

**Kansas Department of Wildlife, Parks & Tourism
Commission Meeting Minutes
January 5, 2012
Kansas Wesleyan University, Salina, KS**

Approved Subject to
3/22/12 Commission
Approval

Commissioner Tom Dill – Comments from Dr. Fletcher Lampkin, KWU President.

Dr. Lampkin – Kansas Wesleyan University has been here for 125 years. It was founded by pioneers and members of the Methodist Church. We are pleased to be a part of Salina. It is a great college town with great facilities for our students. KWU contributes a lot also. Besides education opportunities, we provide continued education, a masters program, art, entertainment, and athletics to the people of Salina. The college contributes \$40 million each year to the community at no cost to taxpayers. We require one percent of higher education budget, but turn out 25 percent of bachelor’s degrees, and 30 percent of master’s degrees. I urge you all to support your local universities. We are pleased to be part of Salina and KWU is pleased to welcome you here today. It’s good to see those who are committed to all outdoors. Three years ago this facility was opened and it provides classroom space, sports, and student facilities. I hope you enjoy your time in our conference space and enjoy your meeting. God bless you and what you are doing for our country.

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

The January 5, 2012 meeting of the Kansas Wildlife and Parks Commission was called to order by Chairman Gerald Lauber at 1:30 p.m. at the Kansas Wesleyan University in Salina. 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

Sheila Kemmis – From first agenda distributed, we have added item 5 under General Discussion, Wildlife Rehabilitation Update and renumbered rest of items. Moved item 6, 75th Anniversary of Wildlife and Sportfish Restoration to the evening session; also added item 7, Public Lands Regulations. These items were not on original agenda.

IV. APPROVAL OF THE December 6, 2011 MEETING MINUTES

Commissioner Debra Bolton moved to approve the minutes, Commissioner Frank Meyer second.

Approved. (Minutes – Exhibit B).

V. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

Tim Donges, Quality Deer Management, El Dorado (Handout – Exhibit C). I brought up the topic of illegal hunting and stiffer poaching penalties before to Chris Tymeson. It is not mandatory for restitution, but at discretion of judges and attorneys. Is there any way around that item? Tymeson – That is a legislative item to be discussed shortly in legislature. It was a stumbling block before from county attorneys. A bill wouldn't move unless mandatory restitution was removed four years ago. Donges – With the Iowa bill, it seems that we don't care about our does. It should be a \$1,000 minimum fine. Next item I want to address is trespassing fines. The first time with no weapons involved should be \$500. We do not have an armed trespass law? Tymeson – There is a criminal hunting statute. Donges – Is it higher on penalties? Tymeson – They are 32 series and 21 series statutes, penalties for criminal hunting are more substantial. Donges – We're proposing a \$1,000 fine for trespass with a weapon. If the person is intoxicated there is no additional fine for that? Tymeson – Correct. Donges – I propose doubling the fine for that and if they are a repeat offender. On road hunting, what does the shooting from a public highway include? Tymeson – It is a public way, you can't shoot off of it, unless you have permission from the landowner on either side. Donges – Maneuvering a loaded long gun in the vehicle is difficult, and an ethical hunter wouldn't even do this. The handout includes a gun case law from Minnesota (MN). NRA said it was one of best because of the clear language. North Dakota (ND) and South Dakota (SD) have similar laws to Kansas (KS). A study done over a 10-year period used Hunting Institute Clearing House, higher accident rate from MN who had 6%. Iowa's laws are real general and it is cheap, \$25 and \$50; MN has \$250 for uncased weapon and another \$250 for loaded. Do \$250 fine for uncased, \$1,000 for loaded, because if it is loaded they are road hunting. Road hunting is affecting our access and costing the state money. We realize leasing is a problem, but next is landowner access because of road hunting. From MN (read) "statistical data was ..." Loaded weapons are core problem. Give law enforcement (LE) officers another tool to pull vehicles over and stop them. If you have to exit the cab, then it is a good system, also look at boats, ATVs and airplanes; use trigger locks, by code, three digits or a key. What we teach in hunter education goes against what is legal. I want to bring up spotlighting. Is there something to do with Kansas constitution? Tymeson – Case from 1990s, spotlighting in general, permits recreation spotlighting as long as no firearm in possession. Donges – Can we get rid of recreational part of that? Tymeson – I don't believe so. Donges – LE is using up their time on nuisance calls. I would give landowners sense of security with their property. They look at hunters in a negative manner, and classify all of us in that category, which affects our chance to hunt. In Minnesota, on case law, when officers used gun case law, they found it stopped other crimes. They took to heart that it was an important tool in their state. Quality Deer Management received career achievement award from the wildlife society with is the first organization to receive that award. The 2011 Budweiser Conservationist of the Year award was awarded to our founder, Joe Hamilton. And the next thing, our CEO Brian Murphy is up for the most influential person in the outdoors by Outdoor Life. Commissioner Doll – What was the group four years ago that needed to be dealt with? Tymeson – It was the District and County Attorney Association; there was a bill proposed by Wildlife Federation with mandatory minimum penalties, those were sticking point to get it out of legislature. Commissioner Doll – If anything presented by us, does

it go to that committee? Tymeson – If it was determined that the department wanted to push for legislation; to get bill introduced have to have a sponsor, draft bill and have a hearing, lay off, then work bill and send out of committee – I’m sure this issue of mandatory minimum sentence will be a sticking point. Tymeson – Yes. Commissioner Budd – Us taking action as commission, do we still need legislation? Tymeson – Yes, we need legislation. Donges – Could department present it to the legislature? Sportsmen’s view is that you are sitting on your hands and drawing a paycheck, they believe no one cares. Trying to make a difference and move forward. Chairman Lauber – Couldn’t put all of Frank’s and my paychecks together and buy a shotgun, we get about \$30 a meeting. You want to take away judge’s discretion to go lightly or harder on first time offenders, that is sacred and it will be hard to do it. Don’t know how to respond to all of your issues; understand logic, but go to Topeka and get elected officials support. I don’t think we sit on our hands, but if we meddle in agriculture affairs too much we hear about it. Tymeson – Looked at items you sent me and boiled them down to five main parts and there is one I think we could get passed. Lot of legislation to be passed this year, so it will be hard to get anything passed. Donges – Want to get message across, like coyotes and headline issues I had on my property; had two does shot on my property, next day two guys were shooting towards my house, etc. What are our legal rights; can we tackle him or bring him down? Tymeson – Can’t give you personal legal advice. Chairman Lauber – That sounds like a local sheriff issue. Commissioner Budd – Take a smaller bite of the issue. Most of these items have happened to most of us and if we can focus on one issue and help you accomplish that we will. Commissioner Doll – The department would have to take a position on mandatory fines. Tymeson – Don’t think it is going to make a difference. The district attorney group is not going to be overcome. If it affects every citizen of state, then you will see the tide shift, on this issue I don’t see it happening.

Phil Taunton, KVOE Radio and KS Wildlife Federation and other groups – Thank Tim for presenting this to you and you for listening. We want to get kids in the woods, but parents are worried about them getting shot; did survey on radio, 244 to 66 in favor of stiffening fines. Why are you opposed to stiffening fines and penalties, the least reason people would accept. Have talked to several legislators, willing to talk and district attorney group and Mike Beam of the Kansas Livestock Commission and they are willing to listen.

Charlie Stevens, Downs – Thanks for new Conservation Officer (Landon Cleveland) in my area. He has made a tremendous difference. As landowner, I have seen no road hunting.

VI. DEPARTMENT REPORT

A. Secretary’s Remarks

1. Agency and State Fiscal Status – Chris Tymeson – The secretary was unavailable today, the Governor’s budget is coming out next Wednesday night and we should have budget by next Thursday. Tax collections are up so that will bode well for the state.

