

**KANSAS DEPARTMENT OF WILDLIFE AND PARKS  
COMMISSION MEETING MINUTES FOR  
Thursday, August 26, 2004  
Highland Hotel and Convention Center (formerly Holiday Inn)  
3017 10th St., Great Bend, Kansas**

**Subject to  
Commission  
Approval**

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

The August 26, 2004 meeting of the Kansas Department of Wildlife and Parks Commission was called to order by Chairman John Dykes at 1:32 p.m. at the Highland Hotel and Convention Center, Great Bend. Chairman Dykes and Commissioners John Fields, Kelly Johnston, Frank Meyer, Doug Sebelius, and Shari Wilson were present. Commissioner Jim Harrington arrived later.

Chairman Dykes welcomed new Commissioner Frank Meyer from Herington and thanked Cris Collier and Gary Gorp for hosting the lunch at the Country Club.

**II. INTRODUCTION OF COMMISSIONERS AND GUESTS**

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

**III. ADDITIONS AND DELETIONS TO AGENDA ITEMS**

Chairman Dykes made a correction, under Department Report, Secretary's Remarks, Item number 1 should be FY 2006 Budget, not 2005 and under the Public Hearing section, he switched the order of presentation for items 1 and 2.

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

Robin Bailey, Webster Lake Association - (Handout Exhibit C). Bailey spoke to Commissioners about water loss at Webster Lake due to irrigation and drought. The Webster Lake Association was formed in June to assist KDWP and the Irrigation District to come to some type of agreement on a minimum lake level. This year the irrigation district took 4 feet 9 inches of water out of the lake. They have taken 64,000 acre-feet over the last three years and this has resulted in only one boat ramp being usable. Approximately \$133,000 has been spent on the boat ramps over the last few years. Bailey provided Commissioners information and charts showing current lake levels and the amount of inflows required to maintain viable lake levels. The lake association proposes to assist the irrigation district to make the water delivery system more efficient. The association wants to ensure that Webster State Park maintains services and visitation. When lake levels are full in 1995, visitation was 285,000; in 1992, when the lake was low, only 21,000 visited the park. She asked the Commission how the lake association could help. Chairman Dykes asked how many members the Association had. Bailey said there were

394. Chairman Dykes asked if the association had brought their concerns to the attention of the department. Bailey said there had been several meetings with KDWP staff. She added that there was enormous local support for the park, but there is resistance to raising the fees in the area. Commissioner Sebelius asked about trends in park visitation since the drought started. Bailey said that when the lake elevation is near conservation pool, seven or eight bass tournaments will be held each summer. When lake levels drop to current levels, tournaments stop coming to the lake. Commissioner Sebelius asked Bailey what she was hearing about possible park fee increases. She said most were not in favor of the fee increases. Chairman Dykes asked Secretary Hayden if he noted similarities between Webster and the situations at Cedar Bluff and the Almena Water District. Secretary Hayden said there were similarities. There are four reservoirs in northwest Kansas with KDWP facilities and they have all suffered these water cycles. In 1992, after a 5-year negotiation, KDWP bought the water in Cedar Bluff. To show the difference of what it means to own the water; Webster is at about 14 percent capacity, Cedar Bluff is at 74 percent because the only loss is essentially been through evaporation, and a little bit to the City of Russell. It makes an enormous difference. In the case of Almena, KDWP has leased the water in Sebelius Reservoir, which is at about 24 percent capacity. Currently, water is leased for two years and serious negotiations are not starting on a permanent buy-out. These agreements require a willing Irrigation District. Almena Water District just signed a 50-year contract a few years ago and the water is theirs. Essentially the federal government granted it to them and unless they are willing to work with us we are at their mercy. When the water is low the value of the park and the value of the resource is tremendously diminished. The real solution is to sit at the table with the irrigation district and purchase some, or all, of the water. Chairman Dykes asked if those discussions had been initiated with the Water District at Webster. Secretary Hayden said that KDWP had put out some feelers but hadn't received any positive response -- but they haven't said no either. These irrigators have made a lot of investments based on this water and so negotiations are very sensitive. There is a lot of capital involved and a lot of people affected. KDWP bought the water at Cedar Bluff in 1992 and that was when it was at the second lowest water level in its history. The time to buy these things is when they are empty, that is when you get the best buy, and then wait for them to refill. Now is a good time to negotiate for water rights, as long as the irrigation district is willing. Bailey commented that the Webster Lake Association is going to last this out. The association doesn't want to continue with the current pattern of lake level fluctuations and wants to see conservation level at the lake and a park everyone can use.

Crystal Walter, Great Bend, expressed concerns about rattlesnake roundups. She asked when the last time rattlesnake populations were studied and if killing them off was a good idea for the ecosystem. Chairman Dykes said this issue had come up at several meetings this year and he thought there was ongoing research being done by University of Kansas herpetologists and others. He acknowledged the controversy surrounding the roundup and added that both parties were present at the Commission meeting in Burns. Essentially they struck a compromise, biologists saying they wished the roundup didn't exist but understood the need for Sharon Springs to have it. They also said they wanted to monitor snake populations. Walter asked if monitoring was going to occur. Chairman Dykes confirmed that there is continual monitoring of prairie rattlesnakes in western Kansas, especially in the area of the roundup. Walter asked if that was the only area conducting a roundup. Chairman Dykes said that it was the only one the Commission was aware of.

Chairman Dykes commented that he inadvertently went past item four, approval of the June 24 Commission meeting minutes.

#### **IV. APPROVAL OF THE JUNE 24, 2004 MEETING MINUTES**

**Commissioner Fields moved to accept minutes, Commissioner Johnston second. All approved.** (Minutes - Exhibit B).

#### **VI. DEPARTMENT REPORT**

##### **A. Secretary's Remarks**

1. FY 2006 Budget - Dick Koerth, Assistant Secretary of Administration, presented this report to the Commission (Exhibit D). FY 2006 begins on July 1, 2005, and budgets must be submitted by September 15, 2004. The State General Fund (SGF) allocation was at the same level as FY 2005, however a Reduced Resources reduction of \$150,095 will have to be submitted as part of the budget process. In addition, the allocations included expenditures of \$155,000 from the State Water Plan Fund: \$115,000 to be used for river access and \$40,000 for stream monitoring. No employee salary increases at this time, they will be addressed by the Governor at a later date. For FY 2006, KDWP will be allowed to request replacement vehicles. Acquisitions have not been allowed for the last two fiscal years. Any vehicle to be replaced must have at least 140,000 miles of operation and be justified by providing information on operating cost, etc. The allocation to the Divisions was for zero increase in operations expenditures, but the department is still concerned with the fiscal status of the major funds used to finance operations including the State General Fund (SGF), the Wildlife Fee Fund (WFF), the Parks Fee Fund (PFF), and the Boating Fee Fund (BFF). In addition, the Department will limit position increases to major program initiatives. Funding has been set aside for the following items, pending funding availability: Circle K Ranch operations \$250,000; vehicle acquisitions \$800,000; enhancement to CLAP program \$800,000; initial development of State Park #24 \$615,000; and stage III of the Prairie Sprite Rail Trail \$1,015,703. The ending balance in the PFF for FY 2004 was \$75,038 if all approved expenditures are made. For FY 2006, estimated revenue is \$6,400,000 (with the fee increases) and if a current status budget is utilized there will be a negative balance of \$191,427 at the end of the fiscal year. In addition, the cash flow demands on the PFF for ongoing expenditures will result in the fund "going broke" at the end of calendar year 2005 or half way through the fiscal year. To avoid a situation where KDWP must close state parks, the Department is requesting a FY2005 SGF supplemental appropriation of \$600,000. This amount will provide an ending balance at the end of FY 2005 of \$675,038 and at the end of FY2006 of \$408,573. It is estimated that the monthly cash balance in the PFF could be as low as \$7,882 in March 2006. The status of the WFF and the BFF are considered to be appropriate at this time. The estimated balance in the WFF for FY2006 is approximately \$3.2 million, pending further adjustments, the receipts and estimated expenditures are close to equal. The estimated balance in the BFF is \$106,221 and expenditures are approximately equal to revenue. At the October Commission meeting, the Department will provide the actual detail on the submitted budget.

