

**AGENDA**  
**KANSAS DEPARTMENT OF WILDLIFE, PARKS & TOURISM**  
**COMMISSION MEETING AND PUBLIC HEARING**  
**Thursday, April 17, 2014**  
**Great Plains Nature Center**  
**6232 E 29<sup>th</sup> St N, Wichita, Kansas**

- I. CALL TO ORDER AT 1:00 p.m.**
- II. INTRODUCTION OF COMMISSIONERS AND GUESTS**
- III. ADDITIONS AND DELETIONS TO AGENDA ITEMS**
- IV. APPROVAL OF THE March 20, 2014 MEETING MINUTES**
- V. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS**
- VI. DEPARTMENT REPORT**
  - A. Secretary's Remarks**
    - 1. Agency and State Fiscal Status (Robin Jennison)**
    - 2. 2014 Legislature (Chris Tymeson)**
  - B. General Discussion**
    - 1. Tourism Update (Linda Craghead)**
    - 2. Fishing Regulations (Kyle Austin)**
    - 3. Park Regulations (Linda Lanterman)**
    - 4. Late Migratory Bird Seasons (Tom Bidrowski)**
    - 5. Lesser Prairie Chicken Federal Listing Update (Keith Sexson)**
  - C. Workshop Session**
    - 1. Upland Bird Regulations (Jim Pitman)**
    - 2. Public Land Regulations (Brad Simpson)**
    - 3. Five-year review of the Kansas Threatened and Endangered Species Lists (Jason Luginbill)**
    - 4. Webless Migratory Birds (Tom Bidrowski)**
    - 5. Early Migratory Bird Seasons (Tom Bidrowski)**
- 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**

**C. Workshop Session (continued)**

**6. Fort Riley Deer and Other Considerations (Lloyd Fox)**

**7. Use of dogs to track wounded deer (Mark Rankin and Lloyd Fox)**

**8. Hunting on same day of deer or turkey permit purchase (Mark Rankin and Lloyd Fox)**

**D. Public Hearing**

**1. KAR 115-25-7. Antelope; open season, bag limit, and permits. (Matt Peek)**

**XII. OLD BUSINESS**

**XIII. OTHER BUSINESS**

**A. Future Meeting Locations and Dates**

**XIV. ADJOURNMENT**

If necessary, the Commission will recess on April 17, 2014, to reconvene April 18, 2014, 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, June 19, 2014 at Lamplighter Inn & Suites meeting room, 4020 Parkview Dr, Pittsburg, KS

**Kansas Department of Wildlife, Parks and Tourism**  
**Commission Meeting Minutes**  
**Thursday, March 20, 2014**  
**Kansas Historical Society (History Center)**  
**6425 SW 6<sup>th</sup> Ave, Topeka, KS**

Subject to  
Commission  
Approval

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

The March 20, 2014 meeting of the Kansas Wildlife, Parks and Tourism Commission was called to order by Chairman Gerald Lauber at 1:00 p.m. at the Kansas History Center, Topeka. Chairman Lauber and Commissioners Don Budd, Randy Doll, Gary Hayzlett and Robert Wilson, were present; Roger Marshall attended via Skype.

**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**

Lloyd Fox will present Secretary's Orders on deer this evening after 115-25-9.

**IV. APPROVAL OF THE January 9, 2014 MEETING MINUTES**

Commissioner Doll moved to approve the minutes as presented, Commissioner Hayzlett second. Approved. (Minutes – Exhibit B).

**V. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS**

Bruce Holt, Ozawkie KS – Would like you to consider adding third hook to Alabama rig. You can fish with three hooks in Missouri, ten in Alabama; don't need ten. I've caught multiple fish using multiple hooks. On trotline on Delaware River, guy caught a five-pounder and a three-pounder. I tried to get him to let them go, but he wouldn't. If he can run 24 hooks and keep the bass, something is wrong. Never caught a fish on the Alabama rig. Commissioner Wilson – Middle bait. Holt – It's the new "hot" bait. Chairman Lauber – Had discussion on Alabama rig before, logical explanation on the way it is now; different concept in trot line fishing. Holt – Still leave our lake, good spawning fish. Chairman Lauber – Will have staff look at that. Thanks for your comments.

**VI. DEPARTMENT REPORT**

Birding Big Year Award Presentation – Mike Rader, wildlife education coordinator, presented these awards. Secretary Jennison saw a movie he liked this last year called "The Big Year,"

about a contest a group of avid birdwatchers conducted on how many different species of birds they could see in a calendar year. We started the Kansas Birding Big Year in April, set up rules on website, and used e-bird (from Cornell University) to list species of birds seen. We'd like to see this continue, to encourage people to see more of Kansas than they might otherwise. Last year's Big Birding Year ended December 31, 2013; 54 people participated. The competition was divided into three categories: youth - younger than 18, adult - 19-64 and senior - 65 and older. We have about the same number signed up so far this year. We have sponsors and received pencil drawings from Robert Penner to award to last year's winners. Youth winner – Sam Schermerhorn, Wamego, who saw 152 species of birds. He receives a backpack from Jansport, original pencil drawing from Robert Penner, \$25 gift certificate from Acorn Naturalist and Bushnell binoculars. Senior competition winner – Earl “Mick” McQue, who saw 255 species, He receives a Penner print, book and \$50 Cabelas gift certificate. Top competitor in adult group – James Malcolm, who saw 319 species. He receives a crane Penner print, book, and \$50 Cabelas gift card. Gave each participant a ball cap; also gave one to each Commissioner. Caps based on photo by Bob Gress; Dustin Teasley and I worked up design for hat (a painted bunting).

#### **A. Secretary's Remarks**

Secretary Jennison thanked Mike Rader for his efforts; I saw a TV show that had a message, called Keith and he talked to Mike and found out big year is typical among birders. Since Governor Brownback was elected, he has been promoting the outdoors, and I have been supportive of that because it is through the outdoors that people begin to understand and love the outdoors and understand what our mission has been, just a different way of looking at it. There needs to be recognition between all of us who typically hunt and fish and our enjoyment in the outdoors that there are folks who enjoy a nonconsumptive use of the outdoors and this is just one example of it. Mike, I really appreciate your effort to get this started on the right foot.

1. Agency and State Fiscal Status – Robin Jennison, secretary, presented this update to the Commission. We continue to do well with park fee fund. Hunting license sales are down a little. Fiscally the department's in fine shape. When you look at legislative role in our budget, the wildlife and fisheries side of the agency receives no state funding except parks and Tourism get some EDIF monies. There was a late request to do work at Neosho WA for \$3 million under PR grant, Senate approved, House has not accepted yet. Fairly comfortable with budget at this point for fiscal year 2015; soon working on two-year budget for 2016 and 2017.

2. 2014 Legislative Update – Robin Jennison, Secretary, presented this update to the Commission. Proposed changing apprentice license from one year to three years; in our testimony, could be someone gets apprentice license and because of bad weather was unable to use it, but then in January would have to have another apprentice license. The legislature thought that was too long, passed it out with two years in the House, three out of Senate. Within that bill was proposal to allow people with concealed carry to forgo hunter education, which looks like it is not going to come up this year. Some things still beyond our control, like lesser prairie chicken issue and black-foot ferret in western Kansas. Bill introduced to taken redbelly and smooth earth snakes of our Threatened and Endangered (T&E) list, which has been an issue in Johnson County; gave testimony and did not think bill would come out of committee, but amended to include full repeal of the Nongame Threatened and Endangered Species Act was amended onto

that. It passed out of Senate Natural Resources Committee 5-4; we were surprised and when I talked to Senate leadership they did not know that action had been taken. Had two land bills pass out of senate yesterday. Chairman Schwartz talked about a willingness to put in conference. Challenge is what other bills might get attached; so land bills still up in the air. Good vote in Senate, 28-12 on Cherokee ground using damage assessment money. If the department doesn't buy it, that land will be purchased by someone, like TNC, who will conserve the property, but they do not allow hunting. Pottawatomie ground, which is right next to wildlife area we already own, passed 27-13, which passed with remarkable help from conservation organizations. The last thing is the antler bill, introduced as result of deer poached south of Topeka. One of folks who owned land the deer was on had an interest in having that rack. It is a poorly drafted bill; I think people who drafted it didn't know enough about hunting. It did end up granting landowners with wildlife that is hunted illegally on their ground, the right of first refusal. It has gotten attention of folks around the country; conservation organizations and the sporting caucus. We have received several calls and talked to those groups. If you are not a sportsman, it is something hard to understand, but we are doing our best to try and it explain it and how dangerous it is to the Public Trust Doctrine and North American Model for Conservation. We were told it was not going to come up in House committee and came out of committee and was on the House floor the next day and passed overwhelmingly, only 17 people voted against it. We could have had a little stronger vote if we had the opportunity to work the committee and the House. Come up tomorrow in senate natural resources committee and will likely come out of committee. There are two senators, one republican and one democrat, who have an interest in getting bill improved, don't know if you can improve it and pass it, we'll know tomorrow. I believe that is the only bill we have left in a committee. Only other bill we participated in is state fossil bill. We look at it as an opportunity to promote the state. There is some question on whether the state should have state symbols or not; it is history as it relates to fossils, and we gave favorable support. Mike Pearce – Go back over part on repealing on T&E bill. Jennison – Bill introduced to remove redbelly snake and smooth earth snake off list, several things came up in that discussion to take it further than just snakes to repeal our whole statute. Pearce – Where did that come from? Jennison – Chairman Powell. Pearce – Where does it go to now? Jennison – Senate floor, in HB2118; this bill was in an exempt bill, clearly someone had idea to do something with that bill. Pearce – You have any sway with these guys? Jennison – After this year, I'm not sure I do. Chairman Lauber – Find it troubling to deal with lesser prairie chicken, Keith and our staff has been dealing with that for years, but seems like public is just becoming aware of it. Received email from Audubon of Kansas that is not necessarily objective; but are LPC bills alive and well? Jennison – None of them are dead. Did not give testimony, first bill had to do with enforcement of federal law, things in there which are problematic and we pointed them out to senate. Felt USFWS would not list LPC, this bill would have made that difficult for us to do. Gave testimony in the House, while still neutral, asked for another part to be taken out, and assumed we were not in support of bill. Kansas Livestock Association also pointed out that this was not best timing for the bill, but it is not dead. Frustration from legislators over potential economic and social cost. Chairman Powell brought up black-footed ferrets this morning and we have no control over ferrets other than did try to help control prairie dogs as they dispersed on neighbors. Growing frustration in western Kansas as we get closer to March 31 deadline on USFWS listing of LPC. Chairman Lauber – Familiar with federal overreach, concerned with reduced harmony with the feds. Jennison – Taken more common sense approach to Kansas than a federal bureaucracy would.

## B. General Discussion

1. 2014 Tourism Marketing Plans - Richard Smalley, tourism marketing manager presented this report to the Commission (Exhibit C). Worked with Keith and a group to integrate hunting into marketing strategy; from that developed KDWPT markets into two diverse segments; leisure tourism and consumptive tourism. On April 9, we will hold a media event to announce our partnership with Clearwater native and Nashville recording artist Logan Mize. Mize will help promote to his fan base the state's tourism assets during his live performances, including this year's Country Stampede, and through his website and social media. Have registrations from as far away as Wyoming and Delaware. We are currently in the middle of an RFP process for the advertising agency of record. Nine vendors submitted proposals. The contract is to be awarded in April. *Introduced Kelli Hillard and Pete Szabo.*

2. Webless Migratory Birds - Rich Schultheis, migratory game bird biologist, presented this report to the Commission (Exhibit D). Although webless migratory bird hunting regulations are subject to the same federal framework process with the U.S. Fish and Wildlife Service as waterfowl, stability in season dates and bag limits allows the inclusion of crows, doves, sandhill crane, snipe, rail and woodcock; bag limits and season dates are also part of the permanent regulations. No changes recommended to the webless game birds regulations. As a result the dates are at the bottom with bag and possession limits. This will not be brought back up because there are no changes. Chairman Lauber – Are crows a migratory bird? Schultheis – They were brought in when Mexico came into the Migratory Bird Treaty Act. Chairman Lauber – County used to pay a bounty for crow bills and I didn't think that could happen on a migratory bird.

3. Early Migratory Bird Seasons - Tom Bidrowski, migratory game bird program manager, presented this update to the Commission (Exhibit E). The U.S. Fish and Wildlife Service (USFWS) annually develops the frameworks for states to set migratory game bird hunting seasons, which establish maximum bag, possession limits and season lengths, as well as earliest opening and latest closing dates; defines teal population thresholds for whether or not a September teal season can be held. Final federal frameworks will not be set until June 26, 2014 after the USFWS Service Regulatory Committee meeting. With current populations and conditions on the breeding prairie pothole region, we expect no changes in frameworks, which would allow a 16-day season. Last year there was an increase in the daily bag limit from four to six and possession limit is now three times the daily bag limit. Commissioner Budd – Why on webless migratory birds, do the regulations not go back through? Bidrowski – They are permanent regulations and sets September 1 for doves and runs continuously and same for cranes that starts second Wednesday of September. It is a set date for those species to start. With waterfowl seasons change more regularly, not with webless birds. Commissioner Budd – If federal frameworks were to change, then we would review? Bidrowski – Through emergency session, like last year, to work on the change the USFWS made on possession limits. Chairman Lauber – At what meeting do we start discussing late migratory birds? Bidrowski – April, workshop in June and public hearing in August; in review process now. Commissioner Budd – Are we sending out surveys again this year? Bidrowski – There will be a survey sent out. It's under a review process right now. Budd – What are we reviewing? Bidrowski – Answer questions we are looking at, formatting and research branch will be going to administration for

some feedback and outside human dimensions specialists from other states. Commissioner Budd – Commission doesn't get any input on that. Bidrowski – That is up to administration. Commissioner Budd – Who is administration? Bidrowski – Head staff. Commissioner Budd – Request commissioners get to look at surveys in advance. Amy Thornton – Review all surveys or analysis of the surveys? Commissioner Budd – Probably only going to be three surveys, doing it by zones aren't you? Bidrowski – One statewide survey, sample survey with 25,000 people in sampling, select 1,500 or so completed surveys so send out to about 3,500 with our response rate. Commissioner Budd – Not too burdensome is it? Thornton – No, just wanted to be sure what you were requesting.

4. Fort Riley Deer and Other Considerations - Lloyd Fox, big game research biologist, presented this report to the Commission (Exhibit F). Fort Riley staff have requested same regular archery season dates and regular muzzleloader season dates, extended firearm season dates for the taking of antlerless white-tailed deer the same as listed in KAR 115-25-9 and an additional four-day period from October 10-13, 2014 for youth. Season dates requested for firearm deer hunting is November 28-30, 2014, and December 13-21, 2014 (12 days); additional archery hunting days from September 1-14, 2014 and from January 12 - 31, 2015. Last year we put in a special provision for people using crossbows for deer hunting and required them to obtain a free crossbow user ID prior to hunting to get a better estimate of people using crossbow; still have that in this regulation. Open for input and comments and will come back in April.

