

REVISED AGENDA
KANSAS DEPARTMENT OF WILDLIFE AND PARKS
COMMISSION MEETING AND PUBLIC HEARING
Thursday, January 7, 2010
Kansas Wetland Education Center
592 NE K-156 Hwy, Great Bend, Kansas

Tour – Cheyenne Bottoms 10:00 am

- I. CALL TO ORDER AT 1:30 p.m.**
- II. INTRODUCTION OF COMMISSIONERS AND GUESTS**
- III. ADDITIONS AND DELETIONS TO AGENDA ITEMS**
- IV. APPROVAL OF THE October 15, 2009 MEETING MINUTES**
- V. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS**
- VI. DEPARTMENT REPORT**
 - A. Secretary’s Remarks**
 - 1. Agency and State Fiscal Status (Dick Koerth)**
 - 2. 2010 Legislature (Chris Tymeson)**
 - B. General Discussion**
 - 1. Commissioner Permit Drawing (Mike Miller)**
 - 2. Trails Grant Update (Jerry Hover)**
 - 3. Public Lands Regulations (Brad Simpson)**
 - 4. Falconry Regulations (Mike Mitchener)**
 - 5. Kansas Coalition for Children in Nature (Jerry Hover)**
 - 6. Department Education Programs (Ross Robins and Mike Rader)**
 - 7. KACEE (Shari Wilson)**
 - 8. Kansas Wetlands Education Center Presentation and Tour (Pamela Martin/Curtis Wolf)**
- VII. RECESS AT 5:00 p.m.**

VIII. RECONVENE AT 7:00 p.m.

IX. RE-INTRODUCTION OF COMMISSIONERS AND GUESTS

X. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

XI. DEPARTMENT REPORT

C. Workshop Session

1. **KAR 115-25-7. Antelope; open season, bag limit and permits. (Matt Peek)**
2. **KAR 115-25-8. Elk; open season, bag limit and permits. (Matt Peek)**
3. **115-4-Series Deer Permanent Regulations (Lloyd Fox)**
4. **115-25-Series Deer Regulations (Lloyd Fox)**
5. **Fish Regulation Correction (Doug Nygren)**

D. Public Hearing

1. **KAR 115-4-11. Big Game and wild turkey permit applications (Mike Miller)**
2. **Free Park Entrance Days and Free Fishing Days (Jerry Hover)**

XII. OLD BUSINESS

XIII. OTHER BUSINESS

A. Future Meeting Locations and Dates

XIV. ADJOURNMENT

If necessary, the Commission will recess on January 7, 2010, to reconvene January 8, 2010, at 9:00 a.m., at the same location to complete their business. Should this occur, time will be made available for public comment. If notified in advance, the department will have an interpreter available for the hearing impaired. To request an interpreter call the Kansas Commission of Deaf and Hard of Hearing at 1-800-432-0698. Any individual with a disability may request other accommodations by contacting the Commission Secretary at (620) 672-5911. The next commission meeting is scheduled for Thursday, March 11, 2010 at the Holiday Inn Holidome, 605 SW Fairlawn Road, Topeka, KS

**Kansas Department of Wildlife and Parks
Commission Meeting Minutes
Thursday, October 15, 2009
VFW, 610 Walnut
Sedan, Kansas**

Subject to
Commission
Approval

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

The October 15, 2009 meeting of the Kansas Wildlife and Parks Commission was called to order by Chairman Kelly Johnston at 1:30 p.m. at the VFW in Sedan, Kansas. Chairman Johnston and Commissioners Gerald Lauber, Frank Meyer, Doug Sebelius, 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 - In the Public Hearing section, we have reversed the presentation order because number 9 is included in the reference document which is included in 25-14 in number 8 and will be amended to that regulation.

IV. APPROVAL OF THE August 6, 2009 MEETING MINUTES

Commissioner Robert Wilson moved to approve the minutes, Commissioner Shari Wilson second. *Approved.* (Minutes – Exhibit B).

V. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

Commissioner Meyer – I want to express my thanks to the law enforcement division and Lucy for their help. While out working on a trail I lost my hearing aid, after searching for several hours I called Pratt and Kevin sent out Jeff and Lucy (K-9) who found the hearing aid. The dog was amazing.

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 (moved – Dick not present).

B. General Discussion

1. AmeriCorp Program and KDWP – Linda Lanterman, Parks Division assistant director, presented this update to the Commission (Exhibit C). The AmeriCorp program is one of the mini-grant programs that the Parks Division oversees, and we have been doing this for 11 years. Back in 1998, KDWP was approached by the Governor to consider putting in an application for the AmeriCorp program. We had done it a few years prior to that, did it for a couple of years, it went dormant for a while and then came back strong. We applied and were selected for the grant from a list of nationwide applicants. We apply as an environmental disaster response program. This year we have 25 full-time positions who serve 1,700 hours and 26 part-time positions who serve 900 hours. They receive a living stipend and an education award that they can apply toward student loans; \$4,725 for full-time and \$2,362.50 for part-time and they have up to seven years to use that money. Mini projects are what they do, through the parks system and throughout KDWP. Disaster relief is a requirement, so we send a team out to disasters. There was only one year we didn't respond to a disaster in Kansas. We do campground development, prescribed burns, public programs, trail development, and special projects. We sent a crew and staff (we always send some staff) to Hoisington for a week to help clean-up after the tornado and trained kids in the use of chainsaws and other equipment. Sent a crew to Scott City State Park to help clean-up trees and debris from the ice storm. We spent all summer in Greensburg, and we applied for special 300-hour positions for Greensburg kids so they could serve in their own community and they served under our AmeriCorp program. We had staff cleaning up and still have periodic ongoing relationships with the City of Greensburg. On cabin development, they help statewide with cabin construction at Cedar Bluff, El Dorado, Tuttle Creek, or wherever we have cabin development. At Crawford State Park, they helped on cabin development and campground improvements -- anything nature-based or environmental they will do. At El Dorado State Park we have a good crew because it is such a big park, and we always have a lot of stuff going on such as tree planting and landscaping. Tuttle Creek has another big crew because it is up by Manhattan and Kansas State University. We run 6-10 members there. For some of them, it is a new experience, something they haven't ever done before. It is a mentoring program so we have to administer a lot of patience. We do a lot of OK Kids programs and other public programs. Initially the AmeriCorp program was to help us with our naturalist program that we lost back in 1997, so this helps with a naturalist program helping kids. We go into the schools, parks and to civic groups that have kids' groups in the summer and teach environmental education to kids. In special park projects, we do a lot of trail development, which is about 50 percent of our time right now in the state parks. In public lands, we have had some members who did WIHA signage. Several years ago we were approached by the Governor again to see if we could put a crew together to help redo the Elk Falls Bridge. This was a pretty big project for us, and we had a lot of supervision down there, but they really did a nice job. The local community fed them, we provided the equipment, they provided the materials and we provided the labor. This last year we were approached by the Kansas Volunteer Commission out of Topeka to apply for stimulus money, they had money given to the State of Kansas that we didn't have to apply for, but I had to really think about whether it was worth it for us to apply for that extra money as it is a lot of paperwork. They asked us to compete nationwide so we had to meet specific grant deadlines, of which none is environmental so we had to think of another way we could do it and it was education. We were a little leery about getting into the education part, but I asked for 11 full-time positions and 14 minimum-time positions because at the time Elk

City, El Dorado and Cross Timbers were all under water. The 14 minimum-time positions target senior citizens and put them in the parks for disaster clean-up. We received that grant, the only one in the state who received the money from the nationwide competition. It is 1,700 hours and 300 minimum-time and they still get the same education award. So I had to put 11 full-time people in the schools, so I have a couple at the Great Plains Nature Center and the rest in schools, in Pratt, Independence and Hutchinson. The last few weeks the Environmental Services staff started up a science club in Pratt. We had 45 fifth graders sign up and they come every Thursday for two hours, they had to pay \$5 and we have a lead AmeriCorp member overseeing this. They took them to the river, my daughter is in that group and that is all I have heard about for two weeks. They looked at species, and things like the differences between minnows and catfish and those kids had a great day. It is all environmental. To put this in perspective we had 654 positions in the last 11 years. We cannot displace permanent people, but think about the impact of those people helping us; it is huge. We were allocated \$5.9 million in federal funding to pay for salaries. We have a match and we meet that match. Every year I wonder if I am going to do it again, because it is a lot of work, but these kids would probably never have the opportunity to get in the water without this. It is worth the effort I think. We made a good fit with education and the environment with KDWP. Chairman Johnston – You said some of this money was federal stimulus money? Lanterman – This year. Chairman Johnston - The \$5.9 million total? Lanterman – No, we received about \$190,000 this year. It was a good fit in the schools because we don't have to pay any of those salaries, that grant paid for everything. All we had to come up with some of the match and we used teachers in the schools as the match, but I still have a lot of paperwork to do. That is my time, Cherie Riffey's time; Kathy Pritchett and our state park managers. I couldn't do it without them. Commissioner Shari Wilson – Excited to hear about this program and I can see how it would be a great fit. I am glad you went after the money because we have missed our naturalists in our state parks because they were the ones doing the programs in the parks and at the schools in the area. The rest of the staff just doesn't have the time to do that. These may be in a small area of the state, but I am really glad to see it and hope there are more opportunities in the future.

A. Secretary's Remarks (moved)

1. Agency and State Fiscal Status – Dick Koerth, assistant secretary of Administration, gave this report to the Commission (Exhibit D). The department has submitted the agency budget request for FY2011 and attached in the briefing book is a table with the amounts by program, expenditure and funding. The capital improvement budget was provided to the Commission at earlier meetings. The FY2010 budget submission is the revised budget approved last session and is basically the same with a few exceptions, one being a supplemental request for \$50,000 to provide additional cabin revenue fund capital improvement expenditures as the number of foundations we will need will be more with more cabins coming online, and we have a contract with Skyline to build more cabins for us, which Mark will talk about later. The request includes the reductions taken by the 2009 legislative session and the Governor's reduction he took in July. We had a meeting October 12 and 13 with the House Committee on Appropriations. They are starting earlier than normal this year trying to review agency budget requests to determine what is being requested. Secretary Hayden made a presentation to them on Monday, basically an overview of what we asked for. They took no action and had no serious questions, and they just wanted to know where we were at as far as reductions. Our budget request is basically \$32.4

million with \$7.3 million from the state general fund (SGF). Operating expenditures are roughly \$53.5 million and capital improvements of \$8.8 million. These will continue our current operations. We are trying to maintain the status quo, but one thing of note is that the request does include the use of a little over \$1 million in road money to fund the state parks, as requested in the past by the Governor in lieu of SGF. The allocation received for 2011 did not include that road money, and we are still putting in it, assuming it will be approved. To maintain current status of state parks requires that \$1 million, plus \$200,000 from the Cabin Revenue Fund (CRF), which was also in the 2010 approved budget. For FY 2011 our enhancements include primarily positions. The state is going to a new accounting system starting July 1 and Cindy and her shop are spending a lot of time working on this, and we are pretty sure a new accountant position is needed for the new accounting system, in some ways it will make life simpler and in some ways it doesn't. The parks division needs an administrative assistant position to assist in their efforts, as Linda has mentioned the increased workload of the federal programs. Other position requests include two environmental scientist positions to work on wildlife programs and expanded fishing opportunities in southwest Kansas, natural resource officer I for Osage County, assistant area manager position for Parsons Army Ammunition Plant Wildlife Area, and an environmental scientist I position to assist in reviews done by our Environmental Services Section. We have included an enhancement of vehicle replacements. In prior years that has been a standard operating item, but over the last few years we have been asked to make them an enhancement request. We have 40 vehicles in there for fish and wildlife and law enforcement. Due to the lack of SGF and Park Fee Fund (PFF) there are no replacement vehicles requested for the parks division this year. The two major special revenue (fee) funds continue to be of concern, as mentioned previously. At the end of FY2011 budget the ending balance in the PFF will be around \$130,000, which is getting pretty slim; and for the Wildlife Fee Fund (WFF), a little over \$1.3 million. These ending balances are down from prior years, and we were trying to maximize our resources as long as possible to avoid a fee increase. We also maximized the use of the CRF, and the balance in that fund will be about \$5,478, so we hope March numbers are good. The House Committee on Appropriations met Monday and Tuesday of this week and they revised SGF estimates for the current year and for next fiscal year. For the current fiscal year, ending on June 30, 2010, the state needs to find another \$129.7 million to just break even, just to get to \$0 on the SGF. On 2011, just to get back to \$0, it will take another \$480 million of cuts, reductions, or something. The SGF is not in good shape and the September receipts were down \$67 million below the estimate, which is not a good sign. On November 5 the State Revenue Estimating Group will meet to determine the numbers that are used by the Governor and Legislature in determining the 2011 budget. Right now, given these numbers, it is quite possible we will see another round of cuts. The Governor is required by law to have a balanced budget, so he will have to do something. There were some discussions in the committee on Tuesday about changing KPERS to a defined contribution ready-defined benefit that will apply only to new employees down the road. There is not a lot of support for that other than some of the people like the idea of eliminating liability for the state down-the-road. Commissioner Lauber – On the bottom of the budget numbers, the FTE, is that full-time equivalent? Koerth – Yes. Commissioner Sebelius – About this cabin revenue fund, in order to use it we have to budget, but we can't access it throughout the year unless we are in budget authority? Koerth – The cabin revenue fund has two accounts, operations and capital improvements. Operations, there is basically no limit on that, but there is a limit on capital improvements. There is a fixed limit on

creating infrastructure or foundations for new cabins. Commissioner Sebelius – So the legislature will try to effectively control that? So the strategy is to beef that up as much as you can and hopefully they say okay so when they sweep it you don't lose it? Koerth – That is the intent, in a way. Commissioner Sebelius – You got pretty close the last time. Koerth - If we spend it they can't take it. But as the same token they realized that is a source of revenue and last year is the first time they put any limit on that fund at all. Commissioner Sebelius – The better you do the worse it is for you. Koerth – Yes, it is a catch 22. Same as the park fee fund, in prior years, if we had any balance they would take it. Chairman Johnston – What is your best guess as to whether, and when, the Commission will need to consider a license increase? Koerth – Next year, in my opinion. Chairman Johnston – In 2010, how early? Koerth – It should go into affect January 1, 2011. That is my opinion and the Secretary can do whatever he wants to. Tymeson – Typically on fee increases we start talking about fee increases in January or March. Chairman Johnston – So our next meeting? Tymeson – Perhaps, yes. Koerth – That is based on current numbers, if we get extra revenue, like a great year in hunting, we could back off of that. But, from my view point as your fiscal advisor, we are spending more than we are taking in right now and we need to consider that based on current revenue estimates. Secretary Hayden – We need to monitor very closely, but I will say there are a couple of things that are favorable in the economic picture: the amount of federal aid from the excise tax on the sale of firearms and ammunition is up; and during this economic recession we are actually seeing an increase in license sales for hunting and fishing. We don't know if that will continue or for how long, but sales have been good so far this year. Dick is right we have to start planning because these numbers will turn down at some point and when they do we have to be ready to take the appropriate action. There is nothing wrong with the idea of beginning a dialog in January. We will know more about the numbers and have more of a consensus estimate from the state and more complete numbers from the feds. We have actually had a pretty good year financially, both in federal aid and receipts up to this point.

B. General Discussion (continued)

2. Standard and Specialized Department LE Training Programs – Dan Heskett, Law Enforcement assistant division director, presented this update to the Commission (Exhibit E – PowerPoint presentation). I want to start at the beginning, KSA 32-808 provides for conservation officers and employees; training requirements; powers and authority. Required course of instruction for law enforcement is KSA 74-5607a, it says to enforce all state law and regulation including chapter 8 (policy); powers of arrest as set forth in KSA 22-2401 and 2307. We serve warrants within the state for all violations of law and carry firearms or weapons, concealed or otherwise, in the performance of our duties. In 1923, state fish and game warden, J.B. Doze used special salaried state deputy wardens. These wardens became the missionaries for the department in an effort to gain public support for fish and game programs. During 1923-24, Doze and his men held about 50 meetings and succeeded in organizing 30 “County Fish and Game Associations.” The Izaak Walton League came to Kansas, as well as the state Audubon society chapters. Doze, along with the first commission, placed the following qualifications for the deputy wardens serving the state full time and under pay: have a thorough knowledge of fish, game, and fur conditions and their habits; be able to identify any gamebird, fish or furbearer common to Kansas; should be posted relative to the current topics confronting conservation; have a specific knowledge of state and federal laws covering his work; should show considerable knowledge about the flora of this state, especially aquatic plants; should possess some specific

knowledge relative to fish culture and game breeding; should know how to prepare the necessary papers in the prosecution of a case against a violator and the penalties prescribed for specific violations. This was before we had biologists. They should be able to drive an automobile and be able to repair it when out of order (outdated now); should be able to make a speech on conservation to almost any audience; should have general knowledge of guns, ammunition, traps, fishing tackle, lures and other equipment used in hunting, fishing, and trapping; should be active and physically capable of being able to get up before daylight and be in the field until dark, and if necessary be a good camp man; and should have conversational ability and the faculty of making friends, especially of making arrest for violations without leaving the accused in an ugly temper. Forestry, fish and game commission started in 1956. The past two years a game protector school was held at Kansas State in Manhattan for three days of training. The officers were brought up to date on laws and new steps and methods in fish and game management. The school has proven very successful and will now be an annual event. Dudley Foster in the audience today, a retired law enforcement officer and I learned all my bad traits from him and my father. Kansas law enforcement training requirement was set forth by state statute KSA 74-5607a. Full time officers' employment requires at least 1,000 hours of law enforcement related work per year (KSA 74-5602); and officers must complete the Kansas law enforcement training center basic training of 14 weeks (560 hours). Beginning the second year after becoming a certified full-time law enforcement officer the officer shall complete 40 hours of law enforcement training annually. Three divisions have full time certified law enforcement officers: law enforcement, 80; parks, 54; fish and wildlife (public lands), 42; for a total of 176. Annual in-service training guidelines (spells out where, when and what we can do with it): training must relate directly to a law enforcement topic and must be approved in advance by the agency head or the agency head's designee (Kevin passed along to me). Training sources: university/college/community college credit; and credit must be earned during training year (7/1 – 6/31) from accredited institution; maximum hours allowed are 15 hours each 3 credit hours for a total of 45 hours (have to have 40). Agency training instructors need to be approved and recognized by agency head as qualified to instruct the subject matter; workshops, seminars, out of state training; instructor credit (20 hour maximum); instructors approved and recognized by agency; course taught in classroom environment to at least one officer (no self-instruction); firearms training (16 hour maximum); instructors recognized by agency head; course content must be approved by agency head; course of fire must be approved by agency head and designed to reflect competency in use of police firearms; and at least one approved instructor present during firearms qualification. Field Training Officers (FTO) require 20 hour maximum (needed in our state): must have completed a formal training program of at least 16 hours; agency must have a formalized lesson plan outlining all phases of the training; program must be a minimum of 12 weeks in duration; program must provide for at least weekly written evaluations of the trainee by the FTO for a minimum of 12 evaluations; must have a minimum of 20 contact hours with the trainee; program must be submitted and approved by KLETC commission; video/computer/multi-media/satellite base training (20 hour maximum); viewing must be done in a classroom setting; viewing must be facilitated by a training coordinator for discussion or a post viewing exam administered; and exams must be kept for a minimum of 5 years. EMT (16 hour maximum): must be medical training, first-aid-related or CPR trained. Record keeping: records for officer training must be submitted to KLETC 30 days after the training concludes (LE division does this on-line for all three divisions). Now why to we really train? To assure public acceptance and public safety.

