

**Kansas Department of Wildlife and Parks
Commission Meeting Minutes
Thursday, April 16, 2009
Logan County Courthouse Basement
Oakley, KS**

Subject to
Commission
Approval

Commissioners toured Scott State Park on April 15 and The Nature Conservancy's Smoky Valley Ranch on the morning of April 16.

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

The April 16, 2009 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 Logan County Courthouse, Oakley. Chairman Johnston and Commissioners Gerald Lauber, Frank Meyer, Doug Sebelius, Debra Bolton, Robert Wilson, and Shari Wilson were present.

II. INTRODUCTION OF COMMISSIONERS, STAFF AND GUESTS

The Commissioners and Department staff introduced themselves (Attendance roster - Exhibit A).

III. ADDITIONS AND DELETIONS TO AGENDA ITEMS

Sheila Kemmis – Add Secretary's Orders for Deer to the Public Hearing section this evening.

IV. APPROVAL OF THE MARCH 12, 2009 MEETING MINUTES

Commissioner Frank Meyer moved to approve the minutes, Commissioner Debra Bolton second. *Approved.* (Minutes – Exhibit B).

NOTE: It was brought to my (Sheila Kemmis) attention that on page 12 of the minutes, three-fourths of the way down that Commissioner Robert Wilson was referred to as Chairman. This has been corrected.

V. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

None

VI. DEPARTMENT REPORT

A. Secretary's Remarks

1. Agency and State Fiscal Status – Dick Koerth, assistant secretary of Administration, gave this report to the Commission (Exhibit C). The 2009 session of Kansas Legislature has adjourned until April 29. The current approved budget maintains existing FTEs for 2009 and 2010. For FY 2009, the Governor recommended an amount of \$1.45 million for SGF capital improvements, which is a reduction of \$446,331. The reduction eliminated a water line at Perry State Park, as well as development of campgrounds at Sand Hills State Park. The other major reduction was in operation costs when the Legislature advanced savings from benefits funding to FY 2009 from FY 2010 and reduced agency expenditures by 1.25 percent, which was \$956,789. For FY 2010, KDWP is currently approved for an additional \$1 million transferred from KDOT for roads and \$832,100 restored for benefits reductions moved to FY 2009. The Legislature did implement a reduction of \$110,224 from the SGF. A 1 percent COLA for state employees and a longevity bonus payment for eligible employees has been approved, however, no additional funding was authorized for either item and all state agencies must absorb the cost of these two items from other funds, approximately \$450,000. The Legislature did approve and fund the second year of a five-year plan to improve employee salaries by assuring all employees are at market rate and approved the Governor's recommendation to allow agencies to purchase replacement vehicles in FY 2010 without additional funds. For FY 2009, the total revenue through March 2009 is \$135 million less than estimated (\$53 million in March alone) and the amount estimated to be collected from individual income taxes was 25 percent below the estimate. Legislative appropriation committees will begin meeting on April 21, 2009 to determine the Omnibus Appropriation bill which will need to reflect adjustments to SGF expenditures based on April 17 estimates. It is anticipated the Committees will recommend further reductions to state agency budgets. KDWP has reviewed options for additional reductions, and they do not include a reduction in the number of agency personnel or the closing of state parks. We will make every effort to continue the current level of state operations. This will have an impact on the infrastructure of the state parks as capital improvement funds are reduced or deleted.

Commissioner Shari Wilson – What is the Federal Ag fund used for? Koerth – BOR and Corps reservoirs agricultural leases and that money has to stay with that reservoir, so we created a fund for each of the properties that are done that way. Commission Sebelius – Explain the capital improvement item listed for 2010, Cabin Revenue Fund, where does it come from and where does it go? Koerth – Comes from renting cabins; some of the money goes to Wildscape to repay the loan, but the rest comes to us. Some parks don't have Wildscape cabins, for example El Dorado, all of those receipts go into the cabin revenue fund. For FY2010, as we get more cabins, we decided to start using that money for capital improvements to do the infrastructure such as foundations, water lines, and those types of items. Commission Sebelius – So that is set aside to help construct them? Koerth – Not the cabins themselves, but the foundations, etc. Commissioner Shari Wilson – Once we are maxed out on cabins, then will the funding go back into the parks and wildlife areas or haven't we thought that far ahead? Koerth – As we get more cabins, our maintenance costs will go up also because some of our cabins are up to eight years old, so there will be maintenance needs and some of that money will go to that. Also, operating costs will also be increasing so we envision shifting costs to this fund. Chairman Johnston – We have how many cabins already constructed and in use? Mark Stock – We have 69. Chairman Johnston – The plan is for how many? Secretary Hayden – We would like to get to 150. Chairman Johnston – How long will that take? Hayden – We were on a pace to do 18-a-year, which would have been about five years, but that was before the Corrections cut-backs.

Now we are on a pace of 12-a-year or seven or eight years before we are maxed out. We hope these cut-backs are temporary and we can increase production again. We are talking to the private sector about picking up some of the slack from Corrections and building some of the cabins. Koerth – The cabin program is very important to the Department of Corrections, but we have to wait to see what will happen to them with cut-backs. Once the cabins are paid off through Wildscape, it will be time to start replacing some of the early ones. The Wildscape cabins are well built and are 30-year cabins, but some of the earlier cabins are trailers that were brought in and their durability may not be that long, so at some point we will be replacing cabins. Commissioner Bolton – I was noticing some differences in the federal grants, there seems to be more in 2009 than 2008, but quite a bit less in 2010. What are the differences? Koerth – The federal grants fund is a depository for a number of federal grants we get and the amount of money spent may not equal the grant we have in a particular year and the money rolls over to the next year. We didn't spend all the money in 2008, so in 2009 there is a larger number, but in 2010 that is an estimate.

2. 2009 Legislature - Chris Tymeson, chief counsel, gave this report to the Commission (Exhibit D). The Legislature is on break. The conference committee is next week, but they don't officially come back until the end of the month. It has been a slow year for department initiatives and in fact didn't heat up for us until February or March with substantive bills. *SB 51* was a department initiative and deals with blaze orange when hunting deer or elk and primarily on Fort Riley. On the last day of Ag and Natural Resources Committee they did a "gut and go". It came out early in the session, languished in Committee, had a hearing and then was used as a vehicle for annexation, so it is no longer a KDWP bill. Heard legislators from the Fort Riley area are trying to revive that in the veto session. *SB 100* was a sales tax exemption for guided and non-guided hunts and didn't make it out of the Senate and is in the House (*HB 2172*) and it became an Omnibus tax bill so it did pass. *SB 124* deals with fire and police retirement and impacts our law enforcement officers. It did not get a hearing or go anywhere. *SB 189* would have created an outfitters licensing program under the Department of Commerce. It had a hearing early in the session and then didn't move. *SB 286* deals with prairie dogs and would have repealed all of the prairie dog statutes. This is similar to the previous session, introduced every year since 2000. It did not get a hearing. *SB 287* deals with prairie dog management, control and conservation and was designed to allow a landowner to create a management plan to keep prairie dogs on the property if they so desired and it didn't get a hearing or go anywhere. *Senate Concurrent Resolution 1602* is a constitutional amendment which authorizes the legislature to create a different class of taxation for watercraft. In Kansas, watercraft are currently taxed at a high rate and there was an attempt to get that classification changed in 2000 and it failed when it went to the voters; it also included aircraft. It passed out of Senate Tax Committee early in the session and stayed on the calendar and came out of Senate late and expect it to get a hearing, at least on House side, next year. *Senate Concurrent Resolution 1611* is a constitutional amendment on an individual right to bear arms. In Kansas, the rights enumerated by the Constitution have been interpreted by a Kansas Supreme Court case to say that your right to own a firearm is a collective right not an individual right. There was the Heller case in Washington DC last year on firearms ownership where the Supreme Court said that is an individual right. The NRA came back with this constitutional amendment and it has passed both houses and will go to the vote of the people

in November of 2010 which would change the Constitution to make it an individual right. The department is following it because firearms are integral to what we do and hunting is listed as one of the reasons for individuals to have that right to own a firearm. *HB 2049*, also an NRA initiative, would have put hunter education in the schools; currently a voluntary program and this would have made it a mandatory program. It had a hearing early in the session and then didn't move. The concern was that it would be an unfunded mandate on schools which are already competing on other topics within the school system. *HB 2064*, light pollution, would have required Department of Health and Environment (KDHE) to come up with a methodology to reduce light pollution around sensitive areas, and lists state parks and Cheyenne Bottoms and Quivira. The bill had a subcommittee meeting and didn't go anywhere. *HB 2172* we talked about earlier was the new guide tax exemption bill. *HB 2254* dealt with lifetime licenses, particularly for military members, and said if you jumped through a number of hoops, you could get a lifetime license as a member of the military, but in fact if you did those things you would have been a resident so you could have gotten a lifetime license anyway, so the bill didn't go anywhere. *HB 2296* imposition of conservation fees on department permits and licenses and put those proceeds into the State Water Plan Fund which would be a diversion. Had a hearing and bill didn't go anywhere. *HB 2342* had a hearing and a subcommittee hearing which dealt with Shawnee Mission Park and the deer population issues that are occurring there in Johnson County. It would have mandated an archery season in the park. They are working toward some solutions there and the feeling I got was that the Legislative Committee was going to hold off for another year and see if that could be worked out locally. *HB 2346* would have created a sales tax exemption for Hunters Feeding the Hungry. It did not get a hearing. *HB 2362*, the most contentious issue for us this year, would have extended antlerless deer seasons an additional 60 days at the end of current seasons, which could have a significant biological affect on the population. It would have brought back transferable permits and added fees to every deer permit for nonresidents and given that money to Feed the Hungry Fund, which be a diversion of funds and jeopardize \$11 million in federal aid. The bill got a hearing, went to a subcommittee and ultimately there were some compromises that we are trying to work out with the legislator trying to push that bill. We will talk about that tonight with Lloyd. *HB 2385* would have transferred land from Juvenile Justice Department to Wildlife and Parks. That bill did not get a hearing. It is important because our agency has statutory authority to transfer land and some other agencies don't, but it is reference to reduction in budgets in JJA and the ability of the department to manage that piece of property. The bill didn't get a hearing and I don't know the status of that topic. The land was up near Atchison. *House Concurrent Resolutions 5012 and 5013* both deal with reservoirs; 5012 dealt with revamping the Pick-Sloan Act, which is the control reservoir federal legislation and 5013 dealt with extending the productive lives of our reservoirs. *House Concurrent Resolution 5017* is the exact same NRA version of 1611 that we talked about earlier. Introduced late in the session on both sides and the Senate version moved faster. Commissioner Shari Wilson – On *HB 2296*, was that a water conservation fee? Tymeson – They just called it a conservation fee, a \$5 fee that they would have tacked on when you bought your permit and then funded the water plan fund. That would have raised \$985,000, targeted for nonresidents, raised \$1 million, but cost us \$11 million.

