

**Kansas Department of Wildlife and Parks
Commission Meeting Minutes
Norton Community High School
103 W Woodfield, Norton, KS**

**APPROVED
August 11, 2011**

Tour at 10:00 a.m. Met at high school parking lot to ride bus to wildlife area and state park.

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

The June 23, 2011 meeting of the Kansas Wildlife and Parks Commission was called to order by Chairman Kelly Johnston at 1:30 p.m. at the Norton Community High School Auditorium, Norton. 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).

Brook Dicks, director Norton Chamber of Commerce – I have been here six months, and I want to welcome you to Norton. It is great to have Prairie Dog State Park (PDSP) so close. It is a great asset and great for tourism and economic development.

III. ADDITIONS AND DELETIONS TO AGENDA ITEMS

Sheila Kemmis – Revised agenda (same as handout) – added general discussion No. 2, public lands reference document; Brad Simpson will be the presenter. And in the workshop section added No. 5, cabin camping permit fees; Mark Stock will present. Rest of items renumbered. Also, changed presenter on all of Faye McNew’s items to Tom Bidrowski. McNew could not be here. Doug Nygren will be presenting No. 8 under workshop session. Under public hearing, added No. 3, KAR 115-1-1 definitions (to redefine water sets); Matt Peek will be presenter. Renumbered rest of items.

IV. APPROVAL OF THE April 21, 2011 MEETING MINUTES

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

V. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

Carl Gofelt, President of First Community Bank and Trust Company and member of Friends of PDSP. Came to also welcome you to Norton, PDSP, Sebelius Lake and Norton Wildlife Area and to introduce myself to the new Secretary. We want to thank Doug Sebelius for job well done (*applause*). I was born in 1959 when the lake had just come off drawing board and construction

began. I remember as a child going out to bluff and watching construction. When I was five years old, we stood on the dam and watched lake fill up. I have watched the state park, lake and wildlife area evolve into the jewel it is today. Thank you for your dedication to making them the jewels they are today.

Scott Sprowl, Economic Development executive director for Norton County – I wanted to commend Secretary Jennison, Commission and staff for finding a way to bring tourism back into wildlife and parks and really mesh that organization together. They are so related, it is going to be great to have them intertwined. Also, I want to commend Secretary Jennison on the vision of the Governor’s pheasant hunt that will be coming and working with the communities in western Kansas. It will be a great economic boost for western Kansas.

Mike Pearce, Wichita Eagle – About 10 days ago we had the 10th annual Wichita Eagle kids Fishing Clinic at Chisholm Creek Park, which is held in conjunction with the Walk with Wildlife. We are a small part of it, and it should be called the Wichita Eagle/Wildlife and Parks Kids Fishing Clinic. As near as I can tell, we have taken 4,000 to 5,000 kids fishing in those 10 years. This year we took 328 kids. They show up in a half-hour session and 20- to 25-percent are minorities, probably 40 percent come with single parents and a tremendous number of grandparents who are raising kids. Any kid that has never caught a fish doesn’t leave without catching one thanks to you because Kansas Department of Wildlife and Parks (KDWP) puts enough green sunfish hybrids in there that you could almost walk across the pond. KDWP provides an amazing staff, tackle, bait, worms, and a group of individuals called the Flatland Flyfishers are some amazing volunteers. I realize one of the reasons the agency has this is they are trying to generate youth interest and sell permits down the road. I want to share a couple of tales that are an upside of it too. This year I watched a 2 ½ year old blind girl touch her first fish, and it was amazing. She touched it with her hands twice, then her finger tips went over the whole thing, and she started smiling and giggling, and then her finger tips started again, and she went in the mouth and around the eyes, every ridge on the dorsal fin and the raise in the tail. She didn’t like it when they took it away. Jessica Mounts, who works for the agency, and I agreed that every year there is that one kid who sticks in our mind, and there was a little girl with one eye swollen shut and one black eye. She was about 9-years-old. I looked out there and she was off to the side. I didn’t even know she was in the clinic and I went over to talk to her. She was very quiet and kept her face down. I found out from an elderly woman, who I assume was foster care that they had been there about an hour and her heart wasn’t on trying to catch a fish because she had tried somewhere before and hadn’t caught one. I asked her about school and she said she didn’t do well in school. So, I asked her about a pet, and she said she had a dog, but she doesn’t get to live at that house anymore. I asked her about brothers and sisters and she said she had a brother and a sister but they didn’t live together anymore. I saw from her badge that she had never caught a fish, and I promised her that if she stayed we would get her a fish. Fishing was tough, and we moved from spot to spot, and I am trying to reach this kid. When she lifted her pole and I saw this little fish go into orbit and she pounced on it. Her first words were “Oh my gosh it is so beautiful.” She held the fish as long as I would let her; I thought it was going to die. She took it over to the pond, and she named it by then, she leaned down and let it swim and told it goodbye. She turned around and the foster parent had tears in her eyes and the girl was singing “I caught a fish” and she skipped all the way out. That is the power of one fish. I want to thank the

department for holding those programs. No matter where you are doing, you're fishing clinics they are making a difference in people's lives.

VI. DEPARTMENT REPORT

A. Secretary's Remarks

1. 2011 Legislature – Chris Tymeson, chief legal counsel, gave this report to the Commission (Exhibit C). – The legislative cycle has ended, and we are preparing for next year. In final veto session there was not a lot of action. The first item was the Executive Reorganization Order No. 36, which renames the Wildlife and Parks as Wildlife, Parks and Tourism and comings KDWP and the Division of Travel and Tourism. Since neither House took action against the order, it does go into effect July 1. SB 123 was a department initiative we had for several years in relation to cabin fees. Instead of setting fees in regulation we would set them through Secretary's Orders at public Commission meetings, which still allows the public to comment but also allows us to be more reactive to change in market conditions. Went through the Senate, went into the House where it was amended on House Floor to include provisions of a bill that restricts the purchase of department lands by the department. The final version kept in our cabin fee portion original HB 2149. The final version of the bill after conference included the original cabin provision but does restrict KDWP land purchases to less than 320 acres without legislative approval, 640 acres or less if under appraised value without legislative approval or as approved by the State Finance Council, effective July 1. SB 152 dealt with concealed carry permits and carrying a concealed handgun while hunting, fishing or furharvesting, and it also allows the use of suppressors in lawful hunting as well. It passed the Senate and House and is effective July 1. HB 2013 isn't a hunting bill, but it does affect our constituents; there was a prohibition of sale of rifles and shotguns from any state other than contiguous states to or from residents of Kansas. Federal law changed in 1986 and Kansas law never kept up with that. Federal law says as long as it is legal in your state and legal in the state you are purchasing it in, you can go ahead and purchase. That passed and is effective July 1. All of these bills are on our website, and I will briefly touch on a couple of bills I think are important that did not pass. SB 120 is the vessel titling act that went through the Senate, had a hearing in the House and isn't going anywhere as far as I can tell. The bill is still alive for session next year. HB 2149, as I mentioned those provisions got stuck into SB 123, and this bill doesn't pertain to Wildlife and Parks anymore. HB 2168 would have given free state park entrance to any veteran who is a resident of this state and has been honorably discharged; bill had a hearing but was tabled in Committee. HB 2295 was the a deer bill that would have exempted landowner's immediate family members from hunting license requirements and given them permits, which we already do through a different provision of the law (a reduced price permit). It dealt with crossbows, extended deer seasons, mandatory contributions to Hunters Feeding the Hungry and raised the caps on nonresident fees. The bill had a hearing, was sent to a subcommittee and was recommended to be tabled by the sub-committee and subsequently tabled by the full committee. We will see where that goes next year. HB 2398 came in late in the session, so it really didn't see any movement; it deals with feral swine and would make importation of feral swine a class C misdemeanor rather than a civil penalty and would change the definition of feral swine. Another big one is House Concurrent Resolution No. 5017. Every year we hear talk about valuation of

vessels and taxation of vessels. The House did pass the concurrent resolution then it went to Senate Taxation Committee late in the session. Maybe we can get the Senate to get it out of committee and out to the full Senate. If that happens that would send it to the voters in November as a ballot question that would basically say, if the legislature chooses to amend the taxation level on boats they would have the authority to do so. It takes a Constitutional amendment to currently do that. Commissioner Lauber – We need a constitutional amendment to allow a different type of classification for vessels? Tymeson – That is correct. Commissioner Lauber – What does it say? Is there anything else in the same category as vessels? Tymeson – General personal property; cars and RVs were exempted out of that; point three is the taxation level. Commissioner Lauber – We would support this bill? Tymeson – There are obvious pros and cons; pros to individual boat and vessel owners, the con would be loss of revenue, particularly at a time when revenue is difficult to come by for counties. We haven't done anything on the bill. Senator Jeff King was the proponent and a couple of other proponents. The department is just monitoring at this point. Commissioner Lauber – Seems like fairer approach and if done like cars there would probably be an increase in vessels that would be registered. Tymeson – There are a couple of potential outcomes and one key consideration, even if the legislature passes this and if the voters passed it; it doesn't automatically force a shift in the load in the level of taxation. Then the legislature again has to take action to change that level of taxation. If we could get something like this, it doesn't mean it has to be changed immediately, it might be prudent to wait for optimal time. I think we would see numbers of vessels registered in Kansas go up and people would trade off older boats.

