

**REVISED AGENDA**  
**KANSAS DEPARTMENT OF WILDLIFE, PARKS & TOURISM**  
**COMMISSION MEETING AND PUBLIC HEARING**  
**Thursday, August 20, 2020**  
**Zoom Meeting**

Interested parties may participate in the August 20, 2020 meeting through one of three following methods:

A) Log in to Zoom

1. Visit [https://zoom.us/meeting/register/tJItcO6uqTwtHdZHP2WeX4TDdA8\\_RkwiFyR8](https://zoom.us/meeting/register/tJItcO6uqTwtHdZHP2WeX4TDdA8_RkwiFyR8).
2. Register by entering your first and last name, and email address.
3. Once registered, you will be provided a link to “join the meeting.”
4. Visitors will be muted upon entering the meeting. To comment or ask a question, use the “raise hand” feature or type into the chat area.

B) Call In

1. Call: 1-877-853-5257
2. When a meeting ID is requested, enter: 96077677772#
3. When a participant ID is requested, enter: #
4. For comments or questions, email: [kdwpt.kdwptinfo@ks.gov](mailto:kdwpt.kdwptinfo@ks.gov)

C) Watch Live Video/Audio Stream

1. Individuals may watch a live video/audio stream of the meeting on <https://ksoutdoors.com/commission-meeting>

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

**II. INTRODUCTION OF COMMISSIONERS AND GUESTS**

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

**IV. APPROVAL OF THE June 25, 2020 MEETING MINUTES**

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

**VI. DEPARTMENT REPORT**

**B. General Discussion**

1. **Big Game Regulations and CWD Research Update (Levi Jaster)**
2. **Role of Controlled Shooting Areas (CSAs) in Hunting (Keith Houghton)**
3. **30 Years of Blue Catfish Management and Research in Kansas (Ben Neely)**
4. **iWIHA Update (Wes Sowards)**
5. **Big Game and Wild Turkey Legal Equipment and Taking Methods (Kent Fricke)**

**C. Workshop Session**

- 1. Park Regulations (Linda Lanterman)**
- 2. Fishing Regulations (Doug Nygren)**
- 3. Public Land Cabin Rates (Stuart Schrag)**
- 4. Falconry Regulations (Jake George)**
- 5. 2021-2022 Turkey Regulations (Kent Fricke)**

**A. Secretary's Remarks**

- 1. Agency and State Fiscal Status (Brad Loveless)**

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

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

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

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

**XI. DEPARTMENT REPORT**

**D. Public Hearing**

- 1. KAR 115-6-1. Fur dealers license; application, authority, possession of furs, records, and revocation. (Electronic records) (Matt Peek)**
- 2. KAR 115-5-1. Furbearers and coyotes; legal equipment, taking methods and general provisions. (Use of thermal imaging and night vision equipment) (Matt Peek)**

**XII. OLD BUSINESS**

**XIII. OTHER BUSINESS**

**A. Future Meeting Locations and Dates**

**XIV. ADJOURNMENT**

If necessary, the Commission will recess on August 20, 2020, to reconvene August 21, 2020, at 9:00 a.m., at the same location to complete their business. Should this occur, time will be made available for public comment. If notified in advance, the department will have an interpreter available for the hearing impaired. To request an interpreter, call the Kansas Commission of Deaf and Hard of Hearing at 1-800-432-0698. Any individual with a disability may request other accommodations by contacting the Commission Secretary at (620) 672-5911. The next commission meeting is scheduled for Thursday, September 24 at Capitol Plaza Hotel, Emerald Meeting Rooms, Topeka, Kansas.

**Kansas Department of Wildlife, Parks & Tourism  
Commission Meeting Minutes  
Thursday, June 25, 2020  
Zoom Meeting**

Subject to  
Commission  
Approval

The June 25, 2020 meeting of the Kansas Wildlife, Parks and Tourism Commission was called to order by Chairman Gerald Lauber at 1:30 p.m. Chairman Lauber and Commissioners Emerick Cross, Gary Hayzlett, Aaron Rider, Warren Gfeller, Lauren Sill and Troy Sporer were present.

**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 to revised agenda (Agenda – Exhibit B).

**IV. APPROVAL OF THE April 23, 2020 MEETING MINUTES**

Commissioner Lauren Sill moved to approve the minutes, Commissioner Warren Gfeller second. *Approved* (Minutes – Exhibit C).

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

Chairman Lauber – Limited to five minutes, because of protocols, state who you are as you speak.

*None*

**VI. DEPARTMENT REPORT**

**A. Secretary's Remarks**

1. Agency and State Status Report – Brad Loveless, Secretary, presented this update to the Commission – Governor signed SB66 approving 20/21 budgets, only adjustment was the supplement for law enforcement moving from KPERs to KP&F to retirement, we didn't get that done last session. EDIF apportionment for 2021 is the same as FY20, almost \$5.2 million, important but not a huge amount, comes from state gambling fund. Concerned because of the way state budget has been affected and gambling revenues likewise, not sure what will happen to those funds. Governor added \$2 million of State General Fund for state park flood damages, Linda gave me a list of repairs, and those funds are committed and working for us. Park Fee Fund had an incredible spring; use was way up; last year down in revenue because of flooding and a lot of repairs to still make. Needed \$10 million in repairs just to catch up with flood

damage, the \$2 million is appreciated but only a fraction of what is needed. March and April were terrific, but May was highest month ever, in terms of revenue, so Linda's folks are incredibly busy and doing a terrific job. We are making big gains, started lower than we have in many years, but with high visitation, surpassed 2014, which was another low year, with record May expect to bounce back to normal area. Wildlife Fee Fund up 4.7 percent from last year, balance at end of May, shy of \$22 million, last year above \$24 million so have catching up to do. Nonresident permit draw was good and full again. Holding breath for fall deer and upland game hunters, need to be fair and give refunds if needed because of COVID. Have room for them to come to Kansas safely. Holding our breath for fall. Chairman Lauber – Is it possible to rathole nonresident money or do we need it throughout the year? Secretary Loveless – We do, having conversation to your point starting some months ago. Asking what priorities are as far as expenditures, what we have flexibility with and what we don't, so prioritizing and spending money where we have and saving revenue for this fall, just in case; so, doing exactly that. Team is responsible, talked about it today in management team call. Have a lot of things to do, some we have to do, some we want to do for the good of the resource and the good of the customers. Trying to be wise so no regrets come fall, if the worst happens.

Chairman Lauber – We will try to be flexible if someone tries to ask a question and for some reason has a technical problem. View these meetings as a new opportunity to learn and get smarter, they are not as effective or as desirable as live in-person meetings but do enable us to efficiently employ our resources and people. It may help with attendance, over time may want to continue to consider a virtual opportunity to have more public involved wherever we may meet.

2. 2020 Legislature – Chris Tymeson, chief legal counsel, presented this update to the Commission – A difficult session, due in large part to unanticipated impacts from COVID. Legislature broke early, came back and discussed emergency powers of the Governor, broke again, came back in special session to deal with vetoes and emergency power issue. Everything else got pushed to the wayside. Had a bill that deals with dynamic pricing for cabins and campsites to take advantage of changing market conditions, the bill made it three-quarters of the way through the process last year and didn't go anywhere this second year. A bill that deals with fee cap limitations, caps for hunting and fishing licenses are set in statute and commission votes in regulation to raise or lower those fees. Many of our fees have reached the statutory cap, in 2015, and at some point there will need to be a raise in cap to generate income to do the great things the agency does. Small bill on personal floatation devices that we need to get through to update some regulations, about nomenclature of how we describe personal floatation devices. Currently called Type 1, 2, 3, 4, or 5, this would change it so we would be allowed in regulation to change to new international standard. It did not go through, passed Senate, passed House committee, so, made it three-quarters of the way through the process and was scheduled for hearing the week the legislature broke and did not get any movement. The department has proposed purchasing a piece of property in Kingman County, people in our department worked hard to bring parties together and that was successful. There were two versions of the bill, one in House and one in Senate; the one in the House made it out of committee but didn't meet the statutory deadline in first part of session, reintroduced in the Senate and was scheduled for hearing the week the legislature broke. There was a bill we were following that is not on our website that deals with rules and regulations and the process; the process changed two years ago, and we were hopeful there would be changes in process to streamline things for the agency, but it

died on the House calendar late in the session. Also, late in session, a bill was introduced that would have required poachers to pay fines to landowners, restitution to landowners for animals unlawfully taken on their property, did not get a hearing. Another late bill, that would take away the agency's authority to regulate state species under the Threatened and Endangered Species Act and match our list entirely to federal list, did not get a hearing. There was a bill that dealt with moving our law enforcement folks to different retirement system, also did not get a hearing. Secretary Loveless – This was a disappointing session for us and everybody else. Don't feel the effort made was all lost. In one case we had a local legislator championing a bill and his support was really critical and he is not running again. We had a lot of other folks involved who will be back, so we continue to lay the groundwork for initiatives we have and many times it is a multi-year effort. Would love to be able to go in, tell our story, have everyone agree and it gets done, but far from that this last session. We made progress in a lot of ways and learned some good lessons and have work ahead of us to prepare for next session.

3. Tourism Update – Bridgette Jobe, tourism director, presented this update to the Commission (PowerPoint Exhibit D). Thought I would share what Kansas Tourism does and spend a little time on what effects the pandemic has had on tourism industry. Also, want to share our new marketing campaign and tag line that was unveiled last week. Mission is to inspire travel to and throughout Kansas, do this by marketing Kansas recreational activities, retail, historic sites, state parks, arts and culture, natural resources, basically all the great things there are to do in Kansas. We also work hard to bring new events, conventions, meetings, youth and amateur sports events that help support Kansas economy. Two priorities, bring out-of-state visitors to Kansas and to increase pride and travel among Kansans. We know that before anyone decides to move to Kansas or open a business here they are a visitor first. Tourism is first impression and we consider it an economic development driver. Marketing efforts geared to getting people to travel in Kansas. Our visitor website is TravelKS.com and we produce 350,000 annual travel guides and every other year we produce a Kansas Byways guide. We place a high priority on our digital and social media advertising, although we do some print in appropriate publications. We operate two state travel information centers, one at Goodland and we contract for management of the center in Belle Plaine. We also work with all of the local travel and information centers throughout the state. We manage the Kansas byways program by working with the 12 byways; nine are scenic, two are national scenic byways and three are historic byways and we work closely with each of the byway committees and national organizations and market to encourage travel along those byways. We also manage the agritourism program, approving registered and renewal agritourism businesses and marketing them to travelers. A way to enhance a traditional agricultural business that is offering some type of activity or experience where visitors participate; this can be a farm, ranch, lodge, outfitter, winery, apple orchard, or whatever, all kinds of different agritourism businesses. We have over 420 registered agritourism businesses in Kansas. Also, publish *Kansas! Magazine*, a lifestyle magazine celebrating 75 years in existence. We oversee the Kansas Tourism grant programs and the two main ones are Attraction Development Grants that help to provide resources for new or enhancements to existing attractions; and Marketing Grants that assists local communities and organizations in their marketing efforts. We partner with KDOT to approve attraction signage, collect research on statistics and data, lodging data. We work closely with local tourism organizations to enhance and support their efforts. We have a full-time staff including our staff at the Travel Information Center at Goodland, 11 people and a few temporary employees that we hire during the busy

travel season. The number one question I am getting these days is effects of pandemic on travel and hospitality industry. Before COVID, on a regular basis we used outside sources to track health of the travel industry. We track visitation numbers, economic impact, hotel data and other kinds and throughout the pandemic we increased those efforts. One company, SeeSource, tracks visitation through geo-location and consumer spending data; the data shows total visitors in- and out-of-state that traveled more than 50 miles from home, started 2020 off well, but about mid-March dropped drastically until the lowest point, which was April 20, having a slow and steady climb since then. Another company, STR or Smith Travel is industry leader in hotel reporting, and report on occupancy, average daily rate and RevPAR room demand and they said April 2020 was worst single month ever for hotels in the U.S. RevPAR is revenue per available room, ADR is average daily rate, chart shows U.S. and Kansas numbers, to put this into perspective, April room demand for Kansas was 328,976, room demand is how many rooms were filled; for April 2019 it was 836,583. Most significant affects are on transient guest tax paid to state, tax is collected by hotels and sent to the Department of Revenue and about 98 percent of that is returned to local jurisdictions designed to be used for tourism marketing. Kansas tourism division is not funded by this tax, so it doesn't directly affect our budget, but it does have multiple repercussions to tourism division and tourism industry as a whole. Kansas Department of Revenue, January to May 2019 collections compared to 2020 collections, note that collections are for the previous month, see how bad April was in May collections, a 73 percent decrease. Fortunate to have a couple of good months, January and February that softened first quarter, but overall a 31 percent decrease. This data reflects statewide collections, and some communities were hit harder than others. We are seeing statewide massive budget cuts from our partners at local CVBs, seeing furloughs and layoffs and drastic cutbacks on their marketing efforts. Starting to see travel beginning again, a slow uphill climb, but seeing increases in hotel stays and number of people traveling more than 50 miles away from home and leisure or family travel is coming back first. We know wide open spaces are what people are looking for, and that positions Kansas well. Secretary Loveless mentioned record attendance we are having at state parks and we know Kansans and out-of-state visitors are looking at visiting sites they would have never thought of going to before. There is a general sense of uncertainty for the future and much discussion going on in our industry right now about when people will be ready to travel again, traveler confidence is an important key right now. Travelers want to visit places they are confident have adequate cleaning and safety protocols. Another part of that discussion is making sure local residents are ready to welcome travelers to their community. We will see people traveling closer to home and we are planning for more in-state marketing than ever before. Visitors will be traveling by car, RV, and camping all lend themselves well to Kansas. Leisure travel inching upwards, key is keeping virus contained as much as possible to help confidence. Meeting industry is still challenged and will take time to come back. When it does start, seeing smaller meetings in August with enhanced protocols for physical distancing and people wearing masks. Travel industry relies heavily on business and convention travel. It is interesting to have a job to encourage travel when travel isn't an option, and that is we have been faced with. What we did in response to that challenge, when pandemic hit we pivoted quickly on tourism marketing and there was a movement among many travel organizations that centered around, #TravelAwaits, and states and cities put their own spin on the idea but overall concept was to find a way to keep our destination in mind for when travel would begin again. *(Showed a video clip)* We have changed the messaging from travel awaits to more travel safely. In the midst of pandemic Kansas tourism was also creating a new tag line and marketing campaign. It was a first

