

AGENDA
KANSAS DEPARTMENT OF WILDLIFE AND PARKS
COMMISSION MEETING AND PUBLIC HEARING
Thursday, June 23, 2005
Fort Hays State University
Student Union, 2nd Floor, College Dr, Hays

- I. CALL TO ORDER AT 1:30 p.m.**
- II. INTRODUCTION OF COMMISSIONERS AND GUESTS**
- III. ADDITIONS AND DELETIONS TO AGENDA ITEMS**
- IV. APPROVAL OF THE April 21, 2005 MEETING MINUTES**
- V. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS**
- VI. DEPARTMENT REPORT**
 - A. Secretary's Remarks**
 - 1. Cheyenne Bottoms Visitor Center**
 - 2. Circle K**
 - 3. Final 2005 Legislative Update (Chris Tymeson)**
 - 4. Omnibus Budget Provisos**
 - 5. State Park Funding Review**
 - 6. Final FY 2006 Budget**
 - B. General Discussion**
 - 1. Landowner Deer Management Program Update (Lloyd Fox)**
 - 2. Sandhill Crane Seasons (Helen Hands)**
 - 3. Squirrel Seasons (Roger Applegate)**
 - 4. Comprehensive Wildlife Conservation Plan (Laurie Yasui)**
 - 5. Land and Water Conservation Fund 2005 Project Applications (Linda Lanterman)**
 - 6. Electronic Licenses and Permits - System Update (Cindy Livingston)**
 - 7. State Law Action Pertaining to Exotic Cat Ownership - Review of regulation (Kevin Jones)**
 - 8. Wildlife Violator Compact (Kevin Jones)**
 - 9. Commercial Guide Deregulation (Kevin Jones)**
 - 10. Revenue Task Force - Part II (Mike Miller)**
 - 11. Fishing Regulation Changes for 2006 (Doug Nygren)**

12. 2006 Spring Turkey Season (Roger Applegate)

VII. RECESS AT 5:00 p.m.

VIII. RECONVENE AT 7:00 p.m.

IX. RE-INTRODUCTION OF COMMISSIONERS AND GUESTS

X. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

XI. DEPARTMENT REPORT

C. Workshop Session

1. Late Migratory Bird Seasons (Marvin Kraft)

D. Public Hearing

1. KAR 115-25-1. Prairie chickens; open seasons, bag limits, and possession limits. (Mike Mitchener)

2. KAR 115-25-1a. Quail; open seasons, bag limits, and possession limits. (Mike Mitchener)

3. KAR 115-25-1b. Pheasants; open seasons, bag limits, and possession limits. (Mike Mitchener)

4. Early Migratory Bird Seasons (Marvin Kraft)

5. KAR 115-9-9. Electronic licenses permits, stamps, tags, and other issues of the department (Mark Rankin)

XII. OLD BUSINESS

XIII. OTHER BUSINESS

A. Future Meeting Locations and Dates

XIV. ADJOURNMENT

If necessary, the Commission will recess on June 23, 2005, to reconvene June 24, 2005, at 9:00 a.m., at the same location to complete their business. Should this occur, time will be made available for public comment.

If notified in advance, the department will have an interpreter available for the hearing impaired. To request an interpreter call the Kansas Commission of Deaf and Hard of Hearing at 1-800-432-0698. Any individual with a disability may request other accommodations by contacting the Commission Secretary at (620) 672-5911.

The next commission meeting is scheduled for Thursday, August 25, 2005, at the Great Plains Nature Center, 6232 E 29th St N, Wichita, Kansas.

**KANSAS DEPARTMENT OF WILDLIFE AND PARKS
COMMISSION MEETING MINUTES FOR
Thursday, April 21, 2005
Holiday Inn Express
4020 Parkview, Pittsburg**

Subject to
Commission
Approval

Had breakfast this morning at the Marina at Crawford State Park and then a tour. Also toured Farlington Fish Hatchery, Bone Creek Community Lake and a few areas of the Mined Land Wildlife Area.

I. CALL TO ORDER AT 1:30 p.m.

The April 21, 2005 meeting of the Kansas Department of Wildlife and Parks Commission was called to order by Vice-Chairman John Fields at 1:30 p.m. at the Holiday Inn Express, Pittsburg. Commissioners Jim Harrington, Kelly Johnston, Frank Meyer, Doug Sebelius, and Shari Wilson were present.

II. INTRODUCTION OF COMMISSIONERS AND GUESTS

The Commissioners and Department staff introduced themselves (Attendance roster - Exhibit A).

III. ADDITIONS AND DELETIONS TO AGENDA ITEMS

Moved retirement presentation to John Fields to the evening session.

Gave replacement handouts of the revised maps for Firearms and Archery Deer Units, because of the change in DMU 19 (which now includes the City of Leavenworth). Also handed out revised Secretary's Orders.

IV. APPROVAL OF THE March 24, 2005 MEETING MINUTES

Commissioner Harrington moved to accept minutes, Commissioner Wilson second. **All approved.** (Minutes - Exhibit B).

V. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

Max W. Buzzard, Miami, MO said he was indebted to John Fields, and would also like to thank Commissioners Wilson and Johnston for listening. He presented a concern about squirrel hunting. On January 14, while dressing a limit of squirrels, he noticed that of the ten squirrels three were females. But, he had actually killed 11 young because the females were going to have babies in a week or two. Most of the population is generally born in February, so he asked to have the season shortened, end by January 15, but open May 15. That would eliminate 28-30 days from the total season. He said he had spoken to many people in the department and was not been pleased with all of the answers he received. He said he as dealt with the public for many years and was taught to use tact when speaking to them. The person who sets the bag limits and season limits said that it was too much trouble to change the season dates. Please give this some consideration.

Commissioner Johnston asked to hear background information from the department at a future

meeting. He said he wasn't familiar with squirrel gestation and populations.

VI. DEPARTMENT REPORT

2. Parks Division Award - Jerry Hover, Parks Division director, presented these awards (Exhibit C). The Parks Division 2005 Outstanding Employee Award is given to Randy Curtis, park manager, Elk City State Park. Randy began his 35-year career in 1970 at Tuttle Creek State Park before relocating to Elk City State Park as park manager in 1974. His dedication in serving our visitors and protecting our resources is unsurpassed. Elk City State Park consistently ranks on the top of the user and customer service satisfaction surveys. Randy has developed and guided several volunteer groups that have "adopted" many of the trails and portions of Elk City State Park. The park could not exist as it does today without these core volunteers! Last year, several of these core volunteers became disgruntled about the steady increase in user fees while being asked to even provide more volunteer hours. Randy successfully negotiated the negatives into positives with a result of increasing the number of volunteers. Regular office hours are often difficult to maintain during the reduced visitation months. To make up for that, Randy schedules several Saturdays in December, January, and March when he takes the permits and licenses to the people by setting up a booth in a local mercantile. Randy also orchestrates several special events annually; one in particular is the spectacular Neewollah Festival. It is these little "added value" extras in customer service that makes Randy our 2005 Outstanding Employee!

A. Secretary's Remarks

1. 2005 Legislation - Chris Tymeson, chief legal counsel, presented this report to the Commission. The Legislature is back in session, as far as budget committee's are concerned, full House and Senate are back on April 27.

SB 59 which would allow Kansas to become a member of the Wildlife Violator's Compact was passed by the House Wildlife, Parks and Tourism Committee passed both the Senate and House, was signed by the Governor and will be in effect July 1. Regulation needs to be written.

SB 87 which is the vehicle fee to be used for outdoor recreation was amended to remove refund and decreased to \$4.00. The informal Attorney General's opinion, received on April 6, was favorable, but no further action has been taken on this bill.

SB 98 which makes permanent the exemption CSAs have from Hunter Education was amended into HB 2253 in order to get the provisions of SB98 through cleanly. Sunset clause to end July 1, signed by the Governor.

SB 194, which creates Commissioner permits that will be available to non-profit organizations for fundraising passed both the Senate and the House and will be in effect July 1.

SB 195 which would allow KDWP to receive seized guns from the Department of Revenue for use in Hunter Education passed out of Senate and House, was signed by the Governor and will be in effect July 1.

HB 2115 repealing archery units, passed Wildlife, Parks and Tourism Committee and the House, but did not pass out of Senate Natural Resources Committee.

HB 2116 which protects certain KDWP federal aid funds from being spent for purposes other than what they are designated for, while the original bill was one of KDWP's initiatives, it was amended on the House floor to make landowner antelope permits transferable, and KDWP opposes that amendment and will ask the Senate Ways and Means Committee to remove that from the original bill. Passed Senate, waiting passage in House.

HB 2117 boating law revisions and penalties. Passed out of Committee, but did not make it to the floor and was stricken from the calendar.

HB 2222 illegal commercialization of wildlife raises the threshold of misdemeanor fines from \$500 to \$1,000. Values placed on wildlife determine whether a violation is a misdemeanor or a felony. (KSA 1005). Amounts were reduced, but were restored and have passed both sides of the legislature. In conference committee, don't know if it will be passed this year.

HB 2210 regarding hunter safety exemption for current and former armed forces, no hearing, attempts late in session to amend into another bill, but failed.

HB 2226 (substituted bill) payment in lieu of taxes, noxious weed control and 5-year land acquisition amendment. Could force general election vote on land acquisitions over 480 acres. Would apply to donations and leases, which could severely impact WIHA. Has been referred to Senate Ways and Means Committee.

Don't expect anything this year. Commissioner Johnston asked how easily it passed in the House. Tymeson said 71 percent.

HB 2253, not our bill, which imposes minimum fines and jail sentences for repeat wildlife violators (step increases for additional offenses was struck, but new amendments were added) increased big game misdemeanor from C to B. 2115 was attempted to be moved into this bill, will try again.

HB 2459 which was the transferable landowner antelope permit died in committee.

HB 2466 which repeals the professional guide permit requirement. This is a consumer protection rather than wildlife management bill. We felt all, or none should be regulated. Passed House and Senate, was signed by the Governor and will be in effect January 1. Commission will need to repeal a few regulations to comply.

Commissioner Johnston asked why the boating bill was killed. Tymeson said that two Representatives did not like some items in bill and were able to get it killed.

Commissioner Wilson asked if SB 87 was still alive. Tymeson said it was but probably won't have action this year.

2. Tourism Report - Commissioner Shari Wilson presented this report to the Commission (Exhibit D). In March 2004, the Commission approved designation of a tourism liaison to raise the awareness of tourism issues and to assist KDWP staff in meeting the growing demand for information as Kansas focuses more on its tourism potential. Wilson has worked with LeAnn Schmitt and Bob Mathews, as well as Ken Brunson and other KDWP staff, on several projects and serve as the Department representative to Kansas Scenic Byways, the Kansas Film Commission, and the Travel Industry Association of Kansas (TIAK). These organizations, as well as others involved in tourism, welcome the involvement and partnership of the department and Commission. With regard to Kansas Scenic Byways (KSB), Wilson attended two meetings since last fall and provided information related to current and planned trails, grant programs, and signage. The Wetlands and Wildlife Scenic Byway, which includes Cheyenne Bottoms WA and Quivira NWR, has been approved and has been proposed for national. This will open up a whole new avenue of marketing as for parks along those byways. Over the past few months, the Film Commission has been the busiest organization of the three. Wilson said she has attended several meetings and helped to plan the 1st Annual Kansas Film Summit, held mid-March in Lawrence. Nearly 200 people from the Kansas film industry attended. Three bills were introduced this legislative session to provide tax credits and other economic stimuli to the film industry. Two of the bills remain in House committee; the third passed the House and remains in Senate committee.

TIAK just completed a successful year and was heavily involved in the research and presentation of the new Kansas brand image ("Kansas. . . as big as you think"). This year TIAK is focused on implementation of a new advertising co-op program and is beginning to plan its annual conference for October in Manhattan.

The department and Commissioners will be receiving a document in the next couple of weeks. Running into challenge on funding travel and tourism centers. The one in Kansas City only has money until the end of the year, also two others are in jeopardy of closing. She said she appreciated the opportunity to represent the Commission and department in these endeavors.

Vice Chairman Fields added that Claythorne Lodge, near Columbus, will host the 2006 U.S. Open Sporting Clays Championship, which will bring a lot of people to Kansas.

B. General Discussion

1. Landowner Deer Management Program Update - Lloyd Fox, wildlife research biologist, presented this report to the Commission (Exhibit E). During the 2003 Kansas legislative session, the department was instructed to investigate landowner deer management programs and prepare a report. In October 2004, KAR 115-4-14 was approved and the Kansas Landowner Deer Management Program was initiated. Individuals that had expressed an interest in this type of program were contacted and mailed an application form with a deadline of January 31, 2005. Limited interest has been shown by Kansas landowners and only one application was accepted for the pilot project. That project is located in Chautauqua County, but the signed contract has not been received yet. There will be a specific number and type of permits that the landowner's clients may obtain and the number and type that will be available to residents of Kansas through a drawing system. Vice-Chairman Fields asked if there was an acreage limit. Fox said it was a minimum of 3,000 acres. Commissioner Sebelius asked how many were submitted. Fox said one was approved, three were received statewide. Some that showed early interest did not even fill out applications. Maybe it will just take longer to get the word out. Commissioner Johnston asked if this was a three-year pilot project. Fox said it was. The five areas would have had the contract for three years and would have a consistent source of permits each year. The approved project is near Hale, the

Brougham and Kimple Ranch. Vice-Chairman Fields said that was a place to have it (considering deer numbers).

2. Comprehensive Wildlife Conservation Plan - Laurie Yasui, planner, presented this report to the Commission (Exhibit F). At the last three Commission meetings updates were provided on the department's progress developing the Comprehensive Wildlife Conservation Plan, designed to meet the federal requirements for participation in the State Wildlife Grant Program, of which we have been allotted \$800,000 - \$900,000 each year. Kansas was recently allotted about \$900,000 for the current federal fiscal year. More than 130 organizations and interested parties were invited to the summit meeting, including the U.S. Fish and Wildlife Service, Army Corps of Engineers, Bureau of Land Management, U.S. Forest Service, Audubon, KACEE, Kansas Farm Bureau, Kansas Wildlife Federation, KU, KSU, FHSU, ESU, Baker University, Benedictine College, KBS, KNWAC, Friends University, Tabor College, SW College, and various state agencies. There were approximately 70 participants. Since the last report, the consultant, Dynamic Solutions Group (DSG), has been working with staff to generate the first draft of the plan. Staff and DSG have gone through two edits and are well on the way to generating a draft for public review. A draft for in-house review is due from the consultant today. It is projected to be about 150 pages long, and an executive summary will be written. The draft and the summary will be made available to the Commissioners during the in-house review, and comments are welcome. After an in-house review, the draft will be open for comments from May 6-20. On May 20, 2005 a draft will be posted on the KDWP website for public review. Comments will be accepted until June 15, 2005. The goal is to have a final product by July 1, 2005.

3. Community Fisheries Assistance Program (CFAP) - Jessica Mounts, CFAP coordinator, presented this report to the Commission (Exhibit G, PowerPoint: Exhibit H). Last year, the Kansas Department of Wildlife and Parks (KDWP) launched the Community Fisheries Assistance Program (CFAP.) There was internal and external support for the program with 18 fisheries biologists helping to get this off the ground. This is a new program and not without its challenges. Community lakes were targeted because people feel comfortable fishing small lakes close to home, and most of these lakes are in urban areas. Funding comes from federal dollars derived from excise taxes on fishing equipment (Wallop-Breaux reauthorization). This will add about \$1 million to the state's apportionment and the state legislature granted \$800,000 spending authority. Goals and objectives include strengthening partnerships with cities, counties and local governments; reducing cost barriers to fishing; improving public access; and enhancing fisheries management. To accomplish this, CFAP is a leasing program. KDWP offered to match revenues communities were making through fishing fees or calculated a lease value based on the size of the lake and other factors. Those communities that accepted the lease offer than removed any fees previously required of anglers. The department also offers a capital improvement grant program that will improve facilities. The community's role is to work with fisheries biologists to work out habitat improvement plans. Also, salaries and benefits, equipment and materials used on the lakes can be used as the state match for funding. Before CFAP, 82 percent of community lakes charged a fee for access. Now almost 90 percent of the lakes do not charge a fee. Out of 219 lakes, 192 are enrolled, a total of 88 percent, 10,000 out of 14,000 total acres are now available to use with only a state fishing license. Vice-Chairman Fields commented that during the mourning Commission tour, there was a comment about litter. Mounts said she felt that if people take ownership, litter along the shoreline will decrease and they will take care of the lake.