B. General Discussion

1. Park Regulations – Jerry Hover, Parks Division Director, presented this report to the Commission. Placed on agenda to open process for public and Commissioner input to make changes. At this time the department has no recommendations for changes, deletions or additions. Commissioner Bolton – Free days at the parks, do we lose money on that or gain people or seen anything from those free days? Hover – We have never done a complete analysis to have statistical information. From theory and what we see happening, we don't lose funds, but gain new people visiting the park, getting outdoors and partaking in some of the events. Many of our free days are later in the year and many of those who enjoy getting out have already purchased their permits. It is a method where people can bring people to an event who don't normally attend those. It does increase visitation. Chairman Johnston – How do we define state park lands versus public hunting lands around our state parks? Is there a distinction in our regulations? Tymeson – On our lease, statute says the names of the state parks or it is defined by the deed or when we have a park on Corps or BOR lands it is defined by the lease. Chairman Johnston – It relates to rules prohibiting hunting on state parks. We have lots of public hunting grounds that Wildlife and Parks owns around our state parks and reservoirs, but is hunting allowed on state park grounds? Hover – It depends on the park, we have some special hunts, some open hunting, but on an annual basis we analyze the park along with the appropriate biologist from the other divisions as to whether we have a problem with wildlife that has a huntable population and look at safety factors, types of usage during open seasons. One of the highest criteria are whether there are animals destroying their own habitat on the park or adjacent landowners. We take all kinds of things into consideration, plus the amount of land available. There is no hunting in campgrounds or heavily used public areas, but if more remote and not a safety factor we do. Chairman Johnston – Is trapping allowed on state parks? Hover – In some cases, yes. Similar types of criteria are gone through. Primarily trapping within use areas is to control nuisance animals causing problems with people and usually by the use of live traps. We do have areas that are more or less natural and usage is light and we do allow trapping in those areas by permit. We control the types of traps they can use, the animals they can target and where that is done. Chairman Johnston – A special permit or furharvester license? Hover – A special permit issued by the park manager. Commissioner Shari Wilson – You were listing several things you ask on the special permit the park manager gives, are those same questions asked on the regular furharvester license application, in terms of where the trap will be placed and those types of things? Secretary Hayden – No, we don't.

2. Fishing Regulations – Doug Nygren, fisheries section chief, gave this report to the Commission (Exhibit E). This will be brought back for vote in October. The reference document that has the special regulations that are different than the statewide length and creel limits is where most of the changes will be proposed. One thing we have been successful at is establishing blue catfish populations in a lot of the reservoirs where they did not exist and one of those lakes is Perry Reservoir. We have a change for a minimum length limit and a change to 5/day creel limit to help get that population established. It takes about seven years before a blue catfish female is ready to spawn. Douglas SFL currently has a 2/day creel on channel catfish and just reopened to fishing this year and we wanted to take some of the initial pressure and ease the harvest, but next year we are willing to increase that to 5/day creel limit. Kanopolis Reservoir is another lake we are trying to establish blue catfish in and are proposing a 5/day creel limit. On

the Kanopolis Seep Stream, also called Sand Creek, we are proposing artificial bait only (lures or fly fishing) at power poles number 9 through number 16; we did a renovation there and had a successful first year in that trout fishery. At the request of Wolf Creek Nuclear Operating Corporation in Coffey County -- they would like to change the slot length limit to 18- to 24-inches on walleye. We have quite a few community lake changes. I won't go through the whole list but at Crawford SFL where we had a problem with largemouth bass virus and we lost a big portion of our bass population and as a result have seen some increased survival and recruitment of carp and other species. We have introduced striped bass to try and help the black bass recover so we want to put an 18-inch minimum length limit on striped bass. Other possible changes for 2010 would be a way to accommodate people who want to use gizzard shad and other desirable bait fish that are more than 12 inches long; right now bait fish are defined as maximum length of 12 inches so we were looking for language to allow using fish over 12 inches. The last one can be dealt with in regulation summary -- there is some confusion amongst the public on whether you can have floatlines and a trotline and a setline and we want to clarify that you can use one of those three methods, but not a combination of two or more. Commissioner Lauber -- From a practical standpoint, is blue catfish going to be easy to extinguish? There are a lot of channel catfish there. Nygren -- We put the same length limit at other lakes, primarily where we are trying to control white perch and we have put signs up around the lake that have identification guides and they are also in the fishing regulation summary. With a little education with the local anglers, we can show them how to tell the difference. Chairman Johnston -- What is the thought as to why we don't want a single angler to set eight limblines and eight floatlines? Nygren -- It has always been that way on trotlines and setlines, you had to make a choice and the concern was to only use one type of passive gear at a time. They are still subject to the daily creel limit on that lake. We could talk about whether we want to allow that, but that does open you up to a potential problem of making them too successful. Chairman Johnston -- The primary thought is that it helps control the harvest? Nygren -- Because more people don't get the ten anyway, but with that type of gear you could be very successful.

3. Chronic Wasting Disease (CWD) Update -- Shane Hesting, wildlife disease coordinator, gave this update to the Commission (Exhibit F; PowerPoint presentation -- Exhibit G). I started this position in February, and I am monitoring avian influenza and chronic wasting disease. Chronic wasting disease is in the family of transmissible spongiform encephalopathy (TSE) and is caused by a protease resistant proteinaceous prion. It is not technically alive, it has no nucleic acid, and it is a protein. Protease is a fancy word for enzyme and there is no prions to break them down, so they accumulate. There are different forms of TSEs -- BSE is bovine (mad cow disease); CJDv is the human variant of Crutchfield Jacob Disease (CJD), BSE jumped to humans and CJD occurs naturally in humans and occurs in one out of one million people, but the variant form there were 200 people in Europe who came down with this; TME is in mink; and scrapie is in sheep. (*Showed a USDA photo of a cow with mad cow disease taken in the 1980s and a photo of a mule deer with CWD.*) Shortly before death an animal will stagger, exhibit listlessness and lethargy, have little fear of people, will drool and salivate and have extreme thirst and will appear malnourished and wasting away. All deer killed in Kansas that tested positive appeared to be healthy. The last we heard, Wyoming was starting to see some animals that exhibited clinical symptoms, but we are a long ways from there. Another clinical system is a shaggy, rough-looking coat. Timing of infection is important to determining clinical symptoms

because incubation periods may be three years or longer. The oldest deer we test are 3 ½ years, but as soon as an animal dies in the wild predators take care of them and you never see them. Infection comes directly from the animals themselves and from the environment. The prions are very stable; they don't break down and resist environmental degradation so remain in environment even after the animal dies. In 2001, there was an affected elk in Harper County in a captive cervid pen and the herd was depopulated; in 2005, Cheyenne County, one deer was found on the Republican River by Saint Francis; 2006, no CWD positive deer; 2007, three found on Sappa Creek by Oberlin; and in 2008, the endemic area is the northwest part of the state and we had ten last year – one in Cheyenne County, two in Rawlins County near Atwood on Beaver Creek, five deer in Decatur County with four close together on Sappa Creek and one on North Fork of Solomon River, and Sheridan County with two on South Fork of Solomon River.

Chairman Johnston – I understand it is not appropriate to describe CWD as contagious, but is transmitted from deer to deer. Is it typical to have disease spread in deer population at the rate we are seeing it in these four counties over four years? Is it also typical that it seems to congregate around drainages or is that just where the deer are being shot? Hesting – That is where the deer are being shot. Out here is open country and the deer are going to be in the drainages and that is where the hunting will occur. The biologists from that area could probably give a better explanation of the topography in that landscape. We believe that it transmits from deer to deer and from the soil to the deer. Colorado State did a study where they depopulated a place and put deer back in that area three to four years later and they came down with CWD so that is where we learned we had an environmental problem.

Chairman Johnston – Is this a normal rate at which this disease will spread in geography where it hadn't existed before 2005? Hesting – My personal opinion is yes, but I am not a veterinarian. I am a grant coordinator, so I don't know. Black dots are samples from eight county areas and with red dots included that is 397 samples taken. We are looking for it. We try to detect it at one percent prevalence or infection rate with 99 percent confidence that we are going to find it if it is out there at one percent. We look for it statewide and currently CWD is not transmittable to people, and there is no evidence for or against it, but we have a lot to learn about it. The grant represents \$235,000, a grant provided by USDA so we can do the monitoring of this disease. Map shows 1,500 of 2,700 samples we took, the other ones was county only so I couldn't put an exact dot on the map, but we had several other samples not shown. USDA requires us to report counties, not exact locations.

