

**KANSAS DEPARTMENT OF WILDLIFE AND PARKS
COMMISSION MEETING MINUTES
Thursday, April 19, 2007
Silver Spur Convention Center
Dodge City, Kansas**

Subject to
Commission
Approval

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

The April 19, 2007 meeting of the Kansas Department of Wildlife and Parks Commission was called to order by Chairman Kelly Johnston at 1:30 p.m. at the Silver Spur Convention Center, Dodge City. Chairman Johnston and Commissioners Debra Bolton, Gerald Lauber, Frank Meyer, Doug Sebelius, Robert Wilson, and Shari Wilson were present.

II. INTRODUCTION OF COMMISSIONERS AND GUESTS

The Commissioners and Department staff introduced themselves (Attendance roster - Exhibit A). Chairman Johnston welcomed the new Commissioner, Debra Bolton from Garden City.

III. ADDITIONS AND DELETIONS TO AGENDA ITEMS

None

IV. APPROVAL OF THE March 15, 2007 MEETING MINUTES

Sheila Kemmis - Change on page 12 – change “Waterfowl Biologist” to “Wildlife Biologist” and “waterfowl” to “migratory game birds” in the Early Migratory Bird Seasons section. Commissioner Frank Meyer moved to accept the minutes as corrected, second by Commissioner Shari Wilson (Exhibit B).

V. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

None

VI. DEPARTMENT REPORT

Keith Sexson, Mike Hayden and Chairman Johnston recognized the Deer Task Force members. Plaques were given to Mike Miller as Chair of the Deer Task Force and all of the members – Mark Sexson, Lloyd Fox, Roger Wolfe, Matt Peek, Mel Madorin, Chris Tymeson, Rob Ladner (Steve Price and John Spurgeon were not present). Sexson – The Task Force work resulted in the passage of statutes relating to the deer management program from which we can manage the resources. This was accomplished through public meetings and the Secretary and Chris Tymeson bringing this to the legislature.

A. Secretary's Remarks

1. Proposed Legislation for FY 2007 Legislative Session – Chris Tymeson, legal counsel, gave this report to the Commission. The Legislature is still in session, but this has been overall a fairly successful session. Quite a few bills passed successfully. Complete bills can be found on the agency website.

SB 38 would rename State Park No. 24 as Kaw River State Park, but did not make it through the session. However, HB 2046 passed and the park has been named Kaw River State Park. This only took four years.

SB 157 would allow the department to purchase liability insurance for all of its boats. This bill is a department initiative.

SB 188 would increase monetary values of certain wildlife when the court requires restitution for illegally commercialized wildlife and adds bobcats to the list. The bill passed the Senate 40-0, and was referred to the House Agriculture and Natural Resources Budget committee. After being amended it was signed by the Governor April 18.

SB 189 amends K.S.A. 32-920 to allow a person who is 16 or older to obtain a one-time deferral of completion of Hunter Education that is valid until the end of the current license year. That person may purchase an apprentice hunting license and hunt under the direct supervision of an adult 21 years old or older. In addition, the bill would remove mandatory provisions related to bowhunter education. This bill is a department initiative and was referred to the Senate Natural Resources Committee. The committee amended the bill to retain the nonresident hunter education crash course and also amended the bill to retain current provisions regarding the age individuals must be (18) to accompany those under 16 in order to hunt. The amended bill passed the Senate 39-1, and was referred to the House Agriculture and Natural Resources Committee.

SB 191 would correct a punctuation error (a missing comma) that occurred when it was amended two years ago. This bill is a department initiative and passed the Senate 40-0 and the House 120-2. The bill has been signed by the Governor.

SB 192 clarifies that only local chapters of nonprofit organizations operating in Kansas are eligible for Commissioner Permits. This bill is a department initiative and passed the Senate 40-0. The bill was amended on the House floor to increase the fee for nonresident big game permits by \$10, with proceeds supporting a "feed the hungry" fund which would generate about \$150,000 a year. This passed the House 117-7. Another amendment added on the House floor would establish "youth hunt of a lifetime" deer permits, allowing issuance of up to ten such permits per year, for use by "youth under the age of 21 who are handicapped or experiencing life threatening illnesses." HB 2002 added in a slight modification of what was passed through House and Senate, so was rewritten and was signed by the Governor April 18.

SB 257 would amend K.S.A. 80-1201 to allow landowners to submit prairie dog management plans and maintain prairie dog colonies on their property rather than being forced to destroy them. This bill did not pass.

SB 266 would amend and/or repeal statutes dealing with big game and turkey, and is proposed as a result of the Deer Task Force recommendations, which would then be implemented through the Kansas Wildlife and Parks Commission and the regulatory process. A substitute bill was offered by the committee that sets the sunset provision on nonresident transferable permits to 2009, and raises the cap for nonresident firearms permits to 50 percent of resident permits issued. The bill passed the Senate 40-0, and has been referred to the House Agriculture and Natural Resources committee.

SB 267 would create the crime of failure to comply with a wildlife and parks citation and allow

the court system to suspend or revoke wildlife and parks privileges for noncompliance with wildlife and parks citations, similar to what is currently done with traffic citations, particularly nonresidents. The bill passed the Senate 40-0, and has been referred to the House Agriculture and Natural Resources committee and did not get a hearing so it remains alive for next year. SB 330 would appropriate state general funds to KDWP so that the agency could provide Kansas disabled veterans with a 30 percent service-connected disability annual hunting and annual fishing licenses at no charge. This bill had a hearing but has not moved, but has a chance of getting in the Omnibus bill.

HB 2002 requires that commissioners represent the five current administrative regions of the Department. The bill passed in the House, passed in the Senate, and has been signed into law by Governor Sebelius.

HB 2027 would require a search warrant be issued prior to searching a building located on property posted as requiring hunting, fishing or furharvesting with written permission. The bill has been referred to House Judiciary Committee, but would affect all property and all law enforcement agencies. No hearing.

HB 2046 would rename State Park No. 24 as Kaw River State Park. This bill passed the House 124-0 and was referred to the Senate Natural Resources Committee (SB 38). The bill was passed out of committee and placed on General Orders.

HB 2052 The Water Projects Environmental Coordination Act requires a review of the environmental effects of water development projects prior to issuance of a permit to proceed with the projects. The bill would amend the act to exclude KDWP environmental review and permitting of projects that will impound less than five acre-feet of water. The bill was referred to Agriculture and Natural Resources Committee and the department opposes the provisions contained in the bill. This bill had a hearing but did not go anywhere.

HB 2088 would provide for the new crime of criminal trespass against children when a sex offender, as defined in the bill, would return to a location with a primary purpose of providing for the education, care, or recreation of a child or children, including state parks, after being provided written notice of ejection. Should the sex offender fail to leave or return after being provided written notice of ejection, the individual could be charged with the crime of criminal trespass against children. The bill had hearing on January 22, 2007 but the committee took no action at that time.

HB 2143 would amend a law that prevents the department from selling a permit or license to a person who is in arrearages for child support (Title 4D) to include suspension of lifetime hunting, fishing and furharvesting licenses for such persons. The bill was withdrawn from House General Orders and has been referred to Federal and State Affairs. It is not part of a broader bill that is now HB 2451.

HB 2158 would establish the bluegill as the state fish. The bill has been referred to Agriculture and Natural Resources Budget. No action.

HB 2234 would prevent any net loss of public lands open to hunting and is being pushed by NRA's no net loss program. This bill could impact things past our control. This has passed in a couple of states. It had a hearing in the House but did not go anywhere. I will work with NRA and get a bill for next year.

HB 2242 would remove hunting license requirements on controlled shooting areas. It was referred to the Agriculture and Natural Resources Committee but has had no hearing or movement.

HB 2311 would repeal the Nongame and Endangered Species Act and was referred to the Agriculture and Natural Resources Committee. It had a hearing, where nine opponents, one

proponent, testified. It did not go anywhere.

HB 2386 would designate little bluestem as the state grass. No action has been taken.

HB 2426 would require KDWP to issue anyone who had completed at least 15 years of service in the Kansas National Guard lifetime combination hunting and fishing licenses at no charge.

The bill was referred to Transportation but has not had a hearing.

HB 2431 would impose a transient guest tax on certain activities of the Department of Wildlife and Parks on state park property, including cabins on state park property anywhere transient guest taxes apply. The bill received a hearing, but has been in the legislature the last four years.

