

**Kansas Department of Wildlife and Parks
Commission Meeting
Thursday, April 25, 2024
K-State Salina Campus, College Center Conference Room,
2310 Centennial Rd, Salina, KS
including a
Virtual ZOOM Meeting Option**

Approved Subject to
6/20/24 Commission
Approval

The April 25, 2024, meeting of the Kansas Wildlife and Parks Commission was called to order by Chairman Whitney Damron at 12:04 p.m.

Chairman Whitney Damron, Commissioners Emerick Cross, Lauren Sill, Commissioner Phil Escareno and Troy Sporer were present. Delia Lister and Warren Gfeller 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

Sheila Kemmis – There is a revised agenda on the table. Martin de Boer will not be here to present the legislative update, he said no change from presentation of last meeting, so skipping over that item.

Mission Statement (Exhibit B) and Agenda (Exhibit C).

IV. APPROVAL OF THE March 28, 2024, MEETING MINUTES

Commissioner Lauren Sill moved to approve the minutes; Commissioner Phil Escareno second. *Approved* (Minutes – Exhibit D).

V. DEPARTMENT REPORT

A. Administrative Rules and Regulation Procedure – Pursuant to K.S.A. 77-421 – Public Hearing

1. 2024-2025 Kansas Waterfowl Season Dates, Bag and Possession Limits - Tom Bidrowski, migratory gamebird manager, presented these regulations (Exhibit E, PowerPoint Exhibit F). Consensus is required today in order to submit season selections to the U.S. Fish and Wildlife Service (USFWS) by May 1. The USFWS frameworks establishes maximum bag and

possession limits, season lengths, and earliest opening and latest closing dates. The briefing item contains how the federal frameworks are developed and restrictions. States must operate within these frameworks when establishing state-specific migratory game bird regulations. Waterfowl seasons are set different than resident game, as well as other migratory species. They are adopted via census of this regulation instead of being adopted by a set regulation. This is due to season variability in later timeframe which seasons are addressed. Kansas adopts the seasons through KDWP commission consensus and then sent to the USFWS. The briefing item has a summary of the 2024/25 frameworks with no changes from the previous year. We remain in the liberal duck harvest package. In 2021, Kansas incorporated a decision-making tool to assist in the season setting process by identifying important season date parameters for each of the waterfowl zones. This process is to develop season selection, stability, reduce bias and add transparency in the season, date and selection process. Staff recommends nine days in the high plains, beginning the third Saturday in September, and a 16-day season in the low plains beginning on the second Saturday of September. The difference in the days is due to the additional 23 days afforded during the 75-day general duck season of the high plains and the 107-day restriction in the Migratory Bird Treaty Act. Staff recommendations are two consecutive days for youth, veterans, and active military, held simultaneously, and held one week prior to the general opening seasons in each of the duck zones. Staff is incorporating instruction, decision tools, and to assist in removing bias and stabilize season date selections and review migration patterns, harvest hunter activity, habitat conditions, weather patterns, holidays, hunter surveys, and hunter communications. Staff believes this structure provides the best overall opportunity for the varied waterfall hunting in Kansas. Staff recommends goose season similar to the past seasons, and we are continuing with the recommended six Canada goose bag limit. Consistent with past seasons staff recommends a 15-day falconry season in the low plains zone due to 107-day restriction, additional hawking days are unavailable in the high plains. Since 2024 was leap year, the season starts one day later. This fall, KDWP will be hosting a series of public meetings as well as conducting a broad scale waterfowl hunter survey. This is being done on several items like season dates, preferences, and zone boundaries. Every five years the USFWS allows states to make changes to zone boundaries and the next change is in 2025. The only difference from previous staff recommendations is due to the calendar shift and that opens the goose split from two- to nine-days. Season selections are due to the USFWS by May 1. So, action is required. Commissioner Escareno – Have meeting dates been set? Bidrowski – No. Chairman Damron – Agenda says consensus, is any action needed? Chief Counsel Dan Riley – Vote to accept proposal, in terms of his recommendations. Chairman Damron – Motion to adopt recommendation? *Commissioner Phil Escareno moved to adopt as presented, Commissioner Troy Sporer second. Approved (Exhibit G).*

VI. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

Tom Dill, Salina – I used to serve on this committee. Here to express displeasure of nonresident turkey hunting changes last year. In the past I took two of three grandsons from Nebraska hunting, this year that wasn't an option. When my three sons graduated from high school, they each received a Kansas lifetime hunting license. Eight of my eleven grandchildren don't live in Kansas and cannot come back to hunt and hunt primarily during turkey season. I got information from Jake George that 25% of nonresident youth did not get a tag this year, about 17% of remaining did not get a tag. Unfortunately, you limited the ability to have youth come back and hunt. I also would advocate landowner/tenant lineal descendant youth tag, not adults but youth, if we want to encourage youth to come back and hunt. I am not the only one with grandchildren living somewhere else. I don't know if this would have to change in statute or

regulation. For next year, a certain number of permits allocated to youth, even if you leave it as nonresident draw, but advocate for landowner/tenant lineal descendant youth. Commissioner Sill – Those not successful, do they get preference point next year. Jake George – They will a get preference point if unsuccessful, which would guarantee them a tag next year. Commissioner Escareno – What was the number of youth that applied that did not get a tag? George – There were 1,009 applicants, 747 youth permits issued, and two youth permits were issued in Unit 2 leftovers. That means 260 nonresident youth were unsuccessful.

