

AGENDA
KANSAS DEPARTMENT OF WILDLIFE AND PARKS
COMMISSION MEETING AND PUBLIC HEARING
Thursday, June 29, 2006
William Carpenter 4-H Bldg, Scott City

Tour Smoky Valley Ranch and Scott State Park - meet at 4-H building at 7:00 am, lunch at 4-H building at noon – open to the public

- 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 27, 2006 MEETING MINUTES**
Commission Recognition (Dr. Jim Harrington & Secretary Mike Hayden)
- V. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS**
- VI. DEPARTMENT REPORT**
 - A. Secretary's Remarks**
 - 1. 2006 Legislation (Chris Tymeson)**
 - 2. FY 2006/FY 2007 Budgets (Dick Koerth)**
 - 3. FY 2008 Capital Improvement Projects (Dick Koerth)**
 - 4. Kansas Wetlands Education Center (Cheyenne Bottoms) (Mike Hayden & Dick Koerth)**
 - B. General Discussion**
 - 1. U.S. Fish and Wildlife Service Update (Mitch King, USFWS Director)**
 - 2. Status of Deer Working Group and public comment (Mike Miller)**
 - 3. Spring Turkey Season (Jim Pitman)**
 - 4. Lesser Prairie Chicken Update (Randy Rodgers)**
 - 5. Hispanic Hunter Education Efforts (Manuel Torres)**
 - 6. Landowner Incentive Program and Playa Lakes (Brad Simpson)**
 - 7. Update on Sale of Commission Permits (Keith Sexson)**
 - 8. Fees Regulations (Keith Sexson)**
 - 9. Archery in the Schools (Keith Sexson)**
 - 10. Stream Survey Update (Mark VanScoyoc)**

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

B. General Discussion (continued)

11. Kansas State Historical Society El Cuartelejo Ruins (Amy Thornton)

C. Workshop Session

1. Fishing Regulations (Doug Nygren)

2. Late Migratory Bird Seasons (Marvin Kraft)

3. Senate Bill 578 – Exotic Animals (Kevin Jones)

4. Park Regulations (Jerry Hover)

D. Public Hearing

1. Early Migratory Bird Seasons (Marvin Kraft)

2. Duck Hunting Zones (Marvin Kraft)

XII. OLD BUSINESS

XIII. OTHER BUSINESS

A. Future Meeting Locations and Dates

XIV. ADJOURNMENT

If necessary, the Commission will recess on June 29, 2006, to reconvene June 30, 2006, 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 17, 2006, at Pratt Community College Auditorium, Pratt.

**KANSAS DEPARTMENT OF WILDLIFE AND PARKS
COMMISSION MEETING MINUTES FOR
Thursday, April 27, 2006
Courtyard Marriott, Junction City**

Subject to
Commission
Approval

The department and Commission had a tour of Milford State Park, the Milford Hatchery, Milford Nature Center and ended with lunch at Geary Fish and Game Association.

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

The April 27 meeting of the Kansas Department of Wildlife and Parks Commission was called to order by Chairman John Dykes at 1:30 p.m. at the Courtyard Marriott in Junction City. Commissioners Jim Harrington, Kelly Johnston, Gerald Lauber, 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).

Chairman Dykes thanked Connie Hall, Geary County Visitors and Convention Center for tour and Geary Sportsmen's Acres and Ed Augustine for lunch at their facility.

III. ADDITIONS AND DELETIONS TO AGENDA ITEMS

Under Secretary's remarks, number 2, FY 2007 budget, Cindy Livingston will be presenting that in place of Dick Koerth.

IV. APPROVAL OF THE March 16, 2006 MEETING MINUTES

Commissioner Wilson – Correction Page 9, middle of first section, line starts: taking caring, change to “taking care of and conserving these important wetlands and then we see...”
Commissioner Johnston moved to accept minutes, Commissioner Wilson second. **All approved.** (Minutes - Exhibit B).

V. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

Ray Kurtz, Manhattan – On deer muzzleloader hunting, as I age can't see rear site, front site and the deer all at the same time. Three years ago I shot at a deer, waited, didn't find him. Later a friend shot him so I found out I did not hit him. This encourages wounding deer, seems logical to want use of telescopic site, not a site that projects light. Chairman Dykes – This has been discussed in the past more than once and when the muzzleloader season was begun it was a primitive season. Each year we discuss this, but a large group wishes this to remain primitive

without enhancements or scopes. Kurtz – My strongest argument is wounding deer, so it seems logical to me. Appreciate opportunity to speak to you.

VI. DEPARTMENT REPORT

A. Secretary's Remarks

1. 2006 Legislation – Chris Tymeson, Chief Legal Counsel, presented this report to the Commission. We are over half way through the legislative session. They are back into the legislative session for short period of time and there are a few bills still out there that we are watching.

SB 87 – The \$5 registration added to motor vehicle registrations to fund State Parks and allow anyone with a Kansas license plate into the parks for free. Introduced last year and referred to the Senate Ways and Means Committee, referred to Senate floor, but went back to Senate Ways and Means. It didn't move this whole session.

SB 228 – Dealt with the release of water from Cedar Bluff Reservoir. Did not move out of Committee.

SB 229 – Dealt with child support enforcement and holding hunting and fishing licenses, it was a separate bill from the one introduced this year that had no movement either.

SB 395 – Deals with hunting and fishing licenses for disabled veterans and park entrance for any member of the military for state parks. Did have a hearing this year but saw no movement. There was talk earlier in the session that it would be included in the Omnibus session, but have not heard anything recently.

SB 398 – Dealt with cruelty to animals. There were several concerns raised by individuals who were under the impression that this would have an impact on activities that are regulated by the department, but there has always been an exemption for hunting, fishing, trapping, or anything conducted under chapter 32 laws, which are Wildlife and Parks laws. It did raise cruelty to animals to a felony level and was signed by the Governor.

SB 417 – Imposed certain requirements for boating and was the department's bill. Basically it updated a lot of federal statutes that changed and our statutes hadn't kept pace. It updated our statutes and created new laws to deal with boating theft. Bill was signed by Governor and goes into effect January 1.

SB 459 – Bill introduced by SRS and deals with child support and the department not issuing any licenses, permits, stamps or other issue of the department if somebody had child support arrearages. SRS would transfer the information to us and it would be placed into the automated system precluding an individual from purchasing a license. Bill passed the Senate and was referred to the House where it was amended to include a name for Park 24, which as it sits now is Oregon Trail Kaw River State Park. It was also amended on the House floor to include half price lifetime licenses for those under 25. It is currently stuck in Conference Committee and we are not sure it will make it out this year, stuck on the naming of the park.

SB 483 – Prescribes procedures for acquisition of land by the department. Received hearing in Ways and Means and there has been no action, but parts of it made its way into SB553 that did make it out of the Senate and the House.

SB 526 – Sale of over-the-counter deer tags. Basically, you wouldn't have to have an antlered permit before you could purchase an antlerless permit. That bill is currently on general orders and will not go anywhere this year.

SB 553 – Dealt with transfer of property by the Historical Society to the Audubon and there were a couple of other land transfers the legislature was taking care of. The provisions of 483 were watered down land acquisition procedures we talked about before, however there were some things that got on there. This bill was signed by the Governor and prior to any purchase of land by the department, we have to certify that it is in compliance with noxious weed management, agree to make a payment in lieu of taxes, which we currently do on all lands acquired in roughly the last 15 years, and that a management plan be developed prior to the property being purchased. In addition, anything over 640 acres would have to be approved by an act of the legislature, either as an appropriation or a specific statute. None of those provisions are applicable if the property is purchased for less than the appraised value. There are also some requirements specific to the sale of property that were enacted. Currently, there are no statutes that force us to sell property in any way. This would require posted notice, advertising in a newspaper of local circulation, use of a realtor, publishing in the Kansas Register, and also that a survey be conducted prior to the sale of the property. Signed by the Governor and is effective upon publication in the Register.

SB 561 – Allowing all terrain vehicles in state parks had no action.

SB 578 – Kevin Jones will talk about this later in the agenda. Dealt with regulation of certain animals (lions, tigers, bears, cheetahs, jaguars and non-native venomous snakes were added). Passed both Houses and was signed by the Governor.

SB 583 – Deals with Wildlife and Parks funding, basically a demand transfer from Economic Development Initiatives Fund for Parks of \$4 million and \$1 million for Local Government Outdoor Recreation Grant Program (LGORGP). Passed by the Senate but has seen no action in the House; however Cindy will talk about provisos when she talks about the budget.

HB 2115 – Repeal of archery management units for deer. There was a hearing last year in the Senate Natural Resources Committee, no action this year.

HB 2122 – Would increase misdemeanor felony threshold from \$500 to \$1,000 for illegal commercialization of wildlife. Remains in Conference Committee where it went last year.

HB 2210 – Exemption from hunter education for current or former members of the Armed Forces received a hearing this year and was tabled in Committee.

HB 2432 – Basically the intent of the bill was to provide broader protection to landowners who have property next to recreational trails. There was an amendment as it came out of Senate which would allow adjacent landowners to sue a responsible party (defined as a person, for profit, not-for-profit or governmental entity) that operates the trail. That bill went to Conference Committee, passed out of Conference Committee but was rejected in the Senate and the bill went back to Conference Committee. There was a meeting yesterday where they did not agree and the House was going to send it back to the House floor. I expect action today.

HB 2459 – Transfer of an antelope permit by a landowner or tenant to a resident or nonresident. Had a hearing, but there was no action after that hearing last year or this year.

There were a couple of bills that dealt with conservation easements that did not go anywhere.

HB 2561 – Dealt with the appointment of Commissioners to Wildlife and Parks Commission. There were some amendments which would require that after July 1 of this year that there is representation on the Commission from each of the administrative regions of the Fish and Wildlife Division. That bill did not go anywhere, however a provision dealing with the five administrative regions is still alive in SB 459, but I don't think it is going to go anywhere.

HB 2782 and 2783 – Both dealt with prairie dog and management of prairie dogs which had hearings in the House but didn't go anywhere.

HB 2846 – Dealt with renaming of State Park No. 24 which didn't go anywhere in the House Committee.

HB 2894 – Dealt with free hunting and fishing for veterans and the cost to the department would be \$2 million annually. That bill made it out of the House and was referred to Senate Natural Resources where it remains.

HB 2899 – Was signed by the Governor, is not our bill, but it deals with Animal Health Department, but does relate to hunting of feral swine and as of July 1 hunting of feral swine is unlawful.

HB 2917 – Over-the-counter sale of archery deer permits. No movement this year.

HB 2930 – Eliminate education requirements for Secretary of KDWP. Didn't make it out of Committee, but there was an amendment on the House floor that added this to another bill which saw no action in the Senate.

Commissioner Wilson – On SB 459, I am still getting questions about why people have to give their social security number. From what you said earlier, SRS would electronically transfer the information of people who are behind on their child support, to Wildlife and Parks. We would then download that into our database and match up the social security numbers through our vendor. We are not sending our information to another agency they are sending it to us, right?
Tymeson – Yes.

Commissioner Harrington – How does the amount of money we will potentially get from lottery compare to the money we thought we would have gotten from SB 87? Tymeson – I don't remember the exact numbers, but you are somewhat comparing apples to oranges because the way the bill is drafted that has gone through the Senate and is in the House just adds \$4 million, it doesn't take away any State General Fund (SGF). I don't know how the numbers would all work out comparatively. Chairman Dykes – I think it is about half. Tymeson – It is about half of what would have been generated overall by SB 87, but then there was a reduction of SGF out of that, so it probably would have ended up a wash when you look at the overall gain.

Commissioner Harrington – What do you think the chances are of getting it through the House?
Tymeson – I don't think the bill is going to see action in the House, however the Senate has added it in as a budget proviso and now the Committees are meeting.

Ron Nicholson – On HB 2115, we spent a lot of trouble to get that introduced. Why did it disappear? Tymeson – At this point the bill is dead, it can't move any further because it is past deadlines. The bill was introduced in the House, HB 2115, which dealt with the repeal of archery management units, made it out of House, made it into the Senate Natural Resources Committee, had a hearing but did not have support to bring that bill out. Nicholson - There were people on this Committee that introduced it and they were the ones that blocked it. Is there any way to go around them and get it put back in? Tymeson – At this point you can't reintroduce a bill, they have certain timelines and I think the issue is dead for this year. Nicholson – Is the department going to pursue this? Tymeson - If you look at the deer management proposals that Lloyd is going to introduce next year, those are in there.

2. FY 2007 Budget – Cindy Livingston, Administrative Division Director gave this report to the Commission (Exhibit C). Regular appropriation bill for FY 2006 and FY 2007 has been signed by the governor and they are currently reviewing the Omnibus Appropriation bill which we will present in June. The FY 2006 final regular appropriation bill includes a reduction of

State General Fund (SGF) appropriated for the National Guard program by \$200,000 for state park operations in FY 2006 if needed, if not it will be re-appropriated to FY 2007; restored \$188,456 in salary shrinkage and delayed, until Omnibus Appropriation bill, the limits on groundwater pumping for playas and wetlands. For FY 2007 there is an appropriation of \$800,000 in SGF for state parks operations and including \$200,000 mentioned previously this will give us \$1,000,000 for the parks (the SGF replaces the amount originally recommended by the governor from the Road Fund); \$305,000 in SGF for major maintenance of facilities at state parks; shift \$80,000 for support of the Prairie Spirit R/T from Park Fee Fund (PFF) to the SGF; \$54,539 in SGF to restore shrinkage amounts; funding for salary increases of 4 percent for classified employees and 2 percent for unclassified employees; delays decision on groundwater pumping until Omnibus Appropriation Bill; and delays decision on vehicle acquisitions. Four provisos include: 1) certain procedures for river access projects; 2) prohibiting acquisition of the Circle K ranch; 3) prohibiting development of State Park No. 24; and 4) requiring legislative approval for park closures. On the Omnibus Appropriation bill there was a technical amendment to include intent of the governor's recommendation submitted in January and provide a one-year program to provide "Open Access to the State Parks." Under the Governor's Budget Amendment (GBA) the current vehicle fee would be eliminated for all Kansas residents and to replace the lost revenue the governor recommends an appropriation of \$1,250,000 from the SGF for the first six months of calendar year 2007 and first six months of FY 2008. Her intent is that this would complement SB 583, which is \$4.0 million from the State Gaming Revenue Fund to the KDWP Parks and \$1.0 million to the Local Government Outdoor Recreation Grant Program (LGORGP). The House Committee on Appropriations contains different items: their recommendation would be \$500,000 from the SGF to replace reduced revenue to the Park Fee Fund for ½ price vehicle permits which would start January 1, 2007 and run through June 30, 2007. They included a proviso prohibiting groundwater pumping for playas and wetlands. They concurred with the governor on replacement of vehicles that are funded from the Boat Fee Fund (BFF) or Wildlife Fee Fund (WFF) and then that \$151,700 would be used to replace five Park vehicles and 5 vehicles in the Administrative/Executive Services Division. The House Committee recommended that the 25 vehicles that the governor wanted us to remove from our fleet would be retained. The Senate Committee on Ways and Means version of the Omnibus Appropriation bill includes: Open Access to the state parks for a one-year period from January 1, 2007 to December 31, 2007 with the same \$2.5 million replacement of lost income. They had a proviso that authorizes us to pump groundwater for playas and wetlands and to replace 52 vehicles. They did not address the issue of the 25 vehicle reduction. The agency will advise the Commission on the status of the Open Access to State Parks recommendation by the governor and if action is required, proposals will be provided at the June 2006 meeting.

B. General Discussion

1. Status of Deer Working Group and public comment – Lloyd Fox, wildlife research biologist, Emporia, presented this report to the Commission (Exhibit D). On April 13, 2006 we met to discuss public meetings, surveys and deer health issues. We felt a goal for the public meetings would be to have results of scientifically designed preference surveys available for people to review. Public preference surveys will be designed to obtain input from deer hunters, landowners, KDWP personnel, and non-hunting residents of Kansas. It was felt that results of surveys of deer hunters and employees could be completed by early August and as a result we set tentative dates and locations for 19 public meetings from August 7 to September 8, from

Goodland to Pittsburg and Seneca to Liberal. This is a tentative list as arrangements will probably be made with other organizations and communities that wish to cosponsor these meetings. There will be a core set of questions that will deal with the committee's draft recommendations that Mike Miller has presented prior. They will be sent to all of the participants in the preference surveys and the four different groups will have a set of custom questions that each of those groups will be asked, in addition to those core questions. The surveys of deer hunters and KDWP employees should go out about June 1 and we should have the results back and analyzed by July 30. Surveys of landowners will need to be conducted by some other agency, in the past we have used Kansas Ag Statistics. Surveys of the general public will also be contracted with another organization, and we have contacted a couple. We will possibly do a telephone interview. We won't have those available until probably December the way contracts and other things go it takes that long, but we will have the input from the hunter groups. Animal health issues were discussed at this last meeting and privately owned captive herds of deer and elk and publicly owned free ranging deer and elk share common animal health issues. The task force will recommend that KDWP staff meet with the Livestock Commissioner to develop strong lines of communication and data exchange on these deer health issues. That will include fencing requirements and pen security to prevent escapes of captive animals and to prevent ingress of wild deer and elk and programs to permanently mark captive animals which is essential in maintaining adequate records of ownership and shipments. Also discussed deer baiting and feeding which is a complicated, emotional issue. We are looking at regulations and laws in other states and available research specifically as they relate to chronic wasting disease and tuberculosis to develop our own guidelines for recommendations for changes in laws and regulations. The task force will meet again in May to take a look at the actual surveys.

Commissioner Harrington – What type of marking system are we talking about? Fox – Ear tags and/or subcutaneous identification marks, but ear tags would be the most reliable because they can be seen at a distance.

Chairman Dykes – How is the agency going to publicize these meeting dates and locations? Fox – Through our website, through I&E, local employees and press releases. Chairman Dykes – If we do it through press releases it will be up to the discretion of the various papers across the state to pick it up and run it. Mathews – We will probably contact those nineteen cities individually with an email to see that it is put in their papers. Chairman Dykes – Very important that we go the extra mile and that information gets disseminated and people are aware of the meetings being held. Even if we had to purchase ad space to see that it got published in these locations.

Commissioner Lauber – A lot of people are anxious about when these are going to be held and I think we need to advertise this as much as possible. Mathews – We will do everything we can to get the word out.

Chairman Dykes – Who will construct the surveys, agency employees or professionals? Fox – A combination of both, employees and possibly the Docking Institute at Fort Hays State University who have done these in the past. They are interested in helping develop the survey instrument and possibly involved in conducting the survey with non-hunters. We need to go out to some other entities or organizations to do those because we do not have a list we can pull random samples out of. We can with deer hunters. Chairman Dykes – Is there going to be three separate surveys, non-hunting, hunters and landowners? Fox – There will actually be four, also KDWP personnel. They will have a core set of questions that will be consistent then special questions that are custom for each group of people. For instance non-hunters probably wouldn't know anything about transferable permits. Chairman Dykes – When do you expect surveys to go in the

mail? Fox – Agency employees and deer hunters in June and show some results by the beginning of the public meetings in August. The meetings are primarily set up for people to be able to express their concerns, not fill out an actual survey. Chairman Dykes – Could the Commission see the draft of the surveys before they are sent out? Fox – Surveys will go out in May, and I believe the meeting will be in Hays and we will have something after that meeting to share with the Commissioners. All of the Committee members have been asked to provide input into questions and I would imagine most of those employees have been asking their employee friends and other people about appropriate questions. To get this all done by the time the legislature meets next January will be tight. Chairman Dykes – I would like for the Commissioners to see the preliminary draft of the questions before it goes out.

Steve Swaffar, Kansas Farm Bureau – I have some concerns about landowner survey results not being readily available until December. If we have had the opportunity for public meetings through the summer and then we are approaching the legislative session and the landowner survey results are only available one month, or less, prior to the legislative session that gives the department very little time to react to those results. Is it possible that can be accelerated so that landowners can get those results to the department? Fox – That would depend on when we can get Kansas Ag Statistics to do this. One of the things I might add is that we will have landowner input, probably the individuals with the greatest interest in your issues, in the deer hunter category. Swaffar – There is another interest group, the transferable tag owners and if you make that part of the hunter survey, that might work. Fox – We will bring that up in the Committee meeting. Swaffar – Will there be surveys available for people to fill out at the public meetings? Fox – No, the idea is to go out with a scientific random sample. We will collect comments from public meetings only. Swaffar – I would encourage the department to have that landowner data available at the same time the rest of the data is available so those at the public meetings can see opinions of all of surveyed groups. If Kansas Ag Statistics is not capable of doing it in that time frame I would suggest you look for some other entity.

