

**Kansas Department of Wildlife and Parks  
Commission Meeting Minutes  
Thursday, June 25, 2009  
Morris County 4-H Building, 512 E. Hwy 56  
Council Grove, Kansas**

Subject to  
Commission  
Approval

Commissioners toured the Tall Grass Prairie Preserve, near Strong City at 9:00 am.

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

The June 25, 2009 meeting of the Kansas Department of Wildlife and Parks Commission was called to order by Chairman Kelly Johnston at 1:38 p.m. at the Morris County 4-H Building, Council Grove. 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**

*None*

**IV. APPROVAL OF THE APRIL 16, 2009 MEETING MINUTES**

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

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

Robert Robel, Manhattan – Several years ago you implemented a plan to build shooting ranges across the state, started with Fancy Creek, but the multipurpose part of the range is not completed. Activity is extremely good; usage increased 34 percent and they have 1,000 more shooters a year, who all have to buy a park permit, and who pay PR taxes. We have 4-H shooting programs and women’s programs. We encourage you to continue the process. I know budgets are tight. Also, begin to build other ranges across the state. Chairman Johnston – Commissioners encourage the department to continue those programs, budget permitting.

**VI. DEPARTMENT REPORT**

## A. Secretary's Remarks

1. 2009 Legislature - Chris Tymeson, chief counsel, gave this report to the Commission (Exhibit C). We covered all of the items at the last meeting. Very little activity since then. *SB 51* got gutted on House side and is dead. Tried to get requirements passed in another bill, but were unsuccessful. *Concurrent Resolution 1611* will go to voters in August primary in 2010, and changes the right to bear arms to an individual right from collective right. *HB 2172* was vetoed in tax bills.

Sebelius – Where is *Concurrent Resolution 1602* going to go? Is there much support? Chris – That resolution allows the legislature to change taxation on watercraft, would need to pass two bills. Didn't think it had any forward motion due to current fiscal condition of the state, and would cost \$89 million to local governments. Passed out of Senate at end of the session, likelihood it will pass, but compensation will go to local governments.

Steve Sorensen – What is *1611* going to do? Chris – I don't think there will be any impact on us, like a constitutional right to hunt and fish would.

2. Agency and State Fiscal Status – Dick Koerth, assistant secretary of Administration, gave this report to the Commission (Exhibit D, E). Two handouts: briefing book handout and letter to the Director of Budget. The last act of the session that impacted KDWP was the passage of the Omnibus Appropriation bill. This bill included several major amendments to the appropriations previously approved and provided to the Commission. Attached are the approved amounts for FY 2010 at the current time. As mentioned at the last Commission meeting, the major area of reductions for the department for FY 2010 is in capital improvements at the state parks. For FY 2010, the amount of \$680,186 for State General Fund (SGF) Park capital improvements was recommended. FY 2010 capital improvement projects are listed. The Omnibus reduced the amount for Parks Division capital outlay items by \$590,134, leaving an amount of \$197,566 for equipment replacement in FY 2010. The Legislature deleted any authority for a cost of living increase in FY 2010, but did approve the second year of the five-year plan to improve employee salaries to market level. The funds provided allow increases of 2.5 percent to 10 percent for four office administrative classes. The Legislature authorized the payment of longevity bonuses to employees, but deleted the funding, which will require the department to finance from remaining funds. The status of the SGF is still unstable. The receipts to the SGF in May 2009 were \$101 million below the estimate developed the previous month. The concern is that actual revenue to the SGF will continue to decrease, resulting in further reductions to the FY 2010 budget currently approved. Due to state laws on maintaining an adequate balance in the SGF, Governor Parkinson may need to resort to additional expenditure reductions through an allotment process. This process would reduce the approved budget and restrict expenditures to a defined amount. The reductions would be effective upon implementation of the allotments. The department has initiated the development of the FY 2011 budget, started in February. The request for capital improvements is due on July 1, 2009. At this time, the request will not include any new major initiatives and will include a SGF request of \$1.5 million. We have not yet received the FY 2011 SGF allocation from the State Division of the Budget. The department will make every effort to minimize the impact to state operations. This will have an impact on the infrastructure of the state parks as capital improvement funds are reduced or deleted. However, adjustments to capital improvement funding are considered a

better alternative than reductions in operations. The CI table requests \$7.8 million, with \$1.5 million from SGF. [Read letter to Duane Goossen, Director of Division of Budget (Exhibit E).] Commissioner Shari Wilson – On Kaw River State Park, is that a new building or an existing building? Koerth – No, that is a new shop building beside the office. We have an agreement with Washburn and have a fence up. Shari Wilson – What process is the Region 2 building in? Koerth – It is bought and paid for. Chairman Johnston – There was an article in the Wichita Eagle about the City of El Dorado and Butler County to bus inmates back to the facility there to do work they were doing there. Koerth – Jerry Hover was involved in those discussions. Hover – There was an agreement signed between the Department of Corrections, El Dorado, Butler County, KDWP and the American Legion to bus 40 inmates from Winfield facility to El Dorado, hire two bus drivers (two because they would need a backup driver) working four, ten-hour days. They are limited to 999 hours per year, and the current agreement goes to September 10 in order to get it off the ground and running. We are using a school bus. The City and County are purchasing a suitable bus. We will get 20 inmates, Jerry Clark will keep five, the City gets three to four inmates, and the county gets three to four inmates, depending on how many come out on any given day.

