. I do care about the Governor's Turkey Hunt and I know it would be a better deal to be able to have that open like it used to. Somebody needs to vote something and get off dead center. Harrison, you don't like any change? Commissioner Williams – No, I like it the way it is. Chairman Lauber – We could have an informal poll, what do you think about Option 2? Limited early archery, from two to nine days. McCartney – Not against that option, downfall is blue collar worker that only gets a week off of work and has to take Monday and Tuesday off to have any time alone in the woods because three of the years out of six only get Monday and Tuesday, but better than other options. Chairman Lauber – Don't see a lot of traction on Option 4. Tymeson – In order to vote properly and move on this, first you will ask for motion and second to move forward on this; if it fails then we will not move forward.

No Motion (Exhibit JJ). Season remains the same as 2018.

XII. OLD BUSINESS

XIII. OTHER BUSINESS

A. Future Meeting Locations and Dates

Tymeson – Everyone look at calendar for August, and we will set at January meeting. We will also think about September, October, November and December.

January 17, 2019 – Lawrence – Douglas County Fairgrounds, Foley Meeting Room
(commissioner permit drawing at that meeting)

March 28, 2019 – Topeka – Capitol Plaza Hotel, Emerald Room

April 25, 2019 – Colby – Colby Community Building

June 13, 2019 – Salina – Rolling Hills Zoo

Chairman Lauber – Keith, it has been a pleasure, thank you. Jake is the interim acting assistant secretary; you have big shoes to fill. Keith Sexson – It has been a pleasure working with the commission and the number of years I have in I don't know how many commissioners I have worked with or how many directors and secretaries, but I can't say there has been any better

commission than this one. A pleasure, we have a very good commission system. Chairman Lauber – Have great respect for you and hope you enjoy retirement and we want you to come back to see us.

XIV. ADJOURNMENT

Adjourned at 7:20 pm.