2. 2011 Legislative Update – Chris Tymeson, Chief Legal Counsel presented this update to the Commission. This is second year of two-year cycle and bills that didn’t see action could see action this year, only a couple. SB 120 - vessel titling, not sure going to move, passed Senate

into House and didn't get hearing. SB 123 passed last year; it allows us to set fees for cabins. SB 152 passed last year; allows concealed carry firearms to be carried during hunting and suppressors to be used during hunting, proposal came to Commission on animal damage control, carry those firearms and some other entity got it through legislature. HB2013 was brought up last year regarding sale of firearms to or from residents of states contiguous to Kansas; laws passed in 1970, repealed in 1986 but this did not get repealed; now as citizen of Kansas you can purchase long gun if ok in their laws. HB2089 regarding retrieving dogs from posted lands without permission, referred to Committee and has not moved. HB2152 -- boating under influence, routed back to another committee, not going anywhere. HB2168 would have given free park entrance to veterans and has been tabled in Committee. HB2295, expect movement, relates to deer -- who qualifies for permits, adding 60 days at end of deer season and crossbows. Had hearing, went to subcommittee, waiting to see what we do this year. HB2398 amends definition of feral swine and increases penalty for importing. House Concurrent Resolution No. 5017 relates to boats and taxation, on agenda this year, would require amending the constitution to reclassify watercraft. If it passes out of houses, then it goes to voters in November, then goes back to legislature the following year and they can change the taxation rate. Passed in 2007 on cars, RVs and aircraft. If passed, it will provide relief to watercraft owners in the state. ERO 36, which created dept, also topic this year. A number of sweeping changes proposed, not by our department: 1) budget, 2) tax reform. Governor's budget proposal out Wednesday, 3) KPERs reform, committee met, could eat up entire legislative session alone, 4), 5), 6) and redistricting, going on with judicial reform process ongoing and reducing number of judges. All of that going on plus what we would like to see. It is going to be a big year. First item is recodification of agency, and adding tourism statutes, several hundred pages. We have reached the cap on boating registration, but for future planning we need to raise that cap. Tax credit, depending on Governor's proposal, if deer donated could get tax credit. Department is proposing discontinuing senior exemptions for hunting and fishing. On park side, we will propose to sell park passes when renewing vehicle plates, like in Michigan (MI), which could double income for park entrance fees. Also, do away with 65 and disabled reduced fees for parks, everybody would pay the same fee. We'll propose a change in alcohol laws. Currently 3.2 percent is all that you could have on KDWP property. Chairman Lauber -- Talked about one bill involving junk deer bills. Any other features besides that in crossbow injections that would affect deer hunters? Tymeson -- Crossbows or extended mandatory seasons only ones that have steam. Commissioner Wilson -- Missed what you said about exemption on hunting and fishing licenses? Tymeson -- We want to remove the senior exemption. Commissioner Meyer -- Had individual talking to us about crossbows; I would favor using crossbows for people 70 years old and up. Tymeson -- That will be a topic for discussion with Lloyd this afternoon. Commissioner Budd -- These items come from us as a Commission, KDWP or legislative action? Tymeson -- All internal, can come to department or commission and filter through and Secretary, who makes decision on what we are going to pursue. No hard and fast rule as to how legislation comes about, but Secretary has to give his blessing to it. Is there an item you are interested in? Commissioner Budd -- No. Commissioner Doll -- Why is legislature concerned with crossbows? Tymeson -- There has been increasing pressure in legislature to allow them for 10 years, or so. If they don't get satisfaction from us or the Commission, a bill can be introduced by their legislator and it is building steam. Last year it was use of suppressors and concealed carry while hunting. A bill allowing both passed last year; legislative mandate takes away from department and Commission control.

Chairman Lauber – Legislature can do what they want, and we are limited to what we can do.
Tymeson – Constitution, legislation, statutes, Commission or department has to work within those statutes.

Doug Phelps – On senior exemptions, how much PR/DJ are we foregoing by allowing exemptions? Tymeson – We lose license revenue and PR/DJ money. Don't have number for you because we have only had electronic licenses for five years. Phelps – Last number I saw was about \$8. Tymeson – We would recoup about \$12 for federal aid now. Growing number of people are reaching 65. Chairman Lauber – Be prepared for emails. Commissioner Budd – Mandatory maximum or minimum age for type of weapon? Tymeson – Not that I know of. Mike Pearce – Will certain ages be grandfathered in? Tymeson – Current proposal is no grandfathering. Pearce – Asking of legislature this year? Tymeson – Yes, legislature is a lengthy process. We hope to implement the park pass by July 1; alcohol by January 1; boat tax go to vote in November to be in place January 1; discontinue of exemption I would guess January 1. Pearce – Provide more numbers of sportsmen who are exempt in the future? Tymeson – Yes. Commissioner Meyer – Go visit with your legislators and let them know how you feel about the bills. Commissioner Bolton – In last few years, someone will bring a point to us and rely on department to bring research to us, can't make decision on the spot in most cases. People didn't get answer right away, went to legislature, and that is what happened with suppressors. I would hope they would work with us before you take something to the legislature.

B. General Discussion

1. Commissioner Permit Update and Drawing – Mike Miller, magazine editor and information production section chief, presented this report to the Commission (Exhibits D, E). We will draw for permits when this is over, but give update first, and then Jared McJunkin, NWTF will give presentation. This is seventh year we have held drawing for Commission Big Game Permits since that first drawing in 2006 when one elk and six deer permits were issued to applying conservation organizations. There can be one elk, one antelope or up to seven deer permits issued with a limit of seven total permits. Once issued, the organizations can then sell or auction the permits off as fundraising efforts. After the permits are sold by the organization, 15 percent can be spent at the organization's discretion and 85 percent of the proceeds are sent to KDWP to be used on approved projects. After the projects are approved, the money is sent back to the organization. Qualified applicants include local chapters of nonprofit organizations based or operating in Kansas that actively promote wildlife conservation and the hunting and fishing heritage. An organization or chapter is eligible to receive a permit only once in a three-year period. In 2006, 59 organizations applied and the seven permits sold for \$49,000. In 2007, permits sold for \$26,973.56 with 119 applicants. In 2008, permits sold for \$24,200 and there were 113 applications. In 2009, permits sold for \$34,951 with 111 applicants. Since 2006, an average of 100 applications has been received each year. Last January, one elk and six deer permits were issued to two Kansas Alliance of Wetlands and Streams (KAWS) chapters, two Ducks Unlimited chapters, two National Wild Turkey Federation (NWTF) chapters, and one Safari Club International chapter. Those permits were sold for a total of \$41,700, bringing \$33,320 to KDWP for approved projects. For the 2012 permits, 98 eligible applications were received.

Jared McJunkin, conservation field supervisor NWTF – (PowerPoint – Exhibit F) – Thanks for letting me have this opportunity to tell you about turkey federation. Our mission is dedicated to hunting heritage. We actively manage and conserve upland habitats and promote hunting heritage. NWTF has 2,100 chapters and 235,000 members, with 33 chapters and 2,800 members in Kansas. Programs we have been involved in include: Families Afield legislation, 4-H shooting sports and National Archery in the Schools, conserving more than 17 million acres of habitat. We are a grassroots organization and have banquets throughout the year. Have several staff: director of conservation operations, Brandon Houck, myself, and two regional directors. We have a strong partnership with this agency. Jim Pitman and Mike Mitchener sign off on what we spend in the state, since 1985, we've spent \$885,000 in state and have improved more than 6,600 acres. NWTF is a strong supporter of the walk-in program, and we have invested over \$38,000; \$64,000 on equipment purchases to do habitat; and \$183,000 in wild turkey research. There are 15 projects approved to fund this year that you were directly a partner with. We're budgeting \$21,000 to women's organizations and youth. We raised over \$50,000 on Commissioner permits, last year -- won two and spent money on three projects: Spring WIHA in north central Kansas \$5,500; \$2,500 on forest stand improvement at Leavenworth SFL/WA; and \$2,000 for grassland restoration work on Big Hill. Thank you, these permits help us leverage super fund dollars to go further. *Chapter president Todd Adolf presented check representative of those 15 projects for \$57,950 to Chairman Gerald Lauber.*

Drawing Winners (Exhibit G):

Commissioner Randy Doll – (1) – NWTF, Hays (elk)
Commissioner Don Budd – (2) – DU, Wichita (antelope – later exchanged for deer)
Commissioner Robert Wilson – (3) – RMEF, Wichita (deer)
Commissioner Frank Meyer – (4) – NRA, Pratt County (deer)
Commissioner Debra Bolton – (5) – DU, Topeka (deer)
Commissioner Tom Dill – (6) – NWTF, Iola (deer)
Chairman Gerald Lauber – (7) – NRA, McPherson County (deer)

2. Tourism Briefing – Linda Craghead, assistant secretary for Parks and Tourism, presented this update to the Commission (Exhibit H). I want to reiterate Flint Hills importance; and thank Sylvia Rice, Salina Chamber of Commerce. Sylvia Rice - I don't have a \$57,000 check for you, but I join Dr. Lampkin and welcome you to Salina. Thank you to Commissioner Dill and Sheila for bringing you here. Like the definition that says, we are all about the outdoors. I thank Linda for asking me to say hi. We're excited about strengthening of our department with Wildlife and Parks and we are excited about the outdoors, too. Welcome and thank you for coming. Also, expect to hear state-of-state next week and budget figures. Tourism folks in Topeka are first notch. When you talk about great outdoors, close to Flint Hills, expect it to be very important to us as well. Craghead – Governor has reiterated ability for Flint Hills to play vital roll on economic impact of state. Challenge, put on agency, step up with pride and excitement, but no additional funding came with it. Regardless, we have been able to accomplish, back in May, first economic summit in Flint Hills to draw folks together. We had a terrific turnout of stakeholder groups, was oil and water relationship, only came together on issues they disagreed about. Lot of things going on since then, and we needed to work on some issues together. Formed Flint Hills workgroup, which includes landowners, trails groups (Commissioner Meyer very much involved)

and other stakeholders. Commission Doll is on a group as a landowner. There is only 3 percent of tall grass prairie remaining in the world, all in the Flint Hills of Kansas, our common ground. Have received a \$1.98 million grant to plan the effort to move forward, to get stakeholder involvement from beginning, more coming out in future. To get this grant we had to come up with \$500,000, and we came up with \$1 million, and we are pleased with this. Flint Hills Regional Council out of Fort Riley was the recipient of the grant. Flint Hills and Kaw River are two key areas being focused on by the Department of Interior: river trail issue and rail to trail issue and the USFWS has this natural land mass. There is a need for a gateway for facility on I-70. Need people to stop along the way. With help of U.S. Department of Commerce, we're looking at visitor center on the corner of I-70 and Highway 177. The next challenge is to get it built. Grassroots efforts going on, outdoor recreation, feasibility study for private landowners to develop horse trails. Public access, nature trail is abandoned railbank. Potential for partners for Flint Hills lodge, Governor sees this as a true opportunity to attract people to the Flint Hills. Serecia lespedeza is a real problem there. The second summit is scheduled for January 17 in Topeka, and we would love to see Commissioners attend if possible. Commissioner Meyer – Working on needed changes in Kansas law because it almost prohibits us from using rail trails.

