

**Kansas Department of Wildlife, Parks & Tourism
Commission Special Session Meeting Minutes
Topeka KDWPT Region 2 Office (basement conference room)
300 SW Wanamaker Rd, Topeka, KS**

Subject to
Commission
Approval

I. CALL TO ORDER AT 7:00 p.m. CDT

The December 6, 2011 special session meeting of the Kansas Wildlife and Parks Commission was called to order by Chairman Gerald Lauber at 7:00 p.m. at the Topeka KDWPT Region 2 Office. Chairman Lauber and Commissioners Debra Bolton, Don Budd, Randy Doll, Tom Dill, Frank Meyer, and Robert Wilson and 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

None

IV. APPROVAL OF THE October 13, 2011 MEETING MINUTES

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

V. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

Dennis Steinman – I'm from Chanute, but live in Lawrence now. I'm a bowhunter and have been working on electronic transmitter that fits on arrow and will stick in the deer's hide when the arrow passes through. You use an antenna receiver to find the animal. It is currently illegal in Kansas, but I have surveyed all states and in 73- to 74-percent of states, it is legal. The Kansas regulation is a broad-brush regulation, which at one time even cover lighted nocks and some of those things. I started an LLC company to manufacture these and maybe a few other products. Chairman Lauber – Are there others in existence? Steinman – There are some, but not as good as mine. I have a website and am putting together a video. The transmitter weighs 35 grains. Commission Bolton – Does this fit a typical arrow point? Steinman – Yes.

Phil Taunton, KBOE Radio and Kansas Wildlife Federation – Received nice letter. Commend Robin and KDWPT for helping us out with what we are doing for KCN, had nice letter from Governor Brownback and he is fully aware of the funding, but we are using all we can on our initiative to get the programs out, and we are running trivia contest on radio and getting good

school participation. When I used to write for the Emporia Gazette, we asked for youth outdoor experience contest, and you can't believe the number of stories we are getting. What I really like about it is the number of schools that are participating in this. What I really designed this for was to show schools what eco-meets and envirothons were all about. I'm also, here on behalf of a lot of NGOs. When I got the last minutes a fellow by the name of Tim Donges talked about increasing fines and penalties, and I do wish we would take a serious look at that. We put a poll on the radio and response was 260 "yes" and 40 "no"; so we need to listen to what the people want. If things can be changed in Alabama and Ohio and possibly in Michigan, we need to look at this. My first meeting was in late 1990s and we discussed quail populations. Declines stem from poaching and road hunting.

Daryl Becker, Sabetha – Thanks for being here (Handout, Exhibit C). No one in favor of moving the firearm deer season opener to the Wednesday before Thanksgiving. I've spoken with rifle hunters, bowhunters and muzzleloader hunters, and they agree it is a bad idea.

Commissioner Bolton – I just wanted to mention that I participated in training to teach young people how to trap, sponsored by KDWP staff in my area, and it was exciting to see interest from the youngsters. Chairman Lauber – Fur is renewable resource, I'm for anything we can do to enhance trapping.

VI. DEPARTMENT REPORT

D. Public Hearing

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

1. KAR 115-2-2. Motor vehicle permit fees – Linda Craghead, assistant secretary for Parks and Tourism divisions, presented this update to the Commission (Exhibit E). We are asking for your consideration and review to eliminate the second vehicle permit to streamline permit sales and reduce enforcement costs and enhance revenue. Guy Emlet – We spend several hundred of dollars a year going to state parks. I am retired and on fixed income and I don't like this. Commissioner Meyer – I think we should take advantage of this. It is a good thing and would give revenue to the parks. Ted Becker – I used to work at Perry State Park mowing and would get done mowing and I couldn't go back in the park without paying. Craghead - Potential revenue is about \$40,000 at \$10 increase and 4,000 permits sold. Pearce – Will this make registration easier? Craghead – Offers better customer service. Commissioner Bolton – I am torn on this issue. I like to see department generate more funds, but it will affect people with lower income. Chairman Lauber – There are lots of issues, but there is a fair amount of abuse in the system as it is now, and I lean towards the department's recommendation although I am sensitive to people on fixed incomes. Right now it is complicated to get the second permit and e-titles make that even more difficult. Commissioner Meyer – What special events might be excluded? Chris Tymeson – Like the Country Stampede where there is an exclusive lock on the park. If passed this would be in effect January 1.

