

REVISED AGENDA
KANSAS DEPARTMENT OF WILDLIFE, PARKS & TOURISM
COMMISSION MEETING AND PUBLIC HEARING
Thursday, June 21, 2012
Cabela's
10300 Cabela Drive, Kansas City, Kansas

- I. CALL TO ORDER AT 1:30 p.m.**
- II. INTRODUCTION OF COMMISSIONERS AND GUESTS**
- III. ADDITIONS AND DELETIONS TO AGENDA ITEMS**
- IV. APPROVAL OF THE April 26, 2012 MEETING MINUTES**
- V. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS**
- VI. DEPARTMENT REPORT**

Statewide Habitat Conservation Award (Jake George)

A. Secretary's Remarks

- 1. Agency and State Fiscal Status (Robin Jennison)**
- 2. 2012 Legislature (Chris Tymeson)**

B. General Discussion

- 1. Tourism Briefing (Becky Blake and Bridgett Jobe – KCK Tourism)**
- 2. Spring Turkey Regulations (Jim Pitman)**
- 3. Animal Damage Control Briefing (Keith Sexson)**
- 4. Legislative Regulation Changes (Chris Tymeson)**
 - Crossbow units and other deer regulation changes**
 - Scoring methods for poaching bill: antelope, whitetail deer, mule deer, elk**
 - Senior hunt-fish licenses/pass**
 - Park entrance fees**
 - Transfer agritourism regulations to KDWP**

C. Workshop Session

- 1. Fishing Regulations (Doug Nygren)**
- 2. Late Migratory Bird Seasons (Tom Bidrowski)**
- 3. Falconry Regulations (Mike Mitchener)**

VII. RECESS AT 5:00 p.m.

VIII. RECONVENE AT 7:00 p.m.

IX. RE-INTRODUCTION OF COMMISSIONERS AND GUESTS

X. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

XI. DEPARTMENT REPORT

D. Public Hearing

- 1. K.A.R. 115-8-2. Blinds, and tree stands, and decoys. (Brad Simpson)**
- 2. K.A.R. 115-8-23. Bait; hunting. (Brad Simpson)**
- 3. K.A.R. 115-8-24. Commercial guiding on department lands. (Brad Simpson)**
- 4. K.A.R. 115-17-6. Commercial mussel fishing license; mussel salvage permits; license or permit application and requirements, authority, reports, general provisions, and license or permit revocation. (Ed Miller)**
- 5. K.A.R. 115-17-7. Commercial harvest of mussels; legal species, seasons, size restrictions, daily limits, and possession limits. (Ed Miller)**
- 6. K.A.R. 115-17-8. Commercial harvest of mussels; legal equipment, taking methods, and general provisions. (Ed Miller)**
- 7. K.A.R. 115-17-9. Commercial mussel fishing; open areas. (Ed Miller)**
- 8. K.A.R. 115-20-7. Doves; legal equipment, taking methods, and possession. (Tom Bidrowski)**
- 9. K.A.R. 115-25-20. Sandhill crane; management unit, hunting season, shooting hours, bag and possession limits, and permit validation. (Tom Bidrowski)**

10. Early Migratory Birds (consensus) (Tom Bidrowski)

11. K.A.R. 115-25-1. Prairie chickens; open seasons, bag limits, and possession limits; permit. (Jim Pitman)

12. KAR 115-25-9a. Deer; open season, bag limit, and permits; additional considerations; Fort Riley. (Lloyd Fox)

XII. OLD BUSINESS

XIII. OTHER BUSINESS

A. Future Meeting Locations and Dates

XIV. ADJOURNMENT

If necessary, the Commission will recess on June 21, 2012, to reconvene June 22, 2012,, at 9:00 a.m., at the same location to complete their business. Should this occur, time will be made available for public comment.

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

The next commission meeting is scheduled for Thursday, August 23, 2012 at Kansas Wetlands Education Center, 592 NE K157 Hwy, Great Bend, KS

**Kansas Department of Wildlife, Parks & Tourism
Commission Meeting Minutes
April 26, 2012
Great Plains Nature Center, Wichita KS**

Subject to
Commission
Approval

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

The April 26, 2012 meeting of the Kansas Wildlife, Parks and Tourism Commission was called to order by Chairman Gerald Lauber at 1:30 p.m. at the Great Plains Nature Center. Chairman Lauber and Commissioners Debra Bolton, Don Budd, Randy Doll, Tom Dill, Frank Meyer, and Robert Wilson were present.

II. INTRODUCTION OF COMMISSIONERS, STAFF AND GUESTS

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

III. ADDITIONS AND DELETIONS TO AGENDA ITEMS

Sheila Kemmis – Revised agenda, added ORMS Update by Linda Lanterman to General Discussion. Provided several emails regarding sandhill cranes.

IV. APPROVAL OF THE March 22, 2012 MEETING MINUTES

Commissioner Don Budd 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 (QDM), El Dorado offered free memberships for the Commissioners if they would like one, part of continuing education. He announced that the QDM banquet would be in El Dorado on June 9.

VI. DEPARTMENT REPORT

A. Secretary's Remarks

Chris Tymeson – Announced that commissioners can't accept free membership, ethics laws – they can still give you their email address if they wish.

1. Agency and State Fiscal Status – Chris Tymeson, chief legal counsel, presented this update to the Commission (no handout). This is one of the least contentious years we've had legislatively. Typically three budgetary bills that pass, on a normal year. Right now there is one big Omnibus bill and a few things we are watching: our requested supplemental of \$1.2 million on Parks side because of last year's off year has been reduced to \$800,000. There has been a lot of talk about court system and furloughs, and we chose to borrow from within from the road fund and that will be repaid. 2013 House and Senate agreed to replace 33 vehicles, however mileage restrictions are 180,000 miles, about \$240,000 hit; reduce longevity from \$50 to \$40; positions vacant more than 120 days, proviso would delete those as of July 1.

2. 2012 Legislative Update – Chris Tymeson, chief legal counsel, presented this update to the Commission (no handout). In veto session, if use 90 days, last day would be May 11. There are items that are not department issues, redistricting, KPERs, budget, etc. Expect redistricting first then budget, then they go home.

SB288 and HB2189 – alcohol, regulatory authority to close by regulation, passed by Senate, in House no opposition, but bill was gutted and put in one bill, which is sitting in House. There is a high likelihood it will be passed.

SB314 – Senior licensing - this bill was amended to allow seniors to purchase a lifetime combination hunting/fishing license that would cost \$40 or they could purchase an annual fishing or annual hunting license for \$9, which is half-price of the current annual licenses; amendment also provided a license exemption for those 75 and older; added HB2295 into this bill, and it has been on general orders since late in session. Robin is watching, now placed in redistricting bill, but will be back on calendar tomorrow. We expect vote next week.

SB316 – Recodification of department signed by Governor

SB380 - Crossbow bill, House bill is very much alive, to spite the fact Commission passed an alternative, Senate does not want it passed.

HB2295 – Deer bill, whitetail combination permit; provisions for law enforcement and mandatory checks of landowner/tenant, added to SB314.

5017 – Passed Senate this year, House last year; set different rate for boat taxes, go to vote in November.

HB2491 – Talked about January, firearms possession during restricted season, like archery, backed off to handguns, passed in March.

HB2596 – Substitute feral swine bill; passed out of the Senate Committee on Agriculture on March 15, 2012, no confined hunting facilities allowed. We're just peripherally watching it.

HB2709 – Substitute bill amends statues concerning hunting violations, trespassing and criminal hunting; number of proponents, Tim Donges for one; increases penalties for wildlife violators, scoring

of antlers for fines; look for this fall, passed out of House, also change purple paint to orange, but allowed for a phase-in period. It passed House and is conferenceable; also landowners can shoot at wildlife to haze them off their property -- which we oppose.

HB2729 – Hearing in House, report was lost, then back to Committee. It was passed by the House, went to Senate, but it was impossible to get out of Natural Resources Committee. We've talked to some folks and there was a hearing today. We expect it to move out and pass Senate today.

Commissioner Budd – On crossbow bill, what is the difference between what we did and what they want? Tymeson – They want legal equipment during archery for everyone, but it is tied to our bill, so puts us in a bind; **HB2714** or **HB2729** possible places, realistically **HB2709**, expect it to pass if brought to vote. **HB2295**, **SB314** and **HB2709** all have items in them; whichever they think can pass.

Commissioner Budd – How many years have you been doing this? Tymeson – Thirteen years.

Commissioner Budd – Ever seen so many wildlife issues? Tymeson – Yes, this is not bad, but above normal. Commissioner Budd – Who are opponents on high fence for hogs? Tymeson – Those who think it is a money-making issue, those that think it is a game species; tried to not get in the middle of that.

Commissioner Meyer – What is population of hogs? Tymeson – Going down because of measures we took five years ago, banning feral swine hunting. It is working and being touted across the nation as a good idea. Chairman Lauber – Is it SB314 that has antlerless rut? Three or four deer items in that bill, any one part of that bill have more proponents than any others? Tymeson – Law Enforcement time

would cause a financial loss to us if we had to check landowner/tenants; those who want to reduce deer numbers, don't know of any one item. Monday and Tuesday was Sportsman Caucus, heard renewed push on crossbow issue. Think hunt-own-land (HOL) will go away because not economically feasible. It helped that we passed a crossbow regulation, but expect a pre-rut hunt and combination whitetail will pass. Chairman Lauber – Least intrusive would be a combination permit? Tymeson – Would have to defer to Lloyd, Mitchener or Joe. Lloyd has some slides later. Commissioner Budd – Is House and Senate seeing same resistance we were seeing on the crossbows? Tymeson – KBA very well organized, could keep that from coming up; data will show that there is a constituency in favor of that, contacting your legislator makes a difference.

Duane Chapman - Lived in Kansas for 65 years now, don't bow hunt but have lifetime license. See no difference between the crossbow and today's muzzleloaders.

Ron Klataske, Manhattan – Is Legislature distinguishing between mule deer and whitetail, because we don't feel mule deer could take the additional hunting pressure? Tymeson – Don't believe most of them even know that we have two deer species in Kansas. Klataske – Could lose a lot of mule deer. Chairman Lauber – Had constituent who came to a meeting that said mule deer are an issue. Some deer bills not based on scientific thought. Tymeson – As bills move and department makes recommendation on language, hope we could make some suggestions and hopefully that would appear in the language

B. General Discussion

1. Hunter/Angler Recruitment and Retention Program Update – Mike Miller, Information

Production Section chief, presented this report to the Commission (PowerPoint – Exhibit D; Exhibit E). Pass It On is a hunter recruitment and retention program and was established in late 1990s, early 2000s by Secretary Williams and Assistant Secretary Manes. Discussed statistics chart. After more than a year of work with internal and external committees appointed to address declining numbers of Kansans who hunted, final plan included: education and awareness, outdoor mentors, youth hunts, retention and access. The emphasis has focused on getting young people in the field through outdoor skills events, special youth seasons and special youth hunts. An outdoor mentor program was in the initial plan, most hunters are mentors, but we could not ensure volunteer mentors would be legitimate, so a program was established through Big Brothers Big Sisters who now has their own 501(c)(3) and they can do background checks. The access portion of the plan is covered by WHIA. Since then established youth seasons, which are open for people with disabilities also. We developed some special hunts, mostly coordinated by field staff, most of whom are associated with a wingshooting or outdoor skills event or special hunt in addition to their regular work. To give kids a chance to experience it, you have to put a fishing pole or shotgun in their hands to get them involved. Do a lot of outdoor skills events such as wingshooting clinics. Have four part-time employees who do these, we buy targets and shotgun shells by the pallet. Jim Kellenberger will do about 20-25 events each year from 10-25 kids each. One of the highlight events is at Council Grove (Brent Konen) and local people help with this. Youth hunts can't do as many kids at these, but has been really popular. Work with outside groups such as conservation organizations, (Archery in the Schools, Hunter Education in the Schools, 4-H Shooting Sports, Boy Scouts, local gun clubs, high school and college groups) and we help them with targets and shells. We talk about our churn rate and look at incentives to get people to buy permits every year and before the seasons open. The reward is seeing the success of a youth hunts, it can't be done by internet or video games. Through this whole thing wanted to sell more licenses, if we don't sell permits, don't get federal aid and aren't able to continue these programs. One of the things I have discovered is it is more valuable than just selling more licenses or preserving our hunting heritage. During the events I've participated in, I've never had a kid act up while we were at these events. The kids respond positively to the one-on-one attention they receive at these events and trust given to them is positive. We have been promoting that as much as selling more permits. Not all kids will enjoy hunting or fishing, but a percentage will do it the rest of their life after going one time, some will go again with friends, and some will maybe go once in a while; but all valuable effort. Law Enforcement officers are better accepted in community because of these youth events. Hundreds of fishing clinics each year, fishing's future, hired part time person; we have four part-time hunting people who have a truck, trailer and equipment who can drive up and set up just about anywhere. Most of money is spent on equipment and we have 80 guns, 30 target launchers, 25 youth Genesis bows and safety equipment for youth events. We just recently worked with Pheasants Forever to hire a youth outreach coordinator, which KDWP is partially funding. Commissioner Bolton – Where is equipment used? Miller – Where ever we can provide them, equipment can be checked out from our regional offices.

2. Outdoor Recreation Management System (ORMS) Update - Linda Lanterman, assistant

Parks Division director, presented this report to the Commission. We launched ORMS at 12:17 a.m. on April 17, 2012, and we sat and watched the traffic on the internet. We have a few wrinkles to work out, but we've sold \$240,000 from 34,000 reservations for 14,000 nights so far for camping and cabins and ORMS takes some of that money out of the field. In addition we're starting to look at statistics we haven't been able to see before. Normal nights would be 3.3 nights per stay, but now we're seeing 4.7 nights from this system. Downside for some people is we are collecting your data, but once it is in the system we won't have to collect that again.

3. Fishing Regulations:

Hand Fishing Harvest Analysis – Susan Steffen, environmental scientist, presented this report to the Commission (PowerPoint – Exhibit F, Exhibit G). The Kansas Department of Wildlife, Parks and Tourism (KDWPT) has offered handfishing for flathead catfish since 2007. The handfishing season runs from June 15 to August 31. From 2007 to 2010, handfishing was allowed in the Kansas River from its origin downstream to its confluence with the Missouri River and the Arkansas River downstream from the John Mack Bridge in Wichita to the Oklahoma border. Since 2011, handfishing was expanded to the entire length of the Arkansas River in Kansas and all federal reservoirs from beyond 150 yards of the dam to the upper end of the federal property. Anglers who participated in handfishing were required to purchase the handfishing permit for \$27.50 in addition to a valid Kansas fishing license (if a fishing license was required). Handfish anglers could not use hooks, snorkeling or SCUBA gear, or possess any fishing gear except a stringer. Man-made objects, such as barrels, boxes, or bathtubs, could not be used to attract fish. Permit holders were required to submit a questionnaire within 30 days after the season closes to estimate flathead catfish harvest. Looked deeper into who bought permits and only four have bought permits all five years it was available. Supplemental information, including participation and trip characteristics, was requested in the 2011 handfishing season questionnaire. A total of 363 anglers purchased a permit in 2011. Of those who returned surveys, 153 (80 percent) participated in handfishing during the 2011 season. The projected number of handfish anglers was 289, the majority fishing on the Arkansas River. A total of 722 flathead catfish were reported harvested, and accounting for the anglers we didn't receive a response from, the projected harvest was 1,084 flathead catfish, mostly on the Ark River. A total of 483 flathead catfish were reported released and the projected number of flathead catfish released was 763. General characteristics: average party size is three people; two-thirds caught blue or channel catfish, but can only harvest flathead; 40 percent of fish get away; 20 percent used a boat to get to their locations, indicating most locations were accessed by shore. Fifteen percent of respondents were checked by a natural resource officer. (Showed graph of harvested and released fish.) Flathead catfish reach sexual maturity at 20-24 inches. Handfish anglers collect them at 21 inches. Asked what else people want to share, the two most common comments were requests to open it statewide to all waters and a longer season. Not feasible to open statewide because of some access issues. The Arkansas River is most common handfishing location. Drought and low water conditions last year, especially in the Arkansas River, may have allowed handfish anglers to be more successful at catching flathead catfish than previous years. This was first year it was opened to reservoirs. Coinciding

with spawning season, so they do fairly well in July with what they have. Summary: sold more permits, increase in participation, 1,084 flathead catfish, most Ark River and Perry Reservoir and best time is July. Hope to continue to monitor flathead catfish harvest.

