

**REVISED AGENDA**  
**KANSAS DEPARTMENT OF WILDLIFE AND PARKS**  
**COMMISSION MEETING AND PUBLIC HEARING**  
**Thursday, June 23, 2022**  
**Douglas County Fairgrounds, Flory Meeting Hall**  
**2120 B Harper St, Lawrence, Ks**  
**including a**  
**Virtual ZOOM Meeting Option**

Pre-meeting discussion with Kansas guides and outfitters 9 a.m.-11 a.m.

**Instructions for Virtual Portion of Commission Meeting, June 23, 2022 at 1:00 pm:**

A) Log Into Zoom

1. Visit  
[https://ksoutdoors.zoom.us/meeting/register/tZUtdeChrTMsGtMfMUQeUcXqz4oiF\\_Mw5JJT](https://ksoutdoors.zoom.us/meeting/register/tZUtdeChrTMsGtMfMUQeUcXqz4oiF_Mw5JJT).
2. Register by entering your first and last name, and email address.
3. Once registered, you will be provided a link to “join the meeting.”
4. Visitors will be muted upon entering the meeting. To comment or ask a question, use the “raise hand” feature or type into the chat area.

B) Call In

1. Call: 1-877-853-5257
2. When a meeting ID is requested, enter: 810 2993 8607#
3. When a participant ID is requested, enter: #

C) Watch Live Video/Audio Stream

1. Individuals may watch a live video/audio stream of the meeting on  
<https://ksoutdoors.com/commission-meeting>

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

**II. INTRODUCTION OF COMMISSIONERS AND GUESTS**

**III. ADDITIONS AND DELETIONS TO AGENDA ITEMS**

**IV. APPROVAL OF April 21, and May 27, 2022 MEETING MINUTES**

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

**VI. DEPARTMENT REPORT**

**A. Secretary’s Remarks**

1. Agency and State Fiscal Status (Brad Loveless)
2. 2022 Legislative Update (Dan Riley)

**B. General Discussion**

1. Turkey regulations (Kent Fricke)
2. Lesser Prairie Chicken Update (Kent Fricke)

3. **2020 Licensed Angler Survey (Susan Steffen)**
4. **Bald Eagle Telemetry Research (Zac Eddy)**
5. **2022 Kansas Wildlife Conservation Award (Brad Rueschhoff)**
6. **Clinton State Park Update (Connor O’Flannagan)**

**C. Workshop Session**

1. **Commercial Harvest of Mussels (Jordan Hofmeier)**
2. **Fishing Regulations (Bryan Sowards)**
3. **Furbearer Regulations (Matt Peek)**

**VII. RECESS AT 5:00 p.m.**

**VIII. RECONVENE AT 6:30 p.m.**

**IX. RE-INTRODUCTION OF COMMISSIONERS AND GUESTS**

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

**XI. DEPARTMENT REPORT**

**C. Workshop Session (continued)**

4. **Webless Migratory Bird Regulations (Richard Schultheis)**
5. **Public Land Regulations (Stuart Schrag)**
6. **KAR 115-25-9a. Deer; open season, bag limit, and permits; additional considerations; Fort Riley. (Levi Jaster)**
7. **KAR 115-4-11. Big game permit application. (Levi Jaster)**

**D. Public Hearing**

1. **KAR 115-4-6. Deer; management units (Levi Jaster)**
2. **Cabin fees at Cheney State Park and the Kansas State Fair (Linda Lanterman)**

**XII. OLD BUSINESS**

**XIII. OTHER BUSINESS**

**A. Future Meeting Locations and Dates**

**XIV. ADJOURNMENT**

If necessary, the Commission will recess on June 23, 2022, to reconvene June 24, 2022, at 9:00 a.m., at the same location to complete their business. Should this occur, time will be made available for public comment.

**If notified in advance, the department will have an interpreter available for the hearing impaired. To request an interpreter, call the Kansas Commission of Deaf and Hard of Hearing at 1-800-432-0698. Any individual with a disability may request other accommodations by contacting the Commission Secretary at (620) 672-5911. The next commission meeting is scheduled for Thursday August 4, 2022, Dillon Nature Center, 3002 E 30<sup>th</sup> Ave, Hutchinson, KS.**

**Kansas Department of Wildlife, Parks & Tourism  
Commission Meeting Minutes  
Thursday, April 21, 2022  
Rolling Hills Electric  
3075 US-24 Hwy, Beloit  
including  
Virtual ZOOM Meeting**

Subject to  
Commission  
Approval

Held early morning tour of Ringneck Ranch and other CSA related businesses.

The April 21, 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, Phil Escareno, Troy Sporer 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 – The award presentation Wes Sowards was going to make will not happen at this meeting, number 4 under general discussion. Also, I missed part of the public lands items in the briefing book, Stuart will show them on the screen when he presents (Agenda – Exhibit B).

## **IV. APPROVAL OF THE March 31, 2022, MEETING MINUTES**

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

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

Norman Mantel (not sure on name – did not sign in), Lincoln – Concerned about bike trails on parks property, cutting ruts and eroding roads, need to close those trails or fix them. Why can't they ride on the black top? Jet ski drivers are dangerous drivers, I saw one pull in front of a pontoon boat recently, are you strapped for money to enforce it. Linda Lanterman – Epic trail for bicycles, we will look at it. Not close but will look at it. Norman – At Wilson watched person destroy fish habitat, used pickup to pull out stumps from the water. Need to finish cleaning that up. Why are you allowing this to happen? Chairman Lauber – Don't know anything about it. Norman – I called and I have photos of it if you want to see them. Secretary Loveless – Bryan? Bryan Sowards – Like to discourage people from taking fish habitat out of the lake. Secretary Loveless – Will follow up on it. Commissioner Escareno – Have dates when this happened? Norman – Go to the lake all the time so no. Secretary Loveless – We will follow up. Norman – I will see about sending the photos. Hunting seasons, close seasons until game recuperate, numbers are dropping. Killing weeds, what are we up against. Do something about this. Chairman Lauber – Appreciate your input.

Kin Hickman, Federation of Houndsmen – Ever-growing raccoon population. Not reached past point that they become a pest, but we follow surrounding states with take during nontraditional kill season. Oklahoma has one coon per night; Missouri is open August 1 through October 1; landowners want them to be thinned. Nebraska allows killing coons over hounds from September 1. Let us do our part to help with this overgrowing population. When fur market comes back up and game is worth something again, then you can adjust that as you see fit. We are out 365 days a year across the country and in Kansas, weather permitting and season legality. We have more contact with farmers and landowners than any other group. We are out all the time and dogs are running on their property. Eight out of ten landowners are asking us to kill coons whatever time of year it is and most wonder why more isn't being done to control them. When coons get so thick in an area they get distemper or parvo and I've seen them wondering around in the woods sick. It would be better to kill one over the hounds than to let them get sick and wonder the woods for several days before they die. Chairman Lauber – This is somewhat of an agenda item, under furharvest regulations. Matt, anything to add. Matt Peek – I will add during agenda item.

Jason Martin, Jamestown area – Hunting turkeys since legally able to. One of my favorite things to do. I upland hunt and guide too but am fortunate that all my family hunts turkey too. I have friends who are farmers, favorite thing is turkey hunting. I am in the timber a lot. I own a business in Concordia and on the road a lot in a 50-mile radius, see a lot of area. About 5-7 years ago doctor from Concordia and I started noticing decrease in population. If you are out in it every day you know it is going on. He didn't see it right away; he hunts east of Concordia and I hunt west. It has gotten worse, so bad that son buys one turkey tag, in last 3-5 years my dad and I have not purchased a tag and I let my son purchase one, but not two. None of us in our family have purchase two tags for six years now. Two tags is tough. I have some ideas. Season have changed with temperatures, and turkeys need more time to breed before we mess with them, I think May 1 opener. If you are avid turkey hunter whether you get 30 days or 45 it doesn't matter, I know time is of the essence, we have out-of-state hunters and I won't get into economics. The second turkey tag isn't much of an economic impact, no more than it costs because if a person is coming into harvest one or two turkeys he is going to spend the same amount on fuel, food, lodging, etc. The population is not good, some people say they see a bunch, but they are seeing them in November or December when they are flocked up and then that is the only turkeys you see for eight months. Unit 4 does not allow fall turkey season, and I was shocked by the minimal number of turkeys harvested in Unit 2. Also, might look at not doing a fall turkey season to help our population. I don't know what has caused this, but don't think it is hunters but it could be when taking two toms. Last night I saw three flocks and each one had three toms or less in it, two had one tom and usually it is six to eight, that is rare. Ongoing thing. I think May 1 opening day would be the best, gives them some time instead of pressuring on first part of breeding, especially the way the weather was this year. If avid hunter, whether May 1 or in April, it is not a big deal. I have been hunting since the day you could and I take a lot of kids out, but hard to find birds for them. If you could look into turkey population in this area, only hunt Unit 2, west of 281, not anywhere else. It is about the hunt, not killing a turkey. Chairman Lauber – Turkey numbers are down nationwide and what you are seeing is consistent with what has been reported to us. Believed still sustainable huntable population. Most areas except here are only one tom. The area you are talking about has the greatest number of birds it might need to be adjusted. The biologists will take your thoughts into consideration. I have no idea if moving it to May 1 would make any difference. Your observations are correct, but don't know how to fix it.

Hickman – Turkey hunting on private ground near Perry Lake, after started calling, hour after sunup, two boar raccoons coming at me, one more from the left; believe they were targeting the sound of turkey. In turkey roosts before I have seen feathers where a turkey has been killed. It is

hard to tell what killing turkeys, coyote, bobcats or coons. For years while coon hunting I can have a hound where there are turkey roosting and the hound has trouble locating tree where coon is. Probably seven times out of ten they might have a coon but it might be turkey roosting but if you look around you might find three or four adult coons sitting in trees and a lot of times find feathers there. It is my theory that those adult coons chase turkeys, ravage nest of eggs and kill adult turkeys. Secretary Loveless – Appreciate comments about turkey in this part of state. Talking about turkey regulations in the next few months. All the factors you are thinking about, our turkey folks are discussing.

Garrett Frederick (online) – Request investigating possibility of making a replacement deer tag program when a harvested deer is tested positive for CWD. CWD continues to expand across the Midwest and some states are increasing their CWD test sample response rate and offering a replacement tag. In some conversations I have had with hunters is hesitancy to test because they want to consume the meat they harvest and if they found out it was positive it puts them in a tough situation as the recommendation is to not consume CWD positive meat. If they chose to discard that meat a replacement tag offers benefits to hunters and KDWP; benefits to hunters would be lose downside of testing and benefits state by incentivizing hunters to test which in turn could be used to increase testing response rate and help track prevalence of CWD. In addition, states could utilize as a tool to increase harvest rates, which has been shown in some areas of the states to improve deer herd health. Let me know if questions and please consider investigating this as a possibility. Chairman Lauber – I see the point but it has some complicated features to it. Levi Jaster – We will have internal discussions this summer on deer and CWD management. Setting up discussion with commission in August about CWD in Kansas. This is one of the items that has been on our radar and we are looking at what other states have done. It is on the agenda for our discussions, lot of things to consider with it, including if deer management unit is low on populations where we have restricted antlerless tags, how does this work, adding additional tags. Also, how do we deal with someone who harvested that deer on the last day of the season? These all have to be submitted to the lab to be analyzed to see if they are positive. Chairman Lauber – That takes about two weeks? Jaster – Because of staffing issues at the lab it can take up to a month to get results back. So, many times hunters might be finding out after the season has already closed. Trying to work around those kinds of issues and figure out how we can provide an equal opportunity and treatment to our hunters. Chairman Lauber – If instant test it might be something to think about, but there isn't.

## **VI. DEPARTMENT REPORT**

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

Secretary Loveless - Significant announcement, Mike Miller who has been with us for 38 years is retiring on June 10, so this will be his last commission meeting. Mike started with the agency October 17, 1983 as an illustrator and made his way to lead the public affairs department for a number of years, became invaluable to department because of critical importance of communicating issues we were dealing with and decisions make and coordinating communications with the public. Mike is expert at that. Because of his involvement, even though he didn't have a technical degree in fish or wildlife, he developed an expertise in those areas because he is smart, he listens and cares. He became a critical member of our agency and when I came in I recognized his value and asked him to be our Assistant Secretary. He has led well in the last three years and been an exceptional leader for our agency. We are sad to see him go (applause).

1. Agency and State Fiscal Status Report – Brad Loveless, Secretary, presented this update to the Commission – Just met a month ago so not a lot of change. The fiscal year 2023 budget passed both chambers essentially unchanged. A success and credit to the agency staff as well as support from the Governor. We had an enhancement request that I outlined last time and we anticipate with those enhancements that our fiscal year 2023 budget will approach \$100 million. The park fee fund year-to-date revenue is \$9.4 million, same as 2021 which was a very good year, so doing well. Linda and her staff doing high quality work. Parks receipts continue to be higher than long-term average a cash balance end of March was just under \$8 million. The wildlife fee fund year-to-date receipts similar to 2021, through March receipts are \$14.5 million, balance end of February was \$21 million. Our boat fee fund, which is where we provide boating safety, education, access and infrastructure to support boating public; year-to-date are \$890,000, a two percent increase over last year and continues to be above long-term average.

Chairman Lauber – Mike, you will be missed. Assistant Secretary Miller – I will miss you too.

2. 2022 Legislative Update – Dan Riley, agency chief counsel, presented this update to the Commission – Legislative session is not wrapped up yet, but most of the fireworks have concluded. Four bills have gotten to the final stage of the process that affect the agency and you have heard mentioned before. HB 2476, which is the distinctive license plate bill, and four license plates are of interest to us. They will represent state parks, hunting, fishing and nongame wildlife. That bill has been signed into law. Also, the tag becomes a park permit for the vehicle. The funds go to areas they are related to in terms of fee funds. They are great looking plates and should serve well. Commissioner Sporer – The park permit is for lifetime of the tag? Riley – Correct and is not transferable, one on one with individual, so if someone passes away or sells the vehicle it can't be transferred to anybody and it runs on an annual cycle, like any other license plate; like other specialized plates and is effective as other requirements for that vehicle are met. Commissioner Sporer – The tag life is six years? Lanterman – You have to renew park permit each year; you don't have to buy regular park permit every year. Commissioner Sporer – So why would you buy a tag? Lanterman – You don't have to buy your regular park windshield permit. You still support parks with the other plates too because the dollar amount will transfer \$15 to park fee but rest will go to hunting, fishing or nongame. Commissioner Rider – You don't have to buy state park tag. Chairman Lauber – This is not designed to save anybody; this is designed to help conservation. Lanterman – Nice try but you buy every year. Commissioner Escareno – Renewal for your tag is either permitted with a park permit or just automobile permit when you tag your vehicle? Let's say you are not going camping at state parks any longer and you still have the tag, you still get with tag renewal. Commissioner Sporer – You pay for it in vehicle registration? Lanterman – Correct. Commissioner Sporer – Automatically? Riley – With annual renewal, the sticker part you get when you renew. Commissioner Sporer – You won't have a choice when you renew that tag and you pay for that. Lanterman – Whatever that tag is. Commissioner Escareno – It is an annual fee. Riley – Technically you would have a choice but you would have to surrender the tag and get a new tag on that vehicle if you don't want to continue. Commissioner Rider – When does this take affect? Riley – July 1, I believe or upon signing. Commissioner Escareno – Will these tags be available at the county offices or will you have to order them? Riley – I am not sure about that. Commissioner Rider – I think every specialized plate is ordered now. Riley – I would think so. With other ones specialized tags, they don't keep those on hand either and it takes about three weeks to get tags out to you. SB 451 – This relates to KSA 32-929 which is the statute that provides for persons with one-sixteenth Native American blood is entitled to a lifetime license in Kansas. The current version of the statute creates a little problem on how to establish who was accurately portraying themselves in terms of that percentage. As an agency we don't have any way to verify that so this bill basically,

prior to enrollment in a tribe and every one of those tribes requires at least one-sixteenth, as far as we know, so that way all we have to do is verify they are a tribal member and it establishes their entitlement to the license benefit. It is clarification more than anything. Norman – You can verify their heritage with DNA, it has two distinct features that nobody else has. That is how they are verifying. HB 2456, kids lifetime license bill. It creates a lifetime license opportunity based on age of the child. A child five years or younger would be able to obtain a lifetime license for \$300 or less, based on determination made by the Secretary; or another age category was added for a child six or seven for \$500. That creates a lifetime license opportunity and that change in the law sunsets July 1, 2032. That has potential of significant financial impact on the agency. Commissioner Sporer – Agency oppose that? Riley – Not oppose but offered a lot of information. Secretary Loveless – We had a lot of dialog with the person who initiated that bill and asked for modifications, some of which were made. It is largely modified from its original version. It wasn't something we proposed but we ended up compromising with initiator and got to a point where we could live with it. Commissioner Sporer – You are ok? Secretary Loveless – Yes. Chairman Lauber – The bill was not drafted with our benefit in mind. Sec Loveless – From extensive conversations with the initiator their perception was in order to enhance recruitment they provided an expensive lifetime license for our youngest kids. That would spur on people to invest in license and mentor that child so they would become a hunter or angler. We testified based on good information we have from other states, Tanna Fanshier is our expert in that. We testified that there really wasn't good science behind that based on other states experience but the intention was good. Came to agreement on bill we could live with. Commissioner Sporer – When does this take affect? Riley – July 1. Secretary Loveless – We recommended later because of our license timing. The legislature understands it is impossible to have this ready to do July 1 but we will do the best we can to get as close to that date as we can. Riley – Calls came in day it was announced on the radio. SB 395 – Prohibits installation of electronic surveillance equipment by our enforcement people on private property, without permission or a search warrant. Brad wanted to make comments about testimony that went into that and also relationship with policy we already have on the books. Secretary Loveless – History, originally we opposed this in its original form because of impact on our agency. Because of our opposition and conversations with those initiating it was changed. When it came out of the Senate we could live with it because we didn't feel it had any impact with how our law enforcement officers perform their work. The key provision of it is that we have to have permission before we put a camera on private property. Since we have a policy already in effect that says that then it didn't have any impact. Understanding that, we kept our mouth shut and let it move forward. All we have been doing as it worked through the process was to monitor that it doesn't revert back to its original form. As it is now we are comfortable with it. Commissioner Sill – There was a line, that I think was removed, about biologists and tracking devices. Does that limit the work we do on collaring or tagging? Is it that type of tracking device? Secretary Loveless – That was stuck in without any conversation. The inference was that when our folks tag wildlife that gives them license to go anywhere that animals goes. We don't do that; we talk to landowner if we want to access their property. It was odd to see that in there and it got removed, thankfully. It inferred we performed in a way that we don't. Jake George – We don't expect it to impact the way we do anything.

## **B. General Discussion**

1. Verdigris River 30-year Mussel Survey - Ed Miller, T&E species coordinator, presented this update to the Commission (Exhibit D, PowerPoint – Exhibit E). Presenting results of 30-year project on the Verdigris River, one that is a good news story. The Verdigris River mussels look healthy and should be because of watershed and no large cities. Take you back 100 years, read history from Coffeyville Journal in 1918. It says, farmers reported fish swim around



in circles for hours before perishing, the Verdigris grew so foul that the hair came off the legs of cattle that forded the stream and in some cases the scum on the surface was ignited and burned. State fish and game warden, Tiegmeier said that game fish were being eradicated and predicted that soon none would remain. The smell of thousands of decaying fish carcasses became an inescapable warning. When a major flood flushed away some of the contaminants the Coffeyville Journal suggested that anglers might locate a few remaining fish by exploring up Pumpkin Creek. When two fishermen hooked some small catfish on Onion Creek near Dearing, their exploit made the local paper. We know the river is healthier now, by looking at fish and freshwater mussels. Fish can swim away from pollution events but mussels cannot, they are stuck in the substrate. This study occurred every six years from 1991 to 2021. We looked at almost 25,000 freshwater mussels representing 22 species. Freshwater mussels are considered a highly imperiled group. There about 300 species in the U.S. and most are in the southeast U.S. and diversity from that extends into southeast Kansas. We have 40 species in Kansas, eight are endangered, four threatened and 10 species-in-need-of-conservation. They have all sorts of things going against them. We still have erosion and silting in our waters causing clarity to be poor, still pollution and stream alterations. River fragmentation has been an issue and exotic invasives. Freshwater mussels provide as ecosystem services, in the food web they are consumers, filter feeders, move and consume bacteria, algae and organic matter. They even remove suspended solids and redeposit on the substrate, so they do clarify water. One mussel can filter eight gallons of water per day. Lots of animals eat them, especially raccoons, river otters, muskrats, turtles, fish and birds. They are pollution sensitive such as ammonia and heavy metals and some pesticides. Even dead shells in the riverbed help stabilize the substrate and shells provide hiding places for small catfish and insect larva. In the past there was great interest in shells, not only for pearls but the mother-of-pearl button industry was a big thing, especially across the Mississippi River, extending to Kansas. There was a mussel factory in Kansas, probably several up and down the Neosho River, the largest one we know about was at Iola, picture showed 23 workers who cut buttons from 30 tons of freshwater shells a week in 1918. That factory closed in 1930 because the mussel beds were depleted by overharvest. That industry continued until about 1950. More recently, in 1980s and 1990s, Japanese were buying heavy shells, especially of threeridge mussel, cut into cubes, built into spheres and placed in pearl oysters at the Sea of Japan and sold back to us as strings of cultured pearls. In the mid-1990s the threeridge mussels sold for \$1.50 a pound live weight, but the older ones, called old graybeards, were only \$0.50 a pound. A five gallon bucket would weigh about 50 pounds, so worth \$75 and some shellers told me they could make \$1,000 a day back then. The females do require a fish host. The Neosho mucket, on the Kansas and federal endangered list. The female exposes her mantle flap and uses this lure to attract black bass, largemouth, smallmouth and spotted, and when they get close to her she will split off some of her larval mussels and they will attach to gill sediments of those fish and assist there for a week or two and drop off and continue to juvenile and sub-adult stage. Another one we have here is the Ouachita kidneyshell and the fish it uses is a small darter, in the walleye family, female releases insect fish larvae looking trojan horses and when the darter bites them they burst and each one has 200 to 300. After the study, the Verdigris River was set up into eight sites, from A to H, set up in 1991 as a refuge, mainly because of refuge where orange pin are and we were trying to look at effect of commercial harvest. We haven't had commercial harvest since 2000 when the market evaporated and we put a moratorium on them. There was an archeological dig site on the river where we found mussels were used by the original habitants, aged 3,000 years ago. There is a pit there where mussels were seined and I was able to look at all the mussels found in the dig. There were a few mussels missing today that were there but not many. We surveyed with equal survey effort over the six survey years and all done at low flow, about 100 CFS. During a flood in Independence in 2007 the Verdigris River was flowing at 350,000 CFS, so quite a variation in flow from dry times to

