

**KANSAS DEPARTMENT OF WILDLIFE AND PARKS  
COMMISSION MEETING MINUTES FOR  
Thursday, April 22, 2004  
City Building, 401 Main, Courtland**

Subject to  
Commission  
Approval

Lovewell State Park Tour at 10:00 a.m., lunch at 11:30, BBQ supper in Courtland.

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

The March 25, 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 City Building, Courtland, Kansas. Chairman Dykes and Commissioners John Fields, Lori Hall, James Harrington, Kelly Johnston, Doug Sebelius and Shari Wilson were present.

Bill Hawes, former Commissioner of Fish and Game, welcomed commissioners. Staff thanked Rick Cleveland and his staff for tour and meals.

**II. INTRODUCTION OF COMMISSIONERS AND GUESTS**

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

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

Doug Nygren will present Tom Mosher's program.  
Changing public hearing -- move items 4, 5 and Secretary's Orders to the beginning of the evening agenda.

**IV. APPROVAL OF THE JANUARY 22, 2004 MEETING MINUTES**

Commissioner Harrington moved to accept minutes, Commissioner Johnston second. (Minutes - Exhibit B).

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

None

**VI. DEPARTMENT REPORT**

**A. Secretary's Remarks**

1. 2004 Legislation - 2003/2004 session not quite through. There were several hold-over bills that did not see action this session -- SB 71 and HB 2027. **SB 363**, regarding minimum age

for hunter education: This bill would set a minimum age of 11 years for hunter education. The bill was amended to require any person who has not taken hunter education and is less than 16 years of age to hunt only if accompanied by an adult at least 18 years old. The provision remains that a person may not take hunter education until they are 11 years of age, and if they are 12 or older and have taken hunter education; they may hunt on their own without an adult. Also, any person less than 14 years of age may not be issued a big game archery permit unless they have completed bow hunting safety education. The House passed the bill as amended 111-13 on March 26, 2004 and the bill was assigned to a conference committee. On March 31 the conference committee amended the bill to require the department to create nine archery units by January 31, 2005 and to include two of the original provisions from **SB 364**: reissuance of limited draw permits to military personnel, and removal of wild turkeys from the big game designation. The conference committee report passed the House 108-16 and the Senate on April 2. SB 364 died in the Conference Committee. **SB 451** - no action. SB 496 - Regarding the revocation or suspension of hunting licenses if trespassing, died on the House floor. SB 539 - regarding bonding for water, was amended and sent for interim study. SB 561 - relating to a landowner deer management program report, which was submitted to the legislature by the required date of January 15, 2004. A proposed pilot program is to be conducted in no more than five locations that will be selected through a request for proposals process. On March 30 this bill was amended into HB 2731 by a conference committee, and on April 1, HB 2731 as amended was adopted 40-0 in the Senate and 123-1 in the House. **HB 2557** - This bill is one of the department's initiatives and would officially recognize Menninger Memorial State Park as the 24th state park. On February 16 the House Tourism and Parks Committee amended the bill to change the name of the proposed park to Free State State Park. On April 1 in Conference Committee this bill was amended to designate a 24th state park located in Shawnee County, to be named by the legislature at a later date. The remaining provisions from HB 2653 were also amended into this bill. **HB 2573** - This bill would remove the requirement that a disabled person's assistant must have a fishing license or other permits or stamps required by the department for fishing. This bill would not change the requirement that a disabled person's assistant have all required licenses, permits, and stamps for hunting. On February 16, the House Tourism and Parks Committee amended the bill to also exempt a disabled person's assistant from having the necessary licenses, permits, and stamps for hunting. On March 18 the Committee amended the bill to require the assistant to be within close proximity to the disabled person they are assisting and required that the assistant not be a person who, if they have a hunting or fishing license, has had that license(s) suspended or revoked. The Governor signed the bill on April 14. **Substitute for HB 2583** -- as written the bill would apply only to trails on converted railroad lines, but could easily be applied to other recreational trails. This bill passed the Senate and the House but died in the House Committee. **HB 2604** -- relating to licensing of watercraft dealers: The Governor signed the bill on April 14, and it will be in effect January 1, 2005. **HB 2621** -- this bill is one of the department's initiatives and adds the department's game warden dogs to the statute that makes it a Class A nonperson misdemeanor to inflict harm, disability, or death to other types of law enforcement and assistance dogs. The bill passed the House and should be taken up in the Senate next week. **HB 2653** -- This bill is one of the department's initiatives and gives the department secretary the authority to join an interstate wildlife violator compact. Also, relates to mussel value, was amended into SB 494 and there is no jail time now. The remainder of the bill passed the Senate and is awaiting House action. **HB 2578** -- died in Committee. **HB 2582** -- regarding Horsethief Reservoir. Secretary Hayden has been appointed to the Board and

the district is expected to levy a tax. The Governor signed the bill on April 12 and it will become effective July 1, 2005. **HB 2668** -- this bill allows a county commission to request the secretary of wildlife and parks to declare an antlerless deer season of not more than seven days long if at least 25 percent of all motor vehicle accidents in that county in the past year were caused by or related to deer. The bill was amended and the language described above was replaced with a new provision requiring the department to establish a subunit within Deer Management Units 7 and 8 and provide a special season in the subunit, which extends by seven days the time currently provided for taking antlerless deer. The amended bill was not worked by the Committee, but as noted above was amended into SB 364, then died in conference committee. **HB 2710** -- regarding vessel laws died in the House. **HB 2731** -- This bill would add a section to the department's hunting license application to allow the applicant to make a voluntary contribution of \$2 or more to support the activities of Kansas Farmers and Hunters Feeding the Hungry. The bill was signed by the Governor on April 14 and goes into effect July 1, 2005. **HB 2740** -- regarding free hunting, fishing, and park permits to National Guards died in Committee, was amended into SB 364, was gutted from that bill, but is not dead yet. Commissioner Wilson asked about the Menninger park bill. Tymeson said that it is set to run next week. Commissioner Wilson asked if it was likely to pass. Tymeson said he expected it to pass on House side, but will be named later. Commissioner Wilson asked how that would be done. Tymeson said it would be done by regulation next year. Commissioner Sebelius asked why the violator compact law not pass. Tymeson said legislators felt it was regulatory versus statutory authority.

2. FY 2005 Budget - Secretary Mike Hayden presented this report to the Commission (Exhibit C). At the March, 2004, meeting of the Commission, information was provided on the status of the Kansas Department of Wildlife and Parks (KDWP) budget. The department received everything it asked for except for the Circle K Ranch. The appraisal should be completed next week, but that will be too late for this year. The department will ask for the \$400,000 again next year. Assistant secretary Dick Koerth is working on the Omnibus Bill today. In addition to the Governor's Budget Amendments, KDWP has requested the Division of Budget and the Governor to consider two other issues of importance to the Department. On April 21, 2004, the Governor issued Governor's Budget Amendment (GBA) No. 3. Included in the GBA were the request for the Almena Irrigation District Agreement, additional federal funds for the Hunter Education program, a transfer of \$42,960 from the State General Fund to the Wildlife Fee Fund for reimbursements from the sale of surplus state vehicles (These funds must be deposited to the Wildlife Fee Fund rather than the State General Fund to avoid a diversion issue with the US Fish and Wildlife Service), and a request to delete the restrictive provisos on the appropriation for development of Menninger Memorial State Park. Secretary Hayden expressed appreciation for the Governor's recognition of these important issues in her budget amendments. Also, it was made clear that free licenses to the National Guard would be paid by State General Fund, not user fees.

3. Park Awards - Jerry Hover, Parks Division director, presented a Team Award to Lovewell State Park for their ingenuity and resourcefulness in turning several unused "toadstool" picnic shelters into beautiful cabins that are utilized almost everyday throughout the spring, summer, and fall. The members of the team are: park manager Rick Cleveland, ranger Jon Sanko, administrative assistant Lisa Boyles, and senior GMRT Dennis Swanson. Ten-year pins were awarded to Dennis Swanson and Jon Sanko.

The Valor Award was presented to El Dorado State Park ranger Clint Lee. On August 4, 2003 in El Dorado State Park, Lee came upon a wrecked vehicle near the Corps of Engineers Office. The vehicle had flipped and rolled several and the two occupants were still inside. The motor was still racing, and the vehicle trunk burst into flames as Lee tried to remove the victims, who weren't responsive. Lee removed the passenger but could not open the driver-side door. Lee was able to pull the drive out from the passenger side. Lee risked his own life to save the two victims. His professionalism was evident that day just like every other day.

Director's Award was presented to Glen Elder State Park manager Kurt Reed, who has over 30 years with the department. Reed has guided Glen Elder SP complete destruction by flooding to the current renovation and updated facilities. Glen Elder has the first innovative campground designed with tie down chains to keep campers from being blown over by windstorms, which has saved campers thousands of dollars over the past couple of years. All of the trees destroyed during the flooding have been replanted. Reed also sponsors many excellent special events that attracts thousands of people.

Kurt Reed thanked the department for efforts at Glen Elder SP and presented awards to Secretary Mike Hayden, director Jerry Hover and Parks Division Regional 1 supervisor Melody Burkholder.

