

**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**

**Approved** Subject to  
**4/17/14** 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 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. Commissioner 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. Commissioner 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 seem 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 exclude 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)