

**KANSAS DEPARTMENT OF WILDLIFE AND PARKS  
COMMISSION MEETING MINUTES FOR  
Thursday, January 20, 2005  
Memorial Hall Auditorium  
120 SW 10<sup>th</sup>, 2<sup>nd</sup> Floor, Topeka**

Subject to  
Commission  
Approval

**Served BBQ Buffalo lunch at Capitol Building, 2<sup>nd</sup> Floor Rotunda at 11:30 a.m.**

**I. CALL TO ORDER AT 1:30 p.m.**

The January 20, 2005 meeting of the Kansas Department of Wildlife and Parks Commission was called to order by Chairman John Dykes at 1:30 p.m. at Memorial Hall Auditorium, Topeka. Chairman Dykes and Commissioners Jim Harrington, Kelly Johnston, Frank Meyer, Doug Sebelius, and Shari Wilson were present. (Commissioner Fields not present, Jim Harrington appointed by Chairman to serve as Vice Chairman). Called for 15 minute recess for photos with the Governor.

**II. INTRODUCTION OF COMMISSIONERS AND GUESTS**

The Commissioners and Department staff introduced themselves (Attendance roster - Exhibit A). Reconvened at 1:35 p.m.

Chairman Dykes introduced Governor Sebelius.

Governor Sebelius thanked Commissioners for their dedication, their shared love of the land and resources, and promotion of those resources. This is the kickoff of the 100<sup>th</sup> year, the centennial celebration, of KDWP and this will be the year to highlight the accomplishments of the department. She mentioned Secretary Hayden's work forming a sub-cabinet of several groups working together to form a Natural Resources Committee. While in the past these groups may have been in opposition, they are working together through this committee to strategically use resources. The Flint Hills development is one of the things that discussed and for the first time there is money in the budget for land easements. On Saturday, Secretary Hayden and Governor Sebelius will be joining with Ducks Unlimited representatives and a film crew to produce a show on Kansas duck hunting. Gov. Sebelius thanked the Commissioners and the department for a great job.

Chairman Dykes welcomed Representative Terri Huntington, and Jim Huntington, Wildscape Executive Director.

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

Commissioner Frank Meyer presented support of a House Bill sponsored by Representative Ruff removing language requiring KDWP to establish archery management units for deer. **All approved.** Chairman Dykes stated this would be discussed further in the evening agenda. Chris Tymeson – Added KAR 115-25-6 to general discussion, spring turkey season. (Agenda - Exhibit B).

**IV. APPROVAL OF THE October 28, 2004 MEETING MINUTES**

Commissioner Wilson corrected that Commissioner Hall was mentioned in roll call on KAR 115-4-14 and KAR 115-7-1 (instead of Commissioner Meyer). Commissioner Wilson moved to

accept minutes as amended, Commissioner Johnston second. **All approved.** (Minutes - Exhibit C).

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

Mike Stewart, Berryton - A turkey hunter asked Commissioners to consider allowing hunters to hunt more gobblers in the spring season.

Leon Edmunds, Manhattan, stated he was interested in sandhill cranes, but noticed that it is on the agenda. He said he was a bird hunter, but he did it with binoculars. Most states have beautiful nature centers. Kansas has Quivira and Cheyenne Bottoms and he felt a visitor's center was needed. Chairman Dykes said that Secretary Hayden will speak about that later.

Clint Ackerman, Rocky Mountain Elk Foundation (RMEF) stated that RMEF supported Commissioner tags or permits. He felt those big game tags would be a good source of income for organizations like RMEF.

John Moore, El Dorado, said he was interested in premium deer tag -- one tag that could be used during any legal season with legal equipment. Chairman Dykes said the concept had been discussed in the past, but that the commission would consider it.

## **VI. DEPARTMENT REPORT**

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

*Changed order of reports.*

1. Flint Oak Hunter Education Donation - Ray Walton (presentation made in foyer before meeting).

3. Recognition of partners in Aquatic Nuisance Species Plan - Doug Nygren, Fisheries Section Chief, introduced the partners who contributed to the Aquatic Nuisance Species Plan (Exhibit D - Plan, Exhibit E - Letters to sponsors). This plan was formed in an effort to prevent the spread of invasive species and keep others from coming into the state. The Governor approved a position and Jason Goeckler was hired as the aquatic nuisance species coordinator. Nygren then recognized the groups that providing funding and made the position and plan possible: Friends of El Dorado Lake - Casey Smithson, El Dorado State Park Manager accepted this award on behalf of the Friends Group; Joe Werner, senior environmental biologist, Great Plains Energy; Brad Loveless, manager of biology and conservation programs, Chuck Sterbenz, senior vice president of Generation and Marketing and Chuck Hodson, executive director of Safety and Support Services, Westar Energy; and Dan E. Haines, environmental biologist, Wolf Creek Nuclear Operation Corporation (Matt Sunseri and Bob Hammond were also present). Nygren thanked the supporters again, after award plaques were presented by Secretary Hayden and Chairman Dykes.

Chairman Dykes then thanked Jason Goeckler and the people recognized for their commitment to this program.

4. National Wild Turkey Federation check presentation - Brandon Houck, National Wild Turkey Federation (NWTf), presented a check for \$25,650 for habitat partnership projects. Houk

introduced Vance Ralstin, regional director, Americus; Norm Bramlett, treasurer, Topeka; and John Moore, chairman of the board, El Dorado.

7. 2005 Legislation - Chris Tymeson, chief legal counsel presented this report to the Commission (Exhibit F). Tymeson introduced issues staff is working on currently:  
Park funding - Secretary Hayden presented this legislative issue: He mentioned that there are 24 state parks and this is the 50<sup>th</sup> year of the State Park system. A critical issue is that State General Fund support has been reduced over the years. In the late 1990s \$10 million was appropriated for capital improvements (Parks 2000). The health of the general fund is not what it was in the late 1990s, and there have been numerous cuts. In two of the last three years fees have been increased. The first time there was no opposition, but there was a lot of opposition about the last fees increase. The park funding issue was taken to the Governor and the budget director, and the department is proposing what is known as the "Montana Plan". A vehicle registration fee of \$5.00, collected when vehicle registration fees are paid, that would allow all Kansas vehicles to enter the parks free of charge will be proposed. Nonresidents would still have to pay a vehicle entry fee. This would make a little more money than it takes the parks to run. The Local Outdoor Grant Program Fund was terminated in 1999, and this proposal would provide \$1.00 to the Local Outdoor Grant Program Fund, and \$4 to the Park Fee Fund. The proposal also includes a provision for a refund for those who claim they will not use state parks. Montana was worried about that when they implemented it, but only 19 percent claimed. The Governor is in full support. Financially this will be the most important item pursued. Chairman Dykes asked about the time. Tymeson said it had not been introduced yet, but should be tomorrow or Monday. Tymeson's intent is to submit this in the Senate Ways and Means Committee. Doug Phelps, Manhattan, asked when a bill number would be assigned. Tymeson said it would be a couple of days after it is presented.

Wildlife Violator Compact - This proposal would enter the State of Kansas into the Wildlife Violator Compact. Entry into the compact would allow two major enforcement impacts to occur. First, if a violation of wildlife laws occurred, nonresidents from compact states, while in Kansas, and Kansas residents, while in other compact jurisdictions, could be given citations and notices to appear in lieu of bonding out of custody. Alleged violators would be required to comply with the legal proceedings, much the same way traffic citations are handled. Second, Kansas would be required to recognize other state wildlife hunting privilege suspensions and other states in the compact would be required to recognize Kansas suspensions. This would preclude violators from other compact states from coming to Kansas to hunt. Introduction in the Senate Resources Committee was requested today.

Boating Law Updates and New Statutes - This proposal would apply several updates to the boating laws of Kansas based primarily on federal law changes. In addition, several new statutes are proposed to assist the Department in combating the ever increasing crime of vessel theft. Kansas seems to be becoming a dumping ground for stolen vessels.

Fee Fund Protection - This proposal stems from accounting changes implemented by the Division of Budget this past legislative session. In essence, all federal funds were placed into respective accounts for the purpose of tracking federal fund expenditure. The proposed legislation is necessary to avoid a potential diversion issue, should it arise. The language is similar to language for the current fee funds and requires expenditures to be allowed solely for specific purposes. This was presented on Wednesday.

Several other bills have been presented. Hunter Education exemption for military personnel; preventing felons from hunting; The House Wildlife, Parks & Tourism committee is looking at naming park number 24, Park Free State; persons with overdue child support could not purchase permits, which will be in place with new automated licensing system because it is already a federal law; commercialization; archery units; and repeal of archery units. There is one other bill

on Controlled Shooting areas, which would repeal the sunset clause and make the Hunter Education exemption permanent.

2. Kansas Association for Conservation and Environmental Education Award (presentation and picture was done in the foyer before meeting). Commissioner Shari Wilson introduced Kate Grover, president of the Kansas Association for Conservation and Environmental Education (KACEE). KACEE is a statewide organization of over 200 members and 300 individual members across the state. KACEE partners with public and private organizations to provide professional development to formal and non-formal educators using programs such as Project Wild, Project Wild Aquatic, Project Wet and Project Learning Tree. Three curricula provide educators with hands-on conservation and environmental education activities. Each year, at the state annual convention, KACEE presents an award to a Kansas organization that exemplifies dedication, commitment, and influence in the field of conservation and environmental education. Organizations that have received this award in the past are: Kansas Forest Service, Lee Richardson Zoo Education Division, Butler Community College and Butler County Conservation District and Westar Energy. Mike Rader and Roland Stein both nominated the Kansas Department of Wildlife and Parks for the award this year. (Exhibit G - Grover speech and correspondence)

Mike Rader read his nomination. He nominated the Parks Division and Roland nominated the Education Section (Exhibit H - nominations) and the award was given to the department. Chairman Dykes introduced John Strickler, KACEE board member and former acting KDWP Secretary. Commissioner Wilson also introduced other KACEE board members in the audience.

5. Jim Copeland, Outstanding Volunteer Award – Jerry Hover, Parks Division director, presented this award (Exhibit I). Jim has been on the trails advisory board since it was established in 1996. He never missed a meeting and never asked for travel expenses. He also acts as a consultant for many groups that apply for this funding. He is a hiker, biker, and backpacker and has volunteered his services to Rocky Mountain National Park.

6. Luncheon Sponsor Recognition - Chairman Dykes, thanked Audubon of Kansas; Ducks Unlimited; Kansas B.A.S.S. Chapter Federation; Kansas Furharvesters Association; Kanrocks Recreation Association; Kansas Recreation and Park Association; Kansas Sport Hunting Association; Kansas Trails Council; Kansas Walleye Association; Kansas Wildlife Federation; National Wild Turkey Federation; Pheasants Forever; Quail Unlimited; Rocky Mountain Elk Foundation; Safari Club International, Kansas City Chapter; and the Kansas Buffalo Association for sponsoring the luncheon at the Capitol building.

