

**Kansas Department of Wildlife and Parks
Commission Meeting Minutes
Thursday, April 17, 2008
Finnup Center, Lee Richardson Zoo, Garden City, Kansas**

Subject to
Commission
Approval

Tour of Wheatland Conservation areas and PowerPoint presentation of Sandsage Bison Range (because of weather – did not visit the Bison Range). Had catered lunch at Finnup Center.

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

The April 17, 2008 meeting of the Kansas Department of Wildlife and Parks Commission was called to order by Chairman Kelly Johnston at 1:30 p.m. at the Finnup Center, Garden City. 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

Revised agenda on table (revised from briefing book agenda).

IV. APPROVAL OF THE March 13, 2008 MEETING MINUTES

Revisions on page 5, given to public (revised from briefing book). Commissioner Shari Wilson moved to approve minutes as revised, Commissioner Debra Bolton second. *Approved.* (Minutes – Exhibit B).

Chairman Johnston introduced Kathy Sexson, Director of Lee Richardson Zoo. Kathy Sexson: Welcome. WE are happy to have the department and Commission here. If you get a chance to walk around the hallways you will notice a lot of educational displays, some of which have the stamp of the department on them. We work closely with the department, locally and statewide, to do a lot of conservation and education projects and we appreciate that opportunity. We have a strong education program here at the zoo where we try to involve kids in conservation and appreciation of wildlife. Garden City has about 28,000 people and we have run as many as 30,000 kids through our program in one year, so we have a good draw from western Kansas and the three surrounding states. We like to think we make an impact. Thank you for coming.

V. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

None

VI. DEPARTMENT REPORT

A. Secretary's Remarks

1. 2008 Legislature - Chris Tymeson, legal counsel, gave this report to the Commission (Handout from website – Exhibit C). The majority of the session is over and this is the second year of a two-year cycle. There are a number of bills left over from last year and there are initiatives from this year. **SB 38** – left from last year, naming Kaw River State Park, was in companion bill that passed last year. **SB 157** - allowed the department to purchase vessel liability insurance for all of our boats, passed and has been signed by Governor Sebelius. **SB 189** – toward the end of the season there are a lot of bills that jump around and they call it gutting a bill and going with another bill (a gut and go), dealt with hunter education which passed in a different bill last year and now pertains to excavating drainage districts. **SB 257** – dealt with prairie dog management, similar to bills that have been introduced in the past, allowing for prairie dogs to be retained on people's property, no hearing this year or last year. **SB 266**– originally our request two years ago dealt with big game, our deer bill which passed in HB 2437 last year. **SB 267** – department initiative last year, dealt with failure to comply with a wildlife and parks citation, made it out of Senate last year and passed the House this year. **SB 330** – dealt with veterans and providing free licenses to disabled veterans who had a disability rating of 30 percent. It included an appropriation to pay us for those licenses that we would otherwise have to give away. Bill didn't go anywhere, but has jumped bills twice since then. **SB 474** – deals with field trial permits on controlled shooting areas (CSA). This was a department initiative which would allow field trials during upland game bird season to be conducted on CSAs without necessity of a permit. Persons participating would have to have a hunting license, either CSA hunting license or regular hunting license. It was amended out of Senate to strike requirement for having a hunting license to shoot prairie dogs. We requested an amendment and Representative Grange carried that to the House to limit that to residents only. So, nonresidents would still need a hunting license to hunt prairie dogs. **SB 487** – dealt with sales tax exemptions for fees for guided and non-guided hunting and sale of game birds for hunting. Passed Senate, got bottled up in House Committee and has jumped to another bill. **SB 533** – is also a veterans assistance bill; the second jump for that bill and gave free licenses to disabled veterans who were 30 percent service-connected disabled. It didn't go anywhere. **SB 606** – deals with invasive species management and would have required our department to do a number of things and pass several laws to try to stop the flow of invasive species within the state. It had about a \$1.8 million fiscal note to the department and was unfunded. The bill had a hearing but didn't go anywhere. **SB 641** – would have created an outfitting license under the Department of Commerce. The bill did not get a hearing, but I anticipate that it is going to come back next session. It had some unconstitutional provisions in it. **SCR 1622** – was a constitutional amendment for the public's right to hunt, fish and trap, that didn't get a hearing in the Senate. **HB 2027** – dealt with posted land and searches of buildings. It did not get a hearing, but was essentially if land was posted as "hunting, fishing, or trapping by written permission only" then all law enforcement would have to have a search warrant to go on the property. **HB 2052** – dealt with the Water Projects

Environmental Coordination Act which would have exempted comments from our agency, essentially striking us out of the process for environmental coordination. It had a hearing but did not go anywhere last year. **HB 2088** – dealt with criminal trespass against children. It would have precluded registered sex offenders from going into parks; had a hearing last year and didn't go anywhere. **HB 2143** – dealt with no hunting or fishing license for persons in arrearage for child support. That bill jumped twice last year and ultimately passed and brought in non-federal aid child support arrearages. **HB 2158** - the bluegill as the state fish got a hearing but did not go anywhere. **HB 2234** – called the Kansas Heritage Protection Act, one of two initiatives by the NRA, essentially a no-net-loss of public hunting lands program, therefore if a piece of public ground was closed to hunting, you would have to open a corresponding amount of acreage. Bill had some problems, had a hearing, but didn't go anywhere. **HB 2242** – would have removed hunting license requirements on controlled shooting areas, did not get a hearing. **HB 2311** – would have repealed the Threatened and Endangered Species Conservation Act; had a hearing last year but didn't go anywhere. **HB 2386** – would have named the state grass the little bluestem; had a hearing last year but didn't go anywhere. **HB 2426** – would have given free hunting and fishing licenses to Kansas National Guard members; did not get a hearing. **HB 2431** – would impose transient guest tax on Wildlife and Parks cabins; had a hearing last year but didn't go anywhere. **HB 2462** – would have required the department to transfer some real property in Miami County; didn't go anywhere. **HB 2498** – dealt with resident and nonresident deer permit fees and would have imposed a mandatory \$1 addition with proceeds going to the feed the hungry fund; had a hearing last year but didn't go anywhere. **HB 2657** – deals with motor boat exhaust noise; was at the request of Representative Tafanelli and there was a lot of misinformation put out last year. We did some enforcement work at Perry, and as a result of that those people came forward. **HB 2679** – dealt with the same topic, ultimately there was a compromise reached by the department and the proponents of both bills and that ended up in HB 2657. Essentially it raises the allowable decibel level for motorboat exhaust noise to 92 dB on a stationary test. It is complex and scientific. We used to have an 86 dB pass-by test, measured from three feet on the "A" weighted scale. It did pass and was signed by the Governor last week. **HB 2658** – dealt with reservoir sustainability fund and essentially would have increased fees for park users and anglers, boaters and also water right holders. The purpose of the fund would be to prolong the life of Kansas reservoirs. The bill didn't get a hearing. **HB 2664** – would have repealed the mandatory eradication statutes related to prairie dogs; did not get a hearing. **HB 2748** – a department initiative related to big game and wild turkey tagging; would allow the department to set tagging requirements by regulation rather than having it mandatory in statute. Bill was signed by the Governor. **HB 2800** – dealt with youth hunt-of-a-lifetime permits and would have required the department to issue those for free; had a hearing but did not pass out of committee. **HB 2829** – would have allowed county commissions to set additional antlerless seasons. If vehicle accidents in a county reached a threshold of 25 percent deer related, then they could require the Secretary and Commission to set extra seasons; had a hearing, but was tabled on a motion of 10-8. **HB 2923** – is the veterans assistance bill for the 30 percent service-connected disabled veterans to get free hunting and fishing licenses; has gone to conference committee. The Senate has adopted the conference committee report, and when the House returns on the 30th, they will most likely adopt the conference committee report and it will go to the Governor for signature. **HB 2932** – is where the sales tax exemption for guides and sale of game birds ended up and it has been referred to Senate Tax, passed 89-34 along with some other

sales tax authority statutes, don't anticipate it will get a hearing because most of the committees are not going to meet. **HB 2986** – dealt with sustaining reservoirs and aquifers in Kansas, similar to bill we talked about to extend the life of Kansas reservoirs. It would require our department to come up with report on what fees could be charged to our constituents by 2010. The bill had a hearing but didn't go anywhere. **HCR 5015** – would have been a state constitutional amendment dealing with taxation of watercraft, which are taxed at a very high rate and would have amended our constitution which would be required to have property tax similar to what is levied on motor vehicles; passed the House late in the session and has been referred to the Senate, which means it goes straight onto the floor of the Senate and they could act when they come back on the 30th. **HCR 5028** – passed both House and Senate and is a resolution to Congress dealing with a partnership with the federal government to preserve the productivity of Kansas reservoirs, essentially extending the life. **HCR 5032** – a resolution that would request Congress to amend the Flood Control Act of 1944 which dictates reservoir operations, the three on the Kansas River, passed the House and has been referred to Senate Natural Resources. **HCR 5037** – constitutional amendment to protect the public's right to hunt, fish and trap; passed the House 99-21 and was referred to Senate Judiciary. There are several issues with that resolution from a legal perspective. It makes the burden much higher on the agency to pass regulations, and it would also do away with the Commission because it makes all regulations subject to legislative approval. It has a few other legal problems, but it is the only thing that potentially still has legs for this year. Commissioner Bolton – On HB 2911, repealing the Nongame and Endangered Species Act, I don't know anything about that. What would that do? Tymeson – Take away our ability to protect the species that are on the threatened and endangered species list or the species in need of conservation (SINC) list by regulation. Commissioner Meyer – That has come up in the past hasn't it? Tymeson – It came up last year and is from one legislator who is disgruntled at the lack of progress on some watersheds in their district. Chairman Johnston – Given this is the end of the two-year cycle, which department agenda items have not made it? Tymeson – For this year, all of the bills we requested made it out and the residuals that we had leftover from last year that the department supported. The one initiative that did not make it is free park entrance, but that was a fiscal issue. Chairman Johnston – They all made it to the Governor's desk? Tymeson – Yes, we were very successful. Commissioner Lauber – Go over the constitutional amendment. Tymeson – The constitutional amendment for the right to hunt, fish and trap, essentially would have amended the bill of rights to the Kansas Constitution, which has not been amended since 1861. There are twenty sections in the bill of rights and that is the first problem with this. There is considerable debate on whether the right to hunt is commensurate with inherent rights you have as an individual against unreasonable search and seizure and it would put it on the same level as discrimination of race or color. The language says that there is a right to hunt, fish and trap to harvest game subject to reasonable regulations approved by the legislature (that is the second problem, approved by the legislature); the second sentence says that traditional methods are to be preferred, which I am not sure what those are considering various topics in this forum; the third sentence says, something to the effect of preferred method of managing and controlling wildlife is hunting, fishing and trapping, which isn't that problematic; and the last sentence says, nothing in this amendment is to be construed to change case law or statutes related to imminent domain, trespass or something else, which as an attorney means it changes everything else except those three items. That is completely contrary to the proponent's view. It is model language of the NRA and could be very problematic for our

department. It does raise the level of scrutiny when you pass a regulation from a mere rational basis and presumed constitutional to strict scrutiny and presumed unconstitutional until the department can show it is the least restrictive method to use. That is problematic when you start talking about equipment regulation. It also potentially can galvanize anti-hunting sentiment in this state and we are fortunate right now that we have none to speak of on a litigation front. Kansas is lucky in that regard. As an aside, I took my first call from the Humane Society of the U.S. shortly after that resolution passed the House. Problematic for the department and Commission and if it goes to the voters in November and fails, then what does that say about Kansas and it's attitude towards hunting, fishing and trapping? There are too many unknowns. I don't know if it would affect the Wildlife Violator's Compact; there are twelve states that have some type of constitutional amendment right to hunt, fish and trap, but most of them are in the southeast and the vast majority of them are not in the Wildlife Violator's Compact. Don't know if it will have an impact on fees, if that will give someone the right to challenge fees on the basis of it being their right to hunt. The best method, should it move forward, would be to place it in the miscellaneous provisions of the constitution and keep it simple and say that the public has the right to hunt, fish and trap subject to reasonable laws and regulations.

