

AGENDA
KANSAS DEPARTMENT OF WILDLIFE AND PARKS
COMMISSION MEETING AND PUBLIC HEARING
Thursday, October 18, 2007
Colby Community Building
285 E 5th St., Colby

- 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 August 16, 2007 MEETING MINUTES**
- V. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS**
- VI. DEPARTMENT REPORT**
 - A. Secretary's Remarks**
 - 1. Budget Status Report (Dick Koerth)**
 - 2. 2008 Legislature (Chris Tymeson)**
 - B. General Discussion**
 - 1. Hunt of a Lifetime Update (Keith Sexson)**
 - 2. Prairie Dog Update (Keith Sexson)**
 - 3. KDWP Flood Damage Assessment (Brad Simpson and Troy Brown)**
 - 4. Statewide Trails Advisory Board Recommendations (Troy Brown)**
 - 5. Fall Turkey Season (Mike Mitchener)**
 - 6. Baiting, in relation to Big Game (Lloyd Fox)**
 - 7. High Fence Areas (Lloyd Fox and Kevin Jones)**
 - 8. Field Trial Permits and Controlled Shooting Areas (Kevin Jones)**
 - C. Workshop Session**
 - 1. Big Game Permanent Regulations (Lloyd Fox)**
 - 2. Park Regulations - ADA access issue (Troy Brown)**
 - 3. 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. KAR 115-2-1. Amount of fees. (Mike Miller)**
- 2. KAR 115-2-3a. Cabin camping permit fees. (Troy Brown)**
- 3. KAR 115-25-6. Turkey; spring season, bag limit, permits and game tags. (Mike Mitchener)**
- 4. KAR 115-7-1. Fishing; legal equipment, methods of take and other provisions. (Doug Nygren)**
- 5. KAR 115-7-8. Bass fishing tournaments. (Doug Nygren)**
- 6. KAR 115-7-9. Weigh-in black bass fishing tournaments not using tournament black bass pass. (Doug Nygren)**
- 7. KAR 115-18-10. Importation and possession of certain wildlife; prohibition, permit requirement, and restrictions. (Doug Nygren)**
- 8. KAR 115-18-12. Trout permit; requirements, restrictions, and permit duration. (Doug Nygren)**
- 9. KAR 115-18-20. Tournament bass pass; requirements, restrictions, and pass duration. (Doug Nygren)**
- 10. KAR 115-25-14. Fishing; creel limit, size limit, possession limit and open season. (Doug Nygren)**

XII. OLD BUSINESS

XIII. OTHER BUSINESS

A. Future Meeting Locations and Dates

XIV. ADJOURNMENT

If necessary, the Commission will recess on October 18, 2007, to reconvene October 19, 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, January 10, 2008 at Memorial Hall, Independence.

**KANSAS DEPARTMENT OF WILDLIFE AND PARKS
COMMISSION MEETING MINUTES
Thursday, August 16, 2007
Bass Pro Shops
Olathe, Kansas**

Subject to
Commission
Approval

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

The August 16, 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 Bass Pro Shop, Olathe. Chairman Johnston and Commissioners Debra Bolton, 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 welcomed Representatives Terrie Huntington and Stan Frownfelter and Senator Marci Francisco.

III. ADDITIONS AND DELETIONS TO AGENDA ITEMS

None

IV. APPROVAL OF THE June 21, 2007 MEETING MINUTES

Commissioner Frank Meyer moved to accept the minutes as printed, second by Commissioner Shari Wilson (Exhibit B).

V. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

Richard Riedel – Just a reminder of the invitation to come to Tonganoxie.

VI. DEPARTMENT REPORT

A. Secretary's Remarks

1. Budget Status Report – Dick Koerth, Assistant Secretary of Administration, gave this report to the Commission (Exhibit C). We are pleased to announce we finished the year in the black. Department operating expenditures totaled \$46,264,862 of which \$6,582,334 was from the State General Fund (SGF) with the remaining expenditures from fee funds, federal funds, and other funding sources. 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 Cheyenne

Bottoms Wildlife Area, but the start of this project has been delayed due to flooding at the Bottoms. The ending balance in the Wildlife Fee Fund (WFF) 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 hunting or fishing licenses to \$18. State law allows for a maximum fee of \$25. The Park Fee Fund (PFF) ending balance was \$869,938, an increase of 40 percent to the prior fiscal year. The PFF balance has been increasing and 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. You will be presented a list of flood damages to all department facilities later and that may require the department to request additional funding in FY 2008 for repairs. Cheyenne Bottoms is still under water, as well as Marais des Cygnes and other state parks and wildlife areas. KDWP has been requested to appear at the September 18, 2007 meeting of the Legislative Budget Committee to discuss flood damage. In addition, the December meeting of the Legislative Building Committee will also discuss flood damage to department facilities. We spent \$16 million in the early 1990s on renovation at Cheyenne Bottoms. Staff has also spent a significant amount of time on disaster areas. Secretary Hayden will discuss that with that legislative committee next week. For FY 2009, the KDWP Operations budget is still being developed. KDWP will fund the FY 2009 Capital Improvement (CI) request from existing funding without a fee increase. The ending balance in the WFF will be reduced to approximately \$2 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. We received three new positions in 2008. 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.

Mike Pearce, Wichita Eagle – How much was the renovation on Cheyenne Bottoms? Koerth – About \$16 million. Commissioner Shari Wilson – What about the Cheyenne Bottoms visitor’s center? Koerth – The site is not under water, but parking lots may be.

Ron Nicholson – How bad is damage on lakes down there? Is it to the extent it was in 1993? Koerth – Not as bad as 1993, but that will be discussed later in the agenda. There is significant damage at Elk City.

Chairman Johnston – I would like a Wildlife Fee Fund explanation. How probable is that increase and how much is a few years? Koerth – Depends on programs and license buying. We can’t give you an exact year when those will increase. We have a fully funded professional staff with some things funded, but at some point there may be a need for an increase.

B. General Discussion

1. KDWP Flood Damage Assessment – Brad Simpson, Public Lands Section chief, presented this report to the Commission (Exhibit D, E). There is a total of \$718,000 of damage from flooding in June and July and \$687,100 damage from tornados and flooding in May. We are meeting with FEMA now and will have a firm grip later. Most of the minor items, under \$10,000, have been taken care of already. When we start doing dirt work, it is hard to know what the expenses will be until we get into that. Total cost so far is over \$397,700. Cheyenne Bottoms is expected to be over \$500,000. We planted millet to try and salvage the waterfowl season, but we expect \$1.4 million in damage total. Chairman Johnston – What is the estimated time to get this done? Simpson – It is significant. Also these figures do not include our time. Chairman Johnston – Are we waiting for FEMA funds to do repairs? Simpson – It is on a reimbursement basis, we will have to do the repairs first then get reimbursed.

Jerry Hover, Parks Division Director, presented this report to the Commission (Exhibit F). Last time we met we only had six parks damaged and now have several more affected by the storms. Very few buildings were damaged extensively. One at Elk City will need to be replaced and the office at Crawford will also. We are working with FEMA. Most damages are not covered by FEMA because they are on Corps areas and due to flooding and a clause on the agreements with the Corps, it says they can flood the areas without remuneration. Most damages were done by high winds and rain, prior to the flooding event, but we may end up with very little. The bridge over Pottawatomie Creek on Prairie Spirit Rail Trail (PSRT) will cost \$500,000 to \$1 million to replace. It is 250 feet long and 50 feet in the air. Water levels came up 55 feet according to KDOT. Elk City is still closed, but we may have part of it open by Labor Day weekend. It is still 40 percent water covered and the electrical system there needs to be replaced. We are in the process of reopening areas and we are losing money and people, in addition to the loss of resources. We are trying to get the areas open as soon as possible. Immediate safety needs have been addressed by temporary fixes or barriers. Commissioner Lauber – At Clinton, the \$350,000 for rip-rap where was that needed? Hover – Near the west boat ramp along the shoreline where the parking areas are. The water ate into the asphalt 5-6 feet in some areas, 30 percent of the parking lot was removed and it is a straight drop off. We have barriers up in that area. Chairman Johnston – Elk City State Park is still closed, are any other portions of state parks still closed? Hover – El Dorado Blue Stem area has 200 campsites closed and it is questionable whether they will be open for Labor Day. Also, portions of Cross Timbers and Fall River, although 80 percent of Fall River is now open. Hillsdale water is still high. Pearce – What are the water levels at Elk City, Toronto and Fall River? Hover – Elk City was 22 feet above, now 11 feet; Kanopolis was hit three times this year and over 14 feet above. Kanopolis has taken it hard, but right now is only 6 feet above normal pool and the park will be open there. I don't know the levels at Toronto and Fall River. Commissioner Bolton – In terms of lost revenue, do you have an estimate? Hover – Elk City around \$1,000 a day, but not quite as much at other parks. I would guess it will be in excess of \$1,500 to \$2,000 a day statewide. Ron Nicholson – In 1993, we lost trees at Webster and Cedar Bluff. Are these lakes going to have all the dead trees also? Hover – At Elk City possibly, not as bad as 1993, but at Webster the water was up for 6 months in 1993 and it is only 3 months now. Other parks will lose some smaller trees, but not the larger ones, we hope.

2. Hunt of a Life-time Deer Permits for Disabled or Life-threatened Youth – Keith Sexson, Assistant Secretary for Operations, presented this report to the Commission. Senate bill 192 authorized the Youth Hunt of a Lifetime deer permits for nonprofit organizations operating in Kansas. We have had some hunts in the state already, and they were making use of transferable landowner permits, but it was becoming more difficult to accommodate those types of hunts. I want to remind the Commissioners of what is in the bill and how we are issuing these permits. There can not be more than 10 permits issued in any calendar year and they are not included in quotas nor do they reduce quotas. These are basically nonresident permits because residents can buy permits over-the-counter. The Hunt of a Lifetime Permits will be issued through application made by qualified organizations. They are required to have nonprofit status similar to requirements for the Commissioner permits. We'll do a random draw if we get more than 10 applications. Recipients will pay price established by highest value (\$322.15), the same as Commissioner permits. Permits will be issued in name of recipient because transfer would be close to time of the hunt because there are situations where they might not make it to the state. We will not require any organizations to pay up front, but payment would be done at time the permit is issued. These permits are subject to restrictions of season, type, equipment and units, and are good during regular

firearms season in unit of choice or any unit in the state. A report of the results of the hunt will be required 30 days after the hunt. This puts us in the position to work with the groups that accommodate these types of hunts.

Pearce – Can maximum of 10 be raised by the Commission or does that have to be raised by legislature?

Sexson – That was set by the legislature. Pearce – These kids can't travel in one or two days. Sexson – We are limited, but we will accommodate the recipient as close to season as we can. They can purchase the license (with the transfer voucher) at any one of our offices. Groups didn't want to have to transfer the vouchers too far out. Pearce – If you have to go down to number 11 or 12 because one of the children can't come a couple of days before the hunt, those out-of-state kids will not be able to make it. Sexson – We realize that and are trying to be as accommodating as we can. Buckmasters and Hunt-of-a-Lifetime do these hunts now in Kansas. The guidelines don't set the time when this can be used, but we expect it will be used during the regular firearms season, but that could change later. We will see where we will go with this program in the future.

Chairman Johnston – I would like to welcome Representatives Margaret Long and Ron Worley.

3. Syracuse Sand Park – Status of Department Review – Jim Hays, Environmental Services Section (ESS) chief, presented this report to the Commission (PowerPoint - Exhibit G). We reviewed this site under the Kansas Nongame and Endangered Species Act of 1975. Two visits have been made to the site, the first on June 27. At that time we did a site review and spoke to their committee and got details on design plans. The last meeting was last Thursday. There was more vegetation last week than the first time we were there. The park is somewhat open already. There is a trail clear around the property and they do ride the boundary daily to be sure they are not encroaching on the neighbors. It is continuous sandsage prairie for quite a distance. The project impacts 5 miles of trails, 6 feet wide (3 acres) and 780 acres of open riding area which is where we have some concern. For a total of 783 acres of impact to sandsage prairie and 1,300 total acres in the park. Sandsage prairie species include: 21 species of amphibians, reptiles and turtles; 27 species of mammals; and numerous bird species (more than 20) including lesser prairie chicken. Review results conclude that this is critical habitat for state threatened longnose snake and western hognose (SINC), glossy snake (SINC) is also found here. What will happen over time is that vegetation will be eliminated. This is critical for longnose snake and should federal funds be used on the project an action permit will be required. Commissioner Lauber – Are those threatened and SINC snakes? Hays – The Endangered Species Act protects endangered and threatened species, but not SINC. SINC is species in need of conservation and means they are likely to occur. Commissioner Lauber – Are the sponsors aware of your findings? Hays – The letter went out yesterday. Commissioner Lauber – Are they using open areas right now? Hays – They are already using that and the city allows it. What triggered this review was the possible use of federal funds. Commissioner Lauber – Can they do whatever they wish, if local funds are used? Hays – Yes, if federal or state funds, no, but not sure about local funds. Chairman Johnston – Of the 783 acres, you mentioned vista shots, and uninterrupted sandsage prairie. Do you know what the approximate size of uninterrupted prairie is? Hays – No, but it runs from eastern Colorado to Garden City, in a narrow band, not as large as Flint Hills tallgrass prairie or Smokey Hills mid-grass prairie. It is not that wide. Pitman – Most of it is south of the Arkansas River in Finney, Kearney and Hamilton counties. Commissioner Lauber – We were asked to assist in funding, if you preclude us from funding that, is that basically correct? Keith Sexson – What Jim is saying is we are early in the review process and the application we have is for use of trail grant funds. If we are going to put state funds in they would come under the same consideration as federal funds. ESS works very closely with habitat. There are mechanisms on how they might mitigate

our losses that are going to occur. We are not going to shut anybody out until we work with the developer and can mitigate for the losses. This has been determined to be high quality sandsage prairie even with some grazing. We had the impression that this was sand dunes with not much cover, but that is not the way it is at all. We will continue to work with this group to see how we can work with them to mitigate. They may chose not to go ahead with the grant because of what they would need to do, but we don't know what they can do with county or city funds, but private developers can do whatever they want. We want to work with them because this is good habitat. Commissioner Sebelius – The map shows property north of Arkansas River owned by the County commission, 30 to 40 acres, did you look at any other land owned by other organizations? Hays – No, there is a park there already. Everything is south of River Road and west of the highway. The main area of riding would be west. Commissioner Sebelius – Were you asked to do anything about fishing or camping? Hays – The Lake is an old mining area and there is no adverse impact. Commissioner Shari Wilson – The location and range of the sandsage prairie, is it in middle of the strip? Hays – To the west of the middle. Pitman – A little to the west, but basically center. Commissioner Shari Wilson – If we degrade the environment that is there now, how does that impact movement of lesser prairie chicken? Pitman – I spent four years there and that is the core lesser prairie chicken area in the state. Research on lesser prairie chickens show that they avoid any kind of manmade structure, so this will severely impact movement. Commissioner Shari Wilson – I have a problem with that, but the developers have not had a chance to respond. The park is already open and only when they ask for state or federal money can we do anything. For economic development it is great for that part of the state, but there is not that much lesser prairie chicken habitat as it is. It is also critical habitat for a state threatened species, the longnose snake. There are limitations placed on developers if local funds are used. Hays – We don't have a lot of experience dealing with local dollars. It would be good for us to look at that a little closer. Tymeson – This is private, nonpublic funds and this will hinge on that. Our work is on state and federal funds only. Commissioner Lauber – Our role has changed. Two months ago we were the developing partner, now our role is as a protector and I think how we view unencumbered development will determine if this can go on. It is a good economic opportunity, but not without severe habitat destruction. It hinges on how we choose to define private money and this is our opinion. Chairman Johnston – Following up on comments from Wilson and Lauber, non-public money is not the same as city or county money. The project is going forward without mitigation to environmental impacts whether the department is going to be comfortable with it or not. It may not be a Commission decision, but I echo the concerns. Commissioner Lauber – I agree with that. I don't know how aggressive a stand we should take. There are more aggressive protectors than us out there and I think the torch will be carried anyway. Commissioner Shari Wilson – I am comfortable saying I have a concern and leaving it to the department to work with the developers. Commissioner Meyer – I worked 15 years with economic development and the biggest concern is the western half of the state. They found a group of enthusiastic individuals trying to bring millions of dollars into the state and the area we are looking at is ideal for what they are trying to do. It has been a wet year and you are not seeing the true picture of what it really looks like. Our main concern is fur, feather and fins, but we need to think about the people. It is good for the area and the state. If we don't provide an area for these recreational vehicles they are going to run them someplace. At least medical folks will be available and they will be safe, but they are going to ride it somewhere. When I drive across eastern Kansas I see houses go up in good deer habitat and we can't stop that. Commissioner Lauber – That is a good point, from capitalist perspective, I agree with that. Our mission statement does not lend itself to commercial enhancement to increase states T&P or income. We are here more to protect the wildlife, and in this particular case, game birds. Coming from a small town I realize things are just dying. This is just a postage stamp, but strategically placed, and we need more protective efforts.

Chairman Johnston – At the last meeting, Mr. Meyer and I were impressed by the positive impacts being projected, but I don't think anyone here is saying anything different. The Commission as a whole is concerned, we need to protect and find a medium to not get in the way of the city. I don't anticipate the Commission making any decisions on this. Commissioner Meyer – We are Wildlife and Parks, and we need to think about the parks in other areas, we have a dual role.

4. Big Game Permanent Regulations – Mike Mitchener, Wildlife Section chief, presented this report to the Commission (Exhibit H). We are discussing this earlier than we normally do, but we thought that since we were doing a lot of changes it was better to bring it to the Commission here in August and have some opportunity for public comment prior to the next meeting in October where we will actually be bringing the drafts of proposals. We will be discussing KAR 115-4-2, big game, general provisions; KAR 115-4-4, big game, legal equipment and taking methods; KAR 115-4-6, deer, firearm management units, which we want to revoke; KAR 115-4-6a, deer, archery management units; KAR 115-4-13, deer permits, descriptions and restrictions; and KAR 115-4-14, landowner deer program, implementation, application, selection, property requirements, deer permitting, property posting, evaluation, renewal, and other provisions which we also want to revoke. There are no recommendations at this time. Commissioner Shari Wilson – When will we see the recommendations? Mitchener – In October, we are working on them now.

5. Prairie Chicken Status and Mortality from Hunting – Jim Pitman, wildlife biologist, presented this report to the Commission (Exhibit I and PowerPoint - Exhibit J). This is not easy to address; college curriculums usually spend whole semesters on this topic. I am going to discuss two species: greater prairie chicken and lesser prairie chicken. The range map was put together using information from survey data and field staff data. Evidence of hybridization was discovered in the last 5-10 years. We do an annual lek (where males gather for mating in the spring) survey to develop an index. It is an 11-mile route with one-mile listening intervals and covers 11 square miles. The problem with lek surveys is that there were only a handful of routes in the beginning, but new routes have been added which makes old information invalid. The survey was established in 1963. Now in northwest Kansas where no routes were located, the Flint Hills, western croplands area and lesser prairie chickens in southwest, trends go back to 1980s. In the Flint Hills numbers are declining, but that is not true in western croplands. Both areas are under the same general hunting restrictions, but are being impacted differently. We are looking at harvest compared to index. In the 1990s when numbers were declining, harvest was declining, but when numbers began coming back up harvest remained low. Over the last decade numbers are increasing in southwest part of the state, but declining in the rest of the state. There is more grass in southwest Kansas, because of CRP or more grazing because of declining levels of Ogallala Aquifer. For greater prairie chickens, when populations bottomed out, harvest did also. What is the percentage of population being harvested is the real question, but with rough calculations there is no reliable method to estimate. We have valid data, but assumptions were made and we erred on the side of caution. Kansas Remote Sensing Lab helped with this (habitat surveys) and we eliminated small patches of grassland (less than 1,000 acres) and in the end came up with estimates. Fall estimates for greater prairie chickens are 4,950-7,420 per square mile (of suitable habitat), lesser prairie chickens is 2,145-3,215 per square mile; breeding populations for greater prairie chickens is 24,750-37,100; lesser prairie chickens is 10,510-15,750; for total fall population estimates of 49,400-74,200 greater prairie chickens and 21,020-31,500 for lesser prairie chickens. Harvest estimates averaged over the last five years, 11,267 greater and 278 lessers with minimum fall populations of 49,400 greater and 21,020 lessers. Maximum harvest was 22.8 percent of greater prairie chicken total population and 1.3 percent of lesser chicken population.

Harvest is low on lesser -- not more than 500 birds. Sustainable harvest rates for other grouse species are 20-50 percent harvest. Chairman Johnston – What about compared to habitat? Pitman – The biggest impact is isolated fragments of habitat and remnant populations, but there are no facts to support that. No ability to develop harvest estimates. Not easy to answer, because this is all antidotal. Chairman Johnston – What is the definition of big impact? Pitman – The cause of decline in the Flint Hills is not harvest, but woody encroachment, which has increased 23 percent according to Emporia State and research shows lesser prairie chickens avoid structures including trees, but trees also displace grasslands. Trees are a benefit to turkey, squirrels and deer. The other thing is annual spring burns and livestock stocking, we know it takes 20 inches of residual grass cover to rear chicks and spring burning doesn't allow that. Nesting success is less than 15 percent now. Studies from 1950s to 1980s showed 25-50 percent success rate, which is the ballpark figure needed to sustain them. Commissioner Lauber – That is not due to burning though? Pitman – Looking at prairie chicken populations where burning is common, in Oklahoma and Kansas, populations are not stable; but are stable in same time period in Nebraska and South Dakota where no burning occurs. There may be some impact, and in my opinion, substantial. In conclusion, harvest rates compared to harvest data, less impact and maximum harvest rates are below sustainable levels of other species of grouse and production drives. Removal of secure nesting and brood rearing cover is detrimental. Commissioner Lauber – Does early season have any affect? Pitman – Less than later season. The later in the season the more likely you are to shoot birds that would survive to the next season. Chairman Johnston – The uncertainty I have with the conclusion has to do with harvest rates, in 25 percent of range, whether that rate allows for sustainable population. I am concerned with greater prairie chickens; percentages that these studies determined did not access consideration of nesting success or loss of habitat. Pitman – They did, we looked at year to year success, at 25-30 percent assuming everything remained the same. Chairman Johnston – Let me make sure I understand the assumptions that go into this conclusion. Not impacting sustainable populations, conclusions come from those six studies. You concluded we produced sustainable populations where nesting success was less. Pitman – Removing hunting will not affect nesting success, they will continue to decline. Commissioner Lauber – I concur with opinions. In southeast Kansas if we reduced harvest, people feel if we would have 23 percent more chickens in the spring, everyone we save might be more nesting, that is a common opinion. That is one of the reasons I wanted to see this presentation. Pitman – We manage deer populations through harvest, but can't manage upland birds the same. Prairie chickens survive at only 40-50 percent. Consider the fact that deer have a low reproductive rate, only one to two fawns, but birds have 10-20 eggs a year, so there are more birds. Reproduction plays such a large role. To change upland game from one year to the next would increase cover, but not reduce harvest. Commissioner Meyer – What about impacts in the future, grain alcohol which is a dumb thing to do to take food out of people's mouths to put in the gas tank, and changing to switch grass and other grain residues, will that impact prairie chicken populations? K-State is encouraging burning later and later and we need their cooperation to move it back. They are doing it for weed control. Pitman – I agree, one ray of hope is a new grazing program Oklahoma State is studying, called patch grazing/patch burning, but we are not seeing the results yet. This type of management in the Flint Hills will make a bigger impact. Commissioner Lauber – This impacts states where tracts are smaller. It is harder for an individual to trisect their property to burn it in sections, we would need natural barriers. Pitman – Right, there are some flaws, but it is applied in some parts of the state already. Commissioner Meyer – You need to prove economic benefit. Pitman – Or no impact.

