

REVISED AGENDA
KANSAS DEPARTMENT OF WILDLIFE AND PARKS
COMMISSION MEETING AND PUBLIC HEARING
Thursday, June 24, 2010
Herington Community Building
810 S. Broadway, Herington, Kansas

Tour Herington Airport Businesses, meet at Community Building at 9:00 AM

- I. CALL TO ORDER AT 1:30 p.m.**
- II. INTRODUCTION OF COMMISSIONERS AND GUESTS**
- III. ADDITIONS AND DELETIONS TO AGENDA ITEMS**
- IV. APPROVAL OF THE April 22, 2010 MEETING MINUTES**
- V. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS**
- VI. DEPARTMENT REPORT**
 - A. Secretary's Remarks**
 - 1. Agency and State Fiscal Status (Dick Koerth)**
 - 2. 2010 Legislature (Chris Tymeson)**
 - B. General Discussion**
 - 1. Becoming an Outdoors Woman (BOW) (Ross Robins)**
 - 2. Spring Turkey Regulation (Jim Pitman)**
 - 3. Pheasant Season Closing Date Request (Jim Pitman)**
 - 4. Park Fee Regulations (Jerry Hover)**
 - 5. Mountain Lion Populations in Kansas (Matt Peek)**
 - 6. Cabin Fee Regulation (Mark Stock)**
 - 7. Hunting/Fishing Permit/License Combination Packages (Mike Miller)**
 - C. Workshop Session**
 - 1. Fishing Regulations (Doug Nygren)**
 - 2. Late Migratory Bird Seasons (Faye McNew)**
 - 3. KAR 115-14-Series - Falconry Regulations (Mike Mitchener)**

VII. RECESS AT 5:00 p.m.

VIII. RECONVENE AT 7:00 p.m.

IX. RE-INTRODUCTION OF COMMISSIONERS AND GUESTS

X. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

XI. DEPARTMENT REPORT

D. Public Hearing

- 1. Early Migratory Bird Seasons (Faye McNew)**
- 2. KAR 115-2-1. Amount of fees (to set price for elk landowner/tenant HOL) (Mike Miller)**
- 3. KAR 115-8-1. Hunting; furharvesting, and discharge of firearms. (Brad Simpson)**
- 4. KAR 115-25-9a. Deer; open season, bag limit, and permits; additional considerations. (Lloyd Fox)**
- 5. KAR 115-25-9b. Deer; nonresident limited-quota antlered permit application period. (Lloyd Fox)**

XII. OLD BUSINESS

XIII. OTHER BUSINESS

A. Future Meeting Locations and Dates

XIV. ADJOURNMENT

If necessary, the Commission will recess on June 24, 2010, to reconvene June 25, 2010, at 9:00 a.m., at the same location to complete their business. Should this occur, time will be made available for public comment.

If notified in advance, the department will have an interpreter available for the hearing impaired. To request an interpreter call the Kansas Commission of Deaf and Hard of Hearing at 1-800-432-0698. Any individual with a disability may request other accommodations by contacting the Commission Secretary at (620) 672-5911.

The next commission meeting is scheduled for Thursday, August 12, 2010 at the Mankato Community Center, 214 N. High, Mankato, KS.

**Kansas Department of Wildlife and Parks
Commission Meeting Minutes
Thursday, April 22, 2010
Great Plains Nature Center
6232 E 29th St N, Wichita, Kansas**

Subject to
Commission
Approval

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

The April 22, 2010 meeting of the Kansas Wildlife and Parks Commission was called to order by Chairman Kelly Johnston at 1:30 p.m. at the Great Plains Nature Center, Wichita, Kansas. Chairman Johnston and Commissioners Debra Bolton, Gerald Lauber, Frank Meyer, Doug Sebelius, Robert Wilson and Shari Wilson were present.

II. INTRODUCTION OF COMMISSIONERS, STAFF AND GUESTS

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

III. ADDITIONS AND DELETIONS TO AGENDA ITEMS

Sheila Kemmis – Under Secretary’s Remarks, item number 2, remove “Agency and State Fiscal Status.” Dick Koerth is not here to present. There are handouts on the back table.

IV. APPROVAL OF THE MARCH 11, 2010 MEETING MINUTES

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

V. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

Joe Donley – Begin dialog to extend pheasant season into February for a few reasons: 1) there’s very little to do in February; 2) there is little financial downside -- no other states open, so it could mean additional revenue; 3) licensing cheap, could increase fee or change license structure for variable licensing – it’s done with deer, ducks and geese already; and 4) how would a landowner react to letting hunters on their land? No reason not to hunt in February other than tradition. Why not give it a try for a year and revert back. Chairman Johnston – You said we, do you represent a group? Donley – No, just myself and fellow hunters. Mike Hayden – The department has gradually expanded season to the end of January, have goose season in February. Would have to examine and Joe (Kramer) could have his folks dialog with other states and see what it would affect. (See his notes on statement – Exhibit KK).

VI. DEPARTMENT REPORT

Special Award Presentation to the Higgins Family – Jerry Hover, director of Parks Division, gave them a VIP award and introduced Dustin Ward and Seth Turner from El Dorado State Park. Ward – We would like to thank the Commission and Jerry for helping us recognize this special family. They help run our OK Kids Day fishing derby, and last year we had the top site as a direct result of their efforts. They have an average of 15-30 family members help run the event, and we are grateful that we can recognize them today (presented a framed art print). Family Member – We are extremely proud to be nominated for this. We appreciate what Dustin has done. Our father passed away six years ago, and we decided that since he was an avid fisherman and loved kids we would set up a memorial to help with the fishing derby at El Dorado. We look forward to work with Dustin. Thank you for award.

A. Secretary's Remarks

1. Agency and State Fiscal Status – Chairman Johnston - Dick Koerth is not present today but there is a handout on the back table (Exhibit C). Staff would be happy to answer any questions if you have them.

2. 2010 Legislature – Chris Tymeson, chief legal counsel, gave this report to the Commission. I would like to make an announcement about volunteer Hunter Education (HE) instructor, Larry McAdow, who was inducted into the International Hunter Education Instructor Hall of Fame. There are now three Kansan's (he joins Wayne Doyle, Ed Augustine) in this natural hall of fame.

Bills not out of House are basically dead, and there is not a lot of action on the Senate side. Only 15 days left -- a lot of budget items up in the air. They are meeting today. Ways and Means set budget, but not how to fund it. SB 380 – Our bill would allow the Secretary to set fees for public use cabins owned and operated by the department. After passing the Senate, who only had a few questions, this bill was referred to the House Ag and Natural Resources Committee who added a "Transient Guest Tax." It was not worked on the floor, and the bill was stricken from the calendar and is basically dead. SB 577 - This bill would require watercraft (even canoes) to be titled. It got on Senate floor, and that is where it remains. Right to bear arms bill is alive and going to vote in November. Omnibus bill is all encompassing started out as HB 2434, which originally would designate the Prairie Spirit Rail Trail. The bill was amended on the House floor to require the department to reopen the west entrance to Tuttle Creek State Park and passed. Senate Natural Resources Committee struck the amendment relating to Tuttle Creek State Park and added in the provisions of the original Senate Bill No. 380, relating to setting fees for cabins, and House Bill No. 2646, relating to blaze orange. This bill passed the Senate as amended and is in conference committee. At an impasse and we don't know if it will go anywhere. HB 2649 - This bill designates little bluestem as the state grass of Kansas. The bill passed both houses and was signed by the governor.

Steve Sorensen – What about the bill to change requirements of the Secretary? Tymeson – HB 2738, it appears that the topic is dead, but there is a lot of ways to run a bill and there are 15 days left in the session.

B. General Discussion

1. Kansas Involvement in the National GIS database and Resulting Benefits to Agencies – Jerry Hover, Parks division director presented update on GIS database (Exhibit D). Kansas has played a lead role in development of the National GIS database, aided by Kansas Recreation and Parks Association (KRPA) and its grant from the Sunflower Foundation. National Recreation and Parks Association (NRPA) piloted a program during the summer and wants to take the process nationwide soon. Dr. Sid Stevenson, K-State University is here to show you this program.

Sid Stevenson, PhD, Recreation Resources Research Service – (PowerPoint Presentation - Exhibit E). We have been working on this for a few years; Google RecFinder is an interactive database where you can go and search for a trail by area/region or type of trail. It is still first generation, but we are in the process of enhancing the mapping. Kansas is a major player in taking this national. Two people besides me worked on committees to be picked up on the national model. We will be converting the Kansas database to national model, hopefully by October. Set up by county so a person can do this on their own, as well as KDWP and Corps of Engineers can do their own updates. This comes directly out of the SCORP plan. Once we know where parks are, we need to determine where gaps are. For instance, how many people live within ¼ mile of a trail head or park? Once set up on the national level, we can refine system and fill in the gaps. Reports are continually updated. We will eventually put a link to KDWP and NRPA websites. We went back after initial inventory and added schools because of play grounds and athletic activity centers. Had to go out and individualize the number of courts (for instance if six tennis courts in one area, they are counted as six not one). There is an up-to-the-minute inventory: parks – 4,984 (1,553 schools as parks and 3,431 parks); facilities – 18,000 (5,000 school facilities and 13,000 park facilities); and 772 trails. All parks, not including schools, RV parks, roadside parks and spectator venues equals only 1.76 percent of the state's acreage. Parks with the highest per capita ratio of acres per 1,000 county residents are typically rural. Communities are categorized by size.

Levels of service considerations: maps show a quarter-mile around a service area and summarize who is in area, then we can fill in the gaps. State park representation is good, and there aren't many gaps in counties with growing populations and ties in with other data sets such as camp sites, etc. Maps also show a quarter-mile level of service for walkable trails in selected Kansas communities like El Dorado, Hays, Great Bend and others. Lawrence is an example of a city pretty well served. Trying to come up with a way to score trails for shared use, and link proximity, scenic view, accessibility, etc. (walkable = single and shared use with walking/hiking as a designated use). As we started to do this, we had problems with categorizing parks. There are a lot of hybrids. We started working on service areas for facilities instead (showed a map with swimming pools in the state as an example). Working on walkable distances only, and there are still some gaps. We are planning on using census data and health statistics in the future. Commissioner Bolton – On the maps you didn't show a trail in Garden City. Stevenson – It is in there. Commissioner Shari Wilson – I have sent people over to this website over the years, it is a

little hard to find. As you are gathering more data, you should consider gathering data on how people are using the trails, ages, etc. and tie that to health data. Such as, are we providing what they need? Stevenson - Dr. Kazinski at K-State is working on that and hoping to address what you are looking for. Commissioner Shari Wilson – You should work with the local health departments, there 105 of them. Stevenson – Good point.

2. Fishing Regulations – Doug Nygren, Fisheries Section chief, presented this report to the Commission (Exhibit F). We haven't started sampling or fall testing so we will go over this in workshop a few times before voting on it. On the reference document, we are proposing changes that include staying in sync with Missouri who made changes on their side of the Missouri River. Other changes include: 1) changes to 115-25-14 to include four new locations for trout stockings; 2) allowing for additional handfishing opportunity during the open season from June 15 through August 31 which would expand handfishing sites to include the entire length of the Arkansas River (not just from the John Mack Bridge in Wichita to the Oklahoma border). This also would allow handfishing on all federal reservoirs (the upper end boundary being the public wildlife area) except within 150 yards of any dam, to be consistent with our trotline, setline, and floatline regulations. All other existing handfishing regulations would stay the same - this proposal comes after the three-year pilot handfishing study. 3) Regulations deal with weigh-in bass fishing tournaments and the use of the tournament black bass pass. On tournament black bass pass, we have identical weigh-in requirements with minimum fish handling procedures needed to make sure fish are taken care of properly. This proposal would keep the tournament black bass pass, abolish the lengthy registration and mandatory reporting process, and combine 115-7-8 and 115-7-9 to require all weigh-in tournaments (whether they are using the black bass pass or not) to abide by our minimum fish handling procedures. Commissioner Lauber – You are talking about raising the sauger length limit, which is generally 15 inches. Why raise it on these reservoirs? Nygren – That proposal came from my staff. Commissioner Meyer – Will there be signs 150 yards from the dam? Nygren – We don't use those signs anymore, they are in these regulations. Johnston – What about the change on walleye to 18 inches at Perry? Nygren – Statewide it is 15 inches. Commissioner Lauber – Wasn't it 21 inches? Nygren – Leave it at 15 inches, we are not taking away opportunity because sauger don't exist in El Dorado right now; a 21-inch length limit on walleye would be difficult. We need to do education to teach the difference between walleye and sauger. Lauber – I fish at Perry and that is where I will hear about it. Nygren – I can talk to staff about leaving sauger at 15 inches. Lauber – At Perry put it 15 for sauger/18 for walleye; and leave it 15/15 other places. Nygren – I will talk to staff about your concerns. Chairman Johnston – On bass pass regulations, when originally discussed a lot of detailed discussion on how undersized fish would be handled in weigh-in procedure and I was impressed with how they were handled. In briefing book the description says, “minimum fish handling procedures”. Nygren – We would adopt what we have in place, which is basically identical and wouldn't allow bass pass in the heat of the summer. We will maintain the same requirements. Commissioner Shari Wilson – You mentioned Missouri unilaterally changed regulations. Are you comfortable with those changes? Nygren – Yes. They changed their regulations along a much bigger stretch than the 150 miles we share, and they are good recommendations. Commissioner Shari Wilson – When a person is on the river, they are not sure whether they are in Kansas or Missouri.

