

**KANSAS DEPARTMENT OF WILDLIFE AND PARKS
COMMISSION MEETING MINUTES FOR
Thursday, June 23, 2005
Fort Hays State University – Student Union, 2nd Floor
Black & Gold Room, Hays**

Subject to
Commission
Approval

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

The June 23 meeting of the Kansas Department of Wildlife and Parks Commission was called to order by Chairman John Dykes at 1:32 p.m. at Fort Hays State University in Hays. Chairman John Dykes, Commissioners Jim Harrington, Kelly Johnston, Gerald Lauber, 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). Chairman Dykes welcomed new Commissioner Gerald Lauber.

III. ADDITIONS AND DELETIONS TO AGENDA ITEMS

Moved Secretary Hayden's presentations (items 1 and 2) to the end of the Secretary's Remarks as he was at another meeting and running late. Also, moved sandhill cranes to the Workshop portion of agenda.

IV. APPROVAL OF THE April 21, 2005 MEETING MINUTES

Commissioner Wilson pointed out an addition that needed to be made the minutes -- on page 16 under Old business, Commissioner Meyer and Wilson attended the Law Enforcement meeting. Commissioner Wilson moved to accept minutes, Commissioner Harrington second. **All approved.** (Minutes - Exhibit B).

V. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

None

VI. DEPARTMENT REPORT

A. Secretary's Remarks

3. Final 2005 Legislative Update - Chris Tymeson, chief legal counsel, presented this report to the Commission (Exhibit C). The legislature is in special session right now. Bills passed and signed by the governor: **SB 59 - Wildlife Violator Compact** - July 1, 2005. Bill allows entry into the Wildlife Violator Compact by the State of Kansas as 21st member of the compact. Two impacts: 1) Allows for issuance of "Notice to Appear" (NTA) to alleged nonresident violator from Compact state in lieu of bonding requirements; 2) Precludes hunting, fishing and trapping by individuals losing those privileges in compact states by recognizing suspensions of other Compact states. This was a department initiative and was supported by many conservation organizations. Regulations must be developed to implement/adopt the Compact operating manual as soon as practical (October or January meeting). **SB 98 - Controlled Shooting Area Hunting Licenses** - July 1, 2005. Bill makes permanent the

exemption for necessity of hunter education prior to purchasing controlled shooting area hunting license. Exemption has been in place for 5 years prior, and was to sunset this summer. This bill was introduced to make it permanent. No action needed. **SB 194 - Commission Permits** - July 1, 2005. Allows for the issuance of 7 big game permits, of which 1 may be elk and one may be antelope, by random draw to qualified organizations that actively promote hunting and fishing. Initiative supported by the department but introduced on behalf of Rocky Mountain Elk Foundation. Application needs to be developed and prepare for regulation/secretary's order to award qualified applicants for the 2006 season. **SB 195 - Firearms Bill** - July 1, 2005. As part of a larger bill dealing with firearms, this bill allows for the transfer of firearms from the Department of Revenue to KDWP for use operationally and within the Hunter Education Program. Firearms for transfer have been identified. Original bill was a department initiative. No action needed. **HB 2116 - Fee Fund Protections** - July 1, 2005. Protects federal funds from diversion by separating into new accounts by Division of Budget for purposes of tracking federal expenditures and reimbursements. Bill initiated by the department. No action needed. **HB 2253 - Increased Penalties for Repeat Wildlife Violators** - July 1, 2005. In response to repeat violators of wildlife laws, bill requires minimum mandatory penalties for repeat violators, for violations of big game and wild turkey laws and regulations as well as general wildlife violations. Penalties, fines and jail time increase accordingly with 2nd, 3rd, 4th and subsequent offenses. Bill initiated by several organizations with Kansas Wildlife Federation leading and supported by KDWP. No action needed. **HB 2466** (attached to SB 98 when passed) - **Commercial Guide Deregulation** - January 1, 2006. Repeals licensing requirements for commercial guides. Bill introduced by some CSAs and commercial guides. Need to repeal three commercial guide regulations in October and one other reference to commercial guides in the fee regulation. This bill is effective January 1, 2006.

Other Bills of 2005 Legislative Session: **SB 87 - Park Funding** – This bill is still active and is on Senate Calendar (exempt bill). KDWP initiative. Attaches charge to vehicle registrations of certain vehicle classes to fund State Park system. Any Kansas vehicle registered after bill implemented could enter state parks free (entrance currently requires daily or annual vehicle entrance permit). In original form, this bill contained a refund provision. KDWP will support this bill in 2006 Legislative Session. **SB 228 - Cedar Bluff Water Rights** - Active, Senate Natural Resource Committee. Transfers water right held in Cedar Bluff by Kansas Water Office to KDWP. The department opposes this bill because of fiscal impact of transfer as well as the impact on the system of statutory water rights regulation. The department will continue to oppose this bill in 2006 Legislative Session. However, KDWP is currently working with Kansas Water Office to develop an MOU to transfer water right but minimize fiscal impact for 3-year period. Commissioner Sebelius asked what the fiscal impact would be. Tymeson said it would be \$100,000, but added that if the MOU is signed the department would not have to absorb that for three more years. This is a very complicated issue. Chairman Dykes asked if this was in addition to the water right we already hold. Tymeson said it was. **HB 2115 - Repeal of Mandatory Archery Management Units** - Active, passed House, had hearing in Senate Natural Resources, but no action. Repeals Archery Management Units mandated in 2004 Legislative Session. However, as a result of the 2004 bill, archery units were implemented in April. The supports this bill, however, House Wildlife, Parks and Tourism (WPT) Committee has directed the department to review the deer management statutes and return with a proposal regarding deer management for the next session. It is anticipated that the contents of this bill will be contained in next year's proposal. Staff has started gathering ideas to begin developing a bill. **HB 2117 - Boating Law Update and New Vessel Theft Provisions** – Inactive. Stricken from House Calendar after passing House WPT Committee. This was a KDWP initiative which contained several updates of boating statutes as well as new statutory provisions to deal with increasing vessel theft problems. Plan to re-introduce similar bill in 2006 Legislative Session. **HB 2122 - Misdemeanor/Felony Dollar Value Threshold** (impacts K.S.A. 32-1005, Illegal Commercialization of Wildlife Statute) - Active, in Conference Committee. Increases the dollar threshold for felonies involving illegally commercialized wildlife to \$1,000 with corresponding increases in wildlife values in

statute. Bill is still active department supports it. There is a possibility the legislature will work this bill into this special session. If not, KDWP will support it in the 2006 Legislative Session. **HB 2210 - Hunter Education Exemptions for Military** – Inactive. Did not receive a hearing in House WPT Committee. This bill would have exempted current or former members of the military from hunter education requirements. The department opposes exempting military members from hunter education requirements. All hunters, including members of the military, must have hunter education to hunt on military bases, so they do not feel military training is enough. **HB 2226 - Land Acquisition Procedures** by KDWP – Active. This bill passed the House and is currently in Senate Ways and Means Committee. Current form of bill would require all lands acquired by KDWP to be certified in compliance with noxious weed provisions of Kansas statutes, to have a five year management plan, and payment in lieu of ad valorem taxes to the county in which the property is located. These provisions already apply to all property acquired by KDWP in the last 15 years. In addition, for any tract larger than 480 acres, the bill requires legislative approval prior to acquisition and allows for a protest petition by registered voters of the jurisdiction as to whether or not the KDWP could acquire the property. Bill is broadly drafted and could include donated, leased and purchased property. KDWP will oppose the bill in the 2006 Legislative Session. **HB 2393 - Cedar Bluff Water Rights** – discussed earlier. **HB 2459 - Antelope Transferable Permits** – Active. Hearing held in House WPT Committee. Allows landowner/tenant antelope permits to be transferred to any person, with or without consideration. KWP will oppose in 2006 Legislative Session. **HB 2476 - Transient Guest Tax** – Active. Hearing held in House Taxation Committee. Imposes transient guest tax on department-owned cabins rented to the public in jurisdictions where transient guest tax exists. KDWP will oppose in 2006 Legislative Session. **HB 2506 - Open Meeting Act Applicable to Sub-Cabinet** – Active. Re-referred from House Calendar to House Appropriations. Makes meetings of the Governor’s Sub-Cabinet on Natural Resources applicable to Open Meetings Act. KDWP will oppose this bill in 2006 Legislative Session. Broadly drafted and could impact any meetings between staff of any state agency meeting with staff of another state agency.

