

REVISED AGENDA
KANSAS DEPARTMENT OF WILDLIFE AND PARKS
COMMISSION MEETING AND PUBLIC HEARING
Thursday, April 21, 2011
Kansas Dept of Wildlife & Parks
Great Plains Nature Center (Region 4 Office) Auditorium
6232 E 29th St N, Wichita, KS

- I. CALL TO ORDER AT 1:30 p.m.**
- II. INTRODUCTION OF COMMISSIONERS AND GUESTS**
- III. ADDITIONS AND DELETIONS TO AGENDA ITEMS**
- IV. APPROVAL OF THE March 10, 2011 MEETING MINUTES**
- V. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS**
- VI. DEPARTMENT REPORT**
 - A. Secretary's Remarks**
 - 1. 2011 Legislature (Chris Tymeson)**
 - 2. Agency and State Fiscal Status (Dick Koerth)**
 - B. General Discussion**
 - 1. Vehicles on the Ice (Brad Simpson)**
 - 2. Fishing Regulations (Kyle Austin)**
 - 3. Park Regulations (Linda Lanterman)**
 - 4. Falconry Regulations (Mike Mitchener)**
 - 5. Late Migratory Bird Seasons (Faye McNew)**
 - 6. K.A.R. 115-16-3. Nuisance bird control permit; application, provisions and requirements. (Faye McNew)**
 - C. Workshop Session**

1. **Early Migratory Bird Seasons (Faye McNew)**
2. **Duck Zone Regulations 2011 through 2015 (Faye McNew)**
3. **Furbearer Regulations (Matt Peek)**

VII. RECESS AT 5:00 p.m.

VIII. RECONVENE AT 7:00 p.m.

IX. RE-INTRODUCTION OF COMMISSIONERS AND GUESTS

X. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

XI. DEPARTMENT REPORT

B. General Discussion Continued

7. **Private Lands Statewide Habitat Award (Jake George; award presented by Robin Jennison and Chairman Johnston)**
8. **Potential Changes in Deer Regulations 2012 (Lloyd Fox)**

C. Workshop Continued

4. **KAR 115-25-9a. Deer; open season, bag limit, and permits; additional considerations. (Lloyd Fox)**
5. **ANS/Bait Regulations (Jason Goeckler)**

D. Public Hearing

1. **KAR 115-25-7. Antelope; open season, bag limit and permits. (Matt Peek)**
2. **KAR 115-25-8. Elk; open season, bag limit and permits. (Matt Peek)**
3. **KAR 115-7-9. Weigh-in black bass fishing tournaments (Doug Nygren)**

XII. OLD BUSINESS

XIII. OTHER BUSINESS

A. Future Meeting Locations and Dates

XIV. ADJOURNMENT

If necessary, the Commission will recess on April 21, 2011, to reconvene April 22, 2011, at 9:00 a.m., at the same location to complete their business. Should this occur, time will be made available for public comment.

If notified in advance, the department will have an interpreter available for the hearing impaired. To request an interpreter call the Kansas Commission of Deaf and Hard of Hearing at 1-800-432-0698. Any individual with a disability may request other accommodations by contacting the Commission Secretary at (620) 672-5911.

The next commission meeting is scheduled for Thursday, June 23, 2011 at the Norton Community High School, 103 W. Woodsfield, Norton, KS.

**Kansas Department of Wildlife and Parks
Commission Meeting Minutes
KDWP Region 2 Office
300 SW Wanamaker Rd, Topeka**

Subject to
Commission
Approval

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

The March 10, 2011 meeting of the Kansas Wildlife and Parks Commission was called to order by Chairman Kelly Johnston at 1:30 p.m. at the KDWP Region 2 Office, Topeka. Chairman Johnston and Commissioners Debra Bolton, Gerald Lauber, Frank Meyer, Doug Sebelius, Robert Wilson and Shari Wilson were present.

II. INTRODUCTION OF COMMISSIONERS, STAFF AND GUESTS

The Commissioners and Department staff introduced themselves (Attendance roster - Exhibit A). Chairman Johnston introduced Linda Craghead, Assistant Secretary Parks and Tourism; and Becky Blake, Tourism Director.

III. ADDITIONS AND DELETIONS TO AGENDA ITEMS

Sheila Kemmis - Revised agenda – added item No. 4 under general discussion “Duck zone regulations 2011 through 2015” and previous No. 4 to No. 5. Commissioner Meyer – Change to CST not MDT.

IV. APPROVAL OF THE January 6, 2011 MEETING MINUTES

Commissioner Frank Meyer moved to approve the minutes, Commissioner Shari Wilson second. Approved. (Minutes – Exhibit B).

V. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

Bill Long, Friends of Fancy Creek Range – We will have a dedication of one section of the range in April. We began construction of the range 10 years ago, and it was originally set up in three sections: 100 meter, pistol and 50 meter, which was never completed. We got money last fall, and that section is soon to open for 25 and 50 meter. I am extending a personal invitation to you to attend the dedication, April 16, 9:30 am, open range day. The range is open the first and third weekends and last Thursday of each month. All volunteers are range certified. Contractor did the 50 meter range, but volunteers are

doing signs and benches, etc. Also we have a Women on Target in May and kids' event in June.
(Brochure – Exhibit C)

Commissioner Lauber – I would like the department to consider clarifying regulations for snowmobiles, ATVs that are used on the ice on department-managed waters; not necessarily approved by regulations, but want brief background. Kansas is not a big ice fishing state, but there are clear windows of opportunity. Our job fosters economic activity, promotes resources and maximizes the most we have to offer. The Corps of Engineers (COE) has made some feeble attempts to regulate the use of machines on the ice. We've had discussions, but it is a local area issue. Have no control over what COE may or may not do. I would like to have clarification if permissible on our end; there are two to six weeks where this could be used. Don't want ATVs running around our parks, specific trails on land, but limit use at existing boat ramps and access areas. COE gives guidance on their website of ice thickness for vehicles. Have law enforcement review, one opinion, like to see it clearly permissible in KDWP managed areas.

Chairman Johnston – I agree this deserves clarification. We should be careful with safety issues like driving vehicles on ice, consider minors in vehicle and think about life preserver guidelines. Mr. Tymeson, any downside to discussing this further? Tymeson – No, we can discuss it at the next meeting.

Commissioner Meyer – Welcome Secretary and Travel and Tourism, we are here to work with you and help you. We have a lot to offer; welcome to our unit.

VI. DEPARTMENT REPORT

A. Secretary's Remarks

Acting Secretary Robin Jennison – I look forward to working with all of you. We've made the transition in fairly good shape. There were some ongoing decisions that needed to be made, and I think we have made those without slowing down too much, and I think that is due to the tremendous staff that Wildlife and Parks has; the professionals who have the ability to bring someone up to speed and make them understand the issues. Anyone who has read the newspapers is well aware, as you talked about already, of the Governor's ERO, which should take effect after March 28. Then when we start the fiscal year, Linda (Craghead) will be the Assistant Secretary for Parks and Tourism and Becky (Blake), who has been over at Travel and Tourism, will be the Director. And Keith's (Sexson) title will change and Parks will come out from under his purview, and he will become the Assistant Secretary of Wildlife, Fisheries and Boating. Those are the structural changes that you are going to see. I do think it is important to bring up that we realize that there are pitfalls that we need to avoid. The Governor's office announcement had Tourism's budget in ours, and as you can imagine we immediately had folks wanting an understanding of what we were going to do. That originally came from the tourism folks, largely urban tourism folks who were concerned that all we were going to do was promote hunting and fishing, and that is not going

to be the case. We realize that different people have different things they like to do, and we are going to cover all of those things. We will deal with all sorts of tourism. Of more concern to me, and the bigger pitfall, is our resident hunters have apprehension when you begin seeing our natural resources to promote the state or to bring more folks in to share in the natural resources that we have. I want the Commission to know that we understand that is a pitfall and will be very careful not to mess with that. In fact I have told several of the legislative committees that our biggest concern is big game and deer. Our numbers are still going to come from Lloyd Fox and his folks. Marketing is not going to guide our wildlife biologists. Our wildlife biologists are going to be doing what they do, and then if there is an opportunity for the marketing folks to take advantage of that and talk about what Kansas has that is going to be fine; that standpoint is not going to change. Personally, my goals are not a lot different from former Secretary Hayden or former Secretary Steve Williams. My goals, as far as the natural resources to start are two: create more opportunity for youth and create more access. As you know we get very little general funding from the state and they made a run at trying to decrease that yesterday, and it may get decreased before this session is over. For the longevity of this organization, we have to create the next generation of outdoorsmen, and that is not necessarily for the next five years, but for 20 years down the line we need to do that, and that will be one of our goals, and what we are working toward. The idea of access is -- I think it is important, if we are going to talk about opportunities in Kansas. I have never had a problem with the commercial hunting industry, but by the same token that is not our job. Our job is to provide access for people who enter the outdoor recreation, or for dad or mom to take their kids, and our goal will be to provide that immediate access that is reasonably priced that we can avail people of the opportunity to for those. Those are going to be our goals over the next few years. We are off to a good start because of the great staff the department has. Chairman Johnston – I think you will find each and every Commissioner in complete agreement. Commissioner Shari Wilson – I totally endorse the Secretary's goals. Many of us have been working on this for a long time and you will be hearing more about this effort in a little bit.

Jennison – As a point of interest, as of Monday, former Secretary Hayden has a new role as the Executive Director of MORAST, which is the Missouri River Association of States and Tribes.

1. 2011 Legislature – Chris Tymeson, chief legal counsel, gave this report to the Commission. We are past turn around, one more week of bills, then the legislature goes to the floor for a couple of weeks. It's nearing the end, but not over until it's actually over. We are watching 92 bills, but we have only 15 on website that are of interest to constituents. SB 3 – would establish the Kansas Natural Resources subcabinet for coordinating water natural resource goals of executive agencies. I doubt it will go anywhere. SB 120 -- This bill is known as the vessel titling act and would require boat owners to obtain a certificate of title proving ownership. There is concern because a manufacturer's origin or bill of sale would be required. Not sure it will go anywhere. SB 123 -- This bill would allow cabin fees to be established by the Secretary's Orders with consideration of the Kansas Wildlife and Parks Commission, streamlining the process of adjusting fees for existing cabins and setting fees for new cabins coming on

line. This bill passed the Senate, came into House and passed out of Committee unamended. It goes to floor next week. SB 152 -- This bill would allow a person with a concealed carry permit to carry a concealed handgun while legally hunting and would also allow any person who lawfully possesses a firearm suppressing device to hunt with that device. It was blessed early in Senate last Friday and passed out of Senate yesterday. I anticipate it will go to the House and have a hearing quickly and pass out of House. HB2013 -- This bill repeals laws that currently restrict the sale and delivery of rifles and shotguns to or from residents of states that are contiguous to Kansas. Doesn't impact handguns. Allow residents to go to Texas to buy a firearm and allows an out-of-state person to buy here in Kansas. Had a hearing Tuesday in Committee and will go to Senate calendar and anticipate it passing. HB2089 -- this bill would allow a licensed hunter or furharvester to retrieve their hunting dog from posted land without permission. This bill was referred to Agriculture and Natural Resources, but day before hearing canceled and will not go anywhere. HB2149 -- this bill would require the legislature's approval of any KDWP land purchase greater than 160 acres (it is currently 640 acres), and removes the legislative approval exemption for land purchased at less than appraised value. This bill was passed out of the Committee on Agriculture and Natural Resources with a recommendation that it be passed as amended. The amendment allows the Senate Finance Council to approve land acquisitions during times with the Legislature is not in session. This bill passed General Orders and is on final action in the House (Feb. 23). Referred to Senate Ways and Means, but don't expect it to go anywhere. HB2152 -- this bill strengthens the penalties for the offense of operating a vessel under the influence of drugs or alcohol. Discussion on DUI penalties, but I'm not sure why it stopped. HB2168 -- this bill would waive the state park vehicle entrance fee for veterans. Proposed the same as National Guard license; tabled and don't expect action this year. HB2295 -- (this year's deer bill) this bill would amend statutes and repeal existing sections to exempt a landowner's immediate family members from hunting license requirements while hunting on that landowner's land; would remove the current disability exemption that allows the use of a crossbow during the archery season to allow anyone to use crossbows during the archery season; would extend the "extended season for female white-tailed deer hunting with the use of firearms through January 23, 2012"; amends the formula used to establish nonresident deer permit quotas so that the percent increase in permit numbers by unit required the first year (2008) the formula was used to be adhered to every year; would allow a landowner's immediate family members to purchase hunt-own-land permits whether or not they were domiciled with the landowner; would establish a mandatory contribution of at least \$2 to activities of Kansas hunters feeding the hungry, Inc.; and raises the maximum price that could be charged for nonresident big game permits to \$800, \$300 for nonresident mule deer stamp, and \$50 for an application fee. Bill was referred to the Committee on Natural Resources, then referred to a sub-committee, and I don't expect to go anywhere. HB 2321 -- This bill just popped on the radar. It would change the definition of muzzleloaders to conform with federal law. Currently in state law, muzzleloaders are defined the same as firearms. House Concurrent Resolution No. 5017 -- this resolution proposes amending the constitution of the state of Kansas relating to the classification and taxation of watercraft. This bill was referred to the Committee on Taxation. Could take action today, tomorrow or next week. No immediate impact. It would probably be 2013 before

some sort of change. Executive Reorganization Order No. 36 – Will be effective 60 days after introduced unless majority vote of either house votes against it. Some resolutions take effect, but not until July 1. Renaming the Department of Wildlife and Parks as the Department of Wildlife, Parks and Tourism; abolishing the Assistant Secretary of Operations position and creating an Assistant Secretary of Wildlife, Fisheries, and Boating and an Assistant Secretary of Parks and Tourism; and transferring the Division of Travel and Tourism Development at the Department of Commerce to the Department of Wildlife, Parks and Tourism. Commissioner Lauber – On titling of boats, do we have an opinion? Tymeson – There are pros and cons. From law enforcement’s point of view, it would provide security to boat owners. In order to transfer a boat, it would have to have title. The disadvantage is there are a lot of boats out there without proper papers and there will be a surprise factor for owners when a boat has to be titled before they can be registered. This would also add another fee, and could be the straw that drives more people to register their boats in other states. Commissioner Lauber – Is there someone pushing this? Tymeson - State Treasurer’s Association. Commissioner Lauber – Boat taxes are too high. Will we lose revenue if this were to pass? Tymeson – I could encourage boat owners to register their boats in Kansas, which would increase number of boats registered. Commissioner Meyer – Would this include canoes, or non-motorized boats? Tymeson – Only those required to be registered by the department now.

Michael Pearce, Wichita Eagle – When is your confirmation? Jennison – KBI is done with me. They were backlogged at the KBI, but they are about done with cabinet secretaries. I thought it would be done yesterday and then I will be introduced to the Senate. Tymeson – Formal introduction will be made to the Senate.

Commissioner Bolton – On concealed carry, I thought we were done with that and now it is about to pass? Tymeson – This is an NRA issue that also includes suppressors and has been brought before legislatures in other states. Commissioner Lauber – We were looking at these only as they deal with our regulations. However, for an appointed group to make arecommendation takes a long time, but it moves fast in the legislature if both sides of aisle are in agreement. Tymeson – From our point of view, we’d much rather have something in regulation than statute. Commissioner Meyer – Small weapons are sold for concealed carry, very inaccurate and there are a lot of people out there with those; I am not in favor of that.

2. Agency and State Fiscal Status – Dick Koerth, Assistant Secretary of Administration, presented this update to the Commission (Exhibit D). The department has received the FY 2012 budget recommendations from the Governor, which are in the attached table. Also included is the FY 2012 recommended capital improvements budget. In summary, the Governor’s recommendations provide for continued operations of the department with several enhancements. In addition, the Governor’s recommendations transfer the Division of Travel and Tourism from the Department of Commerce to KDWP, which will enhance statewide tourism efforts. The recommendations provide for total

expenditures of \$69 million with less than \$5 million being financed from the State General Fund (SGF), a decrease of \$204,290 from the prior year. In addition, it should be noted that the recommended budget includes \$4,333,429 to finance the Division of Travel and Tourism, being transferred to KDWP. None of this financing is from the SGF. The FTE recommended is 430.5, which includes 12 positions for the Division of Travel and Tourism. The budget provides for the existing level of expenditures with no reduction in services to the public. In addition, the following enhancements were included: acquisition of new amphibious backhoe Cheyenne Bottoms WA; expand program for control of Asian Carp; replace vehicles (41); create KDWP marketing program; operating funds and 1.0 FTE for Parsons Wildlife Area; entrainment reduction project for Lovewell Reservoir; and restore KDWP road maintenance funds to prior year's level. These recommendations were based on a request submitted prior to Acting Secretary Jennison's appointment. After review, the following changes were made: 1) Reduce the amount recommended for land acquisition from \$2 million to \$300,000 to allow for expansion of the WIHA program by \$620,000 and the F.I.S.H. program by \$310,000. Increased public access can be provided more efficiently by expanding programs for leasing rather than acquisition. 2) Provide \$600,000 for improvements at the Milford Fish Hatchery to prevent entrance of zebra mussels into the hatchery. The failure to do this will jeopardize the operation of the hatchery and would allow for transfer of the mussels into waters stocked with fish from the hatchery. 3) Provide an amount of \$100,000 for minor repairs on the dams at three state fishing lake dams. (Leavenworth, Shawnee and Douglas). 4) Include an amount of \$70,000 for a possible study of providing improvements at the Rocky Ford Fishing Area. These changes do not increase the total budget recommended by the Governor but will allow the use of funds to address priorities critical to the future operations of the department. The House Committee on Appropriations and the Senate Ways and Means Committee have completed their initial review of KDWP budget recommendations for FY 2012. Both Committees have amended the funding for Stream Monitoring to shift \$40,000 for the program from the State Water Plan Fund to the Wildlife Fee Fund. In addition, both Committees concurred with the department request to reduce funding for land acquisition and use the funds for other purposes as described above. The Senate Committee on Ways and Means is requesting KDWP to include language to allow for hunting licenses and park permits to include a provision for the applicant to make a voluntary contribution of \$2.00 or more to support the annual licenses issued to Kansas disabled veterans and Kansas National Guard members. This recommendation is not included in the House Committee report. The House Committee on Appropriations report includes several items not included in the Senate Committee report: take wildlife and Law Enforcement vehicles that are replaced and use them within the parks, if feasible; provide a report detailing the income of the agricultural leases made by the department and to review the cash flow to the State Agricultural Production Fund; provide to the House Subcommittee for the department budget a plan to replace SGF appropriations with Park Fee Fund revenue or other sources within a 3-5 year period. The House Committee is taking a very serious approach to reviewing FY 2012 SGF requests and during the discussion regarding KDWP, budget motions were made to delete or reduce the amount of SGF to the department. The Governor has provided a FY 2012 SGF budget recommendation to the Legislature that has an ending balance of \$7.5 million for the SGF on a total

budget of approximately \$6 billion. The Governor's recommendations include reductions in expenditures for agency operations including continuation of the plan to review employee salaries and provide for increased revenue to the SGF by transferring monies from other funds such as the State Highway Fund and lottery revenue. In addition, the transfer of \$6 million from the SGF to the State Water Plan Fund is not recommended for FY 2012. The receipts to the SGF through February 2011 are at the estimate, which is encouraging. Commissioner Shari Wilson – In regard to the budget, does that include all staff? Koerth – Yes, no reductions. Commissioner Meyer – Does the SGF stay the same or go down? Koerth – Down, for the last 4-5 years they have tried to make budget work, but they're running out of places to go to. They are talking about taking away longevity pay, so they are serious. Commissioner Meyer – Economy is coming back, and we are one of few state departments that still make money. Commissioner Robert Wilson – What about the expansion of program for control of Asian carp? Doug Nygren – We will be covering that today when we discuss wild-caught bait. We are concerned about vectors moving Asian carp from point A to point B. If there are more questions after that presentation, we will answer them. Commissioner Sebelius – On the road maintenance money, where did that come from? Koerth – Last year we had \$.6 million. Commissioner Sebelius – We got \$1.6 million back. Chairman Johnston – Reductions in land acquisitions and transferring to WIHA. Are there any land acquisitions abandoned because of that? Koerth – Not at this time. We still have a vehicle to use it if we are considering buying anything. Jennison – We cut the funding to acquire land for upland game but left alone funding for wetland acquisition. Chairman Johnston – Funds for WIHA, how many acres currently enrolled and how much increase? Koerth – Have 1.5 million acres in WIHA, but we want some closer to urban areas where we'll have to pay more per acre. Through a federal program, Jake George is working on additional payments on WIHA land for habitat improvement. Commissioner Shari Wilson – Creating marketing program, where would that be located? Koerth – Hired a person about six months ago, prior to learning about the merger, that person will work with them.

