

**Kansas Department of Wildlife, Parks & Tourism
Commission Meeting Minutes
Thursday, September 19, 2019
Kansas Wetlands Education Center Auditorium
592 NE K156 Hwy, Great Bend, Kansas**

Approved Subject to
11/14/19 Commission
Approval

The September 19, 2019 meeting of the Kansas Wildlife, Parks and Tourism Commission was called to order by Chairman Gerald Lauber at 1:30 p.m. at the Kansas Wetlands Education Center Auditorium, Great Bend, Kansas. Chairman Lauber and Commissioners Emerick Cross, Gary Hayzlett, Aaron Rider, Warren Gfeller and Lauren Sill were present. Troy Sporer 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 – No changes (Agenda – Exhibit B).

IV. APPROVAL OF THE August 15, 2019 MEETING MINUTES

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

V. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

Norman Mantle – If future, are there any dredging lake plans, is there money allocated? You dredged John Redmond and Kanopolis is filled up. What about blue green algae issue, several lakes have it. Can you get rid of that or are you even trying? Charge commercial hunting outfitters? Chairman Lauber – Most lakes you are concerned with are not our lakes even though we may manage them. We have not set money aside, that would require federal involvement. Secretary Loveless – Siltation, done at John Redmond, not practical because of the expense. New type of experimental dredging to be done at Tuttle Creek, less input and cost, stir sediment and use density current to move sediment. Blue green algae a lot of initiatives in lake treatment but that is a band aid, work needs to be done upstream. Partnering with other agencies up the watershed to work on that issue. Mantle – Camp site reservations, half can be reserved, and half are first come, first serve; someone can reserve forever, but drive down and no one there so you can buy one. Linda Lanterman – Campsite, less walk-ins, same day reservations, paid in advance. Know who is going to be in site because have paid for it. Gives money in the field. Can only do certain amount a day and not a year in advance. Mantle – Public property should be first come first serve. Lanterman – If you need help making reservations we can help you in the

office. Mantle – I call and they're always full. Lanterman – Park users must plan in advance and holiday weekends are always full. I will help you understand the system. Mantle – It's not a fair system. Everyone should be treated equal.

Mike Goodwin, Kansas Trails Council, can't be here this evening. Building trails all over the state since 1974, and we're the biggest trail organization in state – a 501c3. With respect to e-bikes, we've not had reports from anyone on negative impact to other trail users. Manage social media sites and don't get negative comments about e-bikes. Concerned about quality of the trail, we don't want damage the trail, but we see no difference between e-bikes and standard bikes. From a trail quality aspect, no impact. Weight is contrasted by weight of riders. No impact on trail. Positive side of e-bikes, helping people with some mobility limitations, help with hills and quality of life far outweighs negative response. If in any way we can help, we are happy to.

Norman Mantle – Concerns budget issue, why paying counties to have LE at parks at same time have our own park rangers are there. Chairman Lauber – Not paying to have deputies there.

Linda Lanterman – We have seasonals who might be local law enforcement to help to give our team some time off. El Dorado has 60,000 on a weekend and you can't do that with two rangers, open 24/7. Secretary Loveless – Rather than hiring more officers we employ seasonal help where it makes sense.

VI. DEPARTMENT REPORT

A. Secretary's Remarks

1. Agency and State Fiscal Status – Brad Loveless, Secretary, presented this update to the Commission – Update, time to do budgeting, submitted 2021. Department of Budget will make recommendations in November. Our EDIF apportionment will remain the same as FY 2020, which is just over \$5 million. The Wildlife, Parks and Tourism budget will remain static for 2021, barring need for supplemental. Waiting to see what maintenance cost in parks will be. Big ticket items not in yet, still monitoring that. Oct – Dec will know full extent of damage in parks. Other impact of flooding is ag revenues will be down. PFF finished down by 9 1/3 %, June revenues were main cause of that, curtailed park use, lost \$1 million. The good news is that that has not continued, due to the diligent work of parks staff getting areas cleaned up after flooding. Cabin revenue, down 16% from previous year, 8% down in July from same month last year. Proud of work folks are doing to keep parks open and working aggressively to open new areas as water goes down. WFF down 7.5% over last year, managing money and being good stewards. PR funds to match, down 15% next year due to lower sales of outdoor items. DJ is expected to be up a little. Next update will be beginning of new year.

B. General Discussion

1. Kansas Wetlands Education Center (KWEC) Update – Curtis Wolf, KWEC coordinator with Fort Hays State University (FHSU), presented this update to the Commission (Exhibit D. Welcome to the Kansas Wetlands Education Center. We celebrated our 10-year anniversary in April. The Center is owned and operated by FHSU in the Werth College of Science Technology and Mathematics, in cooperation with the Kansas Department of Wildlife,

Parks and Tourism (KDWPT), with the mission of educating the public about wetland communities, their importance, and the need for conservation and restoration. We serve as the visitor center for Cheyenne Bottoms, as well as environmental education center providing over 600 programs annually to school groups, social groups and the public. Annually we have about 24,000 contacts including drop-in visitors, onsite program, outreach programs and promotional booths.

Pam Martin, KDWPT education coordinator – Start by reading letter from Brecklin. Had groups here this morning, 2nd graders tagged monarchs, Mandy had kindergartners tagging dragonflies. Had commissioners tag a butterfly, showed display of monarch and where to put the tag. Program going on since 1992 at KU. Kansas is monarch central and is one of our initiatives in the department. Kids have to enter data, tag the middle of the discal cell on the butterfly. Kids and adults like monarchs and want to conserve them; they are also helping other pollinators like wasps and sweat bees. Monarch feet carry pollen. Saturday is the butterfly festival, all things butterfly - magic show, mural, crafts, master gardeners and how to plant and why you should plant native flowers. Also give them cookies. Five percent of US population hunts, 20 percent watches wildlife, so only 25% who may know about wildlife; trying to make kids aware of what is in their own backyard so they can appreciate it. Try to get diverse populations, hitting 75% of the people. Use other events to do that, like astronomy meetings, Earth Day, rain barrel workshop, decorate grocery bags, bat fairs and others. Stem days every 2-3 months and started wild club to get kids outside hunting. Partnerships with art shows, four listed ... connected word on biodiversity. We provide education and Schafer Art gallery provided the art. Visit schools and older school kids come out here. Library reading programs across center of state. TNC partnerships. Have discovery camps, kids wind challenge. Make connections for future support of wildlife and conservation.

Curtis – They are doing phenomenal work. Two significant projects completed this last year. Dorothy M. Morrison Foundation donation was used to update and replace exhibits with 12 new pieces that include 14 interactive components; game changer for attracting new and old visitors. In the past visitors used to spend 29 minutes per visit, now 41 minutes. The sand box and floor augmented watershed reality simulation center are the favorites. The second project was completed a month ago; when we opened we used a video produced by KDWPT in the mid-1990s. We produced an updated video, contracted with Mike Blair to produce new 15-minute video, three segments one on the Center, Cheyenne Bottoms and TNC's Nature Preserve. Great feedback. *Showed segment on Cheyenne Bottoms and Education Center.*

2. Public Lands Regulations – Stuart Schrag, public lands division director, presented this regulation to the Commission (Exhibit E). Our goal is to conduct a comprehensive review of all public land regulations that fall in KAR 115-8 series. There are several reasons why we need to review these on a regular routine basis - looking to see if they are still valid and in line with operations and programs; are there regulations in place that might cause potential barriers for constituency with limited participation or visitation?; and to bring clarity that allow us to bring good law enforcement cases to court. We want to provide for the greater good, public safety, want people to come out and recreate and have a good time but it is our duty to insure we do that according to regulations. In order to remove potential bias, we have requested assistance from the Kansas Chapter of Backcountry Hunters and Anglers to participate in overall review process. We chose them because they are the one NGO entity dedicated to public lands and public lands

access. We have scheduled a meeting with the group in October to do this comprehensive review. After review of regulations by them and internally if there are specific regulations that need amending, revoking or additional regulations added or that may impact other parts of the agency, like state parks, law enforcement, fisheries and wildlife we will loop them in. There are several “hot topics” or subject issues that could be considered for potentially new regulations including: trail cameras; non-toxic ammo; drone use; bicycles for hunting and fishing access; electronic daily check in; and commercial guiding and other commercial activities. No specific recommendations for changes or additions yet but will for future workshop.

Norman Mantle – Are drones presenting problem to the public? Schrag – Privacy is main issue.

Mantle – Concern of weapon capabilities, recommend control. Schrag – We have a drone committee and looked at that, FAA regulates them and there are strict criteria in place.

Commissioner Sill – Like new atlas, thanks for work on WIHA. Schrag – Wish I could take credit but that goes to Jake George in the Wildlife Division. They have made drastic changes over the years and it is a nice piece of literature. Sill – Stopped and thanked one of the individuals who helped today.

3. Antelope and Elk 25-Series Regulations – Matt Peek, wildlife biologist, presented this regulation to the Commission (Exhibit F). Pronghorn Antelope (KAR 115-25-7): We’ve had a pronghorn hunting season in Kansas since 1974; since 1990 a 4-day firearm season that begins the first Friday in October and that date is what muzzleloader and archery season dates are based from. Hunting occurs in western Kansas; units are same as deer management units, Units 2, 17 and 18 are open to hunting. Archery permits are valid in all three units, firearm and muzzleloader permits are only good in one of the three units and are limited draw; demand is high for those - over 1,000 applicants for the 230 or so permits. It is preference point system, person with most points gets the permits first; it takes 1-3 points or years for general resident to get muzzleloader permit, 3-5 years to get firearm permit. Half of the permits are allocated to landowner/tenants and it takes 0-2 preference points, so they could get one every year. The season begins with a 9-day archery season, September 19-27, 2020; following Monday after archery season is muzzleloader season, Monday – Thursday is 4-day season (September 28, 2020 - October 5, 2020); firearm season starts on Friday and runs 4-days (October 2-5, 2020) also unfilled muzzleloader permits can be used in 4-day firearm season; the weekend after firearm season ends archery opens back up, October 10-31. Archers get an extra 20 days of late season opportunity. Typical success rates by permit type are 10 percent to 15 percent for archery, 60 percent for muzzleloader, and 70 percent for firearm; these have remained consistent over time, may increase for archery at times. No permit allocations to recommend today, those are determined after harvest surveys are collected and winter aerial surveys are conducted. We also publicize populations and harvest reports on our agency website; go to pronghorn and look at research and survey tab.

