

**Kansas Department of Wildlife, Parks & Tourism
Commission Meeting Minutes
Thursday, March 28, 2019
Capitol Plaza Hotel, Emerald Rooms
Topeka, Kansas**

Approved Subject to
4/25/19 Commission
Approval

The March 28, 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 Capitol Plaza Hotel in Topeka, Kansas. Chairman Lauber and Commissioners Emerick Cross, Tom Dill, Gary Hayzlett, Aaron Rider, Troy Sporer and Harrison Williams 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

Sheila Kemmis – Kelli Hilliard will present the Tourism Update instead of Colby Terry. Added cabin fees to Public Hearing to be presented by Linda Lanterman. (Agenda – Exhibit B).

IV. APPROVAL OF THE January 17, 2019 MEETING MINUTES

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

V. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

Kurt Ratzlaff, Wichita – I’m here to introduce Backcountry Hunters and Anglers (BHA). I currently serve as the Chair. We had a chapter at K-State and area now expanding across the state. Thanks for freedom to come and talk at this meeting, which is an incredible freedom. BHA is an international organization started in 2004 and quickly became known as the sportsmen’s voice for public lands, public waters and wildlife. Our membership in Kansas takes in freedom to hunt, fish, trap, hike, camp, watch birds, look for morels and lots of other activities in the outdoors. The organization has roots in writings and thoughts of Theodore Roosevelt and Aldo Leopold. Leopold wrote “of what avail are 40 freedoms without a blank spot on the map.” Kansas ranks 49th in 50 states for percentage of public lands. BHA protects and preserves our public lands. The organization was founded by seven outdoorsmen sitting around a campfire. Conversations included concerns that kids and grandkids would not be able to experience public land and adventures as they did. They realized that other organizations like Rocky Mountain Elk Foundation, Pheasants Forever, Ducks Unlimited, National Wild Turkey Federation and other groups do great work, but efforts concentrate on single species and private lands. A group was needed to speak up for public land, public waters and the wildlife that lives there and those seven people began an organization that now covers the United States and Canada and is North

America's fastest growing sportsmen conservation group. Kansas BHA's primary objective is to educate Kansans about public lands available here and incredible benefits that can be derived from simply going to those places. Given the small amount of public land and water available to us locally, it is logical that a lot of Kansans have limited understanding of the benefits that can be obtained by simply spending some time in a quiet place in the outdoors. We have had the opportunity to meet and begin conversations with Stuart Schrag and Ryan Stucky. Additionally, BHA has a national R3 coordinator and we have a state R3 coordinator that has already begun work with the department's R3 program. Our group is made up of people who take action, not just talk about it. Most of our membership is in the 25-40 age group, and they are passionate and social media savvy. Here in Kansas, we've conducted a few main events, called pint nights, where we get together and have a couple pints our favorite beverage and talk about favorite stories and what has happened on public land adventures and problems that have come up. The level of camaraderie has been amazing. We each felt like we were the only ones who do what we do and felt like we felt. It is empowering, now, to have a way to connect our voices and express our opinions. Theodore Roosevelt quote "I dream of (Kansans) who take the next step instead of worrying about the next thousand steps." We look forward to taking action with the department and thank you for opportunity to come here today. Commissioner Rider – Do you have any programs you are implementing into school systems? Ratzlaff – We are working on that, but not right now. We have a young man on board of directors who is a teacher in western Kansas who has developed a program teaching camping skills and then he takes them to Rocky Mountain National Park as a summer trip. We are excited to look into options like that as education is what we can accomplish here in Kansas, the opportunity to be outdoors can be taught at school classroom level. We are in favor of that.

Chairman Lauber – Since the last meeting, a man contacted me about using air rifles for hunting predators. We will continue to get more public interest and advocacy for this type of thing. Anytime something new we get an outcry for using that new equipment. Received heartfelt letter from lady about wind turbines near Cheney State Park. I think a couple of commissioners have talked to her or emailed her. I'm not sure that there is anything wrong or they are doing anything inappropriate, not sure I want to see those big turbines when on state property, but not on park property and within their rights to do that. Felt bad because the email was lost in cyber space. We can share our opinions on wind turbines. Not sure agency has a stand. Not sure I have the right to stop someone from putting them in. Told her I would bring it up. Secretary Loveless – Chris Berens is our expert and we can talk about it whenever you want to talk about it. Chris Berens – We have addressed working with development companies last two or three years. We only have authority to review for threatened and endangered species impacts. We have talked in the past about our wind position statement; we recommend a 3-mile set back, but it's not a law, just a recommendation. Not sure if they are developing within that 3-mile buffer or not. Chairman Lauber – Not sure T&E involved but perceived by some as unsightly. As long as it doesn't affect the resources we look after not sure we should do more than that but caught me off guard. That satisfies me. Commissioner Cross – We have no standing as a commission to take any action or prevent anything like that? Chris Tymeson – No, the statutory authority is just to review the projects for impacts to threatened and endangered species, other than that no authority to prevent or take a position. We have a wind position paper that is all we can do. Commissioner Cross – To be clear to the complainant there is no other action we can do. Chairman Lauber – My comment was we didn't have standing to do anything.

Secretary Loveless – We had discussions, and two months ago I was on utility side of this, as we were siting wind farms buy in power from developers as part of Westar Energy, we had a lot of conversations with the department and The Nature Conservancy (TNC) and found them to be helpful to us in making our decisions to put in spots with least impacts on environment. Some potential buyers are afraid of that conversation with us because of the open records requirements. They would like those conversations confidential. We are straddling the fence where we need to be open and transparent but at same time be a voice in the discussion to inform potential buyers about problems and benefits of various projects based on environmental impacts. We are trying to navigate that right now, to provide input to the process but not be a threat to the developers. TNC can do that. Berens – We do work with them to try and avoid certain impacts in certain areas, the next step is minimization of impacts and ultimately if they can't move development, we have to mitigate. Chairman Lauber – Not sure we can do anything else. Rob Manes, TNC Director – Going back 10 years ago the department had input into a product we call Site Wind Right, an online public geospatial database that wind energy developers can use to look through several dozen data layers about environmental impacts, ecological impacts and sensitive species impacts to see if they are in a good spot or bad spot from an environmental standpoint. The department and virtually all of the academic and ecological experts in the state had input into this. For the most part they are using it. Most developers are avoiding places that have significant detriments to wildlife by using it. Google Site Wind Right. That product is being used in all 17 states where wind energy in U.S. is being produced now. We pioneered that and there is no excuse to put turbines in a bad spot ecologically.

VI. DEPARTMENT REPORT

A. Secretary's Remarks

1. Agency and State Fiscal Status – Brad Loveless, secretary, presented this update to the Commission (Exhibit D). – Appreciate Backcountry Hunters and Anglers being here. I met the CEO a few weeks ago in Denver and the R3 presentation was impressive; shooting sports like shotgun and archery are really expanding, exciting news. You have a great program and we would love to coordinate that with you and look forward to talking to you about that. One of the first numbers I learned when I joined this agency was forty-ninth, not proud of that but I have had a lot of conversations with legislators lately and some see that as a problem and others don't. We would love to cooperate with you in informing people, so they can make good decisions. Had a positive meeting yesterday with Stuart and Ryan talking about this; look forward to more positive conversations.

The agency is healthy and doing well, enjoy working with fine staff. Budget intact and working its way through the legislative process, right now House Budget has reduced our request by \$100,000 in land acquisition, rather than fully funding it, but I don't see that as a problem right now because we have existing authorization. The Senate went through a process where they removed funding from several different categories with the promise that they would try to put it back in and some of that has been restored and are negotiating in budget conference committee, which should be finished next week. We are concerned about law enforcement (LE) supplemental request for salaries, \$1.125 million, to cover funding promised to LE, cut by both House and Senate but said they will address it in omnibus budget. If no, we will have to pick up in budget for next year. EDIF stayed the same, about \$5 million total. We don't get state general

fund money so that is only money we get from the state. In terms of cabins, revenue for FY18 was best ever, up \$1.26 million above revenue from previous year, Linda is a budget hawk when it comes to managing that; very careful with that money. At this time last year, because of long cold winter we were down seven percent, expect that to go up and even out going into the spring. State park revenue is up slightly, 2.25 percent from last year, and they try and keep \$5 million in their budget and looking to build more cabins. There is a cabin bill trying to work its way through the legislative process on dynamic funding. We hear time and time that we need more cabins and trying to prepare for that. Wildlife Fee Fund is down 14 percent overall, not sure of impact of 365-day licenses will affect the numbers. So far turkey applications are holding steady, like to keep \$18-\$20 million at end of fiscal year and looking good for that. We rely on Pittman-Robertson (PR) and Dingle-Johnson (DJ) money and have concerns these will be affected because of reduced gun sales — PR is down 15 percent and DJ is up three percent. Not a bad budget picture. Chairman Lauber — On cabins, at one point we had a relationship with the Department of Corrections, is that something we can look at? The public liked the concept but there might be administrative problems with it and I didn't know if that was still a possibility? Secretary Loveless — People think that is a great idea, it helps the health of Kansas, but a complicated relationship. Prison system is complex right now. I have talked to Secretary of Corrections and they are interested in building that back up. That is not our only tool when it comes to building cabins; parks can deal with private contractors. We will be looking at all options when it comes to that and try to be smart about what builders we choose, depending on urgency and requirements for various cabins. We share your sentiments about that being positive for the state. It has become complex because of that department's budget problems. They have said, to resurrect the program they are going to have to manage monies in different ways; like paying for materials up front; complexities but nothing we can't overcome. Completed our annual reports and Ron Kaufman is going to hand those out (Exhibit D), a summary of what is going on in the department, some programmatic details and highlights you may not have been exposed to. Ron has done a great job of summarizing with input from throughout the agency.

