

**Kansas Department of Wildlife, Parks and Tourism
Commission Meeting Minutes
Thursday, January 9, 2014
Southwestern College
Winfield, KS**

Approved Subject to
3/20/14 Commission
Approval

I. CALL TO ORDER AT 1:00 p.m. CDT

The January 9, 2014 meeting of the Kansas Wildlife, Parks and Tourism Commission was called to order by Chairman Gerald Lauber at 1:00 p.m. at Southwestern College, Winfield. Chairman Lauber and Commissioners Don Budd, Randy Doll, Tom Dill, Gary Hayzlett and Roger Marshall were present.

II. INTRODUCTION OF COMMISSIONERS, STAFF AND GUESTS

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

III. ADDITIONS AND DELETIONS TO AGENDA ITEMS

None

IV. APPROVAL OF THE October 17, 2013 MEETING MINUTES

Commissioner Roger Marshall moved to approve the minutes as presented, Commissioner Tom Dill second. Approved. (Minutes – Exhibit B).

V. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

Chairman Lauber introduced Dick Merriman from the College and he welcomed the Commission and guests to the College.

Tim Donges, Quality Deer Management (QDMA), El Dorado – We’ve been in Oklahoma working with big game coordinator, Eric Bartholomew, Noble Foundation and QDMA. They are working on a campaign to educate the public on how to manage the deer herd; placing ads in regulation book, TV, bumper stickers, etc (“hunters in the know let young bucks grow”). Mentioned to Lloyd about doing something like this on public lands owned and managed by KDWP; possibly an antler restriction of some type to encourage hunters to pass on 1½-year-old bucks and allow more 2-year-old or older bucks to remain in population. Landowners also asked about falconry hunting prairie chickens on land and retrieving birds? Tymeson – Can’t trespass just like hunting with dogs. Commissioner Marshall – This is the first year in Oklahoma, have other states done this or have other states done it for multiple years and been successful? Donges

– The longer we keep hunters in the field with a positive experience the more money they are going to spend, just common sense. Commissioner Marshall – I am all for it, but I think we could spend lots of money doing something like this. Donges – Education is key to better, healthier, quality deer herd, and need mentality change. Commissioner Marshall – Are there other states with antler restrictions and has it worked? Donges – Yes, look at our website, we do a yearly deer report. Hunters may see it as negative, but creates even playing field. Commissioner Marshall – What is typical restriction size? Donges – Inside spread and main beam combination is best system. Commissioner Marshall – What is most successful state? Donges – Not sure, deer report on QDMA.com as well as map showing states involved. Chairman Lauber – Is antler restriction on inside spread; 12 inches to 15 inches? On states that use inside spread how refined is their policing process? Donges – May be a small fine, but motivation to put everyone on same playing field. Legitimate people will try to make honest decision, but understand people make mistakes. Chairman Lauber – Using points is better than inside spread. Commissioner Budd – QDMA is a membership organization? Donges – Have 3,000 professionals who pay \$30 membership. Commissioner Budd – Sponsor outdoor shows and things like that? Donges – Partnership with others with similar goals. Commissioner Budd – Would organization partner financially with state of Kansas? Donges – Would educate the staff. Commissioner Budd – Need to educate the public on some of your ideas. Linda, give me an idea of how much we pay for advertizing (one Tourism commercial)? Linda Craghead – Depending on size and range, from \$500 to \$5,000. Commissioner Budd – Would you make financial commitment to pay half of ad with state, over and above regulations, to educate the public? Donges – Might be possible. Chairman Lauber – Agree with fundamental concepts, careful of partners, good way to generate money done with NWTF, more controversial with deer, could be slippery slope to help us with marketing. Donges – One of the books out is food plots on the plains that we advertized in. Partnerships is how we get things done, but understand your point. Commissioner Budd – Big on surveys, just wanted to see if QDMA had an open mind to having a financial commitment to educate on that issue. Donges – We also rely on surveys. It is important to agency and more revenue for the state. Mike Pearce – Lloyd, on average, what percent of harvest is 1½ year old bucks, realize variation? Fox – As much as 70 percent of our harvest in Kansas are bucks 2½ or older. Our harvest age structure exceeds goals most states strive for. Chairman Lauber – Because we can harvest a doe? Fox – Part of it; also, peer pressure. Feel hunter attitudes already believe in passing up deer to let them grow. Pearce – If same process as telecheck used with buck, can you tell age from a photo? Fox – Absolutely; system allows you to enter any deer you take, antlered or antlerless and can also classify whether mule deer or whitetail; a great system.

VI. DEPARTMENT REPORT

A. Secretary's Remarks

1. Agency and State Fiscal Status – Robin Jennison, secretary, presented this update to the Commission. This will be an interesting year for the legislature. It's the first year we do not have to do budget. The Governor did veto correction budget, up to them to deal with budget issues, which will allow time to look at other things. To purchase land over 320 acres has to be approved by legislative finance council and require legislative action and we had two parcels come up, one around Tuttle Creek and another one in the southeast; part of Natural Resource Damage Assessment (NRDA) money from mining settlement. The Pottawatomie County parcel

would squared up our property and was next to a road which made access to our property easier. The Finance Council chose not to approve those, their rationale was it was so close to legislative session, but we got assurances that the Senate would take that up early in the session, so have not lost opportunity. Keith has another parcel we need to look at. Some legislators don't feel we should have any property at all. (Introduced Gina Bowes) she will become the new Commission Secretary, felt the position should be in Topeka and Sheila is helping HR folks; Sheila has done a great job, but Gina could be up front in Topeka and that will gradually happen before the end of the year. Last year the legislature tried to put a solid FTE cap on state government, Governor vetoed, but legislature calculated money and reduced salary dollars by that much. Agencies can work within that, but the challenge in our department is we are involved in other issues and have good relationship with legislature, dangerous to thumb our noses at them. Started looking at salaries in October and November and became apparent we couldn't make salaries under the cap they wanted, projecting to the end of the year. We made adjustments and since temporary employee positions are renewed automatically at the end of the year, this is an ongoing issue. Assistant Secretary has to approve all temps to manage salary budget and prioritize and hope to bring them back on as quickly as possible. Hope this will show the legislature effort we are making. There were 150 temps affected, 70 or so working when we made the decision. Trying to make it as easy as we can, but we felt we needed to do it to comply with line item on budget. Chairman Lauber – Article made it in the paper, how? Jennison – There are reporters who decide what an article is going to say before they write it, and this one blamed the Governor and Legislature. I had told him the Governor had done what he could to stop it. Chairman Lauber – It was worded to make Governor look bad. Jennison – This was a big deal for people and the most affected was Fish and Wildlife field people and this does nothing for what Legislature was attempting to do, to save general funds and EDIF money. They can't spend our funds anyway, but universally passed for every agency. Some other agencies are going to ignore this, but we can't afford to thumb our noses. Pearce – How will this work when new PR year starts? Jennison – Had discussion with Senator Bruce and hope we will be able to modify for 2015. We have other salary issues, too. There is a possibility of making some of these full-time positions and may be able to get modification which means nothing to SGF if we're spending WFF. Chairman Lauber – Concur we get along as best we can with the legislature.

