

**Kansas Department of Wildlife, Parks & Tourism  
Commission Meeting Minutes  
Thursday, March 31, 2022  
Topeka & Shawnee County Library, James C. Marvin Auditorium  
1515 SW 10<sup>th</sup> Ave, Topeka, KS  
including  
Virtual ZOOM Meeting**

**Approved** Subject to  
**4/21/22** Commission  
Approval

Held early morning discussion with Public Lands wildlife area managers on hunting pressure during waterfowl season.

The March 31, 2022, meeting of the Kansas Wildlife, Parks and Tourism Commission was called to order by Chairman Gerald Lauber at 1:00 p.m. Chairman Lauber and Commissioners Aaron Rider, Lauren Queal Sill, Warren Gfeller, Troy Sporer and Emerick Cross were present. Phil Escareno could not be present.

**II. INTRODUCTION OF COMMISSIONERS AND GUESTS**

The Commissioners and department staff introduced themselves (Attendance Roster – Exhibit A).

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

Sheila Kemmis – Revised agenda removed duplicate license presentation in general discussion. Terry Bruce will present the legislative update instead of Dan Riley. Move cabins at Perry SP, Workshop Session item 5 to evening public hearing session after Secretary’s Orders on Deer permit quotas. (Agenda – Exhibit B).

**IV. APPROVAL OF THE January 13, 2022, MEETING MINUTES**

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

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

Richard Hays, resident of Kansas and a hunter - Thank Commission and KDWP for allowing me to address. Topic to discuss is decline of wildlife in state. Based on my assessment from hunting since early 1960s and on, ducks, geese, pheasant and quail. Noticed significant decline in pheasants. Hunted Phillipsburg, Kirwin Reservoir, Glen Elder and Smith Center. Hunted in decent pheasant country. This past year, was asked to join a group of local hunters to hunt with farmer who had a lot of land, about 20 people in the group. Hunted opening Saturday afternoon, net was one cock pheasant out of 20 people and walked a lot of land. Following this season I did research, not a lot of resources except the internet. Came across the following items which pointed out possible problems: 1) U.S. Fish and Wildlife Service (USFWS) estimates 67 million

birds die from pesticide poisoning each year with 600 million more exposed. 2) Most widely used insecticide called neonicotinoids, which are lethal to birds and insects birds consume. 3) Pheasants in South Dakota (SD) attract 120,000 hunters, bringing in \$210 million in revenue. 4) SD did a study with SD State University to see what was affecting birds there and did determine pesticides were a problem. 5) In addition to spray on pesticides farmers are widely using chemicals that coat seeds to deter insects and seed sprout and grow, researchers found that bird species in the Midwest in the Great Plains where farmers have expanded cropland and increased the use were hit the hardest. 6) Pesticides will continue to kill birds, reduce food resource and disrupt normal behaviors as long as they are used. 7) Studies have linked pesticides to decreases in pollinators like bees and butterflies, which prompted the European Union to ban nearly all neonicotinoids. 8) These pesticides can harm bird development and over time they decrease birds' ability to reproduce. I talked primarily about birds but these pesticides are affecting all wildlife, including deer. SD is doing study to see if it's causing birth defects in whitetail deer. I'm asking the commission to ask wildlife scientists and ecologists to conduct a study in Kansas to determine the effects of pesticides on all Kansas wildlife. I would further hope that if the results meant legislation was necessary, that control, restriction or prevention of use of a particular pesticide that would be done promptly. Chairman Lauber – You have a good point but we live in an agriculture state and we don't have ability to pass legislation on our own.

Mike Castelle – Address outfitters, nonresidents, You-Tubers making money off of public lands and special hunts. Special Hunts definition for a quality hunt, 30 hunts, 93 permits available, 366 applicants from 15 different states. Why does Kansas care about someone from Missouri or Texas having a quality hunt; they don't care if Kansas has one in their state. Preseason waterfowl draw in Missouri is resident-only, in-season draw is residents-only, elk is residents-only, black bear is residents-only. Missouri is flocking here because we have all-day hunting, don't have to go through a draw, can come three times in Kansas veterans, active military weekend. How many times can Kansas veteran or active military go to Missouri? Zero. I put in for Benedictine Bottoms, I don't get it but my cousin did and he is from Missouri. Put residents first. Special hunts should be residents-only. On You-Tubers, channels that are monetized, three in Kansas who are full time, go duck hunting on public lands. They are getting money for ad revenue, for hitting the like button to subscribe to buy their merchandise, no different than a You-Tuber making money than an outfitter going to Cheyenne Bottoms, giving boat ride or drop off because that is outlawed. You-Tubers are making big money off of hunting public lands 4-5 days a week. It needs to be addressed. Nonresidents, one day I went to a boat ramp with 12 trucks, nine out-of-state; that is a problem and we need balance. Look at South Dakota instead of Arkansas, they did six 5-day permits and it didn't solve the problem; even though season is 60 days and they can only hunt 30, we need to go to a nonresident drawing, offer hunt-own-land, people with duck clubs have their own wetland, are from out-of-state and can still hunt. We need to go to 6,000 nonresident lottery in July. Had 12,000 waterfowl stamps last year, 6,000 nonresident draw, hunt-own-land; that solves complaining. A win/win situation, it controls the outfitters, which you have no control over, it will cut half their base down and gives better quality hunting to the residents. Address outfitters. I was guide in Alaska for 10 summers, I had to have a guide license, Coast Guard 6-pack license, Twit card to get into ports, physical (hearing, vision), drug tested, first aid and CPR, carry booklet to show what river I was on, clients I had, how many fish I caught and species, how many I released and killed and claim tips. The state is missing out on this valuable information. If I asked how many ducks an outfitter killed, you don't know. They need to register and fill out that information. I have three in my own little town and they are on Facebook and social media claiming to have killed 3,500 birds this year, one other claimed 2,900 birds; that is valuable information we are missing out on. Get them to register. Are they paying

their taxes? Are they sending 1099s to farmers? Because I can't get on land anymore, it is all leased? They are bragging they guide 100 days, \$350 a day, 6-10 clients, do the math, they are making \$250,000. You would think Kansas would want some part of that. Chairman Lauber – Where do you hunt? Castelle - Flint Hills and Cheyenne Bottoms. Chairman Lauber – We have no control over guides, we used to monitor them but legislature thought we were being too restrictive or might become too restrictive and it was pulled away from us. We have not asked to get it back but it would probably come back with a lot of restrictions because we run counter to some of the large agriculture organizations that feel guides are good for their constituency and they have a lot of clout in the legislature. We discussed this quite a bit this morning, summary will be written and out for public consumption and some ideas may come out of that.

Commissioner Sporer – Heard multiple times that commission implemented a guide license years ago for some period of time and it was more or less structured towards controlled shooting guides. In my opinion is a totally different subject. Guiding for commercial waterfowl has changed dramatically in the last 10 years. Chairman Lauber – When we were disinvented to supervise guides, waterfowl was not even in the picture. It was primarily deer. We had a guide fee and had associate fees, and they were complaining we were wanting to make too much money and the legislature yanked it away from us. It is their problem and basically a wide-open area that we have no control over. Two things would help; we try to get more public land, legislators think the state shouldn't own real estate, so every time we find a piece of good habitat that we could develop we have to jump through unreasonable number of hoops to get it. While I appreciate you putting focus on us to get some of these things done you need to talk to your legislators and explain about what you consider to be rampant unregulated guides. We are not going to be able to do that.

Kin Hickman, Oskaloosa, accompanied by President, Vice-President and Secretary/Treasurer of the Kansas Federation of Houndsmen. We want to do what we can to preserve our sport and make it better. We want to increase the take of raccoons by permitting us to take them in some fashion during the running season. Make it year-round take, or make it April through August, one per night as Oklahoma has done recently. Will be good for over-population and will serve as means to diminish the number of game birds that have their nests destroyed, diminish number of raccoons carrying disease such as rabies, distemper or parvo. Another benefit is it would be easier to get youth involved. Many times, in the winter, they are not able to go due to weather; kill seasons are hampered by weather. On average we hunt more during non-kill season than the kill season. Working with hounds happens 365 days a year, it depends on the weather and legality of the season. It would be a good tool by being able to increase number of coons taken. Many farmers and landowners are continually asking us to kill all the coons we tree, no matter the season. Two neighbors of mine live 500 yards apart and they both took over 30 coons and 20 possums last year with live traps, a testimony to the problem is has become. We're at war with the coons right now, everybody is complaining. I hold animal damage control permit and am a beaver trapper and I used to trap more beavers than anything but now it is coons. When people talk to me, I tell them to not leave cat food out all night, that draws them in. People are getting live traps and relocating them, not killing them, just making them someone else's problem. Coon hounds are great tool, specifically in choosing which coons to take, if we tree sow with a litter we are not going to take the sow but may the kittens, we do take boars out of the population. Chairman Lauber – My father was a coon hunter and it was year-round then. We have a raccoon population that could stand more harvest. Encourage department and Matt to look and see if they

can expand that a little bit. Hickman – Consideration appreciation. Secretary Loveless – We will put that on our list.

## **VI. DEPARTMENT REPORT**

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

Secretary Loveless – Like to do an introduction, as you know Chris Tymeson retired from the agency, and we're lucky to get Dan Riley our new chief legal counsel. Dan Riley – I am native, lifelong Kansan, resident of Wabaunsee County. Also, have coon hunting in my history too. Excited for opportunity here. One of things that excites me the most is the subject matter, issues we get involved with and excited with the people I am going to get to work with, the quality of the people, programs and administration.

1. Agency and State Fiscal Status Report – Brad Loveless, Secretary, presented this update to the Commission – Governor's 2023 budget recommendation for us includes approximately \$96 million. In addition we requested five budget enhancements, aquatic nuisance species in state water plan \$224,000; we have not been able to make all repairs from 2019 flood, so between FY 2022 and FY 2023 about \$3.5 million; fish equipment upgrading shocker boats and a work barge, boats can't get electronic parts as they don't make them anymore so we need to upgrade, also safety and functional benefits too, for \$470,000; public affairs Spanish language publications and media services; Smart RMS is a data management system that is broad, the Highway Patrol and that is going away but they started with a new system, called Smart Cop, a great system with great improvements so we are going to piggyback again, which will mean cost savings for us with great functionality. Smart RMS body cameras, one of the shortcomings of old system was once you got home after your shift you had to take body camera off, take out the card and download it that can result in problems, mistakes and loss of data. The new system will automatically download, more foolproof and a host of other benefits, just under \$800,000 for equipment for law enforcement. Good news, had to run through legislature, ran through Governor and she put them in the budget, legislature so far is smiling on that so looks good. The park fee fund (PFF) year-to-date is \$8.3 million, a 2.4 percent increase over this time last year. Park receipts continue to be higher than long term average. Cash balance in PFF at end of February was \$8.13 million. Cabin revenue year-to-date is 7.7 percent less than same time last year but well above long-term average, a couple of exceptional years in 2020 and 2021 and optimistic for a good year, but not as high as the past. Parks staff incredibly busy last few years. The wildlife fee fund (WFF) year-to-date receipts are similar to FY21, just over \$13 million, and balance end of February was \$23 million. Received final apportionments for wildlife and sportfish restoration grant program, Pitman Robertson (PR) and Dingell Johnson (DJ). Wildlife restoration receipts federal apportionment was just over \$20 million, that is high, precisely \$20,443,045 is higher than we have ever received, \$8 million higher than last year. Pleased with that, it is potential we can use, have to have state license fees to leverage that so unless we continue to be aggressive and increase our revenues we won't be able to leverage that federal money. That amount includes approximately \$3.3 million for hunter education. Under sportfish/DJ, final apportionment for Kansas was \$5.4 million, down about \$400,000 from last year but above 10-year average. Due to supplies and restrictions on how much could be sold, shelves were bare because of demand and supplies that were down and that caused less in DJ money. The Boat Fee Fund (BFF), provides boating safety education, access information and structure for public, year-to-date receipts are just shy of \$740,000, similar to last year at this time, well above long-term average. Positive fiscal outlook, thanks to folks in agency who are

good at managing that and are careful with their money. Commissioner Cross – Eligible for any recovery funds? Secretary Loveless – Working on that. It has been a moving target. Assistant Secretary Miller – We applied for American Rescue Plan funds, ARPA, through the Department of Administration. They have a program they call SPARKS now that works with state agencies, most of the projects we felt fit into the guidelines provided by the Treasury were through our parks. It was a different situation where they were looking to recover economies hurt by the pandemic. Our parks economies were doing better, but because of high amount of traffic there was a lot of maintenance was deferred, hard on the infrastructure, so we have four to five big asks and it looks like most of them are going to be allowable. It has been a long process and still waiting to find out. It runs the gamut from visitor's centers to CXT toilets to road repairs and things like that. We do have applications in.