Chairman Johnston – At the last meeting, we toured the facility where park cabins are built. Because of budget cuts, furniture construction was going to be transferred to El Dorado. What is the status of the cabin construction program? Koerth – Ongoing, but slowing down. Also, investigating manufactured housing industry without too big of cost differential. There is one company in Hutchinson and one in Yoder.

## **B. General Discussion**

1. Historical Council Grove - TinaRae Scott, Council Grove/Morris County Chamber of Commerce and Tourism presented this report to the Commission. On behalf of my office, thank you for coming here. Also, welcome on behalf of Morris County and Council Grove. Cindy Roberts is also here from Herington. We share a lot of events because we share the airport, while it is in Herington, it is in Morris County. This is a historic site: during WWII, this location was used as a prisoner of war camp; and up the road is a stone barn, built by Seth Hays; dinner tonight is at the Hays House, which was also built by him. We are on the Santa Fe Trail and tourism is our number one industry here. Best crappie and walleye fishing in the state is also here. On August 10, 1825, Osage Indians and government agents met here and gave us our name. At that time, safe passage could be bought on the Santa Fe Trail for \$500 in trinkets or trade goods. We have provided a bag, including (Exhibit F): scenic byways of Kansas; walking tour brochure; historic trees brochure; Terwilliger House; shopping brochure, with shops still in the same buildings that were here during those days, also there are still some track ruts outside of town; part of the Flint Hills Heritage Guide (which is included) to shop regionally; street maps; statues downtown include the “Guardian of the Grove” Indian statue and Madonna, a DAR monument dedicated to the women who walked on the Santa Fe trail; and Kanza Heritage Trail, a Kaw Mission walking tour. Also, included information on the Tall Grass Prairie Preserve, lodging, a Calendar of Events, and an invitation to our third annual “grillin’ in the grove” BBQ contest. Thanks for what you do in our community. Brent Konen (KDWP area manager) is a great asset to the community.

2. Trails Update – Commissioner Frank Meyer presented this report to the Commission (Exhibits G, H, I). In late 1990s the United States passed the rail banking law. In Kansas, abandoned railways revert back to landowners. However, those still belonging to railroads, the deeds are given to us, then in an emergency, railroads can take them back and put rails on them. Rail beds followed creeks and rivers, but now run straight through. We may lose what is on top, but will probably retain those along creeks and rivers. No motorized vehicles are allowed on trails in Kansas, but we are working on getting that law overthrown to go with the federal law. Slides (Exhibit G) show an abandoned rail bed that reverted back to a landowner so he could farm it, but he is just using it to store junk on. We want to be able to bring people out into the wilderness. Herington is an old railroad town. A truck takes 15 HP per ton, but a train only takes 1.5 HP per ton. We need to keep these rail beds preserved. Trails connect communities. Primarily we are working east of Highway 75 because that is where the people are. We use strictly volunteer labor. Kansas state law discourages building trails, but it is a great place for deer and other wildlife. Limestone screening costs about \$7,000 a mile and we are required by state law to keep fences up, which we are trying to get changed. Built walking trail in Herington thanks to grant from Jerry Hover. We had bid for bridge for \$7,000, but I built it for \$900. Gave Sheila wrong information which was included in the briefing book (Exhibit H), but you have a new handout (Exhibit I) on statutes on rail trails. Commissioner Shari Wilson – I want to thank Frank and Shirley for all the work you have done on trails throughout the state. We couldn't get things done without people like you.

3. Results of Bait Users Survey - Jason Goeckler, fisheries biologist, presented this report to the Commission (Exhibits J, K). PowerPoint presentation. KDWP's mission is to protect and conserve fish and wildlife and their associated habitats while providing for the wise use of these resources and providing associated recreational opportunities. KDWP's underlying philosophy is to manage natural systems properly by striking a balance between natural resource integrity and human benefits. A major concern of the agency is the movement of aquatic nuisance species (ANS) via angler transport of wild-caught baitfish. It is well known that problems arise when undesirable fish, invertebrates, plants, or pathogens are introduced. The discovery of an aquatic species in waters where it was previously absent has been attributed to bait bucket transfer on several occasions. To protect the natural resources of Kansas and to prevent the spread of ANS through public uses of these resources, KDWP is interested in addressing the spread of ANS by recreational boaters and baitfish collection, transport, and use. In an effort to better understand the public's values associated with baitfish collection, transport, and use, acceptance of KDWP action to prevent ANS spread, and to inform future decision making and planning by the Department, a human dimension project was initiated in 2007. The survey was done to determine: who uses live bait; where anglers get bait, what species of bait are used, impact of collection on listed species, recognition of Kansas baitfish, and support of KDWP action. We surveyed 5,000 randomly-selected 2006 Kansas licensed anglers; stratified by license type, that is resident, non-resident, or lifetime. Survey conducted online with paper option. Anglers were first notified by postcard, followed by paper survey. Twenty-one percent (N=1,065) of the anglers solicited responded to the request. Of that total, 1,033 surveys were complete and used in the analysis. Survey results indicate 61 percent (n=635) of respondents use live fish as bait. Of those respondents who used live baitfish, only 29 percent (n=185) frequently collected it from the wild. Respondents were more likely to fish reservoirs (n=555, 54 percent)