2. 2014 Legislative Update – Chris Tymeson, chief legal counsel, presented this update to the Commission (Exhibit C). Monday the legislature convenes, we were successful last year and have some new initiatives this year, but it will be a light year. This is an election year and we will be more on the defensive than offensive. SB49 (KDWPT initiative)/HB2218--Current law made it unlawful to operate a vessel with a blood or breath alcohol concentration of .08 at the time of or within two hours of operating a vessel. This bill would increase the time period from two hours to three hours after operation of a vessel, making it consistent with state DUI laws for motor vehicles. The bill was passed and the provisions of the bill were incorporated into conference committee report on HB2218 and signed by the Governor. SB57--Department supported bill related to domestic deer. Under statute, anyone possessing domesticated deer must be permitted under the Kansas Department of Agriculture. This bill amended that statute to allow them to request assistance from us in implementing and enforcing laws governing domesticated deer. This bill passed and was signed by the Governor. SB74--This bill would have prohibited the Department of Corrections from producing modular homes, including KDWPT cabins. We requested an exemption to allow DOC to produce the cabins being placed in state parks. The bill

was amended (under 1,000 square feet) to protect the cabin program, was passed and signed by the Governor. HB2244 (KDWPT initiative)/ SB 83--As introduced would have gradually reduced the percentage of appraised value used to assess property tax, was amended by sub-committee that reduced the percentage of assessed valuation slowly over a period of 6 years to 11.5 percent. The full committee then amended the substitute bill to reduce the percentage of value that watercraft are assessed at to 11.5 percent in 2014 and 5 percent in 2015 and thereafter. The provisions of this bill were then incorporated into the conference committee report on SB83, which was signed by the Governor. Senate Resolution 1711--This resolution opposed the black-footed ferret programmatic harbor agreement and environmental assessment drafted by the U.S. Fish and Wildlife Service, which were reintroduced into Logan County in 2007. The resolution passed the Senate as amended. HB2030 (KDWPT initiative)--This bill allows the department to issue 10 "Wounded Warrior Deer Permits" to disabled veterans who sustained injuries in combat and have a service-connected disability of not less than 30 percent. The purpose of the bill is to accommodate last minute requests by the certain individuals for nonresident deer permits. The permits must still be paid in full. The bill passed and was signed by the Governor. HB2052--This bill created the crime of unlawful discharge of a firearm within or into the corporate limits of any city. However, it allows the discharge of a firearm to lawfully take wildlife, including nuisance wildlife, if approved by us and the governing body of the city. The bill was amended to include items from other firearm-related bills but still included original provisions related to unlawful discharge of a firearm in the city limits. The amended version passed the Senate and was signed by the Governor. Bills that did not pass in 2013: SB50 (KDWPT initiative)--This bill would require anyone born on or after Jan. 1, 1989 to complete an approved boater education course before operating a vessel without supervision. Current law exempts anyone 21 or older from education requirements. The bill was referred to the Senate Natural Resources Committee and had a hearing Jan. 24, 2013. SB94--This bill deals with certain crimes and punishments and amends the definition of a firearm to exempt antique firearms including matchlock, flintlock and percussion cap muzzleloaders, making it consistent with the federal definition of firearms. SB223--This bill would authorize use of a crossbow by all hunters during big game archery season and was referred to the Committee on Natural Resources. The department opposed this bill, it had a hearing scheduled but it was cancelled due to actions taken by the KDWPT Commission. HB2076--This bill would exempt any honorably discharged veteran who resides in Kansas and has a service connected disability equal to or greater than 30 percent from all hunting and fishing license/permit requirements and fees. The department opposed this bill. This bill had a hearing Jan. 29, 2013 and was tabled in committee on February 6, 2013. HB2362--This bill would amend provisions of the nongame and endangered species conservation act, specifically redefining critical habitat as it relates to a threatened and endangered species, as well as significantly changing how species are designated threatened or endangered in Kansas. The department opposed the bill, which was referred to the Committee on Agriculture and Natural Resources. This bill had a hearing on February 25 and saw no further action. There are a few other items we are hearing about; apprentice license pressure at national level to allow three times instead of just once; amendment to boating tax bill, a correction on federally documented vessels; land acquisition; and heard HSUS is pushing one on exotic animals. Jennison – What about regulations on cabins? Tymeson – Rules and Regulations questioning the need to raise electricity rates, overall cost has doubled over last 8 years, but we have not doubled fees; will be interesting year. Chairman Lauber – HSUS wants to talk about exotic animals? Tymeson – Several years ago they did one on lions, tigers and bears and whether or not people should have

them and they are proposing chimpanzees and monkeys; statute leans on locals, not us. Chairman Lauber – Compliance with Captive Wildlife Safety Act and there was supposed to be voluntary registration of animals? Tymeson – Animals are supposed to be registered locally, not fully analyzed this.

B. General Discussion

1. National Wild Turkey Federation (NWTF) Presentation – Jared McJunkin, NWTF presented this to the Commission (Exhibit D). We have 2,100 chapters and almost quarter-million members nationwide; with 37 chapters and 3,400 members in Kansas. With your help NWTF has invested \$425 million conserving 17.25 million acres of upland habitat for turkeys and upland game species. We've been involved with Families Afield legislation and reducing barriers for youth and others to get out in the field. NWTF is also big supporter of 4-H Shooting Sports and the National Archery in the Schools program. We've had a longstanding partnership with you and you have some members on our technical committee, which decides how funds are spent in the state. Since 1985, \$3.6 million has been spent in Kansas alone, improving more than 43,755 acres and improving access to more than 55,000 acres through WIHA. NWTF has provided \$164,000 in support for 61 restoration projects, more than \$48,000 for Spring WIHA, \$28,000 toward 15 equipment purchases and \$183,000 for wild turkey research. NWTF has been successful every year but one in drawing Commissioner permit and have been able to put \$72,400 on the ground. We have committed \$20,000 (\$10,000 for 2014) toward the Tuttle Creek land acquisition Secretary Jennison spoke about and \$10,000 for first year of pheasant initiative. New NWTF initiative is "Save the habitat. Save the hunt." With goal to improve 4 million acres of critical upland habitat and increasing hunting access to 500,000 acres and creating 1.5 million new hunters in next 10 years. Over past year we've worked with KDWPT to work on focal landscapes (forest, grassland and streamside area quality). We have strong track record as an organization and we do what we say we are going to do. (McJunkin presented "check" for funds received from Commissioner Permit tag sales and spoke about programs the money will be spent on.)

2. Commissioner Permit Update and Drawing – Keith Sexson, assistant secretary, presented this report to the Commission (Exhibit E). We will draw for permits when this is over, but I'll give a program update first. This is ninth year we have held drawing for Commission Big Game Permits since that first drawing in 2006. There can be one elk, one antelope or up to seven deer permits issued with a limit of seven total permits. In eight years, have had \$318,000 go into conservation projects. Organizations are doing a good job of marketing those permits; the elk permit in 2006 went for \$23,000, but we haven't had one of those since. Elk permits generally range from \$8,000 to \$10,000, and deer permits can vary from \$2,500 to \$6,000. Last year all permits sold in the \$6,000 range. Deer permits are available for residents or nonresidents, good for either species, antlered or antlerless and anywhere in the state during open deer seasons, a choice permit. It is the only permit that would allow a nonresident the opportunity to hunt mule deer with a rifle. It has been a well-run program and projects that have come in from our partners have been worthy. Mike Miller – There are 99 eligible applications.

Drawing Winners (Exhibit F):

Commissioner Don Budd – (1) – #94 – Friends of NRA Tri Valley Kansas chapter (deer)

Commissioner Tom Dill – (2) – # 75 – Quail and Upland Wildlife Federation, Inc. (deer)

Commissioner Randy Doll – (3) – #91 – Friends of NRA Sunflower chapter #30 (deer)
Chairman Gerald Lauber – (4) – #61 – Quail and Upland Wildlife Federation Kaw Valley chapter (deer)
Commissioner Gary Hayzlett – (5) – #86 – Friends of NRA South Central Kansas - Pratt chapter (deer)
Commissioner Roger Marshall – (6) – #54 – Rocky Mountain Elk Foundation Traveling Committee (elk)
Commissioner Gerald Lauber drew for Robert Wilson – (7) – #57 – Ducks Unlimited Cloud County chapter (1st choice elk, 2nd choice deer – awarded deer)
Pearce – Once drawn they can not apply for two more years? Miller – Three years. Pearce - Do you know what the success rate has been? I know the elk permit has not been filled in three years. Sexson – No.