2. 2022 Legislative Update – ~~Dan Riley~~, Terry Bruce, agency counsel, presented this update to the Commission – 2023 budget looks good for the department and have agreed to all of the department's budget, including the five enhancements. Part of that is also a pay increase of five percent for employees. We expect it to be voted on at end of this week before legislature adjourns. Because some expenditures still left in 2022 fiscal year it makes more sense to push through before they adjourn. There are five Senate bills and three House bills on our radar. SB 34 – Requires a 5-year review process be set up for state agencies and basically give a recommendation whether rules and regulations should still be enacted, should be removed or amended. We would have to have some sort of review process set up and make that recommendation to the legislature. That may end up impacting the commission.

SB 101 – There is conference committee report issued that was adopted by the Senate and is waiting to be passed by the House which deals with electric-assisted bicycles; keeping an eye on it to make sure it doesn't negatively impact the department's function. So far we would have the ability to post where necessary what type of electric-assisted bikes, if any, we would allow on our trails.

SB 395 – This was a little bit of defense; it came to us early in the year and would have prohibited our LE from being present on private land, exceptions to that such as urgent circumstances, consent or a search warrant. We worked with individual senators to get that amended in committee and kept it on the floor so that basically it codified in statute what our policy is. Our department does not put video cameras on private property without consent or a search warrant. It appears that it has made its way into a conference committee and has been wrapped up into HB 2295 and agreed to by conferees. It does not impact the department's function but we are getting singled out on this issue.

SB 455 – Passed both chambers and is on its way to the Governor, it is the changes to the 1/16<sup>th</sup> blood quantum requirement for Native American combo hunting and fishing license. Previously in statute we had to verify that the individual applying was a member of a tribe as well as meeting the 1/16<sup>th</sup> requirement. Our position on that was that it should be up to the tribe itself who was on their rolls and most of the time they would just have to present a duplicate of information to us and the tribe to become a member. We have streamlined that process and it may have passed unanimously in both chambers.

SB 569 – Has yet to be scheduled for a hearing; it is a trailer bill, a 200-page bill that would follow up on the Governor's Executive Reorganization Order from last year that took Tourism and put them into the Department of Commerce. There are reasons to get that passed but it does not have direct impact on us but may slow down some of Department of Commerce functions when it comes to overseeing Tourism.

HB 2456 – Came up early in the session and was intended to provide a child lifetime hunting and fishing combo license for children between the ages of one and five, at a price of \$200. Through compromise with House sponsors of the bill, increased to \$300, and after five years the Commission would be allowed to raise it to \$400. When it came over to the Senate, Senator Virgil Peck put an amendment on it for ages six through twelve, \$400 license for them, conference committee met and narrowed that to six and seven year old and after five year be able to raise from \$400 to \$500. A really complicated financial impact on the agency, we don't know how exactly because it is a 59-year liability on the books. Idea behind the legislation is to get more children involved in hunting and fishing. It is well-intended but financially, when looking at pull down of federal dollars, there is risk involved. We asked for amendment to sunset after 10 years, which was accepted.

HB 2476 – Passed yesterday and is the license plate bill that creates four distinctive license plates for the agency. It would allow the individual who has the license plate a park pass each year and the rest of the money would go to the PFF if a parks plate, if non-game or game plates or fisheries plate it would go to WFF. There will be some reporting requirements with that but good news. A lot of effort from division heads.

HB 2713 – The KPF bill. It did not get hearing. We have been trying for a number of years to get our law enforcement rolled over from regular KPERS to Kansas Police and Fire Retirement and there was no traction amongst legislators in spite of numerous meetings with Secretary Loveless and Steve Adams. Chairman Lauber – Bill where we were intended victim regarding going on private land with our law enforcement people. You say that has been modified to extent that we are no longer affected in the way we are doing things? Bruce – That is correct. It will maintain the status quo, our LE has a policy that they do not install video equipment or recording devices on private land without consent or going to the prosecutor of that jurisdiction for a search warrant. At first it was very broad and punitive and would have restricted a lot of law enforcement activity and endangered public. It got amended to a point where we thought we could remain neutral on the bill. At the next meeting Dan Riley will do this update.

## **B. General Discussion**

1. Prairie Chicken Update - Kent Fricke, small game biologist, presented this update to the Commission (Exhibit D, PowerPoint Exhibit E). Update on lesser prairie chicken (LPC) and on expanded prairie chicken (PC) season we did last year. Last updated you in June 2021 when USFWS had proposed LPC for listing under Endangered Species Act. Since then, we have additional aerial survey results showing stable population in the five-state range. When we break that down by eco-region, in Kansas the shortgrass CRP in northwest is holding the average up for the entire species and the mixed grass in the lower part has seen some slow declines but not nearly as severe as some of our southern populations, primarily in sandsage grass in southwestern Kansas into southeastern Colorado and shinnery oak eco-region in western Texas and eastern New Mexico. Continue to collect data, examine them and have research documents coming out. Timeline of federal regulations as related to LPC starting in 1995 when USFWS was originally petitioned to list; not a lot happened. Then in 2010, priority level elevated which spurned range-wide conservation plan, which was put into place in 2013. In early 2014 the species was listed as threatened under the Endangered Species Act; in 2015, Federal Court repealed listing and in June 2016, removed from Endangered Species Act. September 2016, USFWS again petitioned to list; and May 2021, USFWS proposed to list again under Endangered Species Act. When proposed, USFWS released a species status assessment, which summarized their assessment of the species needs and current species condition and tried to project those estimates going forward over next 25-30 years to see what habitat conditions would

look like in the future. In the proposed rule, they identified two distinct population segments and proposed listing them differently under the Endangered Species Act. Kansas is composed primarily of northern distinct population segment and proposed as threatened and the shinnery oak which is eastern New Mexico and western Texas is proposed as endangered. We were beginning the process to develop our comments on proposed listing, which we provided. They also proposed a 4(d) rule, which allows certain activities to move forward and prohibits other activities. Some important exceptions include routine agricultural practices associated with cultivated lands and prescribed fire, which is important for reducing woody encroachment. Since then, USFWS has been working extensively with Farm Service Agency on protections for folks enrolled in Conservation Reserve Programs (CRP) practices and related CRP grasslands in addition to NRCS (Natural Resource Conservation Service) working lands for wildlife programs. We did compile and submit an agency response to USFWS in September where we opposed the listing and emphasized that states remain the best management authority for the species; we have the most relevant and extensive data concerning the species and have been leading efforts, in terms of coordination among partners and states, to conserve the species. In western Kansas we had suspended the hunting season for PC in the southwestern PC unit. We have identified a number of conservation programs, important conservation priority areas, increased population monitoring, not only in aerial survey but in ground survey efforts and have done extensive research across the range. Since that time, two different habitat conservation plans, which are mitigation plans for various energy development have been released for consideration and submitted for public comments on those two documents. It was proposed at the end of May last year for 12-month period, expecting final decision around June 1. Chairman Lauber – Restrictions on oil and gas summary? Fricke – It is often project-by-project where a company would have to consult with USFWS. Alternatively, they could utilize an existing mitigation program. For example, one would allow a company to enroll after a potential listing and also existing program in WAFWA, with state support, have been administering for the last several years. Chairman Lauber – All of which could create a snarl of red tape? Fricke – For those companies, certainly. But there has been documented impacts from infrastructure associated with those, so we feel if the bird is listed, mitigation of those and other projects is likely warranted. Chairman Lauber – Not listed yet but petitioned to be threatened? Fricke – Correct, in the state of Kansas and throughout the five-state range. Chairman Lauber – What is timeframe from when proposal for threatened becomes actually formally threatened? Fricke – Decision will likely be released first week of June. If positive finding, go forward with some form of listing, it will be enacted 30 days later. Chairman Lauber – Our time frame for submitting opinion is completed? Fricke – Correct, submitted in September. Secretary Loveless – The reason for the regulation listing is to take care of the birds. What this does is create a push and if you want to develop for oil and gas, energy or anything else stay out of the areas that are prime chicken habitat. That is what it is trying to affect. Fricke – With mitigation you have conservation associated with it, basically paying for impact on landscape to put conservation in someplace else. Commissioner Gfeller – Have you found a correlation between windmills and effect on LPC? Fricke – We know LPC avoid vertical structures, whether a 6-foot-tall cedar tree, a transmission line or something bigger like a wind turbine. We have seen and been monitoring the situation with increasing wind in western Kansas and the Service takes a conservative approach to if the bird were to be listed, and even if it is not, the Service’s recommendations for mitigating and offsetting impacts is extremely conservative. It is more putting conservation on the ground for individual impacts like that. Commissioner Gfeller – Any impacts on solar project? Fricke – We know less about solar, haven’t seen much development of solar but increasing in Kansas, but see

