

**Kansas Department of Wildlife and Parks
Commission Meeting Minutes
Thursday, June 22, 2023
Acorns Resort
3710 Farnum Creek Rd, Milford, KS
including a
Virtual ZOOM Meeting Option**

Approved Subject to
8/17/23 Commission
Approval

The June 22, 2023, meeting of the Kansas Wildlife and Parks Commission was called to order by Chairman Gerald Lauber at 12:00 p.m.

Chairman Lauber and Commissioners Lauren Queal Sill, Troy Sporer, Delia Lister, Warren Gfeller and Emerick Cross were present. Phil Escareno attended via Zoom.

II. INTRODUCTION OF COMMISSIONERS AND GUESTS

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

III. ADDITIONS AND DELETIONS TO AGENDA ITEMS

(Mission Statement and Agenda - Exhibit B).

IV. APPROVAL OF THE March 9, 2023, MEETING MINUTES

Commissioner Phil Escareno moved to approve the minutes, Commissioner Emerick Cross second. *Approved* (Minutes – Exhibit C).

V. DEPARTMENT REPORT

A. Public Hearing (Notice of Public Hearing – Exhibit D; Kansas Legislative Research Department Letter – Exhibit D-2)

1. KAR 115-4-11. Big game and wild turkey permit applications – Kent Fricke, small game coordinator, presented this regulation to the Commission (Exhibit E, PowerPoint – Exhibit F). Seen declines for 15 years in turkey populations, consistent with other states in the Midwest. Driver is low production. Made a number of changes in last seven years and reductions in turkey hunting opportunities. Reminder, last meeting in April, KAR 115-25-5 fall season, suspended fall season statewide and 115-25-6, spring season, reduced spring bag to one bird statewide. In Unit 4, the southwest, which is a resident-only draw, we removed adjacent unit allowance reduced the permit quota to 375 permits for residents and tenants, a drop of 25% from 500 permits. The commission also created a nonresident quota approved by unit. Our next step is to modify KAR 115-4-11, recommend change to create an application process for nonresidents. We keep resident spring turkey permits over the counter and unlimited. It defines nonresident spring

turkey permit application timeline as beginning in early January going to second Friday of February, approximately 4-5 weeks. Any leftover permits will be offered on a first come first serve basis, if there are any. In regard to this, with transition to a nonresident draw, we will also need to modify KAR 115-2-1, amount of fees, which Jake George has presented on; As part of that we are creating an application fee, which is also a preference point fee.

Norman Mantle, Salina – Why are we even discussing permits when we have low number of turkeys? What is causing drop in production, is it chemicals or lack of habitat? Chairman Lauber – Discussed for several years. Rather than shut off the whole season we are trying to reduce the harvest to match the population. Mantle – You are accommodating recreational people.

Commissioner Warren Gfeller moved to approve KAR 115-4-11 as presented to the Commission. Commissioner Delia Lister second.

Kenny Graham – We have absolutely had a reduction in numbers. If we are really concerned, why leave residents with unlimited tags? I am a resident and pay taxes. If we are going to cut nonresidents who bring in a huge amount of economy, why don't we look at limited quota for residents? You have a wide-open season. Per your last meeting you talked about how much resident hunting was down. Why only looking at nonresidents and cutting 25% if it is a true biological decision. Can you tell me how many turkeys we have or what the harvest was last year. We can't because we depend on a survey only. Most states (copies of reports - Exhibit G) go into by-day accounts of birds killed per county, can see trends, show type of bird and that is updated daily through e-tag system. We do not make our e-tag mandatory. It would almost eliminate the reason for surveys to come up with numbers if we required every animal to be checked in. Deer or turkey, put into e-tag system. We could add questions for counties, area taken, public or private land, etc. Every state that touches Kansas, except Nebraska, does it. By the end of opening day of deer or turkey season they can tell how many birds were killed per county. Why aren't we doing that? It also exempts your tag, we still have a lot of guys using paper tags, eliminates that bar code on your tag. Do you balance your checkbook when you have only half of your information in? No, you wait. I am not trying to get you to stop the reduction, that is legitimate but let's do more on field side and try to get true information instead of just pieces of it.

Hunter Brewer – Why draw for turkeys rather than first come first serve for quota? Fricke – Two main components in coming forward with staff recommends for draw system. Frist, what is fairest to all hunters, whether ability to get on and purchase a tag at midnight on starting day for first come first serve versus being able to enter into draw for equal opportunities to obtain a tag. We feel there is overall fairness to hunters in that aspect. The second one is consistency among game species and how we approach limited opportunities limited numbers of permits. In turkeys, we currently have a draw system in place in Unit 4, the southwest for residents and tenants. Additionally, we have a draw system for limited number of permits for nonresident deer. We feel consistency across species types promotes consistency across all of our regulations.

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

Commissioner Cross	Yes
Commissioner Escareno	Yes
Commissioner Gfeller	Yes
Commissioner Lister	Yes
Commissioner Sill	Yes

Commissioner Sporer
Commissioner Lauber

Yes
Yes

The motion to approve KAR 115-4-11 passed 7-0.

2. KAR 115-8-23. Bait; hunting (public lands regulation) – Ryan Stucky, public lands assistant director, presented this regulation to the Commission (Exhibit I). Back to talking about not allowing baiting on public lands. The last time we discussed this we asked the commission to vote “no.” This had been workshopped 8-9 times, went through promulgation process and some of the wording we wanted taken out of the regulation was left in, so we asked commissioners to vote “no.” That language was simply not allowing baiting while hunting or preparing to hunt on department lands, which are state owned and managed lands, those under lease and under contract like federal properties and WIHA and i-WIHA properties. We wanted that stricken out so no baiting at all would be allowed on department lands. That has now been corrected. So, no baiting on public land, all department lands including WIHA and iWIHA. This regulation and prohibition of baiting would not apply to licensed furharvesters, as permitted in KAR 115-5-1. Asking for prohibition of all baiting on department lands.

Kenny Graham – Not a problem, what you do on public ground, but it seems like it spills over onto private ground. Listened to your pre-meeting today on feeding. I can bring in six other PhDs who will counter what was said. It is an ongoing study whether feeding is beneficial or not, or what you are feeding, a variety of items. Economic impact is huge issue. Less impact because department only has 300,000 acres that they own, correct? Assistant Secretary Stuart Schrag – That is what we manage, that doesn’t include what we own. WIHA is another million acres. Graham – About 5% of the land in Kansas. After the meeting in Bonner Springs, I asked Mr. Riley for a copy of the economic impact on turkey regs. It will spill over into this and if you take away bait stations or food plots. He said what they used for economic statement was \$68,000, strictly the loss of the 25% of license sales. That is an exceptionally low number, doesn’t include hotels/motels and money spent within the community. Mr. Lauber agreed that \$1,000 to \$1,200 was a fair number spent. Your study didn’t allow you to do anymore study for your economic impact, correct? It said you searched for any information related to Kansas-specific data reflecting economic contributions to local private businesses that served turkey hunters. You said you were unable to find data specific to turkey hunting and type of data on economic information. There is a lot of it there. Since no reliable information, only license cost and estimate was included. On May 13, I made a formal request for a copy of the economic impact study, and I never received it. I got an email saying this is precisely the type of data I was looking for when I drafted the economic impact study. Prior to that, we can give you numbers that were lost by outfitters, hotels and motels. All you have to do is go to the Department of Economic Development and they can tell you. May 15, asked, a collection of opinions, no matter how knowledgeable, that the sources don’t provide the level of reliability we require for regulation for citizens or legislators. When you searched for that type of economic impact data, prior to submitting the turkey regulation there was none available. That is an indication we either need to request or contract with someone to gather the information, or need to determine if we have the expertise and manpower within KDWP to conduct research to collect the data. In Statute 2022, that is required on any regulation change. If you have done it on turkey change that is fine, all I am asking for is to see it. Moving into deer and animal baiting. I want to make sure

