

**Kansas Department of Wildlife and Parks
Commission Meeting
Thursday, August 29, 2024
Independence Gun Club Heritage Center
212 Penn Ave, Independence, KS
including a
Virtual ZOOM Meeting Option**

Approved Subject to
10/3/24 Commission
Approval

The August 29, 2024, meeting of the Kansas Wildlife and Parks Commission was called to order by Chairman Whitney Damron at 12:13 p.m.

II. INTRODUCTION OF COMMISSIONERS AND GUESTS

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

Chairman Whitney Damron – I would ask that all the commissioners tell a little about themselves since we have three new commissioners. This is my third meeting. Government relations attorney in Topeka. I was appointed April 2 and reappointed under the new legislation signed by Governor Kelly. I have enjoyed my time here and look forward to the next four years. I appreciate what department and commission does. In my professional life I have had interactions between the two, as well as the legislature. We have a vital role of taking input from the public, residents and nonresidents alike and bring our opinions, advice and counsel to the department. Sharing our thoughts with them as a sounding board while trying to balance needs and wants of the people and respect our wildlife, parks, hunting and fishing opportunities as well for generations to come.

Commissioner Emerick Cross – I am from Kansas City and have been on the commission since 2015. I thought I knew about the outdoors until I came to these meetings, I found out I don't. I love to hunt and fish. I appreciate the staff, their knowledge and skill, and ability they possess to serve the citizens of Kansas as well. I appreciate all of those wonderful people I have met since 2015. I have enjoyed myself and learned a lot, appreciate serving on the commission and serving the citizens.

Commissioner Delia Lister – I am a biologist in biology department at Pittsburgh State University. I run an outreach education program called nature reach where I take live animals to classrooms, and I train students who want to work with animals in many different capacities. I have been on the commission for two years. It has definitely been a learning experience It has been well worth it, and I echo what Emerick said about the staff, I really appreciate all the work that the staff does, so thank you.

Commissioner Will Carpenter – I am from El Dorado. I am excited to be part of commission. I am a lifelong hunter and fisherman and grew up in a small town and I want my grandkids to be able to enjoy the same thing I have been able to enjoy.

Commissioner Keith Mark – Commissioner Keith Mark - I'm passionate about the outdoors and am a lifelong Kansas resident and hunter. I am a Democrat appointed by Republican attorney general Chris Kobach. I have been involved in almost every aspect of hunting throughout my life and I did a TV show on The Outdoor Channel for a number of years with WWE wrestler Shawn Michaels. I founded an organization called Hunter Nation and our whole job every day is to fight for hunting rights, hunting heritage and this lifestyle that we all love. I am honored to be a part of this commission. I am going to do my best to make sure that we take care of what we have in Kansas, God's Great Outdoors and God's Great Critters, and the people, which are the hunters, fishermen and trappers of America, especially in Kansas.

Commissioner Bruce Riedl – I am from Ellinwood and a lifelong Kansas resident. I am honored to have the opportunity to serve on this commission. I am looking forward to meeting all the staff and hearing input to find ways to keep our future, our game and hunters, here and opportunities for our children to do the same.

Commissioner Warren Gfeller (via Zoom). I have been on the commission three or four years. I am from Russell, and a native Kansas. I have lived and worked all over the state and I own and operate a ranch outside of Russell. I am a lifelong hunter, and fisherman not so much anymore. I have enjoyed serving on commission and getting to know the staff. These people have put Kansas on the map. I look forward to working with everybody.

Other introductions were Secretary Kennedy, Deputy Secretary Schrag, Chief Counsel Riley, Legislative Liaison DeBoer, and Commission support Sheila Kemmis and Jason Dickson.

IV. APPROVAL OF THE June 20, 2024, MEETING MINUTES

Deputy Secretary Schrag – I have an amendment to the minutes on page 5. Under the discussion of trail cams, I stated we did agree to provide some data after hunting season, which just ended the end of May. It stated deer season, I want to remove the word “deer”, I didn’t want anyone to think we extended the deer season to the end of May.

Commissioner Delia Lister moved to approve the minutes with amendment; Commissioner Will Carpenter second. *Approved* (Minutes – Exhibit B).

Chairman Damron – I inadvertently skipped over additions and deletions to the agenda.

III. ADDITIONS AND DELETIONS TO AGENDA ITEMS

No changes.

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

V. DEPARTMENT REPORT

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

1. KAR 115-30-4 Fire extinguishers – Eric Deneault, captain and boating law administrator, presented these regulations to the Commission (Exhibit E, PowerPoint Exhibit F). A fire

extinguisher is important aspect of boating safety. Some controversy with regulation change so I will give a little bit of basic information. What we are talking about is a portable fire extinguisher to put on a boat and requirements under 115-30-4. We proposed this change because on December 8, 2022, changes were made to the U.S. Coast Guard regulations. This code of federal regulations is 33 CFR 175, fire protection equipment according to Title 46. The federal government likes us to follow their regulation and keep the same regulations within the state. They are asking that we update our regulation to follow federal guidelines, exactly the same as theirs. In our own statutes, 32-1101, it says, to promote safety for persons and property in and connected with the use, operation and equipment of vessels and to promote uniformity of laws and regulations. In the state law, KDWP is required to investigate boat accidents and report to the U.S. Coast Guard. We are to comply and adopt their rules. The Coast Guard gets the states to follow and adopt their rules. As boating law administrator, I am the point of contact with the U.S. Coast Guard who administers a recreational boating safety grant, awarded each year. They tell us how much we can match for reimbursement; we don't receive the money up front. They reimburse 50%, for example, if we buy a \$50,000 boat, they will reimburse \$25,000, so getting boating safety equipment for half price. There is a cap on that, and we are allowed about \$1.1 to \$1.2 million. So, when we talk about increasing boat registration and getting more boats, the reason is the more boats the more money we receive in the grant, which allows us to match more. The requirements to receive grant include a yearly application, close out report, certified reports on number of vessels registered in Kansas, financial reports, we have to document when we spend funds to get reimbursement. I am required to attend yearly training and represent Kansas at the NASBLA conference where we have voting rights. We are required to have a vessel registration system and enforce boating safety regulations and report boat accidents, if it meets threshold of boat accident report database, which is administered by the Coast Guard, and we adopt boat safety regulations in accordance with U.S. Coast Guard regulations. Our current regulation says, U.S. Coast Guard approved hand portable fire extinguisher of type B, size I or type B, size II shall be carried on board each motorboat; the change will say, "size I type B, size II type B, size 5 type B, size 20 type B". Basically, it says different classes of boats require different sizes of fire extinguishers or amount of fire extinguishers. Right now, Class A boats less than 16 feet are required to have one if they have closed compartments, 16-26 feet must have one B I. The larger the boat the more needed. The proposed change changed some of the wording but doesn't change the kind of fire extinguisher. It does have a 12-year limitation or expiration on extinguishers. It used to be size one or two, type B, for all boats, now they went to size 5 and 20, type B. For me it is easy to think of B for boat, which puts out oil and gas fires. We recommend changing wording from type B I and II to 5B or 20B, a terminology change, not new technology; and add 12-year expiration. Boats that are 2018 or newer already have the new fire extinguishers which were required, but older ones have older style. They are allowing those older ones to continue to have that until the 12th year, then everyone will need newer model. The new terminology or classification will be what you can buy at the store now. The fire extinguishers are stamped with the year on the bottom, so that will be 12 years from the date stamped by manufacturers. Federal regulation April 20, 2022, takes time to get regulations through so give us time to take care of that. They say U.S. Coast Guard approved right on them. Not requiring additional, just change to newer style after expiration date. Slight cost, especially

for boats with extinguishers over 12 years old, they will need to have new fire extinguishers. The federal regulation took affect April 20, 2022, so we were given time to make the change. We have 8,589 boats that should already have new ones (2018 or newer), boats 2017 or older, we have 7,314 that age, but some of those are under 16 feet and don't require fire extinguishers. Cost is \$18 to \$28 each, so if you think of average price as \$24, that is \$2 a year for 12 years. Some change and some people will have to buy a new fire extinguisher, but we will get the word out. We never pass a law and try to enforce without some education. We talked to boater education to change in classes and regulations, and help develop brochures for businesses, marinas and places that sell boats and pamphlets to be included when people register a boat. Realistically we should be able to catch everyone within three years' time. Officers will be out there reaching out and explaining to changes. We would rather not write tickets, give them time to get those corrected. Chairman Damron – In recent meeting of legislative committee on joint rules and regulation, they took a look at this regulation and made comments back to the agency. The legislature adopted legislation that requires grater introspection on rules and regulations to determine fiscal impact on where it is applied. There is an exemption in case of federal mandate but not sure if this regulation falls under that. If we don't follow that it is clear what happens. Committee has concerns, no good after 12 years and what cost that will have on boating public and how we get around that. Legislature is paying more attention. Dan Riley, Chief Counsel – On August 12, we produced additional information raised by that committee and satisfied those concerns, economic impact statement at budget now. Hopefully we have satisfied those. Deneault – You asked how they enforced it. The U.S. Coast Guard realizes it takes time to get regulations passed. They audit our regulations every 2-3 years, if one that doesn't follow their guidelines, they put us on notice to improve or correct, or they can withhold our funding, which doubles our money received from registrations. Commissioner Cross – On fire extinguishers there is a little red or green area, if in the red it is expired, even if it is not 12 years old. Deneault – If it is expired it is expired, if still green but past the 12 years it is considered expired.