Elk: (KAR 115-25-8) (Exhibit G). Elk were first reintroduced onto Fort Riley in 1986 and seasons are established or evolved from Fort Riley season initiated in 1990; in mid-1990s there was hunting on Cimarron National Grasslands also, but it was discontinued. Fort Riley is where most hunting occurs; demand is high, average 900 applicants for 30 or so permits valid on Fort Riley. Elk program uses bonus point system, if you have five bonus points, you have five opportunities to in the drawing; different than pronghorn, the person with the most points doesn’t necessarily draw but everyone has a chance in the drawing. There is an application fee, which buys them a chance in every drawing thereafter that they apply for. Elk exist on private lands and

throughout the state but unpredictively; predictive in southwest and southcentral Kansas. Elk occur at Cimarron but not enough to hunt and hunting has not been allowed there since 1995. Since 1999, we've progressively enacted longer seasons and less restrictive permitting options except on Fort Riley and Cimarron. This framework is intended for elk that may be causing crop damage or conflicts on private land and for landowners to maintain elk in desired numbers on their own property but at same time allows landowners to control hunting and protect or conserve them, which has allowed elk on private lands to thrive. There are liberal seasons and hunting opportunities, individuals on private land are protecting them are providing source animals showing up in other places. No major changes to season structure, permit type or bag limits this year. Units 2 and 3 will be open to hunting and Unit 1, the Cimarron Unit is closed. The proposed season dates are four months on Fort Riley; first month is September and is muzzleloader and archery season; and three months after that, October, November and December are firearm seasons where any-elk permit can be used, and antlerless elk permits that are authorized to be used on Fort Riley are valid during only one of the three months. On private land seasons are set to coincide with deer seasons. Elk permits are available to residents only and separated into military and non-military applicants, which give military personnel on Fort Riley an advantage in the draw. Unit 2 permit recommendations will be determined at a later date, expect around 30. An unlimited number of hunt-on-your-own-land antlerless-only and either-sex elk permits will also be authorized in Units 2 and 3. An unlimited number of general resident and landowner tenant permits will be authorized in Unit 3. Difference between Unit 2 and 3 is that landowners can get hunt-own-land around Fort Riley in Unit 2, outside of Fort Riley and general residents and landowner tenant permits that would allow hunting of whole unit are not available in Unit 2, only hunt-own-land permits. In Unit 3, the bulk of state is open to general residents and landowner tenants.

4. 2019 Upland Bird Hunting Forecast – Jeff Prendergast, upland bird biologist, presented this update to the Commission (Exhibit H, PowerPoint – Exhibit I). Each year in mid-September, KDWPT forecasts upland game bird hunting opportunities to show where highest densities of birds are, compared to what we saw last year. It is a highly anticipated pamphlet and we start getting requests for it in April. While prized by many it is also criticized by many, mostly from people who don't understand what the information is providing; what it is saying and level of detail we can provide. Because of this misunderstanding I thought I would go through the process of what is affecting birds through the year and what we do to try and get a handle on how many birds we are going to have. Two critical time periods for birds; during fall and winter they are focused on survival and in spring and summer they switch into reproduction. We start collecting data for this forecast 12 months in advance, after brood survey last year, because we never produce any birds in fall or winter, so birds we have are what we will have in spring for breeding population. After brood survey things are quiet until hunting season opens because fall weather is typically mild, and birds are adults or older broods so not much impact on survival. Pheasants are large hardy birds that survive up into the middle of Saskatchewan, so our winter weather rarely has a large impact; maybe 1 in 10 or 1 in 15 years we will have severe winter storm that will have significant impact. Quail are more fragile especially with heavy ice. We track harvest through harvest survey, given biology and nature of upland game birds, harvest has little impact on populations, but the survey gives hunter participation, harvest success and can compare to what surveys are showing us to get an idea of how well we are predicting success off of bird densities. Coming out of winter birds set up territories and begin to call, which we use

to count birds. Spring doesn't always relate well to what call densities will be because game birds are relying on production of young. Provide for what success rates were, highest densities and where we might have better overall over-winter carryover. Spring birds are in reproduction mode; success relies on spring weather and rain amount and timing; need spring moisture for habitat cover and food from insects; too much moisture can have negative impacts, young birds covered with down can be hypothermic and die from rain. To gauge availability of birds for fall, our staff drive brood routes where they record total number of observations of chicks and adults to create an index of birds per mile; which is primary tool to determine fall numbers. Summer brood routes across most states, but relatively new to Kansas, which started in 2012, in attempt to standardize data we were collecting. In last seven seasons we have good correlation of hunter harvest success rates for pheasants and quail. Good trend line and provide forecast, still asked where someone should hunt. Surveys record only bird densities but many factors in play for what someone considers a quality hunt. For instance, last year Smoky Hills had highest pheasant densities, highest total harvest but southwest Kansas had much greater average daily bag per hunter. Most of the time people want a county or a spot or a region of a county but our surveys aren't designed to look at that level. We are looking for regional patterns or increased production or increased overall densities and we piece that together to tell if general region is where we expect highest density or if increased or decreased; a lot of localized factors involved. Get a lot of questions about hail storms, but not concerned about that because it may only be two miles wide and ten miles long and only affects a 20-square-mile area, but if your farm is in the middle of that storm and I say region is good, you may disagree. Over last 20 years quail hunters have shot on average, 1.4 birds per day with highest average of 1.66 birds per day, two years ago. Pheasants hunters shot an average of 1.19 birds per day with high of 1.5 birds per day in 2010, the last time we shot almost a million roosters. Took brood survey and compared to historic harvest estimates to get estimates; predicted quail harvest might be two birds per day, which hasn't been hit in 20 years and I would consider excellent, but a hunter that goes out and experiences a two bird per day bag may not consider that an excellent day. A key take-away from information is even in an excellent year, limits are still rare and if expecting that most days they will be disappointed. I use the data to produce two bird survey maps each year; first is relative density, looking for highest density of birds; and the percent change map, compared to last year more or less birds. The density map would be useful to someone who doesn't hunt the same property every year or opening day tradition, someone coming to state the first time or once to find birds. The percent change map would be useful to someone hunting family farm and wants to know what the birds are going to be like compared to last year. Pheasants surveys down this year by about 9 percent; routes went up and down and we expect success rates the same as last year; a little below average. No significant regional changes however the northern high plains had the highest regional density and according to the change map generally went up. Smoky Hills, which was highest regional density last year, went down, but not significantly. Quail up 7 percent, insignificant change, expect similar success to last year. Smoky Hills of north-central Kansas is up 50 percent from last year. Most of increase in western half of Smoky Hill region and as quail continue to push more into northwest. After several years of above average the southeast region declined due to flooding and precipitation. Detailed version of forecast uploaded on website this week and we also provide printed brochures to license vendors and our offices. I give many interviews and the idea is to get this information out to hunters in as many ways as possible. Our goal is to give hunters best information for an enjoyable trip.

Goodwin - Is there reason for apparent decline of quail in northeast Kansas? Prendergast – Both

northeast and southeast have seen major declines, a lot due to loss of habitat, a lot of expanding farms, more agrichemical; a lot of changes gradually, woody encroachments, losing grass from conversion for crops, fields have gotten bigger; a lot of changes and urbanization in that area too.

C. Workshop Session

1. T&E Regulations – Ed Miller, T&E biologist, presented this regulation to the Commission (Exhibit J, PowerPoint - Exhibit K). This item has been workshopped three times, and we will vote on changes in November. We have authority to maintain rare species lists from 1975 Nongame and Endangered Species Conservation Act. We're finishing a five-year review that takes 1.5 years to get done. Endangered is the most critical listing and has highest probability of extirpation from the state, which means localized extinction; examples are the pallid sturgeon and gray bat. Threatened species are snowy plover and spotted skunk. Species in Need of Conservation (SINC) include banded darter and washboard mussel. By statute, passed by legislature, the definition of endangered includes the phrase: viable component of state's wild fauna. In past we have taken some species off the list because we don't consider them viable anymore. We don't have authority to list plants. Threatened, uses words like likely and foreseeable future in definition. Need to consider longevity of the species and whether it will live 80-100 years like some turtles or a small fish that may only live 2-3 years. Listing factors are like what is published by federal Endangered Species Act in 1973, language taken from that and almost everything we list comes from first factor, usually habitat related; sometimes disease, or other natural and man-made factors like pesticide use. In this round we have petitions to list three species. They were reviewed by the T&E Task Committee, then moved to full review. They were the cylindrical papershell, was SINC and is petitioned to move to endangered list; scientific recommendation from the committee is to list as endangered. Wabash pigtoe was SINC and was petitioned to be unlisted because it is doing well; recommendation by the committee is to unlist. Ark darter was petitioned to SINC from threatened list; recommendation is to list as SINC. The five-year review started in February 2018 when we asked for petitions. The T&E Task Committee reviewed those petitions and made recommendations. We conducted informational meetings around the state, and your role comes in November when you vote on regulations 115-15-1 for threatened and endangered species and 115-15-2 for SINC species. We use a scientific committee mostly affiliated with universities. I'd like to thank Mark Eberle and Elmer Finck from Fort Hays, David Haukos from Kansas State University, Bill Jensen from Emporia State, Mark Shaw with the department, and Sarah Zukoff who works for Kansas State Extension. This is the sixth time I have worked on five-year review and have chaired last four times on this committee. The committee is not made up of experts in everything, so we also reach out to experts; people who have published studies on freshwater mussels and who were willing to give feedback and fill out numerical form. Look at cylindrical papershell; up list from SINC where it was listed in 1987 and was noted as most common mussel on Smoky Hill River, as published by Ellis Houk in 1997. More recent research comes from Sowards et al. 2012 and Carlin et al. from 2017, both masters' students from Fort Hays State University. We are in southern periphery of range of this species. It's doing well in upper Midwest, but doing poorly in Colorado, Kansas and some southern areas because it does not tolerate high water temperatures. Most recently it was only found in Ellis County, one site in Saline and two on Smoky Hill River; few and far between and not the most common mussel anymore. Expert panel recommended endangered; numerical survey, mean of the means was 5.48, standard deviation or SD is plus or minus one,