the sign says stop, we stop, we don't do a rolling stop. A lot of things coming that are going to involve a lot of people and companies, a few I brought today, that it will impact considerably. We took 21 outfitters, average 31 hunters in 2023. Reliable information, we produce spreadsheets if you need them. These were on private lands, not public lands. That is 651 hunts that averaged \$1,214 a hunt, everything provided, which is \$790,000, cut out 25%, you cut \$197,578.50 out of economy. When an outfitter or landowner gets \$1,000, he spends it at the elevator, to buy gas, to live on, to do what he does, so money continues to turn over. KDWP took a Landowner Association, ran 168 outfitters in the state who run approximately 20 hunts a year, that is \$3.3 million brought in. Everybody agrees turkeys are down. When we pass rules and regs, do what is required by legislature, do the studies and if we don't have the expertise, get it and people in the business have that expertise. It is not just thrown together numbers, it can be shown on tax returns and spreadsheets. Please when you make a decision – you talked this morning about push back from economy and 50% of people who wanted baiting – look how it is going to affect counties. In Coffey County alone, it will put three people out of business, an ethanol business that buys ethanol byproduct to produce deer feed, not just corn, we feed peanuts and multitude of things for the health of the deer. I am asking if the sign says stop, then stop, don't yield and go through it. Chairman Lauber – I understand what the legislature requires, understand good to have that, but difficult for me to create ordinary Kansas hunter as an irrelevant factor, can't manage this just to satisfy the outfitters. When it comes time for complaining, when it affects the pocketbook. If you asked a group of outfitters they couldn't care less about the ordinary hunter, they want the guy who pays money. Graham – That is totally incorrect. My number one resource is landowners who own the land. You will drive by very few homes in the country in this state that you don't see a feeder that has nothing to do with an outfitter. When you get ready to attack that it isn't going to just be the landowner and if you totally eliminate feeding, it will hit the birdwatchers and the ones who like to watch the deer in their year. I get tired of being looked down on because I am an outfitter. From September to December little house on the prairie doesn't get the most amount of tourism in Kansas it is the hunting industry. It is a lot of out of state hunters bringing money in but is also in-state hunters. We have land we offer doe hunting to anyone our county in January, and we contribute to the economy. We care about the habitat, we do as much for habitat as the state does. I manage 24,000 acres and we did 36 food plots last year and supplemental feeding we fed almost 30 tons last year, not dumping, alfalfa, corn and everything. We are out there getting our buck to doe ratios. Can you tell me what deer numbers are on public ground, on one piece of ground? No. But every outfitter or good reliable resident hunter manages his land, 40 to 1,000 acres, knows that. And 95% is managed by those people. You won't just get pushback from outfitters. Chairman Lauber – We expect push back. I understand what you are saying. Have heard rationalization that you care about the little guy but not sure I have seen evidence. At this point we will have this discussion often in the future. Graham – Appreciate your time.

Tim Weddington, Kinsley – I am an outfitter, second largest in the state of Kansas. I own a 6,000 square foot lodge and I was offended by fact that you tell me I don't care about the little man. I put on four hunts a year for children, and they don't pay, some residents some not. I have been in business for a little over 20 years. KDWP has not called me asking what kind of numbers I am seeing on my 50,000 acres, not once. I am on that ground 300 days a year. We want to see what those numbers are because that makes us successful. We don't just go out to kill animals, we manage and monitor that herd, with observation stations with cameras, water sources and food sources. I can tell you in a 10-year period, in 2012, I would see 3 to 1 buck ratio and now it is 6 to 1, and not talking about mature deer. You have greatest source of information standing right in front of you, all you have to do is ask. We will give you that information and tell you what we

see. Talking about baiting and it being bad for the deer herd. I hunt all over country, some with highest number of CWD, and they have no baiting allowed and hasn't been for years. It is not affecting or helping them. If you come to my place, we will throw out an infrared scope and look at alfalfa fields that have 250 deer in it. You want to wipe all that out. That is also how I feed my cattle. If the spread of the disease is by feed than it will wipe everything out not just the feed station. The feed station gives us the ability to monitor our herd and that information is available to any one of you if you call a respectable outfitter, we would be happy to talk to you about that. Give you information we see in the field, not PhDs but have 20 years of experience watching animals to be successful and build my business.

Norman Mantle, Salina – Who owns the deer? The state does. You have control over whatever happens to the animals, you regulate them. We start talking about private ownership we will be in big lawsuits. I have information here, we do not own this land, we are occupying land of another nation that does not belong to us. We don't have the say as a private individual over these wild animals, not domesticated, there is a difference.

Commissioner Sporer – On controlled shooting areas (CSAs), is there any conflict buying deer and turkey and providing your own resource? Put and take. They buy chukers and quail. Is there anything in state statute that says they can't buy deer and turkey? Chief Council Dan Riley – Determination is whether it is wild or domesticated.

Weddingston – KDWP sends me a survey every year that I have to fill out for my CSA. It asks me if deer, turkey, quail, pheasant or quail were released. Your form asks me if I do, so I assume it would be legal. Assistant Secretary Schrag – We have been looking at the CSA and regulations surrounding that. There are some differences in the old CSA forms and species listed as to what the regulation allows. Most of the CSAs involves upland game birds, pheasants, quail and chukers. I haven't seen anyone who has released turkey and deer. Commissioner Sporer – It would be interesting the number of CSAs that are hunting pheasants and quail, how many of them started out hunting native birds and then went to a CSA. Schrag – We can look at that.

Andrew Clark, represent myself and silent majority of blue-collar western Kansas folks – My comment is on baiting on public land in regard to furharvesting. I know I, and several other folks, occasionally use a legally obtained deer carcass to trap bobcats after the upland bird season is closed. Are there any limitations on that? Assistant Secretary Schrag – In subsection 2, “this shall not apply to licensed furharvesters as permitted in KAR 115-5-1”.

Commissioner Lauren Sill moved to approve KAR 115-8-23 as presented to the Commission. Commissioner Troy Sporer second.

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

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

The motion to approve KAR 115-8-23 passed 7-0.

3. Cabin Rates – Linda Lanterman, parks division director, presented this update to the Commission (Exhibit K). We received a grant and purchased some canvas cottage tents for a glamping program we are going to start. We are going to do \$80 a night with no AC, or \$125 with air. We have ten of them, we will put five at Pomona State Park and five at Clinton State Park. If it goes well, we will add some more later. We have had a lot of demand for this. You can see them on the internet when you look up canvas cottage tents, they have doors and windows, and we can lock them up. We are grateful to the Department of Commerce; we got them through a Tourism grant. I may have to come back if we feel our expenses are not going to meet that fee. Also, we are going to purchase a wagon from a vendor to place at Historical Lake Scott State Park. We don't know what we are going to charge on that yet. Chairman Lauber – If no objections, you have a consensus.

VI. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

Larry Fry, Great Bend – I want to commend KDWP on effort to propose regulation that would limit nonresident waterfowl hunters to three days a week. That is a step in the right direction. I'd like to address the issue of increased waterfowl hunting pressure on Kansas lands, primarily on lands set aside for public hunting. As you know, hunter pressure has been steadily increasing the last ten years or so, with the last four or five years seeing it rise to troubling levels, particularly on public lands. The 2021 season in particular showed a noticeable jump in hunter pressure, particularly from non-resident hunters. There are only two ways to reduce total hunter pressure; either reduce the number of hunters or increase the number of acres available for hunting. Since the number of acres in Kansas cannot be increased significantly, that leaves the other alternative as the remaining path to reduce hunter pressure. While there are several methods for reducing hunter numbers in Kansas, one being the proposed reduced days for nonresidents. Is that a done deal? Chairman Lauber – No, it is under consideration. Fry - I want to address what I feel is the best option. Keep in mind that reducing hunter numbers will, no matter what method is utilized, reduce the revenue that Kansas has become used to receiving from the non-resident hunting community. The amount of any reduction remains to be seen. I have some numbers if you are interested at the end of this. At this point, I'd like to remind us that the stated purpose of the KDWP and its commission is: "to advise the Secretary and approve regulations governing outdoor recreation and fish and wildlife resources in Kansas". As far as I know, it is not to ensure the health of the Kansas Treasury or of private businesses. That is the responsibility of the Department of Commerce and Department of Tourism. I believe that the most expeditious way of reducing the number of hunters on Kansas acres, and therefore hunting pressure, is to reduce the daily bag limit to three ducks and three Canada geese. Here's why I think it would be the best path for Kansas to take: 1) The cost to implement this change would be minimal. All it would require is a change in several numbers in the Kansas waterfowl regulations, i.e., from "6" to "3". 2) It would require no additional regulations, regulations that would have to be approved legislatively. It would only require the approval of this commission. 3) It would require no additional law enforcement, either as additional personnel or additional duties for current law enforcement officers. Our present game wardens are already checking hunters for daily bag limit compliance. 4) It would reduce the number of hunters in the field in two ways: a) Increase the attractiveness of other states for non-resident hunters, states with higher daily bag limits. b) It could add some impetus to some resident hunters to reduce the

number of days they spend afield. While this may have some effect on total hunter numbers, I believe the majority of hunter pressure reduction would come from nonresident hunters who, given a choice, would most likely select a state where they can kill the greatest number of birds each day. After all, when a duck hunter puts an out-of-state hunt together, whether it is on public or on private land, he/she fully expects to get the biggest return on his investment, I would too, that is human nature. 5) It would result in the hunters that do decide to hunt in Kansas spending less time "in the blind", as it is normally easier and quicker to kill three birds than to kill six. And less time in the field per hunter equals fewer hunters in the field at any given time, which is the very definition of reduced hunting pressure. 6) It would not single out and penalize one class of hunter, neither the non-resident hunter nor the Kansas resident hunter, would bear the brunt of reducing hunter pressure under this measure. Every hunter would be free to choose to purchase a Kansas hunting license and to hunt in Kansas, on any given day, or not. I believe enough would choose to not hunt on a given day that it would have a positive effect on hunting pressure. Over the last two years, I have given much thought to alternative methods of reducing hunting pressure on Kansas waterfowl, as I hope, and assume, you have. I believe this is the easiest, least costly in terms of manpower and dollars to implement and enforce, and most equitable way of achieving the goal. Thank you for your time, your attention, and your patience.