priority of Secretary Loveless and myself when I arrived in this position almost a year ago. Pleased to share our inspiration and vision, which only had a soft release a week or two ago. Everything for this campaign started with a visual we all know and love, the Kansas flag, another place was with type fonts that had been used many times over the years in Kansas and found that throughout history Kansas has repeatedly used simple block style, the American wood type, not only designed to withstand time but intentionally simple and free of embellishments. Developed our brand based on this style. If you look at our original seal used the block style and the words Ad Astra Per Aspera are words that all Kansans know and holds great meaning to us, to the stars through difficulty, it speaks to who we are as a state and our motto defines Kansas, it reflects who we are, and it is the Kansas we want to share with our visitors. Our new campaign is centered around the tag line “Kansas to the stars,” the campaign draws inspirations directly from Kansas history, their destinations and activities we want to promote. The campaign gives new life to the state motto. The color palette is based on original blue and gold, blue elicits feelings of confidence and trust, yellow evokes feelings of optimism, introduced new colors that intentionally echo Kansas. Red denotes boldness and excitement and light blue represents confidence and optimism. All of these colors pay homage to independent thinking that is part of our history and are reminiscent of Kansas sunset. Our marketing is going to rely heavily on authentic photography. A few sample applications which are just ideas as we develop our marketing strategy for next year. Our hashtag is changing from “no place like KS” to “to the stars KS.” Possibly one of the most exciting things will be the incorporation of a Kansas gear store, an online store for visitors to purchase Kansas “to the stars” gear, just a few to start with and add items periodically as seasons change and we continue to develop the brand, not all available at first but a good idea of what the future will bring. Gear store is live at [TravelKS.com](http://TravelKS.com). Taking inspiration from the Kansas flag and state motto. We wanted our mark to be clean, simple and reflective of our state. Beginning this week, changes on our website and digital ads on social sites, all will start to carry new look and messaging. Working on new website to be completed January 2021. If you click on header photo on current page it will take you to a landing page that provides the story behind “to the stars.” Social posts have already started transitioning, press release out this week and new digital ads are being placed. It will take time to transition over, but a lot of movement happening, planning kick off day for Kansas Day 2021. There is special irony in unveiling a new state tourism campaign and tag line amidst a global pandemic and we talked internally long and hard about correct timing. Believe “to the stars” is exactly what is needed right now, celebrates who we are as Kansans, honors our history and trail blazing spirit and provides flexibility and versatility that we need as we invite visitors to travel to and explore our state. Commissioner Rider – Where is the Gear Store? Jobe – [TravelKS.com](http://TravelKS.com), under travel tools at the top. Secretary Loveless – Talked about this before, about five percent of Kansas jobs are dependent on tourism, as you look at economic impacts to all of the different business sectors, none hit harder than travel and tourism, over 80 percent reduction and local convention and visitor bureaus are dependent on guest taxes, which are in the tank. I have been proud of how Bridgette and her team have come through with these initiatives, inspirational video and new marketing campaign at the perfect time to represent Kansas Travel and Tourism. All the partners they work with have lost funding and are ill equipped to do this on their own. You can look at every corner of the state, and now Bridgette and her folks have come to their aid by rolling this out, in terms of invitational message. Proud of way they have supported and led during this tough time.

## B. General Discussion

1. 2021-2022 Turkey Regulations – Kent Fricke, small game biologist, presented this regulation to the Commission (Exhibit E, PowerPoint Exhibit F). Don't vote on specific dates each year but recommend or change season structure. Spring season is based on youth/disabled season beginning April 1, early archery beginning Monday after first full weekend in April, and regular season starts on Wednesday following second full weekend in April. New for 2020, as voted in by commission last fall, reduced fall season length, beginning fall 2020 fall season will start on October 1 and end on November 10. Seasons set for next year, April 2021, beginning with youth season on April 1, this is the year that is back to when regular season ends up on second Wednesday. For 2022, anticipate no change for fall season, similar spring season. Recommend sticking with season structure but will formalize over the next couple of commission meetings. On 2019 fall season we sold about 1,000 fewer permits than 2018, which continues trend of reduced hunter participation, about a 20 percent decline; nonresidents still make up about 22 percent of hunter base for fall season. Haven't complete fall turkey analysis yet but will provide at August commission meeting. We did reduce bag limits for Units 3, 5 and 6 beginning this past season, overall reduction of carcass tags and game tags. Some of that was expected with reduction in game tag availability. Will talk more about additional impacts because of travel. The Spring 2020 Turkey Season was open April 1 with youth/disabled season, started April 6 with early archery, and April 10 the executive order 20-21 was signed by the Governor which suspended the sale of general nonresident turkey permits in the state, regular season began on April 15, on May 27 the executive order was lifted, so then nonresidents could then purchase or utilize permits they had, a full weekend until the end of the season on May 31. Overall working with licensing we had 640 nonresident purchasers who requested and received refunds. Licensing also requested to let everybody know that one of the options was to have credit card refunded or you could get a gift card, but only 25 gift cards were requested for spring. I have been working with Law Enforcement in terms of removal of those nonresident permit sales and bag limits in eastern part of the state; regarding bag limits not much reporting of them having an issue with that and there is always some poaching or mistakes made in the field, but not widespread issue Thank public information folks for helping us get the word out. Typical of any season reductions, number of nonresident tenant permits increased 50 percent higher than 2019, 74 suspicious cases were investigated and 44 were cited with 15 of those valid and 15 with no action taken due to confusion; shout out to law enforcement for making the extra effort. We saw a 25 percent reduction in the number of people buying spring turkey permits. Typically, 35- to 40-percent of spring turkey hunters are nonresidents, so, expected some decline. Residents increased by 10 percent, about 2,000 more turkey hunters. Nonresidents declined by over 11,000, almost 77 percent. Game tags are more complicated because we had already made those reductions, so expecting declines there. Number of people who bought a permit, increased residents mitigated some of decline of nonresidents. Public land check ins into iSportsman system, residents took advantage of public lands; nonresidents relatively stable over last three to four years took a dip because not as many of them in the state. Nice to see we were able to provide opportunity for resident turkey hunters. Overall, spring harvest survey runs from June 1 to June 30, pulling data next week. Have internal turkey meeting in early July, I sit down with biologists and law enforcement across the state to talk about what populations are doing and recommendations for the commission. Will talk about turkeys again at August commission meeting where we will look at population trends, harvest estimates from fall and spring seasons

and recommendations at that time. Commissioner Sporer – What do spring nesting conditions look like? Fricke – Optimistic, as we saw around the center of the state a few days ago saw significant rains, overall looking pretty good, getting dry out west, statewide had early spring rains which will sustain population pretty well, always a few individual localized issues. Chairman Lauber – Rains we don't like are the ones in June as compared to early rains? Too much moisture and too many rains affects the ability of the chicks to survive. What is best time to receive rain? Fricke – East versus west, whenever we can get them in the west, in east concerned in earlier and mid-May, heavy rains that cause flooding and losses of initial nests. In June looking for rains to keep moisture there, in general east is wetter side of state. Primary concern, once chicks on the ground, is having moisture to keep forbs and weedy plants around to keep insects, moisture equivalent to that.

2. Park Regulations – Linda Lanterman, Parks Division director, presented this regulation to the commissioner. No changes at this time, review our year this fall to see what expenses are, will have increased expenses and look at revenue before we make a decision on changing fees if we do. Appreciate Secretary's words earlier, our team has done incredible job, visitation unprecedented in state parks; El Dorado over Memorial weekend had over 80,000, Cheney over 60,000 visits, never had that before. We have new users that are visiting state parks but also have new challenges; many of them don't know how to pitch a tent, tie a hook on their fishing pole, or how to pick up trash. Made a significant number of changes in March on how we clean buildings and rest rooms, our team has done a fantastic job on that. Kathy Pritchett has been with our agency for 34 years, starting in 1986, she was administrative specialist for the wildlife division, then moved over to state parks, was Wildscape and WildTrust coordinator for many years then she became our trails coordinator for the state and on a national level for our division. Today is her last day, she is an accomplished author and has written many articles for the magazine and we are going to miss her. We go back a long time and I wish her nothing but the best in her retirement. She has several books that she has published, and I am sure that is going to continue. The plaque says, "in appreciation for 34 years of meritorious service to the recreationists of Kansas". Appreciate your service. Pritchett – Seen a lot of changes in 34 years, one thing not changed caliber of our people, I have worked with some of the best and we have some of the best right now. Lanterman – We will have a more formal retirement gathering after this pandemic Drop a note to her home address. Chairman Lauber – Congratulations on your retirement, you will be missed. Linda, in eastern part of the state the Corp of Engineers is still asleep, is that causing too much pressure on the state parks? Or is that good for us? Clinton for example, boat ramps overwhelmed, your people taking care of everything but wanted to what affect it has. Lanterman – Good question, we are meeting challenges, I know many of you on the commission have received some complaints on various issues. We have to relook at this in the fall to see what we need to do differently, never had this amount of visitation before. May highest revenue month, good on financial side but we need to look at our expenses, the more people expenses go up also. Like to stay positive and think we are handling it, our team is flexible. Gives us an opportunity to look at where we can grow, that may mean more day use or more camping amenities, help us to expand and look at master plan. Most state park managers would tell it you it is better to have more people in than less. Corps is opening up, did first part of June, but still seeing high numbers.

3. Fishing Regulations – Doug Nygren, Fisheries Division director, presented this regulation to the commission (Exhibit G). Congratulate Kathy too, she was always a breath of fresh air whenever I had any dealings with her. We receive money from the U.S. Fish and Wildlife Service (USFWS) excise taxes to fund our fisheries program. That money generally runs around \$4.8 million to \$5 million a year and there have been some changes made to the rules on how that money is going to be divided amongst the states; it has to do with the number of certified anglers in Kansas. Each year we calculate how many people paid for the privilege to fish in Kansas, the number of individuals, not permits. My staff is looking at rule changes with the eye of getting certification numbers up, which could result in more funding. We are looking at some new privileges or combinations of old privileges that could be lumped together into packages, both hunting and fishing. We have had conversations with the wildlife division as well. After we get some ideas in place, we will talk to administrators and then bring to you later. 115-25-14, which allows us to develop a reference document where we put fishing regulations different than statewide regulations such as special length and creel limits. Changes: Kanopolis Reservoir, reduce creel to a 20/day creel limit on crappie, high harvest rates and will distribute harvest, tremendous harvests all across the state. New pond in Junction City, Helland Pond, add a 15-inch minimum length limit and a 5/day creel limit on largemouth bass and a 5/day creel limit on channel catfish. Another new body of water is a restored lake in Sherman County, Smoky Gardens, came about with partnership between Public Lands Division, Fisheries and the Sherman County; lake opened this spring with special regulations by Secretary's Order and we want to formalize that. So, adding a 15-inch minimum length limit and a 2/day creel limit on channel catfish, and catch and release only for largemouth bass, bluegill, and redear sunfish until established and we can sustain some harvest. Pratt Fish Hatchery brought in some channel catfish averaging around 4 pounds. Another new lake, Agra City Lake, add an 18-inch minimum length limit and a 2/day creel limit on largemouth bass. Plainville Township Lake, great fishery, especially largemouth bass and sunfish; increase to 18-inch minimum length limit and a 5/day creel limit on largemouth bass, it was 15-inch and continue to provide predation on sunfish species.

