

**AGENDA**  
**KANSAS DEPARTMENT OF WILDLIFE AND PARKS**  
**COMMISSION MEETING AND PUBLIC HEARING**  
**Thursday, August 16, 2007**  
**Bass Pro Shop**  
**12051 Bass Pro Drive, Olathe**

- 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 June 21, 2007 MEETING MINUTES**
- V. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS**
- VI. DEPARTMENT REPORT**
  - A. Secretary's Remarks**
    - 1. Budget Status Report (Dick Koerth)**
  - B. General Discussion**
    - 1. KDWP Flood Damage Assessment (Brad Simpson and Jerry Hover)**
    - 2. Hunt of a Life-time Deer Permits for Disabled or Life-threatened Youth (Keith Sexson)**
    - 3. Syracuse Sand Park – Status of Department Review (Jim Hays)**
    - 4. Big Game Permanent Regulations (Mike Mitchener)**
    - 5. Prairie Chicken Status and Mortality from Hunting (Jim Pitman)**
  - C. Workshop Session**
    - 1. Spring turkey season (Jim Pitman)**
    - 2. Fishing Issues and Regulations (Doug Nygren)**
    - 3. Park Regulations - ADA access issue (Jerry Hover)**
    - 4. Cabin Rental Fees (Jerry Hover)**
    - 5. Fee Changes for 2008 ( Mike Miller)**
    - 6. Public Lands Regulations (Brad Simpson)**
- 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**

**D. Public Hearing**

1. **Late Migratory Bird Seasons (Faye McNew)**
2. **KAR 115-8-7 Boating and general restrictions (Dan Hesket)**
3. **KAR 115-30-1 Display of identification number and decal (Dan Hesket)**
4. **KAR 115-30-5 Boating: capacity plate and operation (Dan Hesket)**
5. **KAR 115-30-7 Boating; steering and sailing requirements (Dan Hesket)**
6. **KAR 115-30-8 Boating; accident reports (Dan Hesket)**
7. **KAR 115-30-10 Personal watercraft; definition, requirements, and restrictions (Dan Hesket)**
8. **KAR 115-30-12 Marine sanitation devices; vessel requirements (Dan Hesket)**

**XII. OLD BUSINESS**

**XIII. OTHER BUSINESS**

**A. Future Meeting Locations and Dates**

**XIV. ADJOURNMENT**

If necessary, the Commission will recess on August 16, 2007, to reconvene August 17, 2007, 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, October 18, 2007, at Colby Community Center, Colby.

**KANSAS DEPARTMENT OF WILDLIFE AND PARKS  
COMMISSION MEETING MINUTES  
Thursday, June 21, 2007  
Kansas Wesleyan University, Peters Hall Room 201  
Salina**

Subject to  
Commission  
Approval

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

The June 21, 2007 meeting of the Kansas Department of Wildlife and Parks Commission was called to order by Chairman Kelly Johnston at 1:30 p.m. at Kansas Wesleyan University, Salina. Chairman Johnston and Commissioners Gerald Lauber, Frank Meyer, Doug Sebelius, Robert Wilson, and Shari Wilson were present.

**II. INTRODUCTION OF COMMISSIONERS AND GUESTS**

The Commissioners and Department staff introduced themselves (Attendance roster - Exhibit A). Chairman Johnston - Debra Bolton is not here this afternoon, but will be here this evening for the public hearing.

**III. ADDITIONS AND DELETIONS TO AGENDA ITEMS**

*None*

**IV. APPROVAL OF THE April 19, 2007 MEETING MINUTES**

Commissioner Robert Wilson moved to accept the minutes as corrected, second by Commissioner Shari Wilson (Exhibit B). Chairman Johnston – On page 7, top of page, line after my name – add “so could you” before “be more specific”. Commissioner Shari Wilson – Also, on page 7, after my name, Nicholas mentions the speedway in “western” Kansas that should be “eastern” as that is in Kansas City. Minutes passed as corrected.

**V. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS**

Richard Riedel, Tonganoxie – Hunter Education is part of our school curriculum and a few years ago you directors had a meeting in Tonganoxie. I have a letter from the superintendent of schools, inviting you to come back to Tonganoxie (Exhibit C). We have a new school auditorium at the High School and there would be no interruptions. We would provide supper and pick up people from the airport in Lawrence. The teacher who ran the program has retired and Dr. Erickson appointed me to work with the new teacher. I invite Commissioner Shari Wilson from Kansas City to come and visit school at any time.

Sean Thompson, Wellsville – I would like to be able to hunt in deer season with a spear. In my area more deer get killed with a car than with a gun. Kevin Jones – A spear is not a legal means of equipment. Thompson – Why? Chairman Johnston – I have never heard this request made before. How would that be done? Thompson – I have thrown javelin for years. I think of it as a primitive arm and would be interested in this method of hunting. Chairman Johnston – We will talk about it with the biologists and law enforcement. Thompson – Do I need to meet with you? Chairman

Johnston – Give us a few months to percolate the idea through staff. Commissioner Lauber – I am curious to what type of spear you would use? While I am sure you are proficient I am not sure about other people. There would be limited use and some unintended consequences. What type of spear do you use? Thompson – A medieval Viking spear that is 6 feet long, it will go 10 inches deep, and the spear point is over two inches wide. Chairman Johnston – Do you have any experience in other states with this? Thompson – No, this is just a discussion among friends. We tried it on a hay bale and it goes through deeper than an arrow.

Warren Kreutziger – I have been a licensed bait vendor for a number of years (Exhibit C-2). One item I want to discuss is night crawlers. A lot of convenience stores and hardware stores can sell them without a license, and I would like to see night crawlers added to the bait license list. Also, on the KDWP website you can charge 2.5 percent on Visa and MasterCard and I can not do that. I could have \$4 in charges and only make \$1 on a \$74 license. Can I collect the same fees? Cindy Livingston – Central Bank, that handles our licenses for us, is getting that fee, not the agency. Kreutziger – I still am getting charged for it and I can't get reimbursed for it. Keith Sexson – That is a convenience fee for using the internet not a service fee for using a credit card. Kreutziger – What are our options to recoup those fees? Commissioner Lauber – There is a financial advantage to buy from a licensed vendor, adding a convenience fee online, might cause people to shop at your store rather than online and they buy other items. We don't want to compete with vendors because their other products that can be sold. I see your problem, but it is to your benefit to get the licenses from you rather than buying it at home on the internet. I understand where you are coming from. Do you add a fee to other items in your store to cover the credit card fees? Kreutziger – I add that into the price. Commissioner Lauber – I had a kid catch night crawlers for a nickel each and never thought about your issue. Do we want to start increasing our supervision? Sexson – We need to look into what you are saying. You are also selling minnows, crayfish and other things too and that is where our concern is. I don't know if we have ever looked at the worm industry. Kreutziger – Are we going to wait until we have a problem like a worm virus before we correct it? Commissioner Lauber – I fail to see, other than economic or competitive issues, any environmental problems. Chairman Johnston – What kind of requirement is needed for a license? Jones – It is a bait dealer license.

## **VI. DEPARTMENT REPORT**

### **A. Secretary's Remarks**

1. Proposed Legislation for FY 2007 Legislative Session – Chris Tymeson, legal counsel, gave this report to the Commission (Exhibit D). Complete bills can be found on the agency website. Bills that passed include:

SB 188 will increase monetary values (and felony conviction) of certain wildlife when the court requires restitution for illegally commercialized wildlife and adds bobcats to the list. It also allows game breeders to capture escaped game birds on someone else's property.

SB 191 will correct a punctuation error (a missing comma) that occurred when this bill was amended two years ago.

SB 192 clarifies that only local chapters of nonprofit organizations operating in Kansas are eligible for Commissioner Permits. The bill was amended on the House floor to increase the fee for nonresident big game permits by \$10, with proceeds supporting a "feed the hungry", but this was stricken. It would establish "youth hunt of a lifetime" deer permits, allowing issuance of up to ten such permits per year for use by "youth under the age of 21 who are handicapped or experiencing life threatening illnesses." Regional appointment for Commissioners - discrepancy between SB 192 and HB 2002 and the one the Governor signed. HB 2002 added in a slight modification of what was passed through House and Senate, so it was rewritten. Provisions from SB 189 were amended into

this bill.

HB 2002 requires that commissioners represent the five current administrative regions of the Department. The bill passed in the House, passed in the Senate, and has been signed into law by Governor Sebelius.

HB 2046 would rename State Park No. 24 as Kaw River State Park.

HB 2393 CSE bill; fish and game licenses.

HB 2437 (substitute) would extend the sunset provision which provides nonresident transferable deer permits from June 30, 2007, to June 30, 2011. The substitute bill is based on recommendations of the department's Deer Task Force, with amended provisions to: (1) provide for issuance of special hunt-own-land deer permits to a landowner's or tenant's siblings and lineal ascendants or descendants and their spouses, and (2) to provide that the department issue nonresident deer permits which would be restricted to two adjacent deer management units.

Bills that didn't pass are:

SB 38 would rename State Park No. 24 as Kaw River State Park, but did not make it through the session. However, HB 2046 passed and the park has been named Kaw River State Park.

SB 157 would allow the department to purchase liability insurance for all of its boats. This bill is a department initiative. Only made it about one-third of the way through.

SB 189 amends K.S.A. 32-920 to allow a person who is 16 or older to obtain a one-time deferral of completion of Hunter Education that is valid until the end of the current license year. That person may purchase an apprentice hunting license and hunt under the direct supervision of an adult 21 years old or older. In addition, the bill would remove mandatory provisions related to bowhunter education. This bill is a department initiative and was referred to the Senate Natural Resources Committee. The committee amended the bill to retain the nonresident hunter education crash course and also amended the bill to retain current provisions regarding the age individuals must be (18) to accompany those under 16 in order to hunt. Provisions of this bill were amended into SB 192, which passed.

SB 257 would amend K.S.A. 80-1201 to allow landowners to submit prairie dog management plans and maintain prairie dog colonies on their property rather than being forced to destroy them.

SB 266 (substitute) would amend and/or repeal statutes dealing with big game and turkey, and is proposed as a result of the Deer Task Force recommendations, which would then be implemented through the Kansas Wildlife and Parks Commission and the regulatory process. A substitute bill was offered by the committee that sets the sunset provision on nonresident transferable permits to 2009, and raises the cap for nonresident firearms permits to 50 percent of resident permits issued. This bill stayed in House Committee.

SB 267 would create the crime of failure to comply with a wildlife and parks citation and allow the court system to suspend or revoke wildlife and parks privileges for noncompliance with wildlife and parks citations, similar to what is currently done with traffic citations, particularly nonresidents. This bill remains alive for next year.

SB 330 would appropriate state general funds to KDWP so that the agency could provide Kansas disabled veterans with a 30 percent service-connected disability annual hunting and annual fishing licenses at no charge. Had hearing but did not move.

HB 2027 would have required a search warrant on property posted as requiring hunting, fishing or furharvesting with written permission. No hearing.

HB 2052 The Water Projects Environmental Coordination Act requires a review of the environmental effects of water development projects prior to issuance of a permit to proceed with the projects. The bill would amend the act to exclude KDWP environmental review and permitting of projects that will impound less than five acre-feet of water. Received a hearing, but no action.

HB 2070 intensive groundwater use control areas; time limitation on order of designation.

Department of Ag cuts everyone's apportionment of water. At Cheyenne Bottoms we have senior

water rights and our water right would shut off 200 – 250 farmers water rights if this bill passed. HB 2088 would provide for the new crime of criminal trespass against children when a sex offender, as defined in the bill, would return to a location with a primary purpose of providing for the education, care, or recreation of a child or children, including state parks, after being provided written notice of ejection. Should the sex offender fail to leave or return after being provided written notice of ejection, the individual could be charged with the crime of criminal trespass against children. Had a hearing, but did not go anywhere.

HB 2143 would amend a law that prevents the department from selling a permit or license to a person who is in arrearages for child support (Title 4D) to include suspension of lifetime hunting, fishing and furharvesting licenses for such persons. It is now part of a broader bill that is now HB 2451.

HB 2158 would establish the bluegill as the state fish. No action.

HB 2234 would prevent any net loss of public lands open to hunting and is being pushed by NRA's no net loss program. We would have to open a corresponding public land if one was closed. It had a hearing in the House but did not go anywhere.

HB 2242 would remove hunting license requirements on controlled shooting areas. It was referred to the Agriculture and Natural Resources Committee but had no hearing or movement.

HB 2311 would repeal the Nongame and Endangered Species Act and was referred to the Agriculture and Natural Resources Committee. It had a hearing, where nine opponents, one proponent, testified. It did not go anywhere.

HB 2386 would designate little bluestem as the state grass. No action has been taken.

HB 2426 would require KDWP to issue anyone who had completed at least 15 years of service in the Kansas National Guard lifetime combination hunting and fishing licenses at no charge. No hearing.

HB 2431 would impose a transient guest tax on certain activities of the Department of Wildlife and Parks on state park property, including cabins on state park property anywhere transient guest taxes apply. The bill received a hearing, but did not go anywhere.

HB 2462 would transfer KDWP property to Miami County for highway purposes.

HB 2498 resident and nonresident deer permit fees to increase by \$1, with proceeds going to the feed the hungry fund and has the same diversion issues as SB 192. The bill received a hearing but had no action.

Commissioner Lauber – What about the prairie dog issue? Tymeson – In 2003, that went to the Senate, the laws are antiquated and we need to update them. In 2005, the U.S. Fish and Wildlife Service said black-tailed prairie dog was warranted, but precluded for listing. Eleven states worked together (where prairie dogs are) and when the Service decided to take them off the list, it took the wind out of the sails to improve our statutes, which date back to 1901. Commissioner Lauber – What about Farmers and Hunters Feeding the Hungry (FHFH), are legislators not in favor of them or is it more complicated than that? Tymeson – It directly affects the surcharge and if you lose control of funds it jeopardizes federal aid to the tune of \$9 million. We would have to agree to part of this as part of our management plan to control deer. I don't think Lloyd would say 600 deer processed would make a dent in our deer population. We are working on other ways to help FHFH. Does it matter if it is venison or beef feeding the hungry, should it be on the backs of all public, not just the 10 percent who hunt?

2. FY 2008 Budgets and FY 2009 Capital Improvements – Dick Koerth, Assistant Secretary of Administration, gave this report to the Commission (Exhibit E). The 2007 Regular Session of the Kansas Legislature is complete and Governor Sebelius has signed all FY 2008 Appropriation Bills. The approved FY 2008 budget for KDWP provides for total expenditures of \$56.4 million of which \$8,567,654 is from the State General Fund (SGF) and provides 410.5 fulltime employees (FTE). This is a reduction of over \$1.2 million in total funds and \$2.15 million from the SGF as compared

to the governor's recommendations. The governor had recommended the three additional FTEs as approved. The legislature did not approve of the governor's recommendation for "open admissions" at state parks but will continue half-price admissions for calendar years 2007 and 2008. The following enhancement items were approved by the legislature: a state employee pay plan providing for a base increase of 2 percent plus a bonus payment of \$860 and an increase of \$10 for each year of service included in the annual longevity payment for each employee; increase in the amount for Archery in the Schools; increase in the Community Fishing Access Program; shooting range grants; boating access assistance grants; WIHA program expansion; lease of 800 Mz radios; public land acquisition; Parks major maintenance; wetlands acquisition and development; and fish hatchery renovation projects. The legislature delayed consideration of several major items until the Omnibus Session. The following items and amounts were approved: operating funds for State Park 24 (Kaw River State Park) including one FTE -- \$205,000; capital improvement funds for Kaw River State Park -- \$745,000, included are road and river access and a railroad crossing; lease payments for water storage in Sebelius Reservoir; and 45 replacement vehicles were also approved. The legislature did not approve additional funding of \$950,000 for State Parks major maintenance. The Appropriations Sub-Committee's tour of the KDWP Region II Office went well and, as discussed above, the department did receive funding to begin the development of the "Kaw River State Park." Commissioner Shari Wilson – Under operating expenditures under road funds there is no money, there is in capital improvements. What about ongoing maintenance? Koerth – In capital improvements, mostly maintenance, but the rest is for Kaw River State Park. Commissioner Shari Wilson - Is the Park Fee Fund lower than past years? Koerth – Because of reduced price admissions it is showing up in State General Fund. Commissioner Shari Wilson – Does money from cabins go into park fee fund? Koerth – No, a separate cabin fee fund to prepare for maintenance in the future. Commissioner Sebelius – On roads, does that work differently if it is a capital improvement rather than a maintenance line item? Koerth – Capital improvement is generally for particular items, road fund money is transferred from KDOT and they are increasing that money over years. We can't take capital improvement funds and use for maintenance. Sexson – How do we decide where we use the money is what he is asking? Sebelius – Do we have to get specific when we do our budget? I don't see how it matters where we get the money in the budget. Koerth – Operating costs are little, road fund has been the sole source of money for a number of years. Sebelius – Do we have to pay it back? Koerth – We borrowed money from that fund a few years ago to finance state parks and we will pay that back. Sebelius – Why don't they make that maintenance instead of capital improvements all the time? Chairman Johnston – When do you expect the \$950,000 denied for state parks major maintenance to be reinstated? How have we weathered the high water? Jerry Hover – I will delay comment on that until we get to that item on the agenda.

The FY 2009 capital improvement budget will be submitted by July 1, 2007 (Exhibit F). The proposed budget is around \$6.7 million of which \$1.5 million is from the State General Fund (SGF). Last year we got more money than we requested. The approved FY 2008 capital improvement budget totals \$9.6 million of which \$1.5 million is SGF. The major differences are that the FY 2008 capital improvement budget includes \$1 million for Almena Irrigation water rights, \$1.6 million for fish hatchery improvements, and \$745,000 to initiate development of the Kaw River State Park, which were not in FY 2009. The request is based on the funding currently determined to be available for FY 2009. The following items will be included: Parks major maintenance \$2.4 million; motorboat access; major maintenance for public lands; boat storage for Law Enforcement; access roads maintenance; bridge maintenance; land acquisition; wetlands acquisition; and river access. Commissioner Shari Wilson – On river access, is less needed or are we waiting for money to go back in there? Koerth – That will come from the Boating Fee Fund, and we are waiting for availability.