Natalie Donges, El Dorado – Do you think the 1,000 or so taken was acceptable level? Steffen – Don't feel I can really answer that. We need to have more information than we get from voluntary harvest information. Donges – Popular on TV and in surrounding states. Steffen – More popular, called hand grabbing in other states, but so few people are doing it at this point. Donges – I didn't realize you opened reservoirs, on state owned land, will you make it legal on those lands? Steffen – Can do it legally in some places, refer to local conservation officer because they know boundaries. Donges – If you open it up expect less poaching? Opening to owner permission would be great. Sexson – If we did that would have to have permission of landowner to be on private stretch of water. Chairman Lauber – Consider opening this statewide at some point, if it doesn't hurt spawning populations? Nygren – Consider other large rivers in the states that are not considered navigable.

Fishing Regulations – Doug Nygren, Fisheries Section chief, presented this report to the Commission (Exhibit H). One possible change not in briefing book is that Veterans Memorial Park Lake in Great Bend wants to move trout stocking to Stone Lake instead because of blue-green algae problems. It would be a Type II lake. We implemented a 35-inch minimum length limit (maybe 22-24") at El Dorado Reservoir on blue catfish. Most changes are changes in length and creel limits. Have been asked to change length and creel limits for Coffey County Lake: change to a 21-inch minimum length limit on walleye, change to an 18-inch minimum length limit on smallmouth bass, change to an 18-inch minimum length limit and a 2/day creel limit on largemouth bass. In addition, no trotlines or set lines will be allowed. Minimum length limit options for blue catfish. We are considering other minimum length limit options for blue catfish. Currently, we have a 35-inch minimum length limit option, which was originally imposed to protect newly-established blue catfish populations until they could naturally reproduce and to provide for extra predation on expanding white perch and zebra mussel populations. We have documented natural reproduction in Milford and El Dorado reservoirs, and will likely see this trend in other reservoirs in the future. A minimum length limit of 24 inches would allow anglers the opportunity to harvest fish in our expanding populations, yet still afford protection for some sexually mature fish. Alabama Rig (5 hooks) is an artificial lure. Want to clarify 115-1-1 for artificial lures which is a manmade fish catching device used to mimic a single prey item. Artificial lures may be constructed of natural non-edible (e.g. including hair, fur, etc.) or synthetic materials. Multiple hooks, if present on an artificial lure are counted as a single hook. Chairman Lauber – Can't fish with five hooks, only one or two now? Nygren – Have five lures, but only two hooks and have to cut the rest off. People buying them with spinners on the other lines, which makes it an effective bait. Are legal to use in most bass tournaments now and are very successful. Susan is only getting 50 percent response on mandatory survey -- not much better than voluntary, so we want to drop requirement for mandatory survey. We believe that practicing good survey techniques will allow us to get voluntary responses from permit holders. Changes to commercial and "wild-caught" bait regulations were approved in 2012. The principles behind the regulatory changes follow the longstanding clean, drain, and dry

recommendations. The goal is to prevent the spread of ANS while allowing for the safe utilization of our aquatic resources. Generally speaking these rule changes are: to allow anglers to use bait in the water where caught, to require the draining of untreated water when leaving -- ANS spread can be prevented when the water is eliminated prior to transport; to disallow the dumping of fish and bait into waters in which they did not originate; to prevent ANS transport when departing ANS designated waters; and to assure bait shops to be ANS and disease free. Secretary Jennison has been approached by bass tournaments about moving boats from upper end of boat to weigh-in area, Texas allows as long as they took the most direct route, and we might consider that. Identified gaps to facilitate adherence to the regulatory intent, we propose the following rule clean-up: fish can be transported from private water fishing impoundments; water can be transported in all non-boating containers; fish cannot be captured in the stream or river and used in the immediate downstream reservoir; commercial bait dealers are required to provide receipts, but anglers are not required to provide origin documentation when transporting bait; wild-caught, out-of-state bait; 115-17-15 cites locations where crayfish may be harvested (concern has been raised as to what are department lands and waters and federal and state sanctuaries); and wildlife may be stocked into all streams other than KDWPT lands/waters, federal reservoirs, and the three navigable rivers. Original intent was not to allow in any water. It seems every two weeks a new group finds out about it and we go through the process of explaining that it is for the good of the resource. Looking at providing ice machines at lakes. This is the first spring of fishing with this new regulation. Commissioner Bolton – Thanks for finding those gaps, came about from education to Commissioners and calls that staff and we have received. We want people to use resources, but protect them as well. Commissioner Doll – Bring back regulations for these gaps. Nygren – Will workshop two more times at least. Commissioner Doll – Would like to hear recommendations. Commissioner Dill – Had contacts from vendors on receipts and what needs to be on them. Nygren – I believe we are providing simple receipts for those who don't have them available. Chairman Lauber – Trotline and limb line activity where I grew up and got 750 signatures in one petition drive. Most people understand what we are trying to accomplish and don't disagree, bluegill and green sunfish in a pond and not use in a stream, think it should be reconsidered again. If we can make some accommodations, I think we need to offer some compromise. Nygren – If not for loophole on Private Water Impoundment you would have gotten a lot more calls. Commissioner Doll – Have petition of 700 signatures? Chairman Lauber – Came from Robert Wilson.

Duane Chapman (sp. Unknown did not sign in) – Understand what you are trying to do, if a farmer digs a pond in the spring, and does no stocking, will find fish in water because of waterfowl dropping eggs. Nygren – We don't agree with that, happens during high water events. Commissioner Budd – Not based towards you, contentious issue, have Commission with expertise in some areas, given choice between Option 1 and Option 2, couldn't modify options at that point, not effective in what we want to accomplish. Here to make the end user happy, take their consideration, staff consideration and Commission consideration. We study these items a lot through many meetings, don't know if we give credit to Commission and end user, hard to make motions that are not in best interest of end user. I am not a fisherman so relied on fishermen and Commission, feel we could have resolved it that night.

Commissioner Meyer – Need to protect the resource, if we don't and allow invasive species, most people don't realize how easy it is to spread something and how it can affect future generations. I want to protect the critter instead of the humans. Commissioner Bolton – While protecting resource, put science behind those decisions as well. Commissioner Budd – All want to protect the resource. Carl Puckett, Fredonia – Catfish at Fredonia, pond or creek, if invasive species in it, will eventually end up in impoundments. Fish in drainage area and fish downstream, not bringing in anything that isn't going to end up downstream anyway. Respect rules, but need to utilize and try not to contaminate, but you have shut down recreation of catfishing. If I have to get bait before I go, I am done fishing, because I keep them in my cooler and go before work. I appreciate you trying to respect the resources. Like the idea of thinking more of the user. Commissioner Wilson – Checked bait dealers to see if they are disease-free? Nygren – Yes, have checked every one. WalMart (about 50 stores) did not have to buy this year because only selling worms, so number is down because of that. Commissioner Wilson – Can I get bait online from out-of-state? Nygren - No way for us to stop that. Nygren – Want to be able to move boat by most direct route. Chairman Lauber – Want to see some of these gaps have some suggestions made. Clearly more risk in some parts of the state for Asian carp (in northeastern part of state). Don't want to see bait issues in next year's legislative update, want to operate reasonably and prudently. Commissioner Wilson – Receipts, anglers not required to provide documentation, what is that? Nygren – No regulation to hold onto the receipt, in two different regulations. Two options: one would be to not require receipt or require angler to provide receipt. Chairman Lauber – Like to see staff work on this.

Break

4. Potential Changes in Deer Regulations 2013 – Lloyd Fox, big game biologist, presented this update to the Commission (PowerPoint – Exhibit I, Exhibit J). Do a lot of human dimension surveys to provide information to administrators to provide information to legislators, to public and provides data for regulations. Hunter opinion questions were tacked onto 2011-12 Harvest Survey, an online survey, and of 118,616 deer hunters 38,385 with email and 32,000 were selected and 19,000 responded -- about 60 percent of those sent a survey and 19 percent of overall deer hunters. KOALS data tells us from what state they come from, age, report card tells whether they hunted with archery equipment and whether they were successful for instance. Questions that came up last year were asked. Seasons for youth, good season which is nine days, but different at Fort Riley (Labor Day and Columbus Day) and asked hunters if split season was preferred, some support, but mostly neutral. Commissioner Bolton – What do you do with neutral data? Fox – What do we do with that data, we feel they want us to do whatever, don't use to make a decision, but use to help us. Pre-rut weekend question, more hunters opposed than favored; more by archery hunters than others. Moving firearms before Christmas, more support and neutral, most archery hunters. Firearms start Wednesday after Thanksgiving, strongly opposed, mostly archery hunters but others also strongly opposed; mostly non-Kansas strongly approved as opposed to Kansas hunters, but they were also strongly opposed, but also Kansas hunters strongly supported. Commissioner Budd – Breakdown of hunters? Fox – Mostly gun hunters, used to be a large percentage, but trend changing

over time, more deer hunters now than ever before and shifting more to archery equipment or multiple seasons that include archery. Question on season dates, keep same as it has been, was the most highly favored, a credit to Mike Miller and others who looked at this in 2008; bowhunters really in favor, firearm hunters more neutral. Asked about combo permit, two tags and one permit, overwhelmingly favored, pricing put more people in the neutral category. On fee for nonresidents, favored lowest rate (\$320), unless at about \$345 agency will lose money on that. On crossbow issue, support by age category and equipment, resident or nonresident. Asked question about crossbows for 16 years old or younger, when broken out by age, strongly opposed, young people were strongly supporting it. LE officers asked for a way to go ahead with dual tagging system; currently require carcass tag, asked about using photo registration for trophy class, all bucks, etc., not great deal of support from hunters for any of these; one with least opposition would be whitetail antlerless system, but would cost us to implement and to change in KOALS system. Either-species automatically get permit if applied for (youth only), most neutral, but equal support and opposed, 7.2 percent of youth are successful and 7 percent of people getting that permit are youth. No person was denied that if had one or more preference points. Gun case law, looked at because of accidents and other state laws, mostly neutral, archery support, firearms opposed, only on public highways, majority of people opposed. Have another slide on information on transmitter arrow, but it is not in this PowerPoint, carried over for review for next year. Most items are for information. Commissioner Doll – Did a survey question on that? Fox – Yes, but apparently deleted the slide, more neutral, not high approval rating, not high level of support from Deer Committee either. Unknown person – I have that here, 11 percent strongly opposed, 12 percent opposed, 30 percent neutral, 27 percent support, 20 percent strongly support; 2 to 1 in favor over not in favor. Commissioner Budd – Why did deer committee not support? Fox – New technology detracting from hunting skills, recovery of wounded animals detracting from quality of hunting experience and cause people to shoot the deer just to get an arrow in the deer and take poor quality shots. Want to take a further look at this. Commissioner Budd – Only advantage is to recover the animal once the arrow is in it? Fox – Yes. Frequently get comments from the public and surveys are not used to determine the department's program, but tell us how things might be perceived if something goes a certain way and helps us come up with educational programs to promote if needed. Overall hunters were satisfied with current seasons and regulations. Youth seasons received support, but not strong support, mostly neutral. Pre-rut antlerless was both controversial and divisive.

Carl Puckett – Wanted to get dates change for youth, was opposition from bowhunters and nonresidents, was average gun hunter in favor of it like me? Fox – Archers mostly opposed, but mostly neutral in gun hunters, opposed and supported about the same. Puckett – Ask hunters what they think about changing, not guides or outfitters, but average hunters. Chairman Lauber – I have not found anyone who supported that change, most said small game and family hunting time. Don't feel we want to go there. Puckett – No quail hunting anymore.

Tim Donges, QDM – All these are opinions, what are the facts on what you believe is the best time to take antlerless deer in November, scientifically? How do you feel an earn-a-buck program where you have to shoot a doe first? How would it impact Kansas? Fox – Magazine article in Boone and Crockett,

more trophy deer taken post rut, one article and that is primary support. Other states have information showing progressive changes regardless of when season is and more selective today. Don't know if much of a significant effect, agree with article, but hunters desire to keep it where it is. Don't feel controversy would be good for us. Earn-a-buck program in other states has been controversial, Michigan passed law to not be able to do that. Do research to look at what it might do biologically, but how well it will be accepted, expect political and social problems to develop. Respect earn-a-buck in group or club, but not statewide. Donges – See benefits to early season? Fox – Agree with information coming out of Ohio, don't have public support to accomplish that, use this information to go that way. Donges – When doing surveys why don't you put in your biology to use it to educate the public. Fox – Want unbiased opinion. Donges – Don't want to hurt the natural resources, can we work that in. If asking survey on baiting and don't understand the problems? Fox – Have people trained in human dimension surveys. Ask them how they feel and then provide information and see how that affects their response. Commissioner Bolton – As a trained social scientist, want honest opinion don't lead them with the science, not the way it is done in human dimensions. Susan Steffen – Fine line between quizzing the respondent, don't lead them in certain direction. Commissioner Doll – Who is on deer committee? Fox - Five district biologists, two area managers, two law enforcement personnel, one statewide coordinator, one chief of game and myself, about a dozen people. Commissioner Wilson – Will you send us survey results? Fox – Yes.

5. Late Migratory Bird Seasons - Tom Bidrowski, migratory bird manager, presented this report to the Commission (PowerPoint – Exhibit K, Exhibit L). Late-season waterfowl frameworks are established annually by the U.S. Fish and Wildlife Service (Service). These frameworks establish the limits that states must operate within and are published in mid-August, after results from the May Breeding Duck Survey and recommendations from flyway councils are available. The results of the May Breeding Duck Survey, which includes duck abundance as well as pond numbers, will not be available until late July; however, we do not anticipate any major changes in the frameworks. Water conditions in Prairie Potholes for ducks is one of the greatest determining factors for upcoming 2012-13 waterfowl seasons. It still early but based on indicators, we anticipate no major changes in the federal frameworks for ducks this upcoming season. Early reports from the prairies have noted that despite below normal snow melt runoff, residual moisture from the 2011 flooding has maintained conditions for larger wetlands. Production will likely be down from last year's record counts, but is still expected to produce healthy populations for most species. Last year's flooding may have negatively impacted nesting habitat conditions for some diving duck species that nest over water. Since 1997, the Central Flyway has remained in the liberal package for ducks, which allows outside dates between September 22 and January 27. Season length frameworks allow 97 days in the High Plains Unit with the last 23 days starting no earlier than December 8 and 74 days in the Low Plains Unit. Bag limit frameworks allow six ducks, including five mallards (no more than two of which may be females), two redheads, two scaup, three wood ducks, two pintails, and one canvasback; five mergansers, only two of which may be hooded mergansers (states do have the option to include mergansers in the duck daily bag limit); and 15 coots.

Shooting hours are one-half hour before sunrise to sunset. Zones: High Plains – no zones and up to two segments; Low Plains – three zones with each having up to two segments. Due to goose life histories (long-lived), populations do not fluctuate greatly or vary from year to year. Timing of snowmelt in the arctic has greatest affect on production. As such, traditional management strategies for geese rarely change from year to year. Most goose populations are healthy and in the Central Flyway, Canada and light geese are at the maximum season length of 107 days allowed by Migratory Bird Treaty Act. Greater white-fronted season similarly will likely be unchanged with a 74-day season. Although too early to predict with certainty, we anticipate no major changes for the upcoming season regarding federal frameworks. Summary of dates for meetings: June 20-21, Service Regulation Committee; June 21, KDWPT Commission Meeting – Workshop Session; July 15-20, Central Flyway Council Meeting; July 25-26, Service Regulation Committee; August 23, KDWPT Commission Meeting – Public Hearing. Commissioner Budd – Do you take into consideration what USDA has done? Bidrowski – Have already changed duck seasons two weeks earlier. Commissioner Wilson – When did freeze occur in southeast zone? Bidrowski – Do not believe Marais des Cygne froze up this year. Commissioner Wilson – Believe when we had a freeze, affected the way we hunt the ducks. Bidrowski – Those who can open water hunt seem to hunt longer. No change this year in numbers even though there was no freeze. Commissioner Dill – Why is early zone the way it is? Bidrowski - Split reservoirs from marshes. Carve around Arkansas River and Cedar Bluff, really to capture large reservoirs.

