

**Kansas Department of Wildlife, Parks & Tourism
Commission Meeting Minutes
Thursday, April 29, 2021
Virtual Zoom Meeting**

Approved Subject to
6/17/21 Commission
Approval

The April 29, 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

Mike Miller (*Sheila was having technical difficulties*) – Matt Peek cannot be here this evening so Rich Schultheis will be presenting the antelope and elk public hearing items. (Agenda – Exhibit B).

IV. APPROVAL OF THE March 25, 2021 MEETING MINUTES

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

V. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

Chairman Lauber – There has been some confusion, numerous emails over last month regarding marina issue, primarily at Milford. Based on the most recent emails a misunderstanding that something would be voted on tonight, which it is not. Most emails were regarding 50-foot limit and in disfavor of that and recent push from group who support the 50-foot rule. Brad and/or Chris weigh in. Secretary Loveless – Have Linda and Chris in reserve if we need to go further. Thanks for mentioning this as I saw email traffic that indicated there was going to be a vote on that and we are not. Take time for commissioners to learn what is going on and public to give their input so it extends over at least three meetings if we are going to take action. Second, it is important to point out that we try to make our marina contracts as consistent as possible and each of the marina contracts says that the owner of that marina has the right to exclude fishermen 50-feet away from structures. That is for safety to protect private properties there. We recognize that across the state marina operators manage this differently, each circumstance is different, demands change, so we rely on marina operators to develop plans that work in conjunction with all the users in the lake, including people who rent those slips. So that is in their contract, but each one implements that differently and we work with them to try and make that compatible

with other uses of the lake. We continue to work with marina operator at Milford to accomplish that. We know we are not where we need to be just now but are working on that with them. We saw email where some folks indicated that the department was encouraging people to comment this way or that way and we are not. We are interested in the public input; we value and appreciate that. We aren't pushing people one way or the other. Linda Lanterman, director of state parks – We are working with marina operators to get resolution. Counsel Tymeson – Nothing to add. Chairman Lauber – From a commercial perspective I did business with several marinas on lakes, some of which were state parks and some with lease through the Corps. This battle is an uncommon one, while that is there it doesn't seem to come up. Most marina operators would like people to come closer to spend more money. This has been a festering issue at Milford for a while, disappointed but maybe given time there can be some resolution. There isn't a law, there isn't much we can do. There are leases all over the state and we have done our best to accommodate everybody. We will see if any public comments this afternoon or this evening and Brad may have to repeat what he said this evening.

Jack Poole – The information I had was that there would be discussions about allowing people to come fish at docks and slips throughout the marina. As a slip owner of four slips at Hillsdale, I personally don't want the public wondering around and fishing where they want and get near my boats and other equipment. I protect that and pay a lot of money for that and I don't want people doing that.

VI. DEPARTMENT REPORT

A. Secretary's Remarks

1. Agency and State Fiscal Status Report – Brad Loveless, Secretary, presented this update to the Commission – Legislature will return next week to take action on FY22 budget. We don't expect changes to EDIF apportionment or to budget request, we held static for request for FY 21 budget, no indications we won't get what we asked for. Park Fee Fund FY20 revenue was up 36 percent from FY19, which is good news. This fiscal year we have consistently seen month over month increase in revenue throughout FY21. That puts us up 60 percent from FY20. Current cash balance is \$5.5 million. Looking good and Linda and her Parks folks are doing a great job. Volumes continue to be high so optimistic about another good year. Cabin revenue was up 10 percent in FY20 versus FY19 and for FY 21 our revenues are up 60 percent over 2020. The Wildlife Fee Fund is up 11 percent from where we were last year, our current balance is \$14.8 million. On edge of seats to hear waiting to hear from federal government about Pittman Robertson and Dingell Johnson fish and wildlife funds and what their projects are. Both are projected to be up, not enormous amounts but significant for us, which is welcome news. Our job is to generate funds in Kansas to leverage those federal funds and get them here to do good.

2. 2021 Legislature – Chris Tymeson, chief legal counsel, presented this update to the Commission – Almost to veto session, which is last 10 days, depending on how long they take, starting Monday this week and there are a lot of moving parts at this point. Most of the bills that have not seen action are likely done but nothing is ever over. SB 101 – Dealt with e-bikes and regulation of e-bikes and our agency already has that authority, so following but had no impact on how we manage our operations. There was a House and a Senate bill, one passed the Senate, went over to the House and didn't see any action, and the House bill didn't see any action so I

think it is done. SB 142 – Department initiative that deals with personal floatation devices and the agency needs to update regulations to comply with federal law, couldn't until we got this bill passed. It was signed by the Governor on April 21 so will begin process to amend those regulations. Also, included in that bill was an update to the American Fisheries Society, a reference to their publications, formally SB 160, it was lumped together in a conference committee report so that also become affective with Governor's signature and onto Kansas register. SB 145 – Department initiative on a land purchase in Kingman County; bill passed the Senate 33-7, was referred to House appropriation and has had no action since. SB 225 – Would have placed agency law enforcement personnel in Kansas Police and Fire retirement, had a hearing and no action after that. SB 269 – Next rendition of dangerous regulated animals, had a hearing in March and did not receive action after that. The ERO we talked about, March 26 was the effective date, neither chamber of the legislature took action, so the Executive Reorganization Order became effective on March 26, so as of July 1 the Tourism division of the agency will transfer to the Department of Commerce. HB 2025 – Started out with two sections, one as a focus on department employees and the other on noxious weed employees of counties; saying they couldn't go onto private land without a search warrant. Then there was a second section of the bill that dealt with cameras for all law enforcement. It had a hearing, went out on the floor, sent back to committee who stripped out the second portion of the bill and part of the first portion and left it so department law enforcement employees couldn't enter private property without a search warrant unless one of three exceptions, search warrant case law existed. Went back out on floor and was defeated, it wasn't a recorded vote, but had 48 in favor. HB 2032 – Was use of artificial light for the purpose of spotting, locating and taking wildlife unlawful. Matt will talk about that a later. It was in response to action by Commission to allow artificial lights for coyotes, the bill as drafted would have gone farther than that with furbearer hunting but it did not get a hearing. There is a bill that deals with rules and regs that we were following and is very important, HB 2087. It is about three-quarters of the way through the process, came out of the House, went to the Senate, amended in the Senate and is now on Senate general orders. Unclear whether that is going to move forward, but hopeful. HB 2089 – Dealt with hunter education in the schools, we already have that, 65-70 schools, depending on the year. This would have mandated Eddie Eagle for grades 1-8 or Hunter Education from grades 6-12 if they were going to offer a firearms safety program. We also have a couple other programs that might fit that and asked for an amendment. It passed the House 75-47, passed Senate 31-7. Governor vetoed on April 27. So next week when we start talking about how things are moving forward, the Governor issued a number of vetoes and there will be attempts to override those especially if really close votes. This one had 75 and on the second go around, in conference committee it had 79, so it's a little closer. HB 2284 – dealt with fees at state parks, giving 50 percent discount to seniors on campsites and cabins and we estimated that would have cost about \$1 million; bill didn't go anywhere. HB 2321 – Transferable deer permits, had a hearing in February and did not move out of committee. HB 2326 – Would have made it unlawful to shoot a wildlife decoy under the control of law enforcement, it had a hearing, went out of committee, got onto House calendar and didn't make it past turn-around the first time so that means it was dead and stricken from the calendar by the rules of the legislature. HB 2392 – Would have given free lifetime hunting/fishing/furharvesting licenses to Kansas army or air national guard veteran who served 20 years and was honorably discharged. Bill had a hearing March 17 and didn't move after that. Chairman Lauber – Personal floatation devices, are there changes that are going to affect Kansas different than what we have now, particularly among youth? Tymeson – Youth are still required

to wear a lifejacket if 12 and under, on board. The legislature made a small change in conformance with federal law, if in the cabin or under deck you don't have to wear it. That is a safety concern if the boat were to capsize and trap somebody with the lifejacket. All lifejackets that are currently serviceable and in-use, stay that way. What happened is the federal government has adopted a new nomenclature descriptor on how life jackets are classified and we are going to have to conform to that. The law referred to an old type in statute and we had to get that changed so we could come back and change the regulations. We will have plenty of conversation on this as it will take three to four commission meetings. Chairman Lauber – What was issue on e-bikes? Tymeson – It was whether or not municipalities and counties had authority to regulate classes of e-bikes and how they would regulate them. There were some perspective things in that said they couldn't regulate them in certain fashions. For us it had no impact, it was a peripheral issue we watched because we already have the authority to regulate that on our own properties. Chairman Lauber – Was it a push to liberalize use? Tymeson – You could read it that way, yes but in some ways could also read it the opposite way. We did not weigh in or take a position as it was a fairly balanced bill. Commissioner Sill – SB 145, is there still a chance appropriations can move that along? Tymeson – I will address the technical aspects and pass to Secretary on his perspective on where we think we are. There is a possibility it can happen still, have to be placed in budget bill. A lot of ways to get things through the legislature, you would have to know the rules and in this case this is an exempt bill, which means it is exempt from all of the deadlines because it was introduced in one of three committees, Appropriations, Ways and Means and Tax and Fed and State. If a bill introduced there it can continue to work past deadlines. The bill itself could move forward in its own fashion, a difficult proposition given the overall scheme of what is happening with vetoes and focus on budgets and things like that, we are peripheral to that and small compared to other issues. It could also be placed in the appropriations bill, that is more likely procedural method than a stand-alone bill. Secretary Loveless – We have been watching this and pushing it and we have a number of legislators trying to support this and help this move through. Our preference would have been to add it to another bill that had to do with land acquisition then it would have gone before the whole House on a vote but we weren't able to do that, there weren't many of those bills and time was getting short. When we talked to leadership in the House they said try to put it in as appropriation, part of budgeting process. That is latest we have heard, haven't heard anyone say it wouldn't go, people we talked to have been optimistic that it would continue to move forward, but not a lot we can do other than continue to encourage legislators to be supportive of this. Our folks have made a good case for it, have been consistent and thoughtful in the way we have gone through the process. Everybody seems to be in favor of this. The challenge is time is getting short and they are having to deal with big issues that are complex. We hope it doesn't get lost in the shuffle. We have assurances of people who said they would do their best to put this in the budget and have it carried that way. Optimistic, don't know how or when. Commissioner Sill – Claims against the state bill, did anything ever happen with that, I don't remember bill number. Updates on that? Tymeson – SB 159 is what that was. There is a process which claims against the state are paid. A person files a claim, it goes to Joint Claims Committee, they adjudicate that claim and have a hearing and make a recommendation or don't recommend it. If it makes recommendation it goes into bill form that both sides of the legislature has to pass. In particular you are talking about a claim regarding \$16,001 in response to a set of antlers. That file was filed with that Joint Claims Committee and they did not recommend that favorably. The Joint Claims bill was introduced and there was also an attempt to place that \$16,000 into the general budget and that failed. There was an attempt,

and it was successful, to amend it into the Joint Claims bill, SB 159. What typically happens in this process is they will consolidate the Joint Claims bill into the budget so they have one budget bill. This particular claim caused some resentment and hardship with folks and both sides and they could not come to an agreement to the claim so they split SB 159 back out and they still have to work on coming to an agreement on that bill. So that claim is still alive. Chairman Lauber – Is it likely that claim will go any place? Secretary Loveless – We are having conversations around that and had numerous legislators reach out and tell us that based on the clear decision that committee made against awarding that money; they are telling us they went through the process, the answer was no and it should still be no. However, as Chris alluded there are a lot of nooks and crannies in the legislative process and there are still those trying to move this through and get this paid but there are a lot of legislators who don't feel that is an appropriate claim and are watching to try to not allow it to go through. Not bet any money on either outcome, it is in play, and there are forces at work on both sides. Chairman Lauber – I would encourage the department to resist to the extent you can because the claim is without merit.

B. General Discussion

1. Fishing Regulations – Doug Nygren, Fisheries Division director, presented these regulations to the Commission (Exhibit D). These are proposed changes for the 2022 reference document where we place regulations that are than different than statewide regulations. Tuttle Creek Reservoir, we have been operating with a 35-inch, 5/day creel limit on blue catfish; we are proposing change to a 10/day creel limit with no more than one fish be day longer than 30 inches; this is a celebration of the fact that the population has become well established and we feel we can liberalize some harvest now and still protect some of the bigger fish by limiting the number of large fish anglers can take. The next two have to do with recently implemented 21-inch length limits on walleye at Marion Reservoir and Cedar Bluff Reservoir. At Marion Reservoir, Craig Johnson presented a unique approach to walleye management that would have two years of protection with 21-inch length limit followed by a harvest period where we would lower the length limit to allow some harvest to occur. They would benefit from delayed harvest and then have opportunities to take some smaller fish home. In 2022, we move to the harvest phase of management scheme with an 18-inch minimum length limit and a 3/day creel limit, with only fish 21-inches or longer on walleye at Marion. I intend to have Craig come and present in workshop in June his assessment of how the fish responded to the length limit and what he would like to do moving forward, a more detailed view in June and the same way with Cedar Bluff. Chairman Lauber – In the past, Marion was almost able to be self-sufficient with its own recruitment. Do we know whether this enhanced the recruitment of walleye or did it just protect those that were there? Nygren – We have had a history of good natural recruitment there and the last five years or so we have had to do some stocking to maintain the populations. Craig will bring information to the June meeting about what he thinks is going on in terms of a return or not of natural reproduction and recruitment there. I can't tell you at this point but he will be prepared to give plenty of details in June.

Chad Rohr – Regarding Cedar Bluff, in beginning of 2019 you started 21-inch length limit; The whole move, from public meeting in Wakeeney, was to protect 2015 year class. Last year we knew the health of the fish was poor and there was a lot of discussion as to what took place with the bait and there was some claims there was trouble with the shad. Density ratings posted for

this year I have question on accuracy of that. I guess June meeting would be the time to voice concerns and get more feedback on state of the fishery as it stands right now. Nygren – We will be able to provide additional information. We did have forage issues; however late last year we did see improvement but we are still looking at opening it up. At Cedar Bluff we are proposing to maintain the 21-inch minimum length limit and 5/day creel limit on walleye, except allowing up to two fish 15 inches but less than 18 inches in length be included in the daily creel.

Liberalize and allow some harvest and still try to protect that big year class. Rohr – I think that is a good move but my concern is that it is a year too late. I feel that 2015 year class still exists.

There is tournament going on this weekend and you will have some of the best walleye anglers in the state there. There will be 40-some teams using catch, record, release scenario and all but one team caught their five fish limit, which were over 15-inch fish. I will be interested to see what it will look like this year because we have some tremendous anglers that have been on the lake upwards of 15 times and only saw one walleye. Not a biologist, just a fisherman but able to read grass and understand the conditions. I think proposal is outstanding. It is my understanding we are not doing any stocking it is just natural recruitment, maybe I stand corrected but thought we were self-sustaining up there. Was wondering what is happening on any of the other year classes but will come in June to discuss.

Doug Storer, Hays – My question was on Cedar Bluff also and Doug answered it. Commissioner Sporer – Give us an update on what the biologists found this spring, are the walleye in the lake?

