

**Kansas Department of Wildlife and Parks  
Commission Meeting  
Thursday, June 20, 2024  
Hilton Garden Inn & Convention Center  
221 W 43<sup>rd</sup> St, Hays, KS  
including a  
Virtual ZOOM Meeting Option**

**Approved** Subject to  
**8/29/24** Commission  
Approval

The June 20, 2024, meeting of the Kansas Wildlife and Parks Commission was called to order by Chairman Whitney Damron at 12:04 p.m.

Chairman Whitney Damron, Commissioners Emerick Cross, Lauren Sill, Troy Sporer, Delia Lister and Warren Gfeller were present. Commissioner Phil Escareno came in later.

**II. INTRODUCTION OF COMMISSIONERS AND GUESTS**

The Commissioners and Department staff introduced themselves (Attendance Roster – Exhibit A).

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

Mission Statement (Exhibit B) and Agenda (Exhibit C).

**IV. APPROVAL OF THE April 25, 2024, MEETING MINUTES**

Commissioner Warren Gfeller moved to approve the minutes; Commissioner Delia Lister second. *Approved* (Minutes – Exhibit D).

**V. DEPARTMENT REPORT**

**A. Administrative Rules and Regulation Procedure – Pursuant to K.S.A. 77-421 – Public Hearing**

1. KAR 115-7-3 Fish; taking and use of baitfish or minnows - Bryan Sowards, fisheries division director, presented these regulations to the Commission (Exhibit E, PowerPoint on all public hearing items – Exhibit E1). Wording change to replace “nuisance” with the word “invasive” when referring to aquatic invasive species. This will align with what the federal agencies are using as well as other states.

**Commissioner Warren Gfeller moved to approve KAR 115-7-3 as presented to the Commission. Commissioner Lauren Sill second.**

**No individual roll call was taken, all approved (Exhibit F).  
The motion to approve KAR 115-7-3 passed 6-0.**

2. KAR 115-7-9 Weigh-in black bass fishing tournaments - Bryan Sowards, fisheries division director, presented these regulations to the Commission (Exhibit H). Same thing, replace nuisance with invasive, it shows up one time.

**Commissioner Emerick Cross moved to approve KAR 115-7-9 as presented to the Commission. Commissioner Delia Lister second.**

**No individual roll call was taken, all approved (Exhibit I):  
The motion to approve KAR 115-7-9 passed 6-0.**

3. KAR 115-7-10 Fishing; special provisions - Bryan Sowards, fisheries division director, presented these regulations to the Commission (Exhibit J). Same, replace nuisance with invasive.

**Commissioner Warren Gfeller moved to approve KAR 115-7-10 as presented to the Commission. Commissioner Lauren Sill second.  
No individual roll call was taken, all approved (Exhibit L).**

In the associated reference document (Exhibit K), replace nuisance with invasive as well and adding Willow Lake in Riley County portion of the Kansas River to the list.

**Commissioner Emeric Cross moved to approve KAR 115-7-10 as presented to the Commission. Commissioner Delia Lister second.**

**No individual roll call was taken, all approved (Exhibit L):  
The motion to approve KAR 115-7-10 and 7-10 reference document passed 6-0.**

4. KAR 115-17-3 Commercial fish bait permits; requirement, application, and general provisions - Bryan Sowards, fisheries division director, presented these regulations to the Commission (Exhibit M). The intent is to require commercial fish bait permit applicants to complete our AIS certification course, once a year. This course can be found on our website. We go out to these sites once a year to inspect them and make sure they don't have any invasive species and that they are selling only what is on their permit. We will clean up the wording as well.

**Commissioner Emerick Cross moved to approve KAR 115-17-3 as presented to the Commission. Commissioner Warren Gfeller second.**

Commissioner Sill – No cost associated with this? Sowards – No.

**No individual roll call was taken, all approved (Exhibit N):  
The motion to approve KAR 115-17-3 passed 6-0.**

5. KAR 115-25-14 Fishing; creel limit, size limit, possession limit, and open season - Bryan Sowards, fisheries division director, presented these regulations to the Commission

(Exhibit O, reference document – Exhibit P). The changes deal with the associated reference document, “Kansas Special Size Limits, Creel Limits and Bait Restriction Tables”. On blue catfish change to 10 a day and only one 30 inches or longer at these reservoirs: Clinton, Glen Elder, John Redmond, Melvern, El Dorado and Elk City. For Milford Reservoir, it was 5 a day, with one over 40 inches and we want to change that due to the number of small fish in the population. We want to increase that protective slot to 28- to 40-inches, with one over 40 inches on blue catfish. Other water changes, Trexler Lake in Graham County, go to 5/day creel limit on channel catfish and on walleye, change to 2/day creel limit and 18-inch minimum length limit. This gives an opportunity to catch a nice walleye in western Kansas, but also to control other populations like the bluegill and cruppy. At Great Bend Veteran’s Lake, we want to change to a 21-inch minimum length limit on saugeye. In Sherman County, Smokey Gardens, we want to remove the 2/day creel limit on channel catfish and remove catch and release only on largemouth bass. We already have other differing regulations for channel catfish and largemouth bass in the reference document, so attempt to clean that up. At Marquette, Eisenhower Park Pond, we have a relatively new partnership, and we want to change the regulation for channel catfish from statewide 10/day to 2/day and a 15-inch minimum length limit. Other changes are on paddle fish snagging locations, 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. Commissioner Gfeller – Has there been much public feedback on any of this? Sowards – No, we did have some questions on blue catfish but nothing big. Commissioner Gfeller – Nature of the questions? Sowards – Other reservoirs they may want the same changes in their lakes as well. In the new regulations we just started workshopping you will see I have a few others there and actually changing the statewide length limit, new proposal includes 10/day and one over 30 statewide.

**Commissioner Emerick Cross moved to approve KAR 115-25-14 as presented to the Commission. Commissioner Delia Lister second.**

**No individual roll call was taken, all approved (Exhibit Q):  
The motion to approve KAR 115-25-14 passed 6-0.**

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

Sean Miller, Shawnee County Kansas – Thank commissioners and staff for letting me appear. Thank all the commissioners, I know you have a reconstitution coming up and a few folks are terming out. You have a hard job, with limited per diem. Appreciate your hard work, thankless job. Whether are going to be back for another term, or served a long time, and done a lot for the state of Kansas, I appreciate it. I am a twenty-year resident of Kansas. I appeared before commission in March at Topeka to talk about 115-8-25, which is the public lands trail camera ban. I opposed it then and now. I have had a season to see how it impacted me, my hunting strategy and my desire to hunt. I want to talk about two things, some questions about notice and what you have gotten from the public. After I appeared in March, the Secretary at that time appeared on a podcast a couple of weeks later and said he got great questions at last meeting that

