

REVISED AGENDA
KANSAS DEPARTMENT OF WILDLIFE, PARKS & TOURISM
COMMISSION MEETING AND PUBLIC HEARING
Thursday, April 26, 2012
Great Plains Nature Center
6232 E 29th St N, Wichita, Kansas

- 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 22, 2012 MEETING MINUTES**
- V. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS**
- VI. DEPARTMENT REPORT**
 - A. Secretary's Remarks**
 - 1. Agency and State Fiscal Status (Robin Jennison)**
 - 2. 2012 Legislature (Chris Tymeson)**
 - B. General Discussion**
 - 1. Hunter/Angler Recruitment and Retention Program Update – Pass It On Program (Mike Miller)**
 - 2. Fishing Regulations (Doug Nygren)**
Hand Fishing Harvest Analysis (Susan Steffen)
 - 3. Potential Changes in Deer Regulations 2013 (Lloyd Fox)**
 - 4. Late Migratory Bird Seasons (Tom Bidrowski)**
 - C. Workshop Session**
 - 1. Early Migratory Bird Seasons (Tom Bidrowski)**
 - 2. Webless Migratory Birds (Tom Bidrowski)**
 - 3. Commercial Mussel Harvest (Ed Miller)**
 - 4. Prairie Chicken Seasons (Jim Pitman)**
 - 5. Falconry Regulations (Mike Mitchener)**
 - 6. Public Land Regulations (Brad Simpson)**

7. **KAR 115-25-9a. Deer; open season, bag limit, and permits; additional considerations.**
(Lloyd Fox)

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

D. Public Hearing

1. **KAR 115-25-5. Turkey; fall season, bag limit and permits. (Jim Pitman)**
2. **KAR 115-25-7. Antelope; open season, bag limit and permits. (Matt Peek)**
3. **KAR 115-25-8. Elk; open season, bag limit and permits. (Matt Peek)**

XII. OLD BUSINESS

XIII. OTHER BUSINESS

A. Future Meeting Locations and Dates

XIV. ADJOURNMENT

If necessary, the Commission will recess on April 26, 2012, to reconvene April 27, 2012,, 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 21, 2012 at Cabelas, Kansas City, KS

**Kansas Department of Wildlife, Parks & Tourism
Commission Meeting Minutes
March 22, 2012
Kansas History Center, Topeka, KS**

Subject to
Commission
Approval

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

The March 22, 2012 meeting of the Kansas Wildlife and Parks Commission was called to order by Chairman Gerald Lauber at 1:30 p.m. at the Kansas History Center. Chairman Lauber and Commissioners Don Budd, Randy Doll, Tom Dill, Frank Meyer, and Robert Wilson were present. Commissioner Debra Bolton attended via webcast (Skype).

II. INTRODUCTION OF COMMISSIONERS, STAFF AND GUESTS

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

Chairman Lauber went over the rules for using microphones and limiting presentations from 5-10 minutes where possible.

III. ADDITIONS AND DELETIONS TO AGENDA ITEMS

Sheila Kemmis – Added department recognition before the Secretary's remarks. Under workshop, item 1, the Kansas Hawking Club will be presenting a PowerPoint after Mike Mitchener gives his update; also under workshop deleted item No. 7 from the first agenda (potential deer regulations 2012), which is covered in other items.

IV. APPROVAL OF THE January 5, 2012 MEETING MINUTES

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

V. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

Linda Call, Yates Center – (Ron Schafer, Carla Green) - Invited Commission to new memorial and dedication at Lake Fegan (Woodson SFL) (Exhibit C). The lake was built in 1934 by Civilian Conservation Corp (CCC) appointed by President Roosevelt. Kingman, Lyon and Woodson were first counties to receive CCC workers. Original committee included Governor Woodring, who showed support and cooperation. Ben Fegan owned the land, which he donated asking that the lake be named after him. Enrollees in this program were there from November 1934 – June 1935 Company 1715; June - October 1935, 200 men; until completed by company 2735's 120 men. This lake was dug by hand and equipment pulled by mules. We have been in contact with the Kansas Historical Society. There were 22 buildings out there, and some foundations are still there. Listed in National Archives and I found a

blueprint of the site. We are putting together a display case and building replicas of the 22 buildings. We're also going out with metal detectors next week to see what we can locate at the site. We had posters printed, including pictures of the old lake and work (historical page) to be placed in the new KDWPT office building. One wall will be donated to Ben Fegan, and another wall will list enrollees who worked out there; over 600 men, ages 17-24. The lake site has natural beauty. We have news articles from the past on another poster. On June 9, we'll begin the day with a picnic in the park, planning to feed the first 300 who arrive. A school bus will transport people to the site. American Legion will raise flag. We've found flagpoles built by second CCC group out there, and we are moving that next to the new building. The Grand Masonic Lodge will do dedication ceremony. Robin Jennison and several politicians and local people have agreed to speak. Grandchildren of Ben Fegan and other family members will also be there. Starting rock work today to begin memorial statue to the CCC workers.

