

**Kansas Department of Wildlife and Parks
Commission Meeting Minutes
Thursday, November 17, 2022
Colby Event Center
1200 S Franklin, Colby, KS
including a
Virtual ZOOM Meeting Option**

Approved Subject to
1/12/23 Commission
Approval

The November 17, 2022, meeting of the Kansas Wildlife and Parks Commission was called to order by Chairman Gerald Lauber at 1 p.m. Chairman Lauber and Commissioners Phil Escareno, Warren Gfeller, Lauren Queal Sill and Troy Sporer were present, as well as Emerick Cross and Delia Lister via zoom.

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 – Matt Peek cannot be on this afternoon but will be on tonight, Rich Schultheis is presenting antelope and elk regulations for him this afternoon. Also, item number 5, 115-17-7, under public hearing is not a revocation; it is an amendment that creates prohibition for commercial mussel harvest. (Agenda - Exhibit B).

IV. APPROVAL OF THE September 8, 2022, MEETING MINUTES

Commissioner Phil Escareno moved to approve the minutes, Commissioner Warren Gfeller second. *Approved* (Minutes – Exhibit C).

V. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

Tim Clark, Red Dog Outfitters – I am full time whitetail deer outfitter in Kansas and Nebraska; mostly in Units 1 and 2 in Kansas but sometimes Unit 3, between Hoxie and Hill City. I bring a lot of experience to outfitting, originally from Colorado. They require state surety bond, insurance, annual fee to play. We never had that when I moved here but I continued to keep my insurance. I got rid of the bond because I am not going anywhere but is a good thing to have, it is like \$100. So, if you scam somebody, they get that bond back. I have a million ideas on how we can regulate, not a lawmaker but I know what works and what people should do. I would like to run through ideas I have because a lot of general public, from Pennsylvania or Wichita that go out in the state to hunt that are getting ripped off all the time. I do a good job and we killed 45 deer out of 52 (hunters), but I got called a scam this morning by two guys I have known for years. The point is, if I am getting called a scam what is really happening with the real scams. I

see this stuff every year at the trade shows. There are pictures of a bunch of young kids that didn't pay \$5,000 to shoot those deer, probably their friends' but they have to start somewhere. People brag about "fake it until you make it," but that hurts Kansas, hurts farmers and it hurts me as an outfitter. There are no credentials to being an outfitter in this state and I think there needs to be. I am not one for more government or taxes but these are common sense ideas. Volunteer my experience to the Commission and if you want to use me for these ideas from here on out to develop this. Ideas: criminal background check, looking for game violations, child offenses, I have kids in my camp and need to be checking people coming in, a predator can't be around kids at his home but he might just show up in my camp or he might bring in a camp and I have a guide that hasn't had a background check. This is what is going on everywhere. At deer camp people drink at night and common sense to know who outfitters are allowed to outfit. No drug or alcohol charges, weapons and drugs aren't a great combination and is a felony, if have a drug charge from last year and are carrying guns for customers, probably a conflict of interest. Surety bond we discussed and insurance, easy to get \$1 million or \$2 million and doesn't cost a ton, but most guys don't even know where to get it. In 17 seasons not had to use it but I have it. Offer protection to people, hunter and outfitter. It is not about money so much as vacation time and make it as clean as we can. New stuff that nobody has really done in other states that I know of. I believe an application for an outfitter, submit application and show lease for the next three years. In this unit you can't draw every year, roll over to Nebraska but I get guys who just want to hunt here. If I take \$5,000 from a group of four as down payment and next year that lease goes away how are they going to facilitate that hunt if loose a lease and end up knocking on doors just to get permission. So, a three-year minimum lease on land for whitetail, 640-acre minimum, with right section could run 10 hunters per year, two for muzzleloader, etc. With mule deer, need four sections to hunt on, they are where they are at and need that many to go find the animals, if not they shouldn't be operating a mule deer operation. If you are talking about ducks and geese you need a goose pit or duck blind on a lake, but deer is different; same with turkey. Outfitter complicity, unreported crimes. I think we should be charged if we see the guy screwing up they should call in a game warden. I call in everybody, I called in my five-year-old son for shooting a turkey with a .410, he got two with one shot; I thought who is going to believe this, he shot a jake and hen drops dead. I reported him, I report everybody. I don't think everybody is like that, they get nervous and don't want to lose a customer. I don't want to lose sleep. If they don't report crimes take away their license. If we do go down this road, give us a 120-day window, hunting expos are in first quarter of the year, everybody is applying and it is tax season and thinking about this year. There are a million other things I could add to it but these are things I thought you might agree with. Commissioner Sporer – What do you think a fair application fee would be? Clark - \$500 almost too easy, but if dealing with hunters paying \$3,000 to \$5,000 you can cough that up; if you want to get rid of riffraff \$1,250 to \$1,500. Make them want it and go out and get a contract, make it a professional business because it is. It is hard to keep everything straight as it is and I have been hunting nonstop for 30 days. I have been saying that for years and also want to go to the U.S. Fish and Wildlife Service (USFWS) and ask them too; but I think all states should handle it personally because all states are different. I don't think we want feds to have a blanket, you know your animals better than everybody else. It would be good for us to be able to record how many hunters came in, how many shot deer, what deer they got (muley or whitetail), what unit, what county; full accountability to help you with your management. I know people check them in but if they are reporting deer, and they have 20 customers and only filled four deer, we should have a standard. If you can't hit 55% in this state you should be outfitting. The worst year I had here was 2020, I had 67%, not dead deer but shots fired, misses happen; 50% good in some parts of country but out here it sucks. If we have a book and keep accountability for you; I keep my own scores but people should be required to. If killing too

many deer in that county than change it. If you want somebody who will volunteer I will volunteer my time. Commissioner Escareno – In your eyes, out-of-state outfitters, it appears we have a lot more coming into the state, what is your opinion on that? Should we hold them accountable at a higher degree than we should an in-state outfitter? Clark – Higher degree, I don't know, I would leave that up to enforcement but should hold them accountable. A lot of those guys are in Florida or Kentucky, they outfit everywhere because they have a bunch of money to throw at leases, they are running deer mills, putting 20 guys in a camp, they go out and kill four deer and they make a bunch of cash. But they don't tell anybody about the other 16 hunters and they go home or may have somebody here running that camp. I outfit here and Nebraska, three hours from my door. If you are living in Tennessee and trying to outfit here, how are you doing that? Maybe on application you may ask what their full time job is, are you full time outfitter, do you have staff who facilitate this hunt. There is a lot of that. They should be held accountable like everybody else. Maybe they can be held accountable for somebody else's mistakes, when someone makes a mistake you turn it in. When you hide the mistake it becomes poaching a lot of times. This state has been fair about mistakes. I think the out-of-state guys should maybe have, not special circumstances, but start regulations. How can they make a quality hunt if they don't live here, how can they claim they have good intel on deer, show us how you are getting that intel. Do you have somebody working for you here or are you here all the time, show us, provide trail cam pictures or pictures of dead deer that you actually guided, not your friends deer from next door or last year, or whatever, or a picture of you from 19 years ago. Just because you know how to shoot a deer doesn't mean the client does, it is completely different coaching people than being a good hunter. I suck at hunting but I am great at coaching and some people are the other way, great at hunting but suck at coaching, it isn't the same. If you are presenting it to be a trophy hunt and the deer is massive and it is only you holding the deer, you should be selling books, not guided hunts because you are a superstar if you are killing them all legitimately. It is debatable. Commissioner Sporer – Your camp is where? Clark – I am all over, I just got a new one in Oakley, K&K Ranch, then between Hoxie and Hill City, thousands of acres there too, Graham, Sheridan and Norton counties and a bunch in Nebraska in Lincoln and Custer counties. I float around, I take them to the property, give them maps and show them deer and they go hunt. Commissioner Sporer – Is there outdoor guide registration in Nebraska? Clark – No, not one there either, but I started seeing scams. Like Harrisburg, Pennsylvania, I didn't know we had 30 outfitters in Kansas until I went there. Every year I go back there is brand new faces, a couple there every year but mostly a revolving door. If you are going to be an outfitter you have to prove you know what you are doing or prove you have the land to facilitate it or bring guys in that do have that talent. There are some guys that just want good ground. Commissioner Escareno – You have property for hunters to come hunt on. Are you with each and every crew or do you have someone with each crew? Clark – Both, some repeat customers want to go to the same cabin, hunt the same place because they know they don't have to scout, we meet them there, shake hands, show them where stands are at, show them where we know deer are that live in the area so they have idea of what is out there. Then I go home and text each night to see how they are doing and when they get a deer they are supposed to call me or text me from the stand and give me information before we get there to track. We are there but not in the camp with them. If had one big ranch and 30,000 acres around it that would be different. The way I am set up is I have eight camps spread out in six counties. Chairman Lauber – Given us good ideas, honestly heard before but that is not to take away from their merit. Part of the problem is we tried this 20 years ago, to regulate outfitters. The legislature took it away from us

and gave to Department of Commerce and they and the political advocates of that move were more interested in making it a cheap free-for-all. It is not really our Department that regulates this, we have to be invited in. When we were invited in, we tried to stop system-gaining and it didn't work. An example, there is an outfitter like you and he has agents that work under his guide license or certificate or whatever approval he had at the time and you had everybody running around not paying fees. Yes, I think it would be a good idea and the public that hunts and doesn't use outfitters there is a clamor we need to regulate this as well. Two different groups of sportsmen, resident who hunts where they can and he takes what is left over after the outfitters have paid a more aggressive lease rate and that person doesn't worry so much about your interests. Those people are pecking at us with some regularity. I think it needs to be done but don't know exactly how. Secretary Loveless – We have been having these conversations. The last two years we have been meeting with Kansas guides and outfitters, sorry we didn't have you on our list; trying to create a dialog about how we can do this better. Where we have been, given our history with the legislature and their priorities for us we have been having a discussion about having you all band together and self-regulate. We would be happy to help with that, coach you and partner with you on that. That seems like the best path forward and are stilling having conversations. We actually invited guides and outfitters a couple of commission meetings ago to visit directly. We will get your contact information and include you in this dialog. These are all good ideas. Clark – I will be your point man. I see it every year, guys pop up and then they are gone. It happened this year close to home. Sadly, they met through me, spun off and stabbed me in the back. One of the guys came through me and killed 470 inches of deer in three hunts and he stabbed me in the back to go with the other guy. The other guy was a sweet talker and he went there and got a two-year-old deer. On their sites they say they are not posting pictures of deer because we don't want our neighbors to shoot them. We only shoot mature deer because I am a wildlife biologist and then they popped three two-year-old deer off our border. This is a big state. To your point about the hunters feeling like we are taking all the property. I have done the math, in Graham County I have a little more than 1%, but generally less than one percent of every county I am in. But I get blamed for 95% of the deer that don't get shot, they say I am shooting all the deer and I am really not. We average about six deer per county and we leave a lot of money on the table. Now and then you have to move onto the next one. Chairman Lauber – The percentage may be one percent but highly desired habitat is going to be a lot higher. You can have a thousand-acre hay meadow and 80 acres of timber with a creek and one will have a lot more deer, yet number of acres is less. Clark – That is true. Chairman Lauber – Will reach out to you. Talk to other outfitters and see about getting some sort of a guide organization that you police your own until we figure out how to take care of it ourselves. We encourage you to do that. Clark – I don't have a lot of allies but there are guys that I trust and I will reach out to them and see what they will do. Chairman Lauber – They also have some of the same questions and concerns that you do. Clark – If you can provide me with names I will be happy to spearhead it for the ones who are open to it. Chairman Lauber – We can provide contact of those who attended the last meeting. Clark – I can reach out to them and we can form an alliance. Commissioner Sporer – I disagree with Commission on whether it is our job or not to regulate. If it is against the law to commercial hunt on public land, how do our people know whether they are an outfitter or not? Clark – Township, range and section lines on the contract. Commissioner Sporer – How do we know; If they guide on Cheyenne Bottoms, even though illegal, that has been an issue all along. If we don't have registration and some way to track, how do we know? That is the problem, we don't know. One of only unregulated industries in state of Kansas. How does landowner know if guy comes to the door and asks permission to hunt geese on them and then they show up in jacked up trucks and trailers and the landowner didn't know they were an outfitter. I think it needs regulated. We need state registration, whether with us or someone else,

but don't know why we couldn't do it. We do all kinds of other regulations I don't know why we couldn't do it. Clark – If you see contract with landowner you can follow up with them, you see the proprietary information and lease and can see topo maps. We can have formulas for that. A quick oversight from someone with biology degree or knows deer or whatever and say a piece of ground is sufficient to hunt on, you are 100% right about that. Just happened by us, deer on camera I could tell where the picture came from too, the landowner said they didn't lease that piece of ground and now there is a purple paint sign up. Gained permission but didn't tell them what they were doing and landowners don't want paying hunters on their property. I tell people who don't want money that I make money and I will give it to them and they can give it to the church on Sunday or whatever. I am not going to be able to sleep if I don't give money I earned hunting on their property. Get a hold of me if you want me to be a rep(resentative) on this side of the state, I am interested.