## **B. General Discussion**

1. Implementation of time line for regulatory changes resulting from 2004 legislation - Chris Tymeson, department attorney, presented this report to the Commission. There are four regulatory items from the 2004 legislative session that will have to dealt with: 1) Deer landowner regulations -- Wildlife Section chief Mike Mitchener and big game biologist Lloyd Fox will put together ideas to for implementation by January 2005. Colorado's Ranching for Wildlife program will be used as an example. 2) Separating turkey from the big game regulation will be done by January also. 3) A report on the establishment of nine archery deer management units must be completed by January 31. The commission will need to vote on this item at the January meeting. 4) There will be some statutory changes concerning vessel dealers that must be completed by January. Chairman Dykes stated that these items should be included in the general discussion at least by the August meeting.

2. Wildscape Projects in the Courtland Area - Bill Hawes, Wildscape board member, presented this report to the Commission. He highlighted Wildscape's largest conservation project, -- the Milford Wetlands. Locally, Lovewell and Glen Elder will celebrate Wildscape's OK Kids programs on May 1, which is Free Park Entrance Day. Wildscape has signed an agreement with KDWP that will provide guaranteed financial backing to build cabins in state parks.

3. Jamestown Wildlife Area Renovation - Rob Unruh, Jamestown Wildlife Area manager, presented this report to the Commission (Exhibits D, E). Jamestown Wildlife Area is one of Kansas' eight remaining large, natural marshes. It's located approximately 12 miles northwest of Concordia where its boundaries include parts of Cloud, Jewell and Republic counties. The wetlands at Jamestown are in need of renovation due to significant sediment accumulation over the past 80 years from the 128-square-mile Marsh Creek watershed. Sediment

has decreased water storage, degraded waterfowl habitat, and reduced hunter access, leaving silt bars and vast expanses of cattails. With the exception of locations where intense and costly chemical control has temporarily setback cattail encroachment, management has been limited because wetland basins could not be drained. Direct management by the Kansas Forestry, Fish and Game Commission began in 1932 with the damming of Marsh Creek to create the 700-acre Republic County State Lake, now called Gamekeeper Marsh. Acquisitions from willing sellers have occurred over the years and have expanded the area to include the second large wetland, Gun Club Marsh, once called Sportsman's Lake, and Puddler Marsh, a hunting area for youth under 15 years of age. Recent acquisitions have expanded the area to 4,179 acres and a willing seller is offering to sell another 700 acres. The Land Availability Report, Contaminant Survey and Land Acquisition Evaluation have been submitted and are awaiting agency administrative action. In 2001, Kansas Wildlife and Parks Commissioners Tom Warner, Will Carpenter and Lori Hall participated in a public meeting in Concordia to discuss renovating Jamestown. As a result, Jamestown was declared a wetland with the highest priority for renovation. Constituent and renovation task forces were formed and KDWP provided funding in FY 2004 for a feasibility study. Additional funding for the initial construction of Phase I, Gun Club Marsh, was appropriated for FY 2005, and a Capital Improvement project proposal has been submitted for FY 2006 for completing Phase I. The renovation is divided into phases, beginning with the Gun Club Marsh. The first phase will target increased water storage by raising the height of the south dam of Gun Club, construction of a bypass channel to divert the average, daily flow of Marsh Creek around the marsh, and subdividing Gun Club into three pools to improve management. The final draft of the Phase I feasibility study is scheduled for completion later this month. Future phases will encompass Gamekeeper Marsh and perimeter wetland development. The future, with renovation and land acquisitions, is very bright at Jamestown. Ducks Unlimited (DU) has stepped up as a major partner and will be drafting a North American Wetlands Grant to obtain additional federal funding. Other sponsors include Kansas Alliance for Wetlands and Streams (KAWS) and Pheasants Forever (PF). Kansas DU has commissioned past DU artist of the year, Harold Roe, for a series of sponsor prints that will feature Kansas wetlands over the next several years, and Jamestown will be the first subject in the series this year. DU is also seeking private donors to facilitate the renovation. Bill Hawes asked if the department planned to acquire land along Marsh Creek. Unruh said that plans didn't include acquisition along Marsh Creek, but that there was a lot of WIHA along those areas. Chairman Dykes asked about the prospects of receiving funding to acquire the 700 acres. Unruh said that according to Jim Hays, KDWP's land acquisition person, it looked pretty good. Secretary Hayden added that the department has a land acquisition fund set aside just for opportunities like this. While the legislature provided the same level of funding this year, he said the department would request an increase next year. Chairman Dykes asked if approval was necessary to purchase this specific piece of property. Secretary Hayden said it wasn't. The Legislature only approves the money.

4. Lovewell Fisheries - Kyle Austin, former district fisheries biologist, presented this report to the Commission (Exhibit F - PowerPoint presentation). Austin is now working in Fisheries Section administration in Pratt, but had been the biologist for Lovewell Reservoir for 14 years. Austin first introduced the biologist hired to replace him, Scott Waters, who had been on the job for two weeks. Lovewell Reservoir covers just under 3,000 acres with an average depth of 14 feet. It features excellent fishable populations of walleye, wipers (palmetto bass), channel catfish (20 plus pounds), flathead catfish (50 pound range), white bass, crappie (good

quality), and goldeye. From 1979 through 2003 the walleye population has ranged from about 5 million to about 50 million with the highest populations from 1982 to 1985. In 1988, the first 18-inch minimum length limit set in place for walleye at Lovewell. Special projects include the construction of eight or nine brush pile fish attractors. Another special project is the commercial fishing operation, which attempted to remove 150,000 pounds of rough fish and other non-sport fish. This began last year and so far has removed 120,000 pounds (80,000 pounds in one seine haul). The goal was to remove 50 pounds of rough fish per acre and already 40 pounds per acre have been removed. The fish are sold to markets in New York State. For the past 14 years Austin worked on ways to keep fish from being flushed out during the irrigation releases. Many potential solutions appeared to be cost-prohibitive, but recent communication with a company out of Toronto, Canada, holds promise of a new technology -- acoustic bubbles. The department has asked Bureau of Reclamation (BOR) to help fund a feasibility study to get the company to take a look at Lovewell. There is also a plan to identify how many fish are being let out through the irrigation outlet.

5. Park Fee Fund - Jerry Hover, Parks Division director, presented this report to the Commission (Exhibit G). KDWP needs \$10 million annually to operate, administer, maintain, rehabilitate and develop the current Kansas state park system. Kansas state parks currently generate \$6.2 million in revenue from 7.6 million visits. State parks constitute seven of the top 10 tourist attractions in Kansas. State General Fund (SGF) money continues to dwindle. In 1995, it was 60.4 percent of the Parks' budget. In 2005, SGF will make up less than 15 percent of the Parks' budget, and it has been suggested that eventually no SGF money will be appropriated. Users are paying more than 85 percent to run parks. Kansas state parks provide a conservative estimate of \$685 million annual economic impact for Kansans. More than 69 percent of Kansans have visited state parks, and the average income of state parks users is \$42,550. FY 2005 will present serious park budget challenges: reduced state general fund (\$500,000 this year); increased need for new revenues; increased cost for utilities (1/3 of budget); reduced equipment replacement; no funds available for rehabilitating facilities; no funds available for improvements; reduced services and facilities; and cash flow will be difficult to meet. A minimum balance of \$800,000 is necessary to start the new fiscal year. It likely will be there because June is a heavy income month, but a balance of almost zero is expected by February and March of 2005. Parks spend about \$300,000 a month in the slow months, and \$1 million a month in the heavy-use months. Compared to other states, Kansas state parks are tied for last place with Connecticut in the amount of SGF spent on them. Only 0.07 percent of the total Kansas SGF is spent on state parks. The average among other states is 0.24 percent, with California receiving the most at 0.88 percent -- Nebraska - 0.50 percent; Oklahoma - 0.37 percent; Iowa - 0.26 percent; Colorado - 0.21 percent; and New Mexico - 0.18 percent; Missouri - 0.17 percent. Four states receive no SGF for parks, but they each receive other substantial special dedicated tax funds (Florida: dedicated real estate tax; New Hampshire: motor fuel tax & plates; Oregon: motor fuel tax, plates, lottery; and South Carolina: sales tax). Four states are completely funded by the SGF (Connecticut: \$9.7 million; Maine: \$7.3 million; Rhode Island: \$5.7 million; and Wyoming: \$5.5 million). Four other states receive less SGF than Kansas, but they each receive other substantial dedicated special tax funds (Alabama, \$100,000 SGF - Tobacco \$6.5 million; Missouri, \$1 million SGF - Sales \$24.3 million; Montana, \$300,000 SGF - Sales \$4.5 million; and Vermont, \$400,000 SGF - Sales \$3.3 million). Three states have similar operating budgets as Kansas (Hawaii, Maine, and New Hampshire). Hawaii generates \$1.7 million, receives \$5.4

million SGF; Maine generates \$800,000, receives \$6.4 million SGF; and New Hampshire generates \$7.6 Million, receives \$0 SGF. Only four other states have more campers than Kansas. In operating comparisons with nearby states (OK, NM, NE, IA, MO, KS, and CO), Kansas has the smallest operating budget; but more visits than New Mexico.