Nygren – We spent a lot of time out there taking walleye eggs at Cedar Bluff, we weren't originally planning to collect there but were struggling so decided at last minute to do that and did well there. What we saw during spring spawning run was that there are good numbers of large fish in there. It turned the tide for us in terms of walleye production season, had we not gone there we may not have met our goal. When Dave comes and give his presentation in June he can give us an update of what we did there and what he is planning to do moving forward as to the need for stocking as well as regulation change. He is prepared to come and give a detailed report in June to make sure you have everything you need to make an informed decision on the proposal. Secretary Loveless – We get very intelligent people calling in and challenging us on our walleye management, we appreciate and benefit from that, I want to give a pat on the back for Doug and his folks, they put a lot of effort into their management plans. What you see in these regulation proposals is a dynamic approach. In the old days it was black and white and now these regulations are nuanced and they are fine-tuning them. We have always paid attention to the biological science and getting better at paying attention to the social science because we want anglers to be satisfied so it becomes a complex formula. Appreciate the input and want to thank Doug and his folks for their careful management. They are making and keeping promises, making adjustments and listening carefully to what the anglers say to interpret that in ways fisheries could become sustainable and stay stronger over time. We appreciate the work in that.

Nygren – Last year we were unable to collect walleye eggs, we made a decision in the face of COVID and we didn't know if our employees could collect eggs safely, so did not produce much at all last year. We were hopeful for a great egg-taking season this year and we exceeded our goals so hopeful to get back on track in production. We are constructing a brand new walleye propagation building at Meade Hatchery that will be able to produce another 300,000 to 400,000 walleye fingerlings per year and some larger individuals up to 10 inches. We are hoping to be able to operate that next year. While the ultimate goal would be to have natural reproduction and recruitment success and not have to stock but the stocking program remains an important part as most of our lakes are not doing that.

Nygren – Cities came to us that were operating with their own fishing regulations and asked us to take over the role of implementing regulations via our regulation program and reference document as well as statewide regulations. Bartlett City Lake, add a 15-inch minimum length limit, which is statewide limit, but would like a 5/day creel limit on channel catfish. Parsons, West Pond, add a 15-inch minimum length limit and a 5/day creel limit on channel catfish. Bone Creek Reservoir, currently has slot length limit on largemouth bass, 13-18 inches and want to change to an 18-inch minimum length limit on largemouth bass and a 5/day creel limit on saugeye, currently 2/day. Again, at Parsons, Tolen Creek Pond, add a 15-inch minimum length limit and a 5/day creel limit on channel catfish. Wichita, West KDOT, add a 21-inch minimum length limit and a 2/day creel limit on saugeye. Sedgwick County, Lake Afton, change to a 21-inch minimum length limit on wiper. Harvey County East Lake, change to an 18-inch minimum length limit on largemouth bass, have been operating on a slot length limit, 13-18 inches to build it back up. To be consistent with what we have on the wildlife side for the youth/mentor program, currently youth mentor ponds across the state says that someone over 18 can fish there only if they have a child under 16 with them. We are proposing to make this consistent with what is being done on the wildlife side from under 16 to under 18. In KAR 115-25-14, changing trout stocking locations at Colby-Villa High Lake, Mined Land Wildlife Area, and Sherman County Smoky Gardens from Type 2 waters to Type 1 waters. Good story out west, we just renovated Colby Villa High pond and I went out the other day and there were fishermen everywhere and the City was out doing some additional work on the lake. I walked up to talk to a guy fishing and it was the Mayor of Colby; he had his three-pole permit and was being successful and he was excited about renovating that pond and getting it up and running. Type 1 waters, anyone fishing there are required to have a trout permit. Currently operating as Type 2 waters where if you are fishing for something else you can be there without a trout permit. These lakes are primarily being fished during trout season and there is limited opportunity for other species and we want to be sure people have their trout permit and support the program financially so we can pay for the cost of stocking trout. Sherman Smoky Gardens is renovated and restored by having water available through a pumping system that comes off of our wildlife area. Working in concert with Sherman County Commission to get it up and running again and they wanted to put it in the trout program again, it was years ago but the lake dried up; expect back in for next fall. Mined Land WA has traditionally been a year-round trout fishery but there has been some changes and we are switching it over to November to April program because we are not sure we can get over-summer survival of trout, so we are changing to Type 1, as well. Commissioner Cross – Do you know what trout survival rate is on lakes you stock? If you had a bad batch of trout delivered and died off; do they sink? Nygren – We have had a situation where fish stress during hauling and we had mortality associated with post release. What we do is try to document numbers lost and contact contractors because they are supposed to put them in the lake in good shape and we ask them to bring additional fish to make up for fish lost. Normally we have great survival but there are occasions where something goes wrong, an aerator breaks down, vehicle has a problem and fish stay on the truck longer than they should and we do experience some mortality. Up to vendor to make good on that. There are a few situations where we are the ones stocking the fish. We do keep some fish at Meade and Milford as a backup if we have a disruption in supply from our commercial providers and in that case it would be on us to see if we have additional resources to replace any that weren't because of mortality situation. Commissioner Cross – Mortality rate, if rainbow trout die in the lake do the fish sink or float? How do you determine mortality? Nygren – See them floating at boat ramps after a release. Some fish will sink but as

they start to decay often times they will surface a few days later. Obviously we can't detect every single one we lose and ask for a complete replacement but we do our best to make an estimate of what we need to make up for a problem. Chris Steffen will discuss 115-17-2.

2. 115-17-2. Commercial Sale of fish bait – Chris Steffen, aquatic nuisance species coordinator, presented this regulation to the Commission (part of Exhibit D). The current regulation gives a list of live fish and live crayfish that may be sold for bait in the state. It also includes one line about the ability to sell gizzard shad only if dead. There are some other species bait shops would like to sell dead. The regulation is unclear on that and we are proposing to add some language that includes species that can be sold dead and a little more language to capture any future they would like to sell dead as well. Nygren – David is on the road stocking fish for the Derby hopefully he will be able to jump on.

3. The Great Fishing Derby – David Breth, fisheries biologist, presented this regulation to the Commission (Exhibit E, Webpage Exhibit F). I want to highlight the rules and give you the website for the Derby The website, www.ksfishderby.com will host the derby. If you catch a tagged fish go to this website. If you want to know where you can catch one go to this website, we are announcing locations at noon tomorrow. If you want to sponsor near one of these locations contact me through the website. It starts May 1 and goes through July 31. We are going to have over 30 lakes statewide, 500 tags out there, so hope to have 500 winners. If you catch a tagged fish you can keep the fish or throw it back it is up to you. Take the code and go to the website to claim your prize, when you click on that a form pops up, enter your information and the tag information, where you caught it, what species it was and the code off of the tag, date caught and tag color. In about five days I will replay with an email and a certificate saying congratulations, here is your prize and tell you where to collect it, hopefully a local sponsor near that lake. If you catch one of our statewide prizes sponsored by Wildlife and Parks, Kansas Wildscape, Cabela's or Bass Pro you will receive the gift card via mail. The website has rules and information and who to contact: me, and has sponsors outlined and will continue to update those as we get more sponsors as well as frequently asked questions page and participating locations. It starts May 1, this Saturday. Commissioner Gfeller – What is the nature of the prizes? Breth – Mostly gift cards, \$20 to \$100 and there could be fishing tackle retailers, automotive stores donated oil changes, a zoo that donated a family membership for a year for a fish near their location. You can register today but do not have to register for the derby, when registering you are registering to win raffle prizes. Even if you don't catch a tag you can go there and register and be entered automatically in raffle. Commissioner Gfeller – Preliminary interest? Breth – Angler, yes we have a lot of people who have reached out to us and also we have lots of sponsors. Once we share the locations we will have a lot more sponsors, or we are hoping that is the case. Commissioner Gfeller – A great idea. Commissioner Sill – Do you have a variety of species involved that might get casual angler as well as intense anglers? Breth – Tagging all species, anything that swims in the lake listed could be tagged. When we go out and tag the fish we know there is going to be catfish, bass, crappie, some nice sized sunfish, redear and bluegill, so anybody with a hook can win a prize. We are also going to do some carp and drum, if already swimming around in the lake we will tag them too because some anglers enjoy those fish. Secretary Loveless – You mentioned 30 lakes on your list this year. Is this a set number or what is vision beyond this year? Breth – When originally proposed I was looking at 10-15 lakes and as a division we decided to expand it to 30 to get as much of state involved. Next year it could grow

to 60 or 70, maybe 100. In Washington, where this was modeled after, they have over 100 lakes and 1,000 tags and it is extremely popular with the anglers. They have vendors knocking on their doors to get involved and their agency supports it. This is their sixth year. Next year, with more time to plan and have success to build on we can double and move to bigger reservoirs. Right now, we are focusing on smaller lakes because we want people to win. Want you to go out there knowing there are 15 tags on a 100-acre lake and you might win. Chairman Lauber – It sounds exciting.

4. Coyote Night Hunting Update – Matt Peek, wildlife biologist, presented these regulations to the Commission (PowerPoint Exhibit G). Start out with background information since we received quite a few public comments after the regulatory process had concluded. This is a subject the department has received persistent public comment on for many years as hunters have seen this on TV and visiting with people from states around us and hunting in states around us, a lot of interest for a long time. They have intermittently come to commission meetings as well and department had not acted on comments or progressed with any action until November 2019 commission meeting when a couple members of the public showed up. At the completion of their comments the commission asked the department to draw up a proposal to allow night hunting for commission to vote on. Over next four meetings we discussed the pros and cons extensively. During that process we actively sought public comment, including workshopping it twice to give people a couple of extra months to comment. We also publicized this through social media and press releases on our website. We directly invited public comment to landowner groups and federal land management agencies with recognition this was a controversial subject not everyone would be in support of. In August 2020, commission took a vote on it and approved the proposal the department had provided. I provided some of the major considerations that were taken into consideration. There was recognition there was legislative interest in this subject, so hanging over the process was the possibility that if the department and commission didn't enact some kind of restrictive season there was a possibility that the legislature might enact a broadly legal state law that allowed this in a way that was much less palatable than what the department might have proposed. I won't speculate as to how much of a factor this was in the commissioners' votes but it was certainly a subject brought up. Legality of night hunting prior to the establishment of this permit; night hunting of furbearers and coyotes without night vision is already legal. So, I wanted to be clear this discussion was specifically about use of lights, night vision and thermal imaging equipment to hunt coyotes. Not a question of whether hunting at night should be allowed. It is also noteworthy that night vision equipment is already allowed in certain circumstances for some individuals, specifically in cases of damage, landowners could use this by state law and wildlife control permit holders could also currently use this equipment year-round. We estimated 80-90 of our wildlife control permit holders got the permit specifically for the ability to hunt at night, so we knew this type of activity was occurring to some degree and to our knowledge without negative consequences. With the ability to use night vision for damage already, we considered the major reason for providing this opportunity was to provide additional opportunity for those requesting it, that was major intent of the season. Coyotes have been heavily pursued, persecuted and even suppressed for many decades. Back in the old days people talked about things allowed on coyotes, like bounties up until 1970 and poison like strychnine and cyanide were allowed up to 1978 and 1983 when those were eliminated. In the 1970s and 1980s were the fur boom years and fur trade was lucrative. Following the end of the bounties and poisons there was a high level of harvest pressure by

trappers and hunters. This persisted up until about 1990 when the fur market crashed. The Conservation Reserve Program (CRP) is a large federal ag program that puts highly erodible cropland into native grass was established and created an abundance of habitat that proved to be beneficial to coyotes and various other species. Coyotes also became established in urban areas of the state about that time. Beginning in 1990 we had a population release – all of those harvest pressures either disappeared or became more lax. Based on annual roadside survey that coyote index has increased two to three fold in the past several decades. Kansas has the highest documented harvest of coyotes in the U.S. according to the U.S. Furbearer Harvest Statistics database. Some states like Texas would harvest a lot more coyotes than Kansas but they don't keep track of harvest or monitor the population in the manner we do, so we have highest documented harvest. California would be another state with potential, based on coyote numbers, to harvest a lot more than us. At a larger scale coyotes were largely a species of the prairie range and deserts so they existed in mid-part of country and down to the south. With the removal of wolves and establishment of agriculture, they began expanding their range. In the last 20-30 years they have filled up the far East and Southeast parts of country. With range expansion as well as population expansion in many other states it is probably fair to say coyotes are more abundant than ever in history, doing well as a species. We also considered safety and association with illegal activities and we used the status in other states to compare recommendations for Kansas versus other states in Midwest and Colorado and Texas as well. The key take-away is of 14 other states besides Kansas, 13 already allowed some form of night hunting activity for coyotes with nine of the 13 allowing lights, thermal imaging equipment and night vision – what we proposed. Only Oklahoma didn't already allow something like this. These states did not report any more legal or safety issues with this type of hunting than other types of hunting. In terms of the question of fair chase - we posed this as: does the technology proposed provide a significant advantage over a coyote's natural ability to detect danger. Some would argue that yes it does, some no that this is still difficult and still others might say this would be more effective but no less sporting than other legal techniques allowed. Regardless of position on fair chase it is relatively subjective and debatable, people can argue different points depending on their own perspective. However, this is somewhat measurable. We can look at the effectiveness of night hunters compared to other hunt techniques to see if it is shooting fish out of barrel. If this is extremely simple you might expect coyotes to be impacted in some areas but none of the other states that allow them reported population impacts. Some states like Nebraska and Texas have allowed these techniques for decades so that might be an indication it is not as easy as what you perceive it to be. The commission approved the regulation as proposed and restrictions we proposed were that the regulation would allow use of night vision equipment for coyotes only; restricted to January 1 to March 31 season dates; prohibited from vehicles, which is allowed in some states; allowed only on private lands, so stated it is not allowed on KDWPT managed lands and required a permit so we could track the participation and success rates. We sold 5,776 permits; this might change a few permits as final data comes in. In 2019 small game harvest survey, where we get coyote hunting information, coyote hunters are not required to have furharvest permit, they hunt with a hunting license so we use this survey to survey them. They estimated 33,407 hunters, total number of night vision permits was 17 percent of total coyote hunters. Surveyed 1,000 permit holders and got 470 responses, 48 percent. We extrapolated results to all permit holders to come up with estimates; 87 percent hunted coyotes and 74 percent hunted at night. It seems odd people would buy a permit and not use it but this is standard, people get them without being able to make it out. They harvested an average of 7.6 coyotes per