5. Use of dogs to track dead or wounded deer - Lloyd Fox, big game research biologist, presented this report to the Commission (Exhibit G). This subject has come up frequently in the past. We have done surveys of deer hunters; back in 2010/2011 asked this question and 53 percent indicated support for the use of dogs to help retrieve wounded deer, while 11 percent strongly opposed their use. Some people fear that allowing people to use dogs to trail dead or wounded deer might increase risky shots and decrease fair chase. Other people feel that it could lead to the use of dogs as a means of hunting deer, including the initial location of deer and then take riskier shots to obtain deer. The concept of using dogs to help hunters retrieve wounded deer is very popular and Europe and has gained support in many states, and there is a movement among its proponents to have it legalized in all 50 states. Mark and I worked on a spreadsheet and map to give you an idea of where this is allowed, not allowed and where special provisions are required. Fourteen states require the dog to be on a leash when trailing is done; basically half the states allow some sort of trailing dogs and half do not; 10 states allow this to be done and use artificial light at night, others allow trailing during regular hours, 7 states require tracker and hunter to contact local law enforcement to let them know this is going on. Discuss again in April. We are working on a Kansas regulation and there are a number of things we have discussed Commissioner Doll – Only two options in survey? Fox – Combined support and strongly support are the 53%, 11% were strongly support; have neutral area too. Commissioner Doll – How big was that? Fox – Bigger than either of those two categories. Commissioner Doll – How would shooting a deer on one property work if deer went to another property? Fox – Have details to work out, mainly see use for tracking dead animals. Still have to get permission to go on adjoining property. Chairman Lauber – Had question of having to allow forced access and I said no. Also, talked about leashed dog; and not using to flush animals back. Mark Rankin – Prefer leashed, depending on dog's training, he is going to chase other things. Commissioner Budd – Like to see full survey at next meeting. Fox – Of course. Pearce – Talked to guy from Missouri who

is neck deep in working on this same issue. Rankin – Under current regulations, required to have hunting license, tracker covered in 115-4-2, assistance not allowed in take. Commissioner Doll – Tracker have to be hunter himself? Rankin – Don't expect so, expect hunter to accompany them. Chairman Lauber – How many states allow the use of artificial light? Known people to field dress deer with flashlight in their mouth. Rankin – Discuss with law enforcement staff to see what problems were; some states allow artificial light when tracking an animal. Chairman Lauber – Under current law can you use a light? Rankin – No, you can contact LE and they will help find a deer. Chairman Lauber – If you leave gun, can you then? Commissioner Doll – Where is the impetus of this coming from? Fox – People with dogs wanting to help hunters. Also, legislation which says, give agency power to do that, but we already have that power. Chairman Lauber – Legislation, don't do or do it, it will get done anyway. Do in a way to enhance finding of deer and additional aspect of using dogs in the field. But, keep dog on leash. Pearce – Mark, did you discuss with Missouri? Rankin – Did not talk with anyone, looked at website. Pearce – I interviewed a guy there, they can't carry firearms, but they still have hound culture in southern Missouri. Commission Doll – If you look at map, demographics, more populated areas don't allow, less populated areas do; we are right in the middle. Pearce – Nebraska is working on this? Chairman Lauber – Something with hound culture.

*break*

Ron Klataske – Apologize for being late, dealing with amendment with Senator Powell, to eliminate T&E Act, a real threat to the state. Threat to endangered species on accidental shooting issues with whooping cranes while sandhill crane hunting. Prefer not opening shooting hours until a half hour after sunrise, then could tell the difference between them, before that dealing with silhouettes of birds, which look the same. Sandhill crane season was closed at 2:00 in the afternoon, inconvenience for hunters, but important to hunting ethics. Whooping cranes need the opportunity to find places to roost and rest in their migration. Some consideration to not shoot turkeys off a roost, wouldn't hunt from sunrise to sunset. Feels like chimera, taking back what you gave us; good for the sport of hunting and ethics of hunting. Chairman Lauber – Federally regulated, you said we eliminated the safeguards, but we eliminated the safeguards that were stronger than what the feds allowed. We moved to half hour after. Still have to take a test to hunt sandhill cranes. Some organizations feel no hunting of sandhill cranes should be allowed at all because of whooping cranes. Don't feel we have to change this at this point. Klataske - Maintain fair chase, allow species to utilize habitat without undue stress. Don't let dogs chase deer all night. Chairman Lauber – Don't harass anything. Klataske - Waterfowl can land anywhere there is water, sandhill crane can only land in certain places. Don't make permanent every year. Discuss it each year. Return to what it was between 2005 and 2012. Pearce – Commissioner Marshall hearing this? (*No response from Marshall*) He would have had the most knowledge on this. (Exhibit H – magazine)

6. Coyote hunting in Rifle Deer Season - Mark Rankin, field operations major for Law Enforcement Division, presented this report to the Commission (Exhibit I). On spreadsheet one date is missing and second to the last is out of order. Note that some officers did not report incidents because of the wording of the questions. Several interviews mentioned in minutes, found hunters in field who said they were hunting coyotes, were from other states; but not hunting with vehicles. Chairman Lauber – Appreciate effort that went into survey. Did not see



pattern of regulation we looked at before. Felt recommendation to continue to reporting it. Not sure eliminating dogs or using radios would do that. If you want to eliminate some of these issues, not sure anything would stop that other than stopping coyote hunting. Rankin – Want to go through another hunting season and survey that. Chairman Lauber – Do what promotes your job. Commissioner Doll – More general issues with coyote hunting during deer season, not just dog and radio issues. Held series of meetings with officers throughout the state, then more came in. Chairman Lauber – Last summer when no action was taken, you recommended we do some data accumulation, see what coyotes and dogs was affected. Rankin – Other issues would be just coyote hunting during deer season. Commissioner Budd – Was action we took, help, hurt or no help? Rankin – One of my lieutenants said there were never fewer issues because it was being looked at. Commissioner Budd – If we would have taken action, would number of violations been smaller, I know that is difficult question to ask? Rankin - Don't know if major immediate impact, but over course of time it might have, in my opinion. Commissioner Budd – I would like to see, if you are going to gather more information, the biggest affect besides coyote hunters is going to be law enforcement impacts. They are the ones who might have a potential recommendation. Rankin – Came from field. Commissioner Budd – LE community, impactful to guys in the field, ask us seven to make decision to affect LE or coyote hunters. Chairman Lauber – It is instinctive nature for LE to have more clear cut restrictions, easier to do job without gray areas. We pass lot of things over LE concerns, not that they are wrong, but greater good of people might outweigh that. Merit for moving bait, Kevin said no movement of bait or water, but couldn't do it that way. Have to focus on public opinion; which erupts from time to time, like antler bill. Continue to collect information, don't make decisions just on LE passion, rather than what public. Rankin – We want public to know where they are at too. Commissioner Budd – Know there is a problem here with guys using coyote hunting excuse to deer hunt. LE took politically correct stand. Better to have a line that doesn't have gray area, flashlight chasing deer and have firearm on shoulder. Easy to violate when you simply don't know the law. Thought about this a lot, didn't get LE perspective from guys in the field. Chairman Lauber – I felt we did when we were in Great Bend. Problem is not small group of dog hunters, but coyote hunting in general. He wants to direct survey that way. Consensus to make those changes and adjustments to survey so go ahead and do it. Commission Budd – Like to see LE perspective as well as public. Commissioner Hayzlett – I see the biggest issue as trespassing in our area, but haven't heard that excuse to hunt deer. When you stop someone coyote hunting, in possession of a deer permit can they be cited? Rankin – Unless attempting to take deer, we can't stop them for that. Commissioner Hayzlett – Can you ask them to show deer permit. Rankin – Can look at them in truck. Klataske – If you are going to be coyote hunting during deer season, have written permission from landowner to hunt coyotes in their possession. Chairman Lauber – Lots of good suggestions have been made. Pearce – On survey you did; issue in Garden City was coyote hunting in firearm deer season, using two-way radios and vehicles, most didn't occur during firearm deer season. Rankin – Dogs in archery season and shot with dog present, would already have been an issue. Chairman Lauber – A little more than half was during firearm deer season. Continue to take information as recommendation says.

7. Hunting on same day of deer or turkey permit purchase - Mark Rankin, assistant law enforcement director, presented this report to the Commission (Exhibit J). When looking at this big game and turkey permits, can buy 24/7, anywhere you can get internet connection. If purchased evening hours would be valid the next day. One of the concerns does create

temptation to shoot animal and then obtain a permit, after the fact. Another concern was loss of permit sales. We have seen quite of bit of hunters who don't buy permit until right before they go out hunting. The easier we have made it to purchase a permit the easier it is to go out after they shoot the deer. For legal hunter, it costs them part of one day, for the illegal hunter it changes nothing. Fox – I see this is as a LE issue. Commissioner Budd – If you buy a license today should be able to hunt today. Commissioner Wilson – Memory not too clear, reason they made this regulation, weren't purchasing permit until they actually shot the deer and wanted to tag it. When was that? Rankin – 2001. Commissioner Wilson – Weren't legal to start with. Chairman Lauber – No question when it is sold, was written on paper. Not stop illegal hunter no matter what, leave it lay and come back with permit. Tend to think some lawful hunters will be inconvenienced. I agree with Don on this, most deer hunters have permit well in advance. Brought up by guy who said I can prove when I bought it. Where do we go now? Commissioner Doll – History? Rankin – Reports is the only way we could find that out and don't have manpower to do that. Pearce – Gone on ride longs during waterfowl season, amazing how fast officers can call in and check. Rankin – Have mobile terminals. Rankin – Glenn, is that something you do? Glenn Cannizaro – Depends on internet service or phone service. Rankin – Estimated time of death is difficult, 10-12 hours or longer can tell; have variables of estimate. Commissioner Budd – Biggest thing is we are trying to regulate such a small group. Writing on hand license in 2001, now date and time stamped. Ask if it would cause heartburn to you and your guys? Rankin – Inviting people to take. Paper receipts, made cases by looking at those license books, could look at when the one before and after were purchased, could use that to make a case. Chairman Lauber – Convenient to hunt day of purchase. Since Chris is not here, like LE to think about this and discuss some more. Jennison – In past written licenses and permits, technology is there, have electronic permits and have license on phone. It is the wave of the future. Chairman Lauber – Good point. Klataske – In addition to difficulty to LE, may affect revenues, a lot of us buy and then don't go hunting.

8. Lesser Prairie Chicken Federal Listing Update - Keith Sexson, Assistant Secretary, presented this report to the Commission (Exhibit K). 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. This was approved by the U.S. Fish and Wildlife Service on February 28, 2014, and the permit issued to WAFWA. So oil and gas industry can now enroll properties under the CCAA and receive a federal permit. We won't have ultimate news until March 30 from the U.S. Fish and Wildlife Service. As of this week, have 27 companies/industries, 3.7 million acres enrolled, \$20 million in enrollment fees to WAFWA for disseminate to landowners. A million of those acres in Kansas. Kansas is currently showing the most acres of industry and landowners. All together five million acres we set out as a goal in effort to conserve prairie chickens; at 330,000 landowner applications. Working group met in Austin, Tex. this week and collected information. Twenty of our own people covered western Kansas to make recommendations; 11,000 offset acres due to those efforts, 2.3 million under agricultural CCAAs. Decision made for 2014, looking at 41,000 acres covered under five- and 10-year contracts for habitat work \$486,000, over length of contract about \$4.5 million. Industry is stepping up to the plate, taking those fees and putting them back on ground with landowners to put habitat on the ground in LPC range. People in Washington today taking these current numbers to the Service and Congressional delegation to make impact on final listing that is going to take place in a few days. Exceeded goals for industry and cooperating landowners.

Lack rural electric cooperatives (REC) in these efforts so pushing hard to get some of those. Meeting on April 7 with RECs to discuss what process is about; will be under listed or not warranted scenario at that point. This is the third year of rangewide aerial survey; we know that the best we can hope for is status quo. We dropped 50 percent from first survey to second, nothing that has occurred between second and third we are working on so expect no change. One other way landowners are covered is USDA initiative programs through the Farm Bill. So feel landowners are covered. Working real hard on these enrollments. Reiterate, all about trying to affect this listing, some set up to benefit from listing; five states firmly behind not warranted. Law suits coming up, one by Oklahoma Attorney General to allow Service to continue with current listing; proposed listing was for threatened, could find for endangered, hope they find for not warranted; another lawsuit from Natural Resources Coalition on environmental quality technicalities. It is a whole new way of doing business. Feel if they work with the plan, may be a new paradigm on how endangered species are handled in the future. Jim Pitman has been working diligently on this. Chairman Lauber – Third survey running now or when? Sexson – Had 2011 and 2012. Chairman Lauber – Numbers reduced. Sexson – Yes, 17,000 rangewide. Chairman Lauber – How long to rebound? Sexson – Three good years. Was request to have emergency listing, provided best scientific information of weather conditions on upland game species. Not overnight. If good conditions this year still not rebound to 37,000. See trending upward. Some who want it listed may use as a factor. Changed fragmentation of habitat, not weather related changes. Didn't have aerial survey, have had swings in populations for many years back; common occurrence, seeing right now with pheasants. With habitat improvement and good weather will see rebounds in populations. Pearce – Would like to ask Gary if he hears much discussion, since right in that area? Commissioner Hayzlett – Cautiously concerned about property rights. Trying to figure out what agreement was, eased some worries with explanation. I grew up hunting prairie chickens, not sure if much more ground broken out than was then. Pearce – Who do I bother about this? Sexson – Jim will be back next week. Klataske – Getting industry and landowners to sign up, but what about haying practices on CRP; what about signing up USDA, only come on line if listed? Sexson – With USFWS discussions with NRCS and NSSA may impact emergency haying, impacts on bird and management of those kinds of programs. Klataske – Haying has hurt pheasant populations too. Sexson – All part of drought situation.

**VII. RECESS AT 3:44 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**

Bruce Anderson, Manhattan – Draw procedure for elk hunting points, active duty military has first consideration. Soldiers on Ft Riley for only a year are drawing tags; I am retired military and after 42 years have not been able to draw. Chairman Lauber – Mandate that Ft. Riley has or is that our policy? Anderson – Active duty military and all the others; all active military and a

percentage of others. In 2012, Ft Riley received 48 percent of permits with less than 3 percent of total applicants. Matt Peek – Procedure is that 100 people are drawn from military and non-military; as retired military you go into general draw. Amy Thornton – That is in statute, done by legislature. Anderson – Trying for 19 years to get a permit. Chairman Lauber – Way original statute was set up, could only be appealed by legislature. Anderson – Maybe that was when there were 75 tags. Pearce – When I drew there were 10 bull and 15 cow tags. Anderson – Can't we change the formula? Chairman Lauber – Not sure we could do anything. Jennison – If statute, not much we can do; will get with Lloyd and others and will look into it.