Gary Adrian, Mayor of Colby – Welcome to our new facility and thank you for what we have done at Villa High to make that a family area. You see young families spending quality time catching fish and it has been a big plus for Colby and people walking on the trail; money well spent and well used. Thank you for your help.

VI. DEPARTMENT REPORT

Chairman Lauber – Starting in January we will have a different start time, start at noon and run straight through rather than have a break in the afternoon. We will have the public hearing first because we need to publish the public hearing part of the meeting instead of last, starting at 6:30 p.m., we will have it first. That will give the public an opportunity to communicate with us right before we vote. Once the public hearing is over, we will start Secretary's remarks and general discussion and other information. I propose that at the start of the session, after the public hearing, we open it for any non-agenda items at that point. At the end of all the business, I propose one more opportunity for public comment, either via zoom or live. That way there will be two opportunities for non-agenda items, the mandatory open discussion before public hearing votes and hopefully we can streamline the meeting without it being drug out so long. Starting in January, the meeting will begin at noon (12 p.m.) instead of 1 p.m.

A. Secretary's Remarks

1. Agency and State Fiscal Status Report – Brad Loveless, Secretary: Every meeting we have folks from part of state we are meeting in and Department folks who drive a long way to present. Some people don't get recognized in the course of the meeting. I would like to ask our staff to identify themselves (*went around the room and everyone told who they were, title and where they worked*). Chairman Lauber – I am okay with that being done at all our meetings. Secretary Loveless – Appreciate your receptiveness to that. Fiscal year 2023 started July 1 and agency budget is approximately \$98.8 million for all divisions and efforts combined. The Park Fee Fund (PFF) revenue is derived from entrance and camping fees and annual vehicle passes to state parks. Revenue for the first four months of FY23 was just shy of \$3.6 million, \$370,000 less than previous five-year average for same four-month period. Of course, we have been through a couple of extraordinary years with COVID. The cash balance in PFF at the end of October was \$8.5 million Cabin revenue, parks and public lands combined, from rental of cabins,

for first four months of fiscal year was approximately \$322,000, a 32% decline from previous 3-year average. Wildlife Fee Fund (WFF) is derived from sale of hunting and fishing licenses, big game permits, tags, etc. to hunters and anglers. WFF revenue for fiscal year was \$1.07 million by end of October. This includes a \$2.7 million deficit in month of July due to delay in reimbursements to unsuccessful big game applicants until after the beginning of the new fiscal year and the least revenue for July in the past decade. So, that \$2.7 million difference was largely a function of (our) new licensing system and delays. Cash balance in the WFF has been reduced by \$10.3 million since the beginning of the fiscal year. Boat Fee Fund (BFF) revenue is derived from boat registrations and is necessary to provide boating safety, education, and access infrastructure to protect and support the boating public. Fiscal year 2023 receipts to-date are about \$418,000, a decline from the previous year of 18%. Agency is awaiting response for proposed fiscal year 2024 budget requests. We were working with Division of Budget just before this meeting; it is a back-and-forth process. So far, we are optimistic that our budget request will be allowed but we're in the middle of that right now.

B. General Discussion

1. Regulation Process Discussion – Dan Riley, chief counsel, presented this update to the Commission (Exhibit D, PowerPoint – Exhibit E). There are two documents that relate to what I am talking about (Exhibits F, G). The first is a copy of the PowerPoint and the other is handbook that is part of the Department of Administration review process. Those are the standards by which every regulation that is submitted in terms of formatting, grammar and punctuation and all those sorts of things. Talked about this at commission level and at agency level because regulation promulgation process has fallen on hard times the last 8-12 months. The process for most of that time has ground to what amounts to a halt because regulations are not moving through the process. There have been several reasons for that from changes in personnel, changes in process, proposed change to the constitution that would have given the legislature the ability to yank any regulation out of the process and prohibit an agency from promulgating it but luckily did not get adopted in the election. The noise of their next attempt is already out there so that will not be a one-and-done to change the authority agencies have to regulate. Enough problems and changes in the process that we as an agency have to look at options and consider some things that we wouldn't necessarily look at. There are both challenges and opportunities. As an agency we are very much dependent on rules and regulations and frequent changes and amendments to rules and regulations. Obviously seasons, bag limits, changes in hunting areas, fishing areas, creel and length limits and all sorts of things that often change on an annual basis and make us dependent on regulations and the process by which we change and adopt new ones. Due to fact that wheels have fallen off that process we have to consider some options in terms of how we as an agency make ourselves better able to withstand that issue in terms of promulgation process. Obviously we have little control over external process; the process after the regulation leaves the agency and goes to the Department of Administration, when through that editing process it goes to the Attorney General's office, when completes review there it goes to the Department of Budget and then to Secretary of State's office. There are a lot of other agencies involved in the process and we have little control in that part of the process. There are some opportunities internally where we can do some things that make us more able to withstand slowdowns and stoppages we have had to endure and to anticipate some of those things in the future. One thing that is somewhat comforting is that we are not alone in terms of the issues of the process, every state agency and apparently some have suffered more than us; the process as a whole has ceased to function. One of things we have talked about internally, important for us to consider and lots of different manners we might be able to accomplish some of this is durability

of regulations. We have many regulations that are changed annually, in fact we have one regulation amended three times in the last calendar year. When the process is not working, three times bad in terms of fighting the process. I think we need to think about making regulations so they don't require updating as frequently. I have talked to some program folks and heard some examples from other states and that is something that is doable and something we are going to look at so we don't have to rely on external process we can't control for every annual cycle. That makes us vulnerable when agency function is dependent upon somebody else's actions. In addition to making regulations more durable, flexible, longer lasting or broader application we also need to think about alternatives to regulations. There will never be a time we don't have regulations they are an absolute requirement to make statutes enforceable or useable because there are a lot of gaps that require fleshing out or further expansion or explanation to make them be something that can be enforced. We will never be to a point we don't require regulations and the process. That being sad there are some options or other ways to accomplish what we need to as an agency in some situations without going through formal promulgation and external process. Some of those are Secretary's Orders, enforcement of statutory provisions as written and other things we can consider in terms of agency process. This starts the conversation. I don't have solutions to the problem and don't think any of them are anything we can rapidly solve. I hope we can get everybody engaged in the process as I expect there will be a lot of ideas that come up that will be helpful and meaningful to the process. The opportunities we have will also streamline a lot of the process at the commission meeting level and some of those are actually taking place. The January meeting and agenda changes there are a step in that direction. In addition, one of the things internally tried to start is reducing redundancy of presentations for regulations in the process. Since the regulations are taking so long to get through the process staff are presenting multiple times on regulations and you have heard them enough that there is no reason to continue to run that same presentation over and over unless there is a question. Where we have undetermined amount of time for promulgation of that regulation once it gets to the point where the commission has no further questions then they will become my responsibility to state they are in the process. We will not take them off the agenda but won't continue to get workshopped over and over past the point of any questions. A big plus for commissioners, agenda and folks presenting. Something else that is critical is that we improve transparency of the process internally. That has not been well known and why I gave everyone a copy of the handbook, not trying to turn you into editors but so you are familiar with the standards of every draft of a regulation is submitted to. I want everyone in the process to be familiar with that and understand that, whether talking about a regulation or defending the process to somebody. How heavily scrutinized every regulation is when it comes through, I was going to bring some drafts we get back with a bunch of red ink; they work them over. Not only do we get edited on new language we are incorporating in a new amendment but also on old language, may be language that has been in a regulation for 20 years, but once submitted it is fair game. It is very thorough in depth very deep edit we have to deal with. We also are going to do a better job of making sure program people that draft the regulations and historically they have not had much involvement once handed off to legal people. That is a problem and a mistake because they should be aware of where it is at in the process, what is taking place in editing and being copied on what is happening so they are aware. Also, in area of transparency I would like to see us develop a tracking system so every regulation once started in the process that everybody in the agency can participate in to know where it is at and what stage of process it is in. When we have a bunch of regulations in the works at the same time it is a chore to keep up with where it is at. We

discovered we don't always do the best job of distributing that information within the agency after we get a regulation finalized. There are a lot of people in the agency that rely on the information that comes out of regulation when it is promulgated, from licensing to enforcement and everybody. We have discovered we can do a lot better job of taking the final version and making sure that information and the explanation of significance of the change makes it to everybody in the process. We have opportunities for improvements and some of it is what we need to do to be able to thrive and survive and opportunities to make it better. Hang on to this handout and if you have an idea of something to improve this process write it down and let us know. This is going to be an ongoing thing, not something that we will have completed in six weeks, six months or maybe not six years, not finished any time soon. Chairman Lauber – You refer to durability, would an example of that be bag limits on upland game that hasn't changed in years; have regulation say, until such time as modified or something like that where we don't have to do it next year? Riley – Possibly. Also, a situation like that could make reference to Secretary's or Commission's order. Set number and rather than going back and changing number every time the number can be someplace else in another order. That is a perfect example of it. I anticipate we will come up with a lot of ideas we never explored too much. When you promulgate a regulation you have gone through a great deal of formality to turn something into a document that has force and effect law. Technically a regulation has just as much authority as a statute although premised on statutory authority. That is a good thing because the process is thorough and everybody gets the opportunity to have input. But not every element of every standard requires that process. When that process is choking us down as it has been that is it has prompted us to look for other ways to convey the information. Need to make it known but all of it needs to go through that depth in terms of formality of the process. Chairman Lauber – We have seen Secretary's Orders. Are we allowed to have Commissioner's Orders? Riley – I have never seen one but the statutes include authority specific to the Commission. Chairman Lauber – If there are certain things that we could; for example, talked about having a draw for nonresident turkey hunters and that was supposed to be done in a certain amount of time and it has missed that deadline. If we wanted to have accomplished that a couple of months ago if we could have done a Commission Order we wouldn't have had to gone through as much lead time to be able to get that accomplished. Riley – What is going to have to happen in every instance, regardless of the topic or particular issue, is to start and look at statutory authority, look at regulatory authority and decide where we are in terms of specific authority. In some cases, there is going to be a gap we will not be able to overcome without something that is significant and in other cases if statutory authority is clear and the Commission or Secretary are vested with specific authority in an area it doesn't require anything further if statute doesn't leave any questions. It will be a case by case review and what we feel comfortable with in terms of authority already in hand. Commissioner Gfeller – Streamlining that eliminates redundancy you mentioned, workshop items, if no questions we would report as in process? Would we still workshop it twice? Riley – That will be between the Commission and technical staff. Commissioner Gfeller – Do we deal with that at every meeting as we workshop something, suggest if we need another workshop? Riley – That would be helpful information for folks presenting. Chairman Lauber – Some items have been workshopped so much that we have cracked jokes about it. I would like to see something like that to streamline this thing because we have to have staff members leave their office to come present something for the fifth time is inefficient. Riley – There is a lot of timing of whole process because internal commission part includes workshopping and all the information exchanged there and opinions coming back from you to folks that introduce the issue. At the point they submit draft of regulation to legal we do our edit job and submit it to the external part of the process. Once that regulation has been submitted our opportunity to change it has dried up. There is a provision in the law that says we can make minor changes that basically

are typographical or non-significant in terms of language. If we have a major change in terms of the content of the regulation that has been submitted we would have two choices, withdraw from review process and bring it back and change it or wait for it to go through the review process and appeal to change it at that point. Those are not promising in process reviews. The reality is we don't have a lot of opportunity to make any changes anyway once submitted to formal promulgation process. It is a matter of timing internally and the process externally. Most of the time, what we hope for is that issues will be resolved before we begin the process. The number of times something is workshopped is critical to that part. We don't want to start a regulation in the process before we are sure the Commission agrees with what is in the regulation.