3. Chronic Wasting Disease (CWD) Update and Contingency Plan – Shane Hesting, wildlife biologist (CWD), presented this report to the Commission (Handout - Exhibit G; Contingency Plan – Exhibit H; PowerPoint – Exhibit I). Found in 19 states, two Canadian provinces and Korea (imported from Canada). In Iowa it is in captive pens only. Originally found in captive elk in Harper County; now in one captive herd in Oklahoma, two in Colorado, and in Missouri in a captive whitetail herd. Current grant, AP7 runs through July \$215,000. We've spent \$165,000 so far because we pay two contractors and we collected 2,710 samples. In 2009/10 samples we found 11 positives in white-tailed deer: Decatur (5) one currently presumptive, Rawlins (2), Thomas (1), Sheridan (1), Graham (1), Logan (1) for a total of 25 white-tailed deer. The animals have been found along the south fork of the Republican River, Sappa Creek, Beaver Creek, north and south fork of Solomon River, south fork of Sappa Creek, Prairie Dog Creek and the Smoky Hill River. All in northwest in DMU 1 and DMU 2. Three new counties this year: Thomas, Graham and Logan, all with clinical symptoms. With assistance from USDA we sampled more in 2007. Since we began sampling in 1996, we've taken approximately 18,420 samples with 26 positives: three 2.5 year-old does; one doe fawn; one unknown age buck; nine 2.5 year-old bucks; eleven 3.5 year-old bucks; and one captive bull elk. There will be no major changes in surveillance strategy for AP8, with 460 deer to be sampled in surveillance zones in the northcentral, southwest, southcentral and east and 500 to 900 in the assessment zone (where the positives have occurred). In 2001, we created the contingency plan, but we can't stop CWD. It is viewed as a disease with negative long-term effects. I had help writing the plan, but we need to rely on education more. There are five parts to plan: management; education; surveillance/testing; notifications; and media relations. We need to be more careful on rehabilitating fawns. One from northwest Kansas went to a Hutchinson Zoo and we had to euthanize it. It tested negative. Spider web flowchart shows who is notified in the case of a positive animal being found. Other states are trying some other techniques. In Illinois, for 2-3 years, they have been shooting deer in the endemic area, 2 percent of population in 2004, culled to 1.4 percent. They have 75-80 percent who agree with culling, and I would guess we wouldn't have that type of procedure and 50 percent agree with total eradication. Deer don't know state boundary lines. If you don't have a way to treat the environment, there is no way to get rid of it. Wisconsin is proposing culling along the southern part of their state. I don't believe you can win by shooting deer in the endemic area. In Kansas, Lloyd is doing distance sampling in the northwest and USGS has requested information from me and I am putting that in a proposal to identify. There is no evidence that CWD can jump from deer to people, but it can transmit into cattle. It didn't jump as much in mule deer. Don't know if jumps to other animals. From mule deer, it can jump right to sheep.

Chairman Johnston – We have previously discussed the baiting of deer and you mentioned that as part of education baiting should not be done. Why is it allowed in outlying units? Hesting – Baiting and feeding is point source food, and there are trails coming in and anytime you concentrate animals it is not just CWD, but bovine TB and other diseases you have to worry about. I don't know of any research that shows that baiting increases prevalence, not based on research and findings. We have salt blocks, small food plots and hay fields all over the country. Some people call it unethical, but don't know if there is solid evidence to ban baiting at this time. We would need further input. Chairman Johnston – Why is it part of the contingency plan? Commissioner Lauber – That was my thought too. Hesting – Other states have been proactive, but we don't have numbers to show that it is working. Nebraska still allows it. Commissioner

Lauber – I agree with Kelly, it is inconsistent to not pursue that. Chairman Johnston – In two counties there were no samples, Wichita and Greeley. What is the problem? Hesting – No contractors right there and hunters come from another state and take deer right home. Not much interest in this disease in the hunting community, so they don't come to us with those heads. Commission Lauber – What do you mean by contractors? Hesting – People who collect lymph nodes and we pay them \$12 for each deer. Also, we use taxidermists. Commissioner Lauber – Locker plants avoid that because if testing done and a positive is found that could really hurt their business. Hesting – That has to do with the company that removes the guts because they don't want to know. It has been a pain.

R.J. Robel – At what threshold level do you implement CWD contingency plan. Hesting – It seems to be contained in the northwest and we haven't discussed when or if we will start culling animals. We hope Wisconsin will lead the way and if they can't do it I don't think we should. Prions are shed in the environment. Robel – Deposit is positive dependent. Hesting – It is a unique and strange disease. Possibly passed through scrapes and rubs and there is a gentlemen in Nebraska doing a study on that right now. Mike Pearce – What is your job title? Hesting – wildlife disease coordinator. Pearce – How many were tested in Decatur County? Hesting – We do zones, not just counties, so about 40 with 10 percent of them mule deer.

Marvin Whitehead – If you get into baiting and food plots, where do you draw the line between a food plot and a farmer's field? Deer don't evenly spread out across a field. Chairman Johnston – Mr. Hesting has already mentioned that, we or some other states are discussing outlying baiting. There is density of positives on Sappa Creek in northwest Kansas. Why shouldn't we ban baiting on that watershed if no place else? Hesting – Right now I would rather see it in one area, rather than all over. Chairman Johnston – It seems it is spreading, and we will not be able to keep it in one area of state. Is there anything that can be done, besides just testing and monitoring? Have staff discuss and reconsider baiting, especially as it relates to CWD.

Break

4. Deer Season Structure – Pre-Rut Rifle Season – Lloyd Fox, big game wildlife biologist, presented this report to the Commission (Exhibit J). Chairman Johnston asked for this topic to be discussed today. Historically we have looked at ways with seasons and permits to expand or detract seasons. We are looking at different mechanisms. Several states are looking at ways to increase harvest of antlerless deer. I put together a survey of states and Canadian provinces. I provided you with maps of the states with pre-rut, peek-rut or post-rut seasons (Exhibit K). Nebraska is one of the leaders in a pre-rut season and some southern states have had it for a long time. Works in northern areas and Canada where there is good escape cover and it is a locally accepted manner. In Kansas we fall in between. One example of a pre-rut firearm season is in Unit 19, which allows either sex during that 9-day October season. Preliminary results: surveyed 32,000 and have responses from 17,000 (email and online completion); of those 17,000, 796 hunted in DMU 19 where there are five additional permits with adjacent units allowing two. Those hunters obtained 986 permits, only 54 would have been a result of the extra three permits. We are providing opportunities, but they are not using them. Harvested 429 deer and of that only 39 were taken during that 9-day October season. Of those 39, 18 were taken with archery; only 21 as result of pre-rut and allowed crossbows with only nine of those taken. Approximately 15 percent to 25 percent of harvest is in the January season. The permits don't

seem to encourage hunters to take additional deer in pre-rut season. The department does not have a recommendation for change. We are recommending regular seasons. This is a topic that frequently will cause a lot of discussion and concern. Traditions have a large factor in how these are accepted. Commissioner Meyer – What are the white states on the maps? Fox – Those didn't respond or are so complex they wouldn't fit in yes or no context. Commissioner Lauber – Hunters who have discussed having a firearms season in pre-rut perceive it as being able to harvest a larger buck. I shudder to think of consequences if we change this. Commissioner Meyer – Received emails on that, and in talking to hunters I respect, I found nobody in favor. Chairman Johnston – Assume number of antlered deer remains static, if assumed true if we open season, it could distribute dates of harvest. Fox – Yes, it would change chronology. Chairman Johnston – I have had contact from several citizens who want pre-rut season and those contacts are why I asked this be brought before the Commission. Mike Hayden – On Unit 19 data, limited access is a problem, do we have any data on public land versus private land? Fox – Yes, but only have Clinton WA in that dataset and very few deer are taken in that time period, but some on Clinton. Concern of our staff, was pressure was just going on public land. I can break it out. Hayden – If only redistributing chronology, it doesn't impact the population. I agree because of limited access in that area because Clinton is the only public land. Even we open pre-rut season, look at Clinton and see if increased demand or not. Fox – I will do that and compare it with DMU 14. Commissioner Bolton – Talked to Dr. Fox, based on emails, against or for, he confirmed that, so I have no opinion. Commissioner Sebelius – No reason to make change. I agree with Gerald, see traditions set and beneficial in our area and experience with changing pheasant season was particularly bad in my area, so I don't encourage it. Commissioner Robert Wilson – Given data from Unit 19, don't see why we would do that, given all the negative data. What were we trying to accomplish? Chairman Johnston – My motive was to bring to discussion to increase rifle hunting opportunities. We have been confined to after Thanksgiving and aware, from personal experience, that we are one of the states with complicated structure. Just curious why we didn't offer multiple general seasons, not during the rut? That could be a policy objective. Commissioner Shari Wilson – Received 22 emails and only one in favor. Look for biological reason if we have a valid reason for doing it, basically just changing dates and not sure if that is worth moving ahead with or not. Commissioner Lauber – When we changed pheasant season, net result was everyone wanted to be there first. Everyone gripes about deer in Unit 19, but no one lets you hunt there. If you open that, everyone will want to hunt that first season because they don't want somebody to get their buck. Mike Pearce – As a biologist, in Unit 19, tremendous amount of cover, a lot of crops cut, do you have a guess what that would change on mule deer versus whitetail if you have a late October season? Fox – Developing some interest of harvesting mule deer with archery, not many actually doing it. Pearce – That is not what I asked. I meant vulnerability of mule deer and whitetail? Fox – We are conservative on mule deer harvest and not sure we want to place any additional pressure. High success rate of any deer harvest of mule deer and they are more vulnerable because of foliage situation. I would like to listen to comments from field personnel before going any further with this. Chairman Johnston – No consensus to move forward, but would like additional information Secretary Hayden referred to. We will not go forward at this point.

5. Report on Lead Reduction in ammunition and Lead Ingestion – Lloyd Fox, big game wildlife biologist, presented this report to the Commission (Exhibit L). Lead is a naturally

occurring metal in the environment and is easily mined. We have it in Kansas, and it has been used by people for a wide variety of purposes for thousands of years. A lot of people have traditions that use lead shot/bullets and fisherman have used it for sinkers. Lead has no beneficial biological value to organisms and can cause a number of problems even in low amounts. It is easy to obtain, easy to work with and is relatively inexpensive. Lead is also one of the toxic metals and has been documented for centuries as the cause of various ailments. Even at low levels in a body, the substance may cause behavioral and developmental damage. A growing body of scientific information has documented a hazard to certain species of wildlife from spent lead shot, fishing tackle lost in the environment, and fragments of lead bullets in meat and carcasses of animals. The most serious of these problems has been with waterfowl picking up spent shot while they feed in marsh sediments. Raptors and scavengers also consume lead fragments while they eat carcasses and offal from hunter-killed game. The most serious of those problems has been documented with the endangered California condor. Loons are affected from picking up lures. As a result, there is a potential for people to consume lead while eating venison taken with lead bullets. Alternatives to lead shot, lead bullets and lead fishing weights are available. Some of these products perform as good as, or better than, the traditional lead-based product. However, public acceptance of these alternatives is currently weak with 70 percent to 85 percent of hunters opposed to additional regulations requiring non-toxic ammunition. There is need for education on this subject. Foremost conservation organizations, such as The Wildlife Society (TWS), have reviewed available data on lead used in hunting and fishing. They have summarized scientific articles and developed position statements on the subject. While TWS advocates for the replacement of lead-based ammunition and fishing tackle, they also recognize that long-term elimination of lead from outdoor recreational activities will require collaboration among affected stakeholders, a series of incremental regulations, and explicit and targeted educational strategies. Outdoor sporting goods manufacturers need assurance from regulators that consistent regulations and practices will be developed within established timelines before they can convert their production to non-toxic alternatives. For those regulations to be most beneficial, they need to be similar among states and provinces. The Association of Fish and Wildlife Agencies has a committee working on this issue. They will be a key source of direction for state wildlife agencies. Sportsmen are leaders in natural resource conservation in North America and have incorporated new ideas and techniques. They have adapted to the needs and desires of society. The issue of spent lead shot, lost lead fishing tackle, and fragments of lead bullets in meat and animal carcasses are issues that sportsmen will evaluate based on the best scientific information and the guidance of leaders in conservation. No recommendation for change is currently being proposed on the use of lead bullets for firearms deer seasons, based on information from North Dakota and Minnesota. Hunters who were consuming venison on a regular basis did have higher blood lead levels, but below public health problem. Iowa DNR has looked at 500,000 children under age 6 and 20,000 adults and has not found results of lead poisoning from ingesting game meats. In Kansas, we have about 150 cases each year, but none documented from lead from ammunition or meat of game animals. There is a concern about donating meat to persons in need, and there are people opposed to that. Suggestions to minimize potential exposure to lead in venison: practice marksmanship and outdoor skills to make lethal shots away from major muscle areas; consider alternative non-lead ammunition such as copper or others that have high-weight retention or lower velocity lead bullets; lead fragments in meat may be too small to be seen or felt, so trim a generous distance away from the wound channel

and discard any meat that is bruised, discolored, or contains hair, dirt or bone fragments; clean and check meat grinders to ensure that lead fragments are not present; and do not use vinegar or marinates with a high acid level on meat that might contain lead fragments. While testing about 40,000 people a year for lead, the Department of Health and Environment has not found any issue with consumption of game. Commissioner Bolton – Are they asking if they are consuming game meat? Fox – I would have to check on that. Kansas has highest levels of lead poisoning because of industry. It is found in intestinal track of those people. Birds can be brought back to health if treated. Don't know if they are asking about lead shot, but they are asking about lead solder, ceramics, etc. Commissioner Meyer – How many tons of lead shot is used in Kansas? It is not wise to totally ban, but educate the people. I now have 80 percent of the people who work for me using copper. Use lead to sight rifle. Commissioner Robert Wilson – What state is lead in when most volatile? Fox – Inhalation, indoor ranges and dry sweeping or dust. Commissioner Robert Wilson – How do they check doves? Fox – Experiments, feed lead to doves and waterfowl and looked at mortality. They are now looking at quail. It is a toxic substance, but may not be a population consequence to mourning doves and bobwhites. Distinction between person levels to population level.

R.J. Robel – Agree with recommendation to not change from lead bullets. Scotland harvests 300,000 red deer (elk) each year, which go to game dealers, some exported and have no problems with lead poisoning. They shoot them through chest, not shoulder muscle. All meat goes into the food chain and no lead poisoning was detected. This is a justified recommendation. Chairman Johnston – No recommendation to move forward.