Mary McBride – Introduce Glenn Creek and Jay Rouge Fine Sporting; we have hunting and fishing for groups, and inbound groups. Our corporate responsibility is conservation-based and we are interested in partnering for education to develop young people's personal awareness and respect of natural surroundings.

Secretary Jennison – Several meetings ago, had opportunity for us to see type of employees we have; I have service awards I should have taken to Winfield, but I forgot. Presented awards: Ron Kaufman who is public information officer, Ron edits what I write; he receives 15-year service award. Keith Sexson has been with department for 45 years. As I've been traveling around the country to AFWA and other meetings and I've found this agency is held in high regard, and it's because of Keith's efforts. Keith has served under three secretaries.

## **XI. DEPARTMENT REPORT**

### **C. Workshop Session**

1. Upland Bird Regulations - Mike Mitchener, wildlife section chief, presented this report to the Commission (Exhibit L). This is information to set the stage if the lesser prairie-chicken is listed as a federally threatened species, which could affect prairie chicken hunting regulations for the state. It depends on 4(d) rule. No recommending any changes, if the Service finds the species to be warranted for federal protection, we may need to quickly modify our hunting regulations for the fall 2014 season. The necessary changes will be dependent upon the take exemptions that get issued with a warranted finding. It is anticipated that the Service will exempt some take of lesser prairie-chicken by people who are legally pursuing greater prairie-chickens and will probably close southwest part of state. Bring back further recommendations to April meeting once we find out listing status. Commissioner Hayzlett – Estimate of number of birds taken? Mitchener – Yes, did survey a couple of years ago. Number of lesser prairie chickens taken is somewhere in the neighborhood of 100 or so.

2. Public Land Regulations – Brad Simpson, public lands section chief, presented this report to the Commission (Exhibit M). Proposed changes for 115-8-1. Add Biller Buche, Chestnut Tracts in Region 5 to all non-toxic shot; this was purchased by Natural Resource Act damage funds; also add same tracts to equipment restrictions for shotgun and archery only. Commissioner Budd – At Perry, no motorized boats? Simpson – Can use electric trolling motors.

3. Kansas Threatened and Endangered Species Five-year Review of Lists – Ed Miller, wildlife biologist, presented this report to the Commission (Exhibit N, PowerPoint – Exhibit O).

We're in the midst of five-year review of Kansas threatened and endangered species, and this seems like a timely topic with the possible repeal of the law that makes this necessary. However, we are going to proceed with the review. The review is actually a two-year process. This year we looked carefully at the definition of an endangered species, particularly the phrase, "viable component of the state's wild fauna." With that in mind, we are taking a really close look at our list to make sure that everything there should be there. We have some species on the list that may not be a viable part of the state's fauna. The definition of a threatened species really ties back to the endangered species definition. We do list federal species on our list and in fact that's in our statutes, twice in two statutes, KSA 32-958 and KSA 32-960. Kansas Nongame and Endangered Species Conservation Act was passed in 1975, and that's the act that could be repealed. The first list included 26 species and it kept growing. In 2009, the last five-year review, delisted bald eagle and peregrine falcon, but listed three species. Currently, there are 24 species listed as endangered (viable component of state's wild fauna) and 36 as threatened (likely in foreseeable future to become endangered), 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. Following the evaluation of all submitted petitions and input from the Secretary, the following list of species is recommended for review at this time: Eskimo curlew (probably extinct or near extinction and is no longer viable in Kansas, last documented 1902), remove from endangered list; black-capped vireo (no longer viable in Kansas, last documented 1885), remove from endangered list; many-ribbed salamander (no population in Kansas), remove from endangered list; chestnut lamprey (no longer viable in Kansas, doing well in Ozark streams of MO, five records from 1952 to 2007), remove from threatened list; silverband shiner (no longer viable in Missouri River, last collection 1957), remove from threatened list; spring peeper – (doing well enough to be removed due to increase in wetland habitat), remove from threatened list; redbelly snake – (petitioned by HDR consulting firm (petitions listed on website) only found in northeast and eastern tier of counties and petitioner claims habitat increasing), a slug eating snake; remove from threatened list; smooth earth snake (petitioner claims population and range increasing, in eastern Kansas), a worm eating snake; remove from threatened list; longnose snake – (found in southwest Kansas, same range as LPC, assume anything done to help LPC would help them), these snakes are nocturnal, FHSU looking at those and have state wildlife grant with KU biological survey on their status, review requested by Secretary; northern long-eared bat – (white-nose syndrome, lives and breeds in Kansas, one of only times petitioned to be added to threatened list because of disease). Next steps: 1) Informational meetings (coming up in April); 2) T&E Task committee checks citations, identifies and questions experts; and 3) Final recommendations provided to Secretary from the T&E Task Committee prior to June meeting; and 4) Commission votes on proposed changes to the current lists in public hearing.

Commissioner Budd – Robin, the potential legislation, explain that? Jennison – Repeal giving this agency the authority to regulate these species. Would make Kansas one of four other states that don't have T&E species law and would make this discussion moot. Commissioner Budd – Was this a surprise to you? Jennison – Yes, issue with smooth earth snake and redbelly snake mitigation. Agency has always taken this role very seriously. Frustrating to me when talked to legislature, attempting to do things about it and legislature comes forward, frustrating to take off the list, but to throw the whole list out the window is remarkable. Citizens of Kansas think it is important for us to protect T&E species. We take this seriously. Commissioner Budd – Do you think this was a dramatic move to get attention? Jennison – Some in the legislature would like to

remove it, a culmination of a number of things. Don't feel it would be the majority if we explain the importance of diversity with flora and fauna of Kansas. Commissioner Budd – On eastern part of snake those snakes were big factors in development community. Looking at list unaware of what is on that, but list has grown tremendously from 0 in 1975 to now. Every time we react to endangered species like this cause reaction on other side. Feel there needs to be a list, but needs to be realistic. Jennison – As time changes and agriculture and industry changes, needs change. Feedlots in western Kansas, million people communities can see urban crawl; unhandy to some. Kansans expect us to look at that, we have taken serious approach. Frustrating when we go to legislature to point that out, and they don't look at it. Commissioner Budd – Statutorily, we have a process we have to go through. It almost seems like some of these things have become controversial, find middle ground. Jennison – We get our authority from the legislature, years ago, when commission became cabinet level with reorganization. Some legislators who feel we are doing some things improperly, do what we continue to do and recommendations we make to you, for most part based on science, take away from science and put in political. Fine line to walk and balance we need to find. Conserve natural resources of this state. Chairman Lauber – Notwithstanding, lack of legislative enlightenment, Ed needs to continue to do what he needs to do. Ed and his group are trying to walk fine line. Go forward, Kansas more responsive to flora and fauna than the feds will be. Jennison – I think you are right, look what has happened to the bald eagle, which is because of state and federal T&E acts. Also species reintroductions like wild turkey and elk; an important component of that. Commissioner Budd – If more sensitive to species on list and how viable they are to not create some of these problems in the future. Jennison – Give “Teddy Roosevelt quote” – industry should not grow to spite natural resources. Commissioner Budd – Municipalities are demanding green space be set aside so they are sensitive to it. Jennison – I would agree. Pearce – How many on T&E list? Miller – 24 endangered and 26 threatened. Pearce – Waterfowl marsh affected or businessman in Kansas City. Commissioner Budd – Redbelly snake issue in eastern snake, mitigations, impacts to some of my developments in the past, absolutely but a wash because of green space requirements. Pearce – Where are we on documentations of those two snakes? Miller – Recovery plans for both of these snakes; due to get report from Biological Survey end of month. Representative Carpenter – Same discussion 15 years ago, and problems with legislature; you are in charge of species, you have to be that voice, it is that simple. Commissioner Hayzlett – There are 63 legislators up there with less than 3 years of experience, have ups and downs, different things going on, look for it to smooth out.

4. KAR 115-25-7. Antelope; open season, bag limit and permits. - Matt Peek, wildlife biologist, presented this report to the Commission (Exhibit P). Presented at last several commissioner meetings; no changes to season structure, and permit types or units. Do have changes to permit numbers. One hundred forty firearms permits and 40 muzzleloader permits are proposed in the three management units as follows: Unit 2 – 98 firearms permits and 26 muzzleloader permits; Unit 17 – 34 firearms permits and 8 muzzleloader permits; Unit 18 – 8 firearms permits and 6 muzzleloader permits. Chairman Lauber – What is most current production rate? Peek – About 40 fawns to 100 does. Chairman Lauber - Do survey every summer? Peek - Every summer and winter. Pearce – Still do surveys on Flint Hills population? Peek – Not this year.

## **D. Public Hearing**

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

1. Free Park Entrance and Free Fishing Days by Secretary's Orders – Jeff Bender, Osage region parks manager, presented this resolution to the Commission (Exhibit R). Free fishing days are June 7 and 8, 2013. The park entrance days are left up to the events and are varied, March 29 is first day which is for open houses and second day is decided by each manager, depending on events going on at their parks.

2. KAR 115-25-8. Elk; open season, bag limit and permit. - Matt Peek, wildlife biologist, presented this report to the Commission (Exhibit S). No changes in season structure or units. Most of the state is set to coincide with firearm deer season. In Unit 2, around Fort Riley, September 1 to November 30. Ten any-elk permits and 15 antlerless permit, unlimited hunt-own land permits; as mentioned half to active military and half to general public. In Unit 3, unlimited permits. Pearce – Harvest in Unit 3? Peek – Two off post, one in Hamilton and one in Logan counties. Not aware of any others closer to the Fort.

**Commissioner Doll moved to approve KAR 115-25-8 before the Commission.  
Commissioner Hayzlett seconded.**

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

<b>Commissioner Budd</b>	<b>Yes</b>
<b>Commissioner Dill</b>	<b>Absent</b>
<b>Commissioner Doll</b>	<b>Yes</b>
<b>Commissioner Hayzlett</b>	<b>Yes</b>
<b>Commissioner Marshall</b>	<b>Not available (via Skype)</b>
<b>Commissioner Wilson</b>	<b>Yes</b>
<b>Commissioner Lauber</b>	<b>Yes</b>

**The motion as presented KAR 115-25-8 passed 5-0.**

3. KAR 115-25-9. Deer; open season, bag limit and permits. - Lloyd Fox, big game research biologist, presented this report to the Commission (Exhibit U). This is an exempt regulation that must be reviewed and passed each year to establish the deer hunting season dates for the following 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, the information we have about that season is that was used by very few people. The archery season dates shall be September 15, 2014 through December 31, 2014; urban unit 19 and 10a from January 19-31, 2015. The regular firearm season dates in all deer management units other than the military areas, shall be December 3-14, 2014; the pre-rut white-tailed deer antlerless-only season, required last year by the legislature, in all deer management units shall be October 11 and 12, 2014. Approximately 1,700, (2 percent) deer taken last year were taken during that 2-day period. The muzzleloader-only season in all deer management units shall be September 15-28, 2014.

The first season of the year is open to designated persons and youth. It allows them to hunt deer during September 6-14, 2014 in all deer management units.

Extended firearm seasons: Unit 18 is excluded from all whitetail antlerless-only seasons; each unfilled deer permit valid in unit 6, 9, 10, or 17, as applicable, shall be valid during an extended antlerless-only firearm season beginning January 1, 2015 and extending through January 4, 2015 in those units. Unfilled deer permit valid in 12 units (1, 2, 3, 4, 5, 7, 8, 11, 12, 13, 14, or 16), shall be valid during an extended antlerless-only firearm season beginning January 1, 2015 and extending through January 11, 2015 in those units; and unfilled deer permit valid in units 10A, 15, or 19, as applicable, shall be valid in an extended antlerless-only firearm season beginning January 1, 2015 and extending through January 18, 2015 in those units.

First antlerless white-tailed deer permit shall be valid statewide, except in unit 18, closing both the white-tailed antlerless season and additional white-tailed antlerless-only tags in that unit; second permit good on lands not managed by the department, except Cedar Bluff, Glen Elder, Kanopolis, Lovewell, Norton, Webster, and Wilson Wildlife Areas and Kirwin National Wildlife Refuge; and three additional antlerless white-tailed deer permits valid in units 1, 2, 3, 4, 5, 7, 8, 10A, 11, 12, 13, 15, 16 or 19 and eight specific wildlife areas and Kirwin.

**Commissioner Doll moved to approve KAR 115-25-9 before the Commission.  
Commissioner Hayzlett seconded.**

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

<b>Commissioner Budd</b>	<b>Yes</b>
<b>Commissioner Dill</b>	<b>Absent</b>
<b>Commissioner Doll</b>	<b>Yes</b>
<b>Commissioner Hayzlett</b>	<b>Yes</b>
<b>Commissioner Marshall</b>	<b>Not available (via Skype)</b>
<b>Commissioner Wilson</b>	<b>Yes</b>
<b>Commissioner Lauber</b>	<b>Yes</b>

**The motion as presented KAR 115-25-9 passed 5-0.**

Secretary's Orders for Deer - Lloyd Fox, big game research biologist, presented this report to the Commission (Exhibit W). Overall the number of nonresident deer permits is the same but decreasing and increasing in some units. Increasing in 6 units (DMU 1, 2, 3, 4, 5, and 17) Pearce – Density? Fox – The increase was ten percent in unit 5 and 5 percent in unit 17; the density of nonresident deer hunters would increase from 1.36 nonresident hunters per 10 square miles to 1.48 per 10 square miles in unit 1. Pearce – What do you consider northwest? Fox – The western units, 1, 2, 3, 4, are still showing strong increases; Unit 17 is the one that it no increasing at the rate the northwest unit are; units 8, 9, 10 have shown declines and those are where the permits were taken. Pearce – Survey on smaller caliber rifles? Fox – Yes, few people used small caliber, couple hundred out of 20,000, about 4 percent. Pearce – Crossbows? Fox – Increased in popularity, 2011 487 deer taken, 2012, opened and allowed young individuals, and over 55, and opened in 4 units with 1,487 deer being taken. And 3,200 deer were killed with crossbows this last year. Pearce – how does that compare of the general archery kill? Fox – The general archery kill this last year was 25,400. Had significant changes in distribution of the harvest. Last year we were required to issue a combo permit and in that procedure allowed two permits with each



nonresident issuance, including a whitetail antlerless tag to all nonresidents, so had 20,000 of those types that wouldn't normally have gone out. The increase of deer harvest this last year 8,770 white-tailed antlerless deer were taken by nonresidents, up from 4,610 the year before, a huge increase. More than half of harvest taken by residents are antlerless; this year it was 45 percent antlerless for nonresidents. Pearce What percent of the whitetails harvest was antlerless? Fox – About 28.5 percent in 2012 for nonresidents; it doubled to 45.2 percent in 2013.