Commissioner Johnston asked how this program could be publicized. Mounts said she had just put together a press release, with LeAnn Schmitt's help, that will be going out soon. Also the lakes are listed on our agency website.

Commissioner Wilson said she had received several calls from Johnson County and from out-of-state anglers, so she thought there was some excitement about the program.

Commissioner Johnston asked what other benefits communities receive from the department. Mounts said that lakes in the program receive priority status for stocking and other enhancement programs.

Vice-Chairman Fields asked if farm ponds qualified Mounts said that only areas open to the public were eligible.

4. Electronic Licenses and Permits - System Update - Karen Beard, Licensing Section chief, presented this report to the Commission (Exhibits I, J). A demonstration of the new Verifone equipment will not be available until the June Commission meeting. The only thing tested so far is the home-print permits. There is only one chance to print the license, so if a printer does not work the client will need to contact the office to get another chance to print it. The KDWP testing schedule is May 4 to 18 for Internet; May 20 to June 2 for the WebPOS; and June 1 to 15 for the POS. The pilot program begins May 18 for the Internet/Phone and begins June 16 for the POS/WebPOS with plans to go live on June 30; the plan is to ship pre-loaded equipment to all vendors June 10 to July 22; have telephone training June 17 to July 29; activate locations July 1 to August 12; and activate the small vendor locations after August 12. The small vendors using their own PC and printer will not come online with other vendors. This is a new class of agents Central Bank has not dealt with in the past. These vendors are using an Internet module to sell licenses but still collecting an issuance fee (only about 40 so far). This slipped by Central Bank in the RFP, so to avoid delaying the full project the decision was made to bring these vendors on after August.

Vice-Chairman Fields asked about security issues for vendors coming in late using their own PCs and printers. Beard said there should be no problem. It is just a link.

Secretary Hayden asked which categories county clerks were in. Beard said most of them will have the full set, but some are going to do both our equipment and their own. There will be absolutely no paper licenses records after June 30.

Break

C. Workshop Session

1. KAR 115-25-1. Prairie chickens; open seasons, bag limits, and possession limits - Mike Mitchener, Wildlife Section chief, presented this report to the Commission (Exhibit K). Currently the regulations for quail, pheasant, and prairie chicken are contained in regulation KAR 115-25-1. Items 1, 2 and 3 (prairie chicken, quail and pheasant) will be handled together because they are inter-related, but harvest management strategies are different for each species group. It is recommended that the regulations for each of these groups be separated into three distinct regulations to facilitate the setting of seasons and other harvest management strategies for each group. Regulations for each species group will focus on the opportunities that each provides, while addressing the particular needs of individual species. This proposal defines regulation KAR 115-25-1 for prairie chickens, KAR 115-25-1a for quail, and KAR 115-25-1b for pheasant; keeps upland bird (quail and pheasant) the same for five years; changes the age of supervising adult during the youth season from 21 to 18 to make it consistent with other youth assisted seasons.

In considering the following recommendations for the 2005 prairie chicken season and the 2006 quail and pheasant seasons, the question of these changes having a measurable impact on the status of population levels was considered. It is desirable to develop three opening days for the three species groups of upland game birds. The current harvest management strategy for all upland birds is to provide the maximum opportunity for hunter recreation days without adversely affecting upland bird populations.

Kansas greater prairie chicken (GPC) population indices have been essentially stable in the Flint Hills and north central Kansas for the past decade. Due to substantial habitat changes, greater prairie chicken numbers have declined in areas east of the Flint Hills. This species has increased in northwest and west-central Kansas over the same period. It is recommended that the following changes in the prairie chicken seasons in Kansas begin in the fall of 2005: East Unit - September 15, 2005 - January 31, 2006, with a daily bag limit of 2, possession limit of 8. The 16- to 22-day gap between the current special early season (Sept. 15 - Oct. 15) and the current regular season (second Saturday in November - January 31) would be opened to hunting. This would create a continuous open season of 138 days on greater prairie chickens in the East Unit, compared to the current split seasons that vary between 116 and 122 days. Northwest Unit - November 1, 2005 - January 31, 2006, with a daily bag limit of 2, possession limit of 8. The only change in this unit would be for the season opening to begin November 1 instead of the first Saturday in November under the current structure, except in the area between Highway K-96 and I-70, which is to be included in the Southwestern Unit. This would create a 92-day season, compared to the current season that varies from 86 to 92 days. Only greater prairie chickens are found in this

unit. Southwest Unit - November 1, 2005 - December 31, 2005, with a daily bag limit of 1, possession limit of 4. This proposed change would move the opening date to November 1, creating a continuous season of 61 days as compared to the current 62-day season that opens on December 1 and closes on January 31. Bag and possession limits would remain the same as the current structure. In the area between Highway K-96 and I-70, which would become part of the Southwestern Unit, the daily bag limit would be reduced from the current 2 birds to the proposed 1 bird, and the season opener would change from the first Saturday in November to November 1. These changes would primarily involve lesser prairie chickens, but greater are present north of Highway K-96. The recommended hunting of prairie chickens in southwest Kansas during the month of November instead of January could predictably increase harvest and hunter opportunity on lesser prairie chickens but it would not adversely impact the population in Kansas. Staff predicts an increase from 340 hunters expending 1,250 hunter days and harvesting an estimated 270 lesser prairie chickens to a maximum of 700 hunters expending 2,500 hunters days and harvesting 600 birds. The department currently estimates the population of lesser prairie chickens at 17,500 birds. The projected maximum harvest under the recommended season represents 3.5 percent of the estimated population. This would begin in the 2005 season

2. KAR 115-25-1a. Quail; open seasons, bag limits, and possession limits - Mike Mitchener, Wildlife Section chief, presented this report to the Commission (Exhibit K). It is recommended that the 2006 quail season open statewide on the second Saturday in November and close on the following January 31. Daily bag will remain at 8 and the possession limit at 32 quail on or after the fourth day. The majority of the state would retain the current season, but the season would increase by one week in the western portion of the state. The fall 2005 quail openers will be the second and third Saturdays in November. This proposal would establish a statewide quail opener on the second Saturday in November for the fall 2006 season. The fall 2006 youth season for the taking of quail shall be a 2-day season starting the last Saturday in October. The entire state shall be open for the taking of quail during the youth season. Only persons 16 years of age or younger, accompanied by an adult 18 years of age or older, may hunt during the youth season. The daily bag limit during the youth season for the taking of quail shall be four quail. The possession limit during the youth season for the taking of quail shall be eight quail.

3. KAR 115-25-1b. Pheasants; open seasons, bag limits, and possession limits - Mike Mitchener, Wildlife Section chief, presented this report to the Commission (Exhibit K). It is recommended the fall 2006 season for pheasants open statewide on the first Saturday in November and close on the following January 31. The daily bag will remain at 4 cock pheasants per day and possession of 16 cock pheasants on or after the fourth day. This recommendation will increase the current pheasant season by one week by changing the opener from the second Saturday in November to the first Saturday in November. The fall 2006 youth season for the taking of pheasant shall be a 2-day season starting the last Saturday in October. Only persons 16 years of age or younger, accompanied by an adult 18 years of age or older, may hunt during the youth season for the taking of cock pheasants. The entire state shall be open for the taking of cock pheasants during the youth season. The daily bag limit during the youth season for the taking of cock pheasants shall be two cock pheasants. The possession limit during the youth season for the taking of cock pheasants shall be four cock pheasants.

Commissioner Wilson asked how long biologists need to see an increase in greater prairie chicken numbers before they would feel comfortable making an increase in the season. Mitchener said that this is a short-lived species. One year does not a population make, but there can be several changes in a short time. Prairie chickens are not like deer and waterfowl where you are talking about long-lived species. Staff have discussed this quite a bit in-house and there are several other things that affect a species besides hunting, such as climate, disease, etc. Staff feel comfortable with the few days we are planning to add to the season and don't feel there will be any adverse affects to the species.

Commissioner Wilson asked if there numbers for greater prairie chicken. Mitchener said numbers weren't included for them because the season wasn't changing much (linking the two current seasons) and there aren't a lot of prairie chicken hunters. There may be an estimated 7,700 total greater prairie chicken hunters with about 29,000 total days. There was historic information on lesser prairie chickens and staff felt that this was where most of the concern was with the Commissioners and the public. This is a maximum estimate of what the

population could be, going back to 1995, when the proposed number was twice what we are proposing today. Commissioner Wilson said this was really hard to explain this to non hunters. She agreed that two weeks is not much and that there are other issues involved, climate, disease, etc. But she said she grew up in a small town, but lives in the city now and most of the people that are calling her are asking and she didn't feel that she could give them a complete answer. These birds are on the federal list that could potentially be listed. Mitchener said they are on a candidate species list. Commissioner Wilson said she was not opposed to hunting, but wanted to look at all options. She said it didn't bother her to move the boundary, but did bother her to increase hunting days.

Secretary Hayden said there are interesting reasons why this is being proposed. Twenty-three years ago in 1982, there were 53,000 hunters. Now there are 7,700. Today's hunters are only killing 14-15 percent of what hunters did in 1982. The prairie chicken hunters are vanishing. It is hoped that this proposal could bring some of them back. The CRP program is only a 10-year program and can be phased out at any time and with it will go the whole population. Lesser prairie chicken hunters decreased from 3,400 to 530. In 1982, 11,000 birds were being taken, now hunters take 1,100 lessers a year. The disappearance of the lesser prairie chicken has not been due to hunting, but due to loss of habitat. This proposal shortens the season by one day and moves the boundary so it protects the chickens better.

Vice-Chairman Fields said that as the Commission historian, he had been looking at numbers presented in October 2003, and he added that Secretary Hayden was correct with numbers. Moving the boundary would be good because it would protect some of the overlap of species. Some states have closed prairie chicken hunting all together. He asked if there would be any concern from USFWS by changing this season. Mitchener said that from those he had talked to, no, because hunting is not the reason for the demise in the species.

Mike Pearce, Wichita Eagle, asked for a ballpark figure of what the percentage of greater prairie chicken harvest occurs on opening weekend? Mitchener said he could get those numbers. Pearce asked if the proposal could reduce the harvest by doing away with the traditional opening weekend. Mitchener said he didn't think so. The people who hunt prairie chickens will continue with that tradition.

Commissioner Johnston said that there has been some sentiment expressed about shortening the quail season in January which he thought should be discussed.

Commissioner Harrington asked if biologists discussed shortening the January season at all. He agreed with most people that hunting is not the reason, but late freezes have more of a population impact. He said that he and Commissioner Dykes agreed on that. Mitchener said there was no clear consensus among biologists across the country. Studies have been done, mostly on public lands or areas that are heavily hunted. There is a potential for added mortality in heavily hunted areas, but most of Kansas is privately owned and every piece of property does not get hunted the same on a daily basis. The season length provides opportunity, but not additional mortality.

Vice-Chairman Fields related attitudes from the late 1950s and 1960s which was, "Rest the birds, rest the dogs" and the average season was 19 days long. Seasons never lasted past mid-December. He agreed with Commissioners Dykes and Harrington that the birds are weakened in January and we should end the season by the end of December. He said his opinion was different on pheasants because they are a hardier species.

Secretary Hayden commented that in 1959, the average hunter hunted 4.5 days. In 1969 he hunted 4.9 days in a 96-day season. In other words, they hunted the same whether there was a short or a long season. The average bag was 4 ½ birds per hunter Now it's 1 ½ birds -- the same number of days, but about a 1/3 the harvest. Quail harvest is the lowest in over 40 years. You would have to go back to 1960 to get a harvest as low as the last two years. A long season does not necessarily mean more hunter days or a greater hunter harvest. In 1966, the largest number of birds was taken.

Vice-Chairman Fields commented that again, Secretary Hayden's statistics were good and accurate, but it is hard to convince constituents that it is good. Secretary Hayden said that of radio tagged birds, those marked on April 1 (not hunting season), by August 31, 85 percent were dead, mostly from predation. These are very short-lived creatures. They can't be stock piled.

Mitchener added that in Oklahoma the quail season lasts into February and there is a greater bag limit than in Kansas. The habitat and weather, are essentially the same with no adverse affects.

Commissioner Johnston said that the information seemed to be conflicting and he was conflicted about the issue. If hunters are averaging the same number of days in the field, he wondered why lengthen the season.

When the population was reduced in January, even if we are not stock piling, those are the ones that will be nesting and hatching in the spring. He didn't think he would favor shortening the season to December 31, but did feel it should be shortened to mid-January. He stated he was not ready yet to make a decision.

Doug Phelps, Manhattan, asked if there as data available on how well utilized January is by the hunters. Mitchener said information wasn't that specific, but studies show the vast majority of the hunting occurs in the early part of the season. There is not very much pressure from hunters later in the season -- mostly the diehard hunters. Phelps said he understood that the department was trying to provide more opportunity, but wondered what would happen if the season was extended to the first week of January. The public perception would be better and it could be sold to non-hunters and hunters. The hunters would be giving up the part they don't use anyway.

Mike Pearce, Wichita Eagle, asked Vice-Chairman Fields, if he had any concerns about the message being sent to the public. Vice-Chairman Fields said he did have those concerns. He added that hunters have come up to him and said that they have sold their dog and won't buy another one. The average person doesn't get all of this information.

Keith Sexson, Assistant Secretary for Operations commented that there is sometimes a reason to evaluate the public perception, but the truth is that, if season are cut back, it will not contribute to increasing, or recovery of this species. The department must be careful on what message is sent -- avoid giving the impression that there will be an increase in population Shortening the season won't result in more birds in the future. If the population continues to decline, then the public may perceived that more season cutbacks will increase bird numbers.

Commissioner Wilson said she was in a bit of a quandary -- she didn't feel the hunting would hurt the populations, but the public perceives it will. She wondered if there should be more efforts promoting habitat improvement. There general public lacks knowledge and science ecology. Letting people know the department is working on these problems and that will help Commissioners and staff. Sexson commented that is exactly how constituents and the public should be addressed.

Vice-Chairman Fields said that Commissioners probably get the flack. He said he has heard comments like, "we are doing this to just make the motel owners happy".

Pearce commented that during the legislative session the message is, "listen to the biologists" and then the Commission doesn't listen to the biologists.

Vice-Chairman Fields said that on October 19, 2000, lesser and greater prairie chicken populations were discussed and that populations were likely to be lower than projected. Some of these men that reported negative biology in the past, want to increase the season now. Past seasons need to be considered now.

Pearce asked Secretary Hayden for confirmation. Hayden said he was not here in 1999.

Vice-Chairman Fields said there have been downward trends since 1999.

Commissioner Meyer recommended learning from past experience. He suggested increasing seasons to increase quantity. What was done in the past was wrong, and he recommended doing what is right now. To hang onto an assumption from 10 years ago is not right.

Vice-Chairman Fields suggested meeting on a middle ground -- between the wishes of the public and the biology of the present.

Commissioner Harrington said he had a scientific mentality and that the numbers of the birds is what was most important to him. He asked for confirmation that biologists have looked into the late season hunting and feel it would not affect the population. Mitchener confirmed that was his answer.

Barth Crouch, Pheasants Forever, said he didn't see these changes causing a lot of problems. But asked if department staff had talked to the hunters, landowners and motel owners to see what their feelings were. If there was no support for this last year, he asked why it was brought back this year.

Jess Hoeme, Beloit, said he argued about changing the quail opener in Courtland. There was no support for a change then. Secretary Hayden commented that one thing has changed since that meeting -- Nebraska has woken up, are getting more aggressive and are moving up their season. That would be like Wal-Mart saying they would close the day after Thanksgiving. He said South Dakota moved their season up by several weeks to get the out-of-state hunters. In the last 20 years Kansas has lost 66,000 pheasant hunters. Current marketing plans are not working. He commented that he wasn't saying this will turn it around, but the best Saturday in November is being wasted. He asked why not give the pheasant hunters the best Saturday of the year. The

department is worried about the future of our sport, it is at stake. The current strategy is a strategy of decline. Today people live in cities and you have to make it convenient for them. Do nothing or try to turn this around. Commissioner Harrington said he understood the marketing perspective, but was against opening quail season before Halloween. Hayden said the proposal would not move quail season up, only one week in northwest to have a uniform opening. It would be moving pheasant season, that is the lynch pin. Three different opening days could be marketed, one for each season. In pheasant hunters alone over 70,000 have been lost. Commissioner Harrington said his point was that we can't continue to move up the season to keep up with the Jones. Hayden said the biologists won't let that happen. There will actually be more birds on the first Saturday than the second Saturday.

