

**Kansas Department of Wildlife, Parks & Tourism**  
**Commission Meeting Minutes**  
**Thursday, March 25, 2021**  
**Virtual Zoom Meeting**

**Approved** Subject to  
**4/29/21** Commission  
Approval

The March 25, 2021 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 – Added general discussion item No. 3 since original agenda went out, this change was in the briefing book. That is “Improving Constituent/Commissioner Communications”, Nadia Reimer will present that. (Agenda – Exhibit B).

**IV. APPROVAL OF THE January 14, 2021 MEETING MINUTES**

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

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

Chairman Lauber – Please identify yourself when you talk so record can reflect that.

Elaine Giessel - I live in Overland Park, KS, and volunteer as the Conservation Chair of the Kansas Chapter of the Sierra Club, an organization with over 5,600 members and more than 18,600 additional supporters statewide (Exhibit D). The Kansas Sierra Club wishes to provide the following comments in response to the adoption last August of new regulations allowing for the use of enhanced technology to hunt coyotes at night. (K.A.R. 115-5-1, Section d) You should have received by email today a copy of the “Kansas Sierra Club Position on the Use of Enhanced Technology to Hunt Coyotes.” This policy statement was derived from existing national Sierra Club policy on hunting and from The Wildlife Society’s North American Model of Wildlife Conservation (the “Model”). This Model has become the basis for policies developed by the Association of Fish and Wildlife Agencies, of which the Kansas Department of Wildlife, Parks and Tourism (KDWPT) is a member. In brief, the Kansas Chapter of the Sierra Club opposes the recently approved use of enhanced technology, including night-vision and thermal imaging equipment and artificial lights, for the recreational hunting of coyotes and urges KDWPT to ban

their use. KDWPT clearly favored the special interests of predator hunters wanting to use high tech equipment for killing coyotes over the interests of other Kansans who enjoy the outdoors, including hunters who value sportsmanship. This Commission, the decision-makers entrusted with protection of wildlife for the benefit of all Kansans, should have weighed the broader biological, societal, cultural and economic considerations when making this decision.

The Model referenced above recommends that wildlife management foster greater participatory decision-making, so that contemporary societal needs are met. The Model also warns that governance models that reflect only limited special interests risk having wildlife management agencies lose relevance to society. The Kansas Sierra Club opposes any expansion of the current limits included in the new regulation. The approved season will end soon, so there is an opportunity now for KDWPT to review the results and to take appropriate actions to resolve any problems, including possibly rescinding the new regulation. Data to consider include:

- How many permits were granted?
- How many coyotes killed?
- How many incidents of collateral damage to other wildlife, private property, or public welfare?
- How many complaints from the public or private landowners?
- How many additional call-outs for law enforcement?
- What was the total cost to KDWPT to issue permits and enforce the new regulation?
- Did income from the permits at only \$2.50 a piece cover actual costs of administering the program?

For future reference, the Kansas Sierra Club opposes the following:

- Agency and legislative actions related to wildlife hunting or public land use that are not based on sound management policy and apply only to limited special interest groups.
- Using enhanced technologies, including but not limited to artificial lights, night vision and thermal imaging equipment, and drones, for hunting wildlife unless part of a data-driven wildlife management program.
- Killing competitions/tournaments and bounties placed on hunting of coyotes, prairie dogs or any other wildlife species, that significantly diminish species populations, compromise local ecosystems, and/or run counter to scientifically based wildlife management plans.
- Using vehicles of any kind, drones or “chase dogs” to run down, harass, harm or kill wildlife.

The Kansas Sierra Club supports the following:

- Hunting laws and regulations that promote sportsmanship, scientifically based wildlife management practices, public safety and enjoyment of Kansas outdoors by all.
- Monitoring, supervision and public reporting of hunting techniques authorized by regulations for adverse effects. Detrimental impacts on citizens, law enforcement, and wildlife should be documented, studied and made public so that solutions can be identified and implemented promptly.
- Updated, statistically valid, statewide public opinion surveys, specifically designed to help KDWPT determine program priorities and allocation of resources for outdoor recreation and management of wildlife.
- Broad, stable, and equitable funding of KDWPT that would enable greater focus on non-consumptive wildlife appreciation, promotion of tourism, conservation of biodiversity and preservation of native habitat, and would provide access to the outdoors and recreational opportunities for all Kansans and out-of-state visitors.

Thank you for accepting these comments and for your commitment to protecting “Wild Kansas” on behalf of all Kansans.

Margaret Kramar – I would like to reiterate that the North American Model of Wildlife Conservation (the Model) has become the basis for policies developed by the Association of Fish and Wildlife Agencies, of which KDWPT is a member. The Model states that a sportsman affords game fair chase, derives no financial profit from game killed, inflicts no unnecessary pain or suffering on game and will not waste any game that is killed. Between wildlife killing contests and hunting with enhanced technologies, all these guidelines are being violated. Could you please state the reasons why KDWPT is not complying with these guidelines? Chairman Lauber – That is a matter of interpretation or opinion because I think we are abiding by the guidelines. Appreciate your thoughts and comments.

Stacy James – Comment on my statement against coyote killing. This is my first meeting with you, I am new to Kansas. Nice to see large commission meeting. For these three reasons: 1) predator control, I am going to use cattle as an example but if coyote killings are part of the reason for predator control, according to the USDA, nonpredatory deaths of cattle per year is 98 percent non-predatory compared to approximately two percent caused by predators. There could be affects in different areas of livestock. Most people who are cattle ranchers specifically are using guard dogs, fencing, and other methods that are making a much larger difference than random killing of coyotes. On top of that non-predatory cattle deaths, if people wanted to make a difference in any type of livestock, would be investing more in respiratory illness disease and researching how to stop that in cattle. A lot of times you hear that coyote killings are used for predator control and after doing research through USDA there is a lot of other ways to control deaths in certain livestock. 2) The intentional, random shooting of wildlife in this instance of coyotes isn't preventive. In my opinion it is reckless, damaging to the environment by removing many of the strongest most helpful predators who are removing rodents and other small mammals that other people find a nuisance. By allowing these mass non-regulated killings it could be, with research, be more harmful to the overall eco-system. In addition, with my tax dollars paying for it. 3) Ethics of hunting, even though I may not be a hunter myself I come from a family of hunters, my father was a professional guide, founded National Bird Dog Association in the U.S. and I grew up in the world of hunting. In my hunting family, none of them would prescribe to being part of a killing contest. In my family there is a lot of ethics around hunting and I think it is marring the reputation of hunters to have killing sprees of animals like coyotes. For all of those reasons I personally want to go on the record to voice my disdain and disapproval and opposition to killing of coyotes, in general killing contests as well as my tax dollars being used to support these contests. I appreciate you hearing my opinion today and thanks for honorable work you do. Chairman Lauber – The departments tax dollars come from users or distribution of excise taxes on hunting and fishing gear. That doesn't take away my respect for your opinion although I disagree with it, but it doesn't come from your tax money. But it is a bigger issue than that to you.

Nicholas Boehm, Kansas City – It is worth reminding people on the phone criticizing KDWPT policy that hunters and anglers have funded the bulk of conservation work that has happened since the early 1900s. We are the ones responsible for wildlife existing on the modern landscape, we are the ones who do the work and fund conservation, not anti-hunters. I am a waterfowl

hunter, wanted to put advice in on youth and veteran's day. Love to see youth have Saturdays exclusively and veterans and active duty and youth have Sundays. From personal experience I took a new duck hunter who is veteran hunting over the weekend and we had a great time. We met a group that had kids at the boat ramp and we deferred to their group to choose where they wanted to go first to get the best spot because we thought it was the right thing to do. We all had a great experience. On the way out, as we were chatting about it, what we are trying to do is recruit new hunters and we felt kids were the future of that and should have the first opportunity to have an easy-going introduction to waterfowl hunting over adults who have probably been hunting for some time. That is a way to do that so everyone can enjoy being outside hunting. I recognize there are a lot of sacrifices that veterans and active duty military make and I respect that but feel like kids should have the first crack. So, splitting the weekend might be an option where everyone can enjoy that. I am also interested in encouraging the Commission to restrict that youth/veteran weekend to only Kansas residents and active military folks who are stationed here because they might not necessarily be residents, in order to keep pressure minimized. Also, looking forward to hearing presentation on nonresident duck hunting pressure and would appeal to the Commission to take proactive steps to minimize nonresident pressure, whether increasing prices for nonresidents so we can acquire more land, providing on-the-ground experience. Those of us that hunted across the state, the waterfowl hunting pressure was off the charts with nonresident hunters even in places you wouldn't expect them and that includes federal areas as well. Appreciate the time.

Terry Luthi – I am a Kansas resident from Emporia. I have a question about air gun deer hunting. I own a large caliber air gun and these are not your grandpa's BB gun. They have air rifles that have calibers all the way up to 50 caliber. I have watched a number of videos on the internet where gentlemen are out hunting with air guns, hunting deer and feral hogs and other critters. Point out that quite a few states allow air gun hunting (California, Idaho, Utah, Arizona, Texas, North Dakota, Missouri, Arkansas, Mississippi, Alabama, Georgia, Tennessee, Kentucky, Virginia, North Carolina, South Carolina, Florida, Maryland, Vermont, Maine and Michigan). There has been some talk of air rifles not having the efficacy needed to get the job done. I own a .357 caliber air rifle and I have been target practicing using various items to test penetration. I have a Kenmore refrigerator that is about 10-12 years old and is approximately 80 yards away that I have been shooting at. When I initially took a few shots to see what would happen, I thought it would just penetrate one side and then I could use the other side for target practice later. To my surprise, after three or four shots I walked out and took a look and the bullets had penetrated through both sides of fridge and satellite dish behind it and the bullets also penetrated it. I would like to point out that air guns have various weights of slugs and some of them look like pellets, some look like hollow point high powered rifle slugs. There is a package that came with my rifle, a scope and you can mount a number of things on it. Using the target practicing slugs, which are 82 grains, those are the ones I penetrated refrigerator with. If there is any issue about whether or not an air rifle or air gun that is .30 caliber or larger and kill a deer I am confident that would be the case. Also, after I noticed I was able to shoot through fridge I decided to put roofing sheeting, basically half-inch plywood inside the refrigerator to see what would happen. During the course of my experiment, I started with one piece and the bullets were penetrating through and out back; I put two sheets spaced apart and the bullets were still able to penetrate both pieces and the back of refrigerator. My plan was to retrieve the bullets so I put a third piece in before I was actually able to stop the bullets from penetrating both sides. A

refrigerator is not a deer but I would not want to be on the receiving end of anything coming out of my air rifle. I feel confident this weapon would work well especially in a deer blind or a tree stand situation. The particular rifle I have is not very long but many of them are long and cumbersome but they make some called a bull pup design where the barrel is set back into the stock quite a ways, which shortens up the gun considerably. I would like to see if we could get caught up with other states that allow deer hunting with these large caliber air rifles. Given the fact that gun laws may be changing. Deer are going to keep showing up in Kansas, feral hogs are nonexistent although air gun hunting of feral hogs is legal in Kansas but there are very few places with any feral hogs in Kansas. What about large caliber air gun hunting for deer and other large animals in Kansas? Chairman Lauber – You and I have talked before and I encourage you to come and speak up at the meeting. This has been brought up before but for variety of reasons there was no traction. Part of the holdup is air rifle manufacturers have been able to avoid Pittman Robertson taxation and that contributes to this. I appreciate what you have to say. Luthi- Does that excise tax apply to bow hunting and any other method of taking a deer other than using a firearm? Chairman Lauber – I believe it does. Luthi – Is there a possibility of some kind of an air gun hunting stamp that a person might purchase every year to hunt with an air gun or some other way to satisfy that problem? Chairman Lauber – We are getting ahead of ourselves. We still have to determine whether or not air guns are something we want to have in general. You are very confident and there have been others who have expressed less confidence, not the fact that a properly charged air gun isn't lethal but there are issues of whether or not if you are down to the last of your air charge. I would like to see staff look into that to check into this issue. Luthi – With air gun hunting you are going to have limited range of shooting as far as how far away you can take a deer and in blind or hunting in a tree stand that is not going to be an issue. A good air gun person, someone who knows how to use their air gun would realize if you are hunting deer you are only going to need one shot, maybe two if you have a problem. My air rifle has the capability of ten shots and I probably wouldn't try to shoot a deer after five shots out of the gun because I know how much air it holds and what happens to the speed of the bullets as the pressure decreases in the tank. The first four or five shots are going to be your money shots and after that you should get your bottle and refill your tank.

Alan Godsy – Kansas resident, own a home and a farm. Question on coyote hunting business. Started allowing use of thermal imaging and night vision equipment. Is this hunting done at night? Chairman Lauber – Yes, that is why we allowed it. Godsy – Shooting at night is always bad, not a good thing. If we hear shooting at night and we step out on our front porch all we see is dark. It is my opinion that is a bad idea. Appreciate your time. Chairman Lauber – Thank you for speaking up.

Nichole Brown – I am a Wichita resident. Nicholas Boehm mentioned that hunters are responsible for the conservation of animals in our state because they provide money to that end. While that is true, especially in the past hunting and fishing has brought in quite a bit of money for KDWPT I am curious why we have decided that method of fund raising should be the primary or appropriate method of raising money. There are plenty of non-hunters and non-anglers, such as myself, that would love to help with conservation of Kansas land, plants and animals and currently do not have a good way to do so. We could buy a license and not use it but surely we could think of a better way to allow these people to contribute. Taxes or fees on non-hunting or non-fishing items like binoculars, hiking boots and the like could be implemented.

Vanity plates with sunflower and meadowlark could be put up for sale to benefit KDWPT and conservation. I think our representatives could surely find other ways to think of things Kansas residents might enjoy. We really do want to contribute we want our voices heard and love Kansas. Frustrating to me and other people I have talked to that a hunter can buy a tag to benefit taking home a deer and non-hunters and non-anglers don't get any kind of benefit by buying a tag and not using it or buying a duck stamp and not using it. I think even something as simple as a vanity plate could easily make a lot of money. I appreciate your time and appreciate work you do for us. Chairman Lauber – Interested in new revenue sources and we have had some previous input and staff has been working and trying to provide for people who want to do volunteer work and how they could help the department. We are looking into that to see how we can do that. We want to encourage participation among non-consumptive users. We have limited number of people who want to do that but maybe if advertised or pushed forward a little more I think Nadia and others have been trying to figure out how we can provide that. It is a good point. Secretary Loveless – Good point and Elaine made the same point about how to contribute. Obviously these folks are benefiting from resources we manage but we haven't been effective on ways to contribute. Everybody is familiar with chickadee checkoff program that has been around for decades, we don't get a lot of contributions and may actually be declining. We also have WildTrust where people can contribute. We are looking at ways to engage, not just for your money, but input on how we can do things better, provide more opportunities who aren't the traditional hunter or fisherman. Appreciate comments and like to reach out for your ideas, including those of Sierra Club, on ways to contribute. We are interested in your contributions to help fund these programs and expand those. Doing a bunch of work on designating birding trails with Kansas Audubon. Most importantly we need your input on how we can do things better and be more inclusive to everyone who wants to use the outdoors.

Chairman Lauber – A year ago had pandemic and we started having virtual meetings. The first meeting was okay, the second was better, and each time we have virtual meeting we seem to get more active input, more comments on non-agenda items, more diversity. We had several comments today that made me think, I don't I agree with all of them but it is their right to be heard and I appreciate it. I enjoy seeing others and having in-person meetings, we are getting a lot more statewide contributions to our thought process by holding these meetings virtual. There will come a time we want to go back to live meetings but I want to continue to extent we can, technologically to have this component so people can address our group and not drive four hours to do it. This is a good way for us to get a cross section of opinions. For me it is helpful.

## **VI. DEPARTMENT REPORT**

### **A. Secretary's Remarks**

1. Agency and State Fiscal Status Report – Brad Loveless, Secretary, presented this update to the Commission – Good news, currently awaiting legislative action for the fiscal year 2021/2022 cycle. Our EDIF apportionment is just over \$5 million. We had comments on tax money and what funds the department. As was stated we are really funded by sportsmen's and women's dollars as they buy licenses and camping permits. We use that to leverage federal tax monies that is contributed when those same folks are buying the things we mentioned, fishing poles, rifles and ammunition, boats and motors and those kinds of things. That is how we are

basically funded. We get \$5 million from EDIF, economic development incentive fund, which comes from lottery money or legalized gambling in Kansas. We don't get any tax money, no state general fund, but we do get some gambling money and sportsmen and women user money. We will hold budget static from fiscal year 2021 to 2022. We are working to try and budget more accurately and transparently and have been sharing that with the legislature in greater detail to make sure they understand exactly what we are doing it and why we are doing it. The park fee funds are state parks revenue for fiscal year 2020 was up from 2019 by 36 percent, a big jump. 2019 was a tough year with all the flooding, 2020 was a boon year with all the increased use as a result of COVID and the effects that had on people. We have seen an increase from last year for every month in fiscal year 2021, so the trend is positive and it continues. Currently up about 49 percent in total revenues from same time last year. The current cash balance in the park fee fund is \$5.7 million and from this time last year, just over \$2 million. I will remind you that we incurred just under \$10 million in damages between roads and buildings, restrooms and docks in 2019, so, still digging out of that hole but the positive revenue is definitely helping us and will help us try to address a lot of those corrections and repairs. Cabin revenue for fiscal year 2020 was up about 10 percent from previous year, which was good, but we restricted cabin use last year because of rigorous cleaning requirements because of COVID, we couldn't use the facilities as aggressively as we could in years past. It gives and it takes but overall, up a little bit from where we were a year ago. The wildlife fee fund is up about 11 percent from same time last year. Currently like to keep \$15-\$20 million balance at the end of our fiscal year, which has proven over time to be wise based on uncertainties in the future. Our balance as of the end of December was \$12.4 million, end of February was \$16 million. Federal funds, from excise taxes from purchases, projections expected to increase for fish and wildlife restitution funds. Pitman Robertson funds from wildlife are expected to increase from 11 million in fiscal year 2020 to \$12.7 million in fiscal year 2021. We have a list of projects to do based on prioritization. Dingell Johnson funds for fisheries looking to increase from fiscal year 2020 at \$5.1 to fiscal year 2021 \$5.8 million, a good increase. Between heavy use last year and hopefully heavy use this year and allowing us to have more money to leverage that federal money, we have to have our money to leverage that, it is not handed over to us, but economic picture is looking positive.

