

**Kansas Department of Wildlife and Parks  
Commission Meeting Minutes  
Thursday, September 23, 2021  
Virtual Zoom Meeting**

**Approved** Subject to  
**11/18/21** Commission  
Approval

The September 23, 2021 meeting of the Kansas Wildlife and Parks Commission was called to order by Chairman Gerald Lauber at 1:00 p.m. Chairman Lauber and Commissioners Gary Hayzlett, Aaron Rider, Lauren Queal Sill, Warren Gfeller 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**

*None* – (Agenda – Exhibit B).

**IV. APPROVAL OF THE August 5, 2021 MEETING MINUTES**

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

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

Brad Max – Want to find out if there had been any progress in last three months on plans for Cedar Point campground at Milford. I have been out there and I know something had gone to Schwab Eaton. I am interested in finding out what has happened there in the last three months. Secretary Loveless – Linda is not able to participate today. I talked to Linda a little about this. They are making progress and moving forward. She said they are utilizing input you folks gave and it has been valuable. We can get back to you with details. Send contact information to Jason and we will have someone get back to you.

Chairman Lauber – Had informal discussion before the meeting got going. Warren had a question about emails and what we are supposed to do with them. I am proposing, consistent with Jason’s recommendation, is if emails come from Sheila we will know the department has weighed in on it and Sheila has logged them and will respond. If we get an email that comes around the state system through our email published in directories and stuff like that, I propose all emails, including responses we make, forward to Sheila and she will take them from there. If somebody will send an email they send directly to our email and we don’t know if we are supposed to say anything or whether another commissioner has responded so you don’t do anything. If we all don’t do anything then the constituent doesn’t get a response. If we all funnel them toward Sheila. Not sure who to send to Sheila or Nadia or who. At this point suggest we

send them to Sheila. Secretary Loveless – Sheila and Nadia can weigh-in on how that is working. We have the plan and we have been discussing it. Our overall goal is to make sure everybody gets responded to and make sure we use technical staff to help us with that response and make sure we share that information with all the commissioners. Nadia Reimer, chief of Public Affairs – Essentially constituents can find commissioner contact information from a variety of sources. We have printed that in publications, online on various sites so it is possible and likely you still are going to get communications sent directly to you. We are trying to mitigate some of that by limiting where your information is published so we can funnel everyone to ksoutdoors.com. You are right that we want to start with Sheila, she will maintain the communication log and from there we will make sure someone from KDWP responds and commissioners are cc'd. That is the protocol we are attempting to use moving forward, so we're on the right track. Commissioner Gfeller – I get emails through state system that are [kdwpt.websupport@ks.gov](mailto:kdwpt.websupport@ks.gov). Do I assume those have been logged or are those the type we need to forward? Jason Dickson – That would be one of the ones forwarded. Once we get new system in place you will start to receive another one that is for all commissioners in the subject line, you won't need to forward that one. The ones you have been getting [kdwpt.websupport@ks.gov](mailto:kdwpt.websupport@ks.gov) are from your individual form that we have out there for your email address, that one you will forward to Sheila. Chairman Lauber – More forwarded to Sheila than less is better. When in doubt, forward to Sheila. Sheila – That is correct, even if I have seen them I will know they have been logged. Chris Tymeson, legal counsel – I have one caution, when emails come to everybody that you don't reply all as a commissioner because we don't want to have an inadvertent violation of open meetings act. Chairman Lauber – Good point. Commissioner Sporer – Are we going to see the responses from the department? Chairman Lauber – That is my understanding, once response has been sent out we will get copy of it or cc'd on actual response.

## **VI. DEPARTMENT REPORT**

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

1. Agency and State Fiscal Status Report – Brad Loveless, Secretary, presented this update to the Commission – In terms of our fiscal situation things are rosy right now. We are working on preparations for FY23 and are amending FY2022 budget. Our EDIF apportionment, with Tourism shifting to Commerce, we allowed their EDIF money to go with them so they had some fiscal backing for their programs. Our EDIF apportionment will go down to \$3.5 million in the future. Our park fee funds (PFF) revenue finished up in FY21 about 21 percent from FY20. We knew last year was a good year. Currently in FY22 we are down about six percent from last year at this same time. Staff busy this summer, with school starting things are slowing down. Current cash balance in PFF is \$7.2 million, over \$4.4 million from last year this time. Cabin revenue for last fiscal year was up 47 percent from previous year, we had flooding which explains some of the jump. Down a little from last year at this time but comfortable with where we are at. Wildlife fee fund (WFF) up about eight percent from last year. Like to keep a healthy balance, that is our checking account where we pay projects out of. Our balance at end of FY20 was just over \$20 million, now over \$29 million, looking good compared to the past. Specifically, when it comes to our wildlife restoration and sportfish fund, revenues from federal excise taxes on fishing and hunting gear, wildlife restoration receipts, Pitman Robertson fund, is being built by federal government for this year. Last year the ending year balance was \$824 million, this year already up to \$834 million federally so we're optimistic that at the end of this year we will see a new high water mark for wildlife work. We will be aggressive in trying to get the biggest share of that we can get to come to Kansas. The sportfish funds are more confusing.

In talking with manufacturers, they are all saying they are having record years and their receipts are all up yet the report from the federal government, show taxes from those sales are down a little bit from a year ago. That doesn't make sense to us or them so we put a question mark beside our Dingell-Johnson fishery funds. We are optimistic that we will have good revenues to draw from for state match but right now we aren't sure of an accurate estimate. The federal government is working diligently to go through those figures and give us an accurate projection so we can make plans. Optimistic about fishery funds and positive about what we have seen so far in wildlife funds.

Chairman Lauber – Remind everyone to give your name when speaking so minutes can reflect comments.

Jackie Augustine, Audubon of Kansas – Were there any losses in funding with removing Tourism department and how are those going to be made up? You mentioned an increase in wildlife funds and how will decisions be made on how increased funding will be invested on the ground or financially? Secretary Loveless – The funds we lost with Tourism was EDIF funds that we sent with them. When they came over here all that money was within Wildlife and Parks but we took a portion of that to give to Tourism so they could fund their programs. When they left we let that go with them. So, we lost about \$1.7 million. There aren't any other revenues we received from them and all the money they received went into funding their programs, so there wasn't any loss in terms of revenue we skimmed off in the past, that all went back into Tourism programs. Excess funds being used, currently we have a process where all of our divisions work together. Work out of similar post with separation between parks and everyone else who uses these shared pots of money. We prioritize projects in each division and they all collaborate and compete for those funds and when we run out of money those lower priority projects don't get done. With extra that means we can do more of those projects we have been hoping to do in the past but couldn't afford. As we talk with outside groups like Kansas Wildlife Action Committee about what they think needs to be done, their thoughts go into that and help us determine our priorities, what is important to constituents helps us make those decisions.