8. FY 2006 Budget - Dick Koerth, assistant secretary for Administration presented this report to the Commission (Exhibit J). The department has received the Governor's FY 2006 Budget Recommendations (GBR). For FY 2005, the governor has recommended expenditures of \$53,198,941, including capital improvement expenditures of \$13,563,833; a State General Fund (SGF) supplemental appropriation of \$300,000 to assist in financing of the Parks program for FY 2005 (due to decreased receipts to the Park Fee Fund, this supplemental appropriation is necessary to continue operations of the state parks); and additional SGF funds of \$49,047 to provide for the KDWP portion of development for Sewage District #4 in Crawford County. For FY 2006, the governor has recommended total expenditures of \$46,145,927 including expenditures of \$5,249,097 for capital improvements. The department had requested SGF financing of \$3,957,619, but the budget only includes \$2,857,538. The GBR provides for continuation of the 406.5 FTE positions recommended for FY 2005. The governor's recommendations include: a 2.5 percent salary increase for all employees; funding for a 27<sup>th</sup> paycheck to be paid by KDWP in FY 2006; funding for KPERS adjustments to be paid by state agencies; and continuation of free hunting and fishing licenses and state park access to eligible members of the Kansas National Guard. As was mentioned to the commission in previous

meetings, the department had requested additional SGF support in FY 2006 to replace funding from the Park Fee Fund not available due to decreased receipts to the fund. This request was not approved by the governor. However, the governor has approved the request of the legislature to establish a vehicle registration fee, which Secretary Hayden has already mentioned, to provide a stable base for funding the Parks program. This legislation will include a \$5.00 fee of which KDWP would receive \$4.00, and the Local Government Outdoor Recreation Grants Program would receive \$1.00. The department had also requested funding for operations of State Park No. 24, \$103,505 and one FTE; operations of the Circle K Ranch, \$290,000 and one FTE; and replacement vehicles, \$957,000. The first two items were not approved and the amount for replacement vehicles was reduced to \$799,500 to be spent after November 1, 2005. The GBR deletes replacement vehicles for state parks pending approval of legislation creating a dedicated funding source for parks operations. The GBR includes capital improvement funding to continue land acquisition, major maintenance projects, and motorboat access. In addition, the governor's recommendations include \$615,000 to begin development of state park no. 24. Chairman Dykes asked if there was funding for the Cheyenne Bottoms Visitor's Center. Koerth said that it was approved in prior years and should be forwarded to the FY 2006 budget.

## **B. General Discussion**

1. Wildscape Projects in the Topeka Area - Jim Huntington, acting Wildscape Executive director, presented this report to the Commission. Wildscape was founded in 1990 with the help and blessing of then Governor Mike Hayden. It is a 501(c)(3) organization with two employees. The biggest project completed was raising \$5 million for the Milford Wetlands. Currently, assisting KDWP with funding for state park cabins is a major project. Four cabins can be built with current funding. Board members met with Ed Hammond from Fort Hays State University and Secretary Hayden last week to discuss the Cheyenne Bottoms project. Chairman Dykes asked about OKKIDS. Huntington said that OKKIDS is now a year-long project and he thanked Bass Pro for their support. This year the Governor's Fishing Classic will be moved to Milford Lake, June 16 and 17.

2. Automated Licenses - Regulations - Karen Beard, Licensing Section chief and Chris Tymeson, chief legal counsel, presented this report to the Commission (Exhibit K, PowerPoint - Exhibit L). Kansas Outdoor Automated Licensing System (KOALS) will allow the department to identify customers and take advantage of new marketing techniques to retain and recruit license buyers. In October of 2003, a licensing committee, with representation from each division, was formed to research all aspects of a new automated system. Other states and companies in the electronic licensing/permitting business were contacted. Six different companies came to KDWP to demonstrate their equipment and software. The contract was awarded to Central Bank of Jefferson City, Mo. in last October. Central Bank, with its subsidiary Automated License Systems (ALS), operates similar automated systems in nine other states including Missouri and Colorado. Besides improving marketing and customer convenience, benefits of the system include: 1) development of a comprehensive database of customers that will improve law enforcement efforts; 2) elimination of printed license and permit books which will generate faster sales and revenue accounting for the department; 3) instant sales and permit counts will create faster collection methods for harvest and survey results; and 4) a large portion of the savings will accrue to license vendors, who will save on bond premiums, postage, and personnel time for remitting licenses and permits. This will be more convenient for KDWP customers, providing one-shop-stop opportunities. Various equipment options will be available at the vendor level ranging from a full set of Point-of-Sale (POS) equipment, (which will read the magnetic strip on driver's licenses and enter the information into the system) furnished by the department, to a simple Internet software connection that can be used by small vendors who choose to supply

their own Internet connection, PC, and printer. The contractor will provide a complete turnkey product with training, support, and setup. The equipment will be financially secure with an Automated Clearing House (ACH) sweep of the vendors' accounts on a weekly basis for collection. The pilot program and vendor equipment roll-out is set for June with full implementation expected by August. In conclusion, licenses will be easier to obtain and more accessible by hunters and anglers and the names and addresses of license buyers are instantly established in a database that provides the agency with greatly improved survey capabilities. The Commission will be voting on an education bill this evening that will allow people to attest to hunter education, which is needed to implement this system. Non-verified permits will be printed with a "N" in front of the number; once a number is verified, the licenses will be printed with a "V" in front of the number and they will never have to show proof again; "A KS ATTEST" will be printed on licenses where the person attests to hunter education, but does not show proof; and "Hunt With Adult" will be printed on the licenses for those under 15 without hunter education. (Exhibit M - showed samples of permits, carcass tags [tie on tag, not adhesive], park permit, and vehicle permit {can turn this into an adhesive display for the window}).

Keith Houghton asked if hunter information would only have to be entered into the once. Beard said that would be the case.

Ed Kliana, Great Bend, asked if the equipment had to be purchased by the vendors. Beard said that existing vendors will have to pay \$100, new vendors will have to pay \$400 (half of the cost of the machine).

Unknown audience asked if customers would be able to print the licenses at home. Beard said the program would allow only one copy to be printed on personal printers. Commissioner Wilson asked about policy regarding giving information to other groups. Tymeson answered that several laws currently protect this information. There is limited access through the open records law.

KAR 115-9-9 will be a new regulation that comes on board to accommodate some of these items.

3. Sandhill Crane Seasons - Helen Hands, wildlife biologist, presented this report to the Commission (Exhibit N, PowerPoint presentation – Exhibit O). Hands provided a history of the sandhill crane season. She has been asked why KDWP allows a sandhill crane season ever since the unfortunate shooting of the whooping cranes in November. Sandhill cranes are migratory game birds defined in the Migratory Bird Treaty Act enacted in 1916. The first sandhill crane season in Kansas was in 1993, (first proposed in 1982, but not approved at that time) in response to growing sandhill crane numbers, increasing crop depredation, and the department's desire to provide hunting opportunity on sandhill cranes. The proposal to establish a sandhill crane season was met with considerable opposition. Concerns included: additional harvest of sandhill crane populations and welfare of subpopulations; accidental kill of endangered whooping cranes and other protected species; and that crane hunters might disturb crane roosts. The cranes in Kansas are from the Mid-Continent population which is estimated to contain 500,000 cranes. The Rocky Mountain population has only about 25,000 cranes. The area open to hunting Mid-Continent sandhill cranes is in the Central Flyway states and all allow hunting except Nebraska. The frameworks are sent out by the USFWS and the Kansas season was set more restrictive than the frameworks allowed. The opening date was selected because data showed that most whooping cranes were out of the area by that time and shooting hours were set from sunrise to 2:00 p.m. to minimize the chance of shooting non-target species. Since 1993 most, if not all, of the concerns about hunter harvest of the Mid-Continent population of sandhill cranes, or any subpopulation, have eased. The hunting area has been expanded three times, in 1995, 1998 and 2003, and the bag limit has also increased from 2 to 3. On average, 440 crane hunters hunt 1,400 days per year and kill about 1,100 cranes. The highest averages of birds are shot in Stafford County, near Quivira, and Barton County, around Cheyenne Bottoms. People who opposed the crane season felt the birds would migrate through the state quicker, but in fact they seem to be staying longer. The major concern of people in opposition was jeopardizing the recovery of whooping cranes. The only population remaining from the historic whooping crane distributions is the Aransas-

Wood Buffalo population. There are two other populations that have been reintroduced, one non-migratory in Florida and one that summers in Wisconsin and winters in Florida, which will not be included in this discussion. Kansas sandhill crane seasons are affected by whooping cranes when they are in the area, by delaying the opening of the sandhill crane season and later shooting hours; voluntary closures of private land; control access via road or land; news releases or personal contact; daytime monitoring of whooping cranes; informal spot closures; and formal closures. Quivira is not open for sandhill crane hunting and when whooping cranes arrive, Quivira is closed to all hunting. Cheyenne Bottoms closes the pool to all activities where whooping cranes are seen. The primary cause of whooping crane death is caused by collisions with power lines, secondary is hunters, with less than 10 percent of deaths being undetermined because the birds are missing. Since 1968, there have been six shooting incidents, killing seven whooping cranes, two involving snow goose hunters, two involving vandals, one violator and one sandhill crane hunters, in half a million days of sandhill crane hunting. Sandhill crane hunting resumed in the Central Flyway in 1961 and during that time, the whooping crane population has increased 450 percent, or 4 percent per year annual growth rate (not the 10 percent I stated in the briefing book). Some of the regulatory options include: delaying opening of hunting season (whooping crane migration has shifted a bit later, if the sandhill crane season opened the second week of November, three-fourths of the birds would have passed through the state); buffer zones (around Quivira and Cheyenne Bottoms); restrict shooting hours further (possibly start at 8:00 a.m. or 9:00 a.m., no data to support this); increase emphasis on contingency plan, but it is labor intensive to monitor whooping crane presence and put up signs if they are present. Like geese and other cranes, they don't necessarily feed in the same fields each day; and increase emphasis on hunter education (this has the greatest potential, we could educate waterfowl and crane hunters, warn hunters of the penalties for shooting a whooping crane and notify hunters through various methods when the birds are in the area). It is critical to consider the long-term implications of any potential action as a result of the unfortunate incident this year. There is no reason to believe that whooping crane numbers will not continue to increase. What will happen when whooping cranes chose new migration "hotspots," or when Quivira NWR and/or Cheyenne Bottoms lack water to provide habitat and the whooping cranes move their migratory rest area south to Oklahoma or north Texas, or east a few miles to the McPherson Wetlands Wildlife Area? It appears that in the long-term it will be necessary for hunters and whooping cranes to coexist. Trying to isolate hunters from whooping cranes doesn't appear to be the best approach over the long-term. The bottom line is that sport hunting will not cause the demise of the whooping crane population or program. Keep in mind the benefits that whooping cranes have derived from hunters. Most wetlands utilized by whooping cranes within their migration corridor are due to the efforts and dollars provided by waterfowl and sandhill crane hunters. Hunting sandhill cranes is important in controlling crop depredation and controlling disease potential. The population is sustainable and hasn't jeopardized the whooping crane population.

Commissioner Johnston asked about the number of whooping cranes missing since 1968, which was 187 -- more than half of the population. Hands said it was not known whether those were been shot.

Chairman Dykes asked about the timing on the prosecution of the shooters. Kevin Jones, Law Enforcement Division director, said that there was only a limited amount of information released. The U.S. Attorney's office will have a news release when they decide on the charges to be filed.

Commissioner Johnston referred back to the slide on Barton and Stafford counties and the department's hypothesizing a buffer zone. He asked if most of the individuals were shot in those two counties. Hands said that location within a county was not available, but that roughly 80 percent of the crane harvest is in those two counties.

Commissioner Wilson asked what could be done to increase awareness of species identification. Hands said that Texas is producing a video on “shoot, don’t shoot” scenarios that could be used. Also, the USFWS has a website that is dedicated to sandhill and whooping cranes. A hunter could be required to go to that site before purchasing a sandhill crane permit. An online class that would be required for hunters to hunt sandhill cranes has also been discussed. Commissioner Wilson asked if photos were available of different species or if information about the legal penalties was made available. Bob Mathews, Information and Education Section chief, said that there are pocket identification guides available but specific penalties are not discussed. Chairman Dykes said he thought he had seen signs at Cheyenne Bottoms with a picture of cranes on them. Hands said she wasn’t sure of those signs but that identification pictures were available on the permits.

Unknown audience member asked about wind generators’ affect the birds. Hands said she wasn’t sure if bird strikes would be an issue with whooping cranes.

Bill Beard, Wichita, said that if only 10 percent of missing birds are accounted for, that could be multiplied nine times for those that are lost. There could have been 63 shot instead of 7, because it’s not known what happened to the other missing birds.

Chairman Dykes asked about whooping cranes’ mortality rate. Hands said it was 5 percent to 7 percent. Chairman Dykes said that some of the missing cranes would be due to natural mortality. Bill Robel, Manhattan, said that mortality of 168 birds includes hatching, fledgling, and everything. Most mortality happens before the birds are fledged.