2. 2021 Legislature – Chris Tymeson, chief legal counsel, presented this update to the Commission – Last week for regular session, bills have to out of House of origin by tomorrow. House concluded work this afternoon and Senate should conclude their work this afternoon also. It will be proforma next week. They will go out on the floor and work bills that have passed out of those committees and have conference committees as well. First year of two-year cycle so bills that were introduced this year that didn't make it through that process, unless stricken from the calendar, will be alive next year. There are also bills that are exempt from deadlines because they came through certain committees and they can still have action passed tomorrow. Things are moving relatively fast. Following a few bills that are on our website and few that are not: **SB 101** – Deals with e-bikes and the authority of governing entity to restrict e-bike use. There was a companion House bill. We were not engaged in that process because we already have our own authority to allow or disallow the operation of those bikes. There was a bill in the House that made it out of committee, was stricken from the calendar; SB 101 passed out of Senate, was then scheduled in House committee and the hearing was canceled earlier this week. **SB 142** – Was a department initiative that deals with personal floatation devices (PFD). The federal government has changed rating system for PFD and there was a specific reference in statute on PFD and it

dealt with 12 and under and we need to change our regulations to accommodate that new rating system but we couldn't do it without changing the statute first. Came out of Senate committee earlier this year, there was an amendment which would say that if you are operating or using a vessel, if on board or towing, the children have to have a PFD on if 12 and under. The amendment allows for 12-year-olds in confined spaces to not have life jacket on; consistent with federal law. That went out of the Senate, took action on the floor this morning, it passed and went straight to House final action so it is on its way to conference committee because there was a technical amendment made as it left House committee so will be in conference next week. **SB 145** – On Senate general orders above the line today, hearing it today, heard earlier this week and pulled it back off the calendar. It is the purchase of a piece of property near Kingman Wildlife Area and have been working on it for several years, since 2017 or 2018. Will know more later. **SB 159** – Not on our website but was a claim against the state bill made last year against the department that went through the claims process, was denied and then there was an amendment in House Appropriations on Monday to add that money back into claim bill. It is \$16,000 regarding a set of antlers, it passed out of House committee and if it passes the House floor next week it will have to go to conference committee. **SB 160** – A department initiative updating reference to American Fisheries Society guidelines for restitution on unlawfully taken fish species. Basically, tells how much those are worth and what it cost to raise those fish if illegally commercialized. That passed the House today, also a technical amendment, so, will go to conference committee. **SB 225** – Department initiative dealing with Kansas Police and Fire retirement. Heard in Senate financial institution committee and has not left that committee. **SB 269** – Deals with dangerous regulated animals. In 2004-2006 time frame we dealt with dangerous regulated animals and we have regulations regarding caging requirements for African lions, mountain lions, tigers, bears and non-native venomous snakes, among others. There was a hearing yesterday which would add non-human primates and wolves to the list of species. The committee did not take action, so, still in committee. I have not had a chance to go back and look to see if it was an exempt bill when introduced. **ERO 48** - Which would take division of Tourism and transfer from our Department to the Department of Commerce, where it came from and now would be returning. From the date of introduction, if the legislature takes no action, then it becomes effective after 60 days. The actual implementation date is July 1. Obviously the House has adjourned and in proforma tomorrow and the Senate, when heard the ERO, passed a motion that favorably considered and they will be in proforma tomorrow so in all appearances it will stand and Tourism will transfer to Commerce on July 1. **HB 2025** – The title is “protecting private property from unauthorized access by certain government officials and unauthorized surveillance” deals with our conservation officers, two portions of the bill, the first one dealt with our officers and surveilling private property, second portion dealt with all law enforcement agencies and surveillance of private property using utility pole cameras. That bill passed out of committee before the first turn-around, did not make it past turn-around, was referred back to the committee and there was an amendment to remove the second portion of the bill, so, now it only applies to Wildlife and Park conservation officers. They cannot enter private property to do surveillance without a search warrant unless one of three circumstances exists: consent, plain view and exigent circumstances. It will have an impact on our law enforcement officer's ability to check licenses, problematic for the agency. That is now on House general orders and I assume it will move above the line next week. **HB 2032** – Dealt with artificial light, the intent of the sponsor of the bill was to reverse the coyote hunting thermal imaging regulations passed last year by the Commission. It is broader than that and has much larger impact, but the bill didn't get a



hearing and didn't go anywhere. There is a bill that deals with rules and regulations and the process and I am working that. It is not on our website but it is about three-quarters of the way through the process and will hopefully pass, it will make my job more streamlined when it comes to processing regulations, as well as everybody else's. **HB 2089** – Came out of House last week and deals with firearm safety education training, an NRA sponsored bill that was a gut and go, contents of a bill were stripped and these provisions substituted. It passed House last week, 75-47 and has a hearing on Monday in Senate Fed and State. What it says is that if schools are going to offer firearm education that it has to be Eddie Eagle for Kindergarten through middle school; the middle school can be either Eddie Eagle or KDWPT hunter education; and the high school would be KDWPT hunter education. That bill has a hearing on Monday and we will see where it goes. **HB 2284** - Would have given seniors half price campsites and cabin fees at state parks, that bill had a fiscal impact in the million dollar range and did not get a hearing. **HB 2321** – Was the deer transferrable bill, had a hearing back in February, the Department opposed it and the bill did not go anywhere. **HB 2336** – A bill that dealt with wildlife decoys under the control of law enforcement creating a new crime to shoot those. That bill came out of House committee, did not make it above the line in the first turn around and stricken from the calendar so that bill is dead. **HB 2392** – Deals with giving lifetime combination hunting and fishing and furharvesting licenses to Kansas or Air or Army National Guard veterans who served for 20 years and honorably discharged. Had a hearing, we opposed it in its current form because unfunded. We currently have a program for Kansas and Air or Army National Guard to have free-to-them hunting and fishing licenses paid for with State General Funds on a first come first serve basis until funds run out. This bill did not have any type of funding mechanism. It would have been on the backs of our current users. That's it, stand for questions. Chairman Lauber – The bill that deals with law enforcement prevention. As you understand that bill, can a conservation officer take a set of binoculars and view somebody out hunting on private property, or would that be considered monitoring? Tymeson – According to the testimony and what was said in committee, you cannot surveil private property without a search warrant. The testimony was you couldn't be on or off the property, so I don't believe you could take a set of binoculars and look out into a field to see if there was something going on. Chairman Lauber – Terrible bill and suggestion and would tie law enforcement's hands. Do you think you can stop that? Tymeson – Certainly we can have reasonable discussion about the impacts. Some of the proponents of the bill stated incorrectly that this has no impact. If it has no impact, why do we need to have it? Secretary Loveless - One of the difficulties while in the testimony, we have to read it literally. When Chris and I looked it over and read it and interpreted it you have to take the plain interpretation. However, the people who were proponents were saying no, it wouldn't have any of those affects. It is frustrating for us because we were saying literal interpretation is this and they were saying it won't. We are stuck with what we are battling here because we are convinced it does pose problems for our agency as it is written. It has been difficult to get our arms around it. Chairman Lauber – We have 105 county attorneys and they are the ones that prosecute game violations however, the fines do not come to us they go to the state. If anybody decides to utilize this they are going to have a literal interpretation. They are not going to prosecute knowing it may not really be what the intent was. That is baloney. That is what we get sometimes from elected officials and there is nothing we can do to fix it. Tymeson – Disservice to landowners who are our partners in conservation. If somebody posts their property as “no hunting without written permission,” the way the bill is drafted if a game warden is driving along and sees somebody out there hunting they will not have the ability to go check that individual. You don't know if a

crime is being committed and would have to have a search warrant to ask that person to see their written permission. It is a disservice to landowners. Commissioner Sill – Can a landowner call their local CO in July and say, I give you consent and if you see anyone on that property at any time you have consent, or does it have to be consent to a specific incident for them to enter? Tymeson – Not sure if somebody could give consent. Don't know if consent means of the landowner or consent of individual out there hunting. It is going to be problematic the way this is drafted. If it makes it. It has to make it across the House floor and make it then through the Senate, a long way off. Commissioner Gfeller – Point about landowners and issue with landowners. Has Farm Bureau or KLA or any of those organizations taken a position on the bill? Would they be supportive of our position? Tymeson – Farm Bureau might have submitted written testimony. Part of the difficulty with this session is viewing those testimonies that are written. We submit written testimony every time we testify even if we testify in person. KLA opposed the bill initially because the bill was much broader and had other law enforcement agencies and noxious weed employees of counties. I believe their testimony was, if noxious weed people weren't in there they would support the bill. I don't know if that will be their position if it moves forward. Chairman Lauber – I have little confidence we will be able to have KLA or Farm Bureau come to our aid, may at best be neutral. Looking at it and saying it won't be that way when in fact that is the way the rules are and if it gets passed it will be harder to repeal. It is probably based on a lot of black helicopter deep state surveillance issues. I know one of the proponents had somebody call me and asked if we have cameras on private property watching hunters. I said, of course not. Something developed for that question to come to my attention by a constituent. Do the best you can, that is all we can ask for and we will deal with it in whatever way is appropriate. Tymeson – Proponents cited an issue in Tennessee, no issue in Kansas that is driving this, just philosophical. Commissioner Sporer – Chris, update on getting the fee structure risen through legislature? Tymeson – The last several years we have offered a bill up that would increase the fee caps. After discussion it was decided we would not offer that bill this year. We had a discussion in Senate Ag and Natural Resources. Secretary Loveless – Requested by some of our partners to not bring this up this year, there were concerns of timing of it relative to COVID. To Chris' point we have been discussing this for years. The groundwork we tried to lay this session; we talked to committees Chris mentioned and said we will be bringing this bill next session. The history of our fee increases has been that they track almost exactly with cost of living increase, we are tying them to good economic data and watching what our neighboring states are doing and it is a measured approach. What we will do next session is have a bill ready that will propose that we be allowed to increase fees into the future, based on starting point and changes over time based on cost of living increase. It would give us a ceiling that we cannot rise above when it comes to rate of resident fee increases. We would propose to not have nonresident rates hooked to that as it is a different set of data. There is high demand, as you are aware, of nonresidents coming into Kansas and we feel we can charge more and people would gladly pay. That is our approach and plan for next session.

## **B. General Discussion**

Secretary Loveless – As we discussed at the last commission meeting and continue to receive feedback on nonresident waterfowl impact numbers. We continue to have conversations within the department about the data we have, which Tom will present. We appreciate letters and phone calls, valuable to us. We have to evaluate that input in context of the greater dataset we have. As

you all are aware we collect extensive iSportsman data from users at our wildlife areas and we do frequent scientific surveys of hunters. Which is very important to have long-lived data we rely on heavily. We have had some who suggest the possible solution is to reduce bag limits to make Kansas hunting less attractive. While that is something we can consider we are concerned about that particular type of suggestion because we are based on North American Model we have been referring to. What we rely on is population data and USFWS recommendations and requirements and we believe these user and bird data, our recommendations and bag limits should emanate from. That has been our standard historically, a good scientific approach. That is what we intend to do when it comes to our recommendations. We promise to continue to have conversations on waterfowl management and continue conversation. It will not be solved in one or two meetings but look forward to conversations and encourage those in the future.

1. Kansas Waterfowl Hunter Activity and Residency – Tom Bidrowski, migratory game bird coordinator, presented this update to the Commission (Exhibit E). While not unique to waterfowl, increase or perceived increase in hunter numbers and hunting pressure is a passionate topic among waterfowlers. Changes in national and local hunter patterns are becoming greater concern particularly how it affects public hunting lands. KDWPT has been receiving more inquiries from relating to nonresident hunting pressure. These communications coupled with other indices; may suggest we may be nearing a tolerance tipping point. The issue is complex with no single or simple solution. Today’ presentation is general overview in response to last commission meeting for staff to examine what indices we have that may provide insight on impacts of increasing non-resident waterfowl hunters. Future discussions will address public land issues in greater detail as well as other considerations in the non-resident debate. Are the marshes more crowded than previously? It is a measure of what time span you look at as well which area of state or habitat type. Two measures to look at hunter activity on statewide basis are the USFWS mail survey questionnaire conducted from 1961 to 1999 and the currently used HIP (harvest information program). Compared to the peak in 1971 we have about 74 percent less active duck hunter in Kansas. Much of the decline during 1980s and into the 1990s when drops in waterfowl populations limited season length from 39 to 60 days. Since 1997 have had stable season length with 74 days in the low plains which in the most days post 1930s. Also have had some of the highest duck populations during the last 20 years. Best measure of residency is Kansas Waterfowl Stamp. All waterfowl hunters 16 and older, unless license exempt, must buy a Kansas Migratory Waterfowl Habitat Stamp before hunting waterfowl. Created in 1987 with electronic files dating back to 2005. Current fee of \$7.50 dedicated “for the purpose of protecting and propagating migratory waterfowl, including the acquisition, by purchase or lease, of migratory waterfowl habitats in this state, and for the purpose of development, restoration, maintenance or preservation of waterfowl habitats.” The past five years resident sales are stable but percent of nonresidents has been increasing. Good news we are not losing residents just seeing an increase in hunter groups. Nonresidents are increasing at steady pace with 21 percent nonresidents in 2011 to currently 38 percent. Stamp sales give some incite to demographics of who Kansas waterfowl hunters are including residency. Missouri and Texas highest nonresidents and seeing increase in southeast states. Wichita being the largest population center also has largest number of Kansas resident hunters. Waterfowl hunters are younger compared to other hunter communities. Those 20 to 30 years old comprise of one-quarter of all waterfowl hunters. While can’t get detailed residency for HIP, we can get hunter activity which may assist in examining crowding issues. Active hunters are on slight increase while hunter days going down.