6. Concealed Carry, Open Carry, and Use of Sound Suppressors – Kevin Jones, Law Enforcement Division director, presented this report to the Commission (Exhibit M). Make correction to second page, full paragraph: silencers – class 3 firearms license is required to be a dealer, but for an individual to possess it is \$200 and they must pass a background check. Most of the information related here concerns big game and hunting wild turkey. After having read the Commission minutes on possession during spotlighting, decided to expand on this topic. I don't have entire legislative history, but approved and allowed concealed carry in Statute 21. In 2007, after passage of conceal carry laws, we requested Attorney General (AG) opinion to see how this applied to certain circumstances and the AG rendered an opinion that we can limit seasons for special purposes. If you look at laws as they currently exist, it is generally allowed during hunting activities, but restricted in some areas such as big game, archery and muzzleloader seasons and similar language is in turkey regulations and also a couple of regulations on furbearers, while checking traps at night and while hunting with dogs. Running seasons for furbearers and rabbits, a restriction restricts firearms or any other weapons. In 32-1003, spotlighting, no rifle, pistol or firearm. From my view, Kansas has had a liberal view of conceal carry except for certain circumstances. Either through legislative or regulation process to manage hunting activities, it is unlawful to carry during these certain circumstances. The season is restricted to equipment, not necessarily firearms; you must carry legal equipment for that season; however furharvesting regulations limit hunters to .22 caliber rimfire or handguns. It appears that through the process, it was deemed appropriate to limit those types of weapons. From a law enforcement standpoint, basically it is illegal to possess. I noted in the minutes that personal safety was an issue, from wild animals and other people. Members of the National Association of Conservation Law Enforcement Chiefs (NACLEC) were asked whether the possession of

firearms during an archery season was allowed in their states. When I looked through states that responded to the survey, of the 30 jurisdictions responding, 17 allow the carry of firearms while archery hunting and the remaining five states, Alaska, Colorado, Montana, Wisconsin and Wyoming allow the carry of firearms during an archery season by anyone, not just conceal carry permittees. The state of Washington was proposing to change the limitation from concealed carry permittees only to also allowing the general open carry of handguns during an archery season because of predators. Of the 13 states that did not allow the carry of firearms during an archery season, Missouri was proposing to change their law to allow the carrying of firearms. Recently, a question arose over whether silencers or sound suppression devices should be allowed to be used for hunting. We have never had reason to discuss this. Because of current hunting regulations, it is illegal unless allowed, and we do not specifically allow the use of silencers or sound suppression devices; therefore they may not be used for hunting. The possession of silencers or sound suppression (the most accurate term) devices for firearms was formerly prohibited by Kansas law. In 2008, Kansas law was changed allowing individuals holding a class three Federal Firearms License to legally deal in and possess silencers for firearms, shotguns with barrels less than 18 inches long, and automatic weapons. The supplemental information on the bill made no mention that the intention of this legislation was to impact hunting equipment in Kansas. NACLEC members were asked if silencers or sound suppression devices may be used for hunting in their jurisdictions. Twenty-one states responded, with 13 stating that these devices were not allowed. Hunting is a highly-regulated activity, and regulating the possession and use of equipment is consistent with applying the management strategy to a given situation. Regulations should provide clear direction about the equipment that may be possessed and used for hunting, defining the limitations placed on the activity and helping reduce the opportunity for the regulation to be violated. The equipment allowed for hunting should be limited to meet the need and desired outcome for the management program. Consideration should be given as to whether the equipment is practical, functional, meets the standards of fair chase, and does not lend itself to violating other laws. Regulations must be enforceable. Regulations that are vague, confusing or unclear have little value in achieving their intended purpose for wildlife management. While it is important that individuals maintain their rights as citizens, it is also important that the harvest of wildlife is controlled in a manner that is consistent with the management goals. It appears there are issues on both sides of the line. In my opinion, laws have served us well for a number of years and issues of personal safety and aggressive confrontations in the field do rise to the occasion for personal safety, but if that is the only change, how does that pose as the hunting sport in Kansas? There are no large carnivores or bears in state. Commissioner Robert Wilson – Number 4 on first page, are we talking about state parks? Jones – Some wildlife areas also. Commissioner Robert Wilson – Can you carry on public lands? Jones – Can't target practice, was prohibited unless hunting in 1960s regulation and not in current regulation. Commissioner Robert Wilson – If we adopted the use of suppressors would that make your job harder? Jones – Officers are taught to be vigilant at all times, and we don't know who is carrying or not. I don't deem the conceal carry law as a problem because of the way we train, but it would change the circumstances involving potential violations. It would make the job a little more complicated. Commissioner Lauber – This is a more ideological question more than anything. Archery hunters don't want to shoot a deer with a gun. More second amendment infringement on conceal carry. On suppressors, you're looking at hundreds of dollars, but I don't think they will make a lot of difference. Second amendment supporters are pushing this. I think

voters would allow concealed carry. Commissioner Meyer – Most sportsmen understand language that says carry equipment that is legal for season, so they should understand why. I don't see a problem with what we've got. Commissioner Sebelius – There's not a true personal safety issue here, not one that overrides second amendment rights. So few situations that we have conceal carry restrictions on anyway. It's pushing the envelope where it doesn't need to be pushed. Give reasonable consideration, but not complicate law enforcement efforts. I don't like to see anything further out there to put officers in danger. Why ramp it up a little more. Commissioner Bolton – Have not seen any statistics to believe hunters need it for protection. Chairman Johnston – Conservation officers constantly are vigilant of weapons. You didn't comment on sound suppressors in regards to law enforcement officers. Jones – In limited research, one of the aspects of sound suppression is that it is not totally quiet, but gives misrepresentation to location of the shooter, not definite location. Who would use it for illegal means as opposed to totally legal? We have ran into a few ill designed home-built sound suppressor devices. Knowing where hunters are and how to approach the area is a safety concern. Commissioner Lauber – Don't think real issue is safety for hunter or conservation officer, but political issue for gun rights.

Travis Lowe, Chief of Police, Burton – I am a conceal carry instructor and a huge proponent of citizens feeling they are protected. Personally, I have run into instances where hunters were attacked by dogs. While in a rural county, if somebody is out hunting, they may not have the aid of readily available law enforcement. However, it is my opinion, it is lawfully privileged to carry into a Wal-Mart or anywhere else where it is legal. I can't see why they can't carry into archery or muzzleloading activity. Many people would feel unarmed if going into rural area without the sidearm they have been used to carrying. Not prohibited in some states to carry whether conceal carry permit holder or not. It is restricted by "legal hunting equipment" which probably needs to define situation better. While provision says not to carry a firearm, if it is not a hunting caliber then I would have an argument in favor of allowing them to carry. If privileged to carry, struggle with need to be disarmed in a hunting environment.

R.J. Robel, Manhattan – Divide the questions, conceal carry and suppressor. Much rather face a person with conceal carry training than one without. Suppressor should be separate issue.

Lowe – As far as silencers, I would rely on your officer's opinion; see some merit for feral pigs or varmint hunting and hunter advantage on that. Had comment from another individual in Chautauqua County, who came upon meth labs and was in a violent shooting confrontation with a person under the influence.

Cory Howe, Haysville – I own silencers, one for a .22 and a 9mm for shooting targets. For firearms, they cost \$800 plus other expenses such as tax stamps. Homemade silencers are illegal. On the archery, if I fell out of a tree stand, I could shoot three arrows in the air and nobody would hear it, but I could have a firearm in case of an emergency. Just because I'm out in sticks doesn't mean you are safe. If people don't know if someone is hunting on their land, those are poachers, not hunters. On a game warden not being able to determine where they are, he has orange on and sound suppression; it could be a courtesy to people who live in the area.

Chairman Johnston – Early comments in first part of presentation discussing management aspect of these regulations, if we seriously considered conceal carry permittees, should that be a subject addressed by game management biologists as well? Jones – See if concerns from law enforcement officers and other staff and what should be considered. It was a question of big game hunting that is one set of regulations. To have clarity, it is a little different, as far as

harvesting furbearers like hunting coons at night or spotlighting. Chairman Johnston – Mr. Tymeson, if you brought this up at legislative session, would you expect different ramifications? Tymeson – Feel it would be irrelevant. There are litigations going on nationally. There are a number of ways to part these out, but don't think individual right to collective right will have any forbearance on these issues. Chairman Johnston – Haven't heard consensus to move forward on either one, and they should be separated. Easy to check on whether a hunter had a conceal carry license, not concerned about making that kind of change, but what about nonresidents. I do see a can of worms for that. I think we would have to attend to questions of continued to be concealed, not open carry. Tymeson – Open carry is permissible in this state, except during archery. I can carry a conceal carry and open carry with a shotgun during pheasant season. Commissioner Lauber – May be reciprocity issues, not same freedom that they had in their particular state. Chairman Johnston – What is nonresident reciprocity on conceal carry? Tymeson – Allowed, there is a website where you can check that, but you follow the law of our state when in our state. Chairman Johnston – On suppressors I am not in favor of them because of what Kevin has said on that in regards to safety of law enforcement officers. Don't see consensus to move forward on either of these topics.

7. Late Migratory Bird Seasons – Faye McNew, waterfowl biologist, presented this update to the Commission (Exhibit N). Late season waterfowl frameworks are established annually by the U.S. Fish and Wildlife Service. These frameworks establish the limits which states must operate within when establishing waterfowl seasons and will be published mid-August, after results from the May Breeding Duck Survey, which provides duck abundance as well as pond numbers, and recommendations from Flyway Councils are available. We do not anticipate major changes in the frameworks for geese. We anticipate that the season length for Canada geese will be again be 107 days, the maximum allowed by Migratory Bird Treaty Act. At this time there is little information upon which to base speculation concerning the duck season frameworks for 2010. We expect to have the liberal package – 74-day Low Plains Season, 97-day High Plains Season, (package selected since 1997): daily bag limit of 6 birds with various species restrictions. We will not know if Hunter's Choice will be operational for the 2010-11 duck season until August. If Hunter's Choice becomes operational, the daily bag limit for the liberal and moderate alternatives shall be five ducks, with species and sex restrictions as follows: scaup, redhead – 2; wood duck – 3; and only 1 duck from the following group – hen mallard, mottled duck, pintail, canvasback. Within the restrictive regulatory alternative, the daily bag limit shall be 3 ducks, with species and sex restrictions as follows: scaup, redhead and wood duck – 2; and only 1 duck from the following group – hen mallard, mottled duck, pintail, canvasback. The possession limit shall be twice the daily bag under all regulatory alternatives. If Hunter's Choice does not become operational, the bag limits will revert to the federal frameworks. In summary, we are expecting 107-day goose season. Commissioner Robert Wilson – Why were we the only state last year to stay in the Hunter's Choice? McNew – Didn't want to have hunters have to change for one year. Didn't work as well in Texas. They would have to have a season within a season and no fair answer to whether they will allow that. Also, there may be new pintail strategy that had 45 options, Flyways did have a recommendation and it's possible Hunters Choice would not be needed.

C. Workshop Session

1. Early Migratory Bird Seasons – Faye McNew, waterfowl biologist, presented this update to the Commission (Exhibit O). The framework is for an early teal hunting season between September 1 and September 30, 2010, not exceeding: 1) 16 days if the blue-winged teal breeding population is above 4.7 million, or 2) 9 days if the breeding population is between 3.3-4.6 million. The daily bag and possession limit would be 4 and 8, respectively. Last year's (2009) blue-winged teal breeding population was 7.4 million. The 2010 blue-winged teal breeding population total will not be known until June. It is possible that only eight days will be available for the September teal season in the High Plains. Season recommendation for the High Plains Zone is a bag and possession limit of 4 and 8, respectively, with the following season date possibilities: 9-day season running September 18 through September 26, 2010; or, a 16-day season running September 11 through September 26, 2010; or, an 8-day season running September 18 through September 25, 2010. This potential restriction on the High Plains Teal Season is due to the 107-day annual limit (by treaty) on hunting of any one species. A regular High Plains duck season of 97 days allowed under the regular season liberal package, plus 2 days of youth hunting leaves only 8 days to reach the 107-day total. For the Low Plains Zone a bag and possession limit of 4 and 8, respectively, with the following season date possibilities: 9-day season running September 18 through September 26, 2010; or, a 16-day season running September 11 through September 26, 2010. Shooting hours allowed by the frameworks are ½ hour before sunrise to sunset.

Broke for evening meal, moved remaining items to evening agenda.

VII. RECESS AT 5:10 p.m.

VIII. RECONVENE AT 7:00 p.m.

IX. RE-INTRODUCTION OF COMMISSIONERS AND GUESTS

X. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

None

2. KAR 115-25-9a. Deer; open season, bag limit and permits; additional considerations – Lloyd Fox, big game wildlife biologist, presented this report to the Commission (Exhibit P). The proposed season at Fort Riley for either-species antlerless only. Proposed dates: November 26, 2010 through November 28, 2010, December 18, 2010 through December 22, 2010, and December 26, 2010 through December 29, 2010. The proposed season dates for designated persons includes the dates established in K.A.R. 115-25-9 plus the dates of October 8, 2010 through October 11, 2011. Either species, antlerless-only deer permit are used in areas where additional herd control on mule deer is desired. These permits are available in limited numbers for units specified in the Secretary's Orders. They are available on a first-come basis after the drawings for either sex limited quota deer permits. A special extended firearm whitetail antlerless-only season is proposed for Units 7, 8, and 15, and the dates for that season would be from January 10, 2010 through January 16, 2010. Final action on this regulation will be taken at the June Commission Meeting. Commissioner Meyer – Is

special season for Fort Riley working out and accomplishing what they want to do? Fox – I believe so. Shawn Stratton from Fort Riley is here, we can ask him. Shawn Stratton, Fort Riley Conservation Office – I didn't ask for an early season. The extra segment includes Columbus Day so that is a day that soldiers can take their youth hunting.

3. KAR 115-25-9b. Deer; nonresident limited-quota antlered permit application period – Lloyd Fox, big game wildlife biologist, presented this report to the Commission (Exhibit Q). This proposes keeping the earlier nonresident limited-quota application dates. These permits allow a nonresident deer hunter to obtain a permit to hunt for an antlered deer. In recent years an effort has been made to conduct the nonresident application earlier in the year, thus requiring this separate regulation to be created. The deadline for nonresident deer hunters seeking a limited-quota antlered deer permit use to be May 31. That deadline was changed for the 2009-10 season to April 30. The deadline for 2011-12 applications by nonresidents for a limited-quota antlered deer permit is proposed for April 30, 2011. A Public Hearing on this regulation is scheduled for the June Commission meeting.

