

REVISED AGENDA
KANSAS DEPARTMENT OF WILDLIFE AND PARKS
COMMISSION MEETING AND PUBLIC HEARING
Thursday, June 22, 2023
Acorns Resort
3710 Farnum Creek Rd, Milford, KS
including a
Virtual ZOOM Meeting Option

Pre-meeting panel discussion on Baiting and Feeding of Wild Game Species, 9 am -11 am – Public can view via Zoom (instructions below) however no public comment will be allowed during this session.

A) Log Into Zoom

1. Visit <https://ksoutdoors.zoom.us/meeting/register/tZMvf-yoqD4jGtbcM-9Wp0bd41Zeepj1CgZQ>.
2. Register by entering your first and last name, and email address.
3. Once registered, you will be provided a link to “join the meeting.”
4. Visitors will be muted upon entering the meeting. To comment or ask a question, use the “raise hand” feature or type into the chat area to Jason Dickson.

B) Call In

1. Call: 1-877-853-5257
2. When a meeting ID is requested, enter: 872 8506 5902#
3. When a participant ID is requested, enter: #
4. For comments or questions, email: kdwpt.kdwptinfo@ks.gov

C) Watch Live Video/Audio Stream

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

I. CALL TO ORDER AT 12:00 pm (noon)

II. INTRODUCTION OF COMMISSIONERS AND GUESTS

III. ADDITIONS AND DELETIONS TO AGENDA ITEMS

IV. APPROVAL OF April 27, 2023 MEETING MINUTES

V. DEPARTMENT REPORT

A. Public Hearing

1. KAR 115-4-11. Big game and wild turkey permit applications (Kent Fricke)
2. KAR 115-8-23. Bait; hunting (public lands regulation) (Ryan Stucky)

VI. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

B. Secretary’s Remarks

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

C. General Discussion

- 1. Turkey Regulations (Kent Fricke)**
- 2. Boating Regulations (Eric Denault)**

D. Workshop Session

- 1. Fishing Regulations (Bryan Sowards)**
- 2. Aquatic Invasive Species Regulations (Chris Steffen)**
- 3. KAR 115-4-11 Big game and wild turkey permit applications. (FY 2023 big game regulation review cycle.) (Levi Jaster)**
- 4. Deer 25-Series Regulations (Levi Jaster)**
- 5. KAR 115-25-9a Deer; open season, bag limit, and permits; additional considerations; Ft. Riley (Military Deer Seasons) (Levi Jaster)**
- 6. Proposed CWD Carcass Import Regulation (Levi Jaster)**
- 7. Furbearer Regulations (Matt Peek)**
- 8. Public Land Regulations (Ryan Stucky/Stuart Schrag)**
- 9. KAR 115-2-3 Camping, utility, and other fees (Linda Lanterman)**
- 10. Pending Regulations (no presentation, presented multiple times) (Dan Riley)**
 - KAR 115-25-14. Fishing; creel limit, size limit, possession limit, and open season (and associated reference document)**
 - KAR 115-18-10. Importation and possession of certain wildlife; prohibition, permit requirement, and restrictions**
 - 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)**
 - KAR 115-2-1 Amount of Fees**
 - KAR 115-25-7 Antelope; open season, bag limit and permits**
 - KAR 115-25-8 Elk; open season, bag limit and permit**

VII. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

VIII. OLD BUSINESS

IX. OTHER BUSINESS

A. Future Meeting Locations and Dates

X. ADJOURNMENT

If notified in advance, the department will have an interpreter available for the hearing impaired. To request an interpreter, call the Kansas Commission of Deaf and Hard of Hearing at 1-800-432-0698. Any individual with a disability may request other accommodations by contacting the Commission Secretary at (620) 672-5911.

The next commission meeting is scheduled for Thursday August 17, 2023, Pittsburg State University, Bicknell Center, VIP Room, 1711 S Homer St, Pittsburg, KS. Times have changed to start at NOON and run until we are finished, with no recess.

**Kansas Department of Wildlife and Parks
Commission Meeting Minutes
Thursday, April 27, 2023
Wyandotte County Historical Museum
631 N 126th St, Bonner Springs, KS
including a
Virtual ZOOM Meeting Option**

Subject to
Commission
Approval

The April 27, 2023, meeting of the Kansas Wildlife and Parks Commission was called to order by Chairman Gerald Lauber at 12:00 p.m.

Chairman Lauber and Commissioners Phil Escareno, Lauren Queal Sill, Troy Sporer, Delia Lister and Emerick Cross were present. Warren Gfeller attended 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 – (Agenda - Exhibit B). Revised agenda to include an updated Secretary’s Resolution on Free Park Entrance Days at end of Public Hearing items.

IV. APPROVAL OF THE March 9, 2023, MEETING MINUTES

Commissioner Escareno - On Public Hearing votes, my name was spelled incorrectly. Commissioner Delia Lister moved to approve the minutes with changes, Commissioner Lauren Sill second. *Approved* (Minutes – Exhibit C).

V. DEPARTMENT REPORT

D. Public Hearing (Notice of Public Hearing – Exhibit D)

Kent Fricke (PowerPoint Exhibit F) – First, I want to be clear that we've gone into more detail in terms of the population and harvest trends that we've seen, especially in the last 15 years, when it comes to population trends of turkeys in Kansas. Again, we peaked in our turkey abundance in the late 2000s and have seen a pretty consistent decline in our turkey population since then. That primarily is driving drop in production levels. This is consistent within other states throughout the Midwest and the southeastern United States, as well.

1. KAR 115-25-5 Turkey; fall season, bag limit and permits – Kent Fricke, small game coordinator, presented this update to the commission (Exhibit E, PowerPoint Exhibit F). We have seen a decline in number of turkey hunters during the fall season, but we also have been

making adjustments through time. In 2017, no game tags were available and only one permit; in fall 2020, we shortened the season, which had been October 1 through January 31, to 41 days, October 1 through November 10. Our recommendation is to suspend the fall season statewide; While we recognize there has been limited harvest during fall season, we are continuing research and referencing back to a decline in production across Kansas. In the last few years, there has been an emphasis on the importance of hens to turkey populations. Staff recommends the suspension of the fall season. Second, there is a correction of the Unit 2 boundary, entered as U.S. Highway 183 and should be U.S. Highway 81. Commissioner Escareno – In individual units it states, “unlimited number of permits shall be authorized,” if suspended, why unlimited? Fricke – In the first statement in bullet points at the top, the change would be to remove the open season, which negates everything else. If we reinstate the season at a later time, we will only have to change that first statement to reopen it.

Commissioner Phil Escareno moved to approve KAR 115-25-5 as presented to the Commission. Commissioner Delia Lister second.

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

Commissioner Cross	Yes
Commissioner Escareno	Yes
Commissioner Gfeller	Absent from vote
Commissioner Lister	Yes
Commissioner Sill	Yes
Commissioner Sporer	Yes
Commissioner Lauber	Yes

The motion to approve KAR 115-25-5 passed 7-0.

2. KAR 115-25-6 Turkey; spring season, bag limit and permits – Kent Fricke, small game coordinator, presented this update to the commission (Exhibit H, PowerPoint Exhibit F). We are not proposing any changes to the structure of the season dates, however we are switching from earliest to latest possible season due to calendar shift. No changes recommended to that structure. Number of spring turkey sales by residency, decline in residents and increase in nonresidents through 2016, and has stayed relatively the same since then, except for 2020 when there was suspended for most of the nonresident turkey season due to COVID. In the last 10 years, we have seen nonresidents make up of consistently 35-40% of hunters in spring season. Nonresidents see a 10-20% higher hunter success rate, they come to Kansas for specific reason of harvesting a turkey. That increase, plus overall higher success levels, results in nonresident hunters harvesting as many as residents. Nonresidents are an important component of spring season. Because of continued concern, decline in turkey populations, and uncertainty of impacts of harvest, we are recommending reduction. We are recommending reducing bag limit from two to one in Units 1 and 2 (Northwest and North Central). Units 3, 5 and 6 are already at the one bird bag limit. That will make it consistent across the state at one bird. The second recommendation is to reduce nonresident hunters by 25% across the state and in each unit. Quotas are in the briefing book (*Unit 1 (Northwest), 700; Unit 2 (Northcentral), 2,400; Unit 3 (Northeast), 2,800; Unit 5 (Southcentral), 900; Unit 6 (Southeast), 2,900; total available, 9,700*). We used the last five years of data, excluding 2020, when nonresident sales were stopped.

Additionally, Unit 4 is different, that Southwest Unit is currently resident and tenant only draw. Currently half of those are reserved for landowners, 250 and recommending reduction from 500 permit quota by 25%, to 375. Over half for landowners, 200 permits. In the past, if drawn, permits were valid in adjacent units, so theoretically you can hunt two-thirds of the state. We want to make the permits good only in the unit and not in adjacent units. Next step will be to vote on (KAR 115-)4-11, which will create the application process. We will discuss that at our June meeting, as it will be in Public Hearing at that time. Also, we will make changes to (KAR 115-)2-1, which is a fee regulation, which is where we will create the application fee and preference point fee. Summary of what's in front of you today: Reduction of the spring bag limits in Units 1 and 2 from two birds down to one bird; the creation of the non-resident quota by unit; the Unit 4 spring turkey permit quota to 375, with the 200 for landowners; and finally, the removal of the adjacent units.

Chairman Lauber – In Southeast area, Unit 6, that covers El Dorado, do we know how many nonresident applicants applied to that area last year? Fricke – There was no application process last year. Trend from 2017, nonresident can buy over the counter and hunt anywhere in the state except Unit 4. In our post-season survey, we surveyed 10% of our hunters. In that survey we ask which county they primarily hunt in, which might be different than where they harvested a turkey. So, from that we assigned that county to a hunt unit and then extrapolate that to all of our permit buyers from that assigned to hunt unit and numbers from that process. In 2022, we had 2,600, fewer than recommended quota we will be going to. Trend is declined usage in that area. Chairman Lauber – Successful harvest ratio is down enough that has limited number of permits being sold in that area. I'll get to why I'm asking later.

Kenny Graham, Osage County – Any units with excessive tags you will have more applicants, and I see them changing units to be able to draw and you already reduced bag from two to one in Units 1 and 2. Nonresidents bring in money to the state, \$1,100 per person. Doing away with hen harvest is a good thing as hens are what produce the population. The survey said you batch 10 of the hunters you survey, what percentage do you get back of those, probably a low percentage? Why don't we have real numbers? Missouri Department of Conservation shows by county what they harvested to date. I printed one of their reports (Exhibit I). The state shows how many birds they have harvested. Going that way with e-check-in but not there yet. We had a conversation about this data and when you do scientific decisions, you don't take a small percentage, you take an overall look. You are going to hurt a lot of motels. How would you like it if 25% of your budget was cut? Nonresidents bring in more money than residents. I agree resident numbers are down. Missouri welcomes us and Nebraska has a system that can tell you today how many birds were killed, as well as Arkansas, Oklahoma and Colorado. Let's get more data before we throw out tags, take per tag sale, what harvest was and percentage of harvest. Don't throw out a random number, this is just a survey of 10%, not an overall look. That is 90% we are not looking at. Damage will be to other states that come here and spend money in our counties, we need money from those other states, as well as Tourism and Commerce. Don't start cutting people out. Look at how many turkeys are harvested and kill percentage. We have Kansas residents that go to other states too. Missouri had 11,000 people come in from Kansas. Can you tell me how many we had from Missouri or Nebraska? Let's look at that before we make hard decisions. Make sure technology is there to have better numbers. Tag birds in, do with regulation change or suspension, a statute in 2022, 77-416 (Exhibit J) says that any time you do a regulation change

you need to do an economic survey to see how it affects the state and taxpayers of our state. Suspend the vote. We have a bird problem but not because of the hunt, we are killing very few hens. Jakes will breed like toms will. Public land has less animals than private land does because people manage their habitats.

Mike Castelli, Burlington (*not signed in*) – The resource should not sacrifice for revenue to the state. Turkeys hurting bad, protect research. While you are hunting one bird for two months, between mushroom hunters, shed hunters and burning and spraying fields, the hens are being disturbed. Get out of the woods three weeks earlier so hens can incubate those eggs.

Commissioner Sporer – I read a study where the result they felt toms were getting harvested before they could breed the hens due to long season? Fricke – It has been a long-standing assumption. There is a reference we often use from 1999 and one of the primary assumptions is that you are good to go with spring season as long as you harvest bulk after the median start of nest initiation date. So, once half the hens start sitting on a nest and laying eggs and you are harvesting the bulk of toms after that, you are good to go for start date. In Kansas, which is the timing of start for firearm season. Several southeast states start their primary season the end of March or first of April, 2-3 weeks before we do. We are starting a new statewide turkey research project, which we will begin to use data from. I propose we make those changes when that data is in hand. Chairman Lauber – If we want more refined number of birds harvested, how easy will that be do? Fricke – Potentially telecheck will, a number of states have gone that way. Some may vary by species, some do it for deer, some for turkey, and some for everything. I'm confident the data we have is good data and trends we are getting from year to year. I'm less concerned about exact precise data point for one year but rather getting consistency through time. One of the challenges of telecheck is we don't have any confidence intervals to say how many are missing, is it 25% of information or 10% of non-reports. With our current method of post-season harvest surveys, I can tell you with confidence how people do not respond to the survey, and I can give an estimate of relative level of confidence in that data.

Commissioner Sill – On the technical part of how this is written, and the second turkey game tag praise is left in throughout the document. In specific units it is scratched. It is in there nine times where it has not been scratched and that is confusing. On the last page, only those individuals who have purchased a turkey permit shall be eligible to purchase a turkey game tag, why is that not scratched out? Fricke – If you look unit-by-unit, Unit 1 has one permit and one game tag, which is why unlimited number of second game tags is removed from that one and Unit 2. That is the reduction in the bag limits for those two. However, when you go to Unit 3, currently at one bird, you see there are no game tags authorized. So, if you go to the individual unit for what is authorized for that unit... Commissioner Sill – Game tags are listed in several locations. I realize that when you look at the units there are none, but to leave all that terminology in there is confusing. For clarity, if disallowing those, why not scratch that out? I had to read through it several times before it was clear. I'm not necessarily asking that anything be changed but just pointing that out. Fricke – That is understandable but at the same time, when we add them back in, it is much simpler to make sure we don't miss the whole piece authorizing it to begin because it is already there. Chairman Lauber – Since it takes forever to get anything to vote, down the road we can quickly adapt to changes in the future, I see your point. I don't want to scratch anything out on this. Fricke – Also, there may be licensing implications if we remove it entirely

from the regulation, it may have to come out of the system. I think we should leave it, even though it is confusing. Secretary Loveless – Good questions about clarity and simplicity. I wrote it down to follow up and review that language, but this achieves what we want for today and we will look back on this later. Commissioner Sill – My point was not to make a change today. My other thought was that these regulations have to be reviewed by others every five years. Clarity is helpful. Thank you for the explanation.

Chairman Lauber – Received a lot of comments in the last 48 hours showing a lack of appreciation for what is perceived as an excess number of nonresident hunters. I don't know that we have an excess number, based on other states, but there is a groundswell all over the state for doing something to limit nonresident access because it's perceived that it takes away from Kansas residents. All going one way and then it was brought to my attention that the One-Shot turkey hunt at El Dorado people were asking us to wait or offer first-come, first-serve, so don't know what to do with it. I care about the money that comes into the state with nonresidents that hunt. That program died for a while because of lack of birds, and they are trying to pick that up again. They have 50 hunters who spend more than \$1,100 on average but don't know what to do about it. Care what staff recommends but perplexed and have mixed emotions about it. It is a fixture in the state and don't know how we could accommodate them. That hunt is based in Unit 6 and there would have to be a big increase in hunters to not accommodate all of those, but there could be a big jump. I don't take that lightly. Like Brad to weigh in. Secretary Loveless – Had these conversations and visited with staff about ramifications of first-come, first-serve application as opposed to the draw. We are always trying to simplify and make regulations consistent and their discussion to keep the draw makes sense from that perspective. Where there are a limited number of permits that can be given out, we use a draw. We want to help economic development and understand if we bump into that limit in Unit 6, that will have an effect on that event. The other idea was to have a first-come, first-serve application. I would like Terry to comment on timing and review period. Other thought is we trust Kent's number, and we could create headroom in Unit 6 so we don't bump into that, which would be another option. Then look at our data next year. Another option is nonresident deer permit quotas are done by Secretary's Orders. Chairman Lauber – Would rather have nonresident numbers be on Secretary's Orders based on best information by Kent, in theory reduced. Don't know if we can do this. If we send this back, it could take another year. Terry Bruce – Yes that is true. Dealing with application process will be considered in June in KAR 115-4-11, which establishes a competitive system for nonresidents to apply. If not passed, how do we hand out those, the start date to sell those permits would be just before the season and would allow less than 30 days to make plans? Secretary Loveless – Probability is that we will never get to that 200 so it won't affect the biological impacts we are using to manage them. If something changed and we did see an increase, it would still allow a greater possibility that all the folks who want to participate in that hunt would be allowed, so we could change number by 200. Is that a natural outgrowth of this conversation before a rule- and regulation-making body? Terry Bruce - Another part of that is notice to the public, hard to argue, goes against natural outgrowth, no amendment that public has seen, if desire or interest from one or more commissioners, can consider next month with (KAR 115-4-11 and make it more agreeable to meet that burden. Chairman Lauber – Is there a way to pass this today and convert to Secretary's Orders? Terry Bruce – There can't be any promise that can happen in that time frame. Realistically we don't know how long it will take. Dan told me that if we run into the situation of how much time we need to promulgate a rule and regulation if

we attempted to change this year. Chairman Lauber – If we don't change this year, today, then we run into chance of having two birds available in those two units, which may spur activity in those areas instead of going elsewhere in the state. If we could get commitment to do this with Secretary's Orders to be able adapt more readily when we see as problem. If not this year okay, but if we don't do anything... Terry Bruce – Can submit through process we have at June meeting. Chairman Lauber – I think we have to go forward with this today and try to make those accommodations. There are areas in the state where there is also an economic thrust that may be occurring, and somebody is not going to get a permit, and someone will say the system is unfair and rigged. I can't say we don't pay attention to nonresident money because that is how we survive.

Brett Tevini – Illinois, now reside in Missouri. Me and my hunting buddies have been coming to Kansas for 17 years as nonresidents. On telecheck system, mentioned earlier, I never had to call in what I have harvested, never seen a survey and have had good and bad seasons, but no one knows that. I love hunting in Kansas more than any other state, have built strong relationships with landowners out there and made good friends. I am not against one bird, but to put quota on number of tags available where I might not get a chance to draw, when you don't know the harvest. We spend a lot of money in Kansas when we come. We need you to invest in knowing what is being harvested. In Missouri, I shoot my bird, call it in and it is registered, and they know exactly what I have shot and know what is harvested and it is up to date. I don't see why Kansas can't get on board with that so you can make scientific decisions before cutting nonresident tags. Chairman Lauber – I would like more detailed harvest numbers, but I am comfortable with the general trends because it matches every other state that have all kinds of different types of reporting. We may be 10 birds off, but we do this because we can show our work and how we arrived at this decision, and it matches nationwide trends. Didn't know how many turkeys we had. Secretary Loveless – When your year-to-year numbers are consistent, and not jumping around, I am confident with those numbers and with long term trends. Commissioner Sporer – Kent's baseline is right on, just as good as a hard count.

Dan Riley – I have been listening to the conversation and I would like to point out one thing. What Kent proposed in these regulations are based on best information we have at this time. Conversation today points out where we need to improve. That doesn't mean we can't come up with something better in the future. Regulations are based on information we have at this time. Commissioner Sill – I would like to be devil's advocate on question regarding quota versus Secretary's Orders. The way Kent presented this, and he and his team developed this, this is the first time for drop-in nonresident quota for turkeys. I perceive this as caring for the resource and being respectful of various parts of the state. The economic situation and that 25% reduction seems extremely reasonable. That still leaves 75% of the people able to hunt. If we start playing favorites based on complaints, based on economics, etc., we have taken our eyes off the resource. Our commitment is to work on behalf of generations now and in the future; I am nervous playing favorites to economics. I am not demeaning the value of those in any way, but when you start shifting the number because of complaints that are going to come up, that is not right. My point is, resource is more important than that and it will become never-ending. This is transparent, 25% across the state with Unit 4 exempted. It is fair to go to Secretary's Orders, but I think it lacks some clarity and I like transparency.

Mark Roberts, Ozawkie – I spent 80 years all in Kansas, and hunt other states. I value what we have here the most. Thinking about turkey as a resource is most important and whether we should think of the hunter. I am not so naïve as to tribulations of trying to balance a budget. Speaking to you as one who was trained as wildlife biologist at Kansas University. I couldn't find a job, so went into law enforcement. That is where I gained experience in funding, and I know operation expenses comes from those license dollars. I support more attention to Kansas residents. Because of aggressive advertising campaigns and chatter in social media when somebody gets a big buck, etc., that adds pressure. Kansas residents are feeling that pressure. Having scientific background, I agree with that but at the same time, I recognize the three various psychological impact situations that you deal with. I don't want to keep nonresidents out, but we want a better chance and more recognition as residents. We are here not just to hunt or fish and we are tired of economic argument because the fact is it brings in dollars, but I travel within the state to hunt, and I spend dollars too. The only thing that is different is my travel expenses are a little less because my license is cheaper and travel expenses are a little less, but I still spend money there. We impact travel all over Kansas too. Our tax dollars are still used buying equipment. Bear in mind, a 25% cut in nonresident licenses is not overboard. Who is most important, the nonresident or turkeys trying to survive out there?

Harland Anderson, Osage County – That 25% cut on nonresidents, is really 25% cut on game numbers, which isn't controlled by hunters, but by predators. We saw 13 coons on our game camera, it is a predator problem, bigger than a nonresident problem. On economic side, cutting 25% is not going to hurt population on turkey, 13 coons in a half mile were too many. How many eggs are they getting, quail, turkey etc.? Chairman Lauber – Comments on nest raiders has been discussed too. We can't really amend the regulation and be effective for next year. Like the idea of Secretary's Orders because they give some practical subjectivity to these issues that is part of our life. I propose we vote up or down as recommended and look at Secretary's Orders or decide if we want to do something else later. We can't add an amendment. We do have a surplus of predators. We have had some scientific studies and we can't kill enough raccoons to make a difference. We have a lot of houndsmen who want to get more and there is sympathy for them. Vote yes or no and get it off the table. Anderson – Leave the way it is and work on predator problem. Chairman Lauber – Will vote and see. Commissioner Sporer – Believe in Secretary's Orders, in the world we are in right now, with state legislature and how long it is taking to get regulations passed, those could play a role in this commission. For the record, if I have to vote for hotel room or resource, vote for the resource every time. I appreciate the Governor's turkey hunt dilemma, understand that, but choose the resource.

Commissioner Troy Sporer moved to approve KAR 115-25-6 as presented to the Commission. Commissioner Lauren Sill second.

Commissioner Lister – Does the motion include looking at Secretary's Orders? Chairman Lauber – No, it does not; that was only part of the discussion to what could happen, not a commitment today.

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

Commissioner Cross	Yes
Commissioner Escareno	Yes

Commissioner Gfeller
Commissioner Lister
Commissioner Sill
Commissioner Sporer
Commissioner Lauber

Absent from vote
Yes
Yes
Yes
Yes

The motion to approve KAR 115-25-6 passed 7-0.

Secretary Loveless – If we go to Secretary’s Orders, we still value the public participation and the transparency that comes when you folks deal with regulations; We're struggling with the duration of the process. We would be glad to follow up with you on that discussion about that, and pros and cons if we move to the Secretary’s Orders option. We will need to, as far as the agency is concerned, figure out a way to still have public input, still have transparency in that process beyond what may be required, because we don't want to lose this standard of getting the best input we can from the public.

3. 2023-24 Kansas Waterfowl Season Dates and Bag Limits – Tom Bidrowski, waterfowl program manager, presented this regulation to the Commission (Exhibit L, PowerPoint – Exhibit M). I will be providing information on the development of Kansas waterfowl hunting seasons including staff recommendations in the 2023-2024 waterfowl hunting seasons. The U.S Fish and Wildlife Service has developed frameworks that establish maximum bag possession limits, season lengths, earliest and latest closing dates. The briefing item contains how the federal frameworks are developed and the framework restrictions states must operate within when establishing state-specific migratory game bird seasons. The selection of waterfowl season dates is different than our resident game, as well as webless migratory species, in that they are not adopted by set regulations but adopted by commission consensus. This is due to the season variability and the later time frame in which these seasons are addressed. Kansas officially adopts its seasons and sets regulations through its annual season selection letter sent to the Fish and Wildlife Service. In 2021, Kansas Wildlife and Parks incorporated decision tools to assist in the season-setting process by identifying important and seasoned date parameters for each of the Kansas waterfowl zones. This process has developed season stability, reduced bias and natural transparency in the season date selection. The briefing item does include these recommendations for the Kansas 2023/2024 waterfowl seasons similar to previous seasons. Staff are recommending a nine-day September teal season in the High Plains beginning the third Saturday in September and a 16-day season for the Low Plains beginning the second Saturday of September. The difference in days between the High Plains and Low Plains is due to the additional 23 days afforded during the general duck seasons of the High Plains Unit in the 107-day restriction of the Migratory Bird Treaty Act. Staff recommendations are again to hold two consecutive days for youth veterans and active military staff, and recommends that they are held one week prior to the opening dates of the general duck season in each of the respective Kansas duck zones. Harvest, hunter activity, habitat conditions, weather patterns, holidays, hunter surveys, hunter communications and other variables are taken into consideration. Staff believes that this structure provides the best overall opportunity for Kansas’ varied hunting communities. Season dates are listed in the briefing book and in the presentation. Goose recommendations are similar to past seasons. Staff continues to recommend a six Canada goose daily bag limit, two less than the federal frameworks allow. Staff recommends a 15-day falconry season in Kansas

Low Plains zone, due to the Migratory Bird Treaty Act 107-day restriction. Additional hawking days are unavailable for the High Plains Unit. Remember 2024 is a leap year, so this year will have a later start date than previous years. Kansas migratory game bird season selections are due to the Fish and Wildlife Service by May 1, 2023. Commission action will be required today. Commissioner Sporer – Tom, refresh our memory, the commission, people in the audience and on the internet; Why did we develop a Southeast Zone? What was the reasoning for that? Is it due mostly for hunter preferences for later season dates, particularly those on private lands that are targeting late season, or was it for mallards? Bidrowski – It does provide additional later dates and again we're about a two-day, two-week difference for this year provided by those later season dates.

?? (*Did not state name*) – In the last Ducks Unlimited magazine, there was an article on the brink of pintails. How close are we to not having a pintail season? Bidrowski – Very close. Because the breeding population is very low, we are close and expecting that news even this year. The Pintail Harvest Task Force has been reviewing this for the past five years and they are updating models and predictions. This year we are expecting a little lower, with heavy snow and rainfall up north in the Dakotas, it is a little unsettling and the latitude mean for nesting for pintails, which will help those models because there is an adjustment for overflight because pintails are one of the earliest nesters of all waterfowl. It is an important component on how they are counted and where they settle for nesting. A great concern for waterfowl community.

Commissioner Lauren Sill moved to approve 2023-24 waterfowl season dates and bag limits as presented to the Commission. Commissioner Delia Lister second.

Commissioner Sporer – Did anybody hear from the Southeast guys about the season dates? They set our computers on fire sending stuff and this year I got nothing. I believe it's due to the leap year, a four- or five-day advantage, I guess.

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

Commissioner Cross	Yes
Commissioner Escareno	Yes
Commissioner Gfeller	Absent from vote
Commissioner Lister	Yes
Commissioner Sill	Yes
Commissioner Sporer	Yes
Commissioner Lauber	Yes

The motion to approve waterfowl regulations as proposed, passed 7-0.

Chairman Lauber – I want to recognize former commissioner Shari Wilson. We worked together and changed the pheasant season, biggest mistake we ever did. It is nice to have you join us.

4. Secretary's Resolution – Free Park Entrance Days Revision – Linda Lanterman, parks director, presented this update to the Commission (Exhibit O). We have two corrections on this. We did the original resolution in January. The date for Camp It Kansas was listed as May 3 and

should be May 6; and changed Milford Eagle Day to Milford OK Kids Day, which is May 20. We will post this so people will be informed.

V. DEPARTMENT REPORT (continued)

A. Secretary's Remarks

1. Agency and State Fiscal Status Report – Brad Loveless, Secretary, presented this update to the Commission. The Park Fee Fund (PFF) is derived from interest, camping fees and annual vehicle pass to the Kansas state parks. Total year-to-date revenue in the PFF for fiscal year 2023 is \$7.14 million dollars at the end of March and the balance of the PFF at the end of March was \$5.69 Million. The Wildlife Fee Fund (WFF) is derived from the sale of hunting and fishing licenses, big game permits tags, etc. WFF revenue through the 2023 fiscal year, through the end of March was \$10.2 million, cash balance as of April 25, was \$15.9 million. The Boat Fee Fund (BFF) is derived from boat registrations and is necessary to provide boating safety education, access infrastructure and to protect and support the voting public. Our fiscal year 2023 receipts through March are \$638,000 and the balance in BFF at the end of March was \$2.3 million. Legislative update, there's a lot of work that went on by staff during this legislative session. It's still going on and we're listening to the Senate hearing this morning on budget. The legislature will complete their work, likely this week, or very soon. At this point, the Department's proposed fiscal year 2024 budget was largely unchanged from our request. We appreciate that spending authority to implement transition of Department certified law enforcement staff to the Kansas Police and Fire retirement system. That was a big deal and legislation that we've been interested in for over 30 years. A lot of work was done by us, others and a lot of legislators who helped us out. We moved this through this year and the Governor signed it into law a week ago. We're very pleased about that and feel that is going to help our recruitment and retention of certified Law Enforcement Officers across the agency. The second thing that we were able to accomplish was we were given approval for the naming of the Lehigh Portland State Park down on the outskirts of Iola. That is an exciting area of the state that we feel is underserved by State Parks. This creates a new resource there. The land was donated to Wildlife and Parks by a local business group that's been holding on to this abandoned quarry, a beautiful lake of about 140 acres, that is very clear and deep. Just a gorgeous area with a hiking trail already built almost around the whole perimeter that ties into the Southwind Trail, so a wonderful resource for Iola and all southeast Kansas. We appreciate the Legislature's support in approving that. The one thing I will comment about is: It didn't come with any money and because this is a smaller park, we won't have extensive camping facilities like Linda and her team have developed at other parks. It'll be a little bit of a challenge, but we are applying for grants right now to help the infrastructure development of that park so we can get it up and running faster.

2. Legislative Update – Terry Bruce, Legal Counsel, presented this update to the commission (Exhibit P). The secretary offered a very thorough report, especially with the budget. Sheila passed out a legislative update and it is pretty up to date. There are a few changes I would mention. There was a proviso in their original budget for the Department to offer a 15-and-under lifetime license. That was vetoed by the Governor, but the House overrode that veto yesterday and the Senate is expected to at least attempt to do that today. They break at two o'clock.

Chairman Lauber – Did we have an opinion on that, given the economic financial uncertainty of lifetime licenses and whether or not we'll see the federal match? Bruce – The Department was very hesitant to support something without much research and again, it came up as a proviso. There were no hearings on the matter, no input, it just came out of a conference committee. Secretary Loveless – To Terry's point, we had conversations this morning before we came here with Senators who are considering trying to sustain that veto. So, we're in the thick of it right now. Commissioner Sill – Like Terry said, does the sunset that was in last year's bill cover those or would there be no sunset clause on those ones because it's a proviso? Bruce – It's only good for the fiscal year, so it would be anticipated that somebody would offer a substantive bill next year to be considered by the legislature. Chairman Lauber – How much longer this year do we have to fear action from the legislature? Bruce – Out today or tomorrow.

Chairman Lauber – I screwed up on the agenda, I left off the public comment on non-agenda items. Delia would like to present a topic.

VI. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS (*missed and put here instead*)

Commissioner Lister – As many of you know, I'm a professional wildlife educator. I work at Pittsburg State University in the biology department. I work with a fairly wide swath of people across the states, and I literally work with pre-K through college, from all walks of life. I work with hunters, non-hunters, academics, non-academics, you name it. Even today when I was at a local sporting goods store making a purchase, they saw my Commissioner shirt and they said, "I'm not a hunter but I'm all for hunting but I also care about non-game species." I have more and more conversations about that with folks even sitting on a back porch somewhere and I just want to know what we need to do to involve more people that are not necessarily hunters and anglers but still want to bring something to the table. Whether that be dollars or support or whatever. As the new Commissioner in town, I want to make sure I have a clear understanding of some of the historical background and what we can do in the future. Chairman Lauber – I think one of the things you talked about was kind of like a conservation permit. or a conservation-based sticker I don't know whether that is the type of thing you make mandatory or if it's the type of thing you make voluntary. I don't know of a state that requires a bird watcher to have a permit to watch birds but by the same token, there'd be a lot of voluntary compliance on that, particularly if we put more money towards that particular activity. There's been a series of emails from women and others to me and other Commissioners and there is a little more money than I thought that actually went to non-consumptive outdoor participants. I'd like to have that kicked around within staff and see what you could recommend. Commissioner Lister – Thank you. Some of this also stems from the fact that when I when I talk to folks about the fact that they can buy a hunting license even if they're not a hunter, I sometimes get push back, like "I don't want to support hunting," or "I didn't even know that was a possibility." I think we could do a better job of reaching the folks who aren't the hunters and anglers. Secretary Loveless – This is a great topic. One we have been talking about for a while now. We obviously have lots of programs for the public but I'm not sure we do as good a job as we should in giving them opportunities to contribute. One of the things I would propose is, see how these sits with you, that we talk to our users, and I'm hesitant to call them non-consumptive because as the gentleman mentioned, whether you're hunting mushrooms, sheds or whatever, everybody is a consumer. They're all

using the space we have. We do work to accommodate all of them so it seems like we could reach out to those folks who currently aren't anglers or hunters and ask them if they understood. We'd have to educate them on what work gets done with hunting and fishing license dollars, right, all those other programs not just directed at hunting and fishing. If they understood that, if we educated them, would they be interested in buying a license? You all know the great value in buying a license as opposed to buying a separate permit just to support the Department. It is the licenses that are part of our formula that we use to leverage all those federal dollars that we rely on. If they would go into that larger pool that really would create all that extra value if they were willing to buy a license. If it's reasonable to you, what I'm glad to talk with staff about is how to survey those groups and we'd ask for input on who we should be talking to about this. I would ask to inform them about what our licensing dollars do, all the work they do, and then ask them, based on this, "Would you be interested in buying a license even if you don't intend to hunt or fish?" Think starting there, if that's a reasonable place. I think any way that we can bring more people into caring about the resource, which is what we're all here for, doesn't matter if you hunt or not, because everything's going to benefit from that. Even if it wasn't and we weren't able to leverage federal dollars, I could see that money going to in-state education. I'm a little biased about that but there are things that I see, so many holes that need to be filled from all levels, that I think we could benefit from everybody. Another option we have too, Stuart might talk about this, is the WildTrust program because that offers real flexibility. Assistant Secretary Schrag – We do have the WildTrust program that people can donate funds to at any time for anything. If it's something in particular, whether it be for wildlife viewing, bird trail, or something else, they can donate those dollars to that WildTrust account. We can earmark funds specifically for whatever they might desire and then that would be utilized for that specific project and ensures that is what it's used for. We also have Chickadee Checkoff, too, that people can donate to as well. We do already have existing funding sources and donation sources that people can utilize currently. Commissioner Lister – I think maybe even perhaps increasing the amount of advertisement or something like that so people actually know that those exist because not everybody knows that is something they can do as an option.

Commissioner Sill – Along that same line, license plate situation should help with that when it becomes available. Could somebody update us on that? Secretary Loveless – That is another way as well as buying a park pass, even if they don't really intend to spend a lot of time in our state parks. Brody is online if available, he is the one overseeing the license plate development. Brody Latham, marketing manager – We have the designs in review by the Department of Revenue and are waiting to hear back to see if we pass their toll reader tests. Initially, our designs did not pass those tests, they needed a little more contrast for some of the characters so those toll readers can identify license plate numbers. We are hoping that our second revisions pass those tests, and we can move forward.

Jackie Augustine, Audubon of Kansas – Follow up on nongame conversation. There is a segment of bird watchers that buy duck stamps and wildlife hunting licenses. If we had a nongame stamp that would go over well. In my experience in Ohio, they had them and they were a great success, they sold out the first year. So, there is potential here. I appreciate Commissioner Lister bringing this up; and talking about leveraging license plates or Chickadee Checkoff and any potential funding in the future for non-game. Another idea I would like to throw out is, if there is funding available, having some sort of walk-in nature appreciation areas, a way to walk on private lands. The main thing I want to talk about is the lesser prairie chicken (LPC) hunting zone, or non-

hunting zone. I have been a prairie chicken researcher for 20 years but the last 10 of those was in western Kansas in the greater/lesser hybrid zone. Looking at current regulations for lesser prairie chicken hunting, they do prohibit hunting in the areas where the strongest LPC strongholds are. But there are known populations outside that area and given the fact they are listed as a threatened species in Kansas, I think it is time to reevaluate it. This is not an anti-hunting recommendation. I recognize the value of what hunters have done for conservation. This is to align state law with the federal Endangered Species Act. I think it gives Kansas a “black eye” and if a hunter shoots a prairie chicken and posts it online, I think that would give negative backlash. I propose we expand that area. I have heard from hunters that have said they are going to that area in northeast where they know there are prairie chickens to make a larger, more concerted, effort to hunt there to specifically try and get a lesser prairie chicken. Because that species is listed, that is not something we want to do. First, we should align state law with the Endangered Species Act and second, we think about conservation of the resource and have expansion of non-hunting zone. That is important, especially with more intense drought in western Kansas, areas on edges are important for the birds long term. Finally, I expect hunter effort to increase in those areas and I worry about disturbance of the birds and moving birds around in those important areas. Consider the resource in protecting the lesser prairie chickens that are on the threatened list. Chairman Lauber – I don’t agree on this. Everybody’s goal is to have it so that they become unlisted, but the population is not going to increase unless you get regular rain. It doesn’t make any difference on the numbers; the real difference is if there is enough habitat and rainfall and insects for the chicks. Augustine – I recognize that hunters are not the cause of the decline of the species, but I think it's not a good optic. Secretary Loveless – We will follow up on Jackie’s comments and concerns. One thing I will point out is that we set those zones in conjunction with the U.S. Fish and Wildlife Service. They are aware, and basically approved our standards. Things change and it is a good point. We will be glad to follow up on this at the next meeting.