3. Update on the delivery of the Voluntary Public Access / Habitat Improvement Program – Jake George, wildlife biologist, and Tom Lang, fisheries biologist, presented this report to the Commission (Exhibit I, PowerPoint - Exhibit J). The Kansas VPA-HIP grant was authorized as a portion of the 2008 Farm Bill legislation and is administered through the U.S. Department of Agriculture's Farm Service Agency (FSA)/Commodity Credit Corporation (CCC). The primary objective of the VPA-HIP is to encourage owners and operators of privately-held farm, ranch, and forest land to voluntarily make that land available for access by the public for wildlife-dependent recreation, including hunting or fishing, and to improve fish and wildlife habitat on private lands that allow public recreational access. Funding for the grant is 100 percent (no state matching funds), and it is set up in a block grant format. Funds for program years one and two (\$3 million) were received in August 2011 after the Programmatic Environmental Assessment (PEA) was approved. We will not be receiving funding for the third year of the approved grant application because the program was removed from the Farm Bill. (27 tribes and states received those funds). We received 25 percent of those funds. Currently, all funds must be disbursed by September 30, 2012 (means spent by then); however efforts are underway to extend the contractual obligation of funds through at least September 30, 2013, but plan to have them spent by 2012 date. Main issues are CRP tracts are 60 percent of 1.1 million acres enrolled in state. Priority is being given to continuous practices west of Hwy 281 and those east of that line will require approval from the regional supervisor, however the eastern part of the state will be paid the incentive rate. Continuous CRP: CP33 & CP38E: 1) Newly or recently (sign-up 40) enrolled CP33 or CP38E; 2) minimum of 15 percent and up to 50 percent of cropland acres seeded to native warm-season grasses and forbs (maximum percent determined by Conservation Practice); 3) willing to allow public hunting access on the property (including cropland, buffers, and surrounding property as deemed appropriate) for at least 10-years or equal to the length of the CCRP contract if it is longer; and 4) expiring whole-field CRP where buffers are maintained through CP33 or CP38E is not eligible for the \$100/acre sign-on incentive payment (SIP) from FSA, but is still eligible for the \$100/acre SIP from VPA. General (Whole-Field CRP): 1) Enrolled or re-enrolled during sign-up periods 39 or 41 (2010 or 2011); 2) CRP contract must

include wildlife habitat enhancements (food plots, wildlife plantings, and wildlife seed mixes) to maximize wildlife benefits; and 3) willing to allow public hunting access on the property for 10-years and maintain the conservation cover on the property for the duration of the access agreement (regardless of when the CRP contract expires). Fully funded habitat work on existing access properties: 1) must be willing to sign-up for at least a three-year hunting access contract; and 2) projects exceeding \$3,000 will require an additional year of access (above and beyond three years) for every \$1,000 added to the project total cost. Hunting incentives and access payment rates by conservation program and dollars per enrolled acre: CCRP, \$100; and CRP (whole-field), \$20. VPA hunting access payment rates or dollars per acre) by access period, standard compensation and incentive compensation (average): November 1 – January 31, \$2.00/acre standard, and \$3.00/acre incentive; September 1 – January 31, \$2.50/acre standard, and \$3.75/acre incentive; and September 1 – May 31, \$4.00/acre standard and \$6.00/acre incentive. Received funds August 2011, spent time building program before that. Currently for access and habitat, we have \$530,000 committed. We have added 9,200 acres of access with 10-15 year contracts. For access we've spent \$450,000 in 18 counties. On habitat side, you have to be willing to enroll in access or already be enrolled in access through WIHA or new VPA. No cost share from the landowner is required for habitat work as long as we have the commitment to allow access.

Stream and Impoundment Access - Fishing and Paddle Sports

The Fishing Impoundments and Stream Habitats (F.I.S.H.) program has provided public fishing access to private waters for 13 years. We were maxed out in funding, lease rates were not competitive and we needed a shot in the arm; this program was just what we needed and Secretary Jennison offered other funding. One of the first things we needed to do was increase capacity of our program so we acquired new databases and added a paddle sports bonus to add participation. The influx of funding from the Voluntary Public Access and Habitat Incentive Program (VPA-HIP) grant has provided F.I.S.H. the opportunity to overcome its greatest issues in providing recreational fishing and boating access to private waters. This money has allowed the program to offer competitive lease rates that are designed to target specific areas of the state where additional recreational fishing and boating access will have the greatest impact on angling and boating participation. The retooled program also allowed us to: add paddle sports, add sign-on bonuses, and offer boating bonuses and bonuses for year-round access. We've developed a map that shows where the rates apply; increased rates are: \$75/acre, \$100/acre or \$125/acre depending on what county your pond is in. F.I.S.H. has delivered an aggressive outreach plan utilizing TV, video, online, and print media to reach potential program partners. Early results show that biologists have actively worked to deliver the program and have increased the amount of public access. Expansion has occurred via the leasing of new waters, expansion of existing contracts from standard open dates (March 1 to October 31) to year-round, expanding from shoreline fishing only to allowing boat fishing on existing waters, the addition of paddle sports to existing streams, signing up new stream segments, the addition of new access sites on big rivers, and adding waters in counties that did not have any public fishing opportunities. One success story: a landowner wanted to put in a boat ramp, but wanted a concrete ramp so he put it in himself and we pay him an additional \$25/acre. Commissioner Wilson – Do you have fishing access not on big water? Lang – Yes, 100 miles of stream. Commissioner Wilson – Where can I find those? Lang – In the Fishing Atlas.

Break

4. Status Report on ongoing 2011/12 Upland Bird Season – Jim Pitman, wildlife biologist, presented this report to the Commission (Exhibit K). The upland bird seasons appear to be shaping up pretty much the way they were projected by the department back in September. The severe drought in south-central and southwestern Kansas greatly hampered production of all game bird species. As a result, reports from those regions of the state have generally been poor with a few localized exceptions. Hunter reports have generally been much better in other regions of the state where weather conditions were more conducive to production. Some good to very good reports have been received from pheasant and chicken hunters in northwestern Kansas. Many of the WIHA properties in northwest Kansas have received increased pressure from pheasant hunters this year because of such poor hunting conditions in other areas. Several people have also indicated finding more quail than past years, but that region of the state is at the fringe of the species range so quail densities are still fairly low. Field reports from north central and northeastern Kansas have generally been fair to poor for pheasants and chickens with a few localized exceptions where numbers are better. A substantial portion of those regions was affected by excessive rainfall and/or hail in early June, which led to poor production of those two species in the affected areas, but field reports from those regions indicate that quail numbers are probably improved over last year, which is likely due to the fact that they nest later in the summer and were less affected by those weather events. Hunter reports from the eastern part of the state are indicating improved chicken and quail numbers throughout the region, which is likely a result of favorable weather conditions last summer. Some of the field reports have indicated very good quail numbers in portions of the Flint Hills and Chautauqua Hills. At the end of the upland bird seasons, a portion of our hunters will be surveyed to assess their activity and harvest. Northeast Kansas pheasant and quail numbers will be down. When those data are analyzed, we will be able to more accurately compare this season to past years.