##### **B. General Discussion**

1. Wildscape Projects in the Great Bend Area - Hank Booth, Wildscape Executive Director, presented this report to the Commission (Exhibit E). There are no OK Kids projects in Great Bend, but Wildscape is here to help get youth programs going and provide prizes for the events. There were have events in Marquette, 550 people; a fishing derby at Wilson; and last year Wildscape helped sponsor an Eco-Meet at Quivira National Wildlife Refuge. The pad sites have been poured for the cabins at Tuttle Creek and one of the cabins is to be shipped out Monday with another one to be shipped soon after. Two cabins should be in place for the dedication which is planned for September 24 at 10:00 am. This is just the beginning, as four cabins will be located at Tuttle Creek State Park and there are plans for other undetermined locations. Wildscape hopes to fund dozens of cabins in state parks across the state. A new Projects Committee liaison has been hired to work with KDWP to help further the programs for kids, state parks, as well as hunting and fishing. Wildscape would also like to help with the Cheyenne Bottoms project. It was exciting to see water in the area this morning. The new visitors center is going to be wonderful and Wildscape would like to help with that.

Chairman Dykes thanked Cheyenne Bottoms Wildlife Area manager Karl Grover again for the tour of Cheyenne Bottoms.

2. Cheyenne Bottoms Wildlife Area Management - Karl Grover, public land manager, presented this report to the Commission (Exhibit F). Prior to 1990, almost all water movement within the basin was by gravity flow and the largest tractor owned was a 70 HP 2-wheel drive. Since that time two Challenger tractors, two 30-foot disks, a pull behind scraper (purchased by BOR) have been acquired. A renovation project began in 1990 with the primary goal of increasing water conservation and addressing cattail expansion. To get rid of cattails, pools have been disked two-four times each year, cattle grazing was experimented with, and areas were sprayed, mowed and burned. The drought has allowed staff to finally get cattails under control. The size of the Cheyenne Bottoms pools dwarf all other agency marsh pools in the state and make management difficult. Grover mentioned the addition of two pumps that allow movement of water, in addition to gravity flow. In addition, the water control structures have been upgraded and three diversion dams on the inlet system have been constructed. On the inlet to Dry Creek, there were problems with culverts plugging so new concrete culverts were put in. There are three diversion dams used to put water into Cheyenne Bottoms. The first dam takes water out of the Arkansas River, and places it in an open canal for 6 miles before it is placed in Dry Creek. It then goes to a second dam on Dry Creek where it is placed in a tube under Highway 96 then dumped into Wet Walnut Creek, where it flows to the third dam, then it is diverted into the basin. Lack of water is the biggest concern. Efficiency of the canal is compromised because of vegetation growing and eroding the lining and trees along the canal are also a problem because they rob water and when they die they fall into the canal. It is very hard to control the tree growth. The canal is 30 years old, but a project is underway to make it more efficient.

3. Cheyenne Bottoms Education/Visitor's Center - Secretary Hayden presented this report to the Commission (Exhibit G). He commented that Cheyenne Bottoms Wildlife Area encompasses 20,000 acres and there is only one outhouse. Facilities on the area have never been adequate. The City of Great Bend has been a great partner working on this. Technically this is not a Visitors Center, but a Wetland's Interpretive Center. KDWP received a federal grant from the Kansas Department of Transportation (KDOT) for the development of an Education/ Visitor

Center at Cheyenne Bottoms Wildlife Area (CHBWA) in the amount of \$1,999,264 and approximately \$2 million must still be raised to get this built. The department will develop the Center in cooperation with the City of Great Bend and local communities interested in being involved. The City of Great Bend will provide the source of water because there is no potable water on site and in addition, KDWP will develop an operations/business agreement with Fort Hays State University for the operation of the facility. The University has conducted research projects on CHBWA for a number of years and has just recently received permission from the State Board of Regents to include funding in the FY2006 budget to operate the Center. This approval has resolved the issue of operations financing and will allow private fund raising to begin. Fort Hays is launching the fund raising project for the extra \$1 \_ million, required for ongoing operation funding. As was reported to the Commission last year, the total project is estimated to cost approximately \$3.5 million. KDWP will meet with personnel from KDOT on August 30, 2004 to discuss the status of the project. The plans for the facilities are done and construction will begin as soon as the money is received. This will be a great facility not only for Kansas, but for the world as Cheyenne Bottoms is a Wetland of National Importance. Chairman Dykes asked if staff from KDWP and Fort Hays would be housed at the center. Secretary Hayden said that biologists Helen Hands would be in an office there and that KDWP would probably pay for the space used. Fort Hays will have at least one full time person there. Chairman Dykes asked if the property directly across from this site going would be included. Secretary Hayden said would not because it belongs to KDOT. KDOT was worried about developing sites on both sides of the highway because of public safety issues. Unknown Public Comment asked if there would be a fee to enter the building. Secretary Hayden said there would be no fee but that donations would be accepted, and there might be a book store selling items.

4. Revenue Task Force Report - Mike Miller, magazine editor and special assistant to the Assistant Secretary, presented this report to the Commission (Exhibit H). The Secretary charged the Revenue Task Force with this task in December 2003, and the first meeting was held January 2004. Eleven KDWP staff were selected to serve on the Task Force with Dick Koerth serving as Chairman. The Task Force was charged with determining the Department's options for meeting long-term funding needs at a time when hunting and fishing license sales have stagnated, the state's economy and demographics are changing dramatically, and State General Fund (SGF) money is steadily being eliminated from the Department's budget. Although the reductions in SGF funding over the past several years has primarily impacted the state park system, the Task Force's study was not limited to the Parks Division alone, but to all facets of the Department's operations. Surveys were completed within sections, and subcommittees. Major long-term funding options include: 1) Motor vehicle registration fee - The Task Force's primary recommendation is a \$4.50 fee (\$4.00 to the Parks Division and \$.50 to the Local Outdoor Recreation Grant Program) to be added to the motor vehicle registration fee paid by all Kansas residents who own motor vehicles. In return for the fee, those residents will have free entrance to state parks year-round. Nonresidents would still have to pay and all camping fees would also be charged. The state parks are a public entity for all citizens, and were created by the legislature to be available to the public, therefore funding of the parks should come from all Kansas residents. This could generate \$10.4 million. A refund option may be considered, however, there is a statutory provision that an agency cannot issue a check (i.e. for a refund) for less than \$5. 2) Dedicated tax - The Task Force feels that the department has not adequately educated its

consumptive and non-consumptive constituents as to where funding comes from and how it is spent, therefore it recommends that a committee be appointed to develop a plan for securing a portion of state sales tax receipts as a long-term funding solution. If the motor vehicle registration fee is successfully implemented, this option may not be necessary. 3) Additional recommendations - a) recommend that a follow-up committee be formed to review the lifetime license pricing structure; b) Recommend that a follow-up committee be formed to draft a proposal for a youth license for hunters 11-15 years of age to allow the Department to collect more federal aid. c) Recommend that a follow-up committee be formed to draft a proposal for a senior license to generate federal aid. All Kansas resident hunters and anglers over the age of 65 on or after January 1, 2006 purchase a Senior Combo Lifetime License for \$20 and those who are already 65+ would be required to buy a \$5 license. d) Increase nonresident deer permits to \$300 and require them to purchase a primary deer permit before they can purchase a game tag. e) Increase the 48-hour waterfowl license fee from \$26 to \$40-\$45. f) Create a nonresident bobcat permit for \$100 (currently a furharvester license is required to take a bobcat). g) Increase the cost of a 24-hour fishing license from \$6 to \$7.50. h) Create a \$4 permit for a 3rd fishing rod. i) Create an affinity credit card where a percentage of the interest generated by each card would be available to the entire Department. j) Revitalize Wildtrust as a way for the Department to accept donations of money and land. k) Mandatory restitution should be collected from wildlife violators. Legal staff will draft a bill for this provision to potentially be introduced in the 2005 legislative session. When violators are caught without the proper license they would be offered the choice of buying a temporary license or receiving a citation. Oklahoma does this and money goes directly to the agency. The cost of a temporary license would be more than the cost of a regular annual hunting license. l) Institute one \$30, 3-year registration fee, for all lengths of boats and a 3-year registration fee for all manually propelled vessels. M) KSA 32-1173 required that moneys collected from boating fines be deposited in the boating fee fund, however, this has not occurred. In the past 5 years, KDWP has not been given \$204,764 in boating fines money. n) Charge for services that currently do not have fees attached, such as various Environmental Services permits. o) Create a habitat stamp to be used for habitat enhancement on lands and waters owned by the Department.