2. Agency and State Fiscal Status – Dick Koerth, assistant secretary of Administration, presented this update to the Commission (Exhibit D). – This session of the legislature is over and they have completed their work. The approved budget for the current department doesn't include the inclusion of the Travel and Tourism Division of approximately \$4.3 million. We have already been assigned duties to promote tourism across the state. For the current fiscal year, the approved budget includes expenditures of \$473,000 for a sewer line from the Pratt Operations Office to the City of Pratt sewer plant. For a number of years, the Kansas Department of Health and Environment has been concerned with the sewage system discharge at the Pratt office. An amount of \$260,000 was approved to provide additional funds for the repair of the Clark SFL; the original amount appropriated was not adequate to repair the dam and spillway. For the current fiscal year the department should be able to complete the year within the amounts appropriated. Expenditures from the Cabin Revenue Fund and the Park Fee Fund are being monitored to ensure expenditures remain with appropriate limits. The Legislature approved a salary reduction of 7.5 percent in the current year for certain positions, to include the Commission and Secretary Jennison, which was only for one payroll period by the time they got it passed. For FY 2012, approved expenditures of \$68.2 million, of which \$4.8 million will be financed from the State General Fund (SGF). The budget includes expenditures of \$6.9 million for capital improvements. The approved FTE number is 430.5; in addition to the 12 positions for the Travel and Tourism, plus one position for managing the Grand Osage Wildlife Area in Labette County (formerly the Parsons Army Ammunition Plant). The FY 2012 Governor's budget recommendation included an amount of \$2 million for upland habitat land acquisition as requested by the previous Secretary. Secretary Jennison's priorities for the department include the use of private land by leasing property rather than acquisition. Therefore, the amount was reduced to \$300,000 for

upland habitat land acquisition. The reduction of \$1.7 million will be used as follows: \$310,000 to provide additional funding the F.I.S.H. program; \$70,000 for improvements at Rocky Ford WA; \$600,000 for improvements at the Milford Fish Hatchery to prevent zebra mussels (the first of a two-year program); \$100,000 for minor repairs at three SFL dams, Douglas, Shawnee, and Leavenworth; and \$620,000 to expand the WIHA program. The legislature approved reductions for cell phone usage; IT; longevity payments; and bottled water/office supplies. In addition, the legislature did not approve any continued funding to the state employee market adjustment program (that was supposed to be a five-year program to go through all of the classified positions to bring them up to market standards class, they did two years of it and now it has been discontinued); included a \$2.00 check-off to assist on funding free hunting and fishing licenses and annual park permits provided to Kansas National Guard members and disabled veterans. Also, required the state to prepare a list to prioritize the sale of ten percent of state assets by September 1, 2011. For FY 2012, the Legislature passed an “across the board reduction” of approximately 1.2 percent or \$5.9 million for all agencies which was vetoed by Governor Brownback. The Governor stated in his veto message that he would determine reductions equal to the amount of reduction, but that he needed flexibility to determine the reductions and did not consider across the board reductions to be the appropriate method. The key point is that there will be a statewide reduction of \$5.9 million from the Governor. The Governor vetoed a 2.5 percent surcharge on state employee health insurance premiums. The actions taken by the legislature and Governor Brownback have improved the ending balance in the SGF. For FY 2011 the ending balance is estimated at \$76.2 million and for FY 2012 approximately \$72.3 million. These are better than they have been for the last several years in the SGF. It should be noted that the Brownback administration is committed to reducing the size of state government and future actions to implement this commitment are anticipated. The department is currently developing the FY 2013 capital improvement budget for submission on July 1, 2011. Secretary Jennison has issued FY 2013 budget guidelines, which provide direction to the types and amounts of capital improvements to be requested. Those include motorboat access (MBA) programs; \$600,000 to complete the Milford Fish Hatchery project; \$1.7 million for road projects; \$200,000 bridge repair funds; and \$300,000 for cabin site preparation. A total of \$950,000 for land acquisition, of which \$650,000 is for wetlands. In addition, the department will request an additional \$1.5 million of SGF funds for major maintenance projects at the state parks. Given the status of the SGF, this amount may not be obtainable, but it is important that the department continue to express concerns regarding the condition of state parks facilities and infrastructure. We used to get approximately \$1.5 million per year for that purpose, but the last several years we have not, and our facilities continue to deteriorate and need improvements. Commissioner Sebelius – Looked at Glen Elder since flooding occurred and it looks like camping affected and some roads. Do you anticipate any money needing to be utilized from the budget for that? Koerth – The water is still up and we don’t know what the extent of the damage might be. Linda Craghead has been touring the state parks this week and might have a better feel for conditions at that park. Linda Craghead – Linda Lanterman, Alan and Troy have worked diligently to identify what some of those costs are going to be. The water will be up probably until August. Sixty percent of our campsites are under water so we don’t know ramifications yet. They are making some modifications so we can have some July 4 camping. We have, and are, submitting information to FEMA so hopefully we can recover some loss. Also, the Bureau has indicated they may have some additional funding for us as well so the Secretary has submitted a letter of request to

Bureau as well. Considering the circumstances, our park manager, who is new, is doing a remarkable job of trying to make things work. It won't be resolved for some time for our customers. Commissioner Sebelius – Anything happen to the trout pond? Craghead – Water has now receded from the road and it is separate from that, but yes there was cross contamination between the two as a result of the high water. We still have roads and campsites under water, and it is not going to resolve itself for quite some time. Commissioner Shari Wilson – With regard to moving the Department of Travel and Tourism over do we have a timetable for moving the employees? Koerth – We have a plan to do that close to July 1. We have designated space in the Secretary's Office. It will be a little tight, but we will all be there.

B. General Discussion

1. Spring Turkey Season – Jim Pitman, wildlife biologist, presented this report to the Commission (Exhibit E). – Indications are that we had a good hunting season again. We sold 65,406 permits to 43,359 people, which is a slight decline of about 1,200 from previous year, but still in ballpark of where we have been for last seven or eight years. I am in the middle of conducting harvest survey and still collecting data, but I looked at preliminarily data yesterday. Our statewide hunt success is still going to be in the ballpark of 60 percent, which is where it has been for last several years and one of the highest in the country. Our turkey populations in this part of the state are stable or increasing, in southeast Kansas the population is picking back up after declines. At this point the weather, for productivity, has been favorable this year. The department is not requesting any changes to bag limits or season dates because we feel hunter satisfaction and populations are strong enough to continue at the current rate. Chairman Johnston – We have heard for years that the population in southeast Kansas has been down, but have not heard any solution to change that, but I heard you say that population is rebounding? Pitman – The last couple of years, our mail carrier survey has ticked upwards slightly, nowhere near where we were at five or six years ago, but we are heading in the right direction and expect that to continue to happen.

