

**KANSAS DEPARTMENT OF WILDLIFE AND PARKS
COMMISSION MEETING MINUTES FOR
Thursday, April 21, 2005
Holiday Inn Express
4020 Parkview, Pittsburg**

Subject to
Commission
Approval

Had breakfast this morning at the Marina at Crawford State Park and then a tour. Also toured Farlington Fish Hatchery, Bone Creek Community Lake and a few areas of the Mined Land Wildlife Area.

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

The April 21, 2005 meeting of the Kansas Department of Wildlife and Parks Commission was called to order by Vice-Chairman John Fields at 1:30 p.m. at the Holiday Inn Express, Pittsburg. Commissioners Jim Harrington, Kelly Johnston, Frank Meyer, Doug Sebelius, and Shari Wilson were present.

II. INTRODUCTION OF COMMISSIONERS AND GUESTS

The Commissioners and Department staff introduced themselves (Attendance roster - Exhibit A).

III. ADDITIONS AND DELETIONS TO AGENDA ITEMS

Moved retirement presentation to John Fields to the evening session.

Gave replacement handouts of the revised maps for Firearms and Archery Deer Units, because of the change in DMU 19 (which now includes the City of Leavenworth). Also handed out revised Secretary's Orders.

IV. APPROVAL OF THE March 24, 2005 MEETING MINUTES

Commissioner Harrington moved to accept minutes, Commissioner Wilson second. **All approved.** (Minutes - Exhibit B).

V. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

Max W. Buzzard, Miami, MO said he was indebted to John Fields, and would also like to thank Commissioners Wilson and Johnston for listening. He presented a concern about squirrel hunting. On January 14, while dressing a limit of squirrels, he noticed that of the ten squirrels three were females. But, he had actually killed 11 young because the females were going to have babies in a week or two. Most of the population is generally born in February, so he asked to have the season shortened, end by January 15, but open May 15. That would eliminate 28-30 days from the total season. He said he had spoken to many people in the department and was not been pleased with all of the answers he received. He said he as dealt with the public for many years and was taught to use tact when speaking to them. The person who sets the bag limits and season limits said that it was too much trouble to change the season dates. Please give this some consideration.

Commissioner Johnston asked to hear background information from the department at a future

meeting. He said he wasn't familiar with squirrel gestation and populations.

VI. DEPARTMENT REPORT

2. Parks Division Award - Jerry Hover, Parks Division director, presented these awards (Exhibit C). The Parks Division 2005 Outstanding Employee Award is given to Randy Curtis, park manager, Elk City State Park. Randy began his 35-year career in 1970 at Tuttle Creek State Park before relocating to Elk City State Park as park manager in 1974. His dedication in serving our visitors and protecting our resources is unsurpassed. Elk City State Park consistently ranks on the top of the user and customer service satisfaction surveys. Randy has developed and guided several volunteer groups that have "adopted" many of the trails and portions of Elk City State Park. The park could not exist as it does today without these core volunteers! Last year, several of these core volunteers became disgruntled about the steady increase in user fees while being asked to even provide more volunteer hours. Randy successfully negotiated the negatives into positives with a result of increasing the number of volunteers. Regular office hours are often difficult to maintain during the reduced visitation months. To make up for that, Randy schedules several Saturdays in December, January, and March when he takes the permits and licenses to the people by setting up a booth in a local mercantile. Randy also orchestrates several special events annually; one in particular is the spectacular Neewollah Festival. It is these little "added value" extras in customer service that makes Randy our 2005 Outstanding Employee!

A. Secretary's Remarks

1. 2005 Legislation - Chris Tymeson, chief legal counsel, presented this report to the Commission. The Legislature is back in session, as far as budget committee's are concerned, full House and Senate are back on April 27.

SB 59 which would allow Kansas to become a member of the Wildlife Violator's Compact was passed by the House Wildlife, Parks and Tourism Committee passed both the Senate and House, was signed by the Governor and will be in effect July 1. Regulation needs to be written.

SB 87 which is the vehicle fee to be used for outdoor recreation was amended to remove refund and decreased to \$4.00. The informal Attorney General's opinion, received on April 6, was favorable, but no further action has been taken on this bill.

SB 98 which makes permanent the exemption CSAs have from Hunter Education was amended into HB 2253 in order to get the provisions of SB98 through cleanly. Sunset clause to end July 1, signed by the Governor.

SB 194, which creates Commissioner permits that will be available to non-profit organizations for fundraising passed both the Senate and the House and will be in effect July 1.

SB 195 which would allow KDWP to receive seized guns from the Department of Revenue for use in Hunter Education passed out of Senate and House, was signed by the Governor and will be in effect July 1.

HB 2115 repealing archery units, passed Wildlife, Parks and Tourism Committee and the House, but did not pass out of Senate Natural Resources Committee.

HB 2116 which protects certain KDWP federal aid funds from being spent for purposes other than what they are designated for, while the original bill was one of KDWP's initiatives, it was amended on the House floor to make landowner antelope permits transferable, and KDWP opposes that amendment and will ask the Senate Ways and Means Committee to remove that from the original bill. Passed Senate, waiting passage in House.

HB 2117 boating law revisions and penalties. Passed out of Committee, but did not make it to the floor and was stricken from the calendar.

HB 2222 illegal commercialization of wildlife raises the threshold of misdemeanor fines from \$500 to \$1,000. Values placed on wildlife determine whether a violation is a misdemeanor or a

felony. (KSA 1005). Amounts were reduced, but were restored and have passed both sides of the legislature. In conference committee, don't know if it will be passed this year.

HB 2210 regarding hunter safety exemption for current and former armed forces, no hearing, attempts late in session to amend into another bill, but failed.