Commissioner Fields asked if raising fees would cause campers to go to Corps of Engineers parks Hover said he would cover that later. Chairman Dykes asked if there was a way to compare acres with other states. Hover said Kansas has less than others. In comparing with other states. OK, NE, IA do not have an entry fee of any kind. Comparisons with U.S. Army Corps of Engineers (USACE); and with 48 States and Kansas private parks are included in a handout. To generate additional \$3.8 million fees would have to increase dramatically - daily vehicle permit to \$ 9.50; off-season annual vehicle permit to \$69.50; prime season annual permit to \$96.25; no senior discounts; daily camping w/o utilities to \$27.50; daily camping with utilities to \$39.50; and no annual camp permit. Kansas is currently above national average prices but is on par with Kansas private campgrounds. Surveys indicate that users do not support more general fee increases. In 2003, total visits dropped 500,000 and in 2004 number of visits are flat. General fee increases may further reduce usage. Options include reducing costs by reducing services and closing facilities and or layoffs, close all parks for two months with layoffs (during winter), some parks for six months with layoffs (but we would still have to pay utilities); increase fees; and dedicated fund legislation. Other possible options: tweak current fee structure by changing prime and low season pricing, increasing weekend pricing, having week-day discount pricing, increasing annual camp/14 night camp; restructuring fee schedule campground by campground, park by park; value added packages like annual camping, annual vehicle; monthly/weekly packages; change to per person pricing (legislation needed); or reduce fees with dedicated funding (legislation needed) and possibly reduce some of the funds we have now. Hover asked Commissioners for direction.

Chairman Dykes asked how many parks don't pay their way. Hover said if the administration (office) costs are removed, only three would survive. If administration and personnel costs are included, no parks pay. Chairman Dykes asked about turning some of the parks into wildlife areas. Hover said an increase in the wildlife budget would be necessary to take care of those because we land and water conservation fund monies are used some. Chairman Dykes said that there have been Commission committees to explore dedicated funding options and the \$10 million dollar capital improvement for parks was received. At that same time a dedicated funding source was researched. The climate in the legislature has never been conducive, and Dykes wondered if staff felt it could be pursued again. Secretary Hayden said that reductions in the amount of SGF over the last five years has hurt parks the most. The legislators feel the parks should be self-supporting, but there isn't the cash flow to make that work. Chairman Dykes added that from experience there won't be much interest from the legislators until parks are closed. Then the constituents get behind the department. Another committee can be assembled, but at the same time it may be necessary to have a plan to close some of the parks. The committee and staff need to meet with the budget director and find out if the SGF will be further reduced. Also, any time there is drought, western state park use will decline because there is no water available. In addition, there isn't general support from the legislator that parks really do create a quality of life. There are urban areas that support their parks. It is difficult to sell the legislators on the quality of the parks out here in the rural areas. There is also a love/hate relationship with Corps of Engineers (COE). Maybe it's time to revisit the idea of turning over some of their parks and monies to support them. It will have to be a complex, multifaceted

solution. Hover said he recommended that public comment be sought, and that dedicated funding must be identified. There are all kinds of small communities and large communities who fund recreation in their communities and surveys tell us that they would support us. Chairman Dykes asked about the department's contingency plan if nothing changes and parks run out of money. Secretary Hayden said that the department will have to invigorate the public, meet with the budget director, and need to reenter negotiations with COE. The way other states have gotten around some of these things is to do away with the vehicle permit and start a per person funding system. Chairman Dykes asked if the COE worked on a vehicle fee. Hover said they did. Chairman Dykes suggested that Commissioners establish a small committee and work with the department and budget director and to work with the COE. It is also important that the Parks Division begins working on a plan that would be implemented if the committee is unsuccessful. That has to mean closing some parks. Commissioner Johnston asked how immediate the need was to cure this shortfall. A number of these actions require legislative action and will not be done in time for the June 2005 shortfall. He didn't see who the department could avoid cut backs. Commissioner Wilson asked if a proposal for tweaking fees would be presented at the June Commission meeting. Hover said he would if that is the direction of the Commission. Chairman Dykes asked how much needed to be made up. Hover said \$500,000 would need to be made up by the summer of 2005. Chairman Dykes asked about the impact of converting from per vehicle charge to a per person charge. Hover said the it would increase entry fees from \$3.5 million a year to \$5.5 million per year, not charging 16 or younger. Commissioner Harrington asked which system was most common. Hover said some of both are used. Commissioner Fields asked if the plan would require seniors to pay full price. Hover said both proposals would require legislation. Chairman Dykes asked if other states had different pricing. Secretary Hayden said Kansas has never had differential pricing. Chairman Dykes asked about trying differential pricing. Hover said if it was done on a park by park basis, it could reduce costs to a number of people. Chairman Dykes said could drive the price per person annually and could prove to be a windfall for parks. Commissioner Sebelius asked if the marketing of annual or daily permits would change, and if a per person charge system would require increased staffing. Hover said that not all of the staff agreed with the idea, but all are willing to try it. Commissioner Sebelius felt the Commission should move the staff to take a look at that. Chairman Dykes said he wanted to also work on the two- to five-year plans and long-term plans -- 20 years out. Hover added that in the past few years several areas have been closed in some of the parks, so those types of efforts are already in place. Steve Sorensen, president Kansas Wildlife Federation asked how much SGF was received. Hover said about \$3.5 million, which is mostly for parks, but some is administrative support for fish and wildlife. Sorensen asked if any states have self-sufficient parks. Hover said he believed there was one.. Sorensen asked if there were other options. Five years ago COE was going to give us parks and money. Secretary Hayden said the department would be glad to talk to them about that, but we need to watch land and water funding. Also, there may be some communities that could take over some of these facilities because they are in stronger financial positions. Sorensen asked if the department had a mechanism to get this information out to park users. Hover said he hoped so. Sorensen asked if the department could really afford park number 24. Secretary Hayden said the proposed new park would not have any impact. There will be no overnight camping; a boat ramp and a road system (that funding will be provided for). Sorensen said the new park also represents a minimal income and wondered if the \$3.8 million included park number 24. Hover said the figure did not include the proposed new park. Secretary Hayden added that the new park will allow the Region 2 office to be moved and combined with the park



headquarters, as well as providing facilities for hunter education. Hover said he believed there would be enough endowments to pay for that park. Sorensen said American Airlines did not add planes when they filed for bankruptcy. Chairman Dykes said he didn't believe COE wants to take on any parks. Secretary Hayden said they might consider some swaps. Currently both agencies are operating parks at some reservoirs.

### **C. Workshop Session**

1. Federal Legislation and State Law Jurisdiction Pertaining to Exotic Cat Ownership - Kevin Jones, Law Enforcement Division director, presented this report to the Commission (Exhibit H). The Captive Wildlife Safety Act was signed into federal law in December 2003. This would make it illegal for persons to import, export, transport, sell, receive, acquire, or purchase lions, tigers, leopards, cheetahs, jaguars or mountain lions, or any hybrids of these cats, across state lines. Exemptions were provided for exhibition or dealer permits issued by the Animal and Plant Health Inspection Service (APHIS); and accredited wildlife sanctuaries; or licensed state veterinarians, rehabilitators, colleges and universities. The law only applies to activities that cross state lines. Each state retains the ability to manage all wildlife, including these six cat species, within their respective jurisdictions. At present, 12 states totally ban the possession of these large cats and seven other states have partial bans. The latest estimates indicate that 10,000 to 15,000 of these large cats are in private ownership nationwide. Kansas law currently allows for the ownership and possession of these large cats and the state statutes direct the Secretary of the Department to regulate, among other things, the importation and possession of all wildlife, including these species, within the state. Some local government entities have enacted ordinances prohibiting the possession of these cats within their jurisdictions based on public safety issues. On February 5, 2004 the Governor's sub-cabinet on natural resources met and discussed this issue. A meeting between representatives of the Kansas Animal Health Department, Kansas Department of Health and Environment and Kansas Department of Wildlife and Parks was held after that to further discuss the respective authorities relating to this issue. While each agency has certain interests and authorities in regulating these species, the Kansas Department of Wildlife and Parks is vested with the primary authority to further regulate or prohibit possession of these animals. A department working group should be created to review these issues and provide recommendations. Jones assigned one conservation officer and two regional supervisors to come up with something to present to the Commission. Federal agencies are also looking at this issue and how they will handle this. This will involve regulations KAR 115-12-3, 115, 20-3, 115-20-4 and 115-18-10 and the department would look at bears and wolves, eliminating some regulations. This would create a moratorium on possession of these animals, possibly by 2010.

Chairman Dykes asked if Jones was suggesting that the Commission also look at bears and wolves. Jones said he was and that the department was also interested in concerns and comments.