hunter including 4.4 coyotes at night and 3.2 during the day which is an average of 0.7 coyotes per calendar day for night hunters and 0.5 coyotes per day for a total of 18,801 coyotes taken at night and 16,202 taken during the day by these hunters. We can compare the night vision permit activities along with those of traditional hunters in small game harvest survey which would include all legal coyote hunting techniques prior to the night vision permit. Also, we can compare them to trappers from 2019 furbearer harvest survey. These are both 2019/20 season as the current season data isn't available yet. Starting with average coyote harvest per day, night hunters averaged 0.7, traditional hunters 0.53 and trappers averaged 0.8. Average coyotes per hunter, night vision hunter 7.6 but 4.4 were using night vision equipment compared to 4.2 by traditional hunters and trappers averaged 18.1 coyotes per trapper. There is only a couple thousand trappers, 4,000 night hunters and over 33,000 traditional hunters. If you apply that to averages total coyote harvest was 18,801 for night hunters, 141,000 for traditional and 37,000 for trappers, so trappers harvested twice as many as the night hunters and traditional hunters harvested eight times as many. Night hunting not totally additive to traditional hunting as hunters have a limited amount of time and a limited amount of territory they hunt so it is logical if they spend more time hunting in the night they might spend less time hunting in the day; from survey that was the case. So, 25 percent responded they hunted a lot less during the day and another 19 percent said they hunted a little less during the day. If they might have averaged 4.2 coyotes during the day, you might estimate actual net harvest in nighttime hunting was plus 3.4 coyotes per hunter or a little over 14,000, less than 10 percent of total of 2019 harvest. As far as safety and legal considerations, law enforcement surveyed employees after the season and they reported no incidents associated with night hunting season. There was also no indication of increased hunt/harvest or increased percent harvested by night vision permit holders for pelt tag species, If night vision hunters would have gone out to shoot bobcats, which bobcats and swift fox are pelt tag species, then the percentage of bobcats taken by hunting would have increased in pelt survey data and that was not the case. No indication of additional hunter harvest of bobcats or swift fox related to this permit. Surveyed respondents and 96 percent indicated they had no concern about target identification. Of those who did, the major comment was that they had some concern that they or others might have trouble differentiating domestic dogs and coyotes, however I am not aware of any cases where that occurred. We also asked about feelings toward human safety and three percent had some concern, one comment was, "yes, I am always concerned about human safety when I am hunting." The hunters felt safe and selective while they were in the field. As far as fair chase, we could look at the data, extrapolate to 10 days of hunting, more than most hunters hunted on average, the night hunter would have killed seven coyotes, traditional would have killed 5.3 and the trapper would have killed eight. For most trappers the difference in night hunters versus day is less than two-coyote difference. The night hunters could also have hunted in the day too. If we look at average coyotes per hunter, night season, night vision permit and traditional hunters killed about the same number of coyotes although the night vision permit holders were limited to three months, the others could hunt year-round but hunt mostly in fall and winter in traditional harvest seasons. Both of these techniques amounted to about one-quarter of total trapping harvest, so nothing jumps out here and says this technique is as simple as walking out and shooting a bunch of coyotes. They are not averaging more using this technique. The range of harvest levels per hunter is another way to look at this. The range is zero to 106 and one getting 90; 80 percent of permit holders harvested fewer than five coyotes and 91 percent harvested 10 or less, less than the average trapper and 20 percent harvest a lot more than they would have without this equipment opportunity. So, it did prove beneficial to some.

Whenever we have an unlimited harvest season you always wind up with some people where this is their primary pastime and their major outdoor activity in which they participate. They work really hard at it and have primary areas they hunt and perhaps hunting feedlots where there are a lot of coyotes. We see the same thing when we look at other harvest types, traditional hunting harvest from 2019 furbearer survey and interesting that it is almost identical to the pattern of harvest. In that survey we picked up five individuals who harvested over 100 coyotes including one who harvested 200 coyotes using traditional equipment from last year. The pattern is almost identical so what we found in night hunting technique is not unique. You see this in trapping and across different species too, not just hunt types. Asked what type of visual equipment they used and over one-quarter of the individuals use more than one type of visual equipment but lights were most popular with over half using lights. Centerfire rifle was the most popular weapon type and a number of coyotes hunted each month, over half harvested in January. Over 70 percent would have occurred in current furbearer harvest season. Consistent with when furbearers are being harvested. Reasons for hunting, since damage opportunity available for landowners and wildlife control permit holders, recreational opportunity or because they like to hunt or additional opportunity would be most important. To reduce coyote predation on livestock was not the reason, the most common reasons for people going out there was to collect fur. A lot of people feel there are a lot of coyotes and would not mind seeing a few less. I also asked if they hunted at the request of a livestock owner specifically for predator control and 58 percent said they did. There has been discussion about the effectiveness of preventative or general population control and it is true this is variably effective but targeted removal, at direction of livestock producer who has lost a calf it is effective where you are trying to remove a specific coyote or pair of coyotes involved in depredation. That is the most effective and preferred method of solving those problems in rural areas. Three principles of sustainable harvest in wildlife management programs that are widely understood (from White et.al. 2015) trapping and furbearer management in North America. The species is not imperiled; harvest method is acceptable; and harvest of species achieves a functional objective. Coyote status is secure and additional harvest isn't going to change that and harvest is sustainable that occurred under this permit, at least for this first year. The role of the coyote in the ecosystem is not jeopardized by this. The department has a conservation objective and do care about conservation of coyotes and we will continue to monitor both the population and the harvest level of coyotes to make sure that their status does remain secure. Is there a functional objective to harvest using this technique; a functional objective to coyote harvest in general, and the answer to that is yes, it provides a lot of benefits to society. People harvest coyotes for fur, for income, for damage control of a variety of things including livestock, pets, poultry and crops, not just livestock, This is also an important outdoor opportunity for people, you call it recreational but that is insufficient and doesn't adequately describe the importance to a lot of people in rural communities. There are over 30,000 coyote hunters in Kansas who spent 300,000 user days in the field in pursuit of coyotes. There is a functional objective to coyote harvest. Are harvest methods acceptable, which was the big question throughout this process, and we didn't identify any major legal or safety concerns and none materialized after this first season. Relative to fair chase, the concerns aren't apparent from the data we have collected. We went into this with an open mind on letting data lead us where it would and it doesn't appear to be significantly different than other types of current harvest activity. The perception of night hunting may be different than reality is in some cases. Get impression the major difference is what people perceive and the reality on the ground is just because you can see a coyote doesn't mean you are going to be effective at killing it. You still

have to call them into range, make a positive identification, that is the conclusions we can come up from looking at the data and reading comments in the survey up to this point. Chairman Lauber – Excellent report, appreciate it. Commissioner Hayzlett – Very good presentation. I was a staunch supporter of that but you always have a question in the back of your mind if that is the right way to go. A very good presentation and put together well with facts and figures.

Commissioner Sill – As one with reservations, excellent presentation. Did trappers mind the night hunters being out there? Peek – When I surveyed furharvesters about their support a year or two ago, they were overwhelmingly supportive. Trappers and hunters are not mutually exclusive because a lot of the trappers are hunters too. As a population or a group, they were supportive. I have received comments from people who are both trappers as well as other hunters who do not support this for many of the reasons we discussed. They just don't think people need to be out there at night shooting coyotes. There was a variety of reasonable responses to this that lead people to not support it. I wouldn't imply all trappers supportive but as a whole they generally were. Commissioner Sill – No conflicts? Nice job, appreciate presentation. Commissioner Gfeller – Those permit holders who chose to hunt at night were they trappers, used to being out at night anyway? Peek – I didn't ask if they were trappers or what other activities they participated in. I could probably go back to harvest survey from a year or two ago and tease some of that information out. I'm sure some of them were but don't know how many.

Commissioner Gfeller – Did it attract any new hunters or mostly people who already hunt coyotes? Peek – Mostly experienced coyote hunters because of the need for additional equipment, particularly beyond lights it is a pretty good investment, so probably not a first time coyote hunter. If already had equipment that might be another story. I didn't ask them in the survey and tried to keep it short to get a high response rate and also on a short timeline to get data collected for this meeting. I can expand on that in the future if needed. Commissioner Cross – Excellent report, spoke about other states and their experiences up to this point. As a follow up did any other states come to other conclusions or anomalies compared to what you found, any unique situations? Peek – Not that I am aware of. There have been incidents across the country with night hunting but not during process before this was voted on. There are occasional incidents but not different from other types of hunting. Occasionally someone gets shot while pheasant hunting but luckily those types of events have been extremely rare. People all across the country have been surveyed on because this is an issue that several states in east and southeast have legalized as well, a nationwide issue so states that didn't have this have been surveying counterparts in states that do. Overwhelming consensus is that this type of hunting has been absorbed into other types of hunting and net impact on coyotes is not detected by monitoring techniques states use. Commissioner Gfeller – One of the concerns I had was strain on law enforcement who is already stressed. Did we have any additional callouts or see anything in that regard? Peek – I spoke to Colonel Kyser and he indicated to me that they had no specific incidents to report. Colonel Kyser – We polled the division and we had no reports during the special season of any incidents. Commissioner Gfeller – Call outs of expected poachers that turned out to be coyote hunters or anything like that? Kyser – Didn't have anything reported to us.

Elaine Giessel, Kansas Sierra Club – Thanks for the good report. The permit required was determined to be \$2.50 and that was based on equity issues as I recall. Since your data indicated folks using more than just lights, if people using more expensive scopes, etc. are you able to sustain this as economical at \$2.50? Just administering the permit has to cost more than that. Given most people didn't go out on the land for a flashlight, would you consider raising permit

fee to help financial issues? Peek – The only reason we charged a fee for the permit is because this is the procedure we could use to track these people for the survey and to get good harvest information. The cost of administering this activity would be absorbed into all the other costs of hunting license if we didn't have the permit. I don't know how long we would want to keep the permit with its main intent being to track people and monitor the harvest.

5. Waterfowl Hunting on Kansas Public Lands – Stuart Schrag, public lands director, presented these regulations to the Commission (PowerPoint Exhibit H). Discussed wetlands and overcrowding issues we received from past waterfowl season. A couple weeks ago I held a Zoom meeting with my wetland managers to get their perspective on these issues brought up at last meeting. While we have wetland pools and properties all across the state I am focusing on just a handful of them that predominantly get hunted and are known widely as wetland marshes people hunt, specifically before freeze-up occurs. I also wanted to utilize properties that have been in i-Sportsman program a long time and I knew we had significant data to utilize. The six areas I chose were Marais des Cygnes, Neosho, Slate Creek, McPherson Valley, Jamestown and Cheyenne Bottoms. The managers and staff that manage these properties are on the call today. If anyone has specific questions for them you can ask them directly. I had specific things we were looking for, resident versus nonresident data and trends, as well as historical data through regular fall duck season. Where they have issues or problems and what were those problems and if they did what their recommendations were? (*showed map of properties as relates to Central Flyway*) I tried to pick locations that were spread out; varied in size from small, medium to large; with somewhat mild to high visitation. Marais des Cygnes, 2,000 acres of wetlands, 14 wetland units, 420 acres of refuge and Jacob Coulter is the manager and we will be interviewing for an assistant manager. It is along Missouri border. Hunter trips and harvest, 1963 through 2020, highlight that in 2020 season, for hunt trips, we were just over 4,200 range, less than 2011 season, 1999 and 1997; if you go back to 1970 we were approaching 8,000, so not higher than some historic years for hunt trips. If you look at percentages we didn't feel there was nonresident overpressure. Most were Kansas residents with Missouri second, which makes sense since it is on the border. The average trips per hunter, Missouri was a little higher than Kansas. Neosho Wildlife Area (WA) 3,423-acre wetland complex, 18 wetland pools, 587.4 acres of refuge and Monte Manbeck and Travis Ratliff are staff there. If you look at 2021 season, at about 3,600 but if you go back to 2011 and 2012 and others, quite a bit less than historic numbers of overall hunters. They indicated reasons of declines. Hunters and birds harvested by year; historical trends of 2021 compared to other years some are still higher than 2021 season. This was the first year that percent of nonresidents exceeded percent of resident hunters, 51 to 49 percent. A lot of Missouri folks and starting to see folks from further out, like South Carolina, Texas, North Carolina, Louisiana and others. Jumping to Slate Creek, smaller wetland but is managed solely for moist soil management and waterfowl hunting along Cowley and Sumner County lines, 243 acres seven pools and Kurt Grimm is the manager there. A unique spot in south central Kansas. Seeing same thing, doesn't get a lot of use, resident hunters maintain use of 300-400 since 2014 and not much of a nonresident component there, less than 20 hunters other than 2015. Historical data from 2004 to 2021 regular fall duck season includes residents and nonresidents and the 2021 had about 450 total, with other years with higher numbers of total hunters. Demographics include Oklahoma, Texas and a few others, minute compared to other properties. McPherson Valley Wetlands is in center part of state, 2,074 wetland acres, 55 wetland unit, 425 acres of refuge and Jason Black is manager. He felt there wasn't nonresident overpressure and from 2016 to 2020

showed less than 10 percent nonresidents through those years. Hunter trips and harvest showed same trends. Again, he didn't feel he had nonresident overpressure, local hunters felt they might be run out by bigger city folks or folks coming from within the state crowding out local traditional hunters. Demographics, South Carolina is there as well as Arkansas, states we see at other wetlands. It is indicative to have assumption that when they come to Kansas they are not just hitting one property they are going to several wetlands. Jamestown, 2,300 wetland acres, 10 wetland pools, 700 refuge acres and Rob Unruh and Matt Farmer are staff there. From 2014 to 2020, still have higher resident component than nonresident. 2020 numbers not even close to 2016 numbers. Use trends, days versus harvest we did see a spike in total harvest, conditions and habitat were great, and had one of highest harvest on record as well. A lot of hunters from Colorado and Nebraska. Their normal hunting crowd for all seasons comes from Nebraska but again this shows waterfowl hunters from all over the country are willing to travel and while here hit as many of the wetland properties as they can. Cheyenne Bottoms, 12,862 acres of wetlands, 11 pools, 8,101 huntable acres, 4,761 refuge acres and Jason Black is the manager. This is the other property where nonresident use surpassed resident use in 2020, 51 to 49 percent, but didn't match up to 2013. We had 5,625 hunters this year, in 2013 had 6,083, figures from 1997 to 2020. Similar to Marais des Cygnes, back in 1960s and 1970s had 8,000 to 10,000 hunter days in the fall season wasn't uncommon, so it doesn't surpass decades ago. Also, that was back when we didn't have near the wetland acres available that we currently do, higher numbers with less acreage to hunt. Demographics, same states, Missouri, Louisiana, Texas, South Carolina and others. An interesting perspective, like Pennsylvania, on how far these folks are willing to drive. Why a rise in nonresident use? The pandemic factors were related in past season, not just a Kansas issue but a national issue, folks working remotely could connect to WiFi in the parking lot and continue hunting. When nonresidents are here they spend weeks here and demographics indicate that. Waterfowl hunting is becoming more popular activity and trending right now with great marketing bringing more hunters into waterfowl hunting. Kansas has less restrictions than other states, we don't have lottery draws for specific days and times they can hunt. Other than checking in or out from i-Sportsman that is main restriction we have. Wetland restoration enhancements and development we have done over last decade is huge factor in that too. Over the past ten years, in North American Wetland Conservation Act (NAWCA) grants, with help of Ducks Unlimited we are talking about almost 110,000 acres, mainly public property but some on private land, that we have helped restored, developed or enhanced. Through Pittman Robertson, our own KDWPT wetland restoration grant done some really good work on over 2,000 acres and provided some really good habitat, people know about it and they are coming, and they came. What recommendations came from managers: Jamestown, Marais des Cygnes and Slate Creek didn't feel like too many issues to warrant change. At Neosho, recommending no access into wetland before 5:00 am and must exit the wetland within hour after sunset. The reason is to give waterfowl a greater rest period for roosting, feeding and overall, less disturbance. Monte and Travis were reporting people launching and walking out there at 1:00 and 2:00 a.m. and when a lot of folks do that it is harassing and hazing birds off the water and not giving the birds a chance to rest. This will give waterfowl a chance to loaf and rest and hunters can be on the property during legal shooting hours and expect harvest would be more successful as well. Walk-in hunters can walk down dikes and be ready at their spots to walk into the water at 5:00 am and don't have to congregate at boat ramps or parking lot, a little advantage of getting spot than hunters with motorized and nonmotorized vessels. At McPherson Valley Wetlands motorized boats are prohibited in all pools and units. Haven't had any issues with vessels and the pools