HB 2437 would extend the sunset provision which provides nonresident transferable deer permits from June 30, 2007, to June 30, 2011. The bill was referred to Agriculture and Natural Resources Budget. A hearing was conducted February 19. The bill was amended in committee to sunset June 30, 2008, passed the House 108-13, and has been referred to Senate Natural Resources. On March 22, the Senate Natural Resources Committee proposed a substitute bill. The substitute bill is based on recommendations of the department's Deer Task Force, with amended provisions to: (1) provide for issuance of special hunt-own-land deer permits to a landowner's or tenant's siblings and lineal ascendants or descendants and their spouses, and (2) to provide that the department issue nonresident deer permits which would be restricted to two adjacent deer management units. It passed near the end of the regular session but does not go into affect until January 1, 2008.

HB 2451 is the new child support bill.

HB 2462 transfers KDWP property to Miami County for highway purposes. This bill was referred to the Appropriations Committee but has not moved.

HB 2498 resident and nonresident deer permit fees to increase by \$1, with proceeds going to the feed the hungry fund and has the same diversion issues as SB 192. The bill received a hearing but had no action.

HB 2586 and HB 2587 deal with provisos in the Omnibus bill which would allow us some flexibility. HB 2586 concerned with constitutionality, but HB 2587 passed.

Mike Pearce – On the hunter education bill, is that no hunter education for a one-time hunt or for the rest of year? Tymeson – For the rest of the year.

Steve Sorensen – On benefits for fireman and natural resource officers, where does that stand?

Tymeson – That is HB 2584 which had a hearing but received no action.

2. FY 2008 Budgets – Mike Hayden, Secretary, gave this report to the Commission (Exhibit C). Richard Koerth is working on Omnibus so he could not be here. This was a good year budgetarily as far as what was passed by the House and what the Senate is working on. We did not get open admissions into the State Parks. Last year they passed half price entrance, which is not totally open admissions, but helps attendance. The Governor is supportive and still would like to see us do it. It is still half price for the rest of FY 2007 and FY 2008. Passed a pay plan, a 2 percent increase, a one-time bonus of \$860 and an increase of \$10 a year in longevity pay. Also, certain employees have received a step increase, but we only have one person in those categories. Archery in the Schools; Community Fishing Access Program; and Shooting Range Enhancement Grants were increased. Also, boating access; WIHA; 800 Mhz radios; public land acquisition; Parks major maintenance; wetlands acquisition; and the Fish Hatchery renovation project were approved. We have secured \$1.5 million of the requested \$2.5 million. The Senate is still looking at the \$950,000 so we may get more. The Senate has asked for a list of projects

we would do if we got additional money. This memo was written before the Omnibus began, so there are a few changes. The legislature agreed on \$205,000 for Kaw River State Park and approved capital improvements. The Senate passed funding, but there was a caveat from the House to get a contract from the railroad and take it to the State Finance committee before we can spend that money. After extensive negotiations both have agreed to pay the \$1 million for the lease on water rights for minimum pool at Sebelius Reservoir, which is one-half foot higher and that is for 10 years. After we have broken through we are hoping this will be a template for other western Kansas reservoirs. The replacement vehicle issue is still an issue, but is a global issue. We will get whatever the policy is for; we expect to get the 45 vehicles, but that won't be decided until a week from today. On the Church Camp at Cedar Bluff, they were trying to make us buy it, but those attempts have stopped. It may come to us when the contract ends, but they will have to pay for the demolition, not us. The lowered entrance fees to the parks has had a positive impact.

Commissioner Meyer – On the Region 2 office, any movement on that? Hayden – We are leasing the office and did not get any provisos that we couldn't purchase it. We have an annual lease and the right to renew that lease. We have another piece of property that we are having rezoned then we can sell or trade that property to acquire the Region 2 office property plus additional cash. It appears that the House's opposition to that has died down now that they have seen it. A big part in that was that Saint Francis is buying the Menenger property and seeing what the property was worth.

Commissioner Shari Wilson – What is the status of the Archery in Schools program? Are we expanding it for next year? Hayden – We had a \$20,000 increase. Keith Sexson – We have a growing list of schools coming forward to participate. We are putting groups together over the summer to start next fall. We have 12-15 schools currently involved. This money is needed to get the program up and running. We have money for equipment. Commissioner Shari Wilson – Are they going to keep going? Sexson – Yes, they will keep going. Everyone involved so far is excited about the program. We are watching the Wichita school district right now because they have an instructor who really took hold of this and is working hard on getting the program in all of the Wichita schools. If we could target areas like Kansas City, we think we can really take off. There are other schools coming to us and we are just trying to keep up. I will provide a summary to the Commissioners. Commissioner Shari Wilson – Are you seeing any interest in other outdoor type sports now that they have gotten into archery? Sexson – I can't answer that at this time. Wayne Doyle and Monica Bickerstaff are working on getting hunter education into the school curriculum. Also, Scholastic Shooting Sports is another program that is out there. We are putting an effort into making it grow.

Commissioner Sebelius – I would like to thank Secretary Hayden and the staff who negotiated the lease with the Almena Irrigation District.

B. General Discussion

1. Playa Lakes Joint Venture (PLJV) – Mike Carter, PLJV Coordinator, presented this report to the Commission (PowerPoint – Exhibit D; handout – Exhibit E). I have been the PLJV coordinator for six years. It is nice to be in charge of wetlands that are wet. I would like to thank department staff. There are at least nine in the room who have been involved in this. Playa lakes are usually round, clay-lined seasonal basins. When playas are wet there is an amazing transformation. They are recharged basins. The playa basin is the part that holds water (and

birds), then there is the clay layer or lens, the “piping feature” which can conduct water toward aquifers and recharge also happens at margins of clay lens. A small playa can collect water, dries and cracks so when it gets water there is an amazing rush of water into the Aquifer and then after a few days it seals and starts filling. Playas are the primary source of recharge for the Ogallala Aquifer and Ogallala recharge benefits from properly functioning playas. A vegetative buffer helps protect the playa and a buffered playa is what we want to see. An unbuffered playa can fill with a few inches to several feet of sediment a year. Processes that formed the Ogallala formation provide the geomorphology that allows playas to form. Therefore, mapping of both are largely coincidence. But how many playas are we actually talking about? There are almost 45,000 acres of playas in Finney, Gray, Meade, Seward, Cheyenne, Sherman, Thomas and Wallace counties with about 68 percent enrolled in CRP. Combined maps of high-water areas and NRCS maps of clay layers show where the playas exist. If you merge what we say is mapping of playas with FSA maps of CRP you can compare the protection rates. If we want to do better conservation of playas and the Aquifer we could match depression cones with playas to protect them from agriculture. There are a lot of playas on the edge of fields that are 10-plus acres which we could target to sign up or locate clusters and target conservation efforts to that. Acres benefited are the result of GIS analysis dependant on CLU and CRP polygon data. The process starts with selecting playas greater than 10 acres that intersect field edges and applying a 3:1 buffer based on the average sized playa. Putting buffers on all playas will build a bigger block of conservation, for instance, on lesser prairie chickens using the information we now have.

Commissioner Shari Wilson – This seems like a very good tool to get land enrolled in CRP and wetland reserve. Carter – This mapping is new, and we will have a board meeting in a month. We sent playa coverage of five states to NRCS and they are merging it with their maps. I believe the answer is yes, it will. Commissioner Shari Wilson – Will this allow for increased enrollments? Carter – Lost CP23 acreage that went up north, but the Holy Grail is CRP. My goal is to get 40 percent of playas enrolled. This will change how agencies look at fields, with or without a playa.

2. Western Kansas Tourism – Ted Eubanks, Fermata Inc. could not be present. Janet Crane, Financial Officer for Scenic Byway; Scott Nichols, Grant County Travel and Tourism and Cris Collier, Great Bend Visitor and Convention Bureau presented this report in the absence of Ted Eubanks. Collier - Ted Eubanks had unscheduled surgery yesterday and was unable to be here. This started as a joint venture and we decided that Fermata could put together an assessment of nature based recreation in western Kansas. They gathered over 192 sites in western Kansas, both public and private. Fermata sent out a field agent to assess the sites. They came up with four clusters that define the southwest, northwest, and extreme west and wrapped ideas around ornithology, geology and scenic drives. The report you have is the one given to the Governor. Dr. Hammond is very interested because of the Sternberg Museum and geology of that area and has met with Travel and Tourism to put together a meeting to form a Steering Task Force. People from KDWP, Economic Development and Travel and Tourism will come together. We were looking at the National Scenic Byway and learned about what Kansas has to offer in nature-based tourism. My counterpart is with the Chamber of Commerce. Scott Nichols – We have 50-plus counties in the western half of the state and there are 22 counties in the Southwest Alliance. Recently 30 people met in Ness City to discuss the Sampler Festival and other things. Lots of people never realized what we have and this has brought excitement to western Kansas. We have discussed this with Roger Hrabe. The bottom line is Ulysses realizes that when we have a good

pheasant population we have good business and dollars coming in. We can see how people have common ideas. Collier – We are asking you to consider taking the lead or being involved in this because a lot of this is state land. This does nothing but help us all to help protect and preserve the land.