4. Omnibus Budget Provisos – Chris Tymeson, chief legal counsel, presented this report to the Commission (Exhibit D). Dick Koerth is watching the legislative session today. One of the appropriation bills passed each year is referred to as the “Omnibus Appropriation Bill”. This bill is considered and passed during the final part of the legislative session beginning on April 27, 2005. The omnibus bill is the last bill passed and contains appropriations for items not included in the regular appropriation bills passed earlier in the session. The items included in the Omnibus Appropriations bill are Governor’s Budget Amendments (GBA), funding for legislation passed during the session, and additions to earlier actions. KDWP items considered by the legislature included two GBA requests and two legislative actions. The governor submitted a GBA including an additional \$1,017,000 in State General Fund (SGF) appropriations and a reduction of \$300,000 in expenditures from the Park Fee Fund. These actions would allow us to fully fund Administration and Parks Divisions expenditures during FY 2006. Also included was an item to authorize the department to acquire the Circle K Ranch in Edwards County. The legislature authorized additional funding in FY 2006 but the financing consisted of \$717,000 from the SGF and \$300,000 from the KDWP Road Maintenance Fund to be repaid from the Park Fee Fund when sufficient funds are available. The legislature also included a proviso to prohibit the KDWP or any state agency from spending state funds for the acquisition, operation, or maintenance of the Circle K ranch in FY 2005 or FY 2006. In addition, a proviso was included to require the department to spend \$6,000 from existing funds for the maintenance, feed, and care of the bison herd located in Crawford County. For FY 2005, the legislature transferred \$170,000 from the SGF to the Bridge Maintenance Fund to replace funds taken by the legislature

during that fiscal year. During the legislative review of items for the bill, the House Committee on Appropriations and the Senate Ways and Means Committee both discussed the need for an interim committee review of funding for state parks operations. In addition, the Senate Ways and Means Committee requested an interim committee review to consider the transfer of recreation facilities at certain reservoirs where both KDWP and the U.S. Army Corps of Engineers maintain facilities. Other items included in the Omnibus Appropriation Bill that impact the KDWP include the following: 1) Funding for the 27th paycheck by using released encumbrances (occurs every 11 years on the calendar year). This is unspent money with no agency authority to spend; special revenue fund transfers equal to extra time worked in fiscal year, and unneeded re-appropriations. 2) No state funds shall be spent for the purchase of motor vehicle fuel for state owned vehicles from fuel sellers who are exempt from payment of motor fuel vehicle tax, except that any such purchase is hereby authorized in case of an emergency. 3) No state funds shall be spent for media advertising by any agency unless such advertising includes a disclosure that advertising is funded, in whole or part, by state taxpayer's dollars, as the case may be. 4) The Director of Accounts and Reports shall transfer amounts of funds determined by the Director of the Budget to the approved salary plan. The Director of the Budget shall take into account the following factors, limitations and considerations as are deemed applicable or appropriate by the Director with respect to the particular special revenue fund and the state agency that is involved. Chairman Dykes asked if the \$6,000 to pay for the buffalo in Crawford County would be taken out of the Wildlife Fee Fund. Tymeson said it would, adding that currently about \$3,200 a year is spent on the buffalo. Three pregnant cows and three calves will be moved to the Crawford County area this year and three older cows in the pen will be removed. Commissioner Sebelius asked if any of the Bridge Maintenance Fund money had been put back into the fund. Cindy Livingston said that the full amount was used this year, and \$170,000 was put back.

5. State Park Funding Review - Chris Tymeson, chief legal counsel, presented this report to the Commission (Exhibit E). The state park system began in 1958 and was fully funded by the State General Fund (SGF). The first park fees were not authorized until 1963. Since that time, the percentage of park fees needed to support the operations of the state parks has continued to increase. In FY 1995, park fees provided approximately 40 percent of the funds necessary to operate the parks. For FY 2006, that has been increased to approximately 80 percent. The significant reduction in SGF support for parks operations has increased the reliance on the Park Fee Fund (PFF). The PFF is a variable source of funding where the receipts collected from year to year is not constant. There was some flooding in the east this year and the flooding that occurred in 1993 and 1995 provide extreme examples. In addition, other entities offer similar services competing with services provided by the Parks Division, which impacts revenue and limits the amount of fees that can be charged to the consumer. Attached is a copy of a table with receipts to the PFF for the last 10 years. For the current fiscal year (FY 2005), the receipts through May were 6.56 percent less than last year's. The receipts to the fund for the fiscal year have been reduced from \$6,000,000 to a current estimate of \$5,310,308, a reduction of \$689,692. To provide for the continued operations of the state parks in FY 2005, the department has requested a SGF supplemental appropriation of \$752,587. The Governor recommended an amount of \$300,000. The legislature approved an amount of \$485,000 from the Bridge Maintenance Fund with authority to exceed that amount if needed. For FY 2006, the approved budget includes expenditures of \$6,109,235 from the PFF. The legislature also appropriated \$1,393,000 from the SGF and authorized the expenditure of \$300,000 from the road fund. The department is concerned with the funding of the PFF. In addition, authority was provided to use additional monies from the road fund if necessary. The revenue to the road fund consists of a transfer from the Kansas Department of Transportation (KDOT) for the maintenance of KDWP roads. The actions of the legislature reduced the amount available to maintain department roads from \$1,500,000 to \$1,200,000. If receipts to the PFF continue to decline or do not equal the

amounts estimated then more of this funding source would be required. The FY 2006 budget, as approved by the legislature, estimates revenue to the PFF to be \$6,404,000, an increase of \$1,093,692 or 20.6 percent of the FY 2005 \$5,310,308. Given the current fee structure, it is unlikely an increase will occur. If receipts are not considered adequate to finance the approved FY 2006 budget for state parks operations, KDWP will consider other alternatives. These could include additional use of the road fund above the \$300,000 currently authorized, a SGF supplemental appropriation in an amount adequate to fund parks operations, or consideration of other alternative funding sources such as an Outdoor Recreation Fee on motor vehicle registrations. At the current time, the funding for state parks is a major concern. The use of traditional sources to fund state parks is not adequate or dependable and inhibit future planning. In order to have a quality state park system, additional funding is needed from a stable, dependable source with the potential for growth. Commissioner Wilson asked how the lack of stable funding was impacting future planning. Parks Division director Jerry Hover said that it has essentially put future planning on hold. Tymeson added that capital improvements will be put on hold. Commissioner Wilson asked if additional parks would be put on hold. Hover said that was difficult to answer. There is a 5-year park plan and a 5-year action plan, but to look for new acquisitions, new improvements or additions, is on hold. It is difficult to just keep up with maintenance. Staff is worried about using the road funds and other funds to continue to fund operations. Chairman Dykes asked if the special session would hurt the department. Tymeson said there was some fear, that they will not issue the funding for this year, but overall funding for next year. The budget as it sits will not sustain any new efforts.