over Kansas rivers and streams (n=463, 45 percent) or state fishing lakes (n=455, 44 percent). Ninety-six percent of reservoir anglers (n=533) used live baitfish but few collected it locally (n=163, 31 percent). Respondents who fished state fishing lakes (n=455) were slightly more likely to use locally collected baitfish (n=129, 28 percent) compared to the river and stream anglers (n=125, 27 percent). Data analyzed with SPSS v12.0. 68 percent (n=431) of respondents who use live fish for bait indicated that they release their baitfish into the water where fishing at the end of the trip. KAR 115-8-6 reads, "Fishing minnows and other fishing bait may be taken for use as fishing bait only on a noncommercial basis and may be used only in the department-managed water where taken". Species most often used included: fathead minnow; gizzard shad; golden shiner; red shiner; bluegill; green sunfish and goldfish. When asked about the acceptability of a restriction on the use of wild-caught baitfish to the water where collected, 59 percent (N=607) of respondents indicated that the aforementioned restriction is acceptable. Angler's top three fish are: channel catfish; white bass and white crappie. When asked their opinion about the likelihood that collection of baitfish from the wild would cause the accidental movement of ANS, 63 percent (n=653) of survey respondents indicated some likelihood of spread. Sensitive species include: Asian carp, white perch, and Neosho madtom. Despite the existence of K.A.R. 115-8-12, which says, wildlife may be released on department lands or waters only as authorized by: written agreement; permit; department-approved management plan; rules and regulations; or by posted notice. When asked their opinion about the likelihood that draining water from boats and other equipment after use in zebra mussel infested waters would prevent zebra mussel spread, 70 percent (n=722) of respondents indicated some likelihood that the prevention of zebra mussel spread could be attained through the draining of water. How should KDWP address the spread of ANS? Prohibit the use of wild-caught baitfish, anglers would have to purchase baitfish from a commercial dealer; restrict the transport of wild-caught baitfish; anglers use baitfish only in the water where collected or purchase from dealer; run an extensive educational campaign using KDWP resources to widely distribute ANS materials; or take no action and KDWP would not address the spread of ANS. A second component of this survey was an optional fish identification exercise. Pictures of 20 species of Kansas fish were presented and the respondents were asked to match the picture with the correct common name; 904 people opted to complete the exercise. Results indicate that Kansas anglers have a difficult time identifying common Kansas fish with an approximate error rate of 25 percent. Summary: Could wild-caught bait be a vector for ANS spread? Kansas anglers: majority use live fish as bait; 71 percent purchase their baitfish; 68 percent release unused baitfish; and most have trouble identifying common Kansas fish. They believe: zebra mussel spread can be prevented by draining boats and equipment; the collection of baitfish can contribute to ANS spread; KDWP should address ANS spread; and approve of restrictions on baitfish collection and an educational campaign to prevent ANS spread. They also believe KDWP should: assume about 25 percent error in angler identification; evaluate the effectiveness of 'list' regulations; address commercial bait dealer practices-ensure 'ANS free'; emphasize current ANS regulations; consider restriction on transport of live fish and water; and paramount to continue to educate anglers about spread/prevention techniques and the importance of fish identification  
Commissioner Lauber – How effective is not transporting the water on zebra mussel spread?  
Goeckler – Concerned about large volumes of water, likelihood is low, but if you get enough.  
Commissioner Lauber – How many bait dealers do we have? Goeckler – About 300.  
Pearce – Is the number of Asian carp increasing? Up and down the river from Lawrence?

Goeckler – Yes, but congregating around the mouth of the Kansas River.

4. Spring Turkey Season - Jim Pitman, wildlife biologist, presented this report to the Commission (Exhibit L). There are four turkey hunting units in Kansas and an initial turkey permit can be purchased over-the-counter for all units except Unit 4 (southwest Kansas). A total of 325 permits are now issued for Unit 4 through a pre-season drawing, of which 125 permits are designated for general residents, 125 for landowner/tenants, and 75 for youth age 16 or younger. The department sold 62,788 permits, up from 08, and 18,800 game tags. The most current harvest information we have is from 2008. An estimated 40,992 hunters actively pursued turkeys and harvested more than 35,000 birds during the 2008 season. Approximately 65 percent of active hunters harvested at least 1 bird. Only 21.2 percent of all active hunters (8,690) filled both their initial permit and a game tag during the spring 2008 season. Preliminary figures for 2009 indicate that the permit sales were similar to the 2008 numbers. Survey results for the eastern half of the state indicate that the turkey population has declined up to 50 percent since 2004. This decline is due primarily to four consecutive years of average (2006) or poor (2005, 2007, & 2008) production. The decline in turkey numbers has been the most dramatic in southeast Kansas. Heavy rain and flooding occurred across southeast Kansas during each of the last two summers. Production in 2008 was only slightly better and was the second worst productivity on record for the region. Hunting in southeast Kansas was reported to be difficult in 2008 and even worse this past spring. The number of mature gobblers available to hunters will remain low for 2010. The department is considering a change to permitting for Unit 4. We have been gradually increasing the quota in Unit 4 for the last several years and we have been concurrently monitoring harvest rates using banded and radio-marked birds. For spring 2009, we received 510 applicants for the 325 permits that were available. There were 27 youth, 19 landowner/tenants, and 139 general residents that did not draw permits this spring. We believe that we can meet more of the demand because harvest rates have remained low across most of the unit. We are considering a recommendation that would make youth permits available over-the-counter for Unit 4. This change would allow us to meet demand for landowner/tenant permits too and result in about 100 more hunters in Unit 4 assuming the number of applicants remains relatively constant. We would likely still have some general residents (less than 100) who would not be able to draw a permit.