Commissioner Emerick Cross moved to approve KAR 115-30-4 as presented to the Commission. Commissioner Delia Lister second.

**No individual roll call was taken, all approved.
The motion to approve KAR 115-30-4 passed 7-0.**

VI. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

Chris Tymeson – For those of you that don't know me, I worked for KDWP as chief attorney and did legislative work, now Safari Club International (SCI). SCI is a 50 plus year organization. I do government affairs west of the Mississippi River. We have eight attorneys on staff, six government affairs ranging from two in Europe, two in DC and the two in the states. I wanted to come and make your acquaintance today. In the last month I have been in Texas three times, Colorado, Louisiana and Mississippi, so I have an active travel schedule. What I do for SCI is draft public comments for regulations. SCI's mission is to protect freedom to hunt worldwide. We have 50,000 members in 47 of 49 states and continuous growth in membership. We have a foundation that does conservation projects all around the world and our chapters also do conservation projects. In Kansas we have one chapter in Kansas City. Those volunteers are the backbone of what we do. We have an annual fundraiser in March and do conservation projects the rest of the year. Volunteers are more politically active than most organizations and that is a blessing and a curse for the government affairs guy. We have a PAC and SUPERPAC and are the largest LE PAC and SUPERPAC in the country. We have an office in DC we call Hunter's

Embassy, and it is steps from the Senate Capitol. We just moved our business office to San Antonio from Tucson. We have a Big Show meeting in Nashville January 22-25, with Friday, January 24 being government affairs day. We will have a government affairs committee meeting where you can see inner workings of how we make our policy and have continued legal education for lawyers on Thursday and a director's forum, which hopefully Secretary Kennedy will be able to attend. We usually have about 10 directors there and do a forum for them and our members. Commissioner Mark – Big fan of SCI and am a life member. I appreciate national and international scale and as a commissioner would welcome input anytime something is of interest or impacts you positively or negatively. Tymeson – Most of my busiest interactions is with Washington, Oregon, California, Colorado, especially with CO ballet initiative going before voters in November that would ban hunting and trapping of mountain lions and bobcats. It is a galvanization of anti-hunting forces coming together at the state level to try to ban activities as well as sporting groups coming together, so we will see how that turns out in November.

Mike Castelli, Burlington – I am here representing a group of waterfowl hunters. We have been working on a regulation for nonresident on our public lands to restrict them because there is an invasion of them. We are overwhelmed by nonresidents, if you go to a parking lot on a public wetland you will find eight out of 10 vehicles is from out of state, from Texas, Mississippi, George, Louisiana, and South Carolina. We have been working on these regulation for two years with the old commission and finally got them written up in June of 2023. We workshopped it to death, tweaked it and rewrote it and got the feds and Corps involved. We got final copy, and it went to promulgation in March. We are two weeks away from waterfowl teal season, a month away from duck season and it has been sitting on Kovach's desk for two months. We want an explanation of how in February we got a postcard from Hunter Nation saying the commission is anti-landowner and not hunters and they want to ban deer feeding and they can get that passed in 100 days, signed, sealed and delivers. But it takes two years to get nonresident waterfowl restrictions. The commissioner was not broken, all they were asked was to listen to a baiting seminar and they paid the price, and we lost two good commissioners that were hunters and that were resources that took our emails and phone calls and now they are gone. We lost a good Secretary that identified the problems, they said he retired but I don't believe it. We lost our turkey biologist. Who is going to come to work for us if we can't get legislation passed? Our resources are paying the price. I hate to put you on the spot, Mr. Kennedy, but this falls on you. You are going to have to form a relationship with the legislature, because right now it is a relationship of hate and whatever we want, they want to take it all away. In six months, you have been here you identified problems with outfitters, non-regulated problems. They are making millions of dollars, and the state is seeing nothing. They have no guide license, no first aid or CPR training, no drug testing, no business license, and coming from all over the country and running freely. This has to change. It falls on you, you are going to have to form those relationships. We have YouTubers that are coming from other states filming hunts on public lands and making money off that, which is illegal. We have special hunts where anyone can apply, but we can't go there on special hunts, but they can come here. Something has to change. We are two weeks away from teal season, two years have passed in trying to get this regulation, and nothing to show for it.

Ed Vanderbeck, Columbus – I agree with what Mike said. I have questions. Who is running KDWP, you or the legislators, this is a messed-up situation in my mind. Every guide ought to have a license, be certified in first aid. If there was an accident, no medical help. A guide in Oklahoma, two years ago fell over and shot a guy in the blind, they had to med-flight him out and the only reason he didn't die is because there was a doctor in the blind. If there was no one with medical knowledge that guy would be dead. Now legislation has to have economic impact studies and there is no way to even begin to prove that it is a subjective if you don't know how many people are going to come, no way to prove that. We are being played by Topeka and we have legislators that are guides and where a lot of this is coming from. Need to stop this.

Commissioner Mark – Legislators come from all corners of the state, get voted in and out.

Chairman Damron – See lot of bills introduced that effect KDWP, only one passed was the one that changed this commission. Not one section of legislature drives policy.

Kim Barie (*unknown spelling, did not sign in*) – Talked to game warden out here at the buffalo ranch. We used to fill out a piece of paper to hunt there but now going to apps, I don't even know that that is, and I don't have one. I was hoping you would go back to telephone number where you could call in. I have friends that don't own a computer so I don't think we should be denied being able to hunt there. Another thing, federal or state, you don't have nothing for veterans, no discount, should be 5% or 10% and should do a study on that. Maybe get veterans taken care of. The refuge here at reservoir, is closed from September a to March 31, and you can't hunt, but we used to be able to go back in there and fish, now gate is always closed.

Chairman Damron – Legislation relating to veterans usually don't make it to the governor's desk, they are introduced and heard by the legislature, but they run off of fiscal impact and it would hurt Pittman Robertson funds, etc., it gets complicated pretty quick. Deputy Secretary Schrag – I would like to have Jason Deal get with the last gentleman and answer his questions.

Hunter Boongie – I am the executive director of IGC sporting heritage and a lifelong hunter and Kansas resident. I instruct youth and women in sporting outdoor activities. I am passionate about it. I wanted to add on to what Kim had to say. There is a lot of older generation of hunters, which have taught the youth, the people of our future. I believe it is discrimination of accessibility when it comes to making everything go to a phone. How are we supposed to go hunting by himself at the refuge if there is no paper. The box is still there but when that is taken away do you expect him to call somebody not there to attest to the fact he is there. That is an important question that needs answered. Deputy Secretary Schrag – I can talk about electronic check in. We had a paper permit system on wetland properties across the state and then with new technology we transitioned to paperless. Those paper permits take a lot of time and effort by staff to collect and extrapolate all the data. With iSportsman program you have instant data at your fingertips and that program has expanded to other properties. Data is crucial for regulatory changes and nonresident waterfowl proposal regulation talked about earlier. We can compare resident and nonresident data and can show trends. We had it on the docket to add all state properties to that system, in pending regulations, but we are taking a step back and putting that on hold, so no new properties will be added at this time. Still talking about doing that with new Brandt system, once all the bugs are worked out. Boongie – Understand technology but should be secondary option for phone call if not paper. Deputy Secretary Schrag – We realize there are gaps in technology and cell coverage here in the southeast. Thank you for your comments.

Mark Leaman – I am the president and co-founder of IGC Sporting Heritage Center, and I want to let you know that we appreciate you coming to our community. We built this place just for things like this and to help the public and department and be an active role in wildlife. Chairman Damron – It is a wonderful facility.

Beverly Harris, Independence – Is there any legislation or regulation I am not aware of; this morning a female camper went to take a shower and when she came out there was a man standing there with nothing on from his waist down. She asked what he was doing there, and he told her he identified as a woman. We have females and little kids there and is there something that could say that you have to use facilities that are biologically what you are born with, as whatever gender? That would not be good for little kids. Chairman Damron – We will defer that to legal counsel and at some time in the future have further comments and revisit that.