Representative Margaret Long – Why burn at all? Pitman – No burning at all, rather than rotational; burning every year in some parts of state; or not at all in other parts, but both of those are bad.

Break

C. Workshop Session

1. Spring Turkey Season (KAR 115-25-6) – Jim Pitman, wildlife biologist, presented this report to the Commission (Exhibit K). I don't have the final numbers for spring 2007 season, but harvest was about 36,000 birds. We sold 64,000 game tags, an increase, and hunters had a 60 percent harvest success. With this spring's rain and flooding, turkey production will be poor for the third year in eastern part of the state. Good reports from western and central Kansas. Results from the first archery season looks like our bow harvest doubled. 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. We would also like to increase the permit quota in SW Kansas, currently 200. There is a high ratio of adult gobblers and they can sustain more pressure and meet hunter demand. There were 289 applicants in Region 4, which we would like to raise to 325. Chairman Johnston – You have a consensus from the Commission to move forward. Tymeson – We will vote next month on this topic.

2. Fishing Issues and Regulations – Doug Nygren, fisheries section chief, presented this report to the Commission (Exhibit L). We have a few items to bring up on fees in KAR 115-2-1. We are recommending that the 24-hour fishing license be decreased to \$3.00 and add a paddlefish youth permit for \$5.00. This counts towards federal aid certification which brings in \$10 per angler.

1) To prevent viral hemorrhagic septicemia from entering into Kansas, we will be moving toward regulation 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. Staff recommends that bait fishes that come into the state have a health certificate stating they are VHS and Spring Viremia of Carp virus free. Commissioner Shari Wilson – What would be the benefit of the certificate? Nygren – If no certificate, they can't bring it into the state.

2) Weigh-in requirements for tournaments using the Bass Pass Program, which should have included all tournaments. We left out "black bass" from the regulation last year and we want to put that back in.

3) Regulation 115-18-12 on trout, working with adding Shawnee County at Lake Shawnee; and Tuttle Creek State Park-Willow Lake was designated as a year-round trout fishery and we are recommending that they be removed from that year-round requirement. There has been internal discussion on how the department can boost "young angler" participation in our trout program. Most feel that a reduced price of a trout permit for those anglers under 16 would increase participation. Staff recommends no permit requirement for youth under 16, with a daily creel limit of two trout. 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.

4) On invasive species issues, we are seeing Asian Carp in rivers. By stocking sterile grass carp, the risk of establishing a population in non-target waters is greatly reduced. Move away from using diploid and use triploid, or sterile grass carp and require private individuals to not sell anything but triploids by putting diploids on the prohibited species list. We spoke with Kansas Aquaculture Association about this. Commissioner Lauber – Do the carp need flooded rivers to spawn? Nygren – When the water is out of its banks they could, but they are big river fish. They came from Mirror River in China, which is about the same size as the Mississippi. Commissioner Lauber – If they escape, are they too small to survive in ponds? Nygren – We saw small grass carp in Kansas River last year.

5) On paddlefish, we need to delineate where upstream and downstream areas are on Burlington

and Chetopa city dams and make snagging illegal. The law is currently unenforceable. Make that enforceable all the way from Burlington Dam to the Oklahoma border. The 34-inch length limit is unnecessary on the Neosho River, and we want to do away with the requirement for barbless hooks. Also, we are recommending a half-price paddlefish license for children. Commissioner Robert Wilson – From law enforcement standpoint, what does the regulation say about helping a child land that fish? Nygren – If the adult is permitted there is no problem, but if not then it could be a problem. 6) Snagging and gigging in regulation are legal methods of take only in waters listed in regulation 115-25-14 (“Kansas Special Size Limits, Creel Limits, and Bait Restriction Tables” – Exhibit M). We want to separate snagging and leave gigging (for the taking of rough fish) and add it to the list of legal equipment and methods for taking non-sport fish (Regulation 115-7-1). 7) Staff recommends that in addition to the statewide creel limit of two striped bass hybrids we allow our biologists an option of five-per-day. Striped bass hybrids are much easier for our biologists to obtain now because we have our own breeding stock. Also in the reference document: add Coldwater City Lake, Lonestar Lake, John Redmond Reservoir, Leavenworth State Fishing Lake, Lake Miola and Lake Shawnee under wiper creel limit.

3. Park Regulations – ADA access issue – Jerry Hover, Parks Division Director, presented this report to the Commission (Exhibit N). KAR 115-8-13 currently does not allow anyone to use unregistered vehicles on KDWP property. We occasionally receive requests from handicapped individuals to use all-terrain vehicles, scooters, and other vehicles not capable of being legally registered and we wish 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. 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. We are still in the research gathering and draft development stages. A workshop session of the draft amendment is planned for the October Commission meeting and the public hearing is scheduled for January. Commissioner Sebelius – Do our regulations make a specific description of what a motor vehicle is or do you utilize the state definition so everybody knows what we are talking about? Is that the one we use? Tymeson – We reference back to the traffic statutes, however there are some differences for registration for traffic laws so it has taken some time to come up with something that fits. Commissioner Sebelius – Motorized vehicle is a very broad description. Commissioner Lauber – Will this just be used in handicapped areas or certain handicap people can take golf carts to the shoreline? Hover – That is possible. Commissioner Lauber – I received a letter from a fisherman who was concerned the shorelines would be littered with golf carts, ATVs and scooters and I am conflicted on how we want to take care of that. Those that truly need the assistance, I see a benefit for them, but we need to think about this.

4. Cabin Rental Fees – Jerry Hover, Parks Division Director presented this report to the Commission (Exhibit O). KAR 115-2-3a establishes fees by locations for cabin camping within the state parks, state fishing lakes, and wildlife areas. We just passed a fee last time and will probably do another one in March. We have a few adjustments needed for January 1. Current demand for cabins is exceeding

our expectations. At Cedar Bluff SP cabins 1 and 2, we want to 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 to that, which is a new and larger cabin on the East Shore; Eisenhower SP cabin 1 and yurt 1 and 2, adding a three-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; and Webster SP cabin 1, decreasing nightly rate \$10-\$15 to stimulate occupancy as this is below estimates due in-part to low reservoir water levels. Commissioner Shari Wilson – Has there been a reaction to fee changes we have made? Hover – No reaction one way or the other. Most of the ones we just did are cabins just coming online. Commissioner Shari Wilson – Will we be adding more yurts to other parks? Hover – As we have funding available.

5. Fee Changes for 2008 – Mike Miller, magazine editor and special assistant, presented this report to the Commission (Exhibit P). I am presenting these because they are part of the final recommendations provided by the Deer Task Force. Part of the final recommendations focused on permit prices of big game and turkey permits for youth hunters. The final recommendations included provisions for half-price deer, antelope, elk and turkey permits for all resident hunters under the age of 16. Accommodating this recommendation requires changes to KAR 115-2-1, amount of fees. Changes will be: general resident youth (under 16 years of age): either sex elk permit – (from \$250) to \$125; general resident youth (under 16 years of age): antlerless only elk permit – (from \$100) to \$50; general resident youth (under 16 years of age): deer permit - \$15; general resident youth (under 16 years of age): antlerless only deer permit - \$7.50; general resident youth (under 16 years of age): antelope permit - \$20; and general resident youth (under 16 years of age): turkey permit (1-bird limit) - \$10. Other changes to the deer permit fees to be implemented for the 2008 season include the elimination of the whitetail antlerless-only deer game tag (\$10) and the whitetail antlerless only permit (\$30) and replacing them with an antlerless-only permit for \$15. A Special Hunt-Own-Land permit will be available to a landowner's siblings, lineal ascending or descending relatives and their spouses, regardless of residence, one per 80 acres owned or operated for \$30. A nonresident mule deer stamp will also be available. Nonresidents who apply for a whitetail either sex muzzleloader or archery permit in one of the nine DMUs where mule deer permits are available will have the opportunity to apply for a mule deer stamp. The stamps will be limited issue and if drawn will make the permit an any deer, either species, either sex permit. Upon application, an additional fee of \$100 is recommended, refundable if the applicant is unsuccessful in the mule deer stamp draw. Other recommended amendments to this regulation, as mentioned earlier by Doug Nygren, include a change in the 24-hour fishing license from \$5 to \$3, and a youth paddlefish permit for anglers under 16 years of age for \$5 (half-price). Pearce – On the mule deer stamp \$100 fee, if they are not drawn for the mule deer stamp are they stuck with no permit? Miller – They will get a whitetail deer permit.

Doug Phelps – On the mule deer stamp application fee, why \$100? Miller – The \$100 fee was worked out through regulation. Phelps – Are you going to assign preference points? Miller – We haven't worked through that yet. Chairman Johnston – Is it your conclusion that these fee changes are going to produce a positive economic impact or a net revenue loss? Miller – Chris did an economic impact summary and I think it is a wash. Tymeson – It will increase revenue, but that is offset by the fishing fee decrease in the dailies. We figure it will cost about \$90,000 to issue half-price youth for the first time, but the second year will only be \$20,000 for all changes, fishing and hunting.

Pearce – Secretary Hayden, are there any states where the youth cut off age is higher and senior citizens pay? My son is going to college and he can't get friends to go because they can't afford it; 21 and

younger could afford permits better. Secretary Hayden – That was attempted in Washington State, changing the age from 16 to 21 for fishing and I don't believe that was successful. Their legislature never adopted it. There is a lot of talk because of increasing longevity, is 65 a valid age any more? But, I don't know of any state that has successfully raised the 65 or 16 age limits, attempted, but no successes. Nygren – Ten states have reduced youth for anglers for age 16 to 22 and it is a good tool. Chairman Johnston – Has experience been positive in those states? Nygren – Yes. Commissioner Shari Wilson – I would like to ask the department to look into that and see if that is an option for our state? Chairman Johnston – Excellent request, we will look at that for a future meeting.

6. Public Lands Regulations – Brad Simpson, chief of Public Lands Section, presented this report to the Commission (Exhibit Q). I was optimistic that I would have a draft by this meeting, but we are still in the process of working on that. Hopefully you will see it at the next meeting. Chairman Johnston – Explain what this effort is. Simpson – We use posted notice to prohibit or permit certain things on public lands. We are putting together a reference document that will be included with our regulations as well as posted notice so that someone can see what is allowed or not allowed at a certain area, before they get there.

Tymeson – Typically we go from general discussion to workshop to vote but some items will not be ready. We will be voting on spring turkey; 10 fishing items; cabins; and fee changes at the next meeting in October. We will still be working on VHS, so that will not be voted on until at least January. Also ATV and public land regulations will be voted on in January.

VII. RECESS AT 5:00 p.m.

VIII. RECONVENE AT 7:00 p.m.

IX. RE-INTRODUCTION OF COMMISSIONERS AND GUESTS

V. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

None

Commissioner Lauber – Is our agency responsible for high fence operations or is that the Livestock Association? Tymeson – After they push all native species out, enclose the area and put in captive cervids then it is the Animal Health Department's responsibility. Commissioner Lauber – I had people ask me about that.

VI. DEPARTMENT REPORT

D. Public Hearing

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

1. Late Migratory Bird Seasons – Faye McNew, waterfowl biologist, presented this report to the Commission (Exhibit S). Good news, there are 41 million ducks in the prairie regions, a 14 percent increase and 7.8 million ponds so we are in the liberal package. Recommended season dates are: Duck,

Coot and Merganser – High Plains Zone, first segment -- October 6, 2007 through January 1, 2008, second segment -- January 19 through 27, 2008; Early Zone -- first segment, October 13 through December 9, 2007, second segment -- December 15 through 30, 2007; and Late Zone first segment -- October 27 through December 30, 2007, second segment, January 19 through 27, 2008; Youth - High Plains Zone, September 29 and 30, 2007; Early Zone, October 6 and 7, 2007; and Late Zone, October 20 and 21, 2007; Canada goose, first segment -- October 27 and 28, 2007, and second segment -- November 7, 2007 through February 17, 2008; white-fronted goose season first segment -- October 27 and 28, 2007, second segment -- November 7 through January 6, 2008, and third segment -- February 9 through 17, 2008; light goose, first segment -- October 27 and 28, 2007; and second segment -- November 7, 2007 through February 17, 2008; dark geese for the Southeast Unit is the same as statewide recommended seasons. We are recommending that the Marais des Cygnes Unit be eliminated. Falconry seasons for migratory game birds will run concurrently with all established hunting seasons for those species and an extended falconry season for ducks, mergansers, and coots will run: High Plains Zone -- no days available; Early Zone -- February 25 through March 10, 2008; and Late Zone -- February 25 through March 10, 2008. The extended falconry seasons allow additional opportunity for falconers at a time when the regular season is closed, reducing the risk of conflict with firearms migratory bird hunters. 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.” Daily bag limits for regular ducks – 5, with no more than two scaup; two redhead; two wood ducks; or one hen mallard, mottled duck pintail, or canvasback; Canada geese – 3; white-fronted – 2; and light geese – 20. Possession limits on late migratory birds are twice the daily bag for waterfowl except rail which is 25; and light geese - no possession limit. The shooting hours are one-half hour before sunrise to sunset. We should also be aware of the pilot program that is allowing nine states sell federal duck stamps through their online license system.

2. KAR 115-8-7. Boating and general restrictions – Dan Hesket, Boating Law Enforcement, presented this report to the Commission (Exhibit T). This regulation conforms to parts of 115-30-10, the proposed changes will bring the two regulations into conformity with each other. There is a list of items that the operator of a vessel shall do and one is to operate the vessel at no-wake speeds of five miles per hour or less when within 200 feet of the nine listed areas.

Commissioner Shari Wilson moved to bring KAR 115-8-7 before the Commission. Commissioner Debra Bolton seconded.

The roll call vote on KAR 115-8-7 as recommended was as follows (Exhibit U):

Commissioner Bolton	Yes	
Commissioner Lauber	Yes	
Commissioner Meyer		Yes
Commissioner Sebelius		Yes
Commissioner R. Wilson	Yes	
Commissioner S. Wilson		Yes
Commissioner Johnston		Yes

The motion as presented KAR 115-8-7 passed 7-0.

3. KAR 115-30-1. Display of identification number and decal – Dan Heskett, Boating Law Enforcement, presented this report to the Commission (Exhibit V). There is a federal mandate approved numbering system, which coincides with CFR and was approved. Under a-1, found in federal mandate 173.27 and under 174.13 and another under section a-5, the hyphen or space is also in the language and a-6 has been added to place the validation decals in line within three inches of the registration number, which is federal mandate 174.15 that has validation within six inches. Three inches in line is either way of the number and was chosen because of personal watercraft (PWC). Commissioner Lauber – If the boat already has a decal on it, will they have to move it? Dan – No.

Commissioner Frank Meyer moved to bring KAR 115-30-1 before the Commission. Commissioner Shari Wilson seconded.

The roll call vote on KAR 115-30-1 as recommended was as follows (Exhibit U):

Commissioner Bolton	Yes	
Commissioner Lauber	Yes	
Commissioner Meyer		Yes
Commissioner Sebelius		Yes
Commissioner R. Wilson	Yes	
Commissioner S. Wilson		Yes
Commissioner Johnston		Yes

The motion as presented KAR 115-30-1 passed 7-0.

4. KAR 115-30-5. Boating: capacity plate and operation – Dan Heskett, Boating Law Enforcement, presented this report to the Commission (Exhibit W). This regulation adds calculation of a boat's capacity. The purpose is because on older vessels may not have a capacity plate. It is illegal by federal standards to remove, deface, replace or alter the capacity plate, but it is not illegal to possess a boat that doesn't have one. 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.

Commissioner Shari Wilson moved to bring KAR 115-30-5 before the Commission. Commissioner Gerald Lauber seconded.

The roll call vote on KAR 115-30-5 as recommended was as follows (Exhibit U):

Commissioner Bolton	Yes	
Commissioner Lauber	Yes	
Commissioner Meyer		Yes
Commissioner Sebelius		Yes
Commissioner R. Wilson	Yes	
Commissioner S. Wilson		Yes
Commissioner Johnston		Yes

The motion as presented KAR 115-30-5 passed 7-0.

5. KAR 115-30-7. Boating: steering and sailing requirements – Dan Heskett, Boating Law Enforcement, presented this report to the Commission (Exhibit X). After working water for many years

and realizing guidance for operating and steering vessels is very lax I took on this project. This is basically what you need to do to prevent a collision on the water. The U.S. Coast Guard adopted the Colregs and amended it in 1980 for inland waters. These rules are in effect on the Missouri and Kansas Rivers. Some people would argue that the Arkansas River would also qualify, but that is truly not navigable any more. This comes from rule 9. Section b) is and rule 14, how two vessels should meet if coming head on; section c) is rule 13, is overtaking rule; d) is rule 15; e) is rule 18; f) is a new addition. My main goal for this whole deal was to change the terminology. Normally somebody was at fault because they failed to maintain a proper lookout and there are no brakes and is rule 5; g) is rule 6. Put in written form this is a very important factor, h) is rule 7, if you have radar on board and didn't use it, that is a cause or turning your boat lights off at night is a cause, if they fail to use technology they have on board; i) is rule 8, action that motor boat operator should use which does not tell them how to run their vessels, but how to avoid collision -- broken down into three simple rules, alter course; pass at a safe distance of at least 100 feet, and gives some guidance as most people can judge that distance; and third reduce speed or stopping or reversing to avoid the collision. It sounds simple, but you would be amazed at how many people don't realize that. j) and k) aren't covered by the Cole Act, those are our own. Navigational buoys move because people tie off to them. Chairman Johnston – On b, c and e, the operating mandates require an operator to operate in such a manner to not endanger another vessel, on 115-30-10 on page 2, subsection 5, the word endanger is modified. Heskett – Part of that philosophy is prohibited operation, thinking that negligence would be covered under the statute. I didn't see reason to put verbiage into it. It does not change the meaning if we did. Tymeson – There have been a series of discussions this week on that issue, 115-11-25, it says to endanger life of person, don't see any reason not to add that in. Commissioner Sebelius – Reasonably endanger? Heskett – Where this is going to be utilized, if the boat threw wake and endangered someone enough to complain, then they felt in danger. If there is a collision that is pretty much unreasonable either way. Chairman Johnston – Confusion for purpose for language or not, have just word endanger, is a foregone conclusion. Unreasonably allows for relevance of driving behavior. I see no reason for difference. Heskett – I missed that, you bring up a good point, and that was one reason for combining 8-7 and 30-10, I agree we need the same language. We can take it out of 30-10. Chairman Johnston – It makes more sense to delete it from 30-10. Tymeson – It conforms to statutes then. Chairman Johnston – On subsection i), I talked to Chris and Commissioner Sebelius about this. It is designed to apply to a situation where this regulates the conduct of a person finding themselves in an emergency situation. Generally speaking, it is a fair statement that you are using rules of road. As long as a driver doesn't place themselves or others in danger that is not generally sanctioned by rules of the road. Telling people, "if you don't do this" is unfair. On side note, subsection g) sounds like i-3. Heskett – Comparing rules of the road on traffic and vessels. We have rules of road you must abide by, staying between lines, etc. so in fact we do regulate how people drive their vehicle. When passing a vehicle you have 15 feet between you and it. On the water, there are no boundary lines and if you do see that you are about to risk a collision, both parties should abide by the rules of the road. There shouldn't be collision if both parties abide. We are comparing apples to oranges. Chairman Johnston – Can we regulate conduct of people and how they instinctively react to an emergency situation? There is more surface area on a lake, but that still doesn't alleviate proposing to place into laws that second guess how people react. Heskett – This is not for ticketing, but how a person should act. It is guidelines to follow on how to react. There are three piloting rules -- crossing, head on and overtaking, stand-on and give-way vessel. This leaves a lot of discrepancy on how people operate their vessels. Determining fault, assisting insurance companies and these rules have been placed internationally since 1970 and 1980s inland. They are in place on navigable waters. Commissioner Sebelius – I think you articulated what Kelly, Chris and I have been thinking -- to help insurance

companies, but it doesn't belong here. Failure to look out is not unreasonable. Leave it under careless and heedless operations which gives me a whole bunch of things. Don't lock officers in to looking at things one way. Chris has an amendment where he has reminded us to go back to statute, careless and heedless and Chris prefers to keep this with statute. I agree with Kelly a little bit, we don't need (i) in here, you know when people are boating too fast. I'm concerned about something we don't plan on citing somebody with. Tymeson – There are three amendments, the first two you asked me to draft. The first one is unnecessary now; amendment two was striking subsection (i); and amendment three was making some changes to (g) and striking (h) and leaving in (i). Commissioner Sebelius – I prefer amendment 2. Tymeson – No problem, education, not in regulation. Commissioner Sebelius - Amendment 3, describes reasonable or prudent standard, there are a lot of standards and (h) is vague and covered by other standards, it is more a clean up request. Chairman Johnston – In (f) on the previous page. Heskett – After reading (f) I will agree that is covered under that.

**Commissioner Debra Bolton moved to bring KAR 115-30-7 before the Commission.
Commissioner Doug Sebelius seconded.**

Commissioner Kelly Johnston moved to amend KAR 115-30-7 with amendment number two, deleting subsection (i). Commissioner Robert Wilson seconded.