he hadn't thought of and said he wished we had interjected earlier in the process, I do as well. We, as the public and the commission need to find a better way of communicating regulatory changes. Mrs. Kemmis does a great job sending out the agenda. I wish I had interjected earlier. Perhaps there is a better way on social media or the website, or somewhere else to provide a stricter definite notice. There was a page with regulations and statutes but for the last two years has had a broken link and has been removed now. Not great place to go to find those notifications. The main reason I am here is because of the trail cam regulations. I learned about this at Joint Committee on Administrative Rules and Regulations, not an enjoyable experience to appear before them. I got involved a little bit, heard questions and comments and reached out to staff and I have not heard back on what is happening. I was encouraged to show up in March and there were good questions they hadn't considered. Chairman said a lot of effort was put into that regulation and asked for a vote, even though there were questions. And the ban was put into place. Commissioner Lauber committed to more discussion on that. Contacted by media, said let it play out and have discussion about it. Not an agenda item on it yet. Reached out in January, said they would collect data after the season, not on agenda March or April and told to show up in June, so here I am. Still not on agenda. We have had a whole quarter to collect data, but staff has said there is no intent to bring this up at this forward for further discussion. Consensus is we should try to find way to fix a problem in least restrictive way. Not sure what you are trying to solve, so I don't know what suggestions to make. Please consider revoking this regulation, assume no issue because haven't gotten anything more than revolving platitude of fair chase issue. There are a lot of ways to look at that. A lot of states have looked at this, look at in 97% of the state and 1.5% where we can hunt public land. Other states have bans during certain times of the year, or cell phone bans. Is it more about pressure on wildlife during nesting season, conflict with hunters or recreational users on public wildlife areas. The unfortunate part of me hunting on public land is there are other people hunting as well. Are we worried about intrusion on wildlife? We have a lot of turkey hunters, mushroom hunters, fishermen and hikers there at same time, more than trail cam users. Tried to get a meeting but they were cancelled. Still don't have a good idea. Over course of last year went through my season, without cameras, to see how this works. Asked others I ran into, one guy loved it, 50-60 who said they wish they could use them, from wildlife viewers to people who wanted full bore link, a lot of ground. Did not reach out to KDWP staff but did as I ran into them, COs and public land managers, and asked if it was a problem for them. It was not top five issue for any of them. I am not of the opinion that regulatory measures could and should be taken, but overall ban is not the way to go. I am asking you to put this on the agenda for future meeting. Discussions are taking place in many states across the country. We are in vast minority on how we regulate trail cams. As we look to other major public land states, they didn't go as far as we did. We are the outlier. I appreciate your time. I think there are people who agree with me and who disagree with me, but we should have them in the same room at the same time to discuss this.

Chairman Damron – You brought this to my attention. Still educating myself on this topic so I invite others to comment. Commissioner Sill – We talked about this, and I have appreciated our conversations because we come at this from different perspectives. Kansas has about 0.5 percent of entire state that is huntable for deer. So, what is role of public land in Kansas when we have so little of it? Miller – A broad question. I think that connection back to the public natural resources is really where it stems from, whether mushroom hunter, squirrel hunter, deer hunter or fishermen, that ability to get back in nature is critical. Some people may do that in an urban park, others may wander the forest, but that connection is critically important. When we have small amount of public land and population of Kansas it is exceeding difficult for KDWP to manage all the interests within that. There will be conflicting uses and we have all seen some of that. One or two individuals may take conflicting uses to the level of conflict, which is two different things.

Often that leads to things like this ban. There are seven or eight pages of hunting and fishing regulations which is local wildlife area specific. Like waterfowl hunting, goose hunting shell limits and guys sky blasting at geese and moving them off and ruining everyone else's hunt. I am sure game warden's cringe at how difficult it is to regulate local wildlife areas. The public didn't do a good job of educating themselves about where cameras were allowed and they were smashed, vandalized and stolen because they thought they were not legal, but they were. That is not anyone's fault, people ought to know the rules and pay attention to changes. We don't have the law enforcement staff to go looking for cameras all the time. We have poachers and other big issues, like drugs on public lands. Managing all those uses is difficult. I want as many people on public land as possible because it is intrinsic in keeping our public involved and funds flowing into KDWP. Recognizing there is always going to be conflict, unless you get to buy more access, I don't see that changing. Commissioner Gfeller – I appreciate your comments on need for communication, we represent multiple constituencies with conflicting viewpoints, and we listen to them all to arrive at a decision. Sometimes feedback is evenly distributed and then you have to put your own thoughts into the mix. We can debate whether deer numbers are increasing or decreasing in various parts of the state, or why that is happening, but we all agree that our trophy numbers are going down. I err on the side of the prey, if camera gives advantage to the hunter in terms of understanding behavior and where to set up their gear and all that, I am in favor of the deer. Miller – If you look at the National Deer Association data, and I interject myself in legislature probably more than I should on KDWP managing with science, managing with data. There is probably a lot of data that says that says if you know the age structure of your herd, then you can manage for better age class. I hunted without a camera this year, and shot a nice deer, 3 ½ year old deer, not the 5 ½ year old I had seen earlier in the week. Proud of deer I got, first after an accident I had last year. If I had a camera and knew he was out there, I would have told my friends there was a young deer out there and not to shoot him. As a hunter I know you need to know what you are shooting at and everything I did was safe, but it was not the deer I thought it was. I had very little data on it and shot the wrong deer. I hope the older deer made it through the season. Point well taken, I appreciate that. Stuart Schrag, Deputy Secretary – We have talked off and on through this process. As a historical reminder, we ran these regulations through the process for 14 months. All the reasons you mentioned were provided and discussed throughout those workshop sessions. We felt it was going to be a hot topic issue and we tried to go above and beyond in getting the word out. We put it on all our social media, the webpage and actually printed it in the hunting regulations, hoping we would get more input, and we didn't. I am open to having a conversation collectively to think about what else could be better in the future. Is that eblasts, texting or what. We did agree to provide some data after ~~deer~~ hunting season, which just ended in May. What we typically do, when we implement a new regulation or amend one, is we like to have a two-year evaluation period. It is hard to assess and evaluate pros and cons of a new regulation in just one year. We are compiling all field data from public land managers and game wardens, and emails from the public. When we finish compiling that we will present that information at a future meeting. We have not made any conclusions yet, in collection phase right now. Incidents or disputes in the field, camera and SD card thefts have declined, but we are not speculating or making any conclusions, just collecting data. Miller – If it is illegal to have it out

there of course there would be less theft. Glad you are collecting data; I look forward to that discussion. Chairman Damron – Thank you for comments.

Andrew Clark, Hays – I have voiced my opinion a few times, speaking for people who can't be here on a Thursday afternoon. I support KAR 115-8-26, which manages waterfowl hunting pressure on public lands. A great idea, we support this regulation to help manage the pressure on the resource. This is better for everybody, residents and nonresidents. I would like to propose the commission consider a full lottery drawing on all mule deer tags in Kansas. In 2002, when I moved out here to western Kansas, you could drive out and see 50 mule deer, now decreased a ridiculous amount and are basically nonexistent. There are small pockets, but the range has pushed west. Put everyone into a lottery, residents and nonresidents. The ability to purchase a muzzleloader tag over the counter is not good, we can't continue the way it is. Commissioner Gfeller – I have had the same experience in Russell, up until 2002 to 2005 had lots of mule deer, now zero. All moving west for some reason. Chief Counsel Dan Riley – Encourage you to put your opinion to you legislator, expect we will need to do some convincing on that pending waterfowl regulation. Clark – Consider 0.5 percent public access for deer hunting and look at how other states west of us handle those types of things. Colorado offers private land only tags. Type D tag might alleviate that. 80% as type D, valid only on private land. It seems that the ratio of nonresident pressure on public lands is out there and that might alleviate that. If you want to keep nonresident pool, make 80% of those tags private land only. That would allow folks who lease land a larger pool. Just straight draw right now and a lot of those who draw a tag end up on public ground. Works well in Colorado. Anyone considered that? Stuart Schrag, Deputy Secretary – Since Levi is not here, Rich come up and say a few words. We have talked about that from public land standpoint and hearing from public land managers, that problem is not just in western Kansas. We have had conversations and need to consider specific draw for those properties. We have reduced doe tags down to one. Rich Schultheis – We have cut back on number of tags offered in western Kansas and types of permits offered for big game. It is tricky to come up with new type of tag or permit. A lot of that is handled by statute right now. On your specific comments on mule deer, our data supports that the population is moving westward. We are reducing harvest pressure to the best of our capabilities. Some of the next steps would be getting rid of nonlimited permits. We have been reducing quotas but still some we don't have current ability to limit with the structure we have. We appreciate your feedback. Clark – Second question, was more private land only tag. Schultheis – That would represent a different type of permit process than we currently have regulated through statute. So, we would need legislative change rather than regulation change at our level. Commissioner Sporer – Trend is to reduce mule deer tag numbers and harvest, but muzzleloader situation is an issue that needs to be talked about as far as buying a muzzleloader tag and being able to shoot a mule deer. Clark – As part of that, adhering to quota for unit and you need to keep in mind, when managing for population, specifically where we have less precipitation per year, our game is limited.