4. KAR 115-8-1. Hunting; furharvesting, and discharge of firearms - Brad Simpson, public lands section supervisor, presented this update to the Commission (Exhibit R). There are a number of changes under consideration for the 2010 special regulations. The changes are listed as well as the refuge section which is in the briefing book in its entirety.

5. KAR 115-14-Series - Falconry Regulations – Mike Mitchener, wildlife section chief, presented this report to the Commission (Exhibit S). I have presented on these changes for the falconry regulations at the last two meetings. Questions?

Chairman Johnston introduced Representative Roj Goyle.

6. KAR 115-2-1. Amount of fees (to set price for elk landowner/tenant HOL) - Matt Peek, wildlife biologist, presented this report to the Commission (Exhibit T). The Department wishes to establish a hunt-own-land either-sex elk permit for \$125.00, the same price as landowner/tenant which is half of the general resident price.

XI. DEPARTMENT REPORT

D. Public Hearing

Notice and Submission Forms; Kansas Legislative Research Letter and Attorney General Letter (Exhibit U).

1. KAR 115-4-4. Big game; legal equipment and taking methods – Lloyd Fox, big game wildlife biologist, presented this report to the Commission (Exhibit V). We will cover three regulations at the same time as the changes will be the same in all three. The proposal is to change the diameter of the arrows from thirteen-sixteenths of an inch (13/16-inch) to three-quarters of an inch (3/4-inch). Our recommendation is to allow hunters to possess non-broadhead arrows while hunting deer and wild turkey hunting, but they could not use that type of

arrow for the hunting of big game or turkey. This would change the language in all three of those regulations: the big game equipment; the wild turkey equipment; and the crossbow hunting by persons with disabilities. The equipment would be standard.

Commissioner Shari Wilson moved to bring KAR 115-4-4 before the Commission. Commissioner Frank Meyer seconded.

The roll call vote on KAR 115-4-4 as recommended was as follows (Exhibit W):

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

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

2. KAR 115-4-4a. Wild turkey; legal equipment and taking methods – Lloyd Fox, big game wildlife biologist, presented this report to the Commission (Exhibit X). Same as KAR 115-4-4, but wild turkey instead of big game.

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

The roll call vote on KAR 115-4-4a as recommended was as follows (Exhibit Y):

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

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

3. KAR 115-18-7. Use of crossbows for big game hunting by persons with disabilities; application, permit, and general provisions – Lloyd Fox, big game wildlife biologist, presented this report to the Commission (Exhibit Z). Same as KAR 115-4-4 and 4-4a, but deals with crossbows for people with disability permits during archery season. Commissioner Meyer – Can someone help them cock the crossbow? Fox – Yes.

Commissioner Frank Meyer moved to bring KAR 115-18-7 before the Commission. Commissioner Debra Bolton seconded.

The roll call vote on KAR 115-18-7 as recommended was as follows (Exhibit AA):

Commissioner Bolton	Yes
Commissioner Lauber	Yes

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

The motion as presented KAR 115-18-7 passed 7-0.

6. KAR 115-25-9. Deer; open season, bag limit and permits – Lloyd Fox, big game wildlife biologist, presented this report to the Commission (Exhibit BB). Since the last meeting, we have changed one item for your consideration -- an extended firearms season for all units. The special extended season is covered under an additional regulation and is only in DMUs 7, 8 and 15. It is one additional week. Statewide would be the extended season - January 1, 2011 to January 9, 2011 and only in those other three units would the additional seven days occur. Proposed amendment is to correct a typo error in the last section from July 19 to July 9 for postmark (Exhibit CC). Chairman Johnston – What is the reason for extending the antlerless season statewide? Fox – The deer herd continues to grow; comments and crop damage complaints are coming in, so I reviewed this with field personnel and recommended this season. Hunters in western Kansas have suggested they would like the same opportunities as other parts of the state.

Patrick Murphy, Wichita – Broad based comments about my situation. I am a lifelong hunter. Overall point is nonresidents -- minimize number of nonresidents. Consider bag limits, reverse trends back to pre-1994. I have four children, have lack of spots to hunt, it is extremely difficult. Statistics for hunters are dropping. Think Commission is doing a good job, but I really think Kansas is on verge of losing an entire generation of hunters. You have to affect kids now. The regular guy has a hard time finding spots to hunt. It is prohibitively expensive. Trading current income bubble for lifetime of income we are going to lose. You are losing hunters. Walk-in hunting is great, but I drove past a spot between Great Bend and Garden City and there was nothing to hunt on it. Don't have public hunting opportunities. I won't get into numbers of actual deer being killed. The overall picture is we are going in the wrong direction. What are you guys doing through limits, etc. to ensure the future of youth of Kansas? Commissioner Meyer – Pick up a Walk-In Hunting magazine, we have over a million acres, as far as leased land, private land can be leased to anybody they wish. We can't control that. Fox – Difficult to address, life is more complex than when I grew up. Technology changes things and society changes. Farmers are controlling more land and looking for ways to make money and they are going to promote those ideas to their legislators. What we can do is establish hunting seasons that allow opportunities. We have a variety of seasons to provide a variety of interests. Seasons for disability, muzzleloaders, archery, firearms, additional harvest of antlerless deer to balance both aspects. We have to do our best to adapt to this new world and change the way we get access to land than we did in the past. I wish it was easier and we lived in a simpler world. Commissioner Meyer – Do something for the farmer and he will do something for you. Murphy – Appreciate the advice, I will make out because I have relatives all over the state. (Read a quote from Commissioner Lauber's reappointment.) I think you are missing my point. Times are changing, because of this Commission, the future is not unreversible. It is not as simple as helping farmers out. What I need from the Commission is for you to say that you are going to set rules for 9 and 10 year olds, not nonresidents and TV shows. Commissioner Lauber – From a practical standpoint, restrict quotas to drive down demand. More land leased by residents than nonresidents. If we do that we will find ourselves back with the legislators telling us what to do with our deer instead of us. If

we do what is disadvantageous to farmers, we will lose control as we don't have the clout that Farm Bureau or other groups have to deal with agriculture. Need to talk to legislators. Every state that has a deer herd has a leasing problem. Walk-in hunting is an attempt and we can only pay so much an acre; we can't compete with private dollars. Understand where you are coming from, but not sure what we can do in practical political framework. Commissioner Shari Wilson – Share your concerns with where your kids are, but the bigger issue is just getting kids outside at all. A lot of us are working on this issue across the state. Important to future of our natural resources in the state, whether hunt, fish or just look at wildlife. These are critical issues, none of us be up here would be working towards these things if we didn't believe in it. Children and Kids in Nature, I am involved and so is Jerry Hover. Children's Outdoor Bill of Rights. A number of people take that very seriously. I appreciate you taking the time to state your thoughts. Commissioner Sebelius – Anything else other than nonresident quotas? Murphy – Can go on and on. On the legislative issue, car/deer accidents have more to do with speed limits in areas around Wichita. Something to consider, question whether you should issue more permits to nonresidents. Was going to be percentage of non-used permits and was one deer statewide. Not just nonresidents. I lease ground for pheasant hunting, but the good stuff gets taken. Chairman Johnston – Since I started serving six years ago, I have witnessed the pulling at both ends when it comes to management and economic use of the deer herd, between biologists and Kansas legislators. We will feel the response from the legislators if we dig in our heels. We have some equilibrium and it has come at the cost of thousands of nonresident hunters. We hear opposition, but don't feel we have another way to go. A few years ago the department pushed pretty hard to purchase Circle K Ranch near Kinsley, which would have been the largest public hunting tract in Kansas and we couldn't get it past the legislature. That is one example of the tug of war. You are right that the future of Kansas hunting and fishing is in our children, but I think the single most substantial reason why fewer young people are getting licenses every year is the migration off the farm to urban areas, which has been going on since the depression and not likely to change. We have gone to great lengths to have a youth season for every season, youth fishing days, free park days and free fishing days to give parents and grandparents an opportunity to take their kids out of the city. Don't know of a way to reverse 80 years of depopulation of western Kansas. Important to have this discussion often and need to never lose sight of it.

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

Commissioner Shari Wilson moved to amend KAR 115-25-9. Commissioner Debra Bolton seconded.

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

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

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

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

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

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

5. KAR 115-25-7. Antelope; open season, bag limit and permits – Matt Peek, wildlife biologist, presented this report to the Commission (Exhibit EE). No changes from presentation at last meeting. Season dates and numbers are: firearms – October 1-4, 2010, Unit 2 – 94, Unit 17 – 36, and Unit 18 – 8 firearm permits; muzzleloader – September 27 – October 4, 2010, Unit 2 – 24, Unit 17 – 12, and Unit 18 – 10 muzzleloader permits. A total of 138 firearms and 46 muzzleloader permits, an increase of 8 firearm and 2 fewer muzzleloader permits from last year's quota. In Unit 18, this is the first year firearm permits have been authorized because of interest from the public and our survey indicates the population will withstand this small amount of additional harvest. Firearm and muzzleloader permits are restricted to residents with half assigned to landowner/tenants. Archery permits are authorized for both residents and nonresidents on an unlimited basis.

**Commissioner Frank Meyer moved to bring KAR 115-25-7 before the Commission.
Commissioner Debra Bolton seconded.**

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

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

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

6. KAR 115-25-8. Elk; open season, bag limit and permits – Matt Peek, wildlife biologist, presented this report to the Commission (Exhibit GG). We are proposing three permit types: limited number of statewide, except for Morton County, mainly on Fort Riley – 12 either-sex and 15 antlerless; unlimited over-the-counter statewide, except for Morton, Riley, Clay, and Geary counties, which would provide a buffer around the Fort Riley and Cimarron populations, available for antlerless and either-sex; and antlerless HOL available statewide, and we are adding HOL either-sex. This is why 115-2-1 was added to establish an either-sex hunt-own-land fee for that. Statewide limited draw will be divided between military and nonmilitary applicants as in the past. People won't have to go into draw, they can buy over-the-counter.

**Commissioner Gerald Lauber moved to bring KAR 115-25-8 before the Commission.
Commissioner Shari Wilson seconded.**

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

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

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

XII. Old Business

None

XIII. Other Business

A. Future Meeting Locations and Dates

June 24, 2010 – Herrington, Herrington Community Building

August 12, 2010 – Mankato, Community Center

October 14, 2010 – Goodland, location to be determined.

XIV. ADJOURNMENT

The meeting adjourned at 7:56 p.m.

(Exhibits and/or Transcript available upon request)

Exhibit II – Letter from National Rifle Association of American, Jordan Austin – regarding
conceal carry and sound suppressors

Exhibit JJ – Several E-mails supporting conceal carry and sound suppressors

Exhibit KK – Joe Donley’s comments on “Request to Extend Hunting Season Through February
– Pheasant”

Secretary's Remarks

TO: Kansas Commission on Wildlife and Parks

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

SUBJECT: Current Budget Status for KDWP

DATE: June 24, 2010

The 2010 Session of the Kansas Legislature has complete actions on the FY 2011 appropriation bill for the fiscal year beginning on July 1, 2010. As was discussed at the March Commission meeting, the KDWP had asked the Legislature to offset any State General Fund (SGF) reductions by increasing expenditures from the Park Fee Fund in a like amount. The Omnibus Appropriation bill provides for a decrease in SGF expenditures of \$527,244 and an increase in the Park Fee Fund expenditure limitation of the same amount. In effect, the FY 2011 expenditures for the state park system have not been reduced as long as the revenue to the Park Fee Fund is adequate to support the increased expenditure limitation.

The expenditure amounts for the FY 2011 fiscal year have not been finalized. The Omnibus Appropriation bill includes provisions to reduce SGF funding for state employee longevity payments but still require the Department to finance the payments in the full amount. In addition, the amounts budgeted by the Department for death and disability insurance through KPERS will be reduced. The Division of Budget has not yet provided the reduction amounts. The bill includes \$8.5 million to continue market pay adjustments for state employees. The KDWP will receive additional funds for that purpose. As a note, the Governor did veto the 5 percent pay reduction for certain state officers including Commission members.

The FY 2011 budget for KDWP will be similar to the Governor's recommendations providing for expenditures of approximately \$59.1 million, of which approximately \$5.0 million will be from the SGF. The FY 2011 appropriations provide for capital improvement expenditures of \$6,599,972. This was the amount recommended by the Governor and does not provide any funds for major Park maintenance. The appropriations do provide for land acquisition, motor boat access projects, and a maintenance building for the Kaw River State Park. It should be noted that the amount provided for KDWP road maintenance was reduced by \$1.0 million to \$637,472. The funding for the operations of the state parks includes \$1,012,347 from the Road Fund.

The Omnibus Appropriation bill includes several items that have an impact to the KDWP. The bill provides that the Department will open the west gate at Tuttle Creek State park which has been closed for several years. Another provision provides for a study to consider the feasibility of information technology consolidation. A report will be provided during the 2011 legislative session. The major issue also included in the bill is a requirement for the Secretary of Administration, Department of Administration, to develop a list of state real property which can be liquidated. The list shall be provided to the 2011 Legislature by January 31, 2011. The bill requires the Secretary to list the market value, current use, value to the State through a cost/benefit ratio, and marketability of each piece of property owned by the State, including buildings.

The state economic condition continues to impact the receipts to the SGF. To provide for the expenditures included in the FY 2011 budget, the Legislature passed a revenue bill providing

for a 1 percent increase in the state sales tax from 5.3 percent to 6.3 percent. This increase is estimated to generate additional revenue of \$303.6 million to the SGF. Even with this increase and other adjustments, the estimated ending balance in the SGF at the end of FY 2011 is \$1.4 million on a budget of \$5.6 billion. For FY 2012, current projections are for a SGF deficit of \$216.8 million. This is due to the phase out of the federal stimulus funds included in the FY 2010 and FY 2011 budgets.

As can be noted above, the KDWP anticipates that the FY 2012 SGF allocation for the Department will again allow for zero growth or require further reductions. Although the wildlife “side” of the agency has adequate funding, issues such as salary and increases to expand programs are impacted by reduced availability of SGF. As the FY 2012 budget is developed by the Department, the Commission will be informed of major concerns.