## **B. General Discussion**

1. Dangerous Animal Report – Kevin Jones, Law Enforcement Division Director, presented this report to the Commission (Exhibit G). The 2006 legislature passed standards which took effect on July 1, 2006 – new statutes controlling the possession of dangerous regulated animals. These statutes impose certain prohibitions or limitations on the possession of six species of large cats, bears and non-native venomous snakes. The statutes direct the department to establish regulations prescribing caging standards for holding permitted animals; develop regulations concerning the qualifications for registered designated handlers, to provide training to the local animal control authorities and to maintain an annual report of persons registered to possess these animals. Regulation defined local animal control authority. In May 2006, shortly after the passage of the legislation, two informational programs were made available to county commissioners at their annual association conference. In total, approximately 12 commissioners attended the one-hour sessions. Through the summer months of 2006, the department developed the regulations concerning caging standards and designated handlers which were enacted into law in October 2006. After passage of the regulations, a training program was developed (about two hours – one hour to go over statutes and one hour for regulations) to be presented to the various local animal control authorities. In seeking out an appropriate venue to provide this training to as many agencies as possible through the most effective means possible, the Kansas Law Enforcement Training Center was contacted and arrangements made to provide the training through their tele-net training system. This is a live video program that is transmitted to numerous law enforcement centers, colleges and universities. The program is interactive and provides an excellent means of providing training to an audience across the entire state. Over the course of those two sessions, 42 officers from 19 areas sat in on this training and they received peace officer training for this. Additionally, at our in-service in March we provided this training to 81 of our officers which gave them the ability to give training to local law enforcement. Only one area has taken advantage of this training. April 1 is the date the reports are due and only one report was received from Labette on two animals. Commissioner Lauber – I was under the impression that there was a significant number of animals scattered across the state. Either the animals have scampered away or there is no compliance. Jones – We have heard of five individuals who have moved their animals out of the state. Commissioner Lauber – At this point in time, it is new legislation, but is it up to us to find the tigers and do something about that or local officers? Jones – It is a violation and we can cite anyone not complying, but I advise my officers to carry out the law and advise local officers to follow that as well. But it basically falls to local officers. Commissioner Lauber – So, virtually there is no compliance and nothing will get done until somebody gets hurt again and then it will be our fault. Commissioner Shari Wilson – Are we responsible for contacting local authorities and reminding them to send these reports in or what other actions can we take to see that they are doing this? It is not our responsibility until someone gets hurt again and then it will be right here back with us. Jones – We could contact local entities through the Sheriff's Association to spark more interest, but am advising my officers to talk to local authorities about it. There could have been other training that I am not aware of, but I am only aware of the one. Chairman Johnston – Reporting is only required if they are knowledgeable of someone with an animal in their area? Jones – There is a limited number of people under the permit. If they are not permitted or did not meet criteria to be certified it would be in violation of the law and they should be cited. Commissioner Lauber – Continue to tabulate this and give it to the legislature next year and let them run with it because I don't know what else we should do.

2. Trapping on public lands and WIHA – Matt Peek, Furbearer Wildlife Biologist, presented this report to the Commission (Exhibit H). There are 13 species of legally harvestable furbearers not including the coyote. The animals are diverse, adaptable, abundant and secretive because they are mostly nocturnal. KDWP sold 5,900 furharvester licenses in 2006, but not everyone is active in any given year. About 3,000 of those are trappers and 3,300 hunters. About 70 percent of furbearer



harvest is trapping, except for coyotes. Primary trap types are: cage traps, which are live capture traps, but there are limitations to the species you can trap so they are not prominently used. They are also expensive and large. Foothold traps are good live capture restraints or can be used in water for a lethal set. There are a wide variety of sizes and types. They are dog proof with modifications like wider jaws and offset swivels. They are most versatile and widely used. Snares are live or lethal depending on the equipment. For live capture, heavier gauge of wire is used. Lethal snares use a small diameter cable with an aggressive lock that will not relax. However, it is not a power device so it may not kill an animal if the animal does not fight the wire. Animals are captured passing through and used on non-baited trails. Snares are also and cheaper. Body-gripping traps are lethal. There are three main sizes of body-gripping traps; the 110 has a 4.5-inch jaw; the 220 has a 7.5-inch jaw; and the 330 has a 10-inch jaw. Anything larger than 220 has to be set in water. Trapping seasons on private and public lands runs November 15 to February 15. All traps must be tagged with name and address of the trapper and tended daily. Snares must be 5 feet from fence bordering public road or 50 feet from a road with no fence, and body gripping traps larger than 8 inches must be set in water. WIHA ground is not open to public trapping. Chairman Johnston – With respect to public lands, is trapping prohibited on public lands where hunting is not allowed? Peek – No it isn't, I am referring to department managed lands. Trapping on public lands has no measurable risk to people. Dog captures are rare and injuries to dog captured even rarer. Three of our 27 public land managers received reports last season and we had the first dog killed this year, as far as we know. Traps are more under our control so there is less risk than other factors. Pearce – Was the dog killed with a snare? Peek – Yes. Incidents are rare because trappers don't want to catch people's dogs. They avoid hunters because they don't want to trap in high-use areas because they know their equipment is at stake and they try to isolate themselves and be discrete. Trappers are selective by setting location, timing, trap type and size, set type, bait presence or absence, and bait type like those that don't attract dogs. Most traps will not injure dogs if they are caught. In a major study that was conducted on Best Management Practices (BMP), most traps used today pass international humaneness standards set for furbearers, and dogs can usually be released from restraining traps. The study is available on the Association of Fish and Wildlife website. The Wildlife Society says trapping is humane. I want to clarify that animal welfare doesn't mean the animal likes it, but it can be released into the wild without significant damage. The only animal that died of 300 captured for the study was a coyote with mange that died of exposure. Lethal traps are used because a quick kill is considered humane, the animal can't escape, and it doesn't draw unwanted attention. On public lands, greater discretion is required and timing is critical. Lethality of a furbearer set is not certain with a dog – snares require animal to draw tight; body grippers prohibit capture of many hunting dogs; and with both of those devices, the presence of the hunter is also a factor. Trapping is most critical aspect of furbearer management. Trap type and techniques allow trappers to be safe and selective. In the future we'll look at defining acceptable conflict levels (on dog status), document dog captures, regulate if we reach predefined conflict thresholds and continue I&E efforts relative to this issue. Commissioner Johnston – I received the call from a man at Cheney whose dog was caught and killed in a snare, and have talked to Matt about this and appreciate the knowledge I have received. I have a problem with trapping on public land where there are walking on trails. I have lingering concerns about places like that where trapping would be permitted, and people would have their dogs with them -- combined use areas. Peek – I spoke to regional public land supervisor and those types of trails are rare. Trappers recognize those areas as places to stay away from as well as prime upland game hunting areas. We don't have restrictions of high-powered rifles near those areas either.

Bob Redeker – I am a Hunter Education Instructor, Furharvester Education Instructor and member of Furharvester Association. Mr. Peek is hard to follow, but as trappers in Kansas we are fortunate to have lenient laws as it is very strict in some states. We had 17 people hurt in hunting related injuries in Kansas last year, but more dogs were hurt in conducting hunting activities, like being hit by a car.

Trapping is more than a hobby. It is a way of life and extra income which allows trappers to spend more money to hunt. Seasons overlap because of the primness of fur. I see numerous times where (HE) students go through two days of class but have no place to go but a public hunting area. We teach students to respect all rights of hunters and people using outdoors. Does that include trappers? Hunting and trapping are necessary wildlife management tools. We are proactive in educating public on what traps to use, the last thing we want to do is catch anybody's dog. We like the laws the way they are. For every problem there is a solution. Hunter education classes could have a short presentation on trapping that would teach how to release a dog from a trap. Young hunters need to know about this and there is no reason a dog should parish if the person knows how to free the dog if it is trapped. Another tool might be to provide pamphlets on traps and their function so they can keep their dog safe.

W.R. Brecheisen, Jr. – My whole family are trappers and have been since they came to this country. We do booths at fairs, but need to get more information out to public. Trapping information should be posted on bulletin boards at public hunting areas because I don't think a lot of them know that trapping is there during those seasons. Chairman Johnston – Mr. Peek showed me copy of what is posted at the kiosks and legality of trapping is enclosed in these documents.

Dan Kvacik – I am a Kansas Furharvester and retired law enforcement officer. Also, I have been an animal damage control trapper for over 27 years and conflicts between animals is more because people feel they can turn the animals loose at night. People need to put some restraint on themselves. Chairman Johnston – I appreciate this information and agree with Mr. Redeker. Three wildlife managers have heard reports besides Cheney right? Peek – Yes, managers at Wildlife Management areas. Chairman Johnston – My concern is that there seems to be a greater risk that is showing increased incidence with dogs. I am interested in getting further information on this, but how many areas have trails.

Redeker – There is more danger from shooting than traps.

Steve Sorensen, Kansas Wildlife Federation – A dog has to be on a leash while walking those trails unless hunting.

Mike Pearce – Is this talk something you requested? Chairman Johnston – Yes, and I requested more information. Commissioner Lauber – Our concern is not anti-trapping. I buy a furharvester license every year. There is more conflict with more people moving out to rural areas. The information is good, but no concern about trapping itself. Chairman Johnston – That is not my interest, my interest is risk management and particular areas of enhanced risk.

*Break*

Commissioner Lauber – What is I&E? Peek – Information and Education.

3. Syracuse Sand Park – ATV off road park – Jerry Hover, Parks Division Director presented this report to the Commission (Exhibit I). Each state has an agency that administers the federal recreational trails grants. Parks Division does that in Kansas. Of the grant, 30 percent must be spent on motorized trails; 30 percent on non-motorized; 5 percent for education and administration; and 35 percent on a combination of trails and activities. We have had a tough time getting motorized trail projects so we have money left over from previous years. During the 2006 Recreational Trails Grant period, Saline County was approved for a motorized trail grant; \$700,000 was encumbered and allocated to Saline County, but they have withdrawn their project. We only have a certain amount of time to use the money. KDWP proposes to encumber and allocate the \$700,000 to the City of Syracuse in Hamilton County for the Syracuse Sand Park trails system and amenities. Work will begin immediately upon final approval and signing of the project agreement.

Gene Pflughoft, Hamilton Economic Development Director – The people in the audience with the orange shirts on are also from Syracuse and include a county commissioner and the mayor. (Exhibit

J). Sometimes in western Kansas we feel like the forgotten part of the state. It is hard to get people to go out there. The City of Syracuse plans to develop approximately 1,300 acres of sand that the city owns. We went to Waynoka, Oklahoma and looked at what they have. They attract 350,000 riders per year with 1 million visitors. There is 17,500 internet hits for Waynoka, Oklahoma so that showed us there is a lot of interest in sand sports. Does Syracuse have the same potential? We talked to editor from Sand Sports Magazine and the City set up a steering committee. The first sand park was established 75 years ago in Colorado but is closing because land is more valuable for housing. Approximately 150,000 people a year travel through Syracuse each year going to Oklahoma. In the winter you see them going to Colorado to go elk hunting. We are on Highway 50. I just moved to western Kansas three years ago. Unfortunately, we don't realize what we actually have in our communities. People in eastern Kansas don't know how fortunate they are to have water. We have a lake, some refer to it as a sandpit, but it is water and we can have recreation. The Sand Sports Magazine took pictures of the area before we developed it. ATVs are a great family sport. We spoke to a family who had a \$45,000 pickup, a \$20,000 trailer and seven ATVs at \$6,000 each. These people are spending money on recreation. There are also sand cars. Out of 350,000 visitors in Waynoka, there were 37 injuries, from ages 21-29 (mostly dare-devils with thoracic injuries). The steering committee hired a park director and trained employees and rangers to search vehicles so there is no alcohol there. The local people have been enjoying the sand hills since 1970. We are developing a trail patrol. The most important fact is the economic impact. The small rural western communities are dying. Ethanol plants are bringing some people back. Syracuse was dead. There were a lot of empty homes, and businesses downtown are empty, but now we have new projects coming in. We have three new RV parks, two people are looking at building a possible motel, land purchases, a new ATV dealer and it has sparked enthusiasm in the business community. Four weeks ago when the photo shoot happened, we estimated that 200 people came and each spent at least \$20, about \$4,000 x 7 days = \$28,000. KC's (a local restaurant) ran out of food and the BP gas station ran out of ice and flags. Imagine the growth of 1 million visitors, influx of \$5-\$10 million in new money and youth employment. Syracuse has applied for grants from KDWP and Polaris. This has a regional impact. About 15 years ago there were no dairy cattle in southwestern Kansas and now there is about 85,000 dairy cattle and hundreds of employees and jobs. There is fishing, five hours away in any direction. Water is difficult to find, but we need to work on a grassland fishing spot. We have the sandpit (our lake) and the water is crystal clear. We have been asked if someone can scuba dive there and we hadn't even thought of that. People can enjoy the water when they come to the park. We want to develop a camping area and build lean-tos because there are no trees. People in western Kansas go to Clinton, Oklahoma or Colorado to go camping. Other things to do in the area include Ag tours of irrigation circles from the air; dairy farm milking; the Santa Fe Trail; and Cimarron National Grasslands. Kansas is as big as you think and we need to develop the area for families. Richard Riedel – Four years ago I went to Waynoka and everything he says is true.

Mike Pearce – Where does the \$700,000 grant come from? Hover – Recreational Trails Grant funded through the Transportation Safety portion through federal Highway Administration. Pearce – How will KDWP be involved in this? Hover – Because we administer the grant it puts our fingers into it. Pearce – How about after the money is spent? Hover – We will have a yearly review to make sure the money was spent like it was supposed to be. Pearce – Gene, where is the property, is it all right around the sand pit? Pflughoft – There is a 100 yard gap between the river and the sand pit. Pearce – When you get south of river road you get into pristine sand sage prairie. Pflughoft – One mile south and two miles west. Pearce – How do the farmers feel? Pflughoft – It takes 29 acres to support one cow, and two people have opposed the park, one who lives ¾ mile away and a ranch manager who was vocal against the project. Pearce – Do you have any concerns that this park will expand onto private ranch lands and that is where you will get into areas where lesser prairie chickens and cattle are? Pflughoft – I have ridden out there for 6-8 months and have never seen a lesser prairie chicken. Pearce – If you go very far south and east you definitely get into lesser prairie

chicken territory. You are missing my point. Pflughoft – Is there concerns? Pearce – Yes. Pflughoft – Yes if it moved farther south.

Ron Klataske, Executive Director, Audubon of Kansas – (Position Statement – Exhibit K) I am not here to question assumptions made, and I am sure it will promote economic growth. It will stimulate land interest which could be a problem. The City can do what they want with their land, our concern is with the department and federal support. If they receive Commission consensus, on behalf of members of Audubon, we feel you should take additional time prior to endorsing this. The Commission should not be stampeded by an Independence Day opening. This area is in the vicinity of lesser prairie chicken habitat and other species of concern. In fact a broad sweep of species needs to be considered. Do an evaluation of site prior to awarding \$700,000. Similar habitats are important for scaled quail and mule deer and other species. The Comprehensive Wildlife Conservation Plan published in 2005 identified many species that this land was valuable to. It seems that a portion of the funds should be used to restore habitat in mitigation. Other alternatives for the \$700,000 would be “already ruined” areas such as strip mines.

Steve Sorensen, Valley Center, KS Wildlife Federation – Does this have to be workshopped in two months? Hover – It is not required to be workshopped, no. Chairman Johnston – What is required of Commission? Hover – We can bring it back at a later date, not for approval of the project, just a consensus to move ahead with the project. Chairman Johnston – Consensus approval is required by Commission? Hover – No, the Secretary is the final approval for the grant. This is just an opportunity to bring this before the public in a formal fashion. This gives us a better opportunity to let people know what the issues are. Sorensen – Is there a NEPA review being conducted? Hover – It is in the process. Sorensen – What about an environmental impact study? Is that being conducted? Hover – Yes. Sorensen – I am not sure we should facilitate the destruction of 1,300 acres of sand sage prairie. I feel you should not provide the grant until everything is completely considered.

Commissioner Meyer – Consider the eastern part of the state and how much has been developed for housing, look at the vast area out in western Kansas and how small 1,300 acres is in the overall picture and it is a good economic opportunity for them out there. That far outweighs a little bit of wildlife habitat. Let’s not back away from allowing a community to help themselves out.

Commissioner Shari Wilson – What would the grant be used for? Hover – Specific, recreational trails (not rail trail of any type), single use trails, like hiking, biking or nature; then combined use trails and motored trails. They attempted to define what amenities are (two type-written pages) but is not all inclusive. It could include a playground or campground. Each project is looked at individually and what it will be used for. Some that are applied for are rejected because they wanted a playground and put in a trail, just to get a grant. Commissioner Shari Wilson – At any point before the funds are dispersed is there a concrete plan in place? Do you see this as a viable? Hover – An Advisory Committee overlooks all of these grants. Commissioner Shari Wilson – I just wonder if someone is looking at that. Hover – Statewide Trail Advisory Committee that does that is asking Syracuse to detail that out more than they have already and we are looking at the environmental impacts against people and animals. Commissioner Shari Wilson – Are complete plans required? Hover – Shortened in some cases, but in this particular case they are detailed. Impacts of motorized vehicles on sand sage. Commissioner Shari Wilson – You said an Environmental Impact Statement is in place? Hover – An Environmental Impact Summary. Commissioner Lauber – Pearce’s point was well made. I feel comfortable having a little more information and it is private property and they can do what they wish, but I would like more information. Chairman Johnston – How much time is needed before the review needs to be completed and the Secretary looks at these? Hover – It depends on other agencies. Chairman Johnston – If we deferred for two months to next meeting, would that delay the delivery of the funds? Hover – I don’t know if that would be enough time, they may not be ready. Commissioner Lauber – It is not our call ultimately any way. If it is not unanimous, it may not be our place to ask the questions. Chairman Johnston – Vote or not approve or vote to postpone, what is consensus of Commission? Feel this is an excellent idea for your community and hope approvals

that go beyond this Commission are favorable. Not sure our approval is needed. I feel we should postpone any action. Keith Sexson – Our Environmental Services Section is fully engaged in this and are trying to meet with Syracuse before the July 4<sup>th</sup> celebration, and we feel they will give a good review to this, so I feel the idea to defer is a good one. We are not ignoring the environmental effects this might have, and they will give us an environmental survey. Chairman Johnston – I personally don't like to see the money delayed.

Klataske – You could put conservation easements on surrounding land to prevent it from moving on and on.

Randy Braddock, Hamilton County Commission – Hamilton County has the largest, highest number of acres enrolled in the WIHA. We are concerned with the environment because it is so fragile. This would be a huge boost to our community of 3,000 people. Chairman Johnston – The Commissioners did not say they were not in favor, but would like to see the process be finished before we commit.