which puts it in Threatened list but T&E Task Committee and expert panel both thought this species fit well in endangered species definition. The other mussel is doing well in southeast Kansas. The pivotal research comes from the Verdigris River. Fish hosts are not limiting factor as more fish hosts have been discovered for larval to transform upon. It's a co-dominant on several southeast Kansas rivers. Did research on archeological dig and is more common now than 3,000 years ago. Co-dominant mussel is one that makes up 12 percent to 20 percent of all mussels found doing surveys. Pivotal research came from eight long-term sites on Verdigris, where it was once fourth most common mussel but most common. Density went from .05 per square meter to over five per square meter. Three of four on expert panel thought it should be delisted and T&E Task Committee voted to delist; numerical survey put it 3.13 in SINC list, plus or minus 1.7 could put it in unlisted category. Ark darter small member of same family as the walleye, the *percidae* family; the recommendation is to remove it from threatened list where it was listed in 1978. The U.S. Fish and Wildlife Service contemplated federal threatened listing but when they saw data set in Kansas they went down on possible upgrade. Petition was to place it on SINC list, which reflects improved status. Pivotal survey research comes from stream survey program data from our agency collected over last 18-20 years. Expert panel members on this species have done research and published. An interesting distribution of this fish; mostly in southcentral Kansas, as well as Ozarks and Colorado. In 1978, when first listed, we found it on 76 collection sites. Since then over 1,000 collection sites have been added; a good indication the species is doing well enough to be down listed from threatened to SINC. On 236 sites, the Ark darter was the sixth most common species, but fifth most common native species and most common darter, even more common than green sunfish and some minnows. Expert panel thought it should be downlisted from threatened to SINC; numerical evaluation, of 16 factors rated, 3.33, middle of SINC list. We are asked why we do this, we have authority to do it but also have human dimensions work that shows Kansans think this is important too. Responsive Management, which is a human dimensions natural resources firm that gets opinions on different topics back in 2011 did a telephone survey of Kansans and found two things. One question asked was if this department should continue to identify and protect critical habitat of threatened or endangered species, and over 90 percent agreed with that statement. Also asked, wildlife that is threatened or endangered in Kansas but abundant in other states if they should be protected in Kansas; over 70 percent agreed we should list and protect those species. What we do with threatened and endangered species fits into first statement of our department's mission statement, "To conserve and enhance Kansas' natural heritage, its wildlife and its habitats to ensure future generations the benefits of the state's diverse, living resources." Information on our website on these species and if you want to research deeper, studies and petitions are there. Also, we update the nomenclature that has changed in last five years in those three lists. Chairman Lauber – Slide that showed fifth most common fish, explain how that works? Miller – Stream survey crew was focusing on finding Ark darters, they went to small streams in the Red Hills and counted fish and it was fifth most common native fish in their counts, more common than green sunfish. Chairman Lauber – Could it be unlisted? Miller – It was down listed because of that. Enough of a dataset so U.S. Fish and Wildlife Service did not list as threatened, a strong database. Chairman Lauber – SINC now. Miller – Yes, an improvement in its status. Chairman Lauber – Seemed like significant improvement in status. Did we look at more streams? Miller – We looked at more places and targeted the right habitat. A lot of these streams are very small, and fish was resilient to effects of drought because it could retreat to refuge areas and reinvade areas when the water came back. Also, found out fish does much better in small streams that do not have overhanging

trees. Management suggested we should be clearing trees in the Red Hills for instance, where trees are overhanging the stream. Secretary Loveless – Habitat, small streams on edges of watersheds, species becomes particularly important and protection of it as we talk about water use, irrigation and potential impacts of dewatering streams and other practices that can affect small streams. Wise to keep on SINC list for now. Mantle – When position becomes available on committee, how does a person apply? Noticed only one woman on there, they are more compassionate than men. Miller – Will take that into advisement.

Break

2. Electronic Licensing Update – Doug Nygren, Fisheries Division director, presented this update to the Commission (Exhibit L, Screen Shots – Exhibit M). Efforts to generate a phone app for elicensing in the field. Update from Shanda, our licensing section supervisor and I am filling in for Mike who is on vacation. Handout of slides that Mike presented at last meeting, not lot of features added. I have put a shot on screen that shows shopping cart in upper right hand. Testing has begun on android and apple phones and current test app will allow us to add multiple customer profiles to the app, for instance a parent who has two children can add children's profiles as well as theirs; or someone who does not have a smart phone you can add their app on your phone, so a group hunting or fishing just needs one working smart phone. App will show current, active and expired licenses and permits that person has. Lower left corner of screen has a button that will show licenses and permits for a particular person. In the middle there is a button that is not functional yet but ultimately will be used to fill out carcass tag electronically. Lower right corner has to do with iSportsman and iWIHA, check in/check out and harvest reporting information can be recorded there. Future releases will allow us to click on shopping cart and purchase another license without having to find a vendor. We will have links to regulations so if you're out fishing and don't know what length limit is for walleye on the lake you are at, or whatever, you can click and it will take you to a place to get that information from phone app. Providing for more complex surveys that can be conducted on iSportsman or i-WIHA areas, those are harvest reports, so if complete fishing or hunting trip you can report harvest. App keeps track of when you check in and out so knows how long trip length was which helps gather information on the duration of a trip. Working with Android and Apple folks who have slightly different rules on how you can get something on their play store where people go to get apps. Deployed camp-it app on android play station this week; this app will hopefully have a link from this phone app to take you to camp-it app as well. Testing for android will wrap up between November 23 to December 5, followed by clearance and testing for apple version, the IOS system. Working on splash screens, the first screen that pops up when you open an app, and user profile management page is next and lists people that have profile on that phone, select person from list and takes you to elicense portion. License details will be there, purchase button, complete harvest of animal with an etag and harvest reporting will all be there. One thing we are going to have to require, for electronic carcass tag, will be at time you make the purchase you will have to decide if paper tags or electronic tags, cannot have both because cannot control how many animals they took so have to make a decision. If they choose paper they will get paper tags in the mail like in the past. Ultimately hope to move to electrical carcass tag but option for paper in the beginning. Time frame for rolling this out is scheduled to become official and available to the public January 1, working on regulatory changes; another release April 1 for carcass tags; initial release will just be licenses. Not ready for when people buy spring turkey in

March, may have to have paper tags, but maybe part of the season we will. Exciting time and people will find it convenient, ultimately one app that everything you need for quality experience outdoors, in terms of information, licenses and permits you need to do it right, comply with the law and make it enforceable by law enforcement. Commissioner Sill – One of initial questions that comes up, sounds like it would be easy to shoot and then buy in case I don't need. What will help mitigate that being an issue? Nygren – Officers being in the field and being asked to produce license and tag. I would defer to Jason if he wants to comment. A lot has to do with carcass tags and license and that was discussed before I got involved 2-3 months ago, I supervise Shanda and licensing section. Jason Ott – Carcass tag, that is concern but same concern exists for home print, so e-license system doesn't really affect us on the spot; yes, ability to go and buy after the fact. But same investigation and same concern exists for paper tags as well. On mobile app, for carcass tagging, asking for photo of deer; more than we have had before to have photo from original location, so better off than Tyvek tag and home print tag. Like idea, some risks, but rewards as well. Commissioner Sill – Is law enforcement division actively involved in this whole process as far as determining enforceability? Ott – Yes. Commissioner Sill – If people are selecting their own permit from home or phone, with abuse of landowner tags, will this make that abuse worse or does it affect that? Nygren – Not worse, but not better either on how we can keep people from fraudulently obtaining permits. Ott – Not any worse, but not simpler either. Confusion is there, we try to do best in regulations and do best to get people correct tag if they purchased the wrong one. We work back and forth with licensing on that and help where we can. Nygren – In some ways, in terms of correcting a mistake if they got the wrong one, the electronic issue might be easier for us to reissue the correct one. Commissioner Rider – On game warden Facebook page, seen some instances people getting hunt-your-own-land tags and not a landowner, getting information out there and educating people to make sure they are getting the right tag; if don't have 80 acres or not actively involved in agriculture as tenant or a landowner. Ott – Proactive measures to help people know what tag people should buy. Sent out letters this year to nonresident landowner/tenant purchasers; it spawned a lot of phone calls and extra work, but worth it in the long run.

3. Fishing Regulations – Doug Nygren, Fisheries Division director, presented this regulation to the Commission (Exhibit N). First item is reference document where length and creel limits and other fishing regulations that are different than statewide regulation; we can fine-tune management by tailoring to particular situation. On Wilson Reservoir, proposal to establish a 32- to 40-inch slot length limit with a two-a-day creel for blue catfish and no more than one fish over 40 inches long; good year at Wilson this year, population is doing well and growing; this will allow some harvest below the slot, protect fish in the middle and hopefully get more fish over 40 inches. Commissioner Cross – How's the food source there? Nygren – Doing well, with refilling of the reservoir, shad doing well, fish in good condition. We used to think blue catfish grew slowly but once they get to eight-pound size they are still growing pretty good. Don't anticipate any problems but will be monitoring and if something happens we can do something different; by removing some of fish on low end frees up food for those you are trying to protect. Craig Johnson came to last meeting and talked about walleye population at Marion Reservoir and proposal for 21-inch length limit with a slightly different twist; wants to implement for a couple of years to get benefits of delayed harvest and improve size structure and ability for population to be self-sustaining. We have had history of natural reproduction there but up until this year we have had to stock to maintain population for last three years. In year three or four back length

limit back down to allow harvest of fish between 18 inches and 21 inches; then if need further boost can go back to 21-inch length limit; a different approach than in the past. This summer he did shad sampling and found wonderful numbers of wild reproduction, good year class of walleye that will be protected with this 21-inch length limit. Not talk about smaller lakes, if you see anything you want to talk about I will. At Mined Land Wildlife Area, we are taking minimum length limit off of brown trout, had situation where trout were able to live year-round but changes in water quality that has led to issues where we are not sure they can make it through the summer anymore. Removing length limit and working with Dr. Walter Dodds at Kansas State University and Conner is trying to get a handle on if this is a temporary set back or permanent. Adding to the list of paddlefish snagging locations, we had talked to commissioners about trying to not be so dependent on catching fish from Oklahoma and Missouri; most of our paddlefish caught on Neosho River come out of Grand Lake in Oklahoma and up Marais des Cygnes River out of Missouri. Have the opportunity to be more self-sufficient so we want to stock paddlefish at Pomona, Perry, John Redmond and Tuttle Creek. We have put them at Tuttle and John Redmond in the past but not at other locations. By doing that we hope to bolster Kansas fish and get resident fish. At dams we were thinking about opening to paddlefish snagging, the owners are not excited about that, need to do work and try to explain what we are trying to do. They are worried about being overrun. The one on Perry is privately owned, some by city and county governments so will work on establishing populations and working with private landowners and local governments. Locations have been open to public fishing just worried about promoting as paddlefish snagging location; overcrowding, parking and all of those issues. Stocked 12,000 paddlefish in Tuttle Creek a month ago from Gavin's Point National Fish Hatchery, the rest will be stocked in Pomona and Perry with fish we are getting from Missouri. We have been getting 5,000 paddlefish at John Redmond a year from U.S. Fish and Wildlife Service Hatchery in Oklahoma. Commissioner Rider – How big are fish you are stocking? Nygren – Young of the year but grow fast, 9-12 inches, they have good survival.

115-7-3, taking of baitfish or minnows. Proposing to expand upon regulations that prohibit the movement fish for bait from one body of water to another; right now, have to use it where you take it with exception of bluegill and green sunfish. Would like to have this regulation apply to crayfish, leeches, salamanders, frogs and mussels; same issue, you could be transporting zebra mussel veliger's or some other invasive species or disease by movement of wild caught animals from one location to the other. Chairman Lauber – Is one of reasons to prevent spread of unwanted crayfish. Nygren – Yes part of it, found population of red swamp crayfish in Butler County. They were being distributed and sold for bait, hope to get in and eradicate. Chairman Lauber – Gotten out of pond or not? Nygren – We believe they're downstream, and they can crawl across land. If we can't contain them, we may need more regulation on propagation and rearing. These were brought in to be reared in a pond and sold for bait; not on approved list so illegal operation. Crew in Emporia detected these in an inspection of certified bait program; discovered and with Law Enforcement's help chased down where they were coming from. Chairman Lauber – Is pond owner uncooperative? Nygren – No, he is cooperating.