Pearce asked if this proposal would be voted on in Hays. Mitchener said that was correct. Pearce asked if anyone remembered what the proposal was last year. Mitchener answered that that proposal was to move quail to the first Saturday in November, prairie chickens to November 1, and pheasants to the 2nd Saturday. Secretary Hayden added that this was a different proposal.

4. Early Migratory Bird Seasons - Marvin Kraft, waterfowl research biologist, presented this report to the Commission (Exhibit L). Dove regulations are now set by KAR 115-25-19, rather than annual Commission approval and there are no changes for this year. Frameworks won't be know until June, but no changes are recommended on the other species listed here, if frameworks remain unchanged.

5. KAR 115-9-9. Electronic licenses permits, stamps, tags, and other issues of the department - Kevin Jones, Law Enforcement Division director, presented this report to the Commission (Exhibit M). Currently all regulations are set up for paper licenses, this regulation would cover purchasing a license electronically. There are six points outlined in the briefing book to accommodate this automated system. Commissioner Wilson asked if there was a time limit when people have to get into the park to swap temporary park permits for permanent permits? Jones said no regulation had been written yet, but he didn't anticipate a deadline.

Vice-Chairman Fields asked if there were any comments on non agenda items.

VII. RECESS AT 3:55 p.m.

VIII. RECONVENE AT 7:00 p.m.

IX. RE-INTRODUCTION OF COMMISSIONERS AND GUESTS

Chairman Dykes came in for the evening session.

Moved from afternoon session.

1. Retirement Presentation to John Fields - John Dykes and Mike Hayden presented a plaque to John Fields for his years of service to the Commission. Chairman Dykes commented that Commissioner Fields was appointed October 1998, reappointed 2002. He has done a lot of good work for the Commission and has been at virtually all of the meetings since he was appointed. Dykes said he admired Field's preparation for meetings and if he had a constituent concern he gave them due attention. Everyone will miss his friendly demeanor. Secretary Hayden echoed those words. Now Fields can fish and hunt full time. He thanked Fields on behalf of the people of Kansas and the resource. Commissioner Fields said it had been a fun seven years. Wildlife and Parks is a true family.

X. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

Dan Ward, Kansas Wildlife Federation, said he was unable to attend the afternoon session and wanted to talk about the proposed regulations on KAR 115-25-1 on behalf of Kansas Wildlife Federation, Dr. Robel, and Audubon of Kansas (Exhibits N, O, P). He said this proposal was similar to what was talked about last year and

the Kansas Wildlife Federation still has the same. He said he talked to Quail Unlimited representatives last night and they asked that you hold off on upland bird changes.

XI. DEPARTMENT REPORT

D. Public Hearing

Kansas Legislative Research Department and Attorney General's office comments (Exhibit Q).

1. KAR 115-5-4. Nonresident bobcat hunting permit; tagging, disposal, legal equipment, shooting hours, and general provisions - Revenue Task Force Recommendation - Kevin Jones, Law Enforcement Division director, presented this report to the Commission (Exhibit R). This item concerns the creation of a new furharvesting regulation, a sub-category of the current furharvesting regulation, which will regulate the hunting of bobcats during the established season by nonresident hunters holding a limited bobcat hunting permit. This action is in response to a recommendation made by the 2004 Revenue Task Force, which identified this type of permit as a potential revenue source that would provide additional hunting opportunity. Any bobcat harvested under this permit would be required to be tagged with a carcass coupon prior to leaving the site of kill. The carcass tag would remain attached to the bobcat carcass or pelt until such time as it is presented to the department for tagging with a CITES export tag within seven days of harvest, as required by the existing furharvesting regulations. The proposed regulation would create a nonresident bobcat hunting permit which would allow the harvest of one bobcat per permit. The use of trapping equipment or dogs would not be allowed under this permit. The season for the taking of bobcat would be the same as the regular furharvesting season, starting at noon on the first Wednesday after the second Saturday of November and ending at the close of legal hours on February 15. The legal hours for taking bobcat under this permit will be from one-half hour before sunrise to one-half hour after sunset. The cost of the permit will be \$100 plus appropriate issuance and service charges. There would be no limit to the number of permits that an individual may purchase. Any bobcat carcass or pelt could be given to another person by a written notice of donation. However, a raw pelt could only be sold in the State of Kansas to a licensed fur dealer.

Commissioner Wilson said she reviewed all of the permitting mentioned at the last meeting and wondered if this part of reevaluating permits that aren't used so much. Jones couldn't recall talk about all permits being reviewed, but he said fee structure on some would be looked at. The big game permitting statute was discussed. Tymeson said the House Wildlife Parks and Tourism Committee asked the department to revamp deer and big game statutes only.

Commissioner Harrington moved to approve KAR 115-5-4 as presented. Commissioner Meyer seconded.

The roll call vote to amend KAR 115-5-4 was as follows (Exhibit S):

Commissioner Fields	Yes
Commissioner Harrington	Yes
Commissioner Johnston	Yes
Commissioner Meyer	Yes
Commissioner Sebelius	Yes
Commissioner Wilson	Yes
Commissioner Dykes	Yes

The motion to approve KAR 115-5-4 passed 7-0.

2. KAR 115-11-1. Controlled shooting areas; license application, issuance priority, and reporting - Kevin Jones, Law Enforcement Division director, presented this report to the Commission (Exhibit T). This item recommends the revision of the reporting requirements for Controlled Shooting Areas (CSA). CSAs have been operating for many years in this state and it is felt that the recording of daily bird releases by CSA operators could be changed to allow the reporting of bird releases over a less specific time frame. The regulation

concerning Controlled Shooting Areas requires operators to release a number of birds that is equal to or exceeding the total number of birds harvested during the operations' season. The current regulation prescribing the reporting requirements mandates that bird releases must be recorded on a daily basis. If enacted, the proposed change would allow the release report to cover a longer period of time. CSA operators expressed concerns that the current requirement is excessive and burdensome to their overall operation. By allowing reporting over a longer time period (monthly or even seasonally), the objective of the regulatory requirement could be met by simplifying the reporting process.

Commissioner Wilson asked if the department would essentially get an annual report. Jones said that was accurate.

Commissioner Harrington moved to approve KAR 115-11-1 as presented. Commissioner Fields seconded.

The roll call vote to amend KAR 115-11-1 was as follows (Exhibit U):

Commissioner Fields	Yes
Commissioner Harrington	Yes
Commissioner Johnston	Yes
Commissioner Meyer	Yes
Commissioner Sebelius	Yes
Commissioner Wilson	Yes
Commissioner Dykes	Yes

The motion to approve KAR 115-11-1 passed 7-0.

3. KAR 115-18-10. Importation and possession of certain wildlife; prohibition, permit requirement and restrictions - Adding New Zealand mud snail to prohibited species list - Chris Tymeson, legal counsel, presented this report to the Commission (Exhibit V) in place of Doug Nygren. This would add New Zealand mud snails to the prohibited species list. There isn't a lot of information about this species but they could potentially cause big problems if introduced.

Commissioner Harrington moved to approve KAR 115-18-10 as presented. Commissioner Meyer seconded.

The roll call vote to amend KAR 115-18-10 was as follows (Exhibit W):

Commissioner Fields	Yes
Commissioner Harrington	Yes
Commissioner Johnston	Yes
Commissioner Meyer	Yes
Commissioner Sebelius	Yes
Commissioner Wilson	Yes
Commissioner Dykes	Yes

The motion to approve KAR 115-18-10 passed 7-0.

4. KAR 115-25-9. Deer; open season, bag limit and permits - Lloyd Fox, wildlife research biologist, presented this report to the Commission (Exhibit X, statistical handout listing other state cases - Exhibit Z). Fort Riley has requested a change in the archery deer season. Currently the archery season is closed during the firearms season, however, the firearms deer season on military installations are not the same as elsewhere in the state. Some archery hunters have requested to hunt with archery equipment and their archery permit during the regular firearm season. The extended season for antlerless white-tailed deer has ranged in extent from 2 days to 14 days. Last year the extended season was only two days in length and legislators requested an additional seven days for the extended season in the northern portion of Deer Management Unit (DMU) 7 and 8. To allow

a full weekend of hunting after December 31, 2005 would require a delay until January 7th and 8th, 2006. By increasing the length of the extended season to eight days we could eliminate the special extended season. Input from department personnel indicates that consideration should be made to restrict game tags to people who possess an antlered deer permit. Season dates for the 2005-06 deer hunting are recommended as follows: Early Muzzleloader - September 10, 2005 to September 23, 2005 (14 days); Youth and Disability - September 24, 2005 to September 25, 2005 (2 days); Archery - October 1, 2005 to December 31, 2005; Early Firearms (DMU 19) - October 15, 2005 to October 23, 2005 (nine days); Regular Firearms - November 30, 2005 to December 11, 2005; Extended WAO - January 1, 2006 to January 8, 2006 (same as last year, DMUs 6,7,8,9,10,11,12,?? And 19); and Extended Archery (DMU 19) - January 9, 2006 to January 31, 2006. The recommendation for the deadline for applications is: Nonresident - May 31, 2005; Resident Drawing - July 15, 2005; and Unlimited Availability - January 7, 2006. Section (a)(1)(B) will be changed from statewide to two archery unit(s) designated by the hunter plus DMU 19. Extended firearm seasons for antlerless-only white-tailed deer during 2004-05 included: 1) a 2-day season in DMUs 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19; 2) a 9-day season in northern DMUs 7, 8 and 3) a 29-day season in central DMU 12. A preliminary review of deer population indices has revealed that extended firearms season in January for antlerless-only white-tailed deer do not need to be restricted to fewer units and that consolidation of the three seasons could be made into one season. The current accident report numbers for 2004 is 9,900, nearly 10,000 deer/vehicle accidents. Staff recommends that any unfilled firearm, muzzleloader, or archery permit or antlerless-only white-tailed deer game tag valid in unit 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, or 19, shall be valid during the extended firearm season beginning January 1, 2006 and extending through January 8, 2006 in those units. It is the staff recommendation that deer hunters should be required to have a deer permit that allows them to take an antlered deer before they may acquire an antlerless-only permit or a deer game tag. However, the recommendation for the number of deer game tags that may be used by a hunter remains the same as last year. A deer hunter with an antlered deer permit may obtain no more than four deer game tags. No deer game tag may be used in units 1, 2, 17, or 18. Only one deer game tag shall be valid within the area of units 3, 4, 5, 6, 9, 10, 11, and 14. As many as four deer game tags may be used within the area of units 7, 8, 12, 13, 15, 16, & 19. Under the Secretary's Orders there are some maps that show that also (Exhibit AA). Last year was the first effort to use check stations in a couple of decades and it went on without many problems. This proposal would keep check stations but expand units where hunters would be required to take their deer to a check station to include units 1, 2, 3, 16, 17, & 18. The check stations would be operated during the 12-day regular firearm deer seasons. Deer taken outside of these units and outside the regular firearms deer season would not need to be taken to a deer check station. It is recommended to discontinue the practice of converting unsubscribed any-deer permits, and muzzleloader any-deer permits to leftover antlerless-only permits that are then reauthorized in a second drawing. This recommendation is being made to both simplify the permitting process and to reduce harvest pressure on female mule deer. A permit to take an antlered deer will be required before getting a game tag or white-tailed antlerless permit. Chairman Dykes asked if the new regulation required a nonresident to acquire an antlered tag before they could buy an antlerless tag. He wondered how they would prove they had the primary permit in the field. Fox said they couldn't buy the antlerless permit without having an antlered permit number, which will be much easier with the new automated license system.

Secretary Hayden asked if hunters could shoot three does in Unit 11. Fox said yes -- one under archery, one under whitetail antlerless permit and one under game tag, but the hunter would lose the opportunity to take an antlered deer.

Mike Pearce asked Fox to repeat the check station units. *(Fox repeated)*

Dan Ward, Kansas Wildlife Federation asked for an amendment to allow youth to take an antlerless deer before without purchasing an antlered deer permit.

Doug Wilson commented that the archery season continuing through firearms season was a real problem. He asked for the archery season to be closed during firearms season.

No amendments made.

Commissioner Fields moved to approve KAR 115-25-9 as presented. Commissioner Harrington seconded.

The roll call vote to amend KAR 115-25-9 was as follows (Exhibit X):

Commissioner Fields	Yes
Commissioner Harrington	Yes
Commissioner Johnston	Yes
Commissioner Meyer	Yes
Commissioner Sebelius	Yes
Commissioner Wilson	No
Commissioner Dykes	Yes

The motion to approve KAR 115-25-9 passed 6-1.

5. Secretary's Orders for Deer Permits - Lloyd Fox, wildlife research biologist, presented this report to the Commission. Any deer permits stay the same, muzzleloader permits will go down some this year, but will stay above numbers of people who have applied in the past. No leftover antlerless only. Nonresident permit quotas, as required by statute, are allotted as a percentage of the permits sold to resident hunters the previous year. For the 2005 deer season, KSA 32-937 allows the department to provide nonresident firearm and muzzleloader permits equal to 16 percent of the firearms permits purchased by residents in 2004, by deer management unit. The number of nonresident white-tailed either sex archery permits for 2005 is 21 percent of the total archery permits purchased by resident hunters in 2004. An amendment to KSA 32-937 in 2004 required the establishment of no fewer than nine archery deer management units. Nine archery units were established, and numbers of resident hunters per unit were estimated to establish the number of nonresident archery permits allotted per unit for 2005. Doug Phelps said he noticed on the department's website that Parsons Ammunition Plant is offering an archery hunt. He asked for two units, plus 19, plus special hunt sites for next year, if possible. Secretary Hayden asked Fox to explain that. Fox said he wasn't familiar with that hunt, but the Parsons Ammunition Plant offers a permitted hunt, similar to Marais des Cygnes or Fort Riley. Commissioner Fields said he was familiar with those hunts and the General can set those numbers. Mike Miller commented that he thought the application period for the ammunition plant hunt was this summer so hunters would know if they were successful before they purchased an archery permit.

Garry Cook, Fort Scott, asked how the numbers of available permits were arrived at. Fox explained that all hunters were classified by zip code (in firearms units) and take a sampling of those. Hunters were asked where they hunted, took a percentage of that (21 percent) and combined units that became one archery unit.

Doug Wilson asked why the maximum numbers was used. Hunters are losing large tracks of land to guides and he saw the opportunity for residents to find a place to hunt going down. He said he did an impromptu survey of the two locker plants around Emporia and they processed 400 deer the year before last, but only 66 last year. One or two permits could tie up several thousand acres of land. He was not against nonresident hunters, but why continue to use maximum numbers when the legislature gave us a wide range. Fox said the deer resource does contribute to the recommendation and also the landowners like the nonresidents. Secretary Hayden commented that the legislature did put in "not to exceed," but staff is working with the fact that the deer/automobile accidents are on the rise again and if pressure is taken off, the accidents will continue to rise -- we would have a problem with the legislature. Chairman Dykes asked many nonresidents came to this state to hunt does.

Doug Wilson said he disagreed with Secretary Hayden. Increasing the number of nonresident tags will tie up the land because it is leased up. That is a tremendous percentage of land not accessible to the general residents. This works in reverse of controlling the deer numbers.

XII. OLD BUSINESS

Commissioner Wilson commented that a couple of weeks ago she and Commissioner attended the Law Enforcement Banquet. She said they were pleased to attend that and hear specific stories about the great things department people have done. She thanked staff or inviting them.

XIII. OTHER BUSINESS

A. Future Meeting Locations and Dates

June 23, 2005, Fort Hays State University, Student Union, 2nd Floor, Black and Gold Room, Hays.

August 25, 2005, Wichita.