Chairman Johnston – Are any of these sites where animals were tested in captive herds? Hesting – No, only wild herds. Chairman Johnston – Is the grant the department is using to do this, does it include any captive herds? Hesting - Not right now, unless the owner gives us one and asks us to test it. Chairman Johnston – Does USDA test captive herds? Hesting – They do, but I don't know how they do that. There are some facilities that are CWD free. There is a CWD voluntary program for captive herds, and there are 31 enrolled and 91 that are not certified or in the program. We took 2,696 samples, including 21 elk. Kansas has a regulation that says that all elk taken are tested for CWD and all of the elk were negative. All the positive deer were white-tailed deer; 57 percent of all samples come from hunters; 33 percent from taxidermy, to get older animals; vehicle and sick represent 10 percent because if the deer is sick there is a chance it might get hit on the road or you might get closer to it with archery or muzzleloader. One of the ten positives was road kill; and three were killed before rifle season. Sample characteristics: 21 elk; 2,675 deer; deer 80.4 percent were older than 2.5 years-old; 86 percent white-tailed deer; 14 percent mule deer; 77 percent male; and 23 percent female. There was a

paper out that said that CWD was more prevalent in males than females, but research is ongoing. 2009 sampling goals, we have a disease assessment zone in the northwest consisting of 12 counties and we are going to try and get 500 to 1,000 samples. Last year we got 496 in the 12 counties. We want 2,300 to 2,800 samples this next season. What can we do? We cannot stop it! No vaccine, no cure. There are no enzymes we can put on the soil to counter the bad prions. If deer is taken from endemic area, we can 1) bone out meat and leave carcasses in the infected counties or take carcass to cooperating landfills; 2) avoid bringing carcasses in from other states' infected areas; and 3) avoid transporting captive cervid without CWD-free certification. Commissioner Bolton – What about the elk in Harper County, was that captive? Was it brought there? Hesting – Yes, it was brought in from Colorado. They depopulated the herd and payments were made for each elk killed. Chairman Johnston – The three watersheds in northwest Kansas, there is a possibility the soil and watersheds will be contaminated? Hesting – There will be prions on the ground. They think the prions are shed through the gut, saliva and placenta. Commissioner Meyer – Is there a shelf life? Hesting – Lasts for years. It will gradually increase until we find a cure or vaccine. Right now we are showing one percent prevalence. In my opinion, 30-40 years down the road that could increase as Wyoming has, 30 percent to 40 percent prevalence. Commissioner Lauber – If the deer were carriers or tested positive is the presumption that if they were not harvested in two to three years from the date they were shot they probably would have developed the wasted appearance and the clinical symptoms. Hesting – Absolutely, it is progressive. Commissioner Lauber – You can't be a carrier and not develop symptoms? Hesting – Not that I am aware of. This isn't a bacteria or a virus, this is an accumulation of a prion (or protein) and it will accumulate in the spinal cord, the brain and lymphoid tissues to the point you get a sponge-like appearance in the brain. It is progressive and always fatal. Commissioner Lauber – Is there a reason why it appears at this point to attack mule deer differently. Hesting – Possibly they can fight this off internally or biologically. All cervid are susceptible to this, moose, elk, and deer species.

Paul Babcock, Hoxie – He brought up several points in regard to what we could do to reduce the incidents of the disease, but to me something equally as big of cause is baiting deer for reasons usually to get them close to where you are hunting from. People are using bait and more than one deer is going to feed from that and its another way the disease is going to spread and I think we should do all we can and eliminate baiting and make it illegal in Kansas. I am sure there are reasons not to, but I feel we are obligated. I did a survey of fellow hunters, and we have a lot of individuals who agree with me that it is time to end baiting because of this. It is in my backyard in Sheridan County and I did find one of the positive deer. Chairman Johnston – Are you aware of the experience of other states and their attempts? Have they eliminated baiting and does it have any affect? Hesting – I think Wisconsin did away with baiting. I worked in Nebraska in 2000 and that is when I first became involved in CWD. We went on a deer cull to reduce population, so I have experience, but not in the research or technical end of it, more in field work. Nebraska had twenty-two this year, mostly in the northwest corner and I asked them what they were doing and they said they are just monitoring it like we are doing. There is nothing you can really do, it is too expensive to go out and do agency culls. You have to rely on your hunters. Chairman Johnston – So it has been done in at least one state? Hesting - I am sure it has been brought up in every state that has this disease. Wisconsin tried to eradicate it with depopulation of areas and they couldn't do it. Tymeson – Wisconsin did a partial ban in an endemic area.

Chairman Johnston – Mr. Babcock we have discussed baiting rules within the last year and maybe Lloyd has other information to add to this discussion? Fox – Half of the states allow baiting, those with and without the disease. Hesting – There are also a lot of haystacks out there and small foodplots and you would have to determine what is important or not. It is a good idea to talk about these things. Chairman Johnston – We should continue to talk about this as we continue to see results. Babcock – Would it be appropriate to ban baiting in the unit where it is now and where it continues to spread? Chairman Johnston – That is a question our biologists and Shane will continue to discuss. Speaking for myself I would like to be aware of some information from other states that shows that it has an affect. If the disease is in the soil of these areas where they have been found in Kansas, I am not sure eliminating baiting will solve the problem. We need our biologists to advise us.

Drew McCartney – Did restriction of baiting make any difference in Wisconsin? Hesting – I don't think they saw a difference, but it hasn't been long term yet as it was only passed a year or two ago. So there hasn't been enough time to evaluate that. McCartney – I think there are just as many people in the state in favor of baiting as those who are against.

Lynn Marshall, Grinnell – I also have a concern about the baiting. There are places in the state where you see dense populations of deer. I like to go watch wildlife at dusk at Norton State Park and at any time you will see 20 to 50 deer in a group. Would it help to disperse those herds?

Hesting – Yes, it makes sense if it is density dependent. We don't know, but it could be a density independent disease, but we think it is density dependent which means it transfers deer to deer. We are working with private land and public land biologists, and we don't allow some hunting on some areas of public lands. There may be a need in the future to allow hunting in some of those areas. You need to understand that deer disperse 40 to 50 miles, so if you scare them out of there where are they going to go? You could possibly make the problem worse if you have CWD there. We don't want to change regulations yet.

Babcock – In the most recent edition of the *Field and Stream* magazine one of their writers had an article in regards to this. They pointed out that this is occurring where baiting is allowed and found that when they stopped baiting there wasn't really any change. Baiting doesn't make you more successful. Chairman Johnston – It is a separate debate, baiting from an ethical standpoint versus control of CWD. Commissioner Lauber – When you have a deer herd with high prevalence of percentages, 30 percent, what does that look like? Do you have a lot of sick animals, younger animals that are positive or what? What happens in those areas, will it run its course and the healthy population remains? Hesting – I don't think we know. CWD was first found in 1967, but didn't know what it was until 1981. There is nothing these agencies are doing to stop it, but they are trying to control it or slow it enough so if research or breakthrough is made and there is something we can use. On 30 to 40 percent in Wyoming, sick animals are starting to show up now because there are so many out there. CWD is believed to eventually change the dynamics of a population to younger population and a few papers are out there that point to extinction, which could be 100 years from now if you lose your social order.

4. Horsethief Reservoir Update – Mark Sexson, Region 3 Public Lands supervisor, gave this update to the Commission (Exhibit H; PowerPoint Presentation – Exhibit I). HorseThief Reservoir is located 8 miles west of Jetmore. The project is a joint project between the Pawnee Watershed District and the HorseThief Reservoir Benefit District (HTRBD), which is a new organization. The Pawnee Watershed District project replaced five planned structures with this

one; were the ones who purchased the 1,500 acres for the reservoir; and is leasing to HTRBD for \$1/year; were the ones who took the initiative to go to the legislature to create the Benefit District; and are responsible for building and maintaining the dam. HTRBD was created by the Kansas legislature and has the ability to call a vote, and if successful, issue bonds, which we did several years ago. We successfully received approval from the voters in Finney, Gray, Ford and Hodgeman Counties, to get 1/15th of one percent sales tax (the campaign was a nickel on a pizza) to build the reservoir and park using sales tax. HTRBD is responsible for most of the funding for the dam and recreational facilities; and responsible for all the recreational facility development and operation. The seat that I hold is the Secretary's seat on the HTRBD Board of Directors. KDWP has been involved across the department. The Parks Division has been very helpful. They sent teams of park managers to help with the development and to come up with plans. Law Enforcement Division will have a new position located in Jetmore with sites on the HorseThief Reservoir. From Fish and Wildlife division, fisheries biologist Lowell Aberson has been working on the pre-fish habitat for when it fills up and Steve Price is the grant coordinator for the boat ramp facility that I will show you. Administration has been involved also. The dam is going to be 7,210 feet long, 86 feet high, and over 2.5 million cubic yards of soil will be moved. Total surface acres when full will be 452 acres, and according to three hydrology studies, 80 percent of the time it will be 260 surface acres. Studies indicate it will take five years to fill. The current budget is \$17.5 million for dam construction and \$2.5 million for park facilities. Part of the \$17.5 million has contingencies, but we are hoping we don't have to use those. We are out of the hole, done with concrete and dirt work from now on to the dam, so we hope we will get those contingencies back to the park part of the development. *Showed photos on work done so far and explained them.* On the equestrian trail, the department provided a \$41,000 grant to help with development, and KDWP has funded nearly half (\$150,000) of Stage 1 development (total \$321,000) of boat ramps and has a motorboat access grant application for next year to help with Stage 2. We have a bottom boat ramp and before it gets to the outlet gate this will have a 50 surface acre lake, which for southwest Kansas is large. Knowing it could be five years, we are holding off on a lot of the buildings, but there is a desire to hire a manager, start installing main water line, main road into park from Highway 156, electric trunk line, and a small number of campsites. Working on putting main electric trunk line underground. www.horsethiefres.com Commissioner Meyer – You said you were replacing five watershed dams, so this is part of a Watershed District and you should be able to get some funding from them? Mark Sexson – The Watershed District bought all 1,500 acres and they are leaving that on the table and have also done several other things like getting power run to water well on west end and they are in charge of building the dam and keeping it going, but Horsethief has all the money.

5. Late Migratory Bird Seasons – Faye McNew, waterfowl research biologist, gave the report on teal (Exhibit J). Late season bird seasons include duck seasons excluding early teal and goose seasons. The frameworks are controlled by the U.S. Fish and Wildlife Service (Service) and the states have to work within these frameworks. The frameworks are published around August 15, and based on May Breeding Duck Survey and recommendations from the Flyway Councils, we don't anticipate changes in the frameworks for geese and we expect 107 days again. Also, expect to be working within the Adaptive Harvest Management system for ducks which provides three packages based on mallard population and Canadian May pond counts. The liberal package includes a 74-day Low Plains season; moderate package, a 60-day season; and

restrictive allows 39 days. The 2008/09 hunting season was the last year of the three-year Hunter's Choice Experiment. We are currently analyzing that date and expect to have preliminary results in July. We don't know if we will continue with Hunter's Choice or go back to the original frameworks. If Hunter's Choice becomes operational it will continue with the five ducks: two scaup or redhead; three wood duck; and only one duck from the following group: hen mallard, mottled duck, pintail or canvasback. Within the restrictive package it would be three ducks: two scaup, redhead and wood duck; and only one duck from the following group: hen mallard, mottled duck, pintail, and canvasback. The possession limit shall be twice the daily bag under all regulatory alternatives. If Hunter's Choice is not operational, we will go to six ducks again. Commissioner Lauber – The whole purpose for Hunter's Choice was to reduce the number of pintails by stopping the harvest of mallard hens? McNew – It was to prevent, right now we would have a season within a season for certain years for pintails and canvasbacks, so on a 74-day season we would only be able to hunt pintails or canvasbacks for 30 days. On Hunter's Choice we are looking at as an alternative you can hunt those species for the entire hunting season but still restrict the harvest of those species. Lauber – Without Hunter's Choice you would be able to have six, but only a brief period of time when you could harvest any pintail? McNew – Correct. Secretary Hayden – What does the treaty say about possession limit on geese? McNew – It is twice the daily bag, but I am not sure what the actual treaty language says. In the past we have asked for it to be changed and been refused mostly due to a law enforcement issue so I think the treaty may allow higher possession limits. I can look into that for you.