If you have any questions, please advise. Thank you.

Legislative Report-2010

Bills that passed the Legislature

HB 2434-State parks; relating to naming thereof; and Clothing requirements while hunting deer or elk-Effective July 1, 2010

HB 2649- Designating little bluestem (*schizachyrium scoparium*) as the state grass of Kansas

SCR 1611-Constitutional amendment concerning individual right to bear arms-To the voters in November election

Bills that did not pass the Legislature

SB 100-Sales tax exemption for fees for guided and non-guided hunts and fishing expeditions and sale of game birds for hunting

SB 124-Affiliation with Kansas police and firemen's retirement system (KP&F) by the Kansas department of wildlife and parks for membership of certain officers and employees

SB 189-Creating an outfitter license

SB 286-Repealing statutes that authorize the destruction of prairie dogs by certain townships

SB 287-Prairie dog management, control and conservation

SB 380-Establishing fees for wildlife and parks cabins; blaze orange; transient guest tax

SB 577-Requiring vessels to be titled

SCR 1602-Constitutional amendment authorizing legislature to provide for the classification and taxation of watercraft

HB 2049-Hunter safety orientation programs in schools

HB 2254-Wildlife and parks, relating to lifetime licenses

HB 2296-Imposition of conservation fee on certain department of wildlife and parks licenses and permits and depositing proceeds in the state water plan fund

HB 2342-Establishing a special season for archery for taking of deer within Shawnee Mission park

HB 2346-Sales tax exemption for Kansas Hunters Feeding the Hungry, Inc.

HB 2362-Extending season to take deer, fees for certain licenses and permits issued by the secretary of wildlife and parks, feed the hungry fund

HB 2385-Commissioner of juvenile justice to convey certain land to the Kansas department of wildlife and parks

HB 2457-Exempting nonresidents under 16 from hunting license requirements

HB 2458-Requiring archery permit holders to take a doe before a buck

HB 2459-Abolishing permit requirements and harvest limits for prairie rattlesnakes

HB 2571-POW's exempt from paying hunting license fees

HB2606-Tuttle Creek Dam river pond area, west entrance to remain open

HB 2611-Disabled hunters' helpers may be within one mile of hunter

HB 2639-Allowing mountain lions and wolves to be hunted without a hunting license

HB 2646-Clothing requirements while hunting deer or elk

HB 2738- Secretary of wildlife and parks requirements

General Discussion

Becoming an Outdoors-Woman

Women wanting to learn more about the outdoors through the Kansas Department of Wildlife and Parks' (KDWP) Becoming an Outdoors-Woman (BOW) Program will have to wait another year unless they have already enrolled. Although the application deadline is September 4, 2010, KDWP has announced that the 2010 class has been full for about one month, and staff is maintaining a long waiting list in case anyone drops out this year.

BOW is designed to provide women a chance to learn about hunting, fishing, and other outdoor recreation in a friendly, supportive environment. During the three-day workshop at Rock Springs 4-H Center, volunteer instructors will teach participants a variety of skills, including fishing techniques, wingshooting, camping, orienteering, rifle marksmanship, botany, dog handling, archery, and more.

KDWP held its first BOW workshop in 1994, so this will mark the event's 17th anniversary. The 2010 workshop will be conducted September 24-26. We have arguably the best corps of volunteer outdoor skills educators in the state as partners in this program, many who have been with us since the beginning, so participants really learn a lot. Because this workshop fills up so fast, this year we enrolled only first-time registrants in classes until June 1. By June 7 the workshop was full.

Studies have shown that many women do not participate in outdoor recreation because they have not had an opportunity to learn the outdoor skills that make these activities enjoyable. The BOW program has shown that when that opportunity is offered, women take advantage of it with enthusiasm and self-confidence. It is exciting to see women come to these workshops hoping to learn outdoor skills, and going home excited over what they have learned, and anxious to involve family and friends in these activities. Most of our participants learn of the workshops from other participants. We offer about 40 classes, and women can only take four during the weekend, so there is a lot of incentive for women to come back another year to learn new skills. Each year about half of our participants are first time attendees, and the remainder are women coming back to learn new skills.

Spring Turkey Regulations (K.A.R. 115-25-6)

Season, units, bag limits, permits, and game tags

Background

There are four turkey hunting units (Figure 1) in Kansas, and an initial spring turkey permit can be purchased over-the-counter for all units except Unit 4 (southwest Kansas). In addition to the initial spring turkey permit, a second turkey game tag has been offered for certain hunting units since 1990. Hunters can currently purchase a game tag for use only in Unit 2 (eastern Kansas) or Unit 3 (central Kansas). A total of 325 permits are now issued for Unit 4 through a pre-season drawing, of which half are designated for landowner/tenants and half for general residents. Starting in 2010, youth (less than 16 years of age) could buy a permit over-the-counter that was valid in any unit (including Unit 4).

The department sold 65,775 permits (43,358 initial permits and 22,417 game tags) for the spring 2010 season. The 2010 total eclipsed the previous record from 2007 by more than 1,600 permits. The increase is at least partly due to the combination permit that was sold for the first time in 2010 which substantially increased the percentage of hunters holding a game tag. The harvest estimates have not yet been calculated for the 2010 season but they should be available by early August. For 2009, an estimated 42,423 hunters actively pursued turkeys and harvested more than 33,000 birds. Approximately 61 percent of active hunters harvested at least one bird and only 18 percent (7,470) filled both the initial permit and a game tag.

Survey results for the eastern half of the state indicate that the turkey population has been declining since 2004. This decline is due primarily due to five consecutive years of average or poor production. The decline in turkey numbers has been the most dramatic in southeast Kansas where production has been the poorest. Heavy rain and flooding has occurred across southeast Kansas during mid-summer during most of the last five years. Many of these weather events occurred while hens were still incubating nests or rearing recently hatched poults still incapable of flight or regulation of their body temperature. Turkey numbers in other parts of the state are either slowly increasing or beginning to stabilize.

Discussion

At this time the department is not considering any changes to spring bag limits or season dates. The recent population declines in eastern Kansas have been due to terrible production as a result of unusually wet summer weather. The number of hunters and harvest in the affected area has already declined in proportion to the population. When hunting becomes difficult, fewer people participate and because of this behavior, the hunters actually somewhat regulate harvest themselves. The department is concerned about the severe declines, but at this time we don't believe any changes to regulations would help to alleviate the problem. The population will recover on its own given a couple of years of favorable summer weather.

The department is considering a change to permitting for Unit 4. We have been gradually increasing the quota in Unit 4 over the last several years and this past spring allowed youth to buy statewide permits over-the-counter. Despite these changes, we have still not been able to meet demand because applications have increased similarly to our quotas. For spring 2010, we received 471 applicants for the 325 permits that were available (Table 1). Information from

hunter band returns and radio-marked turkeys within Unit 4 indicates that the population can withstand even more harvest pressure. However, the turkey committee believes that a quota of some type is still necessary to help control harvest pressure and hunter interference on the two major public properties in that unit (Cimarron National Grasslands and Cedar Bluff Wildlife Area). Thus, we are considering a recommendation to raise the quota from 325 to 500 for the 2011 season.

Figure 1. Current spring wild turkey hunting units in Kansas. The initial permit is valid within Units 1, 2, & 3 and can be purchased over-the-counter. A pre-season drawing is used to issue the 325 permits allocated for Unit 4. An additional spring game tag can be purchased over-the-counter and it is valid only within Units 2 & 3.

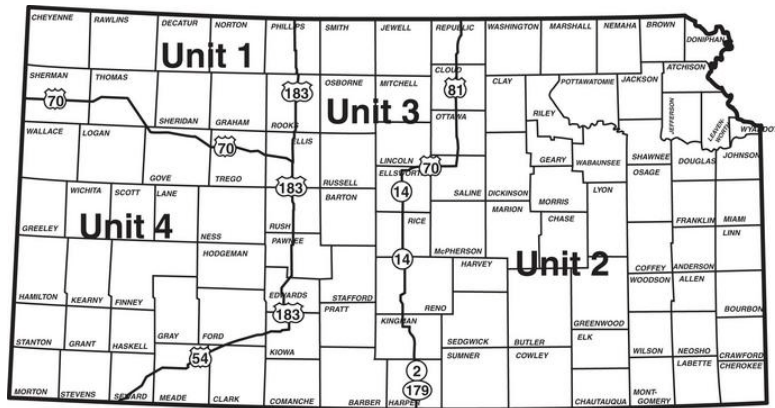


Table 1. Hunt unit 4 permit allocation for Kansas' spring 2010 turkey season.

Permit Type	Applicants	Available Permits	Unsuccessful Applicants
General Resident	293	163	130
Landowner/Tenant	178	162	16
Total	471	325	146

^a Youth (less than 16 years of age) no longer participate in the drawing because they can buy permits over-the-counter that are valid in any hunt unit.

Pheasant Season Closing Date

At the last commission meeting a constituent proposed extending the pheasant season into February. There are no biological implications to a season extension because only males can be legally harvested, and pheasants are polygamous (i.e. one male can copulate many females). However, changing season dates can be quite controversial because changes can affect traditions, public perceptions, and landowner relations.

The KDWP has some past experience relative to this exact issue because the pheasant season did extend into February for one year (1981). The department received many negative comments from landowners about the extension because those extra weeks interfered with calving season and spring planting preparations. The department promptly changed the closing date back to January 31 for the 1982 season, and it has closed on that date ever since that time. Before an extension is considered, it would be wise to conduct an opinion survey of KDWP constituents and Kansas landowners that would be affected by the change.

Other issues that could/would arise from an extension to the pheasant season:

- 1.) An extension to the pheasant season would mean our Walk-In Hunting Access (WIHA) tracts would not be open for public access because those tracts are only open through January 31. It would probably be viewed poorly by the public if we didn't ensure those tracts were available during the entire season. Thus, an extension would likely require amendments to Walk-In Hunting Access (WIHA) contracts. Such a change would be labor intensive and possibly require increased landowner payments for the extra days.
- 2.) An extension to the pheasant season would mean that quail season would not close on the same date. An opinion survey conducted after the 2006 season found that a concurrent closing date for pheasant and quail was preferred by resident and non-resident hunters and farm operators. Extending the pheasant season and not the quail season could lead to some dissension among those groups.

2011 Parks Fee Change Recommendations: Effective January 1, 2011, Revised May 15, 2010

Due to budget shortfalls and increasing operating costs, the Parks division may need additional funds from camping fees and charges to maintain current services. No change is recommended for motor vehicle entry permits.

Staff researched camping fees charged by private and federal campgrounds, as well as those charged by parks in adjacent states, providing the following summary.

Private campgrounds are in the \$30-\$35 range per night for two people with utilities. No additional motor vehicle permit required.

Federal campgrounds range from \$10-\$20 per night per camping unit, plus they may add \$4 for a prime site, \$4 for electric, with beach and boat ramp access included; basic camp fees are reduced one-half for seniors during the off season.

Colorado ranges from \$8-\$22 per night per camp unit plus a \$4 surcharge is added to specific campsites (similar to prime sites); plus the applicable motor vehicle permit.

Kansas ranges from \$7.50-\$18 per night per camping unit plus a \$2 surcharge for prime sites; plus the applicable motor vehicle permit; also have an annual camp permit for \$150; plus utilities of \$7-\$10 per night with an annual camp permit; plus the applicable motor vehicle permit.

Nebraska ranges from \$8-\$24 and set on a park/campsite specific basis per night per camping unit; plus the applicable motor vehicle permit.

Missouri ranges from \$12-\$26 per night per camping unit and provides a year round discount to seniors 65 and older of \$1-\$4 per night per camping unit. No motor vehicle permit requirement.

New Mexico ranges from \$8-\$20 per night per camping unit; also have an annual camp permit for NM residents at \$180 or \$100 for NM residents 62 and older or \$225 for nonresidents. \$8 per night/per campsite is added for utilities with an annual camp permit.

Oklahoma ranges from \$10-\$21 per night per camping unit and adds a \$5 surcharge to some campsites (prime sites).

Texas ranges from \$8-\$20 per night per camping unit plus applicable per person fees ranging from \$2-\$5 per person; pricing is park/campsite specific.

Most fees listed above will likely increase for 2012.

Average current annual sales of selected KS park permits:

- | | |
|--|-----------|
| • Long term camp: 800 months (380 sites available) | \$238,000 |
| • Prime camp nights: 35,000 (600 sites available) | \$ 86,000 |
| • Annual camp: 3,700 | \$561,000 |

Recommendations: A new park management and reservation system is scheduled to begin **December 15, 2010, which may change the reservation, service, and convenience fees: (will remove the current \$1.15 KOALS fee and add est. \$2 reservation/management fee) plus removing the \$0.50 utility KOALS fee:**

- No change to per-night camping permit fees.
- No change to motor vehicle entry fees.
 - **Increase** annual camping permit \$50 (from \$150 to \$200) if purchased during the off-season starting **Dec. 15, 2010 for the calendar year 2011.**
 - **Increase** the annual camping permit \$100 (from \$150 to \$250) if purchased during the in-season starting on **April 1, 2011.**
 - **Increase** the long-term camping \$40 per month (from \$320 to \$360, from \$260 to \$300, and from \$200 to \$240) for **all parks except Eldorado, Milford and Tuttle Creek** which would increase \$80 (from \$320 to \$400), from \$260 to \$340, and from \$200 to \$280) starting **Jan 1, 2011.**
 - **Increase** the statewide additional prime site charge from approximately 12 percent to 15 percent with no change in the price of \$2 per night per camping unit.
 - **Increase** the number of statewide available long-term camping sites from approximately 10 percent to 12 percent.

Note: the long term camp requires the purchase of an applicable annual camp permit and applicable annual motor vehicle permits. All camping including cabin camping requires the purchase of applicable motor vehicle permits.

