

**Kansas Department of Wildlife, Parks & Tourism  
Commission Meeting Minutes  
Thursday, November 19, 2020  
Virtual Zoom Meeting**

**Approved** Subject to  
**1/14/21** Commission  
Approval

The November 19, 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, Warren Gfeller, Aaron Rider, Lauren Queal 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. (Agenda – Exhibit B).

**IV. APPROVAL OF THE September 24, 2020 MEETING MINUTES**

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

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

Chairman Lauber – Please state your name when you talk so record can reflect that.

Margaret Kramar – Statement sent yesterday (Exhibit D), live halfway between Topeka and Lawrence. This matter came to my attention because for the month of November, our book group read Coyote America by Dan Flores. We learned that coyotes are a much maligned, persecuted species that has been needlessly slaughtered by the hundreds of thousands throughout American history. Then, as coincidence would have it, I learned within the next few days from a news source that at their August 2020 meeting, the commissioners of the Kansas Department of Wildlife, Parks and Tourism approved a resolution allowing coyotes to be hunted at night with lights and thermal-imaging equipment. I personally oppose the killing of coyotes for any reason, because studies have established that their slaughter increases rather than decreases their numbers. As a pet and livestock owner, I also know that keeping my animals safe is my responsibility. However, I am realistic enough to realize that the hunting of coyotes is not going to stop anytime soon. That is why I am specifically targeting hunting at night with lights and thermal-imaging equipment, a cruel and inhumane practice that eliminates any fairness from the “sport” of hunting. These young climate activists are the wave of the future, and they are not participating in the hunting and trapping traditions of their fathers and grandfathers. They instead

believe that every living thing plays an important role in a healthy ecosystem. They denounce wanton killing and violence. So, if you do not want your agency to go by the way of the dinosaurs, I would suggest that you tune into their message, and at the very least, reverse the regulation of hunting at night with lights and thermal-imaging equipment, a practice that many Kansans find cruel, inhumane and appalling. Chairman Lauber – 20 pups is a serious litter. Thank you Margaret. We will take what you say and pay attention.

Chairman Lauber – Last weekend was opening weekend of duck season in southeast zone and I received comments from constituents, they are asking why the season starts so late and why so much emphasis is placed on the tail-end of the permissible duck season when so much of the water is iced up. Have had this discussion multiple times but for somebody that asks it for the first time it is not any easy thing to answer. Starting next year, I think we should reconsider having a little earlier opener. I take my grandson with me, he is too young to shoot, but if ducks there too late he can't go because it is cold and frozen up and we are missing a recruitment opportunity. Not talking about a lot of extra time. Staff has generally approved and recommended earlier opening, need to take hard look at that. It was difficult for me to explain to constituents who don't hunt in extreme southeast part and have opportunities to ice eaters, equipment and duck clubs, why that type of hunting appears to get the preference. Secretary Loveless – I have heard some of the same comments. Talking to managers at Neosho area and two weeks ago had cold snap and they had over 200,000 waterfowl on their area and that rekindled the conversation; are we missing an opportunity for people to get in because the season was still closed? A worthwhile conversation and we look forward to having that discussion. Commission Sporer – Cold snap pushed birds down earlier than normal. This was first year on opening day of duck season where there were actually had ducks we were able to hunt. In duck season, when you get a cold front people can miss out. I can remind people after January 1 when more ducks here and the season is closed and we don't have an opportunity to hunt, so it goes both ways. Chairman Lauber – Cold snap pushed the wood ducks out early, usually they hang around a little longer.

Jason Dickson – Have a person who wants to comment.

Stephanie Valea, 13 year old living in Washington – Your trappers and predator killing programs have already pushed American wolverines to the edge of extinction and now snowy habitat disappears in our warming world so do the wolverines. As few as 300 American wolverines remain in the lower 48 states and despite serious threats to survival wolverines have once again gained American Species Act protection. The American wolverine could disappear from every state save Alaska if we don't act fast. It is only a matter of time and wolverines aren't the only ones in danger. Right now, there are no gray wolves in Kansas, you need to start helping them recover because with the most recent decision to remove gray wolves from the endangered species list their numbers will only decrease. This vulnerable wolf species could be eradicated from this country by the end of the year. What makes wolf killings even more horrific is that wolves are familial animals, they usually live in packs of up to 30 individuals, many of which likely have families and young to take care. Members of a wolf pack are one big family and for animals such as wolves hunting can devastate entire communities. Mother wolves especially form strong and inseparable bonds with their cubs and when they are killed their orphan cubs are left all alone with no one that close to love and care for them. Yet we continue to kill their mothers and relatives just for mats or fur rugs, bragging rights and profit and it doesn't stop

there. Many other animal species are struggling from the same thing as families and many of them are also endangered. Wildlife numbers are decreasing, yet hunters still claim hunting helps conservation efforts when in reality it does the opposite, it exacerbates the population decline of many imperiled species such as the ones I just mentioned. All of this for a trophy. Pope Francis once said, “it is not enough to think of different species merely as potential resources to be exploited but overlooking the fact that they have value in themselves”. Each year sees the disappearance of thousands of plant and animal species, which we will never know, which our children will never see because they have been lost forever. When I say we overlook the fact that these species have value in themselves I’m not talking about their economic value. Wildlife should also have an equal say in this. I urge you to stand with me in condemning the killing of all wildlife by placing protections on them again. That is why I am here today, because it is time for us to change. I have had enough of wildlife killing contests and lack of protection. You aren’t here to please trophy hunters or the fur industry you are here to serve this state’s wildlife please honor that responsibility. You cannot kill off species while claiming you are conserving them. Now I ask you to pick your side. Do you want to please trophy hunters and trappers or do you want to keep your promise to these species and protect this state’s wildlife? Your choice. Make it now. Thank you.

## **VI. DEPARTMENT REPORT**

### **A. Secretary’s Remarks**

1. Agency and State Fiscal Status Report – Brad Loveless, Secretary, presented this update to the Commission – As far as our budget situation, we have begun preparation for the fiscal year 2021/22 cycle. Our EDIF apportionment is expected to remain the same, just over \$5 million, so our budget will remain static between fiscal year 2021 and 2022. In the process of making adjustments to how we budget to be more accurate and we plan to report more carefully on federal funds. There have been some areas where we didn’t see a need and were never requested to report on some funds and we think we need a more transparent way to do business and report in more areas in the future to be more comprehensive. There is no question about the money we have and money we need. Still struggling with Covid 19 and we continue to not know exactly how that will impact us, it has caused some additional expenses. There has been some federal money we have been able to access to help us with those expenses. Don’t know how that will impact gaming industry or EDIF monies that are available from the state. The Park Fee Fund (PFF) revenue finished FY2020 36 percent above 2019, revenue from May and June at historic levels. We had our first two \$2 million months in May and June. October revenues were also up from last year when we were flooded. Up significantly from last year, just under 50 percent. We have had a lot more expenses; a lot of visitors to our parks, which is what we want and glad for that, but results in more expenses and it takes more personnel and resources that go with cleaning and supporting visitors. The PFF last year was just over \$3.8 million, now \$5.2 million so heading into the winter pretty good. We had just under \$10 million in expenses due to flood damage last year, starting to make those repairs as needed but didn’t have that money saved for those repairs so any surplus will go into reclaiming those roads and parking areas and facilities lost or damaged. Wildlife Fee Fund (WFF) up just over 25 percent from last year, a good trend. Getting forecasts from federal government about how we are doing. As you all are aware the sporting goods aisles were pretty bare this summer. As soon as they got fishing, camping or

hunting equipment it flew off the shelves, so expect those revenues to be up. The recent report on hunting, Pittman Robertson funds, was indicating tax revenues are expected to be up about 13 percent, which translates into just over \$12 million to use. Talk about in future, as we have in the past, is raising fee caps because federal money is great but unless we generate money from our state revenue, our license sales, we can't access that money. We need to leverage that federal money. We have to keep up with inflation and all the other factors to keep Kansas funds up so we can benefit that federal money. Potential there to access more money so will continue to talk about that. Chairman Lauber – Encourage, as we do this, there was confusion last time we tried to get the fee caps raised that we were trying to double everybody's fees. It was picked up by the press and we need to figure out how we go about bringing that forward and explaining difference between future potential and raising the fees now. Shot down last time because optics not effective. Secretary Loveless – Talking about that idea a few days ago. Part of our argument was that we have been modest in our increases over time. It tracks very well with inflation and we talked about, in order to take away that argument, was potentially saying in our proposal, instead of talking about a cap good for next "x" number of years, talk about a regular increase, that would track with what we have been going through in terms of inflation over the last few years. Projecting out some reasonable amount over time so it takes away the concern that we may want to all of a sudden increase and develop a schedule basically for increases over time and could be adjusted every five years or whatever to fit back with the actual inflation rate. That would apply to all of our in-state licenses. One exception might be some of nonresident rates, like deer permits, simply because that is tracked more accurately on what the market is and what our neighbors or charging so we might not want to tie that to inflation. It is worth the conversation, for in-state rates for hunting and fishing. Great idea and love to talk about that.

2. 2021 Legislature – Chris Tymeson, chief legal counsel, presented this update to the Commission – Elections new, don't know make up of committees in legislature. See committee assignments in next couple weeks so will get a better idea of how we will start the legislative session. We have eight items we are juggling to see where they fit best. 1) You just discussed, to raise caps as we need to raise fees in the future in order to capture federal dollars and continue operations at the same level we are doing. 2) Still a piece of property near Kingman we want to add to Kingman WA, seemed everyone in agreement last year, couldn't get through legislature two sessions ago and last session COVID cut everything short. 3) Still looking at law enforcement retirements, talked about KPF last couple of years, still looking for path forward on that. 4) Personal floatation device change at the federal level on nomenclature of PFDs and we have a regulation we need to change but can't until we get the statute changed first; didn't go anywhere last year. Covid shortened legislative process and stopped a lot of things in their tracks. Only necessary items to function for government made it through. 5) Slight change we would like to ask for in PFF and Boating Fee Fund (BFF) related to retention of interest. On the wildlife side we have provision in our statutes that require the interest generated off those funds remain with the department and we would like to see that happen with BFF and PFF. 6) Talked about dynamic pricing for parks before. Going to try and push for that again for cabins and campsites. 7) There is an update related to unlawful commercialization of wildlife, a reference in there on American Fisheries Society manual that sets out restitution guidelines and costs to recover when somebody illegally commercializes wildlife and that hasn't been updated for about 10 years, on sixth or seventh rendition since I last got it updated. 8) A lot of talk recently about fishing stockings and people stocking invasive fish and we would like to get a prohibition there.

