

**Kansas Department of Wildlife, Parks & Tourism
Commission Meeting Minutes
Thursday, January 17, 2019
Douglas County Fairgrounds, Flory Meeting Hall West
Lawrence, Kansas**

Approved Subject to
3/28/19 Commission
Approval

The January 17, 2019 meeting of the Kansas Wildlife, Parks and Tourism Commission was called to order by Chairman Gerald Lauber at 1:30 p.m. at the Flory Meeting Hall in Lawrence. Chairman Lauber and Commissioners Emerick Cross, Tom Dill, Harrison Williams and new Commissioner Troy Sporer were present.

II. INTRODUCTION OF COMMISSIONERS AND GUESTS

The Commissioners and department staff introduced themselves (Attendance Roster – Exhibit A).

III. ADDITIONS AND DELETIONS TO AGENDA ITEMS

Chairman Lauber – Welcome Troy Sporer, his first meeting.

Sheila – Todd Workman will present the Agency and State Fiscal Status report under Secretary’s remarks Agenda – Exhibit B).

IV. APPROVAL OF THE December 13, 2018 MEETING MINUTES

Commissioner Harrison Williams moved to approve the minutes, Commissioner Tom Dill second. *Approved* (Minutes – Exhibit C).

V. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

None

VI. DEPARTMENT REPORT

A. Secretary’s Remarks

Brad Loveless – I attended a commission meeting years ago and it’s a pleasure to be back and see familiar faces. I grew up in Ohio, went to Ohio State, came here for master’s degree at KU in fisheries. Worked at Wolf Creek for 12 years in fisheries, environmental program and the fire and safety program. In 1997, I went to work for Westar corporate office, worked with Green Team, our stewardship arm, as well as environmental compliance programs; a great career. I am fortunate to have this opportunity to serve this department for this governor, excited about her leadership and what she brings. Excited to work with KDWPT people, worked side-by-side for a

lot of years and have high amount of respect for their diligence, hard work and creativity. Haven't been to many of these meetings, but I hear from grapevine that these can get exciting and contentious; people get passionate about issues and the resources. Learned from Steven Covey, in his seven basic habits of highly effective people; seek first to understand and then be understood; that is important to me. I will try to achieve that standard. I am available, accessible and willing to engage. We have great staff and they are your best resource, but my door is always open.

Chairman Lauber – For years there was a biologist at Emporia office who was on my speed dial, he retired and passed baton to Chuck Bever, good to see Tom Mosher here today.

1. Agency and State Fiscal Status – Todd Workman, assistant secretary, presented this update to the Commission (Exhibit D). – Start with Wildlife Fee Fund (WFF), December over \$2 million, down 2.5 percent from last year, however we are one ACH behind, so about even. When we get reports in the future, the auto renews are at 4,100 and as those numbers increase the numbers will continue to even out, so don't get alarmed about a month, will change how it looks month to month. Park Fee Fund (PFF) is up 2.2 percent and is also an ACH behind with December receipts running around \$590,000. Chairman Lauber – Size of print on WFF report is down by more than 2.5 percent. Commissioner Dill – How does federal aid revenue compare? Workman – I can generate a report for you on that.

2. 2019 Legislature – Chris Tymeson, chief legal counsel, presented this update to the Commission – First year of two-year cycle, 35 bills on House side, 15 on Senate side; none deal directly with us yet. We plan on a few initiatives this year; dynamic park pricing for cabins and campsites will be reintroduced; raise cap on fees on wildlife side. We increased fees in 2016, first time since 2002, but we have reached some of those caps and for the long-term health of the agency we need to raise them, so the commission can adjust fees accordingly within that cap. Also, a bill was introduced last year to affiliate law enforcement officers within the department to Kansas Police and Fire retirement and it will come back this year. Most of those bills will go in next week. Tomorrow is proforma and will come back on Tuesday and start business Wednesday next week. Setting meetings in next couple of days with chairman of committees where we will introduce those bills. Heard some deer bills are pending, which would be expected. Chairman Lauber – What kind of deer bills? Tymeson – Reducing deer numbers. Chairman Lauber – Don't have my constituency calling me for reducing numbers of deer. Tymeson – Commentary I read in the paper was from a legislator who perennially introduces deer bills. We will have bills to discuss in March.

B. General Discussion

1. Commissioner Permit Update and Drawing – Mike Miller, chief of Information Production Section and magazine editor, presented this update to the Commission (Exhibit E). Started in 2006, by statute, made seven deer permits available or one elk or one antelope. Nonprofits operating in Kansas are eligible. These would be drawn by conservation organizations who would auction them off, they remit 85 percent of that back to us, are able to keep 15 percent for their own administrative costs and then the agency works with them on an agreed-upon conservation project and the money goes back to them to complete that project. The

only time we don't do that is KFHF win, they get 85%. Average price of deer is about \$11,000; average elk is \$9,000; did sell elk permit one year for \$23,000. It has leveled out in last few years. Last year they raised \$77,000; year before \$72,000 and application numbers have steadily risen as well; from 59 in 2006 to 154 eligible last year. They have raised over \$640,000 and because of 15 percent, over \$500,000 has spent on conservation projects. Sometimes chapters give it back like Pheasants Forever chapter that won last year, they gave their money back to the pheasant initiative that Jeff Prendergast is operating out of the Hays office. Or they may donate it back to a reclamation project, renovation project at Jamestown or something like that; but always mutually agreed upon project. The briefing book shows who won last year, they raised a total of \$77,600. Over the years it has been a good fund raiser for chapters as well as conservation projects. Because of the way applications have grown over the years it appears to be really popular. Chairman Lauber – This is the only way to have more than one lifetime permit, like at Fort Riley. Miller – The only way you could draw an elk even if you have won one; and any given year you could have two antlered deer permits, buy one through the draw and this one. These are any deer, any season, statewide permits so pretty popular.