Commissioner Sill – Does that mean that at a public hearing we should get public input, have good reason to make an amendment to that, can we still do that? Or because it is already gone through the process to that point is that a problem? Riley – It would be a problem if the change is anything significant. We would have to start again unless it was a misspelled word or put a four instead of a nine or something like that or possibly something slightly more significant than that.

Any substantial changes are going to require us to go back through the process again. If you think about it that final public hearing, if change is insignificant enough. It can't change the tenure of the regulation as approved. That is their concern. If we run it through the process and it gets approved then we bring it back and change it then the review it has been through is meaningless if we made a significant change.

Chairman Lauber – We have probably passed some amendments that really don't pass muster and nobody ever said anything. Riley – Possibly.

The ones I have been involved in, and not one since I have been here, were insignificant and were not substantive changes. Commissioner Gfeller – Who decides whether it is insignificant or not? The Secretary of State's office gets the first review and we will send it back up the chain to the Department of Administration if they think there is a problem on a regulation as passed they are going to either restart the process. We don't have the ability to do a do over at public hearing stage.

Commissioner Escareno – So changes cannot be made at the meeting and resubmitted for approval? Riley – We would have to start the process completely over. If we had a regulation that went clear through the process, came back to commission for public hearing and somebody needed something changed and the commissioners agreed then that regulation would have to be redrafted and resubmitted.

Commissioner Sill – Here is the major problem with that. This stuff doesn't get put out to the public until it is ready for public hearing. Most of the folks don't know what we are proposing until at the end so they don't have good opportunity to have input until it comes to public hearing. Part of the reason I became a commissioner is because my first interaction with the commission I saw a newspaper article on a public hearing item and I had serious concerns about how that issues was going to impact public land, myself and other hunters, so I went to public hearing. The vote didn't happen because of some of the input I shared, they went back and revisited it and came back and decided not to proceed with that after gaining some other information.

We are going to have to do a better job of getting this in the public before it starts that process so we get the input. One of the bright spots as I was doing my homework in preparing questions was that in our regulation summary book there is a tiny piece in the corner about pending, possible changes. It talks about the trail cam issue and a couple of other things. I have gotten several phone calls because people are looking at and reading that.

Which is good news. That is a concern to me. How are we going to get that information out so we get good public input before it goes to this process? Commissioner Gfeller – It is my understanding in workshopping these things twice was that we do it at public meetings and that is part of the opportunity for the public to be aware of what we are considering. If we take away

that. Riley – That is not what I was suggesting. If you think about the issues we have had in the last few months. Commissioner Gfeller – I know we have gone beyond two and seeing them over and over again but I thought you were saying we could decide after the first time whether we wanted to have a second, third or fourth time. It seems we want to keep the two times and then when it gets to redundancy then. Riley – It doesn't need to be a set number either way. There may be regulations that need to be workshopped five times. Based on input from commissioner or the public or whoever. I don't think we need to set a number. Commissioner Gfeller – I think public exposure is good. Chairman Lauber – In lieu of full blown formal discussion once we have had these workshops you are saying that after a couple of times we could say still pending? Riley – If it has been submitted. It is a matter of timing. I never know when I am going to see a regulation draft come to me. That is dependent upon input from commission has given to staff and they are comfortable the issue is settled or evolved and gotten to point where they are not changing significantly anymore then that is typically when the draft of the regulation would come to me. We give it our once over and submit to the promulgation process. Chairman Lauber – We have passed some amendments over the years that are in the best interest of the agency and best interest of the commission and every time we voted for an amendment your predecessor used to get heartburn. I never really understood just how far we could go on an amendment. The commission, after having new and important facts, may decide that is what is in the best interest of the state. I don't know how we do that. Riley – If it is significant it is not going to be an easy fix. The way we do it, if it needs to be done, is bring regulation back and redraft it and start the process again. It is not something that can't be done it is reality is it will add more time to the process. Chairman Lauber – I was under the impression that if amendment was too much we could go back to the next meeting and present it again with the amendment in it but that doesn't seem to be the case. I am guessing there are some legislative malcontents who aren't concerned that we have this terrible bottleneck and we better be careful on how we do it. Riley – That is a safe bet. If you think about it this doesn't happen frequently in terms of a major change. The statute is very specific and it doesn't give us latitude for anything other than a minor change. Chairman Lauber – Out of the outgrowth and discussion and blah blah. Riley – Exactly. Chairman Lauber – We have stretched the outgrowth of discussion when we are wanting to vote on something different. Riley – It is also subject to consideration of person making that review. Chairman Lauber – From a practical standpoint, yes we have workshop sessions but the public doesn't really zero in on these things until the public hearing and at that point that is when all the discussion comes up. Sometimes things are brought up at public hearing that we as commission hadn't thought of so we want to make a change on the fly. Secretary Loveless – Great discussion, difficult for commissioners because he is talking hypothetically in generalities about how to make the process better and all of our conversations about this have been how we can be more efficient, more effective with our time. Remember, our first priority is that we get all the appropriate public and commissioner input before we get to the point something is done. We will never sacrifice that. Some of the conversation about maybe being able to shorten some of these is simply in those areas we sense no conversation ever associated with it; a rubber stamp year after year. That is when we are talking maybe we can make regulation last a few years or shorten the process if it is good with everybody. As soon as it is controversial or of interest and we start to get a sense there is more input, it takes at least those three bites of the apple that we have always done or even more, if level of interest dictates that. We will always be flexible. Chairman Lauber – I will try to make the workshop sessions a little more discussion. For example, we workshop duck seasons a couple of times, but big discussion comes up at public hearing and those discussions have merit. Need to come up and maybe we should make a point to bring those up beforehand so we aren't faced with making amendments afterwards. Riley – Waterfowl is a unique set anyway because those are not contained in our

regulation. Chairman Lauber – Not contained in our regulation but also happen to be contentious and there are a lot of opinions on both sides that need to be weighed. Riley – Correct, but we don't have to worry about whether we can we amend it. We don't have to run those through the promulgation process. Commissioner Gfeller – I am still confused over amendments we make on regulations at public hearings. That has happened in the past and we have passed regulations as amended. That is telling me we haven't really amended a regulation as it has to go through the process and come back? Riley – It must. Commissioner Gfeller – But we don't see it again. Riley – If the change is found to be insignificant enough and doesn't change the tenor of the regulation as approved. That is their concern. If we run it through the process and it gets approved, we bring it back and we change it then the review it has been through is meaningless if we made a significant change. Chairman Lauber – We have probably passed amendments that really don't pass muster because nobody really ever said anything. Riley – Possibly. The ones I have been involved with, not one since I have been here, but the ones before were pretty insignificant and were not substantive. Commissioner Gfeller – Who decides whether it is insignificant or not? Riley – The Secretary of State's office gets the first review and will send it back up the chain to the Department of Administration if they think there is a problem with it. The Secretary of State's office is responsible for the publication and making sure everything, publish first in register and republish it again after the Commission approves it. The Secretary of State's office is responsible for making sure what was approved is what changed through the process. Commissioner Sill – If you had a regulation and added a sunset clause is that a significant change? Riley – Yes, I think so. Secretary Loveless – Dan gave me an example of what he considered an insignificant change; roads for boundary of a zone remained the same but the name changed. Riley – KDOT changed some street names in a deer regulation and nobody noticed the street name had changed until it had already been through the process. The DOA agreed they could correct those; it was more an error that nobody caught rather than a change from a public hearing. They changed that without having to restart it again. If correction there is more latitude than if somebody decides they want to make a material change on something that came to light in continuing discussions. Chairman Lauber – We will have to make sure workshop items are thoroughly discussed, particularly if sense they might be controversial and the rest of the time you and Brad need to tell us to be mindful of this or that and limp along in such a way to get through this. Riley – Aren't pending regulations on the website also. We were talking about public knowledge. Sheila Kemmis – All along, even from the time they are in general discussion those things are out there on our website. Commissioner Sill – They have not been there for the last couple of months because I have been looking. Kemmis – The briefing book is out there in Commission section and public affairs posts agendas. All the briefing books are out there. The briefing book doesn't come out until 10 days before the meeting, but they are out there and all the briefing items you see is out there. They are out there even when just a general discussion item. It is in a weird spot on the website but it is out there. Jason Dickson – It is right underneath the schedule table. Kemmis – In blue ink, choose November there is a briefing book, an agenda. Assistant Secretary Schrag – Obviously we need to make some changes on the website because navigating through that I wasn't readily able to find it myself. If you go under pending draft regulations you are correct there is nothing there. Kemmis – But they are in the briefing book. The pending draft regulations are in the briefing book, they may not be under pending drafts. Assistant Secretary Schrag – My point is we need to do better at cleaning that up to make that more readily identifiable. To help clarify some things when we get to the point of having workshops that we don't have to have staff back up here I want to make sure those pending

regulations in the process are still on the agenda. As you can see on today's agenda they are. You are right, a lot of our public doesn't see until made through several workshops. We want to make sure they are still listed and identified on the agenda so if somebody hadn't seen the proposed regulation up to that point they could see it and make a comment or inquiry as to what it was all about. I want to clarify that as well. Chairman Lauber – Beat this to death. It is an important issue and the more we talk the more we will have questions and we will never get through anything else. Appreciate you providing some clarity. Riley – Obviously, the more information we can get to the public early in the process by having this up on the website where they can find it when they have issues is key. This is one of those opportunities I was thinking of; we can find places to improve the process as we go along reinforcing what causes concerns and making stuff more rigid. Everything we can do to get more information out about the regulations early on is important. If you think of something later on don't hesitate to call or email.