C. Workshop Session

1. Early Migratory Bird Seasons – Tom Bidrowski, migratory bird manager presented this report to the Commission (Exhibit M, PowerPoint – Exhibit L). September Teal Season is designed to provide harvest opportunities on teal that normally migrate through Kansas prior to general waterfowl season. Season lengths are based on breeding teal population estimates that are not available until June. The final Federal Frameworks will not be set until the June 21 USFWS Service Regulatory Committee Meeting. However, based on last year's blue-winged teal breeding population of 9 million and spring habitat conditions in the Prairie Pothole Region (which has good carry-over from 2011), the 2012 count is expected to allow for a 16-day season, September 15-23, early September 8-15. In developing season dates it is important to note that only eight days will be available in the High Plains due to 107-day limit on hunting of any one species set by the Migratory Bird Treaty Act. The regular High Plains duck season of 97 days is allowed under the regular season liberal package, and with two days of youth hunting leaves only eight days to reach the 107-day total. Commissioner Budd – Could you provide information to us when you get it? Bidrowski – Yes, expect it the day of the next Commission meeting.

2. Webless Migratory Birds – Tom Bidrowski, waterfowl biologist, presented this report to the Commission (Exhibit N, PowerPoint – Exhibit L). I have two items to discuss, sandhill cranes and doves. Doves - This proposal would require that doves be taken only while in flight similarly to the method of take required for other state game birds like pheasants and quail. The basis of this proposal is

to ensure safety and reduce any potential damage to property or loss of services (high lines). Commissioner Wilson – Support this recommendation. Sandhill Cranes – Kansas is one of nine states that allow sandhill crane hunting in Central Flyway (NE is only state that does not). Kansas has often been more restrictive than federal sandhill crane hunting frameworks, and the current limited shooting hours were implemented in 2005 to reduce the chance for misidentification of whooping cranes. This proposal would change the current legal shooting hours for sandhill cranes to sunrise to sunset for the entire season. The proposed regulation change will reduce regulation complexity, improving hunter participation and satisfaction while maintaining safeguards to prevent accidental take of whooping cranes.

Ron Klataske, Executive Director Audubon of Kansas – We are opposed to these changes being proposed and encourage you to maintain existing safeguards to protect whooping cranes. Occurrence earlier was damage to more than that vital species, slightly under 300 birds. Most mortality comes from power lines. Take assumption of illegal shootings are not reported, but don't think we want to go there. Do know of this one instance in Kansas and unfortunate reflection on regulation as well. We have argued that Cheyenne Bottoms and Quivira should be closed to sandhill cranes when whooping cranes present and don't feel that was done. Casts a shadow over ethical hunters as well. The sport of hunting does not need situations of that nature. No compelling reasons for shooting hours to be at sunrise, but originally when season was established the primary push was to alleviate crop damage and shooting them a half hour earlier will not impact that. No more hunting under low light conditions, when can't distinguish between silhouettes. Consistent with waterfowl hunting, need a refuge area and keeps them in the area longer, if no retreat area you drive them out of the state, don't need to shoot all day. Cranes need a place to rest and feed and recoup and shooting ending at 3:00 provides that and avoids some of same conditions you have at sunrise on silhouettes. Juvenile whooping cranes are not pure white. Objection in part is to serve many purposes, not only constituents who may or may not be hunters, build cooperation for agency and wildlife conservation to reach out to stakeholders. Audubon is not viewed as an anti-hunting association. Ask you not to implement these changes, set up committee to discuss these issues. Agency doing many things to recruit and retain hunters, public support and public acceptance and the decision on this should be viewed in the same vain. Your agency title also includes tourism and you should include that on agenda. Commissioner Doll – On thrust to change season, why? Bidrowski – Second half of season is already at sunrise, other waterfowl is half hour before sunrise. Include until sunset like other waterfowl seasons. Commissioner Meyer – I was here when this all happened and there has not been a whooping crane shot since. I live west of Lake Herington, at sunrise every type of waterfowl and hard to identify which is which. Appreciate agriculture wanting to move the birds through the state and hunting organizations who want more opportunity. Appreciate tourism and getting the opportunity to watch these magnificent birds. Protect this valuable resource and this species and anything we can do for the sake of the birds. What we did eight years ago is working and we need to protect birds as well as the hunters. Commissioner Dill – Federal frameworks are half hour before sunrise to sunset. So still not that restrictive? Bidrowski – Correct. Chairman Lauber – I do hunt sandhill cranes, understand conformity of time. Also, I was on Commission when this occurred, and it was done

before legal season. Either option would not have protected those birds. To deal with outcry, we decided to create online mandatory crane test which must be taken each year. Not have helped us in 2003. Ron, received several emails from your constituents, but I'm not sure whether wanted to protect whooping cranes or to stop sandhill crane hunting. Believe sandhill cranes can stand season set by federal frameworks. Don't feel we have to continue with restrictive frameworks. Could still have happened because they shot those birds 35 minutes before sunrise. Need to work to provide opportunity consistent with protecting endangered species. More conflict with people when more birds. Can't legislate ignorance. Ron Klataske – Problem is we all pay the price for ignorance. Don't know when shooting occurred here in Kansas. Don't believe National Audubon is anti-hunting either. If you change to sunrise and greater risk of whooping cranes being shot, expect more opposition to close area to sandhill crane season when whooping cranes are in the area. Not only state more restrictive than federal framework, Nebraska has no season at all. Fulfills 80 percent to 90 percent of what department has been asking for, need to consider other items as well. Chairman Lauber – Do we know when shooting took place? Bidrowski – I would have to look that up. Commissioner Meyer – In Nebraska eating residue of corn crop, in Kansas eating wheat, understand why agricultural community wants to keep them moving around. But why change it if it is working. Commissioner Budd – No different than someone who went deer hunting and shot an elephant, time wasn't the cause, misidentification was the cause. Chairman Lauber – Agree with that, believe it was misidentification. Understand that but feel risk is not great. Steve Sorensen, Kansas Wildlife Federation – Briefing books says 11 hunting seasons with 438 hunting permits? Bidrowski – Correction to that, actually 19 seasons, 893 active permits, with 849 birds harvested. Last year, 500 permits and 180 birds. Sorensen - KWF supports proposed change. More than half of the season starts at sunrise already. Commissioner Meyer – Shoot half hour after sunrise? Bidrowski – They close the area completely if whooping cranes present. Commissioner Doll – When do we vote on this? Bidrowski – June meeting. Commissioner Meyer – Want more information. Mike Pearce – Why different season after December 8? Bidrowski – To allow 80 percent of whooping cranes to pass through the state. Pearce – Ron, you want to close seasons around Quivira? Klataske – Can't say there were or weren't any shot last year. Bidrowski – Whooping cranes most studied bird in the nation. Sorensen – Counted three times during season, so most studied, so we do know how many there are. Commissioner Wilson – As ethical hunter don't believe you would shoot a covey of quail at 4:00, keep 2:00. Chairman Lauber – Could look at compromise. At Quivira if whooping crane is spotted they shut off the hunting. Mark Rankin – Can come back with time of shooting this evening.

3. Commercial Mussel Harvest – Ed Miller, environmental biologist, presented this report to the Commission (Exhibit O). This is a topic we haven't thought about for ten years because there has been a 10-year moratorium on commercial mussel harvest and expires this year and we are asking for another 10 years. Four factors: freshwater mussels low demand, low price, China flooded market and don't need Kansas nuclei, one permit sold in Oklahoma, no commercial mussel harvest north except in Mississippi River proper; zebra mussel affects native mussels, lower density; one of three species protected has not rebounded from heavy harvest, three ridge, down to about 2 percent, 43 percent in Marais des Cygne

only where there is no harvest; and trespass complaints and tied up law enforcement. Continue to monitor sites, look at sites every 5-6 years, would allow salvage operations to occur if needed. Would have no problem making zebra mussels a commercial species.

Carl Puckett – Don't want moratorium, would like you to open lakes and man-made impoundments so I could dive again, not on river. Maybe not make it 10 years.

Tymeson - HB2729 – Passed out of committee so on general.

VII. RECESS AT 5:30 p.m.

VIII. RECONVENE AT 7:00 p.m.

IX. RE-INTRODUCTION OF COMMISSIONERS AND GUESTS

X. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

Kent Marnane, Benton – How much is fine per bait (per fish)? Tymeson – Class C misdemeanor, \$500 fine and up to 30 days in jail. Chairman Lauber – Could vary county to county, but state law is uniform. I don't feel they will impose fine per fish. Marnane – Buy fish at Marion have to buy new bait at El Dorado? Tymeson – Yes, buy new fish at El Dorado because Marion is ANS lake. Chairman Lauber – Had discussion this afternoon on this topic.

XI. DEPARTMENT REPORT

C. Workshop Session (continued)

4. Prairie Chicken Seasons – Jim Pitman, wildlife biologist, presented this report to the Commission (Exhibit P). There are two species of prairie chicken in Kansas: the greater prairie chicken (GPCH) and the lesser prairie chicken (LPCH) and they both occur in landscapes dominated by native grasslands. Currently, the department regulates harvest of prairie chickens within three hunt units. The most liberal harvest regulations exist in the eastern half of the state, and more restrictive regulations are in place for western Kansas. Current estimates of harvest and hunter effort are mapped through a post-season mail survey to a random selection of small game license holders. This method only provides coarse estimates for prairie chickens because only 3 percent and 1 percent of small game license holders pursue GPCH and LPCH, respectively. Thus, we receive relatively few completed questionnaires from chicken hunters, greatly reducing the precision of our estimates compared to other more commonly pursued species. The department is planning to recommend an increase in the season length and/or bag limits for portions of western Kansas where our chicken populations are the most robust. The specific recommendation has not yet been formulated, but it could include changes to the current unit boundaries

in western Kansas. Maintaining and expanding recreational hunting opportunity helps to ensure financial and political support for conservation programs that address the habitat degradations known to be responsible for declining populations. Recreational hunting is also a tool that enhances landowner interest in conservation, and this is particularly important for restoration of species that occur almost exclusively on private land. For these reasons, sustainable harvest of game species should always be encouraged. The KDWPT is also planning to recommend a mandatory registration for people planning to hunt prairie chickens. The department is considering two options for the mandatory chicken hunter registration, which include: 1) a required privilege that could be issued through our automated licensing system (requires a minimum fee of \$2.50) or 2) a free online registration outside of our automated licensing system. In either case, the hunter would be required to have the privilege or verification number in possession before a chicken could legally be harvested. Looking for guidance from Commission and public and which of those two routes might be better.

Recommend southern boundary of NW unit, currently I-70, recommend 96, Great Bend west of Scott City to Colorado line. We have the science to recommend increased harvest in that area. September 15 – October 15, third sat in November to end of January. Mandatory permit for prairie chicken at \$2.50 which is minimum amount we can charge with KOALS. Commissioner Doll - \$2.50 fee is cost we have to give to vendor. What kind of information from survey? Pitman – Better harvest estimates from smaller group of people and can develop better density maps. In future do wing collection and delineate the species. Commissioner Doll – More for LPCH than GPCH? Pitman – Yes, but we need data on GPCH also. Commissioner Doll – Don't hunt where I used to because of burning in the Flint Hills? Pitman – Either too much burning or no burning. Commissioner Doll – Do we provide education to the ranchers? Pitman – We do work with the ranchers and are doing some studies with the NRCS to develop extension-style publication. Commissioner Doll – Relationship with KLA on this? Pitman – Yes, not partner. There are a couple of different livestock studies going on, so we feel it will benefit livestock and our species as well. Commissioner Doll – Rate of gain is what the ranchers want, but there has to be something we can do for the species for the last 30 years. Seems we should be more aggressive. Pitman – The missing link is data. Don't know what type of incentive to provide. Commissioner Doll – Raise about \$22,000. Pitman – Don't keep, goes to vendor. Commissioner Doll – No one will say it is a good fee, couldn't we come about another way to get that information. Pitman – If we pick up that fee, end up where we are now, have people getting permit and have no intention of hunting which will corrupt the data. Chairman Lauber – Agree with Randy, but understand why we need that fee. Believe we will have misidentification. Commissioner Wilson – When do they receive this survey? Pitman – After the season, this is totally a voluntary survey. I offer incentive to people who respond, give away a turkey print every year. Similar to what Lloyd is doing already. Fox – We get 62 percent. Commissioner Wilson – Any plans to make this mandatory if we don't get the data? Pitman – Will discuss mandatory. Pearce – Voted on next meeting? When go into effect? Tymeson – Yes, go into this fall. Pearce – new one every year? Pitman – Haven't hashed that out yet, we will have to discuss it.

5. Falconry Regulations – Mike Mitchener, wildlife section chief, presented this report to the

Commission (Exhibit Q). – Regulations are finalized and submitted to the Attorney General’s office and we will vote in August. Chairman Lauber – How many permits last year? Mitchener – Seventy-four.

6. Public Land Regulations - Brad Simpson, public lands section chief presented this update to the Commission (Exhibit R). – Scheduled to vote in June. The Public Lands Section manages more than 335,000 acres of land and water for public hunting and angling opportunities. Because of the high use of and demand, wildlife and their habitats must be intensively managed, and public access must be controlled in a way that provides fairness and opportunity for all. Regulations have been established to manage public use, protect the resources, as well as our property and infrastructure. Regulations that primarily pertain to public lands fall under KAR 115-8 series. Recent developments and issues on public lands, which are not covered in these regulations, have been identified, discussed and working on determining how to appropriately address them. Two items involving hunting equipment were identified as issues in regards to opportunity and fairness. These include the use of tree stands and portable ground blinds and waterfowl decoys. Agency recommendations: 1) Tree stands shall be limited to two per person on all department-managed lands. All tree stands must be marked with name and address or KDWPT number of owner when used on department-managed lands. This would still not allow exclusive use, meaning that anyone may use an unoccupied tree stand on department-managed lands. 2) Portable Ground Blinds cannot be left unattended and shall be removed at the end of each day on department-managed lands. In addition, portable ground blinds shall be marked with owners’ names and addresses or KDWPT number. 3) Waterfowl decoys shall be removed at the end of each day on department-managed lands and waters. 4) No person shall place, deposit, expose, distribute, or scatter bait while hunting or preparing to hunt on department lands. The definition of “bait” is considered to be grain, fruit, vegetables, nuts, hay, salt, sorghum, feed, or other mineral or food that is capable of attracting wildlife. Liquid scents and sprays are not considered bait. Only state in Midwest that allows unrestricted baiting. 5) A permit will be required for all guiding/outfitting for hunting on department-managed lands and waters. Permits will be issued after Guide/Outfitter (permittee) completes a short application process. Permittee will be required to provide an annual report by July 1 of each year. Talked about non-toxic shot, still considering that but will bring forth in January of next year for September 2013 season. Asked by Commission at last meeting to consider 200-yard distance between waterfowl hunters and are not bringing forth any recommendation for that at this time for safety. There have been three instances where hunting accidents, the majority of hunting accidents were self-inflicted. No waterfowl recommendations because difficult to enforce, to know who was there first, hard to judge distance, especially early in the morning. If you ever hunted teal at Cheyenne Bottoms it is easy to hunt within 200 yards. Some people hunt in groups then split off and it would be hard to enforce and would limit hunting opportunity. Commissioner Doll – On removing waterfowl decoy, how do you define end of day? Simpson – At midnight. Tymeson – Unattended, if they stay, can leave it out. Commissioner Doll – Can’t charge fees for guides? Simpson – No. Commissioner Budd – On ground blinds, what about handicapped access? Simpson – Could handle that in administrative process. Commissioner Doll – Don’t like outfitter having no fees. What are consequences if they fail to provide a report? Tymeson –

