

**Kansas Department of Wildlife and Parks
Commission Meeting Minutes
Thursday, September 8, 2022
Holiday Inn Express
3401 Blue Comet Drive, Chanute, KS
including a
Virtual ZOOM Meeting Option**

Approved Subject to
11/17/22 Commission
Approval

Pre-meeting tour, Wednesday, September 7, Neosho Wildlife Area (4 p.m. to 6 p.m.)

Pre-meeting panel discussion on Turkeys 9 a.m. to 11 a.m.

The September 8, 2022, meeting of the Kansas Wildlife and Parks Commission was called to order by Chairman Gerald Lauber at 1 p.m. Chairman Lauber and Commissioners Phil Escareno, Warren Gfeller, Emerick Cross, Lauren Queal Sill and Delia Lister were present. Commissioner Troy Sporer was not 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 – Gave new agenda to commissioners. (Adding Fisheries items to Workshop Session that did not end up in the Public Hearing (KAR 115-25-14, fishing; creel limit, size limit, possession limit and open season; 18-10 importation and possession of certain wildlife; and 7-10 fishing special provisions, also moving reference document out of Public Hearing and into 25-14 in Workshop Session (Agenda – Exhibit B). Jeff Koch has a copy of the revised agenda for you.)

IV. APPROVAL OF THE August 4 & 5, 2022, MEETING MINUTES

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

V. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

Willard Shepard – Deer coming out our ears in Montgomery County near Chautauqua County line. There is no way to get rid of them without help. (Read statement) I live in northeast Montgomery County, three years ago I had four does move in where there had been none before. The next year I had eight does. This year I have over 20 plus and in 5-6 years probably over 100. They are multiplying fast. I have soybean fields where the deer eat all of it. I have two alfalfa

fields next to the creek and I have gotten only one cutting of hay when I should have gotten four. These fields have from 20-70 deer in them all the time. Deer are out of control in our area. Mountain lions are moving in because of the deer but cattle are easier to kill and I have had calves killed because of the mountain lion. I would suggest letting people shoot does, \$5-\$8 fee, Nebraska has something like that and we need to have it several times a year. We have had two boys killed on motorcycles hitting deer. So, not only is it a problem for us and our crops it is killing people. On the way up here, I saw dead deer laying in the road. What can you do about it? One thing that can be done, when they give these depredation permits; I have some but they only allow us to have two outside people to shoot deer. I am an old man and I haven't shot at anything for 20 years. I would like to get rid of my problem. If I asked people to shoot a doe, I have tags for it; they say yes but they don't shoot deer in the summer even though they tell you they will take them. If you would let me have five to ten people I might get two that will actually shoot some deer to get rid of them. It is not going to get rid of the problem, I don't know what to do. They are killing people and there are car wrecks, they are tearing up fences and bringing in diseases. We didn't mind it when it was a few but now too many and nobody shoots does. People are not going to pay money to kill does. That is part of the problem there. I have a kid that works on some of my properties and works for the county, can't afford the price you charge. We need to get it where it is economical to do this. If you don't start getting kids to hunt deer we aren't going to have anybody hunting. The new generation don't want to hunt they want to play on video machines. My suggestion is why make a kid or boy up to 18 buy a hunting license? You might get them interested in shooting. But when they have to spend, I don't know what cost is. I have a lifetime hunting and fishing license, but it is a lot of money. Chairman Lauber – You did a good job advocating your position. I understand where you are coming from but don't have any easy answers and I don't know if Levi or anyone else has a good answer to the problem. Shepard – The herd is multiplying and I have 40-50; south and east of Independence, north and west; the deer are thick. Besides that, the deer shed horns and end up in my combine, costing us a lot of money. Wasn't so bad when not overpopulated. Levi Jaster – After I do my couple items this afternoon I will have the time to chat with him. Chairman Lauber – Thanks for coming forward.

Chairman Lauber – Had interesting meeting this morning on turkey and last evening saw Neosho Waterfowl Area and Monte and Travis showed us their accomplishments and scientific data that was helpful to our duck discussion. Thank them again for going out of their way to take us around.

VI. DEPARTMENT REPORT

A. Secretary's Remarks

1. Agency and State Fiscal Status Report – Brad Loveless, Secretary, presented this update to the Commission – Park Fee Fund, revenue derived from entrance and camping fees and annual vehicle passes at state parks, revenue for first two months of fiscal year was \$2.1 million and balance at end of August was \$8.6 million. Cabin revenues in state parks and at some public land areas. Park cabin net revenue for first two months of fiscal year, that started in July, was approximately \$200,000, below previous two years but early in fiscal year. Wildlife Fee Fund (WFF) is derived from sale of hunting and fishing licenses, big game permits, tags to hunters and anglers. WFF for fiscal year was \$1.46 million at end of August, \$290,000 decline from previous year and will see how rest of year plays out. Boating Fee Fund (BFF) revenue is from boat registrations and with this money we provide boating safety education and infrastructure for boating and boat users. Fiscal year 2023 receipts so far are \$288,000, a decline from a year ago

of about \$100,000, more than we expected so will watch that closely to see if that is a trend that is going to continue or will balance out. Currently working to finalize 2024 fiscal year salary and operations budget, due the middle of September. Capital Improvement budget was submitted in July.

