

**KANSAS DEPARTMENT OF WILDLIFE AND PARKS
COMMISSION MEETING MINUTES
Thursday, March 13, 2008
Memorial Hall Topeka, Kansas**

Subject to
Commission
Approval

Chairman Johnston – I would like to thank the sponsors and Steve Sorensen in particular for assembling sponsors and bringing the sponsors to the capital today with exhibits and for the luncheon.

I. CALL TO ORDER AT 2:30 p.m.

The March 13, 2008 meeting of the Kansas Department of Wildlife and Parks Commission was called to order by Chairman Kelly Johnston at 2:30 p.m. at Memorial Hall, Topeka. 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).

III. ADDITIONS AND DELETIONS TO AGENDA ITEMS

None

IV. APPROVAL OF THE January 10, 2008 MEETING MINUTES

Commissioner Shari Wilson moved to approve minutes as printed, Commissioner Frank Meyer second. *Approved.* (Minutes – Exhibit B).

V. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

Bill Long, Friends of Fancy Creek Range – I am happy that the department had range funds in last year's budget, but there is not as many for next year. We are still trying to get the 50-meter portion of Fancy Creek Range completed, and I think you should strive to get more funds in future budgets. Fancy Creek Range is at Tuttle Creek State Park and was completed in 2001. We have three sections complete, the 100-meter, the 50-foot, and the short range for handguns. We requested funding this year, but did not get it. Chairman Johnston – Is the incompleteness reflecting a change in policy or is it just funding? Secretary Hayden – It is a funding issue. Hillsdale got a good portion of the money this year. In fact eight different ranges received money. We want projects completed before we ask the Governor for more funds and there is a

waiting list for the funds. We will ask for monies for 2010 and Fancy Creek will be eligible to apply.

VI. DEPARTMENT REPORT

A. Secretary's Remarks

1. Kansas Wildlife Habitat Conservation Award – Bob Culbertson, district wildlife biologist, presented a plaque and wildlife print to Bob Harmon, 2007 winner of the Wildlife Habitat Conservation Award. This award is modeled after the Soil Conservation Awards, but recognizes individuals for doing something for wildlife. Bob Harmon's land is in Osage County and he has 164 acres. He got rid of the fescue, got help from the Soil Conservation Service (NRCS), and was able to replace it with native prairie grass (50 acres). He sprayed and added shrubs around the edges. Bob has a great interest in rabbits and upland wildlife. He utilized half cutting of trees which leaves a living brush pile for wildlife. He has a farmer that hays most of the native prairie every summer and also has 55 acres of cropland that he maintains. Bob is a good wildlife ambassador and has set up his place for boy scouts to camp and earn merit badges. His farm was on the conservation tour this summer as well as other places. It has been a pleasure to work with him. *Secretary Hayden and Chairman Johnston presented plaque and picture to Bob and Rhonda Harmon.*

Bob Harmon – Never set out to get an award, but we won the county award and now this. I am a dentist in Osage County. I relied on the department and people in the area to help me. Can't say enough about KDWP. I have fished and hunted all my life. Hunted coons in high school, and hoped to get a place of my own someday. I was happy to get the quarter section of ground, and 5,000 trees later, and getting rid of the fescue, it has been an accomplishment. Harvested 33 deer since I have owned it and it is a good place for wildlife. Kansas is blessed to have wonderful people. Look at reservoirs we have now, there were none 40-50 years ago. I appreciate all of you. Thank you.

Secretary Hayden – It is good to recognize all of the things we have done. I want to give special thanks Steve Sorensen and the Kansas Wildlife Federation for helping organize the BBQ lunch and the sponsors for today. Organizations who participated were: Audubon of Kansas, Geary County Fish and Game, Kanrocks Recreation Association, Kansas Buffalo Association, Kansas Chapter of The Wildlife Society, Kansas City Chapter Safari Club International, Kansas Department of Wildlife and Parks, Kansas Furharvesters Association, Kansas Hunter Education Instructors Association, Kansas Ornithological Society, Kansas Outfitters Association, Kansas Sport Hunting Association, Kansas State Rifle Association, Kansas Trails Council, Kansas Walleye Association, Kansas Wildlife Federation, National Wild Turkey Federation – Kansas Chapters, Ninnescah Sailing Association, Pheasants/Quail Forever, Protect the Flint Hills, and Rocky Mountain Elk Foundation. A special thanks to every one of them because we wouldn't be able to do it without them.

2. 2008 Legislature - Chris Tymeson, legal counsel, gave this report to the Commission. We are past turn around time and some bills will not move this year. There are 179 bills I am tracking, not all ours, but many that we have an interest in. Some of the bills are on our website

and I will not cover all of those. **SB 157** - requires the department of Wildlife and Parks to purchase vessel liability insurance for all of its boats, passed and has been signed by Governor Sebelius; **SB 267** - would create the crime of failure to comply with a wildlife and parks citation and allow the court system to suspend or revoke Wildlife and Parks privileges for noncompliance with a Wildlife and Parks citation, similar to what is currently done with traffic citations, passed the House March 6, minor amendment on date on supplemental, in Senate; **SB 474** – department bill to remove the requirement for a field trial permit for field trials conducted on controlled shooting areas (CSA) during the CSA operating season, passed Senate House Agriculture and Natural Resources Committee, hearing March 6; **SB 475** - would amend KSA Supp 2007 32-970, 32-980, and 32-995 and repeal existing sections to allow the name change of the Kansas Farmers and Hunters Feeding the Hungry, Inc. to the Kansas Hunters Feeding the Hungry, Inc. due to the Kansas chapter of FHFH separating from the national organization and creating its own independent state organization. Referred to Natural Resources Committee. Hearing March 12; **SB 487** – (KDWP not directly involved) sales tax exemption for fees for guided and non-guided hunting and sale of game birds for hunting. A hearing was conducted January 31. It passed the Senate 40-0, and was referred to the House Agriculture and Natural Resources Committee. A hearing was scheduled for March 11; **SB 533** - amend KSA 39-7,106, 2007 Supp. 8-1,146, 8-243, and 76-729 in order to make appropriations for disabled veterans assistance, would set aside funds from agency to pay for hunting and fishing licenses for disabled veterans within the state, referred to Ways and Means; **SB 641** – would require a license, issued by the Secretary of Commerce, for hunting guides to operate in the state. The license would be renewable annually at a fee of \$500 for residents and \$2,000 for nonresidents and directs the Secretary of Commerce to conduct an annual on-site inspection of each licensed outfitter's business location. The bill requires a minimum of \$1 million in personal injury liability coverage and licensees to possess first aid and CPR certification, and would establish penalties for violation of fish, wildlife, boating, and parks laws and regulations; introduced to the Senate February 20; referred to Natural Resources Committee, no longer viable for this year; **HB 2158** - would establish the bluegill as the state fish, referred to Agriculture and Natural Resources Budget, hearing conducted January 24, but no action was taken; **HB 2657** and **HB 2679**- modify the current statute concerning operation of a motorboat on state waters and would prohibit operation on state waters of a motorboat whose exhaust noise emits a sound level in excess of 86 decibels on the "A" weighted scale, when measured from a distance of 50 feet or more from the boat, or when the exhaust noise is in excess of 91 decibels when subjected to a stationary sound level test (used to measure the sound level emissions is prescribed by the Society of Automotive Engineers standards and would be administered by the department's law enforcement officers). In the event that a law enforcement officer believes a boat is in violation of the noise level, the boat owner will be required to correct the violation and will not be allowed to continue operating on state waters until the boat operates in compliance with the standardized test. It would allow motorboats officially registered and competing in or while on trial runs 48 hours preceding a regatta, race, marine parade, tournament or exhibition that has been authorized or permitted by the department. Referred to the Economic Development and Tourism Committee; **HB 2658** - would create a schedule of fees and surcharges on the public's use of the state's reservoir waters, including retail water use, recreational use, and agricultural use and would affect department fees by adding a \$5 surcharge for annual boat licensing, a \$2 surcharge on annual state park permits, and a 50-cent surcharge on daily park permits, and add a surcharge

of \$12 per acre-foot of water used by a holder of water rights in a reservoir managed by the U.S. Army Corps of Engineers or U.S. Bureau of Reclamation or by a holder of water rights in water downstream from such reservoir, due to the silting in of many of the state's reservoirs. This bill would use the fees collected to create a fund in the state treasury to provide for projects to help sustain the life of the reservoir (such projects might involve dredging or building up the existing walls of the reservoir), referred to Agriculture and Natural Resources Budget Committee, no hearing; **HB 2748** - would amend KSA 32-2007 Supp.32-969 and 32-1004, which establishes permit and game tag requirements for big game and wild turkey. The amendment allows the Secretary of KDWP to establish requirements relating to tagging of wild turkey by regulation, requested introduction of this bill by the department to explore future wild turkey management options. Bill was referred to the Agriculture and Natural Resources Committee, passed the House and was introduced in the Senate February 20 where it is currently Senate General Orders; **HB 2800** - would amend legislation approved in 2007 to establish youth hunt-of-a-lifetime deer permits for persons under age 21 who are handicapped or experiencing life threatening illnesses. Amendment would remove the requirement that participating organizations pay the department for the permit awarded. Referred to Agriculture and Natural Resources Committee, but has been tabled; **HB 2829** - if the sheriff of a county reports to the board of county commissioners of the county that at least 25 percent of all motor vehicle accidents during the 12-month period ending on the preceding June 30 were caused by or related to deer, the county commissioners may request the secretary of KDWP to declare a season for taking antlerless deer within the county, such season would be for a period of not less than seven days and would be at a time determined by the secretary but not coinciding or overlapping with any other season for taking deer. Any resident or nonresident holding a valid hunting license would be authorized to take one antlerless deer per day within the county during such season and no big game permit or tag would be required for that purpose. Introduced to the House on February 12, referred to the Agriculture and Natural Resources Committee and has been tabled. There is a state constitutional amendment on watercraft taxing (higher rate than automobiles), not sure of the outcome. Constitutional amendment to hunt, fish and trap -- thought this was a non-issue, but has resurfaced in last two days, and could impact the department's ability to manage wildlife. Commissioner Sebelius – What about amendment to 474? Did you have a response to that or do you plan to not require hunting license to hunt prairie dogs? Don't see the basis on that. Tymeson – There were a lot of questions when I raised opposition to that. It will be discussed next week, but hopefully my point was made. Commissioner Meyer – On park entrance fee, Legislators are concerned about letting everyone in without charge and having no control of what is happening in the parks. We need to work on that. Ron Klataske – Huelskamp added the prairie dog phrase in 474, which seems virtually impossible to enforce. I have a friend who is a rancher who hosts nonresidents to come to the state to hunt prairie dogs. It is undesirable and he doesn't understand the ramifications. Moles and gophers were listed also, but I don't know many of those hunters.