## **B. General Discussion**

1. CSA Hunting Alternative – Keith Houghton, Ringneck Ranch, Tipton, presented this update to the Commission – About two years ago we came to conclusion that Wildlife and Parks commissioners hadn't had much exposure to controlled shooting area (CSA) operations and we thought we needed to remedy that. We don't have any problems and there is no crisis afloat but CSA is becoming a bigger player and complimenting what the state provides as far as recreational opportunities. CSAs have seen significant evolution from preserves of your grandfathers' 50-75 years ago when game bird appearance and performance could be very disappointing. The experience of a hunt on today's Kansas CSAs can be excellent, and those opportunities are using high quality game birds and developing realistic habitat. The CSAs offer a compliment to agency efforts in providing public opportunities. We have been working for a year and half to have all of the different players in the industry for tours and a seminar on the growing facilities of quality game bird propagation, hospitality and hunting that continues to evolve and is nothing like your grandfather's hunting preserve. We have transitioned two virtual meetings and two attempts to have the opportunity that we would hold in conjunction with a

Wildlife and Parks commission meeting at Beloit, Kansas. We are now planning to reschedule in spring of 2022. We would like to include most facets of the industry and plan on selected owners and operational personnel, wildlife and parks commissioners and financial, legislative, enforcement, tourism and economic development be included. If you have an interest or know someone who does please contact me so we can include you in the opportunities for this meeting. I have operated a CSA for 38 years on family ranch in north central Kansas. Chairman Lauber – I have been told by people in chicken industry that there is significant difference in high performing roosters and there is effort to maintain breeding standards. When it comes to pheasants, are all pheasants just pheasants or do you try to have one particular strain that provides better performance? Houghton – There are a half dozen different identified strains, a couple of them came out of Kansas. I can't address that and it would be best if we talked to the boys raising the birds. We have made giant strides. Our state association, Kansas Sport Hunting Association, has done several things; they have brought in a poultry person that does the research with microscopes and we taught our members how to run a microscope and that has been instrumental on flock health. Yes, there are strains of birds that seem to perform better and it is probably the evolution. My personal concern, a lot of stuff we point to uses research done in 1940s and 1950s. We have gained tremendous scientific foothold in game bird propagation. We get along wonderfully with pheasant species, quail not so much, they don't lend themselves to captive rearing as much as pheasants and as a substitute we use the chucker partridge, wonderful substitute for quail. If we have meeting In Beloit I will have someone give defined answer on that. Assistant Secretary Miller – Keith has a fine operation and I have known him 30 plus years and we visited his operation back in the early 1980s when we had an outdoor writers meeting. He has worked hard to provide a really good hunting experience and having good performing birds is critical. That is one of the reasons we have been trying to get a commission meeting up there to see his operation. It is worth seeing and they do fill a niche. There is a customer base that wants what these type of operations provide in addition to the folks that want to hunt wild birds. I know Ringneck Ranch is one of the top tourism sites in the state and one of the top employers in Mitchell County. There is a lot of economic impact from businesses like Keith's. I do think it would be beneficial for the commission to finally get up there and see his operation and see hatchery operations they work with on the bird side of it. I hope we can get back to some in-person meetings this spring and visit the operation south of Tipton. Chairman Lauber – I concur.

2. Antelope and Elk 25-Series Regulations – Matt Peek, furbearer research biologist, presented these regulations to the Commission.

Antelope (Exhibit D) – Since this is the first time talking about pronghorn I will give overview of the program and then discuss regulation recommendations. We have had a pronghorn season in Kansas since 1974. Since 1990, we have had a four-day firearm season beginning on the first Friday in October – a Friday through Monday season. The other seasons are based off the dates of firearm season. The primary nine-day archery season has been in place since 1985 and since 2005, the archery season has reopened the weekend after the firearm season and continued through the end of October, giving archery hunters an additional 15-20 days of late season opportunity. The muzzleloader season was initiated in 2001. It has begun immediately after the archery season and ran for eight days, the first four of which (Monday through Thursday) are muzzleloader-only season and the last four overlap the four-day firearm season. With the exception of annual adjustments in permit allocations, this regulation has basically been unchanged since 2006, so, fairly stable for hunters to follow. Pronghorn occur in western Kansas, mostly in the western two or three tiers of counties. There are three units open to hunting, Units 2, 17 and 18, consistent with deer management units for hunter simplicity so they extend eastward beyond the range of where you would consistently find pronghorn. Archery permits are

good in all three units, are unlimited and available to both residents and nonresidents. Muzzleloader/firearm permits are unit-specific and are available through a limited draw. Hunters apply and get preference points and there is usually over 1,000 hunters who apply for these permits. Demand is high, especially considering there is only 200 permits available. It typically takes one to three preference points for a muzzleloader hunter to draw a permit for general resident muzzleloader permit and it takes three to five preference points for a general resident to draw a firearm permit. Landowners are allocated half of the permits and it only takes zero to two points to draw, as there is a much smaller pool of landowner applicants to compete against. Firearm and muzzleloader permits are available to residents only and archery are resident or nonresident. I have provided the hunting season dates in the briefing book and I won't go over them, they are standard to what they have been. Typical success rates are about 15 percent for archery permit holders, 60 percent for muzzleloader permit holders and 70 percent for firearm permit holders. We will determine specific permit allocations after the ongoing season ends. We will wait on results of winter aerial surveys before we come up with the next season's permit allocations. We do post all of the harvest and population reports on KDWP website, as we do for most species. Go to species section on website, there is research and surveys tab. A lot of the information we collect is available to the public and anyone else who wants to look at it.

Chairman Lauber – Based on way you described it, a permit is issued either for use of muzzleloader or a firearm, unlike deer permit where you can choose type of weapon? To qualify as a landowner for the landowner/tenant draw do you have to own property in that area or do you qualify as a landowner in the general definition and own land elsewhere outside Units 2, 17 and 18? Peek – On the second question, with all big game permits you have to own land within the unit you are applying, and own or manage/be tenant on at least 80 acres. If they were applying in Unit 2 they would have to own land in Unit 2. A person who owns land in Osage County can't apply in Unit 2. On first question about hunting equipment, correct for most part, within big game regulations, if you get a firearm permit technically you can hunt with any equipment that is less than a firearm, so a firearm permit would allow you to hunt with archery or muzzleloader or pistol. But there is no any-weapon unit-wide permit the way there is with any-season whitetail tag, for example.

Elk (Exhibit E) - Elk were first introduced onto Fort Riley in 1986, and a hunting season was initiated in 1990. Fort Riley is best opportunity for average general resident hunters in the state. We do have broadly open areas you can hunt but the most likely way to kill an elk is if you draw one on the Fort. We do have elk scattered around the remainder of the state on private lands. In most of the state they provide an opportunistic opportunity for hunters when they unexpectedly show up in an area and the hunter happens to be lucky enough to have access where one of these elk show up. You heard me mention before that an elk has been harvested out of over a quarter of the counties in Kansas over the last five years. The counties are changing a little bit over time but where we lose a couple of counties we pick up a few each year. Elk are being harvested widely across the state. The third hunting opportunity is that there are several herds on private lands scattered around the state. In many cases these herds are the result of specific landowners who want these elk and who maintain the herds by protecting hunting access to them. In many cases they manage for them as well. That is also part of the purpose of our broad regulation, we allow people to harvest them where they are not wanted but we allow them to be protected by certain landowners and managed in other cases so they are maintained where people want them. The main lesson we learned if you look back at historical elk management, in the case of Cimarron National Grasslands and on Fort Riley we probably overprotected those elk early on