B. General Discussion

1. Antelope 25-Series Regulations – Matt Peek, furbearer research biologist, presented this regulation to the Commission (Exhibit D) – Western Kansas pronghorn antelope populations have supported a hunting season since 1974. The firearm pronghorn season has been four days long since 1990, starting on the first Friday in October. The archery pronghorn season was nine days long from 1985 to 2004 and included the two weekends prior to the firearm season. Since 2005, the archery season was reopened on the Saturday following the firearm season and continued through the end of October. A muzzleloader season was initiated in 2001. It has begun immediately after the archery season and ran for eight days, the last four overlapping the Friday through Monday firearm season. Since 2001, this regulation has basically been the same in season dates and structure with the exception of annual adjustments in permit allocations, this regulation has changed minimally in recent years. Poor reproduction in Kansas and caused apparent declines in pronghorn population. Two weeks ago, we had WAFWA pronghorn workshop in South Dakota and pronghorn biologists from all over the country got together. Almost all the states, including Wyoming that has about half the pronghorn in the country typically, have had significant declines in production. In Kansas this year, this can be partially attributed to drought but is more widespread than that. Because of these issues we are considering several approaches to reducing harvest. Easy to limit number of limited-draw permit allocations, but unlimited archery permits require other actions and more difficult to address. We have a proposed regulation change under consideration in a different regulation (K.A.R. 115-4-11) that would remove the ability for archery hunters to purchase a preference point for a limited draw permit and purchase an archery permit during that same year. This will have some effect on harvest or least on our draw system. We are also considering a recommendation to eliminate the late archery season which accounts for about 8% of the archery harvest. Since 2005, reopened archery following the firearm season and we could consider eliminating that which could reduce harvest by 8%. That would be easier and less drastic than going to limited quota permits. Following the upcoming 2022 harvest season and winter population surveys, we will also consider whether to issue any limited draw permits.

2. Elk 25-Series Regulations – Matt Peek, furbearer research biologist, presented this regulation to the Commission (Exhibit E) – Elk were first reintroduced onto Fort Riley in 1986, and a hunting season was initiated in 1990. Most of the hunting opportunity in the state occurs on the Fort. However, elk do exist on private lands, though unpredictably in most of the state, with some established herds on private lands where landowners want them. We consider them to range statewide now, in all four corners of the state, a real success story. Elk also occur in the vicinity of Cimarron National Grasslands, reintroduced back in the late 1980s, and is the one area in the state currently closed, Unit 1 in Morton County. Unit 2 includes Fort Riley and surrounding area. Since 1999, longer seasons and less restrictive permitting options for private landowners to dictate number of elk that occur on their properties. In some cases, they may not want them and it is easy for them to get over-the-counter hunters in most of the state to come in

and remove them. In other cases where people have the land and can provide protection for a small number of them, small herds of them have thrived and done well. The comment I sometimes get is that our regulations look like we are trying to eliminate them and that is not the case, we are giving landowners the authority to determine how many are on their land. Current season dates run from August to mid-March. This has been a successful approach. Both on Cimarron and Fort Riley when the department protected elk from harvest to a higher degree, complaints from landowners became prevalent and we ended up issuing a lot of permits and drastically reduced those elk herds. This system we have now allows them to stay at numbers compatible with the landowner whose property they are on. I provided proposed season dates in the briefing book and will come up with bag limits and season at a later time. Like pronghorn permit, the elk regulation has been consistent for quite a while. We will discuss recommendations at a future meeting.

C. Workshop Session

1. Big Game 4-Series Regulations – Levi Jaster, big game coordinator, presented these regulations to the Commission (Exhibit F). We are currently reviewing our deer control permit program so I will take thoughts and recommendations back to the group doing that and perhaps make something that works better for everybody. Here to introduce the big game permanent regulations. This includes 115-4-2, big game general provisions, which includes what has to be on a tag, proof of sex requirements and registrations. We changed that a couple years ago regarding antlerless deer and elk to allow hunters to voluntarily report so they could leave head and spine at the site of harvest. Includes 115-4-4, legal equipment, taking methods; 115-4-6, which is management units; 115-4-11, which is application cycle and have upcoming public hearing regarding this regulation. KAR 115-4-13, permit descriptions, we are currently working on proposed changes to these and once we have those outlined better we will present them at workshop in November and January prior to March vote. Commissioner Escareno – Had phone call question on tagging deer, how we don't issue tags anymore and they have to go online and print them. This call was from an elderly gentleman who complained about that process. Why did we vote that out? Give me an explanation to tell him. Jaster – Regarding a change in systems we operated under and cost savings in printing on paper rather than printing green Tyvek tags that required special equipment. There has also been some confusion with the new e-tags; now you have to choose if paper printed tag or e-tag that is loaded to the phone and you have to fill out a harvest report within the app to record deer so you can legally transport it. We have had some confusion on what is happening. Often times may have chosen e-tag rather than paper tag. It is important to make sure to select whether you want paper or e-tag just on your app. In that case, there is not necessarily tag attached to deer; it is photo and registration that counts for that. With paper tag you would still have to attach it.

2. Deer 25-Series Regulations – Levi Jaster, big game coordinator, presented these regulations to the Commission (Exhibit G). Deer 25-series regulations is where we set season dates Proposed season dates follow what we have done for last several years. Season dates: Youth and Disability, September 2-10, 2023; Early Muzzleloader, September 11-24, 2023; Archery, opens concurrently with muzzleloader on September 11, 2023 to December 31, 2023; Pre-Rut whitetail-antlerless-only (WAO), October 7-9, 2023, three days over Columbus Day weekend which is a holiday for some folks; Regular Firearm, starts traditional Wednesday after Thanksgiving, November 29, 2023 to December 10, 2023; First extended WAO, January 1-7, 2024; second extended WAO, January 1-14, 2024; third extended WAO, January 1-21, 2024; and Extended Archery (DMU 19), January 22-31, 2024.