Norman Mantle, Salina – In the 2022/23 issue of Audubon of Kansas, on page 47, it says hazard to our insects, birds and entire ecosystem is chemicals, insecticides and pesticides we are putting on grain is causing the problem. That is why there are no birds and insects out there and we are eating that stuff. There is one local seed company here and they said they don't care. Another issue is water. There is no water in this country, so need to learn to quit sucking water out of the ground. I have been to South America where it rains 72 inches a year. Soon we will be importing our food from South America where they have water. We used to have it but have used it all up. Can't do what we think we can anymore, we are not entitled to it.

V. DEPARTMENT REPORT (continued)

B. Secretary's Remarks

Secretary Christopher Kennedy – I am pleased to be here for my second Kansas Wildlife and Parks Commission meeting. Since my first meeting I've got to know a few more faces in the audience. And I hope for those of you that are here to me that we get together very soon. Preferably holding a fish, walking through a prairie or waiting on a turkey. Given how fast my first six weeks has passed I'm not confident I'll get much time off in the field in the upcoming weeks. But that's all right because we've got a lot of challenging and work ahead. I think it would be beneficial for newest commission chair as well as myself and anyone else who may be joining for the first time to go over a little bit of what we're here to contribute. For some of us, we are charting newish territory, so a quick refresher can't hurt. The relationship between the commission, the department and the public are a symbolic one. Meaning, when everything is working, every party involved should benefit in some capacity from our shared interactions. Commissioners have been charged with serving as a regulatory body for the Kansas Department of Wildlife and Parks. If advising the department, led by our secretary, on planning and policy issues that impact the general administration, to exclude issues related to personnel. Led by your chairman, our two entities have a shared mission of conserving and enhancing Kansas wildlife and its habitats, ensuring current and future generations appreciate and enjoy these living resources and associated recreation while informing the public of the status of Kansas natural resources, gaining understanding and support in achieving this mission. Much like a chairman, it is my duty to ensure that we stay on track. That the department provides the expertise, the data, and support necessary to uphold their mission and the decisions we make are in alignment with commission priorities. Both the commission and the department work on behalf of the public and on behalf of our natural resources, utilizing sound science and a diplomatic process for decision

making. If we continue to prioritize the science, continue to work together on our shared mission, and continue to solicit value and integrate feedback from the public, I'm confident that we will reach the right solutions moving forward.

Now onto funding. The funding that makes this good work possible.

1. Agency and State Fiscal Status Report – Secretary Chris Kennedy, presented this update to the Commission. We are approaching 10th month and staff will use the last two months to complete outstanding purchases and approvals that need to be completed this fiscal year. Our park fee fund, which is revenue derived from state park entrance fees, camping fees, and annual vehicle passes to our state parks, brought in \$1,163,188 for the month of March, an 8% decrease and the fiscal year to date is \$6.9 million a 22% increase compared to the same time last year. The cash balance of our cabin fee fund, which is revenue derived from parks and public land cabin rentals sits at \$1.9 million, a total revenue for March was \$146,497. A 29% decrease from the same time last year. The wildlife fee fund is funded by the sale of hunting and fishing licenses, big game permits and tags, to include nonresident purchases, brought in \$981,013 in March. That account balance now sits at \$17.3 million, which is a 1.5% decrease compared to the same time last year. Our boating fee fund is derived from vessel registrations and renewals, saw \$135,796 in revenue last month and fiscal year to date cash balance is \$2.6 million, a 14% increase compared to this same time last year. It's worth noting that this report is merely one of revenue, not expenses which are undoubtedly great in order to run an organization of this size and manage the public lands, waters, and state parks that we do. I conclude my report by sharing that our executive management team is already making budget preparations, especially those related to capital improvement projects for the next several years to ensure that we do not rest on our laurels, nor do we operate under the assumption that every year will be like this year's revenue or last year's revenue. If the COVID-19 pandemic taught us anything, it was that our outdoor use can change in a moment's notice for better or for worse. So as your new secretary, our physical fitness will remain a top priority of mine moving forward so that we may continue the good work while being prepared for the future.

At this point I would turn it over to, Martin De Boer who as Sheila said, is not here today and doesn't have anything to contribute to report on the legislative affairs.

2. Legislative Update – Martin DeBoer, government relations manager, presented this update to the Commission. *Martin could not be present; no changes to presentation made at last meeting.* Chairman Damron – I'll take prerogative and contribute on the legislative portion of this. I would note that the final day of the regular session, there were still discussions on potential changes to the commission makeup. As legal counsel Terry Bruce would note, it's not over until it's over. The legislature is back in town today and will probably conclude business by Tuesday. I think it's unlikely that changes will pass, but I would also say it's not impossible.