V. DEPARTMENT REPORT (continued)

Deputy Secretary Schrag – I echo what was said about the Heritage Center hosting this meeting today. Looking around is a little distracting and makes us itch for cooler temperatures and sitting in a tree stand with a box. I have a presentation I would like to make but before that a quote from Teddy Roosevelt. He stated that the nation behaves well if it treats the natural resources as assets which in turn must turn over to the next Generation increased and not impaired in value. I hope you know those are really wise words that we all embrace and adhere to. Many of us are involved with outdoor recreation, hunting or fishing. Most wildlife management enthusiasts have heard of the North American model of wildlife conservation, which is the world's most successful system of policies and laws to restore and safeguard fish and wildlife in their habitats through sound science and active management. This model operates on seven interdependent principles. These principles are, wildlife resources are conserved and held in trust for all citizens; commerce in dead wildlife is eliminated; wildlife is allocated according to democratic rule of law; wildlife may only be killed for a legitimate, non-frivolous purpose; wildlife is an international resource; every person has an equal opportunity under the law to participate in hunting and fishing; and lastly, scientific management is the proper means for wildlife conservation. KDWP strives to embody these principles. We have been fortunate to have to have had commissioners who have believed in that and acted in a manner that aligns these principles. I would like to on outgoing commissioner who is present who understood and held to the ideals of these principles during the time she served this department, natural resources, the state of Kansas and our constituents. Lauren Sill, the department would like to present this certificate of appreciation for her time of service from 2019 to 2024. It states, The staff at the Kansas Department of Wildlife and Parks and the State of Kansas extend their heartfelt gratitude to you for five years of dedicated public service. Your commitment to Kansas' natural resources and has ensured our native species will continue to flourish and that future generations will enjoy the benefits for many more years to come. Ad Astra per Aspera! Thank you.

Lauren Sill – Thank you for the privilege of working with you, for debating, disagreeing and coming to agreement with you. Comments were made that all the votes were 7-0, so there was no dissent, but you have no idea how hard we worked together, how staff gathered information

to help us be successful and to learn what we needed to learn. It was a learning experience. I have been around wildlife my entire life; my dad taught me we all need to do our part. That looks different for all of us at different points in time. By coming and sharing your concerns, you are already doing that. I encourage each of you to think about what your part is and continue to do that both personally and professionally. I can't thank you enough for this honor and privilege. Thank you.

B. Secretary's Remarks

Secretary Christopher Kennedy – I didn't prepare a speech until I heard comments from audience, I would like to reply to some of those. I was asked if I was aware, I was asked if I care, and I absolutely care. It's our job to protect the fish, parks and wildlife for the state for the benefit of our citizens. That's always at the forefront of my mind and anytime we have processes that delay our ability to create regulations it can be detrimental to wildlife. This is not anything new, we can go back to the early 1900s when the legislators created wildlife regulations. By the 1930s most of our wildlife populations were non-existent. There may be some of you in this room with enough gray hair to remember when you didn't see deer in Kansas. Deer were not here in Kansas until the 1970s and this was not something that was just here in Kansas, this was a problem and an issue all over the nation. I'm glad Stuart so eloquently mentioned the North American model, because it was at that time during the 1930s when that North American model came to the forefront and really drove a new vision of what conservation agencies could, and should, be and we've been very successful in many states. I was asked about relationships, it is at the forefront of my mind and one of the main reasons before I got here, that Martin DeBoer, our legislative liaison was put into place to help us form those relationships. In my six months of being here I've spent a lot of highway miles going to the four corners of the state of Kansas to visit legislators in their own prospective districts in an effort to build and enhance those relationships. Will there be difficulties? Absolutely. Will we have some wins? Absolutely, but this is the process that we have. The beauty of it is we're all engaged with our citizens. Thank you all for being here. You are here and engaged, our staff are passionate about the work that they do every day for not much pay, yet they remain passionate and dedicated to conservation. They have a role to play. Our legislature also has a role to play. Our commissioners have a role to play. In our next commission meeting we've been having discussions about doing an orientation to remind us all of what our role is and how to conduct ourselves as we engage in that role. So, I look forward to participating in that and assisting with that orientation at our next commission meeting. I just could not allow this opportunity to pass without giving you those statements. Are we at a difficult place in the state of Kansas? Yes, our ability to preserve fish and wildlife populations are dependent on how quickly we can get regulations implemented and it takes time, at least a year and more. When you think about all our staff's time when it comes to monitoring and garnering data to give us the information that we need to create those regulations. So, yes, I'm concerned but I'm still optimistic. We're still in a better place than we were a hundred years ago. So, I'd like to remind us in this room, let's celebrate where we are as we continue to think about how if we make changes for the future and to deal with the challenges for conservation in the future.

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 total is \$994,000, a 22% increase from last year. Our cash balance as of July 31 is \$25.1 million. The Park Fee Fund for July, revenue total

was \$1.4 million, a 14% increase from last year. The cash balance as of July 31 was \$8.2 million. In our Boat Fee Fund, July revenue was \$194,000, a 12% increase from last year, and cash balance as of July 31, was \$2.9 million. Our cabin revenue from cabin rentals in July was \$200,000, a 36% increase, with July 31 total of \$1.9 million. Commissioner Lister – Is there any progress being made on finding ways for non-hunter and non-angler people to contribute to our resources? Secretary Kennedy – Those are discussions our staff is having on a regular basis. Hunters and anglers traditionally provide the funds to preserve the resources. We all know that citizens are getting an opportunity to participate, not only in tractional recreational opportunities but within conservation. In this new age there is a whole new way of engaging in the outdoors. It is vital that we continue to provide those services for our citizens. It is something that is needed for general health. If you think about why, you are healthy, think about where you contemplate that decision, outdoors. We need to get the courage to go through some challenges that some of our citizens have in life. We are looking at how to increase those fees. I know it sounds like a lot of money and there are increases over previous years, but the rate of inflation is huge. We have a lot of issues to address in the agency, like infrastructure, so, those increases are needed. Conversations are ongoing and will continue into the future.

Commissioner Carpenter – Is there a copy of your fiscal notes on the table? Secretary Kennedy – No. Carpenter – Can we get one? Kemmis – I will get one and send to you.

2. Legislative Update – Martin DeBoer, I was brought on as government relations manager a few months before the Secretary. I have been working with the legislative research as a fiscal analyst and it was quickly identified that we needed to rebuild some bridges, not only on communication but to educate them on what agency does. That has been one of my priorities as well as providing information to them, so they understand where we are coming from to make better decisions. The legislature is quiet now, they are in interim. Our budgets are due September 15 so working hard on that. El Dorado state park is listed as destination for legislative tour, the tentative date for that is September 24. The bus will comprise members of the House of Appropriations, Senate Ways and Means, JCBC, and joint building committee. Then our 5-year capital improvement plan presentation is tentatively the second week of October. We will update you as those come out. Chairman Damron – For planning purposes, as the department looks to the 2025 legislative session is there a timeline for consideration of any legislative asks, outside of budget, the department may be making or contemplating? Or are there any known conversations or have any ideas of? I have ideas there are couple of dates which I can't remember, but I can get those to you when the governor's office wants us to submit. I can reach out and let you know.

Break

C. General Discussion

1. Five-year Review of Threatened, Endangered, and Species in Need of Conservation Lists – Jordan Hofmeier, ecological services assistant director, presented this regulation to the Commission (Exhibit G, PowerPoint Exhibit H). I would like to acknowledge Ed Miller who ran

this program before me for the better part of 30 years. I had the privilege of working with him the last 10 years as my mentor and friend. Every five years we go through a review process of threatened and endangered (T&E) and species in need of conservation (SINC); some definitions, why we are doing this and what is next. Most Kansans care about T&E species in the state with 91% supporting the department having an official list, 94% agree we should continue to identify and protect habitat for listed species, and 84% agree T&E species should be protected in Kansas even if abundant elsewhere. The Kansas Nongame and Endangered Species Conservation Act is a series of statutes that gives the department authority to manage and conserve T&E species list and defines process to add and remove to these lists and a process for developing recovery plans and permits development projects that may affect listed species. It also allows us to enter into conservation agreements with landowners for conservation benefit. The definition of endangered species is any species of wildlife whose continued existence as a viable component of the state's wild fauna is determined to be in jeopardy or we are at risk of losing the species from the native fauna in the state. Individual take of these species is prohibited, meaning they cannot be harmed, harassed or destroyed and receive protection of designated critical habitat. Threatened is similar definition to endangered species but they are protected like endangered and also receive critical habitat protections. SINC species is our lowest regulatory listing level. These species have exhibited some declining populations but not to the level of receiving habitat protection. Individual take is prohibited for SINC but no critical habitat protection. This review is done every five years, the process starts with opening of petitions to change our lists, this is open for 90 days. We started this in July 2023 and closed in October. We then convene 7-person T&E species task committee, made up of professionals and scientists from universities and agencies that have experience with species conservation. Once the committee has reviewed the petitions, some will move on based on scientific merit, others will not move on. Petitions that move on are sent to species experts across the state who will provide the status recommendation. First step is if we have enough information, and second step is where they would fall in listing scheme. We then do informational meetings across the state and use those to gather information from the public as well. Then we get with the Secretary to formulate a final status recommendation. Public notice periods will be next, going to Kansas register, not for promulgation but because environmental regulations require additional round of public comments. We also have mail notices to different agencies around the state, tribal, federal, state and local agencies and governors of neighboring states on what we are proposing. At the end of the process our T&E and SINC lists are housed in in regulation, so to change that we need to go through the regulation process. It can take 18 months or more, so already past 12-month mark but no real end in the next few months. Started in July, closed in October, committee wrapped up in December, provided to Secretary Loveless, goes to species experts and then public information meetings. All of that is used to formalize final status recommendation. From Secretary we feed into public notice process, then into regulation change process. Quite a few steps to go and it allows for a lot of public input to make sure we are making the right decisions for the state. In last few reviews, we had three status changes in 2019, busier in 2014 with 10. Some years more changes than others. For this round we have three petitions that have merit, to downlist the broad-headed skink from threatened to SINC; downlist northern map turtle from threatened to SINC and downlist shoal chub from threatened to SINC. There were also three petitions not selected. The shoal chub is a small minnow commonly found in Kansas River and lower Republican River, it is short-lived and is pelagic spawner, which means it spawns in the water column and the eggs drift downstream as they develop into larvae. This also means they need long stretches of unfragmented stream to successfully reproduce so live mostly in our larger prairie rivers. Listed as threatened in 2009, but current petition proposed to move them to SINC. A success story, they were found to be more common and more widespread than previously thought. Similar story