Tim Nedeau, Osage County - Clarification HB2538, you said poorly worded? Jennison – Hunted, not descriptive term, it doesn't mean killed; first right of refusal and what it means, own wildlife if they so chose, suggest should department sell or give away, landowner have first opportunity to take them up on that. Chairman Lauber – Intent was for landowner to have right to an animal. Unless we were trying to sell or otherwise dispose of animal it would stay in department. Jennison – One interpretation, does not help department get rid of disagreements between landowners, trail cam pictures, that deer was on their place; bill does say taken, was deer shot, or what, if you say hunted, could someone trap and that not come under bill? Not well thought out by revisers. Pearce – Court awarded you \$8,000, have you been paid yet? Ted – No, what you have been writing is not true. Pearce – What were you been paid? Ted – Do not lease our land. (dialog between Pearce and Netos).

## **XII. Old Business**

*None*

## **XIII. Other Business**

### **A. Future Meeting Locations and Dates**

April 17, 2014 – GPNC, Wichita

June 19, 2014 – Lamplighter Inn & Suites meeting room, Pittsburg

August 7, 2014 (later changed to August 21) – Kansas Wetland Education Center, Great Bend

October 16, 2014 – Martinelli's Restaurant meeting room, Salina

## **XIV. ADJOURNMENT**

The meeting adjourned at 8:06 p.m.

(Exhibits and/or Transcript available upon request)

# **Secretary's Remarks**

## Agency and State Fiscal Status

<b>Kansas Department of Wildlife &amp; Parks</b>				
<b>Park Fee Fund Revenue History</b>				
	<b>FY14</b>	<b>FY13</b>	<b>FY12</b>	<b>FY11</b>
July	857,995.99	551,313.01	633,356.54	689,476.98
Aug	766,112.37	574,871.10	549,287.76	491,847.20
Sep	496,533.07	450,882.83	410,135.33	565,325.90
Oct	331,403.30	242,324.36	225,694.45	227,224.04
Nov	229,529.11	94,455.39	119,849.62	122,838.69
Dec	297,376.42	190,881.28	88,015.76	83,200.58
Jan	> 327,705.13	333,250.45	273,633.37	196,801.17
Feb	420,873.55	126,898.56	261,805.59	78,268.88
Mar	495,804.61	535,598.26	536,987.75	519,755.03
Apr		698,198.97	589,610.15	499,786.77
May		1,353,580.83	1,187,454.42	% 674,301.24
Jun		998,546.03	931,035.68	1,119,400.33
<b>Total</b>	<b>4,223,333.55</b>	<b>6,150,801.07</b>	<b>5,806,866.42</b>	<b>5,268,226.81</b>
% change from prior year		5.92%	10.22%	-8.30%
	<b>Current YTD</b>	<b>Prior YTD</b>	<b>Prior YTD</b>	<b>Prior YTD</b>
	4,223,333.55	3,100,475.24	3,098,766.17	2,974,738.47
% change from prior year	36.22%	0.06%	4.17%	0.62%
Cash bal in PFF @ 03/31/14		<b>\$1,760,287.95</b>		
Cash bal in PFF @ 03/31/13		<b>\$1,257,631.96</b>		
Cash bal in PFF @ 03/31/12		<b>\$686,290.95</b>		
Cash bal in PFF @ 03/31/11		<b>\$807,736.67</b>		

# Cabin Revenue

<u>FY14 Net Rev</u>	<u>FY13 Net Rev</u>	<u>FY12 Net Rev</u>	<u>FY11 Net Rev</u>
119,550.47	(38,955.07)	70,619.79	62,278.55
80,145.06	63,199.26	11,512.81	11,566.04
39,659.37	59,138.82	(48,172.02)	(23,191.60)
3,759.88	31,236.79	10,624.33	45.45
37,193.60	35,817.89	4,606.78	(28,281.56)
65,991.43	30,794.83	(352.42)	11,769.60
99,349.96	78,359.07	53,523.08	25,412.60
66,270.62	1,595.95	(46,824.16)	(16,422.13)
82,243.56	99,735.83	27,951.68	72,578.03
-	129,546.13	(130,005.30)	(29,679.61)
-	109,359.71	95,650.64	35,706.75
-	17,570.55	88,583.66	(35,563.99)
<b>594,163.95</b>	<b>617,399.76</b>	<b>137,718.87</b>	<b>86,218.13</b>

<b>Kansas Department of Wildlife &amp; Parks</b>				
<b>Wildlife Fee Fund Revenue History</b>				
	<b>FY14</b>	<b>FY13</b>	<b>FY12</b>	<b>FY11</b>
<b>Non-Fed Aid Revenue Wildlife Fee Fund 2300:</b>				
July	981,935.80	837,024.46	605,873.68	305,978.33
Aug	603,143.62	575,417.86	861,631.94	647,751.20
Sep	1,299,027.64	1,347,938.38	1,342,299.40	1,648,756.32
Oct	1,027,407.80	1,173,700.82	867,309.55	910,294.64
Nov	1,715,732.12	2,625,464.22	3,239,849.04	3,665,596.52
Dec	2,420,531.17	1,754,540.05	1,842,750.56	1,990,918.77
Jan	> 1,928,212.83	1,942,554.05	1,836,242.19	1,622,272.84
Feb	370,578.82	205,753.94	660,900.48	300,363.05
Mar	928,209.54	755,754.92	1,247,585.36	1,078,747.03
Apr		7,018,250.72	6,461,760.66	6,131,663.09
May		4,674,854.85	3,394,263.60	3,394,826.86
Jun		1,714,991.40	1,623,691.09	1,762,974.43
<b>sub TL</b>	<b>11,274,779.34</b>	<b>24,626,245.67</b>	<b>23,984,157.55</b>	<b>23,460,143.08</b>

**2014 Legislature**  
**No briefing book items – possible handout at meeting**

# **General Discussion**

**Tourism Update**

**No briefing book items – possible handout at meeting**

## **2015 Reference Document:**

### **Proposed Changes for Special Length and Creel Limits:**

- Glen Elder Reservoir -- add a 35-inch minimum length limit on blue catfish.
- Lovewell Reservoir -- add a 35-inch minimum length limit on blue catfish.
- Lenexa - Lake Lenexa -- change to a 13- to 18-inch slot length limit on largemouth bass.
- Coffeyville - LeClere Lake -- remove the 15-inch minimum length limit on channel catfish and change to an 18-inch minimum length limit and 2/day creel limit on largemouth bass.
- Hays - Vineyard Park Pond -- add a 2/day creel limit on channel catfish.
- Hutchinson - North Pond -- add an 18-inch minimum length limit and 2/day creel limit on largemouth bass and add a 15-inch minimum length limit and 2/day creel limit on channel catfish.
- Scott State Fishing Lake – change to an 18-inch minimum length limit on walleye and saugeye.
- Linn Co. - Critzer Reservoir -- remove the 10-inch minimum length limit and remove the 10/day creel limit on crappie.
- Humboldt - Franklin Street Pond -- add an 18-inch minimum length limit and 2/day creel limit on largemouth bass, add a 15-inch minimum length limit and 2/day creel limit on channel catfish, and add a 10-inch minimum length limit and 10/day creel limit on crappie.

#### **Length and Creel Limits for Coffey County Lake:**

The following change is being proposed.

- Change to a 5/day creel limit on blue catfish.

### **Other Proposed 2015 Fishing Regulation Changes:**

#### **Change 115-25-14 to include a new trout stocking location.**

Herington – Father Padilla Pond will be added to the list of Type 2 Waters, which require a trout permit only for trout anglers from November 1 through April 15.

Revoke 115-18-21. Floatline fishing permit; requirements, restrictions, and permit duration.

The floatline fishing permit (\$2.50) was established so that the Department could evaluate the program by sending out a survey to all permittees. We would like to remove the requirement to possess a permit while floatline fishing because program evaluation is no longer necessary.



## **General Discussion Items**

### **Park Regulations**

Regulation 115-2-3, inclusion of Sand Hills State Park in appropriate listing for seasonal camping.

#### **Background**

In anticipation of the completion of a campground construction project at Sand Hills State Park, this park needs to be added to a portion of the current regulation 115-2-3. The appropriate portion of the current regulation lists the following:

Recreational vehicle seasonal camping permit for El Dorado, Milford, and Tuttle Creek State Parks (includes utilities)—per month, per unit (annual camping permit and annual vehicle permit required):

Sand Hills State Park needs to be added to the parks listed in this specific section of regulation 115-2-3.

# 2014-2015 LATE MIGRATORY GAME BIRD SEASONS

April 17, 2014

## **BACKGROUND**

The U.S. Fish and Wildlife Service (USFWS) annually develops the frameworks for states to establish migratory game bird hunting seasons. The USFWS frameworks establish maximum bag and possession limits, season lengths, as well as earliest opening and latest closing dates. States must operate within the frameworks when establishing state-specific waterfowl seasons. Late migratory game bird frameworks are published in August, after results from the May Breeding Duck Survey and other population and harvest data are available and recommendations from the various Flyway Councils are reviewed at the USFWS Service Regulation Committee (SRC) Meeting (July 31, 2014). Working within the confines of the USFWS frameworks, KDWPT annually establishes general waterfowl seasons, youth hunter waterfowl days and falconry waterfowl seasons during their late migratory game bird season setting process.

## **DUCK, MERGANSER, AND COOT SEASONS**

Since 1995, Adaptive Harvest Management (AHM) has been adopted for setting duck hunting regulations in the United States. The AHM approach provides the framework for making objective decisions through four regulatory packages listed below. Optimal AHM strategies are calculated using: (1) harvest-management objectives specific to each mallard stock; (2) regulatory alternatives; and (3) current population models and associated weights for midcontinent mallards.

### *AHM Regulatory Packages*

- **Liberal package**
  - o Season Length: 74-day Low Plains Season, 97-day High Plains Season
  - o Daily bag limit: 6 birds with various species restrictions.
- **Moderate package**
  - o Season Length: 60-day Low Plains Season, 83-day High Plains Season
  - o Daily bag limit: 6 birds with various species restrictions.
- **Restrictive package**
  - o Season Length: 39-day Low Plains Season, 51-day High Plains Season
  - o Daily bag limit: 3 birds with various species restrictions.
- **Closed**

The 2014-2015 Federal Frameworks for ducks, mergansers and coots will not be determined until the July 31<sup>st</sup> USFWS SRC Meeting. However, based on the 2013 duck population estimate of 45.6 million birds (33 percent above the long-term average) and current habitat conditions in the Prairie Pothole Region, another good production year for ducks is expected, and will likely result in liberal Federal Frameworks for the 2014-2015 season. Kansas has been in these liberal frameworks since 1996. Listed below are the previous year's (2013-14) Federal Frameworks as prescribed by the liberal regulatory package.

**Outside Dates:**

- Between the Saturday nearest September 24 (September 20 in 2014) and the last Sunday in January (January 25 in 2015)

**Season Length:**

- *High Plains Unit:* 97 days. The last 23 days may start no earlier than the Saturday nearest December 10 (December 13 in 2014)
- *Low Plains Unit:* 74 days

**Bag & Possession Limit:**

- *Duck:* 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), 3 scaup, 3 wood ducks, 2 redheads, 2 pintails, and 2 canvasback
- *Merganser:* The daily bag limit is 5 mergansers, only 2 of which may be hooded mergansers. States have the option to include mergansers in the duck daily bag limit in which case the daily limit of merganser would be the same as the duck bag limit (6), of which two may be hooded mergansers
- *Coot:* The daily bag limit is 15 coots
- *Possession limit:* three times the daily bag limit.

**Zones/ Split Options:**

- *High Plains* – no zones and up to 2 segments
- *Low Plains* – 3 zones with each having up to 2 segments  
*Or 3-way split season, no zones*

**Shooting Hours:** One-half hour before sunrise until sunset daily

**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, under the following guidelines:

1. The days must be held outside any regular duck season on a weekend, holidays, or other non-school days when youth hunters would have the maximum opportunity to participate.
2. 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.
3. The daily bag limits may include ducks, geese, tundra swans, mergansers, coots, moorhens, and gallinules and would be the same as those allowed in the regular season. Flyway species and area restrictions would remain in effect.
4. Shooting hours would be one-half hour before sunrise to sunset.
5. 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 duck hunt but may participate in other seasons that are open on the special youth day.

## **CANADA, WHITE-FRONTED, BRANT, AND LIGHT GEESE**

Harvest prescriptions for the Central Flyway's goose populations are based on population and harvest objectives as specified in population-specific management plans. The 2014-2015 Federal Frameworks will not be determined until the July 31 USFWS SRC Meeting. Listed below are the previous year's (2013-2014) Federal Frameworks.

### **Outside Dates:**

- *Dark Geese* (Canada, white-fronted, and brant): may be selected between the outside dates of the Saturday nearest September 24 (September 20 in 2014) and the Sunday nearest February 15 (February 15 in 2015)
- *Light Geese* (Ross's and Snow): may be selected between the outside dates of the Saturday nearest September 24 (September 20 in 2014) and March 10
- *Light Goose Conservation Order*: January 1 through April 30 (KAR 115-18-16)

### **Season Length, Bag and Possession Limits:**

- *Dark Geese*:
  - o Canada geese (or any other dark goose species except white-fronted geese) not to exceed 107 days with a daily bag limit of 8
  - o White-fronted geese, States may select either a season of:
    - Option A: 74 days with a bag limit of 2
    - Option B: 88 day season with a bag limit
  - o Possession limit: three times the daily bag limit.
- *Light Geese*: not to exceed 107 days with a daily bag limit of 50 with no possession limit
- *Light Goose Conservation Order*: Must be held outside of all other waterfowl seasons and no daily bag or possession limits. Electronic calls as well as shotguns (no larger than 10 gauge) capable of holding in excess of three shells are permitted

### **Shooting hours:**

- *General Goose Seasons*: One-half hour before sunrise to sunset
- *Light Goose Conservation Season*: One-half hour before sunrise to one-half hour after sunset

### **Zones/ Split Options:**

- *General Goose Seasons*: No zones and up to two segments
- *Light Goose Conservation Season*: No zones or splits

### **EXTENDED FALCONRY SEASON**

In addition to general waterfowl seasons, falconers may take migratory game birds during the special "extended" falconry season. The combined total number of days of take (i.e. teal season, general waterfowl season, and falconry) cannot exceed the Migratory Bird Treaty Act imposed maximum allowable annual hunting days for any one species of 107. Listed below are the previous year's (2013-14) Federal Frameworks for the extended falconry season.