6. Final FY 2006 Budget - Chris Tymeson, chief legal counsel, presented this report to the Commission (Exhibit F). The 2005 legislature has approved appropriations for the department to finance FY 2006 operations. Attached are tables providing information on the approved budget for FY 2006. Governor Sebelius has called for a special session of the legislature beginning on June 22, 2005. It is possible that there will be actions taken during the special session that could impact the FY 2006 budget as currently approved. For FY 2005, the approved budget is \$52,713,941 of which \$2,998,319 is appropriated from the SGF. This amount includes \$266,000 for a program to provide members of the Kansas National Guard with free park permits and hunting and fishing licenses. It should be noted that the amount for capital improvement projects in FY 2005 is higher than FY 2006 due to uncompleted projects from prior years that are still authorized for expenditure. The major issue for FY 2005 is adequate funding for state park operations due to decreased receipts to the PFF. As discussed, Governor Sebelius recommended a SGF supplemental appropriation of \$300,000 and the legislature authorized the department to spend \$485,000 from the Bridge Maintenance fund to be repaid when funds are available to the Park Fee Fund. The approved budget for FY 2006 totals roughly \$46,500,000, an increase of \$319,397 to the amount recommended by Governor Sebelius. The SGF appropriation for KDWP Operations is for \$3,296,447, an increase of \$704,909. In addition, an amount of \$266,000 was appropriated from the SGF to continue the program of free hunting and fishing licenses and park permits for members of the Kansas National Guard. The number of full-time positions authorized for the KDWP remains at 406.5. The major issue addressed by the legislature was support for operations of the state parks. The Omnibus Appropriation bill (as discussed earlier) contained additional funding support. Other items included in the FY 2006 Legislative recommendations are as follows: 1) an increase of 1.25 percent for salary for state employees for the first six months of FY 2006 with an additional 1.25 percent added for the last six months. It should be noted that state agencies are required to finance the first six months of salary increase from funds appropriated for state operations. The increase for the last six months was financed by the

legislature. 2) Added \$766,806 to fund 27th paycheck. 3) Deleted governor's recommendation to provide \$615,000 to begin capital improvement projects at State Park #24 (Menninger grounds in Topeka). 4) Provided that KDWP or no other state agency could spend funds for the acquisition, operation, or maintenance of the Circle K ranch in Edwards County.

1. Cheyenne Bottoms Visitor Center – Secretary Mike Hayden presented this report to the Commission. This project is a partnership with Fort Hays State, City of Great Bend, Barton County and Ellinwood, Claflin and Hoisington. This is a \$4 million project and right now, the department has \$3 million. The City of Great Bend has agreed to do the potable water and Barton County has agreed to do the parking lot, so the project is \$500,000 short. The bid period for the architect has closed and staff is in the process of choosing an architect. Staff is also working with The Nature Conservancy for private funding and corporate gifts. Fort Hays State University will manage the facility and KDWP will have one employee there and Barton County will have one employee there. FHSU will handle the museum and other onsite projects. Ground breaking is planned for next spring with an opening of October 2006. Fred Nuss asked what the estimated operating cost per year would be. Secretary Hayden said it would be split three ways – KDWP already has employees on site, but one will move over to this new location. Travel and Tourism will have one person. Approximately \$106,000 for operating costs. A reverse osmosis system is being considered for potable water. John Mirandi asked about ownership of the property. Secretary Hayden said the property is currently already owned by KDWP, and a title change is not anticipated. Management of the facility would be led by FHSU.

2. Circle K – Secretary Mike Hayden presented this report to the Commission. The Legislature passed a prohibition for KDWP to purchase Circle K in FY 05 or FY 06, but the department is still interested in ownership of that property. A tour with the U.S. Geological Survey to and about 15 legislators was recently completed. It is in the best interest of the water, the wildlife and Kinsley to pursue ownership of this property. Jake Stremel asked how the purchase will affect the Cheyenne Bottoms water supply now that Horsethief Reservoir will be taking water out of that aquifer. Secretary Hayden said the department would turn off 35 of 40 irrigation wells. Chairman Dykes asked about Horsethief Canyon. Secretary Hayden said the project was passed by local voters, but a substantial amount of money has been requested from the State. It will provide needed recreation for western Kansas, but will have a high evaporation loss and will increase water consumption. That is why the Circle K acquisition is so important. Chairman Dykes asked if Circle K irrigation systems were still running. Secretary Hayden said they were, all but one. There are 41 center pivots out of 53 wells. Doug Phelps, Manhattan asked who would have pool authority at Horsethief. Secretary Hayden said it would be owned by Pawnee Watershed District in Jetmore, which is the largest geographic district in the United States. Their right to impound water is granted by the Chief Water Engineer, but they acquired those water rights some time ago. Phelps asked if that situation would make it more workable for the fisheries biologists? Secretary Hayden said every reservoir is different. Commissioner Lauber asked who was behind the proviso prohibiting the purchase of Circle K. Secretary Hayden said there was a representative of the Farm Bureau at the meeting and maybe the question should be addressed to him, but clearly it is their disdain for public lands.

Break

Chairman Dykes – When I moved the Sandhill Cranes to the workshop session I didn't realize that was scheduled for tonight. I would like to put that at the end of this afternoon's session.

Announced Leann Schmitt's baby girl born this morning McKayla Grace, 8:45 am, 7 lbs 6 oz.

B. General Discussion

1. Landowner Deer Management Program Update - Lloyd Fox, wildlife research biologist, presented this report to the Commission (Exhibit G). The Kansas Legislature instructed the Kansas Department of Wildlife and Parks during the 2003 session to investigate landowner deer management programs and to prepare a report. This regulation was enacted last October. Only had one application was accepted for the pilot project. The project lands are located on the Brougham and Kimple Ranch in Chautauqua County. A contract has been completed with the landowner based on the application. That contract specifies that the landowner will receive 24 either-sex vouchers and 31 antlerless-only vouchers each year for three years. Those vouchers may be exchanged by the landowner's clients for non-resident white-tailed deer either-sex permits, and non-resident white-tailed deer antlerless-only permits. Resident deer hunters may apply through a drawing system for three white-tailed deer either-sex permits valid on that LDMP property. The applicant's proposal did not include any permits valid for residents to hunt with antlerless-only permits. Staff was surprised at the limited interest shown for this program; however there was a great deal of misunderstanding about its features. Some landowners showed initial interest in the program but would not allow a person selected at random to have access to their land, and therefore chose not to apply. Some property managers had special management programs that were required to allow people to hunt on his land. For example, one property manager charges his clients a penalty if they take an antlered deer that fails to measure a minimum of 140 Boone and Crockett. He would not allow a hunter selected at random to hunt his property unless they were also restricted to that minimum standard. Our regulation did not allow for that type of penalty. To evaluate a pilot program, more properties need to be involved. The application process could be reopened or the regulation could be reviewed and revised to encourage more landowners to apply and allow more permits that would be valid on their property to be available for residents. Commissioner Johnston asked if the applicant signed the contract. Fox said he did and it is in affect. Commissioner Johnston asked if a change in state law or regulation would be required. Fox said the Regulation is in place so it could just open back up for next year. Mike Pearce asked if the selected landowner had 24 either sex permits that they can distribute however they want. Fox said the contract allows the holder of permit to be valid in any season with any legal equipment, like landowner/tenant permit. Commissioner Johnston asked if the contract was valid for three years. Fox said it was but can be renegotiated for each year. The landowner did not fully understand the antlerless provisions in that. The landowner also wants to do his own survey to see how that works out. Chairman Dykes asked how large property was. Fox said it was 6,800 acres, mostly contiguous. Steve Swaffar, Kansas Farm Bureau pointed out that the application requires the land be contiguous. (In the southeast, where this land is located, the application requires 3,000 contiguous acres. In western Kansas, it requires 10,000 contiguous acres.)