115-7-1, fishing legal equipment and method of take; when we allowed floatline fishing, the regulation included that float be made of something that couldn't contain water; we want to apply same requirements to trotlines and setlines. This would standardize use of floats so anyone fishing with passive gear using a float of some kind would have to use a float that has closed-cell foam or could not contain water to reduce the risk of spreading invasive species. Float lines are jug fishing.

We have revised ANS designated waters list. Recently we discovered zebra mussels in Lyon State Fishing Lake so want to add that. One more came in recently, white perch in South Lake in Wichita, will post but not put in document until next year. Expect they got them during high water flows.

4. Park Regulations – Linda Lanterman, Parks Division director, presented this regulation to the Commission (Exhibit O, Little Jerusalem News release – Exhibit P, Secretary’s Resolution for Free Day – Exhibit Q). Camp-It KS app went live a couple of nights ago. “See it, book it, camp it,” where you can get a cabin or camp site reservation; exciting for us and we hope it is easier. Our goal is to make customers be able to go online, pick a park, pick dates and look and see map and information about the state park. Thanks to Nadia for the neat saying, a joint effort with Aspira, our provider. After a year of preparation, Little Jerusalem Badlands State Park grand opening is October 12; a ribbon cutting, hoping governor and our secretary will be there. Construction and parking lot, restroom will be done. Tours will occur, a beautiful addition to Kansas state parks. We are camping system but this one is to preserve but showcase as well. I have a Secretary’s Resolution for 2019 free day for Little Jerusalem for October 12 for Secretary to sign. There will be a vehicle permit required to get in the park just like all of our other parks. In Wichita, Sedgwick County area has fishing teams who want to come out and fish at Kansas state parks, legally school buses or vehicles that are tagged have to have a vehicle permit, so we would like to have free entrance for school districts coming into state parks. For private schools we will do the same but through a special event form. Want them to come into state parks free of charge. Quick update on flooding, we are partnering with KDOT to look at our roads and parking to see what damage is done and the cost. Bulk of damage so far is sewer lift stations in addition to roads. Water was so high at Hillsdale; zebra mussels were attached to shower building about knee high. Still a lot of damage we are trying to assess. Had good month in August, people still want to get in parks. Mantle – At Lakeview park at Cheney, now no parking, is there possibility of putting parking back behind the campsites? Lanterman – Those cabins have been there for a long time. I will have to look into that. Mantle – Need parking. Lanterman – We did just put three new cabins over on the east side by the Marina, but those you are talking about have been there for a while; I will look into that.

5. 2020-2021 Turkey Regulations – Kent Fricke, small game research biologist, presented this regulation to the Commission (Exhibit R, PowerPoint - Exhibit S). Found in last month or so discrepancies in turkey license sales that we were provided in the beginning of June. We were missing 15,000 records. Updated numbers, overall tag sales; instead of 31 percent hunter decline we are looking at only six to seven percent overall. Redid hunter harvest survey, rather than larger decline, slight increase, from 22,000 birds harvested to 23,000 this year. Overall hunter participation declined and relative low hunter harvest estimate, but better than what we had in August. Still have decline in hunter participation, permit sales and game tags in residents and nonresidents. Overall production is extremely low, number of poults to hens is lowest ever recorded according to July brood survey from rural mail carrier survey (RMCS). Number of poults per 100 miles lowest since initial reintroduction of turkeys. Same in spring counts of adult birds, longer term decline since late 2000s in abundance estimates. Translates into increasingly dissatisfied hunters; relatively satisfied in spring season but see trend to increasing numbers of neutral and dissatisfied hunters. Extremely wet year this year, saw 8-10 inches statewide above average, continued to see isolated patches of above average precipitation

through June as well. Turkeys are adaptive and can nest later in year but expect severe overall impacts. Brood survey also includes turkey numbers, not specifically oriented towards turkeys more towards upland birds, not much good in changes from 2018 to 2019. From RMCS northcentral had limited to no reproduction in turkeys this year. Not just a Kansas issue, neighboring states, as well. We looked at Kansas, Nebraska and Missouri and standardized data. At peak harvest Missouri would harvest 60,000 birds as opposed to our harvest of 36,000 or 37,000; overall average trend for these three states, seeing declines in all of these states. In Nebraska, if you look at individual years, starting to see declines. Across the Midwest data is the same; similar patterns and overall declines in turkey populations. Don't know how to manage for what is the bottom, yet; we don't believe anyone has seen the bottom yet. Questions in last month or so included, why don't we adjust season dates, rather than reducing number of tags? Hunters are adaptable, have long season, 61 days, from April 1 to May 31. Opening weekend is where vast amount of birds are shot, so by reducing one to two weeks on front or back end will have minimal effect on overall number of birds harvested. Primary assumption based on biological impacts and nesting; hatch (incubation 26 days) occurs between May 15-June 15; clutch complete (laying 14 days) between April 19-May 20; and mating April 4-May 6 and one of assumptions of male birds is that majority of hens are getting bred. That is what we don't want hunting to interrupt. If we were to make recommendations based on season dates we would be looking at pushing farther back if only considering the biological factor; if we pursued that option my recommendation would be a much later start date than we have which will have social impacts on hunters. No reason biologically, from our data, to say that is in question, more concerned about overall production in terms of habitat concerns. Come back to Adaptive Harvest Strategy, based on that looking at recommendations to reduce some opportunity in northeast, south-central and southeast units; reducing game tag during spring season and suspending the fall season in those units. Making season date recommendations; spring 2021 are youth/disabled season begins April 1 (April 1-13); early archery would run concurrent with youth season, begins Monday after first full weekend (April 5-13), 9 days; and regular firearm begins Wednesday after second full weekend in April (April 14 – May 31). Chairman Lauber – The goal of Adaptive Harvest Strategy, if numbers of toms go down, to satisfy spring season, reduce number of permits to ration the harvest. It doesn't create more turkeys but improves hunter satisfaction. Fricke – Hunter satisfaction and ensuring all of our other assumptions are valid. Chairman Lauber – Minimal number of participants, fall is statistically immaterial, because so few birds harvested. Of two recommendations, one that will have positive effect is elimination of game tags. No difference to eliminate the fall season. Concerns that if you suspend the fall season it will never come back. Won't make difference for hunter satisfaction. Eliminating two tags in the spring, while not popular, other states experiencing the same reduction in numbers are letting it be; the numbers are what they are. To continue with Adaptive Harvest Strategy, may have positive effect to eliminate second spring bird. Fricke – In general that will leave larger number of birds on the landscape, with number of hens harvested in the fall while minimal they are increasingly important on the landscape. Chairman Lauber – More important but less than 400 at risk. Even though statistics were corrected, as bird numbers go down so does number of active hunters. Think fall birds will be in direct proportion and will find virtually no hunters and no harvest because numbers aren't there. Consider amendment in response to your recommendation, suspend game tag second permit for 2-3 years with implied language that it will come back unless commission decides to deal with it again. In my heart prefer to leave as they are and let numbers take care of themselves. It may take three years before it begins to show up, not next

year, will take at least a couple of years to take effect. Have it set up so in 2-3 years it automatically reverts back, unless commission extends it, then not eliminated indefinitely. Fricke – I understand what you mean, but we revisit these recommendations annually, don't see logic of sunset clause. Chairman Lauber – I don't want to see it go away. Have a consensus of understanding and be in the minutes. If we are going to stop second permit, plan on bringing it back unless conditions get worse. It may not have any improvement because it doesn't make any more turkeys, having fall season will not make real difference one way or the other, if doesn't work don't keep going down the same road. Fricke – We revisit regulations annually and present data annually, so on the table at any time, so adds redundancy. It is commission prerogative. Commissioner Rider – Some of other states, seeing same declines, but still holding with what they have. Talked to those biologists to see why? Fricke – More of a tradition, discussions and meetings I go to are looking for other states to take the lead on the next step. In biology, knowledge comes from research done when increasing populations; what kind of harvest effects in the spring and fall have on populations, where you can harvest more birds due to ecology of species; but in declines and concerns with production, question whether those thresholds are relevant anymore. Turkeys somewhere between a quail and a pheasant, we can hardly harvest enough, one male pheasant can cover ten females; versus deer or elk where male and female resources are more limited and removing one male is going to have a more of an impact; turkeys are somewhere in between and in uncertain time in terms of what an individual bird, male or female, mean on the landscape. Commissioner Rider – Biologically, we don't know how many females a tom can service? Fricke – Not on the top of my head. Commissioner Rider – Typically one to ten. Fricke – Yes, less than that. Chairman Lauber – Point of limiting the extra permit is to spread out harvest, it doesn't have anything to do with creating more birds. Fricke – Not necessarily. We potentially have pockets where the number of toms, concern from biologists on the ground, where number of toms has been depleted enough that there are concerns about that and that can be a concern. Is it a wide spread phenomenon, I don't think so. Can't manage for isolated patches, manage unit-by-unit; but concerned about isolated areas. Chairman Lauber – Will have a lot of people complaining if we reduce the harvest. Asked for more of sacrifice from sportsman than before and dealing with toms might make a difference, and it will spread the harvest out. If nobody wants a sunset clause that I like, one option could be to go ahead and not suspend fall season but reduce number of spring permits to one in those areas you requested. Fricke – You may be correct in terms of number of fall permits also declining over time, don't have data here, but in general have not seen that follow the same trend. We have hit the minimum number of fall turkey hunters, not seen continual decline in last 3-4 years. In ten year span, dropped from 14,000 carcass tags to 5,000 or 6,000; have seen decline but in general we have 1,500 to 2,000 fall turkey hunters and expect stable moving forward. Chairman Lauber – I expect so too and that is spread across entire state, don't think significant. Rather reduce harvest than eliminate an entire season. Other states not doing that way. Fricke – Current recommendation from staff is not the whole state, there would still be the northwest and north-central units. Chairman Lauber – Where most of the turkeys and hunters are and where most of the activity takes place. The number of days in the field for Aaron's district is a lot different than someplace in north-central. Secretary Loveless – Great discussion. We are trying to please hunters, talked about wisdom, in terms of human dimensions, staff has experience trying to understand and study what things are best perceived by hunters and anglers. Of these two options, keeping harvest where it is at two toms in spring, if see decline in numbers see natural decline of harvest and consequences of that. Is that preferable, in terms of hunter attitudes, to