Chairman Lauber – This lake holds the state record black crappie caught in the late 1950s or early 1960s by Hazel Faye, who used to be a concessionaire out there.

Dennis Steinman, Lawrence – I attended a meeting several months ago and introduced you to new game recovery system. I want you to think about legalization and am making formal request to make it legal in Kansas. I had a booth at the Big Buck Classic a few months ago and had people sign petition and have about 60 names. Only one or two people thought it was not a good idea. If you recall, the device is used to decrease loss of wounded game and gives the hunter a better opportunity to find game shot with a bow. Chairman Lauber – I would like you to email me more about this so I can see if there is enough interest. I'd like to see a summary and let us reflect on it more. Commissioner Budd – Chris, do we have a process they go through to do this? Tymeson – No formal process, tonight we are voting on regulations that would be changed in so we can't change it tonight, but we do items on a schedule. We don't have to limit changes in regulation just to tonight, but need 60-day notice. I asked Mr. Steinman to contact Lloyd Fox. There are a number of ways to bring an idea forward, keeping the department and Commission in the loop. Steinman – Send to all Commissioners? Chairman Lauber – I like to have staff weigh in on ideas. Send it to Sheila and she can forward to Commissioners, Lloyd and Chris. Commissioner Doll – Is this product used in other states, there are a few states it is illegal in, but that is a minority? Steinman – Everything electronic was made illegal and covered under one regulation, which makes this illegal. It is a broad-brush rule of no electronics on bow or arrow. This would be another item like the lighted nock, which is now allowed. The transmitter can't last very long, a couple of days because of battery life. What started this idea was it took me two days to find my deer two years ago. Chairman Lauber – Get product to Lloyd, summary to us and we will look at it. Steinman – The company has been approved through the Department of Commerce to get tax credits for investors. Tymeson – Have you patented it? Steinman – It is patent pending.

Bill Brannon, Seneca – I see that discussion on senior license increase is not on the agenda, so I am going to address it. I've bought fishing licenses my whole life in Kansas, and I'll take whatever you are going to give me, but hunters and fishermen have always supported, if I can buy in Alaska or Wyoming I can buy here in Kansas where I fish the most; \$17 to \$18 is pretty small amount. I also want to thank you for what you do.

Richard Hayes, Topeka – I agree with the previous speaker on licensing changes. We would be more than willing as seniors to contribute to see the agency continue with services provided. One thing not included is how many young people are not involved in hunting and fishing and maybe could get some

of them involved with seniors. Get more young people, creative thinking to get seniors to bring in a young person. Personally, I would like to see more budget details on your website. If we are going to be partners with this agency in trying to improve hunting, fishing and camping, we need to see more details. Like to see grants received and issued out of the department. Public deserves to see that activity. See more historical information on hunting and fishing. The public would be more supportive if they are more aware of items dealing with the agency, including licensing. Economic impact, especially communities out west that are affected by pheasant hunting or deer hunting, economic information from those communities and if it is up or down in those communities. When you ask me to pay for my license, would like to see where money being provided and where it impacts western Kansas areas. Number two pheasant hunting state and that is ranked by out-of-state hunters. A lot of hunters go to South Dakota since it is ranked number one. We've seen declines in western Kansas and anything we can do to help those communities we should do. We need to do whatever South Dakota has done and become number one. Don't know if agency has five-year plan, but I would hope there would be some way of channeling suggestions, ideas and thoughts on the website to develop a five-year plan to accomplish them.

Natalie Donges, ElDorado – At the community meeting at Butler Community College we discussed inviting you to have one of your meetings held at the Hubbard Center at the College.