3. KAR 115-25-(5&6) Turkey; seasons, bag limits, permits & game tags – Kent Fricke, small game coordinator, presented these regulations to the Commission (Exhibit H, PowerPoint – Exhibit I). Appreciate the time extended to us this morning in special informational session on turkeys. Appreciate time given by you and other panelists to help take a deep dive into turkey populations and harvest management concerns. At last meeting we talked about our harvest management strategies from spring and fall seasons and today wanted to talk about population trends we have been seeing. Statewide, from spring mail carrier survey, had population increase in late 2000s and declines that are continuing since then. What is driving that is lack of production, which we are seeing regionally and nationally. Data shows trend is consistent across the state as well. Lot of factors driving the trends, but this is data we look at and towards in terms of where population is going. Overview of recommendations we are making this year. Starting with fall season, Unit 2 boundary definition, valid units for Unit 4 permits, spring and fall season structure for 2024 and 2023 spring and fall bag limits and permit quotas. Starting with fall Unit 2 boundary definition, this is clarification in description, and to correctly identify Unit 2, the description in the regulation does not close the loop. In Unit 4, currently in draw system for state of Kansas residents with half for landowners, 250, and remainder to other Kansas residents. Currently, if you draw a Unit 4 tag, you can use in adjacent units, Units 1, 2 and 5. Looking at making that only valid in Unit 4, so cannot hunt additional adjacent units. Turkey season date recommendation for 2024 seasons, look at these a year in advance to be able to put into fall hunting regulations. Youth/disabled starts April 1, runs through full weekend; archery season starts Monday after first full weekend; regular season begins Wednesday after second full weekend. Fall season currently is open to all legal equipment and runs from October 1 until November 10. In 2023, this is earliest start date to regular season, April 12, shortest youth/disabled portion, which is April 1 and 2, but continues to run through beginning of regular season; and archery will begin April 3. Fall season is set for October 1 through November 10. We are not recommending any changes to structure for 2024 season. Youth/Disabled April 1-16, archery April 8-16 and regular season April 17 to May 31 and no changes to fall season, October 1 through November 10. Harvest strategy, fell below the resident hunter success threshold in all of our six units so there was recommended changes from the strategy in each of the six units. Overall, that amounted to reductions in spring bag in Units 1 and 2 and to remove fall season in Units 3, 5 and 6 and reductions in resident draw permits in Unit 4. After extensive discussions with turkey committee, we decided to take strategy recommendations, in terms of reducing bag limits, from two to one in Units 1 and 2 and rather than approaching fall season we wanted to take a broader look at overall hunter numbers. We looked at nonresident numbers and came up with recommendation to reduce nonresident hunters and create a quota by reducing nonresident numbers by 25% in each of five remaining units. We looked at quotas for each of last five years, not including 2020, because nonresidents couldn't buy a tag during the 2020 season. We looked at estimated active nonresident hunters in each unit, averaged that out for five-year average, reduced that by 25% and rounded that to the nearest 100. Recommended quotas are 25% reduction of that five-year average. Additionally, for Unit 4 in southwest, which has limited draw for residents-only. Currently permit quota is 500, reduction of 25%, from 500 to 375 and recommended we reserve 200 permits for landowners to maximize the ability to hunt on your own property. We have never hit the 250 landowner quota limit so feel there will still be some left from that for general residents up to 375. Not recommending change to fall bag limit and no recommendation for suspension of the season there in any of our hunt units. We feel we can

address concerns of harvest with spring nonresident reduction and bag limit reductions. Additionally, the harvest in fall has declined substantially, especially last 3-5 years and is at or below 500 birds each year. Not recommending any change there and recommend resident/nonresident unlimited over the counter permits no quota. Recommending clarification of Unit 2 boundary in Fall; removed adjacent unit allowance for Unit 4; no change to spring or fall season structures for 2024; reduction in spring bag limits in Units 1 and 2; and reduction in Unit 4 spring quota from 500 to 375 and creation of nonresident draw, by-unit, for those quotas. In June we talked about turkeys in general discussion, in August we talked about harvest summaries and introduced recommendations, special information session this morning talking about population trends and recommendation and anticipate this being up for public hearing in November at the next commission meeting. In discussions with legal counsel, we are up against quick timelines to get things submitted and approved for 60-day notice. We recognize we have to work on how those recommendations are formalized and submitted through legislative process and register process. In terms of discussion for today, recognizing if not able to meet deadlines for a vote in November we may be looking at January. If thinking about going to draw system for spring we may be up against some time limits if we have to move it to January because that is when draw system application period would have to be open. If we are not able to get ready in timely manner be clear on what that means for the recommendation and spring season in 2023. Also, there has been some discussion about fall season as well. Interested in hearing Commission's thoughts on fall season and if you feel suspension is warranted in the state. If that is the case, we need to move forward with making sure we get that into recommendations in a timely manner. It has become apparent that it wouldn't necessarily be as simple as an amendment at November meeting; so, would like Commission's thoughts on that. Dan Riley – Any questions about that? Chairman Lauber – If we have to wait until January will that prevent us from starting the draw next year? Fricke – I would be open to discussion about that. From a logistical standpoint and hunter standpoint, voting to approve a draw system that begins only a couple of weeks later would be tough and put a lot of onus on nonresidents and uncertainty on hunts that spring. Not sure how quickly we could have effective dates but would need to be part of that discussion. According to regulation now, draw in January as soon as system is in place and end in mid-February, so there is an end point. Riley – Effective date, regulations take effect upon publication after approval, typically within a two-week timeframe, a week to 10-days after approved by the commission, upon publication in register following that. What is unpredictable is promulgation process, Kent has had regulations in the form and prepared to be submitted to the process, six weeks, and we have been waiting to submit those for most of that time because the Department of Administration now has a rule that you can't submit additional regulations until the regs you have in the system are cleared of the process. We have had regs in the system and back and forth in terms of edits for all of that six weeks so we haven't been able to start the turkey regs yet. That are next in line and waiting for their turn. The take-away message is that the whole process has become even more unpredictable than the last time we spoke. Chairman Lauber – Do you think we will know in November what we are looking at? Riley – We will have a better idea. I don't want to stop being optimistic because there is no reason why the regs can't go through the process expeditiously and we can get our 60-day-notice required and have them ready to vote on. Realistically, the most recent change to the process that impacts us, and everybody else trying to get regulations approved, is the lady who is essential part of editing process is retiring after 27 years, in October. I would like to think that will be opportunity for things to improve but realistically that she is someone who is the only person who did what she did and an institution in the process. I do not want to stop being optimistic because that doesn't serve any purpose. It has become more difficult to predict or give anyone a reasonable time frame in terms of how long it is expected to take. There have been more changes in last six