5. Wildlife Rehabilitation Briefing - Mike Mitchener, wildlife section chief, presented this update to the Commission (Exhibits L, M). This is an informational briefing on wildlife rehabilitation and position changes the department has taken. We haven't talked about this for several years. Prior to the current regulation, department requirements for wildlife rehabilitation were inadequate and led to numerous instances of poor effort and permittees who were poorly trained to accomplish effective wildlife rehabilitation. The current regulation covering wildlife rehabilitation was implemented on January 1, 2006 and established the following criteria for permitted wildlife rehabilitators: 1) must be 18 or older; 2) have one hundred hours of experience handling and caring for wildlife acquired over the course of one year; 3) must submit three letters of recommendation from wildlife professionals; 4) must complete one of the following: a) certificate of completion of an International Wildlife Rehabilitation Council course within past three years; b) certificate of completion of a National Wildlife Rehabilitators' Association course within past three years; or c) a test score of at least 80 percent on a KDWP administered wildlife rehabilitation test; 5) complete eight hours of continuing education every three years; 6) facilities must be inspected annually by department official; 7) permits are renewed annually; and 8) records must be kept on each animal treated and disposition of animal and submit an annual report. In addition to the requirements for a permit, there are provisions that allow sub-permittees

and volunteers to engage in wildlife rehabilitation efforts under the primary permittee. Volunteer and sub-permittees are subject to the same provisions for handling and caging as the permittee. The provisions for wildlife rehabilitation care and treatment include: 1) rehabilitation performed in consultation, as necessary, with a licensed veterinarian; 2) clean water must be available at all times; 3) cages must be cleaned and disinfected daily; 4) wildlife shall be kept in an environment that minimizes human contact and prevents imprinting and bonding to humans; 5) wildlife possessed under a rehabilitation permit shall not be allowed to come into contact with any person other than those directly engaged in the rehabilitation effort; 6) wildlife shall be housed separately from domestic animals; 7) public viewing, display or exhibition of any kind is prohibited; and 8) wildlife must be released once it is determined it can survive in the wild. If it cannot survive in the wild it must be euthanized or transferred to an accredited zoological facility. The department currently permits 17 wildlife rehabilitators in the state who have 69 sub-permittees; with the majority covered under three permitted rehabilitators. Over the past few years, questions from the public, as well as a few complaints prompted Wildlife Section and Law Enforcement staff to conduct a review of how the current regulations were being implemented. Consensus was that current regulations are adequate to continue the implementation of the wildlife rehabilitation permit program; however, it was felt that change in department position was needed to more fully benefit the wildlife resource and protect both the wildlife rehabilitator and the department. In most cases, city ordinances preclude keeping wildlife inside designated city limits and particularly within primary residential areas, except where special provisions are written into the city ordinance that exempt facilities permitted by the department. As a result of our internal review, department staff concluded that exemption from city ordinance is not in the best interest of the department or the facility operator. Both parties are subject to complaints by neighbors, and the facility operator is subject to complaints dealing with visual, odor, and noise issues. An urban environment, we also felt, is not generally conducive to wildlife rehabilitation. An internal decision was made to no longer permit wildlife rehabilitators that have outdoor holding facilities located within city limits and primarily in residential areas. The department recognizes instances exist where initial care takes place by both permittees and sub-permittees inside of personal residences. This position is intended to initially address location of outdoor holding facilities and not the short-term instances of initial care inside of personal residences. Commissioner Meyer – Bombarded by emails, if industrial area inside city limits, like vet office, be permissible, but let it be up to city ordinances. Mitchener – That is exactly our position. Not in people’s back yards. As long as they pass inspection that is exactly what we are looking at. This affected four out of the 17 individuals; and I personally spoke to each of them. Two indicated they would move their facility to continue rehabbing. Commissioner Wilson – Inside garage is acceptable, but outside pens is the issue. Mitchener – Sometimes the animal requires numerous feedings or care throughout the day, when animal gets hauled out to outside cage in preparation of turning it loose is where that is not an acceptable situation. Commissioner Wilson – When taking wounded animal to a vet, do they get a reduced fee? Mitchener – Individual rehabbers do what they can. The department doesn’t provide any funding. They rely on donations. Commissioner Budd – If we have 17 rehabilitators and they have 69 sub-permittees, what are their qualifications? Mitchener – Working on getting their qualifications up. Commissioner Budd – Rephrase, what do I need to be a sub-permittee? Mitchener – Nothing, just volunteer. Commissioner Budd – If zoning regulation in the city, what do they need to do? Is that something we look at or not? Mitchener – No, some ordinances have exceptions if permitted by KDWPT,

small cities may not address these issues. We are looking at situations that could be, not necessarily are, but could be, seen by neighbors as a nuisance. We need to make sure they are good neighbors and good part of community.

Ron Klataske, Executive Director Audubon of Kansas – How do we apply #7, public viewing display is prohibited? In northeast they take birds to events; you are losing opportunity, animals can be valuable to education. For instance, snowy owls that are occurring within the state this year. Turns people's ideas when they see animals up close, should allow under certain kinds of permits. Should also revisit, totally precluding 90 percent if in cities and towns, not everybody has a farm or ranch. Maybe this should be approval for location in town should be subject to protocols, like city commission has to approve; 100 yards from nearest neighbor or something like that. Commissioner Bolton – On #7, this permit is only to rehabilitate, it is zoos job to educate. Klataske – Wrong about that, zoos may not accept incomplete injured animals; once you slit the animals throat they no longer have education value. Don't believe rehabilitators are using animals to "feather their nest". Commissioner Bolton – It would muddy the water if in-home rehabbers display. Klataske – They could take to community groups. Not approve everybody, but come up with checklist for them to do it. Could be in Wichita and have 10 acres, but by having it hard and fast you are precluding 90 percent of individuals and outreach opportunities. Mitchener – Do have scientific and education permit to allow people to do exactly what Ron is talking about. Also, federal permits are required for birds as well.

Paula McKenna – In Salina, but way northern area. I don't think we are talking about teaching with animals that can be released but those that can't. I've been working in this area for 30 years. It falls on people who do this voluntarily to be the teaching too. That is how I learned, from friends who do these things. What you are supposed to do is deal with the cranks. If a million dollars landed in their laps they would complain about denomination of the bills, it is hard. Why are we talking about putting an extra burden on these individuals who are doing this voluntarily? If you take tools away, it is wrong. What is point in giving them more restrictions? City ordinances take care of these types of problems. Commissioner Meyer – There are rehabilitators and teachers and exhibitors. Rehabilitate it and if it can't be then give to exhibitors.

Mary Jo Stedley, Salina – Most of us live in residential areas. In exterior cages there could be more creative solutions used. Your regulations are adequate and clear, but to say, no longer allow cages in back yard, see that as a burden to people who are already giving of their time, efforts and money.

Christa Johnson, Salina – Rehabber here in Salina, my cages are in my yard, have privacy fence and cages are covered by tarp and I have only had one complaint. Have scientific and education permit also and have taken animals to schools, too. To have facility away from where you are is a problem. One rehabber had two great horned owls away from where he lived and someone let them go. Vets do not give us a break, but we do it because we love the animals. Agree with Audubon Society guy, why can't you grandfather us in because we have to rebuild cages, etc. (handouts – Exhibit N)

Denise Schmidt, Junction City – There should be no wildlife rescue in city limits; facility next to our property would hurt the value. My parents live next to one, odor is terrible. Animals need to be rescued, but not kept in residential areas.

Rachel Dix, Salina – Lived on same block as wildlife rescue center for several years. Also, agree with the fact that it hurts the value. Accept recommendation to not allow this in the city limits. I want the animals rescued. I didn't realize this was governed by you and just found out about this

meeting today. Some people are pushing limits on what is going on in their homes. Have article that includes quote from one of the rehabilitators here about rehabbing animals in her home. Have seen the animals get out and go through my yard. There is a need for education, but it is separate. There needs to be some health and safety regulations imposed. You are not rehabbing when you are cuddling these animals. I have a question on sub-permits; do you inspect them? Mitchener – They are subject to same requirements as permittee. Monitored by permittee and they are liable for sub-committee. Dix – So basically they don't get checked? Mitchener – Permittee is responsible. Dix – Animals moved on edge of town to a mechanics shop, it is like a public zoo. No one in that area will be sad to see those animals go. What limits is somebody going to push here? Commissioner Budd – We are not going to vote on this, it is going to be implemented? Tymeson – Yes. Johnson – Bobcat was not rehabbed there, but turned over to someone who could handle those. Chairman Lauber – I have had several emails, while I understand both sides of the argument. I will support the decision you have already made, creates conflict when we police subject to zoning and don't have the money to police this. Don't want to address it further and don't appreciate email harassment.

C. Workshop Session

1. KAR 115-25-5. Turkey; fall season, bag limit and permits. – Jim Pitman, wildlife biologist, presented this report to the Commission (Exhibit O). About 10,000 hunters purchased 12,000 permits. Fall turkey hunting has declined due to declines in turkey populations. Hunters are currently permitted to harvest one bird of either sex in Units 1, 2, and 3 and they can purchase three either-sex game tags valid only in Unit 2. Over the last 10 years, the wild turkey population has increased rapidly in the north central, northwest, and southwest regions. The department is recommending new fall hunting units. The new units will facilitate the implementation of an adaptive harvest strategy that will allow us to better use our data to guide harvest recommendations for both the spring and fall seasons. The harvest strategy was developed by the department turkey committee over a couple of years and mimics similar guidelines already in use in several states across the country. The strategy establishes standard criteria that would be used as a guide to help us determine when and how changes to bag limits should be recommended for each hunt unit. For the plan to be implemented, it is essential for static hunt units and corresponding management units to be established, which is the purpose of the recommended boundary change. The proposed hunt units would not result in any immediate changes to the current fall bag limits for any location in the state. If new units are adopted for the fall, the department would be recommending a change to corresponding spring hunt units at the next opportunity. Commissioner Doll – In southeast population trends are lower, but proposing higher numbers? Pitman – No, bag limits would be the same. Commissioner Doll – Where are you changing it then? Pitman – Central Kansas, from one to four. Matt Golvequest – There is talk of moving the line because populations have exploded? Pitman – If what we are proposing is approved, then bag limits would increase. Golvequest – Not 2 and 4, but good populations. Pitman – Hesitate to move boundary lines. The next step will be to go to over the counter permits.