Class C misdemeanor so \$500 fine and up to the judge. Commissioner Budd – On 200-yard distance, NRA regulations and every gun club, 900 feet safety rule is national recommendation. I know it is a burden on department, but I care about the three percent, if you have a better idea you need to do something. See them setting up right beside each other on waterfowl areas. Don't know the answer, needs to be something else. It would be difficult for me to vote for approval without something in there. Commissioner Doll – Any other states with guidelines like that? Simpson – I looked but didn't find any. Commissioner Meyer – Most shooting of waterfowl is over water or into the air, so not that deadly. Simpson – Three percent is all waterfowl accidents in that 25-year period. Commissioner Budd – If we are changing public land policy and disregard the public safety of the end user, that's difficult. Tymeson – Hard to write a regulation for safety, proposing arbitrary distance limitation. Could be on opposite sides of a berm, regulation is written. If passionate about it, look at surrounding states, not recommend in this cycle, but wait until next year. Commissioner Budd – Not first time I brought this up. Chairman Lauber – Understand where you are coming from, risk I am willing to take, but when dealing with firearms no end to situations that are not safe. Unduly burdensome for Law Enforcement. Believe most hunters will agree with this regulation, except for those who want to put up deer stands to mark their territory. That 26 acres of land is per group? Commissioner Budd – If there are public lands where that 200 yards doesn't work, then exclude them. If it means running around with a tape measure, then we should. Commissioner Doll – On discussion on doves, is there any literature out that suggests safe distances? Chairman Lauber – Hunter safety states safe distance, but no unit of measure is written. Commissioner Budd – If you have the national average, 900 feet for standard load, if speed limit is 75, go ahead and go 85 because you are only going to hurt three percent of the people. Chairman Lauber – What point do we start placing a mandate on other hunters. I see your argument, willing to let vote come and see if it passes. Not sure I want to set a limit may ration resource and limited land that may not be necessary. Commissioner Budd – Don't want to do that, but want to give waterfowl hunters same consideration we are giving the whooping cranes. Chairman Lauber – Whooping crane protector's care less for us then the whooping cranes. Commissioner Dill – Doesn't preclude us from listing a post that says recommended 200-300 yard. Commissioner Budd – Talking about waterfowl areas only, could live with Commissioner Dill's proposal until next year, with suggested limit. Fight is not going to change, and I don't want to ignore the issues. Commissioner Doll – Do we have written documentation or recommendation for a safe distance? Simpson – Provide hunter education, ethics say be responsible and ethical. Commissioner Dill – Use signage to say “minimum recommended distance be X” and revisit it next year. Commissioner Doll – Why just waterfowl, and not pheasants? Chairman Lauber – That is my point, there is no end to it. Rely on education and say maintain a safe distance, hate to have linear mandates. Leave as is and move on. Have public lands consider coming up with best practice signage to eliminate some of Don's concerns. Bulk of what is in there is very important, already restrictive on waterfowl hunting. See what other states do and study it, add later if we find we are in minority. Simpson – Don't want anyone to think we don't care about safety on public lands, because we do; have many hunters on opening day of pheasant season and deer hunting, concern of minimum distances, will unknowingly violate because not know they are that close to someone. Understand Commissioner

Budd's concern. Commissioner Budd – If you have at least a sign you can say have common courtesy; no citation, but leverage.

Mike Pearce – Just waterfowl areas? What are you talking about and what areas? Commissioner Budd – Are there any areas that are designated as waterfowl areas by the department? Pearce – Don't know if we have any areas like that, Cheyenne Bottoms, Neosho and Marais des Cygnes. Could be federal areas too. Anything managed for waterfowl? Simpson – Any areas managed by the department.

Commissioner Budd – Yes. Pearce – National recommendation is 900 feet minimum and you are proposing 600 feet? Commissioner Budd – Yes.

7. KAR 115-25-9a. Deer; open season, bag limit and permits; additional considerations (Fort Riley) - Lloyd Fox, big game wildlife biologist, presented this report to the Commission (Exhibit S). Similar to 25-9, but this deals with just Fort Riley. Everything we talked about for March we included in the document. Commission Doll – Nothing they requested met with disdain? Fox – No, similar to last year.

XI. DEPARTMENT REPORT

D. Public Hearing

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

1. KAR 115-25-5. Turkey; fall season, bag limit and permits – Jim Pitman, wildlife biologist presented this report to the Commission (Exhibit U). The department is recommending six fall hunting units, which would require bag limit changes for some portions of the state. The proposed Units 2 and 5 will encompass the bulk of central Kansas where a fall bag limit of one currently exists. However, the eastern boundaries of those two proposed units would also encompass portions of Kansas where the fall bag limit is currently four. Thus, it would be necessary for the fall bag limit to change for portions of the state that would be included in those two new 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 the course of a couple of years and mimics similar guidelines already in use in several states. 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, and that is the purpose of the recommended boundary change. If new fall units are adopted, the department would be recommending a change to corresponding spring hunt units at the next opportunity. Hierarchy is regulation strategy.

Commissioner Frank Meyer moved to approve KAR 115-25-5 before the Commission. Commissioner Debra Bolton seconded.

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

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 115-25-5 passed 7-0.

2. KAR 115-25-7. Antelope; open season, bag limit and permits – Matt Peek, wildlife biologist, presented this report to the Commission (Exhibit W). Same as last year, decline in Unit 18. Archery permits are unlimited, limited draw are restricted to residents only.

Commissioner Tom Dill moved to approve KAR 115-25-7 before the Commission. Commissioner Don Budd seconded.

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

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 115-25-7 passed 7-0.

3. KAR 115-25-8. Elk; open season, bag limit and permits Matt Peek, wildlife biologist, presented this report to the Commission (Exhibit Y). It is recommended that 10 any elk permits and 15 antlerless elk permits be authorized for Units 2 and 3. Unit 2 same as last year. Chairman Lauber – Sell any landowner permits in Unit 3? Peek – Yes, don't know how many. Couple harvested in Logan and one if Ford County. Most years 1-2 in Hamilton and Ford Counties. Elk are naturally reproducing out there.

Commissioner Debra Bolton moved to approve KAR 115-25-8 before the Commission. Commissioner Robert Wilson seconded.

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

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 115-25-8 passed 7-0.

XII. Old Business

XIII. Other Business

A. Future Meeting Locations and Dates

June 21 – Kansas City (Cabela’s)

August 23 – Great Bend (Wetland Education Center)

October 18 – Fall River (Flint Oak Ranch)

January 10, 2013 - Butler Community College new facility, El Dorado

Invitation to come to Manhattan.

XIV. ADJOURNMENT

The meeting adjourned at 8:05 p.m.

(Exhibits and/or Transcript available upon request)

Statewide Habitat Conservation Award
No briefing book items – possible handout at meeting

Secretary's Remarks

Agency and State Fiscal Status
No briefing book items – possible handout at meeting

2011-2012 LEGISLATIVE SESSION

BILLS PASSED AND SIGNED IN THE 2011 SESSION

Executive Reorganization Order No. 36 -- Renaming the Department of Wildlife and Parks as the Department of Wildlife, Parks and Tourism; Abolishing the Assistant Secretary of Operations position and creating an Assistant Secretary of Wildlife, Fisheries, and Boating and an Assistant Secretary of Parks and Tourism; and transferring the Division of Travel and Tourism Development at the Department of Commerce to the Department of Wildlife, Parks and Tourism. Neither House passed a resolution opposing ERO No. 36, therefore ERO No. 36 became effective July 1.

HB 2013 -- This bill repealed laws that restricted the sale and delivery of rifles and shotguns to or from residents of states that are contiguous to Kansas. This bill passed the House 118-0 and the Senate 38-0. Signed by Governor.

SB 123 -- This bill allowed KDWP cabin fees to be established by the KDWP Secretary with consideration of the Kansas Wildlife and Parks Commission, streamlining the process of adjusting fees for existing cabins and setting fees for new cabins coming on line. This bill passed the Senate 39-0. The House Committee on Agriculture and Natural Resources amended the bill to include land acquisition restrictions for KDWP as included in the original HB2149. It passed on House as amended 102-22. The conference committee report, which restricts KDWP land purchases without prior legislative approval to 320 or less or 640 acres or less if under appraised value, was passed by both houses. Signed by the Governor.

SB 152 -- This bill allows a person with a concealed carry permit to carry a concealed handgun while legally hunting, fishing or furharvesting and it also allows any person who lawfully possesses a firearm suppressing device to use that device in conjunction with lawful hunting, fishing and furharvesting. This bill passed the Senate 38-1 and passed the House 124-0. Signed by Governor.

BILLS PASSED AND SIGNED IN THE 2012 SESSION

SB314 -- This bill eliminates the hunting and fishing license exemption for residents older than 64. The bill was introduced at the request of KDWP to broaden the funding base for wildlife and fisheries programs and capture license dollars and federal aid from a growing constituency group. The bill was amended in the Senate Natural Resources Committee to allow seniors to purchase a lifetime combination hunting/fishing license that would likely cost \$40 or they could purchase an annual fishing or annual hunting license for \$9, which is half-price of the current annual licenses. The amendment also provided a license exemption for those 75 and older. The passed the Senate 23-17. It was referred to the House Committee on Agriculture and Natural Resources and was passed out of committee with amendments that included the provisions from HB2295. This bill passed the House 64-55 and was then sent to

Conference Committee. The Conference Committee further amended the bill to remove mandatory hunt-own-land deer permit checks, modified the crossbow provisions and added in some of the provisions of HB2709, increasing penalties for wildlife violations. The Conference Committee Report was then passed by both houses. The enrolled bill was presented to the Governor on May 22, 2012. The license provisions will be effective January 1, 2013. The hunting season provisions will be effective for the 2013 hunting seasons, except the crossbow pilot program will be effective this coming season for two seasons. The wildlife violator provisions will be effective January 1, 2013. Signed by Governor May 25, 2012.

SB316 -- This bill recodifies statutes to reflect Executive Reorganization Order 36 issued during the 2011 session by Gov. Brownback, which merged the Division of Travel and Tourism of the Department of Commerce with the Kansas Department of Wildlife and Parks, creating the Kansas Department of Wildlife, Parks and Tourism. The bill passed Senate Final Action 40-0. The bill passed on House Final Action 117-6 and was signed by the Governor March 28, 2012. Effective July 1, 2012.

HB2491-- This bill allows any person who lawfully possesses a handgun to carry such handgun while lawfully hunting, fishing or furharvesting. The bill passed the House 113-8 and the Senate 40-0. Bill was signed by the governor on March 29, 2012. Effective July 1, 2012.

HB2596 -- This substitute bill amends animal health statutes and contains provisions from SB414, which defined feral swine to include Russian boar and prohibited hunting feral swine on a contained hunting preserve. The bill was passed by the House 109-15 and the Senate 40-0. Signed by Governor May 17, 2012. Effective July 1, 2012.

HB2689 -- This substitute bill includes provisions from the original bills SB313 and SB288, which will allow liquor consumption on lands owned or managed by KDWPT, modernizing the alcohol laws and allowing state parks to be competitive with co-located federal parks on January 1, 2013. Alcohol possession can still be controlled on specific public KDWPT lands through regulation. The department requested introduction of this provision. The Conference Committee Report was adopted by both the House and Senate. Signed by Governor May 25, 2012. Effective January 1, 2012.

HB2729 -- This bill would establish an annual vehicle state park permit for \$15 that could be purchased through the county treasurer when the owner of a vehicle registered the vehicle. The permit would be valid one year from purchase. The bill passed on House, 84-39, and the Senate, 39-1. The House concurred with the Senate amendments to the bill. Bill was signed by Governor May 31, 2012. Effective January 1, 2012.

House Concurrent Resolution No. 5017 -- This resolution proposes amending the constitution of the state of Kansas relating to the classification and taxation of watercraft. **This issue will be on the ballot during the November 2012 general election.** If it passed, the Legislature can then return to the issue and set a differential level of taxation.

House Concurrent Resolution No. 6015 -- This resolution commemorates the 75th anniversary of the Wildlife and Sport Fish Restoration Program. Since 1937, the Wildlife and Sport Fish Restoration Program, which established excise taxes on firearms, ammunition, fishing equipment and motorboat fuel, has provided more than \$14 billion to states. Funds require a 25 percent match from states and fund wildlife and fish conservation, recreation, and boating access. Resolution was adopted without roll call on March 13, 2012.

BILLS THAT DID NOT PASS

SB120 -- This bill was known as the vessel titling act, and required boat owners to obtain a certificate of title evidencing ownership. This bill passed the Senate 33-5 in 2011. On March 19, 2012, this bill died on House General Orders 50-61.

SB348 -- This bill would require all vessels, as defined by K.S.A. 32-1102, and amendments thereto, and required to be numbered pursuant to K.S.A. 32-1110, and amendments thereto, which are located or stored outside this state on the first day of January shall be listed in the taxing district where the owner resided on the first day of January. This passed out of Committee as amended and passed on Senate Final Action 26-14. This bill was referred to the House Committee on Taxation and had no further action.

SB380 -- This bill would allow crossbows to be used during big game archery season by any person who has been issued a valid big game permit. A hearing for this bill was held March 8, 2012 and the bill was tabled by the Senate Committee on Natural Resources.

SB447 -- This bill would raise the cap on the fee for registration of motorized or sail-propelled vessels. The current fee is \$30 for three years, which is the maximum allowed by law. Raising the cap would allow future increases if deemed necessary in budget planning. The department requested introduction of this bill. This bill passed on Senate Final Action 28-12 and was referred to the House Committee on Agriculture and Natural Resources. The bill did not see further action.

HB2089 -- This bill would allow a licensed hunter or furharvester to retrieve their hunting dog from posted land without permission. This bill was referred to the Committee on Agriculture and Natural Resources and did not see further action.

HB2152 -- This bill strengthens the penalties for the offense of operating a vessel under the influence of drugs or alcohol. This bill was placed on House General Orders then withdrawn from the Calendar and referred to the Committee on Appropriations. The bill did not see further action.

HB2168 -- This bill would waive the state park vehicle entrance fee for any person who is a resident of this state and has been honorably discharged from active service in any branch of the armed forces of the United States. This bill had a hearing but was tabled in Committee. The department opposed this bill.

HB2295 -- this bill would amend K.S.A. 2010 Supp. 32-919, 32-932, 32-937, 32-980, and 32-988 and repealing the existing sections to exempt a landowner's immediate family members from hunting license requirements while hunting on that landowner's land; would remove the current disability exemption that allows the use of a crossbow during the archery season to allow anyone to use crossbows during the archery season; would extend the "extended season for female white-tailed deer hunting with the use of firearms through January 23, 2012"; amends the formula used to establish nonresident deer permit quotas so that the percent increase in permit numbers by unit required the first year (2008) the formula was used to be adhered to every year; would allow a landowner's immediate family members to purchase hunt-own-land permits whether or not they were domiciled with the landowner; would establish a mandatory contribution of at least \$2 to activities of Kansas hunters feeding the hungry, Inc. and raises the maximum price that could be charged for nonresident big game permits to \$800, \$300 for nonresident mule deer stamp, and \$50 for an application fee. The bill was referred to the Committee on Natural Resources, and then referred to a sub-committee. The bill was tabled by the sub-committee. The department opposed this bill. A substitute version that included provisions for a pre-rut antlerless rifle season for two years and a combo either-sex/antlerless permit by 2013 was then introduced. This bill was amended to include a provision allowing the use of crossbows during the archery season and a provision requiring the department to verify proof of ownership or tenancy of at least 25 percent of the resident landowner/tenant big game or wild turkey applicants each calendar year. The substitute bill passed the House as amended 101-22. The bill was then referred to the Senate Committee on Natural Resources, a hearing was conducted and the bill was tabled.

HB2432 -- This bill would establish a state vehicle Ducks Unlimited license plate that would provide royalty payments to Ducks Unlimited. Such license plates shall be issued for the same time as other license plates upon proper registration and payment of the regular license fee as provided in K.S.A. 8-143. The bill passed the House, 107-16 and passed the Senate as amended 35-5. The Conference Committee report was subsequently passed by the Senate but not the House.

HB2452 -- This bill would allow no more than 12 big game permits to be issued by the Governor. The permit would allow the holder to take any white-tailed or mule deer during any season with equipment legal for that season. This bill was referred to the Committee on Agriculture and Natural Resources and had a hearing. The department opposed the bill and it had no further action.

HB2551 -- This bill would raise the cap on the fee for registration of motorized or sail-propelled vessels. The current fee is \$30 for three years, which is the maximum allowed by law. Raising the cap would allow future increases if deemed necessary in budget planning. The department requested introduction of this bill. This bill failed on House General Orders 29-82.