with the broadhead skink, a large lizard in eastern Kansas, is semi-arboreal and relies on mature forests with fallen logs and standing dead snags. Proposed petition is to move from threatened to SINC. Intensive surveys showed there were more than we thought and in areas not used before and using broader types of habitats, so may not rely on mature hardwood forest. Northern map turtle is a semi-aquatic turtle, but unlike aquatic turtles it doesn't eat fish, mostly mussels and crayfish, and occurs in eastern rivers. It was listed in 1993 listed as threatened, because we didn't have a lot of records then. At one point it was considered extirpated from the state. We partnered with Emporia State University to do some surveys and found it is not uncommon in general but didn't come into traps well but could be found with spotting scopes. More common than previously thought so proposed to move from threatened to SINC. In summary, all three species are proposed to be moved from threatened to SINC. A few other changes to regulations we would like to make. There is a date of possession document requirement, so if someone were to have a flathead catfish mounted on their wall and it was listed, that without proper documentation would make that illegal. Current regulation has outdated date, and we are looking to move that to more durable date, such as within one year of effective regulation date or something to give people time to acquire that documentation. This is opportunity to look at list, scientific understanding and relationships between organisms and update scientific and common names as well. When it goes to Kansas Register as environmental notice, we intend to change regulation and bring to commission in the foreseeable future. We have a document repository if anyone wants more information. Chairman Damron – Good information, thank you.

2. The Kansas Aquatic Species Recovery Program: Returning the Alligator Snapping Turtle to Their Former Range in Kansas - Daren Riedle, ecological services nongame, presented this regulation to the Commission (Exhibit I, PowerPoint Exhibit J). This is a conservation story that started here in the 1980s, outside of Independence, the distribution of the alligator snapping turtle. They are the largest freshwater turtle in the U.S. and reaches 250 pounds or more. What has happened, due to various reasons, commercial harvest has reduced northern portions of its range. There are quite a few in museum collections, one 130 pound was caught on Neosho River and the skull is at KU. There are questions of what historic populations are, but we don't know. One weighing 132-pounds was the largest recorded in Kansas. The last known specimen was caught just outside of here on Verdigris River, a 59-pound female. Former employee Doug Blex found her back in 1986. He recognized it as something unusual, caught it and released it with a telemetry tag. She was picked up again in 1991 and Emporia State University reoutfitted her with a new tag and they followed her for a year and a half. The listing history ties to the 1980s when this species was petitioned for federal listing, it was listed as warranted. They are very secretive and not much is known about them. It rarely comes on land and just lives at the bottom of the river. They were petitioned for federal listing in the 1990s again and again listed warranted. Petitioned again around 2012 and in 2015 the U.S. Fish and Wildlife Service issued a 90-day finding of listed and warranted. In 2021, proposed as threatened, and that is not finalized yet. They are redoing the status assessment. There is incomplete data from several states, and it is felt the species may be more dynamic than we thought as far as habitat. As I mentioned, Kansas was early to the game and folks at Emporia State were in the right place and time and were doing surveys in 1990 and 1991. Wildlife and Parks has a donation program for non-game species and

habitat improvement, Chickadee Checkoff, and that was the first project under this program. I went back through the literature and looked at other state in their range. Statewide assessments were done in Georgia, which is where the alarm was sounded, the species was harvested heavily for meat and in the late 1970s and trappers realized they had trapped themselves out of a job. Same story in a lot of states. Kansas was the second state to do statewide survey work on this species. Survey work was done in Kansas, Missouri and Oklahoma with Paul Shipman and me and then Shipman's daughter, multi-generational work done back then. That was all we had to go on after Georgia. Then a book came out in 1989, with a blurb about Kansas, Robert Clark, Emporia State Professor mentioned the alligator snapping turtle was seen regularly on the Cottonwood River, dam fisherman used to catch them. There are several specimens in the collection. How things happened in Oklahoma, influenced Kansas, just south of the Kansas border, 96 turtles were shot, each in the 60–80-pound range off of Big Creek and this harvest had major impacts to the species. Combination of survey work we did in Kansas and Oklahoma along the Neosho drainage and museum records in both states there were only four we could find. Impacts to turtles removed 20-30 years ago, no commercial harvest and very little take and little recruitment because they are aquatic and don't do overland movement, they stay on bottom of rivers and now barriers for upstream recruitment. Reservoirs double edged sword for the species, small streams flow back into the reservoirs and when reservoir was built it backed up the streams creating habitat with more water surface area. So, the populations boomed around big reservoirs but couldn't get around dams, so they were trapped. A National Refuge manager, which had these turtles and a National Fish Hatchery manager, set up a hatchery population to help them over the dams. In 1999 and 2000 they pulled a few individuals which became the founder population for a captive colony. They wanted to set up program to do conservation stockings, and we were setting up something similar. The International Union for Conservation of Nature has good guidelines for conservation reintroductions. Doctor from Missouri State, and his wife, worked to get the hatchery going and we kept looking at distribution ecology movement habitats. In Kansas and Oklahoma there were 40-50 peer reviewed publications and reports related to the species. Going into release work we are doing now. We did some trial releases, some turtles with transmitters and first release in Oklahoma, south of Kansas border, 5–6-year-old turtles were let go in 2008, and we are monitoring those. We used Section 6 and multistate funds from the USFWS for monitoring. Some of the females caught, we haven't caught a female with eggs yet, but saw scarification in the uterine tissue when we do ultrasounds, so they are producing eggs, so just a matter of time. Every turtle is microchipped, so only a matter of time before we find one that isn't microchipped which means it is the next generation. A lot of this has been summarized in update publication that just came out last year, a lot of new publications and a complete bibliography of the work done on this species has been done. There has been a lot of work done on this species for 30 years. Consensus is to leave them alone and they will do fine. There has been some impact to populations, few adults because all were trapped in 1960s and 1970s, whole bunch of 30–40-year-old turtles and then gap which represents the time it took for the turtles to reach reproductive age and grow from hatchlings to adults. We are looking for recovery taking 25-30 years, a long process. If we leave them alone, they do fine. As long as we don't trap them, we remove that threat. They do fine around human interaction, one extreme example is they are thriving in downtown Houston. Most people have no idea these dinosaurs are actually there. When we do conservation reintroductions and how well species take to being reintroduced to new places, some may think of it as an invasive species. They have same characteristics of species that react well to conservation or introductions and very adaptable. The alligator snapping turtles, even though riverine species, they adapt to hatchery ponds and the only reason they don't use another habitat is because they are too big to get up and move between them. They have been introduced in Asia and being used in pet trade. We just finished

red list assessment for them, and they have been established and escaped from pet trade in China, Italy, Japan, South Korea, Taiwan and the United Kingdom. We are ready to move northward to Kansas, we hit point where ready to move forward because the way Oklahoma looks at private property and water is different. In Kansas we are also doing work with mussels and other species of fish, a group of us developed a Kansas Aquatic Species Conservation agreement, which Trevor Starks talked about to the commission in a previous meeting. It is a federal document that lets us work with private landowners, they would agree to sign on and we would introduce a federally listed species or if we introduce a species that becomes federally listed, by signing the agreement it doesn't degrade their property and can keep managing and maintaining it the way they have, they are not expected to meet any regulatory burdens. We have been doing some public outreach and feedback has been good. It has mostly been educational, talking about the difference between the snapping turtle and the alligator snapping turtle. We address several ways, including some public education events, as an aside, there is only one good diagnostic way for telling the two species apart, a double row of marginals on the side of the shell, if an alligator snapping turtle. We accept photos from people and have documented a few pets and some that showed up in weird places, like golf course pond. In two weeks, we will do initial release of 40 animals at Neosho River and on several landowners who have signed that cooperative agreement as well. We are working with mussels on this stretch as well, roughly 50 km of unimpacted water, from low head dam near St. Paul down to about Parsons. We introduced south of there in Oklahoma so there is a chance in high water flow that the two populations could meet. Eventually we will have 100 turtles in this stretch, and it will take a few more years of monitoring to see how they do.