3. 2009 Budget Update - Dick Koerth, Assistant Secretary of Administration, gave this report to the Commission (Exhibit C). The legislative session is still in progress. The Senate Ways and Means Committee recommendations are to continue the state park half-price vehicle admission policy for FY 2009 and calendar year 2009. The Committee desired to continue the current pricing structure for another year to obtain additional experience. The committee report

also deletes the Governor's recommendation to provide \$4.5 million dollars for capital improvements from the Expanded Lottery Act Revenues Fund, but Senate Ways and Means Committee concurred with the Legislative Joint Buildings Committee recommendation to provide an amount of \$4.5 million from the State General Fund. The Senate Committee report also includes recommendations to delete all replacement vehicles to be considered at Omnibus and to approve six of the nine additional FTE positions recommended by the Governor. The Committee deleted three positions for the Parks Division and approved three for Law Enforcement, one for management of the Jamestown WA, one for the Kansas Wetlands Education Center, and one additional IT position. In addition, an amount of \$255,000 from existing Road Funds was approved for the replacement of a low-water crossing at Crawford State Park. The Committee also deleted all funds for employee pay increases, pending approval of the new pay plans being considered by the Legislature. The new pay plan proposal (House Bill No. 2916) has passed the House and will be considered by the Senate next week. The House subcommittee on Appropriations will provide their report to the House Committee on Appropriations on March 13, 2008. The staff of KDWP has met several times with the subcommittee and has been provided a draft of proposed recommendations to the Committee on Appropriations. These recommendations will concur with the Senate recommendations and delete funding for employee pay increases pending review of the proposed legislation to provide new pay plans for state employees (HB 2916). In addition, the House subcommittee retained the half-price vehicle admission fee that currently is in effect. The House subcommittee recommendations delete the nine additional FTE positions recommended by the Governor pending review at Omnibus. In addition, the ten replacement vehicles recommended by the Governor for the Parks Division are deleted pending review. The 21 replacement vehicles for Law Enforcement and Fish and Wildlife Divisions were not deleted. The House subcommittee draft report also included a recommendation to delete the Expanded Lottery Act Revenue Funds for \$4.5 million recommended by the Governor for capital improvements and did not replace this amount with State General Funds as recommended by the Senate Committee on Ways and Means (money gone at this point). The House subcommittee report will include the expenditure of \$255,000 from existing Road funds to replace the low water crossing at Crawford State Park that is also included in the Senate Committee report. In addition, the House subcommittee report includes an amount of \$47,000 from existing funds to replace the fencing for the bison herd compound in southeast Kansas. Other House subcommittee recommendations will delete \$40,000 from the State Water Plan Fund for stream flow monitoring and \$25,000 for the Feed the Hungry Program. KDWP staff discussed the issue of cabins at state parks and public lands with the House subcommittee and the department will provide additional information on future cabin construction plans, funding of existing cabins, and future revenue projections for discussion at Omnibus. A summary is listed on the back of the handout.

Steve Sorensen, Kansas Wildlife Federation – How much money was in the Wildlife Fee Fund at the end of 2008? Koerth – About \$4 million.

B. General Discussion

1. High Fence Deer Areas - George Teagarden, Livestock Commissioner Animal Health Department, presented this report to the Commission (Exhibits D, E, and F). We began regulating domestic deer in 1993 when industry came to us asking for our department to cover members of cervidae family. Operators are required to have a license whether they have two or 10 deer, and the fee is \$100. We require two forms of identification on each animal, either two ear tags or one ear tag and a tattoo, but young animals are not identified very well because they are hard to capture. Some operators have handling chutes with hydraulics and others shoot their animals with darts. We have a recapture policy that simply states that the owner cannot turn the animal loose. If an animal is loose and there is no effort to contain the animal within 24 hours it is considered an invasive animal and then we contact KDWP to destroy the animal and they can give the meat to the food pantry. We have out-of-state health requirements, brucellosis certification, TB accreditation and a CWD monitoring program. The CWD program takes about four years to get into and takes 10 years to complete. It is a five-step program. The owner has to have their animals three years before they can enroll. Level 5 is extremely low risk; Level 4 is inspected every two years; Level 3 is more than two years; Level 2 is inspected every year. On animals 16 months old or older, when they die their brain is tested. There are exceptions to the testing, for instance if the brain is not good and if the owners abuse the system they will lose their license. Most owners started as breeding units and sold the velvet off the bucks, but now most have gone to shooter pastures and selling the meat. Non-CWD owners are only inspected if there are complaints.

2. Feral Hogs – I started working for the Livestock Commission in 1994 and we started the feral hog program in 1995 when we made importation illegal. The primary concern is disease, pseudo rabies, and brucellosis. They were considered an invasive species and you could hunt them if you wanted to. Primarily there were three herds: one in southeast Kansas; one near Cimarron; and one on Fort Riley. In 2005, the legislature made it illegal to hunt them, and it is illegal to profit from their existence. Now they are all over the state -- about 28 counties in all. In one night the population around Clinton Lake plowed a corn field and they have been known to destroy a pasture, crop, hay pasture and flower gardens. There are over 4,000 head in the state and our main concern is disease such as pseudo rabies, brucellosis and other foreign diseases. Landowners, legal tenants or designees may kill them, but not hunt them. We have 45 landowners and 241 designees signed up. Penalties for hunting them are \$1,000 to \$5,000 fine per hog. We have a control and eradication program. We started with one biologist in southeast Kansas, but now have two with contract help from USDA. The other biologist takes care of the other 80 percent of Kansas. These two biologists assist landowners with control methods. Trapping is the most productive method but we have used aerial hunting on large populations, which is very expensive. In 2008 we killed 336 feral hogs in Kansas (Clinton Lake, Miami County, Bourbon County, near Arkansas City and on the Medicine River near Sun City and Belvidere) and another 67 in Nebraska, just across the border from Phillipsburg. We did not find any near Cimarron this year, but we did an extensive hunt there two years ago and hope that we got them all.

Commissioner Lauber – On the high fence areas, how big is your staff? Are you adequately staffed to monitor CWD? Teagarden – We cooperate with USDA and have a combined staff,

seven vets and six inspectors and we only inspect areas that aren't part of the special CWD program and only on a complaint basis. Yes, we have enough people. Domestic operations are not a risk to wild populations as far as disease. Only those owners who don't care could cause problems. Commissioner Lauber – What do you mean? Teagarden - The program is self-policing, we don't know if there are any problems unless someone turns them in. Commissioner Lauber - Our concern is CWD, scientifically and anecdotally there seems to be concentration of the disease around captive cervid areas, but that is my concern. Teagarden – In some states where there have been several CWD cases in domestic herds that started with captured wild animals, there are no legal wild animals put into an operation. The only one in Kansas was from an imported animal from Colorado, it was one of five found and it was already here before we found out that the herd was infected. We are comfortable that our health status is equal or better than wild populations.

Commissioner Lauber – Is swine brucellosis the same as bovine? Can it be transferred from feral swine to other domestic species? Teagarden – Several types of brucellosis, swine brucellosis is called brucella suis and it can be cross transferred. Brucella suis has a greater effect on human beings than brucellosis. We caution hunters to take precautions when hunting feral hogs. It is a different bug, but the same family. Commissioner Lauber – Efforts have been made to reduce feral swine populations, but there is money to be made from outfitters who sell hunts because it is difficult to get rid of them. Will we effectively be able to eliminate feral hog problems?

Teagarden – Yes and no. If we had support of legislators and property owners we could eliminate them, but some property owners won't let us hunt because they want to hunt themselves. Two years ago at Clinton, only two landowners would not let us hunt (two 80 acre areas), same as Bourbon County (three landowners there). Same happened at Cimarron years ago. Can we ever eradicate them? With a real effort we could. At least we could control them so the population does not continue to grow. In other states where populations continue to grow, they have major problems. In Louisiana, they get two cases of positive animals per week sent to their lab with pseudo-rabies. Fort Riley several years ago had problems, the animals were in the impact zone, they brought in an aerial hunting crew and they got 200-plus hogs in two days and have not had a hog reported since then. I read an article where an island off the coast of California spent \$5 million to get rid of all of their hogs.

Chairman Johnston – Last year, how many escapees did you have from CWD or other areas?

Teagarden – No one reports to us an escapee so the answer is zero, so they are not reported, but I am guessing maybe three or four a year. Chairman Johnston – Is it easier to track an elk than a whitetail? Which species have escaped?

Teagarden – Fallow deer, maybe an elk, but don't know of any whitetail deer that have escaped. A few years ago, a guy sold a hunt and he turned some elk loose. Steve Sorensen – What diseases have you found in wild hogs so far? Teagarden – Only thing found last year was circo virus in one animal and we believe the disease originally came from a domestic herd. We have been very lucky. One of these days we are going to find an infected animal or a whole herd of them, and then there will be more attention paid to them.

3. WIHA - disabled access - Mike Mitchener, wildlife section chief, presented this report to the Commission (Exhibit G). At the January Commission meeting a request was made for information regarding disabled access to land leased under the department's Walk-In Hunting Access Program. This information is drawn from a small postcard survey sent in 2004 to 100 WIHA cooperators, 20 in each KDWP administrative region, in reference to allowing people

with permanent disability vehicular access to their WIHA property for hunting purposes only. They were asked if they would allow vehicular access to their WIHA property (Yes or No). If “YES” would they allow restricted or unrestricted access and if restricted what type of restrictions would apply. If they answered “NO” they were asked what their concerns were for not allowing vehicular access. In addition, this was a test survey to receive feedback on the type of questions, if the questions were understood, and to determine if future surveys are warranted. Information was also gathered from Law Enforcement Division to determine the number of disabled vehicle assistance permits that are issued. According to information kept by Law Enforcement Division an average of 200 permits per year statewide are issued for use of a vehicle by disabled persons to hunt. This is a small sample size, 100 people surveyed out of 2,200 potential WIHA cooperators, is not analytically sound and is only baseline data gathered as an indication of landowners’ viewpoints. Out of 100 surveys mailed, 77 percent were returned. Of those that responded, 66 percent indicated that they would not allow vehicular access to their WIHA property for hunting purposes only. Of the 34 percent that would allow access, 54 percent would allow restricted access while 46 percent would allow unrestricted access. It is important to note that 25 percent of those that would allow access indicated that they would, only if all liability was assumed by the State. In addition, if use was restricted, it would be restricted to designated roads only, while others indicated that they would restrict vehicle type and areas. The primary reason landowners would not allow access was concern for fires, followed by liability, property damage, fear of additional roads/trails being developed, unauthorized use of vehicles occurring on their property and farm bill compliance. The results of the survey are on the attached spreadsheet. Even though 34 percent of the respondents indicated they would allow vehicular access to people with permanent disabilities to their WIHA property, many agreed only if certain conditions were met; for example, release of all liability, not when it’s muddy, only if it is controlled, only if they close gates, etc. Many of these certain conditions can not be regulated or controlled, so potential problems could arise with landowner approval. In addition, many respondents might not recognize the potential problems with farm bill compliance. Since the majority of our acres are in CRP, any new road or trail could put them out of compliance. Whenever we are contacted we have typically worked with all requests received by people with disabilities who wish to hunt. In most cases we are able to facilitate these requests on public lands where the department controls access and is aware of issues that may inhibit access by various types of vehicles. Department employees located on these public lands can work with these constituents to limit potential damage to habitat as well as provide an added level of security to the use of these properties by disadvantaged hunters by knowing who, when and where these users are hunting to provide assistance if necessary. The department cannot ensure these same protections to private properties and users of these properties, far away from department personnel, difficult terrain and things like that.