2. 2009 Budget Update - Dick Koerth, Assistant Secretary of Administration, gave this report to the Commission (Exhibit D). The Kansas Legislature has completed the regular appropriation bills. As Chris mentioned, the open admissions initiative that was approved by the Governor was not approved by the legislature. We will be continuing with the half-price structure for another year. The Governor recommended an amount of \$4.5 million from the Expanded Lottery Act Revenue funds for parks capital improvements and flood repairs, with the intent that it would be a dedicated funding source for the agency as far as park capital improvements. The State Supreme Court has not ruled on the validity of this source of revenue and the Legislature deleted all items funded from lottery money until such time the Supreme Court rules. There has been an item approved that would create lock boxes. The lottery money can be used at the discretion of the Governor or legislature for three purposes. A lock box is essentially one third; one third; one third; capital improvements, debt reduction and partial tax relief. There is no way that one third could fund capital improvements, which was a concern to us. The Legislature did appropriate an amount of \$1.5 million from the State General Fund for capital improvements in FY 2009 for the parks. We will continue to pursue, at the Omnibus Bill session, additional funding particularly for the FY 2008 flood repair ,which was approximately \$2.5 million in damages. The Legislature approved four new positions for FY 2009, we requested twelve, and the Governor recommended nine. The positions are a public land manager for Jamestown WA, two Natural Resource Officers, and an information/education position for the Kansas Wetlands Education Center. The Conference Committee report also continued funding for the Farmers and Hunters Feeding the Hungry program and for stream flow monitoring; at the last meeting we discussed both of those items and that they had been deleted by the House, but in the new version of the appropriation bill both items have been restored. The report deleted the ten park vehicles we requested. Originally the Governor recommended 31 vehicles for the agency and we got 21 approved primarily for Fish and Wildlife and Law Enforcement, but the ten for Parks were deleted. They are still in the Omnibus bill and we will try to retain those ten vehicles if possible. We have very few items for review during the Omnibus Session, but replacement vehicles will be an issue and also capital improvements.

Committees will start meeting next Monday to determine the items that go to the Omnibus Appropriation bills.

B. General Discussion

1. Mountain Lion Update – Kevin Jones, Law Enforcement Division Director, presented this report to the Commission (Exhibit E). Kansas Wildlife and Parks officers are investigating the alleged killing of a mountain lion, also known as a cougar or puma, in southcentral Kansas last fall. A Barber County landowner (west of Medicine Lodge) apparently killed the cougar on his own property last fall. Early in January Officer Tracy Galvin started hearing rumors and started collecting information circulating through the community. After working on this for some time, at the end of February, first part of March he was able to confirm who the individual was. He has made contact and that person who is being cooperative at this time. He said he was cutting wood when he shot the animal in November 2007. He had taken the carcass of the animal and shipped it to a taxidermist in the Odessa, Texas area for mounting. He was agreeable to turn the animal over for examination to see what we could determine from it. At this time the pelt, or hide, of the animal was returned back to the department and it was submitted for testing which Matt will talk about. This is still an investigation and we have a couple of areas we need to clarify before giving consideration for prosecution with the County Attorney. We hope to have that wrapped up in the next few weeks.

Matt Peek, wildlife biologist – I was able to collect a muscle tissue sample off the pelt and sent it off to a lab for genetic analysis. The first thing they test for is the presence of South American DNA, which would indicate it was of captive descent to some degree. At some point, either it or their parents were captives. If it is North American, since some of the captive animals are North American, that doesn't answer the captivity question, however they can follow that test up with an attempt to link the genetics of this animal with those of known source populations and that effort is hindered by genetic makeup of populations within the western United States since they travel so far and the populations are pretty much contiguous, so the genetics are very similar. The ability to tie this animal back to a certain population is uncertain, but we are looking for clues of where it came from. There was no indication that this animal had been in captivity at any time. In the past we would have assumed an animal was captive first until proven otherwise, but now based on the recurrence of mountain lions in other states in the Midwest the opposite is true. We will assume them wild animals until proven otherwise. The most likely source of this animal is New Mexico/Colorado population, which is roughly 300 miles to the west and with rivers running east and west, that would seem most likely. The nearest documented animal was killed by a train near Redrock, Oklahoma in 2004 and was from the Black Hills which is about 600 miles away. Analysis on the tissue I sent was initiated two weeks ago and we hope to have results soon. Chairman Johnston – Would the resolution of the wild versus captive issue affect the prosecution? Jones – Possibly, if you look at laws in the state the statutes clearly establish that unless an individual is allowed, by statute or regulation to take wildlife, it is prohibited. Any animal found in the wild, free-ranging as the indication is here, it would be considered wildlife. Since we don't establish a season, it would be an unlawful take if the animal was killed, but there are provisions within statute that allow property owners to protect their property or life and limb from animals that are damaging, so if there was some question of public safety or protection of property that take could be lawful. Absent of that, it would be considered unlawful activity

regardless of where it came from. Commissioner Sebelius – This was our news release in the briefing book. Sheila Kemmis – Yes, it is. Commissioner Sebelius – It was put in newspapers statewide? Peek – It was put on the public website? Mathews – It came from us. Commissioner Sebelius – How much of this goes into the offense report that goes to the local authorities? Jones – Parts of that would. Commissioner Sebelius – It doesn't seem to indicate the fellow believed he was defending his property or person. Jones – That is my understanding of the circumstances. We have an officer working on this. Commissioner Shari Wilson – What are the potential penalties if someone is found guilty of violating a statute? Jones – This is an unclassified animal in this state and would be considered a Class C misdemeanor, up to \$500 fine and potential of 30 days and revocation of up to a year would be the maximums. That would depend on the County Attorney and how they want to charge this. Commissioner Shari Wilson – Our statutes have a lesser penalty if an animal is unclassified than if we have regulations or statutes for taking? Jones – Generally violations are Class C, but there are some specific situations when dealing with big game where the legislature increased the penalties for those violations a few years ago. Commissioner Shari Wilson – If a person was convicted, if they apply for hunting license, is there any penalty for them receiving a future license? Jones – That would be at the discretion of the sentence set forth by the court. Commissioner Shari Wilson – That is an option for the judge? Jones – Yes. Chairman Johnston – Would confiscation of equipment be possible for this type of violation? Jones – Potentially, yes. Mike Pearce – Matt, have you seen the skull of the cat? Peek – No, I don't believe we have obtained it yet. Jones – To my knowledge it is in shipment and expected today or tomorrow.

2. Late Migratory Bird Seasons – Faye McNew, waterfowl research biologist, presented this report to the Commission (Exhibit F). Late migratory bird seasons include the regular duck seasons as well as all of the goose species seasons. The waterfowl frameworks are set annually by the U.S. Fish and Wildlife Service (USFWS) which includes the earliest opening date and the latest closing date as well as the bag limits. The frameworks are based on results of the May survey and are available around mid-August. We anticipate going with the Adaptive Harvest Management system which is based on the mallard population and the Canadian May pond numbers. It allows for three different packages, a 74-day season; a 60-day season or a 39-day season. This will be the third and final year of the Hunters Choice Experiment. We will be conducting data analysis in the summer to determine if it is equal to season-within-a-season. The goose season is expected to be a 107-day season similar to last year. One thing to note is in the current Presidential budget for 2009 he does have an increase for the federal duck stamp from \$15 to \$25. The department is recommending a change to the High Plains unit boundary to include Cedar Bluff Wildlife Area. This will be a short jog east on 70; south on 147; west on 4; and back down 283. This is pending approval from the USFWS and we expect a decision by mid-August, 2008. This will allow hunters on that area to have the 97-day season. Commissioner Meyer – Who sets the federal duck stamp, the federal government? McNew – Yes. Commissioner Meyer – I wonder if that is wise considering that the number of people hunting is decreasing and Canada geese numbers are increasing. McNew – That is a concern with the price increase, but property prices in the plains are skyrocketing and we cannot keep up with the prices so we are not being able to protect wetlands in the prairies anymore. Secretary Hayden – On your discussions with the Flyway Council and other meetings what are the current discussions about CRP and its future in regards to migratory bird populations? McNew – We have sent quite

a few letters of support of the continuation of CRP and to increase rental rates to be competitive. There are great concerns for North and South Dakota, because we are losing millions of acres of CRP in those states.

Mike Pearce – This is the last year of hunter’s choice? McNew – Yes. Pearce – What are the water levels like? McNew – It is looking good this year, they had good carry-over from last year and most of the prairies had good snow cover, with a few exceptions, and they have been having a pretty wet spring. Pearce – When they count ponds, exactly what are they counting? McNew – The Canadian ponds in Alberta, Manitoba and Saskatchewan and the duck counts include the U.S. prairies as well as the Canadian prairies and Alaska. Kramer – Did the Service say anything more about the opportunity for harvesting wood ducks in the future? McNew – I believe they received four different recommendations from the four flyways regarding the wood duck harvest, so they are considering it. There is potential to raise the wood duck bag from two to three based on new and recovery data analysis. That analysis was done for the Mississippi and Atlantic flyways. The Central Flyway has expressed interest in being involved in this new initiative, and it will be discussed at the June SRC meeting. Tymeson – That is in relation to just raising the bag limit, not an early season. McNew – Correct. To get an early wood duck season would be very difficult at this time. Tymeson – In relation to the Hunters Choice, when they put us in that initially we were told us we would be bound to that and now they are looking at changing the season-within-a-season for the other states. It says in the briefing book, changing the frameworks for scaup, canvasback and pintails? McNew – Currently scaup is a hot topic. Their population has been declining for over ten years, and there is a new strategy that would reduce the scaup bag to one and create a 39-day season. Canvasbacks are at an all time high and they are considering a harvest strategy that would increase the maximum bag to two canvasbacks when populations are above a certain level. We have expressed concern that there are too many strategies impacting the Hunter’s Choice experiment. Chairman Johnston – I received a complimentary letter from a constituent a few weeks ago, Jeffery Irvine, DU Leavenworth Area Chairman, who complements us on the late duck season that ended this year and said it was one of the best seasons he could recall and it was because of the late season opportunity and he requests no changes for next year’s duck season frameworks. I assume it is too early to discuss dates at this time? McNew – Yes. We don’t expect to make too many changes.

3. Fishing Regulations – Kyle Austin, fisheries management specialist, presented this report to the Commission (Exhibit G). We put jug fishing on the agency blog on our website and received about 150 comments from people on both ends of the issue. In Kansas you can jug fish, but that line has to be weighted to the bottom, a stationary line, not free-floating. Some of the surrounding states have this same regulation. It looks like most of the people favor some type of jug fishing as long as we place some restrictions on it. We may be looking at a limited number of jugs, something like our set lines right now; a season-within-a-season to minimize user conflicts; or types of jugs that can be used. We will come back in June with a recommendation.