C. General Discussion

1. Fishing regulations - statewide regulations and water-body specific regulations (including reference document) - Bryan Sowards, fisheries division director, presented these regulations to the Commission (Exhibit H). Mostly KAR 115-25-14 discussion today, or parts of it. The first one is KAR 115-25-14(b)(A) and (b)(B), which refers to trout type one waters and the trout season. As you will remember from last meeting's discussion on trout, we do not produce our own trout, we buy them from commercial vendors and those costs are going up. To truncate that season, we proposed change from November 1 through April 15 to December 1

through March 31 season. That has not moved to workshop, we backed it up into general discussion to be ran at the same time as other 115-25-14 regulation parts we are discussing. The other part of that is in workshop today, that if the fee increase for trout permits. The first is 115-25-14(b)(A) to change to new season, December 1 through March 31. In (b)(B) we want to remove “unit number 30, located in the Mined Land Wildlife Area”, which is a popular area where you had to have a permit year around, it says November 1 to October 31, and we changed that a few years ago to fit in type one waters, so you will need a permit during normal trout season. Just a cleanup. In 115-25-14(c) is for type two trout water bodies. Type one waters requires everyone to have a permit during trout season if they are fishing and two waters if you are fishing for trout and possessing trout during trout season you have to have a permit, so you can fish for bluegill or something else and not have to have a permit. For type two waters we want to change the season to December 1 through March 31 and add Shawnee Mission Park Lake and Kill Creek Park Lake, in Johnson County, to list of type two trout water bodies. We recently were approached by Johnson County to work together; they have done things by themselves for a long time, and we are excited for this opportunity. They are eager to partner with us and this is beneficial given the large number of fishing license holders in Johnson County. Commissioner Cross – With those type two waters, where you can fish for anything and only have to have the permit if keeping or possessing fish. Does that present a problem for law enforcement? Sowards – It could be sticky, I’m sure it does. Jason Hawman, Captain region 1 - Not much out west but can be complicated in certain areas. Commissioner Sill – What is rationale for type two waters? Sowards – I believe rationale was to not limit opportunity on lakes that we have identified as having multiple opportunities, whether good crappie or bluegill in the winter. Or it is just a popular access point year-round. We don’t want to create hurdles for individuals already fishing for other things. It was a fairness thing in that respect. Commissioner Escareno – With regards to two waters that bought their own trout and stocked them, are they going to continue to make that contribution to stock those lakes financially? Sowards – We contribute towards purchase of trout on all Type one or two waters, those are not our lakes, those are community fisheries cooperators and are not in our traditional contract but we still stock through our CFAP lease agreements and access agreements to reimburse them for providing a winter fishing opportunity. We are paying for those trout in a couple of different ways. Sometimes they go above and beyond and buy extra trout. Commissioner Escareno – I was looking for avenue to save on the budget. Sowards – We recently had conversations about reducing those on CFAP agreements based on percentage that we contracted. If we reduce the season by 30% and reduce contracts by 30%. Based on the percentage we contracted for the season that will save a couple hundred thousand dollars. Commissioner Cross – Will trout permit fee stay the same? Sowards – No, we will be workshopping that in a little while and will raise from \$12 to \$17.50. In the 115-25-14, for Cheney Reservoir, on saugeye, add 21-inch minimum length limit, also 2/day creel; on crappie, change from 50/day to 20/day creel limit, based on increased population and angler harvest and survey of local anglers that asked for this reduction. Also, at Cheney, on blue catfish, remove the 5/day and 35-inch minimum length limit. Several of these are on blue catfish, remove the 5/day and 35-inch minimum length limit. I will come back to blue catfish. At Marion County Lake, on largemouth bass, change from 13–18-inch protective slot to the statewide 15-inch minimum length limit. At Overbrook City Lake, on channel catfish,

change from 2/day creel limit and 15-inch minimum length limit to a 5/day creel limit and no minimum length limit. Back to blue catfish; changing to statewide length limit and creel limits, to 10/day, one fish over 30 inches. The statewide regulation is 5/day and no length restriction. Very few have that managed population regulation anymore. So, 10/day and one over 30 inches. For the reference document, look through the list and I will be happy to take questions.

