

**Kansas Department of Wildlife, Parks & Tourism
Commission Meeting Minutes
Thursday, January 13, 2022
Virtual Zoom Meeting**

Approved Subject to
3/31/22 Commission
Approval

The January 13, 2022, meeting of the Kansas Wildlife, Parks and Tourism Commission was called to order by Chairman Gerald Lauber at 1:00 p.m. Chairman Lauber and Commissioners Aaron Rider, Lauren Queal Sill, Warren Gfeller, Troy Sporer, Phil Escareno and Emerick Cross 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 – Revised agenda changed around a couple of items in evening session of general discussion, forward-facing sonar will be first, then crappie management followed by the other two items. Also, adding Free Park Entrance and Free Fishing Days presentation by Linda Lanterman at the end of the general discussion this afternoon, after Military Deer Seasons. (Agenda – Exhibit B).

IV. APPROVAL OF THE November 18, 2021, MEETING MINUTES

Commissioner Aaron Rider moved to approve the minutes, Commissioner Lauren Sill second. *Approved* (Minutes – Exhibit C).

V. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

No public comment.

VI. DEPARTMENT REPORT

A. Secretary's Remarks

1. Agency and State Fiscal Status Report – Brad Loveless, Secretary, presented this update to the Commission – Chris Tymeson left for other employment, Terry Bruce is our other counselor, while we are interviewing for chief counsel, Terry will step into this broader role, help us with legislature and deal with administrative regulations with the Commission. Some of you may have seen state-of-the-state address and the presentation by the director of budget yesterday. The Governor's budget recommendation includes the total agency budget of \$96 million. It is the money you all, in buying licenses and gear, send our way, included in Governor's total budget. Park Fee Fund (PFF) finished calendar year 2021 with an increase over 2020 of 3.5 percent.

Current fiscal year receipts are up slightly than last year and significantly higher long-term average, as we continued to see an elevated interest in state parks. We are happy about that, appreciate higher receipts but expenses are higher so we need those in order to keep things open and in good shape. The cash balance in the PFF at the end of 2021 was \$8.6 million. Cabin revenue, gross for parks and public lands, finished 5.4 percent higher for calendar year 2021. In current fiscal year down from last year, but it is winter and early and we haven't seen the main numbers come in yet. Finished last year in good shape. The Wildlife Fee Fund (WFF) was up significantly during the calendar year because of demand for our services. Calendar year 2021 receipts were just shy of \$49.6 million, an increase over calendar year 2020 of just over 20 percent. Current fiscal year receipts for the first two quarters are \$11.3 million, a four percent increase over last year. The current balance in WFF at the end of last year was \$26.2 million. The agency has received preliminary apportionment for Wildlife Sportfish Restoration grant programs (PR/DJ). This is based on first three quarters of fiscal year 2021 and the final apportionment is expected in February or March this year. For Wildlife Restoration (PR) exceeds the total apportionment for last year. The preliminary fiscal year apportionment of PR/DJ was \$14.9 million as compared to previous year of \$12.4 million. We anticipate our apportionment could be as high as \$20 million. Sportfish Restoration (DJ) is down slightly from last year but still above 10-year average. This appears to be due to low receipts for fishing equipment, which surprises us, with all the bare shelves and it was our understanding they were producing more or as much as ever. However, the receipts are down a little. Total apportionment last year was \$5.8 million and this year we expect \$5.5 to \$5.6 million. Not a huge drop but not what we hoped for. The Boat Fee Fund (BFF) is the third leg of the core resources the department depends on for agency operations. It is focused on boating safety, education and access infrastructure to support the boating public. Calendar year 2021 receipts were \$1.9 million, a 24 percent increase over calendar year 2020. Fiscal year 2022 year-to-date receipts is \$654,000, similar to same period from fiscal year 2021. Both 2021 and 2022 numbers are well above our long-term average. Things are trending in a positive direction. We have lots of uses for BFF and will hear from our staff periodically. The state of agency budget is healthy.

2. 2022 Legislative Update – Terry Bruce, agency counsel, presented this update to the Commission – With Chris leaving we are thrown in here, the Secretary, Steve Adams and myself have been keeping an eye on it. I want to highlight last year's successes that Chris helped accomplish, look at main issues for legislative session and some legislative agenda items and possible agenda items the department will be covering. We will keep you informed on bills that might be of some concern this session. Highlights from last year include, ERO 48 which transferred the Division of Tourism over to Commerce. We were able to defeat HB 2025 that restricted law enforcement ability to access land or surveil land, which would have had a killing effect on law enforcement activities. Passed SB 159 that authorized the purchase of 178 acres of ground in Kingman County next to Byron Walker. The contract has changes being negotiating right now with Ducks Unlimited, hopefully agreed to contract as early as next week. SB 142 passed, allowed guidelines of American Fisheries Society in commercialization of wildlife statute, we can now reference those in our rules and regulations. Main issues for 2022, you may have heard about redistricting, the first time in 40 years that an incumbent governor will be running for reelection while the legislature is drawing it's boundary maps for Senate and House districts. An exciting negotiation to watch. Tax rebates have been proposed by the Governor's office, sales tax on food exemption has been proposed. A possible opponent, Attorney General Schmidt and the legislature have had different iterations of sales tax on food through the years and state coffers being what they are, it will be interesting to see how tax rebates and sales tax exemptions play into the passing of the budget. The 2023 fiscal year budget

won't pass until those other two issues are resolved. So far, the department as an agency got a favorable Governor's recommendation for their budget. The wildfires in west, northwest and north central Kansas, will see some wildlife relief activity, sales tax exemption on those supplies for maybe for new fences for farms that were damaged, also see FEMA and state share of those funds being directed towards those counties that qualify. COVID 19, there is some legislation proposed in response to declaration of emergencies and issues with federal funds, part of the President's budget that will come into play and how those are spent by Kansas. So far for 2022 legislative session, the department is looking at proposing reconciliation bill to follow up ERO 48 that transferred Tourism into Commerce, there are some portions of the statute book that does not yet acknowledge that transfer took place. Issue brought up by Commission, lifetime hunting license for those who qualify as being a member of a Native American tribe, KSA 32-929 requires that a person applying for a Kansas lifetime hunting license must prove they have one-sixteenth Native American heritage and they also belong to a recognized tribal unit. This would remove the one-sixteenth requirement from Kansas statute for several reasons. We don't want anyone reproving to themselves that they are a member of a Native American tribe, whoever is enrolled as being a member of Native American tribe that would suffice as that burden and they would qualify for that license privilege. There might be the opportunity for some core exemptions that impact threatened and endangered (T&E) species to be rolled into a Governor's office request dealing with Kansas Open Records Act. We will be putting forward an affinity license plate bill, working with revisors from Department of Revenue and our staff. There will be the option of four plates, one for parks, two for wildlife game and one nongame. The license templates have already been prepared and we have to work through budget and DMV as to how funds are split up and where they go to make it as simple as possible. As part of Governor's budget, we saw five percent proposed increase for employee salaries and her proposal to allow our law enforcement certified employees to be placed under the Kansas Police and Fire KPERs benefit, something Secretary Loveless has been advocating for a few years. We do not anticipate any land purchases to have to be approved by the Legislature. Left over from last year, a bill that would grant lifetime hunting privileges to those who were honorably discharged after 20 years of service from the National Guard. Also, last year there was transferability of landowner/tenant deer hunting permits, comes out every now and then, we want to be engaged and ready if that is debated. HB 2456, was pre-filed by Representative Corbet, it would establish a \$200 lifetime hunting license if purchased for individual between ages of 0 and 5, then once they reach the age where they would be required to purchase the license they would be granted a lifetime license. Our current a lifetime hunting license could be set up to \$1,000, currently at \$962.50. That is an overview of what we will be working on, engaging in and keeping an eye on. Commissioner Escareno – Property in Kingman County, where is that property located? Counsel Bruce – When I toured it that was going to be a different piece of property, in order to keep local landowners engaged there was a bit of a land swap to accommodate some tenants. Secretary Loveless – That piece is on the far west edge south of the river, where county road comes up from the south and crosses the river, between county road and existing property to the east on the south side of the river. Ducks Unlimited was creative and we worked together with local landowners and made some trades and it turned out to be a good deal for our customers and getting better access to a large portion as well as river access. Commissioner Escareno – South of Kingman Lake and west? Secretary Loveless – Exactly. South and clear west end of the property. Chairman Lauber – The bill pre-filed by Representative Corbet. If you have grandchildren and want to buy them a lifetime hunting license, it would be \$200 instead of \$962.50 which would maybe bring income in at front end but in long-term would have a deleterious effect on our finances, wouldn't it?

Counsel Bruce – There would be a loss in two ways. You would have to compare it in a couple scenarios, one is compared to existing price of a lifetime hunting license and second, what is that going to do when we pull down DJ/PR money, currently there is a federal match there. The issue you run into with any lifetime hunting scenario is those rules are not static, the feds can change it at any time and they may no longer qualify for federal drawdowns. Steve Adams is working on that and gave us a spreadsheet to show some of those losses. It is significant if that individual were to otherwise buy an annual combo every year, that is a very large loss compared to that revenue but we would also loss, if somebody were to buy a lifetime license and move out of the state of Kansas they would be treated as a Kansas resident and use our resources and wouldn't have to qualify for a nonresident permit. There are a few ways of looking at this. The current statute gives commission the authority to set that rate, up to \$1,000, Perhaps at some point it becomes a broader discussion as to what our existing framework or licenses for lifetime hunters would look like. Chairman Lauber – Monitor that. Secretary Loveless – Terry gave a great summary. We love the idea of figuring out way to engage our citizens at a younger age and helping their families support their commitment to a lifetime of enjoying Kansas outdoors. We are just trying to figure out the numbers to make sure it doesn't end up hurting all the rest of our participants in terms of federal aid we are able to leverage. We are trying to take a big picture look and figure out a way we can make it a positive thing for everyone concerned, so agency and users aren't penalized. Working hard to do all the math. Commissioner Escareno – With regards to fires in Kansas, does KDWP offer assistance for replenishing pheasant, quail, duck or anything that may have gotten hurt during those fires and do they offer any assistance or request state aid and assistance for replenishing the wildlife for that area? Secretary Loveless – It is all about habitat management, we know if you plant animals in hopes that a significant percentage survey and reproduce that is a losing proposition, what will be important will be working with landowners, we have options for habitat programs on the ground and to go in and engage with those folks to help restore critical habitat those animals need. We haven't had a dialog to get extra tools to go into those focus areas. We know the Governor has reached out and created easier pathways for people to restore other aspects of their lives, certainly the wildlife is an important aspect. I will make a note that we ask those questions of our people in the field, what extra tools they could use to be more effective with those landowners that suffered through this. Commissioner Rider – Is license plates similar to what you see at DMV where they have different universities or Ducks Unlimited, \$35 for that license and \$20 goes to the department and \$15 to DMV? Is that similar? I am starting to see that in a lot of other states and wondering if similar to that? Counsel Bruce – Legislation we are trying to copy as closely as possible is similar to regent institutions, Ducks Unlimited, breast cancer license plate and it would give the commission authority to set the price between \$40 and \$100. The split is going to be between parks fund, wildlife fee fund and nongame Chickadee Checkoff. What makes this tag a little different than other states treated it as a donation, ours would allow you access to the parks through a park pass that you could normally do when registering your vehicle. Ours will give a privilege; the remainder of that tag would then be treated as a donation. Commissioner Rider – The department was trying get the license fee cap raised, where are we on that? Counsel Bruce – It is an election year and doesn't seem to have the attention the legislature should give it. We do have to keep an eye on it. It has been a number of years since we had a fee increase. Looks good in budget right now but that won't always be the case. Commissioner Rider – I think it was 2016 when we last increased and looking to increase but wonder where we were with that cap? In a few more years things will start tightening, especially with inflation. Commissioner Sporer – Brad, how big a deal is license fee cap to the agency? Secretary Loveless – It is important, you have been connected with process, we get a cap increase and we have several fees that have bumped into that and we can't go any higher for important things that mean significant amounts

of money for the health of the agency. We talked earlier about federal money that is available and those are all apportionments to us but we have to use our money to leverage that so unless we raise these through those licenses you are talking about we can't access that abundance of federal money, so it is very important we be able to raise those over time. Not in crisis right now, our folks are frugal, our people are good stewards of the money you entrust them with, they are careful and don't overspend. There is clearly more we could do if we had more money in our fee funds to leverage that federal money. We are trying to be good stewards, not a crisis today but that is inevitable and we run into that historically where we are capped in a number of areas, we get into a tight fiscal time. We have had some extreme fiscal challenges in the past because of running into those caps so we are trying to stay ahead of that and get some head room. Another philosophy we are entertaining is the idea of tying it somehow to the consumer price index, some negatives with that. Historically, we have been modest in our increases, we pay attention to what neighboring states charge, what we think the market will bear like any business would. Nevertheless, we are going to have to come up with something fairly soon. The legislature is focused on a lot of big issues this session and it is difficult at a time where there is a lot of tax money they are dealing with. That is a broad brush they pain everything with. There is plenty of taxes in general fund so you shouldn't be asking for money in your fund even though we are disconnected from that, it is hard for people to discern that. A difficult time to have this conversation but we can't wait for long. We may not be able to deal with it this session because of everything else but we have to get back to it and get serious about how we can create head room to be healthy in upcoming years. Chairman Lauber – When we tried to do that last time, we did a decent job but it was poorly reported by media and the confusion became we were going to raise our fees after just raising them in 2016, but that was not the case. That created a lot of confusion and now we have to wait until next year to start again and try to figure out how to make it transparent so we can explain that we are not raising fees now but want the opportunity to be able to raise them later and raise as conditions dictate in the agency.