Ken Lockwood, Cheney, complimented the department for helping him plant native grass on his property. He said he'd been a licensed cat owner since 1987. When he first got involved he was amazed at the number of cat owners, as well as the conditions of facilities and conditions of cats. In a Peabody case, he sent a video to the USDA officer in Dallas to show him the conditions of that facility and eventually got that facility closed. He felt it was important to get the state involved to regulate large cat ownership. Very few people understand what is needed to take care

of these big animals.

2. 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 I). Kansas statutes require that any person desiring to provide wildlife rehabilitation services comply with regulations adopted by the Secretary. There were five items addressed: 1) a clearer description of a "wildlife professional" to include "a biologist employed by a state or federal wildlife agency, the curator or manager of a zoo or wildlife sanctuary, or other person professionally engaged in wildlife management or care."; 2) a change from a permit applicant having "reasonable experience involving the handling and care of animals" to "hands-on experience involving the handling and care of wildlife." This experience would most likely be acquired by the applicant working as a sub-permittee for another rehabilitator, including 100 hours of training; 3) the standards for animal care were modified; 4) further definitions and conditions for activity were added to sub-permittees (these standards are in line with the federal standards); and 5) a more formal process is proposed for the placement of wildlife being held in captivity or transferred to another permittee for treatment. A list of animals not to be rehabilitated are starlings, sparrows, skunks, coyotes and foxes. Ken Lockwood asked about orphaned young of some of these animals. Jones said that some would either be euthanized or sent them to a zoo or other educational facility. Final action on this regulation is anticipated at the public hearing occurring in August, 2004.

3. KAR 115-25-1. Game birds; open seasons, bag limits, and possession limits. (Quail) - Roger Applegate, wildlife research biologist, presented this report to the Commission (Exhibits J, K). This is the second workshop of a proposal presented at Iola, which would change the opening date of quail season and make it statewide to more fully utilize the quail resource and provide increased hunting opportunity. It is recommended that, beginning in 2005, quail season open statewide on the first Saturday in November (one weekend before pheasant season). This would eliminate the Eastern and Western quail zones. Currently, the quail season opens on the second Saturday in November in the Eastern Zone and the third Saturday in November in the Western Zone. Surveys of Kansas quail hunters, showed not much interest in zones or staggered quail openers in eastern and western Kansas. Closing date for the quail season will continue to be January 31. Bag limits will remain the same. Bill Hawes commented that he red from the report that there was "no biological support" for the delayed opener in western Kansas. He said it was a social issue. He was on the Commission when the season was split, and that was because of the western Kansas pheasant season. Originally it was proposed as Highway 14, moved to Highway 81, now Highway 281. The reason he proposed that is that the population dynamics are very limited. The other thing he wanted to address is that in 1978 the Commission advanced the opening of pheasant season to the first Saturday because the Nebraska season opens at that time. There were a lot of overflow hunters that could not find motel accommodations. We surveyed motels, and only one in Belleville and one in Norton objected to a different pheasant opener. Jerry Conley was the Director then and all of the motel operators were at the Highway 36 meeting and I received more hate mail from that than anything else. Governor Bennett was at that meeting and he said that the Commission had his support on their decisions. We went back to the second week the next year. Dan Vidricksen, representing Quail Unlimited said he visited with 250 people, members of Quail Unlimited (QU) and Pheasants Forever (PF), and did find anyone interested in changing the

quail season. In fact, most are very upset with this suggestion. The declining population in the state is alarming. We had 30 days of snow and ice last year. Three or four people suggested cutting back a couple weeks in January. This will conflict with the pheasant youth season. Comments were also made to me about moving the quail season back a week, but there may not be motels available. There may be some safety issues if you get too many people out there at once (hunting quail and pheasants in western Kansas on opening weekend). Ideally, quail hunters should not hunt in groups bigger than three or four. Habitat should be the key, not on revenue. This issue should be discussed by conservation groups and the department. Secretary Hayden asked what QU's position would be on trading a couple of weeks in January for a couple of weeks in November. Vidricksen said he would still have the same position. This should not be a revenue issue. Secretary Hayden asked what data do he had to support his argument.

Vidricksen said the last two weeks in January are brutal.

John Ross, Mankato, representing the Kansas Sporthunting Association, concurred with Vidricksen. He said he was also a farmer and had to hurry to get the crops cut by the second week of November. He would not going to let hunters hunt in unharvested grain fields.

Steve Sorensen, KWF, asked if this proposal would increase the quail harvest. Applegate said the regulatory structure will support this. Sorensen again asked if harvest would increase.

Applegate said it would not affect total harvest. Sorensen pointed out that there was a mistake in dates listed in the briefing. He added that he supported what Bill Hawes had said.

Bill Hawes commented that a farmer does not have milo crop out of the field by the first weekend in November.

Barth Crouch, representing Pheasants Forever said he Echoed what some of the other folks have said. In the game bird world sportsmen's groups are all friends. This could cause them to become enemies, like the deer hunters. He mentioned knock-down, drag-out fights over season dates in South Dakota, as apposed to how much smoother things were in Kansas with a standardized season. He urged the Commission to stay where it is at.

Sorensen asked about biological data, studies by Dr. Robel, that indicate that January hunting can be detrimental to quail populations.

Jess Hoeme, an attorney from Beloit said this is a bad idea. He said he had spoken to some people in the agency and hadn't heard a positive comment yet.

Secretary Hayden said he will take credit for this idea. The Sport Hunting Association (controlled shooting areas) already have a six-month season. It is wonderful that the groups all work together. Just because we have the status quo does not mean we have the best season. When he lesser prairie chicken season was reduced, harvest was not reduced as much as the number of hunters dropped. There was no positive or negative impact on the lesser prairie chicken numbers. The department is concerned with the future of hunting. Quail populations are largest in the beginning of the season, not in January. The sooner the season opens after the birds mature the better the season. The department can support giving quail hunters their own season.

Jess Hoeme commented that although this proposal is for the sportsmen, all of them speaking today said they didn't want it. Secretary Hayden commented that those sportsmen are the ones that are still hunting. He wondered about the about ones who have already quit. The department is trying to make hunting more accessible and he didn't think there was a better way to get more people into upland bird hunting. The hunters go to the earliest opener, out of state. Hoeme asked about deer hunting. Secretary Hayden said the department has tried to protect the deer during the rut and that is why we don't allow an early rifle season.

Kirby Buel, River Bluff Hunting Company, said he saw only two coveys last year, and he was

not for moving the season up. Take care of the sportsmen, increase the bird numbers not the sportsmen. Secretary Hayden asked when Buel took his first groups out on his controlled shooting area? Buel said it was November. Secretary Hayden said that he could take them out in October.

Steve Sorensen commented that this would push the youth upland bird season to the last weekend in October and there is no WIHA available. Secretary Hayden said that had been considered and there were ideas to move the youth season up one week and move WIHA opening dates earlier.

Commissioner Johnston said he was searching for a compromise somewhere. If the current system is maintained, the quail opener could be moved up one week only in the eastern half, where there are better populations. Secretary Hayden said that would make three openers. Dan Vidricksen said he saw a big problem with that. There is just not enough motels and there would be a conflict with hunters who want to hunt both places.

Proposed changes to prairie chicken hunting season - Randy Rodgers, wildlife biologist, presented this report to the Commission (Exhibits L, M, N, O). Proposed changes to prairie chicken hunting season structure first discussed last month in Iola. In 1995, the Kansas Wildlife and Parks Commission altered the structure of the prairie chicken season in the region of the state where lesser prairie chickens occur. This action was taken in response to a number of things, including a petition to have lesser prairie chickens listed as threatened under the Endangered Species Act (The subsequent finding by The U.S. Fish and Wildlife Service indicated the petition was "warranted, but precluded" by higher priority species.); lesser prairie chicken populations were unusually low at that time; and concern existed that the early opening day (first Saturday in November) of the lesser prairie chicken season created the possibility of localized over-harvest. Kansas lesser prairie chicken populations have subsequently recovered from the mid-1990s low and have expanded their range in west-central Kansas in response to added habitat provided by Conservation Reserve Program (CRP) grasslands. Significant numbers of lesser prairie chickens have been located north of the Arkansas River by KDWP staff since 1999. These birds are utilizing areas where CRP grasslands are found in close proximity to native rangelands in the Pawnee, Walnut, and Smoky Hill watersheds almost as far north as Interstate Highway 70. Recently completed research has documented the heavy use and high value of CRP grasslands to lesser prairie chickens in west-central Kansas. All the lesser prairie chickens in the Smokey Hill watershed and some of those in the Walnut watershed are located north of K-96 where the current hunting season opens the first Saturday in November and the daily bag limit is two. Kansas greater prairie chicken population indices have been essentially stable in the Flint Hills and north-central Kansas over the past decade, but have declined in areas east of the Flint Hills. This species has increased in northwest and west-central Kansas over the same period. The proposed season in the Southwest Unit would move the opening date to November 1, creating a continuous season of 92 days with bag and possession limits remaining the same. In that the area between K-96 and I-70, which would become part of the Southwestern Unit, daily bag limit would be reduced from the current 2 to the proposed 1, and the season opener would change from the first Saturday in November to November 1. These changes would primarily involve lesser prairie chickens, but greater are present north of K-96. In the Northwest Unit the only change would be for the season opening to begin November 1 instead of the first Saturday in November, except in the area between K-96 and I-70, as noted under the Southwestern Unit. This would create a 92-day season for this unit as well. Only greater prairie

chickens are found in this unit. In the East Unit the proposal would run a continuous season from September 15 - January 31, with a daily bag limit of 2, possession limit of 8, leaving out the gap between the current special early season and the current regular season. This would create a continuous open season of 138 days on greater prairie chickens in the East Unit.