Commissioner Johnston – You say you want us to take the lead, be more specific. Collier – We started at the bottom. Grant County fed into data dump and we continue to do this, we took Fermata out in the field and they were involved in the assessment and everyone is excited about this, but we are not sure how we can pull it all together. I think leadership needs to come from the top down with KDWP partner, KDOT and the Department of Commerce and decide how to make this happen. We have the workers, but it is so overwhelming. Another large partner would be Fort Hays. Dr. Hammond sees not only the education aspect, but it could involve research programs.

Commissioner Shari Wilson – We are very impressed with the plan. I had an advance look at it, and I recognize the work that has gone into it. There is an issue going on at the state level, KTI. KDWP is involved as much as we can be right now. Make sure this makes its way into that plan, whatever it ends up being. Don't discount your local leadership and sometimes time is more difficult to come up with than the money. Keep moving on it yourselves and we can work together. Collier – It needs to be your priority to be included in that plan. You can do only so much without buy-in at a higher level. Nichols – The KTI program was just recently brought in the summer of 2006. There are so many factors of tourism: traditional tourist (Disney World), the Speedway in western Kansas, or something we have already. I do recognize KTI as being a portion of that. We need cheerleading from state agencies. As the Grant County Director, we need reinforcement. Commissioner Shari Wilson – If you have some specific things we could do, let us know. It is hard for us to know how to help. There are people that would do that, but need help to know where to plug in. Collier – Dr. Hammond wants to host a meeting at Hays to put this together. We would like KDWP involved in that. How would you like that information shared? Chairman Johnston – Share it with Secretary Hayden and Keith Sexson and they will decide if there is further input needed from the Commission. I'm sure some of Commission would be interested in attending that meeting. (Handout on Wings N Wetlands Weekend – Exhibit F).

3. Horse Thief Reservoir Project – Ron Allen, Manager, Pawnee Watershed District, presented this report to the Commission (PowerPoint – Exhibit G, brochure - Exhibit H). I want to share some of the cooperation and participation the department has had with us as we worked on this project. When the lake is full it will cover about 440 acres, but when it is low it is roughly the size of Meade or Scott at most times. The reservoir is 8 miles west of Jetmore, 20 miles north of Dodge City and 50 miles east of Garden City. The reservoir will control drainage from 190 square miles upstream and it takes about 10 inches of rain to fill up the playa lakes enough to flow down. Pawnee Watershed District was organized in 1965 and includes nine southwest counties. We have constructed 48 structures including a lake at Jetmore and Concannon State Fishing Lake. In addition to the lake, a 1,100-acre park will surround the Reservoir offering amenities for a wide variety of both water-based and non-water activities with the major emphasis on non-water based activities. We expect 150,000 annual attendance when the lake is full as there are more than 100,000 people in a 75 mile radius. In spring 2001, I came on board and held several large public events: school field days; outdoor group events; and participated in Earth Day at Fennup and Hodgeman. For schools I give the kids each a sack lunch and something to take home. Lowell Aberson helps and kids get down on the creek with seining nets. The

project will cost a little over \$20 million and we had to find multiple funding sources: \$1 million from Pawnee Watershed District, mostly for land purchase; State of Kansas \$4.5 million if they get \$1.25 million to reach that goal and HTR will contribute \$15.1 million. We went to the legislature in 2004 to create the Watershed District which involves four counties. We have an eight-member board composed of one person from each county, one from the Watershed District, one representative from Dodge City and Garden City and one KDWP person -- Mark Sexson. Statute authorized the District to manage the recreational facilities when the project was completed, and to issue bonds for construction to be repaid from sales tax collected in the four counties. We passed a bond issue of \$9.8 million in April 2005 in four counties. Found some geology we didn't expect and petroleum based construction products have increased in price so we had to bond another \$4.5 million. We collected \$1.6 million in each of the four counties and expect to pay off bonds in 12 years instead of 14 years. We are in great shape as far as repayment goes. This will provide long-term financial viability -- the older the park gets the more the O&M to keep the park going -- \$100,000 a year will go into the O&M fund and during that same period excess sales tax will fund a \$2 million long-term endowment fund which we will invest at 5 percent rate. This will make \$100,000 available to us yearly without touching the principal. Jerry Hover was generous enough to allow parks folks to come down and spend several days with us in October 2005. Troy Brown, Jerry Schmidt, Todd Lovin and Alan Stark came and met with us and we went and met with Rick Cleveland at Lovewell because he could not come. In May, 2006 we had Wendy Bowles from Kanopolis come out for a weekend and ride over the south side of the lake and helped us mark more than 10 miles of horse trails. Money came from the Pawnee Watershed District; the State of Kansas; citizens of the four counties; KDOT - the local partnership program; US DOT to pave RS 255 and park entrance; Kansas Rural Center through a water quality grant to put in switchgrass below the feedlot to prevent the water from getting into the creek; and KDWP has been a large partner. We hope to get things wrapped up in the next month or two. We are getting bids mid-fall and will start construction in March and be done in January or February 2009.

Commissioner Meyer -- Which watershed? Allen - Buckner Creek, which is part of the Pawnee River.

Break

4. Boating Regulations -- Dan Heskett, Law Enforcement Division Assistant Director and Boating Law Administrator, presented this report to the Commission (Exhibit I). There are about 200,000 acres of public water open to recreational boating in the state with some of the safest boating. Four lives lost in 2005, last year we had five boating fatalities and already three this year. This is why I have drafted some changes. Most are existing but one change is dumping of marine sewage. We started inspecting vessels a few years ago on a courtesy basis. There is no regulation to back us up if they cut off the strap and dump overboard. I worked up at Wilson and we checked houseboats and eight admitted to dumping sewage in the area where their families were swimming. This has also occurred at Perry. The first change is the application of the expiration decal on the front of the boat, on starboard side (right) in front of K, on port side, behind last letter. Most boats put in front of K or at the end, some do it the right way. The change would allow them to put it in line within 3 inches of the registration number. This is less confusing and a win/win situation. Second is the boat capacity plate -- to change information is illegal, but it's not illegal to operate a boat that has been changed, and with third-party owners, some have been removed, fallen off or lost somehow. The formula for the number of people that

can be in a boat is the length times width of the boat divided by 15. This does not work on pontoon boats, canoes or kayaks. There is nothing on the water that tells you what to do; no yield signs, stop signs or painted lines. There are three basic piloting rules and one is maintain a proper look-out. A lot of accidents are collisions and where does it say that you have to maintain a proper lookout? It doesn't. We are putting together guidelines of items the public needs to know, and some other language that will be brought up. Accident reporting has to follow federal guidelines and U.S. Coast Guard. Accidents that result in an injury requiring more than first aid, they have five days to report; if there is a death, 48 hours. It is not the intention by the Coast Guard to impede intercoastal waters. The proposal is to require all accidents be reported immediately to a law enforcement entity to keep evidence and information intact. Education requirements are no longer needed because of the state law that says anyone born after July 1, 1989 must complete a boater education course. It is confusing and starting to contradict itself. KAR 115-30-10 and 115-8-7 deal with boating. KAR 115-8-7 deals with boating on our department waters and there is different language on no-wake speed like near boat docks, persons swimming, or concessionaires. We will make the language the same in both regulations. One deals with all waters of the state and the other deals with department-owned waters. My recommendation is a 200-foot no-wake zone.

Commissioner Lauber – What is a monohull boat? Heskett – One hull. Commissioner Lauber – If you move a boat by a trolling motor is that considered operation? If someone had their child or grandchild move the boat with a trolling motor? Heskett – They would be under the direct supervision of an adult. Commissioner Sebelius – If you have a one boat accident with no injuries does that type of accident need to be reported? Heskett – only if there is property damage of \$2,000 or more, loss of life or medical treatment beyond first aid. Commissioner Shari Wilson – All of these things we can do by regulation or statute? Heskett – They are regulatory. Tymeson – I started working on these yesterday and some of them haven't been worked since 1989. This may be a lengthy process, but we anticipate voting in August with change of January 1. Chairman Johnston – To who would the report have to be made, our officers or any law enforcement officer? Heskett – In order to give them the opportunity to do what is right it will be with any law enforcement entity. Chairman Johnston – Are various county, and local entities aware of the investigation responsibilities? Heskett – No investigation, we will do that. Chairman Johnston – There are a lot of accidents that go unreported. How many? Heskett – If 40 are reported, then 15 more go unreported. We catch the ones that need medical assistance, we miss ones that hit something and load up the boat and drive off. Chairman Johnston – This regulation is to make it a violation to leave the scene of an accident? Heskett – No, they may have to leave the scene to report the accident. Commissioner Lauber – Is this only for an injury accident involving more than one boat? Heskett – In the current language. If there is prop damage they don't have to report that, but do have to if it is hull damage. If the report is required immediately then they don't forget to report it. Need those reports to figure out where structures are that are being hit, or trends that are causing accidents. Last year people pulling tubes, grabbed the rope and four different people lost fingers.