2. 2019 Legislature — Chris Tymeson, chief legal counsel, presented this update to the Commission — Legislature is on first year of two-year cycle, track about 120 bills every day, some not directly, some may impact the parks or KPERS. This year we have six bills on the website that directly impact constituents instead of 20. Brad's confirmation hearing is next Wednesday at 8:30 in Senate Ag and Natural Resources. The legislature finished their regular session yesterday, come back next week to talk about conference committees and then break for three weeks then back first of May for veto session. Bills are still moving. Technically if they are not out of the second House by yesterday, they should be dead, but nothing is ever dead in the legislature. SB 49, department initiative, deals with cabins, reintroduced this year and allows dynamic pricing in state park cabins and campsites. If, for example, Milford had a blue-green algae bloom and participation at Milford SP declined, the system would recognize that and automatically set a price differential to encourage people to go. Likewise, on high demand weekends it might increase it slightly. The bill had a hearing in the Senate, passed Senate committee, then Senate floor 29-11. Went to the House, had hearing, passed out of committee and sat on House floor, thought would move but did not, yesterday rereferred to Appropriations, which is called blessing a bill, which exempts the bill, that is why I say nothing is ever dead. They did not strike it from the calendar, so it is still a vehicle for other nefarious purposes. Expect to come out of committee on Monday or Tuesday and see where it goes. Discussion in

committee on that bill that dealt with transient guest tax and sales tax and collection of those and I would anticipate if it moves forward there will be amendments to that affect. SB 50 – Also last year’s bill, increases caps on license fees, when introduced misinformation was put out on social media and got a few stories about it and the Chairman decided he wasn’t going to work the bill this year; still alive for next year. There will be more discussion and work on behalf of the department after the legislature leaves. HB 2062 – Deals with recreational rail trails, there was a hearing and some discussion about some difficulty with trails, not ours, but volunteer-led trail, which is a difficult scenario when you talk about funding, volunteer labor but difficult to raise funding and some would like no trails. They had a subcommittee meeting and they were going to recommend having some meetings over the summer to bring parties together in some middle ground. Mostly it dealt with bonding requirements for trail groups to follow through financially and financially be responsible for issues associated with trails. HB 2099 – A department initiative moving LE officers into Kansas Police and Fire (KP&F) out of KPERs, necessary for long term health of the agency. The bill had a hearing, passed out of committee without objection but languished on the House floor and stricken from the calendar. We will have to have another discussion and reintroduce that bill next session. HB 2167 – Was deer transferable permits. Started in House Commerce committee; would allow landowners to get Hunt-Own-Land permit and it transfer to nonresident. It is not well drafted, some items in there that are not clear. Amendments out of House committee, we opposed it, but we were the only testimony, it passed House floor 63-60. It takes 63 votes to pass House floor. Subsequently we have had some legislators contact us who felt they went the wrong way on the vote so not sure it would pass the House floor again. It had a hearing in Senate and seven opponents who gave oral testimony; each from a different angle, even an outfitter from Texas, tabled bill. Late last week un-tabled bill and took provisions of another bill, creating a substitute bill, related to industrial commercial hemp and it doesn’t deal with deer permits anymore. That doesn’t mean it can’t rear its head again in some other form, likely as an amendment to a bill crossing the House floor. One other bill, HB 2397 – deals with lions and tigers, the same captive wildlife safety bill introduced last year and year before. Chairman Lauber – HB 2397, do we have an opinion on that bill? Tymeson – We have not. There have been bills both ways, one to reduce the possession requirement and one to increase. This one would add primates and wolves including hybrids to list of prohibited species. Lots of issues when you talk about hybrids and there are a few other things in the bill; it would be more difficult to possess those animals. Chairman Lauber – HB 2167, junk deer bill, even though able to defeat this year, it can come back next year. Will it come back 2167 as deer bill or hemp? Tymeson - 2167 is a substitute bill, so it will not come back as 2167, it will be an amendment or a new bill. Chairman Lauber – This bill is in the worst interest of Kansas sportsmen and appreciate those who took their time to try get this bill defeated. Hard to explain, applaud department for doing what they did to get rid of that; bad public policy and void of science. Secretary Loveless – We rely heavily on the best science, relied on Levi Jaster instrumental in helping us put together fact sheets, so produced good, effective, talking points that we distributed liberally. I sat down with lots of legislators who said they were getting bombarded with phone calls and emails from sportsmen and women across the state; people came to our aid on this. Tymeson – Not just Brad and I but many people emailing and calling, coming to testify and taking time out of their day to contact their legislators with their concerns. Chairman Lauber – Thanks to everyone who helped on that.

3. Tourism Update – Kelli Hillard, Tourism fiscal manager, presented this update to the Commission – Tourism in 2017 economic impact was \$11 billion, increasing every year, last year led by recreational activities and people dining out. Partnering with a company called Arrivalist, information on that in report 2018 Annual Report; they are an intelligence company that helps track our return on investment on digital ads we post. Last year they partnered with us in developing the “most visited” awards. They captured information from people who traveled at least 50 miles, stayed 30 minutes and didn’t visit an attraction, more than once in a two-week period. Awards were: for attraction, Massachusetts Street in Lawrence; zoos and parks, Sedgwick County Zoo; farms and ranches, Ringneck Ranch; breweries/wineries/distilleries, Gella’s in Hays; large hotel, Great Wolf Lodge; and casino, Kansas Star Casino. Marketing with different personas, can find those on our website. Right now, we have a birding digital ad, cycling and angler. With birding ads targeted Nebraska to see Sandhill cranes and the lesser prairie chickens; have had great click through and utilizing that data with Arrivalist to see if people actually came to Kansas because they saw those ads. Working on spring TV campaign April 22-May 26; featuring weekend getaway ads that you can currently see on our YouTube channel. Continuing to add content to website, with pages for state parks, outdoor opportunities and with blogs; if you want to follow those. This week, ad agency is out doing spring turkey shoot and doing radio ads that will be featuring that as well. On April 23 doing first Kansas media marketplace, inviting media from entire state as well as outside the state to come in and learn what our destinations we have to offer and hopefully gather some new story ideas they can publish. A lot of conferences are coming to the state this summer and fall, including WAFWA, Poma and Midwest Travel Journalist Association, working with those communities and conferences and doing pre- and post-tours to get them out to see what there is to do and see in the state. Annual road show where staff goes out to educate the industry about what our office does and what we can provide for them, June 24-28. Tourism director position is open again, hopefully we have some applicants and have new director by next Commission meeting.

B. General Discussion

1. Commissioner Permit Redraw – Mike Miller, chief of Information Production Section and magazine editor, presented this update to the Commission (Exhibit E). After drawing in January, it was determined that one of the chapters drawn was not an active chapter and statute requires that. We drew from 176 applicants initially, NRA Caldwell chapter has been revoked, and we need to draw one number. Everything drawn in January were deer permits so we still have an elk and antelope permit, but decision is up to the chapter we draw.

Aaron Rider drew winner (Exhibit F): #53 DU Grant County Chapter 59, deer.

Sheila Kemmis – All of the permits drawn in January have been sold, they are selling in the \$15,000 range. Miller – They seem to go fast, had outfitter contact me to find out who was drawn and how he could get ahold of them. They have figured out the marketing aspect of this.

2. Fee Discussion – Mike Miller, chief of Information Production Section and magazine editor, presented this update to the Commission (Exhibit G, PowerPoint – Exhibit H). Chris asked me to talk about SB 50 on raising the caps on licenses and permits in statute, the regulatory process and addressing some of the issues we dealt with on negative publicity. A

flurry of negative publicity came out in January after SB 50 was proposed to raise the caps in statute. It had nothing to do with fee increases as we do that through the regulatory process. It was subsequently stricken from the calendar. Adjusting caps in statute is necessary so we can do future incremental fee increases as deemed necessary. The last fee increase in 2016 pushed some of our fees near, or at their caps. Our nonresident deer is \$400, we charge \$415 because it is a combo permit, you get an either-sex and an antlerless permit. Our lifetime licenses are at their caps and there are some that are a long way from their caps and we didn't recommend changes in those fee caps. Any fee increases go through a minimum of three public meetings, general discussion, workshop and public hearing and are approved by the commission. I've put together a graph to give perspective: from 1980-2002 we show a pattern of incremental increases every few years. In 1980 a fishing license was \$7, a hunting license was \$7, a combination license was \$14, nonresident hunt was \$35 and deer and turkey permits were \$20; in 1980 the average car cost \$7,200, a gallon of gas was \$1.00, a box of 12-gauge game loads were \$2.49 and pound of hamburger was \$1.39. In 1982, we had a \$1 increase, from \$7 to \$8, in hunting license, but fishing licenses went up \$4. That was the year we added the \$3 hatchery fee; the department used revenue bonds to build the \$6.5 million Milford Fish Hatchery. The fee was removed in 1991. Nonresidents went up with a bigger percentage each time we raised fees; in 1982, went to \$40. In 1984, saw another \$1 increase on hunting and fishing licenses and nonresident went up \$10. We added a \$0.50 vendor fee that was added at the point of purchase and went to the vendors. Deer permits in 1984 went from \$20 to \$30 and stayed there until 2016. In 1987 had another \$1 increase and then a five-year span with no changes. In 1993, hunting license went up \$3 and nonresident went up to \$60. In 1996, a \$2 increase for residents and \$5 for nonresidents. In 2003, vendor fee increased to \$1. In 2005, license sales went online, and we had an outside vendor who began compiling all of our license and permits sales data; before that all of our records were on paper copies in boxes and it was difficult to research. That vendor's fee was \$1.50. Other than vendor fees, the fees remained stable from 2002 to 2016, a long stretch. A few fees were adjusted during that time span. We reduced youth fees and increased nonresident deer permit fees. Staff discussed raising fees during that time but declined to bring recommendations to the commission and there were a couple of reasons we could do that. One was deer population continued to grow and permit sales and revenue continued to increase. Staff were diligent in finding programs reimbursable by the Wildlife and Sportfish Restoration program and leveraged our fee fund as much as possible. And when step increases for state employees were frozen in 2002, our salaries remained stable. In 2015 staff began looking at recommendations for fee increases. Inflation had increased the cost of doing business by more than 27 percent and it was determined that to maintain key fish and wildlife programs, law enforcement and day to day activities, we had to increase revenue. Fee increases established in 2016 were done through internal and public meetings. We compared fees of other states with similar opportunities, worked with this commission and stayed within the caps in statute. Today resident hunting and fishing licenses are \$25 each, a hunt/fish combo is \$45, resident deer permit is \$40, and a nonresident hunt is \$95. The average cost of a new car is \$35,000, gas is \$2.50 a gallon, pound of hamburger is \$4, and that 12-gauge box of shells is \$7. Our license fees are a bargain when you consider what you receive compared to what other leisure activities cost. The advancements in fish and wildlife management have provided opportunities that 30-35 years ago we could not have imagined. Kansas is considered one of the top states in the nation for trophy whitetails. We are embarking on the first of its kind deer research project in western Kansas that is going to give us some answers on whitetail and mule deer biology. Pheasant and Quail initiatives work with private