B. General Discussion

1. Kansans for Children in Nature Plan – Doug Vance, Kansas Recreation and Parks Association, and Charlie Black, Wildscape, presented this update to the Commission (Exhibit E). Doug Vance – Executive Director of KRPA and one of conveners for Kansans for Children in Nature (KCN) plan. In April 2009, Governor created KCN through an Executive Order to address the growing disconnect of children with nature. The Conveners, including representatives from KDWP, Kansas Recreation and Park Association, and Kansas Wildscape, have developed a plan for increasing the number of children spending time outdoors. Shari Wilson and Jerry Hover, before his retirement, were working on this. We reached out to other organizations to make it a statewide effort. The plan takes a community approach focused primarily on utilizing or building on existing resources environmental education and encourages structured and unstructured play. Kids today spend seven hours a day in front of a screen and 30 minutes outside. Kansas is the first state to attack this. KCN is gathering and plans to give a report to the Governor soon. We encourage KDWP's support and endorsement for the plan. Charlie Black, Kansas Wildscape, is also on conveners group – this concept benefits our Wildlifer Challenge program, which Wildscape will spend \$50,000 on to market this to children statewide. KCN has already brought together many entities, and with your endorsement and other high profile endorsements will put spotlight on need for programs. It will help to not have redundancy -- one unified message, nobody protecting their turf. Chairman Johnston – Briefly explain Kansas Wildscape. Black – Nonprofit 501c3, created 20 years ago by then Governor Hayden, work with OK Kids and cabins. Commissioner Meyer – Vital program and fits in with rail trail programs we are working on. Discovery trail from Herington to Osawatomie, walking bridge this side of Lyndon is ours. Black – Take a kid with you. Chairman Johnston – Thank Commissioner Wilson for your help with this. Commissioner Shari Wilson – Thank Doug and Charlie for coming today. Thank Charlie and Linda for talking to state board of education and Secretary for reviewing this plan and endorsing it. May come at this from different angles but at end of day we all want to get kids outside, provide opportunities and use outdoors as tool for learning. Thank everyone who helped with that and thank Commission for time on agenda. Craghead – We have posters everyone can take. Steve Sorensen - Kansas Wildlife Federation also is one of the conveners and Audubon of Kansas also endorses it and asks that you endorse this.

Motion to endorse – Commission Bolton, second by Commissioner Sebelius second, Approved.

2. Early Migratory Birds – Faye McNew, waterfowl biologist, presented this report to the Commission (Exhibit F, PowerPoint – Exhibit G). Framework allows hunting season between September 1 and September 30, 2011, 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 - 4.6 million, with a daily bag and possession limit of 4 and 8 teal, respectively. In 2010, blue-winged teal breeding population was 6.3 million. The 2011 blue-winged teal breeding population total will not be known until June, but expect the same. The department's recommendation is: High Plains Zone - A bag and

possession limit of 4 and 8, respectively, with the following season dates: a 9-day season running September 17 through September 25, 2011 with regular season 96 days. Low Plains Zones - A bag and possession limit of 4 and 8, respectively, with the following season dates: a 9-day season running September 17 through September 25, 2011; or, a 16-day season running September 10 through September 25, 2011. Shooting hours and bag limits have not changed. Webless migratory bird season: considering changes on sandhill crane restrictions, in discussion with USFWS. Mexican crow and rusty blackbird. Commissioner Lauber – Since whooping cranes were killed we've restricted shooting hours; we decided on the most restrictive one hour after sunrise; one-half hour after sunrise would have been sufficient. I would like to move the start of shooting hours back to one-half hour after sunrise. It's still later than Service requests and will enhance opportunity for sandhill crane hunters, which is limited. McNew – Current regulation is one-half hour after sunrise. Commissioner Lauber – If we open at sunrise we are still 30 minutes before the frameworks of one-half hour before sunrise. McNew – USFWS listed the reason we can keep our sandhill crane season is because of later opener. We'd need to sit down and review this proposal. Wait until next cycle and give us a year to work on it. Commissioner Lauber – Sooner is better than later. McNew – It would also be a good idea to go through Flyway Committee. Commissioner Robert Wilson – What about nontoxic shot on blackbird depredation orders? McNew – For nuisance bird control using firearms, USFWS requires the use of nontoxic shot.

3. Duck zone regulations 2011 through 2015 – Faye McNew, waterfowl biologist, presented this report to the Commission (Exhibit H, PowerPoint – Exhibit G). The U.S. Fish and Wildlife Service (Service) considers requests at five-year intervals from states wanting to change the type of duck season “Option” they utilize. Split into high plains and low plains zones using the 100th meridian, which goes down Highway 283. The Early Zone includes Cedar Bluff Reservoir and we want to move that into the High Plains Zone. The basic option is a statewide season with one zone with two splits (three segments); alternative options, which must be selected during the five-year open-window period, include: two zones with one split (two segments); three zones with no splits (continuous season in each zone); and for 2011 the following two options may be available: three zones, plus the High Plains area of Kansas, with the option for one split (two segments) in each zone; and four zones, plus the High Plains area of Kansas, with no splits. We'll discuss three zone boundary changes today. The first is a six-mile change, and we're not expecting overall harvest to go up much, but it would provide opportunities. The second change is early Zone boundary, putting all of McPherson Wetlands in the Early Zone, creates LE issue. The third recommendation would create a third zone and is pending approval of new option. We've conducted public meetings across state and learned that a later opener would be detrimental and cause hunter to lose days due to ice. The Southeast Zone would follow Hwy. 68 from the Missouri border, go down I-35, go down 77, jog around El Dorado and down 77 to Oklahoma border. If denied by the Service we will defer to the original map. Commissioner Lauber – As wood duck hunter, what do you envision s later start date would be in northern part of early zone? McNew – November 5, one week difference. Commissioner Bolton – I have one constituent who is happy about the Cedar Bluff change. Pearce – Where are we with changes? McNew – High Plains change has to go through Flyway, through

technical committee, then USFWS. Early Zone changes in current guidelines, and we are submitting a letter April 1. New zone system, including the Southeast Zone will probably not occur this year. We had to do an environmental assessment and got hung up. Sorensen – I'd like a clarification on Early Zone opener of November 5? McNew – That would be the opener in new Southeast Zone. Chairman Johnston – I like new Southeast Zone myself.

Break.

4. Furbearer Regulations – Matt Peek, wildlife biologist, presented this report to the Commission (Exhibit I). We are bringing forth five items for your consideration. Numbers are included in the briefing book, but I'll jump to recommendations: 1) a request was made to the Commission to allow .17 caliber rimfire rifles to take trapped or treed furbearers with the aid of light. The .17 is a faster round with a flatter trajectory than the .22 WMR, but its energy is less. In regard to safety and efficiency, it appears comparable to the variety of .22 rimfires we currently allow. 2) Traps must currently be "tagged with the user's name and address" so that the user may be identified. Trappers have occasionally requested that they be allowed to tag traps with a unique identification number in order to protect their identity from the general public, while allowing them to be identified by any KDWP employee. The KDWP number would uniquely identify each furharvester, and any department employee with access to KOALS could identify the trap user. 3) Specify that foothold traps must be smooth jawed, and establish a maximum jaw spread allowable in non-water sets. This would eliminate the use of serrated or tooth-jawed traps, which are basically obsolete today. Many new beaver traps have a jaw spread of more than 7 inches, but there are larger traps on the market. It is unnecessary to use such large traps to capture terrestrial furbearers or coyotes, and injury to target and nontarget captures, as well as public perception, become concerns when using such large traps in land sets. I'll come back to item number 4. 5) Currently, "water set" is defined as "any trapping device that has the gripping portion placed or set in flowing or pooled water and remains in contact with the flowing or pooled water." Requiring water set to be half submerged would reduce the likelihood that size 280 or 330 body-gripping traps could be used in terrestrial animal sets. Though few problems of this type have occurred, there seems to be a potential for nontarget capture, particularly during years with low water levels. This change will not significantly affect one's ability to trap beaver, as in most cases, 5 inches of water will be available in which to make the set. Fluctuating water levels will have to be taken into consideration, but this is already the case. In most cases, the rivets where the jaws of a body gripping trap pivot would be underwater if the trap was half submerged – making this easily measurable for the trapper and enforceable for law enforcement. This regulatory change should prevent a dog from being captured in a water set, which happened at Kanopolis last year. In addition to this change, the department intends to increase signage near public access points, particularly in those areas with established public trails, better notifying the public that trapping is allowed on wildlife areas. I'll open the first four items for discussion, then go to river otters. Commissioner Lauber – On a water set, I was contacted by constituent and I own a 330 -- How do you measure one-half submerged? Peek – If two rivets are under

water, it is half submerged vertically. Commissioner Lauber – With snapping parallel to the ground rather than perpendicular to the ground? Could you have it different if set that way. Peek – You'd have to be aware of fluctuating water levels. Commissioner Lauber – Could it be placed lawfully in three inches of water where something could step in it? Peek – Yes, but that is not how the trap is designed. It is set as square-type of frame and the animal goes through it. Commissioner Lauber – Concerns are well placed. I just want to know how this was passed. Peek – This is not the result of one issue, but eliminating unnecessary risk out there. A water set is intended for use on aquatic or semi-aquatic animals. But the trap could be placed as terrestrial set at a beaver den or along shoreline near beaver dam, and that would be one risk of that set. Chairman Johnston – On second page, second to last paragraph, it mentions increased signage; how soon could we expect that to happen? Brad Simpson – Intend to implement signage by this fall. We are discussing wording, and are in the designing phase right now. Chairman Johnston – I understand there are five or six trails that go through public hunting areas. Where are those? Simpson – We plan to sign all of those this fall, but we won't have all boundary signs replaced this year. Peek – In the Hunting and furharvesting regulation summary, we will include an informational page, which will include information on how to take a dog out of a body gripping trap and what to do if you encounter one. Commissioner Meyer – What about flag warnings? Peek – We have not decided to require that. Trappers highly oppose that because they try to remain unseen. Chairman Johnston – Out of concern for theft of traps and disturbing of traps amongst furharvesting industry? Peek – That is correct. Commissioner Lauber – I know what Matt is trying to do and this is good policy. There are always knee jerk recoil on restrictions on trapping and I want to make sure this doesn't become an annual reduction on trapping. Not the best image among non-trapping people. Commissioner Shari Wilson – I agree with more restrictions, and it looks like this gives a few things to furharvesters as well. Have you received comments? Peek – Most were positive or neutral, and most of these recommendations have come about as result of requests we have received. Chairman Johnston – I approve recommendations on signage. The common kernel is dog owners didn't know trapping was occurring. We have limited lands that are multi-use and the signage change will meet those incidents that we are sorry happened. These changes as a whole are sound and reasonable and measured and will have limited impact on the furharvesting community. No response to Mr. Lauber's comment. Will not tie hands of public from passing future laws? Commissioner Meyer – Not familiar with .17 calibers, are they available in handgun? Peek – Yes.

River Otters - 4) (PowerPoint – Exhibit J) River otters ranged historically in most of the U.S., but were gone from the Midwest by early 1900s. Beginning in 1976 in Colorado, reintroductions began, Twenty-one states released 4,500 otters. Largest release was in Missouri -- 845 between 1982 and 1992. We have released 19 otters, from 1983 to 1985, in Chase County. By 1995, otters were found on Flint Hills and in Crawford and Cherokee counties in southeast Kansas (expected immigrants from MO). Survey of all furbearers was conducted in 2005 and keeping track of trapped, incidental trappings and roadkills. We have estimated their range and populations appear secure range-wide. Forty-six of 47 states indicated river otter population, and only one state indicated the population was in decline. Most have trapping seasons; Missouri has had one for several years now. In 2009, a graduate student from K-State

did surveyed otters in eastern Kansas. The significance of this findings was that he found otters in all watersheds; average populations ranged from .1 to .83 in southeast region. We've been keeping track of observation points since 1999. In 2009 we reported 30 otters and 30 observation reports in 2010. Incidental take has been through beaver trapping. Summary of distribution: most eastern counties are occupied. Hopefully, you see with each new survey expansion. Otters need water, so they will run out of that as they near central Kansas. Western Kansas areas don't have water. We conducted general health necropsies on 78 otters taken or road killed from 2003 to 2010. Results indicated excellent physical health, Twenty-nine percent have subcutaneous nematode worm, which is common in other furbearers and has little or no health implications on animal. We looked at stomach contents, and from November to March it was mostly fish and crayfish, which is the common summertime diet. However, they will also eat mussels and mice. We collected a canine tooth for aging and found that the average age is 1.4 years. Younger otters are more prone to being trapped because they are on outside of range and moving through dispersal. If you plugged numbers into a model, we have many in reproductive age and we expect growth. Not many adult females were found at reproductive ages. However, we found some evidence of reproduction in one-year-olds. We didn't think they would reproduce until they reached two years old. The average litter is 3.4, small sample size, average is 2 to 2.5. Population is physically healthy, young, exhibiting reproduction and increasing in number. Population model – many came from Missouri so no basis. Used Shadlow formula to come up with number of otters per watershed. A total of more than 1,400, not population estimate, because none were counted outside this area. There are some in southcentral or northcentral on small lakes and streams. Not great numbers, but not zero either. My point is to be conservative. Otter populations can be viewed negatively because they are capable of impacting fisheries. Note received on February 11, and we continue to get more calls on otters; about one a week. Allowing a harvest will allow us a means to address some of these problems. There is some demand from trappers to take or keep the ones they take. They are a trophy furbearer; relatively valuable and can be disruptive to beaver trapping. Greatest complaints come from along the Missouri border. Department's mission is to conserve and enhance Kansas natural resources, provide opportunity and that can include allowing harvest of river otters. Commissioner Bolton – How soon would we see season? Peek – This season would be our recommendation. Commissioner Meyer – In 13 years on Lake Herington I've seen an otter three times. Chairman Johnston – Doesn't sound like any opposition from Commission to commence on river otter season.

5. Trails Grant Update – Linda Lanterman, parks division assistant director, presented this update to the Commission (Exhibit K). Every year the agency solicits applications for the Recreational Trails Program, whether or not we have funding. We've received limited applications for substantial projects. One project did not get funded. Not asking for anything from the Commission. We've already submitted projects to the Federal Highway Administration.

C. Workshop Session

1. KAR 115-25-7. Antelope; open season, bag limit and permits – Matt Peek, wildlife biologist, presented this report to the Commission (Exhibit L). Since the last meeting we have allocations: 154 firearms and 48 muzzleloader permits proposed; archery permits are unlimited. In Unit 2 – 100 firearm and 26 muzzleloader; in Unit 17 – 40 firearm and 12 muzzleloader; and in Unit 18 – 14 firearm and 10 muzzleloader. Commissioner Meyer – Have we included Morton County in the past? Peek – This is the second year we have included Morton County.

2. KAR 115-25-8. Elk; open season, bag limit and permits - Matt Peek, wildlife biologist, presented this report to the Commission (Exhibit M). We have recommendations for elk: 10 any elk be allocated in Units 2 and 3, typically known as Fort Riley permits. That number is down from 12 last year. Landowners first season, so took more conservative approach and 15 antlerless-only, the same as last few years, also valid in Units 2 and 3. In Units 2, hunt-own-land available in addition and in Unit 3, general resident and hunt-on-your-own-land available. We were using county boundaries in the past, units are helping. Pearce – What were success rates on draw permits? Peek – On limited draw permits – have 1,000 applicants. Pearce – Success rates? Peek – 5 of 12 and 4 of 15, no set numbers yet. Season ends March 15.

3. 115-25-9a. Deer; open season, bag limit, and permits; additional considerations - Lloyd Fox, big game wildlife biologist, presented this report to the Commission (Exhibit N). Fort Riley regulation only and they have requested deer seasons that would allow additional days; archery - September 1-18; firearms - November 25-27 and one additional December 15-23 (mistake in briefing book, listed as December 17-25). Chairman Johnston – In support of these proposals? Fox – Yes, this is the department's recommendation.