5. Status of Mountain Lions in Kansas and Large Carnivore Response Plan – Matt Peek, furbearer biologist, presented this report to the Commission (PowerPoint - Exhibit J). The department is often misrepresented on this issue. We do take the presence of mountain lions seriously. Mountain lions are not only native to Kansas, but in the Midwest as well. They don't respect state boundaries. They have existed throughout the Midwest but fell from legal protection in the 1960s and 1970s. The last documented one in Kansas was in 1904 in Ellis County. In the

Midwest there has been a reoccurrence in the 1990s. This figure is maintained by The Cougar Network: www.cougarnet.org. Missouri had one in October, 2002 and Oklahoma collared a cat from the Black Hills from May, 2004. It had traveled over 667 miles. On the map, the green dots are known existence where reproduction occurs; red dots are where tracks or hair were found; and blue dots are where the animal was found. The map shows that numbers are back up since 1990 and most dots represent 1-3 year old male mountain lions. Out of all dots in Nebraska, only one is a confirmed female. People have reported sightings because males are moving through the area but not establishing populations. The Black Hills population has increased to 180 animals and is thought to be the area where most of the mountain lions (seen in this region) have come from. South Dakota initiated a season in 2005, but they estimate 25 animals a year were dispersing out of that population. Mostly they disperse along river systems, so if they were traveling from South Dakota, they go along the two major river systems in Nebraska, the Niobrara and the North Platte, and head toward the Missouri River. Kansas has had one DNA confirmation from a professor from KU who put out a trail cam after reports of a mountain lion on campus. The picture was not conclusive, but scat proved that it was a mountain lion. Kansas is also within 75 miles of the Colorado/New Mexico established population range and they can move and show up in any part of the state at any time. We finalized guidelines in 1994 for response to black bear, cougar and gray wolf incidents. The last black bear report was in 1996 and even wolves are a possibility. The species status outlines the range. We identify the range and use the guidelines for response of reports. Mountain lions are considered nongame wildlife in Kansas and are in separate state statutes. They may only be taken by rules and regulation of the Secretary, no open season, may be taken by owners or legal occupants of land if found in or near buildings or destroying property; or may be controlled by wildlife control operators. The response would be, upon receiving a report, to determine if physical evidence is present then attempt to view with field investigation or take a digital picture and email it to. Then we would confirm whether it is from a mountain lion or not. They leave a great deal of sign: tracks, prey kills, scat and scrapes (territorial scent marking). They get trapped, treed by dogs, etc. and photos are taken by trail cams (there are over 10,000 trail cams in the state), or get killed on the road, train kills, shot/poaching. The South Dakota population of 180 animals documents 20 mortalities a year and Florida's population of 20 animals has one road kill a year alone. We need physical evidence of the animal itself. Mistaken identity occurs frequently. Once we confirm evidence, then decide if it is causing conflict. Occasional occurrence of mountain lions in Kansas is likely, but presently believed to be rare. If it is confirmed we check to see if there is livestock predation -- an extension -type approach, inordinate threat. If the animal is considered sick, has a lack of fear or has aggression towards people we will try to move it. If the animal is confirmed through incidental capture or trapped we will kill it. We will not release it. If a cougar is found dead on the road, it will be taken into possession by the department for necropsy and study. We take their presence seriously, but have to view this from a scientific prospective and we are prepared to respond to mountain lion issues in Kansas.

Commissioner Lauber – There is a tremendous amount of feedback and anti-government paranoia. My concern is credibility of conservation agencies. Most sightings --- one conservation officer gets about 40 reports a year. One person suggested having a cougar season with a special permit and after five animals then stop the season. Need to regularly make a report, on an annual basis. A lot of people believe a lot of things. Regular dialog would be good for the agency.

Chairman Johnston – Who is designated to receive the reports? Peek – I get the reports. We had 120 at last check, 176 people said they saw the mountain lion at Lawrence itself. Chairman Johnston – You are the one who decides to investigate? Peek – Yes, myself and Charlie Lee from

Kansas State and field staff investigate the data. Hayden – You didn't talk about captive mountain lions. Peek – According to the response plan, we will treat them like wild animals. We have not had reports of mountain lions, but leopards. In the past when a mountain lion showed up it was assumed it was captive, but free ranging animals are showing up in most states. Commissioner Lauber – I read an article called "Cougar Mania" and it talked about embellished articles and referred to that as the electronic tavern.

6. Fishing Issues and Regulations – Kyle Austin, fisheries management coordinator, presented this report to the Commission (Exhibit K and handouts Exhibits L, M). Seven items to go over with you: 1) VHS Virus Emergency – Viral hemorrhagic septicemia outbreak in the Great Lakes has caused large-scale fish kills. Eight Great Lake states are quarantined and cannot move fishes across the state lines without a health certificate indicating a negative test. There may be merit in establishing a regulation that requires all fish entering Kansas be certified by an AFS-FHS pathologist as VHS and spring viremia of carp virus free. Several Kansas species are known to be susceptible to VHS including crappie, bluegill, trout and channel catfish. This is very serious, major concern and we will be coming to you at the June meeting to discuss this issue. 2) Add diploid grass carp to the Prohibited Species List – We now have evidence of natural reproduction of grass carp in the Kansas River and the recent National Asian Carp Management and Control Plan calls for all states to suspend the use of diploid (fertile) grass carp in their respective states. Sterile triploid grass carp have proven to be an effective fisheries management tool. We are considering recommendation to allow use of only triploid grass carp for aquatic vegetation control in Kansas. 3) Snagging and gigging – Staff is considering a recommendation to separate the methods of snagging and gigging in regulation. The recommendation would provide that snagging for non-sport fish be left as is, where it is a legal method of take only in waters posted by the department as open to snagging. In addition, the committee recommends that gigging be added to the list of legal equipment and methods for taking non-sport fish without the open posting requirements. 4) Establish five striped bass hybrids (wipers) per day option - Staff is considering a recommendation to allow anglers to harvest five wipers per day by amending the "Kansas Special Size Limits, Creel Limits, and Bait Restrictions Tables" reference document within regulation 115-25-14. The striped bass hybrid has become an important tool for management biologists in Kansas providing an open water predator to help manage abundant gizzard shad populations and by providing additional fishing opportunities for Kansas anglers. Until the early 1990s it was extremely difficult for our fish culture section to produce striped bass hybrids, which justified the conservative creel limit of two per day. Since that time, the fish culture section has improved its ability to produce fry, fingerlings, and intermediate sized fish. Biologists should have the option of increasing the creel limit on striped bass hybrids when the proper conditions exist. 5) Add Lake Shawnee to the designated trout water list – Shawnee County is proposing to the department a discontinuation of their trout permit and begin requiring a state trout permit. In return, the department would compensate the County for the cost of their stocking program. This would eliminate confusion on permitting requirements for trout anglers at the Lake Shawnee. 6) Weigh-in requirements for bass tournaments - The department established weigh-in requirements for the Bass Pass Program that began this year. Tournaments using the Bass Pass must be registered with the Fisheries Section. Part of the registration process requires compliance with weigh-in procedures designed to minimize mortality on bass. There have been calls to make this same requirement effective for all weigh-in bass tournaments. Staff is considering the merit of moving the weigh-in requirements from the Bass Pass regulation and establishing it for all weigh-in bass tournaments.