2. KAR 115-25-7. Antelope; open season, bag limit and permits. – Matt Peek, wildlife biologist, presented this report to the Commission (Exhibit P). No changes are recommended for

season structure, unit boundaries, bag limits, or permits. We propose unlimited archery permits be allocated for both residents and nonresidents. Firearm and muzzleloader permits will remain restricted to residents, with half assigned to landowner/tenants and the remainder awarded to general residents.

3. KAR 115-25-8. Elk; open season, bag limit and permits Matt Peek, wildlife biologist, presented this report to the Commission (Exhibit Q). Harvest is seven cows and four bulls and only one of 31 over the counter permits have been filled, to my knowledge. Sometimes Fort Riley does an aerial survey. At last meeting we covered season dates. Commissioner Budd – How big were the bulls? Peek – Mature bulls, 3½ to 4 years, one in 350 range, one 7x6.

4. Big Game 25 Series – Deer - Lloyd Fox, big game wildlife biologist, presented this report to the Commission (Exhibit R). I have KAR 115-25-9. Combination of factors in western units, 1, 2, 3, 4, 5, 6 and 7 in the east will allow harvest of white-tailed deer antlerless-only (WAO). Same general time periods in length since 2008 and are listed in your briefing book and handouts. Consideration is being made to allow hunters to purchase five white-tailed deer antlerless-only permits. Last year, the first permit was valid statewide including on lands managed by the department. The second WAO permit was valid in all units except 17 and 18 and was also valid at Cedar Bluff wildlife area (WA). Consideration is being given to increasing the wildlife management units where more than one WAO could be used. Also allow up to five permits on (listed WAs). Sounds like a large increase, but relatively small. This is an experiment at this time. The last three WAO permits were valid on a restricted list of units, (7, 8, 12, 13, 15, 16, and 19).

Mike Pearce – Repeat five permits again. Fox – I will provide you a map. Hunters may purchase up to five in some units, two in others. It sounds like a large increase, but reality is that it is not a big increase. Commissioner Budd – Is the goal to harvest more antlerless deer? Fox – Yes, and we have decided this is the time to make that move due to a whole host of factors.

5. Big Game Permanent Regulations – Lloyd Fox, big game wildlife biologist, presented this report to the Commission (Exhibits S, T) – If the Commission makes no recommendations, these regulations will come forward as they are now. We have moved ahead in order for you to vote at the March meeting. I am only going to cover two regulations we will bring back in March, the other three will have no change. Items requiring discussion are: KAR 115-4-2 - Big game; general provisions (information on carcass tag, photo-check system, procedures for transferring meat, depredation, who may assist and how); to encourage hunters to process game in the field to minimize waste coming into town and minimize disease coming in. Have problems with people not having proper equipment, or don't have service to do proper registration. Coming out of turkey group, want to just take breast of turkey or meat they are planning to use and beard. What we have is three options: 1) continue transporting whole animal, with head or beard (if turkey) attached; 2) register by photo registration; or 3) take pictures and provide with registration. There is a couple of other sections that are a holdover from the 1960s and 1970s, where the carcass tag had to be attached to the permit and we want to change that. Also, internet sale of permits, the regulation says “no individual shall copy...” adding herding and driving and where people can assist in calling. Feel this will go fairly smoothly. Chairman Lauber – Staff is going to prepare draft of regulation for our review? Fox – Final regulation is drafted and being

reviewed. On KAR 115-4-4 and 4-4a- Big game; legal equipment and taking methods. Historically, this is one of the most controversial regulations. This year the items we are looking at the use of crossbows and remove section (e). This is a recent subject and has to do with eliminating that language, having in possession most restrictive allowable equipment and would change what they could possess and carry. It would impact how we interact and our law enforcement entities. Would appreciate assistance of Kevin Jones on how this could influence his personnel as well. Kevin Jones – As Lloyd outlined, this segment is important and it does limit the type of weapon they are carrying. In other words, during archery season, you could only carry archery equipment. The removal of sub-section (e), would allow an individual to go into field with bow, but also be in possession of crossbow, rifle, etc., whatever is legal to take any other game during that season. We do hear gunshots during archery season, which could be legal or not, like harvest a turkey with gun while archery hunting for deer. Not concerned with law abiding citizens, others could have substantial impact. It does restrict the weapon right now. Chairman Lauber – I understand the problem. I don't know how much illegal harvest would happen. Are there statutory movements afoot to change this? Tymeson – I did have a legislator contact me that he was going to introduce this issue. Chairman Lauber – We have hesitated before and it was done around us through the legislature. I would rather have it worded the way we want it. Is there a reason we would want to do it other than preempt a statute? Tymeson – Other than walking around with the wrong permit in their pocket. That language does constitute a violation. Jones – Could change language to carcass tag rather than permit which may alleviate that issue. Chairman Lauber – Do you believe there will be more illegal harvest? Jones – Yes, I do. Commissioner Dill – If you have to separate the carcass tags, I have those in my billfold all at the same time, which could be a problem for me? Jones – There is the ability to examine, but couldn't be proof positive to prove if wound was caused by rifle or archery equipment in the field. Commissioner Meyer – We need to educate legislature as to why we don't want these passed. Chairman Lauber – Can't carry any other weapon unless you have a concealed carry permit? Jones – Correct. Commissioner Budd – I agree with Frank, if we are going to make bad policy to put a burden on law enforcement, we can educate them. Tymeson – That is the struggle that goes on because you are shifting power back to the legislature. Be prudent in face of what you think is going to happen. This is framed as a second amendment issue, not wildlife issue. I have no doubt if something was proposed on this issue; I won't be able to stop it. Chairman Lauber – I value what Kevin says, but I would make it more liberal, could be confusion and see some opportunity for people to hunt with a gun in an archery season. Would be easier not to separate game tags, but assume if they are going to harvest game with gun in archery season they are going to do it anyway. We don't have any friends in legislature as it is. Don't want to be viewed as contrary. I wish you would just have a strong staff decision. Commissioner Doll – How long has this language been in this regulation? Tymeson – At least 10-15 years. Commissioner Doll – What brought this about? Tymeson – Legislator opinion; do you want to see control in legislative issue, you can say no and we can fight it or do something. Commissioner Doll – Prudent not to change it. Chairman Lauber – On the captive wildlife safety act requirements, the next thing we knew we were being viewed as not responding and within 36 hours the legislature had their own version. Don't want to perceive this as being irrelevant. Starbucks had this problem about carrying a gun in their store. If this person wants to push this through, it will happen. Commissioner Doll – If we are the experts and staff do the right thing because it is the right thing, then if legislature wants to do something then it is on them. Let it

stand. Chairman Lauber – Don't know if unity of thought among the department, desire to be LE compliant, or add more opportunity. Internally not sure if in total agreement. Commissioner Meyer – We make the regulation, the stupid decision depends on who makes it. Fox – Hit nail on head, this happened recently and there was major repercussion through the department and lack of unity. We have regulation that will allow you to take action and make statements and vote. I don't think the department is ready to support a specific recommendation. Hope we can get together before March meeting and come up with a solid recommendation. We are hanging you out there. Commissioner Budd – Commissioners and staff as a whole are outdoorsmen. When was the last time we walked out there with a gun, machete and hand grenade? Chris is going to be the fall guy. Making poor policy for the sake of making policy is a poor decision. Chairman Lauber – Would like to have staff come back with something.

Ron Klataske – Have a couple of thoughts. Fact that one person can go to one legislator and turn everything upside down is upsetting. Look to LE and make their jobs easy whenever possible. Protecting ethics and credibility is important. Does it enhance the sport of hunting? I don't think it does. Hate to see Chris' job be any more difficult.

Mike Pearce – For clarification, if you have a concealed carry permit you can carry it anyway?

Jones – Yes. Pearce – If hunting squirrels, is he breaking the law? If Tom is hunting big game and other permits are in his billfold is he breaking the law? Jones – Yes. Chairman Lauber – Need to clean it up.

Tim Donges – What was purpose of wanting the change? Tymeson – So they can carry gun for self-defense. Donges – What Michael brought up, can we take care of that? Chairman Lauber – If you have all of that in your pocket you are breaking the law? Tymeson – Yes. Donges – Can help with letter.

Natalie Donges, Quality Deer Management – Have responsibility to do what staff recommends. I assume it was just one legislator; you have all the others, make your recommendation. Chairman Lauber – If I have my permits in my pocket I am breaking the law? Tymeson – Yes. Pearce – Some real wild stuff proposed by the legislature, how many times has department said "if we give you this" they have backed off? Tymeson – It happens every year, in order to prevent something worse from happening. Not clear consensus, so I can't get something back to you, but move past and prepare for ramifications as a result.