2. Parks Division Awards – Jerry Hover, Parks Division Director, presented this report to the Commission (Exhibit E). It is my honor to present a few awards to some of the best of our employees, volunteers and someone outside our division. We receive more nominations every year.

The Parks department is hosting the National Association of State Parks Directors (NASPD) in Wichita in September and 48 of the 50 state park directors will be present. A team was put together headed by Linda Lanterman and Alan Stark to put together an event with tours of department properties, local businesses, entertainment and meals and they receive the Team Award. We prepared a short video to show why this first group received the team award. - (*Showed video*). Joyce Dixon is here in the audience and she is willing to give autographs. I thank the team for putting this together. This Team Award is shared by Rick Martin, Wendy Bowles, Linda Kootz, (Kanopolis) Jeremy Zimmerman, Mike Rader, Ellen Rader, (Wilson) Todd Lovin, Joyce Dixon, the Tuttle Creek AmeriCorps team, (Tuttle Creek) Alan Stark, Bill Porter, (Regional Supervisors) Linda Lanterman, and Kathy Pritchett (Pratt office).

Merit Award, Willie Helms: Willie is a tireless public servant, serving as head of Emergency Medical Services (EMS) for Meade County as well as Administrative Assistant for years at Meade State Park. She is just a terrific employee. She volunteers her EMS staff to train our AmeriCorps workers every year.

Doug Lauxman brought up volunteers from El Dorado State Park to receive the Director's Award, Walt and Pat Trollope. Walt and Pat have been volunteer camp hosts at El Dorado State Park for the past 17 years. Besides hosting, they are active members of the friends group. Walt has donated his time and expertise as an electrician to construct 50 amp campsites and Pat has always been available to clean cabins as needed. They are invaluable ambassadors to the park. Director's Award, Amy Thornton: Amy is on our legal staff and has been a tremendous help to the Division this past year in working with a wide variety of contracts and negotiations. However, she also donates a great deal of time on behalf of trail enthusiasts in the state through her work with the Kansas Trails Council.

Director's Award, Greg Mills: Greg is not only half of the full-time law enforcement complement at Scott State Park, (where the Commission will meet in June. We will present this award at that meeting.) He is the coordinator of the Division's solar energy grant. This involves keeping track of a lot of paper and reports. At the last count we had saved over a quarter million dollars in utilities alone.

The last three awards all go to Cross Timbers State Park. Public Service Award, Paul Hughes: Paul, a long-time GMRT Senior, is an integral part of the Cross Timbers Team. His talents are varied, as well. Paul and Mike also learned the techniques for installing the rubberized playground surfacing and have taken that expertise on the road to assist other parks with their installations. Paul could not be here so I asked Doyle to accept his award.

Public Service Award, Mike O'Hare: Mike and Paul are two of the reasons Doyle is able to accomplish so much at Cross Timbers State Park. As Facility Maintenance Supervisor at CTSP, Mike lends his enthusiasm and expertise to a wide variety of projects.

Outstanding Employee Award, Doyle Niemeyer: Doyle is lucky enough to run two parks within 12 miles of each other (Cross Timbers and Fall River), yet he manages to keep both thriving and is always volunteering to do more. He was instrumental in securing recognition for the ancient trees in the Cross Timbers region and in bringing cabins to Cross Timbers State Park.

Commissioner Wilson – I would like to know if we could get a copy of the video. Is that possible? Hover – Yes you can. Chairman Dykes – Congratulations to all of you, it is great to have such wonderful employees to recognize at Commission meetings.

3. Park Regulations – Jerry Hover, Parks Division Director, presented this report to the Commission. No regulations to bring forth at this time, however we may need to bring some forth at the June meeting depending on what the legislation does. (Exhibit F – Parks Annual Report)

4. Fishing Regulations – Doug Nygren, Fisheries Section Chief, presented this report to the Commission (Exhibit G). Chairman Dykes – That was a great tour this morning at Milford Fish Hatchery. They have a really impressive operation. Nygren – We appreciate you coming by and taking a look. It is good for the staff to be able to share what they are doing, and there is a lot of cutting edge work being done there. I wanted to talk to you today about fishing regulation

changes for FY 2007. We have been taking a hard look at our fishing regulations and how we present those to the public and the understandability of that based on how we draft those in the regulation summary and present them on the webpage. We will be putting up a new type sign at all of the fishing locations around the state. The difference is, in the past we have posted the Secretary's Orders that are special regulations, different from the statewide, and that has become confusing to the public. What we will be doing posting length or creel limits for species, regardless of whether they are Secretary's Orders or state regulations. Length and creel limits will be listed on the entrance signs. They will also be listed in the fishing regulation summary by individual lake. Those were the first things our Fishing Review Committee wanted to do -- redo the summary and the signing -- now they are taking a look at changing the regulations themselves. They have been working on this for about 18 months and have come up with five recommendations to take to Secretary Hayden and the Management Team to get the okay to go out to a series of public meetings. We will be holding eight meetings and the first one was in Iola last week, and the others will be held over the next two weeks. We are looking forward to getting input from the public and comments on other fishing regulations that people might be interested in. We have had a long standing concern over conflict between larger length limits on bass and the impact that has on fishing tournaments, especially those that want to have weigh-ins. Our committee has made a recommendation to look for compromise that would make it easier for tournament organizers to hold weigh-in tournaments on lakes that have 18-inch or larger length limits for black bass. We are also making a recommendation for the way we handle paddlefish. Right now when you catch a paddlefish at one of our designated snagging areas, you are required to take it to a check station where data is collected and the fish is tagged there. The recommendations would make paddlefish similar to the way we handle deer. The KOALS system would issue a paddlefish permit along with six carcass tags. When anglers catch the fish they would put their own carcass tag on it and eliminate the need for us to have check stations. We are also looking at trout permit requirements. There are numerous trout waters where people come and catch and release but don't have to have a trout permit because the regulation, as it is currently written, says you have to have the trout permit to fish for and possess trout. We would like to change that so that everybody that is taking advantage of that unique fishing opportunity has contributed financially to the cost of providing that fishery. We are proposing two types of designated waters, "type 1" would be that if you are there fishing during the trout season, you would have to have a trout permit. An example of that would be places where there is really no other fishing opportunity for some other species like walleye or crappie in the winter time. If you are there you're there primarily to fish for trout, such as the Tuttle Creek seep stream and the Mined Land Unit 30, which is designated a trout fishery. Lakes we would call "type 2" would be lakes that have significant winter fishing opportunities for species other than trout, so it really wouldn't be fair for us to continue to stock trout there and require somebody that is just there to fish for crappie or walleye in the winter time to have to have a trout stamp. For instance, Scott State Fishing Lake which has a very popular trout fishery but also has significant opportunities for other species. That should help increase permit sales as they have been dropping off over the last few years even though we have added additional waters. We are also trying to do away with some of the confusion of what is a baitfish and what kind of a fish can be used for bait. Law Enforcement has been working with our Committee to come up with some draft recommendations to make it clearer and more enforceable as to what you can, and can't, use. We are also looking at setting special regulations in the regulatory process instead of putting it in

Secretary's Orders primarily because we have some courts where the District Attorney and Judges would prefer those to be set by regulations.

Other issues we will be talking about will be: hand fishing gigging, spear fishing, scuba diving, increasing the creel limits on wipers and stripers from 2 to 3 per day, and crappie creel limits. Talking about length and creel limit changes for smallmouth and largemouth bass and have also had Secretary's Orders for black bass that covered all three species, which could be very confusing for people, so we are going to do away with the concept of managing black bass as a group and split them out into individual species to try to make it simpler for the public to understand. One thing that is not on here that we are trying to get some public input on, is whether or not we should develop culling regulations. Restricting culling would mean that you couldn't catch a fish and put it in your live well and replace it later in the day with a bigger fish. It can result in a lot of mortality.

Commissioner Johnston – On the subject of fishing tournaments, do you have an impression as to which lakes you consider to have excessive fishing tournaments on? Nygren – Basically, the lakes in the west, where we tend to have 15-inch length limits. Cedar Bluff and Milford to some degree have been hit, but the majority of the tournaments are simply because people in the eastern part of the state are looking for a place to host a weigh-in tournament and as a result are heading out to lakes that have a 15-inch length limit. There are a lot of paper tournaments that take place too, but when somebody is looking at a tournament destination, Cedar Bluff is by far taking the brunt of it. That has been a very good place to have a tournament, but with the declining water levels due to the drought out there it is becoming less desirable. Tournament organizers are looking to go somewhere further east, but then you get into the 18-inch length limits so it makes those less desirable. We think by doing the tournament registration process and allowing tournaments to function properly on lakes with larger length limits we might actually spread the pressure out.

Commissioner Johnston – On the trout permits, roughly how many type 1 versus type 2 waters would there be? Nygren – We have 26 waters and roughly 18 are type 1 and the rest are type 2. Some of those are on community lakes so we have to consult with the community to see if they want to fit under type 1 or type 2. We don't want to dictate to them and we are still waiting to hear from some of the communities. We will have a firmer list when we meet again.

Chairman Dykes – In establishing these meeting dates and locations, how are you going about promoting these meetings and making sure the public is notified? Nygren – We are working with Bob and he has put out a news release and it is posted on our website also. I think we have also made direct contacts with some of the cities that are holding those meetings and our local biologists have been in contact with different stakeholder organizations to try to make people as aware as possible. Chairman Dykes – How many non-department personnel came to the Iola meeting? Nygren – Not very many, we only had four. Chairman Dykes – Is this lack of interest or lack of awareness? Nygren – I don't think it was lack of awareness because since that meeting I have received a lot of emails on both sides of the tournament issue. I believe that is going to be the one that is most contentious. Iola is not a very big town, the next one is in Salina and then we will be moving across the state to some of the bigger areas. I think the interest is growing.

Commissioner Wilson – It has never occurred to me to go scuba diving in Kansas. Are there people that do it and where do they go? Nygren – They are in the process of trying to figure out what we want to do. There is one group that felt like we should make scuba diving legal anywhere you wanted to go and there is another group that wants it to stay as it is now, only open on department waters when it is posted open. When we looked at this we were not really

sure exactly where you could or couldn't. The bottom line is that on all of the federal reservoirs they are all open, but you have to meet the requirements as far as safety goes, like sticking the flag out. On public lands it has been handled a couple of different ways, Crawford State Lake is posted open for scuba diving and spearfish, so it is legal to do it there and there are some areas where a dive club can come in with a special event permit. One of things we are looking at is rather than changing the regulations is to educate the public to where they can and can't scuba dive and spearfish. Some community lakes also allow scuba diving, for instance Marion County Lake. We have been approached by people who would like to scuba dive in the Mined Land area in some of the clear pits there. Right now none of them are posted as open.

David Bond, Abilene – I represent the Kansas Bass Chapter Federation and we are in support of fishing tournament regulations for a couple of reasons. On a personal note, I am scheduled right now to fish three tournaments in Oklahoma with the Kansas Bass Chapter Federation. On the average I will spend, on those three tournaments, 15 nights in motels and between the lodging, the gasoline, the meals, whatever, it breaks my heart to go there and take that money out of Kansas. We will be holding no tournaments in western Kansas because of the low water levels and the pressure on the fish. We will support this regulation and also support the proposal using BASS guidelines on keeping bass alive. We do not oppose setting some regulations on how bass have to be handled during these tournaments and those guidelines developed by BASS require a certain size holding tank and certain amount of chemicals. I don't think there is anybody more concerned with keeping bass alive than bass fisherman. We don't want to kill our fish. What we are faced with right now is if we are going to fish tournaments right now we are going to fish Wilson and Milford. That is why we are going to Oklahoma, Missouri and Arkansas and pull our boats out of the state and really dislike doing that. This does open up Hillsdale and Clinton to us and we have no qualms about setting some pretty stringent regulations on how those fish have to be handled. Doug has been very supportive of us.

Commissioner Lauber – On studies on fish mortalities, is there a factor of the fish that appear to be released that swim off and then ultimately dies, is that a factor or would the factor be the same whether you caught and released them out at the lake or whether or not you caught them and brought them in to be weighed in and then let them go? Nygren – Obviously the least mortality occurs when you catch measure and release as in a paper tournament. When they are kept and hauled around in the live well and brought into the weigh in, there will be some dead fish that can come into the weigh in. There is also the unknown, in the past what happens to the ones that look like they are going to die and you let them go, do they really make it. At Cedar Bluff, our biologist Lynn Davignon did quite a lot of work on delayed mortality where we set up experiments where we had control fish that we electro-shocked fish and placed them in cages and also put tournament caught fish that had been through the process of being hauled in live wells and gone through the weigh in and then held in cages for several days and then compared the mortality to the control fish. When a tournament is conducted properly it is not difficult to keep total tournament mortality, initial and delayed, to under 10 percent. On a poorly conducted tournament, where there are no checks on whether the live wells are functioning properly or being used properly and poorly conducted weigh ins at the end of the day, can have mortality rates that are excessive. If we hear about a group that is not doing it properly we contact them and try to teach them the right way to do it and have weigh-in kits available to use.

Commissioner Harrington – Would there be a way that we could influence the rules of the tournament itself? I used to tournament bass fish in Missouri and there was a significant penalty if the fish was brought in dead. That would be something I would recommend. Nygren – If we

were to go with this tournament registration process we can put any kind of caveats in that we want to. We were definitely going to put something in there about weigh in procedures and livewell inspections and mandatory tournament reporting and I guess we could entertain penalties for fish that are brought in to the weigh in dead.

Commissioner Sebelius – Have you thought through, given the number of tournaments that are in Kansas now, what the department's commitment, personnel and time wise, would have to be to do this? Nygren – It would be minimal. What we are talking about is a registration process where if the tournament organizer wants to have a tournament on any Kansas waters, the first thing they have to do is contact the facility manager to get permission, and then they can apply to have a registered tournament and can keep the two short bass according to the proposal. We don't anticipate the department will have to have anyone present, just someone in Pratt to handle the registration process, issue a certificate of registration and provide tournament reporting forms. We would do this for one year and then evaluate it to determine how many short fish we brought in, through the tournament reporting process and do some on-site work looking at delayed mortality to take a look at the impacts of hauling the short fish around.

Commissioner Lauber – I think it can be done, without a detrimental impact to the species, but having said that I expect we will get some emails and phone calls and expect a lot of controversy. Nygren – There will be some. We were approached back in the mid 1990s with an exemption they wanted to bring, a full limit of short fish, at that time we were doing a licensed angler survey and did a sub-sample of the general population of bass anglers and tournament anglers to see how they would feel about exemption and there was not a lot of public support. This is a little different proposal, it is not a full creel limit, under controlled conditions and we won't register any events in the heat of the summer to avoid mortality and all fish will be released.

5. Late Migratory Bird Seasons - Marvin Kraft, waterfowl research biologist, presented this report to the Commission (Exhibit H). Frameworks establish the limits which states must operate within when establishing waterfowl seasons. Late seasons are the seasons that begin no earlier than October 1 and are quite often called the regular goose or regular duck season. We do not anticipate major changes in the frameworks for geese. The goose populations are at, or well above, population objectives. The Central Flyway Council did pass a recommendation that would increase the season length for Canada geese from 95 days to 107 days, which is the maximum allowed by Treaty. If this is allowed it would preclude any September hunt. We don't expect frameworks until August concerning the duck season frameworks for 2006. For ducks the frameworks are influenced heavily by the number of ducks observed in the May Breeding Duck Survey as well as the Canadian ponds that are reported during that survey. At this time we expect the liberal package again next year. Water conditions in Canada the last several years are probably some of the best they have been in many years, so we should have good pond counts from Canada. The three current Adaptive Harvest Management regulatory packages include the following: Liberal package – 74-day Low Plains season, 97-day High Plains season; Moderate package – 60-day Low Plains season, 83-day High Plains season; or Restrictive package – 39-day Low Plains season, 51-day High Plains season. One change we should expect to see is a change in what will be allowed as far as bag limits. There has been considerable concern with the season within a season approach we have used on species like pintail and canvasback that require additional protection. If we have a 74-day season for mallards and that is too much with a bag limit of one for pintails, then you have to reduce the harvest by more than one bird per day. The

options the Service has looked at is to close the season on the pintail or reduce the overall season, in other words sacrifice mallard harvest opportunity to protect those other species from over-harvest or to have a season within a season, which is what we had in recent years. The problem with a season within a season is that it is hard for hunters to keep track of and it puts a lot of pressure on hunters for species like hen pintail, a brown duck. The answer to this is another approach, an aggregate bag approach. The Central Flyway was given the go ahead to test this approach as long we ran an experiment to limit the species that needed limiting as well as to evaluate the hunter's acceptance of it. The experiment will run for three years and five states will switch over to what we call the "Hunters Choice Proposal", including Kansas and five states will stay in the season within a season approach. In these states, within the Liberal package, the daily bag limit shall be 5 ducks, with species and sex restrictions as follows: scaup, redhead and wood duck – 2; only 1 duck from the following group – hen mallard, mottled duck, pintail, canvasback. It is relatively simple and I don't think hunters will have trouble with it. There could be a little confusion the first year as there is with any change. The overall bag is declining from six to five and some hunters may not like that idea. That bag was for both the liberal and moderate package. For the restrictive package, the season length would be 39 days, the bag limit would be 3 and the species restriction will be the same.

Commissioner Lauber – Did you just describe the hunter's choice proposal? Kraft – Yes, the "no more than one from the following group". Commissioner Lauber – And this is designed for taking brown ducks? Kraft – Right. In other words a hunter can shoot one duck, any duck and be legal. For the guy who really knows his ducks, for instance pintails, he can shoot a pintail in December or whenever he is hunting. It should also reduce the season because we have thrown the hen mallard into that pool and that is the most common of the brown ducks in Kansas.

Commissioner Lauber – How does this differ from where we are now? Last year there was a total of six ducks, one of which could have been a pintail? Kraft – Yes, last year there were 6 ducks, one pintail, one canvasback, one hen mallard, one mottled duck, but with pintail and canvasback there was a 39-day season within the total 74-day season.

Mike Pearce – Would people still be able to take five drake mallards with the five duck limit?

Kraft – Yes. Pearce – Has the Service officially approved this right now? Kraft – No, it is not a done deal. They have approved the experiment and the whole works, but we won't know until we get the frameworks. Pearce – So we won't know until August? Kraft – Right. It could be that after the Service Committee meets in June we may get word on our experiment, so late June maybe. Chris Tymeson – How long is the experiment? Kraft – Three years.

Chairman Dykes – I would mention while you are here that we set the August meeting at the last meeting and I stood up for you saying you needed it as late as possible, but your friends at I&E said they needed it as early as possible. So that meeting is August 17, is that ok? Kraft – I think that will be fine.

6. Avian Influenza Update - Marvin Kraft, waterfowl research biologist, presented this report to the Commission (Exhibit I). The emergence and rapid spread of highly pathogenic avian influenza (H5N1) across Asia and much of Europe in the last year has focused a lot of attention on this issue. It is getting a lot of time in our media, and I heard ABC is going to have a documentary of sorts that is going to claim it is based on input from professionals across the country, but at the same time it is going to have scenes of streets littered with bodies and stuff like that. It has not been detected in North America at this time. The current H5N1 virus is pathogenic to some birds, particularly domestic poultry, but to this point is not easily transmitted to people. The virus has infected a little

over 200 individuals and about 55 percent of those have died. I did read that as the virus spread from Asia and Africa to parts of Europe the mortality rate has declined somewhat due to better medical facilities. Most human cases of H5N1 infection has been traced back to close contact with domestic poultry. No one has gotten the virus from wild birds, with the exception of one individual who may have been infected while gathering down or feathers from dead swans. Migratory birds are natural reservoirs for 144 subtypes of avian influenza, and may function as agents in the spread of this disease. However, expansion of the virus has been due to movements of poultry and poultry products. Migratory birds have not been proven to be the vehicle, but if migratory birds are the transport vehicle then we could expect it as early as the fall migrations of 2006 or 2007. The Kansas Department of Wildlife and Parks (KDWP) is a member of the Central Flyway Council that includes ten states and they have recently adopted a "Surveillance Plan for the Early Detection of Avian Influenza in Migratory birds." Under this plan ten states will be collecting samples from about 7,500 migratory shorebirds and waterfowl. This will be matched by the U.S. Department of Agriculture (USDA), Animal and Plant Health Inspection Service (APHIS) who will be collecting about 8,000 samples in the Central Flyway and about 10,000 environmental samples (soil, water or feces). We hope to be paid roughly \$100 per sample. The samples consist of swabs from hunter-killed birds, birds found dead and birds that we collect or kill ourselves, and we will be collecting from about 25 species of ducks, geese and shorebirds. There have been a number of meetings that have taken place with the agency, Kansas Department of Health and Environment (KDHE) and several other state agencies. The initial thought process has been how we are going to address worker safety, communications and things like that. Our department has also met with USDA APHIS to develop a draft work plan for sample collecting this coming year.