3. Constituent Inquiries and Emails – Nadia Reimer, chief of public affairs and engagement officer, presented this update to the Commission – Circle back to a few things especially since we have a new commissioner and add a few reminders to get this year off to the right start. Briefly review ways constituents can contact you. Currently the agency has three offerings; 1) an individual could go to ksoutdoors.com and select the contact us button and in that case the agency would share that communication directly with commissioners; 2) constituents can call you as commissioners or email you directly; and 3) last year we instituted this option, a collective account, KDWP Correspondence, an email that is shared by commissioners and select staff within the agency. This is a new process we are utilizing but the thought behind that was we eliminate some of the legwork for commissioners in terms of having to juggle emails back and forth between each other or with the agency. When a constituent reaches out they are hitting all necessary parties at one time and we are better able to track those communications. As part of KDWP Correspondence email there is an online form the constituent fills out that gives us basic information about who they are and where they reside in the state. They have the ability to leave open-ended comments and there is check box to identify that they just want to share their thoughts and don't necessarily need a response; share thoughts and do expect a response; and share thoughts and would like a response and I would like commission to consider this as a future item for discussion in a public meeting. We have had some discussions internally about the efficiency of this and whether or not it is meeting the goals we set forth. If you recall those goals were trying to do two things, ensure staff and commissioners don't have to

duplicate efforts, increase efficiency overall, but also trying to ensure that no constituent inquiry goes unanswered. Part of that solution is instituting a log that commission secretary Sheila Kemmis maintains. Going back to designations or check boxes we discussions about whether or not it is helping us meet our goals. The third one, like considered for future public meeting, our thinking is that is probably not necessary at this point. Based on the communications we have seen and responded to most of these topics are either items the commission has already heard and discussed and perhaps constituent wasn't aware, or items in process of being worked on. In that regard the solution is to get rid of third option and maintain open invite to anyone at any time to come before you pose those ideas to you directly. This will simplify the process even more. If you have no issues with that we will remove the third option and simply ask constituents, would you like a response or just want to share your thoughts with us and conduct commission business as usual. Chairman Lauber – I think that is fine. Reimer - Two other items, because KDWP correspondence email is a shared account there is no need to forward those to anyone else, it goes to all commissioners and appropriate staff within the agency. Once that email comes to KDWP correspondence we will reach out to you if there is any need for direct communication otherwise know that you can log into that account and view those emails at any time. Only if you get an email sent to you directly as a commissioner and wish for us to see it then go ahead and forward it. I want to reiterate the importance of this communication log Sheila is maintaining. This is a fantastic resource in the sense that you as a commissioner have access to this on the share drive and you can log on at any time and see what topics constituents have been bringing up historically, who responded. If you have questions or want to reach out to a particular constituent but don't recall when that email came through that is a great resource to loop back and revisit some of those conversations. Commissioner Sporer – Logged onto Wildlife and Parks account, I noticed some of the emails were in my focus box, which I primarily look at and then I dug into the general emails where there are office closings and things like that and I noted there was also some emails directed towards commission. I look for word, collected, is that something that is going to routinely happen or is that shortfall that didn't get put into the focus box? Reimer – I am going to defer to Jason Dickson in IT. Jason Dickson – The focus box is a term determined by Microsoft where there are rules in the back end that decides whether it is focused or not, it can be sporadic. If you see any emails under "other" would like to be under "focus" in the future, I believe if you right click and add to focus inbox and then they will come up in focused inbox. We can't manually do that I have talked to OTIS a little about that and there is nothing on our side we can do to force that into that focused inbox because of how the algorithm works with Microsoft. If you right click those possibly future ones will go there. Commissioner Escareno – Received two phone calls and had a personal meeting with an individual with regards to some hunting on family-owned property and hunting on the property with an out-of-state family member, they had questions. I told them I was new at this and learning the process and I would go through it and learn it the best I could. With those meetings I had I took notes. Is that something I go into the form and fill out and submit to the commission or ask constituents to fill out their information. How should I take care of that? The other one was with regards to extending coyote season, with regards to night hunting. I want to make sure I get that information out there. Touched on great points for me being a new commissioner. Reimer – Yes, no wrong way to communicate with the agency, we want to be as accessible as possible. In this instance where you are getting phone calls or private meetings, at any time you can give us a call directly and verbally share those items or email. I would be happy to follow up this discussion with an email to you on who to contact within the agency to get correct answers. In terms of the online form, if you want to direct constituents to that online form that is probably the second best option but don't feel you need to duplicate your efforts and get back with them just for that purpose. What we can do and want to do is serve as main focal point for you as commissioners.

Don't worry about having the right answers that is what our field and research biologists are there for. Get that contact information to us, let us know what the highlights are and we will make sure to contact the appropriate staff, craft a response and cc you on it so you are aware that communication loop has been closed. Secretary Loveless – Trying to simplify this and make sure we don't have anybody fall through the cracks. Sheila is the first point of contact, she is the one everything goes through and she engages all the rest of us, Nadia's shop is big in that and appropriate people throughout the agency. For you as commissioners, Sheila is one-stop-shop, she is attentive and responsive and where you can start and we will navigate other communication. We don't want to cut you out of any communication but we want to make sure we are effective in sharing information and making your jobs as easy as possible. Commissioner Sill – Sheila and Nadia, thank you. I appreciate not worrying about whether people are getting respected in their responses and not having to do that. Also, thank you to staff in responses. The responses have been educational for me, appreciate getting copies of those and have learned things I didn't have any clue about. I am reaffirmed in my respect and admiration for our staff; their ability to communicate, their proficiencies and competencies in their work. That is a huge win-win all the way around. How do we access that shared drive to see that log? Reimer – I am glad you brought up the value our staff bring to these responses, they are the ones doing the hard work and putting a lot of time and effort into providing solid data to these constituents and treating each response on a case-by-case basis, especially our wildlife division has been doing a phenomenal job. In terms of how to access that log we can send you a link to log today so that is fresh in your inbox and my recommendation would be you bookmark that on whatever browser you are using so you can quickly access it. One of the items Secretary Loveless brought up was, utilizing the previous process, when someone indicated they wanted an item brought forth before you discussion, that was before they actually received a response from our staff, so we hope reality is that their questions are being answered directly by our field staff. That also might negate the necessity for bringing it forth in front of the commission at a later time because it is possible their concerns have already been addressed. We will be sure to get you an updated link today. Assistant Secretary Miller – If there is an issue brought to you in a meeting or phone call and it is time sensitive and you need that person contacted, don't hesitate to call me or Nadia and if we can't call right then and respond we will find somebody who can. Secretary Loveless would also be happy to take those calls. If it is just general information we can go through the process Nadia described. We have done this in the past, if time sensitive give me a call and I will make contact with constituent, we don't have problem doing that.

B. General Discussion

1. Commissioner Permit Update and Drawing - Mike Miller, Assistant Secretary, presented this update to the Commission (Exhibit D) – We drew virtually last year, I will have container and numbered balls on the video so everyone can see and I will draw by proxy for each of the commissioners. This program is through KSA 32-970 and started in 2006 and give commission the ability to issue seven big game permits. You can issue one elk, one antelope or seven deer permits. These are any-deer permits, statewide, any equipment during any legal season with equipment legal for that. They are available through lottery draw to non-profit conservation organization local chapters operating in Kansas that actively promote wildlife conservation hunting and fishing heritage are eligible. If a chapter or organization is drawn they will pay for that permit and they can then auction that permit off to the highest bidder. Once they sell that permit the cost of the permit is subtracted, 15 percent is taken out and 85 percent is sent

back to the agency with a proposal for a conservation project. Once that project is agreed upon that money goes back to that conservation organization to do that program. The only difference would be is if Kansas Farmers and Hunters Feeding the Hungry they would basically keep the entire amount to help their program. Since 2006 we have sold permits have sold for more than \$1 million, raising \$903,000 for conservation. That first year, 59 applications and the permits sold for \$49,000; and in 2021, 208 applications and permits sold for \$218,000 and we set a new record last year with one deer permit selling for \$41,000. People are figuring this program out and the any-deer, statewide, any season deer permits are highly sought after and the money is going to a good causes. Some of those might be the DU chapters putting that back into Bringing Back The Bottoms, the Pheasant Initiative, major habitat programs we have or youth events, like youth hunts and youth outdoor skills programs. The money is going to good causes. We had 176 eligible applications this year. I will draw commissioners by proxy, I will draw a number, Sheila will say what organization or chapter that is associated with and we will keep track of that.

Drawing Winners (*Mike Miller did all of the drawings for the commissioners*) (Exhibit E):
Commissioner Emerick Cross – (1) – #34, Ducks Unlimited Independence (deer)

Miller – Deer are the most sought after permits. Initially elk was one of the more popular ones but now most of these applications first choice is a deer permit. I think they are easier to sell and auction off. Chairman Lauber – Deer permits can be utilized in addition to one over-the-counter?
Miller – Yes, this is the only time you can get two permits that will allow you to take a buck. Even a nonresident. If they drew a permit and purchased one of these they can have two permits in their possession and utilize them during the season.

Commissioner Phil Escareno – (2) – #12, Safari Club International, KC (elk)
Commissioner Warren Gfeller – (3) – #166, NWTF Kansas Central Chapter Salina (deer)

Miller – I failed to mention a chapter can only draw one of these once in a three-year period. The chapters are all handled independently but each of those chapters can only draw one of these once in a three year period.

Commissioner Aaron Rider – (4) – #29, Ducks Unlimited Leavenworth (deer)
Commissioner Lauren Queal Sill – (5) – #19, RMEF National (elk gone, 2nd choice deer)
Commissioner Troy Sporer – (6) – #108, Pheasants Forever, McPherson (deer)
Chairman Gerald Lauber – (7) – #68, Ducks Unlimited, Upper Republican (deer)

2. Webless Migratory Bird Regulations – Richard Schultheis, wildlife research director and migratory game bird coordinator, presented these regulations to the Commission (Exhibit F) – Regulations for doves, crane, snipe, rail, woodcock and crow must adhere to federal frameworks, similar to process we follow with waterfowl. However, unlike waterfowl the federal frameworks does allow us to include webless migratory game bird seasons and limits in permit regulations. Summary of these regulations is in the briefing book. Recent changes to webless regulation you may recall includes moving the sandhill crane hunting unit into west central zones with different season dates for 2020 and changes to exotic dove regulations back in 2019. For the 2022-23 season there are no changes to the federal frameworks for webless species will be taking place. We do expect change to the wording of 115-25-20 to clarify the requirement of completing the sandhill crane test prior to hunting versus prior to purchasing the sandhill crane hunting permit. This change is simplification of wording and language in regulation and bring it in better alignment with online license permitting system. Chairman Lauber – Explain about

sandhill crane, you can't or can take test after you purchase the permit? Schultheis – Currently the regulation implies the requirement is to complete the sandhill crane test prior to purchasing the permit, with the intent to have folks complete that test before they are hunting crane. With the changes to more folks using online purchasing in licensing app system it makes more sense to make sure that regulation is in alignment with what folks are going through, purchasing their permit and then the app would direct them to complete the test, so they would still be in compliance with regulation. It is no real change to the intent of that regulation; it is just the wording and we want to make sure everyone is on the same page.