#### **Outside Dates:**

- September 1 - March 10

#### **Season Length:**

- For all hunting methods combined, the combined length of the extended season, regular season, and any special or experimental seasons must not exceed 107 days for any species or group of species in a geographical area. Each extended season may be divided into a maximum of three segments

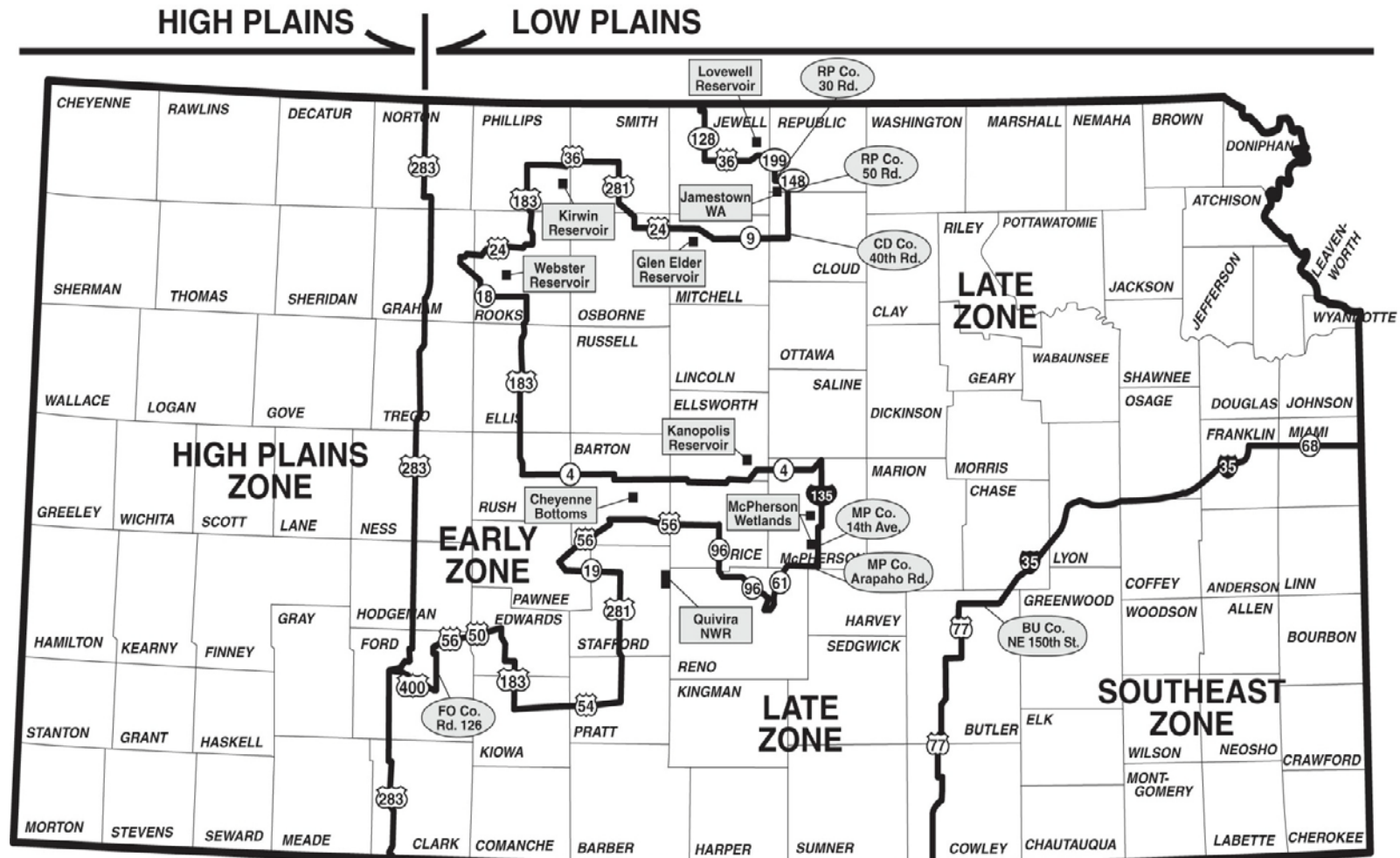
#### **Bag & Possession Limit:**

- The daily bag limit may include no more than three migratory game birds, singly or in the aggregate. The possession limit is three times the daily bag limit. These limits apply to falconry during both regular hunting seasons and extended falconry seasons. The falconry bag and possession limits are not in addition to regular season limits.

#### **Hawking Hours:**

- One-half hour before sunrise to sunset

Figure 1. Kansas Duck Hunting Zones



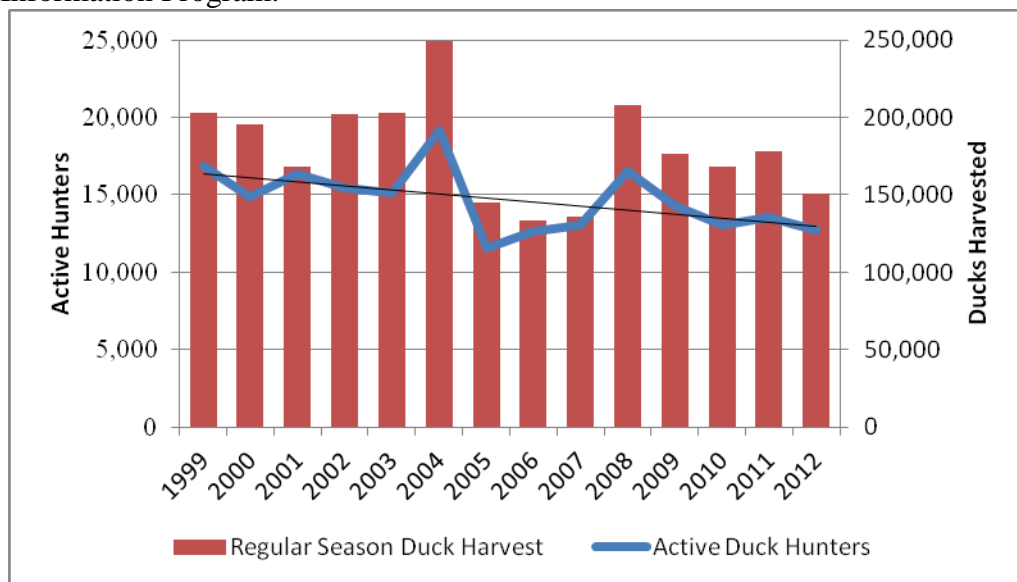
**Table 1.** Historic season dates by zone in Kansas from 1992 to 2013.

<b>Year</b>	<b>Season Days</b>	<b>High Plains (HP)</b>	<b>Low Plains Early</b>	<b>Low Plains Late</b>	<b>Low Plains Southeast</b>
<b>2013</b>	74 +23 HP	Oct 5 - Dec 2 Dec 21 - Jan 26	Oct 5 - Dec 1 Dec 21 - Jan 5	Oct 26 - Dec 29 Jan 18 - Jan 26	Nov 2 – Nov 3 Nov 16 - Jan 26
<b>2012</b>	74 +23 HP	Oct 6 - Dec 30 Jan 19 - Jan 27	Oct 6 - Dec 2 Dec 15- Dec 30	Oct 27 - Dec 30 Jan 19 - Jan 27	Nov 15 - Jan 27
<b>2011</b>	74 +23 HP	Oct 8 - Jan 2 Jan 21 - Jan 29	Oct 8 - Dec 4 Dec 17 - Jan 1	Oct 29 - Jan 1 Jan 21 - Jan 29	Nov 5 - Jan 8 Jan 21 - Jan 29
<b>2010</b>	74 +23 HP	Oct 9 - Jan 3 Jan 22 - Jan 30	Oct 9 - Dec 5 Dec 18 - Jan 2	Oct 30 - Jan 2 Jan 22 - Jan 30	--
<b>2009</b>	74 +23 HP	Oct 10 - Jan 5 Jan 23 - Jan 31	Oct 10 - Dec 6 Dec 19 - Jan 3	Oct 31 - Jan 3 Jan 23 - Jan 31	--
<b>2008</b>	74 +23 HP	Oct 4 - Dec 30 Jan 17 - Jan 25	Oct 11- Dec 7 Dec 20 - Jan 4	Oct 25 - Dec 28 Jan 17 - Jan 25	--
<b>2007</b>	74 +23 HP	Oct 6 - Jan 1 Jan 19 - Jan 27	Oct 13 - Dec 9 Dec 15 - Dec 30	Oct 27 - Dec 30 Jan 19 - Jan 27	--
<b>2006</b>	74 +23 HP	Oct 7 - Jan 2 Jan 20 - Jan 28	Oct 14 - Dec 10 Dec 16 - Dec 31	Oct 28 - Dec 31 Jan 20 - Jan 28	--
<b>2005</b>	74 +23 HP	Oct 8 - Jan 3 Jan 21 - Jan 29	Oct 15 - Dec 11 Dec 17 - Jan 1	Oct 29 - Jan 1 Jan 21 - Jan 29	--
<b>2004</b>	74 +23 HP	Oct 9 - Jan 4 Jan 22 - Jan 30	Oct 9 - Dec 12 Dec 25 - Jan 2	Oct 30 - Jan 2 Jan 22 - Jan 30	--
<b>2003</b>	74 +23 HP	Oct 11 - Jan 6 Jan 17 - Jan 25	Oct 11 - Dec 14 Dec 26 - Jan 3	Oct 25 - Nov 2 Nov 8 - Jan 11	--
<b>2002</b>	74 +23 HP	Oct 12 - Jan 7 Jan 18 - Jan 26	Oct 12 - Dec 15 Dec 24 - Jan 1	Oct 26 - Nov 3 Nov 9 - Jan 12	--
<b>2001</b>	74 +23 HP	Oct 6 - Jan 1 Jan 12 - Jan 20	Oct 13 - Dec 16 Dec 24 - Jan 1	Oct 27 - Nov 4 Nov 10 - Jan 13	--
<b>2000</b>	74 +23 HP	Sep 30 - Jan 1 Jan 19 - Jan 21	Oct 7 - Dec 10 Dec 23 - Dec 31	Oct 21 - Oct 29 Nov 4 - Jan 7	--
<b>1999</b>	74 +23 HP	Oct 2 - Jan 2 Jan 20 - Jan 23	Oct 9 - Dec 12 Dec 25 - Jan 2	Oct 23 - Oct 31 Nov 6 - Jan 9	--
<b>1998</b>	74 +23 HP	Oct 3 - Jan 3 Jan 14 - Jan 17	Oct 10 - Dec 13 Dec 26 - Jan 3	Oct 24 - Nov 1 Nov 7 - Jan 10	--
<b>1997</b>	74 +23 HP	Oct 4 - Jan 4 Jan 15 - Jan 18	Oct 4 - Dec 7 Dec 20 - Dec 28	Oct 25 - Dec 14 Dec 20 - Jan 11	--
<b>1996</b>	60 +23HP	Oct 12 - Dec 1 Dec 7 - Jan 7	Oct 12 - Dec 1 Dec 21 - Dec 29	Nov 2 - Dec 15 Dec 21 - Jan 5	--
<b>1995</b>	60 +23HP	Sep 30 - Oct 3 Oct 14 - Dec 17 Dec 23 - Jan 5	Oct 21 - Oct 29 Nov 11 - Dec 17 Dec 23 - Jan 5	--	--
<b>1994</b>	49 +12 HP	Oct 15 - Oct 31 Nov 11 - Dec 11 Dec 21 - Jan 2	Oct 22 - Oct 31 Nov 11 - Dec 11 Dec 26 - Jan 2	--	--
<b>1993</b>	39 +12HP	Oct 16 - Oct 31 Nov 13 - Dec 5 Dec 22 - Jan 1	Oct 23 - Oct 31 Nov 13 - Dec 12	--	--
<b>1992</b>	39 +12HP	Oct 17 - Nov 8 Nov 21 - Dec 6 Dec 26 - Jan 6	Oct 31 - Nov 13 Nov 21 - Dec 6 Dec 26 - Jan 3	--	--

**Table 2.** Estimates of active duck hunters, regular season duck harvest, and average duck per hunter, average seasonal bag per hunter, and total duck hunter days in Kansas from 1999 to 2012 as estimated by the Harvest Information Program.

Year	Active Duck Hunters	Regular Season Duck Harvest	Avg Duck/Hunter Days	Avg Seasonal Duck Bag	Duck Hunter Days
1999	16,900	203,226	7.5	13.9	126,800
2000	14,900	195,555	7.2	15.2	107,400
2001	16,344	168,267	6.2	11.1	100,989
2002	15,426	202,093	6.7	13.9	102,744
2003	15,100	203,184	7.1	15.5	107,600
2004	19,200	249,126	6.5	14.2	124,000
2005	11,600	145,413	7.6	13.7	87,700
2006	12,663	133,701	6.7	12.8	85,416
2007	13,021	135,523	6.3	12.7	82,149
2008	16,531	208,056	6.4	13.9	106,154
2009	14,259	176,862	6.5	13.6	92,081
2010	13,053	168,422	6.1	14.3	79,064
2011	13,534	178,112	7.1	15.0	96,138
2012	12,739	150,901	7.1	13.7	90,851
Avg	14,662	179,889	6.8	13.8	99,220

**Figure 1.** Estimates active duck hunters and duck harvest in Kansas from 1999 to 2012 as estimated by the Harvest Information Program.





**Table 3.** Duck species composition in the Kansas regular duck season harvest from 1999 to 2012 as estimated by the Harvest Information Program.