Dean Stoskopf, Hoisington, said he farms and owns land in the Hoisington area. There was one whooping crane sighting north of the line and it fed on his field until January one year. He said they call if we see them when they are out hunting. On the back of the permit there are diagrams and as far as education goes, if the penalties were printed, that will be all the education needed. The question about wind towers in the Hoisington area was proposed, but hasn’t gone forth because the technology isn’t there yet. He said he has hunted sandhill cranes since the first season and it’s pretty hard to get whooping cranes confused with sandhill cranes. He said that sandhill cranes would figure out where they were safe if buffers were established, causing local crop damage. He said there are a lot of other benefits to sandhill crane season.

Ron Klataske, Audubon of Kansas, first complimented department on its wind tower sighting guidelines. He commented that numbers in the briefing book refer to all whooping cranes, not just the population in our area. The shooting represents a significant loss to the species and loss to the agency’s reputation of stewardship of its resources. Audubon hopes to participate in meetings with KDWP and USFWS, and wants to have a round table meeting bringing in all of the stakeholders. There are many people who would prefer sandhill cranes not be hunted. In spite of this, Audubon is working to seek changes to protect whooping cranes not take away the sandhill crane season. He asked to work together for mutual goals. He said it was a mistake to close areas around refuges to goose hunters; however there are very few people in this room who can tell the difference between sandhill crane and whooping crane silhouettes in dim light. He noted problems in the briefing book paper, but declined to discuss them. He offered to host a trip to the Platt River in Nebraska to view sandhill cranes. He also offered a book with pictures of sandhill cranes. Chairman Dykes asked what the Audubon Society’s view would be if the incident was found to be a violation. Klataske said that there are many violations, but not as serious as whooping cranes. He wanted to minimize the chances for errors. He didn’t want to paint all hunters with the same brush or say that all of the mortality is because of hunting. Audubon has the same goal of protecting whooping cranes. Chairman Dykes asked if Audubon would be in opposition if it was found they shot them just before sunrise. Klataske supported the need to hunt later in the morning and a number of other changes. He didn’t want to fight all of these issues in the media.

Dan Ward, Kansas Wildlife Federation executive director, said KWF had a different opinion that Audubon’s. The trend line on whooping cranes is consistently upward. There has been only one bad day in 11 years. People have said that possibly more of the mortality is due to other bad



days, but as Dr. Robel said, most of the mortality happens before the birds are fledged. KDWP shouldn't jump into a regulatory decision without the facts from the incident.

Mark Robbins, KU Natural History Museum, said it is not just one bad day. He related an incident he witnessed where a hunter jumped up and shot a sandhill crane right next to a whooping crane. If the whooping crane did not take shot, it must have been very close. He supported delaying the season a couple of weeks in that two-county area.

Eugene Young, Kansas Ornithological Society, said he read the report and felt that KDWP should consider changing hours of sandhill crane hunting and delaying the season until after November 20. He also supported closing hunting on private land when whooping cranes were present. He recommended doing more than what is required in the whooping crane contingency plan.

Elizabeth Schultz, Lawrence nature writer, said she was there to speak of the beauty of sandhill cranes and whooping cranes. She asked to do what Nebraska has done and bring cranes to the attention of all people of Kansas. Make it possible for people to see the cranes in flight. They have enhanced their tourist dollars by doing this. She supported a suspension of hunting when whooping cranes are flying through the state. Cranes are revered in other parts of the world and she presented origami whooping cranes for the Commissioners as a memento (also showed scroll from China of cranes, revered as representatives of long life).

Susan Iversen, Jayhawk Audubon Society, Lawrence, thanked the staff and Commissioners for their conservation efforts, and also thanked them for not expanding the prairie chicken season. She said her husband was a hunter, but she felt we needed to step back from our hunting heritage and be stewards of the earth. There are 18 members on their board and all feel the legal hunting of sandhill cranes should be stopped. It is not good science to base a season on seven known instances, some of the others probably were shot also. Four hundred and fifty percent is only 180 birds, but one bad storm in Texas could wipe out that whole population. Changes of season would be very difficult. She recommended regarding the appraisal with a critical eye and protecting the cranes.

Tim Keenan, Great Bend, said he was a sandhill crane hunter and thought KDWP should make a decision on facts, not emotion. Don't single out Kansans, look for federal guidance on this issue; they supported this when we adopted this in 1993. There are big populations in the Big Salt Marsh and some farmers have purchased propane cannons to help with depredation problems. Chairman Dykes asked if he wanted the sandhill crane season to remain as it was. Keenan said he did, at least until we know what happened. Crane hunters are ethical hunters.

Steve Swaffar, Kansas Farm Bureau, said the decision made should be on science and you should look at crop production and depredation. Farmers in that area said that many of the birds in that area are destroying their crops. FB would like to see you keep the season.

Doug Harter, Marshland, Great Bend, said he was a vendor in Great Bend and estimated he sold half of all crane permits purchased. He said hunters are not barbarians, they are conservationists also, and also enjoy viewing wildlife. Sandhill crane hunting is a large economic boon in the area. Buffers would hurt and shortening the season would make it so that hunters do not have as many days in the field.

Rex Marshall, Lyons, said he also had a small business that would be hurt if crane hunting was taken away. The economic impact is small compared to the eastern part of the state, but is large to us. He said he was a hunter, enjoyed scenery, camaraderie of friends and was going to begin taking a camera with him. He believed public education, hunter education and public service announcements would help with a minimum amount of money. He recommended keeping the season as it is.

Jake Stremel, Great Bend, said he was a waterfowl hunter and that the main reason crane season opened was because of crop depredation. The birds dig out the roots of crops. They don't just eat the plants.

Ed Kliana, Great Bend, said he was a hunter and also a bird watcher. He has hunted both Quivira and Cheyenne Bottoms and has only seen one whooping crane and it was over a mile away. Even at that distance he can tell the difference. He added that the lifespan of a crane is about 20 years. Stan Christiansen, Hudson, commented that whooping cranes were shot about three-quarters of a mile from his house. He found the first bird and his neighbor found the second one. There were three of us out hunting earlier that day and those three whooping cranes were not hanging around the sandhill crane. They were off by themselves. The current regulations should suffice. Hunting cranes is a whole new dimension of hunting waterfowl.

Joe Barkowski, Wichita Zoo's curator of birds, said that there only about 200 whooping cranes, total. An increase of these animals is very important and every one that is lost is also very important. Inconsequential is a bad word.

Unknown audience member asked if there was a standing reward open right now for information of someone shooting cranes. Hands said she didn't know.

Commissioner Johnston commented that the season opener of the first weekend in November was chosen in 1993 to avoid the greatest number of whooping cranes which were in the state. Current information indicates that the migration is getting later and recommended backing up the opening day of the crane season accordingly. Chairman Dykes said that this was a discussion item and there will be other opportunities for discussion. He recommended waiting to see what happens with this case.

Commissioner Meyer thanked everyone that sent him emails and staff that put together this report. He wanted to avoid taking a knee-jerk reaction to this incident. Staff has done a good job taking a look at all sides. He said his father used to complain about feeding the wildlife, and he respected what this economic loss can do to farmers. He supported studying to ensure doing the right thing, and starting the education process. Hunters have always been taught that before they pull the trigger, they need to make sure of what they are looking at. More law enforcement may be required.

Commissioner Sebelius said he echoed what Commissioner Johnston said, but he also wanted to know more facts before action was taken.

4. Comprehensive Wildlife Conservation Plan - Ken Brunson, wildlife diversity coordinator, and Laurie Yasui, planner, presented this report to the Commission (Exhibit Q). At the last meeting, Brunson gave an update. This year, Kansas will receive about \$800,000. Since that report, a session at the Fish and Wildlife Divisional Meeting has been scheduled for early February, to obtain in-house input. A Summit of Experts is planned for February 22 and 23 to gather input from the scientific community, interested organizations and constituents, and an e-mail announcement has been sent out. The species list has been posted on the internet, along with two reference documents. A habitat list has also been developed. A questionnaire on life history of Kansas wildlife has been distributed, and results will be compiled before the February meetings. For the list on the internet go to our agency website and there is a hotlink button that appears on the main page, called "Wildlife Conservation Plan (CWCP)".

Laura Downey, executive director, KACEE - Encouraged making education an important part of this plan on behalf of the KACEE board members. Only about 32 percent of the general public is well-informed about environmental issues. Another important point is the matching funds required. KACEE could partially help make that match. She thanked KDWP for its support. (Exhibit R - support handout from KACEE).

John Strickler, Manhattan, said he serves on the KACEE board, but spoke on behalf of Natural Resource Legacy Alliance. He was the acting Secretary for KDWP, but his actual background is in forestry. He supported a better education program that helps the public understand why KDWP makes the decisions it does. All agency heads are in the Alliance, and so far it has had two public hearings, heard many issues, and it was obvious that there was a great deal of interest, but there was one consistent theme -- the need for better information for the public. Progress is

being made. The department does an excellent job with limited resources in terms of education. He said the Alliance would like to see a strengthened education plan in this Comprehensive Wildlife Conservation Plan (Exhibit S).

Brunson stated that adding education into the plan was a welcome suggestion, and that staff was disappointed that education was taken out of the plan in 2002. They are currently working to fix that nationally, but education would be included in the state plan.

5. Operation Game Thief/reward systems - Kevin Jones, Law Enforcement Division director presented this report to the Commission (Exhibit T). The Operation Game Thief (OGT) Program was started in September, 1984. The OGT hotline allows sportsmen to call a toll-free number to report violations. The first full year of operation was 1985 and there were 195 wildlife violations reported. In 1989, when the Kansas Fish and Game Commission and the Park and Resources Authority were merged to form the Kansas Department of Wildlife and Parks, the name was changed to Outdoor Alert to encompass vandalism and theft in the state parks. From the start of the program until 1999, the toll free number was answered at the Pratt Operations office by Law Enforcement division during regular business hours. On weekends, holidays and at night, a recording gave a second toll-free number which was answered by the Kansas Highway Patrol in the Wichita dispatch office. In 1999, the Kansas Highway Patrol changed their dispatch to a statewide center located in Salina and eliminated the dispatch center in Wichita. There was a period in December, 1999 when the program was inoperable. In January 2000, the name was changed back to Operation Game Thief and a new toll-free number was instituted, is answered at the Pratt Operations office by Law Enforcement Division during regular business hours and is transferred to an answering service on weekends, holidays and at night. During the first few years of OGT, about 200 wildlife violations were reported annually. The number of calls reporting violations dropped in the late 1990s to around 125 a year and has remained relatively steady at that level. About 25 percent of the reports have resulted in enforcement action. In 2004, there were 1,525 calls to the toll free number, with 9 percent or 151, being wildlife violation reports. The remaining 91 percent or 1,403 calls were general requests for department and wildlife information. In April 2004, a form was added to the department web page to allow wildlife violations to be reported online. There were eight wildlife violations reported and three forms with comments, but no violation. Current problems include: night and weekend calls go to answering service not trained as LE dispatch (some states train and use volunteers to answer phone, usually in metro areas); no statewide radio communications, must rely on county dispatchers and cell phones; and limited funds available in department budget. Options include: 1) Private group sponsor -- advantages: less load on department personnel; donations can be tax-deductible depending on the group sponsor; (a non-profit corporation under Section 501 (c) (3) of the Internal Revenue Code); and less likely to be viewed as conflict of interest or as coerced information by public and prosecutors if a private group. Disadvantages: problem of holding volunteer interest over time; may become more work for department personnel as interest wanes in sponsoring group; funding dependent on activities of sponsoring group; and less control over focus and direction of program. 2) Department program -- advantages: accountability of funds; ability to keep program focused on department goals; some funding sources not available to private group; (Court Ordered Restitution and license and permit check-box). Disadvantages: time and manpower needs; expenditure of department funds; and possible mistrust of government by potential callers. 3) Possible funding and reward sources include: volunteer fundraising (Texas has a large program); membership and sales such as prints, signs, cups, etc.;

private and corporate donations; court ordered restitution; check box on licenses and permits; or civil court assessment. 4) Rewards given will be paid only if the informant states that a reward is desired prior to any investigation. Many callers refuse reward. Would need to have a schedule with set amounts: Colorado provides \$100 in most cases; Big game and endangered species -- \$250 (on a case-by-case basis); or board may approve larger reward in flagrant violations. Board or program director would determine: minimum rewards (most states \$25-50, some minimums \$100 or higher); and maximum reward amount would have to be set by the board (usually \$1,000-1,500). Set criteria for reward: case filed with arrest or citation issued (most states) or when conviction is obtained (some states). 5) How rewards are issued: a code number is assigned to the callers during initial call and the caller is told when to call back to find out the result of their tip. Reward payments can be made in untraceable bank money orders or in cash and delivered as arranged with caller.