It is currently prohibited on department lands and waters but not in streams, for example. Chairman Lauber – Stocking, if I wanted to put a wrong crayfish in my own pond, I can do that under existing statute but can't possess and sell or use for bait? I agree with what we are trying to do, thought restrictions already. Counsel Tymeson – There are restrictions already in place with prohibited species list and we also have prohibitions on stocking public waters because we don't want people to mess up the good work some of our biologists have done in managing those lakes and waters. They don't want particular species in there, that is prohibited already, but not prohibited on streams throughout the state. If someone wanting to put a species in a location where it doesn't currently exist there might be a problem there. We would like to create a process that allows us to look at those through a permitting system so we can make a judgement call before that would occur. Chairman Lauber – It remains to be seen what legislative session will look like this year. Good luck and do the best you can with it.

## **B. General Discussion**

1. Pheasant Update – Jeff Prendergast, upland game biologist, presented this update to the Commission (PowerPoint – Exhibit E). Break this up into two parts. Been on the phone continuously pretty much the last two weeks. Last year covered Kansas upland game bird forecast extensively and the things that go into that. Last year the roadside brood surveys came up in discussion across the country so we thought it would be prudent to hit this again and tell you what the information is used for and how it relates to our upland game bird forecast (Exhibit F). One graph shows a summary of the year of a pheasant and how we measure it, what kinds of different surveys we use to measure different points in a pheasant's life. Our roadside brood survey is how we measure annual production and fall densities so that is what we primarily rely on for upland game bird forecast. What stirred up all of the attention nationally was South Dakota this previous year had a taskforce put together to look at ways of improving marketing and pheasant hunting in general. One of the things they decided to do was to cancel pheasant roadside brood survey. South Dakota is one of the states that had been doing it the longest, they had 70 years of data. This wasn't received well by a lot of hunters, outdoor writers, etc. What they decided to do instead of releasing estimates of densities or some sort of index to density was to go with more marketing approach and rely on just harvest. South Dakota is the king in pheasants, they shoot more pheasants than any other state every year and that is essentially what their marketing strategy was. The concern was they were seeing population declines in their brood survey that was being interpreted as it was not worth coming to South Dakota to hunt, when in actuality even in a bad year in South Dakota there are more pheasants than anywhere else. Part of decision to get rid of roadside brood survey was misconceptions on how information was used by the agency. There is misconception that we don't use that information for management and that it is purely just for hunter information and that it doesn't really predict success. Summarize our brood survey and address some of the misconceptions. We have about 80 routes across the state in randomly assigned counties. We start routes at sunrise and drive them, they are approximately 30 miles long, drive four times each between the middle of July to end of August. We take advantage of early morning behavior of the birds, often times vegetation is wet from dew and birds will move out into roadways to dry off and get out of wet grass. This gives us opportunity to count the birds. Typically, higher density, don't count all the birds, it is not a population estimate, it is an index to the population; more birds on the landscape means more in the field. Because it is a standardized route as opposed to historic survey. We started our

standardized survey in 2012, before that it was an opportunistic survey. Because of that standardized survey we can compare different areas of the state, show each year where we have the highest densities in the state and allows us to look at how densities change year to year. If you hunt same farm every year you could look at what the region is showing for a percent change; good, bad or about the same. Considering misconceptions, one of ideas is not using for management but only for hunter information. The reason that comes up is because of the nature of small game, harvest has very little impact on population of small game animals. Because of that our regulations are set based on social preference rather than population. Turkey and deer; bigger game animals, have lower production rates so harvest can really impact their population. Because of that you don't see us very often bringing forward new regulations because we have set our regulation for social preference so not a lot of need to change annually. There are other ways we use this information. We can look at counties with variable populations, for example Republic County has relatively low pheasant per mile (PPM) estimate right now, so we can take landscape measures of that county; different kinds of crops or CRP or what sort of habitat they have and compare that to somewhere we have high population estimates, such as Graham County, and look at what type of landscape cover is producing higher densities. Example from Iowa, another state doing this for a long time, 70 some years; there has been discussion on how intensification of use of agrochemicals has impacted pheasants. They looked at estimated brood size of pheasants in 1950s and 1960s and compared to after the use of agrochemicals to look at trend in brood size to look at other things we didn't think about in the 1950s, like what we would use information for in the future. Another example would be spatial habitat models. Nebraska did one based on other research not a roadside brood survey; produced a hot/cold map that shows where the most potential to produce pheasants in high densities. We have been looking at trying to do some of this on a national scale through the National Wild Pheasant committee but roadside brood surveys can really feed into that information. That can feed into model and produce that over time. What models like that allow us to do is target areas where highest impact on populations with habitat-type programs or any sort of initiatives we want to do. Another misconception is that counts don't accurately predict success. We only have about eight years of data but so far our correlations are very tight to our pheasant per mile and quail per mile estimates off of the survey, highly correlated with average daily bags tighter than most other states. We feel that is most likely because we do run the routes four times to get a better estimate of what the pheasant per mile actually is and some of the other states do more routes but only do them once each. For pheasants we had a little higher success rate than what we predicted and quail hunter success rates were exactly where we expected them to be. That doesn't mean we aren't trying to improve it. The National Wild Pheasant technical committee has been working with Iowa State to look at improving our estimates so we can make hunters more successful. We have 10 or 11 states participating in this project where we are all running repetitive brood routes throughout the summer and then Iowa State is looking at environmental variables such as temperature or rainfall amounts are impacting the amount of birds on the road. The reason we are doing that is because if we get a drought one year and a wet year the next if more birds are in the road on a wet year than a dry year it could look like see an increase the following year just because it is wetter and the birds are out on the road. We want to be able to correct for environmental variables if we can. Even without that correction, right now we are showing tight correlations with our harvest success. Results of this past roadside survey showed we are about 23 percent down in statewide pheasant densities, largely from declines in central and southwest region, the northwest stayed similar to last year, our best region. In quail we saw a slight increase

but saw significant increase in center and decrease in southeast parts of the state. In recent years we have had higher hunting pressure in central part of the state than we had in the southeast, while average daily bag would predict same as last year, maybe even higher because quail populations are better where we are going to have more hunting pressure. I was asked to touch on seasons, since they have opened, I am unaware how accurate the forecast is so far, I don't get a lot of information other than just a few hunters visiting with our staff. I took a couple of youth out in northcentral area in youth season and we did fairly well, moving about two coveys an hour on quail and more pheasants than I was expecting, but pheasants have been pocketing. On opening day, I was patrolling around Jetmore and within five or six miles I talked to a couple groups seeing lots of pheasants and five or six miles west they were struggling and not seeing much of anything. That is what we indicated in the forecast, because of spotty nature of rainfall last May and June when we needed it. So far the individuals I talked to who had been hunting that northwest section, had very good success, a few with limits. Quail maybe not, a few reports of not many quail on eastern part of central region but appears like we should have a pretty good quail year while struggling with pheasants in a lot of areas; some areas holding their own and pockets of stuff across the state. Chairman Lauber – I was thinking we used rural mail carriers, is that the old way? Prendergast – Historically we used a combination of rural mail carrier and an opportunistic brood survey from our staff. The problem with that is it is not standardized, while it gives you some measure of production it doesn't give you comparable data because you are not running the exact same route, those routes change as mailboxes go up and down and the times of day aren't matched with highest activity level so hard to predict what those estimates actually mean. Chairman Lauber – You may have a certain amount of varying enthusiasm among rural mail carriers as to whether careful or moderately careful. Prendergast – We had one a couple years ago that had reported 250 quail in a week's time on a mail route, surprising as how we think of them as ubiquitous and everybody having an understanding of what they are, but she thought meadowlarks were quail. Using trained staff where we know we are going to get the sort of data we were looking for is more informative. We still maintain rural mail carrier routes, it is our longest dataset on upland game birds, but use for ratio-type data, like cocks per hen and other indices.

Second part is in regard to research we have been doing (Exhibit G). Working with K-State for several years evaluating use of pheasants and cover crops in western part of state. This originated from my interest in finding ways to manage for wildlife habitat to provide a benefit to producers. Often producers feel they can manage for wildlife or farm, it is viewed as two separate things and they can do one or the other but not both. For instance, take out of production and put in CRP or leave a weedy edge or something of that nature. Any time we can provide a benefit to the producer we have a better shot at getting meaningful habitat on the landscape, something benefitting them. History on pheasants in Kansas; the early 1980s was when we saw our highest pheasant harvest; in 1982 over 5.1 million pheasants. We had several consecutive years we were at or near one million pheasants in harvest. We had a population drop in mid-1980s, stabilized and shot around 700,000 birds a year and in good years up to 900,000, about 600,000 in bad years. Stayed that way until most recent drought that took legs out of population for several years. Compared to South Dakota, look at same time frame, there were several years we were at or beating South Dakota and several years we were the number one pheasant harvest state in the country. Prior to soil bank days, South Dakota had a huge spike in pheasants where they were shooting over three million birds in some years and then the introduction of CRP, then they saw increases in pheasant harvest related to the installation of that practice. CRP important in Kansas,

highest harvest prior to CRP. When we had a lot of pheasants it was during the wheat-fallow rotations of 1960s and 1970s and a lot of the high plains regions of western Kansas would get one crop every other year; plant wheat one year, after harvest sit fallow for 14 months and plant wheat. During that timeframe the weedy matter was not as intensive as it is now, a lot of sunflowers and foxtails and other types of weedy cover the pheasants thrived in. Had taller varieties of wheat that were cut later and provided excellent nesting cover and as fields were harvested the weeds would blow up right after harvest that gave great combination of cover, nesting cover adjacent to high quality brood cover and weedy fields had a lot of insects and chicks had high survival and produced highly energetic the birds could utilize for food throughout the winter. In Mid- to late-1980s we started intensifying crop rotation and at same time CRP started, which helped stabilize us. They started breeding for shorter varieties of wheat to reduce problems with lodging and introduced rotations that were more than two crops in three years, so there was a need to control weeds more for moisture conservation to sustain a second crop. Some fields were sprayed, some disked, less weedy cover, so not as high quality habitat. CRP was weedy, while not as many acres as we had in weedy wheat stubble it still provided some stabilized metric to keep our harvest and population from dropping further than they would have. Continued to occur and more recent concerns about crop expansions in U.S. Areas that would have historically not been cropped, lower producing areas, are starting to come into production. Used to be what we considered waste ground or waterways that are being planted to grass or tilled and draining swales to plant those areas. Not as good of production but even 5- to 10-acre plots were highly productive for wildlife. In Kansas, 1982 highest pheasant harvest we ever recorded, compared to this year, we went from 14 million acres of wheat to 6 million acres of wheat, over 50 percent loss in total wheat acres. Wheat has always been important beneficial crop for upland game birds because it provides spring nesting cover. Milo is one of better row crops for wildlife because after harvest, the way it is cut provides a lot of cover for birds; about 25 percent loss in milo acres in same time frame. There has been a lot of genetic breeding or selective breeding of other crops so seen large increases in soybeans and corn. There is only 200,000 acres of cotton but still seen major increases in the state, not that important statewide but it is in some specific areas and it is not viewed as wildlife-friendly crop. It doesn't provide any food source, relies heavily on agrochemicals and there is not much left in the way of habitat after harvest. Wanted to look at cover crops, which are essentially planted between cash crops in order to address some sort of resource concern. There is an annual national cover crop use survey completed these figures are from 2017, where we saw 88 percent of producers who were asked were using some sort of cover crop and the number of acres per farm is continually increasing - doubled in five years and continues to increase. That gives us an opportunity to take a traditional chemical fallow field and put it into something green and growing and provide cover and other resources for the birds. When you look at the motivations for using cover crops, a lot has to do with organic matter, reducing soil erosion, weed control and wildlife is not on the list; there is an "other" (category) which some portion of that probably represents wildlife. I don't want it to be wildlife cover crop, that is not going to sell, we need to find ways to encourage use. Most producers see wildlife and enjoy pheasants and quail and will do something, they are making business decision and are not going to do the perfect wildlife crop if it doesn't make sense to them. We went into this project looking for where we can put in cover crops that make the most sense for wildlife while addressing other resource concerns. What tweaks can we make to our mixes to make them more wildlife friendly? Three potential places for cover crop, row crop rotation, after harvest in the fall; after beans or corn it could be planted, carry through the winter,