and they increased in abundance until the damage around those populations became severe and due to various pressures we wound up having to issue a lot of permits and knocked those populations way down. Our current system, although it is somewhat aggressive in some cases, it has prevented that type of situation from happening where we have been basically forced to issue and heavily harvest elk out of the populations we do have. Cimmaron is another area of elk in the state that people often ask about. Elk were reintroduced there and the last season that occurred there was in 1995. They were reduced in number and to some degree moved into Colorado and Oklahoma. Elk are not typically found there predictively, so that is the one area of the state, Unit 1, around Morton County that encompasses the Grasslands, where elk hunting is not currently allowed. We are not anticipating any changes to season structure, bag limits or permit types. Season dates are in the briefing book and I won't go through them this time. For the most part, seasons off of Fort Riley are consistent in many ways with the deer seasons so hunters out there wearing orange with a rifle in hand during the rifle deer season can also harvest an elk as that is also the rifle elk season. Fort Riley is a different deal where the season on it is divided into one-month segments. During the main October, November, December segments, the any-elk permit holders can hunt during any of those three months. Where antlerless-elk permit holders are forced to choose one of those three months and that helps limit crowding and allows us to issue a few more permits. We have a bonus point system, which is different than pronghorn preference point system where the person with the highest number of preference points gets the permit. With the bonus point system with elk, you get a chance to draw for every year you applied. A first time applicant has one chance in the draw whereas a person who is applying for their fifth year has five chances in the draw. The reason for that is demand for these permits is so high if you had a true preference point it would be many years until anybody who didn't apply in the first year ever drew. This bonus point system is a typical way to fairly allocate permits. It weights those who have applied for longer but first time applicants also have a chance to draw so there is an incentive for new applicants to get into the pool. Same as with pronghorn, we usually determine permit allocations for the coming season later after current season is farther along and sometimes we have aerial survey results that Fort Riley conducts on Fort Riley. Chairman Lauber – How many applicants do we average a year? How many permits do we give out? Peek – We have typically had over 1,000 applicants and have been giving out 12 any-elk permits and 18 antlerless elk permits on Fort Riley. Off of Fort Riley, in Unit 3, the bulk of the state, permits are unlimited for general residents and landowner/tenants. We have issued 30 limited draw permits the last few years for Fort Riley. Chairman Lauber – Do they get filled? Peek – Yes, any-elk are about 75 percent successful and antlerless-only are not quite as successful, they don't get to hunt as long and also probably aren't quite as determined due to not being able to get an antlered animal. Typically, they are more like 35- to 50 percent success. Commissioner Gfeller – We have introduced elk to Fort Riley and Cimarron Grasslands, but not any other part of the state? Peek – Yes that is correct. Commissioner Gfeller – The other elk in the state wonder off those areas or from other states? Is there any thought to introducing elk to other parts of the state? What is the objective of program? Peek – Not been any discussion of introducing them anywhere else. Something I learned from Lloyd Fox, in the case of river otters, it is better to let them get there on their own. A species that can be controversial, if they can get there on their own the agency is better off letting them do that in many cases, rather than being ones that brought species in that is now causing problems. Our current regulatory approach is based on letting them be where people are willing to tolerate them. The concept of the social carrying capacity is what is at play here. In some cases, a small number of them, less than ten, may be tolerated and in other cases, like in western Kansas along the Ark River, the herd there is 60 to 80 in herd or more and people there really like them, manage for them and protect access to them. It depends on area of the state and where landowners are that have a big chunk of

contiguous land to support them. Commissioner Gfeller – Do they herd up if small group in one area and small group in neighboring county, will they find their way together? Peek – They do herd up. There are cases where there are small groups of them reproducing. They do to some degree but also travel widely across the landscape, so they do obviously at some point leave those groups. The source of a lot of these animals, individuals do leave Fort Riley and travel across the state. In some instances, maybe it is a matter of chance that you will end with a few cows and bull running into each other out in some distant area. The source of the western Kansas elk is probably Colorado more than our reintroductions at Cimarron, they come here naturally. Elk showing up everywhere else, some are coming from Fort Riley but some coming from herds smaller than the Ark River herd where there might be five to twenty elk in little herds that are producing enough animals that they are scattering. Chairman Lauber – There are 150 to 200 animals in Fort Riley herd. Are there 500 in the state if you were to guess? Peek – Yes, about that, we say between 450 and 500. We would say there are closer to 300 around Fort Riley. Obviously we are not able to survey the elk when they are scattered around in some instances but if you add up some of the little populations we know of and estimate what else it out there, it is 450 to 500 range.

3. Spatial Distribution of Swift Fox in Western Kansas – Matt Peek, furbearer research biologist, presented this update to the Commission (Exhibit F) – Ty Werdel is going to give this talk. The swift fox is a species of conservation interest in Kansas. It is not adequately monitored by our other furbearer surveys due to the small sample size. In the past we have done track surveys and different stuff to better keep a handle on swift fox populations. Several years ago, Adam Ahlers out of K-State wrote a proposal and we were able to get it funded, so we are working with K-State on this research project. Ty Werdel is the student out there and he will talk about his efforts to survey swift fox in western Kansas.

Ty Werdel, PhD candidate at K-State (Exhibit G) – I will talk about initial results from first chapter of my dissertation. Talk about how multiscale landscape effects impose range-limiting constraints on the distribution of swift fox. This is a paper submitted for peer review, with co-authors Colleen Piper, Dr. Ricketts, Matt Peek and Dr. Adam Ahlers. The Great Plains has historically been dominated by native prairies. Landscape changes of the Great Plains likely modified carnivore ranges, but also negatively affect our wildlife communities. However, carnivore species are generally the most sensitive to these changes because of large home range, slow life histories and potential for negative human interactions. Range-limiting processes are complex and human-modified landscapes create patchy and isolated habitats for these carnivores. Specifically, swift fox, small prairie-obligate carnivores that are about 3 kilograms and 30 centimeters tall that occur at low densities in Kansas. Their prey includes small mammals, insects, and birds, anything they can catch. Predators include coyotes, badgers, raptors and bobcats and they dig burrows in suitable soils for protection and to raise kits. Human modified landscape changes create a mosaic of land use types. Conservation Reserve Program (CRP) land has been a highly effective conservation effort to restore and conserve prairie-obligate species. CRP is a voluntary participation by farmers and landowners in an attempt to improve water quality, reduce soil erosion and has added benefit to increase habitat for endangered and threatened species. However, we have limited understanding of how CRP efforts impact swift fox. Previous research indicates good-quality swift fox habitat includes greater proportion of grasslands (less than 30 cm tall) and loamy soils. Most ecologists look at distribution models to reveal occurrences of species at edge of the range with covariates often obtained from circular