landowners to provide wildlife habitat and habitat enhancement plans; provide cost share programs to improve habitat. We have a Habitat First program in the wildlife division that works with landowners across the state to improve wildlife habitat on their land, provide plans, cost share programs and loan equipment and even labor to get practices in place. We have a new walleye initiative that through intensive culture is providing tens of thousands of seven- to nine-inch walleye for stocking that are increasing survival rates of stocked fish and bolstering populations immediately. The early spawn largemouth bass program is providing fingerlings that have a two-month head start and stockers and are growing more than twice as fast in the first year as natural fish, which has potential for a huge impact. We have a number of reservoirs known nationally for trophy blue catfish, producing fish in the 30- to 80-pound range. Major wetlands such as Jamestown and Neosho have seen significant renovations and we are looking at a major renovation project at Cheyenne Bottoms. The game wardens have never been better equipped and trained and staff is working to fill all of the open positions. Everyone involved in fee cap increase may need perspective in case anyone questions you about this. I was involved in proposal made in 2015, and the most common comment was, "I can support fee increases if the money goes to the right thing" so I wanted to show you where money comes from and where it goes. Opportunities are better than they ever have been because hunters and anglers willing to pay for it and because staff has used those monies wisely and efficiently. Hunting and fishing license revenue is largest, and you can see how important the Wildlife and Sportfish Restoration money is and that is based on the number of licenses we sell every year so important to keep those numbers up. Nonresident hunt, resident hunt, and it is amazing that lifetime license have continued to be popular, even when we increased to \$500; since 1983, sold more than 40,000 lifetime licenses and it is really tough when somebody calls and wants to know how many hunting licenses we sell compared to 1980, for example, when we had resident and nonresident licenses and now we have so many licenses, a lot more categories. We did a query of lifetime license holders and we determined of the 40,000, there were 28,000 who actively hunted in the last five years, they bought a stamp or a permit or did something that indicated they were still hunting. Nonresident deer is almost \$9.5 million, resident deer is more than \$3.5 million and spring turkey is a big revenue generator, as well. Fish revenue is driven by resident fish and some nonresident fish either in 5-day trip or 1-day licenses. This data is for 2017. The largest portion of spending is wildlife, fisheries and public lands out of wildlife fee fund and state parks that comes out of the state park fee fund and capital improvements. Through all of these fee increases, and revenue task forces I have been involved with, none of the staff or commission ever took fee increases lightly because we all want hunting and fishing to be affordable. And we all want to provide best opportunities we can. SB 50 was proposed with our eyes on the future; the current administration knows that eventually we are going to have to look at fee increases, and those fee caps are going to have to be adjusted before we can do that. There has been no internal discussion or planning to raise fees, but we just want to be ready. Commissioner Cross – Any state-of-the-art study done on fee increases by any of the national associations? Miller – Not that I am aware of, there are some general rules out there and what they look at is resistance factors; sales may drop off but generally will come back. Not aware of any current studies. We looked at what other states that had similar opportunities were charging and we are right in line with our bordering states; we can't compare to Missouri with their 1/8% sales tax because they don't have to charge the same.

Also, considering changing fee structure of disabled veteran fishing and hunting licenses (Exhibit I). In 2009, legislative mandate to provide any Kansas veteran with 30 percent service-

related disability a hunting, fishing or combo license at no cost. They also included Kansas National Guard to that, they can get hunt, fish, combo or state park permit. That mandate was funded, and we receive \$40,000 for disabled veteran licenses and \$36,000 for National Guard hunting and fishing and \$18,000 for National guard park permits. In last 3-4 years, demand for these licenses has exceeded the appropriated amounts; we solicit donations and when someone buys a license online they can donate to this fund and that helps but every year there are applications we can't fill until July 1 when new money comes available. It is important we get funding because that has an impact on federal aid. We are having a difficult time turning guys down, when we tell them the money has run out they don't understand that. Staff is looking at a reduction in the price, we have separate issuances for disabled vet licenses and looking at reducing those fees by about half, so money will go further. It is the same money and we would collect federal aid on all of those licenses in hopes of not turning anybody down. It has been cumbersome because licensing staff has tried to accommodate those that went out and bought a license; we get funding and then we have refunded them for their license. We would need regulatory action through the fee reg to cut these fees. We do have a senior lifetime hunt and fish license for anybody that is 65 or older. Because it is more expensive than annual senior fish and hunt licenses are we haven't issued them a lifetime license. If we have more money to work with we would like to issue people who qualify, about 500 currently, a senior lifetime license. We wouldn't have to process their application every year, a better deal for everyone. That would only be more expensive the first year. We wanted to start discussion item today with the commission.

3. T&E Regulations – Ed Miller, endangered species coordinator, presented this regulation to the Commission (Exhibit J). The department is in midst of five-year reviews of the threatened, endangered (T&E) and Species In Need of Conservation (SINC). Presenting recommendations from T&E Science Committee. These lists were authorized by the Nongame and Endangered Species Conservation Act of 1975 and because of that act we are required to have five-year review of species on the list. We are a year into the process, we have asked for petitions and we have our Science committee look at those petitions and determine if they merit a full review. We had three petitions, in the past, we've had 10-12 petitions and sometimes 25-30; but for this review, there were two were for freshwater mussels and one for a fish. Two reflected improvement in status, the fish species and a mussel species and the other is a more serious jump to the endangered list. The three species are: Arkansas darter, a small fish, recommended to be downgrade from threatened to SINC; delisting the Wabash pigtoe mussel, remove from the SINC list; and cylindrical papershell mussel, found in Saline and Smoky Hill Rivers, up listed from SINC to endangered. Because these would represent a change in our regulations, 115-15-1 and 115-15-2, eventually the commission will have to vote on those changes. Chairman Lauber – Is it unusual to jump from SINC to endangered and bypass threatened? Miller – Not unprecedented, we have done that before. Chairman Lauber – How long does it take a population of mussels that is declining or growing, to become apparent? Miller – It depends on the species; some species live to be over 100 years old; the cylindrical papershell is only going to live to be 10 years old. Chairman Lauber – So in the last five years it was determined that no new mussels were showing up and the old ones must be gone? Miller – Right. We have had two studies in the last 10 years done by Fort Hays State University and they did find a decline; they did a lot of searching and did not find very many mussels. At future workshop sessions, we will talk in more detail about these three species. Chairman Lauber – From a practical standpoint, when the cylindrical

papershell jumps to endangered it is a mussel that lives in only two rivers? Miller – Exactly. Chairman Lauber – Assuming they do get listed as endangered, what is practical consequence? Does it affect cattle drinking out of the river or industrial things? Miller – As far as our regulatory process, if there is a project that requires taxpayer-based funding or triggers another state or federal permit that is the only time we have oversight over any project within the critical habitat of that species. Chairman Lauber – Just wondering what the practical aspect was. Miller – The other thing, when it is listed higher, if there is a funding question, the one for research and survey work, one listed as endangered would rank higher than one listed as threatened. Secretary Loveless – Give an example, if this mussel is found in a section of stream where there was going to be a bridge project, what would be your recommendations? Miller – We had something like that happen in Wilson County where a new bridge was put over a county road. Because it was within the critical habitat we had a project to review and our Ecological Services Section (ESS) required that the county go in and have a diver check for mussels under the footprint of the new bridge. Some endangered mussels were found and removed from the site and the project moved on. Chairman Lauber – Is it easy to transplant mussels? Miller – Pretty easy to capture because they don't move. They are very resilient and can be out of water for 24 hours and recover. Tymeson – On practical impact, Ed did a great job about talking about when public funding, associated with the project we have a review process; or when there is a federal or state permit. If there is no impact, if in habitat of another species that is already threatened or endangered too, so already reviewing in those areas; under review. The ES section reviews over 20,000 permits in a five-year period. Chris talked about avoidance, minimization and mitigation and projects that actually get to mitigation is only about one-tenth of a percent. Our staff goes above and beyond to work with developers to make that happen. Commissioner Rider – Do you anticipate any push back like there was for red-bellied snake? Miller – I don't foresee any. Commissioner Cross – Who picked up cost of diver? Miller – I believe the county road department did, I think \$1,100.

Break

4. Upland Bird Update – Jeff Prendergast, research biologist, presented this update to the Commission (Exhibit K, PowerPoint - Exhibit L). Mike mentioned pheasant and quail initiatives, haven't planned on talking about that but will answer questions you might have; quail closed, it was 2012 to 2017 and the pheasant one is ongoing in western Kansas. There is a common misconception that changing upland season or bag limits will aid in population recovery, but that doesn't really have any impacts. There are three reasons, 1) drastic regulation change would be required to have any meaningful impact on harvest; 2) hunter harvest has little relevance to the number of birds available for harvest and hunters self-regulate when populations are low, and 3) with little biological relevance to harvest, the department defers to social preference on season dates and bag limits for upland species. The department has maintained small game harvest estimates since the late 1950s and has over 60 years of harvest data. If we consider pheasants, the highest harvest occurred in the early 1980s, has multiple years of over one million birds harvested and during this timeframe and we were the top pheasant-harvest state in the country. Kansas has been annually among the top three states since 1975. In comparing our harvest to South Dakota (SD), the number-one pheasant harvest state for the last 20-30 years, there was a period in mid-1970s and 1980s when Kansas was harvesting annually near or above what SD did. In SD and many of the other major Midwest pheasant states their pheasant populations are more directly tied to ag retirement programs; in SD in early 1960s that was the