This may be an indication that resident hunters are hunting less days as well as nonresidents who often are only here a few days. While mostly designed to measure upland game, KDWPT small game survey does provide some trends in waterfowl participation. There has been some fluctuations with resident hunters in last few years been upward trend for ducks and geese. Nonresidents are also showing steady increase. Three graphs show comparison of resident to nonresident activities based on KDWPT small game survey. Nonresidents on average have higher bag per day, but smaller seasonal bag and hunt fewer days. Human dimension data may assist in variety of measures. One aspect of the nonresident issue is whether it is a public versus private land issue? It's both. In 2019 Study of Kansas resident waterfowl stamp holders, they were asked to indicate the percentage of their duck and goose hunting that occurs on public land which includes state wildlife areas, federal wildlife refuges, WIHA, public rivers, and reservoirs. Eighty-two percent indicated that some portion of their duck hunting was on public lands and 80 percent of some of their goose hunting was on public. Most of the state public waterfowl hunting areas require hunters to e-check-in with the iSportsman system. Like stamp sales, we're seeing an increase of nonresidents on public lands. Data shown includes check-ins from September through January, if removed teal season those numbers would increase by three percent less for nonresidents. November and December is when we see peaks in hunter numbers. However, there are differences in they percentage of nonresidents for wildlife areas. Statewide it is about 28 percent but was as high as 69 percent for some areas. A future presentation will go in greater detail of nonresident issues on public land. Kansas is not the only state experiencing these impacts. Many states have taken regulatory steps that put limitations on nonresident hunters. More densely populated states particularly on the east coast have blind laws that limit who hunts and where. Many other states also limited public access either through lottery systems or limited times when one can access properties. Some states like North and South Dakota have limited hunters through permit sales. Kansas open access is appealing for those hunters that must abide by such limiting factors in their home state. Increase or changes in hunter activity can have direct and indirect affect on waterfowl populations by two means, biological and societal. Biological: changes in hunter patterns can directly result in changes in harvest and distribution. Indirectly, hunting pressure can affect the ability of waterfowl to meet their life history needs. Waterfowl need access to high quality forage and areas to rest. Increases in hunting pressure can alter their behavior; change the habitat they use or force them to migrate without recharging necessary energy replenishments. Waterfowl harvest is heavily regulated with harvest and population objectives set at the population level and managed by the US Fish and Wildlife Service and Canadian Wildlife Service with input from the Flyway Councils. There are several safeguards to ensure harvest remain at sustainable levels and populations remain robust. Season length and bag limits are the primary adjustments to regulate harvest. With such safeguards, in general overharvest by Kansas hunters is not as concerning as the increase hunter pressure particularly on Kansas public areas. Societal: addressing the social impacts in changing hunter demographics can be difficult. Like season date preferences, tolerances are not universal across hunters, areas, or seasons. It is not only overall increase in hunter numbers but also how it can play a role in hunter behavior and resulting hunting pressure. There are both short- and long-term patterns arising. Kansas may have limited number of public lands compared to other states, it does have many opportunities for a variety of quality waterfowl hunting experience. Waterfowl conservation relies mainly on hunters. Ducks need duck hunters particularly for local level management support. In 2020, we faced many challenges but with challenges are opportunities. It has allowed many to take advantage outdoor pursuits. KDWPT have seen increases in hunting

and fishing license sales, park attendance and other outdoor pastimes. Canada is a very popular waterfowl hunting destination with an estimated 20,000 U.S. hunters annually hunting the Canadian prairies. Due to COVID restrictions, many U.S. waterfowl hunters had to alter their hunting plans. Another popular waterfowl destination is South and North Dakota. In early October of 2020, the Dakotas experienced an early season heavy snowfall event that greatly affected their bird numbers and impacted waterfowl hunting. This also displaced many traveling waterfowl hunters. On the south end of the flyways, Mississippi and Central, there were multiple hurricanes in the gulf coast. These greatly affected habitats but also infrastructure that is essential to both public and private waterfowl grounds. The Atlantic Flyway has undergone number of season restrictions including a limit of two mallards daily as well as in portions of Atlantic Flyway, Canada goose limited to 30-day one goose limit. The combination of these disruptions and quality of Kansas 2020 habitat conditions, made Kansas a favorable destination. As waterfowl are a diverse array of migratory species that occupy a variety of habitats and at different times, it is not surprising that those who hunt waterfowl are just as mobile in their pursuit of these birds. Traveling to hunt is nothing new, and we all have seen the historic photos of those traveling by train, wagon, or Model T to hunt waterfowl at some great destination. While traveling great distance is not as great of feat as it was 100 or even 50 years ago, most waterfowl hunter still have a wish list of species or locations that they would like to experience. Cottage industries can be an economic boom for local economies providing lodging, food, and equipment for traveling hunters. Access to information is one of the modern amazements. Once limited to dated stories printed in magazines or tales from returning hunters, now online maps, weather conditions, waterfowl reports, hunting photos and videos are just a few clicks away on one's phone or computer. If a duck can be shot there, likely a video of hunting there is on some media platform. With greater life demands, less time to hunt places and more emphasis to have quality experience on limited trips out. As generations are further removed from the farm, a large portions of Kansas hunters, particularly those coming from other states, are urbanites. Many don't have personal connections to rural areas that previous generations may have had. As farms become consolidated, and need to improve their business portfolios, alternative revenues like leasing properties for hunting is more common. Commercial guiding has undergone a boom largely as one has less time to hunt. A pay to play philosophy has gained traction. Commercial services not only ensure access, but also lessen equipment needs, preparation time and in some instance improved chance of success. For hunters who have limited time hunt, only hunts a few times a year, don't want make investment in equipment or lack knowledge or experience, this option may become a reasonable alternative. The reduced ability to access private lands has put additional pressures on Kansas limited public hunting areas. Again, this presentation is to provide statewide overview in waterfowl hunter patterns. Following presentations will focus on public lands and greater discussion on how to manage greater hunter pressure. It is important to review all information and involve all stakeholders in the process as increasing regulations effects one's freedom to just go hunting. Commission Rider – Is there any discussion about limiting amount of days nonresidents can come in, like the Dakotas? Anything along those lines that you could give antidotal elaboration on? Bidrowski – We are exploring all options. There are a number of ways to limit hunting, not only days; looking at private land versus public and what those impacts would be versus specific regulations where we have more specific problems. A huge gauntlet of options we are being looked at but it is premature at this stage to identify any that were resilient. Commissioner Rider – The sentiment I am getting from constituents that are upset with previous season is they would like for something to be done yesterday. I understand

the process, do you have any kind of timeline? I am seeing this as long-term, not an easy quick fix. Bidrowski – Some things take longer, any changes to licensing and things that might have legislative affect could take several years. Where something on local scale, like wildlife management areas are more short-term and easily implemented. It depends on options of what they are, at what needs to be done and at what rate. Commissioner Sporer – Appreciate everything you said. Lots of information. What are you thinking, make changes or not? Not have good feel of where you are going. Bidrowski – Reviewing information we have, looking at increases in nonresidents, where are they coming from, what is the specific problem. Increase in hunter numbers may not directly affect, more hunting pressure would and there are ways we could eliminate that on different areas to help out. In data collecting and analysis mode and future meetings will summarize what some of those possible actions are. Commissioner Sporer – Wondering what direction agency is leaning towards. Pressure I am getting is the impact that nonresidents had on waterfowl hunting on public lands was devastating. Don't want to go through another season like that. Hope you are right and Canada opens up and everyone goes back to work and we don't ever have to discuss this again. Arkansas dealt with for years and changed the number of days out-of-state hunters can hunt waterfowl. Missouri is thinking about doing something. Dakotas have both done something. I would want to be proactive and not have what happened this season happen next year. We could lose our nonresident waterfowl hunters but when is enough, enough, or just too much. I don't think we need to go clear to the left but some things done that can help us out next year. It is simple economics, if we've got too many out-of-state hunters for waterfowl lets raise some fees. Will they pay it, I don't know? You limit their days that is even harsher. Stopping nonresident activity to special hunts is certainly a start and things that can easily be done but have to do something. Don't think the hunters of Kansas are going to let us not do something. Bidrowski – Agree at some tipping point and it is easier to do now than it will be in future years as it grows. Things that seem simple like license increases is not a simple a process. Then there is private versus public land issue and it is not spread out evenly across the state. Commissioner Sporer – The way I see there are two issues, the pressure put on nonresidents to public land and nonresident outfitters charging money and hunting on public and private land. Two separate issues and require a different way of handling them. Had discussion in January meeting about what an outfitter is and Chris got into how you enforce, who is an outfitter and who isn't. I understand that. Commercial hunting is going to take a different process to be able to curb that and whether that is a problem we can handle or not. We could certainly do something about the pressure put on the waterfowl on public lands. For me it gets down to the quality of the hunt; how good was my hunt, mine was not very good this year because of all the pressure. Too much pressure on any resource you are going to have issues. Doug Storer, Hays – Concur with Commissioner Sporer is indicating to you. What he was describing is what we were seeing. We saw out-of-state hunters from no less than 13 different states hunting in the same general area we were. It wasn't just necessarily the number of hunters but days afield they are. They are hunting or scouting. A lot of them were here for a month at a time and if they weren't hunting they were scouting and that puts a tremendous amount of pressure on the resource. When you add it the increased guiding activity in the area it adds even more pressure to the resource. I agree with him that I don't see how this can continue without something done. I don't know what the answer is but I hope you can come up with something to help alleviate the situation.

Chairman Lauber – We have had a lot of suggestions kicked out by people affected by this. We might want to take a few of suggestions off the table and focus on what is left. For example, I'm

not sure reducing the number of birds is going to solve the problem. Reducing price to slow volume will help some and we cannot really deal with private land. We have to do one of two things, or maybe two. Figure out how to have a lottery on public land access and in addition try to acquire more waterfowl WIIHA, which will cost money because we are going to be competing with guides and other lessors, but if we could increase amount of public land it would help. I have heard antidotal statements of guides that hire high school students to stand in line in the que for them. I don't know how prevalent that is but it doesn't fit the spirit of what we want to do for public land hunting. Maybe we want to consider a lottery in advance and we give some priority in the draw to resident hunters, then once done and we didn't have all of our user positions taken we notify them. We are probably going to have to ration public lands more than ration the number of hunters from other states and minimize the burden. I don't have a problem if we want to try to minimize number of commercial guides although they are great at gaming the system and we may have to constantly keep tweaking that. Don't know if lottery system on public lands would work or not but it would give the local people an opportunity on a certain area to hunt. Don't know whether Secretary Loveless, Chris or any other commissioner would want to weigh in.

Secretary Loveless – Tom mentioned the idea of managing private and public lands differentially for nonresidents. That is a good thought and some states are doing that but one way to give preference to residents. Some states are using that effectively. One of the challenges is whole suite of options we can do and our intent is to take an incremental approach. Part of that is based on that whole list of factors specific to 2020, a lot that occurred that were unusual. However, we cannot deny there is that trend of increases in nonresident hunters. They found out about Kansas and our public land managers are doing a terrific job. We will be limited by environmental factors some years, don't have the water or too much water to where we can't do that every year. There was a confluence of factors that contributed to this. I'm interested to hear from other commissioners about their sense of urgency they are feeling. Commissioner Rider – Like I stated before, what I was getting from emails and calls was they wanted something done yesterday; they would like to see something in place for the next season. There are maybe a few things we could do but a lot of things take some time. Thinking about the price increase, I think we are already at capped limit and that is out until we get that passed through the legislature. Focus on public lands first and taking care of our residents. I am afraid of push back from legislature for a wide variety of constituents if we were to start doing a lot of limitations on private land. Look at public land and what we can do for residents on public lands. Maybe lottery and preference to residents could be something to do but something has to be done as quick as possible, especially for the upcoming season. Commissioner Sill – Do need to do some things fairly urgently. I understand some of them are fairly complex. Some of the issues are related to things the department has no control over at the moment and are going to take some long-term collaborative efforts to address the real issues. We can address and look at waterfowl issues as we have 20 years of experience watching deer hunting. We have lost 13,000 resident deer hunters in the last five years. In Unit 16, in 2019, 60 percent of the antlered bucks were taken by nonresidents. In Units 1, 7 and 12 it is nearly 45-50 percent. The complaints and the parallels are almost identical. What is happening is the residents are dropping out. There is antidotal evidence but there is also evidence in the studies that is happening. I do not want to see the same thing here. We got to address this issue and there are some things we need to do right now. There is a larger problem and this goes what it is going to take to fix or improve things long-term. You can't just look at this in individual hunting seasons. There is a culture change that has happened

the last 20 years in Kansas regarding hunting. It is no longer a friends and family event; it revolves around dollars and finances. I am not trying to limit that, but unless we look at that and admit that is happening and how to mitigate it so we don't lose the hunting heritage we had, we are going to go down a road we can't recover from. We will continue to lose residents and I hate to see that happen. Commissioner Sporer – This year was nothing like anything we have seen before. I understand everybody is trying to think what we should do. If we do nothing and have a repeat of what happened last year we are going to be on our heels and be reacting. I would like to see us do something. I hear the word lottery and I think that means work for Wildlife and Parks and they don't need to do that. What I think needs to happen, on public lands, for nonresidents, they get restricted to hunt public lands for so many days. A five-day tour then stop then another five days, that gives them ten days on public land. That would be fairly easy in my opinion and could be done through their license. If you came from out-of-state and you planned your trip, you hunt five days on public lands. That is fairly simple. As far as commercial hunting and outfitters, out-of-state waterfowl outfitters need to be charged in thousands of dollars to be able to come to Kansas and shoot at our waterfowl. I think that is fairly easy. I know you talked about that would be hard to do because an out-of-state guide from Oklahoma has a buddy with a little outfitting business and they can work underneath the cloud of somebody else. If we had that outfit in our regs, if you are a nonresident waterfowl outfitter you have to have a license. What would be interesting with that would be that there would be a history book of clientele and harvest rates while in Kansas and that would be part of their fee to come to Kansas and hunt commercially for waterfowl. Chairman Lauber – Commissioner Sill is right, the same disgruntlement among residents exists in both waterfowl and deer. The difference between the two is our agency can't control much of the deer hunting habitat and square footage. That is a lot more in private land and have to stay away from trying to infringe on private land property rights. When it comes to waterfowl we control a significant amount of waterfowl habitat; the marshes and Cheyenne Bottoms, areas we can make some difference. Whether we ration by cost, ration by outfitters, ration by lottery, but somehow create a way to save more hunting days on that property for residents, that is kind of all the same thing. I don't have a problem with raising the fees, and I think we have a little cap left on some nonresident fees, but it is more about protecting the rights of the state people and I think public lands we control. Yes, it is going to create a lot of work on the department which we may not want to do. But if we have made up our minds we have to do something let's step forward and do something that might have some affect. Commissioner Sill – I agree. My fear is that when you delineate by species rather than public or private land that gives you a split philosophical approach. The issue with public lands is the same. Granted deer on private lands is a big deal but for those of us who hunt deer on public lands they are just as upset as waterfowlers. Approaching things, not by what species you are hunting, but by public land versus private land and how you manage it, is critically important. I think it is a disservice to those who hunter deer, turkey, or upland on public lands to say your concerns with nonresidents are not as viable as waterfowl hunters simply because we have a greater portion of waterfowl hunting on public lands. Rather than looking at by species or type of hunting, the approach has more power if you look at how we understand and approach how we handle hunting on public land versus private lands. Chairman Lauber – Not saying you are wrong. I'm afraid right now, we have a few months to do something. Probably the quickest thing we can do is figure out how to ration public lands on a trial basis. I am not one who feels like it is going to be a lot better this year if we don't do it. I think our public lands people have done too good of job and some good luck in addition and the Flyway's birds are coming into our area and have



been exploited. I do not have a problem pinching guides for extra money to reduce their interaction and reduce them taking the birds. I think the only thing we can really do is try to do something now that is maybe change the approach on public lands. We have had a lot of discussion on public lands and deer hunting, like stands and things like that. The biggest squeaky wheel right now is waterfowl hunters. Aaron, what would you do? Commissioner Rider – What lottery would be a lot of work and a tough thing to do because you have to get everybody there at 4:00 or 4:30 or in advance. Chairman Lauber – Two or three days in advance. Commissioner Rider – That is something to think about but it puts more onto the department and managers on how they do that. Not opposed to limiting the amount of days nonresidents can come into the state. How many days, what days, five day stretch, allow them to come on Thursday and hunt through the weekend, or just on weekdays and give weekends to residents? I'm not sure but do like weekends for residents and possibly limiting amount of days or certain time periods for nonresidents. That might be the easiest way to regulate that, then anybody a game warden checks should be a resident in certain weeks then open to anybody on next couple weeks on public land. Private land is a different ballgame and am hesitant to tell people what they can and can't do on their own property, as much as possible. Chairman Lauber – I think all we can do is tell people what they can do on land that we manage. No matter what sort of limiting procedure we employ it will require additional unfunded mandates to manage. Whether we have game wardens try, when busy doing everything else, to enforce it. The fact that you get a lottery three or four days in advance and can only show up if there is leftovers that is going to slow up a lot of people coming into Kansas and camping. My recommendation is to tell Tom to come up with ideas for us to choose from. I think we need to do something this year, but don't think we can solve it all. Commissioner Sporer – We can't control hunting pressure on private lands and if he wants to keep land open for out-of-state hunters to come in and shoot his waterfowl and deer, that is his right. We don't have any business trying to regulate nonresident hunter on private land, but what we can do it is limit time on public lands. It is simple, through the licensing process, he buys his out-of-state license, buys his state stamp and then he has to buy a public land pass. It can cost money or be free but if you are a nonresident and are going to hunt on public land you have to pick the five days that you want to hunt. It would have to be printed on the license and those are the five days you get to access public lands in Kansas to hunt waterfowl. Do it all through licenses. I am just saying five days but I don't know what that magic number is. That is the way they do it in other states, you have to pick the five days you choose to hunt. I don't think you limit weekdays or weekends. There was some talk of not letting nonresidents hunt opening weekend, I am not in favor of that. I don't want to make the regulations too tight. I just want to limit the number of days we are putting pressure on public lands so residents can have a quality hunt. Chairman Lauber – Only way we are going to be able to solve this problem is by limiting number on public lands of nonresidents, in some way. Brad, opinion on whether you can run with this? Secretary Loveless – We can. We haven't heard from all of the commissioners but have heard strong opinions from some which we appreciate and some specific suggestions. All the things you are talking about are things I know Tom and wildlife and public lands staff have been talking about. One of the things we have to bear in mind is, particularly when you are trying to recruit new hunters, lowering the bar and long-term planning that is routine to avoid accomplished waterfowl hunters is not for those people we are trying to recruit into it. That is a negative. I think we have to focus on what we can do to make it easier for new folks to get into the sport and I know you are interested in that too, so we need to keep that in mind. The mention was made of lotteries and things like that and that is more work for us. We get lots of comments