When officers respond to something as awful as a fatality accident, we owe it to public to be able to handle the situation and we do that through training, one such accident at Wilson Reservoir where a three-person fatality, where three people also walked away unhurt. Enhance officer safety - 98 percent of people contacted do not create a problem, it's the other 2 percent we train for (Claude Dallas, in 1981 murdered Idaho officers Poe and Elms, held at El Dorado; Howard Franklin Bent was a person who commercially fished in state, later murdered a guy in Missouri and went to prison for that; seized narcotics). To accomplish department missions: education programs, hunter compliance, furharvesting compliance, recreational boating safety, fisheries compliance, parks and recreation - development and control, and public service. Management practices include nuisance animal and damage control, wildlife identification (game and nongame species), compliance with federal laws like threatened and endangered species and CITES. Officers must be familiar with federal and state laws, U.S. Supreme Court rulings - 4th amendment – search and seizure, open fields (if no residence attached don't need search warrant), Carol Doctrine (automobiles), search incident to an arrest, sensitivity training (racial profiling), verbal communications, domestic violence; and stalking. Other reasons why we train: information gathering and changes in technology; report writing; court preparation and testifying; computer technology; evidence collection; ensure a positive image of the department; political purposes (keep opinions to themselves); local and domestic images (people are watching us); national (emergency responses); agency interactions with KHP, KBI, state fire marshal, DOC, DEA, ICE, USFWS, USCG, other state wildlife agencies, other state marine patrol agencies, state emergency management, local law enforcement and rescue. In a U.S. Supreme Court case - Canton vs. Harris in 1989 they defined adequate training, which said you should be training officers according to their work. Question to ask? "Is there a component in the duties of the officer, which the officer's safety or the safety of the public may be involved?" If the answer is yes, then the Supreme Court says you better be training for it. "Training Reduces Liability" is the legal principle of vicarious liability applies to hold one person liable for the actions of another when engaged in some form of joint or collective activity -- the responsibility of one person for the acts of another. KDWP training strategy has five primary firearms instructors, five primary custody and control instructors, and five boating enforcement specialists. Primary instructors are from the law enforcement and parks divisions, one in each of the KDWP regions, and numerous secondary instructors are from all three divisions. Primary instructors take the lead in development and training in their area of expertise. KSA 32-807 – Powers of Secretary says "The secretary shall have the power to: (e) sue, be sued, plead and be impleaded in the name of the department." Items go up the chain in a law suit, from field officers to trainers to Capt. Jensen to Major Heskett to Col. Jones to Asst. Secretary Sexson to Secretary Hayden, trickle down or trickle up effect. We have four quarterly shoots, three weapon systems; must qualify once per training cycle; 16 hours required by policy with at least two hours in weapon maintenance and one hour each in liability and weapon retention; qualify on .45 caliber handgun (c-post qualification by state law/year); 12 gauge Remington 870 shotgun; patrol rifle (currently transitioning from M-14 .308 to AR15 platform .223). Teach tactical procedures such as the use of cover and concealment; dim light and night shooting; multiple suspects; vehicle extractions and approach. Also, emphasize shoot/don't shoot situations. Custody and control trains officers in the concept of "use of force continuum"; officer presence; verbal commands; soft techniques like OC spray and wrist locks; hard techniques like strikes using the ASP baton, takedowns (clamp); deadly force with firearms and strikes to vital areas; handcuffing techniques; and is 8 hours a year minimum by policy, normally more than that. Clamp technique is the Chris

Lein technique in arm management program, also showed takedown method. Use necessary force applicable to the situation to stop the threat; if the threat level increases, so may the use of force; if the threat level decreases, so must the use of force applied; critical judgment that may last only a few seconds or less; and screw up and watch the media frenzy. KDWP law enforcement division annual in-service training is open to all divisions and brings in special programs and instructors. Park rangers attend the KRPA (KS Recreation and Park Association Conference) annually for hours of training also. In the 2003 in-service Kevin Kelly, USCG gave BUI training and practical using volunteers in a wet lab, asked for volunteer drinkers and we gave them alcohol and officers tested their level of competence. The 2004 in-service had courtroom testimony shown by Thomas Stanton, Deputy Reno County District Attorney; had Spanish for game wardens given by Capt. Alfonso Vielma and Major Albert Gonzales, Texas Parks and Wildlife; blood splatter investigation by Mike Bradshaw, Texas Parks and Wildlife (used by all metro-Texas agencies – also human where he helped solve murders); ASP (expandable baton) training by Jeff Ostlund and Larry Hastings, KDWP instructors; waterfowl identification by KDWP Region 3 staff; and canine program demo on policy. If you never see them work you need to see them, it is spectacular what they can do. In 2005, federal firearms regulations by John Durastanti, ATF; falconry inspections by Vanessa Avara, USFWS; practical exercises in use of force continuum by KDWP; changes to the KS drivers license/alcohol laws and underage drinking by Department of Revenue and ABC; report writing; federal law; Lacey update by USFWS Special Agent Kenny Kessler; and herpetological review of Kansas species identification, value and detection of collectors in the field by Travis Taggart, Fort Hays State University. The 2006 in-service topics: handling stress; coding procedures for activity reports; felony possession of firearms by Matt Treaster (U.S. District Attorney, Wichita); digital photography, functions of the camera, policy, crime scene procedures for court by KHP trainer; search and seizure and laws of arrest by KLETC Legal Instructor; and guest speaker Lt. Col. Dave Grossman to train for the worst possible scenario and then go one step even further and you may be ready (wrote three books, two of which come to mind, one “On Killing” and one “Bullet Proof Mind The Psychological Cost of Learning to Kill”). Two years of planning concluded during April 16-21, 2006: all law enforcement division officers went through the marine tactical boat fire course on Wilson Reservoir. This was held in conjunction with Oklahoma water patrol firearms instructors; students had to utilize: boat handling skills; firearms skill (handgun, shotgun, and rifle); judgment skills (shoot/don’t shoot scenarios – need more training); and adverse weather conditions. The 2007 in-service: KDWP Article 13 by Kevin Jones, KDWP; search warrant by Mike Jennings, SG County district attorney office; feral hogs by Chad Richardson, USDA; Africanized honey bees by Glenn Salsbury, KS Department of Ag; KDWP staff on racial profiling (it starts early); fish identification by Mark VanScoyoc, KDWP; and hunter incident investigation by Rod Slings, Iowa DNR. In 2008 in-service: forensic interview and interrogation techniques for conservation officers by Jeff Baile, retired Illinois Conservation Police Officer, spent 2 ½ days going over techniques. The 2009 in-service: emergency management and response (brought on by Katrina (2005) two teams responded to Gulf Port, Mississippi, and Greensburg, KS (2007) F-5 tornado (we all know this one). Also, in part one: held special week long training course for officers with five years and less; boating enforcement school; held at Salina and Kanopolis reservoir May 9-13, 2009; course covered - boating safety class/test; boating laws and regulations; boating under the influence; marine sanitation; fire extinguisher demo; low and high risk boat stops; boat maintenance; throw bags

and self rescue dragging operations; stolen boat investigation; vessel inspections; boat accident investigations; practical exercises in boat operations; boat trailering; throw bag deployment; vessel inspection; custody/control; high risk boat stop; and night operations vessel scenario's (varying situations – want more of this type of training). More scenario based training; the way for the future; and department purchased simulation-type equipment to facilitate live fire situations during training. Specialized training: canine training by Indiana DNR; wildlife forensics (2007) by Mike Stocksdale, TN fish and wildlife; hunter incident investigation schools; special wildlife investigation schools; National Association of Boating Law Administrators (comprehensive and advanced boat accident schools - reservoir officers and boating officers); NASBLA BUI train the trainer course (boating officers); USCG marine patrol officer course (instructor course and tactical course); specialized firearms schools including armorer; specialized defensive tactics schools; Indiana River Rescue Schools and similar schools; Army Corp of Engineers ice rescue courses; variety of training courses sponsored by other agencies: KLETC, KHP, City and County police department and sheriff's officer, KBI, FEMA department of Homeland Security; organizations include: International Chief of Police Association, Kansas Peace Officers Association, Kansas Chiefs of Police Association, Kansas Sheriffs Association, Kansas Intelligence Association; International Association of Marine Theft Investigators, International Boating and Water Safety Council, North American Wildlife Officers Association, Association of Natural Resource Trainers, and Kansas Association of Park Law Enforcement Officers. Officers pass their training to new generations to try and keep our children safe and maintain order and peace. Officer's pass their knowledge on to other agencies and share information to accomplish similar task. It's a different world out there than what my father and grandfather left behind! More people carrying firearms than ever before, good and bad. Meth labs are dangerous situations and now terrorists. Active shooter responses are necessary. In rural settings, we respond along with local officers, so we need to be ready and trained. My favorite quote by Chuck Yeager, "I was always afraid of dying. Always. It was my fear that made me learn everything I could about my airplane and my emergency equipment, and kept me flying respectful of my machine and always alert in the cockpit." Always remember - "crack kills." Commissioner Meyer – There seems to be a pretty good investment in training, is there an obligation on how many years they have to be with the department after we train them? Heskett – No. Commissioner Shari Wilson – Seems like we spend a lot of our time training, but we are below numbers on where we would like to be, with budgets the way they are, we are keeping commitment to training, as areas broaden, how are we dealing with that? Do we need to be requesting more? It seems like a drop in the bucket from what we need. Heskett – Are not going to slack on training? No, we got some targets donated and can use balloons and cardboard, but not going to cut back on training. We have cut back on ammo and live fire, but we have to protect those because costs are going up. Coverage is always an issue, we have 105 counties and if we had 105 officers it would still not be enough, but we're doing fine job with what we've got, and we are trying not to over-train or under-train. We respect our officers' opinions on whether they feel they are getting enough training or not. It's harder to find slower times where we can fit it in. We can ask every day for additional budget, but we have to do with what we've got, and I don't know what the magic number of officers is.

3. Department Hunting/Angling Access Programs –
Hunting - Jake George, private lands coordinator, presented this report to the Commission (Exhibit F – PowerPoint presentation). – The fall of 2009 marked the 15th year for the Walk in

Hunting Access (WIHA) program. Current acres enrolled are about 1.06 million acres enrolled, which represents a little over 16,000-acre increase compared to 2008. When we talk about these numbers, I say approximate because it is a moving target. We have agreements taken out from habitat loss, land sale and such. Of those acres, there are about 2,200 agreements with Kansas landowners. The average lease payment is \$2.13 per acre and varies from the eastern to western part of the state. That payment amounts to about \$650 per agreement. The majority of the acres are in the western half of the state, and we are attempting to deal with that in a couple of different ways. In fall 2008, to increase enrollment in the eastern part of the state and to facilitate the start up of private land special hunts, we expanded the area that is receiving the 50 percent enrollment incentive bonus over what you would receive in payment in other counties. Historically it had been in the urban counties, and the WIHA grant was amended to include counties with historically low enrollment. Also, that area is where we targeted the special hunts on private lands program, which was designed to provide landowners with an option of more limited public access. It gave landowners control over how many people were on their property, when they could access the property, and what species they were able hunt. They could be youth only, youth/mentor, or open hunts open to everyone. We have had some turnover as far as contracts not being renewed or cancelled due to habitat loss, CRP being lost, and so forth. It is representative of our overall program, 3 to 5 percent, about 30,000 to 50,000 acres, that we are changing out for new acreage each year. This year, it is about 16,500 additional acres above what we had in 2008. We have had some improvement as far as enrollment in the eastern part of the state with that incentive payment. The pilot program was in the spring of 2009 for the private lands special hunts. We had over 4,500 acres enrolled in nine counties -- 67 total hunts were offered for youth, youth/mentor, and open hunts. There were 165 applicants. We had an online system set up, no paper applications and if people had difficulty accessing it they were able to contact our office for us to fill out the application for them. There was a positive response and once the application closed, we had a computer-generated random drawing. Successful applicants were notified by email with detailed property maps, as well as hunt permits that consisted of a vehicle dash card, to be placed on the dash of their vehicle while hunting, as well as on-person permits to be carried on them. We continued the private lands special hunts this fall and had over 13,500 acres enrolled; 220 total hunts were offered; youth, youth/mentor, and open hunts; probably about 50-50, possibly leaning a little toward the youth hunts. The hunts ranged from upland hunts for quail and pheasant; fall turkey; waterfowl; deer; and furbearer hunts. We just closed the application October 1 for the fall hunts, and I don't have totals yet, but the hunts available on the private lands side we had over 82 percent filled on the initial draw. What we have been doing is offering those (unfilled hunts) up on a first-come first-serve basis after the draw closes for people to call in and fill. As word gets out it will continue to grow. Also, as I mentioned part of the intent of the special hunts on private lands program was to try and increase access in the more urban eastern part of the state. Chairman Johnston – This special hunts private lands program started last year? George – Before we had the program initiated, we did some hunts on KU endowment tracts for youth deer prior in the fall of 2008, but we actually had the first program set up for spring turkey in 2009. Chairman Johnston – The statistics you showed early in the PowerPoint, 1.06 million acres in WIHA, did that include the acres in the special private lands program, or is that in addition? George – That is in addition, but there is some overlap as we had some acres for spring turkey walk in hunting access and are approaching about 170,000 acres for that.

Break

3. Department Hunting/Angling Access Programs (continued) –

Angling – Tom Lang, fisheries program specialist, presented this report to the Commission (Exhibit G – PowerPoint). Angling access is an important component of our agency’s mission, to: “Provide the public with opportunities for the use and appreciation of the natural resources of Kansas, consistent with the conservation of those resources.” Access to the opportunity is as fundamental to angling participation as our ability or desire to participate. You can have all of the equipment, knowledge and want to go, but if you don’t have the place to go, you are not going. So angling access is extremely important. Historically we have had two main issues restricting angling access in our state: many of our fisheries resources are privately-owned, or simply not publicly accessible, and also many of our public waters owned by cities and communities, which charge additional local fees on top of our license to access their resources. The fisheries section saw those as two major issues and wanted to proactively attack those issues, so we have two federal aid grant programs focusing on these issues. One is the Fishing Impoundments and Stream Habitats program (FISH) program and the other is the Community Fisheries Assistance Program (CFAP). The FISH program pilot was in 1998 and based on the success was expanded statewide in 1999, and it is 75 percent reimbursable. The primary objective is to increase public access to privately-owned fisheries, and we have been able to fill in holes in access and opportunity in counties where there was no public access by opening up some of the private waters. We lease fishing rights from landowners from March 1 to October 31. Lease rates on small impoundments are \$42 an acre and on streams or rivers they are \$500-\$1,000 per mile (based on the quality of the fishery as determined by our Environmental Services Section stream crew); and stream or river access sites at \$100-\$1,000 per acre. Like Jake, we saw some holes in participation in our program in urban areas where folks are a little more leery, so we are applying what WIHA did by offering, this first year, a 50-percent urban bonus in lease rates, so they are \$63 an acre. Typically our FISH program participation will include 175 sites, with approximately 1,175 acres of impoundments, 90 stream or river miles, and about eight stream access sites. The future of the FISH program is that our grant has been extended through 2013, and we will continue to work to expand into urban areas. We have had FISH properties at The Nature Conservancy’s Tallgrass Prairie for a couple of years in a handful of their ponds and we want to strengthen these partnerships, and The Nature Conservancy is excited to be working with us and are interested in expanding their lease to include about 25 ponds on their property. We also want to look at ways to include perpetual easements in our program, where we bring in multiple landowners on a stretch of really nice stream and make a larger stretch open to the public and provide longer leases open for perpetuity. The CFAP program began in 2005, and we lease fishing rights from cities and counties, and it is a 100 percent reimbursable federal aid grant. The primary objective of CFAP is to remove those additional local fees to access community-owned waters. The secondary objective is to improve the quality of the fisheries resources and angler facilities like boat ramps, restrooms and those sorts of things, but also the fisheries themselves. By partnering we are able to get into those lakes and do some management. Lease amounts simply replace past revenues from local fees or if they didn’t have a fee, we calculate based upon the quality of the fishery. These calculated leases are based upon: surface acreage, family friendly facility status, additional angler facilities (like heated fishing docks), fishery quality, and presence or absence of habitat management plans. On the family-friendly