3. Waterfowl Regulations – Tom Bidrowski, migratory gamebird program manager, presented these regulations to the Commission (Exhibit G) – The U.S. Fish and Wildlife Service (USFWS), with inputs from the Flyway Council, annually develops 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. A briefing item was prepared for the commission packet regarding developments for the 2022-23 waterfowl season. Included are the proposed USFWS frameworks and pertinent background material. The only change to the frameworks from previous is merganser's are now included as part of the daily bag limit and possession limits where previously they were separate. Season dates will be presented at the March meeting. Chairman Lauber – One of the items that continues to surface in correspondence is the pressure of nonresidents. I am not posing an answer to the issue but do you have any thoughts on that or you strictly looking at the resource and not taking that into consideration? Bidrowski – We take hunter preferences into great consideration and quality of Kansas waterfowl hunting. We have provided some information back in the spring and continue to explore the options as this is a complex issue and we can pick a variety of approaches if we want to preserve Kansas waterfowl hunting heritage. Chairman Lauber – I was sure you did. Also, I want to commend you on your continue exploration to constituents on the southeast (SE) zone. Everyone who lives in the SE zone wants to change the boundaries and I don't know the answer to that. When is the five-year period up so we can reconsider changing boundaries? Bidrowski – Last year was first of five years, so another three years of regulation processes after this year to reconsider zone boundaries. Chairman Lauber – I don't know if Commissioner Rider gets lots of people in his area wanting to change the boundaries? Commissioner Rider – Haven't heard a lot of discussion about changing boundaries just sometime when we get close to this time period some of the northern parts of the unit look at that. Chairman Lauber – We have a long time to think about it. Commissioner Sporer – Early on, right after opener of duck season in mid-November, you asked land managers to report on activity of resident versus nonresidents on public lands. That was a good report and gives a history of what is happening on public land. Did you ask land managers to repeat that later in the year or just a one-time deal? Bidrowski – No, with current electronic check-in system it makes it easier and some reports are at area-levels. That would probably best be addressed by Stuart, most managers can give you an updated report at any time. Commissioner Sporer – This was all waterfowl areas, including reservoirs out west that don't have iSportsman, so a broad statewide report. Stuart Schrag, director public lands – I sent that to you to review to see what was going on on-the-ground at our public wildlife areas, not just iSportsman properties, including large reservoirs. My plan was to send initial report out for majority of duck season and at season-end give you an update on remainder of the season not reported. Look for that after regular duck season has closed. Appreciate your positive response

on that. I was hoping you would benefit from that and it sounds like you have so that is something I would like to keep doing to keep you informed. Commissioner Sporer – Are you done with your discussion? Bidrowski – This is just the beginning of the process and staff recommendations will be given at the March meeting. Just covering what federal frameworks would be for this year. Commissioner Sporer – I am still extremely concerned about the nonresident pressure on public lands and waterfowl. I don't think anything has changed this year and I am going to be pushing for something. The quality of hunting, given current pressure, it can't be maintained on public lands. I am looking for some help. I have lots of ideas, looking for something to help alleviate the pressure on public lands. I think a public land pass, 10-day pass worth \$100 per zone for nonresidents, all funding will be put into fund to purchase and/or improve public lands. That is my start of what needs to be done to curb enormous pressure. Waterfowling has changed from what it used to be. The agency has proved to me there were more hunters back in 1990s and early 2000s, but no doubt waterfowling and pressure being put on these ducks and geese and them becoming nocturnal creates poor hunting conditions. If we don't do something the common resident waterfowler will be the loser. If we don't start making a move to curb the pressure. Looking for help. Bidrowski – The nonresident issue is a serious issue for the future of waterfowling. It is complex and probably best addressed outside this agenda item, these is season dates and we can have waterfowl issue as part of a larger discussion. Stuart will probably cover some of this in his presentation next on the agenda.

Bob Davis – Had conversations with Tom in the past regarding waterfowl seasons specifically with the drought situation up north and potential for restricted waterfowl seasons coming forward. We are in day 11 of closed waterfowl season for ducks in the SE zone. As predicted, ducks are moving later every year and birds are here, showed up on day season closed and we have not been able to hunt and we have two more days before we can get back out there. Originally this was called the Late Southeast Zone and to take 13 days out of January to close duck season is ridiculous. We need to have all 31 days of January open in this zone and would like to have that option going forward. The opener on November 6 was a suntan event, we laid out there but no ducks were shot. Why don't we have this zone where it is supposed to be, when days are open when birds are here? Not happy with the way this season ended up.

Commissioner Rider – Heard a lot of discussion about that and had correspondence on that. Appreciate Tom's responses to people concerned about seasons. Tom, are your guidelines or thought process still with ensuring the season goes to the last Sunday and opening on Saturday closest to November 11, maximizing holidays and weekends and keeping split on first January. Is that what you and your group still are with that? Bidrowski – Correct. We have had stable federal regulations for 25 years but for the SE zone we have had a variety of structures. We are trying to create consistency and clear and transparent process so trying to use decision matrix to help that. For example, the SE zone, what is the most important factor? And it is closing on last Sunday of January. Moving to having split when most likely frozen around first of January and maximize holidays and catch Veteran's Day on opening day. Commissioner Rider – Critically for us in SE zone, opening to closest Saturday to November 11 is very important and November 6 was pretty early for us. Even if you did November 11 as cut-off day you are floating around November 8 to 14. That basically makes it second Saturday of November opening and pretty consistent and how we stay with consistency. Most people, including myself, would be okay with that and first part of January, five-day split there. There is a lot of talk about December full moon phase where ducks are usually stay for a while and feeding at night and gone nocturnal. I know you have discussed that in the past and hopefully we continue to look at that. Consistency with second Saturday in November is big priority for us down here.

Commissioner Sill – Back to Commissioner Sporer's comments. As part of discussion, whether later in Stuart's public land comments, regarding nonresidents and pressure I have questions that

might include Susan Steffen and research about on where tipping point is for residents versus nonresidents particularly regarding walk-in waterfowl hunting but also across the board with both upland and deer. Are we being overcrowded and pressured with nonresidents? If the numbers show the pressure isn't there but residents still perceive that there is a human dimensions piece there that can be just as discouraging whether pressure real or perceived. At some point, whether today or later date I think maybe Susan can aluminate some of that research that might be helpful or contribute to the discussion. Chairman Lauber – Perception is there but it remains to be seen if it equates to more pressure. This is continuing to come up and maybe even as soon as the next meeting, I think we might want to revisit this as a commission. Stuart may cover some of this in his next agenda item. Last year decided to wait and see, see if it was an unusual year. It doesn't seem like it has been that unusual so I think we need another agenda item to have discussion on this. Leave to staff on who will make the presentation, maybe at next meeting.

Bob Davis – Follow up to guidelines you are going with in SE zone. Shouldn't the number one concern be we have birds here when we have birds here to hunt as opposed to convenience of people who want to have an earlier season. I thought that was the whole purpose of having these zones. If you want to hunt early ducks there are other zones they can go to. I cannot see having this zone open before November 15. You can either take days out of November and put them in January when you have open water, in most cases in January. If you get the birds to move up north. I can't think the dark zone should be penalized for convenience of a certain date. I don't see the logic behind it. Chairman Lauber – Statistics reveals there is a fair amount of hunting and activity in the earlier part, more than people in the deep southeast zone realize. That will be an upcoming discussion item and we will see what staff wants to do.

4. Public Land Regulations – Stuart Schrag, public lands director, presented these regulations to the Commission (Exhibit H) – I will start off by addressing comments on nonresident issue, this has been an ongoing conversation with public lands and wildlife division as well as the whole department. It is something we know is still a hot topic and is part of our routine discussions. As we continue to monitor the data coming in from iSportsman properties relative to waterfowl season. That was part of my reasoning for sending out that initial first half season report to you so you could monitor situations on the ground as we are. We are continuing to take this topic seriously and are looking at it and having conversations and will be glad to come back at the next meeting with further information regarding this topic. Some of it might be touched on in subsequent regulations I am going to be talking about. The regulations we have been looking at for proposed changes are. KAR 115-8-1(e), which covers public land special use restrictions. The first section is under access restrictions, last time you voted on and approved an access restriction at Neosho Wildlife Area that hunters could not access the wetland and pools there prior to 5:00 am and they had to be out of the wetland pools within an hour after legal sunset. We had also at the time discussed the potential for implementing that at Cheyenne Bottoms, however we decided to wait and evaluate what was going on at Neosho this year and come back with potentially the same recommendation for the Bottoms. The report from Neosho, while met with a little negativity on opening weekend, after explanations to why we implemented it everybody seemed to be on board and understood it was for the benefit of not only the ducks coming in and staying but also potential to increase their success rate while on the property. Monty and Travis are on this zoom call to answer questions if needed. There was some concern on conflicts at boat ramps and people stacked up and waiting to get into the marsh prior to 5:00 am but there really were no negative conflicts. We had to do some initial education and

so far everyone has been compliant. Once explanation given they understand why we implemented that and were actually thanked for doing what we are doing. As that relates back to the Bottoms we understand we would be dealing with a larger constituency there which would create additional challenges. I don't believe staff are looking at 5:00 am, but earlier than that because of the larger number of hunters that utilize that property. We will come down later with the actual recommendation for a start time and would have hunters exit an hour after sunset like they do at Neosho. Staff involved in Cheyenne Bottoms operation will continue to discuss this and hopefully will have some sound recommendations by first workshop session.

Commissioner Sporer – Explain 5:00 am start time at Neosho? Reasoning behind the new start time? Schrag – Just like at the Bottoms, we were combating issue of people coming out before season started and go into the marsh in the middle of the afternoon the day before season started, people milling in and out of the marsh throughout the night and disturbing waterfowl. Setting up and camping in the marsh all hours of the night. Staff at Neosho recommended 5:00 am start as a means to reduce disturbance of the ducks where they could stay on the marsh and go to and from the marsh throughout the night as a refuge period. So far that has been a success so that is why we are looking to implement the same thing at the Bottoms. Commissioner Sporer – I was told by a hunter that at Neosho you couldn't enter the water until 5:00 am and I had heard that people would still walk down the dike earlier than 5:00 and hold their spot. Is that true or false? Schrag – Yes, that is true. We set the regulation up so you couldn't step into the water prior to 5:00 am. One of the complaints was walk-in hunters would have same opportunity to get a good spot because they had a head start and the boating public can catch up to them. Yes, that is correct, walk-in hunters can walk down the dike prior to 5:00 and walk in at 5:00 am and set up, boaters can launch at 5:00 am and drive out and set up. That was the recommendation from staff at Neosho. Commissioner Rider – A walk-in hunter could walk down dike at Midnight and set up on the dike as long as they didn't enter the water, as it is written? Schrag – As it is written that is correct. Commissioner Rider - Some of those dikes run down the middle of the pools and I think that might cause an issue. Schrag – I don't know if that was causing conflict between walk-in hunters versus boating hunters. Monte – The reason behind it was to give ducks and waterfowl unharrassed time during dark hours, which they weren't getting due to change in culture of waterfowl hunting. The original intent was to prevent boats from going in because they cause the most disturbance. Walk-in hunters are pretty quiet and we didn't feel like keeping them from walking down the levee was necessarily going to affect whether the ducks stayed in the marsh or left the marsh. But when the first boat motor fires up the ducks take off and leave. Schrag - The next section in reference document tis refuges. We had donated property given to us in Cherokee County in addition to Cherokee Lowlands and we wanted to designate certain tracts of those new donated lands as refuge. The last section under the reference document is daily hunt permits (i-Sportsman). We have not added any additional properties for quite some time with the reasoning being that we were going with a new licensing system. Our intent and goal was to have a one-stop-shop system and not have two separate systems. One for logging in and buying licenses and permits and another for checking in to public land properties. We are discussing this now as we are transitioning to Brandt licensing system who has the capabilities of check-in and check-out. Having continued conversations with them as to whether we should add additional properties gradually or go all in statewide at all public land properties. Part of that discussion relates back to the nonresident waterfowl discussion. A lot of these properties with high waterfowl hunting, reservoir properties even, we don't have them in i-Sportsman program so it is harder for us to collect true data or live data that could potentially weigh-in and have positive impact on this overall nonresident conversation. That is something we are discussing and implementing electronic check in and out on statewide basis. KAR 115-8-9, our camping regulation. This regulation covers the provisions and restrictions of camping on department lands