Kurt Ratzlaff, representing myself today – With the change in commission, I want to thank you for all you have done. Sean said it well, you have a tough job. I appreciate the time, effort and energy you have expended. Whether you come back or not remains to be seen. In a lot of instances, I just want you to know Kansas hunters, anglers and outdoor people appreciate what you do. I've learned, from watching these meetings, that as a hunter, fisher and outdoor person, I appreciate the opportunities I have because of what you, and folks before you, have done. With changes in commission, a lot of new appointees, what should we do if someone who is appointed doesn't meet the criteria? Who do we direct questions to? Chairman Damron – You could bring it to my attention, and I will share with Secretary. Or the Secretary would be willing to accept

those kinds of comments. Or to the appointing authority. The governor has four, the Attorney General has one, the Speaker of the House has one and the Senate President has one. Question on qualifications or geography, direct to appointing secretary for that. Ratzlaff – If appointment is already made the appointing person is not concerned about that. I am concerned because there are several different things that have to be met and I don't know that they are. I just don't know where to voice my concern. Commissioner Gfeller – Will all commissioners have a Senate hearing to be approved? Chairman Damron – No, they removed that piece. There is a method for removal, but no confirmation or anything like that. Christopher Kennedy, Secretary – I will field that complaint, serving on the Governor's cabinet I could get that information to her as quickly as possible. We will cross that bridge when we come to it. Don't let the fact that the appointment has been announced keep you from making those comments. I will send it as well. Ratzlaff – I wanted that to come out. I also want to thank you for doing a tough job. I have disagreed and agreed with things you have done and irrespective of that, I appreciate your time, effort and energy. Thank you.

Justin Whitten (online) – Thanks for opportunity to comment. I want to reiterate some points Sean Miller made and to advocate for revocation of ban of trail cams. I have also previously spoken to the Commission on this regulation. I more of a middle of the road approach. There could be some reasonable regulation put in place, such as no cellular cameras or limited number of cameras, but the more I have considered the issue I am in opposition to it. I don't believe it is unfair to prey or creating a disadvantage that is tipping the balance too far. I believe it is more prey versus hunter disparity. It is an issue of parity between public and private hunters and whether regulations imposed on hunters who hunt on public land have an opportunity to engage in fair chase comparable to hunters who hunt on private land. Hearing comments about trophy buck numbers going down, I wonder if ban is not solving that problem. I agree with Sean's comments and want to provide feedback on my experience. I hunted in Kansas, but did not get a buck, didn't see anything. I would have liked to put up trail cameras. What is purpose of public land question's answer is two-fold, enjoyment by the public and stewardship. The responsibility to follow rules and regulation to make sure the land is available for the future. Does public have use of the land for hunting, fishing, swimming and recreation. The trail camera issue is limiting access. Where did this regulation come from, or what is prompting it? One of the concerns I heard was, people didn't want their picture taken when on public land, but there is no expectation of privacy on public land. The fair chase problem, we respect concept that deer are held in public trust and are not the resource of private landowners who are able to put up trail cameras or bait. Where the public has the opportunity to hunt on public land they should have similar opportunities to those hunting on private land. I don't think we should try to fix this regulation at this time, I would advocate that you consider revocation. Then if there are more concrete problems and correlation and find causation, like trailing "x" number of cameras that are causing adverse outcome. As mentioned, the department is trying to make data driven decisions, better to revoke the regulation because adopting it was seeking to solve a problem that didn't exist. Thanks for letting me speak.

Stosh Seller, Oberlin, KS – Thanks for listening to us today. My perspective is different than standard hunter, I was biology major and worked for Fish and Game for two years, hard to get a full-time job so I went into wholesale and retail sporting goods, under several names across Kansas. We have seen changes in western half of state, actually the whole state. Fortunately, I was in High School before nonresidents came in. The changes we have to deal with, this is where I have unique perspective, because I have been on both sides of it. We deal with issues with baiting and stuff like that. I am here today because all of a sudden you want to ban baiting. I sell deer feed, but I don't use it personally. We fought Chronic Wasting Disease (CWD) in western part of state for 15 years now. We are down to 70% of our deer herd in Decatur County. If you want to talk economics and how deer push the dollar bills, I will step back from that and say, come to Decatur County and see drop we have had in last few years, not only from nonresidents but resident hunters as well. They have had to quit hunting because of availability of game, same with turkeys and pheasants and pheasant population has never recovered. Commissioners Sporer and Gfeller have seen it. What is going to be done to combat this? And what are you going to do for sportsman in western Kansas. Now it is a problem because CWD has spread across the state and the rest of you are suffering because nothing was done previously. What is going to be done going forward, deer numbers are low, yet we continue to allow five doe tags on private land in Decatur County. Explain why that is happening. Why are there so many issues with commission, legislature and KDWP? When somebody gets upset and throws a tantrum. I point out the House representative that brings up transferable deer tags so people can lease ground easily and guarantee tags for outfitters to make that money come into the state. From local perspective it is not a good thing. The normal Kansas hunter is not going to do anything to further our population. Mr. Clark mentioned mule deer, I agree something needs to be done. The muzzleloader issue was brought up multiple times. I am an archery hunter and I firmly believe the mule deer and whitetail are two different species and they need to be managed separately and not managed as a group. We need to make a primitive season for muzzleloaders because of all the technology that is getting added on muzzleloaders allows them to shoot farther than I can with my rifle. With an over the counter permit you can harvest a big mule deer. It is a detriment to allow scopes and range-finding technology, a massive disadvantage. I don't know who would answer those questions, but areas of concern to us out west and to those of us that get ignored. Not an issue until it affects eastern part of state. I work with dealers over at Milford and Manhattan and into Colorado and Nebraska, and talked to other sporting goods and hardware retailers and they are telling me the same thing, the economic impact is a large one. It is not off of tag revenue or nonresident revenue as much as local hunters either losing access or tired of fighting it, or sheer lack of numbers. Commissioner Gfeller – Appreciate the comments. The problems you describe are complex, and not a simple answer. If it was simply biological it would be simple to fix, if it had to do with regulations, it would be easier to fix, but it requires open and honest discussion which commission cannot be afraid to have with the public and staff. I hope we will be able to do this as commission gets reconstituted, and still have people who are good listeners who will consider all viewpoints and make best decisions for Kansans and wildlife we are responsible for. Chairman Damron – I agree these are complex issues. Many, if not all, have come before the Commission before and staff has been very involved with those issues as well. They have entered into the legislative arena, which I have seen firsthand. They have passionate stakeholders all around and it will be incumbent on the Commission to give consideration of those matters and to what the Department brings us for consideration and what guidance we might provide back. Secretary Kennedy – We have worked with our cervid biologists, researchers and managers last week to discuss issues you are bringing up. I don't agree with all the perspectives presented today, but it let me know we are talking about the right things. There is a myriad of problems as it pertains to cervid populations. The next step is to create a plan that identifies the best strategies