increased transmission lines, the other vertical structures we are concerned about. Chairman Lauber – Is there magic height to vertical structure? Fricke – Don't know for sure, we know that six feet and above, potentially shorter. Chairman Lauber – You have done what you can do. Commissioner Sill – Were comments from other states similar? Fricke – In general, yes. New Mexico did not oppose listing, Colorado more supportive of USFWS effort on taking more proactive approach on wind development, Oklahoma and Texas opposed to listing. Chairman Lauber – Are we opposed? Fricke – Yes. Commissioner Gfeller – Not sure how it works or if LPC expand their territory but if you are a county adjacent to a county where bird is threatened and they expand their range, is that county in the future subject to all the mitigation? Fricke – Wherever the bird happens to be, even if in Hawaii, it would be covered by Endangered Species Act. We work with the Service to have most recent data to collaborate and know what is going on out there so we can work with agencies, whether FSA and NRCS or another agency to know what to expect, on biological aspects and provide certainty to companies and landowners on what we know of where the bird is likely to be versus where we don't think the bird is. Chairman Lauber -If you think birds are coming your way, put up a windmill. Commission Sporer – Helicopters are back at Oakley, are they doing another survey? Fricke – Yes. We just started the aerial survey for this year and Oakley is where they base out of to do training then disperse across the range. There are three helicopter crews. Commissioner Sporer – Who pays for that? Fricke – The states and Western Association of Fish and Wildlife Agencies and this year the Service paid into that. Commissioner Sporer – The results of the survey will it impact their decision? Fricke – No, for the most part the species status assessment is meant to be the biological analysis by which the Service bases the biological components on and is primarily based on habitat and the development of habitat currently and potentially in the future based on trends of conservation programs and switching from grassland to cropland. The bulk of the species status assessment is focused on habitat conditions versus population trends. Just wrapped up PC hunter activity survey, done since 2012. Discussion last year with commission, staff recommended expansion to PC season in Kansas. From 1989 to 2020 season had early season and regular season and had southwest unit closed to PC hunting. Last year we created a continuous season running from September 15 through January 31. The justification for season expansion was four-fold; 1) harvest not likely to be additive; 2) relatively low hunter access to where PC they are throughout the state; 3) low hunter participation in eastern portion of the range where we have declining populations; and 4) where we have declining populations due to habitat loss and alternation, not harvest. Preliminary results of the survey; estimated annual harvest and estimated number of active hunters. With PC permit, \$2.50, we sell 5,000 to 6,000 stamps each year but few participate each year. Saw some increase from 2020 to 2021 and some increase in estimated harvest, around 1,200. Not a substantial or significantly higher number. From five years ago, we were harvesting more birds at that time. Estimated days, we added 30 days to the season, about same as 2020 and estimated harvest compared did not increase significantly. We don't feel this has had a major impact but will monitor. Harvest not likely to be additive, greater prairie chicken (GPC) estimates we get from helicopter surveys we do every third year, in 2015, 2018 and 2021. The general rule of thumb from research, three percent harvest rate is not having negative impact and we are in 1- to 2.5-percent range. We will be keeping eye on this and have data to inform those decisions. Keeping eye on four factors we felt were important in terms of justification for season expansion. We have PC hunter activity survey, small game harvest survey, aerial survey data and annual ground lek surveys, we are strong in data we are using to analyze decisions associated with this hunting season so we are in a good place. Commissioner Cross – Did you get any feedback from hunters on expansion of season? Fricke – Various comments, PC survey is always interesting because of hunters who are purchasing the permit just to be doing something good for conservation versus nonresidents who

purchase a permit. If you are coming to Kansas there is always that interaction. Overall, as expected, indication was positive, additional questions we had not asked in the past that we have not analyzed yet that we have not asked in the past; one was, did you hunt more, and broke it down early season versus regular season to the month that most of the hunting occurred for that individual. We will be able to look at finer detail on when birds are harvested, when hunter effort was going on the landscape to tease more of that out. More information to come.

Secretary Loveless – Jeff is also our pheasant biologist. Given the question earlier about potential pesticide impact on pheasant population. Jeff can give his assessment of where that fits into the overall factors that add to or subtract from the pheasant population. Prendergast – Poisoning the landscape is definitely not making more pheasants. Neonicotinoids have been identified within our small game committee as a topic of interest for research. There is a lot of information that has been done on it. One of the struggles is what to do with the information we get. I can already recommend not to use neonicotinoid seeds because that is not going to be positive. But as Commissioner Lauber expressed, when working against the agriculture recommendation against an ag chemical company is probably not going work. Have to look at amount of impact we can have there. If you look historically, herbicides just as much if not more so than insecticide because the wheat stubble in 1970s and 1980s was used as much of a cover as the weeds and draw in those insects as well. In South Dakota research, they actually force-fed pheasants treated seed, there was zero mortality, somewhat surprising, but they didn't look for secondary impacts, which is something we speculated could reduce reproductive success and the reduction in food resources could also have a major impact. In general, we don't expect it is good but we don't have as much direct information on the topic and are grappling with how we can address and what we can do with the information if we get it. It is on our radar.

2. Rabbit Management – Jeff Prendergast, research biologist, presented this update to the Commission (Exhibit F, PowerPoint Exhibit G). Last year when we went through small game regulation review, we identified the possession limit of rabbits as something to increase to maintain consistency across small game regulations. Changed from three times daily bag to four times the daily bag to be consistent with pheasants and quail. That raised questions among constituents on why we were trying to increase harvest when they felt we were already too liberal on our harvest regulations. While that wasn't the intent of the regulation, it was more for consistency, we didn't expect it to impact our harvest. I told you I would bring back information. When we talk about Kansas rabbits we are talking about cottontails. We have rabbits and hares and hares are jackrabbits. Rabbits refers to members of the genus *Sylvilagus*, which is made up of 17 species; we have three in Kansas – eastern cottontail, swamp rabbit and desert cottontail. You might hear reference to a bluetail, which is actually a marsh rabbit and doesn't occur here. The eastern cottontail is most common, found statewide. Swamp rabbit is least common, only occurs in far southeast corner, near strip pits; it is darker and larger, 1½ times larger than eastern cottontail. No documentation of one in several decades. Desert cottontail occurs in western third of the state, it is smaller and has longer ears, like the jackrabbit to help disperse heat. A lot of the information is on eastern cottontails because it is most common across the country and we have the most information on it. Annual survival is 20 percent rate, which means 80 percent of rabbits alive in the year are going to die. They are an important prey species, just about everything eats rabbits and some species, such as bobcats, they make up to 60 percent of their diet. It is not just predators, they are susceptible to environmental events like weather, snowstorms, blizzards, drought and disease; particularly tularemia, which is transmissible to humans and recently a

virulent rabbit homographic disease. It is not native to this country, it is from Europe but got introduced into domestic populations and got into the wild rabbits in southwest. It hasn't spread like we were originally concerned with. Rabbits are good at dying. Part of their life history and the reason they can tolerate such high levels of mortality is because they are also good at breeding. They compensate for high levels of mortality with high levels of reproduction – they are very prolific. They have a 28-day gestation period and are a post-partum breeder, which means they can gestate and breed right as soon as young are born. There is latitudinal variation in how long the breeding season is and it can be as short as three months or as long as year-round. In the middle part of the country, including Kansas, it is about seven months long, from late February through September. Where you have shorter breeding seasons, typically they have larger litters and longer breeding seasons have smaller litters, so it amounts to about the same number of young per female. They reach sexual maturity within 80 days, which means mom's first litter of the year are actually producing young at the end of the year. An individual female can produce 35-40 rabbits. Around here, average litters are six to eight litters a year with four to six young per litter. So, you can see where productivity is high. Three main habitat components rabbits need, similar to quail – nesting cover, primarily made up of fallow type weedy fields and native grasslands; protective cover, protection from predators, like briars, brush piles and brushy fence lines; and food, fresh browse like fresh grass and in winter bark off of trees. They can have a small habitat home range size and will do better when all these habitats are there, so two to four acres is good for them; they can travel up to 15 acres if they have to but survival is not as good as when all contained in relatively small space. We don't do a lot of active surveys for rabbits, but they have been maintained on our rural mail carrier survey since 1960s. What we have seen is general slight declining population. Primarily due to eastern portion of state where eastern portion would have had historically more rabbits than the western prairie and don't have as much protective cover and small farms. When we move to central part of state, we have been stable through same period; and in southwest it is slightly increasing, due to expansion of woody protective cover, shrubs, trees through homesteads, and CRP adding native grass into the landscape. Not surprising to be seeing declines in eastern part of state, since they have similar habitat requirements as bobwhite quail, which has been declining across the country. In the western third of Kansas and in central and southwestern part of the state where it is increasing is one of the only parts in the country where quail are increasing. It is not just bobwhite quail, but other species rely on similar native grass habitats and we are seeing same general habitat trend. A lot of it amounts to landscape changes and changes in how we use the land. In 1993, where we have large populations in the southeast of rabbits and quail where we are seeing declines; I outlined 11 fields; four fields in another area; and 11 fields in yet another. Looking at the same areas, current landscape the 11 fields went to three; four types went to one; and 11 went to five. Field sizes have expanded, using agrichemicals, which removes green browse and in the woodland areas the canopies closed in, which removes undergrowth, so those habitats become less productive. This has been repeated through time, a change in general landscape. It is habitat association where regulated harvest has less to do with population as habitat does. In Kansas, we have stable regulations: 10 daily bag limit with four times the possession limit with 365-day no-close season. This is similar to what we see across the west and Kansas tends to be on the eastern portion of that line; states to the east are more conservative. Season dates are similar and western states have more liberal season than eastern states. One thing brought up was nonresidents; a five-year average from small game survey, 10 percent of hunters are nonresident and harvest about 10 percent of the rabbits. The total number of hunters is about 15,000 hunters on average. If look at pheasants, we have 80,000 to 90,000 hunters and they are a much more scarce resource on the landscape. We typically think of rabbits as an underutilized resource. There are certain areas in the state where that may, or may not, be true, like southeast and northeast where there is

not as much habitat and they are more popular. If you look at current regulations and start to think about changing the regulations; right now, on average our residents are hunting five days a year and nonresidents are hunting four days a year. So, even if we cut our season in half, from 365 to 180 days we are unlikely to have any impact on the total number of days hunted. If we cut it to 30 days, it's still not likely to have a measurable impact on number of days hunted. If we are going to make a measurable impact we would want to cut to or get below the number of days hunted on average, which I don't think many hunters would tolerate a rabbit season of three days long. Similarly with harvest, our daily bag is one rabbit per day, with season bag being four to five rabbits a year. If you cut our limit in half to five, right now, on average, our rabbit hunters are shooting less than five in an entire season. So, cutting the daily bag down to five is not going to have measurable impact on total rabbits harvested. If you look at days hunted, our nonresidents tend to hunt less and harvest more on daily average, which makes sense. If someone is coming for a trip or weekend they are here to hunt and are going to hunt longer. A resident may have more opportunities but usually hunts less time each time. Normally when nonresidents come, they are here to hunt and do it more intensively and longer so average daily bag increases a little, but still just over 1.2 a day, not dramatic impact on resource. If we were concerned with additive harvest I would be more concerned on timing of harvest. When you look at spring as breeding season the closer to spring the more likely the females aren't going to make it to breed. If you shoot a rabbit February 28, the chance of them being alive on March 1 and kicking off breeding season is much higher than if they were alive in October. The closer to dates of breeding the more potential impact they would have on population. I don't have data that suggests it is a problem it just shows potential could be there on timing of harvest. There is not a lot of species we harvest during production season, even squirrels we shut down from February to June; rabbit season is one that has remained open currently. When you look at research from Missouri you can harvest up to 65 percent of population sustainably and we are not close to that level. Not say that no one ever shoots limits and there are those that are limit-driven hunters and if they get into an area with a lot of rabbits that is still unlikely that will have long-term implications on population, probably short-term impacts, like when someone likes to run their dogs. A local may not shoot as many and come back several times but someone could come in and shoot a lot and it is going to be harder to find those rabbits, so they may have lower quality \ hunt in short-term, but with high production levels those rabbits should replace themselves. When you start to look at making regulation changes for small game species, like rabbits and quail, a lot of times you look at social considerations, what hunters want and what is going to make the most people happy, because harvest has so little to do with it. One of the reasons the western states have typically had a higher daily bag limit is to take advantage of those population cycles. We tend to be boom and bust. In east they get more reliable rainfall and rainfall in the west can impact quail and rabbit production. When we have a lot of rabbits around, we like to give people the opportunity to take advantage of that. While not as important now as it once was historically it is one thing to take into consideration. When you start to look at daily bag you may have a few individuals that go out and shoot one or two, versus guys who go out and shoot limits. By decreasing daily bag there is the potential to distribute harvest among more hunters. If it becomes a concern, we can look at that and a lot of things to do with user preference. For instance, a guy with a dog versus a guy without a dog or hunting versus trial. People who trial a dog aren't nearly as interested in harvesting the animal, they just want a lot there to run dogs on. For guys who hunt without a dog they want to go out and fill their game bag and may want higher limits. It could be season timing. I wait until after bird seasons to focus on rabbit hunting, so February is my time frame versus October or November season. All those are things to take