One option the Task Force does not recommend at this time is a public land access or user fee. There are concerns about the impact of such a fee on federal aid and concerns about enforcing the system. In addition, public lands staff identified need for in-depth surveying of public land users to see what they want and if they would be willing to pay a fee. Concerns were voiced about how public lands would meet the demands of both consumptive and non-consumptive users. The Task Force recommends the motor vehicle registration fee be pursued first of all. If that is not successful in securing funding for public lands, then further exploration of how to assess a user fee should occur. If a user fee were implemented that it be at a rate higher than a hunting or fishing license, which a person could also purchase to use the land. By purchasing a hunting or fishing license to use public lands, there are no conflicts with federal aid.

The Task Force realizes that the marketing efforts of the Department will be greatly enhanced by the automation of licensing, but a few specific ideas were discussed. Value-added packaging of permits and licenses would could provide a package of licenses, stamps, applications, permits and a subscription to the magazine or family or couple hunting and fishing license packages at a price less that purchasing items individually. The Revenue Task Force recommends that work groups be assigned to develop value-added packaging ideas approved by the Secretary and Management Team. Also, develop and market nontraditional uses for state parks such as rock

climbing and paint ball areas.

Commissioner Johnston asked about restitution for illegally taken game and if state law need to be changed to facilitate and if fines need to be mandatory rather than just discretionary. Miller conferred. Robin Bailey spoke in support of the vehicle registration fee.

Commissioner Wilson asked to see follow up on mandatory restitution because fines go to SGF, not agency. She also recommended providing a way for non-consumptive users to contribute through Wildtrust rather than charging them a fee.

Commissioner Sebelius commented that the department should work on legislation that would have boating violation fines go the department rather than SGF.

Commissioner Fields complimented staff on the report. Miller said that the report was compiled by LeAnn Schmitt. Commissioner Fields asked how KDWP could get monies from the past.

Secretary Hayden commented that historically KDWP has continually run the problem of getting SGF, not being able to compete with education and other needs. It would be best to not rely on the SGF for funding at all. The license plate is very popular with the legislators because we get out of the system and give something to the constituents. On restitution, we could work on getting that money and using it for federal aid. Chairman Dykes asked about boating fee fund money Dick Koerth commented that there are several funds out there where the money has gone to the SGF instead of to the fund it belongs in. However, KDWP is asking for \$600,000 from SGF to supplement our Parks, and in light of that request, these smaller amounts are probably lost.

Chairman Dykes asked for more information on how the license idea came about and what the challenges are to make that happen. Secretary Hayden said it was patterned after Montana's plan where residents paid an extra \$4 when registering vehicles and in return got into all state parks free. Secretary Hayden said the Governor is very excited about this idea, and he feels that if KDWP bring this plan to her she will pass it. Montana made the \$4 fee refundable to get the Legislature to pass that. Less than 10 percent of the people have filed for a refund. This will help this mixed funding base. The more fees increase, the fewer people visit parks, but if everyone can enter "free" with the purchase of a license visitation will increase. Commissioner Meyer asked how refunds would be made. Secretary Hayden said that anyone who wanted could fill out the papers. Chairman Dykes asked about the statute prohibiting checks for less than \$5. Secretary Hayden said KDWP might have to work to change that. He added that there would be strong support on this proposal because it will put more money back in the state general fund. The Secretary of Revenue will not like lowering the refund policy, but I she will work with the department. Commissioner Johnston asked if this would be presented during the 2005 legislative session. Secretary Hayden said it will be sent to the Governor and two budgets, the "A" budget, that does not include this, and the "B" budget that does would be presented. If successful, it would take effect in January 2006. Chairman Dykes asked about legislative limit on any of the fees mentioned. Secretary Hayden - No.

Steve Sorensen asked us the dedicated tax proposal would be dropped if the motor vehicle registration fee was passed. Miller said the Task Force's priority was for the vehicle registration fee to go to the state parks first and then work on some of these other items.

Doug Phelps said he supported motor vehicle increase, which will allow a lot of low income people to use our parks, and he asked if deer, antelope and turkey permits were considered in the temporary license proposal. Miller said that issuing temporary permits was not included in the proposal. Phelps said he would like to see fines a lot more than \$500. Secretary Hayden added that this proposal wouldn't work for big game and KDWP didn't intend to use it there.

Chairman Dykes asked if senior exemptions would be to be taken away this next year. Secretary Hayden said that senior exemption was an important issue because that is the largest growing population group. The permits cost KDWP twice, once to issue it and once because we cannot claim federal aid cannot be claimed. The department will consider a grandfather clause for everyone already exempt and a one time fee for anyone who turns 65 before a certain date. It will also be recommended that a permanent plastic card be offered. KDWP's first priority will be the vehicle registration fee to help fund parks, then look at the tough issues like the senior exemptions.

Ed Kline, Great Bend, asked about the distribution of the 50 cents to the Local Government Outdoor Grant Program and senior exemptions. He asked if the program funded indoor recreation and who was eligible. He said he wouldn't oppose paying the fees and not being exempt. Chairman Dykes asked Parks Division director Jerry Hover to respond. Hover said the Local Government Outdoor Recreation Program had been available until four years ago. It was developed to enhance local outdoor recreational facilities, but indoor recreation was not considered. It is available for any group that meets the criteria. Kline asked if there restrictions on smaller communities. Hover said there wasn't and that the Advisory Committee spreads the money evenly across the state. Commissioner Fields commented that he remembered some small projects that took only a couple thousand dollars in the past.

Chairman Dykes commented that the Commission has tried for years to remove the senior exemptions. Kline said that a one time fee might be the answer to the federal funding issue. Chairman Dykes asked how a one-time fee help federal aid. Federal aid coordinator Terry Denker said that federal aid requires the license to cost more than the cost of issuing it. To generate the federal aid, for instance, \$5 would account for one year, \$10 two years, KDWP claims a lifetime license for 12 years because it is based on the annual fee of \$18. Unknown Public asked for an explanation of the \$4.50 motor vehicle fee Miller said that there are 2.3 million motor vehicles in Kansas, not including trailers, farm trucks and tractors. Phelps asked about fleet fees. Secretary Hayden said the department would have to check on those. Kline asked if the department would still be looking at park fee increases if this passed. Secretary Hayden said that if it passed, the department wouldn't get vehicle fees until January 2006, at the earliest. The increase in the camping fees would tide us over for the next 18 months. Unknown Public asked about senior exemptions. Secretary Hayden said that currently seniors pay half price for park vehicle permits but don't pay anything for hunting and fishing. If the vehicle registration proposal passes, parks would be free to everyone. Unknown Public Comment asked if farm vehicles would be exempt. Miller said that the current proposal didn't include farm vehicles. Koerth added that the fee would be added to the category that includes cars, RVs, motorcycles, etc.. Chairman Dykes commented that this is the first opportunity we have had to discuss this and we will discuss it again in October. He then asked Task Force members who were present to stand and applauded their efforts.

*Break*

### **C. Workshop Session**

1. Fishing Regulation Changes for 2005 - Doug Nygren, Fisheries Section chief, presented this report to the Commission (Exhibit I). If we move ahead with Revenue Task Force recommendation to have a third fishing pole, we will need to change this regulation. New

proposals include: 1) a 20 crappie per day creel limit at Melvern Reservoir (possibly Cedar Bluff, Clinton, Hillsdale and Perry in the future). Also, want to add a 10-inch length limit at Clinton. This is the average and will cause some controversy, it is not a biological change even though it may cause some redistribution of harvest in a given year, but a social change. 2) One paddlefish per day creel limit for the Chetopa paddlefish snagging fishery. The proposed regulations are very similar to the regulations in place in Oklahoma on this shared fishery. The season would still be opened by posted notice on the current season dates. 3) A 35-inch minimum length limit on Blue catfish at El Dorado Reservoir. Zebra mussels were verified in El Dorado during August of 2003 and this marks the first Kansas water body to be infested with this nuisance aquatic invasive species. Blue catfish have been requested for stocking in El Dorado Reservoir for fall of 2004 and Farlington Hatchery is currently rearing them.