Fox – In KAR 115-4-4 we would also cover crossbows, allow youth permits and people 55 and over, but also in that regulation we will bring back in March. Have discussed crossbows and they are ballistically similar to compound bow. May have minor effect on participation. Progressive decline in number of individuals from age 50 on down, similar on archery and firearm equipment and won't change too much if we allow older hunters to use crossbows. Not significant impacts biologically. Commissioner Doll – Looking at age structure, how does that jive with surveys done, where 75 percent are opposed to any type of crossbow hunting? Fox – It speaks for itself, archers are not in favor of crossbows. Have not surveyed other individuals, but will be able to get information from other hunter groups from survey in February. Commissioner Doll – How many of 128 were archers? Fox – Most of them. Commissioner Budd – How many under 16 and over 55? Fox – I have numbers and can provide that to you. Commissioner Budd – Impact is minimal? Fox – Yes. Commissioner Dill – Talking 16 and under; most regulations talk about under 16, for clarification we need to look at that. There is a small plateau at 55, 56 and 57. Chairman Lauber – Will have crossbows more liberally than this, and this could prevent that; too big of industry to hold back. Chairman Lauber – We will move the rest of the items to 7:00 pm and kick this

around some more.

VII. RECESS AT 5:45 p.m.

VIII. RECONVENE AT 7:00 p.m.

IX. RE-INTRODUCTION OF COMMISSIONERS AND GUESTS

X. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

Chairman Lauber – Had nice meal provided by Chamber of Commerce. This is a nice facility and we appreciate the hospitality.

Frank Berwell - Consider a lower creel limit for crappie on Glen Elder Lake. Enforcement infractions, 50 fish per angler. Chairman Lauber – Good point and worth looking into.

Doug Nemechek, Salina – When Mr. Nyhoff was up at Glen Elder, there was a petition being circulated on Walnut Creek youth area, we collected about 1,600 signatures. We wanted to change that youth area to another area and feel it didn't get much attention. Chairman Lauber – I will look into it to see what it is about.

XI. DEPARTMENT REPORT

C. Workshop Session (continued)

5. Big Game Permanent Regulations (continued) – Fox - Left off with 4-4, with crossbow, 125 pound draw, broadhead regulations are the same. Looked at it from equipment standpoint, and it is similar to a compound bow with some advantages. It could have effect on recruitment and retention and may have some impact on deer. Commissioner Meyer – I think it should be after age 70 instead of 55. Primitive weapon is English longbow. Commissioner Doll – Where did 55 age come from? Fox – Looked at what some other states had done. Most states opening up to archery hunters, some putting on age restrictions, 62, 65, etc. Looked at age structure of our hunters with archery permit and see a plateau at about 55, actually from 50 and over see less hunting. Commissioner Doll – How many pounds is that? Commissioner Wilson – 70 pounds. Fox – Crossbow locks at full draw and hunter can operate similar to gun, compound, recurve or longbow need to be pulled back and held. Recurve holds full weight, compound has cams and holds 65 percent (45 percent to 75 percent range) draw. Commissioner Doll – Age 55 is low end? Fox - Most states have either opened it up or not allowed it at all. Commissioner Budd – In the handout you passed out (Exhibit T), you based on your recommendation of 16 and 55, impacts less than 255 hunters. Fox – Of archery hunters, but it would also impact firearm hunters who may become archery hunters. Chairman Lauber – The concern is that it eases the chase for game. It is easier to become a horizontal archer than a vertical archer and perceived to have more range. Concern is less sporting, lot of debate if that is the case or not, but theme to opposition. In Cabela's archery catalog as many pages devoted to crossbows as others, which means serious industry interest? The amount of interest is why we are going forward with this.

Commissioner Meyer – Can use crossbow in rifle season? Fox – Yes, can also use it if disabled.
Commissioner Meyer – I like to protect the art of the old tradition.

Doug Phelps, Manhattan – Declining participation with age, most reasonable people would agree that physical ability declines with age. Right now we have regulation that anyone can go to their doctor and get the disability permit that covers those older hunters. Modern bow season started in 1930s and granted early season because it was harder to take deer with that primitive weapon. The easier we make it; we are going down a road when you have a modified firearm. It's not easy to draw a bow undetected. Chairman Lauber – If you were to summarize your opposition to crossbows, what would be your reason? Phelps – No opposition to crossbows, but want to keep archery season traditional. I don't know how Cabela's became the arbiter of what is proper equipment. You can double the price of a bow just with the additional equipment. Chairman Lauber – Do you feel it would hurt the resource or deer herd? Phelps – May hurt the quality. We eliminated minimum draw weight eight years ago, or so. So we have accommodated these issues over the years and it seems like the more we give people the more they want. Want doesn't translate the need.

Chairman Lauber – Show of hands who wants to speak on this issue, need to keep comments shorter. Pearce – You let one individual talk for 30 minutes, why would these people be any different? Chairman Lauber – No answer to that.

Matt Palmquist – At deer meetings, I attended in Scott City, on crossbow issue has deer committee been consulted on this? Fox – That is where we got into the problem so it could be voted on in March, next meeting of deer committee is in February; also hope to have survey back by then. Had to have something ready for the regulation without their input. Palmquist – On deer numbers, if look at opposed and strong opposed, said mostly bow hunters, how do you know it was mostly bow hunters? Fox – Based on people I know. Palmquist – Discounting what bowhunters want? Fox – No. Palmquist – As rifle hunter, can pick up crossbow, but don't have time to learn compound. It will reduce opportunity. Where there is access, we'll have more people in the woods at the same time. Commissioner Budd – Feel more people hunting during archery season? Palmquist – Yes, but have long standing agreements to hunt property because I am a bowhunter and that may impact that. Commissioner Budd – About 250 people, so masses won't be affected. Palmquist – What about next year, we will do away with age restriction? Commissioner Budd – Do you feel you can shoot further with crossbow than compound? Palmquist – Shoot further, faster. There is motion involved with compound, stand ready with crossbow. Commissioner Budd – What do the rest of you want? Audience – Leave it as it is. Palmquist – People 55 and over, hard time believing it is only 250 people. Phelps – If 250 people is archery hunters who will move to crossbow what about the others? Chairman Lauber – Reflecting on Mr. Pearce's response, should have tried to limit guy at beginning of meeting. Time when rehashing the same thing, but yes they should be allowed the same amount of time. Dave Easton, Pottawatomie County – Handicap takes care of crossbow issue, age limit is another step to putting crossbows out there for everyone. I shoot 65 pound longbow, several years ago drawlock was an issue, which is what a crossbow is. The difference is the drawlocks were cheap, these crossbows are four figures. It is not people saying they want to shoot these; it is people wanting to sell these. I have emailed Commissioners for years; I want to outlaw magnifying optics during archery season. Like to address this problem before it becomes an issue. Steve Wood, Hays – Spoke to you in Hays, wanted to hunt with crossbow in archery season. There is controversy in every state. Hays Daily News had poll online on crossbows, 900 people

had voted and 93.1 percent said yes. Commissioner Meyer – Were they aware crossbow was legal already? Wood – Don't know. Commissioner Meyer – Someone in your family sells crossbows? Wood – Yes, my son. There are 26 states with regulations; 18 states supporting crossbows with growing numbers. Think proposal in front of you is outstanding, would have rather saw open, but 55 and over is good. Contend lot of space in the woods and a lot of deer. Lot of people out there using recurve and longbow that still don't agree with compound. No other state has addressed youth and what a feather in Kansas' cap for doing such a thing.

Commissioner Doll – Saying 18 or 20 states allowing some form of crossbow, when that happens is there empirical evidence, half crossbow, want to see impact? Wood – Ohio started 30 years ago and have half of each and hunt together. Other states won't have a big impact. Hope to see some retention on the 55 and above. Chairman Lauber – Is Ohio a shotgun-only state? Wood –

Yes. Commissioner Doll – Aware of other states? Fox – The easiest to understand is Tennessee.

Commissioner Doll – Is it half and half. Fox – About 10-15 percent of archery hunters in first five years, jump in first year then drops back. Wood – Ohio is exception because they have been in it so long. Pearce – You said 26 states have better regulations than Kansas, you mean more liberal? Wood – Yes. Commissioner Budd – Were you around when Kansas went from

muzzleloaders to inline? Fox – In 1980s. We've never called it a primitive season but those using primitive muzzleloaders actually make up a small portion of muzzleloader hunters. Almost all of archers in Kansas use compound bows. Commissioner Budd – Same problem? Fox – If you try to define primitive, you'll have a hard time because there were civil war muzzleloaders with scopes.

Palmquist – More important sheet to look at is 6,000 hunters, a lot more than 200 people that could be going into the woods. Most will continue bowhunting so you could see a different view.

Commissioner Budd – Ask advocate bowhunter? Commissioner Dill – I have been bowhunting for 34 years. This is what you want to do versus what I want to do is a matter of choice. I think appropriate, for youth for recruitment; and over 55 for retention. Boils down to a matter of choice. Simplicity is pulling the trigger, but haven't eliminated sight, sound, etc. Look at technology changes in compound bows over the last year. We haven't limited individual's choice, but by putting in regulation that appears to recruit and retain, you are ahead. It hasn't limited anyone else's access, from my perspective this is the right choice.