don't lend themselves for the use of vessels, it is a walk-in type wetland so we want to set that in regulation this year. Also, plan to designate big basin unit as youth-only during youth/military season, trying to be proactive on this stance. Comments we received included no place for youth to hunt. That might also help with overflow youth at Cheyenne Bottoms. At Cheyenne Bottoms there are several regulations we are looking to change. All motorized vessels operate at no wake speeds in all applicable pools; no motorized vessels in Pool 3A, because of waterfowl and hunter disturbance as well as public safety; no motorized vessels after 1:00 pm in Pool 4A, you can still paddle-in or walk-in after 1:00 pm, again to give waterfowl a rest and keep them around the wetland complex longer and hopefully increase harvest success; and staff has already talked to the Barton County attorney for support for enforcement of these regulations, as well as KSA 32-1125, which addresses reckless operation of vessels on department waters. We had several complaints on reckless operation of boats, incidents of other hunters almost being run over by motorized boats, boats going up on dikes and hitting hidden objects in the marsh. From a public safety standpoint those are the regulations we are looking at and they are designed to keep the waterfowl around longer. We are still fully aware there is some illegal guiding going on at Cheyenne Bottoms. Have had conversations with law enforcement division and talked to Barton County attorney and they are in full support of enforcing that and seeking prosecution, so something we are going to target in upcoming seasons. The Barton County attorney is taking this seriously and will be riding around with Manuel Torres in a couple weeks and we appreciate his support. Designate Pool 4B as youth-only during youth/military season to follow suite on what we are doing at McPherson to try combat some of the issues we saw with youth not having a place because of new season. Pool 5 has already been utilizing the youth mentor special hunt area so we will maintain that as well. Moving forward, discussion continues and we will take this in phases, we didn't talk about federal reservoirs today as we wanted to focus on state-owned waterfowl managed properties. We have heard comments from federal reservoirs and that issue is two-fold, whether issue on actual reservoir itself versus adjacent wetland pools we manage. Some of the problems we have are data gaps with properties where if not in i-Sportsman, which most of them in northeast Kansas are, but historic data may have been windshield cards or managers patrolled and wrote down data. Will continue discussions on federal reservoir level. We will continue to look at specific regulatory changes per wetland whether that be per property or something we need to implement on a statewide basis. Looking at some access restrictions at the Bottoms similar to Neosho with 5:00 am time period, but not sure if 4:00 am or 5:00 am at this time. Already having that conversation at McPherson Wetlands too or should that be a regulation that is statewide for all the wetlands. Refuges in time, all managers talk about that and whether it be for waterfowl or upland birds or other game species. Again, that creates rest periods for the wildlife and whether that encompasses no motorized vessels to no hunting at all after a certain time period. We continue to monitor state waterfowl stamp sales, looking at residents versus nonresidents and where trends are going. We continue to develop, restore and enhance more wetlands on properties we currently own. Looking at additional 1,150 acres we are planning to enhance within the next five years. Acquisitions if we get potential and we can get it through the legislative process, acquiring more wetland acres is always at the forefront of our minds. We will continue to get public input at meetings, received quite a few emails and phone calls discussing some of the main issues at Cheyenne Bottoms and they have been supportive of what we are recommending on changes we are suggesting this year. This conversation will continue, be taken seriously and take time to work out and monitor to figure out if we have problems in certain spots or don't. Commissioner Sporer – Good presentation. Issue everyone is

having is of quality of hunting experience on public lands and that is one thing your graphs didn't show was harvest rates per person. Do you have anything that shows harvest data per person or per day? Schrag – I don't right now but my staff does and I can share later.

Commissioner Sporer – Emails and phone calls I received were primarily Cheyenne Bottoms and Neosho but also trickled out to other state lands across the state, the bottom line was they didn't have a very good experience. Too many people on too small of grounds. I recognize some areas didn't have that but had it at some areas. Schrag – I agree, that is why I feel some of these regulation recommendations were made with motorized vessels at the Bottoms where we are allowing rest periods for the waterfowl and access restrictions at Neosho. A step in the right direction for creating better quality hunt and keeping birds around longer. Commissioner Gfeller – Good report. I noticed resident numbers are declining and nonresidents are increasing but not in every case. Is that a trend we need to be concerned about or does it have to do with the issue we are talking about where it is too crowded and they are choosing not to hunt? Schrag – That is something we are looking at, the human dimensions aspect, and I am not an expert and I hate to make assumptions but in our conversations this year we did see nonresidents stay for long periods of time and residents might have showed up their normal hunt time and see parking lot full of nonresident vehicles and chose not to hunt. Other conflicting activities going on or a whole host of things that we haven't put our finger on yet. It is in our conversations and hopefully we can identify some factors and take action to help this. Commissioner Gfeller – Is check in daily? Schrag – It is every day, a per day indicator. Commissioner Gfeller – Could we get a copy of this presentation? Schrag – I can forward it. Kemmis – I can take care of that. Commissioner Gfeller – Matt Peek's presentation as well. Kemmis – I will take care of that. Commissioner Sill – On time frame limits of access for motorized boats at Neosho, you don't have anything like that on Cheyenne Bottoms. Can you explain why you wouldn't also have an excess time in the morning there as well? In emails I read the complaints were similar so it seems some of the approaches should be similar. Why no time frame limitations at Cheyenne Bottoms? Sometimes as hunters we assess quality by harvest, sometimes it really is the experience too. I hope when we are evaluating quality there is more to it than just take home. Schrag – Rest assured access restrictions at the Bottoms was one of the biggest conversations we had, talking about a smaller scale at Neosho versus the Bottoms on how we manage hunters. We wanted to try this at Neosho for upcoming season. It is not just motorized vessels it is any access, whether walking in, paddling in or using a motorized vessel. We are proposing you can't be in the water before 5:00 am and out before hour after sunset. We have the same problems at the Bottoms magnified but when you think of the number of boat ramps and number of people and how we manage that in an effective manner was a big issue for us. The fact that we are already recommending several regulatory changes at the Bottoms is an issue too but that is number one issue we will address for next season at the Bottoms and McPherson Wetlands. Chairman Lauber – For this next fall? Schrag – Recommending access restrictions at Neosho for 2021/2022 waterfowl season and Cheyenne Bottoms for 2022/2023 season

Nicholas Boehm – Wanted to address Commission Gfeller's comments from antidotal perspective of someone who spends a lot of time duck hunting on public lands. One thing I noticed over the last couple presentations is that state waterfowl stamps for residents has very slowly increased, which is a good thing but as today we saw the volume of residents is going down. I think he is right on track with thoughts that maybe the hunting experience is not as good as it has been. I am out of Kansas City and I travel to Cheyenne Bottoms and hunted all of those wetlands except Slate Creek and have experienced that myself. Usually I have to drive around to

the different pools and hope to find one with no more than a few trucks. I appreciate you taking this seriously and looking at things that will hopefully help slow down some of intensity of the pressure. I have a boat with a mud motor and that is not going to stop me from hunting Cheyenne Bottoms, I will just switch, I have a kayak too. I will find ways to continue to successfully hunt. I think the changes will really help make the hunting experience better without making it too hard for people to hunt. None of what you proposed are unreasonable restrictions from my perspective.

Commissioner Sporer – For commission, Stuart and everyone involved, the Commission has had hundreds of phone calls and emails talking about the lack of quality hunting and it is starting to become very apparent to everybody in the agency that this is not a good trend for Kansas. When people approach me about what we have we done what will I be able to tell them. That they will be able to come out next year and have a reasonably good experience in one of our wetlands. I am still struggling with if we are doing enough now or going to have to do more next year to curve this trend. Secretary Loveless – Certainly this is adapted management, taking some steps now and making recommendations, not taking anything off the table and gather more information over time. We felt pretty strongly last year that a lot of factors came together, not only did ducks stay here, weather conditions and factors in other states, not a perfect storm but a pretty good one. So, one of our questions is, how will conditions line up in coming waterfowl season. We have lots of options we talked about and you know how driven the public land managers are to produce best quality habitat they can and best hunting experiences and they are applying their best judgement to this issue. Continue to have these discussions and make changes over time that seem warranted, we don't see this as a short conversation but an annual conversation and we will see how these changes impact this year. We will be talking during the season and after the season to see if it was enough and if not redouble our efforts and consider big picture changes. Some changes are momentous, particularly changing the length of season for nonresidents and they have to apply. We looked at those numbers and the average number of days nonresidents stay, averaged out to about three days. The idea the average nonresident stayed and camped out for extended periods, some did, but that wasn't average, based on our data. We factor that into this. If we had five-day segments for nonresidents it wouldn't matter they are still going to come and hunt for three or so days and head out. We are trying to look at things that will have a positive impact. Appreciate the comments you and a number of people have made, that is important data to us even though it is somewhat antidotal it is valid. You folks have been hunting for a long time and that carries weight with us. We will continue to look at this over time and look at regulations that may be more impactful may be warranted and talk about them for next season. Commissioner Gfeller – The numbers and graphs clearly showed that days in the field haven't increased but there is clearly a widespread perception there was overcrowding this year. There is a gap in perception and the numbers. At some point we need to get our arms around what is creating that perception. Whether it is experience or what, there is no shortage of ducks this year but that is what we need to spend more time on trying to understand. Schrag – One of the things we discussed was a lot of Kansas residents were used to showing up at their favorite spot mid-week historically and wouldn't find very many folks there, but this year found nonresidents there that were staying for weeks on end. In historic years they weren't there mid-week and a lot of that factors into the perception. They would find folks at their favorite spot any day of the week, where they didn't necessarily encounter that in the past. We did have some properties that had record harvest this year, at Jamestown they shot almost 4,500 ducks, 2018 a little over 3,200 and last year was a little over 2,500, so there were some bright spots and some

record harvest. I will gladly share more of that information with you. Assistant Secretary Miller – I sat through the Zoom meeting with area managers and I was so impressed, as involved as they were throughout the season, as thoughtful as they were with their perceptions of what they saw and how they wanted to deal with it they were extremely concerned about hunter satisfaction and areas they manage. This is over and they are going to continue to deal with this but also want to be careful to not do something that will have unintended consequences and punish other hunters or groups. They are focused on this right now and I was extremely impressed with them. They are working hard to make this work. Commissioner Sporer – At Neosho and the Bottoms nonresident numbers outnumbered resident hunters for the year? Schrag – That is correct. Commissioner Sporer - What is the percentage for deer permits for residents and nonresidents in Kansas? What is the split? Chairman Lauber – About 80/20. Commissioner Sporer – That is my point, 80 percent of residents get deer permits and nonresidents get 20 percent. Now all of a sudden we have two popular waterfowl areas where the percent is skewed. I guess that is something to let the Commission and the agency stew on. Commissioner Sill – The permit ratio is about 23 or 24 percent nonresident deer permits to residents. In Unit 16, in 2019 60 percent of the bucks harvested were by nonresidents. Units 1, 12 and 7 was 40- to 50-percent of antlered bucks were taken by nonresidents. You can have a percentage statewide but there are pockets where nonresidents are raising havoc for resident hunters. It is similar or analogous situation with duck hunting at Bottoms and Neosho. You get nice areas and the nonresidents push residents out. I'm not sure that is what is happening but I am concerned that I do see parallels in the trends. We can have scientific data about how many ducks are shot, harvest and days of field but in reality the hunter's perception of what is happening is going to rule whether they buy licenses or whether they continue to hunt or not. Our scientific data isn't going to mean anything to them when their experience is different than that. It is pretty important that antidotal evidence, which is still valid scientific evidence, though not in the same quality as double blind studies do. We do need to consider those trends because we already have existing data of what is happening in hunting other species. Chairman Lauber – This will be ongoing project. Schrag – Jason Wagner is the manager at Cheyenne Bottoms and I wanted to make sure he got the recognition he deserves. Assistant Secretary Miller asked me to readdress an issue brought up at last commission meeting regarding e-bikes and use of them for hunting purposes on wildlife areas. It was related that is prohibited activity under KAR 115-8-13 under motorized vehicles and aircraft regulation. It states that motorized vehicles shall be operated on department roads and parking areas. What is defined as motorized vehicles includes electric or gasoline powered two-wheel vehicles so per the regulation we do not allow e-bikes on wildlife areas and state fishing lakes currently. State parks do not allow them off road but do on designated trails. I wanted to ensure everybody was on the same page and received the correct message there. This is not a change in regulation we are looking to make in the near future.

C. Workshop Session

1. Public Land Regulations – Stuart Schrag, public lands director, presented these regulations to the Commission (Exhibit I). We annually review and amend our reference document. I will go through sections we are looking at fairly quickly. Access restriction or curfews during specific times during a 24-hour period; in Region 1, Sandsage Bison Range and Wildlife Area (WA) change to access subject to posted notice to allow for bison moving around; and in Region 3, Grand Osage WA will change to access by special permit only and access

through main gates only. As just proposed, at Neosho, no access into the wetland before 5:00 am and must exit wetland before one hour after sunset. Under section two, Region 2, Hillsdale WA removing the wording “all species, all seasons” to “all activities” and same for Kansas River WA, Indian Hills, which is a name change from Melvern, Milford and Perry. No alcohol: in Region 2 adding Oak Mills WA and in Region 3 taking off “at shooting range” from Maxwell WA so it is anywhere on Maxwell for no alcohol. All non-toxic shot: in Region 1, adding Hain SFL; in Region 2, changing Benedictine to Benedictine Bottoms and correcting Burr Oak, which was a typo and should have been two r’s, and adding Dalbey, Elwood and Oak Mills WAs because if you go to the next section, non-toxic shot for designated dove fields we have all of those properties listed there and are moving them. Non-toxic shot designated dove field, in Region 2, adding Buck Creek WA, removing Dalbey, Elwood and Oak Mills, adding Richard B. Hanger WA and Rutlader WA. Boating restrictions: subsection (a) no motorized boats, in Region 1, Cheyenne Bottoms, striking “From 4/15 through 8/15, no boats permitted from 10 a.m. through 5 p.m.” and changing to “No boats permitted from 4/15 through 8/15; adding Cheyenne Bottoms Pool 3A no motorized boats and Pool 4A after 1:00 PM only; in Region 3, removing Marais des Cygnes except in Unit A in the boat lane and Unit G, and adding McPherson Valley Wetlands and typo on Neosho, it says “mo” motorized motorcraft corrected to “no” motorized watercraft. In subsection (b), no gasoline engine powered boats, in Region 1, at Perry WA, adding Sunset Ridge and Rucker marshes to (gas powered allowed) and Marais des Cygnes WA, all marshes, except Unit A East (boat lane only) and Unit G. No out of water propeller driven watercraft permitted any time. In subsection (c) no wake, changing “lakes” to “Department waters” and adding in Region 1, Barber SFL, Cheyenne Bottoms WA, Concannon, Ford, Goodman, Hain, Hodgeman, Kiowa and Saline State Fishing Lakes; in Region 2, Atchison, Brown, Douglas, Geary, Leavenworth, Lyon, Miami, Middle Creek, Nebo, Osage, Shawnee and Washington State Fishing Lakes; in Region 3, Bourbon, Chase, Montgomery and Neosho State Fishing Lakes. Closed to all hunting: in Region 2, removing Green WA (8 mi. West of Topeka) and adding Osawatomie Dam Fishing Area. Equipment restrictions, subsection (b) No Center fire Rifles/Handguns, adding Douglas SFL and WA, Leavenworth SFL and WA and Shawnee SFL and WA; in Region 3, adding McPherson Valley Wetlands and Neosho WA; in subsection (c) Shotgun and Archery Only, in Region 3, removing Shoal Creek WA; eliminating all of old subsection (d) Shotgun, Archery & Rimfire Only and completely changing it to read, Shotshell & Archery Only, Region 1, Sandsage Bison Range, north pasture units only, Region 3, Shoal Creek WA, and Statewide, adding designated WIHA and iWIHA tracts. Disabled access hunting: adding in Region 1, Pratt Sandhills WA, in Region 2, Richard B. Hangar WA (special permit required for all activities, area-wide). No swimming: property name change in Region 2, changing Melvern to Indian Hills WA. Refuges: subsection (a) closed year round, in Region 1, adding Lovewell WA designated land area, in Region 2, striking Milford WA Steve Lloyd refuge area; in subsection (d) closed 9/31 to 3/31, in Region 1, strike Lovewell as it was moved to earlier subsection; in subsection (g) closed 10/1 through 1/15, in Region 2, add Milford WA. Seasonal closures: subsection (e) open to upland bird hunting Tuesday, Thursday and Sunday, in Region 2, remove Dalbey WA; subsection (f) closed to fishing 9/15 to 4/15 in Region 2, remove Marais des Cygnes marshes only; and under subsection (g) closed to pheasant hunting 2021-2024, a new subsection, Region 2, Dalbey Bottoms WA, we are undertaking a pheasant translocation project.