Shari Wilson, Wyandotte County – I wanted to talk with you today about a project that I've been working on, and that the Department helps support. It is in its earliest stages and is a project regarding science education in our middle and high schools. What it does is provides students an opportunity to increase biodiversity on their school grounds. We know almost every community has school grounds or some kind of public land, or government building throughout the state and a lot of them are very grass oriented. There's not a lot of wildlife habitat on them, even despite all the great work of the OWLS program over the years, there's still too many schools that don't have that habitat area. In the beginning, we started working on this when Keith Sexson was still here, and he was supporting this project. We were trying to help teachers and implement the new science standards which require a lot more hands-on, inquiry-centered, student-led work rather than teachers lecturing to the kids and them taking a test. So, we were trying to provide tools and resources. The Association of Fish and Wildlife Agencies has great education resources that are available for free, so we've incorporated a lot of those activities into this program. We got it up and running for our Kansas schools. The teachers really loved it, and they were our pioneers with the program. We had it in Kansas, but it wasn't online, and it didn't have the kind of interactive elements that I think a lot of educators want for their students. Today I'm a teaching ecologist by profession; I've been working with pre-K through universities for a long time here in state, in the country, and I do a lot of work internationally, as well. Teachers are really interested in being able to connect their students with other students so that a school in Kansas could connect with a

school in Kenya and do some kind of a project together. Maybe look at butterflies on their school grounds for example. So, as I was working on my doctorate the last three and a half years, I decided to take our Kansas project and blow it up and try to incorporate some of these other elements into it. What I ended up with is called Schoolbio, actually a class of Kansas students chose that name, it stands for schoolyard biocultural diversity community, which is really what we're trying to build with this project and by looking at some of the cultural aspects of nature. We're also helping students identify more within their community and incorporate some of those traditions into their school grounds. We are now online and it's a full curriculum where students are leading the way. They're doing research, collecting data, doing some visioning of what their ideal ecological school ground would be. They are making plans, learning about planning and doing presentations. They are saying to their school leaders, "This is what we'd like to have on our school grounds, this is why, because we've done the research," and "This is how we could make it happen." I have sent this out, it's been pilot tested and it's gotten good reviews. It still has work that needs to be done because not all the interactive pieces are there so that they could actually do projects together and things like that. That is kind of my next step, to find partners that can help me do that. Since you're in my neighborhood I wanted to come today and just thank you for that early support, it meant a lot to me to try to get it off the ground. And thanks to the Education staff at the Department as well, who try to support teachers, which they're so great at doing. Now something we've started here in Kansas is actually being done all over the world. So, thank you for your support. I've got some flyers (Exhibit Q) which I think were emailed to you as well. My email address is in the top right-hand corner as is the website for the curriculum, which is free, and anybody can use it. Thank you again and please contact me; I'm looking for input. It is a work in progress, and we hope to get some more biodiverse habitat islands out there for our species. Before I go, I just wanted to thank Delia for bringing up the non-game species question. That is an issue that we talked about when I was on the Commission and we didn't really find a way to move forward at that time, but maybe there's a new way now.

Kenny Graham – My mission going forward, I know we've got to the point we make a lot of decisions based on regulations, we don't make them anymore by going through legislation, where the people as a whole talk. Mr. Loveless put out that his budget is about 12 million dollars. I am going to hit on out-of-state also because out-of-state people come in just to deer hunt and what they bring in for just tags and licenses is nothing is over 12 million dollars to your department. For turkey, another two and a half to three million dollars, just in license and revenues. Something I want to throw out is also a lot of those people come to this state because of the freedoms they have and as a landowner, a person who lived here, born and raised in Iola, Kansas and used to hunt on Lehigh Quarry, which was controlled and developed by the Elks for 40 years, and then was torn down prior to the commission taking over. Now we're looking for monies to redevelop that I know we never want to put the resource ahead of the dollars, but the dollars have to be looked at. In statute it says we will do in an economic impact study whenever we do a regulation change that affects the economics in our community and our town. There's going to be a lot of other things coming forward this year and a lot of things with deer hunting and leasing. I know from attending some other meetings that people want Walk-in Hunting Areas more for public. I totally agree, I want people to be able to hunt when they hunt, but if we ever think that we're going to stop leasing of lands by out-of-staters, outfitters, or whoever, it isn't going backwards and the money that's brought in helps make our resources better. We can be able to develop the Lehigh area or be able to go down to the parks and be able to develop that.

We've seen parks disappear in the last few years. Sunset Sundance down there, which I believe was a Corps Park totally disappeared. I don't want to see state parks start disappearing so please take into account, with every decision you make, that regulations not through the legislature, what the impact is on businesses, motels, hotels, people that sell corn, people that sell nylon, people that lease land and everything; take those items into account before you jump too fast. I do ask that economic impact studies be looked at because sooner or later it's like a snowball it's going to come around in that \$12 million is going to turn into \$2 million and look to your right and left and see who isn't going to be there when that happens. As far as employees, see what resources aren't going to be there. Please take that into consideration at all times. Secretary Loveless – Mr. Graham brought up twice about the legislative requirement, we do an economic impact statement on every one of our regulations that come to public hearing. We typically don't talk about that in this setting, we could, but that's always a part of the package that goes through for approval, so that is a part of it. The other thing is we absolutely are looking after the resource. The beauty in trying to create a sustainable, high-quality resource and improve that over time is that it maintains the value in that deer herd, turkey herd, or whatever the people want to enjoy looking at, to hunt or to visit Kansas to hunt. We are trying to have that balance where we can maintain that just as high as we can and then a lot of good things happen as a result of that.

Austin Wright – I'm an entrepreneur. I want to start a non-profit organization and I'm basically here just to get some information because I have no idea where to start or what the laws and regulations are. Most of my startups and business ventures have been in the tech industry. I've never started a company or launched a startup with profit in mind, so I recently joked with one of my dear friends and investors that since none of my technology startups have made any significant profits to-date, that this time around I'm just going to start a non-profit right out of the get-go, so nobody has any inflated expectations for returns on their investments. I would like to launch a non-profit organization headquartered in Topeka called Meals on Reels, whereby we will construct small depository stations around fishing lakes across the state that house either a live well or a freezer that can be used to deposit fish into those that are caught and donated by locals. The fish will then be collected, cleaned, frozen and delivered to local food banks and rescue missions in their respective communities on a weekly basis. Aside from the obvious good that would come from supplying food for the less fortunate in our communities, I think this would be a great way to spark interest in the younger demographics to get outside and go fishing, which in turn would obviously increase the number of fishing licenses in the state. To do so, I intend to organize fishing competitions throughout the year at different lakes across the state which would award participants with prizes and a gift back for participating. In return, fish that are caught would be donated to the local rescue missions. I think it's also important to gamify the depositories with simple technology that would not only track all the fish donated for statistical purposes for your department, but would track the amount of fish caught and donated by individuals and tracked using their fishing license. I would rank them on a local, regional and statewide leaderboard which would also drive traffic to your website at the end of each month. A top few leaders from each of the leaderboards would be awarded with small prizes that could be donated by local businesses in the community. Then, if I can finagle my way into a Cabela's or Bass Pro Shop meeting and have a corporate sponsor, that would be awesome aside from all the fun stuff that I enjoy incorporating in my startups. I think this is important to teach a younger generation and kids how to fish to be self-sustaining, all the while donating to a good cause that impacts the communities in which they reside. So, that is my idea in a nutshell and I'm here

today to get any information from your committee that would educate me as to what laws or regulations I would need to overcome to be able to move forward with this project or what roadblocks that you can see, or think of, that might stop me from moving forward. I think this could evolve into a national nonprofit with chapters all over the country and I would love to base this organization right here in my home state. Secretary Loveless – A great idea. We'd love to engage with you, and we've got folks close by and can set up calls with you to talk about opportunities out there on how that might work on those areas. You mentioned lakes and reservoirs are another opportunity which I'll just throw out. I don't know if you've considered this. Bryan Sowards who's over our Fisheries Division and is sitting right behind you. You can visit with him about this. He's been talking a lot about how we promote an under-utilized resource here in the Kansas and Missouri Rivers actually, so there's lots of opportunities to talk about. We're glad to do that with him, we'll not take up the Commission's time, but we'll look forward to following up with you. Thank you. Wright - Thanks for your time, I appreciate you guys. Secretary Loveless – We also have Dustin Mengarelli and John Reinke in the back row. Dustin is our regional public lands supervisor here in Topeka and John is a Fisheries supervisor/assistant director. So, when it comes to public lands and fishing and lake stuff, Dustin would be your guy, but John and Bryan would be the Fisheries component.

B. General Discussion

1. Fishing Regulations – Bryan Sowards, fisheries division director, presented these regulations to the Commission (Exhibit R). This time of year is when we put out regulations for fishing. Not all our regulations from last year are taken care of but will be at next meeting. Starting January 1, 2024. What you will see in the reference document, which references 115-25-14, are water body-specific changes. The first six on this list are all the same at Clinton, Glen Elder, John Redmond, Melvern, El Dorado, and Elk City for blue catfish which was 35-inch 5/day creel, and we want to change to 10/day creel and only one fish 30 inches or longer. You could catch anything over 35 inches and keep those, that was in place because these populations were stocked and established in the early to mid- to late-2000s. That has done a pretty good job of sustaining those populations and protecting them until they had time to reproduce. All of these populations fed at least one or two good year class, so a lot of those younger fish are coming on. We are trying to head off what happened in Oklahoma with their populations, they had them established for a couple of decades longer and they are loaded with younger fish and they're having growth issues. These populations are stunted with a lot of small fish, so we are trying to head that off a couple of decades earlier. They are statewide this ten per day with one over 30 inches in Oklahoma, a statewide regulation. We are trying to start implementing that in our state. The only one that was different was El Dorado, we had a slot limit on it. We have done a lot of research and work there in recent years and we're seeing a lot of smaller fish, so we want to encourage anglers to harvest as many of those smaller blue catfish as possible. We are also offering some protection of larger individuals for that trophy opportunity so there's going to be that one over 30 inches in place. So, you will be able to take one good blue cat a day home, which is about 18 to 20 pounds. Then you will be able to take home plenty under those 30 inches. The next one is Milford, which is a little different, a little more contentious and it is kind of our flagship blue catfish population. It has been contentious when we changed to that slot limit in the past, so we want to tweak the slot limit a little bit based on the information that we've gathered recently, which is again a lot of smaller individuals. Some

issues with growth, so we are wanting to change it to a 10-a-day to start with, it was five, and it had a 25- to 40-inch slot before, and we want to change that to a 28- to 40-inch slot. There still hasn't been as much harvest as we'd hoped, under 25 inches, people just tend to release those, so we thought by increasing it to 28 inches, which is probably a 16- to 18-pounds, maybe 15- to 17-pounds, but that would encourage more of those 25-, 26- and 28-inch fish to be harvested. We would still have that 28- to 40-inch slot where they would be protected and then you could keep one over 40 inches, that true "trophy." At Graham County Trexler Lake, spring fed lake north of Hill City, County has taken it over. It was a WIFA lake, and it is a Community Fisheries Assistance (Program) Lake now because of change of ownership from private to public. Our WIFA program has specific regulations of 5/day creel on channel catfish and 2/day and 18-inch length limit on walleye. Great Bend Veteran's Lake, change is due to recent fish kills, saugeye were killed, so stocking again and will change to 21-inch minimum length limit on saugeye. Sherman County Smokey Gardens, in review of reference document saw conflicting regulation, so, remove 2/day creel on channel catfish and remove catch and release on largemouth bass. Marquette Eisenhower Park Pond, south of Kanopolis reservoir, is a new CFAP water body, add 2/day creel and 15-inch minimum length limit on channel catfish. These changes would occur in the reference document associated with KAR 115-25-14. Also, we want to remove Neosho Falls Dam, Erie Dam, and Oswego Dam on the Neosho River, Coffeyville Dam on the Verdigris River, and Ottawa Dam on the Marais des Cygnes River, from the list of paddlefish snagging locations.

Break

2. Aquatic Invasive Species Regulations – Chris Steffen, aquatic invasive species coordinator, presented these regulations to the Commission (Exhibit S). Neighboring states across the country changing from aquatic "nuisance" species to aquatic "invasive" species on both public outreach and regulations. Nuisance appears 18 times in four regulations, we want to replace the word "nuisance" with "invasive" in KAR (115-)7-3, 7-2, 7-9 and 7-10. Second, we are asking to have KDWP boating license buyers complete an AIS affirmation, modeled after programs in other states, particularly Minnesota, to educate and raise awareness on what AIS is, their impacts and how they are spread, a short statement we are asking them to sign that says they are aware of the concern. Chairman Lauber – Will that be done when a boat is renewed? Steffen – We will have to move forward and work on the implementation of that. As it is written it says, anyone operating a boat. I'm sure there are folks out there that operate a boat and don't register the boat. We will have to brainstorm on how to reach out to those folks. Other states have something similar, but a person has to purchase a stamp they would have to affix to affirm they understand what aquatic invasive species are. We want to bring AIS to the forefront. Not asking for a fee associated with this. The next one is for our commercial bait dealers. We would like to ask that they complete an aquatic invasive species certification. This is an existing tool that we already have on the website, it takes about 10 minutes to complete. It is a series of what invasive species are, how they are moved and how to prevent the spread of aquatic invasive species. We have about 200 permitted bait dealers in the state and they already submit an application to us. We want to ask that they include the certificate that you get at the end of this course with their other application materials. The last one is to modify KAR 115-7-10, which is our current ANS designated waters list. If you approve of the transition to AIS, it would be our AIS designated waters list. We are asking to add two locations to that, one is Willow Lake below

Tuttle Creek Dam, it regularly connects to the river pond that is known to contain zebra mussels. Those lakes used to be a little more separate but the land between them is eroded where they now connect, so we would like to add that water. The other location to add is the Riley County portion of the Kansas River. This should have been included previously. Everything downstream from Milford Reservoir has zebra mussels in that river, so we want to designate all sections of that river currently. The rest of the river already is an AIS/ANS designated water.

3. Guides and Outfitters Meeting Update – Stuart Schrag, assistant secretary, presented this update to the Commissioner (Exhibit T). On March 14, we met with a diverse and large group of outfitters from across the state, 25-30 individuals, from farm operators to large-scale guides and outfitters and control shooting area operators. We, as a department, have been having conversations with guides and outfitters for the last few years. One thing that changed this year, was when Representative Tori Blue, Barton County area, got involved at the legislative level to introduce or discuss some potential legislation that would develop a position, within the department, to regulate guides and outfitters. She was also part of the meeting on March 14, as well as the Kansas Livestock Association (KLA). It was a good, positive conversation. Some of the highlights were that we had some people involved that could give the historical aspect on what worked well and what didn't work, and how we ended up where we are now. And new and up-and-coming guides and outfitters that want a legitimate operation to provide a legitimate service. There was broad conversation. At one time, when Department regulated, we charged a \$50 fee, then jumped to \$500 and that caused a lot of issues. The fact there was some legislation introduced over the last 5-10 years through the Department of Commerce to have some regulatory oversight, died on the floor and didn't go anywhere. One concern was over nonresident guides and outfitters and fly-by-night residents who are trying to start a business illegitimately and not doing a good job; We all saw an email about that. Once the regulatory oversight was removed from our authority, the Kansas Guides and Outfitters Association really disbanded because there was no reason to have it. They don't keep in contact as a group anymore. It was discussed to try and formulate that alliance again to further this cause. Small operators, fall under regulated if just doing below certain dollar amount, with a few clients or on own land only. There are a lot of variances on what was best but at end of the day majority of those in attendance felt they would like to have it under KDWP regulatory oversight. We don't know how that would look. Who would be the enforcing agency was discussed, whether the Department of Commerce or Department of Revenue, which was why they wanted KDWP. These conversations are making a difference and are headed in the right direction. Chairman Lauber – Is this group capable, in their group, to have their own certification? Secretary Loveless – There appears to be interest in self-regulation, if it's appropriate.

Kenny Graham – A lot of our big concerns is back when the landowner certificate or guaranteed tech licenses were done away with. That was the same period of time that we eliminated the outfitters certification, which was through the Department. I still got it in my office and have been doing it for 30 years. We had to have all our guides certified and everybody would turn in our harvest reports. We had to turn in who hunted with us, show certification they were our leases, everything. When that was done away with the Kansas Outfitters Association (KOA) kind of dissolved. I think there is only about five people left in it now. There is a lot of push right now and we're really going to get more active. It would be nice if we could come up with our own regulation, not regulations but certifications of things we had to do professionally to be true

professionals. People are going to come to our state, and they are going to spend money here and we want them to have a good experience, not a bad experience. Then you would impress upon people to display their certification credentials. I talked with Secretary Loveless about having to meet those criteria to be able to advertise within the paper, or on their website. You don't sell hunters hunts to Kansas people; you sell them to out-of-state people. Just like Colorado sells them to Kansas people, Missouri sells turkey hunts to Kansas people, Iowa sells them to Kansas, and everywhere else in between. We are Professional Outfitters we have legit leases, some own private land only, you are monitoring and managing the resource. There's not a bigger manager resource than us because if our resource goes away our job and our business goes away. I've got three of my landowners here with me today, I have 29 of them total, and they will tell you that our deer numbers are better now, our quality is better now, even my turkey numbers are exceptional on our properties. That is because we have managed it and we have a lot of land that butts up to John Redmond and those properties aren't quite as well managed. I'm not going to say they are because there is no control, I can take a section of ground and say I'm going to kill one deer on it. We don't have that freedom but the main thing we're going to try to do is try to come up with a set of standards. If you want to be a certified outfitter, we have it. It is hard to tell a guy that has a thousand acres and comes from wherever, comes in to sell a hunt, and shows up and he stays in a barn. He doesn't have a stand and there's five sets of orange sitting around him when the sun comes up, those are the things that give outfitters a bad name. If you go to Wyoming, you say you are an outfitter and they come up and slap you on the back and buy you a beer. You go to Colorado, same thing. Here we take our names and our plates off alone, so somebody doesn't kick our windows in. All because of a small group of people. I allow people and most all outfitters allow for audit controls, we allow in-state people to come in. In fact, I beg them to come out during the January season to try to harvest animals and we can't get people to hunt anymore. I know a lot of guys that go out of state to hunt still that don't hunt in-state. Sometimes it is just a trip and travel. I got off topic a little bit, but we are going to try to come up with a good group and invite everybody to be involved in it. Maybe we can get back to getting our back slapped and get a beer bought for us. The last comment I would make is you know if the path ends up going towards the way parks are, then the decisions are going to have to be made, is it regulatory through the commission process or legislatively through the statutory process.

Schrag – We all know the challenges on both sides of that, so just something to consider as we move these conversations that way. If goes to KDWP, decisions will have to be made, if regulatory or statutory authority. Chairman Lauber – I like the self-governing concept because as soon as we do something to make somebody mad, we get an attachment to next year's junk deer bills and then we have to fight that all the time. Commissioner Sporer - Of the people that were at this meeting with commercial hunters, how many were CSA operators? Schrag – I'd say the majority were all in the in the big game business and turkey business. There was a couple of people from Ringneck Ranch there, one of the biggest CSAs. Some of them did do waterfowl hunts as well but I would say the majority were probably more leaning towards the deer and turkey side of things. I don't have a number on the on the total attendees, 20 groups were there, about 25 couples, which could have been a husband and wife, or a father-son or a grandson, whoever was involved in the operation. Of those 25 to 30, I would say 18 were mostly focused on deer and turkey. Commissioner Sporer – No non-resident or no commercial hunting? Schrag – No, we didn't invite any non-resident guides and outfitters. Commissioner Sporer – Okay, I

still say the problem is not with our in-state commercial hunting operations. I guess we are still talking to the wrong group. Schrag – We feel like it was the right group to start with because we needed to hear from them their perspective first and get buy-in and everybody on the same page from the Kansas perspective. Commissioner Sporer – We have been hearing it from our constituents for four or five years about non-resident commercial leasing operations. Secretary Loveless – We understand but when you try to tell a nonresident they can't do business here in Kansas, it doesn't go well. What we are trying to do, and you heard it in Kenny's comments, is to raise the bar and set a standard that becomes recognized. So, when people want to come to Kansas, they look for that seal of approval, that certified Kansas guide and outfitter, and hopefully then we start to create a gap between those folks that are reputable, do all the things Kenny mentioned, those who pay taxes, treat landowners well and all those kinds of things that are desirable and make it tougher for those non-resident kind of fly-by-night outfitters to compete. So, that is what we're trying to do and if there are good non-resident guides and outfitters that come in and do legitimate business, fine. Join the club and have those high standards. We are just hopeful that that will help start to alleviate these challenges we're facing. It won't be perfect but we think we are going in the right direction. We are always open to input. We sent out the word about these meetings and anybody who wants to show up can and we are glad for that. That is how we learn faster, when we have more people here. Thank you. Commissioner Sporer – We'll know it when the non-residents quit commercial hunting in Kansas, when they have got it ruined, that'll be the day we know.

Mark Roberts – I agree with what is being said about doing some regular work on regulation of the outfitters and guides. I'm aware of one outfitter that is from the state of Florida, he blows in every year for deer season, takes money from the hunters and takes it all home with him. That is the kind of stuff I don't like to see. The other thing is I'm unaware of any regulatory situation that requires the guides and outfitters to have basic things like first aid training and some level of insurance. I think both should be required. I do see the possibility of it being self-regulated through somebody like the Kansas Outfitters Association. That is a fairly easy thing to work with the Department of Wildlife and Parks to accomplish. I can also see the Department of Wildlife and Parks doing it too if you decide. If you are going to take a look at that you might take a look at the state of North Dakota. I spend times in other states and their program up there is run by their Department of Wildlife and Parks and I've looked at it, and it looks like it is pretty well run and well organized. One that might have some aspects for you to look at. However, if it comes about, we need to get the guides and the outfitters under some kind of regulation because right now it's the wild west out there.

Kenny Graham – Address Commissioner Sporer's comments. I agree that are folks that come in as outfitters. We are already controlling deer numbers with the help of the Department for the number of out-of-state hunters that come in and are allowed to hunt. The people doing it right are not negative impact on deer. Those doing it right, me for example, I had 39 food plots last year to help deer get through the winter because healthier deer are better for my business. It is a business, not a sport, not a game where I bring three friends in. I pay taxes every year and people come in specifically with unlimited turkey tags. It is a little crazy on occasion, but most outfitters regulate themselves. We regulate our property and how many birds or deer we're going to kill. We keep and maintain health of the herds. One percent are making it bad for the other 99%. It isn't across the board. You always hear about the bad things, but don't care about the good. I am

doing a business, a resource, with money we pay our landowners, no different than farmer or rancher who leases their land.

Unknown Audience? – Explain why can't we regulate outfitters?

Chairman Lauber – Well at one point in time we did, we were given the authority to regulate guides and outfitters and we raised the price to \$500 and everybody got upset and went to the legislature and they took it away from us.

Unknown Audience? – Specifically, out-of-state outfitters?

Terry Bruce – Two issues the chairman referenced, the price increase and what caused that is because the statute authorized the Department, a government entity, to regulate an industry. If somebody violated the standards of that industry, they could have their license revoked. Due process was attacked, and we ended up spending, what ended up being at some point over half a million dollars, to hire an administrative hearing judge to hear those cases. That is just the cost to go to the administrative law judge to handle those, it didn't cover staff time to process any of that or to have hearings before them. So, it became very costly. We could still do it, but it was the legislature that did take that away. Some of the points being raised, there are other industries that have a certification process that is recognized in statute to give a non-profit or an Association group certifying authority so they wouldn't have necessarily those same issues, but that wouldn't mean it wouldn't be as expensive in the long run. You asked if we want to try to do something just for people out-of-state. What you run into is those activities have to be monitored or enforced by the federal government because of interstate travel. The Commerce Clause limits our ability to put specific onerous burdens on somebody trying to conduct Commerce in the state of Kansas in that regard, what we'd have to do would be set up something that's more fair and would apply to both in-state and out-of-state people or it stayed out of state residents there's some flexibility with that but um right now, just can't see any way around it, it'd have to probably apply to everybody. So, they are getting around it. We looked into that, and I would suspect that they registered with the state, not that they're registered in Missouri and can use that cross over there. There could be a way to do that as well but with reciprocity typically everybody would have to be registered. So, you could live in Missouri, could have leases on the ground to have an outfitting business in Kansas as long as you are certified by the Kansas board of whatever. It may, or may not, be called that would be appropriate. You just can't say, you are from out-of-state, you can't come here. Chairman Lauber – I don't know whether you were around when George Talman sued the state of Kansas. He was an international outfitter, and we were putting a lot of restrictions on non-residents at that time, and he sued under the Commerce Clause and was successful. It's quite likely that nobody has filed the constitutional objection to North Dakota. There has to be a lot of thought on what to do on that because while we can pass it, that doesn't mean it will hold muster in the court. Now we can't pass but the legislature can, and I think this is something we need to find out. What the legislature is going to do first. It will take us forever to do it with our public hearing, but the legislature can do it overnight.

Commissioner Sporer – I just think it's so simple that you guys have to have it there isn't a commercial hunter in Kansas, resident, or non-resident, who won't pay 500 dollars to become a commercial hunter. Kenny Graham – If you want to get it through the legislature all you have got to do is require a commercial hunting license, have a federal ID and pay taxes and it'll go through the legislature in one session. It's simple, would you agree to that? Chairman Lauber – Kenny,

we used to have that. The \$500 never scared me away when that happened. But to totally stop people from coming from out-of-state, I don't support that. There are a lot of guys who have residences here and if they want to come in, and they do it the right way, we welcome their business in our state. They welcome them in North Dakota, because turkey hunts bring in \$55 million a year, deer \$300 million, and that is a small percentage. To answer your question, \$500 we were steering away, if we got something for it. That meant the guy next door that's doing it wrong, if not doing it right there will be some type of enforcement on that. At least if you had a license, it would be manageable, and the department would be able to know who you were. No, the games worked very well. I knew my old one very well, all the actors, I know they are good. Welcome them into their place, there's no hiding in there and guys don't want to go now to state and get arrested and be doing things right or wrong. It isn't the guys that are doing it right, it is it's just this whole group, but having either certification we've got to work with the KDWP even if we do it within ourselves to have some standard you've got to have a standard before you go home. Commissioner Sporer – In order to do work with the Department of Transportation in Kansas, you have to be pre-approved. It doesn't matter what state you live in. It doesn't cost a thing, but we don't work for the state, we work for ourselves. I don't work for these landowners, since I work for no one, I am different than you. Graham – You've can't tell them they can't build chairs. The deer are their own, God's gift and is a resource, and every private landowner has got to build chairs. You have the ability to dance in the church in Colorado or Oklahoma and sell them. It's a business and I know people say all the time, you don't own the deer and you don't own the turkey, but they do feed them. They get their crops up and they do. It's God's gift that we add into resource. I guarantee everything through covering private landowner. Every person there does. We're all on the same page, we're just looking at it different ways. We all want the same thing but due to past commission experience with regulating guides and outfitters. Commissioner Sporer – The commission and the legislature were just struggling. Chairman Lauber – We need to get a better system, some way and to address everybody's needs. You made a good point today and the things that are unpleasant about what's going on now all need to be addressed. I encourage Stuart and Brad, and the rest of the staff, to keep moving on this. Commissioner Cross – For perspective, what was the time that came undone? Chairman Lauber – It's been over 10 years, maybe 15 years ago. It has been 15-20 years ago, a long time. Graham – Actually it was 2001, 19 years ago.

C. Workshop Session

1. KAR 115-4-11 Big Game permit applications – Levi Jaster, big game coordinator, presented these regulations to the Commission (Exhibit T). Needing to change some of the language in the regulation on acquiring pronghorn antelope permits, or preference points. These are just technical edits to make sure that we are clearly stating what the action is. Frankly, I've quit counting how many workshops this has been it's too depressing. Commissioner Sill – I know with the deer they have to have a hunting license prior to applying for a draw. Is that applied to all of our big game species? Levi – I'm not sure when there isn't much nonresident pronghorn hunting opportunity. Matt? Peek – The only permit available to non-residents for Pronghorn right now is archery and it's over the counter. Commissioner Sill – I apologize I wrote this question several different places because it applied to the turkey as well, the idea about a nonresident for any of the draws.

2. Deer 25 Series Regulations (KAR 115-25-9 Deer; open season, bag limit and permits)
– Levi Jaster, big game coordinator, presented these regulations to the Commission (Exhibit U). The 25-series sets our season dates for deer statewide. As you are aware of the issues in getting regulations promulgated and those bottlenecks are changing this from setting specific dates each year to writing a more durable format that doesn't necessarily include the year but specifies what day and how many days season would run. We would then come back, similar to how we do Secretary's Orders where we bring the number forward to present to the commission. The way this would fall out for this upcoming year would be: youth and disability, September 2-10, 2023; early muzzleloader, September 11-24, 2023; archery opens concurrently with the muzzleloader season on September 11, 2023 – December 31, 2023; pre-rut WAO, October 7-9, 2023; also adding in, specifically in Unit 12, with high deer numbers and quite a bit of crop damage an extended pre-rut WAO, October 7-15, 2023; regular firearm, November 29, 2023 – December 10, 2023; 1st extended WAO, January 1-7, 2024; 2nd extended WAO, January 1-14, 2024; 3rd extended WAO, January 1-21, 2024; and extended archery (DMU 19), January 22-31, 2024. Chairman Lauber – If changed to durable, it would change to what it was before, in the event that we couldn't get something through to public hearing? Jaster – It would just revert to what it was the previous year rather than have no season. That's what it would have been before. If we approve this, it will stick to the same format we had been using, so it would still allow the dates to change. We wouldn't have if we couldn't get anything voted on, we would still have season based on the same structure. We wouldn't have to do this process every year in this sense. It also would allow folks to plan out multiple years ahead without trying to guess what the dates will actually be. Provided we weren't going to recommend any changes.

3. KAR 115-25-9a Deer; open season, bag limit, and permits; additional considerations; Ft. Riley (military deer seasons) – Levi Jaster, big game biologist, presented this regulation to the Commission (Exhibit V). In the past this regulation allowed us to schedule their seasons at a later date than our statewide seasons to address changes they would like to see going forward. We will be looking into ways that we can actually move this regulation to more similar kind of a durable format. We're just trying to figure out how to do that since some of their changes are quite a bit different from the statewide seasons each year, but that is still under investigation. We're also chatting with those folks to figure it out, on their side of things, what needs to be done to work for them too. This year it's going to be specific dates as we've done in the past. All of our subunits will be following statewide regulations with the following exceptions: Fort Riley has requested the same seasons as statewide with the following exceptions: additional days of firearm hunting opportunity for antlerless white-tailed deer only, from November 24-26, 2023; regular firearm season dates of December 16-23, 2023; and a deer hunter may use one white-tailed deer antlerless-only permit on Fort Riley. Fort Leavenworth has requested the same statewide deer hunting seasons with the following exceptions: the open firearm season for the taking of deer shall be November 11-12, 2023, November 18-19, 2023, November 23-26, 2023, December 2-3, 2023, and December 9-10, 2023; still 12 days but spread over several weekends. That is one of the reasons it has been difficult to get this into durable language with those changes and shifts. An extended firearm season for the taking of antlerless-only, white-tailed deer shall be from January 1-21, 2024; and utilize extended archery season for the taking of antlerless-only, white-tailed deer shall be from January 22-31, 2024; and a deer hunter may use up to five white-tailed deer antlerless-only permits in Fort Leavenworth, subunit 10A.

Smoky Hill is following statewide seasons established in KAR 115-25-9. White-tailed deer antlerless-only permits allowed is five. It'll be the same number of days that we have statewide just different dates, which can provide some additional opportunity for hunters that like to use utilize those properties, particularly Fort Riley.

4. Proposed CWD Carcass Import Regulation – Levi Jaster, big game biologist, presented this update to the commission (Exhibit W, PowerPoint Exhibit X). Some of this presentation you've seen, it'll be very similar to what we saw in March with a couple of additions. I haven't updated the map of North American that shows the footprint of CWD at this point and then the Kansas map shows the counties, colored according to when CWD was first detected. We've got it first in the Northwest and it's spread throughout the state. In the last couple of years, we've had more in eastern Kansas. Back in March we talked about interstate carcass movement and regulating that. As far as bringing carcasses into Kansas from out of state, the spreadsheet shows what other states around us have done. Typically, if they have a carcass ban then you know there's allowances for deboned meat or wrapped meat, bringing in quarters without the head, or spine, hides that have been cleaned up, skulls that are clean of tissues, teeth, which are particularly important for elk hunters. Potentially, clean skulls, finished taxidermy products and everything being regulated like deer hide gloves or those kinds of products. This is specifically talking about wild cervids and then some states have an allowance to bring it into the state, but it's got to go to a processor or a taxidermy service directly within a certain time frame. Arizona is the exception here; they are the only state here that hasn't had it detected yet. To show what they've done to try to protect their state, they've got an odd no velvet requirement that I've not seen from any other state. Colorado has gone to an educational system, trying to get voluntary compliance. Illinois requires some freezing of tissues coming in and then they also went through their legislature and got a landfill indemnity clause put in so that landfill operators are trying to be part of the solution and can't go back on them just because they helped and have prions in the future. Minnesota has a nonresident direct route of travel, as long as you're not staying in the state and you're following the most direct route out of state when bringing carcass in you can go ahead and do that as long as you're taking it back out. Missouri allows 48 hours for taxidermy service to provide, and they've got a little greater jurisdiction. So, their department does actually regulate their taxidermists and I think they also have oversight of processors that handle deer carcasses too now. Nebraska has no regulations in place. New Mexico requires certain things to be discarded in the field or to be incinerated. Oklahoma has some regulations, although if you noticed on the map they don't have much and haven't been able to actually do much sampling there. South Dakota doesn't specifically have a carcass restriction, but they do have disposal regulations and they have some greater jurisdiction than we do as far as processors and taxidermists. Texas has a kind of a zone in their infected area. They have some actual additional paperwork that basically lets them know if you're moving in or moving ahead that's not been cleaned up. So, not a clean skull, just taken right off the deer if you're moving it outside of their zones or into the state. Wisconsin has an exception for taking stuff to taxidermists. Wyoming actually is unique in that they also have export. I'm not sure quite how that works but you can't legally take the whole carcass out of the state. The Association of Fish and Wildlife Agency's best management practices is the recommendation that they are the strictest is that you just can't move any of those materials out, but they allow recommended alternatives as far as quartered carcasses and different parts and a lot of other states have adopted these exceptions. Moving the less risky parts of the carcasses but still maintaining restrictions on the most infected

parts. So, the proposed language for the interstate restriction would be: "Importation of wild cervid carcasses into Kansas is prohibited except for," particular exemptions that are low risk. Like, "whole carcasses after not detected test is received; quarters with all spine and head materials removed; deboned meat; cut and wrapped meat; hides with excess flesh removed; clean skulls; clean teeth; skull plate with the antlers attached and cleaned of the soft tissues; antlers without skull plate attached (which would allow sheds); finished taxidermy products and tanned hides; heads and capes with not more than 6 inches of neck attached or antlers attached to uncleaned skull plate (cap) if (a) they are submitted to a taxidermist within 72 hours after entry and (b) the taxidermist disposes of waste tissues in a licensed landfill; tissues for use at a diagnostic or research laboratory (we don't want people to not test just because they didn't think they could bring tissue in); and tissues for research, not being used at a laboratory, with prior approval by KDWP". Hunters would still have to maintain that proof of sex. As I mentioned in March, we would be bringing some information on an interstate movement within Kansas and potential restriction. In the past there was some previous items brought before the commission. In August 2019, we worked through March 2020, with that regulation. To summarize, it was limited to within the DMU of harvest with allowances for some of those low-risk parts to travel outside, such as cut and wrapped meat, finished taxidermy and such. The commission pushed back on that and asked us to look at some more information on this. For a lot of folks, especially in Western Kansas, one of the issues is that if you use a particular taxidermist or processor oftentimes there's not one available close to you within your unit um and so how do we affect that part of the regulation. What did happen was we changed our proof of sex regulations from maintaining a head attached at all times, to either keeping the head attached, or you can quarter the animal and keep external genitalia attached by a piece of hide to one of the quarters. Then hunters have always had the option of utilizing the voluntary check-in to check their animal and then be able to cut it up and make burger right there in the field if they wanted to. It allowed them to have additional options to voluntarily limit the movement of those most affected carcass parts. A quick review of what other states around us have done for their in-state movement. Arkansas has some zonal allowances within their CWD zone, you can move carcasses, but you can't move outside of zone. They've got three tiers, so it's the main zone, the endemic zone and a boundary around that, and the rest of the state. So, anything from outside can go in but you can't go further out from inside the zone or in that boundary. Colorado again has just their educational efforts. Illinois has that freezing requirement, and they don't specifically mention a lot of specific parts in the state, so it is odd that way. Iowa doesn't have anything. Michigan has it in the state, but they have that allowance for direct to the processor or taxidermist. Minnesota has a carcass ban that you can move whole carcasses once you've had it tested not detected and then they also have all those allowances for specific parts. They are specifically concerned like Michigan and Arkansas about those infected areas. Missouri still has that allowance for moving to a taxidermist or processor and then almost every possible exemption is in there New Mexico still, even for their own hunters, have that you must discard in the field or incinerate. They actually have a definition of what it means for skulls or bones to be clean that involves tissues and then actually being dipped in a bleach. Oklahoma has some, as far as within their zones, once there is CWD. There is a response plan implemented. They have a couple of spots where it's detected but it is actually across the border so it's inside Oklahoma because the detection was so close to the border of the state. South Dakota has disposal regulations. Texas works within their zones, and they have uncleaned head waiver paperwork that you have to fill out if you're taking it outside of state. Wisconsin allows pretty much the same exemptions, their regulations were kind of difficult

to pick up on and how exactly they worked, it seemed like you could move some stuff in some ways but not others in certain places and then they also have 72 hours to taxidermy center or processor regulation. Wyoming has it statewide, I think they only have a couple of places that have yet to have CWD affected. We've talked last time about reviewing sticking to the units or what to do if we considered putting up a boundary around our units to look at movement. Being able to move it across the border without going too far, to let those folks that are likely moving them, who are probably not far out of that unit. We won't do this for every unit but, just to give an example, using DMU 6 as the example, we put buffers around that unit, 20, 25, 30, and 35 miles, just to look at where that kind of allowance would fall. Then we wanted to try and avoid cutting large urban areas up. Where you get to this side of the city, you're fine, but if you have to go to the far side, you're out of luck. So, I used this as an example because you can see Wichita's within that range and unfortunately there's really no particular distance that is better than another. There's always some city that's going to have the boundary run through it or stop just outside of it. You can see that 20 miles would stop shy of Wichita, 25 miles would cut it in half, 30 miles gets you mostly past it, and 35 miles gets you well past it. The other thing to consider, in this case, is counties that have positive detections and counties that yet to have a positive detection. We wanted to also balance not affecting or cutting urban areas into parts with how far we are allowing parts to potentially move into areas that have yet to have a positive detection and may still be relatively free of CWD. To illustrate that we moved out to show Wichita a little more closely and show the Unit 6 boundary at 20, 25, 30, and 35 miles and how that can hopefully include the majority of folks there if we went with 30 miles. Generally, what we found was that the 30 miles was better than the other ones as far as minimizing how much we were chopping urban areas into parts and yet limiting movement into others. We're considering this, it isn't a proposed regulation yet. The way this happened in the past, we wanted to make sure we're getting good input earlier in the process. What we've considered is you can move carcasses more than before, but you cannot move them more than 30 miles outside of the management unit in which the carcass was obtained. It is written that way because that would then also address people picking up road kills on salvage tags or under a damage control permit. It's not where the deer was harvested specifically, it is anywhere you pick it up, how you get a carcass, that's limited to within that unit. Then we still have all these same exemptions that we had before. If they're fine to bring it in, then we should know they would be okay to move it here. Hunters are still going to have to maintain that proof of sex as required by regulations. We've opened that up to make that easier to comply with. You are not necessarily having to do a lot of processing in the field, but still leaves high-risk materials out there. That is where we are we're still having discussions about this. I'd like to get feedback from the commission earlier in the process and if there are still things you aren't agreeable with then we'll continue to look at what our other options are. Chairman Lauber – The 35 miles out of unit, does that include going to a processor or is a processor an exemption if it's 42 miles outside of the unit because somebody's locker plant closed down and now you have to take it further? Jaster - As of now it's written that the heads and capes can still be moved to a processor. We could change that or add in movement to a processor if it's going directly there. Although it's provided, we do want to make ensure that that's going to the waste and will be disposed of properly. Chairman Lauber – Many processors, with the amount they handle, have to because they can't. That is a lot of people will want to take a deer, a whole carcass, with sex attached to a processor and the number of processors is not increasing they're decreasing. A person may have to take it a little further than that and I would think that I would like to protect that ability to transfer it to a processor, but other than that it

seems like this is fine. Commissioner Sill – On heads and capes, hunter has no control over what a taxidermist or processor does with it. As far as a regulation I can follow it, but once I deliver it, I can't force him. That one is sticky. Jaster – It's interesting on that, looking at different states, because in some cases it's still on the hunter to find that out and not in other cases. They're required to notify the taxidermy service or processor that there is a disposal requirement according to the regulations of that state. How that works down the way I don't know.