HB 2226 (substituted bill) payment in lieu of taxes, noxious weed control and 5-year land acquisition amendment. Could force general election vote on land acquisitions over 480 acres. Would apply to donations and leases, which could severely impact WIHA. Has been referred to Senate Ways and Means Committee. Don't expect anything this year. Commissioner Johnston asked how easily it passed in the House. Tymeson said 71 percent.

HB 2253, not our bill, which imposes minimum fines and jail sentences for repeat wildlife violators (step increases for additional offenses was struck, but new amendments were added) increased big game misdemeanor from C to B. 2115 was attempted to be moved into this bill, will try again.

HB 2459 which was the transferable landowner antelope permit died in committee.

HB 2466 which repeals the professional guide permit requirement. This is a consumer protection rather than wildlife management bill. We felt all, or none should be regulated. Passed House and Senate, was signed by the Governor and will be in effect January 1. Commission will need to repeal a few regulations to comply.

Commissioner Johnston asked why the boating bill was killed. Tymeson said that two Representatives did not like some items in bill and were able to get it killed.

Commissioner Wilson asked if SB 87 was still alive. Tymeson said it was but probably won't have action this year.

2. Tourism Report - Commissioner Shari Wilson presented this report to the Commission (Exhibit D). In March 2004, the Commission approved designation of a tourism liaison to raise the awareness of tourism issues and to assist KDWP staff in meeting the growing demand for information as Kansas focuses more on its tourism potential. Wilson has worked with LeAnn Schmitt and Bob Mathews, as well as Ken Brunson and other KDWP staff, on several projects and serve as the Department representative to Kansas Scenic Byways, the Kansas Film Commission, and the Travel Industry Association of Kansas (TIAK). These organizations, as well as others involved in tourism, welcome the involvement and partnership of the department and Commission.

With regard to Kansas Scenic Byways (KSB), Wilson attended two meetings since last fall and provided information related to current and planned trails, grant programs, and signage. The Wetlands and Wildlife Scenic Byway, which includes Cheyenne Bottoms WA and Quivira NWR, has been approved and has been proposed for national. This will open up a whole new avenue of marketing as for parks along those byways.

Over the past few months, the Film Commission has been the busiest organization of the three. Wilson said she has attended several meetings and helped to plan the 1st Annual Kansas Film Summit, held mid-March in Lawrence. Nearly 200 people from the Kansas film industry attended. Three bills were introduced this legislative session to provide tax credits and other economic stimuli to the film industry. Two of the bills remain in House committee; the third passed the House and remains in Senate committee.

TIAK just completed a successful year and was heavily involved in the research and presentation of the new Kansas brand image ("Kansas. . . as big as you think"). This year TIAK is focused on implementation of a new advertising co-op program and is beginning to plan its annual conference for October in Manhattan.

The department and Commissioners will be receiving a document in the next couple of weeks. Running into challenge on funding travel and tourism centers. The one in Kansas City only has money until the end of the year, also two others are in jeopardy of closing. She said she appreciated the opportunity to represent the Commission and department in these endeavors. Vice Chairman Fields added that Claythorne Lodge, near Columbus, will host the 2006 U.S. Open Sporting Clays Championship, which will bring a lot of people to Kansas.

B. General Discussion

1. Landowner Deer Management Program Update - Lloyd Fox, wildlife research biologist, presented this report to the Commission (Exhibit E). During the 2003 Kansas legislative session, the department was instructed to investigate landowner deer management programs and prepare a report. In October 2004, KAR 115-4-14 was approved and the Kansas Landowner Deer Management Program was initiated. Individuals that had expressed an interest in this type of program were contacted and mailed an application form with a deadline of January 31, 2005. Limited interest has been shown by Kansas landowners and only one application was accepted for the pilot project. That project is located in Chautauqua County, but the signed contract has not been received yet. There will be a specific number and type of permits that the landowner's clients may obtain and the number and type that will be available to residents of Kansas through a drawing system. Vice-Chairman Fields asked if there was an acreage limit. Fox said it was a minimum of 3,000 acres. Commissioner Sebelius asked how many were submitted. Fox said one was approved, three were received statewide. Some that showed early interest did not even fill out applications. Maybe it will just take longer to get the word out. Commissioner Johnston asked if this was a three-year pilot project. Fox said it was. The five areas would have had the contract for three years and would have a consistent source of permits each year. The approved project is near Hale, the Brougham and Kimple Ranch. Vice-Chairman Fields said that was a place to have it (considering deer numbers).

2. Comprehensive Wildlife Conservation Plan - Laurie Yasui, planner, presented this report to the Commission (Exhibit F). At the last three Commission meetings updates were provided on the department's progress developing the Comprehensive Wildlife Conservation Plan, designed to meet the federal requirements for participation in the State Wildlife Grant Program, of which we have been allotted \$800,000 - \$900,000 each year. Kansas was recently allotted about \$900,000 for the current federal fiscal year. More than 130 organizations and interested parties were invited to the summit meeting, including the U.S. Fish and Wildlife Service, Army Corps of Engineers, Bureau of Land Management, U.S. Forest Service, Audubon, KACEE, Kansas Farm Bureau, Kansas Wildlife Federation, KU, KSU, FHSU, ESU, Baker University, Benedictine College, KBS, KNWAC, Friends University, Tabor College, SW College, and various state agencies. There were approximately 70 participants. Since the last report, the consultant, Dynamic Solutions Group (DSG), has been working with staff to generate the first draft of the plan. Staff and DSG have gone through two edits and are well on the way to generating a draft for public review. A draft for in-house review is due from the consultant today. It is projected to be about 150 pages long, and an executive summary will be written. The draft and the summary will be made available to the Commissioners during the in-house review, and comments are welcome. After an in-house review, the draft will be open for comments from May 6-20. On May 20, 2005 a draft will be posted on the KDWP website for public review. Comments will be accepted until June 15, 2005. The goal is to have a final product by July 1, 2005.