Jeff Prendergast – Dalbey Bottoms is a mitigation property in northeast Kansas that is isolated from any existing population and there is a nearby pheasant population so we are confident it can

support pheasants and manager has been managing for pheasant habitat. Given property is isolated from existing population we plan to translocate 50 birds a year for three years and remove hunting on that population until it gets established.

Schrag – Under shooting ranges: in Region 2, strike Shawnee SFL and Region 3, strike Maxwell WA. Commissioner Sporer – Jeff, where are you getting the pheasants? Prendergast – It will depend annually on where we can get permission to trap them. We did do an attempt last year focused mostly on Kirwin and surrounding wildlife areas. Part of where we go may depend on technique used, we used some thermal imagery with drones but federal wildlife areas don't allow drones so if we use that we won't be able to utilize Kirwin. Commissioner Gfeller – What is ratio of roosters to hens on those 50? Prendergast – One cock to four hens. Commissioner Sill – Curious on daily hunt permits, what is penalty for someone who doesn't get one of those and hunts those areas? Schrag – That is where i-Sportsman fits in, it is a misdemeanor offense but is set by local county judge and depends on a lot of different factors. I don't know that we have written a lot of tickets for that we have written warnings so don't know that we have a lot of data showing disposition of those charges. I can reach out to staff who have written those to see what court costs and fines were and I could let you know. Commissioner Sill – I know paper permits run out sometimes and I got in a pickle last fall when my phone was dead, my friend's phone is not a smart phone and there weren't any paper ones, so what do you do? I know there are all kinds of managerial reasons it doesn't work but there are reasons to have paper available. Schrag – Appreciate that question, continue to talk about that as well. We are trying to transition away from paper permits as much as possible and rely on electronic version but knowing there are some lapses in technology with cell service and things like that we try to make that available. It boils down to officer discretion in the field and if we feel someone honestly can't get checked in and wanting to hunt that is under our discretion and we can make that an educational moment versus writing a ticket and we are going to choose that route predominantly. Commissioner Sporer – The statistic from me is I hunted waterfowl in western Kansas and reservoirs my whole life and have never seen so many nonresident waterfowl hunters in my entire life. A problem for me this year.

2. Upland Game Bird Regulations – Jeff Prendergast, small game specialist, presented these regulations to the Commission (Exhibit J). I will address KAR 115-25-1a and 1b, open seasons for pheasants and quail. As we reviewed small game regulations staff was looking for ways to clean up the regulations. One way was youth underutilized season and looking at ways to increase participation. Several things were considered and landed on increasing the age of participation for anyone 17 and under that will align it with the move department has made to align youth seasons as well as increase the daily bag limit to full daily bag limit of four pheasants per day and eight quail per day to make it consistent with the regular season bag limit. The second one I had was for KAR 115-3-1, game bird possession, historically regulation read that you had to maintain foot, plumage or some part by which sex could be determined. In order to clearly identify what our department considers proof of sex we removed “or some part” so now pheasants must be retain a foot or plumage in order to qualify for proof of sex.

Kent Fricke, small game coordinator – (Exhibit J, PowerPoint Exhibit K). Talk about prairie chicken seasons, a reiteration of presentation I gave at last meeting. In Kansas we currently have an early season from September 15 to October 15 and regular season from third Saturday in November to January 31. We do have a closed southwest unit where lesser prairie chicken (LPC)

population occurs. The early season started in 1989. Couple of reasons for addressing prairie chicken seasons now; for a number of years have had comments on prairie chicken hunter activity survey, that both resident and nonresident hunters have a hard time hunting during regular season because of other obligations like teal season and other things they prioritize and also had requests for season open during pheasant and quail opener which is the second Saturday in November. The small game committee did do a regulations review and extending the prairie chicken season was identified as an opportunity to simplify regulations. We do have a number of data sources, in terms of population we track prairie chicken populations through annual ground-based lek surveys and also aerial surveys annually for LPC and every three years for greater prairie chicken (GPC), just completed one for GPC in 2021. Additionally, we track hunter activity and harvest through the small game harvest survey since 1970. In 2012, we started the prairie chicken hunter activity survey, which gives us a better sample size and buyers in the state. We track data through those four sources. Prairie chicken harvest and hunting effort has declined over last 40 years. Peak of harvest was in 1981, when 100,000 were harvested in Kansas but has declined since then to an average of around 1,000 birds harvest throughout state since 2012. Our prairie chicken hunters average about 1,200 throughout the state. In terms of population trends we have seen some declines, especially in eastern portion of the range, birds in Osage Cuestas have declined and relative substantial declines in the Flint Hills as well but the Smoky Hills in the north central part of the state remains relatively stable, especially over last 20-25 years. We feel we have four primary reasons we feel justified exploring this as an option for the state. 1) Harvest not likely to be additive, as we talked about at the last meeting 900-1,600 prairie chickens are harvested each year and based on our last aerial survey we estimated about 78,000 GPC in Kansas and in conservative estimate would harvest up to three percent, which, based on research, is not having detrimental effect. I believe that is over-estimating amount of harvest and it is closer to one or two percent. 2) Relatively low hunter access throughout the state. Areas open include wildlife areas, Corps wildlife areas and WIHA and wetlands/reservoirs. In Flint Hills and eastern portions of the Smoky Hills there are large chunks of area not publicly accessible but could be accessed through private landowners. 3) Relatively low hunter participation especially in eastern portion of the range. When we started the prairie chicken survey in 2012 we had a relatively large number of eastern counties represented and as we go through time we see declines in populations and see those counties drop off. Hunters are moving to where they are seeing larger number of birds and have greater likelihood of success. 4) Declining populations across the range, not only in Kansas are due to habitat loss and alteration, not harvest. Harvest is small proportion of the overall population landscape scale effects are impacting prairie chicken populations. Primarily habitat fragmentation and loss and declining habitat quality, these are driving GPC populations and harvest is not large negative effect. We did ask prairie chicken hunters during the last prairie chicken hunter activity survey if they would support or oppose expanding the seasons and reasons why they may or may not be in support of that. In both years we asked that question they said they would like the ability to hunt during opener of pheasant and quail season and make it a true upland opener and take advantage of additional hunting season days. Staff recommendation is to create a continuous single prairie chicken season that runs September 15 to January 31, no change to bag limits and no change to open/closed units.

3. 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 L). This regulation covers seasons and bag limits on military subunits. Smoky Hill personnel requested to have deer hunting season the same dates and to match their subunit to actual deer management unit (DMU), unit 4, to allow five whitetail antlerless-only permits.

Fort Riley personnel requested the same dates as statewide, except archery days for individuals authorized by Fort Riley, September 1-12, 2021, and January 1-31, 2022. Typically, individuals authorized by them are military personal that were either deployed or going to be going on deployment and this gives them additional opportunities to hunt. They also would like to have 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, still 12 days. 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 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. Still same 12 days as regular season just different dates. Requesting extended firearm season for antlerless-only, white-tailed from January 1-23, 2022, same as longest season, 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. We will vote on that in June.

4. Big Game 4-Series Regulations – Levi Jaster, big game program coordinator, presented these regulations to the commission (Exhibit M). KAR 115-4-4, which is big game legal equipment. As directed by the Commission we are drafting an amendment to this regulation to consider the Fire Stick as legal equipment during the muzzleloader-only season. That will be voted on at the next meeting. Current regulations require deer and elk hunters to wear orange clothing and an orange hat while hunting during an open firearm season. Some hunters may have difficulties wearing a hat and so we can accommodate them by allowing them to wear a hat “or other garment upon the head.” Hats require not less than 50 percent of bright orange color in an equal portion of which is visible in all directions. That requirement would still be in place so anything worn instead of the hat would have to be 50 percent bright orange and be visible in all directions.

VII. RECESS AT 4:40 p.m.

VIII. RECONVENE AT 6:30 p.m.

IX. RE-INTRODUCTION OF COMMISSIONERS AND GUESTS

X. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

Bryce Stein – Talking about fishing within 50 at state lakes, around boat docks and slips. There is great opportunity for me as an angler and young children around those, especially out of a boat. I understand valuing people's property and being respectful but the way the marina operator up there (Milford) has been towards a lot of other people besides me. I can understand him being upset if people are throwing into individual boats and damaging property but when he comes out and disrespects us and acts like he owns everything that is an issue. There is a good opportunity for him to make money off multiple individuals if he would treat people right. Is there going to be anything done with him having posted signs around the area? Chairman Lauber – We discussed this earlier this afternoon and if no other public comments on this subject I will have Secretary Loveless reiterate. Secretary Loveless – The situation in our marinas is that there is a feature in each contract that says they can exclude others 50 feet away from structures they own, so it is part of their contract. Across the state different marina operators manage that differently. Our parks folks are talking with marina operators every week and this has not been a problem around the state but is an issue at Milford. Linda Lanterman, Parks Division director and I met there last week to visit with the owners and talked about this and optimistic we are working toward a solution up there. Because we know this does work around the state constructively and retailers or operators are able to navigate this for conflict. It will be adjusted at Milford to allow some lowering of tensions there, which everybody wants, including the marina operators. They are within their rights to tell people to stay away but we hope to come up with a compromise in the future that will allow folks to get along and have a harmonious relationship there like we do everywhere else. There is no vote on the agenda but conversation and your input is appreciated. We are optimistic going forward and ask you to have a little more patience as we work with them for a productive solution.

VI. DEPARTMENT REPORT

D. Public Hearing

Notice and Submission Forms, Attorney General letters dated January 12, February 9, March 15 and Kansas Legislative Research Department letter dated March 4 (Exhibit N).

1. KAR 115-25-7. Antelope; open season, bag limit, and permits – ~~Matt Peek~~, Rich Schultheis, wildlife research supervisor, presented these regulations to the Commission (Exhibit O). Unit boundaries are defined in 115-4-6 and units 2, 17 and 18 are open to hunting. Proposed season dates are archery, September 18-26, 2021 and October 9-31, 2021 and permits are valid in all units for that archery season and are unlimited and available to residents and nonresidents. Firearm, October 1-4, 2021, permits are limited to residents only and proposal is for 88 permits in Unit 2, 32 permits in Unit 17 and six permits in Unit 18. Muzzleloader-only season, September 27 through October 4, 2021, also limited to residents only and 24 permits are authorized in Unit 2, eight in Unit 17 and four in Unit 18. As Matt mentioned that is about a 20 percent reduction in permit quota from previous years due to mediocre to poor production. Chairman Lauber – Unit 17 is largest, but Unit 2 has most permits and most antelope? Schultheis – I believe that is true. Commissioner Gfeller – Filling all of those permits? Schultheis – All are being filled, but as far as success it depends on the year but they are all being used every year. Chairman Lauber – I think it takes half a dozen preference points to draw.

Commissioner Warren Gfeller moved to approve KAR 115-25-7 as presented to the Commission. Commissioner Lauren Queal Sill second.

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

Commissioner Sporer	Yes
Commissioner Sill	Yes
Commissioner Rider	Yes
Commissioner Hayzlett	Absent
Commissioner Gfeller	Yes
Commissioner Cross	Yes
Commissioner Lauber	Yes

The motion as presented on KAR 115-25-7 passed 6-0.

2. KAR 115-25-8. Elk; open season, bag limit, and permits – ~~Matt Peek~~, Rich Schultheis, wildlife research supervisor, presented these regulations to the Commission (Exhibit Q). This recommendation is consistent to what we have for a number of years. Boundaries are defined in 115-4-6b with Units 2 and 3 open to hunting. Statewide archery season outside of Fort Riley is September 13 through December 31, 2021 and on Fort Riley, Subunit 2a archery is September 1-30, 2021. The firearm season statewide, except Fort Riley, subunit 2a and Unit 1, is August 1-31, 2021; December 1-12, 2021; and January 1 through March 15, 2022. Fort Riley, subunit 2a firearm season is in three segments, October 1-31, 2021; November 1-30, 2021; and December 1-31, 2021. The statewide muzzleloader season, both on and off Fort Riley, subunit 2a and Unit 1 is September 1-30, 2021. A limited quota either-sex elk permit shall be valid during any season using equipment authorized for that season. We are proposing 12 any-elk and 18 antlerless-only elk permits, which one third are valid in each of the three one-month segments, six each, and are valid September 1-30, 2021. Elk permits will be available only to Kansas residents in a limited quota permit application will be separated by military and non-military applicants. An unlimited number of hunt-on-your-own-land antlerless-only elk permits and either-sex elk permits shall be authorized in Units 2 and 3 and an unlimited number of general resident and landowner/tenant antlerless-only and any-elk permits shall be authorized in Unit 3. We are still collecting harvest data from previous season that ended in March 15 but did note we had the highest permit sales ever, so there are folks taking advantage of opportunity outside of Fort Riley.

Commissioner Lauren Queal Sill moved to approve KAR 115-25-8 as presented to the Commission. Commissioner Troy Sporer second.

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

Commissioner Sporer	Yes
Commissioner Sill	Yes
Commissioner Rider	Yes
Commissioner Hayzlett	Absent
Commissioner Gfeller	Yes
Commissioner Cross	Yes
Commissioner Lauber	Yes

The motion as presented on KAR 115-25-8 passed 6-0.