Andrew Clark – My associates and I have resounding support for KAR 115-8-26. We also support reclassification of raccoons and opossums under the same guise as coyotes because of obvious issues. In the last meeting there was a brief discussion regarding nonresident applicants applying as residents. Out in western Kansas within the last several years we have noticed tons of out-of-state pressure, mostly deer and turkey pressure. This would make sense from what Jason Dickson's crew found. Quick numbers, residents that get a hunt/fish combo deer tag and turkey spend \$127, in order to do those same privileges, spend \$667, a \$540 difference. If you have 3,210 folks making those selections that is \$1.7 million dollars a year in lost revenue. Over the last five years that would cover the shortfall we are missing. What penalty is there for filing false residency and is there a task force trying to recoup losses from these false residency claims? Chairman Lauber – If one of our game wardens writes a ticket. Secretary Loveless – Colonel Greg Kyser who leads our law enforcement division will address that. Clark – What is penalty for false residency? Kyser – That is up to the court and judge in those counties. Chairman Lauber – If we write a ticket it goes to the county attorney, we lose control and don't get any of the fines and don't have the ability, unless they ask us, to pursue any investigation. Kyser – Correct. We have actively been looking into many of those you are bringing up, and are in various stages of investigation, which we can't discuss. That is a topic we are looking at. Clark – It seems to be a widespread issue, alarming to me and my colleagues. It is one thing to do tax evasion but another thing entirely to evade paying license fees because those fees go directly to conservation. Chairman Lauber – There is also a significant number of kids who claim they are residents on the family farm and get a landowner permit. We try to monitor those things, but it is difficult and if we issue a ticket, it is out of our control. Kyser – Every year our wardens audit areas they are assigned as far as what they are seeing. There are a number we are aware of that we are investigating and some recently took place and are in an ongoing case. It is a problem. We are limited on personnel but will do the best we can.

Norman Mantle – Tourism and commercial hunting is a danger to wildlife. If anyone has been reading recent news about what happened in Yellowstone, a baby buffalo separated from its

momma and mother won't reclaim it. Wildlife that gets used to humans presents a danger because a human will kill it when it comes to hunting season. This happened not only in Wyoming, happened in Onega, they picked up baby deer and hauling it around in a swather for 30 minutes, they did it to take pictures. That is illegal. I called the office in Topeka, your information officer. She said it was alright that they could do this. No, you can't. I don't know who the lady was that I talked to, but she said it was okay to pick up wildlife and touch it. Secretary Loveless – We would be interested in knowing who you talked to because it is well understood in our agency that you can't do that. I would be interested in what number you called so we can follow up on that. We can talk offline and follow up on that, so we put out accurate information. I apologize for that. Mantle – That is putting wildlife in danger. Who is legally entitled a fish and hunting license or not have one? Native Americans don't have to have a hunting and fishing license. The last I knew, one-eighth, 12.5% of people don't have to have a hunting and fishing license. You are doing it by records, paperwork, you should use DNA. Secretary Loveless – We just reviewed that regulation; Dan Riley might comment. Chief Counsel Dan Riley – That qualification is based on the individual being on the tribal role. So, rather than us trying to decide who is legitimately Native American we let the Native Americans make the decision. Mantle – That is just paperwork. Any records can be falsified, that is why we need to do DNA. Chairman Lauber – Are you suggesting that every time you go buy a fishing license you have to swab and hand it to the clerk? Mantle – You would have that on record.

Dan Witt, Hoisington – I have been writing a column, Marsh Musings, for Great Bend Tribune for 10 years. I am a retired physician, and I elected to stay here because of Cheyenne Bottoms. A few months ago, I got some information that a Spanish company was leasing land for a solar panel array on the south side of the Bottoms. I found out it is 125,000 acres. The company readily admitted they have never done anything in a wetland with an endangered species or in the Central Flyway. I won't bore you with the value of Cheyenne Bottoms. Their land is as close as me to you to the Bottoms, directly in the flyway of whooping cranes and all these birds. I wrote letter to you (the Secretary), commissioners and the Governor. Nobody has answered me yet. You have never stated a position, never said you had any interest in doing anything with it. You have muzzled your entire department, so no one can speak to me on that. I don't understand that. Secretary Loveless – Chris Berens in ecological services can address that. We can't demand data from a developer, we can ask them to provide it if they choose to, but we don't have any ability to require that. That is the heart of being able to respond in an informed way. Chris Berens, ESS division director – We have review of projects in state but have not received anything from this company yet. We have seen information from you and some of the general public and we have reviewed those. We don't have any official statements because we have no official documents from them. We refer everything to the county right now because they are the ones that have control of where it can be developed working with county right now. In the county you are in they are proactive with wind and everything else. Typically, the county has more control over where those things are positioned than what the state does. Witt – At the present time we have a six-mile perimeter and a no-build zone until January 1. Put your saddle on the horse and let's ride for the brand, there is nothing more sacred in this state than Cheyenne Bottoms. That scared me, didn't hear anything from anybody. Fort Hays State has the best Wetland Education Center, they bring every kid from Barton County 3rd and 4th grades through that place. They have birding and hunting programs. Curtis Wolfe is a genius, but Fort Hays State has muzzled Curtis, and he can't speak about this. I don't get it. They get more credit and good press from that Wetlands Education Center than anything else. Berens – We look at the science, unfortunately with energy developments they occur so quickly that the science never catches up. The science shows us there are particular things with solar farms that are concerning to wildlife. Some of those

research projects are in California, so how do we equate that to Kansas. Brad chairs a group within the Association of Fish and Wildlife Agencies, and we nationally talk about solar, wind and all kinds of energy developments and what kind of aspects the agencies can do to provide the best science available to understand how it is going to impact. Witt – The Audubon gave us a beautiful discussion. Who cares what the process is, it doesn't matter. If you are going to kill whooping cranes, it doesn't matter if you use a stick or a solar panel or a windmill, don't put it in their flyway. Nobody is speaking up for these birds, you can have a dead whooping crane in your legacy, you can't do that, and neither can this Governor have extinction of whooping cranes. If a tornado hits that and spreads that debris over the marsh, there is not enough money or time in the world to clean that up. Don't worry about science. They can put it somewhere else and accomplish the same thing they want to do. You have to protect your marshes and protect that Flyway. The science does not supersede the lives of these birds and the importance of this wetland.

Mike Michaelis – To follow up on Dan's comments. When you talk to game wardens, area managers and Fort Hays, they have opinions. They are being told if they give these opinions they could be fired. Who is telling them that? Secretary Loveless – Not me. In our agency we have folks with real expertise when it comes to making evaluations on things like solar farms, that is Chris and his group. My guess is the reason those folks aren't speaking is because they don't have expertise in it, so we defer to Chris and ecological services who does. Michaelis - So, area game wardens who aren't saying anything or they are in jeopardy, they are just choosing to wait for the science as the gentleman said? Secretary Loveless – I would hope they would direct those questions to people in the divisions that do that every day. Witt – When this thing started, I found 125,000 acres, that is a lot of land, and it involves about 30 landowners and goes all the way to the edge of Great Bend. This company has 40,000 employees worldwide, provide 15% of total energy and have done beautiful projects in Peru and Costa Rico. They are smart, good businessmen. I think they honestly didn't realize what a wetland was, and I guarantee you that after they get in, they don't care about any of that. They hired local attorneys to go out and speak to landowners and then put everybody under a nondisclosure warning. What I have heard is they are offering landowners \$500 to \$700 per acre per month for up to 20 years. That is a lot of money. I can't guarantee that but that is what I have heard, I have no proof of that but there has to be a lot of money. Cheyenne Bottoms is owned by the people of Kansas and managed by your department, please do your job and don't let them put it in.

V. DEPARTMENT REPORT (continued)

B. Secretary's Remarks

1. Agency and State Fiscal Status Report – Brad Loveless, Secretary, presented this update to the Commission. Our budget year ends on June 30 and begin FY24 on July 1. Our revenues in most of our funds have returned to pre-COVID levels. We saw a surge for a few years. What that means for our department we have to figure out a way to adjust expectations and spending to recognize those changes. Park Fee Fund (PFF), derived from entrance fees, camping fees and annual vehicle passes to state parks. Year to date revenue through end of May is \$9.2 million, we expect about \$11 million by end of fiscal year. Balance in PFF on March 31 was about \$5 million, so revenue is less than previous three years but above pre-COVID. Cabin

net revenue for parks and public land cabins through May was approximately \$860,000, a decline from previous year to date. Wildlife Fee Fund (WFF) that a lot of our divisions share is derived from sale of hunting and fishing licenses, game permits, tags, etc. to hunters and anglers. WFF revenue through June 16 was \$28.5 million. We are projecting total revenue for fiscal year to approach \$30 million. This is a decline of about \$5.6 million from FY 2022 and \$9 million from 2021, again has returned to pre-COVID levels. The Boating Fee Fund (BFF) is derived from boat registrations and with this money we provide boating safety, education and infrastructure for public access. FY 2023 receipts through May are \$939,000, a decline of about 15% from previous year. The balance at the end of May was \$2.4 million.