Chairman Lauber – I'm not sure contamination is coming from taxidermist is all that great. Jaster – The amount may not be, but what they are handling is the most dangerous parts. That is the difficult question. I'd much rather have you move 500 pounds of hind quarters of a deer than five pounds of brain matter. Commissioner Sporer – Are you worried about this anywhere else than northwest part of Kansas? Is this really a concern or something that you could say, Units 2 and 3 have limited movement but the rest of the state it's a non-issue? I'm asking if it is still an issue all over the state? Jaster – Still an issue all over the state. The goal is to slow down progression as much as we can. It is not limited to northwest Kansas anymore. Ideally at one point, it would have been better if we'd moved on this sooner, but we haven't. So, we're where we are now, and we have to deal with that. There is potential too that we could look at prevalence rates. Potentially we're at a point that if we did it similar to Arkansas, or some other place, where we could say we know it is within these units and that you can move freely within those because it's already there. It's at high rates relative to the rest of the state. Then look at potentially more eastern Kansas areas. We'd have to stick close because there's more areas that have yet to pick it up.

Commissioner Gfeller – I think you're on the right path. I think getting something done with a sense of urgency is kind of important. I would say, the deer hunters that I talked to that are aware of CWD are more than willing to cooperate. They would be a little inconvenienced. If you look at it that way, I think the concern certainly on the part of the Department, and I think now the hunters, is there and I just encourage some movement on this.

Chairman Lauber – More to be revealed.

5. Furbearer Regulations – Matt Peek, furbearer research biologist, presented these regulations to the Commission (Exhibit Y, PowerPoint Exhibit Z). I have listed a series of furbearer regulations that could be under consideration. If anybody had comments or recommendations on any of them, they're welcome to make them. I'm going to be focused on two specific issues. The coyote night vision season and the general furbearer seasons and general furbearer harvest. When we initiated the coyote night vision season, even before it was finalized, we were already getting questions about if we were going to do this or why don't you do that. We made the decision that after three years' time we would come back and review everything and come back to the commission with some recommendations. That might be a little bit longer depending on how the three seasons under our belt went. That is where we're at today. We just finished the third season at the end of March. What we did is looked at some of the survey results and all the issues that have gone on in the field and people's experience with this technique. The furbearer committee has reviewed these issues. The furbearer committee consists of three district wildlife biologists, three public lands wildlife area managers and four wildlife conservation officers and me, which amounts to one from each division, so we have regional representation. They make recommendations that the administration can consider. So, today we will talk about some of the stuff that the committee discussed, but not necessarily a full-blown department recommendation. We are welcoming further public comment on both of these issues as well as commission input. Starting out with the night vision coyote season. This is a hunting technique

that you might say is growing in popularity and growing in demand for the opportunity by those who are engaging in it. We look at the permit sales themselves, they started out a little over 5,700 or a little under 5,800, they dropped off by 25 percent. That was hard to see, but from the first to the second year they dropped off by 25 percent. Then they increased by 42 percent between the second and third year. Some things changed in that first year and there was a lot of hunters that went out and did it. Half the hunters were just using lights by the third season. People have transitioned to mostly thermal imaging equipment and so the dynamics and the effectiveness of who's hunting has changed. Whereas those first-year hunters dropped out it seems unlikely that the hunters who have invested in the night vision, and especially the thermal imaging equipment, are going anywhere as long as this season is permitted. We would expect an upward trajectory in terms of participation. I will say that their motives for engaging in this are largely recreational and also resolving perceived management needs. That would include both wildlife propagation, and they're doing it to try to improve some wildlife species by removing a predator. Also, these people are engaged in protection around calving areas and so that was one of the reasons why we came up with this January through March season. That was one of the original motives to allow this season. That time period would cover most of the season. Another thing we've learned since this has been initiated is that this technique is very effective, and we didn't know exactly how effective it was going to be. It is very effective, probably at least twice as effective as daytime calling. We see our total harvest here, in the three years, has gone up steadily from under 20,000 to over 40,000 in in this third year is our coyote harvest estimate. They killed more coyotes per hunter, per season, as well as more coyotes per day than other than daytime hunters. Compared to if you included trappers in there. I think their effectiveness per effort, if you really broke that down, is also high. I point that out because I would say that coyote is also an important recreational animal when we talk about this method. We're often talking about it in terms of how we kill as many coyotes as possible, but some of the comments we've received are from daytime hunters who feel the effects of having nighttime hunters out there. There are about 35,000 daytime, or I should say traditional, coyote hunters out there, so this would include the handful of guys with greyhounds and all the other methods that the predator callers use, from the small game harvest survey. What we have is about 5,000 active night vision hunters that are killing about 25 percent of the total coyote harvest. I just bring up the fact that there are a lot of other people out there pursuing coyotes at the same time. Another idea for broad consideration as we deliberate this issue, is the uncertain legal aspects of this hunting technique. This is something we've talked about all along and it's kind of reared its head more as we've gotten into this a little bit more. Our law enforcement officers will tell you this is the most difficult hunter in the field to make contact with. They're very difficult to check and short of being engaged in some type of a competition hunt where they know there's a high density of them, they have a hard time finding them even in dedicated efforts. Anecdotal reports of illegal acts are pretty prominent. If you know people that are close to this, and I don't want to throw everybody under the bus. The reports of take of species that are not legal to take; reports of hunting from the road, or at least driving down the road and scanning; and reports of trespassing because you're calling on the road have been reported. They seem fairly pervasive as you visit with people that are close to this activity. So, again that's not saying everybody does it, but it seems like something is higher than most. I typically don't consider the potential of illegal acts, some people are going to do wrong in any instance, so you can't let that prevent law abiding people who are following the law from letting them do what they want to do. I think maybe an issue in this case is that the reason a lot of people follow the law in a lot of cases is they value the

resource that they're in pursuit of and they value the management concept. The idea of protection and in this case the perception of these animals, in a lot of cases, is that they're doing their favor or the good that they're doing is in killing that animal. It's completely a different approach than what your typical wildlife conservation or hunting and trapping type activities are based on. I might be overthinking that. Some of the options that considered first, relative to season dates, we did briefly talk about opening this opportunity up year-round. Just incorporating it into the current coyote hunting regulations and make it legal equipment. Obviously, that's what some people would like. The concerns about that primarily are strongest allowing it in October through the end of December time period. Our law enforcement officers still have a lot of concern about trying to contend with this group of people out there in the field when they're already dealing with other issues at that time. So, there is a lot of hesitancy to go that route, or there was within the committee. I want to say that being their busy time of year the fact that they're enforcing all types of other things and have them out during the day, it's just they felt uncomfortable with that going on during their busiest times a year. We did consider pretty extensively adding April and May to the harvest season and the justification for this would be to recover the remainder of the spring calving season. Some of the comments that we received from the hunters this March is there are still guys with young calves or are still calving and they would like to be able to keep hunting out there a little bit longer. Also, we talked at the last commission meeting about April and May being key times for nesting and fawning and brood rearing. When people who are out there engaging in control of predatory species to try to perpetuate game species, that is the most important time for them. One of the things that maybe makes this palatable is if we do look at the harvest data and then look at the rate of decline in harvest that occurs between January, February and March and extrapolate that out to April and May, if we were to extend into those two months next season, we might anticipate that the coyote harvest from these individuals would increase by about 13 percent, which would, at this year's rate assuming total harvest stayed around 40,000, that would be an extra 55,200 coyotes during that year. We think that is probably something that the coyote population would be able to absorb. One of the issues with this is something we talk about with both these seasons. Every time we get outside of the traditional harvest season it seemed like we wind up at a time period when the species is having young. So, the idea that we would have a sanctioned season that orphans young is still something that we have to weigh, and I know some people would say that you're going to kill them anyway what does it matter. The argument against that I guess is just that they would say that it doesn't matter because the season is already open year-round, people can already take them during the day, and you can already use all these other techniques to take them. The difference is those are not sanctioned by Wildlife and Parks, the year-round coyote season came from the state legislature. So, if Wildlife and Parks had crafted the coyote laws or regulations originally, I don't know that would be the case. For furbearers we have not traditionally allowed that and in fact, in defense of hunting and trapping regulations, the fact that season dates are based on time periods when young are not orphaned has typically been a strong argument in support of those seasons. That is one of the important things, the seasons are regulated. We don't allow this so there are some animal welfare considerations by the department. So, anyway there are merits to this April/May season. The other thing we considered was no change and the arguments that came forth in the committee regarding that, besides the things I've already talked about, are that both state law and the wildlife control permit allow landowners and licensed wildlife control permit holders to handle damage during any time the season isn't open. So, we are not prohibiting people from solving damage problems by not extending this season. They can still solve their problems

through multiple techniques, including those plus all the other legal year-round techniques are already available. Those were probably the primary arguments or discussion that was had over these techniques within the committee, and they were slightly favorable in in the vote that for no change, leave things as they are. However, I'll come back to the April/May thing when we talk about the other furbearers and recommendations. Commissioner Gfeller – Can you go back to slide with the numbers first. Any clarification on that one graph which is headed “night vision harvest”. I think you mentioned that it was total harvest. Was the night vision that was the “Harvest by Night Vision Hunt” our estimated harvest by night vision coyote hunters and then later you said that the total harvest which includes the total of those 35,000 hunters, the total statewide that includes trappers as well. It's been over 150,000 in recent years and is at a very high level, in terms of long-term coyote harvest. Right? So, that night harvest, that's a pretty amazing graph. Is there a number that combined with the daytime that gets to be too much or too high? Peek – Well that would refer to our roadside furbearer survey on that. If we saw it start to tip back downward then I'd say, yes, we achieved some level of harvest, but we're probably more to go than what we've got to yet. So, I'm not sure that I think there is a number that might be too high. These other 30,000 guys are saying, the coyote was an important game animal for me or a recreational animal and now I'm not seeing them, I don't think we're anywhere close to that yet. Commissioner Gfeller – Did you include any surveys of cattlemen, part of the big reason for doing this because of the perceived predation on calving? In my personal experience I think that's a little exaggerated. Have you gotten feedback from cattlemen? This many more coyote kills have got to have relieved some of that perceived nuisance, right? Peek - That's a tough one, a lot of times critics of coyote hunting will claim that this shotgun approach to coyote harvest does not necessarily influence damage. I stated early on, as we were heading down this route, the real value in this technique is not the Harvest of those 40,000 coyotes. When it comes to coyote predator control on cattlemen, it's probably the harvest of the 100 or so of those coyotes that were engaged in predation. So, it's kind of hard to measure that. It is more effective than daytime calling, which it seems to be, then it is conceivably a very effective way to end damage that has begun. I agree and think some of the cattlemen want no coyotes out there. The coyotes are really attracted to cattle pastures when they're calving because they eat afterbirth and baby calf manure and any calf that die and stuff like that. There is always a lot of coyotes around calving grounds. Obviously, cattlemen have different perspective on how much of a problem those coyotes that are present are. The real problem is the first coyote that kills a calf and those are the ones that really need to be addressed. There is legitimate value in having a very effective technique. Commissioner Sill – You've got names attached to the permits that the hunters get for the night vision. Bobcat pelts have to be tagged if they turn bobcat pelts in, have you correlated or done a study of those two to see whether there's an increase in the number of bobcats that those hunters are turning in? Peek – Yes, I've looked at that data in several different ways. There is some sort of slightly upward trend, but it's not enough that I would look at that data and say that is conclusive or that anything has jumped off the page. I have done some of that data mining and it's not totally conclusive or not indicative that there's a lot going on. The percentage of bobcats that have been taken by hunting in recent years was 31 this year and the long-term for the three years prior to having a harvest season it was probably, well there was kind of an anomaly year there, but you might say 25, but it goes up and down a little bit naturally, so it's not conclusive. There's also an indication there, but I'm not going to say that all these animals that are shot are being capped by any particular means either. Especially the last month of the coyote season, after

the furharvesting season is closed, so species like that have a hard time. Tag does not apply to coyotes.

Commissioner Sill – Do you have any idea how many of these hunters are using suppressors?
Peek - No I don't. Commissioner Sill - I am curious about that. In speaking with Colonel Keyser, you can't see him, you can't hear them, you can't they drive without lights on because they've got their goggles on. I am quite nervous just for public. You've turned a group of hunters out there that you can't see, you can't hear, you can't track and just expect them to do the right thing. Granted I don't want to discourage those who are very legit and above board, but there's so much question there and inability to grab a hold of it that it makes me really nervous for deer, for bobcats, for other species and a number of things like trespassing. Peek – I think that is what I said about the uncertainty about the legal issues, along those lines too. It's mostly anecdotal and so we're certainly not accusing or intending to accuse a bunch of law-abiding hunters that aren't doing anything wrong. Certainly, there are other hunters out there at night like, houndsmen or whatever. Just because you're out there doesn't mean you're doing something wrong. We don't want to come across with that perspective at all. In visiting with people who are close to this activity, and stuff, some of these suspicions arise and so I just want to be clear that is where we're coming from. Commissioner Gfeller – Originally, I didn't favor this, for a couple reasons, one was the potential legal problems, the other was the fair chase concern. I just didn't see this as a problem of predation. The fact was there was a solution to that already in place. That being said, as you consider this course, my preference would be to eliminate it. I guess I would encourage the not-change approach and let us see another year. Based on the effectiveness of it those numbers, which are staggering, based on these legal concerns that law enforcement has and based on the success of the season as it currently exists, I would not favor expanding the season. Peek – Among the things we talked about was we would probably propose eliminating the permit. If we do decide to try to keep track of this for another year, then that may not be the case. Right now, depending on what recommendation we ultimately come up with. If we could get out from under this permit and not survey people anymore and absorb whatever we're going to do into the general coyote hunting regulations that would be preferable. I said we would monitor things like harvest, which although harvest is substantial, I'm not particularly concerned about it until we see some decline in the population. I'm skeptical that they'll get to that level during a limited season. Our public lands representatives on the committee would like to retain the prohibition on public lands. Their original motive for excluding it there still applies That is there is not a particular management need there. This did originate as kind of a management-based activity and then on the WIHAs. There is some concern about the perception of this by people who rent their land into WIHA in that they live on the property. They might not be open to this and so we don't want to lose our walk-in hunting properties or certain areas by allowing this. The representatives on the committee would like to retain those prohibitions. Species we particularly gave consideration to, were raccoon and possum, which I'll come back to. There have been recommendations to allow hunting from non-moving motor vehicles. People want to put these Texas-style stands up on them and possibly stadium lights or something like that and be able to drive into a field entrance and light the place up. The concerns about using them associated with vehicles, we think would be better to leave it as is. As we look at some of the other state regulations, some of them had limitations and had to be a certain distance from a vehicle, and stuff like that. We think the existing regulation is somewhat of a compromise between a more stringent requirement versus something that would be more liberal and that most people ought to

be able to make it work. Then we talked about some other things like requiring a visible light when a person is walking in and out of the field. Or associated with the vehicles, stuff like that but we stopped short of that. We didn't want to impose something like that again on the people who are doing things right. It doesn't seem that something like that is a palatable thing. We wanted it to protect the rights of those people who are doing this legally and not impose too much on them. Those were some of the other things we talked about and basically sums up the restrictions that were placed on the night vision permit when it was established. It was the season dates, the establishment of a permit, the prohibition on walk-in areas, the limited species and no hunting from a vehicle, which you otherwise can with coyotes. The species issue is up in the air, particularly related to raccoons, whose population is high and raising and management concerns are legitimate. In case of gray fox, raccoons carry distemper and gray fox are susceptible, so they are in decline. Throughout the Midwest it's known that raccoons prey on ground nesting birds along with a lot of other things, so a lot of people view it from that perspective. It's debatable whether or not you can reasonably do anything about it or even whether predation is the proximate versus the ultimate problem of those types of situations. Those are the discussions we've had. It appears that there's high demand for increased harvest opportunity based on conversations we've had at the commission meeting. With constituents, particularly who hunt upland game, as well as some of the furharvesters themselves, it's interesting that a lot of the people who traditionally were the group of people who were pursuing raccoons for fur are now largely active in some way in wildlife management. So, furharvesting season and trapping and hunting of these furbearers is more important as a wildlife management technique than it is as a technique or a method for these furharvesters to obtain fur and sell them. The dynamic of the participants has changed. I pointed out, at the last meeting, this demand seems pretty superficial. When we give them three and a half months of harvest season and our harvest is the lowest it's ever been, with the exception of the fur market crash in the late 1980s and early 1990s. People are saying open season so we can go kill them and let us do all this and that, but they're not doing it during the time period when they already have the opportunity. This is the irony of the whole debate we're getting into when we talk about these seasons. Another thing I want to mention, we talked a little bit about the fur trade, but I've talked to some fur buyers lately and I don't think there's any relief for the raccoon market. The market for some species has come up and I'm talking about several years down the road, so it's not likely we're going to be back here next year saying the raccoons are worth 20 bucks. We need to quit killing them because suddenly they're worth something so we're in this situation with raccoons and opossums and are going to be for a while. I would say that anytime I'm talk we're talking about raccoon primarily because that's our densest and our species that's improved the most but I think we would certainly also include possum in any Open Season type discussions and although the possum population has remained stable compared to the raccoon and skunk has remained stable as well we would certainly include possum because of the high densities that they occur in at times, particularly in eastern Kansas. Skunks might be a little more up in the air, granted they're a nest predator and one of the many things that eats eggs and baby birds, so they might, or might not, be included in this. Possum would be included in any expansion of raccoon opportunity. The season dates we considered were, no closed season; one of the comments that came up is a management responsibility, so people have created artificial conditions that allows raccoons to thrive, and they do well in agricultural and urban areas so, those are the big areas. Since it came up today, I also have to bring up things like feeding corn, you've got all these crops piled up and people are doing stuff for wildlife and coons are benefiting from of it and very likely, at least around those

feeders, at the expense of other species. The concerns of this no closed season, we can talk about orphan young and wanton waste but. More specifically wanton waste is never applied to the furbearers or coyotes but in this case, they're not going to be used at all, at least in the first season. The ones that are of value have traditionally been used and so we would be talking about a sanctioned season of allowing wanton waste. Uncertain benefit Kent talked at last meeting about what it takes to actually make a difference on a property. So, the question is, if we do this how many people are going to engage in it in at the intensity that it takes to make a difference in a game species population. Or can you, in the habitat that even if you had no raccoons and possums, would your game species thrive. That is something to consider. The alternative to that is, what harm is there because the populations are so high. So, there are two sides to each of these arguments. I brought those other ones up at previous meetings. Typically, furharvesters can get on the property to manage species in season, when they take them for the fur, if you allow certain techniques year-round the likelihood of the landowner saying you can come and kill all my coons, or I'll see you in April or something like that. Same as the expansion to the coyotes, we do have both state law that allows landowners and property owners to protect property and the wildlife control permit can be used to address damage. That would be a reason that you might not support that season. I guess but there are alternatives that currently exist, that people have been using for decades, to address these problems. Another consideration for a season date that we considered was an April 1 through May 31, a time period when people could address these problems during the primary nesting period, and we would possibly allow night vision equipment at this time. I'd be clear that any discussion here was revolved around the use of night vision is a control type thing and not an in-season fair chase recreational thing that would occur in in the winter months. The reason for that is, use of night vision, which we've done with deer surveys and stuff, if you drive along the edge of a corn field at certain times of year you can see every animal on the property. This would specifically be a method to go out there and significantly reduce populations on a given property but not something that they have a fair chance to escape from, not a fair chase thing. You're saying raccoons are excessively over abundant and so we're going to go out there and limit the population. I would also say that one of the ideas or the concerns about night vision is that you'd have bullets flying through the air at a mile and a half away and going into houses and barns. This is the way to allow it on raccoons if you do if these people are not trustworthy to only shoot them on the ground. You can see the raccoons up in trees too and so people are tempted to take those shots, that's where the bullet trajectory goes up into the air. That's worth mentioning and some concern. The other thing that we talked about the houndsmen have been in contact with us over several years requesting at least a fall hunting season where they could take animals for training and there is support to accommodate this type of season into regulation amongst the committee. I think whatever we come up with will probably include something along those lines. Then we also talked about no change. Amongst the most traditional furharvesters on this committee the argument given was that we just extended the season. In fact, the season was underway last year when we extended season through February, extended by two weeks, so, why are we back talking about another extension already when we don't even have harvest estimates. Then again, the state law and the control permit can be used to address damage and people who have damage do have recourse already. The committee, on a closed season was a very close vote separated by just one individual, slightly favorable towards no closed season. The other contingent there that had support was to allow the use of night vision for them during that April/May season. Again, if the perception of a problem is great enough then that is probably the most effective way, or at least

the most efficient way, to solve it for those people that have that equipment. Those were the two primary things that were supported by the committee and no closed season was slightly favorable. We stopped short of that and that would not include night vision, the no closed season would only include the existing legal harvest techniques. We only talked about the night vision associated with the April/May season. This is not a full department recommendation, just preliminary and would open things up to the public or the commission for comments.

Commissioner Sporer – It sounds like you have made your decision but given fact that ground nesting predators at all time high and game birds at all-time low. I think the department is missing an opportunity to use a tool in their toolbox to try to offset this. I know you guys came at us last meeting full barrel. I've heard so many times that you know predator control doesn't work, it just doesn't work and can't see that. I can't see that on my property when I see 15 or 20 coons and my trapper quit trapping because they aren't worth anything. I don't have any quail anymore and what's the answer to that? I just don't get it. I think we're just missing a tool in the toolbox that we ought to open it up. I don't see what it would hurt. I just I think I think the agency's missing an opportunity. I think in the next two or three years you're going to wish you would have done something today. Chairman Lauber – If it were left up to me, I agree with Troy, I would probably have no closed season and April 1 through May 31 for night vision. That's just my vote. Commissioner Sporer – If we continue with lower upland game populations and higher predators, I think in three years we're going to wish we would have done something today. It's not going to hurt anything with the bird population, and it may help. Chairman Lauber – If it's not going to hurt there's no doubt in that. Commissioner Escareno – Everybody tells us it won't help but if we don't try to make a change, how will we know? Commissioner Sill – I think there's other factors that seem to go into it though, besides just assuming that eliminating them is going to be the best solution. There are other things that we have done artificially to contribute, with feeders that concentrates them abnormally and provides easy food access, so they don't have to work for it. There are some things like that and just to look at eliminating, without looking at other factors that are humanly contributing to the issue, is short-sighted. I think you have to look at all of those factors and not just address one thing. I thought that it was just a recommendation to not necessarily extend the coyote night vision season but now you're saying add two more months to it because when you add this and coyote season is still open you have just effectively extended season by two more months, so we now have five months of night vision season where you've got people out that you cannot track. Peek – I should have been clear about this. We would revisit the coyote season if we allowed raccoon and possum in April and May. Coyote would be included as well. That's the close call on whether or not to increase the coyote season through April and May and is somewhat tied to whether or not we would allow it for raccoon and possum. Chairman Lauber – I think the furbearer committee has a general understanding of both positions. For example, they see my point they also see Lauren's point and I think that I would like for you to go back and take what you gained from this and then come back with some recommendations. Commissioner Sporer – I'd rather have the recommendation start with, and I'd like to remind the commission, coyotes can be hunted 24 hours a day, seven days a week, with iron sights through the state legislature. The only thing you can't do is display the carcass. Commissioner Lister – I tend to agree with Lauren. I think you guys as biologists understand that it's habitat it's not predator control. Predator control is one of the things that's been one of the earliest management tools that were out there. Even Aldo Leopold saw that predator control doesn't work. Commissioner Sporer – Leopold never saw the drought and the lack of habitat that we have today and the decreases in upland game population and increase in predators like we

have today. Leopold wasn't living in this new world. Commissioner Lister – I think the principles still applies to what he said. Commissioner Sporer – If we had habitat where the birds could hide, it might be a little bit different, but we don't have the habitat, we don't have the birds, but we have the predators. Commissioner Sill – In 1900, folks in Kansas said we would never be a game state because our game was gone. We don't have a full grasp of all of that history and Kansas has not always been flush with wildlife and game. So, we're in a unique situation now and I do agree with Troy, but it's not like it's always been flush, so I think we do need to balance all the different perspectives. Chairman Lauber – We will have more conversation when you make recommendations.

Kin Hageman, Oskaloosa – My views are what they have always been on what you've been talking about. So, I don't want to beat a dead horse any longer. My question is, I see on the list, I guess I am going to defer to law enforcement about, is there any change planned to be made for firearm permanent regulations? Peek – No, not right now. Hageman – The only reason I bring this up is because the Region 2 law enforcement supervisor and I had some discussion late last year about it. He said, it was going to be revisited. We worked in 2019 to change it to what it is now, and it's been working well for our competition events the way we're structured. I just wanted to make sure that we're still on the same page. Peek – He has not come to me with any recommended changes. Assistant Secretary Schrag – Kenny, you and I can talk afterwards, and I'll get more details on that. Hageman – I appreciate it. We appreciate your considerations on that, and I think we're headed in the right direction. Moving forward to increase some of the take on the predators. Peek – There are additional options associated with the wildlife control permit too that might be able to accommodate some of Troy's comments. So, that people are a little more able, if they want to try some type of a concerted predator control effort on their property, they might be a little easier for them to do that than what it is now. There may be merit to it in some cases and generally we don't want to stand in the way of people from trying that. We may have something more to say along those lines, as well.

6. KAR 115-25-7 Antelope; open season, bag limit and permits – Matt Peek, furbearer research biologist, presented this regulation to the Commission (Exhibit AA). I presented this regulation quite a few times and one of the main changes is that we have adopted the durable season language for the pronghorn regulation. The only thing I want to add from previous meetings, I received a comment or two from some of the bow hunters about the removal of that late archery season, which constitutes about two-thirds of the days. They get to hunt early, they get a nine-day season before muzzleloader and firearm season, and then the weekend after firearm season. So, they get the last half of October basically. The deal is, though our pronghorn population has declined, and in the last five years we have cut firearm permits by 29-(percent) and muzzleloader permits by 32-percent and archery permits remained unlimited over the counter. We were looking for some way that might be palatable to most archery hunters that would cut back on their impact on the population a little bit. The removal of the late season was a way that we could reduce archery harvest by eight percent, according to the recent seasons. Then also whereas 90 percent of the archery hunters hunt in that early season and only 20 percent hunted in the late season, so it's a relatively minimal impact as far as days hunted. Even though it is a big part of the total days. It's kind of like in the deer season, it's much less desirable for the archery deer hunter to go out after firearm season when a lot more deer have been killed and they're skittish and stuff like that, than it is beforehand. It's just not as desirable of a season for

archery hunters and that's what we're trying to do, balance the scale here a little bit between the different hunting um equipment types.

7. KAR 115-25-8 Elk; open season, bag limit and permit – Matt Peek, furbearer research biologist, presented this regulation to the Commission (Exhibit BB). I don't have anything new to add to elk. The language changes it to the durable language otherwise this regulation is unchanged. If we're not voting on it at the next meeting it will be in the group of regulations that's just listed in the briefing book.

8. Public Land Regulations – Ryan Stucky, public lands assistant director, presented this regulation to the Commission (Exhibit CC). This is a time when public lands present new regulations or changes to our current regulations. One is a new one and there's several other regulations we have. Stuart will present those here in just a minute. Before we get started, we want to talk a little bit about some processes that have changed in 2022, that some folks may not know about that addresses some nonresident issues. The first one is our special hunts and public lands has a special hunt program and we partner with our federal partners and Fort Riley, the state park system, and some municipalities, with that program. We had several of our managers approach us in early 2021 and they were concerned that they had a lot of nonresidents filling these special hunt opportunities. The regional supervisors and the managers got together and presented to us, and we agreed to a pilot program and restricted some to residents only. First kickoff was in 2022, we had 403 special hunts and of those 403, 158 of them were for residents only. After the draw, 156 out of 158 that were filled by residents only. I believe that is 40 percent of those hunts, the 158. The remaining 60 percent, which is 200, 45 hunts were offered to residents and nonresidents. We just wanted to mention that because that was an internal process that we did that did not come in front of the commission or through the promulgation process. I don't think a lot of folks knew that we did that on a restriction basis for the for the nonresidents and residents. One other thing we looked at in 2022, there were a couple issues that were brought to our attention about proof of residency. As we got to talking more about it, we dove into a pretty deep investigation, which led into some individuals and some vendors. I'm not going to talk about that today but what that did is we came back and looked at what documents we were allowing folks to use to get licenses or privileges without a Kansas driver's license or a Kansas ID. Before you could have used a current military or active ID, a paycheck stub, a current student ID, a utility bill, also there was voter registration. That wasn't being used very much because most of those folks already have the Kansas driver's license and need it to even get an ID. So, what we did was, we got with Jason Dickson and his staff and Shanda Knapic and her staff together and we investigated how many folks are buying these privileges without the Kansas ID or driver's license? We looked at years 2017-2021 which is a five-year period. We just looked at military ID, paycheck, student ID, utility bill and one other group, youth with no DL or no driver's license, just to see what the numbers were. Over those five years, there was a 100,000 people that bought a primary privilege which would be like a hunting license, of those folks there was a total of 150,000 privileges bought without showing a Kansas driver's license or a Kansas ID. So, we thought maybe we could do a better job as an agency to making sure that the folks that are claiming to be a resident were truly a resident. Just to throw some numbers out there, the numbers really fluctuated throughout these five years and the highest was around 24,000 and the lowest was just south of 18,000, an average of 20,000 people a year buying these privileges. In 2020, which was about an average year, there was 21,318 folks that bought these licenses, 4,602

were military. That does change throughout these five years quite a bit just because of deployments and folks bring them back into these certain areas so those counties had quite varying numbers. There were very few paychecks being used in that year, 814. There were 3,851 students that used their student IDs. But there was 4,280 that came in with a utility bill and that is what really looked at because either the paycheck or the utility bill had a lot of folks using that instead of a driver's license, but they were claiming they were residents because of the utility bill. There was a lot of investigation that went into this a lot of time spent on it. We came back and presented the information to Secretary Loveless and other staff on what we felt was the proper documents to claim residency. Those would be a Kansas valid driver's license, a Kansas issued ID, an active military ID, an active student ID, and a valid Kansas voter registration card. That was put into a policy that Secretary Loveless signed on September 30, 2022. In October, shortly following this we notified all our wildlife and parks staff and our vendors about the new policy and how we were going to address and get a better handle on folks that are claiming residency. Those were two changes that were done internally that didn't need to go through the process. It was just us trying to do a better job at keeping folks compliant. We do feel that that these efforts are going to be used and we're going to be looking at the numbers in the in the next years. Since there was such fluctuation through the five years, we're not going to know exactly for another three or four years whether that did make a big change in folks claiming residency. Secretary Loveless – We did have a lot of conversation around that, and my concern was that we had folks that were legitimate residents who simply didn't have that narrower list of documentation. What I concluded after a lot of conversation two points became clear. First the numbers they looked at showed that a high percentage of folks using these privileges were from towns that were right on the edge of Kansas and our concern was that people were nonresidents and coming over and using a utility bill or something like that. That was a big concern. There was an amount of fraud there that seemed apparent and made us suspicious. The second question, back to my original point, we were worried that we were excluding people who were residents, just simply didn't have those IDs. Through the course of hours of conversation and a lot of detailed evidence provided, it became clear to us that in fact people who working and living here would have one or more forms of identification on that list. As they looked across other agencies that required identification that was a very consistent list, so we were comfortable that was a good way to go. I thought it was thoroughly vetted and felt voter registration should count. Stucky – If you've gotten a driver's license renewed in the last six years, you've had to provide a lot of documentation, so we followed suit. We felt that those avenues of IDs and voter registration would clean up a lot of this fraudulent license buying. Chairman Lauber - I just happen to know somebody that has a current voter registration, but he had to change his driver's license and he's retired. He's lived here about a year, and I thought that would probably work but I wasn't sure. Commissioner Sporer – I've got a comment on the special hunts. It's a great deal for Kansas that they do these special hunts and I really appreciate you trying to give the residents the upper hand on the special hunts. One comment that Stuart made a year ago, and I had to think about it quite a bit, he said, that the resident people that are getting the special hunts aren't using them and that the nonresidents are using them way more. My point is the residents are there in the area and all special hunts are wonderful hunts they're not all where everybody gets to take animals. It might not be all that good, but the resident hunter has the opportunity to scout the area and know whether it's going to be a good hunt or not and may decide, if the wind's wrong or the weather's wrong or the birds just aren't there in the area, that they just may not show up. I guess I want to give kudos to the rest of the hunters for scouting and being able to look at it and that may be the

reason that they didn't use the hunt. Stuart Schrag, Assistant Secretary – Before I get started, I want to recognize some folks in the audience, wetland managers that may be called upon to further the conversation or provide answers to some questions. Jason Black from McPherson Wetlands, Monte Manbeck and Travis Ratliff from Neosho, Jacob Coulter for Marais des Cygnes, and Dustin Mengarelli is here as a regional supervisor out of the Topeka office. I'm also pleased to see some avid waterfowl hunters in the audience today too. This is a start of a recommendation we're proposing, and I want to ensure that this is vetted and discussed with plenty of input from commissioners and the public before we get to the point of submitting this in the promulgation process through Dan and Terry. I appreciate everybody's input as we move forward with this without rehashing a bunch of history. Many of you know what the issues have been the last few years, since the pandemic, saw an increase in nonresident pressure on our waterfowl areas and whether that was only at this moment in time or if this was the new norm. We believe now this is probably the new norm. In last year of evaluations, we believe that it's still not necessarily an overcrowding issue, it's an over pressure issue on these public wetlands. The culture of the nonresidents has changed in the fact that they are coming in larger groups, spending a lot more days consecutively in the marsh, all day long, have group bags and things like that. We've discussed this before, and you know this isn't anything new. We continue to hear from our resident hunters that this is an issue, and their satisfaction has been decreasing too, so we take that into serious consideration. Staff have continued to meet throughout the last few years, from the public lands, wildlife and law enforcement divisions. There has been a lot of recommendations and proposals as to what would work best, and we've vetted a lot of those. I feel we're in a good place today with a sound recommendation, but we continue to talk about a lot of other things like equipment restrictions and refuges. Things like that we will continue to discuss as we move forward. We initially thought that a proposal would work best under our public lands reference document under 115-8-1, subsection e, which is a fairly lengthy reference document. After vetting further within the ranks of public lands, wildlife and law enforcement divisions, specifically the two enforcement divisions, we felt it best to come up and propose a separate Kansas administrative regulation under the eight series for public lands. We believe it'd be more clearly defined and more easily enforced. So, for some unknown reason we had to come back and request amendments, it would be cleaner and easier to do that in a stand-alone KAR. One thing, before I get into the beef of our proposal, is through this vetting process we really feel like this is the most palatable, it's the easiest to understand and it's not something that is going to require us coming back to the commission on an annual basis to ask for amendments. So, I'd like to get into the into the beef of what we're presenting. What staff is proposing is a new Kansas administrative regulation, like I said under the 115-8-series to help alleviate the issues that have been addressed and that new KAR would be 115-8-26, titled nonresident access. That would read, nonresident waterfowl hunting on KDWP department lands and waters shall be restricted to Sundays, Mondays and Tuesdays, throughout the duration of the established Kansas waterfowl seasons, including September teal season. So, basically nonresidents would not be allowed to hunt waterfowl on department lands and waters Wednesday through Sunday. That gives residents a reopening Saturday, plus it gives them the Wednesday through Saturday. It also allows nonresidents, and we did hear from some residents and nonresidents that they would like to see family traditions kept alive, or if a sibling or a child moved away and their family tradition was to come hunt on that opening weekend, with family members that Sunday, it still allows that opportunity with that resident hunter and on into the first of the week. This would include WIHA and iWIHA properties as well. As we adopt many of our Public Lands regulations on WIHA and

iWIHA. In order for this to work we feel strongly that this is going to have to be implemented on federal waters as well. We don't want to shift the pressure from one property to another. We had meetings with the Bureau of Reclamation and U.S. Army Corps of Engineer staff and they do support this initiative. The Bureau of Reclamation, which would include the north central and northwest reservoirs of Glen Elder, Norton, Sebelius and Cedar Bluff and all those are fully supportive of what we are recommending here. So, we could implement this restriction on those Bureau federal waters. The Corps of Engineers is supportive but there's just some details to work out and we will continue the conversation with them as it pertains to how our leases are written on the water portion. With the Corps of Engineer properties there is a lot on these reservoir properties and a portion that they manage themselves. This proposal has the least potential for economic impact and is just restrictive. Nonresidents can still go out on private duck clubs and other areas. Staff needs to figure out it and still talk about how that might look moving forward with this type of restriction. For resident status, an active military qualified but not nonresident lifetime license holder. College students would still be classified as residents like we have allowed for several other hunting privileges. We do believe that this proposal has the least potential for a negative economic impact because we're not saying you can't come to Kansas to hunt as a nonresident. You can still come, but you're restricted to these properties on Sundays Mondays and Tuesdays, you can still go hunt on private duck clubs and things like that if they choose to. They can still stay in hotels and motels. That was a big consideration for us as well. One of the things that that we need to vet out and discuss, as we move this forward, was brought up before, was if this restriction is approved, this Sunday, Monday, Tuesday, restriction, how do we keep nonresident vessels off our public wetlands like Cheyenne Bottoms and Neosho on those off days. If they are not supposed to be there to scout, disturb waterfowl, or whatever, so that we're going to have to work out and some of that language and where it's best suited within this process. We feel like this is a pretty good recommendation overall, easy to enforce, easy to understand, easy to follow. On an annual basis, it provides specific opportunities for resident hunters, which we felt strongly about, but also gives nonresidents a chance to come in here and hunt and still allow Kansas business owners to hopefully not see too much of a negative economic impact. The last thing I'll say about this proposal is that as we move forward, one thing we want to do in the future is, do this through the statutory legislative process. Change the waterfowl stamp language and there's some language within that, in chapter 32 statute, that would have to be amended through the legislature. There's some outdated language with that and we would also like to propose a specified non-resident specific waterfowl stamp at a higher at a higher rate so that would be the time to do that my recommendation is there's several of our chapter 32 statutes that are in dire need of amendment. They're outdated we need to have some review of that. I know whenever the secretary feel is appropriate time to bring those to the legislature, I'd like to have an extensive list to cover many of our statutes and not just one or two. Specifically, that might get picked apart as we move forward with that specific recommendation. Mike Castelli – Would this be done by September? Schrag – The problem is, I'm going to be frank, no, because of the new promulgation process. Chairman Lauber – We've talked about this, and I just don't see how it's realistic. Terry might be able to offer some insight on that too. Terry Bruce – It's a good idea and you'll get a lot of support for it, but I don't think there's any way legally we can get a regulation passed in time for September. I wish we could, I'm ready for it now, but uh I think this is a well thought out recommendation. Castelli – I think that's realistic. For 2024/25 season? Schrag – Yes, 2024. The thing is, if we tried to go the statute route and do this all under the waterfowl stamp, it could take us five to ten years. It just depends on the

climate of the legislature, so this is the quickest process. Chairman Lauber – I think that the commission and others need to reflect on this, but I think, from a framework perspective, it's a good compromise. Castelli – Hats off to agency. We've talked several times about this. My concern is it benefits the outfitters. I don't know how we can fix that. You can't commercially hunt on public lands, no, but it's going to move to more private land that I can't lease. Schrag – That was part of this whole process, we talked about everything. As you know the guides and outfitter conversation we had earlier in the day, as we're talking about both things at the same time, so hopefully if the guides and outfitters can reform, or however that goes, whether it be regulatory, statutory, or whatever the future holds. If the two can play hand in hand and there's more regulatory or oversight on that side of things, something like this might alleviate those issues too. The way we're looking at managing this, just for clarity and to be up front, is I'll be asking here in a little bit, under the reference document, to go statewide with all of our properties for check-in and check-out. So, that's how we would manage this type of restriction under an acknowledgment. If a nonresident tries to come into Kansas and wants to hunt a public property on a Sunday, Monday, or Tuesday, and they try to check-in, they'll immediately get that acknowledgment that they cannot check-in. So, that and may change as we move forward with Brandt and the improvements, we're making there. For transparency, that's what we've thought and lined out as the best path for managing it. Commissioner Sporer – Do you see that check-in/check-out in western reservoirs happening for the next hunting season? Can you see this all being proposed as the package for statewide check-in/ check out as far as getting e-check-in for the western reservoirs? Schrag – Discussed that part. We've workshopped that some already. We're just bringing it back now with the other records to document things. I'll have to talk to Dan and Terry about that, but we've already workshopped that stuff a lot. This new KAR is the separate matter that goes back to the timing. The way I foresee it and understand it is I think we could implement the check-in and check-out for this fall. Or is that going to go hand in hand when it's ready to go through the promulgation process. We felt that maybe adding some of the others to go through because it's already going. So, there's several other things that Ryan has proposed under the reference document already and I'm going to talk about those here in a little bit. The statewide check-in check-out was one of those; the new refugees of Cherokee Lowlands; boating restrictions; and things like those we feel will go through in the next meeting or two. Those are ready to go to the promulgation process now. Realistically, we could implement the check-in and check-out for the 2024 season, or for the upcoming hunting season if you'll be able to workshop this in June. We're going to workshop this at every meeting coming up until we feel like we're at a point where it's been vetted enough through public comment and commission input that we're ready to send it to the promulgation process. Commissioner Sporer – Aren't we workshopping it right now? Bruce – We're workshopping it right now because we've had the Public Lands regulations on the workshop portion of these meetings for several months. Today is considered a workshop, so that's one more workshop. Then we could vote if it's a normal one or two workshops. For this specific regulation, this would be the first workshop for it for Public Lands regulations. In general, we've made it a habit in the past, prior to the legislative changes. The last couple years we had at least two workshops that was typically how it worked. Then there would be a publication and a voting of a proposed regulation. Now with the time delay, the problem becomes you can workshop it those traditional two times, but the promulgation process is what's really slowing everything down. Once it's submitted, as you guys have seen, it seems to be all right with it but once it's submitted to the Department of Administration, the AG's office and the budget office, that's where it gets slowed down. Chairman Lauber – All I can say is do

the best you can. Schrag – I guess the point too, and the question comes back to, does it really matter if that's approved in time for the 2023 season? The check-in/check-out part will be in this new KAR and likely won't be. I just think it's just crucial that we get this going. Castelli – Two years too late on this. So, the guys that are going to try to beat the system by saying they are going to federal side, you are addressing that. Thanks. Schrag – I forgot to mention that. We had the meeting with Bureau of Reclamation and Corps of Engineers coming up next week May 2. We're having a meeting with the U.S. Fish and Wildlife Service to try to implement the same thing and have uniformity statewide regardless of whether you're on a department land or WIHA; department owned wetland or a federal property, the same restriction would apply. That is what we're still trying to hash out right. They know, and we know, we don't want to just move the problem around from one property to the other. So, you should be a resident to register your boat here. Commissioner Sill – No, that is an issue, our friends, who bring their friends hunting, register their boat here. Schrag – It's going to be a lot more difficult in the system to identify that. There are some little quirks you are going to have to look at. I don't know if that's right or not, but I thought it was, I'll look into that. Mark Roberts – I pulled my boat all over the place and operate, I have never had a problem at all. Chairman Lauber I don't think so no, I'm not saying you can't go other places but I'm saying somebody from Missouri, all they have to do is register their boat here and it makes it more difficult to identify who's a nonresident. A Kansas registration would be somebody who brings their boat with KA numbers and sets it onto the marsh. We think it's a local. Chairman Lauber – We should try to close that loophole. Commissioner Sporer – Restriction is the scouting of nonresidents, which is what they are trying to eliminate, them getting on the water and scouting. Stuart – That's easier said than done. I mean it's with anything that we propose, there is always a level of enforcement challenge, and we try not to bring things forward that we don't realistically think can be enforced. We're willing to put in the effort. Chairman Lauber – Do the best you can. Mark Roberts – I want to make sure I understand this because I've got to share back with folks at home. This thing with the nonresidents, they would be hunting on Sunday, Monday, Tuesday and Kansas resident hunters will be hunting the other days of the week? Schrag – No, residents can hunt seven days a week. It's not exclusive, Sunday, Monday, Tuesday are the times we're proposing for nonresidents to hunt public wetlands and resident hunters seven days a week. Roberts – I got to think about this a little bit before I get too carried away here. This is where we've been hoping you guys would be leading to. I have to see if there's any problems with it but at first glance it is a big improvement. I want to go back to the special hunts thing for just a moment. I want to share something with you. An individual shared a statistic with me that he had pulled together within the past few days on nonresident versus resident hunters on this special high situation currently. He's identified 85 special hunt permits that were given out to nonresidents and only four Kansas residents. Now that's something that you can check in your own statistics, but from what I understand it's supposed to be a good figure. It is interesting to note that that many nonresidents got out on 150-some hunts you talked about. That's good news I wasn't aware of it. Also, sounds like the resident hunters have given the opportunity to take advantage of it. On the other hand, Commissioner Sporer is bringing up a good point, we need to educate and encourage Kansas residents when they draw a special permit to utilize it. Now I've had a few of them, and if it's a bad day and I don't want duck hunt or do something else, well then, I'll give it away. But you know you can fight that kind of statistics if you survey at the end of the year and find out whether those people used those permits. You're surveying lots of other things that could be added into it. Commissioner Sporer – You know it's a lot like if you lived across the street from

Disneyland, you could go any day you want but you're not going to go when it's raining. But if you drove halfway across the United States to go to Disneyland, you're going to go. Schrag – I appreciate those comments. The one thing that we don't want to do is leave special hunts unfilled because that's what we were hearing from staff. Their historical applicants were nonresidents mostly and they were filling them, and they were coming were being successful. So, we left it at manager's discretion during the pilot program, we let them decide whether they wanted to have it open to everybody or restricted to residents only, based on their past historical application demographics. That number might fluctuate, might go up somewhere, might go down a little bit, we don't know. We were asked for annual reviews and input on that program every year. I appreciate the comments, we just don't want to leave anything unfilled and unused. You know if a resident has a special hunt and because it's too rainy or too chilly on that day they don't show up, a nonresident could have been in the waiting and used it. We just want them to be utilized. Chairman Lauber – I think the thing to do is you move with all deliberate speed to get this accomplished as quickly as possible. Schrag – Yes sir, we will do our best and we'll continue to talk about it at upcoming meetings.