3. Tourism Briefing – Linda Craghead, Assistant Secretary of Tourism and Parks, presented this update to the Commission (Exhibit G). We have quite a bit going on; started transition three years ago. Currently lost Director of Tourism and that position will not be filled at this time. We'll take this opportunity to work with team we currently have and be sure we are working on administrative and Governor's initiatives. I have been pleased with response from staff and look forward to what future has to hold. Feel it is important for legislative team to understand Tourism with respect to economic development in the state. One thing we are implementing, starting Tuesday, are Tuesday's Tourism Tidbits, an e-blast going to legislature and administration to talk about all aspects of Tourism which may not have been understood fully in the past. Began Tourism road show last week, have employees in Texas, some leaving today for Omaha, Denver next week and Chicago shortly after that and wrap up with Pheasant Fest in Milwaukee, Wisconsin Valentine's Day weekend. Have new outdoor guide and visitors guides out. Recently formed partnership with Kansas Turnpike Authority to distribute these guides. State parks continue to work diligently on reviewing their business strategies. We got great response on first day hikes held in five parks on January 1, and were pleased with participation we had. State park passports are on sale when you go in to renew your vehicle tags, results were good for first year; sold 60,470; hope to see that grow. Some counties exceeded expectations in percentage of sales: Norton 18.1 percent of population, Scott 17.57 percent, and Rooks 13.71 percent. Johnson County had greatest number sold, but would like to see their percentage go up. Dependent on partnership with county tag offices to get the word out and sell those passports. Every county sold some.

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4. Public Land Regulations – Brad Simpson, public lands section chief, presented this report to the Commission (Exhibit H). We propose to remove some toxic shot areas and move to non-toxic shot areas; move Perry WA, except Kyle marsh area to no gasoline engine powered boats; and move Smoky Hill WA and Wilson WA in Region 1 to a September 1 close. Commissioner Marshall – How did the season go this year since we changed the sunflower shooting for turtle doves from lead to steel this fall? Simpson – Most comments I received was availability of dove loads for non-toxic shot. Most comments were favorable, some didn't know it had changed until they went out to hunt dove opener, so that was an issue. We had a few comments on higher cost of shot. Commissioner Marshall – Michael, any comments? Pearce –

Complaints from guys in Fall River area, but they knew it was coming and stocked up on shot. Commissioner Marshall – Good hunts? Simpson – Good in Region 2, Region 5 harvest was down a little primarily due to drought and some flooding. About 5,000 hunters harvested about 18,000 doves on those fields. Commissioner Marshall – That sounds successful. Commissioner Budd – Changes on the boats at Perry WA? Simpson – Current regulations prohibits motorized boats on all the wetlands except Kyle Marsh, what we are going to do is allow electric motors instead of just prohibiting all boaters completely. Commissioner Budd – Are those marshes 18-inch water marshes? Simpson – Yes.

5. Kansas Threatened and Endangered Species Five-year Review of Lists – Ed Miller, wildlife biologist, presented this report to the Commission (Exhibit I). We're in the midst of five-year review of Kansas threatened and endangered species. KDWP is given authority to create and maintain Kansas list of threatened or endangered species (T&E) and species-in-need-of-conservation (SINC) via the Nongame and Endangered Species Act of 1975. Last time we did this in 2009, we removed bald eagle and peregrine falcon from our state list and we added two fish and a snail to the threatened list. Endangered is considered the most critical step, followed by threatened and SINC. Currently, there are 24 species listed as endangered and 36 as threatened, including 12 species that are federally listed. We have a T&E Task Committee of seven members that makes recommendations on biological status using current scientific information from surveys and research; not economic, political or social factors. Committee reviews submitted petitions and makes recommendations if substantial biological evidence is met to warrant a full review. Following the evaluation of all submitted petitions and input from the Secretary, the following list of species is recommended for review at this time: silverband shiner, chestnut lamprey, many-ribbed salamander, spring peeper, redbelly snake, smooth earth snake, longnose snake, Eskimo curlew and black-capped vireo. All nine of these species have been petitioned for removal from the threatened or endangered list. One species, the northern long-eared bat has been petitioned for listing as threatened due to disease problems in bat community. Also, while we are doing this we will do housekeeping to check the common and scientific names of all listed species are updated if those name changes are accepted by the scientific community. The next steps in the process include: 1) Publication in Kansas Register followed by a 90-day public comment period; 2) Informational presentations and information posted on website; 3) Expert evaluation and scoring sheet of status with numerical ratings; 4) Literature reviews; 5) Notifications to surrounding states and tribes; 6) Final recommendations provided to Secretary from the T&E Task Committee prior to June meeting; and 7) Commission votes on proposed changes to the current lists following Public Hearing. More detail at March meeting in Topeka. Chairman Lauber – The chestnut lamprey, for instance, moving from threatened to no status; can we assume it numbers are greater, is that the index used to determine if they need to change? Miller – Most of these species were petitioned because they are not viable in Kansas anymore, viable means shows some reproduction in the state. Some of these species were put on back in 1978 when there were few records. Our definition of endangered is it must be a viable population in Kansas. Chairman Lauber – So the species can die out and be removed? Miller – That's true, that will be the case in some of these species. We are required to create recovery plans for our species and those are costly and it doesn't make sense to contract someone to make recovery plans on something that is no longer viable in the state. Chairman Lauber – Wondered if you could down grade backwards from endangered to threatened to SINC or just not efficient to monitor anymore? Miller – Correct. Chairman Lauber - Are all of these species indigenous to

Kansas? Miller – For all of these species, there are some records from 30 to 40 years ago or longer. Another thing to keep in mind is we are supposed to consider foreseeable future. Some years ago, early task force decided 35 years would be a good length of time and some of these species we haven't had records on for 35 years or more. Commissioner Marshall – Between now and when we vote on this could we get more explanation of why each of these is being removed, because not viable or why? Miller – I will prepare that for briefing notes of next meeting. Commissioner Doll – Some of these are being moved because no population? Miller – Yes, and some being moved because things have gotten better, for instance spring peeper is a small frog in eastern Kansas and survey work shows they are improving in numbers plus many wetlands have been developed through NRCS in some of those counties which we feel made the habitat better for them and pushed them over the threshold from threatened into SINC. Proof is the onus of the task committee to prove petition is warranted. Chairman Lauber – A few years ago Syracuse, Kansas was wanting to have a sand recreation park, was that the longnose snake holding up that project? Miller – It probably was in that instance, but I am not positive on that. Commissioner Budd – Explain difference between endangered, threatened and SINC? Miller – Endangered is the most extreme, by definition it is any species of wildlife whose continued existence as a viable species of flora or fauna of the state is determined to be in jeopardy; followed by threatened, which is any species of wildlife which appears likely within the foreseeable future to become an endangered species. Commissioner Budd – All three of those categories, if someone were to go in and disturb potential habitat for any of these would there be mitigation the department required? Miller – Not for SINC.

6. Lesser Prairie Chicken Federal Listing Update - Keith Sexson, Assistant Secretary, presented this report to the Commission (Exhibit J). Won't have ultimate news until March 30, but since our last report to the Commission we submitted the rangewide plan on September 17 to U.S. Fish and Wildlife Service (USFWS) for consideration and endorsement. On letter dated October 23 to the five states, we did get that endorsement, which was a milestone for us. We had worked to cover many of the concerns relative to the threats posed in the request for listing of the Lesser Prairie Chicken (LPC). Since that time the USFWS has developed a 4(d) rule for addressing conservation of the LPC, should it be listed as threatened. That is currently in the Federal Register and out for public review and that remains open for public comment through January 10, 2014. This current version of the RWP is tied to the 4(d) rule, however the 4(d) rule only come in to effect if the species is listed. Other actions that have occurred include: 1) Held a range-wide training of wildlife agency field staff in November in Dodge City. Approximately 70 employees from the five states in attendance and they will all be able to work on impacts and deliver the landowner conservation plans. 2) An industry enrollment seminar was held in December in Amarillo, Texas, targeting wind, oil and gas companies. Now we need to get industry and landowners to enroll under the plan. We should have legal documents next week for this enrollment process; the reason that is important is when we get the certificates of participation signed by industry and landowners then we begin to show USFWS there is interest out there and the more acreage the better it is going to look for the record when they go to make their final decision on listing. 3) First meeting of the Lesser Prairie Chicken Initiative Council, part of our business plan, was held in Wichita October 30 – November 1, 2013. This Council is comprised of directors from the five LPC states and one at large WAFWA director and is governing body for implementation of the plan. 4) Nominations for the Lesser Prairie Chicken Advisory Committee are in process, 17 members representing industry, agriculture/landowners,