We have a unique situation in southeast Kansas, where four major river systems (Caney, Little Caney, Verdigris and Neosho) are greatly influenced by Oklahoma reservoirs (Hulah, Copan, Oologah and Grand), which impact Kansas reservoirs. Oklahoma has been so successful with blue catfish populations that they are impacting some of the other species in those river systems above those reservoirs. Seth Lundgren, our fisheries biologist in southeast Kansas put together a proposal to increase the current 5/day creel limit to a 10/day creel limit (for blue catfish) on those river systems, largely to protect channel catfish as we are seeing a decline in samples compared to blue catfish. Kaw Reservoir is not far on the Arkansas River and that blue catfish population has done well and our stream survey crew has asked us to consider looking at a liberalization of the creel in the lower Arkansas River and the Ninnescah River; we're taking a look at that. Ecological Services also asked us to have an open conversation about the Republican River above Milford reservoir as well. We are not ready to liberalize blue catfish on Republican River but will have discussions about that over the next couple months. Chairman Lauber – Is this harbinger of what is happening at lakes we are having success with blue cats it will affect channel catfishing? Nygren – In Oklahoma they have been at the blue catfish business a little longer than we have, but have surpassed the channel catfish, still in reservoirs, but blue catfish are dominant species over channel catfish. Most anglers don't mind that, but channel catfish are important in Oklahoma and Kansas, our state fish. We are sensitive to what could happen here,

something we will be watching. Chairman Lauber – Trendy fish right now like wipers, but wipers don't reproduce, be careful what you wish for, could be a risk. Generally speaking, once they leave the reservoir system we don't have any protective sizes. Last discharge at Perry Lake there were a lot of blue catfish being harvested in tail waters and stilling basins below the dam. The 35-inch limit stops at the dam, correct? Nygren – Yes and upper end of property on federal property. None of these stretches above the reservoirs would be impacted by minimum length limit, managed just by liberalizing the creel. Secretary Loveless – Doug, talk about conversations you and your team have had with other divisions about native versus non-native species and your efforts to preserve native fish species. Nygren – Referring to that when ecological services and stream survey folks started seeing more blue catfish. We built new Kansas Aquatic Biodiversity Center in southeast Kansas at Farlington Hatchery to help us restore native species in trouble, at same time we're trying to restore, we don't want a blue catfish population that could adversely impact success of those recovery programs. We consult with the ecological services staff and anytime our folks want to introduce something not native to an area there is a process we go through; we have programmatic agreement with USFWS; that is first step and in some cases decision to make introductory stocking or not that doesn't have federal nexus or decision maker, then it becomes an agency decision to come up with plan to best serve interest for Kansas recreational fishing or restoration of native species. Secretary Loveless – Part of your conversation in southeast when you are talking about blue catfish in. As you told me no record of those being native to Kansas waters, but channels are. Nygren – Right, blue catfish are native on Oklahoma side of those rivers, just no records in Kansas. They are native to Arkansas Kansas system and Kansas River system and Missouri River system; a large area of the state where they are native and a number of lakes where we have them established through introductory stockings. That went through process we were talking about. Chairman Lauber – Thought about 20-fish limit on crappie at Pomona? Nygren – I would have to check. We have been considering the 20-fish limit, already have that in place at a lot of our reservoirs. We heard a lot of concern about excessive harvest this year; I can check with John Reinke and Don George and get back to you. Chairman Lauber – I would like that. Limits make people feel good, not sure much impact on the population but gives you warm and fuzzy feeling that you are protecting something and eliminating overharvest. Nygren – We definitely lowered the creel to 20 on the lakes we put them in, designed to distribute the harvest in any given year amongst more individuals. Chairman Lauber – A lot of harvest this year at Pomona, as well. Nygren – One more issue on the reference document, which may need to be vetted more when we have here. The City of Emporia asked us to restrict use of cast nets and seining in their small urban lakes. We can accomplish that in the reference document, but to a larger question, are there other community lakes that would like us to do the same. On small impoundments we own, like state fishing lakes, Mined Land area and places like that are less than 1,000 surface acres, we don't allow cast nets and seining, so there may be more of these communities that might want this restriction. There could be some benefits to help stop the spread of invasive species by working more closely with community lakes. Right now, we have three lakes, Olpe Park Pond and Jones Park Pond that we want to set up as Youth/Mentor fishing locations; Peter Pan Park Pond also wants no cast nets and seining allowed.

Change 115-18-10, Importation and possession of certain wildlife; prohibition, permit requirement, and restrictions, refer to this as prohibitive species list. Current list in place for a while, made changes over the years but often in reaction to a species we don't want that shows up. We have a proactive approach that Chris Steffen, aquatic nuisance species coordinator, has

proposed to add several species that could pose a problem if they were to make it into the state. We propose adding Crucian Carp; Largemouth Silver Carp; Prussian Carp; Wels Catfish; Eurasian Minnow; Stone Moroko; European Perch; Nile Perch; Roach; Amur Sleeper; Zander; and Common Yabby (a crayfish) are the species to add. Zander may show up because there is a zander population in upper Missouri River. A zander is a larger version of a walleye, stocked intentionally in the Dakotas to try and establish a percid-type fishery. They could arrive and this would stop anybody from intentionally trying to move them into the state. Chairman Lauber – Will a zander hybridize with a walleye? Nygren - I don't know but they can reproduce. Chairman Lauber – Are they so close they are not a hybrid? Nygren – Not a hybrid, a separate species. Don't know if you could create a hybrid like we do with saugeye or not, never seen anybody attempt to do that. Several attempts in the Dakotas over the years to introduce them, at least one location where they reproduced and are moving downstream. Chairman Lauber – What is a moroko? Nygren – Not Sure. I will have Chris come to a workshop and explain that better. Commissioner Cross – What is standard transmission, ways introduced in our waters, is it commercially? Nygren – The way we got Asian carp is neighboring states allowed people to bring them in for aquaculture purposes; people stock them in their ponds. Texas Parks and Wildlife have intentionally released Nile perch in some of their lakes over the years, not something they would do currently but did 30-40 years ago. Just an opportunity for people to move things around and these fish are probably out there somewhere in somebody's aquarium as well or maybe someone wants to culture them in a pond where they could escape. Most likely would be somebody intentionally bringing them in, and they get a way.

Change 115-7-10, Fishing; special provisions and Kansas Aquatic Nuisance Species Designated Water list. Last year white perch were found in Wichita, South Lake, but not in time to add that, so we need to add this impoundment and possibly any others that may pop up before we have the hearing. Tymeson – Two other minor regulation changes came up this week, on 1-1 on definitions, and we talked about further defining what carp is. Nygren – That didn't make it in the briefing book or into my presentation. Would you help me out with that? Tymeson – Regulation 115-1-1 defines certain species; one is non-sport and there is a proposal to further define that and list out some of the Asian carp so clearer and change verbiage on Amur Sleeper to modernize it for grass carp. Also, in relation to dip nets and cast nets, 115-7-4 allowing silver carp larger than 12 inches to be taken from water with a cast net or dip net, euthanized and allowed to be used as a bait fish. Nygren – I didn't get that added. Sheila, add for next time. Sheila Kemmis – Chris Tymeson, please send me that.

4. Public Land Cabin Rates – Stuart Schrag, public lands director, presented this regulation to the Commission (Exhibit H). We currently have rental cabins at Atchison State Fishing Lake, Ottawa State Fishing Lake, McPherson State Fishing Lake, and two at Mined Land Wildlife Area. These cabins are now 10 years old with a nightly rental rate of \$70. They are starting to show their age and need extensive repairs and maintenance costs keep increasing. We have contracted individuals that go in and clean these cabins and those prices are increasing, especially last few months with COVID-19 as extra cleaning measures have been implemented. Right now, expenses are far exceeding revenue and overall cabin program is operating “in the red.” We are currently compiling data to account for revenue, expenditures, and occupancy rates to determine best nightly rate for these cabins. Looking at mirroring State Park cabins, certain cabins need a higher rate, other based on demand popularity, peak use times during the year. In couple of these cabins questioning whether to close the doors or keep them open. Hope to have

solid recommendations at the next workshop. Commissioner Cross – How are Mined Land cabins doing and rental rate? Schrag – All at \$70 and haven't changed in last 10 years and those two are the most popular with 52 percent annual occupancy rate, compared to Ottawa and McPherson where we are in 20 percent range. Chairman Lauber – No sense operating these at a loss, popular, but need to at least break even.

Chairman Lauber - Jason, if we wanted to take a 5-minute break, could we do that without having to sign back in? Jason Dickson – Yes, I will mute everybody and when ready to go I will unmute them. Chairman Lauber – Will keep eye and be back in 5 minutes.

### **C. Workshop Session**

1. KAR 115-6-1 Fur dealer license; application, authority, possession of furs, records, and revocation – Matt Peek, wildlife biologist, presented this update to the Commission (Exhibit I). This regulation provides oversight of furdealers in Kansas. It currently requires fur dealers to maintain record books provided by the department, and books must be filled out as fur is received, shipped, or otherwise disposed of. It also states that the books we provide should be available for inspection on demand by any law enforcement officers. We have a request to allow electronic records. Proposing to modify this regulation to allow for electronic records that maintain the same data required as in our current paper books and are able to have a print off if law enforcement wants to inspect. Chairman Lauber – How many fur dealers do we have? Peek – About 30 and several of those are taxidermists that buy a handful of pelts for taxidermy but are not buying pelts in bulk. Chairman Lauber – Or for resale? Peek – Yes.

2. KAR 115-5-1 Furbearers and coyotes; legal equipment, taking methods and general provisions (use of thermal imaging and night vision equipment) – Matt Peek, biologist, presented this update to the Commission (Exhibit J). The use of lights, night vision and thermal imaging is not currently allowed for recreational predator hunting but is allowed under damage situations; had some discussion about this at last meeting. Both landowners and nuisance animal damage control permit holders can use this equipment in situations that meet the description of damage. We don't know how many landowners use this technique but estimate 30- to 35-percent of nuisance animal damage control permit holders got the permit so they could use this type of equipment during animal damage control. Probably 80 to 90 individuals. The department hasn't supported broader legalization of the activity in the past for recreational use, primarily due to concerns on impact on law enforcement's ability to respond to and catch poachers. That would include that the activity could be directly responsible for poaching, used as an excuse by poachers contacted in the field that would make law enforcements job more difficult. Also, law enforcement call outs might be negatively impacted; residents may call law enforcement and force them out in the middle of the night for what turns out to be legal nighttime hunters as well as if an individual saw a shining light they might not make the call assuming it is a legal hunter when it is not. Concern about those issues has been primary reason the department hasn't supported expansion of this opportunity in the past. Growing public interest in this activity has caused commissioners and department staff to give it further consideration. More recently legislative interest in this activity has been reported. A lot of other states currently allow this type of equipment with no more legal or safety issues than other types of hunting. Most other states also have certain restrictions that might not be enacted if this equipment was broadly allowed

legislatively rather than through the regulatory process. Recognizing that, as well as the demand for this activity, which is high, we constantly are hearing from hunters who would like to use this, commissioners asked the department, at a previous meeting, to develop recommendations for them to consider. If the commission were to legalize this activity, what limitations would the department like to see, so that is where we are at. I provided list of restrictions we would propose. If allowed, 1) propose all equipment in question, artificial lights, night vision and thermal imaging be considered together; 2) only allowed for coyotes and not all furbearers; 3) season dates would be from January 1 to March 31; 4) use of equipment would not be allowed from a vehicle; 5) use of equipment would be prohibited on KDWP owned and managed lands, including Walk-in hunting areas (WIHA); and 6) a permit would be required initially to learn more about frequency of use. At a previous meeting we talked about whether all three of these light types should be allowed and we came to the conclusion that there is a broad price range between a handheld flashlight and night vision and thermal imaging equipment, so we didn't want to discriminate against people economically and this would be a package deal. Only coyote and not all furbearers, primary demand has been for coyotes, if allowed for all furbearers it would create a substantial change in harvest susceptibility in some furbearers that requires more consideration, specifically racoon and beaver, neither one lacking right now but requires more thought if able to float down a river or walk along a creek and shine a light up in a tree or walk around the edge of a corn field at night, you could easily kill all of the racoons in the area or beaver on the river, so greatly changes harvestability. Season dates is an important compromise for law enforcement; this is after their busiest time of year in the fall during antlered deer seasons when most hunters are out, also after rut; in hope of reducing constituent and law enforcement concerns about poaching. January 1 is also early enough that fur still has value and usefulness of coyote fur is of interest. Coyote pelts are typically sellable through the end of January, maybe mid-February, lose value after that. This is also during main calving season, late winter/early spring so for those who want this for damage purposes, although they could already do it for damage, this allows them to use your average legal hunter who doesn't have to be a licensed animal damage control permit holder. It does provide a little more opportunity. This is before the coyotes have pups. We recognize there is already a year-round open season and people can kill coyotes when they have pups in the den but that is not a Wildlife and Parks regulation, if up to us they would be managed more like furbearing animals. Given the opportunity to present our own list of recommendations we would cut that season off before whelping season. Not allowed outside a vehicle, don't want people driving down the road at night shining fields and/or shooting out of vehicles. We also think that would help alleviate some concerns by people who would otherwise be more strongly against this opportunity. Use of equipment on public land, managers have expressed same concerns about poaching and increased call outs that game wardens have, a lot of public land guys are law enforcement certified, too. Worth noting that a lot of public lands are high use areas so potentially a legitimate concern for conflict between users and for safety that may not apply so much on private land with more limited access. On wildlife areas, managers also commented no need for additional coyote harvest, people already hunting them in a variety of ways and don't feel coyotes are overpopulated. On WIHA, also department managed land by regulation and fear of losing some cooperators who don't want this activity. The difference from other private lands is if private landowner doesn't want it he can refuse people access, but if WIHA it is open, so concern that could have negative implications. We acknowledge this is a conservative approach and could be revisited at a later time depending on outcome of commission's decision. Looking at a permit that is just the cost of issuing it, \$2.50

fee, which would allow us to know who is participating and the amount of use going on and perhaps success rates of harvesting coyotes. The department recognizes this is a controversial topic for some and we have tried to publicize it so that those who do have an opinion have a chance to express it and aren't caught off guard after the fact if this does pass. We issued a press release a couple of weeks ago and invited comment from landowner groups including Kansas Livestock Association which expressed support for the proposal and Kansas Farm Bureau, which was neutral, they have a policy that supports agricultural producers having lawful opinions to address wildlife damage but policy does not specifically address techniques we are discussing. Also notified federal public land management agencies who have land in Kansas including the U.S. Forest Service which has Cimarron National Grasslands, U.S. Fish and Wildlife Service which has national wildlife refuges and Corps of Engineers which has various land around Corp lakes; making sure they are aware of discussions so if they need to make changes to make this palatable for them they have time to do so. If you think back to driving on the ice issue and whether or not people could drive onto a Corps lake ice, same thing applies here. We don't have the authority to prohibit an activity on their property, so if we allow it on our private lands then it is allowed on their public lands so they would need to address this through their own processes if they wanted to be consistent with our public lands. Otherwise the default regulation for them is whatever is allowed on our private lands or non-managed wildlife and parks lands. While a lot of coyote hunters and some landowners have expressed support for this change, others have expressed concern about fair chase associated with the activity, whether it is necessary to allow these techniques when there are already so many other ways to harvest a coyote. The negative ramifications between Wildlife and Parks and Kansas landowners if we were to allow this, meaning some of them don't want it and would not look favorably upon the department for allowing this. Others have brought up whether this activity represents hunters in a way we want them to be represented, using that type of equipment at night. Heard a lot of positive comments about proposal and some opposed as well.