into consideration whenever you start to look seasons or any sort of adjustments when it comes to small game. I don't have any recommendations for changes. I don't have data to support making a recommendation for change. I just wanted to give more information and background on rabbit biology and what current harvest strategies are and where harvest is at. Commissioner Rider – Talking about average daily bag statewide. I have a few people in my area with Mined Lands and that is a huge draw for a lot of hunters because of public land acres. The rabbit guys in my area say we are only killing four statewide but in my area they are coming in and decimating the areas. Prendergast -We do a statewide total and do a small game regional total based on seven small game regions across the state. The Osage west is the southeast region. Across those seven regions there isn't a big dramatic difference in average daily bag or season bag that has been decerned. As you start to break those down, rabbit hunters are not a big group, so as you break down you end up with bigger confidence intervals so we aren't as comfortable with those point estimates. But not a large variation between the different units. Commissioner Rider – What do you think is driving or big indicators dropping rabbit populations? Prendergast – Changes in land use. If a rabbit can get everything it needs in two to four acres that is great, but there used to be a lot of 20- to 40-acre farms, where now more quarters and half sections and took 320 acres that five or six fields on it with brushy fence lines and that would support rabbits where now those are clean tilled farms or clean-sprayed and big fields with no habitat in the middle of those fields. Chairman Lauber – Is there a downside to reducing the rabbit limit? Prendergast – The only thing I could see as a downside would be if it were to discourage participation, I don't know if that would be the case, I would want to do more follow up on that before we went that direction. Personally, ten is more than I want to shoot in a day, six is the most I have ever done and that is a lot of work when you are done and seems more than enough. There are different motivations for hunting and some may be motivated to come here for that ten. Chairman Lauber – Like fish, reducing the limit isn't going to make any difference on the resource as a whole. I see nothing that screams out that we need to do anything other than continue to monitor.

3. Furbearer Regulations – Matt Peek, furbearer research biologist, presented these regulations to the Commission (Exhibit H). These are permanent regulations that we don't bring in front of the commission every year, only intermittently when there are changes we would like to make. It was about two years ago we were here last. (K.A.R. 115-5-1. Furbearers and coyotes; legal equipment, taking methods, and general provisions. The one change we have is furbearers treed by dogs may be taken with handheld, battery-powered flashlight, hat lamp, or handheld lantern. We would like to allow laser sights to be used as well. This is something Houndsmen Association has been asking for. This is not a sight that could be used to spot wildlife. Projection of light might concern some people, but it is shooting a single beam and the main purpose of supporting this is it helps them shoot more accurately, a good thing when shooting up into the air with a .22 rifle. Chairman Lauber – Don't need to go over all the permanent regulations, just the ones with changes. Peek – I will skip ahead. to K.A.R. 115-25-11. Furbearers; open seasons and bag limits. We have two changes to recommend. The general furbearer season (all furbearers with season except beaver and otter) currently runs from Wednesday after upland game opener until February 15. We are proposing to extend the closure of that season through February 28. This is a change that has been supported for quite some time by a lot of furharvesters. The primary reason they want extra time is for bobcat, badger, muskrat and possibly skunk. These species are still prime and /or have pelt value at that time with exception of beaver and otter, their season runs through March 31. In case of bobcats, typically the most valuable furbearer and is at its best in mid-February when the current season closes but is also a species that has been under high pressure in years past, so, this is the

main reason we resisted this change due to concern of that harvest pressure. In recent years, over past seven years, we only harvested about 2,000 to 3,000 bobcats a year. When things were good in 10 out of 12 years, we harvested 5,000 to 6,000 a year. The state we are at now is a sustainable level of bobcat harvest. We do monitor their population and while it would put a big target on us if demand came up and harvest came way up again. We will cross that bridge when we come to it. Regarding muskrat, trappers have intermittently asked for a spring muskrat season, which occurs in a lot of other states. In the spring muskrats naturally move and disperse and find their way to new bodies of water and are also breeding so a good time to trap them. We don't have a lot in Kansas, and there has always been concern about allowing muskrat harvest at a time when they would be focused on, so if we closed season on everything else but allowed muskrat season it would really put a target on them. This is much more palatable with other species like bobcat being open as well. It wouldn't put focus or emphasis just on muskrat. I mentioned skunks as well, you probably see all the roadkill in mid- to late-February every year. This is the time when they come out of winter dens and are in breeding season and traveling around. There are a lot of damage complaints at that time when they come out, are fighting and have been denned up under someone's house and they realize they had five to six skunks under their house. Their pelts may be a little late at that time but a lot of trappers target skunks now for value of skunk essence they are able to sell. There is a demand to keep harvesting them that time of year. A lot of other species, most notably raccoon and coyote are past prime during this late season period but their demand for harvest is high from damage or nuisance perspective. A lot of people would support that. Though coyote isn't technically a furbearer I wanted to mention them because their pelt is past due at that time. There is a lot of overlap between coyote trapping and harvest of furbearers when trappers catch multiple species in a set. Our traditional season dates were set to primeness period of raccoon, which was most important furbearer and they accounted for 50 to 70 percent of total value of fur trade in Kansas, significantly important. In recent years, when prices dropped off, two of the last three years they have account for less than five percent of total value of furs taken in Kansas. It is to the point it is hard to sell a lot of them. Concern once expressed by furharvesters themselves about taking what was perceived as the most valuable furbearer resource at a time it didn't have value has passed for the time being. The other change we are recommending is an increase in the otter season bag and unit bags. I provided a handout (Exhibit I). The season bag is the total number of otters a trapper can take within the year and the unit bag is the number of otters that can be taken within each unit. Trappers can take up to five otters total currently but they could take one otter in each of five units or they could go to southeast Kansas to one of the two units that has a more liberal take and taken all five of them. We are proposing is that season bag be increased to 10 otters and unit bags be increased in the Marias des Cygnes and Lower Neosho units from five to 10 and be increased in Verdigris and Missouri units from two to five. Those are units where most of the otters are coming from. We do have otters in approximately half of the state, which is where we run out of water for them so not a lot of room for expansion. They probably will increase in density in some of more western areas they are in right now and increasing pretty rapidly in central parts of current range, around Emporia and some of those areas they are more abundant in rivers. Getting damage complaints. Can be detrimental to managing fish in small ponds, but not so much in larger ponds. Especially where people are feeding catfish, easy for them to take more than their fair share. At next commission meeting I will provide more detail on otters and where they are currently being harvested.

Chairman Lauber – If we expand raccoon season would it fall under this regulation? Peek – Yes.

Chairman Lauber – Could expansion be included in this process or is it too late to do it this year? Peek – No it is not.

Secretary Loveless – Point of clarification. Are you talking about comments

made earlier? Matt, can you reconcile what you are proposing here in terms of expansion with comments made earlier. Do those match? Peek – No, they don't. It could be included here, but not what we are recommending. We are recommending an extension of two weeks at end of furbearer season. If we wanted to consider the extension of raccoon season going forward this is where it would be done. We have talked about that in the furbearer committee and there is a lot to consider. The big thing is, do we change status of raccoons from furbearer to pest with a season when they could be taken when pregnant females and/or young in the dens. I know this came from the Houndsmen group but from a fair allocation of the resource it is probably not something we would recommend where just Houndsmen would be able to participate. If it did go forward it would be other users or groups as well. If the perspective is damage as it was portrayed, people can already take raccoons for damage under state law and don't need a season. Kin mentioned he has the animal damage control permit so if houndsmen or trappers are getting these complaints they have that option to address them. There is a lot of things to consider before and if you are suggesting that it be included, I would put my thoughts together in a more organized manner. Before we take raccoon, which has been perceived as a valuable resource and turn it into armadillo, which is year-round shoot on sight. Chairman Lauber – I understand but I tend to think we have an almost detrimental increase in number of raccoons and I have a warm feeling toward expanding the raccoon season. It does take in a lot of other things to consider. I would like furbearer committee to review that and see if there is a way for that to be accomplished without a lot of other issues that would pop up. Secretary Loveless – We will put that on our list for April to broaden that discussion and take into account population levels and implications and impacts of expanding that season even further. Hickman – Two weeks at end of February is a good start. The thing we have to look at as far as houndsmen helping with the management of the population, sometimes we can be frozen out that last two weeks. That is what you deal with in wintertime. On average, we get good nights to hunt out of 3 ½ months, in a good year two-thirds of that time and the rest of the time froze out and ground covered with snow and it is cold. You don't have a chance to harvest raccoons. From management standpoint, that two weeks won't get us there unless taken during the rest of the year. There are ways to tell if we have a sow treed, a boar or sow and kittens. We choose what we take and what we don't. Thank you Matt and Commissioners. Chairman Lauber – Review at next meeting and see where we are. You may only trap otters, not shoot them? Peek – Yes, same as beaver.

### **C. Workshop Session**

1. Antelope Regulations (KAR 115-25-7) – Matt Peek, furbearer research biologist, presented these regulations to the Commission (Exhibit J). Not recommending any changes at this time for season structure and permit types. We have unlimited archery permits to both residents and nonresidents, firearm and muzzleloader permits are restricted to resident-only with half of them assigned to landowner/tenants and the other half to general residents. The proposed permit allocation for firearm and muzzleloader permits are provided in the briefing book; in Unit 2, where the most pronghorn are, proposing 88 firearm and 24 muzzleloader permits; Unit 17, 32 firearm and 8 muzzleloader; Unit 18, down to four firearm and four muzzleloader. The season dates are provided and are standard and the same as they have been for years. Commissioner Sporer – Archery is staying unlimited? Peek – Yes, the big change we are making this year, which Levi will present, is making it so archery hunters cannot draw for a limited draw permit or buy a preference point for a limited draw hunt and archery hunt now. That affects about 35 percent of last year's archery pronghorn hunters and will knock demand down. If needed, watching pronghorn population and archery hunter numbers. Part of the problem is we have more archery hunters now but a lot less pronghorn in Unit 18, where Cimarron National

Grasslands used to take a lot of the pressure off other parts of the state. With numbers down, we have more archery hunters and they are more focused on northern part of the range. Not there yet on limiting archery permits but might get there, watching data we collect, including archery success rates which seems to be impacted a little by crossbows. Commissioner Sill – Preference points is later? Peek – That will be covered by Levi later.

2. Elk Regulations (KAR 115-25-8) – Matt Peek, furbearer research biologist, presented these regulations to the Commission (Exhibit K). Not recommending any changes on season structure, season dates and permit types. Proposing 12 either-species limited quota permits be allocated and those are good everywhere elk hunting is open and good on Fort Riley also so those are the high demand permits for the general public. Proposing 18 antlerless elk limited quota permits and one-third of those are valid each month on Fort Riley, six in October, November and December. When general public is applying for those limited draw permits, they are wanting to hunt Fort Riley. In Unit 3, general residents and landowner/tenants can buy either-sex or antlerless-only permits over-the-counter. In Unit 2, outside of Fort Riley, only hunt-own-land permits are available to landowners.