Chairman Dykes asked how many states offered rewards. Jones guessed most of the states probably have some type of reward system. A key component of law enforcement is information. However, the validity of the information must be considered if people are receiving a monetary award.

Marvin Whitehead, Kansas Bowhunters Association, said the KBA gives a \$250 reward on big game violations. NWTF has a similar program. KBA has given out two rewards this year, but a lot of the conservation officers don't know about the program. NWTF gives up to \$500 a year. The KBA gives \$250 no matter how many instances there are. Chairman Dykes commented that poaching was as bad as it has ever been and if this would help the Commission is interested. Commissioner Johnston urged the department to have some type of program and offer a reward for someone who helps get a conviction, not necessarily a phone number. The KBA can send the money to the CO if the person wants to remain anonymous. Jones said he was not sure all officers knew about these programs. Chairman Dykes said this could be a start. A lot of organizations start this type of thing for a fundraiser.

Unknown audience member asked if there was a way to do something after the conviction. He knew of several instances where the person was convicted, but nothing happened to him after the instance. He wondered where the punishment was. He also mentioned the Smith County attorney that was encouraging people to poach. Jones said that the legislature sets guidelines, but the judge has the ability to issue the penalty. That is a big issue that needs to be addressed. Bonding fees, as set by state statute, were adjusted a couple of meetings ago. KDWP will try to implement higher bonding amounts.

Commissioner Sebelius said most judges were cooperative. The area mentioned (Smith County) is in Sebelius' area and the judges met about a year ago. Most of those judges hand out pretty stiff fines. Local judges should be encouraged to take away hunting privileges, etc.

Bob Robel, Manhattan, said there has been an effort by sportsmen's clubs to address this very situation. They are making plans to get the county prosecutors to boost the fines. He felt something would come out of this soon.

Doug Phelps, Manhattan, said the KBA has a program that is marginally successful and so does the NWTF and most organizations in the state probably do. It would be great if these programs could corroborate with the department. Chairman Dykes said he thought that was a great idea -- to form a consortium and have the Kansas Wildlife Federation handle take the lead. The department would have a lot of complications in offering rewards to individuals. Phelps suggested that COs could set up the program and review and disperse it. Chairman Dykes said he thought Kelly's idea was a really good one. Conservation officers need know that these programs are out there. Jones suggested that KDWP look at other states to pattern a program after. He recommended meeting with organizations and coming back with a report. Regarding the question in the crane report about the reward, John Brooks, with the USFWS stated that there are rewards.

6. KAR 115-5-4. Nonresident bobcat hunting permit; tagging, disposal, legal equipment, shooting hours, and general provisions - Revenue Task Force Recommendation - Kevin Jones, Law Enforcement Division director, presented this report to the Commission (Exhibit U). The proposed regulation would create a nonresident bobcat hunting permit. The permit would allow the harvest of one bobcat per permit by hunting methods, which generally include firearms and archery equipment, calls, lures, baits and decoys. The use of trapping equipment or dogs would not be allowed under this permit. The season for the taking of bobcat would be the same as the regular furharvesting season, starting on the first Wednesday after the second Saturday of November and ending at the close of legal hours on February 15. The legal hours for taking bobcat under this permit will be from one-half hour before sunrise to one-half hour after sunset. The cost of the permit will be \$100 plus appropriate issuance and service fees. Any bobcat harvested under this permit would be required to be tagged with a carcass coupon prior to leaving the site of kill and would allow one bobcat to be taken. The carcass tag would remain attached to the bobcat carcass or pelt until such time as it is presented to the department for tagging with a CITES export tag. The bobcat must be tagged by the department within seven days of harvest, as required by the existing furharvesting regulations. Any bobcat carcass or pelt could be given to another person by a written notice of donation. If a raw pelt was to be sold it could only be sold in Kansas to a licensed furdealer.

Chairman Dykes asked if there was any interest in this. Jones said he didn't know the numbers. Chairman Dykes asked if hunters would be the permit if it was available. Jones said it was possible.

Jim Call, Hutchinson, said there were so many bobcats that a season like this was needed.

Unknown audience member said he would like to have a reduced license for residents as well as nonresidents.

Dan Kvacik said there were less than 6,000 bobcats taken each year.

Dustin Kvacik said he felt most of these permits would be bought after the fact.

W.R. Brecheisen, Chanute, said that with less than 6,000 bobcats taken last year, he didn't think that KDWP could really make any income from this.

John Moore, El Dorado, asked if high powered rifle hunting was allowed under this. Jones said it was. Moore asked about turkey hunters that are out there at the same time. Jones said this season would be during legal furharvesting seasons.

7. KAR 115-11-1. Controlled shooting areas; license application, issuance priority, and reporting - Kevin Jones, Law Enforcement Division director presented this report to the Commission (Exhibit V). This issue has been discussed with Kansas Sporthunting Association and Controlled Shooting Areas (CSA). This item recommends the revision of the reporting requirements for Controlled Shooting Areas. The current regulation requires the recording of daily bird releases by CSA operators. It is recommended that this provision be changed to allow the reporting of bird releases over a less specific timeframe. The regulation concerning CSAs requires operators to release a number of birds that is equal to or exceeding the total number of birds harvested during the operation's season. The current regulation prescribing the reporting requirements mandates that bird releases be recorded on a daily basis. If enacted, the proposed change would allow the release report to cover a longer period of time. By allowing reporting over a longer time period, the objective of the regulatory requirement could be met while simplifying the reporting process.

*Added to agenda.*

KAR 115-25-6. Chris Tymeson - This regulation has a provision for a youth turkey season, and states that youth hunt with a 20-year-old. That was changed in hunter education one week after this was passed, to allow them to hunt with an 18-year-old. Staff suggests that same change be made in this regulation.

### C. Workshop Session

1. KAR 115-4-2. Big game; general provisions - Lloyd Fox, wildlife research biologist, presented this report to the Commission (Exhibit W). Wild turkeys are no longer classified as a big game species (Senate Bill 363). It is recommended that changes be made to this regulation to refer to "big game species and wild turkey" wherever the phrase "big game species" currently is used. The following changes are also recommended to address automated changes: 1) add a requirement for the hunter to include a time of kill and county on the carcass tag when the hunter signs the tag (The carcass tag will be printed with a bold warning on the signature line indicating; "DO NOT SIGN UNTIL KILL HAS BEEN MADE"); 2) identification procedures for wild turkey shall be revised; and 3) a new regulation shall be written to address automated licensing procedures.

2. KAR 115-4-4. Big game; legal equipment and taking methods - Lloyd Fox, wildlife research biologist, presented this report to the Commission (Exhibit X). Remove all references to turkey which is now covered under 115-4-8. Turkey will be added to a new regulation dealing with equipment for hunting turkey. It is recommended that section (d)(1) be changed from KAR 115-4-12 to KAR 115-4-2, to correct a printing error.

3. KAR 115-4-13. Deer permits; descriptions and restrictions - Lloyd Fox, wildlife research biologist, presented this report to the Commission (Exhibit Y). The regulation contains the following items: 1) creates permit types that include: a white-tailed deer, either-sex permit valid during muzzleloader and firearms seasons; a white-tailed deer antlerless-only permit valid during any season with the appropriate equipment; an antlerless white-tailed deer game tag; firearm any-deer permit; archery any-deer permit; muzzleloader any-deer permit; leftover any-deer permits; hunt-own-land (HOL) permits, including resident HOL, nonresident HOL, and special HOL transferable permits; 2) nonresident deer permits shall be valid for the same season and same management unit as those for which the equivalent resident permits are valid; each deer permit or game tag shall be valid only for the species and antler category specified on the permit or game tag; and 3) antlerless deer are defined as a deer without a visible antler plainly protruding from the skull. Commissioner Wilson asked about the differences between white-tailed and mule deer. Fox said that year, once again, a review of this regulation has been requested, with an eye for potentially creating a mule deer-only permit. Clarification is necessary for the archery white-tailed deer permit issued to nonresident archers. It is recommended that a section be added to this regulation for an archery white-tailed deer permit to conform to current practices. It is proposed that a review will occur this year on the issue of separate management systems for mule deer and white-tailed deer.

4. KAR 115-25-9. Deer; open season, bag limit and permits - Lloyd Fox, wildlife research biologist, presented this report to the Commission (Exhibit Z). Season dates for the 2005-2006 deer hunting are recommended as follows: Early Muzzleloader - September 10, 2005 to September 23, 2005; Youth and Disability - September 24, 2005 to September 25, 2005; Archery - October 1, 2005 to December 31, 2005 (because of military seasons – by running season clear through archers could hunt clear through, but would be required to wear blaze orange during firearms season); Early Firearms (DMU 19) - October 15, 2005 to October 23, 2005; Regular Firearms - November 30, 2005 to December 11, 2005; Extended Whitetail-antlerless-only season for eight days (plan to drop more units and drop some of the special seasons and hopefully cut down on the confusion) - January 1, 2006 to January 8, 2006; and Extended Archery (DMU 19) January 9, 2006 to January 31, 2006. The recommendation for the have game deadline for applications is: Nonresident - May 31, 2005; Resident - July 15, 2005; and Unlimited permits - December 30, 2005. Section (a)(1)(B) will need to be changed from statewide to two archery unit(s) designated on the permit and DMU 19. This will come back in April for vote. Game tag

numbers will be available. Another suggestion is to require a hunter to get an antlered deer permit before they can get an antlerless deer permit.

Chairman Dykes asked about opening the DMU 19 season in the middle of the month. Fox said that it hadn't been considered. Commissioner Johnston asked about renewing the change on allowing people to hunt the units surrounding DMU 19. Fox said this allows hunters to fill their permit in the surrounding area the same as last year. Commissioner Johnston said he thought this unit was created because of populations on the highway and wondered if that information was still being gathered. Fox said information was being compiled on a county-by-county basis. Last year was the first year for DMU 19, and had the highest deer density in the state. Commissioner Johnston asked if the population was still so high that it has to be repeated. Fox said he would compile that information and get that back to the Commission. Staff has also been working on an indices of all of the accidents that happened in January and February of last year. Commissioner Johnston asked if the deer/accident report would separate the city from the country. Fox said it was county-wide only.

Unknown audience member said deer/vehicle accidents should be the only thin used, and wondered if anything else was used. Fox said hunter report cards were also used.

Michael Pearce, Wichita Eagle, asked if reducing the number of units was being considered. Fox said it was not being considered at this time. Data is being reviewed unit by unit and input from department staff will also be considered. Permit numbers for units will be available in April.

Unknown audience member said that the longer the January season runs the more bucks that are killed. Fox pointed to KAR 115-25-10, noting that there has been late seasons in the Chautauqua Hills since 1988, along with mandatory check stations. When there weren't check stations, staff did meat locker inspections. Hunter report cards were also used to gather data, and all information says that few adult males area taken during January seasons.

5. KAR 115-25-10. Deer; special southeast firearms season, bag limit, game tags, application, and hunter reporting requirements - Lloyd Fox, wildlife research biologist, presented this report to the Commission (Exhibit AA). Last year problems were addressed in a small area. This allowed hunters to buy a game tag for \$11.00 and they had the whole month of January to hunt. This season did not generate hunting pressure at all, and the results have been discouraging. Of 385 game tags authorized (350 for residents and 35 for nonresidents), only 219 people applied for a game tag last year, and so far only 161 have applied for a special game tag for the 2005 season. This regulation allowed for a potential harvest of 1,540 deer. Typically the hunter success in DMU 12 is approximately 50 percent and therefore a harvest of 600 to 800 deer was expected. However, hunters harvested only 75 deer during the 2004 season. Public input is desired on the regulation for this season. The staff recommendation is to discontinue this season and recommend that the whole unit be open for only eight days.