Break

7. Crane Test Information - Helen Hands, waterfowl biologist, presented this report to the Commission (Exhibit J). At the August 2005 Commission meeting, we modified the crane regulation and required all sandhill crane hunters to pass an online sandhill crane test annually before purchasing a Kansas-validated sandhill crane permit. This portion of the regulation will go into effect on September 1, 2006. The online crane test was completed and made available to the public on November 1, 2005. The test is available on our website by searching sandhill cranes in the right hand corner. Everyone who took the test in 2005 did so voluntarily. Approximately 580 individuals passed the test through December 14. (*Brought up the website and entered some information to show how the test works.*) The hunter puts in his registration information before the questions. The test consists of 20 questions, most of which relate to identification of sandhill cranes, whooping cranes, and look-alike species. Then the hunter is asked to read some information relating to the status of whooping cranes, how sandhill crane hunting regulations were developed to minimize the chance of a hunter accidentally shooting a whooping crane, or how to distinguish between a sandhill crane and a whooping crane. The hunter must answer each question correctly before he/she can continue to the next question. At the end of the test, the hunter is given a confirmation number and is asked to print a certificate with that number. The hunter must carry that certificate when crane hunting as proof of completion of the test. For those crane hunters who do not have access to the Internet, staff will provide alternatives -- they can come into a department office and take the test on a department computer, or the hunter could be provided a paper copy of the test, but that will take a lot longer.

Commissioner Lauber – Was there a comparable number of crane hunters this last year as in past years? Hands – We won't receive harvest data until June, but my impressions are that the number of crane hunters is down, I don't think populations at Quivira were as high as other years.

Mike Pearce – Did you ever hear from Quivira on what killed those birds? Hands – No, they didn't tell me.

8. Senate Bill 578 – Exotic Animals - Kevin Jones, Law Enforcement Division Director, presented this report to the Commission (Exhibit K). This is a brief run down on Senate Bill 578 which has helped us a tremendous amount in dealing with exotic animals, most notably large species of cats and bears and now non-native venomous snakes. We have been wrestling this issue for over two years and coming into this legislative session we were fortunate to have a Senator come forward and sponsor legislation to more directly deal with this issue. This bill is modeled, to a great degree, after a bill that was passed in Minnesota. This is an extensive bill that has a lot of language in it, but I will give you some highlights. Probably most notably there is a definition of what a wildlife sanctuary is and how they would have to operate to qualify under State statutes. A definition was developed of what a dangerous regulated animal is, which means alive or slaughtered parts of, the six large cat species we have been dealing with (lions, tigers, leopards, jaguars, cheetahs and mountain lions or hybrids of those animals; bears or hybrids of bears). In the Senate the bill was amended to include non-native venomous snakes and there was also a definition of local animal control authority which is basically those entities within your local governments that deal with animal control issues. In the event that the county or municipality does not have a true animal control officer program the responsibility would fall upon the County Sheriff or the Police department. There is also a definition of a registered designated handler and this would be the person specifically identified as being a person, other than the owner, who can properly care for and handle the animal in case the need arose. There is a timeline in this. Any animals that are in the possession of individuals prior to this law taking effect, which will be July 1, 2006, will have the ability to register their animal with the local authorities, have their facilities inspected and be allowed to operate. There is also a provision that any person who holds these animals under a license issued by the U.S. Department of Agriculture can continue to operate. This would apply to zoos and animal exhibits that are not American Zoological Aquarium (AZA) Association or Zoological Association of America (ZAA) accredited. The key part of this is that if a private individual possesses they would have to meet the requirements of the law to register the animal, have the facilities inspected and provide at least \$250,000 liability insurance in order for them to maintain that animal. There is an annual registration process for the animal and the local animal control authority has the ability to charge \$50 up to \$500, which means anything over 10 animals would be charge at least \$500 and that rate can be set by the local authority. There is also a premises inspection fee of \$100. There is a requirement that the registered owner must acquire and maintain a minimum of \$250,000 of liability insurance and if that policy is allowed to lapse the insurance company needs to notify the local authority within 10 days prior to the expiration. If the insurance is allowed to lapse the permit becomes in jeopardy. A key component is to have the locals get involved with this as it deals with their communities and provides them a considerable amount of input as to what they want happening in their communities. There are requirements for marking the animals in possession so they can be identified if the need arose; caging standards that the department will have to deal with; and provisions that deal with the seizure of animals that are being improperly caged, handled, abused or that escape, which allows the locals to take care of the

situation and collect the animals. If the seizure is necessitated, the owner of that animal is liable for the care of that animal during the time it is in seizure. There is an appeals process for any type of seizure to try and safeguard individual rights and there is a hearing process. On an annual basis the local authorities will report to the agency, on or before April 1, how many animals are registered so a statewide inventory can be maintained. The department is to provide training to the local animal control authority as to the nature of what this law requires of them and the regulations we will be dealing with in regards to caging. Regulations dealing with two issues will be brought forth to the Commission: the Secretary is directed to establish regulations concerning caging standards, what the facilities will look like, what is an appropriate cage and how these animals should be kept; and the designated handler rule, what will constitute appropriate training and knowledge of these individuals to be acknowledged as a handler. We have made preliminary contact with members of the AZA and also the ZAA, who were listed in this legislation with certain types of exemptions, and since they are considered to be very well versed in the handling of these types of animals, they will be working with us to develop these caging standards and handler qualifications. We will be having meetings with them in the next couple of weeks. We hope to workshop this in June with passage by August. In this piece of legislation, it is unlawful for anyone, other than the owner, designated handler or veterinarian providing medical care, to come into contact with the animals. Any violation of this is a Class A non-person misdemeanor in Kansas.

Chairman Dykes – Did the state of Minnesota deal with these by statute or regulation? Jones – By statute. Chairman Dykes – As I recall Minnesota addressed the issue of wolves? Tymeson – Non-human primates, but not 100 percent sure about wolves. Chairman Dykes – I recall talking about that at one time, how restrictive Minnesota was and basically eliminating wolves and hybrids. Why didn't the legislature tackle wolves. Jones – As said at a previous meeting, wolves are probably the most difficult species to handle because of their close association with domestic dogs and dealing with that identification process. It was felt it would far better to limit this to cats and bears and in the process of the legislation non-native venomous snakes was put in.

Chairman Dykes – You will come back to the Commission and we will set caging requirements and you are talking with AZA and others about what those requirements should be? Jones – Yes, several states already have them and we will be working with those, AZA and ZAA. Chairman Dykes – Why aren't we just adopting the APHIS standards? Jones – Because they are not specific enough. A lot is left to the judgment of their inspectors. We anticipate caging standards with specific dimensions and things like that. There are a lot of important things in this legislation. These caging standards apply to the facilities already in operation or individuals who currently have these animals. If they are USDA licensed they can continue to operate and replace your animals, but for a private owner, once the animals dies or is placed somewhere else, that is the last animal they can have, so over a course of time the private individual ownership of these animals will eventually go away.

Commissioner Johnston – What does 578 say about permitting contact with bears and cats and members of the public? Jones – That is strictly prohibited. Commissioner Johnston – On the non-native venomous snakes, what will be the impact on the rattlesnake hunts that bring diamondbacks into the state as part of the exhibition? Jones – There is a provision in Section 8 of the bill, that exempts the department or any person issued a permit by the Secretary under 32-952 and amendments, to exempt them from the act, so you can allow these for rattlesnake roundup and the like. Commissioner Johnston – So that exemption permit would potentially apply also to cats and bears? Jones – Potentially, if we would deem it appropriate to do, but I would caution us

to try to avoid any situations like that. Specifically under this the intention would be, for instance, if a bear was to occur in the state (and they do occasionally wonder through the state) where we could issue a permit for someone to go out and live trap that bear. That was the intention of that portion of that law. It also says that the Secretary can adopt any other regulations to implement this act. I am certain that we could adopt something to address that to some degree in that regulation to give us better direction.

Commissioner Meyer – I would suggest that if we are responsible for design and construction of cages and specifying material that we go to K-State or some other engineering school and get input on material specifications, construction specifications and codes and welding certifications of the operator of the machinery and not have some local guy who doesn't know anything about welding and different types of materials doing the work on these things. I can see some real danger because I have seen some cages I wouldn't put my tomcat in. Jones – We can explore that and see what we can draft into the regulation. Chairman Dykes – Is it going to be our job to inspect the facilities? Jones – No, the local authority would do that. Commissioner Meyer – A lot of those folks are not trained. Jones – That is a portion of what the bill directs the department to do is to provide training. We have had commitments from the Association of County Governments to help facilitate these meetings and help any way they can to get the training to the appropriate people.

Commissioner Lauber – Does every county in the State have animal control? Jones – No and that is why the language was inserted to use the Sheriff or Police Department as necessary.

Commissioner Johnston – I would like to suggest that when we workshop regulations in June that it might be helpful to have a copy of SB 578 with our materials. How large of bill is it?

Jones – I printed it out and it is 5 or 6 pages.

Tymeson – I would like to take this opportunity to recognize Kevin. He actually went down on the floor and helped get this bill passed and went above and beyond the call of duty on this topic.

Chairman Dykes – Good job. (*Applause*)

C. Workshop Session

1. KAR 115-25-19. Dove, management, hunting season, shooting hours, and bag and possession limits – banding and November season. Helen Hands, waterfowl biologist, presented this report to the Commission (Exhibit L). I am not going to present the regulation, but a status report on the banding study we have been doing for the past three years. (PowerPoint – Exhibit M) This three-year study is being coordinated at the national by three biologists (listed on PowerPoint). A little bit of background about why we are doing this banding survey and why the concern. Doves are hunted in 39 of the lower 48 states, with Iowa being the main exemption in the Central management unit. The dove harvest exceeds all other migratory birds combined and it is up around 25 million a year so it is extremely significant in terms of harvest nationwide.

Chairman Dykes – I was not aware Iowa didn't have dove hunting? Hands – The Department of Natural Resources would love to have it and they have been trying to get a dove season for several years and are participating in this banding program in hopes of providing more information to allow dove hunting in the future. Dove hunting is not popular with some of the birders and the states that haven't had a dove season for a long time have encountered trouble getting them started. I don't know why Iowa didn't get one started when Kansas did. States that have recently started dove hunting, like Ohio, Michigan and Minnesota have quite a bit of resistance from people who don't hunt. I think it is a matter of if they were established when

there was a large percentage of the population who supported hunting then you are in, but if you wait until the percentage of hunters gets to be pretty low in the state it is difficult to get a season established.

Doves are extremely common and so people wonder why we make this special effort for doves. They are the fifth most common species observed on the breeding bird survey. Unfortunately, population trends of mourning doves have been declining in all three main dove flyways, or management units. The Central Management Unit (CMU), the one Kansas is in, roughly the Central Flyway, but includes Arkansas, Missouri, Iowa and Minnesota; the Eastern Management Unit (EMU) and the Western Management Unit (WMU). This is an index survey that is done and is the number of doves heard. Kansas has a stable population trend, but the rest of the unit has a declining trend. There are two points to that survey, the doves heard and the doves seen. The doves seen trend line is going up, but the doves heard trend line is going down. One of the questions is, why is this happening and what does this mean in terms of which way the population is actually going. One of the explanations is the conditions for hearing is declining, the biologists are getting older, typically game biologists who do a lot of hunting so their hearing is not as good as it once was and the environment is getting much noisier, you have oil wells, center pivots, traffic, more paved roads and things like that. About five years ago the US Fish and Wildlife Service came to each of the management units or the Flyways and said we needed to come up with a harvest management strategy for doves. The management units said that all they had to go on was the Call Count Survey (CCS) and we don't really know what is going on with that because part of it is saying the population is increasing and part of it says it is decreasing. At the time they asked for this we only had a couple years of nationwide harvest survey from the harvest information program so we really didn't have a good handle of what the harvest was and didn't have any current estimates of harvest and survival rate. We did have some harvest rate information that was collected with a banding study in the late 1960s and early 1970s, but we didn't know if that information was going to be viable to develop a harvest management strategy now. We came up with the banding study where the primary objective was to estimate modern band reporting and harvest rates; and to conduct as a pilot study for future coordinated nationwide banding program. Calculations from banding data is: recovery rate – if you put out 100 bands and you get 10 bands reported to the bird banding lab, that is a recovery rate of 10 percent. Reporting rate is behavioral, if a hunter finds a band, what percent actually report them to the banding lab. The harvest rate is real important and that is the recovery rate divided by the reporting rate. The reporting rate is estimated by putting on standard aluminum bands and \$100 reward bands and the reporting rate is the comparison of the recovery rate of the standard bands and the reward bands, which is assumed to be 100 percent. If your standard band rate was 10 percent and the reward bands was 60 percent, the recovery rate would be 50 percent. About 30 states participated voluntarily with Kansas participating. Mourning doves were trapped in Kansas for three years, the first year we just used standard bands and the following two years both standard and reward bands. We trapped the birds in July and August using cage traps that were baited with millet or sunflower seeds, there is a funnel on trap and the birds just walked in there and we checked the traps every two or three hours. We banded everything we caught and banded about 4,000 birds the last three years which far exceeded our quota. When the hunter shoots a banded bird they report it to the bird banding lab in Laurel, Maryland and then we get those reports back. About 75 percent of those recoveries of birds banded in Kansas were shot in Kansas. We had about 142 birds recovered total of the 4,000. Only 35 of the birds we banded were recovered outside of Kansas. The most important states outside of Kansas, were Texas,

Missouri, Oklahoma, Mexico and farther away. Of the birds recovered in Mexico, one was banded in Barton County, a couple in Emporia, and one near Perry Lake. What we learned for the last three years, other than where these birds get shot, is the recovery rate that has ranged for 2.3 percent to 3 percent. Our reporting rate has been between 53 percent and 61 percent, pretty much about the same as found nationwide. The trend has been higher reporting rates in the north and lower in the south and we are not sure what that says about hunters. Our harvest rate in Kansas is about 4-5 percent and is the percent of the population that gets killed by hunters. The total Kansas harvest from HIP is somewhere in the neighborhood of 750,000 to 850,000. If you take this number and divide it by the harvest rate you can get an estimate of what the population is. These numbers are better calculated at a Flyway level, but I wanted to show this as an example. As we work on a possible harvest strategy we may be looking at a population trend based on these calculations from the HIP harvest estimate and the harvest number rather than trend indices which is what the CCS is now. So we may regulate the total harvest based on the trend in population estimates rather than that index and would possibly regulate the harvest by changing the bag limits. Banding has been fairly easy so far as I have had a lot of help from area managers and district biologists, but it could become labor intensive, because we may be asked to band for seven weeks annually; and we will need aides and vehicles to accomplish it. We pay for this because the dove harvest generates about \$85,000 of PR dollars annually. I have been asked for several years how the November harvest is working out. We have no birds being harvested in November.

Chairman Dykes – I noticed in looking at the trend data you had in one of the first slides, it appeared the variability of the trend from the Central Flyway was greater than that from the Western or Eastern Flyways. Is that true? Hands – One thing that may figure into that are our indices in the Central Flyway are a lot higher and usually when you have a higher index that can usually generate a greater variability. Your maximum is going to go up to 65 or 70 and somebody else's is only 30 or 35, there is a greater potential of values. Chairman Dykes – It would just seem to me that whatever mean is it would seem I would expect them to be the same unless there was some factor, influence or difference between the three units. The numbers are large enough that they ought to be closer, but looking at the slide it appears the Western had a lot of variability. Hands – There is inherent variability in dove numbers from year to year, it is just the nature of doves.

Commissioner Wilson – How long will it be before you might propose changes in regulations based on some of information you are learning? Hands – I thought we would be doing it in a year or two, but just before our March meeting the US Fish and Wildlife Service came back with comments that they didn't like it. They like the idea for the future, but felt they needed more data. Commissioner Wilson – As I mentioned last month, I really appreciate getting this type of information on some of the studies that we are doing. I think our department staff are doing a lot more things than most of us realize and these are really important things for us to do. So I hope we can continue to bring things like this to the Commission for us to chew on as we go along instead of being overwhelmed with information right when we need to make a major decision on a regulation. I appreciate you putting this together for us. I talked to Keith last month about getting a progress report on our quail study down in southeast Kansas if we could do that sometime soon that would be good.

2. Early Migratory Bird Seasons - Marvin Kraft, waterfowl research biologist, presented this report to the Commission (Exhibit N). These are seasons that occur prior to October 1 and

doves are handled in a different regulation. Expect frameworks same as last year for rail, snipe and woodcock, same as past season. The teal season recommendation will be determined by the number of blue-winged teal observed in the May Breeding Duck Survey and in the High Plains the number of days is affected by whether we have a liberal season, 97 days, treaty limit of 107 days. For September Canada goose, Kansas allows a 15-day season during the first 15 days of September to help control depredation and nuisance animals. We can set a season in the last 15 days if we conduct an experiment to prove that we are not harvesting a significant number of migratory Canada geese. We are extremely confident there are no migratory Canada geese in Kansas in September so we are going to recommend that we open the season later when temperatures are cooler and to overlap it with our teal season. Basically, we are going to go statewide with the exception of the southwest corner of the state which would be the area west of Highway 183 and south of Highway 96 would remain closed. Water tends to be rare in that part of the state and the flocks are more isolated and they were concerned we could over harvest resident birds there.

Commissioner Lauber – What type of an experiment are you going to do? Kraft – We are required to send a certain number of tail fans from Canada geese taken in the month of September into the federal harvest survey tail fan collection (Central Flyway Wingbee). The problem with that is since our hunter activity is so low some years we don't sample anybody, what we will have to do is get envelopes from the USFWS and hand them out to individuals who indicate they might want to go hunting in September to get the required number of tail fans into that harvest survey. From the tail fan we can determine whether the birds are small early migrants or larger resident Canada geese. Commissioner Lauber – Are there a certain number of tail feathers we have to provide, and if we can't provide it we are not allowed to have this season? Kraft – Yes, and I can't tell you what that number is. There is a solution there and I think Oklahoma is going to take it, and that is to go out there and shoot the birds until you get the required number of tail fans. In fact, we will probably play along with the experiment a year or two before we consider collecting birds because it is a waste to go out and kill birds. It is a ridiculous requirement that we do this experiment. The Flyway tried very hard to get this rule changed and they got nowhere. It is a case where early on there was some concern by some states that they were going to shoot migrant birds. States that went through this 10 or 15 years ago had to go through some expensive research, collecting the tail fans, neck collaring, observation and they spent thousands of dollars. Some states feel they have paid their dues and feel the rest of the states should pay theirs.

David Bond – Are the resident geese we have been seeing for the last three years around the Kaw River near Lawrence the geese they stocked several years ago down around Pleasanton and LaCygne? Kraft – It is hard to tell. They could be descendents of birds or birds that we stocked back in the 1990s, but once you turn those birds loose they tend to move around the state and at different times of the year are in different places. I live in Lyon County and I have a pond ½ mile from my house and we put up nest structures to attract birds in there and the numbers grew rapidly so that the nearby farmer began to complain about losing soybeans, so we went in to round up birds and found several banded birds and found bands from five different release sites around the state.

3. Duck Hunting Zones - Marvin Kraft, waterfowl research biologist, presented this report to the Commission (Exhibit O). Every five years the U.S. Fish and Wildlife Service allows states to change the duck season option they want. Once they make their choice they are required to stay with that option for a five year period, but may go back to the basic option which is a

statewide season with one split and no zones. Season dates are set annually by the Commission. The options available are: 1) no more than three zones with no splits; 2) a statewide season with two splits (three segments); or 3) two zones, plus the High Plains area of Kansas (three zones total), with the option for one split in each zone. This is the option that Kansas has utilized the past ten years. The recommendation is to maintain the current option selection, basically three zones with each zone split once, with two minor boundary modifications in the zone boundaries. One of the modifications is southwest of Great Bend where we move part of the Arkansas River from the early zone to the late zone and the second is an area east of Dodge City where we move some area from the late zone to the early zone to allow hunting on some playa lakes. Chairman Dykes – Is the High Plains zone unique to Kansas? Kraft – No, it runs all the way from Canada to Mexico. We have some in the High Plains and Low Plains and it causes some problems. Chairman Dykes – Do most of the other states choose this 3rd option? Kraft – Oklahoma, Nebraska and South Dakota do, but I don't know what North Dakota does because they don't seem to have the same problems we have with season length. Zones basically are a solution to short seasons, if you have long seasons you don't need zones.

VII. RECESS AT 4:52 p.m.

VIII. RECONVENE AT 7:00 p.m.

IX. RE-INTRODUCTION OF COMMISSIONERS AND GUESTS

X. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

Commissioner Meyer – In light of what went on today in the legislature I would appreciate if next year we could set the meeting after the legislature has gone home.