either winter kill or terminated in the spring to prepare for next row crop. After wheat harvest, similar but wheat harvest is done in June and July and provides more time in late summer timeframe, but again either winter terminated or early spring to prepare for following row crop. The other one is out west, we still have a fair amount of summer fallow, after row crop is harvested, field will sit fallow until the following fall when they plant wheat and that gives us a window during the summer to plant a cover crop. For pheasants what we are looking for is production cover, nesting and brooding. If you consider peak times for pheasants, after row crop timeframe is not providing much cover during that production timeframe. The after wheat harvest is similar but picking up later part of nesting season and late broods or re-nesting hens might be able to utilize it. While summer fallow lines up perfectly with it, right as chicks are starting to hatch out, it would give weedy component we lost from weedy wheat fallow and gives chicks opportunity to shift into that cover and utilize that during the summer. There has been a couple of studies started looking at after row crop and after wheat harvest type crops and potential nesting cover after they spray them. We are waiting to see what results of those are. When we get wheat field next to what would have been a chemical fallow field you provide high quality habitat adjoining it. A couple of examples in field, provides 2-3 foot tall cover, provides flowers and different forbs that attracts insects that is important for chicks as a food source. For our project we didn't want a single wildlife mix, chose four different treatments; traditional chemical fallow; chick magnet mix produced by Star Seed, a broadleaf mix and doesn't include any sort of annual grass, it was originally designed for pheasant chicks and we thought it would be one of the better mixes; green spring was another traditional ag low diversity mix, oats and peas; and then a more diverse custom mix designed to try and incorporate a lot of different broadleaves for pheasants as well as oat component that produces organic matter. To do this we captured pheasants, put radios collars on hens and followed them through the season. We strapped technicians onto the front of the truck and drove around CRP at night with lights when the birds don't want to fly and when they would see birds they would bail off the front catch them. We followed birds throughout the spring and summer to see where they were spending their time, where hens were, where nests were, where they were taking chicks, and survival. The hens were spending their time in CRP and cover crop mixes, while other more traditional type cover was selected less. We had two nests in cover crops, expected because not planted until end of nesting is under way; over half of nests in CRP even though wheat was a bigger component on the landscape. On brood use; after nests hatched out and following the hens, almost 25 percent were in cover crop fields, other habitat types had more locations, so cover crops made up a smaller proportion of study areas. Spending more time in cover crops despite there being much less of it on the landscape. Saw several groups we didn't have marked using cover crops even after field was sprayed for termination, continuing to use the fields throughout July; providing cover and lasting through brood season and highly attractive to birds. Survival, land value and population growth rate versus birds. When we combined all of the metrics for hen survival, brood and nest survival, the land to value is a representation of population growth rate. Some birds had no cover crop in their home range. Having some cover crop we saw a 20 percent increase in growth rate. Working with cover crops for a long time, so good to have data. Other things that came out of this; where to put cover crops and what cover crops were most successful when placed adjacent to CRP or other high quality nesting habitat. It makes sense when because pheasant chicks are not as mobile when first hatched out. Given we are not seeing a lot of wheat use for nesting it calls into question how valuable those are. Targeting adjacent high quality nesting cover seems to be providing good habitat and positive impacts for population.

Commissioner Sporer – Who does the surveys? Prendergast – Roadside surveys are done by our staff; district biologists, game wardens, a few fisheries and public land staff. Commissioner Sporer – Same staff member runs the same route? Prendergast – Yes, each person is assigned a route and they run it four times. Commissioner Sporer – Since I have been on the commission I have interviewed many rural mail carriers and asked them about the surveys and the counts. Never heard anybody talk positive about it and doing a good job with rural mail carrier routes, just an FYI. I am interested in cover crop idea. We don't use cover crops on our farm because we use stubble wheat. I had never really seen importance of a cover crop yet and I am not seeing much of it in western Kansas. What I am seeing is the ability for farmers to identify nonproductive acres and give them back to the pheasants, identifying areas not meant for high production agriculture. Hearing lots of talk about CRP program, there is lot of acres coming out this year, there must have been a big sign up 10 to 15 years ago. A lot of CRP acres are going to go back to productive agriculture this year. I am concerned about that. The CRP payments are going to be reduced in western Kansas by as much as \$4 an acre and higher commodity prices are driving people to break up CRP. Over the last 3-4 years I felt we had good nesting habitat for pheasants but still haven't increased numbers of pheasants. I am concerned about going in direction South Dakota is. Everybody has idea why they quit doing their brood survey, but a good reason why they didn't do it. Good presentation and I appreciate it. Prendergast – CRP, you mentioned \$4 an acre; in some places worse than that. We had over half a million acres expired but net loss was only 80,000 acres, which is bad but glad we didn't lose more. The reason we saw such a decline in rental rates in new Farm Bill increased acreage over five years by five million acres but wanted program to stay cost neutral so they cut rental rates across newly enrolled contracts so they could increase acreage. Program cost stayed the same. Been through national groups, both quail and pheasant side, a big concern there, they deal with a lot of senators and representatives in DC and concern from them about the direction the Farm Bill CRP program is going, especially our representatives. We are hoping we get movement on that, maybe not until next Farm Bill, but other levers we can pull before then to increase sign ups. Cover crops in our part of the world is a harder sell, the biggest concern is moisture and planting something that takes moisture away from the following crop. We are seeing more adoption now and we work with several people across the western part of the state. Several farmers in Graham, Sheridan and Norton counties, it is more of a long-term strategy. Sometimes you can get an immediate yield the year you plant them but seems to be long term; if you can increase organic matter with use of cover crops and increase moisture storage potential, increase infiltration rate so when you get big storms it doesn't run off, it hits and soaks into the ground. It is an uphill battle, even just mentally because it seems if you plant something out there you are using moisture; it is counter-intuitive to think you could save moisture by planting something. It's a lot of tradition, stuck in our ways on how we do things and we don't expect it to change over night but see a little more every day. Commissioner Gfeller – Good report. Is there a particular cover crop that seems to be more attractive? Prendergast – Right now we are looking at the higher diversity of cover crops. It seems that chick magnet mix did not do as well as we expected, the all broadleaf mix; some sort of annual grass like oat or rye provides more overhead cover for the birds. As diverse as it can be is better, but cost of mixes is important. One of the guys we worked with on the custom mix, he wants to put two or three of each of a legume, a grass, etc., his thought is if one fails; for instance some years are good pea years, some years better for red clover, so if you have both you are more likely to get one of them to succeed, but that can drive price up. Within reason having some sort of annual grass for cover and diverse group of

broadleaves, like to see a turnip or radish, a legume if we can and a lot of times some sort of broadleaf like a sunflower or safflower. Most of the seed companies will work with you on what sort of a mix you are looking for. Our biologists are well in tune with this and able to work with you. Chairman Lauber – Good report. Secretary Loveless – Jeff, appreciate you pointing out in the beginning, for us to be successful we have to do things that help the farmers bottom line. In some other states, bankers have figured this out and are starting to require soil organic levels when they get requests for loans from farmers because they realized that productivity is ultimately is based on increasing organic levels over time. That is directly related to cover crops as you are aware, they are figuring that out so maybe you can communicate that and make that a selling point in long run. Early on when talking about cover crops I remember hearing a lot of constraints with NRCS programs about when cover crops had to be terminated, it was complicated and got people in trouble. Has that gotten any easier to navigate? Prendergast – What you are referring to is termination dates relative to risk management agencies and that had to do with crop insurance. In order to insure it as a summer fallow practice they had to terminate cover crop at such a point in advance, 90 days or something. It has loosened up a little bit but there are still some questions about it all the time. A lot of the guys that are doing it, they believe in it enough that they are willing to give up crop insurance or pay the higher rate. It has been awhile since I looked at those termination rates, I believe they got it down to 60 days, which provides ample time. Most of them terminate in late June or early July anyway because they don't want other annual weeds to go to seed that could cause problems in the fall in wheat crop. Assistant Secretary Miller – When we did the pheasant tour and were up in northwest Kansas with that young landowner who was using cover crops, one of his points was reducing his chemical input and you mentioned moisture being one of the bigger concerns now. Is there still an emphasis on reducing chemical input or is that not as much of a concern now? Prendergast – It is. You can reduce the amount of chemicals. On traditional chem fallow you are spraying three times, where he gets away with one spraying, all he has to do is spray to terminate the cover crop because it is outcompeting the weeds. We have planted cover crops on some of our own ground over at Wilson and seen it completely outcompete Johnson grass, which I didn't think was possible. A lot of the concern before people go to cover crops tends to be that they can't do it because we can't sacrifice the moisture. The individual you were referring to had looked at it on the opposite side. If I remember correctly, he told us that prior to using cover crops his chemical usage was \$800,000 in a year, that number scared him and through the use of cover crops he reduced it to \$200,000. That in itself would pay for other concerns and costs of seed. While you are improving soil organic matter and other resource concerns, you should still break even or better even after buying the seed. Not an ag economist, but that is my understanding from ag producers using it.

Jason Dickson – We had one question from the public. Are their education programs for farmers to point out these benefits? Prendergast – There are a lot of opportunities. The way we initially got involved with it was NRCS and Conservation District sponsored cover crop field days. If you talk to your local NRCS office they should be able to get you in touch with that as well as informational material as far as brochures and booklets. If you are interested from a wildlife perspective, a lot of our wildlife biologists are becoming well versed on types of cover crops to use for both ag and wildlife.