Drawing Winners (Exhibit F):

Commissioner Harrison Williams – (1) – #168 Quail Forever Neosho Valley (deer)
Commissioner Troy Sporer – (2) – #17 Quail and Upland Wildlife Federation Kaw Valley (deer)
Chairman Gerald Lauber – (3) – #141 Pheasants Forever Solomon Valley (deer)
Commissioner Tom Dill – (4) – #159 Pheasants Forever Flint Hills (deer)
Commissioner Emerick Cross – (5) – #43 Pheasants Forever Smoky Hill (deer)
Commissioner Aaron Rider (drawn by Dill) – (6) – #77 NWTF Arkansas Valley Limbhangars (deer)
Commissioner Gary Hayzlett (drawn by Sporer) – (7) – #122 NRA Caldwell KS-42 (deer)

2. Webless Migratory Bird Regulations – Richard Schultheis, migratory game bird biologist, presented this regulation to the Commission (Exhibit G). Federal frameworks for webless migratory game birds are unchanged for the 2019-20 season. Although staff does not anticipate any recommended changes to webless seasons, we are anticipate discussing clarifications to the method of take regulation for migratory doves (115-20-7). Started last year with working at revoking that regulation and that was not carried all the way through. This year, we're looking at striking specific components of that regulation but keeping it in place. Chairman Lauber – How long have crows been in this category? Schultheis – Not sure when, but think when Mexico came in, the 1950s. Chairman Lauber – County used to give you 10 cents when you brought in crows, when they were perceived predators. Didn't know if covered by the Service back then or whether that was a new thing? Schultheis – When Mexico came into the Treaty regulations changed and crows were added. Chairman Lauber – You can shoot them with anything? Tymeson – We have a regulation that tells you what is allowed. Chairman Lauber - It is a pretty liberal list. Tymeson – Yes, compared to other birds. Commissioner Dill – On season dates on crows, are those stay within a certain time frame? Schultheis – There are some specific regulations and it has a lot to do with reproductive season and we have a length limit, but it is a liberal space of time. Commissioner Dill – Longest period of time we can do it? Schultheis – Yes.

3. Waterfowl Regulations – Tom Bidrowski, migratory gamebird program manager,

presented this regulation to the Commission (Exhibit H). The U.S. Fish and Wildlife Service (USFWS) annually develop frameworks from which states are able to establish migratory game bird hunting seasons. These frameworks establish maximum bag and possession limits, season lengths, and earliest opening and latest closing dates. States must operate within these frameworks when establishing state-specific migratory game bird seasons. Briefing item was prepared regarding development of Kansas' 2019-20 waterfowl seasons. Included are anticipated frameworks and other background materials which Kansas may establish its hunting seasons. While the federal frameworks have not been finalized we do anticipate two changes; reduction in daily bag limit for northern pintails from two to one; and extending closing frameworks season dates to January 31, this will allow six additional days within the frameworks but still limited by the number of maximum days; 74 for low plains and 97 days in the high plains. Staff recommendations will be presented at March meeting. Chairman Lauber – Number of days will be the same, but calendar will be expanded to stretch out the number of days? Bidrowski – Correct. Chairman Lauber – Which will mean larger closed portion in the middle. Bidrowski – Correct, additional opportunities, but will have to find six days within current season structure dates to accommodate. Commissioner Sporer – Is it your intent to close January 31? Bidrowski – It would be a hard opportunity not to provide particularly in some of southeast zones where we do have a portion of late January season. Have not formally developed staff recommendations, but that is a strong consideration. Chairman Lauber – Nothing gets people more stirred up than ducks. Staff will make a recommendation and there has been a continuing trend to have more late season hunts because that is when there are more mallards. Try to accommodate both ends. Been outvoted many times, I go with the pack now. Bidrowski – It does provide more unique opportunities, but also complicates where we remove days; from split or early part of seasons. It also does not give a fixed Sunday, it will be Friday for next year. That also would affect when we would open it, Saturday or Thursday, depending on where split ends. Chairman Lauber – There is a certain sport in hunting early migrants. Vote in April? Bidrowski – Correct. Tymeson – It is advantageous, because of southeast zone; change was primarily for southern states, wasn't it? Bidrowski – This is a long-standing request from southern states and USFWS has been adamant about not granting this extension. From 2004, used to end around January 20, Sunday closest to January 17, extended to last Sunday by congressional action. There were some bills that passed the House and didn't pass Senate. The USFWS chose in October meeting to grant Mississippi wish to grant January 31. Duck zones process will start later this year and will be implemented until 2021 and 2022 season. Two timelines to consider, federal and state and final action on duck zones will need to be completed by April 2020. Chairman Lauber – Those are set for three or five years? Bidrowski – Five years, 2020/21 will be fifth year. The tenth year we have had a southeast zone.

4. KAR 115-25-9a, Deer; open season, bag limit, and permits; additional consideration; Fort Riley – Levi Jaster, big game biologist, presented this regulation to the Commission (Exhibit I). Potential dates for seasons on military installations that have requested later time to set dates to prepare and schedule with training. Smoky Hill Air National Guard subunit, all same dates except firearm season will run from November 26 to December 7, which lets them start a little earlier, but still same number of days as statewide season. Fort Riley subunit; requested additional archery days, September 1-15 and January 2-31, authorized individuals are often soldiers who would not able to hunt during regular season due to duties assigned; also requested additional days for designated person or youth season, October 12-14, same as statewide pre-rut

season, but would not have pre-rut season on the Fort; firearm season dates requested for November 29 through December 1 and December 14-22; different days but same number of days as statewide season. Fort Leavenworth subunit, statewide seasons except firearm deer season, requesting weekends, November 16 and 17, November 21-24, November 30 – December 1, and December 7 and 8; same number of days, but different dates; also extended firearm antlerless hunting different from the unit they are in, January 1-12; and be included on extended archery season January 13-31. Deer hunters may use one antlerless only on Fort Riley and Smokey Hill, but up to five on Fort Leavenworth in subunit 10a. Final action on these seasons shall be completed at the Public Hearing in June. Chairman Lauber – We generally try to accommodate military with their choices. Jaster – Yes sir.