3. KAR 115-3-2. Rabbits, hares, and squirrels; legal equipment, taking methods and possession – Jeff Prendergast, small game specialist, presented these regulations to the Commission (Exhibit S). We want to include hares to allow box trap as legal method of take to make rabbits and hares consistent.

Commissioner Emerick Cross moved to approve KAR 115-3-2 as presented to the Commission. Commissioner Aaron Rider second.

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

Commissioner Sporer	Yes
Commissioner Sill	Yes
Commissioner Rider	Yes
Commissioner Hayzlett	Absent
Commissioner Gfeller	Yes
Commissioner Cross	Yes
Commissioner Lauber	Yes

The motion as presented on KAR 115-3-2 passed 6-0.

4. KAR 115-25-2. Rabbits; open seasons, bag limit, and possession limit – Jeff Prendergast, small game specialist, presented these regulations to the Commission (Exhibit U). Staff is recommending increasing the possession limit to four times the daily bag to be consistent with other possession limits across all small game species.

Commissioner Rider – A number of folks’ last time. Was there anymore that came out of that discussion. Can you elaborate and talk about their concerns? Prendergast – In the discussion we had some of that seemed to be perception issues and some localized issues. As far as discussing with them bag limits, which would be a better way to address their concerns. I would rather see possession limits go to four times and then if we are wanting to restrict harvest we can address that with a reduced bag limit and that would reduce the possession limit, it would still be four times but would be the new bag limit. I started pulling information for that bigger conversation but the decision was to go forward with four times possession limit and if we want currently and if we want to revisit other regulations later we can come back and do that. Commissioner Rider – You are going to be talking with your group and address that through the course of this next year? Prendergast – Yes. I can bring forward general information on steps we could take.

Commissioner Warren Gfeller moved to approve KAR 115-25-2 as presented to the Commission. Commissioner Lauren Queal Sill second.

Counsel Tymeson – I want to be clear we have to vote on these individually. Chairman Lauber – The motion is for 115-25-2 and I agree if we need to reduce harvest having a reduced daily bag limit makes more sense.

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

Commissioner Sporer	Yes
Commissioner Sill	Yes
Commissioner Rider	Yes
Commissioner Hayzlett	Absent
Commissioner Gfeller	Yes
Commissioner Cross	Yes
Commissioner Lauber	Yes

The motion as presented on KAR 115-25-2 passed 6-0.

5. KAR 115-25-3. Hares; open season, bag limit, and possession limit – Jeff Prendergast, small game specialist, presented these regulations to the Commission (Exhibit W). This would be possession limit on hares going to four times the daily bag.

Commissioner Warren Gfeller moved to approve KAR 115-25-3 as presented to the Commission. Commissioner Lauren Queal Sill second.

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

Commissioner Sporer	Yes
Commissioner Sill	Yes
Commissioner Rider	Yes
Commissioner Hayzlett	Absent
Commissioner Gfeller	Yes
Commissioner Cross	Yes
Commissioner Lauber	Yes

The motion as presented on KAR 115-25-3 passed 6-0.

6. KAR 115-9-6. Vehicle permits; display – Linda Lanterman, parks division director, presented this proposal to the Commission (Exhibit Y). We are voting on electronic kiosks to go into our state parks. We are receiving 26 of them through our reservation company. This will help us take cash out of the field and use a credit card. They are ADA accessible. We have not received them yet but would like to. Commissioner Sporer – When will you receive the machines? Lanterman – Within next six weeks.

Commissioner Troy Sporer moved to approve KAR 115-9-6 as presented to the Commission. Commissioner Emerick Cross second.

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

Commissioner Sporer	Yes
Commissioner Sill	Yes
Commissioner Rider	Yes
Commissioner Hayzlett	Absent
Commissioner Gfeller	Yes
Commissioner Cross	Yes
Commissioner Lauber	Yes

The motion as presented on KAR 115-9-6 passed 6-0.

7. Waterfowl Regulations – Tom Bidrowski, migratory game bird manager, presented these regulations to the Commission (Exhibit AA, PowerPoint Exhibit BB). The USFWS develop frameworks that establish maximum bag and possession limits, season lengths, and earliest opening and latest closing dates. 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 UFSFWS season frameworks, pertinent background material and staff recommendations for the 2021-22 waterfowl seasons. The setting of waterfowl seasons is a biopolitical process balancing not only biological factors but also social implications. Kansas seasons cover a variety of species and habitats which are just as diverse as its hunting community. In developing staff recommendations, we attempt to align season dates that allow the greatest opportunity for all Kansas hunters. Recommendations are derived with consideration to waterfowl tradition, timing of migrations, times of high harvest and hunter participation, and incorporating hunter feedback. The stabilized federal frameworks over the last 25 years has strived to establish consistency in our season selection process. September teal, staff recommendation is similar to previous with nine-day teal in high plains unit beginning the third Saturday in September and a 16-day season for the low plains zones beginning the second Saturday in September. The difference is days is due 23 additional days afforded to duck seasons in the high plains unit and 107-day season of the Migratory Bird Treaty Act. Youth seasons, similar to previous recommendations staff is recommending raising season from 15 to under age 18 and removing restrictions that adult accompanying the youth have license and stamps as required by law to hunt waterfowl. 2021 was the inaugural year for youth/veterans and active military days and are an impassioned topic we have heard several comments on. Youth participation remains relatively low since its inception to spite promotional efforts and there is greater participation from veterans and active military albeit a small percental of waterfowl hunting community. Both groups are important to the R3 efforts to continue Kansas waterfowl hunting heritage. We have received concerns from youth participants that pairing the days took away from youth hunting experience but also we have received positive feedback from veterans/active military and others. Many expressed their appreciation for this and that the days enhanced family and hunting opportunities. Most of the complaints originated from a few wildlife areas. Several options to lessen these concerns were considered. The unpairing of days was one; however, this would add season setting complexities which would impact the entire waterfowl community. As the Migratory Bird Treaty Act limits season for any given one species to 107 days, veterans and active military days were uncoupled then additional hunting days would have to be removed from Canada goose light goose season as well as High Plains unit and extended falconry season. Also, it could affect the timing of teal season, early duck zone and High Plains duck opener and would also add additional hunting pressure prior to opening day. Veteran/active military could be help within split of post seasons but this may not be as suitable for those with impairments. Limiting veterans/active military days to just Sunday during youth weekend would be one compromise but the downhill side is it would be eliminating opportunities for private land and public areas that are not having problems with overlapping user groups. Reduction of hunting opportunities after only having one year of experience supports staff recommendations, it is important that the department continue to monitor any season conflicts and make appropriate future season alterations. As coupling of

these seasons placed additional hunting pressure for certain wildlife areas it is essential to work with public land managers to mitigate these conflicts as well as continue to gather hunter feedback. Kansas is one of the five Central Flyway states that offer veteran/military days and which are all held simultaneously. As mentioned previously staff is incorporating tools of structured decision making to assist in removing bias and stabilizing season date selection. Using this approach, the opening day for the Southeast zone is the Saturday closest to November 8. In the review of migration patterns, harvest, hunter activity, habitat conditions, hunter patterns, holidays and other variables, the Saturday closest to November 8 provides the best long-term opportunity. It provides both balance of November and January hunting days but is also allows us to always be able to catch the Veterans Holiday weekend. Staff recommendations for goose seasons are similar to past seasons. Staff continues to recommend a six Canada goose daily bag limit, while still two less than the maximum allowed by federal frameworks, it is instrumental in reducing resident Canada goose populations in Kansas as well as the Central Flyway. The daily bag limit of six Canada geese was overwhelming preference of Kansas waterfowl hunters in the 2019 waterfowl hunter survey. Recommending 15-day falconry season in the Low Plains zone. Due to the Migratory Bird Treaty Act 107-day restriction it does not allow for any hawking days in the High Plains.

Commissioner Rider – Adults in youth season, will they still need a federal duck stamp or do they need a duck stamp currently and would they need one moving forward? Bidrowski – Would not need it if supervising youth for that season. Commissioner Rider – For youth/veteran days is that only for Kansas residents or can active military from a different state come and hunt during that season? Bidrowski – All hunters resident and nonresidents. If we do see additional hunting pressure that could be one option, to make it resident-only season. Commissioner Sporer – What is number of nonresidents taking advantage of youth/veterans hunting weekend? Bidrowski -It is still relatively small though it did have a few on some of our public land management areas but is still only about 11 percent of the hunters who would qualify to hunt youth/veterans day, it is not an overwhelming number of nonresidents coming in. Commissioner Sill – You have a list of documents that federal government accepts as proof of military service? How difficult is it for a veteran to prove service? Bidrowski – There is a number of documents, probably eight or more documents that would prove them as veteran or active military. Commission Sill – What was R3 input on controversy over the pressure and what input did our R3 staff have on this issue? Bidrowski – Some of the mentoring groups were supportive as well as some of the military groups that were able to incorporate mentor hunts veteran hunts and combine events as one. So, some of the groups we heard from were positive, it was individuals we heard from that was negative. Commissioner Sill – What about R3 staff, were they included in that conversation or is there a chance to hear what their input is? In one sense it feels a little like we are recommending no changes in something with controversy that directly affects the work they do. You want to be working together and not against each other. Bidrowski – I don't think we had an official comment from them. Secretary Loveless – Jessica Mounts is director over that division. Jessica Mounts – We would welcome that conversation so happy to have that discussion. Commissioner Sill – So, there hasn't been a huge involvement with that department on this particular season or issue at present? Mounts – Not at present. Chairman Lauber – Unless I am mistaken in an effort to deal with some of these issues didn't we make some of the public waterfowl areas youth-only. That would eliminate the crossover and congestion. That is not exactly the same but was Commissioner Sill was referring to was there was a lot of youth hunters and mentors felt they were being squeezed out by veterans and an effort was made to make youth-only areas to

eliminate some of that congestion. Bidrowski – A number of waterfowl areas already have youth-only areas, at Cheyenne Bottoms last year they opened one of the refuge areas as youth-only for a large Pass-It-On event and the recommendations coming from Stuart there will be move youth-only designated waterfowl areas. Schrag – Jessica Mounts and I have had a discussion on where we can do better on R3 standpoint. We do have some waterfowl areas that have designated youth pools but still are seeing a lack of youth participation. So that is where R3 and us can work together to try and improve participation. That conversation will continue. At McPherson Wetlands we are going to designate Big Basin unit for youth-only for upcoming season as well as an additional unit at Cheyenne Bottoms for youth-only during that special season. We are taking measures to counteract some of those conflicts. We will continue to have those conversations and include the R3 effort in that as well. Commissioner Rider – Don't see that it would be beneficial to eliminate out-of-staters out of youth and veteran's season at this point? Looking for ways to alleviate those concerns for this season. I missed a portion of the meeting today and maybe you discussed that and I missed it. Bidrowski – When staff recommendations came in March we were still in the initial phase or beginning phase of looking at the nonresident issue and wanted to wrap up that as part of nonresident issue rather than season selection process. Chairman Lauber – Nonresident issue has been addressed moderately and is going to continue to be discussed as we get more information. While we made some changes there are more coming down the pike. What I would like to do today is go ahead and set these seasons and propose someone make a motion that we accept staff recommendations. Commissioner Sporer – Still stuck on poor quality of hunting on public lands and I am probably not going to get over it. We talk about R3 and trying to improve participation of the youth. If we don't have quality hunting they are not going to come. In an effort to try stop the curve of lack of quality hunting I am proposing we shoot only four Canada geese instead of six. I got lots of emails from people talking about nonresident guide services coming to the area, hunting public and private land, setting up and shooting all the geese. They are staying daylight to dark and then go to the next area. That is one small token I would have, to take Canada geese to four. I haven't talked to any residents that said they didn't think that was a good idea. Bidrowski – We have asked that question in two prior resident waterfowl surveys in 2014 and 2019 and overwhelmingly the six goose bag limit comes up as the hunter's preference. Those are surveying 12,000 resident hunters for those results. Also, very important to maintain resident goose populations done through hunter harvest. We are one of two states with restricted bag limit, it is eight, we have six and Nebraska has five and all the other states are at eight. It is hunter preference when you get to six or above. It would be a hard recommendation looking at recent harvest survey data on that. The guide services would probably enjoy the smaller bag limit because that means they could in and out of the fields quicker. Hunters can reach their goal or objective quicker. I don't see how that would cure our commercial guiding services increases. Commissioner Sporer – To counter that, trying to increase the quality of the hunt. Trying to make it last longer than it normally does. I didn't get any of these negative emails until this year, 2020 so I would assume the survey this coming year would show some signs of overharvest of Canadas in Kansas. Bidrowski – Most of our goose hunting is predominantly is private lands, most of it is field hunting, some water hunting on some of our reservoirs and larger public waterfowl areas. Chairman Lauber – Troy's point is to try to disincentivize nonresidents but I don't think our dark geese population is being overhunted. It seems to be growing consistently, particularly in eastern part of states. I don't know if that is going to solve it, not overhunting dark goose population. Using that to accomplish reducing volume of nonresidents. I was hoping we

could deal with that through committee and group Stuart is dealing with. Then we have an issue of some of this takes place on federal reservoirs and there is a limited amount of what we can do on that. The motion I would like would be seasons and bag limits and don't see compelling reason to change that. Commissioner Rider – Commissioner Sporer, you are seeing quality of hunt in your area taking a nosedive within the last year or so, since these surveys? Commissioner Sporer – Yes. I have lots of people comment and I did some goose hunting this past year and the people I was surrounded by and people who communicated with me all made the comment that six Canadas was a lot of geese. They felt they could make their season last longer. We only have so many geese and it doesn't matter what area you are in, they come and go and you only have so many geese and if you shoot them all or put enough pressure on them you don't have a hunt the next week or the week after that. If you conserve your limit and only shoot four maybe you can have a couple more hunts throughout the rest of the season. That is what I am trying to do instead of going out to shoot all of the local geese let's prolong it and allow it to happen more times and have a quality hunt. Commissioner Rider – Having trouble with guiding services or private average joe? Commissioner Sporer – No, talking about problems I am seeing in the field. Commissioner Sill – This has been a high volume of complaints about pressure, particularly about public lands wildlife areas since October and thus far we are looking at no changes. This is like a patient that is bleeding and needs surgery but you have to stop the bleeding first. I do not want to make knee jerk reactions that have unintended consequences but putting off any decision for another year is going to continue to have the same affect that we are seeing in deer where residents are decreasing. If I remember right, 13,000 resident deer hunters we have lost in the last five years, that is 36,000 deer permit sales and one of the biggest complaints is too many nonresidents. This is mirroring that same thing and we haven't made any major changes and the problem is continuing. I do not want to see us bleed out waiting to do surgery or major changes that might need to happen. We need to do some things now to help stop the bleeding, not major huge things but take some steps. I think whether it is bag limits on geese, Troy has a valid issue, quality of the hunt is going down. Your data already shows we are losing resident hunters. We need to do something to take some steps while we are preparing to make larger changes. Chairman Lauber – That is what I thought we are doing with public land rules was to try to eliminate some of the complaints with motors, wakes and delaying people getting in. That didn't solve all of the complaints but it is something we can do to go into effect this season. I hate to go a lot stronger until we have more than one year of what might be antidotal statistics. Secretary Loveless – To clarify, I know it is clear that nonresident deer permit sales are going down. I was thinking waterfowl data showed a different trend. Stuart, could you reference back to your data. Are we seeing long term decline in resident waterfowl participation or not? Or Tom? Bidrowski – Resident numbers have been relatively flat and nonresident numbers are still increasing some, about 20 percent 10 years ago to 38 percent now. I am getting a number of complaints on public lands for ducks and for geese on private lands. Part of the issue is commercialization of wildlife and people are getting pushed off lands. I don't see that as a stoppable problem through bag limits. Looking at what we can do for more access and limitations on guiding. Commissioner Sporer – I am going to make this statement. Nonresident guide services are going to change the footprint of hunting in Kansas. When you are hunting for profit it changes the game and it changes how you play. It is not the direction we want to go. Left unchecked and if we don't somehow start regulating nonresident guide services I think we are going to be reacting to a bigger problem. My effort to go to four geese is one small step in starting to get ahead of a problem we are going to face. Chairman Lauber – Already facing that problem in deer hunting