2. CWD Update – Nadia Reimer, Public Affairs Section chief, presented part of this update to the Commission – Levi and Wildlife Division have been coming to commission for

some time as we continue to develop strategy for managing chronic wasting disease (CWD) in the state. The Public Affairs shop has been working closely with Shane and Levi to come up with a strategy on how we are going to communicate this to constituents. My presentation (Exhibit H) is going to be broad overview of communications campaign we have developed up to date. A sky high view and I won't get into too much detail as we hope to continue these presentations to the commission as more material is developed. Launched beginning of campaign this month. Basic stats we obtained from survey Levi conducted with our hunters. One stat that was surprising was 80 percent were aware CWD exists in Kansas but as we delved deeper into the stats we realized that the knowledge base was not as deep as it may appear; 50 percent were not sure if a cure existed, we know that a cure does not exist or we would be implementing it; 38 percent indicated that they weren't aware the disease is fatal, huge because we know CWD is 100 percent fatal; nearly one third indicated they weren't aware if CWD was present in deer management unit (DMU) they lived in or hunted in. Some of the objectives with our campaign are to create a centralized information portal, make it easy for our constituents to get the information they need in one location. Currently that information is scattered between hunting regulation summary, various news releases and information on our website. Our goal is to continually drive individuals to one information source. We want to make sure we clearly define what CWD is and clarify what symptoms are and stages of the disease. This information is already public facing but there still is not clarity or consistency among the answers people are getting. We want to make sure we identify CWD positive locations in Kansas, only one third are aware living, hunting or processing deer in one; we want to lessen those knowledge gaps. We want to make sure we're doing a good job of sharing testing information and opportunities. We received grant funding recently that Levi talked about that has created an opportunity for additional testing and we need to make sure hunters are aware of that. Lastly, provide key stakeholders with clear action steps they can adopt. This campaign is twofold, education and action. If we can educate key stakeholders and provide them with actionable steps they can take, we feel we will be more successful in managing the spread of CWD. Who are key stakeholders and who are individuals we are going to target? First: hunters – launched November 2020 and is a three-part campaign. The materials I am showing today are specific to hunting communities and we are in development of materials specific to wildlife watchers, wildlife enthusiasts who may not hunt and landowners. We know we can't be successful in any measure of wild game management if we don't have partnership of landowners. The campaign slogan is "Take Aim at the Spread" and our tag line is "Help Suppress Chronic Wasting Disease" Some of key messages we are going to be sharing with this campaign: "Get The Game Plan" which will invite hunters, landowners and wildlife watchers to join in the fight to suppress CWD in Kansas. Part of this game plan is to give stakeholders specific action steps they can deploy in the field, on their property that can help suppress the spread. Another key message is "Watch The Waste," again we want to make sure we give a very clear picture of symptoms they are supposed to watch for, and make sure they are symptoms that can be easily be viewed from a distance. We noticed when we took an inventory of symptoms we were providing to the public, ran the gamut was accurate but a lot of those things may not have been visible unless you were up close. Want to make sure it is user-friendly by making sure symptoms we are showing can be viewed from far away. Another facet of the campaign is making sure our key stakeholders don't think that just because a deer is CWD positive it can't be asymptomatic, just like Covid in people, just because we don't see symptoms doesn't mean they aren't a CWD positive deer. The last key message, "Dress, Test, Suppress", an easy message they could remember; this message encourages our hunters to bone out or

quarter their meat on site, dispose of their carcasses locally, and test deer if taken from a CWD positive location. As Levi's strategy shows, we are trying to find actionable steps that hunters can take, on a volunteer basis right now, but something specific they can deploy if they chose. How are we going to convey these key messages? It is going to be an integrated communications campaign that consists of traditional, social, digital and print media. Levi may go into detail about survey he conducted with our hunters and we found some of the results were surprising in that hunters indicated they would like a lot of this information electronically, specifically in downloadable pdfs. As we get more information about hunter preferences we will incorporate that into this campaign and will literally take the message on the road, looking at billboard placement. Beginning next year, we are going to work to identify key locations in Kansas where nonresident and resident hunters are traveling and have billboards that drive them to our landing page, that centralized information portal. Another item we are going to deploy in this campaign is digital media ad placements and social media posts. These are great in the sense we get real time analytics and we can micro target and make sure these messages are getting spoon fed into the news feeds of the individuals we are trying to reach. It is customizable and a great use of funds because it is so targeted and again real time analytics allow us to be flexible and make decision on the spot if needed as opposed to doing print ads or something more stagnant. Another tool we are going to deploy is flyers and fact sheets, we will distribute to our license vendors, regional offices, big retailers and offer them online. Decals, same thing, we will distribute throughout the state, again driving individuals to our landing page. We have a video in production to share digitally. The landing page launched this month, the link is [cwdks.com](http://cwdks.com). This is the centralized information portal so all of our digital ads, all of the fact sheets, flyers, even [ksoutdoors.com](http://ksoutdoors.com) are going to drive constituents to this one location where they can obtain downloadable pdfs, easy access to mapping, additional resources, contact information and everything they might need related to CWD in Kansas. How do we measure success? The way my shop operates is a little different than the biology side, so from a Public Affairs perspective the things we will be looking at that are going to determine success for us are: increased engagement with social and digital media; looking at landing page visitation, how many and how long are they staying, what pages are visited most, how many people are downloading pdfs; also look at email read rates; work with Levi to conduct a follow up survey, have great dataset to go off initially so if we can measure and see some of knowledge gaps has decreased that is success; and most importantly increased advocacy of regulatory changes being presented by Levi. Next steps, in beginning stages, but do need to distribute printed materials, develop email campaign based off feedback Levi received and knowing our hunters want information digitally. Finalize billboard placement for 2021 and continue development of campaigns targeted to our wildlife watchers and landowners. Thanks to Shane and Levi, tremendous resources, it has been a good exercise taking knowledge they have and distilling down for the common Joe. Working well. We do plan to add additional resources to [cwdks.com](http://cwdks.com) over time. If you visit the website today it may not look the same three to six months from now because we are going to continue to drive individuals there and add more resources. Our advertising agency has done a great job of pulling these materials together based on our input. Commissioner Sill – How many people responded to your survey? Reimer – Levi will have to answer that one. Jaster – We sent out about 5,000 cards to hunters across Kansas, got 1,500 back, a 30 percent return rate, which is right in line with what we normally see our deer harvest post-season surveys. Kansans respond better than national average to our surveys. Commissioner Sill – Did you survey nonresidents? Jaster – Yes, I will get into that in my presentation, about 30 percent of respondents were nonresidents.

Levi Jaster, big game biologist, presented other part of this update to the Commission – Talk about hunter knowledge, perceptions and opinion human dimension survey (Exhibit I). This had a couple of steps, sent surveys out to all the different state agencies across the country to ask them what steps they had taken, what strategies or regulations they had adopted to help with combatting the spread of CWD. Used that information to guide us in survey of hunters to ask them about options other states had taken beyond what we are doing in Kansas that seemed like it might be a good fit and they had recorded they had success with. Knowing a little about your audience or recipients, who responded and what perceptions they might have and what is driving that. For our survey we had 94 percent male, average age 54 years, 70 percent were residents, 30 percent nonresidents, and main states were TX, OK, MO, MI, CO, MN. Every state on this list had CWD within its borders, but MO, MI, CO, MN are the states that have taken a much more aggressive response to CWD management within their states. That could impact how people responded to our survey as far as nonresidents. Saw no differences between residents and nonresidents in total years of hunting experience, how many years they have hunted in Kansas, how often they hunt or at least how often they purchase a permit and whether or not they were hunting in CWD positive or not positive deer management Unit (DMU) in Kansas. When we asked them their experience with hunting, only one percent had hunted in or out of CWD positive DMU had ever had a deer test positive. Their processing methods, mostly at home, especially out where we have positive DMUs, which makes sense considering that is western Kansas and have to expend more effort to get to their processors; average miles to processor in non-CWD positive DMUs is 10 miles versus almost four times that in positive DMUs. Of the ones that took a deer to taxidermist last year, about 10 percent, did not hunt in positive DMU and 13 percent that did. Hunters that hunted in positive DMU were much greater distance in this case. Hunters in our DMUs that have had positive CWD detections are all in western Kansas and tend to have to travel more. Seeing about 4 percent of hunters across the board donate venison to a food bank. This report is large and has a lot of information in it, way more than I can present today. We are working on revisions as far as what is reported and couple of additional analysis recorded and once we have that wrapped up we will get this pushed out and published. For hunters, 34 percent knew CWD was not always present in Kansas; 35 percent knew it was not found in every state; 38 percent knew CWD was always fatal; 82 percent knew it was in Kansas; 26 percent knew it was not found in wild elk as of yet, have had a couple detections in captive elk; 13 percent knew it takes 18-24 months for symptoms to appear, concerning that they don't realize we could have deer that look perfectly healthy that do have CWD; and only one-third knew deer can get it from environmental contamination not just deer interactions. On average, we saw that hunters in CWD positive DMUs knew more about CWD in general than hunters hunting outside DMUs where we have yet to detect CWD, but difference wasn't that large. We asked them about potential management actions we can take and how acceptable or unacceptable they were – completely unacceptable, slightly unacceptable, unsure, slightly acceptable or completely acceptable and I combined completely and slightly for both to present data more cleanly. Highlights, largely support using hunting to help suppress CWD in places where it was found; most not supportive of agency sharpshooting, a good thing because we are not a large agency compared to states that engage in sharpshooting and it quickly becomes a bear of a program to keep going and fund. Generally unacceptable to ban feeding or minerals all year; slightly less likely to find it unacceptable outside the hunting season. Not in favor of restricting carcasses to DMUs, but a little more supportive of partial restrictions. Supportive of making testing mandatory in DMUs where we have detected CWD; and in finding ways to provide