5. CWD Update - Levi Jaster, big game biologist, presented this update to the Commission (PowerPoint – Exhibit J). Chronic Wasting Disease (CWD) is a transmissible spongiform encephalopathy, a prion disease, which occurs with a folded piece of protein instead of a bacteria or a virus. CWD is the disease that affects cervids; deer, elk, moose and caribou; for Kansas, whitetail deer, mule deer and elk. There are other forms of it such as scrapie in sheep, bovine spongiform or mad cow disease in cattle, human form is Creutzfeldt-Jakob disease and a couple others, one in mink and discovered one in camels. With this disease the prions form, which causes the brain to break down and causes holes that looks like a sponge, hence the name. It is transmissible between animals. It is always fatal, CWD is not necessarily the cause of death but it is what pushes the animal to the point where they do die. It typically takes one and half to two years for clinical signs to appear, so a deer with CWD can stand right next to a deer that doesn't have it and you can't tell the difference. Once they have it, clinical signs show up, such as emaciation, extensive drooling and odd behavior; they die within a couple of months of that but can last up to a year. Very few deer show resistance to the disease, the ones that have only live a little longer; the bad thing about it is they shed prions that allows it to be transmitted to other deer. Considered the biggest disease threat to North American cervids; it is not like other diseases that hit a population and spread rapidly, burn out and go away; once you have CWD in an area, it is difficult to get rid of it and moves slowly if we don't help it. All over Canada and the states. In Kansas we have spread from Nebraska and Colorado and now can move in from Arkansas and Missouri where it has been detected as well. First detected in Harper County in 1996 in a captive elk herd; that population was destocked right away. First detected in wild population in Cheyenne County in 2005, and has slowly spread throughout northwest Kansas expanding just a few counties at a time. In 2014, it was found in six new counties; 2018 again in six new counties; and at the beginning of 2019, we have found it in a total of 34 counties total. Best management practices (BMPs) have been developed by most states through their wildlife health biologists. The first one was put out by Western Association of Fish and Wildlife Agencies (WAFWA) for adaptive management of CWD; last year the Association of Fish and Wildlife Agencies (AFWA) published a more detailed technical report directed at agencies to have a starting point for developing BMPs and trying to implement them. I will summarize that document. There are four main sections: prevention, surveillance, management and supporting activities. Under prevention the first recommendation is movement restrictions or prohibitions; they include live cervids and carcass movements and parts and recommendations under that. Kansas is one of six states in the U.S. that don't have any movement restrictions on full carcasses or parts. The document recommends not throwing whole carcasses into the bed of the truck and driving across the state; take only antlers and the cape and deboning meat is the best

recommendation. There are other alternate proposals as well. The second item is to prevent unnatural concentrations, recommend no baiting or feeding, including high concentrations on center pivots, and develop ways to keep deer out of haystacks in winter. They also recommend prohibiting use of natural urine products, want to ban in most states. The big one we are discussing is restricting movements on carcasses, want to make it easy to follow and not put too much hardship on hunters. Surveillance is next. In Kansas we have five disease zones we sample for CWD on a five-year rotation, last year we were in southwest so next year in northwest again. Within the zone we are working, we will pay for testing, hunters outside of area we are working on pay themselves if they submit their deer privately. We encourage hunters to test if harvesting deer in a county known with disease. There has never been a human health issue, but some work has shown that risk is not zero. Work to facilitate testing and figure out how to get that done easier; planning work to look at that more. Management: Develop management plan; we have an internal document developed in 2009; learned a lot since then, want to revisit that and adapt it to better fit what we need to do. Talks about harvest goals; more buck harvest or harvest deer later. Most recommendations involve harvesting more deer later, which meant in western states moving seasons back to November; Kansas harvests most of deer with archery equipment in November, and end of November and early December that is when firearm season occurs, so harvesting later than most states. In good place as far as where seasons fall. We looked at populations and looked at trying to reduce in certain areas with CWD. It also recommends we prohibit rehabilitation, not in a position in Kansas where one individual would make a difference. Risk to rehabilitator, they would contaminate their facility if they take in a CWD deer. Carcass disposal, how can we not leave carcasses out where they could potentially spread disease; if moved, put in a landfill where it can be buried away from predators and other scavengers, bury deep, or debone meat and leave carcass in area where it was harvested. Cut antlers off only with clean skull plate, cape it and leave the rest. Supporting activities: develop communications, get word out to hunters to educate them on why this is a serious disease. We have started some of that, have CWD information in our regulation's summary on page 17. Do human dimensions work, do surveys to find out what hunters know, what the best way to get information to them and what hunter preferences are, what will help them follow the rules the best they can; need buy-in to prevent spread and have good management in areas where we already have it. Education falls in that, ask hunters what they know and what they need to know. Talk about economic impact, some states have seen changes to license sales; working on CWD in many states has changed budget because of staff hours; impact on where hunters are going and some states with entire towns drying up because of CWD; those that relied on hunters; some preliminary work done but we're looking at the future. In Kansas, continuing surveillance monitoring around the state; research projects in western Kansas looking at deer movements and habitat use. Considering increased sampling on where it occurs in small areas and look at habitats and what habitats are most at risk, then direct surveillance monitoring to those areas to detect it sooner and get ahead of it. Human dimensions work on hunter opinions, develop more communications and clarify how to do some of this. There are videos from Kansas state vet labs that shows how to take samples if you want to do it on their own. We will be reviewing regulations and potentially offering revisions to simplify things or direct management practices and hunter participation certain ways to slow spread across the state until we find a way to fight it better or cure it. Requires good partnership between KDWPT and hunters. Nothing will be solved without cooperation. Chairman Lauber – Does a deer shed prions through bodily fluids or do we know? As deer decomposes it spreads to the earth? Jaster – Yes, it can spread through