Commissioner Rider – You said night hunting, as it is right now, 365 days, that is not our regulation. Whose regulation is it, the legislature? Peek – Yes, year-round coyote season is legislatively allowed by statute. Commissioner Gfeller – The ability for landowners and certain permit holders to use this equipment for damage control situations, what is the standard for that, when is it available? Peek – There is a state law that allows landowners to protect their property from wildlife and there are some caveats to it, for example, after non-lethal efforts fail and in some cases there are no practical non-lethal methods and if using a technique not open to legal harvest the animal can't be kept and things like that. Basically, allowed by state law; the one that allows the person to shoot the raccoon that is tearing up his feed sacks in the barn, same statute and gives broad authority. It doesn't specify how the animals can be removed, broadly allows a variety of techniques that would not otherwise be legal. Commissioner Gfeller – If I have coyote situation, losing calves to coyotes, which I don't have a problem and you said you don't on public lands; if I did, how difficult would it be for me to get a permit to use this equipment? Peek – Don't need a permit, you can do it if you have damage that meets the statutory definition of damage. Don't need a large number of losses, just one. Commissioner Gfeller – Easy for a landowner or rancher to do that now? Peek – Yes, if they have damage. Commissioner Gfeller – More losses in other parts of the states, but they have the ability to control coyote populations if they have a problem. Need clarification, in bullet points; rationale for limiting it just to coyotes and not other furbearers, you said if expanded it would become a shoot and too easy to shoot beaver on the bank and raccoons at night, wouldn't the same rationale apply to a coyote?

Changing a hunt to a shoot. Peek – That is debatable. Chairman Lauber – Once you do it, it doesn't create a hapless vulnerable coyote out there to be shot at will, not so easy. Don't believe you would be able to eliminate all the raccoons either. Regarding ranchers, they are not going to want to spend the money to take care of the problem, may want somebody experienced at this because it would enhance the harvest of problem predators. Not that easy that all of a sudden with night vision they are going to all get shot. Nadia Reimer – Four members of public who have comments. Chairman Lauber – I noticed that. Before we do let me point out a couple of things. Missouri passed this here this spring and not lost on certain legislators and I received an email; one of the legislators who has extreme interest in this sent it to a constituent of mine who sent it to me. Matt is correct, if we want to control our own destiny this is what we are going to have to do because it will be in effect in Kansas one way or another. Personally, I would liberalize the recommendation, but I understand spirit of compromise and I think law enforcement has a valid point and having it limited in way staff has presented makes a lot of sense. The problem with comment about hunter's image, don't think that is meaningful and that came through Farm Bureau comments, they provided no directive but pointed out what we have been considering internally. I will also point out that this did generate a certain amount of animal rights responses, most of those were why kill the coyote, driving into extinction and the general anti-consumption these groups provide. If commissioners get an email and it sounds like it is not from a Kansas resident, google it and it will show where they posted before where these people are into animal rights. Legitimate stakeholders who have contacted me, I only had one negative response from a fellow who wanted to have more restrictions on crossbows, inline muzzleloaders and other things. Most of the input I received was overwhelmingly positive. Commissioner Gfeller – We got a lot of emails from the public that were not supportive, from landowners and ranchers alike, primarily on the safety issue. Chairman Lauber – Interesting, because those that were sent to me I got none, one negative; received quite a few calls too, I saved them. Certain comments were sent to Sheila and she might respond that most of those were positive as well. Maybe because of knowing how each of us lean there may be reasons you might have gotten those, and I did not. Commissioner Gfeller – Looking at the ones Sheila sent, and I wouldn't say they are overwhelmingly supportive. It is clearly a controversial issue and my concerns continue to be around the safety component for the same reasons we don't want to allow on public or WIHA lands, I have on my private land. I know I can allow people to hunt on my land or not, but I don't want to be up all night to see who is going to hunt on my land at night and I don't have control over what my neighbors allow. There is a lot of work done at night, particularly in calving season by ranchers. The fair chase issue is another concern or the other part of the comments, we have ample opportunity to hunt coyotes, 365 days a year and I have no problem letting people on my land during the daytime, with my permission and I know when they are there. I have concern, shared by other landowners along those lines. Talked at the last meeting about whether we limit it to shotguns or firearms that don't have a long carry, a .270 has a two-mile carry and that is well beyond your night vision. That is a concern we all should share. The issue of whether the legislature is going to do it for us, not comfortable being bullied by them. If it doesn't make sense to do it for certain reasons, not do it just because of legislature. Chairman Lauber – Legislature comes up with proposed regulation that is more liberal or mirrors ours, how are we going to easily resist and not support something that is in our recommendation? Commissioner Gfeller – Have we seen the legislation, or has it even been proposed? Chairman Lauber – No, I was contacted, and my comment was that we would rather have our own proposal, doubt it would be any more moderate than we have proposed. Chris Tymeson, legal

counsel – When talking back and forth please state our names, there is a contingency listening by phone and not seeing who is talking. Commissioner Gfeller – If legislation is proposed, is it possible to get out in front of that with a regulation? Secretary Loveless – Chris has a lot of experience with this but to gage how fast legislation moves, sometimes quickly, sometimes labors, we would take a position on it and try to be a voice in that, but hard to predict how fast it goes and how big of influence we have, so we lose control relative to the process you are going through right now. The stronger other constituents voice their opinions, farm groups and hunting community, that affects legislation too. Chairman Lauber – This is an attempt to get in front of that because I feel it is going to happen. I would like to see the thinking of the various farm groups opposing this. This is going to be one of those things where some people will never be convinced it is a good idea and some people will feel it makes sense, may be a contested vote at the next meeting and all of us just get one vote. More studies and talks isn't going to make a difference if you are really against it. Commissioner Sill – Don't disregard some of the opposition; some are clearly from folks who have an anti-hunting perspective but as I looked at those I learned something I appreciated. If you remove some of the emotion and bad science there was a call to keep sportsmanship in hunting and I value that. We talk about human dimension in conservation, recognizing that isn't just giving hunters what they want but keeping hunting viable sport within our society. Appreciated gentleman from Farm Bureau who said this might paint a picture that isn't exactly a positive thing for hunters in Kansas. He said, "use of night vision imagery in conjunction with high-powered rifles and silencers might paint an image of hunters that is not in the best long-term interest of hunting in our great state." Not appropriate to disregard those comments because there is a call to keep sportsmanship in hunting. I agree with Mr. Gfeller that we don't know what the legislature will do, we know there is pressure there, our call is not to be politicians, but to do what is right for resources and residents of Kansas. I haven't counted responses, but my estimation is somewhere between a 45/55 or 40/60 breakdown between support and opposition, much closer to 50/50 break than overwhelmingly supportive. I don't think assuming something is going to happen so therefore we need to do it, no sense to have commission if that is the way we are going to do things; it is going to happen, so we need to pass it. Understand we would rather have some control, but have great confidence in leadership we have, that should something appear that we can have some impact. Commissioner Hayzlett – Thank Matt and group that worked on that. There has to be a compromise and I believe that is and believe it is going to satisfy ones of us that know not a radical bunch of people out shooting. As far as high-powered rifles and two-mile range that is not the case, most of these people use varmint calibers, even if bullet hits the ground it disintegrates. Through job of working towards the goals we are trying to achieve. I got letters, some nasty and most of those came from someplace besides Kansas and I don't want them trying to tell us how to run our business; most of those were animal rights people who have no idea what we are trying to do and not buying an over-the-counter-type \$130 to \$150 scope, they are \$2,000 plus; how many people are going to be out there, not that many. I appreciate work Matt did, think it is coming, I don't have fear of the legislature since I was there, but I do know what the legislature can do to a bill, even something we want and it doesn't just stop with the debate, you are going to have amendments and everybody in there will have an opinion and come up with some tough stuff. Commissioner Sill – Recognize regulations we pass don't just affect sportsmen and women and our own law enforcement, so I called about 40 percent of the county sheriffs in my south central region and told them what was on the discussion. About 75 percent were adamantly opposed to it. I divided them out, 50 percent less populous counties, four a little higher density. Sheriffs in

less dense counties were opposed to from a manpower perspective, they said it would make their job harder to identify, catch and make a case against the poachers; they didn't say it would increase poaching. The other thing they were concerned about was manpower, already stretched thin and more anticipated call-outs is a challenge. Sheriffs in the more densely populated counties that opposed it, was from a safety perspective. One gentleman had extensive military background utilizing the type of equipment, he shared his concerns that even the high quality equipment affects depth perception and inability to see what is beyond the target. One said he was a city guy and said he didn't have much of an opinion. But 75 percent of sheriffs in this region were strongly opposed and it does affect them. Chairman Lauber – Apparently emails come to us base on how they think we will receive them because all the emails and phone calls I got, but one were in complete support, surprising me that half of the public doesn't like them. Commissioner Sporer – Matt, did you address coyote populations? I seem to remember you saying at a previous meeting that coyote populations were on the rise and I am seeing it on my farm, the more habitat I put in the more predators. Do you think coyote populations on the rise? Peek – We don't have direct coyote population estimates but do survey through a couple of different techniques, the best one is roadside survey where we have where employees keep track of observations over a couple of months in the late summer. We have data on coyotes back to 1986. The index, of course vehicle traffic has changed, but index shows a strong increasing trend over that time period. Chairman Lauber – We have some public comments. Nadia Reimer – We have three individuals I can see in the chat room I will call upon them individually and we can unmute their line. If with the public please state your first and last name and where you are located. Then we can open it up to anyone who has not raised their hand in participant list. It would be best if they could comment in the chat section sending me a note and letting me know that they would like to speak, that would keep things organized. Walker Trimble, Vassar– Appreciate you working tirelessly to keep our resources safe. In support of being able to harvest coyotes at night, have used thermal imaging before, not as easy as going out and wiping out a herd of coyotes, a lot of weather conditions play into how you are able to use thermal. Not being able to hunt from vehicle, while I support that I have a question. When I go to Oklahoma or Texas to hunt hogs, put high racks into back of our side-by-sides or pickups and use those. If this does pass is this something the commission would look into? I provided pictures to Jason (Photos - Exhibit K). I have a high rack for my ranger right now, helps me sit up about 10 feet but no other advantage. Chairman Lauber – When you start talking about hunting from a vehicle that opens a new can of worms. While it may be considered, not right now. Trimble – I understand this is a highly controversial topic and I appreciate all of the time you are putting into this. If it evolves over the next 5-8 seasons, I understand. Jason Dickson – I will forward images to commissioners and other people in the meeting. Reimer – Next is Zac. Tymeson – If Walker could state his last name for the record and his location. Zac Castle, Abbyville – Speak on behalf of hunting community of coyote and furbearing animals in central Kansas. We feel the commission has misinterpreted KAR 115-5-1, in that the commission is not trying to open a season but close one. Our conclusions come from KAR 115-5-1, and our understanding of the authorizing statute. From 5-1, “hunting equipment permitted during furbearer hunting season and during coyote hunting season shall consist of the following: 4) optical scopes or sights that project no visible light toward the target and do not electronically amplify visible or ir light”. There are two things in that which tell us this is currently legal, first is the word and, in the eyes of the law the word and is conjunctive and when used it is conjoining both visible light toward the target and electronically amplified or ir light, so both of those

qualifiers must be present to be termed illegal. The department uses terminology that is geared toward certain technology. The word amplified is defined by increased intensity of and that is a terminology specifically designated for technology that has a light intensifier. During recently updated 115-4-4, updated in April 2019, the commission added the word “or detect infrared light or thermal imagery” to the big game hunting regulation. That demonstrates attempt and the ability to appropriately use “or” as a disjunctive as opposed to using “and” as a conjunctive. It also illustrates the ability for the commission to understand how certain words like detect are geared towards thermal imaging and amplify is geared towards technologies that include night vision or infrared. A couple of other things, in terms of thermal technology the likelihood of poaching is very low, in any thermal scope you can’t see deer antlers, so clearly not an issue in deer poaching. What the commission is missing, our community feels that the statute for coyote hunting has underlying second amendment implications. It is important to second amendment from a gun control standpoint, but the most advanced rifle, semiautomatic, with night scopes and suppressor and heavily accessorized guns are protected by our right to hunt coyotes. If we start regulating coyote hunting throughout the year and start keeping people from having a good reason to have these guns then it could likely start to have implications on why we would be allowed to have these things at all. The economic impact statement is inaccurate and light in the fact that our view is that this activity is currently permissible in Kansas and if we start to restrict it to three months out of the year then we would have a lot of missed economic opportunity. Positive impact on ability for people to generate income from furbearers, coyote prices have nearly doubled, so it is an underutilized resource and it would also create income from the ability to get people to get hunters to practice other activity while here hunting turkey in the spring, for instance. Heard a lot of support from farmers and ranchers for having this activity, certainly be allowed during fall calving. Chairman Lauber – By strict interpretation of the language it is trying to restrict hunting with lights that it doesn’t technically match the physics description of thermal imaging and it has been pointed out to me, because of the way the language is it is already permissible. Our position it is that it is not already permissible, and it hasn’t been adjudicated but Chris Tymeson would point out that we believe it is currently a non-permitted activity now. You are saying it already is. That hasn’t been finalized or determined, appreciate what you are saying, but not foregone conclusion that we are willing to accept that the language allows some of the items to be used that we are talking about today. Castle – My understanding of KSA 77-420 is that the organization saw lithography and grammar is there is a system in place to ensure regulations say what they mean and mean what they say so people should be able to read the description of the regulation, statement is very clear if it doesn’t project light it is legal. Tymeson – I would be happy to discuss this with Mr. Castle; a back and forth legal argument would be better suited in person. Reimer – We have two more individuals who have indicated they would like to speak. Next is Joe and follow up with Malcolm.