facility status, we actually pay them extra if they provide a couple of amenities that are more attractive to families, specifically if there is a lot of shoreline access where you don't have to have a boat to go fishing; or there is security lighting; regular security patrols; flush toilets; and no alcohol. We are really starting to recognize that we have diverse user groups out there that expect different things at different fisheries and we want to try and meet those expectations. By leasing the fishing rights, the communities can no longer charge anglers to launch a boat or fish from the shore, and KDWP assumes fishery and habitat management, regulation authority, stocking, and sampling responsibilities. We have a handful of non-cooperators out there who are now coming to us and want to know why they aren't catching as many fish as they used to and that is because we have to focus our efforts on our cooperators and help them make their fisheries as good as possible. Since 2005 we have leased these fishing rights to about 90 percent of community-owned fisheries in the state. Annually, that includes about 131 cooperators, 227 ponds or lakes, for a total of 12,589 acres. The program is growing with the addition of Overbrook Kids Pond, a nice 50-acre lake in Syracuse out west, and Ulysses will be coming on soon, as well as a new pond in Valley Center. There are some other ponds that cooperators wouldn't have taken on if it had not been for their experience with us in the program. They have been given the opportunity from a landowner who developed it and made a retention pond and now they are taking that on because they have the backing of KDWP to make this a quality fishery. One of the really great opportunities coming through CFAP is we are partnering with Horse Thief Reservoir Benefit District. It is filling up right now, and we already have an MOU with them. When filled, we will have a 450-acre lake just north of Dodge City and Jetmore and that will really fill in some opportunity for us out west. Since 2005 we have distributed nearly \$3 million in CFAP leases. The cooperators are required to document spending -- 75 percent of the money we give them on the operation and maintenance (O&M) of their fishery, but they have actually documented nearly \$5 million in O&M, 250 percent more than required and almost \$2 million more than we gave them. Working with them to make better fisheries, showing an increased presence and giving them money up front is helping them take additional pride in their fishery and making it more a focal point of their town. Essentially, the partnerships between the cooperators and CFAP have resulted in the removal of a major barrier to angling participation -- that additional fee -- helped to increase the quality of fisheries and angling amenities, and increased the stature of KDWP with local communities. The program is completely paid for through federal aid and, according to cooperator surveys, it has increased angling participation at their waters. So it is working, and that is what we wanted to see happen. It is doing so well, we were recently nationally recognized by winning the 2009 Outstanding Sportfish Restoration Award for Access from the American Fisheries Society's fisheries administration section. At the March Commission meeting in Topeka, the fisheries administration section president is going to come and present the award to Secretary Hayden and to the Commission for this program. At Wildlife and Parks we have some best kept secrets out there, and we don't want these to be FISH and CFAP. We really worked to increase public awareness through KDWP internet, social networking sites, blogs, newspaper articles, fishing regulations, videos, and proper signage. All FISH and CFAP locations are published in the annual fishing atlas publication to inform anglers of their location by including an index of FISH sites, boat restrictions, fish species present, and the water type. Our FISH and CFAP would not happen without all of our district biologists and our hatchery folks producing fish to stock these and manage these, so it is really the entire fisheries section's effort for these two programs, and

we are proud of them. The final slide shows my six-year-old son, Hunter, fishing on a CFAP lake at Pratt County on Father's Day. Commissioner Meyer – If I carry my fishing pole can I throw my canoe on one of these rivers? Lang – Where we have stream access sites on navigable rivers? Commissioner Meyer – On anything you have leased? Lang – Anything we have leased on a stream stretch, absolutely. Commissioner Meyer – So I can fish from a canoe there? Lang – I would hope you actually are fishing. Commissioner Shari Wilson – I don't think we should wait until March to recognize our fisheries staff for their award. I think that is amazing and wonderful. Thanks for all of your hard work (*round of applause*). Chairman Johnston – Of the 10 percent of community waters not participating, is there a common thread behind their reasons on why they are not interested in participating? Lang – Probably the two hardest nuts to crack are probably Wyandotte and Johnson County, and that has very little to do with us and most to do with one county not wanting the other county's residents to cross over, whether that would actually happen or not. We have been in conversations with them and are trying to stay in contact and remind them that they are jumping for one in the bush and I am going to put one in their hand.

4. Fall Turkey Season - Jim Pitman, wildlife biologist, presented this report to the Commission (Exhibit H). We have four hunt units in Kansas for turkeys, both spring and fall. We sell turkey permits over-the-counter for three of the four units, the exception is southwest Kansas -- Unit 4, and you can buy up to three additional game tags which will allow you to take up to four birds in Unit 2 in the eastern half of the state. In the 2008-2009 turkey season, we sold 13,984 fall turkey permits and game tags, of those there were 3,281 game tags sold. Those numbers are down by about 1,200 from the prior year and down nearly 2,500 from 2006 when fall license sales for turkeys peaked. We expect the decline has something to do with the turkey numbers that have dropped off in the eastern part of the state. Our success rates for last fall was 42 percent across the state, fairly consistent with what we have been seeing only fewer people. Of the 4,781 estimated turkeys harvested, 34 percent were females (mostly males harvested), which is typically not what you think of during fall harvest. We have seen a decline in the eastern third of the state, most notably in southeast Kansas due to poor production. This past summer was more conducive, still really wet, but not like in the past few years, and our indices to production were back up near average. Not great, but an improvement from record lows. It takes two years for hunters to actually see birds in the field, so next spring will still be tough. We still have a long way to go from where we were four or five years ago. The department is concerned about that turkey decline, but we evaluated the harvest regulations to see if there was any benefit to reducing harvest in the fall, and we determined that was not the case because we harvest such a small percentage of the turkey population out there that we felt there was little benefit to be gained. For example, if we completely eliminated fall turkey hunting in southeast Kansas, we would save about 300 hens across the whole region and we felt that was insufficient to have much effect on populations. We are not recommending any changes to fall regulations for next year. Commissioner Lauber – The production index, is that calculation or formula available online or somewhere that I could see it? Pitman – I would be happy to get it to you. I don't think it is online yet, but should be this winter. Commissioner Lauber – I am curious how that is determined. Do you have the number of days that had rain, temperature, etc. or is it checking with what the mail carriers see? Pitman – We actually have two different things. The rural mail carriers survey where I develop an index of poults to adults back through the early 1980s, and within the last four or five years our department staff have been counting turkeys

when they do their August roadside counts for pheasants and quail. From our departmental data, I came up with a poult to hen index and for the last four or five years our data and the mail carrier survey have been highly correlated. Commissioner Lauber – So you have had that information to come up with the 2009 hatch? Pitman – Yes, I have that for 2009, from mail carriers and I have seen some preliminary stuff from our department index, and it is showing about the same thing. Chairman Johnston – Last meeting we discussed approving the idea of selling an early combined spring turkey and game tag permit for a lesser price on the hopes of stimulating some license sales, is that correct? Pitman – Yes, that is correct. Chairman Johnston – Will that offering increase harvest? Pitman – If we sell more permits it is likely that we will have an increase, but it is hard to say how much until we actually go through that process, but spring harvest of turkeys doesn't really have much to do with population change unless you harvest 60- to 80-percent and we are nowhere near that based on bands and telemetry data.

5. Status of Lesser Prairie Chicken State Listing Review – Ed Miller, nongame biologist, presented this report to the Commission (Exhibit I). I am the spokesman for Threatened and Endangered Task Committee, and I was in front of you in June when we completed the five-year review of our list of threatened and endangered species and species-in-need-of-conservation, and I did not expect to be in front of you again for a few years. However, in July a petition was submitted to Wildlife and Parks to list the lesser prairie chicken as a state threatened species, submitted on behalf of the Kansas Ornithological Society and six Audubon Society chapters. The Task Committee met, and our objective was to determine if the petition contains substantial evidence to warrant a review, which would not imply anything about whether it should or shouldn't be listed but simply that a thorough review would be used to make a final recommendation after all required statutory actions are met. The Committee met in September and last Tuesday, and yesterday we submitted a recommendation that it does warrant a review to Secretary Hayden, and it is his decision to accept or reject that recommendation. Secretary Hayden – After reviewing the recommendation, I agree that further investigation and review is warranted. Ed Miller – We looked at the statutory factors that were laid out for us. Those are: 1) the present or threatened destruction, modification or curtailment of the species' habitat or range; 2) the over utilization of such species for commercial, sporting, scientific, educational, or other purposes; 3) disease or predation; 4) inadequacy of existing regulatory mechanisms; and 5) the presence of other natural or man-made factors affecting its continued existence within the state. Of these factors the Task Committee recognized just one; that was the present or threatened destruction, modification or curtailment of the lesser prairie chicken habitat or range. We could not deny that two probable threats are looming: the expiration of CRP contracts and probable loss of habitat due to reconversion to row crops; and increased fragmentation due to energy development infrastructure that would reduce habitat suitability or connectivity between separate populations. The Task Committee feels we need input of experts in lesser prairie chicken biology to incorporate their expertise into the final recommendation. We also recognize it is difficult to quantify the scope and affect of future threats. The Committee also recognizes the ongoing and pending conservation actions could allay, alleviate or even eliminate the need to list the lesser prairie chicken as a Kansas threatened species. Commissioner Shari Wilson – How does this further investigation impact any process that windfarms may be going through in terms of siting. Ed Miller – From what we understand, wind energy companies are acceptable to recommendations on siting at this point. Commissioner Shari Wilson – For now

the process for the energy developers stays the same? We review those proposals right? Ed Miller – Correct. Commissioner Lauber – I assume nothing good will come from this either way. Whenever you have something listed, you almost have to go with the review, and we are either going to find them not warranted but threatened, but it is always going to be running counter to the interest of wind energy. I can't see much silver lining in this at all. This is ultimately going to be the start of one less species we are going to be able to hunt in 20 years and then lesser prairie chickens will be confused with greater prairie chickens and then all prairie chickens will have to be protected. I am trying to be upbeat and it is a struggle. Ed Miller – I am with you.

C. Workshop Session

1. Big Game 115-4 Series Permanent Regulations – Lloyd Fox, big game wildlife biologist, presented this report to the Commission (Exhibit J). This is the second time to discuss this, and we will workshop them again in January with a goal of completing them in March along with 25-9. At this point, we have all of the permanent regulations that deal with deer open: 115-4-2; 4-4; 4-6; 4-11; and 4-13. At this time we do have a couple of issues that have been brought forward. One special area of concern is in regulation 4-2 dealing with carcass transport, especially interstate transport. Chronic wasting disease (CWD) continues to expand and increase in prevalence. No technique is available to wildlife managers that will prevent this disease; however, some techniques may reduce some aspects known to be potential sources of infection in the spread of the disease. Long distance movement of intact deer carcasses with improper disposal of waste may contribute to the spread of CWD. Thirty-five states currently have regulations dealing with the movement of deer carcasses, and there are inconsistencies among states that result in confusion and difficulty for hunters. Deer legally taken in Kansas and transported through other states were confiscated last year as a result of our regulation. Our regulation requires that the head remain attached, and some of the other states are prohibiting deer to be transported that way. Hunters can have their deer processed and shipped, but as far as moving the whole carcass through our state, they are required to have the head attached. Staff discussions continue to address changes in these regulations, like pronghorn hunting at the same time as our early firearm deer hunting and the issue of requirements for blaze orange. At this point, the staff does not have a proposal for a change in these regulations. Chairman Johnston – I had an opportunity to attend the meeting of the Midwest Deer and Wild Turkey Working Group and a significant portion of that program had to do with CWD and other diseases. In between sessions, you advised me that in Kansas we have a CWD contingency plan and you gave me some information about additional research being done. Could you enlighten us? Fox – We have a CWD contingency plan, and we brought that to the Commission probably three to four years ago, maybe longer. It is being reviewed by staff right now. Shane Hesting is our CWD coordinator, and he is reviewing that and will make recommendations if necessary. Chairman Johnston – One of the presentations was from another state, where a particular region of the state was being discussed where the diseased animals were predominantly located, and there had been some encouraging work being done with a CWD active control project where the diseased animals were being found. Fox – That is Illinois. They have a section in the northcentral part where CWD occurs in some suburban areas and adjacent to suburban areas, and they are using department personnel to address that and have had some preliminary encouraging results. At least they are holding their own with this disease, while most other states are having difficulty saying that. Chairman Johnston – When do you expect hearing something about that review? Fox

– CWD is a disease that has a long protracted epidemic time period and even when we see changes for a few years that may not be the whole answer. This is disease that the experts are talking about having an impact for 40-80 years. In some of the western states, where CWD started, they are seeing severe local impacts beginning to take place, but after it was found in the early 1990s. So it will take awhile before they can say.

2. Deer 115-Series Regulations – Lloyd Fox, big game wildlife biologist, presented this report to the Commission (Exhibit K). Deer; open season, bag limit, and permits in KAR 115-25-9 is brought forth with annual adjustments in season dates and application periods. Also, potential changes in units where extended firearm seasons may occur and the number of permits available for hunters to use for antlerless white-tailed deer. The recommendation for season dates for 2010-11 deer season are as follows: youth and disability is September 11, 2010 to September 19, 2010; early muzzleloader is September 20, 2010 to October 3, 2010; archery is September 20, 2010 to December 31, 2010; early firearms in Unit 19 is October 9, 2010 to October 17, 2010; regular firearms is December 1, 2010 to December 12, 2010; extended firearms season is January 1, 2011 to January 9, 2011; and last year we had three units with a special one-week addition to that extended whitetail antlerless season and those were DMUs 7, 8, and 15 and that season would be January 10, 2011 to January 16, 2011; and extended archery in Unit 19 would be January 10, 2011 to January 31, 2011. We are attempting to bring the nonresident application period ahead one month from May 30 to April 30, 2010 and the deadline for the resident drawing for either-species either-sex move to the second Friday in July, which will be July 9, 2010 this year instead of July 15. We will also be looking at and collecting additional information to see if we want to include additional units in the extended season and if we want to change the number of permits the hunters can get in some of the deer management units. We will wait until we get further information for that. Also, in this regulation we have Fort Leavenworth and the Smokey Hill Air National Guard seasons and they are the same time period and general sequence that has occurred in recent years. Fort Riley's season will be coming forward in 115-25-9a and we will bring that in for general discussion at the next meeting. Commissioner Lauber – It says consideration is being made to allow hunters to purchase five. Can't you purchase five now? Fox – Yes, that is the number of units where they could hunt.

3. Elk and Deer Commissioner Permits – Keith Sexson, assistant secretary for operations, presented this report to the Commission (Exhibit L). We discussed this at the last meeting relative to changing some rules. State statute allows the department to issue up to seven commission permits, including no more than one elk, one antelope, or up to seven deer if elk or antelope are issued. We have been issuing these permits since 2006. What happened, as I described before, this year the 2009 Commissioner permit was purchased by an individual who had also purchased a Commissioner elk permit in 2007 and it was an oversight on our part in not passing along to the organization that received this permit that an individual, by law, could only have one elk permit in a lifetime. Because this individual had one and used that permit in 2007, he wasn't eligible to actually hunt with that permit in 2009. As we got to thinking about that, we wondered if we should consider setting the Commissioner elk permit to be separate from the current elk permits that limit an elk permit to once-in-a- lifetime. In theory an individual could actually buy the Commissioner elk permit and use it every year. One of the issues at hand is maintaining a pool of bidders who have an interest in, and ability, to maybe buy these permits at

a healthy price because the purpose of the Commission permits was to provide funding through the various conservation organizations to go back into hunting and fishing heritage programs or habitat programs that benefit hunters and fishermen in the state and/or our resources. We had recommended to the Commission, when we started this process that they may want to consider exempting the Commissioner permits from the current regulation that limits the bull or any-elk permit to once-in-a- lifetime. On the elk side we would need to prepare regulations that would allow for that. The other side of this was the deer permits of which we generally have five, which allows an individual to hunt for either-species, anywhere in the state, during any season, with legal equipment. Currently the regulation states “that an individual shall not apply for or obtain more than one antlered or horned big game permit for each big game species” which essentially limits one antlered deer permit per individual per year. Again, do we want to pursue a regulation change that would allow an individual to purchase a Commissioner deer permit, use it, and also be eligible for a regular deer permit? It would be the one opportunity for an individual to take two antlered deer in the state. On the one side, we do have mule deer available for nonresidents through the mule deer stamp program and the whitetail either-sex permits that are available on an unlimited basis to our residents, but in this case we would be providing an opportunity for someone to purchase a Commissioner permit and use that permit to the full extent of its eligibility and that being mule deer or whitetail, anywhere in the state, during any season. We are continuing to recommend that we come back in January with regulations to exempt from current regulations, the Commissioner permits for elk and deer which allow individuals to purchase those permits, use them accordingly, and still be eligible for the regular deer permits and not be held to the once-in-a-lifetime on the elk side. Commissioner Lauber – On the deer, you are recommending they can have one Commissioner Permit and a regular statewide permit? Rather than someone having seven, you could have one statewide and one Commissioner Permit? Sexson – That is what we are thinking. Commissioner Lauber – This drives the value up, which is the goal and a good thing for the organizations. We screen the applicants who are eligible to receive our Commissioner permits and we have to be satisfied that the money goes back into habitat. I would limit it to one Commissioner deer permit, but other than that I think we should do it. Chairman Johnston – If we make this change on elk permits, the situation could still arise where the same person could, over the course of ten years, outbid and purchase several elk permits? Sexson – That is correct, there is only one per year, but theoretically the same person could outbid anybody trying to get that permit. We can see how that goes and look at the program again if it looks like that is happening. Chairman Johnston – While it is one thing to make a decision to breach the previous policy decision of the department to allow one bull elk permit in a lifetime, to allow two; but to consider making a change that could potentially increase that to three is a bridge too far for me. I would be more content on the elk permit to allow an exception if they had received a previous elk tag, but did not fill their tag, but I am just one voice. Commissioner Lauber – I understand and see your point, but I tend to think it is going to be scattered every year to a different person, because the permits go to different organizations. As long as we have two rich guys in the state of Kansas, they will bid against each other. If it becomes abused and apparent that the last rich guy standing gets the permit all the time, then we may have to modify and go with Kelly’s approach. We want to generate income, as that is what it is designed to do.

VII. RECESS AT 4:15 p.m.

VIII. RECONVENE AT 7:00 p.m.

Chairman Johnston – I would like to thank the Sedan Chamber of Commerce and VFW Post 6373 for welcoming us to your community and building.

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 M).

1. KAR 115-25-6. Turkey; spring season, bag limit, permits, and game tags - Jim Pitman, wildlife biologist, presented this report to the Commission (Exhibit N). For the spring turkey season we offer permits over-the-counter for three of our four units, the exception being Unit 4 in southwest Kansas where we allocate 325 permits in a pre-season draw. This past year we had 510 applicants for those 325 permits and that resulted in 19 landowner/tenants not successfully drawing a permit, as well as 27 youth. The department is recommending we make youth permits valid in any unit which would alleviate some of the over-subscription in Unit 4. Assuming we get the same number of applicants next year we should be able to fulfill demand with that change. Harvest rates that we are gathering from band data and radio telemetry indicate that our turkey population can withstand the added hunters that a statewide youth permit would result in.