bodily fluids and through decomposition. Once prions are in the soil they stay there, plants can pick them up and travel to leaf tips and deer eat them. Chairman Lauber – If there is a puddle of prions, can I dump Clorox on them and kill them? Jaster – No, there is no detergent that works to destroy them, don't get denatured through freezing and to destroy them through heat you have to surpass the melting point of aluminum. The best option is to prevent it. We are our own worst enemy for spreading it fast. Chairman Lauber – Western states are worse than us, and economic impacts are looming, and, in some cases, they are wondering if their herds can withstand the onslaught, it is minimal here. There is a loose association between feeding, baiting and potential, we don't know but think concentration of ungulates would enhance transmission; more transmission in captive herds. Baiting would be big controversial issue for us to take care of, rumors start on social media and it is a cottage industry; will we ever have to deal with that? Jaster – We likely will in some form. If we develop a cure the way to get it into herd will be through feeding. Any unnatural concentration that brings deer together can increase prevalence in an area and cause it to spread further. Chairman Lauber – To eliminate feeding and baiting may be politically impossible. Jaster – I don't have all of the answers, it is difficult even the most knowledgeable about CWD don't have all the answers. Commissioner Dill – I read that technical report and asked for this update, so thank you. It is like when zebra mussels started, how do you prevent spread; when it comes to baiting and mineral supplements and those things, until we get a better handle on it; there may have to be a designated section of western Kansas where we prohibit some, depending on your surveys. If you got it you got it, and that is a big future scare. Jaster – The biggest threat looming over everything, slow moving but you feel like the guy facing a glacier with a hairdryer. Commissioner Dill – You might email out that report to the other commissioners. Jaster – If you google search AFWA and CWD BMP it will take to the report. Commissioner Dill – That was updated just a few months ago. Jaster – Just this year. If you want a not so technical read, go to WAFWA BMP document developed in 2017, it is much easier to read. Commissioner Dill – It appears from your map and the testing that it is creeping. Jaster – We saw a jump at times, often times we don't get enough samples out of those areas; not enough samples to detect it. We rely on taxidermists to get samples throughout the state and we do get some private submissions and participation from folks who see a high number of deer in their area. We test anything that looks sick or suspect sick anywhere in the state. Commissioner Dill – Maybe new secretary will allow more budget. Secretary Loveless – Is there anything you recommend hunters look for when they take a deer? Jaster – It is not something you can see when they first contract it. Need to be concerned about all of them, not just the ones that look sick. Commissioner Sporer – Explain after the harvest the testing, the cost? Is it mandatory testing and what is turn-around time? Jaster – Not mandatory, it is voluntary, the test is \$28 and \$35 if you use a particular shipping set up through the Kansas State Veterinary Diagnostic Lab. You would set up an account with them, if it is a private submission, and pay them. In area where we are sampling for the year, pull sample yourself and take to one of our offices, take to district biologist to get it sent or mail. Commissioner Dill – Blood sample, tissue sample or both? Jaster – Both, a tissue sample, we use the lymph nodes in the neck or the brain stem. I recommend if you are not aware of how to pull those samples to get on YouTube to diagnostic lab at Kansas State, they have a good video showing how to collect that tissue to get best sample to get the best results. The turn-around time is 2-3 weeks. Difficult to harvest an animal, go through process of butchering it and then find out you need to dispose it. Commissioner Sporer – You are testing this year in southwest Kansas? Jaster - Finished southwest Kansas in 2018. Commissioner Sporer – If someone harvested deer in south central Kansas and they wanted it

tested they would have to do it through a private laboratory? Jaster – It is the same laboratory, but they would have to pay for it themselves and do a private submission.

Charlie Black – Kansas Wildscape – You talked about economic impact in counties where finding the cases of CWD; if you find one case in a new county, that county turns yellow? Jaster – A new map at end of the year, any new counties would be yellow to show they were the new ones for the year. Black – How long does county stay yellow? Jaster – Forever, once there, typically we see where we first detected in wild herds in Cheyenne, Rawlins, Decatur, Sheridan counties, that is the hot zone, the highest prevalence is there and where it has been the longest time. Black – Does report show number of cases per county? Jaster – We do have a cumulative map that shows it. The highest in a county is 40 cases, since first detected in 2005. We have taken just over 29,000 samples since we started looking for it, at 207 total positives.

Chairman Lauber – I process some of my own deer and take some to processing plants. If you have a locker plant that works on 500 deer they have a lot of bones and waste they have to get rid of. There are a couple of companies, National Byproducts used to be one, that will not take an animal that has been tested. The fear is they have this in their food supply and have a private contractor buy it and put it into dog food, three months later it comes up and six months later they have an entire unknown supply, so the most logical way to test it is at locker plants to get more numbers. People who buy waste products won't let you do that, I understand their point.

Economically there is no incentive for them to do it, just the opposite. If we could prove not fatal to humans or non-ungulates maybe, we could get them to participate more. Jaster – Some states are providing dumpsters for hunters, not for processors or locker plants, still question of disposal and that has a cost associated with it. Some difficult choices will have to be made. Secretary Loveless – Question about data. You have small sample in west, or are you satisfied with that?

Jaster – Sampling protocol was developed through our wildlife disease coordinator in conjunction with some of the federal agencies who oversee some of this. They dictated what they wanted to see if they were going to give us money, we are constantly reviewing that. Right now, we are collecting 450 samples in each zone each year, and we definitely sometimes struggle to get enough; we rely heavily on taxidermists. There is an issue of fatigue in doing that even if we can pay to do that we can't pay enough to get someone to do it, and it does take time. We are going to look at getting much more detailed sampling, with another project we have under review.

Secretary Loveless – Interested in hearing more about that. In counties with it, do you have data on impacts hunting pressure and consumption in those areas? Jaster – Not on consumption, but down to deer management unit number of people hunting there, so some hunting pressure numbers.

Chairman Lauber – There has never been a documented case of this disease in a human has there? It is not likely it can jump, but things happen. Jaster – No.

Research shows the danger is not zero, but very low.

Ron Klataske – Appreciate what you are saying about political challenge on feeding facilities, but in reality, is that a risk factor? In comparison, if we have statewide epidemic of CWD in 15-20 years, the economy in local areas as well as the department will suffer. Begin education on that particular risk factor. Common, started 15-20 years ago. Do a lot of evaluation on how important that is. Chairman Lauber – I agree, and the same thing is on captive deer herds, but there are fewer of them than those who have feeders, but don't know how big of risk that is to the wild either.

Klataske – Philosophically they are confined and don't get out to mix with other wild deer. Some people have feeders running for six months of the year. If there was an infected animal, they could contaminate that area. You need to weigh political with long-term prospect of having deer people don't want to hunt or consume. I have a friend who comes out every year

from Alabama and this year he had to completely debone his animal, otherwise \$10,000 fine in Alabama. Jaster – Through human dimensions work we are going to start with hunters. Down the road, we need to look at economic impacts and look at trade-offs. If no deer hunting in Kansas then no income, public or private.

Break

Chairman Lauber – Ron Wooly is here, was legislator, glad you are here.