2. KAR 115-8-1 Public Lands Reference Document Items – Brad Simpson, public lands section chief, presented this report to the Commission (Exhibit F) – This is the start of the process to update our public land reference document on special use restrictions on state fishing lakes (SFL) and wildlife areas (WA). These special restrictions are to address the management issues for those particular pieces of property. We have a number of things we want to add, some we want to remove and some clarifications or modifications. Add: McPherson Wetlands North Refuge to existing document. This has always been but was omitted from reference document. Two areas at Cedar Bluff currently in a refuge and open those up to youth/mentor all species, all seasons, one for archery/ shotgun below the dam the other for all species, all seasons. We have three new areas in northeast Kansas that were purchased with Corps mitigation on the Missouri River (Elwood WA, Dalbey WA and Burr Oak WA) and Talmo Marsh at Jamestown WA to require non-toxic shot only. Clarify refuge area at Cedar Bluff, water portion of refuge and change current refuge to remain on that area closed to all activities September 1 through January 31. We want to close several areas to alcohol consumption -- Rocky Ford Fishing Area, Rising Sun River Access, Kansas River WA (K-18), Dalbey WA and Burr Oak. On the Kansas River WA we will add Fitzgerald Tract, which is new and was donated to us by Mr. Fitzgerald, and

also add as youth/mentor all species, all seasons by special permit. Make Pottawatomie SFL #1 and #2, north and east of Manhattan make no wake SFLs. Add disabled accessible hunting at Milford WA. Establish upland bird hunting days at Dalbey WA and Burr Oak WA (again these are two new pieces of property that will be open to hunting) -- on Tuesday, Thursday and Sunday, consistent with Elwood WA. And on Shawnee SFL we need to add archery shooting range as well as the firearm range already listed. Deletions include: No wake area, refuge area closed to all activities October 1 and change to September 1 at Cedar Bluff WA. Daily hunt permits required at Cedar Bluff WA and Webster WA. Change/Modify: At Saline SFL we need to open sunrise to sunset daily. It's currently 6:00 am to 10:00 pm. And at Kansas River WA Urish, McVicar and K-18 tracts to no center fire rifles or firearms deer hunting, because of proximity to the community.

C. Workshop Session

1. Vehicles on the Ice – Brad Simpson, public lands section chief, presented this report to the Commission (Exhibit G) – At Commission request we have reviewed this subject. KAR 115-8-13 (a) states motorized vehicles shall be operated only on department roads and parking areas, except as otherwise established by posted notice, therefore their use on ice would be prohibited. By definition, “motorized vehicle” includes all-terrain vehicles, work-site utility vehicles, golf carts, go-carts, and electric or gasoline-powered two-wheeled vehicles. Allowing the use of certain motorized vehicles for ice fishing will further support and enhance this winter activity for anglers. Recommendations: 1) By regulation, allow motorized electric or gasoline-powered two-wheeled vehicles, all-terrain vehicles, work-site utility vehicles, golf carts, and snowmobiles to be operated on ice covered department waters, unless otherwise prohibited, at certain locales as adopted by reference in the “KDWP fisheries and wildlife division public land special use restrictions” document and posted notice accordingly. 2) The above-listed motorized vehicles shall be operated for ice fishing only from one-half hour before sunrise to one-half hour after sunset. 3) Motorized vehicles shall only be entered onto the ice from boat ramps and other points of entry established by posted notice. Commissioner Lauber – I was the one most anxious to have this. This is a workable recommendation, and I would support this. Commissioner Sebelius – You didn't mention micro-trucks? Simpson – Not proposing allowing those. Mike Pearce – What waters is this for? Simpson – All waters that are in department ownership, SFLs and BOR. It will exclude COE properties because they prohibit it. Chairman Johnston – Curious if we had age regulations in place that will apply safety rules to the operation of vehicles on ice or does regulation allow anyone? Simpson – No restrictions. Chairman Johnston – Opposed to not having child wearing safety jackets. They have to be available for boats. Tymeson – Yes, children under 12 have to wear them, older people have to have them available. Chairman Johnston – What is justification for not requiring that for people on the ice on ATV? Commissioner Lauber – If someone goes through the ice it is not going to make much difference, don't see apparent need. I don't see very many people out ice fishing anyway. Don't believe it is necessary and there is a big difference from boaters. COEs reason not to allow is not safety, don't require safety jackets; their concern is ATV will be driven in the parks if driven on the ice. Chairman Johnston – Our responsibilities to classify minors if we are going to allow this type of activity and should be included in the regulation. Commissioner Shari Wilson – How do they determine if the ice is thick enough and you talked about tools available? Do we have any legal

liability if someone is hurt? Tymeson – We don't have any responsibility. Minors can walk on the ice without a life jacket. Chairman Johnston – But now we are talking about something that is not permitted. Commissioner Sebelius – I share concern about not having some sort of age requirement. We could say consistent with boating regulations. Commissioner Shari Wilson – Support recommendation number 2. Commissioner Lauber – I understand where Johnston and Sebelius coming from, the risk of ice fishing is walking on the ice like risk of boating is whether it is too windy or not. Don't see any liability. Commissioner Bolton – Who determines if the ice is okay for the vehicle? Simpson – The person who is going to take the vehicle out on it has that responsibility. Commissioner Bolton – Missed April meeting could you review for me why we are discussing this? Commissioner Lauber – This has been done by ice fishermen for years. This year, COE decided not to promote or deny this. It is an established practice of ice fishing to have ATVs on ice. COE will be more apt to look at what state does to handle their future restrictions, but at least if we are promoting angling activity, we should be consistent with all states that allow ice fishing and start with our own properties first. Chairman Johnston – What do other states do for safety equipment? Kevin Jones – In Wyoming none required. Simpson – Surveyed other states, many do allow vehicles on ice, some with some restrictions, but no safety restrictions. I believe a couple of states had age restrictions. Commissioner Lauber – The only states I am aware of have age restrictions on operating equipment not on being on the ice.

2. Fishing Regulations – Doug Nygren, fisheries section chief, presented this report to the Commission (Exhibit H). – We are recommending some changes in length and creel limits. I'll talk about three large reservoirs. At Glen Elder and Lovewell, we are raising larger numbers of blue catfish so we are reducing creel limit to let them grow larger (reduce limit to five per day). Coffey County Lake has their own biologist and they decided to change their regulations, which include an 18-inch minimum length limit on walleye, a 12-inch minimum length limit and five per day creel limit on crappie, and removing the 12-inch minimum length limit on white bass. In addition the department acquired Grand Osage Wildlife Area, and we're recommending protecting largemouth bass of a length less than 18 inches, and channel catfish of a length less than 15 inches, and establishing daily creel limits for largemouth bass creel limit of two, and channel catfish of two. Also, we have a new trout location at Colby. Chairman Johnston – What about Thayer, Frontenac, and Bone Creek; what is current creel limit on crappie? Nygren – All are ten per day.

3. Park Regulations – Linda Lanterman, assistant Park Division director, presented this report to the Commission (Exhibit I; PowerPoint – Exhibit J). – KAR 115-2-3. We are looking at utility fees. In 2006 we raised utility fees \$0.50 and in 2009, we raised them \$1.00. Current fee for three consecutive nights is \$52.50; \$55.50 (with increase) ORMS will be less because issuance fee is less, \$55.20, if we increase \$1. Compared to other states, we are in with everyone else and are actually lower for electricity. For full hook-ups at \$19.50 we are in line with other states. These fees do not include daily entrance fee. Last year utilities were \$941,000. Now they are \$1.3 million, almost \$400,000 more and this is my concern. There could be multiple factors for this, and that is why we are requesting a \$1.00 increase, which would give us about \$180,000. Chairman Johnston – Which is still short? Lanterman – Yes, but we need to work on a total funding plan. This wouldn't take effect until January, and we haven't done anything since 2009. Commissioner Lauber – There is a \$.30 savings by going to park office? Lanterman – More if