Commissioner Robert Wilson – Can the department really assume that liability? Mitchener – Chris can better explain that. Tymeson – Landowners who allow access to their land for recreational purposes fall under the recreational-use statutes which do provide them additional protection provided they are doing things they are supposed to be doing. There is not a lot of litigation on this issue and I believe that Act went into effect in 1965. The department does not indemnify nor hold harmless individuals with any sort of regularity. That is just a policy decision, and no state agency will, essentially. Chairman Johnston – Even as it pertains to 110,000 acres enrolled, lease contracts don’t provide assumption of liability? Tymeson –

Correct. Chairman Johnston – Of 34 percent that would allow access, next sentence says “25 percent said they would if state would assume liability”. Which group are those 25 percent coming from? Mitchener – The 34 percent. Chairman Johnston – Then 12 percent would permit unlimited unrestricted access? If the 100 surveyed is correct. Commissioner Lauber – I appreciate the need, but I am not sure how we can do it. Potential claims limited, don’t see how we can do it with CRP issues. Mitchener – Even though landowners said they would allow access, is it in the best interest of the user? Maybe the land is not suitable for that type of access. There may be all kinds of barriers like creeks and draws and things like that. Our division tries to work with disabled hunting requests on public land because we know the areas. Chairman Johnston – The department has had WIHA for a number of years, only on Commission for five years, but I have never heard of a serious injury occur on WIHA. If, as a matter of free contract, the department can identify landowners who are willing to have motorized access to the land, unless there is a legal liability, experience doesn’t seem to lend much justification to that. Time has come and gone to make decisions for disabled from premise that we know better than they what they can and can not do. We need to research potential legal liability and if there is no solid legal reason, than encourage cooperators to enter into those kinds of contracts. Commissioner Lauber – I see your point, my concern is normal WIHA, if a motorized cart falls in a creek and somebody dies, that would have a negative effect on WIHA as a whole. If we are immune for lawsuits or cross-claims, okay, but I am concerned with publicity that may get. There are a lot of people who are liability shy to a fault, and we should be careful of how cooperators would respond. Commissioner Shari Wilson – I support continuing to look into this. I like to think about what we can do and address all concerns, before saying what we can’t do.

4. Early Migratory Bird Seasons - Helen Hands, waterfowl research biologist, presented this report to the Commission (Exhibit H). There are three items to cover today under early migratory bird seasons. The first is the teal season and I will give you the framework we have had for the last several years. Basically it says we can have a hunting season between September 1 and September 30, 2008, not exceeding: 16 days if the blue-winged teal breeding population is above 4.7 million (based on an aerial survey that is conducted in May); or 9 days if the breeding population is between 3.3 - 4.6 million; and either way, with a daily bag and possession limit of 4 and 8 teal, respectively. Last year the blue-winged teal breeding population was 6.7 million, far above the limit for a 16-day season, and again we will not be know what the breeding population is until June. We are recommending that the High Plains season have a bag and possession limit of 4 and 8 respectively, with the following season date possibilities: a 9-day season running September 13 through September 21, 2008; a 16-day season running September 6 through September 21, 2008; or an 8-day season running September 13 through September 20, 2008. The eight day season is in that mix because the Migratory Bird Act limits the length of a migratory bird season to 107 days, if we are allowed 97 days for a duck season and two days for a youth season we only have eight days left for teal. In the Low Plains Zones we are recommending a bag and possession limit of 4 and 8, respectively, with the following season date possibilities: a 9-day season running September 13 through September 21, 2008; or a 16-day season running September 6 through September 21, 2008. We recommend that we adopt maximum shooting hours allowed in the frameworks, probably 1/2 hour before sunrise to sunset. The second item is a proposal to modify the dove hunting regulation, KAR 115-25-19. Back in 2003 we added Eurasian collared-doves and ringed turtle-doves to the aggregate daily bag for

doves. Since then their population has continued to grow and expand in Kansas, we are recommending that there be no bag and possession limit for Eurasian collared-doves and ringed turtle-doves. We can do this because they are exotic birds and are not regulated by the U.S. Fish and Wildlife Service. However, during the regular dove season there are mourning doves and white-winged doves out there that are part of the bag, so if a hunter chooses to shoot more than 15 doves they are still limited to an aggregate daily bag of 15 for mourning doves and white-winged doves, but can go beyond 15 by shooting more Eurasian collared-doves and ring-turtle doves. They would be required to transport those Eurasian collared-doves and ring-turtle doves with the wing attached to prove that they did not over-bag. The second part of the recommendation would be to institute a new hunting season for Eurasian collared-doves and ring-turtle doves and would occur between November 20 and February 28; no bag and possession limit for these two species; shooting hours would be one-half hour before sunrise to sunset; and all Eurasian collared-doves and ringed turtle-doves must be transported with a fully feathered wing attached. This would be a fairly moderate proposal compared to the other states in the Central Management Unit (CMU). We did consider two options to this proposal: change the classification of Eurasian collared-doves and ring-turtle doves to a pest species where we would have no regulation for them and no hunting license would be required, but we were concerned that having the transport regulation would be odd and would raise expectations among hunters that they are abundant. The other alternative would be to hunt these exotic species continuously from September 1 through February 28, but we did not want that confusion during the split in the regular dove season. We don't believe there will be many Eurasian collared-doves or ring-turtle doves shot under these new regulations, but we don't feel we need any unnecessary restrictions on these exotic species. Commissioner Bolton – On exotic species, have they proven to be invasive in any way? Are they hurting anything? Hands – No, there is no detrimental effects on the two other native species. They are just not native species. Commissioner Lauber – Often exotic species introduced into the wild do cause problems, but right now these aren't? Hands – That is correct. They call in towns longer and earlier than mourning doves and are bigger and could shoulder out mourning doves, but there is no proof of that. Chairman Johnston – Both 1 and 2 are recommended? Hands – That is correct. Chairman Johnston - On teal, there are two alternatives for Low Plains, three for High Plains, why? Hands – Of 97 days, two days are youth which leaves only eight days left to reach 107. We can have a 96-day regular season and 9 days of teal season or 97 and 8. If teal goes above 4.7 million that is not likely to be a concern. In the Low Plains, the liberal package would only be 74 days and would not bump up against the 107 days. Chairman Johnston – Do you need guidance from the Commission? Hands – This is the first time to consider this and I will bring it before you two more times and when we vote in June we should know what the population is likely to be. Hands – We have one more item. Usually at this time I give you hunting seasons for Wilson's snipe, rails (Virginia rail and sora), and American woodcock and this year we decided to establish these seasons by regulation so that I wouldn't have to come to you every year. The federal frameworks for these species have not changed for at least 19 years for Wilson's snipe and rails and American woodcock frameworks have not changed since 1997. Kansas' hunting seasons have only changed due to calendar drift, so we could open on a Saturday. With this new regulation I would propose: parameters for the Wilson's snipe hunting season the same as they have been since 1989; opening day of September, season length of 107 days, and daily bag and possession limit of 8 and 16, respectively. For the rail season: parameters would be the same as

they have been since 1989: opening day of September 1, season length of 70 days, daily bag and possession limits of 25 and 25, respectively. Parameters for the woodcock hunting season would be the same as they have been since 1997: opening day of the Saturday closest to October 14, season length of 45 days, daily bag and possession limits of 3 and 6, respectively. Parameters common to snipe, rails, and woodcock hunting seasons: shooting hours of a half-hour before sunrise to sunset; season open statewide. If hunting regulations for Wilson's snipe, rails, and American woodcock were established, the Kansas Wildlife and Parks Commission would not be required to annually approve a hunting season for these species. Currently, hunting seasons for sandhill cranes and doves are set by regulation.

5. Upland Game Birds - Jim Pitman, wildlife biologist, presented this report to the Commission (Exhibit I). The structure of Kansas' upland bird seasons was changed for the 2006-2007 hunting season. The changes resulted in the pheasant season opening on the first Saturday in November (first time since 1977 – was second Saturday) and quail season starting on the subsequent Saturday. The ending date remained January 31 for pheasant season but the closing date for quail season was moved up to the third Sunday (removed 10 days) in January. These changes to the pheasant and quail seasons were met with resistance from our constituents, landowners, and KDWP employees. After the 2006-2007 seasons an opinion survey was developed to assess preferences for the opening and closing dates for our pheasant and quail seasons. I have put some of the statewide results in the briefing book. We did a random sample of 20,000 hunting license holders and worked with Kansas Ag Statistic Service to survey 5,000 farm operators, and all KDWP employees in the law enforcement and fisheries and wildlife divisions (close to 200 employees). Primary questions were: their preference for opening date of pheasant season and the most preferred option for residents and KDWP staff was the second Saturday in November. Nonresidents had little preference for the opener and all of the groups had a substantial number who had no preference at all. I should also note that the preference for the second Saturday opener was particularly strong in the northwest part of the state by game bird hunters and farm operators, but preference was wide spread. The second question was whether folks preferred a concurrent opener or separate openers for pheasant and quail and the most preferred option was a concurrent opener and was consistent across all regions of the state. As far as the closing date again the most preferred option was January 31 as opposed to the third Sunday of January and that was also the majority and widespread across the state even in far western Kansas, which was a bit surprising to me. In addition to looking at hunter, farm operator and employee preferences I also pulled some of the license sales data, pre- and post-season to see how the staggered seasons may have affected our license sales. Generally, the total sales were similar. In 2005 we sold 170,882 small game licenses; and in 2006, after the changes, we sold 168,014. Sales this past year, 2007, were about 166,000. One of the other interesting things I looked at was the distribution of sales, relative to the timing of our upland bird seasons and what we did by staggering the season openers we caused roughly 3,000 nonresident hunters to purchase their licenses the week preceding the quail opener. So at least that many people delayed coming to Kansas to hunt because of the staggered openers. In addition to looking at license sales there has been quite a bit of talk of looking at the economic impact of the changes. After discussion with an economist and other staff at the Docking Institute Fort Hays State University it was determined that an opinion survey wouldn't give us reliable results as to the economic impacts of the season changes. The most viable option appeared to be an analysis of sales tax

data. Each business in Kansas is required to list themselves under a particular sales tax coding and some of those include: hunting and trapping, full service restaurant, limited service restaurant, bar, and lodging. After much discussion it was determined that would not give us enough data to detect a change in economics impact due to these seasons unless it was substantially large and we didn't believe that to be the case. So we opted not to go with the economic study at this time. After examining all the information that is currently available, the department is recommending some changes to the structure of Kansas' 2008 upland bird seasons: concurrent openers on the first Saturday for pheasant and quail; and concurrent closing dates of January 31 for both species. Leaving the chicken season alone. We did not recommend the second Saturday in November for one major reason, because at this time of the year, particularly by June when this will be voted on, most people will already have planned their vacations and have their lodging established. Commissioner Lauber – The first meeting in Hays that we voted on this, I voted for this because I saw a study by Mr. Applegate that additive mortality took place on quail during that early season. I have problems with extending the quail season, maybe we could move the closing in the eastern part of the state up a little bit. People want to know what are we going to do about disappearing quail and we need to respond to public opinion. I think public opinion would favor the second Saturday opening. As I remember, concern was not economic impact, unless people go to another state, but get more hunting excitement in the form of a second opener and get more new people. Don't have problem with recommendation, but quail are so difficult to find hardly anyone hunts them. Commissioner Robert Wilson – The reason you are not recommending changes for prairie chickens is because season changes are still up in the air? Pitman – Yes, we are asking for some direction today, but we are going to leave chickens alone. Commissioner Robert Wilson – Historically, was chicken season the first season to happen after doves? Pitman – Yes, but I don't recall when it was. Unknown Audience Members – It was the first Saturday in November. Commissioner Lauber – It has been changed for seven or eight years maybe. Commissioner Shari Wilson – I am concerned about extending quail season. You made a comment that you were surprised that the prevailing opinion in the northwest part of state was to be in favor of extending quail season to January 31. Why was that a surprise to you? Pitman – I meant I was surprised about the concurrent openers, not the extended quail season. I would like to make a few comments about the added mortality issue you mentioned. I am familiar with the study you mentioned, it was done by a fellow named Chris Williams who was a graduate student at Wisconsin and it was funded by our department. In that study they did find some additive mortality of quail late into the season, but if you would read that research the authors themselves said that additive mortality alone is not significant justification to cut off time at the end of the season because quail are density dependent species in there productivity. Meaning at lower densities they can increase productivity and compensate for additive mortality. Also, in that study they were experimentally harvesting 60 percent of the birds and I suspect we are not harvesting anywhere near that in the wild populations. That 10 days we moved off the end of the season only accounted for 10 percent or less of the total quail hunting activity in the state. In my opinion, the additive mortality is weak. It would be different if we had an isolated population where I had complete control over hunter numbers and harvest and had a good handle on how many birds are out there. Some of those things would come into play, but on a statewide scale, it is not relative because even if you have a hot spot where you are harvesting a significant percentage of the population it is very likely that nearby you have a source population that is not getting hunted at all. As long as you have well connected habitat,