and there is not a lot we can do about it and it is worse in deer hunting than waterfowl hunting. Lauren's point about Unit 16, is basically froze out and we have to fight every year to keep the legislature from giving the guides more clout with special interests that want transferable tags. I have no soft spot in my heart for guides but don't know how we can stop that other than have aggressive prosecution of guiding on public lands. Secretary Loveless – We recognize we don't have a good understanding and don't have any control over guides, besides normal regulations, resident or nonresident. We have initiated a conversation, don't have a good way to contact nonresidents but started conversations with resident guides. We think they will have a lot of insight into the issue you are talking about. We will meet with them on how they perceive the situation and get their best input. Ultimately it is healthiest if guides in general can be regulated to some degree. We know good guides like the idea of being regulated and like the idea of setting a standard and making sure fly-by-night people, who give them a bad name, can't operate. We are going to have those conversations to see what they say, even if the legislature says they don't want the agency to regulate them maybe they can come up with their own certification or something to start down this path. We don't have any real control over them and no information on how they operate so we feel like we are deficient too. We are heading down that road with you. Chairman Lauber – The deeper we look the more recoil we will probably have. Commission Gfeller – Need help with understanding of problem we discussed earlier and guide services in- and out-of-state, had to do with public lands and overcrowding on public lands. I am having a little trouble understanding how reducing the bag limit would deal with that unless you are saying that out-of-state hunters will just choose not to come because we have a low bag limit. Is there more to it than that? Commissioner Sporer – They will either choose not to come or when they come could only hunt four geese. Maybe some young kid gets a chance to shoot a goose. I have had personal experience with nonresident commercial waterfowl outfits coming in behind a piece of property I own and they hunted a half section of property that the landowner allowed everybody on. They hunted 14 days in a row, brought in clients every day and once the geese quit flying and it was over with they went someplace else. Just reducing the limit down to four is just one method of maybe slowing what is inevitably going to happen anyway. If we had birds and conditions they are not going to quit coming, it is not going to stop. At what point do residents not hunt any more? I'm looking for a quality hunt for the youth and residents of Kansas. We didn't get it this year. Bidrowski – Kansas is becoming more of a goose state, seeing more geese on mid-winter survey and bi-weekly survey as well. Part of that is we are getting a lot of hunting pressure from commercial services, resident and nonresident, and one concern I have and hear from the public is them putting pressure on those birds. A four-bird bag limit would not be drastic enough to change hunter behaviors. Guide services are growing because there is a market for it. When we looked at hunter satisfaction, when you start getting two or three birds per bag that is when it changes. Commissioner Sporer – I appreciate you recognizing there are issues and that helps my cause. I would like to take the Canada goose limit to three but felt I would settle for four in an effort to help. Appreciate you recognizing you are also seeing what I am seeing in Kansas. Bidrowski – It is not just western Kansas it is throughout the state, particularly in eastern part of state where geese have more numbers throughout the year. Chairman Lauber – We have to move something along so we can get our seasons open. I support staff recommendations and what I hope we can do is get motion for staff recommendations moved and seconded and if at some point we want to put in an amendment we have to have a motion and a second on the amendment. We need to get ball rolling so we can get seasons set. Generally, everyone is more or less in agreement on that. Commissioner Sporer

wants to have a four bird limit on dark geese and I don't think that will make any difference and I am going to propose we stick with the six birds. I understand what he is saying. We need to get the seasons on the table and in the logical outgrowth of discussion we ask for an amendment. Is that right Chris? Tymeson – Need motion and second to bring the recommendation before the commission and then if there is an amendment we can have a motion and second on amendment. Chairman Lauber – I would like someone to bring the motion forward, a motion and a second. Commissioner Rider – Is waterfowl season and dark geese tied together, it is listed separate in the briefing book. Is it a separate vote? Bidrowski – It is a singular vote unless there are motions to change it. It is a consensus vote over the whole package.

Commissioner Aaron Rider moved to move forward on the 2021-2022 waterfowl regulations as presented to the Commission. Commissioner Warren Gfeller second.

Commissioner Sporer – Amend Canadian goose limit from six to four. Commissioner Sill second.

Commission Gfeller – Tom, explain public survey information and give his thoughts about the change. Bidrowski – In 2014, we asked for preferred bag limits from three to eight, it came in as eight geese followed by six geese. We asked that in a more simplified way in 2019. These are large scale surveys where we not only asked the ardent hunters but also the general hunting community as well. In 2019, asked what the most preferred one was and moderately preferred was the six Canada goose limit. We harvest close to 80,000 Canada geese each year. It was the as the duck bag limit, again we had the same concerns about eight birds being too many so we matched it with the goose bag limit. I agree that six Canada geese is a lot of meat for one day. I wouldn't want to make this change without another large scale public survey. As I mentioned earlier, if you want to affect hunting attitude, number of hunters commercializing hunters you would probably have to go closer to a two bird bag limit. Commissioner Gfeller – Are these residents you survey or nonresidents? Bidrowski – Residents. We randomly select 12,500 residents and we get about 3,500 hunter surveys back. Commissioner Gfeller – The six bag limit doesn't have an effect on Canada goose numbers? Bidrowski – From six to eight there is probably only a small increase in harvest, more often when going out get one or two but sometimes get six to eight. Hunter harvest is important for us to manage resident Canada goose populations here and in the Central Flyway. We harvest around 17 percent of the resident Canada geese that are harvested out of North Dakota when they are forced down due to winter weather; out of Nebraska, South Dakota and North Dakota, they come, particularly around the Wichita area. So, it is important for harvesting those birds. In some states like Nebraska, South Dakota and North Dakota they have high resident populations, over 200,000 in the Dakotas. Here in Kansas our resident population is still relatively small at about 18,000 birds. Commissioner Gfeller – My thoughts at this point is I am having trouble seeing how reducing bag to four would fix the problem we have been talking about. Not to diminish the fact that there is a problem when there clearly is. I would hate to make a bunch of resident hunters upset with a change in the bag limit without having a lot of confidence it is going to have a meaningful effect on the other issues we are dealing with. Chairman Lauber – I tend to agree with Commissioner Gfeller. To deal with problem Troy talked about, that is going to take a different action and in ways we need to be careful if we do that. Assistant Secretary Miller – I was also involved with committee and Tom when they were setting these recommendations. I am so impressed with the amount of data they

go through and consider. We have always maintained we wanted to make data driven decisions. They have the exact concerns that Troy has, we want our hunters to have good quality hunts. Whether it is a season or bag limit recommendations within the frameworks set by the Fish and Wildlife Service folks in this agency that are working on recommendations are using best data available to them and trying to make best decisions they can for all of the hunters. From my old Information days, I wonder what I would tell a hunter when he asked me why we went from six to four. Most guys might only get to hunt two or three days a year and on that one day the geese are really flying they may not have the opportunity to take six birds. It would be a hard thing to explain to somebody. Commissioner Sill – I do deeply appreciate the data and science that goes into those decisions. I value our biologists. But if we simply send a report to these hunters who are terribly frustrated and on the verge of leaving hunting how are they going to respond to that? Again, perception is reality for these people. They may not have time or interest in sitting down and listening to the science because the reality is they got pushed out of the blind that morning. Their personal experience outweighs the report you are going to hand them. If this is not the solution to stop the potential loss of resident hunters than what do we do? Some of the data about whether we were losing residents or not, there were some places where there were decreases and some were staying stable. Why do we have to wait until the decline has started and we have lost those people. It is harder to reactivate them then it is to keep them. I don't want to wait to act until five years down the road and say, wow, we have lost 13,000 waterfowl hunters. I am not comfortable waiting a year to start to make a few significant changes. I think what Stuart is planning, is going to be helpful but I am not sure it's enough given the tenor of emails we have been receiving. Chairman Lauber – I understand that and I received emails recently from nonresident hunters, some were nonresident landowners. There must be a series of smoke signals because the nonresident public is aware of discussions going on in Kansas. That person gave a good reason, he hunts only on private land and for those people that don't hunt on public land. I don't know why we need to change the limits for everybody when we can maybe somehow keep them off the public land. I don't know how you are going to stop the outfitters. Secretary Loveless – Offer a parallel circumstance, for a few years we have been dealing with a group of hunters and fisherman up around Milford Reservoir. They contacted their legislators and presented their case that we were presiding over disaster in terms of the way we were managing our wildlife area. These people were strong and convincing and said it was clear what outcomes are so we stepped back and said we understand they felt strongly and that we were going in the wrong direction. Since we want to be based on good science, as opposed to taking just those few opinions that were vocal and strident, we employed Fort Hays State to do a survey. The survey was very impressive because they reached out to people who had purchased licenses and the results were very clear. We sat down with people locally who felt we were going in the wrong direction; data was compelling and people were overwhelmingly in favor of the way we were managing that. We didn't know what to expect but they were supportive, not in total agreement, but had good advice and suggestions. That was data we can make decisions on, scientific data, not necessarily the people you are getting emails from. You are getting a subset that is very vocal and we know from our social media experience that these issues tend to feed on themselves. It is no coincidence that a lot of the responses sound similar, people talk to each other. What I encourage you do is; we have survey data a couple of years old and we can do more surveys and I understand your sense of urgency but we have to take the long view. If we are changing regulations based on speculations about how it may affect that goes against recommendations based on the biology of the species we are charged to manage, based on recommendations of our

own resident hunters, I think that is a steep hill to climb. Chairman Lauber – I appreciate that but right now we need to get this thing going, we have a motion, and motion and second on an amendment. We can have more discussion on the amendment but I think we need to vote so we can move on. Commissioner Gfeller – I want to be clear that my vote on amendment doesn't signal that I don't believe there is a problem that requires some action with a sense of urgency. I am not convinced that reducing the bag limit to four would really deal with competition for space on public lands. I fear we might run the risk of making resident hunters upset. It is possible we might find even more days afield from resident and nonresident hunters if bag limit were reduced. Commissioner Sporer – Discussed over pressuring of public lands due to nonresidents and Tom says he agrees there is a problem. All I am trying to do is make a small step and reducing limit from six to four is one small step. Come next year I think we will have bigger problems than this year. Chairman Lauber – I concur with Commissioner Gfeller that my no vote on this amendment does not mean I don't think we have a problem but I don't think this is the most effective way to solve it. A yes vote is you want to reduce bag limit to four and you want amendment to pass. A no vote is you want to go back to staff recommendations.

The roll call vote to amend regulation by reducing bag limit to four Canada geese instead of six was as follows (Exhibit CC):

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

The motion as presented failed 2-4.

Chairman Lauber – Now we have the original amendment on the table to go with staff recommendations. More discussion? Commissioner Sporer – I would make a suggestion that somebody make an amendment to take out nonresidents out of youth or veteran's season and not allow them to participate. Commissioner Sill – If I remember correctly at last meeting there was some discussion about splitting the weekend potentially being youth-only on Saturday, youth and veterans on Sunday but we have had no discussion on that at this meeting. Was that an item of discussion? Bidrowski – Brought up at last meeting and I covered it in one of the slides here as well. Of those different options, such as splitting the weekend the staff recommendation was to keep it as is and work with public lands on crowding and those issues. We thought this reduction opportunities on wildlife areas, but to not deny opportunities on private lands for active military and veterans. Going through some of the youth marshes is better alternative for this and how splitting out the weekend affects the other season dates is a lot more complicated. Commissioner Sill – Chris, can you set it up to be residents-only on public owned lands and nonresidents or residents on private land? Or is that out of the question? Tymeson – I have looked at this issue in relation to residency. I would advise against it. Because we are broadcasting there is jeopardy there potentially in some of those proposals. So, my advice would be to stick to department recommendation. Commissioner Sill – Jeopardy in public land/private land delineation or jeopardy in residency restrictions period? Chairman Lauber – Probably the perception of

discriminating veterans. If we are going to have it in some areas and not others that is the reason I like the idea of public lands adding a lot of pools for youth-only so veterans don't compete with youth but to go to private lands. Tymeson – I would prefer to not lay out a strategy for somebody to file a suit against us over the internet. My advice would be to stick with staff recommendation. Commissioner Sill – It describes veterans in the briefing book and says all hunters must possess a federal migratory bird hunting and conservation stamp. It doesn't say anything about a state stamp there. Do we need an amendment to include in that description evidence of active duty or veteran status via one of those eight documents? Does that require an amendment to include that verbiage along with the requirement for stamps? Bidrowski – All of those are covered under federal register season selection letter, but in my opinion it is covered. What is required and proper ID. Tymeson – I concur with Tom's assessment; we transmit it is a veteran season and in the frameworks it allows those eight pieces of identification. Commissioner Sill – For clarity, in any documentation we print we could include that and make that clear so veterans come prepared with documentation they need. Last year it was not required to be proven. Secretary Loveless – Refer to Colonel Kyser, we had this conversation the other day and he can give his perspective on how his officers are checking and clarity veterans have in regard to proof of status. Colonel Kyser – I was talking to a military member recently and I was told three forms of ID either active military card, driver's license that says veteran on it or there is an ID veterans can get through the Veteran's Administration free with their ID there is a link on the VA website and they can apply to get that and it doesn't cost anything. That is what I was told that Fort Bragg accepts to get on the base. I don't know about the other five. Secretary Loveless – Veterans have to show their status all the time so they expect to routinely have to prove that. Assistant Secretary Miller – We can include those requirements in the hunting regulations under the season for youth and veterans/active military so it would be clear to them if they saw it in the regs that would be required. Bidrowski – I can share a press release we have that listed these and the state requirements. I have shared that after the previous commission meeting. Commissioner Sill – I am struggling with concerns that it be a resident-only weekend given some of the abuses that did occur last year and the lack of checking. My ponderings are that if we enforce proof of veteran status perhaps that cuts down on tag-alongs and then we don't have the enforcement of resident status. If going to step away from my concerns about making it a resident-only weekend I want pretty strong assurances that we are going to enforce it is residents-only and not six of their buddies tagging along. Chairman Lauber – I am assuming Colonel Kyser hears this and can direct his people that this is an item of concern and priority. We have a limited number of Cos out there. We can do the best we can to ramp up this. I didn't realize it was a problem from people trying to pretend to being veterans and not really being one. Back to motion on the table. Have motion moved and seconded and had lots of discussion, an amendment that didn't pass but want to get this brought forward.