2. Annual Camp – Steve Seibel, High Plains regional supervisor, presented this update to the Commission (Exhibit H). Put forward changes for review to 115-2-3. Camping, utility, and other fees. Annual camping permits are being reviewed on the number sold and how they are being used. Increases in camping occupancy has elevated the review of this permit and what changes are necessary to resolve capacity and storage issues of RV campers. We will be presenting more detail at the next commission meeting. Commissioner Sill – Difference between long-term and annual permits? Seibel – The long-term is our seasonal camping sites, available sites you can rent for up to six months. Commissioner Sill – So there is a difference the two permits. Seibel – The annual camp permit good for whole year for your camping fee. Commissioner Sill – How does that work with people reserving sites? If they have an annual camp how do they make sure they have a spot? Seibel – Just because you have an annual camp permit does not guarantee a site. They have to go online and reserve a site, enter annual camp number and that deducts the \$10 fee from your camping fees. All you are left with is basically your reservation fee and utility fees. Commissioner Sill – You will give us information as you workshop this on whether those permit fees are covering costs? That is part of what you are looking at right? Seibel – Yes, we are looking at that. People on long-term sites, or seasonal sites as we call them, they still have to purchase the annual camp on top of seasonal permit. Commissioner Sill – Do those folks pay deposits to cover excess cleanup costs when they leave? Seibel – No, what they do is pay a month at a time in advance on those sites and sign a form that gives them direction on what they can and can't do at the sites and to have stuff out of our way for maintenance and things like that. We do try to keep up on making them keep their areas clean. Commissioner Sill – Do you have a way to bill them when they leave trash when they leave? Seibel – If it is a trash issue that is littering and we can give them a citation. Commissioner Sill – Like decks and leftover plywood? Seibel – I can't speak for the whole state, I am here in the west and really don't have that problem out here. Commissioner Sill – Thinking about all those questions that come up in the process. Are there many sites, and will you be considering in this process, first come first serve sites and how many are available for each park for people traveling through. Seibel – That is part of reservation system. This is just to review that annual camping permit. Some of the issues we are having is they are not using it for camping but using it for long-term RV storage. We have primitive sites that have two or three campers and are there for six or seven months. Do 13-day rotation swap that keeps them within the regulation. That is what we are looking at. Commissioner Sporer – I get complaints from people on weekends when they say there are no spots available and they show up and take a primitive site and look at full hook-ups and half of them are empty. Did those spots get paid for? Seibel – Yes. Commissioner Sporer - They are fully paid for? Is there a deposit? A refund fee? Seibel – No. They have to notify us within 24-hours prior to get any of refund back. If they don't

show up that spot is sitting empty for them if they decide to come out Sunday. Commissioner Sporer – They can refund 24-hours before? Seibel – It is 24- or 48-hours before. Staff - Three days now. Seibel - No refund unless 3 days before and then they just get a partial refund. Commissioner Sporer – Does it go back on sale? Seibel – Yes, it does. If they reserve every weekend for the whole summer and they pay for it up front that is their spot. Commissioner Escareno – Whether they are there or not? Seibel – Yes. Commissioner Escareno – Is there a way they can contact those folks to ask if they are going to use their spot that weekend? To Troy’s point I have had that happen to me numerous times where we have gone to get a site, showed up and there are four sites empty all weekend. You track that to make sure and it has happened. Seibel – Some admins reach out to try and contact people who haven’t checked in but if we can’t get ahold of them we have to leave it available because it is paid for. It is there for them and if they don’t happen to make it Friday night they might get there Saturday or Sunday. It is waiting for them. Commissioner Escareno – I guess you could park in there than move if they show up. Seibel – That is why we are wanting to review annual camping permit.

3. Villa High Lake – Dave Spalsbury, fisheries access coordinator, presented this update to the Commission (Exhibit I, PowerPoint – Exhibit J). Talk about renovation project we have done here in town. This whole project was predicated on cooperation of multiple municipal agencies and stakeholders. KDHE staff in Topeka and Hays did background water quality testing to detect and figure out what was ailing the pond. EDH Engineering was involved doing basin seal, porosity testing and resilience testing. Aquatic Specialties was private contractor that was involved with assisting with basin seal and logistics. McCormick Paving and Construction dredged the lake. KDWP fisheries division provided money through CFAP grant program. KDWP Colby wildlife folks provided source of brush and materials for habitat installation. Thomas County Road and Bridge worked with City of Colby Street department and parks department and helped with a ton of things like basin sealing and shaping, their machine operators were fantastic. I want to thank those folks ahead of time. It is a small lake, about two acres, was a borrow pit back in the 1960s when they were building I-70 and it kept filling up with water and they decided to make a kids fishing pond out of it. Early on the City of Colby parks and Kansas Fish and Game Commission, now Wildlife and Parks to manage the pond for fishing opportunities for the public. More recently it is a trout stocking location and even more recently we enrolled it in Urban Channel Catfishing stocking program. Pre-renovation, truly an urban lake even though Colby is relatively small town of 5,500 people. It suffered from a lot of the impediments a normal urban lake would, agriculture and residential and urban high intensity land use impacts in the watershed that affect water quality, high sediment load and a lot of nutrient input from both those activities. One thing about it is arid but a lot of the watershed is impervious. All though Colby doesn’t get a ton of rain it is relatively easy to put water into Villa High, that is an advantage but will all the possible fertilizers and other stuff that can run into the pond it is also a problem. Over the years it has had a ton of sedimentation, it was relatively shallow, not even six feet with a 2 ½ foot average depth. With high nutrient availability in the water, between sediments and water quality it has chronic algae blooms which robs the water column of oxygen and kills fish so fish community was limited to fish tolerant to low dissolved oxygen. Had black bullheads, flathead minnows, golden shiners, green sunfish and world class goldfish and carp as well. We needed to dredge the pond. Started in winter of 2019, the city had to pump it out because it is a pit pond. Public sentiment was driving it to begin with and the city got a donation of \$150,000 from Colby Convention and Visitors Bureau and same reception

from municipal government. The City and County government worked so good together and were interested in the project and brought it to the forefront and put a ton of work in. Also, our agency put in almost \$80,000 through our CFAP program, provided matching funds to get the job done. McCormick Paving and Construction moved about 11,000 cubic yards of material and now the pond has a maximum depth of 13-feet and mean depth of about 6-feet. The sediment at the bottom was a dark brown Jell-O-like product. We had to fight some snow and wet weather but good we did it in winter because cold temperatures made the black Jell-O solid enough that they could actually load it out in dump trucks. Once we got it down to bottom material and get it to dry out before we could apply the basically baking soda to the sediment and then compact it. The soda ash changed the material pack to where it become impervious. We did a permeability study and showed the bottom would leak a little bit but wanted to be water conservative so sealed the basin, Banked material on edges, apply soda ash with fertilizer spreader to the bottom, pack it and bring in another load of material down and incorporate more soda ash, pack it and the last ring went in with a single lift, incorporated soda ash and packed it. Proof in the pudding, having drought and pond is only 10 inches low, so tight and holds water well. The watershed is simple, very little permanent water with two ponds on private land so saw opportunity that we could start with a blank slate so went in and applied rotenone on private landowner to the west and killed off undesirable fish like black bullheads that we didn't want to get back into Villa High so we could start with clean slate for fish management. The pond previously had zero habitat; it was uniform with no fish habitat. We added cedar trees from KDWP property and broken concrete from the construction of this building that we got for free or minimal cost to build rock piles, underwater rock piers and stuff like that. I can't say enough about parks department here in Colby, minimal staff but they worked hard and did a great job. We rip rapped the entire shoreline with broken concrete and went another step further and built a fishing pier in the middle on the right side. The first year we stocked fish and it stayed warm up until September and weather switched and got 60 mph wind out of the northwest and the pond turned over and there was enough hydrogen sulfide that we had a partial fish kill. We decided to put in a destratification unit, four diffusers run by an air compressor; we run it at night so not putting extra heat into the water during the summer and it has done a good job with temperature through the water column and is uniform top to bottom so working and it does help supplement dissolved oxygen which can be a problem and limit our fish population. Both commercial and KDWP stocked the lake. We contributed flathead minnows, golden shiners and bluegill to start with. Got them started for longer term forage source and sportfish in terms of the bluegill. Since we had a blank slate we tried something different so went with smallmouth bass and it is in the urban catfish program and in winter we have trout. Also, recently added hybrid walleye or saugeye to help control the bluegill that did exceedingly well in terms of reproduction so needed way to crop them back. Water quality has been a problem, primarily nutrient loading. One of most efficient ways to know we have improved water quality is the wetlands. It is experimental but we built wetland on channel coming into the pond where we can recirculate water back into the wetland, draw water from east end of pond, pump it into wetland, it percolates through wetland and back through the pond. Haven't run it a whole season yet as it has been a process and is a novel approach we hope will work. Did plant the wetlands with hybrid plants, like rush and sedge, produced starts that we plugged into the bottom and spent several days plugging plants. We irrigated to get plants started and now they are taking off. There is some native canary grass, barnyard grass and some other weeds we didn't plant that fill it in and has established well. In summary, have had some successful smallmouth reproduction, dredged pond and doubled the volume, fish habitat abundance and diversity has increased, stratification unit is doing what we need it to do, wetland is still unproven concept but hopefully in 2023 be able to run it and get more of an idea of how it will help us out in terms of water quality. At this point most of

largescale modifications are done and it is a matter of monitoring and tweaking the system. Appreciate cooperative spirit of folks who contributed to project who have made it a success so far. No fish kills so hanging in there, so definitely a win. Commissioner Gfeller – Trout introduced in winter and what happens when water warms? Spalsbury – When it get too warm the ones that are left die off. Secretary Loveless – Urban fisheries are a real challenge, see synergy of cooperatives, a credit to Dave and our staff in terms of reaching out and working cooperatively. It is much different than doing something out in the middle of nowhere. Give a lot of credit to them for that. Every time I come through town there are kids around it, it is surrounded by houses and businesses, a true urban fishery which is a neat quality. It is terrific project. Because it is urban we have a unique opportunity to help neighbors understand their impacts and the choices they make in their yards and such and impact on water quality. Have we done anything with the city to help communicate and educate people about the role they can play in helping this be a better fishery? Spalsbury – We have talked about it but not put anything in place yet. There are several things that are major challenge and that is one of them. Another challenge, like with goldfish, is illegal public stocking. We have already had wipers turn up in there. Unauthorized stockings like that can really complicate management. The city has an active Facebook page and probably running news releases would be a good start. Ron Alexander, City Manager – Some of those conversations came up this summer and what about the weeds and grass growing up in the rocks around the edge? Kyle Lindberg, my parks director was very helpful in trying to educate the community but I don't think we got the word out enough that you can't just go in with a weed eater and chop that down because that goes into the water and it does something; can't spray Roundup because it goes into the water; my point is we need to look forward to working with you this spring and summer about communicating and educating our public. Chairman Lauber – Nice to see success.

4. South Fork Republican River Restoration Project – Kevin Klag, region one wildlife biologist, presented this update to the Commission (Exhibit K, PowerPoint – Exhibit L). This project is removing salt cedar, Russian olive and eastern red cedar in Cheyenne County in northwest Kansas. Goals are to improve wildlife habitat, improve health of the river system and control encroachment of woody invasives. There are a number of other benefits that I don't have listed but it does provide fire mitigation, fuel reduction, provides additional grazing land for ranchers, easier access for a number of things. There has been similar work done in Colorado and Nebraska and other projects in Kansas. We started back in 2015 with a grant and have had a few grants every year to continue and working on additional grants currently, an ongoing project. Twenty years or more ago this was originally a prairie with few to no trees; native grasses and forbs with a few shrubs mixed in but has changed quite a bit since then. Through the project we have been able to cost shared 75% of expense to remove trees with the property owner providing the other 25% and using that for match for grants. Not only does that add additional money to our funds to clear more acres, but it also vests the landowner in it themselves. Advertised by word of mouth, local paper, mailing and meetings. Some challenges we have ran into is people like trees and wind breaks but the problem with leaving wind breaks is that is a seed source so we have to address that and work with them. Had contractor issues, getting them there as it is an isolated area. First phase, had skid steer with 60-inch ditch mulcher on it, does awesome job on small to medium size trees. If stumps aren't sprayed you might as well not cut it because it will come back. It can mulch larger trees but is slow going, takes more fuel and so a little more cost on big trees. We left cottonwoods but removed Russian olives. There is minimal disturbance and