to address and deal with those issues. I wanted to reassure you we are discussing them. We appreciate the comments, and we are not asleep at the wheel. Seller – Our county is one of the highest densities of CWD in the state and an individual there has been doing samples for you from day one, he was at 50% last year on positive results. For whatever reason this year they decided they didn't need his services anymore. Why do they not need data collection after he has done it for so long? Data says it affects older age class of bucks and majority of that data is coming from taxidermists. People are not taking younger deer or does to the taxidermists. Mr. Schrag mentioned collecting data to make decision on items, but that may not always be the case. A moratorium on crossbows, was going to be a two-year test in certain districts. We didn't make it two years and it was legalized before the end of the extended doe season. I hope that they will let it run out and actually get the data and look at it wholly before jumping across before we even finish the season to get it passed. My name is Stoth not Scott. Deputy Secretary Schrag – That crossbow season was legislatively driven. Seller – I understand. How is it the department is butting heads with the legislature and the commission, and everybody throws a fit when they don't get their way? That is what I am referring to. One of my questions was, why are we allowing additional doe tags into Decatur County? Deputy Secretary Schrag – That is something we discussed last week at the cervid meeting the Secretary mentioned. Schultheis – CWD monitoring, we had specific county rotational system of five zones, northwest, north, central, east, south central and southwest. We rotate that monitoring and collect samples within one particular area and focus on one year and rotate around. For the last three years it has been statewide monitoring through a research project with the University of Missouri. This past year was the first time we opened it up for any hunter interested in CWD results on animal they harvested, they could bring samples to us or send to K-State veterinary diagnostic lab, and we would cover that sampling. The reason one taxidermist was not asked to provide samples is because the program is rotational and this last year was in southwest Kansas, so focusing on a different part of the state. That rotational sampling allows us to get enough samples in one specific area and we aren't able to do it statewide every year, nothing to do with the lack of interest. On prevalence rates, what taxidermists see versus what is on the ground as far as age and sex structure. Generally, when reporting those rates, we rely on that data, so you are correct, and prevalence rates are highest for CWD and those adult males and older aged bucks. We are at a point, in most of Kansas, that we are dealing and learning to live with CWD. There is no control or cure for CWD. We learned from other states who have had CWD longer than us to manage the disease and still have a sustainable deer population you manage the prevalence rates. The actions we proposed recently, whether successful or unsuccessful, going forward has to do with ability to manage the disease on the landscape. One component of that, that addresses some of the other issues brought up earlier, is a lower density on the landscape is a tradeoff to manage the prevalence rates while maintaining the deer herd. Those things don't always agree with what hunter may want, so you can allow densities to increase, but going to have significant increase in prevalence of CWD, a higher positive rate, which is an issue for everyone, a balancing act. We will continue to later today as we discuss carcass movement restrictions. There are a number of issues we continue to work through, there are processes that we have control over to manage CWD and live with it on the landscape. We are at point now, as are most states, with trying to manage and live with it on the landscape. Deputy Secretary Schrag – What is the reason for

allowing five does? Schultheis – For additional harvest and removing them from the landscape, because of CWD prevalence rates and deer density. By shooting the herd back, you are hoping to slow it down and reduce prevalence rates. The lower the density the lower the contact rates and address prevalence rates fairly well. In Colorado, when first CWD came up, the initial reaction was there was going to be localized extinction, but that doesn't seem to be the case. With some management and assistance, some can survive with CWD present, they can maintain lower density populations. You can manage some prevalence rates a little longer and still have opportunity to hunt and manage the herd in a sustainable way. Seller – Wisconsin tried eradication and it did not work. Schultheis – A number of states have gone the control route. The modern understanding is if you respond severely and dramatically early on, it can help with flare ups or initial detections if disease is moving into the state. At this point it is statewide. Some states have succeeded in reducing prevalence rates early on, but not a sustainable way to manage the disease. Essentially, a big ask for us as we have it in three-fourths of the state now and approaching statewide distribution.

Commissioner Sill – Listen and processed what I have heard. This is my last meeting. Trophy hunting and deer hunting are not the same. We have had a culture, for many reasons, put an emphasis on trophy hunting. I challenge the commission and the public to emphasize getting an older deer, more power to you, it is fun. Many hunters hunt for joy of being outside, enhancing their skills and knowledge of the environment, knowledge of the prey and to feed our families. Money lies on the side of trophy hunting. There is immense sure way to approach hunting like Forest Gump opened a box of chocolates, sometimes you just don't know and sometimes you come up with big deer you didn't expect to see, it is fun. I have been there. Sometimes you come home with does to eat and sometimes nothing. We should not shame hunters for shooting younger deer and does. We need to disregard the emphasize on shooting big bucks and leaving the does alone. In establishing the 1965 deer season, in spite of research saying there were only about 20,000 deer in the state, it began with antlerless season even at those levels. The knowledge was, if our plan works, someday we will need to use antlerless harvest as means of controlling populations. The plan worked but it took 30 years. Which puts us in a pickle in some situations. Today we are being challenged because early biologists were successful and now, we are too proud to shoot does and making our problem worse, especially in the east. Enjoy the box of chocolates and realize that sometimes you have to eat the peanut clusters even if you don't like them and know the truffles are good too. Let's approach deer hunting as deer hunting. We have quail, turkey, pheasants, two species of deer, elk and antelope, doves and many other species to hunt. It would be a shame if we spend so much time focused on deer hunting that we forget the joy of hunting those other species because they aren't as fancy as a pair of antlers to hang on the wall.

## **V. DEPARTMENT REPORT (continued)**

### **B. Secretary's Remarks**

Secretary Christopher Kennedy – I want to give the commission a round of applause for their service and passion as well as their ability to service fish and wildlife within the state of Kansas. Commissioner Sill, I want to thank you for those passionate words. It is not called killing, it is called hunting, which is an indication of their box of chocolates and the surprises we get when we need them. I want to personally thank you for your service. I am sincerely sorry some of you won't be able to complete your term due to House Bill 2530. Governor Kelly has decided to retain commissioners, Whitney Damron, Warren Gfeller, Emerick Cross and Delia Lister. The

speaker of House has made his choice but still waiting for Senate President and Attorney General. Those of you that will be leaving the commission I want to encourage you to continue reaching out and continue to use your voice and be heard. You are always welcome to pass that advice on to us here at the department. Thank you for your service. I wish things could be different, but we are where we are. This is one of the saddest commission meetings I have been in on in my four years on the job. I wish I could be delivering a different message.

1. Agency and State Fiscal Status Report – Secretary Chris Kennedy, presented this update to the Commission. The fee funds typically include revenues generated from various fees, such as hunting and fishing license, park entrance fees, boating registration fees, and other recreation permits. The Wildlife Fee Fund revenue for May was \$2.6 million, for our fiscal year revenue is \$22.7 million, which is a 29% increase from last year. We have a cash balance as of May 31, of \$20.3 million WFF. The Park Fee Fund for May, revenue total was \$1.4 million, fiscal year revenue was \$11.9 million, which is also a 29% increase from last year. We have a cash balance, as of May 31, of \$7.3 million in our PFF. In our Boat Fee Fund, May revenue was \$176,000, fiscal year revenue \$1.1 million, a 21% increase from last year, and a cash balance as of May 31, of \$2.8 million. Our cabin revenue, May net revenue was \$126,000, fiscal year net revenue \$1.1 million, and a cash balance as of May 31, of \$2 million.

2. Legislative Update – Martin DeBoer, government relations manager, presented this update to the Commission. No news from the State House, but I would like to build on that we have been in contact with many of our legislators, open up that dialogue, and very productive constantly offering them opportunities to engage with us and our field staff as well. So, as I mentioned the first time I was here, we've been trying to engage them, and we have been making inroads in that. Other than that, there's no news report.