you stay one night because flat \$2.70 fee. Commissioner Meyer – Ever considered putting a meter on one site to see what they cost? Lanterman – We do have some meters, but I have to look at funding for whole state. We're looking at statewide shortfall. Commissioner Meyer – Know cost per park? Lanterman – I sure do, but looking at statewide figures. Commissioner Shari Wilson – Do these numbers reflect cost of each park as a whole, including utilities the department uses as well as customers? Lanterman – That is correct. Commissioner Shari Wilson – Are there other ways to conserve, people won't get upset with a dollar increase? Lanterman – We have applied for funding for working on energy improvements in state park buildings, and we're close to finalizing that document. Chairman Johnston – Seems like modest increase. Commissioner Robert Wilson – One utility goes from \$7 to \$8; so raising all utilities by \$1.00, a 10 percent increase in three-utility price. In a couple years down the road, \$180,000 will be insufficient. Would it be less painful to raise higher now then come back in a few years and raise again? Lanterman – We called around to friends groups, and they would prefer raising a little each year rather than all at once. Commissioner Bolton – Is there a set fee for pets? Lanterman – 115-8-10b3, pets in cabins: We are recommending a fee of up to \$50, but not in rustic cabins. It wouldn't be same in all cabins, and not all cabins would allow pets. Commissioner Meyer – Would we charge \$5-\$10 for staying in a tent? Lanterman – We looked at other states, and they are anywhere from \$10-\$50. We also looked at motels and it varies in the state. On 115-8-9, We are recommending to forego 24-hour occupancy requirement for a camping unit if they use reservation system. Right now, you have to occupy every 24 hours. Commissioner Sebelius – You gave us overall utility costs. Do you have it broken down into what jumped up the most? Lanterman – It is electricity. Commissioner Sebelius – Could we put a surcharge on larger campers, like 50-amp ones? Lanterman – Once we have recreation management system in place, we will know. This is a long-term management issue. We didn't want to fall behind substantially on utility costs since it has been four years since we raised them. On pets, it could cost up to \$50, not as much for rustic cabins. Commissioner Shari Wilson – It is a fee not a deposit? Lanterman – Correct.

Break

4. Falconry Regulations – Mike Mitchener, Wildlife Section chief, presented this report to the Commission (Exhibit K). – This was brought to you last year and tabled because of additional information that was needed from U.S. Fish and Wildlife Service (USFWS) and by them eliminating federal falconry permit and requiring each state to require a state falconry permit. We are on track and have comments back from USFWS. Mr. Tymeson is working on final draft to take to AG office in August. We will send for final approval from USFWS and vote in October to take effect January 1 of this coming year. Working on updating questions on state falconry test to match new regulations and working with USFWS on new 3-186A electronic reporting form.

5. KAR 115-2-3a Cabin Camping Permit Fees – Mark Stock, special assistant, presented this report to the Commission (Exhibit L). – SB 123 was adopted and approved and goes into effect July 1, 2011. We plan to have an item at next meeting to repeal fees and establish new ones. We have 104 cabins open to the public, seven on site and almost ready to open; and nine under construction at three correctional facilities. Commissioner Shari Wilson – Are all cabins

being constructed at correctional facilities? Are we no longer using private vendor? Stock – We are not using private vendor at this time. Chairman Johnston – Will we be repealing current regulations and not replacing them at different meetings? Tymeson – The timing is such that we will be repealing regulations at next meeting, but effective date will be September 15 because of federal register notification. At the next meeting we will also set the fees effective for September 15 and beyond, so it will be at the same time. Commissioner Sebelius – Chris, describe what the new process will entail. Tymeson – Regulatory process is cumbersome so main difference is instead of once or twice a year making changes, we could change at every meeting with just a voice vote.

6. Late Migratory Bird Seasons - Tom Bidrowski, waterfowl biologist, presented this report to the Commission (Exhibit M, PowerPoint – Exhibit N). – The U.S. Fish and Wildlife Service (USFWS) annually sets the late season waterfowl frameworks, which include maximum bag and possession limits, season length, and earliest opening and latest closing dates. These frameworks establish the limits that states must operate within and are published around August 15, after results from the May Breeding Duck Survey and recommendations from Flyway Councils are available. Currently, habitat conditions are very good and wet, so we expect good numbers and don't anticipate major changes. We anticipate that the season length for Canada geese will 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 2011. The results of the duck survey, which provides duck abundance as well as pond numbers, will not be available until late July. Conditions in Dakotas will drive population numbers. Since 1995, we have used Adaptive Harvest Management regulatory packages allowed, depending on pond numbers and breeding bird surveys. There are three different packages, liberal, moderate and restrictive which all have varying season lengths and bag limits. However, since inception of adaptive harvest package we have remained in the liberal package. In summary, we anticipate no changes in frameworks in season length, bag limit and possession limits and opening or closing dates from previous year for the general duck and goose season. Mike Pearce – Heard anything from USFWS on additional duck zone in southeast Kansas? Tom – That will be discussed this evening.

7. K.A.R. 115-16-3. Nuisance bird control permit; application, provisions and requirements – Tom Bidrowski, waterfowl biologist, presented this report to the Commission (Exhibit O, PowerPoint – Exhibit N). – Many birds are federally protected, and KAR 115-16-3 allows for the take of certain species under a nuisance bird control permit. The nuisance birds may be controlled when found depredating or about to depredate ornamental or shade trees, agricultural crops, livestock, or wildlife, or when concentrated in numbers and manner to constitute a health hazard or other nuisance. The regulation lists the species allowed for take under the permit, application requirements and general provisions. Many of the species on the list are jointly regulated by the U.S. Fish and Wildlife Service (USFWS). In December 2010, the USFWS published a final decision in the Federal Register (Vol. 75, No. 231). It removed the Mexican crow and the rusty blackbird from the list of species that may be controlled under the depredation order, 50 CFR 21.43. This was due to long-term population declines throughout much of these two species' ranges. In addition to this ruling, the USFWS also required nontoxic shot or bullets in most cases when a firearm is used to control any species listed under the order

to prevent toxicity hazards to other wildlife. This federal regulation was effective on January 3, 2011. The Mexican crow is an endemic species in the Tamaulipan Brushlands of Mexico with a small resident population near Brownsville, Texas. Rusty blackbirds breed in Canada and Alaska and winter distribution is the eastern United States, including the eastern portion of Kansas. Their removal from the nuisance bird list should not have a significant impact in Kansas. We recommend we amend KAR 115-16-3 to disallow the take of rusty blackbird and Mexican crow based on this regulation, identify definitive list of species allowed to take (primarily nonnative as defined in the Migratory Bird Treaty Reform Act of 2004 and 50 CFR 10.13), and require the use of nontoxic shot when taking nuisance birds, except if using an air rifle, an air pistol, or a .22 caliber rimfire firearm. PowerPoint includes list of species that can be taken. Commissioner Lauber – This doesn't have anything to do with ability or allowance for someone to protect crops or gardens on your property? This is mainly for urban areas? Tom – This would cover migratory birds on the list whether in urban area or agricultural depredation. Basically we are just removing the two species from what is currently on the list. Commissioner Lauber – In theory, if my seed wheat was being attacked by Mexican crows and I went out and shot some, could I do that? Tymeson – We have a Kansas statute that allows taking of depredating birds. Bidrowski – You would be under federal law, which would not allow that bird to be taken.

VII. RECESS AT 3:30 p.m.

VIII. RECONVENE AT 7:00 p.m.

IX. RE-INTRODUCTION OF COMMISSIONERS AND GUESTS

X. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

Jerry Ponton, Jr., Manchester – On the furbearer field trial application form, it requires you to put the legal description of the property we are going to hunt on. On a furbearer hunt, we hunt the whole county, and it is a little hard to put the description of the land we are going to hunt. We have people from all over come to these things, and it is a little hard to fill out the application to receive the permit. If you could just do away with that and list county hunted in; there is a statement at the bottom that says "This permit doesn't give you the legal right to trespass" you still have to have permission so that should cover everything else. You need to make it easier.

Chairman Johnston – This is the last Commission meeting for Commissioner Sebelius and myself. I have enjoyed my years on the Commission, met a lot of great, smart and knowledgeable people, many of whom are in this audience. I have greatly appreciated this opportunity. I have several concerns I would like to mention for the next Commission. Three items of major concern for the future of Wildlife and Parks Commission and the department. First is invasive species, which we will talk about tonight. Second has to do with revenue so this department can function in proper fashion, not only in respect to science used by our biologists to instruct us, but law enforcement. We have too few law enforcement officers and have for a long time. This department definitely needs a dedicated funding source contributing to the immediate future, the reason is because the baby boomers are retiring, reaching age 65 and won't have to buy licenses anymore, and I think the wisdom of allowing the use and enjoyment of our resources without

contribution of citizens 65 and older should be addressed. There may be segments of our society that deserve that reward and that will be a subject for discussion, but this problem is not going to get better. It is going to continue to worsen. Finally, greater prairie chicken: On April 10, Mr. Pearce wrote an article for the Wichita Eagle on a study being done by Lance McNew in the Flint Hills that was shocking in what it had to say about the future of greater prairie chickens. Among the things he said were, quote: "In past four years I have observed near complete reproductive failure. A prairie chicken has about a five percent chance of making it from being an egg to an adult. Prairie chickens in the Flint Hills produce only about one chick for every 10 adult females annually. This equates to an annual decline of about 30 percent in some areas annually that is no way to sustain a population." This Commission had an idea, a couple of years ago, an idea to establish a no hunting zone in the eastern border tier of Kansas that did not go anywhere. We owe this species our concern to preserve it, indeed it is in our statutory duties to conserve and protect this species and all species. I don't think we are doing that. It is a difficult problem with many variables in the situation, such as described by Mr. McNew, but I think it is time again to discuss a no hunting zone for greater prairie chickens in the Flint Hills or eliminating or curtailing the early prairie chicken season hunting in the Flint Hills. There are places in the state where greater prairie chickens and lesser prairie chickens are doing very well. I don't think there is the same concern west of Highway 77. This species is going to disappear if what Mr. McNew has discovered remains as described.