which I believe we do for the most part. Commissioner Lauber – On the subject that we have to do something, that is not biologically sound, but there are a lot of people who want us to do something about disappearing quail. People on the street think hunting is a problem and people want us to respond. People in the eastern part believe we would have a prairie chicken population if we stop hunting. Need to respond even if it is a placebo. Pitman – It would be just a placebo to the real problem, which is habitat. If cutting a few days off the end of season were the answer we would do it. Iowa has a five-day season and they are not overrun with quail. With small game it is all about productivity, 70 to 80 percent is young-of-the-year birds. With deer there is a lot of adult carry-over year to year. Commissioner Robert Wilson – Has it ever been tried where they quit hunting chickens? Pitman – Yes, in several other states and it didn't result in more birds. Commissioner Robert Wilson – Has it been tried in Kansas? Pitman – Not that I am aware of. Commissioner Lauber – It was about 60 years ago. Pitman – It is about good habitat. Commissioner Sebelius – Should we anger motel owners or should we anger public? We can't do anything this year, but should at least take action today to say where we are heading with this. Commissioner Meyer – I hate to do it one year and not do it again, discussion staff has put before us is what we need to do. Commissioner Shari Wilson – Leave everything alone this year and move pheasants back to second Saturday next year, because too hot on first Saturday. On quail issue, on what Gerald was saying, explain to people if we feel the extended season is not contributing to mortality levels and the reason we are not increasing our quail numbers. It needs to be explained better to people. Here today we said we have good continuous habitat so extending the season shouldn't be an issue but then we said the biggest issue is not the length of the season but lack of habitat, so here today we have sent two different messages. I don't think we have good habitat or we would have more numbers. Looking at it in a big picture I think we have areas we do and areas we don't and weather is always a concern and we can't control that. One of the reasons we moved the closing date up was because we felt it could help, and some of us felt that was based on science in field surveys. We want to know what the results are. Commissioner Bolton – Of people I spoke to, they want to go back to the second Saturday.

Mike Pearce – Repeat the recommendation for this year. Pitman – Pheasant and quail seasons opening concurrently on the first Saturday and running through January 31; and the regular chicken season remaining the third Saturday. Steve Sorensen – What are staff recommendations for 2009? Those also have to be set at the June meeting and I wish to defer to the Commission. Chairman Johnston – For the rest of this discussion we should talk about pheasants, quail and prairie chickens separately and 2008 and 2009 separately. As it concerns pheasants for 2008, I agree with staff to leave that the first Saturday in November. I am uncomfortable this year changing the quail opener to a contemporaneous opener. How many years did we have a split state opener for quail? Pitman – We had it at least 10 years ago, but beyond that I don't know. Chairman Johnston – What was the rationale for having a split state opener? Pitman – Concern about pheasant hunters wiping out quail on the opener so they wanted to stagger the opener. That is not the preference now probably due to the fact that western Kansas is one of the only places in North America where quail numbers have increased over the years. Chairman Johnston – Is that change going to continue? Pitman – As long as CRP stays on the landscape I would say yes. Chairman Johnston – Is that subject likely to see changes? Pitman – I know CRP is in the House and Senate versions of the Farm Bill are funded at the same level, but it could get pulled out in Committee. I think it is still in discussions. Sorensen – That is wrong Jim, CRP recommendation is down to \$32 million nationwide from the \$39.2 million.

Chairman Johnston – With prices of grain and demand for corn increasing I see people plowing under CRP. I'm not confident the resurgence of quail populations in western Kansas is going to continue. It was the stance of department for 10 years that there was a biological reason to have a split state opener and that mostly had to do with large numbers of pheasant hunters in western Kansas would also kill large numbers of quail if they had the opportunity. Is that a fair statement? Secretary Hayden – I don't think it was a biological issue and it started in 1970s with split opener, and it was because we had a Commissioner in northwest Kansas who had concerns with pheasant hunters killing quail. A lot of things have happened since that time. Ringneck pheasant populations in northwest Kansas are not near as dense as they were in the 1970s and those hunter numbers aren't near as good. As Jim said, that is the one place where quail populations have actually increased. So it was never a biological reason it was sociological and maybe there was a basis for it 35 years ago. It did cause a lot of confusion and led to violations because in some parts of the state the season was open and some parts closed on the same day and sometimes on one side of the highway it was open and the other side it was closed. By going with the statewide opener we eliminated all of those problems. Chairman Johnston – I am uncomfortable having contemporaneous opener for pheasant and quail, whether it is the first or second Saturday, and would not support that. With respect to the ending date for quail season, the Commission when we considered that subject had the studies in front of us and I think there were two, the one was from Wisconsin and I think Roger Applegate participated in that study and the consensus at that time, was that this science supported the conclusion that shortening the season for quail could produce a positive result over a period of time. I don't believe two years is a sufficient amount of time to allow that decision to be tested. I couldn't find the study, but I am not convinced that the science was unreliable. I would like to have those studies in front of us when we make further decisions on this subject. I passed out a map of Kansas to Commissioners and staff and I highlighted counties on the eastern border where I would like a no-hunting zone for prairie chickens. It is my understanding there are no prairie chickens in those counties anyway. We have areas where we have antelope seasons, but even though we have them in the Flint Hills, we don't hunt them there and my impression is that is because of populations. It is hard to compare upland game with big game, but if we don't have any prairie chicken populations in these eastern border counties I don't understand the downside of establishing a no-hunting zone. On the upside it would be a positive or sociological consequence to demonstrating our concerns. If remnant populations in some of these counties I don't see a significant down side to saying leave those alone. I would like to pass that onto staff for further analysis and would appreciate more information and don't know if county line boundaries are the most efficient way to have no-hunting zones. Commissioner Meyer – County lines mean nothing in the field so I would have a tough time, need to look at highways. Commissioner Robert Wilson – I would support looking into that. Commissioner Lauber – We cannot change quail populations, but Bubba thinks we can, and they want us to do something. May not be science, but it is a big issue. Our biggest issue is what to do with pheasant seasons in 2009. Chairman Johnston – I don't have an objection to moving that back to second Saturday in November, but the next time we have this in front of us I would like to see the harvest rates, statistics available to us like we had several years ago. Commissioner Lauber – One advantage to staff recommendations is the outcry of dissatisfaction trying to appease what we can do in this upcoming season. It is a good faith attempt to meet them half way. Commissioner Bolton – What is the life expectancy of a prairie chicken? Pitman – Average annual survival is 40-50 percent, so

if you extrapolate that out a really old bird would be three years or so, a few may make it to six or seven, but that would be extremely rare. Pearce – How many Commissioners hunted upland birds for more than 10 days? (*A few Commissioners raised their hands*) Sorensen – If you move quail season up to first Saturday this year aren't you going to impact those people that waited until the second weekend to come to Kansas to hunt the opening of quail season and the second weekend of pheasant season. It all hinges around what you are going to do in 2009. If you are going to open the pheasant season the second weekend of November, why move the quail season up a week this year and confuse them and move it back again next year, unless you are going to open quail season a week early statewide. Pitman – One thing to consider is that of the folks we surveyed only about eight percent considered themselves quail hunters, the opening of pheasant season is what drives people's intentions to come to Kansas and hunt. Sorensen – But there was a percentage, 3,000? Pitman – That was the respondents, 3,000, eight percent of those were quail hunters. If you extrapolate that statewide we have roughly 40,000 quail hunters and eight percent of those. Chairman Johnston – Need support or lack of support from Commissioners? Show raise of hands as to whether we wish to keep pheasant season first Saturday of November (*all 7*); quail – first Saturday of November (*3*); prairie chickens – no changes for 2008 (*7*); pheasants 2009 – second Saturday (*6*); quail 2009 – second Saturday (*4*); closing date for quail in 2008 – moving to last day of January (*2*); moving closing date of quail 2009 to last day of January (*2*). We want more information on extending closing date. Pitman – I will provide it.

6. Economics of Angling/Hunting/Wildlife Watching - Bob Mathews, Information and Education section chief, presented this report to the Commission (Exhibit J – showed on PowerPoint). This survey is a summary of a survey recently completed by the U.S. Fish and Wildlife Service together with the U.S. Census Bureau called the U.S. National Survey of Fishing, Hunting and Wildlife Associated Recreation. What you will see is a progression of big numbers and I think it will become evident what we are talking about. This survey has been conducted every five years since 1955 and is confined to three categories: hunters, anglers and wildlife watchers. Total U.S. participation in 2006: 12.5 million hunters; 30 million anglers; and 71 million wildlife watchers compared to participation in Kansas which also shows the total number of days that those people participated. Expenditures nationwide in 2006: \$23 billion hunters; \$42 billion anglers; and almost \$46 billion wildlife watchers which is the total amount of money spent in the U.S. on food, transportation, lodging, equipment and all of the various goods and services required to pursue those activities. In Kansas, it was \$248 million for hunters; \$243 million for anglers; and \$156 million for wildlife watchers. As far as wildlife watchers' economic impact, to give you some sense of what they are spending, as you recall 787,000 total participants. All of these numbers deal with people 16 and older. When the census was conducted the U.S. Census Bureau determined 229 million citizens were 16 and older in the country. The 787,000 wildlife watchers spent a total of over 3 million days and the total expenditures are broken down into three major categories: equipment; transportation; food and lodging. Some of the same impacts as it relates to hunters in Kansas, of that \$248 million in retail sales it amounts to over 5,800 jobs because of the purchases of Kansas hunters and those jobs created almost \$143 million in salaries and wages. Those salaries and wages resulted in the accrual of almost \$30 million in state and local tax revenues and over \$32 million in federal tax revenues. One of the points that are hard to get grip on is the fact that everybody sees hunters in the state in November, but they are spread all over the state. If there was any single industry in