testing statewide every year other than rotations; at least some support to explore testing and helping hunters that way. Fifty-eight percent think the department is not providing enough information, knowledge we are learning as we are increasing our communication efforts and confirms why we were going that way. We will be able to use information from this survey to better target what we need. Sixty-one percent think we are providing the best available information. About one-third would like to see more opportunity to provide comments on CWD concerns. Sixty percent think we are following the best science. About 60 percent think we are properly addressing CWD. Sixty-six percent think CWD is a serious threat, two-thirds think this is something we should be doing. They may not be in favor of many of the options that seem to have the most success but potentially that is something we can work on and address through education. During the 2019-2020 post-season deer harvest survey we asked hunters more information and to provide opinions about what information is important to them that we have put out there and how best to get that to them. Of things we currently publish, anything we publish on deer disease hunters want, even more than getting regulation summaries, especially residents; one of only two spots where residents placed higher than nonresidents. We asked them how they want to get their information and asked them to rank potential options Public Affairs has available; number one choice was PDFs they could download and take with them; a little fuzzier after that so combined first and second choices into another graph to clarify more. Again, PDFs preferred choice; residents want us to email that to them and more preference for print formats. These are general trends across this information and we will break up into other categories than just resident and nonresident. We asked them to self-identify what property they hunt on, whether they hunt on land they owned, owned for ag or lease, owned for recreation, public or private land, so we will be breaking up this kind of information by that too, so landowners get information in best way for them versus general hunters or even potentially looking at hunters by age classifications, just to get the information to them the best way. Key points to go away with, 82 percent know CWD exists in Kansas; 29 percent unaware if hunting in CWD positive unit; 89 percent saw hunting as effective method of controlling CWD; concerning lack of knowledge on CWD; but perceptions and knowledge not any different than other states. On the bright side, Kansas hunters expressed high level of trust in the department on CWD issues, 50 to 60 percent range, relative to hunter trust in other states that is phenomenal. Our hunters really want information. We can get information to hunters in the way they prefer, which hopefully means they will utilize it more. In regard to CWD in Kansas we have work to do and need to focus on communication and education, but most importantly we have a strong foundation with our hunters to start building upon. Key to communicate and educate and start working to improve our situation in Kansas in regard to CWD. Commissioner Sill – Appreciate what you and Nadia have done, an awesome start. Go back to slide about things hunters supported. In that short amount of time, it looks like support monitoring versus steps that require actions and would require us as hunters to change, those things are not supported. Am I reading that right? Jaster – Yes, it came down to we can keep track of it and support, but in general most of the tools in the toolbox they are not in favor of us using, except for support to try and do it through hunting. It is tough to get more people to take more deer when they got as many as they want and that is generalized across the entire group. Less supportive when you talk to people who live in DMUs with positives where they would be the ones that experience lower deer numbers. Commissioner Sill – Do you think you will be able to build on that trust to start with monitoring things and build into making some of those changes? Three areas I see other states doing are feeding, natural urine-based lures and carcass movement. Build from one or start

simultaneously and recommending changes in both areas? Jaster – Start with education. Big picture is how high those percentages of hunters unsure of all these options. Banning natural urine-based lures, 50 percent weren't sure whether acceptable or unacceptable; to me that means we need to provide them information on why that would be important to do. The overall take away to me is this has identified a lot of communication and education and why these will work. Chairman Lauber – Do you think because hunters don't use natural urine-based lures? Jaster – Don't know how many do or don't use those. I personally as a deer hunter don't want to mess with them and can harvest deer without them. Some hunters won't go without something like that out there. Chairman Lauber – May want to include that question on the survey. I think you will find the numbers small that use it. Commissioner Sill – I know tendency to do what we do right and assume everybody else do it the same way and I think when people realize that in the middle, Kansas and Oklahoma are the only states that don't regulate to any extent deer feeding, all other states either say no or not done in CWD-positive areas. If we can educate people that this is a good way to manage it, by making some of these changes and that not everyone allows this to happen. Whether carcass movement, lures, feeding, any of those things we have been free on here, it might be time to follow the lead other states have done and make some of those changes. Jaster – I agree. This information is our starting point, our foundation to build from. We have measured it and now we can continue to measure how strongly we can continue with that. CWD is an issue that has required hard choices. When we give our hunters the information they need to understand why certain things are important, they are going to be willing to make that hard decision for the betterment of our deer herd.

### **C. Workshop Session**

1. Big Game 4-Series Regulations – Levi Jaster, big game biologist, presented these regulations to the commission (Exhibit J). KAR 115-4-2, general provisions for big game, not proposing any changes this year. On 115-4-4, legal equipment for big game. We have a couple of items the Commission asked us to review, blaze pink, large caliber airguns and the Firestick system produced by Federal. Aaron Austin, expert in hunter education will talk about blaze pink. Aaron Austin – Talk about blaze pink as alternative color to blaze orange for firearm deer and elk season. Quick history of blaze pink, Wisconsin was first state to allow in 2016, proponents framed it as a way to encourage more hunting participation among women. This idea raised controversy among hunters who thought linking fashion with female hunter participation undermined true gender equality in the outdoors. Women's Hunting and Sporting Association in Wisconsin objected to the bill, calling it demeaning. Since 2016, nine other states have accepted the color to be used. Our current regulation pertaining to safety hunting clothing reads that, "each individual hunting deer or elk during firearm season is required to use outer clothing of a bright orange color commonly referred to as daylight orange, fluorescent orange, hunter orange, blaze orange, or safety orange; a hat with no less than 50 percent of bright orange color that is visible from all directions and a minimum of 100 square inches on the torso visible from the front and 100 square inches visible from the back" (size of standard sheet of paper). Safety is number one concern and with the addition of another color, when using specific color to identify another hunter in the field, visibility is paramount. The color orange should be easily seen and quickly recognizable by other hunters and blaze orange has a strong and clear association with hunting and safety. Many articles of pink clothing found in outdoor retailers are typically of low intensity, pale in

comparison and have a camo pattern that is misleading as a hunting safety clothing option. One thing that is produced but there is not a lot of it is blaze or florescent pink, not a lot can be found in large retail stores. There is an issue with color blindness in the U.S., it occurs in about eight percent of men, those that are red/green color blind generally state pink is the most difficult color to see and it blends into the background, however some red/green color blind individuals cannot see orange either. The International Hunter Education Association (IHEA) states, no qualitative or quantitative research has been conducted to document the influence, positive or negative, of hunter safety color choice on recruitment, retention or reactivation of new or existing hunters. Therefore, IHEA recommends hunter safety color requirements be established solely on basis of detectability and visibility of color in natural environments for human observers. There is a lot to be said about the quick recognition of color for safety and blaze orange is recognized as the international standard for identifying hunters in the field. Instead of introducing an alternative color for hunter industry and retailers could continue efforts in improving the fit of hunting clothing items for women in terms of recruiting more women in hunting. There are R3 strategies the department can be implementing to be more inclusive. We can support women's outdoor organizations that provide outdoor skills, hunting opportunities and social support to new hunters. We can continue to promote programs such as Becoming an Outdoors Woman. We can encourage more female hunter education instructors and mentors. Lastly, there are many opportunities to wear pink, blaze pink or any other fluorescent pink while hunting. Blaze orange is only required during the firearm deer and elk season, hunters can currently wear pink under the required orange clothing. Small game and upland game hunters are not required to wear specific blaze orange color in the field and they could wear pink in that instance as well.

Commissioner Sill – Thank you for looking into it, on behalf of the constituent I brought it forth for last time. I appreciate you did give it some thought, thank you. Chairman Lauber – I concur. Jaster – Thanks to Aaron for taking time to address that.

Second item was large caliber airguns and legalizing for big game hunting in Kansas. We have several concerns. Airgun manufacturers overall are not engaging in the American Model for Conservation or implementing excise tax, Pittman Robertson Act, that is important money we use to fund conservation. There are a few that are voluntarily collecting that and putting it into a fund, but it is not required. We have had few constituents ask for this, mostly manufacturers have requested that we do this. The cost is high to get started in it and in that sense would be a novel way to harvest a deer, not necessarily something a lot of people are going to be able to afford or choose. It wouldn't open much additional opportunities in Kansas; some states have municipalities that do this but so far none working on deer control in Kansas – they are addressing through archery or other management hunts. Additionally, regulations required to do this further complicate regulations that we have been trying to eliminate. Effectively we have removed a lot of the caliber restrictions on firearms not too long ago and this would add all that back in. Chairman Lauber – The department is not recommending we approve airguns? Jaster – Not at this time.

The next is Federal Fire Stick requested by the manufacturer to be included as legal muzzleloading equipment. In our evaluation the system does eliminate some of handicaps of more traditional muzzleloading equipment, such as inconsistent powder charges or powder issues due to moisture. The system does require projectile be loaded through the muzzle although the powder charge is loaded through the breach and can be easily reinserted or removed. If shooters utilize that it would be an improvement in safety, but we are waiting on ATF to evaluate it. It is subject to wildlife restoration, Pittman Robertson, excise tax. In general, we have no biological

reason to oppose or support inclusion of the Fire Stick as legal muzzleloading equipment and will follow commission's direction on that. One of Nadia's staff posted a question on social media to Kansans on whether or not they were supportive of the Fire Stick and they had comments both ways, general consensus leaned to negative side, did not support including that. Chairman Lauber – Would have been easier for us if you had made a recommendation. I don't know if I have a strong opinion one way or the other. I would feel better if more widely distributed type of powder form and only a couple guns allow it to be used. Probably not a lot different than what we have now. Commissioner Sill – What is the purpose of early muzzleloader season? Cabela's ad for the Fire Stick says, impervious to weather, reliable, consistent, ignition accuracy, quick loading; these are all qualities that are not consistent with what was originally intended for the muzzleloader season. I would be supportive of allowing during regular rifle season. I'm not sure it moves us in positive direction with muzzleloader hunters, especially because it is not coming as a request from them but a manufacturer. So, less inclined to want to pursue regulation changes on behalf manufacturers. What is the purpose of that early muzzleloader season and does this fit? Chairman Lauber – Since I shoot with an inline and scope I don't like too much talk on primitive nature of early muzzleloader season. I don't think it is a bad system, slightly safer, more convenient, still using a single shot weapon with projectile loaded down the barrel. No strong feeling one way or the other. Commissioner Gfeller – Don't feel strong one way or other, Lauren makes good point. Strayed from early muzzleloader concept and I feel like she does, the more we can keep it from advancing even further would be helpful. Point she made which was good was the request didn't come from shooters, but from manufacturer. I lean toward letting it sit for a while. Commissioner Hayzlett – Hunted with Hawkins muzzleloader, it is an experience and I enjoy it. There is a safety issue, if you go hunting and come home and didn't kill anything some of those people put those away in the closet with that load in there so there is some safety issues. Also, the advancements they are making are going to get here. I think we need to look at it further and see what takes hold on that type of weapon. Chairman Lauber – Public comment? Jason Dickson – one. Jared Reigle – Lauren pointed out what I was going to comment on. In speaking to folks, I hunt with and reading public opinion on Facebook page general opinions seem to be against it. We don't need to debate what traditional muzzleloaders are, we all have our own opinions there. Federal and Tradition, the company that manufactures the rifle that takes the Fire Stick advertise this as fast effortless loading and unloading with constant quality loaded ammunition. If you want the advantages of hunting with a rifle, hunt during rifle season, if you want to hunt in a primitive season, learn safety rules and regulations around current muzzleloader season. Those sentiments were echoed in comments in media post. Jason Dickson – Have another. Aaron Oelger – I hunted Kansas for 15-20 years, I regularly hunt the muzzleloader season, don't have one of these rifles but would be interested in getting one that uses the Fire Stick product. I understand objections, but if looking at going back to original intent of muzzleloader season you would have to do away with 209 inlines and scopes. If hunting with inlines there is not a lot of difference between CBA Acura and this new system other than some of safety improvements it makes, which is beneficial to state, hunters and everyone involved. Understanding what objections are, this is a better system and we have already made the decision to move ahead with technology in original season. I would be in favor of giving Kansas hunters access to this product. Jason Dickson – Have another. Jon Zinnel – Crossed over Kansas border to chase pheasant (problem with phone) asking you to take time to review that and reiterate (lost signal). Jason Dickson – I will email him after the meeting and get him to email back. Assistant Secretary