non-governmental conservation organizations, state fish and wildlife agencies, USDA and USFWS, and local government. Nominations open for another week or two. 5) A proposed Candidate Conservation Agreement with Assurances (CCAA) covering oil/gas industry, put together by USFWS and paid for by oil and gas industry, has been published in the Federal Register and parallels the language in the Certificates of Participation contained within the RWP and is open for comment until January 17. The CCAA approach was at the request of oil/gas companies who are looking to the wildlife agencies, those with the expertise, to assist them with their planning and development to reduce impacts to the species. 6) A briefing trip to Washington D.C. resulted in a request from American Wind Energy Association to present to their group specific examples of how the RWP works for wind development; they sent scenarios for Jim Pitman to work on and he is doing that. The Association Rural Electrical Cooperatives requested a webinar for their members and we are in the process of putting that together. Met with national cattlemen's group as they have asked for a presentation at their national convention in February and the National Association of Conservation Districts has asked for a poster presentation at their annual meeting, which we are unsure if we will do. Jim and I attended state meeting of Association of Conservation Districts, had a nice turnout and a seminar that we put together for that group. Legal documents are locked down and we are ready to start to enroll, however not in a position to enroll landowners until we have some funding base to support conservation measures we would be asking them to sign up for. One of the first groups we are staging is industry, particularly oil and gas so they are poised to come on with millions of acres they have leased within the prairie chicken range and to pay enrollment fees. With those fees we will have the funding base to go back out and write agreements with the landowners for delivery of conservation measures on the landscape. We were at a meeting in Corpus Christi and had an opportunity to meet with the director of USFWS to cover some of these things and status of planning process. We think we have a good chance of getting warranted but precluded from listing status. We have put together a plan that doesn't leave much out on what needs to be addressed for their consideration. Drought came at worst time in terms of considering LPC status. The 2012 survey estimated 34,000 to 37,000 birds and 2013 survey showed 17,000 birds, which caused us problems because those inclined to list this bird suggested it ought to move from threatened list to endangered list. Jim and his colleagues have done a really good job in coming back to the table and explaining the dynamics of upland bird populations and the impacts drought has on those populations. Historically we know we have had lows and the birds bounced back and same thing is true for quail and pheasants that are affected by these types of weather conditions. In review and comment we have come back with science documentation that would address this concern for declines in LPC because of the drought and the fact that they may never return, so that is one of the factors handed to us that we needed to address. We feel that we have cover conditions this year that are better than we have seen in the last couple of years in LPC range so we feel like spring production could send us in the positive direction. When we do 2014 survey this spring, which is going to be before we have produced anything out there, we hope survey shows a stable population, hopefully rebound will show up on 2015 survey. As we have worked through this, over the last two to two and a half years, I am proud of the five states that have worked together on this plan and it amazes me that we have stuck together and produced a document that is probably unprecedented in presenting to USFWS on petitioning for this animal. But, we still have folks out there who have convinced themselves that this bird is destined to be listed so why bother. The five states have been firm in our message that if this plan doesn't play an important role in making a not warranted decision than I'm not sure there is anything we can

do or present to USFWS that would ever make a difference. We understand there are a lot of factors that the USFWS considers and they might find for threatened and if they do we feel like we have the plan, a document that can be flipped and become a recovery plan for LPC. The importance here is so many times with these species they go on the TSA list and they sit there and we back off because it is the USFWS responsibility now, but we are committed to the fact that if it is listed our plan becomes the recovery plan and we follow through with what is in that plan; working with the impacters in terms of what they have to pay for the impacts they do on the landscape and with the landowners to implement those conservation practices; we have covered both scenarios. We still have to deliver this plan and bring that population back to what we established, 67,000 birds on 10-year average. This has been a wakeup call for the states to look at species within their states, particularly sage grouse. Chairman Lauber – Do we have an active proponent who is working to offset the five states’ efforts? Sexson – Petitioners came forward and through some litigation the USFWS had to take these species on. There are 250 species sitting on the list, and judges determined USFWS had to work on the species. Petitioners said if they worked on certain species they wouldn’t petition any more species until list was cleaned up, so LPC came out of that list and had to be dealt with by end of 2014. Nobody right now is firing directly at us, but they may be working behind the scenes. There are other efforts going on, the Environmental Defense Fund and Natural Resource Solutions, who have been working with a select group of oil and gas to develop a habitat conservation plan, which is submitted to USFWS and when it comes out it will go out for public comment, as well. Pearce – You said there was a goal of 67,000 birds is that for state of Kansas or rangewide? Sexson – Rangewide and it is important to realize that is a 10-year average. Pearce – Annual production survey was done before? Pitman – Won’t see benefit of good production until 2015. Pearce – How many LPC harvested in 2012/2013? Pitman – 150 to 200 birds.

C. Workshop Session

1. Antelope and Elk 25-Series Regulations - Matt Peek, wildlife biologist, presented this report to the Commission (Exhibit K). At last meeting we expressed concern about status of pronghorn in short grass prairie because of drought issues. Concerned with substantial increases in archery hunting because of unlimited permits and the fact they could use crossbows because their success rates were substantially higher than traditional archery equipment. Sometimes crossbow success rate is over 20 percent, which is significant archery harvest compared to other permit types. Pearce - How many crossbows in 2012, was it 12? Peek – Yes, but that was only limited to youth and hunters 55 or older. Despite these concerns, preliminary analysis of 2013 data does not indicate a need for changes in season structure at this time, though additional analyses will be conducted. Firearm and muzzleloader permit allocations will be determined following winter aerial surveys.

Elk – No change from last commission meeting (Exhibit L). Current harvest season, been great season on Fort Riley, nine of the 11 any-elk permits were filled and seven of the 15 antlerless permits were filled; plus there was an additional bull taken illegally. Of the landowner permits, success rates have not been so good, one antlered bull and one antlerless elk. Our season structure, season dates and permit types have been stable for last few years and don’t anticipate any changes. Based on these success rates, we would expect permit allocations to remain the same and will finalize permit numbers in Unit 2 (Fort Riley) before next meeting; Unit 3 is unlimited. Commissioner Budd -

Can Commissioner tag for elk be used on Fort Riley? Peek – Yes. Commissioner Budd – Same requirements as hunting on Fort Riley? Peek – Yes. Chairman Lauber – But the Commissioner permit does not count toward your once-in-a-lifetime? Peek – Correct, the same individual has had it for several years. Pearce – Have you seen enough photos to get a feel for quality of the elk? Peek – No I haven't. I normally do get photos, but not seen very many this year. Chairman Lauber – Had caller wanting to know if we had verified another bear in northcentral Kansas, is that so? Peek – Yes, there were trail camera pictures with a black bear. It is surprising this time of year and at that location. Have seen black bear around Elkhart in Morton County and had report in that area a year ago that we were unable to confirm, but we have been getting reports of Arizona bears from surrounding states. Pearce – Confirmed bear in northcentral Kansas? Peek – We've seen pictures and biologist has been in touch with the individual who got the pictures.