Commissioner Escareno – What is criteria for change from 50/day to 20/day at Cheney? Does it have to do with survey you conducted at the lake and feedback from anglers? Sowards – A number of things and this has been challenging for us. The reality comes back to if we have a biological concern, we don't, but we do have a sociological concern. With 50/day we understand there is a lot of harvest but based on research that hasn't been a biological concern because they rebound so quickly, in some cases it actually makes the population grow better. There is a sociological issue at 50 so we did an official survey and decided to reduce that. Commissioner Escareno – I had anglers from Scott Lake approach me about that who want to pursue opportunity to reduce numbers there. They say there are a lot of crappie in the lake that are reproducing and doing well. Deputy Secretary Schrag – A recent magazine came out with the annual fishing forecast in it. Explain how different species are listed and ranked on that survey. I have had specific questions about Cheney and what Commissioner Escareno was asking about crappie doing well, but they don't show up on the rankings. I assume that is due to survey data not available for that forecast. Correct? Sowards – We use wildlife and parks or American Fisheries Society standard methods and gear for sampling fish. For largemouth bass, for example we use electrofishing in a certain area of the lake near the shoreline in a given hour. That is what you are seeing on the forecast. Looking for quality fish which is a 12-inch largemouth bass, etc. For walleye we use gill nets, how many caught of a certain size per gill net night. If we see five in the 21-inch category, that is 5/net. It is way for us to make it transparent to the public what those populations look like. At Cheney we use fyke nets, they have shallow shorelines, which doesn't make using that other equipment very effective. We can't include all that information on the fishing forecast, but people find out by word of mouth.

2. Kansas River Invasive Carp summary and proposed snagging opportunity - Chris Steffen, aquatic invasive species coordinator, presented this update to the Commission (Exhibit I, PowerPoint Exhibit J). We will discuss the status of invasive bighead carp and silver carp are abundant in the lower Kansas River. I will use invasive carp to cover both species. The Kansas River is about 95% silver carp. They are filter feeding fish, they open their mouth and swim through the water eating the smallest particles of plankton. That makes it nearly impossible to catch them on traditional gear with a baited hook or lure. These fish are long-lived, some in upper 20s that we have aged. They can be up to 118 pounds, which is the world record out of Grand Lake last year. Silver carp are more like 60 pound and on the Kansas River, we are seeing them in the 15–20-pound range above Water Weir One and about six pounds below that. Depending on the water there are documented cases that show declines in native fish, over 90%. We have all seen videos of silver carp jumping out of the water, they can jump six to eight feet. It is unfortunate we have them in the lower Kansas River. Native paddlefish are competing with those invasives for plankton. The jumping carp are triggered by boats. It is a domino effect, when one jumps the whole school starts to jump and can cause damage. Timeline, they were introduced from Asia in early 1970s, used in aquaculture and research to clean out ponds and lagoons instead of using chemicals. In a couple years found in wild in Arkansas and documented in Kansas in late 1980s, the big head in 1987 and silver in 1991. From Arkansas they went up the Mississippi River, into the Missouri River and into the Kansas River about 15 years ago. In 2011 or 2012 their numbers exploded and in high abundance since then. In 2010, you could drive over the I-45 bridge and see a school of about four acres of 2-inch carp just below the dam, since then

they have maintained a high abundance. They have fully infested the Missouri River and any tributary up to any dam or other blockage. In the Kansas River up to the Bowersock Dam. We have had six documented above that, likely related to the 1993 flood. Our big concern is about identification, they grow 20-60 pounds but start small. They are small and silver, and act and look like bait and people collect fish for that purpose. Nationally a lot of efforts to put them on the federal invasive species list with larger management plans designed. We have made regulation changes over the years and recognize the threat. In the last 4-5 years there has been significant federal funding available to us to take on this challenge. The Kansas River drains about the north half of the state and is one of the largest, depending on the prairie rivers and no mountains contributing to it. It is the third largest tributary to the Missouri River and many of our reservoirs are tributaries of the Kansas River. There is a dam 15 miles above the confluence of the Missouri River called the Weir One Dam and 35 miles above that is the Bowersock Dam and carp stop there. The Water One dam stops some, Bowersock is impassible for fish much of the time. The Weir One dam is also called the Edwardsville dam or the Johnson County weir, as well as others. The first project we did about these fish, was to learn about where they were, found no carp above Bowersock, some recruitment below Water One dam, which means eggs are hatching and those fish are returning and becoming adults, above Water One there was very little evidence of that. These fish lay eggs and they float downstream and hatch so there may not be enough miles of river between Bowersock and Water One for that to happen. Another finding was those fish in that section between two dams spent their entire life in that section of water, not leaving and coming back. The Bowersock dam is incredibly important for management of carp, and we need to do everything we can to reinforce it as a barrier to upstream movement. We have an opportunity here, with resident population and low recruitment, that removal could have impact between those two dams. We found that potentially at 51,000 cfs there could be movement of fish through the north powerhouse, so we worked with federal partners and other states on best way to keep those fish out. There is encouragement for an acoustic deterrent, which is putting noise in the water to repel those fish, but it is a large system installed in the last three years and we are looking at other options. There is a system used in the upper Midwest, called a head banger, when the fish try to jump, they hit the metal bars and fall back in the water where they came from. We are looking to install something like that, and the City of Lawrence is onboard with us and the folks at Bowersock power are excited as well. We have done initial work to be sure dam could hold this in place and grant submitted for funding to start this fall. Commissioner Cross – Are they cold and warm water fish? What is their optimal environment? Steffen – The Mississippi River is analogous to the Yangtze River basin in China where they are native. We have them in Minnesota all the way to the Gulf of Mexico, so they are adaptable. A lot of our native fish reproduce when the water gets to the right temperature, cruppy spawns are two to three weeks long and they will put on eggs and wait for flow event to release eggs and we have seen them spawn from April to October and not in one event. They may release some eggs at a time and hold some for later. They are a problematic invasive species and are highly adaptable. We would love to have you see one when they get in place. When we started two years ago, fish were about seven pounds, not seeing changes in size below Water One or in the Missouri River. We have 18–21-pound fish where we have been removing them and have caught a little over a ton of fish. Commissioner Cross – Has anyone figured out a use for them? Steffen – There are