Commissioner Robert Wilson – Are you primarily looking at jug fishing for channel cat? Austin – Primarily, maybe some blue catfish. We have some reservoirs now that have good blue cat populations. Any predator fish will be likely to hit one of those things so we are looking at people having to be actively fishing those things not just leaving them. It has to be enforceable whatever we do. Commissioner Lauber – Do other states that have it just throw jugs out and come back the next day or do they have them monitored? Austin – It is both, some of them can

kick out 50 and come back within 24 hours, we are not sure we want to do that; some of them have to be in site; and some have to monitor them. We have talked to about 30 different states about what they do. Commissioner Lauber – Is it legal to use it in your own pond? Jones – On private impoundments it would be legal. Chairman Johnston – When recently discussing noodling, it was a concern what the harvest would be. I am curious if you have a sense of how the harvest will be affected? Austin – We worried about wipers because they don't handle catch and release and unless they are monitoring, there could be high mortality. We are looking at only our 24 large reservoirs and a few State Fishing Lakes. Not worried about biological issues on catfish, but other species. Commissioner Lauber – Don't expect eight or ten jugs will make much impact, but if they don't have to watch them I can see some conflict, but I don't think it will hurt the resource. Austin – That is exactly right, it is an east versus west sort of thing. We could do some things possibly after dark for instance, or sunset to sunrise, but we haven't worked through this internally. We will come back in June with a recommendation. Chairman Johnston – Is not allowing jug fishing still an option? Austin – Yes. Chairman Johnston – Do we have one of our 24 reservoirs with a population of blue cats that are large enough to be legally harvested? Austin – Milford, we have stocked blue cats there since the early 1990s. Chairman Johnston – Is it being considered to make it illegal to take wipers off of the jug line, just make it catch and release? Austin – They are legal fish and we are struggling with that right now, there is a lot of work to do yet. Fred Hemmert – Is jug fishing legal if the weight goes clear to bottom? Jones – That would not actually be jug fishing that would be considered a variation of a set line and it is legal if the line goes to shore. Hemmert – You can't throw a jug line out without a line going to shore? Jones – A set line has to be anchored to a land structure, it can't be a free-floating jug. Hemmert – If you had a weight going to the bottom that would be considered free-floating? Jones – That would probably be true, yes. Hemmert – You can have eight of them? Jones – Yes. Hemmert – I thought you couldn't use jugs of any kind in Kansas, but I know a guy who has been fishing for years with them at Milford and Tuttle Creek with an anchor on them. Jones - By definition that would be a set line, rather than jug fishing. Austin – You could get a 35-pound fish and it is no longer stationary so there are some issues there. The next item is the reference document for special length and creel limits which was presented a few years ago. The list has increased since we submitted this for the briefing book. For now we have Lake Shawnee, change largemouth bass from 18-inch minimum length limit and 2 fish per day creel to a 13- to 18-inch slot length limit and 5 fish per day creel; and remove the 15-inch minimum length limit on channel catfish at Lake Shawnee; on Glen Elder Reservoir, change minimum length limit on walleye from 15-inch to 18-inch; and on blue catfish 5 fish daily creel limit, add Milford, Cheney and El Dorado Reservoirs. The next item is to better define artificial lures, flies, and bait by amending KAR 115-7-6 to clarify definition, but the only issue we have is Pratt Centennial pond which is catch and release, so instead of making Chris' life miserable we may change that in the reference document to not allow power bait there. It will be difficult to define with all of the new bait on the market. The last one is controlling interstate fish movement by coordinating with the Department of Agriculture on a State Aquaculture Plan that will protect our waters from Aquatic Nuisance Species and diseases. This will take us a little longer to put together so we don't expect to be ready with this part of the plan by June.

4. Park Regulations – Jerry Hover, Parks Division Director, presented this report to the Commission (Exhibit H). Regulations reviewed on an annual basis are: KAR 115-1; 115-2; 115-

8; 115-9; and 115-18. Possible changes could occur to KAR 115-2-3 on camping, utility, and other fees. The last change in utilities fees was made in 2002, and we are looking at possibly increasing each of the three utility fees by \$1.00 to recover rising costs. On KAR 115-2-5, the trail access pass, currently Sand Hills state park and Prairie Spirit Rail Trail each have a per-person trail pass. On the Sand Hills, we are developing a new campground and up until now it has had undeveloped trails, so we would like to change that from a per-person trail pass to a motor vehicle permit, the same as other state parks. KAR 115-8-10 deals with pets, definitions and where they can or cannot be, and we are running into a problem because pets are not allowed in our department operated rental cabins. We need to clarify that so it states that, and clarifies that pets are allowed in privately owned cabins on department controlled lands. Chairman Johnston – Did you miss KAR 115-8-9 on camping? Hover – Yes I did. KAR 115-8-9 deals with camping and clarifies the language within that to allow for long-term camping. Currently it is confusing and this would define a long-term camper which allows a camping unit on one designated camping site for up to six months with a permit valid for 30 days at a time. It does not require them to move every 14 days as the current regulation states. Commissioner Shari Wilson – On 115-2-3, on utility rates, are those per day? Hover – Yes. Commissioner Shari Wilson – So one utility would be if you used electricity; two would be electricity and water; and three would be three? Hover – Yes. Under three you would have potable water, electricity and sewer to that campsite. Commissioner Shari Wilson – You said these have not been reviewed since 2002? It is probably past time. On camping, has long-term camping demand been rising? Hover – Yes. At some areas we have to limit that. The maximum we can do is 10 percent of the total campsites available. In some cases during the winter we don't have potable water available so that reduces the number of sites you take the 10 percent from. In other areas the demand is very strong. A person currently pays more for a long-term campsite than they would by paying the daily rate. Long-term requires them to buy an annual park permit or a 14-night, plus their vehicle permits, plus three utilities is \$320 for a 30-day period; then it drops to \$280 and \$250 for long-term. Commissioner Shari Wilson – Is this a money maker for us? Hover – We are not doing it to make money, that is a side benefit, but it will cover our costs to implement this. We expanded El Dorado and beginning in December we brought in \$55,000 to \$58,000 in revenue for those expanded sites. The cost for the utilities they used ran about \$38,000 to \$39,000, which is just usage and does not include repairs. Commissioner Shari Wilson – Are the campers in-state or out-of-state people? Hover – A combination of both. Commissioner Lauber – Some use it as a residence, like construction workers. Sometimes it is not as sightly as we would like to see, but I am not sure how we could do much more than what we are doing except raise it a little bit. Hover – They are inspected regularly because that is one of the things we don't want, is a stereotype mobile home court. That is one of the reasons we do it on 30-day agreement that they would have to sign. If they don't meet that agreement, we simply don't sell them another agreement. Commissioner Sebelius – Do you discuss with your managers having the prime sites exempted from this or do you allow them. Hover – No, generally speaking, during the prime season months, mid-May to mid-September, there are no long-term sites during that time period. Commissioner Bolton – On the utility fees, you said you hadn't looked at the prices since 2002 and I wondered if the \$1.00 increase is enough? I think that is pretty low. Other states are charging more than that. Have you checked other states? Hover – We have to look at what the average of other states is, what private campgrounds charge and we try to put those into a matrix, look at what our costs are and try to come up with a suggested price that meets what the costs

are. Some people feel utilities are a necessity, but they are an amenity.

5. Report on initiatives tying “back to nature”, health and state parks together – Jerry Hover, Parks Division Director, presented this report to the Commission (Exhibit I). This is one of the fun things that the department is doing this year. Every year we do a number of things for people but we are concentrating more on children in hopes they bring their parents. Across the nation we are aware that kids are not able to go out and play like we did when we were growing up, and so we are trying to come up with ideas to use up-to-date technologies to get them outside as well as to learn about the importance of nature and how people interact with nature. Together, with a number of other agencies, this movement was tagged “The Children in Nature Campaign.” It actually started a number of years ago with our OK Kids program, fishing clinics and all of the different programs we have been doing over time. This year we are expanding that and reaching out to other organizations and foundations and the federal government to work together toward one goal. Back in September 2007, the National State Parks Directors Association met concurrently with the National Parks Service leadership and together we formed a document called the “Children in Nature plan for action.” We are now implementing parts of that. In January 2008 we kicked off a new program that included the “Kansas Children’s Bill Of Rights.” A few of them are: to discover Kansas’ past, splash in the water, play in a safe place, and camp under the stars. Those are a few of the ten. We are also leading with the “Bee a Kansas Explorer” that I have included the mock-up page of (Exhibit J) that we will be doing with many of the schools throughout Kansas. We are working through our AmeriCorps leaders and are targeting the 4th through 6th grades, but we will not say no to any child. This will get the program started, and we hope to expand upon it in future years. We are starting with a target of 25,000 that will pass through this program this summer. This coupled with 20,000 in the OK Kids program and another couple thousand through other programs, we hope to target at least 60,000 kids. We are also working with the Kansas Recreation and Parks Association (KRPA) who has requested a Proclamation from the Governor essentially proclaiming June 2008 as Kansas Great Outdoors Month and specifically June 14, 2008, as the Kansas Get Outdoors Day. We are planning a large number of special events and one I can talk about is at Cedar Bluff, which will be advertised on a national basis as part of the national program. They have tremendous plans for June 14. Prior to that is the Meade Kids Days, which starts on May 4 and there is an editorial in the Meade paper from earlier this week. Another statewide program is the geo-cache program. One of your Commissioners is very active in two of these statewide programs, Commissioner Shari Wilson. The geo-cache program is being kicked off this Saturday at Lovewell State Park where we are bringing in an instructor to teach use of GPS (Global Positioning System) and to find caches. If you look at the national geo-cache webpage, there are literally hundreds of geo-caches, many of those on KDWP properties we manage that are being put out by the public. We are putting out a special one, it is a contest and there will be prizes awarded. There are a total of 29 sites spread across the state and hopefully there will be some who find all of the caches. Actually you double the 29, because we give them the first coordinates and they have to find that to find the prize coordinate which will be inside the box. The passport program is patterned after the National Park Service program in which you have a booklet that looks like a passport and as they visit each of the sites they will get the book stamped. Again, the most places visited will end up with a prize. We are going to start the news releases soon.

Linda Lanterman and Jeff Bender are assisting with The Healthy Kansas program program with KDHE. There is a second handout, “This trail leads to better health” (Exhibit K) that is a draft of what the signs will look like. We will put in the distance of a trail and the number of calories you will burn if you take that trail and it all leads to better health and getting kids and people outside. There is also the Healthy Kansas Summits that are coming up -- four in the month of June. We are working with the Nutrition, Physical Activity and Obesity Program with KDHE and have requested a grant from the Center for Disease Control (CDC). This program has passed the first two preliminary rounds of that process so the chances are the grant will come through to do this program which will increase the physical activity by increasing the quality and the number of trails in the our state parks and public lands. We will end the summer with Kansas Health Summit: Built Environment and the Outdoors in Wichita at the Hyatt on October 6 and 7, 2008. It is a dynamic program and we are gaining partners all the time. There is a long list of partners: KDWP; KDOT, KDHE; Kansas Recreation and Parks Association; and KACEE are the primary, as well as others. A presentation will be made by Richard Louv who will provide a free seminar in the evening of the first day, which is open to everyone, but the rest of the conference has a registration fee. We also have Mark Fenton, host of the PBS television series “America’s Walking.” There will be several book signings and the second day of the conference will take off those presentations and build another action plan for the next year. Commissioner Bolton – You mentioned the Meade OK Kids the first weekend in May. Hover – That is correct. Commissioner Bolton – Anyone who wants to can come out is invited. Hover – There entire program is devoted to children and nature and right now they have over 400 kids registered. Commissioner Shari Wilson – I have really enjoyed being involved as part of this process. I think it is exciting and fun what is happening in our state parks and three of our public land areas this summer, those involved in the geo-caching program. In late January, we had our first meeting with the National Parks Service and we didn’t really have specific ideas. At that time we were just going off “The Children in Nature” plan for action and the “Kansas Children’s Bill of Rights,” and we decided to do the geo-cache program and the passport program. In that short time we have set up the geo-cache program and the criteria set out, the caches procured and out to the parks and our first kick off is this Saturday. This all happened at a really busy time at our state parks when park managers are trying to wrap up winter projects and get ready for spring and summer visitors and this was one more thing on their list. I am very impressed with the managers and the fact that they found the time to get this done. The passport meeting is April 30, so that program will be soon to come. This is important for state parks and to increase public health.