Unknown Public Comment asked if the average fisherman could identify the different kinds of catfish. Nygren said he thought they could if the proper information is distributed. Commissioner Johnston asked if blue catfish would be stocked at Cheney. Nygren said it was possible.

2. T&E and SINC Species Regulations - Ed Miller, nongame wildlife biologist, presented this report to the Commission (Exhibits J, K). A Threatened and Endangered Species Scientific Review Committee, consisting of: William Busby, Kansas Biological Survey; Mark Eberle, Fort Hays State University; Elmer Finck, Fort Hays State University; Tom Mosher, Kansas Dept. of Wildlife & Parks; Dan Mulhern, U.S. Fish and Wildlife Service; Bryan R. Simmons, Kansas Dept. of Wildlife & Parks; and Edwin J. Miller, Kansas Dept. of Wildlife & Parks, screens the petitions and supporting documents to determine if sufficient evidence is presented to continue the process. Seven species have been identified. They are: brindled madtom, silver chub, delia hydrobe snail, night snake, red-shouldered hawk, white-faced ibis, and Eastern chipmunk. Recommendations include: removing the Eastern chipmunk from the Species in Need of Conservation (SINC) list; removing white-faced ibis from the threatened list; removing red-shouldered hawks from the SINC list; downlisting night snakes from the threatened list to the SINC list; add delta hydrobe to the SINC list; keep silver chub on the endangered list; and list brindled madtom on the SINC list. As a housekeeping item, changes need to be made to the lists found in KAR 115-15-1 and 115-15-2. We would correct some common names, such as the speckled chub to Arkansas River speckled chub; and the squawfoot mussel to the creeper mussel; and to change some of the scientific binomial names. This item will be up for vote in October.

3. State Law Action Pertaining to Exotic Cat Ownership - Kevin Jones, Law Enforcement Division director, presented this report to the Commission (Exhibit L). The enactment of the Captive Wildlife Safety Act, an amendment to the federal Lacey Act, has prompted the review of the of the possession of large cats in the State of Kansas. Discussions have been held with the members of the Governor's Sub-cabinet on Natural Resources, as well as select representatives of the Kansas Department of Health and Environment and the Kansas Animal Health Department. All are in agreement that it would be wise to further regulate and control the possession of these large cats in the state. A small work group of department employees has made an initial review of the Wildlife and Parks regulations and suggested a possible course of action. This would include the rewriting, and possible revocation, of several existing regulations. Provisions would be developed allowing the continued operation of zoos, and accredited public displays serving the public good, but would eliminate the possession of

these animals merely as pets. Recently the Secretary was contacted by the Secretary of State, who requested a meeting to further discuss ways to clarify and bring better control over this issue. Law Enforcement staff had been assigned to review regulations and nothing has been formalized. KAR 115-18-10 will be the regulation most affected. Need to incorporate language that lists prohibited species. Six large cat species are included on the federal list in interstate commerce and transportation. This list should be included in this regulation. Bears and other nonhuman primates should be considered for inclusion to this list. Looking at a time line and exemption qualifications for having the animals and transporting them. Create requirements that would permit individuals to get permission from local zoning groups before getting state approval. We would like to have something put together by October meeting with more details and final action in January.

Commissioner Johnston asked if there was consideration to add diamondback rattlesnakes to the list. Jones said they were discussed briefly and could be added if the Commission was interested in that. This is a huge issue when exotics and species like that are dealt with. Other species will be added in the future.

Harvey Holladay, Dodge City that he has kept an African lion for 16 years and has a pen strong enough to hold an elephant. He expressed hope that he would be allowed to keep the lion.

Commissioner Johnston asked if grandfathering was still part of the proposal. Jones said that keeping up with the inspection of these animals could be a problem. A prohibition date of maybe January 10, 2010, was being considered. Holladay described his pen made of 3-inch oil field pipe and sucker rod with a second pen completely around it. Commissioner Meyer asked how large the pen was. Holladay said it was large and the lion even has a house with windows inside the pen. Commissioner Fields asked how long lions lived. Holladay said about 20 years.

4. Spring 2005 Turkey Season and Regulations as per Turkey Split from Big Game - Roger Applegate, wildlife biologist, presented this report to the Commission (Exhibits M, N). There are no change to season dates. Primary change is an increasing spring turkey permit numbers in Unit 4 to 200 general permits and raising the number of youth permits from 25 to 75. Any of those 75 permits not issued to youth would be issued to the general public. Through the approval of Senate Bill 364 in the past legislative session, amended KSA 32-701 to eliminate wild turkey from the definition of big game. Work is under way to develop the necessary regulation(s) to implement the provisions of this statute which is effective January 1, 2005. Showed a chart which showed spring harvest. Commissioner Fields asked why there was such a decrease in harvest from 2002 to 2003. Applegate guessed there were some weather factors but couldn't provide an explanation. Commissioner Fields commented that he hadn't seen a drop in the turkey population and the success rate is still there. Applegate said that permits have still been increasing and that inactive hunters were a factor -- people who get the permit and for one reason or another don't go hunting. Commissioner Fields asked if the Commission had passed a regulation that allowed the hunting of turkeys with dogs. Applegate said that was passed last season. Secretary Hayden asked about the electronic survey, such as costs and time saved. Applegate could show any savings because this year costs have been higher just getting set up on the system. He said he hoped that in the future the process could get a real time system to query information. Chairman Dykes asked what percentage of survey respondents responded electronically. Applegate said it was 100 percent, but that a mailing had just been sent out to the those who have not responded. This mailing serves as a reminder to log on and enter information or ask for a paper survey. It will be a combination sample this year, on line sales and over-the-

counter sales. All responses so far have been electronic. Chairman Dykes asked for clarification about the survey. Applegate said that those who provided an email address received an email message giving the link to respond to the survey and the other group received a card and the card gave the link. An option for paper copies was not offered on that mailing. This is a test case. Commissioner Sebelius asked if the department felt there will ever be a depredation permit issued for turkey. A person in his area says he has 400 turkeys wreaking havoc on his place. Applegate said the potential for depredation permits is there. The preferred approach is to make contact with those folks, remove those birds and move them to another location. They should contact their local biologist. Commissioner Johnston asked if under current regulations, the department could issue a depredation permit for turkeys. Applegate said that it could at the moment but that after January 1, turkey will not be big game. The department would rather deal with the situation by trapping and transplanting. Chairman Dykes asked what other practical applications were for removing turkey from big game. Applegate said issuing permits like game tags and that it frees up the ability to manage that resource and utilize harvest. It is better to recognize it as a separate entity.

**VII. RECESS AT 4:20 p.m.**

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

**IX. Reintroduction OF COMMISSIONERS AND GUESTS**

The Commission recognized former Commissioner Lori Hall and welcomed her to the meeting.

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

Stan Christianson, Kansas Trophy Whitetails, commented on nonresident transferable tags be restricted to the county or counties where the landowner owns land. He had land in three counties and couldn't hunt one of his counties.

**XI. DEPARTMENT REPORT**

**B. General Discussion (continued)**

5. Farmers and Hunters Feeding the Hungry (FHFH) - Tony DeRossett, FHFH state director, presented this report to the Commission (Exhibits O, P - flyer). Farmers and Hunters Feeding the Hungry (FHFH) is a not-for-profit program that uses hunter harvested venison to supply meat to food pantries across the state. The program has been around for three years and has grown quite successful. Nearly 1,000 deer have been processed, providing 165,000 meals to hungry Kansans. There are currently two challenges for this program: finding new volunteers to help with expansion into new areas of Kansas and raising the funds to pay for the deer processing. Until recently, DeRossett, Kansas Department of Wildlife and Parks staff, and a handful of volunteers have spoken to individuals, companies, and church groups to raise awareness and bring in donations to fund this great program. However, a simple way for anyone to donate \$2.00 or more was recently established. Beginning this past summer, a check-off box with the question "Do you want to donate \$2.00 or more to FHFH?" was included on deer and

turkey permit applications. To help promote this new opportunity FHFH will have a "Grand Prize Giveaway" at the end of the year, with 10 hunting related prizes such as deer stands, bows, and camouflage clothing, as well as an all-inclusive hunt. FHFH does have some insurance companies on board for funding. Last year the group was in the hole financially, but ended the year ahead. The first check from the license donations was \$5,400, which doubles the budget and will help a lot more people. Chairman Dykes asked how the permit donation works. DeRossett said that it was on application forms sent out his summer and the first check was from May and June of this year.