Commissioner Shari Wilson moved to bring KAR 115-25-6 before the Commission. Commissioner Frank Meyer seconded.

The roll call vote on KAR 115-25-6 as recommended was as follows (Exhibit O):

Commissioner Bolton	ABSENT
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 115-25-6 passed 6-0.

2. KAR 115-2-1. Amount of fees – Spring Turkey Permits - Mike Miller presented this report to the Commission (Exhibit P). This is the third time you have heard this proposal. This came from the Marketing Task Force and was a recommendation to look at incentive-based

permit sales, both in date of purchase as well as a combination. We are proposing to combine a turkey permit with a spring turkey game tag with a \$5 savings if you buy them both before March 31, which is the first day of the turkey season. It would be for youth, residents and nonresidents.

**Commissioner Frank Meyer moved to bring KAR 115-2-1 before the Commission.
Commissioner Shari Wilson seconded.**

The roll call vote on KAR 115-2-1 as recommended was as follows (Exhibit Q):

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

The motion as presented KAR 115-2-1 passed 6-0.

3. KAR 115-2-3a. Cabin camping permit fees – Mark Stock, presented this report to the Commission (Exhibits R, S). This is the third time we have brought this before you. We are proposing an amendment which allows us to align the rental fees for what we are charging at Crawford and makes an adjustment for Cheney for a proposed cabin. These fee changes for cabins come to you each year so we can anticipate what cabins will be coming online and therefore can charge the rental rates for those fees.

**Commissioner Shari Wilson moved to bring KAR 115-2-3a before the Commission.
Commissioner Robert Wilson seconded.**

Commissioner Doug Sebelius moved to amend KAR 115-2-3a. Commissioner Shari Wilson seconded.

The roll call vote on KAR 115-2-3a to amend was as follows (Exhibit T):

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

The motion as presented KAR 115-2-3a passed 6-0.

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

Commissioner Bolton	ABSENT
Commissioner Lauber	Yes
Commissioner Meyer	Yes
Commissioner Sebelius	Yes

Commissioner R. Wilson	Yes
Commissioner S. Wilson	Yes
Commissioner Johnston	Yes

The motion as presented KAR 115-2-3a passed 6-0.

4. KAR 115-7-1. Fishing; legal equipment, methods of taking, and other provisions – Doug Nygren, fisheries section chief, gave this report to the Commission (Exhibit U). This regulation establishes legal fishing equipment for sportfish and non-sportfish. Proposed amendments would allow the use of bowfishing for three sportfish: blue catfish, channel catfish and flathead catfish in certain locations and subject to certain restrictions. Also, we want to remove the mandatory take provision on paddlefish snagging, we want to allow people to throw back short fish.

**Commissioner Gerald Lauber moved to bring KAR 115-7-1 before the Commission.
Commissioner Robert Wilson seconded.**

The roll call vote on KAR 115-7-1 as recommended was as follows (Exhibit X):

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

The motion as presented KAR 115-7-1 passed 6-0.

5. KAR 115-7-3. Fish; taking of bait fish or minnows – Doug Nygren, fisheries section chief, gave this report to the Commission (Exhibit V). We want to allow people to use gizzard shad greater than 12 inches as baitfish. Currently our baitfish regulation prohibits the use of bait fish over 12 inches long. This would give people some additional opportunity to take advantage of larger shad for bait.

**Commissioner Robert Wilson moved to bring KAR 115-7-3 before the Commission.
Commissioner Shari Wilson seconded.**

The roll call vote on KAR 115-7-3 as recommended was as follows (Exhibit X):

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

The motion as presented KAR 115-7-3 passed 6-0.

6. KAR 115-7-10. Fishing; special provisions – Doug Nygren, fisheries section chief, gave this report to the Commission (Exhibit W). This new permanent regulation will help us deal with the recent problem that developed having to do with people cutting the tails off of walleye to make them sub-legal in length. While we were doing that we thought it would be appropriate to look at other ways that people might want to mark fish that would be detrimental to the fish population and to our management activities. This regulation will prohibit the marking, tagging, branding, fin clipping or disfiguring of any fish prior to releasing it back into the water.

**Commissioner Shari Wilson moved to bring KAR 115-7-10 before the Commission.
Commissioner Frank Meyer seconded.**

The roll call vote on KAR 115-7-10 as recommended was as follows (Exhibit X):

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

The motion as presented KAR 115-7-10 passed 6-0.

7. KAR 115-8-6. Fishing; fish bait, and seining – Doug Nygren, fisheries section chief, gave this report to the Commission (Exhibit Y). This regulation has to do with the CFAP program that Tom presented earlier and the fact that our current regulation on the prohibition of trotlines is only on bodies of waters that are 500 acres or less that the department owns and manages. There are quite a few of our community lakes that are in excess of 500 acres, the largest one is Winfield City Lake at 1,200 acres. What we propose is to increase the size from 500 acres and less to 1,201 acres or less.

**Commissioner Frank Meyer moved to bring KAR 115-8-6 before the Commission.
Commissioner Shari Wilson seconded.**

The roll call vote on KAR 115-8-6 as recommended was as follows (Exhibit Z):

Commissioner Bolton	ABSENT
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 115-8-6 passed 6-0.

Reversed order because number 9 is included in the reference document which is part of KAR 115-25-14 in number 8.

Chairman Johnston – We are going to take up the white perch control plan at this time. Doug Nygren – At the last Commission meeting we mentioned that in our changes for length and creel

limits that we had a recent development of finding white perch at El Dorado so Craig is going to explain what is going on and what we want to do.

9. El Dorado White Perch Control Plan – Craig Johnson, fisheries biologist, gave this report to the Commission (Exhibit AA). On July 23, 2009, an angler reported the catch of a possible white perch at El Dorado Reservoir. On July 24, 2009, we set short set gillnets and found an adult white perch a little over 8 inches in length capable of spawning. On August 11, 2009, while looking for shad, we ran across a young-of-the-year white perch, so we had proof that they had already spawned in the lake. Last week we finished up the fall October test netting sample and we saw more adult white perch and more young-of-the-year. We don't know how they got there, there are no upstream populations so they didn't just wash in, human transportation would have been required. We have them at Cheney and a couple of other lakes, and they were likely brought in to be used as live bait and either escaped or were released. Unknowingly introduced in Kansas in 1994 through a contaminated striper stocking from a Virginia hatchery. They were discovered in November 1996 and quickly overpopulated at Cheney Reservoir and have become a major management problem. Wilson got them through the same contaminated stocking in 1994. They were also discovered in 1996 and quickly established in the reservoir where they have impacted the sport fishery, but less severely than Cheney. Differences between Cheney and Wilson: Cheney was severely impacted/Wilson was moderately impacted; turbid water at Cheney/ clear water at Wilson, which allows bigger predator fish to see them, with more turbid waters predator fish can't see them as well and younger white perch can escape predation and grow into fish that might be too big for predators to eat; high density of small white perch at Cheney, studded out a few years ago/when kept at low density like at Wilson can grow to a larger size and are more acceptable to anglers; because fish are smaller, four to six inches long at Cheney, there is low angler white perch use/high angler white perch use at Wilson because they are bigger. We think El Dorado is more likely to follow the Cheney scenario, becoming quickly colonized with white perch and also having less clear water, chances of those fish taking off quickly is pretty likely. At Cheney, going back to 1990, the number of fish caught in fall test nets that were longer than 8 inches were white bass and gizzard shad. In 2003, the white perch have basically squeezed everything out. They are predators of eggs, they eat sportfish eggs and larval fish, so if left unchecked they squeeze all of the sportfish out and take over. By 2002, the major sportfish populations had dropped to low densities at Cheney and were composed of low densities of old individuals. Longevity of sport fish populations was threatened due to lack of recruitment resulting from competition with white perch. At Cheney during our fall netting, the number of walleye caught in our nets had a peak in 2002 but it dropped off in 2004. We had the highest peak of white perch density in 2006, but they have declined since then. We have yet to do the 2009 fall sample there. The walleye population dropped off as the white perch increased -- 42-30 stock catch per unit of effort on walleye, up to 48-50 in 2000, but after white perch went down to about 12 and stayed at those lower levels. Wipers weren't hit nearly as bad. They had been managed as a combination fish with stripers, so density wasn't that high, so no big drop because didn't have that many to begin with. White bass have similar life histories and requirements as white perch and really declined until about 2005. In 2002, started on Cheney white perch management plan because of the declining quality of the sportfish populations. It was implemented in fall 2003 when stocking rates were increased for walleye and wiper and protective length and creel limits were established for walleye and wiper of 21-inches and 2/day. In 2007, the white perch numbers were really starting to decline. Sportfish densities improved as the management plan progressed, and if you look at the numbers after plan was in effect, the numbers started going up. The El Dorado plan was designed to

lessen the severity of white perch impacts on sportfish populations and anglers while increasing predator population densities and size of individuals for increased white perch predation. Early increased predation levels will reduce white perch peak densities where most damage is inflicted on sportfish. We would like to begin in January 2010. The three main components are: stocking, impose harvest restrictions, and fish population monitoring. On stocking, we are looking to stock walleye at 25 fingerlings/acre. Historically walleye fingerlings have been stocked, switched over to fry stocking and then zebra mussels came along, which don't make good conditions for fry. Wiper will be stocked at 10 fingerlings/acre and 1 intermediate/acre. Sauger will be stocked at 10 fingerlings/acre. On harvest restrictions, we want to impose 15-inch minimum length limit and 5/day creel on sauger, an 18-inch minimum length limit on largemouth bass, smallmouth bass, and spotted bass, a 21-inch minimum length limit on walleye, a 21-inch minimum length limit on wipers, and a 2/day creel on walleye. Why sauger? Sauger stockings would allow for continued angler harvest of a percid species with 15-inch minimum length limit and 5/day creel and have done well at Melvern and Perry. Sauger would offer similar angling opportunities and table fare as walleye and are easy to differentiate from walleye where saugeye are a little more difficult to tell from a walleye. We have identification posters already in place to show the difference between walleye and sauger. Fish populations will be monitored with standard sampling methods to determine if management goals are met. Commissioner Meyer – El Dorado should be much clearer than Cheney shouldn't it with water coming off the Flint Hills? Craig Johnson – A lot of that depends on water conditions – inflows -- and we have had drought conditions in 2006 and the lake got pretty clear, but with heavy precipitation and flood events in 2007, 2008 and 2009, it is not as clear. Cheney has become clearer recently, and El Dorado has become more turbid. The water would clear under the ice and then in January or February when the springs kicked in and the ice came off the lake came back to turbid, and it hasn't cleared up since. So it was pretty much dirty for the later half of 2008 and all of the 2009 growing season.

8. KAR 115-25-14. Fishing; creel limit, size limit, possession limit, and open season – Doug Nygren, fisheries section chief, gave this report to the Commission (Exhibits BB, CC, DD, EE). We wanted to give you an update on the white perch because we had already submitted our length and creel limit changes to the Attorney General and we will have to vote on it as it was submitted to the Attorney General and then motion for an amendment, then a vote if you want to include the changes that are in place to deal with white perch at El Dorado. On the sauger introduction we are making a recommendation to introduce sauger, but because we have no records of sauger ever being taken in the Walnut River basin we are going to conduct an environmental assessment, which will include the opportunity for the public to comment on the introduction of sauger. There is some debate on whether sauger were ever in the Walnut River. They are native to the Arkansas River and have been found in the Neosho and the Ozark tributaries of the Arkansas River. Some authors think they were native to the Walnut River. The Walnut River is interesting in that back in the early 1900s it had severe pollution from oil field work in the El Dorado area, and we have no records before that time, so we can't say it is a native fish in that area. We will submit the environmental assessment to our federal aid folks in Denver because our hatcheries are funded with federal dollars and we are required to allow them to make a decision, or finding of no significant impact, and if they find that then we won't move ahead with it because it would require a full blown environmental impact study (EIS). The sauger is still contingent upon the finding from the U.S. Fish and Wildlife Service. The changes we have in place in 25-14 are primarily length and creel limits, but we also are making some changes in the reference document relating to paddlefish snagging locations on the Neosho River at Iola and to the Marais des Cygnes River; basically we want to open it up from our up-stream

end of our property on the Marais des Cygnes Wildlife Area to the state line, which is on the federal refuge there. There are no low-head dams there, just pools and riffles, and it will be a different type of paddlefish snagging area than we have had. Traditionally we have been snagging below low-head dams, and this will be open river with an opportunity to take paddlefish from a boat or bank on the riffles.

Commissioner Shari Wilson moved to bring KAR 115-25-14 before the Commission. Commissioner Doug Sebelius seconded.

Commissioner Frank Meyer moved to amend KAR 115-25-14. Commissioner Shari Wilson seconded.

The roll call vote on KAR 115-25-14 to amend was as follows (Exhibit FF):

Commissioner Bolton	ABSENT
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 115-25-14 passed 6-0.

The roll call vote on KAR 115-25-14 as amended was as follows (Exhibit FF):

Commissioner Bolton	ABSENT
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 115-25-14 passed 6-0.

10. KAR 115-20-7. Doves; legal equipment, taking methods, and possession – Kevin Jones, Law Enforcement Division director, presented this report to the Commission (Exhibit GG). The regulation we bring before you tonight, 115-20-7, dealing with the legal equipment for the taking of doves is being proposed for your consideration to account for legal equipment to take exotic doves. Under our regulation migratory doves, which are mourning doves and white wings, are controlled by federal regulation. Exotic doves do not fall within the Migratory Bird Treaty Act so it is necessary for us to pass this regulation so we can stipulate what the legal equipment would be for Eurasian collared-doves and ringed turtle doves. Commissioner Meyer – In reading the question on the use of BB guns and pellet guns? Jones – That is legal under federal regulation. Commissioner Meyer - I have successfully shot starlings at 25 yards with a pellet gun, so I don't see what the point is. Tymeson – Our response to the Joint Committee is on the next page in the briefing book. Commissioner Meyer – I don't have a problem with that.

Commissioner Robert Wilson moved to bring KAR 115-20-7 before the Commission. Commissioner Gerald Lauber seconded.

The roll call vote on KAR 115-20-7 as recommended was as follows (Exhibit HH):

Commissioner Bolton	ABSENT
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 115-20-7 passed 6-0.

XIII. Other Business

Commissioner Shari Wilson – I wanted to point out the latest issue of *Kansas History* has an article about early water control projects at Cheyenne Bottoms. It has some really cool pictures in it. Also, I recently attended the Association of Fish and Wildlife Agencies (AFWA) conference and I really enjoyed it and appreciated the opportunity to go. I was able to learn a lot about different things in a short period of time, it was great. I would like to thank staff for their good work on Built Environment in the Outdoors conference in early October and thank Mike Miller for his help with my presentation by providing me some pictures.

A. Future Meeting Locations and Dates

January 7, 2010 – Kansas Wetlands Education Center at Cheyenne Bottoms, near Great Bend.
March 11, 2009 - Topeka, location TBA
April 22, 2009 – Wichita, possibly Great Plains Nature Center
June 24, 2009 – possibly Herrington or Mankato (to be decided in January)

XIV. ADJOURNMENT

The meeting adjourned at 7:39 p.m.

(Exhibits and/or Transcript available upon request)

Exhibit II – “Sedan, Kansas – The World’s Longest Yellow Brick Road” brochure
Exhibit JJ – “Sedan, Kansas – Birthplace of Emmett Kelly world famous circus clown”=
brochure

Secretary's Remarks

To: Commission on Wildlife and Parks

From: J. Michael Hayden, Secretary of Wildlife and Parks

Subject: Fiscal Status Report

Date: January 7, 2010

The following report is an update on events which have impacted the fiscal status of Kansas Department of Wildlife and Parks (KDWP) since the October 2009 Commission meeting. The condition of the State General Fund (SGF) has not improved and continues to be an area of concern to operations of the agency, primarily the Parks Division.

On November 23, 2009 Governor Parkinson issued another round of SGF allotments to further reduce agency expenditures for FY 2010. These reductions were made to eliminate a negative balance in the SGF and provide for a zero balance for FY 2010. The total reduction for all agencies was \$193.2 million. The action taken by the Governor to balance the SGF for FY 2010 did not include an estimated shortfall of \$150 million for K-12 education funding and included transfers of funds from KDOT and other state agencies.

For KDWP the additional FY 2010 reduction totaled \$434,876. The reduction was implemented by lapsing the unused balance in the SGF accounts for free KDWP permits provided to National Guard members and free hunting and fishing licenses provided to disabled veterans. These lapses totaled \$262,885. In addition, an amount of \$171,991 was deleted from salaries and wages and the Parks Division will not fill eight vacant positions until mid-May, 2010. The total reduction to the Legislative approved FY 2010 SGF appropriation since July 1, 2009 is \$551,670.

During the Legislative Interim the House Committee on Appropriations and the Senate Ways and Means Committee have conducted meetings to discuss the status of the SGF. The SGF status reports provided to the Legislative Committees did not include revenue transfers recommended by Governor Parkinson and do include certain expenditures not addressed by the Governor for FY 2010. The major difference in expenditures is the inclusion of \$155.8 million for additional school finance expenditures. Based on the Legislative estimates, the SGF will need to find additional expenditure adjustments of \$253.6 million to be at zero balance.

For FY 2011 the Legislative estimates provide for estimated revenue of \$5,178.5 billion, the same as the Governor, and expenditures of \$5,537.20 billion which would create a deficit of \$358.7 million in order to achieve a zero balance for FY 2011. In other words based on these estimates, the amount of SGF expenditures for FY 2011 would need to be reduced by 6.5 percent to achieve a zero balance in the SGF. The impact of a 6.5 percent reduction in SGF expenditures to KDWP would be an additional \$362,000.

The 2010 Legislative Session will begin on January 11, 2010 and the FY 2011 Governor's Budget Report will be provided within the first few days. It is anticipated that the Governor will address revenue measures to provide additional SGF resources to lessen the impact of additional reductions to SGF expenditures by state agencies. KDWP will need to

address additional reductions in FY 2011 SGF expenditures if they occur. The Department will advise the Commission as issues develop during the session.

The Commission was advised at the October meeting of the need to consider increases in hunting and fishing license fees effective January 1, 2011. Since that meeting, the department has continued to review revenue to the Wildlife Fee Fund. Through November 30, 2009 revenue to the Wildlife Fee Fund is approximately \$650,000 above last year's receipts. This is primarily due to continued demand by nonresident hunters to hunt deer in Kansas. The department is continuing to monitor receipts and expenditures from the Wildlife Fee Fund and future projections on revenues and expenditures from the Fund indicated that expenditures could still continue to exceed receipts.