buffers. Likely the size of a home range around a specific sampling site in assumption of models that variables have a constant effect regardless of distance. We believe that this could be enhanced by using a continuous function where we looked at distance of proportions of landscape away from the sampling site. Objectives for this three-year study were to assess how landscape composition structures swift fox distributions on the edge of range of western Kansas. We had three years (2018-2020) of field seasons looking at presence/absence data effects. We predicted shortgrass prairie and loamy soils would increase the probability of occupancy by swift fox; and that row crop agriculture, landcover diversity and CRP would decrease our probability of occupancy. Looking at previous research, we saw that Sabata created a map of confirmed observations and furharvest records across the entirety of the range of swift fox in the United States. We randomly generated 400 potential sites within the western one-third of Kansas, which is about 7.16 million acres. This encompasses all of the confirmed observations of swift fox in Kansas other than the one central Kansas observation. We secured private landowner and public land permissions for 381 camera trap locations. It was quite an effort getting private landowner to allow us on their property to put up game cameras. At each one of the sites, we set up a game camera about 40 cm high with a scent stake smeared with Vaseline and skunk essence about three meters in front of the camera. This technique has been used for other carnivore studies and it entices carnivores to walk in front of the camera. We did that to maximize detection for swift fox. Each of the cameras was in place for 28 days per site and we rebaited with skunk essence after 14 days. This was also placed during the rearing season in summer so we were less likely to document dispersing swift fox. We were looking at areas swift fox are utilizing during their kit-rearing season. I created a custom landcover raster in our GIS looking at different landcover classes in western Kansas; 14 landcover classes derived from three data sources, which included PRAIRIEMAP, CropScape and CRP from Farm Service Agency. We also looked at loamy soils. To make our study a little novel we looked at distance weighted representation of landcover covariates. To do that we created 200 concentric rings around each of the sampling sites, which totaled 76,000 rings, about 200 at each site. We would create a ring, look at proportion of our landcover types around that site and do it again, until we had 200 rings around each site. Doing that we developed distance-weighted functions to look at optimal scale of effect at each one of the land cover types for swift fox. Our important land cover types have differing scales that elicit response from swift fox. Out in the field we collected images and uploaded them into a CPW photo warehouse, which is a Colorado Parks and Wildlife database and this allowed us to export our data for analysis. We did multiple analysis but most importantly did occupancy models to look at swift fox distribution. We used 28 days per site with one-day detection histories per site. To model for detection models, we used scent day of year and number of days disturbance altered camera view field. I'm sure many of you are familiar with western Kansas, there are a lot of cattle out there and if you put a camera out in the middle of a pasture cattle would definitely come and investigate and many times knock the camera over so we have to include that in our models. After we fit our detection models we fit our occupancy models looking at loamy tableland soils, diversity index of landcover types in the area as well as row crop agriculture, shortgrass prairie and CRP. After fitting our occupancy models, we fit our colonization models. Over the three years we ended up with 28,000 trap days, with 10,000, 9,000 and 8,000 on the year. We did lose a few landowners through the three years. That resulted in five million photos, almost two million each year. Swift fox were observed at 55 sites that included 341 individuals with 207 in 2018, 2019 had 40 and 2020 had 94. If I looked at each photo, that 5,217,641 seconds, 86,000 minutes which is 181 8-hour days, 36 40-hour work weeks; around the clock tagging for about three years. Getting into actual swift fox naïve occupancy Swift fox results we have naïve occupancy, meaning unadjusted for detection, which is just a proportion of our sites that had swift fox. We had .08, .04 and .06; colonization, which is described as a site not having

swift fox the previous year but having one this year, we had 13 sites 2018 to 2019 and 17 sites from 2019 to 2020. Extinction, not thinking of that as species extinction but site extinction, so if site in a previous year had a swift fox occupying it and following year not occupied we see that 2018 to 2019 we had 27 sites and 2019 to 2020 we had 10 sites. Interesting persistence, where we have swift fox on same site two years in a row, only three sites in 2018/19 and five sites in 2019/20. Looking at our detection models, scent day of year and camera alteration was important to model the detection for these cameras and after 28 surveys, one day per survey, we had a .97 detection probability, which is almost 100 percent. With our initial detection for swift fox was nine days, meaning the first day we saw swift fox on camera averaged nine days after placement of camera and 54 percent of all initial detections happened after day six. Many studies in other states have been looking at seven-day camera surveys, unfortunately, based on our results, I don't think they have their cameras out there long enough because half of our detections were after that. We look at occupancy, which is probability of swift fox in that area. We see that important landcover types in western Kansas are CRP, loamy, shortgrass prairie and landcover diversity. With CRP having negative effect on swift fox occupancy; as expected as shortgrass prairie increases we have increased probability of swift fox occupancy; loamy soils as well; and landcover diversity we see quadratic effect, a median level of landcover diversity, swift fox occupancy maxes out and as we increase that it declines. Colonization, probability that a swift fox will recolonize a site after it was not occupied the year before we find similar results for loamy soils, landcover diversity and CRP are the main drivers for swift fox in the region. With landcover diversity negatively influencing colonization and as that increases we see reduction in swift fox colonization. As CRP increases we see reduction in swift fox colonization. With loamy soil having a positive effect on that. We looked at our most supported occupancy model and this lines up with shortgrass prairie and loamy soils throughout the western part of the state. Similar previous research, proportion of shortgrass prairie was important for initial site occupancy, we have small mean patch sizes meaning agriculture throughout the region has limited actual mean size of shortgrass prairie patches but maybe swift fox are perfectly happy with those small sizes. Based on the theory of ideal free distribution we see that once critical population density is obtained with these patches, swift fox fitness is likely robust and individuals may colonize less preferred habitats such as row crop agriculture. Coyotes may also be excluding swift fox from areas of greater densities such as CRP. Coyotes might actually be what is driving CRP results. Loamy soils important for both initial site occupancy and colonization, was shown in previous research as well. It is fallowable enough for digging dens and it doesn't cave in on itself and prairie dog colonies are found almost exclusively in loamy soils in western Kansas. We can't manage for soils so it may serve as a geologic boundary for the edge of swift fox range. Landcover diversity reaches a threshold before inhibiting initial site occupancy, with greater diversity resulting in lower colonization. Because swift fox are prairie obligate species, and an increase in landcover diversity likely correlates with smaller shortgrass prairie patches. Moving through non-shortgrass prairie landcover types might expose swift fox to predation or human conflict. One of the most interesting findings is that CRP had a negative influence on both initial site occupancy and colonization. It is important to note our measure of CRP includes multiple management practices, many of these are directed for bird species, like big bluestem, switch grass and Indian grass, but it may be reducing functional activity between shortgrass prairie patches. Future work should focus on understanding the population consequences for swift fox as landcover shifts to CRP if enrollment practices in western Kansas increase or decrease. Although CRP has been successful conserving and restoring other prairie-obligates, structure (vegetation

height) does not adequately mimic swift fox habitat. Farmers will be happy to know that row crop agriculture had a neutral influence on swift fox occupancy and colonization. Based on our data and photos, we see a lot of swift fox in agriculture lands, whether fallow, corn or wheat fields and this could be due to greater small mammal abundance, irrigation and pivots could also be providing water for them. Our methods, because we did scale effect it provides managers a specific scale to implement conservation or restoration strategies as they see fit. There is an opportunity for swift fox to recolonize in some of their native range but conservation efforts need to identify and focus on these scale specific adopted management of landscape at range edges. For the future and my upcoming chapters, we will be looking at predicting swift fox occupancy with future CRP enrollments, looking at strategic enrollment of CRP and where that might benefit swift fox the most or hurt them the most. Also, look at how coyotes maybe a driver of swift fox temporal and spatial activity patterns and distribution, maybe main reason not recolonizing as they are one of the main predators. We will also be looking at carnivore community dynamics and richness is shaped depending on landscape composition, including badgers, bobcats, coyotes, swift fox out in the region. I would like to thank KDWP, The Nature Conservancy and private landowners, 380 of them and technicians that worked hard to get us our data. Chairman Lauber – Good presentation. Are there any incidents of conflict between people and swift fox or conflict with ranches or anything? Werdel – Speaking as someone who is not a rancher in western Kansas it is hard for me to know attitudes but anecdotally in speaking to them I would say it is about 50/50 on whether they want them around or not. Some ranchers and farmers, because they are carnivores, don't like having them around. There is always danger to chickens or cats, etc. But, no, I don't think there is much conflict that needs to happen with swift fox because they are not dangerous to calves or sheep; it just would be ideological conflict. Chairman Lauber – Are they a desired furbearer or incidental take furbearer? Werdel – Matt would have a better answer to that. Right now, it seems like they are incidental but prized by trappers when they do get them. Jackie Augustine, Audubon of Kansas – Interesting results and lots of thought put into how to put this out and analysis the results. I am curious about whether you think CRP detections were low because CRP is generally thicker. The area you are looking for foxes would be less, because the picture you have shown showed very short grass and wide areas where you can see them from a distance. Werdel – Great question. We cleared all the grass and vegetation in front of the cameras on first and fourteenth day with a weed cutter so the actual height of the grass didn't impede our detection of the animals walking in front of it. Augustine – How big of a distance did you weed eat? Werdel – It would be 250 square meters, 50x50. Chairman Lauber – I am assuming this species is not in need of conservation but since we haven't been able to figure out exactly where they are, we don't know? They are not listed, but do we think we have a declining amount; some charts looked like increases in certain areas? Werdel – Not decreasing in Kansas, we are one of the strongholds of the species within their range, the eastern edge. They cover a significant portion of the western part of the state so I wouldn't consider them of any concern. If management strategies would like to see increased range or see them recolonize eastward areas there are things we can do. Commissioner Sporer – How did you choose camera locations? Werdel – This was actually random, used RJS, a spatial software. We chose western third of the state which included almost all of the observations of them in the last 20 years and computer software randomly chose 400 sites, each site was greater than 2 km apart so we lessened our chances of getting the same swift fox on multiple cameras. When we got on the ground at the random sites where we had permission to be on the property we would try to get as close as possible to that random site as long as it wasn't in the middle of an agricultural field because we didn't want to inhibit farmers from harvesting, planting or spraying. We put the camera on the edge of the field if a farm field, if in the middle of pasture, the first year we put on exact spot where cattle were present but cattle knock cameras down so