2. Legislative Update – Dan Riley, Legal Counsel, presented this update to the Commission (Exhibit M – Legislative Update from website). The legislature is no longer in session so nothing new since the last report. The three primary pieces of legislation out of the last session that impacted the agency were HB 2039, which involved disabled veterans with over 30% disability, certified by Kansas Commission on Veterans Affairs, is entitled to a free hunting and fishing license. HB 2331, which authorized bringing Lehigh Portland State Park into the state park system. HB 2198, which authorized movement of law enforcement personnel from KPERS system into Kansas Police and Fireman’s retirement system. Only other legislative involvement that is ongoing is with joint committee on administrative rules and regulations. All of our regulations have to go through that process. One thing that I put in briefing book is a handwritten flowchart (last page of briefing book) (Exhibit N). Please take a look at that, even if you think you are familiar with the steps and directions. It is a very involved process and tends to get more complicated as time goes on because it adds more levels and layers. The one thing we can always stand behind, in terms of our regulations is the fact that process by which they are reviewed and approved is very thorough. Regulations go through more scrutiny than statutes do.

Chairman Lauber – Do you want to bring up the lawsuit? Riley – There is a lawsuit filed on triple fatality drowning that took place in 2021 on Neosho River outside of Burlington. We received a letter several months ago indicating an intent to sue. That letter indicated they intended to name the agency and each of the individual commissioners. Received petition about a week and a half ago that it has been filed in district court. They no longer are naming individual commissioners, but agency is still listed. We are being represented by a Great Bend law firm arranged by the Attorney General’s office. We don’t anticipate the agency has any liability because we don’t control that stretch of the river. It was a tragic accident and lawsuit is related to lose of lives that occurred. If you have any questions in the future, I can try to answer them or put you in contact with the gentlemen responsible for the defense of the agency.

C. General Discussion

1. Turkey Regulations – Kent Fricke, small game coordinator, presented these regulations to the Commission (Exhibit O, PowerPoint – Exhibit P). In addition to this afternoon’s public hearing, we are moving forward with next round of discussion on turkey regulations. We don’t have data back yet from spring turkey harvest survey. This is to introduce the topic and get people thinking about turkey seasons and begin the process. As a brief reminder, changes made in 2022 and 2023 that wrapped up earlier, approved dates for 2024 spring season; suspended fall season beginning with 2023 season; reduced spring bag limit to one bird statewide; removed adjacent unit allowance in Unit 4; reduced Unit 4 quota to 375 permits; set nonresident spring quotas by unit; and this afternoon created draw process for nonresident permits. Regarding the draw process we will also be discussing, in the amount of fees regulation, the addition of an

application and preference point fee and fees associated with that. In subsequent discussions we will be discussing 2025 season dates and regulations associated with 115-25-6, which is spring season bag limits and quotas. Along those lines, we do try to adhere to Adaptive Harvest Strategy as much as possible and given the number of changes we made to both spring and fall season and general framework of Adaptive Harvest Strategy, we tend to look at things in terms of enacting managing action, especially bag limit and season dates, have a couple years to look at response to that and then make further recommendations after that. Overview of spring season structure: youth and disabled season always begins April 1; they get a full weekend; archery begins Monday after that first full weekend in April; and regular season begins the Wednesday after the second full weekend in April. In spring 2023 was one of earliest dates that the regular season started, 49 days this year. For next year with no changes, the way the calendar works we will move to shortest season lengths for spring season. That is primarily because first full weekend doesn't fall until April 6 and 7, more time for youth season, nine days for archery season and then regular season starts. What we are looking at going forward, if we don't change regulation for spring season dates in April 2025, a 43-day regular season. We just got data back from spring rural mail carrier survey, which is primary source of abundance data. We still have 15–16-year decline statewide in turkey population statewide. Across the state, ongoing drought continuing in the west and expect some declines associated with that, slight increases in central part of the state and promising trend in north central and little surprising in eastern part of the state that we did not see any bump or stabilization in northeast unit, Unit 3. In ancillary reports from biologists and hunters we had pockets of productions, and through the winter reports from biologists of stable to slightly increasing winter flocks in the northeast. This spring, seeing turkeys in areas they have not seen or 5-6 years. Attribute decline in data to this being patchy, which has been the case in the northeast in other years as well. We will see how that plays out and what brood survey looks like in July. From droughts in west to more turkeys in eastern portions of the state. Flipping to 2023 permit sales and long-term trends, residents and nonresidents. Stable in terms of recent years with residents and nonresidents. With nonresident quota next year will see dip in these numbers. Pressure has remained consistent. In addition, I reached out to education folks, no hunting incidents reported from spring turkey season. Spring Harvest survey ends July 1, analyze data in mid-July, chair turkey committee meeting that has representatives from private lands, public lands and law enforcement across the state, we will meet and discuss the new data, talk about needed regulation changes and recommendations related to bag limits and season dates and anything else related to turkey seasons. I will be here again in workshop on August 17, and we will discuss overall population trends, spring harvest estimates and recommendations. Just a reminder, we have a new statewide turkey research project with contract with K-State University and Kansas Research Coop Unit we are excited about. Spending a good chunk of money and neighboring states are looking at research as well. In next 4-6 years we will see a lot of good results from turkey research from Kansas and adjacent states which will inform how we move forward, adjust harvest strategy, so have more answers with recent and pertinent data.

Tim Nedeau, Osage County – With low numbers in turkey, on our property and adjacent lands, nobody in my area, allowed hunting this year. With floods we got we are concerned about our hatches. With numbers so low, in support of fall season gone, you still have 40-day season. Would it make sense to shut off hunting in May, most of the hunting is in April. Just eliminate those other 31 days or 3-4 weeks. Other states in our area come to Kansas because we have such

a long season. Chairman Lauber – That has been discussed. We are not sure it would have that much dramatic effect on the harvest. Nedeau – Anything would help. Fricke – The other thing we have seen from other states when reductions have been made to season lengths is that typically we do not see any changes in harvest or hunter effort, it is just more condensed. Rather than a nonresident coming the second week of May they come in the last week of April because that is the only time it is open. Typically, that is what we see.

Kin Hickman – Back in around 2008, when this started to decline, I killed a bird in Jefferson County, turned into Randy Whiteaker. It had warts all over its head that we thought was maybe avian pox. He sent it somewhere and said that it was a possible yes. That property had a robust population, it declined quickly after that and has never made it back. Are we still seeing avian pox showing up in the birds across the state and in other states? Fricke – Yes, avian pox and blackhead disease. Just like any wildlife species there are diseases associated with them. We keep a close eye on turkeys because of their close relationship with domestic facilities as well. We are keeping an eye on that and that will also be a component of this research we are doing. Any dead turkey we find throughout the year gets turned in and sent to be analyzed. There is typically one to two reports each year statewide, which is pretty low. We will start getting data that is more relevant to actual prevalence across the landscape. Hickman – Are these diseases only in turkey or all birds? Fricke – Typically just turkeys but potential in all birds. There have been some discussions about potential for West Nile, which can have a population impact like we have seen in the east in states like Pennsylvania. We have done those studies on turkeys and not seen the population impact, which is good. Typically, avian pox and blackhead disease seems to be associated with individual birds and kills bird relatively quickly which reduces potential for larger spread, but there is always that potential for spread out there.

2. Boating Regulations – Eric Deneault, boating law enforcement officer, presented these regulations to the Commission (Exhibit Q). Three regulation changes for boating. Recently the Coast Guard notified me of some updates to their regulations and we get some of our funding from them, so we will need to update our regulations. During that time the program coordinator for the Coast Guard retired, got a new one hired. We will be working Mr. Riley to get those laws updated. No major issues or changes to the boating public, it is more wording and stuff like that. The first one is lifejacket/PFD terminology on personal watercraft (PWC). In 2021, we changed statute 32-1129 and updated regulation 115-30-3, which mirrors the statute. Lifejackets used to be types 1, 2, 3, etc., changed to numbers, 50, 70, 100, which didn't really change the lifejacket but changed terminology. One of the things we missed when we did that, we forgot to update the PWC statute, which has a specific regulation on lifejackets. It still has the old legacy terms of types 1, 2, 3, etc. We need to adjust that. I will get something put together and get that to you. The other two statutes they noticed was the fire extinguisher regulation, and ECOS (engine cut off switch), typically a switch you attach to your body and if you were to fly out it automatically shuts your boat off, like a kill switch on a PWC. The Coast Guard updated that regulation and since we have language on PWC lanyard switch, the lanyard requirement, we have to follow their regulation word for word. We are close to that but just a matter of sitting down with Coast Guard representative to make sure we have that. We were notified in December 2022 and the Coast Guard understands it takes time to get things through the regulation process. We will start on that and hopefully later this fall will have a regulation for you to look at. Commissioner Sporer – Other states don't require lifejackets out of storage. In Kansas says they have to be out. Is that a Kansas statute or a federal deal? Deneault – Required federally, almost all of our boating regulations mirror federal regulations. Basically, they require that to get our funding. I will check to make sure and get back with you.