Dave Easton, Manhattan, asked if the low participation and low harvest was because the land is locked up and hunters don't have a place to hunt. Fox said that access was restricted and people have a tendency to protect their deer. Hunters and landowners control the deer populations in that area. Land values in that area are also influenced by whether they have deer or not.

6. KAR 115-4-4a. Wild turkey; legal equipment and taking methods - Roger Applegate, wildlife research biologist, presented this report to the Commission (Exhibit BB). These turkey regulations are provided as a result of KSA 32-701 as amended by the legislature to remove wild turkey from the designation of big game. Provisions for wild turkey have been taken from KAR 115-4-4 to establish this regulation specifically for wild turkey. A detailed regulation will be presented later.

7. KAR 115-25-5. Turkey; fall season, bag limit and permits - Roger Applegate, wildlife research biologist, presented this report to the Commission (Exhibit CC). This recommendation

is to continue turkey season through firearms deer season, with no split. Work is under way to develop the necessary regulation(s) to implement the provisions of this statute which is effective January 1, 2005. Chairman Dykes asked if turkey hunters would be required to wear blaze orange during deer season. Applegate said they would be. Chairman Dykes asked if a conflict would occur between deer hunters and turkey hunters. Applegate said that while fall turkey hunters have increased from 5,000 to about 7,000, there is enough land available for turkey and deer hunters with minimal conflict, because there are only 7,000 people in  $\frac{3}{4}$  of the state. This would have to be monitored because there are no examples to draw from. Chairman Dykes said he had reservations about that because of the safety element.

Commissioner Johnston, Commissioner Meyer and Commissioner Wilson agreed with Chairman Dykes.

Doug Phelps, Manhattan, asked about problems for law enforcement with people with bows and shotguns at the same time?

Dan Ward, Kansas Wildlife Federation, said that Spencer Tomb asked him to read a letter, but because of the time he made a summary (handed out KWF summary and memo from Spencer Tomb – Exhibit DD).

Unknown audience member asked if deer and turkey hunting would be allowed on Fort Riley. Norman Bramlett, Grantville, said he didn't want to be out there hunting during deer season and have someone shoot at his decoy.

Dan Ward brought up the incident where the boy was shot by his brother when he was trying to sneak up on him. The same could happen here.

John Moore, NWTF, said his organization opposed this recommendation. NWTF members agree that it is best to step aside and let the deer hunters have their 12 days. Kansas turkey hunters already have the 12<sup>th</sup> longest season of 48 states that have a season. Wearing blaze orange in turkey season would also be counter-productive. Chairman Dykes asked if NWTF wanted the Commission to drop that part of this that allows turkey hunting during the deer season. Moore said they didn't want turkey hunting during any rifle season. Commissioner Johnston said that the special January antlerless deer season ends Jan. 8, then the turkey season could open, January 9 through 31, picking up 3 weeks.

8. KAR 115-25-7. Antelope; open season, bag limit and permits - Matt Peek, wildlife research biologist, presented this report to the Commission (Exhibit EE). There is a possibility of reopening archery season after closing the firearms season. There has been a nine-day archery season since 1985, unlimited permits since 1990. Success rates are low, less than 15 percent and impact is limited. Peek asked for guidance from the Commission on this suggestion. Chairman Dykes asked if the proposed archery dates were September 24 to October 2. Peek said that would be with no change. This proposal would reopen the season on October 15 and run it through the end of the month. The structure would be the same as in the past. (Exhibit FF – Antelope Survey Results).

9. KAR 115-25-8. Elk; open season, bag limit and permits - Matt Peek, wildlife research biologist, presented this report to the Commission (Exhibit GG). Permit recommendations will be presented at the next meeting. The proposed season dates outside the boundaries of Fort Riley are: September 1, 2005 through September 30, 2005 for the muzzleloader season, October 1, 2005 through November 29, 2005, and December 12-31, 2005, for the archery season; and November 30, 2005 through December 11, 2005, and January 1, 2006 through March 15, 2006 for the firearms seasons. The proposed season dates on Fort Riley are: a) October 1, 2005 through December 31, 2005 for the firearms seasons with one-third of the antlerless-only permits valid during each of the following segments - First segment: October 1, 2005 through October 31, 2005; Second segment: November 1, 2005 through November 30, 2005; and Third segment: December 1, 2005 through December 31, 2005. b) October 1, 2005 through December 31, 2005 for a firearms season for all holders of any-elk permits. Limited-draw permit allocations will be determined closer to the completion of the ongoing 2004-2005 season. Elk permits will be



available only to Kansas residents. The proposal is to separate applications into military and nonmilitary applicants, as has been done in the past. An unlimited number of hunt-own-land antlerless-only elk permits are recommended. The bag limit shall be one elk as specified on the permit. It is recommended that the application deadline for elk permits be similar to the 2003 period. The corresponding date would be July 15, 2005. Hunt-own-land permits would be available through the next to last day of the season.

**VII. RECESS AT 6:00 p.m.**

**VIII. RECONVENE AT 7:00 p.m.**

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

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

**XI. DEPARTMENT REPORT**

**C. Workshop Session (continued)**

10. KAR 115-18-10. Importation and possession of certain wildlife; prohibition, permit requirement and restrictions - state law action pertaining to exotic cat ownership and proposal to add New Zealand mud snail to prohibited species list - Kevin Jones, Law Enforcement Division director, presented this report to the Commission (Exhibit HH). There are two issues within this regulation to be covered. The first one is to add the New Zealand mudsnail, an invasive species that has the potential to significantly alter the aquatic ecosystem in Kansas, to the prohibited species list in this regulation. The department currently lacks the authority to restrict the importation, possession, or release. This species was discovered in North America in 1987 and has rapidly spread throughout the western United States. These snails degrade habitat with their high reproductive capacity, and reductions in insect species could diminish the availability of this critical food source. This will be voted on at the next Commission meeting.

The second issue is the state law pertaining to exotic cat ownership (Exhibit II – PowerPoint presentation). At the January 2004 Commission meeting the department was directed to review and make recommendations concerning the ownership and possession of large cats, shortly after the passage of the Captive Wildlife Safety Act by Congress and concerns expressed by local government entities and general public. Several meetings have occurred between the department, the Governor’s Office, the Secretary of State’s office, other governmental agencies, zoological facilities and private citizens. It is recommended that KAR 115-18-10 be changed as follows: 1) The list of animals that are prohibited from importation, possession or release in the state be expanded to include: lions, tigers, leopards, jaguars, cheetahs, and mountain lions, or any hybrid of these animals; all bears; and wolves. 2) Upon enactment, importation into Kansas for permanent possession would be prohibited except as authorized by importation or possession permit, or exempt status. Transportation through the state by parties authorized under the Captive Wildlife Safety Act would be allowed. 3) Animals in possession on or after January 1, 2006 shall be held in accordance to a possession permit. Possession permit would be valid for the life of animal; animal would have to be identified by tattoo, tag, microchip or other identification marker; transfer of ownership must be to other permitted or exempt parties and authorized prior to transfer; and no breeding would be allowed after January 1, 2006. 4) An application for possession would require: location and description of holding facility; escape and recapture plans; proof of ownership; and written proof of required authorizations by local governing entity. 5) Possession permits would limit the possession of an animal to: the permitted facility; require

confinement or control of animal at all times; and off-site transportation for veterinary care or permanent transfer. 6) Applications or permits are subject to refusal, suspension or revocation if: information is false or incomplete; permit is not in the best interest of the public or natural resources of the state; failure to meet or violations of permit requirements; conflict with other federal, state or local law, rule or ordinance; animal's welfare is jeopardized; or inadequate facilities. 7) Any animal intentionally released into the wild or that escapes and is not recaptured in three days would be considered feral and subject to the Secretary's order to collect and remove the animal from the lands or waters of the state. 8) Exemptions: zoos as defined in regulation; sanctuaries, as defined; circuses, operating in state on limited basis; colleges or universities for scientific purposes; or veterinarians providing medical treatment. In addition to these changes to KAR 115-18-10, the following regulations would be affected as follows: KAR 115-20-3 would be repealed and the necessary provisions added to KAR 115-18-10; and KAR 115-20-4 would be repealed because the possession permit requirements for mountain lions, bears and wolves would be completely covered in KAR 115-18-10. KAR 115-12-3 would be revised to remove mountain lions, bears and wolves from game breeder requirements. KAR 115-1-1 would include the definition of "zoos"- "Facilities operated by municipalities and other government agencies; Private facilities accredited by the American Zoo and Aquarium Association"; and "sanctuaries" - "A facility holding a 501(c)(3) nonprofit status; is operated as a place of refuge for abused, neglected, unwanted, impounded, abandoned, orphaned, or displaced wildlife; does not conduct any commercial activity with subject wildlife; does not show or display the wildlife; does not breed subject wildlife, except as an integral part of the species survival plan of the American Zoo and Aquarium Association". Chairman Dykes asked if this regulation would cover large cats, wolves and bears and any hybrid. Jones said it would include hybrid cat species, but not hybrid wolves. Steve Schwarm, attorney, Topeka, represented several groups and said his clients felt it was appropriate to bring forth details and enforcement. He asked the commission what the background was for the statute and what was to be accomplished by the regulation. The overview seems to be a ban of selected animals. The animals can be permitted for their life, but as they die out can not be bred, but housed only. "Puppy mills" have regulations and standards in place. This regulation has recognition for public zoos and sanctuaries, but not private individuals. He asked if the agency was willing to turn this over to a private organization. If an animal escapes from a zoo there is the same safety issue. Chairman Dykes clarified that Schwarm was looking at the technical use of the language, indicating that these issues should be taken up with the person who drafted the language Schwarm said that this can be resolved in working with legal counsel and that these issues lead up to asking for a task force or working group to work out these issues. Chairman Dykes commented that this was not the first time this issue has been discussed. Jones said that this was the first time he'd heard of these issues. Schwarm said his clients wanted to bring their issues together collectively. Chairman Dykes said he didn't think this is going to help decide those issues. He asked Schwarm to get with Jones and Tymeson and to work something out. Dykes asked Tymeson if language was drafted. Tymeson said he needed direction before he could write the proper language.

Lynn Culver said he was at the October meeting and was representing the Feline Conservation Federation (FCF). Information has been emailed to Commissioners (Exhibit JJ). The FCF is concerned with preserving captive gene pools. The Captive Wildlife Safety Act seems to be driving this regulation, but there are no provisions to allow Class C USDA exhibitors. Maybe there is a fear of captive breeding. The FCF prefers including, not prohibit, breeding, exhibiting and educational display of these animals. Chairman Dykes said the department has heard this and has decided to exclude that language. Culver said breeders have different gene pools than zoos. The FCF wants the department to come up with a permit system to allow captive breeding. Irene Satterfield, Olathe, said she took the regulations and modified them for Kansas (Exhibit KK). She provided software she built to handle permits and licenses. She volunteered to help manage the data, inspect the facilities and get the best solution.

Vicky Harvey, said she understood that primates had been taken out of this regulation, however, she had over 500 petitions signed by residents of Kansas. These people are against total bans of

anything and they want to be able to have these animals displaced. They want to see regulations. Improper delegation to a non-government agency as part of it's standard. This can be resolved in working with legal counsel. It is impossible for the private owner to keep up with ASA regulations. This can be resolved in working with legal counsel guidelines. She asked the Commission to reconsider regulating and not banning. Caging is very important; owners don't want any escapes, either. Fines can be imposed, permits, etc. that would fund this program. Scott Shoemaker, Sunset Zoo represented the zoos of Kansas, and spoke in support of the proposal. Zoos have concerns about habitat and escapes. There is almost no conservation value of these privately owned animals. Zoos get calls all the time from people wanting the zoos to take in animals. AZA standards are rigorous for a reason.