Miller – I'd like to have Chris Tymeson chime in about whether this might be legal during the regular firearm season? Counsel Tymeson – The way our regulation structure is set up archery would be the first list of equipment, then archery equipment is valid during muzzleloader season and then muzzleloader equipment is valid during a firearm season. Because this does not meet the definition of a muzzleloader and it is not a rifle it is not valid in firearm season. Chairman Lauber – That complicates it. Not going away. Not that fired up about it but we have long since abandoned the primitive ways of hunting with a muzzleloader. If I don't hear ground swell of encouragement from the commission or any commissioner that wants to do it I think we will let it sit. Over time the public will probably provide more encouragement. I am disappointed it can't be used during regular firearm season but can see what Chris is pointing out. Propose we don't do anything at this point. We still have time as this moves forward into public hearing. Will this be an issue in public hearing at a subsequent meeting? Counsel Tymeson – As we prepare for regulation process I am backdating days we have to know when we are going to vote on it. We will vote in March, so, we have one more workshop but I will have formulated any regulation changes before January meeting. It is a little complex because this is a logical outgrowth of the discussion, people were placed on notice appropriately so there could be an amendment at the commission meeting in March. If you are saying you don't want to go forward today, it would have to be amendment not a proposal. Chairman Lauber – I would like to have it as a potential amendment, which reflects lukewarm support from the commission. I think it is one of those things we will probably end up doing one way or the other and I would like more time to kick it around. I don't know if we want to go forward. Appreciate department's honesty, don't care one way or the other, for or against, but I would like to be able to reflect one more time in some form or another and amendment might be best way to do it. Do amendments give you heartburn Chris? Counsel Tymeson – Don't give me heartburn they just make more work for people who have to approve the regulation process. Chairman Lauber – Easiest way to keep alive and think about it one more time. Counsel Tymeson – I am going to have to prepare a regulation change if you want to do this. This makes it complex too because if there are no other regulatory changes proposed in this regulation we can't just publish a reg in anticipation of an amendment being offered because there is no change for an amendment. Chairman Lauber – Any commissioner who wants to do this right now? Speak up. Leave it alone and let it die a natural death for now and we will look at it next year. Is that okay? Jaster – Yes it is. Jason Dickson – Another raised hand from the public. Mark Tinsley – Member of Kansas Muzzleloader Association and we as a whole don't support this new type of gun. We know modern inlines are out, we can't go backwards from there but we don't support new one. If you want to do a muzzleloader season, learn how to use the equipment that is already there. It is safe if you know what you are doing. If you don't know find someone to teach you that is the point of being a gun owner of any kind. Chairman Lauber – View is to let it die on the vine for this year, Mark's comments didn't change that any.

Jaster - 115-4-6, deer management units. Changed boundary last year to expand Unit 19, we need to clean up spot on map to complete the boundary (map – Exhibit K). The place in question is northeast corner of Unit 19. To clarify it, the boundary includes U.S. 73 or 92. U.S. 73 runs south down into Kansas City and does not complete that last half-mile along Kansas 92 before it reaches the Missouri/Kansas state line. Recommend we adjust the language to include that section to clear up the gap.

(Skipped - 115-4-11, Big game and wild turkey permit applications, no changes proposed.)

115-4-13, deer permits. No proposed change to this regulation. May consider antlerless question you brought up earlier. Chairman Lauber – Do that. I have that and a question on landowner permits from a member of the public. Jaster – The department was asked to review a proposal to allow nonresidents who were unsuccessful in the draw for either sex permits to receive an antlerless-only permit to potentially still come hunt that season. In looking at this we have some concerns that antlerless permits are not desired or in demand by nonresidents. Nonresidents hold about one-third of doe permits but only account for 20 percent of antlerless harvest. If nonresidents wanted to come to Kansas to hunt antlerless deer we would see that in that we provide all nonresidents that draw an either-sex permit, they have to buy a whitetail antlerless permit along with that. That was implemented in 2013. Prior to that we only sold about 6,000 of those permits a year, adding combo permit increased antlerless permits for nonresidents four times. We only saw an increase in harvest of twice, after adding a lot of permits, have just over 25,000 nonresident hunters including over 3,000 nonresidents that hold hunt-own-land (HOL) permits. Beyond those combo antlerless-only permits, they have only bought 2,500 antlerless permits. Given that low demand it doesn't accomplish anything as far as deer management. It will not help us increase doe harvest where we need to. We have tools that allow nonresidents to do this, they can already come in January without an either-sex permit to hunt antlerless deer. Over the last three years we had 12 permits in 2017, 12 in 2018 and 13 in 2019, purchased by nonresidents that did not have an either-sex permit already. If landowners are needing to reduce doe numbers all of the nonresidents already have permits for antlerless deer in their hands, as far as the ones that draw, and many of them are in units where they can purchase more, to have up to five permits. We also have significant concerns from law enforcement perspective about removing that requirement for having an either-sex permit first. Commissioner Sporer – How many nonresident buck/doe permits did you sell and how many tagged a doe? Jaster – Sold 25,037 last year and our harvest was just under 10,000 does harvested by nonresidents, up 2,000 from previous couple of years. Commissioner Sporer – How many non-filled tags? Do they shoot does if they didn't get their buck, did they take that opportunity? Jaster – Unfilled antlerless tags for nonresidents would be about 14,000 to 15,000. A little over two-thirds of doe harvest not occurring that could. Commissioner Sporer – That is an assumption, did they come hunting and if they did, did they pass on a doe. Jaster – Also, a note to Commissioner Sporer's comment, we do have a doe season in October, the pre-rut antlerless season and nonresidents could be here hunting both and maybe they are choosing to hunt antlered deer primarily but other participants from our harvest survey only 1.3 percent of hunters that hunted pre-rut season were nonresidents. In general, of the nonresidents that participate in January only 1.6 percent are nonresidents. They are coming primarily when there is a season that allows take of an antlered deer only. Chairman Lauber – Original thought was to enable someone to come if unsuccessful in getting a permit and they would be able to go with their group. Initially I thought that was harmless and helpful request from economic development standpoint. As I had got more information, we talk about deer management, some want to talk about hunter management. The point being, I have had conversations with many outfitters, uncomfortable with having a group of five hunters and one with a doe-only permit; in confusion and excitement of seeing a big buck, six bucks get shot and only five permits. There is some concern and outfitters don't want to step on toes, if you ask one they will express misgiving about having an antlerless permit without a buck permit in advance. People do not come to Kansas to shoot antlerless deer. I know some people will look at it from another perspective. I at one time thought it was unnecessary but over time I have talked to several people who had a convincing argument and Secretary Loveless has

as well. Brad, you might share your thoughts. Secretary Loveless – We have had some good conversations, early this week with Kansas Livestock Association (KLA) and there questions were about a typical group that is coming and one person doesn't draw, obviously didn't use the group draw option, they would like that person to come and spend their money at business in Kansas. I have also had comments from outfitters about a concern and past practice. As people approached me I invited them to call in. You hear from me all the time but need to hear from constituents across the state who have a strong feeling about this. Some outfitters say they don't allow their folks to shoot does and have a whole list of reasons. They didn't feel that was an effective mechanism to control does. Most said they don't have a problem with does. Some in southeast part of the state, where there are high doe numbers, say nonresidents are not the way to control does, working with local residents in late season is. There are a whole mix of feelings. Outfitters who have been doing it for a couple of decades typically have strong feelings about this. Hopefully, in the course of today's meeting or this evening they will call in. Chairman Lauber – Anyone want to talk about this or comments from public? Jason Dickson – I have a speaker. Dean Klahr – Thank you for taking time to look into this. A majority of our constituents are ranchers and landowners first and this is a way for them to ensure they can create incentives to keep wildlife habitat and management a part of their operation. This started from inquiries from them. There may not be huge demand for nonresidents to come during the doe season in January or other parts of the year but there could be the possibility during first week of December for a farmer/rancher/landowner who maybe just gives out a couple of leases could tell their individual leases that they can't guarantee they shoot a buck every year but I can at least guarantee you can come that same week every year and hunt. It may be only to shoot a doe but can guarantee they can come. That puts an incentive on both sides to put more focus on habitat management, wildlife management and managing the property together. I think it is hard to quantify when it is not an option during that same time of year. That is our view on that (KLA) and why we brought it up. Understand other concerns and appreciate you looking into it. Chairman Lauber – Derek Kennedy is in the audience, he has a question about HOL permits, I realize in next subject, but while talking from the public have him express his concern. Derek Kennedy – Have a 10-year-old daughter, we have property in Bourbon County. I was trying to purchase her a license this year and was told in order for her to have a license she would have to be on the deed or enter the draw; she is 10. I can understand that with a 17-, 18- or 19-year-old. You can't list a minor on a deed because they are not old enough to own property. From a draw standpoint, she is 10. We have a certain number of acres, have to have 80 acres per member that hunt the property. She is an immediate family member. Because I have gotten conflicting information on this I would like to bring this in front of the commission and let them know that for people like my family that come to your state to hunt to provide a family atmosphere. We have a home and two different farms there, but not being able to include my 10-year-old to hunt is disappointing. We all bow hunt and she shoots a crossbow. I would appreciate some consideration on that for the future. Chairman Lauber – There is a transferable landowner permit, is that strictly for residents? Jaster – There is not a transferable permit in Kansas. Do you meet the 80-acre requirement? Kennedy – Yes. Jaster - There is a special hunt-own-land permit and she should qualify for that. Kennedy – That is true, but here is our situation. We own 180 acres and it is myself, my wife and my 10-year-old child. According to licensing I would have to have 240 acres to allow my 10-year-old child to hunt. If you had three children, 8, 10 and 12, you would have to have an additional 240 acres for your children to be able to hunt bucks. During the special doe season in Unit 11 she can have a doe-only permit and hunt does. She is a minor and

every other state recognizes minors. It is not like we are selling the farm; we love Kansas and would like to stay there. Next year I will enter her into the draw, but I think that is a little much for a minor. I understand that you had issues with people setting up trusts to try to get in different members of the family. My situation is, lot of people from Louisiana own land that come up and hunt, I do it for my children so they can come up. We hunt in Louisiana. If I had an extra 80 acres she could, or I could list her on the deed and I can't because she is a minor. They narrowed it down to two options, put her in the draw or list her on the deed. What I am asking is for the commission to consider including minor children of nonresident landowners to be included without restriction of having additional 80 acres per child. Chairman Lauber – What I suggest is that we have staff review this. A lot of times well intentioned amendments to try and accommodate a good faith thing such as this created issues and everybody gains the system. I wasn't sure what number of acres and ownership may be nor did I promise we would do anything than listen. I would like Levi to reflect on it with his deer group and if you come up with a good idea, fine; not sure what that would be. I didn't mean to use the "T" word of transferrable, I was thinking of HOL. Counsel Tymeson – The special HOL is not available to nonresidents, it is available to children but a landowner that lives in the state. If Mr. Kennedy will give me a call tomorrow I can talk about his situation. These are complex issues of landownership and nuances in the statute. We will see if we can talk about it not online, we can just have a conversation. Kennedy – Yes sir. Thanks for taking time to speak with me. You have a great state and we enjoy every bit of it and look forward to many years of coming up to hunt.