7) Private water fishing impoundments and fishing license requirements – Confusing to the public and there seems to be a lack of awareness as to when a state fishing license is required. Staff feels most Kansans believe that when fishing on a private lake or pond, that a state license is not required. We have worked with Chris Tymeson, Kevin Jones and law enforcement staff, and we have decided to make it more of an awareness issue on what is private and what isn't. I have given you a handout to show you examples (Exhibit L). On the second page, that body of water is a private water fishing impoundment. It is a single pond, doesn't have a stream flowing in or out of it, it is owned by one owner so you wouldn't have to have a fishing license as long as you had permission from the landowner. On the third page, that is not a private water fishing impoundment. It shows two owners. If you have a watershed lake with more than one owner involved you are required to have a state fishing license. On the next page you have the same body of water with a stream coming in. Once again that does not meet the definition of a private water impoundment. A fishing license would be required. Next year we are thinking about using some of these same pictures to make it more of an awareness issue. On the last picture it looks like a lake development with several houses. This may be sticky when we get it out there because most people feel that if they are on what they consider a private water they don't need a fishing license. This may or may not be a private water impoundment it depends on how many owners are involved. If it is one owner, then it is, but if there are several owners a fishing license is required. Commissioner Lauber – On diploid and triploid fish, if I wanted to get some grass carp for a farm pond, how do I know the difference between the two? Do I buy from a fish producer and rely on the fact that he knows the difference? Are they distinguishable? Austin – Not by the naked eye. They look the same. About a year ago you came to Pratt and we showed you a pressure chamber at the hatchery we had set up and that is how we are producing these triploids. Genetically they are sterile and have one more set of chromosomes. Fish producers will have to have certification proving they are triploid grass carp. I'm not sure how that will be enforced. Commissioner Lauber – I will have to rely on their certification? Austin – Yes and I assume our Law Enforcement will be doing spot checks. Commissioner Lauber – I fish at Lake Shawnee, and as I understand it our trout waters are Type 1 and Type 2, with Type 1 being you have to have a trout permit October 15 through April 15 if you fish at all and means you only plan on harvesting trout. Austin – Correct. Commissioner Lauber – What is this envisioned to be? Austin – That is one that you wouldn't be required to have that trout permit unless you are fishing for and possessing trout.

Mike Pearce – What are the bodies of water where you are considering raising the hybrid wiper limit to five? Austin – No bodies of water thrown out there yet. We have a committee that has talked about this thing several times now and there hasn't been any specific bodies of water picked. Several of the biologists on this committee have said they would consider it. Pearce – That is a maximum of five or you would pick two or five? Austin – The biologist would recommend five or two.

Dick Krewson – On licensing requirements, wouldn't it be simpler to require a fishing license of everybody who angles in Kansas? I know you don't take empirical data, but I don't know of a landowner who hasn't taken a fish and stocked it in his own lake. Austin – In a perfect world we would require that. Krewson – This is the only state I have fished in where it wasn't required. Chairman Johnston – That is part of the problem, that statement you just made is incorrect and the educational program that is being discussed here is being designed to let people know what kinds of private land impoundments are legal to fish with a license and which aren't. Krewson – You said the statement I made is incorrect? Chairman Johnston – That is my understanding. Austin – What we would like to see is it be the same as the hunting. If you are hunting on your

own land you don't have to have a license, if you are fishing on your own land you wouldn't have to have a license. Anybody else would be required to have a fishing license. I'm not sure what your question was. Krewson – Why not make everyone who angles in Kansas, not own your own property be required to have a fishing license. Chairman Johnston – I need to seek clarification. It is my understanding from the handout and the photos that one impoundment doesn't have any surface flow in or out of it which has not been stocked by the state in the last ten years, but which has two owners, would require a fishing license to fish also of the owners. Is that correct or incorrect? Kevin Jones – One body of water, where the property line goes through the middle, the landowner could fish on that portion of the water that he controls without a license, but a third party would be considered public and they would have to have a license. Austin – This is not only confusing to the public but to us.

7. Park Regulations – ADA Access Issue – Jerry Hover, Parks Division Director, presented this report to the Commission (Exhibit N). I would like to remind the Commission and audience that we have free park entrance days coming up. This weekend, four parks will have free entrance: Cheney, Kanopolis, Fall River and Cross Timbers, and the rest follow throughout the summer and into October. KAR 115-8-13 currently does not allow anyone to use unregistered vehicles on KDWP property. KDWP occasionally receives requests by handicapped individuals to use all-terrain vehicles, scooters, and other vehicles not capable of being legally registered. We wish to amend the current regulation to allow this type of vehicle to operate on department lands under certain conditions by handicapped individuals and maintain the safety. Special permits would be made available to qualified applicants to access specific areas within department lands. Amending the current regulation would provide a clear definition for courts when a Notice to Appear in court is presented; many courts have requested a clear definition. Amending the current regulation would also allow the department to more fully comply with current ADA requirements and make department lands more accessible to handicapped individuals while maintaining good safety practices and resource protection. Commissioner Shari Wilson – I understand the intent of the proposed regulation, but I have a concern not just about safety, but about resource protection, not turning beaches into ATV access where not only public safety would be an issue, but tearing up our park property. We have places where people can go if they just want to have fun on those kinds of vehicles. It is a people mover as well as a way of having recreation. I can see where it would get complicated. Hover – We would adopt similar language as we have for the handicap vehicle permit, meet certain conditions and only operate in certain locations, not just anywhere. Commissioner Sebelius – Keep in mind that park roadways are the same as any other public highways, so we are going to be restricted in trying to permit something that state law doesn't allow us to do. One area where we could expand would be the motorized wheelchair, which is exempt from just about everything. We would need to contemplate that, a lot of folks use golf carts and golf carts. I think the legislature is going to be taking a hard look at those things next year because the law enforcement associations are pressing it hard. We have youth that are jumping on ATVs and they don't have driver's licenses and are roaring up and down the streets and the cities are getting hammered on whether they can use those or not. I would encourage the department to stick to motorized wheelchairs for roadways anyway. I don't know if you want to get into trying to allow off-road driving, even with handicapped people because we have worked so hard to try to enforce off-road driving in the parks. I agree it is something we should be looking at, but be careful about it. Chairman Johnston – We are asked to approve the concept to help the department move forward with a proposed amendment. Are we prepared to do that with Commissioner Sebelius' cautions?

Affirmative response. Sounds like we are.

8. Public Lands Regulations – Brad Simpson, chief of Public Lands Section, presented this report to the Commission (Exhibit O). There are more than 100 KDWP-managed public lands. These areas range from 50 acres to nearly 20,000 acres in size and are just as variable in terms of wildlife habitat, public hunting, fishing, and other use opportunities, management, and infrastructure present. Most of our public land regulations are found in “KAR 115-8 Series” for department lands and water, however, several of these regulations can be more restrictive by posted notice for a particular piece of property. Posted notices (referred to 28 times in regulations) are used statewide and were designed to provide needed flexibility for individual public land areas dependent on the situation. There are more than 361 posted notices on public lands. Some of the posted notice categories may need to be simplified, condensed, or organized into a reference document, which can then be voted on by the Commission to address the issues of enforcement, user fairness, and understanding of public land regulations. There is the need to have some flexibility to provide public lands management and certain posted notices may be necessary. We need approval to proceed with the development of a reference document that simplifies and condenses some posted notices on public lands in an organized manner that is understandable and enforceable. Commissioner Sebelius – I am highly in agreement with this. One of the biggest gripes I have heard for years is people complaining that they didn’t know about something. This is a good idea. Commissioner Shari Wilson – Chris, I’m not exactly sure I understand how this would be used by the public? Tymeson – It is much the same as last year when we went from Secretary’s Orders to a reference document that incorporated into the regulation. In that fashion we will have a comprehensive look at what sort of posted notices we have out there. Clearly we have some that are site specific or geographic and those will always be some sort of a posted notice. But when you say no alcohol is allowed at a state fishing lake and you have it on a kiosk and they come in at a different entrance, hopefully it would be posted at both entrances, but if the individual just doesn’t see it as they come in we will be able to have this reference document and incorporate that into our hunting regulations or our public land brochure. Then people would be able to look up the area and see what sort of restrictions exist before they get there. Commissioner Shari Wilson – So instead of posting a notice that says no alcohol consumption allowed on every state fishing lake it would just be part of the regulations, for example and listed as part of that document so people would be able to see it instead of waiting until they get there and hope they see the sign. Tymeson – It is an issue of fairness to the public users who would show up at an area. They would have prior notice of certain restrictions on that property, and I think we would still continue to post them at the locations, but this is just an opportunity to educate the public further as what sort of restrictions apply on our property. Chairman Johnston – It appears you have permission from the Commission to proceed in this general direction.