At some time, an increase in fees will be needed. However, KDWP is recommending that at this time consideration of a fee increase be delayed until the March 2010 meeting. This will allow department staff to review actual calendar year 2009 permit sales and potential revenue that could be generated by increasing fees. The department will not recommend a fee increase unless there is a concern that future program expenditures could be severely impacted unless action is taken to provide adequate revenue for expenditures and a cash balance in the Wildlife Fee Fund for needs that may develop.

Legislative Update

51	CLOTHING REQUIREMENTS WHILE HUNTING DEER OR ELK; ANNEXATION	GUT AND GO-NO LONGER KDWP
100	Sales tax exemption for fees for guided and non-guided hunts and fishing expeditions and sale of game birds for hunting	SGO-below
124	Affiliation with Kansas police and firemen's retirement system (KP&F) by the Kansas department of wildlife and parks for membership of certain officers and employees	None
189	Creating an outfitter license	None
286	Repealing statutes that authorize the destruction of prairie dogs by certain townships	None
287	Prairie dog management, control and conservation	None
160	Constitutional amendment authorizing legislature to provide for the classification and taxation of watercraft	Passed Senate
1611	Constitutional amendment concerning individual right to bear arms	Passed both Houses
2049	Hunter safety orientation programs in schools	None
2064	Light pollution; night sky protection act	None
2172	New Guide tax exemption bill-amended into	Veto by Gov
2254	Wildlife and parks, relating to lifetime licenses	None
2296	Imposition of conservation fee on certain department of wildlife and parks licenses and permits and depositing proceeds in the state water plan fund	None
2342	Establishing a special season for archery for taking of deer within Shawnee Mission park	None
2346	Sales tax exemption for Kansas hunters feeding the hungry, inc.	None
2362	Extending season to take deer, fees for certain licenses and permits issued by the secretary of wildlife and parks, feed the hungry fund	None
2385	Commissioner of juvenile justice to convey certain land to the Kansas department of wildlife and parks	None
5012	A review of the Pick-Sloan Act	Passed House
5013	Protection, preservation and extension of the productive lives of reservoirs in Kansas	Passed House
5017	Right to bear arms; hunting	HGO-below

Potential Department initiated topics 2010

Removing regulatory requirement for cabin camping fees

Potential Department supported topics 2010

Naming Prairie Spirit as a State Park

General Discussion

Commission Permits Update

Background

In January 2006, the Kansas Wildlife and Parks Commission held the first drawing for Commission permits when one elk and six deer permits were issued to applying conservation organizations. As stated in the statute, there can be one elk, one antelope and up to seven deer permits issued with the limit of permits issued being seven.

In 2006, permits sold for \$49,000 with 59 applications being received. In 2007, permits sold for \$26,973.56 with 119 applicants.

In 2008, permits were won by the Columbus Chapter and the Concordia Chapter of the National Wild Turkey Federation (both deer), Kansas Ducks Unlimited State Committee (elk), National Rifle Association's High Plains Chapter and South Central Kansas Chapter (both deer), Fort Riley Outdoorsman Group, and Quail Unlimited Jayhawk Chapter (deer) which did not purchase or sell its permit. The permits sold for \$24,200 and there were 113 applications.

In 2009, permits were won by two Friends of NRA chapters – Tallgrass and Southwest Kansas (one elk and one deer), Colby Community College Endowment Foundation (deer), two Ducks Unlimited chapters – Northwest Kansas and Kaw River (both deer), and two Pheasants Forever chapters – Sunflower and Smoky Hill (both deer). The permits sold for \$34,951 with 111 applicants.

After the permits are sold by the organization, the amount of the permit is subtracted and 85 percent of the proceeds are sent to KDWP to be used on approved projects. After the projects are approved, the money is sent back to the organization. The other 15 percent can be spent at the organization's discretion.

Recreational Trails Fund Project

Background:

The Kansas Department of Wildlife and Parks held a public meeting on November 18, 2009 at the Great Plains Nature Center, Wichita, to discuss project applications submitted for funding under the Recreational Trails Program. KDWP, Parks Division, administers the program, and funding is provided by the Federal Highway Administration.

The Recreational Trails Program provides for an 80/20 match of approved expenses, with the local entity supplying the 20 percent. Projects must meet accessibility and environmental criteria. Sponsoring entities are also evaluated for their ability to administer the projects and their past performance in handling similar grants.

This year, the department has received \$1.2 million in requests for grant monies with an uncertain amount available to be distributed. At present, Congress has authorized awarding only about \$360,000 with an unknown amount to be authorized later. Thirty percent of the available funds must be targeted for motorized trails, 30 percent for non-motorized trails, and 40 percent for combined trails. A maximum of 5 percent can be spent on administration. Grants over the past decade have funded millions of dollars in trails, improvements and amenities for the citizens of Kansas.

A list of project applications is attached, and a list of recommended applications for funding will be presented at the Commission meeting. After Secretary's approval, the Federal Highway Administration must approve these projects before work can proceed. All projects must go through an extensive environmental review and if mitigation is required, final approval will not be granted until the mitigation plan is approved and completed.

Requested Action: Consensus of the Commission to proceed with the recommended project applications as funding is available.

Sponsor	Project	Project Summary	CO	Total Amt	Requested	Granted	Priority
Category 1 - Non-motorized single-use projects							
Horsethief Reservoir Benefit District	East Side Equine Trail Amenities	2 double vault toilets, parking area, 60 limestone trail markers and site prep	HG	80,200.00	45,000.00	45,000.00	2
Cunningham Lions Club	Walking Path & Restroom	800' of 6' wide path, 1400' of 3' wide path, pour concrete restroom	KM	117,500.00	94,000.00	75,000.00	4
El Dorado State Park	Boulder Bluff Equestrian Campground Shower Building	Replacement of restroom at newly enhanced equestrian camping area with CXT shower building	BU	66,111.04	52,888.83	50,000.00	3
Perry State Park	Final phase of equestrian campground		JF	75,000.00	60,000.00	60,000.00	1
					251,888.83	230,000.00	
Category 2 - Non-motorized diversified-use projects							
City of Chanute	Katy Trails Project	1.5 miles of trail, ADA access, wetland education trail, public restroom	NO	100,182.00	80,145.60	75,000.00	1
City of Burden	Forest Park Trail	2040' x 10' concrete trail, landscaping	CL	74,578.00	59,656.00	60,000.00	
City of Overbrook	Overbrook City Lake Trail, Phase II	Trail, ADA restroom, parking & fishing piers, educational signage, landscaping	OS	143,500.00	114,800.00	100,000.00	4
City of Andover	Central Park Trail	.8 mile of ADA trail to complete the loop around the lake	BU	14,250.00	11,400.00	11,400.00	3
City of Hutchinson	Connecting trail	10,000 feet of trail to connect 30th Ave, with Lorraine, and old K-61 to the rest of the trail system	RN	350,000.00	250,000.00	160,000.00	
City of Shawnee	Environmentally Friendly Electric Vehicle	Purchase of electric vehicle	JO	37,257.14	29,805.71	10,000.00	5
El Dorado State Park	ADA upgrade to Walnut River trail	Upgrade trail to concrete & provide ADA fishing access ramps, electric utility vehicle	BU	71,420.00	57,136.00	50,000.00	2
Tuttle Creek State Park	Spillway Area Vault Toilet	Double vault toilet, parking lot and sidewalk at Spillway Area Campground near trail, also make this section of trail ADA	PT	50,000.00	40,000.00	40,000.00	4
					642,943.31	506,400.00	
Category 3 - Diversified-use projects; both motorized and non-motorized							
City of Garnett	Restroom for go-kart tracks	Restroom that will serve users of two go-kart tracks and Prairie Spirit Trail	AN	36,076.20	30,063.50	30,063.50	1
Green Recreational Trail	Motorized trail	Trail for 50cc cycles and below.	PR	125,000.00	100,000.00	100,000.00	
Sand Hills State Park	Campground Phase 3	Showerhouse, lagoon, etc for equestrian & motorized campground	RN	267,786.00	214,229.00	214,229.00	
					344,292.50	344,292.50	
Category 4 - Motorized single-use projects							
					0.00	0.00	
Educational Funds - 7% of available funds							
KDWP	Re-print trail brochures	Develop, print or reprint trail brochures and signage as needed throughout the year	STWD	12,500.00	10,000.00	10,000.00	
					10,000.00	10,000.00	
Administrative Funds - 5% of available funds							
	5% of the total available Funds staff travel & training				71,727.50	57,382.00	57,382.00
					1,693,087.88	1,306,506.64	1,148,074.50
Approximately \$1,147,640 available to distribute, must spend 30% (\$344,292) on motorized							
	available						
	230,000.00	category 1					
	506,400.00	category 2					
	344,292.50	category 3					
		category 4					
	10,000.00	7% Education					
	57,382.00	5% Administration					
	1,148,074.50						

Public Lands Regulations

Changes in Fisheries and Wildlife Division Public Land Special Use Restrictions which are adopted by reference in K.A.R. 115-8-1 Department lands and waters; hunting, furharvesting, and discharge of firearms are under consideration. This is an annual review of special posted notice regulations on KDWP wildlife areas and state fishing lakes. A list of proposed changes will be provided at the March Commission meeting.

**KAR 115-14-2, 115-14-3, 115-14-4, 115-14-5, 115-14-6,
115-14-8, 115-14-9, and 115-14-10
Falconry Regulations**

Background

The sport of Falconry is the practice of hunting and taking game with raptors. To be permitted to practice falconry, individuals go through a lengthy process of learning how to properly care for, and train the raptors they use in the sport. There are three classes in the falconry permit structure that have requirements with regard to age, knowledge, and proficiency. Each class of falconry allows for different numbers and more difficult types of raptors to be handled in the sport from kestrels and red-tailed hawks for the Apprentice class falconers all the way to peregrine falcons and golden eagles for Master Falconers. Apprentice, General, and Master falconry classes are recognized in Kansas. In order to become an apprentice falconer, applicants must pass a test demonstrating knowledge of basic biology, diseases, care and handling of raptors, literature, law, regulations and other appropriate subject. The apprentice must also be mentored by a sponsor who is either a General or Master Falconer. An apprentice must be permitted as an apprentice for at least two years and receive a recommendation from their sponsor to move to the next class General Falconer. After practicing falconry for at least five years, a falconer can move to the Master Falconer class. Falconry was implemented in Kansas in 1991. There are currently 74 permitted falconers in Kansas.

Discussion

Due to changes in federal regulations, states have been asked to revise their regulations to meet minimum standards as set forth by federal regulations by January 1, 2014. As soon as a state is certified they meet minimum US Fish and Wildlife Service (USFWS) standards for falconry, federal falconry permits will no longer be required in that state.

A State that wishes to allow falconry must establish laws and regulations that meet the standards established by the USFWS. The director of the USFWS must determine that a State falconry permitting program meets the standards established by the USFWS no later than January 1, 2014. At that time, all federal falconry permits and the federal permitting program will end. Falconry will not be permitted in a state after this date until the state develops a permitting program the director of USFWS certifies to be in compliance with these regulations. State regulations may be more restrictive than these federal standards but may not be less restrictive. State regulations must be consistent with the terms contained in any convention between the United States and any foreign country for the protection of raptors and the Migratory bird Treaty Act.

Items required by USFWS for certification of State Falconry permit;

- A copy of the state's Apprentice Falconer examination, which at a minimum must cover laws and regulations, raptor biology and raptor identification, trapping methods, facilities requirements, care of raptors held for falconry, and diseases and health problems of raptors, and training methods.
- Copies of the laws and regulations governing falconry of the state and certification that the laws and regulations meet the requirements of this section.
- Electronic reporting; the state must work with the USFWS to ensure that the electronic 3-186A reporting system for reporting take, transfers, and loss of falconry birds is fully operational for residents of the state.

When the USFWS concurs that the regulations and examination meet the requirements set forth by USFWS, they will publish a rule in the Federal Register adding the state to the list of those approved for allowing the practice of falconry. USFWS will terminate federal falconry permitting in any state certified under these regulations on January 1 for the calendar year following publication of the rule.

Recommendations

Department staff has been in consultation with officers of the Kansas Hawking Club, which is an affiliated member of National Falconry Association (NAFA), to review federal regulations and existing state regulations to determine how to revise the KDWP regulations to meet the new federal requirements.

In general, we agree that adoption of the new federal regulations 50 C.F.R 21.29, which went into effect on October 8, 2008, will be sufficient. There are, however, certain requirements that KDWP staff and officers of the Kansas Hawking Club feel should be more restrictive than federal regulations.

Following are staff recommendations for consideration for the KDWP falconry regulations:

- A lapsed permit may be reinstated at the previously level without retaking the examination in accordance with federal regulations of not having lapsed for more than five years. This is to take into account reasonable circumstances that may occur when an individual may not be able to renew permit or keep birds, such as military deployment.
- Apprentice Falconers can possess only wild caught kestrels, red-tailed hawks, and red shouldered hawks.
- Adopt the lowered minimum ages for falconry classes; Apprentice - 12 years of age, General Class - 16 years of age
- Indoor and outdoor falconry holding facilities need to be constructed and inspected prior to issuance of falconry permit.
- Falconry equipment as outlined by federal regulations shall be possessed by each applicant before the issuance or renewal of a falconry permit
- Adopt federal regulations on types of raptors and when they can be taken but require a valid Kansas hunting license to take raptors from the wild.
- No species listed as Kansas threatened or endangered can be taken
- Each item of equipment used to capture raptors shall be tagged with permittee's name and falconry permit number.
- Raptors taken under a depredation or special purpose federal permit may be used by General and Master Falconers. These raptors are typically golden eagles.

Kansas Coalition for Children in Nature (KCCN)

Background: In April, 2009 Governor Sebelius signed an Executive Order creating the KCCN to promote outdoor experiential activities and environmental education for young Kansans, as well as provide ongoing support for these endeavors. KCCN has been convened and is managed by a Conveners Group to provide leadership and input for the major tasks identified under the Executive Order. The Conveners group consists of: Marie Hall, Kansas Dept of Education; Janet Waugh, Kansas Board of Education; Laura Downey, Kansas Association for Conservation and Environmental Education (KACEE); Kansas Wildlife and Parks Commissioner Shari Wilson, KACEE, Doug Vance, Kansas Recreation and Parks Association (KRPA); John McGrew, Outside for a Better Inside; Cathy Musick, Kansas Foundation of Agriculture in the Classroom; Jessica Bowser, Kansas Dept of Agriculture; Steve Sorenson, Kansas Wildlife Federation; Charlie Black, Kansas Wildscape Foundation; and co-chair Dr. Jerry Hover, Kansas Dept of Wildlife and Parks (KDWP).

The KCCN shall promote the well-being of youth by providing opportunities for increased time spent outdoors and environmental literacy through outdoor experiential activities and formal and non-formal environmental education by developing and implementing: a) Kansas Environmental Literacy Plan and b) The Kansas Children's Outdoor Bill of Rights. The Executive Order has the full support of Governor Parkinson. The Conveners Group will present these plans and a status report on their implementation to Governor Parkinson no later than January 10, 2011.

Current Status: Several meetings of the Conveners Group have taken place, and the Conveners will continue to meet monthly throughout calendar year 2010. Three work groups have been established: Health, Outdoor Experiences and Recreation, and Environmental Education. Each of these work groups has begun work on their tasks. The Kansas Children's Outdoor Bill of Rights has been adopted, and KACEE is taking the lead on developing the Kansas Environmental Literacy Plan. A draft mission statement has been developed: "The Kansas Coalition for Children in Nature promotes the well-being of youth by providing opportunities for increased outdoor activities and environmental literacy." A logo and poster (branding) is being prepared and will soon be adopted and placed on various web sites such as KDWP, KACEE, and Kansas Wildscape. A specific KCCN web site is being developed that will be linked with other web sites. The Conveners Group is currently unfunded, but does receive staff support from the various agencies and organizations. Kansas Wildscape has submitted an application for a grant from the United States Environmental Protection Agency (EPA) on behalf of the Conveners to provide funding in support of the Coalition; a qualified part-time AmeriCorps member will provide much needed clerical and research support through another grant.

The Conveners are actively seeking additional work group members and coalition members along with corporate sponsorship and endorsements. Anyone or any group wishing to become a partner in the coalition may contact Jerry Hover at 620-672-0740 or email jerry.hover@ksoutdoors.com. We ask all to join us in preparing and implementing the Kansas Coalition for Children in Nature.

Overview of Wildlife Education Service Programs and Education Efforts

The department's Wildlife Education Service (WES) consists of staff in several different locations. Mike Rader is the leader of this part of the Education Section, with Shelby Stevens serving as the administrative assistant, and both are located in the Pratt Operations Office. Mike supervises Shelby; Chris Shrack, who is responsible for the operations and programming of the Pratt Education Center; Alaine Hudlin, responsible for wildlife education efforts in the Kansas City metro area and the Prairie Center in Olathe; Pat Silovsky, the director of the Milford Nature Center; and Pamela Martin, the educator at the Kansas Wetlands Education Center at Cheyenne Bottoms.

Mike also administers the statewide OWLS program, the Kansas Archery in the Schools, coordinates Project WILD in Kansas with Ashlyn Kite-Hartwich of Kansas Association for Environmental and Conservation Education (KACEE), is ex-officio member representing KDWP on the KACEE Board of Directors, and leads the Kansas ECO-Meet Committee; as well as various other education and wildlife-related tasks.

The OWLS program has approximately 185-200 sites around the state, serving as outdoor classrooms for schools and other groups.

The Kansas Archery in the Schools program has been active since the summer of 2006 and currently has trained 301 teachers, representing 127 schools from across the state.

The Kansas ECO-Meet program just completed its 11th year as a statewide competition, with eight regional events and a state final. Approximately 500-600 high school students participated in the program each of the last two years. KDWP is in partnership with the Kansas Wildscape Foundation and various federal, state and local government agencies to provide this opportunity. Sponsorship and assistance is provided by many private businesses and individuals.