Secretary Hayden reported that the omnibus bill was working its way through the legislature right now. Went through the House yesterday, removed the supplement for the \$1.1 million that the Governor had recommended for the Circle K purchase, but the Senate Committee did just the opposite today. The department may need some help to get both of those passed and may be calling on Commissioners next week. He said Commissioners may be asked to do some calling, especially on the park supplement, because there will be problems if that doesn't pass. Chairman Dykes asked if was close in the House. Secretary Hayden said no, it was 2 to 1 in Committee and on the House floor.

XIV. ADJOURNMENT

Commissioner Harrington moved, Commissioner Meyer seconded to adjourn.

The meeting adjourned at 7:50 p.m.

(Exhibits and/or Transcript available upon request)

Exhibit BB - New Kansas Department of Wildlife and Parks Website information sheet

Secretary's Remarks

2005 Legislative Session Wrap-Up

Bills Passed and Signed by the Governor:

SB 59

Title: Wildlife Violator Compact

Effective date: July 1, 2005

Summary: Allows entry into the Wildlife Violator Compact by the State of Kansas as 21st member of the compact. Two impacts: 1) Allows for issuance of NTA to alleged nonresident violator from Compact state in lieu of bonding requirements 2) Precludes hunting, fishing and trapping by individuals losing those privileges in Compact states by recognizing suspensions of other Compact states. This was KDWP initiative and is supported by many conservation organizations.

Action needed: Regulations must be developed to implement/adopt the Compact operating manual as soon as practicable.

SB 98

Title: Controlled Shooting Area Hunting Licenses

Effective date: July 1, 2005

Summary: Makes permanent the exemption for necessity of hunter education prior to purchasing controlled shooting area hunting license. Exemption has been in place for 5 years prior. Bill introduced on behalf of controlled shooting area operators.

Action needed: None

SB 194

Title: Commission Permits

Effective Date: July 1, 2005

Summary: Allows for the issuance by random draw to qualified organizations that actively promote hunting and fishing a total of seven big game permits, of which 1 may be elk and one may be antelope. Initiative supported by KDWP but introduced on behalf of Rocky Mountain Elk Foundation.

Action needed: Develop an application and prepare for regulation/Secretary's order to award qualified applicants for the 2006 season.

SB 195

Title: Firearms Bill

Effective date: July 1, 2005

Summary: As part of a larger bill dealing with firearms, allows for the transfer of firearms from the Department of Revenue to KDWP for use operationally and within the hunter education program. KDWP initiative in original form of bill.

Action needed: None. Handled administratively. Transfer will take place after KDOR complies with statutory mandates regarding notice.

HB 2116

Title: Fee Fund Protections

Effective date: July 1, 2005

Summary: Protects from diversion federal funds separated into new accounts by Division of Budget for purposes of tracking federal expenditures and reimbursements. Bill initiated by KDWP.

Action Needed: None.

HB 2253

Title: Increased Penalties for Repeat Wildlife Violators

Effective date: July 1, 2005

Summary: In response to repeat violators of wildlife laws, bill requires minimum mandatory penalties for repeat violators, for violations of big game and wild turkey laws and regulations as well as general wildlife violations. Penalties, fines and jail time increase accordingly with subsequent offenses. Bill initiated by several organizations with KWF leading and supported by KDWP.

Action needed: None

HB 2466 (attached to SB 98 when passed)

Title: Commercial Guide Deregulation

Effective date: January 1, 2006

Summary: Repeals licensing requirements for commercial guides within the State. Bill introduced by some CSA's and commercial guides.

Action needed: Repeal commercial guide regulations effective January 1, 2006.

Other Bills of 2005 Legislative Session:

SB 87

Title: Park Funding

Status: Active, on Senate Calendar (exempt bill)

Summary: KDWP initiative. Attaches charge to vehicle registrations of certain vehicle classes to fund State Park system. Any Kansas registered after bill implemented could enter the parks free of vehicle entrance permit. In original form, allowed for refund provision.

Action on bill: Continue to support passage in 2006 Legislative Session.

SB 228

Title: Cedar Bluff Water Rights

Status: Active, Senate Natural Resource Committee

Summary: Transfers water right held in Cedar Bluff by Kansas Water Office to KDWP. KDWP opposes this bill because of fiscal impact of transfer as well as the impact on the system of statutory water rights regulation.

Action on bill: Continue to oppose in 2006 Legislative Session. However, KDWP is currently working with KWO to develop an MOU to transfer water right but minimize fiscal impact for 3 year period.

HB 2115

Title: Repeal of Mandatory Archery Management Units

Status: Active, Passed House, had hearing in Senate Natural Resources but no action

Summary: Repeals Archery Management Units mandated in 2004 Legislative Session. However, as a result of the 2004 bill, archery units were implemented in April.

Action on bill: Continue to support, however, the House Wildlife, Parks and Tourism Committee has directed the Department review the deer management statutes and return with a proposal regarding deer management next session and it is anticipated that the contents of this bill will be contained in next year's proposal.

HB 2117

Title: Boating Law Update and New Vessel Theft Provisions

Status: Inactive, stricken from House Calendar after passing House WPT Committee

Summary: KDWP initiative. Bill contained several updates of boating statutes as well as new statutory provisions to deal with increasing vessel theft problems.

Action on bill: Re-introduce similar bill in 2006 Legislative Session.

HB 2122

Title: Misdemeanor/Felony Dollar Value Threshold (impacts K.S.A. 32-1005, Illegal Commercialization of Wildlife Statute)

Status: Active, in Conference Committee

Summary: Increases the dollar threshold for felonies involving illegally commercialized wildlife to \$1,000 with corresponding increases in wildlife values in statute.

Action on bill: Continue to support in 2006 Legislative Session.

HB 2210

Title: Hunter Education Exemptions for Military

Status: Inactive, did not receive a hearing in House Wildlife, Parks and Tourism Committee

Summary: Would have exempted current or former members of the military from hunter education requirements.

Action on bill: Continue to oppose attempts to exempt military members from hunter education requirements.

HB 2226

Title: Land Acquisition Procedures by KDWP

Status: Active, passed House, currently in Senate Ways and Means

Summary: Current form of bill would require all lands acquired by KDWP to be certified in compliance with noxious weed provisions of Kansas statutes, to have a five-year management plan, and requires a payment in lieu of ad valorem taxes to the county in which the property is located. In addition, for any tract larger than 480 acres, the bill requires legislative approval prior to acquisition of the property and allows for a protest petition by registered voters of the jurisdiction as to whether or not the KDWP could acquire the property. Bill is broadly drafted and could include donated, leased and purchased property.

Action on bill: Continue to oppose the bill in the 2006 Legislative Session.

HB 2393

Title: Cedar Bluff Water Rights

Status: Active, House Environment Committee

Summary: Transfers water right held in Cedar Bluff by Kansas Water Office to KDWP. KDWP opposes this bill because of fiscal impact of transfer as well as the impact on the system of statutory water rights regulation.

Action on bill: Continue to oppose in 2006 Legislative Session. However, KDWP is currently working with KWO to develop an MOU to transfer water right but minimize fiscal impact for 3 year period.

HB 2459

Title: Antelope Transferable Permits

Status: Active, hearing held in House Wildlife, Parks and Tourism Committee

Summary: Allows landowner/tenant antelope permits to be transferred to any person, with or without consideration.

Action on bill: Continue to oppose in 2006 Legislative Session.

HB 2476

Title: Transient Guest Tax

Status: Active, hearing held in House Taxation Committee

Summary: Imposes transient guest tax on Department owned cabins rented to the public in jurisdictions where transient guest tax exists.

Action on bill: Continue to oppose in 2006 Legislative Session.

HB 2506

Title: Open Meeting Act Applicable to Sub-Cabinet

Status: Active, re-referred from House Calendar to House Appropriations

Summary: Makes meetings of the Governor's Sub-Cabinet on Natural Resources applicable to Open Meetings Act.

Action on bill: Continue to oppose in 2006 Legislative Session.

TO: Commission on Wildlife and Parks

FROM: J. Michael Hayden, Secretary of Wildlife and Parks

SUBJECT: Items in 2005 Legislative Session Omnibus Appropriations Bill

DATE: June 23, 2005

The 2005 Session of the Kansas Legislature has been completed. One of the appropriation bills passed each year is referred to as the "Omnibus Appropriation Bill". This bill is considered and passed during the final part of the legislative session, beginning on April 27, 2005. The regular session of the legislature had ended on April 1, 2005. The omnibus bill is the last bill passed and contains appropriations for items not included in the regular appropriation bills passed earlier in the session.

The items included in the Omnibus Appropriations bill are Governor's Budget Amendments, funding for legislation passed during the session, and additions to earlier actions. For the Kansas Department of Wildlife and Parks (KDWP) the items considered by the legislature were two governor's budget amendment requests and two legislative actions.

The governor submitted a Governor's Budget Amendment (GBA) that included an addition of \$1,017,000 in State General Fund appropriations and a reduction of \$300,000 in expenditures from the Park Fee Fund. These actions would allow KDWP to fully fund Administrative Services and Parks Divisions' expenditures during FY 2006. Also included was an item to authorize KDWP to acquire the Circle K Ranch in Edwards County.

The legislature authorized additional funding for KDWP in FY 2006 but the financing consisted of \$717,000 from the State General Fund and \$300,000 from the KDWP Road Maintenance Fund to be repaid from the Park Fee Fund when sufficient funds are available. The legislature also included proviso language to prohibit KDWP or any state agency from spending state funds for the acquisition, operation, or maintenance of the Circle K ranch in FY 2005 or FY 2006. In addition, a proviso was included to require KDWP to spend in FY 2006 not less than \$6,000 from existing funds for the maintenance, feed, and care of the bison herd located in Crawford County. For FY 2005, the legislature transferred \$170,000 from the State General Fund to the Bridge Maintenance Fund to replace funds taken by the legislature during that fiscal year.

The Omnibus Appropriation Bill included other items of concern to KDWP. During the legislative review of items for the bill, the House Committee on Appropriations and the Senate Ways and Means Committee both discussed the need for an interim committee review of funding for state parks operations. In addition, the Senate Ways and Means Committee requested an interim committee review to consider the transfer of recreation facilities at certain reservoirs where both KDWP and the U.S. Army Corps of Engineers maintain facilities.

Other items included in the Omnibus Appropriation Bill that impact KDWP include the following:

- Funding for the 27th paycheck by using released encumbrances, unspent money with no agency authority to spend, special revenue fund transfers equal to extra time worked in fiscal year, and unneeded re-appropriations.
- No state funds shall be spent for the purchase of motor vehicle fuel for state owned vehicles from fuel sellers who are exempt from payment of motor fuel vehicle tax, except that any such purchase is hereby authorized in case of an emergency.
- No state funds shall be spent for media advertising by any agency of the state of Kansas unless such advertising includes a disclosure that such advertising is funded, in whole or part, by state taxpayer's dollars, as the case may be.
- The Director of Accounts and Reports shall transfer amounts of funds determined by the Director of the Budget as unneeded by state agencies due to the approved salary plan being less than the Governor's recommendations. The Director of the Budget shall take into account the following factors, limitations and considerations as are deemed applicable or appropriate by the director with respect to the particular special revenue fund and the state agency that is involved.

The above items pertain to all state agencies including KDWP. If the members of the Commission have any questions, please advise.

TO: Members of the Commission on Wildlife and Parks

FROM: J. Michael Hayden, Secretary of Wildlife and Parks

SUBJECT: State Park Funding Review

DATE: June 23, 2005

The state park system began in 1958 and was fully funded by the State General Fund. The first park fees were not authorized until 1963. Since that time, the percentage of park fees needed to support the operations of the state parks has continued to increase. In FY 1995, park fees provided approximately 40 percent of the funds to support parks operations. For FY 2006, that has been increased to approximately 80 percent. The significant reduction in State General Fund support for parks operations has increased the reliance on the Park Fee Fund.

The Park Fee Fund is a variable source of funding in that the level of receipts collected from year to year is not constant and is impacted by weather and consumer preference. The flooding that occurred in 1993 and 1995 provides an extreme example. In addition, other entities offer similar services competing with services provided by the Parks Division, which impacts revenue. This competition limits the amount of fees that can be charged to the consumer before these other entities become preferred alternatives. In summary, the Park Fee Fund is not a stable source of funding and has limited growth potential.

The commission has been informed of the decrease in receipts to the fund for FY 2005 at previous meetings. Attached is a copy of a table with receipts to the Park Fee Fund for the last 10 years. The growth in receipts per year has been modest except in years of fee increases or recovery from the 1995 flood. For the current fiscal year (FY 2005), the receipts through May were 6.56 percent LESS than last year's. The receipts to the fund for the fiscal year have been reduced from \$6,000,000 to a current estimate of \$5,310,308, a reduction of \$689,692.

To provide for the continued operations of the state parks in FY 2005, KDWP had requested a State General Fund supplemental appropriation of \$752,587. The governor recommended an amount of \$300,000. The legislature approved an amount of \$485,000 from the Bridge Maintenance Fund with authority to exceed that amount if needed.

For FY 2006, the approved budget for KDWP includes expenditures of \$6,109,235 from the Park Fee Fund to support the state parks. The legislature also appropriated \$1,393,000 from the State General Fund and authorized the expenditure of \$300,000 from the road fund to support the state parks. In addition, authority was provided to use additional monies from the road fund if necessary to finance operations of the state parks.

KDWP is concerned with the FY 2006 funding for state parks operations for several reasons. The revenue to the road fund consists of a transfer from the Kansas Department of Transportation (KDOT) for the maintenance of KDWP roads. The actions of the legislature reduce the amount available to maintain department roads from \$1,500,000 to \$1,200,000. If receipts to the Park Fee Fund continue to decline or do not equal the amounts estimated then more of this funding source would be required for parks operations.

The FY 2006 budget, as approved by the legislature, estimates revenue to the Park Fee Fund to be \$6,404,000. As mentioned earlier, the revised estimated receipts to the Park Fee Fund for FY 2005 are \$5,310,308. The FY 2006 estimated revenue to the Park Fee Fund is an increase of \$1,093,692 or 20.6 percent. Given the current estimate for FY 2005, and the current park fee structure, it appears unlikely that such an increase would occur. KDWP will review the status of the Park Fee Fund as the revised FY 2006 budget is developed in conjunction with the FY 2007 Department budget.

If receipts to the Park Fee Fund are not considered adequate to finance the approved FY 2006 budget for state parks operations, KDWP will consider other alternatives. These could include additional use of the road fund above the \$300,000 currently authorized, a State General Fund supplemental appropriation in an amount adequate to fund parks operations, or consideration of other alternative funding sources such as an Outdoor Recreation Fee on motor vehicle registrations.

At the current time, the funding for state parks is a major concern. The use of traditional sources to fund state parks is not adequate nor dependable. These sources now inhibit future planning to address the needs of the state parks. In order to have a quality state park system, additional funding is needed. The additional funding should be from a stable, dependable source with the potential for growth. If the members of the commission have any questions, please advise. Thank you.