the state that supplied almost 6,000 jobs in a single location it would be a fairly noticeable enterprise. Kansas anglers' economic impact: retail sales of over \$336 million; creating 5,700 jobs; \$163 million in salaries and wages; \$32 million in state and local tax revenues; and over \$36 million in federal tax revenues. A few months ago there was a lot of media attention given to the fact that hunters and anglers were declining in this country and nationally and there is little doubt that there is a decline. Trends show fishing in the U.S. has gone down from 35.25 million participants to a little less than 30 million in 10 years from 1996 to 2006. Looking at the same time span for hunting it went from almost 14 million in 1996 to 12.5 million in 2006. This got a lot of media attention that was a little misleading in a sense. One of the pieces of good news is the trend in wildlife watching is in the opposite direction. The growth shows almost 63 million participants in 1996 to almost 9 million more in 2006. Trends in fishing in Kansas are fairly stable. In anglers 16 and over, it has gone from 364,000 in 1996 to 404,000 anglers in 2006. Trends in hunting in Kansas are also fairly stable, but what has changed is the proportion of resident versus nonresident hunters, but overall numbers are fairly stable. Trends in wildlife watching in Kansas are the same as in the U.S., a significant increase over that course of that 10 year period. Because hunters, anglers and wildlife watchers are spread out, over 82,000 square miles of Kansas, it is hard to see that more Americans fish than play golf and tennis combined. The number of anglers in the U.S. was somewhere around 29.5 million, but what wasn't included in that number was those that fished at least once in 2006; the Kansas rate is substantially higher than that. Kansas is situated in what the Census Bureau calls the West Central region which includes Kansas, Nebraska, North Dakota, South Dakota, Minnesota, Iowa and Missouri. We are in the right place to be enjoying what we do. It is encouraging that 48 percent of Kansas youth 6 to 15 years old fished or hunted in 2006 compared to the national rate of 30 percent. Our future looks pretty bright in comparison to other states. Also it is important to remember that U.S. anglers and boaters contribute substantially to fisheries conservation in this country, \$600 million just through excise taxes on their equipment. Total direct investment in wildlife conservation by U.S. hunters in 2006 was \$1.3 billion. This is nothing more than hunting licenses and permits, excise taxes that hunters pay on the equipment they buy, and the hundreds of millions of dollars in private donations they provide to conservation organizations around the country. When you consider the direct investment of hunters on top of what they pay for food, lodging; transportation; and equipment it is mind boggling. Obviously there is a greater portion of the U.S. that is actively involved in wildlife watching, about one-third of the population participated in 2006 and those numbers are increasing. Again, in West Central region participation rate is 42 percent, which is substantially higher than any other Census Bureau region in the country. Among wildlife watchers, the single largest age group is 55 to 64 at 40 percent; 16 to 24 is 6 percent. For more information go online. Chairman Johnston – I don't believe your presentation disclosed revenue from hunting, fishing and nongame species interaction to Wildlife and Parks? Do you have anything of that nature? Mathews – I am not sure I understand the question. Chairman Johnston - I am curious how much revenue KDWP generates yearly from hunting, which I assume would mostly be license sales; fishing; and nongame participation? Mathews – The figures from this survey are indirectly related to license sales. What you will find when you compare the numbers is the survey said there were 404,000 anglers in Kansas, but if you look at fishing license sales it is nowhere near that, it is maybe about two-thirds of that total amount. Mostly that is because many people are exempt from having to have a fishing license. Other than the Chickadee Checkoff there is no mechanism by

which wildlife watchers can contribute directly to the coffers of fish and wildlife management of KDWP. Chairman Johnston – It seems to me that given the intense interest in Kansas of citizens in nongame species interaction and the locations we have where there is unique availability for the public that there might be ways to generate revenue from this group that would not discourage the interaction. Given the annual discussions and budget reports from Assistant Secretary Koerth perhaps this is an opportunity we are missing out on for a source of potential revenue. Mathews – Over the years we have tried to address that issue in a couple of ways. In the past we have discussed an access license for anybody who accessed fishing and hunting areas maintained by the department. It was attempted in the 1980s three or four times in the legislature and each time it failed, either it didn't get any consideration or never got out of committee because it would require statutory authority for us to assess a fee. There are some associated issues that complicate that equation, but there may be more ways to do that. Chairman Johnston – I would appreciate receiving a historical overview of what attempts have been made by the department, what the experience of those attempts has been and perhaps some discussion as to in the current legislative environment where funding has been bandied about. Whether there might be a politically feasible route to take in this direction. Secretary Hayden – Dick just handed me a sheet which we will make available to all of the Commissioners. There have been at least eight attempts since 1989 by the department or the Commission to find some way to have non-consumptive user support the department financially. None of those have ever met with legislative approval. Chairman Johnston – When was the last attempt? Secretary Hayden – In 2004. Of all of the eight attempts, one passed the House of Representatives, but it never passed the Senate or became law and the others never even passed the first House. So it has been four years since we had the last review of this. When we had the Revenue Task Force and they did not recommend a public land access or user fee as a result of their studies. We have never been able to get it passed. Commissioner Shari Wilson – I would like to see us start working on this issue again. It is going to take more than just the department working on this. It is going to take a coalition of groups that want to contribute to habitat preservation and improvement to make this happen and will take a while to get it done. Learning about what other states or groups have done would be a good start. In 2010 census will show Kansas is turning more urban than we were 10 years ago. As we do that we have more kids and young people that lose connection with the land, outdoors, wildlife, with hunting and fishing. Also the department needs a base of support for funding, for being stewards of public lands and encouraging responsible stewardship of private lands. If we aren't reaching people in our cities, and that is where most of our citizens are living, and they aren't familiar with us or the programs we have, what habitat preservation is, or why they should even care, it is going to be harder to get our initiatives through the legislature and harder to fulfill the mission of our department. Secretary Hayden – You have a right to be concerned, all of these trends indicate the things she is saying. When we examine how other states have done it though, there is a fundamental difference, the citizens have direct access to the constitution and they have that through initiative and referendum. So it isn't the state legislatures in these other states that have provided the resources, it is the people themselves who have petitioned and placed referendums on the ballots. They now exist in Missouri and Arkansas, on certain products in Virginia and other states like Minnesota are now moving in that direction. To get non-consumptive users to pay through ballot initiatives, those mechanisms are not available to us under the current constitution because legislators are apprehensive about voting for tax increases. In fact, in Missouri, the people not only passed it but it has to come up

on the ballot every so many years and is voted on again and every time it passes overwhelmingly. That is our dilemma. You are right about the problem, the urbanization, the distance between young people and the natural world around us. Non-consumptive users should be helping us find funding, but right now our only option is to go through the legislature and obviously we are not even getting close.

Randy Clark – I was struck by the 400,000 anglers and we sell 200,000 licenses and I believe the hunting was almost double. Surely we haven't exempted half of our population to buying licenses have we? Mathews – I don't know what the proportion is on exempt versus license buying hunters. The numbers of exempt is surely tens of thousands at least.

Margorie Snyder – An idea for revenue for the department might be to model after National Parks Service retail visitor centers. Birdwatchers, in particular, buy a lot of books, field guides, posters. I think it is a huge endeavor to go from being a permit sales operation to being a retail tourist operation, but that is a trend the department could consider. If the nation is losing the hunting numbers, and our numbers are going up it might be a trend that is going from the national parks to our Kansas state areas. Nonconsumptive wildlife users are going to a museum, so we can give them opportunities to access resources and excitement about viewing wildlife. You capture that audience in a gift shop like you do at a museum. That would be a lot more fun than going to the legislature and making them pay a fee, but it is definitely a whole new direction for the department. Local economic groups and rural development people are eager for ways to draw people into their areas and I think you've got available low cost real estate for visitor centers. You may have conflicts with hunters not wanting that traffic in those same areas, but I think it is a definite opportunity and it would be great to see the department merge with some of those rural economic development groups in an effort to get non-consumptive users out there spending money and you would have people to help too.

Mary Pruitt – What is the reason for comparing apples to oranges on economic impact where we have retail sales, jobs, and salaries for hunters and anglers, but we don't have that information for wildlife watchers? Mathews – It is mainly that wildlife watching activity is a late comer to the game, and is an activity that has only been part of this survey since 1980 and the survey started in 1955. The economic impacts for hunters and anglers have been extrapolated routinely through the years and we don't have that same history for wildlife watchers and frankly there is not an advocacy group like the National Shooting Sports Foundation or the Congressional Sportsmen's Caucus who go to a lot of trouble to generate those fiscal numbers based on those survey numbers. Chairman Johnston – I would like to see historical documents. Secretary Hayden – We will have the copies available for the evening session (Exhibit K). Chairman Johnston – I would like to defer the rest of the afternoon agenda to the evening agenda.

VII. RECESS AT 5:35 p.m.

VIII. RECONVENE AT 7:05 p.m.

IX. RE-INTRODUCTION OF COMMISSIONERS AND GUESTS

Chairman Johnston welcomed Representative John Grange. Secretary Hayden – We appreciate Representative Grange being here. He is carrying several pieces of legislation for us and we appreciate his efforts on the department's behalf and on the behalf of hunters and fishermen.

X. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

None

XI. DEPARTMENT REPORT

B. General Discussion (continued)

7. KAR 115-25-9a. Deer; additional considerations - Lloyd Fox, big game research biologist, presented this report to the Commission (Exhibit L). This regulation allows us to establish the hunting season at Fort Riley at a later date than the traditional hunting seasons that are set at our April Commission meeting. This is also where we have put in KDWP wildlife management areas that are open for additional antlerless deer such as our Cedar Bluff area and is also where we establish the antlerless-only season where the permits that would allow the taking of mule deer doe would go. We do have one other item to bring up on this that isn't in your briefing notes. We have had additional interest from the legislature this year to lengthen the extended season and if we were to do that this would be a good place to put any addition like that. This would give us time to work that in and come back with a workshop item if that is the way we go with it. This is similar to several years ago when we had the northern part of Units 7 and 8 had a week long extension to the antlerless-only season in January. Our recommendation is for the dates proposed by Fort Riley. They are not solid yet, but are: November 28-30, 2008; December 19-23, 2008; and December 27-30, 2008. We have not had additional wildlife management areas that have come forward and would like additional white-tailed antlerless-only permits to be allowed on their areas. Cedar Bluff is the only one we have in that and looking at that situation it looks like we will have that for a number of years so we have shifted that back over to our regular regulation, 115-25-9, which we will talk about in just a minute. We have had some interest in additional units where antlerless-only permits would be used. Currently the only unit we have is Deer Management Unit (DMU) 3. This is where we need additional harvest of mule deer does. Commissioner Meyer – I really appreciate you trying to facilitate hunting on Fort Riley. Chairman Johnston – Is the extended antlerless season confined to Units 7 and 8? Fox – Not sure, probably, but is part of a discussion that is going on in the legislature and a bill has been proposed. If accidents in a county are more than 25 percent deer related then the special season recommendation the legislature is proposing would be implemented. There are a couple of problems I will mention here. Frequently this happens if you go with just one statistic like the percent of the accidents that are deer related, and it is 25 percent, even if you were to have a county where only four accidents had occurred and one was a deer-related accident, then that would trip the scale and bring that in and we think that a better way to review these situations should be used. Chairman Johnston – Are you asking Commission to proceed as staff sees fit as legislation comes up? Fox – Yes. We will bring this back in April with a better idea of where this should go.