floods. We used some statistical analysis comparing adjacent time periods. We randomly selected each site, four percent using one meter square quadrats, mussels were identified, measured and returned and digging was done by hand. A lot of effort to get 40 quadrats done in a day with three or four people. An example of what we found in one quadrat, 46 mussels, representing 12 species; the record in one quadrat was 149 native mussels. Tried to find small ones sign because that was a good sign of health and recruitment was going on, but we know we don't always find them by hand. The one-year-olds are very small. So, our estimates are conservative at best. The beds selected were fast flowing with gravel bottoms. Mussels do not do well in sand rivers like the Arkansas or Kansas, but in southeast Kansas not much sand, we have clay and gravel running in from deposits on the riverbank that erode out or come in from the Flint Hills. If only looking at one site, jump from 1997 to 2003 with significant increase in 2021, then think mussels are looking pretty good. If you go down stream a little, a site in 2009, the river was low, very clear and every raccoon within five miles came for buffet. In 1991, we found 10 mussels per square meter, by 2003, over 55, 56 in 2015 and then it dropped due to a long period of low water, mortality from predators and/or just being exposed. Looking at that site it would appear mussels declining but that is not true either. It is a good thing we have eight sites to look at. Another site, further down river with fast flowing runs and riffles was very stable except in last survey period we had a significant increase. Lot of variability in sites and that is why you have to do 8-10 sites. Every time there is a drought or flood things change and at one site a large cottonwood tree fell next to it and changed the flow of the river and reduced the number of mussels below where tree fell. From most common to least common; monkey face and Wabash pigtoe, these two make up about half the mussels in the Verdigris River; of 22 species these two make up half. The pimple back, pistol grip, round pigtoe, threeridge, Ouachita kidneyshell, three horn wartyback, western fanshell, mapleleaf, wartyback, fragile papershell, fawnsfoot, plain pocketbook, creeper, rupper, butterfly, washboard (some found over 100 years old), white heelsplitter, deerto, yellow sandshell, and the Neosho mucket. Altogether, when we put all the unionid (the family of these native mussels), all required a fish host, some bass, catfish and freshwater drum and minnows and a few species that use several fish species as their host. In 1991, six mussels per square meter, topped out at 17; big jump from 1997 to 2003, in 2002 had low water all year long. Had another jump in 2015 and stayed stabled with no significant difference up to 2021. Looking at each site, in 1997 to 2003, seven of the eight sites had significant increase, then leveled off, another little increase in 2015, but a wash in 2021, with three increases, three decreases and two staying the same. Ten species in our study showed significant increase and no decrease after that increase. Some increased two or three times. A few species did go down, threeridge, and a few others went up then down and some are short-lived opportunistic species that boom and bust. The kidneyshell, state threatened species, made a significant jump twice, found seven in 1991, 278 in 2015. Same with state endangered western fanshell, hardly any in 1991, big jump from 1997 to 2003, really good news. I expected, going into study, to document the demise of mussels, but far from the truth. The one that was the concern was the threeridge; back in 1980s when Charlie Cope doing studies he found it was the most common mussel, made up 35 percent of what he found and in 2021 it made up one percent. It was heavily harvested from 1989 to 2000; Tom Mosher kept records and there were 644,000 pounds of threeridge taken from the Verdigris River; we don't think it was because of shortage of fish host because they use bass, bluegill, crappie, catfish and gar; maybe it dropped below the threshold of recovery. We found, from more recent studies, that this is a long-lived, late maturing, slow growth with annual recruitment low but relatively constant. So, taking a lot of these out of the river is probably like taking elephants out of the population and really affects the population when old adults are removed. Conclusion, bottom line and history that conclusion is good and bright, mussels indicate river is healthier now than it was 50 years ago but certainly much healthier than 100 years ago. I would like to acknowledge many people; we had field

hands, hundreds of them, landowners helped, our agency and the section I work for, Ecological Services Section.

Chairman Lauber – Do you have all those names memorized? Miller – Yes. Chairman Lauber – Still studying every six years going forward? Miller – I think so.

2. Commercial Harvest of Mussels – Jordan Hofmeier, aquatic ecologist, presented this update to the Commission (Exhibit F, PowerPoint – Exhibit G). Here to talk about commercial harvest regulations and how it relates to our mussel populations. Ed did great introduction. In Kansas, we historically had around 48 species of mussels, eight extinct and 22 are at various degrees of conservation and we have listed them for regulatory protection. That falls in line nationally with what we are seeing. Consistently mussels are ranked among most imperiled groups of animals in the country. Mussels are filter feeders, which is good for a number of things but can be a bad thing because of contaminants in the water. They require a fish host for reproductive cycle, some mussels will clamp down on the fish's face and pump them full of larvae and others produce packets of larval mussels that look like aquatic insects or fish larvae and some produce elaborate lures to attract host fish. It is important to note there are some species that require a specific species of fish as a fish host. There are a number of factors that need to be considered for reproduction to be successful; specific host fish that has to be there, conditions right in the water like flow levels and water temperatures, larvae have to be able to attach to the gills or fins of the fish. At end larval mussels hope they fall off into appropriate substrate. For animals that don't do a lot of moving there are a lot of moving parts to produce successful year class. Mussels have a variable range and lifespan; some only live about five years and others upwards of 100 years. You can age a mussel, like aging fish with otolith, you can count growth rings, like a tree, to get age. Mussels provide a lot of valuable services for the ecosystem. On the high end, one mussel can filter up to 15 gallons of water a day and if you extrapolate that out to a six-mile stretch of quality mussel beds that would equal 25 tons of particulates per year removed from water. They also filter harmful contaminants like heavy metals and pharmaceuticals that has earned them the loving name of "liver of the river". They also are important for habitat. They do some moving. The other thing about mussels is they are tricky to identify, of three different species that look similar, two allowed for commercial harvest, one was not. The pimpleback was not allowed for harvest but looks similar to the monkeyface and the mapleleaf. Difficult to distinguish between species but also a lot of variability within a species, with pimpleback some may have bumps and some might not have any bumps at all, usually warty or smooth. A renowned mussel expert said, "usually more or less covered with warty tubercles, sometimes nearly or quite smooth", a vague description. Of another group of three mussels, one permitted for harvest, one not, one listed species; threeridge was previously permitted for harvest, washboard was not and flutedshell is Kansas threatened species. If someone was harvesting and took one of these flutedshell would be in violation of Kansas regulation and Kansas Threatened and Endangered Species Act. Previous threats, harvest for buttons and cultured pearls. Buttons made from mussel were made obsolete when plastic was invented and cultured pearl industry because they have developed new methods for culturing pearls in freshwater mussels instead of saltwater oysters. Instead of using our shell material they are now using material from freshwater mussels over there and it has a lot of benefit to them because the pearls develop faster and they can produce more pearls in a year and that has rendered our market for that obsolete. Mussels have to deal with changes in land use, agricultural and urban runoff and water quality issues from wastewater treatment plants and growing human population. Habitat fragmentation is an issue as well. The only chance for a mussel to disperse within its habitat is when it is attached to a fish during the larval stage. If a fish can't get past a dam, neither can a mussel. Climate change has multitude effect on mussels, some are temperature sensitive. I want to talk about stream flows. From a hydrograph of Verdigris River, flows are much more flashy over time and this has

different effects and also seeing more frequent and longer droughts. That relates to stream flow because during a drought not only is the stream getting dryer but the reservoirs upstream are getting dryer so when we get rain reservoirs retaining more water that naturally would have gone downstream and been of more benefit to mussels. The high flows are also a problem, when reservoirs regulated for flood control, it is an off and on system; they can regulate how much comes out but off and on for river and leads to channel instability which degrades habitat. When really high flows come, mussels move to margins of river to avoid some of high flows and when gates get shut off at the reservoir water level drop quickly and mussels are stranded on gravel bars and are going to dry out or preyed on by predators. When I went out with Ed last year we went out just after a flood and it was remarkable the number of mussels that were either stranded or nearly so. We might have opportunities to help with that and have talked to conservation partners like The Nature Conservancy about implement sustainable rivers program in that area to hopefully improve flow regulation for mussels. Another issue is invasive species, zebra mussels were found in the state around 2003 and some studies have shown that zebra mussels prefer attaching to live mussels over nearby rocks. If they get attached to mussel in a large density they prevent that mussel from filtering and it eventually dies. The other issue we are concerned with is invasive carp, black carp are not found in Kansas yet but in nearby states; it selects and targets mussels, which is a problem for our native population. We need to keep an eye on a new mussel virus that has been identified in Tennessee. A mussel biologist saw a decrease over the course of three years, from 94,000 individuals to 14,000. The vast majority of mussels dying were found to have higher concentration of novel virus. It is unclear at this time whether that virus was the sole cause of the mortality or in combination with other ecological stressors. Need to keep an eye on because we don't want to see an 85 percent decrease in our population. Mussels have a lot stacked against them, including climate change, invasive species and new mussel virus that weren't known about or not fully recognized when commercial harvest regulations were drafted. Two previous markets were for pearl buttons and cultured pearls. Four native species were previously permitted for harvest and one non-native species. Harvest moratorium started on January 1, 2003 and extended once and current moratorium sunsets December 31, 2022.

Reached out to neighboring states to see how they handled commercial harvest. Reports show that 80 percent of pearl nuclei production for cultured pearls comes from Tennessee but manufacturers are increasingly looking elsewhere to uncertainty and long-term supply. Oklahoma has not issued any harvest permits since 2013; Arkansas issues one permit to the same individual each year; which speaks to the lack of a market for using mussel shells commercially. Missouri removed regulations allowing commercial harvest in 2009; and Nebraska does not allow commercial harvest in rivers and streams or personal harvest. Positive things from moratorium, saw rebound in monkeyface and may have prevented decline of other mussels as well. We have five species with good recruitment in Verdigris River and threeridge is seeing a little recruitment but not much. Concerns with commercial harvest. Mussels prefer riffle and run habitat, a stable point in river where mussels stay locked in during higher flows and this leads to concentrations of mussels and allows concentrated harvest. Mussels are a lot of moving parts in producing a successful year class; recruitment is sporadic. We are dealing with old and new threats. Regulatory listing process, at state and federal level, site commercial over-utilization as a potential reason for listing species. If we limit or remove commercial harvest that would help alleviate some of those concerns. Similarity of appearance is danger for impacting listed species. Regulation compliance is lacking when commercial harvest was allowed over 20 years ago. Tom Mosher reported that in 1994, 40 percent of mussels harvested weren't reported, so there was poor compliance with previous regulation. Even if they are not harvesting mussels they are still disturbing every mussel they come into contact with, whether harvestable or listed species. There is not really a market for them anymore. All these things tied together point to what is largely an

unsustainable practice. We don't have a markup or draft yet, but we would like to replace five existing regulations relating to commercial harvest with one regulation that prohibits commercial harvest or salvage of mussels. We would like to do it this year because moratorium sunsets and we feel this is a better option than another moratorium. Chairman Lauber – Will this be workshopped here and voted on in fall? Hofmeier – Yes, in one of the next meetings. Norman – Problem is dams in Kansas and U.S., starting to take dams out, starting in the northwest. There are four dams in the Klamath River basin that are coming out. They are interfering with aquatic life both upstream and downstream. This man is trying to get a start and we need to keep pushing.

3. Fishing Regulations – Bryan Sowards, fisheries assistant director, presented these regulations to the Commission (Exhibit H). Start with reference document which outlines length and creel limits for individual impoundments that is different than statewide regulations. There is a handful of these regulations but will hit more contentious ones. We are proposing to remove 10-inch minimum length limit on crappie at Cedar Bluff Reservoir. That comes on and off based on the growth of the population. The reason it was on was lack of recruitment from year to year so we had a lot of crappie over that 10-inch length limit, a way to improve growth and overall size the anglers could catch. After the lake came up recruitment became more consistent, more crappie in population and growth slowed down, so want to take off that 10-inch minimum length limit. Graham County-Antelope Lake, change to a 6-inch to 9-inch protected slot on bluegill, and other sunfish, this is part of adaptive research project we have going on at four lakes, to see if the slot is protecting fish and improve the overall size of the population and get more trophy size bluegill. Change to an 18-inch minimum length limit on saugeye at Pomona and Melvern Reservoirs, those currently have existing walleye populations with 18-inch minimum length limits and since we just started stocking saugeye as part of a research project and identification concerns between saugeye and walleye. Others in reference document.

KAR 115-7-4. Fish; processing and possession. Change this regulation to read: (a) Each person who takes any fish with a statewide length limit or a water body specific length limit from a body of water shall leave the head, body, and tail fin attached; part “with a statewide length limit or a water body specific length limit” wasn't in there before. What that was doing was making it illegal to use gizzard shad on the water for cut bait. People were still doing it so we wanted to clear that language up. If gizzard shad or something else that does not have a length limit you can use for cut bait on that water.

KAR 115-1-1. Definitions. In response to use of umbrella rigs, up to five hooks right now, you could use it but could only use two hooks. Dan, Jeff Koch, regional fishery biologists and I came up with this change. We feel the use of umbrella rigs with five hooks is not likely to have population-level effects for any particular species and we haven't seen any science to the contrary. There are some issues we have seen with snagging fish using harness contraptions with five hooks on them to use in schooling fish. There are some issues there but we feel that is covered adequately in other regulations. This is a means to capture fish, anything but paddlefish and requires the release of fish that are accidentally snagged outside the mouth, you are not allowed to keep those anyway. We feel there are enough regulations in place to counteract, any negative affect it might have. The actual change is to two regulations to meet our needs. First in definition, KAR 115-1-1, changing definition of an artificial lure; means a man-made fishing device made of artificial or non-edible natural materials, used to mimic single prey, we took out the word “single” and added a sentence. Devices mimicking individual prey shall be limited to no more than three hooks, devices mimicking multiple prey shall be limited to no more than five hooks.”, so, traditional crank bait and different things that still use two or three hooks and allows for umbrella rigs to use up to five hooks. This would change KAR 115-7-1 also.

KAR 115-7-1. Fishing; legal equipment, methods of taking, and other provisions. Change this regulation to: "Fishing lines with not more than two baited hooks or two artificial lures per line". The latter, artificial lures, shall not exceed six hooks per line. You would still be able to use two crank or jerk baits per line but not two umbrella rigs. Commissioner Sill – Treble is considered one hook? Sowards – Yes. Commissioner Cross – What is next step for that? Sowards – It will be workshopped a couple more times and vote on it in the fall, typically November. Assistant Secretary Miller – Need to vote on it before January.

Sowards – The next ones deal with commercial baitfish and ANS and Jeff Koch in online if questions. There should be an edit in the briefing book, it says 115-7-2 and 115-7-3. We are not making any changes to 17-2.

KAR 115-17-3. Commercial fish bait permit; requirement, application and general provisions. We want to add dead fish twice under part a. A commercial fish bait permit that shall be required for harvest, sale or purchase or resale of fish bait except for the commercial fish bait permit shall not be required, here is the change, "non-living, commercially packaged fish bait or the harvest or sale of anilids or insects or for purchase of anilids or insects for resale". Essentially right now we have commercial permits for anybody selling live bait and we physically go and inspect those locations. I think there is about 200 or so of them. If we start permitting, which our current regulations state, we would have to go inspect places that just sell dead bait, like Walmart and we wouldn't be able to do that. We wanted to clean up that language so if just sells worms and dead fish you don't need to have a permit.

KAR 115-7-10. Fishing; special provisions. We want to remove the term "Asian Carp" from this list of locations. It is essentially a big table of locations where aquatic nuisance species located in those locations. We want to replace that term with silver and bighead carp, which is more specific to species we are talking about. Also, we want to add rusty crayfish to the prohibited species list. We started a two-year crayfish sampling and inventory research project to get an idea of what was the best gear and what species we were dealing with. In our first year we did document the rusty crayfish in McPherson State Fishing Lake. That was based on ten lakes we sampled last year and we plan to sample another dozen or so this year. The last one is we want to add Lebo City Lake to the "Kansas Aquatic Nuisance Species Designated Waters" reference table due to the 2021 zebra mussel infestation. Commissioner Cross – Where are rusty crayfish originating from? Sowards – I am not sure, Jeff could you answer that? Jeff Koch – Native to North America, mainly on east and southeast coast. They have been invasive in north-central Midwest for a while and they have caused a number of declines in native vegetation and native crayfish. This is the first documentation in Kansas, so, something we want to get on our radar and add to our prohibited species list.

Last item is changes to trout water. King Lake-Emporia, a new location, add as a Type 1 trout water. There are two types, type 1 water needs trout stamp to fish during season, we designate trout 1 waters in areas where trout is only opportunity during that time of year. OJ Watson Park, add as a Type 1 trout water; Wichita KDOT-East, remove from trout waters list. Swapping one for the other in Wichita, OJ Watson Park is a better opportunity to catch trout.

4. State Wildlife Habitat Award Presentation – Wes Sowards, wildlife assistant director, presented this award (Exhibit ). **CANCELLED**

5. Controlled Shooting Areas – Keith Houghton, Ringneck Ranch owner/manager, presented this update to the Commission (Exhibit I). This effort started two years ago before the pandemic and has scheduled and postponed about six times. It was spawned by the idea that the Wildlife and Parks Commission makes the rules we have to live under at the Controlled Shooting Areas (CSAs), but except of Troy most of the guys and gals had not had much exposure to CSAs and we wanted to give them enlightenment about those. The attitude, residual for last 75 years, is

that they don't want to go to a hunting preserve. They have evolved considerably from then and over the last couple days we had commission and staff and others who have an interest out and exposed them to north-central Kansas hospitality and to see the growth going on and representatives gave presentations about their operations. Those presenting was Ringneck Ranch; Specialty bird raising and hunting operation; Blue Hill Gamebirds, which approaches one million birds a year in Tipton; the operation from Downs raises birds and puts on hunts; and bird operation south of Tipton, Prairie Land gamebirds, who also are approaching or exceeding one million birds a year production. The problem we have faced over time has been a history situation, used to be that birds appearance and performance weren't worth anything, but gained a lot of sophistication and science of raising these birds. It was an opportunity for us to show the commission what is going on because it is a private enterprise outside of your jurisdiction except for governing the rules for the CSA operation. Ryan Rupert is responsible for the feed from Hubbard Mill here in Beloit, they generate a tremendous amount of gamebird feed as well as Iuka Feed in Pratt. They, along with Guaranty State Bank, helped sponsor last night's supper. We got a chance to understand about different operations and how they conduct their hunts and are doing everything we can to try help new entrants into the market and help them do a reasonable job. There is some learning they will go through and we try to help them get through that and our interest to make sure they don't have some serious business-ending experience. We presented as a panel this morning and opened for questions. Any questions about CSAs or game bird production? Commissioner Sporer – How many hunter days you do annually and what you harvest? Houghton – In our operation at Ringneck we have 2,600 to 2,700 hunter days during the season. In our operation we sell packages, including meals and accommodations, guides, dogs, field vehicles, etc. The package allows them to harvest six pheasants per hunter per day and we liberate in the area 30,000 pheasants during our season. You have no idea how many times I have seen \$10 bills flying over the hill. Commissioner Sporer – An operation wouldn't be possible if trying to hunt native birds? Houghton – No. I grew up in 1980s and advent of CRP program and our biggest fear was harvesting more birds than we were supposed to, but we have not been able to sustain it with agricultural techniques. Hopefully, we can figure out a way to modify those. We had a couple of surges in Bobwhite quail in last three or four years, but impossible to put on a commercial hunting situation and sustain the population, it can't be done. These type of operations we are seeing more interest in them and our state association puts on a seminar each year trying to help folks get started so they don't have those business-ending experiences. We haven't done it for a few years because of circumstances but will have another opportunity to do that. Commissioner Cross – What are economic impacts of this operation? Houghton – In the little town of Tipton, we have about 110 people if they all show up and drink beer at the same time. Between the feed business, which is substantial and has gamebird feed has taken place of hog operations that have fallen by the wayside. We cannot wait until the grade schoolers get out, who pick up eggs we are going to hatch; they pick 50,000 a day. In our operation, staff of 40-50 people, between food and all the other services, for 5-6 months. Positions include; dog handlers, support people that do the behind the scenes stuff, food preparation, housekeeping; total staff upwards of 60. We may have one job that has two to three people shuttled in and out to get job done and keeping track and managing that is our biggest challenge. Chairman Lauber – These operations do not detract from the opportunity for people to hunt wild birds if they want to, very efficient on acreage usage. In a 40-mile circle from Tipton there may be 200 full-time, part-time and others drawing some sort of paycheck from this industry. Houghton – I think you are correct on that. It is concentrated. The number of guests that go through one of these operations is restricted to acreage of the CSA and it is an efficient utilization of real estate. We spend a lot of time and effort developing habitat and cover that we hunt out of. Every year a new experiment and depends on rain. Commissioner Cross – Repeat customers? Also, tell us about first time hunters that have hunted wild all their life? Houghton –

They are a reluctant customer; not sure this is what they want to do. Once we get them there we don't have any problem getting them to come back. We have a rebooking situation that we guarantee everybody who is there this year the same corresponding days and about the first of February we start sending out renewal letters and literally 95 percent of our guests come back. We have a little bit of scheduling to do in March; we shut off hunts by first week of March, when things go beyond that it doesn't look right, feel right, smell right and we learned a long time ago it is best to quit our hunts. Big repeat customers, part of it is hospitality that goes along with it and not everybody is in a position to be able to do that. We have developed substantial infrastructure in housing, different buildings with different names and different character, most like Super 8, two bed hotel suites. If you consider building some sort of infrastructure, if you take them to Super 8 for housing you are not building on character of your organization that is unique unto itself and people want to return to. Build on character of operation you are working with. We have been doing this for 39 years now. Secretary Loveless – Remarkable tour and experience. A couple of things that hit home with me is every aspect of your business is based on quality experience for the customer. What struck me was all the collaborations you developed in town and out of town with other businesses. We talk all the time about economic impact of outdoor recreation business and it is profound. Starting with Ringneck Ranch and spreading to all the other operators we heard from, it is a hub and remarkable. All the other businesses that have spun off and work cooperatively with you is remarkable. To hear of that development and profound economic impact on communities. Our department sees CSAs as important part of outdoor recreation experience in Kansas, not in competition, we see it as being additive. We have Tanna, our R3 expert here and we were focused on how this fits in and it is clear that whether it is recruitment, retention or reactivation, you help us and help each other on all three of those areas. I was impressed and we appreciate you and your invitation and look forward to continuing to build a relationship with you and your CSA partners here. Houghton – One of the statements I have made for several years is, what we do in CSA, is in private sector, defined by regulation outside your jurisdiction, but those compliment what the agency does in trying to provide opportunities for the public. You have a public that has a lot of diverse needs, a lot of them are professional people, used to chase birds as a kid, haven't been able to do it for a long time and they can allocate two days to do it. We pick them up at the airport here in Beloit, haul them to ranch and it is basically no muss, no fuss for them. A wrap around service and they are all taken care of. I emphasize that we by choice try to not make it ostentatious, so expensive an operation that you can't afford to do it. That is not what our intention is, we make it available. We have corporate clientele, boys from Arkansas, so we get a diverse clientele; there are only so many Vice Presidents out there that want to pheasant hunt.