Break

C. Workshop Session

1. Early Migratory Birds – Faye McNew, waterfowl research biologist, gave the report on teal (Exhibit K). The hunting season framework is September 1 and September 30, 2009; not to exceed: 1) sixteen days if the blue-winged teal breeding population is above 4.7 million; or 2) nine days if the breeding population is between 3.3 and 4.6 million. Bag limit is 4 and possession limit is 8. Last year's blue-winged teal breeding population was 6.6 million and we won't know the 2009 population until June. The season dates we are recommending are: a nine-day season for the High Plains zone running September 19 through September 27, 2009 or a 16-day season running September 12 through September 27, 2009; or an eight-day season, given a liberal duck season running September 19 through September 26, 2009. In the Low Plains Zone we are recommending a nine-day season running September 19 through September 27, 2009; or a 16-day season running September 12 through September 27, 2009. Shooting hours are expected to be a half hour before sunrise to sunset.

Helen Hands, wildlife biologist, gave the report on doves (Exhibit K). For the past 25 years the federal frameworks for mourning doves have provided an option of either a 60-day season and a 15-bird bag limit; or a 70-day season and a 12-bird bag limit. Kansas has opted for the 60-day, 15-bird bag limit for at least 20 years. During the past several years, the three dove technical committees have been developing a mourning dove harvest strategy. We have three management units for mourning doves based on their migration patterns instead of the four flyways for ducks. We are in Central Management Unit, thereby we have a Central Management Unit Technical

Committee. For the past several years, the three dove technical committees have been developing a mourning dove harvest strategy which outlines the decision-making criteria for the federal frameworks. Based on an analysis of the harvest information program data for mourning doves, changes in the bag limit have more of an affect in harvest than changes in season length. For consistency the Harvest Strategy has set the season length at 70 days and based on the population trend they may or may not change the bag limits. The harvest strategy goes into affect in 2009 and the current population of mourning doves is high enough for us to be in the moderate package with a 15-bird bag limit. That strategy goes into affect so we can implement a 70-day season with the bag limit set by the harvest strategy which is most likely to be 15. Currently our regulation says the season is 60 days. The recommendation is that the first segment will run from September 1 through October 30, and the second segment will open on the first Saturday of November and remain open for nine days. We considered two alternatives for allocating the remaining nine days. The first was to open the season on the first Saturday in November and the second option was to open the second segment on the second Saturday in November. We selected the first option because it would allow dove hunting during the opening weekend of the upland bird season and allow the second segment to close before the exotic dove season opens on November 20. If the dove season overlapped with the exotic dove season, it would unnecessarily complicate the regulations and enforcement because a HIP stamp is not required during the exotic dove season.

2. Furbearer Regulations – Mike Mitchener, Wildlife Section chief, gave this report to the Commission (Exhibit L). Matt Peek is in Kentucky at the Midwest Furbearer Work Group meeting. Recommended changes for KAR 115-5-1, in regard to live trap terminology we would like to change “live trap” to “cage trap” and “colony trap” needs to be added. This is for clarification and to provide a more accurate description of the equipment that may be used. The second one is terminology describing where snares may be set in relation to a public roadway. This needs clarification. The current language can be confusing and interpreted in different ways, plus is more restrictive if a fence is not present. For example, 50 feet is usually further than five feet from the fence. By indicating a snare may not be set within five feet of a public road right-of-way or fence bordering a public road right-of-way, the location would be clarified and consistent whether there is a fence or not. KAR 115-5-2 deals with possession periods and disposal of pelts. Our recommendation is to eliminate possession periods. Possession periods were intended to discourage out-of-season harvest and provide some aid to law enforcement prosecuting those who harvested fur out of season. Most of the furbearers are of little value outside of current possession periods and this regulation can be problematic for people who legally harvest fur at times. We have multiple possession periods and inadvertent violations can occur because of confusion or misunderstanding of the regulation. Possession periods also create some degree of hardship for several furharvesters because of an increasing number of furharvesters who ship their furs out of state or out of the country for auctions and those holding onto fur for taxidermy purposes. The other one is to eliminate the requirement to skin furbearers within 48 hours of the close of the season. The original intent was to aid law enforcement in prosecuting those who harvested fur out-of-season, but the level of deterrent this regulation presents to those who may harvest out-of-season is questionable and has become an unnecessary hardship for legal furharvesters who freeze furbearers whole and skin and put the fur up after the season. This regulation has also resulted in inadvertent violation of otherwise legal furharvesters

due to the confusion of possession periods or oversight of the regulation. KAR 115-6-1 deals with fur dealers licenses and some of this is just clean up; in subsection (5)(b) it deals with expiration date of fur dealer licenses and originally when this regulation was put together there were dates of 1990 and 1991 in that regulation. The fur dealers who bought a license in 1990, it would not expire until June 30, 1991. We are passed that, and we need to clean that up and remove those dates. Dealer licenses do expire on June 30 of each year. Also, in subsection (f) which deals with tagging requirements for certain species it specifically states bobcat in there, and we want to add swift fox because they also need to be tagged in the state. In KAR 115 25-11, the open season and bag limits we recommend no change and in KAR 115 25-12, coyote seasons, we also recommend no change. Secretary Hayden – At the last meeting there was a fur buyer that said other states distribute bobcat tags outside the agency and allow designated representatives, such as fur buyers, to do the tagging. Have we looked into that any further since that meeting? Mitchener – Matt is looking into that and also there may be a change coming in the CITES Act that would remove the requirement for tagging bobcats so we are waiting to see how that comes out. Legally we could allow fur dealers to do have bobcat tags and tag the animals so it wouldn't be a regulatory situation if we decide to do that. Commissioner Lauber – Is there a law enforcement reason why we haven't done that? Or just not enough harvested to warrant it? Mitchener – Actually there is quite a number of bobcats harvested every year and actually it has been increasing. It is just something the department has always done. I don't believe there is any really good reason, because there is accountability for pelt tags anyway, know number and have reports that have to be filled out. Commissioner Lauber – I think it would be more convenient to allow fur buyers to do that. Commissioner Meyer – While we are in this area I would like to thank Kevin for the information he gave us last time on coyotes and how they relate to furbearers.

3. State T&E Review Status – Ken Brunson, environmental services nongame biologist, gave this report to the Commission (Exhibit M). You have had about three workshops on this and I realize this is familiar territory for you. We are getting toward the end of the five-year review of threatened and endangered (T&E) species in Kansas. The final decision will be made at the June meeting. We started the process with a six member Task Force made up of members of the agency and also experts from outside the agency that asked for petitions. Reviewing 21 petitions, the Task Committee recommended nine changes. The proposed changes were a couple that were going to be taken off the list completely - the bald eagle and peregrine falcon; one species, broadhead skink that is going to remain as threatened; the American eel remaining unlisted; the shoal chub being listed as threatened; bigeye shiner and redbfin darter listed as species-in-need-of-conservation (SINC), which is our watch list; plains minnow recommended for threatened category; and delta hydrobe snail recommended for threatened status. You will see a summary in the one sheet that has all the species that were petitioned along with the final recommendations. Commissioner Meyer – It is great to see some species come off the list. Jill Hanson, Logan County – The prairie dog as threatened species, can you address that? Brunson – Currently the black-tailed prairie dog is not on any list of protected status. Hanson – But KDWP and the U.S. Fish and Wildlife Service (USFWS) is looking into that? Brunson – The black-tailed prairie dog was considered a few years ago for federal listing, and was warranted but precluded at time, but since then has been totally delisted, so there is no official listing at this time. Hanson – Isn't there a time period that KDWP is looking into that this year

by mandate? Tymeson – The USFWS has again been petitioned by a group to list the black-tailed prairie dog as a threatened species. We are in the 12-month finding period and will come up in November when they will make an announcement on that. It is the USFWS not our department, however they have come out for comments from the public and interested agencies and folks within our agency did comment as part of the Western Association of Fish and Wildlife Agencies. Hanson – Can someone tell us what those comments are? Numbers from what the last count was? Mitchener – We provided comments to USFWS, numbers of prairie dogs are actually up from what they were previously. Hanson – What year was that? Mitchener – We did a survey in 2007, only in the northwest quarter of the state, not the entire state and we extrapolated those numbers for the entire range in Kansas and our population level was higher this past year than when we did the original survey in 2000 and 2001. We provided those comments. We had a plan as part of the original work with the other 11 states that have black-tailed prairie dogs that we would have a goal in Kansas, a goal of 130,000 acres of prairie dogs. If it was possible we would increase to 150,000 acres of prairie dogs in the state. We are at about 170,000 acres so we are far above what that goal we set for our state's contribution to the range-wide population of prairie dogs. Hanson – The comment I would like to make is even with our state law that requires eradication and control, which is so controversial, our numbers are up from before.

Brian Sowers – I would like to know who called for the petition for this study? Mitchener – It was a group called Wild Earth Guardians out of New Mexico. Commissioner Lauber – Our agency has not been active in attempting to get any listing done on these, we provided comment only. In fact, we would rather not have it listed. Chairman Johnston – Mr. Tymeson, when you were doing your legislative review you mentioned two items of legislation that were introduced to change or modify these regulations as it relates to County Commission powers to regulate prairie dog populations. Do we know who introduced those? Were those KDWP proposals? Tymeson – No, they were not. Commissioner Lauber – I think, in general there is confusion when the USFWS is being asked to conduct a study within their powers and what KDWP is doing. They are two separate, distinct agencies, one federal, one state and is completely different. While we try to work with them when it affects Kansas, but is outside the jurisdiction of this agency.