The roll call vote on to amend KAR 115-30-7 as recommended was as follows (Exhibit BB):

Commissioner Bolton	Yes	
Commissioner Lauber	Yes	
Commissioner Meyer		No
Commissioner Sebelius		Yes
Commissioner R. Wilson	Yes	
Commissioner S. Wilson		Yes
Commissioner Johnston		Yes

The motion as presented KAR 115-30-7 passed 6-1.

Commissioner Doug Sebelius moved to amend KAR 115-30-7 with amendment number three, changing subsection (g) to say reasonable and prudent and deleting subsection (h). Commissioner Kelly Johnston seconded.

The roll call vote on to amend KAR 115-30-7 as recommended was as follows (Exhibit BB):

Commissioner Bolton	Yes	
Commissioner Lauber	Yes	
Commissioner Meyer		No
Commissioner Sebelius		Yes
Commissioner R. Wilson	Yes	
Commissioner S. Wilson		Yes
Commissioner Johnston		Yes

The motion as presented KAR 115-30-7 passed 7-0.

The roll call vote on KAR 115-30-7 as amended was as follows (Exhibit BB):

Commissioner Bolton	Yes	
Commissioner Lauber	Yes	
Commissioner Meyer		Yes
Commissioner Sebelius		Yes
Commissioner R. Wilson	Yes	
Commissioner S. Wilson		Yes
Commissioner Johnston		Yes

The motion as presented KAR 115-30-7 passed 7-0.

6. KAR 115-30-8. Boating: accident reports – Dan Heskett, Boating Law Enforcement, presented this report to the Commission (Exhibit CC). An approved numbering system must have an approved accident reporting system, which is through U.S. Coast Guard. Boat accidents should be reported immediately to a commissioned law enforcement officer. KDWP doesn't always have department officers available so it is unfair to a boater in areas where there is no department officer. CFR spells out language "immediately" for fatality or severe injury accident, and part of that conflicts on coastal waters because it takes time to report, so if you wait five days people procrastinate and sometimes forget to report it and we lose that information. Commissioner Lauber – Is it the Coast Guard who requests propeller damage? I have a serious problem with what we have on the books. Part of the reason is that we can't put that in there \$2,000 damaged, because if the prop and lower unit get damaged, it can't be exempt because it might cost \$2,000 and that is the reasoning from them.

**Commissioner Gerald Lauber moved to bring KAR 115-30-8 before the Commission.
Commissioner Debra Bolton seconded.**

The roll call vote on KAR 115-30-8 as recommended was as follows (Exhibit DD):

Commissioner Bolton	Yes	
Commissioner Lauber	Yes	
Commissioner Meyer		Yes
Commissioner Sebelius		Yes
Commissioner R. Wilson	Yes	
Commissioner S. Wilson		Yes
Commissioner Johnston		Yes

The motion as presented KAR 115-30-8 passed 7-0.

7. KAR 115-30-10. Personal watercraft; definition, requirements, and restrictions – Dan Heskett, Boating Law Enforcement, presented this report to the Commission (Exhibit EE). We need a separate regulation for items that are different. Under b-4 we need to change the wake speed distance from 100 feet to 200 feet to place that in conformity with public managed areas and reservoirs and add h) and i) to read the same as 115-8-7. Under section 5, we discussed striking the word "unreasonably or unnecessarily" and we no longer need section 8 and parts of section 9. KSA 32-1139, boating education rules covers that and we don't need it in here. The purpose for leaving what was in here when this was drafted is because people under 17, but born before 1989 were required to have boater education and now the law fits the time period. We are striking it out because it is causing mass confusion.
Amendment.

**Commissioner Robert Wilson moved to bring KAR 115-30-10 before the Commission.
Commissioner Shari Wilson seconded.**

**Commissioner Debra Bolton moved to amend KAR 115-30-10 adding section (b)(5),
Commissioner Doug Sebelius seconded.**

The roll call vote on to amend KAR 115-30-7 as recommended was as follows (Exhibit DD):

Commissioner Bolton	Yes	
Commissioner Lauber	Yes	
Commissioner Meyer		No
Commissioner Sebelius		Yes
Commissioner R. Wilson	Yes	
Commissioner S. Wilson		Yes
Commissioner Johnston		Yes

The motion as presented KAR 115-30-10 passed 7-0.

The roll call vote on KAR 115-30-10 as amended was as follows (Exhibit DD):

Commissioner Bolton	Yes	
Commissioner Lauber	Yes	
Commissioner Meyer		Yes
Commissioner Sebelius		Yes
Commissioner R. Wilson	Yes	
Commissioner S. Wilson		Yes
Commissioner Johnston		Yes

The motion as presented KAR 115-30-10 passed 7-0.

8. KAR 115-30-12. Marine sanitation devices; vessel requirements – Dan Heskett, Boating Law Enforcement, presented this report to the Commission (Exhibit FF). This is covered under the code of federal regulations, basically states “when operating...on body of water, must secure type three device...” KSA 32-1152 through KSA 32-1155 says it is illegal to put vessel on the water if there is no onshore pump out facility. Type three is the only one that is legal. Several vessels that have type-three holding tanks, have holding tank, but also overboard pump out capabilities. This was brought on by several legislators at Perry, so we inspected vessels and are trying to get this corrected. We want the law to say they can’t pump in out into the water. They have to have the tank secure and in a closed position, but right now we can’t do re-inspections to see if people are complying. Basically this regulation allows the re-inspection of these vessels and gives a person guidelines to notify us when they do repair work. Then we can do another inspection and secure it for them. It only takes one person dumping in the water to make it a health and environmental issue.

**Commissioner Gerald Lauber moved to bring KAR 115-30-12 before the Commission.
Commissioner Robert Wilson seconded.**

The roll call vote on KAR 115-30-12 as recommended was as follows (Exhibit DD):

Commissioner Bolton	Yes	
Commissioner Lauber	Yes	
Commissioner Meyer		Yes
Commissioner Sebelius		Yes
Commissioner R. Wilson	Yes	
Commissioner S. Wilson		Yes
Commissioner Johnston		Yes

The motion as presented KAR 115-30-12 passed 7-0.

XIII. OTHER BUSINESS

A. Future Meeting Locations and Dates

October 18, 2007, Colby Community Center, 285 E. 5th St., Colby.
 January 10, 2008, Independence Memorial Hall, Independence.

Secretary Hayden – Turn around for the legislature is the 5th and we are looking at holding it the second Thursday of March. Mitchener, will we have conservation award ready by then? Mitchener – Yes.
 Secretary Hayden – We will need to work with the Governor on her availability so she can present that. Let’s set the date for March 13 in Topeka.

XIV. ADJOURNMENT

The meeting adjourned at 8:14 p.m.

(Exhibits and/or Transcript available upon request)

Exhibit GG – Kansas Hunting Regulations Preview.

General Discussion

Hunt of a Lifetime Update

Hunt of a lifetime applications were sent out the first part of September with a deadline for submittal of September 30. We received applications for three permits, one from Hunt of a Lifetime out of Harborcreek, Pennsylvania and two from Buckmasters American Deer Foundation out of Tuscaloosa, Alabama. All three hunts will occur in Pawnee County with Tim Schaller.

We called both organizations and told them we have seven more permits that we could issue so that if they get a youth who wants to hunt we can issue another permit at the last minute.

**2007 Kansas Department of Wildlife and Parks
Youth Hunt of a Lifetime Deer Permit Application Guidelines**

Pursuant to Senate Bill 192, the Kansas Department of Wildlife and Parks Commission is authorized to issue up to **10** Youth Hunt of a Lifetime Deer Permits per calendar year for youth who are handicapped or have life-threatening illnesses. Such permits are only available to nonprofit organizations based or operating in Kansas that actively promote hunting for youth under the age of 21 who are handicapped or experiencing life-threatening illnesses.

Organizations must provide, with their application, **a copy of their nonprofit status, articles of incorporation, and their mission statement. Further documentation may be required to confirm qualification.**

Organizations receiving Youth Hunt of a Lifetime Deer Permits shall pay to the Department of Wildlife and Parks the price established by rules and regulations for the highest value for the deer permit. That fee will be \$322.15 for a nonresident deer permit. Such payment will be due at the time the permit is requested from the department and the voucher is redeemed.

The completed application and supporting documents shall be submitted by September 30, 2007 to:

Sheila Kemmis, Commission Secretary
Kansas Dept. of Wildlife and Parks
512 SE 25th Ave.
Pratt, KS 67124

If the number of applications exceeds the number of permits available, the department will conduct a random drawing from the pool of eligible organizations to award Youth Hunt of a Lifetime Deer Permits. Only one Youth Hunt of a Lifetime Deer Permit may be issued to a qualified organization, unless the number of permits exceed the number of organizations making application, at which point drawings will continue until all permits have been assigned. This may result in an organization(s) receiving more than one permit. Organizations should indicate on their application how many permits they wish to receive.

Successful organizations will receive a Youth Hunt of a Lifetime Deer Permit voucher for each permit to be issued. The voucher will signify the type of permit awarded. The voucher along with information concerning the person who is to receive the permit will be presented to the Licensing Section of the Department or any Department Regional Office and a permit shall be issued in the hunter's name. Payment for such permit will be required at the time of voucher presentation and receipt of permit. After a Youth Hunt of a Lifetime Deer Permit is issued in the name of the hunter, it shall not be transferred to any other individual for any reason. Any Youth Hunt of a Lifetime Deer Permits shall be subject to the restrictions of the season, sex, equipment type or hunt units as issued on the permit by the department. Organizations awarded Youth Hunt of a Lifetime Deer Permits shall provide the department with a report on the use of the permit by the hunter not later than 30 days following the close of the season for which the permit is valid.

The type of permit to be issued for the 2007 deer season shall be of a nonresident type that allows the taking of any deer, during any legal season with legal equipment, and it shall be valid in any firearms or archery deer management unit.

If a special disability provisions permit is necessary, applications for such will need to be submitted to the department for processing.

**2007 Kansas Department of Wildlife and Parks
Youth Hunt of a Lifetime Deer Permit Application**

Nonprofit Organization Name _____

Name of Individual Making Application _____

Address _____

City _____ State _____ Zip _____

Telephone (_____) _____ Email _____

In-state Facilitator (Applicant) _____

Address of In-State Facilitator making application (if different than above) _____

City _____ State _____ Zip _____

Telephone (_____) _____ Email _____

The following permit is available as Youth Hunt of a Lifetime Deer Permits. Indicate number of such permits your organization would be interested in receiving.

_____ Deer - One Any Deer permit; available to resident or nonresident; valid statewide during any season with legal equipment. Cost of permit is \$322.15.

The completed application, **copy of nonprofit status, articles of incorporation and mission statement** shall be submitted by September 30, 2007 to:

Sheila Kemmis, Commission Secretary
Kansas Dept. of Wildlife and Parks
512 SE 25th Ave.
Pratt, KS 67124

**KDWP – Wildlife Areas
Flood Damage Update
October 2007**

FEMA Eligible

Marais des Cygnes Wildlife Area

Damage is estimated to be \$89,000 for roads, dikes and levees, water control structures, and facilities and equipment. Seventy percent of road and levee work is completed. One levee will not be completed until 2008.

Miami State Fishing Lake

Damage was \$3,500 for road and levee repair. Work has been completed.

Louisburg Middle Creek SFL/WA

Damage was \$900 for road repair. Work has been completed.

Hillsdale Wildlife Area

Damage was \$3,000 for road repair, work has been completed

Neosho Wildlife Area

Damage cost is estimated to be \$185,000 for road repair, facilities and equipment, and dikes and levees. Most road and levee repairs have been completed.

Pottawatomie State Fishing Lake #2

Damage estimated to be \$1,600 for road repair. Work has been completed.

Wilson State Fishing Lake

Damage estimated to be \$20,000 for road repair.

Woodson State Fishing Lake and Wildlife Area

Damage estimated to be \$5,000 for road repair. Work has been completed and we are waiting on FEMA reimbursement.

Cheyenne Bottoms Wildlife Area

No damage estimates. The area is still flooded.

Non – FEMA Eligible

Fall River Wildlife Area

Damage estimated to be \$510,000 for roads, low water crossing and bridge repair. Some road repairs have been completed.

Elk City Wildlife Area

Damage estimated to be \$41,500 for debris removal, road repair, dikes and levee repair, and waterways. Some road repairs and debris removal has been completed.

Toronto Wildlife Area

Damage estimated to be \$3,000 for roads and crossings.

Cheney Wildlife Area

Damage estimated to be \$6,000 for road damage.

McPherson Valley Wetlands

Damage estimated to be \$1,000 for levee repair. Work will be completed this winter and next spring.

Kaw Wildlife Area

Damage estimated to be \$7,000 for road damage.

Butler State Fishing Lake

Damage estimated to be \$3,500 for road damage.

Slate Creek Wetlands

Damage estimated to be \$6,000 for road and levee damage.

Perry Wildlife Area

Damage estimated to be \$4,000 for road (completed) and dike repair.

Clinton Wildlife Area

Damage estimated to be \$11,500 for road and dike repairs.

Milford Wildlife Area

Damage estimated to be \$10,000 for road repair.

Tuttle Creek Wildlife Area

Damage estimated to be \$10,000 for road repair.

Clark State Fishing Lake

Damage estimated to be \$20,000 for road and spillway repair.

KS State Parks 2007 Storm Damages: May-July 2007 (updated 9/28/07)

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

FEMA

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	\$0
Rip-Rap stone	35,000 tons @ \$10 per ton	\$350,000	\$0
Placement of rip-rap	1200 hrs @ \$50 per hour	\$60,000	\$0
Repairs to concrete	100 cubic yards @ \$150	\$15,000	\$0
Kiosks, signs, misc	material an labor	\$15,000	\$0
Estimate as of: August 30, 2007		\$565,000	

May & June 2007, Osage County, Pomona State Park: \$67,642

Damage due to flooding and excessive run-off.

Expenses reported to FEMA emergency work (man hrs, equip, service)	\$ 592	\$592
Expenses reported to FEMA debris cleanup (man hrs, equip.)	\$ 1,085	\$1,085
Expenses reported to FEMA trail repairs (man hrs, equip, materials)	\$ 3,965	\$3,965
Re-gravel lower roads in campgrounds, day use areas	\$ 6,000	\$?
Replenish stock-piled gravel used already on roads	\$ 3,000	\$?
Additional surface repairs on trails	\$ 3,000	\$?
Replenish stock-piled screenings used on trails	\$ 2,500	\$?
Reseed grass in public use areas	\$ 2,500	\$0
Replace beach sand	\$ 6,000	\$0
Replace rip-rap on beach jetties	\$ 10,000	\$0
Repair picnic tables	\$ 500	\$0
Replace signs	\$ 500	\$0
Repair retaining walls blown out at boat ramp No. 3	\$ 20,000	\$0
Boat Ramps- replace rip rap	\$ 8,000	\$0
Estimate as of August 29, 2007	\$ 67,642	\$5,642

May 2007, Osage County, Eisenhower State Park: \$34,000

Damages due to flooding.

Replanting grass in public use areas	\$1,000	\$0
Labor/equipment cost estimated debris removal	\$1,000	\$0
Repair boat ramps	\$32,000	\$0
Estimate as of August 30, 2007	\$34,000	\$0

May & 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	\$?
Damage to asphalt roads and parking areas	\$50,000	\$?
Damage to designated swimming beaches and loss of beach sand	\$25,000	\$0
Shoreline erosion and damage to rip-rap and rock jetties	\$60,000	\$0
Courtesy dock walkways and ramps damaged	\$15,000	\$0

Massive amount of woody debris to be removed	\$30,000	\$0
Wildlife viewing areas, pond dams, and overflows	\$20,000	\$?
Limestone replaced and trails damage	\$50,000	\$?
Trail Crossings (10) rock replaced	\$60,000	\$?
Trail debris and silt removal	\$20,000	\$?
Sign and turf replacement	\$ 5,000	\$0
Estimated as of July 18, 2007	\$385,000	

May 2007, Pottawatomie and Riley Counties, Tuttle Creek State Park: \$26,000

Damages due to flooding and heavy rain		
Replace self-pay station and informational Kiosk at boat ramp	\$1,000	\$0
Ramps, Courtesy docks, and walkways damage	\$5,000	\$0
Damage to asphalt and rock roadways and parking areas	\$5,000	\$0
Shoreline erosion and damage to rip rap areas	\$10,000	\$0
Woody debris removal	\$5,000	\$0
Estimated as of August 30, 2007	\$26,000	

May & 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	\$0
Damage to rip-rap and rock protective jetties	\$75,000	\$0
Damage to handicapped fishing pier, sidewalks, rock , and railings	\$25,000	\$0
Shoreline erosion	\$30,000	\$0
Woody debris removal	\$15,000	\$0
Damage to boat ramps, courtesy docks, and walkways	\$30,000	\$0
Replanting of grass in public use areas/sign replacement	\$10,000	\$0
Damage to sewer lines and vaults breaking due to water level and lift station repairs	\$15,000	\$0
Mileage and equipment operation cost for in-house repairs	\$18,000	\$
Estimate as of July 18, 2007	\$398,000	

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	\$0
Courtesy dock walkway damages	\$1,000	\$0
Camping pad erosion and damage and rock replacement	\$6,000	\$0
Dumpster corral fences, camp site posts and signs	\$2,000	\$0
Replanting of grass in camping and day use areas	\$2,000	\$0
Road and shoulder repairs	\$5,000	\$0
Mileage and equipment operation costs for in-house repairs	\$3,000	\$0
Estimate as of July 18, 2007	\$24,000	

May & 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	\$185,000	
Campsite containment repairs	\$17,000	
Pavement and shoulder damage to roads and parking areas and undercutting of these areas	\$100,000	\$0
Damage to rip-rap and rock jetties protecting facilities	\$50,000	\$0
Shoreline erosion	\$100,000	\$0
Woody debris removal	\$25,000	\$4,000
Damage to boat ramps, courtesy docks, and walkways	\$10,000	\$0
Replanting of grass in public-use areas/sign replacement	\$17,000	\$0
Utility table repairs at sites under water (these are stationary tables)	\$8,000	\$0
Replace campsite permit boxes and posts	\$3,000	\$0
Repaint flooded BBQ grills and fire rings, many will need to be reset from wave action as well	\$3,000	\$0
Loss of swimming beach sand from flooding	\$10,000	\$0
Campsite electrical pedestal repairs and component replacement	\$6,000	\$0
Playground equipment damage	\$15,000	\$0
Vehicle and equipment cost to perform repairs in house	\$20,000	\$0
Potentially replace utility campground aluminum wire underground	\$60,000	\$0
Estimate as of July 18, 2007	\$629,000	\$4,000

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

Damages due to flooding.		
Campgrounds repair	\$7,000	\$3,600
Road repairs	\$14,000	\$2,475
Beach repair	\$4,000	\$0
Toilet repair	\$600	\$0
Estimate as of August 30, 2007	\$25,600	\$6,075

June 2007, Anderson and Franklin Counties, Prairie Spirit Rail Trail: \$1 million

Damages due to heavy rain.		
Pottawatomie Creek Bridge (2 sections gone)		
One-half mile trail severely eroded		
Mud Creek Bridge scouring		
Princeton Bridge scouring and replace culvert		
Inspection of all 23 bridges		
Estimate as of August 30, 2007	\$1 million	

June 2007, Woodson County, Cross Timbers State Park: \$21,640

Damages due mainly to flooding and heavy rain.		
Electric campground components	\$140	
Replace 500 feet of aluminum wire that was flooded, with copper wire	\$7,000	

Roads and campsites	\$3,300	\$3,300
Rip-rap to replace rock that was stabilizing asphalt roadways	\$3,000	\$3,000
Components to replace lamp, batteries and control box at solar light	\$400	
Screenings and concrete to repair handicap fishing pier, walkway	\$700	
Grass seed and fertilizer for flooded recreational areas	\$2,200	\$3,300
Five tree replacements	\$800	
Picnic table replacement (5 lost)	\$2,500	
Repairs to courtesy docks (5 docks): floats and structural repairs	\$1,600	
Estimate as of August 29, 2007	\$21,640	\$9,600

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

Damages due to heavy rain and flooding.

Trail repair	\$55,500	\$1,200
Road repair	\$153,000	\$4,931
Spillway repair	Unknown	\$0
Beach repair	\$2,000	\$0
Office replacement	\$350,000	\$0
Estimate as of August 29, 2007	\$560,500	\$6,131

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

Damages due primarily to flooding.

Mainly electrical repairs (complete system flooded)		\$0
Docks		
Road		
Trails		\$2,400
Estimate as of Aug 23, 2007	\$96,590	\$2,400

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

Damages due to heavy rain and flooding.

Road repair	\$17,700	\$0
Campground repair	\$2,800	\$2,400
Picnic tables	\$4,000	\$0
Beach repair	\$3,800	\$0
CXT toilets	\$400	\$0
Estimate as of Aug 23, 2007	\$28,700	\$2,400

NOTE: Jefferson County not in FEMA declaration

June 2007, Greenwood County, Fall River State Park: \$56,046

Damages due to heavy rain and flooding.

Electric components	\$2,230	
Solar lights damage (3)	\$1,000	
Gravel for 85 campsites and 1.25 miles of roadways	\$28,900	
\$10,560		
Gravel for South Rock parking area	\$816	
Reseed and fertilize	\$12,500	

Camp host storage shed replacement	\$800	
Repair to dock: floats and structural repairs	\$1,600	
Tree Replacement (20 trees)	\$3,200	
Picnic Table Replacement (10)	\$5,000	
Estimate as of August 23, 2007	\$56,046	\$10,560

TOTAL STATE PARKS ESTIMATED DAMAGES \$3,917,718

Elk City State Park was closed through August 31, 2007. Part of the park opened September 1, 2007.

Figures in the FEMA column are known figures, but some parks are yet to be finalized.

Recreational Trails Grant Program

Background: The Kansas Recreational Trails Grant Program (KRTGP) began in 1992 with a small amount of funding. It was not funded for 1993 and 1994 but it has been funded annually since 1995. This program is administered by the Parks Division of KDWP and is funded from the Federal Highway Administration through the Transportation Enhancements portion of the current SAFE-T-LU authorization. Since 1993 \$8,159,413 in grants has been awarded for Kansas trail projects, not including rail/trail projects which are administered by KDOT. Up to 80 percent of eligible expenses are reimbursable through KRTGP.