Commissioner Bolton – I would like to thank Commissioner Sebelius and you as our Chair for your great leadership these past four years of my being on the Commission. I want to tell you that we will miss you. Chairman Johnston – Thank you, I will miss you all.

Commissioner Sebelius – I could do one of two things: reprise my performance on how to succeed in business without really trying that I did in this auditorium in 1968, or I could just say that I hope there is somebody that will follow me as the Commission smart aleck. I appreciate you putting up with that for eight years, but really I would like to say, as I have said to my family and many people I know, I am probably the luckiest person I have ever met. I have been able to do and see things that the average person maybe hasn't; I have been associated with many good people, brilliant people, but mostly people with integrity, people with purpose, dedicated people and I would say the largest population of those dedicated people that accomplish much and do great things for this planet of ours are employees of Kansas Department of Wildlife and Parks. The National Parks Service that I had the privilege of working for, for a few years, and I almost chose that as a career path rather than doing what many of my friends said was the lowest thing I could do, which was to become a lawyer. One fellow told me, when I was going to KU and getting a degree in journalism instead of law school that we are up to our eyeballs in lawyers and they don't accomplish much. It could be true, but it leads me to my last thought and that is, if Kevin will still hang with me, I have already started an outline of what I see as a prosecution manual for my colleagues. I have been a prosecutor for 31 years and probably the greatest insight I have probably gained is that the regulations and the laws that we have passed in this state to protect the environment and the wildlife that God gave us get the lowest attention and in some places, complete disregard. I think it was maybe Commissioner Bolton that passed this on as a result of some failed case in southwest Kansas done by two people that I consider friends. The result of that case, which was a poaching case apparently, was a \$100 fine and they got their equipment back and they didn't lose any privileges and paid the court costs. That doesn't happen in this county. I think that manual would at least be something that could raise the consciousness

of my colleagues and I say this because I can't even get my own Association to return my phone calls about trying to do this on the level it should be done. I can't even get them to give a CLE and I volunteered to do that. I want to remain engaged and if people in the department will hang with me I think we can get that done. Like Kelly said, what good does it do trying to have a handful of officers trying to do a huge job over gigantic areas of what we put in place; where does it go if we don't enforce it? What happens if we don't raise the level of respect out in the public because somebody cares? I would like to see that done, I take them seriously and it has one thing left that no other offense in this state can accomplish and that is a prosecution fee. I don't want to let the legislature know that it is there; I have used it and paid my county back after billing it for prosecuting a case and it gives a great deal of incentive for somebody to work with me on a valid and respectable sentence if they got to pay me to oppose it. If you take that oath and assume this job you better do it like any other crime. (*applause*)

Doug Phelps, Manhattan – As a private citizen and natural resource and wildlife advocate for a number of years I have gotten know all of you pretty well. We haven't always agreed on everything, but I leave you with my thanks, respect and gratitude for the sacrifices you and your families have made to do this job. I don't think the supporting public understands how much this job can take out of an individual. I know the compensation is great, unfortunately it is not monetary. I will always remember the contributions you made to my state.

Commissioner Shari Wilson – This may also be my last meeting so I have a few things I would like to say, also. I think we have accomplished a lot in the areas education, parks and tourism in the last eight years. It has been my privilege to be able to assist in those efforts as part of the Commission. I never dreamed I would have the opportunity to serve in this capacity and it has been a wonderful learning experience for me. Getting to know so many of our constituents (the best of any agency), people who really care about what happens with our natural resources, our youth and to help promote our state's tourism areas. I think we are really ready to do some big things now with education and tourism. We have developed partnerships over the last few years in those areas, especially in public health and education organizations that were new. We are growing all the time as we learn that we are all working toward many of the same goals to help our state citizens spend more time outdoors, live healthier lives and care about the outdoors and they will also be committed to be good stewards of the resources for the next generation, which is something I feel very honored to have been part of this Commission because I think we have really worked as a team toward that end with the staff of Wildlife and Parks. I would echo what others have said about the staff. I want to thank all of you, I had a very steep learning curve coming on the Commission and had no idea of all of the topic areas that this agency covers and you have helped me along the way at every meeting. I cannot tell you how much I appreciate your dedication. I know many of you have spent most, if not all, of your careers working in Kansas; I know you could have gone other places, but chose to stay here and we owe you an awful lot for that. I look forward to continuing to be involved in whatever capacity I can with many of these areas; projects related to youth in the outdoors to promoting our state, increasing opportunities for tourism in our state. I really think the time is now, the stakes are high in terms of the health of our kids and getting them devoted to the outdoors the way so many of us are. I will be willing to support it in the future when they are the ones sitting up here and the ones sitting in the audience, making policy and spending decisions for our state. Thank you, it has been a privilege to work with all of you and I look forward to working with you in whatever capacity that is. (*applause*)

Secretary Jennison – On behalf of the department and sportsmen across the state of Kansas, I want to thank you Mr. Chairman, Commissioner Sebelius and Commissioner Wilson for the role that you played and the leadership, the guidance you give the department. Also, and more importantly, from my standpoint, is the opportunity that you give the constituents to participate in this process because I think that is very important for an agency like ours that touches so many people in an area that is so dear to so many people’s hearts, and that is the natural resources of the state; and the opportunity to enjoy those natural resources. I think the role this Commission plays in doing that is important. And certainly in my short tenure here, dealing with issues such as invasive species, I think it is important to have a representative group of Kansans to help us as we work through this issue, because it is a very difficult issue. I can only guess that there have been numerous issues like that over your tenure on the Commission. There are going to continue to be numerous issues like that and the Commission is very important to this department and we appreciate your efforts in that regard and we wish you well as you continue. I do have a very small token and hopefully, in the near future, we will have something more durable to show you our appreciation for your efforts on the part of Kansas and for the natural resources of the state. We thank you.

XI. DEPARTMENT REPORT

C. Workshop Session (continued)

8. Potential Changes in Deer Regulations 2012 - Lloyd Fox, big game wildlife biologist, presented this report to the Commission (Exhibit P). – This item is the same as what we had at the last Commission meeting in Wichita. Normally we start discussing deer regulations in October, but we have had three years of stable deer regulations and have had public comments that indicated people would like to see us consider additional hunting opportunities, seasons for children, and legislators have advocated for changes that would result in an expanded antlerless-only season. We have also had criticism of some of our programs, so we are reviewing this in a longer process than we normally do. These are not recommendations, just putting ideas out there based on requests from the public, legislators and others. A few of these points could possibly change our season structure and opportunities. We were thinking specifically of youth, 16 and under, other college-aged hunters and working class hunters. We are looking at establishing seasons around established holidays. For example, instead of having our nine-day season for youth and people with disabilities, could be split into two 4-day seasons, one starting Friday before Labor Day and one starting Friday before Columbus Day. We would have four weekend days and two holidays. The most controversial suggestion made was changing the 12-day traditional deer firearm season and starting it before Thanksgiving instead of Wednesday after. Another possible change would be to consider moving the whitetail antlerless season earlier in the year; possibly to start before Christmas, and possibly a pre-rut whitetail antlerless weekend in September or October. There is a suggestion to expand archery season dates, September through end of January; some other states have that, and that is being done on one of the military bases, which we will discuss later tonight. We looked at the possibility of increasing the number of days when muzzleloaders might be used at a later time. In the past we have looked at the possibility of dual-tag permits. These are items we are trying to get a discussion going on. We hear unsolicited comments like, “what I want” or “I am concerned about what another person is doing.” We try to