3. KAR 115-20-3, possession limits amphibians and reptiles – Daren Riedle, wildlife diversity coordinator, in the Ecological Services section presented this to the Commission (Exhibit R, PowerPoint – Exhibit S). This started a few years ago when a few folks within the law enforcement division approached ecological services section (ESS) and we formed an Ad Hoc Working Group looking at amphibians and reptiles, as far as regulations. We, in ESS also provide outreach to law enforcement folks on we manage it and how we can work together. We discussed scientific collecting permits and how that works, helped LE folks with identification with native and nonnative amphibians and reptiles. Also, looked at field herping, which is a growing wildlife viewing opportunity, like birding. Kansas is becoming a destination state for that in the U.S. Also discussed difference between commercialization, illegal commercialization and take and field herping. There is a long history in the amphibian and reptile trade. In the 1990s it got really big, as far as pet trade in the U.S., on who could bring in the coolest new pet back into the U.S. At the same time China opened its borders to international trade with other Asian countries. One big aspect of that was turtles and tortoises for food and pet trade. Within Asia they are actually describing new species coming into the meat markets. It wasn't just in Asia. There was a shipping container full of alligator snapping turtles bound for the U.S. so there were impacts on populations of turtles here. I am also a member of the ICUN tortoise and freshwater turtle specialist group, who looks at international trade for wildlife. In 2011, there were 320 species worldwide, 54% are now threatened with extinction, primarily due to this trade. Chairman Lauber – What was the name of the book on the previous slide? Riedle – Stolen World and Lizard King. In the early days of reptile trade, a little bit of Indiana Jones and My Name is Earl are mixed in there. There is just a handful of players responsible for all of the stuff you see in pet stores now. Which is also why I have worked with our folks on identifying nonnative animals as well. I was working in Oklahoma at one point, and they allowed commercial harvest of turtles, during my tenure there they exported close to 800,000 aquatic turtles out of Oklahoma, and we began to see impacts on some of the streams. In 2008 or 2009, Oklahoma issued a moratorium on commercial turtle harvest in public waters. A lot of other states followed suit. This is a nationwide issue. Some of the turtle activity has continued. In 2019, guy arrested in Oklahoma, he had shipped 1,200 box turtles to China for pet trade. Around this same time, there was a federal case in Johnson/Wyandotte county area where two gentlemen shipped 800 box turtles out of northeast Kansas to China. Those were primarily three-toed box turtles. According to federal officer, China would grade turtles on coloration on the head, in China they charge \$1,000 to \$5,000 a pair. There is a big demand. As we discuss the regulation changes we are proposing, important to note they are shipping out in boxes of 10. Current possession of five, two guys collect five each, box up and ship out; they were never over limit if stopped. Recognizing some of the issues, the Association of Fish and Wildlife Agencies began developing model state statutes regarding amphibians and reptiles. A group of taxa that historically has never really been looked at, but because of increase in world trade we started to look at them. A lot of individual state agencies are reviewing and rewriting their regulations and revisiting commercialization laws. CITES recently up listed all U.S. turtles, depending on where they fell out on appendices in CITES. What is interesting is all the horned lizards are also listed in CITES as well. That is the new pet in Europe and Asia and exports are increasing. In response to some of this, concerned citizens in Kansas introduced HB 2479 in 2022. It basically makes it illegal to touch, pick up or keep ornate box turtles in Kansas in response to this. Done outside of our sphere of influence. I think Brad discussed this with them before it went to the floor and let them know we were

working on this. While we are concerned about this, the bill is stricter than what we were wanting and only covers one species rather than the multiple species that could be impacted. One of the things we wanted to do was look at possession limits. A lot of you probably got interested in wildlife as a kid and kept a turtle, snake or lizard for the summer. We don't want to discourage that. There has been a shift and with the pet trade it is what is the new thing we can get into the U.S. A lot of the other countries, in response to that, protect native amphibians and reptiles, so you can no longer keep native amphibians and reptiles, only keep exotic ones. Instead of stuff coming into the U.S. a lot of stuff is going out of the U.S. to supply pet markets elsewhere. Things that are showing up in South African pet trade are copperheads and timber rattlesnakes, western rat snakes and North American king snakes. Seeing similar situations elsewhere as we are having as North American species leave the country. Don't know what level it is taking place in Kansas, but we do know species are being bred and sold out there. Current regulations allow for five of any one species of amphibians and reptiles or muskels, which was in the original wording that we are not going to worry about right now in KAR 115-20-2. We worked together internally and had a working meeting Kansas Nongame Advisory Council, which is NGOs, Farm Bureau and other groups interested in nongame issues in the state, as well as Kansas Herpetological Society, which is a statewide NGO that is interested in amphibian and reptile conservation. We bounced around different ideas to approach this, a way to decrease number of individuals being taken out of the wild for pets. Also, to make it easier for our law enforcement to determine whether things are being collected for commercialization or not. As I mentioned with box turtles those guys went out and collected ten, boxed them up and sold them. We are proposing reducing the number they could have. The changes we are going to make will be possession limit would be no more than five amphibians of any combination and no more than five live reptiles and no more than two individuals of any species per person or domicile. Commissioner Lister – The Herp Society supports this? Riedle – Yes, I presented at their annual meeting in November and had zero questions. Most people are field herpers and not collectors, they like to go out see and count stuff but are not taking anything home, so this won't affect them at all. Most researchers and teachers, we have a scientific collecting permit process so they will be able to collect for research and education. Commissioner Lister – To me I don't think it goes far enough. Riedle – When we presented it, we got everything from zero to everything comments. Some states have tried to go to zero and have received a lot of public backlash. We are trying to find a happy medium.

Break

D. Workshop Session

1. Fishing Regulations – Bryan Sowards, fisheries division director, presented these regulations to the Commission (Exhibit T). Biggest changes to blue catfish at Clinton, Glen Elder, John Redmond, Melvern, El Dorado, Elk City and Milford for blue catfish. With the exception of El Dorado and Milford have been operating under a 5/day, 35-inch minimum length limit. They were first stocked in mid- to late-2000s and it has taken a long time to develop those populations and get natural reproduction, typically that takes 15-30 years. We have some smaller individuals that are exhibiting smaller growth, so it is time to encourage the harvest of more individuals below a certain length. We want to change to 10/day creel and only one fish 30 inches. That protects those larger fish and gives a trophy opportunity, which are easier to catch but are a smaller portion of the population. Those fish live 25-30 plus years. We are trying to encourage the public to harvest those fish. The ones that were a little different were El Dorado, still going with 10/day with one over 30 inches, but that one was operating under a slot limit.

Milford was 25-40-inch slot, 5/day with one over 40 inches. Those are all going to 10/day with one over 30 inches. Some are in a different place of that population scale, but data is showing us they are going to the same place. The other change at the bottom of the list is removing a few locations from the list of legal paddlefish snagging locations. As I mentioned in April, those made it into the regulation but were never approved by the commission, so cleaning up that issue. Removing those from reference document tied to 115-25-14 (Neosho Falls Dam, Erie Dam, and Oswego Dam on the Neosho River, Coffeyville Dam on the Verdigris River, and Ottawa Dam on the Marais des Cygnes River).

2. Aquatic Invasive Species Regulations – Chris Steffen, aquatic invasive species coordinator, presented these regulations to the Commission (Exhibit U). Changing from aquatic “nuisance” species (ANS) verbiage to aquatic “invasive” species. ANS term has fallen out of favor in that aquatic invasive species (AIS) is easier for the general public to understand. Most states have made that change. Specifically, to move from nuisance to invasive would require changes within KAR 115-7-3, 115-7-2, 115-7-9 and 115-7-10. In all cases it is replacement of word nuisance with invasive. Chairman Lauber – We wouldn’t want to be politically incorrect. Steffen - We are asking to move forward with an AIS affirmation for folks operating a boat registered in Kansas, within Kansas waters. We know boats are high risk factor for moving aquatic invasive species. We would add this in the licensing process. Boaters would have to read a short statement, modeled after programs in other states, including Minnesota, to get awareness of how critical it is to clean their boats to prevent the spread. One other change for KAR 115-17-3, a regulation for bait shops and commercial fish bait permit holders. We would like to ask that they complete an aquatic invasive species (AIS) certification course that exists on our website, takes 5-10 minutes to complete and explains risks and how to prevent the spread. The course is designed to hold information and print a certificate at the end. Asking commercial bait operators to submit that with their other paperwork. There are about 200 permitted bait shops in the state. Commissioner Sill – Is there any cost on that or just completion of it? Steffen – Just completion of it. A couple of our lakes in the state require you to print it and put it on your dash when you launch a boat, so just adapting this to another area where we feel it would provide value. The last one is to AIS designated waters tied to KAR 115-7-10. We would like to add two locations, neither are new, one is an oversight, we forgot to add Riley County portion of the Kansas River for zebra mussels and potentially white perch. The other is Willow Lake, which is below the dam at Tuttle Creek. It is kind of attached to the river pond down there and we know the lake and river pond have zebra mussels and as that connection becomes more substantial, we would like to add them as an AIS designated water. Chairman Lauber – How do we list a part of a free-flowing river with no dams in between, we list upper part of Kansas River and not the lower part? Steffen – Everything downstream from those reservoirs with zebra mussels get listed because we know those zebra mussels are flowing downstream. Chairman Lauber – Is the whole Kansas River considered AIS? Steffen – Correct. We just missed one county when we listed the counties on that reg. Depending where you are at on the river, the lowest part of the river also has silver and bighead carp, so listed for multiple species in lowest part of Kansas River. Chairman Lauber – Do we know how they got there? Steffen – The carp were brought into the state of Arkansas in the early 1970s. Chairman Lauber – I know how they got there. For a long time, it was believed the Bowersock Dam in Lawrence would keep them from coming up. Steffen – It mostly has, they are abundant below that dam, we only have six records above the

Bowersock Dam for bighead carp. When I say lower Kansas River, I am talking downstream of the Bowersock Dam. We have a couple of guys there taking those carp out.