Ken Schumacher asked if FHFH gave venison to Hungry Hearth kitchens. DeRossett said they did and that usually the kitchens would contact FHFH and then they would try to find a processor in the area. FHFH negotiates with the processors and pays \$60 for each deer processed.

Roberta Pike asked hunters donate deer. DeRossett said you can contact FHFH or take it to a cooperating processor. Chairman Dykes asked when a list of processors would be available. DeRossett said FHFH has a website and which will be updated. Chairman Dykes asked if the website was linked to KDWP's website. DeRossett said it was.

6. Unit Archery Permitting - Lloyd Fox, wildlife biologist, presented this report to the Commission (Exhibit ). Senate Bill No. 363 was passed and signed during the 2004 legislative session. Among other provisions, this bill directed the department to establish not less than nine archery deer management area units for deer. Of the transferable nonresident archery permits being issued, 34 percent are going into six counties in Unit 16, and it could be as high as 70 percent. Guides and Outfitters in other parts of the state are concerned about availability for permits in their area. Fox prepared tables included in the briefing book materials. Options considered for creating archery deer management units (DMUs) include: 1) Use existing firearm units, limiting choice of units to one, plus DMU 19. 2) Use existing firearm units, limiting choice of units to two, plus DMU 19. 3) Combine adjacent DMUs to create nine archery units, plus DMU 19. 4) Use combined nine DMUs, limiting choice of units to two, plus DMU 19. 5) Use combined nine DMUs, limiting choice of units to one, plus DMU 19. Allocation of 2005 nonresident archery permits will be made on survey distribution of resident archery deer permits during the 2004 season, but will be allocated on distribution of sale of resident archery permits in subsequent years. The recommendation is number five, limiting choice to one unit, plus DMU 19. This will be brought back for workshop in October and public hearing in January. Commissioner Wilson why two units couldn't be allowed. Fox said it would complicate the process.

Dan Witt, Hoisington, asked who sponsored and supported this bill. Fox said this is an amendment to Bill 363 and the department opposed the amendment. He said that there are about as many deer permits in Unit 16 as there are residents, so it is very lopsided. Chairman Dykes asked if we knew who sponsored the amendment. Secretary Hayden said to was a committee amendment in the Natural Resources Committee and we opposed it, but it was passed in the House and Senate. The amendment also said that the department would report on how this mandate was implemented before January 31, 2005. In regards to Commissioner Wilson's question, the truth is, any regulation that the majority of the Commission votes for can be passed, but the legislature said they wanted no less than nine units and we might be able to allow someone to hunt in two adjacent units, but they put nine in for a reason and expect us to only allow hunting in one unit. It is expected they will support Lloyd's DMU 19 proposal. We could

try for more than one unit, but next year they could say only one and increase the number of units, thus making the hunting areas even smaller. At the same time we need to have a reasonable plan and be able to support the deer herd management and our bowhunters. This is the first crack out of the box. Chairman Dykes asked who much support the bill had. Secretary Hayden said he suspected it passed the Senate overwhelmingly and doubted there was even a single no vote. The House rolled it out of Committee also.

Karen Beard, chief of Licensing Section commented that most of the calls she gets are from people who live right on the border and can't hunt four miles from their house, and she indicated she supported allowing two units. Chairman Dykes asked if concerns about Unit 16 would be lessened if two units were allowed. Fox said that the problem Unit 16 was only because of transferable permits which are only half of the total nonresident archery permits. The other half are pretty evenly distributed. He some of the comments he gets from a lot of bowhunters is that they hunt the eastern and western parts of the state, so they feel like they have lost something. Ed Kline, Great Bend, asked what interest group pressed this through the legislature. Chairman Dykes said it happened after the January meeting and was not discussed before it was passed. Fox added that there was a public meeting about unit archery and the Commission voted it down. Kline asked how it could be fixed.

Unknown Audience suggested people address their own legislators and try to get two units.

Unknown Audience Comment said that unit archery was not added until the last minute and was passed very quickly. He did not see the department opposition stated here.

Unknown Audience Comment commented that most of the problems are tied to the transferable tags and abuse of that system. He asked doing away with transferable tags was being considered. Chairman Dykes said that the Commission was in favor of transferable tags to begin with. He said a solution lies with your state Senators and Representatives.

Ralph Renfro, Chase said he wanted to absolve the Commission and publicly thank former Commissioner Lori Hall for telling the agency to find another way. He said he realized there was little the Commission could do, but he said it was sad that one nonresident individual can put residents behind the eight ball with this kind of garbage. The resource and the residents should come first. He would like to see two units instead of one.

Doug Phelps, Manhattan said he would like to see the Commission allocate resident as primary and allow two units. It is going to hurt bowhunter not allowing them to hunt in both the east and west, but it will also hurt their economy. The whole issue is counterproductive to what they are trying to do. Chairman Dykes said that this would impact people no matter where the draw line is drawn.

Karen Beard said that Unit 16 was flooded and a lot of the landowners are stuck with transferable permits.

Mike Elliott, Anthony asked how this impacted transferable permits that were good in two counties. Fox said that after the permit is transferred it becomes a county permit, not a unit permit.

Unknown Audience Comment said the department should try to help resident hunters. Chairman Dykes said that one of the things the agency has done is try to make the units as big as possible.

Unknown Audience Comment said he lives in Barton County and hunts in Rush County. Renfro said that hunters should tell their legislators. Unknown Audience Comment said he had communicated with his legislators.

Mike Elliott asked if county lines could be used to draw the units instead of highways. Fox said the bill specifies using firearm permit boundaries, which are highway boundaries. Renfro asked

who this would affect deer management. He said that the department used to have a wonderful model for deer management and a lot of credit should go to (Keith Sexson). Fox said that this is a social and legal question, and we need to be sure we don't establish a regulation that opens us up for lawsuits. We have tried to come up with some kind of plan to treat everyone fairly. Renfro said his point was that Unit 4 is from Ness County all the way to Marion County, and the department won't know where hunters are harvesting deer. Fox said the proposal tried to break things down into manageable units that are ecologically similar. The wildlife profession is constantly being pulled to make the areas smaller and smaller. This proposal makes them bigger because not all hunters have access everywhere. Even though the density of deer is different from north to south and east to west, hunters find areas to hunt. Renfro asked how surveys would be handled to identify where deer come from. Fox said that was a good point. Doug Marshall, Great Bend asked how the number of permits are limited and how they were issued. Fox said it was similar to how whitetail either sex permits are issued. A hunter would indicate which unit he was going to hunt in. Marshall said that was one more thing vendors would have to do. Chairman Dykes commented that there is no limit on the number of resident archery permits. Secretary Hayden said that permits will be issued through a point of sale process, electronically, in 2006. Stan Christianson asked how is this would affect Unit 16 if the number of permits wasn't limited. Fox said that only about 4 percent of the residents hunt Unit 16 and next year the sale of nonresident permits will be based off of that, so it should work itself out. Unknown Audience Comment said it seemed that nonresidents were dictating what will happen. He wondered if the price of a permit would be jacked up when the average hunter couldn't find a place to hunt. Chairman Dykes said he didn't know what the future holds in regard to fees. The commission and department are reacting to legislation. Secretary Hayden commented that the nonresidents are not dictating what is happening here, but we can not discriminate against nonresidents. The department has not had a lawsuit filed against it yet and he prefer to avoid litigation by being fair. Game is considered interstate commerce, the deer and the hunters travel across state lines. The department walks a thin line legally and it would take a lot of the state's money to defend a lawsuit. Chairman Dykes said that the department can charge nonresidents more to hunt, but not limit them from hunting. Secretary Hayden said nonresidents were charged more and the Revenue Task Force is talking about raising those fees.

Bill Rice, Sedgwick recommended charging nonresidents from each state what their state charges even if it is lower. Secretary Hayden said that could cause a border war. For instance, you can't hunt an antlered deer in Oklahoma if you are from Kansas. The department wants to charge a reasonable price, regardless of what state hunters come from. If vendors had to keep track of what each state charged, that would be very difficult. Rice commented that doe permits were too cheap. Secretary Hayden said they have increased this year. Fox said game tags are \$21 for nonresidents and \$11 for residents. Rice said that it was too cheap.