weigh those and look at unbiased surveys, as well as structured surveys. Our recommendation is to go through a process of five open public meetings as well as commission meetings. We are looking at Garden City, Beloit, Hutchinson, Lawrence and Fredonia. We also, plan on doing a surveys through our landowner deer survey, and I talked to the Department of Ag statistics and am trying to make an arrangement to conduct that survey, and we've incorporated these types of questions into our deer hunter report card system. We're here to get direction from Commission and input from public. Commissioner Lauber – A lot of these suggested topics, I've received a lot of feedback. Changing the traditional 12-day season got a lot of negative response on that issue. Chairman Johnston – During my eight years we've discussed how we persuade hunters to shoot does and we've not been very successful. For that reason, having an antlerless hunting season earlier in the fall would be practical, and I support that effort. Mike Pearce – If we went with a youth season before Labor Day that would sometimes be in August, what happens if does are shot, I still see spots on fawns at that time what would be their chance of survival? Fox – Research has been done on that and the majority of fawns will be weaned at that time. There have been circumstances where doe is lost, and the survival of fawns is very high -- nearly as good as when doe is with them. Pearce – Do kids get out of school for Columbus Day? Fox – I went online and checked a few websites and some do and some don't. It won't be less of an opportunity because there will be the double weekend. Pearce – You can email this information to me: on average the number of bucks that are bow-killed from the weekend before Christmas to the end of the year? Fox – Will put estimated date when antlered deer are taken. Pearce – Also, number of does shot and number of hunters during muzzleloader season. Dr. Peterson – When is nonresident deadline to apply for deer? Fox – Application is month of April, due the last Friday of April. Peterson - When is resident deadline? Fox – Second Friday in July. Peterson - Why? Fox – People coming from out of state want application early so they can put in for vacation time. Peterson – Would like to make a recommendation to take into consideration. The state of Nebraska has three drawings, first is for residents who did not have a tag last year; second is for residents who had a tag last year; and third is for nonresidents. Take care of your residents first and leave the out-of-staters second. Consider the whole month of December firearms deer season. If you look in the Norton paper since January 1 we have had at least 80 accidents from deer in Norton County. Thanks for coming to Norton.

9. ANS/Bait Regulations – Doug Nygren, Fisheries Section chief, presented this report to the Commission (Exhibit Q, additional document – Exhibit R). – This is a complicated issue. First of all, beginning July 1, the department budget includes \$240,000 to deal with Asian carp and other ANS issues. Jason Goeckler will talk about what he is going to use that money on. Jason has done an excellent job of presenting this issue to you. We sent him for human dimensions training, and he has used it fully. He is a national leader dealing with invasive species, and we appreciate how much work he has done for Kansas and nation as a whole. There are two issues dealing with bait: use of bait purchased commercially; establishing a list of fish legal to sell as bait, providing some regulations that would deal with the sale of bait that is disease-free for four pathogens; the last one would be the bait shops, where they are getting their water and whether they are taking their water from a marina that is sitting on an ANS infested lake; want to have a secure source of water. We have a technical clean-up to clarify to people who are applying for a commercial bait dealer's permit that they need to supply us with personal information including their social security numbers. Some people don't like to do that but the law

does require it. Are you comfortable with commercial bait issue? *Commission consensus.*

On the use of wild caught bait: that has been difficult for us and we have been struggling with what to bring to you. We presented a recommendation at the last meeting you could take bait and use it where caught, which is pretty restrictive and we realize that is going to be controversial. I asked Jason to take those percentages and expand that to actual number of people who would be affected: 400,000 fish within the borders of Kansas; 244,000 use live fish as bait; 71,000 collect bait from wild; 56,000 transport bait to location other than where they took it; and 166,000 anglers release baitfish in water where fishing. In addition to that, most anglers have trouble identifying Asian carp, white perch, threatened and endangered fish that we don't want them to use, so not only can't they identify the bad fish, they can't identify the fish that are protected. There are 280,000 who think there is a likelihood that zebra mussel spread can be prevented through draining of water; 252,000 anglers think the collection of baitfish could cause the movement of ANS; and 236,000 would accept a restriction on the movement of wild-caught bait to the water where collected. Even though a majority of anglers wouldn't be too upset with regulations dealing with live bait, there are going to be a significant number of people who are going to be unhappy no matter what we do. We have proposed two options for wild-caught bait: 1) restrict transport of live baitfish and water (feel this is best option); or 2) restrict transport of live baitfish and ANS infested water with four species exception (green sunfish, bluegill, black bullhead and yellow bullhead). We don't want, when they are taking baitfish out of reservoir with a cast net, we don't want those fish to be moved upstream or past a physical or natural barrier so they would get into places that they wouldn't have been able to get to on their own; so no transport over a dam or natural barrier and no fish could be transported alive from an ANS infested water. That means any fish caught in infested water, as well as the baitfish would have to be killed before you could leave that water. The beauty of this proposal as opposed to some of the others we talked about is we are not imposing this on waters that aren't infested. It would require us to create an infested lake list that would be adopted in our reference document and we would maintain that. If we added new waters that had prohibited species in them and then we would have a list of waters that you could not take any fish alive from infested water. We would make a map of all of the bodies of water we deemed to be infested with a species on the prohibited species list. This gets around some law enforcement issues we had. This has been discussed with law enforcement, legal counsel and our biologists, and we think this would be a good option to consider.

Commissioner Shari Wilson – In addition to referencing ANS waters in the reference document, I am assuming there would be signs posted all over the place. Nygren – Absolutely, we currently do that now on the Kansas River and all the access sites to let them know there are Asian carp. And any time we identify some species immediately signs are put up in areas where the public comes and goes. I want to make sure you understand there are some ANS species that are not on the prohibited species list, such as aquatic nuisance plants and animals such as Chinese mystery snail because we haven't deemed them onerous enough to put on that list.

Commissioner Robert Wilson – Baitfish can only be used in a lake where harvested? Do you know what those fish are? Nygren – same as it is right now, what is legal size and species that are established in current regulation. Commissioner Robert Wilson – What are they? Nygren – You can take shad, anything on that list; sportfish, if caught by rod and reel that are not protected by a length limit can also be used if harvested legally. Commissioner Robert Wilson – In that lake? Nygren – In that lake; in this proposal we are saying, other than those four species any other fish

you want to take from that lake need to be used in that lake. The baitfish that can be taken include: carp family including suckers, top minnows, killifish; the shad family, sunfish family, excluding black bass and crappie; but my understanding is if a black bass or crappie are caught by rod and reel and are of legal length they can be used. Chairman Johnston – With respect to option 2, and the relationship between moving bullheads, bluegill and green sunfish from anywhere into anywhere? Nygren – I need to clarify that. You would not be able to take those four species from infested waters. You could use them in infested waters or uninfested waters, but if you use them in a lake that is infested when you leave you can't take them with you live because during that period you may have flushed your tank out with water from that lake and you may have an invasive species in that water. Chairman Johnston – I understand that. My confusion is how does that dovetail with transport over dam or natural barrier? Nygren – We understand invasive species tend to work downstream, but the intent of the use it where you take it is to use it in the impoundment or pool where you take it so you are not moving them somewhere they couldn't have gotten on their own. Chairman Johnston – It has more to do with what you do with your bait already after you are in the impoundment. Nygren – Correct. Commissioner Lauber – Tried to prioritize the risk of having Asian carp transported is greater than any other species. I think option 2 is a more reasonable approach, not as effective, but reasonable. No fish being transported alive, I my drain livewell, but let the fish die naturally. Even though it steps on some toes, it is most reasonable. Commissioner Bolton – I worry about option 2. I would have to know what I am taking, and that makes option 1 the better option. Nygren - There also is the potential for people to move from infested waters that we don't know about yet. Commissioner Lauber – People know green sunfish and bluegill, but may use improper term. Asian carp is greatest risk, big difference from those look like. Commissioner Sebelius – What is the difference in red and yellow dots on the map? Jason Goeckler – That is the map we have been using throughout this process. The red dots are where the new young-of-the-year Asian carp turned up in 2010 and the yellow dots are the historic locations of Asian carp. Nygren – I can tell because of the flows in the Missouri River, we are going to have another banner year of Asian carp and another big year class coming on. Chairman Johnston – Also, on the map, two of the zebra mussel sites are lighter colored than the rest, is there some reason for that? Goeckler – The red sites are confirmed and the yellow sites are the next to be infested because they are downstream of the previously infested water bodies.