soil bank program and currently that is more CRP, which began in 1986; that is when their harvest started to take off again and ours remained stagnant. In Kansas, the wheat/fallow rotation was common in the High Plains and provided both excellent nesting cover and weedy brood cover, in lieu of set-aside programs. It was around the same time that this practice started to trend into more aggressive and intensive crop rotations and weed control, so we didn't see huge boost in population and CRP helped stabilize our harvest trends. After that population boom we settled into more stable harvest trends for 25-year period from late 1980s to 2011. During this time as conditions fluctuated, when good up to 900,000 birds, when bad 400,000 birds in harvest. This changed with prolonged drought from 2011-2014 and dropped our harvest population to modern-day lows, well below previous harvest floor. However, Kansas maintained its place as top three pheasant state because all of Midwest states were suffering similar conditions. Population indices are slow to recover, and we have as yet to have ideal conditions for breeding season and have continued to battle loss of habitat. We have not returned to the high densities, but spring numbers have returned to average. Metrics over same 20-year period, hunters and harvest declined as expected and as populations increased both increased as well. Hunter success and population indices, both have increased to or above our 20-year average while hunter participation and total harvest remained below that average. Our hunter numbers have not come back as quickly as pheasant populations have. Over time, we see large drops in hunters that coincide with population decreases, while proportionally they return it never seems to achieve the same level as it was prior to the large population increase. We end up seeing stair-step decline in total hunter participation. Bobwhite quail we have also remained in the top three states in the country. I don't have as much information from other states. We saw similar decreases in quail harvest and participation because of the drought. While some of the traditional quail range has seen dramatic declines and habitat affecting the hunting, opportunity in western and central part of the state has remained strong and, in some cases improved. While drought caused initial decrease in population, the weed cover produced by the drought was perfect for quail and populations were able to achieve impressive densities across the state. We started our quail survey in 1997, last three years have been highest in that 20-year period. To spite statewide densities and above average hunter success, participation and overall harvest as remained depressed, similar to pheasants. I mentioned we were looking at eyeworms because getting a lot of questions about that. We have looked at a little over 500 heads, including Bobwhite, pheasant, scaled quail and greater prairie chickens; from 60 counties. We had relatively low infection rate in quail, about five percent had eyeworms, a little less than 15 percent of pheasants. Of the birds infected, they had low density of parasites, most five or less, but two quail with high density. Scientific evidence has suggested the eyeworms infestations are largely innocuous; this is more of an informational project. Chairman Lauber – On a previous slide that showed quail harvest from 1958 to present, in 1960 it showed tremendous drop and sharp recovery, do you know what that was? Prendergast – Not sure but may have been a drought that occurred in that time. Chairman Lauber – Seemed like a statistical significance and it could be the reporting was not as sophisticated? Prendergast – That is prior to what I have with me. Chairman Lauber – What do eyeworms do, how do they differ from other parasites? Prendergast – An eyeworm is a parasitic nematoid, an indirect host the immature is an insect, the quail eats the insect and while it is in the crop the body temperature of the quail causes that individual to hatch out and migrate to the eye, it anchors in eye and feeds on blood and reproduces and carries out its life cycle within the eye cavity of the bird. Chairman Lauber – Do they cause vision infections? Prendergast – It is mostly discomfort at low levels; there is some suggestion it can cause damage to the optic nerve and

potential blindness whenever you have cases of extreme parasite loads. One bird had 31 worms, one had 28. At that point you can see the worms before you start dissecting them. Those birds are likely having some vision impacts, but a low rate. Birds have a high annual turnover, low annual survival, so don't feel they are impacting the population. Commissioner Sporer – What are you anticipating for 2018 harvest for pheasants and quail? Prendergast – I would expect both to probably go down. We are in the middle of our harvest survey, saw some declines, too much rain during last nesting season so poor production and conditions during this hunting season impacted the amount of people who could get out, really wet in western Kansas so hard to get around and find places where they could go so that will impact harvest as well. So, expect them to decline slightly.

5. Backcountry Access Pass – Linda Lanterman, Parks Division Director, presented this regulation to the Commission. 115-2-7, talk about rescinding this pass. I would like to let Rob Manes from The Nature Conservancy speak, he has Chris Knight with him.

Rob Manes – We feel good about partnership with the department at Little Jerusalem Badlands State Park. It is the ideal place for private and public organizations to come together for public benefit. When the owner came to us and offered it for sale a few years ago, bought and paid for it in three months and not too many months after that it passed the legislature's approval as a state park. We are pleased and appreciate the work of Linda and her staff and also want to thank Chris Knight who has worked through the tough details. You will be proud of this going forward as the public begins to enjoy the park. We have had a lot of public land ventures with you over the year and look forward to more.

Lanterman – I'm sure you saw the media after the backcountry pass was passed that it was too high, and we have been in communications with TNC and within our agency and we felt we can handle this through a special event permit, which we already have in place. We have a naturalist position out there, haven't had since mid-1990s; they can do programs and tours for us. I called around to other states and some do tours they charge for some they don't. Our goal is to do actual tours that are set each week in the summer months and they will be free. If they are there not one of those times, then we will assess price based on special event permit and if a fee is necessary we will charge one. The fee will be based on how many staff have to be there and what our costs are, typically \$25, maybe a little higher. Chairman Lauber – We don't want unsupervised tours, so providing a supervised tour with some education for more value. That is a fragile system.

Lanterman – We want it accessible and people to see that area, once a person is on we can set those tours. Chairman Lauber – The special permit process might enable us to open and shut the gate as needed. Lanterman – We can do that now. I'm not saying the backcountry pass may not be right for something else, but we jumped the gun a little, didn't vent it right and we are going to undo our mistake and do it right. Rob Manes – Our first goal is to protect the resources there, geological and ecological, our second goal is to get people in to see Little Jerusalem and those two goals can be in competition. The Nature Conservancy is not good at that second part, not our expertise getting people into places, we trust your judgement and expertise on that. We know you have to pay the bills and we are willing to be a financial partner on that as well. Lanterman – Thank you. Chairman Lauber – We appreciate your involvement. Commissioner Dill – Do you have a tentative open date? Lanterman – I don't, hope to soon. Secretary Loveless – One other factor, if you have seen that landscape, one of our concerns is public safety as well as safety of the resource, we have to balance that. It is a spectacular environment and people could make some bad decisions out there, so oversight is called for, so people use their best judgment and

don't get into trouble. I did an interview today, Rob, Linda and my predecessors were part of an interview for Wichita State leadership journal article that is coming out. The impressive thing about this is they want to highlight leadership that is displayed in the case of this project. It is impressive when a lot of entities collaborate without worrying who gets credit; a neat example of collective leadership and article will be flattering for all entities involved.

C. Workshop Session

1. Coast Guard Navigation Rules – Dan Heskett, Law Enforcement Division assistant director, presented this update to the Commission (Exhibit M). Proposal is to adopt by CFR, title 33, part 83 of code of federal regulation as our regulation. It pertains to inland navigation rules. Every three years they do a site visit and in 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. Tymeson – One of most labor-intensive regulatory changes made, other than falconry regulations. Dan and I both thought this would be easy, but we clearly underestimated the difficulty in obtaining old regulatory references. Working on it and have someone helping me on that. Got an update and we are still missing one, another regulation that was pretty old...trying to find physical copy of that. Making progress and hopefully done in August.

Chairman Lauber – Given a report from Joint Committee on Administrative Rules and Regulations (Exhibit N). Usually their reports say, don't raise fees; is this something we need to bring up as an agenda item? Tymeson – During the regulatory process every regulation the department proposes for change and bring to the commission we also take to the legislature and they have an opportunity to make comments. Those regulations are vetted by me to be sure they are constitutional and legal; some agencies don't have their attorney doing that drafting and those go to the Attorney General's office where they also do the legal review. While the Joint Committee on Administrative Rules and Regulations (JCARR) can comment on them but can't prevent the department from moving forward. If they have a comment they can make one. The make-up of committee has changed, and they made an inquiry into 115-4-4, on use of meals and horses in our regulations. I respond to those, but we are required to put this out to the public. That letter arrived this week and that is why it is not in the briefing book. Chairman Lauber – In some cases they want our minutes to reflect why we ignored them. Tymeson - They require response to every comment. Before I can turn regulations in to make them active, I have to draft a letter in response to why or why not the commission acted a certain way or if we adopted every regulation or not. Chairman Lauber – We don't need to take any action? Tymeson – No, just a comment. I drafted a response yesterday and I appeared before JCARR this morning and had a discussion on this item. The question specifically was, and they didn't have access to other regulations, was that horses and mules are permitted to pursue small game we have an allowance for and big game we have an allowance for and upland birds and that was my response. It is not prohibited for use for waterfowl under federal law. A misunderstanding by the committee. They ask some questions sometimes that are different.

Mike Miller - Before I get started, we set an all-time record today at Cedar Bluff in walleye egg taking, over 12 million eggs. Also, we are taking them at Kirwin, El Dorado and Hillsdale. That fits into the walleye initiative I was talking about earlier.

2. Electronic Licensing Update – Mike Miller, chief of Information Production Section and magazine editor, presented this update to the Commission (Exhibit O). We are continuing to move forward with plans to implement electronic licensing and had meeting yesterday with the department’s contractor. They gave us an update and computer screen example of how it worked. It is still in early stages and we hope to have an all-encompassing app where a hunter, angler or camper has an app on their phone that they can access anything that has to do with our department. Right now, it will have a wallet, when you buy a license or permit that will be kept in that wallet as a pdf and that will count in the field, you won’t need to print a paper copy. That will be ready for testing in April by our staff. Tentative plans are to launch in May or June. We have been working on this for almost a year and we would like to be able to see people be able to get into iSportsman or iWIHA, check fishing reports and eventually electronic tagging on big game. Initially we want electronic licenses and that is going to become a reality. I have used in other states and they are handy, you can buy through phone and keep on phone. It will be helpful locally on your phone and you won’t have to have connectivity to access wallet.

3. E-bicycles – Linda Lanterman, parks division director, presented this update to the Commission (Exhibit P). Last time Matt Messina of KDOT and he handed out some information. Gaining in popularity. It is a power-assist bicycle; you ride and if you need help with an engagement on a hill or a slope that battery will kick in and help. This regulation will allow them to be ridden on our trails and facilities. We are seeing more of them and the bicycle stores selling them are selling more of them. They are pricey, people who have never engaged in riding bicycles this would be an avenue for them to be able to ride a bicycle. Chairman Lauber – I have seen them in hunting and fishing catalog, you are looking at \$2,000 to \$3,000. Lanterman – That is exactly right, maybe a little more. Chairman Lauber – They are coming. Lanterman – They are here.

4. Public Land Regulations – Stuart Schrag, Public Lands Division director, presented this update to the commission (Exhibit Q). Proposed changes to public land reference document 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 get minimal use. 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. Chairman Lauber – How many designated dove fields are there? Schrag – About 20 statewide, more popular in the east. Mengarelli – More than that. Schrag – Possibly 60, I would have to look and get back to you. Do more in east because traditionally better migrations there and soil types are easier and better for

us to plant a crop that is more attractive to doves. Chairman Lauber – One in Woodson County, incredibly popular; good for our agency, keeps law enforcement hopping but a good deal. Schrag – I will send that number in an email. Chairman Lauber – Nobody complains about having to go out and find nontoxic shot. Schrag – Initially we had some push back, but we have reached out to different sporting goods stores and Walmart and tried to create a better awareness prior to dove season and that they need to stock their shelves with nontoxic shot instead of steel shot, they have created more dove friendly loads with smaller shot size and price is reduced. It is the biggest bang for their buck. Chairman Lauber – Where else are you going to be able to go and shoot 40-50 times. An opportunity to do some wing shooting. Schrag – Get tremendous participation that first weekend of dove season, the problem is sometimes those designated fields get overharvested and shot out right away and the productivity declines after first 7-10 days. We try to maximize opportunity during first couple week of dove season. Secretary Loveless – Great opportunity for fast shooting, a great way to introduce youth. Wonderful programs around the state to designate areas for youth and encourage mentors to take youth out. It is warm, fast shooting and great opportunity. These folks are experts, it is a real art to create these in a way that they are ready for that narrow window of time when doves are moving through. Our agency personnel are expert at doing that. Chairman Lauber – Great program. Jake George – There were 52 areas indicated last year and some of those had multiple fields.