Joe Kreipe, Tecumseh – Appreciate work of the commission. I am in support of this. One question, my best friend I hunt with most of the time is handicapped, would there be a possibility to amend, not from vehicle, for handicap hunters to hunt similar to the way they can now when handicapped? Chairman Lauber – I don’t know. Not so difficult to get handicap permit, rely on staff to make that determination. Kreipe – Investigate that and see if there can be a provision made for handicap hunters to hunt from a non-moving vehicle off the roadway. He can hunt deer sitting in my field in his truck. Secretary Loveless – Will look at that and respond back to you. Reimer – Malcolm is next.

Malcolm Obourn, Eureka – Appreciate time to have this hearing. Main concern is to separate concept of predator control from furbearer harvest. If they want to use this type of technology for harvesting of furs I can understand it, but it is more crucial, in my life, for predator control.

Don't want it restricted to three months of the year. I believe it is more wide open part of species, just a thought. If try to hunt from vehicle with thermal scope, a little elevation would be helpful.

Reimer – Jason, you can speak next.

Jason Stephens, Norton – I have been thermal hunting around the U.S. for five years on a high rack. High racks take a lot of trouble out of hunting, as lady stated depth perception is gone when looking through thermal and night vision and being up in a high rack allows you to look down.

When you talk about detection of an animal it is extremely helpful. I paid \$6,000 for thermal scope and we don't put them on high caliber rifles, we put them on .223s and .22-250s. I would like to see season go year-round. Some of the commissioners I would challenge you to find somebody that has a handheld thermal scanner and utilize it because from my experience you are getting a lot of misinformation on how this works. As to poaching, you cannot see deer antlers through a thermal scope. Maybe if in velvet but not during the winter. Reimer – We have a new individual who popped up. Tim, I will unmute your line, please state first and last name and where you are located.

Tim Mathias, Hutchinson – Do want thermal night hunting to be legalized in Kansas. Would like to see for more than three months of the year, preferably most of the year; if not, see during deer season or rifle season for deer. Called around to neighboring states that do allow night hunting.

Called Colorado and talked to some of the game wardens there, one in particular was Mike Brown, currently what they allow is night hunting for landowners year-around, with exclusion of during big game seasons; for hunting on public ground with permit obtained from game warden, will issue permit if not close to big game season, for spotlighting only, they don't allow thermal imaging or night vision. Asked if they see increased poaching and he responded in his region he didn't, maybe one a year, not big issue for him. Something you brought up with game wardens being stretched thin, don't feel that is going to be the issue. Another phone call to Nebraska, they allow night hunting year-round and do allow during deer season and can use thermal imaging, night vision and spotlight, cannot hunt from a vehicle. He didn't sound like they had a poaching issue. I think that would dramatically decrease if they didn't allow it during deer season; the only way they allow it during deer season is with a deer license, then you can night hunt with thermal imaging during deer season, if you take a deer and tag it, you can no longer hunt with thermal imaging; weird rule. Important to look at our neighbor states to see what is going on in and get feedback from them. The people I talked to support it and did not feel an issue of increased poaching. One of the comments made about use of caliber, in Nebraska they can use any caliber for night hunting and no one I called had any concern or issues with people not hitting their target or hitting something beyond the target not intended to be hit, so don't believe a concern.

Reimer – No more. Chairman Lauber – Any additional comments from commissioners? This comes up next time for a vote. Personally, I would liberalize a little, but what we have done makes sense and is a good compromise. Brad or Matt, comments? Secretary Loveless – Last man who spoke referenced conversations he had with Nebraska and Colorado, we routinely ask our counterparts, we get feedback and have gotten considerable amount of input from our peers in neighboring states and beyond because we collaborate on a variety of issues. I will talk with our staff. We have reflected some of that in last few meetings in terms of input from other states, but we will try to characterize that more thoroughly for your benefit at the next meeting. One thing I would point out is, depending who you talk to in an organization. My counterparts are

trying to integrate the science and politics of it, so you might get a different impression depending who you talk to. We will characterize it for next meeting. Peek – Thank you commissioners and those who commented. Reimer – Tim, has a follow up.

Tim Mathias – Brad I appreciate your feedback. Farmers I know are overwhelmingly in support of this. I was raised on a farm and I was taught the ethics of hunting and I am in support of this. One thing I forgot to mention, when talking to game wardens in Colorado, their night hunting consists of more than just coyotes, it consists of beaver, swift fox, coons, bobcat, striped skunk, red and gray fox; Nebraska had a big list there too. Like you to consider including more animals in there, would appreciate that. Chairman Lauber – Appreciate comments, good viewpoints and make me think. Appreciate you speaking your heart and what they think is in the best interest to the state. Jason Dickson – Joseph had another comment.

Joseph Kreipe – I have a friend here, Joe Hendricks, and he wants to speak.

Joe Hendricks – I think Tim is right on thermal hunting, it should be through furharvest season, only talking three months there too, from November 15 to February 15. Coyote hunting, that would be fun. I am 65 years old and born and raised in eastern Kansas. Our neighboring states are doing it. It would be wonderful, and I think handicap hunters should have a little more in there, just like we can during deer season, but understand some guys get a handicap permit when there is nothing wrong with them. Hunting is not as easy as everyone thinks. A lot of this stuff goes on small caliber guns and if you can't learn your equipment you shouldn't be out there to begin with. If you don't know what your background is you don't take the shot. Some might love to go up and down the river with their boat if that is their thing. Let's do this while we are young. Have a heart and do the right thing for some of us. Commissioner Sill – I have a request for Matt for the next meeting. A lot of reference to what our neighboring states do and the research I did showed only Colorado and Nebraska having a similar format that none of our other neighboring states do and only eight out of 14 of Midwest states. Please bring clarification to which states are currently allowing it in similar format and which ones aren't to clarify that. A lot of misinformation tossed out about how many and which states do and don't currently allow this.

Need clarity and accurate information. Chairman Lauber – Missouri just passed it recently, up until last couple of months it wasn't permitted. Commissioner Sill – That is true. Wisconsin, Iowa, Missouri, Arkansas, Oklahoma and Kansas did not allow it last year; Michigan, Ohio, Indiana, Illinois, Minnesota, North Dakota, South Dakota and Nebraska did; a six to eight split in Midwestern states. To keep throwing out statements that our neighboring states are makes us sound like we are behind the ball and not really that far behind. Present accurate information.

Peek – I already have that information and will present it again. Chairman Lauber – Does Colorado permit? Peek – Yes. Chairman Lauber – And Nebraska does? Missouri does? Peek – Yes, Missouri just did it and their recommendations are similar to ours. Chairman Lauber – Oklahoma has not? Peek – Correct. Iowa has legislative issue going on right now. Most states allow some sort of lights. Commissioner Sill may be referring to a certain type. When I say most of them do, most of them allow it in some form, on at least on some properties for at least some species. Commissioner Sill – I was comparing apples to apples, like some are only for coon hunting with dogs, and that doesn't have anything to do with what we are talking about, so those were in the “no” category. Chairman Lauber – Any other comments? Reimer – Zac had another comment.

Zac Castle – In terms of raccoon populations, discussed with wildlife officer last year out at Cheyenne Bottoms who was explaining how coon populations are sickly and it was likely a distemper issue. I think overharvest of furbearers is unlikely. Should be allowed for coons, most

people will agree there is a coon problem. Regarding animals like the bobcats, they are most thrifty of all wildlife and would be difficult to overharvest. That is a trophy-type animal for someone coming into hunt, desirable and highest value fur. I spoke with a few attorneys and district attorney regarding my interpretation of the law so will be interested to reach out to Mr. Tymeson and get his take on how you are interpreting the current regulation in the way you are.

3. Falconry Regulations – Jake George, wildlife division director, presented this regulation to the Commission (Exhibit L). As discussed last time, reviewing 115-14-11 thru -15 with members of the Kansas Hawking Club for some cleanup and a couple of changes we are working on. The changes indicated in the regulations will change a little next time, Chris Tymeson hadn't had a chance to review those before they went out in the briefing book. Those pages will change in format but not function. What we are trying to accomplish, main two changes are to removing requirement for facilities inspections for renewals if the physical location of that facility has not changed. Right now, when they renew every three years it requires a facility inspection from law enforcement officers. Didn't seem to be necessary for standing facilities that were not changing for the renewal process and could free up some of their time as well as administrative time for processing renewal applications; with caveat that our law enforcement could inspect facilities during normal business hours given notice. The other would be removing the requirement for permitted resident falconers to apply for a capture permit prior to attempting wild capture; within regulations quota is set for the amount of wild capture that falconer can take in Kansas in a given year. It is redundant because right now with federal database, which is online and was not when these regulations were put in place, and managers for our state get notifications when a 3-186a federal form is filed through that database, which is filed by the falconers anytime they have a capture or release of a bird. The reason that is for residents only and not for nonresidents is because if from another state we do not receive that notification and we need to know and have them report on any wild capture they are doing in our state. Another exception would be for residents and nonresidents with respect to attempting to capture peregrine falcons which are limited quota that we receive on an annual basis for the trapping season which runs September 20 to October 20, so we can notify when and if that quota is ever reached, we keep a list so even residents would have to indicate intent to capture a peregrine. We will workshop again.

Chairman Lauber – Concludes agenda for afternoon session. Do we sign back this evening?

Jason Dickson – You can do it either way. I am going to stop recording and live feed. You can close out and exit the meeting and sign back in or mute and turn off your camera. I will open the waiting room option again, so no one will actually be in the meeting and then will start letting people back in around 6:00 or so.

**VII. RECESS AT 4:37 p.m.**

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

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

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

Chairman Lauber – When guests speak, please say your name and where you are from, and commissioners state your name. Limit discussions to five minutes.

*No comments.*

## **VI. DEPARTMENT REPORT**

### **D. Public Hearing**

*Notice and Submission Forms, Attorney General letters dated January 15 and February 20 and Legislative Research Department letter dated March 6 and report from March 6 (Exhibit M).*

1. KAR 115-25-9a. Deer; open season, bag limit, and permits; additional considerations; Fort Riley – Levi Jaster, big game coordinator, presented this regulation to the Commission (Exhibit N). Focus on military subunits. Fort Riley requested designated person/youth season would be October 10-12, which is same weekend as pre-rut antlerless season. Also requesting open firearm season dates be November 27-29 and December 15-23. Additional archery days for individuals authorized by Fort Riley, typically individuals deployed or going to be deployed and would not have an opportunity to hunt otherwise, September 1-13 and January 11-31. They would like to close the pre-rut whitetail antlerless-only season and not have that on the Fort. Chairman Lauber – Do our conservation officers patrol the forts or does the military do that and call us in for issues? Jaster – I am not sure I know that they do some of their own patrolling but don't know if we assist them or not. Secretary Loveless – Jason Ott may be on the call. Jason Ott – We do patrol on the Fort and they do their own patrolling as well and we work together on a lot of stuff. Chairman Lauber – We have a pretty good partnership with them. Didn't know if we had seasons conflicting if that creates an extra burden on law enforcement or not; I suspect it doesn't. Ott – Doesn't create an extra burden for us we are already working with those people and their season dates are a little different in each of the different forts, but already working closely with federal officers. Reimer – We have the supervisory wildlife biologist from Fort Riley available to speak if you would like. Chairman Lauber – He is welcome to speak. Derek Moon – I am new supervisory wildlife biologist at Fort Riley taking over for Shawn Stratton. We do have several of our own game wardens, work with the state and do most of our own patrolling. Chairman Lauber – Thank you. Jaster - Fort Leavenworth only difference from statewide season is they want to open firearm season November 14-15, November 21-22, November 26-29, December 5-6, and December 12-13; same number of days only adjusts dates and makes them weekends. They want extended firearm season for antlerless-only white-tailed deer January 1-24; and extended archery season for antlerless-only whitetail deer January 25-31. Smoky Hill Air National Guard requested December 2-13, same season as statewide.

Jason Dickson – Have a comment from the public.

Michael Hansen, Brookville – Not on current subject, but on thermal imaging proposal, like to voice opinion on that. I am an avid hunter and I ranch, farm and am a landowner. I run several head of cow/calf pairs. I am not sure what proposal is, specific season for thermal imaging to hunt furbearers I guess. Like to not see that go through for a couple different reasons. As a landowner have seen several instances of poaching and as a landowner disrespect that and as a

hunter I respect wildlife, am law abiding and abide by regulations. The reason regulations are there is for wildlife and to protect them. With that proposal it will open a whole new can of worms. I feel coyotes and furbearers in general will be mistaken for killing livestock when something else might have been involved in the equation. Poaching is bad in my part of the state; poaching deer, furbearers and you know fur brings money as well as antlers on the black market or whatever. Hate to see things go downhill because of that proposal. Chairman Lauber – We did discuss it this afternoon. But good to have your comments.

**Commissioner Warren Gfeller moved to approve KAR 115-25-9a as presented to the Commission. Commissioner Troy Sporer second.**

**The roll call vote to approve was as follows (Exhibit O):**

<b>Commissioner Sporer</b>	<b>Yes</b>
<b>Commissioner Sill</b>	<b>Yes</b>
<b>Commissioner Rider</b>	<b>Yes</b>
<b>Commissioner Hayzlett</b>	<b>Yes</b>
<b>Commissioner Gfeller</b>	<b>Yes</b>
<b>Commissioner Cross</b>	<b>Yes</b>
<b>Commissioner Lauber</b>	<b>Yes</b>

**The motion as presented on KAR 115-25-9a passed 7-0.**

## **XII. OLD BUSINESS**

Chairman Lauber – Any other public comments? Live in-person meeting format is better, but this is working well, and I have encouraged staff to review how to allow the public to access future meetings by using this format or a format similar to this. It costs the department a lot of money to have a live meeting, while better, having this in the future from time to time is going to be increasingly user friendly and people will get on more. Even if pandemic goes away this meeting format may be around for a while. Have to decide how to handle a live meeting or tour in Beloit. Sheila will need to make arrangements and have some discussions so if you have any ideas share them with her.