Chairman Johnston – Can you predict when there will be over-the-counter license sales in Unit 4? Pitman – We’re conducting survey now -- maybe in a couple years, we will consider that.

### ***Break***

5. Fee Regulation – Spring Turkey Permits - Mike Miller, presented this report to the Commission (Exhibit M). This topic is to get discussion started on recommendation from the Marketing Task Force. The task force has been discussing things we could do to increase revenues such as incentive-based differential permit pricing. The Fish and Wildlife division has sent out postcards to lapsed turkey hunters and anglers to encourage license purchase. Analysis of the KOALs data has shown that a large number of turkey hunters purchase a permit just once every three years. Many hunters wait until the last minute to purchase a permit, and some may not purchase one at all if they get busy, the weather is poor, or time just gets away from them. This past spring, post cards were mailed to lapsed turkey hunters reminding them to purchase

their permits. For 2010, the task force recommends establishing an incentive to encourage early purchase. The incentive would be a price break for purchasing a turkey permit/turkey game tag package before March 16 or some other date in March. For example, a general resident now buys a permit for \$20 and \$10 for game tag, but could purchase the two-permit package for \$25 rather than the \$30 it would normally cost.

Commissioner Shari Wilson – This is what we intended when we started the KOALs system, fee packages. I am happy to see us moving forward with this and basing it on real data. Great idea, hope you continue to pursue it.

Pearce – Will this start January 1? Miller – It will take affect then, for sale in February. We may change the deadline date in March back a little. Pearce – Are you expecting to bring similar proposals for deer this fall? Miller – We will try this first. There is an amazing amount of information on buying patterns. We will talk about other options. Pearce – Can't say one way or another on fall permits? Miller – I can't. In the near future, we could look at other recommendations, depending on data and turkey results.

Commissioner Bolton – You can buy Unit 17 in December? Miller – This is specifically for the spring season, but can buy regular and second game tag in Units 2 and 3, but not in your Unit.

Chairman Johnston – Would be interested in what other kinds of combinations of permits and licenses we might be able to create for the consuming public. Interested in how this goes and other ideas. Miller – Will keep you abreast of what the committee talks about in the next few months.

6. Cabin Fee Regulations - Jerry Hover, Parks Division Director, presented this report to the Commission (Exhibit N). You might even see cabin nights and turkey permit package or something else combined with cabin nights. I hope to only have to go over this regulation once a year. Set reasonable fees based on location, amenities, quality, demand and local area prices for comparable facilities. The amendment will be workshopped at the August commission meeting and prepared for a public hearing and Commission action during the October meeting. We are getting requests for television and internet in the cabins, which is not provided at this time. Something we might need to consider, but we would have to charge for that additional service. Also, there are new cabins continually coming online.

Commissioner Shari Wilson – Comment on internet and television connects, that seems counter productive to getting kids outside. Worked with the Governor to get the Kids Bill of Rights Outdoors program. Is it an easy way for parents to watch their kids, by placing them in front of a TV. Counter to what we are trying to promote and getting families to spend time together outside. Get trapped by TV, don't like to see our department become part of that, whether wired or wireless. Knowing about adverse weather conditions could be handled in some other way.

Commissioner Sebelius – I don't disagree with Shari, but we could set the price for a whole year, each stay would have to pay for a whole year, then that shows we are willing to do it, but for a pretty heavy price.

Chairman Johnston – Not sure what kind of headaches this would cause Parks staff. If we are going to be the ones called when something doesn't work, I think we should consider that. We don't have to do it in all of our cabins, but maybe in a couple of parks where it is the least expensive to provide, or in areas where cabin demand is low.

Commissioner Bolton – There are weather radios you can buy for \$30 if watching the weather is the issue.

Commissioner Lauber – I disagree, I think it will enhance demand. I have stayed in a lot of units here and in Missouri and it would be appealing to folks who aren't sure how much they want to rough it. Not sure how much it will affect the kids, because they will have hand-held games or phones if they want that.

Pearce – Does this have to be approved by the Commission or is this something the department can do? Hover – The department can do it, but Commission would have to approve additional fees.

Commissioner Shari Wilson – What is our demand, I thought most of the cabins were full.

Hover – Not during the off season, but very much in demand in the popular season.

Chairman Johnston – You have a consensus to explore possibilities.

### **C. Workshop Session**

1. Fishing Regulations – Doug Nygren, fisheries section chief, gave this report to the Commission (Exhibit O). An item not in the briefing book is an issue where people are cutting tails off walleye when they release them so other people cannot keep them when they catch them. Recently 109 were caught with cropped tails. Spoke to Chris Tymeson about the possibility of passing a regulation on this. Tymeson – We are still assessing that. Commissioner Lauber – Besides the fact of harming the fish, is it to create short fish? Nygren – It seems they are trying to catch as many fish as possible before tournaments so they can't keep the fish and bring them into the weigh-in. They (tournaments) release all their fish, so I am not sure what their motivation is. We may be coming back with a regulation on that issue.