*Break*

### **C. Workshop Session**

1. Furbearer Regulations – Matt Peek, furbearer research biologist, presented these regulations to the Commission (Exhibit J). Cover ones with proposed changes and then give an other presentation last.

K.A.R. 115-5-1. Furbearers and coyotes; legal equipment, taking methods, and general provisions. The one change we have is furbearers treed by dogs may be taken with handheld, battery-powered flashlight, hat lamp, or handheld lantern. We would like to allow laser sights to be used as well. This is request from Kansas Federation of Houndsmen and basically this would allow them to possibly shoot more accurately. We don't have any objection to that.

K.A.R. 115-25-11. Furbearers; open seasons and bag limits. Our proposal is to extend the furbearer season. The general season includes all furbearers with harvest season except beavers



and otters. It currently runs through February 15. We are proposing to extend the closure of that season through February 28, but our intent is to extend to last day of February, which would be February 29, during leap years. This would extend season two weeks. That change has been recommended by the Kansas Furharvester Association due to harvest of several different species, primarily bobcat, badger, muskrat and possibly skunk. These species still have pelt value at that time of year so furharvesters have had interest in extending season for a while. As Mr. Hickman brought up earlier there is an interest in harvesting other species like raccoons for a longer time period. To some degree, this extension of harvest season accommodates other people who are harvesting furbearers to control the population. The other recommendation is to the otter season which I will come back to. From the last meeting I did want to address the changes Mr. Hickman brought up at the last meeting. Then Chairman Lauber had asked me to come back with additional comments on extending harvest season for raccoons. I presented this issue to our furbearer committee and took additional comments from them. We didn't specifically consider harvest for just Houndsmen, if season open we wouldn't restrict it to any specific user group and we didn't consider bag limits. If the purpose of opening a season was to control the raccoons and that seems to be the prevailing sentiment, we wouldn't recommend a nightly bag limit. We recognize coons are abundant in most areas, harvest of furbearers in general and raccoons specifically has declined in recent years due to weak fur market. We also recognize and have heard from a couple of different groups of increased demand of harvesting more raccoons. Landowners have long said that about raccoons and if you put them in control of deer and turkey 10 years ago they would have said the same thing about them. We have been hearing of increased interest from other groups. Aware of what has gone on in other states. Some states, sometimes legislatively have been required to expand seasons. From damage perspective, state law permits landowners to take raccoons and other furbearers for damage right now. Private citizens, including Houndsmen, can get a wildlife control permit and they can control animals that are damaging property already. We don't consider property damage itself to be a strong motivator or incentive for extending seasons outside of traditional harvest period. We think additional two weeks of season provides some more opportunity. Some people are already harvesting furbearers in season with management goal in mind so that may aid those individuals. To sum up consensus of furbearer committee, we are not ready to support a season where no potentially useful product is likely to be obtained from the animal. Furbearers have traditionally been considered a valuable species and to be conserved and it is a big philosophical change to open a season that would basically allow them to be killed and left to lay. It devalues the resource. This is the change where fur market has declined and you go from a species that has been valued and provided a useful product and other species that are not considered a useful product are considered a pest and the ways they can be taken are fairly unlimited or lightly limited and no bag limits on them. I mentioned armadillos at last meeting, others would be porcupine, woodchuck, woodrat, mole, gopher and those types of things, not valued compared to game animals. We understand the management challenges we are facing with furbearers but not ready to go to that extreme yet. Just eight years ago, fur market was considered good by all dedicated furharvesters and raccoon was responsible for 55 percent of total value of furbearers harvested in Kansas. Not that long ago raccoon was important and significant component of fur trade. In the years prior to that, in past 50 years, very few times where raccoon wasn't the most important species relative to total fur value. We are saying, eight years is a short time, even though we recognize things are bad in fur market and don't know that it is going to turn around any time soon, but not ready to pull the plug on this. Need to further evaluate support for this, we estimate about 600 houndsmen in the state and they represent about nine percent of licensed furharvesters. So, we have not assessed what the other 91 percent of furharvesters think. Not sure what reaction of general public is when talk about a season sanctioning wanton waste from department and potential for abandonment of young, so that deserves further consideration. Kin

mentioned states around us. I have meeting with other Midwest furbearer biologists next month, want discussion from those states that have enacted more liberal opportunities. I know of at least one of them, maybe a couple that were legislatively enacted, independent of the department. It may have come from farmers or upland bird hunters, groups not traditionally furbearer enthusiasts, people looking out for best interest of the furbearer. Chairman Lauber – Thanks for giving this consideration. Kin – Animal damage control permit, couple properties routinely ask me to take raccoons on their property. I don't know what legality is they are feeding corn and the coons are eating it and they are mad because coons are eating it, but they are throwing corn on the ground. Is that something for damage control permits, how will that be used with legality? Peek – I would have to defer to law enforcement or Dan on that. State law says if there is damage to property and there are some qualifications, for example you cannot use that animal for anything and non-lethal efforts must have been tried first. Dan Riley – Get back to you. Kin – Like to know so I know the right thing to tell these guys. Commissioner Escareno – I had constituent approach me about potentially using infrared for coyote hunting in southwest Kansas. Is that something that has been considered? Peek – Yes, the commission enacted that season, so currently have a night hunting coyote season from January 1 through March 31 and they can use lights, night vision or thermal imaging equipment. They have to buy a permit and we just finished up our second season. We have conducted surveys following each of the first two seasons and I haven't completed the report from second season. We do have that information. Our plan in that situation was to have season as voted on for three seasons and come back and reevaluate. There were limitations there, it wasn't allowed on public lands. We will reevaluate after next season. Commissioner Escareno – And possibly extend the season if opportunity exists? Peek – That would be one of the things up for consideration. Commissioner Sporer – Hearing a lot about extending the season. Is that something you are starting to think about? Peek – Not getting ahead of ourselves. That happened before you voted on it before, there were people saying they wanted to do it and wished they could do more of it. We know there will be push for more and to allow furbearer harvest with it as well. Mantle – You are allowing laser hunting at night for coyotes? Peek – We allow night hunting with lights, night vision and thermal imaging equipment for coyotes. My proposal today is furbearers treed by dogs you can currently use a flashlight, houndsmen have asked for ability to put laser sight or laser scope where bullet shoots to where the laser is pointing. Mantle – Back to coyotes, I am old enough we used to hunt coyotes by airplanes but now we can't.

Peek (PowerPoint – Exhibit K) - Otter is cute and cuddly species if you never actually encounter one, a species of conservation interest for a lot of people. River otters historically range throughout almost all of North America, United States and north of it, except southeast U.S. Like a lot of other species people on the landscape took a toll on them at turn of 20<sup>th</sup> century and they were basically extirpated from a large chunk of the middle of the United States. In the 1980s, a state or two in 1970s, a lot of states were extirpated started reintroducing river otters. The biggest reintroduction occurred in Missouri where they released 145 between 1982 and 1992, and we had the smallest release, 19 on the south fork of the Cottonwood River in Chase County, from 1983 to 1985. These otters were foothold trapped and are still the trap of choice because it does less damage to an otters foot than catching them in a cage does. Sometimes they will bite a cage trap and break off a tooth and that is more detrimental and longer term injury. Ours came from Minnesota and Idaho, where other otters being reintroduced came from Louisiana. Throughout this process, the otter reintroduction and establishment, the Kansas Furharvester Association has been a major participant. They partially funded this initial release and trappers have also been heavily involved in helping us monitor river otters over the years because they are the people on the landscape and most likely to come across, and recognize, their sign. The reestablishment of them has been a partnership, so I want to give them credit. By 2000, only place otters caught hold was around Flint Hills National Wildlife Refuge and otters also were being consistently

found in Cherokee and Crawford counties but the rest of the state they were scarce and infrequently encountered. There was one on the Republican, one or two on the Delaware, a couple on Marais des Cygnes over many years, so very occasional to be anywhere else. Things took off in 2000, trappers started incidentally catching them in beaver sets because their main den is a beaver bank den and also getting increasing number of roadkill otters. Obvious they were increasing. Over next 10 years occupied eastern two to four tiers of counties and encounters became much more frequent. Their range expanded and harvest demand was increasing. The trappers did not like catching them and having to turn them in, but bigger thing was otters were getting well established in the east and pond owners not in favor of them. We were getting serious push back from fishermen who had their own pond. Otters don't eat the heads off of fish so they leave a lot of evidence of what they have done so we were getting complaints. As they increased we conducted research, had a couple of graduate projects, the second a student from K-State and from her work surveying for otters in eastern quarter of Kansas, we estimated over 1,400 otters, a conservative estimate. Based on modeling done in other states we assumed you could harvest 15 percent of the otters, so could have been harvesting, 10 years ago, over 200 otters and still been taking a number that would have allowed them to increase. We also conducted hundreds of general health necropsies, both before we had a season and after. First couple of years we had a season we collected all the otter carcasses and did them. We necropsied 300 otters, summary was they were in excellent physical health from fat content and not finding any issues with them. Females, we looked at reproductive tract and they had high reproductive rate and all the females two years or older showed signs of reproductive activity and having a large number of young, based on fetuses. This population was also young and the mean age was 1.4 years and most of the otters we were encountering had recently produced. We had first harvest season in 2011-12, started conservatively with two otter bag, 100 quota and a couple day grace period and harvested over 100 both years. They had to turn the carcasses in. For the next six seasons we had two-otter bag but got rid of 100-otter quota. That change increased average harvest by 25 otters per season. From 2019 to current, established management units, increased bag limit to five otters, had one, two or five otter bag limits in the different units. That change increased harvest by 45 otters per season. The two most recent seasons were 182 and 190. We are proposing is to increase that season bag up to 10 otters and 10 otters in two units in southeast (Marais des Cygnes and Neosho) which are currently at five. We also want to increase unit bag limit from two to five in the Verdigris and Missouri units. In those four units combined about one quarter of furharvesters have reached unit bag limit so we estimate if you extrapolated that 25 percent additional harvest, we estimated additional increase of 50 otters. Otters have increased since 1,400 estimate, over broader area and more dense, so well within level otters can withstand. Considerations, range potential for otters in Kansas; otters coming from east and moving to the west, already in central part of the state and water table has changed and in the past otters may have made it farther into the west but we run out of water now and will not have otters statewide. At some point we want to get to the point of managing them like beavers and muskrats, we don't limit their harvest. They are where the water is and where there is no water they are not, that will be what limits otters, not harvest. We had one good report on Republican River near St. Francis, so it is possible, need water. Missouri has unlimited harvest season and have for quite a while, they harvested over 200 otters in 2019-20 season in counties that border Kansas. Two of their best counties every year are right next to Linn and Bourbon counties where they harvested over 100 otters. Based on that information alone we are not overharvesting them at all. Nebraska just opened harvest season, had one otter bag and 75 otter quota. Oklahoma has six otter statewide bag. Otters do create damage they create latrine sites and people finding them in boats and they burrow into Styrofoam. They can occur in big groups big groups of eight to ten otters, especially in winter they can impact fish in ponds, especially on smaller ponds of less than two acres. Almost all areas where otters were extirpated have recovered and places left are due to

the fact that water table is not present to support them. It is still important species to monitor and species we want to conserve but not at risk of extirpation, couldn't do it know if we wanted to; considering connect with all the other otters in the country. It is a major conservation success story. Slowly coming round to giving people ability to control them. Giving furharvesters a little leeway to take what they would like to rather than what we limit them to. Commissioner Cross – What is otter's impact small community lake, 300 acres? Peek – Not noticeable. A lot of the fish they eat in a situation like that are probably not desirable or too many little crappie or something. I look at a lot of stomach contents and they eat a lot of small fish. Probably not the norm for them to have a noticeable impact. It is when they get into certain situations and high density fish where people are feeding catfish or small ponds that have been intensively managed. Anything over five acres you probably not notice they have been in there from a fish perspective. Commissioner Sill – How far do they travel from main riverways? Peek – Five mile home range or so is fairly standard but they can move farther, because there have been some outliers that show up where you wouldn't expect them. Commissioner Rider – This will be welcome change in southeast bordering Missouri.

2. Webless Migratory Bird Regulations – Richard Schultheis, wildlife research director and migratory game bird coordinator, presented these regulations to the Commission (Exhibit L). No changes to federal frameworks or changes to season dates or bags. Summary of those dates and bag limits is provided in briefing book. There is a recommendation for change to KAR 115-25-20 to clarify the requirement of completing the online crane identification test prior to hunting versus prior to purchasing the sandhill crane hunting permit. This change is clarification of language. As we move more towards online licenses this wording makes more sense. Still requires completing test prior to heading out in the field.

3. Public Land Regulations – Stuart Schrag, public lands director, presented these regulations to the Commission (Exhibit M). Some of the regulations didn't make it to the briefing book. KAR 115-8-23, baiting. Baiting has been prohibited on public lands, language in there that stated you couldn't place bait prior to hunting. We found out people were placing bait on public lands for viewing wildlife or photography and ultimately hunting over that bait. This is a recommendation to change the existing language of the regulation to baiting is prohibited for all activities on department lands and waters. This would also be effective on WIHA and iWIHA and does not apply to trapping by licensed furharvesters as permitted in KAR 115-5-1. Landen Cleveland – On federal waters, fishing for baiting. Schrag – This is just department land. Mantel – What about private land? Schrag – This does not affect private land. Mantel – Fish is still public animal. Schrag – Depends on if in stream or private pond and flows into other properties. KAR 115-8-9, our camping regulation. Seeing significant rise in homeless residency on state fishing lakes and wildlife areas. As a way to combat that we are recommending reducing the number of consecutive camping days allowed on state fishing lakes and wildlife areas only from 14- to 7-days. This would not affect state parks. Managers would still have option of posting a campground to allow 14 days consecutively or could extend an individual or a group to stay an additional seven days and then they would have to be off the property completely for five days. KAR 115-8-25, would be a new regulation on trail (game) cameras and other devices on public lands. This has been a hot topic discussed throughout the Midwest for several years so not just Kansas issue. Dealing with rising use of trail cams on public property and finding misuse. Instead of just placing cameras to view wildlife people are actually spying on other hunters to see who is there. Elevated reports of theft of cameras. The discussion of fair chase as come up as well, specifically giving unfair advantage for both hunters and wildlife. Placing multiple cameras and monopolizing one tract of a wildlife area to where people don't want to hunt in there and

people going on and off the property to check trail cameras and disturbance of wildlife that creates. There are several states that have prohibited trail cameras on private and public lands, but we are talking about public lands only. In subsection b, no person shall use images of wildlife produced or transmitted from a satellite for the purpose of taking or aiding in the take of wildlife. Other states are being proactive on this as well. If they can get a real-time satellite image to your cell phone that is what this part of the regulation would address. It does not preclude you from using satellite imagery like on-X or google maps for topography, but for location purposes. Mantel – What about drones? Schrag – Not currently allowed on public lands and water.

KAR 115-8-1, public lands special use restrictions reference document. The first section is under access restrictions, staff at Cheyenne Bottoms discussed implementing similar access restricts that we did last year at Neosho Wildlife Area with 5:00 am restriction. Staff at Cheyenne Bottoms came to conclusion that they didn't feel like conditions warranted that right now to because property is under construction, they had whooping cranes present and a dry pool. Not able to get a good handle and evaluate boating regulations you enacted last year to see what impact that is making. Not proposing any recommendations at this time on Cheyenne Bottoms. Under refuges, I gave you a map (Exhibit N). We have a new one in Cherokee Lowlands Wildlife Area and the two tracts we would like to name as refuge areas are Perkins east tract and Bogner tract. A lot of wildlife areas have refuges designated on them. We have them at Cherokee Lowlands but have recently received additional acreage there, donations from Ducks Unlimited, The Nature Conservancy and the NRD board as well. We feel we have adequate acreage there now to go ahead and designate a refuge. We can still conduct special hunts and different hunting opportunities through special permit. Under daily hunt permits; we are transition to a new licensing system in May and the department felt now was the time to consider implementing electronic check-in and check-out at all of our wildlife areas. For now, this would be for hunting only but as we transition to the new licensing system we don't want to inundate Brandt with a whole lot of different activities. It would be on a statewide basis on department managed lands and waters, excluding Maxwell Wildlife Refuge, Big Basin Prairie Preserve and all state parks as well. We continue with i-WIHA program as well as we transition. The other daily-use permits that go along with that we started conversations about trying to include some department-owned property where we have river access as part of the check-in system for several activities, not just hunting. This is to try gain a better handle on how many individuals are using non-motorized vessels on department properties.

Update on conversations from previous meetings on nonresident waterfowl pressure. There are five things we identified in Topeka that we would continue to discuss. On access, we have legislative statutory process for acquiring new property for public lands, we have 160-acre restriction and anything above that has to be approved through the legislature, unless in Cherokee County, then 640 acres. As Chairman Lauber mentioned at last meeting we hope more constituents talk to their state representatives and legislators when we have proposed acquisition to voice support. We will continue to campaign for that and put that message out; doing a good job with Ducks Unlimited, NWTF and Backcountry Hunters and Anglers who are doing a good job lobbying and educating people as well. Also, looking at pursuing more access on private lands through easements under the wildlife division and specifically target wetland reserve easements; possibility of long-term conservation and access type easements, through other programs or existing i-WIHA and VPA programs. We are specifically targeting areas to get more hunttable wetland acres with something we can continue to work on. I mentioned Cheyenne Bottoms and staff would like to continue to evaluate new boating methods to see what effect it is having. Continued conversations between our staff and guides and outfitters; Brad and Mike are planning a pre-commission morning session in June with a panel of guides and outfitters. I mentioned in Topeka we were planning on conducting more public meetings. Tom has done

some in the past with waterfowl and zone regulatory changes. We have had further conversations internally and have a concern that we may not get the amount of participation we would need to affect change and get broad scope of how people are feeling. While still on the table we felt that maybe a survey is the route to go. Commissioners Sill and Sporer mentioned human dimensions and satisfaction part of it, so we are looking at conducting survey that focuses more on human dimensions and looking at outside entity to do that. We are starting that conversation and have set stage for basis of the survey should look like. I have used Docketing Institute in the past, so an entity like that. Rich and Tom mentioned they would have liked to have done a survey like that before, so it will be a broad range survey. We have 30,000 waterfowl hunters in the state and are hearing from less than 20 and we want to hear from as many people as possible. Commissioner Rider – That would be directed to resident hunters? Schrag – Still deciding but thinking about resident survey. Commissioner Sill – Thank you and your staff for working so hard on this. We are focusing on waterfowl but there is larger element in resident/nonresident issues of deer significantly, turkey, some and upland not so much. Is this an opportunity to fine tune some of that or focus on waterfowl with this survey and send out in different format or are we looking at the larger picture of resident/nonresident perceptions and interactions. Schrag – A great point but we didn't have that conversation, was focused on waterfowl. Will let Secretary and research department focus on that. Secretary Loveless – Great question. These are nuanced issues and have been talking about them for months and you are understanding the depth and complexity of these, so I think we might be frustrated if we try to lump too much together. By starting here have advantages and have key questions to be answered to figure out what we should be doing first, second and third. We will learn from this as it is clearly focused on attitudes; have the biology and good foundational numbers. Attitudes are critical and satisfaction, so if we start here that can inform us on other directions; a sequence process where we learn from one.

Commissioner Sill – That is perfect. Schrag – Continuing discussion on specific management, objectives, ideas and proposals that may or may not make a difference. We met after Topeka meeting and public land managers interact with hundreds of hunters annually, 30,000 hunters buy stamps every year and the small majority we are hearing from so, based on that we don't feel we are at a breaking point or capacity when it comes to the resource. At what point do we start affecting the resources negatively. Cheyenne Bottoms in the 1970s had over 14,000 hunters on the property and now we are hovering between 5,000 and 6,000. That is the emphasis on my staff, not at breaking point yet. The percentage of nonresidents coming to wetlands have surpassed the percentage of residents but resident hunters are also climbing. Until we do a survey that does add this component of human dimension/hunter satisfaction, we have no recommendation for change at this time. At February Ducks Unlimited state convention in Wichita several of my staff gave presentations on how to build a better wetland and that was well received. We will get that message out to DU membership and waterfowl hunters in general and expand that to not only how can you build a better wetland on your private property but how you can be more successful on public wildlife areas too. We get questions like, we saw four vehicles in the parking lot so went home, but if they had gone a half mile, they would have been able to hunt. Some of my staff have been conducting field days, have waterfowl information nights so, will continue to do those and add an extra level of education that will help. Commissioner Sporer – If we don't do anything this will be the third year. I am past how many people are hunting; I am wanting to know why the quality of the hunt isn't as good as it used to be in 1990s and early 2000s. I am frustrated and disappointed and we can't seem to bridge the gap. When we have 80 percent nonresidents waterfowl hunters hunting public lands and 20 percent residents, when will it be enough that we are going to change the complexity of the whole thing. In June, the commercial hunters you are going to bring in, who are they and where are they coming from?