Estimated new revenues:

Increased camp usage (10,000 new permits)	\$ 70,000
Annual camp off-season (2,500)	\$125,000
Annual camp in-season (700)	\$ 70,000
Long-term camp all parks except El Dorado, Milford, Tuttle Creek	\$ 90,000
Long-term camp El Dorado, Milford, Tuttle Creek	\$185,000
Increase number of prime sites (100 new sites)	\$ 20,000
Increase number of long-term sites (60 new sites)	<u>\$100,000</u>
Estimated total new revenue:	\$660,000

Loss of campsite reservation fees with the start of the new reservation: \$40,000

Estimated new revenue in FY11: \$340,000

Estimated annual new revenue starting FY12: \$620,000

Mountain Lion Populations in Kansas

There will be a PowerPoint Presentation at the meeting.

Amending K.A.R. 115-2-3a Cabin Camping Permit Fees

Description: This regulation establishes fees by locations for cabin camping within Kansas state parks, state fishing lakes, and wildlife areas. Consumer demand for cabins on KDWP controlled lands continues to increase annually. Overnight cabin camping fees are based on location, amenities, quality, demand and local area prices for comparable facilities. As additional cabins come on-line, cabin camping fees require adjustments to achieve desired occupancy rates.

The proposed amendment may adjust a few cabin rental fees as a result of reassessment of comparables and occupancy rates. And the addition of cabins planned in the near future.

The amendment will be workshopped during the August, 2010 Commission meeting and prepared for public hearing and Commission action during the October, 2010 Commission meeting. Assuming the amendment is approved in October, the regulation would become effective January 1, 2011.

Action requested: Commission consensus to proceed with preparing the proposed amendment, invite further public comment, and prepare for the August workshop portion of the Commission meeting.

Combination Permits/Tags and Value-added Packages

This topic on the agenda is to start the discussion on establishing combination permit/tag options for deer and turkey hunters for the fall 2011 season. Last year, we established a turkey permit/turkey game tag combination that not only saved the hunter money over purchasing the permits separately, it also required early purchase.

The March 30 deadline was designated to convince hunters to purchase early rather than wait until the night before they were planning to hunt turkeys. We know that many turkey hunters purchase a turkey permit only once out of every three years. Those who wait until the last minute to buy a permit may, for whatever reason, never get around to purchasing a permit at all.

The turkey combo permits appeared to be popular. When compared to 2009 sales seven days into the regular season, the number of residents who held a second turkey game tag increased by 41 percent. Nonresidents holding second turkey game tags increased more than 12 percent. Because of the reduced price – Resident Combo - \$27.50 compared to \$35 if purchased after March 30 – revenue from resident sales was down \$17,130 or 3.4 percent compared to 2008. However, nonresident revenue -- \$47.50 for the combo compared to \$55 if purchased separately after March 30 – increased by \$60,510 or 22 percent. We don't know if it decreased the number of lapsed turkey hunters.

The Marketing/Revenue Task Force has discussed establishing a combination either-sex whitetail/antlerless whitetail permit combo, as well as deer/turkey combo packages for the fall seasons. Other states offer "Sportsmen's Packages," which include a hunting license, various stamps, as well as permits with a savings incentive. Purchase deadlines have also been discussed. We are open to suggestions.

Workshop Session

2011 Reference Document Proposed Changes for Special Length and Creel Limits:

- Perry Reservoir – add 18-inch minimum length limit on smallmouth bass.
- Nebo SFL – add 18-inch minimum length limit and 2/day creel limit on saugeye.
- Sabetha City Lake -- add 18-inch minimum length limit and 2/day creel limit on saugeye.
- Perry Reservoir – change to 18-inch minimum length limit on sauger, saugeye, and walleye.
- Topeka-Horseshoe Bend Park Pond – add 2/day creel limit on channel catfish.
- Miami SFL – change to 5/day creel limit on channel catfish.
- Lansing City Lake #2 -- Kenneth W. Bernard Community Park Pond – add 2/day creel limit on channel catfish.
- Andale-Renwick USD 267 Pond – add 18-inch minimum length limit and 2/day creel limit on largemouth bass and add 2/day creel limit on channel catfish.
- Valley Center - Arrowhead Park Lake – add 18-inch minimum length limit and 2/day creel limit on largemouth bass.
- **Length and Creel Limits for the Missouri River (Kansas-Missouri Boundary Waters which includes Browning Oxbow Lake).** The following changes are needed to comply with current Missouri Regulations.
 - Add 5/day creel limit on blue catfish, and flathead catfish.
 - Add 15-inch minimum length limit and 10/day creel limit on channel catfish.
 - Add 15-inch minimum length limit on sauger and walleye.
 - Change Morone sps. (yellow bass, striped bass, white bass, and their hybrids; single species or in combination) daily creel limit to 15 fish.
 - Add 2/day creel limit on paddlefish.
 - Add 6/day creel limit on black bass (largemouth, spotted, and smallmouth bass; single species or in combination).

Other Proposed 2011 Fishing Regulation Changes.

Change 115-25-14 to include four new locations for trout stockings. Holton-Elkhorn Lake, Atchison City Lakes, Syracuse - Sam's Pond, and Belleville City Lake (Rocky Pond) will be added to the list of Type 2 Waters, which require a trout permit for each individual who wants to fish for and possess trout from October 15 through April 15. In addition, the Cimarron Grasslands Pits will change from a Type 1 Water to a Type 2 Water.

Change 115-25-14 to allow for additional handfishing opportunity during the open season from June 15 through August 31. This change would expand handfishing sites to include the entire length of the

Arkansas River (not just from the John Mack Bridge in Wichita to the Oklahoma border) and would allow handfishing on all federal reservoirs (from the dam to the upper end of the federal property boundary). Handfishing would not be allowed within 150 yards of any dam to be consistent with our trotline, setline, and floatline regulations. All other existing handfishing regulations stay the same. This proposal comes after the three-year pilot handfishing study (summary attached).

Regulations 115-18-20, 115-7-8, and 115-7-9 deal with weigh-in bass fishing tournaments and the use of the tournament black bass pass (TBBP). 115-7-8 and 115-7-9 have very similar weigh-in requirements for fish-handling procedures needed to make sure fish are taken care of properly. This proposal would keep the TBBP, abolish the lengthy registration and mandatory reporting process, and combine both weigh-in regulations to require all weigh-in tournaments (whether they are using the TBBP or not) to abide by a single set of handling procedures. This proposal would also allow a tournament angler, holding a TBBP during a weigh-in tournament, to cull fish once they have reached their 5 fish daily creel limit. These changes will:

- result in uniform weigh-in procedures for black bass weigh-in tournaments.
- allow the holder of a tournament black bass pass to:
 - cull fish with a full creel limit year-round
 - possess two short bass (but must be over 15 inches) on waters with special length limits above the statewide 15-inch minimum length limit from September 1 through June 15.

2010 Late Migratory Bird Seasons

Background

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 published around August 15, after results from the May Breeding Duck Survey and recommendations from Flyway Councils are available.

Discussion

We do not anticipate major changes in the frameworks for geese. We anticipate that the season length for Canada geese will be again be 107 days, the maximum allowed by Migratory Bird Treaty Act.

At this time there is little information upon which to base speculation concerning the duck season frameworks for 2010. The results of the May Breeding Duck Survey, which provides duck abundance as well as pond numbers, will not be available until late July.

The three current Adaptive Harvest Management regulatory packages include the following:

Liberal package – 74-day Low Plains Season, 97-day High Plains Season, (package selected since 1997): Daily bag limit of 6 birds with various species restrictions.

Moderate package – 60-day Low Plains Season, 83-day High Plains Season: Daily bag limit of 6 birds with various species restrictions.

Restrictive package – 39-day Low Plains Season, 51-day High Plains Season: Daily bag limit of 3 birds with various species restrictions.

We will not know if Hunter's Choice will be operational for the 2010-11 duck season until August.

If Hunter's Choice becomes operational, **the daily bag limit for the liberal and moderate alternatives shall be 5 ducks, with species and sex restrictions as follows:**

scaup, redhead – 2

wood duck - 3

only 1 duck from the following group – hen mallard, mottled duck, pintail, canvasback.

Within the Restrictive regulatory alternative, **the daily bag limit shall be 3 ducks, with species and sex restrictions as follows:**

scaup, redhead and wood duck – 2

only 1 duck from the following group – hen mallard, mottled duck, pintail, canvasback.

The possession limit shall be twice the daily bag under all regulatory alternatives.

If Hunter's Choice does not become operational, the bag limits will revert to the federal frameworks.

In summary, goose frameworks and resulting recommended regulations are expected to change little from last year. It is too early to predict which regular season duck regulatory package will be included in the frameworks, although we are hopeful that the liberal package will again be adopted.

**K.A.R 115-14-2, 115-14-3, 115-14-4, 115-14-5, 115-14-6,
115-14-8, 115-14-9, 115-14-10.
Falconry Regulations**

Background

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

Discussion

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

A state that wishes to allow falconry must establish laws and regulations that meet the standards established by the USFWS. The director of the US Fish and Wildlife Service must determine that a state falconry permitting program meets the standards established by the USFWS no later than January 1, 2014. At that time, all Federal falconry permits and the federal permitting program will end. Falconry will not be permitted in a state after this date until the state develops a permitting program the Director of USFWS certifies to be in compliance with these regulations. State regulations may be more restrictive than federal standards but may not be less restrictive. State regulations must be consistent

with the terms contained in any convention between the United States and any foreign country for the protection of raptors and the Migratory bird Treaty Act.

Items required by USFWS for certification of state falconry permit:

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

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

Recommendations

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

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

Following are staff recommendations for consideration for the KDWP Falconry Regulations:

- Lapsed permits may be reinstated at previously existing level without requirement to retake examination in accordance with federal regulations of not having lapsed for more than five years. This is to take into account reasonable circumstances that may occur that an individual may not be able to renew permit or keep birds such as military deployment.

- Apprentice falconers can possess only wild caught kestrels, red-tailed hawks, and red shouldered hawks.
- Adopt the lowered minimum ages for falconry classes; Apprentice 12 years of age, General Class, 16 years of age.
- Indoor and Outdoor falconry holding facilities need to be constructed and inspected prior to issuance of falconry permit.
- Falconry equipment, as outlined by federal regulations, shall be possessed by each applicant before the issuance or renewal of a falconry permit.
- Adopt federal regulations on types of raptors and when they can be taken but require a valid Kansas hunting license to take raptors from the wild.
- No species listed as threatened or endangered in Kansas can be taken.
- Each item of equipment used to capture raptors shall be tagged with permittee's name and falconry permit number.
- Raptors taken under a depredation or special purpose federal permit may be used by General and Master falconers. These raptors are typically golden eagles.

Public Hearing

Document No. _____

KANSAS REGISTER
SUBMISSION FORM

Agency Number -- 710-01

Agency Name -- Kansas Department of Wildlife and Parks

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

Topeka, Kansas 66612-1233

Title of Document -- Public Hearing

Desired Date of Publication - April 22, 2010

ITEMS SUBMITTED IN DUPLICATE

CERTIFICATION

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

Christopher J. Tymeson
Liaison officer's typed name

Liaison officer's signature

Department Attorney
Title

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Phone

This space for Register office use only

Wildlife and Parks Commission

Notice of Public Hearing

A public hearing will be conducted by the Wildlife and Parks Commission at 7:00 p.m., Thursday, June 24, 2010 at the Herington Community Center, 810 South Broadway, Herington, Kansas, to consider the approval and adoption of proposed regulations of the Kansas Department of Wildlife and Parks.

A general discussion and workshop meeting on business of the Wildlife and Parks Commission will begin at 1:30 p.m., June 24 at the location listed above. The meeting will recess at 5:30 p.m. then resume at 7:00 p.m. at the same location for more business and the regulatory hearing. There will be public comment periods at the beginning of the afternoon and evening meetings for any issues not on the agenda and additional comment periods will be available during the meeting on agenda items. Old and new business may also be discussed at this time. If necessary to complete business matters, the Commission will reconvene at 9:00 a.m. June 25 at the location listed above.

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

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

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

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

K.A.R. 115-2-1. This permanent regulation establishes amount of fees for various issues of the department. The proposed amendment would add a category of hunt-on-your-own-land either-sex elk permits to accompany other changes proposed for elk seasons.

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

K.A.R. 115-8-1. This permanent regulation establishes provisions and restrictions for hunting, furharvesting and discharge of firearms on department lands and waters. The proposed amendment would update the reference document and changes to specific parcels of land.

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

K.A.R. 115-25-9a. This exempt regulation establishes additional considerations for the open season, bag limit, and permits for deer season. The proposed changes in the regulation would update the season dates on Fort Riley, propose a new season for designate persons in October on Fort Riley and authorize a special extended firearms season in three units.

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

K.A.R. 115-25-9b. This exempt regulation establishes the nonresident limited quota antlered deer permit application period. The proposed changes in the regulation would update the application period dates for 2011-2012 deer season.

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

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

Kelly Johnston, Chairman



STATE OF KANSAS
OFFICE OF THE ATTORNEY GENERAL

STEVE SIX
ATTORNEY GENERAL

February 22, 2010

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

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

Re: K.A.R. 115-2-1, 115-25-7, 115-25-8, 115-25-9, 115-25-9a and 115-25-9b

Dear Mr. Tymeson:

We have reviewed the above-referenced regulations for legality, and finding no issues of concern, have approved them.

Sincerely,

OFFICE OF THE ATTORNEY GENERAL
STEVE SIX

Camille Nohe

Camille Nohe
Assistant Attorney General

CN:cn

Enclosure: Original document

cc: Senator Vick Schmidt, Chair, Joint committee on Rules and Regulations
Representative Carl Holmes, Vice Chair, Joint Committee on Rules and Regulations
Representative Janice Pauls, Ranking Minority Member, Joint Committee on Rules and Regulations
Raney Gilliland, Legislative Research

Regulations/KDWP/115-2-1



STATE OF KANSAS
OFFICE OF THE ATTORNEY GENERAL

STEVE SIX
ATTORNEY GENERAL

April 7, 2010

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

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

Re: K.A.R. 115-8-1

Dear Mr. Tymeson:

We have reviewed the above-referenced regulation for legality, and finding no issues of concern, have approved it.