The reference document has the special regulations that are different than the statewide length and creel limits and 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. Perry was recently infested with zebra mussels and blue catfish eat them. Other proposed changes are listed in the briefing book. Also, looking at using some baitfish species greater than 12 inches; and allowing bowfishing as a legal method for taking channel catfish, still working on details for that. There is a new reservoir, Kritzer Reservoir near Marais des Cygnes. Changes to paddlefish snagging, on Neosho River near Iola and on Marais des Cygnes at our wildlife area and the federal wildlife area on riffles, most of ours are below low-water dams. Oklahoma is concerned about overharvest on Grand Lake and the Neosho River drainage, so we are looking at our regulations and are considering changes at Burlington and Chetopa such as catch and release and going back to barbless hooks. Changes at Osawatomie Dam on the Marais des Cygnes River include adding a 34-inch length limit and having downstream boundary listed as posted. The other paddlefish area is Browning Oxbow Lake, and there are no changes there.

Commissioner Lauber – Are our fish the same fish as in Oklahoma or in the river? Nygren – Those are river fish. Mosher – Haven't sampled any at Iola.

Chairman Johnston – Bowfishing for channel catfish is not allowed right now and you can't keep channel catfish on hand fishing. Nygren – It is easy to distinguish between blue catfish and channel catfish while hand fishing. Commissioner Lauber – This is not because of a shortage of channel catfish? Nygren – Right. It is not very often you could see a catfish in a Kansas river, so chances are very likely low.



Doug Whitehead, Bowfish of Kansas and Bowfish of America – We see more flathead than channel catfish. You are limiting areas to where? Nygren – On areas where there are length limits on blue catfish. Whitehead – I don't think there is any problem with identification. I look at it differently than you. If in doubt you don't shoot, have a little trust in sportsmen. It would be nice to have something else to fish. We take several thousand pounds of rough fish out of the lakes each year.

Carson Mansfield – I bowfish every weekend, any number of catfish at all is so small that there would be no impact in numbers. We shoot a couple dozen fish each time we fish; it would be nice to once in a while get something to eat.

2. Furbearer Regulations – Matt Peek, wildlife biologist, gave this report to the Commission (Exhibit P). The following revisions are recommended for KAR 115-5-1 - furbearers and coyotes; legal equipment, taking methods, and general provisions: terminology used to describe trapping equipment needs to be modified so that “live trap” is replaced by “cage trap” and “colony trap” needs to be added. This would clarify and more accurately describe which equipment may be used. The following revisions are recommended for KAR 115-5-2 - furbearers and coyotes; possession, disposal, and general provisions: a) eliminate possession periods which were intended to discourage out-of-season harvest and to aid law enforcement in prosecuting those who harvested fur out of season. Basically most furbearers are of little value outside current possession periods so there is little incentive to harvest fur outside of them, so it causes hardship for taxidermy or tanning. b) Eliminate the requirement to skin furbearers within 48 hours of the close of the season. This regulation was intended to aid law enforcement in prosecuting those who harvested fur out of season. The level of deterrent this regulation presents to those who may harvest out of season is questionable, such that this regulation has become an unnecessary hardship for legal furharvesters who freeze furbearers whole and put up fur after the season or those wishing to maintain furbearers for taxidermy. Elimination of this regulation would simplify furharvesting regulations and help eliminate confusion that has occurred between dates required for skinning, pelt tagging, and possession for the different species. For KAR 115-6-1 - Fur dealers license; application, authority, possession of furs, records and revocation: a) removing a couple of dates; and b) Include swift fox along with bobcat in reference to requiring these species to be tagged in order for a fur dealer to purchase or acquire. On KAR 115-25-series – no changes recommended. Commissioner Lauber – Are you still tagging bobcats? Peek – The U.S. Fish and Wildlife Service is likely to announce a change to tagging bobcats as they leave the country instead of in individual states, so we stopped requiring that when we found out it would be changed.

(Exhibit Q) The use of body-gripping traps are permitted on department lands, open on areas managed by public lands section for wildlife and hunting, not generally on state parks. Most of camping, picnicking and hike and bike trails are on state parks, not on public lands. This narrows the areas in question. Dogs must be leashed on park lands and body-gripping traps don't pose a problem to people, so focus on the subject is narrow. Focus is on hunting dogs on hunting lands. The department met (17 employees) after the incident with the dog at Kanopolis. The purpose was to review regulations, with particular interest on public lands and discuss the department's course of action. We are not recommending any regulatory changes at this time. We are planning to produce information and education on use of body-gripping traps similar to what the state of Wisconsin has developed on set techniques and reemphasize where they are being set. The first

draft of this publication is nearly complete. Department is also developing an online furharvester education course as the current course is outdated, so we will modernize that. The process is underway on a survey, asking: if we restrict these, how would trappers be restricted. We know trappers prefer kill traps, but not sure how trappers are using them on public lands. In the next WIHA atlas we will clarify trapping. The group's perception on number of incidents is few. We can tolerate a small number. We could enact some restrictions and be back here next year because of one incident. There was a strong contingent of public lands people at this meeting concerned about regulatory changes on one isolated incidence. We are taking an information and education approach and working on some well-defined recommendations. Next year we will be presenting bobcat regulations, so consensus was to go with this option. Considered body-gripping trap and snare separately. Also, restricting dryland or body gripping trap use on public lands only after upland bird season, but dog use continues after that. Considered increasing signage on wildlife areas and putting information in the regulation summary. Logistically it is not feasible to reach the one.