Commissioner Johnston said he liked the idea of reducing the bag limit by 50 percent in that region of the state where the boundary is being moved north. Commissioner Fields asked if reducing the bag limit hurt the species more than the longer season. Rodgers said that average daily bag is one-half bird per day. Commissioner Fields asked if a longer season would hurt more than a bag limit. Applegate said that would be correct.

Hoogy Hoogheem (public comment) said he had spent the last two weeks taking people out to see the prairie chickens. He had yet to hear why the department wanted to fill in that space between the lesser and greater prairie chickens. There is also another user group, non-consumptive users. Secretary Hayden said there was not reason to close the greater prairie chicken season for 15 days, and that it was confusing to hunters. The department can't biologically support the split. Hoogheem asked if staff thought these changes would get more hunters. Secretary Hayden said hunters are important to the department for more reasons than just the fact that they buy a license.

Steve Sorensen asked about the change in CRP over last 10 years. Rodgers said it had increased slightly. Sorensen asked why the department was no longer concerned about number 3 (possibility of local overharvest). Rodgers said that there are more birds than there were at that time. Sorensen asked if the delayed opener was responsible for that. Rodgers said no. Back in 1995, biologists were unaware of prairie chickens pioneering in CRP at that time. The chickens have learned to take advantage of that CRP. Sorensen asked why the proposal would open the season on a Monday -- November 1, when most of the openers are on weekends. Rodgers said this was discussed last month. Sorensen commented that if this was such a good deal, why not change the pheasant opener, or deer opener. Secretary Hayden commented that there are midweek openers. Weekends were important in pheasant hunting because people travel. That is not the case for chickens. Sorensen commented that the department is proposing a 138-day season for prairie chickens and there is only a 120-day season on crows. Secretary Hayden said that the feds regulate crows. Sorensen said that everybody he talked to didn't like this proposal. Bill Hawes pointed out that the mid week openers were done for deer and turkey and would provide better access for the landowner before people came out on the weekend to hunt. Chairman Dykes commented that it was a different dynamic all together.

4. KAR 115-3-2. Rabbits, hares and squirrels, legal equipment, taking methods and possession - Roger Applegate, wildlife research biologist, presented this report to the Commission (Exhibit P), covering three regulations in one presentation. These regulations are being opened in order to clean up inconsistency between rabbit/hare regulations and the furbearer regulations covered under 115-25-11. For a number of years, zones were defined for the running of furbearers and rabbits/ hares. Several years ago the zones were eliminated for furbearers, but not for rabbits/hares. Since there is no rationale for continuing zones for running rabbits/hares, it is recommended that 115-3-2, 115-25-2 and 115-25-3 be modified to eliminate the zone designation.

5. KAR 115-25-2. Rabbits, open season, bag limit and possession limit - Roger Applegate, wildlife research biologist, presented this report to the Commission (Exhibit P). See

Item 4.

6. KAR 115-25-3. Hares, open season, bag limit and possession limit - Roger Applegate, wildlife research biologist, presented this report to the Commission (Exhibit P). See Item 4.

Steve Sorensen asked if the Commission had to make a proposal for regulations discussed in workshop to be brought back. Chairman Dykes said that wasn't necessarily true. If the Commission didn't make a recommendation, it can mean it agrees with what the department brought forward.

7. Early Migratory Bird Seasons - Marvin Kraft, wildlife research biologist, presented this report to the Commission (Exhibit Q). The U.S. Fish and Wildlife Service annually develops frameworks for migratory bird seasons. These frameworks establish the most liberal seasons that will be allowed on a particular species or group of species. States may always adopt more restrictive regulations than those allowed in the frameworks, but they may not adopt seasons more liberal than allowed in the frameworks. At this time we expect the proposed early-season frameworks to be published during mid-July. There probably be no significant changes from last year. Teal - High Plains and Low Plains - start September 26 and count forward with whatever days are left, one exception would be an 8-day season, then it would start September 25. Dove regulations are now set by KAR 115-25-19, rather than annual Commission approval. September Canada Goose Season - no change from last year, 10 days only and have to be used before September 15. Recommend September 4 through September 13, 2004. Chairman Dykes asked if the early Canada goose season was not catching. Kraft said there are a few who have places to hunt and are successful. It is not a growing thing, nor it is expected to be. Shooting hours frameworks are expected to be one-half hour before sunrise to sunset for all seasons. Michael Pearce, Wichita Eagle, asked about the water conditions on the northern nesting grounds for waterfowl. Kraft said it was looking grim, but was looking better in the Dakotas now.

8. KAR 115-25-19. Dove, management, hunting season, shooting hours, and bag and possession limits - National Dove Plan and Kansas banding status - Helen Hands, waterfowl biologist, presented this report to the Commission (Exhibit R). In 2002, the Kansas Department of Wildlife and Parks split the traditional mourning dove hunting season dates to allow three days of hunting during the opening weekend of the upland bird season. In 2003, a dove regulation established a hunting season with two segments. The first segment ran for 58 days starting on September 1 and the second segment began on the second Saturday in November and continued for two days. The 3-day November mourning dove season in 2002 comprised 5 percent of the 60-day hunting season. Results from the Kansas Small Game Harvest Survey indicate that 3 percent of Kansas dove hunters utilized the 3-day November mourning dove season in 2002. The November harvest comprised 0.5 percent of the Kansas dove harvest, and 1 percent of the reported mourning dove hunting days occurred in November. Data from the 2003 hunting season will not be available until summer 2004. Harvest Information Program data from 1999-2001 indicate that over half of the dove harvest and hunting days occur during the first week of September. Furthermore, dove hunting days and harvest during the last 18 days of October comprise less than 3 percent of the total hunting days and harvest. The department recommends that the first segment runs for 44 days and ends on October 14, and the second

segment opens November 1, and runs for 16 days. It is unknown whether harvest and hunting days during the 3-day November dove season were low in 2002 because hunters were unaware of the season; were not interested in hunting doves in November; or there were insufficient doves in most places to make hunting worthwhile. Moving some of the hunting days from October to November is unlikely to significantly increase or decrease the harvest. Because there are so many hunters pursuing upland game birds in November, the incidental take of doves might become substantial, at least in the southern portions of Kansas. Utilization of a November dove season is also likely to vary annually based on weather patterns and food supplies, which affect migration.

National Dove Plan and Kansas banding status - Kansas is one of 26 states participating in a nationwide mourning dove banding study that began in 2003. The objectives of this 3-year study are to determine reporting rates, harvest rates, and survival rates. Mourning doves have not been banded in a nationwide effort since the 1967-1974 study. Because there have been persistent declines in the mourning dove Call Count Survey index, the U.S. Fish and Wildlife Service has placed new emphasis on acquiring data needed to manage mourning dove populations more scientifically. In 2003, Kansas banded more than 1,200 mourning doves at seven sites, during July and August. So far, 37 of our banded doves have been recovered by hunters. About 65 percent were recovered in Kansas and the rest were recovered in Texas, Missouri, Oklahoma, and Louisiana. In 2004 and 2005, banding will continue at these seven sites. The 2004 banding quotas will increase from 760 to 1,200, the number we banded in 2003. This project has benefitted greatly from the hard work of 13 department employees and 4 Garden City Zoo employees who volunteered to help with this project. We have four flyway units and three dove units. In March 2004, the Central Flyway Webless Migratory Game Bird Technical Committee approved the Central Management Unit Initial Mourning Dove Harvest Strategy, which was requested by the U.S. Fish and Wildlife Service. The other two dove management units have developed their own harvest management strategies. As with the banding study, this harvest strategy was stimulated by the long-term declines in the mourning dove Call Count Survey index. This harvest strategy is the first attempt to manage dove harvest using population models. The harvest strategy will estimate the size of the mourning dove population with a simple model consisting of harvest rate, which will be calculated from the banding data, and total harvest from the Harvest Information Program survey. Over the 5-10 years in which the strategy will be used, annual changes in the population will be calculated. Thresholds, which trigger changes in bag limits, have been set based on mathematical simulations of existing data. Harvest would only be managed by changes in bag limits and season length would be set at 70 days for all states. According to the strategy, if, over a 3-year period, the population: 1) increases by greater than 8 percent/year, then bag limits will be increased to 22; 2) decreases by greater than 8 percent/year, then bag limits will be decreased to 8; or 3) annual changes are between an 8 percent decrease and an 8 percent increase, then bag limits will remain at 15. These large changes in bag limits are needed to affect harvest and population because it has been estimated that harvest accounts for only 20 percent to 25 percent of total annual mortality. This harvest strategy will not result in any regulation changes until at least 2006, then the Commission will probably need to consider changing the season length to 70 days if this season is accepted. It is unlikely that dove populations will increase or decrease enough in the next 3 years to require the Commission to change the bag limit. Chairman Dykes asked if whether one year of data with 3 percent of the bands returned is enough to call it a legitimate year. Hands said it was. Chairman Dykes asked if

the project would take three years and adjust the limit up or down in the fourth year. Hands said that was correct. Commissioner Fields asked about the slight decline in doves nationwide and commented that some states don't have any season at all. Hands said she hadn't looked at nationwide figures, but if you look at just our Flyway, there has been a decrease of doves heard, but an increase in doves seen. Changes in irrigation, oil development (pump jacks), or suburbanization (routes in rural areas, but hear urban traffic). More funding for nationwide studies may help answer some of these questions. Some of the environmental factors are being taken out of the survey. Chairman Dykes asked where the seven banding sites were located. Hands said the sites were Great Bend, Garden City, Pratt, Marais des Cygnes, Emporia, Glen Elder and Perry.