reduce harvest, educate them and be self-limiting. As opposed to having a resource limit. Is there any wisdom between you, Kent and audience about what is best perceived? Fricke – To chairman's point, anytime you remove any kind of opportunity there is some level of dissatisfaction for reduction. In general, going back to data, of hunters who purchase, particularly resident hunters, about half of resident hunters get second game tag and about half to one-quarter of those are successful in filling that second permit. Percentage is higher among nonresidents. Don't anticipate impact on resident hunters, nonresidents would voice their opinion in reduction in opportunity. Trends show residents are purchasing fewer game tags anyway, not on a big scale but each year we see that reduction, as well as reduction in overall permit sales. Chairman Lauber – By giving staff part of what they want, reduction in spring turkey game tags, will find out if Adaptive Harvest Strategy works or not. Only dealing with turkeys for 30-40 years; maybe Adaptive Harvest Strategy worked great when at peak, may find we have to go back don't want stuff to go away forever and that starts with fall turkeys. Want option to not suspend fall turkey season but reduce number of birds to one in those areas listed for spring. Tired of arguing, so let's see if your idea works. Turkey hunters acknowledge numbers are down, usually it is the non-turkey hunters who say they have turkeys everywhere. Want that as option to vote on next time. Tymeson – A no vote, or no motion or second, then regulation would not be amended so would remain the same, so no need to draft an amendment; or if it doesn't pass it would remain the same as it currently is. Chairman Lauber – If the majority agrees to what I am proposing, we don't need to have anything drafted ahead of the meeting? Tymeson – No vote or lack of a second would keep things the same if commission agrees with your position. Chairman Lauber – I am in favor of eliminating the second tag in the spring and leaving fall tags. Tymeson – Two different regulations. Chairman Lauber – They are separate votes. Not voted on together? Tymeson – Correct. Commissioner Rider – Are we the only state that uses the Adaptive Harvest Strategy? Fricke – There are various forms of it, in general and what we had before the Strategy was to sit around the table and decide if anything needed changed. States, including Kansas, up until about 10 years ago, were in that realm as well. The farther west you run into states that have fewer birds and tend to have more of an adaptive strategy to come up with number of permits. For example, Utah has a strategy in place where they send Game Wardens out to assess overall habitat quality in specific unit, similar to how the Central Flyway operates; what was last year's harvest, what do we anticipate, etc., one of more extreme ends. Other states revise turkey strategy or turkey management plan every 5-10 years. We have more transparent way; these are the triggers we are going to use and list of 6-7 options within that strategy as we move down in turkey populations and hunting success, reduce opportunity; if we move back up we introduce opportunity back in; those are laid out clearly and believe that is extremely valuable. Never intended to be static document either in option we utilize moving forward or in the triggers. For example, 55 percent resident hunter success, if we can find a better number based on biology, don't know what that number is but we could potentially adjust that number or use some other trigger. In four years, I have been making recommendations with the department, we as a committee, have not come up with a better number. Doing research and examining data but haven't come up with that. Chairman Lauber – If we reduce spring harvest opportunity and we have stable populations and don't get a higher number than we are going to need to adjust the triggers. Fricke – Seeing population declines across the nation, especially in the Midwest, the goal of what we are trying to do is to reduce the rate of decline. Not here to stick to the Strategy. So, when we get to a low it is somewhat higher than it would have been if we had stayed the same. Mantel – Previously, subject came up about shooting hens in the fall, is that still on the

table? Chairman Lauber – My proposal is to leave fall season just as it is. Mantel – But don't shoot the hens? Chairman Lauber – No, you can shoot hens now. Mantel – If you shoot the hen you lose the factory. Commissioner Rider – If we leave fall season, opposed to taking hens out of the bag? Chairman Lauber – I don't think it is going to make any difference. Commissioner Rider – I understand numbers are relatively small. Chairman Lauber – Doesn't seem to make any difference. There is a certain sport in chasing and breaking up flocks. As compared to no fall season would be better to keep it open. Commissioner Rider – Your preference is to keep the season for sure. Chairman Lauber – That is my preference. Doug Phelps – If recommending eliminating game tags for three units, how many birds in real numbers? Fricke – I can provide that. I can get numbers. Phelps – What kind of estimate on savings by eliminating the game tag? Fricke – We would be looking at something like 7,000 to 10,000 birds; harvested 22,000 this year and 8,000 in game tags, 1/3 of that number. Phelps – A significant savings. Take any bird in the spring, Kansas is known for having bearded hens, is that still five percent? Fricke – One percent. Phelps – If one percent that could be another 70 to 100 hens. Fricke – In the past, one to two percent is bearded hens, consistent across time from harvest survey. Phelps – It is easier to make decision based on numbers rather than percentages. Commissioner Cross – Explain the 15,000 survey results from beginning of presentation? Fricke – That was the number of records not included. Commissioner Cross – Why were they not included? Fricke – When we pull numbers we are working off an updated database from our license vendor, however the database had not been fully updated, IT section is looking into this. We are still not sure when this was updated in the summer some time, we may have missed it by four days or could have been in August, still working on why. It did not trigger us to say there was an issue because all of the license codes and permit types, some were still coming in, it wasn't like all nonresident game tags didn't show up for the month of May, there were some. A surprise and still trying to get that worked out, confident we have all the data now. Chairman Lauber – Know what issues are and will vote at next meeting. Commissioner Rider – How many hens taken in fall season? Fricke – 300 to 400, from harvest estimates. Commissioner Rider – How many of those would have had a hatch the next spring? Chairman Lauber – The average is 1.5 poults per hen. Fricke – Potentially, are you asking about over-winter survival? Commissioner Rider – I am asking how many of those hens would put birds on the ground over next two or three years? Fricke – Sixty to 75 percent; we have good over-winter survival; long-lived birds. Commissioner Rider – Those 300 to 400 hens would put another 1,000 to 1,500 birds on the ground. Chairman Lauber – Probably not, 75 percent of 300 hens that make it through the winter, the average is 1.5 poults per hen, 450 birds statewide which isn't going to make any difference. Commissioner Sill – If we eliminate hens from fall will hunters fill that hole with more toms, then not enough in the spring? Chairman Lauber – That is a good point, but not enough fall birds harvested. Right now, harvesting more toms in the fall than hens, not much difference either way, maybe a little bit. Fricke – With low production in last 5-10 years, you will still have some replacement value of those birds that potentially would have been harvested in the fall. You would still have a good chunk of birds overall. I would argue that in general our production is so low that value will be more important each year. Commissioner Cross – If we don't like options in November can make motion for different options? Tymeson – Legal standard for adoption of regulations. If it differs materially in subject or logical outgrowth of the discussion, if potential amendment you want me to prepare, it is better to have amendment before you than do something on the fly, if different than department's recommendation. Let me know now. If you want fall season to remain the same as it currently is, that would be no motion and second or vote against proposal

of the department if it gets a motion and second. If there is another option you want other than that I need to know. Commissioner Cross – Would you make that option? Chairman Lauber – I would recommend we vote on spring tag proposal as presented by Kent, vote to change in accordance with his recommendation. When it comes to suspending fall season, don't make motion or second and let it stay as it is. Tymeson – Neither of those options require an amendment.

6. Big Game Regulations – Levi Jaster, big game biologist, presented this regulation to the Commission (Exhibit T). KAR 115-4-2, general provisions, includes information for what has to be on tags, registration, transporting animals and salvage tags. Chronic wasting disease (CWD) is one of biggest threats to sustainability of the Kansas deer herd. A lot of recommended practices have come out and one of those is related human-assisted movement. We're talking about moving carcasses or parts of; one option being considered is to restrict movement of deer carcasses or parts movement to within boundaries of the deer management unit where harvested and only allow cleaned antlers and clean antlers attached to skull plate, hide without meat or skull attached, finished taxidermy mounts or boned out meat or quartered carcasses without the head and spinal column. The tissues you need to send in for testing would also be exempted provided they are submitted. For deer harvested outside of Kansas, same allowed to be brought into the state, leave head and spine behind. Would also require change to what we require for proof of sex under an antlerless permit - allow hunters who quarter to leave a piece of hide that has genitals attached or within DMU leave the head attached, or currently they can electronically register their deer, with photo check, before cutting it up. We would also likely be extending these rules to include salvage permits. The human-assisted movement of CWD is biggest threat to spread this disease. We have to have something in place before we can realistically tackle smaller scale movements.

Chairman Lauber – Constituency barriers was used earlier today, and your recommendations are definitely constituency barriers. It will be a piece of cake for commissioners to explain that we reduced turkey tags compared to fact that you have to bone your deer in the field and can't take to locker plant. We had 81,000 deer harvested last year and 40,000 went to one of 50-100 locker plants throughout the state. All of those would no longer be able to be moved, and if a nonresident hunter shoots a deer he can't take head or cape unless he scrapes the brain. The up side of this is if this is enforced we will no longer get complaints about no leftover nonresident permits because it will destroy that opportunity. This has serious risk of legislative interference and people who have locker plants creating a bigger mess. Missouri has comparable number of areas, went by county and if in that county becomes part of CWD management area, if harvest deer in those counties their restriction comes into play; not every county. They allow you to take to a locker plant or taxidermist. Missouri may have different rules on how they register and license those plants. As you start moving forward, vast majority doesn't have positive testing and doesn't have to deal with the restriction while we try to figure out what to do next. Agree that CWD probably travels at 55 mph but not strong science. Don't know much about this but it is popping up in areas and know where prevalence may be greater, like captive herds. We need to take pause here, recommendation is going to be extremely unpopular and ultimately undoable. You have a point but hard to explain to people. Hard to stop people on I-70 and tell them they can't bring deer back to Missouri or deer or elk back here. Jaster – Some states are more restrictive than us and take deer out of county of kill. Chairman Lauber – If positive testing or no matter what? Jaster – Seen both ways. Chairman Lauber – We have 105 counties and some states

have 20 counties in the same space; we have 98 percent private land and legislators who are pissed off at us. Need to think about this. Jaster – We talked about a couple different options, but I haven't had a chance to fully run numbers on them. One is to expand zone if CWD detected, movement between those areas; or allow movement within county or adjacent county and look at eastern boundary to that so we don't keep leapfrogging across that. Option of where not detected, deer could go west; could go from not detected into area with CWD but not come out of it.

Chairman Lauber – Don't you think it will be difficult to explain to people when you have state with most of its vegetation and most of population in the east part that you can take it west but can't go east. If you hunt at uncle's place you can't bring it back. Jaster – Maybe, but do you want it where you live? Taxidermists and processors, different in Missouri, their agency can regulate that and processors and taxidermists that are certified have to put waste in a dumpster that goes to a landfill; but we don't have that oversight and is one of the reasons it was written this way. Chairman Lauber – Most of our locker plants, to use national by-products, are forbidden if they use them to have it tested. That company doesn't want any risk of it showing up in its supply line. Get it, but I think 30,000 to 40,000 deer hunters who use commercial processing plant and how are they going to do that? Jaster – Still welcome to take it within an area? Chairman Lauber – If one within an area. Commissioner Gfeller – How many cases documented and where? Jaster – Don't know off top of my head. Commissioner Rider – How would law enforcement enforce this or know where animal was killed? Jaster – Information would have to be recorded on the carcass tag. Chairman Lauber – Right now if you harvest a deer you put county of harvest and if you happen to hunt in county that has a locker plant you are fine. Are we going to make all locker plants change their rules too? Jaster – They have varying rules too; some, where carcass has to show up skinned already or some want it quartered.