3. Community Fisheries Assistance Program (CFAP) - Jessica Mounts, CFAP coordinator, presented this report to the Commission (Exhibit G, PowerPoint: Exhibit H). Last year, the Kansas Department of Wildlife and Parks (KDWP) launched the Community Fisheries Assistance Program (CFAP.) There was internal and external support for the program with 18 fisheries biologists helping to get this off the ground. This is a new program and not without its challenges. Community lakes were targeted because people feel comfortable fishing small lakes close to home, and most of these lakes are in urban areas. Funding comes from federal dollars derived from excise taxes on fishing equipment (Wallop-Breaux reauthorization). This will add about \$1 million to the state's apportionment and the state legislature granted \$800,000 spending authority. Goals and objectives include strengthening partnerships with cities, counties and local governments; reducing cost barriers to fishing; improving public access; and enhancing fisheries management. To accomplish this, CFAP is a leasing program. KDWP offered to match revenues communities were making through fishing fees or calculated a lease value based on the size of the lake and other factors. Those communities that accepted the lease offer than removed any fees previously required of anglers. The department also offers a capital improvement grant program that will improve facilities. The community's role is to work with fisheries biologists to work out habitat improvement plans. Also, salaries and benefits, equipment and materials used on the lakes can be used as the state match for funding. Before CFAP, 82 percent of community lakes charged a fee for access. Now almost 90 percent of the lakes do not charge a fee. Out of 219 lakes, 192 are enrolled, a total of 88 percent, 10,000 out of 14,000 total acres are now available to use with only a state fishing license.

Vice-Chairman Fields commented that during the mourning Commission tour, there was a comment about litter. Mounts said she felt that if people take ownership, litter along the shoreline will decrease and they will take care of the lake.

Commissioner Johnston asked how this program could be publicized. Mounts said she had just put together a press release, with LeAnn Schmitt's help, that will be going out soon. Also the lakes are listed on our agency website.

Commissioner Wilson said she had received several calls from Johnson County and from out-of-state anglers, so she thought there was some excitement about the program.

Commissioner Johnston asked what other benefits communities receive from the department. Mounts said that lakes in the program receive priority status for stocking and other enhancement programs.

Vice-Chairman Fields asked if farm ponds qualified Mounts said that only areas open to the public were eligible.

4. Electronic Licenses and Permits - System Update - Karen Beard, Licensing Section chief, presented this report to the Commission (Exhibits I, J). A demonstration of the new Verifone equipment will not be available until the June Commission meeting. The only thing tested so far is the home-print permits. There is only one chance to print the license, so if a printer does not work the client will need to contact the office to get another chance to print it. The KDWP testing schedule is May 4 to 18 for Internet; May 20 to June 2 for the WebPOS; and June 1 to 15 for the POS. The pilot program begins May 18 for the Internet/Phone and begins June 16 for the POS/WebPOS with plans to go live on June 30; the plan is to ship pre-loaded equipment to all vendors June 10 to July 22; have telephone training June 17 to July 29; activate locations July 1 to August 12; and activate the small vendor locations after August 12. The small vendors using their own PC and printer will not come online with other vendors. This is a new

class of agents Central Bank has not dealt with in the past. These vendors are using an Internet module to sell licenses but still collecting an issuance fee (only about 40 so far). This slipped by Central Bank in the RFP, so to avoid delaying the full project the decision was made to bring these vendors on after August.

Vice-Chairman Fields asked about security issues for vendors coming in late using their own PCs and printers. Beard said there should be no problem. It is just a link.

Secretary Hayden asked which categories county clerks were in. Beard said most of them will have the full set, but some are going to do both our equipment and their own. There will be absolutely no paper licenses records after June 30.

Break

C. Workshop Session

1. KAR 115-25-1. Prairie chickens; open seasons, bag limits, and possession limits - Mike Mitchener, Wildlife Section chief, presented this report to the Commission (Exhibit K). Currently the regulations for quail, pheasant, and prairie chicken are contained in regulation KAR 115-25-1. Items 1, 2 and 3 (prairie chicken, quail and pheasant) will be handled together because they are inter-related, but harvest management strategies are different for each species group. It is recommended that the regulations for each of these groups be separated into three distinct regulations to facilitate the setting of seasons and other harvest management strategies for each group. Regulations for each species group will focus on the opportunities that each provides, while addressing the particular needs of individual species. This proposal defines regulation KAR 115-25-1 for prairie chickens, KAR 115-25-1a for quail, and KAR 115-25-1b for pheasant; keeps upland bird (quail and pheasant) the same for five years; changes the age of supervising adult during the youth season from 21 to 18 to make it consistent with other youth assisted seasons.

In considering the following recommendations for the 2005 prairie chicken season and the 2006 quail and pheasant seasons, the question of these changes having a measurable impact on the status of population levels was considered. It is desirable to develop three opening days for the three species groups of upland game birds. The current harvest management strategy for all upland birds is to provide the maximum opportunity for hunter recreation days without adversely affecting upland bird populations.