and waters. What we are discussing for state fishing lakes and wildlife areas, specifically, is the current 14-consecutive-day camping stay at state fishing lakes and wildlife areas and whether that should be reduced to seven consecutive days. This would not include state parks. The reason for this discussion is we are seeing an increase in homeless and transient workers using sites that are creating a large conflict with our primary intended users of these properties. This has become a significant situation at northeast and southeast properties. As a way to combat this issue, we have started discussions of reducing this to seven days. With the homeless situation it is starting to become large residential communities and with that comes a criminal aspect. Department staff takes quite a lot of time and effort to address and resolve these issues. While we believe it could negatively impact our primary users, our fishing and hunting public and our campers we have discussed, if the commission were to approve, a reduction to seven days but still allow provision of extended stay through a request and written documentation from the manager to stay up to 14 days. Chairman Lauber – A good idea.. Schrag - KAR 115-8-23 which covers baiting on public lands. This outlines the provisions and restrictions of baiting for hunting purposes. What is being reviewed and discussed is regulation currently states that no bait can be placed for hunting or prior to hunting and we found out that people found a way around that and placing bait on public lands for they are calling wildlife viewing or photographing wildlife when actually hunting. We are looking at amending the regulation that would basically say all baiting is prohibited on public lands for all activities. I have one more, I had Sheila send you a revised briefing item to include the topic of trail cameras. I had a meeting with law enforcement staff and this topic came up, something we have discussed in the past. It is the hot topic and we get a lot of calls every year on whether they are allowed and whether they should be. Discussing extensively whether we should prohibit them on public lands. It all ties back to fair chase issues, user conflicts and gone from cameras being set up not just to view wildlife but to see what deer are out there and checking on other hunters and who is hunting on the same property. With that comes, theft and privacy issues and cell phone capable cameras where you can view deer and wildlife in real time on the cell phone it relates back to 32-1003 about method of take and not using mechanical devices to locate or take game. We are having that discussion now and will come back to next workshop with a recommendation on trail cameras on public land.

Marshall Loftus, KSEHA – Baiting regulation, would that affect trapping on public land, or is that baiting for big game? Schrag – It would be our intent not to affect trapping on public land. Commissioner Sill – In listening to WAFWA meeting last week and things other states are doing on baiting and game cameras and restricting both of those on public land. And learning there are companies out there now setting up cameras and selling images so you don't have to set up your own camera, which is another aspect of commercialization. To hear they are actually progressing that way is not new news to you but surprising to me. Encourage discussion of that item and where that might go and especially as it relates to long-term view of drones and other things that are restricted now but keeping long-term view of where technology is taking us and be preemptive in our work. Chairman Lauber – Some of technology is going to be difficult to stop on private land, but not sure it has much place on public land. Schrag – I want to reiterate what Commissioner Sill was alluding to. It has been interesting to see what Arizona and Utah have done recently, not only have they prohibited them on public lands but private lands. In relation to baiting topic we are still combating illegal bait sites and typically there is a trail cam associated with that as well so this will address both issues as well

Ryan Sothers – You have a place like Milford Wildlife Area outside of Manhattan and Clay Center where you have agricultural fields that lay within the boundaries of the wildlife area. How is that going to impact your no-bait regulation? You are going to have people who want to hunt

those soybean, corn fields or milo fields that are already there because they are baited all the time. Schrag – It is how we word it within the regulation and it goes back to placing bait and how we define bait within that regulation. We don't want to recommend anything that would prohibit hunters from hunting over a standing crop or residual crop or anything like that. It is placed bait that is brought onto the properties that we are looking at. We are discussing it and hoping to have some recommendations. Sothers – I am just afraid, because you have those ag fields that you are going to have more traffic coming to them if you don't have the ability to bait themselves. I understand why there is no reason to bait but I just don't want to get too many in the woods in one spot. Schrag – We have had this baiting regulation, it hasn't been allowed on public lands for several years, we are just trying to change the language that baiting isn't allowed for any activities to address those go-arounds of users saying they are using it for photography or viewing instead they are actually hunting. The baiting has been prohibited on public lands for several years now and it does not affect standing crops, just placed bait brought in. Commissioner Rider – With baiting, more for law enforcement, have we seen a lot of baiting for waterfowl or citations? Trying to get a feel for Kansas landscape when it comes to waterfowl baiting. Schrag – I don't have any of that data, I can get with Colonel Kyser and get a report to you. My officers in public lands, I don't usually receive any baiting reports like that for waterfowl it is mostly deer and piles of corn on wildlife areas. I can reach out to my staff and look at reports they submit and report back on that question. Commissioner Rider – Didn't know how much state and federal game warden officers coordinated and anything along those lines? Wondering about that earlier in the year and this reminded me. Schrag – Our law enforcement division officers coordinate annually with Fish and Wildlife Service agents on baiting issue. Colonel Kyser – In weekly minutes, we have seen uptick in baiting cases for waterfowl that my officers are working this last fall, more than last year. Don't know what is behind that. All of those cases are being investigated or pending so I have not seen the outcome. But we have seen an uptick in them. Chairman Lauber – Are these particular cases people just throwing corn in a marsh or manipulating fields? Kyser – Yes, it seems like it has been in ponds and some of the wildlife areas in the marshes. Some of our officers have worked cases on those. More prevalent this season than last and they are doing a good job working those cases. Commissioner Rider – What got me thinking along those lines was the competition that we are seeing on public land wetland areas. Going back to Commissioner Sporer's point is maybe driving people to do things they wouldn't normally do but because of competition and their frustration that might be something people resort to for attracting waterfowl. Maybe a farm pond or some other body of water that might not normally be attractive to waterfowl. Appreciate all the work law enforcement did.

5. Military Deer Seasons (KAR 115-25-9a) – Levi Jaster, big game coordinator, presented these regulations to the Commission (Exhibit I). Traditionally we set these seasons later than regular statewide season to allow time to adjust for training schedules or other military activities we may not know at the time. Our public hearing on this will be held in June. Smoky Hill has requested to have same season as statewide deer hunting seasons and may use up to five white-tailed deer antlerless-only permits. Fort Riley has requested the same seasons statewide with the following exceptions: additional archery days for individuals authorized, specifically troops going on deployment during the regular season to give them an opportunity to hunt. Those days would be September 1-11, 2022, and for troops who were deployed but returned, January 1-31, 2023; additional days of hunting opportunity for designated persons, youth and people with disabilities, from October 8-10, 2022 with no pre-rut firearm season for antlerless white-tailed deer; firearm season dates of November 25-27, 2022, December 17-23, 2022, and December 26-27, 2022. That breaks up their firearm

season and they don't get any more than the standard 12 days as statewide season is. Allows other folks with access to the Fort additional days and gives them days around the holidays. Requesting no extended firearm antlerless only season in January; and a deer hunter may use one white-tailed deer antlerless-only permit in Fort Riley.

Fort Leavenworth has requested the same deer hunting season as statewide with the following exceptions: the open firearm season being mostly on weekends, November 12-13, 2022, November 19-20, 2022, November 24-27, 2022, December 3-4, 2022 and December 10-11, 2022, again the same amount of days. There extended firearm season for the taking of antlerless-only, will be from January 1-22, 2023. Also, to allow participation an extended archery season from January 23-31, 2023; and a deer hunter may use up to five white-tailed deer antlerless-only permits in Fort Leavenworth as they have done previously.

The proposed dates for the firearm season at the Smoky Hill Air National Guard subunit, Fort Riley subunit and at the Fort Leavenworth subunit will be reviewed at Workshop Session in March. Final action on those seasons shall be completed at the Public Hearing in June.

Secretary Loveless – I was up at Fort Leavenworth last night addressing their Rod and Gun club, a great bunch of attendees and a lot of avid deer hunters. I had four or five people specifically say thanks to our department and commission for flexibility and recognizing the special needs of their military members and accommodating these requests. They were hurting a little because their best unit is compromised, they have some construction in there this season and they are excluded from that unit so their harvest is down to 20 percent of what it was a year ago. That is bothering them, through no fault of ours, just conflicting activities on the Fort.

Free Park Entrance and Free Fishing Days – Linda Lanterman – parks division director presented this item to the Commission (Exhibit J). I will present free park entrance days and free fishing weekend which is June 4 and 5. Each state park will have three free days this coming year. Every park will have May 7, which is Let's Camp America Day, which starts off our camping season and we always have Opt Outside Day which is traditional Black Friday. Then each state park will have their own free day and will be different all across the state. Typically, those are OK Kids Day, may coincide with free fishing weekend or chili cookoff contest or several other events for the public to enjoy. We will have those signed by Secretary's Order.

C. Workshop Session

1. Big Game 4-Series Regulations – Levi Jaster, big game coordinator, presented these regulations to the Commission (Exhibit K). I will address only the regulations we are requesting changes on. KAR 115-4-6, was not in the briefing book, came to my attention Monday. With deer management units boundary units were set in 1965. Recently, in last year or two, KDOT rerouted a portion of the boundary between Units 5 and 6 on Highway K-14, which now loops closer to Hutchinson. I have a map (Exhibit L), with K-14 now running farther east and they renamed the segment of K-14 that was historical boundary and still is the boundary as intended. It is now called Sego Road. That encompasses about 100 square miles within that area. The recommendation would be to propose we run down K-14 to Sego Road and then down to the highway south of there. It would not change the boundaries just adjusting for that rerouting of highway and changing names. That split has a couple of different antlerless seasons too. What brought it to my attention was a phone call from a gentleman who was confused on what season he was actually in.

KAR 115-4-11, which is big game and wild turkey permit applications. Proposing to adjust for pronghorn hunters to make a choice to either purchase a preference point when unsuccessful in limited draw or they can purchase an over-the-counter archery permit. Right now, they can get a permit and also get a point in the same year. We would like to modify that so they could either get an archery permit or apply for limited draw permit preference point, but not do both in the same year. The purpose of this is to try to adjust point creep where the continued gain of points makes it harder and harder to get a permit over time. With that 35 percent of archery permit holders also have limited draw points and 135 of those from last year alone and 273 over the last three years. This is to make the ability for hunters to obtain a preference point for limited permits and obtaining an archery permit to gain additional points for pronghorn hunting and we would like to adjust this by removing double dipping.

2. Big Game 25-Series (KAR 115-25-9) Regulations – Levi Jaster, big game coordinator, presented these regulations to the Commission (Exhibit M). This is where we set our season dates and also we will adjust some youth and antlerless deer permits on wildlife areas. Several areas in the past have had an exception to the statewide regulation that only one whitetail antlerless deer permit may be used on those areas. The numbers were higher and were having some crop damage issues nearby so we allowed all five permits to be used at Glen Elder, Kanopolis, Lovewell, Norton, Webster, and Wilson Wildlife Areas and also Kirwin National Wildlife Refuge. Now, with lower populations and less trouble areas, managers have provided more even opportunity amongst folks and maintain higher deer numbers for hunting opportunities. We would like to reduce back to statewide regulation of only allowing one antlerless permit at Glen Elder, Kanopolis, Lovewell, Norton, Webster, and Wilson Wildlife Areas and also Kirwin National Wildlife Refuge, most location in the north central and northwest part of the state. Proposed recommended dates (Exhibit N) for 2022 and 2023 season, on youth and disabled would be September 3-11, 2022; early muzzleloader, September 12-25, 2022; archery, September 12, 2022 – December 31, 2022; pre-rut whitetail antlerless-only (WAO), three days around Columbus Day, October 8-10, 2022; regular firearm, November 30, 2022, Wednesday after Thanksgiving and run through December 11, 2022; first extended January whitetail antlerless-only (WAO) January 1-8, 2023; second extended season is January 1-15, 2023; and third season is January 1-22, 2023; and extended archery WAO (DMU 19), urban unit around Kansas City and Topeka, January 23-31, 2023. These follow traditional dates from the past.