some processing facilities in Illinois, Kentucky and Tennessee and the states subsidize those by guaranteeing 10-15 cents a pound. They are processed and shipped back to China. In our case a lot of fish, but not enough for that. To process for food, they spoil really fast and have to be on ice within two hours. There are some efforts for using for fertilizer, but a matter of logistics and scale. Also, if you develop a market, people want to keep them around, so it becomes a catch 22. We are working with Emporia State University on how these fish are impacting native species. Good science behind it, looking at types of food fish are eating, compared to native fish where there are carp and where there aren't carp. Looking at ten different species, and seeing those fish are changing what they eat in presence of those carp, trying to find something carp aren't eating. We expect to see diets shift back to more natural state when carp are removed. Leading into the snagging proposal, we know river is here and people use it but not a lot more than that. Traditionally our creel surveys happen on reservoirs and other impoundments. With the federal grant money, we want to survey on how constituents are interacting and viewing these invasive fish. Throughout 2022, we ran creel up and down lower 15 miles to Water One dam. There are only three access points on that stretch and people are stacked at those three locations in shocking numbers. We had 80,000 angling trips in those 15 miles, and compared to our largest reservoir, Milford, it has 120,000 at 15-20 access points across the lake. As well as boat ramps and shoreline fishing. This is 80,000 at three boat ramps, so not easy. Water One dam has public access to walk but nowhere to park, people are paying at gas station to park and walk almost a mile to fish. Asking how they perceive and interact with carp and the favorable ones are using them as bait. We have large catfish and they like big bait. If it jumps in your boat, use it for bait. It is a mixed bag of feeling about the fish. We are encouraged that folks want to use them as bait, and we would be happy to have them remove them from the river for us. It is not legal to snag at that location. The way snagging seasons are set up is at specific locations and only for two months during the paddlefish season. So currently not legal but could legally catch these fish bowfishing or with rod and reel, which is extremely difficult, or with a net, which all are relatively ineffective. Snagging is putting a big hook with a weight and just ripping through the water trying to get the fish hooked, which is what we do with paddlefish because they will not hit on a lure or bait. The committee is concerned with what else we might catch with snagging and there is already a lot of people fishing there. We have data on what this would look like, people think you would catch a lot of fish with snagging, but it is incredibly physical, and most people are spent after 30-45 minutes, so you are looking at catch rate of 1.4 fish per hour. You could do other types of fish with higher success rate, so not catching much. If two-thirds of the fish caught were invasive carp but caught channel catfish and gar as well and a few paddlefish that we didn't know where there. Fisheries committees are supportive of snagging season. We are proposing allowing snagging for bighead carp and silver carp in the lower Kansas River. Allow snagging in the Kansas River from the Water One Weir downstream to the confluence with the Missouri River (15 river miles). Limit harvest to bighead carp and silver carp only; require barbless hooks; open year-round; no additional permit needed beyond standard fishing license; as well as no creel or possession limit on bighead carp or silver carp; and may not be possessed live or released live.

Dan Riley – Have you considered including recommendations for euthanizing and disposing of fish if they do catch them? Steffen – Yes, we want to do creel evaluation surveys afterwards. We would provide information on ethical methods of euthanizing and disposing of those fish. The survey would ask what they did with the fish when they encountered them.

Commissioner Sill – Is there paddlefish snagging currently on that river? Steffen – No, not on the Kansas River. Sowards – We have the proper disposal methods in regulation. Riley – It closes the loop in terms of recommendation.

3. Invasive species regulations - Chris Steffen, aquatic invasive species coordinator, presented these regulations to the Commission (Exhibit K). To KAR 115-7-10, AIS designated waters reference document we want to add Gardner City Lake to the list because zebra mussels were detected in 2023.