9. Late Migratory Bird Seasons - Helen Hands, wildlife biologist, presented this report to the Commission (Exhibit P). Late migratory bird seasons are those that occur on or after October 1. In Kansas this would include our regular duck seasons and goose seasons. This regulation covers maximum bag, possession limits and season length, and earliest opening and latest closing dates. The frameworks establish the limits which states must operate within when establishing waterfowl seasons and are published in mid-August, after results from the May Breeding Duck Survey and recommendations from Flyway Councils are available. We do not anticipate major changes in the frameworks for geese. We anticipate that the season length for

Canada geese will be again be 107 days, the maximum allowed by frameworks. If season length continues to be 107 days, we would need to address the question of whether to provide youth hunt days for Canada geese and reinstate the Special September Canada Goose Seasons. To reinstate these hunts would require use of regular season days (if the regular season length is increased to 107 days). After the last meeting it doesn't appear that we need to be concerned about the September Canada goose season. Remove 1:00 p.m. closure and close at dusk. At this time there is little information upon which to base speculation concerning the duck season frameworks for 2007. The May Breeding Duck Survey which provides duck abundance as well as habitat or pond numbers has not been completed. The three current Adaptive Harvest Management regulatory packages include the following: 1) Liberal package – 74-day Low Plains season, 97-day High Plains season, which is the package we have had since 1997; 2) Moderate package – 60-day Low Plains season, 83-day High Plains season; or 3) Restrictive package – 39-day Low Plains season, 51-day High Plains season. Last year was the first year of the three-year Hunters' Choice experiment in the Central Flyway and we are the only flyway trying to conduct this research. There are some species of ducks not doing as well as others and the way we have handled that in the past, for instance the canvasback and the pintail, is we had a season within a season. We would have a 39-day season for pintails and canvasbacks and the rest of the season was 74 days and it makes it complicated for the hunters. They would have to know what the bird was coming in and whether they could shoot the bird in that particular season. This is a three-year experiment and this is the second year. We hope that the federal frameworks will remain the same in 2007-2008 so that we can complete the experiment and have as uncomplicated of evaluation as possible. The states using the Hunter' Choice bag limit are North Dakota, South Dakota, Wyoming, Kansas, and Texas. In these states, within the liberal and moderate regulatory alternatives, the daily bag limit shall be five ducks, with species and sex restrictions as follows: scaup, redhead and wood duck would be two; and only one duck from the following group can be taken per day: hen mallard, mottled duck, pintail, canvasback. Pintail and canvasback are the species of concern. We hope that if they shoot out of list group it is a hen mallard or mottled duck. Within the restrictive regulatory alternative, the daily bag limit shall be three ducks, with species and sex restrictions as follows: scaup, redhead and wood duck would be two; and only one duck from the following group can be taken: hen mallard, mottled duck, pintail, canvasback. The possession limit shall be twice the daily bag under all regulatory alternatives. In summary, we don't anticipate any changes in the goose frameworks and the resulting recommendations from last year, but it is too early to predict which regular season duck regulatory package will be included in the frameworks, although we are hopeful that the liberal package will again be adopted. Commissioner Lauber – The Hunter's Choice is you get five ducks and it is encouraging you to take green heads or ducks not in this particular group. So you could take five drake mallards. Hands – Yes, or five widgeon or five blue-winged teal. Commissioner Lauber – Those that lost the coin toss, what do they get? Hands – They would get the daily bag of six, but no more than five drake mallards. Commissioner Lauber – How come it says we won? Hands – Because we don't have to have a season within a season. That complicated 39-day season for pintails and canvasbacks.

VII. RECESS AT 4:55 p.m.

VIII. RECONVENE AT 7:00 p.m.

IX. RE-INTRODUCTION OF COMMISSIONERS AND GUESTS

V. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

Mike Pearce – Keith, did you ever finish the questionnaire going to upland bird hunters? Sexson – We have and we have it in draft form right now and are finishing it up. Then it will go to the Secretary for his review. Pearce – Have the upland bird seasons been set for the fall of 2007? Sexson – They are set unless we come back and change them. Pearce – As of now you plan on keeping them the same? Sexson – I think so.

VI. DEPARTMENT REPORT

C. Workshop Session

1. Early Migratory Bird Seasons – Helen Hands, wildlife biologist, presented this report to the Commission (Exhibit Q). These seasons start September 1 or as late as September 30 and again the U.S. Fish and Wildlife Service sets these frameworks. States may always adopt more restrictive regulations than those allowed in the frameworks, but they may not adopt seasons more liberal than stated in the frameworks. We won't receive the early season frameworks until mid-July so the following season dates are recommendations for approval by the Commission, with authorization for the Secretary to make any adjustments required as a result of unforeseen framework changes. Dove regulations are now set by KAR 115–25–19, rather than annual Commission approval. Expected frameworks and recommendation are: Rail (sora and Virginia) - hunting season not exceeding 70 days between September 1, 2007 and January 20, 2008. Daily bag of 25 and possession limit of 25, singly or in aggregate, of sora and Virginia rail with a recommendation of a season running September 1 through November 9, 2007 with a bag and possession limit of 25 and 25, respectively and there is no open season on king rail, common moorhen, and purple gallinule. Snipe – frameworks include a hunting season between September 1, 2007 and February 28, 2008 and the season may be split once with a daily bag and possession limit not to exceed 8 and 16, respectively. The recommendation is for a season running September 1 through December 16, 2007 with bag and possession limit of 8 and 16, respectively. Woodcock - a season not exceeding 45 days between September 21, 2007 and January 31, 2008, season may be split with daily bag and possession limit of 3 and 6, respectively. Our recommendation is a season running October 13 through November 26, 2007 with a bag and possession limit of 3 and 6, respectively. Teal – the season is more complicated and will run between September 1 and September 30, 2007, not exceeding: 1) 16 days if the blue-winged teal breeding population is above 4.7 million, or 2) 9 days if the breeding population is between 3.3 million and 4.6 million, or 3) no season if the population is less than 3.3 million. Frameworks include a daily bag and possession limit of 4 and 8, respectively. Last year's (2006) blue-winged teal breeding population was 5.9 million. The 2007 blue-winged teal breeding population will not be known until June. It is possible that only eight days will be available for the September teal season in the High Plains Zone. 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 eight days to reach the 107 day total. Our recommendation is for 1) High Plains zone: A bag and

possession limit of 4 and 8, respectively, with the following season date possibilities: a 9-day season running September 15 through September 23, 2007; a 16-day season running September 8 through September 23, 2007; or, an 8-day season running September 15 through September 22, 2007. 2) Low Plains zone: a bag and possession limit of 4 and 8, respectively, with the following season date possibilities: a 9-day season running September 15 through September 23, 2007; or, a 16-day season running September 8 through September 23, 2007. The department recommends adopting the maximum shooting hours allowed in the frameworks, ½ hour before sunrise to sunset.

As you recall we discussed this at the March meeting. This is the second time you have heard this and next time you will vote. Commissioner Lauber – Is the ½ hour before sunrise on teal new? Hands – We have had it for about 14 years. Back in 1995, we had to do an evaluation where we were using spy blinds and watching hunters shoot. Before then it was a sunrise opener and we were testing whether there were more mistakes made in that ½ hour before sunrise to sunrise than after that and there was no significant difference. Commissioner Lauber – I just didn't realize it had been that long. Commissioner Meyer – Fifty or 60 years ago when I started hunting it was ½ hour before sunrise. Hands – I don't know when they restricted it back to sunrise for teal. Chairman Johnston – On the teal season recommendation are you wanting to leave it the way it is right now with these various alternatives or are you wanting to select the option tonight? Hands – No, I want to leave the options because we won't know until June what the breeding population is.

Krewson – For years the snipe season started on the first day of teal season and for some unknown reason it got moved back to September 1. Most of my snipe hunting is done in conjunction with duck season. The later season was much more conducive. I find my most success is in the month of October or later in the month of December when the birds are on the river bottoms. It seems like the September 1 opening is just because you can and no one really cares. Hands – We have it open through December 16 and I guess we could have it open all of December. I think there is probably more snipe in early September in your main snipe hunting areas like Cheyenne Bottoms and McPherson than in December. That is my opinion and that is probably why it is set that way. Krewson – I have hunted both of those places and see more snipe in October than the first of September. If you have ever snipe hunted September is hot and if you have ever walked a mile in hip waders at Cheyenne Bottoms, October is a better time. Hands – We concurrently hunt in October, but what you are asking for is two weeks later in September to allow those two weeks in late December and in my experience there is going to be a lot more snipe available to hunt in those first two weeks of September than there would be those last two weeks of December going by the migration chronology of snipe. Chairman Johnston – I believe the Commissioners are comfortable with the staff recommendations.