Linda Sloan, Topeka, said she was not with an organization, but was a business woman. She asked Commissioner if any had been to one of the sanctuaries. (Dr. Harrington said he had.) Most of these people take care of these animals. She said she didn't understand what the whole problem was, and encouraged Commissioners to visit one before they made a decision.

Schane Anderson, Sedgwick County Zoo, said that accredited zoos and educational organizations do not feel that using the animals for educational purposes, as they are being used, is right. He didn't feel this ban will hurt the education.

Staci Williams, owns Lightning Ranch, a sanctuary, which provides programs for Girl Scouts of America and several other groups, as well as homes for displaced animals. Sanctuaries cannot be accredited under the Zoological Association.

Chairman Dykes asked about the AZA standards. Jones said that it allowed zoos only.

Scott Shoemaker said that sanctuaries could be accredited as related facilities. Williams - ASA allows educational, but displaced animals. Commissioner Johnston - Do you do breeding?

Williams said they did not, but they had an exhibitor license.

Ryan Gucker, Sunset Zoo, said that ASA does not allow breeding. He didn't object to sanctuaries taking in animals, but did object to breeding.

Matt Baker said he was against banning and thought that personal freedom has to come into this. He asked what the problem was that big cats had to be forced into into extinction. Jones said the Captive Wildlife Safety Act does have some bearing. The department has had calls from counties and municipalities asking it to control these animals. This has been generated over a course of time and several areas have already banned animals and the department has been asked to do this on a statewide basis. Baker said that most of the counties are small rural communities. Because they ban them out of sheer ignorance doesn't mean that the department should ban them. He compared the people killed in car accidents and asked who many were killed by big cats. He admitted that there are bad animal owners. But he said driving isn't banned because of drunk drivers. Enforcement needs to be stepped up. He asked for clarification that under this proposal that private ownership would not exist by 2010. He said he had traded bloodlines and shipped animals overseas and contributed to a gene pool or a zoo that hopefully was good. Commissioner Meyer said his concern is not for the people, but for the cats. He said he appreciated all of the information that he'd received. There are animals that are being abused, but sanctuaries are needed for these animals. He referred to people talking about cages made out of sucker rod, which he said he would never weld with. He said with those materials some cats could get free with a good swipe of their paw. Baker shared Meyer's concern, and said he could point out two or three unsafe places within driving distance of his home. He said he attended the feline husbandry course taught by the Feline Conservation Federation, which addressed these issues. There are good responsible people out there. He said he would be happy to meet whatever standards the department set out, but didn't want to see a ban on all private ownership. Chairman Dykes asked if he could become an AZA facility. Baker said he probably could, but the AZA does not want to be associated with private ownership. The zoo is the only one that can do it right, in their opinion.

Commissioner Meyer voiced another concern, saying that from emails he received people indicated that they would keep cats even if they are banned, breaking the law. Baker said thought tighter control was needed, and that self-policing of any industry is the best medicine. Chairman Dykes asked why they hadn't self policed themselves already. Baker said it was fear of repercussions from animal rights people, who might burn barns down or turn animals loose. Commissioner Wilson asked about Baker's claim of sending animals overseas. Baker said he was a hobby breeder. The animals he referred to are all CITES animals. He added that he loved the animals and kept them in immaculate conditions. Commissioner Wilson asked if sanctuaries did not include breeding, except AZA accredited facilities. Williams said they had been approached recently to sell an animal, but not being accredited, they could not send this animal to the zoo.

Ryan Gucker said there are a couple of organizations that participate with the AZA that are larger facilities with financial security. All big cats have a genetic history. His zoo can know where its cats' parents, grandparents, etc. come from. There are some cats that are so hybridized that lineage can't be known. There is really no benefit to private owner programs. He said he had been in the field for 21 years, and was sure some people here take great care of their animals. But he saw an enormous problem with 10,000 cats in private hands. If people want to meet some type of standard, we might not be opposed to that.

Adrian Mutlow, Rolling Hills Zoo, said that if there is a plan in place, it is entirely private and is accredited.

Christina Harris, Student at Kansas State University, mentioned seeing tigers in car lots to advertise cars. She was concerned about exploitation of these animals.

Tom Harvey, Safari Zoological Park said he was at the October meeting and that this was an important issue. If AZA is the answer to private owner problems, then AZA zoos have problems, too. They are inspected by USDA the same as private owners. He said they have sent animals to zoos, but it had been years since they sold any animals in Kansas. He said he had been doing this since he was four years old. His wife is a teacher and they do educational programs. People come from all over the world to see their animals. Just because an owner is not AZA does not mean they don't know what they are doing. This issue reminded him of a divorce and the animals are the kids caught in the middle. Safety is not a big issue. In Kansas there were over 250,000 dog bites and there is an issue. The AZA accreditation is virtually impossible to obtain. Culver – said there was a letter in the packet given to Commissioner that was sent to AZA asking for them to reconsider their evaluation. Harvey presented an award that he won for a program called "Struggle for Survival." He said they try to bring the people to them rather than take animals out. Chairman Dykes said Harvey made some good points, and the Safari Park is not the problem here. But he added that with all of the bad publicity the groups should have seen this coming. Harvey said that the Commission has the ability to destroy his business. Chairman Dykes said that if a loophole to accommodate Safari Park and other groups couldn't be found, then such a regulation would put them out of business. Dykes said a compromise is to find the fine line to allow some reputable operators to become accredited. Harvey said he would be out of business. Chairman Dykes said this was a problem that no one was dealing with. Commissioner Meyer said the Commission wanted to listen to everyone and wanted to provide some accommodations to good reliable people.

Commissioner Wilson asked about the timeline for this regulation. She asked if the Commission was ready to give some direction or if some of the comments needed more consideration.

Chairman Dykes said he thought ways to accommodate some of these suggestions needed to be looked at.

Unknown audience member said they would like answers to all of the questions asked at the meeting. Chairman Dykes said language needed to be drafted for the April meeting. The Commission has been dealing with this for a long time.

Williams asked why mud snails part of this. Jones said that the mud snails were part of this regulation because they are prohibited species. This is not one that is in private ownership. It is

part of the aquatic nuisance plan that needs to be done. This allows us to prohibit that from being introduced into the state. Cats are covered in a broader base within this regulation. Chairman Dykes asked Jones to check out other permitting, such as ASA. Culver said he would like the department to also look at FCF or UZA accreditation.

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

*Kansas Legislative Research Department and Attorney General's office comments (Exhibit LL).*

1. KAR 115-18-1. Wildlife rehabilitation permit; application, reporting and general provisions - Kevin Jones, Law Enforcement Division director, presented this report to the Commission (Exhibit MM). This permanent regulation has been reviewed several times and recommended the Commission pass it as proposed. A possible amendment with a few minor changes that came up as a result of comments has been added (Exhibit NN).

Commissioner Wilson clarified that the amendment does not replace the regulation. Jones said that it was in addition to the regulation.

Diane Johnson, Operation Wildlife, referred to an email to Commissioners (Exhibit OO). She said she didn't feel the regulation was ready for a vote yet, and she had new information on one of the issues. She said it did not define "wildlife" and asked that zoos and nature centers be omitted from this. They would be in violation of federal law. Chairman Dykes said these points have been seen before. Johnson said she had new evidence. She said minimum standards require that animals must be housed in a separate area than domestic animals, and she asked that the regulation be amended that domestic animals be used for surrogates. Chairman Dykes said that an old regulation had been vastly improved, largely due to Johnson's input and that it was a year from being changed. He proposed that the Commission act on it and then sit down to amend it sometime in the future. Johnson said she felt the regulation was three steps away from perfect. Krista Berner said she and her husband rehabilitate birds of prey and are members of the Colorado Council of Rehabilitation, attending continuing education classes there (Exhibit PP - Colorado regulations). She asked if applications were only for new applicants or for existing rehabilitators. Jones said all facilities would need to pass the standards set forth.

Chris Berner said the test is mainly for small animals, but they rehabilitated only birds of prey.

K. Berner said they are federally permitted. C. Berner said they didn't understand why they would have to pass a test for small mammals. K. Berner said they were involved with the original work group with (former Commissioner) Lori Hall. C. Berner said that there no specific definitions for birds of prey, which is all they rehabilitate. K. Berner said they have basic knowledge of other animals, but their knowledge is with birds of prey only. C. Berner said that there should be a provision under that guideline for specific breeds. Chairman Dykes said it was not uncommon to be tested in other fields.

Johnson said she was accredited under that, and it is not species specific.

C. Berner asked if the department would supply study materials so they could pass the test. Jones said that one of the ways to become a rehabilitator could be to pass a department test. Chairman Dykes said the last thing the department wanted was to stop qualified people from rehabilitating birds of prey.

**Commissioner Meyer moved to bring KAR 115-18-1 before Commission. Commissioner Harrington seconded.**

**Commissioner Harrington moved to amend KAR 115-18-1. Commissioner Meyer seconded.**

**The roll call vote to amend KAR 115-18-1 was as follows (Exhibit QQ):**

<b>Commissioner Fields</b>	<b>Absent</b>
<b>Commissioner Harrington</b>	<b>Yes</b>
<b>Commissioner Johnston</b>	<b>Yes</b>
<b>Commissioner Meyer</b>	<b>Yes</b>
<b>Commissioner Sebelius</b>	<b>Absent</b>
<b>Commissioner Wilson</b>	<b>Yes</b>
<b>Commissioner Dykes</b>	<b>Yes</b>

**The motion to amend KAR 115-18-1 passed 5-0.**

**Commissioner Meyer moved to accept KAR 115-18-1 as amended, Commissioner Harrington seconded.**

**The roll call vote on amended KAR 115-18-1 was as follows (Exhibit QQ):**

<b>Commissioner Fields</b>	<b>Absent</b>
<b>Commissioner Harrington</b>	<b>Yes</b>
<b>Commissioner Johnston</b>	<b>Yes</b>
<b>Commissioner Meyer</b>	<b>Yes</b>
<b>Commissioner Sebelius</b>	<b>Absent</b>
<b>Commissioner Wilson</b>	<b>Yes</b>
<b>Commissioner Dykes</b>	<b>Yes</b>

**The motion to approve KAR 115-18-1 as amended passed 5-0.**

2. KAR 115-4-6. Deer; firearm management units - unit archery permitting - Lloyd Fox, wildlife research biologist, presented this report to the Commission (Exhibit RR). The proposed regulation would create the Landowner Deer Management Program (LDMP) areas as separate from the firearms deer management units and a new regulation is being enacted creating archery deer management units. Both changes are a result of legislation passed by the 2004 Legislature. In addition, the boundary of Unit 19 is being expanded to accommodate the City of Leavenworth so it can better manage its deer population. The LDMP was enacted in October. That program requires permits that are valid on only the specified properties enrolled in the program. The city of Leavenworth has initiated an urban deer management program. They have requested a change in the boundary between DMU 10 and 19 so that people in the majority of the city could be allowed more game tags and use of the extended seasons. It is the recommendation of the staff to change KAR 115-4-6 to exclude LDMP properties from each deer management unit. It is also our recommendation to realign the boundary between DMU 10 and DMU 19 to include areas of the city of Leavenworth in the DMU 19.

Commissioner Harrington asked for a brief rationale for the proposed changes. Fox said th LDMP properties would be closed within a unit unless a hunter had one of the LDMP permits. The realignment of DMU 19 is because Leavenworth wants to include as much of their city as they can. The proposed change gets the majority of the city.

Jan Rudman, Douglas County, said he lived in the middle of DMU 19 and this is a quantity unit versus quality. He said he knew of one outfitter who leased 3,000 acres in the middle of DMU 19, south of Lawrence. The opposite is happening, then what the department tried to accomplish.

No does are being taken on that ground. In some respects something has to be thought through on that.