6. Birding Initiatives Update – Michael Pearce, outdoor market content manager, Tourism, presented this update to the commission (Exhibit K). Kansas is popular place because of wildlife, Cheyenne Bottoms is very busy. A group of people in France and Germany who have days circled on their calendars to come to Kansas as well as Canadians who are coming to Kansas to bird watch. America has 45- to 50-million bird watchers who spend an estimated \$80 billion dollars into the economy; both of those double about every 10 years. They want to come to Kansas because the same habitat we have for ducks, geese pheasants and deer has other animals in it. The people I have coming are coming to western Kansas to watch lesser prairie chickens (LPC). For several years, some Kansas birders had told me that someone needed to open something up out there because there were no public land places to watch LPCs; and I don't mean just in Kansas, I mean in the five states that have them. Have reservations for one of two ranches in Gove or Logan counties, each has about 200 LPCs, more than any of the other five states that have birds. Contacted four birding tour companies last year; the first one called within 10 minutes and asked me to take 12 people. They all came in the spring, out of British Columbia and Boston; they came in April and paid a good amount of money and were very happy. It has been educational, always wanted to set this up on LPCs; the main reasons weren't for the money, before I took this job I wanted to educate people about LPCs. I explain that natural grazing with cattle that help birds, use cattle to replicate buffalo; graze an area and push them through as a lot of wildlife needs different sizes of grass and by doing that is why they have more LPCs than any other place. I could also show them large tracts of prairie that they had never seen before, with antelope, prairie dogs and coyotes and explain that prairie is the fastest disappearing ecosystem or habitat we have. Also, educate the public in that area on the value of these birds. Last year ranchers earned \$200 to \$700 for just granting access for part of a morning. We asked birders that came in to wear their binoculars everywhere they go in town. Some stay in Scott City and some stay in Oakley because the Hoeme Ranch and Smoky Valley, the Nature Conservancy ranch, are right between those towns. Trying to show that the birds have value, so ranchers are not trying to get rid of them. Most of the birders visit Lake Scott State Park and the same birders will get motel rooms and pay for meals. One couple wants to visit the Flint Hills Trail and another Cheyenne Bottoms. Education is another goal as we try to teach Kansans the value of non-game species and birders. We also want to educate visiting birders as to the importance of things like good grazing programs to keep grasslands perfect for prairie bird species. Down the road, it's going to take the combined work of consumptive and non-consumptive users to preserve and protect some of Kansas' top habitats. The first step, 18 groups booked this year by word-of-mouth, it is our goal in KDWPT set it up and then back off and leave it to the locals to set up after that, then go somewhere else; we have two locals, one for each ranch lined up and have a local who will take care of all of the book work and the bookings. Next looking at Cheyenne Bottoms and Quivira in the spring, because birds are more colorful

and to not interfere with hunters. Those areas are world class, whooping cranes and shorebirds, have access to lesser prairie chicken grounds south of Great Bend greater prairie chickens (GPC) north of town. I want to have a couple tour guides come in this year. This is state property, we can't interfere with work going on there. It is educational, I will write up promotional pamphlets, so they know who pays for it; I am an avid hunter and I don't mind sharing with bird watchers, we have a lot in common, both sides want the same thing, as hunter numbers go down may need to rely more on non-consumptive people to help pay for habitat. Starting to work on birdwatching on Flint Hills Trail State Park, it is a national-level attraction, and very few trails that have this diversity. It starts at Osawatomie with giant oaks, walnut and timber and goes right into the heart of the Flint Hills, ought to be able to see 100 species of birds there. I am working with department and volunteers to get maps done ahead of time to show what habitat is best for pileated woodpecker, or where they can listen to GPCs and name birds in each area. Make it as easy as possible to get into birding, wildlife and habitats. In birding, like hunting, the average age of people is going the wrong direction. While bikers and hikers are young, and if we can get them invested in the wildlife, stop and listen to the birds, once you hear them you stop and listen everywhere you go and then get them to go to more state parks. The potential is there, I am one person, and this is tiny sliver of my job; on federal and state lands don't want to interfere with work. Happy clients bring more happy clients. The hard part is having great natural resources and Kansas has that.

C. Workshop Session

1. E-bicycles – Linda Lanterman, Parks Division director, presented this update to the Commission (Exhibit L). We do have a significant number of constituents that enjoy wildlife viewing in our state parks. E-bicycles is electric assisted, they are still pedaled but they have a motor on them, which is not currently allowed on any of our long trails or trails within our parks. Matt Messina of KDOT is here, he is the grant coordinator for bicycle and pedestrians and several of our trails have received funds from them. I gave you a synopsis (Exhibit M) of what Matt has put together on e-bicycles. As you pedal a bicycle, when you need it then it engages that motor, you still have to pedal but it helps you go up a hill a little better. The Flint Hills Trail has an incline and I can see how that would be better. I did research on it and those that have an e-bicycle, which expensive, they ride more often than those with a regular bicycle. There is some value to it, for health of our constituents and that we should accommodate them. Chairman Lauber – Saw magazine in the dentist's office and saw it advertised and I think they are going to be around more, and price will probably go down.

Chairman Lauber – I went fishing Monday at Clinton and roads were dry and clean all the way down to the boat ramp, appreciated that. Lanterman – Bruce Husman is our park manager there and I like to give him a lot of praise, but every park does that. He has done a good job, thank you.

2. Public Land Regulations – Stuart Schrag, Public Lands Division director, presented this update to the commission (Exhibit N). Proposed changes to a couple of public land regulations. Under 115-8-1, subsection (e) of public reference document: under age restriction, Region 1, Jamestown Wildlife Area (WA), Ringneck and Puddler marshes, mentor areas for all species and all seasons; we want to remove Puddler Marsh and open that to general public.

Under non-toxic shot, designated dove fields, under Region 1, Glen Elder, Jamestown and Ottawa we want to remove from designated dove fields for non-toxic shot only; at Glen Elder fields move every year and all of Jamestown requires nontoxic shot; at Ottawa dove fields are designated only occasionally and get minimal use and Lead concentrations and contamination issues have decreased to the point we want to remove those. Under boating restrictions, no motorized boats Region 1 under Jamestown WA; currently Pintail, Puddler and Buffalo Creek marshes and we would like to add Gamekeeper West marsh at Jamestown and also include Talmo marsh, northeast of Concordia. Under refuges, subsection (a) Refuge Area Closed to All Activities Year-round, under Region 3, we would like to include Byron Walker WA, it has been a designate refuge around the headquarters and is posted, but with new highway expansion we want to move signage so more readily identifiable.

Under 115-8-2, blinds, stands and decoys; subsection (i) portable blinds shall not be left unattended overnight; brought up a year ago in Wichita, discussed and department recommendation is to strike that subsection from this regulation. We felt not allowing portable blinds to be left overnight was a deterrent to our R3 program; youth mentor participants rely heavily on portable blinds; so, remove that restriction. Doing that will not affect any of the other conditions under this regulation, such as no more than two portable blinds per property, still have to be tagged and anybody can use them; those are outlined in this regulation. Chairman Lauber – There were compelling arguments by the public. Secretary Loveless – They can be left but it is understood it is first come, first serve? Schrag – Yes, just like tree stands and other blinds.