Paul Barr, Ellsworth – (brought pictures of fish he caught) This is a 34-pound striper caught two years ago at Wilson lake. I caught the 40-pounder last year. And this is state record caught in May of last year by myself. All three of these fish, and many fish that I catch, are caught on gizzard shad on Wilson Lake in the spring and they were not gizzard shad that I caught at Wilson Lake. I am 42 in August, and I learned what I know from a lot of people. They have been doing this for a number of years the way I am doing this and with what you are proposing no longer can I do that. I understand the problem, but I think we have to find a better way than what I have heard other than option 2. Is there a way to make me as a fisherman certified in knowing the difference between the Asian carp and the gizzard shad because I would hate to resort to using a perch because I couldn't have the success I have had before. I also have a petition here signed by 400 Kansas residents (Exhibit S). Chairman Johnston – One feature of department is problem solving and includes education and we haven't talked about that. Have you heard of other states that have tried certification programs? Nygren – We have had a lot of discussion about some sort of education program that would include a test, would certify them for something other than

those four species. The problems we saw with that is if you do it online there are a lot of people who don't have internet access. We talked about doing it as part of KOALS system, and if you answered you were going to use live bait it would go through a series of questions and educate them of the importance of being careful what they move. The problem is the vendor wants to get them in and out, and if the vendor finds out he can answer the questions instead of the customer he will. We have had that happen before on other issues. We looked at sandhill crane issue where they have to take a test. I don't think the issue of gizzard shad is quite as much of a problem as bad as for this gentleman who fishes on Wilson, but for people on other reservoirs the gizzard shad is readily available with a cast net so it may be a relatively small number of people that would take that test if we were to provide it. That is something we could do if that is what you want us to pursue.

Don Peterson – I have pictures of shad and Asian carp, and you can distinctly identify that they have a black dot on it that the Asian carp doesn't. If person can't see the difference they shouldn't be fishing. Where are you getting numbers? Nygren – The numbers come from two sources, the 400,000 anglers that fish in Kansas comes from the National Survey of Hunting, Fishing and Outdoor Recreation done through the U.S. Census Bureau every five years. Peterson – If you put this up for a vote in Kansas by survey, I bet you would get shot out of the water because there are no Asian carp out here; they are all out in northeastern Kansas. Nygren – I appreciate your concern, but the reason we are doing this is so they won't be in western Kansas. Peterson – Educate the fisherman better, shad has a black spot. Jason Goeckler – On the handout we provided it is estimated that 72,000 can identify an Asian carp (12 percent). Those are just from pictures, not actual fish. Commissioner Lauber – That would be 88 percent that could not identify them? Goeckler – Correct. Pearce – On option 2, this is an addition; you cannot take anything from an ANS water; new at this meeting? Nygren – That is correct. Pearce – Also, education seems pretty important here and you say you post the signs, but I was at several locations that had Asian carp last year, and ten days after they were found and there was nothing there, both in Kansas City and Lawrence. Also, in the Kansas City area, will the signs be in different languages because there are a lot of people who don't speak English. Nygren – Most of those locations are signed. We deployed a host of temporaries who went out and posted, but in English only. Pearce – Is it currently legal to catch baitfish from one reservoir and move them to another location? Nygren – It has to do with department managed waters. Pearce – How do you define that? Tymeson – It is lands and waters under our control so the reservoir is not under our control, but a state fishing lake is. Commissioner Robert Wilson – What kind of fish are wandering around? Nygren – Gizzard shad are the primary baitfish, which are a wonderful forage resource. Commissioner Robert Wilson – Is the water too clear at Wilson to catch them? Nygren – It is a combination of a good black bass population, good striped bass and walleye. Shad numbers are fairly low and they grow fairly rapidly, so get the right size of intermediate ones is difficult. We have larger ones that provide reproduction and young-of-the-year small ones which are perfect for walleye and other species to eat most of the year, but catching intermediate size is more difficult. Chairman Johnston – I was originally in favor of option 1, but more in favor of option 2 at this point, but we have to do something and we have to do it soon. Had similar situation at Cheney Reservoir. We passed a regulation that outlawed possession of white perch. While we can't say that single act is what straightened Cheney out, but it is better. We were facing predictions for the loss of hundreds of thousands of dollars which had been invested in the Cheney fishery over time due to the white perch infestation. This is more serious than that. If

Asian carp find their way into Wilson Reservoir, it would destroy fishing of all kinds. We are trying to take action to preserve your striper fishery at Wilson. I understand your concern, fish for stripers, but I trust biologists and Mr. Nygren if he told this Commission that a certification educational program for striper fisherman at Wilson would be effective, would be manageable then I think it would be something to talk about. At this point recommend option 2, to whoever has to deal with this. Nygren – I would like Jason to give you an overview on how we are going to invest that money to prevent the spread. Goeckler – This is the largest budget allocation since the ANS program inception. It was great forethought that we now have the opportunity to address the bait issue with this allocation. We plan to work with commercial industry to bring bait dealers up to speed on species they are going to be allowed to sell; and deploy inspectors to their location and check certification and do testing of those fish to be sure they comply. On the wild caught side, we will deploy a massive outreach/education program. Most of the funding will go toward that end. Due to extensive human dimensions work, we are poised perfectly to do this with what we feel are the most effective techniques. We will use marketing person at the Secretary's office coupled with a proposal done in 2010 using mass media to all Kansans not just the natural resource users. The newer thing I wanted to highlight is we intend to work with KOALS to have a separate sheet printed out with every license. Working on an anglers' pledge idea -- just because we have passed rules, they may not want to comply with it. Hope to bridge over into boater registration as well. It will take some money to do the change in KOALS, but it will be money well spent. Jerry Ponton – He was mentioning giving this information to people purchasing licenses, my dad is 82 so he doesn't purchase one and I have brothers who have combo lifetime permits so they won't receive this information. You have to figure out a way to get that information to people who don't buy a license. Goeckler – We will do direct marketing to those folks. Tymeson – Nothing will happen on this until October. There has been a shift in the AG's office -- the person who reviews our regulations, at least in my tenure is retired, so now I am teaching a new AG. This is substantial revision on the commercial side and impacts about 10 regulations, so that is still working through.

D. Public Hearing

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

1. Early Migratory Bird Seasons – Tom Bidrowski, waterfowl biologist, presented this report to the Commission (Exhibit U, PowerPoint – Exhibit N). – Frameworks established by USFWS establishes frameworks for webless species such as doves, cranes, rails, snipe and woodcock whose numbers don't vary much so they are set in regulations. We will concentrate on September teal that move through the state well in advance of our regular duck season. So these seasons were utilized in the 1960s to take advantage of this under-harvested population. In order to have these seasons, the blue-winged teal population has to be above 3.3 million to have a 9-day season, 4 daily bag and 8 possession. If the population, determined by May pond count survey, exceeds 4.7 million, we are allowed to have a 16-day season, with a daily bag of 4 and possession limit of 8. Last year the blue-winged teal breeding population was about 6.3 million and we won't know this year's population until later this week, but expect the same 16-day season. We split our state because the migratory bird act only allows 107 days. For blue-winged

and green-winged teal in the High Plains Zone (area west of Hwy 283) we recommend an 8-day season running September 17 through September 24, 2011 with regular season 96 days. For the area east of 283, the Low Plains zone we would recommend a 16-day season running September 10 through September 25, 2011. Shooting hours and bag limits we recommend adopting the maximum of ½ hour before sunrise to sunset. *Consensus.*