<b>Year</b>	<b>Total Duck Harvest</b>	<b>Mallard</b>	<b>Gadwall</b>	<b>Teal*</b>	<b>American Wigeon</b>	<b>Northern Shoveler</b>	<b>Pintail</b>	<b>Wood Duck</b>	<b>Diver Harvest**</b>
1999	203,226	114,167	27,189	28,854	7,075	4,578	5,410	4,439	10,404
2000	195,555	102,846	29,363	30,257	12,520	1,789	7,453	2,683	7,154
2001	168,267	97,739	19,154	21,123	6,265	3,401	7,339	3,938	8,055
2002	202,093	93,112	36,572	34,891	13,032	3,783	4,624	3,153	10,614
2003	203,184	95,711	41,063	28,794	15,513	4,258	4,157	3,751	8,315
2004	249,126	133,582	41,374	35,824	13,371	5,298	3,280	3,027	10,595
2005	145,413	84,193	21,629	14,785	7,332	4,277	3,666	1,589	7,453
2006	133,701	55,780	30,594	12,339	7,944	6,254	2,704	2,874	14,198
2007	135,523	61,041	27,687	23,478	6,638	4,210	2,591	1,133	7,125
2008	208,056	98,160	34,080	26,400	17,760	2,400	6,872	3,600	16,864
2009	176,862	80,574	27,589	27,223	11,511	7,674	5,664	3,106	11,876
2010	168,422	76,639	30,940	18,642	8,415	9,321	5,437	3,366	14,369
2011	178,112	85,163	29,553	22,244	8,262	8,262	5,243	2,224	14,777
2012	150,901	78,157	32,473	11,442	7,959	2,706	6,367	1,114	9,869
Avg.	179,889	89,776	30,661	24,000	10,257	4,872	5,058	2,857	10,833

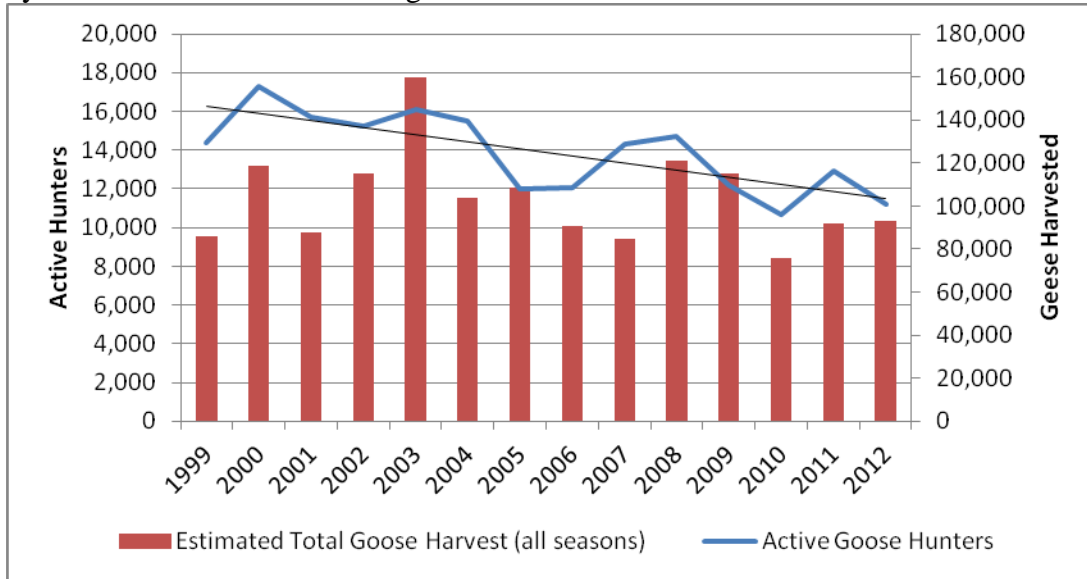
\* includes both green-winged and blue-winged teal

\*\* includes redhead, canvasback, ring-necked duck, lesser scaup, greater scaup, goldeneye and ruddy duck

**Table 5.** Estimates of active goose hunters, total season goose harvest, average goose per hunter, average seasonal bag per hunter, total goose hunter days, and regular season harvest for Canada, light goose and white-fronted geese in Kansas from 1999 to 2012 as estimated by the Harvest Information Program.

Year	Active Goose Hunters	Total Goose Harvest	Avg Goose Hunter Days	Avg Goose Seasonal Bag	Goose Hunter Days	Canada Goose Harvest	Light Goose Harvest	White- fronted Goose Harvest	Light Goose Conservation Season
1999	14,400	85,700	6.5	5.9	93,300	66,255	12,048	5,476	--
2000	17,300	119,000	6.5	6.9	112,200	98,005	8,164	11,303	11,165
2001	15,715	87,499	5.7	5.6	89,663	72,707	4,405	4,721	11,937
2002	15,248	115,400	5.2	7.6	79,771	80,982	18,222	8,966	35,138
2003	16,100	159,700	7.2	9.9	116,200	123,866	19,263	9,735	17,087
2004	15,500	103,700	6.3	6.7	98,000	80,118	16,481	5,688	65,608
2005	12,000	108,300	7.1	9.1	84,800	99,178	3,689	970	25,272
2006	12,038	90,400	5.1	7.5	60,994	59,566	12,848	2,336	18,802
2007	14,294	84,699	5.6	5.9	79,723	59,968	10,943	13,788	12,711
2008	14,692	120,900	5.7	8.2	83,525	87,067	12,540	16,325	4,260
2009	12,213	115,201	6.5	9.4	78,955	92,267	4,267	12,267	11,924
2010	10,700	75,800	5.3	7.1	56,936	66,494	4,459	4,847	15,244
2011	12,900	91,653	5.9	7.1	75,795	51,900	19,876	19,877	53,863
2012	11,207	92,367	6.5	8.3	73,084	72,204	13,016	7,127	62,092
Avg	13,879	103,637	6.1	7.5	84,496	79,327	11,323	8,816	26,546

**Figure 2.** Estimates active goose hunters and goose harvest in Kansas from 1999 to 2012 as estimated by the Harvest Information Program.



## Lesser Prairie-Chicken Federal Listing Briefing

Significant declines in lesser prairie chicken (LPC) populations and their range were cause enough for the U.S. Fish and Wildlife Service (USFWS) to declare the species as “warranted but precluded from listing” in 1998. This meant that the USFWS felt the species was warranted for federal protection but other species were of higher priority, so an official listing review was not completed. The LPC sat on the candidate list at a priority level of 8 until 2008 when it was elevated to a priority level of 2. In a court settlement in 2010, the USFWS agreed to make listing determinations on more than 250 candidate species, of which the LPC was one. On December 11, 2012 the USFWS proposed to list the LPC as federally threatened. As a result of the listing proposal, public hearings were held by the USFWS in four of the five affected states (KS, OK, TX and NM) for the purpose of gathering public comments.

After the court settlement, when it became eminent that a listing decision was on the horizon, the five-state LPC Interstate Working Group (KS, CO, OK, NM, and TX) and its partners initiated the development of the Lesser Prairie-Chicken Range-wide Conservation Plan (RWP). The plan aimed to reduce or eliminate all of the threats to the species identified by the USFWS and provide regulatory certainty to the many affected stakeholders. On September 17, 2013, a final version of the RWP was submitted to the USFWS. That final plan included the conservation programs and a business plan for the delivery of conservation efforts. The business plan and directed efforts at delivery will be administered by the Western Association of Fish and Wildlife Agencies (WAFWA). In a letter dated October 23, 2013 and presented to the five states, the USFWS announced endorsement of the RWP. That October 23, 2013 letter is included with this briefing.

In further action by the USFWS, a 4(d) rule for addressing conservation of the LPC, should it be listed as threatened, was placed in the Federal Register for public review. The current version of the RWP is tied to the 4(d) rule and the most recent plan is posted on the WAFWA website for public review. Publication in the Federal Register of the proposed 4(d) rule specifies take exemptions for those enrolled in the RWP. This is the only proposed route at this time that industry can follow to get take exemptions if the bird is listed. Landowners can enroll in USDA programs in addition to the RWP to get take exemptions.

A range-wide training of wildlife agency field staff took place in November in Dodge City. Approximately 70 employees from the five states were trained and are able to deliver the mitigation component of the RWP. An industry enrollment seminar was also held in December in Amarillo, Tex. A video of that seminar is posted on the WAFWA website and many have viewed it since the live event.

The first meeting of the Lesser Prairie-Chicken Initiative Council 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. Nominations for the Lesser Prairie-Chicken Advisory Committee have also been received and selections to the committee are being contacted. This committee is comprised of 17 members representing industry, agriculture/landowners, non-governmental conservation organizations, state fish and wildlife agencies, USDA, USFWS, and local government.

**A Candidate Conservation Agreement with Assurances (CCAA) covering oil/gas industry was approved by the USFWS on February 28, 2014, and the permit issued to WAFWA. So oil and gas industry can now enroll properties under the CCAA and receive a federal permit.**

Property enrollment under the RWP is currently underway for industry and landowners.

On March 27, 2014 the USFWS announced that the Lesser Prairie-Chicken was to be listed as threatened under the Endangered Species Act (ESA). Also announced was a final special rule under section 4(d) of the ESA that will “limit regulatory impacts on landowners and businesses from this listing.” The final listing and 4(d) rules for the lesser prairie chicken were published in the Federal Register on April 10. The effective date of these final rules will be May 12, 2014.

Included in this briefing is the March 27, 2014 FWS News Release announcing the listing and final rule.

U.S. Fish &amp; Wildlife Service

## News Release

Office of Communications  
4401 N. Fairfax Drive, MS-330  
Arlington, VA 22203  
Phone: 703-358-2220  
Fax: 703-358-1973  
<http://www.fws.gov>



March 27, 2014

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[claire\\_cassel@fws.gov](mailto:claire_cassel@fws.gov)

### **U.S. Fish and Wildlife Service Lists Lesser Prairie-Chicken as Threatened Species and Finalizes Special Rule Endorsing Landmark State Conservation Plan**

*Special Rule Establishes Unprecedented Conservation Partnership with States to Provide Regulatory Certainty for Landowners and Businesses; Enables States to Maintain Lead Management for Conservation Efforts*

In response to the rapid and severe decline of the lesser prairie-chicken, the U.S. Fish and Wildlife Service today announced the final listing of the species as threatened under the Endangered Species Act (ESA), as well as a final special rule under section 4(d) of the ESA that will limit regulatory impacts on landowners and businesses from this listing. Under the law, a “threatened” listing means the species is likely to become in danger of extinction within the foreseeable future; it is a step below “endangered” under the ESA and allows for more flexibility in how the Act’s protections are implemented.

In recognition of the significant and ongoing efforts of states and landowners to conserve the lesser prairie-chicken, this unprecedented use of a special 4(d) rule will allow the five range states to continue to manage conservation efforts for the species and avoid further regulation of activities such as oil and gas development and utility line maintenance that are covered under the Western Association of Fish and Wildlife Agencies’ (WAFWA) range-wide conservation plan. This range-wide conservation plan was developed by state wildlife agency experts in 2013 with input from a wide variety of stakeholders. The special rule also establishes that conservation practices carried out through the USDA’s Natural Resources Conservation Service’s Lesser Prairie-Chicken Initiative and through ongoing normal agricultural practices on existing cultivated land are all in compliance with the ESA and not subject to further regulation.

“The lesser prairie-chicken is in dire straits,” said U.S. Fish and Wildlife Service Director Dan Ashe. “Our determination that it warrants listing as a threatened species with a special rule acknowledges the unprecedented partnership efforts and leadership of the five range states for management of the species. Working through the WAFWA range-wide conservation plan, the states remain in the driver’s seat for managing the species – more than has ever been done before – and participating landowners and developers are not impacted with additional regulatory requirements.”

The Service has considered the lesser prairie-chicken, a species of prairie grouse commonly recognized for its colorful spring mating display and stout build, to be a species in trouble for the past 15 years. Its population is in rapid decline, due largely to habitat loss and fragmentation and the ongoing drought in the southern Great Plains. Once abundant across much of the five range states of Texas, New Mexico, Oklahoma, Kansas and Colorado, the lesser prairie-chicken’s

historical range of native grasslands and prairies has been reduced by an estimated 84 percent. Last year, the range-wide population declined to a record low of 17,616 birds, an almost 50 percent reduction from the 2012 population estimate. The states' conservation plan has a population goal of 67,000 birds range-wide.

"To date, we understand that oil and gas companies, ranchers and other landowners have signed up over 3 million acres of land for participation in the states' range-wide conservation plan and the NRCS' Lesser Prairie Chicken Initiative," said Ashe. "We expect these plans to work for business, landowners and the conservation of prairie-chickens."

In addition to the range-wide conservation plan and the Lesser Prairie Chicken Initiative, a number of other on-the-ground programs have been implemented over the last decade across the bird's five-state range to conserve and restore its habitat and improve its status. Key programs such as the USDA's Farm Service Agency's Conservation Reserve Program, the Bureau of Land Management's New Mexico Candidate Conservation Agreement, the Service's Partners for Fish and Wildlife Program and Candidate Conservation Agreements with Assurances in Oklahoma, Texas and New Mexico, are engaging state and federal agencies, landowners and industry in these efforts.

Collectively, these programs – and in particular, the range-wide conservation plan – serve as a comprehensive framework within which conservation of the lesser prairie-chicken can be achieved. The various efforts are similar to a recovery plan, something that the Service normally prepares after a species' listing. This early identification of a strategy to conserve the lesser prairie-chicken is likely to speed its eventual delisting.

However, threats impacting the species remain and are expected to continue into the future. After reviewing the best available science and on-the-ground conservation efforts focused on the species, the Service determined that the lesser prairie-chicken is likely to become endangered in the foreseeable future and warrants listing as threatened under the ESA. The agency is under a court-ordered deadline to make a listing determination on the species by March 31.

The final rule to list the lesser prairie-chicken as threatened and the final special rule will publish in the *Federal Register* and will be effective 30 days after publication. Copies of the final rules may be found at the Service's website at <http://www.fws.gov/southwest>.

*The U.S. Fish and Wildlife Service works with others to conserve, protect, and enhance fish, wildlife, plants, and their habitats for the continuing benefit of the American people. For more information, visit [www.fws.gov](http://www.fws.gov), or connect with us through any of these social media channels:*



-FWS-

# **Workshop Session**



**VI. DEPARTMENT REPORT**

**C. Workshop Session**

**1. K.A.R. 115-25-1. Prairie Chickens; seasons, bag limits & possession limits**

**DISCUSSION AND RECOMMENDATION**

Prairie chicken hunting regulations will have to be adjusted to accommodate the recent federal listing of the lesser prairie-chicken (LPC) as a threatened species. The U.S. Fish & Wildlife Service’s (USFWS) final listing rules do not specifically address hunting of the LPC. However, the rules do state that exemptions from the take prohibitions of the endangered species act will be granted to participants “operating in compliance with, the lesser prairie-chicken interstate working group’s lesser prairie-chicken range-wide conservation plan.” The lesser prairie-chicken range-wide conservation plan states that “if the LPC becomes a federally listed species, the hunter harvest of LPC will only be permitted incidental to legal hunting of greater prairie-chickens where the ranges of the two species overlap” (Figure 1). Thus, hunting for prairie chickens will have to cease in at least the areas occupied only by LPC which covers the majority of the current Southwest Unit (Figure 2). A more specific recommendation for unit boundaries and closures will be presented at the meeting.

Figure 1. Distributions of greater and lesser prairie-chicken in Kansas, 2014.

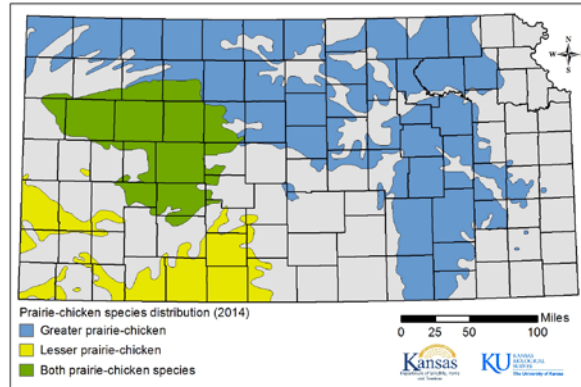
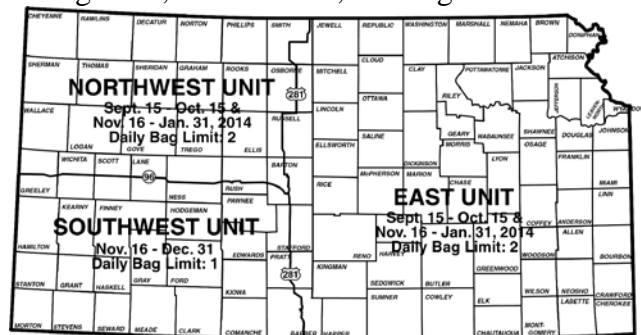


Figure 2. Prairie chicken hunting units, season dates, and bag limits in Kansas, 2013-2014.