months in the process than in the last 60 years. Commissioner Gfeller – On 25-4 recommendations, if approved, would take effect 2023 spring season? Fricke – Depends if talking about season dates or bag limits. Commissioner Gfeller – The dates are already set? Fricke – For 2023. Commissioner Gfeller – But bag limits, the draw and all of that stuff? Fricke – Is set to be in place for 2023 as currently recommended. Commissioner Gfeller – On 25-5, I favor suspending fall season. If that were the consensus if the commission, would that be for fall 2023 or are those dates already set. Fricke – That would supersede the dates, is my understanding. It would be creating a zero bag limit. Commissioner Gfeller – November 17 deadline has more to do with spring season and draw feature of it? Fricke – In a way, yes. We don't revisit fall season separately; we approach them combined. If we were to take a different approach we would have to separate out and have additional commission meetings specifically for the fall season. Chairman Lauber – I have been a fall season supporter, want to continue it, hate to close a season. The harvest and participation is extremely limited and it has no material effect on statewide harvest. I would like to see it stay open. Having said that, if Kent and turkey committee make formal staff recommendation I would modify my approach a little bit. I like staff recommendation as is and if turkey numbers don't increase then we need to review it for 2024 season. My point is that I am looking more towards what staff thinks we ought to do. Right now, your recommendation is the same but that could change over time. Fricke – If additional thoughts appreciate those, especially thoughts on 2023 season. Commissioner Gfeller – Can't put finger on any one thing that caused declines but do know that there is significant decline. To me it is sense of urgency and all hands on deck and anything we can do to help we need to try and do. To give two more spring seasons and one fall season before we would make the change is not that sense of urgency. Chairman Lauber – I feel, no evidence that harvest is what is dropping the turkey numbers and we have meniscal participation. You are not without some biological sense in argument, so I get it too. Commissioner Sill – Unit 4 landowner tags, those are landowner/tenant tags not hunt-your-own-land tags? So, they can take on or off their own land? Fricke – Correct. I appreciate Annie Farrell, district biological with National Wild Turkey Federation (NWTF) making the trip today and participating in this morning's session and being here for the meeting this afternoon. We have a great partnership with NWTF with a lot of dollars being spent on conservation projects in the state. We appreciate their support and participation at today's meetings.

4. KAR 115-4-11 Big game and wild turkey permit – Kent Fricke, small game coordinator, presented these regulations to the Commission (Exhibit J, PowerPoint – Exhibit I). Add text to create an application period in January-February for non-residents to apply for a specific hunt unit (Units 1, 2, 3, 5 or 6) in which to be entered for a draw and if successful to receive a permit valid for that hunt unit.

5. Commercial Harvest of Mussels – Jordan Hofmeier, aquatic ecologist, presented this update to the Commission (Exhibit K, PowerPoint – Exhibit L). Previously freshwater mussels were used in the pearl button industry and to make cultured pearls. The regulation previously allowed for harvest of four native species and one non-native species. The moratorium originally started on January 1, 2003 and that was extended once but is set to sunset December 31, 2022. Based on what we have seen from data collected on mussels and the fact that there is a lack of market we are currently proposing to replace the five existing regulations related to commercial harvest with one regulation that prohibits commercial harvest of mussels.

6. Furbearer Regulations – Matt Peek, furbearer research biologist, presented these regulations to the Commission (Exhibit M). Three changes to recommend to furbearer regulations. First one is in KAR 115-5-1. Furbearers and coyotes; legal equipment, taking methods, and general provisions. Proposing allowing the use of laser sights to take furbearers that are treed by dogs. Currently furbearers taken under those conditions can only be taken with hand-held battery-powered flashlights, hat lamp or hand-held lantern. Some of commissioners might remember Houndsmen Federation who requested this change. Presumably it would allow them to shoot more accurately to bring the raccoon down out of a tree. It is not something that could be used to spot wildlife, it is just a laser that goes out and shows where the bullet is likely to hit. We are agreeable to this change. Other two changes are in KAR 115-25-11. Furbearers; open seasons and bag limits. One proposal is to extend the general furbearer season by about two weeks by changing closure of the season from February 15 to the last day of February. There recently has been a lot of people expressing concern about furbearer overpopulation so this seems like first logical step, to lengthen the season to full extent of when furs have some value. The other change is to increase otter season bag limit from five to 10 otters. Associated with that is we are also increasing the unit bag limits from five to 10 on the Lower Neosho and Marais des Cygnes otter management units and increase from two to five on the Verdigris and Missouri units. I gave a presentation on otters specifically a couple of meetings ago. Have that information available if anyone wants more information on that.