Attachment

Park Fee Fund Revenue History

	FY05	FY04	FY03	FY02	FY01	FY00	FY99	FY98	FY97	FY96	FY95
July	606,875.12 +	823,367.90 &	874,248.23 @	458,961.58	445,521.92	439,897.50	393,042.45	376,621.19	428,690.60	252,208.28	376,588.72
Aug	586,352.81	587,829.37	491,076.87	603,924.24	494,243.13	545,075.01	515,061.74	508,987.00	453,424.19	483,006.16	381,622.11
Sep	518,659.75	425,539.06	442,288.26	492,991.08	376,916.92	460,726.71	407,757.09	391,397.03	356,165.30	319,839.75	274,059.57
Oct	213,672.14	225,915.51	238,171.39	230,518.08	230,822.57	209,377.10	199,318.29	186,563.18	137,373.36	203,067.38	120,285.85
Nov	92,190.46	76,385.74	68,612.57	121,799.33	99,709.55	106,934.09	77,207.27	69,898.40	77,658.40	65,990.60	54,143.70
Dec	62,179.26	82,634.83	94,728.80	41,413.30	41,314.96	46,075.65	29,696.91	24,910.66	44,768.79	29,205.81	33,458.94
Jan	158,635.47	191,018.54	194,201.41 **	135,159.91	130,046.29 **	84,573.90	62,293.41	52,475.79	33,985.80	47,074.72	34,446.97
Feb	149,732.14	91,386.28	117,250.53	126,426.95	91,681.55	69,203.85	62,737.39	62,450.03	72,847.99	47,142.96	65,966.30
Mar	338,513.55	367,313.24	296,215.45 ^	191,516.25	174,055.83	89,024.15	74,079.48	72,404.12	123,918.03 #	74,286.30	76,530.58
Apr	626,723.20	723,675.59	597,558.95	485,500.35	463,931.04	245,114.26	251,835.73	202,865.02	192,513.29	242,197.01	197,148.09
May	581,962.53	616,647.48	752,695.05	613,278.93	584,674.83	587,432.30	375,638.11	425,767.79	369,835.21	329,546.15	155,550.40
Jun	1,411,122.36	1,408,679.63	1,383,413.88	1,616,202.40	1,297,505.62	1,231,667.41	1,218,604.63	1,149,528.71	963,870.45	780,915.48	931,173.06
Total	3,935,496.43	5,622,835.90	5,575,727.14	4,884,903.88	4,749,120.99	4,180,940.14	3,680,335.28	3,592,944.84	3,440,709.67	3,057,435.57	2,550,716.71

% change from prior year

	0.84%	14.14%	2.86%	13.59%	13.60%	2.43%	4.42%	12.54%	19.87%	-10.12%
--	-------	--------	-------	--------	--------	-------	-------	--------	--------	---------

	Current YTD	Prior YTD									
	3,935,496.43 !	4,211,713.54	4,167,047.51	3,501,490.00	3,132,918.59	2,883,434.52	2,448,667.87	2,374,340.21	2,291,180.96	2,093,565.12	1,769,801.23
% change from prior year	6.56% !	1.07%	19.01%	11.76%	8.65%	17.76%	3.13%	3.63%	9.44%	18.29%	-7.19%

Cash balance in PFF @ 05/31/05: **\$299,815.12**
 Cash balance in PFF @ 05/31/04: **\$729,463.74**
 Cash balance in PFF @ 05/31/03: **\$945,679.51**
 Cash balance in PFF @ 05/31/02: **\$549,066.43**

\$50,000 of March FY97 revenue is a reimbursement from an insurance claim.

* \$210,000 was a transfer from the State General Fund for lost revenues due to FY93 Flood damage.

** new fee structure implemented

@ includes transfer out of \$3,297 for death and disability employer contributions fund and amounts budgeted for vehicle purchases in FY03.

^ increase in sales over prior year may be in part to accelerated purchasing of camping/vehicle permits at a discount prior to full pricing in effect on April 1 & includes transfer out of \$34,250: \$19,888 to SGF for motor pool expenses and \$14,362 to SGF for Death & Disability. true revenue actually = \$857,618.

+ includes transfer out of \$167,679 for Best Team reductions. True revenue actually = \$774,554

! Adjusted for the Best Team reduction, YTD revenue would be \$4,103,175 or 2.58% less than previous year's YTD revenue through May

TO: Members of the Commission on Wildlife and Parks

FROM: J. Michael Hayden, Secretary of Wildlife and Parks

SUBJECT: FY 2006 KDWP Budget as Approved by the Legislature

DATE: June 23, 2005

The 2005 legislature has approved appropriations for the Kansas Department of Wildlife and Parks (KDWP) to finance FY 2006 operations of the department. The appropriations discussed in this report are those included in the actions taken to date by the 2005 legislature. Attached are tables providing information on the approved budget for FY 2006. Governor Sebelius has called for a special session of the legislature beginning on June 22, 2005. It is possible that there will be actions taken during the special session that could impact the FY 2006 budget as currently approved.

For FY 2005, the approved budget is \$52,713,941 of which \$2,998,319 is appropriated from the State General Fund. This amount includes \$266,000 for a program to provide members of the Kansas National Guard with free park permits and hunting and fishing licenses. It should be noted that the amount for capital improvement projects in FY 2005 is higher than FY 2006 due to uncompleted projects from prior years that are still authorized for expenditure.

The major issue for FY 2005 was adequate funding for state parks operations due to decreased receipts to the Park Fee Fund. Governor Sebelius recommended a State General Fund supplemental appropriation of \$300,000. The legislature authorized KDWP to spend \$485,000 from the Bridge Maintenance fund to be repaid when funds are available to the Park Fee Fund.

The approved budget for FY 2006 totals \$46,465,324, an increase of \$319,397 to the amount recommended by Governor Sebelius. The State General Fund appropriation for KDWP Operations is for \$3,296,447, an increase of \$704,909. In addition, an amount of \$266,000 was appropriated from the State General Fund to continue the program of free hunting and fishing licenses and park permits for members of the Kansas National Guard. The number of full-time positions authorized for the KDWP remains at 406.5.

The major issue addressed by the legislature was support for operations of the state parks. The Omnibus Appropriation bill (as discussed earlier) contained additional funding support of \$1,017,000 to maintain the existing level of support for the state parks in FY 2006. This amount consisted of \$717,000 from the State General Fund and \$300,000 from the Road Fund to be repaid when funds are available from the Park Fee Fund.

Other items included in the FY 2006 Legislative recommendations are as follows:

- A 1.25 percent salary increase for state employees for the first six months of FY 2006 with an additional 1.25 percent added for the last six months. It should be noted that state agencies are required to finance the first six months of salary increase from funds appropriated for state operations. The increase for the last six months was financed by the legislature.
- Added \$766,806 to fund 27th paycheck.
- Deleted governor's recommendation to provide \$615,000 to begin capital improvement projects at State Park #24 (Menninger grounds in Topeka).
- Provided that KDWP or no other state agency could spend funds for the acquisition, operation, or maintenance of the Circle K ranch in Edwards County.

For FY 2006, the legislature approved an amount of \$4,834,097 for capital improvements. Attached is a table listing the projects approved for FY 2006. If members of the commission have any questions, please advise. Thank you.

Attachments: (2)

FY 2006 CAPITAL IMPROVEMENTS – Leg Appvd

Priority	Level	Description	State General Fund	Wildlife Conserv Fund	Wildlife Fee Fund	Wildlife Fee Fund - Federal	Water Plan Fund	Roads Fund	Boating Fee Fund - Federal	Federal Funds*	Other Funds***	TOTAL
1	CS	Land Acquisition		500,000								500,000
2	ENH	State Park # 24 Development**					0	0	0			0
3	CS	Public Lands Major Maintenance			150,000							150,000
4	CS	Parks Major Maintenance								641,165		641,165
5	ENH	River Access**					0					0
6	CS	Wetlands Acquisition/Development		150,000							200,000	350,000
7	ENH	Complete Prairie Spirit Trail	0							812,562		812,562
8	CS	Motorboat Access			75,370	800,000						875,370
9	CS	Roads Maintenance					1,200,000					1,200,000
10	CS	Bridge Maintenance									200,000	200,000
11	CS	Coast Guard Grant Projects							105,000			105,000
		TOTAL	0	650,000	225,370	800,000	0	1,200,000	105,000	1,453,727	400,000	4,834,097

* \$641,165 for LWCF projects; \$812,562 for development of Prairie Spirit trail.

** Upon further review of project needs and Boating Fee Fund balances, Water Plan funds will be substituted to fund river access plans for Priority #2.

*** \$200,000 from Bridge Maintenance Fund and \$200,000 from Migratory Waterfowl Fund.

	FY 2004 Actuals	FY 2005 Leg Appvd	FY 2006 Leg Appvd
Programs:			
Administration	8,213,030	8,611,299	9,689,613
Grants-in-Aid	1,925,959	1,560,288	1,585,000
Law Enforcement	4,579,732	5,284,150	5,357,429
Parks	8,331,321	8,647,033	8,927,191
Fisheries and Wildlife	14,609,646	15,532,338	16,071,994
Capital Improvements	4,551,537	13,078,833	4,834,097
TOTAL	42,211,225	52,713,941	46,465,324

Expenditure Groups:			
Salaries and Wages	21,080,818	22,982,904	24,646,213
Contractual Services	9,399,582	10,063,025	10,038,365
Commodities	4,124,801	3,516,299	3,606,485
Capital Outlay	1,128,528	1,512,592	1,755,164
Aid/Other Assistance	1,925,959	1,560,288	1,585,000
Capital Improvements	4,551,537	13,078,833	4,834,097
TOTAL	42,211,225	52,713,941	46,465,324

Funding:			
Operating Expenditures:			
State General Fund	3,167,803	2,732,319	3,296,447
SGF - Natl Guard	266,000	266,000	-
Bridge Fund	-	485,000	-
Nonrestricted Fund	188,270	232,472	200,000
Park Fee Fund	5,728,089	6,215,270	6,109,235
Roads Fund	-	-	300,000
Boating Fee Fund	1,537,105	776,406	715,658
Boating Fee Fund – Federal	-	597,427	637,792
Wildlife Fee Fund	22,339,565	16,597,049	18,882,421
Wildlife Fee Fund – Federal	-	7,979,602	7,282,962
Federal Ag Fund	677,597	638,998	671,755
Land and Water Conservation Fund	564,062	500,000	500,000
Federal Grants Fund	2,107,716	1,926,708	1,963,559
Wildlife Conservation Fund	775,691	136,749	144,283
Water Plan Fund	40,002	-	40,000
Nongame Fund	122,650	208,550	219,100
Other Funds	411,138	342,558	402,015
	37,659,688	39,635,108	41,631,227

Capital Improvements			
State General Fund	-	49,047	-
Water Plan Fund	-	-	-
Bridges Fund	140,770	301,279	200,000
Roads Fund	1,655,026	1,740,698	1,200,000
Wildlife Conservation Fund	642,393	2,737,954	-
Wildlife Conservation Fund – Federal	-	1,682,000	650,000
Park Fee Fund	253,971	284,537	-
Boating Fee Fund	107,901	915,654	-
Boating Fee Fund – Federal	-	-	105,000
Wildlife Fee Fund	678,486	2,463,769	225,370
Wildlife Fee Fund – Federal	-	-	800,000
Migratory Waterfowl Fund	29,723	409,840	200,000
Land and Water Conservation Fund	545,204	1,972,475	641,165
Federal Grants Fund	495,927	521,580	812,562
Tuttle Creek Mitigation	-	-	-
Other Funds	2,136	-	-
	4,551,537	13,078,833	4,834,097

TOTAL	42,211,225	52,713,941	46,465,324
FTE	406.5	406.5	406.5

General Discussion

Landowner Deer Management Program Update

Background

The Kansas legislature instructed the Kansas Department of Wildlife and Parks during the 2003 session to investigate landowner deer management programs and to prepare a report. The law states:

“K.S.A. 32-968. Landowner deer management program: report. The department is hereby authorized and directed to develop a report containing recommendations for the establishment of a landowner deer management program. The report shall include recommended procedures, requirements and guidelines to provide qualified landowners an allotment of antlered and antlerless deer permits that may be transferred by the landowner to resident or nonresident deer hunters for use on such landowner’s property and may include such other requirements as the department finds appropriate. Such report shall be presented to the senate natural resources committee and the house tourism and parks committee on or before January 15, 2004.”

In October 2004 K.A.R. 115-4-14 was approved and the Kansas Landowner Deer Management Program was initiated. News releases were distributed describing the program. Applications were prepared and distributed. Individuals interested in this program were contacted and mailed an application form. The deadline for submittal of completed applications was January 31, 2005.

Results to Date:

Only one application was accepted for the pilot project. The project lands are located on the Brougham and Kimple Ranch in Chautauqua County. A contract has been completed with the landowner based on their application. That contract specifies that the landowner will receive 24 either-sex vouchers and 31 antlerless-only vouchers each year for three years. Those vouchers may be exchanged by the landowner’s clients for non-resident white-tailed deer either-sex permits, and non-resident white-tailed deer antlerless-only permits. Resident deer hunters may apply through a drawing system for three white-tailed deer either-sex permits valid on that LDMP property. The applicant’s proposal did not include any permits valid for residents to hunt on antlerless-only permits.

Future Evaluation Considerations:

Limited interest has been shown by Kansas landowners in this program. There was a great deal of misunderstanding about the features of the program. Some landowners showed initial interest in the program but would not allow a person selected a random to have access to their land, and therefore chose not to apply. Some property managers had special management considerations that were not detailed in K.A.R. 115-4-14. For example, one property manager charges his clients a penalty if they took an antlered deer that fails to measure a minimum of 140 B&C. He would not allow a hunter selected at random to hunt his property unless they were also restricted to that minimum standard.

Five properties, one in each KDWP administrative region of the state, were proposed to evaluate this LDMP pilot program. The limited number of applications and the scarcity of permits that would be available for residents of Kansas to use the LDMP properties have made it highly unlikely that a meaningful evaluation can be conducted.

The application process could be reopened. The regulation could be reviewed and revised to encourage more landowners to apply and allow more permits that would be valid on their property to be available for residents of Kansas.

K.A.R. 115-25-20
**Sandhill crane; management unit, hunting season,
shooting hours, bag and possession limits, and permit validation**

Background

The Kansas Department of Wildlife and Parks initiated the first sandhill crane season in Kansas in 1993 in response to growing sandhill crane numbers, increasing crop depredation, and the department's desire to provide sandhill crane hunting opportunity. The proposal to establish a sandhill crane season was met with considerable opposition. Stated reasons for opposing the season included concern about additional harvest of Mid-Continent sandhill cranes, concern for the welfare of subpopulations, the belief that the management plan for Mid-Continent sandhill cranes was flawed, and a concern that a sandhill crane season would jeopardize the recovery of endangered whooping cranes.

The regulations adopted by the Kansas Wildlife and Parks Commission in August 1993 addressed some of the concerns for whooping cranes by establishing shooting hours of sunrise to 2 p.m. and delaying the opener until the first Saturday in November. Based on the data available at that time, approximately 75 percent of historical whooping crane reports in Kansas occurred prior to November 3. The 2 p.m. closure reduced human disturbance of whooping cranes as they returned to roost sites. Kansas' sandhill crane regulations are the most restrictive in the Central Flyway.

Since 1993 most, if not all, of the concerns about hunter harvest of the Mid-Continent Population of sandhill cranes, or any subpopulation of the Mid-Continent Population, have eased. Unfortunately the shooting deaths of two whooping cranes in Kansas last fall has revived concerns about the impact of sandhill crane hunting on whooping crane recovery, particularly since Quivira NWR, and the surrounding area, have been the location of many whooping crane sightings in recent years. This shooting incident may result in modification of the Federal-State Whooping Crane Contingency Plan and/or changes in sandhill crane frameworks, in Kansas alone, or throughout the entire Central Flyway. However, preliminary federal frameworks for sandhill crane hunting will not be known until June 23 and will not be final until August.

At the January 20, 2005 commission meeting, staff presented the following regulatory options:

- 1) Delay the season opener,
- 2) Establish a buffer zone around whooping crane concentration areas,
- 3) Further restrict shooting hours,
- 4) Increased emphasis on implementation of the Federal-State Whooping Crane Contingency Plan, and
- 5) Increased emphasis on hunter education and awareness.

Implementation of options 1-4, singly or in combination, could be complicated by the large numbers of sandhill cranes (up to 200,000) and geese (up to 600,000) in the Quivira NWR area that could generate crop depredation problems if hunting is restricted. These large concentrations also provide the potential for a devastating disease outbreak that could kill thousands of waterfowl and cranes, including whooping cranes.

Since the January Commission meeting, staff has discussed the whooping crane shooting with the Central Flyway Webless Migratory Game Bird Technical Committee, the Central Flyway Council, and representatives from the U.S. Fish and Wildlife Service (Service). Both Central Flyway groups recommended that no changes be made in the sandhill crane frameworks at this time and that the Federal-State Whooping Crane Contingency Plan be reviewed and updated. At the meeting with representatives from the Service, staff and Service representatives agreed that the Department would consider:

- 1) Providing identification information on species that look like whooping cranes in the *Kansas Hunting and Furharvesting Regulations Summary*, on its website, and with new posters and color brochures;

- 2) Developing and administering a mandatory online identification course and test for sandhill crane hunters that would need to be taken annually; and
- 3) Increasing its field presence on opening day of crane season by having more law enforcement officers and biologists working the Cheyenne Bottoms/Quivira area.