## **XIII. OTHER BUSINESS**

### **A. Future Meeting Locations and Dates**

August 20, 2020 – Meet in Beloit, possible tour Ring Neck Ranch in morning as invited

September 24, 2020 - Topeka, Capitol Plaza Hotel

November 19, 2020 - Oakley, Buffalo Bill Cultural Center

January 14, 2021 - New Strawn

Secretary Loveless – We skipped New Strawn and Hutchinson and I like the idea of trying to get back to those places. To your point about this format being inclusive, one thing we have talked to Jason and his IT staff about is getting the best of both with in-person meeting offered and include a video screen for people who can't get there. Always seek to get more inclusive and get more

participation from the public and that might be a way to see their face and hear their voice if they can't travel to a meeting.

Assistant Secretary Miller – Keith Houghton at Ring Neck Ranch, if we do an in-person meeting there and do a tour in the morning, he would make rooms available, nice rooms and meals at a special rate for any of commissioners or staff who wanted to come in on Wednesday night. He would have a tour of his place as well as one of the big bird hatcheries south of him. Obviously we have a lot of things to figure out before we make those plans but wanted to let you know that it is available. If you haven't been there it is a beautiful facility in the blue hills (northern smoky hills) and is really pretty.

#### **XIV. ADJOURNMENT**

Adjourned at 6:53 pm.

# **General Discussion**

## **VI. DEPARTMENT REPORT**

### **C. General Discussion**

#### **1. Big Game Permanent Regulations.**

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

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

#### **Background**

This regulation contains the following items:

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

#### **Discussion**

Last year, changes to this regulation included modifying proof-of-sex regulations for antlerless deer and elk to allow hunters to voluntarily help prevent spreading chronic wasting disease by leaving the most infective parts of a carcass, the head and spine, at the site of harvest.

#### **Recommendation**

No change is proposed for this regulation.

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

#### **Background**

This regulation contains the following items:

- Specific equipment differences for hunting various big game species.
- Specifications for bright orange colored clothing, which must be worn when hunting during certain big game seasons.
- Accessory equipment such as calls, decoys, and blinds.
- Shooting hours

- Special restrictions on the use of horses or mules to herd or drive elk.

### **Discussion**

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

### **Recommendation**

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

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

### **Background**

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

### **Discussion**

Recent changes adjusted the boundaries of Deer Management Unit 19 for greater continuity of harvest management and to simplify the boundary lines for hunters.

### **Recommendation**

No change is proposed for this regulation.

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

### **Background**

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

### **Discussion**

No changes in the application process of big game or wild turkey permits are currently being discussed within the department.

### **Recommendation**

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

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

**Background**

This regulation contains the following items:

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

**Discussion**

Starting with the 2016 season, Either-species Antlerless Only Permits (ESAO) were no longer issued in Kansas. This was done to address the changing mule deer population to reduce harvest of female mule deer. Mule deer population status in other DMUs within the East and West mule deer hunt zones currently is stable at low density or declining.

**Recommendation**

No change is proposed for this regulation.

## **VI. DEPARTMENT REPORT**

### **C. Workshop Session**

#### **1. Deer 25-Series Regulations.**

##### **Background**

The regulation contains the following items:

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

##### **Discussion**

Annual adjustments will be made in the deer hunting season dates. This review process initiates the discussion of potential changes in deer hunting seasons for 2021-2022. The recommendations currently follow the traditional season structure, with potential changes to some seasons:

Typically, the first extended white-tailed deer antlerless-only (WAO) season has started on the New Year's Holiday and was open through the first weekend in January, or during the first weekend if January 1 fell on a Saturday. New Year's Day falls on Saturday in 2022. Hunter input during the 2018-19 season's deer harvest survey indicated hunters wanted more days to hunt and always want weekend days included in an antlerless season. There is also a need to increase harvest as part of chronic wasting disease management. The option currently being considered:

1. Three January WAO season lengths, 9 days, 16 days, and 23 days.

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

Public comment is sought about this option.

##### **Recommendation**

The proposed season dates suggested for deer hunting during 2021-22 are as follows:

Youth and Disability	Sept. 4, 2021 – Sept. 12, 2021
Early Muzzleloader	Sept. 13, 2021 – Sept. 26, 2021
Archery	Sept. 13, 2021 – Dec. 31, 2021
Pre-Rut WAO	Oct. 9, 2021 – Oct. 11, 2021
Regular Firearm	Dec. 1, 2021 – Dec. 12, 2021
1 <sup>st</sup> Extended WAO	Jan. 1, 2022 – Jan. 9, 2022
2 <sup>nd</sup> Extended WAO	Jan. 1, 2022– Jan. 16, 2022
3rd Extended WAO	Jan. 1, 2022 – Jan. 23, 2022
Extended Archery (DMU 19)	Jan. 24, 2022– Jan. 31, 2022

**Role of Controlled Shooting Areas (CSAs) in Hunting**  
**No briefing book items – possible handout at meeting**

## **Thirty Years of Blue Catfish Management in Kansas**

From 1972 through 1990, approximately 35,000 Blue Catfish, *Ictalurus furcatus*, were stocked in 16 Kansas impoundments less than 250 acres in size; however, the stockings failed to create lasting populations. From 1990 through 2005, more than 200,000 Blue Catfish were stocked in five impoundments, all larger than 6,000 acres, to determine if the larger impoundments could support recreational Blue Catfish fisheries. These stockings were justified in 2004 when sampling efforts showed a 500 percent increase in Blue Catfish longer than 20 inches and the first observations of Blue Catfish 20 inches and longer in creel surveys. On the heels of this success, more than 1 million Blue Catfish were stocked in 10 additional large impoundments from 2006 to 2019. The resulting Blue Catfish populations have created several unique fisheries, requiring different management strategies. To better understand these fisheries and establish effective management practices, a number of research projects have been completed or are underway. The current project's objective is to consolidate information gathered during the past 30 years of Blue Catfish management in Kansas to inform future management and drive future research as the species gains prevalence in Kansas and other Midwestern states.

## **iWIHA**

To increase public access to hunting opportunities near urban areas, the Wildlife Division created the Interactive Walk-In Hunting Access program. Launched in November 2017, the iWIHA program offers limited-use hunting opportunities on private lands in 22 urban counties. These tracts have limits on the number of hunters, or groups of hunters, that can access the tract at any point in time during the contract period. This format allows hunters to electronically check-in and out of each tract; the day-of or the night before their hunt. Once the hunter checks out a new hunter would be allowed to check-in. Furthermore, this program allows the landowner to restrict certain activities, hunting methods, or require other special restrictions. These limitations are negotiated to offer the most opportunity while attempting to appease the wishes of tentative urban landowners. This gives KDWPT a unique platform that offers more tools to both landowners and sportsmen in areas where access is most challenging.

## **VI. DEPARTMENT REPORT**

### **B. General Discussion**

#### **5. Regulatory Cleanup, Big Game and Wild Turkey Legal Equipment and Taking Methods**

In April 2020, the Commission voted to allow draw locks for vertical bows as legal equipment for big game (K.A.R. 115-4-4). To increase consistency across species and reduce unnecessary regulations, staff are reviewing the following regulations.

#### **K.A.R. 115-4-4a. Wild turkey; legal equipment and taking methods**

##### **Background**

This regulation contains:

- Specific equipment differences for hunting wild turkeys (vertical bows, crossbows, shotguns)
- Arrow and shot size requirements
- Accessory equipment such as calls, decoys and blinds
- Shooting hours

##### **Discussion**

Relatively few disabled hunters apply for draw lock permits each year. Because draw locks are now allowed for any archery hunter pursuing big game, this restriction for wild turkeys is inconsistent with the big game regulations. Allowing draw locks as legal equipment for wild turkeys is not anticipated to result in a significant increase in overall harvest or individual hunter success.

##### **Recommendation**

Staff recommend removing language restricting the use of mechanical devices that lock bows at full or partial draw and reference to K.A.R. 115-18-7, which would then be unnecessary.

#### **K.A.R. 115-18-7. Use of crossbows and locking draws for big game and wild turkey hunting by persons with disabilities; application, permit, and general provisions**

##### **Background**

This regulation outlines the process for a disabled hunter to apply for and acquire a permit to allow them to use a draw lock on a vertical bow for big game and wild turkeys.

##### **Discussion**

If language restricting the use of draw locks is removed from K.A.R. 115-4-4a, it is unnecessary

to have a regulation that outlines the process for a disabled hunter to acquire a permit to allow such a draw lock to be used.

**Recommendation**

Strike K.A.R. 115-18-7.

# **Workshop Session**

**Park Regulations**

**No briefing book items – possible handout at meeting**

## 2021 Reference Document Proposed Changes for Special Length and Creel Limits:

- Kanopolis Reservoir -- change to a 20/day creel limit on crappie.
- Junction City - Helland Pond -- add a 15-inch minimum length limit and a 5/day creel limit on largemouth bass and a 5/day creel limit on channel catfish.
- Sherman County – Smoky Gardens -- add a 15-inch minimum length limit and a 2/day creel limit on channel catfish. In addition, add catch and release only for largemouth bass, bluegill, and redear sunfish.
- Agra City Lake -- add an 18-inch minimum length limit and a 2/day creel limit on largemouth bass.
- Plainville Township Lake -- add an 18-inch minimum length limit and a 5/day creel limit on largemouth bass.
- We have a unique situation in Southeast Kansas, where four major river systems (Caney, Little Caney, Verdigris and Neosho) are greatly influenced by Oklahoma reservoirs. These four Oklahoma reservoirs (Hulah, Copan, Oologah and Grand) have been intensely managed for Blue Catfish for over a decade and have greatly influenced the catfish populations in our systems. We are considering proposing a regulation change on Blue Catfish from the current 5/day creel limit to a 10/day creel limit on the Caney, Little Caney, Verdigris and Neosho River systems. This regulation would include the entire Caney River and all its tributaries and the entire Little Caney River and all its tributaries. We are also considering proposing this regulation would include the Verdigris River upstream to the Toronto Reservoir Dam and all of its tributaries including: the Elk River upstream to the Elk City Reservoir Dam, the Fall River upstream to the Fall River Reservoir Dam and Big Hill Creek upstream to the Big Hill Reservoir Dam. In addition, we are also considering that the regulation be in effect on the Neosho River upstream to the John Redmond Reservoir Dam and all its tributaries including Labette Creek upstream to the Parsons City Lake Dam and Wolf Creek up to the Coffey County Lake Dam. And finally, we propose this same regulation on the Arkansas River from the state line upstream to the 21st Street Dam in Wichita and on the Ninnescah River from the confluence with the Arkansas River upstream to the Kingman City Dam.
- Olpe - Jones Park Pond -- add to the list of Youth/Mentor Fishing Locations. No cast nets and seining allowed.
- Emporia - Jones Park Ponds -- add to the list of Youth/Mentor Fishing Locations. No cast nets and seining allowed.
- Emporia - Peter Pan Park Pond -- No cast nets and seining allowed.
- Johnson County - Kill Creek Park Lake: add 15-inch minimum length limit and a 2/day creel limit for Channel Catfish, 15- to 18-inch slot length limit and a 10/day creel limit for Largemouth Bass, 18-inch minimum length limit and a 2/day creel limit for Smallmouth Bass, 18-inch minimum length limit and a 2/day creel limit for Walleye, 18-inch minimum length limit and a

2/day creel limit for Wiper, 50/day creel limit for Black and White Crappie (single species or combination), and 4/day creel limit for Rainbow Trout.

- Johnson County - Lexington Park Lake: add 15-inch minimum length limit and 2/day creel limit for Channel Catfish, 10-inch minimum length limit and 15/day creel limit for Black and White Crappie (single species or combination), 15- to 18-inch slot length limit and 5/day creel limit for Largemouth Bass, and 4/day creel limit for Rainbow Trout.

## **Other 2021 Proposed Fishing Regulation Changes.**

### **Change 115-18-10. Importation and possession of certain wildlife; prohibition, permit requirement, and restrictions.**

We would like to **update our prohibited species** list to include fish and crayfish species that would align our list with the Federal Injurious Species List, which added several species in 2016.

- We propose adding:
  - Crucian Carp *Carassius carassius*
  - largescale Silver Carp *Hypophthalmichthys harmandi*
  - Prussian Carp *Carassius gibelio*
  - Wels Catfish *Silurus glanis*
  - Eurasian Minnow *Phoxinus phoxinus*
  - Stone Moroko *Pseudorasbora parva*
  - European Perch *Perca fluviatilis*
  - Nile Perch *Lates niloticus*
  - Roach *Rutilus rutilus*
  - Amur Sleeper *Percottus glenii*
  - Zander *Sander lucioperca*
  - Yabby, common (a crayfish) *Cherax destructor*

### **Change 115-7-10. Fishing; special provisions.**

Last year white perch were found in Wichita - South Lake, so we need to add this impoundment to the Kansas Aquatic Nuisance Species Designated Waters list. In addition, zebra mussels have recently been found in Linn County - Linn Valley Lake - Main Lake and needs to be added to the list.

### **Change 15-1-1. Definitions. (a) (39)**

We would like the words "Carp" and "white amur" removed and replaced with "Common Carp, Silver Carp, Bighead Carp, Black Carp and Grass Carp"

### **Change 115-7-3. Fish; taking and use of baitfish or minnows.**

We propose adding verbiage that allows the take of Silver Carp and Bighead Carp regardless of size (how gizzard shad are currently treated). In addition, we propose adding verbiage that clarifies that Silver and Bighead Carp in possession must be immediately euthanized per 115-18-10 (prohibited species list).

**Fishing Privileges Proposal.** A new discounted youth trout permit; reduced cost resident daily fishing permit and reduced non-resident daily license proposals will be presented by David Breth.

**Workshop Session**  
**Public Lands Cabins**  
**August 20, 2020**

Background:

The Public Lands Division operates rental cabins at Atchison, McPherson, and Ottawa State Fishing Lakes and the Mined Lands Wildlife Area.

Each of these properties features one cabin available for rent except for Mined Lands WA which has two.