4. Spring Turkey Season – Mike Mitchener, wildlife section chief, presented this report to the Commission (Exhibit L). 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 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 (central Kansas). Results from the most recent spring harvest survey (2006 -- 2007 is not complete) reveal that the department sold 60,592 permits (42,128 initial permits and 18,464 game tags). Of those permit holders, an estimated 40,356 hunters actively pursued turkeys and harvested around 33,000 birds. Approximately 67 percent of active hunters harvested at least 1 bird during the spring 2006 season. Only 18.3 percent of all active hunters (7,400) filled both their initial permit and a game tag during the spring 2006 season. Over the last four years, the number of hunters has begun to stabilize at around 40,000 and harvest at around 32,000 birds. Population indices for the eastern half of the state indicate that the turkey population has declined somewhat over the last two years. This decline is likely a short-term response to two consecutive years of poor production. The decline in turkey numbers has been the most dramatic in the southeastern portion of the state. Results from the spring 2007 harvest survey have not yet been tabulated, so it is uncertain if the decline in turkey numbers had a substantial effect on harvest or hunter success in the southeastern region. Turkey numbers in other parts of the state are either slowly increasing or beginning to stabilize. Recently we had a meeting of the departmental turkey committee and discussed spring permit allocation for Unit 4. For the spring 2007 season, a total of 287 applications were received for 200 permits. The number of applicants declined slightly from the previous two years. The decline in applicants was likely due to the re-aligned unit boundaries that went into effect for the spring 2007 season. The new unit boundaries allowed for over-the-counter permits to be valid in portions of five counties previously contained in Unit 4. Due to slowly increasing turkey populations in the southwestern part of the state, the turkey committee believes that the population in that region can now provide more hunting opportunity. The department recommends increasing the Unit 4 tag allocation from 200 to 325; possibly meeting hunter demand in the coming years. If this change is approved, it would result in 75 youth permits and 250 regular draw permits. Landowners and tenants would still be guaranteed 50 percent of the permits allocated for Unit 4. The turkey committee also discussed the conflicts created by overlapping the new archery-only season and the youth/disabled season. There were isolated occurrences of competition between youth/disabled and archery hunters during the first part of April for property access (Hutchinson/Reno County area). Because of the increased competition, the turkey committee would like to pursue a recommendation to run the youth/disabled season concurrently with the archery-only season. This change would open both seasons on 1 April and run them through the start of the regular turkey season, which begins on the

second Wednesday in April. Such a change would provide the youth/disabled hunters with more days in the field and hopefully minimize competition with archery hunters for property access. Chairman Johnston – Does it reduce the conflict by increasing the number of days to spread out the pressure? Mitchener – That is correct. Most kids don't get to hunt on Friday, so allowing them the whole time period would essentially only give them one weekend. Our feeling is that this allows the kids more opportunity after school during the week if the opportunity arose. Sorensen – With the allocation of 50/50 to landowner/tenants, 50 percent does not cover all of the applicants, do the un-used landowner/tenant permits roll over to the general residents? Mitchener – If not taken in the draw, they are rolled over.

5. Archery in the Schools – Mike Rader, wildlife education coordinator, presented this report to the Commission (Exhibit M). I have given you a fact sheet on this (Exhibit N). The Archery in the Schools program has been active for almost a year now. The initial training was held in June 2006 at Bonner Springs. Twelve KDWP employees went through the program and became facilitators. Gary Keehn, of Soldier, has been hired as the Kansas Archery in the Schools State Coordinator. He brings many years of classroom teaching experience and tremendous enthusiasm to this position. He has many ideas about how to best provide this program to the schools of the state and hopes to begin to implement them in the coming year. Subsequent workshops have been held at Maize and Ottawa, training 29 teachers in 20 schools from 13 school districts around the state. The archery program is also being conducted through a church in conjunction with Boy Scout Pioneers and also in one after-school program. We provide \$1,300 for kits that cost \$2,600 and the budget doubled this year to \$40,000. Upcoming training includes Chanute and Fredonia. Plans are also in the works to provide workshops through the Greenbush Southeast Kansas Education Service Center in July and September. There has been interest shown from the Salina area, so workshop locations are being investigated (showed bow used in the program). Have information on the school districts that have participated and we hope to provide this to more teachers. Also, we introduced the program to 60 primary and secondary math teachers at Fort Hays State in June as part of a week-long education workshop. Commissioner Shari Wilson – How are schools implementing this program? Rader – Through Physical Education primarily, but we are trying to expand that, hence the math teachers that trained last week. We are trying to put the bows in the hands of the kids. Commissioner Shari Wilson – It is important too if you can tie this to their curriculum the better chance to keep it going. Commissioner Robert Wilson – What are the dates for Greenbush and Fredonia? Rader – Later this summer. I have a mailing list of 15,000 and hope to get feed back from that.

6. Hunter Education in Our Schools – Monica Bickerstaff, assistant hunter education coordinator, presented this report to the Commission (Exhibit O, PowerPoint – Exhibit P). The 1972 legislature mandated hunter education for anyone born on or after July 1, 1957. Noted successes in the schools include Tonganoxie Junior High since 1978; Wellsville since 2002; and Central Heights since 2005. It is part of the physical education curriculum in Tonganoxie, but it is an elective course in Wellsville and Central Heights. So we decided to try and replicate the program in middle school programs statewide. An advisory committee was formed with seven professional educators (two middle-school principals, one college professor, three teachers and one retired superintendent of schools) and department personnel. The goal : “To develop an interactive course of instruction, guided by state and federal curriculum standards, designed to inspire Kansas middle school-aged youth to explore nature and the outdoors as well as teach them skills that will allow them to participate in a safe and knowledgeable manner. The curriculum will not only provide a student with basic outdoor skills, but will also provide him/her with a background in basic firearm safety, ethics, wildlife management and conservation that will spark their desire to further discover the many opportunities afforded them by nature and the potential lifelong recreational enjoyment it holds.” The prospect of offering such an interactive course of instruction in Kansas middle schools was

enthusiastically received by advisory committee members. At the recommendation of the Advisory Committee, an informational video was produced and an accompanying portfolio was developed (Exhibit Q) for distribution to approximately 450 attendees. The process of certifying professional educators to present hunter education in their respective classrooms has begun and in fact we certified our first instructor on Tuesday. We anticipate 10 schools will be launching programs in 2007-2008 school year.

Commissioner Shari Wilson – Tell us what the budget is for the Hunter Education in Schools program? Bickerstaff – We rolled this into the entire Hunter Education budget, it is not separate.

Commissioner Shari Wilson – How much do you think you have? Bickerstaff – We have an \$80,000 grant. Commissioner Shari Wilson – We don't put anything into it at the state level? Bob Mathews –

Yes, the \$80,000 grant. Commissioner Shari Wilson – But, you don't get any additional money?

Bickerstaff – This should provide the program to the schools.

7. Update on KDWP Emergency Management Efforts – Kevin Jones, Law Enforcement Division Director, presented this report to the Commission. A portion of this will be presented by Jerry Hover and Brad Simpson. Our involvement, devised through Presidential Order through President Bush. There were 15 functions and KDWP was involved in seven of those (Exhibit R). Under one of these plans, we are activated by emergency response like Greensburg and other areas of the state. We get notification and are asked if we have resources we can bring to help with that effort. Then we are tasked to come up with what we have available. On May 4, a tornado went through Greensburg that was 1.7 miles wide and on the ground for 22 miles, and was a 5 on Fugita scale. We had officers in-route to that area right away to help with rescue (3 LE and 1 WA). During the following days, Saturday and Sunday, we had officers providing security. We helped evacuate the entire town and provided security around it. We had seven officers involved on Saturday and eight on Sunday. Tasking was up to Emergency Management on Monday, and we had eight officers going in on 12-hour shifts for 3-day details and then rotated people in and out of there. We had an active presence there, primarily during the night hours. We worked by ourselves and have night equipment that was useful. In all we had 32 officers providing assistance to that area including six Parks and two WA officers. We spent numerous hours and additionally put about 16,000 miles on vehicles. We are talking with FEMA about getting reimbursement of mileage and overtime pay. Commissioner Sebelius – Didn't we give comp time to quite a few officers? Jones – Yes, however, we gave them overtime pay, not comp time because we hope it will be reimbursed. Jerry Hover – During the time of the declared disaster, 32 counties were declared federal disaster areas and we had parks in several areas. Central to east was impacted in some way. We had Ameri-Corps teams at Ottawa and in Greensburg. Impacts to state parks on Memorial weekend had various effects, but we had about the same average attendance as the last two years. Cheney and Milford had to evacuate campgrounds because of flooding and high winds. Clinton had over half a million dollars damage; Pomona, \$400,000; and Kanopolis, \$385,000; Eisenhower, \$2,000; Tuttle Creek, \$300,000; and Cheney, \$365,000, mainly due to flooding and high winds (Exhibit S). We also had damage at parks not in the disaster areas, in fact Perry State Park had about \$70,000 in damage. We are meeting with FEMA, going through figures and expect determination of how much money they will reimburse us in the near future. Chairman Johnston – Why was the estimated damage at Perry at \$70,000? Also, you listed other areas not in the disaster areas and how are the problems being dealt with without federal monies? Hover – We learned from the 1993 floods, but debris removal will be the biggest expense. Chairman Johnston – What kind of time frame do you have to get clean up done in counties not covered by disaster? Hover – We hope to have them cleaned up for the 4<sup>th</sup> of July. Some parks will still be negatively impacted, like Clinton, one boat ramp is totally closed, and the Marina boat ramp will be open if water continues to go down. We appear to be on the road to a good holiday weekend.

Brad Simpson – I cover Wildlife Areas (WA) and State Fishing Lakes (SFL), and I had one officer and several managers for patrol during the following week. Ottawa SFL had the majority of damage. We provided assistance on flood control in Reno County and evacuation help there. We had people on each of our areas where damage occurred. Four areas had significant damage: Kiowa SFL, Texas WA, Ottawa SFL, and Cheyenne Bottoms, with 12 areas having some damage. Four other areas were not in disaster areas. Mainly it is debris clean up and road repair. Pottawatomie SFL II, Clinton, Cheney, Perry, and Clark SFL are some of the areas and we are looking at less than \$2,000 in some areas to several thousands at others. In all we expect about \$1 million of damage to WAs and SFLs, but we are still assessing the flood damage.

Commissioner Shari Wilson – Would you send out a list when it is available? Simpson – Yes.

**VII. RECESS AT 5:30 p.m.**

**VIII. RECONVENE AT 7:02 p.m.**

**IX. RE-INTRODUCTION OF COMMISSIONERS AND GUESTS**

Commissioner Debra Bolton was present for the evening session.

**V. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS**

*None*

*Deferred three items from afternoon agenda.*

**VI. DEPARTMENT REPORT**

**C. Workshop Session**

1. Boating Regulations – Dan Heskett, boating law enforcement, presented this report to the Commission (Exhibit T). There have been approximately 7,000 boating related fatalities -- 30 accidents a year and four fatalities. With our waters becoming more congested it is important to provide adequate facilities as well as updated regulations. I attended the International Boating Safety Summit in March 2007, in speech given by Mark Duda, he said that law enforcement works, but we need to get guidance for what is enforceable. Chris Tymeson, Chief Legal Counsel has worked diligently to get proposed regulations reviewed by the office of the Attorney General and necessary changes made. It is anticipated that the requested regulation proposals will be presented for a vote during the August Commission meeting, comprising of the following topics: 1) display of the registration identification number and decal; 2) formula for figuring the person capacity on a vessel with the capacity plate missing (never had one or lost it); 3) boating steering and piloting, now “sailing” rules for the operation of these vessels adopted from National Coast Guard rules with a few changes, language people can understand like “maintain a proper look-out”; 4) reporting boating accidents (report immediately to law enforcement agency, 48 hours to report death, missing person, five days to report injury – stems from maritime laws and out-at-sea standards that could take that long to get back into port – Coast Guard changing this also – to retain evidence); 5) restrictions towards personal watercraft at greater than “no wake” speeds when within certain areas (conflicting regulations – make everyone aware PWC is not a toy and make it the same in both regulations) and the removal of redundant language in regard to education requirements (covered by state law on education requirements); and 6) enforcement of marine sanitation devices (did inspections, toilet that has a holding tank that holds the sewage and it is a violation to dump raw sewage into public waters – checked 43 vessels at Wilson and 8 told me they had dumped their sewage where their kids and



other people were swimming – main reason was getting vessel to pump out facilities, so we are working on that – strapped Y valve to only dump in holding tank but no way to enforce it if they take the strap off). I also have one unrelated item. We have a Boating Task Force Committee that has Troy Brown and Doug Nygren on it, who are here tonight, as well as others in the agency, that are working on a “Wear It” PFD campaign. We ordered 900 signs so far and are still running out. The number one cause of fatalities is falling out of boat and drowning or capsizing and drowning, so wearing a PFD is important. Another project is updating boat registrations, the first time for this agency. Boat registration began in 1960/1961. Boating safety laws came into effect in 1973, so we sent out a recreational boating survey to registered boaters. The survey is split into two survey groups – boating facilities; and education and law enforcement. We sent 5,000 in each group and are starting to get some of the surveys back. Tymeson – We will be voting in August for an affective date of January.

2. Fishing Issues and Regulations – Doug Nygren, fisheries section chief, presented this report to the Commission (Exhibit U). This is a follow-up of last meeting. We have put together a Governor’s Sub-cabinet task force with Jason Goeckler leading that. I have several items to go over with you. 1) Right now there is a Viral Hemorrhagic Septicemia outbreak in the Great Lakes which has caused large-scale fish kills. Eight Great Lake states are quarantined and cannot move fish across the state lines without a health certificate indicating a negative test. The aquarium industry, bait industry, sportfish stocking industry, and the food fish industry are the mostly likely sources. There may be merit in establishing a regulation that requires all fish entering Kansas be certified by an AFS-FHS pathologist as VHS and Spring Viremia of Carp Virus free. Kansas needs to protect native fishes from this threat. Currently the department permits one of the likely pathways, bait dealers, however, we do not have the necessary authority over other pathways such as aquaculture and the pet trade. Commissioner Lauber – How many of those are there in Kansas? Nygren – One big one in Kansas. Commissioner Lauber – Is he cooperative with this issue? Nygren – He understands this and knows he will lose his license if he doesn’t comply. 2) The department established weigh-in requirements for tournaments using the Bass Pass Program, which began this year to allow people to keep short fish. Tournaments using the Bass Pass must be registered with the Fisheries Section. We left out “black bass” from the regulation last year and we want to put that back in. 3) The National Asian Carp program has requested that we switch from diploid grass carp to triploid grass carp that are presumably sterile. By stocking sterile grass carp, the risk of establishing a population in non-target waters is greatly reduced. 4) On paddlefish, we need to delineate where upstream and downstream areas are on Burlington and Chetopa city dams and make snagging illegal, which is currently unenforceable all the way from Burlington Dam to the Oklahoma border. The 34-inch length limit is unnecessary on the Neosho River. The Marais des Cygnes River below Osawatomie Dam, and the Browning Oxbow Lake of the Missouri River can stay the same. 5) Striped bass hybrids are artificially produced offspring of the striped bass and the white bass. The striped bass hybrid has become an important management tool for biologists. Staff recommends that in addition to the statewide creel limit of two striped bass hybrids per day, an option of five striped bass hybrids be allowed by amending the “Kansas Special Size Limits, Creel Limits, and Bait Restrictions Tables” reference document within regulation 115-25-14. 6) Currently KAR 115-18-12 on trout, states that each individual who wants to fish or to fish and possess trout during those periods of time on those bodies of water established by KAR 115-25-14 shall be required to have a trout permit. Shawnee County has proposed to the department a discontinuation of their own trout permit and will begin requiring a state trout permit. In return, the department would compensate the County for the cost of their stocking program. This would eliminate confusion on permitting requirements for trout anglers at Lake Shawnee. Tuttle Creek State Park-Willow Lake being designated as a year-round trout stocking location has forced all anglers to be in compliance of the trout permit requirements whether they are fishing for trout or not during months when the primary targets are warm water

sportfish, so we are recommending that they be removed from that year-round requirement. There has been much internal discussion on how the department can boost “young angler” participation in our trout program. Most feel that a reduced price on the cost of a trout permit for those anglers under 16 would increase participation and recommend no permit, with a daily creel limit of two trout, as long as they are accompanied by a permitted adult. Anglers under 16 who wish to purchase a trout permit will still be able to keep a full daily creel of five trout and will not need to be in the presence of a permitted adult. There is internal debate on whether we want to do it for whole year. 7) Staff recommends that we separate the methods of snagging and gigging in regulation and that snagging for non-sport fish be left as is, where it is a legal method of take only in waters listed in regulation 115-25-14 (“Kansas Special Size Limits, Creel Limits, and Bait Restriction Tables”). In addition, staff recommends that gigging (for the taking of rough fish) be added to the list of legal equipment and methods for taking non-sport fish (Regulation 115-7-1).

3. Park Regulations – ADA access issue – Jerry Hover, Parks Division Director, presented this report to the Commission (Exhibit V). KAR 115-8-13 currently does not allow anyone to use unregistered vehicles on KDWP property, however we are not ready to bring this forward at this time as we are struggling with what types of equipment to allow. We will bring this back in August with a vote in October. Chairman Johnston – I am having a hard time understanding the boundaries between off-road vehicles what the department wishes to allow and not allow. From the description in the briefing book, can you better define what kinds of vehicles you are going to allow? Hover – No vehicle at this time is allowed and we are trying to clarify that. Where we can we want to authorize various types of equipment to get handicapped individuals to a shoreline or something like that. This is usually not a problem, but with lower water levels out west and higher levels in the east it is and we are struggling on how to define those. The only option right now is a motorized wheelchair. We are struggling with how we narrow it down enough, but cover all the possible types of things we could allow. Commissioner Sebelius – How are we going to define vehicles? The Legislature does not allow ATVs on the street and you can not drive them on public roads. Hover – That is where it becomes very difficult. A person may be on the south end of park, but the area they want to go may be on north end of park so that is the problem we are having. Commissioner Sebelius – You have to struggle with it and see what you can do. Hover – That is why we are not ready with it at this time. Commissioner Bolton – It is semantics, but you should put physical handicap, so as to not include developmental handicaps. Hover – On federal lands they are working on better defining accessible, which will be allowable on federal lands, but not on state lands with federal funds. We don’t want to have to change this again later. Tymeson – It is a difficult regulation to deal with, but we are shooting for an October vote. We are getting legislative pressure on this as well, so we will have to deal with this at some point. Hover – It is such a convoluted issue.