Commissioner Rider – I would like to make amendment for Southeast zone for November 13 to January 2 and January 8-30. As I stated before this is best for youth seasons with a lot of warm days in early season and this gives better range of hunting opportunities with shallow marsh early and dry field later on and big water/river hunting later as well. Looking at the southeast zone and what the purpose of this zone is, to have that late season. Looking at big picture, reducing recommended two weeks closed throughout the season across the entire state, as it is written. I would like to reduce that to five days where it wouldn't be. It would be longer as recommended. I would like to reduce closed season to give more opportunity for hunters

across the zones starting in October. I do a lot of talking with a lot of people, keep my pulse on the region and this is what I consistently hear. Being down here and talking with people that is what I hear. That is what I would like to amend the season dates to. **Commissioner Sporer second.** Chairman Lauber – When you say down there the primary complaints I get in the southeast zone is that it is dedicated to hunters who hunt around Neosho and that people that hunt the early migrants. By the time people down there are hunting the rest of the southeast zone is frozen up. I think we have opened it later and later and I think it should be opened a week earlier in the last week of October. I think hunter preferences, Tom correct me if I am wrong, but there is a lot of desire and hunter days in those early ponds. There are a lot of birds that come through there and not necessarily big mallard numbers but having it the first weekend of November is plenty of compromise. The early migrant hunters in the southeast zone has been shorted a week for quite a while and I don't think it is fair. Commissioner Sporer – Testament to what is happening in state of Kansas with all the overhunting on public lands the reason for all of our problems and all of the discussion we have had is called a green-headed duck and that is causing most of the challenges we have today and the reason for moving that southeast zone one week ahead, you lose a week of hunting in November but gain a week in January and that is when the green-headed ducks are down there. Chairman Lauber – Unless you don't have an ice eater and everything is frozen up. Commissioner Sporer – It depends on the year. What Commissioner Rider is asking for is the exact same season we voted on last year. Is that not correct Commissioner Rider? Commissioner Rider – Yes, that is correct. Chairman Lauber – It is the same we voted on last year and staff recommendation was based on hunter preferences and surveys and came back with another date. Commissioner Gfeller – I need clarification. Changing dates from what to what? Chairman Lauber – Taking a week away from front end of southeast zone. Commissioner Gfeller – Staff recommendation is November 6 to January 2 and January 15 to January 30. Is that correct? Chairman Lauber – That is staff recommendation but the amendment is to take a week away in November and move it to January. Commissioner Gfeller – Does that mean start a week later and then not have the break in January? Chairman Lauber – Not have as much of a break. Commissioner Rider – Reduces length of time across the state when there is no duck hunting. Chairman Lauber – That is an insular benefit, the real benefit is for the people who hunt in one small area that has a tremendous amount of ducks in the southeast zone. Those people don't hunt around the state. It is basically an effort to have the mallard hunters in one small area in the southeast zone have more opportunity at expense of other hunters in the broader southeast zone. Commissioner Gfeller – Wouldn't that exacerbate the overcrowding problem and attract more people to the zone during that week? Chairman Lauber – This is an issue of the people in that area want more ducks. Tom, am I correct in the surveys more desire to have more early season? Bidrowski – If I could get another week in the season this is where I would add it to correct the southeast zone. The hunters are divided on this issue. What we do know is ducks are predominantly moving through in November and that includes mallards. Data proves they are showing up usually the first part of November or shortly after Veteran's Day. If we are truly concerned about R3 or reactivation and retaining those moderate hunters it is those November days. That is when we see peak harvest and peak participation on both public and private land in those areas. There is a strong sentiment and those mallards and those hunting flooded corn is when mallards start searching for alternate food sources, and hunting attracts them the later part of January. With the amendment, you are trading November days for January days. As staff proposed, 25 days in November and 18 days in January where it would flip flop that with the proposed amendment. Some during that two weeks in January you

are going to be froze four or five days and when it opens it will be fairly good. Surveys in early November show in that part of the state usually sees more than a week of ice and low hunter activity when we do have those ice conditions. It is a hunter preference issue we have been struggling with since we created the southeast zone. Last year's recommendation was to be the first Saturday and previous three years staff recommendation was the second Saturday. To take out that bias is why we chose that Saturday closest to November 8 and give different variations of how many days and even some years with more days in January than November. That is the compromise we came up with. Hunters are extremely mobile and they do chase seasons so it does add hunting pressure to those zones when one part of the state is closed. Assistant Secretary Miller – I want to give another perspective that I heard from staff at Neosho WA. They felt that later opener causes loss of casual duck hunter, the guy with waders and a bag of decoys and just wants to walk in and hunt. He doesn't have a surface drive or a 17-foot duck boat where those guys can hunt when there is a quarter inch of ice where the average guy doesn't. They feel they are seeing fewer of those guys as we go later and later in the season. They are concerned and passionate about that loss of casual duck hunters. I feel like Tom's Saturday closest to November 8 is a decent compromise, sometimes it will be early like this year but in 2023 it will open later. It alternates from year to year as to number of days in January and number of days in November and is a nice compromise. There is some concern we are catering to folks that do have better equipment, have leases or own land and can hunt later in the year when the average guy can't. Commissioner Rider – My rebuttal is we are catering everything to those state areas and a majority don't necessarily hunt on those wetland managed areas. There is lots of opportunity outside of those areas. I'm not saying those are negative or imbalanced opinions. Some people think I am catering to a particular group but on the flip side I would say the argument against that would be catering to a different group as well. I think the peak days, looking at any season like dove or other seasons, your first days would be your peak days. Commissioner Sporer – I just got a message from one of the constituents down in southeast Kansas. To answer Warren's question about public and private, this constituent's comment was it doesn't matter on public lands because nonresidents have it full up and there is no place to hunt and residents have to go to private land to get any hunting done. That sums that up in southeast Kansas. Chairman Lauber – What Assistant Secretary Miller's comments pretty much parallel with sentiments I am hearing from the average joe with waders and a few decoys. We have this discussion every year, is there any more discussion from commissioners or public? Commissioner Sill – Is this just on this amendment now? Chairman Lauber – Right now we are just on this amendment to change season dates away from what staff recommended.

The roll call vote to amend regulation by changing season dates in southeast zone was as follows (Exhibit CC):

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

The motion as presented failed 2-4.

Chairman Lauber – Lets go back to original motion. Do we have any more amendments?

Commissioner Sill - Do I need to make an amendment to have more discussion on resident-only season? I need more clarification. If I were to make an amendment that it be a resident season only that it included lifetime license holders and included military, whatever that definition is, to include those stationed here not just Kansas; include lifetime license holders, military and youth residents. I don't understand why we can have resident-only antelope, resident-only elk but can't have one resident-only weekend for ducks. Tymeson – This is a complicated constitutional issue and there is litigation that has occurred since the 1970s up through the mid-2000s in which the department was part of. There is some unsettled litigation potentially there. I prefer that we not have an in depth discussion about litigation strategies thereby opening the Commission and the department to litigation. I believe if you do make the youth and veteran season resident-only that it is unlawful. Commissioner Sill – But other species it is okay? Tymeson – We have opportunity for elk and antelope, there is nonresident opportunity. Chairman Lauber – Migratory birds are a federally monitored species and the other is not. Tymeson – There would be nonresident opportunity in both of those species. Commissioner Sill – But there would be nonresident opportunity for ducks the remainder of the season. I am not trying to make a mess but I am struggling with making a wise decision that honors the resident hunters in Kansas, that honors department staff, that honors your professional knowledge and opinion and not having a solid grasp on the issue yet. I am trying to make a decision with as much integrity as I can. Chairman Lauber – Is youth and veterans hunt that big of deal? That is not what Troy is concerned about, he is concerned about season-long. I got the emails and understand it but can't we deal with that through public lands with youth-only waters? Commissioner Sill – We might but because it is a relatively small portion of hunters. The most honest answer is I don't know and maybe that might take care of it. At the same time, it is an opportunity to take a step and see if this makes a difference. Last year when you cut out nonresident turkey hunters because of COVID, resident permits jumped by over 10 percent. I can't just blow that off and say they were all off work so they could hunt, maybe. But maybe knowing competition wasn't there allowed them to go out. It is one small step to stop that bleeding without taking a big chop at something that we don't really want to do right now. Chairman Lauber – I don't want to jump into this without thinking about it more. Secretary Loveless – Commissioner Sill, we had nonresident increase but we saw increases in a lot of things with COVID so I don't know how to separate that data and know what to attribute those to. The important thing, we explicitly talked to public land managers and asked if there was a conflict there because we were concerned about conflicts between veterans. Talked about challenging veterans to produce proof last year and correcting that this year so that is not an issue. Were they impinging on the youth that we all are prioritizing and the experience they had that weekend? The public land managers responded by designating areas for youth-only. We also asked every one of those managers to evaluate that youth weekend, how it worked and if there were conflicts and how to minimize it. In the places we perceived there might have been they made adjustments. Some talked about how smooth the weekend was and how the satisfaction was. I appreciate everybody's focus on that because we want a quality experience for both and especially we don't want to undermine our efforts to encourage youth. The changes Stuart mentioned earlier we are going down that road, not that it is a perfect solution. We will evaluate it again next year, get feedback and make adjustments. Chairman Lauber – I understand but I would like to get this going and move on to one other item of business we have. This is not

going to go away and I'm not sure it needs to. I pay attention when legal counsel says he doesn't advise it. I would like to call for the question. If you don't feel comfortable voting for these seasons because your other items aren't addressed I understand. Commissioner Sill – I understand that is not my goal at all. Chairman Lauber – You and I hear more complaints on nonresident deer than we do nonresident waterfowl. Two amendments have failed and we are voting on staff recommendations.

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

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

The motion as presented passed 4-2.

8. KAR 115-18-13. Dark geese; management units, permits, and restrictions (to be revoked) – Tom Bidrowski, migratory game bird coordinator, presented these regulations to the Commission (Exhibit DD and EE). This regulation establishes goose management and hunter permits systems in units as well as season lengths, daily bag limits and shooting hours. Conservation measures were implemented in early 1990s to address adjoining migrant goose stocks in eastern Kansas. However, Kansas goose stocks through the 2000s management has changed from restrictive to liberal strategies. In 2008, Kansas adopted a single statewide season for dark geese as such there is no longer any need to maintain KAR 115-18-13. If harvest restrictions were needed alternative measures and alternative unit boundaries could be defined. Staff is recommending revoking this regulation.

Commissioner Warren Gfeller moved to revoke KAR 115-18-13 as presented to the Commission. Commissioner Lauren Sill second.

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

Commissioner Sporer	Yes
Commissioner Sill	Yes
Commissioner Rider	Yes
Commissioner Hayzlett	Absent
Commissioner Gfeller	Yes
Commissioner Cross	Yes
Commissioner Lauber	Yes

The motion to revoke KAR 115-18-13 passed 6-0.

Chairman Lauber – Do we have understanding of where staff is going to go to continue to look at these matters? Schrag – The recommendations presented don't paint the entire picture. We are working on some other things and Byron Walker WA is a prime example. It is a pretty heavily

used waterfowl area because of some marsh development we made there. We are developing a half section designated to youth-only for all game species to include building a wetland there too. There is a big planning phase going on right now that will encompass a lot of the concerns you have and we will continue to look at implementing more youth-only marshes. There are other things being discussed that I think will help with this discussion and the concerns you have. Commissioner Sill – It’s hard to make wise year-to-year decisions without some of that long term view; knowing you can’t hand us a document saying this is the way it is going to be for the next five years. But if we don’t know some of that planning we have to make a decision for one year based on that information only without long term viewing and planning. That feels unwise and it plays into what Commissioner Sporer is saying. We’ve got to do something. I firmly believe there is a problem and there are demonstrated trends in other areas that this is mirroring somewhat and we are flat out reluctant to address some of those issues. Without long term planning in view it is difficult to make wise decisions. If there are ways to lay out some of those plans that would be an encouragement and aid my decision making. Is it possible to start this process one meeting earlier next year? If we have to hammer out some of these complex issues it might help. Just a thought. Chairman Lauber – A good idea to have more workshop sessions to give us more time. Commissioner Sporer – I have tried to address overcrowding of public hunting for waterfowl in this meeting and the lack of a quality hunt experience. I feel like we didn’t get anything. We slowed some people down with no wake zone and not letting them start until 5:00 but that is pretty small. I have suggestion for next meeting. The state of Kansas publicizes waterfowl counts weekly or bi-weekly, some areas are good and some are bad and managers count them in different ways. I would like to stop the counting. I’ve done a little research in other states and nobody is counting anymore; Nebraska, Missouri, North and South Dakota, Colorado and Oklahoma don’t count. They only give great scenarios of what the conditions of the area is. I will leave that to staff to tell me that is probably not a good idea. Secretary Loveless – I think that is a great idea, we could request that be a discussion item and use information collected from those other states to see what they are doing and get information from our staff and maybe look at survey data to see how valuable those are to residents or nonresidents. We are glad to pursue that if that is the wish of the Commission. Commissioner Sporer – Thank you Brad. Commissioner Gfeller – That sure seems it could stop some of the chasing from guides and out-of-state people if they are just chasing numbers. Maybe they would have to do a little more work. Chairman Lauber – Have that for a discussion item.

XII. OLD BUSINESS

None

XIII. OTHER BUSINESS

A. Future Meeting Locations and Dates

Chairman Lauber – We have meeting scheduled for Wichita next time is that live or do we know yet? Kemmis – I have the location set but you need to tell us what you prefer. Chairman Lauber – This works pretty well but there are also benefits to doing it the other way. I would like to have Secretary Loveless confer with his group and any state guidance and we will have a discussion on it. Commissioner Rider – If at all possible I would like to get back to in-person public

meetings and do hybrid with online version as well because it is beneficial. Would like on location meetings if we can. Commissioner Sporer – I agree. Commissioner Sill – I concur. Commissioner Gfeller – I throw my hat in there too; except June meeting I have a conflict where I would like to be able to have a hybrid because I will have to video in on that. Chairman Lauber – I have been vaccinated and can go either way. I think tremendous amount of participation by having it this way.

June 17 – Wichita, Great Plains Nature Center, 6232 E 29th St N (changes to 1:00 pm)

August 5 – Kansas City – James P. Davis Hall, Wyandotte County Lake Park, 3488 East Drive

September 23 - Beloit, Rolling Hills Electric Cooperative, 3075 B Hwy 24 (plans to try for tour of Ring Neck Ranch)

November 18 – Oakley, Buffalo Bill Cultural Center, 3083 US Hwy 83

Tymeson – If we could set January to help us plan. January 6 or 13?

January 13 – Emporia, location to be determined.

Assistant Secretary Miller – Commissioner Gfeller asked about antelope permits and if we issued them all. We receive about 1,000 applications every year for the little over 200 permits we have. That is why it takes five preference points in some of those units. There is high demand for those. Commissioner Gfeller – Thanks.

XIV. ADJOURNMENT

Adjourned at 8:34 pm.