**Commissioner Johnston moved to approve KAR 115-4-6 as proposed. Commissioner Harrington seconded.**

**The roll call vote on proposed KAR 115-4-6 was as follows (Exhibit SS):**

<b>Commissioner Fields</b>	<b>Absent</b>
<b>Commissioner Harrington</b>	<b>Yes</b>
<b>Commissioner Johnston</b>	<b>Yes</b>
<b>Commissioner Meyer</b>	<b>Yes</b>
<b>Commissioner Sebelius</b>	<b>Absent</b>
<b>Commissioner Wilson</b>	<b>Yes</b>
<b>Commissioner Dykes</b>	<b>Yes</b>

**The motion to approve KAR 115-4-6, passed 5-0.**

3. KAR 115-4-6a. Deer; archery management units - unit archery permitting - Lloyd Fox, wildlife research biologist, presented this report to the Commission (Exhibit TT). The proposed regulation is as a result of legislation (Senate Bill 363) passed and signed during the 2004 legislative session. Various unit boundaries were considered for the creation of archery deer management units. Public and Commission input was accepted at public meetings in August and October 2004. It is the recommendation of the staff to create 10 archery deer management units using the existing boundary lines of firearm management units. The units would be created by combining some adjacent firearms management units and by using the same boundaries as firearms units (Exhibit UU - handouts).

Unknown audience member asked if there were a certain number of permits for each area. Fox said this regulation only dealt with the boundary lines. Those numbers will be in KAR 115-25-9, which will be acted on in April and each resident will be allowed two units and DMU 19, so three units. Nonresidents would be allowed one unit. If a landowner transfers the permit, then the permit becomes restricted to two counties the landowner owns land in.

Chairman Dykes asked if the proposal was for two contiguous units. Secretary Hayden said that was discussed but it was decided they could be any two units.

Commissioner Meyer commented that there was legislation for next year to get rid of the units (Exhibit VV).

Chairman Dykes said it as conceivable that if the repeal goes through, the Commission could come back and change KAR 115-25-9 to be good in any unit (basically statewide again).

Tymeson said this regulation needed to be set now, but if legislation is passed before KAR 115-25-9 comes up for vote this could be changed, but if that does not happen in time, then units will have to be in regulation for this year.

Dave Easton commented that a year ago this month, the Commission voted to not have units and someone took the question to the round top building and went over those wishes. He recommended hunter get in touch with their legislators right now to get this repealed.

Unknown audience member asked what would happen if they all decided to go down to Unit 16 and all hunt there. Chairman Dykes said he assumed the department will limit the units.

Unknown Audience member asked why residents couldn't hunt statewide?

Unknown audience said it sounded like it was the legislature that voted this in. It was slipped in. Commissioner Meyer said the bill allows us to work through the system. With the correct input this can be fixed.

Unknown audience member asked who they should know who to contact. Chairman Dykes asked the audience member to discuss it amongst themselves.

**Commissioner Meyer moved to approve KAR 115-4-6a as proposed. Commissioner Wilson seconded.**

**The roll call vote on proposed KAR 115-4-6a was as follows (Exhibit WW):**

<b>Commissioner Fields</b>	<b>Absent</b>
<b>Commissioner Harrington</b>	<b>Yes</b>
<b>Commissioner Johnston</b>	<b>Yes</b>
<b>Commissioner Meyer</b>	<b>Yes</b>
<b>Commissioner Sebelius</b>	<b>Absent</b>
<b>Commissioner Wilson</b>	<b>Yes</b>
<b>Commissioner Dykes</b>	<b>Yes</b>

**The motion to approve KAR 115-4-6a, passed 7-0.**

Representative Ann Mah commented that the unit amendment had been slipped in. She said she was on the Wildlife and Parks Committee, but they needed everybody's support.

4. KAR 115-15-1. Threatened and endangered species; general provisions - Ed Miller, wildlife biologist, presented this report to the Commission (Exhibit XX). He thanked members of the working group for all of their hard work. The proposed changes to the regulation are as follows: add one new endangered species: Silver Chub, *Macryhbopsis storeriana*; and remove two threatened species: Texas night snake, *Hypsiglena torquata jani* and White-faced ibis, *Plegadi chihi*.

**Commissioner Wilson moved to approve KAR 115-15-1 as proposed. Commissioner Harrington seconded.**

**The roll call vote on proposed KAR 115-15-1 was as follows (Exhibit YY):**

<b>Commissioner Fields</b>	<b>Absent</b>
<b>Commissioner Harrington</b>	<b>Yes</b>
<b>Commissioner Johnston</b>	<b>Yes</b>
<b>Commissioner Meyer</b>	<b>Yes</b>
<b>Commissioner Sebelius</b>	<b>Absent</b>
<b>Commissioner Wilson</b>	<b>Yes</b>
<b>Commissioner Dykes</b>	<b>Yes</b>

**The motion to approve KAR 115-15-1, passed 5-0.**

5. KAR 115-15-2. Nongame species; general provisions - Ed Miller, wildlife biologist, presented this report to the Commission (Exhibit ZZ). The proposed changes to the regulation are as follows: add three new Species in Need of Conservation (SINC) species: Texas night snake, *Hypsiglena torquata jani*, Delta hydrobe, *Probythinella emarginata*, Brindled madtom, *Noturus miurus*; and remove two SINC species: Red-shouldered hawk, *Buteo lineatus*, Eastern chipmunk, *Tamias striatus*.

**Commissioner Harrington moved to approve KAR 115-15-2 as proposed. Commissioner**



**Wilson seconded.**

**The roll call vote on proposed KAR 115-15-2 was as follows (Exhibit AAA):**

<b>Commissioner Fields</b>	<b>Absent</b>
<b>Commissioner Harrington</b>	<b>Yes</b>
<b>Commissioner Johnston</b>	<b>Yes</b>
<b>Commissioner Meyer</b>	<b>Yes</b>
<b>Commissioner Sebelius</b>	<b>Absent</b>
<b>Commissioner Wilson</b>	<b>Yes</b>
<b>Commissioner Dykes</b>	<b>Yes</b>

**The motion to approve KAR 115-15-2, passed 5-0.**

6. KAR 115-2-1. Amount of fees - Revenue Task Force recommendations Mike Miller, magazine editor and special assistant to the Assistant Secretary for Operations, presented this report to the Commission (Exhibit BBB). The proposed changes would establish an elk permit application fee; an any-deer permit preference point service charge; a limited draw turkey permit preference point service charge; realign wild turkey permit fees; increase nonresident deer permit fees; increase lifetime hunting, fishing, combination and furharvesting license fees; establish a third pole permit fee for fishing; and create a nonresident bobcat permit as a subset of the nonresident furharvester license. There is no current fee for third pole fishing permits, nonresident bobcat permits, elk applications and any-deer preference points. It is anticipated that the third pole permit fee will generate approximately \$200,000 annually, nonresident bobcat permits will generate approximately \$100,000 annually, elk application charges will generate approximately \$7,730 annually, turkey preference point charges will generate approximately \$1,000 annually, and any-deer preference point charges will generate approximately \$30,475 annually, all of which will accrue to the wildlife fee fund. The turkey realignment will not generate any additional income as it is primarily a regulatory shift from big game to its own regulatory category and there is no increase in fees. The lifetime license fee increases, currently \$300 or \$600 for a combination will increase to \$440 and \$880 and will generate approximately \$371,140 annually for all categories, all of which will accrue to the wildlife conservation fund. The nonresident deer permit fee increase, currently \$200 will increase to \$300 and will generate approximately \$1,200,000 annually, all of which will accrue to the wildlife fee fund. Otherwise, we anticipate no substantive impact to the department, other agencies or the public. Commissioner Wilson asked if the nonresident bobcat permit the one discussed earlier. Tymeson said there is no current permit, but a fee needs to be established incase the regulation is passed later.

Unknown audience member asked if the bobcat permit stuck in this regulation would take place if this passes. Tymeson said this regulation only establishes a price, should one be offered at a later date. Unknown audience member expressed concern is that these permits will be bought after the fact.

Unknown audience member expressed concern is that there is one law for residents and another for nonresidents.

**Commissioner Meyer moved to approve KAR 115-2-1 as proposed. Commissioner Harrington seconded.**

**The roll call vote on proposed KAR 115-2-1 was as follows (Exhibit CCC):**

<b>Commissioner Fields</b>	<b>Absent</b>
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Commissioner Harrington	Yes
Commissioner Johnston	Yes
Commissioner Meyer	Yes
Commissioner Sebelius	Absent
Commissioner Wilson	Yes
Commissioner Dykes	Yes

**The motion to approve KAR 115-2-1, passed 5-0.**

7. KAR 115-3-2. Rabbits, hares and squirrels; legal equipment, taking methods and possession - night scope issue - Kevin Jones, Law Enforcement Division director, presented this report to the Commission (Exhibit DDD). He summarized Public Hearing Items 7-9 as they are all regulations that would place a prohibition on night vision equipment. Night vision equipment is listed as “optical scopes or sights that project visible light toward the target and electronically amplifies visible or infrared light”.

**Commissioner Wilson moved to approve KAR 115-3-2 as proposed. Commissioner Johnston seconded.**

**The roll call vote on proposed KAR 115-3-2 was as follows (Exhibit EEE):**

Commissioner Fields	Absent
Commissioner Harrington	Yes
Commissioner Johnston	Yes
Commissioner Meyer	Yes
Commissioner Sebelius	Absent
Commissioner Wilson	Yes
Commissioner Dykes	Yes

**The motion to approve KAR 115-3-2, passed 5-0.**

8. KAR 115-5-1. Furbearers and coyotes; legal equipment, taking methods and general provisions - night scope issue - Kevin Jones, Law Enforcement Division director, presented this report to the Commission (Exhibit FFF). The proposed change would be to restrict the use of night vision scopes while hunting.

**Commissioner Meyer moved to approve KAR 115-5-1 as proposed. Commissioner Wilson seconded.**

**The roll call vote on proposed KAR 115-5-1 was as follows (Exhibit GGG):**

Commissioner Fields	Absent
Commissioner Harrington	Yes
Commissioner Johnston	Yes
Commissioner Meyer	Yes
Commissioner Sebelius	Absent
Commissioner Wilson	Yes
Commissioner Dykes	Yes

**The motion to approve KAR 115-5-1, passed 5-0.**

9. KAR 115-20-1. Crows; legal equipment, taking methods, and possession - night scope issue - Kevin Jones, Law Enforcement Division director, presented this report to the Commission (Exhibit HHH). The proposed change would be to restrict the use of night vision equipment when hunting crows.

**Commissioner Harrington moved to approve KAR 115-20-1 as proposed. Commissioner Meyer seconded.**

**The roll call vote on proposed KAR 115-20-1 was as follows (Exhibit III):**

<b>Commissioner Fields</b>	<b>Absent</b>
<b>Commissioner Harrington</b>	<b>Yes</b>
<b>Commissioner Johnston</b>	<b>Yes</b>
<b>Commissioner Meyer</b>	<b>Yes</b>
<b>Commissioner Sebelius</b>	<b>Absent</b>
<b>Commissioner Wilson</b>	<b>Yes</b>
<b>Commissioner Dykes</b>	<b>Yes</b>

**The motion to approve KAR 115-20-1, passed 5-0.**

10. KAR 115-20-2. Certain wildlife; legal equipment, taking methods, possession and license requirement - night scope issue - Kevin Jones, Law Enforcement Division director, presented this report to the Commission (Exhibit JJJ). The proposed change would be to restrict the use of night vision equipment while hunting. As a result of the Joint Committee on Rules and Regulations meeting comment, the department suggests the following amendment be made to the version of the regulation submitted for public comment: restructuring the regulation alphabetically in certain sections; and the word “electronically” was inadvertently omitted to add that (Exhibit KKK). Tymeson said that the amendment asked the department to alphabetize the list.