Public Lands cabin rental rates have been \$70 per night at all cabins since their inception in 2007.

Discussion:

These cabins are 10 – 13 years old and are in need of extensive repairs and upgrades. Maintenance and cleaning costs continue to increase. The current rental rate of \$70 per night is not keeping up with expenses and the public lands cabin program is operating in the red.

-Annual occupancy for these cabins is as follows:

Ottawa SFL = 23%

McPherson SFL = 26%

Atchison SFL = 34%

Mined Lands WA = 60% & 47% (2 cabins)

\*\*Because of low annual occupancy and other management factors, an internal decision has been made that the cabins at Ottawa SFL and McPherson SFL will no longer be operated as rental cabins. They will be utilized as offices for KDWPT staff.

Recommendation:

The Department is recommending that the nightly rental rate for the cabins at Atchison SFL and Mined Lands Wildlife Area be increased from \$70 to \$105.

This recommendation is based on research conducted and comparisons made to State Park cabin rental rates (\$70 - \$140), local lodging rates, and annual costs to maintain.

## **Falconry Regulations - K.A.R. 115-14-[11-15]**

In August of 2012, existing falconry regulations K.A.R. 115-14-[1-10] were revoked and new falconry regulations K.A.R. 115-14-[11-15] were approved. This process was prompted by changes in federal regulations that required states to handle the permitting of falconers as opposed to USFWS issued federal permits. The new regulations were certified as meeting USFWS minimum standards for falconry.

Per the federal regulations, state regulations may be more restrictive than the federal standards but may not be less restrictive. Additionally, state regulations must be consistent with the terms contained in any convention between the United States and any foreign country for the protection of raptors and the Migratory Bird Treaty Act.

The proposed regulation changes have been reviewed for compliance with the minimum federal standards.

The recommended changes and additions to the regulation language will:

- Clean up and clarify definitions within the regulations
- Remove the requirement for an inspection of facilities for renewals if the facility has not changed locations
- Remove the requirement for permitted resident falconers to submit an application prior to attempting wild capture (excepting peregrine capture)

## **VI. DEPARTMENT REPORT**

### **C. Workshop**

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

##### **Background**

The 2020 spring turkey season was open April 1 – May 31 and included three different segments - youth/disabled, archery, and regular. The fall 2020 season will be open October 1 to November 10. Hunting regulations are set within six management units for both spring and fall seasons (Figure 1).

For the spring 2020 season, 26,966 hunters purchased 32,324 carcass tags. Nonresidents accounted for 13 percent of Kansas' spring hunters. Estimated spring harvest was 13,404, a 43% decline from 2019 (Table 1). Statewide spring hunter success remained relatively stable in 2020 (48%, Table 1).

##### **COVID-19 and Executive Order 20-21**

On April 10, Governor Laura Kelly, with the support of KDWPT, signed an executive order suspending the sale of general nonresident turkey permits, effective immediately in an effort to protect the health of Kansans and prevent the spread of COVID-19. The suspension was lifted on May 27, allowing nonresidents to again purchase and utilize permits from May 27-31.

Spring nonresident permit sales in 2020 declined 76.6% from 2019, while resident permit sales increased by 10.2% (Table 2). Overall, permit sales declined by 25.1%.

##### **Population Status and Productivity**

Turkey abundance in Kansas has been declining since the late 2000s. Statewide turkey production was quite low in 2019, primarily because of extensive flooding, especially in the eastern half of the state. Production is expected to be fair to good in eastern Kansas in 2020, as heavy rainfall was lacking in the spring, and fair in the west, with drought conditions existing in several areas. At the time of this writing, the 2020 brood survey is being conducted, so production for 2020 has not been estimated. Reduced turkey production is a trend that has been noted throughout the Midwest in the past 5-10 years and is a primary concern as turkey populations decline across the region.

##### **Recommendations**

###### ***Bag Limits***

The department utilizes an adaptive harvest strategy to help guide staff recommendations on wild turkey permit allotments during both the spring and fall seasons. The intent of the strategy is to maintain high hunter success in each management unit while maintaining relatively high populations. The strategy provides a consistent and transparent method of developing staff recommendations and includes a hierarchy of regulation packages for both the spring and fall seasons as well as established triggers for when and how changes to bag limits will be recommended. The strategy has been in place now for 10 years and includes data for the last 17 hunting seasons.

An analysis of the spring 2020 harvest data revealed that no thresholds were reached that would trigger a recommendation to change bag limits in any units.

**Staff do not recommend any bag limit changes for spring or fall 2021 seasons.**

*Season Structure*

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

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

In 2019, the Commission voted to reduce the statewide fall turkey season from October 1-January 31 to October 1-November 10, beginning in fall 2020.

**Staff do not recommend any season structure changes,** which would result in the following 2022 Spring and Fall Turkey season dates:

Spring

- Youth / Disabled      April 1 - 12
- Early Archery          April 4 - 12
- Regular Firearm        April 13 - May 31

Fall

- All Legal Methods      October 1 – November 10

Table 1. Kansas wild turkey permit sales, total harvest, and hunter success for each of the last 5 seasons, 2015-2020.

Spring			Fall			
Permits & Game Tags	Total Harvest	Success (%)	Permits & Game Tags	Total Harvest	Hen Harvest (%)	Success (%)
74,609	37,264	55	12,134	2,093	36	26
71,320	30,298	47	8,741	1,471	22	26
65,818	30,441	51	6,262	1,183	36	25
60,545	22,639	43	5,475	1,275	35	30
56,388	23,568	47	4,570	--	--	--
32,324	13,404	48	--	--	--	--

Success: percentage of active hunters harvesting ≥ 1 bird

Table 2. Spring turkey permit and game tag sales for 2019 and 2020.

Permit Type	2019	2020	Difference
Carcass Tags	56,388	32,324	-42.7%
Permits	35,979	26,966	-25.1%
Game Tags	21,204	5,670	-73.3%
Resident Permit Buyers	21,368	23,550	10.2%
Nonresident Permit Buyers	14,611	3,416	-76.6%
Resident Game Tags	9,770	3,903	-60.1%
Nonresident Game Tags	11,434	1,767	-84.5%
Total Game Tags	21,204	5,670	-73.3%

Table 3. 2019 Spring Rural Mail Carrier Survey population index (turkeys / 100 miles) differences from 2019 and 5- and 10-year averages.

	Northwest	Northcentral	Northeast
Difference from 2018 (%)	-34.8	1.2	-13.9
2019 difference from 5-year average (%)	-13.2	-12.6	-0.2
2019 difference from 10-year average (%)	-41.3	-29.2	-14.4

	Southwest	Southcentral	Southeast	Statewide
Difference from 2018 (%)	17.8	-12.7	7.6	-10.2
2019 difference from 5-year average (%)	18.7	-16.6	-3.8	-8.0
2019 difference from 10-year average (%)	9.2	-18.4	1.1	-19.5

Table 4. 2019 Summer Rural Mail Carrier Survey production index (poults / adult) differences from 2019 and 5- and 10-year averages.

	Northwest	Northcentral	Northeast
Difference from 2018 (%)	-54.4	-87.7	-50.7
2019 difference from 5-year average (%)	-36.3	-86.2	-22.1
2019 difference from 10-year average (%)	-57.2	-84.9	-28.3

	Southwest	Southcentral	Southeast	Statewide
Difference from 2018 (%)	17.6	-75.7	-57.9	-58.8
2019 difference from 5-year average (%)	4.8	-74.5	-42.7	-50.3
2019 difference from 10-year average (%)	-10.2	-79.3	-35.4	-52.8

Table 5. Spring turkey season resident hunter success (%), 2016-2020.

Year	Northwest (Unit 1)	Northcentral (Unit 2)	Northeast (Unit 3)	Southwest (Unit 4)	Southcentral (Unit 5)	Southeast (Unit 6)	Statewide
2016	34.5	54.1	48.7	40.7	44.6	41.2	43.0
2017	50.0	58.3	45.1	65.0	48.9	44.3	44.4
2018	37.8	41.8	37.3	37.5	44.3	35.5	36.9
2019	56.3	56.0	40.7	57.1	47.1	42.9	42.9
2020	61.1	58.2	45.7	69.6	44.8	37.7	45.6

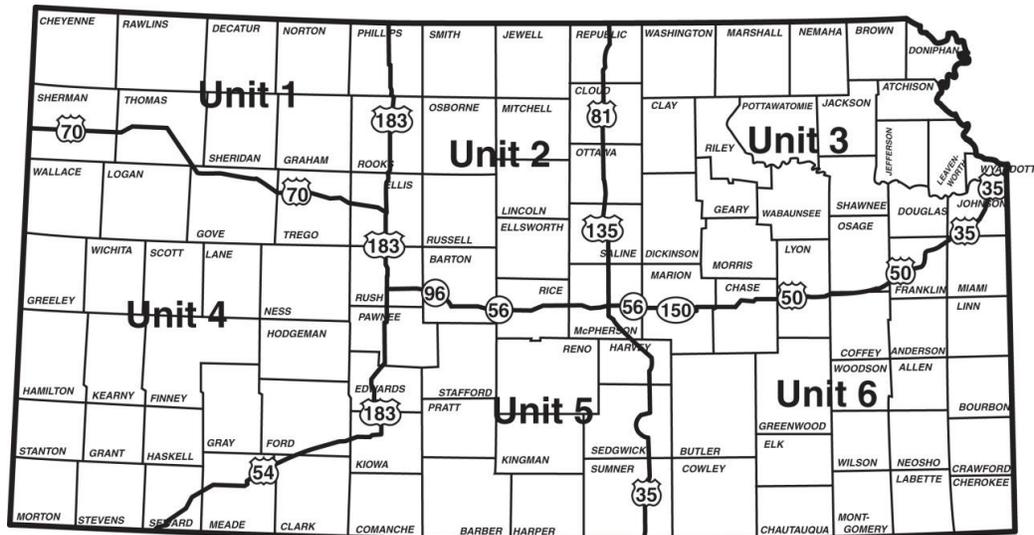


Figure 1. Hunting units for Kansas’ 2020 turkey seasons. A 2020 spring turkey permit could be purchased over-the-counter for Units 3, 5 and 6, while an additional game tag could be purchased in Units 1 and 2. Five hundred spring permits were issued for Unit 4 through a pre-season drawing and were also valid in adjacent units. A 2020 fall turkey permit can be purchased over the counter, and is valid in Units 1, 2, 3, 5, and 6. There will be no fall turkey hunting allowed in Unit 4 in 2020.

# **Secretary's Remarks**

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

# **Public Hearing**

Document No. \_\_\_\_\_

KANSAS REGISTER  
SUBMISSION FORM

Agency Number -- 710-01

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

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

Topeka, Kansas 66612-1233

Title of Document -- Public Hearing

Desired Date of Publication - June 18, 2020

CERTIFICATION

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

Christopher J. Tymeson  
Liaison officer's typed name

  
Liaison officer's signature

Department Attorney

(785) 296-2281

Title

Phone

---

This space for Register office use only

## Wildlife, Parks, and Tourism Commission

### Notice of Public Hearing

A public hearing will be conducted by the Wildlife, Parks, and Tourism Commission at 6:30 p.m., Thursday, August 20, 2020 at North Central Kansas Technical College, 3033 US Highway 24, Beloit, Kansas, to consider the approval and adoption of the proposed regulations of the Kansas Department of Wildlife, Parks, and Tourism.

A general discussion and workshop meeting on the business of the Wildlife, Parks, and Tourism Commission will begin at 1:30 p.m., August 20 at the location listed above. The meeting will recess at approximately 5:00 p.m. and then resume at 6:30 p.m. at the same location for the regulatory hearing and more business. There will be public comment periods at the beginning of the afternoon and evening meeting for any issues not on the agenda and additional comment periods will be available during the meeting on agenda items. Old and new business may also be discussed at this time. If necessary to complete business matters, the Commission will reconvene at 9:00 a.m. August 21 at the location listed above.

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

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

All interested parties may submit written comments prior to the hearing to the Chairman of the Commission, Kansas Department of Wildlife, Parks, and Tourism, 1020 S. Kansas Ave., Suite 200, Topeka, KS 66612 or to [sheila.kemmis@ks.gov](mailto:sheila.kemmis@ks.gov) if electronically. All interested parties will be given a reasonable opportunity at the hearing to express their views orally in regard to the adoption of the proposed regulations. During the hearing, all written and oral comments submitted by interested parties will be considered by the commission as a basis for approving, amending and approving, or rejecting the proposed regulations. To provide all parties with an opportunity to present their views, it may be necessary to request that each participant limit any oral presentation to five minutes.

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

**K.A.R. 115-5-1.** This permanent regulation establishes the legal equipment, taking methods, and general provisions for furbearers and coyotes. The proposed changes to the regulation include allowing the use of artificial light, night vision equipment and thermal imaging equipment for hunting coyotes under certain conditions, times and locations.

**Economic Impact Summary:** No substantial economic impact to the department, other state agencies, small businesses, or individual members of the public is anticipated.

**K.A.R. 115-6-1.** This permanent regulation establishes the application, authority, possession of furs, records, and revocation regarding the fur dealer license. The proposed amendments would allow a department-approved electronic record system for fur dealers.

**Economic Impact Summary:** No substantial economic impact to the department, other state agencies, small businesses, or individual members of the public is anticipated.

Copies of the complete text of each regulation and its respective economic impact statement may be obtained by writing the chairman of the Commission at the address above, electronically on the department's website at [ksoutdoors.com](http://ksoutdoors.com), or by calling (785) 296-2281.

Gerald Lauber, Chairman

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Gerald Lauber, Chairman



STATE OF KANSAS  
OFFICE OF THE ATTORNEY GENERAL

**DEREK SCHMIDT**  
ATTORNEY GENERAL

MEMORIAL HALL  
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June 2, 2020

Chris Tymeson  
Kansas Department of Wildlife, Parks & Tourism  
1020 S. Kansas Ave.  
Topeka, KS 66612

RE: **K.A.R. 115-6-1**

Dear Mr. Tymeson:

Pursuant to the Rules and Regulations Filing Act, K.S.A. 77-415, *et seq.*, we have reviewed the above-referenced regulation and finding no issues of concern, have approved it. The stamped original regulation is enclosed with this letter.