5. Furbearer Regulations – Matt Peek, biologist, presented this report to the Commission (Exhibit R). Talking about a series of regulations dealing with furbearers, these are permanent regulations that are not considered every year so last considered in 2013. Starting with KAR 115-5-1, furbearers and coyote legal equipment, taking methods and general provisions. We propose a clarification in language relative to body-grip traps indicating the measure relative to size should be taken from the outer edge of the jaws and across at a 90-degree angle. This would clear up which body-gripping traps are allowed on land versus in water-sets. Also, this regulation would pertain to air rifles, we had those in there for consideration earlier in the regulatory process, but we decided to not recommend them at this time. Will possibly come back at a later date with more recommendations because it might also include big game. There are things going on at the national level that would affect whether or not the purchase of air rifles would be under PR tax on guns and ammo. This is also the regulation that pertains to coyote hunting with lights at night, discussed earlier and made the recommendation to not make a change, currently not allowed. Commissioner Rider – Recap reasons for not allowing night hunting? Peek – There is concern about law enforcement call outs as a result of people out shining spotlights or people would see spotlights and not call law enforcement when in fact it was an illegal activity; a couple of concerns. Jason Ott can expand on law enforcement concerns. Jason Ott – We talked in Wichita and Russell about the additional resources to patrol at night in addition to what we do in the day. As a group don't feel artificial light, night vision or thermal is good for the resource, especially big game. Other states have indicated that people would shoot a cow and then night hunt around that cow for predators; it opens a window we are not prepared to enforce at this time. Commissioner Rider – What would it take to get to the point where you and your part of the agency would feel comfortable? Equipment or boots on the ground? Ott – It is a combination of a lot of things, including both of those things. We have some night vision surveillance equipment we use in our patrols, but it would take more of that to make sure it was widespread and the boots on the ground is a big part of this. We have one warden for every 2-3 counties statewide. Commissioner Dill – Have you talked to other states that allow it to see what

problems or if it has increased incidences? Ott – I have spoken with wardens in Texas and Oklahoma and some of the concerns they have is resources and additional work it takes to manage it. Matt has more research on what other states are doing, we have some information on that. Chairman Lauber – Do half the states have coyote hunting as a recreational activity and the other half not; is it that prevalent? Peek – Four states that don't allow hunting at night with lights in the Midwest, most of them do allow some part of it, a lot of them restrict it to a late season, restricted equipment, certain firearms or what species you can hunt; highly variable state-to-state. Commissioner Dill – Four out of how many? Peek – Fifteen. Commissioner Hayzlett – One of the four is Kansas? Peek – No, five out of sixteen. Chairman Lauber – I think it is probably inevitable. Jason makes a good point given enough time I think agencies will be more able to take care of it. We don't authorize the activity because we fear people will cheat and don't allow the legitimate person to do it. In time there might be ways to work around that. Expect more requests to do it. Commissioner Williams – It is inevitable if we allow it to be. I am opposed to it for safety reasons and the things that Jason pointed out. Ott – Visited with Kent Barrett, of Hunter Safety, you are looking at thousands of dollars for equipment. One of the rules we teach people in hunter safety is to not point at anything you don't intend to shoot. If you are scanning a field with a rifle with spotlight, night vision scope or thermal scope attached to your weapon, we don't like it. They do make binoculars capable of it, but they are also expensive. That is an opinion I share with Kent Barrett as well. Chairman Lauber – I just wanted some clarification. Commissioner Rider – On opposite end as Commissioner Williams, I think this would be a great opportunity and we can incorporate some small steps in just allowing .22s or shotguns to begin with and stair step with a set season like not during deer season or antler season; a great thing. We have too many coyotes in my area. Secretary Loveless – I propose we continue dialog among our staff and visit with other states. Continued pressure to consider this, maybe report back in a few months. Commissioner Sporer – Hearing from cow/calf people who say coyotes are on the increase. Dog hunters who are hunting out west are saying coyotes are laying down, not getting up and running and getting smarter. Peek – In the longer term, they have increased, whether more now than five years ago is hard to say, surveys are not that specific. Whether something like this would make a measurable difference is questionable. It would be better to remove individual coyotes responsible for damage than to think that a change like this is going to impact a coyote population when there is already over 100,000 coyotes harvested most years. Probably not affect statewide population, but it might allow people to address specific damage issues. Commissioner Hayzlett – Do you look at geographic part of state when you are studying this. There is a lot of area in the west and have a lot of ranchers and cattle and they are suffering the loss of calves. We used to hunt coyotes at night and never had much complaints, more complaint because a particular officer didn't want to go out at night. If the hunter out at night saw strange lights on somebody's property where they didn't allow hunting, they turned that in to get somebody out to take care of it; some pros, not all cons. Commissioner Rider – I would like to move forward, not glowing review from law enforcement, but I would like them to say they are comfortable with this before we proceed. Chairman Lauber – What if we only allowed after February 1 or 15, would that be late enough in the year to eliminate most of the poaching because deer have dropped antlers? Peek – If poaching is the result of a deer with antlers it would alleviate some of that, but not sure deer would have shed by then; not sure of that date. Chairman Lauber – Secretary Loveless has a point, need continued dialog.

115-5-2, furbearer and coyote possession, disposal and general provisions; in past recommended eliminating requirement to surrender otter teeth in. We have received some comments since last meeting so reevaluating some of the recommendations pertaining to otters.

Not in briefing book; 115-5-3, furbearer and coyote management units, and part of discussion on otters will be consideration of whether we should construct management units with different bag limits.

115-5-4, nonresident bobcat hunter permit, currently not valid until the next calendar day and removal of the carcass tag from the permits invalidates the permit. Those stipulations are outdated as a result of internet license sales, so we need to remove them from regulation.

115-6-1 is fur dealer's license, application, authority and possession. Propose swift foxes to be allowed to be purchased without a tag from states that allow swift fox harvest but do not require tagging. Current regulation says, may only purchase a swift fox if they have a pelt tag from the state they were harvested. Chairman Lauber – Not a CITES tag? Peek – Correct. As part of swift fox conservation team, one recommendation was that states could use a tagging program to better monitor swift fox, but a few states don't have that requirement. Some of our fur dealers in the past have had an interest in purchasing from those states.

115-13-4, field trial permit; currently requires map of the specific areas where the field trial is to occur, and we want to modify requirement so only the headquarters and county of the event needs to be identified.

115-25-11, furbearer open season and bag limits; first proposal was to increase bag limit on otters from two to five. We are considering changing the opener from noon to a calendar day which makes it 12:01 am. Tymeson – Because of the possible management unit and 25-11, some of these regulations will move forward to public hearing and these two will stay in workshop because of 60-day notice.

6. Antelope Regulations (KAR 115-25-7) – Matt Peek, furbearer biologist, presented this report to the Commission (Exhibit S). No changes recommended for season structure or permits. Season dates are standard with exception of permit allocations. Unit 2, 122 firearm and 34 muzzleloader; Unit 17, 44 firearm and 10 muzzleloader; and Unit 18, 12 firearm and 4 muzzleloader permits. Chairman Lauber – That is in tandem with population estimates? Peek – Yes, and harvest success rates and the same recommendation as we had last year with the exception of Unit 18, which is down to just 16 permits, four fewer than last year; we continue to have poor recruitment there. Chairman Lauber - When is application period? Tymeson – June 14 is when it closes. Commissioner Sporer – Permit numbers in Unit 2 and 17 didn't change? Peek – Correct.

7. Unmanned Aerial Vehicles (UAV) – Rich Schultheis, migratory game bird biologist, presented this update to the Commission (Exhibit T). We have updated over the last half dozen meetings on efforts of our task force. Looking at regulations and use of these by our staff and public on our wildlife areas and other places we control. Spent time looking at current regulations and we do not believe any changes will be necessary to regulations we currently have in place. The frequently asked questions document is again in your briefing book. These updates will be much less regular, but if there is anything you would like us to address we can. At the next commission meeting we are planning to cover a human dimension survey summary where we asked about people's attitudes on drone use at wildlife areas and what they would like to see or not see. Tymeson – Did you want to talk about where we are on equipment? Schultheis – We

have a purchasing contract in place and the majority of divisions and sections have been purchasing equipment and started doing some testing and aerial mapping. We are now able to take advantage of this equipment in our day-to-day jobs.

8. Webless Migratory Bird Regulations – Richard Schultheis, migratory game bird biologist, presented this regulation to the Commission (Exhibit U). We are recommending one change for the 2019-20 season on KAR 115-20-7. That regulation covers legal equipment, taking methods and possession of migratory doves. Currently the regulation allows pellet and BB guns however there is some confusion regarding legality of that in federal regulation. Our state regulation also requires taking only while in flight. For those reasons staff recommendation is to remove language in that regulation relating to allowance of pellet and BB guns from the list of legal equipment and retain remainder of regulation the way it is. Chairman Lauber – You can harvest 25 rails a day, do we have that many? Schultheis – There are opportunities if you are an avid rail hunter but may not be around for a long period time; our harvest estimates are difficult because there are so few folks who target rails, similar to snipe as well. Encourage folks to hunt rail September in the marsh, it is an enjoyable way to spend an afternoon. Chairman Lauber – Any of commissioners ever hunted rails? All – No. Commissioner Sporer – Is there potential for Gerald’s six-year-old grandson that is carrying his red rider to get a citation? Schultheis – Right now there is potential because that is breaking a federal regulation. I have asked for interpretation from a number of folks in the USFWS, the regulation does not specifically mention air or pneumatic but does permit the use of any rifles. Right now, our state regulation says you can, but federal regulation may or may not say that. Also, bird has to be in flight, if taken on the ground that is illegal. We want to avoid conflict between the two regulations and make it as clear as possible. Chairman Lauber – Air rifles are becoming different than they used to be. Schultheis – That is correct. Chairman Lauber - That is a good point because I let my grandson carry a BB gun with him at times. Commissioner Sporer – Everyone has. Commissioner Rider – That is more to include the child in the activity. Chairman Lauber – I am fine with that and this regulation; air rifles are so different now you can put a scope on them and do things you couldn’t do in the past.