Secretary Loveless – We are starting to get a handle on our resident guide services and they are clearly focused on a sustainable future. We are trying to identify what these other nonresident

guides, on what they are doing and what their impact is. To your earlier point on success, we had remarkable numbers in a number of our wildlife areas this year, really high success. It varies across the state and you might want to comment on that. Schrag – We had a couple of properties with record harvest, and several properties with less nonresidents this year than in 2020. This is a perception issue; survey will identify some of that. Commissioner Sporer – Is it possible to get comment box on i-Sportsman? There is your survey if going to put that in every public land. When we used to do the cards, that is something in i-Sportsman. There is overpressure and ducks are getting nocturnal but maybe i-Sportsman there was a question that asked, how was the quality of your hunt, or rate hunt, good, poor or excellent, or make a comment. Is that something in i-Sportsman? All the comments and emails on overpressure on wetlands and ducks getting nocturnal and everybody says it is still okay. Maybe i-Sportsman is the only way I can get in everyone's mind that the quality of hunting on public land it is not as good as it used to be. Schrag – That is something we have discussed. Those old paper cards, I have kept a lot of them because it was entertaining reading those, but it did have a hunter satisfaction rating on it. We discussed with Jessica, what we can do moving forward with Brandt. We discussed that on waterfowl call and surveys research folks are already doing that; but the consensus was that we can separate one more relative to harvest and this is human dimension survey. We will continue to have that conversation and look at that possibility. Commissioner Sporer – Quality of hunt is directly related to harvest. Schrag – For a lot of people. Commissioner Sporer – Relative there should still be some element. Back to the commercial hunting, we don't know who the guys are that are causing the problems, we know the people in Kansas hunting waterfowl but we don't know the nonresidents that are coming in and causing destruction of quality of hunt. Secretary Loveless – Discussion last night about that. The people we are engaging with, like Ringneck Ranch and Guides and Outfitters you will hear from in June. They are talking, they are paying taxes, but we don't know about other folks flying under the radar. Resident guides and outfitters expressed frustration that there is no certification and in the past there was. Ability to do that got taken away from us. Hard for us to get back in department unless Hard for us to get back in department unless guides and outfitters say these folks are impacting our business. They are small business owners and want to be viable and have unfair competition out there. We may have no ability to oversee them back in the department but if they take it on themselves, maintain and oversee it and basically police themselves, so if certified they pay annual dues and have standard of performance. There are a couple of different routes where we can gain some control and understanding there and gain knowledge so we can act on that. Also, that will be benefit to small business owners who want to be sustainable and do a good job and work with us effectively. We are pursuing those ideas, but it comes down to guides and outfitters themselves. They want same type of controls too. Chairman Lauber – The meeting in June, if presented correctly, we may be able to get a handle from Kansas known guides and outfitters of who ghost outfitters are and deal with that. I'm sure they would rather not have them come in too. We don't know who is guiding on our property but this might be one way to try and get a handle on it. Commissioner Sporer – Taking control of waterfowl, thank God they are migratory and can come and go. We are regulating nonresident deer permits. That door is closed but don't let all nonresidents come in and shoot all our deer but let them come in and overpressure our waterfowl. Thank God we have refuges where the birds can set all day and go out at night and be safe, what a great thought. Assistant Secretary Miller – You will be pleasantly surprised when you meet the guides and outfitters. When I sent out invitation to that meeting, I had seven or eight who immediately said yes they wanted to be at that meeting, they want the commission to know who they are and they will be able to tell who some of the bad apples are. They are excited about prospect of an organization; whether it goes to the legislature and asks to be regulated by an agency or they provide their own oversight from their own group, they are ready for that. These are local people, have families, want to be sustainable and don't want to interfere with local

residents hunting opportunities or have an impact on the resource. They have the same goals we have in mind and interested in hunter success. Good experience to hear from these guys and one more step in this process to get a handle on this. Since 2006, we have not had the ability to regulate them and things have changed dramatically since then. Commissioner Sporer – Ten percent of commercial hunting is causing 90 percent of the problem on public and private lands. Commissioner Rider – You mentioned special hunts, what are guidelines of those special hunts? A guy mentioned nonresidents could pull those. Schrag – I can send you more information on that, Mike Nyhoff handled that and he has retired. We offer several different categories; whether deer hunting on a refuge or turkey or waterfowl for youth/mentor hunts; a wide variety. It is not specifically restricted to residents only. There is a draw for it and any leftovers go through a second draw, basically like deer permits are through computer process. There are 800 special hunts annually and private lands too that have enrolled in the program. Commissioner Rider – Some mentor/mentee. Do you have some resident-only, some both, some women-only hunts; can you give an overview of that? Schrag – We have disabled, youth, women-only hunts, here at Glen Elder, right Chris? Chris Lecuyer – More special event hunts, I don't believe ever any restrictions on residency. Schrag – We do not currently have a resident-only category. Commissioner Rider – Special hunt is different than a special event? Schrag – Yes. We do special event permits for bass tournaments, family gatherings and weddings and things like that. Special hunts is a draw system, we set an allotment and properties where hunts will be conducted with different categories then we go through the application and drawing process with second round with leftovers. Commissioner Sill – What are application costs on those types of things? Schrag – None, it is free. Commissioner Sill – Should we consider putting some type of resident/nonresident balance in there to give our residents affordable opportunities that may not otherwise have them? Other states tighten up regulation to protect their residents a little bit and we remain wide open and potentially can increase our problem if we don't do some things. This is one place to show residents we are doing something proactive for residents. Right now, I can see why they say we haven't put anything in place to protect those opportunities. We could say, we value nonresidents, but we value resident hunters too because you have contributed over the years helping us to grow where we are? Schrag – Willing to continue that conversation and discuss that with staff. From historical perspective, it was a program that related back to R3 initiative of trying to recruit, retain and reactivate, but there is always room for improvement and growth. We can have some of those discussions. Chairman Lauber – Good to consider resident-only option as an olive branch. Commissioner Sporer – Had friend tell me about youth mentor waterfowl hunt at Cedar Bluff and he had two kids that wanted to do that. I looked at it, went over there nine times scouting it and looked at it but somebody in their hunting it, never a resident, only nonresidents and I have not been back. One story of youth mentor area being taken advantage of by nonresidents. Mantel – First deer hunting season in Kansas, I am a landowner and couldn't get a permit, you need to protect landowners too.

4. KAR 115-25-9a Deer; open season, bag limit, and permits; additional considerations; Fort Riley) – Levi Jaster, big game coordinator, presented these regulations to the Commission (Exhibit O). Traditionally we set these military subunit seasons separately than regular statewide season. Typically, public hearing in June. We work with staff at these facilities that handle their ecological or outdoor opportunities to allow time to adjust for training schedules or other military activities we may not know at the time, so we do in separate regulation. Smoky Hill has requested to have same season as statewide deer hunting seasons (KAR 115-25-9) and may use up to five white-tailed deer antlerless-only permits on their Unit 4a. Fort Riley has requested additional archery days for individuals authorized, specifically troops of other military personnel going on deployment during the regular season to give them an opportunity to hunt. Those days would be September 1-11, 2022, and January 1-31, 2023;



additional days of hunting opportunity for designated persons, youth and people with disabilities, from October 8-10, 2022 and would replace pre-rut firearm season for antlerless white-tailed deer; firearm season dates, same number of days, gives additional opportunities, November 25-27, 2022, December 17-23, 2022, and December 26-27, 2022. Requesting no extended firearm antlerless only season in January; and a deer hunter may use one white-tailed deer antlerless-only permit on Fort Riley.

Fort Leavenworth has requested the 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 number 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 in their subunit 10a.

5. Antelope Regulations (KAR 115-25-7) – Matt Peek, furbearer research biologist, presented these regulations to the Commission (Exhibit P). Standard relative to previous seasons, structure and even permit allocations. The proposed permit allocation for firearm and muzzleloader permits are provided in the briefing book; in Unit 2, where the most pronghorn are, we are proposing 88 firearm and 24 muzzleloader permits; Unit 17, 32 firearm and 8 muzzleloader; Unit 18, down to four firearm and four muzzleloader.

6. Elk Regulations (KAR 115-25-8) – Matt Peek, furbearer research biologist, presented these regulations to the Commission (Exhibit Q). Not recommending any changes on season structure, season dates and permit types. Proposing 12 any-elk limited quota permits be allocated and those are good everywhere elk hunting is open and good on Fort Riley also so those are the high demand permits for the general public. Proposing 18 antlerless elk limited quota permits and one-third of those are valid each month on Fort Riley, six in October, November and December. Same as it has been.

7. KAR 115-4-6 Deer; management units – Levi Jaster, big game coordinator, presented these regulations to the Commission (Exhibit R). Updating changes from road names. Recently, KDOT rerouted a portion of the boundary between Units 5 and 6 on Highway K-14, which was rerouted, now listed as Sego Road. Back in 2021 we updated boundary of Unit 10; we did not update the boundary of Unit 11 that has a shared boundary. No change to boundary just a road name change. It was Kansas Highway 150, which is not Highway 150 but Johnson County 135<sup>th</sup> Street.

**VII. RECESS AT 4:36 p.m.**

**VIII. RECONVENE AT 6:30 p.m.**

**IX. RE-INTRODUCTION OF COMMISSIONERS AND GUESTS**

Commissioner Warren Gfeller was present in the evening session via phone.

Chairman Lauber – Before we ask for public comments, the Mitchell County Convention and Tourism board and director Lucille Heller has been very helpful today and yesterday in coordinating our visit to this area and we appreciate it very much.

Introduced some local staff present in the room.

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

Ethan Denike, Beloit – Abundance of nonresidents and their presence growing here. Grew up here and hunting and fishing my whole life. Hunting and fishing is a passion of mine that I hope to pass that on to future kids. Graduated high school about 10 years ago and didn't see many out-of-state plates, now when out scouting public lands all I see is out-of-state tags. It is discouraging and I wish it was more prevalent and easier for local hunters and not nonresidents. Why are they coming here to hunt and fish so much, I spoke to guys from several other states and asked what brought them here and they said easier to hunt out-of-state than hunt in their own states. Also, increasing number of outfitters and guides popping up everywhere; some do it right, some not so much. As well as social media influencers, guys from Instagram, You-Tube and those sorts coming here and some of those guides and outfitters too roam around on places they shouldn't. Discouraging. I haven't done research but looking into it. In i-Sportsman, it doesn't seem like any type of research being done where the outfitters have to report too on what their groups bring in, how many they harvest and things like that. Don't know if that makes it easier for them too. Other states require guides to be licensed, have training, etc. So easy to come hunt here. We need to capitalize on that in some way, shape or form. Special hunts, why do you allow nonresidents? Turkey numbers has been a problem, hurting us nonresidents to get out and harvest a turkey. We hunt a lot, outfitters come out and lease the land I can't afford to go out and get a lease and up the road outfitters come in and harvest the birds off the creek line and I haven't seen anything. Myself, and other public around this area, would like turkey tags dropped to one in this area, it is significantly hurting the population here and numbers are nowhere near where they have been. I have heard when it comes to governing outfitters, legislation issue but I don't understand why those decisions can't be made at this level? They don't care. Thank you. I remember going to different wildlife things when I was growing up, I remember getting a blaze orange hat that said Pass-It-On hat when I was a kid. I fear for the future and I won't be able to pass it on for my future kids if the outfitters and nonresidents are allowed to run wild and take precedence over residents. Commissioner Sporer – Preaching to the choir. The door is wide open and we need to close it a little.

## **VI. DEPARTMENT REPORT**

### **C. Workshop Session (continued)**

8. KAR 115-4-11 Big game permit application - Levi Jaster, big game coordinator, presented these regulations to the Commission (Exhibit S). This is big game and wild turkey permit applications. Currently the pronghorn applications, get either a preference point and an archery permit and we would like to, with change in permit numbers and population; adjust so you can either apply for a limited draw permit or purchase a preference point, not both. We propose they would have to choose to either not draw and get a preference point or purchase a preference point or they have to give up that point if they want to get an archery permit to help limit additional pressure we are now seeing. Reduced limited draw permits by 20 percent last season and this would also help to address point creep where we continue to need more points to draw a permit. Currently it takes five to six points to get a tag as a general resident. Commissioner Sill – Have you had any negative feedback on this? Jaster – Not so far. Had positive comments from a couple bowhunters who thought this was a good idea.

9. KAR 115-25-9 Deer; open season, bag limit, and permits – Levi Jaster, big game coordinator, presented these regulations to the Commission (Exhibit T). This is where we set our season dates and address permits used on wildlife areas. Several of those wildlife areas were listed as an exception to the statewide regulation that only the first antlerless permit can be used

on public wildlife areas, because of crop damage. Populations have come down now and we are not having those issues and to try and spread opportunity around they want to be put back under the statewide regulation of only one antlerless permit. Those areas are Glen Elder, Kanopolis, Lovewell, Norton, Webster, and Wilson Wildlife Areas and Kirwin National Wildlife Refuge. Still a couple properties in southeast Kansas where we have higher population of deer to help alleviate some of the damage complaints. Proposed recommended dates 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), October 8-10, 2022; regular firearm, November 30, 2022 – 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, urban unit (DMU 19), January 23-31, 2023. Chairman Lauber – We have a permit that enables a landowner to buy a permit and transfer it to a lineal descendent? Jaster – No transferable permits, we have a permit where a lineal decedent can buy a permit. Chairman Lauber – If that family land is owned in an LLC must you be the manager of the LLC before you could transfer it? Dan Riley – The answer off the top of my head would be no, there is no management control component included in there that I am aware of. Chairman Lauber – I was under the assumption that our practice was that if it was in an LLC and you were a single member of the LLC or the designated manager you could use that as if it was your own land? I don't know if that is the case but the impression I had. Dan Riley – I don't believe it is in the statute or the regulation in terms of any more specific ownership. If there is a practice evolved from that I am not aware of that ownership definition. Secretary Loveless – From previous conversations, simple LLC with no stipulation did not provide you with ability to treat that as your own land, there had to be some other layering of specifications in terms of ownership because the concern was some of those could have 50 members. We can check into that and get back with you. Dan Riley – From a corporation standpoint, when you create an LLC you have created an individual in terms of the law so legal standing of LLC is same as a person in terms of ownership interest. If statute speaks in terms of an owner then it is speaking of that entity. Chairman Lauber – Would you check on that because I am pretty certain in previous discussions there were certain stipulations as to ownership and control. Dan Riley – Intent of owner is an individual; you are talking about 30 people in the organization of an LLC which is probably where it has gotten distorted in terms of explanation. Commissioner Escareno – The LLC was organized for the purpose of the family which is brothers and a sister, and one brother is a managing operator of the property, but the question came from son-in-law of brother who, is not the manager, and the son-in-law would like to be able to hunt. Secretary Loveless - That guy has called our office and because not a blood relative the answer has been no for that guy; he has called at least twice. Dan Riley – We can check on more expansive definition of owner. Chairman Lauber – When defining owner, don't open a can of worms.

#### **D. Public Hearing**

1. 2022-23 Kansas Waterfowl Season Dates, Bag and Possession Limits – Tom Bidrowski, migratory gamebird program manager, presented these regulations to the Commission (Exhibit U, PowerPoint – Exhibit V). USFWS annually develop frameworks which sets maximum bag and possession limits, season lengths and earliest opening and latest closing dates. States must operate within the frameworks when establishing state-specific migratory game bird seasons. The waterfowl season dates are different than resident game and migratory webless game species. They are not adopted by regulation but by Commission consensus, this is due to season variability and later timeframe which seasons are addressed. Kansas officially adopted seasons through annual season selection letter sent to USFWS. The only change from

past years is the incorporation merganser bag into the overall duck bag and possession limits. The change was requested by the Central Flyway Council as a means to simplify harvest regulations. This reduces harvest opportunity for a minor part of the Kansas waterfowling community. Beginning in 2021 Kansas Wildlife and Parks has incorporated a decision tool to assist in season setting process by identifying important season date parameters for each of the Kansas waterfowl hunting seasons. This process was developed for stability, reduced bias and addresses and adds transparency to season selections. The process was described at past March meeting. Staff recommendations for 2022-23 waterfowl season dates, beginning with September teal, high plains, a nine-day season in area west of Hwy 283, beginning third Saturday in September and a 16-day season for the low plains beginning the second Saturday of September. The difference in days between high plains and low plains is due to additional 23 days afforded to the general duck season of the high plains unit and 107-day season restriction of the Migratory Bird Treaty Act. Staff recommends two consecutive days for youth, veterans and active military to be held one week prior to general duck season in each of the respective duck zones. As mentioned previously staff is incorporating tools of structured decision making to assist in removing bias and stabilize season date selections. In reviewing migration patterns, harvest, hunter activity, habitat conditions, weather patterns, holidays, hunter surveys, hunter communications and other variables. Staff believes this structure provides the best long term opportunity. The dates for duck hunting zones are listed in the briefing book. Staff recommends goose recommendations similar to past seasons. Staff continues to recommend a six Canada goose daily bag limit. While two less than minimum allowed in federal frameworks, the six bag limit is instrumental in managing resident goose populations not only in Kansas but in the Central Flyway. A daily bag limit of six Canada geese was overwhelming choice in 2019 waterfowl survey. Consistent with past seasons staff recommends a 15-day falconry season in the Kansas low plains zones. Due to the Migratory Bird Treaty Act and 107-day season restriction additional hawking days are unavailable. Kansas migratory game bird season selections are due to the USFWS by May 1. Commission action on season selections is not required.

Chairman Lauber – Issue going to come up is Aaron is in favor of later opener in southeast zone. Commissioner Rider – Correct. Chairman Lauber – I support staff recommendations, which were not made in a nonchalant manner. I spoke to biologists at last meeting and one of them said there were 80,000 ducks at Neosho on October 31 so there is still an opportunity. November season structure, closest date to November 8, so we can include Veteran’s Day and is a well thought out decision. I think that is probably the only area of disagreement among the commissioners, the opening of that season. Commissioner Sporer – I disagree that there was 80,000 ducks at Neosho on October 31. The way I saw it the ducks never showed up until January and my phone range off the wall January 1 because the season was closed and they couldn’t hunt ducks. Schrag – We can send you data. Commissioner Sporer – I don’t think so, it was mild and nice weather and birds never moved down until later. I have survey from 2019 when the department surveyed the southeast hunters and the importance of duck hunting days for each month in the southeast zone; October was last, November third, January was second and December was first. I am in favor of moving November date up one week and one week earlier in January. Chairman Lauber – That is what I assumed would be the case. For us to do that we would need some sort of amendment. Commissioner Rider – I spoke with counsel about that and recommended not to bring up an amendment prior to meeting just in case there was outside conversation. He felt it best to bring up here in the meeting. Chairman Lauber – In your opinion is it formally brought up? Commissioner Rider – I will bring it up after we formerly bring it up. Chairman Lauber – We can open it for discussion. Commissioner Escareno – If you move dates to accommodate the southeast corner to extend to second weekend in January? Commissioner Rider – My recommendation would be to start second Saturday in November, like we do in pheasant season. Chairman Lauber – There is a lot of opportunity to hunt ducks in that first Saturday.

Commissioner Rider – Across all the other zones I would agree. Chairman Lauber – But there is more to southeast zone than just one small area. Commissioner Sporer – Also, in 2019 survey, it asked what was most important and it was hunt ducks when most amount of ducks, and second most important was when most mallards were there. Stuart, would you agree mallards are more prevalent in January than November? Schrag – I was just texting Travis to see if I could get some numbers and he referred to Tom’s bi-weekly count. His comments were that 80,000 on opening day, 40,000 mallards showed up the day before Halloween, so most amount of ducks is November, hands down according to Travis Ratliff. Chairman Lauber – That is why staff didn’t just pick these dates arbitrarily, they get information from people down there. Commissioner Sill – I am concerned that look we look at all of that 2019 survey data. If you look at figure five, in the southeast zone there were more than 30 percent of the people said season was too late and if you look at the southeast zone in one chart January days were more important than November by 0.02 on a Likert scale but if you look at importance of duck hunting days that were extremely important or somewhat important, again November outnumbers there. While they said it was clear they wanted hunting when most ducks are there, I can’t imagine why that wouldn’t be the most important to somebody. We have to look at all the data if we are going to refer to that, we can’t pick and choose certain pieces to pay attention to. Commission Sporer – What I am being told from people who hunt there that they would rather hunt another week in January than hunt three weeks in November; two weeks in November and three weeks in January. I am going to vote to move the season dates because of people I know. Commissioner Escareno – Just in the southeast zone? Chairman Lauber – Only in the southeast zone. Commissioner Rider – That is what I hear constantly. The second Saturday opening is going to move with the calendar and be beneficial on holistic approach, not shutting season in whole state, shut down for just five days instead of 12 days in January and is important in holistic view of seasons and zones and why we have these different zones. It frees cycle and people are worried about the ice but that creates more opportunities for field hunting. I know staff takes a lot of these things into consideration. Waterfowl hunters are very transient, and they will move. More January days in southeast zone gives more hunters more opportunity and listening to the people. Chairman Lauber – Which is counter to professional staff that work down there. Had discussions with staff down there and staff recommended date is generally agreed on by everybody. Secretary Loveless – Great discussion and you have been sharing data. Tom has pointed out he has some data that may be helpful to the conversation.