Mike Mitchener announced that Roger Applegate resigned to take a position with the Tennessee Department of Wildlife and will be leaving in a week or so. He wanted to thank him for his tenure here and wished him luck in his new position. Commissioners thanked Roger for the work he has done for the department and voiced their congratulations to Roger on his new position

3. Squirrel Seasons – Roger Applegate, small game research biologist, presented this report to the Commission (Exhibit H). There are two species of tree squirrels that are legal game in Kansas. The eastern fox squirrel (familiar to most people - the red ones) occurs statewide and the eastern gray squirrel occurs primarily in the eastern one-third of the state (east of US 81). Aside from physical differences in color and other characteristics, the main difference in the two species is habitat. While the fox squirrel is able to occupy most wooded habitats, including urban areas and windbreaks, the gray squirrel is restricted to larger unbroken tracts of mature woods. Both squirrel species breed two times per year in January-February and June-July. Both species have 2 to 3 young per litter and they live a couple of years so any squirrel can have several

litters. KAR 115-25-4 establishes the hunting season for squirrels as June 1 through the last day of February; February 28 most years except leap year when it is February 29. The current season was adopted by the Commission in 1998. Prior to that the season had been from June 1 to January 31. Long-term department data (the harvest survey with an aggregate bag and some general surveys to get a relative idea of the proportion) shows that squirrel populations have increased and hunter harvest has declined over time and that roughly 15 percent of the squirrels are gray squirrels. After adding the month of February to the season, effective with the 1999 season, populations have continued to increase and statewide hunter harvest has increased slightly from 93,000 to around 104,000 of both species, in aggregate. Thus, even though there was a slight increase after the lengthening of the season, there appears to be no impact of squirrel hunting on populations. Kansas squirrel hunting seasons have occurred during breeding seasons for a long time without impact on populations. The primary factor influencing populations at this time appears to be the continued succession of lands to wooded habitats and the maturation of existing forests even in western Kansas. This is a good opportunity for folks to hunt and to recruit youth. Commissioner Meyer asked about black squirrels. Applegate said they are a color variation of the fox squirrels. There are a couple of towns that have large populations of those.

4. Comprehensive Wildlife Conservation Plan (CWCP) - Laurie Yasui, planner, presented this report to the Commission (Exhibit I). At the last four meetings, the Commission was updated on the department's progress on the CWCP plan development, which is designed to meet the federal requirements for participation in the State Wildlife Grant Program. Kansas was recently allotted about \$900,000 for the current federal fiscal year. Since the last report, the consultant has generated a draft for public review, and it has been posted on the department's internet site under "Hot Topics." All people who attended the summit meeting, and all those on the experts and interested parties mailing lists were notified by email. An announcement was also included in a statewide news release. Comments were solicited, with a deadline of June 15, 2005. Comments from several groups, individuals and Commissioner Shari Wilson, have been received and the project is still on track to have the final product by July 1, 2005. There are 316 Species-In-Need-of-Conservation in Kansas. Information and education will help us help these species. Need to instill appreciation of these species to protect the heritage of these species. Chairman Dykes asked if state biologists agreed with information in the report about declining greater prairie chicken populations in certain regions of the state. He added that there has been testimony at these meetings that the populations are stable and wondered if he was mistaken about the department's position. Yasui said she would check, but she had not consulted with the person who did that report. It has been discussed that with several agency staff and individuals. Funds are from offshore oil, but administered by the Land and Water Fund. Chairman Dykes asked if funding should increase over time. Secretary Hayden said that Congress was talking about zeroing that out, but that is a current debate. That has happened in the past. The grants can't be taken for granted. Chairman Dykes asked if the money was based on the price of oil. Secretary Hayden said it was based on leasing, not prices of oil. Indirectly tied, but these leases were negotiated a long time ago, so not directly related to the price. Yasui added that the State wildlife Grant was appropriated for six years, separate from the Land and Water fund.

5. Land and Water Conservation Fund 2005 Project Applications - Linda Lanterman, Parks Division assistant director, presented this report to the Commission (Exhibit J). For the sixth year, Congress has appropriated funds to the Land and Water Conservation Fund (LWCF) State Grant Program. This is the least amount of applications ever received because the local communities did not know if they would have matching funds and the application deadline was moved up. For Fiscal Year 2005, the total appropriation is \$89.7 million, which is less than what was appropriated last year. This year, Kansas will receive \$1,185,142 for LWCF State Development Grants, subject to matching funds and approval of proposed projects by the National Park Service (NPS). Three state projects will be funded: Meade State Park Visitor Center and road improvements -\$250,000; Cheney State Park new shower house and road

improvements - \$169,885; El Dorado State Park campground and road improvements - \$350,000. Four community projects were chosen: City of McCracken swimming pool renovations - \$15,000; City of Leavenworth Wollman Park improvements - \$31,000; City of Rossville new swimming pool - \$200,000; and Argonia Recreation Commission Marty Harrison ball field renovation - \$110,000. Staff will help smaller communities score their projects. The Land and Water fund was not funded for five years in 1999, then the state did not fund it for the next several years. The money is there for next year, but they have chosen not to fund it. Because of the amount of paperwork the department prefers to fund the larger grants.

6. Electronic Licenses and Permits - System Update – Cindy Livingston, Administrative Services Division director, presented this report to the Commission (Exhibit K). Internet testing and live phone/internet pilots have been conducted; with sign-off expected by July 1, 2005. The statewide roll-out is still scheduled to have equipment in place at most vendor locations by August 12, 2005. Web POS is delayed from original July 1 deadline. One of the main benefits to the agency and customers includes the centralized database that can be accessed by internet which is covered by fees of sales, \$1.15 per sale. Once the information is entered it will never have to be added again. Information can be accessed by putting in a driver's license or other form of identification and make changes if needed. There are 45 states that have some form of internet sales. The department will get its money by an ACH weekly draw which will speed up that process and make it cheaper because there will be no more paper licenses. Law Enforcement has the best benefits. People who have been revoked will no longer be able to purchase a license and the data base will prevent multiple permits being sold to a single individual. It will also be easier to obtain duplicate licenses or permits and can be done at any store. Vendors won't run out of licenses at peak times. Parks Division will, from a law enforcement standpoint, be able to track down where a person is. Chairman Dykes asked how many vendors there were. Livingston said approximately 700. Chairman Dykes asked if county clerks using this system. Livingston said they were.

Break

7. State Law Action Pertaining to Exotic Cat Ownership - Review of regulation - Kevin Jones, Law Enforcement Division director, presented this report to the Commission (Exhibit). At the January 2004 Commission meeting, the department presented an overview of the statutes and regulations concerning the possession and ownership of certain species of large cats in the State of Kansas. The presentation primarily focused on six species of large cats, specifically lions, tigers, leopards, jaguars, cheetahs and mountain lions. The department was directed to conduct further study on how to address the issue of ownership and possession of these animals in the state. Over the course of the following year other reports were given offering possible courses of action. Two ideas were presented, however, neither proposal was brought forth in regulatory form primarily due to additional questions and requests for different considerations. The last report to the Commission occurred at the January meeting in Topeka. At this meeting, several groups and individuals presented comments, both for and against the proposal presented. The department has received several forms of communication on this issue and further research has been conducted, reviewing a number of laws and regulations that have been adopted by other states, such as Tennessee, Minnesota, New York, Florida and California. Law Enforcement Division staff have met with the U.S. Department of Agriculture, Animal and Plant Health Inspection Service (APHIS) concerning their regulatory authority and discussed provisions of the Captive Wildlife Safety Act with the U.S. Fish and Wildlife Service. There has been a lot of discussion. Primary concerns include care of the animals and public safety. At the January meeting three wildlife display facilities requested more in-depth discussions through their attorney, but no meetings have occurred yet. However the department has been in periodic

contact with the attorney. A lot of states are working on this issue through APHIS. Upon completing the research and discussion, the department will prepare a regulation proposal for Commission consideration. Staff is looking at federal regulations being drafted that could be applicable. Jones assured everyone that the department is taking this matter seriously and trying to come to the most objective end. Some individuals have just one animal and then there are some large zoo facilities with many animals. As many of these people as possible will be contacted. Matt Baker asked about Jones' initial impression on USDA's caging policies, food preparation, etc. Jones said he hadn't looked into those policies in depth. APHIS restricts facilities not individuals, like square footage is not outlined, their guidelines just list "appropriate area". APHIS is only for accredited individuals not just who possess animals. The department is looking at options of exemptions for larger facilities, for example. Some type of standards for caging and welfare standards will probably have been established. They may be the same as APHIS or more specific to meet Kansas standards. Baker commented that the current wording did not say bears and wolves. Jones said they would be included. Chairman Dykes asked if the reason APHIS guidelines weren't adopted was because of the prohibition of private ownership. Jones said that The Animal Welfare Act is a draft – it could be adopted. But he was concerned with whether it needed to be more specific on certain types of species. Some other states specify cage size and what it can be built from rather than the broader APHIS standards. Chairman Dykes asked if any other states passed bans since this issue had come before the Commission. Jones wasn't sure but thought Minnesota and New York had passed some standards. Many states are looking at their standards. Chairman Dykes asked if the regulation was on track to go to a workshop session next. Jones said staff would try to do that. The earliest it could be workshopped is October. Chairman Dykes asked if the meeting with the attorney representing the three entities was eminent. Jones said he did.