**2014 Public Lands Regulations  
Reference Document Changes under consideration**

**Access Restrictions**

**Region 1**

Saline SFL- open to vehicle traffic sunrise to sunset daily from 3/1 to 9/30 - REMOVE

**Age Restrictions**

**Region 2**

Hillsdale WA-Big Bull wetland area, youth/mentor area-all species, all seasons – ADD

**All Non-Toxic Shot**

**Region 2**

Burr Oak WA - REMOVE

Dalbey WA - REMOVE

Elwood WA – REMOVE

**Region 5**

Biller, Buche, Chestnutt Tracts - ADD

**Non Toxic Shot – designated dove fields**

**Region 2**

Bolton WA - ADD

Dalbey WA - ADD

Elwood WA – ADD

Noe WA - REMOVE

Oak Mills WA - ADD

**Boating Restrictions**

**No Motorized Boats**

**Region 2**

Perry WA-no motorized boats are allowed in any wetland areas except East and West pools of the Kyle marsh - REMOVE

**No Gasoline Engine Powered Boats**

**Region 2**

Perry WA- all marshes, except East and West pools of the Kyle marsh - ADD

No Wake

Saline SFL - REMOVE

Equipment Restrictions (Hunting)

Shotgun & Archery Only

Region 5

Biller, Buche, Chestnutt Tracts - ADD

Refuges

Refuge Area Closed to All Activities 9/1 to 1/31

Region 1

Smoky Hill WA - ADD

Wilson WA - ADD

Refuge Area Closed to All Activities 10/1 to 1/31

Region 1

Smoky Hill WA - REMOVE

Refuge Area Closed to All Activities 11/1 to 1/31

Wilson WA - REMOVE

Special Permits (Daily/ Use\* Hunt Permits)

Region 2

Dalbey WA - ADD

Douglas SFL - ADD

Hillsdale WA - ADD

Noe WA - ADD

Oak Mills WA - ADD

Perry WA - ADD

Region 5

Lyon SFL - ADD

Melvern WA - ADD

### Threatened & Endangered (T&E) Task Committee Update

The T&E Task Committee seeks the best science available to assist in the formulation of final recommendations to the KDWPT Secretary and Commission regarding the status of those species under review. In that endeavor, the committee has identified experts to consult that have scientific knowledge regarding the population trends and distribution of these species through their past survey and research experience. The T&E Task Committee currently has four *ad hoc* subcommittees of these experts to assist in the evaluation of 1) fishes, 2) reptiles and amphibians, 3) birds, and 4) bats. These experts were sent a numerical rating form and asked to comment regarding the proposed listing changes. These *ad hoc* subcommittees of experts have until April 30 to respond to the T&E Task Committee requests. Their valued input into formulating the final recommendations to the Secretary and Commission is appreciated.

The species under review for 2014 status change are:

Species	Scientific name	Current listing	Change petitioned
Silverband Shiner	<i>Notropis shumardi</i>	Threatened	Remove
Chestnut Lamprey	<i>Icthyomyzon castaneus</i>	Threatened	Remove
Many-ribbed Salamander	<i>Eurycea multiplicata</i>	Endangered	Remove
Spring Peeper	<i>Pseudacris crucifer</i>	Threatened	Remove
Redbelly Snake	<i>Storeria occipitomaculata</i>	Threatened	Remove
Smooth Earth Snake	<i>Virginia valeriae</i>	Threatened	Remove
Longnose Snake	<i>Rhinocheilus lecontei</i>	Threatened	Reviewing at Secretary's request
Eskimo Curlew	<i>Numenius borealis</i>	Endangered	Remove
Black-capped Vireo	<i>Vireo atricapillus</i>	Endangered	Remove
Northern Long-eared Bat	<i>Myotis septentrionalis</i>	Not listed	Add to Threatened

Currently, the required informational meetings regarding these species under review is occurring. The schedule for these meeting is as follows:

11 April, 3:00 p.m. Southeast Kansas Nature Center, Schermerhorn Park, 3511 S. Main St., Galena, KS 66739

14 April, 3:00 pm Johnson County Park and Recreation District Board Room, 7904 Renner Road, Shawnee Mission, KS 66219

15 April, 3:00 p.m. KDWPT Region 2 Office, 300 SW Wanamaker Rd., Topeka, KS 66606

22 April, 3:00 pm Lee Richardson Zoo, Finnup Center, Lecture Hall, 312 E Finnup Drive, Garden City Kansas, 67846

23 April, 3:00 p.m. Sternburg Museum, 3000 Sternburg Dr., Hays, KS 67601.

Final recommendations from the T&E Task Committee are expected the first week of June.

## KANSAS DEPARTMENT OF WILDLIFE, PARKS &amp; TOURISM BRIEFING ITEM

**Webless Migratory Game Bird Regulations**

April 17, 2014

**Background**

Although webless migratory birds are subject to the same federal framework process with the U.S. Fish and Wildlife Service as waterfowl, stability in season dates and bag limits allow the inclusion of webless regulations, bag limits, and season dates as permanent regulations. Webless migratory game bird regulations are summarized below.

<b>Species</b>	<b>Regulation</b>	<b>Regulation Summary</b>
Crow	KAR 115-25-16	Crows; open season, bag limit, and possession limit
Dove	KAR 115-25-19	Doves; management unit, hunting season, shooting hours, and bag and possession limits
	KAR 115-20-7	Doves; legal equipment, taking methods, and possession
Sandhill Crane	KAR 115-25-20	Sandhill crane; management unit, hunting season, shooting hours, bag and possession limits, and permit validation
Snipe, Rail, & Woodcock	KAR 115-25-21	Snipe, rail, and woodcock; management unit, hunting season, shooting hours, and bag and possession limits

**Staff Recommendation**

*NO CHANGES RECOMMENDED TO THE WEBLESS GAME BIRDS REGULATIONS*

**2014-15 Webless Migratory Game Bird Bag Limits and Season Dates**  
(as prescribed by current regulations)

<b>Species</b>	<b>Bag/Possession Limits</b>	<b>Season Dates</b>
Crow	none	November 10, 2014 - March 10, 2015
Dove	Migratory - 15/45 Exotic – none	September 1, 2014 - October 31, 2014 & November 1, 2014 - November 9, 2014
Extended Exotic Dove	none	November 20, 2014 - February 28, 2015
Sandhill Crane	3/9	November 5, 2014 - January 1, 2015
Snipe	8/24	September 1, 2014 - December 16, 2014
Rail	25/75	September 1, 2014- November 9, 2014
Woodcock	3/9	October 11, 2014 - November 24, 2014

## 2014 EARLY MIGRATORY GAME BIRD SEASONS

### September Teal Season

April 17, 2014

#### **Background**

The U.S. Fish and Wildlife Service (USFWS) annually develops the frameworks for states to establish migratory game bird hunting seasons. The USFWS frameworks establish maximum bag, possession limits and season lengths, as well as earliest opening and latest closing dates. States must operate within these frameworks when establishing state-specific migratory game bird seasons. September Teal Season Frameworks are published in late-June, after results from the May Breeding Duck Survey and recommendations from Flyway Councils are completed.

Blue-winged teal are one of the earliest migrating waterfowl, with most passing through Kansas from late August through September, prior to the opening of the general duck season. Green-winged teal are also early migrants, and many arrive in September and October, but they are commonly found in Kansas throughout the winter, depending on weather conditions. Cinnamon teal are occasionally found mixed with flocks of blue-winged teal in Kansas.

Special teal seasons were initiated to provide additional harvest opportunities on blue-winged and green-winged teal. As long as the blue-winged teal May Breeding Population Index (BPI) is above 3.3 million, a 9-day teal season can be held. If the blue-winged teal BPI exceeds 4.7 million, a 16-day season can be allowed. The 2014 blue-winged teal breeding population total will not be known until late June, but based on last year's (2013) blue-winged teal breeding population of 7.7 million and spring habitat conditions in the Prairie Pothole Region, the 2014 BPI is expected to allow a 16-day season.

In the High Plains Unit of Kansas (west of Highway 283), the liberal package framework allows for 97 days of general duck season. Coupled with 2 youth hunting days, the addition of a 9- or 16-day teal season would exceed the Migratory Bird Treaty Act's maximum allowance of 107 annual hunting days for any one migratory species. Thus, when the liberal package for the regular duck season is available and a teal season can be held, it is necessary to reduce the High Plains Unit teal season to 8 days, or reduce days in the High Plains Unit general duck season as not to exceed 107 hunting days. For the past three seasons, a 9 day teal season with 96 day regular duck season has been selected in the High Plains Unit to satisfy this criterion.

**Prior Season (2013) Federal Framework\***

**Season Dates:** Between September 1 and September 30, 2013  
**Season Length:** 16 days if blue-winged teal BPI is above 4.7 million  
9 days if blue-winged teal BPI is between 3.3 - 4.7 million  
**Bag Limit:** 6 daily, 18 in possession (any combination of teal)  
**Shooting Hours:** One-half hour before sunrise to sunset

\* Final Federal Frameworks will not be set until after the June 26, 2014 USFWS Regulatory Committee Meeting.

**Staff Recommendations**

**Season Dates:**

Low Plains Zones (east of Hwy 283)

OPTION A: 16-day season running September 6 through September 21, 2014  
OPTION B: 16-day season running September 13 through September 28, 2014

High Plains Zone (west of Hwy 283) \*\*

OPTION A: 9-day season running September 6 through September 14, 2014  
OPTION B: 9-day season running September 13 through September 21, 2014  
OPTION C: 9-day season running September 20 through September 28, 2014

**Bag Limit:** 6 daily, 18 in possession (any combination of teal)  
**Shooting Hours:** One-half hour before sunrise to sunset

\*\* This selection may reduce the season length of the general duck season in the High Plains Unit by one day due to the Migratory Bird Treaty Act season length restrictions for any one species to 107 days. The regular High Plains Unit duck season in the liberal AHM package is allotted 97 plus two youth hunting days. In order to stay within the 107 day restriction either the September teal season or general duck season must be reduced one day from their allowable Federal frameworks.



**Table 1.** Kansas September Teal Season Dates and Harvest\*

<b>Year</b>	<b>Low Plains Season Dates</b>	<b>Hunting Days</b>	<b>High Plains Season Dates</b>	<b>Hunting Days</b>	<b>Green- winged Teal</b>	<b>Blue- winged Teal</b>	<b>Total Harvest</b>
2013	Sept 7-22	16	Sept 14-22	9	N/A**	N/A**	N/A**
2012	Sept 8-23	16	Sept 15-23	9	4,298	19,420	23,718
2011	Sept 10-25	16	Sept 17-25	9	1,748	22,562	24,310
2010	Sept 11-26	16	Sept 18-26	9	1,812	16,829	18,641
2009	Sept 12-27	16	Sept 19-26	8	2,775	15,165	17,940
2008	Sept 13-28	16	Sept 13-20	8	7,200	15,120	22,320
2007	Sept 8-23	16	Sept 15-22	8	4,534	25,582	30,116
2006	Sept 9-24	16	Sept 16-23	8	4,733	23,664	28,397
2005	Sept 17-25	9	Sept 17-24	8	2,200	10,387	12,587
2004	Sept 18-26	9	Sept 18-25	8	2,901	19,173	22,074
2003	Sept 13-28	16	Sept 20-27	8	9,024	21,393	30,417
2002	Sept 21-29	9	Sept 21-28	8	3,783	8,723	12,506
2001	Sept 15-30	16	Sept 15-22	8	1,790	10,741	12,531
2000	Sept 9-24	16	Sept 9-16	8	4,621	27,724	32,345
1999	Sept 11-26	16	Sept 11-19	9	3,052	28,022	31,074
1998	Sept 12-27	16	Sept 12-20	9	8,454	19,727	28,181
1997	Sept 13-21	9	Sept 13-21	9	2,367	14,858	17,225
1996	Sept 14-22	9	Sept 14-22	9	1,415	17,115	18,530
1995	Sept 16-24	9	Sept 16-24	9	1,896	10,227	12,123
1994	Sept 10-18	9	Sept 10-18	9	2,217	7,083	9,300
1993	Sept 11-19	9	Sept 11-19	9	1,081	5,604	6,685
1992	Sept 12-20	9	Sept 12-20	9	4,267	12,902	17,169

\* Harvest estimates from 1999 to current are based on Harvest Information Program (HIP). For years prior to 1999, harvest estimates are based on USFWS Mail Survey Questionnaire.

\*\* Harvest Data is not available until late July.

## **XI. DEPARTMENT REPORT**

### **C. Workshop Session**

#### **6. Fort Riley Deer and Other Considerations.**

##### **Background**

K.A.R 115-25-9a lists additional deer hunting days available only on the Fort Riley subunit. It will be brought back in a Public Hearing in June.

##### **Discussion**

Fort Riley personnel requested the regular archery season dates and the regular muzzleloader season dates listed in K.A.R. 115-25-9. They requested additional archery hunting days when individuals authorized by Fort Riley could take antlered or antlerless deer. The days requested are from September 1, 2014 through September 15, 2014 and from January 12, 2015 through January 31, 2015.

In addition to the season days specified in K.A.R. 115-25-9 for designated persons, Fort Riley personnel requested October 10, 2014 through October 13, 2014.

The dates requested by Fort Riley personnel for firearms deer hunting are from November 28, 2014 through November 30, 2014, and December 13, 2014 through December 21, 2014.

The dates requested by Fort Riley personnel for the late portion of the antlerless-only white-tailed deer hunting season are similar to those listed in K.A.R. 115-25-9 for unit 8 (i.e., January 1, 2015 through January 11, 2015). They requested to be exempt from the pre-rut white-tailed deer antlerless-only deer season (i.e., October 11, 2014 through October 12, 2014) scheduled to occur in the rest of the state.

Additional deer related management issues are occasionally added to this regulation to address items which arise during the legislative session. No additional items are being considered this year.

##### **Recommendation**

The staff recommendation for K.A.R. 115-25-9a is to accept all of the requested season dates requested by Fort Riley personnel. A public hearing on this regulation is scheduled for June, 2014.