Bob Davis – Exactly preaching to this choir, need more days in January than we do in November. Purpose of having four zones in state of Kansas was to hunt when the birds are there. The 80,000 birds that might have been at Neosho, not in Coffey County, might have been at Marais des Cygnes and Neosho, but not in our part of the southeast zone. When early birds, we did shoot birds, but what happens when they get shot out, they move on and there is no second wave of birds moving in and that is what we had last year. We had a two months with no birds moving in until December 31 and then when they did move in we had two weeks where we couldn’t do anything but watch them and cuss you out. The best hunting we had was January 15 to the end of the season. We shot double the birds those two weeks than we did the prior two months. We did a lot of field hunting and we birds we never saw in early season, had canvasbacks buzz our decoys, had wigeon and gadwall and shot Canada geese with no decoys. That is how wonderful field hunting is when things are frozen. The birds have to eat, get off the marshes, quit eating millet and smart wheat, eat corn and beans and that is when your field hunting is magic. Ever since you went to 12-day closed season, I understand you got the wrath of God from everybody in this zone and rightfully so. Why are we constantly trying to open this up when there are three other zones open in October and people can go hunt there. All the population centers in Kansas are in the late zone, 21 counties in southeast zone, 84 in the others. By far the popular areas are where the people are and our zone is last on the train, so we get our

birds well after everybody else does. In my case, open November 12 is phenomenal, if you want to close a week, preferably January 2-6 and leave that way the rest of the time. Our birds come later and we don't have follow up migration until it gets cold and unfortunately last season it was December 31. You might have a boatload of birds the first of November on opening weekend but you don't have follow up population, once birds get shot at they move on and we sat for 10 months watching and wishing it would get cold.

Matt Grant – Mr. Davis hit it right on, in southeast corner of the state, talked to commissioners in person and on last meeting where I stated pretty much what Mr. Davis just stated. We didn't get birds until the middle of December. We didn't hardly shoot any ducks on private stuff. I am not talking about Neosho WA. Have Mark Teel here also and he would like to speak also. When you go through the parking lot there is nobody there but out-of-staters. The changes that were made we don't care for any longer because we don't hunt that we hunt public and private stuff. I am miles from West Mineral with public pits areas to hunt and most of those big pits it has to get really cold for them to freeze. I don't like the idea that you can't hunt because stuff is iced over, you can almost always hunt that pit area. There are ponds, rivers and springs and that is where we shoot our ducks. Going back to the 2019 survey, you wanted the hunters to tell you what was important to them and what we liked. We told you in the survey, go back and read that survey. We want open days in January, in December, November is our least important to us because ducks are not here. Talked to Mr. Davis around Christmas time and told him about how unhappy I was with the season dates. He called me back Christmas eve because I had left a message. I have 50 years of experience hunting in this area and I can tell you December and January are months to hunt, not November. Please listen to your hunters, go back and read survey, we put very important for a reason because we meant it. Change it or it will ruin our season if we don't.

Mark Teel – Reiterate what Mr. Davis and Matt said on season dates. I dispute 80,000 ducks on that refuge, might be 80,000 in southeast Kansas and southwest Missouri that are moving around, but no way on Neosho. Again, when those ducks get shot at and move out. I have one of the best duck ponds in this corner and during November I killed two ducks, my hunting picked up in December and January because there is ways to work with the ice, it is just an excuse for people to not go hunting. You can find ways to kill ducks when things are frozen over and the only things that freeze early are the shallow water and that includes St. Paul out on the marshes. There are ducks there but they are on the refuge, they move out and scatter everywhere and that is when our hunting is the best in the rest of the area. I have heard before in duck meetings at St. Paul and other places, when they come up with these numbers that is what everybody in that area may be holding; not the refuge but including all the private land around there. Could be Marais des Cygnes but not on that refuge. I would like to go back to that 2019 survey and leave it like it is, close split for five days in January, that first week. People come home at Christmas and hunt.

Chairman Lauber – We set the same date structure in 2019, which is not necessarily overwhelmingly that; want to hunt when most ducks are there, but some preferences for October and that sort of thing. As far as the duck numbers I am going to have to believe what biologists tell me.

Commissioner Sporer – When is Four Rivers, in southwest Missouri zone, duck season?

Teel – Not sure, but in our corner, it opens Thanksgiving Day and runs four days, then closes for four or five more days and then open to the end of January. Highway 54 is the divide there and I think Four Rivers sets north of there so it might be in a different area of Missouri.

Commissioner Sporer – That is 30 miles from Neosho, just across the state line.

Teel – No, Four Rivers is up by Nevada and that is 80 miles from us and from Neosho more than 30 miles.

Commissioner Sporer – Missouri is doing most of their hunting in January and we are only doing two weeks, which was my point.

Commissioner Gfeller – I have to listen to people most knowledgeable about that southeast zone but I have a lot of confidence in the staff. Don't know that I want to describe dates this way but it seems a little bit ahead, if you have early migration you are able to catch that and good hunting in late part of the season. If we moved it back a week or two, if

November is not important, and not have a break in January and hope that the ducks cooperate. If ducks not there when the season opens we are a hero, if not we are not heroes. It is a little bit of a gamble when you start playing around with the dates, but on the other hand I am not a regular hunter in that zone. Commissioner Rider – I agree, moving three weeks and no split, which is what I would do. I don't know that is the best holistic approach, second week gives a good mix. A lot of November days we do start getting migration coming in. I am not going to argue the numbers, I don't look at that, they go out and do that and I don't get to see all the areas they do. I do know early November days are 70 degrees and you hunt a place once or twice and those ducks aren't coming back. They get into December and January and those temperatures are down and those ducks need to move and concentrate on high protein grains, which is where you get a lot of movement and lot of opportunities. Not arguing with numbers, looking at movement of ducks and opportunity. Chairman Lauber – Most of us have an opinion one way or the other. Not change my mind by comments from people who disagree with me. Staff has made good faith effort to use same frameworks we have used for several years, knowing there was going to be controversy and trying to balance the hunting season for what they believe is the best interest of entire zone. Get a motion to approve staff recommendations and if I get a second we will have a vote and it may or may not pass. Commissioner Escareno – Has there ever been a date that corresponded with second week in November compared to third week in January or dates set in that timeframe previously at any time? Chairman Lauber – Saturday closest to November 8 will vary, it could fall in first week, sometimes second, because of the way the calendar falls, this year it is the first Saturday. Last year it was the second Saturday. Commissioner Rider – No, it was the first Saturday last year. Chairman Lauber – The calendar will change. Commissioner Rider – If you blanket state second Saturday you could capture all of that. Chairman Lauber – No, you want to try and include Veteran's Day during that season. Commissioner Escareno – You want Veteran's Day included? Chairman Lauber – Yes, so you have it Saturday closest to November 8 which will always include Veteran's Day. Correct, Tom? Bidrowski – Correct and past season dates are in the briefing book. Commissioner Rider – We do that in the other zones, it is open Veteran's Day and we don't do it for pheasant season. Chairman Lauber – We don't have the controversy over the season dates in those seasons either. Commissioner Sporer – Two weeks in November and three weeks in January and quit arguing about actual dates. In 2019, there was 20 days they got to hunt in January. Of all the opinions, all the emails and all the phone calls that have talked to the commission, not had one person say they wanted to hunt more in November and less in January. Chairman Lauber – Most of the people I talked to I talk to several times a year and I have spoken to both of the guys on the phone, they are passionate and I respect them for it. We are not going to win this; we will have to vote yes or no.

Thomas Manes – I also hunt Coffey County area, I am not going to rehash it because that has been beat up. I have an alternate proposal, if we have to have Veteran's Day included, have that weekend open, close for two weeks then leave more days for January? Chairman Lauber – We can only have one split according to federal frameworks. Bidrowski – Correct. Manes – Move split to November and give veterans their holiday weekend and leave January open. Hunted over 40 years and feel that in our zone we are getting the short end of the stick. Chairman Lauber – Need a motion and second to bring to the floor for discussion.

**Commissioner Lauren Sill moved to open 2022-23 Kansas Waterfowl Season Dates, Bag and Possession Limits for discussion to the Commission.**

Dan Riley – Correct, if an amendment to be offered you could notify the chair and that also requires a second. Then you have two issues to vote on.

**Commissioner Aaron Rider second to move to open for discussion.**

Chairman Lauber – I don't think that is Roberts Rules of Order. Dan Riley – No. Commissioner

Rider if you wish to offer an amendment, you need to notify the chair, state what your amendment is then if it receives a second they are basically changing two issues to be discussed. Chairman Lauber – Then we vote on the amendment first. Dan Riley – Correct. Commissioner Rider – I don't think that is how we have done it in the past but that is fine.

**Commissioner Aaron Rider moved to amend the waterfowl season dates for low plains southeast zone to November 12, 2022 to January 1, 2023 and January 7-29, 2023 and leave the bag limits and season frameworks to remain as is in the briefing book. Commissioner Troy Sporer second.**

Commissioner Escareno – The dates for the amendment were? Commissioner Rider – November 12, 2022 to January 1, 2023 and January 7-29, 2023. Commissioner Gfeller – If we were to adopt the amendment, could we do it with the understanding there would be a follow up survey after this season of all duck hunters, not just the ones we hear from all the time? Chairman Lauber – We do a survey every year. Commission Gfeller – Could they be more specific. If you ask somebody when they want to hunt and they say when the ducks are there that doesn't tell me a whole lot. Commissioner Escareno – Correct me if I'm wrong but the weather is conducive to when the ducks are going to arrive and when they are going to go, correct? Chairman Lauber – When it freezes up late in the year and a lot of people can't hunt. Commissioner Escareno – Clarifying to make sure I understand where we are and why we are doing it. Commissioner Rider – A little bit later in the season guarantees that more of the migration has gone through. Commissioner Sporer – When was the southeast zone adopted? Bidrowski – 2012 was the first year the southeast zone was open. Commission Sporer – Why was it adopted? Bidrowski – To provide some later season dates. To provides a week or two later and more January opportunities. Chairman Lauber – And it is giving more January opportunities. Chairman Lauber – The season used to open in the southeast zone in October. Bidrowski – When it was part of the low plains late zone. Commissioner Sporer – We were trying to get a later date of at least two weeks and right now that is what we are voting on in the amendment. Chairman Lauber – What I want to vote on is that we recognize what I consider a well-rounded professional staff recommendation. Any more discussion on the amendment? Commissioner Sill – Tom, this 2019 survey, I am a little uncomfortable that it is three years old, it looked like we did it annual 2012 to 2016, then 2019. Do we have more current data on hunter preferences and satisfaction? Bidrowski – We have done surveys nearly every year from 2012 to 2019, started to see serious survey fatigue and response rates were going from 40 percent down to 14 percent. The hunter preference issue we have a variety of preference depending on where or when they hunt. I don't think you will see not many other results from what was already presented, in the past couple of year's surveys. Commissioner Sill – In this 2019 survey, it looks like you categorized by those who hunt the southeast zone and all responses regarding the southeast zone. In that group of those hunters from southeast zone do you know what your end number was? Bidrowski – It should be in the report, or I can pull it up in my report afterwards, I don't have it on the top of my head. Commissioner Sill – I couldn't find that piece in scanning the document. Bidrowski – It would be in written results not the graph portions. Commissioner Sill – This does vary some from the phone calls are like everybody else, pretty unanimous. If this is representing 300 people then this deserves some thought. Bidrowski – It was sent to around 12,000 people and survey results should be at the very beginning of that. It is a statistically significant sample size based of our hunting community. Unknown – What would be rough number who responded to that survey? Bidrowski – I think it was around 11 or 12 percent. Commissioner Escareno – How often do these zones change? Chairman Lauber – Every five years we can ask. Bidrowski – Last time was part of the survey was zone change, so able to change them in 2020, so won't be able to change until 2025. Commissioner Gfeller – Just to be clear, the vote is just this season and



whatever we do this year, next year is a new date, right? Chairman Lauber – Every year is a new date. I am proposing we follow staff frameworks. The amendment is changing staff recommendations.

**The roll call vote to amend the waterfowl season dates as recommended was as follows (Exhibit W):**

<b>Commissioner Cross</b>	<b>No</b>
<b>Commissioner Escareno</b>	<b>Yes</b>
<b>Commissioner Gfeller</b>	<b>Yes</b>
<b>Commissioner Rider</b>	<b>Yes</b>
<b>Commissioner Sill</b>	<b>No</b>
<b>Commissioner Sporer</b>	<b>Yes</b>
<b>Commissioner Lauber</b>	<b>No</b>

**The motion to amend waterfowl seasons in southeast zone as presented passed 4-3.**

Dan Riley – Doesn't solve original question. We still have to vote as amended. Chairman Lauber – This amended date does not include Veteran's Day? Sheila – Starting November 12, correct, not included. November 12, 2022 to January 1, 2023 and January 7-29, 2023. Chairman Lauber – Did you all realize Veteran's Day was not going to be included? Commissioner Escareno – I thought Veteran's Day was November 12. Chairman Lauber – No it is November 11. Commissioner Gfeller – Does somebody want to amend the amendment to include Veteran's Day? Chairman Lauber – We wouldn't be able to open on a Saturday, which is what we have been trying to do. Commissioner Rider – In the past we have voted to pass as amended with vote again, correct? Chairman Lauber – Unless you want to put an amendment to the amendment. You had two or three changes different from what you had because of split days. Dan Riley – The amendment has been approved, now the issue for the commission but still has to be voted on by the commission. You are short one vote of approving what has been amended. We don't need another motion, just a vote. Chairman Lauber – Just need to vote as amended. For those who voted for the amendment I want to point out this does not include Veteran's Day. Dan Riley – Commissioner Rider, what you probably want to do is call the question, which basically moves it to a vote. Commissioner Gfeller – What happens if the vote is different? If this motion fails what do we do? Chairman Lauber – We start over. Sheila – We go back to the original. Commissioner Sporer – If it does fail, I want to amend down to six instead of eight. Bidrowski – Staff recommendation is at six. Chairman Lauber – Need to vote and this does not include Veteran's Day and I think we should vote to include the holiday. Commissioner Escareno – Can we include a Veteran's Day special hunt? Can't include outside 74-days? Chairman Lauber – No. Veteran's Day is a national holiday for a lot of people which is why we try to include it and why traditional frameworks were Saturday closest to November 8. Commissioner Rider – That hasn't been traditional framework. Bidrowski – This would be the third staff recommendation for that. Commissioner Sporer – Is there an opening youth and veteran's day? Bidrowski – Yes, there is a youth, veteran's and active military day, two days held simultaneously now, if we separate them we do run into federal frameworks. Commissioner Sporer – We do have the weekend prior to the opener would be youth/veteran's weekend to hunt in the southeast zone? Bidrowski- Correct. Chairman Lauber – It does differ from having the public be able to hunt on Veteran's Day. Commissioner Escareno – In honor of veterans I think that is recognizing them for their efforts and what they have done for our country, so I feel that would be appropriate. Chairman Lauber – To include Veteran's Day? Commissioner Escareno – Yes. Chairman Lauber – In that case you vote no on the motion. Commissioner Escareno – What I am saying is we have youth/veteran's day outside of this motion that. Commissioner Rider – We do have the youth/veteran's weekend

prior to. Commissioner Sporer – The weekend prior to the opener is youth/veteran’s weekend and they get to hunt waterfowl in the southeast zone. Chairman Lauber – But the federal holiday is excluded from the season.

**The roll call vote on regulation waterfowl season dates as amended was as follows (Exhibit W):**

<b>Commissioner Cross</b>	<b>No</b>
<b>Commissioner Escareno</b>	<b>Yes</b>
<b>Commissioner Gfeller</b>	<b>No</b>
<b>Commissioner Rider</b>	<b>Yes</b>
<b>Commissioner Sill</b>	<b>No</b>
<b>Commissioner Sporer</b>	<b>Yes</b>
<b>Commissioner Lauber</b>	<b>No</b>

**The motion as amended on waterfowl seasons in southeast zone failed 3-4.**

Dan Riley – Back to original motion, which is staff recommendation. Chairman Lauber – Need motion to approve staff recommendation with original dates which includes national holiday, Veteran’s Day and the only way it can start on a Saturday and include that day.

**Commissioner Lauren Sill moved to approve staff recommendations on waterfowl as originally presented. Commissioner Phil Escareno second.**

Commissioner Sporer – I want to remind the commission that not one person has said that they want to hunt more in November and less in January. All the people that have called in want to hunt in January. Chairman Lauber – I understand that but I want to point out I have had a lot of discussion with the people in that area and they indicate differently. Commissioner Gfeller – I feel the need to explain myself because I did change my vote. I said at the last meeting that it is pretty clear the staff make these recommendations not in an arbitrary way, there is a lot of thought that goes into this and for that reason I supported the staff recommendation. Having heard so much feedback and hearing from the three of you that hunt in that part of the state I’m inclined to listen and try it and that is why I voted for the original amendment but also think it is very important to get the holiday included so people that only have the opportunity to hunt on holidays have that opportunity. Having said all of that, if we do move the season back in response to demands we are hearing it is a crapshoot. If the ducks cooperate and hunting is good in January and they don’t come early it is going to look like a good move. If it doesn’t happen that way and there are unhappy people, I want to be sure that everybody understands that staff is not to be criticized. It is the commission recommending these changes. I am saying I am a little willing to move the dates in response to the feedback from constituents. Maybe this year as a trial to see what happens but that doesn’t mean I don’t have faith in how staff arrives at their recommendations. Chairman Lauber – The question for you to deal with is whether you want to forgo Veteran’s Day as part of duck season in the low plains zone. Commissioner Gfeller – I think it is really important that the Veteran’s Day holiday be included in this part of the season because there is some people who can’t get off in the middle of the week and that is a good opportunity to hunt. Chairman Lauber – Does everyone understand the motion that is on the table?

Commissioner Escareno – A vote of yes on this motion would adopt staff recommendations?

Chairman Lauber – It would be staff recommendations with Veteran’s Day included.

Commissioner Escareno – A vote no? Chairman Lauber – We would be back where we were when we started.

Commissioner Gfeller – Is there opportunity to amend? Chairman Lauber –

There is but I don’t know how we would amend this to include Veteran’s Day. Commissioner

Gfeller – Do you need to have a Saturday start? Chairman Lauber – Generally, yes.

Commissioner Escareno – A vote yes would include Veteran’s Day? Chairman Lauber – Yes.

**The roll call vote to approve waterfowl as originally presented was as follows (Exhibit W):**

<b>Commissioner Cross</b>	<b>Yes</b>
<b>Commissioner Escareno</b>	<b>Yes</b>
<b>Commissioner Gfeller</b>	<b>Yes</b>
<b>Commissioner Rider</b>	<b>No</b>
<b>Commissioner Sill</b>	<b>Yes</b>
<b>Commissioner Sporer</b>	<b>No</b>
<b>Commissioner Lauber</b>	<b>Yes</b>

**The motion to approve original waterfowl staff recommendations passed 5-2.**

Commissioner Sill – Is there some way to get more information next year to make this more than from phone calls we get. Commissioner Sporer – The phone calls and the emails don’t matter. Commissioner Sporer – They do to me. Commissioner Sporer – They don’t matter. We had all the people that called and complained and it doesn’t matter. Secretary Loveless – To question and comments, we will be glad to discuss as there has been a gap as just pointed out. You heard our logic with survey fatigue. This is an opportunity for us to look at that again. We have already talked about some survey data on waterfowl. To the point of all the discussion and the depth of concern about what the public really wants we will chew on that and be ready to talk about it at our next meeting and give you some options. Chairman Lauber – Utilizing these frameworks next year the opening day would be November 11, the second Saturday. Commissioner Sporer – Still the same deal, two weeks in January and three in November so it doesn’t make any difference. Chairman Lauber – We all have our opinions; I face mine without hesitation and I respect those who disagree with me. Sometimes I think we tend to listen to a vocal few and miss out on those that don’t call and email as much. Commissioner Sporer – It is also what you are passionate about, if you are passionate about deer or turkey and not passionate about waterfowl, maybe that is the difference. Aaron and I are passionate about waterfowl. I remember one time we voted against staff recommendations for turkey. Chairman Lauber – I do too and I was the leading proponent in that and I got enough votes to do it. Commissioner Sill – I am more comfortable if I have data from multiple sources because there have been other issues with a fair number of phone calls on a subject and we don’t always follow that. I think it is important and I am grateful to each person who called and emailed. I have learned some things and had wonderful conversations. There are those that don’t speak across the topics. We need data from folks that call, we need to hear that but I want other sources of data on preferences too. That is my request on any of the topics, we do listen to people that call and people that are passionate are going to be the best advocates for the resources generally. We need to listen to those that are not willing or able to call. I want data from multiple sources on future conversations. Chairman Lauber – This has been a subject that there has been disagreement on for ten years and has been the most contentious issue the commission ever has to vote on. Commissioner Gfeller – If it is contentious every year and has been for a number of years at some point we do have to experiment if that is the way you want to describe it. I agree with Commissioner Sill, I think having multiple sources of feedback is important. I disagree with the gentleman who said we don’t listen, but listening doesn’t always mean you agree it means you try to understand and then you listen to other feedback and try to understand at come at the best decision you can make. This time I thought Veteran’s Day needs to be included in some fashion, but on the other hand there is a lot of people who hunt that part of the state a lot more than me that think we need to try something different and I am willing to take a look at it. I would like a broader cross-section of

hunters represented. Chairman Lauber – I would like to have more statistics from the guys down at Neosho where most of this is centered. Commissioner Sporer – We have a 2019 survey that clearly said the number one month to hunt December and number two was January and third was November and we didn't pay any attention to it and it was right in front of us. Let's stop and move on and go home. Commissioner Escareno – I apologize for my change but I believe veterans need to be rewarded for their efforts. My inexperience played a role in that decision and I think the more I learn as we go the more I could change my mind. Chairman Lauber – Let's try bringing this up early next year and I may ask that some of the people from the Neosho area come and give some opinion. They are probably not but I would like to see what they have to say about hunting opportunities and what they see. Commissioner Sporer – That is a great idea, lets have our meeting in Pittsburg at this meeting next year. If no one is going to listen to them it doesn't make any difference. Chairman Lauber – Are you talking about the public or our own people? Commissioner Sporer – The public. Secretary Loveless – I will put in our notes about starting this conversation earlier next year. I would point out some of the sessions with our public land managers our folks from the southeast zone have been there so you got to hear some of their voices, maybe not answering the questions exactly as we are talking about tonight but we can certainly make them more available in the future for the conversation. Chairman Lauber – I would like to do that because we will hear from the people who want the most January days and would like to hear from our people about the benefits of how it is now. If we weigh the two sides and we might reach a happy medium. If they are unable to make that convincing argument then we will have to do something else like less December days or have the split in November or something. But for now, it is over.