Department Recognition – Keith Sexson – Employees being recognized at regional and national levels – Doug Whiteaker, officer of year by Shikar Safari award; Tyson Nielson, boating officer of year, eligible for regional recognition by the National Association of State Boating Law Administrators; district biologist Kraig Schultz received an award at the North American (NA) Wildlife Conference from the U.S. Fish and Wildlife Service Wings Across America award for his work on lesser prairie chickens on forest service lands; two biologists were recognized at the Midwest Association of Fish and Wildlife Agencies (MAFWA) last meeting, Tommie Berger was fisheries biologist of the year; Lloyd Fox, wildlife biologist of the year; at Association of Fish and Wildlife Agencies (AFWA) meeting in September a local landowner from Barber County, Ted Alexander received the wildlife stewardship and habitat conservation award at the national level; and Joe Kramer, at the NA conference, received the Ducks Unlimited Wetland Conservation award for state and provincial agencies category. In every case the agency stands out in a big way when our employees are recognized at these regional and national levels. We congratulate all of them for representing our employees within the agency.

VI. DEPARTMENT REPORT

A. Secretary's Remarks

1. Fort Riley Presentation – Fort Riley Staff presented this to the Commission (Exhibit). Jim Champagne, Sgt. Major retired after 30 years of service, associated with Fort Riley outdoorsman group. We have a special series of dates for soldiers that deploy who cannot hunt the regular season. For the past three years the Commission has given us this opportunity to be allowed to hunt for large game in a split season for soldiers that have been deployed overseas and we wanted to thank you. *Presented print and wall clock on behalf of Fort Riley and the 1st Infantry Division to Robin Jennison, Gerald Lauber, and Joe Kramer.*

2. Agency and State Fiscal Status – Robin Jennison, Secretary, presented this update to the

Commission (no handout). Appreciate comments from Bill and Richard and I am going to discuss the 65-issue. Commissioners have gotten emails over that issue and so have our staff. We want to explain what our rationale was and why we approached it. We did it because 65 and over user group is becoming a much larger percentage of our user. Baby boomers started retiring two years ago and will ramp up more every year for the next ten years or more. Licensing sales are trending down; deer hunters are growing by 13 percent, but the over-65 age group is growing by 26 to 27 percent, so they are outpacing all other hunters and fishermen. Richard brought up recruitment, and we do need to get kids out in the field and we are trying to address that issue. Pittman-Robertson/Dingle-Johnson (PR/DJ) is celebrating their 75-year anniversary and the difference in Kansas in 1947 and what it looks like today is amazing, because of the partnership we have created a hunters paradise. It takes money and people to continue that tradition, and if we are going to preserve it we are going to have to fund it. Hunting doesn't get state general fund. It is funded by the wildlife fee fund. We did not underestimate this issue at all. Former Secretary Williams, in the late 1990s, brought this in front of the legislature. There was no place for compromise, and we could not get it through the legislature. When we brought it forward this year, we never had any thought they would take away exemption. We thought they would change the age. In 1971, the exemption went from 70 to 65. At that time, the average life expectancy was 71. Now life expectancy is about 78. Our seniors are paying excise tax on equipment they buy, but we have no way to guarantee that money is coming back to Kansas unless we can show them as a hunter. Received about 100 calls and seniors' preferred reduced price rather than mess with the age. Had a gentleman who suggested a senior pass for \$100. We are doing something now and can data mine back to about 2006. We proposed senior pass for \$40, up to 75 years old then not buy a license. The way the U.S. Fish and Wildlife Service counts licenses, we can amortize each license over suspected life of that individual. We can take a portion every year and can take money for 18 years on that senior combination pass for \$40. PR \$16, DJ \$9; essentially get \$25 a year for 18 years, which calculates out to about \$900,000, actually about \$1.4 million as baby boomers increase. To get that money, it is costing Kansas seniors \$66,000, so all we are doing is bringing PR/DJ back to Kansas. Most of the seniors I have talked to said they can live with it. They are not selfish people. Bill is out of Senate, passed House Committee on Tuesday, now trying to get out of full House. Like to address Richard's questions, on recruitment, that is very important to the agency. The Pass-It-On Outdoor Mentors, Pheasants Forever and the department hired a youth coordinator to work on this issue. So we are addressing this. On the website – more budget details -- we get some criticism that there is too much information on the site now, but we are looking at ways to address that. Part of the SMART system is to make government more transparent, get grants in SMART system and will be more transparent in the future. Starting to get historic information, but can't go back that far yet. Department had started to address marketing when I came on, but with Tourism now part of the department, that is increasing. The average person spends \$240 in the state. Economic impact of pheasant hunting, Tourism people not that acquainted with outdoors, but with attrition we should be able to replace those people with people who are more acquainted with the outdoors. Basically our budget has not been changed much from what Governor did. Wildlife and fisheries get no state general fund, but the parks division has most concern this year. It has been a bad year for parks with blue-green algae, daily park permit is what determines whether parks make it or not, even had some parks closed on key weekends, \$700,000 to \$1.1 million supplemental proposal out there to help parks. In cabin program, Wildscape builds cabins, \$1.7 million and they get most of the money until cabins are paid off. They get 90 percent of revenue of cabins. We asked for \$845,000 from Governor to pay off that debt to put the parks in fairly good shape.