Sincerely,

OFFICE OF THE ATTORNEY GENERAL
STEVE SIX

Camille Nohe
Assistant Attorney General

CN:jm

Enclosure: Original document

Cc: Senator Vick Schmidt, Chair, Joint committee on Rules and Regulations
Representative Carl Holmes, Vice Chair, Joint Committee on Rules and Regulations
Representative Janice Pauls, Ranking Minority Member, Joint Committee on Rules and Regulations
Raney Gilliland, Legislative Research

Regulations/KDWP/115-8-1

STATE OF KANSAS

ALAN D. CONROY
Director
RANEY L. GILLILAND
Assistant Director for Research
J.G. SCOTT
Chief Fiscal Analyst



STAFF
LEGISLATIVE COORDINATING COUNCIL
INTERIM COMMITTEES
STANDING COMMITTEES
LEGISLATIVE INQUIRIES

KANSAS LEGISLATIVE RESEARCH DEPARTMENT

Room 68-West — State Capitol Building — 300 SW Tenth Avenue — Topeka, Kansas 66612-1504
PHONE (785) 296-3181 ♦ FAX (785) 296-3824 ♦ TTY (785) 296-3677
INTERNET: <http://www.kslegislature.org/kldr> E-MAIL: kslegres@kldr.ks.gov

May 7, 2010

Mr. Michael Hayden, Secretary
Kansas Department of Wildlife and Parks
1020 S Kansas Avenue, Room 200
BUILDING MAIL

Dear Secretary Hayden:

At its meeting on May 4, 2010, the Joint Committee on Administrative Rules and Regulations reviewed for public comment rules and regulations concerning amount of fees; and department lands and waters: hunting, furharvesting, and discharge of firearms. After discussion, the Committee had no comment, except to thank the agency for its responsiveness to concerns of the members of the Committee.

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

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

To assist in that final review:

- Please inform the Joint Committee and me, in writing, at the time the rules and regulations are adopted and filed with the Secretary of State, of any and all changes which have been made following the public hearing.
 - Please notify the Joint Committee and me, in writing, when your agency has adopted the regulations as permanent; delayed implementation of the regulations; or decided not to adopt any of the regulations.
 - Also, please indicate separately to the Joint Committee and me, any changes made to the proposed regulations reviewed by the Committee.
-

Secretary Hayden

- 2 -

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

Sincerely,



Raney L. Gilliland
Assistant Director for Research

RLG/jl

Recommendations for 2010 "EARLY" Migratory Bird Seasons

EARLY TEAL SEASON:

Framework - Hunting season between September 1 and September 30, 2010, not exceeding: 1) 16 days if the blue-winged teal breeding population is above 4.7 million, or 2) 9 days if the breeding population is between 3.3 - 4.6 million, with a daily bag and possession limit of 4 and 8 teal, respectively. Last year's (2009) blue-winged teal breeding population was 7.4 million. The 2010 blue-winged teal breeding population total will not be known until June.

It is possible that only 8 days will be available for the September Teal Season in the High Plains. This potential restriction on the High Plains Teal Season is due to the 107-day annual limit (by treaty) on hunting of any one species. A regular High Plains duck season of 97 days allowed under the regular season liberal package, plus 2 days of youth hunting leaves only 8 days to reach the 107-day total.

Recommendation:

High Plains Zone - A bag and possession limit of 4 and 8, respectively, with the following season date possibilities:

A 9-day season running September 18 through September 26, 2010,

or, a 16-day season running September 11 through September 26, 2010,

or, an 8-day season running September 18 through September 25, 2010

Low Plains Zones - A bag and possession limit of 4 and 8, respectively, with the following season date possibilities:

A 9-day season running September 18 through September 26, 2010,

or, a 16-day season running September 11 through September 26, 2010.

SHOOTING HOURS FOR ALL EARLY SEASONS:

Framework-Shooting hours frameworks are expected to be ½ hour before sunrise to sunset for all seasons.

Recommendation-Adopt maximum shooting hours allowed in the frameworks, probably ½ hour before sunrise to sunset.

115-2-1. Amount of fees. The following fees shall be in effect for the following licenses, permits, and other issues of the department: (a) Hunting licenses and permits.

(1) Resident hunting license	\$18.00
(2) Nonresident hunting license	70.00
(3) Nonresident junior hunting license (under 16 years of age)	35.00
(4) Resident big game hunting permit:	
General resident: either-sex elk permit	250.00
General resident: antlerless-only elk permit	100.00
General resident youth (under 16 years of age): either-sex elk permit	125.00
General resident youth (under 16 years of age): antlerless-only elk permit	50.00
Landowner/tenant: either-sex elk permit	125.00
Landowner/tenant: antlerless-only elk permit	50.00
<u>Hunt-on-your-own-land: either-sex elk permit</u>	<u>125.00</u>
Hunt-on-your-own-land: <u>antlerless-only</u> elk permit	50.00
General resident: deer permit	30.00
General resident youth (under 16 years of age): deer permit	15.00
General resident: antlerless-only deer permit	15.00
General resident youth (under 16 years of age): antlerless-only deer permit	7.50
Landowner/tenant: deer permit	15.00

Hunt-on-your-own-land: deer permit	15.00
Special hunt-on-your-own-land: deer permit	30.00
General resident: antelope permit	40.00
General resident youth (under 16 years of age): antelope permit	20.00
Landowner/tenant: antelope permit	20.00
Hunt-on-your-own-land: antelope permit	20.00
Antelope preference point service charge	5.00
Any-deer preference point service charge	5.00
Application fee for elk permit.....	5.00

(5) Wild turkey permit:

General resident: turkey permit (1-bird limit)	20.00
General resident youth (under 16 years of age): turkey permit (1-bird limit)	10.00
Landowner/tenant: turkey permit (1-bird limit)	10.00
Nonresident: turkey permit (1-bird limit)	30.00
Resident: turkey preference point service charge	5.00

(6) Wild turkey game tag:

Resident: turkey game tag (1-bird limit)	10.00
Nonresident: turkey game tag (1-bird limit)	20.00

(7) Spring wild turkey permit and game tag combination (2-bird limit, must be purchased before March 31 of year of use):

General resident: turkey permit and game tag combination (2-bird limit)	25.00
---	-------

General resident youth (under 16 years of age): turkey permit and game tag combination (2-bird limit)	15.00
Landowner/tenant: turkey permit and game tag combination (2-bird limit)	15.00
Nonresident: turkey permit and game tag combination (2-bird limit)	45.00
(8) Nonresident big game hunting permit:	
Nonresident hunt-on-your-own-land: deer permit	75.00
Nonresident: deer permit (antlered deer)	300.00
Nonresident: deer permit (antlerless only)	75.00
Nonresident: antelope permit (archery only)	200.00
Nonresident: deer permit application fee	20.00
Nonresident: mule deer stamp	100.00
(9) 48-hour waterfowl hunting permit	25.00
(10) Field trial permit: game birds	20.00
(11) Lifetime hunting license	440.00
or eight quarterly installment payments of	60.00
(12) Migratory waterfowl habitat stamp	5.00
(13) Special dark goose hunting permit	5.00
(14) Sandhill crane hunting permit: validation fee	5.00
(15) Disabled person hunt-from-a-vehicle permit	0

(b) Fishing licenses and permits.

Resident fishing license	18.00
Nonresident fishing license	40.00
24-hour fishing license	3.00
Three-pole permit.....	4.00
Tournament bass pass	10.00
Paddlefish permit (six carcass tags).....	10.00
Paddlefish permit youth (under 16 years of age) (six carcass tags).....	5.00
Hand fishing permit	25.00
Floatline fishing permit.....	0
Lifetime fishing license	440.00
or eight quarterly installment payments of	60.00
Five-day nonresident fishing license	20.00
Institutional group fishing license	100.00
Special nonprofit group fishing license	50.00
Trout permit	10.00

(c) Combination hunting and fishing licenses and permits.

Resident combination hunting and fishing license	36.00
Resident lifetime combination hunting and fishing license	880.00
or eight quarterly installment payments of	120.00

Nonresident combination hunting and fishing license110.00

(d) Furharvester licenses.

Resident furharvester license18.00

Resident junior furharvester license10.00

Lifetime furharvester license440.00

or eight quarterly installment payments of60.00

Nonresident furharvester license250.00

Nonresident bobcat permit (1-bobcat limit per permit)100.00

Resident fur dealer license100.00

Nonresident fur dealer license400.00

Field trial permit: furbearing animals20.00

(e) Commercial licenses and permits.

Controlled shooting area hunting license15.00

Resident mussel fishing license75.00

Nonresident mussel fishing license1,000.00

Mussel dealer permit200.00

Missouri river fishing permit25.00

Game breeder permit10.00

Controlled shooting area operator license200.00

Commercial dog training permit20.00

Commercial fish bait permit	20.00
Commercial prairie rattlesnake harvest permit (without a valid Kansas hunting license)	20.00
Commercial prairie rattlesnake harvest permit (with a valid Kansas hunting license or exempt from this license requirement)	5.00
Commercial prairie rattlesnake dealer permit.....	50.00
Prairie rattlesnake round-up event permit	25.00
(f) Collection, scientific, importation, rehabilitation, and damage-control permits.	
Scientific, educational, or exhibition permit	10.00
Raptor propagation permit	0
Rehabilitation permit	0
Wildlife damage-control permit	0
Wildlife importation permit	10.00
Threatened or endangered species: special permits	0
(g) Falconry.	
Apprentice permit	75.00
General permit	75.00
Master permit	75.00
Testing fee	50.00
(h) Miscellaneous fees.	
Duplicate license, permit, stamp, and other issues of the department	10.00

Special departmental services, materials, or supplies At cost

Vendor bond

For bond amounts of \$5,000.00 and less50.00

For bond amounts of more than \$5,000.0050.00

plus \$6.00 per additional \$1,000.00 coverage or any fraction thereof.

This regulation shall be effective on and after ~~January~~ August 1, 2010. (Authorized by and implementing K.S.A. 32-807 and K.S.A. ~~2008~~ 2009 Supp. 32-988; effective Dec. 4, 1989; amended Sept. 10, 1990; amended Jan. 1, 1991; amended June 8, 1992; amended Oct. 12, 1992; amended April 11, 1994; amended Aug. 29, 1994; amended June 5, 1995; amended Aug. 21, 1995; amended Feb. 28, 1997; amended July 30, 1999; amended Jan. 2, 2002; amended Jan. 1, 2003; amended Jan. 1, 2004; amended Feb. 18, 2005; amended Jan. 1, 2006; amended May 1, 2006; amended Jan. 1, 2007; amended Jan. 1, 2008; amended Jan. 1, 2009; amended Jan. 1, 2010; amended P-_____.)

ECONOMIC IMPACT STATEMENT

K.A.R. 115-2-1. Amount of fees.

DESCRIPTION: This permanent regulation establishes fish and wildlife-related license and permit fees. The proposed amendment would add an option of an either-sex hunt-on-your-own-land elk permit.

FEDERAL MANDATE: None.

ECONOMIC IMPACT: The purpose of the proposed amendment is allow landowners the opportunity to purchase an either-sex elk permit. This is a new permit option. Therefore, no appreciable negative economic impact is anticipated for the Department, other agencies, small businesses, or the public.

ALTERNATIVES CONSIDERED: None.

K.A.R. 115-2-1.
Amount of fees.
POSSIBLE AMENDMENT

As a result of public and internal Department comment on the combination turkey permit pricing, the department suggests that the following amendment be made to the version of the regulation submitted for public comment.

K.A.R. 115-2-1. Amount of fees.

Add to proposed subsection (a)(7) as follows:

(7) Spring wild turkey permit and game tag combination (2-bird limit, must be purchased before ~~March~~
~~31~~ April 1 of year of use):

115-8-1. Department lands and waters: hunting, furharvesting, and discharge of firearms. (a)

Subject to provisions and restrictions as established by posted notice or as specified in the document adopted by reference in subsection (e), the following activities shall be allowed on department lands and waters:

(1) Hunting during open seasons for hunting on lands and waters designated for public hunting;
(2) furharvesting during open seasons for furharvesting on lands and waters designated for public hunting and other lands and waters as designated by the department;

(3) target practice in areas designated as open for target practice; and

(4) noncommercial training of hunting dogs.

(b) Other than as part of an activity under subsection (a), the discharge of firearms and other sport hunting equipment capable of launching projectiles shall be allowed on department lands and waters only as specifically authorized in writing by the department.

(c) The discharge of fully automatic rifles or fully automatic handguns on department lands and waters shall be prohibited.

(d) Department lands and waters shall be open neither for commercial rabbit and hare furharvesting nor for commercial harvest of amphibians and reptiles.

(e) The department's "KDWP fisheries and wildlife division public land special use restrictions," dated ~~January 7, 2009~~ April 6, 2010, is hereby adopted by reference. (Authorized by K.S.A. 32-807; implementing K.S.A. 32-807; effective Dec. 4, 1989; amended July 13, 2001; amended May 16, 2008; amended May 15, 2009; amended P-_____.)

ECONOMIC IMPACT STATEMENT

K.A.R. 115-8-1. Department lands and waters; hunting, furharvesting, and discharge of firearms.

DESCRIPTION: This permanent regulation establishes certain requirements for and restrictions on certain activities on department lands and waters, including hunting, furharvesting, and other discharge of firearms. Over a period of many years, posted notice has been used to restrict access to certain properties and enhance recreational opportunities. Many of those posted notice restrictions have become long-term policies and to better inform the public as well as enforce the posted notices, the department has consolidated many of those notices into a reference document for adoption by reference. This is an update to that reference document.

FEDERAL MANDATE: None.

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

ALTERNATIVES CONSIDERED: None.

Kansas Department of Wildlife and Parks

KDWP Fisheries and Wildlife Division Public Land Special Use Restrictions

Dated: April 6, 2010

Access Restrictions

The following properties have access restrictions (curfews) during specific times during a 24 hour period.

Region 1

Saline SFL- open to vehicle traffic 6 AM to 10 PM from 3/1 to 9/30

Region 2

Benedictine WA-use of parking lot ½ hour after sunset to ½ hour before sunrise restricted to individuals authorized by permit

Pillsbury Crossing WA-open 6 a.m. through 10 p.m.

Region 3

Hain WA & SFL-no vehicle access during waterfowl seasons

Greeley WA- Closed to all activities February 1 through August 31

Playa Lakes (Herron, Stein & Wild Turkey) Closed to all activities from February 1 through August 31. Open till noon for migratory bird seasons from September 1 through November 22. Open all day during designated youth upland bird season. Open to all hunting all day November 23 through January 31.