The Parks Division annually solicits applications for trail construction and trail-related amenities from local governments and other qualified applicants. Applications totaling more than \$3 million have been received this year. Each application was reviewed by the Statewide Trails Advisory Board in a public meeting held on October 2, 2007. All applications have been reviewed by the Park Division staff and the applications listed today are submitted for further processing. All recommended applications will be further reviewed by Environmental Services and final decisions will be made by the department. Any environmental concerns must be properly mitigated by the grant applicant. The approved applications are then sent to the Federal Highway Administration for final approval and obligation of the funds. Kansas has \$1,185,836 available in 2007 funds and \$700,000 (may only be obligated to motorized applications) in 2006 funds.

The Syracuse Sand Park application has not been approved and is waiting on an environmental mitigation plan. 2007 funds must be obligated 30 percent to non-motorized projects, 30 percent to motorized projects, 30 percent to any combination of non-motorized and/or motorized projects and up to 10 percent may be used for education and administration of the grant program. For 2007, no motorized trail applications have been received; approximately \$300,000 of 2007 funds for motorized projects will not be obligated at this time. The department will continue to accept applications for these funds on a first come-first served basis.

Recommended Action: Solicit additional input and comments from the Commission and public. Obtain a consensus to move forward with the process of awarding the 2007 trails grants not later than December 1, 2007.

K.A.R. 115-25-5 (Turkey; fall season, bag limit, and permits)

Background

Over the last five years the fall turkey season in Kansas has averaged more than 80 days in length with three of four turkey hunt units open to hunting (Figure 1). Hunters are currently permitted to harvest one bird of either-sex in Units 1, 2, and 3 and they can purchase three additional either-sex game tags valid only in Unit 2. The new unit boundaries also took affect this fall and portions of four counties (Rush, Barton, Pawnee, and Stafford) were opened to fall turkey hunting for the first time.

The number of permits and game tags issued for the fall 2006-2007 turkey season was 16,227 (includes 4,530 game tags) and for the eleventh consecutive year exceeded the record number sold the previous year. The percentage of hunters that harvested at least one turkey during the fall 2006-2007 season was 53 percent. These hunters harvested an estimated 6,112 turkeys (770 archery and 5,342 firearm) of which only 33 percent were females. The initial permit accounted for 84.5 percent of the statewide harvest and 81.7 percent of the harvest in an area that approximates hunt unit 2. In Unit 2, where three game tags are valid, the combined harvest taken with second and third game tags accounted for only 5.4 percent of the total harvest during the fall 2006-2007 season.

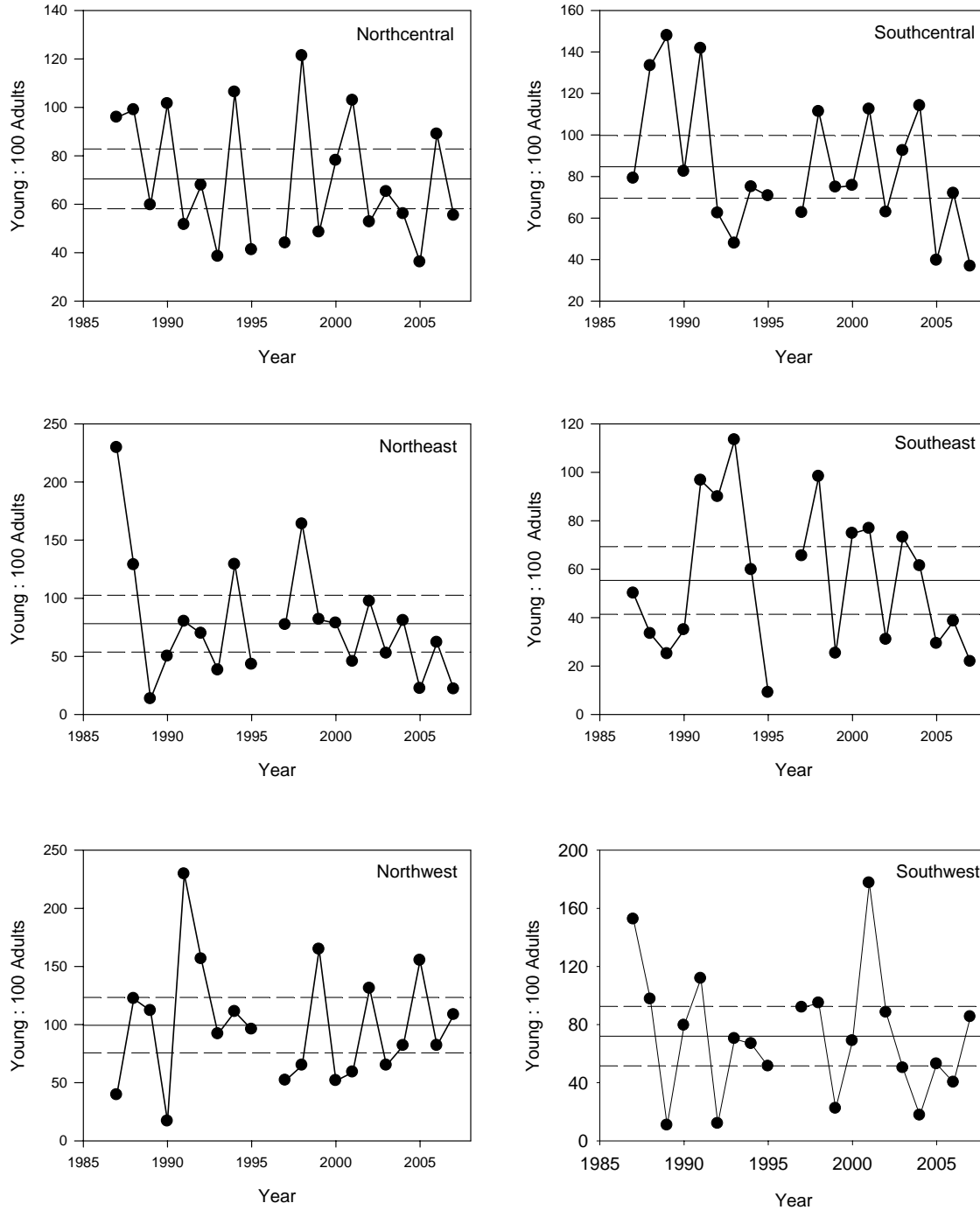
Population Status and Productivity

In recent years, the turkey population in the eastern one-third of the state has declined (Figure 2). The population may be starting to stabilize in that portion of the state. However, it will take a few more years before we know for sure. The recent heavy rain and flooding that occurred this summer across much of the state pushed production to near record lows (Figure 3). The heavy rain undoubtedly flooded nests along many riparian corridors and caused numerous poults to die from exposure. As a result, fall hunting this year will be tougher in the eastern part of the state because there will be fewer juveniles. Also, spring hunting will be tougher the next two springs in the eastern half of the state due to poor production each of the last two summers. Spring hunting will be especially tough in 2009 because there will be few 2-year old gobblers in the population. Per capita production was much better in far western Kansas the last couple of years but total bird numbers are much less in that part of the state.

Recommendation

Because turkey numbers are expected to be lower for the next couple of seasons the department is not considering any further liberalization to the fall season at this time.

Figure 3. Regional wild turkey production indices (young:adult) in Kansas are derived from the July rural mail carrier survey. The solid reference line represents the long-term average and the dashed lines are the 95 percent confidence intervals.



Baiting, in relation to Big Game

Background

The use of bait by hunters is a controversial issue throughout North America. It is debated on ethical hunting, and biological and ecological fronts. The use of bait as an attractant is not uniformly regulated for resident wildlife, as it is for migratory waterfowl. An international treaty and the Migratory Bird Hunting and Conservation Stamp Act set the standard for the use of bait during migratory waterfowl hunting, making it illegal.

No regulations about baiting were established in Kansas when big game seasons were established. At that time few people envisioned a widespread use of bait in big game hunting in this area. The agricultural Midwest was considered by many wildlife professionals to be an area where food was readily available for big game and individual bait areas were not considered to be highly attractive to wildlife. Since that time there has been a substantial refinement in the use of specialty feeders and substances to attract deer.

Feeding and baiting wildlife has become an issue with an economic interest. Manufacturers build feeders and stores sell them. Agricultural producers supply the feed used in the feeders. As a result there are economic consequences to regulations.

It has long been considered that artificial feeding of wildlife increased the potential for disease transmission. Aggression and injury among wildlife using feeders has been observed. Damage to permanent habitat has been documented where artificial feeding operations were used to allow big game populations to grow and exceed the natural carrying capacity of the land.

Historically artificial feeding was considered a potential health risk for deer but baiting generally was not considered to be a health risk. In October 2006 an article was published in *Science* (314:133-136) that documented that saliva from a deer with chronic wasting disease could spread the disease to another deer. That finding prompted some people to speculate that baiting should be ended for herd health reasons.

Discussion

A recent review of wildlife management agency regulations showed there were 25 states and provinces where baiting was permitted and 28 where baiting was prohibited, and 5 states answered that they allowed it in some places, times or conditions but not others.

Opinion surveys about deer hunting and management that were conducted in 2006 as part of the Deer Task Force review and recommendation process showed that Kansas deer hunters, landowners and non-hunters support the concept of regulating activities if those activities were a risk to the health of wildlife. That generalization held for residents and non-residents and carried across the various hunting techniques (e.g., archery, firearms, etc.). The general concept of wildlife health is supported by these people; however, it is not clear if hunters would support regulations of specific baiting practices when

the science about the issue could only be expressed in generalities. For example, baiting may increase the potential for CWD to be spread; however, we cannot express how great the difference is between areas where baiting is allowed and where baiting is prohibiting. Furthermore, we cannot give hope that by prohibiting baiting we could exclude CWD from becoming established by other means including natural expansion of the disease distribution in the future.

Opposition to baiting is occasionally voiced by Kansas hunters and landowners. There are numerous reasons that people express support for these regulations. A bill was proposed to the Kansas legislature a few years ago on the use of bait by deer hunters. The emphasis of that bill was to prohibit a hunter or landowner on one property from attracting deer to leave the property of an adjacent landowner. It was not proposed as a wildlife health issue.

Personnel at Quivira NWR and the Kansas Cooperative Wildlife Research Unit are currently seeking funds from the U.S. Fish and Wildlife Service to investigate the degree of movement that occurs as deer respond to feeders being used by people adjacent to the refuge.

Recommendation

No recommendation is proposed at this time to regulate the use of bait in big game hunting.

Field Trial Permits and Controlled Shooting

Background:

Current statutes require a permit to be issued for all field trials conducted in the state of Kansas. A request was made to consider changing the field trial permit requirement for events conducted on Controlled Shooting Areas. The proposed change would remove the field trial permit requirement for Controlled Shooting Areas during their operational hunting period of September 1 through March 31. This change would only apply to game bird field trials.

Discussion

Controlled Shooting Areas serve an important function in the promotion of shooting sports, particularly game bird hunting. Game bird field trials are a logical extension of a Controlled Shooting Area operation. It is believed the proposed statutory change would eliminate permit and report redundancy by combining two separate, yet related, activities into a single permitting system.

The Department had considered making the necessary changes within the current regulations, but discovered that a statutory change would be required.

Recommendation

It is recommended that the appropriate changes be made to the statutes concerning field trials. The changes would remove the requirement for a separate permit to be issued for a game bird field trial conducted on a Controlled Shooting Area during the operational hunting season. Field trial participants on a Controlled Shooting Area would have to comply with the hunting license requirements established under current statutes. The change would also provide that field trial events be reported through the Controlled Shooting Area operational reports.

Field Trial Permits and Controlled Shooting

Background:

Current regulations require a permit to be issued for all field trials conducted in the state of Kansas. A request was made to consider changing the field trial permit requirement on Controlled Shooting Areas. The proposed change would remove the field trial permit requirement for Controlled Shooting Areas during their operational hunting period of September 1 through March 31. This change would only apply to game bird field trials.

Discussion

Controlled Shooting Areas serve an important function in the promotion of shooting sports, particularly game bird hunting. Game bird field trials are a logical extension of a Controlled Shooting Area operation. It is believed the proposed change in the regulations would eliminate permit and report redundancy by combining two separate, yet related, activities into a single permitting system.

Recommendation

It is recommended that the appropriate changes be made to the regulations concerning Controlled Shooting Areas and Field Trials. The changes would remove the requirement for a separate game bird field trial permit to be issued for a game bird field trial conducted on a Controlled Shooting Area during the operational hunting season. Field trial participants on a CSA would need to have a CSA hunting license or regular hunting license. The change would also provide that field trial events be reported on through the Controlled Shooting Area operational reports.

Workshop Session

Big Game Permanent Regulations

Background

a) 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.

Discussion

A review of this regulation continues. At this time it does not appear that this regulation will need to be changed.

Recommendation

Further review of this regulation by staff is necessary.

b) 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.

Discussion

Provisions of this regulation have been discussed at numerous public meetings. Restrictions and liberalizations on the legal equipment that may be used to take big game are frequently debated by the public and various proposals are received by the department each year. Some of these proposals are request from individuals for the use of newly designed equipment that was not known when the regulation was written, such as holographic sites and illuminated arrow nocks. Some changes have occurred in an effort

to allow additional hunters to participate in the sport, such as the recent change eliminating draw weight requirements for archers hunting deer or pronghorn.

Additional requests continue to be received and evaluated by staff members. Currently telescopes are not authorized for muzzleloaders during the early muzzleloader season (generally in September), but telescopes are authorized during all other seasons when a muzzleloader could be used. Requests have been made to allow telescopes to be used during all seasons. Currently various primitive hunting devices like spears, and knapped broadheads are not authorized for big game hunting. Requests have been made to allow these equipment types and accessories.

Recommendation

Further review of this regulation by staff is necessary.

c) K.A.R. 115-4-6. Deer; firearm management units.

This regulation established the boundaries for the 19 Deer Management units in Kansas.

Discussion

Deer management will continue to be monitored on a deer management unit basis with the existing boundaries. Many resident deer hunters will select a deer permit that will be valid in all units, however, non-resident hunter permits and harvest data will continue to be at the level of the traditional deer management units. For residents, the unit boundaries will be used for archery, firearms and muzzleloader equipment users, i.e., there will not be separate units for archery.

This regulation was recently changed to include 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.

Recommendation

Minor changes are needed in this regulation. References to the Landowner Deer Management Program need to be removed from the descriptions of the units, and the title of the regulation needs to be changed from “Deer: firearm management units” to Deer management units”.

d) 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.

Discussion

This regulation will no longer be needed.

Recommendation

The staff recommendation is to revoke this regulation.

e) K.A.R. 115-4-11. Big game and wild turkey permit applications.

The regulation contains the following items:

- ▶ General deer permit application provisions:
 - ▶ Limitations on number of applications a hunter may submit
 - ▶ Requirement for the application to be signed by the hunter
 - ▶ Random draw system for selection of individuals with same priority
 - ▶ Hunt-on-your-own-land permits shall not be tabulated against hunter's priority points
 - ▶ Hunters that did not receive permit allowing hunter to take antlered deer in previous year given first priority if priority draw system had not been used in previous year
 - ▶ Hunters with highest number of preference points given first priority in priority draw system
 - ▶ Hunters must apply once each five years to retain preference points
 - ▶ Preference points revert to zero after either sex deer permit is obtained
 - ▶ Provisions for hunters to purchase a preference point without applying for deer permit in that year.
- ▶ General pronghorn permit application provisions.
- ▶ General elk permit application provisions.
- ▶ General turkey permit application provisions.

Discussion

Concern has been raised about differences in application fees for permits that include a preference point system compared to application processes that do not include them.

Recommendation

A review of this regulation continues. At this time it does not appear that this regulation will need to be changed. However, the review continues, especially on the subject of development of a consistent and appropriate pricing of the application fees and application processes where there are preference point systems and where there are not preference point systems.

f) K.A.R. 115-4-13. Deer permits; descriptions and restrictions.

The regulation contains the following items:

- ▶ Creates permit types including:
 - ▶ 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.

Discussion

This is the permanent regulation that will receive the greatest modification as a result of the passage of House Bill 2437. Provisions need to be made to define the various permits that will be new to the system, for example, the mule deer stamp.

Recommendation

Further review of this regulation by staff is necessary.

g) 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

This regulation will no longer be needed.

Recommendation

The staff recommendation is to revoke this regulation.

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 are 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 have created an enormous safety problem which would be addressed by this amendment. 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. A public hearing is scheduled for the scheduled January Commission meeting.

2008 Public Land Regulations

Background

There are more than 100 KDWP managed public land areas that include wildlife areas and state fishing lakes. These areas range from 50 acres to nearly 20,000 acres in size and are just as varied in the types of 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 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. 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 provide public land managers with a great tool to provide the flexibility necessary on individual areas based on resources, locality and constituents.

Discussion

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

Recommendations

A thorough review is being conducted on posted notices that are in effect for each wildlife area and state fishing lake. The proposed categories in the reference document will include; access restrictions, age restrictions, alcohol prohibited, non- toxic shot, boating restrictions, equipment restrictions, handicapped access, hunting restrictions, refuges, seasonal closures, shooting areas, shooting hour restrictions, special permits, and swimming restrictions.

Public Hearing

Document No. _____

KANSAS REGISTER
SUBMISSION FORM

Agency Number -- 710-01

Agency Name -- Kansas Department of Wildlife and Parks

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

Topeka, Kansas 66612-1233

Title of Document -- Public Hearing

Desired Date of Publication - August 16, 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

This space for Register office use only

Wildlife and Parks Commission

Notice of Hearing of Proposed Administrative Regulations

A public hearing will be conducted by the Wildlife and Parks Commission at 7:00 p.m., Thursday, October 18, 2007 at the Colby Community Building, 285 E. 5th Street, Colby, 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., October 18 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. October 19 at the location listed above.

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

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

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

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

K.A.R. 115-2-1. This permanent regulation establishes fees for various issues. The proposed amendments set prices for youth big game and turkey permits, remove game tag provisions for big game, set a price for a nonresident mule deer stamp, set a price for a youth paddlefish permit and reduce the daily fishing license fee.

Economic Impact Summary: The proposed changes are expected to reduce amounts generated to the wildlife fee fund by \$90,677 in FY 08 and \$19,629.50 in FY 09. Otherwise, the proposed amendments are not anticipated to have any appreciable economic impact on the department, other agencies or the public.

K.A.R. 115-2-3a. This permanent regulation establishes cabin camping permit fees. The proposed amendments would add new locations and offer longer term stays at locations for cabins that are in the process of being installed this coming calendar year, as well as increasing fees in two locations and reducing fees in one location.

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. 115-7-1. This permanent regulation establishes legal equipment, methods of taking and other provisions for fishing. The proposed amendments remove requirements related to barbless hooks for paddlefish and separate gigging from snagging.

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. 115-7-8. This permanent regulation establishes requirements for weigh-in black bass fishing tournaments using the tournament black bass pass. The proposed amendments would clarify that the use of the tournament bass pass is for black bass fishing tournaments.

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. 115-7-9. This new permanent regulation establishes requirements for weigh-in black bass fishing tournaments not using the tournament black bass pass. The proposed regulation would require minimum weigh-in requirements for black bass fishing tournaments that were not previously required to hold weigh-in tournaments.

Economic Impact Summary: There will be some economic impact to tournament organizers who are not currently using the tournament weigh-in procedures as they will have to acquire the necessary implements to properly conduct the weigh-in. Otherwise, the proposed regulation is not anticipated to have any appreciable economic impact on the department, other agencies or the public.

K.A.R. 115-18-10. This permanent regulation establishes prohibitions, permit requirements and restrictions on the importation and possession of certain wildlife. The proposed amendments would add the diploid grass carp to the prohibited species list.

Economic Impact Summary: There may be some impact to the aquaculture industry by switching from diploid to triploid grass carp but any amount is purely speculative at this time. Otherwise, the proposed amendments are not anticipated to have any appreciable economic impact on the department, other agencies or the public.

K.A.R. 115-18-12. This permanent regulation establishes requirements, restrictions and permit duration for the trout permit. The proposed amendments would allow youths under 15 to fish for or fish for and possess trout without a permit, subject to limitations for creel under K.A.R. 115-25-14.

Economic Impact Summary: The proposed amendment may reduce income to the wildlife fee fund but any amount is purely speculative at this time as well as possibly offset in the future with increased participation. Otherwise, the proposed amendments are not anticipated to have any appreciable economic impact on the department, other agencies or the public.

K.A.R. 115-18-20. This permanent regulation establishes requirements, restrictions and pass duration for the tournament black bass pass. The proposed amendments would clarify that the use of the tournament bass pass is for black bass.

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. 115-25-6. This exempt regulation establishes the spring season, bag limit, permits and game tags for turkey hunting. The proposed amendments would increase the number of permits available in Unit 4 and open the youth/disabled season concurrently with the archery only season beginning April 1 and running through the opening day of the firearm season.

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. 115-25-14. This exempt regulation establishes creel limits, size limits, possession limits and open seasons for fishing. The proposed amendments would add one new trout fishing location, modify creel and length limits for paddlefish and add new water bodies to the special creel limits, length limits and bait restrictions reference document.

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, or by calling (785) 296-2281.

Kelly Johnston, Chairman



STATE OF KANSAS
OFFICE OF THE ATTORNEY GENERAL

PAUL J. MORRISON
ATTORNEY GENERAL

July 30, 2007

120 SW 10TH AVE., 2ND FLOOR
TOPEKA, KS 66612-1567
(785) 296-7215 • FAX (785) 236-6296
WWW.KSAG.ORG

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

Re: **K.A.R. 115-2-1, 115-7-1, 115-25-6, 115-25-14, 115-18-10, 115-18-12,
115-7-9, 115-7-9 and 115-18-20**

Dear Mr. Tymeson:

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

Sincerely,

OFFICE OF THE ATTORNEY GENERAL
PAUL J. MORRISON

Camille Nohe
Camille Nohe
Assistant Attorney General

CN:cn
Enclosure: Original document

cc: Rep. Carl Holmes, Chair, Joint Committee on Rules and Regulations
Senator Vicki Schmidt, Vice Chair, Joint Committee on Rules and Regulations
Rep. Janice L. Pauls, Ranking Minority Member, Joint Committee on Rules and Regulations
Raney Gilliland, Legislative Research

C:\NOHE\PUBLIC\REGULATIONS\KDW\kdwp\various(11).wpd



STATE OF KANSAS
OFFICE OF THE ATTORNEY GENERAL

PAUL J. MORRISON
ATTORNEY GENERAL

120 SW 10TH AVE., 2ND FLOOR
TOPEKA, KS 666 7-1307
PHONE: 785 7215 4100 FAX: 785 736-5286
WWW.KDAG.ORG

July 31, 2007

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

Re: **K.A.R. 115-2-3a, Cabin camping permit fees**

Dear Mr. Tymeson:

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

Sincerely,

OFFICE OF THE ATTORNEY GENERAL
PAUL J. MORRISON


Camille Niche
Assistant Attorney General

CN:cn
Enclosure: Original document

cc: Rep. Carl Holmes, Chair, Joint Committee on Rules and Regulations
Senator Vicki Schmidt, Vice Chair, Joint Committee on Rules and Regulations
Rep. Janice L. Pauls, Ranking Minority Member, Joint Committee on Rules and Regulations
Raney Gilliland, Legislative Research

Q:\PUBLIC\REGULATIONS\KDWP\115-2-3a.wod

Recommended Fee Changes Regulation 115-2-1

Part of the final recommendations provided by the Deer Task Force focused on permit prices of big game and turkey permits for youth hunters. The final recommendations included provisions for half-price deer, antelope, elk and turkey permits for all resident hunters under the age of 16. Accommodating this recommendation requires changes to K.A.R. 115-2-1. Amount of fees.