4. KAR 115-25-9a. Deer; open season, bag limit, and permits; additional considerations - Lloyd Fox, big game wildlife research biologist, gave this report to the Commission (Exhibit N). This will be brought forward for public hearing at the June Commission meeting. This regulation does four different things after we pass 115-25-9, which we will go over later tonight. It will have season dates for Fort Riley, which they have requested that we review those season dates later in the year than we normally set our seasons; it will have archery season dates for Fort Riley, we establish antlerless-only deer permits for units where we will allow the harvest of mule deer doe under the antlerless permit system and we like to enact that after people have obtained their antlered deer permit; and the special extended season which came up a couple of years ago in areas where additional deer hunting was desired, especially by local citizens and legislators, to add an additional week of antlerless season. As discussed before, originally that was in the northern parts of DMUs 7 and 8, and the department would recommend that we stick with whole DMUs as opposed to subsections of them. Our original intent was to just go with 7 and 8, but we have been contacted by people, especially out of the Wichita area in Unit 15, and we would like

to include DMU 15. We would have DMUs 7, 8 and 15. The other aspect of that is that this particular year the regular extended season would have only been three days, January 1, 2 and 3, and considerable input came in and recommendation to go for two weekends and run it from January 1 through January 10. That would change when this special extended season would be and the recommendation will be to go from January 10 through January 17. This draft of this regulation has already been submitted to the Attorney General and we will need to introduce a possible amendment when we do bring this back for action. The amendment will be for different units and different season dates than are currently in there. Chairman Johnston – With respect to these special extended deer season units, I noticed in connection with the allocation of nonresident deer permits in 2009, that the percentage increase in permits for Units 7 and 8, one of them is the highest increase over 2008, and Unit 7 is fairly high, but Unit 15 is fairly low in comparison. What is it about Unit 15 that warrants a special extended deer season, but only a 17 percent increase in nonresident deer permits over 2008? Fox – These are two separate issues; one is the that last year we attempted to provide sufficient nonresident whitetail either sex deer permits to meet hunter nonresident demand in much of the state, especially east of here. Unit 16 was one particular unit of great concern and in doing, it was difficult to determine what the actual demand was for permits because items like archery permits were going to multiple units and we had to redistribute those. To be honest I think I missed the estimate on how many people wanted to hunt in DMU 7 and last year DMU 7 was one of the units that we had intended to meet demand, but it was the one unit where we did not meet demand. On the other hand, DMU 16, we increased the number of permits to that unit and we substantially exceeded demand in that unit. So we tried to make an administrative adjustment to those numbers to get us more inline to where we should have been last year. In DMU 7, all of my indices look great as far as what that deer herd is doing and the desire for deer permits from landowners; deer/vehicle accidents and all of these factors say we should increase deer permits. We did a little extra to that to be sure we did meet the demand. We reduced permits in Unit 16 to get us back in line to where we should have been previous year.

Fox - I have one other point to bring up. We have discussed this once before and we will be changing our nonresident application period, not this year, but next year and would like to bring a regulation back to you as soon as our June meeting. That will probably come in as regulation 115-25-9b (Exhibit O). I wanted to let you know because we will probably bring that back without a workshop, it will go right to public hearing. Chairman Johnston – That will be moving the application opening period up 30 days or something? Fox – Right, it will open it earlier and close April 30 instead of May 30. We do need to notify nonresidents that this is going to happen well in advance before it occurs.

VII. RECESS AT 4:05 p. m.

VIII. RECONVENE AT 7:00 p. m.

IX. RE-INTRODUCTION OF COMMISSIONERS AND GUESTS

Secretary Hayden and Chairman Johnston presented Keith Sexson with his 40-year service award.

X. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

Jill Hanson, Wallace (Logan County) – One of landowners/ranchers that borders the ferret release site. For the past two years we have been involved in a study conducted by Charlie Lee, wildlife specialist from KSU. The study is funded by USFWS and involves seeing if a vegetative border contains the prairie dogs or they cross it. The study is almost finished and since August 2008 KDWP has funded one-third of control on some of the bordering landowners. My concern is that KDWP understand that a prairie dog management plan year must be year-round, not seasonal. KDWP also needs to understand that until the core where the prairie dogs come from is controlled the financial consequences and the landowner consequences in and around the release will continue to have damaged land, loss of grazing and loss of gain for livestock year-round. A prairie dog, or any wild animal, does not recognize a border. Is KDWP willing to increase funding for the landowners who are now out of the study? Keith Sexson – We are in the first year of the study portion and there are three partners: USFWS, KDWP and The Nature Conservancy and we are working with USDA-APHIS who does the work. It is a five-year project so we are not sure with one year where it might be going. I can promise we are into it for five years and will continue to evaluate what impacts we are having in terms of controlling on the borders and on the neighbors. We know it is a challenge, but it is an effort we are trying to make to see what can be done as it relates to border control in that particular area. As time goes on we will be evaluating and adjusting as necessary. At the end of the five-years we may have some more solid recommendations what we can do on a long-term solution. There are a lot of issues that come into this and you have visited with and dealt with Charlie Lee and we are cooperating with his efforts and Extension efforts as well. Hanson – I would like to ask the Commission and KDWP to look into Charlie Lee’s study and allow him to show the scientific findings that he has found with that vegetative border and the constant eradication and counting each month afterwards on the neighboring landowners. Within three months time after a poisoning we are up over 110 percent return. We had a neighbor who spent \$23,000 in January through this study, one month of poison and control and if the study shows like it did last year and they return by 110 percent that is a lot of taxpayers’ money that goes for that program. I would ask, if KDWP wants to be involved in the ferret program, why has it not chosen a more economically-friendly program and more friendly to the nonparticipating landowner? We have continued loss of grain and grazing, the devaluation caused by the damaged land, not conserving the land (land erosion). And again I ask the Commission as soon as they are allowed to see the other release site that they go and see that because I believe a picture is worth more than a thousand words and that you will understand where we are coming from when you see that. The vegetative border is in short grass prairie is not very tall. Release site participants can have all the prairie dogs and ferrets they want, but it affects the neighboring landowners and that is our problem. Why has it chosen not to be a friendly program? Commissioner Lauber – We are not a participant in the reintroduction effort. Keith Sexson – That is true, the USFWS ferret reintroduction program they have implemented under an experimental permit, so for the duration of that program it is strictly USFWS and we are not a player in the ferret release aspects. Where we have come in as partner is in trying to determine if there are ways to control prairie dogs because we know that in order to have prairie dogs in the state you have to be able to control them, as well. So we are on the control side and the USFWS is responsible for the ferret release sites and what goes on within the ferret release program. It gets really cloudy and very unclear to

a lot of folks that there is a difference between the ferret release program and others' efforts to try and determine if there are ways we can control prairie dogs. Irregardless of whether we had a ferret release program or not, if we had landowners who wanted to maintain prairie dogs we know that you have to have some techniques to maintain them within those property boundaries. To a certain extent, what Charlie has been doing in this cooperative effort is to see if there is a way to control the movement of prairie dogs from one area to another either through vegetation control, through the use of rodenticides or any of those other types of techniques that have been tried. Our involvement in what goes on in the properties where the ferrets have been released is out of our purview as it relates to the ferrets. Hanson – But as a partner, you are participating in part of that control and we are saying that within that control we have a return of over 110 percent in just a few months. So the next question is, are there attempts to do away with Kansas state laws that deal with eradication in spite of the concern with the word eradicate, you heard from Mr. Mitchener today that prairie dogs have increased in numbers since the year 2000. This is why farmers and ranchers support the law that has been on the books for over 100 years because it is working. Even though we continue to control the prairie dog, they are returning. What would your stance be on repealing the state law concerning prairie dog control, such as 286 or 287? Chairman Johnston – Mr. Tymeson would you respond to that. Tymeson – Our position has been, and continues to be, that the laws that are currently on the books are onerous to private property rights. When you repeal those laws, if you have some sort of replacement or modernization which has some sort of balance which is what is trying to be struck in TNC's case and seems to be working for them and may, or may not be working in your instance. Our position in 2000 and each time this has come up in the legislature (the version of 286) that has come up and in 2004 (version 287 now) that we tried, in cooperation with Farm Bureau and KLA, to get something passed. You understand that the USFWS has been petitioned to list the black-tailed prairie dog as a threatened species and there are a number of factors that they look at and one of them happens to be what the state law is in relation to prairie dogs and ours are very onerous to prairie dogs. That doesn't mean if you repeal the statutes that you couldn't still eradicate prairie dogs, it just means you couldn't force private landowners to eradicate. Commissioner Lauber – Would another way to say that be that the current laws that are in affect enhance the prairie dog protector's efforts to get the prairie dogs listed? Tymeson – Yes, I would agree with that. Commissioner Lauber – I am under the assumption that this law has been rarely used, but the very nature of it causes people who are not in this area to probably recoil and give momentum to an effort to list the prairie dog, which frankly we oppose. Tymeson – That is correct. Chairman Johnston – If black-tailed prairie dogs would be listed it would limit available options to all of us to effectively control the situation in a manner that is in the best interests of our local communities. I agree with Mr. Lauber that we are not in favor of black-tailed prairie dogs being listed either. We need to continue with this study to determine reasonable, but effective, ways of controlling these populations and getting techniques developed that will be able to be used to respect property lines and interior population control to keep the tendency of prairie dogs to spread, redirecting the movements so it spreads towards the interior. That is what this study is designed to accomplish. Commissioner Lauber – At a previous meeting someone from the USFWS was talking about the public comments they received and they received 20,000 emails and letters in support and 200 against, and most of those were in prairie dog country. I think the current law, while well-intended, is very similar to laws in the eastern part of the state to protect neighbors from seriza lespedeza and other noxious weeds. I think if it could be