Sandsage Bison Range & WA-any pasture where Bison are present

Pratt Backwater Channel-open 6 a.m. through 10 p.m.

Region 4

Maxwell Wildlife Refuge-access restricted to main road, area closed to all activities, except during special events

Age Restrictions

Portions of the following properties restrict hunting to specific age groups

Region 1

Jamestown WA- Ringneck & Puddler Marshes, mentor area- all species, all seasons

Glen Elder WA- Walnut Creek area, mentor area-all species, all seasons

Region 2

Hillsdale WA-Big Bull wetland area, mentor area-all species, all seasons

Milford WA-West Broughton area, mentor hunting-all species, all seasons

Perry WA-designated area, youth/mentor hunting-all species, all seasons

Region 3

Cheyenne Bottoms WA-Mitigation Marsh, youth/mentor-all species, all seasons

Region 5

Melvern WA-designated area, youth/mentor hunting/fishing-all species, all seasons

Neosho WA- Pool 8, mentor waterfowl hunters on weekends and holidays, all other days open to general public

Neosho SFL kids pond-youth/mentor

Alcohol – No cereal malt beverages.

Region 1

Rooks SFL & WA

Region 2

Atchison SFL

Benedictine WA

Douglas SFL & WA

Elwood WA

Jeffery Energy Center WA Area 2

Leavenworth SFL

Middle Creek Lake Area

Miami SFL

Pillsbury Crossing WA

Pottawatomie SFL's 1 & 2

Shawnee SFL & WA

Osawatomie Dam and Parking Area

Region 3

Pratt Backwater Channels

Region 4

Black Kettle SFL

Butler SFL
Byron Walker Wildlife Area Archery Range
Cheney Reservoir at shooting range
Cowley SFL
Chase SFL & WA
Kingman SFL
Maxwell Wildlife Area at shooting range
McPherson SFL

Region 5

LaCygne Lake
Lyon SFL & WA
Montgomery SFL & WA
Mined Land WA-Unit 1 only
Shoal Creek WA

All Non-Toxic Shot

Region 1

Jamestown WA

Region 2

Benedictine WA

Region 3

Cheyenne Bottoms WA
Isabel WA
Playa Lakes (Heron, Stein, Wild Turkey)
Texas Lake WA

Region 4

McPherson Wetlands
Slate Creek Wetlands

Region 5

John Redmond Reservoir-Otter Creek WA
Marais des Cygnes WA
Neosho WA

Boating Restrictions

No Motorized Boats

Region 1

Jamestown WA-portions of Marsh Creek and Buffalo Creek Marshes

Region 2

Milford WA-no motorized boats are allowed in any wetland areas except Mall
Creek/Peterson Bottoms

Perry WA-no motorized boats are allowed in any wetland areas except East and West pools of the
Kyle marsh

Region 3

Cheyenne Bottoms WA-motorized watercraft permitted only during the waterfowl
Season. From 4/15 thorough 8/15, no boats permitted from 10 a.m. through 5 p.m. No out of
water propeller driven watercraft permitted at any time.

Region 5

Elk City WA-Widgeon and Simmons Marshes.

Marais des Cygnes WA-no motorized boats except in Unit A (boat lane only) and Unit G

No Wake

The following lakes require all motorized vessels to be operated at no wake speeds.

Region 1

Cedar Bluff WA-west end only as designated

Jewell SFL

Ottawa SFL

Rooks SFL

Saline SFL

Sheridan SFL

Region 3

Meade SFL

Scott SFL- in designated area

Region 4

Black Kettle SFL

Butler SFL
Cowley SFL
Kingman SFL
McPherson SFL

Region 5

Marais des Cygnes WA
Wilson SFL
Woodson SFL

Closed to All Hunting

Properties could be included in the STWD special hunts program.

Region 1

Saline SFL

Region 2

Green WA-(8 mi. West of Topeka)
Pillsbury Crossing WA
Pottawatomie SFL # 2
Rocky Ford Fishing Area

Region 3

Big Basin Prairie Preserve
Ford SFL
Kiowa SFL
Pratt Backwater

Region 4

Maxwell Wildlife Refuge

Region 5

Montgomery SFL
Neosho SFL

Equipment Restrictions (Hunting)

Archery Only

Region 4

McPherson SFL-deer and turkey only

Region 5

Mined Land WA Unit 1, Unit 21, Unit 23, a portion of Unit 22 and Unit 47

No Center fire Rifles

Region 2

Douglas SFL
Shawnee SFL
Leavenworth SFL
Kansas River WA

Region 5

La Cygne WA

Shotgun & Archery Only

Region 1

Lovewell WA-designated area below the dam
Ottawa SFL
Sheridan SFL

Region 2

Douglas SFL-deer hunting
Kansas River WA-no firearms deer hunting
Leavenworth SFL-deer hunting
Shawnee SFL-deer hunting

Region 3

Sandsage Bison Range & WA-north pasture only

Region 5

Berentz/Dick WA
Osage SFL
Shoal Creek WA
Wilson SFL

Shotgun, Archery & Muzzleloader Only

Region 2

Elwood WA
Jeffery Energy Center WA Area #2 (except for special draw youth hunts)
Middle Creek Lake Area
Rutlader WA

Region 5

Otter Creek WA at John Redmond Reservoir

Disabled Accessible Hunting

The following properties have specific areas designated for disabled access hunting. Specific locations are posted at the wildlife area and can be found on the area brochures and web sites. Special permit is required and available from the Area Manager.

Region 1

Glen Elder WA
Lovewell WA
Norton WA
Webster WA
Wilson WA

Region 2

Clinton WA
Perry WA
Tuttle Creek WA

Region 3

Cheyenne Bottoms WA-disabled hunting blind restricted to disabled only use. Assistants allowed to hunt if they accompany disabled hunter.

No Shooting from Dikes or Levees

Region 3

Cheyenne Bottoms WA

Region 5

Marais des Cygnes WA

Neosho WA-no shooting from designated dikes & levees

No Swimming

Waters in addition to the state fishing lakes that are closed to swimming

Region 2

Pillsbury Crossing WA

Region 3

Big Basin Prairie Preserve

Pratt Backwater

Sandsage Bison Range & WA Sandpit

Region 4

El Dorado WA-jumping bridge located at the Junction of the Walnut River and NE
Chelsea Road

Region 5

Mined Land WA

Melvern WA-Quarry Pond

Refuges

The following properties have portions of the area designated as a refuge during specific periods of the year, or year-round. Access and activity restrictions are for refuge management, special hunts, or special permits.

Refuge Area Closed to Hunting Year Round Open to All Other Legal Activities

Region 1

Rooks SFL

Sheridan SFL

Ottawa SFL

Region 4

Kingman WA-waterfowl refuge

Refuge Area Closed to Hunting Year Round Open to all other legal activities 3/1 to 9/30

Region 4

Cheney WA

Marion WA

Refuge Area Closed to Hunting Year Round Open to all other activities 4/1 to 8/31

Region 5

Elk City WA

Neosho WA

Refuge Area Closed to All Activities Year Round

Region 1

Cedar Bluff WA

Region 2

Benedictine WA

Jeffery Energy Center-Area #3

Milford WA-Steve Lloyd refuge area

Region 3

Cheyenne Bottoms WA-Pool 1

Region 4

McPherson Wetlands - South Refuge

Region 5

Fall River WA

Marais des Cygnes WA

Mined Land WA Bison Pen located on Unit 1

Mined Land WA-portions of Units 28 & 29

Refuge Area Closed to All Activities 10/1 through 1/15

Region 2

Clinton WA

Perry WA

Hillsdale WA

Region 5

Melvern WA

Refuge Area Closed to All Activities 10/1 to 1/31

Region 1

Cedar Bluff WA
Lovewell WA
Jamestown WA
Brzon WA
Smoky Hill WA
Ottawa SFL

Refuge Area Closed to All Activities 11/1 to 1/31

Region 1

Norton WA
Webster WA
Wilson WA
Cedar Bluff WA
Glen Elder WA

Seasonal Closures

Access by Permit 10/1 through 3/31

Region 2

Benedictine WA

Open to Hunting Thursday, Saturday and Sunday 9/10 through 3/31

Region 2

Brown SFL

Open to Hunting 12/1 through 1/31

Region 2

Shawnee SFL

Open to Hunting Tuesday, Thursday and Saturday

Region 5

Berentz/Dick WA

Open to Upland Bird Hunting Tuesday, Thursday and Sunday

Region 2

Elwood WA

Closed to fishing 9/15 through 4/15

Region 5

Marais des Cygnes WA (marshes only)

Shooting Area (Ranges)

The following properties have designated firearm or archery ranges. Shooting hours are posted at the facility and available on area brochures and web sites.

Region 1

Glen Elder WA

Region 2

Shawnee SFL (firearms)

Region 4

Cheney Res. & WA (firearms)

Byron Walker WA (archery)

Maxwell Wildlife Refuge (firearms)

Region 5

Hollister WA (firearms)

Shooting Hours Restrictions

The following properties have shooting hour restrictions that are more restrictive than statewide regulations. These restrictions may be species specific and regulated only on portions of the property.

Shooting Hours End 1 PM

Region 5

Neosho WA-South Unit for waterfowl

Special Permits (Daily/ Use* Hunt Permits) Daily hunt permits are available on the property at select parking lots and informational kiosks. Designated (*) properties require a permit for all activities.

Region 1

Cedar Bluff WA
Glen Elder WA
Jamestown WA
Lovewell WA
Webster WA

Region 2

Clinton WA- waterfowl only
Elwood WA
Jeffery Energy Center WA Area # 2
Kansas River WA
Milford WA-waterfowl only

Region 3

Cheyenne Bottoms WA-In addition to daily hunt permit, trapping permit is required from the manager to trap
Isabel WA
Texas Lake WA

Region 4

McPherson Wetlands
Slate Creek Wetland

Region 5

Berentz/Dick WA*
Marais des Cygnes WA-waterfowl only
Neosho WA-waterfowl only

115-25-9a. Deer; open season, bag limit, and permits; additional considerations. (a) In the Fort Riley subunit, the open firearm season for the taking of deer shall be November 26, 2010 through November 28, 2010, December 18, 2010 through December 22, 2010, and December 26, 2010 through December 29, 2010. In addition to the season for designated persons specified in K.A.R. 115-25-9, in the Fort Riley subunit the season for designated persons shall be October 8, 2010 through October 11, 2010.

(b) In addition to any other permits authorized by K.A.R. 115-25-9, any individual may obtain one antlerless-only either-species deer permit, subject to the number of antlerless-only either-species deer permits authorized.

(c) Any unfilled deer permit valid in units 7, 8, and 15 shall be valid in a special extended firearm antlerless-only season in units 7, 8, and 15. The special extended firearm season shall be January 10, 2011 through January 16, 2011. The bag limit shall be one antlerless deer per permit for the species of deer as specified on the permit.

(d) This regulation shall be effective on and after July 1, 2010, and shall have no force and effect on and after March 1, 2011. (Authorized by K.S.A. 32-807 and K.S.A. 2009 Supp. 32-937; implementing K.S.A. 32-807, K.S.A. 2009 Supp. 32-937, and K.S.A. 2009 Supp. 32-1002.)

ECONOMIC IMPACT STATEMENT

K.A.R. 115-25-9a. Deer; open season, bag limit, and permits; additional considerations.

DESCRIPTION: This exempt regulation establishes additional considerations for the 2010-2011 firearm, muzzleloader and archery deer seasons. There are three main items in the regulation. First, the setting of Fort Riley firearms seasons occurs in the proposed regulation in order to better accommodate the changing training mission at Fort Riley and authorizes a special youth/disabled season on post only. Second, the regulation allows for the issuance of antlerless either-species deer permits for select units where additional harvest is warranted. Third, the regulation authorizes a special extended firearms season in three deer management units in January 2011.

FEDERAL MANDATES: None

ECONOMIC IMPACT: No significant economic impact to the department, state agencies, small businesses or the public is anticipated.

ALTERNATIVES CONSIDERED: None.

K.A.R. 115-25-9a.
Deer; open season, bag limit, and permits; additional considerations.
POSSIBLE AMENDMENT

As a result of public comment on the proposed regulation, the Department suggests that the following amendment be made to the version of the regulation submitted for public comment.

K.A.R. 115-25-9. Deer; open season, bag limit, and permits; additional considerations.

1. Amend proposed subsection (a) as follows:

(a) In the Fort Riley subunit, the open firearm season for the taking of deer shall be November 26, 2010 through November 28, 2010, December 18, 2010 through December 22, 2010, and December 26, 2010 through December 29, 2010. In addition to the season for designated persons specified in K.A.R. 115-25-9, in the Fort Riley subunit the season for designated persons shall be October 8, 2010 through October 11, 2010. During the extended firearm season specified in K.A.R. 115-25-9, in the Fort Riley subunit, antlered deer may also be taken January 8 through January 9, 2010 by individuals who possess the required authorization issued by Fort Riley to hunt for antlered deer during the specified days.

115-25-9b. Deer; nonresident limited-quota antlered permit application period. (a) Applications for nonresident limited-quota antlered deer permits for the 2011-2012 deer hunting seasons shall be accepted in the Pratt office from the earliest date that applications are available through April 30, 2011. Applications with a postmark date of not later than April 30, 2011 shall also be accepted.

(b) This regulation shall be effective on and after January 1, 2011, and shall have no force and effect on and after June 1, 2011. (Authorized by K.S.A. 32-807 and K.S.A. 2009 Supp. 32-937; implementing K.S.A. 32-807, K.S.A. 2009 Supp. 32-937, and K.S.A. 2009 Supp. 32-1002.)

ECONOMIC IMPACT STATEMENT

K.A.R. 115-25-9b. Deer; nonresident limited quota antlered permit application period.

DESCRIPTION: This exempt regulation establishes nonresident limited quota permit application period for the 2011-2012. The application period proposed is the same as the 2010-2011 season.

FEDERAL MANDATES: None.

ECONOMIC IMPACT: No significant economic impact to the department, state agencies, small businesses, or the public is anticipated.

ALTERNATIVES CONSIDERED: None.