General resident youth (under 16 years of age): either sex elk permit	\$125
General resident youth (under 16 years of age): antlerless only elk permit	\$50
General resident youth (under 16 years of age): deer permit	\$15
General resident youth (under 16 years of age): antlerless only deer permit	\$7.50
General resident youth (under 16 years of age): antelope permit	\$20
General resident youth (under 16 years of age): turkey permit (1-bird limit)	\$10

Other changes to the deer permit fees to be implemented for the 2008 season include the elimination of the whitetail antlerless only deer game tag (\$10) and the whitetail antlerless only permit (\$30) and replacing them with an antlerless only permit for \$15. The task force recommendations also included a Special Hunt-Own-Land permit, which will be available to a landowner's siblings, lineal ascending or descending relatives and their spouses, regardless of residence (one per 80 acres owned or operated). The recommended fee for this permit is \$30.

Another part of the Deer Task Force recommendations for the 2008 season is the nonresident mule deer stamp. Under the recommendations, nonresidents who apply for a whitetail either sex muzzleloader or archery permit in one of the nine DMUs where mule deer permits are available will have the opportunity to apply for a mule deer stamp. The nonresident mule deer stamp will be a very limited issue that, if drawn, will make the nonresident whitetail either sex muzzleloader or archery permit an any deer, or either species, either sex, permit. Upon application, an additional fee of \$100 is recommended, refundable if the applicant is unsuccessful in the mule deer stamp draw.

Other recommended amendments to this regulation include a change in the 24-hour fishing license from \$5 to \$3, and a youth paddlefish permit for anglers under 16 years of age -- \$5 (half-price).

115-2-1. Amount of fees. The following fees shall be in effect for the following licenses, permits, and other issues of the department: (a) Hunting licenses and permits.

(1) Resident hunting license	18.00
(2) Nonresident hunting license	70.00
(3) Nonresident junior hunting license (under 16 years of age)	35.00
(4) Resident big game hunting permit:	
General resident: either-sex elk permit	250.00
General resident: antlerless-only elk permit	100.00
<u>General resident youth (under 16 years of age): either-sex elk permit.....</u>	<u>125.00</u>
<u>General resident youth (under 16 years of age): antlerless-only elk permit</u>	<u>50.00</u>
Landowner/tenant: either-sex elk permit	125.00
Landowner/tenant: antlerless-only elk permit	50.00
Hunt-on-your-own-land: elk permit	50.00
General resident: deer permit	30.00
<u>General resident youth (under 16 years of age): deer permit</u>	<u>15.00</u>
<u>General resident: antlerless-only deer permit</u>	<u>15.00</u>
<u>General resident youth (under 16 years of age): antlerless-only deer permit</u>	<u>7.50</u>
Landowner/tenant: deer permit	15.00
Hunt-on-your-own-land: deer permit	15.00
Special hunt-on-your-own-land: deer permit	15.00 <u>30.00</u>
General resident: antelope permit	40.00
<u>General resident youth (under 16 years of age): antelope permit</u>	<u>20.00</u>

Landowner/tenant: antelope permit	20.00
Hunt-on-your-own-land: antelope permit	20.00
Antelope preference point service charge	5.00
Any-deer preference point service charge	5.00
Application fee for elk permit.....	5.00

(5) Resident game tag:

<u>Deer game tag</u>	<u>10.00</u>
Turkey game tag	10.00

(6) Wild turkey permit:

General resident: turkey permit (1-bird limit)	20.00
<u>General resident youth (under 16 years of age): turkey permit (1-bird limit)</u>	<u>10.00</u>
Landowner/tenant: turkey permit (1-bird limit)	10.00
Nonresident: turkey permit (1-bird limit)	30.00
Resident: turkey preference point service charge	5.00

(7) Nonresident big game hunting permit:

Nonresident hunt-on-your-own-land: deer permit	75.00
Nonresident: deer permit (antlered deer)	300.00
Nonresident: deer permit (antlerless only)	75.00
Nonresident: antelope permit (archery only)	200.00
Nonresident: deer permit application fee	20.00
<u>Nonresident: mule deer stamp</u>	<u>100.00</u>

(8) Nonresident game tag:

Deer game tag	20.00
Turkey game tag	20.00
(9) 48-hour waterfowl hunting permit	25.00
(10) Field trial permit: game birds	20.00
(11) Lifetime hunting license	440.00
or eight quarterly installment payments of	60.00
(12) Migratory waterfowl habitat stamp	5.00
(13) Special dark goose hunting permit	5.00
(14) Sandhill crane hunting permit: validation fee	5.00
(15) Disabled person hunt-from-a-vehicle permit	0

(b) Fishing licenses and permits.

Resident fishing license	18.00
Nonresident fishing license	40.00
24-hour fishing license	5.00 <u>3.00</u>
Three-pole permit.....	4.00
Tournament bass pass	10.00
Paddlefish permit (six carcass tags).....	10.00
<u>Paddlefish permit youth (under 16 years of age) (six carcass tags).....</u>	<u>5.00</u>
Hand fishing permit	25.00
Lifetime fishing license	440.00

or eight quarterly installment payments of	60.00
Five-day nonresident fishing license	20.00
Institutional group fishing license	100.00
Special nonprofit group fishing license	50.00
Trout permit	10.00

(c) Combination hunting and fishing licenses and permits.

Resident combination hunting and fishing license	36.00
Resident lifetime combination hunting and fishing license	880.00
or eight quarterly installment payments of	120.00
Nonresident combination hunting and fishing license	110.00

(d) Furharvester licenses.

Resident furharvester license	18.00
Resident junior furharvester license	10.00
Lifetime furharvester license	440.00
or eight quarterly installment payments of	60.00
Nonresident furharvester license	250.00
Nonresident bobcat permit (1-bobcat limit per permit)	100.00
Resident fur dealer license	100.00
Nonresident fur dealer license	400.00
Field trial permit: furbearing animals	20.00

(e) Commercial licenses and permits.

Controlled shooting area hunting license	15.00
Resident mussel fishing license	75.00
Nonresident mussel fishing license	1,000.00
Mussel dealer permit	200.00
Missouri river fishing permit	25.00
Game breeder permit	10.00
Controlled shooting area operator license	200.00
Commercial dog training permit	20.00
Commercial fish bait permit	20.00
Commercial prairie rattlesnake harvest permit (without a valid Kansas hunting license)	20.00
Commercial prairie rattlesnake harvest permit (with a valid Kansas hunting license or exempt from this license requirement)	5.00
Commercial prairie rattlesnake dealer permit.....	50.00
Prairie rattlesnake round-up event permit	25.00
(f) Collection, scientific, importation, rehabilitation, and damage-control permits.	
Scientific, educational, or exhibition permit	10.00
Raptor propagation permit	0
Rehabilitation permit	0
Wildlife damage-control permit	0
Wildlife importation permit	10.00
Threatened or endangered species: special permits	0

(g) Falconry.

Apprentice permit	75.00
General permit	75.00
Master permit	75.00
Testing fee	50.00

(h) Miscellaneous fees.

Duplicate license, permit, stamp, and other issues of the department	10.00
Special departmental services, materials, or supplies	At cost

Vendor bond

For bond amounts of \$5,000.00 and less	50.00
For bond amounts of more than \$5,000.00	50.00

plus \$6.00 per additional \$1,000.00 coverage or any fraction thereof.

This regulation shall be effective on and after January 1, ~~2007~~ 2008. (Authorized by and implementing K.S.A. 32-807 and K.S.A. ~~2005~~ 2006 Supp. 32-988, as amended L. 2007, Ch. 133, Sec. 7; effective Dec. 4, 1989; amended Sept. 10, 1990; amended Jan. 1, 1991; amended June 8, 1992; amended Oct. 12, 1992; amended April 11, 1994; amended Aug. 29, 1994; amended June 5, 1995; amended Aug. 21, 1995; amended Feb. 28, 1997; amended July 30, 1999; amended Jan. 2, 2002; amended Jan. 1, 2003; amended Jan. 1, 2004; amended Feb. 18, 2005; amended Jan. 1, 2006; amended May 1, 2006; amended Jan. 1, 2007; amended P-_____.)

ECONOMIC IMPACT STATEMENT

K.A.R. 115-2-1. Amount of fees.

DESCRIPTION: This permanent regulation establishes fish and wildlife-related license and permit fees. The proposed amendments would set new prices for youth big game and wild turkey permits, antlerless permits for adults to replace deer game tags, and reduce 24 hour fishing permit fees and establishing a youth paddlefish permit, as part of a larger package of fishing regulation changes and as a result of legislation from the previous Legislative session. The regulation changes would be effective for approximately the last half of FY08 and beyond.

FEDERAL MANDATE: None.

ECONOMIC IMPACT: The first set of proposed amendments establish half-price big game and wild turkey permits for youth. It is estimated that the changes will reduce income to the wildlife fee fund in the amount of \$44,550 for FY08 and \$128,377.50 for FY 09 if a like number of permits were sold in the last six months of FY08 and all of FY09 as in the previous year. The second set of proposed amendments related to adult big game permits. It is estimated that the changes will result in an increase to the wildlife fee fund in the amount of \$199,875 for FY09 if a like number of permits were sold in FY09 as in the previous year. The adult big game proposed changes will have no fiscal effect for FY08. The proposed change for the 24 hour fishing permit fee would result in a decrease in revenue in the amount of \$45,336 to the wildlife fee fund for FY08 and \$90,672 for FY09, if a similar number of permits were sold as the previous year. However, it is anticipated that the number of 24 hour permits sold will increase and offset the reduction as well as increase angler participation for federal aid purposes but any amount is purely speculative at this time. The proposed change for a youth paddlefish permit at half-price will result in a decrease to the wildlife fee fund in the amount of \$455 for both FY08 and FY09. The fiscal totals for all the proposed changes result in a decrease to the wildlife fee fund in the amount of \$90,677 for FY08 and decrease to the wildlife fee fund in the amount of \$19,629.50 for FY09, assuming no increase in permit or license sales. In addition, the half-price permits for youths for big game, wild turkey and paddlefish are anticipated to increase participation in department regulated activities in future years but any amount of increased participation is purely speculative at this time.

Otherwise, no other appreciable economic impact is anticipated for the Department, other agencies or the public.

ALTERNATIVES CONSIDERED: None.

115-2-3a. Cabin camping permit fees. (a) The following cabin camping permit fees shall be in effect for the following state parks:

(1) Cedar Bluff:

Cabins 1 and 2:

Year-round, per night.....~~\$35.00~~ 45.00

Cabins 3 and 4:

Year-round, per night.....\$80.00

Cabin 5:

Year-round, per night.....\$60.00

Cabins 6 and 7:

Year-round, per night.....\$70.00

(2) Cheney:

Cabins 1 through 8:

Sunday through Thursday, year-round, per night.....~~\$45.00~~ 55.00

Friday and Saturday, ~~April~~ May 1 through September 30, per night ...~~\$65.00~~ 75.00

Friday and Saturday, October 1 through ~~March 31~~ April 30,
per night~~\$45.00~~ 55.00

Year-round, per week.....~~\$300.00~~ 370.00

Cabin 9:

Sunday through Thursday, year-round, per night\$85.00

Friday and Saturday, May 1 through September 30, per night.....\$100.00

<u>Friday and Saturday, October 1 through April 30, per night</u>	<u>\$85.00</u>
<u>Year-round, per week.....</u>	<u>\$570.00</u>

(3) Clinton:

Cabins 1 and 2:

Sunday through Thursday, April 1 through September 30, per night.....	\$65.00
Sunday through Thursday, October 1 through March 31, per night.....	\$55.00
Friday and Saturday, April 1 through September 30, per night.....	\$85.00
Friday and Saturday, October 1 through March 31, per night	\$75.00
April 1 through September 30, per week	\$450.00
October 1 through March 31, per week	\$375.00

(4) Crawford:

Cabins 1 and 2:

Sunday through Thursday, April 1 through September 30, per night.....	\$65.00
Sunday through Thursday, October 1 through March 31, per night.....	\$55.00
Friday and Saturday, April 1 through September 30, per night.....	\$85.00
Friday and Saturday, October 1 through March 31, per night	\$75.00
April 1 through September 30, per week	\$450.00
October 1 through March 31, per week	\$375.00

(5) Cross Timbers:

Cabins 1 through 4:

Sunday through Thursday, April 1 through September 30, per night.....	\$65.00
---	---------

Sunday through Thursday, October 1 through March 31, per night.....	\$55.00
Friday and Saturday, April 1 through September 30, per night.....	\$85.00
Friday and Saturday, October 1 through March 31, per night	\$75.00
April 1 through September 30, per week	\$450.00
October 1 through March 31, per week	\$375.00

(6) Eisenhower:

Cabin 1:

Year-round, per night.....	\$36.00
<u>Year-round, for 3 consecutive nights.....</u>	<u>\$100.00</u>
<u>Year-round, per week.....</u>	<u>\$225.00</u>

Cabins 2 and 3:

Sunday through Thursday, April 1 through September 30, per night.....	\$65.00
Sunday through Thursday, October 1 through March 31, per night.....	\$55.00
Friday and Saturday, April 1 through September 30, per night.....	\$85.00
Friday and Saturday, October 1 through March 31, per night	\$75.00
April 1 through September 30, per week	\$450.00
October 1 through March 31, per week	\$375.00

Yurts 1 and 2:

Year-round, per night.....	\$36.00
<u>Year-round, for 3 consecutive nights.....</u>	<u>\$100.00</u>
<u>Year-round, per week.....</u>	<u>\$225.00</u>

(7) El Dorado:

Cabins 1 through 5:

Sunday through Thursday, year-round, per night	\$30.00
Friday and Saturday, year-round, per night	\$35.00
Year-round, per week.....	\$175.00
Year-round, per month.....	\$600.00

Cabin 6:

Year-round, per night.....	\$100.00
Year-round, per week.....	\$560.00
Year-round, per month.....	\$1,800.00

Cabin 7:

Year-round, per night.....	\$110.00
Year-round, per week.....	\$560.00
Year-round, per month.....	\$1,800.00

Cabins 8 and 9:

Year-round, per night.....	\$85.00
Year-round, per week.....	\$525.00
Year-round, per month.....	\$1,650.00

Cabin 10:

Year-round, per night.....	\$75.00
Year-round, per week.....	\$455.00

Year-round, per month.....\$1,350.00

(8) Fall River:

Cabins 1 and 2:

Sunday through Thursday, April 1 through September 30, per night.....\$65.00

Sunday through Thursday, October 1 through March 31, per night.....\$55.00

Friday and Saturday, April 1 through September 30, per night.....\$85.00

Friday and Saturday, October 1 through March 31, per night\$75.00

April 1 through September 30, per week\$450.00

October 1 through March 31, per week\$375.00

(9) Glen Elder:

Cabins 1 ~~and 2~~ through 4:

~~Sunday through Thursday, April 1 through September 30, per night.....\$65.00~~

~~Sunday through Thursday, October 1 through March 31, per night.....\$55.00~~

~~Friday and Saturday, April 1 through September 30, per night.....\$85.00~~

~~Friday and Saturday, October 1 through March 31, per night\$75.00~~

~~April 1 through September 30, per week\$450.00~~

~~October 1 through March 31, per week\$375.00~~

Cabins 3 and 4:

~~Sunday through Thursday, April 1 through September 30, per night.....\$70.00~~

~~Sunday through Thursday, October 1 through March 31, per night.....\$60.00~~

~~Friday and Saturday, April 1 through September 30, per night.....\$90.00~~

Friday and Saturday, October 1 through March 31, per night	\$80.00
April 1 through September 30, per week	\$485.00
October 1 through March 31, per week	\$405.00
<u>Year-round, per night.....</u>	<u>\$75.00</u>
<u>Year-round, per week.....</u>	<u>\$450.00</u>

(10) Hillsdale:

Cabins 1 and 2:

Sunday through Thursday, April 1 through September 30, per night.....	\$65.00
Sunday through Thursday, October 1 through March 31, per night.....	\$55.00
Friday and Saturday, April 1 through September 30, per night.....	\$85.00
Friday and Saturday, October 1 through March 31, per night	\$75.00
April 1 through September 30, per week	\$450.00
October 1 through March 31, per week	\$375.00

(11) Kanopolis:

Cabins 1 through 5:

Sunday through Thursday, year-round, per night	\$45.00 <u>55.00</u>
Friday and Saturday, April 1 through September 30, per night.....	\$60.00 <u>70.00</u>
Friday and Saturday, October 1 through March 31, per night	\$45.00 <u>55.00</u>
April 1 through September 30, per week	\$300.00 <u>400.00</u>
October 1 through March 31, per week	\$275.00 <u>350.00</u>

(12) Lovewell:

Cabins 1 through 8 (fee covers two adults; add \$5.00 for each additional adult):

Year-round, per night.....\$45.00

(13) Milford:

Cabins 1 through 6:

Sunday through Thursday, year-round, per night\$45.00

Friday and Saturday, April 1 through September 30, per night..... \$65.00

Friday and Saturday, October 1 through March 31, per night\$45.00

April 1 through September 30, per week\$300.00

October 1 through March 31, per week\$275.00

(14) Perry:

Cabins 1 through 4:

Sunday through Thursday, April 1 through September 30, per night.....\$55.00

Sunday through Thursday, October 1 through March 31, per night.....\$45.00

Friday and Saturday, April 1 through September 30, per night.....\$65.00

Friday and Saturday, October 1 through March 31, per night\$55.00

Year-round, per week.....\$300.00

(15) Pomona:

Cabins 1 and 2:

Sunday through Thursday, April 1 through September 30, per night.....\$65.00

Sunday through Thursday, October 1 through March 31, per night.....\$55.00

Friday and Saturday, April 1 through September 30, per night.....\$85.00

Friday and Saturday, October 1 through March 31, per night\$75.00
 April 1 through September 30, per week\$450.00
 October 1 through March 31, per week\$375.00

(16) Prairie Dog:

Cabins 1 and 2 (fee covers two adults; add \$5.00 for each additional adult):

Year-round, per night.....\$45.00

(17) Scott:

~~Cabin~~ Cabins 1 and 2:

Year-round, per night.....\$70.00

Year-round, per week.....\$420.00

(18) Tuttle Creek:

Cabins 1 through 4:

Sunday through Thursday, April 1 through September 30, per night.....\$65.00

Sunday through Thursday, October 1 through March 31, per night.....\$55.00

Friday and Saturday, April 1 through September 30, per night.....\$85.00

Friday and Saturday, October 1 through March 31, per night\$75.00

April 1 through September 30, per week\$450.00

October 1 through March 31, per week\$375.00

Cabins 5 through 7:

Sunday through Thursday, April 1 through September 30, per night.....\$75.00

Sunday through Thursday, October 1 through March 31, per night.....\$65.00

Friday and Saturday, April 1 through September 30, per night.....	\$95.00
Friday and Saturday, October 1 through March 31, per night.....	\$85.00
April 1 through September 30, per week.....	\$520.00
October 1 through March 31, per week.....	\$445.00

(19) Webster:

Cabin 1:

Sunday through Thursday, year-round, per night.....	\$65.00 <u>50.00</u>
Friday and Saturday, year-round, per night.....	\$80.00 <u>70.00</u>
Year-round, per week.....	\$450.00 <u>375.00</u>

(20) Wilson:

Cabins 1 through 6:

Sunday through Thursday, April 1 through September 30, per night.....	\$60.00
Friday and Saturday, April 1 through September 30, per night.....	\$70.00
October 1 through March 31, per night.....	\$50.00
April 1 through September 30, per week.....	\$380.00
October 1 through March 31, per week.....	\$325.00

(b) The following cabin camping permit fees shall be in effect for the following state fishing lakes and wildlife areas:

(1) Clark:

Cabin 1:

Year-round, per night.....	\$60.00
----------------------------	---------

Year-round, per week.....\$420.00

(2) Mined land:

Cabin 1:

Year-round, per night.....\$60.00

Year-round, per week.....\$420.00

(3) Ottawa:

Cabin 1:

Year-round, per night.....\$60.00

Year-round, per week.....\$420.00

(4) Woodson:

Cabin 1:

Year-round, per night.....\$60.00

Year-round, per week.....\$420.00

(c) This regulation shall be effective on and after ~~July 25, 2007~~ January 1, 2008. (Authorized by and implementing K.S.A. 32-807 and K.S.A. 2006 Supp. 32-988, as amended by L. 2007, Ch. 133, Sec. 7; effective Jan. 1, 2005; amended Jan. 1, 2007; amended July 25, 2007; amended P-_____.)

ECONOMIC IMPACT STATEMENT

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

DESCRIPTION: This regulation establishes fees for cabin camping within the state parks, state fishing lakes and wildlife areas. Previously, cabin use at state parks was limited to primitive cabins that were converted from picnic shelters by local managers. Since then, cabin demand by the public within the state parks has increased considerably. As such, the Department and local citizen support groups have responded and implemented cabin projects throughout the state parks, state fishing lakes and wildlife areas and the cabin program has proved highly successful. Prices are based on location, size and accommodations within the actual cabins. The proposed changes take into account some new cabin locations throughout department lands that will come on line in FY 08 and FY 09. In addition, Cheney State Park would be increasing prices for cabins by \$10 per night, Eisenhower State Park would be offering the addition longer term use at reduced prices for the primitive cabin and yurts, Kanopolis would be increasing prices by \$10 per night and Webster State Park would be reducing the fees for use of the cabin in an attempt to stimulate use of the cabin.