modified consistent with livestock producer's goals, I think it would be helpful to not have the black-tailed prairie dog listed and I personally I would like to see a modification to where this could get off the front page of the New York Times and other newspapers and see if it couldn't be resolved. Hanson – I have read 286 and 287 and I do not see within those that they are rancher/livestock/farmer-friendly whatsoever and the word control has just opened the door for continual damage and expense. So if that is the route KDWP is going to go then it will be a continued front page. I understand what you are saying about if it gets listed, but the science behind it getting listed here in Kansas is nil. Chairman Johnston – Unfortunately, it not just Kansans who will determine that resolution, it is a federal action. Secretary Hayden – It is just like the whooping crane, they come through here, they don't live here, but they migrate through here and are a federally endangered species, so that has a huge impact when they come through. So the population of prairie dogs in Kansas might be stable or increasing, but over it's range, in 11 states, obviously there is a lot of data that shows that this species is close to being threatened or endangered to extinction and if that happens then we have to live by those laws and rules even though our population might be increasing, because we are just one small piece of this puzzle. We don't want to see it listed and every time this debate comes up they point to the Kansas law which is a law of confiscation and eradication and does not reflect the modern paradigm and doesn't reflect what we know biologically and we need to move to a law of management and control. We agree with you entirely that prairie dogs must be controlled, but they don't have to be controlled through a confiscation law, which is what we have now. Hanson – The control that has been the ferret release complex is not control, or the word control is so broad that the surrounding landowners pay the price and it is not right. It is not friendly. Secretary Hayden – We don't disagree with that. Commissioner Meyer – The black-footed ferret is a predator of prairie dogs and are part of the management and control of prairie dogs. We have found there is very little scientific evidence or research that has been done in the past and we are cutting new ground when it comes to managing prairie dogs and controlling them. One of the uppermost goals of the people we have working on this prairie dog stuff is to be good friendly neighbors to the adjoining people and find a way we can manage the prairie dogs to those folks who want the prairie dogs to give them the help and information they need to manage the colonies so they don't spread on to adjoining neighbors. Repeatedly we hear about the importance of our research to help folks who have prairie dogs be friendly neighbors to the folks who don't want prairie dogs. The black-footed ferrets are predators, so be thankful they are bringing them back. Hanson – I understand that, but the complex that we border the numbers of prairie dogs are so high compared to what one ferret will eat per week. There is no balance on that release site, in fact the grass is so gone that when the wind blows the dirt blows and Kansas has been one of the states that has tried for land conservation within the government means and then we have another government entity coming in and doing the opposite. Again, I encourage the Commissioners to go see the land. Commissioner Meyer – I would encourage the USFWS to control the blowing of dirt. Hanson – But then they would have to control the core and the USFWS has not been willing to enforce the landowner that participates in the release project, control. Commissioner Sebelius – I appreciate your situation and understand what you are struggling with. My problem with the current law is that it leaves the finding in the hands of three individuals who probably don't have the background that they should have to make that kind of decision to go and impose their will over someone else's land. I know that may not be perceived as onerous as the situation you are experiencing in that you believe that your neighbors are doing the same to you. The law, if left as

it is, puts that in such a capricious position for those people to be able to do that and that is not where we are in what we know today as opposed to 100 years ago. We can't continue to say that this species doesn't deserve to exist at the whim of three individuals in a given county. So that is the problem I have with it. I agree with you that maybe we should find a solution, maybe as a permit system with the people who are charged with responsibility of conserving, which as Assistant Secretary Sexson said, control is part of the way we can serve for the future. Chairman Johnston – I think all of us on the Commission have learned enough about this subject that while a lot of the public discussion is focused on the property rights of the people who have the land where the problem exists, your property rights are also being affected. We understand that so you don't have to convince us. Commissioner Meyer – We appreciate the fact that you are the folks that feed the wildlife that we control. Hanson – Oh, you know that do you? Commissioner Meyer – We realize it is a financial burden on you because wildlife eats a lot of stuff.

Sheila Ellis, Logan County landowners who neighbor of TNC - TNC is doing a much better job than the Haverfield complex on not invading the neighbors, but we still continually treat prairie dog infestations and have damage. We understand what you are saying about not wanting the prairie dogs listed, but saying it is harming their rights as a property owner by not letting them keep a rodent is the same as if you wanted to allow someone in an apartment building to maintain an infestation of rats because they didn't have a problem with rats. Prairie dogs can carry every disease a rat can carry. They can carry bubonic plague; rabies; and any tick-borne disease. A lot of times it is stated that we are being fear mongers when we talk about the plague and I would like to read from a lab manual that the Park Service put out on what diseases you can get with black-tailed prairie dog. "Disease transmission, prairie dogs and other animals - prairie dogs can carry disease organisms that are harmful to humans and other prairie dogs. The most common disease affecting both humans and prairie dogs is plague which is caused by the bacteria *Yersinia pestis*. In humans the disease is called bubonic plague. In mid-evil times it was called the black death. In prairie dogs the disease is called sylvatic plague. Plague is transmitted to humans by fleas that have been infected by rodents that carry the disease. Humans can get plague by being exposed to infected tissue. In prairie dogs it is thought that the disease is introduced by another mammalian host via fleas that infect the colony. Precautions that need to be taken by people handling prairie dogs are to wear clothing that covers most of the body and use flea and tick repellent. One should also have a valid tetanus vaccine. One also runs the risk of getting tick-borne diseases such as Rocky Mountain spotted fever, Lyme disease, for many mammals including the prairie dog. Tularemia also can be transmitted by ticks as well as deer flies and handling infected animals. Hantavirus, a several potentially lethal disease has the potential to be carried by all rodents including the prairie dog. One may become infected by breathing or ingesting the virus from areas where contaminated rodent urine, droppings and saliva are found. Being bitten by an infected rodent is also a source. Do not overlook the possibility of rabies, any mammal can be affected. Avoid animals exhibiting abnormal behavior." I talk about this is because they say we are a plague-free population, they said South Dakota was a plague-free area and they let the prairie dog population go unchecked and the neighboring landowners are fighting the same thing we are. In 2004 they got plague, then in 2005 and big-time last May and they lost about one-third of their population and about one-third of their ferrets. Our concern is also the safety of our families, because you can bring it in on your pets and farm dogs. We already have plague in Cimarron National Grassland, which is 145 miles

from here. Plague can be carried in by birds so by letting a rodent infestation go uncontrolled you are not only damaging our land you are putting our families at risk of disease. Any time a rodent is left to propagate as it will you get disease and once you get it in the area you fight it. Jill talked to you about the economics of the situation, it is a repeated huge cost to everybody, besides the costs of the study and what you guys are partnering, over \$400,000 has been spent on treatment over past three years (2006, 2007 and 2008) by private property owners in Logan County. That doesn't include labor, fuel, or applicator expenses, it is just bait. I believe it was Ms. Wilson I read in earlier minutes, that wondered if there was anything that showed a loss to the livestock (gave a report to Commissioner Shari Wilson that showed a Colorado study that said if there was a 60 percent infestation you lose 14 percent of your gain – so on every \$10 we should make on that head of cattle, we will lose \$1.40 and our margins aren't that big on our crops and livestock and that can really hurt us. Our property rights seem to be way less important than the property rights of those that want to keep a rodent there. These are also like termites, you can't have a house with termites in it and tell the termite to get them all except for the ones in the kitchen because those are my favorite, but get all the rest, because they are going to move back out. You cannot keep things like this that spread confined, they even have difficulties in zoos. Like Jill, I hope you can go look at Haverfield complex and the land. A month ago, every time we had winds like we had yesterday it would put to reminiscent of the dirty 30s. The rain has helped some. *Showed some photos of vegetative barrier and landowner photos.* One of the places APHIS poisoned was the vegetative barrier, but it is not working, we are short grass. Commissioner Meyer – Can you give me the legal description of this area? Ludolph – One of the pictures is mine, 2-15-35. Ellis – In looking at the photo of the vegetative barrier you can't see any difference in vegetation between the fences and beyond the fences, so vegetative barrier is nothing but a name, the prairie dogs don't see a difference. Back to the plague, at Cimarron National Grasslands, they are still encouraging us to come as visitors, but it come with this caveat “Plague is present on the Cimarron National Grassland prairie dog colonies, we are currently experiencing a plague outbreak event, visitors should continue to enjoy the Grasslands by taking the following precautions: avoid contact with the prairie dogs; do not dead prairie dogs after shooting, predators and coyotes such as raptors feed on the shot prairie dogs; keep domestic animals away from prairie dogs and prairie dog colonies.” So if they need to keep their domestic animals away from these prairie dog colonies, if we get plague in Logan County do we have to start chaining our animals to protect our families? If you go to the USFWS when they talk about the Canata Basin, it says pets should not be allowed to roam free in infected prairie dog colonies. There has been human plague in four states. They had a death in Colorado that wasn't related to a prairie dog, but 13 cases were attributed to prairie dogs. “The 2004 plague season was unusual for the considerable activity being observed in late fall and early winter, activity was observed practically year round from March and April through November and December. Cats and prairie dogs accounted for 48 percent of the positive specimens. Flea pools 14 percent; and squirrels, rabbits and lynx comprised the remaining 17 percent.” This is about health and safety of the community and economic health.

James Ludolph – I own land in the middle of this property, I am surrounded by it. *Showed photo of property.* Photo shows 99.7 holes per acre, and I have had to reduce the cow herd on that to nine head which is totally unacceptable. I am hearing about vegetative barrier, but neither Parks and Wildlife or USFWS or any other partners have built a fence. There is supposed to be a 90

foot fence around that property, so I get infested immediately. They were totally killed out in 2007 and 2008 and I was totally reinfested with 588 new holes. There is 124 acres in that pasture so it is basically useless, because no one can afford to run just nine head in there. Also, they are getting into the plowed ground, if I plant that into wheat, they are going to be there. It has been setting for 4 years because someone was going to get the dogs back far enough that it wouldn't affect me, especially when wheat was at \$10 a bushel and that ground probably 35-40 bushel, there is 114-115 acres. These guys say it makes no difference, but if you are in the middle of it there is a big difference. Sheila (Ellis) addressed part of this, but at one of the meetings I was at they said plague was basically spread by mammals, such as coyote, etc. I have a document from the Veterinary Association that says birds of prey can spread plague, either by fleas or by moving the animal. The more dogs, the more predators, raptors and eagles you get and the chances of getting plague increases. It is significantly higher than it ever has been. The reason Kansas hasn't had a lot of plague is because the prairie dogs have been kept down to a minimal amount. I was watching a show on National Geographic and they were talking about condors in Arizona, and about where they released them in the Grand Canyon. Apparently condors can attract bubonic plague, because one of the researchers died of bubonic plague in 2007 and the condor actually died of lead poisoning. With the influx of eagles and hawks we are going to come up with it. Like the deal in Canata Basin, they were saying a coyote brought it from the west over the mountains and I find that highly improbable. My assumption is that it came in by eagle or hawk. The other thing that comes into play is that condors are susceptible to lead poisoning and people are shooting varmints the condors are scavenging them and they are dying of lead poisoning. Sooner or later you will have enough eagles, hawks or other birds that will eat enough prairie dogs to die of lead poisoning. One thing is shooting them is highly inefficient and two, you are contaminating things with lead. The only way to get rid of them is eliminate them. This is costing us thousands of dollars. This year they are paying for the poison, but next year the experiment concludes and it is going to turn into a bigger mess. If you go up into South Dakota and talk to those ranchers they have a half mile boundary, but they are still getting flooded because the core is so heavy they have to go someplace. This needs to be addressed.