we had good vegetation response and mulch kept moisture in the soil. Have tract in walk-in hunting program and estimated we removed 4,000 trees. Not only did in enhance habitat for wildlife but helped keep property in the walk-in program because we prioritized walk-in tracts as first priority for this project. In addition, we had landowners signed up for walk-in so they qualified to enroll in this project. It is not a requirement but given first priority at limited funding. In second phase, same project but different grants we started piling medium to large trees. We have photo points on all the properties to monitor vegetation change. Other equipment we have used is forestry drum mulchers and grapple and tree saws. Again, mulchers do good job on small and medium trees and bigger trees were cut and piled.. The river runs across the county with St. Francis in the middle. (*Showed multiple before and after photos.*) When we spray trees we put blue dye in the chemical so we can see where we have sprayed. This project is providing benefit to the wildlife. The trees basically grow over the river and create a canopy that waterfowl can't come in and land as easily. Because of lack of water out here, they need all the help they can get. On turkeys, when cottonwood trees get mature they are favored roost sites but don't need other trees. What happens when you get dense understory the turkeys don't like it, they like to glide down from roost trees and that also serves as ideal predator habitat and they get the turkeys. If rangeland isn't overgrazed that also provides opportunity for nesting and brooding. From the landowner perspective because this is adding a lot of grazing acres for their cattle as well as fire mitigation and access. Just getting in there to spray noxious weeds and work on fence in some areas you had to almost crawl through it. Even though the contractor goes through with his equipment and cuts those trees and sprays the stumps you are going to have some resprouts so we have been going out and spraying the resprouts and encouraging the landowners to do so as well. Cut property, go out in September and spray resprouts and next year they are skeletons and usually have good vegetation response because we use herbicide. It takes three years of basic management to control the resprouts, ideal times to spray for those and stress that to the landowners too. Sometimes resprouts come up from the root, not the stump because it didn't get a good kill on the roots. It is more effective if stumps are sprayed in the fall instead of the spring. Russian olives are more like tall, thorny shrubs than trees. The landowner can burn the brush piles, it is not required but if they do I ask them to burn it in the winter when there is snowfall and check weather for a few days after to make sure ideal weather for that. Properties cleared, even three years after the resprouts are under control I tell them they are in dispersal and recruitment stage and will still have some trees moving in but a lot easier to spray a couple of trees. The hope is as we clear additional tracts it will lessen the seed sources and need for some of that management. The future of the project is to continue follow up management on properties and monitoring for invasives, continue removal on new tracts, pending funding; got a new grant last year which I have spent a chunk of and have a few additional grants in mind. One of the big parts of this project moving forward is RCPP (Regional Conservation Partnership Program) in the South Fork Republican River Compact which the Cheyenne County conservation district put in and it was awarded in April 2021 for \$2,766,234. The technical side of this hasn't all been worked out so landowners can't apply yet but KDWP is partner on this. There are some other aspects like water facilities for livestock but bulk with help with river system by removing invasive trees such as Russian olives, salt cedars and eastern redcedar. We hope this is a project we can continue and eventually move elsewhere depending on funding. Want to thank all of our partners and contributors (North American Wetlands Conservation Act, KS Dept of Agriculture, KS Dept of Wildlife and Parks, Cheyenne County Noxious Weed Dept, Ducks Unlimited, National Wild Turkey Federation, Cheyenne County Wildlife Inc, Pheasants Forever, Cheyenne County Conservation District, Cheyenne County NRCS and Kansas Forest Service).

Commissioner Sporer – What is average cost per acre? Klag – Varies, from \$100 to \$700 an acre, depends on density and size of the trees. There are probably some acres on these where

they are paying higher when real dense \$1,500 an acre. Since we are clearing entire tracts I don't get a real detailed breakdown from contractor who has to consider his costs. It can get expensive, we have had some properties cost \$5,000, some \$75,000 to clear, so it varies. Secretary Loveless – Thoughtful approach, water benefits. People don't realize how much water that woody vegetation in the riparian uses up. Huge impacts on flows and improves brood habitat, replacing bad with good. The other thing I want to point out is the thoughtful application of incentives. I was in a meeting yesterday with a bunch of federal agencies and as they were talking about their programs often times they were a broad brush approach, just give people money. If you notice the way Kevin managed this project, it gets habitat work we want done but because it prioritized walk-in hunting it incentivized people to do that. A thoughtful approach to get multiple benefits. Klag – A good point and there are water benefits too. Those trees are using a lot of water so that is adding more water into that river system. Quite a few benefits to this.

Break

5. Birding Trail – Mike Rader, wildlife education coordinator, presented this update to the Commission (Exhibit M, PowerPoint – Exhibit N). Kansas had attempted birding trails in the past but came with little fanfare or success. There was Western Kansas Rural Economic Development Alliance that tried to do that with help of Audubon of Kansas and utilized the Natural Kansas website. They met with limited success and some plans never really implemented. Birding trails promote ecotourism; connects people to birds and the environment; connects people to important outdoor recreational areas; promotes existing bird events and organizations; and connects new audiences to our agency. There was a recent wildlife viewer survey conducted with Kansas as part of multistate survey commissioned by the Association of Fish and Wildlife Agencies to determine the importance of wildlife viewing by the general public. Virginia Tech was contracted to develop survey questions done on nationwide basis and our agency was tasked with trying to get questions more specific to our state. Presentations are being conducted by researchers to different states, and another presentation in the near future outlining survey results and data collected so far. Ecological Services section in our agency serves as the point on this project. Found in Kansas that 50% of Kansas residents identify as being non-consumptive wildlife viewers. There has been a shift from consumptive to more non-consumptive users. That is why wildlife viewing is one of the fastest growing outdoor recreation activities we have. Some of the results from the survey states that feeding wild birds, visiting parks and natural areas and photographing wildlife are most popular forms of wildlife viewing. Birds and land mammals are most sought after for viewing practice. Family and friends were important social influences, an opportunity for family and friends to go out together and do things in the outdoors. Eighty percent of people in this survey identified as white and BIPOC (black indigenous people of color) viewers identified less strongly as white wildlife viewers but reported wildlife viewing as more important part of their lives. Other things that came out of survey was that we need to respond to the demand and develop programs to engage more wildlife viewers. This Birding Trail project is a great example. This gives us opportunity to broaden our constituency of agencies through supporting viewing experiences for underserved groups. Develop opportunities for viewers to financially support their state agencies. Things we would like to consider; our agency recognizes the need to reach broader constituency, talked about it numerous times. We also need to look at a more diverse range of funding sources and how they might be implemented. Survey also shows the public see state wildlife agencies as one

of the best sources of knowledge for all things wildlife related. Our agency is taking on the Birding Trail has been a good fit, using external and internal expertise to continue to make the project a success. I was asked to lead this project by Secretary Loveless in September 2021. There was a need determined so what I did first was research other states that had birding trails already. We put together a multi-generational team of birding experts, wildlife authors, wildlife photographers and more to form a committee to initiate this process. We assessed what the budget might be, scope, target audience, locations on the trail and marketing plan. Some of the challenges we saw was determining the exact goal of what project might be, had no defined initial budget, had to determine what trails and locations would provide high-quality birding experiences including accessibility issues, amenities, paved roads. This is a website-based program so had to have content production and editing for that and time to spend on the project. Obviously the people who worked on this project have full time jobs and this was ancillary to what they would normally do. We had a launch day on March 7, 2022 and the web address is www.ksbirdingtrail.com. I encourage you to write it down and go look at it. Mammoth Creative was a firm we contracted to build the website for us. They took care of design, through approval of myself and committee. We have 12 different trails. A trail is a misconception, most people think of trails as something you go out and walk on these are probably more accurately driving routes, not walking routes. We tried to be fair to all parts of the state. We have trails that go all across the state. There is one in this area that goes from Oakley to Garden City and has several stops along the way. There is a page that tells why people would want to come to Kansas to go bird watching. We wanted to be cognizant of public assessable property, when do this on private property there are different complications so we used public properties like state parks, city and municipal parks, county parks, public wildlife areas and those sort of things. Public wildlife areas presented a bit of an issue for us because we don't want to conflict of use during hunting seasons so part of recommendation is people are aware of seasons going on. What we are looking at as we move forward is to continue to improve the website, add locations as we go along and add more photos, ones habitat specific sites on the trails themselves. Most of the 12 trails have anywhere from 8 to 10 sites per trail. We want to be able to assess the usage of the trails to determine if we are meeting the demand, look at dedicated signage for each of the locations and at some point have some printed materials. Right now, this is totally web based so no brochures, will probably try to do some rack cards to put in tourism centers and places like that. We appreciate the opportunity and want to thank Secretary Loveless for pushing us in the right direction and providing support for this. Secretary Loveless – I get lots of good ideas but don't go anywhere unless we have quality people that make them happen, like Mike who took the bull by the horns and made this an exceptional project. One thing he didn't brag on is we have been very well received by a lot of different groups. There is a birding festival out here in western Kansas and a key component was talking about those trails. The public response is neat to this so appreciate our staff and all the work they did to make this happen. Rader – Asked Brody for information about our marketing campaign for this and want to read a short statement he put together. This Kansas Birding Trail campaign was aimed at creating awareness for trails and driving traffic to the website for this program where users could learn more about it. We created a logo, website, video and digital ads to get the word out. We have also focused on targeting people living in Kansas that have interests in other outdoor activities such as hiking, bird watching and other wildlife viewing. With this campaign we have generated more than 1.5 million impressions and drove 35,000 clicks to this to this birding trail website. Mammoth was pleased with the way it performed and think Brody and other staff in information section were pleased as well. Something we can hang our hat on.

6. Prairie Dog State Park Update – Luke VanSlike, prairie dog state park manager, presented this update to the Commission (Exhibit O, PowerPoint – Exhibit P). Overview of state park and updates we are working on. Full time staff at Prairie Dog State Park Staff includes myself, Luke VanSlike, State Park manager, Wes Dubois, is our ranger, he is NRO 2 and firearms instructor and Jeff Porter, Administrative Specialist. We also have part-time staff working on a lot of projects and continuing maintenance. We have seasonal workers such as camp/cabin hosts and AmeriCorps members. Norton dam built in early 1960s, the lake filled up in one year to conservation level, as well as state park in early 1960s, and opened to the public in late 1964. In 1981 renamed for the Norton native that was a U.S. representative. “Keith Sebelius reservoir”, which is in the middle of Prairie Dog state park and Norton wildlife area. The park has 1,100 acres, six campgrounds with 87 utility sites and 45 primitive sites. The nature trail is 1.4 miles long. We have four cabins, a prairie dog town, historic sites, a basketball court, volleyball pit, beach, fishing dock, playground, two boat ramps and fish cleaning station. Amenities also includes a covered boat slip at the main boat ramp area. The prairie dog town is a 10-acre colony with 400 estimated population, a high attraction. Named after Prairie Dog Creek that fills up the reservoir and decided to bring in prairie dogs. There is an adobe home on site, in original location where it was built, land was purchased in 1890 and built the earth-stacked adobe home, well insulated and in summer is cool and warm in winter. It was last lived in 1944; we conduct small tours there and host special events there. There is a 19th century one-room schoolhouse on the property which was built in 1885 just north of the park and was moved to the state park in 1968 for preservation. It is a lot of work to maintain these old buildings. The Lake View shelter is busiest in park and hosts weddings, family reunions, celebrations and musical concerts each summer. It holds a lot of people and overlooks the lake. The basketball court, sand volleyball court and playground next to the campground are busy places during the summer. Area used generally all weekend. There are six campgrounds, Prairie Dog, Shady Rest, Meadowlark, Cottonwood, Cedar Ridge and Branded Cedar. This is third year they have been booked every weekend as well as the four cabins, Prairie Dog and Eagle View are modern; Cottonwood and Cedar Crest are primitive. Cabins are also booked during the hunting season basically every weekend. Revenue at the park is up six percent over a five-year average with the highest revenue being in 2020. Visitation is up three percent over a five-year average and is directly related to revenue, about 70 percent. Visitation is also directly related to water levels. Special events include field trips and a youth pheasant hunt every January where the local Pheasants Forever chapter brings out about a dozen kids and this year had 19 birds harvested. Also, annual OK Kids Day, that had 14 stations, and kids come out with parents and we have trap shooting to fishing or outdoor education and anyone local will come out and have a booth; they meet back for lunch and this year we served 645 meals, had 341 kids registered and because of sponsors gave out 375 prizes. Recent projects include the Cedar Ridge campground, our first site with sewer, now has 10 full utility sites, first sites with sewer and is booked every weekend all summer; and the new Lake View shelter, was contracted out; as well as nature trail upgrades; a new disc golf course, money from memorial and used every weekend; pads for kiosks; shelter upgrades, hope to add water and electric to the primitive mushroom shelters; and main project is upgrading electric only to 30 amp campgrounds since most need 50 amps at some of the campsites. Prairie State Park is located four miles west of Norton on Highway 261. Secretary Loveless – Neat thing is proximity to the city and the relationship you have with them. You have done it best, talk about how you collaborate with them. Their contingent from Norton comes to Topeka twice a year to talk about how important the health of the reservoir is. VanSlike – One

year we had every single school elementary and junior high class come for a field trip. The local travel and tourism says that on any weekend all the hotels in town have fishing boats parked there. All the prizes for OK Kids Day are bought in town. Most of them are campers so we see them most weekends all year long. They help out with projects and that works well for us.