C. Workshop Session

1. KAR 115-25-9. Deer; open season, bag limit and permits - Lloyd Fox, big game research biologist, presented this report to the Commission (Exhibit M). This is the more

traditional regulation that we look at every year and adjust the season dates in the current calendar year. Two options were discussed at the last meeting, however we are recommending Youth and persons with disabilities -- September 13-21, 2008; early muzzleloader - September 22, 2008 through October 5, 2008; archery - September 22, 2008 through December 31, 2008; early firearms (DMU 19) - October 11, 2008 through October 19, 2008; regular firearms - December 3, 2008 through December 14, 2008; and extended WAO is four days, January 1-4, 2009. The procedure we have been using for many years has been to start January 1 and go through the first weekend. Most of the hunting occurs on a holiday or weekend and the way the calendar has been working it has been reducing a day or two through the last few years. It has now gotten down to about as low as it can possibly go. This is one of factors that are triggering what we are going to be discussing. The idea is that we would like an additional seven days, which will be in 25-9a; and extended archery (DMU 19) - January 5-31, 2009. We also have season dates for Fort Leavenworth and Smoky Hill Air National Guard at this time. The deadline for applications is: nonresident - June 2, 2008; resident drawing - July 11, 2008; unlimited availability such as antlered deer permits for residents - December 30, 2008; and unlimited availability antlerless-only - January 30, 2009. No change is proposed for the inclusion of additional Deer Management Units (DMUs) where an extended firearms season will be authorized in 2008-09. Game tags and transferable permits will not be offered this next year as we will have a system with multiple whitetail antlerless permits with reduced prices as opposed to the game tags. Commissioner Lauber – Will the antlerless whitetail permits be the same as last year as far as availability? Fox – Each hunter can purchase up to five whitetail antlerless permits and we will get into that in 25-4-13. In the past it had only been one. The price of those additional permits has been dropped to \$15. The first one the hunter receives will be valid statewide including on lands managed by the department, the same as the whitetail antlerless permit was last year, which was a \$30 permit. The second one will be valid everywhere except Units 17 and 18 and would also be valid at Cedar Bluff WA. The next three whitetail tags will be valid only in certain units and not on department managed lands.

Margorie Snyder – What about the deadline for application for antlerless deer, which is January 30? Does that relate to the season that is between January 1 and January 31? Fox – That is correct we have an antlerless archery season that runs through January 31. It is an extended antlerless-only season just in Unit 19 and we have kept the availability of those permits and that is one of the places a person could purchase five antlerless-only permits. We have kept the deadline for the last day before the end of the season.

2. KAR 115-8-1. Department lands and waters; hunting, Furharvesting, and discharge of firearms - Brad Simpson, public lands section chief, presented this report to the Commission (Exhibit N). Public lands regulations are generally found in the 115-8 series, however these regulations can be more restrictive by posted notice on particular pieces of property. The department is empowered by state statute 32-807 under powers of the Secretary and 32-1015 for violations of that area. All posted notices have been categorized and are listed in a reference document that will address user fairness, issues with law enforcement and to provide our users a better understanding of our public land regulations. These will be amended into KAR 115-8-1. The categories include: access restrictions; age restrictions; alcohol use; non-toxic shot; boating restrictions; equipment restrictions; handicap access; hunting restrictions; refuges; seasonal closures; shooting areas; shooting hour restrictions; special permits; and some swimming

restrictions. The reference document (Exhibit O) identifies which areas fall under each of those categories.

3. Cabin Camping Permit Fees - Brad Simpson, public lands section chief, presented this to this report to the Commission (Exhibit P). This regulation establishes fees for cabin camping within state parks, state fishing lakes and wildlife areas. We are proposing to amend in cabins at Atchison SFL and McPherson SFL at \$60 a night and cabins 3 and 4 at Crawford State Park at the same existing rate as cabins 1 and 2.

4. KAR 115-25-7. Antelope; open season, bag limit and permits - Matt Peek, wildlife biologist, presented this report to the Commission (Exhibit Q). Since the last meeting we have completed our winter aerial survey so I have permit recommendations. We are recommending unlimited archery permits for residents and nonresidents. Our recommendations consist of a total of 114 firearms permits and 38 muzzleloader permits split between the three units as provided in the briefing book. Unit 2 - 86 firearms permits and 22 muzzleloader permits; Unit 17 - 28 firearms permits and 8 muzzleloader permits; and Unit 18 - 8 muzzleloader permits. Season dates are standard relative to what they have been. The recommended application deadline for firearms and muzzleloader permits correspond with the date of the 2007 deadline, which would be June 13, 2008, which is incorrect in briefing book, it said June 6, so we will have an amendment to the regulation correcting that date at the next meeting. Applications for archery permits are available through the next to the last day of the season.

D. Public Hearing

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

1. KAR 115-4-4. Big Game; legal equipment and taking methods - Lloyd Fox, wildlife biologist, presented this report to the Commission (Exhibit S). Proposed amendments would allow: knapped broadheads in archery hunting; use of telescopes for muzzleloaders during the muzzleloader season; use of hard-cast solid lead bullets for muzzleloader and firearm hunting; allow the use of .22 caliber centerfire cartridges for deer and antelope during the firearms season; and the use of crossbows during the firearms season. Those are the highlights of what we have available from previous years. One possible amendment would be on the page 1 in section (A)(1)(d) where we have included striking the phrase "or chemical device" and we are recommending changing that to where we just strike "or chemical" and that would leave in "electronic device". A couple of the items we have on new equipment, one of the items is on the first page section (E) where we define a broadhead in ways that we haven't before and we are proposing the phrase "broadhead point incapable of passing through a ring with a diameter of thirteen-sixteenths of an inch when fully expanded". I will only go over the new equipment. On page two, item (3), "only hard-cast solid lead, conical lead or sabot bullets shall be used with muzzleloading pistols". On page 4, "centerfire rifles and handguns that are not fully automatic, that fire a bullet larger than .21 inches in diameter, and that use a cartridge case that is 1.280 inches or more in length" and also hard-cast lead bullet is also in there. In section (5), "crossbows of not less than 125 pounds of draw weight, using arrows not less than 16 inches in length that are equipped with broadhead points incapable of passing through a ring with a

diameter of thirteen-sixteenths of an inch when fully expanded”. This is equipment for a firearm deer season, not for archery or muzzleloader seasons. On page 5, we listed all of the accessory items together in one spot as opposed to having them scattered out in the other sections. We are attempting to be consistent throughout all equipment with the use of optical scopes, range-finders and devices that do not project visible light towards the target. These are all standard now for all equipment. In the past on the front page there was an article on chemical which is now in this section, “capable of dispensing chemicals to take big game animals shall not be used”.

Commissioner Meyer – At the last meeting I had some doubts about knapped points, but in talking with some people it became obvious that these are not something you are going to go in the store and buy, you are going to make them yourself and would be very careful and become familiar with how they travel. When it comes to scopes on muzzleloaders I have some problem with that. A muzzleloader is supposed to be primitive firearm, with modern muzzleloaders all you have done is extend firearms season a few more weeks. Hard-cast solid lead bullet, would that be like a .58 caliber mini ball? Fox – Yes, that would be one of them. It is a lead cast bullet. Commissioner Meyer – I am fairly convinced that shooting a .22 for rabbits and groundhogs is fine, but shooting a deer with .22, I don’t think I am going to go with that. That is an awful small bullet; it will be fast, but inaccurate if you hit anything along the way. Commissioner Robert Wilson – Since our last meeting I talked with a couple of bullet manufacturers about the .22 centerfire bullets being offered on the market and the slugs that are being offered to reloaders. Neither one of them would tell me that was a big game bullet. Sierra makes an 85-grain bullet but they are loaded in an AR15 and they are loaded out long so they don’t fit the magazine for an AR15. They are shooting a 600-meter target from a prone position and they are loaded one at a time. I talked to some people in Grand Island, Nebraska at Hornady about their heavy offerings and they are match bullets. They are loaded out real long and are shot out of match chambers and a custom throat. They are not a firearm you would buy off the rack at a sporting goods store. They are target bullets and are highly explosive and don’t perform well on game. Commissioner Lauber – At the last meeting I had some concerns about .22 centerfire as well and what study I have done causes me to drift in a different direction than last time. I understand the problem with the match bullets and they are not suitable ballistics, but there are some game bullets that would do a decent job with the right person. The .22 centerfire will probably not be the deer rifle of choice, and that a first time deer hunter is not going to buy a .223 to go out deer hunting. I had a lot of misgiving, while it is not a perfect solution to allow them, I think it would be self-policing and allow some opportunity and not take away from the resource. On scopes, my eyes don’t allow me to shoot like I would like, so I don’t have a problem with scopes. The muzzleloader is still single shot and has to be loaded through the muzzle. Not sure it is going to have a negative affect on the resource.

Dave Easton, Pottawatomie County – Three items I would like to touch on. Crossbow should stay in the hands of the handicapped as it is now. Scopes on muzzleloaders I disagree with, I think it is a primitive season and I don’t think they belong there. The .22 caliber question, we shoot .223 and .22-250 at varmints, but they should not be used to shoot 200-pound animals. There may be bullets that will stay together long enough to pass through and leave you a blood trail, but those bullets are not going to be available at Wal-Mart. Too small to shoot our large deer. Randy Clark, Buhler – I support the knapped point change in the law. I do work for Wildlife and Parks, but here on my own tonight and I brought letters of support from five other people and one study on penetration tests that I handed out to the Commission (**EXHIBIT S-2**).

We would like to be able to use the points that we made. There are at least 19 states where this is legal; three states around Kansas are, Colorado isn't.

Steve Sorensen, Valley Center – Scopes on muzzleloaders, Gerald and I can't focus the rear sight, front sight and distance and we are among about 30 percent of the aging males that have this disability in eyesight. You are trying to get more hunters in the field and it seems that allowing scopes on muzzleloaders may be one way to do that.

Mike Pearce – When the department was being lobbied for the legalization of .22 caliber centerfire, what reason was given? Why does the public want it? Fox – Specifically we had members of public come to public meetings and recommend that we consider reducing the minimum requirement down to .22 calibers, specifically .22-06 and .22-250 which would be using the hand-load type of equipment. They could also say that with .220 swift and some additional equipment. Pearce – Did they have a real reason they wanted it? Was it recoil or more of a challenge? Fox – It was just their request for an opportunity. Pearce – Could you please review what the length requirement of the cartridge would be? Fox – The length requirement is 1.28 inches or larger on the casing length.

Secretary Hayden – I have some bullets here to pass around so you can see the difference between a .22 rimfire and .22 centerfire. The centerfires Chris did buy off the shelf at a sporting goods store for big game.

Commissioner Robert Wilson – Are these 55 grain spitzers? Tymeson – 68 grain produced by Winchester, bought over the counter. Chairman Johnston – The small one would not be considered under this proposal? Tymeson – Correct that is a rimfire. I think the proposal is based around opportunity and individual preference. Just because we authorize something doesn't mean somebody has to do that, for instance scopes on muzzleloaders. That was something that was raised at the Rules and Regs Committee on muzzleloaders and scopes and what is original equipment and that is in the briefing book and my response to the Committee was that it is all about personal choice and we are trying to expand opportunity for people who want to make those choices for this type of equipment.

Commissioner Lauber – I have been contacted by several people who use crossbows and I am getting both sides of the issue. We do have a problem that appears to be growing with a more prolific urban deer herd and crossbows are an alternative to reducing deer numbers in an urban area. This gives us one more opportunity to battle that type of problem. I don't think the logistics of a crossbow are going to cause people to run out and buy them.

Commissioner Gerald Lauber moved to bring KAR 115-4-4 before the Commission. Commissioner Johnston seconded.

Commissioner Meyer – I will not vote for this motion as long as we have scopes on muzzleloaders and .22 calibers centerfires as part of the motion. Chairman Johnston – It would seem to me that the best way to proceed with this discussion would be to take them one at a time. Each one would be considered a motion to amend. Tymeson – Yes. Before we go too far we need the technical amendment we proposed on keeping the word “device” I would appreciate that.