Jerry Vierra, Topeka – Study done in Alabama, shows three times more success rate, 50 percent coming over will increase harvest and quality of our hunt. Commissioner Dill – Is it success rate? Ohio is only 33 to 34 percent, from what I have read there hasn't been that much difference. I have bowhunted with the same individual for 24 years and he and I don't agree on this issue.

Richard Showalter – I am 69 and shoot a recurve and age is not necessarily the end all and be all. It doesn't have to be that low, age 55.

Bob Griffin, Lebo – What are numbers of rifle hunters that will pick up crossbow and hunt during archery? Fox – Don't know. Griffin – Seen increase in number of bowhunters, probably tripled in the 20 years I have bowhunted. Now lump in crossbow hunters on top of the archery hunters. There is no reason why if a kid that practices or puts forth effort why they can't shoot a bow. Commissioner Budd – When you give us these recommendations, is your objective to increase or decrease the harvest each year? Fox – Depends, but objective is to maintain healthy deer populations in tolerance level of Kansas citizens. Commissioner Budd – Where are we right now? Fox – Pretty good right now. We had individuals in past upset with vehicle damage and crop damage and those that can't find deer where they used to be. When I look at our numbers, they are stable since about 1999, as far as populations and accidents; we're doing fine

adjustments now instead of major adjustments. Commissioner Budd – When you submit these, encourage or discourage hunters? Fox – Always trying to encourage hunters. Try to get people to enjoy the opportunity out there. Commissioner Budd – If that is the objective I don't see the downside.

Hard to talk about archery and bowhunting without talking about romance and tradition. Have done a lot of reading and research. No problem with crossbows in gun season or for handicapped. Always have called them crossguns. Got into reviews, NRA gave reviews on crossbows, on 10 point, polymer stock and barrel groove, etc, not talking about bows, talking about strike zone made by Savage Arms. Tach 10 made by PFC, decided to do because states were starting to legalize, AR15, same trigger and mount limbs, just like shooting a rifle. Then I read about the quick draw and you don't have to cock it, has CO2 cartridge. Mount on crossbow, have full semi-automatic. Don't have problem with them in rifle season. Bought first bowhunter license in 1971. How many gun hunters are going to take up the crossbow, now hunt during the rut, easy way to do that? Talked to a guy in Safari Club, easier to get world records with crossbows.

Commissioner Doll – Going into this, have you run numbers to what really is the impact, will it increase number of people hunting in Kansas? Businesses project revenues and profits, you are a smart guy so I know you can do this? Fox – No I haven't. I can look at Tennessee and Ohio data, but don't have good feel on how to look at impact. I will see if I can find the data. Chairman Lauber – You think there would be a greater propensity to go to crossbows since Ohio is a shotgun-only state.

Kyle Adams, Wichita – Youth hunts, every year for last six years. Can't ever remember having any of them ask me about a crossbow. Where did request come from? And if we give kids chance to use crossbows then take it away when they reach 16, what is going to happen? Main goal seems to be with revenue.

Jerry Vierra – Increase opportunity, any season tag, can hunt crossbow in archery and with gun in rifle season.

Dave Easton – Old rock star named Ted Nugent, he has film of his son loading 10-22 ruger with arrows. Have to draw a line or there isn't anything left.

Ron Klataske – One thing that constantly concerns me is enforcement with poachers on night hunting. Poaching is a real problem.

Drew McCartney, Gorham – Talking statistics and throwing numbers out. President of physically challenged friends who shoot crossbows and have seen accurate range and he can shoot three out of five arrows into a paper plate day after day. Nothing wrong with rifle, but keep in that season. Trying to get kids out there with bows constantly and hard to find places to hunt. Concerned with quality of our herd, not dramatic, but proven that more deer are killed with crossbow. Tymeson – Move forward or not? Commissioner Bolton – When we talk about quality of deer herd that is left because more people talking about bucks; trophy bucks? Unknown - Most of good bucks running during rut. Commissioner Bolton – Talking trophy bucks to get quality deer.

Tymeson – Consensus to move forward or not? Have next two months to look at the information. Commissioner Meyer – Would like to mull this over and change my mind and do something different and continue considering this.

Janet Post – Bowhunter in whole house of rifle hunters. Goal is to bring people to the state, kill more trophy deer during rut, tourist dollars and tag dollars will suffer. Protecting our herd is important.

Chairman Lauber – Propose that we go forward with what Lloyd has presented. I can't have too

much information and I respect all of the opinions I have heard tonight. Expect could happen in legislature anyway, not supposed to care about that but I do. Pull idea and make no change or go forward, nobody is committed to a vote. Don't have to vote until March. Commissioner Budd – In March, vote up or down what is in front of it? Tymeson – Yes, move forward, doesn't mean you are going to vote yes or no. Commissioner Doll – Get view of each commissioner? Commissioner Budd – I shoot competitive trap and clay targets across the world, have same issues. You are going to win in the end, too many other factors involved. If you have legitimate compromise and want input, my suggestion is you do that. Equipment is not going to make the harvest better. Chairman Lauber – If we don't bring up for vote, will it be in effect for 2012? Tymeson – Will affect whether information will be available to give to hunters or not. Nonresident applications go out April 1. Yes, you could vote in April. Commissioner Dill – This isn't the vote, go down the line. McCartney – Can make amendments, on age 55? Tymeson – Yes. Chairman Lauber – Kill this now or have vote in March? This does not commit you to a vote. Commissioner Dill, Bolton and Meyer – go forward; Commissioner Wilson – not move forward. Commissioner Budd – Get with Lloyd and come up with compromise. Commissioner Doll – I need more information first. Chairman Lauber – How big of an issue if we voted in March? Impact is information and putting it in publications. Miller – Can put on website when decision is made. Chairman Lauber – Expect same issue. Don't have problem having another workshop in March and go to public hearing in April. Fox – Would still have 60 days to publish something. Tymeson – Have to guess, may have to prepare amendments. Chairman Lauber – Make final decision one way or the other. Commissioner Budd – Do you think you could get answers before March then do it at March meeting? Fox – I think a lot of the questions don't have solid answers. No magic number, these are going to be vague. Commissioner Budd – Want impact on harvest, etc. Bob Griffin - Expect letter from Association. Commissioner Meyer – Any number of amendments go forward or not. Chairman Lauber – Go forward and vote in March and add as many amendments as possible. We care what you (the bowhunters) say.

6. Potential Changes in Deer Regulations 2012 - Lloyd Fox, big game wildlife biologist, presented this report to the Commission (Exhibit U). – We have had inability to get our survey through Kansas Ag Statistics so won't have survey by March so without that I will have 35,000 hunter surveys, but won't have landowner survey so should table this until next year to give deer committee extra time to discuss these issues.

7. Falconry Regulations – Mike Mitchener, wildlife section chief, presented this report to the Commission (Exhibit V). – This was brought to you last year and several times since then. Nothing has changed from last Commission meeting. Ron Klataske – It says we have 71 falconers, do you know the number and type of birds these falconers have? Mitchener – Would have to put together from all forms they turn in, they trap them and turn them loose and then breeding goes on. I don't have number right off the top of my head. Point out that falconers live in town, this afternoon rehabilitators can't keep birds in town. Falconers can educate the public also. Rehabilitators are one of your constituents too, gave them short end of the stick today. You should go back and make these things consistent. Commissioner Meyer – A rehabilitator can have several animals, big difference there, good healthy animals. Not prohibited from communities. I wouldn't want to live next to menagerie either, but don't cast them all out.

Commissioner Bolton – Not throwing them all aside, no one talked about raptors this afternoon. Why are we rehabilitating possums and skunks in town? Klataske – May think it is helpful. Most people got interested from close association from wildlife.