Kansas greater prairie chicken (GPC) population indices have been essentially stable in the Flint Hills and north central Kansas for the past decade. Due to substantial habitat changes, greater prairie chicken numbers have declined in areas east of the Flint Hills. This species has increased in northwest and west-central Kansas over the same period. It is recommended that the following changes in the prairie chicken seasons in Kansas begin in the fall of 2005: East Unit - September 15, 2005 - January 31, 2006, with a daily bag limit of 2, possession limit of 8. The 16- to 22-day gap between the current special early season (Sept. 15 - Oct. 15) and the current regular season (second Saturday in November - January 31) would be opened to hunting. This would create a continuous open season of 138 days on greater prairie chickens in the East Unit, compared to the current split seasons that vary between 116 and 122 days. Northwest Unit - November 1, 2005 - January 31, 2006, with a daily bag limit of 2, possession limit of 8. The only change in this unit would be for the season opening to begin November 1 instead of the first Saturday in November under the current structure, except in the area between Highway K-96 and I-70, which is to be included in the Southwestern Unit. This would create a 92-day season, compared to the current season that varies from 86 to 92 days. Only greater prairie chickens are found in this unit.

Southwest Unit - November 1, 2005 - December 31, 2005, with a daily bag limit of 1, possession limit of 4. This proposed change would move the opening date to November 1, creating a continuous season of 61 days as compared to the current 62-day season that opens on December 1 and closes on January 31. Bag and possession limits would remain the same as the current structure. In the area between Highway K-96 and I-70, which would become part of the Southwestern Unit, the daily bag limit would be reduced from the current 2 birds to the proposed 1 bird, and the season opener would change from the first Saturday in November to November 1. These changes would primarily involve lesser prairie chickens, but greater are present north of Highway K-96. The recommended hunting of prairie chickens in southwest Kansas during the month of November instead of January could predictably increase harvest and hunter opportunity on lesser prairie chickens but it would not adversely impact the population in Kansas. Staff predicts an increase from 340 hunters expending 1,250 hunter days and harvesting an estimated 270 lesser prairie chickens to a maximum of 700 hunters expending 2,500 hunters days and harvesting 600 birds. The department currently estimates the population of lesser prairie chickens at 17,500 birds. The projected maximum harvest under the recommended season represents 3.5 percent of the estimated population. This would begin in the 2005 season

2. KAR 115-25-1a. Quail; open seasons, bag limits, and possession limits - Mike Mitchener, Wildlife Section chief, presented this report to the Commission (Exhibit K). It is recommended that the 2006 quail season open statewide on the second Saturday in November and close on the following January 31. Daily bag will remain at 8 and the possession limit at 32 quail on or after the fourth day. The majority of the state would retain the current season, but the season would increase by one week in the western portion of the state. The fall 2005 quail openers will be the second and third Saturdays in November. This proposal would establish a statewide quail opener on the second Saturday in November for the fall 2006 season. The fall 2006 youth season for the taking of quail shall be a 2-day season starting the last Saturday in October. The entire state shall be open for the taking of quail during the youth season. Only persons 16 years of age or younger, accompanied by an adult 18 years of age or older, may hunt during the youth season. The daily bag limit during the youth season for the taking of quail shall be four quail. The possession limit during the youth season for the taking of quail shall be eight quail.

3. KAR 115-25-1b. Pheasants; open seasons, bag limits, and possession limits - Mike Mitchener, Wildlife Section chief, presented this report to the Commission (Exhibit K). It is recommended the fall 2006 season for pheasants open statewide on the first Saturday in November and close on the following January 31. The daily bag will remain at 4 cock pheasants per day and possession of 16 cock pheasants on or after the fourth day. This recommendation will increase the current pheasant season by one week by changing the opener from the second Saturday in November to the first Saturday in November. The fall 2006 youth season for the taking of pheasant shall be a 2-day season starting the last Saturday in October. Only persons 16 years of age or younger, accompanied by an adult 18 years of age or older, may hunt during the youth season for the taking of cock pheasants. The entire state shall be open for the taking of cock pheasants during the youth season. The daily bag limit during the youth season for the taking of cock pheasants shall be two cock pheasants. The possession limit during the youth season for the taking of cock pheasants shall be four cock pheasants.

Commissioner Wilson asked how long biologists need to see an increase in greater prairie chicken numbers before they would feel comfortable making an increase in the season.

Mitchener said that this is a short-lived species. One year does not a population make, but there can be several changes in a short time. Prairie chickens are not like deer and waterfowl where you are talking about long-lived species. Staff have discussed this quite a bit in-house and there are several other things that affect a species besides hunting, such as climate, disease, etc. Staff feel comfortable with the few days we are planning to add to the season and don't feel there will be any adverse effects to the species.

Commissioner Wilson asked if there numbers for greater prairie chicken. Mitchener said numbers weren't included for them because the season wasn't changing much (linking the two current seasons) and there aren't a lot of prairie chicken hunters. There may be an estimated 7,700 total greater prairie chicken hunters with about 29,000 total days. There was historic information on lesser prairie chickens and staff felt that this was where most of the concern was with the Commissioners and the public. This is a maximum estimate of what the population could be, going back to 1995, when the proposed number was twice what we are proposing today. Commissioner Wilson said this was really hard to explain this to non hunters. She agreed that two weeks is not much and that there are other issues involved, climate, disease, etc. But she said she grew up in a small town, but lives in the city now and most of the people that are calling her are asking and she didn't feel that she could give them a complete answer. These birds are on the federal list that could potentially be listed. Mitchener said they are on a candidate species list. Commissioner Wilson said she was not opposed to hunting, but wanted to look at all options. She said it didn't bother her to move the boundary, but did bother her to increase hunting days. Secretary Hayden said there are interesting reasons why this is being proposed. Twenty-three years ago in 1982, there were 53,000 hunters. Now there are 7,700. Today's hunters are only killing 14-15 percent of what hunters did in 1982. The prairie chicken hunters are vanishing. It is hoped that this proposal could bring some of them back. The CRP program is only a 10-year program and can be phased out at any time and with it will go the whole population. Lesser prairie chicken hunters decreased from 3,400 to 530. In 1982, 11,000 birds were being taken, now hunters take 1,100 lessers a year. The disappearance of the lesser prairie chicken has not been due to hunting, but due to loss of habitat. This proposal shortens the season by one day and moves the boundary so it protects the chickens better.