*Welcome Commissioner Phil Escareno.*

***Break***

### **C. General Discussion**

1. Turkey Regulations – Jeff Prendergast, upland game bird biologist, presented these regulations to the Commission (Exhibit R, PowerPoint Exhibit S). I am covering vacant turkey biologist position here today. The spring season is separated into three segments, youth and disabled, which begins April 1; archery, which begins Monday after first full weekend in April; and regular firearms, which begins the Wednesday after the second full weekend in April. In 2025, this will result in youth and disabled April 1-15; archery April 7-15; and regular firearm from April 16 through the end of May. The season structure is set up this way so that youth and disabled get one full weekend prior to archery and archery gets one full weekend prior to start of firearm season. Since 2012 we have used the adaptive harvest management strategy that uses two objectives to triggers recommended changes to the regulations. If we have greater than 60% resident harvest success rate for two consecutive years with less than 25% of the harvest being

jakes then the strategy recommends a more liberal package. If less than 55% resident harvest success for two consecutive years, the harvest strategy recommends we restrict or move to more conservative harvest package. We manage turkeys in six units across the state, northwest, north central, northeast, southwest, south central and southeast. The harvest management in each unit can change independent of each other, based on unit specific harvest information. All six units last year changed to new harvest package, Units 1, 2, 3, 5 and 6 went to package E1, which is one spring tag, no fall season and nonresidents are limited to a draw. Unit 4 moved to package G, which is a resident draw only, 350 spring tags with no fall season. Last year was our first nonresident draw for turkeys and we had 9,700 permits available. We received 11,838 applications, which resulted in an 82% draw rate. We had an additional 255 preference points purchases and the unsuccessful applicants received a preference point for next year. In addition to that we had 80 leftover tags in Unit 2 and all these tags were purchased over the counter at the end of the draw. We are collecting harvest data. We expect some learning curve and headaches along the way, so we will review harvest data and comments with the Turkey Committee in July.

Commissioner Gfeller – At the last meeting we had a gentleman who asked us to consider lineal preference for grandchildren from out of state. Have we thought more about that? Prendergast - I was not involved in that; I am not the turkey biologist and was not involved in the design of the draw system. My understanding is that was considered, similar to other permit issues, but the way the statute is written, legislatively that is not allowed.

Commissioner Gfeller – That is legislative issue then? Prendergast – Yes.

Commissioner Sill – If turkey is limited draw for nonresidents, could they be considered for additional choice on commissioner tags? Prendergast – I don't know, possibly could be future discussion. I will let Jake answer that.

Jake George, Wildlife Division Director – I will have to go back and see whether the species are specific to the statute regarding big game permits. I will look into that.

Chairman Damron – I understand there was data that led the Commission to conclusion there should be no fall season. Is that something under study? How is that impacting bird populations, and is that evaluated periodically, or is fall season gone forever? Prendergast – That is based on harvest data triggers. The packages are designed to go up or down, and could go back from E to D, which recommends fall season, which would be one tag in fall. When strategy was recommended, most of the eastern units fell in B, which was two spring tags, and we were seeing high success rates for residents. We were anticipating making a recommendation change to A, which would allow three spring and four fall, when plan was approved, but then we saw decreased population and decreased success rate. The plan allows season to move back to that if less participations or more birds. We have a large research project ongoing at K-State that is evaluating the biological factors that could influence, either through harvest strategy or otherwise, to help to improve the population, to drive it to where we have larger populations and could facilitate more opportunities. We are doing research currently, and we have a strategy in place to bring back fall if we get back to those success rates.

Commissioner Gfeller – Any updates on success of nesting and mortality? It seems there is low mortality, but not sure why. Prendergast – A assume you are referring to the ongoing project, so I don't. I did have an update from turkey biologists. Nesting period is when those hens are most susceptible, and a fair amount of those birds die. We have had a larger number of hens not even attempting to nest, so there is other research being done in other parts of the country on fertility or whether they are breeding or not. Not sure what is going on here, that is all part of that project. We have seen some mortality in those hens, seen several nesting attempts, and some success and some broods fledged and already on the landscape, but don't know what those levels are. The Co-op is providing monthly updates on that project, and we will bring forth at next meeting.

Andrew Clark – Question package levels, what determines elevating greater than 60%? I am assuming if you have that the following year to go to next package level, or if 80% could you skip up to package A? Prendergast – One step at a time and it is two consecutive years of 60%.

We never want to make too drastic of change too fast and want two consecutive years to have some stability. We want to give regulation an opportunity to work before we change it in either direction. And to make sure there are no flaws in the data or some other unforeseen circumstance of why we are seeing extremely high or low success rates. We want to have two consecutive years and do not skip a level.

#### **D. Workshop Session**

1. Trout Permit Cost (115-2-1) – Bryan Sowards, fisheries division director, presented these regulations to the Commission (Exhibit T, PowerPoint Exhibit U). Back in April we discussed that we don't produce trout in our hatcheries, we rely on vendors for those, and we need to increase our price. From 2011-2023 the average price of trout had a big spike in cost in 2016 and another one in 2023. The average cost has gone from \$1.57 per fish to \$3.53 in 2023. After increase in 2016, the department responded by stocking less fish. Program stabilized a little and has gone up quite a bit. We do not want to decrease trout numbers significantly again because not sustainable if we keep doing that. If price keeps going up, we will have some difficult decisions to make. In 2011, just over \$100,000, now upwards of \$300,000. License revenue is stagnant, there are not more trout anglers. Anxious to see end of year with marketing efforts that we made. At \$12.00 a license that is \$120,000 to \$150,000 in revenue and with costs at \$208,000 to \$300,000 something has to give. We propose increasing the trout permit cost, in 115-2-1, from \$12.50 to \$17.50, with \$2.50 transaction fee that will be \$20. We do not propose increasing the youth trout permit for 16 and under, which I think is \$4.50. I wanted to be transparent with the economic impact that will be included in the promulgation process. With the increase of \$5.50, it will be \$55,000 a year or \$275,000 over five years of potential economic impact. On impact to angler, how much can he catch with new cost. In 2011, the cost of five fish creel limit was \$7.85 to the department, today it costs \$17.65 to the department, so basically the new rate covers a one-day limit. Chairman Damron – You brought this up before and it makes sense to me. Sowards – I ask approval to move forward with this regulation into the promulgation process. **Commissioner Gfeller moved to move regulation to promulgation, Commissioner Sill second. Approved.** Commissioner Sill – How many keeping fish they catch or is it mostly catch and release because they are fun to catch? Sowards – In the few winter creel surveys we do, because season is October to March, it is surprisingly about 50/50.

2. Fishing regulations - statewide regulations and water-body specific regulations (including reference document) - Bryan Sowards, fisheries division director, presented these regulations to the Commission (Exhibit V, PowerPoint Exhibit W). General discussion in April, first workshop for this. We included trout change but it needs to back off and covered with other 115-25-14 items. First change is in (b)(A), trout water bodies, and we want to change the date of the trout season from November 1 through April 15 to December 1 through March 31 to decrease the length of the season to more winter activity. This is a more palatable way to lower the economic impact of that program. Commissioner Cross – Get many calls on that or pushback? Sowards – Less than five calls. Most people are understanding. Next is 115-25-14(b)(B), which is specific to Mined Land Wildlife Area, we had it twice, so remove (b)(B). The old regulation