4. Sportfish versus non-sport fish regulations - Nick Kramer, district fisheries biologist and regional habitat coordinator at Perry, presented these regulations to the Commission (Exhibit L, PowerPoint Exhibit M). I am the chair of the alternative fish committee, and we oversee methods of snagging, bow fishing, giggering and spearing. A better way to understand these regulations is clarification of wanton waste or possession regulations as it pertains to non-native sport fish. Two different regulations deal with possessing and processing fish, 7-4 and 18-8. In 7-4, each person who takes any fish shall retain fish in their possession until processed or given away. In 18-8, it deals with retrieval and possession of game animals, sport fishing and migratory game birds; and retained until processed, consumed or given away or transport to a commercial place of preservation. One deals with any fish and the other applies to sport fish, the only difference is that 7-4 mentions that you can return the fish unrestrained to the water or dispose of it at a designated disposal location. I discussed with law enforcement and was asking if that meant people can kill carp and throw them in the ditch and that there was no wanton waste but could charge littering. At April 2003 meeting, our fisheries chief Doug Nygren mentioned no fish are covered by wanton waste regulations and added white perch to non-sportfish status. This was before sportfish were added to 18-8 in 2003. In 115-7-4 all fish are protected by wanton waste, since December 1989, so in the books for quite a while but people not aware of it. Chris just discussed opening snagging for big head and silver carp, and they are non-sportfish. Non-sportfish are defined in KAR 115-1-1 and includes common carp, silver carp, big head carp, black carp, grass carp, drum, thread fin and gizzard shad, goldfish, gar, suckers and clean gar suckers, buffalo, eel, sturgeon, gold eye, white perch and bothid. Chris talked about silver and big head carp as non-native species. Over half of fish are non-sport or non-native fish. A lot of those native fish are generic term for sturgeon. We have the federal endangered pallid sturgeon that swims in the Missouri and Kansas rivers and under this definition and some interpretations of our wanton waste and possession laws, could just be thrown in a ditch and all they could be charged with is littering if they get caught. As well as the American eel that swims up from Mexico, so charismatic fish such as those; so, have non-native and rough fish as well lumped into this. There are native non-sportfish left that are under-studied. More recent focus and research are finding these fish can last a long time, some reach 20 years old, and a big mouth buffalo was found five years ago that was 112 years old, validated by radiocarbon dating. They also take a long time to sexually mature, some not until traditional sport fish are dying of old age; like freshwater drum don't mature until five years old and smallmouth buffalo until 9-11 years old. On top of that they have irregular recruitment and spawning and might not spawn every year, so not easily replaced when removed from the system. We propose to protect all fish, especially non-sportfish under both possession and wanton waste regulations. We do that by removing the definitions of sport and non-sportfish from KAR 115-1-1. That would also impact 115-7-1 which deals with legal equipment and methods of taking fish to remove those references. Then we add a list of species that can be targeted with certain gear or open to all gear.

KAR 115-7-1 is broken into two sections, A and B: A deals with methods legal for sportfish and B deals with what methods legal for non-sportfish. Since we are striking definitions, we would have to add gear that is legal for take. KAR 115-7-2 is general provisions and talks about definition of gear and methods, so again remove reference to sport fish or non-sportfish, and in section referring to snagging, add list of species that can be snagged in the waters posted or designated as open to snagging. Then we get into two possession regulations, 7-4 where we removed sport fish and non-sportfish and add line for common carp and prohibited species may be returned dead to the water where they were taken; and 7-7 that changes because already covered in 118-8, a way to remove support references. Then add common carp prohibited species may be returned dead to the water they were taken. In 18-8, it has a line that say shall prohibit the catch and release of live sport fish. This was discussed at length and want to change wording to “shall prohibit the catch and release of live fish caught using trot lines, set lines, tip ups, hand fishing, snagging and float lines”. Legal gear excludes spearing, gigging and bow fishing, so if these changes are accepted then anglers or bow fishers would no longer be able to shoot and release by bow fishing, largely due to study in Oklahoma, started in 2021 and published in 2023, that estimated cumulative mortality. So why does it matter and why do non-sportfish need protection? If you go back to the North American Model of Wildlife Conservation, it has seven tenets we base our regulations and management on for fish and wildlife. One of those is wildlife can only be killed for legitimate purposes, some anglers might argue that shooting gar and buffalo is doing a great service to our sport fish by removing them. In defense of buffaloes another study was done in Iowa that published recently. They looked at annual change of water quality and sport fish community structure following the harvest of common carp and big mouth buffalo in lakes in Iowa. Commercial harvesters removed between nine and 63 pounds per acre in these systems. They found relatively few effects to other fish, but it did affect blue-green algae or chlorophyll A concentrations and significantly affected aquatic plan density and richness and removals were not associated with changes in nitrogen or phosphorus concentrations. So, removing them did not benefit the system. Another study in Oklahoma looked at diets of 45 long nose gar and found two freshwater drum, six gizzard shad, five red shiners, one blue veil and one black bullhead in their stomachs, not the number of stomachs but the total number of those fish found. A lot of stomachs were empty. They are not out there gorging themselves on native or non-native sportfish, fish tend to eat what is available or most abundant and thus benefitting the system not hurting it. Many of our native or non-sport fish are native fish, they are long-lived, maturing and have irregular recruitment and are experiencing some population declines and current interpretations of our regulations do not protect these fish from wanton waste. We propose this clarification to wanton waste regulations and limitation of catch and release. Chairman Damron – Chris talked about snagging with barbless hooks, is there data on survivability? Kramer – Studies found mortality is low for snagging. Snagging hooks are maybe 1/8-inch thick, so smaller than an arrow or the barb on bowfishing gear. My master’s thesis looked at stress related snagging, and paddlefish were unaffected. So, snagging is less intrusive and less mortality. Commissioner Sporer – Does anyone commercially fish in Kansas? Kramer – There is one, but contract is about up. He has moved around the state. Bryan Sowards – One year left in his contract and he is going to retire, so we will reevaluate usefulness of that because of these topics.