3. KAR 115-4-11 Big Game permit applications – Levi Jaster, big game coordinator, presented these regulations to the Commission (Exhibit V). Need to clean up some language regarding pronghorn antelope permits and preference points. We made some changes, and some old language was left in that was supposed to be removed. We have seen this regulation several times now. We are ready to turn this over to be submitted if you are okay with it. Chairman Lauber – Submit it.

4. Deer 25 Series Regulations (KAR 115-25-9 Deer; open season, bag limit and permits) – Levi Jaster, big game coordinator, presented these regulations to the Commission (Exhibit W). After being submitted to the Department of Administration there was a site change. Because we were trying to make these durable and not list specific dates, in many cases, like archery, instead of beginning on a set date, it begins on second Monday following the first Saturday. What we had put in originally was it ran to December 31, and they didn't like that we put an actual date, so they said we need to change that to last day of calendar year. We do have some specific days but those had to be justified as to why we need those days. That was their hangup on how regulations are supposed to be written according to their guidebooks. We don't want to change this because it has gone through approval and we have posted it, so we should be voting on this at the next meeting. Just wanted to make you aware those minor changes had been made during the review process.

5. KAR 115-25-9a Deer; open season, bag limit, and permits; additional considerations; Ft. Riley (military deer seasons) – Levi Jaster, big game program coordinator, presented this regulation to the Commission (Exhibit X). This has also made it through the process, and we will vote on it at next meeting. That will get the military subunits seasons set. We are looking at ways to adjust these, so we don't have to go through this process every year. These are different because they are specific to the properties and what the managers there are needing to see to make sure we can hold a good season while conforming to different military missions.

6. Proposed CWD Carcass Import – Levi Jaster, big game program, coordinator, presented this update to the Commission (Exhibit Y, PowerPoint – Exhibit Z). For bringing wild cervid carcasses into Kansas, same thing we have seen in the last few meetings, except that we removed listing for taxidermists to use a dumpster. As the commission pointed out that is hard for anyone to prove or find out in some cases. We are working through this whole process. On interstate carcass movement, we looked at this previously and did change some proof of sex regulations but didn't do anything on actual carcass movement. Following what other states have done, which hasn't changed since we last looked at it. We are limiting the worst parts to being moved around but still providing the most flexibility for folks to hunt without too onerous of a restriction. It is a process of trying to find what movement around a unit minimizes risk but also minimizes conflict and are not dividing large cities. Basically, the same language, talked about 30 miles, still reviewing that. It is a process trying to get around all the units. We are considering language, pulled waste disposal from dumpsters or landfill for taking it to a taxidermist. Likely most of the taxidermists, because of volume, have to do that anyway. Still working on it.

7. Furbearer Regulations – Matt Peek, furbearer research biologist, presented these regulations to the Commission (Exhibit AA). Two topics, coyote night vision and raccoon harvest seasons. Covered these extensively at last meeting with a PowerPoint presentation and

addressed a lot of issues and things the department took into consideration. We did not make a recommendation from department at that meeting. Starting with coyote night vision season, we heard from and are aware that night vision hunters themselves would like a lot more ability to hunt longer seasons, more species and different ways with vehicles. We also have heard opposition to the night vision season and some issues have arisen. The department's recommendation at this time is to keep the seasons where they are, keep three-month season, to do away with the permit, so hunters would no longer have to get a permit and it would be absorbed into the regular coyote hunting season and continue to monitor coyote harvest through the small game harvest survey. On raccoon harvest season, changes in harvest and landscape level changes in the state and throughout the Midwest have resulted in long-term increases in raccoon abundance. Evidence that raccoon populations are affecting other species, like gray fox through perpetuation of canine distemper and speculation of impacts on ground nesting birds, not proven, but not disproven either. Kent mentioned turkey research study so hope some clarity with that study. We are considering going to year-round open hunting and trapping season, with some limitations on trap type that could be used. Given the overlap in harvest techniques and high abundance of opossums, their potential and similar roles in nest predation we recommend they be included in year-round season. We are aware some traditional furharvesters will be opposed to this, as well as some of us in the department, but as we have gotten into this issue and looked into it further, and surveys of Kansas furharvesters, only 12% are opposed the establishment of a non-fur type season. This was a powerful piece of information, so who are we protecting this species for when we know there are some problems, they are responsible for on the landscape, so decided to make recommendation to allow additional harvest for those inclined to do so. Chairman Lauber – Agree with recommendation. If furbearer market comes back, or if overabundance takes care of itself through disease or something, we may want to change that. Commissioner Gfeller – What is the reason behind eliminating the permit and what information do we lose if we do that? Peek – I conducted three post season harvest surveys where we estimated the rate of harvest, what equipment they were using, how many days they were active, so we would lose that information specific to them. That information is still obtained through the small game harvest survey, but it would not have detail to night hunting specifically. For example, the small game survey asks them how many days they hunted for coyotes but does not determine how many days they used traditional methods versus night hunting. We would also lose the night vision specific harvest but would have total statewide coyote harvest. Commissioner Gfeller – The more specific data, why wouldn't we want that? Peek – It is a burden on people to buy, even though it is a free permit. If we can get the information we need from the basic survey, we don't need to impose that on every user. This is an interesting dilemma; we would always like to know every bit of information off every person. We could impose a requirement for everybody who harvests something to report to it, then theoretically we would know everything. The truth is you don't know everything in that case, because not everybody responds or tells the truth. What we would get from the small game harvest survey would tell us the estimated coyote harvest, which is the main thing we need to know. Chairman Lauber – Also, the night hunting of coyotes, is baked into coyote harvest. It is part of the way we do it and way other states do it. While it would be good to have the information, I don't like free permits that cost \$3 either if we don't have to impose that on the people. Commissioner Sill – Does that permit afford law enforcement any benefit when they are looking at issues we had raised as concerns around night hunting? Peek – Greg is shaking his head no. Commissioner Sporer – One of the original reasons to not open thermal hunting up in November was law

enforcement didn't feel they would be able to task that. The other thing you brought up is, if we were going to extend the season, we would like to do it in the spring. Nobody wants to hunt in the spring for lots of reasons. Like to see start in November and go to March, rather than go from March to April or May. Chairman Lauber – Will we be able to harvest raccoons with night vision? Peek – No, not recommending expansion of season. Kyser – Regarding question on night vision permits. I have not been briefed on any issues we have encountered with people not having the permits, we ran some enforcement selective during that hunting period and didn't hear of any huge issues. There are perceptions people are taking other game other than coyotes, but no proof of that. The permit is more for biological data collection than what we would use it for. Commissioner Gfeller – I can't help but think that information is not important information to have. Judging from the enthusiasm of the first year I don't think requiring the permit diminished any of the enthusiasm of the night hunters. More data on who is hunting, where how and when they are hunting, is pretty important data. I understand doing the survey, but that is not nearly as accurate. I also understand that everyone who gets a permit may not hunt at night but at least we know how many permits are out there and what the potential is. Unless it is just a major headache to issue these permits, don't see it is an inconvenience to the ones who want to hunt. Andrew Clark – Recently there was a turkey study released in Oklahoma, showing strong correlation between nest success and predation due to raccoons opossums. Please take that into consideration. He mentioned traditional furharvesting opposing an extended season, unfortunately traditional furharvesting relied on exportation. With establishment of BRICS nations, it looks like that expectation probably isn't going to continue for a long time. Some of those traditional values will probably change. Encourage extension of night vision thermal season to include raccoons and opossums during that time period when undulant don't have their head gear. Kin Hickman – When would this be in effect? Peek – I would have to defer to Dan. Dan Riley – We don't have a regulation in the process, this is just discussion. Chairman Lauber – It probably won't take affect this fall. Hickman – If and when this does come about, will it be on public land as well as private? Peek – The proposal right now, is just to be open, so an extension of the existing season on raccoon and opossum, on both public and private land. Norman Mantle – When are we going to go back to allowing us to hunt coyotes with airplanes? That got throwed out a long time ago. Chairman Lauber – To be honest I don't know it is thrown out today. Mantle – It is illegal. Kenny Graham – Back in the 1980s we used to close coyote season during rifle deer season. It stopped a lot of poaching. With licenses going from November all the way through, I don't have any opposition against it for people who are legally hunting but it is an excuse to carry a thermal gun at night. I am sure law enforcement has found more than one deer that is cold and stiff that was illegally taken. Whatever you decide, but love to see that closed during antlered rifle season. That is a definite concern, saying they are coyote hunting when not, that creates a real issue. Chairman Lauber – Continue to reflect on whether to keep the night hunting permit or not, think about that and come back with recommendation. Some people on commission feel it is not harmful and a small price to pay. Peek – If perception that season might be changed substantially as a result of the date collected. I was of the impression that coyote harvest is going to be acceptable and desirable for harvest to be increased, therefore there are more social issues involved than biological. We will have some further discussions about that topic. Commissioner Sporer – Is this the second or third workshop for this? Peek – This is the first workshop where we actually made a recommendation. Chairman Lauber – We have a least another workshop and a public hearing. Commissioner Sporer – We are at least two commission meetings away, August would be second workshop, September would be workshop and a vote. Chairman Lauber – If it gets through the gauntlet. Sometimes before we had some stuff that couldn't get through and Item number 10 is all the things that have workshopped that we can't

get approved. I hope you are right that we can vote in September. Secretary Loveless – That would be the fastest.