from residents and nonresidents alike about the fact that they can come in, even if late on a Saturday, and still get on the water, so, that is a benefit. We will come back to you with ideas and suggestions and put it in terms of what we would recommend strongest, first, second and third steps so we can analyze these options. One thing I might mention, you talked about regulating outfitters but the information I have heard on the history is that we regulated and gradually that was taken away completely our ability to regulate them. Before we go on it might be valuable to call on Chris to give history on that on what we have done in the past and what we need to do to reinstate that kind of oversight because we have talked about that a lot internally. Tymeson – Agency started regulating guides and outfitters in 1992/1993 time frame. It was a concerted effort by the agency at that time to increase regulation on guides and outfitters. By 2006, the legislature had removed authority to regulate guides and outfitters. There are a lot of constitutional issues. The ideas that are being thrown around have constitutional implications that need analysis. You can't just charge nonresident guides exorbitant amounts of fees. There is a long case history law on that issue, a couple cases out of Alaska and what you can actually charge guides and outfitters and if you are not going to charge residents you are not going to be able to charge nonresidents. I don't think we have the ability to regulate guides and outfitters but we have the ability to regulate our property but not just a simple registration system. Come back with ideas and we will have time to analyze those, it will take time and legal research on my part. Chairman Lauber – I don't know if we want the headache of trying to regulate guides and outfitters. What Troy was talking that no nonresident guides on public lands. That may be a constitutional issue. Tymeson – That is already unlawful behavior. Chairman Lauber – I do not want to promote unlawful behavior or step on the rights of nonresident guides. Commissioner Sporer – I remember when the agency was getting into the business of regulating all of the outfitters in Kansas, from deer hunting to upland game hunting and I remember how it really didn't work the way it was supposed to and got dissolved. Maybe a good example is that it is against the law in Canada to be a nonresident guide of any kind. Maybe instead of talking about a fee just pass a regulation that is against the law to commercially hunt, for nonresidents to operate a commercial hunting operation in Kansas and forget about the fees. If not resident of Kansas it is illegal to profit off of our resources. Chairman Lauber – Chris, aren't you saying that may not be permissible? Tymeson – What I said earlier was, it is already unlawful to guide on public property, department lands and waters, in Kansas. If it is owned by the agency or under lease by the agency then it is already unlawful. We don't have a permit available. Chairman Lauber – Hard to enforce? Tymeson – There is an enforceability issue and also it depends on what land and water. Had a discussion this week within the agency. By example, if we lease property around a federal reservoir but we don't lease the water, that is not department lands and water, the surrounding land may be but the water is not. Chairman Lauber – This is going to require some legal analysis that I don't expect you to come up with on the fly. The people that are here get a general sense of what we see as a problem. I would like to have Tom, Brad and Chris come up with a few things that might be workable and bring them back to the next meeting. Maybe prioritize them as Secretary Loveless said. Stuart Schrag, director of public lands – I want to assure everyone that everything that has been discussed here is seriously being taken to heart and encompassed in internal conversations we have already had and will continue to have. This is a complex issue and like Tom stated earlier we don't want to make any knee-jerk decisions that might have far reaching negative impacts we have not yet identified. As we move forward what we will be presenting is more of the public lands' manager aspects and perceptions and recommendations at our wetlands. As we move forward you will find it interesting some of

the stuff we had reported from manager's perspective on this hot topic. It is challenging in our division because our mission is all about providing access and opportunity and when you start having conversations of limiting access and certain restrictions it becomes a harder conversation. We hear our public, understand them and I hear your concerns as well. We realize while we don't want to make any knee-jerk quick reactions it is a very sensitive topic for many and we take it seriously. The bottom line is, in Kansas we just don't have the number of public wetlands that other states do and that is a big challenge for us. There is ways we can address that and tried to with acquisitions or additional WIHA wetland properties. All of these things we are taking into account and taking seriously as we move forward.

Terry Luthi – About the issue of deer hunting and out-of-state hunters and outfitters coming to Kansas. I have lived in Kansas all my life and observed wildlife and I can tell you deer don't just stay on one person's land. I own a few acres in a rural area and deer cross over our property from one place to another. They have the range of a mile or two. So, if you have an individual who says, they are going to allow an outfitter to come in from out-of-state and hunt deer on their property, the problem I have with that is that cuts back on the opportunity of other landowners in the same area where outfitters are on private land. At the same time I would hate to see the comments made by the lady earlier about number of deer taken that have antlers versus number of deer taken without antlers is probably increasing because of out-of-state hunters and resident hunters aren't getting them because nonresidents have better scouting, guides are prepared and they know where the deer are at. Then the landowner who wants to hunt deer crossing his property, that deer may not be there. The deer wander a mile or two every night before they come back into bed down. That is my concern, I don't feel out-of-state hunters should be regulated out of existence but at the same time I think there is an impact on Kansas resident hunters, these are Kansas resources.

Nicholas Boehm – With regard to waterfowl hunting, data said in 2011 to 2012 the nonresident waterfowl stamp sales was over 5,000 in this past hunting year it looks like surpassed 15,000 whereas resident waterfowl stamps have floated somewhere in the 21,000 to 26,000 range. Our resident levels are staying the same. I heard the term, lottery, tossed around and that makes sense in some situations but being in Kansas City I have friends who hunt in Missouri and Kansas. Every one of them had MDC's waterfowl lottery, especially the online component because it really restricts access for residents themselves. It seems you are all very much aware you weren't getting these calls 10 years ago and the resident volume hasn't changed. I want to advocate on behalf of residents that lottery is not a good solution for residents, all that will end up doing is push resident pressure out to other places, which is how it happens in Missouri. That would redistribute resident pressure in a way that is not necessarily beneficial. I like Commissioner Sporer's suggestion of a days limited type of thing. I go to a duck club in Missouri which is great because it is controlled access, if Missouri told me I could only hunt for 5-7 days out of the season and we get to choose the days that would be great and I can still go hunt the duck club I have been going to for 10-15 years, still see the folks I want to see. I would not choose those days to go hunt at 12-Rivers and be on top of the Missouri guys. That is a good middle ground. You are doing a great job. I hunt other states so I don't want to see nonresidents get blown away completely. I don't think that is fair or equitable way to handle it. Taking down the days so we all can take a breather and not hunt as much without limiting the residents is a good way to approach that. Appreciate you taking these seriously. I have known guys who gave up after last year. It is real and happening and time to address it.

2. Public Land Regulations – Stuart Schrag, Public Lands division director, presented these regulations to the Commission (Exhibit F). We annually review our reference document under KAR 115-8-1, section (e). Typically, not too many to amend but because of issues that have come up there are several this year. Without getting into the details I wanted to go over the sections quickly where we are looking to make changes and amendments. I will go through sections we are looking at: I) access restriction, for Grand Osage Wildlife Areas and Sandsage Bison Range minor changes; II) age restrictions, for Region 2 youth/mentor areas; III) no alcohol, minor restrictions in Regions 2 and 3; IV) all non-toxic shot, adding additional properties in Region 2; V) non-toxic shot designated dove field, correcting Region 2 properties; VI) boating restrictions, subsection (a) no motorized boats changes in Region 1 and 3, including pool distinctions at Cheyenne Bottoms that will address some public safety issues concerning unsafe operation of motorized vessels as well as potentially decreasing pressure on waterfowl, subsection (b) no gasoline engine powered boats, adding some specific marshes at Perry Wildlife Area in Region 2, subsection (c) no wake, adding additional department waters statewide; VII) closed to all activities, adding property in Region 2; VIII) equipment restrictions, changes in no centerfire rifles/handguns and shotgun and archery only areas as well as creating a new subsection (f) shotshell and archery only; IX) disabled access hunting, create additional property in Region 2 and 3; XI) no swimming, property name change in Region 2; XII) refuges, minor changes in Region 1 and 2; XIII) seasonal closures, change under Region 2 for pheasant translocation project at Dalbey Wildlife Area that Jeff Prendergast will discuss in more detail at next workshop; and XIV) shooting area (ranges), range changes in Region 2 and 3.

Commissioner Sporer – Update on issue faced at Cheyenne Bottoms with motor boats during duck season. Schrag – A lot of the complaints we were getting from constituents and staff observations were high speed motorized vessels traversing the Bottoms in the dark; coming too close to other duck hunters that were already set up. Actually, had some motorized vessels go up on dykes that were islands not seen at night. Noise complaints and a lot of traffic. A whole host of vessel-related complaints. From the manager's perspective and constituents using the Bottoms we felt it was time to discuss making some changes. What it boils down to was providing diversity on a big wetland like that where you have different equipment restrictions on different pools. If we have certain pools that are walk-in or paddle-in only versus motorized vessels that gives more diversity of opportunity of constituents. Whether they don't want the disturbance of a motorized vessel or just want to walk-in or paddle-in, both can continue to use them. Diversity opportunities are endless. Commissioner Sill – Knowing that there is anticipated renovations at Cheyenne Bottoms and lots of funds raised through DU, one of the questions I have is, do those larger boats moving at higher speeds cause erosion or problems that will be counterproductive to renovation going on? Or is there any connection between those two things at all? Schrag – You are correct, we are undertaking a multi-million dollar project at the Bottoms. What this boils down to with motorized vessels recommendations is looking at no wake policy we have in state fishing lakes. There is a resource damage component when it comes to wakes that could cause dyke erosion and things like that but for this particular property this is more of a public safety issue. We always take that natural resource degradation into consideration. Some parts of dyke can be armored with riprap and they already are. For this change it was more public safety standpoint.

3. Improving Constituent/Commissioner Communications – Nadia Reimer, Public Affairs Section chief, presented this update to the Commission (Exhibit G). If you recall, at our

last commission meeting we had a brief discussion about ways we could improve communication with constituents to ensure all of the emails and phone calls we get in are answered. I am going to present a proposal. We would have discussed this via email but obviously we need to discuss this publicly. Mr. Chairman, your comments about how successful virtual meetings have been, I agree. Jason Dickson, myself, Brad and others have had conversations about that and are prepared to move forward with hybridization of the meetings if we wanted Commissioners and select staff meet in person and continue to have the virtual option off to the side for constituents, we are prepared to do that. Chairman Lauber – Jason, do you have a way of counting how many people have come and went to this meeting today? Jason Dickson, IT section chief – At one point earlier we had 63, now 49. It has been pretty good. I can send you number total after we get done with the meeting like I usually send Chris for his records. Chairman Lauber – I would like to see it, but I think it will show a lot more people listening, and we don't know how many people are streaming live or recording it and doing it later. That is a lot of people. Dickson – I agree. Commissioner Sporer – I have been hearing of a lot of people watching it on YouTube later. You can google or enter Kansas Department of Wildlife and Parks commission meetings and they are all listed on YouTube. Chairman Lauber – I think this is going to be a permanent feature coming out of this pandemic. Reimer – Again, discussing proposal on how we might improve communication. We have two simple goals; we want to simplify the communication process for constituents and Commissioners and ensure no constituent communication goes unanswered. We have developed a five-part process with the last part being optional. We would start by addressing the first issue, which is that currently commissioners can be contacted from four unique webpages, leading to inconsistent search engine results. Some of the feedback we have gotten from constituents is they are able to find contact information for some of you but not the entire commission or some commissioners receive more communications than others. This could be part of that problem. Our solution would be to designate a central webpage for contact information where they would be a shared email account. The next part of the process would be establishing an online form that constituents could fill out. Currently one of the other issues we encounter is when we receive communication there is no consistency in how they are formatted. It is also not always clear if a constituent expects a response, so we wouldn't want a constituent to reach out to the agency or commission with expectation that somebody will respond and we don't, or vice versa. Our solution would be to offer an online form and there will be an option to designate what their expectations are for a response. We would have an automated confirmation process. We have some constituent queries that go unanswered. Sometimes they just fall through the cracks. Another solution is to establish a communications log, Sheila Kemmis, our commission secretary will most likely be fulfilling this role. This way we can not only ensure that all of our constituents receive a response but we can track communications over time to see if there are patterns or issues that seem to be reoccurring. That will help inform future commission meetings as well. Response is the most important part of this process. Currently, since we have no set format for communicating with constituents it is anyone's guess who might be responding to an email, especially when people are not be addressed as a group. I have also gotten feedback that we have had constituents that have received responses from both commissioners and staff or maybe multiple staff members and commissioners aren't aware. Our solution is to establish a protocol for having a single official responder for each communication. That will be logged on the communication log and we will communicate about that behind the scenes. The last part, which is optional, is whether or not that communication needs to be brought forth to a public

meeting. One of the issues we run into is that we might receive a really important communication that definitely warrants public discussion but for one reason or another, because we don't have an established process, it may not make it to a public meeting and fall through the cracks. We will build that into this new process. The first part would be to establish a central webpage and shared email address. This is just a proposal so if there is anything in here the commissioners feel could be done differently it is all flexible. Have webpage and shared email address [KDWPTcorrespondence@ks.gov](mailto:KDWPTcorrespondence@ks.gov) and then there would be a set group of individuals who would be on all of the communications; our secretary, our assistant secretary, commission secretary, myself, our chief of IT and legal and of course all of the commissioners. Once a constituent got to that central location they would see an online form, that could have a greeting that read some like, "This form is designed to assist you with any comments, questions, or concerns you may have regarding natural resource conservation in the state of Kansas. KDWPT staff and/or commissioners want to hear from you. All communications shared via this form will be handled in a professional and prompt manner. For general inquiries, or to contact KDWPT staff only, click "Here." That link would take them to the "Contact Us" section of our website where the majority of our general communications come in. The form would have the information we would attempt to collect from the constituent and they could designate whether or not they had an expectation to hear back from us. The first option would be; they want to share their comments but don't necessarily need a response from anyone; the second option is yes, they would like a response; the third option is, yes, I would like a response and I would like the commission to consider talking about this at a future public meeting. Again, we want to ensure every constituent is responded to so, we would start that process by instituting an automatic response so the constituent knows it was received. It could say, "Thank you for your feedback. Your email has been received and will be forwarded to the appropriate KDWPT staff and/or Commissioners. If you elected to have your comments/questions/concerns considered as a public discussion item at a future Commission meeting we encourage you to join us as a meeting participant. The Commission currently meets virtually through ZOOM; to view upcoming meeting dates, and instructions for participation, click "Here." For more on the KDWPT Commission, click "Here." The next step in the process would be the communications log. We would like, with open records, to track when we received the communication, who provided it to us, we would provide a designation, a crucial part of this process, and keep track of who it was forwarded to, who responded, when they responded and if we are going to discuss it at a commission meeting, which one. That will hold us accountable and also create an expectation for constituents so they are not continuously logging on commission meetings hoping their topic might be brought up. The three designations I referred to, when a communication comes in it would receive one of three designations. 1) Categorized as "for review only", when a constituent deems a response unnecessary, they simply want us to be aware. 2) "response needed" is when a constituent specifies they would like a response. And 3) "response needed/AI", when a person requests a response and wants the topic to be discussed at a meeting. This could be something as simple as putting them into a folder and staff and commissioners could check from there. We will go through the process for each one, it is pretty simple. If a constituent reached out and didn't expect a response they would get that auto-forward message, logged by Sheila and given designation of review only and then it could be discussed and we could consider the impacts from there. If we needed to take it a little bit further we would have a discussion about who needs to serve as the official responder, that way there is no guessing who answered it or if anyone answered it. That official responder would cc the group and any other appropriate staff or

commissioners that may or may not have been included originally. Lastly if a communication comes and they ask that it be brought up as a public meeting item it would be auto-forwarded to the group, Sheila would give it the appropriate designation, discuss who will be the responder but the appropriateness of the item and whether it needs to be brought up at a commission meeting. If the group determines it does need to be brought up at a commission meeting we would have a protocol that says it will be the next available commission meeting. Whatever that date is would be communicated with the group and the constituent. If not, we would go ahead and move forward with the response and explain why or why not. The last two parts of this, based on the nature of the correspondence we designate an official responder and prior to responding to the constituent we would determine whether or not it warrants public discussion, if not we would go ahead and respond and Sheila would update the log accordingly. If yes, that is when we talk about protocol, when are we going to have this an agenda item, most likely the next commission meeting and would be cc'd to group and constituent so everyone is aware of what the game plan is. What we need today is to reach a consensus among commissioners if you feel this process would improve communications and you are comfortable with this process of having a shared email account, having communications log. Is it a good idea or do you want to go a different route we can do that? This is what we discussed internally and think might be the best option. Commissioner Gfeller – I like the concept, it is confusing to know which communications we should respond to. I love the idea and think your concept is good. When we receive comments would there be some way to ping us or notify us that a comment has been received so we are sure to be current on looking at it? I think you said these comments would come to us through a separate email account from our commission email account, which contains tons of department emails that aren't relevant to the commissioner, is that the case? Reimer – Yes, we would set up a shared email account. Maybe Jason can chime in on whether or not we can turn off option to receive all agency emails. I understand what you are saying about the influx of communications we get. I would be interested in that as well. Jason, is that a possibility? Jason – Not necessarily but we could set up some rules for each of you on those. When we send out those we send it to an all-agency account and we can't not have people on that account. We can definitely create some rules for you guys so they go to the trash or specific folder. I totally understand, especially if not checking it every day you are going to get thousands of emails compared to contact us emails you are getting now from website. The separate email will go to your department email addresses; we haven't quite determined how we want to set it up but a separate inbox just for that account. It will be part of that account and you won't have to log into something else. It will come into your agency account you have now. Chairman Lauber – Either way we tweak it this is a good move. A lot of times we will get emails and there will be three or four recipients and I don't know if it is someone from Kansas City and Emerick should respond, I don't know and sometimes I don't respond. I think a lot of things fall through the cracks. Moving forward we can tweak it, but it will be better than what we are doing now. Reimer – I agree, it is much better than what we have in place now. Something I forgot to mention earlier is, we wouldn't want you as commissioners to be put in position where you don't know if you should be responding or if another commissioner has responded, but also be put into a position to answer a question that requires technical expertise that would be best suited answered by a staff member. We will make that very clear on the back end, who is going to be the responder and if it is a commissioner we will make sure our staff are giving you data and information to craft that response. We want to try make it as efficient and easy on everyone as possible while making sure our constituents aren't left wondering whether or not their comments

have been heard. Chairman Lauber – My recommendation is to go forward with this. We appreciate you looking into it and doing what you have done. Commissioner Sill – Will constituents still be able to specifically address one commissioner if they choose to versus the larger group? Say it is specific to a region type question. Is that option still going to be available to them or does that option go away? Nadia – That will be available, your regular email account will still be assessable but our attempt here would be to funnel constituents to that shared email account. They would still have the option to address you individually. What we might do in that instance is ask that particular commissioner to cc the group email account if you choose. This is your process and your communications with constituents but, yes people would still be able to reach out to you individually.