4. Potential Regulation Changes to Address Aquatic Nuisance Species – Jason Goeckler, aquatic nuisance specialist, presented this report to the Commission (Exhibit O, PowerPoint – Exhibit P). We will discuss wild-caught bait: white perch, Asian carp and other species are being moved as bait. Don't want to see Asian carp like we have on the Kansas River (showed slide with jumping carp) in our reservoirs. Four options: ban use of wild-caught bait; restrict use of wild-caught bait to waters where taken; restrict to allow four common fish to be transported; or take no regulatory action. Surveyed anglers to see who uses the bait, where they get it, what species used, impact, recognition of baitfish and support of KDWP action and there are pros and cons of each of these four options. Option one - Ban: pros - addresses the risk of species and disease spread, eliminates fish identification issue, enforceable, and successfully used by other state agencies; cons - limited support by anglers and added expense to anglers for bait purchase. Slides showed how bait is obtained, 25 percent to 40 percent is caught from the wild. Asked how we should address this. Graph shows level of acceptability. The bigger the bubble the more differences between respondents. There is a lot of disagreement and no equal representation, not a good idea. Those who collect bait really don't like it. Option 2 – Restrict use to waters taken: pros - Addresses risk of species and disease spread, preserves angler tradition of bait collection/use,

minimizes issue of fish identification, and general acceptance by anglers. Cons - impacts anglers that collect in farm ponds, impacts tournament anglers that collect prior to tournament (Channel cat anglers/gizzard shad), and not as easily enforced as option 1. Graphs shown on where bait is caught. Acceptable technique and not much disagreement. Option three - Allow four common fish: pros - addresses risk of species and disease spread, preserves angler tradition of bait collection/use, general acceptance by anglers, and allows for anglers to collect fish off site. Cons - allows for anglers to collect fish off site, fish identification, effectiveness for disease, and not as easily enforceable as options one or two. Asian carp found in farm pond south of Greensburg and are in tributary streams in northeast Kansas. Graph shows minnows, unknowns, shad, perch, bluegill, green sunfish and goldfish. Part of the survey was a matching survey on fish. Option four - No action: pros - maintains status quo. Cons - potential for ANS spread through this vector, public outcry for inaction, and action contrary to recommendations from Natural Resource Sub-cabinet. Graph shows fish being brought in from offsite. Fish ID showed that anglers are unable to identify many species. What do they do at end of day? Sixty-eight percent of anglers are dumping them in the water before they leave. It is likely that ANS are spread with bait. Seventy percent said it is likely to help and think it is a bad idea to take no action. Clear that this is not an option. Chairman Johnston – One piece of information I did not get from your information was effectiveness of these options as determined from other states? Have other states used these first three options and what is their experience? Goeckler – Not used in Midwest states, used in other states and European countries. Chairman Johnston – Data to show which option is the most effective? Goeckler – Can infer that no movement would be most effective, followed by option two and then option 3. Commissioner Meyer – Leaning toward option 1 due to the fact that they can't id bait -- take from water and use where they take it. Commissioner Lauber – Will number three have enough effect? Goeckler – It is a compromise. Commissioner Lauber – See number three being most accepted, but see number two as more likely. Commissioner Robert Wilson – What effect of using number three, with caveat of not dumping bait back in water at the end of the day? Goeckler – That would be hard to enforce. Commissioner Bolton – Would adopting option three show we are serious about this? Goeckler – It would show we are looking at this. Steve Sorensen, Kansas Wildlife Federation – On option three -- why authorize bullheads when they are not on the chart? Goeckler – To offer more opportunity. Can't move bait from an ANS lake at all. Chairman Johnston – Don't see that you have made a recommendation? Goeckler – The department is not prepared to make a recommendation at this time. We are looking for from guidance from the Commission. Chairman Johnston – Damage to fisheries, completely disastrous, more damaging than zebra mussels because we are talking about destroying fisheries completely. Could become 90 percent of lake population? Goeckler – It has been documented in the Missouri River, and they can be up to 50 percent in other waters. Chairman Johnston – I don't think we should treat this lightly for this reason. I cannot contemplate number three and am a little bit surprised department is not making a recommendation. Jennison – This is a time you may want to hear from Kevin as well. Question is one of politics with our anglers. Biologists and LE were in the same room; biologists would want number one, LE would be how tough is it to enforce. We discussed this two weeks ago, but there political issues with our anglers. We don't want to do something with this

today. It is a serious problem, one that needs to be addressed but we don't want to alienate anglers in solving the problem. Commissioner Lauber – On option three – I also think it is more acceptable, but the misidentification surprised me and if we did allow option three, would seining permit to minimize, and add \$.50 cent fee. One and two most effective, but with number three we could get away with. Like to beef up number three and have ANS designated lakes. Commissioner Bolton – Still have anglers self-governed at this point and can we ask them to self-rule and if they don't know how to identify the speices. Don't they know now what lakes are affected and are still moving bait? Commissioner Lauber – Not sure Asian carp is as a result of wild-caught bait or seining. Came from Arkansas after floods of 1993. Damaging, but have caused undo grief. Take number three and tighten it up. Sounds good you have four fish you can move, but in fact only two that people can use. Have staff give their opinion. Our opinion is firmly on number two and maybe on number three. Commissioner Shari Wilson – Try number 3 and see if it works, only know it isn't working if we find species where we don't want it. How do we measure success? Goeckler – Only way to gage would be a follow-up survey. Commissioner Robert Wilson – What about fish existing now? Do you plan to destroy them? Goeckler – Anything we do locally still has 28 states in Mississippi basin contributing to it. ANS movement is being restricted by reservoir dams from moving westward. Commissioner Robert Wilson – We have baitfish we can catch on pole and line. Have you addressed those? Goeckler – Allowing of movement, no longer allowed as transferable bait, but use where they are caught only. Commissioner Lauber – On statewide chart, farm pond, how did it get there? Goeckler – Contaminated fish stocking. Commissioner Bolton – On Finney County line? Goeckler – Before aware of this. Chairman Johnston – Summarize, Commission seems to be focusing on two and three, option two gives people who have learned to catch and use can continue to do that; waters a factor of that. Option three if it can be tightened up in some way with recommendations. Commissioner Robert Wilson – Number two, wild-caught where taken, can't take out of water and use on the river, correct? Goeckler – Not move above dam or natural barrier, possibly use within certain distance of point of collection. Commissioner Lauber – Catch on creek and go farther up and catch on limb lines, on river is until you reach some type of dam structure. All of this is a law enforcement nightmare. Pearce – ID problem, is that anglers don't know fish or don't know the name of fish? Know what they use, but not name of fish, not sure how you attack that. Goeckler – Survey showed picture and name they thought was the answer. What they use, they could write whatever they wanted. Sorensen – Would like to hear from Kevin. Kevin Jones – I think issues have been fairly well vented. Clear bright line is easiest to enforce. When I made my recommendation, option one was most enforceable. When you go to option two, now you look at scenarios and an officer to monitor activity from beginning to end and option three is not a lot different. Three becomes even more difficult. Education is a huge component of this. Voluntary angler participation is important to this. My recommendation to the Secretary was Option 1. Commissioner Bolton and Commissioner Shari Wilson – one, two and three more consideration. Commissioner Meyer – Options one and two. Shari Wilson – Three would be hard, if you only go a few places okay, but confusing; the clearer the better. Commissioner Bolton – I've seen mission of department and it didn't say political consideration. Pearce – When will this be voted on and when will it become a law?

Tymeson – Draft regulation and get support. It is at least three meetings away, maybe August or October. Commissioner Lauber – We need to move along pretty quickly. Chairman Johnston – Conceivable that this Commission will change in staff considerably in the next 3-6 months. Agree with Commissioner Lauber.

5. KAR 115-7-9. Weigh-in black bass fishing tournaments – Doug Nygren, fisheries section chief, presented this report to the Commission (Exhibit Q) – This is clean up of weigh-in regulations we passed at last meeting. We revoked 115-7-8 and need to take some of that language and move it to 115-7-9, “Only fish that meet the special length limit for the specific body of water where the weigh-in tournament is being conducted may be weighed within the period beginning June 16 and ending August 31”. This is so fish cannot be weighed in heat of the year, so needed to workshop so we can vote at the next meeting.

VII. RECESS AT 5:00 p.m.

VIII. RECONVENE AT 7:00 p.m.

IX. RE-INTRODUCTION OF COMMISSIONERS AND GUESTS

X. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

R.J. Robel, Manhattan – Fifteen years ago, Commission did survey of shooting ranges in Kansas, Rob Manes was involved, found shortage, put money in budget. Helped us (Riley County Fish and Game) draw up plans. The result was the Friends of Fancy Creek Range, a 100-yard range and pistol range; a multipurpose range. Here to thank you for your interest in range construction and encourage you to continue that.

XI. DEPARTMENT REPORT

D. Public Hearing

Notice and Submission Forms; Kansas Legislative Research Letter and Attorney General Letter (Exhibit R).

1. KAR 115-2-2. Motor vehicle permit fees – Linda Lanterman, assistant parks division director, gave this report to the Commission (Exhibit S). Currently, expiration date for these permits is noon the day after you purchase, except on Sundays and holidays. What we want to do is make both of these permits expire at 2:00 pm the following day, all year-round. Commissioner Meyer – I like this.

Commissioner Frank Meyer moved to bring KAR 115-2-2 before the Commission. Commissioner Debra Bolton seconded.

The roll call vote on KAR 115-2-2 as recommended was as follows (Exhibit U):

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 as presented KAR 115-2-2 passed 7-0.

2. KAR 115-2-3. Camping and utilities fees – Linda Lanterman, assistant parks division director, gave this report to the Commission (Exhibit T). Again, same topic, expiration is at noon, and we would like to do the same, make it 2:00 p.m. year-round, no exceptions and gives us more continuity. This does not impact the cabins they will still expire at noon.

Commissioner Doug Sebelius moved to bring KAR 115-2-3 before the Commission. Commissioner Shari Wilson seconded.

The roll call vote on KAR 115-2-3 as recommended was as follows (Exhibit U):

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 as presented KAR 115-2-3 passed 7-0.

3. KAR 115-6b. Elk; management units - Matt Peek, wildlife biologist, presented this report to the Commission (Exhibit V). This new permanent regulation establishes elk management units. The proposed regulation would establish three elk units to better manage the elk population in Kansas. Unit 1 creates a buffer around Cimarron National Grasslands and this area would be closed to elk hunting; Unit 2 creates a buffer around Fort Riley and within that unit elk hunting could occur by people who obtain the limited draw permits that allow hunting on Fort Riley and also hunt-own-land permits; and Unit 3, which is the remainder of the state, besides those two units; and could be hunted by the Fort Riley hunters, limited draw permit hunters, the hunt-own-land, general residents and landowner/tenants could also obtain permits throughout the remainder of Unit 3.

Commissioner Shari Wilson moved to bring KAR 115-4-6b before the Commission. Commissioner Debra Bolton seconded.

The roll call vote on KAR 115-4-6b 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 as presented KAR 115-4-6b passed 7-0.

4. KAR 115-4-11. Big game and wild turkey permit applications - Lloyd Fox, big game wildlife biologist, presented this report to the Commission (Exhibit X). The proposal is to take all application deadlines for deer, elk, antelope and turkey regulations in one central location. Amend proposed subsection (e)(4) to read as follows: Applications for spring wild turkey permits in unit 4 shall be accepted by the department from the earliest date that applications are available until midnight on the third (change to second) Friday of February. If there are turkey permits left over after all timely applications have been considered, the application period may be reopened by the secretary. Leftover turkey permits shall be issued on a daily competitive basis until the day before the last day of the turkey season or until all turkey permits are issued. Chairman Johnston – Where is amendment? Fox – Back of regulation.

Commissioner Frank Meyer moved to bring KAR 115-4-11 before the Commission. Commissioner Robert Wilson seconded.

Commissioner Debra Bolton moved to amend KAR 115-4-11. Commissioner Robert Wilson seconded.

The roll call vote on KAR 115-4-11 to amend was as follows (Exhibit Y):

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 as presented KAR 115-4-11 passed 7-0.

The roll call vote on KAR 115-4-11 as amended was as follows (Exhibit Y):

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 as presented KAR 115-2-1 passed 7-0.

5. 115-25-9. Deer; open season, bag limit and permits - Lloyd Fox, big game wildlife biologist, presented this report to the Commission (Exhibit Z). This regulation sets the season dates for archery, firearm and muzzleloader hunting; it has provisions for seasons at Smoky Hill Air National Guard and Fort Leavenworth; dates for special firearms seasons and extended archery seasons in the urban areas; dates for deer seasons for designated persons; dates and units when extended firearms seasons are authorized, the white-tailed deer antlerless-only (WAO) season; limitation on obtaining multiple permits; and also this year a new item, the antlerless-only either species deer permits that formerly were in a different regulation. Our season structures have remained relatively stable through the years and the structure has remained similar. There are annual adjustments due to the calendar, and there has been an increase in hunting opportunities through the years as the deer herd grew and opportunities became available. Chairman Johnston – Possible proposals staff might bring forward in possible changes, what is status of those? Fox – These are items we are looking at and hope to bring forward next year; during Christmas season and for people with disabilities and youth and extending archery into January and weekend in October, a pre-rut season. Commissioner Meyer – Thought there was something for Thanksgiving weekend also? Fox – Not considering at this time, more difficult. If it comes up during year there is a possibility, but low on possible changes.

Commissioner Shari Wilson moved to bring KAR 115-25-9 before the Commission. Commissioner Robert Wilson seconded.

The roll call vote on KAR 115-25-9 as recommended was as follows (Exhibit AA):

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 as presented KAR 115-25-9 passed 7-0.

6. Secretary's Orders for Deer - Lloyd Fox, big game wildlife biologist, presented this report to the Commission (Exhibit BB). Basically unchanged from last year; Unit 17, a few more antlerless-only permits available, 21,102 non-resident permits. Last year 17,456 applications were received, 4,016 leftovers after draw and ended up with 200 or so left at end of season. Had five units where demand exceeded availability of permits. Went out with survey to all department staff along with deer survey and consensus was to maintain at current level. Commissioner Lauber – Which units had demand in excess? Fox - 1, 2, 3, 4 and 5; 2 & 4 only had 17 more. There were 364 who applied that did not draw. Chairman Johnston – Allocation for those five units is remaining static, Unit 17, 16 to 20 and 80 to 100? Fox – Correct. Steve Sorensen – Where does little “d” come in? Fox – Two western units, muzzleloaders, 1,290 and 1,000 for firearms.

7. KAR 115-16-5. Wildlife control permit; operation requirements – Kevin Jones, Law Enforcement division director, gave this report to the Commission (Exhibit CC). A request was made during the October 14, 2010 commission meeting in Goodland from APHIS, Tom Halsted, to consider allowing the use of sound suppression devices during nuisance wildlife control activities. We have taken a look at this and are making a recommendation to adopt that language by adding the provision under the allowances for using firearms for these control activities to say that sound suppression devices would be a part of the legal equipment authorized under this regulation. We are also proposing that we would add additional language in the regulation stating that other allowable methods could be considered and permitted under the specific condition of a permit that was issued to address any new requests for techniques as opposed to coming back and having to amend into the regulation allowable devices that we could give consideration to things of this nature and write that under the conditions of the permit on a situation-type basis. Commissioner Meyer – This is for permitted wildlife control people? Jones – Correct. Commissioner Meyer – I can still shoot a raccoon on my property? Jones – As a landowner you can. Commissioner Bolton – Pigeons, is that rock doves? Jones – Yes. Commissioner Lauber – Do you have to be a control person to use sound suppressor at this time? Jones – Yes, have to be permitted by ATF.

Commissioner Frank Meyer moved to bring KAR 115-16-5 before the Commission. Commissioner Debra Bolton seconded.

The roll call vote on KAR 115-16-5 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 as presented KAR 115-16-5 passed 7-0.

8. KAR 115-25-5. Turkey; fall season, bag limit and permits - Jim Pitman, wildlife biologist, presented this report to the Commission (Exhibit EE). No changes for 2012, October 1 through October 31. Tymeson – The only reason we are voting on these is because we took the application language out of these two turkey regulations, already voted to move to 115-4-11.

**Commissioner Debra Bolton moved to bring KAR 115-25-5 before the Commission.
Commissioner Shari Wilson seconded.**

The roll call vote on KAR 115-25-5 as recommended was as follows (Exhibit GG):

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 as presented KAR 115-25-6 passed 7-0.

9. KAR 115-25-6. Spring; fall season, bag limit and permits - Jim Pitman, wildlife biologist, presented this report to the Commission (Exhibit FF). The proposed version would remove provisions related to applications to be placed in KAR 115-4-11.

**Commissioner Robert Wilson moved to bring KAR 115-25-6 before the Commission.
Commissioner Kelly Johnston seconded.**

The roll call vote on KAR 115-25-6 as recommended was as follows (Exhibit GG):

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 as presented KAR 115-25-6 passed 7-0.

XII. Old Business

None

XIII. Other Business

A. Future Meeting Locations and Dates

April 21, 2011 – Great Plains Nature Center Auditorium, Wichita

June 23, 2011 – Norton Community High School Auditorium, Norton

August 11, 2011 – Wetlands Education Center, Great Bend

October 13, 2011 – Pratt, location TBA

XIV. ADJOURNMENT

The meeting adjourned at 7:37 p.m.

(Exhibits and/or Transcript available upon request)

Secretary's Remarks

2011 Legislature
(no briefing book item)

Office of the Secretary
1020 S Kansas Ave., Suite 200
Topeka, KS 66612-1327



phone: 785-296-2281
fax: 785-296-6953
www.kdwp.state.ks.us

Robin Jennison, Acting Secretary

Department of Wildlife and Parks

Sam Brownback, Governor

TO: Commission on Wildlife and Parks
FROM: Robin Jennison, Acting Secretary of Wildlife and Parks
SUBJECT: Agency and State Fiscal Status
DATE: April 21, 2011

The staff of the Kansas Department of Wildlife and Parks (KDWP) has been monitoring the appropriation bill process since the last Commission meeting. Both the House of Representatives and the Senate have passed appropriation bills for the remainder of FY 2011 and FY 2012. The Legislature did reach agreement on the bills and it appears that there will not be a conference committee to finalize a regular appropriation bill prior to April 27, 2011 when the session reconvenes. It is quite possible that both the House and the Senate will combine the regular appropriation bill and the omnibus appropriation bill into one bill for both fiscal years.

Both the House and Senate versions of the FY 2011 and the FY 2012 appropriation bills include funding in FY 2011 for the Pratt Operations Office sewer line and additional funding for repair of Clark State Fishing Lake dam. In addition, both versions include a 7.5 percent salary reduction for the Secretary of Wildlife and Parks and the members of the Commission. For FY 2012 both versions delete funding for state employee longevity payments but require that the payments still be made. KDWP will need to find an amount of \$241,850 within other expenditures to finance the payment.

The Senate version of the FY 2012 appropriation bill is requesting KDWP to include language which would allow applicants for hunting licenses or park permits to include a voluntary contribution of \$2.00 or more to support the annual licenses issued to Kansas disabled veterans and Kansas National Guard members. This proviso is not included in the House version of the appropriation bill. In addition, the Senate version includes continued funding for state employee market adjustments which is not in the House version.

The House version of the FY 2012 appropriation bill includes numerous items which are not included in the Senate version. These items included: an “across the board” cut of 1.193 percent in funding from all funds, a 50 percent reduction in expenditures for state cell phones used by employees, a 5 percent surcharge on the GHI insurance payments by state employees, a 10 percent reduction in certain agency IT expenditures, and a reduction in the amount of funding for purchase of bottled water and office supplies. In addition, the House version restricts funds budgeted for salaries to be used for that purpose only unless approved by the Legislature and that any unused salary funds lapse to the State General Fund (SGF).

The Senate version of the FY 2012 appropriation bill provides for an ending balance in the SGF of approximately \$8.0 million, the same as the Governor had proposed. The House version for FY 2012 provides for an ending balance of approximately \$85 million. In addition, it should be noted that the State Consensus Revenue Estimating Group met on April 15, 2011 to determine the amount of SGF revenue available for FY 2012, which could impact the ending balances. The SGF revenue for March was below estimates by approximately \$10 million.

General Discussion

Motorized Vehicles on Department Lands

At the March Commission meeting, the Commission requested the Department review the regulations regarding the use of motor vehicles on Department lands, in particular, all-terrain vehicles (ATVs) on ice. K.A.R. 115-8-13. Motorized vehicles and aircraft; authorized operation (a) states the motorized vehicles shall be operated only on department roads and parking areas, except as otherwise established by posted notice. The term “motorized vehicle” includes all-terrain vehicles.

This regulation only pertains to KDWP-owned or managed lands which, as defined in K.A.R. 115-1-1, includes state parks, state fishing lakes, and wildlife areas. Currently, there are no designated areas that allow the use of motorized vehicles on ice by posted notice on state fishing lakes or other bodies of water. Icefishing on state fishing lakes has been limited, depending on location. State fishing lakes are relatively small in size with relatively good public access surrounding them, allowing icefisherman access by foot.