2. Deer 25-Series Regulations - Lloyd Fox, big game research biologist, presented this report to the Commission (Exhibit M). KAR 115-25-9 is an exempt regulation that must be reviewed and passed each year to establish the deer hunting season dates for the following year. Currently looking at whitetail deer numbers. Had an interesting meeting last night in Elkhart about deer situation around Cimarron National Grassland, and we're receiving a large number of comments about this deer herd. We are reviewing our data and will be looking at Unit 18 on possibly excluding whitetail antlerless-only permits on the Grassland and eliminating extended seasons in that area. We will be meeting with the Forest Service as well as our out staff. We are looking at information we have collected in determining how we will handle antlerless permits next year. This regulation sets the season dates, which is the same structure of season dates as last year. This includes pre-rut season mandated by legislature, our second year and we will get some information back on that the end of January when we do our harvest survey. The information we have about that season is that was used by very few people. Commissioner Budd – How many nonresident firearms tags did we sell last year? Fox – About 25,000 all together nonresident permits; last year sold 6,516 nonresident antlerless whitetail, this year 6,405. Commissioner Budd – Are all nonresident tags the same price? Fox – Yes they are, with the exception of permits that would include the mule deer stamp, which is \$100 more. Commissioner Budd – How much is a nonresident tag? Fox - \$315, a \$20 application fee and additional fees for preferred system, \$2.50. Commissioner Budd – How many total resident permits sold? Fox – As of December 17, 2012 had 219,686 and in 2013 228,238. Commissioner Budd – How much is a resident deer tag? Fox – As a rule, \$32.50 and half price for landowner and youth. Commissioner Budd – Do you feel our deer herd is stabilized across the state? In sheer numbers larger or smaller than the past? Fox – Slightly down from what it was two years ago and according to figures we have from last year, slightly up from where it was last year (was down 4- to 5-percent). If you look at presentation I gave last night at Elkhart where I looked at information I have been collecting using distance sampling technique, we have about 650,000 deer in the state and the overall trend over the last 10 years is a slightly increasing population; down from two years ago and bounced back this year. Commissioner Budd – Do you feel quality of deer herd, compared to two years ago, is better or worse? Fox – This will generate controversy even mentioning this, but hunters are very concerned about that issue. I showed Michael Pearce the results of the spotlight survey; we run 3-5 nights in each one of our deer management units on private land and about the same amount of effort on public land and this year our employees classified 6,542 deer. To put that into perspective, we are taking 90,000 to 95,000 deer per year; 7 or 8 percent of what the harvest will be, so substantial effort, but never good enough with

hunters, landowners or whoever has a controversy with us. Commissioner Budd – Do you feel like letting 25,000 nonresident hunters who come to Kansas to hunt deer is damaging the quality of the deer herd or numbers? Fox – No, I do not. I was going to give you a classification of the deer that our employees classify; of those 6,500 deer: 695 adult bucks 2½ years old and older; 254 yearling bucks, only 26.8 percent of the population of antlered deer; all together, back to 2005 for every 100 does we classify 33 antlered deer which is a pretty outstanding quality of the deer herd. We've had some concerns about fawn production because during drought periods we can have increased mortality on fawns. Through this long period of time we have been using this technique we have seen about 60, 65 or 70 fawns per 100 does, with that dropping into the 55 range the last three years, down due to drought, but it's not devastating. It can be low in particular area, but on statewide basis our deer herd is in very good shape. One of the things I am concerned about, years ago hunters had a much larger area than an individual hunter would use and they were able to spread their hunting pressure out, now they are focused on a smaller area where they have permission to hunt. We know these are matriarchal systems of deer and that if individuals in a particular area hunt their herd too heavily they are going to see substantially less deer as a result of their own hunting pressure. I think that can be a significant part of why we have hunters telling us they are not seeing the deer they saw in the past, but what they don't see the bigger picture of deer management unit or statewide. Commissioner Budd – Are you proposing anything for upcoming season to increase nonresident permits? Fox – Possibly, that has not been determined; I think there are parts of the state where that could be done and other parts where we might cut back. We have not gone through the system with our staff and the reviewed the information we have to make that final decision. Commissioner Budd – Based on the numbers you gave me, 25,000 nonresident permits at \$335 plus fees is about \$8.5 million just in permit fees and doesn't include tourism dollars. The residents is about 228,000 for about \$7.4 million. There are a lot of myths out there, but what we are doing by bringing in these nonresidents to a great state with a great deer herd, may be taking some bigger bucks, but are paying to do that and do we increase the numbers; Lloyd will tell us what is best for that. If this is just about keeping someone out to keep it for the people of the state of Kansas I don't think that is what we are all about, that is my opinion. You are doing a great job, every time you give a report you have the facts and figures. Chairman Lauber – I think due to the economic resources nonresidents have available that 25,000 probably harvest the greater share of pounds of antlers per year harvested. In most cases they have more land and more opportunity, which they have paid for; and I don't think we can shut off nonresident permits as we can see 14 percent of the permits bring in more than half of the revenue, but there are a tremendous amount of constituents in the state who are holding deep resentment to this because of the amount of acreage available to the average person is declining. Don't think it has a long-term effect on the population, more social issue and no question that it is profitable and enables us to do what we have to do, but we do have to balance it against the vast majority of people who are resentful. Commissioner Dill – I think the points as you stated are correct in that areas are more concentrated and don't have ability to go as many places, but do we post some of this statistical information on the website? Fox – I do not, I need a hand from some of our IT people to do that. Commissioner Dill – Do that as historical perspective for future years. We get calls all the time on that and could refer them to the website to look at statistical information and that might be helpful. Commissioner Budd – That was my point, I didn't know what the numbers really were until Lloyd told me. All the surrounding states afford us the luxury of going to hunt big game in their states and I don't think we should limit people from coming to Kansas. Chairman Lauber – I think the current level of

permits we have satisfied demand, to get rid of permits we have to do a second leftover drawing except for the insatiable area around Medicine Lodge where no one can find a place to hunt a squirrel. Would you agree? Fox – With the exception of some areas in deer management units 1, 2 and 3, I would agree with you. Overall, on statewide basis we have more nonresident permits than we have applicants, but we do have high demand for nonresident permits in some areas, higher than allocation at this time. One of the considerations for nonresident permits is landowner desires and we redid our landowner survey and that is broken down by 19 DMUs and in areas with higher deer damage complaints you have higher desire by those landowners to have nonresident hunters. We need to take a look at that and re-examine those numbers within our staff and decide if we want to change some of those units, increase some and decrease some; part of our job to reweight those issues every year. Commissioner Budd – I think the bigger issue, more than deer or deer tags, is people are resentful that they can't hunt the same place as their grandfather or father because farmer has found new revenue source by leasing the ground. I don't know that we will ever be able to control that financial climate, just a sign of the times. Chairman Lauber – We are not going to be able to stop it and we can't put things back the way they used to be. Met nonresident demand and to push for more would be perceived as being disloyal to the common man and would create more resentment. Need to educate and let them know the percentage of nonresidents is very small. Commissioner Budd – I am not promoting more tags, I am promoting the state of Kansas as a tourism destination. We have a great state for the outdoors and states around us have very liberal regulations. Donges – On early season deer antlerless season, I ran across a lot of individuals who didn't even know it was taking place. Did you say you have harvest numbers this year? Fox – Not this year, our survey won't go out until after January 31, the last hunting day. Donges – Hunter reports came out in Missouri and they said they have had the lowest hunter harvest in the last 20 years. Andrew Woolley, student at Kansas State University – Question on firearm season, talking to a lot of people and there is discontent as to when it occurs, a lot of people propose we move it to Thanksgiving season, however I have heard talk from archers that they don't like that and potential for overharvest. Has it been considered moving season to Christmas season, seven days before and six days after, December 18-31? That might make it more convenient for hunters while putting less pressure on deer population. Has that been considered? Chairman Lauber – It has been considered, one of the first Commission meetings I attended I requested changing a longstanding opening day and it was the biggest mistake I ever made. That is probably perceived as a little too late and it is very complicated to change a traditional opening season and you can hear arguments for and against; did not get a lot of traction when discussed before. Commissioner Marshall – What season? Woolley – Firearm season for antlered deer. Commissioner Marshall – As opposed to moving antlerless season from January to December. Woolley – That may be a more popular idea. Tyler Osborn – On two-day rifle season during the middle of October, wasn't aware of it; understand a two-year thing and we are in first year and going into second year. What was the reasoning behind that? Chairman Lauber – It was a legislative mandate. Osborn – Will that come back after this year and be implemented again and again? Fox – It was a legislative mandate and there is a substantial amount of interest in that type of approach on a nationwide basis from individuals who want to see a number of antlerless deer removed, and before they take food that is available for the rest of the deer herd. The thought is it allows the rest of the deer herd to go into winter in better condition; makes a better combination of buck to doe ratio in the mating system. There are a whole lot of different ideas, but none of this has been proven; also removing does earlier in the year results in a higher orphan rate in fawns and in some cases that has been disproved to be an