4. Public Lands Regulations – Brad Simpson, chief of Public Lands Section, presented this report to the Commission (Exhibit W). This is a similar situation as the fishing regulations referring to posted notices. We intend to provide a reference document at the next Commission meeting and vote in October to take affect in January. We are looking at all of the posted notices that address the issues of enforcement, fairness, and users’ understanding of public land regulations. Chairman Johnston – You should look at the size of print on the posted signs. Simpson – Most of the posted notices will be listed in a reference document which will be published with a shortened version of the notice on the kiosk boards.

Keith Sexson – I would like to formerly introduce Faye McNew, the new waterfowl biologist who takes Marvin Kraft’s place.

5. Late Migratory Bird Seasons – Faye McNew, waterfowl biologist, presented this report to the Commission (Exhibit X). Late migratory bird seasons are those that start after October 1. I have no season dates to present today as they will not be published until around August 15. We expect the liberal season with no changes except to remove the special Marais des Cygnes zone that had an early closure.

#### **D. Public Hearing**

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

1. Early Migratory Bird Seasons – Helen Hands, wildlife biologist, presented this report to the Commission (Exhibit Z). These seasons start on or after September 1. The U.S. Fish and Wildlife Service sets these frameworks and states may always adopt more restrictive regulations than those allowed, but may not adopt seasons more liberal than the frameworks. This is the third meeting for going over these regulations. Dove regulations are now set by KAR 115–25–19, rather than annual Commission approval. Frameworks and recommendations are: Rail (sora and Virginia) - hunting season not exceeding 70 days between September 1, 2007 and January 20, 2008 with daily bag of 25 and possession limit of 25, singly or in aggregate, of sora and Virginia rail with a recommendation of a season running September 1 through November 9, 2007 with a bag and possession limit of 25 and 25, respectively and there is no open season on king rail, common moorhen, and purple gallinule. Snipe – frameworks include a hunting season not exceeding 107 days between September 1, 2007 and February 28, 2008 and the season may be split once with a daily bag and possession limit not to exceed 8 and 16, respectively. The recommendation is for a season running September 1 through December 16, 2007 with bag and possession limit of 8 and 16, respectively. Woodcock - a season not exceeding 45 days between September 21, 2007 and January 31, 2008, season may be split with daily bag and possession limit of 3 and 6, respectively. We recommend a season running October 13 through November 26, 2007 with a bag and possession limit of 3 and 6, respectively. Teal – the season is more complicated and will run between September 1 and September 30, 2007 with two options depending on the May breeding bird population - 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 million and 4.6 million, or 3) no season if the population is less than 3.3 million. Frameworks include a daily bag and possession limit of 4 and 8, respectively. No results yet, so not sure what options are. May only have 8 days in high plains because of 107 day limit and 97 days allowed under the regular season liberal package, plus 2 days of youth hunting leaves only eight days to reach the 107 day total. Our recommendation is for 1) 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 15 through September 23, 2007; a 16-day season running September 8 through September 23, 2007; or, an 8-day season running September 15 through September 22, 2007 (for reference if allowed 16-day season, we chose 8-day last year). 2) Low Plains zone: a bag and possession limit of 4 and 8, respectively, with the following season date possibilities: a 9-day season running September 15 through September 23, 2007; or, a 16-day season running September 8 through September 23, 2007. The department recommends adopting the maximum shooting hours allowed in the frameworks, ½ hour before sunrise to sunset. Chairman Johnston – With respect to the recommendation on teal season, are you asking us what season to choose or depending on the survey? Hands – It will depend on the breeding bird survey. Sorensen – Why don't you close off the last 8-days of teal season of the 97-day season to allow a 16-day season? Hands – Are you proposing only teal would be shut off? Sorensen – Yes. Hands – You would still be able to hunt ducks and the 107 days is any duck hunting. McNew – We would have to cut out the entire last 8-days for all ducks to make that happen. Hands – It is still 107 days. Sorensen – It seems too logical, so I'm sure it can't be done. Hands – We would still have 107 days in the High Plains zone, trust me, it won't

work. *Commissioners concurred with the recommendations.*

2. KAR 115-2-3a. Cabin camping permit fees – Jerry Hover, Parks Division Director, presented this report to the Commission (Exhibit AA and BB). Amending this regulation on page three to add yurts at Eisenhower State Park; at Tuttle Creek State Park, we are changing cabin numbers 1-4 and deleting 7 and adding cabins 5-7 which are larger cabins with the rates listed on page 8; on page 9, we are adding “and Wildlife Areas”, and deleting information on Clark because we have no cabin at this time and are not ready to implement one (when it is implemented at Clark it will be \$60 per night year-round and \$420 per week year-round); adding Mined Lands Wildlife Area on page 10 at \$60 per night and \$420 per week year-round; Ottawa State Fishing Lake, adding cabin at \$60 per night and \$420 per week year-round; deleting cabin pricing for Woodson State Fishing Lakes on page 10 and 11 and adds \$60 per night year-round and \$420 per week year-round making all wildlife areas and state fishing lakes cabins the same prices year-round.

**Commissioner Shari Wilson moved to bring KAR 115-2-3a before the Commission.  
Commissioner Debra Bolton seconded.**

**The roll call vote on KAR 115-2-3a as recommended was as follows (Exhibit CC):**

<b>Commissioner Bolton</b>	<b>Yes</b>
<b>Commissioner Lauber</b>	<b>Yes</b>
<b>Commissioner Meyer</b>	<b>Yes</b>
<b>Commissioner Sebelius</b>	<b>Yes</b>
<b>Commissioner R. Wilson</b>	<b>Yes</b>
<b>Commissioner S. Wilson</b>	<b>Yes</b>
<b>Commissioner Johnston</b>	<b>Yes</b>

**The motion as presented KAR 115-2-3a passed 7-0.**

3. KAR 115-4-13. Deer permits; descriptions and restrictions - Lloyd Fox, wildlife research biologist, presented this report to the Commission (Exhibit DD). This is the permanent regulation which has to be enacted before we can pass the following exempt regulation. Section (a) (4) deals with the white-tailed deer game tag. It states that, “this permit shall not be valid on department lands and waters” and we would need to amend that section in order to allow the use of game tags on department lands. It is the staff recommendation that this regulation be amended to allow the department to designate wildlife management areas where deer game tags could be used and then we would develop a list. This year we would only be looking at one, but in the future we would be capable of listing other areas if they develop the criteria that we need to allow special additional hunts.

**Commissioner Frank Meyer moved to bring KAR 115-4-13 before the Commission.  
Commissioner Shari Wilson seconded.**

**The roll call vote to approve KAR 115-4-13 as recommended was as follows (Exhibit EE):**

<b>Commissioner Bolton</b>	<b>Yes</b>
<b>Commissioner Lauber</b>	<b>Yes</b>
<b>Commissioner Meyer</b>	<b>Yes</b>
<b>Commissioner Sebelius</b>	<b>Yes</b>
<b>Commissioner R. Wilson</b>	<b>Yes</b>
<b>Commissioner S. Wilson</b>	<b>Yes</b>

**Commissioner Johnston**

**Yes**

**The motion to approve KAR 115-4-13 as presented passed 7-0.**

4. KAR 115-25-9a. Deer; open season, bag limit and permits; additional considerations. – Lloyd Fox, wildlife research biologist, presented this report to the Commission (Exhibit FF and GG). This regulation sets the season on Fort Riley and allows a game tag on Cedar Bluff. The amendment would be item (c) to read as follows: “In addition to any other permits or limitations specified in K.A.R. 115-25-9, any individual possessing an antlered deer permit may obtain one antlerless-only deer permit valid in deer firearm management unit 3, subject to the number of antlerless-only deer permits authorized for the deer firearm management unit. Applications for antlerless-only deer permits shall be accepted in the Pratt office from the earliest date that applications are available through December 30, 2007 and shall be issued on a first-come, first-served basis” and add subsection (d) to state: “This regulation shall be effective on and after July 1, 2007, and shall have no force and effect on and after March 1, 2008”. We established a number of items in the Deer Secretary’s Orders at the last Commission meeting, but did not include that item and this will clear that up a little bit – to accept mule deer doe permits. Chairman Johnston – On the possible amendment, “subject to” is that intended to say no antlerless-only deer permits might be issued, or is it saying there is a cap? Fox – That is subject to the numbers that have already been set, a cap.

**Commissioner Frank Meyer moved to bring KAR 115-25-9a before the Commission.  
Commissioner Shari Wilson seconded.**

**Commissioner Robert Wilson moved to amend KAR 115-25-9a. Commissioner Shari Wilson seconded.**

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

<b>Commissioner Bolton</b>	<b>Yes</b>
<b>Commissioner Lauber</b>	<b>Yes</b>
<b>Commissioner Meyer</b>	<b>Yes</b>
<b>Commissioner Sebelius</b>	<b>Yes</b>
<b>Commissioner R. Wilson</b>	<b>Yes</b>
<b>Commissioner S. Wilson</b>	<b>Yes</b>
<b>Commissioner Johnston</b>	<b>Yes</b>

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

**The roll call vote to approve KAR 115-25-9a as amended was as follows (Exhibit HH):**

<b>Commissioner Bolton</b>	<b>Yes</b>
<b>Commissioner Lauber</b>	<b>Yes</b>
<b>Commissioner Meyer</b>	<b>Yes</b>
<b>Commissioner Sebelius</b>	<b>Yes</b>
<b>Commissioner R. Wilson</b>	<b>Yes</b>
<b>Commissioner S. Wilson</b>	<b>Yes</b>
<b>Commissioner Johnston</b>	<b>Yes</b>

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

**XIII. OTHER BUSINESS**

Commissioner Shari Wilson – I again attended the Wilson Lake BBQ contest and the numbers of people grew from last year. I would encourage everybody to go out and enter the contest or just go out and have a good time. I have never seen it so green there.

Commissioner Debra Bolton – We had the second Sand Sage Bison Days in Garden City and had 300 people, had 600 the first time on the 100<sup>th</sup> anniversary of KDWP, but it was still successful.

#### **A. Future Meeting Locations and Dates**

August 16, 2007, Bass Pro Shop, 12051 Bass Pro Drive, Olathe.

October 18, 2007, Colby Community Center, 285 E. 5<sup>th</sup> St., Colby.

Chairman Johnston – I looked at the long list of where we have held meetings in the past, and we have never held a meeting in Sharon Springs or Ottawa; Newton since 1988; Lawrence since 1990; and Independence since 1989. I suggest we consider these sites.

Commissioner Shari Wilson – If we could set the January meeting tonight that would help for some of us to plan ahead. Tymeson – January 10 would be right before the legislative session starts, which starts January 14. Mike Miller – There is a tremendous new facility at Independence. Chairman Johnston – So we hold that meeting in Independence on January 10.

#### **XIV. ADJOURNMENT**

**Commissioner Doug Sebelius moved to adjourn, Commissioner Frank Meyer second.**

The meeting adjourned at 8:24 p.m.

(Exhibits and/or Transcript available upon request)

Exhibit EE – Map handout from Craig Curtis given out on tour regarding playas.

# **Secretary's Remarks**

TO: Members of the Commission on Wildlife and Parks

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

SUBJECT: Budget Status of KDWP

DATE: August 16, 2007

The Kansas Department of Wildlife and Parks (KDWP) has completed state fiscal year 2007, which ended on June 30, 2007. The department operating expenditures totaled \$46,264,862 of which \$6,582,334 was from the State General Fund. The remaining expenditures were from fee funds, federal funds, and other funding sources. Attached is a table indicating the amount of expenditures by major funding source for KDWP operations in FY 2007.

During FY 2007, KDWP completed the third stage of the Prairie Spirit Rail Trail. In addition, a contract was awarded (\$2,458,000) for the construction of the Kansas Wetlands Education Center at the Cheyenne Bottoms Wildlife Area. The start of this project has been delayed due to flooding conditions at the Bottoms.

KDWP completed the fiscal year with adequate balances in each of the major fee funds. The ending balance in the Wildlife Fee Fund was \$8,891,197. This amount will be reduced during FY 2008. KDWP has spent more than collected in revenue for FY 2007. If this trend continues, a fee increase may be necessary within the next few years. The last fee increase was effective January 1, 2002. That increase raised the fee for a hunting or fishing license to \$18. State law allows for a maximum fee of \$25.

The Park Fee Fund ending balance was \$869,938, an increase of 40 percent to the prior fiscal year. The Park Fee Fund balance has been increasing, as it appears the half-price vehicle fee has generated increased visitation to the state parks. The recent flooding, especially in southeast Kansas will have an impact on future receipts to this fund. It should be noted that most of the eastern parks have had some degree of flood damage.

The Commission has been briefed at previous meetings on the FY 2008 budget. KDWP is compiling a list of flood damages to all department facilities. The amount of estimated damage may require the department to request additional funding in FY 2008 to repair flood damaged facilities. KDWP has been requested to appear at the September 18, 2007 meeting of the Legislative Budget Committee to discuss flood damage. In addition, the November meeting of the Legislative Building Committee will also discuss flood damage to department facilities.

For FY 2009, the KDWP Operations budget is still being developed. The Capital Improvement request was discussed at the June Commission meeting. KDWP will fund the FY 2009 request from existing funding without a fee increase. The ending balance in the Wildlife Fee Fund will be reduced to approximately \$2.0 million. The SGF allocation was the same as approved for FY 2008 and will allow for continued operations of the state parks. KDWP is considering a budget submission including additional FTE positions for FY 2009. With the expansion of the Jamestown Wildlife Area, the continued expansion of state park services, and other needs within the agency, the need for additional positions has become necessary.



## PERCENT OF CERTAIN FUNDS EXPENDED YTD FY 2007

8/3/2007

\* Appropriated Amounts are those approved by 2006 Legislature (preliminary amounts)

Percentage YTD 12 months	100.0%	FY 2007
STATE GENERAL FUND (1000)		
Appropriated Amount (Operations only)		6,582,444
Expenditures YTD		6,582,334
Percent of Appropriated Funds spent YTD		100.0%
Balance of Appropriated Funds Remaining		110
PARK FEE FUND (2122)		
Appropriated Amount (Does not include C/I)		4,723,385
Expenditures YTD		4,229,016
Percent of Appropriated Funds spent YTD		89.5%
Balance of Appropriated Funds Remaining		494,369
WILDLIFE FEE FUND (2300)		
Appropriated Amount (Does not include C/I) (Includes Fed. Wildlife Fee Fund)		27,421,778
Expenditures YTD		27,512,679
Percent of Appropriated Funds spent YTD		100.3%
Balance of Appropriated Funds Remaining		(90,901)
BOATING FEE FUND (2245)		
Appropriated Amount (Does not include C/I) (Includes Fed. Boating Fee Fund)		1,504,731
Expenditures YTD		1,374,773
Percent of Appropriated Funds spent YTD		91.4%
Balance of Appropriated Funds Remaining		129,958

EX\Funds yts

# **General Discussion**

## **KS State Parks 2007 Storm Damages: As of July 23, 2007**

### **May 2007, Douglas County, Clinton State Park: \$565,000**

All damages due to heavy rain, flooding and extreme high winds destroying boat ramps, shoreline, parking lots, roads, and signage.

Asphalt replacement	25,000 sq feet @ \$5 per sq ft	\$125,000
Rip-Rap stone	35,000 tons @ \$10 per ton	\$350,000
Placement of rip-rap	1200 hrs @ \$50 per hour	\$ 60,000
Repairs to concrete	100 cubic yards @ \$150	\$ 15,000
Kiosks, signs, misc	material an labor	\$ 15,000
<b>Estimate as of: June 18, 2007</b>		<b>\$565,000</b>

### **May and June 2007, Osage County, Pomona State Park: \$400,500**

Damage due to flooding:

Lower roads in campgrounds, day use areas, and parking areas	\$125,000
Reseed grass in public use areas	\$ 2,500
Repair beach area	\$ 20,000
Clean/repair restrooms	\$ 20,000
Repair or replace picnic tables	\$ 15,000
Pavement damage to asphalt roads & parking areas	\$125,000
Courtesy dock repair/replace	\$ 20,000
Screening and gravel replacement on trails	\$ 50,000
Boat Ramp repair	\$ 23,000
<b>Estimate as of June 18, 2007</b>	<b>\$400,500</b>

### **May 2007, Osage County, Eisenhower State Park: \$2,000**

Damages due to flooding:

Replanting Grass in Public Use Areas	\$ 1,000
Labor/Equipment Cost Estimated Debris Removal	\$ 1,000
<b>Estimate as of June 18, 2007</b>	<b>\$ 2,000</b>

### **May and June, Ellsworth County, Kanopolis State Park: \$385,000**

Damages due to high wind, heavy rain, flooding:

Campsites and parking lots (rock and curb)	\$ 50,000
Pavement damage to asphalt roads and parking areas	\$ 50,000
Damage to designated swimming beaches and loss of beach sand	\$ 25,000
Shoreline erosion and damage to rip-rap and rock jetties	\$ 60,000
Courtesy dock walkways and ramps damaged	\$ 15,000
Massive amount of woody debris to be removed	\$ 30,000
Wildlife viewing areas, pond dams and overflows	\$ 20,000
Limestone replaced and trails damaged	\$ 50,000
Trail crossings (10) rock replaced	\$ 60,000
Trail debris and silt removal	\$ 20,000
Sign and turf replacement	\$ 5,000
<b>Estimated as of July 18, 2007</b>	<b>\$385,000</b>

### **May 2007, Pottawatomie and Riley Counties, Tuttle Creek State Park: \$255,000**

Damages due to flooding and heavy rain:

Replacing self-pay station and informational kiosk at boat ramp	\$ 25,000
Ramps, courtesy docks, and walkways damage	\$ 50,000
Damage to asphalt and rock roadways and parking areas	\$ 50,000
Shoreline erosion and damage to rip-rap areas	\$ 50,000
Massive amount of woody debris	\$ 50,000
Limestone screening to be replaced on public trail	\$ 20,000
Sign replacement	\$ 2,000

ADA fishing dock damage	\$ 5,000
<b>Estimated as of July 18, 2007</b>	<b>\$255,000</b>

**May and June 2007, Kingman and Reno Counties, Cheney State Park: \$398,000**

Damages due to high wind, flooding, and heavy rain:	
Rock and soil scoured from campsites	\$110,000
Campsite containment repairs	\$ 10,000
Pavement damage and undercutting of asphalt roads and parking areas	\$ 60,000
Damage to rip rap and rock protective jetties	\$ 75,000
Damage to handicapped fishing pier sidewalks, rock , and railings	\$ 25,000
Shoreline erosion	\$ 30,000
Woody flood debris removal	\$ 15,000
Damage to boat ramps, courtesy docks, and walkways	\$ 30,000
Replanting of grass in public use areas/sign replacement	\$ 10,000
Damage due to sewer lines and vaults breaking due to water level and lift station repairs	\$ 15,000
mileage and Equipment operations cost for in house repairs	\$ 18,000
Over 150 campsites evacuated	
<b>Estimate as of July 18, 2007</b>	<b>\$398,000</b>