was November 1 through October 31, so permit is for all year. We changed the Mined Land area to Unit 31, as a Type I water and it will follow the December 1 to March 31 regulation. 115-25-14 (c) deals with the same thing, but Type II waters. Type One waters are those water bodies where, if you are fishing for anything at that water body in the trout season you have to have a trout permit. A Type II water body are those lakes that are typically popular for other species in the winter, and you have to be specifically fishing for trout or possessing trout to get that permit. Type II is a little more challenging for law enforcement, but we do that because there is a lot more opportunity on those lakes and we don't want to inhibit access for other species. We are changing trout season, December 1 to March 31. On 115-25-14 (c) is Type II water bodies and we want to add Shawnee Mission Lake and Kill Creek Park Lake in Johnson County. They have recently shown interest in partnering with us when they have done their own thing in the past, partnering for fish management and for trout. Not sure how many trout we will add there but that is a potential large pool we can gain in Johnson County. In 115-24-14 (d), we want to change blue catfish to a 10 per day creel limit and one fish over 30 inches. As discussed, this morning, we are adding a lot of lakes to that so instead of changing each one we are going to make it statewide and those we want different will remain as exemptions in the reference document. The Kansas River is a very popular blue catfish fishery, and this will apply to that as well. All the other rivers, except for some southeast Kansas stuff that was promulgated a few years ago as 10 per day with no size restriction. Last is the reference document for 115-25-14. For Cheney Reservoir, on saugeye, add 21-inch minimum length limit, also 2 per day creel (which was not included in briefing book). We keep walleye and saugeye the same at water bodies because they are similar species. Also, at Cheney on crappie, change from 50 per day to 20 per day creel limit, based on increased population and angler harvest, and survey of local anglers that asked for this reduction. Cheney, on blue catfish, remove the 5 per day, so it will become part of new statewide limit of 10 per day and one over 30 inches. The same with Lovewell, remove 5 per day, 35-inch minimum length limit because it will become part of statewide limit. At Marion County Lake, on largemouth bass, change from 13–18-inch protective slot to the statewide 15-inch minimum length limit and 5 per day. At Overbrook City Lake, on channel catfish, change from 2 per day creel limit and 15-inch minimum length limit to a 5 per day creel limit and no minimum length limit. Perry Reservoir, blue catfish; changing to statewide length limit and creel limits, to 10 per day, one fish over 30 inches from 5 per day and 35-inch limit. Wilson Reservoir, the same thing, except it had a slot, 2 per day and 32-40-inch slot. Very few have that managed population regulation anymore and are part of statewide regulation, so, 10 per day and one over 30 inches. For Sedgwick County Slough Creek in the reference document for trout season, we want to make sure that the date range is the same as trout season. Will make sure dates changes are corrected everywhere else as well, December 1 through March 31. It is taking from 8-14 months for promulgation process. If you need another workshop, we can do that but, if possible, we would like to move forward into promulgation. I have gotten no feedback from the public one way or the other. I'd be comfortable moving forward if the commission is. Do we have to workshop more than twice? Chief Counsel Dan Riley – Once the process starts no changes can be made. That was the issue last year. There are no set number of times it needs to come before the commission before it can move forward in the process. Deputy Secretary Schrag – Are you asking to move all of it you presented forward? Sowards – I am asking for all of 115-25-14 to move forward. That doesn't mean we can't get comments, we just can't change once we start the process. **Commissioner Sill moved to move 25-14 to promulgation process, Commissioner Gfeller second. Approved.** Commissioner Cross – When this is compiled will all of these changes be put on the website so people will know? There is a lot of changes on a lot of different lakes, and it is hard to keep up with that as a fisherman. A way for people to pull up that lake before they get there and see the changes. Sowards – It will be in the regulation summary we put

together, under new for 2025, and they will be listed specifically. Not a bad idea to make more public in social media on the webpage.

3. Kansas River Invasive Carp summary and proposed snagging opportunity – Bryan Sowards, fisheries division director (in place of Chris Steffen, aquatic invasive species coordinator), presented this update to the Commission (Exhibit Y, PowerPoint Exhibit X). He gave a lot of detail last time. Want to drive home the message of what this proposed snagging opportunity means for people who fish in northeast Kansas and on the Kansas River. We are talking about invasive carp, which is silver carp and big head carp. They are filter feeders and no traditional way to catch them with rod and reel like other fish, they are difficult to catch. They filter their food, filter zoo plankton and phytoplankton and live 30 plus years. Maximum size is 60-120 pounds, depending on the species and they move a lot. They are also responsible, in part, for some of the native fish declines. You most often see silver carp in the media, they can jump several feet when spooked and they can be a danger to people in a boat. In 1973, they were imported to Arkansas for aquaculture to clean ponds, with grass carp to clean vegetation. They were found in wild in 1975, 1980 was first reproduction. As early as 1987 the first bighead carp was found in the Kansas River and the first silver carp was found in 1991. In 1993, was big flood year and they moved over the Bowersock Dam, only time they got above that. They were bighead, not silver carp. In 2010, silver and bighead carp numbers exploded in the Kansas River. Today they are prevalent in the lower end of the river, as they are in the Missouri River. There are bighead carp in the Lower Neosho River and Oklahoma as well. Identification concerns is the reason we don't allow movement of live fish as bait because of similarities with young silver and bighead carp and gizzard shad. There are three main sections of the Kansas River. The Water One dam, at Edwardsville, is about 15 miles above the confluence with the Missouri River, and in Lawrence is the Bowersock Dam. Those dams act as filters for keeping the invasive carp from expanding above them. The lower section of the river, below Edwardsville, has good silver carp recruitment, has a lot of small fish, a lot of 2-year-old fish, 3-year-old and a good population of adults. A dense population of various size fish. Over Water One, before Bowersock Dam, they make it occasionally, but not much recruitment, but there are some 24-30-inch larger fish that dwell there. The Upper end, above Bowersock, has no silver carp, but bighead after the 1993 flood, some isolated large 80-pound fish there. Even though Bowersock provides protection we want more, those types of floods could become more common with climate change, so we want to install head banger design to keep those invasive carp from getting above there. This low-tech design should work good for us. We are looking for funding. That middle section is unique, not only a lot of recruitment, but larger fish and we want to focus on removal efforts in that section of the river. The average size is larger and larger, which means we feel we are keeping them from lowering the numbers and they are getting larger. We think that the population could be depleted if we focus our effort there. If we focused on the lower part that would be a futile effort. We have removed 70,000 pounds this year between Water One and Bowersock. We did a survey in 2022 and surveyed 729 anglers from all three locations. There access is limited, but we have a lot of participants. About 80,000 annual angling trips in those 15 miles, but only three or four access points so that is where surveys were taken. One of our most popular reservoirs is Milford, with 120,000 annual angling trips and this section of the river was 80,000. We asked them the

importance of invasive carp, their use of them, which majority was for bait. We knew there was illegal take going on and they were already using them for bait. There were a lot of negative impacts, 31% of all users target this fish even though you can't catch them with traditional means. Snagging is currently illegal there, so the Aquatic Invasive Species committee, within the agency, potentially want to allow snagging in the lower portion of the Kansas River. We want to test the idea to see if we got any silver or bighead carp and on two separate occasions we did catch silver carp, 66% of catch snagged was invasive carp. There was some gar, common carp, gizzard shad, paddlefish, and channel catfish, nothing else of huge concern of by-catch. One invasive carp per hour and it was hard work. Snagging will wear you out. What this opportunity will allow snagging from Water One dam, those 15 river miles, limit harvest to bighead and silver carp, require barbless hooks, open year-round, no special license required, just standard fishing license, no creel or possession limit but they may not be possess alive. There are 80,000 angler trips, carp numerous and this will provide ample opportunity. They are excellent bait for blue catfish population, and they are a good protein and good eating. Some cons are potential spread of fish, it is illegal to do so, but this may increase that potential, by-catch of other species and littering of carcasses. We will put signs out of if we move forward with this. Commissioner Cross – How did they harvest out of there? Sowards – We didn't harvest out of lower section. They were using all kinds of techniques, getting a large dozer trawl, electrofishing dozer trawl, which is electrified nets on both side and they just float into the nets, and you pull them up to harvest. We have done gill nets and whip sets. They scare easy so if you get a motor in there, they all take off. What we do is find an area, find them with a fish finder and throw out a big 4-inch to 5-inch net, a huge circle around an area to corral them in the gill net and use electrofishing. Commissioner Gfeller – Where do you think the fish will go? They aren't consumable, are they? Sowards – They are, they have a lot of bone but great meat. I have seen people make hot dogs out of them or use for taco meat. In regulation, the need to go to a proper disposal site, can release back in the river too, just not on the ground. Chief Counsel Dan Riley – Have you had any input from law enforcement on this and enforceability of this because of possession? Sowards – Their concern is littering of fish, and we will be very intentional about signage and proper way to dispose of them. Commissioner Cross – In that lower section, what do we know about impact on game species? Sowards – Can't say for sure. In that part of the river, probably going to be smaller individuals of native species. Not negative to blue catfish because they are thriving there. Commissioner Sill – You said that was 15-mile section of the river. Do you anticipate most of that in small pockets where that will occur? Sowards – Yes, because access is limited. Commissioner Sill – Is it possible to have dumpsters at those sites where they could then be taken to compostable landfill area? That could be a win/win. I realize that could be cost prohibitive as well as labor prohibitive. Sowards – Bigger challenge right now is what to do with those carcasses. We are removing them ourselves. Our policy is recycling those nutrients back into the river, but public outcry over the years is you should be putting them to good use and right now we are stuck and don't know what to do with them. We would have to have communication or partnership with the cities or county entities because we don't control those access areas. Commissioner Lister – Have you worked with raptor facilities that have bald eagles and other fish-eating birds? That might be a good angle and they love free food. Commissioner Cross – There used to be a standard rendering plant down there, think about that.