3. Antelope Regulations (KAR 115-25-7) – Matt Peek, furbearer research biologist, presented these regulations to the Commission (Exhibit O). Not recommending any changes at this time and proposed season structure, season dates and permit types are all standard and I presented those in last couple of meetings. The one thing we are waiting for on this regulation is proposed permit allocations, we are still trying to get winter aerial surveys completed and will make permit recommendations based on the result of those surveys, we will have them at next meeting. We have completed the harvest analysis since the last commission meeting and the harvest report is available on kdwp website on the pronghorn page if anybody wants to look at that. Among the highlights of this report is that permit demand for these permits has increased lately, from 2008 to 2018, we were typically having about 1,500 people applying for permits, buying preference points/limited permits or buying over-the-counter archery permits. That number is steadily increasing over last three seasons to over 2,500 this year. It already takes five to seven preference points for a general resident to draw a firearm permit in Unit 2, which is the most sought after permit opportunity, so result of increased demand could be serious point creep in the future. It could start to take 10 or more preference points could be required to get those

high demand permits. We are watching that issue closely. Another highlight from the report is the archery permit sales remain high. Two years ago, in 2020, we sold a little over 402, this year we sold 377, third highest on record with the 2020 total being the highest. We are starting to get some complaints from archery hunters, especially those going to Unit 2 where there are a lot of walk-in hunting areas, are starting to get concerned about crowding issues. Change Levi mentioned regarding applications is the first thing we are trying to do to address this. One last finding of note in the report is to spite pronghorn population declining somewhat, according to our surveys we have conducted, it appears success rate from last season remained high for archery and firearm permits, which remained at or above long-term averages. We generally expect muzzleloader success to be around 60 percent and it has fallen to about 50 percent over last few years, not a huge reduction. One area we did see a drastic reduction in success was in Unit 18, where firearm and muzzleloader permit success combined fell to 30 percent. We have gradually been cutting permits in that unit and there were only 10 permits available, so difference between what we saw this year and what we expected to see is only harvest of two or three pronghorn. That could be chance but our surveys in that unit do show declines over time and permit allocations have decreased in response to that. Chairman Lauber – Do you have rough guess on what aerial surveys are going to show? Peek – I don't think things have gotten any better in Unit 18, since drought there they have not reproduced as they should even during what appears to be decent weather for last three years. The population there appears to dropped back to where it was in the early 2000s when we first established muzzleloader hunting and prior to that it only had been archery. That is a big loss because the Cimmaron National Grasslands when pronghorn numbers were good there it was a destination for archery hunters, one of our few big public lands areas in the state. I am not real optimistic in seeing increase in Unit 18, more optimistic in Unit 17. Unit figures are in the briefing book. We have had decent production at times in Unit 2. It seems farther north and maybe parts of Unit 17 where reproduction has been a little better. I think there has also been some movement out there at times that cause them to leave certain areas. The biologists out there talked about an increase in corn and they want to be able to see a long ways so when corn is tall they are probably not going to be in that vicinity. They will cut the corners and be around corn fields to some degree but not favorable to them.

4. Elk Regulations (KAR 115-25-8) – Matt Peek, furbearer research biologist, presented these regulations to the Commission (Exhibit P). Not recommending any changes on season structure, season dates and permit types. Both pronghorn and elk have basically been the same for quite some time. The exception is annual permit allocations. We are waiting on completion of winter aerial survey that Fort Riley staff conduct and once we have results of that we will visit with them on permit allocations for the year. The current season is ongoing and runs until March 15 so don't have any final results to report. Hunting on Fort Riley has ended, of the 12 any-elk permits, seven were filled and seven of 18 antlerless-only elk permits were filled. Typically, we average about 75 percent success rate on any-elk and about 60 percent on antlerless-only so we are below those success rates, but they still do have another two months where those individuals can hunt off the Fort, including the vicinity near the Fort so expect a few more of those individuals might be successful by the end of the year. Elk are more widespread in the state than most people realize, show up occasionally in all parts of the state. Most of the elk in the state are on Fort Riley and that is considered the main hunt opportunity for typical general resident. There are reproducing herds in other parts of the state, the main one close to the Colorado line west of Coolidge and in the Syracuse area; a good herd of 60 to 80 or more so that is important to some individuals as well. In the last five years we have had elk harvested in a quarter of the 105

counties in Kansas and that is an indication of how widespread they are, so even if the bulk of them are in a couple of areas they do scatter out. Every year people are surprised to have an elk show up on their trail camera and some of these, when the elk hangs around long enough, people buy permits and are able to hunt them and get them in some of those counties where elk don't reside and don't have reproduction. Commissioner Sporer – Give us an update on how many over-the-counter tags were sold in non-productive areas? Peek – I haven't pulled those numbers in a while. I do have that total from last year, we sold 142 and that number has gone up from 102, to 103 then 142. Those are the non-Fort Riley permits, but that does include landowners around Fort Riley. Commissioner Sporer – Are they required to report their success or harvest data? Peek – They are not required but we do conduct a census of elk hunters, so we try to get a report, it is not a survey where it is just a percentage but we send harvest reports to all of them and typically get good response from elk hunters. Commissioner Sporer – A survey from southern Thomas County, I usually see a half dozen elk a year and I have only seen one cow this year. Just an update from western Kansas. And haven't heard of any harvested either. Commissioner Cross – Had people ask about seeing media on elk travelling through the state. Do you know if the herd is up and how much? Peek – Only survey consistently conducted is on Fort Riley. As you can imagine it would be hard to conduct any type of a systematic survey of flights or anything like that in most of the rest of the state. We have done it west of Garden City but not every year. Don't have a number but number of atypical locations is consistent so I don't think it has declined. The Fort believes they have about 300 and that is about what they can hold and I think if their numbers grew that we would start getting elk showing up in other places. In other words, as elk are getting closer to carrying capacity on the Fort there are more of them coming off the Fort and then scattering out. We don't conduct surveys elsewhere so I can't say precisely but I think the number of those animals is consistent and not declining. Commissioner Sill – Are you doing any monitoring for CWD with elk herds? Peek – We treat them similar to deer so when they are surveying deer in that area they can turn elk in as well. We used to have mandatory elk sample submission and don't do that anymore. There is few enough of them compared to deer and opportunities to get more deer is easier so we made it non-mandatory.

Ryan Sothers – Curious if raccoons were going to get put on as nuisance animal to help turkey and upland bird populations? Where we are at, in north central Kansas up around Jamestown and I work at Clay Center and we have game cameras and see 25-30 raccoons on one picture. They are all over the place and that is common from anyone I am talking to. I can't see how, with that many raccoons around, and with cost trappers are putting out to get no return on a pelt that is stretched and salted. How are you going to combat the ever-growing population if they are not being harvested? Chairman Lauber – Good point but don't know the answer. Putting them on as nuisance animal will create certain issues. I don't know if authorizing them for night hunting during the coyote season would make sense or not. There is some dog men who would probably not want to see that. Matt can look into that and see if further discussion and consideration. Peek – The department has a furbearer committee that meets annually and we do discuss things like this. The houndsmen were wanting to be able to take some raccoon when season is closed and we did discuss that in the committee the last time we met and there was not support for that at this time. I don't expect this issue to go away so we will continue to give it consideration. The concept that trappers won't harvest them because they are not worth anything, or we should open a long season so more people can harvest them, when not worth anything, not sure how opening a longer season would resolve that with more harvest when they are not being harvested now. There is no demand for them in-season and very little demand out-of-season. If people like yourself if you want to see some harvest you could harvest them in-season just as well as you could out-of-season. I'm not sure what the net result in harvest would be but we do give it some

consideration. The houndsmen would harvest a few more. The interest in additional night hunting opportunities isn't going to go away but that does not mean the department will consider more but considering all the options. Secretary Loveless – In past months when we talked about coyote regulations I found it very helpful when you talk about population trends in Kansas. Do you have that same type of data for raccoons? Peek – Yes. Raccoons and coyotes are in our annual roadside survey and we have data going back to 1980 with raccoons. They increased more than any other species according to that survey. I don't think there is anybody that would contest the notion and no one would contest that numbers are high, however that can change in a hurry in certain areas when something like distemper comes through. The natural population control keeps them from increasing exponentially. Secretary Loveless – Are those diseases density dependent? Peek – I would typically say that it is but not sure the dynamics of distemper hasn't changed as the raccoon population has gotten so high. What I think has happened is that you used to have raccoons in certain areas and the population would get high and the whole population would be naïve to distemper, none of them had ever had it before and distemper would come in and kill a great number of raccoons in that area. I think it is more persistent on the landscape now and it doesn't seem like we get those extreme die-offs in certain areas like we used to. It is always out there so you have a bunch of adult raccoons that have already been exposed and are relatively immune, so when it comes into an area it might kill quite a few of the young but not affect adult populations. That is speculative but we have also seen gray fox populations decline and they are extremely susceptible to distemper. One possibility, and this is speculative, is the persistence of distemper in the raccoon population prevents gray foxes from surviving, they get exposed and die from it. Whereas before, except in outbreak areas, gray foxes could live in the state and not be so likely to encounter to distemper. There is research going on with gray fox in Missouri and some of the upper Midwest states that may provide more insight on whether those theories are accurate or not.

VII. RECESS AT 3:34 p.m.

VIII. RECONVENE AT 6:30 p.m.

IX. RE-INTRODUCTION OF COMMISSIONERS AND GUESTS

X. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

None

VI. DEPARTMENT REPORT

B. General Discussion (continued)

6. Forward-facing Sonar – Ben Neely, aquatic research biologist, presented this update to the Commission (Exhibit Q; PowerPoint Live-Imaging Sonar – LIS – Exhibit R) - Last winter there were a lot of comments about live scope and how it was influencing catch of crappie. There was some concerns that it was cheating or creating opportunities for people to take more than their share. We discussed in fisheries division and realized we didn't have a lot of experience with it. Got a study together to actually go fishing with live scope and try to scientifically investigate whether or not it could influence our catch. Several people helped with this and we

had individuals from fisheries, wildlife, public lands and local volunteers who are seasonal volunteers in the agency. Black and white crappie are popular fish in Kansas impoundments, but for our purposes I am going to lump them as crappie. The support popular fisheries and are the second most targeted species group in Kansas. Historically, fished starting during spring spawn but recently a lot more anglers are chasing them in these winter congregations. In spring the crappie will come in shallow and are assessable to shoreline anglers, when they are spawning they are big, relatively easy to catch and in winter a lot more difficult to find but they stack up on channel ledges, trees or some under water structure and anglers that get on them can typically catch a bunch. Statewide we have no minimum length limit, 50 per day but do have a few special regulations in the state; 12-inch, 5/day; 10-inch, 50/day; 10-inch, 20/day; no minimum length limit with 20/day; and no minimum length limit with 30/day along the Missouri boundary. So, what was the problem? Susan Steffen, Human Dimensions specialist is currently working on 2020 licensed angler survey and I asked her about comments on live scope, comments are all over the board but we extracted three comments and none of them are that positive. The take-home message we are getting from anglers is we need to be focusing on crappie limits because live scope are very effective at catching fish and we need to have this on our radar and take care of it before it gets out of control. Live scope or live-imaging sonar is a trade name for Garmin that seems to have caught on with the public. It is essentially a regular fish finder except it can see in higher detail. You can angle the transducer to point straight ahead or straight down, lay it sideways and see a big fan in front of you , but it is a sonar and it picks up signal and you can see what you are looking at in higher definition. The way anglers fish this is that they typically put it on the front of their boat and it is along the lines of playing a video game or flasher, if you ice fish, and you can see jig and everything going on beneath you on big TV screen. When you look at the image on the screen it takes a little bit to understand what you are looking at. You can watch your jig move and how fish respond to the jig and gives opportunity to see what is going on under the water. The problem people are worried about is it resulting in too much harvest. It seems like a good thing; people are catching fish and that is what we are in the business of but it is creating division among anglers. When we look at this biologically it doesn't result increase in catch, doesn't result in larger crappie being caught and if it does can this result in an unsustainable harvest for crappie. Another side of this is the social component. Maybe this is an issue of the haves and have-nots, envy comes into play, cost of entry is a couple thousand dollars for lower end unit up to \$8,000 for higher end units. Perhaps increased visibility, people like to show off when they catch a lot of fish and don't see them showing off when they have a bad day so seeing reports of anglers catching a lot of fish. There is also the zero-sum mentality where we think crappie are a finite resource and there is only a certain number of them in the reservoirs so if you catch one there is one less for me to catch. We asked how use of live-imaging sonar affects catching crappie, a loaded and complicated question. There are any number of things that goes into create happy or sad anglers. We think about the fish, the population, the behavior, the forage, the fish community, the anglers skill/equipment, familiarity of water body, habitat availability or association and things we can't control like weather, water level and wind. If one of these goes sideways it can really influence your catch. We set out to do experiment and wanted to think about variabilities we could control. We wanted to standardize as much as we could so we could test the live scope specifically. When thinking about fish populations, behavior, forage and fish community the idea came up to take an impoundment with similar habitat throughout and cut it in half. So, we created two impoundments out of Cedar Bluff reservoir, the north half and south half, weather was the same every day on both halves, water level and the wind and all that was the same, so we had two exact same populations. We looked at angler skill, equipment and familiarity, which is more difficult. We were able to standardize equipment, provided an assortment of jig heads, different soft plastics to give anglers the same