then we set cameras as close as possible on the outside of the fence with the scent stake on the inside of the fence so we could still get the fox or any other species within that pasture without having cattle disrupt the camera. If it wasn't production area we put on exact location. Chairman Lauber – For every swift fox did you see 10 coyotes? Werdel – Yes, that is about the right proportion. We had swift fox on less than 10 percent of the sites and had coyotes at roughly 70 percent of the sites and multiple pictures of coyotes with a limited number of swift fox on those sites. Commissioner Sporer – What about other species, reds and badgers? Werdel – Badgers, very high proportion of sites had badgers, especially on agriculture areas. We had no red fox whatsoever in western Kansas. We had some elk on Cimarron National Grassland on camera. A lot of bobcats, more than swift fox actually. Chairman Lauber – Good, thorough report.

### **C. Workshop Session**

1. Big Game 4-Series Regulations – Levi Jaster, big game coordinator, presented these regulations to the Commission (Exhibit H).

KAR 115-4-2, general provisions, includes what is on a carcass tag, registration. We did recently change proof of sex to allow hunters to voluntarily leave worst parts of carcass in the field to try help prevent spreading chronic wasting disease (CWD). No change proposed for this year.

KAR 115-4-4, legal equipment and taking methods. This classifies equipment we can use for big game species, hunter orange clothing. Last year we added Fire Stick as legal muzzleloading equipment and changed requirement for an orange hat to an orange garment on the head, still meeting the percentages of orange needed. No change proposed for this year.

KAR 115-4-6, deer management units. Constitute 18 original units and DMU 19, which is included for urban deer management up in the Kansas City, Topeka area along I-70. We did modify that unit recently to go to greater continuity of harvest management and to try and simplify the boundary for hunters to follow. No change proposed for this year.

KAR 115-4-11, big game and wild turkey permit applications. We do have a late addition, not in the briefing book. We are considering modifying this regulation so that pronghorn hunters must either get an archery permit or apply for limited draw permit. They would not be able to apply for the firearm or muzzleloader permits or buy a preference point for those hunts and purchase an archery permit during the same season. The purpose of this modification would be to curtail harvest pressure, particularly from archery, which is been high during recent years as the populations decline in certain areas. It also may help address point creep issues that may arise as we have cut back on permits the last couple of years. Commissioner Sill – Regarding change made for proof of sex, what evidence do you have on how that might have affected or changed hunter behavior? Are hunters taking advantage of that or staying with previous manners of field dressing? Jaster – I don't have any actual collected data, but antidotally from conversations I have had and people talking, there are some that are using it and some are still holding to what they have done in the past. Chairman Lauber – What is point creep? Jaster – Something that much of U.S. is dealing with right now, very limited number of permits where the people that applied early on when preference point systems or bonus point systems were put in place for those limited tags, they have built up a large number of points and it keeps taking more points over time to actually draw the permit. In some cases, I have seen where people have calculated out and they started buying points back in their 20s and hope to draw a permit when they retire. Some are buying for their children when they are born buying points for their children in hopes they will want to hunt and be able to draw that permit later in life. The number of points a person

would need to get that permit keeps creeping up because there are so many people applying and gets harder and harder and less desirable for people to even try get those tags. Chairman Lauber – We don't sell points do we? Jaster – We do for some of our limited permits. Nonresident deer permits for the draw, they get a point if they apply and don't draw but they can also buy a point without purchasing a permit that year. For pronghorn and elk, we also have points that can be bought. Elk is a little different as Matt explained earlier. Over time, especially if you can buy a point and still get another permit and hunt that year, potentially you are adding more points into the system. Most of our permits, especially for nonresident deer, people use their points quickly and those are taken out of the system. As more people want to apply we could potentially start to get to where even those that have a preference point would not even get to draw because there are more people ahead of them in line with more points. Chairman Lauber – What you are trying to accomplish is right now people are applying for a firearm permit for antelope, are unsuccessful so they go over-the-counter and get an archery permit and chase the goats around whether they get one or not. Jaster – And they would also get point for when they didn't draw. Chairman Lauber – If you get an archery permit that would cancel your point. Jaster – That would be the idea, if you applied earlier in the year you would get the point and either you can't get an archery permit if you want to keep the point or lose the point. KAR 115-4-13, deer permit descriptions and restrictions. Starting with the 2016 season, we started not issuing any either-species antlerless-only permits to help reduce our harvest of mule deer. We are still planning on continuing that but otherwise we are not proposing any changes for this year.

2. Big Game 25-Series Regulations – Levi Jaster, big game coordinator, presented these regulations to the Commission (Exhibit I). This regulation sets season dates for statewide season and deals with which units allow certain numbers of whitetail antlerless-only permits. This year the proposed season dates are all following what we have done last few years. The change we are considering is that some of our northcentral and northwest wildlife areas have been excluded from the statewide regulation that wildlife areas only allow the first whitetail antlerless-only permit to be used on them and were allowing four additional whitetail antlerless-only permits on those areas. Our public land managers are concerned we are not providing as much opportunity as we could be on those areas and seeing some reduced deer herd sizes on those wildlife areas. We are considering putting Glen Elder, Kanopolis, Lovewell, Norton, Webster, and Wilson Wildlife Areas and potentially Kirwin National Wildlife Refuge back under the statewide regulation that only the first antlerless-only permit for whitetails could be used on those areas. Our youth and disabled season in 2022 would be, September 3-11, 2022; early muzzleloader, September 12-25, 2022; archery, September 12, 2022 – December 31, 2022, muzzleloader and archery open concurrently; pre-rut whitetail antlerless-only (WAO), October 8- 10, 2022, around Columbus Day as we have done in the past; regular firearm, November 30, 2022 – December 11, 2022, standard 12 days starting Wednesday after Thanksgiving; three options for extended January whitetail antlerless-only (WAO) season is first season January 1-8, 2023; second season is January 1- 15, 2023; and third season is January 1-22, 2023; and extended archery WAO (DMU 19), January 23-31, 2023. Again, we would remove those wildlife areas from the exceptions list and put those back under the statewide regulation for one whitetail antlerless-only could be used on those. Which would still leave Elk City and Berentz Dick Wildlife Area in southeast Kansas under the four (4) additional WAO permits since we have had some deer damage complaints around those areas and there are generally high deer numbers there. Commissioner Sporer – Why are you thinking about making public areas go to one permit? Jaster – We are seeing reduced numbers of deer on those areas and seeing increased pressure from hunters, so trying to provide most opportunity for the most people on those wildlife areas.