Vice-Chairman Fields said that as the Commission historian, he had been looking at numbers presented in October 2003, and he added that Secretary Hayden was correct with numbers. Moving the boundary would be good because it would protect some of the overlap of species. Some states have closed prairie chicken hunting all together. He asked if there would be any concern from USFWS by changing this season. Mitchener said that from those he had talked to, no, because hunting is not the reason for the demise in the species.

Mike Pearce, Wichita Eagle, asked for a ballpark figure of what the percentage of greater prairie chicken harvest occurs on opening weekend? Mitchener said he could get those numbers. Pearce asked if the proposal could reduce the harvest by doing away with the traditional opening weekend. Mitchener said he didn't think so. The people who hunt prairie chickens will continue with that tradition.

Commissioner Johnston said that there has been some sentiment expressed about shortening the quail season in January which he thought should be discussed.

Commissioner Harrington asked if biologists discussed shortening the January season at all. He agreed with most people that hunting is not the reason, but late freezes have more of a population impact. He said that he and Commissioner Dykes agreed on that. Mitchener said there was no clear consensus among biologists across the country. Studies have been done, mostly on public

lands or areas that are heavily hunted. There is a potential for added mortality in heavily hunted areas, but most of Kansas is privately owned and every piece of property does not get hunted the same on a daily basis. The season length provides opportunity, but not additional mortality. Vice-Chairman Fields related attitudes from the late 1950s and 1960s which was, "Rest the birds, rest the dogs" and the average season was 19 days long. Seasons never lasted past mid-December. He agreed with Commissioners Dykes and Harrington that the birds are weakened in January and we should end the season by the end of December. He said his opinion was different on pheasants because they are a hardier species.

Secretary Hayden commented that in 1959, the average hunter hunted 4.5 days. In 1969 he hunted 4.9 days in a 96-day season. In other words, they hunted the same whether there was a short or a long season. The average bag was 4 ½ birds per hunter Now it's 1 ½ birds -- the same number of days, but about a 1/3 the harvest. Quail harvest is the lowest in over 40 years. You would have to go back to 1960 to get a harvest as low as the last two years. A long season does not necessarily mean more hunter days or a greater hunter harvest. In 1966, the largest number of birds was taken.

Vice-Chairman Fields commented that again, Secretary Hayden's statistics were good and accurate, but it is hard to convince constituents that it is good. Secretary Hayden said that of radio tagged birds, those marked on April 1 (not hunting season), by August 31, 85 percent were dead, mostly from predation. These are very short-lived creatures. They can't be stock piled. Mitchener added that in Oklahoma the quail season lasts into February and there is a greater bag limit than in Kansas. The habitat and weather, are essentially the same with no adverse affects.

Commissioner Johnston said that the information seemed to be conflicting and he was conflicted about the issue. If hunters are averaging the same number of days in the field, he wondered why lengthen the season. When the population was reduced in January, even if we are not stock piling, those are the ones that will be nesting and hatching in the spring. He didn't think he would favor shortening the season to December 31, but did feel it should be shortened to mid-January. He stated he was not ready yet to make a decision.

Doug Phelps, Manhattan, asked if there as data available on how well utilized January is by the hunters. Mitchener said information wasn't that specific, but studies show the vast majority of the hunting occurs in the early part of the season. There is not very much pressure from hunters later in the season -- mostly the diehard hunters. Phelps said he understood that the department was trying to provide more opportunity, but wondered what would happen if the season was extended to the first week of January. The public perception would be better and it could be sold to non-hunters and hunters. The hunters would be giving up the part they don't use anyway. Mike Pearce, Wichita Eagle, asked Vice-Chairman Fields, if he had any concerns about the message being sent to the public. Vice-Chairman Fields said he did have those concerns. He added that hunters have come up to him and said that they have sold their dog and won't buy another one. The average person doesn't get all of this information.

Keith Sexson, Assistant Secretary for Operations commented that there is sometimes a reason to evaluate the public perception, but the truth is that, if season are cut back, it will not contribute to increasing, or recovery of this species. The department must be careful on what message is sent -- avoid giving the impression that there will be an increase in population Shortening the season won't result in more birds in the future. If the population continues to decline, then the public may perceived that more season cutbacks will increase bird numbers. Commissioner Wilson said she was in a bit of a quandary -- she didn't feel the hunting would hurt the populations, but the

public perceives it will. She wondered if there should be more efforts promoting habitat improvement. The general public lacks knowledge and science ecology. Letting people know the department is working on these problems and that will help Commissioners and staff. Sexson commented that is exactly how constituents and the public should be addressed.

Vice-Chairman Fields said that Commissioners probably get the flack. He said he has heard comments like, "we are doing this to just make the motel owners happy".

Pearce commented that during the legislative session the message is, "listen to the biologists" and then the Commission doesn't listen to the biologists.

Vice-Chairman Fields said that on October 19, 2000, lesser and greater prairie chicken populations were discussed and that populations were likely to be lower than projected. Some of these men that reported negative biology in the past, want to increase the season now. Past seasons need to be considered now.

Pearce asked Secretary Hayden for confirmation. Hayden said he was not here in 1999.

Vice-Chairman Fields said there have been downward trends since 1999.

Commissioner Meyer recommended learning from past experience. He suggested increasing seasons to increase quantity. What was done in the past was wrong, and he recommended doing what is right now. To hang onto an assumption from 10 years ago is not right.

Vice-Chairman Fields suggested meeting on a middle ground -- between the wishes of the public and the biology of the present.