Possible Options:

- 1) Maintain current regulations, which prohibit ice travel by motor vehicle unless otherwise allowed.
- 2) Open all department managed lands and waters to allow ATVs on ice by regulation and restrict certain locales as adopted by reference in the “KDWP fisheries and wildlife division public land special use restrictions” document and posted notice accordingly.
- 3) Open just state fishing lakes to allow ATVs on ice by regulation and restrict certain locales as adopted by reference in the “KDWP fisheries and wildlife division public land special use restrictions” document and posted notice accordingly.

If options 2 or 3 are pursued, consideration should be given to: 1) which bodies of water need additional restriction; 2) point of entry/exit (boat ramps); 3) purpose/ intent of use (ice fishing only); 4) operational periods (sunrise to sunset).

2012 Reference Document Proposed Changes for Special Length and Creel Limits:

- Pleasanton City Lake, Old -- add 2/day creel limit and 15-inch minimum length limit on channel catfish, add 2/day creel limit and 21-inch minimum length limit on largemouth bass, and add 10/day creel limit and 10-inch minimum length limit on crappie.
- Jewell SFL -- change to a 13- to 18-inch slot length limit on largemouth bass.
- Glen Elder Reservoir -- change to 5/day creel limit on blue catfish.
- Lovewell Reservoir -- change to 5/day creel limit on blue catfish.
- Hiawatha City Lake -- remove the 18-inch minimum length limit on largemouth bass.
- Brown SFL -- change to a 13- to 18-inch slot length limit and a 5/day creel limit on largemouth bass.
- Coffee County Lake -- change to an 18-inch minimum length limit on walleye, a 12-inch minimum length limit and 5/day creel limit on crappie, and remove the 12-inch minimum length limit on white bass.
- Woodson SFL -- remove the 10-inch minimum length limit on crappie.
- Carbondale East Lake -- remove the 2/day creel limit on blue catfish, remove the 15-inch minimum length limit and change to a 5/day creel limit on channel catfish, remove the 2/day creel limit and 18-inch minimum length limit on smallmouth bass, remove the 2/day creel limit on spotted bass, remove the 2/day creel limit on sauger, and add an 18-inch minimum length limit on saugeye.
- Fall River Toe Drain -- remove the 2/day creel limit on blue catfish and channel catfish.
- Eureka City Lake -- remove the 15-inch minimum length limit on channel catfish and add an 18-inch minimum length limit on spotted bass.
- Olpe-Jones Park Pond -- change to a 2/day creel limit and 18-inch minimum length limit on largemouth bass.
- Emporia-Jones Park Ponds -- change to a 2/day creel limit and 18-inch minimum length limit on largemouth bass.
- Emporia-Peter Pan Park -- change to a 2/day creel limit and 18-inch minimum length limit on largemouth bass.
- Fall River State Park Kids Pond -- change to a 2/day creel limit and 18-inch minimum length limit on largemouth bass.
- Jeffrey Energy Center -- change to 2/day creel limit and remove the 18-inch minimum length limit on walleye.
- Junction City-Riverwalk -- change to 5/day creel limit on channel catfish.
- Junction City-Bluffs -- change to 5/day creel limit on channel catfish.
- Topeka-Auburndale Park Stream -- change to 2/day creel limit on channel catfish.

- Paola-Lake Miola -- change to 5/day creel limit on saugeye.
- Douglas SFL -- change to a 5/day creel limit and a 13- to 18-inch slot length limit on largemouth bass.
- Newton-Sand Creek -- add 5/day creel limit on channel catfish.
- Colwich City Lake -- change to an 18-inch minimum length limit on largemouth bass.
- Marion County Lake -- change to 2/day creel limit on saugeye and walleye.
- Leavenworth SFL -- remove the 2/day creel limits on sauger and saugeye.
- Gridley City Lake -- remove the 10-inch minimum length limit on crappie.
- Crawford SFL -- change to 2/day creel limit on walleye.
- Coffeyville-LeClere Lake -- change to 5/day creel limit and 15-inch minimum length limit on channel catfish.
- Independence Community College-Campus Pond -- change to 5/day creel limit and 15-inch minimum length limit on channel catfish.
- Regions 2, 4, and 5 impounded F.I.S.H. waters -- change to 2/day creel limit on channel catfish and change to 2/day creel limit and 18-inch minimum length limit on largemouth bass.

Other Proposed 2011 Fishing Regulation Changes.

Change 115-25-14 to include one new location for Trout stockings. Colby-Villa High Lake will be added to the list of Type 1 Waters, which requires a trout permit for each individual who wants to fish for and possess trout from October 15 through April 15.

Length and Creel Limits for Grand Osage Wildlife Area:

Length limits on Grand Osage Wildlife Area: Largemouth bass of a length less than eighteen (18) inches, and channel catfish of a length less than fifteen (15) inches are protected and must be returned to the water immediately.

Daily creel limits on Grand Osage Wildlife Area: Largemouth bass creel limit of two (2), and channel catfish creel limit of two (2).

Park Regulations

Background: KDWP regulations that directly impact state parks are reviewed annually. The purposes for the review are to ensure that the regulations are appropriate, do not conflict with other department regulations or laws pertaining to the department, and to develop recommendations for changes, additions or deletions. These are presented to the Commission starting with the April meeting. Regulations that are reviewed are: K.A.R. 115-1; 115-2; 115-8; 115-9-6; 115-18.

Discussion: The department finds the regulations to be appropriate and do not conflict with other department regulations or laws pertaining to the department and more specifically to the State Parks Division. The review also indicates that no regulation should be deleted, however, a few regulations may require changes, and one addition may be recommended.

The changes may include:

K.A.R. 115-2-3. Camping, utility, and other fees. Utilities: the current regulation lists the following fees: one utility - \$7.00; two utilities - \$9.00; three utilities - \$10.00. A recommendation is to analyze utility usage to see if we are subsidizing utilities at the current rate. If so, we may consider a recommendation to raise each utility.

K.A.R. 115-2-5. Trail access pass. (a) add for Bob Green Family Trail in Pratt. This property was leased through the National Recreation Trails Grant. It provides both motorized and non-motorized trails. (a) consider charging a trail access fee for those that access our trails without vehicle permits (i.e. biking and walking).

K.A.R. 115-8-9. Camping. Adding appropriate language to allow persons who have a reservation to forgo the requirement for camping units to be occupied in a 24-hour time period. Those with reservation will have collected information in our database and can be called or notified.

K.A.R. 115-8-10b3. Pets. Add the words allowing pets in “selected department operated rental cabins” for an additional fee. Currently, pets are not permitted inside department-operated rental cabins, however, pets are allowed in privately owned cabins on department controlled lands.

Possible Legislative Actions:

K.S.A. 32-901. Additional Vehicle Permit. Consider removing the additional vehicle permit. Only selling annual vehicle permits. K.A.R. 115-9-6 would need to be changed.

(2) Remove the wording “certificate of titleholder” to allow annual permits to be purchased by someone other than the titleholder of a vehicle for which the permit is being purchased. However, add “proof of registration” for additional vehicle permit purchased in the annual vehicle permit name at the reduced rate. Also, add “proof of registration” for any discounted permit like senior permits or qualifying disability permits.

Requested Action: Seek input from the Commission and the public concerning regulations specific to State Parks and their operations. Department recommendations will be brought back to the Commission during a scheduled workshop and future public hearing.

**KAR 115-14-2, 115-14-3, 115-14-4, 115-14-5,
115-14-6, 115-14-8, 115-14-9, 115-14-10.
Falconry Regulations**

Background

The sport of falconry is the practice of hunting and taking game with raptors. To be permitted to practice falconry, individuals go through a lengthy process of learning how to properly care for, and how to train the raptors they use in the sport. There are three classes in the falconry permit structure that have requirements with regard to age, knowledge, and proficiency. Each different falconry class allows for different numbers and increasingly difficult types of raptors to be handled in the sport from kestrels and red-tailed hawks for the Apprentice Class falconers all the way to peregrine falcons and golden eagles for Master Falconers. Apprentice, General, and Master falconry classes are recognized in Kansas. In order to become an Apprentice falconer, a test must be passed that demonstrates the applicant's knowledge of basic biology, diseases, care and handling of raptors, literature, law, regulations and other appropriate subject matter, all relating to falconry and raptors. The apprentice must also be mentored by a sponsor who is either a General Class or Master Falconer. An Apprentice must be permitted as an Apprentice for at least two years and receive a recommendation from their sponsor to be able to move to the next class, General Falconer. After practicing falconry for at least five years, a falconer can move to the Master Falconer class. Falconry was implemented in Kansas in 1991. There are currently 74 permitted falconers in Kansas.

Discussion

Due to changes in federal regulations, the states have been asked to revise their regulations to meet minimum standards as set forth by federal regulations by January 1, 2014. As soon as a state is certified they meet minimum U.S. Fish and Wildlife Service (USFWS) standards for falconry, federal falconry permits will no longer be required in that state.

A state that wishes to allow falconry must establish laws and regulations that meet the standards established by the USFWS. The director of the USFWS must determine that a state falconry permitting program meets the standards established by the USFWS no later than January 1, 2014. At that time, all federal falconry permits and the federal permitting program will end. Falconry will not be permitted in a state after this date until the state develops a permitting program the director of USFWS certifies to be in

compliance with these regulations. State regulations may be more restrictive than these federal standards but may not be less restrictive. State regulations must be consistent with the terms contained in any convention between the United States and any foreign country for the protection of raptors and the Migratory bird Treaty Act.

Items required by USFWS for certification of State Falconry permit;

- A copy of the state's Apprentice Falconer examination, which at a minimum must cover laws and regulations, raptor biology, raptor identification, trapping methods, facilities requirements, care of raptors held for falconry, diseases and health problems of raptors, and training methods.
- Copies of the laws and regulations governing falconry of the state and certification that the laws and regulations meet the requirements of this section.
- Electronic reporting ; the state must work with the USFWS to ensure that the electronic 3-186A reporting system for reporting take, transfers, and loss of falconry birds is fully operational for residents of the state.

When the USFWS concurs that the regulations and examination meet the requirements set forth by USFWS, they will publish a rule in the Federal Register adding the state to the list of those approved for allowing the practice of falconry. USFWS will terminate federal falconry permitting in any state certified under these regulations on January 1 for the calendar year following publication of the rule

Recommendations

Department staff has been in consultation with officers of the Kansas Hawking Club, which is an affiliated member of NFA (National Falconry Association), to review federal regulations and existing state regulations to best determine how to revise the KDWP regulations to meet the new federal requirements.

In general, we agree that adoption of the new federal regulations 50 C.F.R 21.29 which went into effect on October 8, 2008 will be sufficient. There are, however, certain requirements that KDWP staff and officers of the Kansas Hawking Club feel should be more restrictive than federal regulations.

Following are staff recommendations for consideration for the KDWP falconry regulations:

- Lapsed permits may be reinstated at previously existing level without requirement to retake examination in accordance with federal regulations of not having lapsed for more than five years. This is to take into account reasonable circumstances that may occur that an individual may not be able to renew permit or keep birds such as military deployment.

- Apprentice falconers can possess only wild-caught kestrels, red-tailed hawks, and red shouldered hawks.
- Adopt the lowered minimum ages for falconry classes; Apprentice 12 years of age, General Class, 16 years of age
- Indoor and outdoor falconry holding facilities need to be constructed and inspected prior to issuance of falconry permit.
- Falconry equipment as outlined by federal regulations shall be possessed by each applicant before the issuance or renewal of a falconry permit.
- Adopt federal regulations on types of raptors and when they can be taken but require a valid Kansas hunting license to take raptors from the wild.
- No species listed as threatened or endangered in Kansas can be taken.
- Each item of equipment used to capture raptors shall be tagged with permittees name and falconry permit number.

Raptors taken under a depredation or special purpose federal permit may be used by General and Master falconers. These raptors are typically golden eagles.

Proposal to Amend 115-16-3

Nuisance bird control permit; application, provisions and requirements

Background

K.A.R. 115-16-3 allows for the take of certain species under a nuisance bird control permit. The nuisance birds may be controlled when found depredating or about to depredate upon ornamental or shade trees, agricultural crops, livestock, or wildlife, or when concentrated in such numbers and manner as to constitute a health hazard or other nuisance. The regulation lists the species allowed for take under the permit, application requirements and general provisions. Many of the species on the list are jointly regulated by the U.S. Fish and Wildlife Service (USFWS).

Discussion

In December 2010, the USFWS published a final decision in the Federal Register (Vol. 75, No. 231) that removed the Mexican (Tamaulipas) crow (*Corvus imparatus*) and the rusty blackbird (*Euphagus carolinus*) from the list of species that may be controlled under the depredation order, 50 CFR 21.43. This was due to long-term population declines throughout much of these two species' ranges. In addition to this ruling, the USFWS also required nontoxic shot or bullets in most cases when a firearm is used to control any species listed under the order to prevent toxicity hazards to other wildlife. This federal regulation was effective on January 3, 2011.

The Mexican (Tamaulipas) crow is an endemic species in the Tamaulipan Brushlands of Mexico with a small resident population near Brownsville, Texas. Rusty blackbirds breed in boreal portions of Canada and Alaska and winter distribution encompasses the Eastern United States including the eastern portion of Kansas. Their removal from the nuisance bird list should not have a significant impact as neither species congregates in significant numbers or causes frequent depredation problems in Kansas.

Recommendation

Amend K.A.R. 115-16-3 as to disallow the take of rusty blackbird and the Mexican crow based on this regulation, identify other species (primarily nonnative as defined in the Migratory Bird Treaty Reform Act of 2004 and 50 CFR 10.13) allowed for take, and require the use of nontoxic shot when taking nuisance birds (except if using an air rifle, an air pistol, or a .22 caliber rimfire firearm).

2011 Late Migratory Bird Seasons

Background

Late season waterfowl frameworks (maximum bag, possession limits and season length, and earliest opening and latest closing dates) are established annually by the U.S. Fish and Wildlife Service (Service). These frameworks establish the limits which states must operate within when establishing waterfowl seasons. These frameworks are published around August 15, after results from the May Breeding Duck Survey and recommendations from Flyway Councils are available.

Discussion

We do not anticipate major changes in the frameworks for geese. We anticipate that the season length for Canada geese will again be 107 days, the maximum allowed by Migratory Bird Treaty Act.

At this time there is little information upon which to base speculation concerning the duck season frameworks for 2011. The results of the May Breeding Duck Survey, which provides duck abundance as well as pond numbers, will not be available until late July.

The three current Adaptive Harvest Management regulatory packages include the following:

Liberal package – 74-day Low Plains Season, 97-day High Plains Season, (package selected since 1997): Daily bag limit of 6 birds with various species restrictions.

Moderate package – 60-day Low Plains Season, 83-day High Plains Season: Daily bag limit of 6 birds with various species restrictions.

Restrictive package – 39-day Low Plains Season, 51-day High Plains Season: Daily bag limit of 3 birds with various species restrictions.

In summary, goose frameworks and resulting recommended regulations are expected to change little from last year. 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.

Potential Changes in Deer Regulations for 2012.

Background

Major changes in the deer management system occurred in 2008. Among the changes were additional days of hunting during the archery, muzzleloader and season for youth and people with disabilities. That review process also created new permit types, including an “Any-Season” deer permit for residents who hunted only white-tailed deer.

Public comments have been received that additional deer hunting opportunities are desired by deer hunters. Parents have advocated for changes that would allow their children to hunt deer during holidays when they are out of school or home from college. Military personnel have advocated for lengthening of various seasons to accommodate deploying and returning soldiers. State legislators have advocated for additional changes in deer management that would significantly expand in the antlerless-only season. Whereas the current dates for the white-tailed antlerless-only firearms season continue to draw criticism from people who are concerned that this season late in the year may result in the taking of a mature deer that has shed its antlers. Earlier season dates would be preferred by those people.

Non-resident deer hunters and land managers catering to non-resident hunters frequently voice concerns that the hunters are unwilling to purchase antlerless-only permits at a level high enough to control deer populations or obtain a sex ratio the managers desire.

An annual review of deer seasons and regulations is made at the Kansas Wildlife and Parks Commission meetings. Although those meetings are open to the public for comment’s few people have attended those meetings in recent years.

Discussion

A table is included to show the history of deer hunting seasons in Kansas. Some potential changes in the deer hunting seasons that might be considered include:

1. Change current nine-day season for youth and people with disabilities to two four-day seasons with the first season starting on the Friday before Labor Day and the second season starting on the Friday before Columbus Day. Each season would run for four days and include two weekend days and one holiday.
2. Change the dates of the traditional 12-day firearm deer hunting season from the Wednesday after Thanksgiving to the Wednesday before Thanksgiving (thus including 2 days of holiday and four weekend days).

3. Change the beginning date of the white-tailed deer antlerless-only season from January 1 to the Friday before Christmas and continue for 17 days. That season would have no fewer than six weekend days and would include both Christmas and New Year's holidays.
4. Initiate a two-day pre-rut white-tailed antlerless-only season for the last weekend in September.
5. Expand the season dates for bowhunting with the season beginning on the Tuesday after Labor Day and ending on January 31. During the archery season, hunters would be prohibited from taking an antlered deer during any dates open for antlerless-only deer hunting with a firearm.
6. Expand the muzzleloader season to include the 14 days in September, the period prior to the last weekend in September, and seven days in December following the 12-day firearms season.

A table is included that shows the history of permit fees. Some potential changes in permit fees and permit types that might be considered include:

1. Develop a nonresident deer permit that includes two tags. One tag would allow the hunter to take a deer of either sex while the other tag would restrict the hunter to an antlerless white-tailed deer. The fee for this new permit would be less than the current fee for an either-sex permit plus the price of a white-tailed deer antlerless-only permit.
2. Develop a resident deer permit that included two tags. One tag would allow the hunter to take a deer of either sex while the other tag would restrict the hunter to an antlerless white-tailed deer. The fee for this new permit would be the same as the current fee for an either-sex deer permit and half the price of a current white-tailed deer antlerless-only permit for a general resident. This permit would only be available until the drawing ended for limited quota permits for resident deer hunters (mid July).

Recommendation

No recommendations for changes in the deer seasons or regulations are currently proposed. However, a course of action is proposed for the review process for the seasons and regulations in 2012. Input and comments on deer season dates and regulations will continue to be sought at KDWP Commission Meetings. Deer Information Meetings are proposed for Garden City, Beloit, Hutchinson, Lawrence and Fredonia. A survey of landowners shall be conducted after July 2011 to determine their desires for changing the current deer seasons. It may also be necessary to survey turkey, waterfowl and upland game hunters about changes in deer seasons.