Secretary Hayden – Traditionally we meet on the third or last Thursday and the legislature has adjusted their schedule in recent years. It used to be that they took a much shorter break and now they adjourn, at least this year, earlier and were gone almost a whole month (week to 10 days in the past) before they came back for the wrap up session and that put it in direct conflict with our Commission meeting. I do think if they are going to change their schedule on any kind of permanent basis they are going to be in session on this Thursday, so we ought to look at adjusting for that so that we not conflicting with the veto or wrap up session. Chairman Dykes – We will depend on the agency to let us know how we need to make those adjustments. Secretary Hayden - Dick is over there covering the session and he usually knows by the first week of February what the schedule is going to be. We should be able to set our meeting to not conflict with the wrap-up session. Chairman Dykes – What did we miss? Secretary Hayden – Fortunately the Senate never got to us today. The House was discussing the Omnibus today and there were a couple of amendments that could have hurt us, but they got defeated and they never got to our portion of the bill. Hopefully the Senate will be discussing the Omnibus tomorrow. We have a favorable version in the Senate and in the House it is less favorable. The Governor has endorsed the Senate version so we are hopeful that in the end we will get the favorable version.

D. Public Hearing

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

1. KAR 115-4-4. Big game; legal equipment and taking methods. - Lloyd Fox, wildlife research biologist, Emporia, presented this report to the Commission (Exhibit Q). On Page three of this briefing book item, we have added a section in the firearms season equipment authorized for elk that would allow the use of shotgun slugs. That is the only change. Commissioner Lauber – This was designed to accommodate Fort Riley? Fox – Yes it was. Chairman Dykes – Did the agency give any consideration to the request for luminous nocks for archery? Fox – We looked at them, but decided to keep changes at a bare minimum for this year and address them next year when we go through the deer issues. That was one of a handful of issues. Chairman Dykes – Was there any reason why? Fox – Didn't know how people felt about it and don't remember any sharp negatives, but didn't look into it or go out and seek input. Chairman Dykes – Perhaps we could in conjunction with the other things we are considering for next year.

**Commissioner Harrington moved to bring KAR 115-4-4 before the Commission.
Commissioner Johnston seconded.**

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

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

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

2. KAR 115-25-9. Deer; open season, bag limit and permits. - Lloyd Fox, wildlife research biologist, Emporia, presented this report to the Commission (Exhibit S). We have a set of possible amendments for this regulation, and I will cover those as I go through the regulation and put them in the appropriate place. The archery season would be October 1 through December 31, 2006, the same general structure as last year. The urban antlerless-only whitetail deer archery extended season, in Unit 19 and Unit 10a -- we have an amendment: it is January 9 (Tuesday) in the stamped copy, but we recommend changing this season to January 8, the day after regular firearms season ends. For the firearms season we have listed each of the season dates for the three military subunits and all other units, November 29 through December 10, 2006, continues the same 12-day season starting the Wednesday after Thanksgiving; the urban firearms unit, Unit 19 and Unit 10a, would be October 14 through October 22, 2006; muzzleloader only season would start September 9 through September 22, 2006; the youth season and disabled (who qualify under 115-18-4 or 115-18-15) would be a two day season, September 23 and 24, 2006, any person 16 years or younger would be allowed to hunt with an adult 18 years or older; the antlerless whitetail extended season would be January 1 through January 7, 2007 (seven days this year) and would be open in Units 6, 7, 8, 9, 11, 12, 13, 14, 15, 16 and 19 and we do have a map showing that and it is the same as last year. On the bottom of page 4, under item 1, we have another possible amendment that would insert the words "firearms" and "muzzleloader" in the

application for resident any deer permits. Under section 2 some additional changes in verbiage would be: applications for resident firearm whitetail deer, add “either sex”, “resident archery” and “hunt-own-land” shall be accepted at designated locations through December 30; change the next section to add other permits available through January 30 as opposed to January 6 for people who wish to hunt in those urban subunits. Consider striking item a: “resident archery permit” and item d: hunt-own-land deer permit to close the sale of those on December 30, but keep open the whitetail antlerless game tag and whitetail antlerless all the way through the month of January. Applications for nonresidents would be the same as has been our tradition for the last couple of years and would be available from the earliest date the applications are available through May 31, 2006. At the bottom of page 5, we have alternative wording on section 2, to make this clearer: on persons obtaining no more than one antlerless-only whitetail deer permit and four antlerless whitetail deer game tags. One antlerless-only whitetail deer game tag shall be valid statewide except that no antlerless-only whitetail deer game tag shall be valid in units 1, 2, 17 and 18; up to three additional antlerless-only whitetail deer game tags shall be valid in subunit 10a and in Units 7, 8, 12, 13, 15, 16 and 19. On page 6 we are addressing the purchase of antlerless permits without the purchase of an antlered deer permit in section 5. “No resident or nonresident shall purchase any deer permit or game tag that allows the taking of antlerless-only deer without first having obtained a deer permit that allows the taking of an antlered deer unless the antlerless-only deer permit or game tag is purchased after December 30, 2006.”

Chairman Dykes – Wasn’t there a bill introduced this session that reversed this section of regulation that would not allow the purchase of an antlerless permit without an antlered permit?

Tymeson – That was SB 526, and this is somewhat of a concession to that. When we stepped back and took a look at last year’s model where we went with only an antlered permit before you could buy an antlerless permit, it didn’t really make sense when we looked at the January season. SB 526 would have reversed it entirely. Senator Lee introduced that and that bill is not going to go anywhere this year. Chairman Dykes – How did she feel about that? Tymeson – We had a discussion with her at her office and she seemed somewhat satisfied at that point and is ok with waiting until the recommendations come from the Deer Working Group. Commissioner Lauber – It seems to me that most of the amendments are clarification of what the intent is now. Fox – Right. One is a typo and the rest are clarification. Commissioner Harrington – Item 5 is a substantial change even though I concur with it. Tymeson – It is not a change it says the same thing in a different fashion, we have flipped the language. Commissioner Harrington – I stand corrected, I like the way it sounds now.

**Commissioner Harrington moved to bring KAR 115-25-9 before the Commission.
Commissioner Lauber seconded.**

**Commissioner Johnston moved to amend KAR 115-25-9 before the Commission.
Commissioner Harrington seconded.**

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

Commissioner Harrington	Yes
Commissioner Johnston	Yes
Commissioner Lauber	Yes
Commissioner Meyer	Yes

Commissioner Sebelius	Yes
Commissioner Wilson	Yes
Commissioner Dykes	Yes

The motion to amend KAR 115-25-9 passed 7-0.

The roll call vote on amended KAR 115-25-9 was as follows (Exhibit T):

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

The motion to approve KAR 115-25-9 as amended, passed 7-0.

3. Secretary's Orders for Deer Permits - Lloyd Fox, wildlife research biologist, Emporia, presented this report to the Commission (Exhibit U). The quota numbers for 2006 any deer and muzzleloader any deer are the same as they were last year for residents. That is also true with archery any deer permits for residents, the hunt-own-land and the whitetail antlerless-only permit. The one exception is that it includes Unit 10a as having the possibility of having up to four game tags. The deer population has remained relatively stable throughout most of the deer management units for the last three to four years or more. The steady increase in population we saw through the 1980's through the late 1990's has now been turned to a stable deer population and that is one of the reasons we are keeping these limits out as we have in the past. The situation with nonresident permit quotas we have increased the number of permits that residents are buying, for example the whitetail either sex permit increased from 49,371 in 2004 to 53,127 last year. We have more residents applying for whitetail deer permits. We also have a higher cap level available for nonresident deer permits and incorporated that into the proposal for nonresident deer permit quotas and they are up approximately 21 percent higher than they were the previous year. Last year there were 7,898 whitetail either sex firearms permits available for nonresidents, half went to Kansas landowners and were transferred, and this year there is a quota of 9,566 available. Last year there were permits available after the deadline for applying, in other words we had more permits than people applying. We have a better handle on distribution of resident purchases of archery permits. Last year we used a projection matrix to come up with the estimated number and this year we have permit sales. We have more resident archers this year than last year, 17,822 general residents and 3,258 landowner tenants in 2004 and in 2005 it increased by about 6.8 percent, 18,458 general residents and 3,745 landowner tenants. The corresponding values for nonresidents for 2006, we are proposing 4,228 archery permits, last year was 3,742, up 13 percent. Commissioner Johnston – What is the total number of whitetail either sex nonresident permits being authorized for 2006? Fox – For nonresidents this year it is 9,566, last year it was 7,898. Commissioner Johnston – Of the 7,898 authorized last year not all of them were sold? Fox – That is correct. Commissioner Johnston – About how many were not? Were those 600 mainly in one part of the state or another? Fox – The east border, mainly the northeast. Commissioner Lauber – You said this is about 20 percent. Is that consistent with the caps that we have in place by statute? Fox – Yes. Commissioner Lauber – There is 18 percent of the resident permits this year and if no changes were made there would be room for another 2 percent next year. The assumption is while we may offer more of these permits the fact that there were untransferred transferable permits and unapplied for available permits that we have reached

the demand and consequently this will have the affect of driving down the market value of transferable permits. Secretary Hayden – The market value of the transferable permits has been declining over the last several years as the quotas have increased. We probably reached our peak price in 2002/2003. With these increases the market value will continue to decline, but will continue to exceed \$330, but the premium is disappearing, it is only a few hundred dollars compared to a thousand dollars a few years ago. Commissioner Lauber – I concur and that is why I am not particularly concerned. We have two problems, we have a vocal constituency who are concerned about the increase of nonresident hunters and on one hand this would give the appearance that we are increasing the number of nonresident hunters and we worsen what is perceived by some as a problem, but in reality I am not sure it is going to bring any more nonresident hunters. On the other hand we have a lot of serious forces that continue to push us to engage in more ag-friendly liberal nonresident arrangements and while this may be having diminishing returns for that group, Kansas Farm Bureau comes to mind, we are accommodating what they have somewhat mandated and I don't think it is going to affect the pressure from nonresident hunters in most areas of the state any more than it already is. If the nonresident numbers were to create a new surge of competition, I would be more concerned by this.

Secretary Hayden – Deer management studies have shown that we have saturated the market in two or three of the units, especially in northeast Kansas. What we have really done is doubled the demand, because you have the landowner on one hand applying and the hunter on the other hand applying and you are only talking about one person in reality, but they have two opportunities to acquire a permit. So this gives you an inflated view of what the demand is. We are starting to see, with the increase in prices, the demand in sight in a great number of units in the state. Out west we are limited by the resource itself. We are approaching the demand curve in the vast majority of our units. Commissioner Johnston – Last year what were the number of whitetail either sex permits in Units 11 and 12 compared to what is being recommended this year? Fox – For nonresidents in 2005 in Unit 11, 1,586, last year 1,526; in Unit 12, 582 last year and this year 666. This is driven by resident participation in these units. Unit 12 has good deer populations, but a smaller human population than Unit 11 has, and people tend to hunt closer to home, so we have more people applying for resident permits and that allows more nonresidents to participate in that same area. Chairman Dykes – Do we know how many transferable landowner permits were not transferred? Fox – Yes we do. Tymeson – It was about 600. Fox – I was thinking it was about 300 in the whitetail either sex and then all together about 600 total landowner permits that were not transferred. They were obtained by a Kansas landowner, but not transferred.

Commissioner Lauber – The increase in Units 11 and 12, for example, will be the largest increase, but presumably that is the area that had the under-subscription already so we are remaining consistent with some ratios that agri-business special interest groups pushed through and we are probably not going to have any additional pressure. Fox – Unit 11 also has a robust deer population in it and it is one of the units shown a slight upward trend in our deer indices.

Commissioner Lauber – I think it would be counterproductive to suggest change other than what the Secretary's Orders are. Chairman Dykes – Are we required by statute to raise the cap? Secretary Hayden – We are not required, it is a cap not a floor. Legislature encourages us to do it and it is our recommendation based on the fact that we are going to have a major overhaul next year if the Deer Working Group's recommendations are adopted by the Commission and ultimately by the Legislature. So rather than fan any of flames unnecessarily we are suggesting that we go along with what is expected. Commissioner Lauber – I am not soft on nonresidents and the concern I have is that some of these people are starting to get what they wished for. If we decline to amplify that point and don't do it this year they may come back this summer or fall when we begin to look at the new deer regulations and be more active. We are throwing a bone to the folks who promote nonresident activity and it is not going to give any additional pressure, but it might pull some of their teeth as we start to deal with the new issues. Chairman Dykes – I understand that and I think you are right, but we also have the other perspective that the agency is less concerned with individual resident opportunity and more concerned with creating

economic value for landowners and opportunity for nonresidents and there is a tug of war going on there and think we have a pretty sound justification if we didn't ratchet it up. To anybody who questioned us we can say we saturated the demand. We sold all the permits we can sell and there is no point in raising the permits further and that would be a signal to the residents that we are not doing this just to make a buck. Commissioner Lauber – I guess I would like to have one more year of people scrambling to find a home for these transferable permits in hopes that they will lose their long-term luster. The transferable permits have caused more grief for residents than anything else.

Mike Pearce – This year the increase for nonresidents on whitetail firearms permit is 21 percent and archery is 13 percent? Fox – Correct. Pearce - Last year how many units filled on archery nonresident permits? Fox – All of the archery permits were subscribed for. Pearce – Were there any units where people drew with no preference points? Fox – I don't know. Pearce – We've got the Deer Task Force that is going to have public meetings and when will that go to the Commission? Secretary Hayden – In October. Pearce - How many of you seven may not be here in October? (*John Dykes raised hand*) Chairman Dykes – Chris, as these relate to Secretary's Orders there is a division on the Commission. What sort of latitude do we have in affecting what is ultimately adopted by the Secretary? Tymeson – You have no authority, we bring it before you to bring it out in the open, but the Secretary has the ultimate authority to sign it. Secretary Hayden – We are certainly interested in the feelings of the Commission.

Mike Nickels – I live in northeast Kansas in the McLouth area and we farm and have an outfitting service so we see this from all different directions. Secretary Hayden and Lloyd touched on a couple of things here, but I would like to flesh them out. There is a lot of confusion on this and I hear it from Commission comments in regards to nonresident hunting and how that puts pressure on residents. As a landowner I have never had a resident hunter that really wanted to hunt that couldn't come hunt on my land and I have people come from all over the United States come hunt on my land and I have never turned down a resident that would put in an honest effort to come and deal with me as a farmer and work to have a place to hunt. That is one thing we have lost sight of and the complaints about losing a place to hunt are justified in some cases if a person loses his place, but that has happened to me. I have places I hunted as a kid and I don't go in there and hunt anymore because somebody came in and did a better job and treated that landowner better. They take vacation days, they come build fence and are doing the things we are teaching the kids to do to get a place to hunt, but yet you have made reference that we are taking places to hunt away from the residents and I would offer to you that the residents who don't have a place to hunt are their own worst enemy. They are not trying or giving it the effort and value they should. They want to go out, call somebody up or knock on a door and go hunt, they don't want to plan on it or give up a few days of vacation in the summer time to go help somebody out. I know we are short on time and it is difficult for a lot of us to do and that is where the guiding comes into play. People from far away don't have to come knock on a door and give up a vacation day and come hunt and a resident has that same option and if he is not willing to give up a few days of vacation to come out locally and try to establish a relationship with a landowner. He doesn't need 10,000 acres to have a good deer hunt in Kansas. One of my guides shot a great deer on a little farm that I've got that I didn't have nerve enough to put one of my clients on. It is not how it is being presented in most cases, we all lose land, outfitters lose it, residents lose it (for various reasons – it changes hands) and we can all go out and have a place to hunt. It is not either or. What I really wanted to touch on was the dynamic of these transferable permits they have been treated as a bad thing, but really they are good and very necessary to have a stable revenue source for this department. I think the nonresident sales have been a real good thing for the department as far as money generated and could do even better. One of the problems with it is that it is skewed because permit numbers we used are not tied to a huntable deer population in each unit it is tied to the logistics of how many people hunt that area. So we are giving out nonresident permits to hunt Kansas based off of how many of our residents hunt a specific area and that has never been a good way to do it. It was an even worse way when these

transferable permits were not tied to a county. These transferable permits are now tied to a small area, smaller than a unit, they are tied to one or two counties. So that was another dynamic that has come into play that has caused the permits to become less of a commodity. We learned it quickly, but other landowners and outfitters didn't learn it quickly that they couldn't transfer a permit to somebody anywhere in the state. I am not saying that is an unmanageable situation, I think it is manageable, but we have to be aware that the reason all of these permits didn't get used was because people were unaware of what they were getting into and we basically wasted a permit. It may be a good thing that we sold that permit and collected \$300 for the state, but that permit laid there and there was somebody that wanted to come in the state and spend much more than the \$300 to use that permit, but it was lying in the wrong place. It was with somebody who didn't have a good farm to hunt or a place that was already covered well enough with permits that there wasn't a place that somebody could come in and hunt. So we basically wasted a resource by having those permits tied to a county. I think it is just a learning curve and once people learn that they are tied to a county there won't be that big rush to get a permit and sell it for \$2,000. That was the hard knock that caused this to happen. Additionally, when you take all the units in the state, and Lloyd can correct me if I am stating something that is not a fact, there is nothing that says, in our numbers of permits for Unit 10 or Unit 1, that is the right number of permits for the whitetail deer in that unit, it is tied to how many residents come into Unit 10 to hunt. I don't know of very many residents that do a scientific survey, none of us are our own biologist, it is simply a matter of logistics. If you got relatives in one unit you can hunt there, if it is farther away from the population centers it doesn't get as much hunting pressure by residents, it is just a natural phenomenon. Those two issues on these nonresident permits have made it real difficult to analyze and to say we have saturated the market is inaccurate because we still have the majority of units that are over-subscribed for the permits there, whether firearms or archery. We said the archery permits are all being taken so we have not anywhere reached the limits for archery permits because they are tied to a smaller number base, which is resident archery hunters and that has nothing to do with the huntable deer population in a given unit. We don't want to hitch our wagon to bad math that is tied to people and not deer. If we are talking about shooting deer we want to talk about how many deer there are to shoot, we don't want to tie it to whether a guy has a relative or lives close enough to an area to hunt. That is why these numbers are going to have to be looked at a little bit sideways and realize that the majority of units still have more demand out there. I am the last one, even though we've got interest in western Kansas I would not want it to be opened wide open and give everybody a permit that wants to buy an over-the-counter archery permit, but the logic would be to figure out how many permits are reasonable in that area, not to pull it off the number of permits we sold to residents, that doesn't tell us anything. It doesn't vary much from one year to the other that I have seen because that is just the way people hunt in Kansas. They aren't going to travel 600 miles three times to go in and out to western Kansas to hunt when they know they have more deer in their back yard and all they got to do is go a few miles to get it. The places to hunt isn't as big an issue as what people would like to say it is. People don't come to me and ask me if there is anything I can do for you so I can have a place to hunt. They don't have that time and that is the nature of the outfitting business too, the people I deal with don't have the time to develop a relationship, sometimes even where they live, so they might as well take a trip to Kansas and that is good for Kansas. I really am concerned because every Commission meeting I have been to I have heard this overtone that there is a problem here when really it is just an opportunity. We can generate revenue for game management, biologists, we can do all of those things if we just make a little better attempt to figure out if another 100 permits in a unit would hurt us. If it is not going to hurt us and is going to help us, let's sell them. If we are thinking that a herd in a unit can't stand it then don't sell it. We don't want to think that we have taken care of this problem that we have taken care of all of the customers there because we are not taking care of them. Say you can go over and stay in this motel, even though it's not the one you want to go to but there is plenty of rooms, it just doesn't work like way. The same way with permits, people have a place they want to go and if it is hard