tackle box to fish. When you think about habitat, availability and association, Dave Spalsbury is the biologist at Cedar Bluff and he has done a phenomenal job of creating artificial reefs where he continues to add fish habitat over and over into these similar areas and what we ended up with are these big room-size brush piles and an equal number on north and south side so everyone was fishing in similar brush pile habitat. We also standardized by doing it all in a two-week period in December, started on last Monday in November and went two weeks and finished on December 9. Thinking about the variability you can control we assumed 10 percent of the anglers are folks that aren't very experienced or skilled or had a bad day and 10 percent that are going to catch fish no matter what. The 80 percent in the middle are what we are dialed in on. We tried to look at casual weekend angler, set up as two individuals, familiar with crappie fishing, familiar with live scope, go to new lake and fish for the weekend to see if live scope made a difference on their catch. We ended up with 32 anglers split into 16 teams, four teams fished daily, seven hours a day, one day with live scope, one day without and all of the anglers had access to live scope about five months prior to the experiment so they could get familiar with it. What ended up happening was each team, whether north or south side, with or without live scope the next day they would fish the other side with or without live scope, whatever they didn't do the first day. The first two not using live scopes used traditional 2D sonar or side scan or other scan but couldn't turn on the live scan. Then we measured and recorded all captured fish, regardless of species and treated like a tournament with total length of crappie caught determined the winner to try to emulate crappie fisherman where they would stay on brush piles, leave if catching small crappie or leave if catching white bass and trying to get them to dial-in on crappie. Anglers caught 436 fish representing 10 species, 47 percent of those were crappie, white bass comprised 36 percent. Looking at just the live scope we had 231 fish captured, 110 were crappie and without the live scope, 205 fish captured and 95 of those were crappie, so fairly similar catch. When we looked at teams saw one team that caught a lot of fish, one team struggled and the rest of the teams were similar. Nine of these teams caught more crappie with live scope than without, that means seven of 16 teams caught more crappie without live scope. When you look at all species combined only seven teams caught more fish total when they used live scope and nine of 16 teams caught less fish total with live scope. The take-home-message was we didn't see much difference, a slight significant difference where anglers on south side of the lake, using live scope caught more fish than the other four groups, north side with and without and south side without, all species combined. If we knock this just down to crappie we just didn't see a difference, something else is influencing catch. Size of fish is what comes up a lot, that anglers can dial in and target big fish. We caught predominately 10-inch fish and saw a few more smaller fish without live scope and a few more bigger fish with fisherman using live scope but when we looked at the sum of this it was very similar, median fish and average fish was the same size and largest fish were very similar as well. Conclusions, we got variability and explained by factors other than live scope. That means probably angler skill, angler familiarity with the system and experience, things we couldn't control, were influencing catch more than just having access to live scope. We did have some evidence live scope could influence catch in certain conditions. In this experiment it was the south side and capturing all fish that seem fairly specific to this lake but does point out this is certainly a possibility, which makes sense. The same size crappie were caught with and without scope. So, in our study we were not able to dial-in on bigger fish. We addressed live scope use for casual weekend anglers and again there is only so many things you can control. What about the experts, it seems like everybody knows somebody who can get out and really catch a lot of these fish when they are using live scope? The question we have to answer is whether those individuals are going to catch a lot of fish regardless whether using live

scope or not and if it is related to the live scope, how do we quantify that for experts in the technology. Can we control potential impacts with creel limits? This is one of the oldest ways to manage fisheries right up there with stocking fish. It gets to the point where it may not matter what tools individuals use because we have tools in our toolbox and can regulate with creel limit and length limits. Looking at relative impact of live scope on biological and social components of fishery, our experiment did not provide evidence that live scope is going to increase catch. Talking with folks afterwards antidotally a lot of people thought it would, so there seems to be different perceptions and people seem to remember these things differently based on their experiences rather than what actual numbers say at the end of the day. What about other species? We have another project coming up this summer looking at blue catfish. Crappie are one of those species that are fairly difficult to over-harvest, especially in larger impoundments. When we start looking at larger bodied fish we have a lot more potential of seeing overharvest of these individuals, mainly because they are 20 years old before they get to these big sizes. The paddlefish out of Oklahoma, there was guide there having great success and he attributed a lot of that success to using a live scope, finding the fish they are looking for and targeting those individual fish and we are questioning whether that may be coming for blue catfish or flathead catfish. Appreciate the opportunity to talk to you about our project. Chairman Lauber – An interesting report. Neely – If you have questions later feel free to reach out to me.

7. Crappie Management – Jeff Koch, fish research supervisor, presented this update to the Commission (Exhibit S, PowerPoint – Exhibit T) – Crappie include two species, white crappie and black crappie. White crappie are more adapted to larger more turbid reservoirs whereas the black crappie are more suited to clearer highly vegetated small impoundments. Crappie in general can be characterized by variability, one of the most variable fish species we manage. Introduction into dynamic rate functions that governs this population with three main categories. Growth, how fast a fish puts on somatic length or weight; recruitment, means entering into some live stage, a fish can recruit to age zero in the fall, age one through first winter or it can recruit to recreational fishery when people would want to catch or harvest fish, but erratic and variable and driven by environment; and mortality, simply put is percentage of fish in population that die each year and gets more complicated because you can partition different parts of mortality of a population, you have natural mortality that happens outside of fishing, like predation or disease and fishing mortality or exploitation specifically attributed to anglers. Variables work together and drive these populations. Ben did a good job of setting up emerging challenges and why we are wound up about crappie right now. We are getting a lot of comments, but fishing has been really good the last few years since the flood of 2019 that allowed for a lot of nutrients and spawning habitat. People are excited about crappie right now but there are challenges we are going to have to deal with as fisheries managers and stewards of the resource. Ben explained live-imaging sonar, and improvements in standard 2D sonar, improved trolling motor technology and if fish move five feet we can push one button and be on top of the school again. Twenty years ago, we didn't have angler communication, you can post a picture via social media and somebody can figure out where you are and they can head out there and now with technology on electronics we can map the habitat we are fishing so we can find channels that we didn't know existed and find winter habitat. All of these things are working together to help the angler succeed. A good time for us to step back and look at the science and where we need to go from here. Ben mentioned current crappie restrictions we have and I will be focusing on large reservoirs, where most of the crappie harvest comes from. Statewide, there is no minimum length limit and 50/day, we do have some 10-inch minimum length limit with 50/day; 20/day at a few and Coffey County which is a 5/day 12-inch minimum length limit. One of Tom Mosher's studies from 2010 attempted to evaluate these 10-inch minimum length limits. The first ones

were implemented in the early-1990s in eastern Kansas reservoirs of Perry, Pomona and Melvern. The general objective of these regulations were to reduce mortality, allow fish to grow bigger and increase angling success, not only in numbers but size of fish harvested. The study found that after 3-5 years of following these fish through creel surveys and standard fish population sampling that we did achieve the objective of reducing harvest 40- to 60 percent, but mortality was unchanged. Compensatory mortality is something we need to think about, crappie don't live that long, have high natural mortality, so if fish isn't caught and harvested in a given year they die of natural causes anyway and probably why length limits didn't show a bit more promise. In this study average age of fish slightly increased but yield decreased, so amount of fish people were taking home was less because people weren't harvesting the smaller fish. Angling was only marginally better on one out of the three study lakes. Not a ringing endorsement of the 10-inch minimums. Another study done by Mosher and others, in early- to mid-2000s was an exploitation study. Which is percentage of the fish are exploited by anglers from a population in a given year. They did this study at Cedar Bluff, Clinton, Hillsdale, Melvern and Perry. They tagged fish to see how many anglers catch and harvest them. They found exploitation varied from 12- to 60-percent, with average of 35 percent exploited by anglers but natural mortality varied between 14- and 70-percent, higher than exploitation, added together gives overall mortality rate. Survival in any given year was about 25 percent, so 75 percent of crappie in these populations were dying in a given year. If you take exploitation out does that mean overall mortality will be lower and fishing is going to improve? There has been a whole bunch of these studies throughout North America and they found natural mortality has to be about 30 percent, maybe 40 percent on the high side for these length restrictions to work. We had 40 percent, which is probably why we are not seeing mind-blowing success with these regulations. A more contemporary example, in a study going on right now, Nancy Johnston is a graduate student at Missouri State University, she is doing similar survey to what Mosher did at Elk City, Big Hill and Parsons City Lake. They tagged fish throughout last year and are watching tag returns come in. Exploitation low in those systems, from 5- to 30-percent. One noteworthy thing was that they did a population estimate of crappie at Parsons City Lake and they found there is about 290 crappie, eight inches or larger per acre in that lake, so it is a productive system. It might be an anomaly but goes to show what productive waters can produce. Another study we are currently doing with help of Miazga, a graduate student, he started at Emporia state and will be new Clinton biologist soon. We worked with him to investigate the aging growth population parameters of about 40 to 45 of our most popular crappie impoundments. He found mean weight of age two, aged fish to see how fast they were growing. The slow growing populations were growing to 6-9 inches at age two; moderate growing populations was 10-11 inches; and fast growing were 11-13 inches. In general, the larger the water body the faster the growth and also the larger the water body and faster the growth the less the longevity. Slow growing populations are living to 8-12 years old; average fish are dying 6-10 years; but fast growing fish are not living much more than 3-5 years old. High mortality in populations is not necessarily a bad thing. We need to think about this and frame our questions with this data about what implications for minimum length limits are; it seems like mortality is high but growth is high and with mortality rate high a minimum length limit might not be appropriate. We modeled these populations, started with a hypothetical population of 100 fish, subjected to growth parameters, mortality every year and not subjected to fishing mortality until they recruit into different length limit scenarios. Used no length limit, eight-inch limit, 10-inch and 12-inch minimums. The number of fish harvested with increasing restriction, decreases; more fish die of natural causes compared to being harvested as minimum length limit increases. The number of