9. KAR 115-8-1 Department lands and waters: hunting, furharvesting and discharge of firearms (reference document) – Ryan Stucky, assistant public lands director, presented this regulation to the commission (Exhibit DD). Chairman Lauber – Ryan, you got some stuff you want to talk about here? Assistant Secretary Schrag – I think he's going to leave me standing up here since I'm already at the podium. I want to make note first off on the on this reference document, for some reason we had two copies that made it into the briefing book. The first one that you come to is the one that is valid and updated. I'll go through the recommendations that Ryan has already talked about many times. Under access restrictions, first and foremost, the language of the definition of access restrictions, we're changing to eliminate curfews during specific times, during a 24-hour period, there's no need to have that language anymore. It'll just say, the following properties specified access restrictions. Moving on down under Region 3, striking Neosho. No access to the wetland before 5 a.m., we're creating a new category relative to that specific restriction and Neosho Wildlife Area was already part of that. We're requesting to include McPherson Valley Wetlands, Slate Creek Wetlands, Byron Walker Wildlife Area. It didn't make into the version in the briefing book, but we're also recommending Perry Wildlife Area as well for the 5 a.m. access restriction in the wetlands. I'll move on, under boating restrictions, no motorized boats, under Region 1, for Cheyenne Bottoms and Jamestown, we're striking that sentence, “No boats permitted from 4/15 through 8/15”, that is outdated language and really isn't necessary. Under that subsection under Region 2, we want to include Perry Wildlife Area, while there's a motorized watercraft permitted in wetlands only during waterfowl seasons and then looking at adding a separate subsection (d) for no vessels allowed/. That would look like Cheyenne Bottoms Wildlife Area vessels permitted only during waterfowl seasons. Looking at U.S. Coast Guard definition of a vessel, which would mean, “watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water, other than a public vessel”. That goes back to our conversation earlier about showing up with a vessel and tearing around all through the marsh, prior to the opener of a season and harassing, hazing or disturbing waterfowl. Moving on to refuges, Ryan talked about this a lot under Region 3, for Cherokee Lowlands and provided some maps prior at prior meetings. Under Cherokee Lowlands Wildlife Area, we are adding the Perkins East and Bogner Center tracts. If anybody has any questions about those, we can try to get some maps for you today while we're here. Relative to

the statewide check-in/check-out that we've discussed as part of this nonresident restriction proposal we're making. Also, we introduced the daily use permits section after and some cleanup of the language to identify that it's not necessarily a i-sportsman system anymore that this is a department check-in/check-out system under the department's licensing system for all activities for these two properties here in Region 2. Castelli – The Department has defined signs, can we get one that says, if you are a monetized YouTube channel, they're making money, so it's no different than an outfitter. You and I have talked about this. Schrag – This has become a new hot topic, hear about them once a week now since we started this nonresident restriction conversation. The next one in the waiting is the commercialization and commercial activity on Public Lands. It's a big conversation, it's not just filming but that's been what we've seen increase in the last few seasons. Everybody is posting a hunt on YouTube now and once they turn that monetization on or they are getting monetized, advertising or sponsored, that's when they're in violation of the current regulation for soliciting or engaging in promoting a business on public lands. That is something that we're going to be discussing moving forward. Right now, my current regulation, under 115-8-19 it is unlawful to engage in those activities on public lands. So, Ryan and I have both told several people and entities that have called in and that's our message, it is currently unlawful to engage in that activity, even if you are not necessarily getting monetized, if you're promoting your business, or soliciting your business as per the language of the current regulation, you're in violation. So, that is the next hot topic we're going to be talking about. If we have to revisit that regulation and beef it up to be more specific, then that's the route we'll take. It's on our kiosk signs but I know what you're talking about, with the specific bigger signs that advertise it. We've asked you if we can make a public comment. We need to do more media outreach public education on where that's at too and have further conversations with Terry and Dan, regarding how that all looks. I appreciate you bringing up Mike.

Jake George – Commissioner Sill, to answer your earlier question, I believe 115-4-11, the language regarding that was added as requirement for the nonresidents to purchase a hunting license prior to applying. It is specific to regular deer permits as far as that language, it would not apply to any others, like turkey. So, my comment or question then if it's big game would not or should not be part of the conversation. That is there for some consistency across big game. You don't really address it right. I guess, by definition I would say, in 2004, that was changed, while turkey was removed from the statutory definition of big game. So, it's just kind of out there in limbo somewhere in between small game and big game, not particularly defined anywhere. We will talk about that. That's the only reason I know that is because there's a little bit of that history included in the presentation here, so that's the way the website is set up too, if that makes some sense.

10. KAR 115-2-1 Amount of Fees – Jake George, wildlife division director and chair of the revenue committee, presented this regulation to the Commission (Exhibit EE). I'm here not just as the wildlife division director but chair of the revenue committee. We've had a whole lot of people who have been working on. The first time I was before you I tried to outline the process that we were going through and the need for the fee increases, or fee increases of some kind. That being the current revenue shortfall that we have, with respect to our current budgets. The second meeting we went through a comparison of the fee statutes in our fee regulations to see where we were at those statutory caps and where we were not. That was provided to you at the last meeting. In the interim we've been working on identifying an in-depth review of all of the

fees. Which ones we felt, based on demand for permits, based on comparisons with other states, both regionally and nationally, where we felt we could justify some increases. Where we had room within the caps, so that's what we're going over today. We have completed that analysis and will go over what we consider at this point, our final recommendations for the increases. We'll be asking at the end of this presentation if there would be any objection from the Commission to move forward with what's proposed through the promulgation process. A part of the push to go ahead and move forward with getting that in there is because this does include the language for the addition of the turkey permit application fee that would need to be in place prior to the next spring season. I have some historical context in here as well. I did appreciate the comments earlier and I do think it's very important for us to look backwards. I'll circle back to this at the end of the presentation. We will look at past mistakes, past failures, as well as past successes, just so that we repeat the successes, but not the failures. After the history of fee increases, we'll talk about wildlife refund revenue. We mentioned some of this in a lot of the nonresident discussions earlier this afternoon. This will be more holistic and in-depth look at what percentage of our certified individual license holders are residents versus nonresidents and compare that. Compare and contrast that to what percentage of our revenue those make up on both the hunting and the fishing side of things. Finally, we'll be looking at those regional and national comparisons respective to the proposed increases, the final recommendations and conclusions as far as the estimate for additional revenue based on the proposal. KSA 32-988 is the statute identifies what the fee caps are, basically the ceiling that we can go up to with various permits. Those have not increased since 2002. While none of the proposed increases have to do with resident licenses. I've included some information in here because I think that's important for context when we look at the wildlife fee fund revenue overview and the sources of that. The changes in 2002, resident hunting and fishing, the caps, and again these are the caps not the fees that we're charging in regulation. The caps increased from \$15 to \$25 nonresident hunting went from \$75 to \$125, fishing from \$50 to \$75, for non-residents and lifetime hunt/fish and lifetime furharvester, all went from \$300 to \$500. There was no change in nonresident furharvester and resident furharvester permits. Those were the changes to the caps as it went through the legislature in 2002. So, a look at the resident hunting and fishing license increases, there were periods you can see from 2002 to 2016, where we were able to maintain those caps without increases. As you can probably guess, those nonresident revenue sources were what gave us the ability to do that. In 1993, went from \$10 to \$13; in 1996, we increased from \$13 to \$15, which was the cap at the time prior to the 2002 increase. When that cap increased to \$25 in 2002, we went from \$15 to \$18. It was not until 2016, 15 years later, when we increased from \$18 to \$25 and hit the current fee cap. So, that's where we're at with our resident hunting and fishing licenses currently. As we are at that cap and have no room to increase, we are looking at nonresident hunting license increases. Again, we have not done a great job in the past of looking at these on a regular basis. There were some pretty big gaps there between like 1996 and 2002, and especially from 2002 to 2016, when we weren't regularly reviewing these and making recommendations. In 1993, the nonresident hunting license went from \$50 to \$60 dollars. In 1996, increased from \$60 to \$65. At that time the fee cap was \$75, so we still were not at that cap prior to the time that it was increased in 2002. In 2002, went from \$65 to \$70 and that was the same period when the fee cap had increased to \$125. In 2016, where we currently are, it increased from \$70 to \$95, with a cap \$125. Nonresident fishing license increases in 1993, went from \$25 to \$30. In 1996, \$30 to \$35. At that time the cap was \$50, and that cap increased to \$75 in 2002. At that time, we went from \$35 to \$40. In 2016, we increased from \$40 to \$50, which is

where we are currently, under that cap of \$75. Nonresident spring turkey permit increases, 1997 to 2015, were at \$30, and this was the note from the previous discussion, wild turkey permits were added to the fee statute. That's because they had to be added because they could no longer be captured under the fee caps for big game because they were removed from the definition for some reason when elk was added in 2004. I haven't been able to dig that out yet, as far as the history. At the time they were added, the cap for nonresidents was \$400, so they utilized the exact same caps it had while it was included under big game, \$100 for residents, \$400 for nonresidents. It was just brought out as a separate line item. In 2016 to 2023, we are at \$60. In the nonresident general deer permit increases, from 1994 to 2004, we're at \$200 with the cap set at \$400 in 2002. In 2005, it increased from \$200 to \$300 and in 2013, we changed things up a bit and required the whitetail combo. You have the either-sex whitetail with the additional antlerless-only for \$315 and in 2016, with the increases that took place then, we went from \$315 to \$415 for that required combo permit. The nonresident hunting license cap is at \$125.

Chairman Lauber – What is cap for nonresident deer permit? George – The deer permit, depends on how you look at it, for the individual whitetail either-sex permit by itself, is capped at \$400, which is essentially where we are, but with the addition of the required whitetail antlerless-only permit we're charging \$415 for that combo permit. So, you don't have the ability to buy the single permit, you have to purchase the combo, so technically since the statutes do not specify sex under big game, you could charge \$400 for each of those permits. We do not charge that we charge \$50 for a nonresident whitetail antlerless-only. That's one of the things we're proposing to change, moving the permit from \$415 up to \$450, so it's representative of what the cost of those two permits would be purchased individually. If they were available.

Commissioner Escareno – How are those caps arrived? The legislature? So, it would take an act of Congress to get the caps increased? George - We bring the recommendations, and they tell us why they didn't like it. Our plans moving forward here, for the next legislative session, to try and have this in place as a part of our legislative package. These recommendations for changes to the fee caps.

Secretary Loveless – I can point out too that part of our strategy will be to reach out to our stakeholder groups to talk with them and hopefully they'll contact their legislators as part of the next session, to let them know about the benefits of increasing those caps.

Chairman Lauber – The last time we tried to get the fee caps increased everybody misunderstood what we were trying to do, and everybody started complaining. They didn't understand it and so it didn't get accomplished.

Commissioner Sill – I'm not sure of the terminology, I'm not a banker, but is there still a thought of rather than having regular increases, we were going to use the Consumer Price Index? So that whatever is happening economically that our prices are connected to.

Secretary Loveless – We discussed that, but we don't believe that we would get approval for that and so that's why we've gone back to incremental increases within that price cap over time.

Commissioner Escareno – With the changes we're proposing, is there a reason we're not increasing the nonresident at a higher rate, because it appears to me, in all the conversations that have taken place, nonresidents are pretty much willing to pay whatever it takes to come hunt in the state of Kansas. We should increase that amount in order to increase our revenues and our budget for those purposes as we go. I am thinking that is the right process here.

George – I will say that we certainly don't want to price ourselves out. I'm not necessarily worried about that from the revenue side of things, but we don't want to price certain individuals, who maybe have lower income, from being able to come to the state. At the same time though, it is a resource and we have become a destination state. So, that's the reason for what we'll be going over here regarding these increases and the comparisons with other states, to make sure that we are in line with the market when we make

these proposals. Commissioner Cross – Do we look at that, I think the phrase is, the point of a diminishing return? What I mean by that is, our people in this state are looking at some of these prices of what they're going to get to the do. We look at the point to where they're saying, I'm not going to pay the license, I'm just going to go fish or I'm just going to go harvest. George – As far as the illegal activity, on the back end I don't know about that, but we do monitor pushback. Anytime we make changes, to see if we have subsequent reductions, you can always expect some pushback, but a lot of that's going to be based on demand. We'll be talking some about demand for specific permits, as part of the justification for why we feel the increases are justified. Commissioner Cross – When Lauren said that about the lower socioeconomics, I think we need to take that into consideration. Commissioner Sporer – We've been talking about this and the commission and it's a good problem to have, but when you're in the best state in the lower 48 to hunt, you deserve to be the highest priced. I will never back up from that. Secretary Loveless – Appreciate that comment and we've recognized the force of supply and demand. Demand is high, to your point so we agree. George – I'd like to spend a little bit of time looking at our Wildlife Fee Fund (WFF) revenue. Before we do I want to talk about certified hunting license holders in the state. Those are the numbers that we pull from our licensing system. Because of the way regulations are on the various number of permits that we have, it is a lot more difficult than it necessarily should be. We have a system established where we certify a certain number of certified hunting license holders, so you don't necessarily have to have been an active hunter in that year, if you're a lifetime license holder you would still be counted in this group. As far as the total number of hunting license holders out there is based on certification year and the nonresident proportion is less than the resident proportion, but the nonresident numbers have been growing. Across the board, in 1982, we surpassed what our previous total of certified individual license holders was, and we surpassed it by quite a few, it was 254,000 and I think we had 260,000 in that year for certification. Now, the opposite of that is true when you look at our WFF revenue by residency and the gap in there. This information is regarding gross cost for residents and nonresidents for all license permits and tags for federal aid certification and the gap in that period between 2002 and 2010 is due to the way that we were required to report to them. The data was not pulled together the same, so it's not available as it was prior to that and currently. The interesting thing is what also coincides with that gap, there is a shift and residents made up a larger portion of the revenue, the nonresidents did as of 2001. In 2011, that's completely flipped and what changed in there during that time period, about 2008, is when we went away from transferable deer permits and solely to the nonresident draw for permits. There was some statutory language that required the increase for those permits at that time. In 2001, the total license holders that were residents was 77% nonresidents 23%; and was 63% and 37% of our total hunting license revenue. In 2011, it was 78% and 22%, so not a huge change in the makeup of those hunters as far as residency. There was a huge shift 33% to 67%, basically flipped it on its head, as far as the amount of revenue that those were bringing in. In 2018, you're looking at 69%, so we're at about a 70/30 split and we've been there, give or take a few percentage points, for several years now. As far as 70% residents, 30% nonresidents. We are now at a point where the nonresidents make up over 72% of our hunting licenses, tags and permit sales revenue. Looking at that period I did have Levi pull some of this information together and I should give kudos to Levi and Kent Fricke for helping me pull some of this together, especially some of the comparisons across states, which can be difficult, and they did a great job. Our nonresident antlered deer permits, is 98% and again that we didn't have the application data prior to 2008. That allocation isn't necessarily representative of the number of nonresidents hunting in

the state because during that time period we did have the landowner transferable tag. In 2008, there was legislation passed, as a part of the agreement that was reached, we got rid of the landowner transferable tags. The worry there was there would not be the demand for those permits would not be met based on what the department said. So, in addition to the formula that Levi put things through, which basically considers adjustment factors that in statute are required to include deer population trends, deer-related vehicle accidents, age structure in the harvest, deer damage, landowner desire for nonresident deer permits, general public desires and health of habitat. Those are all the different factors that thankfully Levi and I have to look into on an annual basis because it is an enigma. The additional language in 2008, with doing way of the transferable deer permits said, the 2008 permit numbers shall be based on the adjustment factors and an average of nonresident demand for permits in each management unit from the previous six years establishing at least a 10% increase, but not more than 50% increase in permit numbers in each management unit except in Unit 16, where permit numbers shall not increase more than 100%. The increase we saw, looks like more of a substantial increase than it would be regarding the number of nonresident hunters, because you're not capturing those transferable permits, which Levi and I are still trying to dig into to identify the number of those, just so that you can compare and trust the comparison and contrast the before and after. From 2008 moving forward, it wasn't until 2015, where the number of applicants actually surpassed the number of available permits through the allocation, and there's been one year since then where they did not, I think in 2017. Since then, they have exceeded the allocation and in 2021 and 2022, it greatly exceeded the allocation. The demand that we were talking about is we are seeing nearly 30,000 applications for the 22,000 or less available allocated nonresident deer permits. If you look at the total cost of when those increases occurred, that we discussed before, looking at not just their permits, but the permit cost and application fee and the cost of the nonresident hunting license, so the total cost to be able to have the opportunity to harvest an antlered whitetail in Kansas over that period of time. On the fishing side of things, I don't have near as much background data on that, but not a huge amount of change. There were some shifts and a little bit of an increase in the revenue from residents on the fishery side. Starting around 2014, there with some shifts in pricing but far and away the nonresidents make up a much smaller portion of the revenue than the residents. Again, thanks to Levi and Kent for helping me put some of the data together comparing nonresident hunting licenses across the states. It is more than challenging because a license in one state doesn't mean the same thing as a license in another state. In some states you don't need the license. You only need it for small game, but you don't have to have any sort of license that's included with the price for a big game permit. We did our best effort at comparing side by side across about 40 states where nonresident hunting license costs were and the average. After we pulled all that together it was about \$147. Kansas is currently at \$95 with a cap of \$125 and our recommendation is to move up to that cap of \$125. So, a substantial increase but it's been at that \$95 for a while and that would still be well under that average. On our fishing licenses, currently this was more of an expanded regional look, we're at \$65 and we're recommending, again with it being at that for some time, that would put us ahead on the list of about four states, but still behind Nebraska, if we did go to the cap of \$75 which is the recommendation. On nonresident spring turkey permits, just to see where we rank, and we did these in the deer permits looking at them regionally as well. It's difficult when a hunting license in certain states gets you three deer and two turkeys, just with your hunting license purchase. It's more of a bag limit um and on the flip side there are states like Nebraska, where there's a small game license but there's no additional hunting license or anything you have to purchase with

your big game permit when you draw. In order to try and compare apples to apples, rather than just looking at the permit fee, we pulled together what the total cost is for the opportunity to harvest one bird in the spring. So, whether that's application fees, a habitat stamp, your cost of the permit itself, and a hunting license if you have to purchase that, the general total cost. Regionally, Kansas ranks fairly low at \$160, the non-Kansas average is \$195, and we feel completely justified in moving ourselves up in that list into the top three, based on the opportunities that Kansas offers and that total cost. Moving the general permit only to \$75, as well as the addition of the \$10 application fee for the draw and increase from \$95 to \$125 for the nonresident hunting license, would put that total cost at \$210. So, it would still be below Missouri and Iowa, granted that cost in Missouri gets you two birds but they don't have an option for buying one. That was the same principle, it's the opportunity to harvest one bird. So, when we look at nonresident deer in Kansas, we didn't consider it separated out because you don't have the opportunity to harvest, by the one year permit it is a combo, so same principle applies whether it's this way or in reverse. The general total cost for everything that you would need, application fees, license permit, etc. for non-Kansas averages currently at \$466. Again, with the change that's proposed from \$415 to \$450 for the combo permit, which is representative of what those two permits would be if purchased separately, plus the increase in the hunting license and the \$25 application fee, which is that statutory cap, would make the total cost at \$600. That would put us regionally behind Iowa and Nebraska, but it would be above the average, but we have above average opportunities. I made a mistake in the briefing book, last line in the nonresident combo hunting and fishing license, this is adjusted from what was in your briefing book. We had it at \$200, but that was not representative of the discounts and doesn't really provide you much incentive to buy the combo permit that was adjusted, which brought down the total estimated increase to revenue by about 55,000 with that \$10 decrease there, so that is \$3.74 million as the total estimated increased revenue based on previous year's sales. I'll run through these quickly just so everybody is clear on what the recommendation is. On the nonresident hunting license, the current fee is \$95 it's proposed to go to \$125, so that's a \$30 increase. The nonresident spring turkey permit is currently at \$60 proposed to go to \$75, that's a \$15 increase. We have the addition of the nonresident turkey permit application fee, which is necessary for the draw process and the quota, that's set at \$10. The nonresident combination, two deer permit was it \$415, we would increase that to \$450, a \$35 increase, and again representative of what those two permits would cost if purchased separately if they were able to. On the nonresident fishing license, is \$50, proposed to go to \$75, that's \$25 increase. We did also decide, there wasn't much room but there's a little, to adjust the nonresident calendar day fishing license from \$7.50 to \$10, which would be the cap, a \$2.50 increase. Part of the logic behind that is we do anticipate some pushback with the increase to the nonresident annual fishing license, so the thought was, rather than have it be the same or cheaper if only here for a short time, we'd rather that short time be seven days rather than 10 days before the break-even point on it. Nonresident combo hunting and fishing license as at \$135, would go to \$190, which is about a \$5 savings per permit if you were to buy them separately, an increase of \$55 total there. The total estimated increase in revenue is \$3.74 million. If you recall what we had talked about, that was a shortfall in the range of \$4 million to \$6 million. So, we did look at that as a range and did not quite achieve our goal, but where we landed was all nonresident increases. We really did look at everything holistically across the board, for anything that was still under the caps, and in comparing those both regionally and nationally. We took into consideration some specific permits for residents, we have decreasing demand for them already, so it doesn't really make sense to increase prices.

Many of them, if you looked at the comparisons regionally and nationally for specific permits, were already at or above the average, so there wasn't justification there from a demand perspective or comparing to what the market looked like. I will say that these proposed increases are not going to afford us a whole lot of room, but they should come close to, if not allowing us to fully utilize the appropriated wildlife fee fund budget without having to dip into the Wildlife Fee Fund balance on an annual basis, which really was the goal of this exercise. It doesn't buy us a whole lot of time and we're probably, as we said, going to be looking at the fee statutes at some point in the near future, hopefully next year. If operating costs do continue to rise it's probably not going to be the case for long and we'll be back to a point where we'll be dipping into the Wildlife Fee Fund. If we were to actually fully utilize our appropriation on an annual basis, and if you'll remember right from our first discussions we are not currently doing that because we're not wanting to dip into the Wildlife Fee Fund, doesn't mean we don't have the need to spend that appropriation there's plenty deferred maintenance and infrastructure things that are going to need lots of money over the next decade or two. We do need to identify areas that we can further cut costs and redouble our efforts to identify some alternative or non-traditional funding sources to help support our mission. There is a lot of federal money that's potentially coming down the pipeline and is going to be available to states, not necessarily directly related to wildlife, but certainly related to wildlife conservation and environmental effects. We will be moving forward with plan to review the fee regs on a three-year cycle. I believe it was Commissioner Gfeller who asked about that at the meeting in Wichita. Rather than waiting 15 years to look at these and increase them, the revenue committee is going to continue to review options in the interim. We'll plan to do that at least every three years before looking at these regulations in this analysis, just so we can keep up with the market and our cost price analysis. I had an anecdote that I was going to share with you. I brought a prop today, a copy of the Senate Journals from the state of Kansas from 1905. I had picked this up knowing that 1905 was the year that we acquired the hatchery property down in Pratt. So, I was intrigued to see if there was anything in here regarding that. In flipping through it and it was fortuitous that there was a section regarding that state fishery. It was interesting the similarities between the budget shortfall issues that they were having then, and some of the solutions. So, I guess, to set the stage for that before I read that portion, it's in the initial address to the Senate from Governor Edwards, the 17th Governor who was inaugurated 1905. This was his address. Regarding all the different portions State, printing, irrigation, traveling, good roads, civil service, but there was a section on the safe fishery, so if you think about it, setting the stage for that time period in 1905. You're about five years past the passing of the Lacey Act but 13 years prior to the Migratory Bird Treaty Act. So, when he talks about commercial use of wildlife it's a completely different concept than what we talk about. I'm pretty sure nobody was monetizing their YouTube channels then. It was the fur and feathers, used for fashion sort of commercialization of wildlife. Just for context, "the first part of it is the last legislature established the state fishery near the town of Pratt and Pratt County and made a small appropriation to inaugurate that important enterprise I recently made a personal investigation of the state's property there which is meager in extent, but great in possibility. The state owns 12 acres of land through which flows the Ninnescah River, a small but beautiful ever-flowing stream of pure water." So, lots of changes. "A pond covering several acres has been made and supplied with water by windmill. The conditions are excellent for the establishment of other ponds on the state's premises and all of them can easily be supplied through pipes a comparatively short distance above, so great is a downward incline of the stream. In a word the natural conditions are all favorable to a permanent and valuable institution of this

kind. Nothing has been done as yet toward the establishment of a hatchery for lack of funds.” So, there's that revenue shortfall. “This is of course the most important feature of the new institution and if the plan is to practical value and appropriation must be made large enough to furnish the nest for the propagation of fish and for their distribution.” So, this was the interesting part when I was getting into it so this, the latter part of his address to them. “I think the fish and game interest should be consolidated and one man empowered to look after both of them. The destruction of game is an evil that should be remedied as far as law can control it. The practice of nonresidents coming into the state and killing our game for market purposes is one that cannot be too speedily stopped and as a means to this reform I recommend the enactment of a law imposing a heavy license upon nonresident sportsmen who apply their vocation within our borders.” So, I found that to be interesting that we have different, but similar, problems as well as solutions close to 120 years later. In case you're wondering, they did enact heavy fines then in 1905. The nonresident license was \$15 so that's pretty steep and it was actually \$1 for residents at the time. It was maintained at \$15 from 1905 until 1930. If you're wondering what that would look like in real dollars today, you'd be talking nearly \$470 dollars for a nonresident hunting license. If there are no objections, I'd like to move forward with this process and promulgation and submitting this to the Department of Administration. Commissioner Sporer – Is this for this year or 2024? George – Fall 2024 season. Chairman Lauber – Better get it done before it gets out there. George – Nothing can get done too quick.

11. KAR 115-2-3 Camping, utility, and other fees – Linda Lanterman, parks director, presented this regulation to the Commission (Exhibit GG, PowerPoint Exhibit HH). I'm going to talk to you about Kansas State Parks and our fee structure. We look at them every three years. The last time we did it, however, was in 2016. We would have looked at him in 2019 but keep in mind we were in historic flooding, so we didn't feel like it was a good idea. Then we went into the COVID era, and we honestly thought we would have nobody at our state parks, and it was just the opposite. We really didn't have the opportunity to start putting some of this together until the end of last year. In looking at our permits here for Kansas state parks I talked to you last time about the annual camp permit. It's a permit we started in the 1980s to get people into our state park systems. It has really outlived its useful life. I want to show you how many we've sold. It went down significantly in 2022, but I think what's interesting about it is, from selling that permit, in 2021 you can see it was over \$1 million, so it was important to us. The nights used is what is hurting us right now. In 2022, even though we sold fewer annual camp permits, people are staying much longer. You have probably all received some comments about not being able to get a campsite. Part of that is because those annual campers are leaving their campsites or their camper there, and not moving it. I have some empathy for that, to some degree, because it's expensive to move a camper around going back and forth. However, not paying for the site is where my problem is. We are going to talk about our proposals of what we would do with this annual camp. We are one of the few in the nation that has one. New Mexico still has one, but not used like what we do. Our purpose with the annual camp, which has outlived its useful life, is there is unrealized revenue from that permit. You're looking at almost \$1.3 million that we've lost by having that annual camp permit, especially when they stay an average of 60 nights. It does not make sense. On the daily camp, just like Jake, when he talks about where we're at on permits, Kansas is 26th. In 2019, I would have proposed to increase our daily camp and then again, I would have proposed another increase before now. We're at \$10 a day. I always look at the surrounding states when I look at ours. We look at Nebraska, Missouri, Arkansas, Iowa,

Oklahoma, Wyoming and Colorado. Several of them are at \$15 a night and we've talked to Secretary Loveless a little bit about that. Our team feels like \$15 a night is a palpable one that we could use. Again, I am concerned about those that can't afford to get in. I've worked the gate and I've seen the single parent come in and you want to dig money out of your pocket to get them in. We have four days in every state park that has free entrance, so every state park has four different opportunities for them to come in. We do have some programs that we allow through the Scouts where they can come in and camp at a reduced rate through a group. We're trying to still keep some of those going so that we can allow people to come in. We honestly feel like \$15 a night is still a number that people will be able to do. It's a good value for their dollars. We also have a library program where they can go to their local library and get a permit, check one out and use it to get into our state parks. We are trying hard to get people in that maybe wouldn't be able afford to get in. So, we have many opportunities. We have cabin night giveaways and things like that for people to have opportunities to use all parts of our state parks system. The 14-night camp permit has been a popular one. We sell that at a \$2 a day discount. If we move that daily camp up, this will be one that will change also. We still want to keep that \$2 a day discount, so if they buy that all at one time and then they can use it throughout the year, it does not have to be in used in consecutive days. They can use our reservation system and it will calculate what days they use, so it's been a good one. To be honest with you, it's good to have a discounted permit for seniors and for people that might want to come in and stay. For sure if they're going to stay longer than a few days than this is a valuable permit. Our seasonal camp program, which we have gone back and forth on, this seasonal program was started so somebody can, with a contract with us, can go April through November and stay in one campsite every month. We approve it, but it has a series of rules they have to follow. We started this when El Dorado State Park had a lot of workers there at the oil refinery. They built us a campground for their users because there was not enough housing or local places for people to have their campers. It was good for us back then and still is today. It's very popular in some locations. However, you can look at those costs per month and if we move the daily camp to \$15 this really is not going to be able to stay at that level. I'm going to propose changes. We've talked about this a few times. We want to eliminate the annual camp permit; increase our daily camping to \$15; increase the 14-day to \$182, which is still a \$2 a night discount; increase our seasonal camping fees a hundred dollars per month; and then we have a rent-a-camp program that is \$15, that we would to \$30, where people can check out a tent through our office, we don't do that very often but I'd like to keep it on the books because there are some that like to. Also, we are involved in the Summer Sunflower with Tourism, where people come out and camp. We've done that for the last few years. With COVID, so we have opportunities for people to come out. This is our proposed changes. I want to show you the seasonal camp, costs are shown with one, two or three utilities and parks are split into three groups, Group A is our smaller parks so we have these grouped based on the size of the parks; Group B is Tuttle Creek, Milford, Sand Hills, and Clinton, which doesn't have it right now because we had so much trouble with people in compliance with that program there; and Group C is El Dorado, because we do have competition close by and we do not want to take any business away from them. We looked those fees, for instance a three-utility site at El Dorado would be \$700, it's still a savings if you would calculate that the \$15 plus the utility fee, it's still a hundred dollar a month savings. Commissioner Sporer – How many times have we worked on this? Is this the third time? Lanterman – This is second time I think, we did it in January. Sheila Kemmis – I think this is the third time. Commissioner Sporer – Will we vote next time? Lanterman – I don't know exactly, that would be okay with me, but it's not been traditionally. It's

going to end up in that pending regulations I would say. I haven't talked to Dan and Terry to do the regulation we'll have add a line in that so, I'll probably be back again. This would be for next season. It would be good to have this going. Jake did a good job. Our seasonal costs have gone up significantly, you can't hire a seasonal at a rate that we used to, which is okay, but keep in mind our construction costs are up too. Assistant Secretary Schrag – Jake presented the nonresident license fee increases. If Linda is confident that it can be submitted to Dan for the promulgation process and that would be where we're at it is not currently in that promulgation process but if you all are comfortable that we're at that point to move that forward and comfortable with it. Commissioner Escareno - Is unlimited camping on an annual permit? Lanterman – Yes. Chairman Lauber – Good job, thank you.

Chairman Lauber – The next items are several workshop items that have been presented multiple times and we are not going to have a presentation on them; however, they are in the briefing book.

12. Pending Regulations – Chairman Lauber – We have the same pending regulations, no presentation on stuff that we've workshopped 100 times

Turkey

KAR 115-4-11 Big game and wild turkey permit applications.

Fishing

KAR 115-25-14. Fishing; creel limit, size limit, possession limit, and open season (and associated reference document).

KAR 115-18-10. Importation and possession of certain wildlife; prohibition, permit requirement, and restrictions.

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).

VII. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

Chairman Lauber – That ends the regular portion of the meeting. I do still have time if there's any general public comment on non-agenda items.

Assistant Secretary Schrag – I'd like to follow up on a question that was posed earlier and while I'm not as fast as Google or other internet searches, I do have an answer on the nonresident registering to vote in Kansas. If a non-resident registered their boat in Kansas, they would still remain a nonresident in the licensing system. So, we'd still be able to identify them if they pop up as a nonresident when we try to implement this acknowledgment for the nonresident restrictions for waterfowl money.

Gus Bader – You all know that the Governor's turkey hunt got canceled last year and there's a new organization that still handles the Kansas One Shot Turkey Hunt being held in El Dorado. Without the "Governor" attached to it. We did it this year again. One of the board members and I were asked to share with you some information on behalf of the board. Brad was there and we cooperated a lot with the Wildlife and Parks. We are all in agreement that the turkey population is on decline, and we do need to limit the numbers and somehow control it, however you all see,

and the biologists see that it be done, whatever the numbers. However, the draw for nonresidents, etc. if we hold this hunt, which we have continued because it brings quite a bit of Tourism. It also brings quite a few businesses ultimately to the state of Kansas. We have this year invited both NWTf as well as Turkeys for Tomorrow and we are in serious discussions with them, and we talked about that with Brad, about hunters doing a sort of a podcast if you want to call in discussion about why turkey numbers down, and what should we do. Both organizations, through several discussions are very close to committing some significant dollars to the state of Kansas through the Wildlife and Parks to study what's happening and what causes the turkey population to happen and go down. So, if you guys decide that we are going to do a draw for nonresidents it will be very detrimental to our committee in our hunt. If that is a lottery, as opposed to what Nebraska did, a first-come first-serve type, because a lot of people will not know if they're going to be drawn or not. We have a lot of people that come in and spend a lot of money. We do give scholarships to people if you're not familiar with those things. We take hunting heroes, but most of that income and commitment of money comes from nonresidents. As an example, this year we had 48 as we considered this to be a first-year hunt. Because the old committee and the old Governor's hunt went away, we started from scratch, from the 48 we had only 13 Kansas residents and there were 35 nonresidents. I don't remember the exact number but about seven of them gave between \$7,000 to \$10,000 each. That goes into the fund that we turn into the state of Kansas. So, we are all on the same page, to try to bring the turkey numbers back, what we do to control them. What the number is of nonresident permits, we're all in agreement, is the issue. We need to know, as a committee, as a board, as a hunt, need some way to make sure that whoever applies is going to come. Those are the big donors to our state. The Department of Commerce sponsored us this year from Kansas with \$25,000 and they brought in people, and we gave them the primo spots. We hope that they will be moving their business to the state of Kansas. Those are some of the things that we do and if we don't have, I don't want to say guaranteed, but at least with a priority permit we can hurry up and have these people apply from out of state and come into to that hunt. If that is possible, that is what we are trying to ask for. Chairman Lauber – We had about an hour of discussion on that earlier and we did vote on it and a couple of things that have come up during the discussion is that in the area that El Dorado is, in that zone, we had 2,600 permits last year. In this particular year, our recommendation is 2,700 for that. So, unless there's a tremendous increase in the number of applicants, there should be enough to meet almost complete demand in that area. It was decided to go ahead with the draw and still and we had a discussion specifically about your organization, which I think is good one. There were some problems with the first-come, first-serve. For example, if we were going to have to do that, we'd have to have that drawing like 30 days prior to the hunt and not before. So, you've got people who are probably not going to be able to put it on their calendar in that amount of time either. We want the Kansas turkey hunt, the One-Shot Hunt to continue and flourish and we will try to monitor how this draw affects your opportunity. Bader – Okay, fair enough. That's all we want to share with you. Appreciate your consideration.