3. Squirrel Regulations – Kent Fricke, small game biologist, presented this report to the Commission (Exhibit O). Staff was made aware that calling squirrels was not allowed in our regulations. Calling squirrels is a common hunting technique and does not conflict with other hunting activities. Staff is recommending change to 115-3-2; we want to make that legal with language highlighted at end of briefing item, inclusion of lures, decoys and calls, including electronic calls, under legal accessory equipment. Chairman Lauber – Second time we workshopped this. Tymeson – We will vote in March.

4. Furbearer Regulations – Matt Peek, wildlife biologist, presented this report to the Commission (Exhibit P). Talking about a series of regulations dealing with furbearers, which were last considered in 2013. Several regulations are included in furbearer regulations and we'll talk about them one at a time. Starting with KAR 115-5-1, furbearers and coyote legal equipment, taking methods and general provisions. At last meeting, brought up considering air rifles, but after further discussion, we decided not to make that recommendation at this time. The second item is clarification of body-gripping trap regulation. Currently body-gripping traps with a spread of eight inches or greater can only be used in water sets and we recommend clarifying that eight inches should be measured across the jaw with jaws at a 90-degree angle. The third item is that furbearer and coyote hunting is allowed at night, but you can't use lights or night-vision in order to hunt them. We have received a lot of comments from people interested in being able to do this. We considered extensively in-house and based on concerns expressed by law enforcement we are not recommending a change at this time, but we have left in briefing book for discussion. Chairman Lauber – Agree with department recommendation on lights and night hunting, but issue is going to continue to come up. This has become an economic issue for the providers of the product, there are more users and it is a new sport where people can use new stuff on the market. Will have to consider this again later on. Commissioner Dill – I got a lot of

calls and emails, felt good idea and not detrimental to law enforcement. I think it will happen eventually, too. Secretary Loveless – What do neighbor states do? Peek – Most of them do allow it and we put together a summary we handed out last commission meeting. Iowa, Missouri, Oklahoma and Wisconsin don't allow, some have restrictive season dates and some limit how far you have to be from a vehicle, or may limit caliber of rifle, or just certain species; it is variable, lots of things states have done to make it more palatable. Chairman Lauber – Kicking the can down the road, but not going against recommendation, expect to discuss again next year.

115-5-2, furbearer and coyote possession, disposal and general provisions; language clarification between 5-2(a) and 5-2(b) take out duplication language; and eliminate requirement to surrender otter teeth in (f)(2) to get them aged, don't have to do that anymore. Will put multiple year's information into a model, about 70 percent of harvest are young of year so reproductive rates are effective and ages range up to 12 years old. Chairman Lauber – How old do they get? Peek – That is long in the wild, in captivity can live up to age 20.

115-5-4 is nonresident bobcat hunter permit, this is tagging and other provisions. Permit is currently not valid until the next calendar day and this stipulation was eliminated for big game and turkey as a result of internet sales, so we should, for consistency, do the same here.

Regulation also states that removal of the carcass tag from permit invalidates it, and that is no longer valid with online sales.

115-6-1 is fur dealer's license, application, authority and possession. Current regulation says that bobcats, otters and swift fox may only be purchased if they have a pelt tag from the state they were harvested. Otter and bobcats are federally mandated to be tagged under CITES, so they are always pelt tagged. Our swift fox program is state mandated and there are some states that allow swift fox harvest without requiring tags, so we want to remove swift fox from this regulation, so fur dealers can legally buy them. Chairman Lauber – How many fur dealers do we have? Peek – Usually around 30 to 35, some are taxidermists. Anybody who buys a raw furbearer for taxidermy or pelt has to have one. A handful of taxidermists buy one in order to buy animals to sell mounted furbearers. Chairman Lauber – What do they pay for that? Peek – I don't know, variable based on animal. Chairman Lauber - How much is the license? Is it complicated to get? Peek – No, just a one-page application and they have to renew every year. Miller – It is \$102.50 per year for residents.

115-13-4, field trial permit for furbearers and coyotes; currently requires map of the specific areas where the field trials are to occur, and we want to modify requirement so only the headquarters and county of the event needs to be identified. The current regulation is written where a field trial with an animal in a cage would be used; typically, in Kansas it is a night hunt where you turn dogs out hunting wild raccoons, so they may end up with 20 or more hunting locations in one-night hunt. This is a simplification of the application process that was requested by organizers of these hunts.

115-25-11, furbearer open season and bag limits; we recommend increasing bag limit on otters from two to five, population is healthy, reproducing well and gradually expanding into central Kansas. Not in western Kansas where there is not sufficient water to hold them; the greatest numbers are in southeast and eastern Kansas. That is where greatest push is to increase the quota related to damage. When they get into ponds where people live, they can bring in a trapper but there may be more than two otters in a single pond. There is a lot of interest to help people removing problem otters. Where populations are lower, it doesn't make sense to wait until they become abundant, on edge of their territory. Current harvest is caught incidentally in trapping other animals, will give people better chance to utilize the resource. We are considering changing

the opener to midnight on day season opens instead of noon, so trappers can set traps in the morning. Used to be competition between houndsmen with raccoon harvest, not what it once was. Chairman Lauber – Moving it to calendar day at midnight? Peek – Yes, taking input on that right now. Chairman Lauber – Have you gotten many comments? Peek – Get comments every year in furbearer harvest surveys every year from trappers who take the day off and want to be able to trap in the morning. Chairman Lauber – Not controversial.

5. Coast Guard Navigation Rules – Dan Heskett, assistant Law Enforcement Division director, presented this update to the Commission (Exhibit Q). Proposal is to adopt by CFR, title 33, part 83 of code of federal regulation as our regulation. It pertains to inland navigation rules. We are federally funded in recreational safe boating program, Sportfish Restoration trust fund administered by the U.S. Coast Guard. Every three years they do a site visit every and August of 2017 they found us in noncompliance of our navigation rule. That rule used to be by a policy with the U.S. Coast Guard where they didn't enforce it on the states; in 2014 that was changed to code of federal regulation, so the Coast Guard has been working with states to try and get them into compliance with language of the CFR.