C. Workshop Session

1. Antelope 25-Series Regulations – ~~Matt Peek, furbearer research biologist~~, Rich Schultheis, presented this regulation to the Commission (Exhibit Q). Poor reproduction in Kansas and caused apparent declines in pronghorn population. We have considered reductions in harvest. It is a straightforward process for animals with a limited allocation, so we can reduce firearm and muzzleloader permits but a little more challenging for unlimited permits like archery. We have taken a number of steps for similar reductions for archery permits. Last year you approved a change that got rid of the possibility of having both an archery permit and also getting a point to use for possibility of a firearm permit for future years. We separated those to make sure you couldn't do both in one season. The recommendation we have for you to consider is getting rid of archery season for pronghorn two segments; we have early in September in later segment in October. We are proposing removing that later segment. That still maintains 90% of harvest, typically occurs in early season but provides opportunities to potentially reducing some of the harvest when we don't have quota to reduce that. The harvest season has concluded for this year but have not had a chance to look at cervid reports so more recommendations to come. Because of changes like Dan spoke about, in both of these 25-series regulations are prime to make changes in the way we do things. We include in this regulation the year in it. A lot of regulations say "open Wednesday after Thanksgiving" or something like that. So even if we don't change anything in structure of the season we still have to approve every year and has to run through the system. I expect these might be the types of regulations you could see changes in the way we do things so if not changes proposed they won't have to go through the gamut Dan has to run through. That is 115-25-7.

2. Elk 25-Series Regulations – ~~Matt Peek, furbearer research biologist~~, Rich Schultheis, presented this regulation to the Commission (Exhibit R). This is 115-25-8 and is a little more straightforward. The season is still ongoing. The Unit 2, which includes Fort Riley and surrounding area is a quota limited draw. We will present recommendation later but Matt wanted to note that we are not planning any structure changes to the elk season; seasons, bag limits and those types of things. The framework of how we are doing elk seasons will remain the same. Once we gather further information about harvest this year and work with Fort Riley staff on their population survey, Matt will come back with recommendations on permit numbers.

3. Big Game 4-Series Regulations – Levi Jaster, big game coordinator, presented these regulations to the Commission (Exhibit S). Focus on KAR 115-4-11, the only section with any changes recommended. Last year we approved the change in this regulation to limit pronghorn hunters from being able to get a preference point and an over-the-counter archery permit in the same year. When that went through the process there was some needed language changes that didn't happen that need to be addressed to make sure we clearly define our intent. We will be recommending adopting those changes at next meeting.

4. Deer 25-Series Regulations – Levi Jaster, big game coordinator, presented these regulations to the Commission (Exhibit T). Deer 25-series regulations is where we set seasons, and equipment usage dates. Based on changes in deer population and an increase in damage

complaints including a visit to that unit to talk to landowners we have a proposed extended pre-rut whitetail antlerless season included here. That would let us better address the needs of landowners and potentially increase deer harvest at the time when we need it in an area with fairly high deer densities, the highest in the state of any of our units. Everything else follows previously approved season structures with youth and disability, September 2-10, 2023; early muzzleloader, September 11-24, 2023; archery, September 11, 2023 to December 31, 2023; regular pre-rut whitetail-antlerless-only (WAO), October 7-9, 2023, three days; and extended pre-rut whitetail-antlerless-only (WAO), October 7-15, 2023, similar to youth and disability season where we sandwich a full week in between two weekends. Part of the reason to increase that was with crop damage issues and how land ownership works in that area where many of these farmers own only the field and not the surrounding area it lets us target hunting when it could do the most good. That pre-rut season is approximately 98% use from residents. At this time, it would only be in DMU 12, but gives similar option to January season where it gives us different ranges of dates depending on what is going on. Regular firearm, starts traditional Wednesday after Thanksgiving, November 29, 2023 to December 10, 2023; first extended WAO, January 1-7, 2024; second extended WAO, January 1-14, 2024; third extended WAO, January 1-21, 2024; and extended archery (DMU 19), January 22-31, 2024. Because Unit 12 is already in longest January season there wasn't any days to add there. For most of our seasons these could be set up as we discussed, moving to more structure like regular firearm opening date hasn't changed in many years and potentially go to listing it as the first Wednesday following Thanksgiving. Adjusted with more permanent language rather than approving yearly dates.

Commissioner Escareno – Gentleman came last meeting from Montgomery and Chautauqua counties. Does the extended timeframe include those two counties to help him with his overpopulation? Jaster – Yes, Montgomery County is one of the main counties in Unit 12, along with Chautauqua County. I did not talk to him again but met with several other landowners from the same area. We toured farms and much of the damages exacerbated by drought, several of their fields looked like they were mowed off. A lot of it is that they own the crop field but not the surrounding upland habitat fields. Trying to give them some additional options and discussed options they could take themselves. In this case it is warranted to try and increase that hunting. It is a large enough area that it warrants doing it for management unit. Recommend people do what they can within regulations on their own property.

Commissioner Sill – Did you look at number of acres leased, how many acres available for public access, etc.? My concern is if there is substantial leasing with people not allowing resident access. They had an increase, last year 48% of antlered bucks taken by nonresidents. If we are not allowing resident access to hunt in general; a few people are suffering consequences of action of others. There needs to be a whole list applied to it not just an aspirin for a brain tumor approach. Did you look at that whole picture and not just those legitimate concerns? Jaster – We talked about many things in that unit. One of issue is building relationships with neighbors because land ownership changes rapidly down there. Often, talking with our biologists and landowners, see average of five years of ownership. We talked about different numbers of deer tags and there is support from those landowners to look at nonresident tags available. They understand nonresidents are not coming to Kansas to shoot antlerless deer. They have also taken step of putting some of these properties in walk-in hunting to open to public access. They clearly made the statement that hunting is a major part of the solution. We discussed other options they may be able to take outside of hunting. Not just relying on damage control permits, which are a band-aid in this case. Some are things they will have to take and we will help where we can.

Commissioner Sill – Is there a growing percentage

of nonresident ownership that may be playing into this? Jaster – There is some of that but in some cases rather than the percentage growing it is just high turnover rate, being owned by succession of nonresidents. They find it is difficult to maintain a good hunting property in another state or they have gotten what they came for. It is a difficult question because landowners need people in place to build relationships with and understand that deer management on their own property isn't just affecting their property. Commissioner Sporer – No CWD in Unit 12? Jaster – No, it is farther east and have so far avoided it, we have some not far from it. The other reason it would warrant considering reductions is in preparation to bring that herd down so when we do start seeing it there isn't a rapid spread; it is not necessarily density dependent on how CWD affects a deer herd but it is part of the equation. Bringing that back into balance is good and would bring a healthier deer herd. That area at times is probably higher than you would hope for as far as buck to doe ratio. It is also an area with very good quality habitat year after year. We have seen that whitetails are good at reproduction there.

5. KAR 115-25-5 Turkey; fall season, bag limits, permits & game tags – Kent Fricke, small game coordinator, presented these regulations to the Commission (Exhibit U, PowerPoint – Exhibit V). Typically, would have been voting on this at this meeting, and had set up schedule for that but not able to accomplish that. There are a few new things on what staff is recommending. All three regulations in this presentation 25-5, 25.6 and 4-11. In 115-4-11, the big game and turkey permit applications is to create an application period for nonresidents associated with the changes in the other regulations. Chairman Lauber – When would that be available or in affect? By spring season? Fricke – Depends on when we can vote on it. January meeting is same time as we have the draw period for Unit 4 permit applications, this year was January 10 through February 10. That January 12 date would already be in that timeframe so don't feel like we can get that enacted in time for spring 2023 season. Commissioner Gfeller – I have gotten a lot of feedback and context of people already having plans made for the 2023 season. Fricke – I have gotten a number of those questions and have a list of people to call once we know. There is also a wording change we need to make for fall season Unit 2 boundary definition. We want to reduce valid units for Unit 4 permits, which if currently valid for Unit 4 it is valid in adjacent units, Units 1, 2 and 5. Based on increased demand for those Unit 4 permits and landowner interest in trying to make sure we have ability to have landowners draw those permits we are looking to reduce that to Unit 4 permits are only valid in Unit 4. Turkey season dates, as Levi mentioned in terms of deer regulations, having specific dates in regulation of turkey season; we are currently set up in a way that youth/disabled starts April 1, archery begins Monday after first full weekend in April and regular season starts Wednesday after second full weekend in April. In the same way the fall season currently is open October 1 until November 10. Each year we presented these season dates just to make sure everybody know what is coming up in the next several years so we have some certainty if there were changes the staff and commission wanted to make. We have always had no change to this basic structure, not voted on it but discussed it to make sure everyone was aware. In 2023, this is earliest start date to regular season, April 12. We are not recommending any additional changes looking forward to 2024, one of the latest seasons, a switch from previous year. Start date of April 17 if no recommended changes. We have harvest strategy that guides most of our staff recommendations in terms of bag limits and open seasons. As discussed before there a number of factors keyed into this strategy and based on results from spring 2022 season, the recommendations were reductions in each of the six units, including Unit 4. Our recommendations for spring bag limit and quota recommendations is to reduce bag limit currently at two in Units 1 and 2, northwest and northcentral, to one bird; in each unit, outside of Unit 4, reduce nonresident hunters by approximately 25%. Additionally, in Unit 4, which is currently a 500 permit quota for Kansas