Shelby has responsibility for administrative support for all members of WES, plus the Boating Education coordinator and Education Section chief. She fulfills public information requests, providing education materials, and sends out materials from the Education Reference Center. This reference center has more than 5,000 items that can be checked out, free of charge, to teachers and other individuals or groups working on wildlife educational efforts. The average number of items sent out per year is approximately 300-400, including Hunter Education materials. She also keeps track of the directories and other information associated with the OWLS program, keeps the training data, and orders equipment for the Archery in the Schools (AIS) program.

Chris Shrack is in charge of operations at the Pratt Education Center and Museum. This facility holds hundreds of items linking the past with the present, showcasing the history of the department. The Education Center has extensive displays, with many taxidermy mounts of native wildlife, aquariums stocked with native fish and turtles, and rooms with live animal exhibits, including various snakes, amphibians, a kangaroo rat and prairie dogs. Chris conducts interpretive programs at the Education Center and at several area schools and other venues. The total number of contacts for the calendar year includes 72 outreach programs, involving approximately 1,800 students.

Alaine Hudlin is the WES representative in the Kansas City metro area, with an office in the Kansas City District office and working office at the Prairie Center, a 300-acre natural area in Olathe. This property is a mix of native grass and woodlands, providing a quality place for outdoor studies. Alaine conducts many outdoor education activities at the center and many area schools utilize it as an outdoor classroom. A major emphasis on youth archery is ongoing, with plans for a new archery range, which will be open to the public for special events and daily use. She is working with the Archery Trade Association, area archery clubs and other interested groups to produce a high-quality public-use facility. She assists with local community and school archery efforts, reaching more than 1,500 area youth. Alaine also has the responsibility of supporting local teachers and other groups in environmental education efforts and provided more than 100 programs in that part of the state.

Pat Silovsky is the director for the Milford Nature Center near Junction City. This facility has seen a marked increase in visitation and program requests since the recent growth of Fort Riley. Pat and her staff of one full-time person (Vanessa Avara) and a handful of temporary employees are inundated with on-site visitors and off-site requests. The yearly number of visitors at the Nature Center has exceeded 8,000 and the estimated number of participants in interpretive programs is in excess of 16,000. The Milford Nature Center also serves as a regional location for wildlife rehabilitation, which keeps staff very busy, mainly from spring through fall. There are several birds of prey on permanent display at the Center, a seasonal outdoor butterfly house, and extensive live animal exhibits inside and outside of the buildings. The addition of a new classroom in 2009 has increased the on-site education program capability and has been used for various events since its opening. The Nature Center is in close proximity to the Milford Hatchery, so the need for other activities in association with hatchery tours is evident and keeps staff busy entertaining and teaching those groups as well.

Pamela Martin is the KDWP WES representative at the Kansas Wetlands Education Center. She has been fulfilling the role as educator for the facility. She works extensively with the local community, providing wildlife education programs to many groups in the short time the facility has been open. Pam will provide more specific information about her efforts in a separate presentation.

WES staff provides updated and quality wildlife education services to Kansas. This is extremely rewarding work and we strive to supply the latest and best information to KDWP and the constituencies it serves.

Overview of Department Education Programs

Hunter Education, Wayne Doyle

- Staffing: one full time administrative support person (Stacy Hageman), 5 temps operating Laser Shot Systems; 1 clerical half-time temp
- Volunteer coordination (1,200); certification/re-certification workshops
- Statewide hunter education instructor academies
- Quarterly newsletter to instructors
- Annually certify 8,000 hunter education students
- Annually certify 25 bowhunter education students
- Advanced hunter ed clinics (6 to 8)
- Ammunition and targets for live fire in hunter education classes
- Hunter education trailers, firearms, computers, etc.
- LaserShot simulators reach 25,000 shooters per year
- Federal aid compliance

Hunter Education in Our Schools, Monica Bickerstaff

- Recruit and train teachers, sell program to school administrators
- Now have 30 schools participating, with 12 more potential candidates next year

Furharvester Education, Monica Bickerstaff

- Annually certify 800 furharvester education students
- Hands-on courses, new online certification course
- Volunteer instructors

Boater Education, Erika Nighswonger

- Volunteer (Coast Guard Auxiliary) coordination
- Annually certify 1,200 to 1,500 safe boaters. Certifications will increase as 1989 birth date requirement affects more people
- Sport/boat shows (4 to 6 annually, reaching approximately 35,000 people)
- PWC Simulator encourages proper life jacket wear, safety lanyards and basic boating rules
- LE cooperation for boating ed program delivery
- Safe boating marketing/promotion
- Boating Education Safety trailer – conduct 50 – 60 programs annually
- Instructor certification workshops, re-certification workshops
- Bi-monthly instructor newsletter

Becoming an Outdoors-Woman, Ross Robins

- One contractor (Jami Vonderschmidt)
- Annual workshop, 120 participants (maximum capacity at Rock Springs)
- 50 – 60 volunteer instructors
- Acquire materials, equipment

Aquatic Education

- Fishing clinics conducted by Fish and Wildlife Division reach 29,000 kids each year.
- Mobile aquarium
- Support 4-H Sportfishing program
- Aquatic education projects at Milford Nature Center, Prairie Center

Shooting Range Grants, Ross Robins

- Enhance public shooting opportunities through grants to municipalities and gun clubs for the construction and enhancement of shooting ranges
- Communicate with potential grantees and past grantees

Archery in the Schools, Mike Rader

- One part-time temporary employee
- Eighteen certified trainers (almost all department employees)
- Teacher recruitment, training, coordination, fund raising for equipment
- Sell program to school administrators
- Certify 100 teachers per year to incorporate program in their classes

Kansas City Urban Program, Alaine Neelly-Hudlin

- Teacher training, workshops, education classes and teacher in-services
- Youth Education (wildlife topics for grade level specific support)
- General public programming and youth support programming
- OWLS support in Kansas City District

Milford Nature Center, Pat Silovsky

- Staffing: one full-time assistant director (Vanessa Avara), 3 – 4 temporary employees
- Approximately 500 programs (in-house and outreach) with attendance of 16,000
- An additional 8,300 visitors
- Exhibit development/maintenance
- Eagle Days
- Eco-Meets
- Monster Myths by Moonlight
- Wildflower celebration
- Kids fishing clinics
- Local school district/grants/partnership
- "ON TRACKS" author
- 200 orphaned/injured animals each year (rehabber)
- Project WILD, WET, Learning Tree support
- 4-H Sportfishing committee

Prairie Center, Alaine Neelly-Hudlin

- 120 on site school programs, in-service trainings, summer camps, youth and scout groups, archery programs, career fairs and festivals. Host site for community archery program and summer camp efforts with other agencies/entities.
- Archery range (working with HE instructors, checking out equipment)
- Supervise seasonal staff, maintain grounds/pond/buildings

Pratt Education Center and Museum, Chris Schrack

- Education programs reach 1,900 annually
- An additional 2000 visitors annually
- Building/grounds maintenance and improvement
- Exhibit development and maintenance

OWLS, Mike Rader

- Staffing: Two contractors (Jeff Blodig, George Potts)
- Grants for initial startup, also for rejuvenation and enhancement
- 186 schools (maintenance, communication with school sponsors)

ON TRACKS Newsletter, Pat Silovsky

- Quarterly wildlife education newsletter provided to schools on CD, printed copies, and online

ECO-Meet, Mike Rader

- 500 high school students compete each year

Project Wild, KACEE, Mike Rader

- Administration/workshops contracted to KACEE. About 250 teachers (responsible for 8000 students) complete Project Wild training annually

Reference Center, Shelby Stevens

- Provide learning resources to schools, volunteer instructors, department employees (for public programs). 300 – 400 items checked out each year.

Kansas Wetland Education Center, Pam Martin

- Conduct multiple programs for students, adults and children, both on site and through outreach

KACEE and KDWP: A PARTNERSHIP FOR EDUCATION

The Kansas Association for Conservation and Environmental Education (KACEE) is a non-profit, public/private partnership dedicated to promoting and providing non-biased, science-based conservation and environmental education to Kansans. KACEE and KDWP have a long tradition of partnering to deliver education programs designed for pre-K to college-level students. Since KACEE's founding in 1969, the agencies have continually increased this partnership from supporting each other's efforts to KDWP now contracting with KACEE to provide workshops to educators. Programs implemented over the years include the Outdoor Wildlife Learning Sites (OWLS) Program, Project WILD, Project WILD Aquatic, Flying WILD, Kansas Environmental Education Conference, Archery in the Schools, Kansas Green Schools Program, and now Growing Up WILD.

- OWLS - Through the years, KACEE has provided schools that have KDWP-funded OWLS sites with environmental education curriculum that assists teachers with incorporating these outdoor habitats into their classroom learning.
- Project WILD, WILD Aquatic, and Flying WILD - Both KDWP and KACEE have conducted educator workshops on these programs since they were introduced. KACEE holds its workshops at or near KDWP sites whenever possible and has had a number of KDWP staff make presentations on KDWP programs and our state's natural resources at the workshops. For a number of years, the two agencies have cooperated on a Four-State Workshop incorporating the programs.
- Kansas Environmental Education Conference - KDWP has been a sponsor of this conference in each of its 10 years of existence. KDWP staff have made presentations at the conference and manned an exhibit. KDWP staff has also hosted field experiences, which are invaluable to the conference participants. A few of these field experiences include Cheyenne Bottoms Wildlife Area, Benedictine Bottoms near Atchison, and Big Basin Prairie Preserve near Dodge City. KDWP also provides staff to serve on the Conference Planning Committee and Conference Site Selection Committee.
- Archery in the Schools - KACEE includes this program in its workshops whenever possible.
- Kansas Green Schools Program - This program started in August 2008, and provides grants for environmental stewardship projects at schools as well as opportunities for professional development in environmental education for teachers. A number of schools wanting to develop outdoor wildlife habitat areas have been referred to the OWLS Program. KACEE and KDWP have been talking about possible ways to partner further on this program.
- Growing Up WILD - This is a brand-new early childhood curriculum directed at children ages 2-6. KACEE will be conducting facilitator training in this program early in 2010. There is a huge demand for the program across the state.

For the past two years, KDWP has contracted with KACEE to provide Project WILD and WILD Aquatic workshops to educators, thus bringing the programs under KACEE's umbrella of environmental education programs. KACEE is currently tallying workshop and participant numbers and will share them at the Commission meeting.

Kansas Department Wildlife and Parks Commission Meeting
January 7, 2010

Presentation on Kansas Wetlands Education Center

Pam Martin, KDWP Education/Information Rep. and Curtis Wolf, FHSU – KWEC manager

Topics

Report on education programming April –December 2009

 Public programs

 School programs

Report on education goals for 2010

 Public programs

 School programs

 Events

Short history of the KWEC project

Operations of the KWEC, including mission, facilities, hours, and staffing

Visitor statistics from first eight months of operation

Future opportunities and projects for the KWEC in 2010

Workshop Session

KAR 115-25-7

Antelope; open season, bag limit and permits

Background

This regulation pertains to seasons, bag limits, unit boundaries, permits and tags for pronghorn antelope.

Western Kansas pronghorn antelope populations have supported a hunting season since 1974. The firearm pronghorn season has been four days long since 1990 and has started on the first Friday in October. The archery pronghorn season was nine days from 1985 to 2004, and included the two weekends prior to the firearm season. Since 2005, the archery season has reopened on the Saturday following the firearm season and continued through the end of October. A muzzleloader season was initiated in 2001. It has begun immediately after the archery season and lasted for eight days, the last four of which overlap with the firearm season.

Demand for pronghorn hunting opportunities in Kansas by resident hunters remains high. In 2009, 742 people applied for the 180 limited-draw permits, plus another 427 bought preference points. Half the permits are allocated to landowner/tenants who account for a much smaller percent of applicants than general residents, so are able to draw with 0-2 preference points. For general residents, 3-6 preference points are required to draw a muzzleloader permit and 6-8 preference points are required to draw a firearm permit.

Discussion and Recommendations

No changes are recommended for season structure, unit boundaries, bag limits, or permits.

We propose unlimited archery permits be allocated for both residents and nonresidents. Firearm and muzzleloader permits will remain restricted to residents, with half assigned to landowner/tenants and the remainder awarded to general residents. Firearm and muzzleloader permit allocations will be determined following winter aerial surveys.

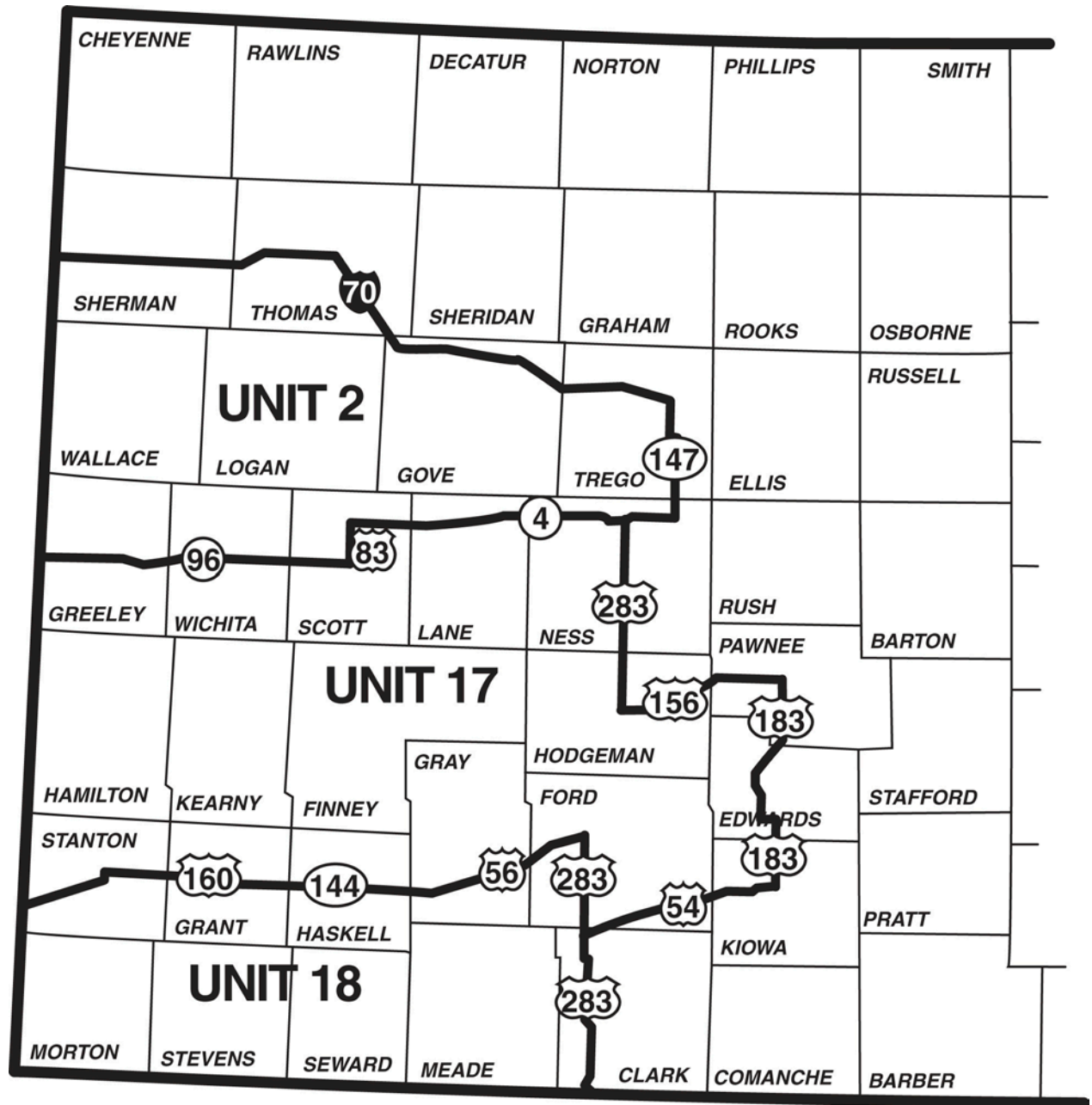
Unit boundaries are proposed to coincide with firearm deer management units defined in K.A.R. 115-4-6, with units 2, 17, and 18 being open. The proposed season dates are:

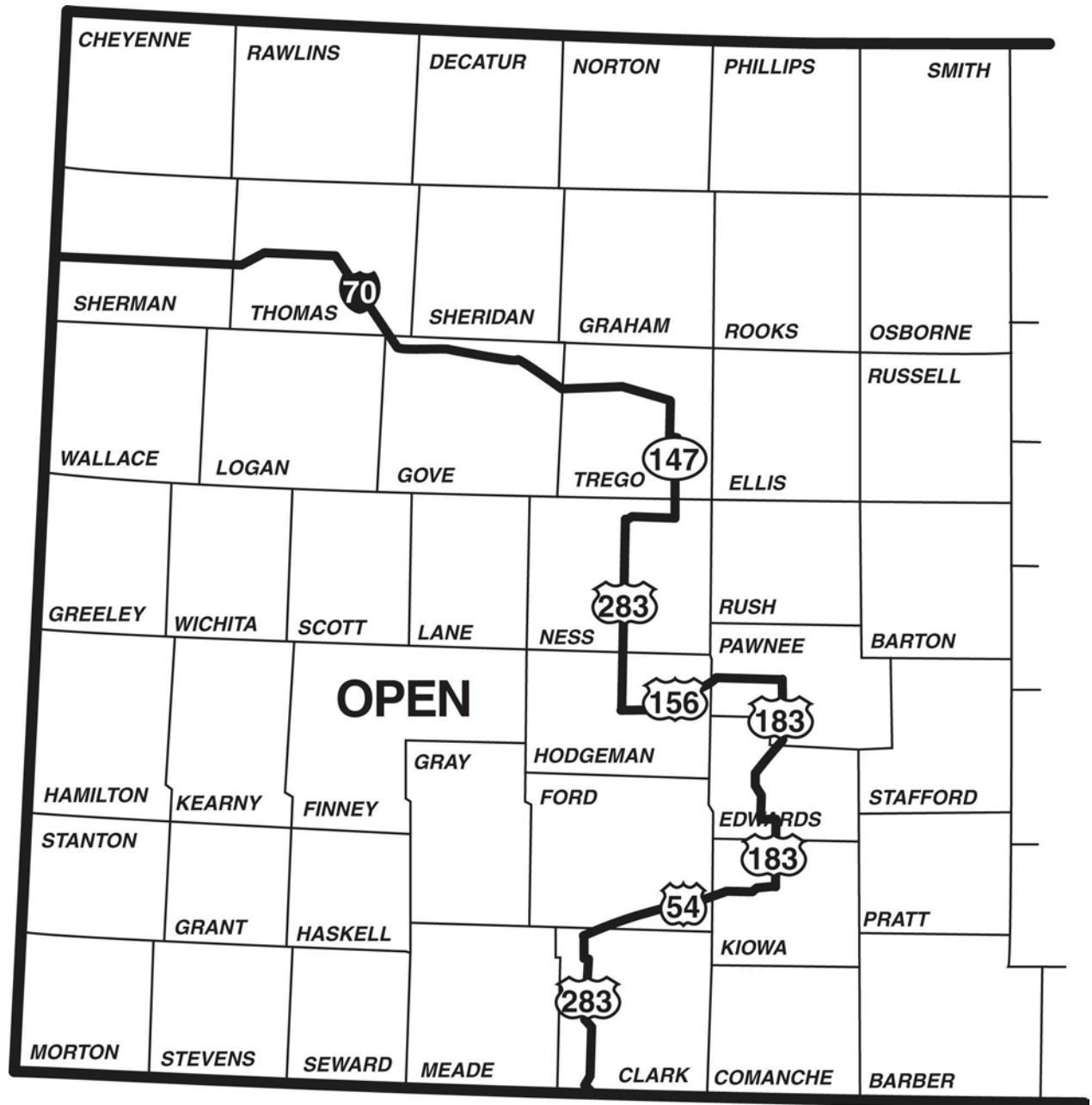
September 18, 2010 through September 26, 2010 and October 9, 2010 through October 31, 2010 for the archery season.