8. Public Lands Regulations – Ryan Stucky, public lands assistant director, presented these regulations to the Commission (Exhibit BB). I have two proposals. The first one on the department’s special use descriptions that are in our reference document and the second one I will be proposing is a new regulation that involves nonresident waterfowl access. We went over some of this 10 times in workshop. We table the changes in the reference document a few months ago because of one part in there where we asked for statewide check in and check out. Dustin Mengarelli is our coordinator on that, and he felt the system wasn’t ready at the time. He has been working with our new license vendor, Brandt, and they feel it is ready to move forward. I don’t believe that the public’s copies of the document show the added wording as highlighted. On the first one, access restrictions, you see the following properties have been specified, “specified” was added and you can see the strike through. Moving down to region 3, there was a strike through on Neosho WA. There were some additional properties that wanted to be added to that restriction, some new wording was added which read, “no access into a wetland before 5:00 am and must exit the wetland within one hour after sunset”. Neosho was already in that, but we wanted to add McPherson Valley Wetlands, Slate Creek Wetlands and Byron Walker WA. Move to next section, section 6, no motorized boats, added Jamestown WA, Move to Region 2, at bottom, added Perry WA. Under Region 3, add new subsection, “no vessels allowed” and for Cheyenne Bottoms WA the vessels permitted only during waterfowl season would be an additional restriction. Assistant Secretary Schrag – Back up one section access restrictions, after no access before 5:00 am, add Perry WA, for the record. Stucky – Moving to refuge, subsection 12, Region 3, add two areas, Perkins East and Bogner center tracts. Under daily hunt permits, added “all department managed lands and waters (wildlife areas and state fishing lakes), excluding Maxwell Wildlife Refuge, Big Basin Prairie Preserve, and all State Parks and all i-WIHA properties”. WIHA is already in the check in system. Moving to section 16, daily use permits, two properties of Buck Creek WA and Noe WA were already in the system, but we changed some of the wording to read, “electronic daily use permits are required through the department’s licensing system for all activities”. They were in it we wanted to clean up the iSportsmen and make sure it was for all activities. Commissioner Sporer – Is state licensing system ready capable of check in and check out statewide now? Stucky – Yes. They are ready to import that information in, but it will take a while and will not take full effect right away. Once we get it in there is some education that will go with that. We will try to let folks know, in signage, etc. comes into play. That will also be in our regulation summaries and on internet. Commissioner Sporer – It all comes together with nonresidents, public lands, check in and check out, it is all important stuff. Secretary Loveless – This will take a little time to implement. Our officers are really good about approaching people who weren’t aware or had trouble signing in for one reason or another and are good about coaching them through that. They have a great attitude and are customer friendly when it comes to doing this. Another issue is the habitual offenders, they approach that differently. I think this will be particularly valuable in the future because we have a lot of people besides anglers and hunters using public areas. This has potential for us to understand other users and their needs and desires when they use our ground. An issue we talk about a lot is relevancy, people understand the way we serve them and have a desire to serve them more, wildlife watchers and hikers and all the other folks we have out there. This will help us do a lot better job of understanding who is using it, what needs are and how we

can better address those. Assistant Secretary Schrag – Add to that. When we talked about three-day nonresident restriction, which Ryan is getting ready to discuss, having these properties in the check in and check out system will help facilitate that regulation if passed. As Secretary said, public lands officers are really good at having an educational period, as part of enforcement efforts, staff are equipped with apps and laptop computers and can assist the public on checking in and out. Law Enforcement division has been helping us with that endeavor the last couple of opening seasons at the Bottoms and different properties. We will continue to carry out those operations, from law enforcement standpoint, in public lands and law enforcement divisions to help implement this new check in and check out statewide. Commissioner Sill – Do you have to have a KDWP number to get ksoutdoors app to do check in and check out on? Assistant Secretary Schrag – You have to have the app and set up an account. Commissioner Sill – Do you have to have a KDWP number? Jason Dickson – Not to download the app, but to check in and out you will have to have an account. Commissioner Sill – An account or a number? My question is, for non-hunters and non-anglers, can they do check in and check out if they don't have the number? Dickson – It will create them a number when they set up their account. Commissioner Sill – So you don't have to have license? Dickson – Unlike the original system where the only way you could get a number was to buy a license, now you can sign up and create an account without buying a license. Commissioner Sill – So, for birders they may be a little education to teach them to get the app. Assistant Secretary Schrag – I want to clarify, for right now we are asking for this for the activity of hunting only, not asking anglers or birders or others to check in at this point, it is for hunting only. Commissioner Sill – This says all activities. Assistant Secretary Schrag – If you go to section 15, daily hunt permits, the last sentence of that opening paragraph says, "This requirement would be for hunting activity only.". Commissioner Sill – But what about daily use permit? Assistant Secretary Schrag – They are both daily use permits. It is electronic check in for both. The difference between subsection 16, on those two properties, check in and check out is required for all activities, birding or whatever, but only those two properties. Section 15 covers all statewide wildlife management areas for hunting only. Does that make sense? Commissioner Sill – Yes, it does. My main question was whether people could get there without having to have a license for check in and check out. Assistant Secretary Schrag – We have discussed that internally and see benefits in the future for expanding activities required for check in and check out. We just don't want to dive off into the deep end before we know how to swim. So, for now this is for hunting activity only.

Stucky – The next proposal is a new regulation, KAR 115-8-26. The last commission meeting was the first time we put this into workshop, proposed by Assistant Secretary Stuart Schrag. I would like to read in detail and then expand upon it, so those listening can understand it. "Information and data collected from staff since the 2020-2021 Kansas waterfowl season is showing that non-residents are spending more consecutive days on public waterfowl properties, hunting in larger groups, and spending more time per day on these specific properties pursuing waterfowl. This has changed waterfowl behavior to the point there is growing concern that ducks, specifically, are not able to utilize our public wetlands sufficiently to meet their dietary, energy, and resting needs because of the human pressure that has increased in intensity. Resident waterfowl hunters are also reporting (in increasing volume) that this change in non-resident waterfowl hunting culture has decreased their opportunities on our department lands and waters. Staff from the Public Lands and Wildlife Divisions have been meeting regularly and discussing these growing issues over the past few hunting seasons. Several potential recommendations have been vetted and continue to be discussed but the Department believes the following recommendation has the greatest potential to address the non-resident pressure issue."

When Stuart was talking about it the last time, he talked some on overcrowding and said that it is more pressure than overcrowding. We do have certain properties where overcrowding is an issue. The recommendation is that nonresident waterfowl hunting on department lands and waters be restricted to Sundays, Mondays, and Tuesdays throughout the duration of the established Kansas waterfowl season, including September teal season. There was a question if it did include the Spring Snow Goose Conservation Order and the three-day restriction are for the regular duck and goose seasons, not to include the Spring Snow Goose Conservation Order which starts in February and ends the end of April. Nonresidents would not be allowed to hunt waterfowl on department lands and waters Wednesday through Saturday, and this would include WIHA and iWIHA properties. One of the things we looked at was if we implemented this on state-owned properties but what about other properties we manage, like federal properties. So, we are in talks with the U.S. Army Corps of Engineers, Bureau of Reclamation and U.S. Fish and Wildlife Service and they all were favorable and supported this but one question they had was on the wording. They want to see some final wording before they gave us an answer but are supportive. They want to see this workshopped a few more times to see how the wording would change. One of the things they asked about was boating. We are not interested in restricting boating on reservoirs but more on state-owned properties, marshes and stuff like that, not necessarily on reservoir water. Assistant Secretary Schrag – He is referring to vessel use by nonresidents on those days where they shouldn't be hunting, Wednesday through Saturday. We are looking specifically at wetland pools that allow boating and whether we need to implement some specific nonresident restrictions for vessel use on specific wetlands. Stucky – When we talk about nonresidents there are a few nonresidents that qualify for residency. Those are active military, nonresident lifetime license holders, and nonresident college students, which follows suit with other privileges they are allowed. The department believes this proposed recommendation will have the least amount of negative economic impact over other options. Nonresidents will still be allowed to hunt waterfowl seven days a week, they can do so by hunting four days on private land and three days on public land. If you are looking at three out of seven days, that is 43%. We are not looking to not allow nonresidents we are looking at access restrictions. If you look at the different zones they can hunt in, that open and close at different times, in total they have an opportunity to hunt close to 50% of those open days. We are still discussing regulations and language and nonresident vessel use on some lands and waters. There also has been some public input through emails and phone calls, positive and not in favor of it. The ones that are positive are residents and not positive are nonresidents. Jason Deal was asked to provide information in podcasts and done other interviews with other organizations. Those went well and he has gotten feedback on those, residents more in favor, nonresidents are not. There was a question last time on when this would be implemented, not this season, looking at 2024/25 waterfowl season. Also, we are in discussions about creating a nonresident state stamp, in discussion but not in workshop phase yet but wanted to mention it while on the subject of nonresident waterfowl. Assistant Secretary Schrag – A couple closing remarks on outreach we have been undertaking. We designated Jason Deal, regional public land supervisor out of Chanute, as our spokesperson on this hot topic and he has done a good job. It sounds like, from entities that represent the nonresident component, that they didn't realize how minimal acres of wetland we have in the state and once they put that into perspective, they are getting a better sense and understanding of what we are trying to do. Regarding nonresident specific waterfowl stamp, that is something that will have to go through the Kansas legislature because it is a state statute and not through this commission process. The department is looking at several statutes

that are out of date and in need of revision. This will be one included in a long list of statutes we would take to the legislature for amendments or additions. Commissioner Sporer – Thought about this, with small amount of land we have. I have hunted public lands in Kansas my whole life, our refuge systems and public hunting areas are built on traditional waterfowling. Things have changed and it is not traditional anymore. That is why we are here and having to implement this, things change, and we are trying to maintain the quality of hunting with lands and small areas we have to hunt. That is why we are making this decision. It is what we are faced with and trying to do the best we can.