residents only with 250 reserved for landowners; recommending reducing that by 25% as well to 375 permits with specific reservation of 200 permits for landowners. If those are not used up by landowners those would become available to other applicants. Regarding the fall season, fall 2022 season just wrapped up on November 10 and fall turkey post season harvest survey was out earlier this week. There is a consistent trend of a reduction of 10-20% in each of the categories for the last several years. This year we saw that stabilize to where we had almost 3,000 hunters purchasing a permit for the fall season, a slight increase from last year. I think we may have hit a stabilization point in permit sales. Since 2017, when game tags were no longer available in the fall season, and 2020, the first shortened season from October 1 to November 10. We don't have harvest estimates yet for fall. For the same reasons we discussed previously we have the recommendation to suspend the fall season statewide. Our harvest strategy was recommending that for Units 3, 5 and 6. Also, know we are having issues getting regulations through the process we felt it was prudent to include this in this year's recommendation. While harvest during the fall season has declined quite a bit from highs in early 2010s, our primary concern biologically is harvest of hens during that season, especially when harvest is relatively low we still see proportion of hens in harvest at 50-60%. We continue to be concerned about that level of harvest and feel strongly that is a good recommendation to suspend that season moving forward. To summarize, we are clarifying Unit 2 boundary for fall; recommending suspending fall season statewide; removing adjacent unit allowance for Unit 4 permits; no change to spring season structures; reduce spring bag limits in Units 1 and 2 to one bird; reduce spring permit quotas in Unit 4 to 375 permits; create nonresident application period. Associated with that there is one other regulation that will need to be changed, KAR 115-2-1, the amount of fees regulation but we will present that in January. Create nonresident draw by unit with recommended quotas of 25% reduction. Commissioner Sporer – This is for 2023? Fricke – This is for whenever we can get it through. Chairman Lauber – Probably 2023. Fricke – It will depend. Our next meeting is in January and then March. If this is not voted on in January, by March meeting turkey permits will already be on sale. Additionally, Unit 4 applicants that are successful in late February already will have the opportunity, if spring bag limits are at two birds in Units 1 and 2, then those successful applicants in Unit 4 also have the opportunity to purchase their permit and get combo permit as part of that and have a valid game tag which would still be valid at that time for spring 2023 season. If it is not at public hearing and voted on in January 12 meeting then this will be effective for spring 2024 season. Commissioner Gfeller – Would that be true with bag limits as well or can you separate those issues? Fricke – Yes, that would be true for bag limits as well because we would already have permits on sale March 1. Commissioner Escareno – It would stay at existing bag? Fricke – Correct. We couldn't remove the bag limit for a tag we had already sold. Commissioner Escareno – Providing that it gets passed through the state after we approve it that is only if it goes through the process? Fricke – If not able to get through state process this won't be on the public hearing in January. Commissioner Escareno – I am talking about 2024. Providing we get it passed in March and it goes to the state and state approves it will go into effect in 2024? If it does not get through the state and process this could be as late as 2025? Chairman Lauber – We should be able to get in place for 2024 season, not the 2023 season. Legal Counsel Riley – These regs are next in line going in but limitation is only one set in the process. The public land ones have moved on, so turkey regs are going in next but there is a 60-day notice period and whatever other delays are on top of that. Commissioner Sporer – This is not going to be reality then? Correct Kent? Fricke – That is my assumption. Commissioner Gfeller – Does that change the fall recommendations? Fricke – The current recommendation is to

get that through for the 2023 season. Just a reminder of where we are at in the process. We have been discussing turkey regulations since June, general discussion is to introduce regulations and overall turkey population status; don't have post-season harvest survey back until about July 1, have turkey committee meeting in early July and get staff input on recommendation associated with the harvest strategy and overall regulations. Workshop in August and September 8 and had information session in September to make sure we had breadth of discussion we felt was warranted with the Commission. So, ideally would have public hearing vote in November, that didn't happen. Hopefully we can get to public hearing by January but not likely to happen at this point. Those are some of the things I think about when we have seasons, when we get data back we can analyze and provide most up-to-date information on and tailor recommendations based on that and getting through the process. Commissioner Gfeller – You arrived at quotas by taking historic number of permits and reduced it by 25%? Fricke – Correct. Commissioner Gfeller – There is a wide variety of what units get what. Do you find when you go to a draw system do people move around on what units they make application for? Fricke – Never done a draw system for turkey before. The other thing we are recommending in this regulation change is that as part of the application process you apply for a single unit and cannot hunt adjacent units to be consistent across the state. I don't know how much that will factor in on individual level but on population level of hunters how much that will change through time. Commissioner Gfeller – They can only apply for one unit? Fricke – That is what we are tailoring regulations to. Commissioner Sill – Do they get a 1st, 2nd and 3rd choice? So, if they apply for Unit 1 and don't get it they could go to a different unit or pick one and done? Fricke – The way I thought about it was only for one. I would need to clarify that with licensing. Commissioner Sill – Does that leave possibility of any leftover permits then? Fricke – That may be the best work-around to that. I will check with licensing. Chairman Lauber – We want this to be ready to vote on as soon as we possibly can. When it comes to fall season, you have all heard my opinion. I stated at last meeting, if formal recommendation of staff that I would object to closing the fall season. If anybody else with issues talk about it now. If not, we will be prepared to vote in January if possible. Commissioner Gfeller – I think this year is going to be difficult for me based on feedback I have heard on which season the draw limit applies to. Chairman Lauber – I prefer it take place in 2023 season but don't think that is possible. I am afraid we aren't going to be able to get that done and if we are able to get it done it is going to be a problem. Commissioner Sporer – Don't you think it would get done in the summer 2023, and loss of fall season would happen in 2023 and reduction statewide to one tag would be spring of 2024? Chairman Lauber – Probably yes. Commissioner Sill – The upside to that is it gives people time to adjust. Chairman Lauber – I don't think we have any choice. Commissioner Gfeller - It is too bad. Sooner the better would be better for turkey population but also have lots of people who have made plans. That makes it difficult. Fricke – We are excited, we got a \$2 million research project approved for statewide study on turkeys. We are working with Kansas State University. Starting to look for field sites with field work starting winter/spring 2024. We have been working on that for several years and looking forward to getting more specific information for Kansas on what is going on in our population and adding to research literature.

6. KAR 115-25-6 Turkey; spring season, bag limits, permits & game tags – Kent Fricke, small game coordinator, presented these regulations to the Commission (Exhibit U, PowerPoint – Exhibit V). In 25-5 discussion above.

7. KAR 115-4-11 Big game and wild turkey permit – Kent Fricke, small game coordinator, presented these regulations to the Commission (Exhibit U, PowerPoint – Exhibit V). In 25-5 discussion above.

8. KAR 115-25-14. Fishing; creel limit, size limit, possession limit, and open season (and associated reference document) – Bryan Sowards, fisheries division director, presented this regulation to the Commission (Exhibits W, X). This regulation is statewide creel and length limits but this is related to associated reference document. Heard nothing from public on any of these. Also refers to a few trout lake changes, King Lake in Emporia, add as type 1 trout water, stocking with trout this season for the first time; OJ Watson park in Wichita, adding as a type 1 water; and Wichita KDOT East, removing, so basically replacing KDOT East with OJ Watson park, a better fishery for trout. Type 1 means during November 1 to April 15 season you would need a trout permit to fish there for anything; Type 2 would be just if you are fishing for trout. Some of the smaller lakes where that is typically the reason the public is going there in that timeframe we call it Type 1 water for regulation purposes.

9. KAR 115-18-10. Importation and possession of certain wildlife; prohibition, permit requirement, and restrictions. – Bryan Sowards, fisheries division director, presented this regulation to the Commission (Exhibits W, Y). This change would add rusty crayfish to the prohibited species list. We found them for the first time at McPherson State Fishing Lake.

10. KAR 115-7-10. Fishing, special provisions (and associated reference document outlining reference document K.S.A. 2019 Supp. 32-807 – Kansas ANS Designated Waters) – Bryan Sowards, fisheries division director, presented this regulation to the Commission (Exhibits W, Z). If we add rusty crayfish to prohibited species list it would trigger an aquatic nuisance species designated water in the aquatic nuisance prohibits species reference document at McPherson SFL. We would like to clean up some language and remove any references to the term "Asian Carp" to be more specific with individual species, "Silver Carp" and "Bighead Carp". Also, add Lebo City Lake as an ANS Designated Water for zebra mussels.

11. KAR 115-8-1 Department lands and waters: hunting, furharvesting and discharge of firearms – Ryan Stucky, public lands assistant director, presented this regulation to the Commission (Exhibit AA). This covers public lands special use restrictions reference document and the main focus of this is the reference document. Subsection e covers the special use restrictions regulations, section 12, subsection a, refuge area closed to all activities year round, add two areas by Chetopa in Cherokee Lowland area. The two properties, Perkins east and Bogner center; Perkins property is about 208 acres and Bogner is 236 acres for a combination of 444 acres. Those properties in that area total about 2,084 acres and we don't have any refuge areas in Mined Land area north of there about 10 miles so staff looked at this whole area and picked out these two properties to put in refuge. Most of our wildlife areas have refuge areas and this area didn't have any. The river that runs between the two is the Neosho River and it is near Chetopa. Mined Land WA is about 21,000 acres and is just north of there, a lot of acreage open for hunting there. These two areas would be closed to all activities year-round. Chairman Lauber – The fact that we are using an online licensing system for all wildlife areas is not going to take effect until 2023? Stucky – This is one being run through the system so not sure when. Chairman Lauber – It is not in affect now? Stucky – No. That is second change we would like to have to the reference document. Adding all state fishing lakes and wildlife areas into the electronic check-in and check-out system for hunting activities only. This would exclude Maxwell Wildlife Refuge, Big Basin Prairie Preserve and all state park properties. It does include all iWIHA.

Assistant Secretary Schrag – Through this promulgation process these won't be voted on until 2023. Even when it is voted on and approved we spoke with Brandt licensing system and will phase in. We haven't decided if all at once, or in phases by region; it will be a process.

Commissioner Sill – I have question for Colonel Kyser or somebody from law enforcement. After being out a couple of weeks ago on two different wildlife areas and some WIHA and hearing complaints, I am concerned about check-in process and what law enforcement's perspective is. Some of us it is an attitude, we don't like technology and don't want to deal with it. We just have to buck up. We need to change and comply and I do believe we need it. Some of it is competence, the first time I checked in last year it took me four days to figure out how to check out. So, there is issues of competence with technology, issues of equipment people for people who don't have smart phones. You can check in the night before but I went to two different wildlife areas and three different WIHAs in one day, so if checked in the night before I am checked into the first place I went. How does that work for people that don't have access? The other thing is coverage. You say that we can call but if no service and cell phone doesn't work that isn't working either. These are legitimate issues for hunters. I know there are some hunters out there that are conscientious enough that realize they are checked in one place and can't go to another. There are a few of us who say, to heck with it I am going. I talked to guy last night and said he would call game warden every time he wants to go hunting. I want to hear from law enforcement on what their perspective is and how it is going to affect them for enforcement of this when there is legitimate issues.

Assistant Secretary Schrag – Most of public lands staff is law enforcement certified and since this is a public lands program our department staff deals with this day in and day out. Everything you said is legitimate concerns we are trying to deal with. We have always viewed this as an educational process to begin with. We are not about to go out and write as many tickets as we can for violations. We want public and hunters to buy into this because it is vital information we are trying to garner from this system. We are experiencing a few more bugs because of change from i-Sportsmen to Brandt system to be all-inclusive system instead of two separate ones. We have identified a lot of those problems and are doing our best to work with hunters in the field with issues coming up and all the issues we have seen ourselves too. It is under consideration as we move forward with this proposal. Jason may be able to expand more on where we are at and what we are working on. People hear statewide implementation of this and it is concerning technology-disabled folks, like myself. We feel it is an important enough endeavor and program because the reporting data we get helps us all in this room make decisions to benefit everybody in the future.

Jason Dickson – We are continuing to work on it, from IT and Brandt perspectives, there were different things being added and as December comes up on a new release of the app and the online side of it and different things added to the check-out system to help check in and check out when other options aren't available. We are continuing to work with contractor on fixing any bugs and issues coming up.

Chairman Lauber – I hope there will be an abundance of tolerance and by the end of next year we will have a final release of app and bugs worked out.

Commissioner Sill – Concern for some of people my age and older. I don't want it to be an impediment it is already getting harder to hunt, don't want hassle with check-in to be an impediment. Need to find a way to help them understand we really want and need this information but to not let that stop them or discourage them from going. All the app updates are great if your phone works. But if it doesn't you are still out of luck.