2. KAR 115-2-3a. Cabin camping permit fees – Jerry Hover, Parks Division Director, presented this report to the Commission (Exhibit R). This regulation establishes fees, by location, for cabin camping within the state parks, state fishing lakes and wildlife areas. A summary of current cabin usage comparing 2005 to 2006 has been provided, and you see that the nights have increased significantly. The proposed amendment summary is: 1) Eisenhower State Park -- add two yurts with wood floor platform, round canvas sides and roof, and no utilities for \$36 per night to the regulation page 3. 2) Tuttle Creek State Park -- bring three new, larger cabins on line this summer increasing the fees by \$10 per night for the new cabins; 3) Mined Lands Wildlife

Area; add Cabin 1 at \$60 per night and \$420 per week; 4) Ottawa State Fishing Lake; add Cabin 1 at \$60 per night and \$420 per week; 5) adds “and wildlife areas” to section (b) page 9; 6) a change to delete cabin pricing for Clark and Woodson State Fishing Lakes on page 9 and 10 and adds \$60 year-round per night and \$420 year-round per week making all wildlife areas and state fishing lakes cabins the same prices year-round. Commissioner Meyer – What is the break-even point for the number of nights? Hover – What do you mean by break even? Commissioner Meyer – Where we start making money on the cabins? Hover - In the state parks, those were a loan through Wildscape and it takes about 110 nights at the current price to begin to make a profit and repay the loan. Most of our cabins right now are averaging somewhere around 100 nights as a total per year. Tuttle Creek is running closer to 160 nights.

3. KAR 115-25-9a Additional deer regulatory considerations – Lloyd Fox, wildlife research biologist, presented this report to the Commission (Exhibit S). This is the new regulation that we have brought up once before in our workshop session and we will bring it back for vote in June. The regulation would allow us to set the firearms dates at Fort Riley. There is a misprint in your handout, it says archery and firearms, but it is just firearms. There is also a provision that would allow for the use of deer game tags on public hunting areas. Officials at Fort Riley have requested a later date to submit their final recommendation for season dates for a firearm deer season on the fort. Also, deer abundance at Cedar Bluff Wildlife Management Area (CDBR) has increased dramatically in recent years, and I have provided a graph of the trends that we are picking up with our current survey technique. In recent years the manager has attempted to encourage more hunters, and we have had numerous news releases and other attempts to encourage hunters to come and harvest antlerless deer. However, the deer population continues to grow. Landowners on adjacent private lands have complained about high deer numbers and damage to their property. Currently the deer hunters at CDBR have not been allowed to use deer game tags on the area. The staff recommends this new regulation to improve scheduling of hunting dates on Fort Riley. Firearms season dates currently proposed by officials at the Fort Riley subunit are as follows: Regular firearms - November 23, 2007 to November 25, 2007; December 19, 2007 to December 23, 2007; and December 27, 2007 to December 30, 2007 for their 12-day firearms season. The staff also recommends that deer hunters be allowed to use a deer game tag valid in DMU 2 on Cedar Bluff Wildlife Management Area.

4. KAR 115-4-13. Deer permits; descriptions and restrictions - Lloyd Fox, wildlife research biologist, presented this report to the Commission (Exhibit T). This is the permanent regulation which has to be enacted before we can pass the previous exempt regulation. Section (a) (4) deals with the white-tailed deer game tag. It states that, “this permit shall not be valid on department lands and waters” and we would need to amend that section in order to allow the use of game tags on department lands. It is the staff recommendation that this regulation be amended to allow the department to designate wildlife management areas where deer game tags could be used and then we would develop a list. This year we would only be looking at one, but in the future we would be capable of listing other areas if they develop the criteria that we need to allow special additional hunts. We will bring this back in June also.

D. Public Hearing

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

1. KAR 115-25-9. Deer; open season, bag limit and permits. – Lloyd Fox, wildlife research biologist, presented this report to the Commission (Exhibit V). This is our regulation we have each year that sets the season dates and a couple of other items. The proposal for the archery season dates are October 1, 2007 through December 31, 2007. The entire state would be open and archery hunters would be allowed to select two archery deer management units (DMU) as they are described in 115-4-6a. All archery deer permits would be valid during the firearms deer season January 1 – 6, 2008 and they would be valid with the equipment legal in a firearms season. This is consistent through all of the seasons, and I won't mention it again with the other seasons, but the number of archery deer permits is based on a review of deer population indices, biological and ecological data, history of permit use and harvest rates, public input and other relevant information. They are established in the Secretary's Orders which we will discuss later with concurrence of the Commission. With the archery season, we also have an archery season in our urban DMU, Unit 19 and the extended archery season is for white-tailed antlerless deer and begins after the extended firearms season, January 7 through January 31, 2008. The standard firearms season dates are November 28, 2007 through December 9, 2007. We have dates for both Fort Leavenworth and Smokey Hill. Fort Leavenworth will be November 17, 2007 through November 18, 2007; November 22, 2007 through November 25, 2007; December 1, 2007 and December 2, 2007; December 8, 2007 and December 9, 2007; and December 15, 2007 and December 16, 2007. In the Smoky Hill Air National Guard subunit, the firearm season dates are November 20, 2007 through December 1, 2007. There is an urban firearms deer season in Unit 19 from October 13, 2007 through October 21, 2007. Hunters with white-tailed either-sex firearm permits valid in units adjacent to Unit 19 (Units 9, 10, 11 and 14) can hunt that season in that location. The muzzleloader only season begins September 15, 2007 and runs through September 28, 2007 and there is also the extended firearms season that people with that permit can use if there permit is in a unit that has an extended season. The season for designated persons will be September 29, 2007 through September 30, 2007 in all deer management units. Any person 16 years of age or younger, only while under the immediate supervision of an adult who is 18 years of age or older can qualify for that season as can persons listed under KAR 115-18-4 or a disability assistance permit under KAR 115-18-15. The extended firearms season, what most of us refer to as the antlerless-only January season, applies to any person with an unfilled firearm, muzzleloader, or archery permit or antlerless white-tailed deer game tag valid in units 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, or 19, can use those permits during the extended season which will be January 1, 2008 through January 6, 2008. The application deadline for resident permits that are available by drawing is July 13. Permits that would allow the hunter to take an antlered deer such as the whitetail either sex permit, resident archery permit, hunt-own-land permit are available through December 30, 2007. Antlerless types of permits such as whitetail antlerless-only and the whitetail antlerless game tag are available through January 30, 2008. The application for nonresident permits from the earliest date the application is available through May 31, 2007. Any person may obtain no more than one deer permit that allows the taking of an antlered deer. This has been a standard since about 2001. Any person may obtain no more than one antlerless-only whitetail deer permit and four antlerless whitetail deer game tags, a total of six potential permits they could take, but only one antlered deer. The game tags shall be valid statewide except for Units 17 and 18. The first game tag would be valid that way, but the other three game tags would be valid only in Units 10a, 7, 8, 12, 13, 15, 16 and 19. Commissioner Robert Wilson – On Page 5, third line, under number 4. "Applications shall be accepted in the Pratt office from the earliest date...". What normally is the earliest date? Fox – Immediately after this regulation is established the Information and Education section and the Big Game

Licensing section will have an application ready to go. It is already in draft stage right now and as soon as it is ready we can put it out on the internet and then start printing it and mail it to people and put them in the various offices. It will be ready within a few days I would imagine. Mike Miller – Internet copies will be ready this week, but the printing is going to the State Printer and will be a week or so. Commissioner Bolton – At the bottom of page 3, I wondered why Unit 17 was left out of the extended firearms season? Fox – Units 17 and 18 are left out of the extended firearms season based on input we get from field personnel, population surveys we have done, and comments from the general public.

Steve Sorensen – On page 5, number 5, is it possible to insert the words, “no resident or nonresident 16 years and older shall purchase a deer permit or game tag that allows taking of antlerless-only deer without first having obtained a deer permit...”. In other words can you insert those words and allow a kid, 15 and under to buy a whitetail antlerless-only game tag without having to buy an antlered permit? Fox – I’m not sure if we can do it. The next question that would logically come to me would be what that would do to our ability to issue the permits and difficulties that we might have to determine the age of the person and what that might do to our automated Kansas license system. Cindy Livingston – For this season, there is no way we can have it programmed and start taking applications or have it ready in time for the nonresident and there is no way on the residents either. Sorensen – Okay, I really didn’t care about the nonresidents, but I did about the resident kids.

**Commissioner Gerald Lauber moved to bring KAR 115-25-9 before the Commission.
Commissioner Frank Meyer seconded.**

The roll call vote to approve KAR 115-25-9 as recommended was as follows (Exhibit W):

Commissioner Bolton	Yes
Commissioner Lauber	Yes
Commissioner Meyer	Yes
Commissioner Sebelius	Yes
Commissioner R. Wilson	Yes
Commissioner S. Wilson	Yes
Commissioner Johnston	Yes

The motion to approve KAR 115-25-9 as presented passed 7-0.