Commissioner Shari Wilson – On March 25 meeting, was any trapping public present? Peek – No, just agency personnel. Commissioner Shari Wilson - Misunderstanding on what private land representatives are? Peek – Those are agency people. Talked about restricting in certain ways, but most cases where conflicts occurred were not next to a trail or parking area; it restricts itself in that respect, because that is not where trappers set their traps.

Commissioner Robert Wilson – Is there a requirement to walk dog on a lease? Peek – Yes. Robert – They were walking dog on public land and let him run, wasn't that the case in that incidence? Peek – He was hunting. Not on law abiding people, focus on trappers and hunting dogs. That is where potential occurs. If not hunting, dog has to be on a leash.

Chairman Johnston – Know from our own publications, that every State Park has public trails on them except one. I don't know how many public trails in public hunting areas have trails? Peek – I don't know how many? There are a small number. Brad Simpson – Only a few. Chairman Johnston – Six or less? Simpson – Yes. Chairman Johnston – On the second page, item two, set techniques less likely to harm a dog, what are those? Peek – Snare set ups that are meant to restrain, instead of kill, so that refers to snares. Just because a dog sets off a conibear trap, doesn't mean he will be caught. Chairman Johnston – A bucket set more likely to attract a curious dog and that is why they are used for wild animals. Peek – Probably something to that. They are not attracted to bucket, but what is in the bucket. We can make scents used less attractive to canines, but it would also be less attractive to the animal you are trying to catch. It is up to the trapper to use the sets we recommend. Chairman Johnston – After the incident with Mr. Mansfield's dog at Kanopolis, bucket sets are less than admired in the trapping industry. Peek – Widely accepted within trapping community, but good for trapping raccoons. Dissention is trappers don't support others trapping in an area where they are more likely to kill a dog. Chairman Johnston – Are they more likely to kill without a bucket? Peek – There are a lot of different scenarios. A bucket set is in an isolated area, where a trail set could be where a beagle might run.

Commissioner Sebelius – Your summary says your group opted against any type of additional signage. Will hunters know that is something they could run into? Peek – It is posted in several locations on kiosks, but it could be vague. Commissioner Sebelius – I didn't intend to imply that a manager couldn't post a trail, but the group didn't decide to put signs at every parking area. I am not saying they can't or shouldn't.

Commissioner Bolton – Thank you and the group for doing this, it looks thorough.

Commissioner Shari Wilson – When will the survey be completed? Peek – We need to do some follow-up assessment of responses. Commissioner Shari Wilson – How long, 3-6 months? Peek

– The survey will be done in a month or so, possibly report at October meeting. Commissioner

Shari Wilson – Is there anything in the WIHA atlas at this time? Peek – Fringe to public land issue, no trapping allowed could be misconstrued to public trapping allowed, but person could get permission from the landowner to do those things, also like camping and horseback riding.

Commissioner Lauber – This is bad for trapping in general. It was a safe benign sport so we need to be cautious of what we do. I am not insensitive to the gentleman who lost his dog, but I do think it is rare.

W.R. Brecheisen – The trapping survey is only online, is that correct? Peek – We sent out a paper follow-up. Brecheisen – What percentage responded? Peek – About 15 percent online and

17 percent from paper. Brecheisen – Were there questions on there about dog kills? Had dog killed last year, how often does that happen? Peek – The Kanopolis dog and one the year before in body-gripping trap, talked to both hunter and trapper on that. Also, there was one the year before that. I have been the furbearer biologist since 2001, nothing before that, but we were not keeping track. Brecheisen – Restricting conibear size, what is catch ratio on restricted versus

non-restricted? Peek – No survey done, but there is some degree of decline according to best management practice (BMP) data. Brecheisen – Wisconsin thought there was about a 20 percent decline. As President of the Kansas Furharvesters I would work together on education. Most states that have larger dog populations have all dealt with this for years. Disagree with Matt on not printing brochure I gave him from Wisconsin, turn trap 90 percent and dog can live. I think we do need to educate the hunters. It is on page 34 of the Minnesota regulations and I think we should print it. We will help any way we can.

Carson Mansfield, Salina – This is all interesting thing for me. Like the idea that conibear traps on dryland could be prevented. I read and knew how to get that trap off, but I think there are a lot of people out there who don't know about that. If your dog sticks his head in a bucket and the trap sets, there are a ton of things that prevent you from getting your dog out of the trap. My friend is a vet and he looked at the dog, but the dog's neck was not broke. I am asking for one small thing to be printed in the regulation. Less than 2 percent of the land is public and it is a small thing that I am trying to get done. I didn't know WIHA got a lot of traffic either. There is another assumption that if you get the dog out it will live. One of my dogs got caught the year before on the leg, but I got it out and didn't report it. I don't know if you know how many dogs are getting trapped because it is self-reporting. Not a human safety issue, not a big issue. The only trail I know of is at Kanopolis and I see people out there all the time hiking.

Bob Redeker – Furharvester and Hunter Education Instructor – It was an accident there was no malicious intent. The dog lost its life, but ironically people lose their lives each year. Public land is common ground and for everyone to use. The real tragedy is that Mr. Mansfield was not able to get the dog out of that trap. I don't want the perception of furharvesting to be dead dogs in conibear traps.