Jess Hoeme, Beloit, asked if it wasn't true that we could discriminate against nonresidents if the reason was stated and passed by the legislature. Amy Thornton said that reasonable was a key word, and legislature and reasonable don't go together.

Unknown Audience Comment commented that we have a Hunt Own Land (HOL) tag that we can hunt on our own land right now, why not restrict the transferable permits to the land owned by the landowner instead of the counties. Secretary Hayden said that transferable permits are not good unit-wide only county-wide in two counties the landowner owns property in. Unknown Audience Comment asked if this provision would correct the problem of too many permits in certain areas. Secretary Hayden said that we'll find out this fall.

Unknown Audience Comment asked why the permit wasn't restricted to the landowner's land. Chairman Dykes said that it was proposed but it failed. Dykes asked if there was Commission consensus on one or two units? Four would like two units, the rest had no opinion. Unknown Audience Comment said he was in the Air Force, lives in Saline County and hunts on relatives' land all over the state. He said this change would hurt him. Secretary Hayden said starting next year you will be restricted to units, but the units are large.

### **C. Workshop Session (continued)**

5. Park Fees - short-term solution - Jerry Hover, Parks Division director, presented this report to the Commission (Exhibit R). Kansas state parks are at a crossroads, since 1995 State General Funds (SGF) have slowly, but surely, been reduced. In 1996, 60 percent of the Parks budget came from SGF, now it's about 12 percent. In 1995, some parks were close to being eliminated and people said they didn't want to lose parks, so the parks system was upgraded with Parks 2000 money. Next year we will celebrate the 50th year of state parks in Kansas and the philosophy of users paying will again be a factor. The current operating budget for the state park system is less than adequate to properly maintain the current system of facilities and services. Many necessary commodities such as fuel, propane, electricity, and potable water have doubled in cost over the last two years. We do not have the ability to borrow money to keep things afloat until money comes in next year. Several tornados which occurred in June and July may have caused income projections for the July 4 weekend to be inaccurate. Current fees are not adequate to meet the cost of doing business. Setting fees for state parks is not easy because on several lakes we are competing with the Corps of Engineers. If we can add the surcharge on vehicle permits that the Revenue Task Force is proposing we will eliminate the motor vehicle permits. We are looking at other ways to raise \$600,000 by not impacting current users or losing future users. We have tried to increase revenues, but are not making too big of impact. Some things we have looked at are the in-season and off-season pricing schedule. We would like to increase vehicle and 2nd vehicle permits by \$5; implement a new service of short term RV camping storage for \$125 a month; long term camping - right now limited to 14 days and want to increase that to six months, there is a tiered system right now for utilities, one utility - \$260 per month, two utilities - \$285 per month, three utilities - \$320 per month. This is a choice we are offering, not something people have to do. We did recommend a new fee service for hunts and blinds, but would like to delete that from the fee schedule. A couple of years ago, we wanted to make camp sites available to more people so we identified prime sites and charged a \$2 surcharge from April to September, and we want to raise that to \$5 on Friday, Saturday and Sunday from April to September. Offer 14 nights, purchased in off season, for \$85, in season for \$99. The last one is the annual camping permit and we are proposing to raise that to \$249 and \$299 during April to September. Each cabin is priced individually, by the day and we are proposing a separate regulation to address that, with fees ranging from \$35 to \$150 a night. Chairman Dykes asked if Hover had a projection of revenue. Hover said that going into January 2005, \$400,000 -- \$700,000 for entire year of 2006. Dennis Hill, Great Bend commented that he had a problem with the increase on prime sites. Some of the designated prime sites are in the bushes. The annual permit that is a 30 percent increase. He didn't think he was getting what he was paying for. Ken Schumacher, Great Bend, said at these rates, he couldn't afford to go. Fred Brewster said that fees for handicapped and senior citizens would price the department out

of business.

Pat Brewster, Wichita, said they were on a limited income, but we have camped 40 days so far this year. She asked if a six month camping permit would allow someone to stay in one site for six months.

Fred Brewster asked what happened when a person reserves a site for six months and if they could take his site. Hover said the number of sites will be limited and whoever reserves it first will get it.

Unknown Audience Comment asked if the prime site fee would apply under the long term camping agreement. Hover said it would not. The most popular sites would not be available in the six month program.

Unknown Audience Comment asked if the department had looked into other ways of making money, and if the parks could receive revenue from hunting and fishing license sold in the state parks offices. Secretary Hayden said the parks get reimbursed now for selling licenses and permits.

Jim Mars, Salina, asked why there weren't camp hosts any more. She said without them, people will leave without paying fees. Hover said camp hosts are volunteers, and that sometimes we don't get volunteers. Wilson and Cheney are difficult places to get volunteers.

Mars asked why work was being done on camping areas during the prime camping season.

Hover said it was a complicated issue. The department has to work with KDOT on their schedule or when they are available.

Marcia Unruh, Greensburg, asked about a survey of 15,000 people Hover mentioned. She had not seen that survey and wondered where she could see it. Hover said the surveys were done by local citizens. We did not ask them to do these. Park managers have been meeting with Rotaries and other groups and these are coming from other people, not the department. Unruh asked how as campers, they could get on the committee to vote on this.

Jerry Desmarreau, Great Bend, asked where all the revenue went, and if it stayed in state parks. Secretary Hayden said that all revenues stayed in state parks, but that it didn't begin to pay all the bills.

Unknown Audience Comment asked if since these were short-term solutions, would fees be raised every year. Chairman Dykes commented about the Revenue Task Force's priority to seek legislation to allow the department to add \$4.50 onto vehicle registration fees and then allow free park entrance to everyone with a Kansas license plate.

Unknown Audience Comment said that camp fees would still be way up there. Chairman Dykes said that lot of that would depend on how much revenue is generated.

Unknown Audience Comment said he'd been traveling around the country and that Kansas was cheaper than many of the other states.

Marcia Unruh, Greensburg asked how the parks could be self-supporting if no one camped there.

Unknown Audience Comment asked the Commission how many of them had a camper and how many used state parks. Five Commissioners raised their hands that they have and used campers.)

Commissioner Sebelius said that we've got 18 months to go through before the long term solutions can be put into place. This is a start. He agreed with most of the fee increases, but didn't support the annual camping fee increases. The economy in general is the culprit here.

Commissioner Johnston said that if we are able to succeed in passing legislation to add the fee to vehicle fees, he would like to say that these increases can be rolled back.

Hover provided figures on the numbers of permits sold: daily camp approximately 110,000; annual camp approximately 3,000; and 14 day, just over 1,000. This will be voted on in

Atchison, October 28. (Handed out letter and sample petition sent out by the public to the Commission - Exhibit S.)

6. Landowner Deer Management Program - Lloyd Fox, big game biologist, presented this report to the Commission (Exhibit T). The Landowner Deer Management Program (LDMP) is a new approach in deer management in Kansas, one that will create a contract between a landowner and the department for deer permits. The program will also benefit the public as it will provide access for resident deer hunters on some of the best deer habitat in the state. This will be regulation KAR 115-14-14, directed by HB 2031. It is a three-year pilot program. Deer permits will be available for the 2005 deer season, one pilot contract in each of the five administrative regions, unless there isn't an applicant in one of the regions, and there will be no more than 20,000 acres in each unit. This program could include several landowners working together. Under the management plan, the landowner will specify the number of permits allocated for their clients and randomly selected public applicants and this will be one of the criteria we use and how the area is selected. Habitat protection and enhancement, conservation programs, public access programs (other than deer hunting) will also be selection criteria. Lands eligible will be lands owned in simple fee title by Kansas landowners. Deer densities and regional deer movements influence the recommended minimum size of LDMP properties. In Deer Management Units (DMUs) 1, 2, 3, 4, 5, 7, 16, 17 and 18 - it is recommended that LDMP properties be at least 10,000 contiguous acres. In the eastern part of the state, the minimum size should be 3,000 contiguous acres. Permits issued as client permits to the LDMP manager should be nonresident permits and thus could be transferred to either a resident or nonresident while the permits issued in the public drawing should be resident deer permits. Each permit with its carcass tag should be issued from the Pratt office by the licensing section. Resident permits would be available in the resident draw with an application deadline in mid-July. The permits would be valid during any season with equipment legal during that season. For LDMP client permits, the landowner would receive a certain number of certificates and the client would submit the certificate to the Licensing Section for the permit. The client permits would be priced the same as nonresident deer permits and resident permits would be priced the same as general resident permits. The application for the general public hunt would be on the regular application and hunters could use their preference points. Evaluations will be done of both the landowner and the hunter. Deer permits for a LDMP could be based on the size of the holding, and the average deer harvest density and hunter success rates in the DMU where the property is located. By knowing those three factors, the number of permits a typical area within each unit could support could be calculated. Each application and management plan would be submitted to the regional wildlife supervisor. Each region would assign employees to a review committee, and a community advisory panel may also be selected. The regional review committee will rank the application packages submitted in their area and forward them with their recommendation to statewide selection panel for final review. This plan is posted on our website. It will be back before the Commission for a vote at the October meeting.