FEDERAL MANDATE: None.

ECONOMIC IMPACT: The proposed regulation is adding new locations and offering longer term stays at locations for cabins that are in the process of being installed this coming calendar year, as well as increasing fees in two locations and reducing fees in one location. Therefore, the amendments are not anticipated to have any appreciable economic impact on the department, the public or other agencies. However, as the cabins continue to rise in popularity and the department recoups the initial investment in all cabins, the implementation of the regulation will have a cumulative effect of increasing cabin fund revenue but any amount would be purely speculative at this time.

ALTERNATIVES CONSIDERED: None.

115-25-6. Turkey; spring season, bag limit, permits, and game tags. (a) The open season for the taking of turkey by archery equipment only shall begin on the first day of April and shall continue through the day before the opening day of the open season specified in subsection (b) in all turkey management units. All turkey permits and second turkey game tags issued for the open season shall be valid during this season for use with archery equipment only.

(b) The open season for the taking of turkey by use of firearms or archery equipment shall begin on the second Wednesday in April and shall continue through the last day in May.

(c)(1) The season for designated persons for the taking of turkey shall begin on the first day of April and shall continue through the day before the opening day of the open season specified in subsection (b) in all turkey management units. All turkey permits and second turkey game tags issued for the open season shall be valid during this season.

(2) The following persons may hunt during the season for designated persons:

(A) Any person having a valid turkey permit or second turkey game tag who is 16 years of age or younger, while under the immediate supervision of an adult who is 18 years of age or older;

(B) any person with a permit to hunt from a vehicle issued according to K.A.R. 115-18-4; and

(C) any person with a disability assistance permit issued according to K.A.R. 115-18-15.

(d) The legal limit shall be one bearded turkey per turkey permit and one bearded turkey per second turkey game tag where game tags are authorized.

(e) The units and the number of permits authorized for the taking of turkey during the established season shall be as follows:

(1) Unit 1. Unit 1 shall consist of that area bounded by Colorado on the west and Nebraska on the north and a line from the Nebraska-Kansas border south on federal highway US-183 to its junction with interstate highway I-70, and then west on interstate highway I-70 to the Colorado-Kansas border, except federal and state sanctuaries. An unlimited number of permits shall be authorized for unit 1.

(2) Unit 2. Unit 2 shall consist of that area bounded by Nebraska on the north, Missouri on the east, and Oklahoma on the south, and a line from the Nebraska-Kansas border south on federal highway US-81 to its junction with interstate highway I-70, then west on interstate highway I-70 to its junction with state highway K-14, then south on state highway K-14 to its junction with state highway K-2, then south on state highway K-2 to its junction with state highway K-179, and then south on state highway K-179 to its junction with the Oklahoma border, except federal and state sanctuaries. An unlimited number of permits and an unlimited number of second turkey game tags shall be authorized for unit 2.

(3) Unit 3. Unit 3 shall consist of that area bounded by Oklahoma on the south and a line from the Oklahoma-Kansas border northeast on federal highway US-54 to its junction with federal highway US-183, then north on federal highway US-183 to its junction with the Nebraska-Kansas border, then east along the Nebraska-Kansas border to its junction with federal highway US-81, then south on federal highway US-81 to its junction with interstate highway I-70, then west on interstate highway I-70 to its junction with state highway K-14, then south on state highway K-14 to its junction with state highway K-2, then south on state highway K-2 to its junction with state highway K-179, and then south on state highway K-179 to its junction with the Oklahoma border, except federal and state sanctuaries. An unlimited number of permits and an unlimited number of second turkey game tags shall be authorized for unit 3.

(4) Unit 4. Unit 4 shall consist of that portion of the state bounded by Oklahoma on the south and Colorado on the west, and a line from the Kansas-Colorado border east on interstate highway I-70 to its junction with federal highway US-183, then south on federal highway US-183 to its junction with federal highway US-54, and then southwest on federal highway US-54 to the Oklahoma border, except

federal and state sanctuaries. A total of 325 permits shall be authorized for unit 4, of which 250 permits shall be designated for the regular draw, and 75 permits shall be designated for a drawing among applicants 16 years of age or younger. Those youth permits not issued during the youth draw shall be available to general applicants during the regular draw in addition to the 250 permits designated for the regular draw.

(f) Turkey permits and second turkey game tags shall be valid only for the unit or units designated on the turkey permit or second turkey game tag.

(g) Only those individuals who have purchased a turkey permit shall be eligible to purchase a second turkey game tag.

(h) Applications for turkey permits in unit 4 shall be accepted by the department from the earliest date that applications are available until midnight on the third Friday of February. Applications with a postmark date of not later than the third Friday of February shall also be accepted. If there are turkey permits left over after all timely applications have been considered, the application period may be reopened by the secretary. Leftover turkey permits shall be issued on a daily competitive basis until the next to the last day of the turkey season or until all turkey permits are issued.

(i) Applications for turkey permits in unit 1, unit 2, and unit 3 and for second turkey game tags in unit 2 and unit 3 shall be accepted at designated locations from the earliest date that applications are available until midnight on the day before the closing date for the season.

(j) Each turkey permit and each second turkey game tag purchased during the open season shall be valid on the calendar day after the date of purchase.

(k) This regulation shall be effective on and after February 1, 2008. (Authorized by K.S.A. 32-807 and K.S.A. 2006 Supp. 32-969, as amended by L. 2007, Ch. 133, Sec. 6; implementing K.S.A. 32-807, K.S.A. 2006 Supp. 32-969, as amended by L. 2007, Ch. 133, Sec. 6, and K.S.A. 2006 Supp. 32-1002.)

ECONOMIC IMPACT STATEMENT

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

DESCRIPTION: This proposed exempt regulation establishes hunting unit boundaries, bag limits, application periods and season dates for the spring turkey hunting season. The proposal would increase the number of permits available in Unit 4 and open the youth/disabled season concurrently with the archery-only season on April 1 running through the opening day of the firearm season.

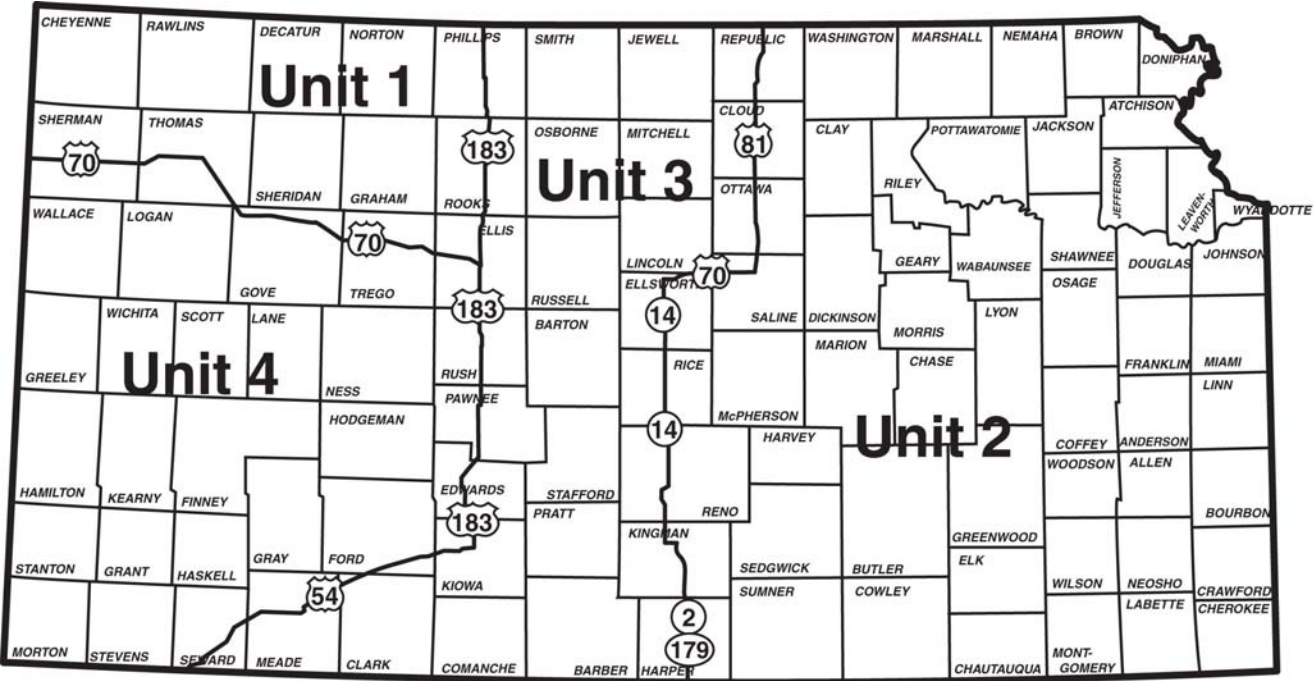
FEDERAL MANDATE: None

ECONOMIC IMPACT: It is anticipated that approximately 44,089 permits and 20,105 turkey game tags will be issued in 2008, based on 2007 permit allocation data. The estimated 44,089 permits include 24,706 regular resident permits (of which 3,777 are resident youth permits), 8017 landowner-tenant permits, 11,366 non-resident permits, and 57 permits set aside for youths in Unit 4. The estimated 20,105 turkey game tags include 12,463 resident game tags (of which 1,213 are resident youth game tags) and 7,642 nonresident game tags. Estimated revenue if the above number of permits and tags are issued would be \$1,155,540. That amount represents an equal expenditure for those individuals desiring to participate in the spring turkey season. Administrative costs associated with the season are borne by the department.

Approximately 320,000 recreational days of hunting could occur, thus providing economic benefit to businesses providing goods and services. No other economic impact on the general public or on other state agencies is anticipated.

ALTERNATIVES CONSIDERED: None.

Spring Turkey Units



115-7-1. Fishing; legal equipment, methods of taking, and other provisions. (a) Legal equipment and methods for taking sport fish shall be the following:

- (1) Fishing lines with not more than two baited hooks or artificial lures per line;
- (2) trotlines;
- (3) setlines;
- (4) tip-ups;
- (5) using a person's hand or hands for flathead catfish in waters designated as open to hand

fishing, subject to the following requirements:

(A) An individual hand fishing shall not use hooks, snorkeling or scuba gear, or other man-made devices while engaged in hand fishing;

(B) an individual hand fishing shall not possess fishing equipment, other than a stringer, while engaged in hand fishing and while on designated waters or adjacent banks;

(C) stringers shall not be used as an aid for hand fishing and shall not be used until the fish is in possession at or above the surface of the water;

(D) each individual hand fishing shall take fish only from natural objects or natural cavities;

(E) an individual hand fishing shall not take fish from any man-made object, unless the object is a bridge, dock, boat ramp, or riprap, or other similar structure or feature; and

(F) no part of any object shall be disturbed or altered to facilitate the harvest of fish for hand fishing; and

(6) snagging for paddlefish in waters posted or designated by the department as open to the snagging of paddlefish, subject to the following requirements:

(A) Each paddlefish caught and landed shall be included in the creel and possession limit, unless a minimum length limit has been established and posted for that area, in which case each paddlefish not meeting the minimum length limit shall be released immediately into the waters from which it came;

(B) each individual fishing for paddlefish shall place all paddlefish legally caught on a stringer, cord, cable, or chain, or in a basket, sack, cage, or other holding device, which shall be marked with the individual's name and address;

(C) each individual with a filled creel limit shall cease all snagging activity in the paddlefish snagging area until the next calendar day; and

(D) each individual taking paddlefish to be included in the creel and possession limit during the snagging season shall sign the carcass tag, record the county, the date, and the time of harvest on the carcass tag, and attach the carcass tag to the lower jaw of the carcass immediately following the harvest and before moving the carcass from the site of the harvest; ~~and~~

~~(E) each individual fishing for paddlefish shall use barbless hooks while fishing on the Neosho river. "Barbless hook" shall mean a hook without barbs or upon which the barbs have been bent completely closed.~~

(b) Legal equipment and methods for taking non-sport fish shall be the following:

(1) Fishing lines with not more than two baited hooks or artificial lures per line;

- (2) trotlines;
 - (3) setlines;
 - (4) tip-ups;
 - (5) bow and arrow with a barbed head and a line attached from bow to arrow;
 - (6) crossbow and arrow with a barbed head and a line attached from arrow to crossbow;
 - (7) spear gun, without explosive charge, while skin or scuba diving. The spear, without explosive charge, shall be attached to the speargun or person by a line; ~~and~~
 - (8) gigging; ~~and~~
 - (9) snagging ~~and gigging~~ in waters posted by the department as open to snagging ~~or gigging~~.
- (c) Dip nets and gaffs may be used to land any legally caught or hooked fish.
 - (d) Fish may be taken by any method designated by the secretary when a fish salvage order has been issued by the secretary through public notice or posting the area open to fish salvage.
 - (e) Fish may be taken with the aid of boats, depth finders, artificial lights, sound attracters, and scents.
 - (f) Fish may be taken by legal means from vehicles.
 - (g) The following additional requirements shall apply in the flowing portions and backwaters of the Missouri river and in any oxbow lake through which the Kansas-Missouri boundary passes:
 - (1) Each individual shall place all legally caught fish on a stringer, cord, cable, or chain, or in a basket, sack, cage, or other holding device, separate from those fish caught by any other individual.
 - (2) The equipment and methods specified in paragraphs (b)(5) and (b)(6) shall be legal only from sunrise to midnight.
 - (3) The equipment and ~~methods~~ method specified in paragraph ~~(b)(8)~~ (b)(9) shall be legal only from sunrise to sunset. (Authorized by K.S.A. 32-807; implementing K.S.A. 32-807 and

K.S.A. ~~2005~~ 2006 Supp. 32-1002; effective Dec. 26, 1989; amended Feb. 10, 1992; amended Oct. 1, 1999; amended Dec. 8, 2000; amended Sept. 27, 2002; amended Nov. 29, 2004; amended Nov. 27, 2006; amended P-_____.)

ECONOMIC IMPACT STATEMENT

K.A.R. 115-7-1. Fishing; legal equipment, methods of take and other provisions.

DESCRIPTION: This regulation establishes legal fishing equipment and methods for sportfish and for nonsportfish. The proposed amendments would allow the use of gigging for non-sportfish rather than just allowing the use of gigging in posted areas and would discontinue the single barbless hook requirement when snagging for paddlefish on the Neosho river.

FEDERAL MANDATE: None.

ECONOMIC IMPACT: It is anticipated that there would be no substantive economic impact to the department, other state agencies, or the public.

ALTERNATIVES CONSIDERED: None.

115-7-8. Weigh-in black bass fishing tournaments using tournament black bass pass. (a) Each individual or organization desiring to conduct a registered and permitted weigh-in black bass fishing tournament that allows the use of the tournament black bass pass shall apply to the secretary on a form provided by the department. These tournaments may be held only within the period beginning September 1 and extending through June 15.

(b) Each application shall contain the following information:

(1) The name, address, and phone number of the individual or the contact member of the organization desiring to conduct the tournament;

(2) the location of the proposed tournament and a copy of the written permission of the facility manager authorizing the tournament location and the date or dates;

(3) the date or dates and the times that the tournament is to be conducted;

(4) a description of the equipment used to conduct weigh-in and release procedures;

(5) a map containing the proposed location of the weigh-in and release sites; and

(6) other relevant information as required by the secretary or the secretary's designee.

(c) Upon approval of the application by the secretary and before the start of the tournament, the individual or organization conducting the tournament shall provide the following items to each registered tournament participant:

(1) A department-provided, waterproof tournament participant card;

(2) a department-provided catch-reporting form;

(3) department-provided tournament guidelines; and

(4) one or more vessel decals or signs that clearly state that each individual in the vessel is participating in a registered and permitted tournament.

(d) Each individual or organization conducting the tournament shall ensure that all of the following minimum requirements are met when conducting weigh-in procedures:

(1) One individual shall provide work crew support for each 10 registered anglers.

(2) One weigh-in tank filled with an electrolyte chemical-water solution and fitted with recirculation and aeration accessories shall be maintained for each 25 registered anglers.

(3) If the water temperature at the tournament location is 75 degrees Fahrenheit or cooler, the water contained in the weigh-in tank shall be maintained at the same temperature as that of the tournament location water.

(4) If the water temperature at the tournament location is warmer than 75 degrees Fahrenheit, the water in the weigh-in tank shall be maintained at a temperature that is between five and 10 degrees Fahrenheit cooler than the tournament location water but shall not exceed 85 degrees Fahrenheit at any time.

(5) Not more than four anglers shall be in the weigh-in line at any one time.

(6) Each weigh-in bag containing water from the well of the vessel shall be reinforced, reusable, and capable of holding up to 15 pounds of live fish and two gallons of water.

(7) The weigh-in site shall meet the following requirements:

(A) Be located near the vessel mooring site and the release site, vehicle, or vessel; and

(B) be located at all times under a portable awning, in an event tent, or in the shade.

(e) Each individual or organization conducting the tournament shall ensure that all of the following minimum requirements are met when conducting the release procedures:

(1) The direct release of fish into the tournament location water after the weigh-in shall not be permitted.

(2) If the tournament is conducted with release tubes, vehicles, or vessels, the holding tanks shall contain a one-half percent noniodized salt solution.

(3) If the tournament is conducted without release tubes, vehicles, or vessels, the fish shall be dipped, for a period of time ranging from 10 seconds to 15 seconds before release, in a three percent noniodized salt solution having the same temperature as that of the water in the weigh-in tank.

(4) The release site shall meet the following conditions:

(A) Be located in water reaching at least three feet in depth with good circulation and a hard bottom; and

(B) be located away from vessel traffic and public-use vessel ramps.

(f) Each registered and permitted tournament participant shall meet the following requirements:

(1) Provide all data related to the participant's tournament catch to the tournament organizer, on a form provided by the department;

(2) place at least one tournament-authorized decal or sign on the participant's vessel used in the tournament;

(3) possess a tournament identification card and tournament black bass pass at all times while participating in the tournament;

(4) ensure that each well in the participant's vessel used in the tournament is properly working and contains an electrolyte chemical-water solution;

(5) be able to cull fish after reaching the daily creel limit; and

(6) ensure that the participant's vessel used in the tournament is cleaned before and after the tournament in compliance with department guidelines regarding the prevention of aquatic nuisance species.

(g) Each individual or organization conducting a black bass fishing tournament shall provide all catch and mortality data for the tournament to the department within 30 days following the conclusion of the tournament, on a department-provided form.

(h) In addition to any other penalty prescribed by law, an individual or organization that fails to comply with the provisions of this regulation shall not be eligible to apply to conduct a registered and permitted black bass fishing tournament for at least one year from the date of noncompliance.

(Authorized by K.S.A. 32-807; implementing K.S.A. 32-807 and K.S.A. ~~2005~~ 2006 Supp. 32-1002;
effective Nov. 27, 2006; amended P-_____.)

ECONOMIC IMPACT STATEMENT

K.A.R. 115-7-8. Weigh-in black bass fishing tournaments using tournament black bass pass.

DESCRIPTION: This permanent regulation sets weigh-in procedures and requirements for black bass fishing tournaments utilizing the tournament black bass pass. The proposed amendments are technical in nature and clarify that the use of the tournament black bass pass and procedures for tournament weigh-in are for black bass.

FEDERAL MANDATE: None.

ECONOMIC IMPACT: As the amendments are technical in nature, it is anticipated that there would be no substantive economic impact to the department, other state agencies, or the public.

ALTERNATIVES CONSIDERED: None.

115-7-9. Weigh-in black bass fishing tournaments not using tournament black bass pass. (a)

Each individual or organization conducting a weigh-in black bass fishing tournament that does allow the use of the tournament black bass pass shall ensure that all of the following minimum requirements are met when conducting weigh-in procedures:

(1) One individual shall provide work crew support for each 10 registered anglers.

(2) One weigh-in tank filled with an electrolyte chemical-water solution and fitted with recirculation and aeration accessories shall be maintained for each 25 registered anglers.

(3) If the water temperature at the tournament location is 75 degrees Fahrenheit or cooler, the water contained in the weigh-in tank shall be maintained at the same temperature as that of the tournament location water.

(4) If the water temperature at the tournament location is warmer than 75 degrees Fahrenheit, the water in the weigh-in tank shall be maintained at a temperature that is between five and 10 degrees Fahrenheit cooler than the tournament location water but shall not exceed 85 degrees Fahrenheit at any time.

(5) Not more than four anglers shall be in the weigh-in line at any one time.

(6) Each weigh-in bag containing water from the well of the vessel shall be reinforced, reusable, and capable of holding up to 15 pounds of live fish and two gallons of water.

(7) The weigh-in site shall meet the following requirements:

(A) Be located near the vessel mooring site and the release site, vehicle, or vessel; and

(B) be located at all times under a portable awning, in an event tent, or in the shade.

(b) Each individual or organization conducting the tournament shall ensure that all of the following minimum requirements are met when conducting the release procedures:

(1) The direct release of fish into the tournament location water after the weigh-in shall not be permitted.

(2) If the tournament is conducted with release tubes, vehicles, or vessels, the holding tanks shall contain a one-half percent noniodized salt solution.

(3) If the tournament is conducted without release tubes, vehicles, or vessels, the fish shall be dipped, for a period of time ranging from 10 seconds to 15 seconds before release, in a three percent noniodized salt solution having the same temperature as that of the water in the weigh-in tank.

(4) The release site shall meet the following conditions:

(A) Be located in water reaching at least three feet in depth with good circulation and a hard bottom; and

(B) be located away from vessel traffic and public-use vessel ramps.

(c) Each tournament participant shall meet the following requirements:

(1) Ensure that each well in the participant's vessel used in the tournament is properly working and contains an electrolyte chemical-water solution; and

(2) ensure that the participant's vessel used in the tournament is cleaned before and after the tournament in compliance with department guidelines regarding the prevention of aquatic nuisance species.

(d) This regulation shall be effective on and after January 1, 2008. (Authorized by K.S.A. 32-807; implementing K.S.A. 32-807 and K.S.A. 2006 Supp. 32-1002; effective P-_____.)

ECONOMIC IMPACT STATEMENT

K.A.R. 115-7-9. Weigh-in black bass fishing tournaments not using tournament black bass pass.

DESCRIPTION: This new permanent regulation sets weigh-in procedures for all black bass fishing tournaments, except those using the tournament black bass pass. The proposed amendments are designed to protect the black bass that are the target of the weigh-in tournaments. The biologically based procedural requirements for the weigh-in are the same as those already required when using the tournament black bass pass in regulation K.A.R. 115-7-8.