3. Big Game Permanent Regulations – Levi Jaster, big game coordinator, presented this regulation to the Commission. Introduce our permanent regulations to put into cycle of review, which would include 115-4-2 which is our general provisions which includes things like the information that needs to be included on carcass tags; 4-4 which is our legal equipment regulation; 4-6 which is our deer management unit boundaries; 4-11 which is our application process: for big game 4-13 which is our permit descriptions of our different types of permits; and 4-15 which is our restitution scoring. I'm not anticipating that we'll be discussing much of those this coming year. We will also be looking at 115-25-9 which is our big game seasons. We have a few things that we'd like to discuss about potential changes there, especially regarding adjusting some of our antlerless permits. That will have to include the discussion about how that plays in with the new economic impact legislation um and how that all will work together. I wanted to put in front of you and we will be bringing some more stuff to you down the road. Also, we received a letter regarding deer, which I will bring up at next meeting and address that.

Linda Lanterman, state parks director – We had a great opportunity for Kansas state parks, we have been working with the City of Independence on one of the largest Land and Water Conservation Fund (LWCF) grants. LWCF started in 1965 and we have had over \$50 million come to the state of Kansas for outdoor recreation projects. Lacy has a passion for the outdoors, and it has been good to work with her.

4. Independence LWCF Project (Exhibit K, PowerPoint Exhibit L) – Lacy Leis presented this update to the Commission. Excited to share this project, it has been quite a few years in the making. It started in September 2020, when the city went through multiple planning and needs assessment surveys and studies and a lot of public outreach on what to do with our parks and recreation. Looked at where we should invest dollars and time, recreation was always at the top of our citizens' list. They love opportunities we have at Riverside Park and Ralph Mitchell Zoo but wanted to see more in terms of updated sports facilities with more options. We worked with Doug Piccard, Indigo Designs, to update our master plan, last updated in 2007. In September 2021, we applied for LWCF grant with KDWP. It is a difficult application. In January 2022 we received a letter that awarded us \$2 million in funding for our project. From January 2022 and most of 2023 we worked through permitting processes, a cultural review study to finalize plans and put it out for bids. In September 2023 we received our notice to proceed, and our grant was increased to \$3 million. We selected Crossland Construction and in October we did the groundbreaking ceremony. In June 2024, we held grand opening ceremony for phase one. In July we were notified our phase two award was granted for \$2 million. We were thrilled about that and anticipate being done September 2025. Our previous facilities dated back to 1940s, our fields were spread out and in need of repair. We had no dedicated facilities for baseball, softball, soccer and flag football, those sports were played in the outfield of the baseball and softball field. We had underdeveloped parking in a gravel lot between some of the fields, so kids were moving from field to field between cars and it wasn't safe and wasn't ADA assessable. It was also located in the flood plain and we needed to move above that. Our survey results showed increased needs for those dedicated fields for additional services like pickleball, multi-use trails, batting cages and basketball courts. Healthy habits and access were at the forefront of our minds when putting together plans with Montgomery County that had some not great statistics. It is listed as the fourth unhealthiest county in Kansas, 25% of population reported inadequate access to physical activity; 40% were report obese; and made just over \$39,000 and 44% less than \$35,000 a year. A percentage of kids rely on reduced on free lunch programs, and we wanted something to help combat these statistics. We wanted to provide outdoor recreation, assessable to the community where everyone can utilize them and hopefully become a healthier population. We looked at team sports and individual recreation opportunities and looked at accessibility. Our master plan is what came out of all the public engagement sessions. The west side of the complex runs west along Penn Ave, the right side is Park Blvd. The complex is 60 acres, centrally located in Independence. The project area was about 30 acres of that. We are building a dedicated soccer and supporting facilities of a restroom/concession building and parking lot. The fourplex in the middle with a playground is existing concessions and restrooms and a shelter area. The east side fourplex was completed in phase one as well as parking on the south and east side of Park Blvd and space for two baseball fields, parking lot and basketball courts, a multi-use field for pickleball courts and batting cages. One reason our application ranked so high was our goals, established at city level, aligned with the Statewide Comprehensive Outdoor Recreation Plan (SCORP). We looked at many different options on where this complex should be located. Some opposition on staying where it was because it was in the flood plain, and we looked outside of town, but kids wouldn't have been able to get to it unless someone drove them, so we decided to keep it in the heart of the community. We encouraged stakeholder advocacy for recreation issues and there were a lot of partnerships that were formed along the way to make this happen. We got a Kansas Department of Commerce grant that spearheaded some spin-off projects and were able to create a 1.5-mile trail on the east side that connects to complex to our park and zoo area. Promotion of health benefits for outdoor recreation if favorite feature and the walking trail is popular, free and open all the time, it has solar lights all along the trail, so it is used early in the morning and late at night. Prior to this

project there was a skate park and unused timber area that became a dumping ground. We had four baseball fields that flooded, and we were able to move infrastructure elements up. We did a lot of earth work and put in a storm sewer. Phase one is complete and phase two is starting now. Our groundbreaking event on October 13, 2023 we had over 200 participants celebrate with us and grand opening on June 1, 2024 we had 150 participants and we had first pitches thrown by our field sponsors, Oak Bank, Edward Jones, Woods Lumber and Textron Aviation. We also had the Eagle Rock Shredders, a local mountain bike group had this is part of race called the jelly roll, which became a slow ride which started at Riverside Park and traveled down Park Blvd and did a lap on the multiuse path. Since this project kicked off, they have created a one-mile mountain bike trail adjacent to the overall complex in the wooded area. Only open a few months, but already had 8% increase in participation, 21 teams from six communities traveled to the complex to participate in League Play and we hosted a tournament with 10 teams for a week. We have also had adult league participation skyrocket, tripled since 2020, highest in last 10 years. The mountain bikers have also seen a boom in participation. I could take anyone who is interested in a tour of the complex. You can follow our progress on Facebook at Central Park Sports Complex and stay tuned for second grand opening in 2025. Commissioner Mark – Awesome job and wonderful community investment.

D. Workshop Session

1. KAR 115-5 Fall and 115-25-6 Spring Turkey Regulations – Jeff Prendergast, upland game bird biologist, presented these regulations to the Commission (Exhibit M, PowerPoint Exhibit N). Currently interim turkey biologist. I will be discussing 25-6 spring turkey and 25-5 fall turkey as well fall. I will add more background information for new commissioners. Turkeys are native to Kansas, extirpated in 1900s. Involved in restoration efforts in 1970s and 1980s, and they spread across the state. Two subspecies of wild turkeys in Kansas, Eastern in east one-third of the state in more wooded habitats, and Rio Grande which is more western upland rangeland. We also have some hybridization zones where the two come together. Also, in far southwest part of state we have Merriam turkeys that have moved up from New Mexico into there. Turkey abundance grew rapidly through 1980s and 1990s and into 2000s where we stabilized and leveled off, then slowed for a decade. In 2010 to 2013 growth slowed and with droughts we saw declines and lower production. This information comes from our summer mail carrier survey, there are less poults, which are corroborated by other surveys. We have seen declines in that same time period in turkey observations. So, harvest has followed the same trend and we have seen rapid increases in harvest as turkey populations expanded, as they leveled off, and saw steep decline when they declined. These things add up together. So, why didn't we stay stable at those higher levels. It is not just a Kansas issue; it started in the east and is moving across the west into plains states. There is turkey research going on across the country. We have a current project with KSU, and partnering with the national Wild Turkey Federation, to put a finger on that. We are looking at demographics and survival and reproductions rates and what is influencing the birds across the state on both private and public ground. We are trying to get the full picture to support management decisions and harvest strategies. Kansas utilizes a turkey harvest strategy starting in 2012, and it is based on hierarchy of regulation packages and can move up or down.

The most liberal package would allow three spring and four fall tags over the counter for residents and nonresidents; the most restrictive package would allow only one spring permit available only to residents through a limited draw. The two triggers we use to make recommendations to increase or decrease opportunity are based on resident harvest success rate. If we have two consecutive years, at or above 60%, with less than 25% of jakes in the harvest, we will move to more liberal package. If we have less than 55% success, we would move to conservative package or start to restrict harvest opportunity. Kansas turkeys are managed in six separate units and harvest information is collected on a per unit basis. We move up or down on regulation package, independent of other units. In 2024, units 1, 2, 3, 5, and 6 moved to one spring tag and no fall season and initiated nonresident draw. Unit 4 moved to further restrict the number of nonresident tags for draw. The fall season was closed across the state. Our spring season is typically managed under three segments, youth and disabled, which begins April 1; archery season which starts the Monday after the first full weekend in April; and regular firearm season which is the Wednesday after the second full weekend in April. This was our first year with nonresident draw. We had 9,700 permits available and received 11,838 applications, which resulted in an 82% success rate on the draw. There were an additional 255 preference points purchased, as well as non-successful applicants also received a preference point, which will go into this coming year's draw. Our permit sales dropped from 39,000 to 24,000, partially due to nonresident restrictions and no game tags available. Harvest dropped from 14,000 to 11,000 but had an overall increase in success rates from 45% to 51%. We use harvest success rate instead of overall increase in success rate because residents tend to be more responsive to what turkey abundance is on the landscape. From 2012 to 2024, saw steep decline in abundance and our resident permits steadily declined, contrary to that, nonresident sales increased slightly during that time and remained stable except for 2020, during COVID, when nonresident permit sales were discontinued and in 2024, when we restricted permits. Nonresident harvest has mirrored residents in the number of birds, which was two-thirds of the total birds in 2005 and gradually decreased while nonresident numbers increased and surpassed residents in 2017. They have stayed at or above that 50% threshold since then, other than the two years they were restricted. Saw resident harvest success increases in most of our units, with overall slight increase from 40.9% to 42.7%. We used harvest data from this year to make recommendations as we are working on regulations a year out, working on 2026 regulations. For 2025 season, approved last year, we will maintain three season segments starting on April 1 for youth season, archery starts on April 7 and regular firearm starts on April 16. We will maintain units 1, 2, 3, 5 and 6 with one spring tag and no fall season, and unit 4 will have 350 spring tags for residents through limited draw. Strategy calls for two consecutive years to make changes, so no recommended changes because this is first year.