B. General Discussion (continued)

6. Presentation celebrating 75th Anniversary of the Wildlife and Sportfish Restoration Program – Mike Miller, Information Production Section chief, presented this report to the Commission (Exhibit W, PowerPoint – Exhibit X). This is to call attention to an important event that happened 75 years ago. On September 2, 1937, President Franklin D. Roosevelt signed the Federal Aid in Wildlife Restoration Act, now called the Pittman-Robertson Wildlife Restoration Act (P-R) after its principal sponsors, Sen. Key Pittman of Nevada and Rep. A. Willis Robertson of Virginia. That Act extended the life of a 10 percent tax on ammunition and firearms used for sport hunting and earmarked the funds to be distributed to the states for wildlife restoration. The money is distributed to the states based on the number of hunting licenses they sell, and it pays for wildlife-related programs on a 75-25 match. State license and permit fees make up the other 25 percent. Since P-R was signed into law, more than \$2 billion in excise taxes have been sent to the states, which provided \$500 million in matching funds for wildlife restoration. More than 62 percent of the funding is used to buy, develop, maintain and operate wildlife management areas. Four million acres have been purchased and nearly 40 million acres have been managed for wildlife under agreements with other landowners. Twenty-six percent of the funding is used for surveys and research, two efforts extremely important to modern wildlife management programs. But it's accurately called the wildlife restoration bill. Since it was signed, historical wildlife comebacks have been witnessed again and again. In Kansas, we've seen species such as pronghorn, wild turkey, white-tailed deer and Canada geese go from nearly extirpated to thriving, healthy populations. Following in the footsteps of Pittman and Robertson, Sen. Edwin Johnson of Colorado and Rep. John Dingell Sr. of Michigan passed the Sportfish Restoration Act in 1950. Commonly called the Dingell-Johnson, or D-J, Act, this legislation was modeled after the P-R Act, and creates revenues from excise taxes on sport fishing equipment, import duties on fishing tackle, yachts and pleasure craft and a portion of the gasoline fuel tax attributable to small engines and motorboats. That money is distributed to the states based on fishing license sales and also requires a 25 percent match. This year marks the 75th anniversary of the Wildlife and Sport Fish Restoration programs. Since they began, nearly \$14 billion has been generated and apportioned back to the states. Wildlife agencies have matched these funds with more than \$3.4 billion. Grants to the state from the Sport Fish Restoration program can be used for fishery projects, boating access and aquatic education. Money from the Wildlife Restoration Program is used for projects to restore, conserve, manage and enhance wild birds and mammals and their habitat, as well as projects that provide public use and access to wildlife resources, hunter education and development and management of shooting ranges. Kansas receives approximately \$15,000,000 annually. The 25 percent match comes from hunting and fishing license sales. Some of the higher profile programs funded included Hunter Education, wildlife research and surveys, public lands and fishery maintenance, boating access, the Walk-in Hunting Access Program and acquisition of public lands. Last year, WSFR funds helped the department purchase land at the Parsons Ammunitions Plant that will be managed for public hunting, begin construction on the Hillsdale Shooting Range, and enhance the Fancy Creek Shooting Range at Tuttle Creek State

Park. WSFR funds make up 25 percent of KDWP's total budget.

7. Public Land Regulations - Brad Simpson, Public Lands Section chief, presented this update to the Commission (Exhibit Y). – There were two items we were discussing as late as Friday afternoon, and Keith sent that to you earlier this week. The public lands section manages more than 335,000 acres of land and water for public hunting and angling opportunities. Although this is a small percentage of the total land base in Kansas, these areas provide thousands of user days for hunting, angling, and other public use opportunities. High use and demand of this limited land base, it is important to manage the wildlife and their habitats on these properties, as well as manage the users in a way that provides fairness and opportunity for all. The combination of a limited land base and high use can result in user conflicts and limit opportunities. Public Lands staff have discussed these issues and thoroughly reviewed the public lands regulations in order to determine how to appropriately address them. Two items involving hunting equipment were identified in regards to opportunity and fairness. These include the use of tree stands/portable ground blinds and waterfowl decoys. Baiting was identified as a potential biological issue that is currently not prohibited on public lands. To determine how users perceived these issues, a survey of hunters was completed after the 2010-2011 fall hunting seasons. Tree Stands/portable ground blinds: the use of tree stands and portable ground blinds are addressed in KAR 115-8-2 and it addresses the duration, time period and removal requirements, and makes it clear that a stand or ground blind doesn't provide exclusive use. Many areas have been inundated with tree stands placed by a few individuals and in some cases stands were never removed (in some areas 20-50 stands). The use of portable ground blinds on public lands has increased significantly. It can be difficult to determine if a ground blind is occupied or unattended without approaching it. Survey results indicated that the majority of respondents feel the number of tree stands should be limited, 58 percent in favor, 17 percent opposed and the rest had no opinion. In survey, recommend ground blinds be removed at the end of every day. Sixty-eight percent in favor of tagging or some form of identification, six percent opposed. The department recommends: 1) to limit the number of tree stands to two per person on any wildlife area. All tree stands must be marked with name and address of owner and KDWP number when used on public lands. This would still not allow exclusive use, meaning that anyone may use an unoccupied tree stand on public land. 2) Portable Ground Blinds cannot be left unattended and shall be removed at the end of each day on public lands. Requiring some type of orange marking on the blind is also under consideration. The use of decoys, waterfowl decoys in particular, are not addressed in the public lands regulations. Unattended waterfowl decoys have been identified as an issue; this gives the impression that the area is occupied. The practice of leaving unattended waterfowl decoys in the water has been increasing on some areas, thus creating exclusive use by those leaving them. Public lands survey respondents indicated they are opposed to unattended decoys. 3) Waterfowl decoys cannot be left unattended and shall be removed at the end of each day on public lands; 61 percent in favor, 12 percent opposed. The popularity of baiting or artificial feeding used to attract deer or turkeys to a particular area has rapidly increased across the state to increase harvest success. At the time most public lands regulations were adopted, this practice was not as popular as it is today, therefore it is not addressed. Baiting is controversial and the ethical, biological and ecological issues surrounding its use have been debated. It has long been considered that baiting increased the potential for disease transmission, and aggression, injury, and habitat damage have been observed at bait sites. Surveys indicate that

most hunters support the prohibition of baiting on public lands. 4) No person may place, use or hunt over bait on public lands; 47 percent approve, 43 percent opposed. The definition of “baiting” will be developed, but the primary intent is to prohibit the placement of grain, minerals, or other attractants on the ground to attract wildlife to a particular area. The use of scents and lures for furharvesting will still be allowed. Use of lead shot on dove fields, mix of sunflower and wheat stubble and considering recommending the dove managed fields and run it through our reference document, already have 15 areas nontoxic shot for everything, but will make some for dove only. The last issue is commercial guiding, and there has been consideration to create a permit system for guides on public lands. We’ll give free permit so we can monitor them. This will give us an opportunity to see how much guiding is occurring on our public lands.

Commissioner Budd – On commercial activity, I would like to see proof of insurance and permit fee be \$2,000. On waterfowl hunting, hunters should remain 200 yards apart for safety. If they are guiding they are guiding for a fee, they are taking our resources, there should be a dollar fee attached to that. Simpson – We are spending millions of dollars managing our public lands.

Tymeson – The legislature took that authority from us. What Brad is proposing is to establish a baseline on wildlife areas to have an idea of impact to average user. Need to take a baseline look at it first. Commissioner Budd – What are you asking from them now? Simpson – Fill out application and give them free permit and form at end of season to see how many people they took out, what the harvest was, etc. to give us some idea of information we don’t have. Simpson – One other issue, area at Texas Lake, sloughs are relatively close, can’t see other hunters in the other depression and would be limiting number of hunters that could be hunting. Chairman Lauber – You have four recommendations and two others you are studying. Simpson – Cover tree stands, waterfowl decoys and baiting. Implement lead and dove hunting in 2013. Chairman Lauber – Use agency number on tag? Don’t know what to do about concern on 200 yards apart. Tymeson – It will come back in April or June for vote.

Tim Donges – Define wildlife area for tree stand regulations. I hunt El Dorado SP, two stands per person? I set 20; I hunt the wind and two stands is not enough. The problem I see is the stands that don’t get taken down. That would severely impact my hunting and I would have to move them daily. The baiting and CWD, do we restrict baiting where we have CWD? Simpson – No we do not. Donges – Then why for archery?

Matt Palmquest – Commendable to be proactive with CWD and take the first step and lead by example, regardless of the people’s stance on that.

Tymeson – It will come back in April or June for vote.

Tim Donges – Define wildlife area for tree stand regulations. I hunt El Dorado SP, two stands per person? I set 20; I hunt the wind and two stands is not enough. The problem I see is the stands that don’t get taken down. That would severely impact my hunting and I would have to move them daily. The baiting and CWD, do we restrict baiting where we have CWD? Simpson – No we do not. Donges – Then why for archery?

D. Public Hearing

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

1. Free Park Entrance and Free Fishing Days by Secretary’s Orders Todd Lovin, Tuttle Creek State Park manager, gave this report to the Commission (Exhibits AA, BB). Free fishing days are the first weekend in June (June 2 and 3, 2012). Have a few changes on park entrance days, two days in the past. Those entrance days are left up to the events that each manager chooses at that park. We have listed those for you, and we would like approval to go forward with dates as listed. Put together a small committee, and we came up with one free day and call it an open house or free entrance and that would be March 31, the last day to purchase permit at

off-season rates. Something else would be to have open house at a cabin, for instance 11:00 PM to 3:00 PM. We want to do something that identifies individual parks, for example, at Tuttle Creek we have an archery range. It would more of a department event rather than a state park event. The second free day would still be individual state park's choice. Would have the best of both worlds; something marketable and something for their own events. OK Kids is one of the bigger events.

XII. Old Business

XIII. Other Business

A. Future Meeting Locations and Dates

March 22 – Topeka (Kansas Historical Society/Museum)

April 26 – Wichita (GPNC)

June 21 – Kansas City (Cabela's)

August 23 – Great Bend (Wetland Education Center)

October 18 – Flint Oak Ranch

XIV. ADJOURNMENT

The meeting adjourned at 9:37 p.m.

(Exhibits and/or Transcript available upon request)

Exhibit CC – Email from constituent on Proposed Deer Hunting Changes

Exhibit DD – Email from constituent on Guiding on Public Lands