8. Wildlife Violator Compact - Kevin Jones, Law Enforcement Division director, presented this report to the Commission (Exhibit M). The department has not made an official application to the Wildlife Violator Compact. The statute had to be in place first. The Wildlife Violator Compact was originally implemented by three western states during the late 1980s and was established for two reasons: 1) to recognize license and permit revocations between compact member states; and 2) to allow persons from Compact member states to be treated in the same manner as a resident of the state where a violation occurs. Senate Bill 59 was a Kansas Department of Wildlife and Parks initiated bill which passed the 2005 legislative session and was signed into law by the Governor. The effective date of this new law is July 1, 2005. The law requires that the by-laws and procedures manual must be adopted by the Secretary in the form of regulations and September 15, 1999 was the last time the by-laws were changed so there may be changes made to them. This was primarily an issue through the Western Association of Fish and Wildlife Agencies. There is talk to move this to the International Association which covers all states in the nation. Staff is working through the regulation at the present time and should be able to adopt this by reference to that document rather than putting the whole document in the regulation. Formal entry into the Wildlife Violator Compact by the State of Kansas is anticipated by January 1, 2006. Chairman Dykes asked if this would be in the workshop session in August, with action in October. Tymeson said that was correct. Jones said that there was nothing procedural, but the context of the regulation.

9. Commercial Guide Deregulation - Kevin Jones, Law Enforcement Division director, presented this report to the Commission (Exhibit N). Result of House Bill 2466 which passed during the 2005 legislative session and signed into law and repeals all statutory provisions for commercial guide services and becomes effective January 1, 2006. Because there will no longer be a requirement for guide permits to be issued, all the regulations relating to commercial guide services must be revoked and KDWP will no longer have any regulatory authority. These regulations need to be revoked: KAR 115-21-1, 115-21-2 and 115-21-4. Additionally, KAR 115-

2-1 will be amended to remove the fees associated with commercial and associate guide permits issued to residents and non-residents. All regulatory actions shall be effective January 1, 2006.

10. Revenue Task Force (RTF) - Part II - Mike Miller, magazine editor, presented this report to the Commission (Exhibit O). Currently, boaters pay \$20 for vessels under 16 feet long and \$25 for vessels 16 feet long and longer and this registration lasts for three years. There are approximately 100,000 registered boats in Kansas. Any boat propelled mechanically, motor or sail -- used on public waters, must be registered. In 2004, 16,641 boats less than 16 feet were registered at a fee of \$20 and 18,735 boats 16 feet long or longer were registered at a fee of \$25. Total revenue was about \$801,000. This proposal would eliminate the length categories and increase the three-year registration fee to \$27 for all boats. Using the figures from 2004, this fee change would increase annual boating revenues \$153,957. The additional money would be used to improve boating education, enforcement, and access. Commissioner Meyer asked if this would change anything for canoes. Miller said it only affects motorized boats. Chairman Dykes asked how the fee compared to other states. Miller said he didn't have the information in front of him, but will bring it to the next meeting. Chairman Dykes asked about legislation on taxing watercraft. Secretary Hayden said that requires constitutional amendment. The legislature did place that on the ballot and it failed by a small margin. Most Kansans are not boat owners and do not understand how unfair the tax is. It also had a provision for privately owned aircraft. Don't know of any current efforts to revive that, but still is grossly unfair and needs to be addressed. Commissioner Johnston asked why the fees would be consolidated. Miller stated that the RTF felt that boaters are using the same amenities and saw no reason for the different fees. Chairman Dykes asked if Boating Fee Funds could be use funds to build the roads to boat ramps. Secretary Hayden said he wasn't sure. Chairman Dykes said that these funds could be a valuable resource for road maintenance in state parks, and he added that it could be increased to more than \$27. Secretary Hayden said that the highway fund needed to be examined because it has been the same amount for a long time and it is healthier than the State General Fund.

11. Fishing Regulation Changes for 2006 - Doug Nygren, Fisheries Section chief, presented this report to the Commission (Exhibit P). No big changes planned. Based on current information and pending the fall sampling efforts, there are no changes for large reservoirs planned for 2006. Most changes under consideration are for state fishing lakes and Community Fisheries Assistance Program (CFAP) waters. There are no new Secretary's Orders proposed for 2006. Additions to the existing Secretary's Orders are: 1) Black bass 18-inch minimum length limit - Lake Wabaunsee; 2) Saugeye 18-inch minimum length limit - Lake Wabaunsee, Smoky Gardens; 3) Saugeye 2/day creel limit - Smoky Gardens; 4) Walleye 18-inch minimum length limit - Lake Wabaunsee; 5) Channel Catfish 15-inch minimum length limit - Jewell SFL; and 6) Largemouth bass 21-inch minimum length - Jewell SFL. Exemptions for bass limits for weigh-ins at bass tournaments are also being considered. Commissioner Lauber asked how much a 21-inch smallmouth would weigh. Nygren estimated four or five pounds. Commissioner Lauber said he would like to see catch and release only. Nygren said that is happening. Commissioner Lauber asked if there were any sustaining populations. Nygren said there were a few. He added that a 21-inch length limit protects 95 percent of the fish in the lake.

12. 2006 Spring Turkey Season - Roger Applegate, small game research biologist, presented this report to the Commission (Exhibit Q). Spring turkey is usually discussed at this time, but changes to the unit boundaries for fall and spring turkey hunting seasons are being contemplated to better reflect changes in turkey populations in portions of the present Units 1, 3, and 4. GIS maps show the relative distribution of turkey in the state and habitat relationship. Data will be examined through the next several months. A specific proposal cannot be made until completed the spring 2005 hunter survey is completed. At that time, a recommendation will be made. Mike

Pearce asked for a brief description of what is being seen. Applegate said that turkey populations in this part of the state are fairly abundant and distribution is covering up the suitable habitat. West of here, the GIS suitable habitat is not occupied and the populations are much thinner and limited to narrower corridors. A recommendation may restrict the numbers of permits in parts of that area, but liberalize them in other parts. Chairman Dykes asked if there had been thought given to increasing the bag limits. Applegate said it had, but further discussion as needed.

Chairman Dykes said the Commissioners wanted to echo Mike Mitchener's comments on the service Roger had given to the Commission.

C. Workshop Session

2. Sandhill Crane Seasons - Helen Hands, waterfowl research biologist, presented this report to the Commission (Exhibit R, sample poster and brochure - Exhibit S). The department initiated the first sandhill crane season in 1993 and it had progressed without incidence until last year when two whooping cranes were shot. Staff have met with the U.S. Fish and Wildlife Service and agreed to do educational efforts. A draft version of an online test has been developed, and will have informational slides with following questions. The hunter will have to pass the test to complete it. They won't be able to continue with the test until they answer the questions correctly. Also, shooting questions are involved. Some of the education efforts include pages to be included in the hunting regulations which show clear pictures of cranes, a warning of penalties, posters, and brochures with identification of species (Exhibit S). At this time the USFWS regulation committee is working on the preliminary frameworks and the Kansas season is based on those frameworks. The unofficial word is that the frameworks will include a Wednesday following the first Saturday of November opening day -- about four days after the current the opener. This is not the official word and the final frameworks will not be known until August. From now until August is the comment period and people can make their comments to the USFWS. This would include the whole area, not just the zones. Commissioner Meyer commented that the information Hands put out last fall was incredibly well done and very helpful. Jake Stremel, Great Bend asked if the restrictions were brought forth by the USFWS alone. Hands said they were. Stremel commented that every year areas were lost and that is a misrepresentation of a stamp, license, etc. He said he would like to see crane season open on same day as goose and duck season. Hands said that the department could have regulations more conservative than the USFWS's recommendations, but not more liberal. Stremel commented that Hands has done a fantastic job, but wondered if it would be possible to put a juvenile sandhill on that website test. Hands said she thought that could be done. Stan Christianson, Hudson, said that moving the opener could open up the number of hunters hunting sandhill cranes because of the proximity to the pheasant and quail seasons. He said his farm is near Quivira and the first whooping cranes he saw was in the 1950s and they were out of the area before the sandhill crane season started. He didn't think any changes would have affected what happened last fall. If the season doesn't open up at the same time as ducks and geese, all of the cranes will already be gone by the time the season opens. Chairman Dykes asked if there was any information on the investigation. Hands said no. Ron Klataske, Audubon of Kansas said that Audubon's position is the same as what was expressed in January. He said the key was finding out where they are so that they would be dealt with. They come in to roost at sunset it's difficult to know where they'll be there first thing in the morning. The state can address certain protocols around critical habitat areas of whooping cranes. It would look good if the state addressed certain areas.