PROPOSED 2012 DEER SEASON

	S	M	T	W	T	F	S	
SEPT						31	1	Youth/Disabled
	2	3	4	5	6	7	8	
	9	10	11	12	13	14	15	
	16	17	18	19	20	21	22	Archery and MZ
	23	24	25	26	27	28	29	
	30							
OCT		1	2	3	4	5	6	Youth/Disabled
	7	8	9	10	11	12	13	
	14	15	16	17	18	19	20	
	21	22	23	24	25	26	27	
	28	29	30	31				
NOV					1	2	3	
	4	5	6	7	8	9	10	
	11	12	13	14	15	16	17	
	18	19	20	21	22	23	24	
	25	26	27	28	29	30		Firearms Season
DEC							1	
	2	3	4	5	6	7	8	Archery and MZ
	9	10	11	12	13	14	15	
	16	17	18	19	20	21	22	
	23	24	25	26	27	28	29	
	30	31						WT Antlerless-Only
JAN			1	2	3	4	5	
	6	7	8	9	10	11	12	
	13	14	15	16	17	18	19	
	20	21	22	23	24	25	26	
	27	28	29	30	31			

Year	Firearms Either Sex		Archery Either Sex		Game Tags	Game Tags	Hunt- Own- Land	Special Tranferred Hunt- Own- Land	Application Fee	Non-Resident		Game Tags
	Gen Res	LO/T	Gen Res	LO/T	Gen Res	LO/T	Land	Land		Any Buck	Antlerless	
1965	\$10	\$5	\$10	\$5								
1966	\$10	\$5	\$10	\$5								
1967	\$10	\$5	\$10	\$5								
1968	\$10	\$5	\$10	\$5								
1969	\$10	\$10	\$10	\$10								
1970	\$10	\$10	\$10	\$10								
1971	\$10	\$10	\$10	\$10								
1972	\$10	\$10	\$10	\$10								
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1983	\$25	\$15	\$25	\$25								
1984	\$30	\$20	\$30	\$30								
1985	\$30	\$20	\$30	\$30								
1986	\$30	\$20	\$30	\$20								
1987	\$30	\$15	\$30	\$15	\$30	\$15						
1988	\$30	\$15	\$30	\$15								
1989	\$30	\$15	\$30	\$15	\$30	\$15						
1990	\$30	\$15	\$30	\$30	\$30	\$30	\$10					

1991	\$30	\$15	\$30	\$15	\$10	\$10	\$10						
1992	\$30	\$15	\$30	\$15	\$10	\$10	\$10						
1993	\$30	\$15	\$30	\$15	\$10	\$10	\$10						
1994	\$30	\$15	\$30	\$15	\$10	\$10	\$10	\$30	\$5.00	\$200	\$50		
1995	\$30	\$15	\$30	\$15	\$10	\$10	\$10	\$30	\$5.00	\$200	\$50		
1996	\$30	\$15	\$30	\$15	\$10	\$10	\$10	\$30	\$5.00	\$200	\$50		
1997	\$30	\$15	\$30	\$15	\$10	\$10	\$10	\$30	\$5.00	\$200	\$50		
1998	\$30	\$15	\$30	\$15	\$10	\$10	\$10	\$30	\$5.00	\$200	\$50	NA	
1999	\$30	\$15	\$30	\$15	\$10	\$10	\$10	\$30	\$5.00	\$200	\$50	\$10	
2000	\$30	\$15	\$30	\$15	\$10	\$10	\$10	\$30	\$5.00	\$200	\$50	\$10	
2001	\$30	\$15	\$30	\$15	\$10	\$10	\$10	\$30	\$5.00	\$200	\$50	\$10	
2002	\$30	\$15	\$30	\$15	\$10	\$10	\$10	\$30	\$5.00	\$200	\$50	\$10	
2003	\$30	\$15	\$30	\$15	\$10	\$10	\$10	\$30	\$5.00	\$200	\$50	\$10	
2004	\$30	\$15	\$30	\$15	\$10	\$10	\$10	\$30	\$20.00	\$200	\$50	\$20	
2005	\$30	\$15	\$30	\$15	\$10	\$10	\$10	\$30	\$20.00	\$300	\$50	\$20	
2006	\$30	\$15	\$30	\$15	\$10	\$10	\$15	\$30	\$20.00	\$300	\$75	\$20	
2007	\$30	\$15	\$30	\$15	\$10	\$10	\$15	\$30	\$20.00	\$300	\$75	\$20	
2008	\$30	\$15	\$30	\$15	NA	NA	\$15	\$30	\$20.00	\$300	\$75	NA	
2009	\$30	\$15	\$30	\$15	NA	NA	\$15	\$30	\$20.00	\$300	\$75	NA	
2010	\$30	\$15	\$30	\$15	NA	NA	\$15	\$30	\$20.00	\$300	\$75	NA	

Table 2. History of deer hunting season dates in Kansas.

YEAR	PINSARGE		ARCHERY		MIDDLE/OLDER		YOUTH AND DISABILITY		EXTENDED		YEAR
	OPEN DATES	NO. DAYS	OPEN DATES	NO. DAYS	OPEN DATES	NO. DAYS	OPEN DATES	NO. DAYS	OPEN DATES	NO. DAYS	
1960	Dec. 11-18	8	Oct. 1 - Nov. 18	48	0	0	0	0	0	0	1960
1960	Dec. 10-14	5	Oct. 1 - Dec. 9	70	0	0	0	0	0	0	1960
1967	Dec. 8-12	5	Oct. 1 - Nov. 28	57	0	0	0	0	0	0	1967
1968	Dec. 12-17	6	Oct. 1 - Dec. 1	62	0	0	0	0	0	0	1968
1969	Dec. 8-10	3	Oct. 1 - Nov. 30	61	0	0	0	0	0	0	1969
1970	Dec. 5-8	4 - WEST	Oct. 1 - Nov. 30	61	0	0	0	0	0	0	1970
	Dec. 8-12	5 - EAST	0	0	0	0	0	0	0	0	1970
1971	Dec. 4-8	5 - WEST	Oct. 10 - Nov. 20, Dec. 11 - Dec. 31	62	0	0	0	0	0	0	1971
	Nov. 21 - Dec. 8	9 - EAST	0	0	0	0	0	0	0	0	1971
1972	Dec. 2-8	7 - WEST	Oct. 1 - Nov. 30	61	0	0	0	0	0	0	1972
	Dec. 2-10	9 - EAST	0	0	0	0	0	0	0	0	1972
1973	Dec. 1-9	9	Oct. 1 - Nov. 20, Dec. 10 - Dec. 31	73	0	0	0	0	0	0	1973
1974	Dec. 7-10	4	Oct. 1 - Nov. 30, Dec. 21 - Dec. 31	72	0	0	0	0	0	0	1974
1975	Dec. 8-14	7	Oct. 1 - Nov. 30, Dec. 20 - Dec. 31	73	0	0	0	0	0	0	1975
1976	Dec. 4-12	9	Oct. 1 - Nov. 30, Dec. 10 - Dec. 31	76	0	0	0	0	0	0	1976
1977	Dec. 2-11	10	Oct. 1 - Nov. 30, Dec. 17 - Dec. 31	76	0	0	0	0	0	0	1977
1978	Dec. 2-10	9	Oct. 1 - Nov. 30, Dec. 10 - Dec. 31	77	0	0	0	0	0	0	1978
1979	Dec. 1-9	9	Oct. 1 - Nov. 30, Dec. 12 - Dec. 31	79	0	0	0	0	0	0	1979
1980	Dec. 8-14	7	Oct. 1 - Dec. 3, Dec. 17 - Dec. 31	79	0	0	0	0	0	0	1980
1981	Dec. 8-13	6	Oct. 1 - Dec. 2, Dec. 18 - Dec. 31	79	0	0	0	0	0	0	1981
1982	Dec. 4-12	9	Oct. 1 - Dec. 1, Dec. 10 - Dec. 31	79	0	0	0	0	0	0	1982
1983	Dec. 2-11	10	Oct. 1 - Nov. 30, Dec. 12 - Dec. 31	79	0	0	0	0	0	0	1983
1984	Dec. 1-9	9	Oct. 1 - Nov. 30, Dec. 10 - Dec. 31	79	0	0	0	0	0	0	1984
1985	Dec. 7-10	4	Oct. 1 - Dec. 6, Dec. 18 - Dec. 31	79	0	0	0	0	0	0	1985
1986	Dec. 8-14	7	Oct. 1 - Dec. 6, Dec. 10 - Dec. 31	79	Dec. 8-14	7	0	0	0	0	1986
1987	Dec. 8-12	5	Oct. 1 - Dec. 4, Dec. 14 - Dec. 31	79	Dec. 8-12	5	0	0	0	0	1987
1988	Nov. 20 - Dec. 11	12	Oct. 1 - Nov. 20, Dec. 12 - Dec. 31	79	Nov. 20 - Dec. 11	12	0	0	0	0	1988
1989	Nov. 29 - Dec. 10	12	Oct. 1 - Nov. 20, Dec. 11 - Dec. 31	79	Sept. 22 - 30	9	0	0	0	0	1989
1990	Nov. 20 - Dec. 9	12	Oct. 1 - Nov. 27, Dec. 10 - Dec. 31	79	Sept. 22 - 30	9	0	0	0	0	1990
1991	Oct. 4-10	7	Oct. 1 - Dec. 1, Dec. 10 - Dec. 31	79	Sept. 21 - 29	9	0	0	0	0	1991
1992	Dec. 2-12	11	Oct. 1 - Dec. 1, Dec. 14 - Dec. 31	79	Sept. 19 - 27	9	0	0	0	0	1992
1993	Dec. 1-12	12	Oct. 1 - Nov. 30, Dec. 12 - Dec. 31	79	Sept. 18 - 28	11	0	0	0	0	1993
1994	Nov. 20 - Dec. 11	12	Oct. 1 - Nov. 20, Dec. 12 - Dec. 31	79	Sept. 17 - 25	9	0	0	0	0	1994
1995	Dec. 1-10	10	Oct. 1 - Nov. 20, Dec. 11 - Dec. 31	79	Sept. 18 - 24	7	0	0	0	0	1995
1996	Dec. 4-10	7	Oct. 1 - Dec. 3, Dec. 10 - Dec. 31	79	Sept. 21 - 28	8	0	0	0	0	1996
1997	Dec. 2-14	13	Oct. 1 - Dec. 2, Dec. 10 - Dec. 31	79	Sept. 20 - 28	9	0	0	0	0	1997
1998	Dec. 2-12	11	Oct. 1 - Dec. 1, Dec. 14 - Dec. 31	79	Sept. 19 - 27	9	0	0	0	0	1998
1999	Dec. 1-12	12	Oct. 1 - Nov. 30, Dec. 12 - Dec. 31	79	Sept. 18 - 30	13	0	0	0	0	1999
2000	Nov. 20 - Dec. 10	12	Oct. 1 - Nov. 20, Dec. 11 - 31	79	Sept. 18 - 29	12	Sept. 20 - Oct. 1	2	0	0	2000
2001	Nov. 20 - Dec. 9	12	Oct. 1 - Nov. 27, Dec. 10 - 31	79	Sept. 18 - 28	11	Sept. 29 - 30	2	Jan. 1 - 12, 2002	12	2001
2002	Dec. 4-10	7	Oct. 1 - Dec. 2, Dec. 10 - 31	79	Sept. 14 - 27	14	Sept. 28 - 29	2	Jan. 1 - 12, 2003	12	2002
2003	Dec. 2-14	13	Oct. 1 - Dec. 2, Dec. 10 - 31	79	Sept. 12 - 28	17	Sept. 27 - 28	2	Jan. 1 - 4, 2004	4	2003
DMU 19 *	Oct. 18 - 28	11	Jan. 8 - 31	24	0	0	0	0	0	0	2004
2004	Dec. 1-12	12	Oct. 1 - Nov. 20, Dec. 12 - 31	79	Sept. 11 - 24	14	Sept. 25 - 26	2	Jan. 1 - 2, 2005	2	2004
DMU 19 *	Oct. 18 - 28	11	Jan. 2 - 31	30	0	0	0	0	0	0	2004
2005	Nov. 20 - Dec. 11	12	Oct. 1 - Dec. 31	91	Sept. 18 - 23	6	Sept. 24 - 26	3	Jan. 1 - 6, 2006	6	2005
DMU 19 *	Oct. 18 - 28	11	Jan. 9 - 31	23	0	0	0	0	0	0	2005
2006	Nov. 20 - Dec. 10	12	Oct. 1 - Dec. 31	91	Sept. 9 - 23	15	Sept. 23 - 24	2	Jan. 1 - 7, 2007	7	2006
DMU 19 *	Oct. 14 - 22	9	Jan. 8 - 31	23	0	0	0	0	0	0	2006
2007	Nov. 20 - Dec. 9	12	Oct. 1 - Dec. 31	91	Sept. 18 - 28	11	Sept. 29 - 30	2	Jan. 1 - 6, 2008	6	2007
DMU 19	Oct. 12 - 21	10	Jan. 7 - 31	24	0	0	0	0	0	0	2007
2008	Dec. 2-14	13	Sept. 22 - Dec. 31	100	Sept. 22 - Oct. 5	14	Sept. 12 - 21	10	Jan. 1 - 4, 2009	4	2008
DMU 19	Oct. 11 - 19	9	Jan. 8 - 31	24	0	0	0	0	0	0	2008
2009	Dec. 2-12	11	Sept. 21 - Dec. 31	101	Sept. 21 - Oct. 4	14	Sept. 12 - 20	9	Jan. 1 - 10, 2010	10	2009
DMU 19	Oct. 18 - 19	2	Jan. 11 - 31	21	0	0	0	0	0	0	2009
2010	Dec. 1-12	12	Sept. 20 - Dec. 31	100	Sept. 20 - Oct. 3	14	Sept. 11 - 19	9	Jan. 1 - 17, 2010 (DMU 7, 8, & 9)	17	2010
DMU 19	Oct. 9 - 17	9	Jan. 10 - 31	22	0	0	0	0	0	0	2010

* Additional days of hunting opportunity in DMU 19

Workshop Session

Recommendations For 2011 Early Migratory Bird Seasons

EARLY TEAL SEASON:

Framework - Hunting season between September 1 and September 30, 2011, not exceeding: 1) 16 days if the blue-winged teal breeding population is above 4.7 million, or 2) nine days if the breeding population is between 3.3 - 4.6 million, with a daily bag and possession limit of 4 and 8 teal, respectively. Last year's (2010) blue-winged teal breeding population was 6.3 million. The 2011 blue-winged teal breeding population total 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. 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.

Recommendation:

High Plains Zone - A bag and possession limit of 4 and 8, respectively, with the following season date possibilities:

A nine-day season running September 17 through September 25, 2011,

or, a 16-day season running September 10 through September 25, 2011,

or, an eight-day season running September 17 through September 24, 2011.

Low Plains Zones - A bag and possession limit of 4 and 8, respectively, with the following season date possibilities:

A nine-day season running September 17 through September 25, 2011,

or, a 16-day season running September 10 through September 25, 2011.

SHOOTING HOURS FOR ALL EARLY SEASONS:

Framework-Shooting hours frameworks are expected to be ½ hour before sunrise to sunset for all seasons.

Recommendation-Adopt maximum shooting hours allowed in the frameworks, probably ½ hour before sunrise to sunset.

Duck Zone Regulations 2011 Through 2015

Introduction and Background

The U.S. Fish and Wildlife Service (Service) considers requests, at five-year intervals, from states wanting to change the duck season “**Option**” they utilize. This “open window” period will occur this spring, 2011.

The **Basic Option** is a statewide season with one split (two segments) with no zones and may be selected by a state at any time during the five-year period.

Alternative Options, which must be selected during the open window period, include:

- 1) No more than three zones with no splits (continuous season in each zone).
- 2) A statewide season with two splits (three segments)
- 3) Two zones, plus the High Plains area of Kansas, with the option for one split (two segments) in each zone (current option).

And potentially for 2011, the following two options may be available:

- 4) three zones, plus the High Plains area of Kansas, with the option for one split (two segments) in each zone
- 5) four zones, plus the High Plains area of Kansas, with no splits

Although the zone boundaries are permanent for five years, the season dates and bag limits may be adjusted annually.

Discussion

Although zoning creates boundaries that can confuse some hunters, the result of zoning for duck hunting should be greater hunter opportunity and harvest. Zoning enhances the state’s ability to match season dates with available habitat types, migration chronology, and season preferences of duck hunters in specific areas.

The Service has requested that the regulatory option be selected by the states and submitted to the Service this spring. Season dates for the zones may be selected at the traditional Commission meeting in

August, 2011.

Zoning benefits a large number of Kansas duck hunters, particularly those who prefer to hunt the major marshes during the early season in central and north-central Kansas, and those individuals in southeast Kansas who seldom benefit from October seasons. Zoning will effectively increase season length for hunters willing to travel. The benefits of zoning will increase under restrictive season-length frameworks, as were in place from 1988 through 1992 (39-day total season length).

Comments from field personnel regarding their recommendations, based on feedback from hunters, for any changes in the zone boundaries are currently being solicited. We are also conducting a hunter opinion survey.

If the proposed changes are not adopted, the zones will continue as they have been for the 2006-2010 waterfowl seasons.

Proposed Action

The proposed boundary changes are as follows:

High Plains Unit- That part of Kansas bounded by a line from the Nebraska-Kansas state line south on federal highway US-283 to its junction with interstate highway I-70, then east on interstate highway I-70 to its junction with state highway K-147, then south on state highway K-147 to its junction with state highway K-4, then west on state highway K-4 to its junction with federal highway US-283, then south on federal highway US-283 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, then north along the Colorado-Kansas state line to its junction with the Nebraska-Kansas state line, then east along the Nebraska-Kansas state line to its junction with federal highway US-283. (Figure 1).

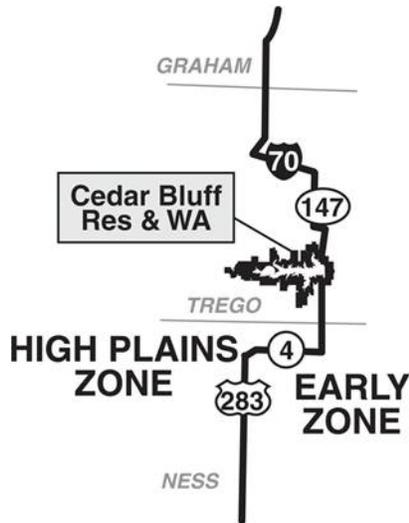


Figure 1. Proposed change to the High Plains Unit Boundary for the 2011-2015 duck seasons.