Chairman Dykes asked if applications were being developed. Fox said landowners have been contacted, but no applications have been sent yet and they won't be until a regulation is in place. There is interest in all five regions. Chairman Dykes asked if the Commission would be involved in the process. Fox said they would in establishing the regulation then in April, the number of permits will be set by Secretary's Orders. Same as the other 19 units, these five units would be added and they would be good for five years.

Ralph Renfro asked if participants make any money, and if they could charge a trespass fee. Fox said the landowner will make fees from trespass fees and services provided. General residents will not be charged those fees unless they want a guide. Chairman Dykes asked if the landowner could mark up the cost of the certificate to the nonresident. Fox said they could in the form of an access fee, guide service or other add-ons.

Unknown Audience Comment asked who decides who gets the client permits. Fox said that the landowner would only be receiving the certificate and they can give those certificates out to whomever they choose. The actual permits will be issued in Pratt, not even the landowner will get a permit unless he has one of the certificates.

Unknown Audience Comment asked why the minimum is 3,000 in DMU 5 but it 10,000 in nearby DMU 15, Fox said that staff wanted to keep this as simple and a line had to be drawn somewhere.

Unknown Audience Comment asked if the landowner could hire a manager to take care of this, and if that manager had to be a licensed guide. Kevin Jones said that a landowner could hire a manager and that the manager would not have to be a licensed guide.

Steve Sorensen, KWF asked if managers had to pay an application fee. Fox said they didn't. Sorensen then commented about how would pay for the evaluations and asked if permits in DMUs would be reduced. Fox said no, that it was specified by legislation. Sorensen commented that hunters are getting the short end of the stick, and asked whether corporations qualified. Fox said they couldn't, which was also specified by legislation. Sorensen commented that legislation mentioned the Oklahoma program, which charges an application fee. Fox commented that KDWP would not be following the Oklahoma program. That is a DMAP or Deer Management Assistance Program, KDWP will have a simplified way of coming up with the number of permits.

Chairman Dykes asked if statutory change was necessary to charge an application fee. KDWP legal counsel Amy Thornton said she would have to research that.

Stan Christianson asked how many hunters would be able to hunt on LDMP property. Fox said that landowners will be competing, and the more opportunities for general residents the better the chance of getting a permit. Christianson said he manages 25,000 acres and asked if resident hunters could be guided at not additional fee. Fox said the landowner still controls where and when the hunter hunts. That will be between the hunter and the operator. There will be a landowner evaluation and a hunter evaluation. Christianson commented that this would be a good program because managers will know how many permits they can get.

Unknown Audience Comment asked if managers prepare proposal, does that mean they will be able to say how many permits they want. Fox said no, they will bid on how many permits go to clients and how many to the general public.

Unknown Audience Comment asked why corporations and family trusts are not eligible. Fox said that it was specified in the original legislation, and KDWP does not have the authority to supersede that.

#### **D. Public Hearing**

Attorney General's office comments (Exhibit U).

Switched order of items, discussed migratory birds first.

2. Late Migratory Bird Seasons - Marvin Kraft, waterfowl biologist, presented this report to the Commission (Exhibit ). Late seasons are those that generally open after October 1. Late season waterfowl frameworks (maximum bag, possession limits and season length, and earliest opening and latest closing dates) are established annually by the U.S. Fish and Wildlife Service (Service). These frameworks establish the limits which states must operate within when establishing waterfowl seasons. These frameworks are developed and published around August 15, after results from the May Breeding Duck Survey, July Production Survey, and recommendations from Flyway Councils are available. We do not anticipate major changes in the frameworks for geese, set on three-year averages. Season frameworks and hunting recommendations for these species will most likely be similar to those established last year, with minor adjustment for holidays and calendar shift. Kansas is divided into three zones: High Plains, Early and Late zones.

The recommended daily bag limit is 6 ducks, which may include no more than 1 mottled duck; 1 canvasback, 1 pintail; 2 scaup; 2 redhead; 2 wood ducks; or 5 mallards, of which no more than one mallard may be a female. A daily bag limit for coots of 15, and a daily bag limit for mergansers of 5, which may include no more than 1 hooded merganser. Both the coot and merganser seasons shall run concurrent with the regular duck season in the respective zones. Recommended season dates for ducks in the Early Zone : October 9 through December 12, 2004; and December 25 through January 2, 2005. Recommended season for ducks in the High Plains Zone: October 9 through January 4, 2005 and January 22 through January 30, 2005. Recommended season dates for ducks in the Late Zone: October 30 through January 2, 2005 and January 22 through January 30, 2005. Establish pintail and canvasback seasons during the first 39 days of the regular duck season in each zone, excluding splits, with a daily bag limit of one. The recommended seasons dates for pintails and canvasbacks are: Early and High Plains zones: October 9 through November 16, 2004; and Late Zone: October 30 through December 7, 2004. Recommendations for the Late Duck Zone and all goose seasons are five days later than those adopted last year. This adjustment will put these seasons in sync with the crane season, which begins the first Saturday in November and automatically made this calendar adjustment this year. Also, the season is split in January rather than November, and the second segment of the season is established as late in January as allowed by frameworks. There are benefits and drawbacks to this. Positive: 1) Allows hunting the week prior to opening of upland bird seasons in November. 2) Allows the season to be open the entire month of November, a key period for open-water duck hunting in Kansas. 3) Goose hunting is a growing tradition in Kansas, and goose hunters have expressed a desire to harvest mallards which commonly come into goose decoy spreads during the later part of the goose season. Since much of the anticipated duck harvest during the January 22-30 segment will occur in conjunction with goose hunting, the negative affects of freezing conditions should not be that detrimental since those conditions are desired by many goose hunters and often increase the success of feed field hunts. There are more goose hunters than duck hunters in Kansas and this will allow hunters who hunt both better opportunities. Negative: 1) Reduces the number of January hunt days from 16 to 11, shifting the 5 days to early November. 2) Many college students on holiday break do not return to school until mid-January. 3) Eliminates the five-day split in November. The five-day split may encourage some increased use of hunting areas by ducks during the closed period. The youth waterfowl hunt days will be: October 2 and 3, 2004 in the High Plains Zone; October 2 and 3, 2004 in the Early Zone; and October 16 and 17, 2004 in the Late Zone with a bag limit the same as established for these species during the 2004 regular seasons in Kansas. Adults accompanying youth, and nonresident

youth, must possess licenses and state and federal duck stamps required for them to hunt waterfowl, but they may not hunt during the youth season. It is recommended that the light goose season not be open during the youth waterfowl hunt days due to the 107-day limitation on hunting of any species and the fact that few light geese are present in Kansas during late September and early October.

Unknown Audience commented that this was the best one ever proposed.

Steve Sorensen asked if the briefing book included a typo where it listed the youth season limits being the same as those proposed for the regular 2003 season. Kraft said it was a typo, and it should read the same as those established for the 2004 season.

Commissioner Fields said he liked preferred option.

Chairman Dykes asked to call a vote for each section.