Tony DeRossett, Kansas Hunters Feeding the Hungry (KHFH) – Our program is deer hunters are allowed to donate deer and we distribute it to food pantries all around the state. We work with about 30 lockers right now. All of your points are valid and the farther west you go there are a lot less locker plants; there are several counties without locker plants. I get calls weekly from, mostly nonresident hunters, almost always from the east or down south; directional thing will impact them and will affect our program. Get calls about where they can drop off deer. They have to travel more than one county 99 percent of the time. This will have a big ripple effect. Explain science of how you got to this? What is going on with CWD, how is it getting transferred, what is your concern? Jaster – CWD on its own, without human assistance, moves slowly across landscape, it is prion disease, not virus. The amount a deer has to come into contact with or ingest we are not sure of method of how it moves; how affected or dosage. What we do know, as deer moved around, primarily captive cervids because more documented than wild cervids, most places are not translocating deer any more. It pops up in a new place because somebody moved something. Also, environmental contamination because prions don't decompose very easily, cold doesn't affect them and you have to get to 1,000 degrees before heat does anything to them; most detergents don't affect them. So, they can persist in the environment and research shows plants can take them up and deer eat them. Parts of deer that contain the most prions left on the landscape creates a contaminated site. In captive deer, in areas where they detected CWD, they kill all the deer, depopulate, and bring back deer several years later those deer come back positive again. Site contamination is an issue for affecting deer. bringing back and leaving waste on their property could set off those sites. Because of the number of deer harvested beyond local areas it is a concern that bringing those back and leaving the waste in ditch in their backyard could potentially set up those sites. We are still trying to get good handle

on how this occurs, but we need to consider options to help protect our deer herd. It is highly contentious and has been in other states too. Getting phone calls from out of state that deer have shown up from Kansas. Chairman Lauber – Just one in Ohio? Jaster – South Carolina too. Many hunters from out of state are doing this already because they need to do it to take to their own state, quarter and cape their own animals. Chairman Lauber – Like to see states that do that and have this level of restrictions? Jaster – I am putting a document together. Chairman Lauber – Missouri has one county with a captive cervid positive test. We don't regulate captive cervids, legislature took away from us, however that is one of the areas with greatest risk, but we don't do anything about that. Secretary Loveless – Having meeting within next couple of weeks with the Department of Ag who regulates high fence operations, to have conversation about that because of our concern. DeRossett – You said not some level of oversight at locker plants and I thought at some point some of the lockers were no longer going to be taking deer because of proposals. They don't have regulations on what they are supposed to do with skeletal tissue at this point? Jaster – No, not that I am aware of. DeRossett – Generally speaking, most of CWD is in west or northwest part of state. Do you know what farthest east any has been seen? Chairman Lauber – There is a map in hunting regulations that gives you a rough idea. DeRossett – My train of thought is that a huge part of population lives in the east, hunt out west and bring deer back east and I understand you are just trying to anything you can. That wouldn't show necessarily what you are saying; a huge quantity of deer are shot in west and brought east and there is no transfer. Jaster – There hasn't been any that we are aware of. DeRossett – And you don't want any. Jaster – With deer brought back a lot of folks are putting them in a dumpster somewhere, so they are going to a landfill. Chairman Lauber – Thought about talking to locker plants but afraid to stir something up and start a panic. Commissioner Cross – What state that if farthest advanced with this issue and has big problem? Jaster – Wyoming, statewide now; there stance from the beginning was to do nothing. Commissioner Cross – Talked to them and in hindsight giving you any information? Jaster – A lot of, “I wish we would have done this”; they wished they would have looked at limiting carcasses initially, looked at captives; and wish they hadn't just done nothing, now trying to play catch up and implementing new regulations and rules. Chairman Lauber – Lauren, you hunt deer, what do you think, do you use locker plant? Commissioner Sill – Sometimes and am fortunate that when I do it is in unit I hunt; live in 6 and hunt in 15 most of the time. I hunt by myself, scares me about what I will have to learn and do different. I love it so much I will figure it out, not sure everyone is as passionate as I am. Shared at Becoming an Outdoors Woman workshop last weekend with a couple of avid lady deer hunters; I resonated with the look on their faces, but recognize it is our job to do best to conserve and care for our resources and residents. This may be really hard. Stuart, you might have to put skinning stations on state lands so we can at least have a place to do it. Scared about it; saw pictures of deer in Colorado and they were sick and saw deer that didn't look right, it is scary. Chairman Lauber – Most of deer that test positive look healthy, by time they start showing the disease you wouldn't shoot at them anyway. Not proposing this for this upcoming season? Jaster – An option, talking about it, but willing to take our time and do it right. Phelps – Dealt with this situation with respect to aquatic nuisance species and commission made the right decision. Levi is proposing containment, trying to keep it to as small of area as we can and will take sacrifice from us to make that happen. Chairman Lauber – Worked with zebra mussels, what could happen here is it will come one way or the other. Every state is worried about it too. Phelps – Kansas has become a destination state for whitetail hunting and if we don't keep CWD in check we will lose that, and legislature will be talking to us because we lost golden goose. Chairman Lauber – Before

that happens these regulations as presented will already dry up a lot of nonresident hunting.

Phelps – There doesn't seem to be any demise with everything that has happened; haven't heard of anybody who is excited to quit hunting in Kansas. We need to protect our resources, and best way to do that is to put limitations on ourselves; maybe buy enough time for answers.

Commissioner Sill – This potential recommendation puts a lot on the back of the hunters; issue is multi-factorial, have to look at feeders, what we do that causes unnatural congregating. Did wonderful job at last meeting of presenting some of complexities of that. One of my concerns as sportsmen we need to step up and if have to make difficult changes we may need to do that; at same time, hit needs to be spread around, it may affect industry, may affect landowners, may affect outfitters, that needs to be shared not just on the backs of the sportsmen. Chairman Lauber - Can we table this and bring back rest back after supper? Jaster – That is fine. Chairman Lauber - Recess and come back after supper.

VII. RECESS AT 5:05 p.m.

VIII. RECONVENE AT 6:30 p.m.

IX. RE-INTRODUCTION OF COMMISSIONERS AND GUESTS

X. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

Bill Zimmer – I would like to see Wildlife and Parks help Great Bend and this region further develop the National River Recreation Trail. Not many people realize that Great Bend is the trail head city. It could be a wonderful resource. Such as you have a small fleet of boats on a trailer at Pratt facility, maybe you could have a small selection of canoes and kayaks that could be based in Great Bend. Anything related to helping the river to be a more fun activity. Also, west of here a few miles on the north side of Barton County landfill is a quarter section of land that could be developed into a park just for trails. The Kansas Trail Council stands ready to assist local volunteers to develop a bicycle and runners trail and there possibly could be a special permitted hunt given to Barton County Veterans Association. I would like to help more people have fun outdoors. And maybe improve the boat ramp at Wilson State Park, it has been crowded this summer.

Commissioner Sill – I received an email from a member of the public this week with a question about wanting to adopt a monk parrot and I was not sure where to refer this person. Apparently they are banned as pets in Kansas. Who do I send her to? Jake George – Chris Berens and I are aware of this email and have corresponded to her. Secretary Loveless – Having been in the utility industry, I can let you know a little about monk parakeets. They are causing tremendous problems at various spots in the United States. They are a communal nesting bird, Chicago has a huge colony and they like power poles, so they create tens of millions of dollars in damages every year because they seldom stay in captivity, they get released and develop big colonies. There are other places up north, even though a tropical bird, because of colonial nesting ability they can trap heat and survive northern winters. A lot of states are banning them.

VI. DEPARTMENT REPORT

C. Workshop Session (continued from afternoon session)

6. Big Game Regulations – Levi Jaster, big game biologist, presented this regulation to the Commission (Exhibit T) continued. Next regulation 115-4-4, legal equipment. Typically review equipment over a period of time and had request to evaluate use of draw locking devices for vertical bows, seeking input on option to remove prohibition of devices that lock the bow at partial or full draw. Chairman Lauber – Do you have a recommendation or just seeking input? Jaster – Just seeking input right now. The proposed option would remove them from being prohibited; allow as legal equipment. 115-4-6, deer firearm management units. This regulation established boundaries of 19 deer management units (DMU). Had a request from landowners in extreme southern part of Unit 10 to have more continuity of harvest limits to have additional ability to manage deer in their area. This part of Unit 10 extends below Unit 19, which is the urban area. It has had only one antlerless permit allowed but is surrounded by Units 14, 11 and 19 that allow five antlerless deer tags. The option we are looking at is to extend boundary of Unit 19 to cover that corner, which would change the boundary to run down Interstate 35 to where it meets U.S. 75 and go back north to original boundary line at Shawnee County SW 93. Also, looking at cleaning up boundary of 19 to make it easier to follow and help out with potential damage; haven't surveyed which roads to use yet. Chairman Lauber – Are you expanding Unit 19 and go all the way to Beto Junction? Jaster – Yes. Chairman Lauber – How much additional land? Jaster – A fair amount, without having checked the numbers it looks like another fifth or sixth of that unit area to be added. 115-4-13 descriptions and restrictions. Starting in 2016 season, either-species antlerless-only permits were no longer issued due to concern about mule deer population. No changes were made other than the Department didn't issue any. Pending the fall spotlight survey to look at the population we are potentially considering issuing a few in DMU 1, where mule deer are the strongest and to help with some crop damage complaints. The number of permits would be based on what we see this fall with population survey. Considering comments from the public on these. Chairman Lauber – Did you go over 115-4-11? Jaster – No changes proposed for that and not scheduled for review.

7. Deer 25-Series Regulations – Levi Jaster, big game biologist, presented this regulation to the Commission (Exhibit U, Deer Season Handout – Exhibit V). 115-25 series, three different lengths of January season. Option being considered is to increase January season lengths to 10 days in shortest season, 17 days in middle season and 24 days in longest season. I provided each of you with calendar to show you where days would fall. Nine normal days at beginning of season starting on first Saturday in September for youth and disabled (September 5-13, 2020); opening next day after for early muzzleloader and running for 14 days (September 14-27, 2020); archery and muzzleloader would run concurrently and then archery would continue to December 31, 2020 (September 14 – December 31, 2020); three-day pre-rut whitetail antlerless only (WAO) firearm season that falls on Columbus Day weekend (October 10-12, 2020); traditional regular firearm would start the Wednesday after Thanksgiving on December 2 and runs through December 13 (December 2-13); January seasons open on January 1, for shortest season January 1-10, 2021; to January 17 for middle season (January 1-17, 2021); and January 24 for longest season (January 1-24, 2021); and in Unit 19, the antlerless archery extended season would run January 25-31, 2021.