HB2709 -- This substitute bill amends statutes concerning hunting violations, trespassing and criminal hunting. This bill would change the color or paint required to designate land open to hunting by written permission only from purple to orange. It would also establish a minimum fine of \$5,000 for the

intentional taking of a trophy big game animal, and defines a trophy white-tailed antlered deer as one with a rack with an inside spread of 16 inches, and a mule deer buck with an inside spread of 20 inches. The bill also includes additional restitution values for deer, elk and antelope based on gross scores of their antlers. This bill was amended and passed the House 115-8.

HB2735 -- This bill would hold the trail operator of a railbanked right-of-way responsible for property taxes as assessed by the county appraiser. Bill was referred to the Committee on Transportation. A hearing for the bill was conducted and the bill saw no further action.

General Discussion

There's no place like Kansas



Marketing Recap May 17, 2012

Television

The TV ad campaign started May 7 in 15 markets and runs for four weeks. The 2012 media buy provided and extra 5 million impressions over the initial plan. We targeted adults between the ages of 45 and 64, with a core group of female viewers. A total of 7,246 commercials spread over these markets equals about 480 per market. Bill Kurtis and original music from Kelley Hunt were used in the ads. Ads can be viewed at LikeKansas.com.

On-Line

Display ads included rich media, pre-roll video, and standard banner ads. Our negotiated buy includes over 6 million impressions in 11 targeted markets. The Wild West and History ads are currently performing the best.

Pay Per Click ads also continue to perform extremely well. Last week, the Google AdWords ads drove 6,317 clicks to the site at an average click-through rate of 3.86% with 136 conversions recorded. The Yahoo!/Bing account delivered 1,178 clicks at an average CTR of 1.38% with 38 conversions recorded. On average, nearly 40% of traffic to TravelKS.com comes from the PPC campaign.

Year to date traffic to TravelKS.com is up 7% over the same period last year. Nearly 179,000 unique visitors have been on the site since January 1, 2012. We are currently working on the new site with plans to launch at the tourism conference in October.



Print

The newspaper insert was included in 15 markets including Wichita, Topeka and Kansas City. A total 666,000 were distributed on May 5th and 6th.

Ads placed in April and May issues include 17 publications from Midwest Living to American Cowboy.



2013 Travel Guide

We met with Madden Media to plan the editorial outline of the guide. Note we have opted to change the name from the Official Visitors Guide to the Official Travel Guide. Ad sales are well under way. Projected completion is November.

KANSAS! Magazine

KANSAS! is experiencing great growth in content and advertising insertions. The Summer issue is 64 pages (largest issue in some time, possibly ever). Advertisers continue to see great results and readers are appreciative for more content!

Marketing Road Show

This summer the tourism staff is conducting four marketing workshops around the state. Stops include 5.4.7 Arts Center – Greensburg (July 12), Sternberg Museum – Hays (July 13), Flint Oak Lodge - Fall River (July 25), Flint Hills Discover Center – Manhattan (July 26). At that time we will be presenting our new co-op marketing plan and offering roundtable discussions to help with individual marketing plans for attendees.

Faces and Places

The 2012 Faces and Places Tour kicked off last week in Abilene. This year stops include 26 communities and events running through Neewaloh in Independence on October 26.

Research

An ad effectiveness and ROI research study is being conducted this year. Results will be presented in the Fall.



KAR 115-25-6. Turkey; spring season, bag limit, permits, and game tags

Background

Hunters can currently purchase over-the-counter permits for Units 1, 2, and 3 and a second permit (i.e. game tag) for units 2 and 3 (Figure 1). A limited quota of 500 permits is available to general residents and landowners/tenants for Unit 4 through a pre-season drawing (youth permits are valid statewide). The number of permits and game tags issued for the spring 2012 season was 63,928 (includes 22,052 game tags). Total permit sales have declined slightly each of the last two years and the 2012 sales are roughly 2,500 permits below the peak that occurred in 2010. The spring harvest survey was underway at the time this document was prepared so harvest estimates are not yet available. However, preliminary results indicate that hunter success was again greater than 60 percent across the state this past spring. The statewide harvest for 2012 was likely in the ballpark of 34,000 -36,000, which is the range in which harvest has fallen for each of the last seven years. Final estimates for the spring 2012 season will be available later this summer.

Population Status and Productivity

Over the last year, the wild turkey breeding population took a dip in the southcentral and southwestern portion of the state due to poor production last summer brought about by the drought (Figure 2). The population also declined substantially over the last year in parts of north-central and northeastern Kansas as a result of two consecutive Junes with above average precipitation. Wild turkey numbers remained fairly stable near the regional high in northwestern Kansas and slightly increased in southeastern Kansas due to more favorable conditions for reproduction in those regions over the last couple of summers.

Recommendation

The department is recommending new spring hunting units that correspond to the new fall units that were recently adopted (Figure 3). 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 (see appendix 1). The harvest strategy was developed by the department turkey committee and mimics similar guidelines already in use in several states. 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, and that is the purpose of the recommended boundary change.

Figure 2. Regional indices (birds/100 mi.) to Kansas' wild turkey population derived from the April rural mail carrier survey, 1986-2012.

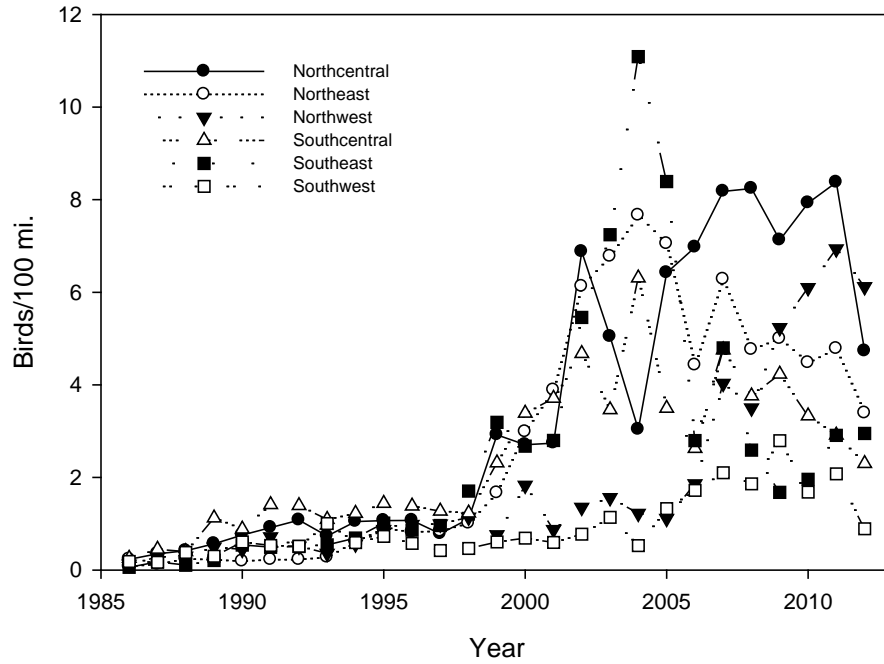
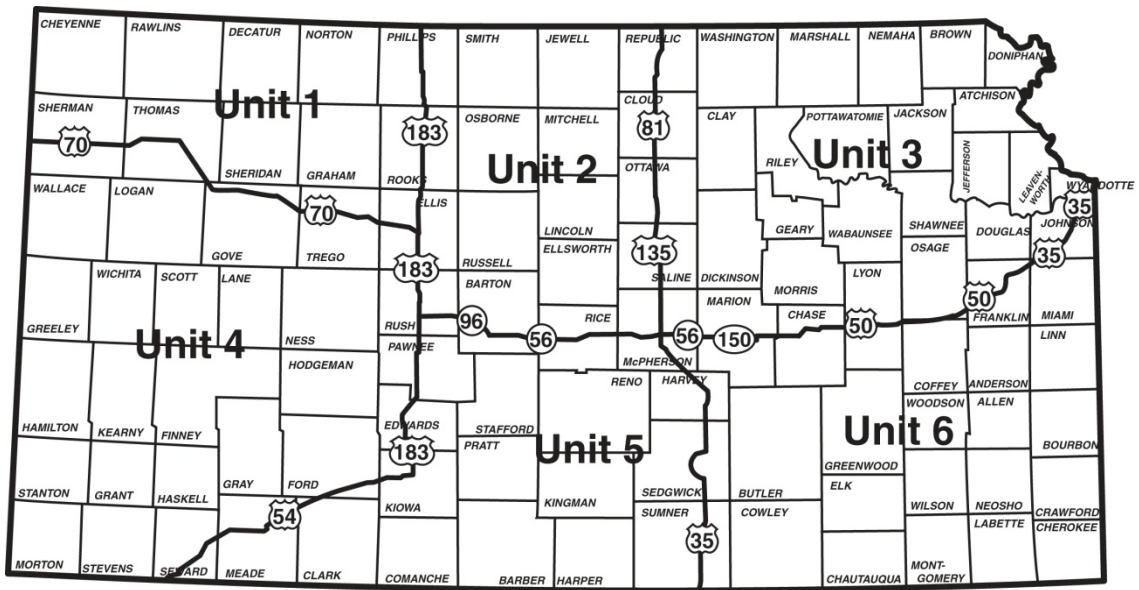


Figure 3. Proposed spring wild turkey hunting units for the 2013 season.



Appendix 1. Adaptive harvest strategy that would be used to guide recommended changes to fall and spring wild turkey bag limits if the new hunt units are adopted. The strategy would set the spring 2011 season as the baseline year.

Bag Limit Hierarchy

Hunt Unit (proposed unit numbers)

A.) 3 spring and 4 fall	
B.) 2 spring and 4 fall	2, 3, 5, 6
C.) 2 spring and 1 fall (most liberal package for Units 1 & 4)	1 (proposed)
D.) 2 spring and no fall or 1 spring and 1 fall	
E.) 1 spring and no fall	

F.)	Resident-only limited draw spring (moving down) Quota Increase (moving up)	4
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G.)	Quota Reductions (moving down) Resident-only limited draw spring	
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Triggers that would result in recommend changes to bag limits within a hunt unit

1. The percentage of active resident hunters harvesting at least one bird must be equal to or greater than 60 percent for each of the previous three years, and the percentage of the total harvest composed of jakes must average less than 25 percent over the same period before upward movement would be recommended.
2. The percentage of active resident hunters who harvest at least one bird must be equal to or less than 55 percent for two consecutive years before downward movement would be recommended.

Regional and statewide estimates of the percentage of the total spring harvest composed of jakes and the percentage of active resident and non-resident hunters who harvested at least one bird during Kansas' spring turkey season, 2005-2011.

Jake Harvest (%)

Year	STWD	NC	NE	NW	SC	SE	SW
2005							
2006	14	15.3	12.6	25.0	14.4	12.0	16.2
2007	18	21.6	15.8	17.7	14.2	19.2	16.6
2008	14	11.9	11.9	17.2	14.7	15.4	11.6
2009	15	19.7	13.3	14.3	13.7	14.9	14.3
2010	14	14.6	13.5	16.3	13.2	15.5	12.6
2011	15.4	13.1	15.7	13.1	14.9	20.4	12.7

Resident Active Hunter Success (%)

	STWD	NC	NE	NW	SC	SE	SW
2005	65	63	68	71.8	61.1	64.4	65.7
2006	62.7	62	63.1	57.6	65	59.4	66.4
2007	58.7	57.1	62.5	61.3	56.5	56.3	62.7
2008	58.5	58.8	65.4	42.9	53.7	54.3	60.5
2009	56.1	59.7	57	68.6	55	52.5	56.3
2010	57.6	63.6	58	66	57.4	55.9	57.4
2011	55.7	58.8	53.6	54.9	54.5	49.9	63.4

Nonresident Active Hunter Success (%)
(presented only for reference)

Year	STWD	NC	NE	NW	SC	SE	SW
2005	75.3	77.2	75	70.4	75.3	78.2	73.3
2006	74.6	79.4	76.4	72.7	75.2	75.8	66.7
2007	68.8	73.6	75.4	76.5	69.8	63.4	60
2008	77	80.4	81.9	73.3	83.5	75.3	62.5
2009	70.1	76.5	74.1	67.6	68.2	67.3	66.1
2010	72	71.6	75.5	76.3	76.2	70.7	75.2
2011	69.3	72.7	69.2	68.3	69.2	66.5	67.9

Animal Damage Control Briefing
No briefing book items – possible handout at meeting

Legislative Regulation Changes

Topics, General Scope and Schedule

1. Crossbows-amend 115-25-9a, 4 units, two-year pilot, effective this season, report to legislature, vote today
2. Pre-rut antlerless only rifle season-effective for 2013 season, two-year sunset, March vote
3. Combination antlered/antlerless permits-effective for 2013 season, March vote
4. Scoring methods for wildlife violator restitution-four new regulations, October vote
5. Senior hunting and fishing license fees, senior pass-amend 115-2-1, effective 2013, October vote
6. Park entrance fees-amend 115-2-2, effective 2013, October vote
7. Agritourism Regulations-six new regulations, October vote

Workshop Session

2013 Reference Document Proposed Changes for Special Length and Creel Limits:

- Eureka City Lake -- add 15-inch minimum length limit on channel catfish.
- Lyon State Fishing Lake -- add 15-inch minimum length limit on channel catfish.
- Fall River State Park Kids' Pond -- add 15-inch minimum length limit on channel catfish.
- Howard-Polk Daniels Lake -- add 15-inch minimum length limit on channel catfish.
- Madison City Lake -- add 15-inch minimum length limit on channel catfish.
- Moline New City Lake -- add 15-inch minimum length limit on channel catfish.
- Moline Old City Lake (South) -- add 15-inch minimum length limit on channel catfish.
- Olpe City Lake -- add 15-inch minimum length limit on channel catfish.
- Olpe-Jones Park Pond -- add 15-inch minimum length limit on channel catfish.
- Sedan New City Lake (South) -- add 15-inch minimum length limit on channel catfish.
- Sedan Old City Lake (North) -- add 15-inch minimum length limit on channel catfish.
- Severy City Lake -- add 15-inch minimum length limit on channel catfish.
- Prescott City Lake -- add 15-inch minimum length limit on channel catfish.
- Douglas County-Lonestar Lake -- change to a 13- to 18-inch slot length limit and a 5/day creel limit on largemouth bass.
- Glen Elder Park Pond -- change to an 18-inch minimum length limit on largemouth and smallmouth bass.
- Horton-Mission Lake -- change to an 18-inch minimum length limit on largemouth bass.
- Paola (Lake Miola) -- change to a 13- to 18-inch slot length limit and a 5/day creel limit on largemouth bass.
- Marion County Lake -- add 15-inch minimum length limit on channel catfish.
- Lebo City Lake -- change to an 18-inch minimum length limit on largemouth bass.
- Olpe-Jones Park Pond -- add 2/day creel limit and 18-inch minimum length limit on largemouth bass.
- Lebo Kids' Pond - add 2/day creel limit and 18-inch minimum length limit on largemouth bass and add 2/day creel limit on channel catfish.
- Olathe-Lake Olathe -- change to 5/day creel limit on channel catfish.
- John Redmond Reservoir -- remove 5/day creel limit on wiper.
- Troy-4-H Lake -- change to a 13- to 18-inch slot length limit and a 5/day creel limit on largemouth bass.
- Atchison City Lake #7 -- add 18-inch minimum length limit on wiper.
- Buhler City Pond -- add 2/day creel limit on channel catfish and 18-inch minimum length limit and 2/day creel limit on largemouth bass.
- Mulvane Sports Complex -- Change name to Mulvane-Cedar Brook Pond.
- Sedgwick County Lake Afton -- Remove the 21-inch minimum length limit on wiper.

- Haysville-South Hampton -- Remove (no longer open to public fishing).
- Emporia-Camp Alexander Ponds – Remove (no longer open to public fishing).
- Rose Hill-School Street Pond -- add 2/day creel limit and 18-inch minimum length limit on largemouth bass and add 2/day creel limit and 15-inch minimum length limit on channel catfish.

Length and Creel Limits for Coffey County Lake:

The following changes are being proposed.