VIII. OLD BUSINESS

None

IX. OTHER BUSINESS

A. Future Meeting Locations and Dates

June 22, Milford, Acorn Lodge (planned events for Milford Lake area)

August 17, Pittsburg, Pittsburg State University, Bicknell Center VIP Room (morning tour??)

September 7, Garden City

X. ADJOURNMENT

Adjourned at 5:55 p.m.

Public Hearing

Wildlife and Parks Commission Notice of Public Hearing

A public hearing will be conducted by the Wildlife and Parks Commission at 12:00 p.m., Thursday, June 22, 2023, at the Acorns Resort, 3710 Farnum Creek Rd., Milford, Kansas to consider the approval and adoption of a proposed administrative regulation of the Kansas Department of Wildlife and Parks.

The public hearing will begin at 12:00 p.m., June 22, 2023, at the location above. Other commission business will follow and will include general discussions, which may include educational presentations, workshop sessions, and public comment opportunities following the public hearing and again toward the end of the meeting. The meeting will continue until all business is complete.

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

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

All interested parties may submit written comments prior to the hearing to the Chairman of the Commission, Kansas Department of Wildlife and Parks, 1020 S. Kansas Ave., Suite 200, Topeka, KS 66612 or to sheila.kemmis@ks.gov, if submitted electronically. All interested parties will be given a reasonable opportunity at the hearing to express their views orally regarding the adoption of the proposed regulation. During the hearing, all written and oral comments submitted by interested parties will be considered by the commission as a basis for approving, amending and approving, or rejecting the proposed regulation.

The regulation that will be heard during the regulatory hearing portion of the meeting is as follows:

K.A.R. 115-4-11. This regulation amendment covers the provisions and restrictions for big game and wild turkey permit applications.

Economic Impact Summary: The overwhelming majority of the anticipated costs are to the agency in lost permit/tag revenue of \$695,662 annually.

Copies of the complete text of the regulation and economic impact statements may be obtained by writing the chairman of the Commission at the address above, electronically on the department's website at www.ksoutdoors.com, or by calling (785) 296-2281.

Gerald Lauber, Chairman



ORIGINAL

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1020 S. Kansas Ave
Topeka, KS 66612

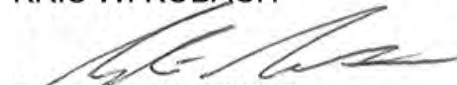
RE: **K.A.R. 115-4-11; 115-25-5; 115-25-6**

Dear Dan Riley:

Pursuant to the Rules and Regulations Filing Act, K.S.A. 77-415, *et seq.*, we have reviewed the above-referenced regulations for legality. Finding no issues of concern, we have approved them. The stamped original regulations are enclosed.

Sincerely,

OFFICE OF THE ATTORNEY GENERAL
KRIS W. KOBACH


Robert C. Hutchison
Deputy Attorney General

RCH:AS
Enclosures

cc: Sen. Barbara Wasinger, Chair, Joint Committee on Rules and Regulations
Rep. Kellie Warren, Vice Chair, Joint Committee on Rules and Regulations
Rep. John Carmichael, Ranking Minority Member, Joint Committee on Rules and Regulations
Jill Shelley, Legislative Research, State Capitol, Room 68-W
Natalie Scott, Office of Revisor, State Capitol, Room 24-E

Wildlife and Parks Commission Notice of Public Hearing

A public hearing will be conducted by the Wildlife and Parks Commission at 12:00 p.m., Thursday, June 22, 2023, at the Acorns Resort, 3710 Farnum Creek Rd., Milford, Kansas to consider the approval and adoption of a proposed administrative regulation of the Kansas Department of Wildlife and Parks.

The public hearing will begin at 12:00 p.m., June 22, 2023, at the location above. Other commission business will follow and will include general discussions, which may include educational presentations, workshop sessions, and public comment opportunities following the public hearing and again toward the end of the meeting. The meeting will continue until all business is complete.

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

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

All interested parties may submit written comments prior to the hearing to the Chairman of the Commission, Kansas Department of Wildlife and Parks, 1020 S. Kansas Ave., Suite 200, Topeka, KS 66612 or to sheila.kemmis@ks.gov, if submitted electronically. All interested parties will be given a reasonable opportunity at the hearing to express their views orally regarding the adoption of the proposed regulation. During the hearing, all written and oral comments submitted by interested parties will be considered by the commission as a basis for approving, amending and approving, or rejecting the proposed regulation.

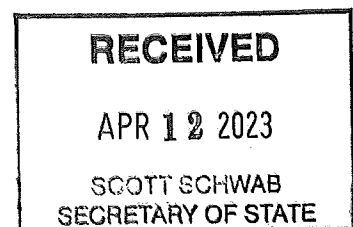
The regulation that will be heard during the regulatory hearing portion of the meeting is as follows:

K.A.R. 115-8-23. The proposed amendment will clarify that the prohibition on baiting wildlife KDWP lands and waters does not apply to fur harvesters; and that prohibition does include walk-in hunting areas (WIHA) and integrated walk-in hunting areas (iWHA).

Economic Impact Summary: This amendment is not expected to have any significant economic impact on the department, other agencies, or the public.

Copies of the complete text of the regulation and economic impact statements may be obtained by writing the chairman of the Commission at the address above, electronically on the department's website at www.ksoutdoors.com, or by calling (785) 296-2281.

Gerald Lauber, Chairman





ORIGINAL

STATE OF KANSAS
OFFICE OF THE ATTORNEY GENERAL

KRIS W. KOBACH
ATTORNEY GENERAL

MEMORIAL HALL
120 SW 10TH AVE., 2ND FLOOR
TOPEKA, KS 66612-1597
(785) 296-2215 • FAX (785) 296-6296
WWW.AG.KS.GOV

April 6, 2023

Dan Riley
Kansas Department of Wildlife and Parks
1020 S. Kansas Ave.
Topeka, KS 66612

RE: **K.A.R. 115-8-23**

Dear Mr. Riley:

Pursuant to the Rules and Regulations Filing Act, K.S.A. 77-415, *et seq.*, we have reviewed the above-referenced regulation for legality. Finding no issues of concern, we have approved it. The stamped original regulation is enclosed.

Sincerely,

OFFICE OF THE ATTORNEY GENERAL
KRIS W. KOBACH

Paul Keithley
Assistant Attorney General

PK:CB
Enclosure

cc: Rep. Barbara Wasinger, Chair, Joint Committee on Rules and Regulations
Sen. Kellie Warren, Vice Chair, Joint Committee on Rules and Regulations
Rep John Carmichael, Ranking Minority Member, Joint Committee on Rules and Regulations
Jill Shelley, Legislative Research, State Capitol, Room 68-W
Jenna Moyer, Office of Revisor, State Capitol, Room 24-E

Regulations Transmittal Memo

To: Legal Opinions and Governmental Counsel Division
Attorney General's Office

From: Kansas Department of Wildlife and Parks

Date: 2/22/23

Re: K.A.R. 115-4-11; 115-25-5; 115-25-6

Kansas Department of Wildlife and Parks is submitting the above-referenced regulation(s) for your review. We have included a copy of the most current version of the law (each enrolled bill, Session law, or statute) cited in the history section of each proposed regulation. We also have included the Economic Impact Statement.

The regulation(s) status is as follows:

- Initial review of new, newly amended, or revoked regulation(s)
- 2nd or subsequent review following disapproval by Attorney General after initial review *
- 2nd or subsequent review following agency pre-hearing changes *
- Post-hearing review with changes as suggested by public comments or the Joint Committee on Rules and Regulations *

* NOTE: Please indicate changes from previously submitted version in some manner.

Any additional comments, i.e. statutory or other deadline:

Review requested as soon as possible, seasonal deadlines pending.

The agency contact person is: Name: Dan Riley
Agency: KDWP
Address: 1020 S. Kansas Ave
City/State/Zip: Topeka, Ks 66612
Phone: 785-296-1032
E-mail: Dan.Riley@ks.gov

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115-4-11. Big game and wild turkey permit applications. (a) General application provisions.

(1) Unless otherwise authorized by law or regulation, an individual shall not apply for or obtain more than one antlered or horned big game or wild turkey permit for each big game species or wild turkey, except when the individual is unsuccessful in a limited quota drawing and alternative permits for the species are available at the time of subsequent application or when the individual is the final recipient of a commission permit.

(2) Unless otherwise authorized by law or regulation, each big game or wild turkey permit application shall be signed by the individual applying for the permit.

(3) Subject to any priority draw system established by this regulation, if the number of permit applications of a specific species and type received by the designated application deadline exceeds the number of available permits of that species and type, a random drawing to issue permits of that species and type shall be conducted by the secretary.

(4) A hunt-on-your-own-land permit shall not be tabulated in a priority draw system if the permit would otherwise reduce the applicant's odds of receiving a big game permit through that draw system.

(b) Deer permit applications.

(1) Subject to any priority draw system established by this subsection, in awarding deer permits in units having a limited number of permits, the first priority shall be given to those applicants who did not receive, in the previous year, a deer permit that allowed the taking of an antlered deer. All other deer permit applicants shall be given equal priority.

(2) In awarding a limited number of deer permits by a priority draw system, the first priority shall be given to those individuals who have earned the highest number of preference points. Preference

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points shall be awarded as follows:

(A) One point shall be awarded to an individual for each year the individual is unsuccessful in obtaining, by a priority draw system, a deer permit that allows the taking of an antlered deer.

(B) If the individual fails to make at least one application or purchase one preference point within a period of five consecutive years, all earned points shall be lost.

(C) If an applicant obtains, by a priority draw system, a deer permit that allows the taking of an antlered deer, all earned points shall be lost.

(D) If the number of applicants with the most preference points exceeds the number of permits for specified units or permit types, then a drawing shall be held to determine the successful applicants.

(E) If an individual wants to apply for a preference point for a deer permit that allows the taking of antlered deer and not receive a permit, the person may apply for and receive a preference point by paying the proper application or preference point fee and submitting an application during the application period specified in this regulation. No individual may apply for more than one preference point in the same calendar year, and no individual shall apply for a preference point in the same calendar year as the calendar year in which the individual is applying for a permit.

(3) If an individual is a final recipient of a commission deer permit, the individual shall not possess more than one regular antlered deer permit and one commission deer permit.

(4) Applications for nonresident limited-quota antlered deer permits shall be accepted in the Pratt office from the earliest date that applications are available through the last Friday of April each year. Any nonresident applicant may select, at the time of application, one deer management unit and up to one adjacent management unit where that permit shall be valid.

(5) Applications for resident firearms either-species, either-sex permits shall be accepted at

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designated locations from the earliest date that applications are available through the second Friday of June.

(6) Applications for resident any-season white-tailed either-sex deer permits, resident archery deer permits, resident muzzleloader either-species either-sex permits, and hunt-on-your-own-land deer permits shall be accepted at designated locations from the earliest date that applications are available through December 30.

(7) Each resident applicant for either-species, either-sex muzzleloader or firearm deer permits shall select, at the time of application, the unit where the permit shall be valid. The west unit permit shall be valid in units 1, 2, 17, and 18. The east unit permit shall be valid in units 3, 4, 5, 7, and 16.

(8) Applications for antlerless white-tailed deer permits shall be accepted at designated locations from the earliest date that applications are available through January 30 of the following year.

(9) Each nonresident applicant for a regular deer permit shall have purchased a nonresident hunting license before submitting the application or shall purchase a nonresident hunting license when submitting the application.

(c) ~~antelope~~ Antelope permit applications. In awarding antelope permits, the first priority shall be given to those individuals who have earned the highest number of preference points. Preference points shall be awarded as follows:

(1) One point shall be awarded to an individual for each year the individual is unsuccessful in obtaining an antelope permit.

(2) If the individual fails to submit at least one application or purchase one preference point within five consecutive years, all earned points shall be lost.

(3) If an applicant obtains an antelope permit by a priority draw system, all earned points shall

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be lost.

(4) If the number of applicants with the most preference points exceeds the number of permits for specified units or permit types, then a drawing shall be held to determine the successful applicants.

(5) If an individual wants to apply for a preference point for an antelope permit and does not receive a permit, the person may apply for and receive a preference point by paying the preference point fee and submitting an application during the application period specified in this regulation. No individual may apply for more than one preference point in the same calendar year, and no individual shall apply for a preference point in the same calendar year as the calendar year in which the individual is applying for a permit.

(6) Applications for resident permits shall be accepted in the Pratt office from the earliest date that applications are available through the second Friday of June.

(7) Applications for resident and nonresident archery permits shall be accepted at designated locations from the earliest date that applications are available through October 30.

(8) If there are any unfilled permits after all timely applications have been considered, the application period may be extended by the secretary.

(9) Any applicant unsuccessful in obtaining a permit through a drawing may apply for any permit made available during an extended application period, or any other permit that is available on an unlimited basis. If the applicant receives a permit made available during an extended application period or on an unlimited basis, that individual shall not receive a preference point in the same calendar year as the calendar year in which the individual received that other permit.

(d) Elk permit applications.

(1) An individual receiving a limited-quota elk permit shall not be eligible to apply for or

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receive an elk permit in subsequent seasons, with the following exceptions:

(A) An individual receiving an any-elk or a bull-only elk permit may apply for and receive an antlerless-only elk permit in subsequent seasons.

(B) An individual receiving a limited-quota, antlerless-only elk hunting permit shall not be eligible to apply for or receive a limited-quota, antlerless-only elk permit for a five-year period thereafter. Subject to this subsection, however, this individual may apply for and receive an any-elk or bull-only elk permit without a waiting period.

(C) When a limited number of elk permits are awarded by a random draw system, each individual shall have an additional opportunity of drawing for each bonus point earned by the individual in addition to the current application. Bonus points shall be awarded as follows:

(i) One bonus point shall be awarded to an individual for each year the individual is unsuccessful in obtaining, by a random draw system, an elk permit that allows the taking of an elk.

(ii) If an individual fails to make at least one application or purchase one bonus point within five consecutive years, all earned bonus points shall be lost.

(iii) If an applicant obtains, by a random draw system, an elk permit that allows the taking of an elk, all earned points shall be lost.

(iv) If an individual wants to apply for a bonus point for an elk permit that allows the taking of elk and not receive a permit, the person may apply for and receive a bonus point by paying the proper application or bonus point fee and submitting an application during the application period specified in this regulation. No individual may apply for more than one bonus point in the same calendar year, and no individual shall apply for a bonus point in the same calendar year as the calendar year in which the individual is applying for a permit.

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(D) Each individual who is the final recipient of a commission elk permit shall be eligible for a limited-quota elk permit, subject to the provisions of this subsection.

(E) Limited-quota antlerless-only elk permits and limited-quota either-sex elk permits shall be awarded from a pool of applicants who are Fort Riley military personnel and applicants who are not Fort Riley military personnel.

(2) Applications for hunt-on-your-own-land and unlimited over-the-counter elk permits shall be accepted at designated locations from the earliest date that applications are available through March 14 of the following year.

(3) Applications for limited-quota antlerless-only elk permits and limited-quota either-sex elk permits shall be accepted at designated locations from the earliest date that applications are available through the second Friday in June.

(4) If there are leftover limited-quota antlerless-only elk permits or limited-quota either-sex permits after all timely applications have been considered, the application periods for those permits may be reopened by the secretary. Leftover permits shall be drawn and issued on a daily basis for those application periods reopened by the secretary. Any applicant unsuccessful in obtaining a permit through a drawing may apply for any leftover permit or any other permit that is available on an unlimited basis.

(5) Any individual may apply for or obtain no more than one permit that allows the taking of an elk, unless the individual is unsuccessful in a limited-quota drawing and alternative permits for elk are available at the time of subsequent application or the individual obtains a commission permit pursuant to this subsection.

(e) Wild turkey permit applications.

(1) When awarding wild turkey permits in units having a limited number of permits, the first

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priority shall be given to those individuals who did not receive a permit in a limited wild turkey unit during the previous year. All other applicants shall be given equal priority.

(2) In awarding a limited number of wild turkey permits by a priority draw system, the first priority shall be given to those individuals who have earned the highest number of preference points. Preference points shall be awarded as follows:

(A) One point shall be awarded to an individual for each year the individual is unsuccessful in obtaining, by a priority draw system, a wild turkey permit.

(B) If the individual fails to submit at least one application or purchase one preference point within five consecutive years, all earned points shall be lost.

(C) If an applicant obtains, by a priority draw system, a wild turkey permit, all earned points shall be lost.

(D) If the number of applicants with the most preference points exceeds the number of permits for specified units or permit types, then a drawing shall be held to determine the successful applicants.

(E) If an individual wants to apply for a preference point for a wild turkey permit and not receive a permit, the person may apply for and receive a preference point by paying the preference point fee and submitting an application during the application period specified in this regulation. No individual may apply for more than one preference point in the same calendar year, and no individual shall apply for a preference point in the same calendar year as the calendar year in which the individual is applying for a permit.

(3) Fall wild turkey permits for unit 1, unit 2, unit 3, unit 5, and unit 6, youth turkey permits, and game tags for unit 2, unit 3, unit 5, and unit 6 may be purchased over the counter at designated locations, from the earliest date in the year that applications are available through 5:00 p.m. on January 30 of the

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following year.

(4) Applications for spring wild turkey permits in unit 4 shall be accepted by the department from the earliest date that applications are available until midnight on the second Friday of February. If there are turkey permits left over after all timely applications have been considered, the application period may be reopened by the secretary. Leftover turkey permits shall be issued on a daily competitive basis until the day before the last day of the turkey season or until all turkey permits are issued.

(5) Spring wild turkey resident permits in unit 1, unit 2, unit 3, unit 5, and unit 6, youth turkey permits, and game tags in unit 1, unit 2, unit 3, unit 5, and unit 6 may be purchased over the counter at designated locations from the earliest date that applications are available until midnight on the day before the closing date for the season.

(6) Applications for spring wild turkey for nonresident permits in unit 1, unit 2, unit 3, unit 5, and unit 6, and game tags in unit 1, unit 2, unit 3, unit 5, and unit 6 shall be accepted by the department when applications are available approximately four weeks prior to the second Friday of February until midnight on the second Friday of February. If there are turkey permits left over after all timely applications have been considered, the application period may be reopened by the secretary. Leftover turkey permits shall be issued on a daily competitive basis until the day before the last day of the turkey season or until all turkey permits are issued. Any nonresident applicant may select, at the time of application, one turkey management unit where that permit shall be valid. (Authorized by K.S.A. 32-807, K.S.A. 32-937, K.S.A. 32-969, and K.S.A. 32-970; implementing K.S.A. 32-937, K.S.A. 32-969, and K.S.A. 32-970; effective Sept. 10, 1990; amended May 27, 1991; amended June 1, 2001; amended April 18, 2003; amended Feb. 18, 2005; amended May 15, 2009; amended Feb. 5, 2010; amended April

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8, 2011; amended May 24, 2013; amended Nov. 30, 2015; amended April 21, 2017; amended April 26,
2019; amended June 24, 2022, amended P-_____.)

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Kansas Administrative Regulations Economic Impact Statement (EIS)

KDWP
Agency

Dan Riley
Agency Contact

296-1032
Contact Phone Number

115-4-11
K.A.R. Number(s)

Permanent Temporary

Is/Are the proposed rule(s) and regulation(s) mandated by the federal government as a requirement for participating in or implementing a federally subsidized or assisted program?

Yes If yes, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration and the Attorney General. Budget approval is not required; however, the Division of the Budget will require submission of a copy of the EIS at the end of the review process.

No If no, do the total annual implementation and compliance costs for the proposed rule(s) and regulation(s), calculated from the effective date of the rule(s) and regulation(s), exceed \$1.0 million over any two-year period through June 30, 2024, or exceed \$3.0 million over any two-year period on or after July 1, 2024 (as calculated in Section III, F)?

Yes If yes, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration, the Attorney General, AND the Division of the Budget. The regulation(s) and the EIS will require Budget approval.

No If no, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration and the Attorney General. Budget approval is not required; however, the Division of the Budget will require submission of a copy of the EIS at the end of the review process.

DOB APPROVAL STAMP (If Required)

Section I

Brief description of the proposed rule(s) and regulation(s).

The proposed amendments will create an application process for nonresident spring wild turkey permit applications.

Section II

Statement by the agency if the rule(s) and regulation(s) exceed the requirements of applicable federal law, and a statement if the approach chosen to address the policy issue(s) is different from that utilized by agencies of contiguous states or the federal government. *(If the approach is different or exceeds federal law, then include a statement of why the proposed Kansas rule and regulation is different.)*

There are no relevant federal laws or standards. Missouri, Oklahoma, Nebraska and Colorado all have employed similar provisions to address shrinking game populations .

Section III

Agency analysis specifically addressing the following:

- A. The extent to which the rule(s) and regulation(s) will enhance or restrict business activities and growth;
No impact anticipated
- B. The economic effect, including a detailed quantification of implementation and compliance costs, on the specific businesses, sectors, public utility ratepayers, individuals, and local governments that would be affected by the proposed rule(s) and regulation(s) and on the state economy as a whole;
No compliance or implementation costs are anticipated.
- C. Businesses that would be directly affected by the proposed rule(s) and regulation(s);
No direct impact on businesses is anticipated.
- D. Benefits of the proposed rule(s) and regulation(s) compared to the costs;

The creation of the application process will allow for better management of the available resources.

- E. Measures taken by the agency to minimize the cost and impact of the proposed rule(s) and regulation(s) on business and economic development within the State of Kansas, local government, and individuals;

Providing notification of the changes in advance via media releases, prominent website announcements and publication in the Kansas Register should provide the opportunity for affected parties to plan accordingly.

DOB APPROVAL STAMP (if Required)

F. An estimate of the total annual implementation and compliance costs that are reasonably expected to be incurred by or passed along to businesses, local governments, or members of the public.
Note: Do not account for any actual or estimated cost savings that may be realized.

Costs to Affected Businesses – **\$None annual implementation or compliance costs are anticipated.**

Costs to Local Governmental Units – **\$None**

Costs to Members of the Public – **\$None**

Total Annual Costs – \$None
(sum of above amounts)

Give a detailed statement of the data and methodology used in estimating the above cost estimate.

No costs anticipated since no implementation or compliance is required.

- Yes If the total implementation and compliance costs exceed \$1.0 million over any two-year period through June 30, 2024, or exceed \$3.0 million over any two-year period on or after July 1, 2024, and prior to the submission or resubmission of the proposed rule(s) and regulation(s), did the agency hold a public hearing to find that the estimated costs have been accurately determined and are necessary for achieving legislative intent? If applicable, document when the public hearing was held, those in attendance, and any pertinent information from the hearing.
- No
- Not Applicable

The overwhelming majority of the anticipated costs are to the agency in lost permit/tag revenue of \$695,662 annually. The proposed changes were presented publicly at KDWP Commission meetings held agency held on June 23, 2022, with a total of 22 members of the public attended, August 4, 2022, with a total of 8 public attendees, September 8, 2022, with a total of 7 members of the public attended, November 17, 2022, with a total of 7 public attended, and on January 12, 2023, 15 members of the public attended.

Provide an estimate to any changes in aggregate state revenues and expenditures for the implementation of the proposed rule(s) and regulation(s), for both the current fiscal year and next fiscal year.

Not applicable.

Provide an estimate of any immediate or long-range economic impact of the proposed rule(s) and regulation(s) on any individual(s), small employers, and the general public. If no dollar estimate can be given for any individual(s), small employers, and the general public, give specific reasons why no estimate is possible.

Not applicable

G. If the proposed rule(s) and regulation(s) increases or decreases revenues of cities, counties or school districts, or imposes functions or responsibilities on cities, counties or school districts that will increase expenditures or fiscal liability, describe how the state agency consulted with the League of

DOB APPROVAL STAMP (if Required)

Kansas Municipalities, Kansas Association of Counties, and/or the Kansas Association of School Boards.

Not applicable

- H. Describe how the agency consulted and solicited information from businesses, associations, local governments, state agencies, or institutions and members of the public that may be affected by the proposed rule(s) and regulation(s).

News releases statewide, public hearings with on-line access, publication in the Kansas Register and the agency website.

Section IV

Does the Economic Impact Statement involve any environmental rule(s) and regulation(s)?

Yes If yes, complete the remainder of Section IV.

No If no, skip the remainder of Section IV.

- A. Describe the capital and annual costs of compliance with the proposed rule(s) and regulation(s), and the persons who would bear the costs.

Click here to enter agency response.

- B. Describe the initial and annual costs of implementing and enforcing the proposed rule(s) and regulation(s), including the estimated amount of paperwork, and the state agencies, other governmental agencies, or other persons who would bear the costs.

Click here to enter agency response.

- C. Describe the costs that would likely accrue if the proposed rule(s) and regulation(s) are not adopted, as well as the persons who would bear the costs and would be affected by the failure to adopt the rule(s) and regulation(s).

Click here to enter agency response.

- D. Provide a detailed statement of the data and methodology used in estimating the costs used.

Click here to enter agency response.

DOB APPROVAL STAMP (if Required)

2022 Kansas Statutes

32-807. Powers of secretary. The secretary shall have the power to:

- (a) Adopt, in accordance with K.S.A. 32-805, and amendments thereto, such rules and regulations as necessary to implement, administer and enforce the provisions of the wildlife, parks and tourism laws of this state;
- (b) enter into such contracts and agreements as necessary or incidental to the performance of the powers and duties of the secretary;
- (c) employ or contract for, and fix the compensation of, consulting engineers, attorneys, accountants and construction and financial experts, all of whom shall be in the unclassified service under the Kansas civil service act;
- (d) designate an official seal and alter it at the secretary's pleasure;
- (e) sue, be sued, plead and be impleaded in the name of the department;
- (f) purchase, lease, accept gifts or grants of or otherwise acquire in the name of the state such water, water rights, easements, facilities, equipment, moneys and other real and personal property, and interests therein, including any property abandoned on department lands and waters, and maintain, improve, extend, consolidate, exchange and dispose of such property, as the secretary deems appropriate to carry out the intent and purposes of the wildlife, parks and tourism laws of this state;
- (g) acquire, establish, develop, construct, maintain and improve state parks, state lakes, recreational grounds, wildlife areas and sanctuaries, fish hatcheries, natural areas, physical structures, dams, lakes, reservoirs, embankments for impounding water, roads, landscaping, habitats, vegetation and other property, improvements and facilities for the purposes of wildlife management, preservation of natural areas and historic sites and providing recreational or cultural opportunities and facilities to the public and for such other purposes as suitable to carry out the intent and purposes of wildlife, parks and tourism laws of this state;
- (h) operate and regulate the use of state parks, state lakes, recreational grounds, wildlife areas and sanctuaries, fish hatcheries, natural areas, historic sites and other lands, waters and facilities under the jurisdiction and control of the secretary, so as to promote the public health, safety and decency and the purposes for which such lands, waters and facilities are maintained and operated and to protect and safeguard such lands, waters and facilities, including but not limited to:
 - (1) Regulating the demeanor, actions and activities of persons using or within such lands, waters and facilities;
 - (2) providing for the inspection of boats, the issuance of permits for operation of watercraft of all kinds and the charging and collection of fees for the inspection and operation of such craft;
 - (3) prescribing the type, style, location and equipment of all wharves, docks, anchorages, pavilions, restaurants and other structures or buildings which may be constructed along the shores or upon the water of any body of water or land controlled by the department, and providing for the licensing, inspection and supervision of such structures or buildings;
 - (4) granting and imposing charges for permits and for all commercial uses or purposes for which any of the properties of the department may be used;
 - (5) charging fees to use special facilities provided for the public or giving written authorization to lessees of the department to charge such fees; and
 - (6) operating, renting or leasing any such lands, waters and facilities which in the judgment of the secretary are necessary or desirable for the use and pleasure of visitors or for management of such lands, waters and facilities and fixing and collecting reasonable fees, tolls, rentals and charges for the use or operation thereof.All contracts or leases for the exercise of any concession shall be entered into only upon the basis of sealed proposals which shall be made and let by the secretary except that: (A) Where a concessionaire has an existing lease with the secretary or any agency of the federal government which the secretary desires to renew, renegotiate or acquire and sublease, such lease or sublease may be negotiated directly in accordance with rules and regulations of the secretary and without compliance with the requirements hereinbefore specified; (B) any such contract or lease for a term of 30 days or less may be made by the secretary directly in

accordance with rules and regulations of the secretary; and (C) the secretary shall have authority to reject any or all proposals;

(i) have exclusive administrative control over state parks, state lakes, recreational areas, wildlife areas and sanctuaries, fish hatcheries, natural areas and other lands, waters and facilities under the jurisdiction of the secretary;

(j) provide for protection against fire and storm damage to the lands, waters and facilities under the jurisdiction of the secretary;

(k) contract with the federal government pursuant to public law 89-72 in order to acquire land by purchase, lease, agreement or otherwise on El Dorado and Hillsdale reservoir project lands;

(l) apply for, receive and accept from any federal agency any federal grants available for the purposes of the wildlife, parks and tourism laws of this state;

(m) have authority, control and jurisdiction over all matters relating to the development and conservation of wildlife and recreation resources of the state insofar as it pertains to forests, woodlands, public lands, submarginal lands, prevention of soil erosion, habitats and the control and utilization of waters, including all lakes, streams, reservoirs and dams, except that this subsection shall not prohibit any political subdivision of the state or private corporation from having full control of any lake now constructed and owned by it;

(n) conduct research in matters relating to the purposes of the wildlife, parks and tourism laws of this state and disseminate information relating thereto for the public use and benefit;

(o) publicize to the citizens of this and other states the natural resources and facilities existing in Kansas and encourage people to visit Kansas by disseminating available information as to the natural resources and recreational advantages of the state;

(p) develop public recreation as related to natural resources and implement a state recreational plan which may include, but shall not be limited to, the general location, character and extent of state lands, waters and facilities for public recreational purposes and methods for better use of lands, waters and facilities which are within the scope of the plan or the purpose of the wildlife, parks and tourism laws of this state but, before implementation of such plan or any part thereof, the secretary shall submit it to any state agency affected thereby for such agency's advice and recommendations;

(q) provide for the preservation, protection, introduction, distribution, restocking and restoration of wildlife, and the public use thereof, in this state, including, but not limited to:

(1) Establishing, by rules and regulations adopted in accordance with K.S.A. 32-805, and amendments thereto, open seasons when wildlife may be taken or transported in the state of Kansas, or in any part or area of the state designated by counties, major streams, federal impoundments or federal, state or county highways, or by other recognizable boundaries, which open seasons may be established for a specified time in one year only or for a specified time in an indefinite number of years and which open seasons on migratory birds shall not extend beyond or exceed those in effect under federal laws and regulations;

(2) establishing, by rules and regulations adopted in accordance with K.S.A. 32-805, and amendments thereto, the number of wildlife which may be taken by a person, as the legal limit for any one calendar day and for the open season, which limit on migratory fowl shall not extend beyond or exceed those limits in effect under federal laws and regulations;

(3) establishing, by rules and regulations adopted in accordance with K.S.A. 32-805, and amendments thereto, the legal size limits of fish or frogs which may be taken;

(4) establishing, by rules and regulations adopted in accordance with K.S.A. 32-805, and amendments thereto, the conditions, procedure and rules under which any person may sell, purchase, buy, deal or trade in wildlife in the state of Kansas; and

(5) capturing, propagating, transporting, selling, exchanging, giving or distributing any species of wildlife, by any means or manner, needed for stocking or restocking any lands or waters in this state, except that the power to capture any species of wildlife for any purpose shall not apply to private property except by permission of the owners of the property or in the case of an emergency threatening the public

health or welfare;

(r) establish, by rules and regulations adopted in accordance with K.S.A. 32-805, and amendments thereto, the period of time that a license, permit, stamp or other issue of the department shall be in effect, unless such period is otherwise established by law, and provisions for acceptance of any issue of the department before its effective date as a valid issue if the secretary determines such acceptance best serves the public good; and

(s) do such other acts and things as necessary and proper to carry out the intent and purpose of the wildlife, parks and tourism laws of this state and to better protect, conserve, control, use, increase, develop and provide for the enjoyment of the natural resources of this state.

History: L. 1989, ch. 118, § 9; L. 1993, ch. 185, § 2; L. 2012, ch. 47, § 25; July 1.

2022 Kansas Statutes

32-937. Big game permits; deer crossbow hunting pilot project. (a) When used in this section:

- (1) "Landowner" means a resident owner of farm or ranch land of 80 acres or more located in the state of Kansas.
 - (2) "Tenant" means an individual who is actively engaged in the agricultural operation of 80 acres or more of Kansas farm or ranch land for the purpose of producing agricultural commodities or livestock and who: (A) Has a substantial financial investment in the production of agricultural commodities or livestock on such farm or ranch land and the potential to realize substantial financial benefit from such production; or (B) is a bona fide manager having an overall responsibility to direct, supervise and conduct such agricultural operation and has the potential to realize substantial benefit from such production in the form of salary, shares of such production or some other economic incentive based upon such production. Evidence of tenancy, if requested, shall be provided to the department and may include, but is not limited to, natural resource conservation services records, farm service agency records, or written agricultural contract or lease documentation.
 - (3) "Regular season" means a statewide big game hunting season authorized annually which may include one or more seasons restricted to specific types of equipment.
 - (4) "Special season" means a big game hunting season in addition to a regular season authorized on an irregular basis or at different times of the year other than the regular season.
 - (5) "General permit" means a big game hunting permit available to Kansas residents not applying for big game permits as a landowner or tenant.
 - (6) "Nonresident landowner" means a nonresident of the state of Kansas who owns farm or ranch land of 80 acres or more which is located in the state of Kansas.
 - (7) "Nonresident permit" means a big game hunting permit available to individuals who are not Kansas residents.
- (b) Except as otherwise provided by law or rules and regulations of the secretary and in addition to any other license, permit or stamp required by law or rules and regulations of the secretary, valid big game permits are required to take any big game in this state.
- (c) The fee for big game permits and game tags shall be the amount prescribed pursuant to K.S.A. 32-988, and amendments thereto.
- (d) Big game permits are valid throughout the state or such portion thereof as provided by rules and regulations adopted by the secretary in accordance with K.S.A. 32-805, and amendments thereto.
- (e) Unless otherwise provided by law or rules and regulations of the secretary, big game permits are valid from the date of issuance and shall expire at the end of the season for which issued.
- (f) The secretary may adopt, in accordance with K.S.A. 32-805, and amendments thereto, rules and regulations for each regular or special big game hunting season and for each management unit regarding big game permits. The secretary is hereby authorized to issue big game permits pertaining to the taking of big game. Separate big game permits may be issued for each species of big game. No big game permits shall be issued until the secretary has established, by rules and regulations adopted in accordance with K.S.A. 32-805, and amendments thereto, a regular or special big game hunting season.
- (g) The secretary may authorize, by rules and regulations adopted in accordance with K.S.A. 32-805, and amendments thereto, regular landowner or tenant hunt-on-your-own-land big game permits. Members of the landowner's or tenant's immediate family who are domiciled with the landowner or tenant may apply for resident big game permits as landowners or tenants, but the total number of landowner or tenant regular hunt-on-your-own-land permits issued to a landowner or tenant and a landowner's or tenant's immediate family members for each big game species shall not exceed one permit for each 80 acres owned by such landowner or operated by such tenant. Evidence of ownership or tenancy, if requested, shall be provided to the

department. Such permits and applications may contain provisions and restrictions as prescribed by rules and regulations adopted by the secretary in accordance with K.S.A. 32-805, and amendments thereto.

(h) Special hunt-on-your-own-land deer permits may be issued to a landowner's or tenant's siblings and lineal ascendants or descendants, and their spouses, whether or not a Kansas resident, by paying the required fee for a general deer permit. The total number of regular and special hunt-on-your-own-land deer permits issued to a landowner's or tenant's siblings and lineal ascendants or descendants, and their spouses, shall not exceed one deer permit for each 80 acres owned by such landowner or operated by such tenant. Evidence of ownership or tenancy, and sibling or lineal ascending or descending relations, if requested, shall be provided to the department.

(i) Fifty percent of the big game permits authorized for a regular season in any management unit shall be issued to landowners or tenants, provided that a limited number of big game permits have been authorized and landowner or tenant hunt-on-your-own-land big game permits for that unit have not been authorized. A landowner or tenant is not eligible to apply for a big game permit as a landowner or as a tenant in a management unit other than the unit or units which includes such landowner's or tenant's land. Any big game permits not issued to landowners or tenants within the time period prescribed by rules and regulations may be issued without regard to the 50% limitation.

(j) The secretary may issue, by rules and regulations adopted in accordance with K.S.A. 32-805, and amendments thereto, resident deer hunting permits available on a limited basis and valid for a designated species and sex in designated units, and antlerless-only deer permits in designated units as necessary for management purposes, and, any of the following options:

(1) Either sex white-tailed deer permits valid statewide during any season with the equipment legal for that season;

(2) either species, either sex archery permits valid statewide;

(3) either species, either sex muzzle loader permits valid in designated units; or

(4) either species, either sex firearm permits valid in designated units.

(k) The secretary may issue permits for deer to nonresident landowners, but any such permit shall be restricted to hunting only on lands owned by the nonresident landowner.

(l) The secretary may issue deer hunting permits to nonresidents, subject to the following limitations:

(1) The total number of nonresident deer permits that may be issued for a deer season in a management unit and which may be used to take antlered deer shall be established with the goal of meeting demand for those permits, using a formula developed by the department that will consider adjustment factors, including deer population trends, deer-related vehicle accidents, age structure in the harvest, deer damage, landowner desire for nonresident deer permits, general public desires and health of habitat. The 2008 permit numbers shall be based on the adjustment factors and an average of nonresident demand for permits in each management unit from the previous six years, establishing at least a 10% increase but not more than 50% increase in permit numbers in each management unit, except in unit 16, where permit numbers shall not increase more than 100%. In subsequent years, the formula shall be used to determine permit allocations based on demand and the adjustment factors.

(2) Nonresident deer permits may be restricted to a particular deer species.

(3) Nonresident deer permits shall be restricted to two adjacent deer management units.

(4) Nonresident deer hunters shall select one season at the time of application.

(5) For an additional fee, nonresident deer hunters applying for a whitetail either sex archery or muzzle loader permit in a designated mule deer unit may also apply for one of the limited number of mule deer stamps. If they are successful in both drawings, they would be issued a permit that will allow them to take either a whitetail deer or a mule deer in that unit.

(m) A big game permit shall state the species, number and sex of the big game which may be killed by the permittee. The secretary may require any big game permittee to provide survey information at the conclusion of the open season.

(n) (1) Prior to April 30, 2013, the secretary shall develop and implement a

combination antlered and antlerless deer permit and adopt rules and regulations for the administration thereof.