Commissioner Harrington said he had a scientific mentality and that the numbers of the birds is what was most important to him. He asked for confirmation that biologists have looked into the late season hunting and feel it would not affect the population. Mitchener confirmed that was his answer.

Barth Crouch, Pheasants Forever, said he didn't see these changes causing a lot of problems. But asked if department staff had talked to the hunters, landowners and motel owners to see what their feelings were. If there was no support for this last year, he asked why it was brought back this year.

Jess Hoeme, Beloit, said he argued about changing the quail opener in Courtland. There was no support for a change then. Secretary Hayden commented that one thing has changed since that meeting -- Nebraska has woken up, are getting more aggressive and are moving up their season. That would be like Wal-Mart saying they would close the day after Thanksgiving. He said South Dakota moved their season up by several weeks to get the out-of-state hunters. In the last 20 years Kansas has lost 66,000 pheasant hunters. Current marketing plans are not working. He commented that he wasn't saying this will turn it around, but the best Saturday in November is being wasted. He asked why not give the pheasant hunters the best Saturday of the year. The department is worried about the future of our sport, it is at stake. The current strategy is a strategy of decline. Today people live in cities and you have to make it convenient for them. Do nothing or try to turn this around.

Commissioner Harrington said he understood the marketing perspective, but was against opening quail season before Halloween. Hayden said the proposal would not move quail season up, only one week in northwest to have a uniform opening. It would be moving pheasant season, that is the lynch pin. Three different opening days could be marketed, one for each season. In pheasant hunters alone over 70,000 have been lost. Commissioner Harrington said his point was that we can't continue to move up the season to keep up with the Jones. Hayden said the biologists won't let that happen. There will actually be more birds on the first Saturday than the second Saturday. Pearce asked if this proposal would be voted on in Hays. Mitchener said that was correct. Pearce asked if anyone remembered what the proposal was last year. Mitchener answered that that

proposal was to move quail to the first Saturday in November, prairie chickens to November 1, and pheasants to the 2nd Saturday. Secretary Hayden added that this was a different proposal.

4. Early Migratory Bird Seasons - Marvin Kraft, waterfowl research biologist, presented this report to the Commission (Exhibit L). Dove regulations are now set by KAR 115-25-19, rather than annual Commission approval and there are no changes for this year. Frameworks won't be know until June, but no changes are recommended on the other species listed here, if frameworks remain unchanged.

5. KAR 115-9-9. Electronic licenses permits, stamps, tags, and other issues of the department - Kevin Jones, Law Enforcement Division director, presented this report to the Commission (Exhibit M). Currently all regulations are set up for paper licenses, this regulation would cover purchasing a license electronically. There are six points outlined in the briefing book to accommodate this automated system.

Commissioner Wilson asked if there was a time limit when people have to get into the park to swap temporary park permits for permanent permits? Jones said no regulation had been written yet, but he didn't anticipate a deadline.

Vice-Chairman Fields asked if there were any comments on non agenda items.

VII. RECESS AT 3:55 p.m.

VIII. RECONVENE AT 7:00 p.m.

IX. RE-INTRODUCTION OF COMMISSIONERS AND GUESTS

Chairman Dykes came in for the evening session.

Moved from afternoon session.

1. Retirement Presentation to John Fields - John Dykes and Mike Hayden presented a plaque to John Fields for his years of service to the Commission. Chairman Dykes commented that Commissioner Fields was appointed October 1998, reappointed 2002. He has done a lot of good work for the Commission and has been at virtually all of the meetings since he was appointed. Dykes said he admired Field's preparation for meetings and if he had a constituent concern he gave them due attention. Everyone will miss his friendly demeanor. Secretary Hayden echoed those words. Now Fields can fish and hunt full time. He thanked Fields on behalf of the people of Kansas and the resource. Commissioner Fields said it had been a fun seven years. Wildlife and Parks is a true family.

X. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

Dan Ward, Kansas Wildlife Federation, said he was unable to attend the afternoon session and wanted to talk about the proposed regulations on KAR 115-25-1 on behalf of Kansas Wildlife Federation, Dr. Robel, and Audubon of Kansas (Exhibits N, O, P). He said this proposal was similar to what was talked about last year and the Kansas Wildlife Federation still has the same.

He said he talked to Quail Unlimited representatives last night and they asked that you hold off on upland bird changes.

XI. DEPARTMENT REPORT

D. Public Hearing

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

1. 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 R). This item concerns the creation of a new furharvesting regulation, a sub-category of the current furharvesting regulation, which will regulate the hunting of bobcats during the established season by nonresident hunters holding a limited bobcat hunting permit. This action is in response to a recommendation made by the 2004 Revenue Task Force, which identified this type of permit as a potential revenue source that would provide additional hunting opportunity. Any bobcat harvested under this permit would be required to be tagged with a carcass coupon prior to leaving the site of kill. 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 within seven days of harvest, as required by the existing furharvesting regulations. The proposed regulation would create a nonresident bobcat hunting permit which would allow the harvest of one bobcat per permit. 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 at noon 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 charges. There would be no limit to the number of permits that an individual may purchase. Any bobcat carcass or pelt could be given to another person by a written notice of donation. However, a raw pelt could only be sold in the State of Kansas to a licensed fur dealer.

Commissioner Wilson said she reviewed all of the permitting mentioned at the last meeting and wondered if this part of reevaluating permits that aren't used so much. Jones couldn't recall talk about all permits being reviewed, but he said fee structure on some would be looked at. The big game permitting statute was discussed. Tymeson said the House Wildlife Parks and Tourism Committee asked the department to revamp deer and big game statutes only.

Commissioner Harrington moved to approve KAR 115-5-4 as presented. Commissioner Meyer seconded.