- Change to a 21-inch minimum length limit on walleye.
- Change to an 18-inch minimum length limit on smallmouth bass.
- Change to an 18-inch minimum length limit and a 2/day creel limit on largemouth bass.
- In addition, no trot lines or set lines will be allowed.

Other Proposed 2013 Fishing Regulation Changes.

Add to 115-1-1 Definitions.

Artificial Lure – Manmade fish-catching device used to mimic a single prey item. Artificial lures may be constructed of natural non-edible (e.g. including hair, fur, etc.) or synthetic materials. Multiple hooks, if present on an artificial lure are counted as a single hook.

Change 115-18-18. Hand fishing permit; requirements, restrictions, and permit duration.

A mandatory questionnaire to be completed by each holder of a hand fishing permit is no longer needed. We believe that practicing good survey techniques will allow us to get voluntary responses from permit holders. We propose removing the requirement under 115-18-18(d).

Change 115-25-14 to include two new locations for trout stockings.

Great Bend-Stone Lake and Cherryvale City Lake (Tanko) will both be added to the list of Type 2 Waters, which require a trout permit only for trout anglers from November 1 through April 15.

Changes to Commercial and “Wild-Caught” Bait Regulations Approved in 2012.

The principles behind the regulatory changes follow the longstanding CLEAN, DRAIN, DRY recommendations. The goal is to prevent the spread of ANS, while allowing for the safe utilization of our aquatic resources. Generally speaking these rule changes are:

- To allow anglers to use bait in the water where caught.
- To require the draining of untreated water when leaving. ANS spread can be prevented when the water is eliminated prior to transport.

- To disallow the dumping of fish and bait into waters in which they did not originate.
- To prevent ANS transport when departing ANS designated waters.
- To ensure bait shops to be ANS and disease free.

To facilitate adherence to the regulatory intent, we propose the following rule clean-up.

Gap: Fish can be transported from Private Water Fishing Impoundments.

Gap: Water can be transported in all non-boating containers.

Gap: Fish cannot be captured in the stream/river and used in the immediate downstream reservoir.

Gap: Commercial bait dealers are required to provide receipts. Anglers are not required to provide origin documentation when transporting bait.

Gap: Wild-caught, out-of-state bait.

Gap: 115-17-15 cites locations where crayfish may be harvested. Concern has been raised as to what are department lands and waters and federal and state sanctuaries.

Gap: Wildlife may be stocked into all streams other than KDWPT lands/waters, federal reservoirs, and the 3 navigable rivers. We need to modify 115-8-12 to disallow unauthorized stocking of all waters other than Private Water Fishing Impoundments.

Staff will have additional information prepared by the date of the meeting detailing options to address the gaps identified above.

2012-2013 LATE MIGRATORY BIRD SEASONS

June 21, 2012

BACKGROUND

Late season waterfowl frameworks (maximum bag, possession limits and season lengths, and earliest opening and latest closing dates) are established annually by the U.S. Fish and Wildlife Service (USFWS). These frameworks establish the limits that states must operate within when establishing state-specific waterfowl seasons. These frameworks are published in mid-August after results from the May Breeding Duck Survey and recommendations from flyway councils are available.

Kansas has a diverse landscape that offers a variety of different waterfowling opportunities. Staff recommendations are an attempt to match season dates with available habitat types, migration chronology, and season preferences of duck hunters for specific areas. Staff recommendations are derived through a KDWPT waterfowl working group, public feedback (not only through casual hunter feedback from waterfowl hunters but also large-scale waterfowl hunter opinion surveys), and public meetings. Waterfowl hunters are passionate about their craft and KDWPT received very strong sentiment on both sides of this issue. Kansas waterfowl hunters are just as diverse as Kansas waterfowl hunting opportunities. Annual adoption of season regulation for individual zones and splits are one tool that helps to serve a broad constituent base and a variety of waterfowl hunting opportunities.

DISCUSSION

Since 1995, Adaptive Harvest Management (AHM) has been used for setting duck hunting regulations in the United States. The AHM approach provides a framework for making objective decisions through three regulatory packages:

- Liberal package
 - Season Length: 74-day Low Plains Season, 97-day High Plains Season
 - Daily bag limit: 6 birds with various species restrictions.
- Moderate package

- Season Length: 60-day Low Plains Season, 83-day High Plains Season
- Daily bag limit: 6 birds with various species restrictions.
- Restrictive package
 - Season Length: 39-day Low Plains Season, 51-day High Plains Season
 - Daily bag limit: 3 birds with various species restrictions.

“Anticipated” 2012 Duck, Merganser, and Coot Federal Frameworks: Liberal Package

- *Outside Dates:* Between the Saturday nearest September 24 (September 22) and the last Sunday in January (January 27).
- *Season Length:*
 - High Plains Unit: 97 days. The last 23 days may start no earlier than the Saturday nearest December 10 (December 10).
 - Low Plains Unit: 74 days.
- *Bag Limits:* The daily bag limit is 6 ducks, with species and sex restrictions as follows: 5 mallards (no more than 2 of which may be females), 2 redheads, 2 scaup, 3 wood ducks, 2 pintails, and 1 canvasback.
- *Merganser Limits:* The daily bag limit is 5 mergansers, only 2 of which may be hooded mergansers. States have the option to include mergansers as part of the duck daily bag limit.
- *Coot Limits:* The daily bag limit is 15 coots.
- *Shooting hours:* ½ hour before sunrise to sunset
- *Units and Zones:*
 - High Plains Unit – no zones and up to 2 segments.
 - Low Plains Unit* – 3 zones with each having up to 2 segments.

* The USFWS reviews duck zones every five years. Season dates can change annually, but Kansas is locked into the three zones (plus the High Plains Unit) until the 2015-2016 season. In 2011, Kansas was permitted to add an additional zone to its Low Plains Unit in the southeast portion of the state. In addition, the boundary for the Low Plains Early/ Low Plains Late was modified to include all of the McPherson Wetland Complex into the Early Zone (see map provided). This was to attempt satisfy local waterfowl hunters’ preferences in those areas.

“Anticipated” 2012 Goose Federal Frameworks

- *Outside Dates:*
 - Dark Geese (Canada, white-fronted, and brant) - between the Saturday nearest September 24 (September 22) and the Sunday nearest February 15 (February 17).
 - Light geese (Ross’s and Snow), between the Saturday nearest September 24 (September 22) and March 10.
- *Season Lengths and Limits:*
 - Dark Geese: States may select a season for Canada geese (or any other dark goose species except white-fronted geese) not to exceed 107 days with a daily bag limit of 3. For white-fronted geese, states may select either a season of 74 days with a bag limit of 2 or an 88-day season with a bag limit of 1.
 - Light Geese: States may select a light goose season not to exceed 107 days. The daily bag limit for light geese is 20 with no possession limit.

“Anticipated” 2012” Special Youth Waterfowl Hunting Days

States may select two consecutive days per duck-hunting zone, designated as “Youth Waterfowl Hunting Days,” in addition to their regular duck seasons. The days must be held outside any regular duck season on a weekend, holiday, or other non-school day when youth hunters would have the maximum opportunity to participate. The days may be held up to 14 days before or after any regular duck-season frameworks or within any split of a regular duck season, or within any other open season on migratory birds.

- *Daily Bag Limits:* The daily bag limits may include ducks, geese, mergansers, and coots and would be the same as those allowed in the regular season
- *Shooting Hours:* One-half hour before sunrise to sunset
- *Participation Restrictions:* Youth hunters must be 15 years of age or younger. In addition, an adult at least 18 years of age must accompany the youth hunter into the field. This adult may not waterfowl hunt but may participate in other seasons that are open on the special youth day.

STAFF RECOMMENDATIONS

Ducks, Mergansers and Coots - Adopt federal frameworks for daily bag limit, possession limit, and shooting hours. Adopt a 74-day season length in the Low Plains Unit and adopt a 96-day season length in the High Plains Unit. *

- High Plains Unit: Oct. 6 – Dec. 30, 2012 and Jan. 19-27, 2013
- Low Plains Early Zone: Oct. 6 – Dec. 2 & Dec. 15 – Dec. 30, 2012
- Low Plains Late Zone: Oct. 27 – Dec. 30, 2012 & Jan. 19-27, 2013
- Low Plains Southeast Zone: Nov. 3, 2012- Jan. 6, 2013 & Jan. 19-27, 2013

* The Migratory Bird Treaty Act limits the season for any one species to 107 days. With a 9 day September Teal Season and a 2 day special youth season, permits only 96 duck hunting days in Kansas's High Plains Unit.

Geese - Adopt federal frameworks for season length, daily bag limit, possession limit and shooting hours for dark and light geese.

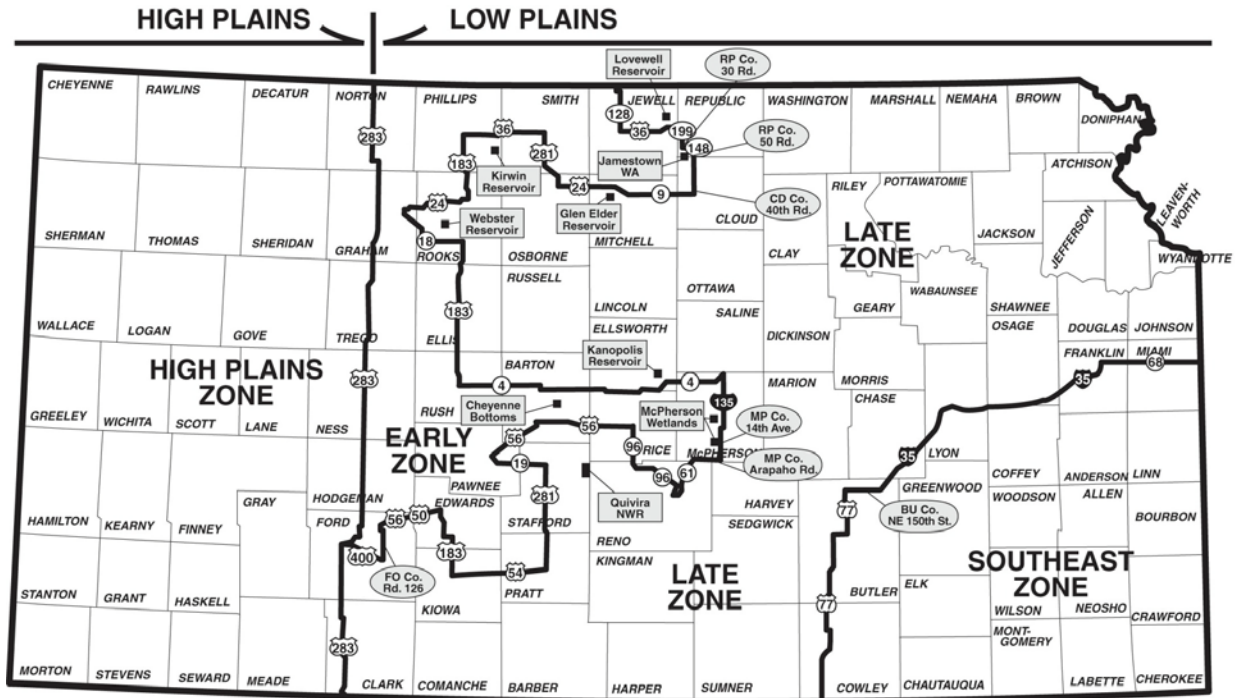
- White-fronted Geese: Oct. 27 – Dec. 30, 2012 and Feb. 2-10, 2013
- Canada and Brant Geese:** Oct. 27 – Nov. 4, and Nov. 7, 2012 – Feb. 10, 2013
- Light (Ross's and Snow) Geese:** Oct. 27 – Nov. 4, and Nov. 7, 2102 - Feb. 10, 2013
- Light Goose Conservation Order: Feb. 11 – April 30, 2013

** The Migratory Bird Treaty Act limits the season for any one species to 107 days. With the 2 day special youth season, permits only 105 hunting days for Canada and Light geese.

Special Youth Waterfowl Hunting Days - Adopt federal frameworks for the special youth waterfowl hunting days.

- High Plains Unit: Sept. 29 – 30, 2012
- Low Plains Early Zone: Sept. 29 – 30, 2012
- Low Plains Late Zone: Oct. 20 – 21, 2012
- Low Plains Southeast Zone: Oct. 20 – 21, 2012

Figure 1. Kansas Duck Hunting Zones



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

Background

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

Discussion

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

A state that wishes to allow falconry must establish laws and regulations that meet the standards established by the USFWS. The director of the USFWS must determine that a state falconry permitting program meets the standards established by the USFWS no later than January 1, 2014. At that time, all federal falconry permits and the federal permitting program will end. Falconry will not be permitted in a state after this date until the state develops a permitting program the director of USFWS certifies to be in compliance with these regulations. State regulations may be more restrictive than these federal standards but may not be less restrictive. State regulations must be consistent with the terms contained in any convention between the United States and any foreign country for the protection of raptors and the Migratory bird Treaty Act.

Items required by USFWS for certification of State Falconry permit;

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

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

Recommendations

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

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

Following are staff recommendations for consideration for the KDWP falconry regulations:

- Lapsed permits may be reinstated at previously existing level without requirement to retake examination in accordance with federal regulations of not having lapsed for more than five years. This is to take into account reasonable circumstances that may occur that an individual may not be able to renew permit or keep birds such as military deployment.
- Apprentice falconers can possess only wild-caught kestrels, red-tailed hawks, and red shouldered hawks.
- Adopt the lowered minimum ages for falconry classes; Apprentice 12 years of age, General Class, 16 years of age

- Indoor and outdoor falconry holding facilities need to be constructed and inspected prior to issuance of falconry permit.
- Falconry equipment as outlined by federal regulations shall be possessed by each applicant before the issuance or renewal of a falconry permit.
- Adopt federal regulations on types of raptors and when they can be taken but require a valid Kansas hunting license to take raptors from the wild.
- No species listed as threatened or endangered in Kansas can be taken.
- Each item of equipment used to capture raptors shall be tagged with permittees name and falconry permit number.
- Raptors taken under a depredation or special purpose federal permit may be used by General and Master falconers. These raptors are typically golden eagles.

Public Hearing

Document No. _____

KANSAS REGISTER
SUBMISSION FORM

Agency Number -- 710-01

Agency Name -- Kansas Department of Wildlife, Parks and Tourism

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

Topeka, Kansas 66612-1233

Title of Document -- Public Hearing

Desired Date of Publication - April 19, 2012

ITEMS SUBMITTED IN DUPLICATE

CERTIFICATION

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

Christopher J. Tymeson
Liaison officer's typed name

Liaison officer's signature

Department Attorney
Title

(785) 296-2281
Phone

This space for Register office use only

Wildlife, Parks, and Tourism Commission

Notice of Public Hearing

A public hearing will be conducted by the Wildlife, Parks, and Tourism Commission at 7:00 p.m., Thursday, June 21, 2012 at the Cabela's, 10300 Cabela Drive, Kansas City, Kansas, to consider the approval and adoption of proposed regulations of the Kansas Department of Wildlife, Parks, and Tourism.

A regulatory hearing on business of the Wildlife, Parks, and Tourism Commission will begin at 7:00 p.m., June 21 at the location listed above. There will be public comment periods at the beginning of the evening meeting for any issues not on the agenda and additional comment periods will be available during the meeting on agenda items. Old and new business may also be discussed at this time. If necessary to complete business matters, the Commission will reconvene at 9:00 a.m. June 22 at the location listed above.

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

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

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

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

K.A.R. 115-8-2. This permanent regulation establishes provisions for blinds, tree stands, and decoys on department lands and waters. The proposed amendment would restrict hunters to two treestands per area, require treestands to be marked with user identification, and require that blinds and decoys not be left unattended overnight.

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

K.A.R. 115-8-23. This new permanent regulation establishes provisions use of bait on public lands. The regulation would not allow the use of bait on department lands while hunting.

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

K.A.R. 115-8-24. This new permanent regulation establishes provisions for commercial guiding on department lands. The regulation would require that commercial guides obtain a no cost commercial guide permit to operate on department lands.

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

K.A.R. 115-17-6. This permanent regulation establishes a commercial mussel fishing license, mussel salvage permits, license or permit application and requirements, authority, reports, general provisions, and license or permit revocation. The proposed amendments would extend the moratorium on commercial mussel harvesting.