Commissioner Don Budd moved to approve KAR 115-2-2 before the Commission. Commissioner Frank Meyer seconded.

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

Commissioner Bolton	Yes
Commissioner Budd	Yes
Commissioner Dill	Yes
Commissioner Doll	Yes
Commissioner Meyer	Yes
Commissioner R. Wilson	Yes
Commissioner Lauber	Yes

The motion as presented KAR 115-2-2 passed 7-0.

2. KAR 115-7-3. Fish; taking and use of bait fish or minnows – Doug Nygren, Fisheries Section chief, presented this report to the Commission (Exhibit G). This is the beginning of a series of regulations. I have given you a handout (Exhibit H) that Jason Goeckler put together outlining basically three options: 1) do nothing; 2) wild caught bait used only where you take it; and 3) amendment that would allow you to transport four fish species. He has also listed pros and cons.

(Note: on handout Option 1 is use where you take it and Option 2 is allowing transport of four fish species.) Commissioner Lauber – Amendment also covers bait being used on a flowing stream. Doing nothing is not an option. Ted Becker, Perry – I’m a flathead fisherman and have questions on either option. I can get bait from a pond and use that on the Missouri River. What is a natural barrier? Commissioner Lauber – A dam. Becker - You can buy bait in southeast Kansas. I’ve bought Asian carp for bait here in Topeka a few years ago. You can also buy scorpions at the pet shop, so it seems like the problem is with the pet shop. As a flathead fisherman this hurts. If you were talking about crappie and bass fisherman, you would have a war in the state. I can live with option 2. Commissioner Meyer – These regulations are talking about wild caught bait not purchased bait. Chairman Lauber – Asian carp is similar to gizzard shad, when freeze dried there is misidentification by experienced anglers; green sunfish, blue gill and bullheads don’t look like them and there is little chance of misidentification. The problem is I like the exemption, but it is easier to police if we don’t use bait caught somewhere else. We may not be able to buy gizzard shad at a fair price, but need to look at infestation of aquatic nuisance species (ANS) and stop that. We wish we didn’t have to do anything, but we have to respond. Commissioner Budd – KAR 115-7-3 is Option 1 and amendment is Option 2? Chris Tymeson – Yes. Chairman Lauber – Option 3 is technical amendment (*listed in amendment*). Commissioner Budd – At the last meeting didn’t we have a lot of comments from guys from Wilson? Doug Nygren – Large gizzard shad are hard to catch in spring at Wilson and they can’t purchase them from bait dealers, so they can’t use them because they can only be used where caught. Chairman Lauber – All of these regulations deal with live bait. We have discussed this at past meetings and feel for those fishermen, but feel shad creates more risk of inadvertent introduction. I don’t know how to get around that. We need to try and get this passed and look at both amendments. Commissioner Bolton – For the record, from the calls I received the support is for Option 1. Option 2 is more law enforcement intensive and Option 1 shows that we are serious. Commissioner Meyer – Why are we talking about gizzard shad? Commissioner Lauber – They are not allowed anywhere, but

they are the reason we started this and if we pass the regulation you will not be able to move gizzard shad. Commissioner Budd – What is the law enforcement problem? Kevin Jones – To regulate movement of wildlife there are law enforcement issues attached to that; search and seizure and stop. Even if there was no movement of wild fish, we would still have a responsibility to check to see if fish were actually on that water. If you allow require species to be moved, we would still have to check to ensure that the proper species were being moved. We are prepared to handle this as appropriate, but yes there is an impact to law enforcement.

Commissioner Budd – Either option is different for law enforcement than right now; one not more burden than other? Jones – Correct, have to check what fish is in possession.