**May 2007, Geary County, Milford State Park: \$24,000**

Damages due to flooding and high winds	
Shoreline Erosion (Lower road of Woodland Hills)	\$ 5,000
Courtesy Dock walkway damages	\$ 1,000
Camping Par Erosion and damage and rock replacement	\$ 6,000
Dumpster Corral Fences, camp site posts and signs	\$ 2,000
Replanting of grass in camping and day use areas	\$ 2,000
Road and Shoulder Repairs	\$ 5,000
Mileage and Equipment Operation Costs for In house Repairs	\$ 3,000
<b>Estimate as of July 18,2007</b>	<b>\$ 24,000</b>

**May and June, Butler County: El Dorado State Park \$629,000**

Damages due to high winds, long-term flooding and heavy rains.	
Rock and soil scoured from approximately 250 campsites needs replaced	\$185,000
Campsite containment repairs	\$ 17,000
Pavement and shoulder damage to roads and parking areas and undercutting of these areas	\$100,000
Damage to rip-rap and rock jetties protecting facilities	\$ 50,000
Shoreline erosion	\$100,000
Woody flood debris removal	\$ 25,000
Damage to boat ramps, courtesy docks, and walkways	\$ 10,000
Replanting of grass in public use areas/sign replacement	\$ 17,000
Utility table repairs at sites under water (these are stationary tables and couldn't be moved.)	\$ 8,000
Replace campsite permit boxes and posts	\$ 3,000
Repaint flooded BBQ grills and fire rings, many will need to be reset from wave action as well	\$ 3,000
Loss of swimming beach sand	\$ 10,000
Campsite electrical pedestal repairs and component replacement	\$ 6,000
Playground equipment damage	\$ 15,000
Vehicle mileage/equipment operations cost to perform repairs in house	\$ 20,000
Potentially replace utility campground aluminum wire underground	\$ 60,000
<b>Estimate as of July 18, 2007</b>	<b>\$629,000</b>

**June 2007, Miami County, Hillsdale State Park: \$25,600**

Damages due to flooding	
Campgrounds repair	\$ 7,000
Road repairs	\$ 14,000
Beach repair	\$ 4,000
Toilet repair	\$ 600
<b>Estimate as of July 23, 2007</b>	<b>\$ 25,600</b>

**June 2007, Anderson/Franklin County, PSRT: Possibly \$1 million**

Damages due to extreme heavy rain	
Pottawatomie Creek Bridge (2 sections gone)	
½ mile trail severely eroded	
Mud Creek Bridge scouring	
Princeton Bridge scouring	
Princeton culvert replace	
Other erosion repaired	
Inspection of all 23 bridges	
<b>Estimate as of July 23, 2007</b>	<b>\$1 million</b>

**June 2007, Woodson County, Cross Timbers State Park: \$19,200**

Damages due mainly to flooding	
Erosion of roads and campgrounds	\$ 16,000
Docks	\$ 3,200
<b>Estimate as of July 23, 2007</b>	<b>\$ 19,200</b>

**June 2007, Crawford County, Crawford State Park: \$560,500**

Damages due to heavy rain and flooding	
Trail repair estimates	\$ 55,500
Road repair estimates	\$153,000
<b>Spillway Repair</b>	<b>Unknown</b>
Beach repair estimate sand	\$ 2,000
CRSP office replacement	\$350,000
<b>Estimate as of July 23, 2007</b>	<b>\$560,500</b>

**June 2007, Montgomery County, Elk City State Park: \$96,590**

Damages due primarily to flooding	
Mainly Electrical Repairs (complete system flooded)	
Docks	
Road	
Trails	
<b>Estimate as of July 23, 2007</b>	<b>\$ 96,590</b>

**June 2007, Jefferson County, Perry State Park: \$28,700**

Damages due to heavy rain and flooding	
Road repair:	\$ 17,700
Campground repair:	\$ 2,800
Picnic tables:	\$ 4,000
Beach repair:	\$ 3,800
CXT toilets:	\$ 400
<b>Estimate as of July 23, 2007</b>	<b>\$ 28,700</b>

**NOTE: Jefferson County not in FEMA declaration**

**June 2007, Greenwood County: Fall River State Park \$87,000**

Damages due to heavy rain and flooding	
Campground roads and campsites	\$ 37,000
Electrical	\$ 30,000
Docks	\$ 20,000
<b>Estimate as of July 23, 2007</b>	<b>\$ 87,000</b>

**TOTAL STATE PARKS ESTIMATED DAMAGES \$4,473,090**

**AS OF JULY 23, 2007—SEVERAL PARKS STILL FLOODED**

# **Wildlife Area Damages Resulting from tornados and floods in May**

## **Areas eligible for FEMA assistance**

### **Pratt County: Pratt Sandhills Wildlife Area**

Damages resulting from tornado \$15,000

- 4-5 miles of barbed wire fence – various levels of damage
- 1 windmill completely destroyed
- 1 solar well completely destroyed
- 1 limestone entrance sign
- 1 stock tank
- 1 solar well damage

### **Kiowa County: Kiowa State Fishing Lake**

Damages resulting from tornado - \$50,000

- irrigation well and associated electricity
- pit toilet damage (roof, vent, door, windows)
- entrance sign
- picnic shelters
- picnic tables
- information sign
- entire boundary fence completely destroyed
- 2 fishing piers
- Vehicle barriers
- 2 fish feeders
- Security fence around well
- Debris removal
- Swing set
- Trees completely destroyed

### **Ottawa County – Ottawa State Fishing Lake**

Damages resulting from tornado and flooding - \$35,000

- destroyed 40 X 60 storage shed
- damaged roof and paint on shop building
- debris removal
- tree damage
- road damage
- campsite area damage

### **Ellsworth County - Smokey Hill Wildlife Area (Kanopolis Reservoir)**

Damage from flooding - \$12,000

- Significant flood damage – unable to determine because water is still up, but expect damage to roads, boat ramps, and significant debris removal.

### **Pottawatomie County – Pottawatomie State Fishing Lake #2**

Damages from flooding, - \$1,600

- Road damage, replace gravel on roads

### **Pottawatomie/Riley counties-Tuttle Creek Wildlife Area and Rocky Ford Fishing Area**

Damages from flooding - \$10,600

- The area is still inundated, and the extent of damages is unknown but anticipate that parking areas and roads will have to be repaired and graveled, debris removed, and boat ramps may need to be repaired.

### **Douglas County - Clinton Wildlife Area**

Damages from flooding – \$12,000

- Damage to new wetland dike and grass seeding
- Road and dike repair

### **Reno County – Cheney Wildlife Area**

Damages from flooding - \$6,000

- Damage to shooting range facilities, clean up debris, flooring in shed
- Number of roads to be repaired, gravel replaced, debris removal, jetty repairs,
- Clean up debris at campgrounds

### **Barton County – Cheyenne Bottoms Wildlife Area**

Damages from tornado and flooding – unable to determine extent of damage but will likely be more than \$200,000,

- The area is still inundated, and the extent of damage is unknown but anticipate that parking areas and roads will have to be repaired and graveled, water control structure damage, wetland dike damage, signs, fence, kiosk repairs.
- 5 signs were destroyed by tornado

The following areas received some damage but are not eligible for FEMA assistance

### **McPherson County – McPherson Valley Wetlands**

Damages from flooding - \$1,000

- New grass seeding was washed out, grass will have to be reseeded

### **Clark County – Clark State Fishing Lake**

Damages from Flooding - \$20,000

- Emergency spillway has considerable damage and erosion, significant road damage beside the spillway. KDWP field services crew has been on-site to repair some damage, but there is still considerable work to be done.

### **Cowley County – KAW Wildlife Area**

Damages from flooding - \$7,000

- Road repair, parking areas, signs, fence

### **Cowley County – Cowley State Fishing Lake**

Damages from flooding - \$3,000

- Road repair

### **Butler County - Butler State Fishing Lake**

Damage from flooding – \$3,500

- Road repair

### **Sumner County – Slate Creek Wildlife Area**

Damage from flooding - - \$6,000

- Dike repair

### **Morris County – Council Grove Wildlife Area**

Damage from flooding – \$1,000

- Damage to roads and levees



**Butler County – El Dorado Wildlife Area**

Damage from flooding - extent of damages unknown at this time

**Jefferson County – Perry Wildlife Area**

Damages from flooding - \$4,000

- Road and dike repair

**Geary/Dickinson/Clay Counties – Milford Wildlife Area**

Damages from flooding - \$10,000

- Road repair

# Big Game Permanent Regulations

All permanent regulations dealing with big game will be discussed together at this meeting. The regulations are brought forward in the General Discussion portion of the Commission Meeting to allow public comments on future changes in these regulations.

## Background

### **1. K.A.R. 115-4-2. Big game; general provisions.**

The regulation contains the following items:

- ▶ Information that must be included on the carcass tag
- ▶ Procedures for transferring meat to another person
- ▶ Procedures for possessing a salvaged big game carcass
- ▶ Who may assist a big game permittee and how they may assist, including the provisions for designated individuals to assist disabled big game permittees.

### **2. K.A.R. 115-4-4. Big game; legal equipment and taking methods.**

The regulation contains the following items:

- ▶ Specific equipment differences for hunting various big game species.
- ▶ Specifications for bright orange colored clothing, which must be worn when hunting during certain big game seasons.
- ▶ Accessory equipment such as calls, decoys, and blinds.
- ▶ Shooting hours
- ▶ Special restrictions on the use of horses or mules to herd or drive elk.

### **3. K.A.R. 115-4-6. Deer; firearm management units.**

This regulation established the boundaries for the 19 Deer Management units in Kansas. This regulation was recently changed to exclude Landowner Deer Management Program properties from each deer management unit. The boundary between DMU 10 and DMU 19 was changed to include areas of the city of Leavenworth in the DMU 19. Fort Leavenworth, unit 10A, was changed to an urban deer management unit.

### **4. K.A.R. 115-4-6a. Deer; archery management units.**

Ten archery deer management units were established using the existing boundary lines of firearm management units. The units were created by combining some adjacent firearms management units and by using the same boundaries as firearms units. Archers are allowed to hunt in unit 19 and to designate two units when they obtain their archery permit.

### **5. K.A.R. 115-4-13. Deer permits; descriptions and restrictions.**

The regulation contains the following items:

- ▶ Creates permit types that include:
  - ▶ a white-tailed deer, either sex permit valid during muzzleloader and firearms seasons
  - ▶ a white-tailed deer antlerless only permit valid during any season with the appropriate equipment
  - ▶ an antlerless white-tailed deer game tag

- ▶ Firearm Any-Deer permit
- ▶ Archery Any-Deer permit
- ▶ Muzzleloader Any-Deer permit
- ▶ Hunt-on-your-own-land permits, including resident HOYOL, nonresident HOYOL, and special HOYOL transferable permits.
- ▶ Nonresident deer permits shall be valid for the same season and same management unit as those for which the equivalent resident permits are valid.
- ▶ Each deer permit or game tag shall be valid only for the species and antler category specified on the permit or game tag.
- ▶ Antlerless deer are defined as a deer without a visible antler plainly protruding from the skull.

**6. K.A.R. 115-4-14. Landowner deer program; implementation, application, selection, property requirements, deer permitting, property posting, evaluation, renewal, and other provisions.**

The regulation contains procedures for a three year pilot program requested by the Kansas legislature. The program was initiated but is currently not used by any landowner.

**Discussion**

A review process has been initiated to modify regulations covering deer hunting to match the changes in statutes that occurred during the 2007 legislative session. Those recommendations and actions will be completed for the 2008 season.

**Recommendation**

Recommendations are not proposed at this time.

## **Prairie chicken status and mortality from hunting**

A brief update on the status of greater and lesser prairie-chickens will be presented. Additionally, some information on the history and implications of harvest regulations will be incorporated into the presentation.

# **Workshop Session**

## K.A.R. 115-25-6 Turkey; spring season, bag limit, permits, and game tags

### Background

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 for a drawing of applicants 16 years of age or younger. A second turkey game tag has been available since 1990 and can be purchased over-the-counter for use in Unit 2 (eastern Kansas) or Unit 3 (central Kansas). License sales for 2007 show that hunters purchased 43,990 initial permits (25.8% by non-residents) and 20,106 game tags (38.0% by non-residents). The total number of permits and game tags (64,096) sold for the spring 2007 season eclipsed the previous year's record high for the 11<sup>th</sup> consecutive year.

Population indices for the eastern half of the state show that the turkey population has declined somewhat over the last two years. This decline is likely a short-term response to two consecutive years of poor production. The decline in turkey numbers has been the most dramatic in the southeastern portion of the state. Results from the spring 2007 harvest survey have not yet been tabulated so it is uncertain if the decline in turkey numbers had a substantial effect on harvest or hunter success in the southeast region. Preliminary reports indicate that the heavy rain and flooding in southeast Kansas during June 2007 likely resulted in another year of poor turkey production. Turkey numbers in other parts of the state are either slowly increasing or beginning to stabilize.

### Recommendations

For the spring 2007 season a total of 287 applications were received for the 200 permits allocated for Unit 4 (Table 1). The number of applicants declined slightly from the previous two years. The decline in applicants was likely due to the re-aligned unit boundaries that went into effect for the spring 2007 season. The new unit boundaries allowed for over-the-counter permits to be valid in portions of five counties previously contained in Unit 4. Due to slowly increasing turkey populations in the southwestern part of the state the turkey committee believes that the population in that region can now provide more hunting opportunity. Thus, the department would like to pursue a recommendation to increase the Unit 4 tag allocation from 200 to 325; possibly meeting hunter demand in the coming years. The department recommends that the initial allocation of those permits be 75 youth permits and 250 regular draw permits. Landowners and tenants would still be guaranteed 50 percent of the permits allocated for Unit 4.

The overlapping archery-only and the youth/disability seasons resulted in some competition for property access between those two groups. To try and minimize competition the department recommends that the archery-only season and youth/disabled season run concurrently. This change would open both seasons on 1 April and run them through the start of the regular turkey season, which begins on the second Wednesday in April. Such a change would provide the youth/disabled hunters with five more days in the field for the spring 2008 season.

Table 1. Spring turkey applications for Unit 4, 2005-2007.

Type	2005	2006	2007
Youth L/T	18	16	13
General L/T	91	109	72

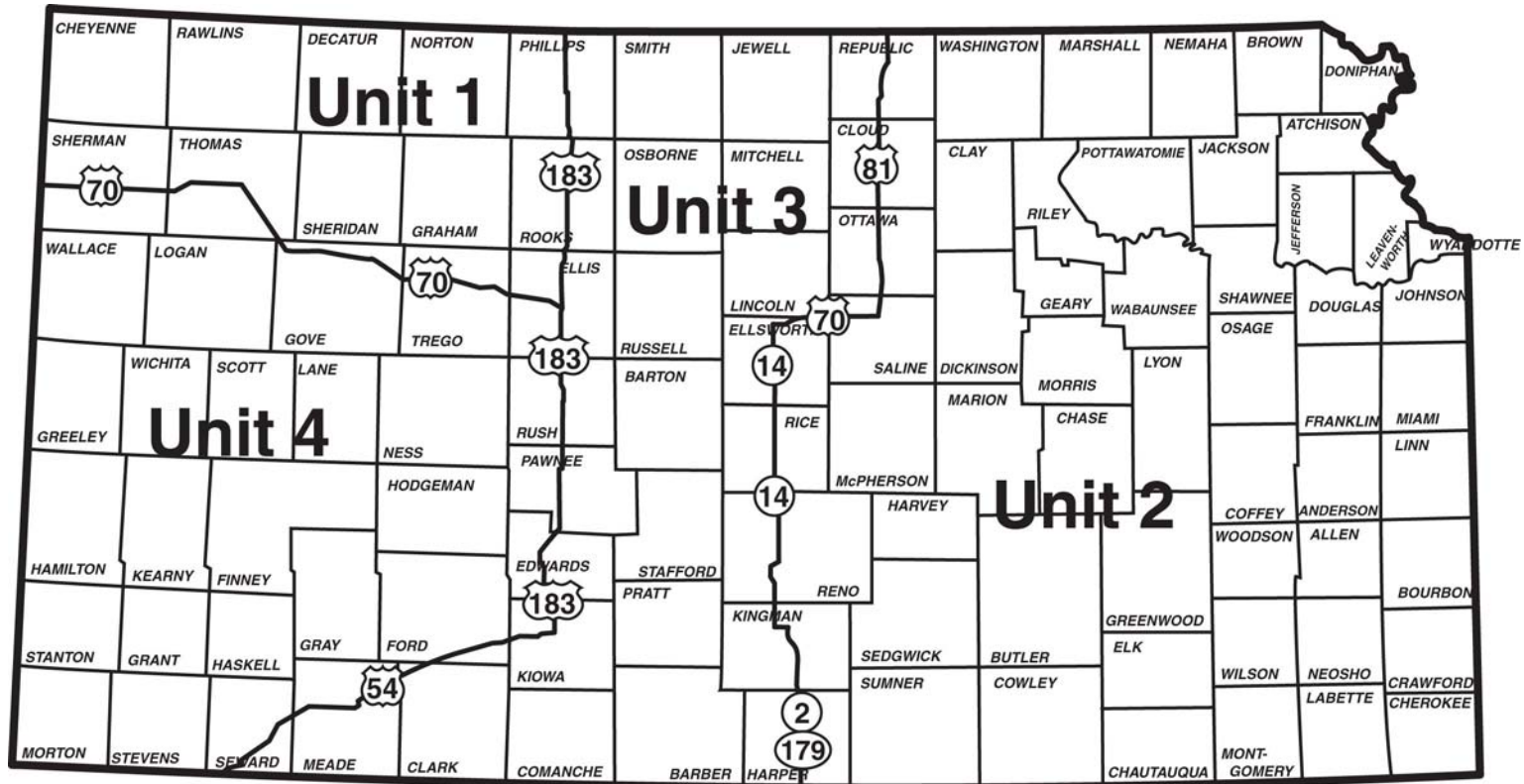
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Youth	40	38	44
General	198	184	160
<hr/>			
Total Applicants	<b>347</b>	<b>347</b>	<b>289</b>
Permits Issued	<b>200</b>	<b>201*</b>	<b>200</b>

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\* An additional permit was issued due to selection of a buddy application as the last chosen applicant.