(2) Prior to April 30, 2013, the secretary shall develop and implement a pre-rut antlerless deer rifle season by deer management unit. The provisions of this paragraph shall expire on July 1, 2015.

(3) The secretary shall develop and implement a deer crossbow hunting pilot project. Such pilot project shall be implemented in no more than four deer management units. The secretary of wildlife, parks and tourism shall study the effects of such pilot project on the deer population and the number of crossbow users in such deer management units and report to the house committee on agriculture and natural resources and the senate committee on natural resources prior to January 31, 2014. The provisions of this paragraph shall expire on January 31, 2014.

(o) The permittee shall permanently affix the carcass tag to the carcass of any big game animal immediately after killing and thereafter take such killed game to a check station as may be required in the rules and regulations, where a check station tag shall be affixed to the big game carcass if the kill is legal. The tags shall remain affixed to the carcass until the carcass is processed for storage or consumption. The permittee shall retain the carcass tag until the carcass is consumed, given to another or otherwise disposed of.

(p) The provisions of this section do not apply to big game animals sold in surplus property disposal sales of department exhibit herds or big game animals legally taken outside this state.

History: L. 1963, ch. 245, § 4; L. 1965, ch. 270, § 1; L. 1969, ch. 214, § 2; L. 1973, ch. 178, § 4; L. 1975, ch. 227, § 1; L. 1978, ch. 152, § 11; L. 1981, ch. 176, § 3; L. 1981, ch. 178, § 1; L. 1981, ch. 179, § 1; L. 1985, ch. 135, § 1; L. 1986, ch. 149, § 3; L. 1986, ch. 151, § 2; L. 1989, ch. 118, § 69; L. 1990, ch. 139, § 1; L. 1994, ch. 245, § 1; L. 1997, ch. 127, § 3; L. 1998, ch. 180, § 1; L. 1999, ch. 98, § 1; L. 2000, ch. 104, § 1; L. 2000, ch. 159, § 5; L. 2002, ch. 96, § 4; L. 2003, ch. 121, § 1; L. 2004, ch. 99, § 5; L. 2007, ch. 133, § 1; L. 2012, ch. 154, § 6; July 1.

2022 Kansas Statutes

32-969. Wild turkey permits; tags; definitions. On and after January 1, 2005:

(a) Except as otherwise provided by law or rules and regulations of the secretary and in addition to any other license, permit or stamp required by law or rules and regulations of the secretary, a valid wild turkey permit and game tags are required to take any wild turkey in this state.

(b) The fee for wild turkey permits and game tags shall be the amount prescribed pursuant to K.S.A. 32-988, and amendments thereto.

(c) A wild turkey permit and game tags are valid throughout the state or such portion thereof as provided by rules and regulations adopted by the secretary in accordance with K.S.A. 32-805, and amendments thereto.

(d) Unless otherwise provided by law or rules and regulations of the secretary, a wild turkey permit and game tags are valid from the date of issuance and shall expire at the end of the season for which issued.

(e) The secretary may adopt, in accordance with K.S.A. 32-805, and amendments thereto, rules and regulations for each regular or special wild turkey hunting season and for each management unit regarding wild turkey permits and game tags. The secretary is hereby authorized to issue wild turkey permits and game tags pertaining to the taking of wild turkeys. No wild turkey permits or game tags shall be issued until the secretary has established, by rules and regulations adopted in accordance with K.S.A. 32-805, and amendments thereto, a regular or special wild turkey hunting season.

(f) A wild turkey permit shall state the number and sex of wild turkeys which may be killed by the permittee. The secretary may require a wild turkey permittee to provide survey information at the conclusion of the open season.

(g) If required by the secretary, the permittee shall permanently affix the carcass tag to the carcass of any wild turkey immediately after killing, in accordance with rules and regulations adopted by the secretary. Thereafter, the permittee shall take such killed wild turkey to a check station as may be required in the rules and regulations, where a check station tag shall be affixed to the wild turkey carcass if the kill is legal. Any tag shall remain affixed to the carcass until the carcass is processed for storage or consumption. The permittee shall retain the carcass tag until the carcass is consumed, given to another or otherwise disposed of.

(h) Fifty percent of the wild turkey permits authorized for a regular season in any management unit shall be issued to landowners or tenants, provided that a limited number of wild turkey permits have been authorized. A landowner or tenant is not eligible to apply for a wild turkey permit as a landowner or as a tenant in a management unit other than the unit or units which include such landowner's or tenant's land. Any wild turkey permits not issued to landowners or tenants within the time period prescribed by rule and regulation may be issued without regard to the 50% limitation.

(i) Members of the immediate family who are domiciled with a landowner or tenant may apply for a resident wild turkey permit as a landowner or as a tenant, but the total number of landowner or tenant wild turkey permits issued to a landowner or tenant and a landowner's or tenant's immediate family shall not exceed one permit for each 80 acres owned by such landowner or operated by such tenant. Evidence of ownership or tenancy, if requested, shall be provided to the department.

(j) As used in this section:

(1) "Landowner" means a resident owner of farm or ranch land of 80 acres or more located in the state of Kansas.

(2) "Tenant" means an individual who is actively engaged in the agricultural operation of 80 acres or more of Kansas farm or ranch land for the purpose of producing agricultural commodities or livestock and who: (A) Has a substantial financial investment in the production of agricultural commodities or livestock on such farm or ranch land and the potential to realize substantial financial benefit from such production; or (B) is a bona fide manager having an overall responsibility to direct, supervise and conduct such agricultural operation and has the potential to realize substantial benefit from such production in the form of salary, shares of such

production or some other economic incentive based upon such production. Evidence of tenancy, if requested, shall be provided to the department and may include, but is not limited to, natural resource conservation services records, farm service agency records, or written agricultural contract or lease documentation.

(3) "Regular season" means a statewide wild turkey hunting season authorized annually which may include one or more seasons restricted to specific types of equipment.

(4) "Special season" means a wild turkey hunting season in addition to a regular season authorized on an irregular basis or at different times of the year other than the regular season.

(5) "General permit" means a wild turkey hunting permit available to Kansas residents not applying for wild turkey permits as a landowner or tenant.

(6) "Nonresident permit" means a wild turkey hunting permit available to individuals who are not Kansas residents.

History: L. 2004, ch. 99, § 12; L. 2007, ch. 133, § 6; L. 2008, ch. 17, § 1; July 1.

2022 Kansas Statutes

32-970. Commission permits to take big game; issuance. (a) The commission may authorize commission permits to take big game. Such permits shall be made available only to local chapters of nonprofit organizations based or operating in Kansas that actively promote wildlife conservation and the hunting and fishing heritage. Organizations that oppose hunting and fishing shall not be eligible for award of a commission permit.

(b) The issuance of commission permits shall be subject to the following limitations:

(1) Not more than one permit allowing the taking of an antelope shall be issued in a calendar year;

(2) not more than one permit allowing the taking of an elk shall be issued in a calendar year;

(3) any deer permits may comprise the entire allotment or the balance of the total quota if permits for other species are issued;

(4) a total of not more than seven commission permits shall be available in one calendar year; and

(5) commission permits shall not be included in nor reduce any limited quota permit allotments set by other rules and regulations of the secretary.

(c) Not more than one commission permit may be issued to an organization, but this limitation shall not preclude individual chapters of the same organization from being issued permits.

(d) Organizations receiving commission permits shall market the permit to the public in order to receive the maximum financial benefit available for the organization and the department.

(e) Application requests by qualified organizations shall be submitted to any member of the commission and shall be provided to the commission as a whole.

(f) The commission shall conduct a random drawing from the pool of eligible qualified organizations to award commission permits, subject to the approval of the secretary.

(g) Organizations shall not be eligible to receive a commission permit more than once in a three-year period.

(h) Organizations awarded commission permits shall pay to the department the price established by rules and regulations for the highest value for the type of permit awarded. No other compensation shall be provided to the commission or the department with regard to issuance of a commission permit. The balance of the sale price for the permit shall be retained by the organization. If the organization is Kansas hunters feeding the hungry, inc., not less than 15% of the amount retained by the organization shall be used to supplement department sponsored or approved projects. For any other organization, not less than 85% shall be used to supplement department sponsored or approved projects.

(i) Limitations established by law or by rules and regulations adopted by the secretary pursuant to K.S.A. 32-807, and amendments thereto, relating to the ability to receive a same species permit in the future shall apply to the final recipient of the commission permit.

(j) Commission permits shall only be issued in the name of the final recipient. Once a commission permit is issued in the name of the final recipient, it shall not be transferred to any other individual.

(k) Any commission permit shall be subject to the restrictions of the season, sex, equipment type or hunt units as issued on the permit by the department.

(l) The secretary may adopt, in accordance with K.S.A. 32-805, and amendments thereto, such rules and regulations as necessary to implement the provisions of this section.

History: L. 2005, ch. 99, § 1; L. 2007, ch. 143, § 1; L. 2008, ch. 50, § 1; April 10.

Regulations Transmittal Memo

To: Legal Opinions and Governmental Counsel Division
Attorney General's Office

From: Kansas Department of Wildlife and Parks

Date: 3/29/23

Re: K.A.R. 115-8-23

Kansas Department of Wildlife and Parks is submitting the above-referenced regulation(s) for your review. We have included a copy of the most current version of the law (each enrolled bill, Session law, or statute) cited in the history section of each proposed regulation. We also have included the Economic Impact Statement.

The regulation(s) status is as follows:

- Initial review of new, newly amended, or revoked regulation(s)
- 2nd or subsequent review following disapproval by Attorney General after initial review *
- 2nd or subsequent review following agency pre-hearing changes *
- Post-hearing review with changes as suggested by public comments or the Joint Committee on Rules and Regulations *

* NOTE: Please indicate changes from previously submitted version in some manner.

Any additional comments, i.e. statutory or other deadline:

Review requested as soon as possible, seasonal deadlines pending.

The agency contact person is: Name: Dan Riley
Agency: KDWP
Address: 1020 S. Kansas Ave
City/State/Zip: Topeka, Ks 66612
Phone: 785-296-1032
E-mail: Dan.Riley@ks.gov

RECEIVED

MAR 29 2023

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

(1) This regulation shall include those areas designated by the agency as Walk-in Hunting Areas (WIHA) and Integrated Walk-in Hunting Areas (iWIHA).

(2) This shall not apply to licensed furharvesters as permitted in K.A.R. 115-5-1.

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

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

(A) Standing crops, grain or crop residue following harvest, or flooded standing crops, including aquatic crops;

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

(C) flooded harvested croplands;

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

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

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

APPROVED

MAR 22 2023

DEPT. OF ADMINISTRATION

APPROVED

APR 05 2023

ATTORNEY GENERAL

(A) Are not otherwise baited; and

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

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

APPROVED

MAR 22 2023

DEPT. OF ADMINISTRATION

APPROVED

APR 05 2023

ATTORNEY GENERAL

Kansas Administrative Regulations Economic Impact Statement (EIS)

KDWP
Agency

Dan Riley
Agency Contact

296-1032
Contact Phone Number

115-8-23
K.A.R. Number(s)

Permanent Temporary

Is/Are the proposed rule(s) and regulation(s) mandated by the federal government as a requirement for participating in or implementing a federally subsidized or assisted program?

- Yes If yes, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration and the Attorney General. Budget approval is not required; however, the Division of the Budget will require submission of a copy of the EIS at the end of the review process.
- No If no, do the total annual implementation and compliance costs for the proposed rule(s) and regulation(s), calculated from the effective date of the rule(s) and regulation(s), exceed \$1.0 million over any two-year period through June 30, 2024, or exceed \$3.0 million over any two-year period on or after July 1, 2024 (as calculated in Section III, F)?
- Yes If yes, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration, the Attorney General, AND the Division of the Budget. The regulation(s) and the EIS will require Budget approval.
- No If no, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration and the Attorney General. Budget approval is not required; however, the Division of the Budget will require submission of a copy of the EIS at the end of the review process.

DOB APPROVAL STAMP (If Required)

Section I

Brief description of the proposed rule(s) and regulation(s).

The proposed amendment will clarify that the prohibition on baiting wildlife KDWP lands and waters does not apply to fur harvesters; and that prohibition does include walk in hunting areas (WIHA) and (iWIHA), integrated walk in hunting areas.

Section II

Statement by the agency if the rule(s) and regulation(s) exceed the requirements of applicable federal law, and a statement if the approach chosen to address the policy issue(s) is different from that utilized by agencies of contiguous states or the federal government. *(If the approach is different or exceeds federal law, then include a statement of why the proposed Kansas rule and regulation is different.)*

There are no know relevant federal laws. Most states have similar provisions that either partially or fully prohibit wildlife baiting on public lands.

Section III

Agency analysis specifically addressing the following:

- A. The extent to which the rule(s) and regulation(s) will enhance or restrict business activities and growth;
No significant restriction or enhancement anticipated.
- B. The economic effect, including a detailed quantification of implementation and compliance costs, on the specific businesses, sectors, public utility ratepayers, individuals, and local governments that would be affected by the proposed rule(s) and regulation(s) and on the state economy as a whole;
No significant economic effect is anticipated.
- C. Businesses that would be directly affected by the proposed rule(s) and regulation(s);
None anticipated other than businesses that provide substances that are utilized as baits on public lands and walk in hunting areas.
- D. Benefits of the proposed rule(s) and regulation(s) compared to the costs;
No significant impact is anticipated .
- E. Measures taken by the agency to minimize the cost and impact of the proposed rule(s) and regulation(s) on business and economic development within the State of Kansas, local government, and individuals;
No measures required, no economic impact is anticipated.

DOB APPROVAL STAMP (If Required)

- F. An estimate of the total annual implementation and compliance costs that are reasonably expected to be incurred by or passed along to businesses, local governments, or members of the public.
Note: Do not account for any actual or estimated cost savings that may be realized.

Costs to Affected Businesses – \$None

Costs to Local Governmental Units – \$None

Costs to Members of the Public – \$None

Total Annual Costs – \$None

(sum of above amounts)

Give a detailed statement of the data and methodology used in estimating the above cost estimate.

No costs anticipated

- Yes If the total implementation and compliance costs exceed \$1.0 million over any two-year period through June 30, 2024, or exceed \$3.0 million over any two-year period on or after July 1, 2024, and prior to the submission or resubmission of the proposed rule(s) and regulation(s), did the agency hold a public hearing to find that the estimated costs have been accurately determined and are necessary for achieving legislative intent? If applicable, document when the public hearing was held, those in attendance, and any pertinent information from the hearing.
- No
- Not Applicable

If applicable, click here to enter public hearing information. No significant costs are anticipated, however the agency held public hearings at which the proposed regulations were discussed on January 13, 2022, (virtual) 28 public attendees, March 31, 2022 with 26 members of the public, and on April 21, 2022 with 19 public attendees and June 23 with 28 public members.

Provide an estimate to any changes in aggregate state revenues and expenditures for the implementation of the proposed rule(s) and regulation(s), for both the current fiscal year and next fiscal year.

Not applicable.

Provide an estimate of any immediate or long-range economic impact of the proposed rule(s) and regulation(s) on any individual(s), small employers, and the general public. If no dollar estimate can be given for any individual(s), small employers, and the general public, give specific reasons why no estimate is possible.

Not applicable, no impact anticipated.

- G. If the proposed rule(s) and regulation(s) increases or decreases revenues of cities, counties or school districts, or imposes functions or responsibilities on cities, counties or school districts that will increase expenditures or fiscal liability, describe how the state agency consulted with the League of Kansas Municipalities, Kansas Association of Counties, and/or the Kansas Association of School Boards.

Not applicable

DOB APPROVAL STAMP (If Required)

- H. Describe how the agency consulted and solicited information from businesses, associations, local governments, state agencies, or institutions and members of the public that may be affected by the proposed rule(s) and regulation(s).

News releases statewide, public hearings with on-line access, publication in the Kansas Register and the agency website.

Section IV

Does the Economic Impact Statement involve any environmental rule(s) and regulation(s)?

- Yes If yes, complete the remainder of Section IV.
 No If no, skip the remainder of Section IV.

- A. Describe the capital and annual costs of compliance with the proposed rule(s) and regulation(s), and the persons who would bear the costs.

[Click here to enter agency response.](#)

- B. Describe the initial and annual costs of implementing and enforcing the proposed rule(s) and regulation(s), including the estimated amount of paperwork, and the state agencies, other governmental agencies, or other persons who would bear the costs.

[Click here to enter agency response.](#)

- C. Describe the costs that would likely accrue if the proposed rule(s) and regulation(s) are not adopted, as well as the persons who would bear the costs and would be affected by the failure to adopt the rule(s) and regulation(s).

[Click here to enter agency response.](#)

- D. Provide a detailed statement of the data and methodology used in estimating the costs used.

[Click here to enter agency response.](#)

DOB APPROVAL STAMP (If Required)

Kansas Administrative Regulations
Economic Impact Statement
Public Hearing Certification
(To be completed after the public hearing)

Agency: [Click here to start typing](#)

Agency Contact: [Click here to start typing](#)

Phone Number or Email: [Click here to start typing](#)

K.A.R. Number(s): [Click here to start typing](#)

Public Hearing Date: [Select date](#)

Public Hearing Time: [Click here to start typing](#)

Public Hearing Location: [Click here to start typing](#)

Public Hearing Attendance: [Click here to start typing](#)

DOB APPROVAL STAMP (If Required)

32-807. Powers of secretary. The secretary shall have the power to:

(a) Adopt, in accordance with K.S.A. 32-805, and amendments thereto, such rules and regulations as necessary to implement, administer and enforce the provisions of the wildlife, parks and tourism laws of this state;

(b) enter into such contracts and agreements as necessary or incidental to the performance of the powers and duties of the secretary;

(c) employ or contract for, and fix the compensation of, consulting engineers, attorneys, accountants and construction and financial experts, all of whom shall be in the unclassified service under the Kansas civil service act;

(d) designate an official seal and alter it at the secretary's pleasure;

(e) sue, be sued, plead and be impleaded in the name of the department;

(f) purchase, lease, accept gifts or grants of or otherwise acquire in the name of the state such water, water rights, easements, facilities, equipment, moneys and other real and personal property, and interests therein, including any property abandoned on department lands and waters, and maintain, improve, extend, consolidate, exchange and dispose of such property, as the secretary deems appropriate to carry out the intent and purposes of the wildlife, parks and tourism laws of this state;

(g) acquire, establish, develop, construct, maintain and improve state parks, state lakes, recreational grounds, wildlife areas and sanctuaries, fish hatcheries, natural areas, physical structures, dams, lakes, reservoirs, embankments for impounding water, roads, landscaping, habitats, vegetation and other property, improvements and facilities for the purposes of wildlife management, preservation of natural areas and historic sites and providing recreational or cultural opportunities and facilities to the public and for such other purposes as suitable to carry out the intent and purposes of wildlife, parks and tourism laws of this state;

(h) operate and regulate the use of state parks, state lakes, recreational grounds, wildlife areas and sanctuaries, fish hatcheries, natural areas, historic sites and other lands, waters and facilities under the jurisdiction and control of the secretary, so as to promote the public health, safety and decency and the purposes for which such lands, waters and facilities are maintained and operated and to protect and safeguard such lands, waters and facilities, including but not limited to:

(1) Regulating the demeanor, actions and activities of persons using or within such lands, waters and facilities;

(2) providing for the inspection of boats, the issuance of permits for operation of watercraft of all kinds and the charging and collection of fees for the inspection and operation of such craft;

(3) prescribing the type, style, location and equipment of all wharves, docks, anchorages, pavilions, restaurants and other structures or buildings which may be constructed along the shores or upon the water of any body of water or land controlled by the department, and providing for the licensing, inspection and supervision of such structures or buildings;

(4) granting and imposing charges for permits and for all commercial uses or purposes for which any of the properties of the department may be used;

(5) charging fees to use special facilities provided for the public or giving written authorization to lessees of the department to charge such fees; and

(6) operating, renting or leasing any such lands, waters and facilities which in the judgment of the secretary are necessary or desirable for the use and pleasure of visitors or for management of such lands, waters and facilities and fixing and collecting reasonable fees, tolls, rentals and charges for the use or operation thereof. All contracts or leases for the exercise of any concession shall be entered into only upon the basis of sealed proposals which shall be made and let by the secretary except that: (A) Where a concessionaire has an existing lease with the secretary or any agency of the federal government which the secretary desires to renew, renegotiate or acquire and sublease, such lease or sublease may be negotiated directly in accordance with rules and regulations of the secretary and without compliance with the requirements hereinbefore specified; (B) any such contract or lease for a term of 30 days or less may be made by the secretary directly in accordance with rules and regulations of the secretary; and (C) the secretary shall have authority to reject any or all proposals;

(i) have exclusive administrative control over state parks, state lakes, recreational areas, wildlife areas and sanctuaries, fish hatcheries, natural areas and other lands, waters and facilities under the jurisdiction of the secretary;

(j) provide for protection against fire and storm damage to the lands, waters and facilities under the jurisdiction of the secretary;

(k) contract with the federal government pursuant to public law 89-72 in order to acquire land by purchase, lease, agreement or otherwise on El Dorado and Hillsdale reservoir project lands;

(l) apply for, receive and accept from any federal agency any federal grants available for the purposes of the wildlife, parks and tourism laws of this state;

(m) have authority, control and jurisdiction over all matters relating to the development and conservation of wildlife and recreation resources of the state insofar as it pertains to forests, woodlands, public lands, submarginal lands, prevention of soil erosion, habitats and the control and utilization of waters, including all lakes, streams, reservoirs and dams, except that this subsection shall not prohibit any political subdivision of the state or private corporation from having full control of any lake now constructed and owned by it;

(n) conduct research in matters relating to the purposes of the wildlife, parks and tourism laws of this state and disseminate information relating thereto for the public use and benefit;

(o) publicize to the citizens of this and other states the natural resources and facilities existing in Kansas and encourage people to visit Kansas by disseminating available information as to the natural resources and recreational advantages of the state;

(p) develop public recreation as related to natural resources and implement a state recreational plan which may include, but shall not be limited to, the general location, character and extent of state lands, waters and facilities for public recreational purposes and methods for better use of lands, waters and facilities which are within the scope of the plan or the purpose of the wildlife, parks and tourism laws of this state but, before implementation of such plan or any part thereof, the secretary shall submit it to any state agency affected thereby for such agency's advice and recommendations;

(q) provide for the preservation, protection, introduction, distribution, restocking and restoration of wildlife, and the public use thereof, in this state, including, but not limited to:

(1) Establishing, by rules and regulations adopted in accordance with K.S.A. 32-805, and amendments thereto, open seasons when wildlife may be taken or transported in the state of Kansas, or in any part or area of the state designated by counties, major streams, federal impoundments or federal, state or county highways, or by other recognizable boundaries, which open seasons may be established for a specified time in one year only or for a specified time in an indefinite number of years and which open seasons on migratory birds shall not extend beyond or exceed those in effect under federal laws and regulations;

(2) establishing, by rules and regulations adopted in accordance with K.S.A. 32-805, and amendments thereto, the number of wildlife which may be taken by a person, as the legal limit for any one calendar day and for the open season, which limit on migratory fowl shall not extend beyond or exceed those limits in effect under federal laws and regulations;

(3) establishing, by rules and regulations adopted in accordance with K.S.A. 32-805, and amendments thereto, the legal size limits of fish or frogs which may be taken;

(4) establishing, by rules and regulations adopted in accordance with K.S.A. 32-805, and amendments thereto, the conditions, procedure and rules under which any person may sell, purchase, buy, deal or trade in wildlife in the state of Kansas; and

(5) capturing, propagating, transporting, selling, exchanging, giving or distributing any species of wildlife, by any means or manner, needed for stocking or restocking any lands or waters in this state, except that the power to capture any species of wildlife for any purpose shall not apply to private property except by permission of the owners of the property or in the case of an emergency threatening the public health or welfare;

(r) establish, by rules and regulations adopted in accordance with K.S.A. 32-805, and amendments thereto, the period of time that a license, permit, stamp or other issue of the department shall be in effect, unless such period is otherwise established by law, and provisions for acceptance of any issue of the department before its effective date as a valid issue if the secretary determines such acceptance best serves the public good; and

(s) do such other acts and things as necessary and proper to carry out the intent and purpose of the wildlife, parks and tourism laws of this state and to better protect, conserve, control, use, increase, develop and provide for the enjoyment of the natural resources of this state.

History: L. 1989, ch. 118, § 9; L. 1993, ch. 185, § 2; L. 2012, ch. 47, § 25; July 1.

Secretary's Remarks

Agency and State Fiscal Status

No briefing book items – possible handout after the meeting

Legislative Update

No briefing book items – possible handout after the meeting

General Discussion

VI. DEPARTMENT REPORT

C. General Discussion

1. 2024-2025 Turkey Regulations

Background

The Fall 2022 Turkey Season was open October 1, 2022 to November 10, 2022. The Spring 2023 Turkey Season was open from April 1 to May 31 and included three seasons: Youth/Disabled, Archery, and Regular. Turkey hunting is regulated within the same six turkey management units during both the spring and fall seasons (Figure 2). The six hunt units align with the management units the department uses to monitor turkey populations and hunter activity, which allows both population and harvest data to guide harvest and season recommendations.

In spring 2023, a spring turkey permit could be purchased over-the-counter for Units 1, 2, 3, 5, and 6, while game tags could also be purchased over-the-counter but were only valid for Units 1 and 2. Five hundred spring permits were issued for Unit 4 through a pre-season drawing, which were also valid in adjacent units. A single fall turkey permit could be purchased over-the-counter for Units 1, 2, 3, 5, and 6. No fall turkey hunting is authorized in Unit 4. The Fall Turkey season is closed for the 2023 season.

At the April 27, 2023 Commission meeting, the following changes to turkey regulations were made:

- **KAR 115-25-5: Fall season, bag limits and permits**
 - Closed the fall season, beginning in 2023

- **KAR 115-25-6: Spring season, bag limits and permits**
 - Reduced Unit 4 permit quota to 375 permits (residents and tenants)
 - Removed adjacent unit allowance for Unit 4 permits
 - Reduced spring bag limits in Units 1 and 2 to one bird
 - Created nonresident quota, by unit:

Unit 1 (Northwest)	700
Unit 2 (Northcentral)	2,400
Unit 3 (Northeast)	2,800
Unit 5 (Southcentral)	900
<u>Unit 6 (Southeast)</u>	<u>2,900</u>
Total Available	9,700

Population Status and Productivity

The Kansas turkey population has generally declined since the statewide population peaked in 2008 (Figures 3 and 4). Conditions have been generally good in eastern Kansas during the 2023 nesting season with few flooding events but drought conditions persist in western Kansas.

Regulations to be discussed in 2023

KAR 115-25-(5-6)

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

The department uses an adaptive harvest management strategy to guide staff recommendations on wild turkey bag limits for both the spring and fall seasons. The strategy aims to maintain a high level of hunter success in each hunt unit and provides a consistent method of developing staff recommendations. The strategy includes a hierarchy of bag limit combinations and uses established thresholds to determine when each combination will be recommended. The data from the spring 2023 season has not yet been analyzed and staff recommendations will be presented at the August 17 Commission meeting.

Table 1. Spring turkey permit sales for 2022 and 2023.

Permit Type	2022	2023	Difference
Permit Buyers	32,034	32,427	1.2%
Resident Permit Buyers	18,274	18,175	-0.5%
Nonresident Permit Buyers	13,760	14,252	3.6%

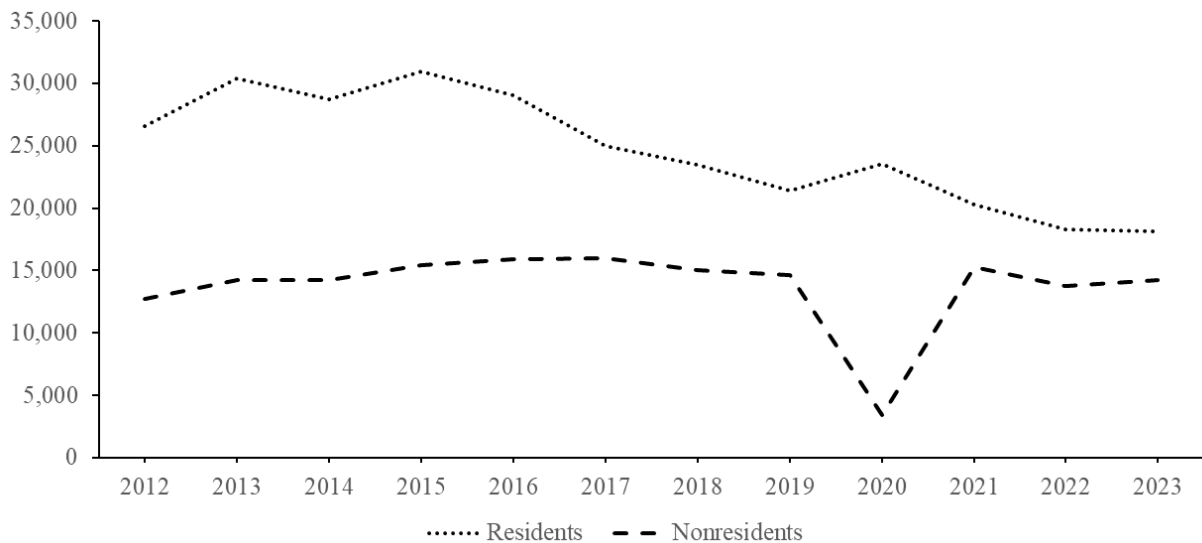
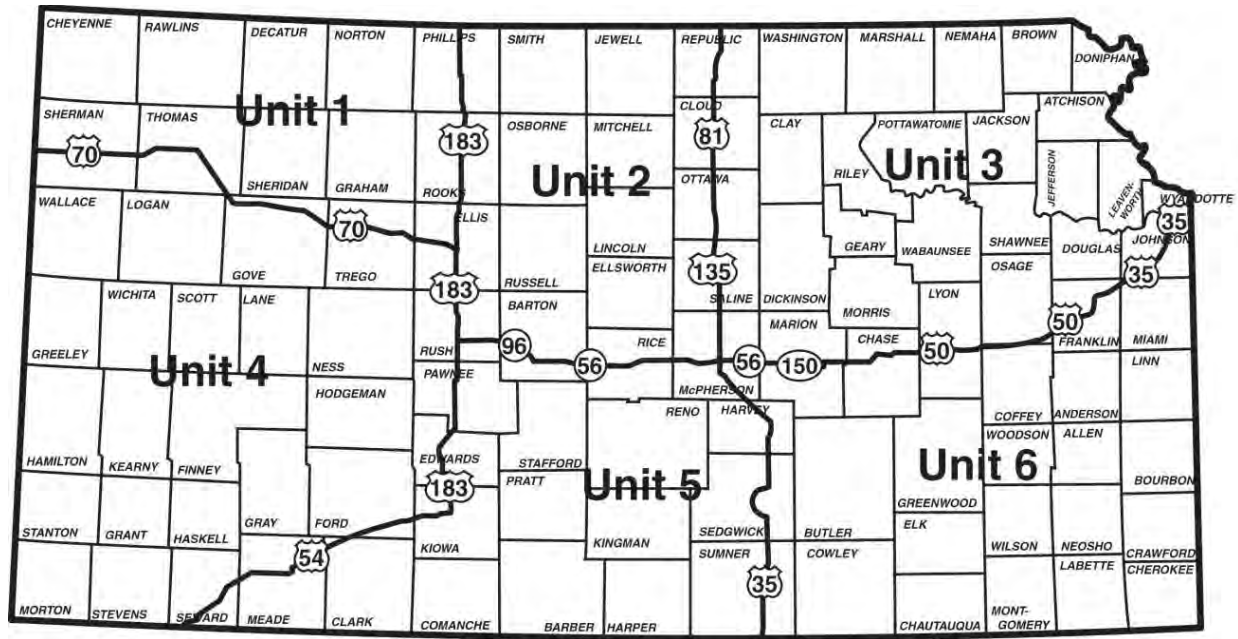


Figure 1. Kansas wild turkey permit sales by residency, 2012-2023.



Fig

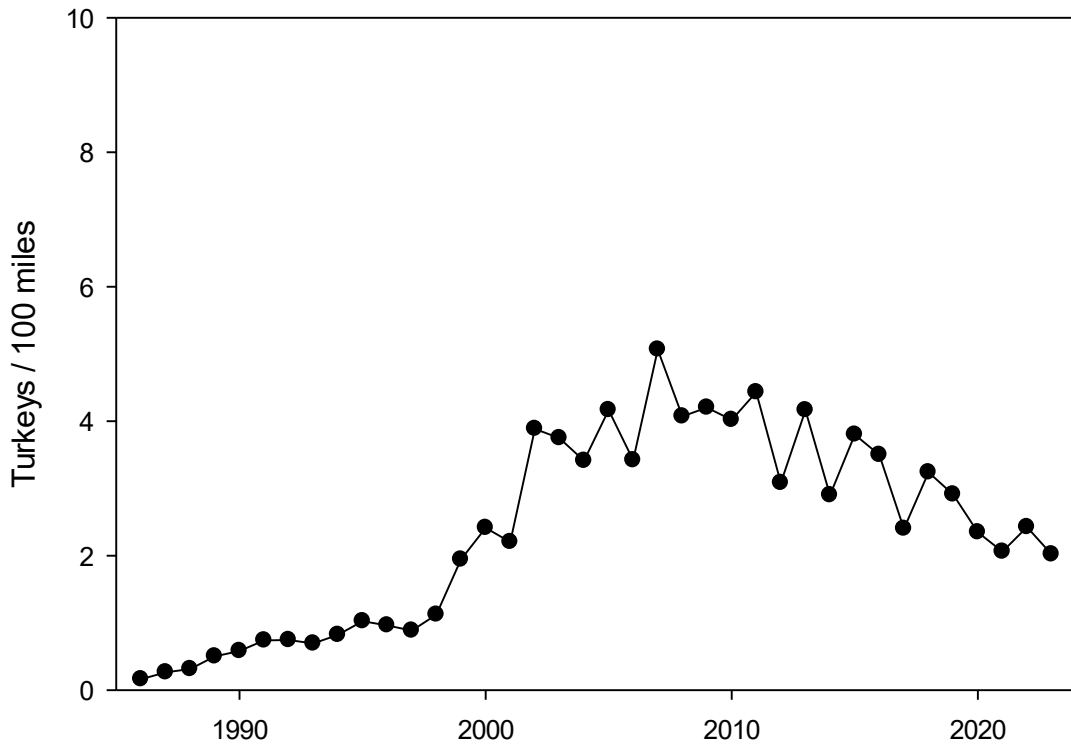


Figure 3. Statewide spring rural mail carrier index (yards/100 miles traveled) to wild turkey populations from 1986-2023.

Western Kansas
Spring Rural Mail Carrier Survey Index

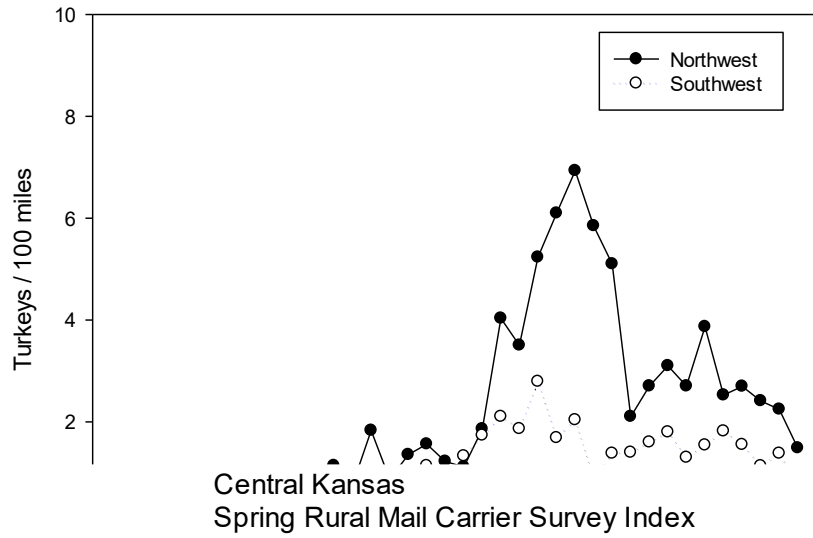
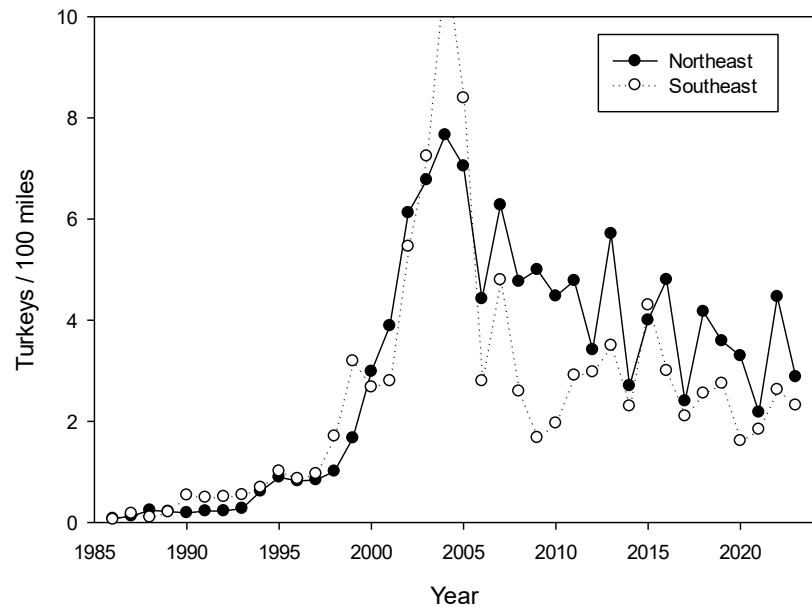
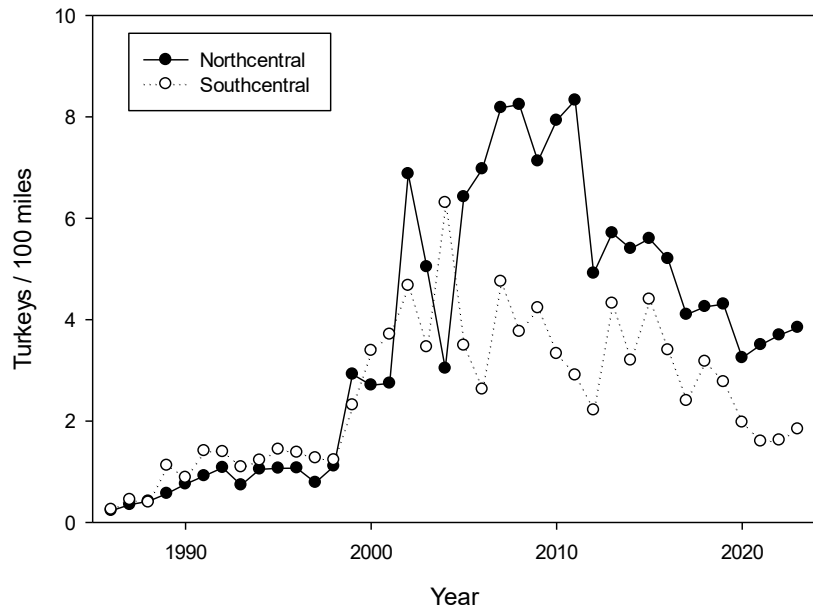


Figure 4. Western, central, and eastern spring rural mail carrier index (turkeys / 100 miles traveled) to wild turkey populations (1986-2023).

Eastern Kansas
Spring Rural Mail Carrier Survey Index



Boating Regulations

There are three regulation proposal changes.

1. Personal Watercraft; definition, requirements, and restrictions. K.A.R. 115-30-10 (1)-PFD Language
2. Personal Watercraft; definition, requirements, and restrictions. K.A.R. 115-30-10 (2)-ECOS/Lanyard
3. Fire extinguisher; requirements K.A.R. 115-30-4

115-30-10. Personal watercraft; definition, requirements, and restrictions.

(a) Personal watercraft shall mean any vessel that uses an inboard motor powering a jet pump as the vessel's primary source of

propulsion and is designed to be operated by a person sitting, standing, or kneeling on the vessel rather than the conventional manner of sitting, standing, or kneeling inside the vessel.