Early Zone - That part of Kansas bounded by a line from the Nebraska-Kansas state line south on state highway K-28 to its junction with federal highway US-36, then east on federal highway US-36 to its junction with state highway K-199, then south on state highway K-199 to its junction with Republic County road 563, then south on Republic County road 563 to its junction with state highway K-148, then east on state highway K-148 to its junction with Republic County road 138, then south on Republic County road 138 to its junction with Cloud County road 765, then south on Cloud County road 765 to its junction with state highway K-9, then west on state highway K-9 to its junction with federal highway US-24, then west on federal highway US-24 to its junction with federal highway US-281, then north on federal highway US-281 to its junction with federal highway US-36, then west on federal highway US-36 to its junction with federal highway US-183, then south on federal highway US-183 to its junction with federal highway US-24, then west on federal highway US-24 to its junction with state highway K-18, then southeast on state highway K-18 to its junction with federal highway US-183, then south on federal highway US-183 to its junction with state highway K-4, then east on state highway K-4 to its junction with interstate highway I-135, then south on interstate highway I-135 to its junction with state highway K-61, then southwest on state highway K-61 to 14th Avenue, then south on 14th Avenue to its junction with Arapaho Road, then west on Arapaho Road to its junction with state highway K-61, then southwest on state highway K-61 to its junction with state highway K-96, then northwest on state highway K-96 to its junction with federal highway US-56, then southwest on federal highway US-56 to its junction with state highway K-19, then east on state highway K-19 to its junction with federal highway US-281, then south federal highway US-281 to its junction with federal highway US-54, then west on federal highway US-54 to its junction with federal highway US-183, then north on federal highway US-183 to its junction with federal highway US-56, then southwest on federal highway US-56

to its junction with Ford County road 126, then south on Ford County road 126 to its junction with federal highway US-400, then northwest on federal highway US-400 to its junction with federal highway US-283, then north on federal highway US-283 to its junction with state highway K-4, then east on state highway K-4 to its junction with state highway K-147, then north on state highway K-147 to its junction with interstate highway I-70, then west on interstate highway I-70 to its junction with federal highway US-283, then north on federal highway US-283 to its junction with the Nebraska-Kansas state line, then east along the Nebraska-Kansas state line to its junction with state highway K-28 (Figure 2).

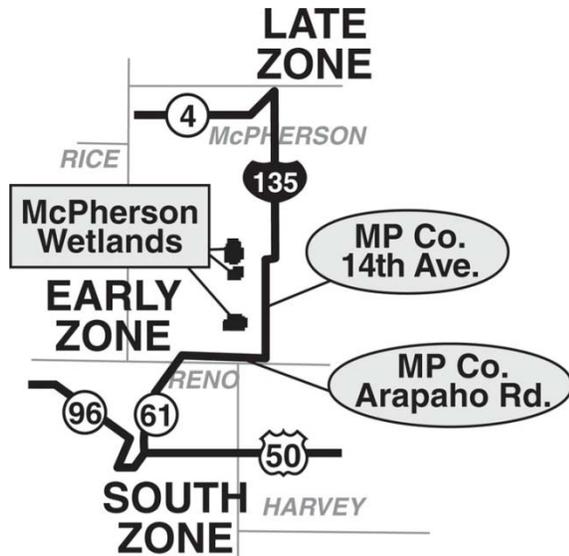


Figure 2. Proposed change to the Early Zone boundary for the 2011-15 duck seasons.

Late Zone - That part of Kansas bounded by a line from the Nebraska-Kansas state line south on state highway K-28 to its junction with federal highway US-36, then east on federal highway US-36 to its junction with state highway K-199, then south on state highway K-199 to its junction with Republic County road 563, then south on Republic County road 563 to its junction with state highway K-148, then east on state highway K-148 to its junction with Republic County road 138, then south on Republic County road 138 to its junction with Cloud County road 765, then south on Cloud County road 765 to its junction with state highway K-9, then west on state highway K-9 to its junction with federal highway US-24, then west on federal highway US-24 to its junction with federal highway US-281, then north on federal highway US-281 to its junction with federal highway US-36, then west on federal highway US-36 to its junction with federal highway US-183, then south on federal highway US-183 to its junction with federal highway US-24, then west on federal highway US-24 to its junction with state highway K-18, then southeast on state highway K-18 to its junction with federal highway US-183, then south on federal highway US-183 to its junction with state highway K-4, then east on state highway K-4 to its

junction with interstate highway I-135, then south on interstate highway I-135 to its junction with state highway K-61, then southwest on state highway K-61 to 14th Avenue, then south on 14th Avenue to its junction with Arapaho Road, then west on Arapaho Road to its junction with state highway K-61, then southwest on state highway K-61 to its junction with state highway K-96, then northwest on state highway K-96 to its junction with federal highway US-56, then southwest on federal highway US-56 to its junction with state highway K-19, then east on state highway K-19 to its junction with federal highway US-281, then south on federal highway US-281 to its junction with federal highway US-54, then west on federal highway US-54 to its junction with federal highway US-183, then north on federal highway US-183 to its junction with federal highway US-56, then southwest on federal highway US-56 to its junction with Ford County road 126, then south on Ford County road 126 to its junction with federal highway US-400, then northwest on federal highway US-400 to its junction with federal highway US-283, then south on federal highway US-283 to its junction with the Oklahoma-Kansas state line, then east along the Oklahoma-Kansas state line to its junction with [federal highway US-77, then north on federal highway US-77 to its junction with Butler County, NE 150th Street, then east on Butler County, NE 150th Street to its junction with US-35, then northeast on US-35 to its junction with state highway K-68, then east on state highway K-68 to the Kansas-Missouri state line, then north along the Kansas-Missouri state line to its junction with the Nebraska state line, then west along the Kansas-Nebraska state line to its junction with state highway K-28.] the Missouri-Kansas state line, then north along the Missouri-Kansas state line to its junction with the Nebraska-Kansas state line, then west along the Nebraska-Kansas state line to its junction with state highway K-28.

Southeast Zone-That part of Kansas bounded by a line from the Missouri-Kansas state line west on state highway K-68 to its junction with US – 35, then southwest on US- 35 to its junction with Butler County, NE 150th Street, then west on NE 150th Street until its junction with state highway K-77, then south on state highway K-77 to the Oklahoma-Kansas state line, then east along the Kansas-Oklahoma state line to its junction with the Missouri state line, then north along the Kansas-Missouri state line to its junction with state highway K-68 (Figure 3).

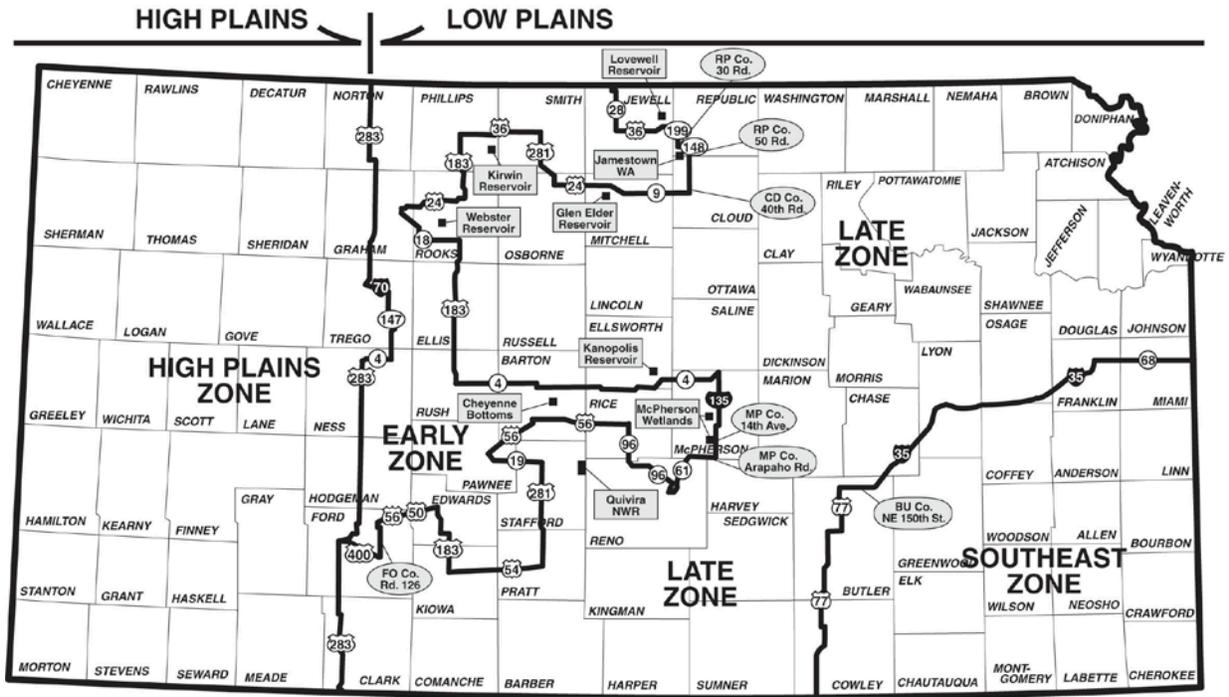
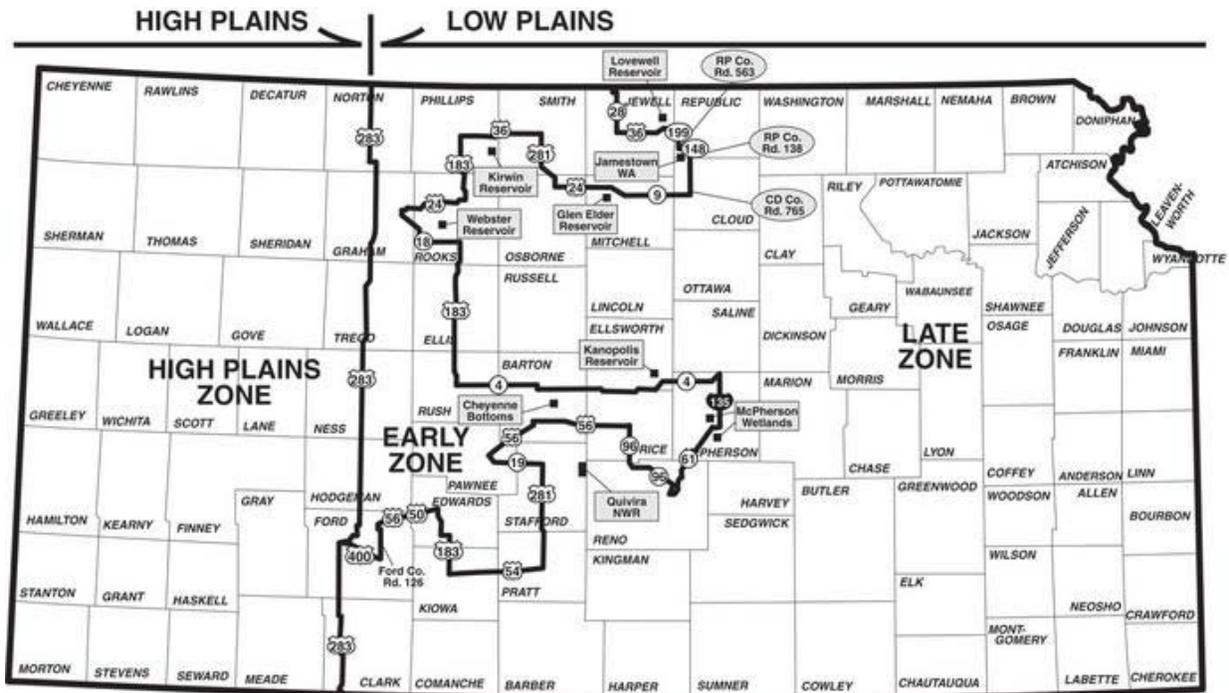


Figure 3. Proposed change to define a Southeast zone.

The current boundaries:



Furbearer Regulations

115-5-Series. Furbearers; KAR 115-25-11. Furbearers; open seasons and bag limits; and 115-1-1. Definitions.

Background:

Furbearer regulations are not brought before the Commission every year, but the Department constantly monitors furharvesting programs for possible improvements. The recommendations below are the result of regulations review by the Department, as well as furharvester input at Commission meetings, through surveys, and through direct comment to the Department.

Discussion and Recommendations:

K.A.R. 115-5-1. Furbearers and coyotes; legal equipment, taking methods, and general provisions.

Proposed changes to this regulation include:

- Allowing .17 caliber rimfires (HMR) to be used to take trapped furbearers or coyotes when using a light to check traps or when using a light to take furbearers treed with the aid of dogs
- Allowing traps to be tagged with user's KDWP number as a form of identification
- Requiring foothold traps to be smooth jawed
- Prohibiting foothold traps with a jaw width greater than 7 inches except in water sets

K.A.R. 115-1-1. Definitions.

Proposed changes to this regulation include:

- Changing the definition of "water set" so that the trap must be half submerged to be considered a water set

The Department is also proposing to allow a limited river otter harvest. This will be accomplished by changing portions of K.A.R. 115-25-11. Furbearers; open seasons and bag limits, and K.A.R. 115-5-2. Furbearers and coyotes; possession, disposal, and general provisions.

Specific recommendations for a river otter harvest season are provided below:

- Area open to harvest – statewide.
Discussion: Though the population is expanding, a statewide harvest will allow us to obtain realistic harvest information. In addition, otters will always be scarce or absent in the most arid parts of Kansas. The conservation of the species in the state and in general is not dependent upon their complete protection in these areas of marginal habitat.
- Quota – 100 otters, plus any that are taken after a 72 hour grace period after the quota is reached.
Discussion: A conservative estimate of the number of river otters in the primary portion of occupied habitat in Kansas is approximately 1,400. Based on modeling efforts from other states, a 10 percent annual harvest will allow for a recently established and growing population to continue to expand. An initial harvest of 100 otters would be conservative, accounting for 7.1 percent of the otters from our estimate.
- Season Bag Limit – two otters per trapper.
Discussion: This restriction is intended to allow otters to be fairly allocated among furharvesters.
- Season Dates – Nov 16 through Mar 31 (same as beaver) – or until 3 days after the quota is met.
Discussion: Given the likelihood of incidental take by beaver trappers, harvest dates and techniques should be identical as much as possible. While this potentially allows the lengthy beaver season to dictate the otter season, the established quota will ultimately determine the intentional otter harvest. The three-day grace period is intended to allow time for notification that the quota has been met.
- Pelt Tagging/Reporting Requirements – River otters must be CITES pelt tagged in the same manner as bobcats. Trappers will be required to contact the Department within 24 hours of capturing an otter. The Department employee will arrange to meet with the trapper and report the harvest to a master database, in which progress towards the quota will be maintained. The trapper will have four days to present the skinned pelt for tagging.
- Carcass Collection – in order to monitor the status of the population, it will be necessary to collect samples from the carcasses of harvested animals. The skinned carcass including the skull will be collected at the time of pelt tagging. The four days between harvest and tagging/carcass collection is intended to provide time for the trapper to skin

the otter or have a taxidermist skin it if they wish to have it mounted, while also getting the carcass to the Department quickly enough to prevent spoilage.

KAR 115-25- 9a. Deer; open season, bag limit, and permits; additional considerations.

Background

K.A.R 115-25-9a lists additional deer hunting days available only on the Fort Riley subunit. It includes the following:

- An early extension of the regular archery season dates.
- An extra season for designated persons.
- Different season dates for firearms deer hunting on Fort Riley.
- Additional season dates in January for the taking antlered deer by persons designated by Fort Riley.
- An additional archery season in January for persons designated by Fort Riley.

Items on either-species antlerless-only deer permits and special extended season dates for antlerless-only white-tailed deer formerly included in this regulation have been moved to K.A.R. 115-25-9.

Discussion

Fort Riley personnel have requested additional days of deer hunting for persons that they designate to use the Fort Riley subunit. In addition to the regular archery season dates listed in K.A.R. 115-25-9, they have requested the period from September 1, 2011 through September 18, 2011.

Fort Riley personnel have requested additional days to those listed in K.A.R 115-25-9 for designated persons (i.e., 16 years or younger and people with a permit issued according to K.A.R. 115-18-4 or K.A.R. 115-18-15). They have requested the additional period from October 7, 2011 through October 10, 2011.

Fort Riley personnel have requested season dates for firearms deer hunting at Fort Riley to be from November 25, 2011 through November 27, 2011, and December 15, 2011 through December 23, 2011.

Fort Riley personnel have requested additional days in January when individuals authorized by Fort Riley may hunt and take antlered deer. The days requested are January 7, 2012 through January 8, 2012.

Fort Riley personnel have requested additional days of archery hunting in January for persons that they designate. They requested the period from January 16, 2012 through January 31, 2012.

In sum, Fort Riley has requested deer seasons that would allow the taking of antlered and antlerless deer from September 1, 2011 through January 31, 2012 with the exception of the period from January 1 through January 7, 2012 when only antlerless-white-tailed deer could be taken and the period from January 9, 2012 through January 15, 2012 when no deer hunting would occur.

Recommendation

Input and comments on this regulation are being sought from the public and the Commission.

Potential Regulation Changes to Address Aquatic Nuisance

Background:

Non-indigenous aquatic nuisance species (ANS) are the cause of significant ecological and socio-economic problems for water users in North America. ANS have spread beyond historic ranges and have adversely affected infested waters by threatening the integrity of these water resources. As the introduction and spread of ANS continues, the associated problems intensify and create a wide variety of problems for water users.

ANS can be transferred both through natural and anthropogenic means. The introduction and spread of ANS by humans can result from a variety of activities, including escapes from aquaculture facilities, aquarium release, stocking activities, ballast release, and angler escape or release. (Ludwig and Leitch 1996). The transport and subsequent release of aquatic biota through sportfishing activities into a basin where it was previously absent is referred to as bait bucket transfer (Ludwig 1995). Problems arise from bait bucket transfer when undesirable fish, invertebrates, plants, or pathogens become introduced. The discovery of an aquatic species in waters where it was previously absent has been attributed to bait bucket transfer on several occasions (Moyle 1973; Welcomme 1992; Courtenay 1993). Kansas's aquatic ecosystems have already been invaded by ANS such as zebra mussels, white perch, Asian carp, hydrilla, Eurasian watermilfoil, and purple loosestrife, most of which could be spread by sportfishing activities.

Beyond bait bucket transfer, ANS can be spread by recreational boater movements. The most notable species that may be spread by boaters is the zebra mussel. The fouling behavior of the adult zebra mussel coupled with the planktonic larvae allows for its spread on boats and in water. Raw water that is transported in the holding tanks of boats (livewells, baitwells, and bilges) is a vector of great concern and has been evaluated in Kansas (Haneke et al. 2006)

As a natural resource agency, the Kansas Department of Wildlife and Parks (KDWP) is greatly concerned with the risk ANS pose to the natural environment. To protect the natural resources of Kansas and to prevent the spread of ANS through public uses of these resources, KDWP should address the spread of ANS by recreational boaters, commercial bait industry, and baitfish collection, transport, and use. Further, KDWP should work with partners to ensure responsible uses of Kansas' aquatic resources through vectors that are not under the purview of KDWP such as the aquaculture industry, pet trade, and other aquatic imports.

Discussion - Commercial bait:

Current regulations place restrictions on the commercial bait industry yet provide avenues for ANS introduction and spread. Items of particular concern include the sale of diseased and non-native species,

the utilization of unsecured water supply for bait shop operation, and the inability to determine bait origin. Regulations that may need modification include 115-17-1, 2, 3, 4, 5.

Recommendations:

Issue: Sale of non-native species

It is recommended that 115-17-2 provide a list of species legal for sale as live aquatic bait to limit the likelihood of the introduction of non-native aquatic species through the use of commercially acquired bait.

Proposed list:

Fish

black bullhead *Ameiurus melas*
bluegill *Lepomis macrochirus* and their hybrids
common carp (includes koi) *Cyprinus carpio*
fathead minnow (includes 'rosy reds') *Pimephales promelas*
golden shiner *Notemigonus crysoleucas*
goldfish (includes black saltys) *Carassius auratus*
green sunfish *Lepomis cyanellus*
yellow bullhead *Ameiurus natalis*

Crayfish

virile crayfish *Orconectes virilis*
calico crayfish *Orconectes immunes*
white river crayfish *Procambarus acutus*

Annelids

US native freshwater leeches (63 species)

NOTE: Current regulation of terrestrial baits would remain unchanged.