7. KAR 115-8-23 Baiting; (Public Lands Regulation) – Ryan Stucky, public lands assistant director, presented these regulations to the Commission (Exhibit N). It outlines baiting and restrictions on department lands. The department has discussed banning baiting in this regulation for all activities, not just hunting. Department officers have reported a trend in baiting placed on department lands for other activities but bait being hunted over. Another focus as well is CWD. The department recommends adding language to existing regulation that would prohibit placing bait on any department lands and WIHA and iWIHA for any activities. This would not apply to licensed furharvesters permitted in KAR 115-5-1. Commissioner Gfeller – Baiting on private lands would still be allowed? Stucky – Yes. Commissioner Gfeller – We had a pretty extensive conversation about baiting and CWD and that issue. Where are we on that? Secretary Loveless – We will be following up on that based on the conversations we had last time. We are focused on that for topic for near future. Commissioner Gfeller – That wouldn't be a change that would part of this? Secretary Loveless – Not part of this, correct. Stucky – This is just department owned and managed public lands, WIHA and iWIHA. Chairman Lauber – We are going to be discussing baiting from time to time as we go forward. Baiting in general is a controversial deal, problem with CWD and unnatural grouping of animals, people who can't afford to buy corn by the pallet watching their deer being fed on some outfitters place. You have small town Coops that make a cottage industry off of selling grain for feed. It will be controversial and if you think baiting gives you a leg up then you think baiting makes sense and you like it; if you think baiting gives the deer herd more risk or it is not fair that someone else baits your deer, then you want to get rid of it. We have both biological and sociological problems we will have to face.

8. KAR 115-8-9 Camping (Public Land Regulation) – Ryan Stucky, public lands assistant director, presented these regulations to the Commission (Exhibit O). Our camping regulation on covering camping restrictions on department lands and waters. We are recommending reducing the number of consecutive camping days allowed on state fishing lakes and wildlife areas from 14 days to seven days. This would not affect state parks. Managers of

state fishing lakes and wildlife areas would still have the discretion to post campgrounds and issue a permit allowing 14 days of camping if warranted. At state parks they allow 14 days consecutively in a campground and can stay at same state park but move to a different campground. At state fishing lake and wildlife area it will be seven days and would have to move from the property, not just one side of the lake to the other. Chairman Lauber – It makes sense.

9. KAR 115-8-25 Trail (Game) Cameras and other devices (New Public Land Regulation) – Ryan Stucky, public lands assistant director, presented these regulations to the Commission (Exhibit P). This is a new proposed public land regulation to address trail cameras, game cameras or related regulation that would cover the use of trail cameras on department lands. This new regulation would cover provisions and restrictions for use of trail or game cameras on department lands and waters. Many department lands, including WIHA and iWIHA properties are being inundated with constituents who are reporting camera theft and misuse of trail cameras on public land. Other related discussion points included conflicts among public land users and growing number of trail cameras on the landscape monopolizing public lands and potential disturbance to wildlife with frequent visits to check those cameras. In the regulation itself we would not be allowing use of trail cameras on department lands and waters or no person shall use images obtained from a satellite for purpose for aid in taking wildlife. Commissioner Lister – My assumption is for department or university research use there will be a designation for that use? Maybe there already is? Stucky – Some identified marker on camera? Commissioner Lister – Yes. Commissioner Sill – Are there any other cutting edge devices out there that may not be in production right now that we need to get in front of other than taking things away later? Stucky – That was one of the reasons we wanted to add in images transmitted from satellite, that is new and upcoming. Stuart Schrag, Assistant Secretary of Operations – That is something that is ongoing and never ending issue, and not Kansas just specific. The Midwest public lands working group all waits for the next latest and greatest and bells and whistles and technology people are wanting to implement and use on public land. We haven't identified specific equipment asks or technology that the satellite imagery being relayed to a cell phone is the most recent hot topic so that is why we decided to be proactive and include that in this recommendation along with trail cameras. It has varied over the years from blinds that look like hay bales on four wheels that are motorized. It is always a challenge and part of the job. Chairman Lauber – You can get a program on your phone that you can download OnX that is a satellite image too. That is not a live thing and as long as it doesn't have live broadcast that would be okay? Assistant Secretary Schrag – Right. OnX Maps is a popular one that hunters like to use as well as Google Maps and several others. Those are still allowed and legal. It is live imagery where you can see real time data of wildlife on the move on location that we are trying to be watchful for. Commissioner Gfeller – Can drones be flown over public lands? Assistant Secretary Schrag – No. Secretary Loveless – You need to ask our permission before they do any of that. Assistant Secretary Schrag – There are certain state parks that allow it but if they want to do it on public wildlife areas they need to come to public land manager and get permission to fly that. Commissioner Escareno – Have there been very many requests for that? Secretary Loveless – Three or four, with one going right now in parks system. Assistant Secretary Schrag – In public lands we have gotten a few, one at Cheyenne Bottoms for research purposes. Again, it is review process and if we feel like there is a benefit in that research we review it and approve it. If anyone just wanting to fly a drone, no it is not allowed. Secretary Loveless – The main consideration we have in parks has been from people is we want to make that environment

family friendly, so we worry about privacy issues. Nick Boehm, Overland Park – Support not having game cameras or drones on public land. May not be aware that content creators for YouTube, etc. fly drones as part of their videos and are monetizing public lands in that manner. It is a situation of fairness, when cameras out on public lands. Already limited public lands and difficult enough without filling up the airways too. Removing trail cameras from public landscape is beneficial because it encourages people to get back to roots of hunting. When deer hunting need to be looking for oak trees, draws and ridges and things like that so people will have a more competitive playing field to find the deer rather than just sticking 15 trail cameras up around a small space where they can monopolize it. Drones as well, when asking about things to get ahead of that is a huge one and you can scout a whole wildlife area really quick by putting a drone in the air to find out exactly where waterfowl, turkeys and deer are moving around. More than trail cameras you need to get ahead of the drones. People are doing it and it is hard to detect. So, recommend banning drones as well. Assistant Secretary Schrag – Appreciate his sentiments. A bigger picture and relates back to people videoing hunts on public lands and posting them on social media and YouTube and bigger commercialization of wildlife. Drones calculate into that. We have had internal conversations; it is a bigger picture but all related. Will have to discuss in near future, it is rising problem and people are making significant amounts of money off of public lands on social media platforms.