to get a permit they will live with that and I think it is in the state's best interest to look at the resource and if we need to generate revenue in order to manage the resource better there are ways to do that. I noticed how much some of these Commissioner's permits sold for at auction and it doesn't take a lot of those to get some biologists and we don't have to be perfect, the deer population doesn't have to be down to within two percent, if we can get it within ten percent of what is out there in each unit we would be geniuses. Chairman Dykes – I think the whole theory of managing the deer herd on the basis of units is founded on the fact that biologists are dividing the state up and deciding if a unit can support a certain amount of pressure, or certain number of permits to be issued and that is the fundamental decision that Lloyd makes in saying what each unit can take. Nickels – That is the start of the logic, but not where it falls. Chairman Dykes – Then there is a tug-of-war going on deciding how it gets divided up so that is what has made it very complicated. Nickels – If you are going to divide a place into units you have to decide why you are dividing it up, what is the reason and the reason for dividing it into deer units is not to see whether it is accessible by a good highway, the reason is to see how many deer is in that unit to manage that unit based off of what it can handle. That is where we are disconnected here. We've got the units there but that is all we've got and we are not managing them as a deer producing unit, we are managing them as a logistic unit for hunters. Chairman Dykes – I don't agree with that. Commissioner Lauber – Human nature being what it is and self-interest rules opinions and I've never seen a bait shop operator who wanted to have a bigger limit on crappie, or any other fish, and never known an outfitter who didn't feel like we had a little more room for a few more permits out there. I disagree that there is land available to hunt, I think for those who can afford it there is. You may be kinder or gentler than most people, but a lot of the people I know in southeast Kansas, if people coming from out of state want to pay a sizable fee for exclusivity in hunting rights and they don't want to walk around locals when they pay that kind of money. So your situation may be a bit of an unusual situation. It has come down to, people can pay the outfitter or they can put in a certain amount of labor and I understand that is the way it is probably going to be from here on out, but I don't want to try and make that worse by giving more permits and more of the resource to be distributed to nonresidents than what the demand maybe is. Nickels – I would hazard to guess that the percentage of land in your geographic area that is actually leased by outfitters and leased by Wildlife and Parks is very small. I would guess the majority of land where you are from could be hunted by residents. It is not leased by Wildlife and Parks or by an outfitter. The percentage of land that is leased by Wildlife and Parks and outfitters is just on the head of a pin in the state of Kansas. There is so much land out there. You are making that statement, but I will give you my phone number and you give me the numbers of how much land is leased up in your area and you talk to the outfitters and they might have 20,000 acres and that is nothing if you are talking about a million or two million acres. There is lots of land out there. You are saying what you have heard and you are saying what you feel, but the reality is Kansas is a huge place and there is a lot of good land out there to hunt. There is more land out there than the residents and nonresidents can hunt. Commissioner Lauber – I am saying what I feel and what I have heard, but part of my role is to respond to what I've heard from a lot of people. Granted, people who are always happy don't send an email saying "gee Gerald, things are great, just thought I would let you know". That is not the way generally that happens. Nickels – No, the pat on the back is usually a little lower with a boot. Commissioner Lauber – I don't think that this last year that the increase in nonresident permits made any appreciative difference and I think these Secretary's Orders will make no difference either. I also believe there is a lot of pressure from a new economic demand group that wasn't here ten years ago and it primarily started when this agency was forced to accept transferable landowner permits. That is my opinion although it isn't also my approach, as I have said before I think these Secretary's Orders are fine because I don't think it is going to create any additional pressure. Nickels – No, my original thrust of this is the fact that these numbers we are talking about are not deer numbers, these are resident hunter numbers and they are tied to where they go and their perception of where the place is to hunt and given a good estimate somebody in the department

would be able to come out and say that we have all of these deer in this unit, we are probably not going to get enough people to hunt that unit and we've got a lot of people who want to hunt this other unit and it could handle a few more, but it can't handle a lot. That is were we go with the 600 permits that didn't get used. If they had been allocated better, with better science, those permits would have been a resource for this state instead of just land. We are talking about more than landowners and once again, as a landowner, I would like to say, how come I can't make a profit on my land. When were you able to come in and say you can plant crops on that land, but by God not use it for recreation cause that is the right of the state of Kansas that those people can come in and use your land for recreation. That is what you are telling me. Commissioner Lauber – I grew up on a farm and I know both sides. I am not a landowner, but my father is a landowner, and I realize how difficult it is and I think what we want to do is take both sides, but number one we have some pretty good in- depth deer management. I don't think these numbers are done by Lloyd spinning a wheel and wherever it landed is where he decided to offer the permits. Nickels – We have discussed where they came from. Commissioner Lauber - Your suggestion was we could handle half a dozen or maybe ten more deer can be harvested there, so I will take those permits and get rid of them for you. I think there is a lot of factors. I understand where you are coming from and I realize how dependent and how appreciative we are of farmers and ranchers, but there has been an issue, a perception if you well, of nonresident permits having created a problem and I hear a lot of it. We are pounding the turtle and it is not going to stick its head out of the shell. Chairman Dykes – I think the agency would be well served to forego the increase in nonresident permit numbers simply for the reason I gave earlier. As it stands now, in a big portion of the state nonresident permits are undersubscribed, that perceptions are important and raising the numbers will result in diminished opportunity for resident hunters. I think the agency could do itself a favor by leaving the permits as they were last year in terms of the split between residents and nonresidents and the numbers of permits available. While I understand it can create political problems for you. I think you've got to weigh the political impact from a constituency that they are not being represented versus the Representatives themselves, while a vocal group are still a minority, may take that as an affront to the directive that they gave us several years ago. Commissioner Johnston – I would like to add a little bit to that. I agree with you. At this point in time it is already published and it is already being discussed amongst the resident hunters all over Kansas that the Deer Working Group is planning to go to unlimited nonresident either sex deer permits. With this discussion percolating and this increase as well the problems we are hearing about, and been hearing about for quite some time, certainly aren't going to go away. They are going to get more strident. It is a constituency problem and public relations problem and I don't think we can ignore it. Commissioner Lauber – I feel compelled to comment a little further on this. I am concerned about some political backlash. We are going to go through a lot of issues as we talk about some of these new deer regulations and I guess I am looking at it as a hollow gesture to increase the number of permits, but it gives us some political fodder when a potential political attack would come, which doesn't play fair. Representative so and so gets mad at us and can't attack us head on so he does a proviso that we can't drive trucks or we don't get water. They never deal with these things head on so that we can argue about the biology, it is always about the politics. The speaker who was just here, I guess I do this to extend an olive branch to him and his group by suggesting we increase these numbers, but there is also a perception by his constituency of Wildlife and Parks stand for that may be just as skewed as what he believes the other people feel. We are offering something that I don't thing is going to make any real difference. Chairman Dykes – I don't think it is going to make any real difference either. The perception is going to be that this is one more nail in the coffin for the resident hunter and I would tell you that it was instructed to me to watch what happened politically when 2115 was introduced to repeal unit archery statutes and how quickly, with the mobilization of resident hunters, the political climate seemed to change in the legislature. Now they didn't get it done, but they came pretty darn close and made more headway than I ever dreamed they would make. I think the same thing could very likely happen here and I believe that the folks that have been the

impetus behind the transferable landowner permits in the legislature are a relatively small number of folks, but they have a lot of clout and they have well organized lobbyists that provide support. If the resident hunters (bow hunters or rifle hunters) should ever get organized and get their acts together I think that whole dynamic could change dramatically. I think if the agency would take the step this year of holding things in place, not only would they satisfy the demand and be able to point with certainty and with some fact that they have satisfied demand to residents and nonresidents then that gives them some cover. In the meantime they have reinforced the notion, that is accurate with residents, that we are here first to protect the resource, second to provide quality opportunity to residents and third to provide quality opportunity to nonresidents. Commissioner Wilson – Lloyd, did we sell all the nonresident permits in 2004? Fox – We did. Commissioner Wilson – In 2003 we did? Fox – I believe so. Commissioner Wilson – And last year we didn't sell 600? Fox – We are comparing two different things here, one is the landowner permits that were sold, but then not transferred to an active hunter and the other would be a couple of hundred permits that were never subscribed for. There were four units that did not have application rate for the firearm whitetail either sex permit. Commissioner Wilson – All those are included in that 600 number? Fox – The 600 number is the number purchased that were not transferred and then there is still a couple hundred others that were never applied for that were left at the end of the hunting season. Commissioner Lauber – Part of what used to drive full subscriptions for a two or three year period that everyone in the farm stead who was able to breath applied for a permit and so you created a family of four applying for all on an 80 acre permit, or whatever the maximum is, and this last year it finally got to the point that there was just a little more. There has been a certain amount of overselling in general of the Kansas deer herd.

Doug Phelps, Manhattan – Lloyd, I think all of us that are paying attention are aware that Units 9 and 10 didn't sell out for nonresidents last year. I think a better measure of nonresident demand or lack of demand might be better addressed by how many preference points were awarded last year from non-successful applicants for nonresidents. We know there are some units in the state that are high demand and some are low demand. Were there preference points awarded in the east? Fox – There may have been individuals that acquired preference points, but I don't think there were any in the east. We look at the combination of applications that includes nonresident for archery, nonresident for whitetail either sex, nonresident for muzzleloader in the western units and also landowner applications for those same permits in each unit. We did that on a unit per unit basis looking at total demand in Unit 9, 10, 11, 1 or whatever and then we started combining units to see if we were meeting or exceeding demand in a block of units as opposed to individual units. We spent quite a lot of time doing that and that is where much of the discussion in the Deer Task Force looked at demand and at the same time looked at deer trends. The sale of permits and what happens at harvest is just one aspect. We need to look at the other aspect of what is happening with the deer population, the age structure and as we have historically managed deer in Kansas based on people's tolerance for deer. We are looking at all of these factors simultaneously. The controlling item has been the antlerless permit game tags and antlerless-only seasons, those have been the driving factor after we have reached the level of saturation with resident hunters. By the mid to late 1990s we were authorizing far more permits than we had residents applying for. They were based on deer population trends. After that point we started working another aspect of deer management which was antlerless deer control. It is difficult to try and explain how you change your controlling mechanism through time, but that is what we did. Phelps – It is pretty obvious that as quality and quantity declined that demand is probably going to follow. It is probably going to take a year or two. Like the man up here said, the people are not going to pay the high price of coming in unless they feel they have a reasonable opportunity. Chairman Dykes – I think the best measure of whether or not you are meeting the demand goes back to the comment the Secretary made, the price of transferable landowner permits has been declining for the last three years. That would suggest to me that we are meeting and probably exceeding the demand for those types of permits and if that is the case

I think we could make just as affective an argument in saying, as we watch the price decline we want to maximize landowner economic benefit so we are going to cap off the issuance of these nonresident permits to keep the price high. Phelps – When it comes to nonresident transferable permits, my personal opinion is the more we can do to devalue them the better off we are. I for one have been in the battle for a long time, since before we had them, and I would like to see the department get back in the business of issuing permits. If we want to talk about value of the resource and give it economic value I think there are far better ways and far more equitable ways for the landowner to benefit then the sale of these atrocities. Chairman Dykes – There you have it Mr. Secretary.

4. KAR 115-25-7. Antelope; open season, bag limit and permits. - Matt Peek, wildlife research biologist, Emporia, presented this report to the Commission (Exhibit V). The main change in this regulation from previous seasons is that it establishes unlimited nonresident archery pronghorn permits. Resident archery permits will also be unlimited as they have been in the past. Relative to the season dates, this regulation retains the extended season that we initiated last year so the archery season dates will be September 23 through October 1 and October 14 through October 31. The archery permits are valid in all three units that are open to pronghorn hunting. The firearms and muzzleloader season are standard relative to what they have been in recent seasons. The firearms season is four days and is proposed for October 6-9. We have allocated 100 firearms permits for Unit 2 and 30 for Unit 17. The muzzleloader season is eight days and will run October 2-9 and we have allocated 26 muzzleloader permits for Unit 2, 10 for Unit 17 and 8 for Unit 18. These firearm and muzzleloader permits are still restricted to residents and the application deadlines are standard relative to previous seasons as well. Commissioner Johnston – I am confused by some of the information on the economic impact statement. Under the description paragraph it says, “recent trends indicate about 125 people apply for these permits as residents” and then down under the economic impact paragraph it says, “approximately 1,100 people will apply for an antelope permit”. If the trend is that about 125 Kansans apply for permits, is it a fair conclusion that if you are predicting 1,100 people are going to apply for a permit, that is going to be about 975 nonresidents? Peek – No. Tymeson – I wrote that and that is the total number of applications we will get for firearms who reach the top of the preference points. Commissioner Johnston – I see. Peek – In other words the 125 is the number of archery permit holders and the remainder of those applicants are applying for limited permits for firearms. Commissioner Johnston – But getting turned down.

Mike Pearce – On firearms permits, is that stable from last year or an increase? Peek – It is an increase in Unit 2, Unit 17 and 18 are the same but we increased by 10 firearms permits and 6 muzzleloader permits in Unit 2. Our aerial surveys have shown a little bit more of a population increase in that unit. Pearce – When are you projecting issuing permits in the Flint Hills? Peek – We haven’t really talked about that, there is such a small number out there. The last time we flew they were half does and half bucks.

Randy Smith, Kansas Bowhunters Association – We would like to go on record that we are against the over-the-counter option for antelope tag while resident hunters are still unable to get a guaranteed tag. I’m sure it is a rare event for an archery association to speak up for the rifle hunters of Kansas, but it needs to be done.

Dave Easton, Pottawatomie County – Your idea about unlimited nonresident archery antelope, your feeling is they won’t kill enough to animals to make any difference? Peek – That is correct. Easton - Where is the pressure coming from? You’ve got to be getting some pressure from somewhere to go for this nonresident unlimited archery. Is it from landowners? Peek – Yes,

landowners and pressure from the legislature. Easton – A few landowners, I assume? Peek – Yes. Easton – I assume these few landowners are probably large holdings. Peek – I don't know the answer to that. They are in pronghorn range. Easton – You may not be creating the opportunity to kill a lot more animals, but you sure are going to create the opportunity to lock residents out of some more acres. The big landowner, 10,000 or 20,000 acres, if a nonresident wants to come in there and say, I can buy the tag now and the landowner says, its yours and we are locked out. We don't need it.

**Commissioner Johnston moved to bring KAR 115-25-7 before the Commission.
Commissioner Harrington seconded.**

The roll call vote to approve KAR 115-25-7 as recommended was as follows (Exhibit W):

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

The motion to revoke KAR 115-25-7 passed 5-2.

5. KAR 115-25-8. Elk; open season, bag limit and permits. - Matt Peek, wildlife research biologist, Emporia, presented this report to the Commission (Exhibit X). At the last two Commission meetings we have discussed the possibility of opening the hunting statewide and at the last meeting the Commission recommended removing Morton County from this proposal. KAR 115-25-8 had already been provided for public comment at that time so what we have is the regulation as we provided it initially and a possible amendment which is where the removal of Morton County is found. Also, included in the amendment is the terminology that requires hunters to contact the department upon harvest of an elk in order to facilitate collection of the CWD sample. As far as the regulation itself is concerned that would open elk hunting on a statewide basis and everything else is allocated. We are proposing 15 any elk and 15 antlerless elk permits be allocated.

**Commissioner Harrington moved to bring KAR 115-25-8 before the Commission.
Commissioner Lauber seconded.**

**Commissioner Lauber moved to amend KAR 115-25-8 before the Commission.
Commissioner Johnston seconded.**

The roll call vote to amend KAR 115-25-8 as recommended was as follows (Exhibit Y):

Commissioner Harrington	Yes
Commissioner Johnston	Yes
Commissioner Lauber	Yes

Commissioner Meyer	Yes
Commissioner Sebelius	Yes
Commissioner Wilson	Yes
Commissioner Dykes	Yes

The motion to amend KAR 115-25-8 passed 7-0.

The roll call vote on amended KAR 115-25-8 was as follows (Exhibit):

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

The motion to approve KAR 115-25-8 as amended passed 7-0.

XII. OLD BUSINESS

Commissioner Wilson – Commissioner Meyer and I had the pleasure of attending the Law Enforcement Division banquet last month. That was a very enjoyable evening for me. I really appreciate all of the work the law enforcement staff does and as always it was wonderful to be there for the awards and hear about all of the great things that have gone on in the past year. Thank you again for the invitation. I also wanted to let the Commission know that we have a movie that is going to be filming at Scott State Park next month, called “Trail End”. It is a short movie, about 20 minutes in its final version. The parks division has been really helpful showing the filmmakers possible locations. They will also be filming at Smoky Valley Ranch. This is out in some parts of the state that most people don’t see so we are going to get some good publicity for our state out of this. I would like to thank Bob Mathews he has been very helpful to the film commission in providing some photos of various parts of our state. I had the pleasure earlier this week of attending the last meeting of the Kansas Lewis and Clark State Bicentennial Commission and the department received a partner award from the State Commission to say thank you for all the work. The Commission was formed in 2000 it took longer than the actual expedition to do the bicentennial. I would like to say my thanks to the department for supporting the project in Kansas City as well as all the projects statewide. Chairman Dykes – I understand you are attending the Outdoor Woman conference. Commissioner Wilson – I am going to become an Outdoor Woman this weekend with the rest of the women who are coming to Rock Springs and I am looking forward to it.

Commissioner Meyer – Sheila, do you have anything to say about the Fort Riley tour tomorrow. Sheila Kemmis – It starts at 7:30 instead of 6:00 a.m. for those of you attending and the van will pick us up in front of the hotel. The prairie chicken booming is off, sorry about that they expect rain. In the afternoon the tactical training in the tank has also been cancelled but they have replaced that with small handgun training if you want to do that.

XIII. OTHER BUSINESS

A. Future Meeting Locations and Dates

June 29, 2006, William Carpenter 4-H Building, Scott City with a tour of Scott State Park in the morning.

August 17, 2006 – Discussion of Pratt or Safari Museum in Chanute. Secretary Hayden – Suggest Pratt for one and Chanute for the other (October or August). Chairman Dykes – I suggest we go to Pratt because we will finalize the waterfowl seasons and Chanute in October.

October 26, 2006, Chanute.

Secretary Hayden – Joe can line up an early tour of Texas Lake and we won't cancel because of rain.

XIV. ADJOURNMENT

Commissioner Harrington moved Commissioner Meyer seconded to adjourn.

The meeting adjourned at 8:35 p.m.

(Exhibits and/or Transcript available upon request)

Exhibit Z – Milford State Park Synopsis from tour
Exhibit AA – Milford Nature Center handouts from tour
Exhibit BB – Notes from Dick Koerth
Exhibit CC – News Article from Harris News Service on Playa lakes

Secretary's Remarks

2006 Legislative Actions in Review

Bills that passed and were signed by the Governor

- SB 62 Child support enforcement-no regulatory action needed-Effective July 1, 2006
-Restricts purchase of licenses, permits, stamps, tags or other issues of the KDWP by applicant if owe child support
- SB 417 Boating law enhancements-no regulatory action needed-Effective Jan 1, 2007
-updates boating laws to conform with federal laws, new statutes to deal with marine theft
- SB 553 Land acquisition restrictions and sale restrictions -- no regulatory action needed -- Effective publication in Kansas Register
-Prior to any land purchase-
- 1) certify noxious weed compliant, ad valorem taxes paid, management plan for property
 - 2) 640 acres or greater-requires legislative approval
 - 3) Unless purchased for less than appraised value
- Prior to any sale
- 1) written notice conspicuously posted
 - 2) published in newspaper
 - 3) Kansas register publication
 - 4) appraised by three appraisers
 - 5) list land by licensed broker and salesperson
 - 6) survey of property
 - 7) disposition in best interest of state
- SB 578 Possession of certain regulated animals -- regulatory action needed-most likely October meeting -- Effective July 1, 2006
- -Defines person, wildlife sanctuary, possess, dangerous regulated animal, local animal control authority, and registered designated handler
 - -Oct 1, 2006 -- requires compliance by animal owners with APHIS regulations, non-native venomous snakes with caging requirements, can't breed animals unless person licensed with APHIS and has no felony convictions
 - -Sept 1, 2006 -- requires registration with local animal control authority and inventory with identification of specific animals and allows for inspections
 - -sets maximum fees charged, requires \$250,000 liability insurance
 - -requires health records, veterinary care, notification of location change, signage that the animals exist on the premises, notification to law enforcement if escapes occur, maintain live traps to recapture if necessary
 - -confined by cage -- regulations by KDWP, can't be tethered or allowed to run at large, not neglected or mistreated, can't have physical contact with

any person other than the owner, handler or veterinarian, not brought to public venue

- -allows for seizure by local animal control if not in compliance with act, 30-day grace period, seizure with notice, costs associated attributed to owner, may place with sanctuary or other APHIS permitholder
- -Exemptions -- AZAA or ZAOA accreditations from registering with local authority, as well as Oct 1, 2006 requirements, Sanctuaries from Oct 1, 2006 requirements, USDA licensed circuses
- -April 1, annually, local animal control authority reports to Secretary of animals registered
- -violation to have custody or control of animal unless designated handler
- -KDWP sets by regulation requirements of designated handler
- -KDWP provides educational programs for local animal control authority
- -County or municipality may be more restrictive
- -Violation is class A nonperson misdemeanor

HB 2432 Recreational trails -- liability of adjacent landowners -- no regulatory action needed -- Effective July 1, 2006

- -Provides protections for adjacent landowners, allow lawsuits to occur by private citizens against trail operators

HB 2899 Feral swine -- no regulatory action needed -- Effective July 1, 2006

- -Outlaws hunting of feral swine, increases fines for importation and live possession

Bills that did not pass

SB 87 Park funding through license plate registration fee

SB 228 Controlling the release of water from Cedar Bluff Reservoir

SB 395 Free hunting and fishing licenses for disabled veterans, free park entrance for members of the military

SB 459 Child support restrictions for hunting/fishing/parks, Park 24 naming, half-price lifetime licenses for those under 25, commissioner apportionment

SB 483 Land acquisition restrictions

SB 526 Eliminating antlered permit restriction prior to purchasing antlerless permits

SB 534 Windpower electric generation facilities -- use of KDWP standards for placement

SB 561 Use of ATVs in state parks

SB 583	Funding for state parks through EDIF
HB 2115	Repealing archery deer management units
HB 2210	No hunter education needed for current and former military members
HB 2226	Land acquisition restrictions
HB 2393	Controlling the release of water from Cedar Bluff reservoir
HB 2459	Transferable antelope permits
HB 2476	Imposition of transient guest tax for KDWP cabins
HB 2561	Commissioner apportionment
HB 2778	Concerning the preservation of Cedar Bluff Reservoir
HB 2782	Repealing prairie dog laws
HB 2783	Prairie dog management and control
HB 2817	Land acquisition restrictions
HB 2846	Park 24 naming
HB 2894	Free hunting and fishing licenses for veterans
HB 2896	Concerning information gathered by conservation officers
HB 2917	Over the counter nonresident archery deer permits
HB 2930	Removing qualifications of the Secretary of KDWP

TO: Members of the Commission on Wildlife and Parks

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

SUBJECT: Status Report on FY 2007 Budget for KDWP

DATE: June 29, 2006

At the Kansas Department of Wildlife and Parks (KDWP) Commission meeting on April 27, 2006, the commission was informed of the status at that time of appropriations for the department. Since that meeting, the legislature has completed their work including the Omnibus Appropriation Bill for FY 2006 and FY 2007. The governor has signed the bill.