Chairman Dykes asked if the late migratory birds item could be moved from the workshop evening session forward but Chris Tymeson said no because it was published to be discussed in the evening.

VII. RECESS AT 4:21 p.m.

VIII. RECONVENE AT 7:00 p.m.

IX. RE-INTRODUCTION OF COMMISSIONERS AND GUESTS

X. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

Steve Sorensen, Kansas Wildlife Federation said his organization would like to see the department add \$200,000 to FY 07 for shooting ranges.

R.J. Robel, Manhattan seconded Sorensen's request. He said that ranges are needed within two to three hours from any area. Hunter Education is moving more to live shooting and the ranges are necessary. This is a long-range investment. They don't all need to be baffle ranges like Fancy Creek, but some type of ranges are needed.

XI. DEPARTMENT REPORT

C. Workshop Session (continued)

1. Late Migratory Bird Seasons - Marvin Kraft, waterfowl research biologist, presented this report to the Commission (Exhibit T). Late migratory bird seasons refer to those seasons set to start after October 1 -- geese and ducks mainly. Major changes in the frameworks for geese are not expected. Season frameworks and hunting recommendations for these species will most likely be similar to those established last year, with minor adjustments for holidays and calendar shift. However, some moderate changes could result from attempts to "match" opening or closing dates of goose seasons with those of duck seasons, which could be significantly changed from last year. At this time there is uncertainty regarding the 2005 framework for ducks. The May Breeding Duck Survey has shown reduced populations. Also, data from wing collections were not good. Expect restricted seasons, either the moderate or restrictive package. We could be looking at a 39 day season in the low plains of Kansas. Packages are unchanged from the past and also the zones are unchanged. Information regarding frameworks for late migratory bird seasons, and which of the packages will be adopted, should be available during late July or early August. Commissioner Meyer asked if there were any plans for non-migrating geese. Kraft said the problem is not as severe in Kansas as it is in the east. We have trapped and transplanted birds for several years and the department doesn't get many complaints.

D. Public Hearing

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

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 V). It is recommended that the following changes in the prairie chicken seasons begin in the fall of 2005: East Unit - September 15, 2005 - January 31, 2006. 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. 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. A daily bag limit of 2 is recommended, except for Southwest Unit, which has a daily bag limit of 1. The possession limit is 8, except for the Southwest Unit, which is 4. The following amendment is recommended to be made to the proposed regulation which was submitted for public comment. The following amendments are being proposed for KAR 115-25-1, subsections (a), (b) and (c): (a) East unit - the open season for the taking of prairie chickens shall be September 15 through October 15 and shall reopen on the third Saturday of November through January 31 of the following year, in that part of Kansas east of federal highway US-281 and bounded by Nebraska on the north, Missouri on the east, and Oklahoma on the south. (b) Southwest unit - the open season for the taking of prairie chickens shall be the third Saturday in November through December 31, in that part of Kansas bounded by a line from the Colorado-Kansas state line east on interstate highway I-70 to its junction with federal highway US-281, then south on federal highway US-281 to its junction with the Oklahoma-Kansas state line, then west along the Oklahoma-Kansas state line to its junction with the Colorado-Kansas state line, and then north along the Colorado-Kansas state line to its junction with interstate highway I-70. (c) Northwest unit - the open season for the taking of prairie chickens shall be the third Saturday in November through January 31 of the following year, in that part of Kansas bounded by a line from the Colorado-Kansas state line east on interstate highway I-70 to its junction with federal highway US-281, then north on federal highway US-281 to its junction with the Nebraska-Kansas state line, then west along the Nebraska-Kansas state line to its junction with the Colorado-Kansas state line, and then south along the Colorado-Kansas state line to its junction with interstate highway I-70.

R.J. Robel, Manhattan, Spoke in opposition to main recommendation. He said that he believed lengthening the season in western Kansas was not valid. Stable or declining populations do not justify increasing the length of the season. The lesser prairie chicken has been on the threatened and endangered species warranted but precluded list. He said he was in favor of the amendment. There have only been two studies on lesser prairie chickens in the last 10 years and neither has shown an increase in birds, but they have shown an increase in the range of the birds.

Ron Klataske, Manhattan, Audubon of Kansas stated that he concurred with Dr. Robel on the main motion. He was more in favor of the amendment also. He state he was not against prairie chicken hunting. It would be undesirable to completely close the season. The amendment is an improvement over what is in place now. He expressed concerns over early a season, and taking the birds below a threshold where they can't come back. He recommended examining the bag limit at some time and start thinking of them as a high quality trophy bird, similar to the way wild turkeys are though of now. He added that some areas of the state only have remnant populations and should not have any seasons, like Anderson County.

**Commissioner Johnston moved to bring KAR 115-25-1 before the Commission.
Commissioner Wilson seconded.**

Commissioner Johnston moved to amend KAR 115-25-1. Commissioner Lauber seconded.

The roll call vote on amended KAR 115-25-1 was as follows (Exhibit X):

Commissioner Harrington	Yes
Commissioner Johnston	Yes
Commissioner Lauber	Yes

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

The motion to approve KAR 115-25-1 as amended, passed 7-0.

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 Y). It is recommended that the 2006 quail season open statewide on the second Saturday in November and close on the following January 31. 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. Daily bag will remain at 8 and the daily bag limit during the youth season shall be 4 quail. Regular season possession limit remains at 32 quail and the possession limit during the youth season for the taking of quail shall be 8.

The following amendment is recommended to be made to the regulation submitted for public comment. The following amendment is being proposed to subsection (a)(3): (3) Effective on and after August 1, 2006, and for the entire state, the open season for the taking of quail shall be the second Saturday in November through the third Sunday in January of the following year. Chairman Dykes commented that he didn't see language for the youth season in the amendment. Tymeson said that the proposed youth season would be the same as proposed in the original proposal. The only change is the date. Chairman Dykes asked if the youth season would be the same for quail and pheasant. Mitchener said it would not. The first Saturday of November for two consecutive days this year and for 2006, the last Saturday in October for two consecutive days.

R.J. Robel, Manhattan, spoke about the biological aspects. In 1960s and 1970s there were different farming methods than today. Predator populations were controlled by trapping and raptors were not controlled by federal law. In 1980s and 1990s fields were tilled immediately after harvest and hedgerows and woody draws were destroyed -- there has been a 3, 4 or 5 percent loss over 10 years. There has also been an increased birding industry. And there have been increases in avian and mammalian predators. Natural mortality has changed as well. A 20-year study at Fort Riley from 1960 to 1970, showed 40 to 60 percent mortality; in the 1980s, 75 to 80 percent mortality; and in late-90s, 80 to 90 percent of the birds died every year to natural mortality. When hunting (compensatory) mortality occurred and the natural mortality went down. When more quail are out there we have more hunters, higher harvest, more hunting days. He stated he opposed the proposed regulation and was in favor of the amendment. A study published in 2004 showed that hunting mortality was additive, in other words in addition to natural mortality. Harvest is almost completely additive and managers should notice that harvest timing occurs in early winter. In favor of amendment, biologically it is sound.