Break

6. Recreational Boating and Fishing Foundation Marketing Partnership – Tom Lang, fisheries biologist, presented this report to the Commission (PowerPoint - Exhibit L). Kyle Austin introduced Tom Lang. Lang – We are doing a “Casual Angler Marketing Campaign” in the fisheries section. Nationwide the USFWS reports that from 2001-2006, there has been a 10 percent decline in freshwater anglers, which is not unique to Kansas, but if we lose anglers we lose revenue and our ability to manage our fisheries resources and fulfill our mission. Southwick and Associates study showed that nationwide only about 15 percent of anglers buy a fishing license five out of every five years. The rest are termed lapsed or casual anglers. Therefore we are targeting casual anglers. They are already interested in fishing and are the lowest hanging

fruit when starting a marketing program. In the past we did a direct mail fishing brochure that we mailed to half of the residents of Atchison and Osage counties. This was a successful marketing campaign even though the brochures did not target just anglers. The recommendation from that was that we need to use a target audience and use our automated license data, or KOALS. Kansas is one of 32 states being led by Recreational Boating and Fishing Foundation (RBFF), and we have made a three-year commitment and they have matched us dollar for dollar, so that we have \$50,000 a year to implement this campaign. RBFF is a non-profit created in 1998 and is funded through Sportfish Restoration and Boating Trust Fund. Their mission is to implement a national outreach strategy to increase recreational boating and angling. This marketing project is built on several state pilot initiatives that were not only fishing, but hunting. We are going to use 2006 and 2007 KOALS data and target annual resident fishing license buyers because their sales increased two percent from 2006 to 2007 and that makes us feel that is the most likely group to grow. Our strategy for year one is to send a postcard to our targeted audience and check our licenses database later and then mail a follow-up postcard to anyone who has not bought a license. Our mail dates coincide with our peak sale dates of 2006 and 2007 lapsed angler. We sent the first postcard on Monday to 62,500 lapsed anglers. Our first postcard was separated into two designs based on the demographics of neighborhood that the casual anglers live in. On May 20 we will send a follow-up postcard to the 50,000 lapsed anglers that did not buy a license after receiving the first postcard. We are using our new SAS data-mining software to mine our KOALS database and identify our target audience. We narrowed down the population to those who bought a resident fishing license in 2006, but did not fish in 2007 in Kansas, or those that haven't bought in the last two years. This was 134,132 unique individuals (no multiples). In 2006 there were 65,000 and in 2007 there was just shy of 69,000. We filtered the data and removed those under 16, 64 or older, or their date of birth was missing. We also removed anyone without a valid U.S. postal address and those missing a census track, which left us 110,356. We then removed those who bought a license (all but 24-hour) in 2008, which was 11,575, leaving 98,781 casual anglers. We sent 63 percent or 62,500 postcards. The postcard is large so it sticks out in your mail and is glossy which will increase the response (Exhibit M). Anyone who lived in a neighborhood that is greater than 30 percent white received "Catch a few memories you'll never want to release" card, which tugged on the heart strings and remembering the good feelings of when your father or grandfather took you fishing. The difference with the "Take me fishing" campaign is that there has not been a call to action; it has been very successful in the fact that it has created millions of impressions for the "Take me fishing" brand, but it hasn't pushed it from impression to action. We tell people how to act, how to go to a license vendor -- go online or call to obtain a license. To make it easier, we actually provide their KDWP number on the postcard. The other mailer went to anyone who lived in a neighborhood that is 70 percent non-white. Out of the 110,000 that was only 1,000 people in Kansas, so we sent those to 558 people. It reads the same only has a little different imagery because research shows that people respond better to pictures they can see themselves in or can relate to. We will send the 50,000 follow-up postcards around May 20, and that will be the same postcard for everyone. The key difference between the first mailer and the second is we go from you need to do this for you and your family to we need you to do this for us and making sure they are aware that the money they are spending on licenses goes to Wildlife and Parks to manage the resources and to aquatic education efforts. This is teamed up with RBFF's "Take Me Fishing" national campaign and the Kansas website www.KS.TakeMeFishing.org and some local advertising as well. The national

campaign will include radio, online, print, TV and minor league baseball promos in the 32 states involved. Timing of the national campaign will coincide with our mailings. The special site is because it is easier to remember a shorter website if you hear it on the radio and it allows tracking for better evaluation. There are 31 different radio stations in the state and 12 in bordering states that will obviously hit Kansas residents. The website will take them to the “Take me fishing” webpage with a link to the agency website. We have added downloadable items such as fishing atlas, regulation summary, fishing forecast, fishing guides, our online license buying system, etc. There will also be tips for having a successful family outing with the kids. Additionally there will be other national online advertisements on the site and local advertisements. Magazine advertisements will go out in May and June and there will be some TV advertisement. We want to make sure we have a positive return, or at least break even, on the first year’s investment of \$50,000. We are going to measure the higher response rate and a positive return is 3.3 percent or 2,000 anglers who buy. One of the reasons we filtered using the SAS data is this will help us better choose who to target in future campaigns. We need to incorporate multiple databases to strengthen our model, things like boater registration. And we need to continue to refine the audience. When we build up to five years of KOALS data, we can develop a predicted model based on what Ohio and Oklahoma have done. We can expand efforts to non-residents, lapsed hunters, permit/stamp specific marketing and other areas. We are learning from all 31 other states. This is a cheap investment and is scientifically sound. We can capitalize on “Take Me Fishing” campaign, expand to increase licenses and evaluate and continue to refine. We are glad Secretary Hayden allowed us to jump on this program. Chairman Johnston – This looks like a fine program and looks like it has a definite chance for success and hopefully we will have higher than 3.3 percent return. Commissioner Shari Wilson – Bob Mathews and I were at a nature-based tourism meeting last year and the vendor who helped us put together the marketing concepts from our KOALS system was there and was talking about some of the possibilities and I think this is the first of many, and I am glad to see it happening. Commissioner Robert Wilson – Are there any figures that explain why someone is a casual fisherman? Lang – The USFWS report says we have 404,000 anglers and we don’t have that many and that churn has a lot to do with that. You can start filling in some of those gaps and have more steady and increased funding on a yearly basis.

7. Conservation Reserve Enhancement Program (CREP) – Mike Mitchener, Wildlife Section Chief, presented this report to the Commission (Exhibit N). CREP is a special program through CRP and USD. Kansas has had a couple of attempts at building a CREP, and this is the first time it has been successful. The Kansas Upper Arkansas River (UAR) CREP is a partnership between USDA and the State of Kansas with an 80/20 funding split, 80 percent from the feds and 20 percent from the state. This voluntary program provides incentives and cost sharing to participants who enroll their land into eligible conservation practices such as native vegetation establishment or wildlife conservation for a period of 14 to 15 years. This CREP lies within 10 counties from the Colorado line to just east of Great Bend in Rice County along the Arkansas River. The state is seeking to enroll about 20,000 acres under the current MOA; 17,000 acres of irrigated land, and 3,000 dryland corners from irrigated circles. The project will reduce the use of irrigation water and reduce non-point source pollution by terminating water rights. People who sign up their land will be surrendering their water rights permanently through this program and establishing permanent vegetative cover or other conservation practices. The total

CREP is estimated at \$22.7 million and the State of Kansas is expected to contribute at least 20 percent of that. Ten percent of that will be in-kind services from agencies and other partners and ten percent will be direct payments made by the state. The Kansas Farm Service Agency began accepting applications to enroll land in the CREP program on December 20, 2007. Application is like CRP, on a first-come, first-served basis. Figures I received yesterday from Susan Stover of the Kansas Water Office say that the number of acres has backed off a little bit to 10,172 acres that are in the process of having contracts written. Sometimes you find the land might not be eligible, issues include no clear water rights, the land might have been sold after it was offered, or people have decided to farm because of the high commodity prices. The objectives are very important. For instance number 8: increase aquifer recharge and wildlife habitat by enrolling 400 acres of playa lakes and soils and other suitable locations for shallow water development; and number 11, which is to protect the ecological and recreational viability of Cheyenne Bottoms with an improved Ark River stream flow, and a couple of measurements that are going to be made with that are looking at the waterfowl counts and human visitation rates at Cheyenne Bottoms. There are a large number of partners involved in this CREP, and our main involvement is providing state match and doing some monitoring based on the wildlife surveys we do, like waterfowl counts, shorebird counts at playas, prairie chicken lek surveys, deer spotlight counts, stream surveys, and things like that. We will be tracking our expenditures for the next 14 or 15 years and will be providing those as state match to the Water Office to compile into the overall match. Commissioner Bolton – I noticed that Kansas State University will provide outreach, but are you aware of the RAPS program that K-State Extension does? Mitchener – I don't know how much RAPS is involved in the CREP. Commissioner Bolton – But you do know about it? Mitchener – Yes. Commissioner Shari Wilson – Is this the only CREP we have established at this point? Mitchener – Yes it is. Commissioner Shari Wilson – We had to get legislation at the state level in order to do this. Is there authority for more than this one? Mitchener – It has to be put together and authorized the same as before. There has been talk of doing a CREP possibly on the Republican River. It took several years to put this one together. Commissioner Shari Wilson – I wasn't sure if the legislature authorized the program or just this specific CREP only? Mitchener – Just this specific project. Chairman Johnston – How much longer can projects be enrolled in the project since you are half way there? Mitchener – For the life of the project or until they reach the 20,000 acres. There is a possibility, with further legislation, it could go as high as 40,000 acres.

8. Northern Bobwhite Conservation Initiative and Prairie Grouse Plan – Jim Pitman, wildlife biologist, presented this report to the Commission (Exhibit O). Due to the long-term decline of quail in the southeastern U.S., the Northern Bobwhite Conservation Initiative (NBCI) was formed in 1995 by the directors of the Southeastern Association of Fish and Wildlife Agencies (SEAFWA). They called for the creation of a technical committee in their region to address those declines called the Southeast Quail Study Group (SEQSG). In 1998 the directors charged that group with developing a regional plan to restore bobwhites to their 1980 density across their former southeastern range. The SEQSG saw the need to include several of the non-SEAFWA states (including Kansas) in the planning process due to a large portion of the quail range occurring outside of the southeast region. The first plan included 22 states, 8 outside of the southeast region. The plan recognized the fact that habitat declines had been the primary cause of the quail decline so the plan was written on a regional scale called bird conservation regions and