3. 2012 Legislative Update – Chris Tymeson, chief legal counsel, presented this update to the

Commission (no handout). Busy legislative session and things are heating up, moving fast and switching gears. We keep a list of bills on the website, trying to remain current with help of Mike Miller. Department tracks about 120-130 bills that impact the agency in some way. **SB120** -- This bill is known as the vessel titling act, would require vessel titling if you have a KA number. Introduced in 2011. Passed out of Senate quickly and went to House. Only impacted new vessels or upon sale. Not department bill, State Treasurer bill. Passed House Committee after Dan Hesket (our NASBA representative) made some comments and suggestions to modify the bill; went to House floor and failed on general orders on Monday 50-61-14, didn't make it to final action. **SB313** -- **now SB288** - This bill will allow liquor consumption on lands owned or managed by KDWPT. Current law only allows 3.2 percent beer. This would allow alcoholic beverages and we could restrict it in our reference document like we do now. Heard they are going to work those liquor bills next week; alternative Senate also put our provisions into another bill HB2689 and it may pass there. **SB314** -- This bill is what Robin talked about, the Senior exemptions. The bill passed the Senate (23-18), was amended on the floor and now includes provisions of HB2295 in it when it came out of Committee on Tuesday. **SB316** -- This bill has the transfer authorities that were not included in Executive Reorganization Order 36, a technical bill that transfers the Division of Travel and Tourism from the Department of Commerce. Passed both Houses and is on its way to Governor for signature. **SB348** -- Not a department bill, but deals with vessels and taxation and where they are at on January 1; this would have taxed them at the country of registrant. Had hearings and passed out of Senate 26-14, in House, but no action and would have impacted about 3,200 boaters. **SB380** -- Crossbow bill introduced in Senate Natural Resources committee; had a hearing and was tabled, was attempt to untable the bill, but failed by one vote. Feel it was tabled because the department has proposed some changes tonight, department opposed the bill because we already have regulatory authority, but think it is still hanging out there somewhat. **SB414** -- Feral swine bill introduced by Department of Agriculture, but has provision about hunting behind fences and are they really feral if they are behind a high fence, trying to prohibit that. Bill has jumped ship into a couple of other bills, was in HB2398 last year and currently resides in substitute HB2596 and passed Senate Ag Committee and will be on Senate general orders. **SB447** -- Department initiative, fees are set as a cap in statutes and we raise fees in regulation at the Commission level. Introduced in House as HB2551 and vessel registrations are capped at \$30, department proposed \$60, took 25 years to reach that cap so don't anticipate going right to the cap, but want opportunity; HB2551 -- Passed out of House without comment went to the floor and failed on House general orders 29-82. It appears if there is a boating, bill in the House it is probably not going to pass; so introduced into SB447 and passed final action 28-12. If bill make it out of one House they are conference-able and it is easier to discuss with three people rather than 125 on the House floor. There were some bills introduced last year that haven't moved, HB2089, 2152 and 2168 that we are not going to discuss. **HB2295** -- This bill was a conglomeration of deer bill. This year there was a substitute introduced and it dealt with three things: crossbows; a pre-rut antlerless rifle season, which would be September or October; and combination permits by 2013 (one antlered, one antlerless) in one permit. Substitute was passed out of Committee, amended on House floor to require department to background 25 percent of landowner/tenant with hunt-your-own-land permits, about 6,500 permits, would have taken about 20,000 man hours, which is about 12.5 percent of our law enforcement work time. The net result, even if all of those permits were fraudulent, our loss would be about \$350,000 and would cost about \$600,000 of time. Nonetheless was included in HB2295 and went to Senate and had a couple meetings on it, department opposed and they tabled it. Crossbows are back in SB314.