(b) Personal watercraft shall be subject to all applicable laws and regulations that govern the operation, equipment, registration, numbering, and all other matters relating to vessels whenever a personal watercraft is operated on the waters of this state, except as follows:

(1) A personal watercraft shall not be operated unless each person aboard the personal watercraft is wearing a **type I, type II, type III, or type V** United States coast guard-approved personal floatation device.

(2) **Each person operating a personal watercraft equipped by the manufacturer with a lanyardtype engine cutoff switch shall attach the lanyard to the operator=s person, clothing, or personal floatation device, as appropriate.**

(3) A person shall not operate a personal watercraft between sunset and sunrise.

(4) Each person shall operate a personal watercraft at no-wake speeds of five miles per hour or less when within 200 feet of the following:

- (A) A dock;
- (B) a boat ramp;
- (C) a person swimming;
- (D) a bridge structure;
- (E) a moored or anchored vessel;
- (F) a sewage pump-out facility;
- (G) a nonmotorized watercraft;

(H) a boat storage facility; or

(I) a concessionaire's facility.

(5) A person shall operate a personal watercraft in a reasonable and prudent manner.

Maneuvers that endanger life, limb, or property shall be prohibited. This prohibition shall include weaving through congested vessel traffic or jumping the wake produced by another vessel at an unsafe distance.

(6) A person shall not operate a personal watercraft unless the person is facing forward.

(7) A person shall not operate or use a personal watercraft to tow a person on waterskis, kneeboards, inflatable crafts, or any other device unless the personal watercraft is designed to accommodate more than one person.

(8) No person in possession of a personal watercraft shall permit another person to operate the personal watercraft unless that person has met the boater education requirements as specified in K.S.A. 32-1139 and amendments thereto.

(c) A boat livery shall not lease, hire, or rent a personal watercraft to, or for the operation by, any person who has not met the boater education requirements as specified in K.S.A. 32-1139 and amendments thereto.

(d) The provisions of paragraphs (b) (4), (5), (6), and (8) shall not apply to a person participating in a regatta, race, marine parade, tournament, or exhibition that has been authorized or permitted by the department or is otherwise exempt from this authorization or permit requirement.

(e) This regulation shall be effective on and after January 1, 2008. (Authorized by and implementing K.S.A. 32-1103 and K.S.A. 2006 Supp. 32-1119; effective June 13, 1994; amended June 11, 1999; amended Jan. 1, 2008.)

115-30-4. Fire extinguishers; requirements. (a) United States coast guard approved hand portable fire extinguishers of type B, size I or type B, size II or both shall be carried on board each motorboat as determined by the following classes:

(1) Class A: at least one type B, size I fire extinguisher shall be carried if any one or more of the following conditions exist:

(A) an inboard engine;

(B) closed compartments under thwarts and seats where portable fuel tanks may be

stored;

(C) double bottom construction not sealed to the hull or not completely filled with flotation materials;

(D) closed compartments in which combustible or flammable materials are stored; or

(E) permanently installed fuel tanks. Fuel tanks that cannot be moved in case of fire or other emergency or if the weight of the fuel tank precludes movement of the tank by an individual on board shall be considered permanently installed.

(2) The provisions of subsection (1) shall not apply if the motorboat has a United States coast guard approved built-in or affixed fire extinguisher in the motor area.

(3) Class 1: at least one type B, size I fire extinguisher shall be carried, except the provisions of this subsection

not apply if the motorboat has a United States coast guard approved built-in or affixed fire extinguisher in the motor area.

(4) Class 2: at least two type B, size I fire extinguishers or one type B, size II fire extinguisher shall be carried, except each motorboat that has a United States coast guard approved built-in or affixed fire extinguisher in the motor area shall only be required to carry at least one type B, size I fire extinguisher.

(5) Class 3: at least three type B, size I fire extinguishers or one type B, size I fire extinguisher and one type B, size II fire extinguisher shall be carried, except each motorboat that has a United States coast guard approved built-in or affixed fire extinguisher in the motor area shall only be required to carry at least two type B, size I fire extinguishers or one type B, size II fire extinguisher.

(b) Each vessel, including each motorboat having an approved built-in or affixed fire extinguisher in the motor area, that has enclosed living spaces or galleys shall carry at least one United States coast guard approved type B, size I or type B, size II fire extinguisher in the living space or galley. (Authorized by and implementing K.S.A. 1989 Supp. 32-1119; effective Jan. 1, 1991.)

Workshop Session

2024 Fishing Regulations

Reference Document Proposed Changes for Special Length and Creel Limits:

- Clinton Reservoir - Change to a 10/day creel limit, including only 1 30" or longer, on Blue Catfish
- Glen Elder Reservoir - Change to a 10/day creel limit, including only 1 30" or longer, on Blue Catfish
- John Redmond Reservoir - Change to a 10/day creel limit, including only 1 30" or longer, on Blue Catfish
- Melvern Reservoir - Change to a 10/day creel limit, including only 1 30" or longer, on Blue Catfish
- El Dorado Reservoir – Change to a 10/day creel limit, including only 1 30" or longer, on Blue Catfish
- Elk City Reservoir - Change to a 10/day creel limit, including only 1 30" or longer, on Blue Catfish
- Milford Reservoir - Change to a 10/day creel limit, with a 28" to 40" slot length limit, including only 1 fish 40" or longer, on Blue Catfish
- Graham County – Trexler Lake – Change to a 5/day creel limit on Channel Catfish
- Graham County – Trexler Lake – Change to a 2/day creel limit and 18" minimum length limit on Walleye
- Great Bend – Veteran's Lake – Change to a 21" minimum length limit on Saugeye
- Sherman County – Smokey Gardens - remove the 2/day creel limit on Channel Catfish
- Sherman County – Smokey Gardens - remove Catch and Release Only on Largemouth Bass
- Marquette - Eisenhower Park Pond - Add a 2/day creel limit and 15" minimum length limit on Channel Catfish

Remove Neosho Falls Dam, Erie Dam, and Oswego Dam on the Neosho River, Coffeyville Dam on the Verdigris River, and Ottawa Dam on the Marais des Cygnes River, from the list of Paddlefish Snagging Locations.

2024 Aquatic Invasive Species Regulations

KAR(s)??? Require completion of an ‘AIS Affirmation’ prior to participating in these KDWP licensed activities that have a high risk of spreading AIS:

Operating a boat registered in Kansas in Kansas waters

The ‘AIS Affirmation’ would be a short summary to educate and raise awareness of what AIS are, their impacts, and how they are spread.

Potentially KAR 115-17-3? Require successful completion of ‘AIS Certification’ (<https://programs.ksoutdoors.com/Programs/Aquatic-Nuisance-Species-Certification-Course>) of applicants for a Commercial Fish Bait Permit.

KAR 115-7-3: Replace the word “nuisance” with “invasive” in all four instances in which it occurs.

KAR 115-7-2: Replace the word “nuisance” with “invasive” in all three instances in which it occurs.

KAR 115-7-9: Replace the word “nuisance” with “invasive” in the one instance in which it occurs.

KAR 115-7-10: Replace the word “nuisance” with “invasive” in all ten instances in which it occurs. Replace “ANS” with “AIS” in the one instance in which it occurs. Add Willow Lake and the Riley County portion of the Kansas River to the Kansas Aquatic Nuisance (Invasive) Species Designated Waters list.

VI. DEPARTMENT REPORT

C. Workshop Session

KAR 115-4-11 Big game and wild turkey permit applications. FY2023 big game regulation review cycle.

a) K.A.R. 115-4-11.

Background

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

Discussion

During the 2021-2022 review cycle this regulation was changed to limit pronghorn antelope hunters to receive either a draw permit, preference point or over-the-counter permit each year as opposed to being able to get a preference point and an over-the-counter permit in the same year. Some additional modification of the language in this regulation is needed to clearly define the limitations set forth in this regulation regarding acquiring pronghorn antelope permits or preference points in the same year.

Recommendation

Adopt the changes in language needed to clearly state the action of the regulation regarding acquiring pronghorn antelope permits or preference points.

115-4-11. Big game and wild turkey permit applications. (a) General application provisions.

(1) Unless otherwise authorized by law or regulation, an individual shall not apply for or obtain more than one antlered or horned big game or wild turkey permit for each big game species or wild turkey, except when the individual is unsuccessful in a limited quota drawing and alternative permits for the species are available at the time of subsequent application or when the individual is the final recipient of a commission permit.

(2) Unless otherwise authorized by law or regulation, each big game or wild turkey permit application shall be signed by the individual applying for the permit.

(3) Subject to any priority draw system established by this regulation, if the number of permit applications of a specific species and type received by the designated application deadline exceeds the number of available permits of that species and type, a random drawing to issue permits of that species and type shall be conducted by the secretary.

(4) A hunt-on-your-own-land permit shall not be tabulated in a priority draw system if the permit would otherwise reduce the applicant's odds of receiving a big game permit through that draw system.

(b) Deer permit applications.

(1) Subject to any priority draw system established by this subsection, in awarding deer permits in units having a limited number of permits, the first priority shall be given to those applicants who did not receive, in the previous year, a deer permit that allowed the taking of an antlered deer. All other deer permit applicants shall be given equal priority.

(2) In awarding a limited number of deer permits by a priority draw system, the first priority shall be given to those individuals who have earned the highest number of preference points. Preference points shall be awarded as follows:

(A) One point shall be awarded to an individual for each year the individual is unsuccessful in obtaining, by a priority draw system, a deer permit that allows the taking of an antlered deer.

(B) If the individual fails to make at least one application or purchase one preference point within a period of five consecutive years, all earned points shall be lost.

(C) If an applicant obtains, by a priority draw system, a deer permit that allows the taking of an antlered deer, all earned points shall be lost.

(D) If the number of applicants with the most preference points exceeds the number of permits for specified units or permit types, then a drawing shall be held to determine the successful applicants.

(E) If an individual wants to apply for a preference point for a deer permit that allows the taking of antlered deer and not receive a permit, the person may apply for and receive a preference point by paying the proper application or preference point fee and submitting an application during the application period specified in this regulation. No individual may apply for more than one preference point in the same calendar year, and no individual shall apply for a preference point in the same calendar year as the calendar year in which the individual is applying for a permit.

(3) If an individual is a final recipient of a commission deer permit, the individual shall not possess more than one regular antlered deer permit and one commission deer permit.

(4) Applications for nonresident limited-quota antlered deer permits shall be accepted in the Pratt office from the earliest date that applications are available through the last Friday of April each year. Any nonresident applicant may select, at the time of application, one deer management unit and up to one adjacent management unit where that permit shall be valid.

(5) Applications for resident firearms either-species, either-sex permits shall be accepted at designated locations from the earliest date that applications are available through the second Friday of June.

(6) Applications for resident any-season white-tailed either-sex deer permits, resident archery deer permits, resident muzzleloader either-species either-sex permits, and hunt-on-your-own-land deer permits shall be accepted at designated locations from the earliest date that applications are available through December 30.

(7) Each resident applicant for either-species, either-sex muzzleloader or firearm deer permits shall select, at the time of application, the unit where the permit shall be valid. The west unit permit shall be valid in units 1, 2, 17, and 18. The east unit permit shall be valid in units 3, 4, 5, 7, and 16.

(8) Applications for antlerless white-tailed deer permits shall be accepted at designated locations from the earliest date that applications are available through January 30 of the following year.

(9) Each nonresident applicant for a regular deer permit shall have purchased a nonresident hunting license before submitting the application or shall purchase a nonresident hunting license when submitting the application.

(c) antelope permit applications. In awarding antelope permits, the first priority shall be given to those individuals who have earned the highest number of preference points. Preference points shall be awarded as follows:

(1) One point shall be awarded to an individual for each year the individual is unsuccessful in obtaining an antelope permit.

(2) If the individual fails to submit at least one application or purchase one preference point within five consecutive years, all earned points shall be lost.

(3) If an applicant obtains an antelope permit by a priority draw system, all earned points shall be lost.

(4) If the number of applicants with the most preference points exceeds the number of permits for specified units or permit types, then a drawing shall be held to determine the successful applicants.

(5) If an individual wants to apply for a preference point for an antelope permit that and does not receive a permit, the person may apply for and receive a preference point by paying the preference point fee and submitting an application during the application period specified in this regulation. No individual may apply for more than one preference point in the same calendar year, and no individual shall apply for a preference point in the same calendar year as the calendar year in which the individual is applying for a permit.

(6) Applications for resident permits shall be accepted in the Pratt office from the earliest date that applications are available through the second Friday of June.

(7) Applications for resident and nonresident archery permits shall be accepted at designated locations from the earliest date that applications are available through October 30.

(8) If there are any unfilled permits after all timely applications have been considered, the application period may be extended by the secretary.

(9) Any applicant unsuccessful in obtaining a permit through a drawing may apply for any permit made available during an extended application period, or any other permit that is available on an unlimited basis. If the applicant receives a permit made available during an extended application period or on an unlimited basis, that individual shall not receive a preference point in the same calendar year as the calendar year in which the individual received that other permit.

(d) Elk permit applications.

(1) An individual receiving a limited-quota elk permit shall not be eligible to apply for or receive an elk permit in subsequent seasons, with the following exceptions:

(A) An individual receiving an any-elk or a bull-only elk permit may apply for and receive an antlerless-only elk permit in subsequent seasons.

(B) An individual receiving a limited-quota, antlerless-only elk hunting permit shall not be eligible to apply for or receive a limited-quota, antlerless-only elk permit for a five-year period thereafter. Subject to this subsection, however, this individual may apply for and receive an any-elk or bull-only elk permit without a waiting period.

(C) When a limited number of elk permits are awarded by a random draw system, each individual shall have an additional opportunity of drawing for each bonus point earned by the individual in addition to the current application. Bonus points shall be awarded as follows:

(i) One bonus point shall be awarded to an individual for each year the individual is unsuccessful in obtaining, by a random draw system, an elk permit that allows the taking of an elk.

(ii) If an individual fails to make at least one application or purchase one bonus point within five consecutive years, all earned bonus points shall be lost.

(iii) If an applicant obtains, by a random draw system, an elk permit that allows the taking of an

elk, all earned points shall be lost.

(iv) If an individual wants to apply for a bonus point for an elk permit that allows the taking of elk and not receive a permit, the person may apply for and receive a bonus point by paying the proper application or bonus point fee and submitting an application during the application period specified in this regulation. No individual may apply for more than one bonus point in the same calendar year, and no individual shall apply for a bonus point in the same calendar year as the calendar year in which the individual is applying for a permit.

(D) Each individual who is the final recipient of a commission elk permit shall be eligible for a limited-quota elk permit, subject to the provisions of this subsection.

(E) Limited-quota antlerless-only elk permits and limited-quota either-sex elk permits shall be awarded from a pool of applicants who are Fort Riley military personnel and applicants who are not Fort Riley military personnel.

(2) Applications for hunt-on-your-own-land and unlimited over-the-counter elk permits shall be accepted at designated locations from the earliest date that applications are available through March 14 of the following year.

(3) Applications for limited-quota antlerless-only elk permits and limited-quota either-sex elk permits shall be accepted at designated locations from the earliest date that applications are available through the second Friday in June.

(4) If there are leftover limited-quota antlerless-only elk permits or limited-quota either-sex permits after all timely applications have been considered, the application periods for those permits may be reopened by the secretary. Leftover permits shall be drawn and issued on a daily basis for those application periods reopened by the secretary. Any applicant unsuccessful in obtaining a permit through a drawing may apply for any leftover permit or any other permit that is available on an unlimited basis.

(5) Any individual may apply for or obtain no more than one permit that allows the taking of an elk, unless the individual is unsuccessful in a limited-quota drawing and alternative permits for elk are available at the time of subsequent application or the individual obtains a commission permit pursuant to this subsection.

(e) Wild turkey permit applications.

(1) When awarding wild turkey permits in units having a limited number of permits, the first priority shall be given to those individuals who did not receive a permit in a limited wild turkey unit during the previous year. All other applicants shall be given equal priority.

(2) In awarding a limited number of wild turkey permits by a priority draw system, the first priority shall be given to those individuals who have earned the highest number of preference points. Preference points shall be awarded as follows:

(A) One point shall be awarded to an individual for each year the individual is unsuccessful in obtaining, by a priority draw system, a wild turkey permit.

(B) If the individual fails to submit at least one application or purchase one preference point within five consecutive years, all earned points shall be lost.

(C) If an applicant obtains, by a priority draw system, a wild turkey permit, all earned points shall be lost.

(D) If the number of applicants with the most preference points exceeds the number of permits for specified units or permit types, then a drawing shall be held to determine the successful applicants.

(E) If an individual wants to apply for a preference point for a wild turkey permit and not receive a permit, the person may apply for and receive a preference point by paying the preference point fee and submitting an application during the application period specified in this regulation. No individual may apply for more than one preference point in the same calendar year, and no individual shall apply for a preference point in the same calendar year as the calendar year in which the individual is applying for a permit.

(3) Fall wild turkey permits for unit 1, unit 2, unit 3, unit 5, and unit 6, youth turkey permits, and game tags for unit 2, unit 3, unit 5, and unit 6 may be purchased over the counter at designated locations,

from the earliest date in the year that applications are available through 5:00 p.m. on January 30 of the following year.

(4) Applications for spring wild turkey permits in unit 4 shall be accepted by the department from the earliest date that applications are available until midnight on the second Friday of February. If there are turkey permits left over after all timely applications have been considered, the application period may be reopened by the secretary. Leftover turkey permits shall be issued on a daily competitive basis until the day before the last day of the turkey season or until all turkey permits are issued.

(5) Spring wild turkey permits in unit 1, unit 2, unit 3, unit 5, and unit 6, youth turkey permits, and game tags in unit 1, unit 2, unit 3, unit 5, and unit 6 may be purchased over the counter at designated locations from the earliest date that applications are available until midnight on the day before the closing date for the season. (Authorized by K.S.A. 32-807, K.S.A. 32-937, K.S.A. 32-969, and K.S.A. 32-970; implementing K.S.A. 32-937, K.S.A. 32-969, and K.S.A. 32-970; effective Sept. 10, 1990; amended May 27, 1991; amended June 1, 2001; amended April 18, 2003; amended Feb. 18, 2005; amended May 15, 2009; amended Feb. 5, 2010; amended April 8, 2011; amended May 24, 2013; amended Nov. 30, 2015; amended April 21, 2017; amended April 26, 2019; amended June 24, 2022.)

(8) Applications for antlerless white-tailed deer permits shall be accepted at designated locations from the earliest date that applications are available through January 30 of the following year.

(9) Each nonresident applicant for a regular deer permit shall have purchased a nonresident hunting license before submitting the application or shall purchase a nonresident hunting license when submitting the application.

(c) antelope permit applications. In awarding antelope permits, the first priority shall be given to those individuals who have earned the highest number of preference points. Preference points shall be awarded as follows:

(1) One point shall be awarded to an individual for each year the individual is unsuccessful in obtaining an antelope permit.

(2) If the individual fails to submit at least one application or purchase one preference point within five consecutive years, all earned points shall be lost.

(3) If an applicant obtains an antelope permit by a priority draw system, all earned points shall be lost.

(4) If the number of applicants with the most preference points exceeds the number of permits for specified units or permit types, then a drawing shall be held to determine the successful applicants.

(5) If an individual wants to apply for a preference point for an antelope permit that and does not receive a permit, the person may apply for and receive a preference point by paying the preference point fee and submitting an application during the application period specified in this regulation. No individual may apply for more than one preference point in the same calendar year, and no individual shall apply for a preference point in the same calendar year as the calendar year in which the individual is applying for a permit.

(6) Applications for resident permits shall be accepted in the Pratt office from the earliest date that applications are available through the second Friday of June.

(7) Applications for resident and nonresident archery permits shall be accepted at designated locations from the earliest date that applications are available through October 30.

(8) If there are any unfilled permits after all timely applications have been considered, the application period may be extended by the secretary.

(9) Any applicant unsuccessful in obtaining a permit through a drawing may apply for any permit made available during an extended application period, or any other permit that is available on an unlimited basis. If the applicant receives a permit made available during an extended application period or on an unlimited basis, that individual shall not receive a preference point in the same calendar year as the calendar year in which the individual received that other permit.

(d) Elk permit applications.

(1) An individual receiving a limited-quota elk permit shall not be eligible to apply for or receive an elk permit in subsequent seasons, with the following exceptions:

(A) An individual receiving an any-elk or a bull-only elk permit may apply for and receive an antlerless-only elk permit in subsequent seasons.

(B) An individual receiving a limited-quota, antlerless-only elk hunting permit shall not be eligible to apply for or receive a limited-quota, antlerless-only elk permit for a five-year period thereafter. Subject to this subsection, however, this individual may apply for and receive an any-elk or bull-only elk permit without a waiting period.

(C) When a limited number of elk permits are awarded by a random draw system, each individual shall have an additional opportunity of drawing for each bonus point earned by the individual in addition to the current application. Bonus points shall be awarded as follows:

(i) One bonus point shall be awarded to an individual for each year the individual is unsuccessful in obtaining, by a random draw system, an elk permit that allows the taking of an elk.

(ii) If an individual fails to make at least one application or purchase one bonus point within five consecutive years, all earned bonus points shall be lost.

(iii) If an applicant obtains, by a random draw system, an elk permit that allows the taking of an

elk, all earned points shall be lost.

(iv) If an individual **wants** to apply for a bonus point for an elk permit that allows the taking of elk and not receive a permit, the person may apply for and receive a bonus point by paying the proper application or bonus point fee and submitting an application during the application period specified in this regulation. No individual may apply for more than one bonus point in the same calendar year, and no individual shall apply for a bonus point in the same calendar year as the calendar year in which the individual is applying for a permit.

(D) Each individual who is the final recipient of a commission elk permit shall be eligible for a limited-quota elk permit, subject to the provisions of this subsection.

(E) Limited-quota antlerless-only elk permits and limited-quota either-sex elk permits shall be awarded from a pool of applicants who are Fort Riley military personnel and applicants who are not Fort Riley military personnel.

(2) Applications for hunt-on-your-own-land and unlimited over-the-counter elk permits shall be accepted at designated locations from the earliest date that applications are available through March 14 of the following year.

(3) Applications for limited-quota antlerless-only elk permits and limited-quota either-sex elk permits shall be accepted at designated locations from the earliest date that applications are available through the second Friday in June.

(4) If there are leftover limited-quota antlerless-only elk permits or limited-quota either-sex permits after all timely applications have been considered, the application periods for those permits may be reopened by the secretary. Leftover permits shall be drawn and issued on a daily basis for those application periods reopened by the secretary. Any applicant unsuccessful in obtaining a permit through a drawing may apply for any leftover permit or any other permit that is available on an unlimited basis.

(5) Any individual may apply for or obtain no more than one permit that allows the taking of an elk, unless the individual is unsuccessful in a limited-quota drawing and alternative permits for elk are available at the time of subsequent application or the individual obtains a commission permit pursuant to this subsection.

(e) Wild turkey permit applications.

(1) When awarding wild turkey permits in units having a limited number of permits, the first priority shall be given to those individuals who did not receive a permit in a limited wild turkey unit during the previous year. All other applicants shall be given equal priority.

(2) In awarding a limited number of wild turkey permits by a priority draw system, the first priority shall be given to those individuals who have earned the highest number of preference points. Preference points shall be awarded as follows:

(A) One point shall be awarded to an individual for each year the individual is unsuccessful in obtaining, by a priority draw system, a wild turkey permit.

(B) If the individual fails to **submit** at least one application or purchase one preference point within five consecutive years, all earned points shall be lost.

(C) If an applicant obtains, by a priority draw system, a wild turkey permit, all earned points shall be lost.

(D) If the number of applicants with the most preference points exceeds the number of permits for specified units or permit types, then a drawing shall be held to determine the successful applicants.

(E) If an individual **wants** to apply for a preference point for a wild turkey permit and not receive a permit, the person may apply for and receive a preference point by paying the preference point fee and submitting an application during the application period specified in this regulation. No individual may apply for more than one preference point in the same calendar year, and no individual shall apply for a preference point in the same calendar year as the calendar year in which the individual is applying for a permit.

(3) Fall wild turkey permits for unit 1, unit 2, unit 3, unit 5, and unit 6, youth turkey permits, and game tags for unit 2, unit 3, unit 5, and unit 6 may be purchased over the counter at designated locations,

(8) Applications for antlerless white-tailed deer permits shall be accepted at designated locations from the earliest date that applications are available through January 30 of the following year.

(9) Each nonresident applicant for a regular deer permit shall have purchased a nonresident hunting license before submitting the application or shall purchase a nonresident hunting license when submitting the application.

(c) antelope permit applications. In awarding antelope permits allocated in a limited number, the first priority shall be given to those individuals who have earned the highest number of preference points. Preference points shall be awarded as follows:

(1) One point shall be awarded to an individual for each year the individual applies unsuccessfully for an antelope permit.

(2) If the individual fails to submit at least one application or purchase one preference point within five consecutive years, all earned points shall be lost.

(3) If an applicant obtains an antelope permit by a priority draw system, all earned points shall be lost.

(4) If the number of applicants with the most preference points exceeds the number of permits for specified units or permit types, then a drawing shall be held to determine the successful applicants.

(5) If an individual wants to apply for a preference point for an antelope permit and not receive a permit, the person may apply for and receive a preference point by paying the preference point fee during the application period specified in this regulation. No individual may apply for more than one preference point in the same calendar year, and no individual shall apply for a preference point in the same calendar year as that in which the individual is applying for a permit.

(6) Applications for resident permits shall be accepted in the Pratt office from the earliest date that applications are available through the second Friday of June.

(7) Applications for resident and nonresident archery permits shall be accepted at designated locations from the earliest date that applications are available through the last day of the season.

(8) If there are any unfilled permits after all timely applications have been considered, the application period may be extended by the secretary.

(9) An individual may not purchase a preference point or apply for a limited permit and obtain an unlimited permit during the same calendar year.

(d) Elk permit applications.

(1) An individual receiving a limited-quota elk permit shall not be eligible to apply for or receive an elk permit in subsequent seasons, with the following exceptions:

(A) An individual receiving an any-elk or a bull-only elk permit may apply for and receive an antlerless-only elk permit in subsequent seasons.

(B) An individual receiving a limited-quota, antlerless-only elk hunting permit shall not be eligible to apply for or receive a limited-quota, antlerless-only elk permit for a five-year period thereafter. Subject to this subsection, however, this individual may apply for and receive an any-elk or bull-only elk permit without a waiting period.

(C) When a limited number of elk permits are awarded by a random draw system, each individual shall have an additional opportunity of drawing for each bonus point earned by the individual in addition to the current application. Bonus points shall be awarded as follows:

(i) One bonus point shall be awarded to an individual for each year the individual is unsuccessful in obtaining, by a random draw system, an elk permit that allows the taking of an elk.

(ii) If an individual fails to make at least one application or purchase one bonus point within five consecutive years, all earned bonus points shall be lost.

(iii) If an applicant obtains, by a random draw system, an elk permit that allows the taking of an

elk, all earned points shall be lost.

(iv) If an individual wants to apply for a bonus point for an elk permit that allows the taking of elk and not receive a permit, the person may apply for and receive a bonus point by paying the proper application or bonus point fee and submitting an application during the application period specified in this regulation. No individual may apply for more than one bonus point in the same calendar year, and no individual shall apply for a bonus point in the same calendar year as the calendar year in which the individual is applying for a permit.

(D) Each individual who is the final recipient of a commission elk permit shall be eligible for a limited-quota elk permit, subject to the provisions of this subsection.

(E) Limited-quota antlerless-only elk permits and limited-quota either-sex elk permits shall be awarded from a pool of applicants who are Fort Riley military personnel and applicants who are not Fort Riley military personnel.

(2) Applications for hunt-on-your-own-land and unlimited over-the-counter elk permits shall be accepted at designated locations from the earliest date that applications are available through March 14 of the following year.

(3) Applications for limited-quota antlerless-only elk permits and limited-quota either-sex elk permits shall be accepted at designated locations from the earliest date that applications are available through the second Friday in June.

(4) If there are leftover limited-quota antlerless-only elk permits or limited-quota either-sex permits after all timely applications have been considered, the application periods for those permits may be reopened by the secretary. Leftover permits shall be drawn and issued on a daily basis for those application periods reopened by the secretary. Any applicant unsuccessful in obtaining a permit through a drawing may apply for any leftover permit or any other permit that is available on an unlimited basis.

(5) Any individual may apply for or obtain no more than one permit that allows the taking of an elk, unless the individual is unsuccessful in a limited-quota drawing and alternative permits for elk are available at the time of subsequent application or the individual obtains a commission permit pursuant to this subsection.

(e) Wild turkey permit applications.

(1) When awarding wild turkey permits in units having a limited number of permits, the first priority shall be given to those individuals who did not receive a permit in a limited wild turkey unit during the previous year. All other applicants shall be given equal priority.

(2) In awarding a limited number of wild turkey permits by a priority draw system, the first priority shall be given to those individuals who have earned the highest number of preference points. Preference points shall be awarded as follows:

(A) One point shall be awarded to an individual for each year the individual is unsuccessful in obtaining, by a priority draw system, a wild turkey permit.

(B) If the individual fails to submit at least one application or purchase one preference point within five consecutive years, all earned points shall be lost.

(C) If an applicant obtains, by a priority draw system, a wild turkey permit, all earned points shall be lost.

(D) If the number of applicants with the most preference points exceeds the number of permits for specified units or permit types, then a drawing shall be held to determine the successful applicants.

(E) If an individual wants to apply for a preference point for a wild turkey permit and not receive a permit, the person may apply for and receive a preference point by paying the preference point fee and submitting an application during the application period specified in this regulation. No individual may apply for more than one preference point in the same calendar year, and no individual shall apply for a preference point in the same calendar year as the calendar year in which the individual is applying for a permit.

(3) Fall wild turkey permits for unit 1, unit 2, unit 3, unit 5, and unit 6, youth turkey permits, and game tags for unit 2, unit 3, unit 5, and unit 6 may be purchased over the counter at designated locations,

VI. DEPARTMENT REPORT

C. Workshop

1. Deer 25-Series Regulations.

Background

The regulation contains the following items:

- Dates of deer seasons when equipment such as archery, firearms, or muzzleloader may be used.
- Provisions when seasons may occur on military subunits within management units.
- Dates for a special firearm deer season and extended archery seasons in urban units.
- Dates of deer seasons for designated persons.
- Dates and units when extended firearm seasons are authorized and the type of permits and changes in the species and antler categories of those permits.
- Limitations in obtaining multiple permits.

Discussion

Abundant deer populations in some deer management units potentially allow for additional whitetail antlerless only hunting opportunity as part of deer population management. To address abundant deer populations in DMU 12 and increasing deer damage complaints, additional whitetail antlerless hunting is warranted, and extending the Pre-Rut WAO season provides this additional opportunity that may increase antlerless deer harvest during a period that better addresses the issues caused by overly abundant whitetail deer.

Changes to the process and timing needed to promulgate regulations, particularly outside of KDWP, indicate a need to move this regulation to a more durable format. This would eliminate the need for the Commission and some staff to invest valuable time in reviewing this regulation, except when a change is proposed; which is unlike the current practice of reviewing and discussing the regulation annually even when the only modifications are adjusting to the variation of the calendar (i.e. keeping opening day of firearms season occurring on the Wednesday after Thanksgiving). Staff would still present the upcoming season dates to the Commission, possibly in a similar method to how Secretary's Orders are presented. Potentially the greatest benefit would be that anyone with an interest in the timing of the Kansas deer season segments may be able to more reliably predict season dates beyond the coming year.

Recommendation

Adopt the proposed durable language that sets the start and end dates for the various segments of deer hunting season.

Utilizing the proposed start and end dates for each deer season segment, the season dates for deer hunting during 2023-24 are as follows:

Youth and Disability	Sept. 2, 2023 – Sept. 10, 2023
Early Muzzleloader	Sept. 11, 2023 – Sept. 24, 2023
Archery	Sept. 11, 2023 – Dec. 31, 2023
Pre-Rut WAO	Oct. 7, 2023 – Oct. 9, 2023
Extended Pre-Rut WAO	Oct. 7, 2023 – Oct. 15, 2023
Regular Firearm	Nov. 29, 2023 – Dec. 10, 2023
1 st Extended WAO	Jan. 1, 2024 – Jan. 7, 2024
2 nd Extended WAO	Jan. 1, 2024– Jan. 14, 2024
3 rd Extended WAO	Jan. 1, 2024 – Jan. 21, 2024
Extended Archery (DMU 19)	Jan. 22, 2024– Jan. 31, 2024

115-25-9. Deer; open season, bag limit, and permits. (a) The open season for the taking of deer shall be as follows:

(1) Archery season.

(A) The archery season in all deer management units shall ~~be September 12, 2022~~begin on the second Monday following the first Saturday in September and shall be valid through December 31, 2022the last day of the same calendar year.

(B) Archery deer permits also shall be valid during the portion of the extended firearm ~~season~~seasons beginning on January 1, ~~2023~~ and extending through the last open day in units open during an extended firearm season and shall be valid with any legal equipment authorized during a firearm season, but shall be valid only for antlerless white-tailed deer during those dates.

(C) The number of archery deer permits shall be based on a review of deer population indices, biological and ecological data, history of permit use and harvest rates, public input, and other relevant information.

(D) The urban antlerless-only white-tailed deer archery season shall begin on ~~January 23, 2023~~ and extend through ~~January 31, 2023~~the third Monday following January 4 and shall continue until and include January 31 in all units designated as an urban deer management unit.

(2) Firearm season.

(A) The regular firearm season dates in all deer management units shall ~~be November 30, 2022 through December 11, 2022~~begin the Wednesday following Thanksgiving and shall continue for a total of 12 days including the opening day.

(B) The pre-rut white-tailed deer antlerless-only season in all deer management units shall ~~be October 8, 2022 through October 10, 2022~~begin on the Saturday immediately preceding Columbus Day and shall continue for a total of three days including the opening day.

(C) The extended pre-rut white-tailed deer antlerless-only season in deer management unit 12 shall begin the Tuesday immediately following Columbus Day and continue for a total of six days including the opening day.

~~(C)~~(D) During the regular and extended firearm deer seasons, white-tailed either-sex deer permits issued for a deer management unit adjacent to or encompassing an urban deer management unit shall be valid in both the designated unit and the urban deer management unit.

~~(D)~~(E) The number of firearm deer permits for each management unit shall be based on a review of deer population indices, biological and ecological data, history of permit use and harvest rates, public input, and other relevant information.

(3) Muzzleloader-only season.

(A) The muzzleloader-only season in all deer management units shall ~~be September 12, 2022 through September 25, 2022~~begin on the second Monday following the first Saturday in September and shall continue for a total of 14 days including the opening day. Muzzleloader deer permits shall also be valid during the established firearm seasons using muzzleloader equipment, except that during the portion of the extended firearm season beginning on January 1, ~~2023~~ and extending through the last open day in units open during an extended firearm season, these permits shall be valid with any legal equipment authorized during a firearm season. During an extended firearm season, only muzzleloader deer permits for deer management units open during these dates shall be valid, and only for antlerless white-tailed deer.

(B) The number of muzzleloader deer permits issued for each management unit shall be based on a review of deer population indices, biological and ecological data, history of permit use and harvest rates, public input, and other relevant information.

(4) Season for designated persons.

(A) The season for designated persons to hunt deer shall ~~be September 3, 2022 through September 11, 2022 in all deer management units~~begin on the first Saturday of September and shall continue for a total of 9 days including the opening day.

(B) Only the following persons may hunt during this season:

(i) Any person 17 years of age or younger, only while under the immediate supervision of an adult who is 18 years of age or older; and

(ii) any person with a permit to hunt from a vehicle issued according to K.A.R. 115-18-4 or a disability assistance permit issued according to K.A.R. 115-18-15.

(C) All resident and nonresident deer permits shall be valid during this season.

(D) All persons hunting during this season shall wear blaze orange according to K.A.R. 115-4-4.

(5) Extended firearm seasons.

(A) Each unfilled deer permit valid in unit 6, 8, 9, 10, or 17, as applicable, shall be valid during an extended antlerless-only firearm season beginning on January 1, ~~2023 and extending through January 8, 2023 in those units~~and continuing through the first Sunday occurring after the third day in January.

(B) Each unfilled deer permit valid in unit 1, 2, 3, 4, 5, 7, 11, 14, or 16, as applicable, shall be valid during an extended antlerless-only firearm season beginning January 1, ~~2023 and extend through January 15, 2023 in those units~~and continuing through the second Sunday occurring after the third day in January.

(C) Each unfilled deer permit valid in unit 10A, 12, 13, 15, or 19, as applicable, shall be valid in an extended antlerless-only firearm season beginning January 1, ~~2023 and extend through January 22, 2023 in those units~~and continuing through the third Sunday occurring after the third day in January.

(D) Only antlerless white-tailed deer may be taken.

(E) Permits restricted to a specific unit shall remain restricted to that unit during the extended firearm season.

(F) Equipment legal during a firearm season shall be authorized with any permit.

(b) Unlimited resident hunt-on-your-own-land, special hunt-on-your-own-land, and nonresident hunt-on-your-own-land deer permits shall be authorized for all units. These permits also shall be valid during the portion of the extended firearm season beginning on January 1, 2023 and extending through the last open day in units open during an extended or special extended firearm season, but shall be valid only for antlerless white-tailed deer during an extended or special extended firearm season.

(c) Any individual may apply for and obtain multiple deer permits, subject to the following limitations:

(1) Any individual may apply for or obtain no more than one deer permit that allows the taking of an antlered deer, except when the individual is unsuccessful in a limited quota drawing and alternative permits for antlered deer are available at the time of subsequent application.

(2) Any individual may obtain no more than five antlerless white-tailed deer permits. One antlerless white-tailed deer permit shall be valid statewide, except in unit 18, including lands managed by the department. Four additional antlerless white-tailed deer permits shall be valid in units 1, 2, 3, 4, 5, 7, 10A, 11, 12, 13, 14, 15, 16, and 19 on lands not managed by the department, except Berentz-Dick, and Elk City Wildlife Areas.

(3) Any resident may obtain no more than one either-species, either-sex permit through the application period ~~described~~specified in K.A.R. 115-4-11.

(4) Nonresidents shall be eligible to obtain antlerless white-tailed deer permits. Otherwise, a nonresident shall be eligible to apply for and obtain only those permits designated as nonresident deer permits.

(5) No resident or nonresident shall purchase any deer permit that allows the taking of antlerless-only deer without first having obtained a deer permit that allows the taking of antlered deer, unless the antlerless-only deer permit is purchased after December 30, 2022.

(6) Any individual may obtain one antlerless-only either-species deer permit, subject to the number of antlerless-only either-species deer permits authorized.

(d) The bag limit for each deer permit shall be one deer, as specified on the permit issued to the permittee.

(e) No deer permit issued pursuant to this regulation shall be valid after January 31, 2023 following the date of issuance. ~~This regulation shall have no force and effect on and after March 1, 2023.~~ (Authorized by and implementing K.S.A. 32-807 and K.S.A. 32-937; amended P-
_____.)

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

Background

This regulation has typically been brought to a Public Hearing in June. This later period to finalize the seasons on the Kansas military subunits is necessary as the schedules for military training activities are occasionally unknown at the time KAR 115-25-9 is approved. The regulation has also been used to address legislative actions pertaining to deer hunting that were made after KAR 115-25-9 was approved.

Discussion

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

The proposed regulation:

115-25-9a. Deer; open season, bag limit, and permits; additional considerations; military subunits. (a) In addition to the pre-rut antlerless white-tailed deer only season specified in K.A.R. 115-25-9, in the Fort Riley subunit an additional antlerless white-tailed deer only season shall also be November 24, 2023 to November 26, 2023.

(b) In the Fort Riley subunit, the open firearm season for the taking of deer shall be December 16, 2023 through December 23, 2023. A deer hunter may use only one white-tailed antlerless-only permit in Fort Riley.