was written with the idea that habitat restoration would need to be accomplished in each of those regions on 81 million acres. The group quail biologists that wrote this plan felt that was what it would take to restore quail densities to their 1980 levels. The plan was completed in 2002 and since that time there have been a number of steps taken to implement the plan. There have been memorandums of agreement signed with the Midwest Association of Fish & Wildlife Agencies (MAFWA), which includes Kansas, and the Northeast Association to fully support the plan. There have also been state step-down plans in 14 of the 22 states to address declines at a local area within their region. Kansas had a step plan before the NBCI so we were ahead of the curve in that regard. The big success story is that it was the driving force behind the conservation practice (CP33) program called the habitat for upland birds program, which allocated 250,000 acres throughout the bobwhite range to restore grass buffers around agricultural fields which was proposed by the SEQSG. Since the NBCI was written, we have also taken in \$3.3 million in grant money to help implement some of the conservation measures recommended in the plan. The stumbling blocks have been that the SEAFWA was taking in the grant money and trying to administer grants on a regional scale and that was difficult because a lot of the states in the plan were not under their direct control, including Kansas. Currently we are revising the plan, which is a complex document, to extend the range, but to look at private partners to take over the administration of the NBCI so it will be more easily implemented on a national scale. Specific programs in Kansas that are currently benefiting bobwhites are the step-down plan to create and maintain bobwhite quail habitat in Allen, Bourbon, Crawford, and Neosho counties. In that region we are converting fescue back to native warm season grass; establishing new stands of native grasses and forbs; hedgerow renovation; shrub planting; food plot establishment; deferred grazing; and renovation of mature grass stands. Since 2001 we have signed 306 landowner agreements and have directed \$465,000. We also have a state Wildlife Habitat Improvement Program (WHIP) which we have had in place for a long time. It is not designed specifically to benefit quail, but the practices we do benefit the birds. We pay the landowners up to 50 percent cost share, up to \$500, for approved projects such as native grass planting, wetland development food plots, guzzlers, strip disking, and prescribed burning. We also have the Pheasant Initiative (PI) which is similar and started in 1998 in a targeted area, but since then have expanded that program to cover the full range of the pheasants which overlaps a lot of our quail range. We have roughly \$100,000 a year to work on projects in that area. The department also pays \$150,000 a year to put buffer coordinators in 45 of the 105 Kansas counties in County Conservation District Offices. Those folks work with landowners to try and get them enrolled the various CRP buffer programs. The big programs are the federal programs. We have a little over three million acres which has contributed to increases in quail populations in the western part of the state, which is one of the only places in North America where quail populations have increased over the last decade. I also mentioned the habitat buffers for upland birds or CP33. Kansas received 20,000 acres of the 250,000 acres earmarked nationally for this program. That program has been very popular and has been reallocated on two different occasions to 62,500 acres. To date, we have 32,806 acres enrolled in the program, mostly in the central and western part of the state. We are monitoring the response of quail and pheasants on a random sample of enrolled acreage and are seeing a positive response. We also had a \$500,000 grant from the U.S. Fish and Wildlife Service for a Landowner Incentive Program (LIP) and that program was intended to target species in need of conservation (SINC), but indirectly benefits quail. It calls for 75 percent cost assistance and 25 percent from the landowner. We ended up doing habitat projects on 21,129

acres. A new program is the State Acres for Wildlife Enhancement (SAFE) which Kansas received 30,100 acres from the Farm Service Agency and KDWP put in a proposal to use that acreage to benefit pheasants and quail. We will end up restoring grass around row crop fields, similar to CP33 except it doesn't have quite as many restrictions. Mike just explained the Conservation Reserve Enhancement Program which will put another 20,000 acres on the landscape in the upper Arkansas River. When you are talking about the millions of acres of habitat we had years ago, these programs are just a drop in the bucket. Chairman Johnston – The NBCI report states that the assumptions on which the findings and recommendations were predicated include a legal bobwhite harvest, removes 33 percent of the pre-hunt population as well as all other mortality factors. Obviously, that is what is stated on pages 2 and 3 and I am curious what your percentages would be for Kansas? Pitman – We don't have that information for Kansas and the assumptions in that plan are broad generalizations. That is one of the problems we are going to try and address. Every state is estimating harvest, but it is very rough at best. Chairman Johnston – With respect to the stability of bobwhite population in Kansas, it looks like the far west and central populations are fairly stable, but the Flint Hills and eastern areas, I couldn't tell what the rate of decline is. I realize the trend is down, but I am curious if you know what the rate of decline for quail in Kansas is? Pitman – I have that information, but not with me today. Chairman Johnston – Would it be greater than 3.8 percent per year which is what the report talks about? Pitman – We are not declining as fast, it is more like 1.5 to 2 percent per year is my guess in the east. Chairman Johnston – The report states for this plan to be successful it would require an increase in CRP. We had a brief discussion at the March meeting, but I wasn't sure there was a consensus that the current farm bill has an increase, decrease or stable CRP funding. Do we know that now? Pitman – I believe a decrease from 36.8 million to 32 million on the national level, but it would be hard to tell how much of that decline will be in Kansas and they are still debating it. Rodgers – Expect the losses in CRP are inevitable due to commodity prices, especially in the corn belt. We expect to see sharper declines in eastern Kansas and I think western CRP will hold up pretty well, but we will see some losses.

Prairie Grouse Plan and Lesser Prairie Chicken Plan (Exhibit P) - Randy Rodgers, wildlife research biologist, presented this report to the Commission. What spawned these plans was the success of the North American Waterfowl Plan, then the Bobwhite Plan and subsequently there have been more copycat plans. It is important to have the plans in place. Politicians were aware of it, but not a great deal was happening until the last election when it became expedient to throw bones to various constituents and President Bush offered 250,000 acres for the Northern Bobwhite Initiative. Other plans have started to be developed for other species. The North American Prairie Grouse Plan is the broad scale plan for prairie grouse, which is almost completed. Grassland birds have been declining faster than all other birds in North America, and prairie grouse are the high profile species amongst grassland birds. Work plans began about four years ago and involved biologists from 20 states and three Canadian provinces and Bill Vodehnal of the Nebraska Game and Parks was selected to ramrod that effort. A consultant was hired, John Haufler from the Ecosystem Management Research Institute (EMRI) based in Montana, to provide technical support, and it turned out to be the grassland management plan. Started with a step-down prioritization process and started with the North American Bird Conservation Region (BCR). Kansas has three of those, the short grass prairie, the mixed grass prairie and the eastern tall grass prairie. Within those we step down to the next level, which are

called major land resource areas (MLRAs), which are generally similar terrain and Kansas has all, or part of, six MLRAs. We are currently a MLRA 72, central high table lands, to give you an example. Biologists ranked ecological site classes, another step-down, which are areas of similar soils as to their value relative to prairie grouse. The plan outlines the priority ecological sites that are most valuable and where conservation is needed. Ultimately the goal is to raise awareness of grasslands and the decline in prairie species, especially prairie grouse and hopefully obtain more funding to implement conservation plans. Issues surrounding these species are numerous and in general include such things as grassland conversion to cropland, degradation of remaining grasslands and human developments. An associated plan is the Lesser Prairie Chicken Conservation Initiative (LPCCI) which has been developed through the efforts of the Lesser Prairie Chicken Interstate Working Group (LPCIWG). Kansas is one of five states (Kansas, Oklahoma, Texas, New Mexico and Colorado) along with federal and private entities that comprise the LPCIWG. Unlike the NAGP, the LPCCI seeks to point out in some detail the biology, habitats, threats, and conservation needs of the lesser prairie chicken. In 1995 the U.S. Fish and Wildlife Service was petitioned to list lesser prairie chickens as a threatened species and their ultimate decision was that the petition was warranted, but precluded by higher priority species. We estimate that only about 10 percent of the original lesser prairie chicken range remains suitable for the species. In Kansas that is probably closer to 30 percent. We have about half of the population. In no small part thanks to the Conservation Reserve Program. Overall in the range we estimate the breeding population is between 30,000 to 50,000 birds, which varies annually. Habitats are subject to many of the same threats I noted earlier, grassland degradation through improper grazing management, fire suppression, and those two things lead to tree invasion which renders prairies unusable to many sensitive species. Human infrastructures are having a real impact, especially in the last few years with energy becoming such a high national priority. Oil and gas development is really going crazy in all the states, but especially Texas and New Mexico. Wind power developments are taking off here in Kansas and also Oklahoma and Texas. Demand for bio-fuels will also put pressure on grasslands and CRP, but if managed properly could provide new opportunities to benefit lesser prairie chickens. With only 10 percent of habitat remaining, fragmentation is a big issue. Isolated populations are more vulnerable to extreme weather events such as drought and genetic inbreeding. There has been a great deal of research done and Jim was involved in some of the early research that identified threats in terms of man-made structures. There has been work in Oklahoma that showed high mortality as a result of fence lines. We have done a lot of education and raised the profile, not only locally, but nationally. We have conservation priority areas as part of the CRP program, and we have had a lot of tree removal, mechanical and through prescribed fire. We have set a numeric goal for a breeding population which is to reach an average of 80,000 birds over time. To reach that education and habitat restoration is going to have accelerate because we are still losing more than we are gaining. Landowners and the federal government are still going to have to have a strong role. One of the things that came out of these discussions is that there is a great responsibility for the future conservation of the lesser prairie chicken lies with energy-production industries because they are making a lot of the decisions that impact the habitat. The plan outlines a series of strategies aimed at getting toward that 80,000 but a lot of the heavy lifting comes with putting that into action. We don't believe holding the line will be good enough. Chairman Johnston – Curious about statements holding the line is not good enough, still losing more than gaining, just lesser or greater as well? Rodgers – I think that applies to both

species. We definitely see a sharp decline with the greater as well. I think the two biggest issues relative to greater prairie chickens is opposite extremes, in the Flint Hills we see an intensive early grazing system, annual burning that leaves no residual cover for the birds to nest in; on the opposite extreme are areas that are not getting burned at all and trees are taking over and the birds will not tolerate that. Chairman Johnston – Would increased hunting pressure contribute to gaining ground on preserving these species or losing ground? Rodgers – Neither, our hunting takes only a small fraction of either-species. These are really habitat issues. Chairman Johnston – What the mortality from hunting versus all other factors, what is the percentage? Rodgers – Conservative season, one bird bag limit, with LPC in deference to the fact that species was petitioned, but we harvest less than one percent of our population. I don't have a figure on greater. Pitman – On greater prairie chickens, researchers have placed radios on birds for last few years (K-State) and none of those have been shot by hunters. Prairie chicken range map (Exhibit Q).

C. Workshop Session

1. KAR 115-25-9a. Deer; additional considerations - Lloyd Fox, big game research biologist, presented this report to the Commission (Exhibit R). 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 other items. Our recommendation for season dates proposed by Fort Riley are: November 28-30, 2008; December 19-23, 2008; and December 27-30, 2008. No additional units are currently being proposed where whitetail antlerless permits will be allowed, the same as in the past. We have had additional locations where large concentrations of mule deer have occurred, especially in the winter and there has been some interest in establishing additional antlerless-only either-species permits, but we looked at it in greater depth and none of these are occurring at levels that are supported by our staff at a deer management unit (DMU) basis. The only unit we are proposing for either-species antlerless-only permits continues to be DMU 3. There continues to be a great deal of concern about deer-related vehicle accidents and pressure to control deer numbers with hunting seasons to result in a lower deer vehicle accident rate. Some of that is coming from locations along the northern part of the state, specifically DMUs 7 and 8, but also in other areas up there. We looked at it and we have put together recommendations for a regulation on this and since the initial preparation of that we have had additional comments come in, especially from field staff, about the confusion that would occur. Currently we don't allow an extended season in DMUs 1 and 3. One of the proposals we had was to extend the extension in the whitetail antlerless season to include portions of the northern part of DMUs 1 and 3, when in fact we don't have them at a DMU basis in the regular portion. We felt this added confusion enough that was sufficient that we should pull back from our original recommendation and only go with a recommendation for an extended season in northern DMUs 7 and 8 and not include DMUs 1 and 3. This would be the same unit boundary we had back in 2004. Our preference would be to manage deer on a complete DMU basis alone. At this time we are proposing something that is half way between that, the northern part of these units as opposed to the full units. We haven't come up with a complete solution. Commissioner Lauber – Does that cause problems with having sub-units within units? Fox – Yes. Commissioner Lauber – But, you still want to do this? Fox – We have done it in the Chautauqua Hills and we did it one year in Unit 15 in the Hutchinson area. Those

do become problems, hard to define sub-units, but we get pressure that we do need to address deer populations. We have hot spots in DMUs 1, 3, 17 and the past the Chautauqua Hills and Hutchinson. Rather than open the whole unit we would rather do this. The extended season is only four days, January 1 – 4, so only in the sub-unit would the season go until January 11. It is driven by social pressure, much of which comes out during legislative sessions. Our proposal for the extended season will be in tonight's session in 115-25-9 and those proposals were done before the legislative session and that is how we get into these additional considerations.