FEDERAL MANDATE: None.

ECONOMIC IMPACT: There will be some economic impact to tournament organizers who are not currently using the tournament weigh-in procedures as they will have to acquire the necessary implements to properly conduct the weigh-in. Otherwise, it is anticipated that there would be no substantive economic impact to the department, other state agencies, or the public.

ALTERNATIVES CONSIDERED: None.

115-18-10. Importation and possession of certain wildlife; prohibition, permit requirement, and restrictions. (a) The importation, possession, or release in the state of Kansas of the following live wildlife species shall be prohibited, except as authorized by terms of a wildlife importation permit issued by the secretary:

- (1) Walking catfish (*Clarias batrachus*);
- (2) silver carp (*Hypophthalmichthys molitrix*);
- (3) bighead carp (*Hypophthalmichthys nobilis*);
- (4) black carp (*Mylopharyngodon piceus*);
- (5) snakehead fish (all members of the family Channidae);
- (6) round goby (*Neogobius melanostomus*);
- (7) white perch (*Morone americana*);
- (8) zebra mussel (*Dreissena polymorpha*);
- (9) quagga mussel (*Dreissena bugensis*);
- (10) New Zealand mudsnail (*Potamopyrgus antipodarum*);
- (11) diploid grass carp (*Ctenopharyngodon idella*);
- (12) monk parakeet (*Myiopsitta monachus*); and
- ~~(12)~~ (13) Asian raccoon dog (*Nyctereutes procyonoides*).

(b) Any live member of a wildlife species listed in subsection (a) and possessed before the following dates may be retained in possession, in closed confinement, by making application to the secretary that provides information detailing the circumstances, including the location, by which the animal came into the applicant's possession:

- (1) February 1, 1978 for fish and bird species other than black carp, snakehead fish, round goby, white perch, zebra mussel, quagga mussel, ~~and~~ New Zealand mudsnail, and diploid grass carp;
- (2) February 1, 1986 for mammal species;
- (3) October 1, 2000 for black carp;

- (4) May 1, 2003 for snakehead fish;
- (5) August 1, 2004 for round goby, quagga mussel, and zebra mussel;
- (6) May 15, 2005 for New Zealand mudsnail; ~~and~~
- (7) February 15, 2007 for white perch; and
- (8) January 1, 2008 for diploid grass carp.

The manner in which the animal is to be used shall be identified in the application.

(c) Wildlife importation permits for the importation or possession of live members of the wildlife species listed in subsection (a) may be issued by the secretary for experimental, scientific, display, or other purposes subject to any conditions and restrictions contained or referenced in a wildlife importation permit.

(d) Each individual desiring to import or possess live members of the wildlife species listed in subsection (a) shall apply to the secretary for a wildlife importation permit. The application shall be submitted on forms provided by the department and shall contain the following information:

- (1) The name, address, and telephone number of applicant;
- (2) the wildlife species to be imported or possessed and the number of wildlife involved;
- (3) the purpose or purposes for importation or possession;
- (4) a description of the facilities for holding and using the wildlife species;
- (5) a description of plans to prevent the release of the wildlife species; and
- (6) other relevant information as requested by the secretary.

(e) Each wildlife importation permit, once issued, shall be valid during the time period specified on the permit.

(f) In addition to other penalties prescribed by law, any wildlife importation permit may be refused issuance or revoked by the secretary if any of the following conditions is met:

- (1) The application is incomplete or contains false information.

(2) Issuance of a permit would not be in the best interest of the public or of the natural resources of Kansas.

(3) The permittee fails to meet permit requirements or violates permit conditions.

(Authorized by K.S.A. 32-807 and K.S.A. 32-956; implementing K.S.A. 32-956; effective Dec. 27, 1993; amended Sept. 22, 2000; amended April 18, 2003; amended July 23, 2004; amended May 20, 2005; amended Feb. 9, 2007; amended P-_____.)

ECONOMIC IMPACT STATEMENT

K.A.R. 115-18-10. Importation and possession of certain wildlife; prohibition, permit requirement, and restriction.

DESCRIPTION: This regulation lists species illegal to import or possess in Kansas. Listed species are considered nuisance species and pose a threat to native fauna if they become established in Kansas. The proposed amendment would add diploid (fertile) grass carp to the prohibited species list. Individuals in legal possession of these species before the species becomes prohibited would be able to obtain a permit to retain those individual fish.

FEDERAL MANDATE: None.

ECONOMIC IMPACT: Diploid grass carp represent a threat to the State of Kansas if they escape from confinement. Although diploid grass carp are used in the aquaculture industry in Kansas, 28 states have banned the possession and use of diploid grass carp out of the 38 states that allow their importation and stocking. The 28 states banning the possession of diploid grass carp allow the use of triploid (sterile) grass carp. Therefore, there may be some economic impact to the aquaculture industry by switching to triploid grass carp but any amount is purely speculative at this time. However, the Department has engaged in dialogue with the aquaculture industry to inform them of this potential change. The Department does not anticipate any other economic impact to the public, other state agencies, or the Department itself due to the addition of these species to the list of prohibited species.

ALTERNATIVES CONSIDERED: None.

115-18-12. Trout permit; requirements, restrictions, and permit duration. (a) Each individual who is 16 years of age or older and who wants to fish or to fish for 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.

(b) Each trout permit shall be valid statewide through December 31 of the year in which the permit is issued.

(c) Each trout permit shall be validated by the signature of the permit holder written across the face of the permit. A trout permit shall not be transferable. (Authorized by K.S.A. 32-807; implementing K.S.A. 32-807, K.S.A. ~~2005~~ 2006 Supp. 32-1001, and K.S.A. ~~2005~~ 2006 Supp. 32-1002; effective Nov. 15, 1993; amended Jan. 30, 1995; amended July 24, 1998; amended Nov. 27, 2006; amended P-_____.)

ECONOMIC IMPACT STATEMENT

K.A.R. 115-18-12. Trout permit; requirements, restrictions, and permit duration.

DESCRIPTION: This permanent regulation establishes the trout permit and for what types of fishing the trout permit is needed. The proposed change would be to require a trout permit for those individuals over the age of 15 who desire to fish for or to fish for and possess trout. The purpose of the change is to recruit more youth anglers into the trout program and the creel limit for those under 16 would be less than an individual who possesses a trout permit. The change would not preclude those under 16 from purchasing a trout permit if that individual wanted to catch or possess a full creel limit.

FEDERAL MANDATE: None.

ECONOMIC IMPACT: These proposed amendment is intended to increase youth angler participation in the trout program. There will be some fiscal impact to the department with increased numbers of youths fishing and presumably catching and keeping trout but that amount is purely speculative at this point and would presumably be offset when those individuals continue to fish for trout upon reaching the age when a trout permit is required. Otherwise, no substantial economic impact to the department, other state agencies or members of the public is anticipated.

ALTERNATIVES CONSIDERED: None.

115-18-20. Tournament black bass pass; requirements, restrictions, and pass duration. (a) A tournament black bass pass shall be required for each individual who wants to keep up to two black bass in a daily creel limit that meet the minimum statewide length limit but that do not meet the special length limit for the specific body of water, during a registered and permitted bass tournament as established in K.A.R. 115-7-8.

(b) Each tournament black bass pass shall be valid statewide through December 31 of the year in which the bass pass is issued.

(c) Each tournament black bass pass shall be validated by the signature of the pass holder written across the face of the pass. A tournament black bass pass shall not be transferable.

(Authorized by K.S.A. 32-807; implementing K.S.A. 32-807, K.S.A. ~~2005~~ 2006 Supp. 32-1001, and K.S.A. ~~2005~~ 2006 Supp. 32-1002; effective Nov. 27, 2006; amended P-_____.)

ECONOMIC IMPACT STATEMENT

K.A.R. 115-18-20. Tournament bass pass; requirements, restrictions, and pass duration.

DESCRIPTION: This permanent regulation establishes the tournament bass pass. The proposed amendments would clarify that the use of the tournament bass pass is for fishing tournaments involving black bass.

FEDERAL MANDATE: None.

ECONOMIC IMPACT: The amendment is technical in nature and therefore, no substantial economic impact to the department, other state agencies or members of the public is anticipated.

ALTERNATIVES CONSIDERED: None.

115-25-14. Fishing; creel limit, size limit, possession limit, and open season. (a) The open season for the taking of fish in Kansas shall be January 1 through December 31, with the following exceptions:

(1) The flowing portions and backwaters of the Missouri river and any oxbow lake through which the Kansas-Missouri boundary passes, for which the open season for the taking of paddlefish shall be March 15 through May 15;

(2) the flowing portions of the Kansas river from its origin downstream to its confluence with the Missouri river and the flowing portions of the Arkansas river from the John Mack bridge on Broadway street in Wichita downstream to the Kansas-Oklahoma border, for which the open hand-fishing season for the taking of flathead catfish shall be from sunrise to sunset, June 15 through August 31; and

(3) those areas closed by posted notice.

(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:

(A) Cedar Bluff Stilling Basin;

(B) Cimarron Grasslands Pits;

(C) Dodge City Lake Charles;

(D) Fort Scott Gun Park Lake;

(E) Garnett Crystal Lake;

(F) Glen Elder State Park Pond;

(G) Kanopolis Seep Stream;

(H) KDOT East Lake, located in Wichita;

(I) Lake Henry, located in Clinton State Park;

(J) Pratt Centennial Pond;

(K) Sandsage Bison Range and Wildlife Area Sandpits;

(L) the following Sedgwick County Park waters:

(i) Vic's Lake; and

(ii) Slough Creek;

(M) Topeka Auburndale Park;

(N) Walnut River Area, located in El Dorado State Park;

(O) Webster Stilling Basin; and

(P) Willow Lake, located in Tuttle Creek State Park; and

(2) October 15 through October 14: unit number 30, located in the Mined Land Wildlife Area.

(c) Pursuant to K.A.R. 115-18-12, a trout permit shall be required for each individual who wants to fish for and possess trout on the following waters from October 15 through April 15:

(1) Cameron Springs, located on Fort Riley;

(2) Great Bend Veterans Memorial Park Lake;

(3) Hutchinson Dillon Nature Center Pond;

(4) Kanopolis State Park Pond;

(5) Lake Shawnee, located in Shawnee County;

(6) Moon Lake, located on Fort Riley;

(7) Salina Lakewood Lake;

(8) Scott State Fishing Lake;

(9) Scott State Park Pond;

(10) the following Sedgwick County Park waters:

(i) Moss Lake; and

(ii) Horseshoe Lake;

(11) Sherman County Smoky Gardens Lake; and

(12) Solomon River between Webster Reservoir and Rooks County #2 Road.

(d) The following daily creel limits and size limits shall apply to each pond, lake, impoundment, and other water of the state that is open to public fishing access, and to all perennial and intermittent watercourses of the state, unless special creel limits and size limits apply pursuant to subsection (f).

<u>Species</u>	<u>Creel Limit</u>	<u>Size Limit</u>
Black bass: largemouth, spotted, or smallmouth	5*	15"
Channel catfish or blue catfish	10*	--
Trout	5*/2****	--
Flathead catfish	5	--
Walleye, sauger, saugeye	5*	15"
Pike family: northern pike, tiger, or muskellunge	2*	30"
Striped bass	2	--
Wiper: striped bass hybrid	2	--
Paddlefish	2**	--
Crappie: white or black	50*	--
All other species	No limit	--

* The daily creel limit shall be composed of a single listed species or a combination of the species in the listed species group.

** The total creel limit of paddlefish per calendar year shall be six paddlefish. Harvest shall be mandatory regardless of the length of the paddlefish, except on the Kansas-Missouri Boundary Waters, where a minimum length limit of 24" is required.

*** The two-trout-per-day creel limit shall be applicable to individuals under 16 years of age not in possession of a valid trout permit.

(e) The possession limit shall be three daily creel limits.

(f) Special size limits, creel limits, and bait restrictions for designated waters shall be those limits and restrictions specified in the department's "Kansas special size limits, creel limits, and bait restriction tables," dated 3 July 2007, which is hereby adopted by reference. All fish caught from these designated waters that are of a size or number that is illegal to possess shall be released unrestrained to the water immediately.

(g) This regulation shall be effective on and after January 1, 2008. (Authorized by K.S.A. 32-807; implementing K.S.A. 32-807 and K.S.A. 2006 Supp. 32-1002.)

Kansas Department of Wildlife and Parks

Kansas Special Size Limits, Creel Limits, and Bait Restriction Tables

Dated: 3 July, 2007

Blue Catfish Creel Limits

2 fish daily creel limit

Carbondale East Lake, Fall River Toe Drain

5 fish daily creel limit

Wilson Reservoir

Blue Catfish Length Limits

35 inch minimum

Cheney Reservoir, El Dorado Reservoir, Wilson Reservoir

Channel Catfish Creel Limits

2 fish daily creel limit

Andover - Lake George, Arma City Lake, Blue Mound City Lake, Bonner Springs - North Park Lake, Bourbon Co. Cedar Creek, Bourbon Co. Elm Creek Lake, Bourbon State Fishing Lake, Bronson City Lake, Butler State Fishing Lake, Carbondale East Lake, Chanute City Lake, Clinton State Park - Lake Henry, Clinton State Park - Picnic Area Pond, Columbus - VFW Pond, Douglas State Fishing Lake, Emporia - Camp Alexander Ponds, Emporia - Jones Park Ponds, Emporia - Peter Pan Park, Fall River State Park Kids Pond, Fall River Toe Drain, Fort Scott - Gunn Park Lake Fern, Fort Scott - Gunn Park Lake West, Fort Scott - Lake Fort Scott, Fort Scott Community College Lakes, Frontenac City Lake, Gardner City Lake, Garnett City Lake North, Garnett City Lake South, Greenbush Community Lake, Gridley City Lake, Harvey Co. Camp Hawk, Haysville - Riggs Lake, Impounded F.I.S.H. Waters, Region 1 & 3, Johnson Co. - Kill Creek Park Lake, Johnson Co. - Shawnee Mission Park, Johnson Co. - Shawnee Mission Pond, Johnson Co. Antioch North & South, Kanopolis State Park Pond, Kechi Lake, Kingman State Fishing Lake, Lansing City Lake, Lawrence - Mary's Lake, Lawrence Pat Dawson Billings N & S, Leavenworth - Jerry's Lake, Leavenworth State Fishing Lake, Leawood - Tomahawk Parkway Middle, Leawood - Tomahawk Parkway North, Leawood - Tomahawk Parkway South, Lebo City Lake, Lenexa - Mize Blvd. Lake, Lenexa - Rose's Pond, Linn Co. Strip Pits, McPherson State Fishing Lake, Melvern River Pond, Miami State Fishing Lake, Milford Hatchery Water Supply Pond, Mound City Lake, Mulberry City Park Lake, Mulvane Sports Complex, New Strawn City Lake, Olathe - Black Bob Park Pond, Olathe - Cedar Lake, Olathe - Frisco Lake, Olathe - Mahaffie Farmstead Pond, Olathe - North Waterworks Park Lake, Olathe - Oregon Trail Park Pond, Olathe - Prairie Center Park Pond, Olathe - Prairie Center Pond, Olathe - Waterworks Lake, Olpe - Jones Park Pond, Osage City Lake, Osage

State Fishing Lake, Overbrook City Lake, Overland Park - Amesbury Lake, Overland Park - Kingston Lake, Overland Park - Regency Lake, Overland Park - South Lake, Overland Park - Summercrest Lake, Overland Park - Wilderness Lake, Parker City Lake, Pleasanton City Lake - East, Pleasanton City Lake - West, Pratt County Lake, Richmond City Lake, Shawnee Co. - Karl's Lake, Shawnee Co. Shawnee Jr., Spring Hill Woodland Ridge Pond, Topeka - Cedar Crest Pond, Topeka - Central Park Lake, Topeka - Clarion Lake, Topeka - Freedom Valley Lake, Topeka - Governor's Ponds East & West, Topeka - West Lake, Valley Center - McLaughlin Pond, Wichita - Harrison Park Lake, Woodson State Fishing Lake, Wyandotte Co. Big 11, Wyandotte Co. Bonner Lake, Wyandotte Co. Pierson Park Lake, Yates Center - South, Yates Center Reservoir – New

5 fish daily creel limit

Altamont City Lake, Arkansas City - Knebbler #2, Arkansas City 6th Street Pond, Arkansas City, Knebbler #1, Atchison City Lakes 1-4, 6-9, 23, 24, Atchison County Lake, Atchison State Fishing Lake, Atwood Lake, Barber Lower, Barber Upper, Belleville City Lake (Rocky Pond), Benton - Poling Lake, Black Kettle State Fishing Lake, Bone Creek Reservoir, Brown State Fishing Lake, Centralia City Lake, Chase State Fishing Lake, Cherryvale City Lake (Tanko), Cimarron Grasslands Fishing Pits, Clark State Fishing Lake, Clearwater - Chisholm Ridge Lake, Colby - Villa High Lake, Coldwater City Lake, Concannon State Fishing Lake, Council Grove City Lake, Cowley State Fishing Lake, Crawford State Fishing Lake, Derby - High Park, Derby - Rainbow Valley, Derby - Stone Creek, Dodge City - Lake Charles, Dodge City - Mariah Hills Golf Course, Edna City Lake, Ellis City Lake, Eureka City Lake, Finney State Fishing Lake, Ford State Fishing Lake, Fort Scott - Rock Creek Lake, Garnett - Cedar Valley Reservoir, Geary State Fishing Lake, Goodman State Fishing Lake, Graham County - Antelope Lake, Great Bend Stone Lake, Great Bend Veteran's Park, Hain State Fishing Lake, Hamilton State Fishing Lake, Harvey County East Lake, Harvey County West Lake, Haysville - South Hampton, Herington - Father Padilla Pond, Hiawatha City Lake, Hodgeman State Fishing Lake, Holton - Elkhorn Lake, Holton City (Prairie) Lake, Horton Little Lake, Horton Mission Lake, Howard - Polk Daniels Lake, Hutchinson - Dillon Nature Center, Jackson County - Banner Creek Reservoir, Jeffrey Energy Center, Jetmore City Lake, Jewell City Lake (Emerson Lake), Jewell State Fishing Lake, Junction City - Rim Rock Lake, Junction City - Wetland Park, Kiowa State Fishing Lake, LaCrosse Warren Stone Memorial Lake, Logan City Lake, Logan State Fishing Lake, Louisburg - Middle Creek, Lyon State Fishing Lake, Madison City Lake, Marion County Lake, Meade State Fishing Lake, Milford State Park Pond, Mined Land Wildlife Area, Moline New City Lake, Moline Old City Lake, Montgomery State Fishing Lake, Nebo State Fishing Lake, Neosho State Fishing Lake, Neosho Wildlife Area, Ogden City Lake, Olpe City Lake, Osawatomie - Beaver Lake, Osawatomie City Lake, Ottawa State Fishing Lake, Park City - Chisholm Pointe, Parsons City Lake, Plainville Township Lake, Pottawatomie 1, Pottawatomie 2, Pottawatomie Co. Cross Creek Lake, Rooks State Fishing Lake, Sabetha - Pony Creek Lake, Sabetha City Lake, Salina - Indian Rock Pond, Salina - Lakewood Lake, Saline State Fishing Lake, Sandsage Bison Range & Wildlife Area, Scott State Fishing Lake, Sedan New City Lake, Sedan Old City Lake, Sedgwick Co. Lake Afton, Sedgwick Co. Park Lakes, Severy City Lake, Shawnee State Fishing Lake, Sheridan State Fishing Lake, Sherman County - Smoky Gardens, Sherman State Fishing Lake, St. Francis - Keller Lake, St. Francis Sand Pits, Thayer City Lake (New), Thayer City Lake (Old), Troy - 4-H Lake, Washington State Fishing Lake, Wellington - Hargis Creek Lake, Wellington City Lake, Wichita - Buffalo Park Lake, Wichita - Chisholm North Lake, Wichita - Cruiser Lake, Wichita - Dillon's Pond, Wichita - East KDOT, Wichita - Emery Park Pond, Wichita - South Lake, Wichita - SP1, Wichita - SP2, Wichita - Watson Park Lake, Wichita - West KDOT, Wilson State Fishing Lake, Wyandotte Co. Lake

Channel Cat Length Limits

15 inch minimum

Altamont City Lake, Arma City Lake, Atchison City Lakes 1-4, 6-9, 23, 24, Atchison County Lake, Atchison State Fishing Lake, Atwood Lake, Belleville City Lake (Rocky Pond), Black Kettle State Fishing Lake, Blue Mound City Lake, Bone Creek Reservoir, Bourbon Co. Cedar Creek, Bourbon Co. Elm Creek Lake, Bourbon State Fishing Lake, Bronson City Lake, Brown State Fishing Lake, Butler State Fishing Lake, Carbondale East Lake, Centralia City Lake, Chanute City Lake, Chase State Fishing Lake, Cherryvale City Lake (Tanko), Columbus - VFW Pond, Cowley State Fishing Lake, Crawford State Fishing Lake, Douglas County - Lonestar Lake, Douglas State Fishing Lake, Edgerton - Bridgewater Lake, Edna City Lake, Emporia - Camp Alexander Ponds, Emporia - Jones Park Ponds, Emporia - Peter Pan Park, Eureka City Lake, Fort Scott - Gunn Park Lake Fern, Fort Scott - Gunn Park Lake West, Fort Scott - Lake Fort Scott, Fort Scott Community College Lakes, Frontenac City Lake, Gardner City Lake, Garnett City Lake North, Garnett City Lake South, Greenbush Community Lake, Gridley City Lake, Harvey Co. Camp Hawk, Harvey County West Lake, Hiawatha City Lake, Holton - Elkhorn Lake, Holton City (Prairie) Lake, Horton Little Lake, Horton Mission Lake, Jackson County - Banner Creek Reservoir, Jewell City Lake (Emerson Lake), Jewell State Fishing Lake, Johnson Co. - Kill Creek Park Lake, Johnson Co. - Shawnee Mission Park, Johnson Co. - Shawnee Mission Pond, Johnson Co. Antioch North & South, Kingman State Fishing Lake, Leavenworth State Fishing Lake, Lebo City Lake, Linn Co. Strip Pits, Logan City Lake, Louisburg - Middle Creek, McPherson State Fishing Lake, Melvern River Pond, Miami State Fishing Lake, Mined Land Wildlife Area, Montgomery State Fishing Lake, Mound City Lake, Mulberry City Park Lake, Nebo State Fishing Lake, Neosho State Fishing Lake, Neosho Wildlife Area, New Strawn City Lake, Olathe - Stagecoach Park Pond, Osage City Lake, Osage State Fishing Lake, Osawatomie - Beaver Lake, Osawatomie City Lake, Overbrook City Lake, Overland Park - Amesbury Lake, Overland Park - Summercrest Lake, Overland Park - Wilderness Lake, Parker City Lake, Parsons City Lake, Pleasanton City Lake - East, Pleasanton City Lake - West, Pottawatomie 1, Pratt County Lake, Richmond City Lake, Sabetha - Pony Creek Lake, Sabetha City Lake, Shawnee Co. Lake Shawnee, Sherman County - Smoky Gardens, Spring Hill Woodland Ridge Pond, Thayer City Lake (New), Thayer City Lake (Old), Troy - 4-H Lake, Wellington - Hargis Creek Lake, Wellington City Lake, Wilson State Fishing Lake, Woodson State Fishing Lake, Yates Center - South, Yates Center Reservoir – New