## **XII. OLD BUSINESS**

## **XIII. OTHER BUSINESS**

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

Sheila - We need to have a May 27 special meeting because of the way the regulations went we have three regulations, elk, antelope and deer that need to come for a vote. We will have to vote on them and can't wait until June 23. Friday, May 27 at 3:30, zoom call only. It should only take a half hour or so. Chairman Lauber – I don't believe any of the items have any controversy to them. Sheila – I will send the agenda when I get back and briefing books soon.

*May 27 – Zoom Special Meeting Friday, 3:30 pm*

*June 23 – Lawrence, Douglas County 4-H*

*August 4 – Hutchinson, Dillon Nature Center*

*September 8, Chanute*

*November, TBD*

Chairman Lauber – September might be a good time to have some people come in. Secretary Loveless – Pretty close to Neosho if folks want to visit there. Chairman Lauber – I think it would be good to take a tour.

Jason Dickson – I have a comment online.

Jim Wiles - I appreciate what you do. Positive comment, doing a great job and I can tell you are passionate about making decisions. I wanted to make a comment about Glen Elder reservoir and Wakonda lake, it is doing great. Your crew out here is great and the lake is looking better than it has in years. Appreciate crew that is out here and we appreciate all you do.

#### **XIV. ADJOURNMENT**

Adjourned at 8:02 pm.

**Kansas Department of Wildlife, Parks & Tourism**  
**Commission Meeting Minutes**  
**Friday, May 27, 2022**  
**Virtual ZOOM Meeting**

Subject to  
Commission  
Approval

The May 27, 2022, meeting of the Kansas Wildlife and Parks Commission was called to order by Chairman Gerald Lauber at 3:35 p.m. Chairman Lauber and Commissioners Aaron Rider, Lauren Queal Sill, Phil Escareno, Warren Gfeller 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 – No changes. (Agenda – Exhibit B).

## **IV. DEPARTMENT REPORT**

Thomas Schmidt – WIBW 13 news in Topeka, question on new lifetime license for kids under 5 and being able to get those at a reduced rate. Sheila Kemmis – That is on the agenda in a few minutes. Chairman Lauber – Please wait until Dan Riley presents.

### **A. General Discussion**

Dan Riley – I will give background on kids licenses first. Two regulations that will be required to change for that new license. Amendments to KAR 115-2-1 (Amount of fees) and KAR 115-9-3 (purchase of lifetime license w/o hunter education certificate) are required due to the passage of House Bill 2456, the Kansas Kids lifetime combination hunting and fishing license. House Bill 2456 takes effect upon publication and has a July 1, 2032 sunset provision.

2. KAR 115-9-3. Purchase of lifetime hunting or lifetime combination hunting and fishing licenses without certificate of completion of an approved hunter education course – Dan Riley, agency counsel, presented this regulation to the Commission (Exhibit C). Provides a waiver of requirement for hunter education certificate in hand prior to purchasing a license. That regulation establishes, in case of lifetime license, that requirement is put on hold until that individual decides to actually hunt with the license and the certificate is required to be in possession. The simple amendment will be to include Kansas Kids lifetime license there.

Thomas Schmidt – Clarification, put story on our Facebook page when it first came out and lot of questions from people misunderstanding what it was. Some wondering if kids five or under were going out with guns to hunt. Clarification on that? This is just reduced rate for lifetime fishing and hunting license for that age group, correct? Secretary Loveless – An aspirational regulation that encourages adults to purchase lifetime licenses for very young kids, who aren't old enough to hunt yet, in hopes child would be brought along and develop an interest in hunting. And later will take hunter safety, be mentored and be good hunters and enjoy the outdoors. Chairman Lauber – In my case, I bought when my grandchildren were six months old. I would

have been better off with this type of arrangement because I paid a higher price. This gives an opportunity for people to have investment made and hopefully it will assist us in recruitment of more hunters and anglers. Schmidt – What was incentive for providing lowered reduced rate for that age group? Also, incentive, higher interest in hunting in Kansas? Secretary Loveless – I was one of the ones in conversation with the people proposing this bill and that was clearly their intent, to foster greater interest and provide incentive you mentioned. Obviously the child isn't going to have an understanding but what this is paying forward, an investment by older adult that hopefully transforms into mentoring. It is important to help kids be interested and comfortable in the outdoors like adults are. Chairman Lauber – It was not our initiative but we are comfortable with it and pleased to go along with it. There was a thought that this would enable more people to get involved. It came our way in the form of a statute rather than a regulation. We will move forward and hope it is beneficial. Secretary Loveless – In general, states are not crazy about lifetime licenses because we generate our funds in Kansas, not from tax money, but from license fee our hunters and anglers pay and we take that money and leverage federal money that is kept in DC from excise taxes on hunting and fishing supplies. We have to raise enough money here to be able to leverage that federal money and the federal government has a requirement that it be a minimum amount per year that a license buyer pays. So, we have to do the math and divide up a lifetime license fee by the number of years that person may hunt and then we can leverage that for federal money. The risk is very few things people would be willing to speculate for 75 years that they know what the price will be, that is essentially what we are doing with this. The prices rise to high; the federal match requirement rises too high then all of a sudden we can no longer use these fees to get that federal money. That is a risk we take. We understand the intention of this bill and it was good and when people want to invest in small children we think that is great. We are ready to support it. Chairman Lauber – Thanks for your participation.

1. KAR 115-2-1. Amount of fees – Dan Riley, agency counsel, presented this regulation to the Commission (Exhibit C). The statute creates two age brackets, five years of age or younger, with a maximum fee of \$300, which is statutory cap that was in legislation; and a bracket is for kids six through seven years of age with a maximum fee of \$500, which is also statutory cap. Chairman Lauber – This will be voted on at next meeting? Riley – No, sometime later than that. Commissioner Rider – It says it takes affect upon publication. Can people start to buy those now or where are we with licensing? Riley – The upon publication relates to legislation itself, the statute, so it has not yet been published so not in affect at this time. Typically, that happens sometime around the first of July although that date isn't written in stone either. We need to have the regulation in place for licensing process to be functional. It is a two-parter in terms of the process. We didn't wait for the statute to take affect before we started regulation process because that takes a considerable amount of time to happen. We've got the regulation in the works, so hopefully we will have everything in place sometime this summer. Secretary Loveless – Had this discussion with the legislature and told them we had regulations to set in place, like Dan mentioned, work to do administratively to put everything together to have this process working smoothly like our customers expect. We proposed putting the effective date out some months in the future, they said they understood we wouldn't have everything up and running but wanted to stick with effective upon publication language. They stuck with that knowing it would take to get all the pieces and parts working. One thing I would mention is sensitivity of child about to turn six and become ineligible, then extended regulation to include six- and seven-year-olds. Same question applies, what if child is about to turn eight so we assured the legislature when this regulation gets published we will be glad to start taking applications and if don't have all of our administrative functions in place as of that date, we will not let kids that turn eight after that date be impaired by this, we will include them if they apply

up to seven, that is how we will cover that. Working as quickly as we can to get all the pieces in place.

## **B. Public Hearing**

*Notice and Submission Form (Exhibit D).*

1. KAR 115-25-9 Deer; open season, bag limit, and permits – Levi Jaster, big game coordinator, presented these regulations to the Commission (Exhibit E). This is where we set our season dates for statewide seasons. Proposed for 2022 and 2023 season, archery, September 12, 2022 through December 31, 2022; extended archery WAO, urban unit (DMU 19), January 23-31, 2023; regular firearm, November 30, 2022 through December 11, 2022; pre-rut whitetail antlerless-only (WAO), October 8-10, 2022; early muzzleloader, September 12-25, 2022; and designated persons, the youth and disabled would be September 3-11, 2022. We have three extended firearm seasons; in Units 6, 8, 9, 10 and 17 season will be January 1-8, 2023; in Units 1, 2, 3, 4, 5, 7, 11, 14 and 16, January 1-15, 2023; and in Units 10A, which is Fort Leavenworth, 12, 13, 15 and 19 will be January 1-22, 2023. This list also an individual may get up to five antlerless whitetail deer permits, the first one is valid statewide except for Unit 18; and the four additional permits are valid in Units 1, 2, 3, 4, 5, 7, 10A, 11, 12, 13, 14, 15, 16 and 19, the urban unit, except on land managed by the department; only on lands not managed on the department except for Berentz-Dick and Elk City Wildlife Areas would be allowed.

**Commissioner Warren Gfeller moved to pass KAR 115-25-9 as presented to the Commission. Commissioner Lauren Sill second.**

**The roll call vote to approve was as follows (Exhibit F):**

<b>Commissioner Cross</b>	<b>Yes</b>
<b>Commissioner Escareno</b>	<b>Yes</b>
<b>Commissioner Gfeller</b>	<b>Yes</b>
<b>Commissioner Rider</b>	<b>Yes</b>
<b>Commissioner Sill</b>	<b>Yes</b>
<b>Commissioner Sporer</b>	<b>Absent</b>
<b>Commissioner Lauber</b>	<b>Yes</b>

**The motion to approve KAR 115-25-9 passed 6-0.**

2. KAR 115-25-7. Antelope; open season, bag limit, and permits – Matt Peek, furbearer research biologist, presented these regulations to the Commission (Exhibit G). Unit boundaries for pronghorn are defined in KAR 115-4-6 and Units 2, 17 and 18 are open to hunting. The season permit season dates and types are standard relative to previous years. Proposing archery, September 24 through October 2, 2022, and reopens October 15-31, 2022; valid in Units 2, 17 and 18 and are unlimited for residents and nonresidents. Firearm, October 7-10, 2022; limited to residents and proposing 88 permits for Unit 2 (Smoky Hill), 32 for Unit 17 (West Arkansas), and four for Unit 18 (Cimarron). Proposed dates for muzzleloader, October 3-10, 2022; limited to residents-only and proposing 24 permits for Unit 2 (Smoky Hill), eight permits for Unit 17 (West Arkansas) and four permits for Unit 18 (Cimarron). For limited firearm and muzzleloader permits is similar to last year with only change being reduction of two Unit 18 firearm permits. You may recall the other discussion about pronghorn hunting regarding 115-4-11. That regulation wasn't submitted at the same time as this one was. That was also the regulation that would prevent hunters from being able to apply for a limited draw permit or buy a preference



point for limited draw permit and get an archery permit the same year. That change is still in the process, will be voted on a future meeting but will not be in affect this year.

**Commissioner Aaron Rider moved to pass KAR 115-25-9 as presented to the Commission. Commissioner Phil Escareno second.**

**The roll call vote to approve was as follows (Exhibit H):**

<b>Commissioner Cross</b>	<b>Yes</b>
<b>Commissioner Escareno</b>	<b>Yes</b>
<b>Commissioner Gfeller</b>	<b>Yes</b>
<b>Commissioner Rider</b>	<b>Yes</b>
<b>Commissioner Sill</b>	<b>Yes</b>
<b>Commissioner Sporer</b>	<b>Absent</b>
<b>Commissioner Lauber</b>	<b>Yes</b>

**The motion to approve KAR 115-25-9 passed 6-0.**

3. KAR 115-25-8. Elk; open season, bag limit, and permits – Matt Peek, furbearer research biologist, presented these regulations to the Commission (Exhibit I). The unit boundaries for elk are defined in KAR 115-4-6b and Units 2 and 3 are open to hunting with Unit 2 being the area that encompasses the Fort Riley Unit and Unit 3 is the bulk of the remainder of the state with exception of Cimarron National Grasslands. The proposed archery season dates are September 12 through December 31, 2022 in Units 2 and 3 outside of Fort Riley; and on Fort Riley, subunit 2a, September 1-30, 2022. Firearm, statewide, off Fort Riley; August 1-31, 2022, November 30 through December 11, 2022, which overlaps firearm deer season, and elk season reopens January 1 through March 15, 2023; on Fort Riley Subunit 2A proposed archery dates are September 1-30, 2022, with month of October being first segment (October 1-31, 2022), November is second segment (November 1-30, 2022) and December is third (December 1-31, 2022). Muzzleloader, statewide, both on and off Fort Riley, September 1-30, 2022. Limited quota either-sex elk permits are valid during any open season and proposing 12 of those authorized and limited quota antlerless-only elk permits are valid during any open season except that only one-third of them are valid during each of the three one-month segments on Fort Riley and we are proposing 18 of those, so six during October, six in November and six in December. Elk permits are valid only to Kansas residents and limited quota permit applications are separated into military and nonmilitary applicants, basically weighted to give military applicants a little better chance of drawing on Fort Riley and an unlimited number of hunt-on-your-own-land antlerless-only and either-sex permits are authorized in Units 2 and 3 and an unlimited number of general resident and landowner/tenant antlerless-only and either-sex permits authorized in Unit 3. Those are the over-the-counter permits you can buy outside of Fort Riley that general residents can get. Chairman Lauber – Is that more permits than authorized last year? Peek – No, we have been at 12 any-elk and 18 antlerless elk permits for several years now.

**Commissioner Emerick Cross moved to pass KAR 115-25-9 as presented to the Commission. Commissioner Warren Gfeller second.**

**The roll call vote to approve was as follows (Exhibit J):**

<b>Commissioner Cross</b>	<b>Yes</b>
<b>Commissioner Escareno</b>	<b>Yes</b>
<b>Commissioner Gfeller</b>	<b>Yes</b>
<b>Commissioner Rider</b>	<b>Yes</b>

**Commissioner Sill  
Commissioner Sporer  
Commissioner Lauber**

**Yes  
Absent  
Yes**

**The motion to approve KAR 115-25-8 passed 6-0.**

**V. ADJOURNMENT**

Adjourned at 4:03 pm.

# **Secretary's Remarks**

**Agency and State Fiscal Status**

**No briefing book items – possible handout after the meeting**

**2022 Legislative Update**

**No briefing book items – possible handout after the meeting**

# **General Discussion**

## VI. DEPARTMENT REPORT

### B. General Discussion

#### 1. 2023-2024 Turkey Regulations

##### Background

The Fall 2021 Turkey Season was open October 1, 2021 to November 10, 2021. The Spring 2022 Turkey Season was open from April 1 to May 31 and included three seasons: Youth/Disabled, Archery, and Regular. Turkey hunting is regulated within the same six turkey management units during both the spring and fall seasons (Figure 2). The six hunt units align with the management units the department uses to monitor turkey populations and hunter activity, which allows both population and harvest data to guide harvest and season recommendations.

In spring 2022, a spring turkey permit could be purchased over-the-counter for Units 1, 2, 3, 5, and 6, while game tags could also be purchased over-the-counter but were only valid for Units 1 and 2. Five hundred spring permits were issued for Unit 4 through a pre-season drawing, which were also valid in adjacent units. A single fall turkey permit could be purchased over-the-counter for Units 1, 2, 3, 5, and 6. No fall turkey hunting is authorized in Unit 4. The 2022 Fall Turkey season will be open from October 1-November 10.

During 2021, the Commission made the following changes to turkey regulations:

- **KAR 115-25-(5-6): Fall and spring seasons, bag limits and permits**
  - Approved the following season structure for 2023 spring and fall seasons

<u>Spring 2023</u>	
Youth / Disabled	April 1 - 11
Early Archery	April 3 - 11
Regular Firearm	April 12 - May 31
<u>Fall 2023</u>	
All Legal Methods	October 1 – November 10
  - Designated persons (youth) season eligibility
    - Increased youth season eligibility to include ages 17 and under for the spring turkey youth season
- **KAR 115-4-4a: Legal equipment and taking methods**
  - Allowed the use of shot-shooting handguns—with a minimum barrel length of ten inches—as legal equipment for both the spring and fall seasons.

##### Population Status and Productivity

The Kansas turkey population has generally declined since the statewide population peaked in 2008 (Figures 3 and 4). Conditions have been generally good during the 2022 nesting season across most of the state. Flooding has not been widespread and spring moisture has been relatively abundant.

**Regulations to be discussed in 2022**

**KAR 115-25-(5-6)**

- **Fall and spring seasons, bag limits and permits**

The department uses an adaptive harvest management strategy to guide staff recommendations on wild turkey bag limits for both the spring and fall seasons. The strategy aims to maintain a high level of hunter success in each hunt unit and provides a consistent method of developing staff recommendations. The strategy includes a hierarchy of bag limit combinations and uses established thresholds to determine when each combination will be recommended. The data from the spring 2022 season has not yet been analyzed and staff recommendations will be presented at the August 4 Commission meeting.

- **Unit 4 permit validity in adjacent units**

Currently, a total of 500 permits are authorized each year for use in Unit 4 and adjacent units. Half (250) are reserved for landowners and the other half are available to Kansas residents to apply for through a draw. Each permit is valid for use in Unit 4 and adjacent units (Units 1, 2 and 5). Staff are requesting Commission feedback on whether to restrict the use of Unit 4 permits to only be valid in Unit 4 and not valid in adjacent units.

Table 1. Spring turkey permit and game tag sales for 2021 and 2022.

Permit Type	2021	2022	Difference
Carcass Tags	45,263	39,692	-12.3%
Permit Buyers	35,587	32,034	-10.0%
Game Tags	10,637	8,560	-19.5%
Resident Permit Buyers	20,306	18,274	-10.0%
Nonresident Permit Buyers	15,281	13,760	-10.0%
Resident Game Tags	3,728	3,028	-18.8%
Nonresident Game Tags	6,909	5,532	-19.9%

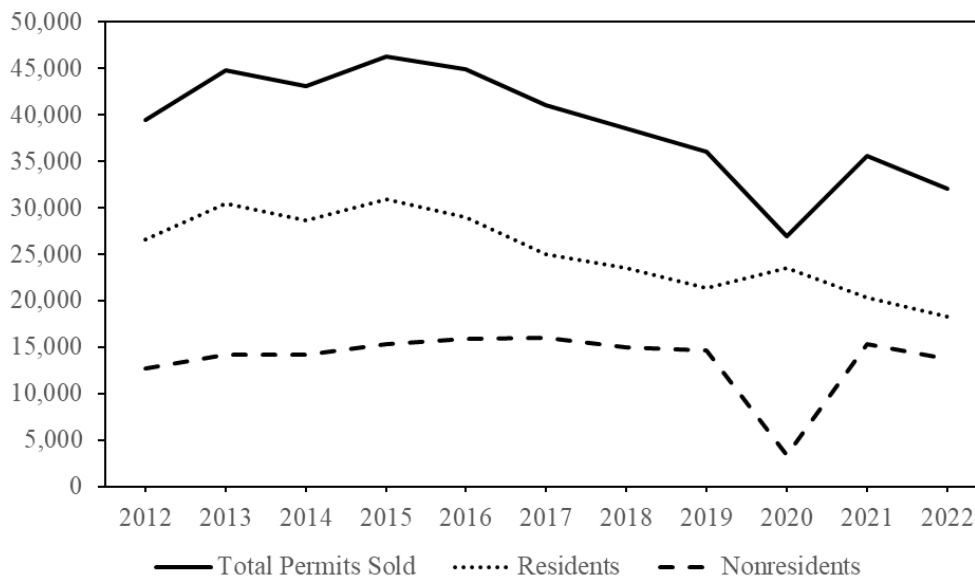


Figure 1. Kansas wild turkey permit sales by residency, 2012-2022.



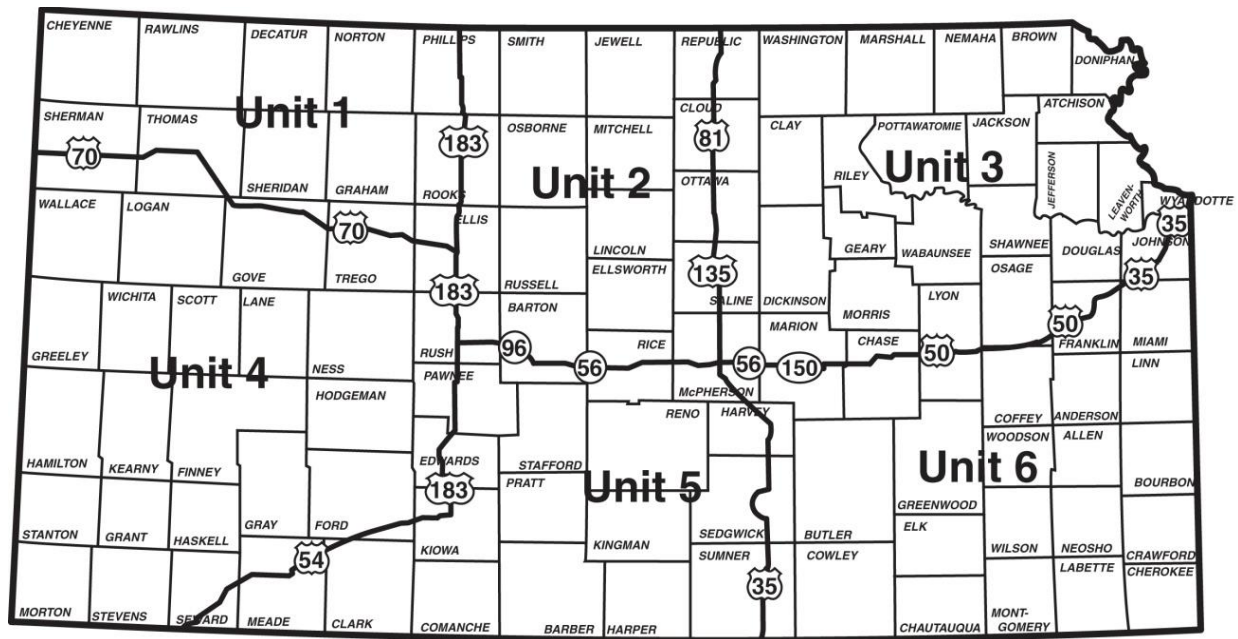


Figure 2. Kansas turkey hunting units.