September 27, 2010 through October 4, 2010 for the muzzleloader season.

October 1, 2010 through October 4, 2010 for the firearms season.

The standard application deadline for firearms and muzzleloader permits is the second Friday in June, which would be June 11, 2010. Applications for archery permits would be available through the next to last day of the season.





KAR 115-25-8

Elk; open season, bag limit and permits

Background

This regulation pertains to seasons, bag limits, unit boundaries, permits and tags for elk hunting.

Elk hunting on and around Fort Riley was initiated in 1990. Most of the hunting opportunity in the state occurs on the Fort, and emphasis is placed on maintaining this population. However, elk do exist on private lands, quite unpredictably, and mostly in central and western Kansas. Lengthened seasons and unlimited hunt-own-land permits have been allocated off the base since 1999, and elk hunting was opened statewide (except for Morton County, within which Cimarron National Grassland is located) in 2006. This framework is intended to allow for elk that may be causing crop damage or other conflicts to be harvested, and for landowners to have the opportunity to reduce elk numbers on their property if they so choose without having to go through the draw.

Discussion

Elk populations have become well established in several areas of southwest Kansas, most notably in Hamilton County on the Arkansas River and in Ford County. Harvest by HOL permit holders in these areas has been limited, and landowners in these areas have expressed an interest in more permits being dedicated to the area, and in permits not restricted by land ownership. We believe there are now enough elk to issue some limited draw permits dedicated to southwest Kansas, allowing more opportunity by general residents and for antlered elk by landowners and general residents. However, these elk are mostly found on private land, and the potential for very restricted access exists. And these permits will result in some degree of overlap or exclusion with the current permits, creating some increased level of complication with permitting. The department is currently considering several options for allocating limited draw permits for southwest Kansas, and we hope to have recommendations available to present to the Commission by meeting time.

Recommendations

The proposed season dates on Fort Riley are:

- a) September 1, 2010 through October 3, 2010 for a season in which both muzzleloader and archery equipment may be used.
- b) October 1, 2010 through December 31, 2010 for the firearm seasons with one-third of the antlerless only permits valid during each of the following segments:
 - 1) First segment: October 1, 2010 through October 31, 2010.
 - 2) Second segment: November 1, 2010 through November 30, 2010.
 - 3) Third segment: December 1, 2010 through December 31, 2010.
- c) October 1, 2010 through December 31, 2010 for a firearm season for all holders of any-elk permits.

The proposed season dates outside the boundaries of Fort Riley are:

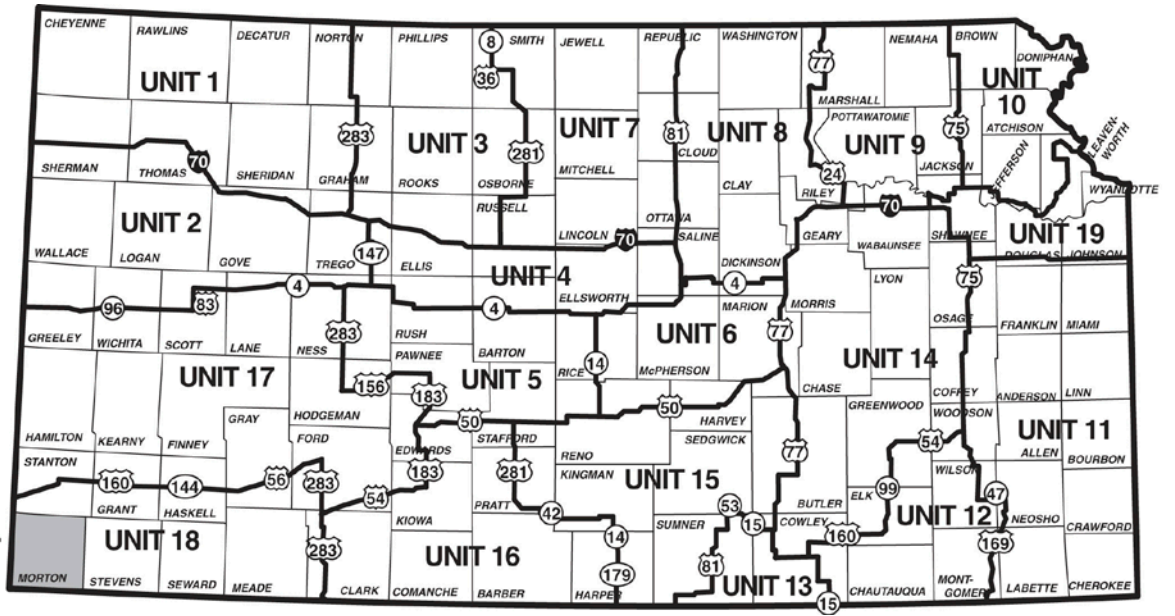
- a) September 1, 2010 through October 3, 2010 for the muzzleloader season.
- b) September 20, 2010 through December 31, 2010 for the archery season.
- c) December 1, 2010 through December 12, 2010, and January 1, 2011 through March 15, 2011 for the firearm seasons.

Unit boundaries are proposed to coincide with deer management units defined in K.A.R. 115-4-6. Permit boundaries are yet to be determined, but permits will be available statewide, except Morton County. An unlimited number of hunt-on-your-own-land antlerless only elk permits will be authorized, and limited-draw permit numbers will be determined closer to the completion of the ongoing season. We recommend elk hunters be required to contact the department when an elk is harvested to submit samples for CWD testing.

Elk permits will be available only to Kansas residents, and permit applications will be separated into military and nonmilitary applicants. The bag limit shall be one elk as specified on the permit.

The standard application deadline for elk permits is the second Friday in July, which is July 9, 2010. Applications for hunt-own-land permits would be available through the next to last day of the season.

MORTON CO.
CLOSED



115-4 Series Deer Permanent Regulations

Background

All permanent regulations dealing with big game have been brought to the Commission for discussion at the August and October Commission meetings. Based on the public comments and input from the staff and Commission, only two of the 115-4 series of permanent regulations dealing with deer hunting are being considered for further review. Information is being brought forward in this Workshop portion of the Commission meeting to allow further review and public comments before final action is taken.

A. K.A.R. 115-4-2. Big game; general provisions.

The regulation contains the following items:

- < Information that must be included on the carcass tag
- < Procedures for transferring meat to another person
- < Procedures for possessing a salvaged big game carcass
- < Who may assist a big game permittee and how they may assist, including the provisions for designated individuals to assist disabled big game permittees.

Discussion

One special area of concern in this regulation involves the requirements for a hunter to transport a deer carcass. Chronic wasting disease continues to expand and increase in prevalence. No technique is available to wildlife managers that will prevent this disease; however, some techniques may reduce some aspects known to be potential sources of infection that could spread the disease. Long distance movements of intact deer carcasses with improper disposal of waste may contribute to the spread of CWD. Thirty-five states currently regulate movement of deer carcasses. Inconsistencies among states can result in confusion and difficulties for hunters. Deer legally taken in Kansas and transported through other states were confiscated last year.

Currently a hunter is required to keep the head attached to the meat of the carcass in order to transport a deer taken on an antlerless permit.

K.A.R. 115-4-2 (a) (1) “Except for a wild turkey or big game animal taken with an “either sex” permit, the beard of the wild turkey or head of the big game animal shall remain naturally attached to the carcass while in transit from the site of the kill to the permittee’s residence or to a place of processing or preservation, unless the carcass has been tagged with a department check station tag.”

Vision

We would like to change this regulation so as to allow hunters to remove the meat from a deer in the field and thus be able to transport only the meat, hide, or cape and antler cap. This would be compatible with restrictions in some states which prohibit a hunter from transporting a deer head or skeleton from an area known to have CWD. This would leave the portion of the deer with the highest potential to contain concentrations of disease transmissible prions in the area where the animal lived, and thus reduce the potential spread of CWD.

Enforcement of regulations dealing with limitations on the taking and possession of deer antlers has been problematic in many states for many years. Some state wildlife agencies have attempted to operate deer check stations. Deer registration and permanent antler tagging programs have been suggested as a means to limit illegal taking and possession. These programs are expensive and inconvenient for hunters. Advancements in technology may provide new alternatives. Digital photography allows images to be taken in the field, sent electronically to a central location and archived for future investigations. Digital photos of deer could assist law enforcement efforts and investigations.

Hunters frequently discuss their recollection of deer antler characteristics. Their recollections may be biased from small samples and perceptions that change with time. A digital photo database would allow deer antler characteristics to be compiled and reviewed in a systematic and professional manner.

Recommendation

A proposal is being offered to create an alternative for deer registration which would allow a hunter take a digital photo of their deer and their completed tag and to send that information to a central storage site operated by the department. The hunter would be given a registration number, which would then allow the hunter to transport the deer in any manner, including as only boned meat. Potential language for this change might be similar to:

K.A.R. 115-4-2 (a) (1) "Except for a wild turkey or big game animal taken with an "either sex" permit, the beard of the wild turkey or head of the big game animal shall remain naturally attached to the carcass while in transit from the site of the kill to the permittee's residence or to a place of processing or preservation, unless digital photos of the head and completed carcass tag have been transmitted to the department registration site and a transportation confirmation number has been obtained from the department."

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

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

Discussion

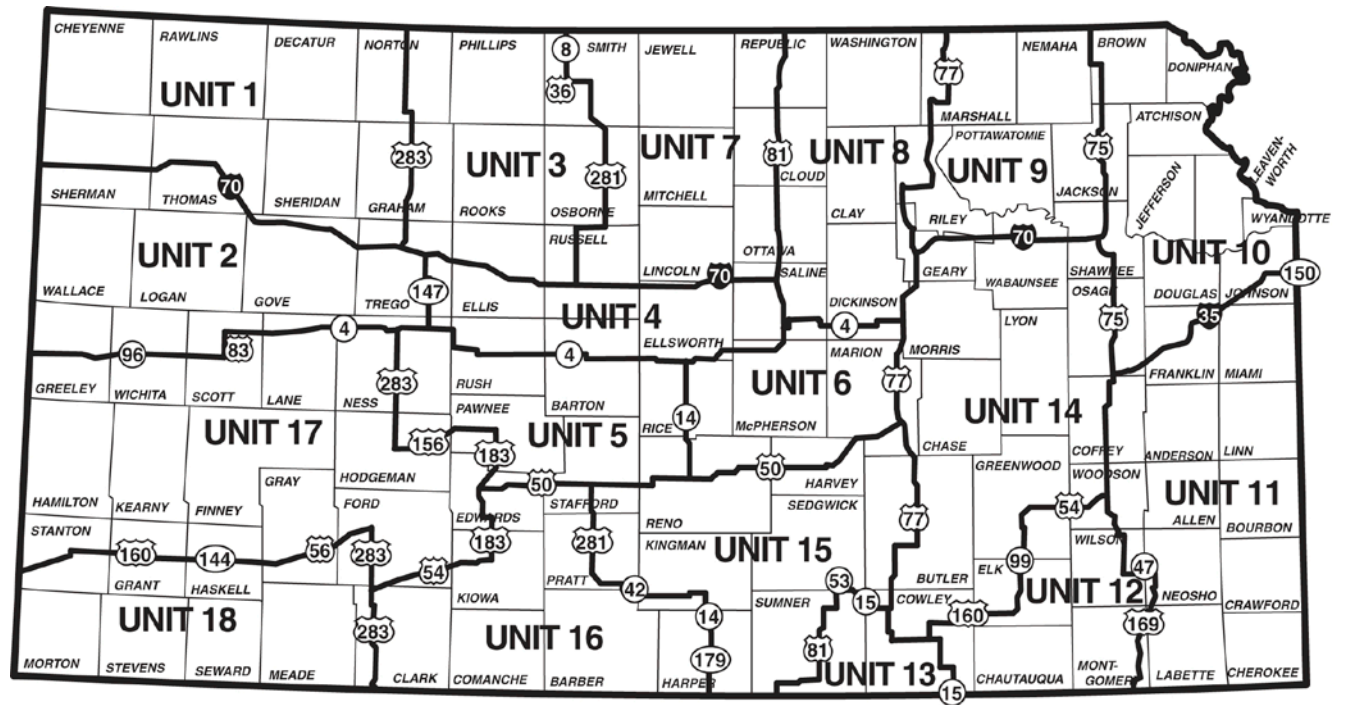
Nonresident deer hunters are allowed to apply for a deer permit in one of 18 Deer Management Units (DMU) and to designate in their application an additional adjacent unit where they may also use their deer permit. Resident deer hunters are not impacted by this adjacent unit system. No permits are specifically allocated for the area of Deer Management Unit 19. Because DMU 19 separates the northern and southern units, it is currently not possible for a nonresident hunter to select DMU 10 and then designate either DMU 11 or DMU 14 as their adjacent unit. Similarly, a hunter who selects DMU 11 may not designate DMU 9 or DMU 10 as their adjacent unit.

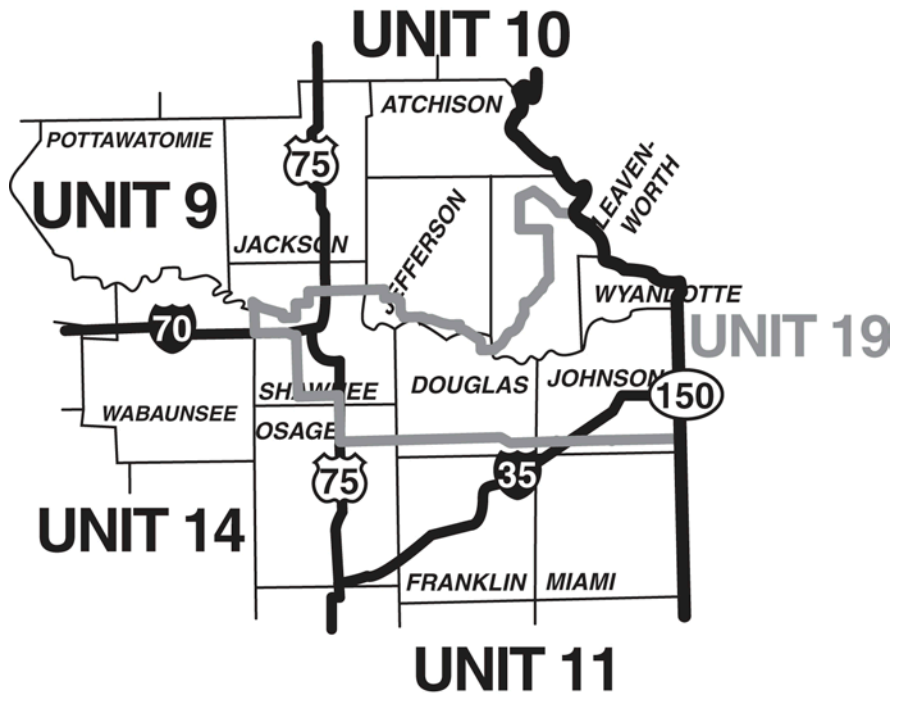
Hunter use of the Clinton Wildlife Area in DMU 19 has been high. Additional hunting pressure authorized for the urban subunit does not appear to be necessary on this property.

Recommendation

Staff has reviewed this situation and considered various alternatives. Returning the unit boundaries to the previous 18 units was considered the most convenient method. However, the value of special seasons and additional permits for hunters using the area of the current DMU 19 was considered important and we recommend retaining those hunting alternatives.

To accomplish the change and yet retain management alternatives, the area of DMU 19 would be designated as the Kansas City Urban Subunit 19 for special seasons and permits without being designated as a separate unit. An additional change in this section of the regulation will exclude all properties owned or managed by KDWP from the urban subunit.





KAR 115-25- 9. Deer; open season, bag limit, and permits.

Background

The regulation contains the following items:

- < Dates of deer seasons when equipment such as archery, firearms, and muzzleloader may be used.
- < Provisions when seasons may occur on military subunits within management units.
- < Dates for a special firearm deer season and extended archery seasons in urban units.
- < Dates of deer seasons for designated persons.
- < Dates and units when extended firearm seasons are authorized and the type of permits and changes in the species and antler categories of those permits.
- < Permit application dates and procedures.
- < Limitations in obtaining multiple permits.

Discussion

Annual adjustments will be made in the season and application dates. Population indices will be examined, and public input will be considered in the development of a list of units where an extended firearm season and white-tailed deer antlerless-only (WAO) permits will be authorized. The number of WAO permits that may be used in each unit will also be evaluated after additional data becomes available.