Zach Helton (online) – *Could not get audio to work, will come back later try to get him on.*

4. Invasive species regulations - Bryan Sowards, fisheries division director, presented these regulations to the Commission (Exhibit AA). This is KAR 115-7-10, invasive species regulation and AIS designated waters reference document that is tied to it. We want to add



Gardner City Lake to the AIS designated waters list because zebra mussels were detected in 2023. Typically bring this up when we have an issue only.

4. Sportfish versus non-sport fish regulations - Nick Kramer, district fisheries biologist and regional habitat coordinator at Perry, presented these regulations to the Commission (Exhibit BB, PowerPoint Exhibit CC). An easier way to wrap your mind around this is clarification of wanton waste and possession regulations to protect native fish. Currently we have two regulations to protect native fish, 115-7-4, deals with fish and possession, it says, “each person who has taken any fish shall retain the fish in that person’s possession until any of the following occurs”, the keyword is any fish. In 115-18-8, it deals with retrieval and possession of game animals, sportfish and migratory game birds. For some reason sportfish was added in 2003. Section (b) says, “each game, animal, sport, fish, migratory game bird retrieves shall be retained until any of the following occurs”. So, there might be some confusion to what wanton waste applies to in fish. One deals with any fish and the other applies to sport fish. The exception is who it applies to. In both, the animal has to be kept until consumed, processed transport to a person’s home, transport to commercial preservation or processing plant is the main difference. Or given to another person. In 7-4, it mentions that you can return the fish unrestrained to the water or dispose of it at a designated disposal location. There are a few other small differences. It also says, any fish is subject to length limit, statewide or water specific and has to basically remain intact while on the water for identification purposes. In 18-8, it says that you make a reasonable effort to retrieve the animal. The thing left out of 18-8 is non-sportfish. Currently non-sportfish definition in KAR 115-1-1 includes common carp, silver carp, bighead carp, black carp, grass carp, drum, thread fin and gizzard shad, goldfish, gar, suckers, buffalo, eel, sturgeon, gold eye, white perch and bowfin. All the carps, thread fin, shad, goldfish and white perch are all non-native species. We propose to protect all fish, especially non-sportfish under both possession and wanton waste regulations. We do that by removing the definitions of sport and non-sportfish and those species listed under those from KAR 115-1-1. Then subsequent changes to our regulations are basically cleaning up language to remove references to sportfish or non-sportfish. In 115-7-1, you would remove reference to sportfish and non-sportfish and add the list of species that can be targeted with gears if it is not open to all fish. Gears such as bow fishing, gigging, snagging, which can only target certain specific species and reference the non-sportfish. Instead of referencing our non-sportfish, we would add a list of species that can be referenced, that adds a lot of text. It references shovel nose sturgeons, have a broad sturgeon to ease confusion with lake sturgeon or pallid sturgeon which one is federally endangered, and one is state endangered. There would be some cleaning up of what species could be targeted by adding better list of species. This is listed behind each of the gears. Also, 7-1 is broken down into section A, which deals with the methods of take legal for non-sportfish. By removing those definitions, you would really don’t need section B, you can just move those gears up into section A. KAR 115-7-2 is general provisions and talks about definition of gear and methods, so again remove reference to sport fish or non-sportfish, and in section referring to snagging, add list of species that can be snagged in the waters posted or designated as open to snagging. Then we get into two waste regulations, 7-4, where we removed sport fish and non-sportfish and added line for common carp and prohibited species. There is a list of prohibited species defined in regulations already.

Currently those species may be returned dead to the water where they were taken. Those species don't need to be kept in possession until consumed, processed or given to another person, etc. They can be killed or euthanized and returned to the water. Same in 115-18-8. Also, there was a line that said, "nothing in this subsection shall prohibit the catch and release of live sportfish". This is the one we had the most discussion about and how to change that. We settled on, "nothing in those subsections shall prohibit the catch and release of live fish caught using hook inline, trout lines, setlines, tip-ups, hand fishing, snagging, and float lines", that does exclude some gears, bow fishing with a bow and arrow or a crossbow gigging and spearing. That is mostly due to results of Oklahoma survey I presented last time that found 83% mortality from those gears within 48 to 72 hours, so we decided to exclude those from the list of gears that is legal to release fish. Using those would require the possession guidelines. Commissioner Sill – Received call from gentleman from Bowfishing Association. For clarification, this does not limit their take, it makes them responsible for what happens with those fish. Does that increase their access to what we call sportfish? Kramer – Really no different. The only thing left off the list was bowfin, and I don't think we have those in Kansas in decades. If anything, it provides them guidance and more specific information of what they can shoot. It is providing some expectations of responsibility and how they care for it. Commissioner Sill – It is not limiting their access? Kramer – It is just they have to keep what they catch and follow the possession guidelines.

6. Carcass Movement Regulation – Rich Schultheis, assistant wildlife director, presented this update to the Commission (Exhibit DD). We continuing to assess and develop the language included in this regulation. There is a lot of subtlety in there that will allow for an effective regulation that limits undue burden to our constituents. We appreciate the patience of the Commission as we work through this. We are keeping this on the agenda because we do intend to consider language changes. Commissioner Sill – Are legally taken deer more infective than illegally taken deer. This applies to only illegally taken deer, so people can poach, and it is okay to transport those? Why does it appear only to legally taken deer? The other question is on skulls cleaned of all remove muscle and brain tissue. One of my concerns is, as we make these least cumbersome to people, muscle is not as an infected tissue, I understand brain and nerve tissue removed, but why are we going to nitpick about muscles on a skull plate? A piece of the backstrap on the hide is okay, I question that. Schulthies – We continue to develop what seems to be an effective regulation to define a clean skull and trying to avoid movement of those highly contagious affected tissues while still being effective at the same time. Commissioner Gfeller – Any update on rapid response test? Schulthies – Nothing to note at this point. Research continues and there are significant resources at the national level focusing on funding CWD research both in Kansas and elsewhere. Some of those projects are developing some of those techniques and seem to have promise at making them economically feasible and applied at the landscape scale for everyone. But I can't say with confidence that we will have them within a year, but certainly that is a goal of a lot of people nationally and internationally. At this point they are trying to have something in the hands of the hunter to determine that on the spot. Research is continuing.

7. Pending Regulations (Exhibit EE) – Chief Counsel Dan Riley – As a word of explanation, there are seven regulations in this category. As a refresher, we typically designate regulations as pending if they have been authorized by the Commission for promulgation. That way we keep them on the agenda, and they don't fall out of everyone's view while in that process.

- KAR 115-30-4 Fire extinguishers - Coming out at August meeting for vote.

- KAR 115-2-3 Camping, utility, and other fees - At Office of Budget, near end of promulgation process and will be heading into public notice phase of the process before coming back to the Commission for final approval.
- KAR 115-8-1 Public Lands regulations - Reference document is on hold at this point because of some changes and related issues.
- KAR 115-8-26 new Public Lands regulation - At Attorney General's (AG) office, so, mid-way, or slightly further, in the promulgation process.
- KAR 115-4-4 Big game; legal equipment and taking methods – Also at the AG's office.
- KAR 115-25-8 Elk 25-Series Regulations – Also at the AG's office.
- KAR 115-25-9a Military Deer Seasons – Also at the AG's office.