2. Secretary’s Orders - Deer – Lloyd Fox, wildlife research biologist, presented this report to the Commission (Exhibit Y). In the Secretary’s orders for permit quotas we provide information unit-by-unit and permits by hunt type that are available and whether they are open availability or if there is a limited number. If it is limited, the number is shown. These orders are brought before the Commission with a request for your concurrence, no formal vote is required. I have some history on permit availability. Any deer permits for resident bowhunters have been available on an open basis since 1965. White-tailed deer either sex firearm and muzzleloader permits have been available on an open basis for Kansas residents since 2001, following numerous years where limited availability and drawing exceeded the demand for that type of permit. White-tailed deer antlerless only permits valid during any season have been available on an open basis since 2001. White-tailed deer antlerless game tags were first authorized in Unit 12a in 1989 and became available in many additional units in 1998 and they have been a key

component in deer population control. Muzzleloader any deer permits for residents have been available since 1978, but the early September season was enacted in 1989. These permits are available on a quota basis, but the number of permits in the Secretary's Orders is a number that is generally above the level of current resident demand for those permits. The antlerless types of permits have allowed hunters to take a female mule deer since 1981. Only during 2005 and 2006 was this permit type not available. We are proposing renewal of antlerless-only permits, a limited number, available only for DMU 3, and we will have both resident and nonresident permits. I might mention that those antlerless-only permits will not be on the application. We will send a notice after the hunter has received an antlered deer permit rather than cause the confusion if they were to apply for that and not draw a buck permit. The first nonresident deer permits were authorized in 1994 and there has been great deal of changes over the years in the numbers and procedures that would allow us to issue these nonresident permits. Hopefully we will have one more change and then some years of consistency on how we will handle that. Nonresident firearm permits for whitetail deer will increase from 9,566 to 10,626, an 11 percent increase, in 2007. Nonresident archery permits will increase from 4,228 in 2006 to 4,870 in 2007, about a 15.2 percent increase. We have itemized by deer management unit and permit type in the Secretary's Orders. The staff recommendation for the Commission is to concur with the Secretary's Orders on deer permits. Commissioner Shari Wilson – Can you explain how the number of nonresident firearm permits will change next year under the new deer management statute? Fox – The procedures will need to be established in regulation first. The model and proposal we talked to the legislators about will establish the number of nonresident permits based on the history of demand for nonresident permits through the last six years. We will attempt to meet or exceed that demand level with permit availability in 2008. We are very close to it, in fact we exceed it right now in many units on the firearms permits. We are making some changes in the structure of those permits, calling them hunter designate permits, as opposed to having a set number of firearms, archery or muzzleloader permits. We will have a set number of permits for the unit and then the hunter that gets drawn will have their choice on designating their equipment type for that unit. When we do that and we make the changes we are proposing in the numbers, we should be able to meet nonresident hunter demand for permits. To give you an example, this year we are proposing a total of 15,496 permits (archery, muzzleloader and firearm) and in 2006 the number was 14,046, a total increase of 10.3 percent. The new system as it is proposed for 2008 would be a total of 17,638 permits, an increase of 13.8 percent over the level that currently exists. In addition the new system will not have some of the complications, the transferable permits and some of the other features. Mike Pearce – I want to review changes we have from the 2006 season. Obviously we have a calendar shift, the antlerless-only permits in Unit 3, and the issuance of one game tag in Units 1 and 2? Fox – And, it isn't official yet, but a game tag at Cedar Bluff, but that is not official yet. Pearce – The game tags in Units 1 and 2 will be official tonight? Fox – Yes. Chairman Johnston – We don't need a vote, but concurrence. *All concurred.*

3. KAR 115-25-7. Antelope; open season, bag limit and permits. – Matt Peek, wildlife research biologist, presented this report to the Commission (Exhibit Y). Mike Mitchener has presented these two regulations in my absence the last two times. Pronghorn regulations are to remain basically the same as they were last year with no major changes in season structure or dates. A 28-day archery season is proposed for September 22, 2007 through September 30, 2007 and October 13, 2007 through October 31, 2007. The archery permits are valid in all three units and for the second year we are recommending that they be unlimited to both residents and nonresidents. A 4-day firearm season is proposed for October 5, 2007 through October 8, 2007.

We are proposing 86 firearms permits be allocated for Unit 2, 28 firearms permits for Unit 17. An 8-day muzzleloader season is proposed from October 1, 2007 through October 8, 2007. We are proposing 22 muzzleloader permits for Unit 2, eight muzzleloader permits for Unit 17 and eight muzzleloader permits for Unit 18. The firearm and muzzleloader permits are to remain restricted to residents and the application deadline for firearms and muzzleloader permits is June 8, 2007; and archery permits are available until the next to the last day of the season. Mike Pearce – Is that a decrease in muzzleloader and firearms permits? Peek – It is approximately a 15 percent decrease combined for Unit 2 and a 10 percent decrease in Unit 17. In Unit 18 where we have just been issuing muzzleloader permits has remained the same. Pearce – Is that because of winter kill? Peek – Just being a little more conservative relative to the weather. Not overly concerned about winter kill but perhaps impacts on reproduction.

**Commissioner Shari Wilson moved to bring KAR 115-25-7 before the Commission.
Commissioner Robert Wilson seconded.**

The roll call vote to approve KAR 115-25-7 as recommended was as follows (Exhibit Z):

Commissioner Bolton	Yes
Commissioner Lauber	Yes
Commissioner Meyer	Yes
Commissioner Sebelius	Yes
Commissioner R. Wilson	Yes
Commissioner S. Wilson	Yes
Commissioner Johnston	Yes

The motion to approve KAR 115-25-7 as presented passed 7-0.

4. KAR 115-25-8. Elk; open season, bag limit and permits. – Matt Peek, wildlife research biologist, presented this report to the Commission (Exhibit AA). The change to the elk permits for this year is that we are proposing to initiate a season on Fort Riley from September 1 through September 30, 2007 and both archery and muzzleloader equipment would be able to be used during this time. This is to allow hunters to hunt the elk rut on Fort Riley. This season would be in addition to the already established season of October 1 through October 31 season that we have had in year's past. The season dates off of the fort would remain the same as they have in previous years. We are recommending authorizing seven any elk permits valid statewide with the exception of Morton County and open during all open seasons on the fort. We are proposing 12 antlerless-only elk permits for 2007 also valid statewide with the exception of Morton County. These also would be open during all open seasons except that only one-third of them are valid during each of the traditional one month segments on the fort. In other words only four permits would be valid in October, four in November and four in December. As in the past pools will be awarded to a pooled group of military and non-military applicants and an unlimited amount of hunt-own-land permits would be authorized.

**Commissioner Frank Meyer moved to bring KAR 115-25-8 before the Commission.
Commissioner Debra Bolton seconded.**

The roll call vote to approve KAR 115-25-8 as recommended was as follows (Exhibit

BB):

Commissioner Bolton	Yes
Commissioner Lauber	Yes
Commissioner Meyer	Yes
Commissioner Sebelius	Yes
Commissioner R. Wilson	Yes
Commissioner S. Wilson	Yes
Commissioner Johnston	Yes

The motion to approve KAR 115-25-8 as presented passed 7-0.

5. KAR 115-9-9. Electronic licenses, permits, stamps, tags, and other issues of the department; other requirements – Kevin Jones, Law Enforcement Division Director, presented this report to the Commission (Exhibit CC). As you may recall from previous action on this proposal this deals with a technical issue. This would be to amend this regulation by adding a new subsection (subsection h) which is found at the very end of the regulation. This amendment would give legal authority for the recognition of the transaction number that appears on the electronic licenses, stamps and permits that are issued. In many places in our statutes and regulations we refer to a permit or license or stamp number and this amendment would authorize the use of the transaction number which appears on the issues now, to replace the number.

**Commissioner Shari Wilson moved to bring KAR 115-9-9 before the Commission.
Commissioner Gerald Lauber seconded.**

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

Commissioner Bolton	Yes
Commissioner Lauber	Yes
Commissioner Meyer	Yes
Commissioner Sebelius	Yes
Commissioner R. Wilson	Yes
Commissioner S. Wilson	Yes
Commissioner Johnston	Yes

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

XIII. OTHER BUSINESS

A. Future Meeting Locations and Dates

June 21, 2007, Salina, Kansas Wesleyan University, Peters Hall Room 201 (Cloud Ave)
August 16, 2007, Bass Pro Shop, Olathe.

Set the meeting for October 18, 2007 in Colby.

XIV. ADJOURNMENT

Commissioner Doug Sebelius moved to adjourn, Shari Wilson second.

The meeting adjourned at 7:58 p.m.

(Exhibits and/or Transcript available upon request)

Exhibit EE – Map handout from Craig Curtis given out on tour regarding playas.