9. Waterfowl Regulations – Tom Bidrowski, migratory gamebird program manager, presented this regulation to the Commission (Exhibit V). 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, background materials and staff recommendations for establishing Kansas hunting seasons. Chairman Lauber – Questions will generally be on season dates. Commissioner Sporer – On harvest data, the number of hunter days and harvest numbers are decreasing, in 2017; hunters aren’t there, or ducks aren’t there? Bidrowski – It goes hand-in-hand, what drives harvest is the number of hunting days. Hunters will go when times are good and not when it decreases. Duck stamp sales are relatively flat over the last 10-15 years, participation varies depending on migration cycle. Commissioner Sporer – In conversations with the feds any discussion of more than 74 days? Bidrowski – No, there was review of the adaptive harvest management packages we have been using since 1996; since more potential harvest of midcontinent mallards there was

a possibility of the trade-off of adding one or two weeks and what that would do in resulting bag. That has been stricken from the ability of adding extra days, which Kansas was a strong proponent for. It doesn't look like we are going to get any days. Commissioner Sporer – Added days for dark goose over time and wonder if we will ever get more days. Everyone here would like to hunt November, December and January, 90 days that would solve a lot. Bidrowski – It gets tied up in a number of things with the discussion of Mississippi Flyway as well as northern and southern states and impacts that more days and greatest impact on harvest for species like pintail, canvasbacks, redheads; a lot of that got lost in discussion of additional days that would have been available for mallards. What is holding us back is species with some restrictive bag limits. Commissioner Sporer – Any thoughts for more mallard days? Bidrowski – I was hoping to in some of the trade-offs in process we just went through. May actually end up increasing mallard/drake bag limit to six from discussions in Central Flyway Council meetings and Mississippi Flyway. Chairman Lauber – I anticipate Commissioner Rider want to talk about the southeast zone and season dates. Bidrowski – Staff recommendations for waterfowl, including September teal, ducks, goose and extended falconry seasons is in the briefing book. Final selection needs to be to the USFWS by May 1 so will adopt at April meeting. After considerable discussions and review of harvest migration and other factors staff recommendations are an attempt to align season dates to allow the greatest opportunity for participation and harvest. We are looking to stabilize recommendations and did not see a need to move from last two years, even with ability of moving to January 31 closing date. Zone discussions will be part of commission discussions this fall as well as some public inclusion meetings and surveys. We will begin looking at hunter desires and preferences that we talk about when setting hunter season dates. Commissioner Sporer – If change in zones, what year? Bidrowski – Start process this August with public meetings, then larger hunter survey and in the Commission probably in November and vote in April 2020 for 2021 season. Chairman Lauber – Can only change zones every five years? Bidrowski – Yes. Commissioner Rider – As I brought up last year, concerned with shutting down season across the state for a week. The other issue that I see with the framework as presented is I am concerned with late zone, biggest zone in eastern half, being not available to hunters on New Year. I would like to see us take a look at that more in depth; rather see being able to hunt October 12 through January 26 anywhere, rather than have week of no opportunity for someone in the state. Bidrowski – We are trying to maximize opportunities to allow that, but then the discussion becomes where do you set that. If we gave that week in the high plains zone, would that satisfy that requirement. We want to maximize for each zone and we would have to draw where we do that, so we recommended based off zones, what would be best for that opportunity. Commissioner Rider – People contact me, the push has been to back up late zone another week, as well as more southeast zone argument, go from October 26 to November 2 and pull one of those weeks in the middle to split off the front end. Bidrowski – That was one of the serious considerations, particularly as we move forward with public discussions, you also entered argument that it was only a week difference from the southeast zone so why not merge zones or change zones to get that. There is also a high preference to coordinate late zone opener with goose seasons, so then cascade effect of how you rearrange goose seasons. At this time better to look at in these meetings and survey if that is the general preference of hunting committee, that juncture might be more appropriate time to look at that. Chairman Lauber – As we go forward with that, what is the downside from putting a circle around Neosho area where he hunts, the southeast zone where most of the volume of decent comes from and disproportionately has an opinion on the southeast zone. Bidrowski – The

southeast zone was created for that reason originally, but it became a larger zone than what was imagined for it. Now I am starting to get more requests, particularly in the northeast part of the state on larger reservoirs as well as south central reservoirs and private lands around Ninnescah and south of Pratt as well. There are some discussions that need to be looked at. One thing also within zone discussion for August is when we can propose any changes to the federal requirements for zoning. Right now, they have to be contiguous and that is why we get weird lines we do on the map. Commissioner Sporer – Take southeast zone and make it all of Kansas. Chairman Lauber – Would like to protect some of the early migrants, I hunt in middle of southeast zone in January when everything is frozen up. Bidrowski – That is a lot of our discussion where we are looking at; most of harvest is still skewed in first part of season and is also when a lot of hunters are out at the same time. Is it 10 days in October when you know the water is going to be open the same as 10 days in January when it might only be open for one or two days, there are some trade-offs we consider when looking at some of these patterns. Chairman Lauber – I think the easiest thing to do is stick with staff recommendations and consider adjusting zones. Every time we create a scenario for making a change then it affects something else, like dark geese. I understand we all have constituents who would like to have the break someplace that doesn't affect them. Staff has tried to do a decent job and I don't know what else to suggest other than leaving it the way it is. Commissioner Sporer – Waterfowl and duck hunting has changed, migration and agriculture, just different that it used to be. You realized that and created the southeast zone for late migrants and I see that in western Kansas at the bigger reservoirs, birds are coming later. We all want more opportunity in November, December and January to take a crack at them. Chairman Lauber – Is Cedar Bluff in the high plains or low plains early? Commissioner Sporer – They are in the low plains late, spent years in low plains early and got that changed in last five-year cycle. Bidrowski – The high plains are unique, the hunting community is pretty responsive, when hunting good like this year people took advantage of the playas. There is a huge variety in the playa hunters versus the hunters on larger reservoirs and river systems. We do have an additional 23 days that gives it a 97-day season out in that zone and those days have to be after December 10. We are trying to maximize them but still take advantage of diversity of habitat out there. Moving Cedar Bluff into the late zone was a tremendous boon. Chairman Lauber – The high plains boundary is set by the feds? Bidrowski – Correct, it was set back in the 1970s, basically based off the 100th meridian to offer more hunting opportunity on unused resource of those birds, particularly mallards in that part of the state with lower hunter densities. I have tried to work with the feds on moving that to include Cedar Bluff and we were not able to do that. It would take some large-scale research projects and definitive evidence to do that. Commissioner Sporer – The feds are set on 283 Highway? Bidrowski – Correct, that is the agreement we came to in the 1970s and in early 1990s. Commissioner Rider – How is playa initiative going out there? Bidrowski – Ducks Unlimited has been doing quite a bit of work. They have hired some personnel and are working with the Playa Lakes Joint Venture and definitely making an improvement on habitat out there. Luckily the playas have been wet. Chairman Lauber – Propose you continue to bring these dates to public hearing next time.

10. 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 W). Potential dates for seasons on military installations who 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, but still same number of days as statewide season. Fort Riley subunit; requested additional archery days, authorized individuals are often soldiers who would not be able to hunt during regular season due to duties assigned September 1-15 and January 2-31; also requested additional days for designated person or youth season, October 12-14, same as statewide pre-rut season; 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 16-17, November 21-24, November 30 – December 1, and December 7 and 8 and December 14-15; 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. Commissioner Sporer – When does state youth season open for the rest of the state? Jaster – September 7-15. Commissioner Sporer – Had call from a deer hunter who commented that the crops are still out and a way to increase participation and success for the youth would be to put youth deer season through the week of Thanksgiving prior to opening firearms season. Jaster – This year we offered three days of hunting during pre-rut season and that was strongly opposed so I suspect moving youth, a firearm opportunity of any sort, would be heavily opposed also. Chairman Lauber – Several discussions years ago, one gentleman wanted Thanksgiving for youth hunt because his daughter came home from college then. Universally, changing things to take place over the Thanksgiving holiday was unpopular. People are hunting ducks, upland game, bowhunting or other family traditions and no appetite to change deer season around. One of the first meetings I attended I voted in favor of changing the opening weekend date of pheasant season, which was the biggest mistake I ever made. We got beat up for about two years. I think tinkering with Thanksgiving is not going to be popular either. The complaints you hear are valid and we hear them too, but that is something we may have to do, to keep it the way it is, before deer are spooked or chased by anybody.

VII. RECESS AT 4:35 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

D. Public Hearing

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

1. KAR 115-2-1. Amount of fees – remove duplicate fee Mike Miller, chief of Information Production Section and magazine editor, presented this update to the Commission

(Exhibit Y). Discussed at last 3-4 commission meetings. We want to remove the fee for duplicate licenses. Right now, there is a \$10 fee and \$2.50 issuance/vendor fee. When selling online and people are printing at home it doesn't make sense to pay that fee. We have effectively fixed that; the vendor leaves those licenses available to print in your account. There are some other things to clean up to ensure you don't get charged the duplicate fee. There are three different regulations to vote on to clean this up. We want people to be able to log into their account and see what licenses they have that are valid and print it out. When we go to electronic licensing this will be unnecessary because not required to carry a hard copy of their license. Will still have to pay the \$2.50 vendor fee if going to Walmart or some other vendor. Commissioner Williams – Fee at regional office? Miller – No, on paper, but on Tyvek have to go through license vendor system. Commissioner Rider – Will e-licenses be available this May or June? Miller – App is ready for testing in April, that is what we are hoping for. Tymeson – May not be ready regulatorily, still some nuances in regs that require signatures that we are working through. While testing might be done, may not be live yet, depending on how that process works. Chairman Lauber – Talking about removing duplicate fees for camping and boating as well but will take one-at-a-time.

Commissioner Tom Dill moved to revoke KAR 115-2-1 as presented to the Commission. Commissioner Harrison Williams second.

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

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

The motion as presented on 2-1 passed 7-0.

2. KAR 115-2-3. Camping and utilities fees – remove duplicate fee Mike Miller, chief of Information Production Section and magazine editor, presented this update to the Commission (Exhibit AA). Due to the move to electronic licensing this regulation removes the duplicate license fee.

Commissioner Tom Dill moved to revoke KAR 115-2-3 as presented to the Commission. Commissioner Gary Hayzlett second.

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

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

The motion as presented on 2-3 passed 7-0.