### **C. Workshop Session**

1. Antelope 25-Series Regulations – Matt Peek, wildlife biologist, presented these regulations to the Commission (Exhibit H). KAR 115-25-7 is antelope season and bag limits. Presented a couple of times already. There are no changes to season structure, permit type or season dates and season dates are provided in the briefing book. The one new thing I have to present is our proposed permit allocations, which are also provided in the briefing book. This is about a 20 percent decrease in permit availability. In all three units we struggled with production in recent years and there are some indications the population has declined a little bit so this is in response to that. At past meetings I talked about increase in archery hunting pressure and the number of archery permits we sold and their impact on total harvest. Those things combined are the things we are looking at that resulted in decreased recommendations for permit numbers. Relative to archery, not this year but next year, we will move forward with making it so archery hunters can't both buy a preference point for limited draw permits and an archery permit. Our biggest jump in archery permits sales we have ever documented occurred the year we allowed archery hunters to also buy a firearm or muzzleloader preference point. So, not this year but next year in the 4-series we will bring that recommendation forward.

2. Elk 25-Series Regulations – Matt Peek, wildlife biologist, presented these regulations to the Commission (Exhibit I). KAR 115-25-8, elk, open season, bag limit and permits. Elk are doing well; similar to pronghorn our elk season structure and permits have been similar for several years. We are proposing 12 any-elk and 18 antlerless elk permits be authorized, the same number as past several years. Current season ended March 15 so we are in the process of gathering harvest information. Everything so far indicates this season was successful on Fort Riley. We know that at least nine of 12 any-elk hunters were successful and 10 of 18 antlerless elk permit holders were successful on or around the Fort. Sold 172 permits last year, which surpassed our previous high of the year before, which was 153. Commissioner Sill – Do you encourage any CWD testing on elk? Peek – It is covered in the same way deer is. We had mandatory testing for a number of years and never documented it in any of them, so we eventually did away with that. They are still able to get elk tested in the same way a deer hunter can.

3. Webless Migratory Bird Regulations – Richard Schultheis, migratory game bird coordinator, presented these regulations to the Commission (Exhibit J). These regulations pertain to doves, snipe, cranes, rails, woodcock, and crows and we must adhere to federal frameworks,



similar to the process we follow for waterfowl. Unlike waterfowl, stability in federal frameworks allows the inclusion of webless migratory bird seasons and limits in permanent regulations. For the 2021 season staff are recommending no changes to our webless migratory game bird regulations. A summary of the 2021 season dates and limits under the current regulations is provided in the briefing book. One thing I did want to note, although we are not proposing any changes at this time, we did make some pretty significant changes to the crane season last year with splitting the unit into two zones and changing the season dates. Initial indications suggest those changes have been well received within the hunting population. Although it is difficult to separate the effects of those changes to what we saw for hunter behavior during the pandemic. It was a good year for hunting conditions for crane. We did sell over 2,000 crane permits for the first time ever. It represents about a 130 percent increase above where we were for a 10-year average for crane permits. I also got a number of reports from field staff of increased crane hunting activity in the west, which is the area we had earlier season dates for the first time. After a few more seasons, we will do some survey efforts to quantify what things might look like but it does seem those changes were well received.

4, Waterfowl Regulations – Tom Bidrowski, Migratory Game Bird Program manager, presented these regulations to the Commission (Exhibit K, PowerPoint Exhibit L). The USFWS develops frameworks that establish maximum bag and possession limits, season lengths, and earliest opening and latest closing dates for migratory game birds. States must operate within these frameworks when establishing state-specific migratory game bird seasons. A briefing item was prepared in the commission packet regarding the development of Kansas 2021-22 waterfowl seasons. Included are the USFWS season frameworks, pertinent background material and staff recommendations for the 2021-22 waterfowl seasons. There were two season date mistakes in the staff recommendations in original briefing item. The first was in the Low Plains Southeast Zone Duck Season. The correct dates are November 6 to January 2 and January 15 to January 30. The January 10 second split opener was incorrect date. The second mistake was in the White-fronted geese season where the correct dates are October 30 to January 2 and January 22 to February 13. The opening day of October 31 was incorrect. Please excuse this oversight and any confusion it may have caused. The setting of waterfowl seasons is a bio-political process, balancing not only of biotic factors but also social implications. Kansas seasons cover a variety of species and habitats with just as diverse hunter preferences. In developing staff recommendations, we attempt to align season dates that allow greatest opportunity for all Kansas hunters. Recommendations are derived with consideration of the waterfowl tradition, timing of migrations, times of high harvest and hunter participation, and incorporating hunter feedback. For September teal, staff recommends adopting a nine-day season in the High Plains Unit (west of Hwy 283) and a 16-day season in the Low Plains Zones (east of Hwy 283). Staff recommends adopting Federal Frameworks daily bag limit, possession limit and shooting hours. Dates are September 18 to September 26 for the High Plains unit and September 11 to September 26 for the Low Plains unit. Staff is recommending two changes this year regarding youth day eligibility. First recommendation is to raise the participation age to 17 and under. This would add two years of eligibility for youth to participate and would align age restrictions similar to other Kansas youth seasons. Second recommendation is to remove the requirement that supervising adult to have a license. These recommendations are to remove barriers and encourage greater participation in underutilized youth waterfowl hunting days. If there is no issue with the commissioners neither of these requirements need any official commission action. 2021 was the

inaugural year for veterans and active military waterfowl hunting days. Youth, veterans, and active military waterfowl hunting days are impassioned topics and one KDWPT has received several comments regarding. Youth participation remains relatively low since its inception, despite promotional efforts. There was greater participation from veterans and active military, albeit they are still a small percentage of Kansas waterfowling community. Both groups are equally important to R3 efforts and to continue the Kansas waterfowling heritage. We have received complaints from youth participants regarding that pairing the days took away from the youth hunting experience. We also have received positive feedback from veterans and active military and other groups. Many not only expressed their appreciation for the additional opportunities but also, that pairing days enhanced family and mentoring opportunities. Several options to lessen these concerns were considered. The unpairing the days was one. However, this would add season setting complexity, which would impact the entire Kansas waterfowling community. As the Migratory Bird Treaty Act limits seasons for any given species to 107 days, if veterans/active military were decoupled from youth days, two additional days would have to be removed for Canada goose and light goose seasons as well as the High Plains duck unit and the extended falconry season. Also, it could affect the timing of teal season, early zone duck, and High Plains duck. It would also add additional hunting pressure prior to the general opening days. Veterans and active military could be held during a split or post season, but from hearing from veteran advocacy groups this may not be as suitable for those with impairments. Limiting veterans and active military to just Sunday of the youth weekend would be a compromise. Its downside would be eliminating opportunities on private land and public area that are not having overlap among user groups and may reduce co-events that were held around the state. In denying opportunities and only have one year of season experience, are the main reasons for the recommendation to keep the days coupled. It is important that KDWPT continue monitor any season conflicts and if needed make appropriate future season alterations. As the coupling of these seasons place additional pressures for certain wildlife areas, it will be essential to work with KDPWT public managers to mitigate where conflicts may occur, as well continue gather hunter feedback. Kansas is one of the five Central Flyway states that offer veteran/active military days, of which all are held simultaneously. Lastly, as part of the nonresident waterfowl hunter discussion, it should be explored the impacts of limiting these special hunting days to residents only. This may assist in reducing possible user group conflicts particularly on KDWPT areas that are more destination hunt locations. For duck, merganser and coot season we are recommending a 96-day season in the High Plains unit and 74-day season in the Low Plains zones. Staff recommends adopting Federal Frameworks for daily bag limit, possession limit and shooting hours and option A for merganser limit. Season dates would be: High Plains unit: October 9 to January 2 and January 21 to January 30; Low Plains early zone: October 9 to December 5 and December 18 to January 2; Low Plains late zone: October 30 to January 2 and January 22 to January 30; Low Plains Southeast zone: November 6 to January 2 and January 15 to January 30. Staff is recommending a 105-day season for dark geese, as well as light and Option B, 88-day season with a bag limit of two for white-fronted geese. Staff recommends adopting Federal Frameworks for daily bag limit, possession limit for light and whited fronted geese, and daily bag limit of six dark geese. Staff is recommending similar dates to last year (White-fronted geese: October 30 to January 2 and January 22 to February 13; Dark Geese: October 30 to October 31 and November 3 to February 13; Light Geese: October 30 to October 31 and November 3 to February 13; Light Goose Conservation Order: February 14 to April 30). Lastly, staff is recommending adopting a 15-day season in the Low Plains unit for extended falconry

season. Due to limits of Migratory Bird Treaty Act we are not able to offer them in the High Plains unit. High Plains Unit: Closed to extended falconry season; Low Plains early zone: February 24 to March 10; Low Plains late zone: February 24 to March 10; Low Plains Southeast zone: February 24 to March 10.

Commissioner Sill – Do vets and active military have to buy state duck stamps? Bidrowski – Yes, unless they are license exempt they would have to have the full complement of hunting licenses and stamps. Commissioner Sill – Which ones would be license exempt? Bidrowski – Those hunting on their own land and age exemption. Commissioner Sill – Youth 16 and up have to also have the state stamp? Bidrowski – Correct. Commissioner Rider – A few comments. I think the recommendations to raise the age limit to under 18 and also to have a parent or guardian or adult hunter during the season and to not require a license is going to be beneficial. One of the things I try to do during youth season is take out hunters with parent or guardian with them and that has been one of drawbacks or hurdles I have had in the past, especially if a nonhunter. Those are good things as we move forward. When got commission book tickled to see the 79-day season thought Tom had worked magic but obviously that wasn't going to go through. I would like to stay consistent with what we have done over the last six to seven years, since 2014 and look at Southeast Zone as second Saturday November opener. We got an early push this year, which was great, the end of October, early pushes the last few years, which might be why the department is looking at going forward a week or so. We did get that last push in second segment during the break, which made for a great last segment. I think both sides were hit even this year, the middle was the problem and there wasn't much of anything weather-wise and we had a lot of stale ducks. Not much going on in the middle. Second Saturday is the right move for a wide variety of reasons. We keep pushing youth season forward, this year in October and we want them to be successful and I realize it is not all about filling the bag limit but getting out there, but we do want them to be as successful as possible. I understand over the last couple of years it has worked out because we got an early push but if those ducks are going to be here early I would say that those kids are going to have success a week later as well. We have had lots of warm days over last several seasons. For people who like to get out and shoot those early migrants such as teal or wood ducks, we had 72 degrees in November and that is pretty warm to go out duck hunting. Might see some early movement but for the most part those ducks are going to be setting on non-pressured areas. I understand the state wetlands are set up for shallow marsh type hunting and they do a good job. I heard lots of good comments this year about our wildlife areas and habitat they created. People were excited and thought managers did a good job of creating lots of diversity. There are lots of opportunities to hunt those shallow marsh areas when the weather is warm but later in the season there is a lot of other opportunities. Dry field hunting gets overlooked. Late season is popular and would hate to reduce that opportunity for those kinds of hunters. I understand the concern is late season is for ice and obviously is a concern but once again I think a lot of those opportunities that don't exist early in the season. Those able to hunt big water, rivers and creeks provide a different type of hunting alternative, set ups and other challenges that gets away from shallow marsh set ups. A lot of our data comes from our managed areas but I think there a lot of other opportunities out there that we don't have data on. We have anecdotal data. I see a lot of stuff on Facebook where you see lots of success in a wide variety of ways that I think we don't have data on. I do think the department does a good job of collecting data on areas we do manage. We have some areas around here, like Mined Land and Cherokee Lowlands where we don't have iSportsman in use. I would like to stick with consistency we have had since 2014. I was one of the ones pushing for later and later and the department was saying

how about the second Saturday and now it has come flip side, easy with second Saturday now. The department is looking at first Saturday. One thing brought up to me and not considered over the last couple of years that I have never brought up in a meeting is the moon phase. The full moon phase in December when ducks have been there awhile they get stale and nocturnal during those time periods and harder to hunt. Those moon phases change a little bit so it would be inconsistent as we go through the year. It was brought up to me by a couple of constituents to look at moon phase to set up the dates. Probably the department has discussed that but we haven't discussed it here. The purpose of the Southeast zone is late season opportunities and give people all across the state the opportunity to travel and extend the duck season from early to mid-October through January 30. Right now, as recommended, we have two weeks with no hunting across the state and I would like to reduce that to one week of no hunting to provide more opportunity. I understand, Tom led in with they are looking at providing greatest opportunity but that is what I am trying to do and give my side of it. All of these reasons are compelling as to why we should stick with second Saturday opener. Some people say November 14 is too late, other people say November 8 is too early but a good compromise on the calendar as it progresses from the 14<sup>th</sup> to the 8<sup>th</sup> we get a little bit of both. Appreciate the work staff does. Heard lots of good compliments about our area habitat that was produced this year. Bidrowski – Season stability has been the major goal of our waterfowl committee. So, we are even trying to implement some structured decision tools to help in that. The Southeast zone is one of our more diverse areas, in not only habitat type but hunters themselves. In review of migration patterns, hunter activity on both private and public lands, weather patterns, holidays and other variables of the region we adopted the Saturday closest to November 8, which provides the best long-term opportunity. Every year we are going to have a calendar flux, some days closer and later but having Saturday closest to November 8 provides the compromise we have all been looking for. It provides a balance of November and January days as well. We try to maximize holidays so with that we would always catch Veteran's Day, which is one of the more hunted days outside of the opener. That is where staff recommendations for the Southeast zones have been coming from for the last couple of years. The moon phase is something we have considered in a lot of years, particularly when you have a fair number of ducks around and you don't have the weather patterns to redistribute them. From previous experience on Canada geese, where we have limited days in the Atlantic Flyway we would shoot for the moon phase, so that is something we do look particularly around splits. Chairman Lauber – A lot of the constituents who contacted me, having a first Saturday opening day is more appealing to them. They hunt a lot in the Southeast zone but don't necessarily hunt the Neosho area. I get a lot of complaints... (*Gerald's computer froze*). Secretary Loveless – The conversation is going well and I would encourage others to join in and talk about your impressions of the recommendations and discussion Commissioner Rider put forth. Commissioner Sporer – Are we going to vote on these? Bidrowski – At April meeting. Commissioner Sporer – My concern is residents-only for youth/veteran weekend. I think that is a start to some of our problems. There was lots of waterfowl discussion around this hunting season and I did hunt more Canada geese and dark geese in Kansas than I have in a long time. I am hearing from all the goose hunters that six birds is too many. They are spending so much time trying to get to those six birds and putting so much pressure on the birds that it is diminishing quality of the hunt. I would personally like to see the Canadian geese limit go to three but would settle for four instead of six. I keep looking at the High Plains opening for duck season, October 9, asking what it would look like if we didn't open that for another week and gave that week to us in January split? I am passionate about residents-only and goose limits but asking about the