B. General Discussion (continued)

5. Cheyenne Bottoms Renovation Update – Jason Wagner, public land manager, presented this update to the Commission (Exhibit W, PowerPoint – Exhibit X). I've been the manager here for two years. Previous projects: completed work in 1957, 167 acres that included dike system and water control structures cost \$2.8 million and included purchase of the land. Stayed the same until mid-1990s, when need for better water management due to lack of water being able to be diverted from Arkansas River and the Wet Walnut that we have water rights on; a \$17 million project completed. In 2013, there was an inlet pipe canal that used to be an open ditch that diverted water from Arkansas River to Dry Creek and an underground pipeline was put in place of that ditch to better restore the flow of water. We have a cattail issue; however, cattails aren't the problem but a result of a problem. Had tremendous amount of rain into late May, two drainages that naturally flow, heavy silt load is coming into Cheyenne Bottoms in cattail delta that grows. We have aerial sprayed some cattails. Silt in pool five, filled by large run off event and water looks like chocolate milk; pool 4b was filled with water from other pools and is clear water. Silt covers water control gate so can't open, streams developed and impossible to move water. Money helped clean up silt, but expensive and time consuming but necessary to move water. Able to band-aid for last couple of years, but silt load is still high. It is estimated, from a 2011 Schwab Eaton study, that it would cost \$550 million to dredge out Cheyenne Bottoms to original grade, so not feasible as we don't have that kind of money and no space to put all of that silt, hundreds of thousands of cubic yards that is not productive. Infrastructure in place since 1950s without being replaced or upgrading, some was upgraded in mid-1990s like propane and electric pumps, but they have exceeded their life span. Time has taken its toll on some of the gates in the marshes. At time of renovations in 1990s there were issues and some of the contractors did not install some items correctly and fighting those battles. Constantly battle lack of water, we have diversion dam west of Great Bend on Arkansas River; until mid-1970s it flowed year-round with crystal clear water, when high flood waters came they would shut gates and stop diverting water to Cheyenne Bottoms to keep silt load out. Now our problem is, we don't have water until high flow events, the only time we have water to divert. A huge issue is water management and keeping what we got here. Starting last year, we have been brainstorming with public lands staff, Ducks Unlimited and The Nature Conservancy; came up with plan, applied for \$6 million PR grant in 2018 and were awarded that last year. Grant goes until September of 2020. Work has been slow because of timing and contractor issues; a lot of work in place we haven't seen yet because in engineering hands; money came from \$1.125 million from fee fund money, \$375,000 from waterfowl stamp and \$3.750 million from Pitman Robertson Act (PR). We have an intense project load, bought piece of equipment a Marsh Master, an aquatic skid steer that has different three-point attachments and it will go anyplace in the marsh. We had a demonstration last year so excited about that, will be able to attach sprayer, push bar, choppers, mowers, etc. on it, which will help improve control of invasive plants, and help with hunter access issues, can't get in pools so can cut some access. Most of what we are doing is not going to be a big change, more upgrading and renovating what we have, a lot of silt removal, pump replacing, add a couple of propane pumps; also get a new shop and office, a couple of years ago had a thunderstorm that blew down one of our shops so getting that replaced. For the amount of users we have, over 90,000 people visit every year, our office needs an upgrade, a welcoming place for constituents to come. Doing road repairs and hunter access and user improvements on the property. All of our water gets diverted through a hub, so removing silt from hubs, work on water control structures, replace or repair, and replace four electric pumps at each of those. Some

pumps in place since 1970s. There is no way to drain our largest pool, pool 2, 3,200 acres, two drainages flow into there and when water comes on there is no way to get it off; right now it would take over three months to drain it and cost \$16,000 and no way to control water, so installing two large-capacity pumps there to give us a chance to do something in pool 2 in the future. Inlet canal, water control structure at the end was put in 18 inches above grade and has been acting as a silt trap, need to clean it out so we can continue to trap silt. Most excited about project on redoing goose pens, originally used for Canada goose propagation in pool 5; it is unusable wetland, 110 acres and water control structures aren't working. There are some old islands used for least tern nesting at one time, basically abandoned wasted ground; replacing water control structure, level islands and put peninsula with youth blind for special hunt for kids. Most of that will be funded and we won't have to use any of the PR money, all from private donations and NAWCA grants for engineering. Working on public use improvements, kiosks and signs are aging and need to be redone to make it look nice and user friendly and expand campground. So many people use campground on opening weekend that you couldn't fit another tent, so open additional campground for seasonal-use with a vault toilet. Footbridges need to be replaced to access deep water. Working with DU on initiative "Bring back the Bottoms," it is restrictive funds through their major donor program and allowing donors to donate \$10,000 or more to be spent at Cheyenne Bottoms through that initiative and we will be able to use that as match to get additional PR money. They have secured \$280,000 of private donations at this point, original goal was \$300,000 now estimating \$400,000. Can also donate to this through Green Wing program, can donate \$200 in a kid's name and they will be given a carry-on. Also, that money will be matched. They are going to give free rein to do what we want to with that money. As working on projects some may go over budget and we could use for overflow or additional ideas, a couple hundred acres of additional wetlands we could build. The \$6 million we already got is for the priority projects. Secretary Loveless – DU spending money exclusively here, if you have ever dealt with DU, they are focused on spending money where waterfowl are breeding, and it is really difficult to get their permission to spend money locally; it mostly goes to Prairie Pothole region and Canada. We have impressive DU group we work with here and have a great partnership between our folks and theirs. They have pulled out all of the stops to be helpful here and we appreciate that.

6. Public Meeting Update on Duck Zone Changes – Tom Bidrowski, waterfowl biologist, presented this update to the Commission (PowerPoint - Exhibit Y). Duck Zones. Every five years the USFWS opens the frameworks for duck zone guidelines. We have initiated a process to garner hunter input. The Flyways have a request and continued requirement for boundaries as well as option to have an additional split to the season. This will be reviewed at the October Service regulation committee meeting, and we will know if changes in guidelines that have been in place since 1996. Establishment of zones is established on independent seasons on two or more areas, zones, for purpose of providing equal distribution of harvest opportunities for hunters throughout the state. So, why do we add confusion to regulatory process? States like Kansas have added difficulty of season dates that will accommodate hunted duck species, early versus late migratory species, as well as hunting styles; marsh hunters, field hunters and deep-water reservoir hunters. Zoning creates boundaries that can add complexity but maximizes opportunity. Zoning enhances ability to match season dates with available habitat types, migration chronology and season preferences of duck hunters. Kansas waterfowl hunters are just as diverse as Kansas waterfowl hunting opportunities; zones are one tool we have to aid this

broad constituent base. We were under restricted season lengths, in place from 1988 to 1992 where there was only a 39-day season, currently 74 days now. There is a Flyway recommendation to change continuous boundary requirement as well as adding second split. To initiate the state process, six public meetings were held starting in August, cities were chosen based on geographic location and potential number of hunters that could be reached. Meeting announcements were sent to media outlets with assistance from Information section; highlighted on agency web page and an email blast was sent to 22,000 hunters who have purchased waterfowl permit in the last five years, posted on KDWPT Facebook page and additional Facebook advertising was purchased to allow us to reach over 25,000 people; 62,000 impressions or viewing, 679 people clicked the events and 294 people indicated they were going to attend an event. Meetings were well attended, with the exception of Hays where we only have four. Attendance indicated they were satisfied with current zone boundaries and season dates. Had a few inquiry's or requests to look at some changes; most minor in nature or parochial. There is a component of waterfowl community that would like later season dates with more January opportunities, particularly in late and southeast zone. At Hays, Great Bend and Wichita discussions it was centered around Quivira National Wildlife Refuge, mostly dealing with whooping crane closures during waterfowl seasons as well as crane dates associated with that. Attendants completed a short survey, received 185. Comments received outside of the meetings were in a similar pattern and I will provide them prior to the next meeting. USFWS will consider Flyway requests at October meeting. We will use a formal survey to get a broader perspective and hunter input on zone boundaries, which will be based off surveys we administered at public meetings. Since this requires greater public input this will be an agenda item for four commission meetings, beginning in general discussion in Scott City in November. Final commission action will be April meeting and same meeting we will set 2020/2021 waterfowl season dates. Zone boundary changes would not go into effect until 2021 seasons and would be in place for another five years. Season dates can change annually. Chairman Lauber – Is it generally your opinion that there is no need for change as far as zones? Bidrowski – Majority of hunters are happy, some battered from previous discussions but don't see any wholesale change. We will base recommendations on results of large mail internet survey that will be going out in mid-October. Chairman Lauber – Attended in Kansas City, you did good job of presenting and public was receptive to what you had to say. No feel of ground swell for change. Bidrowski – Among the hunting community there, we all have own preferences for season and may not be uniform across hunters but have a better understanding and recognition that there is a variety of preferences.

D. Public Hearing

Notice and Submission Forms, Attorney General letter dated May 29 (Exhibit Z).

1. KAR 115-8-13a. Electric-assisted bicycles – Linda Lanterman, Parks Division director, presented this regulation to the Commission (Exhibit AA). We call these pedal assisted bikes, trying to get ahead of this, had people come into state park system with these. The motor does not engage until you pedal, motor does not engage if you are not pedaling. We have had some individuals and were riding trails in state parks, felt we needed some type of regulation on this. A lot of discussion since last meeting. National Park Service looking at this too, allowing in some areas. They are trying to get ahead of this and expand users. The ones we expect to use these are those individuals just starting out, go into areas they can't walk into; may be limited by