3. KAR 115-2-4. Boat fees – remove duplicate fee Mike Miller, chief of Information Production Section and magazine editor, presented this update to the Commission (Exhibit CC). Due to the move to electronic licensing this regulation removes the duplicate license fee.

Commissioner Gary Hayzlett moved to approve KAR 115-2-4 as presented to the Commission. Commissioner Emerick Cross second.

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

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

The motion as presented on 2-4 passed 7-0.

4. KAR 115-3-2. Rabbits, hares and squirrels; legal equipment, taking methods and possession – Kent Fricke, small game biologist, presented this update to the commission (Exhibit EE). It was brought to our attention by law enforcement last year that it was not legal to hunt squirrels, rabbits and hares using a call. This change would add “lures, decoys except live decoys, and calls, including electric calls” to this regulation for rabbits, hares and squirrels.

Commissioner Tom Dill moved to approve KAR 115-3-2 as presented to the Commission. Commissioner Harrison Williams second.

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

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

The motion as presented on 3-2 passed 7-0.

5. KAR 115-8-2. Blinds, stands, and decoys – Stuart Schrag, Public Lands Division director, presented this update to the commission (Exhibit GG). Issue arose regarding an elevated quad pod stand that had an enclosed blind at the top, and an issue on Corps of Engineer property surrounding that. We looked at this at your request and did an internal review. The recommendation is to strike subsection (i); all the rest of provisions apply. Commissioner Dill – Portable blinds on public lands have to be marked by the person who owns it. Is it still first

come, first serve? Schrag – Yes, all of those provisions and restrictions still apply. Anybody can set two per property if it is legally tagged. Even if you own it and somebody gets there first they have a legal right to sit in it. Commissioner Rider – What happens if you want to transport it home and someone is sitting in it? Schrag – That could become an issue, but if it is legally tagged and you can prove it's yours and there is any confrontation, contact law enforcement to resolve the issue. Commissioner Sporer – It can stay for the season? Schrag – It could not be placed more than 14 days prior to season and removed within 14 days after season ends.

Commissioner Sporer – Law is just like a tree stand? Schrag – Yes. Chairman Lauber – The chance of those unintended consequences occurring are outweighed by the convenience we provide to a lot of hunters. If we get a lot of conflict, we will have to review it. Schrag – These types of portable blinds are heavily used by youth and mentors trying to get youth in sport of hunting or wildlife viewing, we felt it was a deterrent, so moved to strike this.

Lauren Sill – I emailed each of you in February (Exhibit HH) and Mr. Schrag as well with my concerns. Come to you as a landowner who shares more than two miles of fence line with state property in western Pratt County. I am an avid hunter and I am a mentor. As a landowner I am concerned about what happens when those things blow loose, seen on my neighbor's property where they get caught in the thickets and trees, they break, and hunters abandon them, and he is left to pick them up at the end of the season. Least of my concerns. Another one is safety. In a tree stand you can see from 50-100 yards if someone is up there. It is neither safe nor polite to walk up to a portable blind in the dark to see if someone is in there. You cannot tell so you are in a close distance, it is not safe, not good ethics and not good etiquette. The problem I have had with neighbor's property where I have permission, is he has out of state hunters, they use the blinds. I have permission but not going there if those guys are hunting. The problem is, I found out I have avoided the area for two days only to find out no one was there. Safety is a concern in that a blind not only restricts what is seen and what is not seen from within the blind. Not as good of vision as when sitting in the open. If dealing with youth that expands safety concern even more. Hunters, like myself, who tend to use a lot of different spots and are mobile we are at risk if anywhere close. Access point, if you give a blind a perimeter of 400 yards, pretty soon a party of two hunters can reserve a square mile if you are being safe. It is a lose/lose situation. Either I assume no one is in there, risk ruining their hunt and mine, or avoid the area completely. That reduces access, which is already a significant issue for Kansas residents. The buffer creates a limited potential access issue. With state land used as heavily as it is and depended on by so many, taking the risk of reducing access further terrifies me. Other concern, not sure when originally written, my guess is the original removal clause it says for the season intended and there was a point where we had to declare what equipment we would use and what season we would hunt. You could put a portable blind up at the end of August; if you take a youth, go out with muzzleloader, go out with bow and hunt with rifle; to mid-January staking out an area. My recommendation, as I mentor I understand wanting to encourage youth, my proposal is to amend this and put overnight allotment and allowance in place for early youth season and antlerless season at the end. Don't allow blinds to be out there restricting access, creating safety hazards, creating potential conflicts, during the vast majority of archery and rifle seasons. Put in place for youth and antlerless season only. There are significant potential negatives. If in place for youth season and it works, then expand it. If you put it in place for the whole thing and it does end up creating significant problems, it is harder to back out. Commissioner Dill – She has a legitimate point. My initial thought we were just talking about pop up blinds, but if you are saying portable you can put in a redneck blind and leave it. I don't think that would be good. Either we need to have a day limitation or leave it as is. She is correct, it could sit there for the entire season and that would be discouraging. I thought pop-up blind for a day or two and you are not going to leave it because someone will steal it, but not many people will haul off one of the big redneck blinds easily. Maybe five days at a time or leave as it is. Chairman Lauber – A pop-up blind, if not worried about it being stolen, pose the same risk as a bigger blind? Commissioner Dill – If you have an indefinite period of time. Chairman Lauber - When in Wichita, older disabled

gentleman wanted to set up before and go out in morning and we thought that was legitimate. You make an articulate good point. Everyone has to take blinds off; we used to have people who had a dozen blinds out and we tried to accommodate everybody. People wanted us to let them leave them to take kids out; if I take my grandson and pop the blind up every time it isn't going to work. Commissioner Dill – It is a catch-22, leave for seven days maybe. You have to have something in there or they move 50 yards then set up again for another seven days, that is no better. Not sure what the answer is, but not sure I like this proposal. Commissioner Williams – If you have a permanent stand, put camouflage around it are you not still doing the same thing as a portable blind? Back to letting one do it, why not let the other one do it. Commissioner Dill – You can't have a permanent blind on public ground, can you? Like a tree stand. Schrag – Would you just look at pop-up type portable or tree stands too? Before, people were monopolizing and inhibiting access by putting up 12 tree stands on one wildlife area property. You are portable blinds as the issue? Commissioner Dill – That is my thought, when you think portable and think about muddies, redneck and big frame blinds that is different. Schrag – We look at consistency within the regulation. I appreciate your comments, they are valid, visibility of not knowing if someone is in there is a concern. We do allow people to construct blinds out of natural vegetation where they can totally enclose themselves too. We allow floating blinds to be left overnight. Those are regarding consistency within a regulation to try and keep constituents with a level of understanding and decrease confusion. Commissioner Sporer – Where does it take regulation, that you can only build a blind on public lands out of natural material? Are you going to have to change that regulation, how does that fit it? She brings up great points. To start letting people put blinds up everywhere, tree stands are fair game. People find other people in their tree stands all of the time, some chain and paddle lock them, so they don't get stolen. Commissioner Dill – Can we make a motion to table this until next time? Tymeson – We can't table this because of the way the regulatory process works. There has been no discussion about this until tonight, the way the rules are set up, there has to be logical discussion and there has been no discussion. This vote is up or down. If down and you want us to come back with another alternative, then I will republish, talk about it at next available opportunity and vote later. Chairman Lauber – Will what we do tonight affect turkey season coming up or for next year? Tymeson – Regulations are effective 15 days after publication and 14 days to get it published, so a month before this is effective, around May 1. Chairman Lauber – I wish dissenting opinions would come during workshop, and not public hearing. If this was discussed six months ago when first brought up, we could have tried to modify the language. I think most people are going to be ethical. Designed to benefit kids, disabled or older people; we won't be able to word in such a way to affect those people and not others. I understand legitimate concerns; would suggest we try to pass as presented. Can vote up or down one way or the other. Tymeson – The department has presented the proposed regulation and it is not amendable tonight because of the way this has arisen. Chairman Lauber – It goes up or down, hunting season won't deteriorate either way. Prefer that most of the discussion comes when it is amendable, there has been no discussion in the last six months and expected none tonight, good points and we appreciate it, but we have worked this quite a bit. Commissioner Dill – Chris, this is not amendable? Tymeson – The legislature 8-10 years ago passed a law that says that it has to be a logical outgrowth of the discussion and because there has been no discussion we cannot amend on the fly tonight. Commissioner Dill – No discussion previously, just tonight? Tymeson - Had there been we would have. This is to prevent a bait and switch scenario. Chairman Lauber – That does not mean that if it does not pass tonight that it can't come back with some modifications. Tymeson – That is correct, we could come back, possibly by August with a different proposal to vote on, if there is one. Chairman Lauber – We want to see if anyone wants to make a motion to approve this as presented.

Commissioner Harrison Williams moved to approve KAR 115-8-2 as presented to the Commission. Motion fails due to lack of a second.

Schrag – We will continue to review this and seek input. Chairman Lauber – I would encourage you to try and see. I don't know how we can work on the time thing with law enforcement, see what you can do to try to accommodate concerns and bring back. Commissioner Dill – I never envisioned other blinds, thought of pop-up portable blinds, which is different. Tymeson – Is it the will of the commission to continue this on the agenda? Chairman Lauber – Yes but try to address the concerns from public and commission.

**The roll call vote (no second) (Exhibit II):
The motion failed.**

6. KAR 115-9-5. Hunting, fishing, furharvesting licenses and state park permits; effective dates – Linda Lanterman, parks division director, presented this regulation to the Commission (Exhibit JJ). I will let Chris take care of this one.

Tymeson – This is clean up language related to the trail pass that commission repealed previously. Cleaning up language for something that doesn't exist anymore. Lanterman – We no longer charge a trail pass on our Prairie Spirit or Flint Hills Trails.

Commissioner Aaron Rider moved to approve KAR 115-9-5 as presented to the Commission. Commissioner Harrison Williams second.

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

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

The motion as presented on 9-5 passed 7-0.