*Break*

3. Webless Migratory Bird Regulations – Richard Schultheis, wildlife research director and migratory game bird coordinator, presented these regulations to the Commission (Exhibit L). Regulations must adhere to federal frameworks, similar to process we follow with waterfowl. Unlike waterfowl stability in season dates and regulations allow us to include webless migratory game bird seasons and limits in permanent regulations. For the 2022-23 season there are no changes to the federal frameworks for webless species. Staff are not recommending any changes to seasons or bag limits. We do have one recommended change to the wording of 115-25-20 to clarify the requirement of completing the sandhill crane test prior to hunting versus prior to purchasing the sandhill crane hunting permit. This change is simplification of workflow for licensing system purchasing so you won't have to go out of purchasing system, complete the test and come back in, so it makes more sense to rework this regulation. It still keeps the requirement in place to have training done prior to hunting cranes and be in the field. You have to complete it now before hunting cranes rather than before purchasing permit. Commissioner Gfeller – Right now you can't get license without taking the test? Schultheis – Yes. The way the regulation reads is you are required to complete the online test first and then you can purchase your permit. The wording is a little bit unclear. Commissioner Gfeller – The system works that way too doesn't it? Don't I have to prove that I have taken the test? Schultheis – I don't think there is a requirement to provide anything. When you complete that test you are provided a certificate but I don't think any proof required in the system. Commissioner Gfeller – It has been a few years since I took the test and got my license, but I couldn't get my license without taking the test. Schultheis – By regulation I believe that is the case. Commissioner Gfeller – But that is the way the system works? Schultheis – I am not sure. Bidrowski – Does not validate. Jason Dickson – The license system doesn't validate; it does bring up a warning that the certificate is required when you purchase the license but it doesn't validate. They are two separate systems right now the certificate system and licensing system don't talk to each other. Chairman Lauber – How long has dove season been open to November 29? Schultheis – There has been a change to length of dove season within the last five years, so they extended that season a little bit longer. Dove season has framework dates similar to waterfowl so we could make changes to that but

September 1 is the earliest we can start that and can run through January 15, so there can be changes within that timeframe. We have had discussions about potential changes. Assistant Secretary Miller – We had a split season for a while and that was when Mike Hayden was Secretary so that was prior to 2011, that split gave us days in November and they simplified it to just that one season. Commissioner Sill – On crane test, do you have to carry certificate or is it going to your electronic wallet? If you are checked how is there verification you have taken the test? Schultheis – Currently, you are provided a certificate you can print off and carry with you and there is a procedure where law enforcement could check to see if you completed it as well. In the new system, I believe it shows up in the app. Jessica Mounts – In the new app that will show up if they have taken it. Part of future phase we will loop test into workflow so there is proof within that licensing system to verify they have taken that test.

4. 2022-23 Kansas Waterfowl Season Dates, Bag and Possession Limits – Tom Bidrowski, migratory gamebird program manager, presented these regulations to the Commission (Exhibit M, PowerPoint Exhibit N). When developing any season good to review past seasons, while each year is unique there is value in comparing a given year to an average of years. Briefing item contains past season dates, historic waterfowl population and harvest data. Many factors contribute to what can make an average, above average or below average season. The main one is not only waterfowl population but age ratio in that population. More young usually relates to higher harvest vulnerability. Dry conditions across the prairie pothole region led to poor nesting conditions in a region where most of the Kansas ducks are hatched. Cancellation, due to COVID of the 2021-21, breeding and population survey, extent of low production was unknown. Based on field reports and climatic data it can be assumed duckling production was poor. This led to not only an older age core among the birds but allows the birds to molt and migrate earlier. This was noted in recent banding efforts and had many teal migrating through Kansas in August as well as birds being in advanced plumage earlier than normal in the fall. This may have been one of the smaller fall flights we have had. What happens on breeding grounds is major contributor to Kansas seasons, local conditions can be just as important. For the most part it was a mild fall, no large weather events which led to a trickle migration. Never saw big migration pushes we often see a few times a year that gets the hunters excited. Seasonal temperatures resumed in early January but this is also the normal time we see freeze up. This reshuffled the duck distribution in a more typical pattern. Habitat conditions are dry in western Kansas, however there were a good number of waterfowl presence most of the fall and winter. With older age ratio, no weather to stir them it was difficult to hunt, often with them residing in refuges and feeding at night. Hunting pressure remained high throughout the season while statewide harvest will not be available until August it is expected to be lower, especially compared to high harvest we experienced in 2020, which was the third highest since we went to 74-day season in 1997. High hunter effort, or number of hunter days, may offset low production and high harvest ratio. Harvest is expected to be lower in early zones and other areas that are high in teal harvest. There were parts of Kansas reporting fairly good season. Goose harvest is expected to remain high with good numbers of geese in eastern half of Kansas where hunting pressure is increasing and impacting bird behavior. There are several bright spots in the state from last year's season. While Cheyenne Bottoms experienced a lack of water it still had above average duck numbers from October to December's freeze up. Similarly, McPherson Valley Wetland had a good season considering dry conditions they had. Neosho Wildlife Area and Marais des Cygnes also had good harvest, in fact Marais des Cygnes had its second highest harvest in history, dating back to the 1960s. Looking ahead, a lot will determine spring across prairie pothole region. The next few weeks will be critical for what duck production may be this year. If prior conditions persist we may inch toward moderate or restricted season, which we

have not seen since mid-1990s. Federal frameworks for this fall season has been set and again we will be in a liberal package. Season dates may be of value to review the process and how staff develops their recommendations. The U.S. Fish and Wildlife Service (USFWS) develops frameworks which establishes maximum bag and possession limits, season lengths, opening and latest closing dates. The briefing item contains how they are developed and the limitations. States must operate within these frameworks when establishing state-specific migratory game bird seasons. The waterfowl season dates are different than resident game and migratory webless game species. They are not adapted by regulation but by Commission consensus, this is due to season variability and later timeframe which seasons are addressed. Kansas officially adopted seasons through annual season selection to USFWS. The briefing item has summary of frameworks. The only change for upcoming season is incorporation of merganser's bag and possession limit into the overall duck bag and possession limits. This change was requested by Central Flyway as a means to simplify harvest regulations. It will mean a slightly reduction in harvest opportunity for a minor component of waterfowl community. Setting seasons is biopolitical process balancing not only biological factors but social implications. Kansas season covers a variety of species and habitats and just as diverse hunting community. Developing staff recommendations is an attempt to align season dates to allow greatest opportunity for all Kansas hunters. Recommendations are derived with consideration of waterfowl traditions, timing migrations, times of high harvest, high hunter participation and incorporating hunter feedback. The stabilized frameworks for past 25 years, Kansas Wildlife and Parks staff recommendation is striving to establish consistency and transparency in season setting process. Since 1996 Kansas has had 74-day season and since 2006 107 days for geese. To spite stability in frameworks season dates have been a contentious process. This likely is due to divisiveness among the hunting community and in part through regulation process. Beginning in 2021, Wildlife and Parks has incorporated decision tools to assist the season setting process by identifying important season date parameters for each of Kansas waterfowl seasons. This process is to develop season selection stability, reduce bias, and add transparency in the season date selection process. Priorities were established and are in the briefing book. The 16-day teal season is permitted, like we have in the low plains or eastern two-thirds of the state our highest priority is open the second Saturday of September and end on last Sunday of September. When 9-day season is permitted it opens the third Saturday in September and ends the last Sunday of September. Teal seasons are straight forward and consistent with past teal seasons. For youth days the priority would be to have it one week prior of duck season for each respective duck zones. Due to limitations set by the Migratory Bird Treaty Act is to hold in conjunction with veterans and active military days. The high plains zone was split in 1972, and since 2008 has been paired with the early zone. The top priority is to end the season on the last Sunday of January to provide some late season harvest for mallards, particularly in the High Plains Unit where 23 of the 97 days must be after December 10. The second priority would be to open the second Saturday of October to provide hunting opportunities on playas and western part of the state. Have a split with first segment closing on the Sunday on or after January 1 and the last segment would last 10 days. This would provide the best opportunity for early seasons as well as late season migration for mallards. The low plains early zone was split in 1996 and was paired with high plains opener. This season is aimed at early season migrants but with 74-days it does offer some late season opportunity. For much of the zone teal provides a good part of the harvest and we attempt to catch the holiday break to provide opportunity. We normally see migration early in November and a freeze up shortly after in late December. The low plains zone was created in 1996 and federal frameworks were altered in 2004 to allow us to extend season past January 20 to January 31. Traditionally it

has been paired with goose opener because this is the day we have most duck hunters in the field. The split to January 1 has been the tradition of that. The southeast zone was split and created in 2011 and since then we have had five different season structures. It opens a month later than the early zone and allows greater late season opportunities. That includes considerable expansion of January days compared to the other three zones. The highest priority is again to ensure the season extends to the last Sunday in January. The opener of season is the Saturday closest to November 8 and coincides with fall migration. We tried to maximize holidays and weekends when most hunters are afield. We hold split when bird numbers and hunter participation are historically lower than other times of the year, which tends to be the first week of January where we normally see a freeze up. November 11 is an important day for waterfowl, particularly in the southeast and is a good benchmark for migration and a day with high hunter participation. The resulting recommendation over the course of seven-year calendar span would provide 23 hunting days in November and 20 hunting days in January. Since inception of southeast zone, the average hunting opener day has been November 9. For light and Canada goose seasons the 107 days is the maximum allowed by the Migratory Bird Treaty Act and opening day is paired with late zone when highest number of hunters is in the field and high interest to be able to shoot ducks and geese. It normally opens for two days and has a short split and is backdated to the end of closing frameworks. Closing frameworks have been consistent since 2006 and Canada goose and light goose have been paired seasons. Season dates have varied with timing and length of split. We did move the season split in 2016 and that was unfavorable from hunter feedback. White-fronted geese are starting to see increased harvest and hunter interest in second segment. The earliest migrating of geese has shown up in late September and large numbers by mid- to late-October. This has traditionally opened with other goose seasons with late duck zone. The first splits usually ends with same with early duck closure and late zone split around New Year's and second season is backdated from end of frameworks and we try to overlap with second split with late duck hunting zone. Extended falconry seasons have been consistent over the years, 15 days, and is backdated from March 10 to allow 107 days for limitation of Migratory Bird Treaty Act. Recommendations for September teal season is 9-day in High Plains, beginning the third Saturday in September and 16-day season for the Low Plains, beginning the second Saturday in September. The difference of days between high and low plains is due to 23 additional days during general duck season for High Plains Unit and 107-day restriction of Migratory Bird Treaty Act. Staff recommends adopting federal frameworks for daily bag and possession limits and shooting hours. Adopting two youth/veterans and activity military days and to pair them where they would open one week prior to the general duck zone seasons in each respective zone. Staff recommends adopting a 96-day season in High Plains Unit and 74-day season in Low Plains Zone. Adopting federal frameworks for daily bag and possession limits and shooting hours and Option A for merganser limit has been removed due to federal framework change. Goose recommendations are similar as last year, continuing with six Canada geese bag limit, which is two less than the maximum allowed. The six-geese limit is important because managing resident Canada goose populations in the Central Flyway is at intolerable levels. Daily bag limit of six was an overwhelming preference in 2019 Kansas waterfowl hunter survey. Falconry is recommended at 15 additional hunting days in the Low Plains Zone. Commissioner Sporer – I got hammered the first two weeks of January when the guys in the southeast zone couldn't hunt ducks. My phone was blowing up every day. What happened in our duck season this year was it was mild between Thanksgiving and Christmas; birds weren't moving and when they finally got here January 1 in southeast Kansas the season was closed. Bidrowski – The big misconception I heard the calendar dates ducks and trickle migration I talked about we didn't see big pushes but we had high duck numbers throughout the state for most of the season based off our weekly surveys. What we never see was until January we had weather events that reshuffled the ducks