Commissioner Budd – The fish in Option 2 are readily identifiable, do you have a preference? Jones – I stand neutral. Commissioner Doll – Isn't Option 2 the same as doing nothing? Jones – Number of fisherman checked is small, not majority, small sample set. Commissioner Doll – About 5- to 10-percent? Jones – Five percent. We're not there 24-hours on an impoundment, even though we may check all fisherman on the lake when we are there. Commissioner Doll – Option 2 doesn't address this issue in my opinion. I go with no live caught bait. Commissioner Lauber – The biggest risk is Asian carp transport, but Option 2 doesn't eliminate risk of transporting other ANS species. We have to assume there will be voluntary compliance to these regulations as with all of our regulations. Movement of water is disadvantage, but both sides have merit. Ted Becker – The 5 percent check is true on any license. I don't use shad, but I know what I am using for flathead fishing and they will not hurt anything. Chairman Lauber – Either way there is no movement of shad. Commissioner Meyer – Seven years ago when I came on this commission we had no invasive species, we need to slow down the spread or be part of the problem of moving water. We need to tell people of Kansas that we want to protect the waterways, so put it back where you find it. Commissioner Budd – Who fishes with live bait? Commissioner Wilson – I do. With bullhead costing \$4 each, it will be more expensive to fish. Nobody sells shad because they are too fragile. If you buy fish, you will be able to produce a receipt. Commissioner Lauber – I use green sunfish and one of the biggest proponents of this regulation are bait dealers because they are losing their competitors, but this is serious and we have to do something. I could see violations and would have to go to next step later if Option 2 is passed. Commissioner Budd – We would protect waterways from Asian carp with both options. Nygren – But chance of transporting zebra mussels with Option 2. Michael Pearce, Wichita Eagle – Kevin, if you were checking an angler and they had green sunfish and said they were taking them home to eat, what can you do? Jones – Look at rest of regulation, if no probable cause for illegally caught, could be compounded, if no additional fishing equipment, but could take them home to eat. Pearce – Option 1, you can't take them home and then take them back where you caught them later. Commissioner Meyer – In KAR 115-7-10, no live fish can be removed from ANS waters. Chairman Lauber – Also, live barrier could mean a bank too. Becker – Was there a survey done? El Dorado has Asian carp. Chairman Lauber – We have a pretty good idea of where they are and it doesn't take many to hurt a fishery. There is a smaller risk in a pond. We can show maps of where they are at. We post lakes, ANS lakes have zebra mussels in them and we may only be able to slow down the invasion, not stop it. Commissioner Dill – Couldn't zebra mussels cling to or attach to fish? Nygren – They are suspended in water and attach to a hard surface, I suppose you could transport zebra mussels that way, but the biggest fear is transport of veligers. Commissioner Lauber – The only risk is water transported from area to area and not aware it is ANS water. Nygren – We have 14 impoundments that have them, but

still have about 140 public lakes ANS free. The larger reservoirs are more susceptible. Chairman Lauber – I think we should go with no live movement. Nygren – Zebra mussel lakes are posted in reference document and we are looking at serious threats from zebra mussels, Asian carp (including grass carp and white perch). We can't regulate the movement of water. Chairman Lauber – The best option is to not move any fish live at all. Nygren – Depending on the option. The majority of waters are not infected at this time.

Commissioner Frank Meyer moved to bring KAR 115-7-3 before the Commission. Commissioner Debra Bolton seconded.

Commissioner Frank Meyer moved to amend KAR 115-7-3 with joint committee recommendation on technical amendment, Commissioner Randy Doll seconded.

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

Commissioner Bolton	Yes
Commissioner Budd	Yes
Commissioner Dill	Yes
Commissioner Doll	Yes
Commissioner Meyer	Yes
Commissioner R. Wilson	Yes
Commissioner Lauber	Yes

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

The roll call vote on regulation KAR 115-7-3 as amended was as follows (Exhibit H):

Commissioner Bolton	Yes
Commissioner Budd	Yes
Commissioner Dill	Yes
Commissioner Doll	Yes
Commissioner Meyer	Yes
Commissioner R. Wilson	Yes
Commissioner Lauber	Yes

Commissioner Robert Wilson moved to pass possible amend KAR 115-7-3, Commissioner Don Budd seconded.

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

Commissioner Bolton	No
Commissioner Budd	Yes
Commissioner Dill	No
Commissioner Doll	No
Commissioner Meyer	No
Commissioner R. Wilson	Yes
Commissioner Lauber	Yes

The motion as presented KAR 115-7-3 failed 4-3.

3. KAR 115-7-6. Fishing; bait – Doug Nygren, Fisheries Section chief, presented this

report to the Commission (Exhibit I). The proposed regulation updates the regulation with some clean-up language in 6(b).

Commissioner Randy Doll moved to approve KAR 115-7-6 before the Commission. Commissioner Frank Meyer seconded.