Commissioner Lauber – I guess you have to do what is in the best interest for the state as a whole. Commissioner Shari Wilson – Is it just the northern portion of DMUs 7 and 8 or 1, 3, 7 and 8? Fox – I looked on a county by county basis each tier down from the Nebraska border and we can detect this increase in Unit 7 and probably in Unit 8, but we only have a few counties in DMU 8. In general we deal on a unit basis, but when we break them out it becomes more difficult. In DMU 1 we can't detect that north/south tier difference the way we can in Unit 7 and only see a slight effect in DMU 3. They don't jump out at you, so we don't have the data we need. Commissioner Shari Wilson – The briefing book says DMUs 1, 3, 7 and 8. So are we leaving it at that for now and will refine it next time. Fox – That is my fault, we put together the briefing book before we decided. Part of that was because of chronic wasting disease that is north of U.S. Highway 36 and some other items that were floating through my mind at the time. After we wrote those down we started thinking about the confusion factor and the fact that DMUs 1 and 3 didn't have the original extended season so we are only going to do the northern parts of DMUs 7 and 8. Those discussions occurred just this week. Commissioner Robert Wilson – The northern tier of counties in DMUs 7 and 8, how many permits will they be able to buy? Fox – The number of permits is already established, there won't be additional permits. DMUs 7 and 8 we allow an antlered either-sex and then you can purchase five whitetail antlerless-only permits and all of those could be used in the extended one week in those northern areas of DMUs 7 and 8. Commissioner Lauber – The reason that isn't sufficient is the land is all tied up and we can't solve that problem. Fox – Part of this has to be an educational process for the legislators and non-hunting community members to emphasize that hunting permits are not controlling deer populations. To a large extent populations are being controlled by access to areas to hunt and hunter's desires to harvest antlerless deer. These have to be addressed in a social setting as well as a season setting. Commissioner Lauber – Instead of leaning on us to offer more permits and law enforcement there is no interest in lobbying the landowner that is doing all of the complaining? Chairman Johnston – I can't recall the last time we discussed the possibility of requiring either-sex permit holders to take an antlerless-only deer before they could take an antlered deer. Fox – Some states require hunters to harvest antlerless deer in order to get a buck tag. Kansas has not had a system like that. Many states that have tried that have run into hunter disagreements and dissatisfaction. When we try to do these manipulations we put more pressure on the hunter which is precisely the group of individuals we need the support from to get the harvest we need. Our traditions, going back to 1965, have been to not restrict the hunter to do something like A before B as much as we can. Chairman Johnston – Those states that have tried these programs, are they successful, or not, in increasing the harvest of antlerless deer? Fox – Wisconsin's earn a buck program, works well on a hunting club basis where all of the club members buy into the concept ahead of time, but it doesn't work well where a state agency tells hunters they have to operate under a set of rules that many of them don't agree with. You lose the hunter all together as a result of some of these. This is one that falls under the education and

information area where our emphasis needs to be placed on encouraging hunters to take antlerless deer when they have the opportunity to do it, rather than restricting them. What we have done is establish antlerless-only seasons that occur after the fact. Some other states have tried antlerless-only seasons before the regular season, which is a great concept if you can get the hunters to buy into it.

2. Early Migratory Bird Seasons - Helen Hands, waterfowl research biologist, presented this report to the Commission (Exhibit S). Early migratory bird seasons can start before October 1. The frameworks are established by the U.S. Fish and Wildlife Service and we don't anticipate many changes from last year, except for in teal. The length of the teal season is determined by the May survey and if the breeding population is above 4.7 million then we would be authorized a 16-day season; if the breeding population is between 3.3 - 4.6 million then we would be authorized a 9-day season. If lower than 3.3 million we would not be authorized to have a teal season. Last year's breeding population was 6.7 million and hopefully it will be in that neighborhood again. The recommendation for the High Plains zone is more complicated than the Low Plains zone, but 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 past few years, with the liberal package where 97 days are allowed for the regular hunting season and two days are allowed for the youth season, we have opted for the eight-day season because we can have no more than 107 days of hunting. In the Low Plains zones we don't run into that maximum because the duck season can be no longer than 74 days. The Low Plains zone has the same bag and possession limits of 4 and 8, but season date possibilities are: 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 one-half hour before sunrise to sunset. The next regulation, KAR 115-25-19 which is our dove hunting regulations, includes Eurasian collared-doves, ringed turtle-doves, and white-winged doves. The proposal relates mainly to the exotic doves. We have been hunting these birds in Kansas since 2003. Currently they are part of an aggregate bag with mourning doves and white-winged doves and have the same 60-day season. We are proposing that because the Eurasian collared-doves continue to expand their range and numbers that we liberalize the season for Eurasian collared-doves and ringed turtle-doves during the regular mourning dove season. A hunter would be allowed to shoot a combination of 15 mourning doves, collared-doves or white-winged doves if they had an opportunity to shoot more exotic doves there would be no bag limit for those additional Eurasian collared-doves and ringed turtle-doves, however if they did exceed their bag limit they would have to keep a wing attached to the exotic doves during transportation to their home to prove that they did not over-bag. Also, we are proposing a new hunting season for Eurasian collared-doves and ring-turtle doves which would run November 20 through 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.

Dennis Landgraf, Finney County – I have a question on upland bird season and I realize you are getting ready to adjourn now and I wanted to address the early pheasant season because I will not be able to come back after supper. Chairman Johnston – We will give you a moment before we adjourn.

Hands - The third item is to establish hunting seasons for Wilson's snipe, rails, and American woodcock. Currently we handle them by annual Commission process and establish these seasons within these federal frameworks, however there hasn't been much change in those frameworks so it is possible for us to anticipate what they are going to be in the future and set them by regulation. The Wilson's snipe hasn't changed since 1989, the woodcock season hasn't changed since 1997 and the rail season hasn't changed since 1989. We are proposing the regulation to include: for Wilson's snipe, an opening day of September 1 with a season length of 107 days and daily bag and possession limit of 8 and 16, respectively; for rails, an opening day of September 1, season length of 70 days, daily bag and possession limits of 25 and 25, respectively; and for woodcock, an opening day of the Saturday closest to October 14, season length of 45 days, daily bag and possession limits of 3 and 6, respectively. Shooting hours for these species would be a half-hour before sunrise to sunset and the season would be open statewide. We have had very good luck establishing the regulation for dove hunting that used to be done with annual Commission approval and I see no problems doing the same with this group of species.

Dennis Landgraf, Finney County – Regarding the opening pheasant season the first Saturday in November. As a farmer, the first week in November lots of crops are being harvested; but as a hunter, the first Saturday I am on the combine so I can't enjoy the opening day of pheasant season. I don't understand why it was moved forward a week. We had it the second Saturday in November for 25 to 30 years. Nobody was consulted when it was moved.

Chairman Johnston – We will defer the Upland Game Birds to the evening session.

VII. RECESS AT 5:10 p.m.

VIII. RECONVENE AT 7:00 p.m.

IX. RE-INTRODUCTION OF COMMISSIONERS AND GUESTS

X. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

Kent Landon, Deerfield – They are baiting catfish at Glen Elder, 10 boats, 10 fish each and every weekend, 1-2 boats during week. You need to restock it or do away with that. They take a lot of fish out. We drive two hours to Cedar Bluff from this part of the country, Scott Lake is an hour away, it is a nice little lake, but you can't ski there. We go fishing there a lot and they stock wipers. You keep putting wipers in and there are no more crappie, bass or walleye, but we got wipers and you can catch two wipers apiece per day and that is a stupid deal. Let's get rid of the wipers and start bringing the crappie and bass back. Also, the water at Cedar Bluff keeps getting let out. At one time Cedar Bluff made almost \$4 million in revenue when it was in its heyday. It was ranked about the fifth best bass lake in the United States. Even Bassmasters came there, but we keep letting water out for Russell. If you own the lake, as a private investor you would want to keep water in it. If you let it go dry you won't make \$40,000 in revenue in a year. If you keep the water in there it could go back up. Let's look at buying some water rights for Russell and pipe water out there instead of letting it run down the river where it is lost. It may go dry anyway.

Jack Cook, Garden City – I have 11,000 acres that I hunt and lease. Years ago the property owner gave written slips to John Doe, with no dates on them. You guys need to do something on that because it is coming to a point where I can't even hunt my own ground. Chairman Johnston – Because people are using old permission slips? Cook – Yes. Can you put that into provision somehow, a timeframe? Tymeson – You are talking about the landowner, on ground that you rent? Cook – Yes. Tymeson - That is a contractual issue between you and the landowner. The landowner can give permission to whoever he wants. Cook – I understand that and he knows exactly who is hunting it and every year I get permission signed and delivered by this man. The other guys say they got one ten years ago and say they are just going to go ahead and use it. One guy took 30 people out there on one permission slip. I like deer hunting out there and on some of my property I found it on fire. Commissioner Lauber – I don't know whether we have the authority to deal with that or not. The landowner who granted permission can also revoke permission. I could see a lot of confusion if we had to start having permission dates. Cook – It needs to be a dated deal. Commissioner Lauber – But that is not anything we have to do with. Cook – I had my son-in-law up at the creek hunting and a car came between us and the creek and we called the local game warden and he just talked to him and didn't do anything to him. You need more law enforcement out here. Hunting ground is hard to come by anymore. You have to pay big bucks to do it and I don't want to go that route. Chairman Johnston – If you are paying big bucks to the landowner who gave permission slips out ten years ago that is a situation that needs to be changed, but that is not something we are going to be able to tell the landowner what he can or cannot do with respect to issuing permission slips. The landowner can let whoever on his property he wants. Cook – That is true, but when he tells me he didn't give those people permission and then there they are there with a whole gang of people. Chairman Johnston – That could be a trespassing issue I agree, but that is not normally a conservation officer's responsibility. Kevin is that right? Jones – That is right. The landowner needs to file a complaint if he has an issue. The process can then be funneled through the court system, but the landowner has to be the one filing the complaint, the state doesn't have any standing on the land as far as a complaint like that goes. Cook – Why would I call the game warden if I didn't have a complaint and nothing happened? Jones – It is the landowner's responsibility. Cook – He was notified. Jones – The landowner, or the person in control of the property, has got to file the complaint on the land. If you have that authority to grant access or permission to be on that land then you have to file the complaint against the person. We are simply the vehicle to issue the ticket to take it to court and then it would be up to the landowner and the person who was trespassing to present their case before the court. Cook – There are too many laws.

Bill Simshauser, Lakin – A lot of landowners buy pheasants or quail to supplement the birds that are out there during hunting season. My question is, is that a legal practice? Tymeson – It is legal on your own property to release those birds and shoot them during the season, within limits and they have to have a license.