7. Cabin Fees – Linda Lanterman, parks division director, presented this regulation to the Commission. – We have three new cabins at Cheney State Park that will open this summer. Right now, for off season, we are looking at \$125 a night, Sunday through Saturday, which is comparable to the other side of the lake, the west side cabins have the same fee structure. On peak season, same thing, Sunday through Saturday for \$125 a night, except on Friday and Saturday which will be \$150 a night, which is a little higher than the cabins on the west side. During peak season on Friday and Saturday, \$150 a night, the rest of the time it is \$125 a night. Chairman Lauber – Do we need to make a motion? Tymeson - You may, but it is just a concurrence that is needed. **Commissioners concur.**

8. KAR 115-25-8 Elk; open season, bag limit and permits – Matt Peek, furbearer biologist, presented this report to the Commission (Exhibit LL). Recommendations same as previous years other than calendar shift. We are proposing the same number of limited quota permits as we did last year, which is 12 any-elk permits and 18 antlerless elk permits. Commissioner Sporer – How many over-the-counter elk permits did you sell in the rest of the state? Peek – Typically we have been selling about 100 permits total and that includes the 30, so

about 70 total the last few years for the rest of the state and that includes the landowner permits around Fort Riley. Unit 2 is over-the-counter for landowners surrounding Fort Riley, so we sell quite a few there. Commissioner Sporer – What is the kill on that? Peek – About 25 total, most of those from the Fort area. Success rates aren't good, but better than they have been. I am in the process of collecting data as the season just ended March 15. I think success rates were better this year, I know quite a few were killed in Hamilton County area. Chairman Lauber – We are voting on this as an annual thing, I don't see any mark up? Tymeson – It is a 25-series regulation and doesn't contain changes because it is a season regulation and has different publication requirements.

Commissioner Tom Dill moved to approve KAR 115-25-8 as presented to the Commission. Commissioner Aaron Rider second.

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

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

The motion as presented on 25-8 passed 7-0.

9. KAR 115-4-4. Big game; legal equipment and taking methods – Levi Jaster, big game biologist, presented this regulation to the Commission (Exhibit NN). The proposed change allows tumble-upon-impact ammunition for centerfire and handguns.

Commissioner Harrison Williams moved to approve KAR 115-4-4 as presented to the Commission. Commissioner Aaron Rider second.

Dustin Dohert – On behalf of Fort Scott Munitions, thank you for the discussion on this. Commissioner Dill – Remind of discussion, since we allowed crossbows and not a lockable device for a compound? Tymeson – You are talking about a draw-lock, right? Commissioner Dill – Right. I have had a couple of people ask me about it. We allow crossbows so why not a draw lock for a compound? It is still part of subsection (a), no bow shall have a mechanical device. Did that ever come up for discussion? Chairman Lauber – This is the first time I recall it coming up. Tymeson – It has been discussed 3-4 times in last 20 years, not during this cycle that I am aware of. Was it Levi? Jaster – Not this time. Commissioner Dill – I was contacted a month ago. Chairman Lauber – Propose approval and have Levi and his people look at this and consider that at a later date.

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

Commissioner Cross	Yes
Commissioner Dill	Yes
Commissioner Hayzlett	Yes
Commissioner Rider	Yes
Commissioner Sporer	Yes

Commissioner Williams
Commissioner Lauber

Yes
Yes

The motion as presented on 4-4 passed 7-0.

10. KAR 115-4-11. Big game permit applications – Levi Jaster, big game biologist, presented this regulation to the Commission (Exhibit PP). Due to changes in last few seasons for when elk season opens the application for drawing elk permits was held too late for staff to be able to fill them in time for the season. We propose to move application periods. Move either-species either-sex deer permit draw deadline to the second Friday in June from second Friday in July. Also, move the draw for elk permits to second Friday in June, which is also a month up. That brings those in line with current date to draw pronghorn antelope. This would give hunters only one date to remember to get applications in by.

Commissioner Gary Hayzlett moved to approve KAR 115-4-11 as presented to the Commission. Commissioner Tom Dill second.

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

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

The motion as presented on 4-11 passed 7-0.

10. KAR 115-25-9 Deer; open season, bag limit and permits – Levi Jaster, big game biologist, presented this regulation to the Commission (Exhibit RR). Season dates will be: archery, September 16 to December 31, 2019 in all deer management units (DMU) and are also valid during extended firearm season beginning on January 1, 2020 through last open day in units open to extended season; urban antlerless-only white-tailed deer archery season will be January 13-31, 2020 in all urban DMU. Firearm: regular firearm season will be December 4-15, 2019; pre-rut white-tailed deer antlerless-only season will be October 12-14, 2019; during regular and extended season, white-tailed either-sex deer permits issued for DMUs adjacent to or encompassing urban DMU shall be valid in both designated unit and urban DMU. Muzzleloader-only: all DMUs September 16-29, 2019. Designated persons season: September 7-15, 2019 in all DMUs. Extended firearm season for antlerless-only white-tailed deer: January 1-3, 2020 in DMUs 6, 8, 9, 10, or 17; January 1-5, 2020 in DMUs 1, 2, 3, 4, 5, 7, 11, 14, or 16, Unit 16 moved from short season, deer rebounding there; and January 1-12, 2020 for DMUs 10A, 12, 13, 15 or 19, Unit 15 is a change from last year when it was in the mid-length season, strong deer populations there and would provide more opportunity. Unlimited resident hunt-on-your-own land (HOYOL), special HOYOL and nonresident HOYOL authorized in all DMUs, valid January 1 to last open day in units open to extended season. No more than five antlerless white-tailed deer permits per individual. One antlerless deer permit valid statewide, except unit 18; four additional antlerless white-tailed deer permits valid in DMUs 1, 2, 3, 4, 5, 7, 10A, 11, 12, 13, 14, 15, 16 and 19. By Unit 16 moving to mid-length season they will also have four additional antlerless-only deer permits available; that unit is the one in the Red Hills, Comanche, Barber

and Pratt counties. Commissioner Williams – Second paragraph, obtain nor more than five; is that four or five? Jaster – Four additional, there was already one valid in Unit 16. Commissioner Dill – In short season, starts on a Wednesday and includes Thursday and Friday. Any reason to not include Saturday? Jaster – Was originally going to be a one-day season, we had quite a few comments to extend that. Saturday is highest harvest day of the week. Extending to three days gives a little more opportunity but doesn't allow over-harvest. We are currently reviewing hunter preferences on antlerless season in our harvest survey to better adjust that for next year.

Commissioner Harrison Williams moved to approve KAR 115-25-9 as presented to the Commission. Commissioner Tom Dill second.

Spencer Tomb, Manhattan – May not be right time for this. As I prepared my testimony to fight the transferrable deer permit I came across something that I think is an unintended consequence of high numbers of nonresident deer hunters. There has been a significant decline over the last five years; lost 31,000 permit sales to residents. That could be considered a detriment if trying to manage deer by using resident hunters to take the does. Have statistics I would like you to look at and consider because it is driving resident hunters out of the season (handout – Exhibit SS). Commissioner Rider – Heard perceived comments and concerns from resident deer hunters, that this is becoming high-class antlered deer resource and becoming diminished. And that other states are ramping up efforts to have big deer and they are concerned we will fall behind some of other states. Chairman Lauber – I hear the same thing. The ease and availability for nonresidents to hunt is taking away my opportunity to hunt. Not easy to reverse and politically it needs to be done softly; because pretty soon you can't manage the deer herd. Management is limited if you only have trophy hunters who donate their harvest to Farmers and Hunters Feeding the Hungry. Not easy politically. Have secretary's orders after this. Expect comparable to last year, down the road may want to tamp down some of those, in relation to declining deer herd areas. Have a motion and a second. Tomb – I testified in favor of getting nonresidents to hunt in the mid-1980s and happy that it happened. We were told at that time that the permit levels would go up to about 17 percent nonresidents and level off, that was before everyone said that "Kansas is the place to hunt", and it has gotten out of hand in terms of nonresident permits. Chairman Lauber – Almost one-fourth of deer permits are nonresidents. Deal with this motion, comments from Spencer, Aaron and myself, additional discussions for next year. Secretary Loveless – It has become apparent to me with all of the discussion and testimony around transferable landowner permit that we have the decline Spencer mentioned and that concerns us. Talked about that in our testimony. We will have those discussions to not discourage Kansas hunters. Chairman Lauber – A good point and all we can ask for today. Commissioner Sporer – Proud of Kansas and deer we have, to a non-deer hunter, when he talks about season dates and units I can't fathom all of the things we just said. Could be less complicated, an observation. Chairman Lauber – Doesn't take long if deer hunter to catch up on the system and it doesn't take nonresident outfitters and nonresidents long to find a way to gain the system. Commissioner Sporer – Good friend who used to deer hunt, looking to get a permit and he was so confusing he decided not to.

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

Commissioner Cross	Yes
Commissioner Dill	Yes
Commissioner Hayzlett	Yes
Commissioner Rider	Yes

Commissioner Sporer
Commissioner Williams
Commissioner Lauber

Yes
Yes
Yes

The motion as presented on 25-9 passed 7-0.

Jaster – We are having internal discussions on deer and looking for ways to simplify and make it easier on hunters.

11. Secretary's Orders for Deer – Levi Jaster, big game biologist, presented this regulation to the Commission (Exhibit UU). The allocations are: for resident deer, one change, except in eastern mule deer units 3, 4, 5, 7 and 16. We divide Kansas in half east and west and take western half and divide it in half again, talking about that eastern quarter. We saw significant declines in the mule deer population, changing number of firearm either-species either-sex permits to 100; it was 400 so a 300-permit decline; the population decline warrants that severe of cut. Other than that, permits will remain the same for residents. The western mule deer unit has 1,425, the same as last year as the population was stable, maybe up a little. Nonresident season permit quotas, no change in total number of permits in each unit. We are either on track on where we want to be management-wise, or some declines, but not enough to warrant changes. There will be a change in the mule deer stamp, which is what allows nonresidents to hunt mule deer; change whitetail either-sex permit into either species either-sex permit. Nonresidents are limited to archery or muzzleloader permits. The changes all fall within units in eastern zone, Unit 3, Kirwin-Webster, was 20, now eight, a loss of 12; Kanopolis, Unit 4, is now one, a loss of four from five; Pawnee Unit 5, down to one, a loss of nine from 10; Solomon Unit 7, now one, loss of one from two; Unit 16, there were five permits, now zero. Also, there is a minor correction on Unit 16 where it says whitetail antlerless only, listed as one permit valid statewide and on KDWPT public hunting areas (“a”), should also include footnote “b”, which is the four additional permits. That would make it the same as residents.
No vote is necessary.

XII. OLD BUSINESS

XIII. OTHER BUSINESS

A. Future Meeting Locations and Dates

April 25, 2019 – Colby – Colby Community Building (prairie chicken viewing AM)
June 13, 2019 – Salina – Rolling Hills Zoo
August 15, 2019 – Kansas City, Johnson County area
September 19, 2019 – Great Bend, Wetlands Education Center (teal hunt, AM)
November 14, 2019 – Scott City, William Carpenter 4-H Building

XIV. ADJOURNMENT

Adjourned at 7:36 pm.