10. KAR 115-8-1 Department lands and waters: hunting, furharvesting and discharge of firearms – Ryan Stucky, public lands assistant director, presented this regulation to the Commission (Exhibit Q). This covers public lands special use restrictions and the main focus of this is the reference document. The department recommends adding all state fishing lakes and wildlife areas into the electronic check-in and check-out system for hunting activities only. This would exclude Maxwell Wildlife Refuge, Big Basin Prairie Preserve and all state park properties. There is also a change for check-in and check-out for Buck Creek and Noe Wildlife Area for all activities.

11. KAR 115-25-14. Fishing; creel limit, size limit, possession limit, and open season (and associated reference document) – Jeff Koch, assistant fisheries research director, presented this regulation to the Commission (Exhibit R). Switch up due to uncertainty and misunderstandings of how we deal with reference document and associated changes. You have seen these changes several times. Hopefully workshop these this month and to the Attorney General and hopefully vote on them in November. This regulation is length and creel limit changes and you have seen them several times. Chairman Lauber – Pomona at 20-fish-limit not on there? Koch – Not on there for this year, no, we can pursue next year.

12. KAR 115-18-10. Importation and possession of certain wildlife; prohibition, permit requirement, and restrictions. – Jeff Koch, assistant fisheries research director, presented this regulation to the Commission (Exhibit R). This change would add rusty crayfish to the prohibited species list. Invasive crayfish native to Ohio River Basin that has proliferated throughout North America and caused some problems. We found them for the first time at McPherson State Fishing Lake last summer so we would like to add rusty crayfish to the prohibited species list. First, to get on board with surrounding states; and second, related to KAR 115-7-10.

13. KAR 115-7-10. Fishing, special provisions (and associated reference document outlining reference document K.S.A. 2019 Supp. 32-807 – Kansas ANS Designated Waters) – Jeff Koch, assistant fisheries research director, presented this regulation to the Commission

(Exhibit R). If we add rusty crayfish to prohibit species list it would trigger an aquatic nuisance species designated water at McPherson SFL. Also, add Lebo City Lake as an ANS Designated Water for zebra mussels. We would like to clean up some language and remove any references to the term "Asian Carp" to be more specific with individual species, "Silver Carp" and "Bighead Carp". Chairman Lauber – Found crayfish in a pond someplace, not rusty crayfish but considered undesirable. Am I correct on that? Koch – I think swamp crayfish is what you are referring to. Chairman Lauber – The type you would eat in New Orleans? Koch – Yes, you can buy them live from Louisiana and some people have released those in ponds assuming they are good forage, for bait or to harvest later. Chairman Lauber – Considered an invasive species? Koch – Listed at non-native species, not invasive at this point because we don't know what their impacts are. We can only have so much per view over that type of thing because importing them for food would be under the Department of Ag so that gets muddy. Chairman Lauber – They are prohibited for use as bait? Recall past discussion on that. Placed in pond somewhere and concern that they would out-compete and create undue competition for native crayfish. I was thinking we dealt with those in some way. Koch – That was Butler County, but not to my knowledge have we dealt with those.

Chairman Lauber – Offer alternative thoughts on how to structure future meetings. For convenience of out-of-town commissioners but staff as well. We always thought we had to have an evening session, so no conflict to work and have public involvement and communication. We still want that but from a practical standpoint we don't get a lot of that. With advent of having meetings online the opportunity is there for a lot of people who don't have to travel here to get time necessary and state their case. We want to continue to have public input. The more public input you have the less complaining afterwards. So much of the time, long agenda with things that have to be workshopped, so we can thread needle with state workings to get our regulations passed. I would like us to consider starting meetings at 12 p.m. (noon), so people can come during their lunch hour and have public comment and then run straight through until meeting is over, anticipating meeting being over by 6 p.m. Have a segment towards the end designated for public hearing. Do we need to have that break for any mandatory reason? Riley – I don't believe so. I assume that was to get people to participate in the meetings. Chairman Lauber – I'm sure that it was. I used to work at a bank and be open until 6:30 p.m. on Friday evenings so workers and farmers could come in after hours and conduct banking business. Over time it was a ghost town after 5 p.m., but we still did it. People like Jeff has to hang around until this evening because we published when we would have this meeting and once we publish what we are going to have we have to stick to the schedule and we can't jump ahead. It seems like a waste of resources. If we could keep moving along the meetings may not last as long or may last longer because we will meet until we are done. Wondering if that is something we would have push back on if we amended the hours we meet. We could start at 12 p.m. or 1 p.m. Would like staff to weigh in on this because they are the bulk of our participation and they come and suffer silently. Riley – From a legal standpoint I don't think there would be any insufficiency created by condensing the meeting and from fairness and access standpoint I think the availability of participating by Zoom has changed a lot of that. Obviously before someone had the opportunity to participate remotely, if you weren't there you did not know what was going on so if your schedule didn't allow you to be in the room then you were excluded, but Zoom has changed the world. I can't think of too many situations where somebody who has the burning desire to participate couldn't manage to get in front of a computer someplace to participate. I think