2. Deer 25-Series Regulations – Levi Jaster, big game biologist, presented these regulations to the commission (Exhibit L). In 25-series we set season dates, except military seasons are in a different regulation. It also sets multiple permit limits. This year the recommendation follows traditional season structure except for January seasons, proposing a 9-day, a 16-day or a 23-day antlerless season, depending on what unit. The units within each season will be set by spotlight population survey being completed right now. Youth and disability, September 4-12, 2021; early muzzleloader September 13-26; archery September 13 through December 31, 2021; pre-rut firearm whitetail antlerless-only (WAO) firearm will be October 9-11, 2021, which is Columbus Day weekend; regular firearm, December 1-12, 2021 December 1 is first Wednesday after Thanksgiving; first extended WAO, January 1-9, 2022; second, January 1-16, 2022; third, January 1-23, 2022; and extended archery (DMU 19), January 24-31, 2022. This follows what we are doing this current season except for adjustment for days, like first Wednesday after Thanksgiving and when first of year occurs.

Chairman Lauber – Have you ever heard of 20 litter set of coyote pups? Peek – That is definitely on the high side. Our average litters are presumably above the two or three, but that is a harvested population. Those types of numbers have been documented in western states under extremely heavy control.

3. Antelope 25-Series Regulations – Matt Peek, wildlife biologist, presented these regulations to the Commission (Exhibit M). No changes to recommend for this regulation at this time, including season structure, bag limit and permits which are all expected to be standard. Unlimited archery permits will be allocated for both residents and nonresidents. Firearm and muzzleloader permits will remain restricted to residents with half assigned to landowner/tenants and the remainder awarded to general residents. Firearm and muzzleloader permit allocations

will be determined when we complete aerial surveys. We usually get these done in January but with our agency pilot heading toward retirement I think our biologists are going to give him one last antelope flight and get done in December this year. Our proposed season dates are provided I in the briefing book and those are standard so no changes. The 2020 archery season concluded at the end of October and we are in the process of obtaining harvest reports from as many hunters as we can, so nothing to report on that yet but hope to have harvest report completed by the next commission meeting.

3. Elk 25-Series Regulations – Matt Peek, wildlife biologist, presented these regulations to the Commission (Exhibit N). KAR 115-25-8, elk, open season, bag limit and permits. No changes to recommend with season structure, bag limits, or permit types. The unit boundaries are defined in KAR 115-4-6b and Units 2 and 3 are open to hunting. The map is in the briefing book. The season dates, both on and off Fort Riley, are provided in the briefing book. Looking at elk management units, elk permits are only available to Kansas residents and permit applications are separated into military and nonmilitary. For Unit 2 permit recommendation, those limited can be used on Fort Riley and in Unit 2 we also issue unlimited hunt-own-land (HOL) permits. In Unit 3, the larger unit encompassing most of the rest of the state, we allow unlimited HOL permits and general resident and landowner tenant permits in either-sex or antlerless-only. Chairman Lauber – I received two to three calls from people who have seen elk alongside the road alive and I tried to recall the statistic of how many different counties, out of 105, have had elk harvested in them. Was it a fourth of our counties or more? Peek – Yes, and that was in the last six years. Maybe you have seen some of the recent elk photos floating around, but there is a bull elk in Smith County and one in Douglas County, so animals still moving around. To my knowledge, neither of those were harvested or reported by people who were hunting them, just by people who had seen them. Secretary Loveless – Probably a lot of those elk sighting are probably large Kansas deer. Chairman Lauber – That would be pretty big deer.

**VII. RECESS AT 4:55 p.m.**

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

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

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

*None*

**VI. DEPARTMENT REPORT**

**D. Public Hearing**

*Notice and Submission Forms and Attorney General letters dated September 4 and September 9, 2020 and Kansas Legislative Research Department letters dated October 11 and October 12, 2020 (Exhibit O).*

1. KAR 115-4-4a Wild Turkey; legal Equipment and taking methods – Kent Fricke, wildlife biologist, presented this regulation to the commission (Exhibit P). In April 2020, Commission voted to allow draw locks for vertical bows as legal equipment, changed in big game KAR 115-4-4. To reduce inconsistencies, staff reviewed KAR 115-4-4a, which still prohibited draw locks for vertical bows for the taking of wild turkey as legal equipment. To increase consistency across big game and wild turkey and reduce redundancies, our recommendation is to strike language that disallowed that and basically allow draw locks for vertical bows. As a reminder, since 2014 there has been as many as eight and as few as one application for draw locks, which are allowed with an application for disabled hunters. We are trying to reduce language to allow draw locks within 115-4-4a and then if approved we would not need 115-18-7 that outlines the process for disabled hunters to apply for those draw lock permits.

**Commissioner Warren Gfeller moved to approve KAR 115-4-4a as presented to the Commission. Commissioner Lauren Queal Sill second.**

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

<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 115-4-4a passed 7-0.**

2. KAR 115-18-7 Revocation - Kent Fricke, wildlife biologist, presented this regulation to the commission (Exhibit R). With KAR 4-4a change we can strike 115-18-7 since it is no longer necessary.

**Commissioner Gary Hayzlett moved to revoke KAR 115-18-7 as presented to the Commission. Commissioner Aaron Rider second.**

**The roll call vote to revoke was as follows (Exhibit S):**

<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 115-18-7 passed 7-0.**

4. KAR 115-25-14. Fishing; creel limit, size limit, possession limit, and open season

(includes reference document) – Doug Nygren, Fisheries Division director, presented these regulations to the commission (Exhibit T). This regulation sets size limits, possession limits and seasons. First we need to make a change to the actual regulation, then deal with reference document and a possible amendment to the reference document. The change to the regulation is simply changing the table for the creel limit for trout under statewide regs to an option of five and two to only five, removing the two. That will be part of a vote we will take later having to do with a youth trout permit. Currently children under 16 without a trout permit can have two trout in their creel and we are heading toward regulation change, depending on vote, that would change that to requiring all children to have a trout permit therefore they would be entitled to five trout per day for any children fishing designated waters under 16. Commissioner Rider – Recap reason to have children under 16 required to have a trout stamp? Nygren – David will cover that later on when we vote to create a new requirement for children to have a permit. The bottom line is the cost of the trout program is going up. When we first started that program 15 years ago at that time the Commission wanted to make sure everybody paid their own way and children were required to have a trout permit. A few years ago, it was decided that maybe we should drop that as a recruitment tool and allow children to fish without a trout permit. It has been that way for a few years. The other reason we want to make the change back to requiring a trout permit is it is going to be an inexpensive permit but enough so we can count those children's purchases for federal aid certification. The new rules in place will allow us to capture additional federal aid certification by selling kids under 16 a trout permit. Chairman Lauber – They have to have a trout permit for type one or two waters? Nygren – If simply possessing or if actually there in a type one water, if fishing there you have to have a trout permit and type two is only if you actually want to harvest a trout. This is a situation where we can take advantage of new certification rule as well as generate a little bit more revenue. These trout have become expensive and it is a popular program. The state permit helps offset the cost and we will also use that as the match for federal aid grant we have. Chairman Lauber – Do we pay for trout by the head or the pound? Nygren – By the number, but a certain percentage of the trout have to be over 14 inches so not just stocking all the same size. It is all done through commercial purchases from vendors in Colorado and Missouri, with some trout on hand periodically at our hatcheries as a backup supply. Sometimes we bring in commercial fish and we hold them on hand. We had a bad situation one winter where we had a provider who lost all their fish and it was trout season and we didn't have any and had to scramble, so Milford and Meade hatcheries holding backup fish. Chairman Lauber – Which of these do we need to approve first? Nygren – I will defer to Chris, but can we vote once to get both the reference document and the regulation change? Counsel Tymeson – Motion and second to bring regulation – before the commission, then motion and second to adopt the amendment. Nygren – Discuss reference document and amendment at this time. Talked about changes to the reference document at previous meetings, which is the document where we have regulations that are different than the statewide regs. I won't go through entire list but will recap some of more high profile. It includes reduction of crappie to 20/day at Kanopolis and establishes more liberal creel limits on six rivers, Caney, Little Caney, Verdigris, Neosho, Ark rivers and a portion of the Ninescah River on blue catfish. These rivers are becoming pretty heavily populated with blue catfish and we feel it would be appropriate to let people exploit these. Especially since our neighbor to the south, Oklahoma, would like to see some of these numbers cropped off. They are even more liberal than we are. We have some small community lake changes that came at request of communities. I won't go into those. That would take care of the changes in the reference document. We have a possible amendment to

reduce the creel on striped bass on Wilson Reservoir from 5/day to 2/day. That didn't make it to the Attorney General on time and that is why we having to do it as an amendment. This is a result of having improved forage conditions and concerns about the population there needing a little bit more protection. We had issues with poor forage and body conditions for awhile and that is why we increased it to five to promote harvest when the lake was low. The lake has refilled, shad populations are doing well but numbers of striped bass still haven't responded so reducing creel should help get the population numbers back up and would allow population to return to what it was prior to liberalizing the regulation. Chairman Lauber – Does that population reproduce? Nygren – No, it does not, they are all stocked fish. We stock about 50,000 striped bass fingerlings a year to maintain that fishery there. We missed a year or two because of problems with production and also had forage issues and fish there weren't doing well early on. We have also received a lot of feedback, our biologist Bryan Sowards has talked to the anglers there and there is support for reducing the creel limit. They see an issue and would like us to be more conservative. Chairman Lauber – We need to approve 115-25-14. Counsel Tymeson – That is correct but you need to have a motion and second to bring the regulation up. Then a motion and a second for the amendment. The amendment is a technical amendment, it is adopting a newer version of the reference document which details the change Doug has on striped bass.

**Commissioner Gary Hayzlett moved to bring forward KAR 115-25-14. Commissioner Emerick Cross second.**

**Commissioner Lauren Sill moved to amend KAR 115-25-14 as presented. Commissioner Warren Gfeller second.**

Chairman Lauber – We need to vote on amendment to reduce the number from 5/day to 2/day on striped bass and document shows a date change. Counsel Tymeson – The regulation technically only shows the date change, the reference document adds in that language. Chairman Lauber – Discussion? Commissioner Sporer – What is the cost of the youth trout permit? Nygren - \$4.50, without fees; anything over \$3.00 we get to count for federal aid. Commissioner Rider – Do you anticipate fee on youth to have what type of impact or what could it do? Nygren – We did not sell that many when they were required. Only sell about 12,000 to 13,000 trout permits statewide each year and only a portion are youth under 16. David will get into that in his presentation. Not a big number.