(c) In the Fort Leavenworth subunit, the open firearm season for the taking of deer shall be November 11, 2023 through November 12, 2023; November 18, 2023 through November 19, 2023; November 23, 2023 through November 26, 2023; December 2, 2023 through December 3, 2023; and December 9, 2023 through December 10, 2023.

(d) In the Fort Leavenworth subunit, the extended firearms season for the taking of antlerless-only white-tailed deer shall be January 1, 2024 through January 21, 2024.

(e) In the Fort Leavenworth subunit, the extended archery season for the taking of antlerless-only white-tailed deer shall be January 22, 2024 through January 31, 2024.

(f) In the Smokey Hill subunit, the open firearm season for the taking of deer shall be November 29, 2023 through December 10, 2023. Five additional antlerless white-tailed deer permits shall be valid in subunit 4a. This regulation shall have no force and effect on and after March 1, 2024. (Authorized by and implementing K.S.A. 32-807 and K.S.A. 32-937.)

Recommendation

To accommodate both the U.S. Armed Forces' mission needs and deer hunting on the Kansas military subunits, adopt the proposed regulation providing for adjustments to the Kansas statewide deer seasons at those subunits.

Chronic Wasting Disease Carcass Movement Regulations

Background

Chronic Wasting Disease (CWD) has continued increase in the U.S. and in Kansas. One pathway for the spread of CWD is hunters moving whole carcasses and improperly disposing of the waste from carcasses. Most states have adopted regulations restricting moving whole cervid carcasses to protect areas in which CWD has yet to be detected following the Association of Fish and Wildlife Agencies (AFWA) best management practices. Unlike other Midwest states, Kansas has not yet adopted regulations regarding the movement of wild cervid carcasses within or into the state.

Discussion

Adopting regulation to reduce the movement of the most infective parts of cervid carcasses is an important step to try to slow the spread of CWD in Kansas. The proposed regulatory language is based on the AFWA best management practices and aligns Kansas with what other states in the Midwest region have implemented.

Proposed language for interstate movement restriction:

Importation of wild cervid carcasses into Kansas is prohibited except for:

- Whole carcasses after a “not detected” CWD test result from a test performed by an accredited laboratory is received,
- Quarters with all spine and head materials removed,
- Deboned meat,
- Cut and wrapped meat,
- Hides with excess flesh removed,
- Clean skulls,
- Clean teeth,
- Skull plate (cap) with antlers attached and cleaned of soft tissues,
- Antlers without skull plate (cap) attached,
- Finished taxidermy products and tanned hides,
- Heads and capes with not more than 6 inches of neck attached or antlers attached to uncleaned skull plate (cap) if (a) they are submitted to a taxidermist within 72 hours after entry,
- Tissues for use at a diagnostic or research laboratory,
- Tissues for research, not being used at a laboratory, with prior approval by KDWP.

Hunters must still maintain proof of sex as required by regulations.

Proposed language for intrastate movement restrictions will be reviewed and discussed.

Recommendation

Adopt regulation restricting the movement of whole carcasses into and within the state of Kansas.

Workshop Session

Public Lands Reference Document

June 22, 2023

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

Background

Subsection (e) of this regulation covers the Department's Public Lands Division Special Use Restrictions. This reference document within the regulation is reviewed annually for revisions.

Discussion

The issue of excessive pressure on our public waterfowl hunting areas and concern over the negative impacts on waterfowl and resident hunter satisfaction has prompted additional action by the Department.

Recommendations

I.) Access Restrictions

The following properties have **specified** access restrictions (~~curfews~~) during specific times during a 24-hour period.

Region 1

- Hain WA & SFL-no vehicle access during waterfowl seasons
- Greeley WA- Closed to all activities February 1 through August 31
- Pratt Backwater Channel-open 6 a.m. through 10 p.m.
- Sandsage Bison Range & WA--access subject to Posted Notice

Region 2

- Benedictine WA-use of parking lot ½ hour after sunset to ½ hour before sunrise restricted to individuals authorized by permit
- Pillsbury Crossing WA-open 6 a.m. through 10 p.m.

Region 3

- Grand Osage WA – Access by Special Permit Only
Access Through Main Gates Only
- Maxwell Wildlife Refuge-access restricted to main road, area closed to all activities, except during special events
- ~~-Neosho WA—no access into the wetland before 5:00AM and must exit wetland by one hour after sunset~~
- No access into a wetland before 5:00AM and must exit the wetland within one hour after sunset
 - Neosho WA
 - McPherson Valley Wetlands
 - Slate Creek Wetlands
 - Byron Walker WA
 - Perry WA Wetlands

Section VI. Boating Restrictions:

- a.) No Motorized Boats

Region 1

- Cheyenne Bottoms WA and Jamestown WA-motorized watercraft permitted only during the waterfowl seasons. No boats permitted from 4/15 through 8/15. No out of water propeller driven watercraft permitted at any time.
- Cheyenne Bottoms WA – Pool 3A
- Cheyenne Bottoms WA – Pool 4A after 1:00PM only
- Jamestown WA- Pintail, Puddler, Buffalo Creek, and Gamekeeper West Marshes
- Talmo Marsh

Region 2

- Milford WA-no motorized boats are allowed in any wetland areas except Mall Creek/Peterson Bottoms
- Perry WA -motorized watercraft permitted in wetlands only during waterfowl seasons

Region 3

- Elk City WA-Widgeon, Simmons, Housemound Marshes
- McPherson Valley Wetlands
- Neosho WA-motorized watercraft permitted only during waterfowl seasons. No motorized watercraft in Pools 4A and 4B. No out of water propeller driven watercraft permitted at any time

Add subsection (d) No vessels allowed

-Cheyenne Bottoms WA = vessels permitted only during waterfowl seasons

Vessel = watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water, other than a public vessel (USCG)

XII.) Refuges

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

a.) Refuge Area Closed to All Activities Year Round

Region 1

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

Region 2

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

Region 3

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

XV. Daily Hunt Permits

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

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

Statewide

-All Department managed lands and waters (Wildlife Areas and State Fishing Lakes)

*Excluding Maxwell Wildlife Refuge, Big Basin Prairie Preserve, and all State

Parks

-iWIHA properties

Region 1

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

~~-Glen Elder WA~~

~~-Isabel WA~~

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

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

~~-Talmo Marsh~~

~~-Texas Lake WA~~

Region 2

~~-Benedictine Bottoms~~

~~-Blue Valley WA~~

~~-Bolton WA~~

~~-Clinton WA~~

~~-Dalbey WA~~

~~-Douglas SFL~~

~~-Elwood WA~~

~~-Hillsdale WA~~

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

~~-Kansas River WA~~

~~-La Cygne WA~~

~~-Lyon SFL~~

~~-Marais des Cygnes WA~~

~~-Melvern WA~~

~~-Milford WA~~

~~-Oak Mills WA~~

~~-Perry WA~~

~~-Tuttle Creek WA~~

Region 3

~~-Berentz/Dick WA~~

~~-Marion WA~~

~~-McPherson Wetlands~~

~~-Neosho WA~~

~~-Slate Creek Wetland~~

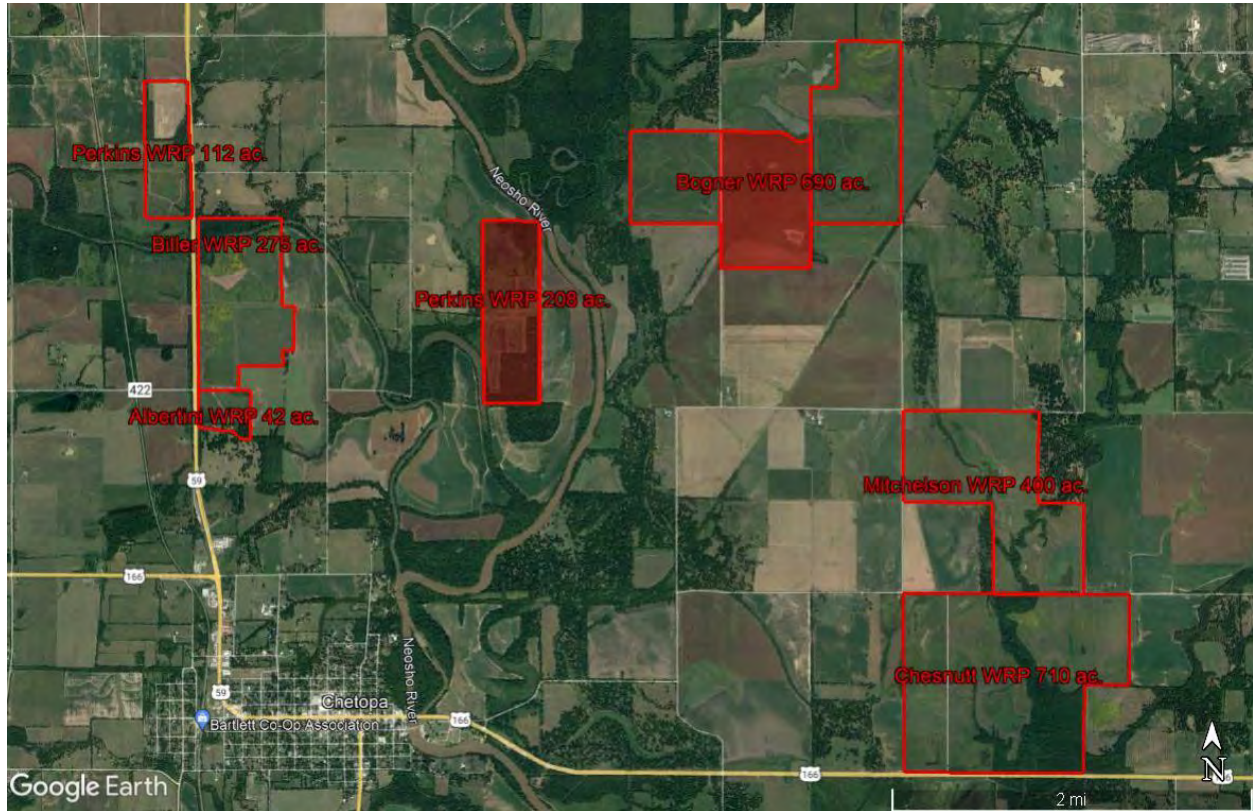
XVI. Daily Use Permits

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

Region 2

-Buck Creek WA

-Noe WA



Workshop Session Public Lands Regulations June 22, 2023

Discussion

Information and data collected from staff since the 2020-2021 Kansas waterfowl season is showing that non-residents are spending more consecutive days on public waterfowl properties, hunting in larger groups, and spending more time per day on these specific properties pursuing waterfowl. This has changed waterfowl behavior to the point there is growing concern that ducks, specifically, are not able to utilize our public wetlands sufficiently to meet their dietary, energy, and resting needs because of the human pressure that has increased in intensity. Resident waterfowl hunters are also reporting (in increasing volume) that this change in non-resident waterfowl hunting culture has decreased their opportunities on our department lands and waters.

Staff from the Public Lands and Wildlife Divisions have been meeting regularly and discussing these growing issues over the past few hunting seasons. Several potential recommendations have been vetted and continue to be discussed but the Department believes the following recommendation has the greatest potential to address the non-resident pressure issue.

Recommendation

The Department is proposing a new Kansas Administrative Regulation (KAR) under the 115-8 series to potentially help alleviate the above-mentioned concerns:

KAR 115-8-26

Non-resident Access (new KAR)

Non-residents waterfowl hunting on KDWP department lands and waters shall be restricted to Sunday's, Monday's, and Tuesday's throughout the duration of the established Kansas waterfowl seasons, including September Teal season.

Non-residents would not be allowed to hunt waterfowl on department lands and waters Wednesday through Saturday.

This would include WIHA and iWIHA properties.

The Department has been discussing this recommendation with our partners at the Bureau of Reclamation and the U.S. Army Corps of Engineers for implementation of this non-resident restriction on federal waters in Kansas. They have indicated support for this recommendation. A meeting with USFWS is planned for early May to discuss implementation on federal refuges as well.

Active Military, NR Lifetime License holders, and NR college students would still be classified as Residents (to follow suit with other privileges).

The Department believes this proposed recommendation will have the least negative economic impact compared to other potential restrictions.

Language will need to be developed under this new regulation that restricts non-resident vessel use for waterfowl hunting on specified department lands and waters to Sunday's, Monday's, and Tuesday's during the waterfowl season.

****KDWP also plans to request that the Kansas Legislature amend KSA 32-939 (Waterfowl habitat stamp) and KSA 32-988 (Fees) to establish a non-resident Migratory Waterfowl Habitat Stamp and at a higher fee than a resident stamp.**

115-2-3. Camping, utility, and other fees. (a) Each overnight camping permit shall be valid only for the state park for which it is purchased and shall expire at noon on the day following its effective date.

(b) Any annual camping permit may be used in any state park for unlimited overnight camping, subject to other laws and regulations of the secretary. This permit shall expire on December 31 of the year for which it is issued.

(c) Any 14-night camping permit may be used in any state park. This permit shall expire when the permit has been used a total of 14 nights, or on December 31 of the year for which it is issued, whichever is first.

(d) Camping permits shall not be transferable.

(e) The fee for a designated prime camping area permit shall be in addition to the overnight, annual, 14-night, or other camping permit fee, and shall apply on a nightly basis.

(f) Fees shall be due at the time of campsite occupancy and by two of any subsequent days of campsite occupancy.

(g) Fees set by this regulation shall be in addition to any required motor vehicle permit fee specified in K.A.R. 115-2-2.

(h) The following fees shall be in effect for state parks and for other designated areas for which camping and utility fees are required:

We would like to look at all our camping permits to adjust to a more market level and to remove the annual camping permit.

Pending Regulations (the items listed below will have no presentation, they have been presented multiple times – regulation included in briefing book for your convenience)

KAR 115-25-14. Fishing; creel limit, size limit, possession limit, and open season (and associated reference document)

KAR 115-18-10. Importation and possession of certain wildlife; prohibition, permit requirement, and restrictions

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)

KAR 115-2-1. Amount of Fees

KAR 115-25-7. Antelope; open season, bag limit and permit

KAR 115-25-8. Elk; open season, bag limit and permit

2023 Reference Document Proposed Changes for Special Length and Creel Limits

June 22, 2023 Commission Meeting

KAR 115-25-14. Fishing; creel limit, size limit, possession limit, and open season. (and associated reference document).

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

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

King Lake – Emporia – add as a Type 1 trout water

OJ Watson Park – add as a Type 1 trout water

Wichita KDOT-East – remove from trout waters list

Other 2023 Proposed Fishing Regulation Changes.

115-7-10. Fishing; special provisions. C. amend the ANS reference document.

ANS reference document:

remove the term "Asian Carp" and switch to either Bighead Carp or Silver Carp. Add McPherson State Fishing Lake to ANS reference document due to documentation of Rusty Crayfish. And add Lebo City Lake to reference document due to documentation of zebra mussels.

115-18-10. Importation and possession of certain wildlife; prohibition, permit requirement, and restrictions. Add Rusty Crayfish to the list of prohibited species.

**115-25-14. Fishing; creel limit, size limit, possession limit, and open season.
(and associated reference document)**

- *This change will introduce length and creel limit proposals at individual waters*
- *This change will also change some trout waters*
 - *King Lake-Emporia – add as a Type 1 trout water*
 - *OJ Watson Park – add as a Type 1 trout water*
 - *Wichita KDOT-East – remove from trout waters list*

**115-7-10. Fishing, special provisions (and associated reference document
outlining reference document K.S.A. 2019 Supp. 32-807--Kansas ANS
Designated Waters)**

- This change will add Lebo City Lake as an ANS Designated Water (Zebra Mussels), add McPherson SFL to the prohibited species list (given Rusty Crayfish are added to the prohibited species list as noted above)
- This will also remove the term "Asian Carp" to a more descriptive "Silver Carp" and "Bighead Carp"

**115-18-10. Importation and possession of certain wildlife; prohibition, permit
requirement, and restrictions.**

- This change would add Rusty Crayfish to the prohibited species list

Workshop: Amount of Fees (K.A.R. 115-2-1)

Historically, KDWP has not reviewed or increased the amount of fees charged for licenses and permits on a regular basis. The last fee increase was passed in 2015 and implemented in 2016. Prior to this, Kansas' hunting and fishing license fees had not increased since 2002, and resident deer and turkey permits had remained unchanged since 1986.

We have been able to continue operations under such conditions in the past by finding ways to reduce expenditures from the Wildlife Fee Fund (WFF). These have included cutting costs where we are able and finding alternative funding sources to supplement the WFF. In doing so, we have managed to underspend our legislatively appropriated WFF budget annually. Currently, if we were to expend the extent of our WFF budget, it would exceed our annual revenue. In other words, even prior to recently increasing costs, we were only able to keep from dipping into our WFF balance each year through cost cutting measures.

To review fees more regularly, and in response to the hyper-inflation we have all been experiencing, we will be completing an analysis of the fees within K.A.R. 115-2-1 in total. This will include identifying which fees are already at their statutory caps, which fees have room for potential increases, a comparison of current and proposed fees with other states, further justification of the need for some increased fees, and finally, specific recommendations for increases.

K.A.R. 115-2-1 Final Review

The following pages include a modified version of K.A.R. 115-2-1, with an added column to identify the statutory caps to the right of our current fees. **Those fees in bold are already at our statutory cap.** All other fees have room to increase within the current caps. **The fees with proposed increases are highlighted, with strike-through of the old fee and the new fee added (in bold if it reaches the statutory cap).** *The addition of the application fee for nonresident turkey permits is in italics.*

Second Workshop Updates:

Historical Review of Fee Increases

- KDWP Licenses & Permit Fees: Key Changes/Years

Wildlife Fee Fund Revenue Overview

- Changes Over Time
- Hunting vs. Fishing Revenue
- Resident vs. Nonresident Revenue

Regional and National Comparisons (respective to proposed increases)

- Nonresident Hunting Licenses
- Nonresident Fishing Licenses
- Nonresident Turkey Permits
- Nonresident Deer Permits

Other Considerations

- Permit Demand
- Potential for Pushback

Final Recommendations & Conclusions

The table below includes all permits with recommended increases, the additional application fee for nonresident turkey, and the total estimated increase in revenue based on sales from previous years.

Proposed Fee Reg Changes and Fiscal Impacts					
License/Permit Type	Current Fee	Proposed Fee	Amt of Increase	Approx # Sold	Est Inc Revenue
NR Hunting License	\$95.00	\$125.00	\$30.00	66,000	\$1,980,000.00
NR: spring turkey permit	\$60.00	\$75.00	\$15.00	9,700	\$145,500.00
NR: turkey permit application fee	N/A	\$10.00	\$10.00	11,000	\$110,000.00
NR: combination 2-deer permit	\$415.00	\$450.00	\$35.00	22,000	\$770,000.00
NR Fishing License	\$50.00	\$75.00	\$25.00	15,250	\$381,250.00
NR calendar day fishing license	\$7.50	\$10.00	\$2.50	20,500	\$51,250.00
NR combo hunting and fishing license	\$135.00	\$200.00	\$65.00	5,500	\$357,500.00
					\$3,795,500.00

As you can see, this falls short of the \$4-6 million goal that was originally identified. We looked extensively at all our options for increases and did not feel that we could currently justify additional increases beyond those identified here. This was either based on decreasing demand for specific permits or regional/national comparisons where we were already at or above averages.

Although the nearly \$3.8 million in additional revenue will not afford us much room, we will be able to fully utilize our appropriated budget from WFF without having to dip into the fund balance annually. If costs continue to rise, this may not be the case for long. We will need to identify areas to further cut costs in future years where we can, while redoubling our efforts to identify alternative or non-traditional funding sources to help support our mission.

We will plan to review the fee regs on a 3-year cycle moving forward, ensuring that we remain current with our cost-revenue analysis. In the interim, the revenue committee will continue to meet and discuss options for enhancing current revenue and identifying potential alternative funding sources.

115-2-1. Amount of fees. The following fees and discounts shall be in effect for the following licenses, permits, and other issues of the department: (a) Hunting licenses and permits.		<u>Cap</u>
Resident hunting license (valid for one year from date of purchase).....	\$25.00	
Resident hunting license (valid for five years from date of purchase)	100.00	125.00
Resident disabled veteran hunting license (valid for one year from date of purchase, 30 percent or more service-connected disabled)	12.50	N/A (25.00)
Resident senior hunting license (valid for one year from date of purchase, 65 years of age through 74 years of age).....	12.50	
Resident youth hunting license (one-time purchase, valid from 16 years of age through 20 years of age, expiring at the end of that calendar year)	40.00	125.00
Nonresident hunting license (valid for one year from date of purchase)	95.00125.00	125.00
Nonresident junior hunting license (under 16 years of age).....	40.00	75.00
Resident big game hunting permit:		
General resident: either-sex elk permit.....	300.00	350.00
General resident: antlerless-only elk permit	150.00	350.00
General resident youth (under 16 years of age): either-sex elk permit.....	125.00	175.00
General resident youth (under 16 years of age): antlerless-only elk permit	50.00	175.00
Landowner/tenant: either-sex elk permit.....	150.00	175.00
Landowner/tenant: antlerless-only elk permit	75.00	175.00
Hunt-on-your-own-land: either-sex elk permit	150.00	175.00
Hunt-on-your-own-land: antlerless-only elk permit.....	75.00	175.00
General resident: deer permit	40.00	100.00
General resident youth (under 16 years of age): deer permit.....	10.00	50.00 (1/2Gen)
General resident: antlerless-only deer permit	20.00	100.00
General resident youth (under 16 years of age): antlerless-only deer permit	7.50	50.00 (1/2Gen)
Landowner/tenant: deer permit	20.00	50.00 (1/2Gen)
Hunt-on-your-own-land: deer permit.....	20.00	50.00 (1/2Gen)
Special hunt-on-your-own-land: deer permit	85.00	100.00
General resident: antelope permit.....	50.00	100.00
General resident youth (under 16 years of age): antelope permit.....	10.00	50.00 (1/2Gen)
Landowner/tenant: antelope permit.....	25.00	50.00 (1/2Gen)
Antelope preference point service charge	10.00	No Max
Any-deer preference point service charge	10.00	No Max
Application fee for elk permit.....	10.00	No Max
Wild turkey permit:		
General resident: turkey permit (1-bird limit)	25.00	100.00
General resident youth (under 16 years of age): turkey permit (1-bird limit)	5.00	50.00 (1/2Gen)
Resident landowner/tenant: turkey permit (1-bird limit).....	12.50	50.00 (1/2Gen)
Nonresident: fall turkey permit (1-bird limit)	50.00	400.00
Nonresident tenant: fall turkey permit (1-bird limit).....	25.00	400.00
Nonresident: spring turkey permit (1-bird limit).....	60.0075.00	400.00
Nonresident tenant: spring turkey permit (1-bird limit)	30.00	400.00
Nonresident youth (under 16 years of age): turkey permit (1-bird limit).....	10.00	400.00
Resident: turkey preference point service charge	5.00	No Max
<i>Nonresident: turkey permit application fee.....</i>	<i>10.00</i>	
Wild turkey game tag:		
Resident: turkey game tag (1-bird limit)	15.00	20.00
Resident youth (under 16 years of age): turkey game tag (1-bird limit)	5.00	10.00
Nonresident: turkey game tag (1-bird limit).....	30.00	30.00
Nonresident youth (under 16 years of age): turkey game tag (1-bird limit).....	10.00	30.00
Spring wild turkey permit and game tag combination (2-bird limit, must be purchased before April 1 of year of use):		
General resident: turkey permit and game tag combination (2-bird limit)	35.00	120.00
General resident youth (under 16 years of age): turkey permit and game tag combination		

(2-bird limit).....	10.00	60.00
Resident landowner/tenant: turkey permit and game tag combination (2-bird limit).....	17.50	60.00
Nonresident: turkey permit and game tag combination (2-bird limit).....	85.00	430.00
Nonresident tenant: turkey permit and game tag combination (2-bird limit).....	42.50	430.00
Nonresident youth (under 16 years of age): turkey permit and game tag combination (2-bird limit).....	20.00	430.00
Nonresident big game hunting permit:		
Nonresident hunt-on-your-own-land: deer permit.....	85.00	400.00
Nonresident tenant: deer permit.....	85.00	400.00
Nonresident: deer permit (antlered deer)	400.00	
Nonresident youth (under 16 years of age): deer permit (antlered deer).....	75.00	400.00
Nonresident: deer permit (antlerless only).....	50.00	400.00
Nonresident: combination 2-deer permit (antlered deer and antlerless white-tailed deer).....	415.00	450.00 800.00
Nonresident youth (under 16 years of age): combination 2-deer permit (antlered deer and antlerless white-tailed deer)	90.00	800.00
Nonresident: antelope permit (archery only)	300.00	400.00
Nonresident tenant: antelope permit	85.00	400.00
Nonresident youth (under 16 years of age): antelope (archery only).....	100.00	400.00
Nonresident tenant: either-sex elk permit	300.00	350.00
Nonresident tenant: antlerless-only elk permit.....	150.00	350.00
Nonresident: deer permit application fee.....	25.00	
Nonresident: mule deer stamp.....	150.00	
Field trial permit: game birds	20.00	25.00
Lifetime hunting license.....	500.00	
or eight quarterly installment payments of	67.50	75.00
Migratory waterfowl habitat stamp	8.00	
Sandhill crane hunting permit: validation fee.....	5.00	
Disabled person hunt-from-a-vehicle permit.....	0	
(b) Fishing licenses and permits.		
Resident fishing license (valid for one year from date of purchase).....	25.00	
Resident fishing license (valid for five years from date of purchase).....	100.00	125.00
Resident disabled veteran fishing license (valid for one year from date of purchase, 30 percent or more service-connected disabled)	12.50	N/A (25.00)
Resident senior fishing license (valid for one year from date of purchase, 65 years of age through 74 years of age).....	12.50	
Resident youth fishing license (one-time purchase, valid from 16 years of age through 20 years of age, expiring at the end of that calendar year).....	40.00	125.00
Nonresident fishing license (valid for one year from date of purchase)	50.00	75.00 75.00
Resident calendar day fishing license.....	3.50	10.00
Nonresident calendar day fishing license.....	7.50	10.00 10.00
Three-pole permit (valid for one year from date of purchase).....	6.00	No Max
Tournament bass pass (valid for one year from date of purchase)	12.00	No Max
Paddlefish permit (six carcass tags).....	10.00	No Max
Paddlefish permit youth (under 16 years of age) (six carcass tags).....	5.00	No Max
Hand fishing permit.....	25.00	No Max
Lifetime fishing license.....	500.00	
or eight quarterly installment payments of	67.50	75.00

Five-day nonresident fishing license	25.00	
Institutional group fishing license.....	100.00	200.00
Special nonprofit group fishing license	50.00	200.00
Trout permit (valid for one year from date of purchase).....	12.00	No Max
Youth trout permit (under 16 years of age, valid for one year from date of purchase).....	4.50	No Max

(c) Combination hunting and fishing licenses and permits.

Resident combination hunting and fishing license (valid for one year from date of purchase).....	45.00	50.00
Resident combination hunting and fishing license (valid for five years from date of purchase).....	180.00	250.00
Resident disabled veteran combination hunting and fishing license (valid for one year from date of purchase, 30 percent or more service-connected disabled)	22.50	N/A (50.00)
Resident senior combination hunting and fishing license (valid for one year from date of purchase, 65 years of age through 74 years of age)	22.50	25.00
Resident combination youth hunting and fishing license (one-time purchase, valid from 16 years of age through 20 years of age, expiring at the end of that calendar year).....	70.00	250.00
Resident lifetime combination hunting and fishing license.....	960.00	1000.00
or eight quarterly installment payments of.....	130.00	150.00
Resident senior lifetime combination hunting and fishing license (one-time purchase, valid 65 years of age and older)	40.00	N/A (25/yr)
Nonresident combination hunting and fishing license (valid for one year from date of purchase).....	135.00	200.00

(d) Furharvester licenses.

Resident furharvester license (valid for one year from date of purchase).....	25.00	
Resident junior furharvester license (valid for one year from date of purchase)	12.50	
Lifetime furharvester license.....	500.00	
or eight quarterly installment payments of.....	67.50	75.00
Nonresident furharvester license (valid for one year from date of purchase).....	250.00	400.00
Nonresident bobcat permit (1-bobcat limit per permit).....	100.00	
Resident fur dealer license	100.00	200.00
Nonresident fur dealer license	400.00	
Field trial permit: furbearing animals.....	20.00	25.00

(e) Commercial licenses and permits.

Controlled shooting area hunting license (valid for one year from date of purchase)	25.00	
Resident mussel fishing license.....	75.00	200.00
Nonresident mussel fishing license.....	1,000.00	1,500.00
Mussel dealer permit.....	200.00	
Missouri river fishing permit.....	25.00	200.00
Game breeder permit.....	10.00	15.00
Controlled shooting area operator license	200.00	400.00
Commercial dog training permit	20.00	25.00
Commercial fish bait permit (three-year permit).....	50.00	200.00
Commercial prairie rattlesnake harvest permit (w/o a valid Kansas hunting license).....	20.00	
Commercial prairie rattlesnake harvest permit (with a valid Kansas hunting license or exempt from this license requirement)	5.00	
Commercial prairie rattlesnake dealer permit.....	50.00	
Prairie rattlesnake round-up event permit	25.00	

(f) Collection, scientific, importation, rehabilitation, and damage-control permits. Scientific, educational, or exhibition permit

.....	10.00	
Raptor propagation permit	0	100.00

Rehabilitation permit.....	0	50.00
Wildlife damage-control permit	0	10.00
Wildlife importation permit	10.00	
Threatened or endangered species: special permits	0	100.00
(g) Falconry.		
Apprentice permit.....	75.00	300.00
General permit.....	75.00	300.00
Master permit	75.00	300.00
Testing fee.....	50.00	100.00
(h) Miscellaneous fees.		
Duplicate license, permit, stamp, and other issues of the department	0	10.00
Special departmental services, materials, or supplies.....	At cost	No Max
Vendor bond		
For bond amounts of \$5,000.00 and less	50.00	No Max
For bond amounts of more than \$5,000.00.....	50.00	No Max
plus \$6.00 per additional \$1,000.00 coverage or any fraction thereof.		
(i) Discounts.		
Discount for five or more licenses, permits, stamps, or other issues of the department purchased by an individual at the same time		five percent of the total price

This regulation shall be effective on and after January 1, 2021. (Authorized by K.S.A. 2019 Supp. 32-807 and K.S.A. 2019 Supp. 32-988; implementing K.S.A. 2019 Supp. 32-807, K.S.A. 2019 Supp. 32-988, and K.S.A. 2019 Supp. 32-9,100; effective Dec. 4, 1989; amended Sept. 10, 1990; amended Jan. 1, 1991; amended June 8, 1992; amended Oct. 12, 1992; amended April 11, 1994; amended Aug. 29, 1994; amended June 5, 1995; amended Aug. 21, 1995; amended Feb. 28, 1997; amended July 30, 1999; amended Jan. 2, 2002; amended Jan. 1, 2003; amended Jan. 1, 2004; amended Feb. 18, 2005; amended Jan. 1, 2006; amended May 1, 2006; amended Jan. 1, 2007; amended Jan. 1, 2008; amended Jan. 1, 2009; amended Jan. 1, 2010; amended Aug. 1, 2010; amended Jan. 1, 2011; amended Jan. 1, 2013; amended April 19, 2013; amended Nov. 15, 2013; amended Jan. 1, 2015; amended Jan. 1, 2016; amended Jan. 1, 2018; amended April 26, 2019; amended Sept. 20, 2019; amended Jan. 1, 2021).

KAR 115-25-7
Antelope; open season, bag limit and permits

Background

This regulation pertains to seasons, bag limits, unit boundaries, permits and tags for pronghorn antelope.

Western Kansas pronghorn antelope populations have supported a hunting season since 1974. The firearm pronghorn season has been four days long since 1990, starting on the first Friday in October. The archery pronghorn season was nine days long from 1985 to 2004, and included the two weekends prior to the firearm season. Since 2005, the archery season has reopened on the Saturday following the firearm season and continued through the end of October. A muzzleloader season was initiated in 2001. It has begun immediately after the archery season and ran for eight days, the last four overlapping the firearm season. With the exception of annual adjustments in permit allocations, this regulation has changed minimally in recent years.

Discussion & Recommendations

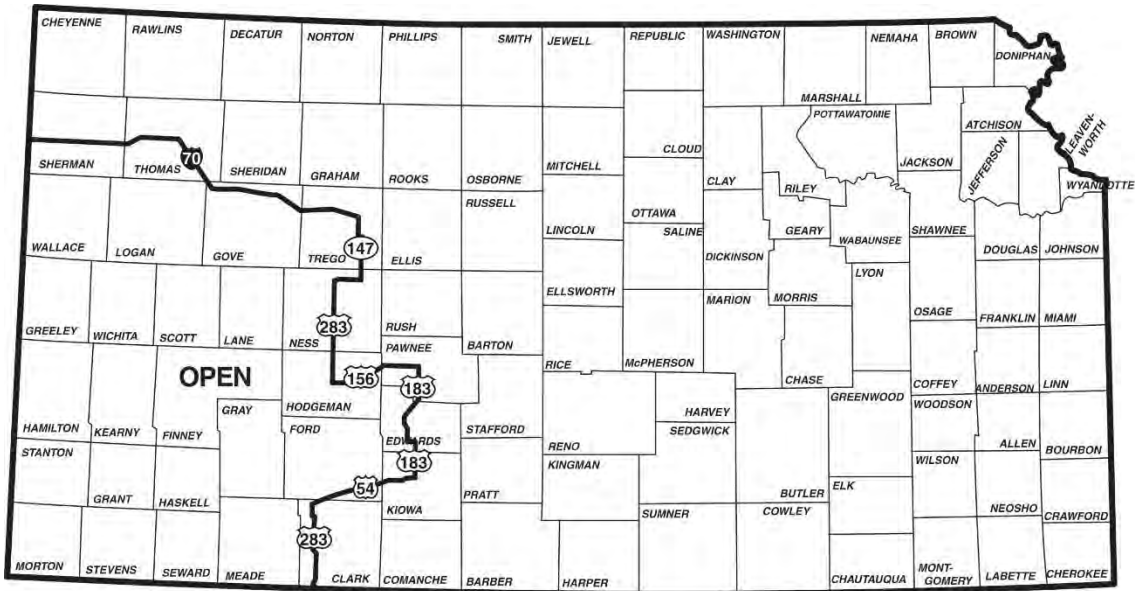
As discussed at previous meetings, we propose updating season date terminology so that seasons are established without year-specific references in the regulation. Effective season dates will remain the same, but the regulations won't have to be updated annually to establish the seasons.

Poor production in Kansas and rangewide has caused apparent declines in pronghorn populations in many areas. In Kansas, this can be partially attributed to drought. In the past five years KDWP has reduced firearm permits by 29% and muzzleloader permits by 32%. We also made a change to K.A.R. 115-4-11 that eliminates the ability for hunters to both apply for a limited permit or purchase a preference point and purchase an archery permit during the same year. However, archery opportunity remains largely unchanged; archery permits remain unlimited and archery permit sales and success rates remain high. So that archery hunters share some of the response to a reduced herd size, we recommend eliminating the late archery season which has accounted for about 8% of the archery harvest.

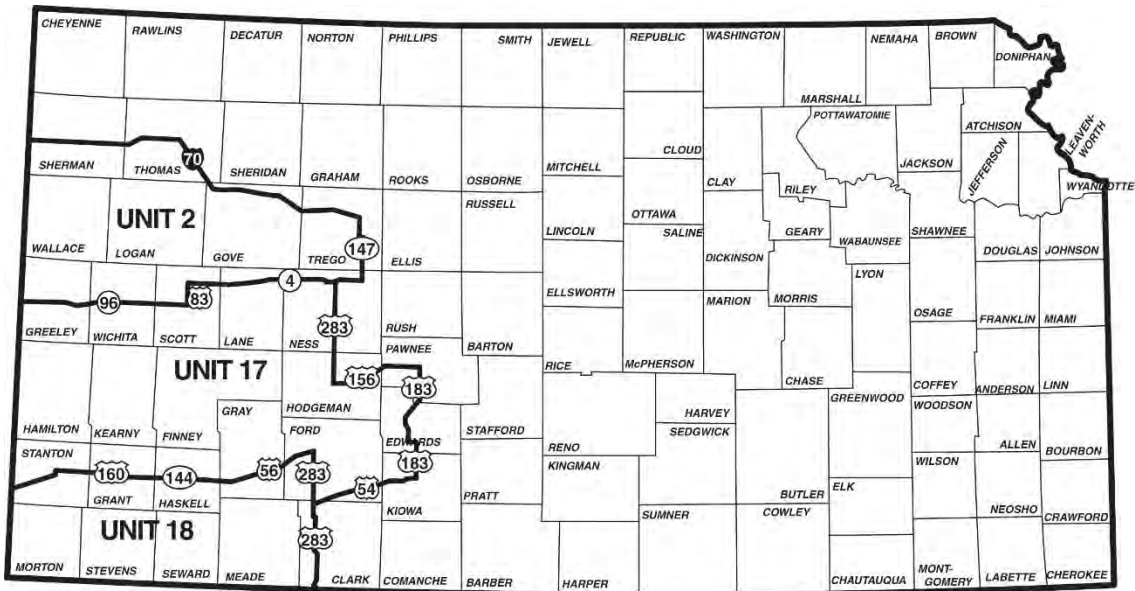
We propose unlimited archery permits be allocated for both residents and nonresidents. Firearm and muzzleloader permits will remain restricted to residents, with half assigned to landowner/tenants and the remainder awarded to general residents. Proposed firearm and muzzleloader permit allocations are provided below.

Unit 2		Unit 17		Unit 18	
FA	MZ	FA	MZ	FA	MZ
88	22	30	8	4	4

Archery Pronghorn Unit



Firearm, Muzzleloader Pronghorn Units



KAR 115-25-8

Elk; open season, bag limit and permits

Background

This regulation pertains to seasons, bag limits, unit boundaries, permits and tags for elk hunting.

Elk were first reintroduced onto Fort Riley in 1986, and a hunting season was initiated in 1990. Most of the hunting opportunity in the state occurs on the Fort. However, elk do exist on private lands, though unpredictably in most of the state, with parts of southwest Kansas being the main exception. Elk also occur in the vicinity of Cimarron National Grasslands, but these elk are primarily found in neighboring states, and the Grasslands have been closed to elk hunting since 1995, following several years of heavy harvest pressure.

Since 1999, longer seasons and less restrictive permitting options have been authorized except near Fort Riley and the Grasslands. This framework is intended to allow for elk that may be causing crop damage or other conflicts on private land to be harvested, and for landowners to have the opportunity to maintain elk at desirable numbers on their own property while at the same time allowing the Fort Riley and Cimarron herds to be maintained.

Discussion & Recommendations

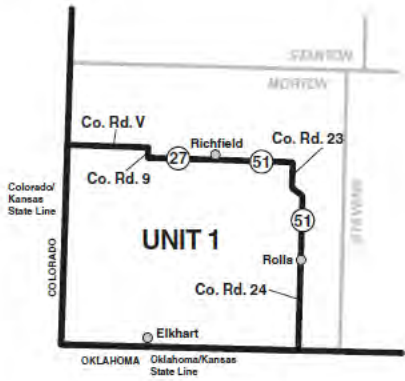
As discussed at previous meetings, we propose updating season date terminology so that seasons are established without year-specific references in the regulation. Effective season dates will remain the same, but the regulations won't have to be updated annually to establish the seasons.

We do not currently anticipate any changes to season structure, bag limits or permit types.

Unit boundaries are defined in K.A.R. 115-4-6b. Units 2 and 3 will be open to hunting.

Elk permits will be available only to Kansas residents, and permit applications will be separated into military and nonmilitary applicants. An unlimited number of hunt-on-your-own-land antlerless-only and either-sex elk permits will also be authorized in Units 2 and 3. An unlimited number of general resident and landowner tenant antlerless-only and any-elk permits will be authorized in Unit 3. We propose 12 any elk and 18 antlerless elk permits be allocated for Unit 2.

Elk Units



NEW UNIT 2 BOUNDARY