fairness and participation issue is resolved technologically. There is a strong argument to be had that we want the comments to be made sooner than later in the process. If we create a process where people show up at public hearing and raises hell because they have six changes they thought should be made that is going to blow us up in terms of the regulation process because then we would have to go back and start all over to make substantial changes. We don't want that. There is a margin in between. The opportunity to condense the hearing process and meeting process and give people fair opportunity to participate, in-person or remotely, can satisfy those things you are talking about. Chairman Lauber – Does it make any sense to start at noon or 1 p.m.? Commissioner Gfeller – I would say noon. That would give people who can't get on their computer during workhours to be on during their lunch hour. I favor noon. Secretary Loveless – I agree with Commissioner Gfeller's comment, when you think about how we can incorporate the most chances for public to be involved, noon would be valuable. If we end 6 p.m. that gives them tie in by Zoom a second time. Commissioner Gfeller – Have other opportunities to comment too in between meetings. Chairman Lauber – Yes, they do. Part of transparency is that we workshop these so that we let people know it is coming. Some people still say they didn't know we were going to change something, but we have talked about it for six months and allow them to weigh into the process. That way we don't have public hearing scramble when somebody has a point. We have enough of that when it comes to ducks. If we can minimize it; we waste a lot of time here because everyone has to hang around until 6:30 p.m. and have a lot of time to kill. If we schedule it in advance then nobody can say there were not made aware. Commissioner Sill – Advocate for the public when they find things out. We see individuals participating and recognize many of those names we know are paying attention all the time. For many folks who are just your average constituent they don't recognize what is happening until newspaper picks it up or a pod cast or something. When a news outlet picks it up and says something is up for vote that is often the first time they know about it. Granted we have talked about it for a long time, some things talked about for a year now, and yet the public hearing piece is when they hear anything. It is not necessarily the public's fault they don't know. I want to encourage us to find as many ways as we can to keep things out in front of all the public; social media, news, working with other organizations that do pod casts, whatever, so we don't get in that bind. Some of that is difficult to get to the general individual before it is a big deal. Chairman Lauber – When I first started Mike Pearce was at every meeting, from the Wichita paper and he would have an article every week and he would cover what we were doing and thinking about doing. And Brent Freze would do some of the same thing. They are gone, newspapers don't cover anything. Now if you want to know what is going on outdoors you watch some hunter or guide with camera on his head telling you where he can get you into bit deer. It is not the same. We put it on the website, if we issued a press release every month half of the news services wouldn't run it so I don't know what else we can do. Continue to do the best we can and try and every opportunity. I don't know if we want to start scheduling the next meeting accordingly or have wait one more time to see if any thoughts come up between legal and staff that I hadn't thought of. Riley – We already have notice published for November meeting. From reg standpoint we are scheduling 60 days out, we have not published for January yet. Chairman Lauber – I propose we make that change. Commissioner Gfeller – I second that. Secretary Loveless – We are glad to do a check with our people but common sense tells me that your consideration of our schedules is accurate and we appreciate that. Another thing I might point out is cost savings if we compress this toward the center of the day, folks are able to drive home and not having to stay overnight before they go home, a benefit that way. We will check but I think it is safe to say staff would be supportive of recommendation. Commissioner Escareno - Can we have motion and second and vote on it and have it approved in advent we can make changes to happen in January? Riley – Doesn't require formal action, but nothing to prevent it. Chairman Lauber – Anyone on the Commission that

doesn't want to start at noon and run straight through the afternoon? Divide up public hearing on paper but not give a time. Riley – I don't think current schedule is codified so Commission has flexibility to adjust as they see fit. Chairman Lauber – Start at January meeting. Commissioner Gfeller – The only caveat is that 9 a.m. sessions we are having now, that we may not be able to have those? Chairman Lauber – We should be able to still do those. That may not be an every meeting thing. We could make it make them hour and a half sessions to give a longer lunch, end at 10:30 a.m. or something like that. Propose we do it starting in January.

VII. RECESS AT 2:37 p.m.

VIII. RECONVENE AT 6:30 p.m.

IX. RE-INTRODUCTION OF COMMISSIONERS AND GUESTS

X. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

None

VI. DEPARTMENT REPORT

D. Public Hearing

Notice Form and Attorney General Letter (Exhibit S).

1. KAR 115-2-1. Amount of Fees. (Add Resident Kids Lifetime Hunting and Fishing Combination License) – Dan Riley, chief legal counsel presented this regulation to the Commission (Exhibit T). Proposed amendment to fees, includes fees for resident kids lifetime hunting and fishing combination license. There are two different options, one for kids five years of age or younger at \$300 fee; and kid six through seven years of age at a \$500 fee. We have not received any comments on this proposed amendment to this regulation.

Commissioner Phil Escareno moved to approve KAR 115-2-1, Commissioner Emerick Cross seconded.

The roll call vote to approve KAR 115-2-1 as recommended was as follows (Exhibit U):

Commissioner Cross	Yes
Commissioner Escareno	Yes
Commissioner Gfeller	Yes
Commissioner Lister	Yes
Commissioner Sill	Yes
Commissioner Sporer	Absent
Commissioner Lauber	Yes

The motion to approve KAR 115-2-1 as presented passed 6-0.

2. KAR 115-9-3. Purchase of lifetime hunting or lifetime combination hunting and fishing license without certificate of completion of an approved hunter education course. (Resident Kids Lifetime Hunting and Fishing Combination License) – Dan Riley, chief legal counsel presented this regulation to the Commission (Exhibit V). Proposed to allow purchase of lifetime combination hunting and fishing license without first obtaining hunter education certificate. Our amendment to our regulation is to incorporate that same kids lifetime fishing and hunting license to the other lifetime licenses that don't require obtaining hunter education certificate. To my knowledge no comments received. Commissioner Sill – Statute has 10-year sunset limitation. Does this need that same thing? Riley – I don't think that it does because this regulation is dependent on existence of that lifetime license. If it happens to not survive past that sunset clause then the regulation would be basically none-functional and we could delete it or allow it to die its own death. It is dependent on that underlying statute.

Commissioner Warren Gfeller moved to approve KAR 115-9-3; Commissioner Lauren Sill seconded.