Commissioner Sporer – Hasn't Cedar Bluff been down to one game tag for quite a while? Jaster – It has been. Commissioner Sporer – Five years or ten years, how long? Jaster – Not sure would have to check the records on that to see when it was. Commissioner Sill – I have had some confusion over this for a couple of years because I have seen some places that said only the first antlerless permit could be used on public lands and then I have seen it written as only one may be used. I intentionally bought three deer tags this year at one time and there is no difference between those two antlerless carcass tags. None of them say not valid on state lands so how, for law enforcement, supposed to tell the difference and for clarification for hunters to know what is up. I realize there is partly an honor system but it gets confusing. If we can eliminate some confusion, so why, when those are printed, not say valid or not valid on state managed lands? Chairman Lauber – I had the same question. I can tell the difference between the two, as subtle as it may be, on one of the lines there is a series of units which they are usable in and the first deer tag prints out has more units available. If you line them up you would see a subtle difference. It does not say may not be used on public lands but you can tell the difference in permits. Commissioner Sill – But units are different than public versus private, a unit includes both public and private. Jaster – Yes, they would include that. There is an issue with limited space on tags and being able to print on them. That is something that could be put on there. The big difference to be able to recognize which tag is which is what Commissioner Lauber pointed out that there is there is different units on there. How our law enforcement looks at that in the field I would have to defer to one of them or Chris Tymeson. Chris Tymeson – I defer to Greg. Greg Kyser – I have not encountered that myself and would have to talk to my folks to see how they have dealt with that in the past. I don't have a specific answer right now. Jaster – We did have an issue that was related to Fort Leavenworth, which is sub-Unit 10A in Unit 10. We did address some of that where people were hunting in Unit 10 assuming they could hunt there during January because it said 10A, when in fact 10A is only Fort Leavenworth subunit. We did address that by some additional publication and specifically outlined that in regulation summary. So, that may be a way to address this, we can add a line in that summary that specifically spells out that only first tag can be used on state managed land. Chairman Lauber I think Commissioner Sill has a good point and I wish there could be something that says antlerless deer tag 1<sup>st</sup> for first antlerless deer tag, something a little easier than trying to see which one has the most units. I was confused for a long time until I took the permits and tried to figure out how I knew the difference and discovered additional units on first tag but not second tag. We don't have to decide this today but I think if it could be a little more clear demarcation it might help. Jaster – We are working on some system changes so this would be a good time to work that in and address it.

3. Updating PFD (personal floatation device) Regulations – Greg Kyser, Law Enforcement Division director/colonel, presented these regulations to the Commission (Exhibit J). In 2014, the U.S. Coast Guard adopted international standards for the labeling of personal floatation devices (PFDs), also known as life jackets. States delayed incorporating language into statutes and regulations until the Coast Guard could secure additional testing and work with manufacturers and provide training information to the states for incorporation. The Coast Guard administers recreational boating safety grants and since the code of federal regulations change of life jacket labeling is a preemptive law, all states are required to adopt the new standards into their state laws and regulations. Failure to adopt these standards will result the state's recreational boating safety program be placed in noncompliance status and could result in federal funding being suspended. The new life jackets will sport a new label on the inside of the life

jacket, which includes a number so that purchasers know how much buoyancy the life jacket will provide. The lower the number is suited for near shore activity and higher number offers higher buoyancy value and is more suited for offshore activities. Warnings about the activities these jackets are suited for are also included on the label and are identified by an image as well as a turnability rating. These warnings will let buyers know which jacket to get for specific water activities such as water skiing or tubing. It also lets the buyer know what symbol to look for and which jackets turn unconscious wearers face up. The older life jackets currently being used right now are still good as long as they are in good working condition, no rips, tears or anything like that, they will still remain viable and boaters can still use those.

4. 2022-2023 Turkey Regulations – Kent Fricke, small game coordinator, presented these regulations to the Commission (Exhibit K, PowerPoint Exhibit L). As a brief reminder of our timeline, we did General Discussion back in June; during Workshop Session in August meeting, we went over the spring season and harvest summaries and talked about overall recommendations. Today I am going to follow up on that discussion with population trend data and again go over recommendations, and at our next meeting in November during the public hearing we will be voting on the recommendations. In terms of population trends, you will see spring abundance, or number of turkeys we are estimating on the landscape on left side of slides, and spring rural mail carrier survey (RMCS) and estimates for production, which come from summer RMCS conducted in July on the right side. Spring abundance on left, production summaries on the right. Statewide, in April we conducted survey and we saw continued slight decline in turkey abundance in Kansas and saw a little dip in production statewide. In western Kansas, in northwest, spring abundance was relatively similar in the number of turkeys we saw on the landscape in Unit 1 and saw slight declines in southwest and in production we saw northwest recover a little bit, not great, but decline continued in southwest Kansas in Unit 4. In central Kansas, Unit 2, the northcentral unit, bounced back a little bit in terms of spring abundance but we did have a flooding event and extreme precipitation in 2019 and I believe we are continuing to see the results of that. We had negative impacts in eastern part of state but most severe impacts on production was in central part of state. Seeing slow recovery potentially in northcentral unit but in southcentral seeing steep decline since early 2010s, concerning in number of turkeys in Unit 5. Production had extremely low results in 2019, decent bounce back in 2020 but then that tapered off again in 2021. In eastern two units, northeast had continued decline in spring abundance, a little recovery in southeast unit, Unit 6. Some good news is that both Units 3 and 6 we did some decent production this year. We have been about average for last 10 years, still relatively low, if you look back from 2000 to 2010 time period we were on increasing production trend but since that time we have been very low compared to those times. Hot off the press from the other half of the small game program, Jeff Prendergast just completed and posted online the brood survey results from this year that the department does. It has similar results to RMCS, in terms of production this year, not compared to other years so even if everything was low, dark green is best production compared to the rest of the state. This is similar to RMC survey results in that we saw pretty decent production, especially in the northeast and southeast but didn't see real good results in western part of state. Something we would want to see and expect, in central and eastern portion of the state is where most are, have most turkey habitat, so this would typically be a good year. We are lacking number of turkeys so see bigger jumps in production, so that poult per hen isn't getting better because we don't have that many hens out there producing like we did 10-15 years ago. The difference between 2020 and 2021; in 2020 had fairly decent production in western part of state and saw decreases this year, so lower production estimates this year. In eastern portions of state, the southeast bounced back a little from 2020. The southeast portion of the state has been one of the most concerning