increase in mortality rate, but this is a very social animal. We really don't know the true effect of this pre-rut hunt; it is still early and there has been very little real science completed on it yet. It attracts a lot of people's attention and it was promoted to legislators, they bought the idea and told us to try it for two years then make a decision on what to do. Osborn – Those two days was shocking because we have muzzleloader season and I am a bowhunter, so was hard for me. Fox – Part of the idea was generally there are more firearm hunters than bowhunters and this would increase the total harvest because you would have more people out there. Also, the idea behind this season is that it is a very short window to stimulate hunters to get out there and use the resource. Marvin Whitehead (handout – Exhibit N) – Wanted to share personal observations from the last fall. Appreciate you trying to satisfy everyone, but all for naught in Unit 12. One person took a small 6 point buck during the early youth season; during the special antlerless weekend, three deer and one of those guys didn't even know there was a special season; two taken with crossbows, possibly a third; during general firearms season only saw three nonresident hunters make use of that free antlerless tag, in fact two of area outfitters acted like they didn't even know it was available until the hunter showed up in camp with them. Last week I talked to the other two processors in the county and from the numbers they gave me the overall harvest in Wilson County was down 30 to 40 percent and as of 10:00 this morning there had only been three deer brought into our processing facility. Just so you don't think this is a real small area, other hunters I spoke with were in Elk, Greenwood, Woodson, Montgomery and Wilson counties. During the archery season I have no idea how much time I spend on 18 different stands and for the first time saw very few deer and saw only a few tracks. Another year or two like this and you won't have to worry about those permit numbers. There are isolated pockets of deer out there somewhere. On one of Lloyd's surveys it said there were 18 deer per square mile, but I would like to ride along, because I just don't see it. Fox – We have allowed people to go with us in certain cases. The state of Colorado had a few years ago, hunters did not believe their survey numbers so the hunters with the help of the department actually designed a second survey that the hunters were involved in and they got very similar results. I will run down the scientific article on this. Whitehead – If you develop something like that, put my name on that list. Chairman Lauber – Has EHD had significant effect in certain areas? Fox – It could have. One of the things we are seeing is Nebraska, Missouri and parts of Illinois are results of EHD that occurred last year. This year we didn't have a severe outbreak, to the best of our ability to detect it. Whitehead – Very few fawns have been brought in and usually the last weekend, if it had hair it was brought in. Out of 80 to 85 I saw, only three fawns. Commissioner Budd – Marvin, what you like us to do to address the Wilson County issue? Whitehead – In January, end antlerless season for a while. Chairman Lauber – You are providing antidotal evidence that would provide an alternative perspective to a growing deer herd. I believe Lloyd's numbers, but I have been hearing a lot of people say the same thing you are. Don't think there is anything we can do, don't believe anyone hunts in October two-day season or January season. It does appear that there may be a reduction of deer that may recover on its own in those areas. Try to figure out the numbers and make the management the best we can. Fox – I could probably invite Marvin to come along on one of our spotlights and run through the whole system so you understood it. We need help getting our information back to people, that is one of the things KBA could be monumentally helpful on. Pearce – Lloyd, from what your research showed what was the extent of the EHD across the state, obviously further east and further north; but how far west do you think it went? Fox – We developed a map and we have that for last year and that may be on our website. Cowley County, the southwest corner and as far as Jewell County up in the northcentral part of

the state, then bowed back in between those two extremes. Pearce – I hear reports of Ellis and Pawnee that it decimated the herd out there. Fox – We did not receive any reports at the time and we did not document any sick deer from those areas. The southwest part of the state, historically have never had a clinical case of either EHD or blue tongue. Pearce – There has been a lot of research done on Quivira too hasn't there? Fox – Yes, and we have high antibodies at Quivira, that means the deer have been exposed to the virus, but only a handful through the years of clinical sick deer; they seem to have a higher resistance to the disease there. Pearce – If you wanted to increase the deer population in the state, hypothetically, how would you change the regulations to increase the deer herd? Fox – The best way is to take your foot off the accelerator, reduce antlerless deer harvest by decreasing seasons, for example January season, or permit availability; or you change the way the permits are actually written. We have a long history of having either-sex allocations with our hunters and it has worked very well for us. I would hate to see us get too far off afield in an effort to cause a knee-jerk reaction. There are going to be ups and downs in the deer herd and they come back from things like EHD. The next thing would be two years down the road when you start getting landowner complaints that the deer are out of control. Pearce – When does KDOT come out with the number of roadkills, yearly or monthly? Fox – It is an annual report that normally comes out in April or May. Pearce – I didn't see near the roadkills as I traveled back and forth to my waterfowl areas. You listed about 220,000 residents? Fox – That includes applications and other types of permits; all together we have about 125,000 deer hunters with 25,000 of those being nonresidents and all together they buy about 193,000 permits; things that take you up into the 220,000s is things like application fees and other fees Karen Beard worked up on our accounting system. Pearce – So we have about 100,000 resident deer hunters? Fox – Just less than that. Pearce – I have lost places to hunt too. What do you tell the residents, when you tell them nonresidents are paying more (1/4 of hunters paying for more than half), what do you tell residents they are getting out of this? All they are seeing is the negative, less places to hunt. Fox – I hope that we can always say is that we are giving them better quality conservation, like WIHA; we are doing more with less; not increasing fee structure but providing all of these different services in the form of enforcement, examination of endangered species, etc. Conservation in North America at the state level rides on the back of hunters and particularly, in our state, deer hunters. Pearce – Robin, what do you tell them when they complain about that? Jennison – We don't use that as a way to manage our deer herd, Lloyd sits down and makes the decisions on how to manage our deer; within that we are going to market this state, but how much we make from nonresidents is not a factor. We are trying to manage the deer herd. At times we are prompted by legislature action to do something that if left up to us we might not do. But to the best of Lloyd's ability he tells us how many permits to issue. Pearce – What do you tell resident hunters on how they benefit from having nonresident hunters. Jennison – We are trying to manage the deer herd and think Kansas has a good deer herd. Pearce – It is just a bi-product. Jennison – Yes, a bi-product, but we will take advantage of that bi-product. Chairman Lauber – A landowner contacted us about buying a permit to go hunting on his own land that day and was told he couldn't hunt until the next day. He wanted to know why? In the days before KOALS a person could get a deer, then go get the permit and take it to the locker plant or clean it yourself and no one would know the difference; I don't know if it is worth considering anything differently or not, but we do have ability to have a time of purchase know that we didn't have in the past. I think we should consider it. Another item is some people have wanted to use dogs, particularly leashed dogs, to pursue wounded animals; in some places this is a common thing, but not in Kansas. The people who talked to me say they are not