Commissioner Mark – Units 2, 4 and 5 had good increases in harvest rates for residents, if those units have similar successes this season would those units get upgraded on the list? If any unit meets criteria for liberalization based on 2023 data? Prendergast – Nothing is above 60% threshold, which would trigger an increase. Commissioner Mark – You indicated you are looking into reasons for decline in turkey population, have you done disease toxicology, and could you explain other factors biologists use to determine these problems? Prendergast – It is a very expansive research project, they are looking at site selection, predator densities, poult survival, insect availability, prey selection on young and a whole host of things. They are looking at disease and toxicology. Still working through samples. If I remember right four individuals with disease, two died. The four we found in initial trapping efforts, but I don't remember the disease or sample sizes. Those parts of the project were NWTf funded, and they are looking at potential toxins, heavy metal sorts of things and collected brains and livers from hunter harvested birds to provide statewide assessment. Commissioner Mark – What was overall take away? Prendergast –

They have been through only about half of them and haven't found baseline, so minimal toxicology so far. Commissioner Mark – What about predation from coyotes and nest predators? Prendergast – Slightly less than 70% survival rate so far. We did have 300 birds tagged, did see some high levels of predation in brooding and nesting period, but that is when most vulnerable, nothing outside what expected. I don't have numbers off the top of my head. Commissioner Mark – Common sense, as lifelong turkey hunter, predation mortality of turkeys, in the nest is biggest culprit? Prendergast – Predation is a complex issue. We covered predator control and predation impacts last March or April. Predation is having impact but also has to do with limited nesting habitat, which then becomes a bigger problem. Commissioner Mark – Predation bigger problem if less habitat, but what I am getting at is disease is minimal in your primary studies on toxicology. So, what other factors would there be? I understand drought flood and other things would impact recruitment but once turkey is either in the nest or an egg, it sounds like predation is our number one problem. Fair statement? Prendergast – I would tie that to habitat, predation is the result not the symptom, not the cause. Commissioner Mark – To say predation is the problem in not something that registers with me because I think the symptom is less turkeys and the cause would be what is killing them or preventing them from recruiting. Prendergast – This is very preliminary; I am spread thin doing two jobs and have not had as much time to spend on this and doing it an injustice. This is the first year of a three-year widespread project so at some point there will be more detailed information. Chairman Damron – Thank you for your efforts. Good exchange. I think commission and public need to know why the department is eliminating the fall turkey season. People fill in the blanks if they don't get good information. Most of us would admit anecdotally we are not seeing the kinds of turkey populations when we drive the roads. The question becomes why, taking that a step further, that is what led to recommendation to eliminate fall turkey season and what improvements can be made to potentially bring it back. These discussions help people understand why we impose certain limitations on licenses and seasons. We appreciate your work in that area.

Commissioner Carpenter – Do we have any way to monitor predators? Prendergast – We have a furbearer biologist who utilizes the summer roadside survey and summer furharvester survey. We use bow hunter diaries to monitor observations of certain predators and have normal harvest information for many species. Commissioner Carpenter – On the increase or have data? Prendergast – We have data. It has been a while since I have looked at that data. Commissioner Carpenter – From what I remember we have seen dramatic increases in raccoons. Prendergast – Most of the other ones have been more stable with slight changes. Commissioner Carpenter – Is it possible a disease went through our turkey population in the past and all those birds are dead. Prendergast – It would still show up in current population. Commissioner Carpenter - Or it could have died with that bird? It is still out there or went through population and now no evidence of it and has already destroyed the turkey population? Prendergast – I am not a disease specialist or immunologist, but my understanding is a certain number of those would survive and you would pick up traces. It would show up in research.

Commissioner Mark – Would it be possible to provide us with hard data on coyote trends on a spreadsheet? You mentioned dramatic increase in raccoons, something you could provide us on what that means population-wise. So, we might have some suggestions to rectify those problems. Prendergast - There is a report, the roadside furbearer report on our website and I can get with

the furbearer biologist and see what is available. I think the annual report is mid-July through August.

Kim Barie (*unknown spelling spoke earlier*) - Fertilizer got high and they started bringing in manure from Missouri and Arkansas, turkeys are catching coccidiosis disease from manure. K-State did a survey on predators and had cameras on nests, turkeys are killing quail eggs and said 70% to 80% of eggs are disappearing from snakes. Can you give me any information on snakes? Prendergast – A lot of things eat eggs, protein packs, snakes and a lot of things predate nests, raccoons eat eggs but kill other things that eat eggs. It is hard to maintain harvest pressure on predators to make an impact, on prey, then rely heavily on long term pressure on predators, those never line up. Coccidiosis has been brought up several times, so that has been discussed. I have not had firsthand discussions.

Chris Tymeson – In relation to adaptive harvest management strategy, the trigger is 60%, set in boom years, should we adjust trigger down a little, so it is relevant to today's population?

Prendergast – Adaptive harvest strategy was developed using 2005 through 2011, a time when we were at high levels, but stable. During that time, we knew we could support 55%-70% harvest success rates. When first established harvest strategy, we thought we might see some upward momentum in those triggers. What we have seen is 55% and we don't know what the perfect number for that trigger is. We do know our harvest success rate has tracked relatively well and correlated with declines in abundance, but not perfect. Not prior to that information of this big project is trying to collect. It is tracking abundance, so we are hesitant to make any recommendations for change prior to having the information we are paying to collect right now. That will be a discussion once all that data from that big project has been looked at. That will make the most impact on those harvest rates and is correlating well with downward trajectory.

Commissioner Mark – Do we know economic impact of 15,000 less nonresident applicant success? Do we know the negative economic impact of those purchases? I know Pitman Robertson has guideposts beyond that from groceries and beer, taxidermy and guide service, etc. Is there any way to determine what that loss is of nonresident tags to state? Secretary Kennedy – We don't have staff that specializes in economic impacts, which is why the new regulation that was put into place and providing that economic data is going to cost, it is going to take us longer to produce that information. Our decisions historically are not based on that, we are based on turkey populations, and any time we see long term trends and declines we need to be more concerned with preserving populations across the landscape. Commissioner Mark – On same page, first priority is obviously habitat and populations. Economic impact is real and has to be significant, especially in current times of lost revenue, whether grocery store, motel, or whatever.

I was actually going in a different direction, trying to figure out how we can solve the bird problem with other means, rather than wait another year or two, get more proactive. More concerned with bird populations than ancillary benefits like economics. I have a couple of ideas in that regard. I don't know when appropriate time to bring that up. Chairman Damron – I would defer to the Secretary on when an appropriate discussion time would be. Secretary Kennedy – Not at this meeting, which would be a future agenda item. It sounds like we can produce more information regarding predator populations across Kansas which will give a better idea of how those populations are responding. Commissioner Mark – I am new here and didn't know the right way to frame it. I actually would like to make a motion that we extend night vision with coyotes beyond the current period identified by statute to include year-round, with exception of deer rifle season. I would like to make that motion to take proactive effort to try to help turkey and deer populations, etc. Predator management could be positive thing, so I move to extend that night vision hunting allowance from three months to year-round, with exception of deer season. Chairman Damron – To make a substantive change, I defer to Secretary and Legal Counsel, but that would obligate the department to follow the existing process about putting something