Steve Sorensen, Kansas Wildlife Federation, reiterated a couple of things he included in a letter sent earlier in the week pertaining to harvest of bobwhite from 1984-2004. In the west region,

average harvest from 2000-2004 increased 115 percent compared to 1980-1984. The average number of hunters and hunter days increased 152 percent during 2000-2004. In the central region of the state, harvest, hunters and hunter days were down during 2000-2004 compared to 1980-1984, but they weren't down very much. In the eastern region, hunter numbers were down 50 percent, hunter days were down 56 percent and harvest was down 75 percent. It appears that if the Commission wants to use marketing as a tool, it should be looking at the eastern one-third of Kansas. Move the opening day in eastern Kansas to the first Saturday and open the rest of the state on the second Saturday. Closing the season on the third Sunday in January would roughly leave the season the same but put harvest toward the front of the season. He urged the Commission to look at changing the opening date in the eastern one-third of the state. Mike Christianson, Kansas Big Brothers and Big Sisters said he was opposed to October youth season because most of the Walk-In Hunting Areas aren't open yet. He said that the habitat issue need to be addressed. He added that Sorensen's idea made sense if the number of days available were the same. He felt the proposed changes were sending the wrong message that hunting is wrong.

Ron Klataske, Manhattan, seconded what Dr. Robel said – he was not in favor of the original motion and more in favor of the amendment. Moving the season forward can be desirable, and it needs to be done if the pheasant season is moved up a week also. The other thing is that it has economic benefits. The pheasant season opening the first Saturday and the quail opening the second Saturday is economically beneficial to Kansas. Also, it is better for hunters and birds to hunt them in November than January. In some cases the birds are half the size in January because they are so stressed. The benefit in November will help a little in populations also. Mammalian predators have increased considerably. He joked that hunters should be required to take a raccoon in order to get a bird.

Steve Wood, Hays, said he had been the Director of Memorial Union (FHSU) for 27 years, and he welcomed the Commissioners. He said he was an avid hunter and his most enjoyable hunts happen in January. He kept a log of all his hunts, where he went and who he went with. He would have lost four to five hunts with this new proposal, which yielded me two pheasants and one quail in five hunts. He really didn't harvest a lot of birds on these hunts. He recommended the season go to end of January. He said that if part of the reasoning behind the changes was that the state wanted Missouri hunters' money but didn't want them to take too many quail, the bag in eastern Kansas should be reduced or the season should close earlier there. However, he said it takes revenue from four in-state licenses to equal an out-of-state hunter license. The whole proposal could back fire if nonresidents can't take birds. He said he ran into a group from North Carolina and one from Ohio and they were disappointed about pheasant hunting and went across the road and quail hunted and at least were able to go home and say that they got a little bit of good hunting. He added that without youth hunting there will be no future of hunting. There is still milo in the field on the first weekend in November, and landowners are not going to want to let people hunt. He said he really feel sorry for the Walk-In Hunting Area contractors, who don't get a chance to get their crops out.

Mike Patrick, Ashland, said he was an avid quail and pheasant hunter, and he disagreed with moving seasons forward. Last year, it wasn't too hot to work the dogs for the first time in years. Last year there was a quail crop that would compete with Oklahoma and Texas, and things are setting up for a bumper crop this year. Habitat and food availability (Mother Nature) affects the quail crop way more than hunters. A lot of land is tied up by deer hunting leases, so closing the season early would be cutting a lot of people's window to hunt to three weeks. If eastern Kansas has a problem, change it there.

Steve Swaffar, Farm Bureau asked if the plan was to extend the Walk-In Hunting Area contracts back into October. Secretary Hayden said the proposal would take effect in the fall of 2006 and has no effect for this fall. He said that staff have tried to go to multi-year long-term contracts. Some contracts begin on September 1 and some on November 1. It would be desirable to get as many of those earlier contracts as possible or move the November date forward a couple of weeks into October. KDWP will tailor contracts to fit the farmers' needs in the future. Swaffar said there will be reluctance from farmers who will not want hunters on their standing crops. There is a tradition and the 2nd Saturday is a week earlier. He said he didn't speak in favor or in opposition.

Tom Ferguson, Dodge City, said his main concern is the ending date. In southwest Kansas, any quality habitat is tied up for deer hunting and this gives quail hunters two weeks less. Last year was the best quail crop in anyone's memory. There are large blocks of habitat that are unchanged and there are quail where there was never quail before. The increase has had nothing to do with seasons or dates. The opening can be whenever, but didn't want the end changed. He added that he was in favor of zoning. Chairman Dykes said he talked to Randy Rodgers about zoning. There may be some merit to that and that might be a route the Commission will take in the future, not in 2006, but maybe in 2007. There could be a law enforcement problem, with multiple zones. Ferguson said he didn't think the end of the season as the problem. Bad weather is not a factor because they can't hunt then. He said they didn't have that many hunters who just target quail in his part of the country.

Steve Sorensen, Valley Center, said that as an individual who is familiar with the Walk-In Hunting Area program, he felt the changes would mess up a decent program for the sake of marketing. Secretary Hayden said that right now the department has three year contracts that are open November 1 and next year some WIHA that would open in October, which makes three different WIHA seasons. Last year these changes were opposed and got shot down. The reason it is being brought back up is because Nebraska moved their season. If you compare their nonresident hunters and Kansas, there is no comparison. In 2003, Nebraska had 20,000, Kansas had 44,000 in Kansas. In 2004, Nebraska had 34,000 nonresident hunters while Kansas had 50,000. Hunters are going to continue to come to Kansas. He said he didn't know why the department wanted to mess around with a 30-year tradition. Looking at the sales, Nebraska doesn't hold anything to Kansas. We are messing around with a lot of tradition. With these changes, the youth season ends up the same as the traditional goose season. The milo can stand in the field, but the wheat has to be harvested when it is ready. He recommended sticking with what is in place for at least a couple more years. Chairman Dykes said that Sorensen's correspondence included grain statistics which were surprising. There are fields in Kansas at Christmas that are still not harvested. Sorensen said that harvest is different by region.

Paul Babcock, Hoxie who is a farmer and Habitat Chairman for local Pheasants Forever chapter. He said their chapter's annual banquet attendance has dropped off and he was asked to come down here and speak. Every response he received was in opposition to earlier season because of crops in field. The toes being stepped on are the ones with acres available for hunters to come in. The reason people are not coming to the banquet is because they can't find land to hunt on. The farmers are the ones who are going to decide whether hunters hunt their ground or not.

Al Ward, Topeka, said the deer hunting situation is something to think about. Traditionally Nebraska opens the closest Saturday to the first of November, this year in October, next year in November again.

Patrick said that economically speaking, hunters will book hunts in Nebraska and then come to Kansas.

Commissioner Wilson asked what about the current opening date. Secretary Hayden said there isn't a standard date. The recommendation only changes the northwest unit and makes everything the second Saturday of November in 2006.

Commissioner Johnston moved to bring KAR 115-25-1a before the Commission. Commissioner Meyer seconded.

Commissioner Lauber moved to amend KAR 115-25-1a. Commissioner Harrington seconded.

The roll call vote to amend KAR 115-25-1a was as follows (Exhibit Y):

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

The motion to amend KAR 115-25-1a as proposed, passed 7-0.

The roll call vote on amended KAR 115-25-1a was as follows (Exhibit Y):

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

The motion to approve KAR 115-25-1a as amended, passed 6-1.

Commissioner Wilson said she was interested in seeing a zone in southeast Kansas brought forth next year. She said she didn't see that option in the current proposals. Secretary Hayden said that can be looked at in the future.

Mike Pearce asked if that could be done for next season. Secretary Hayden said, it wouldn't happen until 2007. People need to know well in advance so they can make their plans.

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 Z). 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.

Mike Pearce asked if the Commissioners received much mail about the possible changes and how it weighed out on the changes. Chairman Dykes said he did and it was virtually all against the proposals. He added that he has learned over the years as a Commissioner that they almost always get negative comments. They have a responsibility to everyone, those who email and those who don't. That may mean voting for something that on the surface everyone is against. Melody Patrick asked why did the Commission voted for the quail amendment. Chairman Dykes said he supported it because of the biological data. Habitat can't be changed over night. Commissioner Lauber said the bulk of the email he got was on pheasants. The prairie chicken and quail were in favor of the way we voted.