2. Duck Zone Regulations 2011 through 2015 – Tom Bidrowski, waterfowl biologist, presented this report to the Commission (Exhibit V, PowerPoint - Exhibit N). – The USFWS considers requests at five-year intervals for changes to duck zones/boundaries. This open window occurs for 2011. USFWS has a basic option for a state to have one season with one split with two segments and no zones. They do allow for three other options: no more than three zones with no splits; a statewide season with two splits with three segments; and two zones, plus High Plains zone in Kansas, with option for one split or two segments in each zone, which is our current option. It is being discussed for 2011 the potential for two more options: a three zone, plus the High Plains with the option of one split or two segments; or four zones, plus the High Plains with no splits. Although the zone boundaries are permanent for five years, the season dates and bag limits can be adjusted annually. Kansas' diverse landscape offers a variety of waterfowl opportunities and zoning may cause some complexity to regulations, but the benefit is to waterfowl hunters by matching season dates with available habitats, migration chronology and season preferences of duck hunters for a specific area. The benefits of zones become more increasing under restrictive season lengths like we had in the late 1980s and early 1990s, where we had a 39-day season. These recommendations from field personnel are based on feedback from waterfowl hunters and a waterfowl hunter opinion survey conducted in 2010. If proposed changes are not adopted, the proposed changes will stay as they have been for 2006 through 2010 seasons for the next five years. We are recommending changes in three areas of the state: proposing a boundary change in the High Plains Zone around Cedar Bluff reservoir; second change is in Low Plains zone boundary around McPherson Wetlands; and the third recommendation is to add a third zone in southeast corner of the state in the low plains late zone. The High Plains zone was created in the early 1960s and is the area west of Hwy 283, created to take advantage of under-harvested population of mallard populations. Our proposal is to move the line in Trego County to include Cedar Bluff Reservoir, which provides a late winter mallard roosting resting area. It currently lies in the Low Plains zone so it had same regulations as Cheyenne Bottoms and McPherson Wetlands. Our second recommendation on McPherson Wetlands is because it currently lies in two different zones, and we want to move it all into the same Early Zone. And if the new option is allowed, it would create the Southeast Zone that would allow for a later season. This is currently being reviewed by the USFWS Review Committee. We expect McPherson to go through, standard; but Cedar Bluff and Southeast zones have been deferred to USFWS July meeting. If the USFWS allows, we recommend to adopt the changes as presented. *Consensus.*

3. KAR 115-1-1. Definitions. – Matt Peek, wildlife biologist, presented this report to the Commission (Exhibit Y). – I will provide an overview of proposed furharvest changes. I provided handouts following up from last meeting (Exhibits W, X). One is a draft of what is going in our regulations summary informing hunters on public lands where trapping is allowed and information on how to release a dog from different types of land sets. The other handout is a

result of the special section of this year’s furbearer harvest survey, which included questions about support or opposition to our regulation changes. There was fairly significant support for each of these regulation changes; the lowest amount of support was prohibiting the use of foothold traps larger than size #4 on land sets and a follow-up question of how many people actually used those. Just 2.9 percent of survey respondents indicate those larger traps are being used on land. The second part of that question was do you use any toothed or serrated-jaw traps on land, and only 1.4 percent used those. The impact would be minimal as far as fur trapping activity on land.

I will move into 115-1-1 (a)(68), the definition of water set is defined as: “any trapping device that has the gripping portion placed or set in flowing or pooled water and remains in contact with the flowing or pooled water.” We are proposing that the gripping portion of a water set be half-submerged when placed or set in flowing or pooled water and would remain half-submerged. Chairman Johnston – Pool of water is in current language? Peek – Yes. Commissioner Meyer – Is this on public land? – Peek – I believe Mr. Simpson is going forward with that.

Commissioner Frank Meyer moved to bring KAR 115-1-1 before the Commission. Commissioner Debra Bolton seconded.

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

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 115-1-1 passed 7-0.

4. KAR 115-5-1. Furbearers and coyotes; legal equipment, taking methods and general provisions. – Matt Peek, wildlife biologist, presented this report to the Commission (Exhibit ZZ). – The changes are in (b)(1), adding “smooth-jawed” to foothold traps and establish a maximum jaw spread allowable in non-water sets in (c)(14). This would eliminate the use of serrated or tooth-jawed traps, which are basically obsolete today, and establish a maximum jaw spread in non-water sets. Many new beaver traps have a jaw spread of more than 7 inches, but there are larger traps on the market. It is unnecessary to use such large traps to capture terrestrial furbearers or coyotes, and injury to target and nontarget captures, as well as public perception, become concerns when using such large traps in land sets. In (c)(3) and (c)(4) would allow the use of .17 caliber firearms. A request was made to the Commission to allow .17 cal rimfire rifles to take trapped or treed furbearers with the aid of light, currently the law only allows .22 calibers. In (c)(13) would allow KDWP numbers to be used for identification purposes on traps, clarify terminology related to traps and restrict certain traps to water sets. Traps must currently be “tagged with the user’s name and address” so that the user may be identified. Trappers have occasionally requested that they be allowed to tag traps with a unique identification number in order to protect their identity from the general public, while allowing them to be identified by any

department employee and would uniquely identify each furharvester, and any department employee with access to KOALS could identify the trap user. In addition to these changes, the department intends to increase signage near public access points, particularly in those areas with established public trails, to better notifying the public that trapping is allowed on wildlife areas. We have completed draft text of a brochure to better inform hunters of trapping and how to release dogs from traps.

Commissioner Kelly Johnston moved to bring KAR 115-5-1 before the Commission. Commissioner Shari Wilson seconded.

The roll call vote on KAR 115-5-1 as recommended was as follows (Exhibit BB):

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 115-5-1 passed 7-0.

5. KAR 115-5-2. Furbearers and coyotes; possession, disposal and general provisions – Matt Peek, wildlife biologist, presented this report to the Commission (Exhibit AA). – Proposed unlimited harvest of river otters in (f)(2); and pelts in (f)(3) have to be tagged through CITES just as bobcats, and a 24-hour report would be required; with four days to present skinned pelt to a department employee to be tagged. Information would be collected to track harvest, and examining the carcass would provide evidence of whether the animal was reproductively active. The trapper would have four days to bring the pelt and carcass in, which will ensure that it won't be decayed. Pearce – Limited number of otters? Peek – In next regulation.

Commissioner Frank Meyer moved to bring KAR 115-5-2 before the Commission. Commissioner Debra Bolton seconded.

The roll call vote on KAR 115-5-2 as recommended was as follows (Exhibit BB):

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 115-5-2 passed 7-0.

6. KAR 115-25-11. Furbearers; open seasons and bag limits – Matt Peek, wildlife biologist, presented this report to the Commission (Exhibit CC). – Also pertains to river otter and would open a limited otter season. We are proposing a statewide season, even though the current range is mainly the southeast part of state. With an estimated population of 1,400, the

recommendation would allow 100 to be taken for the season. There would be a three-day grace period and establishes a limit of two otters per trapper and requires contact of the department within 24 hours of taking the otter. Tymeson – The amendment (Exhibit DD) takes the word otter out of section (b) which should only appear in section (d).

Commissioner Shari Wilson moved to bring KAR 115-25-11 before the Commission. Commissioner Robert Wilson seconded.

Commissioner Doug Sebelius moved to amend KAR 115-25-11 to strike word “otter” in section (b). Commissioner Kelly Johnston seconded.

The roll call vote to amend KAR 115-25-11 as recommended was as follows (Exhibit EE):

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 115-25-11 passed 7-0.

The roll call vote on regulation KAR 115-25-11 as amended was as follows (Exhibit EE):

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 115-25-11 passed 7-0.

7. 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 FF). The proposed version of the regulation sets the deer seasons on Fort Riley only in order to better accommodate the changing training mission at Fort Riley.

Commissioner Debra Bolton moved to bring KAR 115-25-9a before the Commission. Commissioner Doug Sebelius seconded.

The roll call vote on KAR 115-25-9a as recommended was as follows (Exhibit GG):

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 115-25-9a passed 7-0.

XII. Old Business

XIII. Other Business

A. Future Meeting Locations and Dates

August 11, 2011 – Wetlands Education Center, Great Bend

October 13, 2011 – Pratt, location TBA

January 5, 2012 - TBA

Commissioner Shari Wilson – Sunday’s Kansas City Star showed Kansas state parks have three of the ten hotspots in Kansas. I would like to thank the hosts from this morning’s tour, the areas looked great. Thank you for your time.

XIV. ADJOURNMENT

The meeting adjourned at 8:51 p.m.

(Exhibits and/or Transcript available upon request)