**Commissioner Fields moved to approve proposed duck and youth waterfowl seasons. Commissioner Johnston seconded.**

**The roll call vote on proposed duck and youth waterfowl seasons was as follows (Exhibit W):**

<b>Commissioner Dykes</b>	<b>Yes</b>
<b>Commissioner Fields</b>	<b>Yes</b>
<b>Commissioner Harrington</b>	<b>Out of the room</b>
<b>Commissioner Johnston</b>	<b>Yes</b>
<b>Commissioner Meyer</b>	<b>Yes</b>
<b>Commissioner Sebelius</b>	<b>Yes</b>
<b>Commissioner Wilson</b>	<b>Yes</b>

**The motion to approve duck and youth waterfowl seasons, passed 6-0.**

Canada Goose season recommendations are for a split Canada goose season with a bag limit of three, a possession limit of double the daily bag, and with the following dates: October 23 and 24, 2004; and November 6 through February 6, 2005. White-fronted Goose season recommendations is for a split season, with season dates being: October 23 and 24 and November 6 through January 28, 2005 with a daily bag of 2 white-fronted geese and a possession limit of double the daily bag. Light Goose season recommendations are for a season from October 23, 2004 through February 6, 2005, with a daily bag of 20 and no possession limit, basically unchanged from last year, and ends on the same day as the season for Canada geese. The Conservation Order for light geese will automatically open on February 7, the day following the close of the Canada and light goose seasons. Hunters will be able to take light geese beginning October 23, 2004 and continuing through April 30, 2005. Dark Goose Management Unit recommendations have the same season dates for both Marais des Cygnes and Southeast units of December 18, 2004 through February 6, 2005. However, shooting hours for Marais des Cygnes unit is one-half hour before sunrise to 1:00 p.m. and one-half hour before sunrise to sunset for the Southeast Unit. No permits are required for either unit. People don't like the 1:00 close at Marais des Cygnes, but staff feel that if there was too much hunting pressure the birds would move to Missouri. The daily bag and possession limit for the units will be the same as that established for the regular statewide dark goose seasons, 3 Canada and 2 white-fronted geese, with a possession limit of double the daily bag.

Commissioner Fields made comments on the number of days in the late zone, felt there was an error, but that was checked and found there was no error.

**Commissioner Fields moved to approve proposed goose seasons. Commissioner Johnston seconded.**

**The roll call vote on proposed goose seasons was as follows (Exhibit W):**

<b>Commissioner Dykes</b>	<b>Yes</b>
<b>Commissioner Fields</b>	<b>Yes</b>
<b>Commissioner Harrington</b>	<b>Yes</b>
<b>Commissioner Johnston</b>	<b>Yes</b>
<b>Commissioner Meyer</b>	<b>Yes</b>
<b>Commissioner Sebelius</b>	<b>Yes</b>
<b>Commissioner Wilson</b>	<b>Yes</b>

**The motion to approve goose seasons, passed 7-0.**

Falconry season recommendations are for migratory game birds will run concurrently with all established hunting seasons for those species. Daily bag and possession limits for falconers shall be 3 and 6 respectively, for all migratory game birds in aggregate (e.g., 1 dove and 2 ducks). In addition, extended falconry seasons for ducks, mergansers, and coots will run: Thursday, February 17 through Thursday, March 10, 2005 in the Early Zone; Thursday, February 17 through Thursday, March 10, 2005 in the Late Zone; and no days available in the High Plains Zone. The extended falconry seasons allow additional opportunity for falconers at a time when the regular season is closed, thereby reducing the risk of conflict with firearms migratory bird hunters.

Mark Sexson commented that the Falconry Convention will be held in Garden City this year with 300-700 people expected to attend.

Unknown Audience Comment commented that he saw a falconer at Quivira and wondered if they were allowed to hunt there. Kraft said he didn't know what the federal regulations were.

**Commissioner Fields moved to approve proposed falconry seasons. Commissioner Johnston seconded.**

**The roll call vote on proposed falconry seasons was as follows (Exhibit W):**

<b>Commissioner Dykes</b>	<b>Yes</b>
<b>Commissioner Fields</b>	<b>Yes</b>
<b>Commissioner Harrington</b>	<b>Yes</b>
<b>Commissioner Johnston</b>	<b>Yes</b>
<b>Commissioner Meyer</b>	<b>Yes</b>
<b>Commissioner Sebelius</b>	<b>Yes</b>
<b>Commissioner Wilson</b>	<b>Yes</b>

**The motion to approve falconry seasons, passed 7-0.**

1. KAR 115-18-1. Wildlife Rehabilitation Permit; Application, Reporting and General Provisions - Kevin Jones, Law Enforcement Division director, presented this report to the Commission (Exhibit X). There has been an extensive rewrite so he provided a summary. Changes from last meeting to now would only be grammatical. No change in content. This regulation has gone through quite a bit of review.

Diane Johnson, who has operated a rehabilitation service called Operation Wildlife for 21 years, asked for some changes to the proposed regulation. She said she covers nine counties in northeast Kansas and deals with about 1/5 of state's population. She has a 25,000 sq. ft. facility and fields over 30,000 calls a year. She provided the Commission with copies of the regulation with comments highlighted and said she had provided emails about her suggestions. He suggested changes are as follows: 1) Terminology on Page 2, this is a three tiered system, permittee, subpermittee and volunteers and volunteers are not required to be listed. She asked to stay with a two tier system because there is no way to check on those volunteers. Jones said he didn't recall the discussion on this. There is a requirement to list volunteers on site and KDWP deals with the El Dorado Correctional Facility. Johnson commented that there is no check and balance if one of her volunteers is stopped and KDWP doesn't have their names. 2: Page 3, number 1, states that all consultations must be performed in consultation with a licensed veterinarian on permit or with veterinarian on staff of Kansas State University. That is almost impossible because we see so many animals each day. 3) Same page, number 8, domestic animals section should be omitted completely. She felt it was referring to cross fostering. Left as it stands this is what you are going to get (showed pictures of cats and dogs raising wild animals). 4) Same page, number 9, section h, one month, should be replaced with 90 days, in line with federal regulations. That gives us time to heal breaks. 5) Page 4, (4)(j), two words should be added: orphaned and displaced, not nuisance. 6) Same page, (1)(2)(A), Emergency care - most zoos and nature centers are not capable of dealing with wildlife emergencies. Should remove, or put permitted zoos and permitted nature centers; and department professional should be KDWP department professional. 7) Page 6, (2), the term euthanized is not specific enough. Some people will release an one-eyed, three-legged animal into the back yard. This should prohibit the release of handicapped animals. I have been sending emails since March and some of the emails have been amended.

KDWP legal counsel Amy Thornton recommend a written amendment for next meeting. Chairman Dykes asked for a motion to postpone the vote on this regulation.

**Commissioner Harrington moved to postpone vote on KAR 115-18-1 until next meeting. Commissioner Wilson seconded.**

**The roll call vote to postpone vote on KAR 115-18-1 was as follows (Exhibit Z):**

<b>Commissioner Dykes</b>	<b>No</b>
<b>Commissioner Fields</b>	<b>No</b>
<b>Commissioner Harrington</b>	<b>Yes</b>
<b>Commissioner Johnston</b>	<b>Yes</b>
<b>Commissioner Meyer</b>	<b>Yes</b>
<b>Commissioner Sebelius</b>	<b>Yes</b>
<b>Commissioner Wilson</b>	<b>Yes</b>

**The motion to postpone vote on KAR 115-18-1 until next meeting, passed 5-2.**

Chairman Dykes said that he preferred to take what Johnson recommended and have department staff work on language then redraft the regulation and vote in Atchison.

**XII. OLD BUSINESS**

**XIII. OTHER BUSINESS**

**A. Future Meeting Locations and Dates**

The next meeting is scheduled for October 28, 2004 at the Atchison Heritage Conference Center, 710 S. 9th, Atchison. Morning tour is pending.

January 20, 2005 at Memorial Hall Auditorium, Topeka, Luncheon in Capitol Building, 2nd Floor Rotunda.

Chairman Dykes - The Commissioners are invited to the Homestead Country Club in Prairie Village, November 17, 2004 to meet with area legislators.

Jess Hoeme invited the Commission to meet in Beloit for the April meeting.

**XIV. ADJOURNMENT**

**Commissioner Meyer moved, Commissioner Wilson second to adjourn.**

The meeting adjourned at 10:20 p.m.

(Exhibits and/or Transcript available upon request)