The roll call vote to approve KAR 115-9-3 as recommended was as follows (Exhibit W):

Commissioner Cross	Yes
Commissioner Escareno	Yes
Commissioner Gfeller	Yes
Commissioner Lister	Yes
Commissioner Sill	Yes
Commissioner Sporer	Absent
Commissioner Lauber	Yes

The motion to approve KAR 115-9-3 as presented passed 6-0.

3. KAR 115-4-11. Big game permit application. – Levi Jaster, big game coordinator, presented these regulations to the Commission (Exhibit X). This is big game and wild turkey permit applications. Our recommendation is to limit antelope hunters to either getting a preference point if unsuccessful when applying for limited draw permit or they could also purchase an unlimited archery or other permit available and not get a preference point. Currently, a hunter can apply for a firearm and if unsuccessful get a preference point and could still get an over-the-counter archery permit. We hope this will help reduce point creep and needing more than one point to draw a permit. It makes it so they can get one or the other in the same year but not both.

Commissioner Delia Lister moved to approve KAR 115-4-11; Commissioner Lauren Sill seconded.

The roll call vote to approve KAR 115-4-11 as recommended was as follows (Exhibit Y):

Commissioner Cross	Yes
Commissioner Escareno	Yes
Commissioner Gfeller	Yes
Commissioner Lister	Yes
Commissioner Sill	Yes
Commissioner Sporer	Absent
Commissioner Lauber	Yes

The motion to approve KAR 115-4-11 as presented passed 6-0.

4. KAR 115-1-1. Definitions. (Definition of artificial lure change) – Jeff Koch, assistant fisheries research director, presented this regulation to the Commission (Exhibit Z). We have four regulations to vote on. The first two work in concert in order to define and allow the use of umbrella rigs. Previously you could only have two hooks on an umbrella rig. We revised these two definitions in 115-1-1 and 115-7-1 so we can have up to five hooks on an umbrella rig but only one umbrella rig per line.

Commissioner Emerick Cross moved to approve KAR 115-1-1; Commissioner Delia Lister seconded.

The roll call vote to approve KAR 115-1-1 as recommended was as follows (Exhibit AA):

Commissioner Cross	Yes
Commissioner Escareno	Yes
Commissioner Gfeller	Yes
Commissioner Lister	Yes
Commissioner Sill	Yes
Commissioner Sporer	Absent
Commissioner Lauber	Yes

The motion to approve KAR 115-1-1 as presented passed 6-0.

5. KAR 115-7-1. Fishing; legal equipment, methods of take and other provisions (number of hooks) – Jeff Koch, assistant fisheries research director, presented this regulation to the Commission (Exhibit BB). *See explanation in KAR 115-1-1.*

Commissioner Emerick Cross moved to approve KAR 115-7-1; Commissioner Warren Gfeller seconded.

The roll call vote to approve KAR 115-7-1 as recommended was as follows (Exhibit CC):

Commissioner Cross	Yes
Commissioner Escareno	Yes
Commissioner Gfeller	Yes
Commissioner Lister	Yes
Commissioner Sill	Yes
Commissioner Sporer	Absent
Commissioner Lauber	Yes

The motion to approve KAR 115-7-1 as presented passed 6-0.

6. KAR 115-7-4. Fish; processing and possession (fish subject to length limit) – Jeff Koch, assistant fisheries research director, presented this regulation to the Commission (Exhibit DD). Clean up verbiage so change this regulation on the way you use and obtain cut bait on the water. This regulation was previously written where you could not cut up or process any fish for

cut bait while on the water, you had to wait until off the water which prohibited legal use of cut bait. We cleaned up the verbiage on that.

Commissioner Phil Escareno moved to approve KAR 115-7-4; Commissioner Lauren Sill seconded.

The roll call vote to approve KAR 115-7-4 as recommended was as follows (Exhibit EE):

Commissioner Cross	Yes
Commissioner Escareno	Yes
Commissioner Gfeller	Yes
Commissioner Lister	Yes
Commissioner Sill	Yes
Commissioner Sporer	Absent
Commissioner Lauber	Yes

The motion to approve KAR 115-7-4 as presented passed 6-0.

7. KAR 115-17-3. Commercial fish bait permit; requirement, application and general provisions (clarify non-living bait) – Jeff Koch, assistant fisheries research director, presented this regulation to the Commission (Exhibit FF). The way the regulation is currently written businesses that are selling dead bait, cut bait or packaged dead bait, like at Walmart, would require a commercial bait permit and would require us to inspect those businesses. That was not the intent of this regulation so we are cleaning that up to exempt businesses from a commercial bait permit when they are only selling dead fish. So, limited risk of them selling anything harmful.

Commissioner Warren Gfeller moved to approve KAR 115-17-3; Commissioner Delia Lister seconded.

The roll call vote to approve KAR 115-17-3 as recommended was as follows (Exhibit GG):

Commissioner Cross	Yes
Commissioner Escareno	Yes
Commissioner Gfeller	Yes
Commissioner Lister	Yes
Commissioner Sill	Yes
Commissioner Sporer	Absent
Commissioner Lauber	Yes

The motion to approve KAR 115-17-3 as presented passed 6-0.

XII. OLD BUSINESS

Chairman Lauber – That concludes business for tonight. As you can tell it didn't take very long but we waited around from 3 p.m. to do it, so that is one of the reasons we are going to shuffle this around. It has been suggested that we start future meetings, starting in January, at noon. Appreciate everyone who attends these and spends the afternoon with us.

XIII. OTHER BUSINESS

A. Future Meeting Locations and Dates

November 17, Colby, Colby Event Center

January 12, Wichita, Great Plains Nature Center (starting at noon)

March 9, Topeka

April 27, Kansas City area

XIV. ADJOURNMENT

Adjourned at 6:50 p.m.