**Commissioner Harrington moved to bring KAR 115-20-2 before the Commission. Commissioner Meyer seconded.**

**Commissioner Harrington moved to amend KAR 115-20-2. Commissioner Johnston seconded.**

**The roll call vote to amend KAR 115-20-2 was as follows (Exhibit LLL):**

<b>Commissioner Fields</b>	<b>Absent</b>
<b>Commissioner Harrington</b>	<b>Yes</b>
<b>Commissioner Johnston</b>	<b>Yes</b>
<b>Commissioner Meyer</b>	<b>Yes</b>
<b>Commissioner Sebelius</b>	<b>Absent</b>
<b>Commissioner Wilson</b>	<b>Yes</b>
<b>Commissioner Dykes</b>	<b>Yes</b>

**The motion to amend KAR 115-20-2 as presented, passed 5-0.**

**Commissioner Harrington moved to approve amended KAR 115-20-2 as proposed.**

**Commissioner Johnston seconded.**

**The roll call vote on amended KAR 115-20-2 was as follows (Exhibit LLL):**

<b>Commissioner Fields</b>	<b>Absent</b>
<b>Commissioner Harrington</b>	<b>Yes</b>
<b>Commissioner Johnston</b>	<b>Yes</b>
<b>Commissioner Meyer</b>	<b>Yes</b>
<b>Commissioner Sebelius</b>	<b>Absent</b>
<b>Commissioner Wilson</b>	<b>Yes</b>
<b>Commissioner Dykes</b>	<b>Yes</b>

**The motion to approve KAR 115-20-2 as amended, passed 5-0.**

11. KAR 115-7-2. Fishing; general provisions - 3<sup>rd</sup> pole - Doug Nygren, Fisheries Section chief, presented this report to the Commission (Exhibit MMM). This regulation establishes general provisions applicable to fishing in Kansas and would allow persons to use three fishing lines on all waters of the state pursuant to purchasing the appropriate third pole permit. This recommendation is a result of the Revenue Task Force recommendations and is intended to offer another alternative for anglers in Kansas. Chairman Dykes asked about the regulations on trot lines, Miller said that in addition to two attended lines an angler can use eight set lines or one trot line with 25 hooks. Tymeson said he was checking to see if kids would have to do this. Nygren added that through the automated system, people will be asked if they want the third pole permit. All anglers would have to have this including kids.

**Commissioner Harrington moved to approve KAR 115-7-2 as proposed. Commissioner Meyer seconded.**

**The roll call vote on proposed KAR 115-7-2 was as follows (Exhibit NNN):**

<b>Commissioner Fields</b>	<b>Absent</b>
<b>Commissioner Harrington</b>	<b>Yes</b>
<b>Commissioner Johnston</b>	<b>Yes</b>
<b>Commissioner Meyer</b>	<b>Yes</b>
<b>Commissioner Sebelius</b>	<b>Absent</b>
<b>Commissioner Wilson</b>	<b>Yes</b>
<b>Commissioner Dykes</b>	<b>Yes</b>

**The motion to approve KAR 115-7-2, passed 5-0.**

12. KAR 115-25-14. Fishing; creel limit, size limit, possession limit and open season - Fort Riley fish stocking and designated trout waters - Doug Nygren, Fisheries Section chief, presented this report to the Commission (Exhibit OOO). The proposed regulation would add Moon Lake, located on Fort Riley, to the list of waters where a trout permit is needed from October 15 to April 15 and would allow the department to take over the existing fish stocking program. There is an amendment as a result of comments from the Joint Committee on Rules and Regulations, asking us to alphabetize the listed waters (Exhibit PPP).

**Commissioner Harrington moved to bring KAR 115-25-14 before the Commission. Commissioner Meyer seconded.**

**Commissioner Harrington moved to amend KAR 115-25-14. Commissioner Meyer**

seconded.

The roll call vote to amend KAR 115-25-14 was as follows (Exhibit QQQ):

Commissioner Fields	Absent
Commissioner Harrington	Yes
Commissioner Johnston	Yes
Commissioner Meyer	Yes
Commissioner Sebelius	Absent
Commissioner Wilson	Yes
Commissioner Dykes	Yes

The motion to amend KAR 115-25-14 as presented, passed 5-0.

Commissioner Wilson moved to approve amended KAR 115-25-14 as proposed.  
Commissioner Meyer seconded.

The roll call vote on amended KAR 115-25-14 was as follows (Exhibit QQQ):

Commissioner Fields	Absent
Commissioner Harrington	Yes
Commissioner Johnston	Yes
Commissioner Meyer	Yes
Commissioner Sebelius	Absent
Commissioner Wilson	Yes
Commissioner Dykes	Yes

The motion to approve KAR 115-25-14 as amended, passed 5-0.

13. KAR 115-18-7. Use of crossbows for big game hunting by persons with disabilities; application, permit, and general provisions - night scope issue and turkey amendments - Kevin Jones, Law Enforcement Division director, presented this report to the Commission (Exhibit RRR). Pursuant to KSA 32-932, this regulation provides for the issuance of a permit to any person with a qualifying disability allowing the use of a crossbow to hunt big game. The proposed amendment would allow the department to clarify the use of telescopic sights as current language is unclear for participants in this activity. The department annually issues approximately 120 crossbow permits. No fee is currently charged for these permits. Tymeson added that on page three this also restricts night vision scopes.

Commissioner Meyer moved to approve KAR 115-18-7 as proposed. Commissioner Wilson seconded.

The roll call vote on proposed KAR 115-18-7 was as follows (Exhibit SSS):

Commissioner Fields	Absent
Commissioner Harrington	Yes
Commissioner Johnston	Yes
Commissioner Meyer	Yes
Commissioner Sebelius	Absent

**Commissioner Wilson** Yes  
**Commissioner Dykes** Yes

**The motion to approve KAR 115-18-7, passed 5-0.**

14. KAR 115-4-11. Big game permit applications - turkey amendments Roger Applegate, wildlife research biologist, presented this report to the Commission (Exhibit TTT). This regulation currently addresses permit application requirements for obtaining big game permits. As a result of 2004 legislation (Senate Bill 364) removing turkey from big game as well as public comments requesting the purchase of preference points in lieu of applying for a permit, the proposed changes would allow the purchase of preference points for limited draw deer and antelope permits, allow antelope hunters to purchase an unlimited archery antelope permit as well as apply for firearm antelope permits without losing preference points in the draw system and establish a preference point system for limited draw turkey permits.

**Commissioner Meyer moved to approve KAR 115-4-11 as proposed. Commissioner Johnston seconded.**

**The roll call vote on proposed KAR 115-4-11 was as follows (Exhibit UUU):**

<b>Commissioner Fields</b>	<b>Absent</b>
<b>Commissioner Harrington</b>	<b>Yes</b>
<b>Commissioner Johnston</b>	<b>Yes</b>
<b>Commissioner Meyer</b>	<b>Yes</b>
<b>Commissioner Sebelius</b>	<b>Absent</b>
<b>Commissioner Wilson</b>	<b>Yes</b>
<b>Commissioner Dykes</b>	<b>Yes</b>

**The motion to approve KAR 115-4-11, passed 5-0.**

15. KAR 115-9-4. Hunting or furharvester license purchase - automation and Revenue Task Force recommendations - Mike Miller, magazine editor and special assistant to the Assistant Secretary for Operations, presented this report to the Commission (Exhibit VVV). This permanent regulation allows individuals purchasing a hunting or furharvester license to attest, by their signature, to the completion of a hunter or furharvester education course. This permits individuals to obtain a hunting or furharvester license without displaying their hunter education certificate or card and is necessary because of the new Automated License system.

**Commissioner Johnston moved to approve KAR 115-9-4 as proposed. Commissioner Meyer seconded.**

**The roll call vote on proposed KAR 115-9-4 was as follows (Exhibit WWW):**

<b>Commissioner Fields</b>	<b>Absent</b>
<b>Commissioner Harrington</b>	<b>Yes</b>
<b>Commissioner Johnston</b>	<b>Yes</b>
<b>Commissioner Meyer</b>	<b>Yes</b>
<b>Commissioner Sebelius</b>	<b>Absent</b>
<b>Commissioner Wilson</b>	<b>Yes</b>
<b>Commissioner Dykes</b>	<b>Yes</b>

**The motion to approve KAR 115-9-4, passed 5-0.**

16. KAR 115-11-2. Controlled shooting areas; operational requirements - turkey amendments - Roger Applegate, wildlife research biologist, presented this report to the Commission (Exhibit XXX). This permanent regulation establishes operational procedures for controlled shooting areas. The proposed changes clarify that wild turkeys, now a separate regulatory category, may be hunted on the controlled shooting area within the established season and with established permits.

**Commissioner Johnston moved to approve KAR 115-11-2 as proposed. Commissioner Harrington seconded.**

**The roll call vote on proposed KAR 115-11-2 was as follows (Exhibit YYY):**

<b>Commissioner Fields</b>	<b>Absent</b>
<b>Commissioner Harrington</b>	<b>Yes</b>
<b>Commissioner Johnston</b>	<b>Yes</b>
<b>Commissioner Meyer</b>	<b>Yes</b>
<b>Commissioner Sebelius</b>	<b>Absent</b>
<b>Commissioner Wilson</b>	<b>Yes</b>
<b>Commissioner Dykes</b>	<b>Yes</b>

**The motion to approve KAR 115-11-2, passed 5-0.**

17. Secretary’s Resolutions. Free fishing and Park Entry days - Mike Hayden, Secretary, presented these reports to the Commission (Exhibit ZZZ). Under authorities contained in KSA 32-906(f), the dates of June 4 and 5, 2005 are established as “Free Fishing Days.” All persons may fish in the waters of the State, by legal means, without a valid fishing license on these dates. All residents and visitors to the State of Kansas are encouraged to use this opportunity to enjoy our outdoor recreational resources.

Under authorities contained in KSA 32-906(e), the dates below have been established as “Free Park Entrance Days”. Because of our 100<sup>th</sup> anniversary, the dates are scattered throughout the year, starting in January and ending November 6.

January 15 & 16, 2005 – Milford SP	February 26 & 27, 2005 – Clinton SP
April 23 & 24, 2005 – Cheney SP	May 7 & 8, 2005 – Kanopolis SP
May 7 & 8, 2005 – Prairie Dog SP	May 7 & 8, 2005 – Meade SP
May 7 & 8, 2005 – Pomona SP	May 7, 2005 – Fall River SP
May 7, 2005 – Cross Timbers SP	May 7, 2005 – Elk City SP
June 4 & 5, 2005 – Crawford SP	June 4 & 5, 2005 – Scott SP
June 4, 2005 – Cross Timbers SP	June 12, 2005 – Hillsdale SP
June 18 & 19, 2005 – Wilson SP	July 9 & 10, 2005 – Cedar Bluff SP
July 16 & 17, 2005 – Webster SP	August 13 & 14, 2005 – Eisenhower SP
August 20 & 21, 2005 – Tuttle Creek SP	September 10, 2005 – Hillsdale SP
September 17 & 18, 2005 – Lovewell SP	September 24 & 25, 2005 – Perry SP
September 24, 2005 – Fall River SP	September 24 & 25, 2005 – Mushroom Rock
October 1 & 2, 2005 – El Dorado SP	October 1 & 2, 2005 – Sand Hills SP
October 9, 2005 – Prairie Spirit Rail Trail	October 29, 2005 – Elk City SP
November 5 & 6, 2005 – Glen Elder SP	

All persons may enter any of the above Kansas state parks free-of-charge. All residents and visitors to the State of Kansas are encouraged to use this opportunity to enjoy our outdoor recreational resources. **Commissioners approved.**

## **XII. OLD BUSINESS**

Eric Stong, B.A.S.S. Federation congratulated the department on the tournament at Cedar Bluff. It generated quite a bit of income for Hays. It may occur again in five years and was an excellent event.

Commissioner Meyer read his proposed amendment, and added that the number he gave earlier was incorrect, but the bill is sponsored by Representative Ruff (Exhibit VV). **Commissioner Meyer moved adoption, Commissioner Johnston seconded. All approved.**

## **XIII. OTHER BUSINESS**

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

March 24, 2005, Beloit Municipal Building, 119 N. Hersey, Sutter Room, Beloit.

April 21, 2005, Holiday Inn Express, 4020 Parkview Drive, Pittsburg.

## **XIV. ADJOURNMENT**

**Commissioner Harrington moved, Commissioner Wilson seconded to adjourn.**

The meeting adjourned at 9:39 p.m.

(Exhibits and/or Transcript available upon request)

Exhibit AAAA - Bob Mathews Public Hearing Summary.