recovering animals. Would like the deer group to at least consider this. Sometimes an idea sounds good and there are unintended consequences. I received several calls from a localized group in western Kansas claiming to be overran during deer season by coyote hunters trespassing and local agency law enforcement said, we know, call the Commission, and they felt this was a consistent theme. While we chose not to eliminate hunting (coyotes) from vehicles we did not suggest a cavalier approach to trespass and if you have a trespass problem call the county sheriff or a conservation officer and I would rather that response not be, call the Commission, although I don't mind talking to these guys. We do have sensitivity and appreciation for private property and nobody has any more right to trespass now as they did previously. Commissioner Dill – Part of the discussion on the coyote issue was the fact that law enforcement was going to try and gather some statistical information and give us some incidence reports so we could have it for consideration this year. Mark Rankin, Assistant Director of Law Enforcement – I have that. Actually I was going to try address all three of those, I took some notes. One of the issues law enforcement has with hunt on the same day permit is while there are a number of techniques available to determine death, they are not that fine that you can tell down to minutes, we are talking about within a time period. We have had several instances with purchase times on KOALS where officers have made cases, particularly waterfowl hunters where they would look at licenses and the guys would show them a transaction number as a telephone purchase and when they would check the time it would be the between the time they got out of their truck and when they arrived at the blind. One of the things we would be concerned about, if they purchase on the same day, is we might not be able to make a case because any time of death we have might not be fine enough. In terms of, call the Commission, I am actually responsible for a couple of those calls, calls that have come into the Pratt office I get them, we talk about it at length, if it is on your property and it is trespassing you have to actually go sign the complaint on the chapter 21 criminal violation unless it is posted “with permission” in which case an officer can do it, but many times the response from the landowner is it is local people and I really don't want to have them charged, just run them off. If they are not willing to prosecute, we don't really have anything to run them off with, you can talk to them and tell them to leave, but that is not going to stop them from coming back. When they say, what can I do to get it changed that is when I tell them to call the Commission. I'm guessing it wasn't relayed to you in that manner; and I will talk to field officers about how they answer those questions in the field also. On the issue of coyotes, Col. Jones had put a survey for our officers where they could report incidents they have online and I don't have access to Google analytics and Col. Jones has been ill for about two weeks. He did provide me with a copy of that, but a lot of it is pie charts and in color and if I copy it you would not be able to see if very well. We can try and get a color copy to you. We started in October asking officers that anytime they have an incident dealing with coyote hunters, particularly if they feel coyote hunting is an excuse for other activity, only when there was a complaint or a problem, not all coyote hunters. There was a total of 45 responses, two in October, nine in November, 31 in December and up through today there had been one in January. Another thing I looked at was the first eight days of each month, one in October, zero in November, 24 in December and one in January. Some of the other things we tracked were, “How did this come to your attention?”, 44 percent while officers were patrolling, 56 percent it was a reported to them; with 46 percent reported by landowners, 19 percent by law enforcement dispatch when the landowner called law enforcement and 15 percent general public complaints and Operation Game Thief hotline. About 73 percent of the time, no charges ended up being filed, only 27 percent with charges. When we asked if what was suspected verified or unverified,

26 percent of time had a complaint but by the time they arrived nothing was going on or couldn't find anybody in the area, 47 percent were suspected of activity, but couldn't develop a case and 28 percent of time there were actually charges of some kind. Sometimes the landowner requests that there be no charges, due to fear of retaliation. Chairman Lauber – Is this statewide? Rankin – Yes. We asked if the suspects were residents or nonresidents, 80 percent were residents, 7 percent nonresidents of the ones verified; 14 percent of the groups had both residents and nonresidents. Asked, of the people they verified being involved, were they from local community or outside community; 57 percent local, 25 percent outside and 18 percent both. That is a synopsis of the 20 questions we asked. Chairman Lauber – I would like to have that sent to me as well as the pie charts. The biggest concern we would have would be during the firearms deer season. I don't know if 31 in month of December statewide is a big issue or a small issue, but the incidents definitely spikes then. Commissioner Marshall – So in your feeling, is that a significant problem or not? Rankin – I have been sitting in a desk chair for 10 years, but when I was in the field I was in Butler County and it was a significant issue there. In talking with our officers that are currently in the field they are telling me it is a different problem in the west than it is the east because of the terrain. It is much harder to work in the east because unless you have an aircraft spotting you can't locate the people, they will hear them on radios and can't locate them. There is also suspicion that these groups believe we are listening to them on scanners now so a lot of them have changed to cell phones so we are not hearing the traffic like we used to; they are calling each other or doing a group text. Another thing that impacted this was northwest where we have heard complaints, we have unfilled vacancies there which puts a significant hole in the officers we have available. Incidentally, an officer has to wrap up what they are working on, if they can't they have to request overtime through their supervisor and send the supervisor has to send justification to me and just during the last week I got one where the landowner/tenant complained of coyote hunters trespass and is willing to testify in court and it struck my attention because that is so rare to have a landowner willing to testify on this. Commissioner Budd – When we passed the coyote regulations last year, were we going to re-address that? Chairman Lauber – We didn't pass anything, we left it alone and we asked that a study be made and I think there was a presumption that it would come back for our review after we had this information. The reason we passed nothing was we needed more significant data. Commissioner Doll – The impetus was that it was going to punish a significant group of sportsmen in Kansas and we didn't want to do that. Chairman Lauber – Was it a trespass issue. Rankin – We asked what significant violation was and they are listed as violation codes and I would have to look them up on my chart; some are use of artificial light at night, illegal means, using a rifle on archery permit; these were guys who said they were coyote hunting and there is deer in the truck, because we had a number of failed to tag deer, and there are some no license tickets there. Chairman Lauber – I am confused on these complaints. Rankin – These complaints are groups who say they are coyote hunting and in reality, when officers contacted them, they had deer. Chairman Lauber – So these 31 were infractions? Rankin – Yes, some were out there running their dogs while shooting at deer, when officer would arrive they couldn't find any evidence they had shot a deer, those are the unverified ones. Chairman Lauber – The unverified aren't included in the 31 or they are? Rankin – Yes, 26 percent were unverified. Chairman Lauber – I guess of 31 calls how many resulted in tickets being written? Rankin – 45 calls, charges filed on 27 percent, just about, I can't tell you exactly because we asked them what the most serious primary violation was and there were 12; in 33 percent of cases no tickets were written. Commissioner Budd – How did this come about? Tymeson – When we reviewed the furbearer regulations last year, law enforcement

as well as Matt's review. Chairman Lauber – I don't particularly support the change, but we had people coming to public meetings talking about it, there were landowners out there who felt coyote hunting was being used as an excuse to deer hunt, so it came to us. It still seems hard to prove, to minimize 12 infractions you would shut off dog hunting for a group of people for 2 weeks. It would probably solve the problem, but I don't know if it is a fair approach.

Commissioner Budd – The reason I asked was because if whoever brought it to the commission for us to look at thinks it is still a viable problem we will bring it back. Tymeson – Mr. Chairman, on those three items, since you just brought them up, that you let us take a look at them and give a report at the next Commission meeting. Chairman Lauber – Ok, thanks Mark for being on the spot and covering those items. Already had more discussion than I anticipated today. Commissioner Marshall – Could we do a quality survey asking hunters if they would prefer to hunt geese the first week of November versus the last weekend of the season, target 1,000 randomly selected hunters. Also, would like to see duck survey in southeast. Pearce – So you are saying the surveys they are doing isn't good enough? Commissioner Marshall – I didn't say that, just want to use random hunters; I could probably find hundreds of hunters to call in right now and vote one way or another. Surveying 1,000 random people rather than saying, if you want to fill out this survey, does that make sense? Commissioner Doll – This are not statistically created professional surveys, these are done by volumes of information; if you think of political surveys where they extrapolate out the information, that is not what is being done here. Commissioner Marshall – It may be more expensive and cost prohibitive. Sexson – We do have some qualified individuals that have experience in human dimensions surveying. I guess what you are suggesting is probably a good point because it depends on what you want to target and so you narrow down the target you are looking for information and who is going to provide that, and then the randomness of the survey and that kind of thing and that can be done. If you are thinking more a third party to get our biologists out of it, I am not sure that is required because the surveys we do we are not trying to skew those one way or another. Some of the surveys you have seen are more broad in terms of the questions that are asked, so if we were to focus our desire to collect statistically reliable information that dealt just we goose seasons, we can do that and we can share the technique and survey process and the drawing of those folks who would be involved in that survey and the same thing for the southeast if we were just focusing on early versus late in the southeast zone. Let us do some work on it because we do have individuals who are well qualified to do this. Commissioner Marshall – Would you agree that is something different than like at Cheyenne Bottoms as you checking out to fill out something, that is not a good survey because a certain group of hunters are going to take the time to do that properly. Sexson – And then it depends on how many times you go back out to try and get the nonrespondents through other mailings or telephone calls or something. Sometimes it is a broad survey, but the selection of the participants is done in a random nature, in a statistically reliable nature, but we are more random with the questions and trying to get answers to several things versus when you focus on particular issue you want the public information for. Pearce – Could you do that for southeast zone? Sexson – I would have to defer to Tom Bidrowski who was reporting a lot of that in terms of our waterfowl survey that is done. Those are waterfowl hunters that are selected to answer a variety of questions. It is always done in a random nature with a statistical method for drawing those folks. Chairman Lauber – I think Keith you know what direction we want and I think you have people who can do it. Steve Sorensen – Don't our current waterfowl seasons run to the last day allowed by the feds? Chairman Lauber – No. Sorensen – We can run deeper into February? Chairman Lauber – No. Sorensen – No, what?