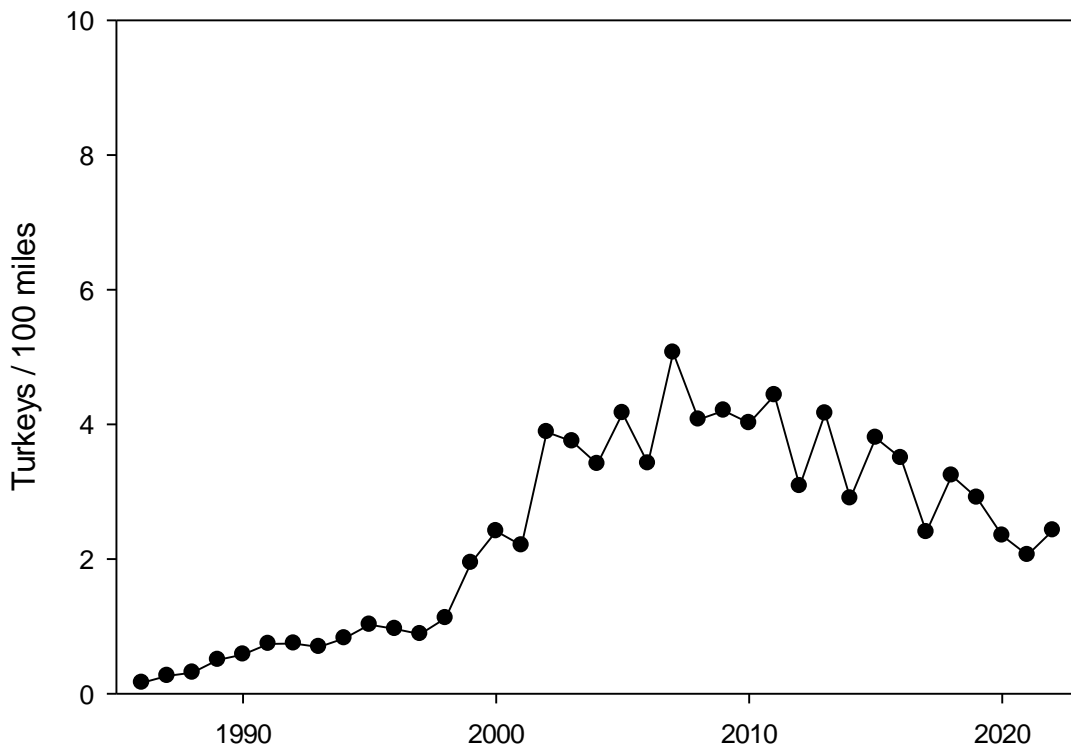


Figure 3. Statewide spring rural mail carrier index (birds/100 miles traveled) to wild turkey populations from 1986-2022.

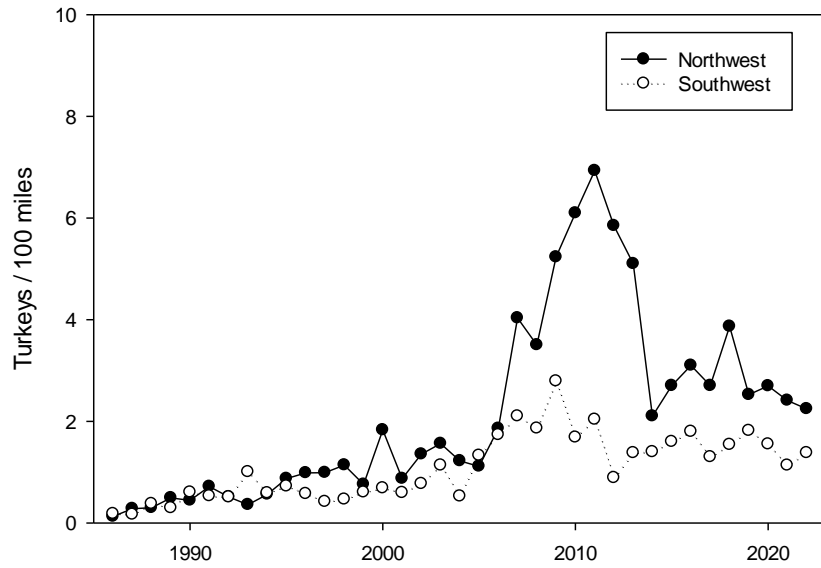
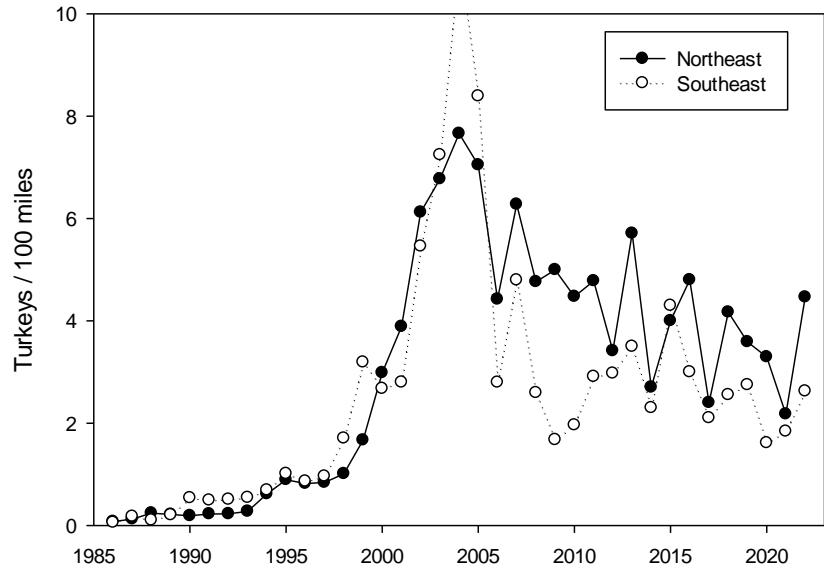
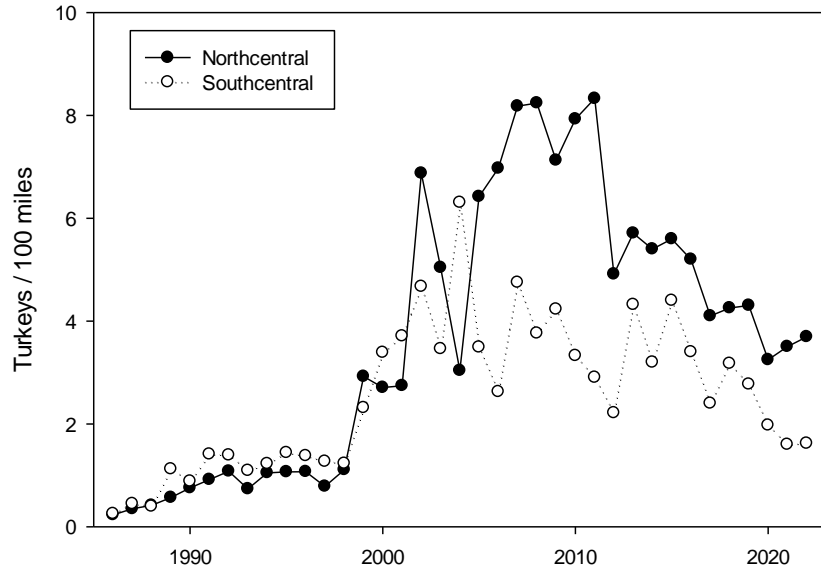


Figure 4. Western, central, and eastern spring rural mail carrier index (turkeys / 100 miles traveled) to wild turkey populations (1986-2022).



## **VI. DEPARTMENT REPORT**

### **B. General Discussion**

#### **2. Lesser-Prairie Chicken Update**

##### **Lesser Prairie-Chicken Proposed Listing**

On May 26, 2021, the US Fish and Wildlife Service announced their intent to propose the lesser prairie-chicken as warranted for protections under the Endangered Species Act. The Service proposed a northern distinct population segment—which includes the species’ range in Kansas—as threatened under the Act, while proposing to list a southern distinct population segment in New Mexico and Texas as endangered. The Service anticipates a final decision in 2022.

Timeline of events related to lesser prairie-chicken policy and the Endangered Species Act:

- 1995 USFWS petitioned to list
- 1998 Candidate status granted
- 2010 Priority level elevated
- Spring 2012 States initiate conservation plan development
- December 2012 Threatened status proposed by USFWS
- October 2013 USFWS endorses Rangewide Conservation Plan and states begin implementation
- April 2014 Listed as Threatened under the Endangered Species Act
- 2015 Federal Court repeals listing—USFWS appeals decision
- June 2016 Removed from Threatened List
- September 2016 USFWS again petitioned to list
- May 2021 USFWS proposes to list under Endangered Species Act

## 2020 Kansas Licensed Angler Survey

The Kansas Department of Wildlife and Parks (KDWP) conducts periodic surveys of its licensed anglers to maintain up to date information and understand trends about general fishing characteristics, preferences, and attitudes of its anglers. Due to the COVID-19 pandemic in 2020, KDWP added questions to the licensed angler survey to measure impacts of the pandemic on fishing participation, crowding, social support, and other impacts to Kansas anglers. The 2020 Kansas Licensed Angler Survey was implemented using three different methods: 1) a postcard with a link to take the survey online in June 2020, 2) an email with the link in June 2020, and 3) up to two mail questionnaires delivered between September – November 2020. A total of 10,000 individuals aged 18 and older was randomly selected from the list of those who purchased a fishing privilege from approximately May 2019 to May 2020.

In total, 1,944 anglers returned useable surveys for an effective response rate of 22.1%. This was lower than the 30.0% response rate from the 2013 survey and confirmed the trend that response rates in general were declining. The average age of respondents was 55 years old and non-respondents was 44 years old. Eighty-seven percent (87.4%) of respondents had fished in Kansas in the previous 12 months. The top three fishing methods were bank, shoreline, or dock (88.0%), motorized boat (46.9%), and non-motorized boat (19.0%). Anglers fished in Kansas waters an average of 28.71 days. The most fished water types in Kansas by mean number of days included: private ponds (6.40 days), reservoirs (6.10 days), city or county owned lakes (6.10 days), State Fishing Lakes (5.36 days), rivers or streams (4.31 days), and walk-in fishing access, or WIFA (0.42 days).

Anglers traveled an average of 39.03 miles one-way for their 1-day fishing trips in Kansas. The five most preferred species to catch were Largemouth Bass, Crappie, Channel Catfish, Walleye, and Blue Catfish. When asked which they fished for the most, anglers responded with their top five: Largemouth Bass, Crappie, Channel Catfish, Blue Catfish, and Flathead Catfish. The top 10 locations were private ponds (19.5%), Milford Reservoir (4.4%), Hillsdale Reservoir (4.1%), Cheney Reservoir (3.3%), El Dorado Reservoir (2.9%), Clinton Reservoir (2.9%), Perry Reservoir (2.3%), Melvern Reservoir (2.0%), Glen Elder Reservoir (1.8%), and Pomona Reservoir (1.6%).

Additional analyses regarding motivations for Kansas anglers, preference of KDWP programs, and impacts of COVID-19 on fishing participation were also conducted and will be presented.

## **Bald Eagle Telemetry Research**

In May 2021, KDWP and a group of interested partners started a three-year study to collect information that will give wildlife managers and developers the data to make scientifically based decisions to address potential conflict between Bald Eagles and anthropogenic development—focusing particularly on energy generation and transmission infrastructure. GPS telemetry is being used to collect highly detailed data on where eaglets fledged in Kansas go and how they use airspace. The data will be analyzed in the contexts of topography, weather, land cover, and anthropogenic features to gain an understanding of what risks to Bald Eagles may arise from environmental conditions and the birds responses to those conditions. One year of data has been collected, and is interesting enough that KDWP has expanded the study and plans to telemeter more eaglets in 2023.

## **2022 Kansas Wildlife Conservation Award**

In Kansas, approximately 98% of the land is under private ownership. In order to achieve our mission to conserve and enhance Kansas' natural heritage, its wildlife and their habitats we must focus on improving those lands in partnership with the landowners of this state keeping in mind the goals of the landowner. We currently employ 29 wildlife biologists across the state to work directly with private landowners, United States Department of Agriculture, United States Fish and Wildlife Service and other conservation partners to help restore and enhance wildlife habitat in a working landscape. KDWP's Habitat First program, funded by license sales and federal wildlife restoration dollars, provides both technical assistance and financial assistance to landowners. The Department also partners with Pheasants Forever to employ habitat specialists to directly implement beneficial habitat practices on the landscape. We are invested in the private lands of this state and want to take this time to celebrate the landowners who are the stewards of our land and its wildlife. This year's KDWP State Wildlife Habitat Conservation Award is awarded to Joe and Norma Hoagland; owners of J&N Ranch in Wabaunsee County for their outstanding commitment to the wildlife resources of this state.

## **Clinton State Park Update**

An update will be presented on Clinton State Park to include 2019 flood damages and recovery projects. Land based projects around the park will also be highlighted such as the archery range remodel. Along with these, the Clinton Marina is now under new ownership and improvements are planned for this coming year.

# **Workshop Session**



## **Commercial Harvest of Mussels**

A moratorium for the commercial harvest, salvage, and sale of freshwater mussels has been in place for nearly 20 years, and is set to sunset on January 1, 2023. KDWP plans to revoke Regulations KAR 115-17-6, 7, 8, 9 and 14 related to the commercial harvest, salvage, and sale of freshwater mussels. A new regulation may be drafted specifically prohibiting the commercial harvest, salvage, and sale of freshwater mussels. One of the existing regulation numbers may be retained to insert this language.

## 2023 Reference Document Proposed Changes for Special Length and Creel Limits:

### Overview of length and creel limits as a fisheries management tool.

- Cedar Bluff Reservoir – Remove 10” minimum length limit on crappie
- Ford State Fishing Lake – Change to an 18” minimum length limit on Largemouth Bass
- Graham County-Antelope Lake – Change to a 6-inch to 9-inch protected slot on bluegill, redear sunfish, green sunfish, and their hybrids. In addition, a 5/day creel limit (single species or in combination) for any of these species greater than 9 inches and unlimited creel number for fish under 6 inches.
- Pomona Reservoir – Change to an 18-inch minimum length limit on saugeye
- Melvern Reservoir – Change to an 18-inch minimum length limit on saugeye
- Jeffrey Energy Center – Change to a 15-inch minimum length limit and 2/day creel limit on Sauger
- Centralia City Lake – Change to a creel limit of 10/day on Channel Catfish
- Yates Center City Lake – Change to 15-inch to 21-inch protected slot, creel of 5/day on Largemouth Bass
- Garnett City Lake (North) – Change to 15-inch to 21-inch protected slot, creel of 5/day on Largemouth Bass
- Madison City Lake – Change to an 18-inch minimum length limit, creel of 2/day on Largemouth Bass

### Other 2023 Proposed Fishing Regulation Changes.

- **KAR 115-7-4. Fish; processing and possession.** Change this regulation to read: (a) Each person who takes any fish with a statewide length limit or a water body specific length limit from a body of water shall leave the head, body, and tail fin attached while the person has possession of the fish on the water.
- **KAR 115-1-1. Definitions.** (2) “Artificial lure” means a man-made fishing device made of artificial or non-edible natural materials, used to mimic prey. Devices mimicking individual prey shall be limited to no more than three hooks, devices mimicking multiple prey shall be limited to no more than five hooks.”
- **115-7-1. Fishing; legal equipment, methods of taking, and other provisions.** Change this regulation to: Fishing lines with not more than two baited hooks or artificial lures per line. The latter shall not exceed six hooks per line.
- **115-17-2. Commercial sale of fish bait and 115-17-3. Commercial fish bait permit; requirement, application and general provisions.** Staff will provide wording to exempt vendors selling dead fish from commercial bait permit.

- **115-7-10. Fishing; special provisions.** remove the term "Asian Carp." Add Rusty Crayfish to the prohibited species list. And add Lebo City Lake to the "Kansas Aquatic Nuisance Species Designated Waters" reference table due to the 2021 zebra mussel infestation.

Trout water changes:

- King Lake-Emporia – add as a Type 1 trout water
- OJ Watson Park – add as a Type 1 trout water
- Wichita KDOT-East – remove from trout waters list

## **Furbearer Regulations**

**KAR 115-5-Series; Furbearers and coyotes. KAR 115-6-1; Furdealers. KAR 115-13-4; Field Trial Permit, furbearer and coyotes. KAR 115-25-11; Furbearer seasons.**

### **Background:**

These regulations referencing furbearers are permanent regulations that are not considered every year. Most of these were last in front of the Commission in 2020.

### **Discussion and Recommendations:**

#### **K.A.R. 115-5-1. Furbearers and coyotes; legal equipment, taking methods, and general provisions.**

- Furbearers treed with the aid of dogs may be taken with handheld, battery-powered flashlight, hat lamp, or handheld lantern. We would like to allow laser sights to be used as well.

#### **K.A.R. 115-25-11. Furbearers; open seasons and bag limits.**

- The general furbearer season currently runs from the first Wednesday after the second Saturday in November (which is the Wednesday after the upland bird opener) through February 15. We would like to extend the closure of the furbearer season through the last day of February.
- We recommend increasing the season bag limit of otters from 5 to 10. We recommend increasing the unit bag limit in the Lower Neosho and Marais des Cygnes Units to 10 and the Verdigris and Missouri Units to 5. The population is healthy and established to the west of these units. Demand for additional harvest is high at times, particularly related to damage concerns, and we would like to allow legal harvest to be used in these situations to greater degree. Like muskrats and beavers for which harvest is unlimited, otters will always be scarce or absent in the state where water is lacking. This change will allow those who live in areas where otters are common to better use the resource while not impacting otters where they are less abundant.



**Workshop  
Session  
(continued -  
evening)**

**Kansas Department of Wildlife & Parks Briefing Item**  
**Webless Migratory Game Bird Regulations**  
 June 23, 2022

**Background**

The U.S. Fish and Wildlife Service (USFWS) develops frameworks annually, 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. General stability in federal frameworks allows the inclusion of webless migratory bird regulations, bag limits, and season dates in KDWP permanent regulations, summarized below.

<b>Species</b>	<b>Regulation</b>	<b>Regulation Summary</b>
Crow	KAR 115-25-16	Crows; open season, bag limit, and possession limit
	KAR 115-20-1	Crows; legal equipment, taking methods and possession
Dove	KAR 115-25-19	Doves; management unit, hunting season, shooting hours, and bag and possession limits
	KAR 115-20-7	Doves; legal equipment, taking methods, and possession
	KAR 115-20-2	Exotic doves; legal equipment, taking methods, possession, and license requirement
Sandhill Crane	KAR 115-25-20	Sandhill crane; management unit, hunting season, shooting hours, bag and possession limits, and permit validation
Snipe, Rail, & Woodcock	KAR 115-25-21	Snipe, rail, and woodcock; management unit, hunting season, shooting hours, and bag and possession limits

**Discussion**

In Kansas, those desiring to hunt sandhill cranes must first complete an online crane identification examination and purchase a sandhill crane permit. The specific wording currently included in 115-25-20 requires each person to pass the annual, online sandhill crane identification examination before securing the sandhill crane hunting permit. With anticipated changes to technology used for license and permit sales and completion of the online crane exam, updated language that reflects a requirement to complete the online crane test prior to hunting vs prior to purchasing the permit is necessary. This change would allow flexibility in the purchase vs test workflow, while still ensuring those hunting sandhill cranes in Kansas have demonstrated the ability to identify sandhill cranes before going afield.

**Recommendation**

Staff recommends changes to 115-25-20 to clarify the requirement of completing the sandhill crane test prior to hunting vs prior to purchasing the sandhill crane hunting permit. No other changes to webless migratory bird regulations or seasons are proposed, and the proposed season dates and bag limited are summarized in the table that follows.

**Proposed 2022-23 Webless Migratory Game Bird Bag Limits and Season Dates**

<b>Species</b>	<b>Bag/Possession Limit</b>	<b>Season Dates</b>
Crow	no limit	November 10 – March 10
Migratory Dove	15/45	September 1 – November 29
Exotic Dove	no limit	year-round
Sandhill Crane	3/9	West Zone; October 15 – December 11 Central Zone; November 9 – January 5
Snipe	8/24	September 1 – December 16
Rail	25/75	September 1 – November 9
Woodcock	3/9	October 15 – November 28



## Workshop Session #2

### Public Lands Baiting Regulation

June 23, 2022

**KAR 115-8-23**

#### **Baiting**

##### Background:

This regulation outlines the provisions and restrictions of baiting on department lands.

##### Discussion:

Department staff have discussed amending this regulation to prohibit baiting on department lands and waters for **all activities**, not just for hunting or preparing to hunt as the current regulation states. Department officers are reporting a trend of bait being placed on department lands and WIHA for “wildlife viewing or photography” with the bait being hunted over.

##### Recommendation:

The Department recommends adding language to the existing regulation that would prohibit placing bait on department lands and WIHA/iWIHA for all activities.

This would not apply to licensed furharvesters as permitted in KAR 115-5-1.

**115-8-23. Baiting; ~~hunting~~.** (a) No person shall place, deposit, expose, or scatter bait ~~while hunting or preparing to hunt~~ on department lands or place, deposit, expose, or scatter bait in a manner that causes another person to be in violation of this regulation.

**(1) This regulation applies to WIHA and iWIHA properties**

**(2) This shall not apply to licensed furharvesters as permitted in KAR 115-5-1.**

~~(b) Hunting shall be prohibited within 100 yards of any bait placed, deposited, exposed, or scattered on department lands. Bait shall be considered placed, deposited, exposed, or scattered on department lands for 10 days following complete removal of the bait.~~

~~(e)-(1)~~ (b) Nothing in this regulation shall prohibit the hunting or taking of wildlife over any of the following:

(A) Standing crops, grain found or flooded standing crops, including aquatic crops.

(B) standing, flooded, or manipulated natural vegetation.

(C) flooded harvested croplands.

(D) lands or areas where seeds or grains have been scattered solely as the result of normal agricultural planting, harvesting, postharvest manipulation, or soil stabilization practice; or

(E) standing or flooded standing agricultural crops over which grain is inadvertently scattered solely as a result of a hunter entering or exiting a hunting area, placing decoys, or retrieving downed wildlife.