The roll call vote to amend KAR 115-5-4 was as follows (Exhibit S):

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

The motion to approve KAR 115-5-4 passed 7-0.

2. 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 T). This item recommends the revision of the reporting requirements for Controlled Shooting Areas (CSA). CSAs have been operating for many years in this state and it is felt that the recording of daily bird releases by CSA operators could be changed to allow the reporting of bird releases over a less specific time frame. The regulation concerning Controlled Shooting Areas requires operators to release a number of birds that is equal to or exceeding the total number of birds harvested during the operations' season. The current regulation prescribing the reporting requirements mandates that bird releases must be recorded on a daily basis. If enacted, the proposed change would allow the release report to cover a longer period of time. CSA operators expressed concerns that the current requirement is excessive and burdensome to their overall operation. By allowing reporting over a longer time period (monthly or even seasonally), the objective of the regulatory requirement could be met by simplifying the reporting process.

Commissioner Wilson asked if the department would essentially get an annual report. Jones said that was accurate.

Commissioner Harrington moved to approve KAR 115-11-1 as presented. Commissioner Fields seconded.

The roll call vote to amend KAR 115-11-1 was as follows (Exhibit U):

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

The motion to approve KAR 115-11-1 passed 7-0.

3. KAR 115-18-10. Importation and possession of certain wildlife; prohibition, permit requirement and restrictions - Adding New Zealand mud snail to prohibited species list - Chris Tymeson, legal counsel, presented this report to the Commission (Exhibit V) in place of Doug Nygren. This would add New Zealand mud snails to the prohibited species list. There isn't a lot of information about this species but they could potentially cause big problems if introduced.

Commissioner Harrington moved to approve KAR 115-18-10 as presented. Commissioner Meyer seconded.

The roll call vote to amend KAR 115-18-10 was as follows (Exhibit W):

Commissioner Fields	Yes
Commissioner Harrington	Yes

Commissioner Johnston	Yes
Commissioner Meyer	Yes
Commissioner Sebelius	Yes
Commissioner Wilson	Yes
Commissioner Dykes	Yes

The motion to approve KAR 115-18-10 passed 7-0.

4. KAR 115-25-9. Deer; open season, bag limit and permits - Lloyd Fox, wildlife research biologist, presented this report to the Commission (Exhibit X, statistical handout listing other state cases - Exhibit Z). Fort Riley has requested a change in the archery deer season. Currently the archery season is closed during the firearms season, however, the firearms deer season on military installations are not the same as elsewhere in the state. Some archery hunters have requested to hunt with archery equipment and their archery permit during the regular firearm season. The extended season for antlerless white-tailed deer has ranged in extent from 2 days to 14 days. Last year the extended season was only two days in length and legislators requested an additional seven days for the extended season in the northern portion of Deer Management Unit (DMU) 7 and 8. To allow a full weekend of hunting after December 31, 2005 would require a delay until January 7th and 8th, 2006. By increasing the length of the extended season to eight days we could eliminate the special extended season. Input from department personnel indicates that consideration should be made to restrict game tags to people who possess an antlered deer permit. Season dates for the 2005-06 deer hunting are recommended as follows: Early Muzzleloader - September 10, 2005 to September 23, 2005 (14 days); Youth and Disability - September 24, 2005 to September 25, 2005 (2 days); Archery - October 1, 2005 to December 31, 2005; Early Firearms (DMU 19) - October 15, 2005 to October 23, 2005 (nine days); Regular Firearms - November 30, 2005 to December 11, 2005; Extended WAO - January 1, 2006 to January 8, 2006 (same as last year, DMUs 6,7,8,9,10,11,12,??? And 19); and Extended Archery (DMU 19) - January 9, 2006 to January 31, 2006. The recommendation for the deadline for applications is: Nonresident - May 31, 2005; Resident Drawing - July 15, 2005; and Unlimited Availability - January 7, 2006. Section (a)(1)(B) will be changed from statewide to two archery unit(s) designated by the hunter plus DMU 19. Extended firearm seasons for antlerless-only white-tailed deer during 2004-05 included: 1) a 2-day season in DMUs 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19; 2) a 9-day season in northern DMUs 7, 8 and 3) a 29-day season in central DMU 12. A preliminary review of deer population indices has revealed that extended firearms season in January for antlerless-only white-tailed deer do not need to be restricted to fewer units and that consolidation of the three seasons could be made into one season. The current accident report numbers for 2004 is 9,900, nearly 10,000 deer/vehicle accidents. Staff recommends that any unfilled firearm, muzzleloader, or archery permit or antlerless-only white-tailed deer game tag valid in unit 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, or 19, shall be valid during the extended firearm season beginning January 1, 2006 and extending through January 8, 2006 in those units. It is the staff recommendation that deer hunters should be required to have a deer permit that allows them to take an antlered deer before they may acquire an antlerless-only permit or a deer game tag. However, the recommendation for the number of deer game tags that may be used by a hunter remains the same as last year. A deer hunter with an antlered deer permit may obtain no more than four deer game tags. No deer game tag may be used in units 1, 2, 17, or 18. Only one deer game tag shall be valid within the area of units 3, 4, 5, 6, 9, 10, 11, and 14. As many as four deer game tags may be used within the area of units 7, 8, 12, 13, 15, 16, & 19. Under the Secretary's Orders there are some maps that show that also

(Exhibit AA). Last year was the first effort to use check stations in a couple of decades and it went on without many problems. This proposal would keep check stations but expand units where hunters would be required to take their deer to a check station to include units 1, 2, 3, 16, 17, & 18. The check stations would be operated during the 12-day regular firearm deer seasons. Deer taken outside of these units and outside the regular firearms deer season would not need to be taken to a deer check station. It is recommended to discontinue the practice of converting unsubscribed any-deer permits, and muzzleloader any-deer permits to leftover antlerless-only permits that are then reauthorized in a second drawing. This recommendation is being made to both simplify the permitting process and to reduce harvest pressure on female mule deer. A permit to take an antlered deer will be required before getting a game tag or white-tailed antlerless permit. Chairman Dykes asked if the new regulation required a nonresident to acquire an antlered tag before they could buy an antlerless tag. He wondered how they would prove they had the primary permit in the field. Fox said they couldn't buy the antlerless permit without having an antlered permit number, which will be much easier with the new automated license system.