So far, the U.S. Justice Department has not filed any charges against those involved with the whooping crane shooting and no additional information about the shooting is available.

Recommendation

When the Commission briefing book was being prepared, federal frameworks for the sandhill crane season were not known and the Department was negotiating possible changes in Kansas' regulations with the Service. No recommendation can be made until such a time as the preliminary frameworks are released. Preliminary frameworks will not be known until June 23rd at the earliest.

Kansas Squirrel Hunting Seasons

There are two species of tree squirrels that are legal game in Kansas. The eastern fox squirrel occurs statewide and the eastern gray squirrel occurs primarily in the eastern one-third of the state. Aside from physical differences in color and other characteristics, the main difference in the two species is habitat. While the fox squirrel is able to occupy most wooded habitats, including urban areas and windbreaks, the gray squirrel is restricted to larger unbroken tracts of mature woods. Of general interest to the public is the fact that fox squirrels may have a black coat as well as the more familiar red pelage. Both squirrel species breed two times per year in January-February and May through July. Both species have 2 to 3 young per litter.

KAR 115-25-4 establishes the hunting season for squirrels as June 1 through the last day of February; February 28 most years except leap year when it is February 29. In 1998, the current season was adopted by the Commission. Prior to that the season had been from June 1 to January 31.

Long-term department data shows that squirrel populations have increased and hunter harvest has declined over time. After the 28- (or 29) day increase, effective with the 1999 season, populations have continued to increase and statewide hunter harvest has stabilized at around 104,000 of both species, in aggregate. The previous 5 years, from 1994 to 1998, harvest had been about 93,000 squirrels. Thus, even though there was a slight increase after the lengthening of the season, there appears to be no impact of squirrel hunting on populations. Kansas squirrel hunting seasons have occurred during breeding seasons for a long time without impact on populations. The primary factor influencing populations at this time appears to be the continued succession of lands to wooded habitats and the maturation of existing forests.

State Comprehensive Wildlife Plan Update

At the last four meetings, the Commission was updated on the Department's progress on the CWCP plan development, which is designed to meet the federal requirements for participation in the State Wildlife Grant Program. Kansas was recently allotted about \$900,000 for the current federal fiscal year. Since the last report, the consultant has generated a draft for public review, and it has been posted on the Department's internet site under "Hot Topics." All people who attended the summit meeting, and all those on the experts' and interested parties mailing lists were notified. An announcement was also included in a statewide news release. Comments were solicited, with a deadline of June 15, 2005. After that time, staff will meet or correspond with the consultants on incorporation of those comments, and a final draft will be prepared for July 1, 2005. At that time, it will be submitted to the US. Fish and Wildlife Service for approval.

Land and Water Conservation Fund

For the sixth year, Congress has appropriated funds to the Land and Water Conservation Fund (LWCF) State Grant Program. For Fiscal Year 2005, the total appropriation is \$89.7 million, which is less than what was appropriated last year. This year, Kansas will receive \$1,185,142 for LWCF State Development Grants, subject to matching funds and approval of proposed projects by the National Park Service (NPS). The federal appropriations for local communities will be approximately \$400,000, less administrative fees, and the rest will be used for funding state park development projects. The Department will receive a percent of each apportionment for administrative costs. The LWCF program requires continuous inspection and compliance procedures from the date of award through perpetuity.

Funding for this program is primarily derived from Outer Continental Shelf leasing revenues and is appropriated by Congress, pursuant to the Land and Water Conservation Fund Act of 1965. This year's apportionment can be used to assist Kansas in the acquisition of land and the development of public outdoor recreation facilities, which will benefit present and future generations. These funds will not meet Kansas's total recreation needs, however, effective planning and targeting of these dollars can have a significant impact on the quantity and quality of outdoor recreation opportunities.

For Fiscal Year 2005, nine LWCF applications were received from local communities, requesting \$1.8 million dollars in matching funds. Each applicant was reviewed on the priorities stated in the State Comprehensive Outdoor Recreation Plan (SCORP) for local communities as required by the NPS. The NPS criteria included points related to SCORP, including the local park and recreation plan, public support, funding and previous LWCF funding and administration. Projects were selected by an advisory board. State park projects that have been recommended for approval are: Meade State Park Visitor Center and road improvements -\$250,000; Cheney State Park new shower house and road improvements - \$169,885; El Dorado State Park campground and road improvements - \$350,000.

KANSAS DEPARTMENT OF WILDLIFE & PARKS
KANSAS OUTDOOR AUTOMATED LICENSE SYSTEM (KOALS)

Updated schedule for KOALS:

KDWP Testing and Pilots

Internet testing - 05/09/05 – 06/01/05

Live pilot for phone/Internet 06/02/05

Expect to sign off on Internet pilot prior to July 1

WebPOS testing - 06/08/05 – current

Scheduled to go live pilot by July 1

POS testing - 06/20/05 - 07/01/05

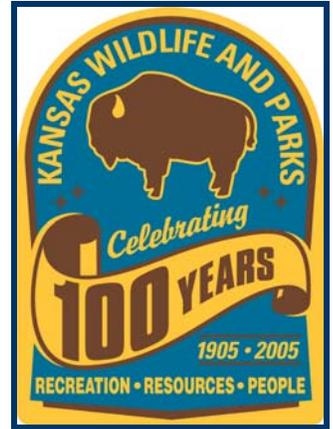
Scheduled to go live pilot around July 1

STWD roll out

Still scheduled to have equipment in place at most vendor locations by August 12

To: *All KDWP Staff*
Subject: *Kansas Outdoor Automated License System (KOALS)*

The department's new automated licensing system is scheduled to be fully operational by the end of August. All licenses, permits, and registrations issued by the department will be processed through a centralized database accessed via the Internet. The system will be paid for by fees, ranging from 50 cents to \$1.15, attached to the price of each issuance. This new system will provide our customers with greater convenience in obtaining licenses, permits, and registrations. Unlike the current system, for example, customers will be able to purchase any department issuance at any vendor location, rather than being limited to an incomplete menu of issuances at some vendors. Issuance of licenses and permits will be quicker and more efficient because, once a customer is entered in the system, department employees and vendors will no longer need to hand-write customer information for each issuance they sell; the database will contain that information, which can be easily recalled for any subsequent purchase by that customer. Since customer address information will be maintained on a "real time" basis, rather than on paper copies warehoused by the department, the department will be able to communicate directly with customers on a more timely basis. Department operations will be significantly enhanced, as summarized in the list of benefits below.



If you have any questions about the Kansas Outdoor Automated License System, please direct them to Karen Beard in the Pratt office.

FISH AND WILDLIFE AND PUBLIC LANDS DIVISIONS

- Surveys of users will be more efficient because of the ability to get a timely draw of names and addresses.
- Will have the database to use to market our programs to target audiences. (This applies to all divisions.)
- Real time monitoring of license and permit sales will benefit our efforts in managing facilities and resources. Example: If trout permit year-to-date sales (midway through the trout season) are down in Cherokee County, we could back off the number of trout stocked in the Mined Land Area. If sales are up, we may need to increase rates.
- Federal aid dollars will increase because we will be able to identify individuals and not duplicate the counts. Example: A landowner who buys a Hunt-Own-Land deer permit but doesn't have a hunting license currently can't be counted for the federal aid funding formula because we can't tell if they purchased a hunting license or not, therefore we don't count HOL for federal aid formula. The current actual Federal Aid value of a certified license holder is \$5.40 for each fishing license and \$7.12 for each hunting license.
- We will be able to find out what our constituents actually want which will allow us to greatly improve our customer service. (This applies to all divisions.)
- It will bring the agency up to the standards that other states are using. According to the International Association of Fish and Wildlife Agencies (IAFWA), approximately 44 states have automated their licensing systems in whole or part.

ADMINISTRATIVE SERVICES DIVISION:

- Agency will receive receipts from all vendors weekly by Automatic Clearing House (transfer directly from bank to bank). Currently county clerks remit after the close of a quarter.
- Automated license system eliminates the need to print licenses, ship to license agents, and account for inventory of licenses.

- No waste of unsold preprinted licenses.
- License agents will have fewer records to produce and maintain.
- Will no longer have to store 5 years of sold licenses and permits.
- Ease of researching open record requests since all licenses and permits are automated.

LAW ENFORCEMENT DIVISION:

- The system will allow LE officers to verify license and permit information in the field 24 hours a day, 7 days a week.
- The system will check to see if a customer has had privileges revoked or suspended before a license or permit is sold and prevent us from being in violation of a court order.
- The system makes it possible to cross check licenses and permits with information contained in the database, preventing duplicate permits being issued and allowing us to identify and prosecute fraud when it occurs. This will especially be an advantage to those customers who purchase permits and licenses for another person. Under the current system, if a duplicate purchase is made, the second license or permit is invalid and no refund can be given.
- The system makes it possible to help verify residency with information contained in the database and to prosecute residency fraud when it occurs.
- The system will allow us to be in compliance with the Dead Beat Parents law by giving us a means to check the Department of Social and Rehabilitation Services' list before issuing any licenses or permits.
- The system will make it much easier for a customer to replace lost or stolen licenses or permits by allowing them to go to any vendor for replacement, not just the vendor where the original purchase was made.
- The system allows a vendor to sell different licenses and permits and eliminates the problem of running out of printed books, particularly on holidays and weekends.
- It will be require more knowledge and specialized equipment to create fraudulent licenses and permits duplicating those printed by the automated system than it does with current paper issues.
- Under current law and regulations, a vendor may be required to pay the maximum value of any paper license books that are lost or stolen. In the event of a theft from an automated vendor, the thief will get only equipment and blank stock. There will be no license or permit value assessed.

PARKS DIVISION:

- Provides the ability for all vendors to sell all of the park permits, not just annual permits.
- Provides a true accounting system for those selling our issuances.
- Reduces the paperwork and labor hours of auditing paper licenses manually.
- Provides real time sales figures.
- Provides a database of sales by park, by issuance, by county and fund.

- Reduces paperwork of camp hosts in the field.
- Allows users to pay by credit card at any department sales location.
- Provides a secure environment for staff since accounting system will be real-time and checking accounts will be swept weekly. There will be no camp hosts holding books until all permits are sold.
- Enables law enforcement staff to know who is camping in campgrounds for purposes of emergencies and enforcement purposes.
- Phase 2 of system provides for a central reservation system for all parks allowing campers to purchase sites in advance.

State Law Action Pertaining to Exotic Cat Ownership

Background

At the January 2004 Commission meeting, the Department presented an overview of the statutes and regulations concerning the possession and ownership of certain species of large cats in the State of Kansas. The presentation primarily focused on six species of large cats, specifically lions, tigers, leopards, jaguars, cheetahs and mountain lions. At this meeting, the Commission directed the Department to conduct further study as to how to appropriately address the issue of ownership and possession of these animals in the state.

Over the course of the following year, the Department presented reports to the Commission, offering possible courses of action. Two proposals were presented, however neither proposal was brought forth in regulatory form, primarily due to additional questions and requests for different considerations. The last report to the Commission on this matter occurred at the January 2005 meeting in Topeka. At this meeting, several groups and individuals presented comment, both for and against, the proposal being considered.

The Department has been conducting further research into this topic, reviewing a number of laws and regulations that have been adopted by other states, such as Tennessee, Minnesota, New York, Florida and California, among others. Law Enforcement Division staff attended a meeting with the U.S. Department of Agriculture, Animal and Plant Health Inspection Service (APHIS) concerning their regulatory authority and has discussed provisions of the Captive Wildlife Safety Act with the U.S. Fish and Wildlife Service.

At the January 2005 Commission meeting three wildlife display facilities requested more in-depth discussions with the Department through their attorney. No meetings have occurred yet, however the Department has been in periodic contact with the attorney.

Upon the Department completing its research and discussion, the Department will prepare a regulation proposal for Commission consideration.

Wildlife Violator Compact

The Wildlife Violator Compact was originally implemented by three western states during the late 1980's. The Compact was established for two reasons. The first was to recognize license and permit revocations between compact member states. With the mobility of violators, it was important to provide a means to prohibit serious violators, whose license and permit privileges had been revoked, from hunting in adjacent states or acquiring licenses or permits that could then be used to "cover" animals illegally taken in other areas.

The second provision of the Compact allows persons from Compact member states to be treated in the same manner as a resident of the state where a violation occurs. In a majority of the instances when violations occur, the seriousness of the violation does not rise to the level of requiring the person to be taken into custody and then bonded out of jail. When circumstances warrant, a non-resident from a Compact member state is allowed to sign a promise to appear in court and released on their own recognizance. In the event the person fails to settle the matter with the court, procedures are initiated to suspend the person's license or permit privileges in their home state until the person resolves the matter with the appropriate court. Both of these Compact provisions are similar to the driver licensing compact, of which Kansas is a member.

Senate Bill 59 was a Kansas Department of Wildlife and Parks initiated bill which passed the 2005 legislative session and was signed into law by the Governor. This bill adopts the Wildlife Violator Compact and provides the authority for the Department to enter into the Compact. The effective date of this new law is July 1, 2005.

The law requires that the by-laws and procedures manual must be adopted by the Secretary in the form of regulations. In order for the Department to proceed with entry into the Compact, regulatory provisions must be written and passed by the Commission. Upon implementation of the regulations, the Department will be able to request entry into the Compact, along with the 20 states currently forming the Wildlife Violator Compact.

The Compact by-laws and procedures manual set forth the operational provisions of the Compact. Through these documents, the process is established whereby Compact states carryout the provisions of the Compact in a consistent and uniform manner. The by-laws and operational procedures may be changed by the governing board of the Compact. This board is composed of a representative from each of the member states. Any future revisions of the by-laws or procedures manual will require amending these regulations. Formal entry into the Wildlife Violator Compact by the State of Kansas is anticipated by January 1, 2006.

Commercial Guide De-regulation

House Bill 2466 was passed during the 2005 legislative session and signed into law by Governor Sebelius. This law repeals all statutory provisions for commercial guide services and becomes effective January 1, 2006. Because there will no longer be a requirement for guide permits to be issued, all the regulations relating to commercial guide services must be revoked. These regulations are K.A.R. 115-21-1, 115-21-2 and 115-21-4. Additionally, K.A.R. 115-2-1 will be amended to remove the fees associated with commercial and associate guide permits issued to residents and non-residents. All regulatory actions shall be effective January 1, 2006.

Revenue Task Force Boating Registration Recommendation

KAR 115-2-4 Boat Fees. Currently, boaters pay \$20 for vessels under 16 feet long and \$25 for vessels 16 feet long or longer. The registration lasts for three years (KAR 115-30-2). There are approximately 100,000 registered boats in Kansas. Any boat with propelled mechanically – motor, or sail -- used on public waters must be registered. In 2004, 16,641 boats less than 16 feet were registered at a fee of \$20 and 18,735 boats 16 feet or longer were registered at a fee of \$25.

This proposal, which is made as a result of recommendations from the Revenue Task Force, would increase the three-year registration fee to \$27 for all boats, eliminating the length categories. Using the figures from 2004, this fee change would increase annual boating revenues \$153,957. The additional money would be used to improve boating education, enforcement, and access.

Secretary's Orders for Creel and Length Limits Changes in 2006

Based on the current information and pending the fall sampling efforts, we have no changes for large reservoirs planned for 2006. Most changes under consideration are for state fishing lakes and CFAP waters. These are all additions to the existing Secretary's Orders.

There are no new Secretary's Orders proposed for 2006.

To date the proposed changes are:

Additions

- Black bass 18" - Lake Wabaunsee
- Saugeye 18" - Lake Wabaunsee, Smoky Gardens
- Saugeye 2/day - Smoky Gardens
- Walleye 18" - Lake Wabaunsee
- Channel Catfish 15" - Jewell SFL
- Largemouth bass 21" - Jewell SFL

KAR 115-25-5 and 115-25-6
Fall and Spring Turkey Seasons

We are contemplating changes to the unit boundaries for fall and spring turkey hunting seasons, covered by 115-25-5 and 25-6 respectively, to better reflect changes in turkey populations within portions of the present Units 1, 3, and 4. A specific proposal cannot be made until we have completed the ongoing Spring 2005 hunter survey. At that time, we will be able to offer a recommendation if one is still needed.