fish reaching 12 inches increases because less of those fish are being taken out. In this scenario, the yield of fish increases to a point that is maximized at 10-inch minimum length limit and decreases with 12-inch limit because more fish are dying of natural causes. One important thing to note, cm of 25 percent is natural mortality rate and we think our natural mortality rate is around 40 percent is high, so this is low in this instance. If you increase to 45 percent and see how trends change, number of fish harvested decreases, however yield stays about the same because fish are dying of natural causes and not being harvested. If this is reasonable natural mortality for our population, a minimum length limit doesn't make sense. Switch to creel or bag limits as way to minimize harvest. Creel data from 15-20 impoundments that had creel limit of 50, statewide minimum. In general, our harvest was driven by catches of under 10 fish per day. If we reduced our creel limit to 10/day it would decrease harvest by about 25 percent. If we increase that to 20/day it only decreases harvest by about 10 percent. It is subjective to what we consider a biologically significant amount of harvest decrease but I wouldn't consider 10 percent as biologically significant, 25 percent maybe but in general if we want to decrease harvest by a meaningful number we are going to have to decrease harvest to around 10 fish or less. Crappie bag limits may provide perception of a more even distribution of harvest among anglers but biologically may not provide anything concrete. Crappie harvest restrictions is dependent on populations, growth, recruitment and mortality. In general, if growth is rapid length restrictions can be effective but we also need to wrap our heads around how much mortality each system has going on. Angling mortality match would be compensatory when mortality is high, even when high persistent recruitment can maintain those fisheries. We are lucky in Kansas we have persistent recruitment, productive waters with good crappie fishing. Success of regulations depends on these factors, including rapid growth, low natural mortality and if we do regulate larger fish may come at expense of overall yield. There is also some unintended consequences of regulation that we need to wrap our head around. The first is, if we put regulation on a lake we are probably going to look at decreased pressure. Increased pressure at unregulated reservoirs, so if really restrictive at someplace like Perry people might go to Clinton where not as restrictive or go to Hillsdale, we would be pushing pressure around. Decreasing bag limit may increase the harvest, which is counterintuitive, other states have seen this, like Nebraska who went really restrictive on pan fish, 15/day and it used to be 25/day or 50/day; 15 is a much more attainable limit so if an angler is sitting on 13 fish he might stick it out and catch those two fish, where he would have left with higher limits. Decreasing bag can increase harvest. From other studies throughout North America, minimum length limits might or might not work but they have been shown to reduce variability of crappie fisheries, so could maybe make a big year class last a little longer. The most important component of crappie management is the sociological component. Data from the angler survey done by Susan Steffen about five years ago showed relative support or opposition to different crappie management scenarios. The 20-fish daily creel actually had the most support, the only one supported by respondents. When we threw a 10-inch minimum length limit it was about the same. Another thing to note, the smaller the bubble the less variable the answers were and less opportunity for conflict. The 20-fish creel limit was most supported and also the least conflicting opportunity. Effects of regulations can be variable, dependent on population characteristics. Crappie regulations may be sociological issue but we have data to suggest 20/day might be most palatable. However, it is worth noting that in slow-growing populations having any sort of regulation is probably not a good idea because that can exacerbate slow growth if fish aren't being harvested. Going to statewide 20/day, a lot of biologists would be wanting 50/day so how we handle that will take some thought. Crappie populations are cyclical and if we want to reduce the variability regulations may work to ride out year classes a little longer. Chairman Lauber – I get a lot of comments from people concerned about overharvest at Pomona. I have felt that putting a limit on them doesn't make much difference but

it tends to make people feel better. That is the one lake I get the most comments about, because it is surrounded by 20-fish limit lakes and has no minimum length limit. Not sure what the answer is and glad to see what you have provided, but still not going to satisfy some of the ones who want a 20-fish limit at certain lakes.

8. Umbrella Rig – Doug Nygren, fisheries division director, presented this update to the Commission (Exhibit U, PowerPoint – Exhibit V) – Commissioner Cross contacted us about legalizing umbrella rig use in Kansas, he intended being able to have multiple hooks beyond statewide rule of no more than two lures on a line. So, I thought I would go through some history of umbrella or Alabama rig and how the department handled it early on, where we are at and what is going on nationwide. These were used for many years in the ocean for stripper fishing and a lot of them were much bigger than the ones you see here. They were used primarily by trollers in salt water. A little over a decade ago they were marketed for anglers to use as something to be cast on a smaller scale. When it came out it was controversial because there were pictures of people catching three or four fish on one cast and people were worried about it being too effective; similar to crappie exploitation now. Agency was asked to look at it and determine if it could be made legal in Kansas, so the department looked at our regulations and determined you could use an Alabama/umbrella rig but can use only have two lures on it. These are designed to have anywhere from three to seven hooks on the rig. When they first came out a lot of them had a trailing hook and we were looking at information on how these things were functioning and about 80 percent of the fish were being caught by trailing hook and the others up front weren't as attractive. In Kansas you could have an umbrella rig and have something on each one of the clips but only two could have a hook, so could have other lures with the hooks cut off. If you put the hook on the trailing and one of the others you have a pretty good chance of making that umbrella rig work for you because you are going to have all of the flash and attraction of a school of fish moving by and hopefully they would hit trailing hook and you would be successful. I did some checking around the country and started off by talking to some of the angling groups, I talked to Gene Gilliland, former chief of fisheries in Oklahoma and Gene is now the conservation director for the Bass Anglers Sportsman Society (B.A.S.S.), the largest fishing organization in the country in terms of number of members and it is the largest pro tour, Bassmaster Classic, and very successful tournament trail. Gene told me the history of the Alabama rig as related to the tournament trail was that when they came out they were very effective and people were really catching fish with them, so many fish that when having tournaments there would be a pro-angler in the front of the boat and an amateur angler in the back and amateur anglers were using umbrella rigs and catching more fish than the pros. So, B.A.S.S. banned them from use and it has been banned ever since in tournaments. Even it was legal in a state they would not allow it to be used in their tournaments. Now, over time, these umbrella rigs are not as effective as they were when they first came out. We see that time and time again where the more a lure is presented in front of fish the harder it is to catch fish on them and that is what drives the whole lure industry and every year you will see a whole bunch of new innovative lures coming out because the fish haven't seen those yet and haven't learned to avoid them. Gene told me that B.A.S.S. is probably going to allow the umbrella rig to be used in their tournaments next year in states where legal to do so; the first time since they started showing up in the marketplace. Right now, you can legally use umbrella rig in several states. We are in more conservative group allowing only two lures on umbrella rig to be used, along with Arizona, Hawaii, Iowa, Maryland, Massachusetts, Nevada, North Dakota and Vermont. There are a number of states that allow three and a lot of states allow you to bait it up all the way, if five

spots you can add five lures. There are a few states where it is not legal to use them at all. In general, we are conservative compared to what a lot of other states have done. The reason we did that was because in 115-7-1, under fishing; legal equipment, methods of taking, and other provisions, we have stated that fishing lines with not more than two baited hooks or artificial lures per line. So, we considered each lure attached to an umbrella rig to be a separate lure and that is how come we only allow two. You will see people fishing with two jigs on one line or two baited hooks on a line and that is legal in Kansas. To change that we would have to change this regulation if we wanted to allow more than two. Get direction from Commission as to whether or not you feel we should take a look at our regulations relating to the umbrella rig and be more liberal or is what we have now what we need. I don't think there is any kind of biological implication. There was some concerns early on about fish getting foul hooked by smashing into a lure and getting hooked by one of the other hooks on the umbrella rig but we have not documented any severe problems or additional mortality related to use of the umbrella rig.

Commissioner Cross – Thanks for presentation. The reason I wanted to bring this issue up was I have been approached by a lot of fishermen, both tournament and non-tournament fishermen, and they have asked what difference it makes on how many hooks you have when we have creel limits. That was the main issue for me to defend this position because we do have creel limits that limit the number of fish you can take. That was the main reason I brought this forward. I have had a few other fishermen state that when you buy lures, such as flash mob junior or the umbrella rig, they come with five. I would support up to five hooks on this type of a lure. Cutting jig heads is one thing and tackle is getting expensive, it is inconvenient and they just didn't understand why you had to do any of it when we had creel limits anyway.

Nygren – I talked to my staff and they are of the opinion that you are right and length and creel limits would protect against excessive harvest. The question would be, how would we change our regulation to be able to accommodate an umbrella rig. Do we want to allow somebody to fish with five jigs on a single line as well? That question would have to be answered, or how to write a regulation that would give umbrella rigs an exemption from two lures per line rule. I was hoping for direction and maybe if you would like us to look into that and have our legal staff help us try to craft a change, we would be happy to do that and come back at a later date.

Chairman Lauber – Struggling with practical reason for two hook minimum, other than snagging more in the brush. I would like to see you look into that. The problem is, if you use the term “umbrella rig” and somebody has a brand that is similar I don't know how to word that to make an exemption. I encourage staff to look into it further.

Commissioner Sporer – I can't catch fish with one hook, maybe I need five. I don't know that it is a big issue. Don't know that more hooks makes a big difference.

Nygren – Get with legal staff, Secretary and Assistant Secretary and more discussion at a future commission meeting. We are going to be starting to workshop regulation changes in March. At that first discussion we can address this as well.

Chairman Lauber – If you do that we will begin to receive requests for spider rigs because the point would be, what is the difference between five individuals hooks plus versus five on one piece of monofilament or one line.

Nygren – We can address that as well. It goes back to the same issues, some of this is sociological, biologically we can control harvest with length and creel limits as long as the gear isn't causing excessive hooking mortality.

9. CWD Update – Levi Jaster, big game coordinator, presented this update to the Commission (Exhibit W). – Last time we did this was January 2020. Chronic Wasting Disease (CWD) is a transmissible spongiform encephalopathy (TSE). CWD is specific to cervids, deer, elk, moose and that group. There are other forms scrapie in sheep; BSE in bovine, known as mad cow disease; human form is Creutzfeldt-Jakob; and there are a few others, a feline form, camel form and a couple others. CWD is a prion-based disease, which is spread through a misfolded

protein, not viral or bacterial, which makes it tough to deal with since prions are also involved in other systems of the body. It is always fatal in deer. We don't know of any cure or vaccine that prevents it. It takes a year and a half to two years for signs to show up in a deer, prior to that a deer or elk can look perfectly healthy. Once we see clinical signs appear it is one to three months before the animal dies. Typically, CWD doesn't kill the animal it tends to weaken them to the point that they die from something else like pneumonia or predation. There are a few deer that have shown slight resistance to it, which means they live a little longer but then are spreading prions as they shed them, for a longer period of time. It is considered the biggest disease threat to North American cervids right now. There are discussions on how much of threat it is to conservation in general since in many states deer hunting has been the golden goose and providing funds. In December of 2019, national spread, two years later, added more counties and added a few more captive herd facilities and it continues to creep out. In Kansas and neighboring states, the state is still surrounded by states that have it. South of Kansas but north of Texas has not sampled much at all, most of their work is in captive facilities. They are working to do better. In January 2022, starting to see counties popping up in eastern Kansas. Starting in 2001, first picked up in Harper County in captive elk, picked up our first wild herd in deer out in Cheyenne County in 2005 and it has crept across the state and jumped and spread into some eastern counties. Most recently, Clay, Morris and Bourbon counties. The Bourbon County one was only a couple miles off Missouri border so that may be first detection that may have come from the east instead of from the west, but no way to confirm that. We do surveillance or monitoring, surveillance if still looking for it and monitoring if you have already found it. We work through five zones in Kansas in five-year rotation, focus on one zone each season and rotate to the next one in a clockwise manner. Last year we were in north central zone, this year in east zone. We work with cooperators, through taxidermists and processors to collect samples. We do pay for samples to those collectors. We also accept samples from hunters and they are welcome to submit their own tests although they would have to pay for it themselves to Kansas State Vet Diagnostic Lab. We have a current project working with University of Missouri, a three-year project. We are working on completing the second year. This year we are focused on south central and southwest part of state, although we are accepting samples from anywhere in the state with the project. We have put technicians out contacting hunters in the field and collecting more roadkill samples to try and pick up samples in places we normally haven't gotten many samples from. Also, to get information on deer not selected by hunters to shoot. The idea is we will get some finer scale data than possible with current monitoring or surveillance. With this we are asking that hunters provide a location of the sample and we have been pretty successful in getting locations within a mile of two of where it was shot. Some hunters provide an intersection of roads or section, or a section/township/range number, some are saying three miles south and four miles west of some town type directions. One of the goals was to then identify previous unknown infected areas and we have picked up some counties we have not detected previously with this project. We also want to estimate prevalence in DMUs which is finer than we are with our zones. The prevalence rate of CWD is limited to zones. Also, we want to explore how CWD is moving in Kansas. Typically, deer tend to follow riparian areas and certain habitat types so the idea was to hopefully predict how the landscape effects CWD moving. And help us identify areas we likely need to look harder in and focus more efforts as they may be more susceptible. The 2020-2021 season, our surveillance monitoring was in the north central zone; we got 584 samples, 39 were positive, which is 5- to 9-percent prevalence rate; compared to 2019 when we were in the northwest zone, where we have CWD the longest, and we are up to 34- to 49-percent prevalence rate. Our surveillance monitoring picked up Washington, Mitchell and Osage