Brian Sowers – I bought property next to Haverfield complex in 2003 and I had about 5 acres of prairie dogs. I have been controlling my prairie dogs at my own expense and I have no idea how much money I have put into but expect \$30,000 to \$40,000. In 2008, I decided I was going to use APHIS, and I appreciate the money they put in. I feel they did a good job on killing the prairie dogs, but the damage to property is still there, we haven't got rid of the holes and we haven't grown the grass back, which takes many years to do. We still have mounds to do away with because you can't drive or ride across those things. In the near future the prairie dogs will be migrating back to this same spot. I have done this since 2003 and every year they just keep getting worse. I am asking why we can't enact state statutes to control these prairie dogs. The Commissioners have the authority to do their needed jobs in each county and they are elected officials, I don't think they would go out and abuse somebody's property and do away with somebody's privileges, I think they would do their best to keep all of community and neighbors in happy standings. I would invite any of you to join me on my property to show this investigation of the problem I am having. I have approximately 3,500 acres right beside this infestation. Chairman Johnston – I understand what you are telling us. Linda Sowers – I know that as far as expenses, we started out with a minimal expense of \$3,500 and it was up to over

\$10,000 last year and this year APHIS spent over \$20,000 to eradicate the prairie dogs. We have to run fewer cattle because there is less grass and it continues to get worse. I am even amazed when I go out there. Right now we have a pretty good kill, but we know that they will be migrating in the next month. Brian Sowers – In Colby we had to demolish two houses in the last two months because of rat infestation and when you go to sell houses in town you have to have an inspection done. The same situation is going to happen on my property if I decide I have to sell it, there will have to be an inspection and my banker has already told me it has devalued my property by 50 percent to 60 percent. I would appreciate some type of action being taken. Commissioner Meyer – I think we could direct the Secretary to relay these concerns to APHIS and USFWS and those doing these control measures and encourage them to try something more effective.

Hanson – The study I was telling you about between USFWS, KDWP and TNC, \$23,000 in the month of January (*showed map of Edwards land*) and this is through Charlie Lee’s study through KSU and shows the four counts, one from each month where the poison occurred. Also, map that shows ferret release site, which has bordering landowners on it (Exhibits P, Q).

Patrick Porch, Oakley – On ferret release, is it working or not working at all? In the case, it is how long will we go in this direction before we change directions somehow? Chairman Johnston – I don’t have enough information to answer your question. It is my understanding there is a five-year study going on. Porch – And we just completed the first year? Chairman Johnston – That is my understanding, so it is early to draw conclusions.

Ludolph – I have two documents you might want to examine, one from Natural Resources on a grazing study and one from K-State showing their findings of the 99.7 holes (Exhibit R – received later).

Ellis – You keep talking about the five-year thing, but all the data I’ve got on it says it is not a study, it is a treatment plan that TNC, USFWS, KDWP are sharing the cost of. It equals \$100,000 which goes to salary and administration and \$19,050 goes to poison, bait and applicator and this year they had to purchase the three-wheeler for the applicator to do his work on. It was estimated that \$12,000 was going to be available to buy bait. Private property owners within Logan County spent \$130,000 and \$150,000 on bait this year and your five-year partnership put \$19,000 for poisoning. That doesn’t go very far and it isn’t a study unless there is something else out there we haven’t been made aware of. APHIS has been hired to administer the control. The only study I am aware of is Charlie Lee’s and it ends this year. For those of you who don’t deal with acreage on a regular basis, if you want to visualize what we are talking about, if your home sits on a lot 100x140, that is approximately one-third of an acre, if your property looks like some of ours does you would have 35 to 40 holes with mounds of dirt in your yard. It would eat up ten percent of your yard just in holes and dirt mounds, or 90 yards of a football field would have 100 to 112 holes it.

XI. DEPARTMENT REPORT

D. Public Hearing

Notice and Submission Forms (Exhibit S); Kansas Legislative Research Department letter (Exhibit T).

1. KAR-115-8-1. Hunting, Furharvesting, and discharge of firearms (on public lands) - Brad Simpson, Public Lands Section chief, gave this report to the Commission (Exhibit U). This is in reference to posted notices on our state fishing lakes and wildlife areas. In this regulation we will adapt the reference document that has all of those posted notices and special restrictions on those. The reference document that has been in the briefing book has those changes implemented.

Commissioner Gerald Lauber moved to bring KAR 115-8-1 before the Commission. Commissioner Robert Wilson seconded.

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

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

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

2. KAR 115-25-7. Antelope; open season, bag limit and permits – Mike Mitchener, wildlife section chief, gave this report to the Commission (Exhibit W). The archery season will be September 19 through September 27, 2009 and October 10 through October 31, 2009; authorized for Unit 2, Unit 17 and Unit 18; with unlimited archery permits for residents and nonresidents. Firearms season will October 2 through October 5, 2009; authorized for Unit 2, 94 resident firearm permits; and Unit 17, 36 resident firearm permits. Muzzleloader season dates are September 28 through October 5, 2009; shall also be valid in unit for which permit is authorized during established firearm season; the number of permits for muzzleloader season authorized in Unit 2, 24 resident muzzleloader permits; Unit 17, 12 muzzleloader permits; and Unit 18, 12 resident muzzleloader permits. The bag limit for each muzzleloader and firearm permit shall be one antelope of either sex. Applications for resident firearm muzzleloader permits shall be accepted at the Pratt office at the earliest date the applications are available through June 12, 2009. Applications for resident and nonresident archery permits shall be accepted at the earliest date the applications are available through October 30, 2009. If there are any unfilled permits after all applications have been considered the application period may be extended by the Secretary. Any applicant unsuccessful in obtaining a permit through the drawing may apply for any of those permits made available through an extended application period or other permit that is available on an unlimited basis.

Commissioner Debra Bolton moved to bring KAR 115-25-7 before the Commission.

Commissioner Shari Wilson seconded.

The roll call vote on KAR 115-25-7 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 as presented KAR 115-25-7 passed 7-0.

3. KAR 115-25-8. Elk; open season, bag limit and permits – Mike Mitchener, wildlife section chief, gave this report to the Commission (Exhibit Y). The archery season shall be statewide, except for Fort Riley, subunit 8a and Morton County, a portion of Unit 18. The dates will be September 21 through December 31, 2009; at Fort Riley, subunit 8a the dates shall be September 1 through October 4, 2009. Firearms season shall be statewide, except for Fort Riley, subunit 8a and Morton County, a portion of Unit 18. Firearms season dates shall be December 2 through December 13, 2009 and January 1 through March 15, 2010. On Fort Riley, subunit 8a, the first segment will be October 1 through October 31, 2009; second segment - November 1 through November 30, 2009; and third segment - December 1 through December 31, 2009. Muzzleloader season is statewide, except for Fort Riley, subunit 8a and Morton County, a portion of Unit 18. Muzzleloader season dates shall be September 1 through October 4, 2009; on Fort Riley, subunit 8a, will be September 1 through October 4, 2009. Any elk permit shall be valid during any season using equipment authorized for that season and we are proposing is eight any-elk permits. An antlerless-only permit shall be valid during any season using equipment authorized for that season, except that an antlerless-only elk permit shall be valid on Fort Riley, subunit 8a only as follows: first segment antlerless-only elk permit shall be valid on Fort Riley only during the first segment and five antlerless-only permits shall be authorized; second segment valid on Fort Riley only during the second segment and five antlerless-only permits shall be authorized; and third segment valid on Fort Riley only during the third segment and five antlerless-only permits shall be authorized. All antlerless-only elk permits shall be valid on Fort Riley during the September 1 through October 4 archery and muzzleloader season. Bag limit is one elk as specified on the permit issued to the permittee. Antlerless-only and any elk permits shall be awarded from a pool of applicants who are Fort Riley military personnel and applicants who are not Fort Riley military personnel. Unlimited number of hunt-on-your-own-land (HOL) permits shall be authorized statewide, except for Morton County. The HOL permits shall be valid during any open season. Bag limit for HOL elk permits shall be one antlerless elk. Applications for HOL shall be accepted at Pratt office at the earliest date the applications are available through March 14, 2009. Applications for antlerless-only and any elk permits accepted at designated locations from earliest date the applications are available through July 10, 2009. If there are any leftover elk permits or any elk permits after all the permits are drawn then the Secretary may authorize leftovers permits drawn and issued on a daily basis until gone. Each permit holder, upon harvest of an elk, contact designated department staff within two calendar

days to arrange for collection of biological data and tissue samples, our CWD samples.

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

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

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

The motion as presented KAR 115-25-8 passed 7-0.