Another significant legislative development that relates to the regulatory promulgation process was HB 2648. That bill requires the Director of Budget to determine the cost of compliance for all regulations beginning July 1. It also limits the amount of compliance costs that any regulation can have and still be acceptable as a regulation. That limit is \$200,000 a year or accumulated \$1 billion over five years. That bill will have a significant impact on a lot of regulation. In fact, it will probably slow down the process for all regulations and obviously create a significant impediment in terms of regulations that have an economic impact. I anticipate some real contention in terms of application of the definition of cost of compliance. Also, the \$200,000 economic impact is significant because the bill says that any regulation that exceeds compliant costs of that amount is prohibited. That change would have to be done in the form of a statutory process rather than an administrative regulation.

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

Zach Helton, KC area – Questions about bighead and silver carp snagging rules. In favor of it. Spend a lot of time on Grand Lake and I have seen the bighead carp and caught a lot of them. I worked with biologists there. It is something we need to do for saving our waters up here. Talked to some guys down there around the water at Kaw Point, is there any chance of making parking areas or access area by the water? We are working with the city to gain access there for fishermen and kayakers. Brian Sowards, fisheries division director – This comes up a lot. I tried to emphasize that there are only three access points and some of those are treacherous, so that is something we are working on. We have had conversations with Don Buehler at Friends of the Kaw and are in preliminary stages there. We are trying to get more access, but the reality is that survey shined a light on how much angling activity happens there. So, working on improving access. Helton – Has there been research on Spring River down in southeast Kansas, or Neosho, with bighead carp coming out of Grand Lake coming up the Neosho River? Checking Spring River to see if they are getting into Kansas there? Sowards – Don't know of any efforts we do. Stream surveys in Spring River is being done the Missouri. We only have a small section there that I am aware of. Daren Riedle – I am not aware of any collections to date. Sowards – I can look into it more. Helton – I was curious with Twin Bridges, how it splits and runs up the Neosho. I didn't know if Oklahoma or anybody was doing research along that line? I have also reached out to Oklahoma. Thank you.

Jake George, wildlife division director – To follow up on Commissioner Sill’s question from earlier on adding turkeys to commissioner permits, 32-970 which allows us to do this. It is for big game permits, defined in statute as antelope, deer or elk. So, we would not be able to include turkey without legislative action on one or both statutes.

## **VIII. OLD BUSINESS**

## **IX. OTHER BUSINESS**

Deputy Secretary Schrag – I just wanted to communicate that many of you know and some of you don't that 2024 marks the 100-year anniversary of Wildlife and Parks being involved in bison conservation and management. On June 8, at Maxwell Wildlife Refuge, we celebrated that 100-year anniversary by hosting a National Bison Association Summer Conference along with the Kansas Buffalo Association. At the turn of the century, in the late 1800s, bison were on the brink of extinction. I'm proud to state that in the early 1900s this agency took a stance as one of the first state agencies to help be a part of bringing that species back from the brick of extinction. So, in October of 1924, we received one bull and two cows from the Wichita National Wildlife Refuge in Oklahoma at the Finney Game Refuge. That started things for us as an agency. At one time we had five properties where we managed bison. Our herds are still at Sandsage Refuge and range at Garden City and the biggest one is at Maxwell Refuge, where we hosted this event. We still do have the Bob Grant Memorial Bison display herd down at Frontenac and the Big Basin prairie preserve where we also have bison. They're not state-owned bison, but we contract with a private producer, where we keep around 50 to 60 head down there annually. So having said that, to commemorate the 100-year anniversary, we have some items for commissioners to take with them.

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

*August 29 – Independence, Independence Gun Club Heritage Center.*

Discussed September and November meetings and set tentative dates, however with new commissioners those may need to be changed. Chief Counsel Riley – I stress that the latest dates in the month are regulation friendly in terms of promulgation. It is not unusual for us to be down to counting days in terms of notice period before we can have a public hearing. I will always be an advocate for the latest dates. Chairman Damron – We have new commissioners coming on and we need to consider their calendars. Perhaps we accept September 26. We may be thinking of location. Secretary Kennedy – I have a conflict on September 26. Chairman Damron – We will leave dates as tentative and have some conversations before August 29 meeting once the new commissioners are appointed July 1.

*September – 19<sup>th</sup> or 26<sup>th</sup> TENTATIVE (Secretary has a conflict on 26<sup>th</sup>)*

*November – 21<sup>st</sup> (28<sup>th</sup> is Thanksgiving)*

Commissioner Comments:

Commissioner Escareno – I want to thank the commission and staff for the opportunity to work with Kansas Department of Wildlife and Parks. It has been a pleasure to learn what I have. You are top notch and helpful when we have questions. It has been an educational time in my life. Thanks for the opportunity. Hopefully I have given what was asked of me to help the state and

Wildlife and Parks commission. I think protecting wildlife and parks is what we were asked to do. I think we made decisions on behalf of the information staff provided and we looked at the wildlife that is out there and made sure to protect them to the best of our ability. What made sense for us to do. On behalf of me and my family, I thank you for the opportunity and I look forward to using parks and going out to hunt in the future.

Commissioner Sporer – I have been here six years. I learned way more than I imagined I would. I worked for six years on nonresident waterfowl regulations but still we haven't gotten through those, so don't forget me in a couple months when you vote on waterfowl regulation, because it is important to the state that we get this taken care of. Thank you.

Commissioner Sill – I want to thank Governor Kelly for appointment me. I am as average as they come, my husband is a teacher and I work in the public school system. We don't come from money and the thought of having an opportunity to serve on this commission was the farthest from my mind. I appreciate her appointment and trust over the last five years. I care so much about our resources and care about the staff. The public thinks you know something about plants and animals but in reality, you are heavy equipment operators, educators and negotiators. Some of you have to sometimes willingly take on the role of law enforcement and these things are necessary. The public has no idea of the breadth of what you do. Law enforcement, what the rest of the staff does would be largely irrelevant if you weren't out there to enforce the rules, regulations and statutes in place. Our parks people, I can't imagine what it is like to deal with people in a park on Saturday night, just the patience, good judgement and self-control, it blows my mind. It is with ongoing appreciation that I ask you to continue to dedicate your lives to our natural resources, to our state, so that people like me can continue to hunt, fish and enjoy parks and public lands. You are my heroes. It wouldn't be possible without you. Thank you. To my fellow commissioners, it has been a blast to get to know you. Thank you.

Commissioner Gfeller – We are losing a tremendous amount of knowledge, passion and common sense. I think it is unfortunate. I appreciate working with all of you and I wish you the best.

Commissioner Lister – I think Warren said it best for me.

Commissioner Cross – I also echo Warren's comments. It has been a pleasure to get to know you all. I think we are losing a lot of intellect, experience and good sports men and women. I appreciate your time. You are still a Kansan and still hunt and fish here so still a part of us Stay in touch and keep connected.

Chairman Damron – I appreciate the opportunity over the last two meetings to get to know my fellow commissioners. It is unfortunate we are not going to have to opportunity to do more work together going forward. I hope you will keep in touch and keep me between the lines because of your years of experience here, I will welcome and ask you for that. I want to thank the Secretary and staff who comes to these meetings from the agency. You bring a tremendous resource and if questions arise in public comments or from the commission, we have personnel and the

resources here to answer them. I know it is a commitment to be out of the office, or out of the field, at these commission meetings around the state. It serves us well and I thank you for that.

Secretary Kennedy – Thank you all.

**X. ADJOURNMENT**

Adjourned at 3:26 pm.