High Plains? Bidrowski – The High Plains has three sets of hunters, playas that are dependent on teal seasons, the early October portion of that; the reservoir; and dry land hunters. The dry land hunters are mostly geared toward late season mallards January-type hunting. The reservoir is the mixture of the two. The jeopardy of moving the High Plains later is that opportunities on playas would be greatly hampered. On Canada goose limits, we have asked a couple of times in our hunter survey; we were at three, in 2012 or so the federal limit went to eight. Nebraska has a limit of five, Kansas took six and everyone else in the Flyway has stayed at eight. It is more of a social question than a biological one, whether it is six or eight and what it does to the harvest; going from three to six does greatly increase the harvest. There is some flexibility there if that is the public sentiment. Secretary Loveless – Commissioner Sporer, your point isn't six is too many for the population to handle, it is a people management issue and the pressure they are putting on the field. Commissioner Sporer – Yes, the longevity of their hunts, if they have a good field, geese are coming and they are having lots of success; six birds is a lot of hunting. If you are hunting with three or four guys, 18 geese is a lot for three guys. It just feels like it is too many. I have been on a couple of hunts where we only shot two or three apiece and we felt like we had a good hunt. I haven't personally talked to anybody who felt any problems with less birds. I will go right back to out-of-state commercial hunting they will stay and hammer them where local guys quit at 10:30 in the morning. It is maybe an avenue to slow up the problems we seen this year as well. I don't feel resident Kansans will have a problem going from six birds to four. The people I have talked to don't think that would be a problem. Bidrowski – We had asked this question in 2019 survey, what the preferred limit would be, and six came out overwhelmingly as preferred number. We are getting more requests, particularly from guide services, less time they have to spend infield to reach bag limits, which becomes the benchmark every hunter shoots for but you have the option of quitting at three or four birds. Secretary Loveless – The feedback you are hearing from Commissioner Sporer is the same you are hearing from guides, saying if you reduced it to four they wouldn't have to spend so much time out in the field getting what their clients want? Bidrowski – There is a segment of guides I am hearing that from as well as the general hunting public. When they do get six birds that is a lot of meat to process. The snow geese hunters will still try to go out and shoot their bird limit. It is the same with ducks, when people start spending more time shooting that fourth and fifth duck, taking more birds. A lot of people are disappointed if they don't go home with the limit. It is a metric we should not be shooting for in the field. Commissioner Sporer – Another element that gets put in the Canada goose situation is whether you are hunting greater or lesser. Our local greater birds are easier to hunt, you are more successful and then you sit out there and hammer six nine-pound geese. When lesser start coming by the thousands there is an opportunity there. There is a difference, if could distinguish and say you could shoot six lesser but you can only shoot three honkers, that doesn't work and we all know that. A four bird Canadian limit would ease the pressure on the honkers and make the honker hunting last a little more than a few hunts. We are talking about the same species but two different birds and how you hunt them. The reality is six honkers is too many, six lesser is just right. Commissioner Rider – What is the reason the federal framework changed to eight? Was it over population, especially up north and causing crop destruction or what was it? Bidrowski – It was mostly dealing with tempered nesting or resident Canada geese. The buffering in harvest we have seen started a Flyway-wide panic in 2015 to examine that. Buffering harvest for resident birds is not only what states do to manage resident populations. Kansas is largest band return of North Dakota resident birds when they leave that state. Also, conversely North Dakota shoots about 17 percent of our banded birds. That jump to eight was for

buffering resident geese; Arctic nesting populations are doing well and we have had some good years of production in the Arctic the last few years, particularly for cackling geese and there was some concerns. The last two years have been a bust but our current tolerance is to allow eight birds for those two populations. Commissioner Sill – Back to youth/veteran season, my personal preference would be to see if we can split it out but am intrigued by the idea of splitting the weekend. If I understood that correctly, youth only on Saturday and youth and veterans on Sunday, is that correct? We would be cutting the veterans down to one day. Bidrowski – Correct. Commissioner Sill - Is that seen as a problem at all by anybody you have been in conversation with? Bidrowski – The highest number of conflicts were on a few public land areas. The idea of hunting pressure or hunting density is fairly evident. It was on certain areas, like Cheyenne Bottoms had a number of nonresidents come in, so the idea of the problem with splitting those days up we are punishing the entire hunting community for those. Like private lands that may want to have a buddy in to hunt both days, places like Jamestown had nice events that had multiple days with participants. The youth days (participation) is relatively low across the state. When we offered military days, we had some significant increases on a number of areas, particularly like Milford and Cheyenne Bottoms. When you start looking at age, it didn't bump up youth but you start seeing active military in places like Cheyenne Bottoms, Perry and Milford, places you would expect to have a lot of hunting pressure. But other areas, like Neosho and places in the Southeast and late zone had a lot less participation and conflicts than people in the early zone. Some were just trying to get a jump on the season in those areas. Designation more youth-only areas on areas with more conflicts might be one solution. Again, the Saturday-only youth is a good compromise as well. Commissioner Sill – Perhaps maybe a combination of those with Commissioner Sporer's suggestion of limiting that weekend to residents-only. I think there is a combination of things we ought to try. The other question I have I don't know if best suited to Tom or Colonel Kyser. One of the situations I had numerous complaints about was situations where they would be a group of six hunters who would be in conversation with another and say, he is a vet and we just came along to hunt with him. My understanding was that law enforcement was not to ask for proof of service. I would like to know if that is true and if so, why? If it is on an honor system of being a vet it didn't work very well. If we eliminated some of the guys who accompanied a veteran friend that may also reduce some of the pressure. Could someone explain or refute that? Schrag – Commissioner Sill that issue came up to me as well. Chris can chime in on actual requirement for asking for ID in the field but that is an issue and how enforceable that is. It is hard to be everywhere on these busy weekends and check everybody. If something like that is occurring, buddies tagging along with active military or a veteran that is a challenge on enforcement end. I don't know what kind of identification a veteran might have on them to identify them as being allowed to be out there. It is a challenge and something we are looking at on public lands side. Our larger wetlands, Cheyenne Bottoms, Jamestown, McPherson, if we can delineate certain pools for youth-only versus active military and veterans I think it will help alleviate this issue too. I will turn it over to Chris or Greg. Bidrowski – We had a press release that went out that did identify what was acceptable and established by the USFWS through Veteran's Affairs. I could share that with you; there is a set of documents that was federally recognized for that. Secretary Loveless – Colonel Kyser, I ask you to jump in and if there was a plan to not check or know what to look for in terms of identification. Colonel Greg Kyser, acting law enforcement division director – That question came up as far as how you prove that, most people don't carry their DD214 with them, which shows you are in the military. In Kansas they can get that put on their driver's license, that you

are military. That is a question, what is required to show. Commissioner Sill – If Tom has a list of federally accepted documents, most of those folks don't just decide at 10:00 at night they are going to go hunting, there is some preplanning there; you have to have no-lead shot shells and other things that take preplanning. I think to be able to respectfully ask them, they should be proud of their service, to ask them to give evidence of that would influence the problem in some of those areas. And it is a chance to just say thank you to their face when the officer says we appreciate your service. Secretary Loveless – What we could do, to your point, is advertise that for those days proof of veteran status will be required just to make it clear to everybody. I don't think that is an unfair request. The more we define it the easier it is for our law enforcement personnel to check people fairly. Commissioner Gfeller – If not a veteran is there a penalty and what is it? Chairman Lauber – Hunting out of season. Bidrowski – Correct, that is what it would be.

5. KAR 115-18-13. Dark geese; management units, permits, and restrictions – Tom Bidrowski, Migratory Game Bird Program coordinator, presented these regulations to the Commission (Exhibit M). This regulation establishes management and hunter permits systems in units as well as season lengths, daily bag limits and shooting hours. Conservation measures were implemented throughout the 1990s to address any migrant stocks in eastern Kansas. By withdrawing migrant stocks and increase in resident Canada geese, goose management has been greatly changed from restricted to liberal strategies. In 2008, Kansas adopted a single statewide season for dark geese since there is no longer any need to maintain KAR 115-18-13. If harvest restrictions were needed alternative measures and boundaries could be defined. Staff is recommending revoking this regulation. Commissioner Sporer – Could you email the commission the charts you showed earlier in your presentation? Bidrowski – I will share with Sheila and they will be parts of meeting minutes at next meeting. I will make sure you have them in PowerPoint form.

Chairman Lauber – It is 5:00 pm but I suggest we continue with the next three items before we recess.

6. Small Game Regulations – Jeff Prendergast, small game specialist, presented these regulations to the Commission (Exhibit N). KAR 115-25-2 and 25-3, which is open season and bag limits for rabbits and hares. Staff is recommending an increase in the possession limit from three times the daily bag to four times the daily bag. As I mentioned last time we did a review of all of our small game and upland game regulations. One question that came up was why we were the most restrictive on possession limits for rabbits and hares, while we were the most liberal on the bag limit. Rabbit numbers have declined over the last 20 years by about 50 percent. We only currently have about 10,000 rabbit hunters annually. The average season bag of a rabbit hunter is only about five and half rabbits and the highest season bag limit has ever been is 10. We don't expect an increase in possession limit will be registered either. It won't have much of a detectible impact. The few people this may impact are nonresidents who may travel in and stay for longer periods of time. In reality it is not that large of impact. It is more a move to make regulations more consistent across all small game, which are all at four times the daily bag limit. Commissioner Rider – Increasing limit on rabbits? Prendergast – Possession limit, right now three times the daily bag. The daily bag is 10 rabbits a day and you are allowed to have three times the daily bag limit in your possession. This would increase the possession limit to four

times or 40 rabbits in your possession. Commissioner Rider – Not increasing daily limit?

Prendergast – No. Commissioner Rider – Down here in our area we get hit hard, especially in Mined Land area with lots of out-of-state hunters coming in and taking as many as they can. We have a wide range of area for them to go to. I have one constituent here on the zoom and hopefully he will add something about what he is seeing. He runs rabbits, he is out there all the time and has lots of knowledge about it. Harold Pillar – Avid rabbit hunter, I go everywhere. What I have noticed over the last 10 years is the decline. It isn't just here in Cherokee County, it is everywhere. I field trial and go to Kentucky, Tennessee, Oklahoma, Missouri, everywhere and I have seen a decline. Everybody comes to Kansas, I don't know why but Pennsylvania, West Virginia, Georgia, Arkansas and others. We need to have a hunting season and a different type of bag limit. In a day guys come with eight guys and it destroys them. We need something to lower that. I have seen guys kill rabbits year-round, in the heat, and I was always taught not to kill until first frost. It is pressure again, which I have heard about deer and other things. I invite you to come and go with me and I will show you the numbers are not there. Secretary Loveless – Jeff, talk to us about numbers, do we have good numbers around the state? My brother runs beagles and he has a good sense in his local area, just like Harold does. What is sense for feel for the numbers across Kansas? Prendergast – Rabbits as a whole are underutilized resource across most parts of the state. We don't have very much in the way of population monitoring for the species. About the only population monitoring tool is we look at the harvest survey and what harvest trends are there and the rural mail carriers survey, which has shown somewhat of a limited decline over time. Our hunter numbers have declined quicker than rabbit numbers have. Kansas is an attractive destination for rabbit hunters, the same way as quail hunters because they utilize similar habitat types. In the last several years we've been a top quail state, which would then go to reason that we are high-producing rabbit state, as well. A lot of individuals are enticed by our bag limits and liberal season dates. You see a lot of guys move in during February after their home states closes. It is an opportunity that doesn't get utilized by a lot of residents so we don't mind the nonresident pressure. Looking at small game harvest survey, we do have individuals that come in from out-of-state, spend a lot of time and take as much opportunity as they can. When they come in they will harvest whatever they can but they make up less than 10 percent of our hunters in the state for rabbit hunters as a whole. Last season we estimated 4,000 nonresident and 45,000 resident rabbit hunters. They are a limited source and most of the rabbit hunters are concentrated in eastern tier of the state. There is a lot of opportunity in other portions of the state, like Glen Elder had highest success rates. If you go to heavy pressure areas like Hillsdale and Perry, closer to the population centers, but when you get out to western reservoirs there is still a lot of opportunities but don't get a lot of hunting pressure. So, individuals who come west have a greater success rate. Got my hunting start hunting rabbits over beagles, something I enjoy and appreciate. I talked to Brian, President of Eastern Kansas Beagle Association and he had some concerns similar to what the constituent just expressed on bag limits and days. He wasn't concerned with possession limit. I also spoke with another breeder in Junction City area who also wasn't overly concerned. We do have the running season. We don't see a lot of take in warm season, some. We have to consider what those limitations might do if we were to cut that season off. Biologically we might try to tend to remove, similar to squirrels, the whelping season when breeding but whenever you start to consider who is shooting rabbits during that time they are shooting them out of their yards and easier to leave season open year around. It has been in place since 1971. I grew up in state with October 1 through February 15 season, which is still a generous rabbit season. If that is something the commission is interested in looking at we can



explore other options. The current data suggests that even though we have a big bag limit, limits are still rare, average daily bags are only around one rabbit a day. The season bag is less than our daily bag limit is right now. We would have to make some significant changes to bag limit to see decrease in harvest. Harold Pillar – I have noticed over the last several years it has really declined out here in the Mined Land area. Prendergast – I suspect the reason you are seeing less rabbits is similar to the reason we are seeing less quail down there, they are closely tied and tied to habitat that they like. The Southeast region has lost a lot of its quail, also not related to hunting pressure but to habitat change. As those habitats mature they are less productive for rabbits as a whole. Secretary Loveless – A great discussion. On habitat, that is usually what it comes down to. It would be great to have an extended conversation with you Harold to talk about the conditions and see if there are things we could do to manage better for rabbits, we know we struggle with quail but maybe there are some things we could do to benefit your rabbit population too. A good conversation to have. Harold Pillar – Habitat, there is too much bush hogging here. They are bush hogging pastures and putting up fences to put in cattle, and that is going to hurt quail and rabbits because they both nest on the ground. Chairman Lauber – Reflect on it. Harold, thanks for your input.

7. Upland Game Bird Regulations – Jeff Prendergast, small game specialist, presented these regulations to the Commission (Exhibit O). First I will address KAR 115-25-1a and 1b, open seasons for pheasants and quail. Staff will be looking to increase the age of participation for under 18 for the youth weekend. In addition, we are looking to increase the daily bag limit to be consistent with the regular season instead of a half season limit. Both of these changes will help, the age limit will help with consistency across our youth seasons that we are exploring across all youth seasons and provide additional opportunity to get more youth involved. The season is overall underutilized so we don't think the full limit has any impact on opening season hunters and will make the regulations more consistent. As we discussed this there were several ideas to make more individuals participate and these ideas are what we came up with. It has been suggested that the half limit could be impediment to people coming from Kansas City out west who felt two pheasants a day not worth the drive across the state. I suspect adult average daily bag is less than two and the average daily bag of a youth is less, so don't suspect impact, may be reality of impact but may be perception. Commissioner Sporer – Idea of nonresidents taking advantage of youth pheasant season? Prendergast – When it comes to youth seasons there are some legal issues and we are not allowed to survey people under 18 so it becomes more difficult for us to determine use. For waterfowl issues where they have to sign in through iSportsman they have another way of gathering that data. Upland bird hunting across a much broader landscape so we don't have a way of capturing that data and we are not allowed to survey those individuals.. KAR 115-3-1, game bird possession. Staff will be recommending removing language “or some part.” The regulation currently reads that “pheasants must retain foot, plumage or some part by which sex can readily be identified.” By removing the “or some part” language it clearly identifies what the department accepts as proof of sex. There are other ways you can identify that are more obscure like internal testis of a male bird and also there was some work done by one of our previous biologists that looked at measurements of the breast keel but it is an obscure measurement. This was a request from law enforcement to clarify language and make their job easier when doing wildlife checks. Commissioner Sporer – Don't understand what that means? Do you not have to show sex anymore? Prendergast – The regulation would now read, “pheasants must retain foot or plumage whereby sex could be readily be identified,” where it

used to read, “foot, plumage or some part.” You have to have a leg with a spur attached or plumage that identifies sex, a feathered wing where you can tell color patterns or a feathered head. Those would be proof of sex attached to the bird.

Kent Fricke, small game coordinator presented this – Kansas is in the southern portion of the greater prairie chicken range, we discussed season dates that are associated with other primary states that have prairie chickens, South Dakota, Nebraska (most liberal season dates), Colorado (most restrictive), Missouri and Oklahoma (both have closed hunting seasons). In Kansas, we have a split season, early season September 15 to October 15, and regular season starts the third Saturday in November and runs through the end of January. The southwest part of the state is closed where we have the majority of our lesser prairie chickens. In the last several years we have had intensive discussion about potential changes to prairie chicken season dates. These come from comments on prairie chicken hunter activity survey that we do each year. Comments revolve primarily around the lack of ability to hunt the early season because they have other activities or it is too hot. Also, requests for season open during pheasant and quail opener, the second Saturday in November. That often comes from nonresidents who travel to the state for pheasant and quail opener but would like to have the opportunity to harvest a prairie chicken. Additionally, as Jeff mentioned, we have gone through an extensive regulation review with our small game committee and the season dates was discussion was identified as something they would recommending changing. For the last several years the department has been seeking opportunities to simplify regulations and this has often been brought up as one of those things we can do as a department. Some of the recent changes we have made to our prairie chicken seasons was adding the early season in 1989; the southwest zone was recreated in 1995, changes with bag limits there; regular season moved from first Saturday to third Saturday in November in 2005; prairie chicken stamp requirement was created in 2012; and in 2015 we closed the southwest unit to any harvest. We do have a decent amount of data to start examining some of the potential effects of increased harvest on prairie chickens. In terms of populations, every year we do spring ground-based lek surveys, we do 51 surveys in both lesser and greater prairie chicken range. Additionally, in the lesser prairie chicken range we do aerial surveys every year since 2012 and since 2015 we have done aerial surveys for greater prairie chickens, in 2015, 2018 and now again in 2021. We have really good population trend data. Additionally, we know hunter activity and harvest through both the small game harvest survey, conducted each year since 1970, and the prairie chicken hunter activity survey which focuses on prairie chicken stamp purchasers, an annual survey since 2012. The estimated harvest, looking at small game hunter activity survey, both participation and the number of hunter days and estimated harvest. There are drastic declines in the number of people indicating they are targeting greater prairie chickens and subsequent dramatic decline in number of birds harvested each year. Prairie chicken stamp sales, since 2012, if a nonresident is coming into the state they are more likely to purchase a \$2.50 prairie chicken stamp just in case they have the opportunity to harvest one. From the prairie chicken hunter activity survey, you get the number of estimated active hunters, some actively pursue prairie chickens but some are just opportunistic. Some purchase a prairie chicken stamp to do good things for prairie chicken conservation. We ask them if they actively pursue and we have approximately 1,500 active hunters and harvesting 900 to 1,000 prairie chickens per year. We have the early and regular segments of the season and approximately half of the harvest is occurring in that early season and that has switched as that early season has become more popular. Flipping over to population trends, we see some slight declines in the Flint Hills, the