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

K.A.R. 115-17-7. This permanent regulation establishes the legal species, seasons, size restrictions, daily limits, and possession limits for commercial mussel harvesting. The proposed amendments would extend the moratorium on commercial mussel harvesting.

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

K.A.R. 115-17-8. This permanent regulation establishes the legal equipment, taking methods, and general provisions for commercial mussel harvest. The proposed amendments would extend the moratorium on commercial mussel harvesting.

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

K.A.R. 115-17-9. This permanent regulation establishes the open areas for commercial mussel harvest. The proposed amendments would extend the moratorium on commercial mussel harvesting.

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

K.A.R. 115-20-7. This permanent regulation establishes the legal equipment, taking methods, and possession for doves. The proposed amendment would require doves be taken in flight.

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

K.A.R. 115-25-1. This exempt regulation establishes the open seasons, bag limits, and possession limits for prairie chickens. The proposed version of the regulation would add the September hunting season in the northwest unit.

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

K.A.R. 115-25-9a. This exempt regulation establishes additional deer open seasons, bag limits, and permits for Fort Riley. The proposed version would update season dates for Fort Riley.

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

K.A.R. 115-25-20. This exempt regulation establishes the management unit, hunting season, shooting hours, bag and possession limits, and permit validation for sandhill cranes. The proposed version expands shooting hours from sunrise to sunset.

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

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

Gerald Lauber, Chairman



STATE OF KANSAS
OFFICE OF THE ATTORNEY GENERAL

DEREK SCHMIDT
ATTORNEY GENERAL

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

April 5, 2012

Chris Tymeson
Chief Legal Counsel
Kansas Department of Wildlife, Parks and Tourism
1020 S. Kansas Ave., Suite 200
Topeka, KS 66612-1327

**RE: K.A.R. 115-8-2; K.A.R. 115-8-23; K.A.R. 115-8-24; K.A.R. 115-25-1;
K.A.R. 115-25-9a**

Dear Chris:

Pursuant to K.S.A. 77-420(b), we have determined that the above-referenced regulations are within the statutory authority of the agency and do not present any other legal issues of concern. We have therefore approved the regulations for legality. The regulations are stamped and enclosed with this letter.

The originals are enclosed herein.

Sincerely,

OFFICE OF THE ATTORNEY GENERAL
DEREK SCHMIDT

A handwritten signature in black ink, appearing to read "Sarah Fertig".

Sarah Fertig
Assistant Attorney General

Enclosures

cc: Sen. Vicki Schmidt, Chair, Joint Committee on Rules and Regulations
Rep. Carl Holmes, Vice Chair, Joint Committee on Rules and Regulations
Rep. Janice Pauls, Ranking Minority Member, Joint Committee on Rules and Regulations
Raney Gilliland, Legislative Research, State Capitol, Room 545N
Kenneth Wilke, Revisor of Statutes, State Capitol, Ste. 24-E



STATE OF KANSAS
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February 22, 2012

Chris Tymeson
Chief Legal Counsel
Kansas Department of Wildlife, Parks and Tourism
1020 S. Kansas Ave., Suite 200
Topeka, KS 66612-1327

RE: K.A.R. 115-17-6; K.A.R. 115-17-7; K.A.R. 115-17-8; K.A.R. 115-17-9

Dear Chris:

Pursuant to K.S.A. 77-420(b), we have determined that the above-referenced regulations are within the statutory authority of the agency and do not present any other legal issues of concern. We have therefore approved the regulations for legality. The regulations are stamped and enclosed with this letter.

The originals are enclosed herein.

Sincerely,

OFFICE OF THE ATTORNEY GENERAL
DEREK SCHMIDT

A handwritten signature in cursive script, appearing to read "Sarah Fertig".

Sarah Fertig
Assistant Attorney General

Enclosures

cc: Sen. Vicki Schmidt, Chair, Joint Committee on Rules and Regulations
Rep. Carl Holmes, Vice Chair, Joint Committee on Rules and Regulations
Rep. Janice Pauls, Ranking Minority Member, Joint Committee on Rules and Regulations
Raney Gilliland, Legislative Research, State Capitol, Room 545N
Kenneth Wilke, Revisor of Statutes, State Capitol, Ste. 24-E

115-8-2. Blinds, ~~and tree stands,~~ and decoys. Subject to provisions and restrictions as established by posted notice, blinds, ~~and tree stands,~~ and decoys shall be allowed on department lands and waters as follows: (a) ~~portable blinds,~~ Floating blinds, and portable tree stands used for hunting may be placed not more than 14 days ~~prior to~~ before the hunting season for which the blind or stand will be used and shall be removed from department property within 14 days after the hunting season for which the blind or stand was placed has ended;

(b) ~~portable blinds,~~ Floating blinds and portable tree stands used for purposes other than hunting may be placed for a period ~~of time~~ not to exceed 14 days and shall be removed from department property at the conclusion of 14 days or after the intended use of the blind or stand has ended, whichever time period is less;

(c) Ladders, screw-in metal steps, and steps attached by ropes, cables, or chains may be used for access to portable tree stands and shall be removed ~~at the same time as~~ when the portable tree stand is removed as required by ~~subsections~~ subsection (a) or (b);

(d) Natural blinds may be used for any authorized activity and shall be constructed of natural herbaceous materials or woody debris, or both, that are present at the site of the natural blind;

(e) Any individual may use a placed portable blind, floating blind, portable tree stand, or natural blind when the blind or stand is not occupied; ~~and.~~

(f) Any blind, stand, or climbing device not in conformance with ~~rules and~~ regulations or posted notice provisions or restrictions may be removed or destroyed by the department.

(g) Each portable blind, floating blind, and portable tree stand shall be marked with either the

user's name and address or the user's department-issued identification number in a visible, legible, and weatherproof manner.

(h) No individual shall place more than two portable blinds or tree stands on any single department-owned or department-managed property.

(i) Portable blinds shall not be left unattended overnight.

(j) Decoys shall not be left unattended overnight. (Authorized by and implementing K.S.A 1989 Supp. 32-807; implementing K.S.A. 1989 Supp. 32-807 and K.S.A. 1989 Supp. 32-1015; effective April 30, 1990; amended P-_____.)

ECONOMIC IMPACT STATEMENT

115-8-2. Blinds, tree stands, and decoys.

DESCRIPTION: This permanent regulation establishes certain requirements for blinds, tree stands, and decoys on public lands. The proposed amendments would require blinds and treestands to be marked with user identification information, limit treestands or blinds to two per management area, and require that portable blinds and decoys not be left unattended overnight. The purpose of the proposed changes are to ensure fairness on limited department owned property.

FEDERAL MANDATE: None.

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

ALTERNATIVES CONSIDERED: None.

115-8-23. Bait; hunting. (a) No person shall place, deposit, expose, or scatter bait while hunting or preparing to hunt on department lands or place, deposit, expose, or scatter bait in a manner that causes another person to be in violation of this regulation.

(b) Hunting shall be prohibited within 100 yards of any bait placed, deposited, exposed, or scattered on department lands. Bait shall be considered placed, deposited, exposed, or scattered on department lands for 10 days following complete removal of the bait.

(c) Nothing in this regulation shall prohibit the hunting or taking of wildlife over standing crops, grain found scattered solely as the result of normal agricultural operations, or grain found scattered solely as the result of normal weather conditions.

(d) For the purposes of this regulation, "bait" shall mean any grain, fruit, vegetable, nut, hay, salt, sorghum, feed, other food, or mineral that is capable of attracting wildlife. Liquid scents and sprays shall not be considered bait. (Authorized by and implementing K.S.A. 32-807; effective P-
_____.)

ECONOMIC IMPACT STATEMENT

K.A.R. 115-8-23. Bait; hunting.

DESCRIPTION: This new permanent regulation establishes restrictions on the use of bait while hunting on department lands. The purpose of the regulation is to reduce conflicts among user groups on limited public hunting property.

FEDERAL MANDATE: None.

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

ALTERNATIVES CONSIDERED: None.

115-8-24. Commercial guiding on department lands. (a) No person shall provide commercial guide services on department-owned or department-managed lands without a commercial guide permit issued by the department that is specific to the tract of land where the guide is operating.

(b) For the purposes of this regulation, “commercial guide services” shall mean providing, offering to provide, arranging for, or assisting with hunting activities for other individuals on a commercial basis, including providing any one or more of the following when used in conjunction with or for hunting activities: pack or riding livestock, transportation other than by commercial carrier, equipment, or facilities.

(c) “Commercial basis” shall mean that the recipient of the commercial guide services agrees to provide valuable consideration as compensation for the services, which are provided as part of a business relationship. Evidence of a business relationship shall include advertisement of the commercial guide services, written agreement of the terms of payment, or services provided by an employee of a commercial guide service.

(d) Each commercial guide shall submit an annual report before July 1 on a form provided by the department. (Authorized by and implementing K.S.A. 32-807; effective P-_____.)

ECONOMIC IMPACT STATEMENT

K.A.R. 115-8-24. Commercial guiding on department lands.

DESCRIPTION: This new permanent regulation establishes a requirement that commercial guides obtain a no cost permit before guiding commercially on public ground. The purpose of the regulation is to allow the department to gather information to determine if there is a conflict with user groups on limited public hunting property.

FEDERAL MANDATE: None.

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

ALTERNATIVES CONSIDERED: None.

115-17-6. Commercial mussel fishing license; mussel salvage permits; license or permit application and requirements, authority, reports, general provisions, and license or permit

revocation. (a) A commercial mussel fishing license shall be required for commercial mussel fishing purposes. If a mussel salvage order has been issued by the secretary through public notice or posting the area open to mussel salvage, a mussel salvage permit shall be required for mussel salvage purposes.

(b) Any person may apply to the secretary for a commercial mussel fishing license or a mussel salvage permit. The application shall be submitted on forms provided by the department, and each applicant shall provide the following information, except that no commercial license shall be issued on and after January 1, 2003 through December 31, ~~2012~~ 2022:

- (1) The name of the applicant;
- (2) the address and telephone number of the applicant;
- (3) the business locations and telephone numbers of the applicant;
- (4) the location for mussel storage and processing; and
- (5) other relevant information as required by the secretary.

(c) Each mussel fishing licensee shall maintain a current record of activity and shall submit quarterly reports to the department on forms provided by the department. The reports shall be submitted not later than 15 days following the end of the quarter for which the reports are prepared. A license shall not be renewed until all reports due have been received by the department. Each mussel salvage permittee shall maintain a current record of activity for the duration of the permit and shall submit a

report to the department on forms provided by the department. The report shall be submitted not later than 15 days following the expiration of the permit.

(d) The records and reports shall include the following information:

(1) The name of the licensee or permittee;

(2) the address and telephone number of the licensee or permittee;

(3) the license or permit number of the licensee or permittee;

(4) the total weight or total shell weight of each mussel species harvested;

(5) the total weight or total shell weight of each mussel species sold, including the following information:

(A) A separate entry for each sale stating the total weight or total shell weight of each mussel species sold;

(B) the date of each sale;

(C) the name, address, and license number of the person to whom the mussels were sold; and

(D) the name of the state where harvested; and

(6) other relevant information as required by the secretary.

(e) Each commercial mussel fishing licensee or mussel salvage permittee shall sell mussels only to a person legally authorized to purchase mussels under subsection (f) of this regulation, or pursuant to K.A.R. 115-17-14.

(f) Any person may purchase mussels from a commercial mussel fishing licensee or mussel salvage permittee if the mussels are not purchased for use as fish bait, are not purchased for resale, are not purchased for other commercial use, and are not sold.

(g) In addition to other penalties prescribed by law, a commercial mussel fishing or mussel salvage application, license, or permit may be revoked or denied issuance by the secretary if any of the following conditions is met:

(1) The application is incomplete or contains false information.

(2) The licensee or permittee fails to meet license or permit requirements or violates license or permit conditions.

(3) The licensee or permittee violates any provision of law, ~~rules~~, or regulations related to the commercial use of mussels.

(h) Each commercial mussel fishing license shall expire on December 31 of the year for which the license was issued. Each mussel salvage permit shall expire on the date written on the salvage permit.

(i) Each commercial mussel fishing license shall permit the possession of mussels harvested for commercial purposes by that licensee for no more than 48 hours after the close of the mussel season. A mussel salvage permit shall permit the possession of mussels harvested for commercial purposes by that permittee for no more than 48 hours after the expiration date written on the salvage permit.

(j) A licensee or permittee may submit a written request to the secretary to possess mussels for commercial purposes beyond the possession period specified ~~above~~ in subsection (i). Each request shall

specify the number of each species of mussels possessed and the applicant's name, address, and commercial mussel fishing license or mussel salvage permit number. Authorization of possession beyond the possession period shall be issued in writing and shall include a date on which the authorization expires. Receipt of this authorization by the licensee or permittee shall allow the licensee's or permittee's sale of shells pursuant to subsection (e) ~~of this regulation~~. ~~Any~~ Each mussel sale during the authorized time period shall be reported to the department within 48 hours of the sale by both the licensee or permittee and the purchaser. (Authorized by and implementing K.S.A. 32-807 and K.S.A. 32-941; ~~implementing K.S.A. 32-807, K.S.A. 32-941, and K.S.A. 32-1002~~; effective Jan. 1, 1991; amended June 8, 1992; amended Nov. 30, 1998; amended Nov. 22, 2002; amended April 18, 2003; amended P-_____.)

ECONOMIC IMPACT STATEMENT

K.A.R. 115-17-6. Commercial mussel fishing license; license application and requirements, authority, reports, general provisions and license revocation.

DESCRIPTION: This permanent regulation establishes guidelines for a commercial mussel fishing license. The proposed amendments would continue a moratorium on commercial harvesting of mussels for another ten years. The purpose of the moratorium is to address declining mussel numbers and continue to study the impacts of commercial harvesting on the resource.

FEDERAL MANDATE: None.

ECONOMIC IMPACT: The proposed amendment should have no economic impact on the department, other state agencies, small businesses and the public.

ALTERNATIVES CONSIDERED: Alternatives considered included reopening commercial mussel harvest as well as completely eliminating mussel harvesting in Kansas.

115-17-7. Commercial harvest of mussels; legal species, seasons, size restrictions, daily limits, and possession limits. (a) The following listed mussel species may be taken for commercial purposes, except that no mussels may be commercially harvested on and after January 1, 2003 through December 31, ~~2012~~ 2022, unless a mussel salvage order has been issued by the secretary through public notice or posting the area open to mussel salvage:

- (1) Threeridge, *Amblema plicata*;
- (2) monkeyface, *Quadrula metanevra*;
- (3) mapleleaf, *Quadrula quadrula*;
- (4) bleufer (purple shell), *Potamilus purpuratus*; and
- (5) Asian clam, *Corbicula fluminea*.

(b) The season for the commercial harvest of mussels shall be on and after April 1 through September 30. However, mussels shall not be commercially harvested on and after January 1, 2003 through December 31, ~~2012~~ 2022, ~~except when~~ unless a mussel salvage order has been issued by the secretary through public notice or posting the area open to mussel salvage.

(c) Harvesting requirements shall include the following:

- (1) The minimum size of mussels shall be measured by passing the mussel shell through a circular measuring device with the appropriate inside diameter.
- (2) Measurement shall occur immediately upon removal of the mussel from the water.
- (3) If the mussel passes through the appropriate circular measuring device from any angle or direction, the mussel shall not be deemed to meet the minimum size requirement and shall be immediately returned to the water.
- (4) The minimum shell size for mussel species shall be the following:

- (A) Threeridge: 3-inch diameter;
- (B) monkeyface: 2 ¾-inch diameter;
- (C) mapleleaf and bleufer: 3-inch diameter; and
- (D) Asian clam: no minimum size.

(d) There shall be no maximum daily or possession limits for mussels. (Authorized by and implementing K.S.A. 32-807 and K.S.A. 32-941; ~~implementing K.S.A. 32-807, K.S.A. 32-941, and K.S.A. 32-1002;~~ effective Jan. 1, 1991; amended June 8, 1992; amended Nov. 22, 2002; amended April 18, 2003; amended P-_____.)

ECONOMIC IMPACT STATEMENT

K.A.R. 115-17-7. Commercial mussel fishing license; legal species, seasons, size restrictions, daily limits and possession limits.