XI. DEPARTMENT REPORT

3. Upland Game Birds - Jim Pitman, wildlife biologist, presented this report to the Commission (Exhibit T). We made some changes to the upland bird seasons in 2006 and that resulted in pheasant season opening on the first Saturday in November and quail season going to

statewide regulations, opening a week later and the regular prairie chicken opened the third Saturday. So we had three staggered openers. The movement of the pheasant season was the first movement since 1978. Because those changes met with what appeared to be a lot of resistance the department decided to do a random sampling of hunting license holders, farm operators and employees to see where they stood on preferences of opening and closing dates of pheasant and quail seasons. We pulled 20,000 hunting license holders and worked with the Kansas Ag Statistic Service to survey 5,000 farm operators, and we surveyed all of the KDWP employees in the fisheries and wildlife and law enforcement divisions. In total we ended up with 7,828 responses from across the state. The most preferred options were the same in each region across all three of those groups. In the briefing book I provided some tables with the statewide preferences for each of the major questions we asked on our survey. The first one was the preference date for opening date of pheasant season and the residents and the farm operators preferred the second Saturday in November by nearly a two-to-one margin. KDWP staff had an even stronger preference. Nonresidents had basically no preference. The second question was whether folks preferred a concurrent opener or separate openers for pheasant and quail and all three groups preferred a concurrent opener and surprisingly even in western Kansas in the area that was staggered before the change. The third major question was the preference for the closing date of quail season and again all three groups preferred January 31 as opposed to the third Sunday of January which is what is was moved to in 2006. In addition to the preferences I was asked at the last meeting to look into the progression of grain sorghum harvest across the state. Again I worked with Kansas Ag Statistic Service for the last five years and that is presented in the briefing book. I broke it down into each of their statistic regions, but basically there was a difference of 12 percent on average over the last five years on the progression of milo harvest on a statewide scale. That was as much as 15 percent in the western part of the state. If you consider we had 3 million acres of grain sorghum planted over the last five years that average difference is about 360,000 acres that wouldn't be harvested the first weekend as opposed to one week later. So that is fairly substantial. In addition to looking at the progression of grain sorghum harvest we looked at license sales and the time those sales were made prior to and after the changes. Total license sales were similar before and after we made changes. In 2005 we sold 170,882 small game licenses; and since then we sold 168,014 and 166,000, respectively. One thing I did notice was the timing of the license sales differed a little bit with the staggered openers. Depending on the year we had 1,500 to 3,000 people who waited a week to purchase there license, so at least that many people were waiting to come and hunt when both seasons were open concurrently on the second weekend. We were also asked to consider an economic impact study to see how these changes to season dates may have affected the local economies. After many discussions with the Docking Institute and an economist at Fort Hays State University, we decided it wasn't possible to get data with fine enough resolution to detect any sort of economic impact even if one existed, so we opted out of doing that. After examining all the information that is currently available, the department decided to make several different recommendations for 2008. First I am going to talk about pheasant and quail. For 2008, we are not going to recommend any changes to the opening dates because at this point people already have hotel reservations and vacations scheduled and things of that nature. For 2008 we are going to recommend that the quail season be extended back to the end of January so that both pheasant and quail season would end on January 31. No changes to the prairie chicken season for 2008 or bag limits for any of the species. For 2009, we are going to recommend that both pheasant and

quail open concurrently on the second Saturday in November and run concurrent through January 31. At the last Commission meeting we were asked by the Chairman to consider a prairie chicken season closure in several counties in the eastern part of the state and we discussed that in much detail. I have a prairie chicken range map over on the table (Exhibit Q) which might be helpful. In the counties we were asked to consider, prairie chickens only occur in five of those counties: Jefferson, Franklin, Linn, Anderson and Neosho. To and determine if hunting was a substantial interest in any of those counties, we went pulled records from the last five years from our small game harvest survey to see how people responded that were hunting chickens in those counties and actually harvested chickens. Over the last five years, we had responses from nearly 15,000 randomly-selected small game hunters and there were no reports of chicken hunting by nonresidents and only three resident hunters. The reported resident hunters hunted in Anderson County, two different occasions; and Franklin County. If you look at that range map there are only a couple of places that I am concerned that chicken harvest might be an issue at some point and that is Linn and Neosho counties, because there are isolated populations there. Based on that information, there is very limited or no hunting pressure occurring in those counties. The department doesn't feel hunting is an issue so we are not going to recommend a closure in any of those counties. As we were discussing this, we thought now might be a good time to recommend some changes to the prairie chicken season. We would like to recommend, for 2009 season, to move prairie chicken season in the east and northwest units to open the first Saturday in November, which is what it used to be prior to 2005. We are recommending that because it might recreate the tradition that once was held in the Flint Hills and the northwest part of the state, that early unique opener. Commissioner Lauber – This is probably inevitable and the direction we should go although I think the survey would have shown less decided results if it had been taken a year later or even now. I think it was taken at a time when change was most apparent and that probably made some difference. I don't have any problem with the recommendation.

Stacy Hoeme, Scott City – I farm and have approximately 5,000 acres I hunt. I agree with the second weekend. Just getting done farming is not just the deal. I am caught up in the tradition and I don't allow any hunting that first weekend on any of our property. Then we only allow local people to hunt, unless they are family. I have talked to many farmers, and they all agree they like the second weekend. We get by with it, but I don't think your numbers are there. It has harmed some of our church groups who have opening weekend breakfasts or lunches. They actually closed a couple of them in our county.

Mike Pearce – At the last meeting you did an informal poll on possible changes for opening pheasant season and it was 6 out of 7. Does everybody still feel the same way? Chairman Johnston – Wait and we will take that poll again shortly.

Chairman Johnston – I don't have any opposition to moving the pheasant opener back to the second Saturday. On quail, you sent me a copy of the small game status report, March 2008, and it looks to me that the quail harvest has been fairly stable since 2002. Until the changes were made two years ago, for about 10 years quail season had a split opener, so western Kansas was not open the same time as the pheasant opener. Pitman – It has actually been longer than that. Rodgers – That actually goes back about 28 or 29 years. Chairman Johnston – It would be a fair conclusion, with respect to reporting of the quail harvest, we don't have any experience as to what impact on harvest there will be having a concurrent statewide opener with pheasant. Is that right? Pitman – We open concurrent east of 281 for a long time, but statewide, no. Quail

populations are increasing in the western part of the state. Chairman Johnston – For how long? Pitman – For at least the last decade. Chairman Johnston – On the January season, one of the studies that the majority of the Commission relied upon, to make that decision originally, was the Roger Applegate study, one of statements on page 99, states that “one way to reduce harvest effects is to assure that harvest timing occurs in early winter and hunting season length is minimized”, and then this references another study, Coco 2001. I don’t recall if you offered a criticism of that study? Pitman – I didn’t, but I would be happy to. That wasn’t conducted on quail. It was a general study; it was a European study suggesting that late season harvest was more additive than early season harvest, and they don’t say a specific number of days is going to lead to less or more. I would contend that if harvest is additive later in the season, it is going to take more than 10 days to reduce that impact. Chairman Johnston – With respect to the proposal that I asked you and staff to research and comment on, regarding no hunting zone on prairie chickens in eastern Kansas. Most of the arguments that were offered as reasons to not support that proposal sound like arguments I could make in support of that. One of our mandates is to conserve wildlife species and these three isolated prairie chicken zones that would fall in this two county deep zone, if nothing changes with respect to hunting in those counties, they will be open to be hunted legally. One of the arguments that you summarized for staff was that a closure in these two counties would send the wrong message. What wrong message would it send? Pitman – I think it would send the message that closing the hunting season is going to result in more birds. That is why people ask us to close the season because they feel it is going to benefit the birds and if we do that we tell them we agree. That is not the problem. It is habitat and that has always been the problem. If no one is hunting there already, than a closure is not going to do anything but add another zone to our boundaries. Upland bird hunting is self-regulatory, particularly quail and prairie chickens. Landowners like those species, and when they get the low numbers they don’t let people hunt so regardless of what regulations we have, a lot of these people are not going to allow hunting on their property. I don’t know the landowners who own those properties in those isolated areas, but I bet if you went and asked them they probably wouldn’t let you go prairie chicken hunting. Commissioner Shari Wilson – About the increase in the number of days in the quail season, especially if we extend the season to January 31 and if we have a statewide opener instead of starting a week later with a split opener. It seems a major part of the reason we have increased quail numbers is because of CRP and we heard earlier that there is a possibility that some of the CRP acreage will be busted out and put into a commodity crop which is not as friendly to quail cover. If those things happen and it has a negative affect on the quail population, how fast can you detect that and bring this back to us for recommendations for changes? Pitman – That can happen pretty quickly. If they allow early outs than a lot of that CRP could come out at one time, but it doesn’t appear like that is going to happen. It will come out in progression, some this year and some the next, so it will be a slow process most likely. Commissioner Shari Wilson – Do we feel confident enough in that link between CRP habitat and positive quail populations that we would make a connection that we could project? Pitman – I suspect if it starts coming out we would notice it in our statewide surveys, but we have never lost that much habitat that quickly, so I can’t tell you for sure that is going to happen. Commissioner Lauber – It would be the loss of habitat that is going to affect the quail population rapidly, not the amount of hunting. I am sure upland game birds are different than deer and I am not sure you could manage them with seasons or harvest because we have a limited harvest. I don’t think it will make any difference if we shut off the season or not, there will be a lot of people who see

that as a positive move towards good stewardship even though it will have no affect. It would act as a placebo. I think it makes sense to have an eastern quail season that gets cut off significantly earlier than the western season. I think there is some additive mortality in late January, probably not the effect that an ill-timed rain would have in June, but there would be some. I don't think it makes a difference, but Bubba thinks it does and sometimes we have to do what people expect of us or what they feel comfortable with, it is not necessarily biologically accurate. Pitman – I understand there are certain pressures to do these types of things, but it is my job to tell you the biological implications and I don't think there are any. Commissioner Robert Wilson – In respect to the chicken hunting in the southeast portion of state, I feel like Gerald does. I feel that by doing nothing other than biological approach, it sends a bad signal to people out there. As far as taking a huge amount of land out of CRP, as I understand it, like sodbuster, if you take the land out and put it in row crop, I understand you will not receive a crop subsidy on any of that stuff. Pitman – That doesn't work for CRP that is just native rangeland. Rodgers – You can plow up CRP ground as soon as the contract is over. Commissioner Robert Wilson – Can they get out of it before it expires? Rodgers – There was talk at one point that USDA talked about allowing people to get out early, but that met with a lot of resistance and as a result USDA backed off. I don't think there is any move to do that. Commissioner Lauber – If they take it out anyway they would lose the subsidy. Rodgers – Prior to the contract expiring, that would involve a substantial penalty, they would have to pay back several years of their rental payments. I don't think anyone will do that. Commissioner Robert Wilson – Any idea on what the ratio might be of those contracts coming up? Commissioner Lauber – I'm guessing most of those are 10 year contracts and I suppose 10 percent a year comes out and probably has a renewal affect of 10 percent. Rodgers – In 2009 there will be a lot of expiration. Pitman – I have some of those figures, but not with me today. Rodgers – What basically happened was, when the Farm Bill first got passed in 1985 it took a couple of years for people to grab onto it. In 1987, 1988 and 1989 large amounts were enrolled and those went through the ten-year cycle and most were re-enrolled for another ten years. Then USDA realized they had a huge expiration coming all at once with higher commodity prices. They thought they were going to lose a lot, so they went through a process called reauthorization and extension. Essentially what they did was offer extensions for two, five and ten year terms. They spread out the expiration process. In 2009 will be the first real push of those two-year extensions which will be the first ones to come out. I don't think we will see a huge amount of CRP come out in western Kansas, but in eastern Kansas it could be more substantial. Commissioner Sebelius – What is the demarcation between the east and west? Pitman – Highway 281.

Bob Price, Deerfield – Mr. Johnston, you asked what kind of message that would send if we were to close the prairie chicken season for those isolated populations. Back in the 1970s when the Ark River dried up and all of the trees fell down and the things that lived in the river died and we didn't have any beaver the County Commission in Finney County closed the beaver season. The message that put out to people was that beaver trapping was a detriment to beaver. Actually, when beaver don't have any water their fur is no good and the coyotes gnaw on them and they wonder off in the desert and cowboys rope them. But beaver trappers don't trap beaver on dry land and it sends the wrong message because it says that you guys that are consumptive are the problem and that is not a message we want to send anybody. If we lose quail numbers because CRP is converted to cropland those quail won't be hatched and if they aren't hatched we can't kill them and hunting won't be the problem then either. That is the whole reason for biologists,

to go out there and make them.