Mike Patrick said that the Oklahoma quail season goes to February 15. Chairman Dykes noted that Oklahoma changed their season to end January 31 and then they went back out. They are also going the same way. The social factor is a big deal.

Mike Patrick said Oklahoma's problem is the same as it is in Kansas -- birds in west, not in east. Ron Klataske stated that it was a difficult issue and there is wisdom in the fact that this isn't going to happen until next year. He said he was convinced department is trying to do the right thing. He agreed with a youth season where pheasant and quail could both be hunted.

Commissioner Lauber asked if the youth season allowed both pheasant and quail hunting. Secretary Hayden said that in early years we allowed the adults to hunt, but for the last several years only the youth could hunt. In fact they could have taken prairie chicken also because that was open. Chairman Dykes stated that Commissioners got a lot of conflict when they took the adults out of the youth season and the vast majority of people thought they were making a dumb move.

Commissioner Meyer said he received a lot of emails and in considering it very carefully, the farmers provide the hunting grounds, the food and the opportunity to go out and hunt. They were adamant about not moving it forward. He felt that it should stay where it is. Commissioner Wilson echoed what Commissioner Meyers said and added that she received comments that the season was too long. She wondered about economic impact of moving the season up if pheasant is what hunters come to Kansas for and they can't hunt quail. Secretary Hayden said that it is a competitive marketplace. The nonresident hunter pays more than 40 percent of the bill and recently nonresident deer permits fees were increase, so that figure will be more even. South Dakota is so effective because they open first, Iowa too. Nebraska is moving theirs around to find the best date. Colorado is moving theirs to the first Saturday also. If the Kansas season stays a week behind Colorado, he said he believed there would be a decline in Colorado hunters coming to Kansas. People plan for these things and plan for it all year. This is a mobile society where people travel around the world to hunt and fish. Those other states feel it has an economic benefit to them. Kansas needs to keep its market share, but he couldn't guarantee an increase. Paul Babcock commented about Commissioner Wilson's comment about the opening season. He wondered if it was it more important to hunt first or hunt a mixed bag. Chairman Dykes asked when South Dakota's season ended. Al Ward said it ended December 31. He added that to contradict the Secretary's comments, put birds out there. South Dakota has birds, build habitat for birds. Chairman Dykes said that South Dakota would like to have a longer season. If we have

good populations, hunter attitudes could change. Secretary Hayden said the South Dakota nonresident license is only good in SD for 10 days. Kansas' good for a calendar year. That is one of the things that restrict them. They want nonresidents' money, but don't want them to stay too long. Ward said to look at motels and restaurants and make sure they still have their economic boom. Chairman Dykes said he thought this proposal could serve that and could move some of the demand. Ward said he would like to see quail season a week later in western Kansas. Commissioner Lauber said he agreed with that opening weekend. Ron Klataske said it take into consideration hunters who have jobs. Nonresidents come in and stay a week and hunt both, but residents might resent that they can hunt when they can't. There are some merits to opening the pheasant season a week earlier. Paul Babcock asked if the Commission was voting on the 2005 season. Chairman Dykes said the 2005 season is already set.

Commissioner Harrington moved to approve KAR 115-25-1b as presented. Commissioner Johnston seconded.

The roll call vote to amend KAR 115-25-1b was as follows (Exhibit AA):

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

The motion to approve KAR 115-25-1b passed 4-3.

4. Early Migratory Bird Seasons - Marvin Kraft, waterfowl research biologist, presented this report to the Commission (Exhibit BB). Early seasons are those that open before October 1. No changes are recommended on the other species listed here, if frameworks remain unchanged. Rail (Sora and Virginia): The department recommendation is a season running September 1 through November 9, 2005 with a bag and possession limit of 25 and 25, respectively. There is no open season on king rail, common moorhen, and purple gallinule. Snipe: The department recommendation is for a season running September 1 through December 16, 2005 with bag and possession limit of 8 and 16, respectively. Woodcock: Department recommendation is for a season running October 15 through November 28, 2005 with a bag and possession limit of 3 and 6, respectively. Teal: More complicated, either 9 or 16 day season. It is possible that only 8 days will be available for the September Teal Season in the High Plains. This potential restriction on the High Plains Teal Season is due to the 107-day annual limit (by treaty) on hunting of any one species. A regular High Plains duck season of 97 days allowed under the regular season liberal package, plus 2 days of youth hunting leaves only 8 days to reach the 107 day total. Department recommendation is for a High Plain Zone with a bag and possession limit of 4 and 8, respectively, with the following season date possibilities a 9-day or 16 day season, running backward from the end, September 25. If it is an 8-day season September 17 through September 24, 2005; a 9-day season September 17 through September 25, 2005; a 16-day season September 17 through September 25, 2005. Low Plains Zone a bag and possession limit of 4 and 8 respectively – a 9-day season running September 17 through September 25, 2005 or a 16-day season running September 10 through September 25, 2005. September Canada Goose: Kansas is allowed a maximum of 15 days of Canada goose hunting during the first 15 days of September to assist with the control of nuisance Canada geese. The

bag limit may not exceed 5 Canada geese, and there is no possession limit. KDWP staff expects regular dark goose season frameworks will allow a 95-day season on Canada geese. These 95 days, plus the two-day youth hunt, utilizes 97 of the possible 107 days of Canada goose hunting allowed by treaty, leaving 10 days available for the September season. Department recommendation is to adopt a 10-day Canada goose season, running September 3 through September 12, 2005, around the cities of Wichita, Topeka, Lawrence and Kansas City. This is a minor season in Kansas. Some people say it is just too hot.

Secretary Hayden – Is the reason we start on the 3rd and end on 12th because of conflict with muzzleloader season? Kraft said the frameworks limit the season to the first 15 days and this includes two weekends.

Secretary Hayden if county lines had been considered instead of highway lines. Kraft said they hadn't because of law enforcement issues because some times county lines run in the middle of a field. Secretary Hayden agreed that this is a minor season and populations continue to expand in these urban areas and the department needed to find a way to reduce some of these problems. The department might have to consider lobbying for changes in the federal frameworks. In the legislative halls more complaints about resident Canada geese are heard than on any other species. Kraft said there aren't agricultural problems from resident geese. Problems are in the urban areas. It's possible to make problems worse by hunting the perimeter around some of these areas by moving birds into the cities. He said he was hesitant to open the early season statewide because the problem is mostly urban. Commissioner Meyer moved, Commissioner Wilson second - **All approved.**

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 CC). This new permanent regulation would allow the transition of certain regulatory license and permit requirements from a paper vendor issuance system to an electronic vendor issuance system. Seven items affected: a) signature of license or permit stamp attesting that information is true and correct; b) requires individual who receives a confirmation number which would be presented as proof of a license until license would be mailed to individual; c) stamps valid if signed and confirmation number could also be valid; d) destroyed or lost licenses could be duplicated; e) application not have to be submitted, signed on license itself; f) removal of carcass tag, can come out in series connected together, under current law can't do this, also signature is required at time of kill; g) temporary park permits can be purchased by computer, displayed while in park area, needs to be exchanged at park office for the actual permit.

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

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

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

The motion to approve KAR 115-9-9 passed 7-0.

XII. OLD BUSINESS

Chairman Dykes announced that he had asked Commissioner Harrington to replace Commissioner Fields as Vice Chair and he has agreed.

XIII. OTHER BUSINESS

A. Future Meeting Locations and Dates

August 25, 2005, Great Plains Nature Center, Wichita.

October 20, 2005, Fairgrounds, Kinsley (with tour of Circle K)

January 19, 2006, Cabela's, Kansas City

March 16, 2006, Kansas Museum of History, Topeka

Chairman Dykes – Please send the dates to the Commissioners on Monday.

XIV. ADJOURNMENT

Commissioner Harrington moved, Commissioner Wilson seconded to adjourn.

The meeting adjourned at 9:09 p.m.

(Exhibits and/or Transcript available upon request)