Crappie Creel Limits

10 fish daily creel limit

Blue Mound City Lake, Bone Creek Reservoir, Bourbon Co. Cedar Creek, Bourbon Co. Elm Creek Lake, Carbondale East Lake, Fort Scott - Gunn Park Lake Fern, Fort Scott - Gunn Park Lake West, Fort Scott - Lake Fort Scott, Fort Scott Community College Lakes, Frontenac City Lake, Garnett City Lake North, Garnett City Lake South, Gridley City Lake, Holton - Elkhorn Lake, Lebo City Lake, Linn Co. Strip Pits, Melvern River Pond, Milford Hatchery Water Supply Pond, Mound City Lake, New Strawn City Lake, Osage City Lake, Osage State Fishing Lake, Overbrook City Lake, Parker City Lake, Richmond City Lake, Thayer City Lake (New), Thayer City Lake (Old), Troy - 4-H Lake, Wichita - Buffalo Park Lake, Wichita - Chisholm North Lake, Wichita - Cruiser Lake, Wichita - Dillon's Pond, Wichita - East KDOT, Wichita - South Lake, Wichita - Watson Park Lake, Wichita - West KDOT, Woodson State Fishing Lake, Yates Center - South, Yates Center Reservoir – New

20 fish daily creel limit

Atchison State Fishing Lake, Brown State Fishing Lake, Clinton Reservoir, Council Grove City Lake, Council Grove Reservoir, Garnett - Cedar Valley Reservoir, Hillsdale Reservoir, Jackson County - Banner Creek Reservoir, Melvern Reservoir, Perry Reservoir, Sabetha - Pony Creek Lake, Wellington City Lake, Winfield City Lake

Crappie Length Limits

10 inch minimum

Blue Mound City Lake, Bourbon Co. Cedar Creek, Bourbon Co. Elm Creek Lake, Carbondale East Lake, Cheney Reservoir, Clinton Reservoir, Fort Scott - Gunn Park Lake Fern, Fort Scott - Gunn Park Lake West, Fort Scott - Lake Fort Scott, Fort Scott Community College Lakes, Frontenac City Lake, Garnett City Lake North, Garnett City Lake South, Gridley City Lake, Hillsdale Reservoir, LaCygne Reservoir, Lebo City Lake, Melvern Reservoir, Melvern River Pond, Mound City Lake, Overbrook City Lake, Parker City Lake, Perry Reservoir, Richmond City Lake, Woodson State Fishing Lake, Yates Center - South, Yates Center Reservoir – New

Largemouth Bass Creel Limits

2 fish daily creel limit

Andover - Lake George, Arma City Lake, Atchison State Fishing Lake, Atwood Lake, Benton - Poling Lake, Bourbon Co. Cedar Creek, Bourbon Co. Elm Creek Lake, Bronson City Lake, Brown State Fishing Lake, Carbondale East Lake, Chanute City Lake, Clearwater - Chisholm Ridge Lake, Columbus - VFW Pond, Concannon State Fishing Lake, Derby - High Park, Derby - Rainbow Valley, Derby - Stone Creek, Dodge City - Lake Charles, Douglas County - Lonestar Lake, Douglas State Fishing Lake, Fort Scott - Gunn Park Lake Fern, Fort Scott - Gunn Park Lake West, Fort Scott - Lake Fort Scott, Fort Scott Community College Lakes, Frontenac City Lake, Garnett City Lake North, Greenbush Community Lake, Gridley City Lake, Harvey Co. Camp Hawk, Harvey County West Lake, Haysville - South Hampton, Hiawatha City Lake, Holton - Elkhorn Lake, Holton City (Prairie) Lake, Horton Little Lake, Horton Mission Lake, Impounded F.I.S.H. Waters, Region 1 & 3, Jackson County - Banner Creek Reservoir, Johnson Co. - Kill Creek Park Lake, Johnson Co. - Shawnee Mission Park, Johnson Co. - Shawnee Mission Pond, Johnson Co. Antioch North & South, Kanopolis State Park Pond, Kechi Lake, Lansing City Lake, Lebo City Lake, Linn Co. Strip Pits, Louisburg - Middle Creek, Melvern River Pond, Miami State Fishing Lake, Milford Hatchery Water Supply Pond, Mulberry City Park Lake, Mulvane Sports Complex, Nebo State Fishing Lake, New Strawn City Lake, Osage City Lake, Osage State Fishing Lake, Overbrook City Lake, Overland Park - Kingston Lake, Overland Park - Regency Lake, Overland Park - South Lake, Paola - Lake Miola, Park City - Chisholm Pointe, Parker City Lake, Pleasanton City Lake - East, Pleasanton City Lake - West, Pratt County Lake, Richmond City Lake, Sabetha - Pony Creek Lake, Sabetha City Lake, Sandsage Bison Range & Wildlife Area, Sedgwick Co. Park Lakes, Shawnee Co. Lake Shawnee, Sherman County - Smoky Gardens, Troy - 4-H Lake, Valley Center - McLaughlin Pond, Wellington - Hargis Creek Lake, Wellington City Lake, Wichita - Buffalo Park Lake, Wichita - Chisholm North Lake, Wichita - Cruiser Lake, Wichita - Dillon's Pond, Wichita - East KDOT, Wichita - Emery Park Pond, Wichita - Harrison

Park Lake, Wichita - South Lake, Wichita - SP1, Wichita - SP2, Wichita - Watson Park Lake, Wichita - West KDOT, Woodson State Fishing Lake, Wyandotte Co. Bonner Lake

Largemouth Bass Length Limits

13 -18 inch slot limit

Altamont City Lake, Bone Creek Reservoir, Chase State Fishing Lake, Council Grove City Lake, Crawford State Fishing Lake, Garnett City Lake North, Garnett City Lake South, Goodman State Fishing Lake, Graham County - Antelope Lake, Gridley City Lake, Harvey County East Lake, Jetmore City Lake, Leavenworth State Fishing Lake, Lebo City Lake, Linn Co. Strip Pits, Lyon State Fishing Lake, Madison City Lake, Meade State Fishing Lake, Melvern River Pond, Mined Land Wildlife Area, Moline New City Lake, Moline Old City Lake, Montgomery State Fishing Lake, Mound City Lake, Osawatomie - Beaver Lake, Osawatomie City Lake, Overbrook City Lake, Parker City Lake, Pottawatomie Co. Cross Creek Lake, Richmond City Lake, Sedan New City Lake, Sedan Old City Lake, Thayer City Lake (New), Thayer City Lake (Old), Woodson State Fishing Lake, Yates Center - South, Yates Center Reservoir – New

18 inch minimum

Alma City Lake, Andover - Lake George, Arma City Lake, Atchison State Fishing Lake, Atwood Lake, Benton - Poling Lake, Black Kettle State Fishing Lake, Brown State Fishing Lake, Carbondale East Lake, Centralia City Lake, Cherryvale City Lake (Tanko), Clearwater - Chisholm Ridge Lake, Clinton Reservoir, Clinton State Park - Lake Henry, Clinton State Park - Picnic Area Pond, Derby - High Park, Derby - Rainbow Valley, Derby - Stone Creek, Dodge City - Lake Charles, Douglas County - Lonestar Lake, Douglas State Fishing Lake, Edna City Lake, Eskridge - Lake Wabunsee, Eureka City Lake, Fort Scott - Gunn Park Lake Fern, Fort Scott - Gunn Park Lake West, Fort Scott - Lake Fort Scott, Fort Scott Community College Lakes, Frontenac City Lake, , Garnett - Cedar Valley Reservoir, Glen Elder Reservoir, Greenbush Community Lake, Harvey County West Lake, Harveyville City Lake, Haysville - South Hampton, Herington City Lake - New, Herington City Lake – Old, Herington - Father Padilla Pond, , Hiawatha City Lake, Hillsdale Reservoir, Holton - Elkhorn Lake, Holton City (Prairie) Lake, Horton Little Lake, Impounded F.I.S.H. Waters, Region 1 & 3, Jackson County - Banner Creek Reservoir, Jewell City Lake (Emerson Lake), Johnson Co. - Kill Creek North Pond, Johnson Co. - Kill Creek Park Lake, Johnson Co. - Kill Creek South Pond, Johnson Co. - Shawnee Mission Park , Johnson Co. - Shawnee Mission Pond, Johnson Co. Antioch North & South , Kanopolis State Park Pond, Kechi Lake, Kingman State Fishing Lake, LaCygne Reservoir, Logan City Lake, Louisburg - Middle Creek, Marion County Lake, Marion Reservoir, McPherson State Fishing Lake, Melvern Reservoir, Miami State Fishing Lake, Mulvane Sports Complex, Nebo State Fishing Lake, Neosho State Fishing Lake, Olathe - Cedar Lake, Olathe - Lake Olathe, Osage City Lake, Osage State Fishing Lake, Paola - Lake Miola, Park City - Chisholm Pointe, Perry Reservoir, Pratt County Lake, Rooks State Fishing Lake, Sabetha - Pony Creek Lake, Sabetha City Lake, Salina - Indian Rock Pond, Salina - Lakewood Lake, Sedgwick Co. Lake Afton, Sedgwick Co. Park Lakes, Shawnee Co. Lake Shawnee, Sherman County - Smoky Gardens, Troy - 4-H Lake, Tuttle Creek Reservoir, Tuttle Creek Willow Lake, Valley Center - McLaughlin Pond, Wellington - Hargis Creek Lake, Wellington City Lake, Wichita - Buffalo Park Lake, Wichita - Chisholm North Lake, Wichita - Cruiser Lake, Wichita - Dillon's Pond, Wichita - East KDOT, Wichita - Emery Park Pond, Wichita - Harrison Park Lake, Wichita - South Lake, Wichita - SP1, Wichita - SP2, Wichita - Watson Park Lake, Wichita - West KDOT

21 inch minimum

Big Hill Reservoir, Big Hill Wildlife Area, Bourbon Co. Cedar Creek, Bourbon Co. Elm Creek Lake, Harvey Co. Camp Hawk, Jewell State Fishing Lake, New Strawn City Lake, Pleasanton City Lake - East, Pleasanton City Lake – West

Smallmouth Bass Creel Limits

2 fish daily creel limit

Atchison State Fishing Lake, Bourbon Co. Cedar Creek, Bourbon Co. Elm Creek Lake, Carbondale East Lake, Douglas County - Lonestar Lake, Fort Scott - Lake Fort Scott, Garnett City Lake North, Jackson County - Banner Creek Reservoir, Johnson Co. - Kill Creek Park Lake, Leavenworth State Fishing Lake, Lebo City Lake, Milford Hatchery Water Supply Pond, New Strawn City Lake, Osage State Fishing Lake, Overbrook City Lake, Pleasanton City Lake - East, Pleasanton City Lake - West, Sabetha - Pony Creek Lake, Shawnee Co. Lake Shawnee, Woodson State Fishing Lake

Smallmouth Bass Length Limit

18 inch minimum

Alma City Lake, Atchison State Fishing Lake, Big Hill Reservoir, Bourbon Co. Elm Creek Lake, Bourbon Co. Cedar Creek, Carbondale East Lake, Douglas County - Lonestar Lake, Eskridge - Lake Wabunsee, Fort Scott - Lake Fort Scott, Garnett City Lake North, Glen Elder Reservoir, Jackson County - Banner Creek Reservoir, Johnson Co. - Kill Creek Park Lake, LaCygne Reservoir, Leavenworth State Fishing Lake, Lebo City Lake, Marion County Lake, Melvern Reservoir, New Strawn City Lake, Osage State Fishing Lake, Overbrook City Lake, Sabetha - Pony Creek Lake, Shawnee Co. Lake Shawnee, Woodson State Fishing Lake, Wyandotte Co. Lake

Spotted Bass Creel Limit

2 fish daily creel limit

Carbondale East Lake, Chanute City Lake, Fort Scott - Lake Fort Scott, Melvern River Pond, Milford Hatchery Water Supply Pond

Walleye Creel Limits

2 fish daily creel limit

Atchison State Fishing Lake, Bone Creek Reservoir, Bourbon Co. Cedar Creek, Bourbon Co. Elm Creek Lake, Bourbon State Fishing Lake, Brown State Fishing Lake, Carbondale East Lake, Cheney Reservoir, Fort Scott - Lake Fort Scott, Garnett - Cedar Valley Reservoir, Garnett City

Lake North, Garnett City Lake South, Gridley City Lake, Jackson County - Banner Creek Reservoir, Johnson Co. - Kill Creek Park Lake, Leavenworth State Fishing Lake, Lebo City Lake, Melvern River Pond, Milford Hatchery Water Supply Pond, Mound City Lake, New Strawn City Lake, Osage City Lake, Osage State Fishing Lake, Overbrook City Lake, Paola - Lake Miola, Pleasanton City Lake - East, Pratt County Lake, Richmond City Lake, Sabetha - Pony Creek Lake, Sabetha City Lake, Sedgwick Co. Lake Afton, Shawnee Co. Lake Shawnee, Wichita - Chisholm North Lake, Woodson State Fishing Lake, Wyandotte Co. Lake, Yates Center - South, Yates Center Reservoir – New

Walleye Length Limits

18 inch minimum length limit

Alma City Lake, Atchison State Fishing Lake, Big Hill Reservoir, Bone Creek Reservoir, Bourbon Co. Cedar Creek, Bourbon Co. Elm Creek Lake, Bourbon State Fishing Lake, Brown State Fishing Lake, Carbondale East Lake, Cedar Bluff Reservoir, Centralia City Lake, Chase State Fishing Lake, Council Grove City Lake, Crawford State Fishing Lake, El Dorado Reservoir, Eskridge - Lake Wabunsee, Eureka City Lake, Fort Scott - Lake Fort Scott, Garnett - Cedar Valley Reservoir, Garnett City Lake North, Garnett City Lake South, Gridley City Lake, Harvey County East Lake, Harveyville City Lake, Herington City Lake - New, Hillsdale Reservoir, Jackson County - Banner Creek Reservoir, Jeffrey Energy Center, Johnson Co. - Kill Creek Park Lake, Keith Sebelius (Norton), Kingman State Fishing Lake, Lebo City Lake, Lovewell Reservoir, Marion County Lake, Marion Reservoir, Melvern Reservoir, Melvern River Pond, Milford Reservoir, Mined Land Wildlife Area, Mound City Lake, Osage City Lake, Pleasanton City Lake - East, Pomona Reservoir, Pratt County Lake, Richmond City Lake, Sabetha - Pony Creek Lake, Sabetha City Lake, Sedgwick Co. Lake Afton, Wellington City Lake, Wichita - Chisholm North Lake, Wilson State Fishing Lake, Winfield City Lake, Wyandotte Co. Lake

21 inch minimum length limit

Cheney Reservoir

Sauger Creel Limit

2 fish daily creel limit

Carbondale East Lake, Jackson County - Banner Creek Reservoir, Leavenworth State Fishing Lake, Milford Hatchery Water Supply Pond

Sauger Length Limits

18 inch minimum

Jackson County - Banner Creek Reservoir

Saugeye Creel Limits

2 fish daily creel limit

Bourbon Co. Elm Creek Lake, Bourbon State Fishing Lake, Carbondale East Lake, Chanute City Lake, Crawford State Fishing Lake, Douglas State Fishing Lake, Gardner City Lake, Harvey County West Lake, Leavenworth State Fishing Lake, Louisburg - Middle Creek, Milford Hatchery Water Supply Pond, Paola - Lake Miola, Pleasanton City Lake - East, Sedgwick Co. Lake Afton, Sherman County - Smoky Gardens, Wellington - Hargis Creek Lake, Wichita - Buffalo Park Lake, Wichita - Chisholm North Lake, Wichita - Watson Park Lake

Saugeye Length Limits

18 inch minimum

Bourbon Co. Elm Creek Lake, Bourbon State Fishing Lake, Centralia City Lake, Chanute City Lake, Chase State Fishing Lake, Crawford State Fishing Lake, Eskridge - Lake Wabunsee, Eureka City Lake, Gardner City Lake, Geary State Fishing Lake, Harvey County East Lake, Harvey County West Lake, Harveyville City Lake, Keith Sebelius (Norton), Louisburg - Middle Creek, Marion County Lake, McPherson State Fishing Lake, Ottawa State Fishing Lake, Parsons City Lake, Pleasanton City Lake - East, Sedgwick Co. Lake Afton, Sherman County - Smoky Gardens, Washington State Fishing Lake, Wellington - Hargis Creek Lake, Wellington City Lake, Wichita - Buffalo Park Lake, Wichita - Chisholm North Lake, Wichita - Watson Park Lake

Striped Bass Length Limits

18 inch minimum length limit

LaCygne Reservoir, Pleasanton City Lake – East

21 inch minimum length limit

Cheney Reservoir

Wiper Creel Limits

5 fish daily creel limit

Coldwater City Lake, Douglas County - Lonestar Lake, John Redmond Reservoir, Leavenworth State Fishing Lake, Paola - Lake Miola, Shawnee Co. Lake Shawnee

Wiper Length Limits

18 inch minimum length limit

Carbondale East Lake, Chanute City Lake, Clinton Reservoir, Douglas County - Lonestar Lake, El Dorado Reservoir, Garnett - Cedar Valley Reservoir, Garnett City Lake North, Garnett City Lake South, Great Bend Stone Lake, Gridley City Lake, Horton Little Lake, Jetmore City Lake, Kiowa State Fishing Lake, LaCygne Reservoir, Leavenworth State Fishing Lake, Lebo City Lake, Louisburg - Middle Creek, Marion County Lake, Melvern River Pond, Mined Land Wildlife Area, New Strawn City Lake, Olathe - Cedar Lake, Olathe - Lake Olathe, Osage City Lake, Osage State Fishing Lake, Ottawa State Fishing Lake, Overbrook City Lake, Plainville Township Lake, Pleasanton City Lake - East, Pomona Reservoir, Pratt County Lake, Sabetha - Pony Creek Lake, Sedgwick Co. Lake Afton, Sedgwick Co. Park Lakes, Shawnee Co. Lake Shawnee, Wellington City Lake, Wichita - Buffalo Park Lake, Wichita - Chisholm North Lake, Wichita - East KDOT, Wichita - Watson Park Lake, Wichita - West KDOT, Winfield City Lake, Woodson State Fishing Lake, Wyandotte Co. Lake, Yates Center - South, Yates Center Reservoir – New

21 inch minimum length limit

Cheney Reservoir

Brown Trout Length Limits

20 inch minimum length limit

Mined Land Wildlife Area

Brown Trout Creel Limits

1 fish daily creel limit

Mined Land Wildlife Area

Length and Creel Limits for the Missouri River (Kansas-Missouri Boundary Waters):

Length limits on that portion of the Missouri River which bound the Kansas-Missouri state boundary (Kansas-Missouri Boundary Waters): Black bass (largemouth, spotted and small-mouth bass) of a length less than twelve (12) inches, and only paddlefish of a length less than twenty-four (24) inches are protected and must be returned to the water immediately.

Daily creel limits on that portion of the Missouri River which bound the Kansas-Missouri state boundaries (Kansas-Missouri Boundary Waters): Crappie (white and black; single species or in combination) daily creel limit of 30 fish; walleye, sauger and their hybrids (single species or in combination) daily creel limit of four (4) fish; *Morone sps.* (yellow bass, white perch, striped bass, white bass and their hybrids; single species or in combination) daily creel limit of 30 fish; all other species (excluding T&E and SINC species) daily creel limit of 50 fish.

All fish caught from the Missouri River Boundary Waters that are a size or number that is illegal to possess, shall be released unrestricted to the water immediately.

Pratt Backwaters, Pratt Centennial Pond & Pratt Kids' Fishing Pond:

Pratt Centennial Pond: Fishing hours shall be from 6 a.m. to 10 p.m. All fishing shall be with artificial flies and lures only and shall be the only tackle allowed on such person while fishing this water. All species of fish caught shall be immediately returned to the waters of Centennial Pond, except there shall be a daily creel limit of two (2) rainbow trout.

Pratt Kids' Fishing Pond: Fishing Hours shall be from 6 a.m. to 10 p.m. Children ten (10) years of age or less shall be accompanied by a person sixteen (16) years of age or older. The following creel limits on the Pratt Kids' Fishing Pond: Two fish of a single species or a combination of species per day.

Pratt Backwaters: Fishing Hours shall be from 6 a.m. to 10 p.m.

Length and Creel Limits for Coffey County Lake:

Length limits on Coffey County Lake: White bass of a length less than twelve (12) inches, wipers of a length less than twenty-one (21) inches, largemouth bass of a length less than twenty-one (21) inches, smallmouth bass of a length greater than sixteen (16) inches and less than twenty (20) inches, walleye of a length greater than eighteen (18) inches and less than twenty-six (26) inches, and crappie (black and white species) of a length less than fourteen (14) inches are protected and must be returned to the water immediately.

Daily creel limits on Coffey County Lake: Wiper creel limit of one (1), largemouth bass creel limit of one (1), smallmouth bass creel limit of two (2), crappie, black and white species (single species or in combination) creel limit of two (2), walleye creel limit of two (2), and channel catfish and blue catfish (single species or in combination) creel limit of ten (10) per day.

Paddlefish Snagging Locations:

Locations open to paddlefish snagging during the paddlefish season (March 15-May 15): Posted areas inside the city parks at Burlington and Chetopa on the Neosho River, Marais des Cygnes River below Osawatomie dam, and the Browning Oxbow Lake of the Missouri River.