Chairman Johnston – We need a consensus of what the Commissioners prefer with respect to each of these proposals so we can go ahead with regulation drafting. Tymeson – I have had to submit regulations already under the draft based on the time line so these are the proposals of the department and if there are changes you will have to amend the regulation at the vote. Chairman Johnston – For 2008, the only change recommended by the department is moving the closing date for quail season back to the end of January 2009. Show of hands: *5 in favor of moving closing date*. For 2009, moving pheasant opener to second weekend in November - show of hands: *unanimous*. Opening quail statewide on same second Saturday in November - show of hands: *6 in favor*. For the chicken season to move to the first Saturday in November – show of hands: *4 in favor*. No hunting zone in eastern Kansas, any additional discussion or comments? Commissioner Lauber – I think Mr. Price made a good point that it sends a message and I want to be responsive, but I hadn't really thought about what his point was. So I am not as excited about that change as I once was. Commissioner Bolton – I want to go on record as saying that the wrong message would be that hunting caused the prairie chicken decline when we don't think it did. I agree that it is habitat. Commissioner Meyer – Closing by county lines, particularly in that part of the state, would be extremely difficult to decide which county you were in and we could have someone illegally hunting without realizing it and it would be an enforcement problem for our law enforcement people. If there are no chickens there they can hunt them all they want. I think it is a moot point and I don't think we need to bother closing it there. Department recommends against creating this zone, show of hands: *5 in favor of department recommendation*. Tymeson – As I worked the regulation, before I submitted it, previously we had the youth season traditionally the weekend before the opener. Pitman – That would make the youth season the first Saturday in November which has a positive aspect because all of the WIHA tracts would be open the first of November. The last couple of years that acreage has not been accessible to our youth hunters.

D. Public Hearing

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

2. KAR 115-25-9. Deer; open season, bag limit and permits - Lloyd Fox, big game research biologist, presented this report to the Commission (Exhibit V). As a result of internal department review of the proposed regulation, on page one, we suggest amending subsection (a)(1)(B) to add Unit 19, "...nonresident archery permits shall be valid in only two adjacent management units designated at the time of the application, and Unit 19" to be able to hunt in that unit. This is the more traditional regulation that adjusts the season dates every year based on differences in the calendar year. It will allow residents to obtain an either-species either-sex permit that they can use in more units than the past. It will allow resident archery, either-species either-sex permits on a statewide basis. We have replaced the deer game tag and are allowing multiple whitetail antlerless permits, up to five. The season dates are: archery – September 22 through December 31, 2008; urban antlerless-only whitetail archery season in DMU 19 or any unit designated as an urban unit, which also includes DMU 10a at Leavenworth – January 5-31, 2009; the firearms season dates for Fort Leavenworth (DMU 10a), Smoky Hill Air National Guard (Unit 4a) and the rest of the state (Fort Riley is included in 25-9a) – Fort Leavenworth -

November 22-23, November 27-30, December 6-7, December 13-14 and December 20-21, Smoky Hill – November 25 through December 6, and the rest of the state firearms season would be December 3-14 (12 days); urban firearm deer season – October 11-19, 2008; muzzleloader season - September 22 through October 5, 2008, which would run concurrent with the first part of the archery season, but start a little later and run a little later; the first season of the year will be the season for designated persons, any person 16 years or younger and also persons with a permit to hunt from a vehicle issued according to 115-18-4 or the disability assistance permits 115-18-5 – September 13-21; the extended firearm deer season for DMUs 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 and 19 (eastern part of state) - January 1-4, 2009. The application period for resident firearm either-species either-sex deadline would be July 11, 2008. The application for nonresidents would end on June 2, 2008. The resident either-species either-sex muzzleloader permit and firearm permit would be valid in two areas. The areas would be combined from our former DMUs. The west unit would be 1, 2, 17 and 18 and the east unit would be 3, 4, 5, 7 and 16. Each hunter can obtain up to five whitetail antlerless permits, the first one would be valid statewide and on department managed land and is the same as last year; the second whitetail antlerless permit would be valid statewide except for DMUs 17 and 18 and valid on Cedar Bluff public lands; the third, fourth and fifth whitetail antlerless permits would be valid on private land in DMUs 7, 8, 12, 13, 15, 16 and 19. The first item for consideration would be the possibility of an amendment to this regulation relative to the proposal (Exhibit W). Commissioner Meyer – With the three military units, would the commander be able to call off hunting if the training schedule requires it? Fox – Access to the military areas are under military control and they could close it off, and have in the past shut down certain days. What this establishes is when they might have hunting, 12 days in each case, and each of the military units have provided us with the dates they selected. Chairman Johnston – Procedurally, you are talking about item D 2 on the agenda? Fox – The amendment? Chairman Johnston - No, the Commission Agenda, Public Hearing, item 1 is Secretary’s Orders and item 2 is KAR 115-25-9. You are on item two? Fox – I must have an old version of the agenda, I’m sorry. Chairman Johnston – In case anyone else was confused I wanted to clarify that.

Commissioner Gerald Lauber moved to bring KAR 115-25-7 before the Commission. Commissioner Shari Wilson seconded.

Commissioner Frank Meyer moved to amend KAR 115-25-9 as recommended. Commissioner Shari Wilson seconded.

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

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 115-25-9 passed 7-0.

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

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 115-25-9 as amended passed 7-0.

1. Secretary's Orders – Deer - Lloyd Fox, big game research biologist, presented this report to the Commission (Exhibit Y). Each year at the April meeting we bring forth the Secretary's Orders on deer permit quotas. Most of the permits for residents will be available over-the-counter. The exceptions are the firearm either-species, either-sex permits and we would have a western mule deer unit. DMUs 1, 2, 17 and 18 and there would be 1,290 permits and the eastern unit which is DMUs 3, 4, 5, 7 and 16 and there are 1,200 permits. These are the same levels of permits for those two combined units as was present the previous two years for those combined units. In that it also shows the types of permits that are available in each DMU. For nonresident on a unit-by-unit basis there are permits listed for whitetail either-sex and the number of mule deer stamps that would be valid for that unit. The permits for the whitetail either-sex permits are the same number as came out of the testimony that Mike Miller and the Deer Task Force presented to the Kansas Legislature for Senate bill 266 and those numbers were derived after considerable input from the Deer Task Force and as addressed by some public meetings. The mule deer stamps are similar to the level of permits that were available to nonresidents for muzzleloader either-species either-sex last year. They are a little higher, about 30 more than last year, but include both muzzleloader and archery. Commissioner Lauber – These numbers are derived from what was previously used? How do they relate to where they were last year? Fox – The whitetail either-sex permits are from 10 percent to 100 percent higher than the level in 2006. That is where the comparison was made for the state legislature. For example, DMUs 1 and 2 are about 50 percent higher than the level in 2006. The units in the eastern part of the state are about 10 percent higher and where we will get the change will result from all permits for nonresidents are in one group for that DMU. In the past we would have excess firearm permits and insufficient archery permits and this year the hunter gets to select and they will be chosen on a DMU and preference point basis. Nonresidents will also get to select an adjacent DMU.

Bob Price – I don't understand, in Unit 18 for instance, a choice of archery, muzzleloader or firearms for mule deer stamps there are 50 available, but I didn't think nonresidents were allowed the firearms option? Fox – For either-species, either-sex if they select archery or muzzleloader as their season. Each nonresident applies for a deer management unit and designates whether they want their permit for one of those three classes. If they pick archery or muzzleloader, then they can apply for a mule deer stamp. If they chose firearms they wouldn't be allowed to apply for a mule deer stamp. Price – Will archers and muzzleloaders be in the same pool to obtain a permit? If their point is to kill a mule deer they would probably go with a

muzzleloader permit. They are not vying for a larger number of archery permits versus a smaller number of muzzleloading permits? Fox - If all people that applied for a mule deer stamp in Unit 18 were archers, then all of the nonresidents would have archery, if it was 40 and 10 that would be the ratio out there. It will come out as the hunters apply for it. Some will select equipment based on preference, some on ability to take game.

Chairman Johnston – I received a call from a man from Barber County concerned about the large number of nonresident permits mentioned for Unit 16. He said he asked you and Keith the same question about the left-over permits. Is it within the authority of the department or the Secretary to decide not to permit a left-over drawing in Unit 16 if there are permits left over? Fox – It is the Secretary’s prerogative to open up the system for left-over permits. Secretary Hayden – The first year or two we had left-over permits I chose not to put them out for resale, it was a small number, but the last few years we have put the left-over permits out over-the-counter. It has brought us in a lot of revenue and in many cases we still didn’t sell out. Chairman Johnston – I think Mr. Cook was wanting to know if it would be in your authority to release the left-over permits for sale, but not in Unit 16? Could you make that decision unit-by-unit? Hayden – Yes. Commissioner Shari Wilson – We received a copy of the document “2008 Deer – Frequently Asked Questions” (Exhibit Z) and I don’t know who is responsible for that. Sheila Kemmis – Bob Mathews. Commissioner Shari Wilson - Thank you. It is very handy to have all of this in one place and when I get calls I can look at one document and hopefully answer everyone’s questions. Bob Mathews – It wasn’t just me.

3. KAR 115-25-7. Antelope; open season, bag limit and permits - Matt Peek, wildlife biologist, presented this report to the Commission (Exhibit AA). The proposed season dates are: for archery - September 20-28 and October 11-31 and this is a 30-day season. Units 2, 17 and 18 are open for hunting and unlimited archery permits are recommended; firearms – October 3-6, 2008 and only Units 2 and 8 are open, we are recommending 86 permits in Unit 2 and 28 in Unit 17; muzzleloader proposed dates are September 29 through October 6, all three units are open, and we are recommending 22 permits in Unit 2, 8 permits in Unit 17 and 8 permits in Unit 18. The recommended application deadline for firearms and muzzleloader permits should be June 13, 2008. You will note in the briefing book that it is mistakenly indicated as June 6 so there is an amendment to change that (Exhibit BB). Unlimited archery permits are available through the next to the last day of the season.

**Commissioner Gerald Lauber moved to bring KAR 115-25-7 before the Commission.
Commissioner Debra Bolton seconded.**

**Commissioner Shari Wilson moved to amend as recommended KAR 115-25-7.
Commissioner Debra Bolton seconded.**

The roll call vote to amend KAR 115-25-7 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 to amend KAR 115-25-7 passed 7-0.

The roll call vote to approve KAR 115-25-7 as amended 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 to approve KAR 115-25-7 as amended passed 7-0.

4. 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 DD). Under this regulation we have the opportunity to set special provisions or restrictions on our department lands and waters. We moved to adopt into regulation a reference document that details these. We are asking to amend KAR 115-8-1 to reference that reference document.

**Commissioner Shari Wilson moved to bring KAR 115-8-1 before the Commission.
Commissioner Frank Meyer seconded.**

The roll call vote on KAR 115-8-1 as recommended was as follows (Exhibit EE):

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

The motion as presented KAR 115-8-1 passed 7-0.

4. Cabin Camping Permit Fees - Brad Simpson, public lands section chief, presented this to this report to the Commission (Exhibit FF). This regulation will add cabins 3 and 4 at Crawford State Park to the same overnight rental rates as cabins 1 and 2. It also establishes cabin rental rates for Atchison SFL and McPherson SFL at \$60 a night or \$420 a week

**Commissioner Frank Meyer moved to bring KAR 115-2-3a before the Commission.
Commissioner Doug Sebelius seconded.**

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

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 115-2-3a passed 7-0.

XII. Old Business

None

XIII. Other Business

A. Future Meeting Locations and Dates

June 26, 2008, Bethel College Krehbiel Auditorium, North Newton

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 8:28 p.m.

(Exhibits and/or Transcript available upon request)

Exhibit HH – Sandsage Bison Range & Wildlife Area Fact Sheet
Exhibit II – Comments from Elmer Angell Jr., Barber County Resident