6. Unmanned Aerial Vehicles (UAV) – Rich Schultheis, migratory game bird biologist, presented this update to the Commission (Exhibit R). No information on what changes will be at this time. Current regulations do apply to unmanned vehicles in addition to manned aircraft and mainly working on clarification to make things for straightforward where our regulations are concerned. Chairman Lauber – If I have a drone can I use it to locate game? Schultheis – In some scenarios, yes. On private land and not at a time you were actively hunting. In FAQ available online if it uses the same day is what the cut off might be; you could locate something on your property and on another day could be hunting that same property, so that would be an allowable scenario. Chairman Lauber – Some attendees at WAFWA said you can use to locate, but had to hunt the next day, not same day. Schultheis – Same rule for manned aircraft as well. Chairman Lauber – This is coming, it is still new. Commissioner Cross – What about schooling fish? Schultheis – That would not be a permitted activity. Tymeson – Using to take, versus using a drone to take a picture. Take, in a broad sense in our definition is basically doing anything using that aircraft to gain advantage and harvest that animal; so, can't use to chase fish, can't use to locate game and then take game the same day, that is using drone to take deer and that is prohibited by our rules. You can use it to photograph wildlife or scout the day before, that is where things are grayer and that is why places have airborne hunting rules. Like in Alaska, you can't fly in, locate a moose on way in and then go shoot it.

7. Electronic Licensing Update – Todd Workman, assistant secretary, presented this report to the Commission. I'm head of licensing committee that has been implementing churn strategies for several years. The first plank was multi-year licenses and second and third plank we launched together, the 365-day license and auto-renewal. The fourth plank is e-licensing. Multi-year licenses are currently implemented and being measured to see if we are getting those folks that don't buy a license every year and we find we are hitting that target. The 365-day licenses and auto-renew; just got back from Denver and those two things came up constantly from people from out-of-state who came and talked to our booth; positive things. Third highest category for auto-renewal is nonresidents, they like our state, utilize the program and feel they are getting their money's worth from the 365-day license. E-licensing will go off in two phases:

phase one should be completed by end of May or mid-June, the main frame; the second part will be the reporting part; both the canned reports and field reporting like i-Sportsmen and things like that. We don't have a solid date on when that will be completed. One of the things in our way of getting e-licenses done is removal of the fee for duplicate licenses, which you will vote on in March.

VII. RECESS AT 3:53 p.m.

VIII. RECONVENE AT 6:30 p.m.

IX. RE-INTRODUCTION OF COMMISSIONERS AND GUESTS

X. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

None

VI. DEPARTMENT REPORT

B. General Discussion (continued evening)

7. Track Chair Update (ASK Program) – Jess Rice, ASK (Adaptive Sportsmen of Kansas) program coordinator, presented this report to the commission (Exhibit S). This is a recently introduced program that aims at increasing accessibility for disabled individuals through the purchase of track-driven wheelchairs. We purchased eight chairs and will eventually be housed in four corners of the state in pairs. They will have a trailer with a generator, so they can be charged on-the-go. We hosted a hunter through a program called Operation Pay It Forward, a program that has veterans come through and do hunts. This gentleman came from Arizona and was paraplegic. He filled both of his tags, so it was a successful hunt. We were able to see not only things that may trip us up in the implementation of this program, so we can plan for that; but also, able to see the capabilities of the chairs because there was six inches of snow on the ground, which was no problem. We have a couple of upcoming events; the Outdoor mentor group is hosting a disabled young man whose deer hunting equipment was stolen this past season, so they have coordinated with a landowner and will be taking this boy out to harvest a turkey during youth spring turkey. Several landowners have donated use of their land for upcoming hunts during deer season and have a couple of hunters lined up. Those will be guided by Michael Pearce. We have a spring turkey hunt at Timber Hills Lake Ranch, we will host two hunters and their caretakers the weekend of April 26. In order to promote the program Todd went to the Denver Sport Show; he made several contacts with private landowners and organizations that are interested in coordinating and participating with us for future hunts. We do plan on attending the R3 summit and the Monster Buck Classic coming up on January 26 in an effort to promote the program. We are trying to make Kansas conservation organizations in Kansas aware that this resource is available to them. Recently purchased new accessories for the track chairs. After the first hunt we realized our gun mounts were a little precarious, so we ordered a different accessory to allow for safer operation and storage of guns. Also purchased accessories for remote operation, basically someone can be 6 feet behind the track chair and be in complete control of the chair. This can be used for bird hunting or a kid who is trying to fish or needs both hands to

control their pole and someone else can be in control behind them. We purchased four, so each pair of chairs has one. Spoke to assistant editor of the NRA American Hunter magazine today and they will be featuring the program in the March 2019 issue. They have also expressed interest in covering the Operation Pay It Forward hunt for online publication. Still planning on continuing fund-raising efforts through June with \$15,000 left to be raised. Commissioner Cross – How many chairs total? Rice – Eight.

C. Workshop Session (continued evening)

8. Antelope Regulations (KAR 115-25-7) – Matt Peek, furbearer biologist, presented this report to the Commission (Exhibit T). Everything is standard as far as season dates. We are waiting on winter surveys to come up with permit allocations for limited draw permits. We had those scheduled but due to partial snow cover there has been delays; waiting for snow to melt or we can go with complete snow cover, but not partial. If we can't get that we will come up with permit allocations based on this year's harvest success and summer production survey results. I posted harvest report online. Estimated harvest at 236 animals, third highest on record; 63 during archery, the most ever, those are over the counter, sold 318 and had a 23 percent success rate, usually 12-15 percent range. Other measures from harvest survey were standard. Chairman Lauber – How much time until you have to set allocations? Tymeson – Depends on whether we vote in March or April.

9. Elk 25-Series Regulations (115-25-8) – Matt Peek, furbearer biologist, presented this report to the Commission (Exhibit U). No changes to season structure, bag limit or permit type. Permit allocations will be done at same time as pronghorn. Fort usually does a survey but usually after we set permit allocations. The current season is ongoing, but we know of at least 25 elk killed in the state, that number is without hearing from the rest of the over-the-counter permits throughout the remainder of the state. On Fort Riley, 11 of the 13 any-elk permit holders were successful and I believe they all killed bulls and eight of 16 antlerless elk permits were filled on the Fort. Those are good success rates considering the Fort was closed for a big chunk of this season; not very assessable this year. In addition, I know of four bulls and two cows that have been killed on private land in the state. We are off to a good start and have a couple months left. Last season we added August season for crop damage and I have not heard of any elk killed because of that. We shrunk buffer zone around Fort Riley to allow more elk assessable to general hunters buying over-the-counter permits and have not heard of any killed in that area.