forward to the public notice, whether amending a rule and regulation. The commission can't do that on its own. Making that change would require something to be scheduled on the agenda and following protocol to make that change. It would have to go through the whole process. The Secretary and Legal Counsel would have to let us know how that can be done, and we can make decisions from there. Commissioner Carpenter – If appropriate I would rather make a substantive motion to allow the department to bring that back to us with all the items that are needed to look at that to potentially extend that. Commissioner Mark – I concur with Commissioner Carpenter; I would like to do whatever we need to do as a commission to jump through the hoops. I didn't know if commission could do that of its own volition, to make a motion to have the department put the wheels in motion to do whatever we need to, from public information standpoint, and ultimately where the commission could vote on night vision with coyotes as year-round. Secretary Kennedy – The department can investigate that. Mean data moves us and we need some information that leads us to believe predator control would actually enhance turkey population. As Jeff alluded to earlier, typically declines are due to habitat, while you can attempt to control predators, if there is poor habitat the population can continue to decline. The agency would be happy to investigate that. We also need to bring back information to the commission. Commissioner Mark – I appreciate the conversation, but I want to know what I can do as a commissioner, to have my motion put through the proper channels to bring that to the forefront for a vote. It is just common sense why I am looking at what is going on across the country with the unmanaged wolf population and no deer left in northern Michigan, no moose population in Wisconsin and Minnesota. It is not habitat; it is too many wolves. They have gone from 240 wolves in Wisconsin to over 2,500 and the deer population has had a 50% decline. In Utah, they put a bounty on coyotes, and it improved their herd population. There are plenty of studies out there that show predator control can have significant impact on game populations. I don't know what additional studies can be done in a short period of time. One thing I appreciated about your comments was when dealing with situations like this we have to act, in times in a sensitive manner. I guess procedurally what would prevent me from making a motion today to get this on the agenda to have the commission vote on it. I know some of my fellow commissioners probably want to talk about predator problems and now is as good of time as any. Commissioner Riedl – South Dakota uses nest predator bounty program. They are getting kids involved in trapping and offer a small reward for turning in a tail. It would be great to look at that for Kansas. It would be remiss if we didn't look at other means, as opposed to current plan. Let's see what happens next year doesn't seem scientific. We heard about the North American model of conservation and scientific science-based management is important. I understand we can't do this today and need to get it on the agenda. I ask what we need to do to have that motion heard and voted on, a process question to change current regulation on night vision predator hunting. Chairman Damron – To amend current regulation it requires new process, that you saw parts of today. Chief Counsel Riley - This presentation of the scientific information on whatever initiative is typically those issues that are workshopped until questions have been resolved, whether commission or public questions. In terms of starting the process moving, you have to raise the issue, they collect information necessary to format that change you are seeking. At some point, when it comes to an action level, then a motion to vote on it would be appropriate. Commissioner Mark – Whatever information we would need to look at not let this die. What

information would we need um workshop this so we can push this down the trail? Counsel Riley – That comes from technical staff, the biologist involved with the species, or that group of species. Since this is a new topic of discussion, we would be starting at point where we don't typically start with scientific information. Commissioner Mark – I would suggest that we engage scientific people in the agency to come back with information relevant to this issue. Ask scientific staff to let me know coyote populations prior to night vision for three months was voted in. What the coyote population has done since then, increase, decrease or stable? That would be the first place to look because we already have scientific evidence on turkey, and we know that's a problem. I would appreciate if we could get that information offline. To follow my fellow commissioners' comments regarding raccoons, the same information on raccoon populations corresponding to turkey population. Then look at what other states are doing with regard to raccoons. I agree we want to fix this, and we want to get the fall season back and want extra game tags for residents and we want nonresidents back to enjoy our wildlife.

Commissioner Carpenter – I think as individual commissioners we can in fact ask for information but any actions like you are suggesting would come from a vote of the commission. We don't do anything by ourselves up here. You are a member of the board. So, it would take a second of this board and then a vote to proceed on that kind of stuff. Commissioner Mark – I wasn't trying to do it unilaterally when I asked him how we would do it. He said we would need the information and I thought he was responding to the motion. I agree with you, if there is something procedurally, I need to do, I am new here, so I don't know what I need to do to make a motion. We asked for information. I want to follow the rules. I was just responding to question of what I have to do. I am not trying to usurp. What I am trying to do is and if that is what we need to do to get it then I will make a motion. Counsel Riley – No, it doesn't require a formal motion to initiate the process. What you have expressed is enough to get the process moving and after all the information is collected then we would work towards process or come to an action point at some point. Commissioner Mark – If I am out of bounds on process, you know what I am saying and what my request is. Commissioner Carpenter – When you were talking about turkey population and economic impact, I'm not sure that is the charge of Wildlife and Parks department on economics. We are responsible for populations and taking care of the species, economics is secondary. It is about the species and renewal of that species and continuing to be able to harvest that species. I really bristle when I hear someone say something is about the economics, which is not our job. Commissioner Mark – Maybe you misunderstood or misheard me. I was talking about the North American model of conservation and the importance of being scientifically based. I did say some ancillary issues that follow that. I agreed with the director that first and foremost in anything we do there needs to be habitat and carrying capacity, which is the population. I thought I made myself clear. You misheard me, economics is important. The chairman mentioned earlier that the legislature pays great importance to economic impact and we as we do as a commission. I'm only saying an ancillary deal that flows from fixing the problem. My first and only priority is because I don't make money on hunting turkeys. I pay to do it. I only raise that because there are other problems that flow from lack of turkeys. Recruitment of young hunters and a litany of problems. If there are no turkeys or declining populations, we have declining hunting population and it hurts us in recruitment, that is ancillary. I agree 100% that population is first and foremost. We have to fix that, agreed. Everything else will come along with those opportunities, which is what I tried to say. Commissioner Will – I just wanted to be clear here that we are not an economic development agency. I might disagree with you on how many people in the legislature are concerned with economic impact of this kind of stuff.

Commissioner Mark – You might have misunderstood what I said. I was paring what the chairman said that the legislature cares about economics. I wasn't saying that. I tried to make it clear in my statement that first and foremost to me is to fix the population, whether it is deer or

turkey. We, as commission, serve the hunters in the state. I care about the animals and birds in Kansas. I also care about the hunters, anglers and trappers. I can tell something I said upset you and I apologize for that. I want to fix the turkey population and my motion was aimed at that. The rest of issues raised peripherally will fall into place in that regard. Chairman Damron – Looking forward to working with you. Thanks for your comments.

Mike Castelli – I am not a turkey biologist, but here is my take as a landowner and turkey hunter. What is happening to the turkey population is deer baiting. Who comes to corn feeders is raccoons. We have had warmer winters, and they are not hibernating or going into dens. What happens when we have a species that is fat and happy coming out of winter, they produce more young. When deer feeders go into garages the coons have to cover landscape and find nests, that is a big problem. I own and trap on 12 acres. I have free range chicken and last year I set three traps. I trapped three coyotes, 13 bobcat, 43 possums, 37 coons and seven skunks, on 12 acres, which is scary. I went where people were selling furs at the Western Kansas Trappers, there were 10 beautiful coons on the table, and they didn't get one bid. I have to keep my chickens protected so I am trapping. If we get rid of deer baiting it would be a lot faster recovery than shooting coyotes at night. We heard in Hays about the raccoons as well.

Break

2. Kansas River Invasive Carp summary and proposed snagging opportunity – Chris Steffen, aquatic invasive species coordinator, presented this update to the Commission (Exhibit O, PowerPoint Exhibit P). Talked about proposed snagging opportunity for bighead and silver carp, which will now be lumped under invasive carp, previously we used the term Asian carp. These two species are filter feeders, they open their mouths when swimming and eat all the small stuff like plankton. They are long lived and can grow to incredible sized and are capable of large quick movements during high flow events. We have seen declines in native fish across the Mississippi River basin, a little situational dependent, but in some places over 90% decline. The silver carp are the ones you see jumping ten feet into the air when spooked by boats. These fish were brought into Arkansas in 1972, documented in the wild three years later. By 1987 found in Kansas River, and four years later silver carp were detected as well. They were in low abundance for years and then there were some high flow events and some migration of additional fish. In 2010 we saw explosion of these invasive carp. Everything that doesn't have a dam, which was attached to the Missouri River basin, has them. They are in the lower Neosho Rivers that ranges from Grand Lake and up into Kansas, a few scattered fish, but large. Working on that population. Have also found some individual fish in farm ponds. In 1993, we had high water events that allowed them further up the river. The Kansas River has a major dam, the Bowersock Dam, and we have six records of fish above that dam, but there is evidence of reproduction. We were concerned about that because small fish look similar to native fishes that are used for bait, particularly gizzard shad. That has driven some regulation changes, outreach and education. A little above the lowest stretch of the Kansas River is where we are proposing snagging opportunity, from the confluence of the Missouri River, 15 miles upstream to the Water One Weir. Always people there fishing. Most of the time carp cannot get over the dam, only a few times in high water events. In 2019, we had several days where they moved upstream. We did