# Spring Turkey Units





## Possible Fishing Regulation Changes for 2008

### Background

VHS Virus Emergency – Viral Hemorrhagic Septicemia outbreak in the Great Lakes has caused large-scale fish kills. Eight Great Lake states are quarantined and cannot move fishes across the state line without a health certificate indicating a negative test. Staff is concerned that this virus' most likely pathway to Kansas would be through importation of live fishes. The aquarium industry, bait industry, sportfish stocking industry, and the food fish industry are the mostly likely sources. There may be merit in establishing a regulation that requires all fish entering Kansas be certified by an AFS-FHS pathologist as VHS and Spring Viremia of Carp Virus free. Kansas species known to be susceptible to VHS are:

Black crappie *Pomoxis nigromaculatus*  
Bluegill *Lepomis macrochirus*  
Bluntnose minnow *Pimephales notatus*  
Brown bullhead *Ictalurus nebulosus*  
Brown trout *Salmo trutta*  
Channel catfish *Ictalurus punctatus*  
Emerald shiner *Notropis atherinoides*  
Freshwater drum *Aplodinotus grunniens*  
Gizzard shad *Dorosoma cepedianum*  
Skipjack Herring *Clupea spp*  
Largemouth bass *Micropterus salmoides*  
Pike *Esox lucius*  
Rainbow trout *Oncorhynchus mykiss*  
Redhorse sucker *Moxostoma spp*  
Rock bass *Ambloplites rupestris*  
Smallmouth bass *Micropterus dolomieu*  
Walleye *Sander vitreus*  
White bass *Morone chrysops*  
White perch *Morone Americana*  
Yellow perch *Perca flavescens*

### Discussion

Kansas needs to protect native fishes from this threat. Currently the Department permits bait dealers, one of the likely pathways. However, we do not have the necessary authority over other pathways such as aquaculture and the pet trade. A Governor's Sub-Cabinet task force has been formed to identify existing legal authority to deal with all likely pathways and propose solutions to areas that are vulnerable. There is merit in establishing regulations that require all fish entering Kansas be certified by an AFS-FHS pathologist as VHS and Spring Viremia of Carp Virus free.

## **Recommendations**

The Department does have the authority to include special conditions in the commercial bait dealer permitting process. Staff recommends a requirement in this permit for all bait fishes coming into Kansas to have a health certificate stating they are VHS and Spring Viremia of Carp Virus free.

## **Weigh-in Requirements for Bass Tournaments. Regulation 115-7-8**

### **Background**

Currently each individual or organization desiring to conduct a registered and permitted bass fishing tournament that allows the use of the Tournament Bass Pass shall ensure that all of the minimum weigh-in requirements are followed.

### **Discussion**

The department established weigh-in requirements for tournaments using the Bass Pass Program, which began this year. Tournaments using the Bass Pass must be registered with the Fisheries Section. Part of the registration process requires compliance with weigh-in procedures designed to minimize mortality on bass. There have been calls to make this same requirement effective for all weigh-in bass tournaments.

### **Recommendations**

In addition to all registered and permitted Bass Pass fishing tournaments being required to follow minimum weigh-in procedures, staff recommends that the minimum weigh-in requirements established in K.A.R. 115-7-8 be mandatory for all weigh-in bass fishing tournaments.

## **Changes to the designated trout water list. Regulation 115-25-14; Fishing, creel limit, size limit, possession limit, and open season.**

### **Background**

Currently Shawnee County has their own trout stocking program where they purchase rainbow trout and require their own county permit for anyone wishing to fish for trout at Lake Shawnee.

Tuttle Creek State Park-Willow Lake is currently listed in regulation as being a year-round designated trout stocking location. In addition, by regulation each individual wanting to fish at Willow Lake from October 15 through October 14 is required to have a trout permit.

Currently Regulation 115-18-12 states that each individual who wants to fish or to fish and possess trout during those periods of time on those bodies of water established by K.A.R. 115-25-14 shall be required to have a trout permit.

### **Discussion**

Shawnee County has proposed to the department a discontinuation of their own trout permit and begin requiring a state trout permit. In return, the department would compensate the County for the cost of their stocking program. This would eliminate confusion on permitting requirements for trout anglers at Lake Shawnee.

Tuttle Creek State Park-Willow Lake being designated as a year-round trout stocking location has forced all anglers to be in compliance of the trout permit requirements whether they are fishing for trout or not during months when the primary targets are warmwater sportfish.

There has been internal discussion on how the department can boost “young angler” participation in our trout program. Most feel that a reduced price on the cost of a trout permit for those anglers under 16 would increase participation.

### **Recommendations**

Staff recommends that Shawnee County-Lake Shawnee be added to the list of designated trout waters 115-25-14 (b) pursuant to K.A.R. 115-18-12, a trout permit shall be required for each individual who wants to fish on the following waters during the specified time periods. (1) October 15 through April 15.

Staff also recommends that Tuttle Creek State Park-Willow Lake be removed from year-round trout permit requirements and be added to the list of designated trout waters 115-25-14 (b) pursuant to K.A.R. 115-18-12, a trout permit shall be required for each individual who wants to fish on the following waters during the specified time periods. (1) October 15 through April 15.

In addition, staff recommends that anglers under 16 years old should be able to fish for trout without a permit, with a daily creel limit of 2 trout, as long as they are accompanied by a permitted adult. Anglers under 16 who wish to purchase a trout permit will still be able to keep a full daily creel of 5 trout and will not need to be in the presence of a permitted adult.

## Grass Carp Recommendation

Common and Scientific Name: Grass Carp *Ctenopharyngodon idella*  
Recommended Action: Add diploid grass carp to KAR-115-18-10

### **Background:**

Grass carp, a large herbivorous minnow native to Asia, was introduced into the United States in 1963 as an aquatic vegetation control tool. Grass carp were first stocked into Kansas controlled waters in the fall of 1977. They have been used to control many types of aquatic vegetation statewide including small ponds and large lakes. The ability of grass carp to control nuisance vegetation improves shoreline access for anglers and minimizes escape cover for prey fish species.

Grass carp have an affinity to escape impoundments that release large volumes of water. Stocking of grass carp in lakes with access to rivers and streams has allowed the grass carp to spread into new waters. Escapees from these introductions have contributed to the rapid range expansion of the grass carp causing concern about potential impacts to native resources.

When plant food is scarce, grass carp directly influence plant community structure through competition for food. Grass carp compete with crayfish for food and could out-compete native crayfish in areas where plant food is limited. Since grass carp occupy a different niche than that of native North American fishes, its impact on other fishes is mostly indirect, i.e., through removal of vegetation. A major concern is that as grass carp eliminate vegetation, other fish reproduction and recruitment will be adversely affected, standing crops of game fish will decline, and poorer fishing will result.

Concern over ecological impacts in natural systems has resulted in widespread use of triploid grass carp that are presumably sterile. By stocking sterile grass carp, the risk of establishing a population in non-target waters is greatly reduced. Morphologically, triploids are indistinguishable from (fertile) diploids. Triploid grass carp may be produced using heat, pressure, or chemical shocking of newly fertilized eggs. However, because most treatments used to create triploid grass carp are not 100 percent effective, the ploidy (2n or 3n) of each fish must be verified. Of the 38 states that allow grass carp use, 28 require triploidy.

### **Recommendation:**

Diploid grass carp should be prohibited by KAR-115-18-10 allowing for current stocks to be depleted. Grass carp have proven to be an effective fisheries management tool in Kansas. We recommend the continued use of grass carp for aquatic vegetation control with a few restrictions.

1. All grass carp imported or produced in Kansas must be triploid.
2. All fish must be certified as a triploid by the U.S. Fish and Wildlife Service with the Coulter Counter method (Wattendorf 1986).
3. Those interested in producing triploid grass carp, must be permitted by the Department.

4. The permitting process should require fees adequate to cover the cost of the inspection, fish tagging, and any long-term monitoring to be conducted by the state.

# **Paddlefish Regulation Change Proposals**

## **Background**

Currently under K.A.R. 115-7-1, a special paddlefish snagging season runs from March 15 through May 15 on the Neosho River below the Chetopa and Burlington city dams, Marais des Cygnes River below Osawatomie Dam, and the Browning Oxbow Lake of the Missouri River. Paddlefish may be snagged using pole and line with not more than two single or treble hooks, except only one hook, barbless, may be used in the Neosho River. The daily creel limit is two and the possession limit is six. All locations have a 34 inch length limit, except the Browning Oxbow, where there is a 24 inch length limit.

Currently under K.A.R. 115-18-19, each individual who wants to snag for paddlefish during those time periods on those bodies of water established by K.A.R. 115-25-14 shall be required to have a paddlefish permit.

## **Discussion**

Current regulations which state that snagging is allowed below Burlington and Chetopa city dams make illegal snagging un-enforceable all the way from Burlington Dam to the Oklahoma border.

The 34-inch length limit is unnecessary on the Neosho River. Harvest data from Chetopa shows that during recent years when the mandatory harvest regulation was in effect more than 90 percent of the harvest were paddlefish that met or exceeded the 34-inch limit. This population is self sustaining and continues to increase. In addition, Oklahoma does not have the 34-inch length limit in effect any more and is considering dropping the single, barbless hook regulation.

There has been much internal discussion on how the department can boost “young angler” participation in our paddlefish snagging season. Most feel that a reduced price on the cost of a paddlefish permit for those anglers under 16 would increase participation.

The current paddlefish tags do not hold up well to being attached to the fish and placed in water. After a relatively short duration the tag cannot be read. The department is currently conducting a survey of paddlefish anglers to gather input on this issue and other paddlefish regulations.

## **Recommendations**

Staff recommends changing Regulation 115-7-1 to read that snagging is allowed only in posted areas inside city parks at Burlington and Chetopa on the Neosho River. This would define boundaries and make illegal snagging enforceable at these 2 locations. The Marais des Cygnes River below Osawatomie Dam, and the Browning Oxbow Lake of the Missouri River can stay the same.



Staff also recommends removing the 34-inch length limit statewide and requiring a mandatory harvest (anglers must keep any fish they snag), except at the Browning Oxbow, where the 24-inch length limit would remain. Daily creel and possession limit would remain two/day and six/year.

This would alleviate anglers tying up prime snagging areas and allow for greater angler use of this resource.

In addition, staff recommends removing the single barbless hook regulation currently in place at the Chetopa fishery, allowing two barbed hooks. The mandatory harvest regulation makes the barbless requirement unnecessary. This change would then make legal equipment of two barbed hooks a statewide regulation.

Staff also recommends a half-price Paddlefish Permit (\$5.00 + issuance fee) for youth under 16 years old. Daily creel and possession limit for the half price permit would remain two/day and six/year.

**Snagging and Gigging.**  
**Regulation 115-7-1; Fishing; legal equipment, methods of taking,**  
**and other provisions.**

**Background**

Regulation 115-7-1b-8 currently states that legal equipment and methods for taking **non-sport** fish shall be “snagging and gigging in waters posted by the department as **open** to snagging and gigging.”

**Discussion**

While snagging and gigging are both effective ways to harvest non-sport fish, they differ in that snagging could have negative impacts on non-target sport fish species. The act of snagging fish is non-selective, whereas gigging relies on visual identification of fish. Since these two methods of take are lumped together by regulation, the department rarely posts areas open to these activities. This has led to the lack of participation by anglers who view gigging as a viable recreational activity and a means of controlling non-sport fish in our public waters.

**Recommendations**

Staff recommends that we separate the methods of snagging and gigging in regulation. Staff recommends that snagging for non-sport fish be left as is, where it is a legal method of take only in waters listed in Regulation 115-25-14 (“Kansas Special Size Limits, Creel Limits, and Bait Restriction Tables”). In addition, staff recommends that gigging be added to the list of legal equipment and methods for taking non-sport fish (Regulation 115-7-1).

## **Creel limit options for Striped Bass Hybrids. Regulation 115-25-14; Fishing, creel limit, size limit, possession limit, and open season.**

### **Background**

Currently there is a statewide creel limit of two striped bass hybrids (wipers) per day. Striped bass hybrids are artificially produced offspring of the striped bass (*Morone saxatilis*) and the white bass (*Morone chrysops*).

### **Discussion**

The striped bass hybrid has become an important management tool for biologists in Kansas by providing an open-water predator to help manage abundant gizzard shad populations and by providing additional fishing opportunities for Kansas anglers. Until the early 1990s, it was extremely difficult for our fish culture section to produce striped bass hybrids, which justified the conservative creel limit of two per day. Since that time, the fish culture section has improved its ability to produce fry, fingerlings, and intermediate sized hybrids. Our management biologists should have the option of increasing the creel limit on striped bass hybrids when the following conditions exist.

1. When the condition factor (relative plumpness) of the hybrid population falls to a level that indicates lack of adequate forage fish and/or an over abundance of hybrids in that body of water.
2. When fish population sampling of hybrids show consistent numbers of fish well above the management goals and objectives.

### **Recommendations**

Staff recommends that in addition to the statewide creel limit of two striped bass hybrids per day, an option of five striped bass hybrids be allowed by amending the “Kansas Special Size Limits, Creel Limits, and Bait Restrictions Tables” reference document within regulation 115-25-14.

## **Parks Regulations – ADA Access Issue**

### **Amending K.A.R. 115-8-13 Motorized vehicles and aircraft; authorization operation.**

**Background:** K.A.R. 115-8-13 currently does not allow anyone to use unregistered vehicles on KDWP property. KDWP occasionally receives requests by handicapped individuals to use all-terrain vehicles, scooters, and other vehicles not capable of being legally registered. KDWP wishes to amend the current regulation to allow this type of vehicle to operate on department lands under certain conditions by or for handicapped individuals meeting certain requirements. KDWP also wishes to clarify the current regulation to specifically prohibit unauthorized use of unregistered motor vehicles including, but not limited to, four-wheelers, other all-terrain vehicles, golf carts, go carts and any two wheeled vehicle that is propelled by an electric or gasoline powered motor which is not a moped, registered motorcycle, or motorized bicycle as defined by law. The proliferation of small unregistered motorized conveyances being operated by unlicensed individuals has created a safety problem. Special permits would be made available to qualified applicants to access specific areas within department lands.

#### **Discussion:**

Amending the current regulation would provide a clear definition for courts when a Notice to Appear in court is presented; many courts have requested a clear definition. Amending the current regulation would also allow the department to more fully comply with current ADA requirements and make department lands more accessible to handicapped individuals while maintaining good safety practices and resource protection.

The concept has been approved by the KDWP Commission for further development. We are still in the research gathering and draft development stages. The purpose of today's agenda item is to gather additional Commission and public comments. A workshop session of the draft amendment is planned for the October Commission meeting and a public hearing scheduled for the January Commission meeting.

## **Amending K.A.R. 115-2-3a Cabin camping permit fees.**

**Description:** This regulation establishes fees by locations for cabin camping within the state parks, state fishing lakes, and wildlife areas. Consumer demand for cabins on KDWP controlled lands continues to increase. Overnight cabin camping fees are based on location, amenities, quality, demand and local area prices for comparables. As additional information is assimilated, cabin camping fees require adjustments to remain comparable to private business and to achieve desired occupancy rates. KDWP should not substantially undercut private business located within a reasonable distance to the KDWP property, nor should they be excessively high fees.

Current demand for cabin camping is substantially exceeding our expectations, and similar private operations have adjusted their prices due to operating cost increases, except at Webster State Park. KDWP proposes to appropriately adjust its cabin camping fees accordingly. The proposed amendment would become effective for the calendar year 2008.

### **Summary of proposed amendment:**

Cedar Bluff SP cabins 1 and 2: increase \$10 per night. These are older primitive cabins that are in the process of being completely updated to current standards.

Cheney SP cabins 1-8: increase \$10 per night and add cabin 9 pricing which is a new and larger cabin on the East Shore of Cheney SP.

Eisenhower SP cabin one and yurt 1 and 2: adding a 3 night and weekly package price.

Glen Elder SP cabins 1-4: deleting current multiple pricing schedule and implementing a year-round standard price per night and weekly rate.

Kanopolis SP cabins 1-5: increase \$10 per night.

Scott SP cabins 1 and 2: adding a year-round weekly rate.

Webster SP cabin 1: decreasing nightly rate \$10-\$15 to stimulate occupancy. Occupancy rates are much below estimates due in-part to low reservoir water levels.

A few housekeeping technical wording changes will also be proposed.

## **2008 Public Land Regulations**

### **Background**

There are more than 100 KDWP-managed public lands, including wildlife areas and state fishing lakes. These areas range from 50 to nearly 20,000 acres in size and are just as variable in terms of the wildlife habitat, public hunting, fishing, and other public use opportunities they provide. In addition, the management requirements and infrastructure present vary from area to area. Public land regulations are generally found in the K.A.R. 115-8 series for department lands and water, however, several of these regulations can be more restrictive by posted notice for a particular piece of property or in some cases, posted notices allow certain activities that are otherwise prohibited by regulation. The department is empowered by state statute 32-807 under powers of the Secretary and 32-1015 for miscellaneous violations to use posted notices for provisions or restrictions as established by posted notice on portions of, or entire public land areas. Posted notices can be a great tool for public land managers and provide the flexibility necessary to manage individual areas based on resources, locality and constituents.

### **Discussion**

Posted notices will be categorized into a reference document to address the issues of enforcement, fairness, and users' understanding of public land regulations. However, there remains the need to have some flexibility to provide for public lands management, and certain posted notices may be necessary.

### **Recommendations**

A thorough review is being conducted on posted notices that are in effect for each wildlife area and state fishing lake. A detailed list will be prepared in a reference document for discussion at the next Commission meeting. The proposed categories in the reference document may include; safety zones, curfews, seasonal closures, alcohol consumption/possession, ADA areas, hunting restrictions (time/place, special hunts, permit requirements, equipment type, species, youth/mentor areas, refuges, shooting hours), horse trails, shooting areas, boating restrictions, camping, and fishing restrictions.

# **Public Hearing**

## Wildlife and Parks Commission

### Notice of Hearing of Proposed Administrative Regulations

A public hearing will be conducted by the Wildlife and Parks Commission at 7:00 p.m., Thursday, August 16, 2007 at Bass Pro Shops, 12051 Bass Pro Drive, Olathe, Kansas, to consider the approval and adoption of proposed administrative regulations of the Kansas Department of Wildlife and Parks.