areas for lack of production given the amount of turkey habitat in that unit. Not much change in eastern part of the state but declines in western two-thirds of state compared to 2020. Recommendations for this year, spring and fall bag limits; not recommending any change to bag limits for spring or fall for 2022, for Units 1 and 2, northwest and north central, recommending a spring bag limit of two birds and fall bag limit of one bird. We have had significant discussions in turkey committee and from other staff that are concerned about the turkey population and especially turkey hunting pressure during the spring season in these two units because relatively high amount of public access, nonresidents and some residents are going to these units for that second bird, so saw increases in pressure and number of hunters in these units, especially Unit 2 in 2021. We are keeping close eye on that but not recommending any change there. Units 3, 5 and 6, northeast northcentral and southeast, we continue to recommend one spring bird and one fall bird and same for Unit 4, southwest unit where it is a limited draw, 500 permits for spring-only with no fall season. Recap of turkey season date discussions and recommendations. In terms of structure, it is laid out in regulation, each group gets at least one weekend during the spring season and fall season has been reduced from October 1 to November 10. For next year, youth/disabled, April 1-12; early archery April 4-12; and regular firearm April 13-May 31. Fall season October 1-November 10. Our recommendation for 2023 is no recommended change and stick with current structure. Note this is the earliest, given the calendar cycle changing every seven years, this is the shortest youth-only season, it is Saturday/Sunday, April 1 and 2 and regular season will start April 13, the earliest is could start under the current structure. A few years ago, we were at the latest, April 18 start date. Recap on discussions on youth season eligibility. As a reminder we have been standardizing these for the last six months across game species. Currently, for turkeys, not recommending any changes to youth permit eligibility, so in order to buy a youth permit you have to be 15 or under, that is state statute so we would have to change that within the legislature. To be eligible for the youth season currently it is 16 and under, so if 16 still have to buy a regular full price permit but are eligible for youth season and we are recommending changing that to 17 and under, so if 16 and 17 you would still have to purchase a full price permit but you would be eligible to participate in the youth spring turkey season. We don't have a fall youth season. Legal equipment recommendations; currently we do not allow handguns as legal methods of take in spring or fall turkey season. I polled state turkey biologists this winter and currently 15 states, of 36 responses, allow handguns to be used for turkeys, shot-shooting handgun with four of them allow handguns and 21 states, including Kansas, do not allow handguns during either spring or fall seasons. In surrounding states, Missouri does not, Nebraska does and both Oklahoma and Colorado don't in the spring but do in the fall. Generally, the feedback we have gotten, both positive and negative, in terms of negative we have had concerns and discussion about potential low lethality and concerns with distance of shots because of the shorter barrel length associated with that. But we also recognize there is a potential use for handicap hunters and people wanting to utilize other equipment rather than only crossbows, vertical bows and regular shorter mounted shotguns. As we discussed in our August meeting, staff recommend allowing the use of shot-shooting handguns for both spring and fall, with a 10-inch minimum barrel length, including the chamber; barrel must be choked; and similar to shoulder mounted shotguns we recommend using sizes 2-9 shot. No recommended changes for 2022 bag limit, no recommended changes to season structure for 2023 and we are recommending changing youth season eligibility to 17 and under and recommending that handguns be allowed with restrictions mentioned during both spring and fall seasons. I noted in

briefing book, we did flag a language definition clean up we need to do for Unit 2, in the description of the unit we need to close the circle with language there. We vote in November. Commissioner Sporer – Given fact that we went to one permit in half the state, how concerned are you, in 2021 we sold 45,000 permits and harvested 16,000 birds, how big of concern is that for you? Also, looking at percentages of nonresidents purchasing, is that a concern? Fricke – Something we always keep an eye on. The 45,000 carcass tags, of those that is about 30,000 hunters, about 35- to 38 percent were nonresidents, so most of those, because they are traveling, no matter what unit, they purchase second game tag. That is those 15,000 game tags are figured into that carcass tag number. If you have about 30,000 hunters we still did fairly well in terms of hunter success for that first bird, which is what we report on typically, we had 46 percent hunter success. In general, we are doing okay, a much higher hunter success rate than most other states except for Nebraska but they have seen declines in recent years, as well. We have had a large number of nonresidents consistently for about 20 years and they have consistently been 30- to 40 percent of spring turkey season hunter population. Personally, I think we are doing relatively well in terms of making the changes we have needed to make to the spring season to limit any potential overharvest. Keeping an eye on that for sure.

Chairman Lauber – At some point we are going to have to discuss whether or not we will have a virtual meeting in November. Statistics on COVID, while improving some, don't look like it is going to be a lot better. I don't know if we want to have that discussion now or in the evening session? Secretary Loveless – I don't have anything to add to the agenda. Great to get feedback from the commissioners. State perspective is we are being cautious as we can and appreciate the commission's understanding of that and accommodation with these virtual meetings. Ask Chris, based on timing of advertising. Chris has a wise strategy in advertising the meetings as we are required to do, and want to do, leaving us flexible on exact mode of the meeting. Chris, opinion on that, when we need to commit to one mode or the other or hybrid meeting? Chris Tymeson – I publish notices as in-person meetings and if we have to convert to a virtual meeting we just have to notify the public. There are legal requirements to vote and we met those. It is more of a procedural issue at that point to decide how much notice we should provide the public to rearrange all those plans to shift people into virtual mode versus in-person mode. We have been trying to do a couple weeks out as that is possible. Secretary Loveless – If you are comfortable we can hedge our bets and defer a final judgement. On the other hand, if the commission feels strongly they want to make a decision now and want to be careful and say we should plan on that being virtual we understand that. We do have time if you wanted to defer that judgement until we have more data later. Chairman Lauber – I am fine with deferring decision later. We will know more what the Governor's thoughts are on things as we get closer to that meeting. I think it would be good to try and make a decision two or three weeks out. I am okay with staff making the recommendation. Will see what other commissioners want. Personally, I think likelihood it will be virtual meeting. We can leave it as live meeting with expectation by November 1 staff will make a recommendation. Secretary Loveless – Comfortable doing that, looking at data on COVID and listening to guidance from the Governor but we welcome input from other commissioners. Commissioner Gfeller – Comfortable with that approach. Commissioner Rider – Okay with waiting on decision, but like live meeting rather than virtual. Chairman Lauber – I agree like in-person meetings over virtual myself, but apparent we can get necessary business done, had discussions and controversy and able to work through it virtually. We will wait and let Secretary and staff make decision by November 1.

Commissioner Sporer – Can anybody give me an update on how teal season is going at Cheyenne Bottoms? Secretary Loveless – I was out there with Mike Miller yesterday. If

someone else wants to chime in. Looking at others who might have better data. I can tell you what I heard from others yesterday when we met. Stuart Schrag, director of Public Lands – Summary of teal opener at Cheyenne Bottoms that I received from Jason Wagner. As you know we are heavily under construction at the Bottoms so we were not able to flood as many acres as we normally would. That has caused a little consternation with some but mostly long-term big picture positive effect that the construction is going to create, so minor grumblings in that regard. Still pretty good crowds overall. Staff on site felt like they were a little over-crowded because of the lack of water in all the pools we would normally have. It sounds like higher percentage of nonresidents overall but total numbers were about normal. It sounds like hunters are shooting a lot of limits sporadically. It sounds like the last couple days this week have been hit and miss, more than on opening weekend. Regarding new boating regulations you imposed for the Bottoms it sounds like a lot of people are pleased with motorized disturbance was not like it had been in the past and we really didn't have any issues surround those new regulations. Hunters are still enjoying quite a bit of success even in the limited pools that do have water in them. So, a good chance to go out and harvest birds. Secretary Loveless – One other thing I heard, an interesting twist. We had a lot of discussions about last year's waterfowl season, impact of hunter numbers and all that kind of thing. Initially they had a good opening day then fell off with pressure, particularly with limited water we have this year, but something we can't control is the weather. We had a cold snap a week after opener and pushed new birds down so that has extended quality harvest, lot of people talked about several days having really good success. The habitat Jason has been able to manage, to control water, the vegetation was terrific and water levels were great. To Stuart's point, I would say with limitations we have we should plan for long-term success out there and I perceive hunters are happy with what they have experienced. Schrag – For that opening Saturday there were around 414 people checked in with average of four birds per hunter.