4. KAR 115-4-11. Big game permit applications – Lloyd Fox, big game research biologist, presented this report to the Commission (Exhibits AA, BB). We have received additional input since our last Commission meeting. We have before us the regulation as it was approved by the Department of Administration and the Attorney General, with two changes from the previous year’s regulation. One is in section (a)(1) where we are adding the word “antlered,” and I will come back to this section at the end because this is where we have a proposed amendment for your consideration. The other part of this regulation is on page 3, in section (d)(3). This is a new proposal to create a preference, or way of rewarding individuals who have applied many times for an elk permit. They will be allowed to enter into the drawing once for each preference point, or each time they had applied in the past and not received a permit. Then it goes through with additional clarification on what happens if they receive a permit, how they receive these bonus points and how often they have to apply to keep their system up if they fail to make at least one application or purchase a bonus point in five consecutive years, they are basically dropped out of the system. That will clear our books out if someone stops applying. Since then we have reworked the section on the application, section (a)(1), and added, where we added “antlered” we added “or horned” big game or wild turkey permit for each big game species or wild turkey. This will cover pronghorn as well as deer. Then we are adding an additional item to that to clarify a point that we have run into, “except when the individual is unsuccessful in a limited quota drawing and alternative permits for the species are available at the time of subsequent application.” This allows someone to apply for a permit, and if they are unsuccessful in that application they can still apply for, in this case most often another deer permit, if that is available at the time of subsequent application. Where this really comes in is our any-deer or either-species drawing. If an individual is unsuccessful, they may go through and apply for a HOL or an archery permit or one of the whitetail either-sex permits. This basically is a clarification of a system that we were using in the past. We have a regulation before you and a recommendation for an amendment to that regulation.

Commissioner Shari Wilson moved to bring KAR 115-4-11 before the Commission. Commissioner Debra Bolton seconded.

Commissioner Gerald Lauber moved to amend KAR 115-4-11. Commissioner Shari Wilson seconded.

The roll call vote on KAR 115-4-11 to amend was as follows (Exhibit CC):

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

The motion as presented KAR 115-4-11 passed 7-0.

The roll call vote on KAR 115-4-11 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 as presented KAR 115-4-11 passed 7-0.

Chris Tymeson – Before we move on, it has come to my attention that if we could possibly reopen 25-8 there is a typo in there. Chairman Johnston I need a motion to reopen 115-25-8.

Commissioner Shari Wilson moved to reopen KAR 115-25-8. Commissioner Gerald Lauber seconded.

The roll call vote to reconsider KAR 115-25-8 was as follows (Exhibit Z):

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

The motion as presented KAR 115-25-8 passed 7-0.

Chris Tymeson – On the top of page 3, the very first line should read: “March 14, 2010” as the application deadline for hunt-on-your-own-land permits.

Commissioner Gerald Lauber moved to amend the error on KAR 115-25-8. Commissioner Shari Wilson seconded.

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

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

The motion as presented KAR 115-25-8 passed 7-0.

Commissioner Debra Bolton moved to vote on KAR 115-25-8 as amended. Commissioner Kelly Johnston seconded.

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

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

The motion as presented KAR 115-25-8 passed 7-0.

5. KAR 115-25-9. Deer; open season, bag limit and permits - Lloyd Fox, big game wildlife research biologist, gave this report to the Commission (Exhibits DD, EE). This is an exempt regulation that establishes the hunting bag limits, application periods and season dates for 2009/2010 firearm, muzzleloader and archery deer seasons. The season dates have been adjusted to coincide with the current year's calendar and the extended firearms season for antlerless whitetail deer is expanded to include two additional units from what we had in the previous year. We also have two possible amendments proposed. The archery season dates are September 21, 2009 through December 31, 2009. The regular firearm season dates in all other deer management units shall be December 2, 2009 through December 13, 2009. Also, an urban firearm deer season will be October 10, 2009 through October 18, 2009. The muzzleloader season in all deer management units will be September 21, 2009 through October 4, 2009. On Page 4, section (5)(A) we have included DMUs 4 and 5, new for this year and we will propose a change in the extended firearm season beginning on January 1, 2010 and we had it extending through January 3, 2010, but our proposal is for an amendment changing that to January 10, 2010. That is the first recommended amendment. We also have added a section on Page 5, section (d)(1), which is similar to the amendment we just made with 4-11. The amendment

would be on applications: “Any individual may apply for or obtain no more than one deer permit that allows the taking of an antlered deer except when the individual is unsuccessful in a limited quota drawing and alternative permits for antlered deer are available at the time of subsequent application”. This is clarifying what we had previously done in 4-11.

Commissioner Doug Sebelius moved to bring KAR 115-25-9 before the Commission. Commissioner Kelly Johnston seconded.

Commissioner Shari Wilson moved to amend KAR 115-25-9. Commissioner Doug Sebelius seconded.

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

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

The motion as presented KAR 115-25-9 passed 7-0.

Commissioner Shari Wilson moved KAR 115-25-9 as amended. Commissioner Kelly Johnston seconded.

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

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

The motion as presented KAR 115-25-9 passed 7-0.

Chairman Johnston - We are going to consider an item six that was added at the beginning of the meeting, “Secretary’s Orders for Deer”.

6. Secretary’s Orders for Deer - Lloyd Fox, big game wildlife research biologist, gave this report to the Commission (Exhibit GG). This is for your information. We have gone through our process and the Secretary’s Order’s are the same as last year as far as what a resident can obtain as far as permits. There is a drawing for firearms permits that will allow a hunter to take either species, either sex. We also have 100 permits that will be either species antlerless-only in DMU 3. The western mule deer units are DMUs 1,2,17 and 18 and we are proposing 1,290 firearms

permits for either species, either sex. The eastern mule deer units are DMUs 3, 4, 5, 7 and 16 and we are proposing 1,200 permits for firearm either species, either sex. Muzzleloader permits for either species, either sex are open availability as are statewide archery permits for either species, either sex for residents of the state. The muzzleloader permits are valid in one of the two greater western mule deer units (either the four units or the five units depending on whether it is east or west). For the number of permits for nonresidents we went with our new system to try to allocate nonresident deer permits based on seven biological and social factors: 1) Trends in deer populations, using trends in deer/vehicle accidents per billion miles, looking at the trend line since 1997 and what the deer population was doing over that time period until the current year, we took those trend lines and developed a management factor from 0.5 to 1.5. All management factors are from 0.5 to 1.5 for each of seven factors and at the end we take a mean of those seven factors, so each one is weighed equally. 2) We considered the number of deer/vehicle accidents per billion miles. Not only are we looking at which direction it is going, but even if it is way up high and it is headed down. If it is very high, we would consider that to try and bring the population lower even though it might be trending lower right now. So we had a procedure that looked at it in that case. 3) We looked at age structure, specifically the percent of antlered deer taken by hunters that are yearling deer and we're using samples from CWD testing and averaging for each of our 18 DMUs. We compared our age structure for our antlered deer which is excellent for most hunters' desires for animals in older age groups. Yearlings make up less than 25 percent of the harvest in comparison -- if you were hunting in Georgia or Pennsylvania or some of the other states where 85 percent of the antlered deer would be yearling deer. 4) Comes from our landowner survey and is the question on deer damage to crops, and we looked at the portion of landowners reporting damage and we came up with a management factor based on the percent of the landowners that were experiencing crop damage. 5) Also, using that survey, one of the questions to the landowners was on their desires for "more, the same, or fewer permits going to nonresident deer hunters," and we looked at the difference in the percent that wanted more, versus the percent that wanted less and developed a factor and used that factor in our system. 6) We also did a survey of general public non-hunters and non-landowners on their desires for the deer population. 7) The final factor was on the health of the herd and habitat condition. This was professional input to that. When we ran all of those factors through, if the average was one, then the number of permits we would recommend for the next year would be the same as the number of permits we had the previous year. The closer that approached 1.5, the higher the potential increase in permits; and the closer to 0.5 the fewer permits would be available for nonresident deer hunters. We ran through that whole process then after we developed our list of new numbers we looked at those in relation to the number of nonresidents that had applied for permits in that unit in the past and we did a second adjustment. In one case, DMU 16, we dramatically decreased the number of permits we recommended for authorization. We actually have it lower than in 2008. All of the other units we had an increase from last year. Of the 1,200 permits that we took out of DMU 16, we added back 500 in DMUs 1,3,7, 17 and 18, some to each. For a final determination, this adjusted the level of permits for the 18 DMUs. We are recommending 20,910 permits for nonresidents for 2009. Also, that our mule deer stamp for nonresidents are available for nonresidents who receive a muzzleloader or archery in one of the nine western units. They may choose to go into an additional draw for a stamp that would allow them to take a mule deer or whitetail deer. We are leaving that number at the same level authorized in 2008: 50 in DMU 1; 40 in DMU 2; 44 in DMU 3; 14 DMU in 4, 5, and 7; 30 in

DMU 16; 50 in DMU 17; and 30 in DMU 18. Chairman Johnston – At some point when it is convenient, I would be interested in seeing all of the mathematics that goes into two or three selected units, not all 18, so we have some idea of how the decisions are made. Fox – I will also mention that we threw in some other factors that we considered, which I ran with the seven factors that we had recommended to the Legislature. We threw in some additional factors, such as: fawns per 100 does; bucks per 100 does; and some deer density information as well in order to bring it back and double check.

XII. Old Business

Commissioner Shari Wilson – For several meetings we have been talking about an executive order that was presented to the Governor, with the request that she establish the Kansas Coalition on Children in Nature, which would identify barriers and increase opportunities to get kids outside. She did sign that executive order on Monday, and it take effect immediately and will incorporate already-existing efforts that various groups are already undertaking across the state, including the Kansas Children’s Outdoor Bill of Rights, some efforts the Kansas Wildlife Federation is undertaking and other organizations are already doing. There will be five working groups established to take different pieces of this project and complete them and five a report to Legislature by January 2011. I think it is exciting that this has happened and was the work of a lot of different organizations including the Department of Wildlife and Parks, other state agencies, non-profit conservation groups and education organizations in the state. It is really important to start looking at some of these barriers and opportunities because these kids are our next generation of constituents for this agency and the work that we do. We know it’s important to their physical health and their productivity in school. A lot of our kids do get outside a lot, but there is a lot who don’t, and we are starting to see some negative effects, both social and physical from that. I wanted to report that this was accomplished and thank the Governor for her support in that effort.

XIII. Other Business

A. Future Meeting Locations and Dates

June 25, 2009 - 4-H Building, Fairgrounds, 612 E Hwy 56, Council Grove

August 6, 2009 - The Peoples Bank, Sunflower Room, 117 S Main, Medicine Lodge.

October 15, 2009 - VFW, 610 Walnut, Sedan.

XIV. ADJOURNMENT

The meeting adjourned at 8:38 p.m.

(Exhibits and/or Transcript available upon request)