9. KAR 115-18-10. Importation and possession of certain wildlife; prohibition, permit requirements, and restrictions - addition of zebra mussels, quagga mussels and round goby to prohibited species list - Doug Nygren, chief of Fisheries Section, Presented this report to the Commission (Exhibit S). Invasive species concerns continue in Kansas. These three species are coming in through the Mississippi basin. These are established in the Midwest River systems and could find their way here through intentional transport as bait or aquarium specimens. It is proposed the zebra mussels, round gobies, and quagga mussels be added to the Prohibited Species List (115-18-10) to clean up the list.

10. KAR 115-25-14. Fishing; creel limit, size limit, possession limit, and open season - add Pratt Centennial Pond to the designated trout waters and add Pratt Kid's Pond and Pratt Centennial Pond to list of waters - Doug Nygren, chief of Fisheries, Presented this report to the Commission (Exhibit T). This proposal would allow the Centennial Pond at the Pratt Operations Office to be added to locations receiving rainbow trout during the trout season. This pond would be operated as a "catch and release" trout fishery throughout the trout season of October 15 through April 15. At the end of trout season harvest would be allowed to ensure the harvest of the majority of trout prior to lethal summer water temperatures. Changing the requirement for a trout permit on this water for taking and possession of trout will be discussed. There is a need to require all anglers to have the trout permit regardless of their intent to harvest.

11. Proposed Secretary's Orders for Pratt Centennial Pond and Pratt Kid's Pond - Doug Nygren, chief of Fisheries, presented this report to the Commission (Exhibits U, V). The Commission was presented with a draft Secretary's Order. Two ponds located adjacent to the Pratt Operations Headquarters have been renovated and opened to public fishing. These ponds along with the Pratt Backwaters make up significant fishing opportunities for Pratt County. This order would establish the hours open to fishing. Fishing would be allowed year-round from 6 a.m. - 10 p.m. on all of the areas. The Kids' Pond, opened last year, has been a big success. To encourage participation, adults accompanying children may fish this year. Kids under 16 years of age must be accompanied by an adult. The creel limit would be two fish, of any size or species, per day. The Centennial Pond would be open to public fishing under a catch and release program for warm water fish. The pond is also being considered for a designated trout water (115-25-14) in which mandatory catch and release of stocked trout would occur during the trout season. After April 15, trout would be legal for harvest (two per day) prior to water warming to lethal temperatures.



**VII. RECESS AT 6:00 p.m.**

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

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

Welcomed Representative Clay Aurand. Thanked Sheila Kemmis for her help throughout the year and presented her with a card and box of chocolates for Assistant's Day.

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

Bill Hawes, Smith Center, commented that he would like to see a two bird limit on turkeys in the northwest part of the state.

**XI. DEPARTMENT REPORT**

**D. Public Hearing**

Attorney General's office comments (Exhibit W).

Changed order.

4. KAR 115-25-9. Deer; open season, bag limit and permits. - Lloyd Fox, wildlife research biologist, presented this report to the Commission (Exhibit X). Deer numbers, as reflected in deer-related vehicle accidents (DRVA), continue to be high by Kansas standards (larger than anticipated). Hemorrhagic disease was prevalent during 2003, with the highest reported occurrences being in the northeast. Drought during 2002 caused reduced fawn recruitment that year, which is being seen in the age structure of deer herds in western Kansas. This is being supported by observation rates of few 1 1/2-year-old deer (males and females) in those units during the 2003-2004 seasons. The length of the extended season for antlerless white-tailed deer declined to 4 days and game tags decreased from 4 per person to only one game tag that was valid throughout the state and three additional game tags that were valid in 8 of the 19 units during the 2003-2004 seasons. There were 138,439 firearms permits and game tags sold to residents and nonresidents in 2003 compared to 153,759 in 2002, a 10 percent decline. The preliminary harvest estimate for the 2003-2004 seasons is 75,000 deer, a decrease of approximately 10 percent compared to last year. Although game tags are available to any deer hunter, they were purchased by only 30 percent of the hunters in 2003-2004. Hunters purchased 66,691 game tags during the 2003 season compared to 85,799 in 2002. Hunter success and satisfaction is about the same, in general terms. KAR 115-25-9 will continue the traditional seasons as follows: 1) Muzzleloader, September 11, 2004 through September 24, 2004. 2) Youth and Disability permit holders, September 25, 2004 through September 26, 2004. 3) Archery, October 1, 2004 through November 30, 2004 and December 13, 2004 through December 31, 2004. 4) Urban Firearms (DMU 19), October 16, 2004 through October 24, 2004. 5) Regular Firearms, December 1, 2004 through December 12, 2004. 6) Extended Whitetail Antlerless Only (Firearms), January 1, 2005 through January 2, 2005 in DMUs 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 19, and January 1, 2005 through January 9, 2005 in the northern portions of DMUs 7 &

8. 7) Extended Whitetail Antlerless Only (Archery in DMU 19), January 3, 2005 through January 31, 2005. The major changes in the 2004 version of KAR 115-25-9 are the following: 1) Game tags are not proposed for DMUs 1, 2, 17, & 18. 2) Any deer harvested in units 1, 2, 3, 17, or 18 shall be taken to a check station and registered within 48 hours of the time the deer is harvested. Another issue was firearms permits for deer management unit 19. There are no permits issued for, or restricted to that unit. The four units that make up that unit are allowed to hunt in their unit and Unit 19. The new seasons were not extensively used. Less than one percent used the extended archery season. The season recommendations are the same as we presented in January, they follow what we have had in the past except for item (f) which extended season to seven days, last year it was two days, the year before that was fourteen days. Opportunities 1, 2, 17 and 18. A significant change from past management is proposed by instituting deer check stations in some management units. It is recommended that this regulation be changed to require each deer hunter using DMUs 1, 2, 3, 17 & 18 to take each deer they kill in those units to a check station.

Survey information is in and we are getting some written comments.

Mike Pearce, Wichita Eagle, asked why check stations were being proposed. Fox said it was mainly to monitor for chronic wasting disease (CWD). There will be some secondary benefits, but that is the primary reason. Pearce asked about the approximate cost for running check stations. Fox said about \$25,000. Pearce then asked if this was a pilot program. Fox said it was, in a way. It could provide numbers so the department can see how difficult it is to do these. The last ones were done in 1978. Chairman Dykes asked if the long-term concern about CWD would require check stations for many years. Fox said he felt it would.

Jeff Noland asked what the special season in Units 7 and 8 was based on what. Fox said that this area continued to have an increase in deer/vehicle accidents even in the last five years when we have had the extended seasons. Noland said that the only things in the trees are squirrels and deer hunters.

Bill Hawes expressed concern about seeing depressed numbers in deer populations. Deer hunting brings in a tremendous amount of deer hunters. Hunting around the Norton are, most of the hunters he saw were out-of-state hunters and most of them were doe hunters. The statues should be set by the Commission and no one else. He warned the Commission to be very cautious about dividing units.

George Streit said he hunts and lives in Unit 7 and would like to have the option to buy a permit that would allow him to hunt in both seasons, with a bow or a gun. He would be willing to pay more for that permit. He was concerned about mule deer population decline, especially in the west part of the Unit 7. Fox said that the subject of a multi-season permit has been brought up within the department and to the Commission in order to get public comment. It does have a good following of people who like the idea, and a lot opposed to it, but those opposing it seem to dominate our public meetings.

Representative Aurand responded that in his 10 years in legislature, the number of deer accidents, since early 1990s, have increased from 3,000 to over 10,000. The bill that he introduced was a county by county basis. The subunit came from him and other legislators working with the department to see if an extended season would work. That is why this came about. The legislature was in the process of taking this out of Wildlife and Parks hands and this was a compromise. Since he introduced that bill, two things have happened, his wife and four children were in an accident; and a softball player from Manhattan was killed hitting a deer. The people that come to these meetings are more informed, but he mentioned a neighbor who has hit

11 deer over the last five years. For people who live in a rural area, this creates a lot of concern. It would be nice to have a range of vehicle accidents that is too high for the public to stand. Chairman Dykes said he felt the agency had been very aggressive about liberalizing the seasons and numbers, but the one thing it can't do anything about is access.