into a normal pattern. Commissioner Sporer – Would you rather hunt a week in November or a week in January? Commissioner Rider – That was my point as well, the length of split in January. The longer split causes the biggest issue. The Saturday closest to November 8. In reading some of your responses it seemed like we were looking at November 11. Bidrowski – That was a typo, November 11 is important to the Southeast Zone and with date closest to November 8 and always incorporates Veterans Day and is a good benchmark for migration and is popular hunting day. Chairman Lauber – Got emails from people in Neosho Wildlife Area complaining about having a split but in a lot of that area it is froze up. So, when you ask if you would rather have a week earlier in November, a lot of time in southeast zone you can't hunt later. Bidrowski – When ice is melting or forming there is tremendous opportunity to hunt but it is also a gamble. Ice may last only two-three days or a week. This year we timed it pretty good as we were closing right as solid freeze-up occurred and shortly before the opening of the split. This year was early opener and next year is earliest ever then falls back to latest. The season was timed fairly well but that is not something I can predict farther out. You may be able to hunt first week in January most years but will always be able to hunt in early part of November. Commissioner Rider – Freeze/thaw cycle provides tremendous opportunity but if the freeze does happen it also provides opportunities on other bodies of water that a lot of time is not open and doesn't congregate a lot of waterfowl. It also allows opportunity for field hunting, which can be exciting as well. Problem or issue I have, looking holistic season, the Southeast Zone we are targeting later season and all of the other zones are closed so the longer we have that split the longer we are closed across the state for ducks. Had discussion earlier today about providing opportunity and when we close that season across the state, goose season is still going but duck season is closed. In proposed regulation is 12 days. That takes away opportunities and we are not providing opportunities in a holistic view. Chairman Lauber – The number of days in the split in Southeast Zone is about 10 days and is less than the split in other zones? Bidrowski – It varies from five to 12 days, depending on which way the calendar falls. Commissioner Sporer – Everybody stops hunting January 1 and the southeast starts up the middle of January and the rest of the state opens up for just the last week of January. Bidrowski – Late Zone first segment is always 65 days; the split is 19 days and nine days for last part of the season. When frameworks discussions comes up in Flyway, I always try to get that extra week but that is something that is not going to be possible now with dryer conditions of prairies. Always set season at 60 and 39 days and this argument gets a lot less. A week of hunting here or there is not as bad as 39 days of this discussion. We talk a lot about opportunity of being able to hunt from opening day to somewhere, then start deciding which zone we are going to take it out of or put it into. Somebody will be sacrificing. When we have early days that is when we see highest number of people hunting in the Southeast Zone in early November. If you lose that part of opportunity for maybe some time when frozen. I agree there are tremendous opportunities for river hunting and field hunting during times of freeze. Commissioner Rider – I agree November is biggest influx of days when people are hunting but I think you will see that with any season, 90 percent is done in first part and that is where hunter activity is the most. I can see that but average hunter is going to hunt 4-5 times a season and most of those times are going to be earlier. Commissioner Sill – Do you have any current hunter surveys, particularly in Southeast Zone, on date preferences? It seems like three or four years ago you had results that were really helpful in discerning where opinion was. Do you have anything current? Bidrowski – Last done in 2019; we did one in 2010, 2012, 2014, 2015 and 2019 where we looked at preferences. There has been a lot of talk about, particularly this year where ducks were stale because of warm periods and hunting pressure, having it in December coinciding with the full moon. Some states do look at that for geese but

those are states with a 30-day goose season. We asked when their preferred month to go hunting was and by far December was high preference for Southeast Zone. Commissioner Rider – Some of chatter or feedback I have gotten is growing segment for full moon phase when duck feeding patterns are nocturnal. Bidrowski – One thing that changes discussion is a duck we have in October or November is a lot different than duck we have in December or January, even if mallards. Wintering mallards, the ones we see in January act more like a small goose than a duck, larger flocks, night feeding behavior versus marsh feeding, not what we think of as a duck. Also see in harvest composition where early zones are 40- to 60-percent teals and mallards and as season gets later more mallards. Secretary Loveless – Other side of the milder weather and folks getting out earlier in the season, was also higher numbers. It seems like when we looked at long-term duck numbers in the Southeast Zone, November was high period in terms of migration. Bidrowski – That November 11 date is a date we usually see the building of that peak. A few years ago, highest duck numbers was around on opening day. It was early freeze up in the Dakotas around Halloween and that pushed a lot of birds down here. Commissioner Rider – I would refer to email that had the typo and propose we look at second Saturday or Saturday closer to November 11. Bidrowski – Just to be clear, these are staff recommendations and Commission action on this will be at April meeting. We are not asking the Commission to adopt the season decision tool is something we as migratory game bird derived to help set dates, we took all of the hunter satisfaction data, migration data and harvest data to incorporate those dates and that is the top priority and then pick second and third priorities to figure where the split is. Commissioner Rider – That does provide a lot of transparency. You have done a lot of work with that and appreciate it. Chairman Lauber – Every year it seems like Aaron and I are on different sides of that Saturday in November. Bidrowski – You only have to be against him every third year. It is retrospective. Commissioner Rider – If you put it on second Saturday you will never have an argument from me. Chairman Lauber – I like the staff recommendation. The Southeast Zone has a lot of barriers, access is not always available in normal freeze up and a lot of activity, particularly for early migrants, not necessarily mallards. Commissioner Gfeller – A lot of work goes into that recommendation; it is not an arbitrary process and you can't be predictive on migration or weather patterns and I hope people understand that. All you can do is base recommendation on historical averages and build into that, where you can, preferences that make sense. If you talk to two duck hunters, you will get three or four opinions on what dates ought to be. Appreciate that a lot of data and thought behind where recommendations but when my phone rings off the hook the first two weeks in January wondering why we can't shoot ducks in southeast Kansas I start thinking about what people are saying. Castille – Commissioner Rider, I know amendments coming next month and I support you 100 percent on January days in southeast. What is your thought on the split during the full moon, around December 5 this year? Split from December 5-10, which gives more January days, because birds are going to be nocturnal that week? What are thoughts on that? Split during full moon, stale by then, thinking outside the box. Commissioner Rider – A great point. I would like to do that but at same time, factors Tom and his committee bring out make sense as well, if up to me I would do that, but I am only one vote. Commissioner Sporer – Take entire state to Southeast Zone dates. Mark Teel – Season dates a friend wants to talk about. I have a question concerning refuge in southeast Kansas I hunt most of the time; I can't speak for Cheyenne Bottoms or Marais des Cygnes. I hunt St. Paul or Neosho since 1964. There have been a lot of changes there, some good, some bad. I have noticed last few years, you can't always get in parking lot because of number of out-of-state hunters. One Kansas tag in the parking lot. A lot of hunters I talked to have quit going to St. Paul, including myself, because of nonresident hunters. I heard idea about giving nonresidents certain days and I think that would be something to look at or hunting at certain time of the day. I used to go up at 9:00 am because I didn't have to beat somebody to the

spot, kill a limit of ducks and get out. Now with 5:00 am start time you have to be up by 2:00 am to find a place to hunt. I am not sure what the acreage is there at St. Paul, around 3,000 I guess but then I thought they said something about 4,000 acres of flooded ground, why is there more flooded ground to hunt. The stuff by the highway is useless to hunters, nothing there to hunt; we can hunt Pool 1, 2, or new pool 2, 4, 6, 7 you can't even hunt it most of the time. There is some way to get water back to those pools. Something that needs to be addressed. In youth pool, if no water, no ducks. We have had several meetings in our area about moist soil and I can go to a pond I hunt and I have there will be a few ducks, if go and plant corn, mallards and the rest of the puddle ducks will be there in more numbers. Whether planted corn or grain you will have numbers of ducks, more area to hunt with more sustainable crops and more water to get into the hunting is going to be better. We can't even get boats in because it is too shallow. Bidrowski – Since topic is season dates, if he has questions for a specific wildlife area that he types his number in chat and someone from that wildlife area will contact him. Chairman Lauber – Type in number and someone from area will contact you. Teel – On season dates, listen to the hunters they are the ones that know because they are the ones hunting.

Matt Grant – Mark made part of my comments and the lady commissioner. You need to listen to the hunters. I know 99 percent of your data comes from refuge areas. Let this be one of your surveys. I had conversation with Mr. Loveless back in December about how unhappy most of us in the Southeast Zone were. I don't know anything about any of the rest of the state. I am 72 years old and hunted my whole life in this Southeast Zone. We have a strip pit area, rivers, creeks and typically this is the main thing you hear about why you set season dates as you do is because of freeze up. If you hunt late-season ducks, you have to get out and work a little bit. There are other areas to hunt, it makes opportunities better in other areas. Early November dates attempting to hunt ducks in 70-90 degree weather. Roll those dates back, open season when ducks are here. In my vast experience in this area there are hardly any ducks here in first two or three weeks, they start rolling in in December. I have had ducks here at my place well into February. Listen to us hunters who hunt this area, you are looking at data from wildlife areas. Sure, there are ducks there but pay attention to the hunters and see what we want and I hope you consider this season not doing that two-week split in January, that is our best mallard season. I only have a few more years to hunt.

Commissioner Sporer – If we propose 10-day public land pass for nonresidents, is that done through commission or go through legislature? Secretary Loveless – I'm not sure I understand. Commissioner Sporer - If you were a nonresident and came to Kansas to hunt on public lands you would have to purchase a pass through our licensing department and they would have to pick those 10 days. Secretary Loveless – I think that would be a regulation. Bidrowski – It could go either way; it depends on how you defined it. Commissioner Sporer – I guess we defined today the average nonresident is only hunting three to four days and I identified that is not our problem. Ten percent of the people are causing 90 percent of the problem and are hunting more than three days. Maybe that is way out of what we are faced with today, a public land pass and the money would go towards purchasing new property. Bidrowski – The charge of revenue would change how we would approach it, then it would have to go through the legislature. If it is an individual permit or change in public land regulations it can go through commission action. The revenue portion is what changes it. Chairman Lauber – Based on conversation this morning, some of these ideas will be floated around and we don't know what the recommendations will be. That is something that can be taken up by that committee as to whether or not it has other deleterious facts or issues that may develop. The subject we are on is season dates and we will have more discussion on what Troy is talking about down the road.

5. Cabins at Perry State Park – Linda Lanterman, parks division director, presented this update to the Commission (Exhibit ). *Moved to Public Hearing, last item in the evening.*

**VII. RECESS AT 4:17 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)**

6. Public Land Regulations – Stuart Schrag, public lands director, presented these regulations to the Commission (Exhibit O). Appreciate opportunity to have round table discussion this morning, a beneficial endeavor. Thanks for time to have those discussions. KAR 115-8-23, baiting. Baiting has been prohibited on department lands and waters for several years. This is a recommendation to change the existing language of the regulation. It states, “No person shall place, deposit, expose, or scatter bait while hunting or preparing to hunt on department lands.” After consultation with law enforcement as well as Public Lands officers and seeing rise in instances where people were placing bait on public lands for wildlife viewing or photography and ultimately hunting over that bait, we recommend changes that include, “prohibiting baiting on department lands and waters for all activities,” not just “hunting or preparing to hunt.” This would also be effective on WIHA and iWIHA and does not apply to licensed furharvesters as permitted in KAR 115-5-1.