Smoky Hills is relatively stable and the Osage Cuestas, the southeast part of the state, with habitat loss, we are really losing the prairie chicken population there. There are four primary reasons worth exploring potential expansion of season dates: 1) harvest is not likely to be additive, we have research showing that harvest rates of approximately three percent of the population do not have a negative impact on the population, true for prairie chickens and a number of other upland species. We have a range of about 900 to 1,600 birds in the last 10 years that have been harvested annually. From 2018 greater prairie chicken aerial survey we had a population estimate of approximately 78,000 birds, but we know that is an estimate. We talk about confidence intervals and we don't know exactly how many birds there are, but the range it is likely within. I took the most conservative approach, I took 1,600 the highest number of prairie chickens we are likely to harvest any given year and the lowest end of that population estimate confidence interval was 51,000 and if you divide that out it is three percent of population, assuming highest level of harvest and lowest number of birds out there. If we take more of a moderate, more realistic approach to it and look at average harvest over the last ten years and population estimate of 78,000 birds, then we are a lot lower, around 1.3 percent being harvested each year. 2) Also, relatively low hunter access and remember that our closed unit contains a decent number of greater prairie chickens in addition to our lesser prairie chicken population. I should have included a map of WIHA areas in relation to prairie chicken range. In our core areas, such as the Flint Hills where we see high populations there is really low access to private lands and the habitat that sustains our prairie chicken populations. There is a low number of WIHA properties and small numbers of wildlife areas as well. In the Smoky Hills there is much greater access but the WIHA in those portions of the state hold prairie chickens but it is not some of the best habitat, it is more CRP fields on the fringes of the good prairie chicken habitat. We feel there is relatively low access to the core of our prairie chicken range. 3) Seen shift and had low hunter participation in the eastern portion of the range, those counties we have seen shift as populations declined so hunters don't focus on those anymore. The top five counties reports where hunters are hunting each year. In 2012 and 2013, they were more focused in Butler and Greenwood counties, but now more focused in Smoky Hills and northeast portion of state. While we have seen declines in prairie chicken populations, hunters have seen that as well and are focusing their efforts elsewhere. We don't think that harvest is likely to have greater impact in those areas. 4) In reality, across the state and greater prairie chicken range throughout the Great Plains, any declines in prairie chicken populations is tied to habitat fragmentation and loss and declining habitat quality. We feel that harvest is not having a substantial negative effect on prairie chicken populations. We have prairie chicken hunter activity survey and for 2019 and 2020 we asked respondents what they thought about this. We stated we were considering a continuous open season and asked their level of support; and asked why they had that level of support, whether support or opposition. In both years we asked if they were looking for more opportunity during opening weekend of pheasant and quail season and the second most popular reason was they indicated they would take advantage of that additional time from October 15 through the third Saturday in November when the season is typically closed that they would utilize that. Which was related to the third one where they said they have other things going on, one example was focused on teal season in September and early October, when waterfowl season is closed, they would like the opportunity to go prairie chicken hunting. Asking hunters that have purchased a prairie chicken stamp you are more likely to get respondents in support of potential expansion of opportunities. That is why we have commission meetings to get more opposition side as well. There was a number of people that indicated the expansion would have a negative

effect on the prairie chicken populations and secondarily they also indicated they do like having a unique regular season opener, which seems to be a declining tradition in the state. Another graph shows residency, whether or not they hunted birds, again a number of people who don't hunt birds wanted to do something good for conservation and bought the stamp, whether or not they harvested or hunted. It is a pretty even split. Some of the comments submitted highlight the issues we have discussed. In support, the seasons are confusing, don't think it will impact the population and like idea of simplifying dates and a number of hunter indicated the early season is often too warm and they would like the opportunity to not hunt as much in September but shift time into October and November. In opposition, regular season opener should coincide with quail and pheasant opener, more population impact side of things and birds don't need any more pressure and shooting more birds at this time does not feel appropriate. If commissioners want to see the full list of comments I can provide those. Given all of those things and what we have provided as justification, staff feels a single prairie chicken season is warranted, so we recommend removing split and opening September 15 through January 31. We are not recommending any changes to bag limits or any changes to open and closed units. Commissioner Gfeller – We hunt prairie chicken extensively in my area and we utilize the early season. By the opener of pheasant season the opportunity for walk up hunting of prairie chickens has diminished significantly. The birds are wiser and older so it becomes more of a pass shooting. I will be interested in seeing if there's a lot of additional harvest during that period. For early season hunters like me, was there any consideration to starting the season a week earlier? For a couple reasons, it extends the amount of time you have for walk up hunting and it coincides with dove season. Fricke – Good point, it was discussed; however, one concern was the earlier the season the more likely you are going get into late hatch that hasn't fledged and those kinds of things. There is a fall lekking period, as well that we don't want to push too much into. Overall, we felt strongly that September 15 date was appropriate given biology of species. Commissioner Cross – I hear from folks that are against the early season, they stated the populations are already down. What kind of impacts do you think you will happen to the birds if we did go to the earlier season? Would it be substantial or moderate? Fricke – If we made it a continuous season including October I don't really expect any of change. Not just for prairie chickens but for upland birds in general. If we were to have more of an impact, less of a negative impact from harvest, we would actually recommend changes on back side of the season. We would recommend a shorter season because as we know in upland birds' food it more limiting and winter weather; we would make recommendation to reduce on the back end rather than front end.

8. Parks Permits from Kiosks – Linda Lanterman, Parks Division director, presented this proposal to the Commission (Exhibit R). KAR 115-9-6, Vehicle permit display. With our reservation system we are receiving 26 new electronic kiosk systems. Those systems will be limiting the number of cash self-pay systems. Each state park system that has camping will get at least one and a couple locations will get two. Those permits will be a receipt that they will lay on their dash driver's side. If it is an annual permit they will have to take it into the state park and get the actual annual permit. When they come in the state park, they will pay for it with a credit card of some type, it will print a receipt. They are ADA accessible and we hope they will get rid of some of the cash out in the field, especially in our self-pay systems. We provided pictures of what those kiosk stations will look like. We are finalizing our order. They will run off of electricity and Wi-Fi or cell service.

**VII. RECESS AT 5:54 p.m.**

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

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

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

Chairman Lauber – Suggest starting meetings back at 1:00 pm. We are getting more public comment at the front part of the meeting, that extra half hour would be a positive thing. We used to have them at 1:00 but we traveled around the state and had limited participation we felt 1:30 would allow us to travel better and take tours, etc. Now if we started them at 1:00 we would be able to get more covered in the afternoon. *Commissioners all concurred.* Commissioner Sporer – What about limiting speech time, we talked about that at one time. Chairman Lauber – I understand and there were times I let my impatience show. We may want to review that. Some talks are more interesting than others because it is more on point of what we are dealing with, but a good point. Chris, do we have an obligation to give notice of change in start times? Chris – We have published the notice for April already but could change in June to 1:00. Chairman Lauber – I think it would be good to have the extra half hour in the afternoon, having good participation and want to continue having that.

Jason – Jon messaged me in Chat and would like to make comments about deer regulations. *Had trouble with his microphone.* Chris – We are going to talk about deer regulations next. Chairman Lauber – Have Jon speak at that time.

**VI. DEPARTMENT REPORT**

**C. Workshop Session (continued from afternoon)**

9. KAR 115-25-9a. Deer; open season, bag limit, and permits; additional considerations; Fort Riley – Levi Jaster, big game program coordinator, presented this regulation to the commission (Exhibit S). This regulation covers seasons and bag limits on military subunits. We pushed this regulation later to be able to adapt to training needs. Smoky Hill personnel requested to have deer hunting season the same dates and to match their subunit to actual deer management DMU 4, to allow five whitetail antlerless-only permits. Fort Riley personnel requested the same seasons as statewide with the following exceptions: additional archery days for individuals authorized by Fort Riley, September 1-12, 2021, and January 1-31, 2022; additional days of hunting for designated persons (youth and people with disabilities), October 9-11, 2021 and that would replace pre-rut firearms season for antlerless white-tailed deer; regular firearm season dates, November 26-28, 2021, December 18-23, 2021, and December 26-28, 2021. The same number of days as the statewide regular firearm season just adjusted to different dates. They want to close and have no extended firearm antlerless-only season in January. They want to go with only one whitetail antlerless-only permit, which matches the DMU they are in. Fort Leavenworth has requested the same deer hunting seasons with the following exceptions: the open firearm season November 13-14, 2021, November 20-21, 2021, November 25-28, 2021, December 4-5, 2021, and December 11-12, 2021. Requesting extended firearm season for

antlerless-only, white-tailed from January 1-23, 2022 and an extended archery season for the taking of antlerless-only, white-tailed deer shall be from January 24-31, 2022. They will utilize up to five antlerless-only whitetail deer permits on Unit 10a.

10. Big Game 4-Series Regulations – Levi Jaster, big game program coordinator, presented these regulations to the commission (Exhibit T). KAR 115-4-4, which is big game legal equipment. Because some hunters have had difficulty wearing an orange hat that is required during deer and elk hunting open firearm season we are proposing to add the statement, “or other garment upon the head” to go with hat. The requirement would then be “a hat or other garment upon the head” with exterior of not less than 50 percent of bright orange color, an equal portion of which is visible in all directions. It keeps all the same requirements with hat but allows some other garment that is bright orange to be worn for hunters who choose or cannot wear an actual hat. Chairman Lauber – Would blaze orange hooded sweatshirt with hood up count? Jaster – That would be a question for Chris. If it would meet those requirements that are stated, visible from all sides and not less than 50 percent. Tymeson – Levi’s assessment is correct, if it meets the requirements, it would be “other garment”. Chairman Lauber – Have a couple of comments related to big game regulations. Jon Zinnel – On behalf of Federal Ammunition I have spoken at a couple of meetings. Respectfully request that the commission consider an update to the regulation regarding the definition of a muzzleloader. I have spoken on our platform on the Fire Stick several times over the last year. I am here to answer any questions. The company and some of the partners involved have had several folks reaching out to us that we have directed to the commission to make comments as well. Wanted to find out if that is an opportunity that we could address that here to get Nitro Fire and Fire Stick system in the regulation.

Britt Cleveland – I talked to most of you awhile back about air rifles. I have been talking to Lauren recently to present my case. I am a lifetime hunter in Kansas and back when I was younger I hunted on dad’s place and the closest house was a couple of miles away. There are houses closer now and the closest one is within a quarter of a mile and it makes me nervous shooting high-powered rifles. I was trying to get air rifles legalized. There are 20 states already doing this. Some states recommend .30 caliber, some recommend .40 caliber and above. I lean towards .40 caliber being an ethical shot. With the gun situation going on in the United States and banning of guns, if they take our guns away, what are we going to be using to hunt big game with? I know funding is the reason why you don’t want to do it. I would also like to see air bows used for handicapped. There is equipment out there that uses air instead of powder to take an ethical shot. I am a hunter education instructor, had class in El Dorado this last weekend and we certified 38 students. Chairman Lauber – Thank you for your efforts. We had a discussion this afternoon about air guns and have had discussions briefly about air bows. Had discussion briefly about the Fire Stick. From a personal perspective the distance between air rifles and air bows and conventional firearms is pretty great. It is quite a leap to bring the two together. Cleveland – That is the reason I am more interested in air rifles than the high-powered rifles because you don’t have a bullet going five miles. Chairman Lauber – I understand what you are saying. What I am wanting to do is get back to have a discussion on the Fire Stick that I believe is a more logical outgrowth of existing muzzleloader recommendations. The staff Levi met with, their analysis, is we think it is safe and affective but ambivalent as to whether to recommend it or not. We don’t see a problem with it but not something we are going to recommend, is that basically your feeling? Jaster – Staff recommendation was that we didn’t find a biological reason to support or oppose the Fire Stick. Chairman Lauber – There isn’t a biological reason I don’t think. I think it

has to do with equipment. I understand the concept of fair chase and remember the older I get the fairer the chase seems to be. At one point in time, people said high-powered binoculars were not as fair chase. I have people who fish contacting me that the new graphs and technological equipment is too high tech and we need to back up. We have taken an approach that we are not going to try to regulate it. I don't own and not sure I will own a Fire Stick but would like to see this get off dead center one way or the other. If we want to ask general counsel to make it as an addendum to be voted on at a subsequent meeting I would like to go on record to do that. If the bulk of the commissioners say no that we don't want to do that or it may not even get a motion made. I think we should vote one way or the other on that. There have been arguments for and against. The opponents have had heart felt arguments. I am not sure I have been persuaded it is a whole lot different than some of the other muzzleloader applications and technology that is available. The original muzzleloader season was supposed to be primitive and in-lines have changed that. We are not going to be able to put that Genie back in the bottle. There used to be a little thing the size of a starburst that you would stick in your gun and would have a 209 primer stuck in it to make it easier to load the primer, etc. We are going to be fighting the battle of technology a long time. I personally don't think the Fire Stick changes the complexion of current day muzzleloading that much and adds some advantages yet still is basically a one shot hunt that allows it to be unloaded. The comment made previously that there was a lot of support by people involved in the production and that is true. We got crossbows because of somebody who had vested interested in crossbow production. I see everybody's point. I would just like to vote, all of us have our minds made up and our heart probably. If not much enthusiasm let's deal with it rather than have it come up at every meeting. Ultimately going to ask for somebody to make a motion that this be included as an amendment to be voted on at subsequent meeting. I'm not going to fall on the sword if motion doesn't get made because I don't know how the rest of you feel. And, based on Kansas open meeting laws, I'm not supposed to know how you feel. I would like somebody to make a motion to get this on the table. **Commissioner Hayzlett** – I have listened to this before and read up on Fire Stick. I started muzzleloader hunting when it became legal I bought a Hawkins 50 caliber that loaded through the muzzle and had a lot of fun with it. I also have shot the other ones. I can't see that the Fire Stick has a great deal of difference than what we have already. It is amazing what the progress has been. I also think product is made and will be proven a pretty good product. ***I would like to make the motion to put it on the agenda and have the discussion. Commissioner Sporer, I would second that.*** Chairman Lauber - All we are wanting to do Chris is have some formal thought of whether or not it comes to the meeting as a final vote. We are not voting on the Fire Stick tonight but wanted level of interest to see if it could be added in a possible amendment. Tymeson – I suggest there is enough interest to prepare an amendment. I have already turned in the regulation to be processed to be able to vote in June. There is a legal standard that has to be met when it comes to an amendment. It has to be a logical outgrowth of the discussion and people have to be put on notice. Based on what I have seen I can prepare an amendment for June. Chairman Lauber – That is all I wanted. That does not detract from valid points made by opposition to this. All I wanted was to have it on for an up or down vote at a subsequent meeting. If you think we have enough to put it on as an amendment then we will go forward. This motion and second will wither and die. If you believe I am within bounds of Robert's Rule of Order to suggest it be a future amendment then we will leave it at that. Tymeson – I will prepare an amendment for June. Chairman Lauber – Comments on that Levi? Jaster – No sir. That wraps up my workshop items.

Chairman Lauber – I had another item I wanted to bring up. I got a letter regarding e-bicycles. He is trying to figure out if he can take his e-bicycle with electronic assist and pull his deer cart with it. I think he has a good point but I don't know the answer. This is one of those situations where in the future we would want the group Nadia discussed to render an opinion. What I might tell him might be different than what Warren or Emerick might tell him. Don't have a clue. Is there any way we can get that clarified or have someone respond to him? Tymeson – Is Stuart on? Discussed this issue with Stuart today. It is not legal. I read that letter; the gentleman got the correct information that it is not legal for him to use the e-bike in the fashion he desires. The bottom end of letter was a request for the department to allow it to occur. To use his e-bike in the same way he would use a pedal bike. Commissioner Sill – Are peddle bikes allowed on wildlife management areas? In several places, when I tried to find it, it indicated foot traffic only. Tymeson – If it is a posted notice situation it wouldn't be allowed, but it is my assessment when I talked to Stuart today, that pedal bikes are allowed to be used on wildlife areas. Chairman Lauber – What is inconsistency the gentleman was point out? Tymeson – The way our regulation is drafted it prohibits motorized vehicles which includes electric or battery powered two-wheel vehicles. Commissioner Sill – Does the bill that is going through the legislature impact this? Tymeson – It would have no impact and I don't think those bills will make it through. Chairman Lauber – Will somebody contact that gentleman? Tymeson – Yes. He knows the answer, it is not legal. He was making a request that the commission and the department think about it. My suggestion would be if the commission wants the department to explore that then we can have a discussion and come back with an answer to you as to whether or not to recommend a change to the regulation. Commissioner Sporer – They can ride a pedal assist bike on state park property? Where can they and where can't that? Tymeson – Authorized use in the parks, not on wildlife areas. Currently the regulation prohibits the use of e-bikes off-road on a wildlife area. Whereas as pedal power only bike would be allowed. Chairman Lauber – Not sure I care one way or the other, I don't know if there would be issues down the road or not. Commissioner Sill – As I was trying to research and prepare today, some of the e-bikes have a pedal assist. You have the bike with a cart attached, push the throttle and you are basically a motorized deer removal device or duck decoy carrying device. When we are looking at all the issues we are having with public lands, all this will do is increase pressure. This is something that will help me because I hunt often times by myself and how far I go onto state land is determined by whether or not I can get the deer off. Right now, I have to cut a deer in half and make two trips because I am not strong enough do it by myself. It would enable me to access more. It would allow more people to get farther in which would reduce places where people willing to do the work to get in and hunt to seek places where less pressure, more solitude and are willing to work for it, you are going to take those places away. It will open it up to anyone who has enough money to buy the right bike can get anywhere. It applies to waterfowl too. Chairman Lauber – A good point. Does anyone want to move forward with it? Assistant Secretary Miller – I would be glad to talk to Stuart, we visited today and if he would visit with his staff and when he talks about the reference document at the next meeting he can address this and how his staff feels about this. The biggest difference is on Parks it is restricted to trails and maintained roads, they are not allowed off maintained trails or roads. Lanterman – Correct. Chairman Lauber – That is a good point. Secretary Loveless – I don't have a lot of data on this, but recently we did a survey at Milford, an extensive survey that Fort Hays did for us. One of the significant bits of feedback we got that was expressed numerous times; Milford has big tracks of land and the question was about access, road access we provide into these areas. I was surprised at the number of customers who said they



appreciated areas that were harder to get to because they make for a unique experience and numerous folks said they value that and willing to travel to have those out-of-way experiences. Marshal Loftus – I have appreciation for those areas further from the road and I work hard to get to those areas. I enjoy the solace I can get back in those places where I can relax after a hard day at work. Another thing I would like to point out is an e-bike comes in many different forms. I recently watched a YouTube video of one that was literally beating a dirt bike in a race. To compare them to a regular bicycle anymore with the technology, they are just not bicycles. That is plain and simple in my mind. If you get a chance check out a couple of YouTube videos regarding the new higher tech e-bikes built for back-country riding.