Commissioner Shari Wilson moved to amend KAR 115-4-4. Commissioner Kelly Johnston seconded.

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

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 to amend KAR 115-4-4 passed 7-0.

Chairman Johnston - Is there an additional motion to amend the original motion on knapped broadheads? Commissioner Lauber – I would like to vote on the first item. Tymeson – The regulation as proposed is there, you have made the technical amendment and now you would be voting to change what is in the briefing book. So you are not voting to add this in, you are voting to remove or modify what is listed. The regulation is already proposed if there is no concern with knapped points you would just move on to the next item. Chairman Johnston – Consensus? *Commissioners – No wish to change from what is in briefing book.* Tymeson – The next item would be hard-cast bullets. Chairman Johnston – Anyone opposed to that portion of the original motion? *Commissioners – No response.* Tymeson – The next item would be on page 4, the bullet larger than .21 inches in diameter. Chairman Johnston – Are there Commissioners who oppose that portion of the original motion?

Commissioner Frank Meyer moved to amend KAR 115-4-4 to .21 inches to larger than .23 in diameter (back to what it currently is). Commissioner Debra Bolton seconded.

Commissioner Shari Wilson – Just to clarify, if we vote “Yes” we are voting to leave it the way it currently is, not change it to .22 caliber. Tymeson – It would be to move it from .21 to larger than .23, which is what it is now. Chairman Johnston – That would be a “Yes” vote.

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

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

The motion to amend KAR 115-4-4 passed 6-1 (goes back to .23 or larger).

Tymeson – Crossbows during the firearms season. Chairman Johnston – Any Commissioners not in favor of allowing crossbows during the rifle season? *Commissioners – No response.* Commissioner Meyer – I got an email concerned that if we moved it for the firearms season that

soon we would have to pass it for the archery season. What we do tonight in no way dictates what we have to do next month or in the future, everything stands on its own merits. Chairman Johnston – One point of clarification. When we are talking about the firearms season that is the general firearms season this year? Tymeson – That would be during any firearms season including the Unit 19 October season; the November/December twelve day season; and the extended season. Chairman Johnston – But it would not be legal in the muzzleloader season? Tymeson – No, that is muzzleloader-only season. Commissioner Meyer – I would also like to point out that in a crowded area I would much rather have someone shooting a crossbow than a high powered rifle. I think it is a good move. Tymeson – One last item on optical scopes are legal for all equipment as proposed in this regulation. Chairman Johnston – Is there anyone on the Commission not comfortable with scopes on muzzleloaders?

Commissioner Frank Meyer moved to amend KAR 115-4-4 to remove scopes from muzzleloader equipment. Commissioner Doug Sebelius seconded.

Tymeson – The regulation would read, except muzzleloader equipment. Commissioner Lauber – I think the jump to .22 calibers is a bigger jump than it is to go to scopes. I know of many states that have been allowing scopes on muzzleloaders for a long time and I think the smaller bullet is more controversial than this. At the Independence meeting the loudest person against scopes was an outfitter that was afraid it might not give him a second hunt because the person could shoot the deer in September. I don't think it is that big of problem. Chairman Johnston – I am in favor of scopes on muzzleloaders and I think it is a little bit inconsistent to oppose the .22 caliber ammunition use during deer season out of concern for not inflicting lethal wounds and on the other hand be opposed to scopes on muzzleloaders which seems to me would be designed to improve the accuracy and lethality of shots we make on deer. So I think we should allow scopes on muzzleloaders. On the current motion I will be voting “No” on that. Tymeson – That is correct. Commissioner Sebelius – They don't lose the opportunity they simply hunt in the regular firearms season with that equipment. I think we lose a little bit of the sporting nature of having a special season by enhancing it to that degree. I don't have a problem with what we might see as a little help to a disability, but I think all things have their proper place and I would prefer to see it stay as it is. Commissioner Bolton – If we have scopes on muzzleloaders what would be the power? Is there any limitation? Fox – There is no limitation on the power or magnification that can be used on the scope. Chairman Johnston – How does that subject apply when you are talking about potentially a high magnification scope, but a muzzleloader as a weapon? How do those interact? Fox – The telescope does not change the ballistics of the muzzleloader equipment. That remains the same, whether you are using open sights or scopes. What the scope allows the hunter to do is to potentially do a better job of shot placement. Magnification in the telescope allows the hunter to see the target with greater precision and possibly do a better job of shot placement. There are some situations where a magnification of one is used as a regulation, but those are very difficult to find and are not as readily available. Our proposal was originally for increased opportunity across the board. Commissioner Lauber – At one point in time I remember people coming to complain that we shouldn't be using inline muzzleloaders because that defeats the purpose of a primitive season. A few years ago there was the issue of whether we could have fiber optic sights or black iron sights and one year we had to spray paint the fiber optic sights to make them black. I understand the concept of primitive

season, but I still tend to think the muzzleloader is primitive and it just provides more of a clean kill.

Mike Pearce – Lloyd, did you do any research about how the use of magnification increases the accuracy at longer ranges? You keep saying it makes it more accurate, I am neutral on this, but you keep saying inline is more accurate and that is not true. With the scope on you can shoot farther, a 250 yard shot with a regular muzzleloader is almost impossible because you can't see the target. You put a scope on and any of you up there can shoot 150 yards, probably 250 yards with just a little bit of practice. The magnification greatly increases how far you can shoot. Also, some of the biggest deer stories I have done over the last few years have been deer shot during muzzleloader season. It is not just the accuracy, it increases how far you can shoot.

Tymeson – One of the things we did in approaching this regulation was to try and simplify the regulation. There have been comments about primitive seasons and I think it is inconsistent to not point out that the archery season is considered a primitive season yet scopes are allowed on archery equipment. Also, we are one of 13 states currently that preclude the use of scopes on muzzleloaders. The trend is going towards using them and this was the subject of a complaint filed at the Department of Interior that we spent considerable time on the last couple of years.

Chairman Johnston – What kind of complaint? Tymeson – A disability complaint that was filed and we answered and it has since subsided, but I think the trend is going the other way.

Commissioner Meyer – I have to admit if it was up to me I would only allow English longbows in the archery season and flintlocks in muzzleloader season so I am a little old fashioned when it comes to primitive weapons and I admit that.

Steve Sorensen – Three things, since its inception, the muzzleloader season has never been called a primitive season. Number two, by not allowing scopes on muzzleloaders you are taking me out of the field from September 22 to October 4; I could hunt with a muzzleloader, but not with a scope. Number three, this afternoon when you were discussing WIHA, several of you made the comment, why are you trying to mandate what us handicapped individuals can or cannot do? I don't understand why you are going to try and change a highly successful program to try and allow handicapped. I started the WIHA program ten years ago and I was the one who did not allow handicapped access, or we couldn't get it written in at the time. Now you want to say you don't care about the 30 percent of people who are 45 or above whose eyesight is going bad and I cannot focus on the rear, forward and target. I don't understand your logic, you want to help me get on land, but not be able to hunt during the seasons I would like to hunt. Mr. Bridges hasn't been very vocal lately because he has been moving around, but you have been getting emails from Toby regarding that and it is going to be an ADA issue pretty quick.

Dave Easton – I would like to have you explain these scopes on bows. I have been a bowhunter a long time and I am not aware of this. Tymeson – Dave, it has been in the regulation the last eight years that I have been here. Scopes are allowed on archery equipment. Easton – With magnification? Tymeson, Yes, with magnification.

Commissioner Meyer – I have total respect for Steve and people who have problems with their eyesight or whatever type of handicap. I could see us allowing it with a doctor's slip, but just to turn a young healthy guy loose with a high-powered so-called muzzleloaders that are more accurate than a 30/06, I don't see it. Commissioner Bolton – I need clarification, if this goes to vote, "Yes" means what? Chairman Johnston – "Yes" means the status quo where muzzleloaders are not permitted to have scopes. A "No" vote would be in favor of the original proposal to include scopes on muzzleloaders.

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

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

The motion to amend KAR 115-4-4 to not allow scopes on muzzleloaders failed 3-4.

Chairman Johnston – Chris, could you summarize what the original proposal now would look like? Tymeson – The bill would have the technical amendment for the word device as we discussed. The next change would be taking the bullet diameter back to .23 or larger and those are the only changes to the regulation before a final vote. Commissioner Meyer – I am going to vote for the change because once I make my argument, win or lose, I support the majority.

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

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 to approve KAR 115-4-4 as amended passed 7-0.

Mike Pearce – The crossbow passed and the scopes on muzzleloaders passed? Chairman Johnston – Correct, as well as the technical amendment. I would be in favor of the .22 caliber change if it would be accompanied by some procedure where those really skilled marksmen/markswomen would be able to do that, but we would effectively eliminate, perhaps through the charging of an additional fee for a stamp or permit of some kind, the possibility of people deciding at the last second to go deer hunting with a .22. If there was any interest of resurrecting this at a later date, with those conditions I would not oppose it.

2. KAR 115-4-13. Deer permits; descriptions and restrictions - Lloyd Fox, wildlife biologist, presented this report to the Commission (Exhibit U). These are the permanent regulations that will receive the greatest modification as a result of the passage of legislation passed in 2007. We have a number of newly defined permit types as a result of this. A brief outline of the types is: a resident white-tailed either-sex permit valid statewide during any established season (archery, muzzleloader-only, and firearms) with equipment legal during that season; antlerless white-tailed permits, up to five, the first one will be statewide and also valid during any season with equipment legal during that season which is consistent with the white-

tailed either-sex permit; nonresident white-tailed permits valid in a deer management unit and one additional adjacent unit, the hunter selects one equipment type (muzzleloader-only, archery or firearms) and a muzzleloader-only permit may be used with muzzleloader equipment during both the early muzzleloader season and the regular firearms season; resident archery either-species, either-sex permit is statewide which gets back to the old statewide archery any-deer permit, it is for antlered or antlerless deer, white-tailed or mule deer; resident either-species either-sex firearms is the old firearms any-deer permit and it is available by drawing for residents and is an antlered or antlerless, white-tailed or mule deer permit that is designated deer management units (four or five units and we are going to combine units to provide greater opportunity); resident muzzleloader either-species, either-sex permit is a muzzleloader only permit and is for mule deer or white-tailed and the proposal is to be allowed on demand as opposed to currently on a unit-by-unit basis in a drawing; nonresident either-species, either-sex permits, nonresidents who receive an archery or muzzleloader-only white-tailed permit could apply for a mule deer stamp that would allow them to convert that white-tailed permit to an either-species, either-sex permit and there will be a limited number of mule deer stamps available; and antlerless-only permit that is basically the permit that allows us to put additional pressure on mule deer and is a restricted to antlerless only deer, but it allows an antlerless mule deer, valid during any season.

Steve Sorensen – What is the difference, on the bottom of page 3, (c) Hunt-on-your-own-land deer permit and the resident hunt-on-your-own-land deer permit? Fox – In the past we have had a transferable hunt-on-your-own-land permit that was a landowner who transferred their permit to a linear relative, now that individual that lives in another state (or not on that land) would be allowed to obtain that permit on their own without having it transferred. There will be no transferable hunt-on-your-own-land permit.

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

The roll call vote on KAR 115-4-13 as recommended was as follows (Exhibit V):

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 115-4-13 passed 7-0.