counties; Washing and Mitchell we picked up positive deer samples through hunters and the Osage County was actually a captive elk. We have not picked any other positive samples from wild deer. They did depopulate that facility and that was the only animal that was positive on the facility. A good move by the Department of Ag and that landowner, they did get money to indemnify and help pay for the loss, but they didn't have to choose to go that route. A good partnership. The CWD research project had an eastern zone focus, there were 1,901 samples, 111 positives, while focus on east side of the state we did have a lot of submissions from other parts of the state not included in our sampling, so, that boosted our number of positives. Picked up five new counties, eastern most is Franklin, also positive in Kingman, Sumner, Cowley and Butler counties. So, far in the 2021-2022 season, surveillance was east zone this year, we don't have all of the samples processed that we collected and that probably won't occur until end of January. We are over 500 samples and set up to detect CWD at approximately at one percent, picked up Morris and Bourbon as new counties. Right now, we are sitting at approximately one percent prevalence in that zone. Final numbers will come out once we have complete results from all samples. The CWD project focused more on south central and southwest zones, although we did take samples from the northwest and north central. We have 947 samples, 526 tested and 421 submitted to the lab, some held up, so far there are 89 positives. We did add Clay County this year as a new county. Of the samples tested not all are available on the database for me to look up and see. They are still working on getting information put together. We do have an additional project we were able to get funding for last year. It is only a one year project October to October. It is molecular methods of CWD surveillance working with mule deer and whitetail both and it utilizes existing samples and it is going to let us get regional estimates and diversity of landscape connectivity and expected population sizes. With that we will be able to look at genetic resistance but also, with landscape connectivity, be able to look at how different populations are moving back and forth and interacting and potentially tell us, even before detecting CWD in an area, may be able to determine where it is likely to come from based on movement of populations. Also, look at mule deer herds in western Kansas and where we have to be to maintain genetic diversity; to have ability to stay diverse and survive. Preliminary work so far we realize in some small areas we are potentially looking at inbreeding. With hybridization, we picked up hybrids with that preliminary work we will investigate how that effects those animals and how that may influence CWD resistance or susceptibility. How that may help us out or hurt us and cause more problems. That study so far, some samples have been run through and getting ready to do second run of testing and genetic work. More to come as that project wraps up. Developing communications to get the word out. Working on human dimensions to work with hunters and landowners. In December 2020 we wrapped up a human dimensions survey for Kansas deer hunters. We did focus on hunter knowledge and awareness of CWD. We included nonresident hunters because one of the issues with CWD is transmission across state boundaries, coming into a state or Kansas resident returning from another state or a nonresident coming to Kansas and taking CWD back home. We have had a few instances of that where we had a positive CWD deer show up in Ohio and South Carolina and this year in Texas. We have to be a little better as hunters to not be our own worst enemy and spread CWD. Highlights of survey, 83 percent knew CWD existed in Kansas, 51 percent knew there was no cure, 58 percent knew about testing, 47 percent supported additional hunting opportunities or increasing harvest for CWD management, 21 percent support ban on baiting or feeding or using minerals, eight percent wanted to take no action to manage CWD and there was a high level expressed trust of our communication efforts. They understand it is there, learned some but have a ways to go as far as what we need to get out to folks. On the research end of it; we will keep an eye on it, our wildlife disease coordinator and I, and many staff are helpful in seeing that and telling us and keeping track on that. Things going on across the country of interest; growing concern about financial or

economic impact of CWD to not just the state agency, but to residents of the state, like in western Kansas there is an important segment of having folks out to hunt and paying for that and what kind of impact will that have when CWD hits certain levels. How does that effect that whole economy from hunting big game? There are some advances in testing going on, a new test being worked on called R2Quick and it is potentially more sensitive than our current test. So, we would be able to pick up CWD sooner but also with different materials than lymph nodes and brain cells, they are finding they can pick up CWD in saliva and blood. There is some hope that eventually that could be developed into, not necessarily a field test where you would know right away, but something you could potentially sample a deer after you shoot it and know in a day or two because you were able to do it yourself. Currently there is a two to three week wait when you have to mail in the samples to a lab, wait for process and return results to you. There is also some new information about effects on population over time. Most of that is showing that once you hit certain prevalence rate your population no longer can sustain itself. Mortality rates of CWD exceed the recruitment into the population. We are trying to apply some of that to what we see in Kansas. Continuing education efforts, getting information from human dimensions survey, established a baseline and now we can figure out what efforts are helping us improve over time. Get word out and helping hunters understand why it is important to be concerned about CWD and what they can do to help. Speaking of education, we did put together a website specific to CWD, cwkds.com, and that is public affairs office has done a fantastic job of getting that up and going. We didn't have any of the metrics from this to share at this time but in the future will have more on what impact we have gotten from that. I have gotten calls from counterparts in other states that have seen this and compliments on doing such a good job with this site and getting information out to folks on it.

Commissioner Sporer – In your opinion, is CWD in every county but hasn't been detected through testing? Jaster – Can't say for certain, would not be surprised at any county having a positive at this point. Disappointed definitely. Having it pop up in Bourbon County this year, if we had one in extreme northeast or extreme southeast corner I would not be surprised.

Commissioner Sporer – Effecting mule deer and whitetail equally the same? Jaster – There are some differences, depending on what study you look at as to whether or not it does. In Kansas I can't say one way or the other. There is a lot going on with mule deer where there are some factors where they both occur that obscure some of that. In some cases what they have found is that it may affect one more than the other but not really a difference. Commissioner Sill – Seeing impact where prevalence rates are higher and people not taking as many does? Where prevalence is high and they might be thinking they can't eat the meat so why shoot does? Jaster – Not that reason, in some of those areas they are self-limiting because seeing population level effects. In northwest zone seeing we are at point where populations declined from CWD, according to a couple of different studies. It may be more that they are not seeing as many deer so not taking them; self-limiting in hopes to recover the population but it may be past that point. Chairman Lauber – There has still been no chase where CWD has jumped species; cervid to cervid but not to humans? Jaster – We will qualify that with there has not been a proven case of a human getting it. They have been able to, in laboratory, cause other species to get CWD. How likely that is outside of a laboratory we can't say. In some cases, there may be barriers that were circumvented based on how they coach animals in a lab. At this point not aware of anybody detecting in another species in the wild. Or it just gets listed as a form of whatever that species transmissible spongiform encephalopathy is. There has been some ramblings and considerations that a person has gotten it but classified as CJD. Possibly a cow or sheep could get it but it has a

different name, so I don't know for sure. There are concerning things laboratory-wise that are not necessarily saying it is completely limited that way.

Dustin King – Talked in the past. Appreciate the information. We had first case in 2001, 20 years ago, my question is, what have we done? We are educating people and collected a lot of information but are we actually doing or is there anything in place other than just educating, collecting on controlling it? Jaster – We did change regulations to facilitate hunters being able to leave the worst of the sex material, head and spine in the field. Whereas, prior to that our proof of sex required the head being attached or had to photo check. Those are maybe not the best options, but that is one way; the other way in some cases, especially that northwest corner of the state, kept antlerless seasons in place longer than we might have to facilitate some of that harvest. Those are the two major ways. From human dimensions survey there is little agreement among hunters from what we should do. There is definitely concern, we should do something but not much agreement on what should be done or what is acceptable to do. We've looked at carcass transport restrictions. There are some issues with that in a state like Kansas where some folks have trouble if we restrict that and have trouble getting home or to a processor. Those are the main things we have looked at so far. There are other things that potentially could be done provided we find the right way to do them. King – Baiting aspect, where deer are congregating. I understand it is not a silver bullet and there are other things we can do but if there is one thing that could be controlled common sense says that deer congregating is going to spread the disease. What benefit are those bait piles providing us and is that something we can take action on? Not the popular vote but you have to consider those alternatives to those as well. I am not going to get into an ethical conversation. If that is something that could; definitely doing more harm than good from a disease standpoint so why wouldn't we pursue that? Jaster – That is discussions we have had and the difficult part is it is not well-supported. When we did that survey we gave options to limit outside of hunting season, limit certain ways like other states have done where you can only have so much bait at a time and nothing came back. It is certainly an issue and when animals stick their noses into the same place it certainly is potential to spread disease, not just CWD but other diseases too. One of the counter-arguments is that the deer are socially licking each other so what is the difference. Artificially concentrating animals any time is a problem. Commissioner Sill – We have been investing in surveillance for 26 years and monitoring for 21, that is a significant amount of time, staff time and funds. To contribute to larger body of research is good but to just watch it march across the state is extremely frustrating. We have been monitoring for 21 years and how is that working for us? Why spend additional significant funds on research for monitoring it? We know it is there, stop doing monitoring and start working on more education. If we are not going to do anything to create management zones, regulate either carcass movement or congregating. I am quite frustrated by that amount of time and money spent with no action. Part of what I am concerned about too is other states are creating management zones and taking action and I wonder what our reputation is among other states when we do nothing. You tell us as commission that you have to let the science lead and yet we are not letting lead in this regard. We are letting public opinion and other factors influence the decision. It is like the eight percent who don't want anything done are going to be the winners here. If we really want to let science lead than it needs to lead all the time. I realize that doesn't eliminate the human dimensions part. But don't tell us as a commission to let the science lead one time and not another, I find that frustrating. Jaster – One of the big reasons we continue to monitor is hunters want to know and we provided that to them. It is going to give us back history so when looking at populations going forward some new information that has come out in last few years. To be able to take that back and get a better idea of where we are going. I can't say where we are going is going to look good at all but having that information is important to what we do. We also are in a partnership with our hunters, our landowners and other folks.

Other states have certainly at times tried to completely lead with science and only go with that but basically every time it has been a train wreck because there is a lot of backlash. Dealing with some of that. Big game management in most places we haven't necessarily done things completely biologically in many places because we were always in such a good place biologically so all management was social management. What is acceptable level of crop damage, what is acceptable for vehicle accidents and that kind of stuff. It really has gotten to be a good partnership that we have to take that into account. We have forgotten that at times there is the point where the biology needs to override some of the social and that is tough balance. Chairman Lauber – Unfortunately science has elasticity to it and is not as crisp. It may be that everything we do, maybe we can't do anything about it and it may be inevitable. That is not to say we shouldn't try to do something. It is not as cut and dried for us to say you can't move carcasses, eat it in the field. You could be so cynic that it destroys the culture. Secretary Loveless – I think it is a good discussion. It is clear that the science isn't clear when it comes to baiting, we know there can be a downside but we have had this conversation during commission meetings and outside and it is not clear that is a proven method to reduce the spread. We can try it and there will be strong voices on both sides. Certainly, we would disappoint some hunters who see value in baiting and that has caused us to pause on making that recommendation because we know the science is not clear on that You brought up another point about what would be effective. It seems it was about a year ago when we initiated conversation on movement zones and creating boundaries where deer carcasses couldn't cross and it was this body that discussed that. We didn't come to a strong conclusion. A very difficult subject and none of us on the staff said it was black and white and we needed to do a certain thing to implement it. There were a lot of rough edges. If the commission would like to rekindle that conversation it is something we feel could have measurable effect. It is messy and difficult but I applaud you raising the concern about what we can do that will be meaningful. That is one step I think, although difficult, would prove meaningful in terms of trying to reduce the spread. Chairman Lauber – I think we should continue to have more discussion on CWD and some of these issues. I'm not saying the total spread in Kansas is a foregone conclusion. I think in some cases baiting is an area to which probably would have less damage to the hunting culture and might have some positive effect. Levi mentioned at a previous meeting that CWD traveled at 55 miles an hour so that is going to be even harder to deal with. We should continue to focus more on this. Secretary Loveless – More next meeting. Chairman Lauber – Good presentation, not upbeat but we want to hear that too.

D. Public Hearing

No public hearing items to present.

XII. OLD BUSINESS

XIII. OTHER BUSINESS

A. Future Meeting Locations and Dates

March 31 – Topeka, possibly virtual, but set for Topeka and Shawnee County Public Library, James C. Marvin Auditorium

April 21 – Beloit (with Ring Neck Ranch tour)

June 23 - Lawrence
August 4 - Hutchinson

Secretary Loveless – Appreciate heartfelt comments that Commission and staff. We have heard exceptional presentations that are pretty provocative so we appreciate that and your conversations around those.

XIV. ADJOURNMENT

Adjourned at 7:23 pm.