#### **D. Public Hearing**

*Notice and Submission Forms, Attorney General letters dated January 7 and February 9 and Kansas Legislative Research Department letter dated March 4 (Exhibit U).*

1. KAR 115-1-1. Definitions – Levi Jaster, big game program coordinator, presented these regulations to the commission (Exhibit V). Because we implemented e-tags and app where you can hold your license or purchase your license through that, we need to clean up language to allow someone, with app you can have multiple accounts but our current regulation don't allow anyone to carry someone else's license. Someone with the app could not hold their spouse's license there. The item definition is to change the meaning of transfer, Number 63. We are proposing to strike item (C) is "to carry another individual's license, permit, or other issue of the department when that individual is not present." If you logged in somebody's account on the app technically you could be carrying that when they are not present. Commissioner Sill – Does that only apply to e-licenses or what about you still have paper carcass tags and things? Jaster – Because it is not specific to e-tags, you could hold somebody else's license. Tymeson – Change is applicable to all. Commissioner Sill – I apologize for not thinking of it before. I understand with e-license but does that not present some potential problems for party hunting with other people's tags? Jaster – I don't know. Chairman Lauber – Party hunting probably takes place one way or the other. I don't know if it makes it any easier or worse. It is just sometimes it would be handy for the information to be on one cell phone. Not realizing I was potentially breaking the law I used to go hunting with my daughter and I had her license in my pocket along with my own and her hunter safety card. I don't know.

**Commissioner Aaron Rider moved to approve KAR 115-1-1 as presented to the Commission. Commissioner Warren Gfeller second.**

**The roll call vote to approve 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 115-1-1 passed 7-0.**

2. KAR 115-4-6. Deer management units – Levi Jaster, big game program coordinator, presented these regulations to the commission (Exhibit X). We needed to clean up some of the language on road names where designations have changed over time. For the boundaries we would change for deer management units (DMU) 5 and 17. Currently the regulation has Federal Highway US-156 and that designation has changed to State Highway 156. DMUs 10 and 11, from State Highway K-150 currently in there has changed to Johnson County 135 Street; DMU 19, road listed as South Topeka Boulevard change to is South Topeka Avenue; and the last change is the northeast corner of DMU 19, currently is says Federal Highway US-73 to the KS/MO state line, except that US-73 doesn't actually meet the KS/MO state line, so need to change to Federal Highway US-73 to State Highway K-92, then K-92 to the Kansas/Missouri state line (Exhibit X-2). That is the cleanup of name changes and to make that one unit a complete polygon.

**Commissioner Gary Hayzlett moved to approve KAR 115-4-6 as presented to the Commission. Commissioner Warren Gfeller second.**

**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 115-4-6 passed 7-0.**

3. KAR 115-25-9. Deer; open season, bag limit, and permits – Levi Jaster, big game program coordinator, presented these regulations to the commission (Exhibit Z). The proposed dates for 2021-22 season are: archery September 13 through December 31, 2021; the urban antlerless-only white-tailed archery season will begin on January 24-31, 2022; regular firearm, December 1-12, 2021; pre-rut firearm whitetail antlerless-only (WAO) firearm will be October 9-11, 2021; early muzzleloader September 13-26, 2021; and season for designated persons, September 4-12, 2021. We are also proposing to change the age limit for youth participation to go from 16 and younger to 17 years and younger. The extended firearm season for DMUs 6, 8, 9, 10 or 17 would be January 1-9, 2022; extended season in DMUs 1, 2, 3, 4, 5, 7, 11, 14 or 16 would be January 1-16, 2022; and longest extended season in DMUs 10A, 12, 13, 15 or 19 would be January 1-23, 2022. We would allow up to five antlerless whitetail deer permits to be used in DMUs 1, 2, 3, 4, 5, 7, 10A, 11, 12, 13, 14, 15, 16 and 19, on lands not managed by the department. The only thing that is different from last couple of years is changing age to add a year for youth hunters. Otherwise everything is the same while adapting to the calendar. Commissioner Rider – I have been receiving feedback and pushback to expansion of antlerless-only time frame. We used to have two or three days, now shortest time is nine days, then 16 and 23 days. Any response to that? Jaster – Typical asking hunters if they want to hunt or not. We

did ask during the harvest survey a couple years ago for input on those January seasons. Most were in favor of longer seasons. There was quite a bit of complaints about having only one or two day January seasons in many places. Commissioner Rider – Are you concerned with antlered deer already dropping their antlers and being taken in that season? Jaster – I looked at our harvest data for those deer and in the entire season typical year we kill between 800 and 900 across the entire state. Looking at the timing of that harvest, only about 225 of those deer are killed in January. Looking at how what that would save for antlered deer, if that deer survived to the next season, in most units that is one antlered deer over 100 to 200 square miles, depending on population densities. We could do more for that if we could reduce deer vehicle accidents on those deer. Commissioner Rider – You don't see that as impactful? Jaster – No I don't. What tends to happen is hunters that really care about that take extra time to be sure not shooting one of those deer whereas other hunters they would have shot that deer during regular season because they want to just harvest a deer and not particular about what deer they are harvesting. Not to say that some people don't make a mistake and didn't intend to harvest one of those but 200 deer across the entire state does not make or break our buck management. Commissioner Sporer – There are constituents northwest Kansas on the Nebraska line in Rawlins County who are calling and saying they don't have enough whitetail anymore and we shouldn't be participating in that January doe season. What is your take on that thought? Jaster – Most people are more familiar with location they hunt and deer are not evenly spread across the landscape. If someone feels that on their property that they need to not take more, we are not forcing them to go hunt. In reality we have a research project going on in that part of the state, and it is not our adult doe survival hurting us up there. Adult does survive well there. A little additional harvest in January helps us in our goals with trying to manage deer with CWD. That is a good time to help reduce that and I think we are going to a more drastic change due to that than we could we this January harvest.

*(Voting delayed until after Secretary's Orders for Deer, when Chairman Lauber was able to come back online, shown here for clarity.)*

**Commissioner Warren Gfeller moved to approve KAR 115-25-9 as presented to the Commission. Commissioner Gary Hayzlett 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 115-25-9 passed 7-0.**

4. Secretary's Orders for Deer – Levi Jaster, big game biologist, presented these regulations to the commission (Exhibit BB). Not anything that has to be voted on. This is changes we are implementing with permit quotas. Resident deer permit quotas, the only big changes are firearm either-sex, either-species any deer permit. Mule deer hunting is done by

zones for residents. There is an eastern and western zone. The western zone is made up of Units 1, 2, 17 and 18, basically the far west part of the state. For that zone the permit quota is 1,397, a decline of 28 permits. The eastern zone, which is Units 3, 4, 5, 7 and 16; the mule deer ranges has been retracting westward, so there are fewer tags available, quota is 91 a decline of nine permits overall. No change for antlerless deer permits valid in units. The only unit that does not have any permits valid again is Unit 18. The nonresident permits per unit for upcoming season: Unit 1, northwest corner, 764 permits allocated, a decline of 69 and 47 mule deer stamps, a decline of three; Smoky Hill Unit 2, in northwest Kansas, 442 permits, 11 down from previous year and 36 mule deer stamps, decline of four; Unit 3, east of Unit 1, 978 permits, decline of 15 and seven mule deer stamps a decline of one; Unit 4, south of Unit 3 and west of Unit 2, 534 permits, 12 less, and one mule deer stamp, which is no change; Unit 5, west central part of Kansas, 712 permits, down four, and one mule deer stamp, which is no change; Unit 6, central Kansas, 526 permits, decline of four; Unit 7, north central Kansas, 1,672 permits, decline of 15, no mule deer stamps, a decline of one from last year; Unit 8, north central, 1,957 permits, up 31; Unit 9, 986 permits, no change; Unit 10, northeast Kansas, 1,262 permits, increase of 57; Unit 11, southeast Kansas, 3,296 permits up 30; Unit 12, 2,215 permits, increase 25; Unit 13, 595 permits, down 91; Unit 14, 1,924 permits, increase of 26; Unit 15, 1,456 permits, increase of 49; Unit 16, 1,840 permits, increase of 10 and no mule deer stamps, which is no change; Unit 17, 621 permits, up 11, and 54 mule deer stamps, an increase of four; Unit 18, 246, a gain of five, and 20 mule deer stamps, which is no change. Changes implemented were due to concerns about populations as far as buck harvest. Hunting is most significant form of mortality for adult male deer. Also, to adjust to where demand is, where hunters are applying, we adjust where we can. Overall, this total number of nonresident permits increased by 23 this year. Commissioner Sill – When a nonresident applies, say they apply for Unit 16 as their first choice, do they get a second choice? Jaster – They get one additional unit, yes. Commissioner Sill – No, choices? They get a first, second, third and fourth choice? Jaster - During the draw, on their application they can have up to four different choices. Commissioner Sill – So if somebody wants to hunt in Unit 16, they put 16 as their first choice, 15 as their second, 17 as their third and 5 as their fourth; they are going to get to hunt in Unit 16, right? Jaster – If they draw. It is based on odds of that first unit, but yes. Most units have one unit that had fewer first choice applicants than permits were allocated. A hunter might not get to hunt if their choices are already full. Commissioner Sill – But if they have four choices and every choice they are picking is either that unit they want to hunt or adjacent to it then the chances are they are going to, with greater than 90 percent success rate, chances are that one of those four is going to draw? Isn't that pretty high likelihood? Jaster – It is, our overall draw rate is in the low- to mid-90s right now, so yes they have a good chance of drawing. Commissioner Sill – In reality, Unit 16 has 1,840 permits but the total number of hunters that could hunt there is 3,629 potentially, correct? Jaster – Potentially, in the extreme case. There is going to be some that went with Unit 16 even though they are going to a different unit too. There is some movement back and forth. I am currently working on evaluating old harvest data to determine how much use there is on adjacent units. See how much back and forth there is. The assumption would be there is some either way to balance a little bit but I don't know if greater in one direction commonly. Commissioner Sill – Expressing my concerns as a commissioner for some of the deer hunters. When I looked at your harvest report, the 2019/2020 harvest report compared to 2018/2019, buck harvest in Unit 16 dropped by 220 by resident. There were 220 less residents who harvested bucks yet we are increasing nonresident permits. That same year 60 percent of the bucks harvested were taken by nonresidents. In Units 1, 12 and

7, it is in the 40-50 percent range of nonresidents in comparison to residents. That raises some red flags and yet we continue to increase permit numbers. Jaster – We did have an increase this year but a few years back we pulled a lot of permits from that unit specifically and shuffled them to other units so we held to our “meet demand” mandate through the legislature, that is in statute as one of the items we have to take into account when allocating permits. The way it is arranged now we have many things that go into permit allocations, a major one is population and previous harvest, along with demand and desire. Some of the changes now are just trying to adjust where there is demand and population says it is okay to handle this increase. A lot of those changes that are declines in the northwest are because of changes in population we are trying to address. I don’t take into account the proportion of harvest by each sex by residency. Commissioner Sill – That part is not the impact of nonresident permits on resident hunters isn’t part of formula in statute. There is a comment of general public, but nonresident demand, landowner demand, those factors are important in that formula, but impact on resident hunters is not important and not included. They are paying a price for it and not going anymore. Commissioner Sporer – I am fielding comments from deer hunters and some of them are in that Ninnescah Valley between Pratt and Kingman and northwest Kansas. I have heard a lot of comments that Kansas has such a long deer season and if you can’t kill a deer during the regular deer season, between early doe and regular firearm and what they are saying is that they don’t think there is a need for that January doe season. Struggling with that. Comment on that? Jaster – If you are landowner that deer are causing crop damage on, this is a good thing for you. Deer hunters are really good at self-regulating, if they don’t think they should be harvesting deer, even if there is a case to be made that they should be, they don’t. Potentially we have gotten push back from landowners who say that because they are harvesting crops, they can’t hunt during regular season so they appreciate January season. It has also been one of our key defenses to transferable permits because we offer so much season and many options for control if there is a problem. It is a good tool and we are not actually forcing anyone to go out in hunt if they think it is not good in their area. Deer management is a cooperation and collaboration between the department and our hunters and landowners. I cannot work with each individual property like landowners and hunters can. So, we work to set goals by DMUs, for broad area, and that allows flexibility under that with your own specific property. Secretary Loveless – Levi’s point is a good one, we really try to tailor this to different areas of the state. I have been talking with several legislators from southeast Kansas in the last couple of weeks. They are complaining about deer damage and are using a lot of depredation tags that also appreciate the length of the season. Some of them want to have folk come in and nonresidents get an antlered buck in the regular season but appreciate that January season to control the herd by taking does. Up in this part of the state concern over vehicle accidents is a big concern. So, Levi extends his seasons to try to reach harvest and reduce. It seems like it is well-tailored. Did I hear you say your friends in Ninnescah Valley are saying they think there is overharvest going on? Commissioner Sporer – They just don’t feel like they have deer herds they had in the past. Just a group of landowners that live along Highway 54 corridor that are concerned they are not seeing deer. I don’t think anybody can argue and everybody will tell you there is not the deer there was 10 years ago. Other concerns is chronic wasting disease (CWD) in northwest Kansas, particularly in Rawlins County area along the Sappa. They are very concerned they don’t have the deer populations to withstand a January doe season. If Levi tells me he will look at that next year I’m good with voting yes on his recommendations. Jaster – I am always looking at that every year. One other item I will bring up is that the department is looking at wrapping up research project in western Kansas. What we are

finding is that we are suffering of lack of fawn habitat and low fawn survival. Even if we reduced our doe harvest we are unlikely to be able to increase the deer population up there because doe harvest is already very high and if we can't get fawns to survive because there is no habitat for them than putting more on landscape isn't going to help us. We have to have habitat on the ground. Right now, the results are preliminary but as this wraps up we are going to be looking at some habitat recommendations that would help with this. We will be looking at ways to get those recommendations implemented on the ground. That is a big thing identified with this project that we have to do something with our fawn habitat to increase fawn survival. Having more, if they don't survive, doesn't help us.

Chairman Lauber – Did we vote on 25-9? Kemmis – No, we did not. Chairman Lauber – I remember a few years ago we tried to cut back the number because we didn't think it was necessary in certain areas of the January season and KLA was not happy with us, when we only gave them one day. There is a little bit of politics involved and trying to give the people who think we have too many deer and control a lot of habitat be able to have that extra season even though it doesn't make a lot of difference.

*Voted on KAR 115-25-9 here, results shown above under the item.*

## **XII. OLD BUSINESS**

Secretary Loveless – Chris Tymeson notified me that on the Senate floor tonight they did pass our bill to purchase that 493 acres of land associated with Byron Walker Wildlife Area in Kingman County. That is good news and it has been hard work. Now it goes to the House and conference committee so the fight is not over but we made a significant step making it out of the Senate. We are glad for that and appreciate hard work everybody has done on our staff, public lands and our partners at Ducks Unlimited (DU) to preserve this opportunity for us. DU purchased this in 2017, so it has taken this many years to work through the legislature with the conditions in place that if we buy more than a quarter section almost anywhere in Kansas we have to get their approval. It can really stretch things out and we found that out the hard way the last few years. While we hear loud and clear we need more public lands, not less, it is an uphill battle when we try to move that through the legislature. Even when it is perfectly situated and well managed in terms of the logistics of the deal. It is a painstaking process. We will celebrate tonight and go back to the battle tomorrow to try and get it through the House and onto complete approval. Good news for tonight.

## **XIII. OTHER BUSINESS**

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

*Had discussion and settled on following dates and locations.*

April 29 – Beloit, Rolling Hills Electric Cooperative, (plans to try for tour of Ring Neck Ranch); cancelled to become a virtual meeting.

June 17 – Wichita, GPNC changes to 1:00 pm

August 5 – location (Kansas City – Johnson/Wyandotte County area)

September 23 - Beloit, Rolling Hills Electric Cooperative (plans to try for tour of Ringneck Ranch)

November 18 - in northwest (in conjunction with pheasant hunt) Oakley

**XIV. ADJOURNMENT**

Adjourned at 8:01 pm.