NOTE: The sale of frogs would no longer be allowed.

Issue: Sale of diseased bait

It is recommended that all live aquatic baits for commercial sale be certified pathogen free to prevent the introduction of dangerous diseases into the waters of Kansas. The American Fisheries Society Bluebook standards will be utilized to establish guidelines for certification.

Certified free of:

spring viremia of carp virus
infectious pancreatic necrosis virus
viral hemorrhagic septicemia virus
infectious hematopoietic necrosis virus

NOTE: This does not address parasites or other pathogens that have been issues for many bait dealers.

NOTE: We will need to establish an accounting/reporting mechanism to track fish shipment and sale that may require inspections for in-state producers. See attached Arkansas Rules for example.

Issue: Unsecure bait shop/wholesaler/hauler water sources

It is recommended that all aspects of the commercial sale of baitfish utilize a secure (ANS free) water source such as well or treated water.

NOTE: Inspections may be required for implementation.

NOTE: Special outreach emphasis on control of contaminated equipment entering retail location will be required.

Issue: Incomplete application requirements

It is recommended that 115-17-3 require disclosure of personal identification information (social security number, date of birth and driver's license or federal identification number).

Discussion - Wild-caught bait

Currently, KDWP has regulations (K.A.R. 115-18-10, 115-8-12, 115-20-3, 115-8-6) that could be used to curb the spread of ANS. Compliance with these regulations is limited and special emphasis to clarify and improve the aforementioned regulations and the addition of new regulations is necessary to effectively manage ANS in Kansas.

Recommendations:

Issue: Movement of wild-caught aquatic baits

It is recommended that the transport of live fish for bait on a public road be prohibited except baitfish may be caught from and used as bait within the pool of a lake or impoundment where taken, or within a 1-mile segment of the immediate location of collection of the same stream, except that no live baitfish may be transported across a dam or natural barrier.

NOTE: There is an issue with collection and transport of bait from an impoundment and transported on a public road to a location within the same impoundment (i.e. collected along the dam and then drive to an upstream site of the reservoir).

NOTE: Documentation of fish origin (receipt) may be necessary for enforcement.

Issue: Release of live aquatic baits

It is recommended that 115-8-12 explicitly prohibit the disposal of aquatic baits into the wild.

NOTE: The deployment of approved bait disposal units would assist compliance.

Issue: Spread of ANS or water-borne diseases

It is recommended that any person leaving any waters of the state shall drain all bait containers, livewells and bilges, other boating or fishing-related equipment holding water excluding marine sanitary systems, by removing the drain plug before transporting the vessel and associated equipment on any public road.

NOTE: This would affect those who haul fish home to eat in water or those who want to save bait for later use.

Issue: Transport of aquatic plants

It is recommended that the transport of aquatic macrophytes (aquatic plants that are visible to the naked eye) on any public road or highway shall be prohibited, except a person may transport aquatic macrophytes:

- (1) for disposal, as specified by the secretary;
- (2) for purposes of constructing shooting or observation blinds in amounts sufficient for that purpose, provided that the aquatic macrophytes are emergent and cut above the waterline;
- (3) when legally acquired by or from commercial sources for aquarium,
- (4) when legally harvested for personal or commercial use and if in a motor vehicle;
- (5) to the department, or another destination as the secretary may direct, in a sealed container for purposes of identifying a species or reporting the presence of a species

NOTE: Plant regulation may be difficult with current agency authorizations.

References:

- Courtenay, W. R., Jr. 1993. Biological pollution through fish introductions. Pages 35-61
in B. N. McKnight, ed. Biological pollution: the control and impact of invasive exotic species.
Indiana Academy of Science, Indianapolis.
- Haneke, D., R. Cowlinshaw, and C. Hunter. 2006. Potential for larval transport of zebra mussels from El Dorado Reservoir, Kansas. Report to Kansas Department of Wildlife and Parks, Southwestern College, Winfield, Kansas. 8 pp.
- Ludwig Jr., H. R. 1995. Bait bucket transfer potential between the Mississippi and the Hudson Bay watersheds. Master's thesis, North Dakota State University, Fargo.
- Ludwig Jr., H. R. and J. A. Leitch. 1996. Interbasin transfer of aquatic biota via anglers' bait buckets. Fisheries 21(7):14-18.
- Moyle, P. B. 1973. Ecological separation among three species of minnows (Cyprinidae) in a Minnesota lake. Transactions of the American Fisheries Society 102(4):794-805.

Welcomme, R. L. 1992. A history of international introductions of inland aquatic species. Pages 3-14 *in* C. Sindermann, B. Steinmetz, and W. Hershberger, eds. Introductions and transfers of aquatic species. Internatinal Council for the Exploration of the Sea 194.

Public Hearing

Document No. _____

KANSAS REGISTER
SUBMISSION FORM

Agency Number -- 710-01

Agency Name -- Kansas Department of Wildlife and Parks

Agency Address - 1020 S. Kansas Ave., Suite 200

Topeka, Kansas 66612-1233

Title of Document -- Public Meeting

Desired Date of Publication - Feb 17, 2011

ITEMS SUBMITTED IN DUPLICATE

CERTIFICATION

I hereby certify that I have reviewed the attached documents, and that they conform to all applicable Kansas Register publication guidelines and to the requirements of K.S.A. 75-431, as amended. I further certify that submission of these items for publication is a proper and lawful action of this agency, that funds are available to pay the publication fees and that such fees will be paid by this agency on receipt of billing.

Christopher J. Tymeson
Liaison officer's typed name

Liaison officer's signature

Department Attorney
Title

(785) 296-2281
Phone

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space for Register office use only

Wildlife and Parks Commission

Notice of Public Hearing

A public hearing will be conducted by the Wildlife and Parks Commission at 7:00 p.m., Thursday, April 21, 2011 at the KDWP Region 4 Office, 6232 E. 29th St. N, Wichita, Kansas, to consider the approval and adoption of proposed regulations of the Kansas Department of Wildlife and Parks.

A general discussion and workshop meeting on business of the Wildlife and Parks Commission will begin at 1:30 p.m., April 21 at the location listed above. The meeting will recess at 5:30 p.m. then resume at 7:00 p.m. at the same location for more business and the regulatory hearing. There will be public comment periods at the beginning of the afternoon and evening meetings for any issues not on the agenda and additional comment periods will be available during the meeting on agenda items. Old and new business may also be discussed at this time. If necessary to complete business matters, the Commission will reconvene at 9:00 a.m. April 22 at the location listed above.

Any individual with a disability may request accommodation in order to participate in the public meeting and may request the meeting materials in an accessible format. Requests for accommodation to participate in the meeting should be made at least five working days in advance of the meeting by contacting Sheila Kemmis, Commission Secretary, at (620) 672-5911. Persons with a hearing impairment may call the Kansas Commission of Deaf and Hard Hearing at 1-800-432-0698 to request special accommodations.

This 60-day notice period prior to the hearing constitutes a public comment period for the purpose of receiving written public comments on proposed administrative regulations.

All interested parties may submit written comments prior to the hearing to the Chairman of the Commission, Kansas Department of Wildlife and Parks, 1020 S. Kansas Ave, Suite 200, Topeka, KS 66612 or to sheila.kemmis@ksoutdoors.com if electronically. All interested parties will be given a reasonable opportunity at the hearing to express their views orally in regard to the adoption of the proposed regulations. During the hearing, all written and oral comments submitted by interested parties will be considered by the commission as a basis for approving, amending and approving, or rejecting the proposed regulations.

The regulations that will be heard during the regulatory hearing portion of the meeting are as follows:

K.A.R. 115-25-7. This exempt regulation establishes the open season, bag limit and permits for antelope. The proposed version would increase permit numbers by 18 permits and adjust the season dates for 2011.

Economic Impact Summary: The proposed amendments are not anticipated to have any appreciable negative economic impact on the department, other agencies, small businesses or the public.

K.A.R. 115-25-8. This exempt regulation establishes the open season, bag limit and permits for elk. The proposed version would decrease permit numbers by 2 permits and adjust the season dates for 2011.

Economic Impact Summary: The proposed amendments are not anticipated to have any appreciable negative economic impact on the department, other agencies, small businesses or the public.

Copies of the complete text of the regulations and their respective economic impact statements may be obtained by writing the chairman of the Commission at the address above, electronically on the department's website at www.kdwp.state.ks.us, or by calling (785) 296-2281.

Kelly Johnston, Chairman

Document No. _____

KANSAS REGISTER
SUBMISSION FORM

Agency Number -- 710-01

Agency Name -- Kansas Department of Wildlife and Parks

Agency Address - 1020 S. Kansas Ave., Suite 200

Topeka, Kansas 66612-1233

Title of Document -- Public Meeting

Desired Date of Publication - Feb 17, 2011

ITEMS SUBMITTED IN DUPLICATE

CERTIFICATION

I hereby certify that I have reviewed the attached documents, and that they conform to all applicable Kansas Register publication guidelines and to the requirements of K.S.A. 75-431, as amended. I further certify that submission of these items for publication is a proper and lawful action of this agency, that funds are available to pay the publication fees and that such fees will be paid by this agency on receipt of billing.

Christopher J. Tymeson
Liaison officer's typed name

Liaison officer's signature

Department Attorney
Title

(785) 296-2281
Phone

This space for Register office use only

Wildlife and Parks Commission
Notice of Public Hearing

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This 60-day notice period prior to the hearing constitutes a public comment period for the purpose of receiving written public comments on proposed administrative regulations.

All interested parties may submit written comments prior to the hearing to the Chairman of the Commission, Kansas Department of Wildlife and Parks, 1020 S. Kansas Ave, Suite 200, Topeka, KS 66612 or to sheila.kemmis@ksoutdoors.com if electronically. All interested parties will be given a reasonable opportunity at the hearing to express their views orally in regard to the adoption of the proposed regulations. During the hearing, all written and oral comments submitted by interested parties will be considered by the commission as a basis for approving, amending and approving, or rejecting the proposed regulations.

In addition to the previously published notice, the regulation that will be heard during the regulatory hearing portion of the meeting are as follows:

K.A.R. 115-7-9. This permanent regulation establishes requirements for weigh-in black bass fishing tournaments. The proposed amendment would require tournaments to exclude any fish at weigh-in that do not meet the length limit for the specific body of water where the tournament is being held.

Economic Impact Summary: The proposed amendments are not anticipated to have any appreciable negative economic impact on the department, other agencies, small businesses or the public.

Copies of the complete text of the regulations and their respective economic impact statements

may be obtained by writing the chairman of the Commission at the address above, electronically on the department's website at www.kdwp.state.ks.us, or by calling (785) 296-2281.

Kelly Johnston, Chairman

STATE OF KANSAS

ALAN D. CONROY
Director
RANEY L. GILLILAND
Assistant Director for Research
J.G. SCOTT
Chief Fiscal Analyst



STAFF
LEGISLATIVE COORDINATING COUNCIL
INTERIM COMMITTEES
STANDING COMMITTEES
LEGISLATIVE INQUIRIES

KANSAS LEGISLATIVE RESEARCH DEPARTMENT
Room 68-West — State Capitol Building — 300 SW Tenth Avenue — Topeka, Kansas 66612-1504
PHONE (785) 296-3181 ♦ FAX (785) 296-3824 ♦ TTY (785) 296-3677
INTERNET: <http://www.kslegislature.org/kldr> E-MAIL: kslegres@kldr.ks.gov

March 4, 2011

Mr. Robin Jennison, Secretary
Kansas Department of Wildlife and Parks
1020 S. Kansas Avenue, Room 200
Building Mail

Dear Secretary Jennison:

At its meeting on March 1, 2011, the Joint Committee on Administrative Rules and Regulations reviewed for public comment rules and regulations concerning weigh-in black bass fishing tournaments. After discussion, the Committee had no comment.

Prior to filing with the Secretary of State, review the history sections of the rules and regulations to update them to the most recent statutory citations, making certain the citations for authorizing and implementing statutes are correct and complete. Please indicate your agency's website address in the filing notice where proposed regulations can be located. In addition, if your agency accepts written comments by e-mail include this information in the public notice. Further, e-mail requests for public accommodation should be included as a part of the notice. Finally, verify that the adoption by reference of any materials included in the regulations is properly completed as prescribed in the *Policy and Procedure Manual for the Adoption of Kansas Administrative Regulations*.

Please make this letter a part of the public record on these regulations. The Committee will review the regulations which the agency ultimately adopts, and reserves any expression of legislative concern to that review.

To assist in that final review:

- Please inform the Joint Committee and me, in writing, at the time the rules and regulations are adopted and filed with the Secretary of State, of any and all changes which have been made following the public hearing.
- Please notify the Joint Committee and me, in writing, when your agency has adopted the regulations as permanent; delayed implementation of the regulations; or decided not to adopt any of the regulations.
- Also, please indicate separately to the Joint Committee and me, any changes made to the proposed regulations reviewed by the Committee.

Secretary Jennison

- 2 -

Based upon direction from the Committee, failure to respond to each and every comment contained in this letter may result in the request that a spokesperson from your agency appear before the Committee to explain the agency's failure to reply.

Sincerely,



Raney L. Gilliland
Assistant Director for Research

RLG/db

STATE OF KANSAS

ALAN D. CONROY
Director
RANEY L. GILLILAND
Assistant Director for Research
J.G. SCOTT
Chief Fiscal Analyst



STAFF
LEGISLATIVE COORDINATING COUNCIL
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KANSAS LEGISLATIVE RESEARCH DEPARTMENT

Room 68-West — State Capitol Building — 300 SW Tenth Avenue — Topeka, Kansas 66612-1504
PHONE (785) 296-3181 ♦ FAX (785) 296-3824 ♦ TTY (785) 296-3677
INTERNET: <http://www.kslegislature.org/klrd> E-MAIL: kslegres@klrd.ks.gov

March 4, 2011

Mr. Robin Jennison, Secretary
Kansas Department of Wildlife and Parks
1020 S. Kansas Avenue, Room 200
Building Mail

Dear Secretary Jennison:

At its meeting on March 1, 2011, the Joint Committee on Administrative Rules and Regulations reviewed for public comment rules and regulations concerning antelope, open season, bag limit, and permits; and elk, open season, bag limit, and permits (exempt). After discussion, the Committee had no comment.

Prior to filing with the Secretary of State, review the history sections of the rules and regulations to update them to the most recent statutory citations, making certain the citations for authorizing and implementing statutes are correct and complete. Please indicate your agency's website address in the filing notice where proposed regulations can be located. In addition, if your agency accepts written comments by e-mail include this information in the public notice. Further, e-mail requests for public accommodation should be included as a part of the notice. Finally, verify that the adoption by reference of any materials included in the regulations is properly completed as prescribed in the *Policy and Procedure Manual for the Adoption of Kansas Administrative Regulations*.

Please make this letter a part of the public record on these regulations. The Committee will review the regulations which the agency ultimately adopts, and reserves any expression of legislative concern to that review.

To assist in that final review:

- Please inform the Joint Committee and me, in writing, at the time the rules and regulations are adopted and filed with the Secretary of State, of any and all changes which have been made following the public hearing.
- Please notify the Joint Committee and me, in writing, when your agency has adopted the regulations as permanent; delayed implementation of the regulations; or decided not to adopt any of the regulations.
- Also, please indicate separately to the Joint Committee and me, any changes made to the proposed regulations reviewed by the Committee.

Secretary Jennison

- 2 -

Based upon direction from the Committee, failure to respond to each and every comment contained in this letter may result in the request that a spokesperson from your agency appear before the Committee to explain the agency's failure to reply.

Sincerely,



Raney L. Gilliland
Assistant Director for Research

RLG/db



STATE OF KANSAS
OFFICE OF THE ATTORNEY GENERAL

DEREK SCHMIDT
ATTORNEY GENERAL

MEMORIAL HALL
120 SW 10TH AVE., 2ND FLOOR
TOPEKA, KS 66612-1597
(785) 296-2215 • FAX (785) 296-6296
WWW.KSAG.ORG

February 22, 2010

Chris Tymeson
Legal Counsel
Kansas Department of Wildlife and Parks

Re: K.A.R. 115-25-7 and 115-25-8

Dear Mr. Tymeson:

We have reviewed the above-referenced regulations for legality, and finding no issues of concern, have approved them.

Very truly yours,

OFFICE OF THE ATTORNEY GENERAL

Camille Nohe
Assistant Attorney General

CN:cn

Enclosure: Original document

Cc: Representative Carl Holmes, Chair, Joint committee on Rules and Regulations
Senator Vick Schmidt, Vice Chair, Joint Committee on Rules and Regulations
Representative Janice Pauls, Ranking Minority Member, Joint Committee on
Rules and Regulations
Raney Gilliland, Legislative Research
Ken Wilke, Revisor of Statutes

Regulations/KDWP/115-25-8(Feb 2011)



STATE OF KANSAS
OFFICE OF THE ATTORNEY GENERAL

STEVE SIX
ATTORNEY GENERAL

120 SW 10TH AVE., 2ND FLOOR
TOPEKA, KS 66612-1597
(785) 296-2215 • FAX (785) 296-6296
WWW.KSAG.ORG

February 10, 2010

Chris Tymeson
Legal Counsel
Kansas Department of Wildlife and Parks

Re: K.A.R. 115-7-9

Dear Mr. Tymeson:

We have reviewed the above-referenced regulation for legality, and finding no issues of concern, have approved it.

Very truly yours,

OFFICE OF THE ATTORNEY GENERAL

Camille Nohe
Assistant Attorney General

CN:cn

Enclosure: Original document

Cc: Representative Carl Holmes, Chair, Joint committee on Rules and Regulations
Senator Vick Schmidt, Vice Chair, Joint Committee on Rules and Regulations
Representative Janice Pauls, Ranking Minority Member, Joint Committee on
Rules and Regulations
Raney Gilliland, Legislative Research
Ken Wilke, Revisor of Statutes

Regulations/KDWP/115-25-8(Feb 2011)

115-25-7. Antelope; open season, bag limit, and permits. (a) The open season for the taking of antelope shall be as specified in this subsection. The unit designations in this subsection shall have the meanings specified in K.A.R. 115-4-6.

(1) Archery season.

(A) The archery season dates shall be September 24, 2011 through October 2, 2011 and October 15, 2011 through October 31, 2011.

(B) The taking of antelope during the established archery season shall be authorized for Smoky Hill, unit 2; West Arkansas, unit 17; and Cimarron, unit 18. Unlimited archery permits for residents and nonresidents shall be authorized for the area.

(2) Firearm season.

(A) The firearm season dates shall be October 7, 2011 through October 10, 2011.

(B) The open units for the taking of antelope during the established firearm season and the number of permits authorized shall be as follows:

(i) Smoky Hill, unit 2: One hundred resident firearm permits shall be authorized for the unit.

(ii) West Arkansas, unit 17: Forty resident firearm permits shall be authorized for the unit.

(iii) Cimarron, unit 18: Fourteen resident firearms permits shall be authorized for the unit.

(3) Muzzleloader-only season.

(A) The muzzleloader-only season dates shall be October 3, 2011 through October 6, 2011.