Recommendation

Season dates suggested for deer hunting during 2010-11 are as follows:

Youth and Disability	September 11, 2010 – September 19, 2010
Early Muzzleloader	September 20, 2010 – October 3, 2010
Archery	September 20, 2010 – December 31, 2010
Early Firearms (Subunit 19)	October 9, 2010 – October 17, 2010
Regular Firearms	December 1, 2010 – December 12, 2010
Extended WAO	January 1, 2011 – January 9, 2011
Special Extended WAO	January 10, 2011 – January 16, 2011
Extended Archery (Subunit 19)	January 10, 2011– January 31, 2011

The extended WAO season for 2010-11 would be 9 days if we follow the pattern during the previous year. Desires of people in DMU 7, 8, and 15 last year resulted in the creation of an additional extended season for one week.

The proposed dates for the firearm season at the Fort Leavenworth subunit are November 20 2010 through November 21, 2010, November 25, 2010 through November 28, 2010, December 4, 2010 through December 5, 2010, December 11, 2010 through December 12, 2010, and December 18, 2010 through December 19, 2010. The proposed dates for the firearms season for

deer hunting at the Smoky Hill Air National Guard subunit are November 23, 2010 through December 4, 2010.

Firearm season dates for deer hunting at Fort Riley will be established in K.A.R. 115-25-9a which will be work shopped at a later date.

The recommendation for the deadline for applications is:

Nonresident	April 30, 2010
Resident Drawing	July 9, 2010 (The second Friday in July)
Unlimited Availability	
1. Antlered Deer	December 30, 2010
2. Antlerless Deer	January 30, 2011

The application deadline for non-resident deer hunters is proposed to end a month earlier than previous application periods. This will allow them to arrange for vacation time or find alternative hunting locations.

Consideration will be made on inclusion of deer management units where an extended firearms season will be authorized after additional data become available.

Consideration is being made to allow hunters to purchase five white-tailed deer antlerless-only permits. The first permit would be valid statewide including on lands management by the department. The second WAO permit would be valid in all but units 17 & 18 and would also be valid at Cedar Bluff WA. The last 3 WAO permits would be valid on a restricted list of units, such as units 7, 8, 12, 13, 15, 16, and subunit 19.

Fish Regulation Correction

In October we passed regulations KAR 115-7-1; 115-25-14; and the reference document. Since that meeting we have noticed some items in those regulations we would like to clean up. Therefore, we are bringing these three items back to workshop at this meeting and public hearing in March.

Public Hearing

KANSAS REGISTER
SUBMISSION FORM

Agency Number -- 710-01

Agency Name -- Kansas Department of Wildlife and Parks

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

Topeka, Kansas 66612-1233

Title of Document -- Public Hearing

Desired Date of Publication - November 5, 2009

ITEMS SUBMITTED IN DUPLICATE

CERTIFICATION

I hereby certify that I have reviewed the attached documents, and that they conform to all applicable Kansas Register publication guidelines and to the requirements of K.S.A. 75-431, as amended. I further certify that submission of these items for publication is a proper and lawful action of this agency, that funds are available to pay the publication fees and that such fees will be paid by this agency on receipt of billing.

Christopher J. Tymeson
Liaison officer's typed name

Liaison officer's signature

Department Attorney
Title

(785) 296-2281
Phone

This space for Register office use only

Wildlife and Parks Commission

Notice of Hearing of Proposed Administrative Regulations

A public hearing will be conducted by the Wildlife and Parks Commission at 7:00 p.m., Thursday, January 7, 2010 at the Kansas Wetlands Education Center, 592 NE K-156 Hwy, Great Bend, Kansas, to consider the approval and adoption of proposed administrative regulations of the Kansas Department of Wildlife and Parks.

A workshop meeting on business of the Wildlife and Parks Commission will begin at 1:30 p.m., January 7, at the location listed above. The meeting will recess at 5:30 p.m. then resume at 7:00 p.m. at the same location for the regulatory hearing. There will be public comment periods at the beginning of the afternoon and evening meetings for any issues not on the agenda and additional comment periods will be available during the meeting on agenda items. Old and new business may also be discussed at this time. If necessary to complete the hearing or other business matters, the commission will reconvene at 9:00 a.m. January 8 at the location listed above.

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

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

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

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

K.A.R. 115-4-11. This permanent regulation establishes general and specific provisions for big game and wild turkey permits. The proposed version would allow individuals to obtain both a commission big game permit and a regular big game permit.

Economic Impact Summary: The proposed amendments are not anticipated to have any appreciable negative economic impact on the department, other agencies, small businesses or the public.

Copies of the complete text of the regulations and their respective economic impact statements may be obtained by writing the chairman of the Commission at the address above, electronically on the department's website at www.kdwp.state.ks.us, or by calling (785) 296-2281.

Kelly Johnston, Chairman

STATE OF KANSAS

ALAN D. CONROY
Director
RANEY L. GILLILAND
Assistant Director for Research
J.G. SCOTT
Chief Fiscal Analyst
MARY K. GALLIGAN
Assistant Director for Information Management



STAFF
LEGISLATIVE COORDINATING COUNCIL
INTERIM COMMITTEES
STANDING COMMITTEES
LEGISLATIVE INQUIRIES

KANSAS LEGISLATIVE RESEARCH DEPARTMENT

Room 010-West — State Capitol Building — 300 SW Tenth Avenue — Topeka, Kansas 66612-1504
PHONE (785) 296-3181 ♦ FAX (785) 296-3824 ♦ TTY (785) 296-3677
INTERNET: <http://www.kslegislature.org/kldr> E-MAIL: kslegros@kldr.state.ks.us

November 24, 2009

Mr. Michael Hayden Secretary
Kansas Department of Wildlife and Parks
1020 S Kansas Avenue
BUILDING MAIL

Dear Secretary Hayden:

At its meeting on November 16, 2009, the Joint Committee on Administrative Rules and Regulations reviewed for public comment rules and regulations concerning big game and wild turkey permit applications. After discussion, the Committee had the following comment.

- Request. Please provide the Joint Committee with information on the total number of commission permits sold by the Department, the total revenue from the sale of commission permits, and a listing of the projects that have utilized funding from the sale of commission permits.

Prior to filing with the Secretary of State, review the history sections of the rules and regulations to update them to the most recent statutory citations, making certain the citations for authorizing and implementing statutes are correct and complete. Please indicate your agency's website address in the filing notice where proposed regulations can be located. In addition, if your agency accepts written comments by e-mail include this information in the public notice. Further, e-mail requests for public accommodation should be included as a part of the notice. Finally, verify that the adoption by reference of any materials included in the regulations is properly completed as prescribed in the *Policy and Procedure Manual for the Adoption of Kansas Administrative Regulations*.

Please make this letter a part of the public record on these regulations. The Committee will review the regulations which the agency ultimately adopts, and reserves any expression of legislative concern to that review.

To assist in that final review:

- Please inform the Joint Committee and me, in writing, at the time the rules and regulations are adopted and filed with the Secretary of State, of any and all changes which have been made following the public hearing.

Secretary Hayden

- 2 -

- Please notify the Joint Committee and me, in writing, when your agency has adopted the regulations as permanent; delayed implementation of the regulations; or decided not to adopt any of the regulations.
- Also, please indicate separately to the Joint Committee and me, any changes made to the proposed regulations reviewed by the Committee.

Based upon direction from the Committee, failure to respond to each and every comment contained in this letter may result in the request that a spokesperson from your agency appear before the Committee to explain the agency's failure to reply.

Sincerely,



Raney L. Gilliland
Assistant Director for Research

RLG/jl



STATE OF KANSAS
OFFICE OF THE ATTORNEY GENERAL

STEVE SIX
ATTORNEY GENERAL

120 SW 10TH AVE., 2ND FLOOR
TOPEKA, KS 66612-1597
(785) 296-2215 • FAX (785) 296-6296
WWW.KSAG.ORG

October 27, 2009

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

Re: **K.A.R. 115-4-11, Big game and wild turkey permit applications**

Dear Mr. Tymeson:

We have reviewed the above-referenced regulation for legality pursuant K.S.A. 77-420, and finding no issues of concern, have approved it.

Sincerely,

OFFICE OF THE ATTORNEY GENERAL
STEVE SIX


Camille Nohe
Assistant Attorney General

CN:cn

Enclosure: Original document

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

S:\Logic\CNohe\REGULATIONS\KDWP\115-4-11.wpd

115-4-11. Big game and wild turkey permit applications. (a) General application provisions.

(1) Unless otherwise authorized by law or regulation, an individual shall not apply for or obtain more than one antlered or horned big game or wild turkey permit for each big game species or wild turkey, 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 or when the individual is the final recipient of a commission permit.

(2) Unless otherwise authorized by law or regulation, each big game or wild turkey permit application shall be signed by the individual applying for the permit.

(3) Subject to any priority draw system established by this regulation, if the number of permit applications of a specific species and type received by the designated application deadline exceeds the number of available permits of that species and type, a random drawing to issue permits of that species and type shall be conducted by the secretary.

(4) A hunt-on-your-own-land permit shall not be tabulated in a priority draw system if the permit would otherwise reduce the applicant's odds of receiving a big game permit through that draw system.

(b) Deer permit applications.

(1) Subject to any priority draw system established by this subsection, in awarding deer permits in units having a limited number of permits, the first priority shall be given to those applicants who did not receive, in the previous year, a deer permit that allowed the taking of an antlered deer. All other deer permit applicants shall be given equal priority.

(2) In awarding a limited number of deer permits by a priority draw system, the first priority shall be given to those individuals who have earned the highest number of preference points. Preference points shall be awarded as follows:

(A) One point shall be awarded to an individual for each year the individual is unsuccessful in obtaining, by a priority draw system, a deer permit that allows the taking of an antlered deer.

(B) If the individual fails to make at least one application or purchase one preference point within a period of five consecutive years, all earned points shall be lost.

(C) If an applicant obtains, by a priority draw system, a deer permit that allows the taking of an antlered deer, all earned points shall be lost.

(D) If the number of applicants with the most preference points exceeds the number of permits for specified units or permit types, then a drawing shall be held to determine the successful applicants.

(E) If an individual desires to apply for a preference point for a deer permit that allows the taking of antlered deer and not receive a permit, the person may apply for and receive a preference point by paying the proper application or preference point fee and making application during the application period specified in K.A.R. 115-25-9. No individual may apply for more than one preference point in the same calendar year, and no individual shall apply for a preference point in the same calendar year as the calendar year in which the individual is applying for a permit.

(3) If an individual is a final recipient of a commission deer permit, the individual shall not possess more than one regular antlered deer permit and one commission deer permit.

(c) Firearm antelope permit applications. In awarding firearm antelope permits, the first priority shall be given to those individuals who have earned the highest number of preference points. Preference points shall be awarded as follows:

(1) One point shall be awarded to an individual for each year the individual is unsuccessful in obtaining a firearm antelope permit.

(2) If the individual fails to make at least one application or purchase one preference point within a period of five consecutive years, all earned points shall be lost.

(3) If an applicant obtains a firearm permit by a priority draw system, all earned points shall be lost.

(4) If the number of applicants with the most preference points exceeds the number of permits for specified units or permit types, then a drawing shall be held to determine the successful applicants.

(5) If an individual desires to apply for a preference point for an antelope firearms permit that allows the taking of an antelope and not receive a permit, the person may apply for and receive a preference point by paying the preference point fee and making application during the application period specified in K.A.R. 115-25-7. No individual may apply for more than one preference point in the same calendar year, and no individual shall apply for a preference point in the same calendar year as the calendar year in which the individual is applying for a permit.

(d) Elk permit applications. An individual receiving a limited-quota elk permit shall not be eligible to apply for or receive an elk permit in subsequent seasons, with the following exceptions:

(1) An individual receiving an any-elk or a bull-only elk permit may apply for and receive an antlerless-only elk permit in subsequent seasons.

(2) An individual receiving a limited-quota, antlerless-only elk hunting permit shall not be eligible to apply for or receive a limited-quota, antlerless-only elk permit for a five-year period thereafter. Subject to this subsection, however, this individual may apply for and receive an any-elk or bull-only elk permit without a waiting period.

(3) When a limited number of elk permits are awarded by a random draw system, each individual shall have an additional opportunity of drawing for each bonus point earned by the individual in addition to the current application. Bonus points shall be awarded as follows:

(A) One bonus point shall be awarded to an individual for each year the individual is unsuccessful in obtaining, by a random draw system, an elk permit that allows the taking of an elk.

(B) If an individual fails to make at least one application or purchase one bonus point within a period of five consecutive years, all earned bonus points shall be lost.

(C) If an applicant obtains, by a random draw system, an elk permit that allows the taking of an elk, all earned points shall be lost.

(D) If an individual desires to apply for a bonus point for an elk permit that allows the taking of elk and not receive a permit, the person may apply for and receive a bonus point by paying the proper application or bonus point fee and making application during the application period specified in K.A.R. 115-25-8. No individual may apply for more than one bonus point in the same calendar year, and no individual shall apply for a bonus point in the same calendar year as the calendar year in which the individual is applying for a permit.

(4) Each individual who is the final recipient of a commission elk permit shall be eligible for a limited-quota elk permit, subject to the provisions of subsection (d).

(e) Wild turkey permit applications.

(1) When awarding wild turkey permits in units having a limited number of permits, the first priority shall be given to those individuals who did not receive a permit in a limited wild turkey unit during the previous year. All other applicants shall be given equal priority.

(2) In awarding a limited number of wild turkey permits by a priority draw system, the first priority shall be given to those individuals who have earned the highest number of preference points. Preference points shall be awarded as follows:

(A) One point shall be awarded to an individual for each year the individual is unsuccessful in obtaining, by a priority draw system, a wild turkey permit.

(B) If the individual fails to make at least one application or purchase one preference point within a period of five consecutive years, all earned points shall be lost.

(C) If an applicant obtains, by a priority draw system, a wild turkey permit, all earned points shall be lost.

(D) If the number of applicants with the most preference points exceeds the number of permits for specified units or permit types, then a drawing shall be held to determine the successful applicants.

(E) If an individual desires to apply for a preference point for a wild turkey permit and not receive a permit, the person may apply for and receive a preference point by paying the preference point fee and making application during the application period specified in K.A.R. 115-25-6. No individual may apply for more than one preference point in the same calendar year, and no individual shall apply for a preference point in the same calendar year as the calendar year in which the individual is applying for a permit. (Authorized by K.S.A. 32-807, K.S.A. 2008 Supp. 32-937, ~~and~~ K.S.A. 2008 Supp. 32-969, and K.S.A. 2008 Supp. 32-970; implementing K.S.A. 2008 Supp. 32-937, ~~and~~ K.S.A. 2008 Supp. 32-969, and K.S.A. 2008 Supp. 32-970; effective Sept. 10, 1990; amended May 27, 1991; amended June 1, 2001; amended April 18, 2003; amended Feb. 18, 2005; amended May 15, 2009; amended P-

_____.)

ECONOMIC IMPACT STATEMENT

K.A.R. 115-4-11. Big game permit applications.

DESCRIPTION: This regulation addresses permit application requirements for obtaining big game permits. The proposed amendments would allow individuals to obtain a commission big game permit in addition to a regular big game permit.

FEDERAL MANDATE: None.

ECONOMIC IMPACT: The proposed amendments are not anticipated to have any appreciable negative economic impact on the department, other agencies, small businesses or the public.

ALTERNATIVES CONSIDERED: None.

Secretary's Resolution

2010 KANSAS FREE FISHING DAYS

Under authorities contained in K.S.A. 32-906(f), the dates of June 5 and 6, 2010 are established as "Free Fishing Days." All persons may fish in the waters of the State, by legal means, without a valid fishing license on these dates. All residents and visitors to the State of Kansas are encouraged to use this opportunity to enjoy our outdoor recreational resources.

Date

J. Michael Hayden, Secretary
Kansas Department of Wildlife and Parks

OFFICE OF THE SECRETARY
1020 S Kansas Ave., Suite 200, Topeka, KS 66612-1327
(785) 296-2281 • Fax: (785) 296-6953



DEPARTMENT OF WILDLIFE AND PARKS

Mark Parkinson, Governor
J. Michael Hayden, Secretary

www.kdwp.state.ks.us

Secretary's Resolution

2010 KANSAS FREE PARK ENTRANCE DAYS

Under authorities contained in K.S.A. 32-901(e), the following dates:

- | | |
|---|--|
| Milford – January 16 (Eagle Days) | Elk City - June 12 (OK Kids Day) |
| Lovewell – March 27, 28 (OK Kids) | Scott - June 12, 13 (OK Kids/Cabin Dedication) |
| Cross Timbers - April 22 (Earth Day/OK Kids) | Cedar Bluff - June 12, 13 (special programs planned) |
| Crawford – April 24 (Cabin Dedication) | Wilson - June 19, 20 (OK Kids) |
| Cheney - April 24, 25 (OK Kids) | Eisenhower - June 20 (Father's Day) |
| Kanopolis - April 24, 25 (OK Kids) | Hillsdale - June 20 (special programs planned) |
| Sand Hills – April 24, 25 (Spring Trails Days) | Kaw River – July 3, 4 (Dedication July 4) |
| Pomona - May 1 (OK Kids) | Clinton - August 14, 15 (OK Kids) |
| Meade - May 1, 2 (OK Kids) | Milford - August 21 (Extreme Outdoor Water Festival) |
| Hillsdale - May 9 (Mother's Day) | Tuttle Creek - August 28, 29 (OK Kids) |
| Webster - May 15, 16 (OK Kids) | Crawford - September 18 (Bluegrass Festival & Chili cook-off) |
| Cross Timbers - June 5 (Free Fishing Day) | Fall River - September 25 (National Public Lands Day/Fall River Rendezvous) |
| Fall River - June 5 (Free Fishing Day) | Eisenhower – October 2 (OK Kids) |
| Pomona - June 5 (Friends Fishing Derby/Free Fishing Day) | El Dorado - October 2, 3 (OK Kids) |
| Prairie Dog – June 5, 6 (Free Fishing Weekend) | Elk City - October 30 (Neewollah) |
| Glen Elder - June 5, 6 (Free Fishing Weekend) | |
| Perry - June 5, 6 (Free Fishing Weekend) | |
| Prairie Spirit Trail – June 5, 6 (National Trails Day) | |

are established as “2010 Free Park Entrance Days.” All persons may enter any of the above Kansas state parks free-of-charge. All residents and visitors to the State of Kansas are encouraged to use this opportunity to enjoy our outdoor recreational resources.

Date

J. Michael Hayden, Secretary
Kansas Department of Wildlife and Parks