Assistant Secretary Mike Miller – I was going to circle back to the antlerless permit question Lauren had asked. I am not making excuses because I am not sure this is the best option but we are limited currently with what we can print on those licenses. In the regulation it does specify that there is one permit available, open statewide, except for Unit 18 as well as state wildlife areas and walk-in. It lists, under additional permits, which units they are valid in and which wildlife areas they are valid on. This is something we can work on with our new license vendor. This will be some of the discussions we have with them as far as designating the validity of these permits and where valid and make improvement as we work towards new vendor next year.

**VII. RECESS AT 3:13 p.m.**

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

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

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

*None*

**VI. DEPARTMENT REPORT**

### C. Workshop Session (continued)

5. Fishing Regulations – Doug Nygren, Fisheries Division director, presented these regulations to the Commission (Exhibit M). I have the 2022 proposed reference document, that is where we implement changes that differ from statewide regulations. First is success story of development of blue catfish at Tuttle Creek Reservoir where we have been watching population develop since its initial stockings; we feel it is time to allow public to reap the benefits, it is being currently operating with a 35-inch minimum length limit, 5/day creel limit, which limits harvest to next to nothing for a blue catfish tournament. Our proposal is to change to a 10/day creel limit with no more than one fish per day longer than 30 inches. Marion Reservoir, unique opportunity for us to experiment with a new technique to try to enhance the fishing quality by having a couple of years of sacrifice where we raise the length limit followed by two years of harvest and that is what we are proposing we move into. We are currently operating with 21-inch minimum length limit with a 5/day creel and proposing to switch to 18-inch minimum length limit and 3/day creel with only one fish a day at 21 inches or larger for walleye. That will allow anglers to start to harvest some of those fish. The population has responded well to the two years of 21-inch minimum length limit and we feel this will be popular with anglers. Cedar Bluff reservoir, implemented 21-inch minimum length limit on walleye and have had some issues related to shortage of forage, issues brought up by environmental conditions, not necessarily because of length limit change. We have had problems with gizzard shad reproduction related to aquatic vegetation and die-offs in that lake. We are proposing next year to maintain the 21-inch minimum length limit but we will allow anglers to keep two fish more than 15 inches but less than 18 inches in length in their daily creel. That will allow some harvest of smaller fish and will take a little bit of pressure off the forage for next year. Bartlett City Lake, we are adding 15-inch minimum length limit and 5/day creel on channel catfish. Parsons West Pond, adding 15-inch minimum length limit and 5/day creel on channel catfish. Bone Creek Reservoir, there has been some concern locally with change in quality of largemouth bass fishing. We are refocusing efforts to do everything we can to enhance the largemouth bass population; it was hit hard by largemouth bass virus. We had been stocking saugeye and some of the anglers were concerned saugeye might be contributing to the decline of largemouth bass. In response to locals and the owner of the lake, Public Wholesale Water Supply District, we have decided to suspend saugeye stocking and focus in on enhancing largemouth bass population moving forward. We are going to change from slot length limit of 13- to 18-inch on largemouth bass to 18-inch minimum length limit to get more protection to bass we still have in the lake and looking at increasing the creel limit on saugeye, which is currently 2/day creel to 5/day creel limit and plan to suspend stocking of saugeye. The largemouth bass virus has been a real problem for us down there. The lake is starting to show its age. It has been a great bass fishery since its inception but starting to see what we see in a lot of lakes that as they get older the productivity goes down. I would still say it is a good bass fishery but just not what it was 5-10 years ago. We hope we can stem the tide of decline and start to restore that population back to what the anglers are used to having.

Commissioner Rider – I had a call the other day saying that Connor had been doing a great job down there. This person thought, while things might not be perfect, not as bad as people making it out to be. Nygren – There have been some tournaments down there that had some disappointing results. People are quick to think that is a population problem but sometimes it's not, just a problem on conditions at that particular point in time and anglers just couldn't catch them. I forgot to mention we are stepping up stocking of largemouth bass. We stock early spawn bass there last year and Connor is planning to stock about twice that amount going forward over the next few years to take advantage of hatchery fish to bolster that population as well. With changes to reduce saugeye population and enhance largemouth bass population. Along with that

there is habitat work that can be done as well. Connor is doing a great job, listening to locals' concerns and adapting the management plan to fall in line with what people fishing the lake want. Parsons Tolen Creek Pond, add 15-inch minimum length limit and 5/day creel on channel catfish. Wichita KDOT West, add 21-inch minimum length limit and 2/day creel on saugeye. Sedgwick County Lake Afton, implement 21-inch minimum length limit on wiper. Harvey County East Lake, change to 18-inch minimum length limit on largemouth bass. That lake is seeing similar, maybe more serious, decline in quality of largemouth bass fishing and change is in response to trying to build those numbers back up in that lake.

KAR 115-25-14, trout stocking in designated trout waters. We are proposing to move Colby-Villa High Lake, Mined Land Wildlife Area and Sherman County Smoky Gardens Lake to Type 1 waters, where anybody fishing there during trout season has to have a trout permit. It has been a little bit of change at Mined Land WA, we used to have that open as a requirement for trout permit year-round, we were getting summertime survival of trout but do to some changes in limnology where it is becoming clear that it is not going to be a great candidate for year-round trout fishery. So, this will allow, for the first time, anglers that could fish there outside of the trout season to fish in that lake without having to have a trout permit in times of year when not trout season.

We are trying to standardize fishing-related youth/mentor activities with what we are doing on the wildlife side. Currently somebody over 18 can accompany and fish at a youth/mentor location as long as they have somebody under age 16 with them. Wildlife has moved towards 18 as the cut off age for youth programs. We are proposing to change that as well so someone that wants to fish in a youth/mentor pond has to be accompanying someone under the age of 18 (17 and under), while fishing in a youth/mentor location.

6. 115-17-2. Commercial Sale of fish bait – Chris Steffen, aquatic nuisance species coordinator, presented this regulation to the Commission (part of Exhibit M). We would like clarify species that can be sold for bait but only dead. These are commonly available in the marketplace and we are just clarifying language so bait shops and anglers know they can purchase them dead for bait. Add silver and bighead carp, skipjack herring, emerald shiners and threadfin shad, in addition to dead gizzard shad that we currently allow. Chairman Lauber – What is an emerald shiner and do we have them in Kansas? Steffen – They are a small shiner species and I am not 100 percent certain if they are native to state or not. Typically, they are packed in salt, dead and preserved for a long time so not concerned about anyone releasing these or any disease issues with the way they are commercially prepared. Chairman Lauber – We will vote at next meeting? These are both workshop items? Nygren – Yes they are.

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

*None* (Exhibit – Notice of Public Hearing)

### **XII. OLD BUSINESS**

### **XIII. OTHER BUSINESS**

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

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

*January 13 – Emporia, Aquatic Research and Outreach Center, Emporia State University.*

*March 31 – Topeka, TBD*

*April 28 – Beloit and Ringneck Ranch*

Secretary Loveless – Lots of locations to choose from in Topeka. I will look for some.

Assistant Secretary Miller – If Chris Steffen is still on he ought to tell us about his recent grand slam he took hunting. Steffen – I had a day teal hunting when I got both a blue wing and green wing teal; while I was in the marsh I got a sorrel rail and a snipe and then I visited the dove field on the way out and got a dove too. Five little early season birds and I can't say I have done that before. Assistant Secretary Miller – The new grand slam. Steffen – There is a Virginia rail you can get too but I have only shot one in ten years of trying in this state. Maybe if I visited the Bottoms more we could add that one to the slam. Chairman Lauber - Encourage you to get the 6<sup>th</sup> one.

#### **XIV. ADJOURNMENT**

Adjourned at 6:48 pm.