Break

D. Workshop Session

1. Trout Permit Cost (115-2-1) – Bryan Sowards, fisheries division director, presented these regulations to the Commission (Exhibit N, PowerPoint Exhibit O). First workshop for increasing cost of trout permits. The impetus behind the increase is due to trout costs. We do not produce our own trout; we buy them, and prices have increased exponentially in last couple of years. The last time it raised was in 2016, and price has gone from \$1.57 per fish to \$3.53 today. We responded to the 2016 price increase by decreasing number we stocked but that didn't seem prudent or a palatable solution to maintain the program and still provide a reasonable opportunity. Revenue remains steady but costs are going up. We propose increasing the trout permit cost, in 115-2-1, from \$12.00 to \$17.50, with \$2.50 transaction fee that will be \$20. We do not propose increasing the youth trout permit for 16 and under, which I think is \$4.50. In 2011, the cost of 5/fish creel limit was \$7.85 to the department, today it costs \$17.65 to the department, so basically the new rate covers a one-day limit. Commissioner Cross – Is raising trout an option for us? Sowards – We can. The last few years we have bought trout from a commercial vendor and held them in our facilities and grew them up, we are good at that, but we have limited hatchery space, and we need to save space for highly preferred species like walleye, largemouth bass, saugeye and channel catfish. Commissioner Cross – We don't have a cost benefit analysis for producing or raising our own? Sowards – Not done cost analysis. Our space wouldn't allow it right now. Secretary Kennedy – We are saving hatchery space. Sowards – We do creel surveys each year and have a good idea of species preferred on reservoirs. Commissioner Cross – I heard trout producers are dwindling. Sowards – I don't know what the future of the program will be. Commissioner Sill – Is there cap on trout permit, what is it? Sowards – No statutory cap, it is in regulation only. Commissioner Escareno – Are we going to keep stocking the same amount we stocked in the past, growing the number or putting more fish in with increase in price? Sowards – We have changed a lot of things in the last year. We will decrease the number stocked, going to shorter season, December to March. Will stock similar amount per month but constricted time frame. Not increasing unless revenue goes up. Commissioner Gfeller – Escareno asked question, I was going to ask whether there were plans to reduce numbers further or increase numbers? Sowards – The angler experience, increase in price of fee, is more palatable if they still have a good experience.

1. KAR 115-25-9a Military deer seasons – Levi Jaster, big game coordinator, presented this regulation to the Commission (Exhibit P). Separate from statewide regulation to allow more time to work with military units to provide for their needs for training missions, etc. They can hunt under statewide regulations, but usually want some additional or changed dates. Number of days stays the same. It just suggests when those days occur on that location, which can provide additional opportunity for some hunters to take advantage of all the seasons. Fort Riley, in addition to regular whitetail season, they want additional antlerless season November 29, 2024, to December 1, 2024; firearm season December 14-22, 2024. They will only use one white-tail antlerless permit, strike that. They have requested five white-tailed antlerless-only permits. They are trying to increase antlerless harvest on the Fort. Fort Leavenworth is requesting firearm season from November 16-17, 2024; November 23-24, 2024; November 28, 2024, to December 1, 2024; December 7-8, 2024; and December 14-15, 2024. Same number of days, adjusted on calendar. They would like to participate in the extended

firearms longest season January 1-19, 2025. The extended archery season for antlerless-only white-tailed deer will be January 20-31, 2025.

Smokey Hill is requesting firearm season from December 4-15, 2024, which is the same as the statewide season. They also want the five additional antlerless white-tailed deer permits.

All other statewide seasons they follow. We are asking for permission to move this forward to the promulgation process. Chairman Damron – Do we need a motion or just consensus? Chief Counsel Dan Riley – Motion is fine, just moving from workshop into promulgation process.

Commissioner Sill moved to move to promulgation process, Commissioner Sporer second.

Approved.

3. Carcass Movement Regulation – Levi Jaster, big game program, coordinator, presented this update to the Commission (Exhibit Q). Continuing to review what is going into this. Continue to refine definitions and terms not defined elsewhere. After discussions with law enforcement, we will likely bring back the 30-mile buffer around units. Don't have a whole lot more to discuss at this time.