3. KAR 115-18-7. Use of crossbows for big game hunting by persons with disabilities; application, permit, and general provisions - Lloyd Fox, wildlife biologist, presented this report to the Commission (Exhibit W). This is an amendment to this regulation to make this comparable to changes made in 4-4. The proposed amendment would allow the use of telescopic sights that magnify and knapped broadheads and sets a minimum width on those broadheads for disabled people that are using the crossbow during the archery season. It has the same set of

standards as would be used with the other equipment. That is all on page two and the amendment explains the diameter and also on page three it removes the option where it says, “optical scopes that do not magnify the target”.

Commissioner Frank Meyer moved to bring KAR 115-18-7 before the Commission. Commissioner Shari Wilson seconded.

The roll call vote on KAR 115-18-7 as recommended was as follows (Exhibit V):

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 115-18-7 passed 7-0.

4. KAR 115-4-4a. Wild Turkey; legal equipment and taking methods - Jim Pitman, wildlife biologist, gave this report to the Commission (Exhibit X). Changes we are recommending are: to set a minimum diameter of seven-eighths of an inch for broadheads; and to remove restrictions on all-metal cutting edges to maintain consistency with big game regulations you just voted on. The other change would be to allow crossbows during the firearms portion of the spring turkey season and the wording would be the same as big game, “not less than 125-pound draw weight, using arrows not less than 16 inches in length”. Crossbows are not being recommended for the fall turkey season because of the overlap with archery deer season.

Commissioner Debra Bolton moved to bring KAR 115-4-4a before the Commission. Commissioner Robert Wilson seconded.

The roll call vote on KAR 115-4-4a as recommended was as follows (Exhibit Y):

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 115-4-4a passed 7-0.

5. KAR 115-25-8. Elk; open season, bag limit and permits - Matt Peek, wildlife biologist, presented this report to the Commission (Exhibit Z). Consistent with what we have had in the past with a few minor changes to remain consistent with the proposed deer season changes. Specifically the elk season off of Fort Riley would begin September 22 rather than October 1 and the other change would be the muzzleloader season would end October 5 rather

than the last day of September. We are recommending ten any-elk permits and fifteen antlerless elk permits be authorized and only one-third of the antlerless permits are valid during each of the three firearms segments on Fort Riley and we will continue to offer unlimited hunt-own-land permits. The application deadline is July 11 for limited draw permits and the next to the last day of the season for hunt-own-land permits. We would like to continue to have hunters contact the department upon harvesting an elk so we can collect tissues for CWD sampling.

Commissioner Shari Wilson moved to bring KAR 115-25-8 before the Commission. Commissioner Gerald Lauber seconded.

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

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 115-25-8 passed 7-0.

6. KAR 115-7-8. Weigh-in black bass fishing tournaments using tournament black bass pass - Doug Nygren, chief of fisheries, presented this report to the Commission (Exhibit BB). This amendment would allow the Secretary to grant a waiver to hold a tournament weigh-in away from a vessel mooring sight. This was asked of us to accommodate the National Bass Fishing Championship to be held at Milford this fall because they want to have the weigh-in in downtown Junction City and of course in the future if another organization wanted to do that they could come to the Secretary and ask for that waiver. Commissioner Lauber – I am assuming this would be used sparingly? Nygren – We have never had a request in the past to do this. There was one in Junction City for a catfish tournament, but catfish is not covered under this regulation. Commissioner Shari Wilson – Can you tell us, say over the last 3-5 years, has there been an increase in the number of these large bass fishing tournaments that are being held in our state? Nygren – Really we peaked out six or seven years ago when Cedar Bluff and the lakes in the northwest were really great bass fisheries before the drought. Since then it has dropped off some, but in some areas the local Chamber of Commerce, such as the Milford/Junction City/Geary County area, have been very aggressive at trying to attract events for economic benefit. In some areas it has gone down, but overall statewide we are down a little bit. Commissioner Meyer – I attended the meeting in Junction City where the people who are going to run this tournament were there and they convinced me and everybody else there, that the last thing they wanted was fish going back in the water that weren't healthy and weren't going to swim away. They are going to do everything possible to make sure that happens. Chairman Johnston – I am assuming the dates, September 1 through June 15 have something to do with hot weather? Nygren – That has to do with the bass pass registered events and we did not want to allow people to bring in short fish in the heat of the summer because we are worried about mortality. We are making this same amendment to 115-7-9 which is non-bass pass events that

could take place any time during the year. Chairman Johnston – How many bass pass tournaments have we had after September 1? Nygren – 2007 was the first year we had the bass pass program that allowed people to bring in fish that were less than the length limit. We only held ten events and I think only one of those occurred in the fall. Chairman Johnston – Do you recall when specifically? Nygren – I think it was in October. Chairman Johnston – My only concern about this is September 1, which is still hot weather season, but in trusting this to the good judgment of the Secretary, I am not too worried about that.

Don Cunningham, Wednesday Night Bass Anglers at Hillsdale Lake – Are you taking comments over this specific thing or regarding anything regarding black bass passes?

**Commissioner Debra Bolton moved to bring KAR 115-7-8 before the Commission.
Commissioner Frank Meyer seconded.**

Commissioner Shari Wilson – I came to the meeting tonight planning to vote no on this. I still have some misgivings on this, but I am going to vote yes, but I would like you to come back to us and tell us if this has been used and how it went. Commissioner Meyer – I agree with Shari, I had the same misgivings until I went to the meeting and they convinced me those folks know what they are doing and want to do what is best for the fish. I plan to be there at the event and would appreciate a report. Commissioner Sebelius – A few of us saw, a few years ago, some pretty extraordinary equipment that is used for these tournaments that is pretty impressive so I don't have any concerns about it. Chairman Johnston – As I alluded to I have confidence the waiver decision will be carefully weighed and considered and I generally don't think very highly of these kinds of proposals where we are giving one person the authority to waive the law that has been passed previously, but in this case I don't have that concern. Tymeson – I would like to point out that this is only in relation to the proximity it is not in relation to any other requirements. Also, I did want to clarify the question from the gentleman. Please ask your question again.

Don Cunningham, Wednesday Night Bass Anglers at Hillsdale Lake – With these new regulations that have been imposed, whether you are using a black bass pass or not it has made it so difficult for us to run tournaments down there. It is a three-hour tournament at night and we are not set the same as tournaments that are on weekends and they are from 6:00 am to about 3:00 pm and it is a completely different scenario for how long a fish is in a live well as opposed to a night tournament from 6:00 pm to 9:00 pm. Is there anything we can do to get exceptions or is it cut and dried? Who do I voice my opinion to? We went from one extreme to the other in a short amount of time and I think a lot of people don't understand. It is real hard to get a set of rules; I have looked at about three different things in the 2008 regulations and each of them have some differences in them so I am not sure which the right one is. I don't know where people are going to get their information from because the wording is not the same. Chairman Johnston – Is this applicable to this item? Nygren – I think his concerns are primarily for non-bass pass events. Or did you want to use the bass pass? Cunningham – Originally I was going to switch to using the bass pass because we can't get more than 10-12 boats a night because on Hillsdale Lake it is hard to catch fish 18 inches and over and people are discouraged and they won't come back. I was going to try and implement the bass pass to draw more people, but once I started looking into it, I am not sure it is going to be worth it because I realized that any bass tournament has to have a tank and almost have to be a biologist to run the weigh-in because you have to have salt

dip at three percent and maintain water temperature, etc. We are talking about five or six fish that might be in a weigh-in bag for five minutes. This isn't a tournament like you are referring to like the one at Milford. Commissioner Lauber – Part of the problem is we had to adopt some minimum standards and while the particular dynamics of your tournament may not put a lot of fish at risk for us to lower the standard is probably risky. It was somewhat controversial to allow the toting around of short fish as it was and the trade off was to provide pretty restrictive weigh-in facilities. It is unfortunate that the way a lot of our lakes are may or may not produce a lot of black bass and there is not much Doug and his people can do about it. Chairman Johnston – It sounds to me like you have a somewhat unique situation with the night tournament, this is not particularly responsive to this agenda item and I am not sure it is the next agenda item either so I encourage you to speak to Mr. Nygren after the meeting or on the phone and perhaps he can get a grasp on the unique differences of your tournament and whether or not there is something the Commission should consider at a future meeting to address that subject. I don't think now is the time to address this broader subject you have raised. Cunningham – I was told to come here by Jim Stephen out at Emporia. Chairman Johnston – For everybody's reminder, we had a session this evening at 7:00 where the public was invited to bring any issue before us that was on non-agenda items to discuss new business in other words and that would have been the perfect time for you to have raised this. I think you have received as much attention as you would have then anyway, but we need to proceed with the business at hand and I encourage you to talk with Mr. Nygren in greater detail. Remind us of what the motion is. Sheila Kemmis – The motion is to proceed as recommended in the briefing book.

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

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 115-7-8 passed 7-0.

7. KAR 115-7-9. Weigh-in black bass fishing tournaments not using tournament black bass pass - Doug Nygren, chief of fisheries, presented this report to the Commission (Exhibit DD). There was a word omitted on the second line of the first page. We added the word "not" which changed the meaning considerably. Also, we are going to add in the off-site weigh-in requirement, the waiver we talked about in the previous regulation. Again, that waiver would only be granted in the cooler months of the year. The rest of this regulation applies year-round.

Commissioner Frank Meyer moved to bring KAR 115-7-9 before the Commission. Commissioner Kelly Johnston seconded.

The roll call vote on KAR 115-7-9 as recommended was as follows (Exhibit CC):

Commissioner Bolton	Yes
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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 115-7-9 passed 7-0.

XII. Old Business

XIII. Other Business

Commissioner Shari Wilson – I was at a meeting a few weeks ago with quite a few of our parks staff, National Parks Service staff, as well as a few others such as Kansas Wildscape. We are planning to work over the spring and summer to incorporate a couple of projects intended to bring more people into national and state parks and state historic sites. One of those projects will be a passport. A passport-sized booklet you can download off the internet that will encourage you to visit all of these sites and when you get there you will receive a special stamp or something for your passport. The other special project is a geocaching project. This has become really popular all across the country and all around the world. You will be able to punch into your GPS the locations of the specific geocaches in all of our state and national parks and state historic sites and go to those places and collect your item or get your stamp and leave something if you like. There may be a few thoughts as to what those something's might be, but at any rate all of those things haven't been decided yet. This is a really fun and innovative way to work with our partners at the state and national level and encourage more people to get out into our parks and historic sites. Watch for that later this spring and head out and get your stamps.

Commissioner Meyer – We are placing some of these on our rail trails and you might consider placing some on the Prairie Spirit Trail. These are really fun and teach people to land navigate.

A. Future Meeting Locations and Dates

April 17, 2008, Finnup Center at Lee Richardson Zoo, Garden City.

June 26, 2008, Days Inn, Newton (possible change to VFW or Bethel College)

August 14, 2008, Hoisington Activity Center, Hoisington (morning tour of Cheyenne Bottoms Wetlands Center - under construction)

October 23, 2008, Tonganoxie High School Auditorium

XIV. ADJOURNMENT

The meeting adjourned at 8:51 p.m.

(Exhibits and/or Transcript available upon request)

Exhibit EE – Map from Chairman Johnston on proposed no-hunting zones for prairie chickens.

Exhibit FF – Letter from National Rifle Association of America lobbyist speaking on behalf of

supporting the use of .22 caliber centerfire rifles.