**The roll call vote to amend KAR 115-25-14 as recommended was as follows (Exhibit U):**

<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 to amend KAR 115-25-14 as presented passed 7-0.**

Chairman Lauber – The amendment has been approved so now we need to revert back to original 115-25-14. Any other discussion? Counsel Tymeson – Need vote on regulation as amended.

**The roll call vote on regulation KAR 115-25-14 as amended was as follows (Exhibit U):**

<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 115-25-14 passed 7-0.**

5. KAR 115-7-10. Fishing; special provisions (includes Kansas ANS designated waters)  
– Chris Steffen, aquatic nuisance species (ANS) coordinator in Emporia (Exhibit V). This regulation establishes special provisions for fishing and will update the reference document which is the Designated ANS Waters list. We are adding waters. We found zebra mussels and white perch. There is also an amendment for water found in October (Wichita West KDOT Lake) so that would be included as well.

**Commissioner Gary Hayzlett moved to bring forward KAR 115-7-10. Commissioner Emerick Cross second.**

**Commissioner Gary Hayzlett moved to amend KAR 115-7-10 as presented. Commissioner Emerick Cross second.**

**The roll call vote to amend KAR 115-7-10 as recommended was as follows (Exhibit W):**

<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 to amend KAR 115-7-10 as presented passed 7-0.**

**The roll call vote on regulation KAR 115-7-10 as amended was as follows (Exhibit W):**

<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 115-7-10 passed 7-0.**

5. KAR 115-18-10. Importation and possession of certain wildlife; prohibition, permit requirement, and restrictions – Chris Steffen, aquatic nuisance species (ANS) coordinator in Emporia (Exhibit X). This is the prohibited species list. We want to include species that the U.S. Fish and Wildlife Service added to the federal injurious species list. This brings our regulation up to match with what the federal government has listed. Chairman Lauber – Are our silver carp large scale? Steffen – No, large scale silver carp have not been found in North America.

**Commissioner Aaron Rider moved to approve KAR 115-18-10 as presented to the Commission. Commissioner Lauren Queal Sill second.**

Chairman Lauber – What is a crucian carp? Steffen – It looks similar to our common carp, they don't get as large, somewhere between a common carp and a goldfish at a glance. There have been a few found in North America. People have difficulty IDing them. They are another one of those nasty fish that takes up space and muddies the water. Chairman Lauber – Will they interbreed with our carp or are they that much different? Steffen – A good question, but I am not sure the science is definitive on that.

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

<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 115-18-10 passed 7-0.**

6. KAR 115-1-1. Definitions. Chris Steffen, aquatic nuisance species (ANS) coordinator in Emporia (Exhibit Z). We want to clarify language related to carp. We would like to remove the word “carp” and be more specific and list the specific species of carp to clarify language.

**Commissioner Warren Gfeller moved to approve KAR 115-1-1 as presented to the Commission. Commissioner Lauren Queal Sill second.**

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

<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 115-1-1 passed 7-0.**

7. KAR 115-7-3. Fish; taking and use of baitfish or minnows. Chris Steffen, aquatic nuisance species (ANS) coordinator in Emporia (Exhibit BB). Pertains to taking of baitfish and minnows. The proposed change would allow the use of silver carp and big head carp larger than 12 inches to be used as bait provided the fish are not transported alive from the water. These Asian carp won't hit a normal lure or hook and are good catfish bait. This is a way to allow people to capture these unwanted fish and use them for bait. Chairman Lauber – If they want to move to another area they have to be killed or can they even be moved? Steffen – Can't be moved at all. These two species are on the prohibitive species list so you can't possess them alive. If you catch that fish and want to keep it you need to immediately kill it. Chairman Lauber – If I throw a net and catch one and I want to set a limblime I've got to kill it before I set the limblime? Steffen – Correct.

**Commissioner Emerick Cross moved to approve KAR 115-7-3 as presented to the Commission. Commissioner Gary Hayzlett second.**

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

<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 115-7-3 passed 7-0.**

8. KAR 115-18-12. Trout permit, requirements, restrictions, and permit duration. – David Breth, sportfishing education coordinator (Exhibit DD). We do have the new trout permit that Doug covered earlier. This is where we remove the youth exemption from the permit. We want to create a trout permit for youth at a reduced cost. It would be \$4.50. The trout permit that exists currently would become the adult trout permit at \$12. This youth permit would cover the same requirements and season as it relates to Type I and II waters. Chairman Lauber – Type I waters means you have to have a trout permit no matter what you are fishing for and Type II waters you can harvest other species without a trout permit? Breth – Correct. Chairman Lauber – Kids don't have to have a trout permit in Type II waters but they will now in Type I waters? Breth – They would have to have it in Type II waters if they want to possess trout as well. Chairman Lauber – Or fish for or attempt to possess? Breth – Correct. Chairman Lauber – The price is \$4.50? Breth – Yes, it is \$4.50 and with the vendor fee it is \$7.00.

**Commissioner Gary Hayzlett moved to approve KAR 115-18-12 as presented to the Commission. Commissioner Emerick Cross second.**

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

<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 115-18-12 passed 7-0.**

9. KAR 115-2-1. Amount of Fees. – David Breth, sportfishing education coordinator (Exhibit FF). This one sets the fees for short-term fishing licenses for residents and nonresidents. Currently the price for a resident one-day fee is \$6.00 and we want to change that to \$3.50 plus the vendor fee and the nonresident one-day license is \$12 plus fee and we want to change that to \$7.50 plus fee. We are doing this because we get to count certifications when individuals purchase licenses. We were selling around 60,000 before fee increase in 2016 and now selling around 35,000. We are reducing this to try and get those numbers back up and increase our certification number. Chairman Lauber – Based on revenue produced for the agency and compared to government matching assistance to Dingell Johnson and Pittman Robertson; is it best for us to sell more one-day permits? Breth – That is a hard question. The goal would be it would be best to sell them versus not selling but funny thing is that about 60 percent of licenses sold short term were to unique individuals, so about 40 percent of people out there were buying multiple daily permits. Some got up to 25 or 26 daily permits in a given year. For those people we would prefer they keep buying those one-day permits because we get that wildlife fee fund revenue. When it comes down to yearly license holder versus one-day we get the same amount of money per angler. It would be some sort of calculation and how we feel about it, but revenue-wise the same. Chairman Lauber – We have had one individual that has bought 26 individual day permits? Breth – Yes, we had one that bought 50 at one time, basically every Saturday he bought a daily permit. Chairman Lauber – We need to find him and send him a hat. Breth – For sure.

**Commissioner Lauren Queal Sill moved to approve KAR 115-2-1 as presented to the Commission. Commissioner Warren Gfeller second.**

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

<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 115-2-1 passed 7-0.**

10. Public Lands Cabin Rates – Stuart Schrag, public lands director, presented this regulation to the Commission (Exhibit HH). For past 10-13 years the public lands division has

been operating and maintaining rental cabins at Atchison State Fishing Lake (SFL), Ottawa State Fishing Lake, McPherson State Fishing Lake, Kingman State Fishing Lake and Mined Land Wildlife Area. A couple of years ago we made a decision to shut down the two cabins at Kingman State Fishing Lake as rentals due to the fact that expenses were far exceeding annual revenue and annual occupancy rates were very low. Those were closed and relocated to different properties where they were utilized as office space for staff. That was a successful endeavor and saved us hundreds of thousands of dollars in construction on new office buildings. We are faced with the same dilemma at Ottawa SFL and McPherson SFL with those rental cabins, expenses are exceeding annual revenue and occupancy is very low. We have closed those two cabins and again they will be relocated to a couple of different properties to be utilized as office space for staff. That leaves us with the one cabin at Atchison SFL and two at Mined Land Wildlife Area. As I said these cabins are 10-13 years old and since inception our nightly rental rate has been \$70. We have never changed that. These cabins are deteriorating and in need of repairs and upgrades and upkeep. The \$70 a night is not helping us with expenses exceeding revenue. While occupancy is better at those two locations, revenue is not keeping up with expenses. For that reason, we are recommending and requesting that we increase nightly rental rate at those two locations from \$70 to \$105 a night.

*No vote required, consensus only.*

11. Free Park Entrance and Free Fishing Days by Secretary's Orders – Linda Lanterman, parks division director, presented these orders to the Commission (Exhibit II, Slide – Exhibit JJ). I am presenting Secretary's Orders tonight for free Kansas State Parks days in 2021 and the free fishing days, which is normally the weekend of June 5 and 6, 2021. Each state park will have three opportunities for individuals to come to a state park for free.

*No vote required.*

Secretary Loveless – I have an important announcement about our staffing. We have had the pleasure of working with Jason Ott as Colonel of our law enforcement division for almost three years. He has accepted another job out of state. We are appreciative of all the good work Jason has done for us and we wish him well in his new pursuits. That leaves a hole to fill. He has done a good job. He will be with us a little longer, but not too much. Please join me in congratulating Jason and thanking him for his service in Kansas. Chairman Lauber – Thank you Colonel Ott.

## **XII. OLD BUSINESS**

*None*

## **XIII. OTHER BUSINESS**

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

Counsel Tymeson – I believe we should go over the future meetings and we need to set one for June. Also, there should be discussion on the next meeting and whether it is virtual or not. Chairman Lauber – I don't know about June, but I don't see an in-person meeting in January yet.

While I wish that were the case I think we need to stay hunkered down for a while. I would like to think by June we would be able to do something, but the next meeting by Zoom again. This works better and better every time we have a meeting. I don't think the public or our constituents are missing out on anything. There is a certain value of having a live meeting and I think that is still the preferred way to do it, but I don't think we can take a chance on doing anything differently and we need to respect the Governor's recommendations as well. As far as June, there was a suggestion we have it out west, we don't know what Gary's plans are going to be so don't know if we want to do that or do it at a subsequent time. Chris, any suggestions? Counsel Tymeson – If Sheila would go over the next dates for us that would be beneficial.

Sheila -

January 14, 2021 - *changed to virtual*

March 25 – Topeka, Shawnee Parks and Recreation Reynolds Lodge at Shawnee Lake

April 29 – Beloit, Rolling Hills Electric Cooperative, (plans to try for tour of Ring Neck Ranch)

June – date not set.

Chairman Lauber – We generally do the third week. Sheila – Usually around the 25<sup>th</sup>, whatever that Thursday is. Chairman Lauber – June 24 or June 17. Secretary Loveless – We potentially have a Midwest meeting toward the end of the month, so the 17<sup>th</sup> might be better to avoid that as some of us have to participate in that other meeting. Chairman Lauber – June 17 is fine with me. Can we set the date and decide on where later? Sheila – Yes. If we set it in January that should give me enough time to find a location.

June 17 – *location to be determined in January*

#### **XIV. ADJOURNMENT**

Chairman Lauber – Thank you all for joining the meeting. Have a Happy Thanksgiving, be safe and wear your mask.

Adjourned at 7:17 pm.