A workshop meeting on business of the Wildlife and Parks Commission will begin at 1:30 p.m., August 16 at the location listed above. The meeting will recess at 5:30 p.m. then resume at 7:00 p.m. at the same location for the regulatory hearing. There will be public comment periods at the beginning of the afternoon and evening meetings for any issues not on the agenda and additional comment periods will be available during the meeting on agenda items. Old and new business may also be discussed at this time. If necessary to complete the hearing or other business matters, the commission will reconvene at 9:00 a.m. August 17 at the location listed above.

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

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

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

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

**K.A.R. 115-30-1.** This permanent regulation establishes display of identification number and decal for vessels. The proposed amendment clarify positioning of the department issued decals on vessels.

Economic Impact Summary: The proposed amendments are not anticipated to have any appreciable economic impact on the department, other agencies or the public.

**K.A.R. 115-30-5.** This permanent regulation establishes rules for capacity plates and operation of vessels. The proposed amendment would provide a formula for calculation of person capacity for vessels that do not have a capacity plate.

Economic Impact Summary: The proposed amendments are not anticipated to have any appreciable economic impact on the department, other agencies or the public.



**K.A.R. 115-30-7.** This permanent regulation establishes steering and sailing requirements for the operation of vessels. The proposed amendments would clarify the duties of a vessel operator when operating a vessel in close proximity to other vessels and prohibit mooring to and interference with navigation buoys.

Economic Impact Summary: The proposed amendments are not anticipated to have any appreciable economic impact on the department, other agencies or the public.

**K.A.R. 115-30-8.** This permanent regulation establishes requirements for the reporting of boating accidents. The proposed amendments would allow the reporting of a vessel accident to any commissioned law enforcement officer as well as to the department and alter the reporting timeframe from five days to immediately after the accident.

Economic Impact Summary: The proposed amendments are not anticipated to have any appreciable economic impact on the department, other agencies or the public.

**K.A.R. 115-30-10.** This permanent regulation establishes definitions, requirements and restrictions. The proposed amendments would change the no wake distance from 100 feet to 200 feet in certain situations and alter the boater education requirements for personal watercraft operation to conform to current state law regarding boater education.

Economic Impact Summary: The proposed amendments are not anticipated to have any appreciable economic impact on the department, other agencies or the public.

**K.A.R. 115-30-12.** This new permanent regulation establishes vessel requirements for vessels with marine sanitation devices. The proposed regulation would require the use of a nonreleasing locking device on any sewage discharge valve in order to prevent the unlawful discharge of marine sewage into the waters of the state.

Economic Impact Summary: The proposed amendments are not anticipated to have any appreciable economic impact on the department, other agencies or the public.

**K.A.R. 115-8-7.** This permanent regulation establishes special requirements for boating on department lands and waters as well as federal reservoirs. The proposed amendments would conform this regulation to changes proposed in K.A.R. 115-30-10 regarding watercraft operation in certain situations and the use of no wake speeds.

Economic Impact Summary: The proposed amendments are not anticipated to have any appreciable economic impact on the department, other agencies or the public.

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

Kelly Johnston, 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 Hearing

Desired Date of Publication - June 14, 2007

**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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**See attached Attorney General and Legislative Research Department opinions**

# **RECOMMENDATIONS FOR 2007 WATERFOWL SEASONS--DRAFT**

## **Introduction and Background**

Regulations for hunting waterfowl are established annually. The process involves a number of scheduled meetings in which the status of waterfowl is presented, recommendations by Flyway Councils (representing the states) are developed and forwarded to the U.S. Fish and Wildlife Service (USFWS), and waterfowl season frameworks are established by the USFWS. The frameworks set the limits under which states must establish waterfowl seasons, which may be more restrictive than the frameworks, but not more liberal than allowed in the frameworks.

The fundamental considerations that influence department recommendations for waterfowl seasons include: 1) maximizing hunter opportunity and harvest; 2) sound management of migratory bird resources; and 3) restrictions imposed by the Migratory Bird Treaty Act.

The department adopted the zoning option for duck hunting for years 2006-2010. Although the zone boundaries are locked in place for five years, the season dates within each zone may be changed annually.

## **Number of Zones for 2006-2010 Seasons**

Kansas is 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.

## **“EXPECTED” 2007 DUCK, COOT, AND MERGANSER FRAMEWORKS**

### **Shooting Hours**

Shooting hours for all species and seasons may extend from ½ hour before sunrise until sunset.

### **Daily Bag and Possession Limits**

The daily bag limit shall be 5 ducks, which may include no more than 2 scaup; 2 redhead; 2 wood ducks; or one duck from the following group - hen mallard, mottled duck, pintail, canvasback.

A daily bag limit for mergansers of 5, which may include no more than one hooded merganser.

The daily bag limit for coots may be no more than 15.

The possession limit for all species may be no more than twice the legal daily bag.

### **Outside Dates**

Seasons may begin no earlier than the Saturday nearest September 24 (September 22, 2007), or extend beyond the last Sunday in January (January 27, 2008).

### **Season Length**

**Early and Late Zones** (portion of Kansas east of U.S. 283), maximum 74 days.

**High Plains Zone** (portion of Kansas west of U.S. 283), maximum 97 days.

### **Youth Waterfowl Hunt Day**

1. States may select two consecutive “Youth Waterfowl Hunting Days,” in addition to their regular duck seasons.
2. The youth hunt days must be held outside of any regular duck season on either a weekend or holiday when youth hunters would have the maximum opportunity to participate.
3. The days may be held up to 14 days before or after any regular duck season framework, or within any split of a regular duck season.
4. The daily bag limit may include ducks, geese, mergansers and coots, the same as allowed in the regular season. Canvasback and pintail are allowed in the bag
5. Youth hunters must not yet have reached their sixteenth birthday.
6. An adult at least 18 years of age must accompany the youth hunter into the field. This adult may not hunt waterfowl.

## **DUCK COOT AND MERGANSER SEASON RECOMMENDATIONS**

### **Statewide Bag & Possession Limits and Shooting Hours**

**A daily bag limit** of 5 ducks, which may include no more than 2 scaup; 2 redhead; 2 wood ducks; or one duck from the following group - hen mallard, mottled duck, pintail, canvasback.

**A daily bag limit** for coots of 15, and a daily bag limit for mergansers of 5, which may include no more than 1 hooded merganser. Both the coot and merganser seasons shall run concurrent with the regular duck season in the respective zones.

**Possession limit** for all species (ducks, coots and mergansers) shall be double the daily bag.

**Shooting hours** for all species shall be one-half hour before sunrise to sunset.

**Season Dates** (Seasons in all three zones split once)

### **HIGH PLAINS ZONE** (West of U.S. 283)

1st Segment - Open October 6 and close January 1, 2008

2nd Segment - Open January 19 and close January 27, 2008

### **EARLY ZONE**

1st Segment - Open October 13 and close December 9, 2007

2nd Segment - Open December 15 and close December 30, 2007

### **LATE ZONE**

1st segment - Open October 27 and close December 30, 2007

2nd segment - Open January 19 and close January 27, 2008

### **Discussion**

Recommended duck seasons for all three zones (High Plains, Late Zone and Early Zone) are unchanged from those adopted last year. Very little comment has been received regarding the timing of 2006 duck seasons, suggesting a general satisfaction with the adopted dates.

**Other Discussion** - Waterfowl managers have been concerned about the pressure that "Seasons within Seasons" (SWAS), adopted for pintail and canvasback during recent years, imposes on hunters. Closing the season on a brown duck such as the hen pintail, while the regular season continues, introduces the complexity of another opening and/or closing date, likely results in illegal kill of pintail, impacts the harvest of other brown ducks such as gadwall, widgeon,

shoveler, and in general requires the identification of brown ducks under hunt conditions which can be difficult for even experienced hunters.

This will be the second year the Central Flyway will be evaluating Hunter's Choice (HC) bag limit regulations, which are intended to limit harvest on pintails and canvasbacks while allowing their harvest throughout the entire season. In this first of its kind Flyway-wide experiment, five states have been randomly assigned to HC regulations while the remaining five states will serve as controls by continuing with SWAS regulations during the three-year evaluation period (three years of the liberal regulatory package). Kansas is included with the five experimental states and has adopted HC regulations.

## **YOUTH WATERFOWL HUNT DAY RECOMMENDATION**

**Season Dates** - Adopt the following Youth Waterfowl Hunt Days:

<b>High Plains Zone</b>	September 29 and 30, 2007
<b>Early Zone</b>	October 6 and 7, 2007
<b>Late Zone</b>	October 20 and 21, 2007

### **Bag Limit**

The bag limit for ducks, **all** geese, coots and mergansers during the Youth Waterfowl Hunt Day will be the same as established for these species during the 2007 regular seasons in Kansas.

### **Other Restrictions**

Youth hunters must not yet have reached their sixteenth birthday. The adult accompanying the youth hunter **may not** hunt waterfowl. Adults accompanying youth, and non-resident youth, must possess licenses and state and federal duck stamps required for them to hunt waterfowl.

### **Discussion**

The recommended youth seasons and regulations are similar to last year.

## **CANADA GOOSE FRAMEWORKS**

### **Season Length and Bag Limit for Canada Geese**

Kansas may select a season of 107 days, with a daily bag of not more than 3 Canada geese. The season may be split twice (three segments).

### **Outside Dates for Canada Geese**

The dark goose season may begin no earlier than September 22, 2007 and end no later than February 18, 2008.

### **Possession Limits for Canada Geese**

Possession limit may be no more than twice the legal daily bag.

## **CANADA GOOSE SEASON RECOMMENDATIONS**

### **Season Dates and Bag & Possession Limits**

Adopt a split Canada goose season with a bag limit of 3, a possession limit of double the daily bag, and with the following dates:

1<sup>st</sup> segment - October 27 and 28, 2007

2<sup>nd</sup> segment - November 7 through February 17, 2008

## **WHITE-FRONTED GOOSE FRAMEWORKS**

### **Season Length and Bag Limit**

Kansas has two options for season length and bag limit. These options include:

Option 1 - a season of 72 days with a daily bag limit of 2 white-fronted geese,

Option 2 - a season of 86 days with a daily bag limit of 1 white-fronted goose.

### **Outside Dates**

The white-fronted goose season may begin no earlier than September 22, 2007, and end no later than February 18, 2008. The season may be split twice.

### **Possession Limit for White-fronted Geese**

The possession limit shall be no more than twice the legal daily bag.

## **WHITE-FRONTED GOOSE SEASON RECOMMENDATIONS**

### **Season Dates and Bag & Possession Limits**

Select a 72 day season with two splits (three segments), a bag limit of two, and season dates being:

1<sup>st</sup> segment - October 27 and 28, 2007

2<sup>nd</sup> segment - November 7 through, January 6, 2007

3<sup>rd</sup> segment - February 9 through February 17, 2007

Possession limit of double the daily bag.



## **LIGHT (SNOW & ROSS') GOOSE FRAMEWORKS**

### **Season Length and Bag Limit**

Kansas may select a season of 107 days with a daily bag of 20 light geese.

### **Possession Limit for Light Geese**

There is no possession limit for light geese.

### **Outside Dates and splits/zones allowed**

The season may begin no earlier than September 22, 2007, and end no later than March 10, 2008. Kansas may split the season twice. There is no limit on the number of zones.

## **LIGHT GOOSE SEASON RECOMMENDATIONS**

### **Season Dates and Bag & Possession Limits**

Adopt a split light goose season with a bag limit of 20, no possession limit, and the following dates:

1<sup>st</sup> segment - October 27 and 28, 2007

2<sup>nd</sup> segment - November 7 through February 17, 2008

### **Discussion**

All goose seasons open for two days on October 28 and then close until Wednesday, November 7, when they open along with the sandhill crane season. The second segment of the light goose and Canada goose seasons runs to February 17.

The 105-day regular season for light geese and Canada geese, plus the two days of youth hunting, utilizes 107 days, the maximum allowed by treaty. By coincidence, a 105-day season allows the use of split seasons and weekend openers/closers, plus one Wednesday opener. The Wednesday opener of the second segment allows all goose seasons and the sandhill crane season to open on the same day.

For the second year a double split (three segment) season is recommended for white fronted geese. The timing of the first segment of the season, as well as the opening date of the second segment, is identical to the light goose and Canada goose opening date. However, this year the recommendation calls for nine days to be split from the second segment and moved to the end of the allowed framework. Hunters have noted the presence of white fronted geese during this late period, and this recommendation will allow hunters to take all species of geese during the last nine days of the season.

The Conservation Order for light geese will automatically open on the day following the close of the goose seasons, February 18, 2008.

## **DARK GOOSE MANAGEMENT UNIT RECOMMENDATIONS**

### **MARAIS DES CYGNES VALLEY UNIT**

It is the recommendation that this unit be eliminated.

### **SOUTHEAST UNIT**

(Adopt hunt regulations identical to statewide regulations)

#### **Season Dates - Split Season**

1<sup>st</sup> segment - October 27 and 28, 2007

2<sup>nd</sup> segment - November 7 through February 17, 2008

#### **Shooting Hours**

Shooting hours shall be one-half hour before sunrise to sunset.

#### **Permit NOT Required**

### **OTHER RECOMMENDATIONS FOR THE DARK GOOSE MANAGEMENT UNITS**

The daily bag and possession limit for the units will be the same as that established for the regular statewide dark goose seasons, 3 Canada and 2 white-fronted geese, with a possession limit double the daily bag.

#### **Discussion**

The recommended season for the Southeast Unit is the same as statewide recommended seasons. This allows maximum harvest and hunter opportunity while maintaining the Unit's existence. This will allow management flexibility to reinstate the Unit restrictions in the event that local populations decline in coming years.

**FRAMEWORKS FOR 2007-08 MIGRATORY BIRD FALCONRY SEASONS**

Eligible Species: All species of migratory game birds for which a regular season is permitted, including ducks, coots and mergansers, may be taken during the September teal and regular duck seasons and during the selected “special falconry seasons.” Falconers may take any migratory game species, including dove, rails and snipe, during any open gun season on those species.

Daily Bag and Possession Limits: Falconry daily bag and possession limits for all permitted migratory game birds shall not exceed 3 and 6 birds, respectively, singly or in the aggregate, during both regular hunting seasons and extended falconry seasons.

Framework Dates: Falconry seasons must fall between September 1, 2007 and March 10, 2008.

Season Length: Total season length for all hunting methods combined may not exceed 107 days for any species (or groups of species) in a geographical area.

**MIGRATORY BIRD FALCONRY SEASON RECOMMENDATION**

Falconry seasons for migratory game birds will run concurrently with all established hunting seasons for those species.

Daily bag and possession limits for falconers shall be 3 and 6 respectively, for all migratory game birds in aggregate (e.g., 1 dove and 2 ducks).

In addition, extended falconry seasons for ducks, mergansers, and coots will run:

**High Plains Zone**

No days available.

**Early Zone**

One Segment - February 25 through Saturday, March 10, 2008

## **Late Zone**

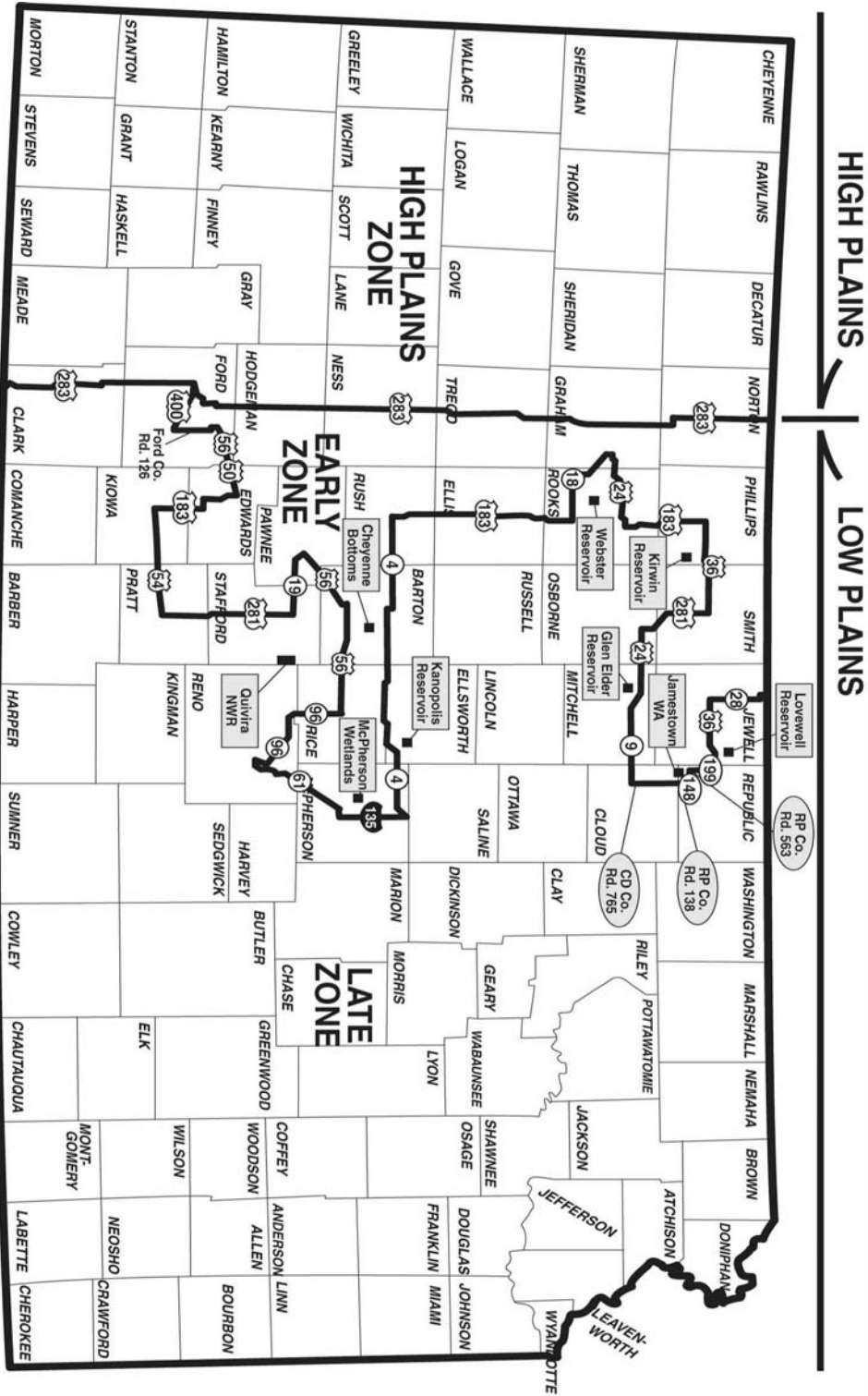
One Segment - February 25 through Saturday, March 10, 2008

### **Discussion**

The extended falconry seasons allow additional opportunity for falconers at a time when the regular season is closed, thereby reducing the risk of conflict with firearms migratory bird hunters.