Workshop Session

2005 LATE MIGRATORY BIRD SEASON

Background

Late season waterfowl frameworks (maximum bag, possession limits and season length, and earliest opening and latest closing dates) are established annually by the U.S. Fish and Wildlife Service (Service). These frameworks establish the limits within which states must operate when establishing waterfowl seasons. These frameworks are developed and published around August 15, after results from the May Breeding Duck Survey, July Production Survey, and recommendations from Flyway Councils are available.

Discussion

We do not anticipate major changes in the frameworks for geese. Season frameworks and hunting recommendations for these species will most likely be similar to those established last year, with minor adjustment for holidays and calendar shift. However, some moderate changes could result from attempts to “match” opening or closing dates of geese with those of ducks, which could be significantly changed from last year.

At this time there is uncertainty regarding the 2005 framework for ducks. The May Breeding Duck Survey has not been completed, but early dry conditions on some areas of the breeding grounds, particularly the Dakota’s and Montana have improved with some significant rain during recent weeks. Generally speaking, wetlands have been improved from last year in Saskatchewan, but remain dry to very dry in Alberta. Breeding Population numbers could be down from last year due to poor recruitment last year.

At this time, even the regulatory packages include the following:

Liberal package - 74 day season (LP), 97 day season (HP), with bag of 6 ducks, 5 mallards, including no more than 2 hens (package selected since 1997).

Moderate package - 60 day season (LP), 83 day season (HP), with bag of 6 ducks, 5 mallards, including no more than 1 hen.

Restrictive package - 39 day season (LP), 51 day season (HP), with bag of 3 ducks, including no more than 1 hen mallard.

Duck Zone boundaries will remain unchanged from 2004. Information regarding frameworks for late migratory bird seasons, and which of the above packages will be adopted, should be available during late July or early August.

Public Hearing

Document No. _____

KANSAS REGISTER
SUBMISSION FORM

Agency Number -- 710-01

Agency Name -- Kansas Department of Wildlife and Parks

Agency Address - 1020 S. Kansas Ave., Suite 200

Topeka, Kansas 66612-1233

Title of Document -- Public Notice

Desired Date of Publication - April 21, 2005

ITEMS SUBMITTED IN DUPLICATE

CERTIFICATION

I hereby certify that I have reviewed the attached documents, and that they conform to all applicable Kansas Register publication guidelines and to the requirements of K.S.A. 75-431, as amended. I further certify that submission of these items for publication is a proper and lawful action of this agency, that funds are available to pay the publication fees and that such fees will be paid by this agency on receipt of billing.

Christopher J. Tymeson
Liaison officer's typed name

Liaison officer's signature

Department Attorney
Title

(785) 296-2281
Phone

This space for Register office use only

Wildlife and Parks Commission

Notice of Hearing of Proposed Administrative Regulations

A public hearing will be conducted by the Wildlife and Parks Commission at 7:00 p.m., Thursday, June 23, 2005 at Fort Hays State University, in the Student Union, 2nd Floor, Black and Gold Room, College Dr., Hays, Kansas, to consider the approval and adoption of proposed administrative regulations of the Kansas Department of Wildlife and Parks.

A workshop meeting on business of the Wildlife and Parks Commission will begin at 1:30 p.m., June 23 at the location listed above. The meeting will recess at 5:30 p.m. then resume at 7:00 p.m. at the same location for the regulatory hearing. There will be public comment periods at the beginning of the afternoon and evening meetings for any issues not on the agenda and additional comment periods will be available during the meeting on agenda items. Old and new business may also be discussed at this time. If necessary to complete the hearing or other business matters, the commission will reconvene at 9:00 a.m. June 24 at the location listed above.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statements in an accessible format. Requests for accommodation to participate in the hearing should be made at least five working days in advance of the hearing by contacting Sheila Kemmis, Commission secretary, at (620) 672-5911. Persons with a hearing impairment may call the Kansas Commission of Deaf and Hard Hearing at 1-800-432-0698 to request special accommodations.

This 60-day notice period prior to the hearing constitutes a public comment period for the purpose of receiving written public comments on proposed administrative regulations.

All interested parties may submit written comments prior to the hearing to the Chairman of the Commission, Kansas Department of Wildlife and Parks, 1020 S. Kansas Ave, Suite 200, Topeka, KS 66612 or to sheilak@wp.state.ks.us if electronically. All interested parties will be given a reasonable opportunity at the hearing to express their views orally in regard to the adoption of the proposed regulations. During the hearing, all written and oral comments submitted by interested parties will be considered by the commission as a basis for approving, amending and approving, or rejecting the proposed regulations.

The regulations that will be heard during the regulatory hearing portion of the meeting are as follows:

K.A.R. 115-9-9. This new permanent regulation sets general requirements for electronic licenses, permits, stamps, tags and other issues of the department. The proposed regulation is intended to transition regulatory requirements from a paper vendor issuance system to an electronic vendor issuance system.

Economic Impact Summary: The proposed regulation is not anticipated to have any substantive economic impact on the department, other agencies or the public.

K.A.R. 115-25-1. This exempt regulation sets the open seasons, bag limits, and possession limits for prairie chickens. Changes from previous seasons include a continuous open season in the east unit rather than split seasons, a boundary change for the southwest unit and a different opening date for the southwest unit.

Economic Impact Summary: The proposed regulation is not anticipated to have any substantive economic impact on the department, other agencies or the public.

K.A.R. 115-25-1a. This new exempt regulation sets the open seasons, bag limits, and possession limits for quail. The regulation proposes no changes for the 2005 season. For the 2006 season, the regulation proposes a statewide opening date on the second Saturday of November and a two day youth season beginning on the last Saturday of October.

Economic Impact Summary: The proposed regulation is not anticipated to have any substantive economic impact on the department, other agencies or the public.

K.A.R. 115-25-1b. This new exempt regulation sets the open seasons, bag limits, and possession limits for pheasants. The regulation proposes no changes for the 2005 season. For the 2006 season, the regulation proposes a statewide opening date on the first Saturday of November and a two day youth season beginning on the last Saturday of October.

Economic Impact Summary: The proposed regulation is not anticipated to have any substantive economic impact on the department, other agencies or the public.

Copies of the complete text of the regulations and their respective economic impact statements may be obtained by writing the chairman of the Commission at the address above, electronically on the department's website at www.kdwp.state.ks.us, or by calling (785) 296-2281.

John R. Dykes, Chairman



STATE OF KANSAS
OFFICE OF THE ATTORNEY GENERAL

PHILL KLINE
ATTORNEY GENERAL

120 SW 10TH AVE., 2ND FLOOR
TOPEKA, KS 66612-1597
(785) 296-2215 • FAX (785) 296-6296
WWW.KSAG.ORG

March 7, 2005

Chris Tymeson, Legal Counsel
Kansas Department of Wildlife and Parks
1020 S Kansas Avenue, Suite 200
Topeka, Kansas 66612

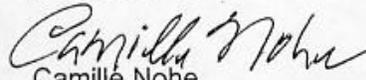
Re: **K.A.R. 115-25-9, Deer; open season, bag limit, and permits**

Dear Mr. Tymeson:

We have reviewed the above-referenced regulation for legality pursuant K.S.A. 77-420 and find no legal issues of concern. We have therefore approved this regulation.

Sincerely,

OFFICE OF THE ATTORNEY GENERAL
PHILL KLINE


Camille Nohe
Assistant Attorney General

CN:cn
Enclosure: Original document

cc: Senator Carl Holmes, Chair, Joint Committee on Rules and Regulations
Representative Dennis Wilson, Chair, Joint Committee on Rules and Regulations
Raney Gilliland, Legislative Research

Q:\PUBLIC\REGULATIONS\kdwp-115-25-9.wpd



STATE OF KANSAS
OFFICE OF THE ATTORNEY GENERAL

PHILL KLINE
ATTORNEY GENERAL

120 SW 10th Ave., 2nd Floor
Topeka, KS 66612-1527
(785) 235-2215 • Fax: (785) 235-0299
WWW.KSAG.ORG

April 7, 2005

Chris Tymeson
Legal Counsel
Kansas Department of Wildlife and Parks
1020 S Kansas Avenue, Suite 200
Topeka, Kansas 66612

Re: K.A.R. 115-25-1, 115-25-1a and 115-25-1b

Dear Mr. Tymeson:

Pursuant to K.S.A. 77-420(b), we have determined that the above-referenced regulations are within the statutory authority of the agency and do not present any other legal issues of concern. We have therefore approved these regulations for legality.

Sincerely,

OFFICE OF THE ATTORNEY GENERAL
PHILL KLINE

Camille Nohe
Camille Nohe
Assistant Attorney General

CN:cn
Enclosure: Original document

cc: Representative Carl Holmes, Chair, Joint Committee on Rules and Regulations
Senator Dwayne Umbarger, Vice Chair, Joint Committee on Rules and Regulations
Raney Gilliland, Legislative Research

G:\PUBLIC\REGULATIONS\KDWP\kdwp-approval.wpd

STATE OF KANSAS

ALAN D. CONROY, Director
AlanC@kslegis.gov
RANEY L. GILLILAND, Assistant Director for Research
RaneyC@kslegis.gov
J.G. SCOTT, Chief Fiscal Analyst
JGS@kslegis.gov
BARRY K. GALLIGAN, Assistant Director for
Information Management
MaryC@kslegis.gov



STAFF
LEGISLATIVE COORDINATING COUNCIL
INTERIM COMMITTEES
STANDING COMMITTEES
LEGISLATIVE INQUIRIES

KANSAS LEGISLATIVE RESEARCH DEPARTMENT

Room 604-N — State Capitol Building — 280 SW Sixth Avenue — Topeka, Kansas 66612-1504
PHONE (785) 296-3101 • FAX (785) 296-0824 • TTY (785) 296-3077
INTERNET: <http://www.kslegislature.org/legis> E-MAIL: kslegis@kslegis.state.ks.us

April 7, 2004

Mike Hayden, Secretary
Kansas Department of Wildlife and Parks
1020 S. Kansas Avenue, Room 200
BUILDING MAIL

Dear Secretary Hayden:

At its meeting on March 29, 2005, the Joint Committee on Administrative Rules and Regulations reviewed for public comment rules and regulations concerning nonresident bobcat hunting permit, tagging, disposal, legal equipment, shooting hours, and general provisions; controlled shooting areas, license application, issuance priority, and reporting; and importation and possession of certain wildlife, prohibition, permit requirement, and restrictions. After discussion, the Committee had no comment.

Please make this letter a part of the public record on these regulations. The Committee will review the regulations which the agency ultimately adopts and reserves any expression of legislative concern to that review. To assist in that final review, please inform the Joint Committee in writing, at the time the rules and regulations are adopted and filed with the Secretary of State, of any and all changes which have been made following the public hearing.

Prior to filing with the Secretary of State, review the history sections of the rules and regulations to update them to the most recent statutory citations, making certain the citations for authorizing and implementing statutes are correct and complete. Please indicate your agency's website address in the filing notice where proposed regulations can be located. In addition, if your agency accepts written comments by e-mail, include this information in the public notice. Further, e-mail requests for public accommodation should be included as a part of the notice. Finally, verify that the adoption by reference of any materials included in the regulations is properly completed as prescribed in the *Policy and Procedure Manual for the Adoption of Kansas Administrative Regulations*.

Sincerely,


Raney L. Gilliland
Assistant Director for Research

RLG/j

#128-01707-0000

ALAN D.
AlanC
RANEY
Raney
J.C. SC
JGS
NARY
Info
MaryC

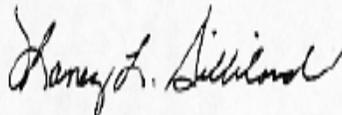
At its meeting on April 25, 2005, the Joint Committee on Administrative Rules and Regulations reviewed for public comment rules and regulations concerning electronic licenses, permits, stamps, tags, and other issues of the department, other requirements, and exempt regulations. After discussion, the Committee had the following comment.

- KAR 115-25-1 (exempt). The Committee continues to be concerned about the establishment of a season for a species which is close to being placed on the endangered species list.

Please make this letter a part of the public record on these regulations. The Committee will review the regulations which the agency ultimately adopts and reserves any expression of legislative concern to that review. To assist in that final review, please inform the Joint Committee in writing, at the time the rules and regulations are adopted and filed with the Secretary of State, of any and all changes which have been made following the public hearing.

Prior to filing with the Secretary of State, review the history sections of the rules and regulations to update them to the most recent statutory citations, making certain the citations for authorizing and implementing statutes are correct and complete. Please indicate your agency's website address in the filing notice where proposed regulations can be located. In addition, if your agency accepts written comments by e-mail include this information in the public notice. Further, e-mail requests for public accommodation should be included as a part of the notice. Finally, verify that the adoption by reference of any materials included in the regulations is properly completed as prescribed in the *Policy and Procedure Manual for the Adoption of Kansas Administrative Regulations*.

Sincerely,



Raney L. Gilliland
Assistant Director for Research

RG/jj

41493-(4/28/05)(2:27PM)

115-25-1. Prairie chickens; open seasons, bag limits, and possession limits. (a) East unit. The open season for the taking of prairie chickens shall be September 15 through January 31 of the following year, in that part of

Kansas east of federal highway US-281 and bounded by Nebraska on the north, Missouri on the east, and Oklahoma on the south.

(b) Southwest unit. The open season for the taking of prairie chickens shall be November 1 through December 31, in that part of Kansas bounded by a line from the Colorado-Kansas state line east on interstate highway I-70 to its junction with federal highway US-281, then south on federal highway US-281 to its junction with the Oklahoma-Kansas state line, then west along the Oklahoma-Kansas state line to its junction with the Colorado-Kansas state line, and then north along the Colorado-Kansas state line to its junction with interstate highway I-70.

(c) Northwest unit. The open season for the taking of prairie chickens shall be November 1 through January 31 of the following year, in that part of Kansas bounded by a line from the Colorado-Kansas state line east on interstate highway I-70 to its junction with federal highway US-281, then north on federal highway US-281 to its junction with the Nebraska-Kansas state line, then west along the Nebraska-Kansas state line to its junction with the Colorado-Kansas state line, and then south along the Colorado-Kansas state line to its junction with interstate highway I-70.

(d) The daily bag limit shall be two prairie chickens, except in that part of Kansas described in subsection (b) the daily bag limit shall be one prairie chicken.

(e) The possession limit shall be eight prairie chickens, except in that part of Kansas described in subsection (b) the possession limit shall be four prairie chickens.

(f) This regulation shall be effective on and after August 1, 2005. (Authorized by K.S.A. 32-807; implementing K.S.A. 32-807 and K.S.A. 32-1002.)

ECONOMIC IMPACT STATEMENT

K.A.R. 115-25-1. Prairie chickens; open seasons, bag limits, and possession limits.

DESCRIPTION: This proposed exempt regulation establishes hunting seasons, bag limits, and possession limits for prairie chickens. The proposed changes different from previous prairie chicken seasons include having a continuous open season in the east unit rather than a split season, moving the boundary of the southwest unit northward and opening the prairie chicken season in the southwest unit on November 1 rather than December 1. This proposal would also remove pheasant and quail seasons from this regulation and place those species of upland birds into separate regulations.

FEDERAL MANDATE: None.

ECONOMIC IMPACT: It is not anticipated that the amendments would have any substantial economic impact on the department, the general public, or other agencies.

ALTERNATIVES CONSIDERED: Two alternatives were considered including a 92 day season for the southwest unit and requiring a permit for prairie chicken hunting in the southwest unit.

K.A.R. 115-25-1.
Prairie chickens; open seasons, bag limits, and possession limits.
POSSIBLE AMENDMENT
Prairie Chickens third Sat in November Statewide

As a result of internal department comment as well as public comment on the proposed amendments to K.A.R. 115-25-1, the department suggests that the following amendment be made to the version of the regulation submitted for public comment.

K.A.R. 115-25-1. Prairie chickens; open seasons, bag limits, and possession limits.

1. Amend proposed subsection (a) to read as follows:

(a) East unit. The open season for the taking of prairie chickens shall be September 15 through October 15 and shall reopen on the third Saturday of November through January 31 of the following year, in that part of Kansas east of federal highway US-281 and bounded by Nebraska on the north, Missouri on the east, and Oklahoma on the south.