Muzzleloader permits also shall be valid in the unit for which the permit is authorized during the established firearm season dates.

(B) The open units for the taking of antelope during the established muzzleloader-only season and the number of permits authorized shall be as follows:

(i) Smoky Hill, unit 2: Twenty-six resident muzzleloader permits shall be authorized for the unit.

(ii) West Arkansas, unit 17: Twelve resident muzzleloader permits shall be authorized for the unit.

(iii) Cimarron, unit 18: Ten resident muzzleloader permits shall be authorized for the unit.

(b) The bag limit for each archery, firearm, and muzzleloader permit shall be one antelope of either sex.

(c) This regulation shall be effective on and after May 1, 2011, and shall have no force and effect on and after March 1, 2012. (Authorized by K.S.A. 32-807 and K.S.A. 2010 Supp. 32-937; implementing K.S.A. 32-807, K.S.A. 2010 Supp. 32-937, and K.S.A. 2010 Supp. 32-1002.)

ECONOMIC IMPACT STATEMENT

K.A.R. 115-25-7. Antelope; open season, bag limit, and permits.

DESCRIPTION: This proposed exempt regulation establishes hunting unit boundaries, bag limit, application periods and season dates for the 2011 firearm, muzzleloader, and archery antelope seasons. The hunting units include all of the area included during the 2010 season. An unlimited number of archery permits are authorized, however, recent trends indicate that about 250 people may apply for these permits for residents. 5 nonresident archery permits were issued in 2010 and it is anticipated that a like number will be issued in 2011.

The proposed unit boundaries for the 2011 firearm hunting season are the same as the 2010 unit boundaries. A total of 154 firearms permits are proposed in three management units as follows: Unit 2-100 permits, Unit 17-40 permits, and Unit 18-14 permits, an increase of 18 permits from the previous season. In addition, 48 muzzleloader permits are proposed in three management units as follows: Unit 2-26 permits, Unit 17-12 permits, and Unit 18-10 permits, the same number of permits from the previous season.

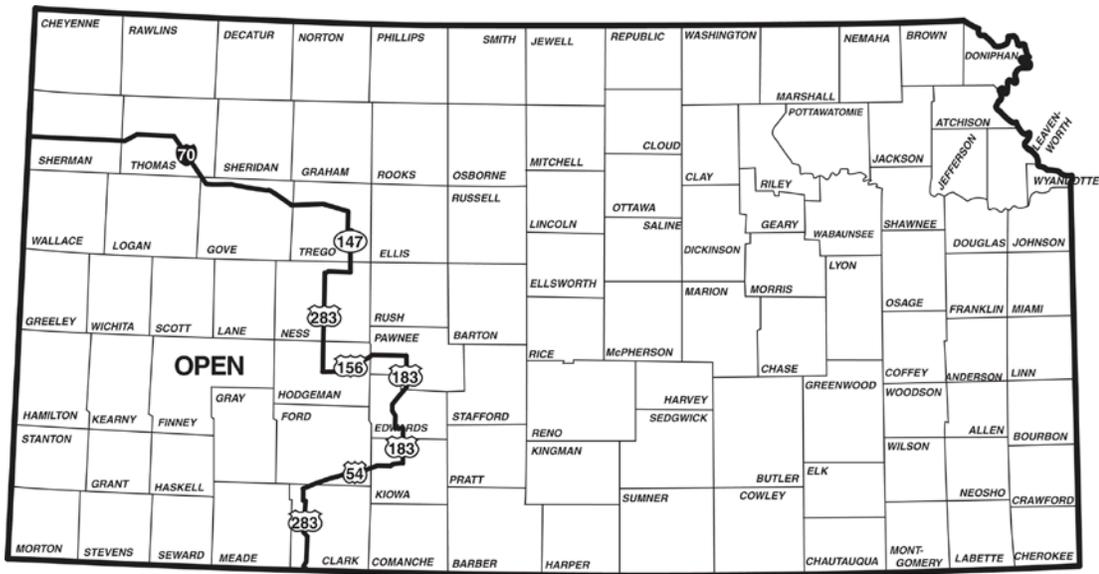
FEDERAL MANDATE: None.

ECONOMIC IMPACT: It is anticipated that 466 antelope hunting permits will be authorized. Estimated revenue if all permits are issued would be approximately \$14,530. That amount represents equal participation in the antelope season by landowner/tenants and general residents, as well as nonresident participation. Approximately 1150 people will apply for an antelope permit or preference point. A \$5 nonrefundable application fee from all applicants will generate an additional \$5,575. Other administrative costs associated with the season are borne by the Department.

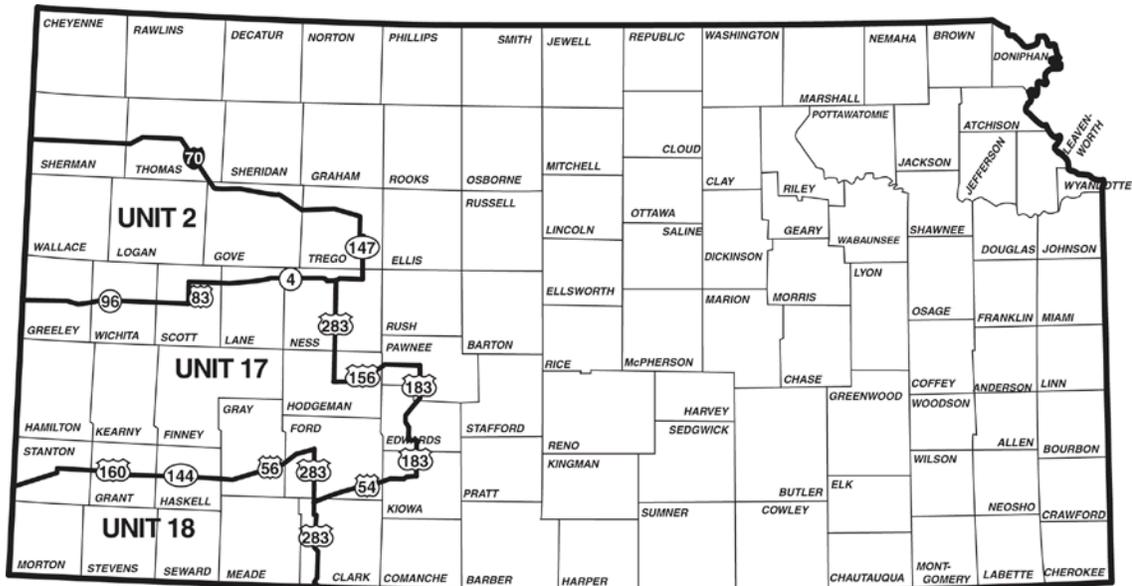
Approximately 2140 days of hunting activity will occur. The national survey of fishing, hunting, and wildlife associated recreation conducted by the U.S. Fish and Wildlife Service estimated that an average big game hunter spent more than \$1100 per season, thus the antelope season may generate \$470,800 in direct economic benefits to businesses providing goods and services. There will be no other economic impact on the general public, small businesses or on other state agencies.

ALTERNATIVES CONSIDERED: None.

Antelope Pronghorn Unit



Firearm, Muzzleloader Pronghorn Units



115-25-8. Elk; open season, bag limit, and permits. (a) The unit designations in this regulation shall have the meanings specified in K.A.R. 115-4-6b, except that the area of Fort Riley, subunit 2a, shall not be included as part of Republican-Tuttle, unit 2.

(b) The open seasons for the taking of elk shall be as follows:

(1) The archery season dates and units shall be as follows:

(A) Statewide, except Fort Riley, subunit 2a, and unit 1: September 19, 2011 through December 31, 2011.

(B) Fort Riley, subunit 2a: September 1, 2011 through October 2, 2011.

(2) The firearm season dates and units shall be as follows:

(A) Statewide, except Fort Riley, subunit 2a, and unit 1: November 30, 2011 through December 11, 2011 and January 1, 2012 through March 15, 2012.

(B) Fort Riley, subunit 2a:

(i) First segment: October 1, 2011 through October 31, 2011.

(ii) Second segment: November 1, 2011 through November 30, 2011.

(iii) Third segment: December 1, 2011 through December 31, 2011.

(3) The muzzleloader season dates and units shall be as follows:

(A) Statewide, except Fort Riley, subunit 2a, and unit 1: September 1, 2011 through October 2, 2011.

(B) Fort Riley, subunit 2a: September 1, 2011 through October 2, 2011.

(c) A limited-quota either-sex elk permit shall be valid during any season using

equipment authorized for that season. Ten either-sex elk permits shall be authorized.

(d) A limited-quota antlerless-only elk permit shall be valid during any season using equipment authorized for that season, except that a limited-quota antlerless-only elk permit shall be valid on Fort Riley, subunit 2a, only as follows:

(1) A first-segment antlerless-only elk permit shall be valid on Fort Riley, subunit 2a, only during the first segment. Five first-segment antlerless-only elk permits shall be authorized.

(2) A second-segment antlerless-only elk permit shall be valid on Fort Riley, subunit 2a, only during the second segment. Five second-segment antlerless-only elk permits shall be authorized.

(3) A third-segment antlerless-only elk permit shall be valid on Fort Riley, subunit 2a, only during the third segment. Five third-segment antlerless-only elk permits shall be authorized.

(4) All antlerless-only elk permits shall be valid on Fort Riley, subunit 2a, during the September 1, 2011 through October 2, 2011 archery and muzzleloader seasons.

(e) The bag limit shall be one elk as specified on the permit issued to the permittee.

(f) An unlimited number of hunt-on-your-own-land antlerless-only elk permits and either-sex elk permits shall be authorized in units 2 and 3. A hunt-on-your-own-land permit shall be valid during any open season. The bag limit for each hunt-on-your-own-land elk permit shall be one elk as specified on the permit.

(g) An unlimited number of over-the-counter antlerless-only elk permits and either-sex elk permits shall be authorized in unit 3.

(h) Each permit holder shall, upon harvest of an elk, contact designated department staff within

two calendar days to arrange for collection of biological data and tissue samples.

(i) This regulation shall have no force and effect on and after April 1, 2012. (Authorized by K.S.A. 32-807 and K.S.A. 2010 Supp. 32-937; implementing K.S.A. 32-807, K.S.A. 2010 Supp. 32-937, and K.S.A. 2010 Supp. 32-1002.)

ECONOMIC IMPACT STATEMENT

K.A.R. 115-25-8. Elk; open season, bag limit and permits.

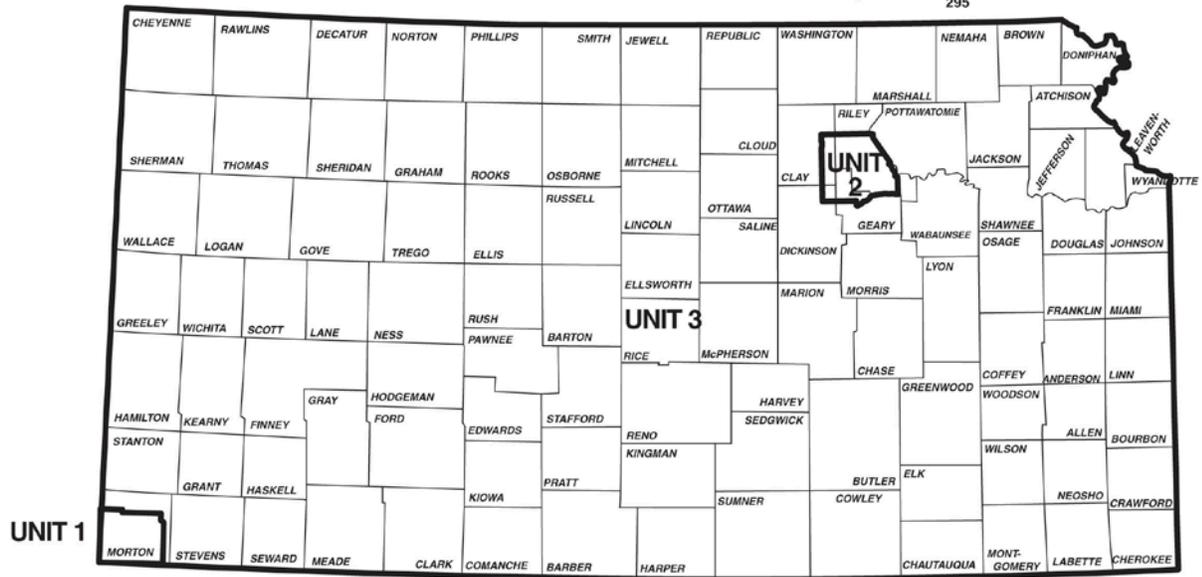
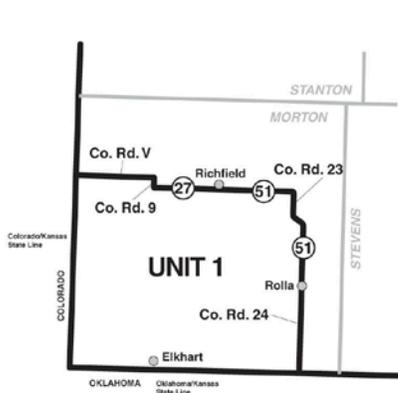
DESCRIPTION: This proposed exempt regulation establishes hunting unit boundaries, bag limit, application periods and season dates for the 2011-2012 muzzleloader, archery, and firearm seasons for elk. The units allow for statewide use for limited-quota permits, except in a portion of Morton County. Limited-quota elk and unlimited hunt-on-your-own-land (HOYOL) hunters would be allowed to hunt during any open season with the equipment that was allowed during that season. Unlimited general either-sex and antlerless-only permits would allow the use of the permits in all units but would exclude two units. Unlimited HOYOL either-sex and antlerless-only permits would be allowed statewide, except a portion of Morton County, Unit 1. The proposed regulation would allow elk hunting from September 1, 2011 through March 15, 2012 statewide (outside Fort Riley, except Unit 1). Fifteen limited-quota antlerless permits would also be valid during a September muzzleloader and archery equipment season on Fort Riley, Subunit 2a. However, only five limited-quota antlerless-only elk permits at a time would be made available for use during each of three seasons on subunit 2a (Fort Riley) (October 1, 2011 through October 31, 2011; November 1, 2011 through November 30, 2011; and December 1, 2011 through December 31, 2011). Ten limited-quota either-sex elk permits would be valid from September 1, 2011 through December 31, 2011 on subunit 2a and from September 1, 2011 through March 15, 2012 in the remainder of the state, except Unit 1. Fort Riley military personnel would continue to control access to the military grounds for the purpose of elk hunting, and are expected to provide hunting access only during a portion of the available days during the open seasons. The seasons are intended to provide increased opportunity for those hunters drawing elk permits, and increased flexibility to address elk that may disperse off the Fort as well as those animals beginning to appear within other locations in the State. This represents a decrease of 2 total limited-quota permits for 2011.

FEDERAL MANDATE: None

ECONOMIC IMPACT: It is anticipated that 25 limited-quota elk permits will be issued. Based on 2010 numbers, it is estimated that at least another 25 HOYOL permits will be issued and as well as 25 unlimited general permits. In addition, it is estimated that 980 of people will apply for the drawing permits or bonus points and those individuals pay a \$5 nonrefundable application fee. The application fee generates \$4900. Estimated revenue if all permits are issued would be approximately \$8000. Administrative costs associated with the season are borne by the Department. Approximately 235 days of hunting activity may occur, thus providing \$51,700 economic benefit to businesses providing goods and services. To the extent the expanded unit, seasons, and permit numbers help prevent dispersal of elk onto private land, and therefore help prevent occurrence of damage from dispersed elk, there may be some positive economic impact to the general public. No other economic impact on the general public, small businesses, or on other state agencies is anticipated.

ALTERNATIVES CONSIDERED: None

Elk Units



115-7-9. Weigh-in black bass fishing tournaments. (a) Each individual or organization conducting a weigh-in black bass fishing tournament shall ensure that all of the following minimum requirements are met when conducting weigh-in procedures:

(1) One individual shall provide work crew support for each 10 registered anglers.

(2) One weigh-in tank filled with an electrolyte chemical-water solution and fitted with recirculation and aeration accessories shall be maintained for each 25 registered anglers.

(3) If the water temperature at the tournament location is 75 degrees Fahrenheit or cooler, the water contained in the weigh-in tank shall be maintained at the same temperature as that of the tournament location water.

(4) If the water temperature at the tournament location is warmer than 75 degrees Fahrenheit, the water in the weigh-in tank shall be maintained at a temperature that is between five and 10 degrees Fahrenheit cooler than the tournament location water but shall not exceed 85 degrees Fahrenheit at any time.

(5) Not more than four anglers shall be in the weigh-in line at any one time.

(6) Each weigh-in bag containing water from the well of the vessel shall be reinforced, reusable, and capable of holding up to 15 pounds of live fish and two gallons of water.

(7) The weigh-in site shall meet the following requirements:

(A) Be located near the vessel mooring site and the release site, vehicle, or vessel; and

(B) be located at all times under a portable awning, in an event tent, or in the shade.

(8) Only fish that meet the special length limit for the specific body of water where the weigh-in tournament is being conducted shall be weighed within the period beginning June 16 and ending August 31.

(b) Each individual or organization conducting the tournament shall ensure that all of the following minimum requirements are met when conducting the release procedures:

(1) The direct release of fish into the tournament location water after the weigh-in shall not be

permitted.

(2) If the tournament is conducted with release tubes, vehicles, or vessels, the holding tanks shall contain a one-half percent noniodized salt solution.

(3) If the tournament is conducted without release tubes, vehicles, or vessels, the fish shall be dipped, for a period of time ranging from 10 seconds to 15 seconds before release, in a three percent noniodized salt solution having the same temperature as that of the water in the weigh-in tank.

(4) The release site shall meet the following conditions:

(A) Be located in water reaching at least three feet in depth with good circulation and a hard bottom; and

(B) be located away from vessel traffic and public-use vessel ramps.

(c) Each tournament participant shall meet the following requirements:

(1) Ensure that each well in the participant's vessel used in the tournament is properly working and contains an electrolyte chemical-water solution; and

(2) ensure that the participant's vessel used in the tournament is cleaned before and after the tournament in compliance with department guidelines regarding the prevention of aquatic nuisance species.

(d) The provisions of paragraph (a)(7)(A) may be waived by the secretary within the period beginning September 1 and extending through June 15 if the proximity proposed to the release site does not pose an inordinate risk to the wildlife resource and all other requirements of this regulation are met.

(Authorized by K.S.A. 32-807; implementing K.S.A. 32-807 and K.S.A. ~~2009~~ 2010 Supp. 32-1002; effective Jan. 1, 2008; amended April 11, 2008; amended Nov. 19, 2010; amended P-_____.)

ECONOMIC IMPACT STATEMENT

K.A.R. 115-7-9. Weigh-in black bass fishing tournaments not using tournament black bass pass.

DESCRIPTION: This permanent regulation sets weigh-in procedures for all black bass fishing tournaments. The proposed amendment relates to reducing fish mortality during hot weather at weigh-in tournaments.

FEDERAL MANDATE: None.

ECONOMIC IMPACT: It is anticipated that there would be no negative economic impact to the department, other state agencies, small businesses, or the public.

ALTERNATIVES CONSIDERED: None.