work earlier, fish collection from 2018 to 2020 in that section of the river and seeing different length groups, basically young of year, one-year olds and adults. They are stunted fish in 5–7-pound range. In segment two, between Water One and Bowersock Dam, which is a more formidable barrier, is a hydropower facility owned by the City of Lawrence. We have only seen a few fish there, as they can't swim over the dam and like got there in 1993 flood. Some concerns on north powerhouse, which was added in 2012. Predominantly silver carp, mostly adults and bigger fish, 850 mm range, grown a lot in last few years but very little reproduction and a few isolated fish. Concerns with north powerhouse, because those fish can jump 10 feet and there is an eddy behind it. We are looking at a low-tech head banger, which is grates that hang out over the water. When fish jump up, they run into that structure and bounce back. It is slick and self-cleaning. The folks at the dam and city are excited to see this happen. We will have grant funds available soon and we will work with engineering on installation of that system. In the middle section we have some carp, and if we get another high-water flow, they can move upstream, impacting users and native fish. The secured grant funds will remove those carp. The last couple of years we have removed 72,000 pounds of carp and getting better at it all the time. The remaining fish are in the 15-17-pound range and the ones below Weir One and in the rest of Missouri basin are in the 6-7-pound range. Another important part of the story is angler use on the river, from survey done in 2022, that 15 miles to the dam only has three public access points. We asked what they were fishing for and questions about carp and what kinds of impacts they were having on them and if there were any benefits. Interesting, we knew people were fishing for them, there were 80,000 angling trips in that 15 miles, Milford reservoir only has 120,000 over the whole reservoir. They have to park and walk three-quarters of a mile to get there. There are people that like using them for bait, mostly bank fishermen there, and regulations restricts them from catching them in cast net or bowfishing, so snagging those fish, which technically is not legal. We took our AIS committee and others, about 20 fisheries staff, down there to snag, on different days. Snagging is tiring. It turns out you can catch about 1.5 fish per hour, two-thirds of those were invasive carp. If we move forward with snagging opportunity, we expect people to mostly snag carp. There are other fish in that area, catfish, paddlefish and short nosed gar but we are not opening snagging for those. We are talking about snagging in those 15 miles, limited to silver and bighead carp. They are identifiable, their eye migrates down below the mouth, a simple identifier. Research says, if you have barbless hooks survival is well over 90% for most species. So, paddlefish or gar inadvertently snagged could be put back and we expect them to survive. Helping us out get rid of carp that we don't want there. There is no special permit required, just standard fishing license, and it would be open year around. There would be no creel or possession limit and it is not allowed to keep them alive. We know lots of anglers utilize these fish and we don't see potential impact on native species. The major concern would be the littering of carp carcasses, which we already see in many locations. We would like to put signs out to explain to people that littering, or throwing carcasses on the bank is technically littering. We are trying to make the best of bad situation, ways for people to use those carp. Commissioner Riedl – Have you made any progress with access points and parking lots? I know you were discussing that with the city. Steffen – I think there are some folks in that region that could answer that better. The challenge is so much is crammed into that section of the river. Right there in downtown Kansas City, so some opportunities. Friends of the KAW are a great partner and does a lot of cleanups in the area. They are always advocating with all those small cities for improved access. We would be a part of that if those opportunities developed.

3. Invasive species regulations - Chris Steffen, aquatic invasive species coordinator, presented these regulations to the Commission (Exhibit Q). This is change is in KAR 115-7-10, invasive species regulation and AIS designated waters reference document that is tied to it.

When we find a new location that contains a harmful invasive species we add it to this list. We want to add Gardner City Lake to the AIS designated waters list because zebra mussels were detected there in December 2023.

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 R, PDF document and PowerPoint Exhibit S). I had some background information but took it out to speed things up a little. At the April commission meeting I presented a lot of that. You can reach out if you want that information and I will provide if you want it, or Sheila can distribute that. This is listed as sportfish versus non-sport fish, but an easier way to understand it is the clarification of wanton waste and possession regulation to protect native fishes. We currently have two regulations that refer to processing and possession of fish. In 115-7-4, it states, “each person who has taken a fish, any fish, shall retain the fish in that person’s possession until any of the following occurs, consumed or processed”. Very similar in 115-18-8, which deals with retrieval possession of game, animals, sportfish and migratory birds. The regulation states, “that each game, animal, sport, fish, and migratory game bird retrieve shall be retained until any of the following occurs...”. Basically, the same wording with a few differences, 7-4 refers to any fish, 18-8 refers to sportfish. While the same rules about consumption and processing, transfer into a person’s home and all that are the same. Some other rules about fish each person takes is subject to length limit and has to be kept intact on the water. You can’t fillet it out and put in a cooler on your boat. What is unprotected in the current regulation is non-sport fish. The definition is, “non-sport fish means common carp, silver carp, big head carp, black carp, grass carp, drum, threadfin and gizzard, shad, goldfish, gar, suckers, including carpsuckers and buffalo, eel, sturgeon, goldeye, white perch, and bowfin”. This is list of invasive species. Note it also includes American eel which travels thousands of miles up the Mississippi and Missouri rivers before coming to Kansas River. If someone wanted to catch one and throw it on the bank they could only be charged for littering. We have sturgeon also, which is a broad term. We have federally endangered pallid sturgeon swimming in Kansas waters in the Missouri and Kansas rivers that could be interpreted as that. They are not protected by wanton waste. We want to protect all fish under both possession and wanton waste regulations, so we would have to make changes to 115-1-1, to change definition from sportfish or non-sport fish. The only reason they are there is to tell you what gears you can use to target them. In 115-7-2, that regulation deals with gears or methods you can use to target fish, so we removed sportfish and non-sport fish where referenced. The briefing book has the full regulations that show the changes struck through and underlined. In those regulations we simply added a list of species that can be targeted to the gears, if they are not open to all fish. So instead of saying you can bowfish for non-sport fish, it would say you can bowfish for the list of species shown, which would include grass carp, common carp and a lot of the same fish, but expand criteria. So, instead of listing general sturgeon, we have listed shovelnose sturgeon, because pallid sturgeon is federally endangered and lake sturgeon is on state threatened list. Listing the species would lead to less confusion on what they can target. In 7-1, fishing legal equipment, in section b. It was broken into sections and b and a was the gears and methods that target sportfish, and b is non-sport fish, so remove section b and add to section a; and removed section d and add methods

such as bowfishing, gigging and spearing into section a. In 7-2, fishing general provisions and both sportfish and non-sport fish were referenced. We added a list of fish that can be snagged, as this regulation deals with snagging of paddlefish and non-sport fish at those listed locations, so adding list of species open to snagging and removed reference to sportfish and non-sport fish. In 7-4, possession and processing regulation, we added line, “that common carp and prohibited species may be returned dead to the water from which they were taken”. All other fish would have to follow the processing rules outlined in those regulations. And removed reference to sportfish and non-sport fish. In 18-8, this one specifically listed sportfish, we removed sportfish and non-sport fish where it was listed and added line, “that common carp and prohibited species maybe returned dead to the water from which they were taken”. It had a line that said, “nothing in this subsection shall prohibit the catch and release of live sportfish”. We changed that to read, “nothing in the subsection shall prohibit the catch and release of live fish caught using hook and line, trot, line set line, tip ups, hand fishing, snagging, or float lines”, that excludes bowfishing. There was a study in Oklahoma that showed there is 80% mortality of fish, or higher, that were targeted with bowfishing 72 hours after being shot. We left bowfishing out. Any fish that would be shot with a bow and arrow while bowfishing would have to be taken and follow processing rules outlined.

5. Carcass Movement Regulation – Levi Jaster, big game biologist, presented this update to the Commission (Exhibit T). We are still reviewing this with main focus on intrastate movement. We are making sure we address our needs for our hunters and having conversations with other states on their experience with regulations like these. More to come down the road.

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

- KAR 115-2-3 Camping, utility, and other fees - (Through the approval process and waiting on more commission meetings to be scheduled to be scheduled to publish the Notice of Public Hearing).
- KAR 115-8-1 Public Lands regulations - (Changes to this regulation will no longer be pursued at this time)
- KAR 115-8-26 new Public Lands regulation - At Attorney General’s (AG) office
- KAR 115-4-4 Big game; legal equipment and taking methods – (Waiting on Edits)
- KAR 115-25-8 Elk 25-Series Regulations – (Approved by Attorney General and will move onto Secretary of State in the same way as 2-3).
- KAR 115-25-9a Military Deer Seasons – (Approved by Attorney General and will move onto Secretary of State in the same way as 2-3)
- KAR 115-2-1 Trout Permit Cost – (Waiting on edits, specifically EIS)
- KAR 115-25-14 Fishing regulations – (including reference document) – (At Department of Administration’s Office)

VII. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

Mike Castelli – Questions for Dan. In fall of 2022, Cheyenne Bottoms, which is the largest wetland in North American went bone dry. There are no ducks, geese, sandhill cranes, whooping cranes, shorebirds and no hunters or bird watchers. Do you know of any legislators that have drove to Great Bend or Hoisington to see how people are affected by that? Counsel Riley – No

knowledge of that. Castelli – Do you know of any businesses in that area that went out of business because of no hunters? Counsel Riley – I have no knowledge of that. Castelli – Do you know of any legislators that tried to write up a bill to ensure Cheyenne Bottoms has water and never goes dry again? Like changing water rights or building a water canal from a major reservoir or river to ensure it never went dry again? Counsel Riley – No knowledge of that. Castelli – So basically legislators don't care. All they care about is having a bill in place about economic impact.

VIII. OLD BUSINESS

None

IX. OTHER BUSINESS

A. Future Meeting Locations and Dates

Had discussions on future meetings. The following were chosen.

*October - 3, 10 or 17 – **October 3, Kansas City***

*November – 21st (28th is Thanksgiving) or December 5, **November 21, Wichita***

*January 30 – or earlier (9, 16 r 23) **January 30, Russell***

X. ADJOURNMENT

Chairman Damron – Thanks for everyone that showed up here today.

Adjourned at 4:13 pm.