Commissioner Sill – Addresses deer, what about elk? Number of animals is different, and most hunters aren't going to butcher elk themselves, so that makes them different. However, for consistently, do we need to consider expanding this to include elk? Can drag it around the state. Where do elk fit in? Jaster – That is why we define wild cervids, which includes elk and moose, if we ever have a huntable population. That is also why we spoke specifically on that in section B on export in 115-4-6, deer unit regulations, so would limit to unit harvested in. We realize elk units are vast, but we want to maintain limited time travel, so it calls specifically to that regulation in text. Commissioner Sill – I'm not hearing from public one way or the other on this. In thinking about comments made, sportsman need to be responsible, inform themselves about things that are happening, but concerned that this will potentially be impactful to a lot of hunters, and we are not hearing from them. Do we need to make note on website that it is being discussed or make note in other public notifications, so people know this topic is on the table? Jaster - We recognize that and realize it is going to take a major education effort to let people know about it and how to work within it. I think it is a little soon to publish anything until we have this more settled. We will work with public affairs folks to make that happen. Deputy Secretary Schrag – This came up at last meeting, the question about how taxidermists fall into the conversation. That is part of an ongoing conversation, and we are vetting it better. Secretary Kennedy – The heart of the conversation is that these strategies are brought forth to begin to head off and address chronic wasting disease (CWD). I challenge deer biologists to look at status in Kansas, where it is most prevalent and a whole host of strategies, we could utilize to address the disease itself. We have to work to help educate our governor and look at whole list and figure out what is palatable in state of Kansas. We are talking one strategy at a time, rather than looking at whole list of strategies and how we move forward. Chairman Damron – When we have clarity on the regulation, we will engage taxidermist and processors with public notification, perhaps even give recommendations for signage to give notice to people who walk in the door. Lists of rules to follow for movement, but that is down the road. Commissioner Sporer – Lauren's comment in the past about the family that processes deer at Sawyer. They do hundreds a year. How is this going to affect them and how is it going to affect the deer hunters? This is a huge deal for those people. I was hoping it was going to be 100 miles, not 30 miles. When it hits the public and becomes law, it's a problem for law enforcement and everybody.

4. Pending Regulations (Exhibit R) – Chief Counsel Dan Riley – As a word of explanation, this category catches all pending regulations that have gotten the commission's blessing in terms of propagation process but have not completed promulgation process and come

back to the commission for public hearing. The first four on aquatic invasive species is before joint committee on administrative rules and regulations this morning, so going through JCAR and will be coming out for approval. The rest are scattered out through the process at either the Department of Administration or Attorney General's office or finishing up. Commissioner Sporer – Define waiting on edits? Chief Counsel Riley – That means it is working through the process. That is what the promulgation process is, a series of edits for different reasons, language and consistency with the standards of regulations, with Department of Administration based on a legal review for the Attorney General's office and if it qualifies for budget, the impact from monetary basis from the budget office. The same thing at their staging process. Commissioner Sill – Those first four will be up for vote at next meeting? Chief Counsel Riley – Most likely, yes. JCAR tends to be the last part of the process before they come back for public hearing. Commissioner Escareno – Will that come back for a vote at the next meeting? Chief Counsel Riley – They will show up on the agenda as soon as they clear the process, which will probably be in next week to 10 days. Sheila will put them on the agenda as public hearing, and you will vote on them as official version of the regulation. Then they go back to the Secretary of State's office to be published before they take effect. Deputy Secretary Schrag – See wheels turning and I feel there is further explanation needed on KAR 115-8-26, the public lands waterfowl regulation. That was sent to the promulgation process to the Department of Administration, they sent it back requesting edits. We have been going back and forth with Department of Administration on that. Chief Counsel Riley – That is a little more detail on waiting edits.

- [K.A.R. 115-7-3, 7-2, 7-9, 7-10 Aquatic Invasive Species Regulations](#)
- [K.A.R. 115-17-3 Commercial Fish Bait](#)
- [K.A.R. 115-30-4 Fire Extinguishers; Requirements](#)
- [K.A.R. 115-25-14 Fishing \(Reference Document\)](#)
- [K.A.R. 115-2-3 Camping, utility, and other fees](#)
- [K.A.R. 115-8-26 new Public Lands regulation \(Reference Document\)](#)
- [K.A.R. 115-4-4 – Big Game equipment](#)
- [K.A.R. 115-25-8 – Elk; open season, bag limit and permit](#)

VII. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

Norman Mantle – On our lakes and public property, you have mountain bike trails that are causing erosion problems. Once the cover is gone the silt ends up in the lake. They are dredging at some boat ramps, and Milford is now, and it is already silted back shut. Shut down bike trails that are causing erosion and farmers should do no-till to keep the cover on. This is wrong.

VIII. OLD BUSINESS

IX. OTHER BUSINESS

A. Future Meeting Locations and Dates

*June 20 – Hays, Hilton Garden Inn & Convention Center, 221 W 43rd St
August 29 – Independence, location to be determined.*

Chairman Damron – Thank you for making me feel welcome. Thanks for taking time to come to these meetings and having expertise when questions come up and people here to answer them. I appreciate that.

Commissioner Sill – Kudos for fisheries on carp removal. It has been fun to see positive things in the newspaper.

X. ADJOURNMENT

Adjourned at 2:13 pm.