(2) The taking of wildlife, except migratory waterfowl, coots, and cranes, on or over any lands or areas meeting the following conditions shall not be prohibited:

(A) Are not otherwise baited; and

(B) have grain or other feed that has been distributed or scattered solely as the result of manipulation of an agricultural crop or other feed on the land where grown, scattered solely as the result of normal agricultural operations, or scattered solely as the result of normal weather conditions.

(d) For the purposes of this regulation, “bait” shall mean any grain, fruit, vegetable, nut, hay, salt, sorghum, feed, other food, or mineral that is capable of attracting wildlife. Liquid scents and sprays shall not be considered bait. (Authorized by and implementing K.S.A. 2012 Supp. 32-807; effective July 20, 2012; amended July 26, 2013.)

## Workshop Session #2

### Public Lands Camping Regulation

June 23, 2022

#### KAR 115-8-9           Camping

##### Background:

This regulation covers the provisions and restrictions for camping on department lands and waters.

##### Discussion:

Department staff have discussed reducing the current 14-consecutive-day camping stay limit at state fishing lakes and wildlife areas. Area managers are faced with the ever-growing issue of vagrant and homeless people basically living at state fishing lakes and wildlife areas. This has required extra enforcement and maintenance man-hours combating the issues that arise. Degradation and destruction of the natural resources and conflicts with traditional users are growing problems, and there is also the financial burden associated with removing abandoned personal property left at this camping areas.

The main complaint from primary constituents is that they eventually avoid using these areas.

##### Recommendation:

The Department is recommending reducing the number of consecutive camping days allowed at state fishing lakes and wildlife areas from 14 to seven days.

This would NOT affect state parks.

Managers at state fishing lakes and wildlife areas would still have the discretion to post their campgrounds or issue a permit allowing 14-day camping, if warranted.

**115-8-9. Camping.** (a) Camping shall be allowed only in designated areas on department lands and waters and shall be subject to provisions or restrictions as established by posted notice.

(b) All campers and camping units **in state parks** shall be limited to a stay of not more than 14 consecutive days in a campground unless otherwise established by posted notice or as otherwise authorized by the department.

(1) Upon completing 14 consecutive days in a campground, each person and all property of each person shall be absent from that campground for at least five days.

(2) One extended camping stay of not more than 14 additional consecutive days at the same campground may be granted through a written permit issued by the department if vacant camping sites are available. Upon completing 28 consecutive days at the same campground, each

person and all property of each person shall be absent from the department-managed area for at least five days, except as authorized in subsection (b)(3).

(3) Long-term camping in state parks shall be allowed on designated camping sites for six consecutive months through a written permit issued by the department if vacant long-term camping sites are available. Upon completing six consecutive months at the same state park, each person and all property of each person shall be absent from the state park for at least five days.

(c) All campers and camping units **at a state fishing lake or wildlife area** shall be limited to a stay of not more than seven consecutive days ~~in a campground~~ **on that property** unless otherwise established by posted notice or as otherwise authorized by the department. **Upon completing seven consecutive days on the same property, each person and all property of each person shall be absent from the department-managed area for at least five days.**

(1) One extended camping stay of not more than seven additional consecutive days ~~at the same campground~~ **on the same property** may be granted through a written permit issued by the department if vacant camping sites are available. Upon completing 14 consecutive days ~~at the same campground~~ **on the same property**, each person and all property of each person shall be absent from the department-managed area for at least five days.

(d) Unless authorized by the department or located on a prepaid state park campsite reserved through the department's electronic reservation system, camping units shall not be left unoccupied in a campground for more than 24 hours.

(e) Except as Unless authorized by the department or located on a prepaid state park campsite reserved through the department's electronic reservation system, vehicles or other property shall not be left unattended upon department lands or waters for more than 24 hours.

(f) Except as authorized by the department, any property unoccupied or unattended for more than 48 hours, unless the property is on a prepaid state park campsite reserved through the department's electronic reservation system, and any property abandoned upon department lands or waters shall be subject to removal by the department and may be reclaimed by the owner upon contacting the department.

(g) A campsite shall not be left unoccupied in a campground for more than 24 hours, unless the department so authorizes, or the campsite is a prepaid state park campsite reserved through the department's electronic reservation system. (Authorized by and implementing K.S.A. 32-807; effective March 19, 1990; amended Feb. 10, 1992; amended Oct. 12, 1992; amended Sept. 12, 2008; amended Nov. 14, 2011.)

## Workshop Session #2

### Public Lands Trail (Game) Camera Regulation

June 23, 2022

#### **KAR 115-8-25 Trail (Game) Cameras and Other devices:**

##### Background:

There is no current regulation specifically addressing the use of trail cameras on department lands and waters nor is there any related regulation that would cover the use of trail cameras on department lands and waters.

This regulation would be a new Kansas Administrative Regulation (KAR) and would cover the provisions and restrictions for the use of trail (game) cameras on department lands and waters.

##### Discussion:

Department staff have been discussing the use of trail (game) cameras on department lands for several years. Research has been conducted as to what other states do or do not allow on public lands. Many Kansas public lands, including WIHA and iWIHA, are being inundated with trail cameras. Constituent reports of camera theft and misuse of trail cameras on public lands are on the rise.

Staff discussions have also considered the North American Model of Wildlife Conservation and the concept of fair chase, specifically, the use of new or evolving technology and practices that provide hunters with an improper or unfair advantage.

Other related discussion points included: conflicts in the field among public land users, the growing number of trail cameras on the landscape (monopolizing PL's), and the potential disturbance to wildlife of frequent visits to set and check trail cameras.

States with existing trail camera regulations include: Arizona, Nevada, and Utah (Private and public lands); Montana, New Hampshire, and Alaska (partial ban = no wireless or cellular cameras during any open hunting season)

##### Recommendation:

The Department recommends enacting this regulation prohibiting trail (game) cameras on department lands and waters.

**K.A.R. 115-8-25. Trail (Game) Camera's and other devices.** (a) No person shall place, maintain, or use a trail camera, or images and video, including location, time, or date from a trail camera on department lands and waters, for any purpose.

(1) This regulation also applies to WIHA and iWIHA properties.

(b) No person shall use images of wildlife produced or transmitted from a satellite for the purpose of taking or aiding in the take of wildlife or locating wildlife for the purpose of taking or aiding in the take of wildlife on department lands and waters.

- (1) This subsection does not prohibit the use of mapping systems or programs.
- (2) For this subsection, the definition of take is adopted as outlined in KSA 32-701.
- (3) This subsection also applies to WIHA and iWIHA properties.

(c) For this regulation, the definition of trail (game) camera shall be any remote motion-activated or infrared camera where the shutter is activated via sound triggers, proximity sensation, radio transmitters, or the self-timer built into the camera.

(d) This regulation shall not apply to any trail (game) camera that is owned by the department or a designated agent and is used for department operations or research on department lands and waters.

## Workshop Session #2

### Public Lands Reference Document

June 23, 2022

#### **KAR 115-8-1. Department lands and waters: hunting furharvesting, and discharge of firearms.**

##### Background

Subsection (e) of this regulation covers the Department's Public Lands Division Special Use Restrictions.

##### Discussion

This reference document within the regulation is reviewed annually for revisions.

The Department is discussing amendments to the following sections:

##### **I.) Access Restrictions**

*After Cheyenne Bottoms staff discussed further, no additional restrictions are being recommended at this time.*

##### **XII.) Refuges** (Add tracts listed below in Region 3)

The following properties have portions of the area designated as a refuge during specific periods of the year, or year-round. Access and activity restrictions are for refuge management, special hunts, or special permits.

##### **a.) Refuge Area Closed to All Activities Year Round**

###### **Region 1**

- Cedar Bluff WA (Operations Area East of Dam)
- Cheyenne Bottoms WA-Pool 1
- Lovewell WA (designated land area)

###### **Region 2**

- Benedictine WA
- Jeffrey Energy Center-Area #3
- Marais des Cygnes WA

###### **Region 3**

- Fall River WA
- McPherson Wetlands - South Refuge

- Mined Land WA Bison Pen located on Unit 1
- Byron Walker WA; around headquarters and archery range
- Cherokee Lowlands WA (Perkin's east and Bogner center tracts)

**XV. Daily Hunt Permits**

*After extensive internal discussions, the Department is recommending adding all Public Lands properties (state fishing lakes and wildlife areas) into the electronic check-in/check-out system. This requirement would be for hunting activity only.*

Electronic ~~D~~daily use permits are required ~~on the following properties~~ through the department's licensing system for hunting activity on the following properties:

**Region 1**

~~-Cheyenne Bottoms WA In addition to daily hunt permit, trapping permit is required from the manager to trap~~

~~-Glen Elder WA~~

~~-Isabel WA~~

~~-Jamestown WA In addition to daily hunt permit, trapping permit is required from the manager to trap~~

~~-Lovewell WA In addition to daily hunt permit, trapping permit is required from the manager to trap~~

~~-Talmo Marsh~~

~~-Texas Lake WA~~

**Region 2**

~~-Benedictine Bottoms~~

~~-Blue Valley WA~~

~~-Bolton WA~~

~~-Clinton WA~~

~~-Dalbey WA~~

~~-Douglas SFL~~

~~-Elwood WA~~

~~-Hillsdale WA~~

~~-Jeffrey Energy Center WA Area # 2~~

~~-Kansas River WA~~



- ~~-La Cygne WA~~
- ~~-Lyon SFL~~
- ~~-Marais des Cygnes WA~~
- ~~-Melvern WA~~
- ~~-Milford WA~~
- ~~-Oak Mills WA~~
- ~~-Perry WA~~
- ~~-Tuttle Creek WA~~

### **Region 3**

- ~~-Berentz/Dick WA~~
- ~~-Marion WA~~
- ~~-McPherson Wetlands~~
- ~~-Neosho WA~~
- ~~-Slate Creek Wetland~~

### **Statewide**

- iWIHA
- All Department managed lands and waters (Wildlife Areas and State Fishing Lakes)  
\*Excluding Maxwell Wildlife Refuge, Big Basin Prairie Preserve, and all State Parks

## **XVI. Daily Use Permits**

~~Electronic~~ daily use permits are ~~available~~ required electronically through ~~I-Sportsman e-permit~~ the department's licensing system for ALL activities.

### **Region 2**

- Buck Creek WA
- Noe WA

\*The Department is considering implementing electronic daily use permits for our river access sites on department lands and waters. This would be an effort to learn more about non-motorized vessel use.

\*After discussing internally with staff who coordinate and plan hunts through the Department's Special Hunts Program, for the 2022-2023 fall and winter hunts, 75% - 80% of those Special Hunts will be restricted to Kansas residents only.

## **K.A.R. 115-25-9a. Deer; open season, bag limit, and permits; additional considerations; Smoky Hill ANG, Fort Riley, and Fort Leavenworth**

### **Background**

This regulation has typically been brought to a Public Hearing in June. Personnel at Fort Riley requested this later period to finalize the seasons because the schedule for military training activities were occasionally unknown at the time KAR 115-25-9 was approved. The regulation has also been used to address legislative actions pertaining to deer hunting that were made after KAR 115-25-9 was approved.

### **Discussion**

We shall address all deer season on military subunits under one regulation. Personnel at Smoky Hill ANG, Fort Riley and Fort Leavenworth have been contacted and we have received preliminary information on the season dates that they prefer.

Smoky Hill ANG has requested to have deer hunting seasons at the same dates as the seasons established in KAR 115-25-9.

- A deer hunter in Smoky Hill ANG subunit 4A may use up to five white-tailed deer antlerless-only permits.

Fort Riley has requested the same seasons as those established in KAR 115-25-9 with the following exceptions:

- Additional archery days for individuals authorized by Fort Riley would include the period from September 1, 2022 through September 11, 2022, and from January 1, 2023 to January 31, 2023.
- Additional days of hunting opportunity for designated persons (i.e., youth and people with disabilities) from October 8, 2022 through October 10, 2022.
  - No Pre-rut Firearms season for antlerless white-tailed deer.
- Firearm season dates of November 25, 2022 through November 27, 2022, December 17, 2022 through December 23, 2022, and December 26, 2022 through December 27, 2022.
  - No Extended Firearms Antlerless Only season in January
- A deer hunter may use one white-tailed deer antlerless-only permit in Fort Riley.

Fort Leavenworth has requested the same deer hunting seasons described in KAR 115-25-9 with the following exceptions:

- The open firearm season for the taking of deer shall be November 12, 2022, through November 13, 2022, November 19, 2022 through November 20, 2022, November 24, 2022 through November 27, 2022, December 3, 2022 through December 4, 2022, and December 10, 2022 through December 11, 2022.
- An extended firearm season for the taking of antlerless-only, white-tailed deer shall be from January 1, 2023 through January 22, 2023.
- An extended archery season for the taking of antlerless-only, white-tailed deer shall be from January 23, 2023 through January 31, 2023.

- A deer hunter may use up to five white-tailed deer antlerless-only permits in Fort Leavenworth, subunit 10A.

### **Recommendation**

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.

## **VI. DEPARTMENT REPORT**

### **C. Workshop Session**

#### **7. Big Game Permanent Regulations (KAR 115-4-11)**

##### **a) K.A.R. 115-4-11. Big game and wild turkey permit applications.**

#### **Background**

This regulation describes general application procedures, including the establishment of priority drawing procedures when the number of applicants exceeds the availability of authorized permits. The regulation also authorized hunters to purchase a preference point for future applications.

#### **Discussion**

This regulation currently allows pronghorn hunters who have purchased a preference point or been unsuccessful in a limited draw application to purchase an over-the-counter archery permit. We would like to modify it so that pronghorn hunters could EITHER get an archery permit OR apply for a limited draw permit – but not do both during the same year. The purpose of this modification is to address "point creep" issues and archery harvest pressure and crowding.

Point creep - In the last several years, we have seen a significant increase in pronghorn hunting applicants (Figure 1). We have also had declining pronghorn populations for several years apparently due to poor fawn production. As a result, we reduced limited draw permit allocations by about 20% last season. It currently takes up to six preference points to obtain a firearms permit. With increased applications and decreased permit availability, this number will be on the rise. Given that half the permits are allocated to landowner/tenants and most of the new applicants are general residents, the increase in required preference points to draw could be substantial over time.

Archery harvest pressure and crowding - Archery permit sales and harvest have been at record highs over the past several years (Figure 2). Archery harvest used to represent a minimal contribution to total harvest. In 2020, archery permit hunters accounted for 37% of the estimated harvest. Hunters are also increasingly reporting issues with crowding. As pronghorn numbers have declined in Unit 18 in particular, archery pronghorn hunters have converged on the west-central parts of Unit 2, so the crowding issue is not just about increased numbers, but current hunters are increasingly focused on a certain area.

In sum, the ability of hunters to obtain a preference point for a limited permit while also obtaining an archery permit that same year is contributing to some current issues with pronghorn hunting, and we would like to address them by removing this “double-dip” opportunity.

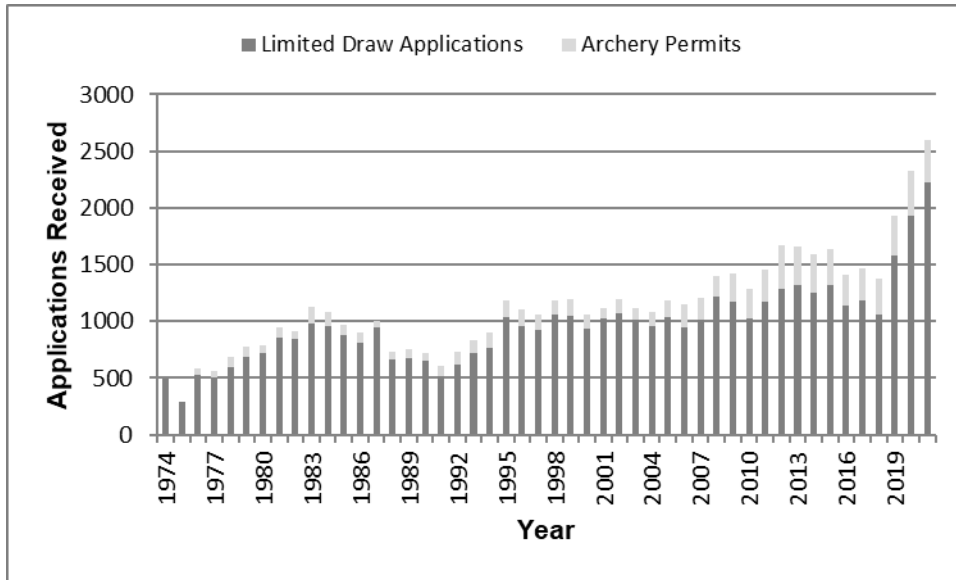


Figure 1. Kansas pronghorn limited draw application and archery permit purchases from 1974-2021.

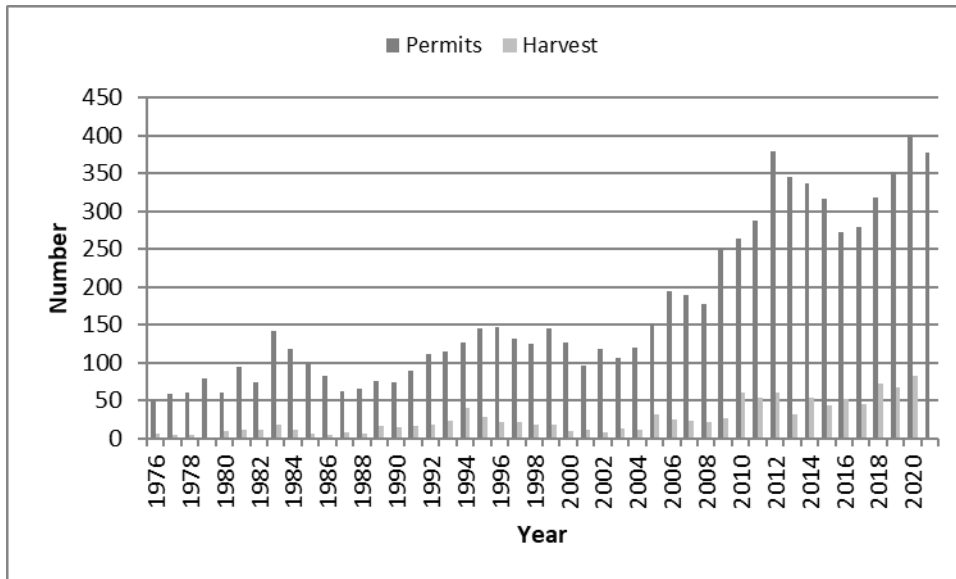


Figure 2. Kansas pronghorn archery permit purchases and harvest from 1976-2021.

**Recommendation**

Modify this regulation so that pronghorn hunters must EITHER get an archery permit OR apply for a limited draw permit. They would not be able to apply for the firearm or muzzleloader permit or buy a preference point AND purchase an archery permit during the same season.

# **Public Hearing**

Wildlife and Parks Commission  
Notice of Public Hearing

A public hearing will be conducted by the Wildlife and Parks Commission at 6:30 p.m., Thursday, June, 23 2022 at the Lawrence Flory Meeting Hall-West, Lawrence, Kansas, to consider the approval and adoption of proposed administrative regulations of the Kansas Department of Wildlife and Parks.

An education session for commissioners may be conducted beginning at 9:00am, June 23, 2022, at the location listed above. A workshop meeting on business of the Wildlife and Parks Commission will begin at 1:00 p.m., June 23,2022 at the location listed above. The meeting will recess at approximately 5:00 p.m. then resume at 6:30 p.m. at the same location for the regulatory hearing and more business. There will be public comment periods at the beginning of the afternoon and evening meetings for any issues not on the agenda and additional comment periods will be available during the meeting on agenda items. Old and new business may also be discussed at this time. If necessary to complete the hearing or other business matters, the commission will reconvene at 9:00 a.m. June 24 at the location listed above.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statements in an accessible format. Requests for accommodation to participate in the hearing should be made at least five working days in advance of the hearing by contacting Sheila Kemmis, Commission secretary, at (620) 672-5911. Persons with a hearing impairment may call the Kansas Commission of Deaf and Hard Hearing at 1-800-432-0698 to request special accommodations.

This 60-day notice period prior to the hearing constitutes a public comment period for the purpose of receiving written public comments on proposed administrative regulations.

All interested parties may submit written comments prior to the hearing to the Chairman of the Commission, Kansas Department of Wildlife and Parks, 1020 S. Kansas Ave, Suite 200, Topeka, KS 66612 or to [sheilak@wp.state.ks.us](mailto:sheilak@wp.state.ks.us) if electronically. All interested parties will be given a reasonable opportunity at the hearing to express their views orally in regard to the adoption of the proposed regulations. During the hearing, all written and oral comments submitted by interested parties will be considered by the commission as a basis for approving, amending and approving, or rejecting the proposed regulations.

The regulations that will be heard during the regulatory hearing portion of the meeting are as follows:

**K.A.R. 115-4-6.** This permanent regulation establishes deer management units within the state of Kansas. The proposed amendments make corrections in the Osage Prairie, Unit 11 boundary on Johnson County 135 Street, the Sego Road boundary in both Pawnee Unit 11, and Middle Arkansas Unit 6 and update the cited statutory authority.

**Economic Impact Summary:** The proposed amendments are not anticipated to have any appreciable economic impact on the department, other agencies, or the public.

Copies of the complete text of the regulations and their respective economic impact statements may be obtained by writing the chairman of the Commission at the address above, electronically on the department's website at [www.kdwp.state.ks.us](http://www.kdwp.state.ks.us), or by calling (785) 296-2281.

Gerald Lauber, Chairman



## **2015 Cabin Fees**

### **Effective Calendar 2015**

#### **Background:**

115-2-3a. Cabin camping permit fees. (a) The following cabin camping permit fees shall be in effect for the following state parks: The cabin fees are reviewed several times each year and adjusted based on cabin occupancy rates. Based on those rates cabin prices may warrant an increase or perhaps a decrease during certain times of the year. At this time we are proposing the following cabin rate changes.

Changing fees to this regulation for Cheney State Park and Kansas State Fair Cabins based on occupancy rates and cost to operate the cabins.