Jeff Noland said that the year the accidents went up the most was when the speed limits went up. And he added that he knows of at least one of the accidents in the paper was falsified.

Charlie Stevens, Downs, Unit 7, said that in the last three years he had really managed his land for wildlife and he has seen a 50 percent reduction in deer. He said his wife only sees one or two deer a year and she drives each week day from Downs to Concordia to work.

George Streit mentioned that the legislature was trying to raise the speed limit again and he hoped it didn't. Representative Aurand commented that it was in legislation right now and it is just interstate highways.

Chris Stable asked how Kansas compares to other states. Fox said that Kansas numbers compared with Missouri. It wasn't fully understood why they have fewer reported accidents and more traffic. It may be the rural nature of Kansas roads. Accidents seem to happen largely in flat areas. Stable said that young drivers may say a deer jumped out in front of them, rather than they reaching for a CD, etc. He asked if nonresidents would be able to buy game tags without a primary permit. Fox said they would, in some areas. Stable commented that a lot of out-of-state people were coming into his area. Chairman Dykes said that may have been what Bill Hawes referred to.

Bill Hawes commented on the public access problem. He said he had a friend who owns property and says the majority of Washington County is leased up by outfitters.

Jess Hoeme concurred that it was a problem. He is a bowhunter and can't get on private land, WIHA is a great program but that land is pounded by hunters. The deer are smart enough to go where hunters can't get to them. He said he hoped that the Commission could find ideas to get hunters on land.

Doug Phelps, Manhattan said he appreciated the department working with the legislature to try and solve this problem. He said that depredation permits were available to reduce deer numbers and that programs in place needed to be used.

Kirby Buel, River Bluff Hunting Company said the deer population was declining. Access is a problem. Since he was a kid he could go on any neighbor's property without asking. Now he has to ask, and they have trouble with poachers. The biggest share of his land is hunted by nonresidents.

Roger Demanette asked what the insurance premium was for a person who had 11 deer accidents. He said his wife has hit two more deer than he has as a hunter. That other woman is either a terrible driver or there are a hell of a lot of deer there.

Jeff Noland commented that there is not another state that hunters can buy a game tag for \$10. If the agency needs money, raise the fee. There are some Pennsylvania guys who bought a house in his small town. It is a small house, but they are party hunting and unless the Law Enforcement Officer is there nothing can be about it. Road hunting is also a problem.

Commissioner Fields asked if a nonresident could get a game tag without first buying a permit. Fox said they could.

Doug Phelps asked if the price had been raised this year. Fox said it had been increased to \$21.00.

Roger Demanette suggested selling permits that are good for three days only. He said he goes to North Dakota every year, To goose hunts for five days it costs him \$219 and he was honored to

be able to do that. Chairman Dykes said he didn't think price was the problem. Demanette said it was over-the-counter permits and our court system. Conservation Officers take them to court and the County Attorneys throw it out. In other states they pay the court costs and KDWP would get the value of the deer paid to them. George Streit said that charging more for permits would help fund check points. Chairman Dykes suggested that the department needed to encourage the legal hunting and not the illegal hunting.

Jeff Noland said he hunts in several states, and most require a habitat stamp to hunt. The guys from out-of-state who bought the house hunt everything.

Commissioner Hall asked why the success rate charts showed that hunter success rates dropped for residents and increased for nonresidents. Fox said he felt that spoke highly of the experience of hunting here in Kansas. Commissioner Hall expressed concern about satisfying the Kansas hunters too. She would prefer to see that percentage go up instead of down. Secretary Hayden said that looking at all of the figures would show that Kansans, across the board, when compared in every category, come out on top.

Commissioner Harrington commented about the figures showing that residents bought 40,000 permits (game tags), nonresident 26,000, and that residents only harvested 2,720 compared to 5,400 harvested by nonresidents. Fox concurred that nonresidents are using the game tags and residents are not.

Jeff Noland asked if the department could track those who buy primary tags and game tags, or just game tags. Fox said the department sends out about 20,000 report cards and use those survey results. Noland said he received the survey every year, but his friend has never had one. Fox answered that bowhunters are a unique system. Last year he cut half of the hunters who did not respond and added some new ones. Back in the 70s and 80s report cards given to every hunter. In the late 80s a phone report was tried then the department went back to report cards. When people were getting more than one deer report card they were filling out those cards on the same deer, which inflated the numbers.

Drew McCartney said Kansas resident numbers are down because of the lack of access to property, which is free enterprise. The legislators are unitizing archery permits now. It is hard to find a place to hunt now. It is getting rougher and rougher.

Representative Aurand asked if numbers were higher or lower than four or five years ago. Fox said it was necessary to look at long-term and short-term. In the late 80s and early 90s success rates were 90 percent, now they are 65 percent, and there is more hunter to hunter competition, more hunters in field. One of the things these numbers show is that a larger number of hunters buying Whitetail either sex permits.

**Commissioner Johnston moved to approve KAR 115-25-9 as proposed. Commissioner Harrington seconded.**

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

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

**The motion to approve KAR 115-25-9, passed 7-0.**

5. KAR 115-25-10. Deer; special southeast firearms season, bag limit, game tags, application, and hunter reporting requirements. - Lloyd Fox, wildlife research biologist, presented this report to the Commission (Exhibit Z). - This regulation was initiated last year to address local landowner concerns about damages deer had on agricultural crops. Few hunters were interested in applying for the special season, and only 76 deer were taken. This special season is being proposed for an additional year. Only the season dates have been changed from the regulation used last year. Within this regulation is the description of the boundary of the hunting area. The season dates are proposed for January 3, 2005 through January 31, 2005 with a bag limit of four antlerless white-tailed deer using equipment legal during the firearms deer season. The boundaries will be the same as last year and hunters should submit their application to the Pratt office by November 5, 2004. There will be 350 resident and 35 nonresident permits, with a provision to issue leftover game tags on a first demand basis, without regard to residency, and all participants must register their harvest at either a local check station or by calling a toll-free number. Game tags were authorized for 385 people to participate in the special season during January 2004. Game tags were issued to 219 hunters for this season, with 76 deer being harvested. Contracts were established with five check station operators. Chairman Dykes asked if out of 400 permits only half were purchased and only 76 taken. Fox said that was correct. Chairman Dykes asked if Fox had any feedback. Fox said not much, although some hunters said thanks, and others could not get access.

Commissioner Wilson asked if this was a trial project like DMU 19 and if the same results are received this year, will it be proposed again. Fox said he thought it would. It does allow an experiment with check stations, and getting deer harvest numbers in other ways. He said he would like to look at the special season again, first to show that the department is concerned about deer crop damage in this area. If it doesn't work, go to another phase. Commissioner Wilson asked if landowners were taking advantage of other tools available, such as depredation permits, etc. Fox said they were. One of the individuals is the most aggressive user of depredation permits and they take 60 to 70 deer a year. It is the oak trees and fields down there that draw the deer. Chairman Dykes asked if the number of landowners that really take us up on that are Beeson and Bowman.

Kirby Buel said that part of the access problem, is the landowner has figured out the value of the deer. People recognize there is income to be made from their deer.

Jess Hoeme agreed, but said that the same guy has no right to complain about his wife hitting a deer.

Commissioner Hall asked how many of the 76 deer taken were taken by resident hunters. Fox said he didn't know.

Commissioner Fields commented that nonresident tag prices needed to be increased.

Chris Stable said there are people from Pennsylvania hunting here and they will pay more.

Demanette said they come to Kansas because they can't hunt in their own states any more because of no access. Quit giving it away.