The roll call vote on KAR 115-7-6 as recommended was as follows (Exhibit J):

Commissioner Bolton	Yes
Commissioner Budd	Yes
Commissioner Dill	Yes
Commissioner Doll	Yes
Commissioner Meyer	Yes
Commissioner R. Wilson	Yes
Commissioner Lauber	Yes

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

4. KAR 115-7-10. Fishing; special provisions – Doug Nygren, Fisheries Section chief, presented this report to the Commission (Exhibit K). The proposed regulation would not allow the transport of live fish from designated ANS water. ANS includes Asian carp, silver carp, bighead carp and zebra mussels. There are others included in ANS list. Chairman Lauber – This mean no transport of fish from any ANS water.

Commissioner Frank Meyer moved to approve KAR 115-7-6 before the Commission. Commissioner Debra Bolton seconded.

The roll call vote on KAR 115-7-6 as recommended was as follows (Exhibit L):

Commissioner Bolton	Yes
Commissioner Budd	Yes
Commissioner Dill	Yes
Commissioner Doll	Yes
Commissioner Meyer	Yes
Commissioner R. Wilson	Yes
Commissioner Lauber	Yes

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

5. KAR 115-8-6. Fishing, fish bait, and seining – Doug Nygren, Fisheries Section chief, presented this report to the Commission (Exhibit M). The proposed regulation would clarify that bait fish taken on department lands and waters must be used where taken. Chairman Lauber – This is rendered mute by adoption of Option 1.

Commissioner Debra Bolton moved to approve KAR 115-8-6 before the Commission. Commissioner Randy Doll seconded.

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

Commissioner Bolton	Yes
Commissioner Budd	Yes
Commissioner Dill	Yes

Commissioner Doll	Yes
Commissioner Meyer	Yes
Commissioner R. Wilson	Yes
Commissioner Lauber	Yes

The motion as presented KAR 115-8-6 passed 7-0.

6. KAR 115-8-12. Stocking or releasing of wildlife – Doug Nygren, Fisheries Section chief, presented this report to the Commission (Exhibit). The proposed regulation would prohibit stocking or releasing wildlife on navigable publicly owned waters (Arkansas, Kansas and Missouri rivers) and federal reservoirs. Tymeson – This means you can’t dump bait. Becker – Even bait from the bait shop? What do I do about the one that got away? Can I still fish for crawdads? Jason Goeckler – Yes, anglers can collect and use crayfish, but depending on how the next regulations go, you may not be able to move them in water.

Commissioner Randy Doll moved to approve KAR 115-8-12 before the Commission. Commissioner Debra Bolton seconded.

The roll call vote on KAR 115-8-12 as recommended was as follows (Exhibit O):

Commissioner Bolton	Yes
Commissioner Budd	Yes
Commissioner Dill	Yes
Commissioner Doll	Yes
Commissioner Meyer	Yes
Commissioner R. Wilson	Yes
Commissioner Lauber	Yes

The motion as presented KAR 115-8-12 passed 7-0.

7. KAR 115-30-13. Removal of vessels from waters of the state – Doug Nygren, Fisheries Section chief, presented this report to the Commission (Exhibit P). The proposed regulation would require draining of livewells and bilges and drain plugs to be removed from all vessels prior to transport on a public highway. Commissioner Meyer – Highway is anything you driving on, dirt road or path. Chairman Lauber – Yes, public highway is a legal term. There is a possible amendment to make this regulation apply only to ANS waters. It would be easier from law enforcement standpoint if it applied to all bodies of water.

Commissioner Tom Dill moved to bring KAR 115-30-13 before the Commission. Commissioner Debra Bolton seconded.

Amendment died due to lack of motion.

The roll call vote on KAR 115-30-13 as recommended was as follows (Exhibit Q):

Commissioner Bolton	Yes
Commissioner Budd	Yes
Commissioner Dill	Yes
Commissioner Doll	Yes
Commissioner Meyer	Yes

Commissioner R. Wilson	Yes
Commissioner Lauber	Yes

The motion as presented KAR 115-30-13 passed 7-0.

Chairman Lauber – All of these regulations would be in effect January 1, 2012.

XII. Old Business

XIII. Other Business

XIV. ADJOURNMENT

Commissioner Frank Meyer moved to adjourn, Commissioner Randy Doll second. The meeting adjourned at 8:27 p.m.

(Exhibits and/or Transcript available upon request)