Commissioner Sill – Would you eliminate line b) because that looks like there is information in there that would be inconsistent with new stance, or at least would need some tweaking? Schrag – I’m glad you brought that up, that is something I would get with legal about to make sure we get subsections aligned appropriately. Commissioner Gfeller – The intent is no-baiting? Schrag – Correct, no baiting for any reason on public lands. Commissioner Rider – Do you consider putting up some type of lure for deer as a bait? Schrag – If you look at subsection d, the last part, “For the purposes of this regulation ”bait” shall mean any grain, fruit, vegetable, nut, hay, salt, sorghum, feed, other food, or mineral that is capable of attracting wildlife. Liquid scents and sprays shall not be considered bait.”

KAR 115-8-9, our camping regulation. Public Lands and Law Enforcement division staff have been combating a rising problem in many of our state fishing lakes and wildlife areas with vagrant and homeless people basically living at these properties. This is requiring extensive and extra enforcement and maintenance man hours to combat that. Degradation and destruction of the natural resources and the properties is a major issue too. With this growing problem there is also an associated financial burden with staff, not only man hours, but it is on the department to remove abandoned property, camping units and tents and things like that. We are hearing from our public, our primary users, that are shying away from areas with these problems. We are discussing reducing the number of consecutive camping days allowed on state fishing lakes and wildlife areas from 14 to 7-days. This would not affect state parks. Managers at state fishing

lakes and wildlife areas could extend an individual or a group to stay an additional seven days and then they would have to be off the property completely for five days. An example would be Cheyenne Bottoms where we get a lot of duck hunters who come in and camp. We could post campground as open for 14 days or Jason Wagner could issue or authorize permits to those individuals requesting an additional seven-day stay. That would go for any property. If we have a family come into a state fishing lake for a summer vacation and wanted to stay more than seven days we could do that. Overall, at the statewide level, we feel reducing the number of consecutive days from 14 to seven would help department staff. Commissioner Sporer – Is there a fee associated with that? Schrag – No, at our state fishing lakes and wildlife areas there is no camping fee, no vehicle pass. It is all primitive and we don't provide amenities like electric and water so no fee associated with it. Chairman Lauber – Are there certain areas worse than others on homeless problem? Schrag – Yes, I would say the northeast and issues in southeast but in western properties not so much. That is why language allows our staff to adjust the length of state for groups that need to so we have flexibility to accommodate our primary users. It is a product of the environment. It is not only on our properties but seeing in municipalities who are combating same issues. A never-ending cycle.

KAR 115-8-25, would be a new regulation on trail (game) cameras and other devices on public lands. No current regulation specifically addressing the use of trail cameras on department lands or waters. Nor is there any current related regulation that would cover the use. Department staff have been discussing this for a long time. Before COVID we would gather annually with the Midwest Public Lands group and this was one of the hot topics, so not just Kansas issue. When we started getting more complaints on not only our public wildlife areas but on Walk-in Hunting Access areas and i-WIHA being inundated with trail cameras and misuse of shifting from cameras being placed to view wildlife to use to monitor who else is out there and hunting that area. Part of those conversations, staff considered the North American Model of Wildlife conservation and the concept of fair chase, specifically use of new or evolving technology and related practices that provide hunters with an unfair or improper advantage. Other related discussion points, conflicts amongst other users in the field and the growing numbers of trail cameras on the landscape. Monopolizing areas because they set up 10-12 cameras in one area and the potential disturbance of wildlife that could exist. People going in and out of properties constantly. We did research on other states with existing trail camera regulations. Arizona, Nevada and Utah have trail camera bans both on private and public lands, which were recent regulations. Montana, New Hampshire and Alaska have partial bans and a lot of those relate back to wireless or cameras that can be picked up on cell phones and get real-time video. The department is recommending prohibiting trail cameras on all department lands and waters.

Commissioner Sill – Can you address drone use and how that may need to be included with this. I know there are some limitations now but do we need to include that in there to be proactive as it is similar? Schrag – We currently do have that in place now, drones are not allowed on public wildlife areas. They are allowed in state parks with permission of the manager. Subsection (1)(b)(1), “No person shall use images of wildlife produced or transmitted from a satellite for the purpose of taking or aiding in the take of wildlife or locating wildlife for the purpose of taking or aiding in the take of wildlife on department lands and waters. Some of the states are already being proactive in potential technology that is already coming out; whether that be satellite imagery that bounces off your phone or where you can see where wildlife is at in real time. Other states were being proactive and leaning towards that I decided to include that language in this regulation. This applies to WIHA and i-WIHA. The subsection I just described on satellite imagery does not prohibit use of mapping systems or programs and would apply to WIHA and i-

WIHA as well. Nothing in this regulation would prohibit department-owned trail cameras from being used for research, enforcement and things like that.

KAR 115-8-1(e), public lands special use restrictions reference document. The first section is under access restrictions, Jason Wagner touched on this morning, staff at Cheyenne Bottoms discussed implementing similar access restricts that we did last year at Neosho Wildlife Area with 5:00 am launch time. After several meetings and discussions, they came to the conclusion that they didn't feel like conditions warranted right now to propose any changes based on the fact that the property is under construction, they had whooping cranes present. One of the pools we wanted to implement 1:00 pm non-motorized vessels it was dry so there were several environmental and property specific factors that made staff determine this was not appropriate time to recommend any type of access restrictions. The next section in reference document is refuge area closed to all activities year-round. We have been able to pick up additional tracts of land in Cherokee Lowlands Wildlife Area in addition to Cherokee and Labette counties from TNC and DU donations. The manager wanted to designate a refuge area on Cherokee Lowlands Wildlife Area. In further workshops we will try to define which specific tracts. The daily hunt permit section for i-Sportsman has been a big issue for us. Something we have had extensive conversations on. You will notice in the briefing item it lists all of the current properties that are part of our i-Sportsman program. We have held off adding additional properties for quite some time with the reasoning being that we were going with a new licensing system. Now that is scheduled to go live in May we thought now might be the appropriate time to include all of our public properties in new e-check-in system with new licensing vendor. The data we collect and can gather from i-Sportsman has been invaluable to a lot of conversations we have. Particularly recently with waterfowl nonresident pressure. It is hard for me to stand up here and anecdotally say what is going on. It is easier and carries more weight if I have data from my staff to support what we are proposing. We feel now is the time to go statewide. Since we are going into a new licensing system to make sure things transition smoothly, like existing properties, we would just require this for hunting only at this time. That is not to say we couldn't include additional activities in the future as long as we have the approval and in regulation that it will be a statewide program we can work with Brandt in implementing different things in phases as we transition. It would be required statewide for hunting activity, excluding Big Basin Preserve and Maxwell Wildlife Refuge that have bison herds and no hunting is allowed. We have been having some internal discussions with increase in non-motorized vessel use across the state. Kayaks have become popular but as a department we don't have a good handle on number of users and what projections could be, so we have been having internal discussions on selecting certain state-owned properties with river access to also be included in this electronic check-in and would be under the last subsection for all activities or create new subsection for river access.

Commissioner Sporer – Would i-Sportsman include WIHA? Schrag – We have the i-WIHA properties and the Wildlife Division manages them and they are the ones that determine which of those properties a part of that system, so i-WIHA would be carried over to the new system.

Commissioner Sporer – Regular Walk-in properties? Schrag - Not regular Walk-in properties, unless the wildlife division changes their protocol. Commissioner Sporer - Just public lands?

Schrag – Yes. Commissioner Rider, then we would have rabbit data for mined lands.

Commissioner Rider – That would be good. Schrag - Last item to discuss relates to discussion this morning and round table discussion on nonresident waterfowl overcrowding issue. We have taken to heart everything that was discussed. We will continue to look into these and discuss internally items recommended this morning like access issues, new acquisitions, easements or potential or new enrollment in WIHA properties with wetland/waterfowl protentional. Are there specific regulations that we can look further into that may alter hunter behavior and activity like access restrictions and boating regulations at the Bottoms and is there more we can do to help

change things. Relying on my staff, if good recommendations we will bring those forward. The local group at Cheyenne Bottoms and not having current recommendations to implement access like the 5 a.m. rule at Neosho and they don't feel, with whooping crane conditions and lack of water, that they have a good handle on what that regulation change could do in the future, so want to monitor that. The bigger conversations with guides and outfitters is big part of this conversation, too. One thing we could consider is having public waterfowl meetings, where our staff has a chance to interact and have open, honest dialog, can come with suggestions and recommendations and have general discuss to try to help us navigate in positive manner through this hot topic. Had them in past when it came to zones and seasons, Tom went around the state to a few different locations. The key here would be participation, try to publicize and get interest because without participation it is not going to do any good. With new facilities at Cheyenne Bottoms, we have space available for large public meeting and Neosho as well. From my standpoint and approval of administration that is something we would like to pursue further, this conversation and get one-on-one with constituents. Secretary Loveless – One thing discussed this morning I want you to put on your list is special opportunities for residents to discuss internally and with commission later. Commissioner Sporer – Define that Brad. Secretary Loveless – We talked about opening days reserved for residents and that kind of idea. We didn't hear from a lot of our managers on that this morning but love to see what they come up with and see how that plays with the Commission. Schrag – We will. I put that in the blanket statement of area specific regulations, but that is part of the conversation. Commissioner Rider – Great idea. Chairman Lauber – On public lands? Schrag – Yes, don't want to dictate anything statewide on private lands.

7. KAR 115-25-9a Deer; open season, bag limit, and permits; additional considerations; Fort Riley) – Levi Jaster, big game coordinator, presented these regulations to the Commission (Exhibit P). Traditionally we set these seasons separately than regular statewide season to allow time to adjust for training schedules or other military activities we may not know at the time. Smoky Hill has requested to have same season as statewide deer hunting seasons and may use up to five white-tailed deer antlerless-only permits on their Unit 4a. Fort Riley has requested additional archery days for individuals authorized, specifically troops of other military personnel going on deployment during the regular season to give them an opportunity to hunt. Those days would be September 1-11, 2022, and for troops who were deployed but returned, January 1-31, 2023; additional days of hunting opportunity for designated persons, youth and people with disabilities, from October 8-10, 2022 would replace pre-rut firearm season for antlerless white-tailed deer; firearm season dates of November 25-27, 2022, December 17-23, 2022, and December 26-27, 2022. That breaks up their firearm season and they don't get any more than the standard 12 days as statewide season is. Best for their schedule and can provide other folks with access to the Fort additional days. Requesting no extended firearm antlerless only season in January; and a deer hunter may use one white-tailed deer antlerless-only permit in Fort Riley. Fort Leavenworth has requested the firearm season, being mostly on weekends, November 12-13, 2022, November 19-20, 2022, November 24-27, 2022, December 3-4, 2022 and December 10-11, 2022, again the same number of days. There extended firearm season for the taking of antlerless-only, will be from January 1-22, 2023. Also, to allow participation an extended archery season from January 23-31, 2023; and a deer hunter may use up to five white-tailed deer antlerless-only permits in Fort Leavenworth in their subunit 10a. Typically voted on in public hearing at the June meeting.

8. KAR 115-4-6 Deer; management units – Levi Jaster, big game coordinator, presented these regulations to the Commission (Exhibit Q). Updating changes from road names. Recently, in last year or two, KDOT rerouted a portion of the boundary between Units 5 and 6 on Highway K-14, which was rerouted, now listed as Segoe Road. When we updated boundary of Unit 10 we did not update the boundary of Unit 11 to match the road name change. We have junction of I-35 and Kansas Highway 150, which is not Highway 150 but Johnson County 135<sup>th</sup> Street.