10. Big Game Regulations – Levi Jaster, big game research biologist, presented this report to the Commission (Exhibit V). Discussing permanent big game regulations, I will go through only the ones we are proposing changes on. In 115-4-4, big game legal equipment, and taking methods; new equipment always coming out, evaluating large bore air rifles and tumble-upon-impact centerfire ammunition. Have proposed change to allow tumbling ammunition; it tumbles end-over-end rather than mushrooming to create large wound cavity. Looking for comment on that. Chairman Lauber – Where is that in briefing book? Jaster – I apologize it did not get changed, I had strep throat and was trying to do it from home. Chairman Lauber – The change for tumble-upon-impact, the department is going to recommend that be included in legal projectiles? Jaster – Yes, unless we get a lot of public comment in opposition. Chairman Lauber – Will we have one more opportunity to workshop this? Tymeson – It will be voted on in March.

Chairman Lauber – Will that be an amendment? Tymeson – It will be an amended regulation placed before you; it is already drafted. Not an amendment to the proposal. Ryan Kraft – I have more information for you if you want to see it. Chairman Lauber – I don't think we need to, all of us have seen it. Secretary Loveless – What are the downsides or concerns of it? Jaster – The concern would be whether or not, by not mushrooming, using a different method it would achieve enough of a wound cavity to be ethical way to harvest big game. Looking at information provided by manufacturers it appears it would be as ethical as normal mushrooming, expanding ammunition. Ryan Kraft, Fort Scott Munitions – I would like to show one photograph that should sum it up. Currently this law is confusing, you could say in a way that our ammunition expands because there is more surface area on the side of a car sliding sideways. What is created is faster blood pressure drop and quick incapacitation of the animal and the animal would suffer less. Biggest point is the difference in the wound cavity. As far as ethical enough to take large game I have a video of a bear taken with a .380 ACP. If we could get tumble-upon-impact ammunition added to the law that would bring more money and jobs back to Kansas as we are a Kansas-based company. The bear in the video was 200 pounds and did not feel a thing. Jaster – The next change is 115-4-11, big game turkey permit applications, due to recent changes in elk season we propose changing application period to second Friday in June from second Friday in July. We need more time for elk hunters to get permits before the start of the season with it beginning earlier. Also, shifting either-species either-sex deer application deadline to same date, second Friday in June.

11. Deer 25-Series Regulations – Levi Jaster, big game research biologist, presented this report to the Commission (Exhibit W). This regulation sets state deer seasons; following traditional season structure We have proposed, and are seeking comments on, adjusting October 12-14 pre-rut whitetail antlerless season, to include youth and disability either-sex hunting to muzzleloader either-sex hunting during those three days. Comments received so far have been negative, rather we don't change that. Also discussed what we did last year, to have a single day season in some deer management units with only one whitetail antlerless deer permit in January. We have had a lot of requests to provide additional days to make it 2-3 days instead; too hard with one day and possible bad weather. Rest of seasons would hold as it has been in the past (Exhibit X). Commissioner Dill – What about the one day? Jaster – In January in some units there is only a one-day season to provide additional opportunity, request was to make it two to three days instead of one. Chairman Lauber – Would that effect the population? Jaster – Very little, even if we added three days there would still be no weekend day. Majority of deer are killed on a Saturday. Chairman Lauber – Continuing complaint from KLA to have more additional days, especially in units where biologists determined did not need it. If it doesn't hurt the resource like to accommodate them. Jaster – I looked at that, a couple more days, not including a Saturday, limits the harvest and would not hurt the resource. It would still be limited to one single antlerless permit in those units. Chairman Lauber – We regularly get muzzleloader hunters who want to hunt later in the season. In pre-rut antlerless only you are trying to accommodate those people and you are getting negative comments? Jaster – Concern that we could lose some opportunity for youth because bucks could be taken with firearms by youth or muzzleloaders, felt they could be kicked out by hunters who could hunt bucks in the same area. Chairman Lauber – Not sure how much sense that makes. Jaster - Also, comments from law enforcement on how to regulate that. Tymeson – Need direction tonight so I can draft regulation and not have need for an amendment. Chairman Lauber – Is this staff recommendation that we

do this? Jaster – Still seeking comments. Would likely go to not changing that to include additional days. Chairman Lauber – If staff not supporting and comments are negative, leave it the way it is. *Commissioners agreed.* Chairman Lauber – Straw poll leads toward making no change. We are leaning toward allowing tumble-upon-impact ammunition, so draft accordingly. Commissioner Dill – I would agree with three days instead of one day, with weather iffy and not on a weekend. Chairman Lauber – I agree.

D. Public Hearing

Notice and Submission Forms, Attorney General letters dated September 5 (Exhibit Y).

1. KAR 115-11-2. Controlled shooting areas; operational requirements – Jason Ott, Law Enforcement Division director, presented this regulation to the commission (Exhibit Z). In 2018, HB 2558 extended the game bird hunting season on controlled shooting areas. It was extended from March 31 to April 30. That was signed by the governor and we need to make the change to the regulation in order to credit the birds killed in that extra month to allowable take.

Commissioner Emerick Cross moved to revoke KAR 115-11-2 as presented to the Commission. Commissioner Harrison Williams second.

The roll call vote on to approve was as follows (Exhibit AA):

Commissioner Cross	Yes
Commissioner Dill	Yes
Commissioner Hayzlett	Absent
Commissioner Rider	Absent
Commissioner Sporer	Yes
Commissioner Williams	Yes
Commissioner Lauber	Yes

The motion as presented on 11-2 passed 5-0.

XII. OLD BUSINESS

XIII. OTHER BUSINESS

A. Future Meeting Locations and Dates

March 28, 2019 – Topeka – Capitol Plaza Hotel, Emerald Room

April 25, 2019 – Colby – Colby Community Building

June 13, 2019 – Salina – Rolling Hills Zoo

August 15, 2019 – Kansas City, Johnson County area

XIV. ADJOURNMENT

Adjourned at 7:05 pm.