The following is a summary of the governor's recommendations and legislative actions during the 2006 Legislative Session. Attached are tables with the FY 2006 and FY 2007 approved expenditures and the amount, by item, for Capital Improvements in FY 2007.

For FY 2006, the governor recommended a budget of \$60,172,655 of which \$18,008,076 was for capital improvements. Included in the recommendations was funding authority to repay the state for a loan to construct a new campground at Tuttle Creek State Park and to repair the dam at Leavenworth SFL. The governor's recommendations had reduced salaries and wages by \$188,456 for salary shrinkage. In addition, the governor had requested the KDWP to review the number of pickup trucks and cars utilized by the department and to prepare a plan to delete 25 vehicles.

The legislative-approved budget provides for expenditures of \$60,361,111 of which \$18,008,076 is for Capital Improvements. The legislature restored the salary shrinkage amount of \$188,456. In addition, the legislature "shifted" \$200,000 of SGF from National Guard license reimbursement to state park operations and provided that any unspent balance of that amount would be re-appropriated to FY 2007 for the same purpose. The legislature also included a proviso stating that the KDWP could not delete any vehicles from the existing number used by the department. The governor vetoed this proviso, but is allowing the KDWP to utilize a portion of the vehicles to be deleted until September 1, 2006.

For FY 2007, the Governor's Budget Report (GBR) included increased funding to allow for additional land acquisition, \$250,000; operations of the Prairie Spirit Rail Trail 3rd stage, \$65,000 and one FTE; funding of the Almena Irrigation District payment from the State Water Plan Fund, \$120,000; funds to replace 42 vehicles other than state parks, \$781,725; salary increases for all employees, \$538,596; expansion of WIHA, \$300,000; a replacement backhoe, \$220,000; archery in the schools, \$20,000; fisheries programs, \$155,000; and a state buoy plan, \$46,000. All of these items were approved by the legislature. In addition to the above issues, the governor recommended in the GBR and amount of \$1,000,000 as a transfer from the State Highway Fund to KDWP to finance state parks operations in FY 2007. The legislature amended her recommendation to provide the additional funding from the SGF rather than a transfer from KDOT.

On April 17, 2006, the governor amended her budget to provide for “Open access to state parks” effective January 1, 2007. The governor’s proposal was to eliminate the vehicle access fee for state residents and to replace the reduced revenue from vehicle access fees with a SGF appropriation of \$1,250,000. The governor’s proposal was intended to complement SB 583 that would have provided permanent gaming revenue to the state parks and for local grants.

The legislature did not concur with the governor’s budget amendment and instead provided for a half-price vehicle access fee for all park visitors effective January 1, 2007. To replace the revenue lost to the Park Fee Fund from the reduced pricing, SGF appropriations of \$800,000 for FY 2007 and \$800,000 for FY 2008 were provided. SB 583 was passed by the Senate but died in the House Committee on Appropriations.

In addition to the above issue, the legislature also provided for the following actions:

- Appropriated \$85,000, SGF, for five replacement state park vehicles;
- Appropriated \$66,700, including \$12,000 SGF, for replacement vehicles at the Pratt Operations Office;
- Appropriated a total of \$2,205,000, SGF, for state parks major maintenance capital improvement projects;
- Appropriated \$1,250,000, SGF, for state parks operations expenses with a significant amount for replacement trucks and tractors;
- Shifted \$80,000 of operating expenses for the Prairie Spirit Rail Trail from the Park Fee Fund to the SGF and eliminating the use of the Park Fee Fund for financing trail operations;

In addition to the items above, the legislature included a proviso that would have prohibited KDWP from pumping groundwater for playas and wetlands unless private donations were used. The governor vetoed this proviso. The legislature also included four other provisos which are in the approved appropriation bill: notification procedures for development of river access projects; no acquisition of the Circle K Ranch without legislative approval; prohibition against KDWP developing Park 24 without legislative approval; and legislative approval is required prior to any state park closure.

The legislative approved FY 2007 Capital Improvements (C/I) budget totals of \$7,390,000, which is an increase of \$2,205,000 above the governor’s recommendations. As mentioned above, this amount is additional SGF appropriations for state parks major maintenance. The remainder of the C/I items is per the governor’s recommendations. The attached table provides the items and amounts.

The KDWP appreciates the support provided by the governor and the legislature during the 2006 Legislative Session to provide additional funding for the state parks.

TO: Members of the Commission on Wildlife and Parks

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

SUBJECT: FY 2008 Capital Improvement Projects

DATE: June 29,2006

The Kansas Department of Wildlife and Parks (KDWP) has submitted the FY 2008 Capital Improvement (C/I) budget request to the State Division of the Budget. The request totals \$7,687,200 and the detail is included on the attached table. This amount is comparable to the legislative approved total for FY 2007.

The C/I request includes an amount of \$730,000 from the State General Fund (SGF). This is a significant reduction from the \$2,205,000 approved for FY 2007. However, as will be discussed at future commission meetings, KDWP is still pursuing a permanent long-term funding source for state parks that will address issues such as major maintenance of facilities. The SGF request will be used to assist in financing projects to renovate the Pratt Operations Office, develop State Park No. 24, and major maintenance for state parks.

The FY 2008 C/I request includes an amount of \$745,000 to begin development of State Park No. 24. The funds will be used for roadway improvements, \$325,000; development of a railroad crossing, \$250,000; a boat ramp, \$100,000; and design costs, \$75,000. In addition, the FY 2008 C/I request includes \$400,000 to assist in the acquisition of the Circle K Ranch if it becomes available during the fiscal year.

Another major initiative included in the FY 2008 request is an amount of \$1,598,000 for renovations at the state fish hatcheries. Of this amount, \$1,183,000 will be for major maintenance to the raceways and the water supply system at Milford; \$240,000 for a new fish house at Meade, \$125,000 for fish kettles at Farlington, and \$50,000 for a fish house drain line at Pratt. The majority of the costs for these projects will be funded from the Wildlife Conservation Fund by lapsing funds appropriated for a new water supply line at Milford. This project was approved for FY 2004 and KDWP funding was to match federal funds from the U.S. Army Corps of Engineers. The federal funds are not available and the department has other needs that must be funded.

The Pratt Operations Office renovation project of \$140,000 is to provide for re-roofing of the building and other smaller needs. The new classroom at the Milford Education Center, \$75,000, will be a mobile classroom type structure to provide additional space.

As in prior years, the FY 2008 C/I request will include a funding request for land and wetlands acquisition, \$1,050,000; public lands major maintenance, \$444,500; motorboat access facilities, \$935,700; road and bridge maintenance, \$1,700,000; river access, \$100,000; boat storage facilities, \$124,000; and parks major maintenance, \$375,000. These projects are ongoing and will continue to be a need addressed by KDWP.

June 20, 2006

Mr. Duane Goossen, Director
Division of the Budget
Room 502-N
Landon State Office Building
900 Jackson, Topeka, KS 66612

Dear Director Goossen:

The Kansas Department of Wildlife and Parks (KDWP) has prepared the FY 2008 capital improvements request for the department. Attached are the appropriate forms explaining the request of KDWP. In addition, the department has provided copies of the request to the Division of Facilities Management and the Legislative Research Department as requested.

For FY 2008, KDWP is requesting a total of \$7,687,200 for capital improvement projects. Included in the request, is an amount of \$375,000 from the State General Fund for Parks Major Maintenance, Development of State Park no. 24, and renovation projects at the Pratt Operations Office. An amount of \$1,598,000 is requested for renovation projects at KDWP fish hatcheries that will be financed from the cancellation of a project to construct a water supply line to the Milford Fish Hatchery.

KDWP continues to request funds for public lands. This is an important issue which should be continued. The department is requesting an amount of \$1.7 million to maintain agency roads and bridges. In addition, an amount of \$935,700 is requested to continue the federally mandated Motor Boat Access program.

As mentioned above, the FY 2008 request includes funds to begin the development of State park no. 24. An amount of \$745,000 is being requested. In addition, \$400,000 is included to assist in the acquisition of the Circle K Ranch if it becomes available during the fiscal year.

If you or your staff have any questions, please advise. Thank you for consideration of this request.

Sincerely,

J. Michael Hayden
Secretary, Kansas Department of Wildlife and Parks

CC: Richard Gaito, Division of Facilities Management
Allen Conroy, Legislative Research Department

General Discussion

KAR 115-25-6

Turkey; spring season, bag limit, permits, and game tags

Background

The Kansas wild turkey restoration program started in 1962. The trapping and transplanting of wild turkeys to suitable habitat continued until the mid-1980s. The department first deemed that the population could sustain limited spring harvest in 1974 when 400 permits were issued and 123 birds were harvested during a nine-day season. At present time, there are four turkey hunting units in Kansas and an initial turkey permit can be purchased over-the-counter for all units except Unit 4 (southwest Kansas). A total of 200 permits are issued for Unit 4 through a pre-season drawing, of which 125 permits are designated for the regular draw and 75 are designated for a drawing of applicants 16 years of age or younger. In addition to the initial spring turkey permit, a second turkey game tag has been offered for certain hunting units since 1990. Hunters can currently purchase a game tag for use only in Unit 2 (eastern Kansas) or Unit 3 (southcentral Kansas).

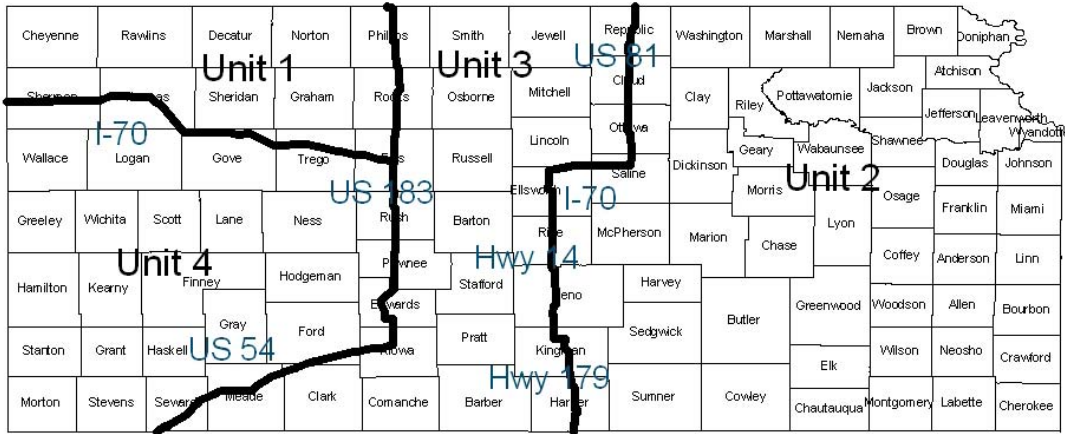
Results from the most recent spring harvest survey (2005) reveal that the department sold more than 56,000 permits (42,224 initial permits and 14,663 game tags). Of those permit holders, an estimated 41,007 hunters actively pursued turkeys and harvested more than 34,000 birds. Over 80% of the total harvest was taken with the initial permit and less than 20 percent was taken by hunters using a game tag. Only 6,142 hunters (15 percent) statewide filled both their initial permit and a game tag. Approximately 70 percent of active hunters harvested at least 1 bird during the spring 2005 season. Despite an increasing trend in harvest and phenomenal hunter success, the statewide turkey population continues to grow rapidly across most of the state. Population indices for the eastern half of the state are showing the most growth while indices are stabilized or only slightly increasing in the western 1/3 of the state.

Discussion

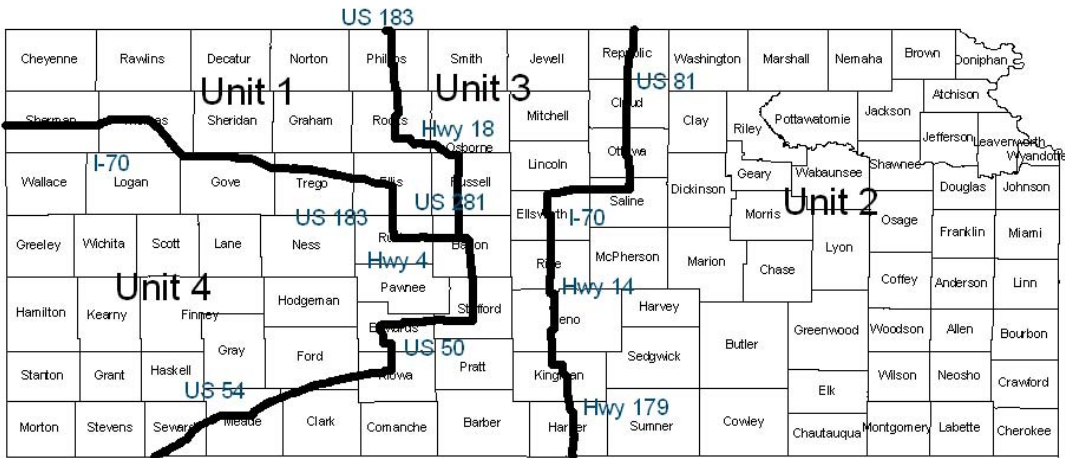
Because the turkey population continues to grow in most parts of the state, the department believes it is time to provide additional hunter opportunity. We are considering recommending an early archery-only season beginning April 1 and running through the regular spring turkey season opener. We are also considering a change in unit boundaries to provide additional opportunity in portions of central and northcentral Kansas. The department turkey committee was provided with three options for boundary changes (see below). Twelve of the 15 committee members provided rankings of these options and option #1 was most preferred by the group. Option #3 and option #2 were the 2nd and 3rd preferred options, respectively. Any changes to spring unit boundaries will also result in a recommendation to create corresponding fall units. At this time, the department is not considering any changes to bag limits, permit allocation, or regular season dates for the spring turkey season.

BOUNDARY OPTIONS CONSIDERED BY THE TURKEY COMMITTEE

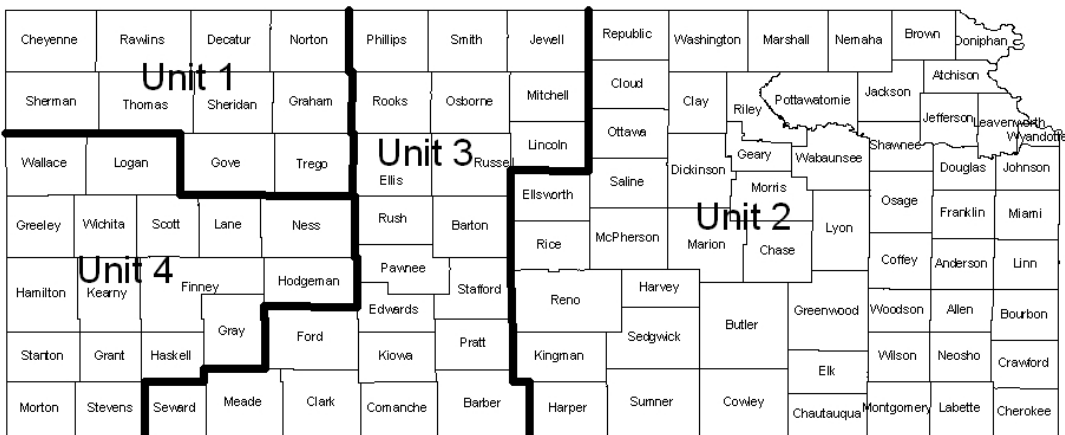
Option #1



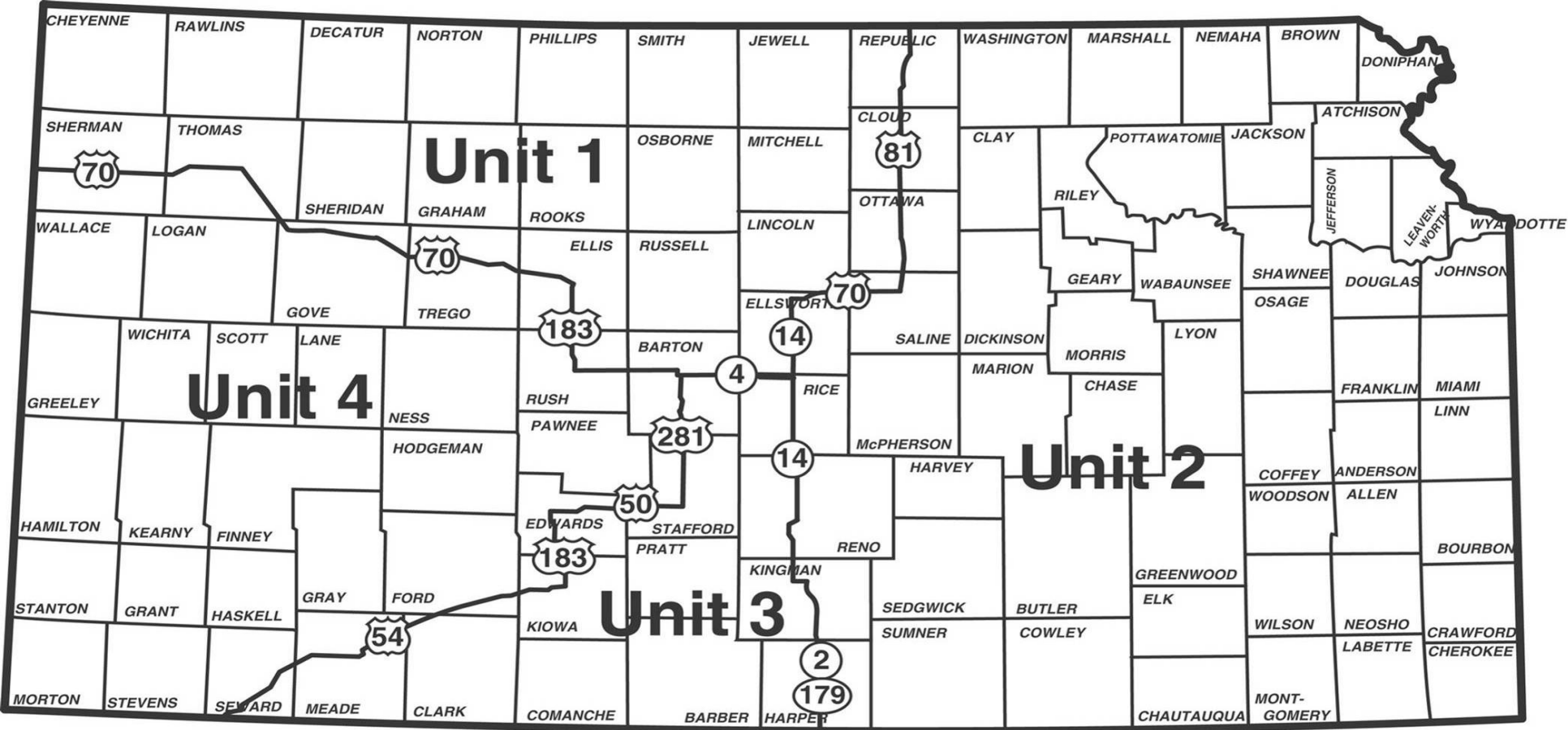
Option #2



Option #3



Existing Spring Turkey Units



Status of the Lesser Prairie Chicken in Kansas

Randy Rodgers, wildlife biologist, Hays

In November of 1995, the U.S. Fish and Wildlife Service was petitioned to list the lesser prairie chicken as “Threatened” under provisions of the Endangered Species Act. The USFWS concluded in 1996 that the petition was “warranted but precluded” by higher priorities. Lesser prairie chickens in Kansas historically occupied sandsage prairie, sand prairies, and mixed-grass prairies in an area basically extending from the Oklahoma border northward to the Smoky Hill River drainage and from the Colorado border eastward into what are now Harper, Kingman, Reno, and Rice counties. They also are found in New Mexico, Texas, Oklahoma, and Colorado.