House Concurrent Resolution No. 5017 -- This resolution proposes amending the constitution and would go to the voters in November, which would allow the legislature to set a differing rate to vessels

and see a reduction in boat taxes for people. Our high level of taxation drives people to register their boats unlawfully in other states. This year it has added a Ducks Unlimited license plate which makes it a multi-organizational bill and the last I saw it went to conference committee this morning. **HB2452** -- This bill would allow no more than 12 big game permits to be issued by the Governor, like the Commissioners permits only going to individuals. The department opposes this bill and the bill got stuck in committee. **HB2491**—This bill came about as a result of our last commission meeting regarding possession of firearms in the archery season. The proponents came to me after that meeting and we came to a compromise about limiting it to just handguns for purposes of self-defense. Passed out of House 113-8 and passed Senate 40-0, unamended, so it is on its way to the Governor for signature. **HB2709** – Several proponents here in the room who helped with bill. Opposed original bill, but helped craft a compromise bill that would come up with restitution values violators would have to pay. One change was to move from purple paint to blaze orange to mark property as open to hunting with written permission only, which is controversial with landowners on House floor, so they put in phase-in period; also amendment to suspend right-to-hunt for a lifetime if they were an egregious enough violator, but was amended back to 20 years. There was an amendment the department will have to oppose, allowing landowners or employees to shoot from roads at wildlife. Bill passed Wednesday on House final action, 115-8, which makes it a conference-able bill. **HB2729** – Department bill, motor vehicle permits for parks, which would allow a person to check a box when they register their vehicle and get an annual park entrance permit. It's another way to distribute permits, and we think it will increase participation. Other states have done this, for example Michigan estimated they needed 16 percent of registered vehicles to break even and got 27 percent. We suspect we need 10 percent and it would help with the highs and lows of participation and cash flow. Passed House 84-39, referred to Senate committee and report was lost. It was blessed and routed back to committee and got out of House late and did not make it to Senate. **HB2535**- Rail bank right-of-way hearing, Frank came to the hearing, which deals with taxation of rail-banked property that has been made into trails. It deals with a court case out of Marysville. Bill did not go anywhere and did not get out of committee, but there was a hearing on it. **Concurrent bill 7015** – Deals with 75th anniversary of the Fish and Wildlife Restoration Act. Chairman Lauber – Explain what was added about landowners being able to hunt from vehicles on roads? Tymeson – Concern was expressed about our department seizing vehicles from landowners who were shooting from vehicles at deer to protect their property. Something was said about seizing \$150,000 tractors. That provision will be impossible for our law enforcement division to enforce and puts people at risk. Bill has to get into conference. It will be tough to get Senate to work it. Items in HB2709 that we want to stay in could get into that conference and we could work them, but it is complicated. Commissioner Doll – Where is crossbow at? Tymeson – Still in play. Department's proposal is before you tonight. Chairman Lauber – We have one in regulation tonight, they have a statute, but what we do tonight could make the difference in what they do. Commissioner Doll – If we do something tonight, legislature may not do anything? Tymeson – Takes wind out of sails of proponents if you pass it. Commissioner Doll – What is proposal? Commissioner Dill – Full inclusion for everybody? Commissioner Budd – If we take action different than bill on the floor, or contrary to what they are proposing, will that have an impact on what they are proposing? Tymeson – Ours is a limited proposal. We have regulatory authority and they tabled the bill, limited approach, can't guarantee House won't it get it through, but entrenches opinion of the Senate. If something doesn't pass expect a bigger push. Commissioner Dill – Went to hearing and my perception is that it built steam on both sides if we don't do something, it will happen anyway. Chairman Lauber – That is my feeling also. We have to do something, or expect something will be forced down our throat. Commissioner Doll – If we pass something tonight how does that get communicated to the legislature? Tymeson – I will be back there

Monday. Commissioner Budd – More trend to pass more regulatory bills? Tymeson – Deer was big one for 25-30 years. My perception was people are more willing to email their legislators, across the board, not just on wildlife. Increase particularly on second amendment issues on national level. Commissioner Meyer – On trails bill, almost every year a bill is introduced by someone who doesn't understand how it affects small communities along the trail. Tymeson – I'm sure the issue is not resolved yet and there continues to be conflicts between users. However, proponents of the bill commended department on management of Prairie Spirit Trail.