Because of the 107 day hunting limit imposed by treaty, and the increased length of the September teal season (nine to sixteen days), there are seven fewer days left for falconers in the Early and Late Zones. No days remain available for falconers in the High Plains Zone.

### 2007 Waterfowl Zones



**See Attached PDF Table and Map**

**115-8-7. Boating and general restrictions.** All department lands and waters, ~~including~~ and all federal reservoirs, shall be open to boating subject to provisions, restrictions, and closures as established by posted notice. All of the following general restrictions shall apply:

(a) ~~Each operator of a motorized vessels vessel on a state fishing lakes lake shall be operated~~ operate the vessel only for fishing or hunting purposes ~~only~~ unless otherwise authorized by the department;

(b) ~~Each operator of a motorized vessels vessel on a state fishing lakes lake shall be operated~~ operate the vessel at no-wake speeds if required by posted notice;

(c) ~~Vessels No operator of a vessel shall not be operated~~ operate the vessel within 200 feet of any area posted specifically for swimming or diving and delineated by buoys or other markers;

(d) ~~Vessels Each operator of a vessel shall be operated~~ operate the vessel at no-wake speeds of five miles per hour or less when within 200 feet of ~~a boat ramp, boat dock, boat storage or concessionaire's facilities;~~ any of the following:

(1) A dock;

(2) a boat ramp;

(3) a person swimming;

(4) a bridge structure;

(5) a moored or anchored vessel;

(6) a sewage pump-out facility;

(7) a nonmotorized watercraft;

(8) a boat storage facility; or

(9) a concessionaire's facility.

(e) ~~Vessels may be moored or stored~~ An operator of a vessel shall not moor or store the vessel in excess of 24 hours only, except at sites designated for moorage or storage of vessels; ~~and,~~

(f) Vessels left unattended at other than a designated moorage or storage site or vessels not in conformity with posted notice provisions or restrictions for moorage or storage sites shall be subject to removal by the department as authorized by law. (Authorized by ~~L. 1989, Ch. 118, Sec. 9~~ K.S.A. 32-807 and ~~K.S.A. 82a-815 as amended by L. 1989, Ch. 118, Sec. 154~~ 32-1103; implementing ~~L. 1989, Ch. 118, Sec. 9 and 126~~ K.S.A. 32-807, K.S.A. 32-1015, and K.S.A. 82a-815 32-1103 as amended by ~~L. 1989, Ch. 118, Sec. 154~~; effective Dec. 4, 1989; amended P-\_\_\_\_\_.)



**ECONOMIC IMPACT STATEMENT**

**K.A.R. 115-8-7. Boating and general restrictions.**

**DESCRIPTION:** This permanent regulation establishes certain boating restrictions on department lands and waters. The proposed changes to the regulation include standardizing the list of areas where no wake zones exist consistent with other boating regulations and clarifying at what speed no wake exists.

**FEDERAL MANDATE:** None.

**ECONOMIC IMPACT:** The department does not anticipate that the amendments would have a substantial economic impact on the public, on the department, or on other state agencies.

**ALTERNATIVES CONSIDERED:** None.

**115-30-1. Display of identification number and decal.** (a) All vessels required to be numbered pursuant to ~~1989 H.B. 2005, section 142~~ K.S.A. 31-1110 and amendments thereto, except sailboards, shall display the identification number stated on the certificate of number issued by the department to the vessel owner and the decals supplied by the department to the vessel owner as follows:

(1) Each number consisting of a combination of capital letters and arabic numbers shall read from left to right and shall be ~~preceded by the decal;~~ painted or permanently attached on the top forward half of the vessel.

(2) Each character of the number shall be in block form and easily read;.

(3) Each character of the number shall be of the same height and shall not be less than three inches in height;.

(4) The number shall be of a color that contrasts with the color of the vessel; ~~and.~~

(5) A hyphen or equivalent space that is equal to the width of a letter other than "I" or a number other than "1" shall separate arabic numbers from capital letters occurring in the number.

(6) Department-issued validation decals shall be placed in line and within three inches of the registration number on both sides of the hull of the vessel.

(b) A sailboard shall display only the decals supplied by the department with the certificate of number issued to the sailboard owner. The decals shall be attached to the front half of the top of the sailboard.

(c) This regulation shall be effective on and after January 1, 2008. (Authorized by and K.S.A. 32-807, K.S.A. 32-1103, and K.S.A. 2006 Supp. 32-1110; implementing ~~1989 HB 2005, Sec. 142~~ K.S.A. 2006 Supp. 32-1110; effective Oct. 30, 1989; amended P-\_\_\_\_\_.)

## **ECONOMIC IMPACT STATEMENT**

### **K.A.R. 115-30-1. Display of identification number and decal.**

**DESCRIPTION:** This permanent regulation establishes provisions regarding display of vessel identification numbers and decals. The proposed amendment allows for placement of the decal in line with the registration number rather than prescribing a specific order for the decal and registration number. The proposed changes would be effective on January 1, 2008.

**FEDERAL MANDATE:** None.

**ECONOMIC IMPACT:** The proposed amendment should not have a significant economic impact on the department, the general public, or other agencies.

**ALTERNATIVES CONSIDERED:** None.

**115-30-5. Boating; capacity plate and operation; calculation of person capacity.** (a) A capacity plate, once installed on a vessel, shall not be removed, defaced, replaced, or altered.

(b) A vessel shall not be operated with a motor ~~which~~ whose horsepower exceeds the maximum horsepower of the motor as specified on the capacity plate or as computed under K.A.R. 115-30-6.

(c) The person capacity for monohull vessels that are less than 20 feet in length, except sailboats, canoes, kayaks, personal watercraft, and inflatable boats, and that are without a manufacturer's capacity plate shall be calculated using the following formula:

(1) Multiply the length of the vessel, in feet, by the width of the vessel, in feet; and

(2) divide the product calculated in paragraph (c)(1) by 15.

(d) This regulation shall be effective on and after January 1, 2008. (Authorized by and implementing K.S.A. ~~1989 Supp.~~ 32-1126; effective Oct. 22, 1990; amended P-\_\_\_\_\_.)

## **ECONOMIC IMPACT STATEMENT**

**K.A.R. 115-30-5. Boating; capacity plate and operation; calculation of person capacity.**

**DESCRIPTION:** This permanent regulation establishes provisions regarding capacity plates. The proposed amendment provides a formula for calculating the person capacity of certain monohull vessels that lack a capacity plate. The proposed changes would be effective on January 1, 2008.

**FEDERAL MANDATE:** None.

**ECONOMIC IMPACT:** The proposed amendment should not have a significant economic impact on the department, the general public, or other agencies.

**ALTERNATIVES CONSIDERED:** None.

**115-30-7. Boating; pilot rules steering and sailing requirements.** (a) Each operator of a vessel shall keep the vessel to the right of the channel if it is safe and practicable to do so.

(b) When two vessels are approaching each other head-on or nearly so, each operator shall pass the other on ~~their~~ that operator's own left side at a speed and distance so that the wake of each vessel will not endanger the other vessel.

(c) When one vessel passes another traveling in the same direction, the operator of the passing vessel shall pass when it is safe to do so and at a speed and distance ~~to~~ that do not endanger the overtaken vessel. The operator of the overtaken vessel shall maintain its course and speed until the passing vessel has safely passed.

(d) When two vessels are approaching each other in a crossing situation ~~where~~ that involves risk of collision ~~is involved~~, the operator of the vessel on the right shall maintain ~~its~~ that vessel's course and speed. The operator of the vessel on the left shall direct ~~its~~ that vessel's course to the right to cross the stern of the other vessel, or shall stop and reverse if necessary to avoid collision.

(e) ~~Any~~ Each operator of a vessel propelled by machinery shall keep that vessel clear of any vessel under sail or being propelled by oars or paddles and shall maintain a speed and distance so that the wake will not endanger any vessel under sail or being propelled by oars or paddles.

(f) Each operator of a vessel shall maintain a proper look-out at all times by sight and sound as well as other available means in order to make a full appraisal of the surroundings and avoid the risk of collision.

(g) Each operator of a vessel shall proceed at a safe speed at all times in order to avoid collision and stop within any distance necessary to avoid a collision.

(h) Each operator of a vessel shall use all appropriate available means to determine if a risk of collision exists.

(i) Each operator of a vessel taking any action to avoid a collision shall meet the following requirements:

(1) Each alteration of course or speed to avoid collision with another vessel shall be great enough to be readily apparent to the operator of any other vessel observing visually or by radar. A succession of small alterations of course or speed shall be avoided.

(2) Each action taken to avoid collision with another vessel shall result in passing at a safe distance of at least 100 feet, until the other vessel has passed.

(3) Each operator of a vessel shall reduce the vessel's speed by stopping or reversing the vessel's means of propulsion as necessary to avoid a collision.

(j) No operator of a vessel shall interfere with the placement or visibility of any navigational aid.

(k) No operator of a vessel shall moor the vessel to any navigation buoy except a designated mooring buoy.



(l) This regulation shall be effective on and after January 1, 2008. (Authorized by and implementing K.S.A. ~~1989~~ 2006 Supp. 32-1119; effective Oct. 22, 1990; amended P-\_\_\_\_\_.)

## **ECONOMIC IMPACT STATEMENT**

### **K.A.R. 115-30-7. Boating; steering and sailing rules.**

**DESCRIPTION:** This permanent regulation establishes provisions for piloting vessels. The proposed amendments all deal with collision avoidance while piloting vessels on the waters of the state such as requiring a lookout, the use of safe speeds, a safe passing distance of 100 feet and non-interference with navigational aids. The proposed changes would be effective on January 1, 2008.

**FEDERAL MANDATE:** None.

**ECONOMIC IMPACT:** The proposed amendment should not have a significant economic impact on the department, the general public, or other agencies.

**ALTERNATIVES CONSIDERED:** None.

**115-30-8. Boating; accident reports.** (a) Each accident resulting either in property damage in excess of \$2000 or in the total loss of any vessel shall be reported to the department by the operator of the vessel. This requirement shall include all collision-type accidents involving other vessels, floating objects, and fixed objects, ~~except that an accident report shall not be required when a collision with a floating object or fixed object results in lower unit skeg or propeller damage.~~

(b) Each accident report required under K.S.A. 32-1177 and amendments thereto and each accident as specified in subsection (a) shall be filed with the department or a commissioned law enforcement officer by the operator of the vessel ~~within five days~~ immediately after the time of the accident, ~~except that the accident report shall be filed with the department by the operator of the vessel within 48 hours after the time of the accident involving the vessel or its equipment if any of the following occurs:~~

~~(1) A person dies.~~

~~(2) A person is injured and requires medical treatment beyond first aid.~~

~~(3) A person disappears from a vessel under circumstances that indicate death or injury.~~

(c) An accident report shall be required in accordance with subsection (b) when a person disappears from a vessel under circumstances that indicate death, injury or other cause for disappearance.

(d) An accident report shall be required in accordance with subsection (b) when a person dies, or when a person is injured and requires medical treatment beyond first aid.

(e) Each accident report shall be submitted on forms provided by the department and shall contain the following information:

(1) The names, addresses, and telephone numbers of the vessel operator and any passengers in the operator's vessel;

(2) the names, addresses, and telephone numbers of the vessel operators and any passengers in any other vessels involved;

(3) the registration number and a description of the operator's vessel;

(4) the registration number and a description of any other vessels involved in the accident;

(5) a complete description of the accident, including any injuries or deaths; and

(6) other relevant information as required by the secretary.

~~(d)~~ (f) Any individual with knowledge of the accident, including ~~the reporting~~ a responding or investigating law enforcement officer, may file the required accident report if the operator is unable to file the report due to injury or death.

(g) This regulation shall be effective on and after January 1, 2008. (Authorized by and implementing K.S.A. 32-1103 and K.S.A. 32-1177; effective Oct. 22, 1990; amended Dec. 27, 1993; amended Nov. 22, 2002; amended P-\_\_\_\_\_.)

**ECONOMIC IMPACT STATEMENT**

**K.A.R. 115-30-8. Boating; accident reports.**

**DESCRIPTION:** This permanent regulation establishes provisions for reporting vessel accidents. The proposed amendments would remove the exemption for lower skeg or propeller damage only, require accident reporting immediately rather than the current five day reporting period and allow the report to be filed with any commissioned law enforcement officer in addition to department personnel. The proposed changes would be effective on January 1, 2008.

**FEDERAL MANDATE:** None.

**ECONOMIC IMPACT:** The proposed amendment should not have a significant economic impact on the department, the general public, or other agencies.

**ALTERNATIVES CONSIDERED:** None.

**115-30-10. Personal watercraft; definition, requirements, and restrictions.** (a) Personal watercraft ~~means~~ shall mean any vessel that uses an inboard motor powering a jet pump as ~~its~~ the vessel's primary source of propulsion and is designed to be operated by a person sitting, standing, or kneeling on the vessel rather than the conventional manner of sitting, standing, or kneeling inside the vessel.

(b) Personal watercraft shall be subject to all applicable laws and regulations that govern the operation, equipment, registration, numbering, and all other matters relating to vessels whenever a personal watercraft is operated on the waters of this state, except as ~~modified below.~~ follows:

(1) A personal watercraft ~~may~~ shall not be operated unless each person aboard the personal watercraft is wearing a type I, type II, type III, or type V United States coast guard-approved personal floatation device.

(2) Each person operating a personal watercraft equipped by the manufacturer with a lanyard-type engine cutoff switch shall attach the lanyard to the operator's person, clothing, or personal floatation device, as appropriate.

(3) A person shall not operate a personal watercraft between sunset and sunrise.

(4) Each person shall operate a personal watercraft at no-wake speeds of five miles per hour or less when within ~~400~~ 200 feet of the following:

- (A) A dock;
- (B) a boat ramp;
- (C) a person swimming;
- (D) a bridge structure;

- (E) a moored or anchored vessel;
- (F) a sewage pump-out facility; ~~or~~
- (G) a nonmotorized watercraft;
- (H) a boat storage facility; or
- (I) a concessionaire's facility.

(5) A person shall operate a personal watercraft in a reasonable and prudent manner. Maneuvers that unreasonably or unnecessarily endanger life, limb, or property shall be prohibited. This prohibition shall include weaving through congested vessel traffic or jumping the wake produced by another vessel at an unsafe distance.

(6) A person shall not operate a personal watercraft unless the person is facing forward.

(7) A person shall not operate or use a personal watercraft to tow a person on waterskis, kneeboards, inflatable crafts, or any other device unless the personal watercraft is designed to accommodate more than one person.

~~(8) A person under 16 years of age shall not operate a personal watercraft on the waters of this state unless a person 17 years of age or older is aboard the personal watercraft. However, any person under 16 years of age, but not less than 12 years of age, may operate a personal watercraft if the person has successfully completed a boating safety course of study approved by the department and has been issued a valid boating safety certificate.~~

~~(9) No person in possession of a personal watercraft shall permit another person under 16 years of age to operate the personal watercraft, unless a person above 17 years of age is aboard the personal watercraft, or unless the operator is at least 12 years of age and has met the boating safety and certificate requirements of paragraph (b)(8) to operate the personal watercraft unless that person has met the boater education requirements as specified in K.S.A. 32-1139 and amendments thereto.~~

(c) A boat livery shall not lease, hire, or rent a personal watercraft to, or for the operation by, any person who is ~~under 16 years of age unless the person is at least 12 years of age and has met the boating safety and certificate requirements of paragraph (b)(8)~~ has not met the boater education requirements as specified in K.S.A. 32-1139 and amendments thereto.

(d) The provisions of paragraphs (b) (4), (5), (6), and (8) shall not apply to a person participating in a regatta, race, marine parade, tournament, or exhibition that has been authorized or permitted by the department or is otherwise exempt from this authorization or permit requirement.

(e) This regulation shall be effective on and after January 1, 2008. (Authorized by and implementing K.S.A. 32-1103 and K.S.A. 2006 Supp. 32-1119; effective June 13, 1994; amended June 11, 1999; amended P-\_\_\_\_\_.)



## ECONOMIC IMPACT STATEMENT

**K.A.R. 115-30-10.** Personal watercraft; definition, requirements, and restrictions.

**DESCRIPTION:** This permanent regulation establishes provisions and restrictions concerning the operation of personal watercraft. The proposed amendments would increase the no-wake zones around certain areas from 100 to 200 feet, add two types of locations to the list of areas where no-wake zones exist, and modify two paragraphs to conform to changes in state law dealing with boater education. The proposed changes would become effective on January, 1, 2008.

**FEDERAL MANDATE:** None.

**ECONOMIC IMPACT:** The proposed amendment should not have a significant economic impact on the department, the general public, or other agencies.

**ALTERNATIVES CONSIDERED:** None.

**115-30-12. Marine sanitation devices; vessel requirements.** (a) Each person owning, operating, launching, mooring, docking, or using any vessel equipped with a marine sanitation device on the waters of the state shall meet the following requirements:

(1) Ensure that all valves capable of allowing the discharge of sewage into the water are locked in a closed position by the use of a nonreleasing locking device approved by the department or by removing the handle of the valve after the valve has been placed in the closed position; and

(2) make any necessary modifications to securely lock any overboard sewage discharge valve into the closed position or use any other means listed in paragraph (a)(1).

(b) No person may alter or remove any department-approved locking device once installed by a department employee or authorized agent of the department, unless the person notifies the department in writing before the alteration or removal and includes the following information:

(1) The vessel's registration number or documentation number;

(2) the vessel's hull identification number;

(3) the vessel owner's name and address;

(4) the purpose for altering or removing the locking device; and

(5) the name of the individual or business performing the alteration or removal.

(c) This regulation shall be effective on and after January 1, 2008. (Authorized by and implementing K.S.A. 32-1103; effective P-\_\_\_\_\_.)

**ECONOMIC IMPACT STATEMENT**

**K.A.R. 115-30-12. Marine sanitation devices; vessel requirements.**

**DESCRIPTION:** This new permanent regulation would establish provisions and restrictions concerning marine sanitation devices. The proposed regulation would require the use of a department approved locking device on the sewage discharge valve of a marine sanitation device and would make unlawful the removal of such locking device. The proposed regulation would become effective on January, 1, 2008.

**FEDERAL MANDATE:** None.

**ECONOMIC IMPACT:** The proposed amendment should not have a significant economic impact on the department, the general public, or other agencies.

**ALTERNATIVES CONSIDERED:** None.