Hunter Brewer (online) – I love the check in check out process but when it comes to law enforcement, I have personally never seen a law enforcement officer on any public lands. What does the state or commission have planned to increase law enforcement in order to police these new polices? Stucky – We are trying. Assistant Secretary Schrag – Ask him to let us know what properties he has been hunting.

Assistant Secretary Schrag – One final thought is where we go from here in this promulgation process. This is the second time we have workshopped this, August will be the third. From my perspective it would be nice to have everything established so we can write the language of the regulation to present at the August meeting, if everybody is okay at that point, we will then submit to Dan for promulgation process. Stucky – If we can get the final wording, we would get with federal partners to make sure they agree. Assistant Secretary Schrag – I don't want to rush this and want to allow everybody ample opportunity to provide input, commissioners and public. If we feel we are ready in August we will proceed, if we are not ready then workshop additional times. Dan Riley – I suggest we maintain and include with that is all that documentation and contacts from all the people we have heard from. One of the things we are going to have to do when we introduce this into the promulgation process is support for it because we will be challenged on revenue basis, because it won't be revenue neutral and input from hunters you have had contact with. Kenny Graham – The Outfitters Association probably couldn't care less. We do care what happens on public ground, but we don't run hunts on public ground, it is all private. It doesn't affect us at all because we still have seven days. Personally, I don't run duck hunts, but I do enjoy duck hunting. I go to Arkansas; friends go to Oklahoma and other states to hunt and hunt public ground. I want you to take into account, go to other states and ask what the push back would be from them. In 1994, when they allowed out of state deer hunting here it was because Oklahoma was going to shut down Kansas residents from going to Oklahoma. It can be retroactive, and you will get push back and reciprocation back. Same thing with deer and elk hunting and other things in other states. Commissioner Sporer – North Dakota, South Dakota and Minnesota all have restrictions for nonresidents. Missouri has a draw system on public lands, you stand in line at 4:30 in the morning and you either get a draw or don't. Graham – Public and non-public land. Commissioner Sporer – Public lands only. Kenny Graham – In state or out of state. I hunted Missouri. Commissioner Sporer – We are not the first implementing nonresident waterfowl hunting restrictions in the United States. Andrew Clark – Nebraska, in the rainwater basin, is another. I implore you to support this measure. As far as the outfitters, I feel they have a lot in this game. If somebody can come up and hunt the three days and wants to hunt private ground for upland, or released birds on CSAs it could increase the economic benefit that comes their direction.

9. KAR 115-2-3 Camping, utility, and other fees – Linda Lanterman, parks division director, presented this regulation to the Commission (Exhibit CC, PowerPoint Exhibit DD). If you have not gone by Cedar Point campground here at Milford State Park, you need to. It was

the one that was flooded, and we had a lot of people who wanted input on how we designed it. It looks incredible and they will open next Wednesday. It is probably one of the best campgrounds we have in the state. It was FEMA dollars and used \$2 million from the Governor who gave us state general funds. It took all of that and then some. We hope to be reimbursed back. The project is complete, just a few things left to do but it is incredible. We have lowest daily fees and we have gone through this several times. I want to give you one more thing to look at. The seasonal camp program, I proposed \$100 increase. I changed the Group A. The reason why is because every one of the people who has a seasonal camp program has to get an annual camp. The \$100 increase, mostly in smaller parks, would be a discount of more than they pay now. So, I went back and talked to our team, and we want to go to \$150 on smaller parks. You are talking about Cedar Bluff, Cross Timbers, Eisenhower, Fall River, Glen Elder, Kanopolis, Lovewell, Pomona, Historic Lake Scott and Webster. It will do away with annual camp, they won't need that anymore but went up \$150 per month on Group A, which is one utility. Four people last year utilized the one utility. Two utilities are the one that is most utilized, because that is the sites we have. It is still a good savings from what it would be on a daily basis. This program, although we don't want them to look like they are living there, is good for us because we know who is there. It is easier for us to enforce as long as they keep their site clean. A good program for us. We had a meeting with the Corp of Engineers yesterday and they allowed us to do it at El Dorado. We are hopeful that program takes off well. The only thing I changed was Group A, one, two and three utilities, up \$150 because they don't have to have annual camp. Commissioner Sporer – People who stay in same spot? Lanterman – For 30 days and that is the cost proposed for 30 days. If the fees go through, \$15 a night increase, it will be a savings on the other side. If they stayed there and moved every 14 days, like they are supposed to, it would be that much of a discount. Some discount is good because we had the legislature talk to us about giving seniors a discount. The 14-day will give a \$2 a night discount, if they want to do that and not utilize this and this would be another discount, we can allow everyone, not just seniors, but it does allow a discount. Commissioner Sporer – What does this have to do with long-term, what is the difference. Lanterman – We call it seasonal camping, not long-term. Commissioner Sporer – So, nobody can stay in the same spot for more than 30 days? Lanterman – No, they can April to October, but every month they have to renew. Commissioner Sporer – So somebody can stay from April to October? Lanterman – Yes, but it is a per month contract. They don't get a blanket contract; it is per month. Commissioner Sporer – They can walk in and get the same spot and stay. Lanterman - It is a draw, we do it at a certain time in the beginning of the year and if we only have 20 sites and we have 25 people who want it, we do a draw. They put in what sites they want, and we select them out. They may not get the site they want. In some locations, if we have 20 sites and 10 that apply, we still do a draw. Commissioner Sporer – The number of sites is not going to change in Kansas for this program? Lanterman – No, we submit that to the Corp of Engineers every year. It may decrease some. As demand increases in state parks these numbers will decrease. It is a successful program we have. We received \$563,000 from this program last year. But we need to keep up with utilities.

10. Pending Regulations – Chairman Lauber - We have the same pending regulations that have been presented multiple times and they are not ready to go yet. Dan Riley – The first three on the list will be going for a vote in August, with exception of 2-1, which is the fee increase regulation, all of those will be on the agenda for vote in August. I referred earlier to the flow chart in the terms of process. One other thing we are working on is a written explanation and

description of the process, from workshop to concept of regulation that has been workshopped enough and commission is in favor of it, then it enters the promulgation process, so that is work in progress. I want to ask the commission for input on how that designation is made. When you have heard the presentation enough times. When you are satisfied all the questions and issues have been resolved, we need something that makes it distinctive in terms of saying yes that we have reached that point. The reason why is the dialog is a little different in each presentation. What we need is something communicated from presenter to commission asking if commission is satisfied and the regulation is ready to be promulgated. Sometimes we end up in between, sometimes I think it is to that point and it isn't and the consequences of that are never good once it has entered the process it is difficult to make changes. I would like the commission to consider how we signal that distinctively and have a clear sign of when it is ready to go to the next phase. Secretary Loveless – Would we recommend that we put that question at the end of a presenters talk? Dan Riley – I think so. I don't think there will ever be a time when we have a set number of times to workshop an issue because that depends on the issue. Sometimes it might be 10, sometimes two. I don't think we want to dictate that. Whenever it gets to the point that the presenter feels it is ready to move forward. Chairman Lauber – I will try to make sure on each workshop item that we firm up when it is ready to go. Riley – That will help everybody, knowing exactly where we are at. If there is ever any question, Sheila can go back in minutes and look to see that was the endpoint.

- Turkey
 - KAR 115-4-11 Big game and wild turkey permit applications.
- Fishing
 - KAR 115-25-14. Fishing; creel limit, size limit, possession limit, and open season (and associated reference document).
 - KAR 115-18-10. Importation and possession of certain wildlife; prohibition, permit requirement, and restrictions.
 - 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).
- KAR 115-2-1 Amount of Fees.
- KAR 115-8-1 Hunting, furharvesting and discharge of firearms (reference document).
- KAR 115-25-7 Antelope; open season, bag limit and permits.
- KAR 115-25-8 Elk; open season, bag limit and permit.

VII. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

None

VIII. OLD BUSINESS

None

IX. OTHER BUSINESS

A. Future Meeting Locations and Dates

*August 17, Pittsburg, Pittsburg State University, Bicknell Center VIP Room (morning tour??)
September 7, Fynnup Center (Lee Richardson Zoo) Garden City*

November 9, Emporia

Commissioner Sporer – I had someone ask if this morning’s pre-meeting was televised and recorded and if it would be on our website? Sheila Kemmis – It will be on our website with the commission meeting.

X. ADJOURNMENT

Adjourned at 3:18 p.m.