At the outset of the Conservation Reserve Program (CRP) in the mid-1980s, the Kansas decision to primarily utilize native grass mixtures in CRP seedings has produced great benefits for the lesser prairie chicken. The species has expanded its range extensively, particularly in west-central Kansas. Cooperative efforts between USDA and KDWP to enhance the quality of CRP by interseeding forbs into existing stands and including forbs in new stands has further benefited the species. Research conducted primarily in Gove County demonstrated the value of CRP to the species. Conservation Priority Areas designed by KDWP staff have resulted in an additional 180,000 acres of high-quality CRP being contracted in just the last 3 years (most is already seeded) in areas where they can significantly benefit lessers.

KDWP staff have also finished mapping the current distribution of the species which, when combined with our 15 existing survey areas and GAP land cover data, allows estimation of the breeding population in the state. In the spring of 2006, we estimated there were between 19,000 and 31,000 lesser prairie chickens in Kansas, more than are present in any other state. Since a low point in lesser populations was reached in the mid-1990s, Kansas’ lesser prairie chicken populations have recovered and may now exceed levels present prior to that decline.

The greatest current threats to lesser prairie chicken populations in Kansas are likely (1) tree invasion of prairies in the eastern portion of their range and (2) human developments which are avoided by nesting hens, as was shown by a six-year KSU/KDWP study in the Garden City area. KDWP staff are working to minimize these threats as are staff from other agencies. Several positive factors are occurring, which include: (1) development of the Patch Burning / Patch Grazing system which has potential to benefit lessers in the Red Hills region, (2) native-species reseeded of 167 center-pivot irrigated crop fields recently purchased by Wheatland Electric (in association with Sunflower Electric Power Corp.) in the Holcomb area, and (3) a proposed Conservation Reserve Enhancement Program (CREP) which could result in native revegetation of large areas of center-pivot-irrigated croplands.

To further enhance understanding and appreciation of the species, KDWP staff recently completed production of a 40-minute video on the conservation issues associated with lesser prairie chickens across their five-state range. Over 900 of these (DVD and VHS) have already been distributed in Kansas and an additional 2,800 have been provided to NM, TX, OK, and CO wildlife agencies for distribution in their respective states. Many positive things are happening to benefit lesser prairie chickens, but efforts on their behalf must not be allowed to diminish.

Update on Sale of Commission Permits

In January 2006 Wildlife and Parks held the first drawing for Commission permits. Winners of the permits were: Quail Forever State Chapter, Salina; Ducks Unlimited, South Central Kansas Chapter, Rose Hill; Rocky Mountain Elk Foundation drew two, Wichita Chapter and Greater Kansas City Chapter; and Kansas Friends of the NRA drew three, Greenwood Chapter, Nemaha Valley Chapter and Flint Hills Chapter.

The first winner was the Rocky Mountain Elk Foundation, Wichita Chapter which chose the one elk permit and the other six winners chose deer permits. No antelope permit was given this year. Each winner sent in the fee for their perspective permit and was given a voucher to give to the person who bought that permit. The organization could auction the permit off to the highest bidder, raffle it off or just sell it. Five of the seven permits have been sold so far. Rocky Mountain Elk Foundation sold both of theirs, the elk permit sold for \$23,000 at their national convention and the deer permit sold for \$7,000. They have sent in a check for \$25,500 for their 85 percent and KDWP has deposited it into Wildtrust to be used for department-sponsored or approved projects. Also, the Friends of the NRA have sold all three of their permits for \$3,500 each, however they have not made arrangements on their 85 percent yet (\$2,975 per permit). Quail Forever and Ducks Unlimited have not sold their permits at this time.

Fees Regulations

KAR 115-2-2 Motor vehicle permit fees: The final action on state park funding was taken in HB 2968, which was the omnibus appropriations bill. A proviso in the bill calls for admission to the parks to be half price (for residents and non-residents) during calendar year 2007. The Legislature specifically appropriated \$800,000 to cover the half-price permits during the first half of 2007. An additional \$800,000 was appropriated to cover the half-price permits for fiscal year 2008 (July 1, 2007 to June 30, 2009), or the second half of calendar year 2007. Each daily and annual motor vehicle permit will be reduced 50 percent from the current 2006 fee regulation. KAR 115-2-3 Camping, utility, and other fees will not change and are not affected by this legislation.

The half-price park admission goes into effect January 1, 2007, and, as of now, will only be in effect during calendar year 2007.

KAR115-2-3a Cabin camping permit fees: Fee changes to the current existing cabin camping fees are not being recommended for the calendar year 2007, however, new cabins will come on line in late 2006 and throughout calendar year 2007. Recommendations will be made to add these new cabins to the regulation at similar prices as current cabins.

Archery in the Schools

The initiation of the Kansas Archery in the Schools Program (KS-NASP) occurred on June 3, 4 and 5, 2006 with the training of 13 trainers and 8 teachers representing 8 pilot schools. The training was conducted by Roy Grimes, National Archery in the Schools (NASP) representative and held at Bonner Springs High School. Kansas is the 38th state to officially implement the program.

Training for the Teacher Trainer Corp occurred on June 3 and 4 prior to the one day training for the school teachers. The first training for KS-NASP certified 13 Kansas trainers and two Australians, who were taking the program back to Australia. Kansas certified trainers include 12 KDWP employees and one person representing the Kansas Bowhunters Association.

Persons trained to be Teacher Trainers include:

Alaine N. Hudlin – I&E, KC

Tracy Jonas – I&E, KC (temporary employee hired to coordinate the program)

Tim Schaid - FW, Region 2

Jeff Prothe - KBA KC area

Robert Parks – Parks, Tuttle Creek SP

Jeff Goeckler – LE, Region 2

BJ Thurman – LE, Region 3

Dave Adams – LE, Region 5

Matt Stucker – LE, Region 3

Kristen Weers – FW, Region 2

Bob Funke – LE, Region 5

Carl Vinsonhaler – Parks, Cheney SP

Tim Urban – FW, Region 2

There were 8 other individuals who were interested in becoming trainers but schedules precluded them from attending the June training session. As we expand the number of teacher trainers, consideration will be given to inclusion of non-agency persons and the logistical distribution for efficient school district coverage.

Eight school teachers attended the training on Monday, June 5 and included the following teachers and their school:

Andrew Nation - Skyline School, Pratt

Mark Moore - Clearwater Middle School

Jay Sweet - Stafford Middle and High Schools

Justin Bearley - Cheney High School

Kerri Jennings - Bonner Springs High School

Crystal Gordon - Valley Heights Jr. and Sr. High Schools, Blue Rapids

Mike Klaver - Norwich High School

David Cobb - Wichita West High School

The eight schools attending the training make up the pilot schools that will receive equipment kits provided by the NASP pilot schools startup grant; Elk Valley School District (Longton) and

Olathe Schools were also included as pilot schools (to make up the 10 allowed) but were unable to attend the teacher training. Two additional pilot schools have yet to be determined. Included in each of the program kits are 11 Genesis bows (10 right handed and one left hand), 60 arrows, five targets, a backstop net, bow rack, and repair kit. Total cost of a kit to any participating school is \$2,359.00.

The method (style) of shooting and the safety procedures taught were well received by both trainers and teachers. All teachers who attended currently have or have had archery in their curriculum and all have used a bow, themselves, outside of the classroom. All were impressed with the equipment and felt it was easy to handle, store and care for. The Genesis bow is one that can be used by a person of any size; draw length is not an issue and therefore simplifies the use by diverse age and size of users.

Several teachers expressed an interest in holding introductory sessions for the program at the annual State Physical Education Conference. These types of conferences are the best way to get the word out about new education opportunities. We feel that if the teachers would host the classroom sessions at the conference then we'll use our teacher trainers to cover the information booth.

With summer break in full force, educators are away from their schools and many do not attend to school business until late July, early August. Therefore, two packets are being developed now to be available by the start of this school year. A Teacher Trainer Packet will provide our current teacher trainers with the basic information that should be provided to all teachers and cover general guidelines for holding a training session such as the minimum number of teachers needed to hold a training session, copies of handout materials, the basic agenda, and other pertinent information. The Teacher Packet will have general information that explains the program, how to become involved, and some **sample lesson plans showing how the program satisfies mandated standards.**

A Teacher Trainer meeting is tentatively set to be held late August/early September to refresh trainers on the program, present the information packets and plan general area implementation plans. This meeting should ensure that all trainers will be providing the same basic information but will allow room for trainers to personalize the implementation plan to their specific area.

To assist school districts with the purchase of the NASP kit, it is the department's intent to pursue program sponsors for the purpose of providing cost-share grants to districts that need financial support. The Kansas Wildlife Officers Association has already committed to financial support, and the Kansas Bowhunters Association, National Wild Turkey Federation, and a variety of archery related retailers have expressed a desire to be involved in the program at statewide, regional, and local levels. We believe there will be local service organizations willing to assist their schools to obtain equipment kits.

Alaine Neely Hudlin, KDWP Information and Education section employee in KC, and Tracy Jonas, temporary employee assigned to the program, have done an admirable job in coordinating the training activities and are pulling together a coordination plan directed at bringing more schools into the program this fall.

The Stream Monitoring and Assessment Program: past, current, and potential uses.

KDWP, Environmental Services Section
Mark Van Scoyoc, Stream Program Coordinator

In the 1970s, the Kansas Department of Wildlife and Parks (Kansas Fish and Game Commission at that time) conducted comprehensive statewide stream surveys of approximately 450 sample sites throughout the state. Information collected provided basic physical, chemical, and biotic characteristics of Kansas streams and rivers. The primary focus was to survey the standing crop of fish within the state and assess the potential of sportfish opportunities to the angling public. In addition, this data was used for project reviews and in conjunction with water quality standards as dictated by various situations.

In 1992, the department's Environmental Services Section (ESS) revived the stream survey program to annually monitor and survey biotic communities of Kansas streams and rivers. The intention was to support and enhance other stream monitoring efforts within the state. Benefits from the program have included the acquisition of trend data to monitor and evaluate the effects of landuse changes, pollutant levels, reduction of stream flows and destruction of stream habitats at the watershed level. Project reviews conducted by ESS ecologists rely on data collected by stream survey crews. Other state agencies and non government organizations have continued to benefit from the collection of this data as well in reviewing their own projects and activities. Continuing public awareness to all ages about the state of streams and rivers within Kansas is an ongoing need that will always be a priority to the staff of this program.

Workshop Session

2007 Fishing Regulation Proposals

Improvements in Creel and Length Limit Regulations

Background

Currently, there are 30 Secretary's Orders for length and creel limits on 14 species or species groups. The administrative process of organizing and maintaining these has become a monumental task. In addition, the Law Enforcement Division has expressed concerns about problems with enforcing Secretary's Orders under some jurisdictions. It has been reported that in some counties, the problem lies with the district attorney's interpretation of the law, and in others, county judges elect not to enforce these regulations. In addition, the complex nature of these regulations can be confusing to the angling public.

Under the current scenario, approval for a Secretary's Order is granted solely by the Secretary. However, the Commission's consent is requested prior to signing but approval is not subject to a vote.

Discussion

Some of the Secretary's orders may need to be simplified, condensed, and in some cases eliminated. However, there still needs to be some flexibility to provide for effective fisheries management. Currently, lakes having special regulations for several species must be listed separately for each corresponding Secretary's Order.

Recommendations

The committee recommends that a set of species-specific length and creel options set by regulation be considered. There are currently 17 species that have length and/or creel limits. **See example for the species-by-species approach on the next page.**

K.A.R. 115-25-14, hereby establishes the following creel limits for largemouth bass:

A creel limit of five (5) largemouth bass is established for the following waters:

A creel limit of six (6) largemouth bass is established for the following waters:

* The daily creel limit is composed of a single listed species or a combination of largemouth bass, spotted bass, smallmouth bass.

The possession limit shall be three daily creel limits.

K.A.R. 115-25-14, hereby establishes the following length limits for largemouth bass:

Largemouth Bass between the lengths of thirteen (13) and eighteen (18) inches are protected and must be returned to the water immediately when taken from the following waters:

Largemouth bass of a length less than fifteen (15) inches are protected and must be returned to the water immediately when taken from the following waters:

Largemouth bass of a length less than eighteen (18) inches are protected and must be returned to the water immediately when taken from the following waters:

Largemouth bass of a length less than twenty-one (21) inches are protected and must be returned to the water immediately when taken from the following waters:

Fishing Tournament Registration and Tournament Bass Pass

Background

Length limits over 15 inches on largemouth and smallmouth bass have made it difficult for tournament organizers to hold weigh-in tournaments where the best angler wins. For example, the tournament participant who catches one large fish has an advantage over the tournament participant who catches several smaller fish, which may be just under the current length limit. This leads to tournament organizers feeling limited to hold their tournaments at lakes that have shorter length limits, placing excessive pressure on those lakes.

Currently, the department does not specifically regulate tournaments as they relate to the fisheries resource. Excessive (> 10 percent) mortality of fish released after weigh-in has occurred during weigh-in tournaments on Kansas waters. Non-tournament anglers have expressed their concerns over improperly conducted tournaments and resulting fish mortality.

Tournaments launching from department-managed facilities such as state parks and state fishing lakes are required to obtain a special event permit from the local property manager. The primary purpose of this permit is to minimize user conflicts and is not intended to protect the fisheries resource.

In addition, past incentives were given to acquire catch data from tournament organizers through a waiver of the special event permit fee. On advice of the department's legal counsel, the fee waiver was discontinued approximately 4 years ago. This led to a drastic decline in tournament catch data reported to the department. More incentive is needed for tournament organizers to provide this valuable data to the department.

Discussion

Tournament bass anglers, who represent the most organized group of the state's anglers, have expressed concern about being limited to only a few lakes, located primarily in the western part of the state. In order to address both the protection of the fisheries resource while still serving the tournament anglers, a Fish and Wildlife Division committee was formed to address the above concerns.

The committee determined that allowing tournament participants to keep just two fish under the length limit rather than a full creel of five is sufficient to provide for a successful event while minimizing delayed tournament mortality.

After reviewing a number of options, the committee decided to design a system that would provide incentives to conduct fish-friendly tournaments rather than requiring tournament organizers to comply with new, more rigid regulations. The committee seeks to improve tournament reporting for bass population management purposes, while at the same time providing for the concerns of the tournament anglers and supporters.

Recommendations

Overview:

The committee recommends the development of a program allowing tournament anglers to possess two bass over 15 inches during a registered tournament competition held on waters with length limits greater than the 15 inches statewide minimum. These fish under the normal length limit must be released immediately after the tournament weigh-in. This program includes the development of a tournament registration process along with the availability of a “tournament bass pass” purchased by individual participants for use only during registered events. It is the recommendation of the committee that this program be evaluated after a one-year trial period.

Program Specifics:

- Permission or permits from the facility manager (state park manager, local recreation manager, wildlife area manager) must be obtained prior to applying for registration.
- Application for registration will be available from the Fisheries Section of the Pratt Operations Office. Registered events will be listed on the department’s website. A certificate of registration, registered event guidelines, waterproof tournament participant cards, and catch reporting forms will be provided to the organizer.
- Registration of tournaments will be available for tournaments held September 1 through June 15 (no registered events during the heat of the summer). Changes in location or date must be provided to the department six days before the event.
- Minimum weigh-in procedures will be required of tournament organizers.
- Catch information must be reported by December 31 of the same calendar year to retain registration eligibility / status for the next year.
- All tournaments, regardless of targeted species, are encouraged to register with the department, but the tournament bass pass is only valid for tournament participants during registered bass tournament competition.
- Tournament organizers must provide / require all contestants to possess a tournament participant ID in conjunction with the tournament bass pass.
- Tournament bass pass (purchased through KOALS) is valid for the calendar year in which it is purchased.
- No fee will be required for registration of tournament events.
- The cost of the Tournament Bass Pass will be \$10.00.
- Bass tournament anglers fishing in a registered event will be able to “cull” after reaching the daily creel limit.
- Tournament boats will be clearly marked as being in a registered event.

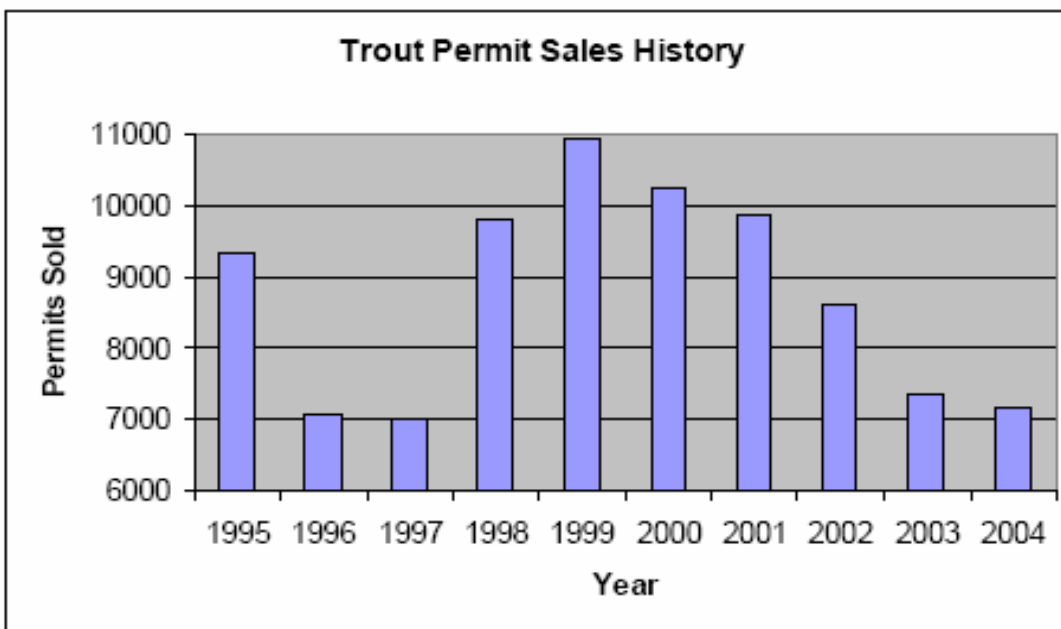
Trout Permit Requirements

Background

The department began the trout program in Kansas in 1994. Since 1999, trout permit sales have been in decline. The wording of the current regulations regarding the purchase of a trout permit allows anglers to catch and release trout without purchasing a trout permit. This was done because some designated trout waters have significant winter fishing opportunities for species other than trout, and the department did not want to require non-trout anglers to purchase a trout permit.

It is likely that the decline in trout permit sales is due to catch and release anglers having knowledge that a trout permit is not required unless they want to keep the fish. However, catch and release anglers still have an effect on the mortality of the trout: not all fish caught and released survive.

Discussion



FY 2005 Trout Stocking Program

Permits Sold (\$10)	Revenue Generated (permit sales)	Revenue from Federal Aid Reimbursement	Direct Program Expenditures	Revenue less Expenditures
7173	\$71,730	\$187,898	\$223,409	\$36,219

While total revenue from the program exceeded the state's cost of the program in FY 2005, the federal aid reimbursement portion could have been captured through another fisheries program. The trout program should maximize revenue generated from permit sales.

In FY 2005, 155,898 trout were stocked at an average length of 10 inches with 5 percent of the fish over 14 inches in length. Increased energy costs leading to higher price of delivery has also increased the total cost of supporting the trout program.

In order to address the pressure of catch and release anglers and the decline in trout permit sales, a Fish and Wildlife Division committee was formed.

After reviewing several options, the committee decided to recommend changing the wording on the regulations to assist the department in balancing the angling pressure with the costs associated with maintaining this program.

Recommendations

The committee recommends having two types of designated trout waters. Type 1 would require anglers during trout season to have a trout permit in their possession whether they were fishing for trout or for some other species. Type 2 would remain as currently required. Type 2 anglers would need a permit to fish for and possess trout. Type 2 waters are those that have significant winter fishing opportunities for species other than trout.

Carcass Tags for Paddlefish

Background

Paddlefish are caught by snagging primarily during spawning season from designated snagging locations. Paddlefish may be taken year-round when hooked in the mouth, but this catch method is usually an accidental occurrence. This species does not reach sexual maturity until eight years old, at a weight of about 40 pounds. The current statewide creel limit is two per day. Paddlefish are truly a big-game fish in Kansas.