DESCRIPTION: This permanent regulation establishes guidelines for commercial mussel harvest. The proposed amendments would continue a moratorium on commercial harvesting of mussels for another ten years. The purpose of the moratorium is to address declining mussel numbers and continue to study the impacts of commercial harvesting on the resource.

FEDERAL MANDATE: None.

ECONOMIC IMPACT: The proposed amendment should have no economic impact on the department, other state agencies, small businesses and the public.

ALTERNATIVES CONSIDERED: Alternatives considered included reopening commercial mussel harvest as well as completely eliminating mussel harvesting in Kansas.

115-17-8. Commercial harvest of mussels; legal equipment, taking methods, and general

provisions. (a) Legal equipment and taking methods permitted for commercial harvest of mussels shall be the following:

(1) By hand; and

(2) by other methods as approved by the ~~department~~ secretary.

(b)(1) Boats with or without mechanical propulsion methods may be used.

(2) Depth-recording or fish-locating devices may be used.

(3) Underwater breathing equipment may be used while taking mussels, if a diver's flag is prominently displayed while using the underwater breathing equipment.

(4) Holding bags, holding baskets, and holding cages may be used if the name and permit number of the permittee is are attached to each such bag, basket, and cage.

(c) No mussels may be commercially harvested on and after January 1, 2003 through December 31, ~~2012~~ 2022, ~~except when~~ unless a mussel salvage order has been issued by the secretary through public notice or posting the area open to mussel salvage. (Authorized by and implementing K.S.A. 32-807 and K.S.A. 32-941; ~~implementing K.S.A. 32-807, K.S.A. 32-941, and K.S.A. 32-1002~~; effective Jan. 1, 1991; amended Nov. 22, 2002; amended April 18, 2003; amended P-_____.)

ECONOMIC IMPACT STATEMENT

K.A.R. 115-17-8. Commercial harvest of mussels; legal equipment, taking methods and general provisions.

DESCRIPTION: This permanent regulation establishes guidelines on legal equipment and taking methods for commercial mussel harvest. The proposed amendments would continue a moratorium on commercial harvesting of mussels for another ten years. The purpose of the moratorium is to address declining mussel numbers and continue to study the impacts of commercial harvesting on the resource.

FEDERAL MANDATE: None.

ECONOMIC IMPACT: The proposed amendment should have no economic impact on the department, other state agencies, small businesses and the public.

ALTERNATIVES CONSIDERED: Alternatives considered included reopening commercial mussel harvest as well as completely eliminating mussel harvesting in Kansas.

115-17-9. Commercial mussel fishing; open areas. Waters of the state open for commercial mussel fishing shall be the following, except that all waters of the state shall be closed on and after January 1, 2003 through December 31, ~~2012~~ 2022, unless a mussel salvage order has been issued by the secretary through public notice or posting the area open to mussel salvage:

(a) Federal reservoirs;

(b) impoundments operated by other governmental entities, if authorized by the governmental entity;

(c) Fall River from below Fall River Dam to its junction with the Verdigris River, except for the stretch of the Fall River from the county road ford located 1.2 miles east of state highway K-96, 3.2 miles south of Fredonia, Kansas, downstream to the Dun Dam located 2.5 miles west and 2.25 miles north of Neodesha, Kansas, which is a total of 9.89 stream miles including 3.27 impounded miles;

(d) Verdigris River from below Toronto Dam to the state line, except for the stretch of the Verdigris River from the Whitehair bridge located 2.5 miles east of federal highway US-75 on the Wilson-Montgomery county line road, downstream to the Montgomery county road bridge located 1.47 miles east of Sycamore, Kansas, which is a total of 6.66 stream miles; and

(e) Neosho River from below John Redmond Dam to the state line, except for the stretch of the Neosho River from the Neosho Falls dam, at Neosho Falls, Kansas, downstream to the mouth of Rock Creek in the NW 1/4, NW 1/4, Section 11, T24S, R17E, Allen County, Kansas, which is a total of 3.35 stream miles; and

(f) Elk River. (Authorized by and implementing K.S.A. 32-807 and K.S.A. 32-941; ~~implementing K.S.A. 32-807, K.S.A. 32-941 and K.S.A. 32-1002~~; effective Jan. 1, 1991; amended June 8, 1992; amended Nov. 22, 2002; amended April 18, 2003; amended P-_____.)

ECONOMIC IMPACT STATEMENT

K.A.R. 115-17-9. Commercial mussel fishing; open areas.

DESCRIPTION: This permanent regulation establishes open areas of the state for commercial mussel fishing. The proposed amendments would continue a moratorium on commercial harvesting of mussels for another ten years. The purpose of the moratorium is to address declining mussel numbers and continue to study the impacts of commercial harvesting on the resource.

FEDERAL MANDATE: None.

ECONOMIC IMPACT: The proposed amendment should have no economic impact on the department, other state agencies, small businesses and the public.

ALTERNATIVES CONSIDERED: Alternatives considered included reopening commercial mussel harvest as well as completely eliminating mussel harvesting in Kansas.

115-20-7. Doves; legal equipment, taking methods, and possession. (a) Legal hunting equipment for doves shall consist of the following:

(1) Shotguns that are not larger than 10 gauge, use shot ammunition, and are incapable of holding more than three shells in total capacity;

(2) pellet and BB guns;

(3) archery equipment;

(4) crossbows;

(5) falconry equipment;

(6) optical scopes or sights that project no visible light toward the target and do not electronically amplify visible or infrared light; and

(7) blinds, stands, calls, and decoys, except live decoys.

(b) The use of dogs shall be permitted while hunting.

(c) Any type of apparel may be worn while hunting doves.

(d) Legally taken doves may be possessed without limit in time and may be given to another if accompanied by an attached, dated written notice that includes the donor's printed name, signature, and address; the total number of birds; the dates the birds were killed; and the permit or license number. The person receiving the meat shall retain the notice until the meat is consumed, given to another, or otherwise disposed of.

(e) Doves shall be taken only while in flight. (Authorized by and implementing K.S.A. 32-807; ~~implementing K.S.A. 32-807 and K.S.A. 2008 Supp. 32-1002~~; effective Nov. 20, 2009; amended P-_____.)

ECONOMIC IMPACT STATEMENT

K.A.R. 115-20-7. Doves; legal equipment, taking methods, and possession.

DESCRIPTION: This permanent regulation establishes certain requirements for hunting of doves. The proposed amendment would disallow the take of doves unless in flight, similar to gamebirds.

FEDERAL MANDATE: None.

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

ALTERNATIVES CONSIDERED: None.

115-25-20. Sandhill crane; management unit, hunting season, shooting hours, bag and possession

limits, and permit validation. (a) The open season for the taking of sandhill crane shall begin on the Wednesday after the first Saturday in November and shall continue for 58 days, including the opening day.

(b) The following area shall be open for the taking of sandhill crane during the established hunting season: that part of Kansas bounded by a line from the junction of interstate highway I-35 and the Oklahoma-Kansas state line, then north on interstate highway I-35 to its junction with interstate highway I-135, then north on interstate highway I-135 to its junction with interstate highway I-70, then north on federal highway US-81 to its junction with the Nebraska-Kansas state line, then west on Nebraska-Kansas state line to its junction with the Colorado-Kansas state line, then south on the Colorado-Kansas state line to its junction with the Oklahoma-Kansas state line, and then east on the Oklahoma-Kansas state line to its junction with interstate highway I-35, except federal and state sanctuaries.

(c) Shooting hours shall be from sunrise until sunset.

(d) The daily bag limit shall be three sandhill cranes.

(e) The possession limit shall be six sandhill cranes.

(f) Each person hunting sandhill cranes in Kansas shall possess a federal sandhill crane hunting permit that has been issued through and validated by the department. Except as specified in subsection (g), any individual may secure a federal sandhill crane hunting permit upon application to the department and payment of the sandhill crane permit validation fee.

(g) Each person desiring to hunt sandhill cranes in Kansas shall be required to pass an annual, on-line sandhill crane identification examination before meeting the requirements specified in

subsection (f). (Authorized by and implementing K.S.A. 32-807.)

ECONOMIC IMPACT STATEMENT

K.A.R. 115-25-20. Sandhill crane; management unit, hunting season, shooting hours, bag and possession limits, and permit validation.

DESCRIPTION: This regulation establishes requirements for hunting sandhill cranes. The proposed version of the regulation would change the shooting hours back to sunrise rather than one-half hour after sunrise and extend shooting hours to sunset rather than 2:00 p.m.

FEDERAL MANDATES: None.

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

ALTERNATIVES CONSIDERED: Other than to not adopt the proposed amendments, no other alternatives were considered.

September Teal Season

Background

Blue-winged teal are one of the earliest of the migratory waterfowl with most passing through Kansas from late August through September, prior to the opening of the regular duck season. Green-winged teal are also early migrants arriving in September and October, although many remain in the state throughout the winter, depending on weather conditions. Special seasons were initiated to provide harvest opportunities on blue-winged and green-winged teal. As long as teal populations are above 3.3 million (on the May survey), a 9-day teal season can be held. If the blue-winged teal breeding population exceeds 4.7 million, a 16-day season can be offered. The 2012 blue-winged teal breeding population total will not be known until June, but based on last year's (2011) blue-winged teal breeding population of 9 million and spring habitat conditions in the Prairie Pothole Region, the 2012 count is expected to allow for a 16-day season.

Anticipated U.S. Fish & Wildlife Service Frameworks*

Season Dates: September 1 and September 30, 2011, not exceeding:
- 16 days if blue-winged teal breeding population is above 4.7 million
- 9 days if the breeding population is between 3.3 - 4.6 million

Bag Limit: 4 daily, 8 in possession (any combination of teal)

Shooting Hours: One-half hour before sunrise to sunset for all seasons

* Final Federal Frameworks will not be set until the June 21 at the USFWS Regulatory Committee Meeting.

Staff Recommendations

Season Dates:

Low Plains Zones

9-day season running September 15 through September 23, 2012

16-day season running September 8 through September 23, 2012

High Plains Zone**

9-day season running September 15 through September 23, 2012

16-day season running September 8 through September 23, 2012

8-day season running September 15 through September 22, 2012

** It is possible that only 8 days will be available for the September Teal Season in the High Plains Zone (West of Highway 283). This potential restriction on the High Plains Teal Season is due to the 107-day annual limit on hunting of any one species set by the Migratory Bird Treaty Act. A regular High Plains duck season of 97 days allowed under the regular season liberal package, plus 2 days of youth hunting leaves only 8 days to reach the 107 day total.

Bag Limit: 4 daily, 8 in possession (any combination of teal)

Shooting Hours: One-half hour before sunrise to sunset

Table 1. Kansas September Teal Season Dates and Harvest (1999-2011) Based on the Harvest Information Program (HIP).

Year	High Plains Season Dates	Low Plains Season Dates	Green-winged Teal	Blue-winged Teal	Total Harvest
2011	Sept. 17-25	Sept. 10-25	NA*	NA*	NA*
2010	Sept. 18-26	Sept. 11-26	1,812	16,829	18,641
2009	Sept. 19-26	Sept. 12-27	2,775	15,165	17,940
2008	Sept. 13-20	Sept. 13-28	7,200	15,120	22,320
2007	Sept. 15-22	Sept. 8-23	4,534	25,582	30,116
2006	Sept. 16-23	Sept. 9-24	4,733	23,664	28,397
2005	Sept. 17-24	Sept. 17-25	2,200	10,387	12,587
2004	Sept. 18-25	Sept. 18-26	2,901	19,173	22,074
2003	Sept. 20-27	Sept. 13-28	9,024	21,393	30,417
2002	Sept. 14-22	Sept. 14-22	3,783	8,723	12,506
2001	Sept. 15-22	Sept. 15-30	1,790	10,741	12,531
2000	Sept. 9-16	Sept. 9-24	4,621	27,724	32,345
1999	Sept. 11-19	Sept. 11-26	3,052	28,022	31,074

* Harvest Data is not available until July.

115-25-1. Prairie chickens; open seasons, bag limits, and possession limits; permit. (a) East unit. The open season for the taking of prairie chickens shall be September 15 through October 15 and shall reopen on the third Saturday of November through January 31 of the following year, in that part of Kansas east of federal highway US-281 and bounded by Nebraska on the north, Missouri on the east, and Oklahoma on the south.

(b) Southwest unit. The open season for the taking of prairie chickens shall be the third Saturday in November through December 31, in that part of Kansas bounded by a line from the Colorado-Kansas state line east on interstate highway I-70 to its junction with federal highway US-281, then south on federal highway US-281 to its junction with the Oklahoma-Kansas state line, then west along the Oklahoma-Kansas state line to its junction with the Colorado-Kansas state line, and then north along the Colorado-Kansas state line to its junction with interstate highway I-70.

(c) Northwest unit. The open season for the taking of prairie chickens shall be September 15 through October 15 and shall reopen on the third Saturday of November through January 31 of the following year, in that part of Kansas bounded by a line from the Colorado-Kansas state line east on interstate highway I-70 to its junction with federal highway US-281, then north on federal highway US-281 to its junction with the Nebraska-Kansas state line, then west along the Nebraska-Kansas state line to its junction with the Colorado-Kansas state line, and then south along the Colorado-Kansas state line to its junction with interstate highway I-70.

(d) Daily bag limit. The daily bag limit shall be two prairie chickens, except that in the part of Kansas described in subsection (b) the daily bag limit shall be one prairie chicken.

(e) Possession limit. The possession limit shall be eight prairie chickens, except that in the part of Kansas described in subsection (b) the possession limit shall be four prairie chickens.

(f) Permit required. Before taking any prairie chickens, the individual shall have obtained and shall possess, while hunting, a current prairie chicken hunting permit from the department. (Authorized by and implementing K.S.A. 32-807.)

ECONOMIC IMPACT STATEMENT

K.A.R. 115-25-1. Prairie chickens; open seasons, bag limits, and possession limits.

DESCRIPTION: This proposed exempt regulation establishes hunting seasons, bag limits, and possession limits for prairie chickens. The proposed changes different from previous prairie chicken seasons include increasing the season length in the northwest unit, where populations are increasing, and requiring a separate permit to hunt prairie chickens.

FEDERAL MANDATE: None.

ECONOMIC IMPACT: It is not anticipated that the amendments would have any substantial economic impact on the department, the general public, small businesses or other agencies.

ALTERNATIVES CONSIDERED: None

115-25-9a. Deer; open season, bag limit, and permits; additional considerations; Fort Riley. (a) In addition to the archery seasons specified in K.A.R. 115-25-9, the open archery season for the taking of deer in the Fort Riley subunit shall also be September 1, 2012 through September 16, 2012 by individuals who possess the required authorization issued by Fort Riley to hunt for deer during the specified days.

(b) In addition to the season for designated persons specified in K.A.R. 115-25-9, in the Fort Riley subunit the season for designated persons shall also be October 5, 2012 through October 8, 2012.

(c) In the Fort Riley subunit, the open firearm season for the taking of deer shall be November 23, 2012 through November 25, 2012 and December 15, 2012 through December 23, 2012.

(d) In addition to the firearms season specified in this regulation, deer may also be taken January 19, 2013 through January 21, 2013 by individuals who possess the required authorization issued by Fort Riley to hunt for deer during the specified days.

(e) In addition to the archery season specified in K.A.R. 115-25-9, the open archery season for the taking of deer in the Fort Riley subunit shall be January 14, 2013 through January 31, 2013 by individuals who possess the required authorization issued by Fort Riley to hunt for deer during the specified days.

(f) In the Fort Riley subunit, the special extended firearms season specified in K.A.R. 115-15-9 shall be closed.

(g) This regulation shall be effective on and after July 1, 2012, and shall have no force and effect on and after March 1, 2013. (Authorized by and implementing K.S.A. 32-807 and K.S.A. 2011 Supp. 32-937.)

ECONOMIC IMPACT STATEMENT

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

DESCRIPTION: This exempt regulation establishes additional considerations for the 2012-2013 firearm, muzzleloader and archery deer seasons. The main items in the regulation set the deer seasons on Fort Riley only in order to better accommodate the changing training mission at Fort Riley.

FEDERAL MANDATES: None

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

ALTERNATIVES CONSIDERED: None.