Assistant Secretary Schrag – Exactly. That was probably forefront of internal discussions getting to this point. Our mission is public lands is access and opportunity and the last thing we want is to add roadblocks and hinderances to that. A major concern and when we do experience technical difficulties we worry about buy-in from the public. It continues to be a high priority for the department and fixing these. We want to make things as easy as we can. I am not a big tech guy but know there are technological advances out there and I would like to

see us get to the point where we can do geofencing. Like if you go to a restaurant in the city, once you leave you get an alert on your phone to rate your visit. If can have that kind of technology on our properties, where they enter geofencing alerts them to check-in and when you leave it prompts you to check-out. Hopefully maybe we can get to something as simple as that. Commissioner Sill – Or something like a kiosk with a device right there onsite so they don't have to have a phone. Not at every parking lot obviously but that eliminates excuse for all of this. Assistant Secretary Schrag – Staff continues to help hunters onsite and office staff across the state help people create accounts and check-in and check-out before they check into a new property. We are doing the best we can to try and transition. Chairman Lauber – When a wildlife and parks law enforcement officer writes a ticket we don't get the fine; that goes to state or county with court costs. We get no financial incentive to write tickets. Commissioner Sporer – What kind of animals are we refuging, deer? Stucky – It is to all activity, but mainly deer, but to all activities are prohibited there. Assistant Secretary Schrag – Typically we have refuge-designated areas on all our properties. That doesn't mean we couldn't conduct a special hunt on those properties. It is for all upland and waterfowl species, deer and turkey frequenting that area.

12. Pending Regulations– Dan Riley, chief counsel, presented this information. No presentation on these three items they have been presented multiple times (Exhibit BB). This is first example of change we were talking about. We will leave regulations on the agenda when they are in process but get them out of workshop process so they don't continue to wear everybody out. These three particular regulations have made it through the first phase, then head to Department of Administration and in the Attorney General's office now. We will continue to leave them on the agenda until they make it through the process and come back to the public hearing along with any other regs that make it to the external process. Hopefully we will be able to avoid unnecessary and redundant workshopping by doing that but maintain them on the agenda so nobody loses track of regulations in the works.

KAR 115-8-23 Baiting; (Public Lands Regulation) – Exhibit CC

KAR 115-8-9 Camping (Public Land Regulation) – Exhibit DD

KAR 115-8-25 Trail (Game) Cameras and other devices (New Public Land Regulation) – Exhibit EE

VII. RECESS AT 4:47 p.m.

VIII. RECONVENE AT 6:30 p.m.

IX. RE-INTRODUCTION OF COMMISSIONERS AND GUESTS

X. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

Chris Tymeson – As you know I now work for Safari Club International and we are a conservation partner with the agency. We do have a chapter in Kansas City and I am based out of Overland Park. Anytime you need help in the legislature; we submitted a couple of letters last year on issues in support of the Department's position and happy to do it again.

VI. DEPARTMENT REPORT

D. Public Hearing

Notice Form and Attorney General Letter dated August 5 (Exhibit FF).

1. Cabin Rates – Steve Seibel, High Plains regional supervisor, presented this to the Commission, for information only, no vote required (Exhibit GG, handout – Exhibit HH) – This is review of KAR 115-2-3a, cabin camping and permit fees. The cabin fees are provided several times a year and are adjusted based on cabin occupancy rates. Based on these rates cabin prices may warrant an increase or decrease during certain times of the year. We are proposing rate changes. Some of these rates have been in place for over 15 years. One of the main reasons we are wanting to raise these rates is that the utility costs in the last five years have gone up 47% and maintenance costs, cleaning and seasonal salaries have gone up 34%. We feel it is time to go ahead and change our rates.

2. KAR 115-5-1 Furbearers and coyotes; legal equipment, taking methods and general provisions – Matt Peek, furbearer biologist, presented this regulation to the commission (Exhibit II). On page 2, section c 4. We are proposing to allow laser sights to be used in the taking of furbearers treed with the aid of dogs, requested by Federation of Houndsmen. If it helps them shoot raccoons out of trees more accurately this is something we can support.

Commissioner Troy Sporer moved to approve KAR 115-5-1; Commissioner Lauren Sill seconded.

The roll call vote to approve KAR 115-5-1 as recommended was as follows (Exhibit JJ):

Commissioner Cross	Yes
Commissioner Escareno	Yes
Commissioner Gfeller	Yes
Commissioner Lister	Yes
Commissioner Sill	Yes
Commissioner Sporer	Yes
Commissioner Lauber	Yes

The motion to approve KAR 115-5-1 as presented passed 7-0.

3. KAR 115-25-11 Furbearers; open seasons and bag limits – Matt Peek, furbearer biologist, presented this regulation to the commission (Exhibit KK). Two changes are not underlined. First change in section b where we are recommending extending the general furbearer season by about two weeks by changing closure of the season from February 15 to the last day of February, adds about 13 days to the season during most years or two weeks during leap year. The other change is in section d, propose to increase otter season bag limit from five to 10 otters. Associated with that is we are also increasing the unit bag limits from two to five on the Verdigris and Missouri units and five to 10 on the Lower Neosho and Marais des Cygnes otter management units. Last year half harvested the quota. Some of the complaints that came in was that trappers could easily use their whole quota in one pond in some cases and have other ponds that people want them to trap on. That is some of the reason why we made this proposal.

Commissioner Warren Gfeller moved to approve KAR 115-25-11; Commissioner Phil Escareno seconded.

The roll call vote to approve KAR 115-25-11 as recommended was as follows (Exhibit LL):

Commissioner Cross	Yes
Commissioner Escareno	Yes
Commissioner Gfeller	Yes
Commissioner Lister	Yes
Commissioner Sill	Yes
Commissioner Sporer	Yes
Commissioner Lauber	Yes

The motion to approve KAR 115-25-11 as presented passed 7-0.

Chairman Lauber – Basically you are going to suggest we revoke all the five of these regulations regarding mussels. Jordan Hofmeier – As I understand it, they each individually need a vote so I will go through them.

4. KAR 115-17-6 (revocation) Commercial mussel fishing license; license application and requirements, authority, reports, general provisions and license revocation – Jordan Hofmeier, aquatic ecologist, presented this update to the Commission (Exhibit MM). Currently establishes harvest and salvage, proposing revocation. We have workshopped all of these several times.

Commissioner Lauren Sill moved to revoke KAR 115-17-6; Commissioner Troy Sporer seconded.

The roll call vote to revoke KAR 115-17-6 as recommended was as follows (Exhibit PP):

Commissioner Cross	Yes
Commissioner Escareno	Yes
Commissioner Gfeller	Yes
Commissioner Lister	Yes
Commissioner Sill	Yes
Commissioner Sporer	Yes
Commissioner Lauber	Yes

The motion to approve KAR 115-17-6 as presented passed 7-0.

5. KAR 115-17-7 Commercial harvest of mussels; legal species, seasons, size restrictions, daily limits and possession limits – Jordan Hofmeier, aquatic ecologist, presented this update to the Commission (Exhibit NN). Outlines provisions and restrictions to commercially harvest freshwater mussels. We are proposing to strike all of existing language and replace with, “The commercial harvest of all species of mussels shall be prohibited under all circumstances and in all locations.” Chairman Lauber – I am assuming that the fact that we have no known commercial harvesters is immaterial but we don’t want anyone to start.

Commissioner Warren Gfeller moved to approve KAR 115-17-7; Commissioner Lauren Sill seconded.

The roll call vote to approve KAR 115-17-7 as recommended was as follows (Exhibit PP):

Commissioner Cross	Yes
Commissioner Escareno	Yes
Commissioner Gfeller	Yes
Commissioner Lister	Yes
Commissioner Sill	Yes
Commissioner Sporer	Yes
Commissioner Lauber	Yes

The motion to approve KAR 115-17-7 as presented passed 7-0.

6. KAR 115-17-8 (revocation) Commercial harvest of mussels; legal equipment, taking methods and general provisions – Jordan Hofmeier, aquatic ecologist, presented this update to the Commission (Exhibit OO). Outlines legal equipment and taking methods relating to commercial mussel harvest; proposing revocation.

Commissioner Phil Escareno moved to revoke KAR 115-17-8; Commissioner Warren Gfeller seconded.

The roll call vote to revoke KAR 115-17-8 as recommended was as follows (Exhibit PP):

Commissioner Cross	Yes
Commissioner Escareno	Yes
Commissioner Gfeller	Yes
Commissioner Lister	Yes
Commissioner Sill	Yes
Commissioner Sporer	Yes
Commissioner Lauber	Yes

The motion to approve KAR 115-17-8 as presented passed 7-0.

7. KAR 115-17-9 (revocation) Commercial mussel fishing; open areas – Jordan Hofmeier, aquatic ecologist, presented this update to the Commission (Exhibit QQ). Established open areas for commercial mussel harvest; proposing revocation.

Commissioner Troy Sporer moved to revoke KAR 115-17-9; Commissioner Delia Lister seconded.

The roll call vote to revoke KAR 115-17-9 as recommended was as follows (Exhibit SS):

Commissioner Cross	Yes
Commissioner Escareno	Yes
Commissioner Gfeller	Yes
Commissioner Lister	Yes
Commissioner Sill	Yes
Commissioner Sporer	Yes
Commissioner Lauber	Yes

The motion to approve KAR 115-17-9 as presented passed 7-0.

8. KAR 115-17-14 (revocation) Commercial mussel dealer permit; permit application and requirements, authority, reports, general provisions and permit revocation – Jordan Hofmeier, aquatic ecologist, presented this update to the Commission (Exhibit RR). Establishes mussel dealer permits, application and requirements; proposing revocation.

Commissioner Warren Gfeller moved to revoke KAR 115-17-14; Commissioner Phil Escareno seconded.

The roll call vote to revoke KAR 115-17-14 as recommended was as follows (Exhibit SS):

Commissioner Cross	Yes
Commissioner Escareno	Yes
Commissioner Gfeller	Yes
Commissioner Lister	Yes
Commissioner Sill	Yes
Commissioner Sporer	Yes
Commissioner Lauber	Yes

The motion to approve KAR 115-17-14 as presented passed 7-0.

XII. OLD BUSINESS

Marty Birrell, director Prairie Park Nature Center – I am member of outreach team for black-footed ferret recovery plan with the U.S. Fish and Wildlife Service (USFWS). Update, as a team, which includes USFWS, who leads the team, and stakeholders, which includes KDWP on that recovery team. We released 26 black-footed ferrets on recovery site in Logan County in September. A 15-year successful recovery program in Kansas. Participated by USFWS, family which controls the Butte Creek Recovery site and all stakeholders including KDWP. Recovery team went in lead by USFWS in October and surveyed the site with successful number of 28 ferrets, a quarter of those released this year. We recorded recovery of surviving ferrets, also ferrets going back four years and reproduction on the site. This is 15th year, one of most successful of all the 29 sites in the U.S. We reported reproduction and survivability. And successful evidence of reproduction on all of the acreage. We were able to recover wild born, tagged and vaccinated them. USFWS happy about numbers on the site. One of the reasons reporting on this is a request that I address the commission in June regarding need for KDWP to join other states in developing a working group and working plan to assist USFWS in being able to support and assist in habitat assessment and surveying in the future. The assistance with that has been proposed to be funded by the Recovering of America’s Wildlife Act (RAWA) that is now going through the U.S. Senate and likely to be approved by bipartisanship sometime in December. Funding will be made available to each state. Possibility to assist USFWS with some of those funds to support black-footed ferret recovery. Not only with that critically endangered species but also protection of shortgrass prairie habitat to benefit many species in that area of Logan County and potentially throughout the state. While don’t know how many ferrets exist on the site, survey shows both recovery, survivability and annual reproduction on site in Kansas, only one in U.S. that is plague free and shows that kinds of success annually. This survey was led by USFWS. Hope commission would support and promote development of working group

through the state and working plan with the state to support the goals of this recovery project for ferret and habitat that supports the ferret and many other species.

XIII. OTHER BUSINESS

A. Future Meeting Locations and Dates

January 12, Wichita, Great Plains Nature Center (starting at noon)

March 9, Topeka, Ramada Inn Downtown Convention Center

April 27, Kansas City area, Wyandotte County Historical Museum at WY Co Park, Bonner Springs

June 22, TBD (possibly Junction City, tour of Milford Lake area)

XIV. ADJOURNMENT

Adjourned at 6:59 p.m.