Theoretically, if the snagging season lasted for 30 days, one individual could legally harvest 60 fish, totaling a biomass of over 1,800 pounds, for the cost of an annual fishing license.

Currently, anglers are required to report to a designated paddlefish check station where catch data is recorded and the fish is tagged.

Snagging areas in our state are located below the Chetopa dam on the Neosho River, below the Osawatomie dam on the Marais de Cygnes River, and in the Browning Oxbow Lake in Brown County, all with limited fishing areas creating user conflicts.

When compared to current big game hunting regulations in the state, allowing anglers to keep two paddlefish per day with only an annual fishing license is a bargain. Deer hunters are only allowed to take one antlered buck per year that is likely less than five years old. In addition, the limited space for snagging paddlefish prevents equitable distribution of the harvest among paddlefish anglers.

Discussion

In order to address both the protection of the fisheries resource while providing access to paddlefish anglers, a Fish and Wildlife Division committee was formed to address the above concerns.

After reviewing several options, the committee decided to recommend limiting the number of paddlefish an individual could harvest per year.

Recommendations

The committee recommends a yearly paddlefish snagging permit that includes six carcass tags, at the cost of \$10.00. This would limit individual snagging harvest to six total paddlefish per year. The statewide creel will be 2 per day, with a length limit of 34 inches measured eye to fork of tail. Barbless hooks and no culling allowed will be in effect. In addition to recognizing the value of these long-lived fish, the implementation of this permit should also reduce crowding in snagging areas as anglers fill their carcass tags, providing more equitable distribution to the anglers.

2006 LATE MIGRATORY BIRD SEASONS

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 which states must operate within when establishing waterfowl seasons. These frameworks are published around August 15, after results from the May Breeding Duck Survey and recommendations from Flyway Councils are available.

Discussion

We do not anticipate major changes in the frameworks for geese, although there is a possibility that the season length for Canada geese will be lengthened from 95 days to 107 days, the maximum allowed by frameworks. Should season length be increased to 107 days we would be required to address the question of whether to continue youth hunt days for Canada geese and the Special September Canada Goose Seasons. To continue these hunts would require use of regular season days (if the regular season length is increased to 107 days).

At this time there is little information upon which to base speculation concerning the duck season frameworks for 2006. The May Breeding Duck Survey, which provides duck abundance as well as pond numbers, has not been completed. However, wetland conditions are presently in relatively good shape for this time of year, particularly in some parts of Saskatchewan and Alberta, so we are optimistic that we will experience another year of liberal duck regulations.

The three current Adaptive Harvest Management regulatory packages include the following:

Liberal package - 74 day Low Plains Season, 97 day High Plains Season, (package selected since 1997)

Moderate package - 60 day Low Plains Season, 83 day High Plains Season

Restrictive package - 39 day Low Plains Season, 51 day High Plains Season

A change in the 2006 bag limits from recent years has been requested by the Central Flyway Council to facilitate the evaluation of the "Hunters Choice Proposal", and we anticipate this request to be granted by the Service.

The requested change would apply to the states of North Dakota, South Dakota, Wyoming, Kansas, and Texas. In these states, within the Liberal and Moderate regulatory alternatives, **the daily bag limit shall be 5 ducks, with species and sex restrictions as follows:**

scaup, redhead and wood duck – 2

only 1 duck from the following group – hen mallard, mottled duck, pintail, canvasback.

Within the Restrictive regulatory alternative, **the daily bag limit shall be 3 ducks, with species and sex restrictions as follows:**

scaup, redhead and wood duck – 2

only 1 duck from the following group – hen mallard, mottled duck, pintail, canvasback.

The possession limit shall be twice the daily bag under all regulatory alternatives.

In summary, goose frameworks and resulting recommended regulations are expected to change little from last year. It is too early to predict which regular season duck regulatory package will be included in the frameworks, although we are hopeful that the liberal package will again be adopted.

Senate Bill 578 – Exotic Animals

Background:

On April 17, 2006 Governor Sebelius signed Senate Bill 578 in to law. The new law controls the possession of dangerous regulated animals as defined by the law. The law requires the Secretary to establish regulations prescribing the caging and confinement standards for holding these animals and create minimum qualifications for any person assisting with the care of these animals as a registered designated handler.

Discussion:

On May 8, 2006 a meeting was held between representatives of the American Zoo and Aquarium Association (AZA), the Zoological Association of America (ZAOA) and the Department. The purpose of the meeting was to discuss minimum standards for caging and confining dangerous regulated animals and minimum qualifications for registered designated handlers. From this meeting, and further advisory comments from AZA and ZAOA members, the proposed regulation was created and submitted to the Department of Administration and the Kansas Attorney General for review.

The caging standards regulation prescribes the general design features and size limitations each facility must meet. The requirement for shift cages, dual-gated cage entrances, locks and latches on cage entrances, cage top enclosures and construction material strength are included. Provisions are also included for transportation, quarantine and medical care. The regulation will also state that any cage or container used for holding or transporting the animal shall be constructed in a manner that prevents physical contact between the animal and any unauthorized person. Any primary cage that does not prevent physical contact shall be required to be surrounded by a barrier sufficient to prevent people from approaching the cage.

The registered designated handler regulations require the person to be at least 18 years of age and have at least 200 hours of direct, practical experience in handling and caring for these types of animals. A provision is included to allow the training of a person to become a registered designated handler. This training would be accomplished by a person registering with the local animal control authority and then performing all training activity under the direct supervision and in the presence of the permitted owner or a currently registered designated handler assigned to the owner's facility.

Recommendation:

Upon required approvals and publication in the Kansas Register this regulation shall be brought before the Commission for final action at the earliest meeting possible.

Public Hearing

Wildlife and Parks Commission

Notice of Public Meeting

A public meeting will be conducted by the Wildlife and Parks Commission at 1:30 p.m., Thursday, June 29, 2006 at the William Carpenter 4-H Building, 608 Fairground Road, Scott City, Kansas, to consider the business and future regulatory action of the Kansas Department of Wildlife and Parks.

A general discussion and workshop meeting on business of the Wildlife and Parks Commission will begin at 1:30 p.m., June 29 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 an additional workshop on Commission and Department business. 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 business matters, the Commission will reconvene at 9:00 a.m. June 30 at the location listed above.

Any individual with a disability may request accommodation in order to participate in the public meeting and may request the meeting materials in an accessible format. Requests for accommodation to participate in the meeting should be made at least five working days in advance of the meeting 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 notice period prior to the meeting constitutes a public comment period for the purpose of receiving written public comments on any workshop or future regulatory action by the Commission.

All interested parties may submit written comments prior to the meeting 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 or in writing with regard to future regulatory action on workshop items.

John R. Dykes, Chairman

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 Meeting

Desired Date of Publication - April 27, 2006

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

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RECOMMENDATIONS FOR 2006 "EARLY" MIGRATORY BIRD SEASONS

INTRODUCTION AND BACKGROUND

The U.S. Fish and Wildlife Service annually develops frameworks for migratory bird seasons. These frameworks establish the most liberal seasons that will be allowed on a particular species or group of species. States may always 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 sometime during 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, 2006 and January 20, 2007. 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, 2006 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, 2006 and February 28, 2007. 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, 2006 with bag and possession limit of 8 and 16, respectively.

WOODCOCK:

Framework - Season not exceeding 45 days between September 21, 2006 and January 31, 2007. Season may be split. Daily bag and possession limit of 3 and 6, respectively.

Recommendation - Season running October 14 through November 27, 2006 with a bag and possession limit of 3 and 6, respectively.

TEAL SEASON:

Framework - Hunting season between September 1 and September 30, 2006, 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 years (2005) blue-winged teal breeding population was 4.6 million. The 2006 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 Plains Zone - A bag and possession limit of 4 and 8, respectively, with the following season date possibilities:

A 9-day season running September 16 through September 24, 2006,

or, a 16-day season running September 9 through September 24, 2006,

or, an 8-day season running September 16 through September 23, 2006

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 16 through September 24, 2006,

or, a 16-day season running September 9 through September 24, 2006.

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 season may be set during the last 15 days of September on an experimental basis, provided a study to evaluate harvest characteristics is approved by the Service.

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 16 through September 25, 2006, with a bag and possession of 3 and 6 respectively.

The area open to Canada goose hunting during the September Season shall be that area of Kansas east of U.S. 183 and north of KS 96 (southwest corner of Kansas remain closed).

Discussion – Based on indices from the Kansas Resident Canada Goose Survey, numbers of nesting Canada geese have remained relatively stable since 1996 when the survey was initiated. The “Pairs per Mile” index has varied from 0.25 to 0.35, and was 0.33 in 2005.

Although Kansas hunters account for the major portion of the harvest, distribution of band recoveries suggests that a number of resident geese from Kansas are being harvested in states north of Kansas during the September period.

The recommendation of staff is to allow some additional harvest pressure on the Kansas resident Canada goose flock, and closely monitor the population status with the March/April Kansas Resident Canada Goose Survey. Should the indices develop a declining trend the September season could again be restricted to the Wichita, Topeka, Lawrence and Kansas City area zones.

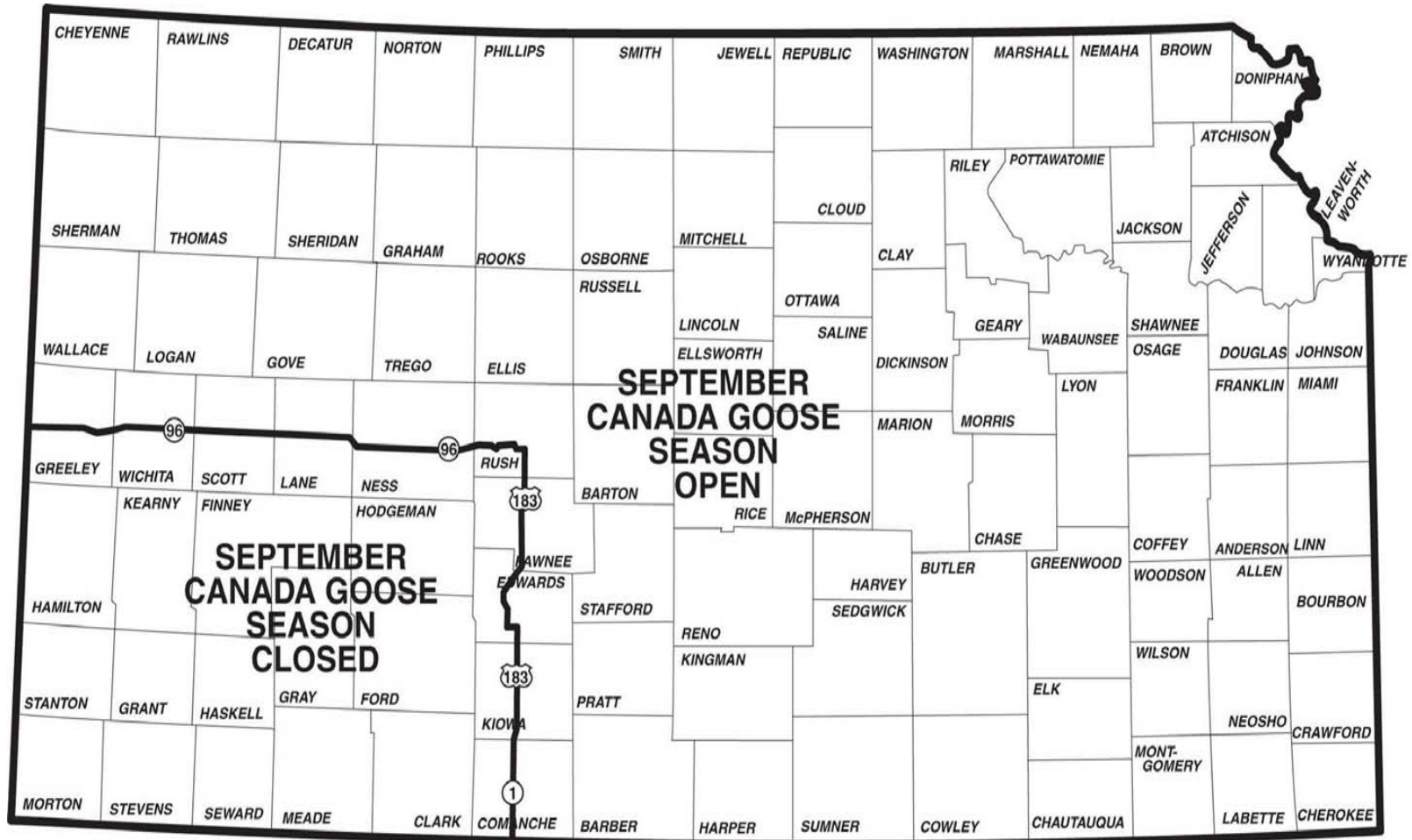
Due to the limited number of wetlands, and isolated nature of Canada goose flocks in the southwest area of Kansas, staff believes that an open season in that area of the state, when local geese are the only geese present, could jeopardize the future of those flocks.

SHOOTING HOURS FOR ALL EARLY SEASONS:

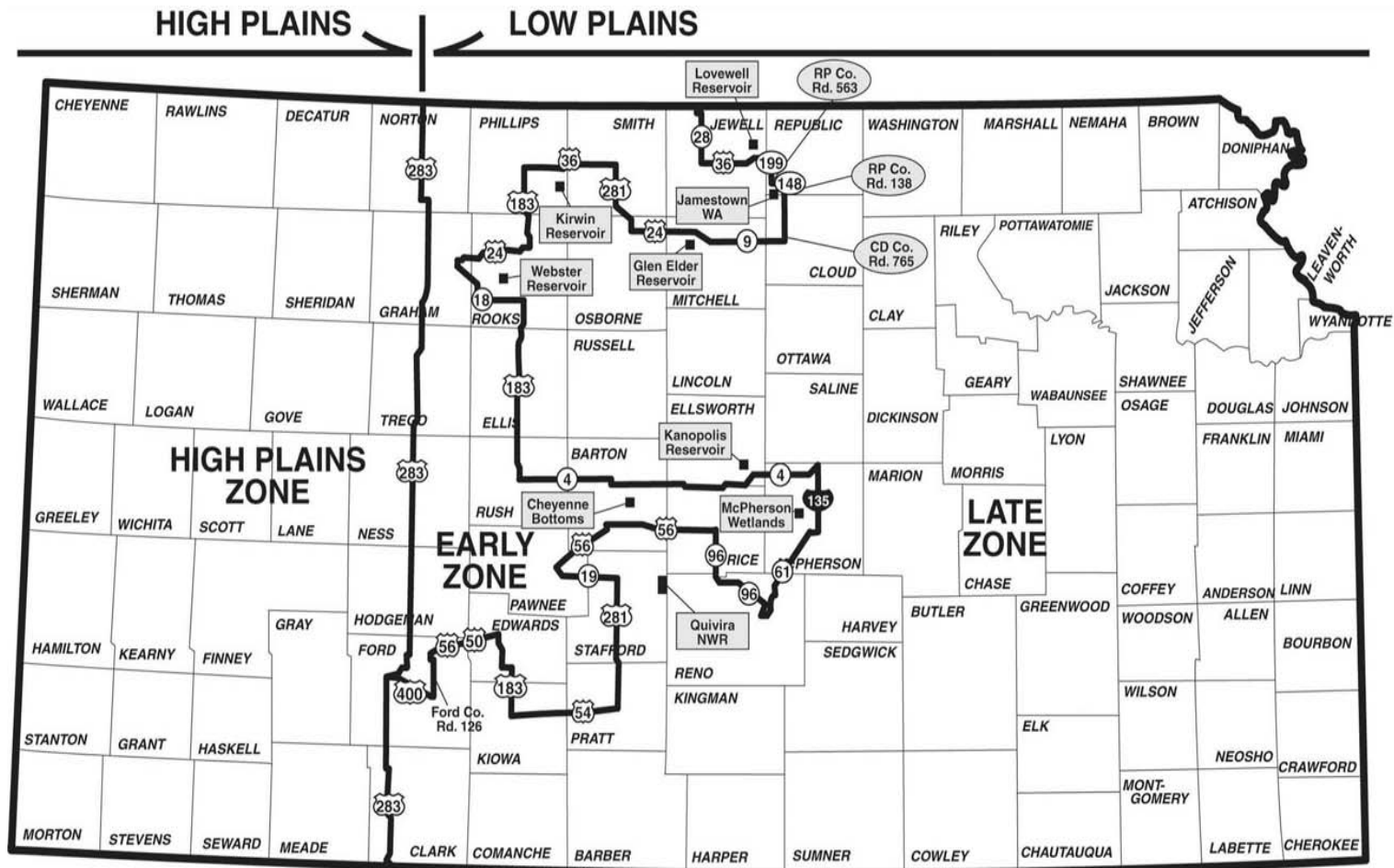
Framework-Shooting hours frameworks are expected to be ½ hour before sunrise to sunset for all seasons.

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

Proposed 2006 September Canada Goose Seasons



Proposed 2006 Waterfowl Zones



RECOMMENDED KANSAS DUCK ZONE BOUNDARIES FOR YEARS 2006 THROUGH 2010

Every five years the U.S. Fish and Wildlife Service (Service) allows states to change the type of duck season “**Option**” which they utilize. This “open window” period is this spring, 2006. The available options include different types of “zones” or “split seasons” for duck hunting, but do not include the actual season dates. Season dates have been, and will continue to be, set annually by the Commission at its August meeting.

The **Basic Option** is a statewide season with one split (two segments) and no zones. This is considered a “fall back” option that a state may utilize at any time during the five year period in the event that the alternative option selected during the “open window” proves to be unacceptable.

Alternative Options must be selected during the open window period and include:

- 1) No more than three zones with no splits (continuous season in each zone).
- 2) A statewide season with two splits (three segments)
- 3) Two zones, plus the High Plains area of Kansas (three zones total), with the option for one split in each zone. This is the option that Kansas has utilized the past ten years.

Although the zone boundaries are permanent for five years, the season dates and bag limits may be adjusted annually.

RECOMMENDATION:

KDWP staff recommendation is to maintain the current duck hunting zones (Alternative Option 3), with two minor boundary modifications.

Number of Zones

Kansas will be divided into three zones: “**High Plains**”, “**Early Zone**” and “**Late Zone**”.

Zone Boundaries

High Plains Zone - That area of Kansas west of U.S. 283.

Early Zone - That area of Kansas east of U.S. 283, and generally west of a line beginning at the Junction of the Nebraska border and KS 28; south on KS 28 to U.S. 36; east on U.S. 36 to KS 199; south on KS 199 to Republic Co. Road 563; south on Republic Co. Road 563 to KS 148; east on KS 148 to Republic Co. Road 138; south on Republic Co. Road 138 to Cloud Co. Road 765; south on Cloud Co. Road 765 to KS 9; west on KS 9 to U.S. 24; west on U.S. 24 to U.S. 281; north on U.S. 281 to U.S. 36; west on U.S. 36 to U.S. 183; south on U.S. 183 to U.S. 24; west on U.S. 24 to KS 18; southeast on KS 18 to U.S. 183; south on U.S. 183 to KS 4; east on KS 4 to I-135; south on I-135 to KS 61; southwest on KS 61 to KS 96; northwest on KS 96 to U.S. 56; southwest on U.S. 56 to KS 19; east on KS 19 to U.S. 281; south on U.S. 281 to U.S. 54; west on U.S. 54 to U.S. 183; north on U.S. 183 to U.S. 56; southwest on U.S. 56 to Ford Co. Road 126; south on Ford Co. Road 126 to U.S. 400; northwest on U.S. 400 to U.S. 283.

Late Zone - The remainder of Kansas.

DISCUSSION:

Although zone boundaries can confuse some hunters for a period of time, the result of zoning for duck hunting should be greater hunter opportunity. Zoning enhances the state's ability to match season dates with migration chronology and season preferences of duck hunters in specific areas. Finally, zoning effectively increases season length for hunters willing to travel.

There are two minor proposed changes from the zones adopted the past five years. One would move a small area southwest of Great Bend from the Early Zone to the Late Zone in order to provide late hunting opportunity on the Arkansas River.

The second involves placing a small area east of Dodge City, which has been in the Late Zone, into the Early Zone in order to better match the hunt season with the waterfowl use of several playas located in that area. These changes were supported by individuals and agency staff from those areas of the state.

The alternative option that was given consideration was the statewide two splits "three segment" season (Alternative Option 2) which was adopted in Kansas from 1982 through 1995. However, in the past Kansas hunters expressed strong dislike for the short hunt season segments, particularly during seasons with restricted season length, as well as the confusion created with multiple splits.

Proposed 2006 Waterfowl Zones