Secretary Hayden asked if hunters could shoot three does in Unit 11. Fox said yes -- one under archery, one under whitetail antlerless permit and one under game tag, but the hunter would lose the opportunity to take an antlered deer.

Mike Pearce asked Fox to repeat the check station units. *(Fox repeated)*

Dan Ward, Kansas Wildlife Federation asked for an amendment to allow youth to take an antlerless deer before without purchasing an antlered deer permit.

Doug Wilson commented that the archery season continuing through firearms season was a real problem. He asked for the archery season to be closed during firearms season.

No amendments made.

Commissioner Fields moved to approve KAR 115-25-9 as presented. Commissioner Harrington seconded.

The roll call vote to amend KAR 115-25-9 was as follows (Exhibit X):

Commissioner Fields	Yes
Commissioner Harrington	Yes
Commissioner Johnston	Yes
Commissioner Meyer	Yes
Commissioner Sebelius	Yes
Commissioner Wilson	No
Commissioner Dykes	Yes

The motion to approve KAR 115-25-9 passed 6-1.

5. Secretary's Orders for Deer Permits - Lloyd Fox, wildlife research biologist, presented this report to the Commission. Any deer permits stay the same, muzzleloader permits will go down some this year, but will stay above numbers of people who have applied in the past. No leftover antlerless only. Nonresident permit quotas, as required by statute, are allotted as a percentage of the permits sold to resident hunters the previous year. For the 2005 deer season, KSA 32-937 allows the department to provide nonresident firearm and muzzleloader permits equal to 16 percent of the firearms permits purchased by residents in 2004, by deer management unit. The

number of nonresident white-tailed either sex archery permits for 2005 is 21 percent of the total archery permits purchased by resident hunters in 2004. An amendment to KSA 32-937 in 2004 required the establishment of no fewer than nine archery deer management units. Nine archery units were established, and numbers of resident hunters per unit were estimated to establish the number of nonresident archery permits allotted per unit for 2005. Doug Phelps said he noticed on the department's website that Parsons Ammunition Plant is offering an archery hunt. He asked for two units, plus 19, plus special hunt sites for next year, if possible. Secretary Hayden asked Fox to explain that. Fox said he wasn't familiar with that hunt, but the Parsons Ammunition Plant offers a permitted hunt, similar to Marais des Cygnes or Fort Riley. Commissioner Fields said he was familiar with those hunts and the General can set those numbers. Mike Miller commented that he thought the application period for the ammunition plant hunt was this summer so hunters would know if they were successful before they purchased an archery permit. Garry Cook, Fort Scott, asked how the numbers of available permits were arrived at. Fox explained that all hunters were classified by zip code (in firearms units) and take a sampling of those. Hunters were asked where they hunted, took a percentage of that (21 percent) and combined units that became one archery unit.

Doug Wilson asked why the maximum numbers was used. Hunters are losing large tracks of land to guides and he saw the opportunity for residents to find a place to hunt going down. He said he did an impromptu survey of the two locker plants around Emporia and they processed 400 deer the year before last, but only 66 last year. One or two permits could tie up several thousand acres of land. He was not against nonresident hunters, but why continue to use maximum numbers when the legislature gave us a wide range. Fox said the deer resource does contribute to the recommendation and also the landowners like the nonresidents. Secretary Hayden commented that the legislature did put in "not to exceed," but staff is working with the fact that the deer/automobile accidents are on the rise again and if pressure is taken off, the accidents will continue to rise -- we would have a problem with the legislature. Chairman Dykes asked many nonresidents came to this state to hunt does.

Doug Wilson said he disagreed with Secretary Hayden. Increasing the number of nonresident tags will tie up the land because it is leased up. That is a tremendous percentage of land not accessible to the general residents. This works in reverse of controlling the deer numbers.

XII. OLD BUSINESS

Commissioner Wilson commented that a couple of weeks ago she and Commissioner Meyer attended the Law Enforcement Banquet. She said they were pleased to attend that and hear specific stories about the great things department people have done. She thanked staff or inviting them.

XIII. OTHER BUSINESS

A. Future Meeting Locations and Dates

June 23, 2005, Fort Hays State University, Student Union, 2nd Floor, Black and Gold Room, Hays.

August 25, 2005, Wichita.

Secretary Hayden reported that the omnibus bill was working its way through the legislature right now. Went through the House yesterday, removed the supplement for the \$1.1 million that the Governor had recommended for the Circle K purchase, but the Senate Committee did just the opposite today. The department may need some help to get both of those passed and may be calling on Commissioners next week. He said Commissioners may be asked to do some calling, especially on the park supplement, because there will be problems if that doesn't pass. Chairman Dykes asked if was close in the House. Secretary Hayden said no, it was 2 to 1 in Committee and on the House floor.

XIV. ADJOURNMENT

Commissioner Harrington moved, Commissioner Meyer seconded to adjourn.

The meeting adjourned at 7:50 p.m.

(Exhibits and/or Transcript available upon request)

Exhibit BB - New Kansas Department of Wildlife and Parks Website information sheet