### 7. Use of dogs to track wounded deer.

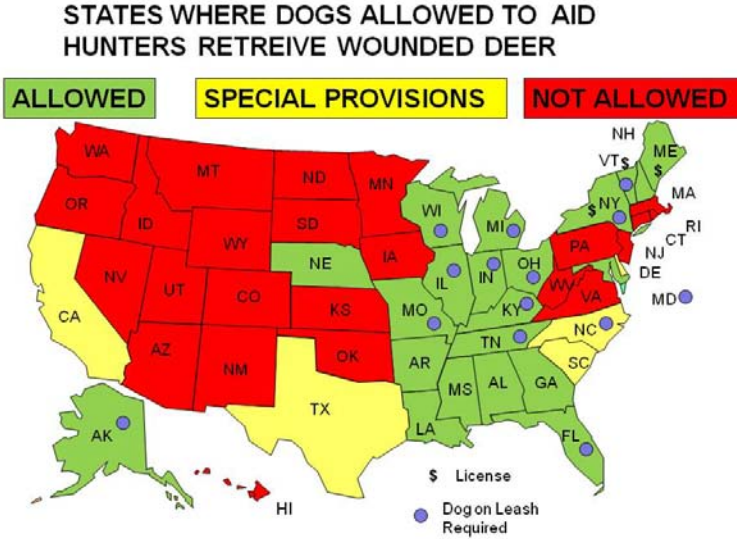
#### Background

Using dogs to find and retrieve game has been part of the hunting heritage through history. Many breeds of dogs have been developed specifically for this purpose, especially for waterfowl and upland game bird hunting. Dogs used to trail dead or wounded deer include the beagle, dachshund, bloodhound, and Deutsch Drahthaar; however, many other breeds of scent-trailing hounds and mixed breed dogs may be effective. Field trial events have been developed among proponents of this technique, and its popularity appears to have increased in recent years. The use of dogs to help hunters retrieve wounded deer has gained support in many states, and there is a movement among its proponents to have it legalized in all 50 states.

The subject of authorizing hunters in Kansas to use dogs to trail dead or wounded deer has come up many times. It was a subject that we included in the 2010-11 survey of deer hunters. The result of a survey completed by 18,009 deer hunters indicated that 24.1 percent strongly supported the use of dogs to help retrieve deer while 28.9 percent supported it, 23.4 percent were neutral, 12.5 percent opposed it and 11.1 percent strongly opposed their use.

#### Discussion

States where dogs are allowed to be used to track deer for the purpose of recovering animals are shown below.



No peer reviewed scientific articles are available to evaluate the effectiveness of programs where dogs are used to aid hunters in finding wounded deer.

The purpose of a regulation allowing trailing dogs to be used to recover dead or mortally wounded big game is to reduce the potential for waste of those animals. After a review of similar regulations and programs in other states, the following elements are being considered:

- Require that the trailing dog should be maintained on a leash at all times when tracking is being done.
- Restrict the time when dogs may be used to trail wounded big game to established big game shooting hours.
- Require the dog handler to contact a local natural resource officer or regional KDWPT office before beginning the trail by the dog.
- Restrict the deer hunter to the same type of equipment to dispatch wounded big game that was initially used to hunt that animal.
- Each person assisting in the tracking shall have a hunting license unless exempt.
- Blaze orange requirements shall remain the same during trailing as they were during the hunt.

### **Recommendation**

The staff of KDWPT is developing a regulation to allow people to use dogs to trail and recover wounded big game.

## **Hunting on same day of deer or turkey permit purchase**

### **Background**

The first modern deer season in Kansas was held in 1965. Permits were restricted to residents only and all firearm permits were drawn in a lottery system. Archery permits were unlimited. Starting in 1987 archery permits were sold over the counter from August 1 through November 30. Muzzleloader and firearm permits continued to be drawn in a lottery.

Starting with the 2001 season, unlimited whitetail permits became available and whitetail muzzle loader and firearm permits were sold over the counter. Hunters were required to designate one deer management unit when they purchased their permit. Firearm mule deer permits were still limited and available in a drawing.

In 2008 whitetail archery, muzzleloader and firearms permits for residents were combined to create the any season whitetail permit.

The current provision in regulation 115-4-2 requiring a hunter to wait until the next calendar day for a permit to be valid has been in place since whitetail muzzleloader and firearm permits became available over the counter in 2001. When this regulation was written in 2001 the department issued paper big game permits. Information from these permits was not readily available for management or law enforcement purposes. The current KOALS system allows department personnel to check the time and date of permit issuance from anywhere a cell phone or data connection signal is available.

### **Discussion**

The ease with which a permit can now be purchased and the variety of available purchase methods reduce the burden of buying permits on our hunters. With the KOALS system, hunters may purchase whitetail permits starting on August 1, and continuing to the next to last day of the season. They may purchase these permits in person at a vendor, over the internet with home printing of carcass tags and by telephone with carcass tag fulfillment by mail.

The requirement that a permit is not valid until the next calendar day after purchase may reduce the days available to hunt by one day for vendor and internet purchases made during the open season.

Telephone purchases require the hunter to wait until their carcass tag is fulfilled by the KOALS vendor and delivered by US Mail. Hunters choosing this option are not affected by the requirement to wait until the next day.

### **Recommendation**

Review date of purchase data for big game and turkey permits and discuss further at April 17 Commission meeting.

# **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 Meeting

Desired Date of Publication - March 6, 2014

**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 6:30 p.m., Thursday, April 17, 2014 at the Great Plains Nature Center, 6232 E. 29<sup>th</sup> St. N, Wichita, Kansas, to consider the approval and adoption of proposed regulations of the Kansas Department of Wildlife, Parks, and Tourism.

A general discussion and workshop meeting on business of the Wildlife, Parks, and Tourism Commission will begin at 1:00 p.m., April 17 at the location listed above. The meeting will recess at approximately 5:00 p.m. then resume at 6:30 p.m. at the same location for the regulatory hearing and more business. There will be public comment periods at the beginning of the afternoon and 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. April 18 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 30-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](mailto: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. 115-25-7.** This exempt regulation establishes the antelope open season, bag limit, and permits. The proposed version of the regulation reduces permits by 4 permits across the management units.

**Economic Impact Summary:** The proposed version of the regulation is 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](http://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  
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February 21, 2014

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. 115-25-7

Dear Chris:

Pursuant to K.S.A. 2013 Supp. 77-420(b), we have reviewed K.A.R. 115-25-7 and have approved the regulation for legality. The stamped regulation is enclosed with this letter.

Sincerely,

OFFICE OF THE ATTORNEY GENERAL  
DEREK SCHMIDT

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

Sarah Fertig  
Assistant Attorney General

Enclosure

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 68-W  
Kenneth Wilke, Revisor of Statutes, State Capitol, Ste. 24-E

STATE OF KANSAS

**RANEY L. GILLILAND**  
Director  
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Chief Fiscal Analyst  
**AMY DECKARD**  
Assistant Director for Information Management



**STAFF**  
LEGISLATIVE COORDINATING COUNCIL  
INTERIM COMMITTEES  
STANDING COMMITTEES  
LEGISLATIVE INQUIRIES

**KANSAS LEGISLATIVE RESEARCH DEPARTMENT**  
Room 68-West — State Capitol Building — 300 SW Tenth Avenue — Topeka, Kansas 66612-1504  
PHONE (785) 296-3181 • FAX (785) 296-3824 • TTY (785) 296-3677  
INTERNET: <http://www.kalopisulano.org/kld> E-MAIL: [kstleges@kld.ks.gov](mailto:kstleges@kld.ks.gov)

March 7, 2014

Robin Jennison, Secretary  
Kansas Department of Wildlife, Parks and Tourism  
1020 S. Kansas Avenue, Room 200  
**BUILDING MAIL**

Dear Secretary Jennison:

At its meeting on March 6, 2014, the Joint Committee on Administrative Rules and Regulations reviewed for public comment rules and regulations concerning KAR 115-25-7, antelope, open season, bag limit, and permits. After discussion, the Committee had no comments.

Prior to filing with the Secretary of State, review the history sections of the rules and regulations to update them to the most recent statutory citations, making certain the citations for authorizing and implementing statutes are correct and complete. Please indicate your agency's website address in the filing notice where proposed regulations can be located. In addition, if your agency accepts written comments by e-mail include this information in the public notice. Further, e-mail requests for public accommodation should be included as a part of the notice. Finally, verify that the adoption by reference of any materials included in the regulations is properly completed as prescribed in the *Policy and Procedure Manual for the Adoption of Kansas Administrative Regulations*.

Please make this letter a part of the public record on these regulations. The Committee will review the regulations which the agency ultimately adopts, and reserves any expression of legislative concern to that review.

To assist in that final review:

- Please inform the Joint Committee and me, in writing, at the time the rules and regulations are adopted and filed with the Secretary of State, of any and all changes which have been made following the public hearing.

- Please notify the Joint Committee and me, in writing, when your agency has adopted the regulations as permanent; delayed implementation of the regulations; or decided not to adopt any of the regulations.
- Also, please indicate separately to the Joint Committee and me, any changes made to the proposed regulations reviewed by the Committee.

Based upon direction from the Committee, failure to respond to each and every comment contained in this letter may result in the request that a spokesperson from your agency appear before the Committee to explain the agency's failure to reply.

Sincerely,

Raney L. Gilliland  
Director

RLG/db

**115-25-7. Antelope; open season, bag limit, and permits.** (a) The open season for the taking of antelope shall be as specified in this subsection. The unit designations in this subsection shall have the meanings specified in K.A.R. 115-4-6.

(1) Archery season.

(A) The archery season dates shall be September 20, 2014 through September 28, 2014 and October 11, 2014 through October 31, 2014.

(B) The taking of antelope during the established archery season shall be authorized for Smoky Hill, unit 2; West Arkansas, unit 17; and Cimarron, unit 18. Unlimited archery permits for residents and nonresidents shall be authorized for the area.

(2) Firearm season.

(A) The firearm season dates shall be October 3, 2014 through October 6, 2014.

(B) The open units for the taking of antelope during the established firearm season and the number of permits authorized shall be as follows:

(i) Smoky Hill, unit 2: Ninety-eight resident firearm permits shall be authorized for the unit.

(ii) West Arkansas, unit 17: Thirty-four resident firearm permits shall be authorized for the unit.

(iii) Cimarron, unit 18: Eight resident firearms permits shall be authorized for the unit.

(3) Muzzleloader-only season.

(A) The muzzleloader-only season dates shall be September 29, 2014 through October 2, 2014.

Muzzleloader permits also shall be valid in the unit for which the permit is authorized during the established firearm season dates.

(B) The open units for the taking of antelope during the established muzzleloader-only season and the number of permits authorized shall be as follows:

(i) Smoky Hill, unit 2: Twenty-six resident muzzleloader permits shall be authorized for the unit.

(ii) West Arkansas, unit 17: Eight resident muzzleloader permits shall be authorized for the unit.

(iii) Cimarron, unit 18: Six resident muzzleloader permits shall be authorized for the unit.

(b) The bag limit for each archery, firearm, and muzzleloader permit shall be one antelope of either sex.

(c) This regulation shall be effective on and after May 1, 2014, and shall have no force and effect on and after March 1, 2015. (Authorized by and implementing K.S.A. 2013 Supp. 32-807 and K.S.A. 2013 Supp. 32-937.)

## ECONOMIC IMPACT STATEMENT

**K.A.R. 115-25-7.** Antelope; open season, bag limit, and permits.

**DESCRIPTION:** This proposed exempt regulation establishes hunting unit boundaries, bag limit, application periods and season dates for the 2014 firearm, muzzleloader, and archery antelope seasons. The hunting units include all of the area included during the 2014 season. An unlimited number of archery permits are authorized, however, recent trends indicate that about 250 people may apply for these permits for residents. 4 nonresident archery permits were issued in 2013 and it is anticipated that a like number will be issued in 2014.

The proposed unit boundaries for the 2013 firearm hunting season are the same as the 2013 unit boundaries. A total of 140 firearms permits are proposed in three management units as follows: Unit 2-98 permits, Unit 17-34 permits, and Unit 18-8 permits, a decrease of 2 permits from the previous season. In addition, 42 muzzleloader permits are proposed in three management units as follows: Unit 2-26 permits, Unit 17-8 permits, and Unit 18-6 permits, a decrease of 2 permits from the previous season.

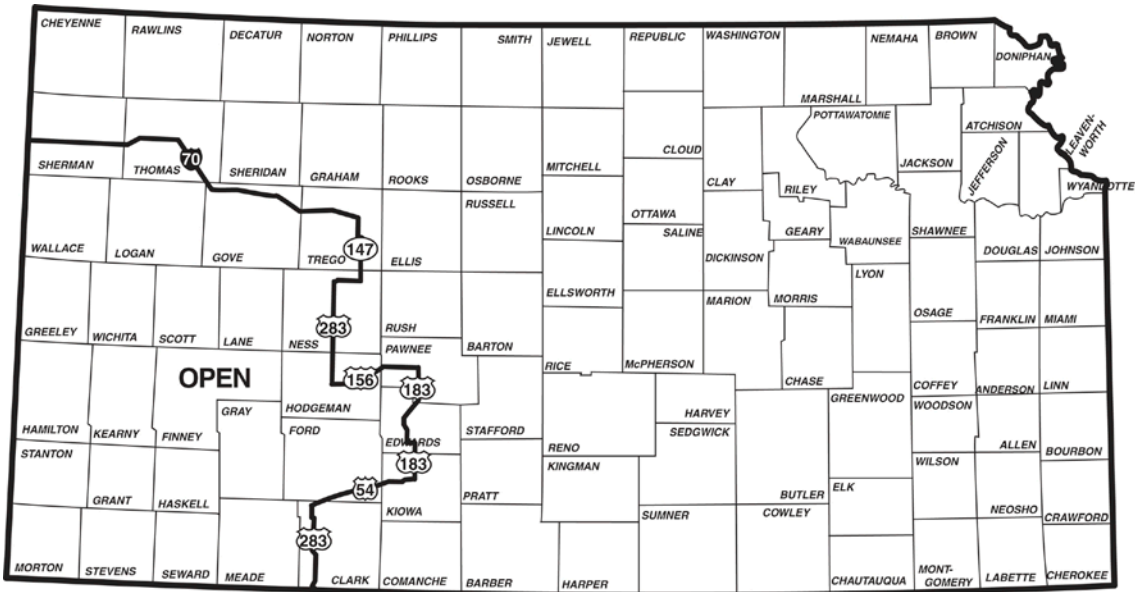
**FEDERAL MANDATE:** None.

**ECONOMIC IMPACT:** It is anticipated that 420 antelope hunting permits will be authorized. Estimated revenue if all permits are issued would be approximately \$13,300. That amount represents equal participation in the antelope season by landowner/tenants and general residents, as well as nonresident participation. Approximately 1150 people will apply for an antelope permit or preference point. A \$5 nonrefundable application fee from all applicants will generate an additional \$5,575. Other administrative costs associated with the season are borne by the Department.

Approximately 2120 days of hunting activity will occur. The national survey of fishing, hunting, and wildlife associated recreation conducted by the U.S. Fish and Wildlife Service estimated that an average big game hunter spent more than \$1100 per season, thus the antelope season may generate \$466,400 in direct economic benefits to businesses providing goods and services. There will be no other economic impact on the general public, small businesses or on other state agencies.

**ALTERNATIVES CONSIDERED:** None.

## Antelope Pronghorn Unit



## Firearm, Muzzleloader Pronghorn Units