**Commissioner Johnston moved to approve KAR 115-25-10 as proposed. Commissioner Harrington seconded.**

**The roll call vote on KAR 115-25-10 was as follows (Exhibit AA):**

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

**The motion to approve KAR 115-25-10, passed 4-3.**

6. Secretary's Orders for Deer Permits - Lloyd Fox, wildlife research biologist, presented this report to the Commission (Exhibit BB). The major changes in the 2004 Secretary's Orders Deer Permits as compared to those of 2003 are the following: 1) Antlerless Only deer permits will not be offered this year in the resident or nonresident drawings. Leftover Antlerless only permits may be available in some units if the number of people that apply for Muzzleloader or Any Deer permits are less than the number of permits authorized. Muzzleloader and Any Deer permits change to Leftover Antlerless permits if they are offered in the second drawing. 2) The number of Any Deer permits for residents will be reduced by 10 percent in DMUs 1 and 3 and 15 percent in DMUs 2, 4, 5, 7, 16, 17, and 18. No nonresident Any Deer Permits are proposed. 3) The number of Muzzleloader permits for residents will be reduced to levels closer to those needed to meet resident demand for that type of permit. An effort was made to keep the number of Muzzleloader permit numbers above the level of resident application demands in 2003. The total authorization will be reduced by approximately 14 percent and thus reduce the potential for unsubscribed permits to be converted to Leftover Antlerless Only permits for the second drawing. 4) Resident deer hunters who do not obtain an Any Deer or a Muzzleloader permit in the drawing may select either a Statewide Archery permit or a Whitetail Deer Either Sex (WTES) permit and designate the unit they will hunt. Landowners with 80 acres of agricultural land might chose a Hunt-Own-Land permit; which allows any deer to be taken during any season with the appropriate equipment restrictions, but is restricted to lands owned or operated by the person. 5) Firearm deer hunting permits in each DMU for nonresidents were set at 14 percent of the number of WTES permits sold to residents (n=48,737) during the 2003 season. That is the maximum allowed by law. That authorizes 6,822 WTES for nonresidents. While that level is nearly 64 percent higher than the level authorized in 2003 (n=4,166), it is only 37.5 percent of the demand level (n=18,159 people selected a NR WTES permit as their first choice during the 2003 application period). 6) Muzzleloader deer permits in each DMU for nonresidents were set at 14 percent of the number authorized to residents for 2004. The combination of reducing the number of Muzzleloader permits for residents, the base, but increasing the percentage from 10 percent to 14 percent resulted in an overall increase in Muzzleloader permits for nonresidents from 156 in 2003 to 190 in 2004, approximately 22 percent increase. 7) Archery deer hunting permits for nonresidents were set at 19 percent of the level of Statewide Archery permits sold to residents (n=17,315) during the 2003 season. 8) WAO Deer Game Tags, White-tailed Antlerless only permits and Hunt-Own-Land permits shall be available on demand. Regulations limit each hunter to the number of tags and permits they may obtain and where they may be used. Overall there will be 10,268 nonresident deer permits available in the 2004 drawings. This is a 44 percent increase over the 7,119 offered in 2003. The concurrence of the Commission is requested for the 2004 Secretary's Orders for Deer Permits. Commissioners concurred.

1. KAR 115-25-5. Turkey; fall season, bag limit and permits. - Roger Applegate, wildlife research biologist, presented this report to the Commission (Exhibit CC). The only change would be unlimited Unit 1 permits. This change is being recommended because not all of the 400 permits allotted in 2003 were issued. The inconvenience of early application for draw permits may be preventing full issuance and going to the over-the-counter type permits will encourage hunting. In Unit 2, unlimited and unlimited game tags up to three; Unit 3, unlimited, no game tags; Unit 4, closed.

Roger Demanette, past Kansas Turkey Federation president asked how the department kept track of over-the-counter tags. A hunter could get two tags from a KDWP office and then two more from Wal-Mart. He wondered without a any way of tracking those tags, how does the department know? He said he knew a guy who said he bought six tags last year. Secretary Hayden commented that on-line turkey permits had been available for 10 days, and that the department had also gone out for bid for a totally automated license sales system that would mean the department will have a record no matter where hunters buy permits. All vendors will be computerized in the same database and will prevent the sale of illegal tags. It is a felony to do that. There will always be people who cheat.

Demanette said he hoped the system worked well, and added that people selling permits at Wal-Mart needed to be educated. Secretary Hayden said that Wal-Mart is one of the biggest supporters of an automated system. Demanette asked if vendors returned license books to the agency. Secretary Hayden said they do and they are kept for records. He then encouraged Demanette to contact a conservation officer or call our office with the name of the man who purchased the permit illegally.

Commissioner Fields said he witnessed a conservation officer going to John's Sporting Goods to check their books.

Commissioner Hall asked if turkeys would be permitted similar to upland game if they were taken out of big game. Secretary Hayden said they will have their own category. Permits would still be required.

**Commissioner Fields moved to approve KAR 115-25-5 as proposed. Commissioner Johnston seconded.**

**The roll call vote on KAR 115-25-5 was as follows (Exhibit DD):**

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

**The motion to approve KAR 115-25-5, passed 7-0.**

2. KAR 115-25-7. Antelope; open season, bag limit and permits. - Matt Peek, wildlife research biologist, presented this report to the Commission (Exhibit EE). Since the last Commission meeting some survey information has been added -- one hundred and five firearms hunters had a 77 percent success rate, harvesting 66 bucks, 12 does, and 2 fawns last season.

Twenty-seven muzzleloader hunters harvested 11 bucks and four does for a 56 percent success rate. One hundred and five archery hunters harvested 11 bucks, one doe, and one fawn for a 12 percent success rate. No changes for the unit boundaries, or bag limits are recommended. Unit boundaries are proposed to coincide with deer management units defined in KAR 115-4-6, with units 2, 17, and 18 being open. All pronghorn hunting will be restricted to residents. Half the permits will be assigned to landowner/tenants. The remainder will be awarded to general residents. Archery permits will be unlimited. One hundred and four firearms permits and 30 muzzleloader permits are proposed in the three management units. The proposed season dates are: September 18, 2004 through September 26, 2004 for the archery season; September 27, 2004 through October 4, 2004 for the muzzleloader season; and October 1, 2004 through October 4, 2004 for the firearms season. It is recommended that the application deadline for firearms and muzzleloader permits correspond with the date of the 2003 deadline, which would be June 11, 2004. Application for archery permits would be available through the next to last day of the season. Secretary Hayden asked if the muzzleloader season had ever opened after firearms season closed. Peek said that muzzleloader season has only been established for three years. Secretary Hayden asked about re-opening the archery season after firearms season. Peek said it was a limited resource and concern about the additional take of animals. Secretary Hayden asked staff to take a look at that for next year, providing hunters a few more days or an additional week. Chairman Dykes asked if the trend in the population was down. Peek said it seems to have stabilized.

**Commissioner Fields moved to approve KAR 115-25-7 as proposed. Commissioner Harrington seconded.**

**The roll call vote on KAR 115-25-7 was as follows (Exhibit FF):**

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

**The motion to approve KAR 115-25-7, passed 7-0.**

3. KAR 115-25-8. Elk; open season, bag limit and permits. - Matt Peek, wildlife research biologist, presented this report to the Commission (Exhibit GG). Elk hunting on and around Fort Riley was initiated in 1990. Since that time, there has been considerable interest in acquiring elk permits to hunt on the Fort. Though applications have decreased in recent years, 1,375 general residents applied for limited permits in 2003. With permits being divided between military and general resident applicants, a general resident had about a 1.5 percent chance of drawing any permit or a 0.5 percent chance of drawing a bull permit. Because of the potential for sudden hunting equipment and access restrictions on Fort Riley, all elk permits allow the hunter to hunt with archery, muzzleloader, and firearms equipment. This allows hunters greater flexibility in gaining access to the base than if permit types restricted hunters to specific equipment types - as is typical with other big game species. In recent years, elk seasons off the base have been



compatible with equipment restrictions and seasons for deer hunting that are running concurrently. Unit boundaries are proposed to coincide with deer management units defined in KAR 115-4-6. It is recommended that Units 6, 8, 9, 14 & subunit 8a be open. A six month season on base, three months off base as in the past. The following allocations are proposed for permits that allow hunting both on and off the Fort: 1) Fifteen antlerless elk permits, with a separate five permits being valid during each the first, second, and third segments on the Fort; and 2) Seven any elk permits, each valid during all three segments on the Fort. Elk permits will be available only to Kansas residents. A sample of 100 applications would be drawn from each group. Permits would then be awarded to members of that pooled group. We propose that an unlimited number of hunt-own-land antlerless-only elk permits be authorized. The bag limit shall be one elk as specified on the permit. It is recommended that the application deadline be July 16, 2004. Applications for hunt-own-land permits would be available through the next to last day of the season.

**Commissioner Harrington moved to approve KAR 115-25-8 as proposed. Commissioner Fields seconded.**

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

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

**The motion to approve KAR 115-25-8, passed 7-0.**

## **XII. OLD BUSINESS**

## **XIII. OTHER BUSINESS**

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

The next meeting is scheduled for June 24, 2004 at Johnson County Community College, 12345 College Blvd, General Education Building Room 233, Overland Park.

August 26, 2004 in Great Bend.

Commissioner Fields asked if there was any chance of doing away with mowing the ditches to increase forbs and insects. Chairman Dykes said he thought the rationale was a safety issue. Secretary Hayden commented that we did get KDOT to change their policy on using brome and fescue, only native grass on future seedings. Also, integrated vegetative management, (burning, mowing, interseeding) -- there is department staff working on that. Roads are controlled by state, counties and cities, so the department started with KDOT. Chairman Dykes recommended starting in Rawlins County.

#### **XIV. ADJOURNMENT**

Commissioner Wilson moved, Commissioner Harrington second to adjourn.

The meeting adjourned at 8:40 p.m.

(Exhibits and/or Transcript available upon request)

Exhibit II - Quail Unlimited/Pheasants Forever letter regarding quail season change.

Exhibit JJ - Letter from Chuck & Jaye Otte to John Dykes regarding prairie chickens.

Exhibit KK - Prairie Chicken survey form from Randy Rodgers.

Exhibit LL - Pictures of Exotic Cat Cage Conditions in Southcentral Kansas.