Chairman Johnston – I think we have not heard this afternoon that the KDWP has two public land use policies, at least, that are at issue here; one is public hunting and we cherish what little we have; but public land being used for people to hike on trails. And possibly six of our public land areas with hiking trail on them. There is something on back of the State Park guide about hiking benefits, but we don't have any regulations on not having traps close to trails. Even dogs

on leashes potentially face risks. I would support a regulatory change of not using bucket traps on public lands. I don't know how it would be worded, but my impression is that use of the bucket enhances interest of the dog and wild animal to find out what is inside. It seems like a small change and small impact on furharvesters that use public lands and would reduce the risk.

Peek – It is not the bucket that is attractive, it is the bait, so that is what we would need to change, but a baited set is preferred over a non-baited set.

Redeker – If you are talking about a bucket set, you are talking about a cubby set, same scenario using other sets.

Pearce – Confused, are we talking about state parks or state wildlife areas? You asked about state wildlife areas. Is trapping allowed on state parks? Peek – No.

Commissioner Meyer – Why make a regulation that would reduce something that doesn't happen. Chairman Johnston – Not known rate of which these incidents occur, but unreliable if that is accurate.

Commissioner Lauber – About 15 years ago when PETA went after Eddie Bauer, there was big internal debate, but then another step. It is a small percentage of public lands, but hate to see it restricted. I see it as a slippery slope because trapping is seen as bad, hate to see trapping stopped on all public lands.

Commissioner Shari Wilson – One thing that keeps coming back in my mind is proximity to a parking lot, where even a dog on a leash could get into it. I would like the group to talk about that issue more and see some follow-up with furharvesters if that is happening. Not the most productive place to put the trap. Talking about conflicts about different types of uses; the one place, parking lots, trails and public roads would be where people are using those areas. We need a better picture.

Commissioner Lauber – Can't envision parking lots having trap sets. Not sure I can get a conibear off my dog either, but I am not going to set my trap where someone can steal it any way.

Russell Voelker, Valley Falls – Do some trapping. Six to seven years ago attended some of these meetings when talked about opening trapping season earlier. Commission commented that they had seen too many raccoons dead on the road. Now you are talking about restricting trapping. Some of you were on the Commission at that time. Opened trapping November 10 or 11, but raccoons are not prime until Nov. 16 or 17 and that was a waste of a natural resource.

Steve Sorensen, Valley Center – KWF – We are sliding into boogey man in the bush. No trapper is going to set near a parking lot and the dog has to be on a 10-foot leash. Coons are not attracted to the buckets and you are trying to split the sportsmen. Trapping is under a bad light to some people, and we are going to add to that situation. Take the number of dog days on public lands and divide it a thousand times of losing dogs, the exposure is just not there. To restrict bucket sets, you have to restrict cubby sets and box sets. I don't want to see banners saying there is trapping when it may not be there at all. Should put it in the regulation where people can regulate themselves. Also, it would be tough to enforce if they have to be set a certain distance from certain areas.

Pearce – How are wildlife areas funded? Do furharvesting permit fees go to wildlife areas? Peek – Yes, there are other ways, but that is one of them.

Officer Benteman – I have been a law enforcement officer for 24 years, in Chase, Morris and Wabaunsee counties, and I have not seen cubby or box sets near parking areas. Furharvesters set their sets farther back. A normal dog with a long snout is not going to be caught, but shorter

snout dogs could. It is tragic when someone loses their dog, but you can lose a dog in a 330 set, or the dog could drown when I waterfowl hunt. Furharvesters are great at taking predators that take your quail eggs, which would decrease wild birds and pheasants also. For me to enforce a trail would be difficult. You would have to define a trail.

Mansfield – You can go on the internet and find a list of animals killed, put in “non-target list covering United States and Canada.” Look at lethal ones and most of them are conibears. Both of my dogs were caught within several 100 yards of where I parked.

Brecheisen – Get online on all anti-websites, not sure how many of those are true.

Commissioner Shari Wilson – I am not against trapping, appreciate what we do on public and private lands. I’m not interested in the website, but what is on our survey and having the group talk about it again and monitor the situation. I am not a trapper, and I am asking questions to figure out what is going on.

3. Late Migratory Bird Seasons – Faye McNew, waterfowl research biologist, gave this report (Exhibit R). Late migratory bird seasons include duck 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 in August, and based on the May Breeding Duck Survey and recommendations from the Flyway Councils in late July. 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 don’t know if we will continue with Hunter’s Choice or go back to the original frameworks. If Hunter’s Choice becomes operational we will continue with the five duck limit: 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.

**VII. RECESS AT 4:55 p. m.**

**VIII. RECONVENE AT 7:00 p. m.**

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

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

None

**XI. DEPARTMENT REPORT**

**D. Public Hearing**

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

1. Early Migratory Birds – Faye McNew, waterfowl research biologist, gave the report on teal (Exhibit T). 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 July. Preliminary reports indicate that we’ll be allowed 16 days. In the Low Plains Zone we are recommending a 16-day season running September 12 through September 27, 2009 and an eight-day season for the High Plains Zone running September 19 through September 26, 2009. Shooting hours are expected to be a half-hour before sunrise to sunset. ***Commission consensus.***

2. KAR 115-25-19. Doves; management unit, hunting season, shooting hours, and bag and possession limits - Helen Hands, wildlife biologist, gave the report on doves (Exhibit U). 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. 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.