Chairman Lauber – We move seasons, we have so many days within a framework and this particular year we moved some later seasons forward to where we ran out of days. Pearce – I think his question is, the feds give us a beginning and ending date. Sorensen – The last day allowed is February 15 and I think Tom has always started there and counted backwards and whether it ends up the last week of October or the first week of November, that is where it starts. Pearce – This year it was not that way.

VII. RECESS AT 5:00 p.m.

VIII. RECONVENE AT 6:30 p.m.

IX. RE-INTRODUCTION OF COMMISSIONERS AND GUESTS

XI. DEPARTMENT REPORT

X. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

None

XI. DEPARTMENT REPORT

D. Public Hearing

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

1. KAR 115-4-15. Restitution scoring system; white-tailed deer; mule deer; elk; antelope - Lloyd Fox, big game research biologist, presented this report to the Commission (Exhibit P). Minor change in the wording on Page 2, clarification on what a point is and what qualifies as a measurement; a point is one inch or more if the length is greater than the width and that is the same definition that Boone and Crockett uses.

**Commissioner Budd moved to approve KAR 115-4-15 before the Commission.
Commissioner Dill seconded.**

The roll call vote on KAR 115-4-15 as recommended was as follows (Exhibit Q):

Commissioner Budd	Yes
Commissioner Dill	Yes
Commissioner Doll	Absent
Commissioner Hayzlett	Yes
Commissioner Marshall	Yes
Commissioner Wilson	Absent
Commissioner Lauber	Yes

The motion as presented KAR 115-4-15 passed 5-0.

2. KAR 115-2-3. Camping and utility fees. – Linda Lanterman, Parks Division director, presented this update to the Commission (Exhibit R). We have been coming before you to talk about our management plan on our utility fees. We propose that we will increase each utility, one, two or three utilities by \$1.50 each night. I have given you a line graph (Exhibit S) showing you our utility fee increases. Every year we look at our occupancy reports and fees we are charging. Two years ago we increased utility fees by \$1.00, and wish to raise by \$1.50 per utility per night this year. In addition to that we are going to change the verbiage on long-term camping to seasonal camping and it also will increase monthly by \$30.50 for one, two and three utilities.

**Commissioner Marshall moved to approve KAR 115-2-3 before the Commission.
Commissioner Budd seconded.**

The roll call vote on KAR 115-2-3 as recommended was as follows (Exhibit T):

Commissioner Budd	Yes
Commissioner Dill	Yes
Commissioner Doll	Absent
Commissioner Hayzlett	Yes
Commissioner Marshall	Yes
Commissioner Wilson	Absent
Commissioner Lauber	Yes

The motion as presented KAR 115-2-3 passed 5-0.

3. KAR 115-25-5. Turkey; fall season, bag limit and permits. - Jim Pitman, wildlife biologist, presented this report to the Commission (Exhibit U). You have heard me talk in the past about how turkey numbers in the east plummeted sharply after the wet summers we had, especially in 2007 and 2008. We have had average, to above average production the last couple of years, but turkey populations in the eastern part of state are still 25-30 percent below what we were at the peak. In addition, our spring hunt success has remained below target, which is 55 percent for residents. As a result we had an adaptive harvest management strategy that we used to guide our recommendations for spring hunt success. Since we are still far below, we are recommending our fall bag reduce from four to one in Units 3, 5 and 6 which is the northeast, southeast and south central part of the state. That would take effect next fall. Commissioner Marshall – What is the rest of the state going to be then? It would still be one bird in northwest Kansas and the four bird fall bag in northcentral Kansas that would be the only unit with four birds. There is no fall season in southwest Kansas. Commissioner Marshall – It would be helpful to have a map again, I can't keep all of the units straight. Pitman – I have one you can look at. Commissioner Marshall – You think you can defend four birds in the northcentral unit (Unit 2)? Pitman – Because spring hunt numbers remained above the target level. Unknown – What is the southern boundary of that? Does it go by counties? Pitman – Our management units go by counties that is how we collect data, but for law enforcement purposes we have to use the roads, so we hug them up as close as we can to our management units. Commissioner Marshall – So is Quivira in Zone 4? Pitman – Quivira is in 5. Commissioner Marshall – So it drops to one? Pitman – Yes. Pearce – Barton, Ellsworth, Rush and Salina are bottom part of northcentral unit, so they are still four. Commissioner Marshall – Doesn't four seem awfully high? Pitman – It has been four ever since I have been with the agency and as long as populations are robust and hunt success is remaining high than currently, we don't see an issue with it. If it starts to drop off; fall harvest has the most potential to limit future populations so that is the first place you want to cut. So if you are trying to get spring hunt success back up and increase bird numbers, you cut fall so that is what we are recommending. Chairman Lauber – The key is you want to keep the jake harvest below 25 percent. Pitman – That is our other trigger. So spring unsuccess is the primary, but see jake harvest below 25 percent so we are not harvesting a lot of what is being produced annually, harvesting older age class birds for the most part. Pearce – How many states consistently have better than 60 percent success rate? Pitman – The only other states in the ballpark are the plains states and some of the western states; the farther east you go the hunting success starts dropping off precipitously. Good hunt success in the eastern U.S. is 25 percent. Pearce – What do you think the populations like now, with hatch this year. Pitman – I think good, to above average production in eastern part of state the last two years, but still fall indices are 25-30 percent below what we were at the peak for fall. Pearce – How many hunters out there harvested four birds this fall? Pitman – Two to three percent of active hunters is what actually fills all four permits. That is why the recommendation is to go from four all the way down to one because you are not going to substantially reduce harvest if you just go from four to three. What we figured based on past harvest data is that by reducing that bag limit from four to one would reduce fall harvest by 25 percent or so. Commissioner Hayzlett – On this economic impact summary the department estimates over 24,000 days of hunting activity, how do you provide that? Tymeson – The USFWS does a survey every year and they have certain data that is collected like number of hunter days that it takes to fill a tag, so there is an estimate of five days

per big game or wild turkey tag, so you extrapolate the number of tags sold times the number of days. It is not like it is a firm number it is just an extrapolation of data. Commissioner Marshall – Does 24,000 relate to just turkey hunting or everything? Tymeson – Turkey hunting only. Pearce – Are you going to do any trapping next fall? Pitman – Yes, we are planning on trapping some nuisance-type birds.

**Commissioner Dill moved to approve KAR 115-25-5 before the Commission.
Commissioner Hayzlett seconded.**

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

Commissioner Budd	Yes
Commissioner Dill	Yes
Commissioner Doll	Absent
Commissioner Hayzlett	Yes
Commissioner Marshall	Yes
Commissioner Wilson	Absent
Commissioner Lauber	Yes

The motion as presented KAR 115-25-5 passed 5-0.

XII. Old Business

None

XIII. Other Business

A. Future Meeting Locations and Dates

March 20, 2014 – Kansas History Center, Topeka
April 17, 2014 – GPNC, Wichita
June 19, 2014 – Pittsburg
August 7, 2014 (later changed to August 21) – Great Bend
October 16, 2014 – Salina

Sexson - March 19 we have set a legislative luncheon, we did these in the past but stopped because of renovations at the capitol. Things are back in order and Robin wants to start that up again, so that is set the day before the next meeting. We will do a buffalo BBQ and it is funded and supported by a number of our conservation friends and park partners. The point is, while you are marking down the next meeting, mark this on your calendars too. Craghead – When you go there take time to go through the new visitor’s center at the capitol, it is a beautiful facility.

XIV. ADJOURNMENT

The meeting adjourned at 6:45 p.m.

(Exhibits and/or Transcript available upon request)