9. KAR 115-4-11 Big game permit application - Levi Jaster, big game coordinator, presented these regulations to the Commission (Exhibit Q). This is big game and wild turkey permit applications. Proposing to adjust for pronghorn hunters can apply for a limited draw permit or purchase a preference point when unsuccessful in limited draw they would get a preference point. Then they could also purchase an over-the-counter archery permit. We propose they would have to choose to either not draw and get a preference point or purchase a preference point or they have to give up that point if they want to get an archery permit to help limit additional pressure we are now seeing and to address point creep where we continue to need more point to draw a permit. Typically, in other cases when you get the permit you don't get the point or lose points. Last year 135 hunters that had an archery permit that also got a preference point and 273 over the last three years; about 35 percent of the archery permit holders. This is to reduce that and spread the opportunity around and make it so folks can eventually get a permit more often if they choose to. Recommending they either get an archery permit or apply for limited draw and would not be able to apply for firearm/muzzleloader permit or buy a preference point and purchase an archery permit during the same season. Over time seeing an increase in applications and an increase in number of archery permits that are being bought.

10. KAR 115-25-9 Deer; open season, bag limit, and permits – Levi Jaster, big game coordinator, presented these regulations to the Commission (Exhibit R). This is where we set our season dates and address permit use on wildlife areas. Changes in deer population and reduction in crop damage complaints bordering wildlife areas specifically in western and north central Kansas. Several of those wildlife areas were listed as an exception to the statewide regulation that only the first antlerless permit can be used on public wildlife areas. Those areas would like to be brought back under the statewide regulation. Those areas are Glen Elder, Kanopolis, Lovewell, Norton, Webster, and Wilson Wildlife Areas and also Kirwin National Wildlife Refuge would go back to one antlerless permit. Proposed recommended dates for 2022 and 2023 season, on youth and disabled would be September 3-11, 2022; early muzzleloader, September 12-25, 2022; archery, September 12, 2022 – December 31, 2022; pre-rut whitetail antlerless-only (WAO), October 8-10, 2022; regular firearm, November 30, 2022 – December 11, 2022; first extended January whitetail antlerless-only (WAO) January 1-8, 2023; second extended season is January 1-15, 2023; and third season is January 1-22, 2023; and extended archery WAO (DMU 19), January 23-31, 2023.

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

1. Secretary's Orders for Deer – Levi Jaster, big game coordinator, presented these regulations to the Commission (Exhibit S). This item is by consensus and signed by the Secretary. We set the quotas for resident any-deer permits and nonresident quotas for all permits and unit-specific number of whitetail antlerless-only permits. Under statewide archery, open availability. Any-season whitetail permit is also open; hunt-your-own-land is open availability. For residents, firearms any-deer, which allows take of mule deer in western unit the allocation would be 1,257, a decrease of 140 permits; eastern zone for firearms, allocation is 80, a decrease

of 11 permits. In west and east zone muzzleloader permits are available over-the-counter. No changes in antlerless permits from last year, Units 1, 2, 3, 4 5, 7, 11, 12 , 13, 14, 16 and 19 will be open to a total of five; Units 6, 8, 9, 10, 17 will be open to one only and Unit 18 will remain closed with no antlerless permits available. Nonresident quotas, Unit 1, 662 whitetail either-sex permits, decrease of 102 permits, mule deer stamps, which allows nonresidents to hold an any-deer permit, allocation of 40, decrease of 7; Unit 2, 419, decrease of 23, mule deer stamp 30, decrease of 6; Unit 3, 952, decrease 26, mule deer stamp five, decrease of two; Unit 4, 724, increase of 12, mule deer stamp one, same; Unit 5, 724, increase 12, mule deer stamp one; Unit 6, 528, increase of two, no mule deer stamps; Unit 7, 1,649, decrease 23, no mule deer stamps; Unit 8, 1,948 increase of 9, no mule deer stamps; Unit 9, 1,045, increase of 59, no mule deer stamps; Unit 10, 1,270, increase 8; Unit 11, 3,360, increase of 64; Unit 12, 2,262, increase of 47; Unit 13, 562, decrease of 33; Unit 14, 1,951 increase of 27; Unit 15, 1,519, increase 63; Unit 16, 1,848, increase of 8, no mule deer stamps; Unit 17, 656, increase of 35 and 50 mule deer stamps, decline of four; Unit 18, 258, increase of 12, 20 mule deer stamps, same. Overall, 22,134 permits, increase of 108 and same number of overall mule deer stamps. Nonresident antlerless permits are same as resident antlerless permits. Several of the changes, specifically the declines in northwest Kansas and permit numbers are related to declining population and also a decline of demand. Several of the increases in eastern Kansas are coming from increasing deer population in some unit and also detecting CWD in some of those units also triggers an increase to try and get ahead of that. Buck management is best way in dealing with CWD. Commissioner Sill – If part in response to CWD and wanting increased harvest are attempts being made to let residents know to get out and hunt. There is a feel of going to the nonresidents and they will help us with that versus increasing resident take. Address that a little bit. Jaster – Want residents to get out more and take some deer and we are working with our public affairs office with CWD campaign. We will have discussions about targeting messaging to those areas. As with most of the resident permits are over-the-counter it is hard to have a number to pull to have an increase those specifically so we nonresidents we have that ability to bump the tag numbers and get a few more folks out. In all honestly those folks are targeting that specific section of the population that at this stage we want to go after. That is what they are coming for and we can use them initially to help us get to a better place so we can have goal to try to shoot for with healthy herd and not having similar issues as other parts of the state with prevalence rates of CWD that are beyond some of these changes. We can make minor changes now when we can be ahead of it versus having to be more drastic if we wait until later. Commissioner Sill – I know you get phone calls from folks saying they want more permits for their nonresident clients and friends. Do you get phone calls from residents any more saying, Unit 16, that if somebody does the math on antlered bucks nonresidents take home 58 percent; in Unit 12, it is 48 percent, so nonresidents have a high success rate with bucks in those areas. In those units and adjacent units, we have increased permits there. I am worried, back to resident/nonresident tensions that when nonresidents are already taking that high of a percentage of bucks and we are giving them more. Thoughts or reactions? Jaster – Can be that. Nonresidents tend to hunt more days than residents often and they focus on deer hunting during that time versus residents who live their life in those areas. When a nonresident comes to hunt, they are here to hunt and spend time . That is a lot of the success rate, time in the woods. Chairman Lauber – Part of the problem in Unit 16 is the common man has no place to hunt, it has the greatest percentage of land leased of any management unit. It doesn't make any difference what we did resident hunters are frozen out in Unit 16. Jaster – I don't have any specific number on Unit 16. Leasing is a complaint across the state. We are also still dealing with something that was put in place with current system with

nonresident draw that Unit 16 had to be increased by 100 percent for tag numbers. We addressed that a little a few years ago when we took a lot of the permits being sold as leftovers and tried to spread those to other units to keep that total number of permits similar without major increases and changes in demand. We are back to the point now that in the last three years, every permit has gone out in the draw and there has been no leftovers, so demand is creeping up. Chairman Lauber – I don't think there is anything else you can do. We can't pull levers to get more resident buck hunters and it is the bucks we want to target from CWD perspective. There would be squawking if you lowered the number in Unit 16. Go with what you have presented. It is not our call. Commissioner Sporer – Go to the counter and buy a whitetail-only tag and I have to designate what unit I am going to hunt? Jaster – As a resident you do not, you buy any-season whitetail and that is a statewide permit. A nonresident has to designate a unit you want to hunt in and by statute you get to designate an adjacent unit, it has to share a boundary. Commissioner Sporer – When you reach that number your computer stops selling permits? Jaster – With the draw it takes all the applicants and puts them in order, with hunters with preference points first, and once order is set up it is random with folks with same number of preference points or no preference points. The computer will look at their first choice and they can have up to four choices on their applications, looks at first choice to see if a permit is available in that unit. If there is it issues that permit, if not it goes all the way through fourth choice, if can't get them a tag it goes to the next person. If one of their choices has a permit available it will issue it to that person. Commissioner Sporer – Nonresident deer tags are by draw only? Jaster – Unless nonresident landowner or nonresident tenant or qualify for a special hunt-own-land with at least 80 acres.

2. Cabins at Perry State Park – Linda Lanterman, Parks Division director, presented this update to the Commission. *Moved from workshop.* We have four new cabins at Perry State Park, not online, still putting utilities to them. Built by Neosho Community College, a partnership we have. We need prices in the system so when we are ready to go this summer we can start renting them. Same prices at Cheney, which were new a couple years ago, \$125 per night and on weekends \$150. Perry does have three other cabins, with highest occupancy rates in the state, but they are very small. These are larger with two sleeping sides, a couple bedrooms. In the past we present it and tell you and if we make any changes we will come back and ask for a vote. Chairman Lauber – Okay with me. Secretary Loveless – We will check to confirm if this is appropriate protocol. If it is not you will hear about it in April. Lanterman – Not online in April so we will be good. Chairman Lauber – Where are they at? Lanterman – Not in same area as others, it is up by Turkey Run area. It is a great partnership we went into with Neosho County Community college, we did it several years ago and we were able to continue. Good for students and have accomplishments and can come out and see them and we will have ribbon cutting when ready to open.

## **XII. OLD BUSINESS**

## **XIII. OTHER BUSINESS**

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

Chairman Lauber – Proposing September 8 for next meeting that we have to schedule? Suggest Chanute and part of the reason is that during that visit we could have some sort of tour of southeast zone or Neosho WA. We talk a lot about southeast zone and as Sheila and I discussed a lot of people have never been there too much. Maybe a tour the afternoon before or morning of

or something like that to give us exposure. Sheila – There was a discussion with some of Stuart’s guys that maybe November would be better if you want to see ducks. Chairman Lauber – The only reason I didn’t think about November was because usually we have the November meeting pretty close to the geographical area of the Governor’s Pheasant Hunt. Secretary Loveless – Good point. That is a convenient nexus. We will take your suggestion, talk about logistics. We do want to show off Neosho WA, it is great place with terrific improvements. Chairman Lauber – Chanute is about as close as we can get with a place to accommodate us with hotels and such. Secretary Loveless – We will talk about that and loop back to confirm that. Chairman Lauber – Don’t have problem with November date either. Sheila – If we go November in Chanute we could change the date to be away from that Pheasant Hunt so someone going to that could make it there. Go a different week. Secretary Loveless – Good point. Assistant Secretary Miller – That Governor’s hunt is always going to be weekend after opening. Secretary Loveless – Will did into that and get back to you. Schrag – Pleased to give you a tour of Neosho and the Southeast Zone whatever date you come up with.

Assistant Secretary Miller – If you can swing it to make it to Ringneck Ranch the night before the Beloit meeting, it is worth it to see the ranch, eat the food, he will have sponsored meals, and have programs that morning before the Commission meeting on his facility. He has shot everybody a decent rate for rooms and it is a top of the line Controlled Shooting Area in the state and Keith is good people. I highly recommend that everyone who can to try and make that. Secretary Loveless – Sheila will provide information to you. Chairman Lauber – She did that a week ago.

*April 21 – Beloit, Rolling Hills Electric (with Ring Neck Ranch tour)*

*June 23 – Lawrence, Douglas County 4-H*

*August 4 – Hutchinson, Dillon Nature Center*

*September 8, Chanute*

*November*

#### **XIV. ADJOURNMENT**

Adjourned at 7:36 pm.