age, disability or physical capacity. Bikes are expensive, but those individuals are the ones that want to participate with family and friends. Users are not infinite, a finite number of people, but those who come back want to do something. Trying to expand activities in state park system to allow users to come back generation after generation. We have over 500 miles of trails in state parks. Commissioner Sill – For purpose of regulation definition of electric- assisted bicycles shall have meaning specified in KSA 8-1489. That regulation reads, “electric assisted bicycle defined by...two or three wheels with fully operative pedals for human propulsion and an electric motor. The electric-assisted bicycle must have power outfit of no more than 1,000 watts, be incapable of propelling the device at a speed of more than 20 mph on level ground and incapable of further increasing the speed of the device when human power alone is used to propel the device.” There is a difference in what you are telling us in that you are saying pedal-assisted, the definition applied includes full electric option of being self-propelled. Lanterman – I am talking about a Class One bike. Commissioner Sill – But the definition in the regulation says the definition that will be used is the one in the statute; and the statute includes self-propelled bicycles as long as they are under 20 mph. That is a conflict in my understanding. Lanterman – That is a Class One bike. Commissioner Sill – Class One bikes in most cases and there is debate on it. Class One are pedal-assisted only under 20 mph. Class Two have pedal assist and self-propelled options under 20 mph; Class Three are self-propelled, have pedal-assist and goes up to 28 mph. Kansas definition includes Class One and Two, but that is basis for this regulation. Lanterman – That is right. Our intention is to allow those. Commissioner Sill – So they are not just pedal assisted? Lanterman – You have to be pedaling to make that work. Commissioner Sill – What does self-propelled mean? Lanterman – Those pedal-assisted electric bicycles you have to have them pedaling for that motor to engage. Commissioner Sill – Mr. Tymeson can you help on this? Tymeson – Looking at definition, but honestly I don’t know the difference between the two bikes you are talking about, so I need to defer back to the Secretary. This is what was recommended by KDOT to refer back to for definition of electric-assisted bicycle. Lanterman – This is what was approved by KDOT. Commissioner Sill – KDOT allows self-propelled. You are telling us it is only pedal-assist and that is terribly confusing to me after doing hours of research. Lanterman – You have to pedal for motor to engage. Commissioner Rider – Even on a Class Two? Lanterman – Yes, you have to be pedaling for motor to engage. You think I am wrong? Commissioner Sill – Yes. Lanterman – You have to be pedaling for motor to engage. Commissioner Sill - Not on Class Twos. Bob Uptegraph who is the owner of Harley’s Cycles was hoping to be here tonight, but he was unable to come. Bob, as a bicycle shop owner and cyclist is in favor of this and proponent, but at same time has reservations about allowing Class Two in state parks. Lanterman – I spoke with him several times on this. Commissioner Sill – He also recognizes that was including Class One and Class Two and recognized that might be a problem. ?? – Class 2 does not have to be operate with....Lanterman..... ?? muddled. Chairman Lauber – How can we move forward, positive feedback in support mostly. Want to allow those without a throttle, class one with no throttle, class two with throttle. Commissioner Gfeller..... Commissioner Sill – Accepted definition. Lanterman -may not allow on same trails as all others, some trails meant to go fast....other ones are class one only. *Unknown Audience* – Did not come to microphone, could not hear all of his statement. Class Two, speed cap is limited to 20 mph,...that is the difference, battery wears down. What you are talking about is Class One, a pedal-assist. Chairman Lauber – How can we move forward. We have been talking about this for a long time. Most of feedback I have been receiving has been positive and in support of it; not all of it. The point it, we want to allow those that don’t have a throttle and we think those are called

Class One and ones with the throttle are Class Two. May be some definition issues with what KDOT did. Lanterman – Right. Commissioner Gfeller – Is this the official definition of Class One, Two and Three? Lanterman – It is, yes. Commissioner Sill – It is a well-accepted definition; not 100 percent consistent. Lanterman – In state park systems across the nation do a little bit of both. Most of them are on Class One, but there are a few state park systems that allow all three. Some allow One and Two, depends on the state, they may not allow them on the same trails as all others but there are some trails they do; have some trails that are meant to go fast. *Unknown Audience* – Use both and are limited to 20 mph. Class Two can be used for people with disability and weaker knees, can jump start for 10 feet. Lanterman – It is up to 20 mph. Commissioner Gfeller – Are majority of e-bike users Class One users? Lanterman - It is mixed. Feel that we can regulate in state park system. We are at limit of 20 mph, still good, and difficult for us to say which is throttled and which one isn't. We can watch. There is an etiquette in trails, and we try to enforce that; yield to horse traffic, then foot traffic, then bicycles. There is a population that needs that assist to be out and enjoy areas we have. Chairman Lauber – If we pass this regulation as recommended without any modifications. The concern would be that Class Two user may say they can ride, which would be outside of intended sphere. Commissioner Sill – Concern I have; on one front I think that with public lands so limited there are spaces that need multiuse trails that are non-motorized because there are people out there that need to get away from technology, that need needs to be respected. Not saying all multi-use trails. I believe reserving some spaces as non-motorized is important. I have had to change my opinion a little with all of the work I have done on this; I can do Class One if we need to. When I went out to Sand Hills State Park and talked to equestrian group, their own complaint is that bicyclists in general, regular bikes, don't understand horses and that there are risks out there. Our equestrian riders have far fewer options for places to ride than bicyclists. The risk for increased conflict, if we increase the presence of cyclists on equestrian trails leads to potential conflicts and accidents and removes part of experience for them. I am for shared trails and for trail etiquette, but also thinking perhaps some non-motorized spaces or reword this and not use KDOT definition and set as Class One bikes so not in question. Chairman Lauber – Can we amend this today to Class One bicycles? Tymeson – The problem is whether it is a substantive change that is logical outgrowth of the discussion. I am going to recommend that it not be recommend on the fly because I don't think there has been enough discussion about it overall. Commissioner Gfeller – Does a Class One and Class Two look alike, the only difference being Class Two is throttle-actuated? *Unknown Audience* – They look the same and most riders can't tell I have an ebike unless I tell them. Respect users on trails, not ebike issue or whether class One or Two. Commissioner Gfeller – If they are the same except for how motor is actuated, both govern out at 20 mph, what is concern about Class Two? Chairman Lauber – It is cheating. *Unknown Audience* – It is healthy, I have lost 40 pounds riding. Chairman Lauber – I don't know how else to describe the argument. Commissioner Sill – Out of respect for the equestrian. Lanterman – We have been trying to put in a group of horse trails and campgrounds, we visit with equestrian riders, state park managers talk to groups; I believe we can manage this in a way that users can do it. That doesn't mean we won't have incidents on the trail. Chairman Lauber – Equestrian riders are not upset about ebikes, but bikes in general. Commissioner Sill – A little harder for them if possibility is that somebody is riding by, not pedaling, just pushing a throttle on the bike. There is a quality of experience, my personal piece; have some non-motorized access for folks. *Unknown Audience* – Mountain bikers in eastern Kansas are volunteers, built 100 miles of trails in Kansas state parks and support those trails. Around Lake Perry and Clinton, we have dealt

with this problem, there are horse trails and single-track bike trails and they get along fine together because they are separate. I'm sure there are ways to address this in other parks too. Issue here tonight is whether to allow Class One and Two on trails and treat them the same way as regular bikes. Chairman Lauber – For several months the issue has been, can we include pedal-assisted bikes with regular bikes. Up until the last meeting that is all I thought it was going to be. My feeling is, we have a limited amount of resources and if we can enhance people using them I am okay with that and okay at looking at areas where it would be fair to all to have non-mechanical trails. Lanterman – We have that in some parks. *Unknown Audience* –The federal government has addressed this issue and came to conclusion at end of last month; Class One ebikes are essentially nonmotorized bikes. Chairman Lauber – You don't think it is outgrowth of discussion to put on the end, i.e. Class One bikes? Tymeson – I don't think there has been enough discussion. Lanterman – I don't either because they go the same speed. Secretary Loveless – Also, might recommend that we are talking about two different things. One is should we allow ebicycles, and the other is should we have discussions about places that are not multi-use trails and dedicated to one or the other. The issue tonight is, is this language clear enough to allow these bicycles. Mantle – I think you are going to have separate trails because a horse will recognize a bike as motorized as nonmotorized, as a perceived threat. You can be riding down a bare road and will perceive anything as a threat, so you need separate trails. Lanterman – We try to do that with our etiquette. I understand what you are saying. I feel like our staff can handle that, and we all yield to horses, then walking traffic, then bicycles. Chairman Lauber – To recognize Secretary Loveless' point, our decision tonight is to allow ebikes as we believe definition to be able to be used on bike trails. There are other valid concerns, but not technically part of this. I would like to go ahead and pass this and if we need to amend to create a refined definition we can do that at a later time. Lanterman – Let's see what concerns and incidents come up and more importantly how many more users we get. Chairman Lauber – If you don't have to pedal, different than if you have to pedal.

Jeff Carol – I own a bike shop in Ottawa, Ottawa Bike and Trail at intersection of Prairie Spirit and Flint Hills trails. We started business for that reason because we felt those trails would bring a lot of people riding. We see all kinds of bikes, people with different abilities and needs and I talked to a lot of people about ebikes. We did an event a couple of weekends ago, attracted 110 people to ride Flint Hills Trail and camp at Pomona State Park. Some folks carried equipment with them and there were a number of ebikes on the trip. They fit in like everybody else and they all had different reasons for why they ride them. One example, my friend Nick who came with me, he takes both of his kids on his bike, he has larger cargo bike and it is throttle actuated and it helps him to be able to safely get up to speed until he can kick in. He is carrying quite a bit of weight. One of reasons bikes are handy for people with certain abilities or disabilities. The other set of users is older people who want to join in and be part of the group but may not be able to ride the 20 miles the rest of the group is riding. Of 120 people we had 5-10 who couldn't ride if couldn't ride electric bikes. I only sell only Class One bikes, but Class Twos are just a difference in technology, I also rent bikes for trail users, some ebikes so more people can come out and use the trails, hearing a lot of interest from the public who wants to go out and experience this large trail as much as they can. Trail etiquette, I do agree there is a concern; I have signs on both of my doors with symbol and have been educating people on that because it is important. Talked to a couple of the horseback associations about trail etiquette. As a cyclist it is more about educating them more than anything. People don't try to be disrespectful, just may not be educated. An education component on ebike usage as well as trail etiquette would be beneficial. People are not

out there to bother someone else they are doing it to benefit themselves not speed down the trails. Veterans we also talked to, we saw recumbent tricycles and a big use for those if they have an injury where they can't ride a regular bike and many also need e-assistance. We brought an e-bike with us in case anyone wants to ride one in the parking lot.

Nick Crumrocker, Overland Park – I started riding my ebicycle about 40 pounds ago after we had our first child. We also ride in Missouri on Katy Trail and they have allowed them for quite some time and don't seem to have any problem and people travel from all over the country to use it. We have been riding by Ottawa and haven't had any problems and have been having fun. We bike to Pomona State Park and really enjoy using them. With two kids it is a lot to pull. Thank you for considering it.

Commissioner Warren Gfeller moved to approve KAR 115-8-13a as presented to the Commission. Commissioner Aaron Rider second.

Chairman Lauber – We could make an amendment down the road to list strictly as Class One and prepare our own definition if needed. Lanterman – We could track usage and incidents as well. Chairman Lauber – Also, could you report back about exclusive trails for non-mechanical means. The demand for this is here. Mantle – Because of protest doe this require a unanimous vote? Tymeson – No, simple majority.

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

Commissioner Cross	Yes
Commissioner Gfeller	Yes
Commissioner Hayzlett	Yes
Commissioner Rider	Yes
Commissioner Sill	No
Commissioner Sporer	Absent
Commissioner Lauber	Yes

The motion as presented on 115-8-13a passed 5-1.

E-Bike Letters – Exhibit CC (People for Bikes; Chartrand Legal Management, Inc.; J.L. Cleland; Elizabeth Stewart)

XII. OLD BUSINESS

XIII. OTHER BUSINESS

A. Future Meeting Locations and Dates

November 14, 2019 – Scott City, William Carpenter 4-H Building

January 9, 2020 – Iola, Riverside Park Community Building

March 26, 2020 – Topeka, Kansas Historical Society

April 23, 2020 – Location to be determined.

XIV. ADJOURNMENT

Adjourned at 7:49 pm.