**Commissioner Frank Meyer moved to bring KAR 115-25-19 before the Commission.  
Commissioner Shari Wilson seconded.**

**The roll call vote on KAR 115-25-19 as recommended was as follows (Exhibit V):**

<b>Commissioner Bolton</b>	<b>Yes</b>
<b>Commissioner Lauber</b>	<b>Yes</b>

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

**The motion as presented KAR 115-25-19 passed 7-0.**

3. KAR 115-15-1. Threatened and endangered species; general provisions - Ed Miller, wildlife biologist, gave this report to the Commission (Exhibit W). This process began a year ago. Recommendations were made by the T&E Committee including: William Busby, Mark Eberle, Elmer Finck, Edwin Miller, Tom Mosher, Daniel Mulhern, and Bryan Simmons. There have been several steps, but final recommendations are to delist the bald eagle from threatened list; peregrine falcon from the endangered list; two species of fish that are to be added to the threatened list - shoal chub, and plains minnow; and add the delta hydrobe snail to the threatened list.

**Commissioner Shari Wilson moved to bring KAR 115-15-1 before the Commission. Commissioner Debra Bolton seconded.**

**The roll call vote on KAR 115-15-1 as recommended was as follows (Exhibit X):**

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

**The motion as presented KAR 115-15-1 passed 7-0.**

4. KAR 115-15-2. Nongame species; general provisions Ed Miller, wildlife biologist, gave this report to the Commission (Exhibit Y). Listing species on the Species in Need of Conservation, or SINC, involves the same process as that for the threatened and endangered list, but SINC is a watch list. Listing a species here improves probability of funding, research and conservation. Recommendations are all fish species and include: bigeye shiner, redbelly darter, lake sturgeon, striped shiner, common shiner, southern redbelly dace, cardinal shiner, and Johnny darter. Also, there is a proposed amendment to change the specific name on nightsnake (Exhibit Z).

**Commissioner Debra Bolton moved to bring KAR 115-15-2 before the Commission. Commissioner Frank Meyer seconded.**

**Commissioner Shari Wilson moved to amend KAR 115-15-2. Commissioner Doug Sebelius seconded.**

**The roll call vote on KAR 115-15-2 to amend was as follows (Exhibit AA):**

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

**The motion as presented KAR 115-15-2 passed 7-0.**

**The roll call vote on KAR 115-15-2 as amended was as follows (Exhibit AA):**

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

**The motion as presented KAR 115-15-2 passed 7-0.**

5. 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 BB). Three items: 1) firearm seasons specified in KAR 115-25-9, the open firearm season for the taking of deer in the Fort Riley subunit shall be November 27, 2009 through November 29, 2009, December 18, 2009 through December 22, 2009, and December 26, 2009 through December 29, 2009. In addition to the archery seasons specified in KAR 115-25-9, the open archery season for the taking of deer in the Fort Riley subunit shall be September 1, 2009 through September 20, 2009. 2) Any other permits authorized by KAR 115-25-9, any individual may obtain an antlerless-only either-species deer permit valid in Unit 3, subject to the number of antlerless-only permits authorized for the unit. 3) Unfilled deer permit valid in Units 7 and 8 shall be valid in a special extended firearm antlerless-only season in Units 7 and 8. The special extended firearm season shall be January 4, 2010 through January 10, 2010. The bag limit shall be one antlerless deer per permit for the species of deer as specified on the permit. This regulation shall be effective on and after July 1, 2009, and shall have no force and effect on and after March 1, 2010.

As a result of internal department comment and legislative comment the department suggests that the following amendment be made to the version of the regulation submitted for public comment. Amend proposed subsection (c) to read as follows: Any unfilled deer permit valid in units 7, and 8, and 15 shall be valid in a special extended firearm antlerless-only season in units 7, and 8, and 15. The special extended firearm season shall be January 11, 2010 through January 17, 2010. The bag limit shall be one antlerless deer per permit for the species of deer as specified on the permit.



Commissioner Shari Wilson – Shouldn't you strike out 4, where it is replaced by 11? Tymeson – It is.

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

**Commissioner Frank Meyer moved to amend KAR 115-25-9a. Commissioner Debra Bolton seconded.**

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

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

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

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

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

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

6. KAR 115-25-9b. Deer; nonresident limited quota antlered permit application period - Lloyd Fox, big game wildlife research biologist, gave this report to the Commission (Exhibit DD). This is a new regulation which would read: (a) Applications for nonresident limited-quota antlered deer permits for the 2010-2011 deer hunting seasons shall be accepted in the Pratt office from the earliest date that applications are available through April 30, 2010. Applications with a postmark date of not later than April 30, 2010 shall also be accepted. (b) This regulation shall be effective on and after January 1, 2010, and shall have no force and effect on and after June 1, 2010.

**Commissioner Robert Wilson moved to bring KAR 115-25-9b before the Commission. Commissioner Debra Bolton seconded.**

**The roll call vote on KAR 115-25-9b as recommended was as follows (Exhibit EE):**

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

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

## **XII. Old Business**

Pearce – The draw is complete and there are 4,000 permits leftover. Will those be sold and when? Hayden – Yes, they will go on sale in about two weeks. Pearce – To apply, get application now, or do you have to wait? Livingston – First come, first serve, there is no application. Pearce – Can you get them online? Hayden – Yes, in about two weeks from now.

## **XIII. Other Business**

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

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

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

January 7, 2010 – Education Center at Cheyenne Bottoms, near Great Bend.

## **XIV. ADJOURNMENT**

The meeting adjourned at 7:23 p.m.

(Exhibits and/or Transcript available upon request)