Sincerely,

OFFICE OF THE ATTORNEY GENERAL  
DEREK SCHMIDT

A handwritten signature in cursive script that reads "AnnLouise Fitzgerald".

AnnLouise Fitzgerald  
Assistant Attorney General

AL:sb  
Enclosure

cc: Sen. Caryn Tyson, Chair, Joint Committee on Rules and Regulations  
Rep. Ron Highland, Vice Chair, Joint Committee on Rules and Regulations  
Sen. Oletha Faust-Goudeau, Ranking Minority Member, Joint Committee on  
Rules and Regulations  
J. G. Scott, Legislative Research, State Capitol, Room 68-W  
Natalie Scott, Office of Revisor, State Capitol, Room 24-E



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June 2, 2020

Chris Tymeson  
Kansas Department of Wildlife, Parks & Tourism  
1020 S. Kansas Ave.  
Topeka, KS 66612

RE: **K.A.R. 115-5-1**

Dear Mr. Tymeson:

Pursuant to the Rules and Regulations Filing Act, K.S.A. 77-415, *et seq.*, we have reviewed the above-referenced regulation and finding no issues of concern, have approved it. The stamped original regulation is enclosed with this letter.

Sincerely,

OFFICE OF THE ATTORNEY GENERAL  
DEREK SCHMIDT

AnnLouise Fitzgerald  
Assistant Attorney General

AL:sb  
Enclosure

cc: Sen. Caryn Tyson, Chair, Joint Committee on Rules and Regulations  
Rep. Ron Highland, Vice Chair, Joint Committee on Rules and Regulations  
Sen. Oletha Faust-Goudeau, Ranking Minority Member, Joint Committee on  
Rules and Regulations  
J. G. Scott, Legislative Research, State Capitol, Room 68-W  
Natalie Scott, Office of Revisor, State Capitol, Room 24-E

**115-6-1. Fur dealer license; application, authority, possession of furs, records, and revocation. (a)**

Each application shall be submitted on a form provided by the department. Each applicant shall provide the following information:

- (1) Name of applicant;
  - (2) residential address;
  - (3) the address of each business location;
  - (4) an inventory of raw furs, pelts, skins, and carcasses of furbearing animals and coyotes on hand at time of application; and
  - (5) any other relevant information as required by the secretary.
- (b) Each fur dealer license shall expire on June 30 following the date of issuance.
- (c) Each fur dealer shall deal only with properly licensed persons and only at authorized fur dealer business locations.
- (d) Any fur dealer may buy, purchase, or trade in the furs, pelts, skins, or carcasses of coyotes.
- (e) Any fur dealer may possess legally acquired furs, pelts, skins, or carcasses of furbearing animals for no more than 30 days after the expiration date of the fur dealer's license. Coyote furs, pelts, skins, or carcasses may be possessed without limit in time.
- (f) Each fur dealer shall purchase or acquire only those bobcat, otter, and swift fox pelts that have been tagged with a department export tag or with the official export tag provided by the wildlife agency of another state, except for any legally harvested swift fox pelt originating from a state that does not require an official export tag.
- (g) Each fur dealer shall maintain a furharvester record book and a fur dealer book provided by

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the department or shall use a department-approved electronic record system. Entries shall be made in the appropriate record book or electronic record system whenever receiving, shipping, or otherwise disposing of furs, pelts, skins, or carcasses of furbearing animals or coyotes. Each record book or electronic record system, all receipts, and all furs, pelts, skins, and carcasses in the fur dealer's possession shall be subject to inspection upon demand by any conservation officer. Each record book or electronic record and all receipts shall be subject to copying upon demand by any conservation officer. Each fur dealer shall forward all record books or electronic records to the department annually on or before May 1.

(1) The furharvester record book or electronic record system shall include the following information:

- (A) The name of the fur dealer;
- (B) residential address;
- (C) fur dealer license number;
- (D) the date of each receipt of furs, pelts, skins, or carcasses;
- (E) name, address, and license number of each person from whom furs, pelts, skins, or carcasses were acquired;
- (F) name of the state where the furs, pelts, skins, or carcasses were harvested;
- (G) number of each species of furs, pelts, skins, or carcasses acquired; and
- (H) any other relevant information as required by the secretary.

(2) The fur dealer record book or electronic record system shall include the following

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information:

- (A) The name of the fur dealer;
- (B) residential address;
- (C) fur dealer license number;
- (D) date of each receipt or disposal of furs, pelts, skins, or carcasses;
- (E) name, address, and fur dealer license number of each fur dealer from which furs, pelts, skins,

or carcasses are acquired or to which they are sold;

(F) number and species of furs, pelts, skins, or carcasses acquired or sold; and

(G) any other relevant information as required by the secretary.

(h) In addition to other penalties prescribed by law, a fur dealer's license may be refused issuance or revoked by the secretary under any of the following circumstances:

- (1) The application is incomplete or contains false information.
- (2) The fur dealer fails to meet reporting requirements.
- (3) The fur dealer violates license conditions.
- (4) The fur dealer has violated department laws or regulations or has had any other department

license or permit revoked or suspended. (Authorized by and implementing K.S.A. ~~2018~~ 2019 Supp. 32-807 and K.S.A. 32-942; effective March 19, 1990; amended Sept. 4, 2009; amended July 26, 2013; amended May 31, 2019; amended P-\_\_\_\_\_.)

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

KDWPT  
Agency

Christopher J Tymeson  
Agency Contact

785-296-1032  
Contact Phone Number

K.A.R. 115-6-1  
K.A.R. Number(s)

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

Division of the Budget  
900 SW Jackson, Room 504-N  
Topeka, KS 66612

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

This regulation establishes the fur dealer license requirements and record keeping. The proposed changes would allow for electronic record keeping by fur dealers.

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

This is not a federal mandate. Missouri, Oklahoma, Nebraska and Colorado all have varying regulations dealing with furbearer seasons and dealer requirements.

**III. Agency analysis specifically addressing following:**

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

The proposed amendments will may enhance business activities and growth.

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

The proposed amendments could have a positive economic impact on fur dealers who choose to use electronic records thereby saving personnel time.

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

Fur dealers.

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

The proposed change is designed to alleviate some record keeping requirements for fur dealers.



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

There are no costs associated with this proposal.

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

There are no implementation or compliance costs with this proposal.

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

There are no implementation or compliance costs with this proposal.

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

YES  NO

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

There are no implementation or compliance costs with this proposal.

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

YES  NO

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

Not applicable.

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

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



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

Not applicable.



**115-5-1. Furbearers and coyotes; legal equipment, taking methods, and general provisions. (a)**

Hunting equipment permitted during furbearer hunting seasons and during coyote hunting seasons shall consist of the following:

- (1) Firearms, except fully automatic firearms;
- (2) archery equipment;
- (3) crossbows; and
- (4) optical scopes or sights that project no visible light toward the target and do not electronically amplify visible or infrared light, except as specified in subsection (d).

(b) Trapping equipment permitted during furbearer and coyote trapping seasons shall consist of the following:

- (1) Smooth-jawed foothold traps, except that all types of foothold traps may be used in water sets;
- (2) body-gripping traps;
- (3) box traps;
- (4) cage traps;
- (5) colony traps;
- (6) snares; and
- (7) deadfalls.

(c) The following general provisions shall apply to the taking of furbearers and coyotes:

- (1) Calls may be used in the taking of furbearers and coyotes.
- (2) Handheld, battery-powered flashlights, hat lamps, and handheld lanterns may be used while

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trapping furbearers or coyotes or while running furbearers.

(3) Any .22 or .17 caliber rimfire rifle or handgun may be used to take trapped furbearers or trapped coyotes when using a light to check traps.

(4) Any .22 or .17 caliber rimfire rifle or handgun may be used while using a handheld, battery-powered flashlight, hat lamp, or handheld lantern to take furbearers treed with the aid of dogs.

(5) Lures, baits, and decoys may be used in the taking of furbearers and coyotes.

(6) The use of horses and mules shall be permitted while hunting, trapping, or running furbearers and coyotes.

(7) The use of motor vehicles for taking coyotes shall be permitted while hunting coyotes, except as provided in subsection (d).

(8) The use of radios in land or water vehicles shall be permitted for the taking of coyotes.

(9) The use of dogs for hunting and during running seasons shall be permitted.

(10) Each body-gripping trap with an inside jawspread of eight inches or greater, when measured across the jaws at a 90-degree angle, shall be used only in a water set.

(11) Only landowners or tenants of land immediately adjacent to the right-of-way of a public road, or their immediate family members or authorized agents, may set slide-locking wire or snare-type cable traps as dryland sets within five feet of a fence bordering a public road or within 50 feet of the outside edge of the surface of a public road. Only these landowners or tenants, or their immediate family members or authorized agents, may possess the fur, pelt, skin, or carcass of any furbearer or

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coyote removed from these devices located within these specified limits.

(12) A person shall not have in possession any equipment specified in subsection (a) while pursuing or chasing furbearers with hounds during the running season.

(13) All trapping devices included in subsection (b) shall be tagged with either the user's name and address or the user's department-issued identification number and shall be tended and inspected at least once every calendar day.

(14) Each foothold trap that has an outside jawsread greater than seven inches, when measured across the jaws at a 90-degree angle, shall be used only in a water set.

(d) From January 1 through March 31, the following provisions shall apply to the hunting of coyotes:

(1) Artificial light, scopes and equipment that amplify visible light, and thermal-imaging scopes and thermal-imaging equipment may be used for hunting.

(2) The use of vehicles when hunting with the equipment specified in paragraph (d)(1) shall be prohibited.

(3) The use of the equipment specified in paragraph (d)(1) shall not be authorized on department lands and waters.

(4) Each person using the equipment specified in paragraph (d)(1) in the manner prescribed in this subsection shall first obtain a permit from the department. (Authorized by and implementing K.S.A.

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2018 2019 Supp. 32-807 and 32-1003; effective March 19, 1990; amended Nov. 15, 1993; amended July 19, 2002; amended Feb. 18, 2005; amended Sept. 4, 2009; amended July 22, 2011; amended July 26, 2013; amended May 31, 2019; amended P-\_\_\_\_\_.)

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**Kansas Administrative Regulations  
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Submit a hard copy of the proposed rule(s) and regulation(s) and any external documents that the proposed rule(s) and regulation(s) would adopt, along with the following to: Division of the Budget  
900 SW Jackson, Room 504-N  
Topeka, KS 66612

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

This proposed amendments to the regulation would allow the use of certain types of equipment during specified times to hunt coyotes.

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

This is not a federal mandate. Missouri, Oklahoma, Nebraska and Colorado all have varying regulations dealing with legal equipment requirements for the hunting of coyotes.

**III. Agency analysis specifically addressing following:**

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

The proposed amendments will not enhance or restrict business activities or growth.

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

The proposed amendments will have no economic effect on any sector.

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

None.

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

The proposal is expanding opportunities for coyote hunters.



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

There are no costs associated with this proposal.

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

There are no implementation or compliance costs with this proposal.

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

There are no implementation or compliance costs with this proposal.

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

YES  NO

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

There are no implementation or compliance costs with this proposal.

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

YES  NO

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

Not applicable.

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

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

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

Not applicable.



Table 1. Summary of night hunting regulations of 15 Midwest and select states.

State	Lights, night vision and thermal imaging equipment allowed for recreational calling?	species	land ownership restrictions	firearm restrictions	vehicle use	Coyote Season Dates	Comments	# of Regs Fields Similar With KS
1 Oklahoma	not allowed						Legislation to allow proposed in 2019 cut short by Covid. Nothing active now.	0
2 Wisconsin	lights only	coyote, fox and raccoon	none	none	prohibited	year-round	Light can't be used to locate animal, only to ID/light up for the shot	2
3 Colorado	lights only	coyote and furbearers	none	none	prohibited	year-round	permit required on public lands	2
4 South Dakota	yes	coyote & some furbearers	private land only	bullet <.225" dia	allowed	year-round	Landowner &/or 2 guests with written permission may hunt; effective July 1.	2
5 Indiana	spotlight only	coyote and fox	none	none	prohibited	Oct 15 - Mar 15	visible continuous light required	3
6 Michigan	yes	coyote and some furbearers	some PL prohibitions	.269 caliber or smaller	prohibited	year-round		3
7 Minnesota	yes	coyote and fox	none	shotgun-only Rifle restrictions on state lands	prohibited	Jan 1 - Mar 15	must use with calling device	3
8 Illinois	yes	coyote and furbearers	none		prohibited	Nov 10 - Mar 15		3
9 Iowa	Infrared light only	coyote only	none	none	prohibited	year-round (except during FA deer)		3
10 Texas	yes	coyote and furbearers	private land only	none	allowed	year-round		3
11 North Dakota	yes	coyote and some furbearers	none	none for coyote/fox, .22/.410 limit for raccoon	prohibited	Nov 25-Mar 15	no white light, power source 6v or less,	3
12 Ohio	yes	coyote only	none	none	prohibited	year-round (except during FA deer)	visible continuous light required	4
13 Kentucky	yes	coyote only	some PL prohibitions	6.5 Creedmore or smaller from Dec 1-Mar 31, shotgun-only on PL	prohibited	Dec 1-May31	effective June 2	5
14 Missouri	yes	coyote only	none	none	prohibited	Feb 1-Mar 31	Proposed (Sept vote); includes feral hog	5
15 Kansas	yes	coyote only	some PL prohibitions	none	prohibited	Jan 1 - Mar 31	Proposed	6
# of States with Regs Similar with Kansas		10	5	5	8	12	7	