2. Amend proposed subsection (b) to read as follows:

(b) Southwest unit. The open season for the taking of prairie chickens shall be ~~November 1~~ the third Saturday in November through December 31, in that part of Kansas bounded by a line from the Colorado-Kansas state line east on interstate highway I-70 to its junction with federal highway US-281, then south on federal highway US-281 to its junction with the Oklahoma-Kansas state line, then west along the Oklahoma-Kansas state line to its junction with the Colorado-Kansas state line, and then north along the Colorado-Kansas state line to its junction with interstate highway I-70.

3. Amend proposed subsection (c) to read as follows:

(c) Northwest unit. The open season for the taking of prairie chickens shall be ~~November 1~~ the third Saturday in November through January 31 of the following year, in that part of Kansas bounded by a line from the Colorado-Kansas state line east on interstate highway I-70 to its junction with federal highway US-281, then north on federal highway US-281 to its junction with the Nebraska-Kansas state line, then west along the Nebraska-Kansas state line to its junction with the Colorado-Kansas state line, and then south along the Colorado-Kansas state line to its junction with interstate highway I-70.

115-25-1a. Quail; open seasons, bag limits, and possession limits. (a) Open seasons.

(1) The open season for the taking of quail shall be the third Saturday in November through January 31 of the following year, in that part of Kansas bounded by a line from the Nebraska-Kansas state line south on federal highway US-281 to its junction with federal highway US-56, then southwest on federal highway US-56 to its junction with state highway K-156, then west on state highway K-156 to its junction with state highway K-23, then south on state highway K-23 to its junction with the Oklahoma-Kansas state line, then west along the Oklahoma-Kansas state line to its junction with the Colorado-Kansas state line, then north along the Colorado-Kansas state line to its junction with the Nebraska-Kansas state line, and then east along the Nebraska-Kansas state line to its junction with federal highway US-281.

(2) In that part of Kansas not included in the area specified in paragraph (a)(1), the open season for the taking of quail shall be the second Saturday in November through January 31 of the following year.

(3) Effective on and after August 1, 2006, and for the entire state, the open season for the taking of quail shall be the second Saturday in November through January 31 of the following year.

(b) Youth season.

(1) The youth season for the taking of quail shall be the first Saturday of November through the first Sunday of November. The entire state shall be open for the taking of quail during the youth season. Effective on and after August 1, 2006, the youth season for the taking of quail shall begin on the last Saturday of October and shall continue for two consecutive days, including the opening day.

(2) Only a person who is 16 years of age or younger and who is accompanied by an adult 18 years of age or older may hunt during the youth season for the taking of quail.

(c) Bag limits.

(1) The daily bag limit during the open seasons for the taking of quail shall be eight quail.

(2) The daily bag limit during the youth season for the taking of quail shall be four quail.

(d) Possession limits.

(1) The possession limit during the open seasons for the taking of quail shall be 32 quail.

(2) The possession limit during the youth season for the taking of quail shall be eight quail.

(e) This regulation shall be effective on and after August 1, 2005. (Authorized by K.S.A. 32-807; implementing K.S.A. 32-807 and K.S.A. 32-1002.)

ECONOMIC IMPACT STATEMENT

K.A.R. 115-25-1a. Quail; open seasons, bag limits, and possession limits.

DESCRIPTION: This new proposed exempt regulation establishes hunting seasons, bag limits, and possession limits for quail. The proposed change different from previous quail seasons includes having an open season statewide on the second Saturday in November beginning in 2006 rather than a split opening.

FEDERAL MANDATE: None.

ECONOMIC IMPACT: It is not anticipated that the amendments would have any substantial economic impact on the department, the general public, or other agencies.

ALTERNATIVES CONSIDERED: None.

K.A.R. 115-25-1a.

Quail; open seasons, bag limits, and possession limits.

POSSIBLE AMENDMENT

Quail second Saturday in November through the third Sunday in January Statewide

As a result of internal department comment as well as public comment on the proposed amendments to K.A.R. 115-25-1a, the department suggests that the following amendment be made to the version of the regulation submitted for public comment.

K.A.R. 115-25-1a. Quail; open seasons, bag limits, and possession limits.

1. Amend proposed subsection (a)(3) to read as follows:

(3) Effective on and after August 1, 2006, and for the entire state, the open season for the taking of quail shall be the second Saturday in November through the third Sunday in January ~~31~~ of the following year.

115-25-1b. Pheasants; open seasons, bag limits, and possession limits. (a) The open season for the taking of cock pheasants shall be the second Saturday in November through January 31 of the following year. Effective on and after August 1, 2006, the open season for the taking of cock pheasants shall be the first Saturday in November through January 31 of the following year.

(b) The youth season for the taking of cock pheasants shall be the first Saturday of November through the first Sunday of November. Only a person who is 16 years of age or younger and who is accompanied by an adult 18 years of age or older may hunt during the youth season for the taking of cock pheasants. Effective on and after August 1, 2006, the youth season for the taking of cock pheasants shall begin on the last Saturday of October and shall continue for two consecutive days, including the opening day.

(c) The entire state shall be open for the taking of cock pheasants.

(d) Bag limits.

(1) The daily bag limit during the open season for the taking of cock pheasants shall be four cock pheasants.

(2) The daily bag limit during the youth season for the taking of cock pheasants shall be two cock pheasants.

(e) Possession limits.

(1) The possession limit during the open season for the taking of cock pheasants shall be 16 cock pheasants.

(2) The possession limit during the youth season for the taking of cock pheasants shall be four cock pheasants.

(f) This regulation shall be effective on and after August 1, 2005. (Authorized by K.S.A. 32-807; implementing K.S.A. 32-807 and K.S.A. 32-1002.)

ECONOMIC IMPACT STATEMENT

K.A.R. 115-25-1b. Pheasant; open seasons, bag limits, and possession limits.

DESCRIPTION: This new proposed exempt regulation establishes hunting seasons, bag limits, and possession limits for pheasant. The proposed change different from previous pheasant seasons includes having an open season statewide on the first Saturday in November beginning in 2006.

FEDERAL MANDATE: None.

ECONOMIC IMPACT: It is not anticipated that the amendments would have any substantial economic impact on the department, the general public, or other agencies.

ALTERNATIVES CONSIDERED: None.

RECOMMENDATIONS FOR 2005 "EARLY" MIGRATORY BIRD SEASONS

INTRODUCTION AND BACKGROUND

The U.S. Fish and Wildlife Service annually develop frameworks for migratory bird hunting seasons. These frameworks establish the most liberal seasons that will be allowed on a particular species or group of species. States may adopt more restrictive regulations than those allowed in the frameworks, but they may not adopt seasons more liberal than stated in the frameworks. At this time, we expect the proposed early season frameworks to be published by mid-July.

The following season dates are recommended for approval by the Commission, with authorization for the Secretary to make any adjustments required as a result of unforeseen framework changes.

EXPECTED FRAMEWORKS AND RECOMMENDATIONS

DOVE:

Dove regulations are now set by KAR 115 – 25 – 19, rather than annual Commission approval.

RAIL (Sora and Virginia):

Framework - Hunting season not exceeding 70 days between September 1, 2005 and January 20, 2006. Daily bag of 25 and possession limit of 25, singly or in aggregate, of sora and Virginia rail.

Recommendation - Season running September 1 through November 9, 2005 with a bag and possession limit of 25 and 25, respectively. There is no open season on king rail, common moorhen, and purple gallinule.

SNIPE:

Framework - Hunting season not exceeding 107 days between September 1, 2005 and February 28, 2006. Season may be split once. Daily bag and possession limit not to exceed 8 and 16, respectively.

Recommendation - Season running September 1 through December 16, 2005 with bag and possession limit of 8 and 16, respectively.

WOODCOCK:

Framework - Season not exceeding 45 days between September 21, 2005 and January 31, 2006. Season may be split. Daily bag and possession limit of 3 and 6, respectively.

Recommendation - Season running **October 15 through November 28, 2005 with a bag and possession limit of 3 and 6, respectively.**

TEAL SEASON:

Framework - Hunting season between September 1 and September 30, 2005, not exceeding: 1) 16 days if the blue-winged teal breeding population is above 4.7 million, or 2) 9 days if the breeding population is between 3.3 - 4.6 million, with a daily bag and possession limit of 4 and 8 teal, respectively. Last year's (2004) blue-winged teal breeding population was 4.1 million. The 2005 blue-winged teal breeding population total will not be known until June.

It is possible that only 8 days will be available for the September Teal Season in the High Plains. This potential restriction on the High Plains Teal Season is due to the 107-day annual limit (by treaty) on hunting of any one species. A regular High Plains duck season of 97 days allowed under the regular season liberal package, plus 2 days of youth hunting leaves only 8 days to reach the 107 day total.

Recommendation:

High Plain Zone - A bag and possession limit of 4 and 8, respectively, with the following season date possibilities:

A 9-day season running September 17 through September 25, 2005,

or, a 16-day season running September 10 through September 25, 2005,

or, an 8-day season running September 17 through September 24, 2005

Low Plains Zones - A bag and possession limit of 4 and 8, respectively, with the following season date possibilities:

A 9-day season running September 17 through September 25, 2005,

or, a 16-day season running September 10 through September 25, 2005.

SEPTEMBER CANADA GOOSE SEASON:

Background - Kansas is allowed a maximum of 15 days of Canada goose hunting during the first 15 days of September to assist with the control of nuisance Canada geese. The bag limit may not exceed 5 Canada geese, and there is no possession limit.

KDWP staff expects regular dark goose season frameworks will allow a 95-day season on Canada geese. These 95 days, plus the two-day youth hunt, utilizes 97 of the possible 107 days of Canada goose hunting allowed by treaty, leaving 10 days available for the September season.

Recommendation - Adopt a 10-day Canada goose season, running September 3 through September 12, 2005, around the cities of Wichita, Topeka, Lawrence and Kansas City (see attached maps), with a bag and possession of 3 and 6 respectively.

Discussion - Canada goose numbers in the cities of Wichita, Topeka, Lawrence and Kansas City have exceeded desired levels during much of the year. Resident Canada geese nesting near these cities are also contributing to the problem during the fall and winter period. Providing for additional harvest near these cities during the month of September, as allowed by the U.S. Fish and Wildlife Service, may assist with efforts to limit problem concentrations. The areas proposed for the September Canada goose hunt include areas of the state surrounding the cities involved, and to the greatest extent possible, are bounded by prominent highways for ease of description.

The recommended bag and possession limits are consistent with those established for the regular dark goose season to simplify regulations and reduce confusion.

September Hunt Area Boundaries - That part of Kansas bounded by a line from the Kansas-Missouri state line west on K-68 to its junction with K-33, then north on K-33 to its junction with US-56, then west on US-56 to its junction with K-31, then west-northwest on K-31 to its junction with K-99, then north on K-99 to its junction with US-24, then east on US-24 its junction with K-63, then north on K-63 to its junction with K-16, then east on K-16 to its junction with K-116, then east on K-116 to its junction with US-59, then northeast on US-59 to its junction with the Kansas-Missouri line, then south on the Kansas-Missouri line to its junction with K-68.

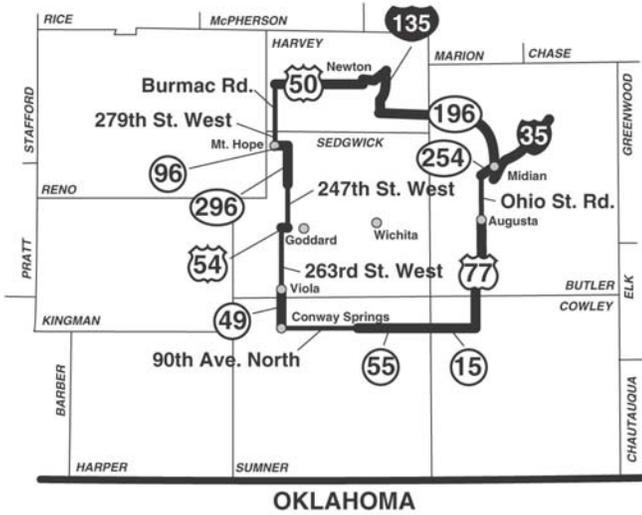
That part of Kansas bounded by a line from I-135 west on US 50 to its junction with Burmac Road, then south on Burmac Road to its junction with 279 Street West (Sedgwick/Harvey County line), then south on 279 Street West to its junction with K-96, then east on K-96 to its junction with K-296, then south on K-296 to its junction with 247 Street West, then south on 247 Street West to its junction with US-54, then west on US-54 to its junction with 263 Street West, then south on 263 Street West to its junction with K-49, then south on K-49 to its junction with 90 Avenue North, then east on 90 Avenue North to its junction with KS-55, then east on KS-55 to its junction with KS-15, then east on KS-15 to its junction with US-77, then north on US-77 to its junction with Ohio Street, then north on Ohio to its junction with KS-254, then east on KS-254 to its junction with KS-196, then northwest on KS-196 to its junction with I-135, then north on I-135 to its junction with US-50.

SHOOTING HOURS FOR ALL EARLY SEASONS:

Framework-Shooting hour's frameworks are expected to be ½ hour before sunrise to sunset for all seasons.

Recommendation-Adopt maximum shooting hours allowed in the frameworks, probably ½ hour before sunrise to sunset.

September Canada Goose Units



115-9-9. Electronic licenses, permits, stamps, tags, and other issues of the department; other

requirements. The requirements specified in this regulation shall apply to licenses, permits, stamps, tags, and other issues of the department purchased from electronic or telephone license vendors or by means of a computer network. These requirements shall consist of the following:

(a) Each individual who receives an issue of the department purchased from an electronic or telephone license vendor or by means of a computer network shall sign the issue, attesting that all information on the issue is true and correct.

(b) Each individual who receives a departmental issue from a telephone vendor shall carry the confirmation number while actively engaged in any activity authorized by the departmental issue. When the individual receives the physical copy of any issue received from a telephone vendor, the individual shall sign and carry the physical copy of the departmental issue while actively engaged in any activity authorized by the departmental issue.

(c) Each stamp received from an electronic or telephone license vendor or by means of a computer network shall be validated if the individual signs the issue displaying the valid stamp purchase. The confirmation number of each stamp purchased from a telephone license vendor shall be proof of signature until the individual receives the physical copy of the stamp purchased from the license vendor.

(d) Any current issue of the department that is destroyed or lost may be replaced by an electronic license vendor or by means of a computer network. Each individual whose current issue was destroyed or lost shall sign the new issue, attesting to the destruction or loss of the current issue.

(e) An application form shall not be required for an individual to purchase any issue from an electronic or telephone license vendor or by means of a computer network. The signature on the issue by the individual receiving the issue shall satisfy the signature requirement on application forms.

(f) The removal of the carcass tag from any big game or wild turkey permit or game tag purchased from an electronic license vendor or by means of a computer network shall not invalidate the permit, game tag, or carcass tag for hunting. However, signing any carcass tag before harvesting an animal for which the carcass tag was issued shall invalidate the carcass tag and either the permit or the game tag for use.

(g) Each temporary annual park permit purchased from an electronic or telephone license vendor or by means of a computer network shall be valid only if visibly displayed on the vehicle or camping unit for which the annual park permit was purchased. Each individual with a temporary annual park permit purchased from an electronic license vendor or by means of a computer network shall exchange the permit for a permanent annual park permit at a department office or automated park license vendor. (Authorized by K.S.A. 32-807, K.S.A. 2004 Supp. 32-980, and K.S.A. 2004 Supp. 32-1001; implementing K.S.A. 2004 Supp. 32-980 and K.S.A. 2004 Supp. 32-1001; effective P-_____.)

ECONOMIC IMPACT STATEMENT

K.A.R. 115-9-9. Electronic licenses, permits, stamps, tags, and other issues of the department; other requirements.

DESCRIPTION: This new permanent regulation would allow the transition of certain regulatory license and permit requirements from a paper vendor issuance system to an electronic vendor issuance system.

FEDERAL MANDATE: None.

ECONOMIC IMPACTS: The proposed regulation is not anticipated to have any appreciable economic impact on the department, other agencies, or the public.

ALTERNATIVES CONSIDERED: None.