Tim Donges, El Dorado, Quality Deer Management (QDM) Association – Read through legislation on crossbow in SB314 was confused by language. It says any person using crossbow for big game or wild turkey, then next paragraph says Secretary of KDWP may limit number of deer, antelope, elk or wild turkey taken pursuant to subsection a. Were they referring to subsection a as being the crossbow regulation? Tymeson – Tim was a main proponent on HB2709 and we appreciate his help on that. The language in that bill is messed up and I pointed that out to the committee and if that passes I guarantee that is not going to be the language in it. We'll have a different version of our department is comfortable enforcing. Donges – I read it as the Secretary of KDWP still having the authority. HB2709 on illegal hunting of big game animals, we already have a process in KDWP for damage control already. Do we have an opportunity to let them know we already have a process for that? Tymeson – Call me jaded, but people don't pay attention on the House floor and you can say whatever you want to say and sway votes. Representative Larry Powell and Representative Gary Hazlett got up and spoke up against inserting that shooting from the road and then on a voice vote and 77 people voted for it. It is difficult on the floor to discuss (easier in committee), people vote when they are not listening. Donges - Received an email last night trying to conference HB2709 with SB314 and they were seeing support for that. Did you hear if that had taken place or not? Tymeson – Need bill to get in conference and the most likely bill we have now is SB314, which we would need the House to pass, then get provisions of HB2709 in there and don't see a problem on the Senate side. Donges – If HB2709 becomes part of SB314, language will change and we need to make sure we are getting support for the right thing. Tymeson – Will get feed burner email and I will let you know as soon as I know something. Thank Mike Miller for helping with feed burner emails on bills.

Break

B. General Discussion

Chairman Lauber - One thing I didn't point out earlier – Commissioner Bolton is available on Skype and will be available to vote this evening so she has agreed to be our guinea pig for this. Also, want to welcome former Commissioner Al Ward.

1. Tourism Briefing – Linda Craghead, assistant secretary for Parks and Tourism presented this update to the Commission (Exhibit D, E, and F). Thank state park managers and other parks folks here today (*asked them to stand*). Trying to make experience better and more of a positive experience. Linda will be talking about ORMS system. Even though last year was miserable, fish are biting and people are getting their park permits and this season is starting off good. Park pass would make an easy-pass system for those who buy that. Our first statewide open house for all state parks is on March 31, which is also the last day to purchase an annual park pass at reduced rate. We have activities going on and have prizes available by partnering with Kansas Lottery. A collaborative effort to develop an ongoing strategy

for the Kansas Flint Hills gained momentum in January with more than 150 people attending the Second Governor's Flint Hills Visioning Summit to create synergy and economic development. The Governor's summit brought together stakeholders and community leaders representing a variety of interests including agriculture, ranching, tourism, natural resources, commerce, the arts and others. Like the first summit held last May, this meeting focused on growing the Kansas economy and creating jobs. The topics included rural business development, invasive plants threatening the tallgrass prairie, agricultural marketing, voluntary conservation easements, and successfully communicating with legislators. It was a great opportunity and collective effort, and we are moving things forward. Organization in City of Manhattan built Flint Hills Discovery Center visitors facility, and April 14 is grand opening with planned activities for kids. Importance to understand prairie fire, a 15-minute film starts with spring burn, where you smell and see smoke; summer storms, where you feel wind; and winter, where you may get snowed on. Working diligently to identify strategic marketing for upcoming year; will use some Land of Oz theme. Working closely with National Park Service in identifying a project that has been adopted by Secretary Salazar in the Department of Interior to work on the designation of the Kaw River trail as a national trail. Our point person is Roger Wolfe, and we are working to get partners to work on that initiative. He will work through questions and concerns, sat down and visited with Kansas Livestock Association and Farm Bureau to work through these to get recognition on a national basis. March 31 statewide open house for state parks; April 13 and 14, El Dorado, Governor's one shot turkey hunt; April 14 grand opening of Flint Hills Discovery Center; June 15 and 16 partner with Wildscape on Governor's fishing classic at El Dorado State Park and June 16 in conjunction with fishing classic, First Annual Governor's Flint Hills Freedom Ride, a motorcycle ride. Log onto to TravelKS.com for other activities going on in the state. Commissioner Meyer – Camp 5-6 weeks out of the year and use national camping system to make reservations. Craghead – That is what this ORMS is, a nationwide online registration system so if you have camped before using this and are in the system you will be populated into our system. A wonderful resource for our constituent base.

2. Webless Migratory Birds – Tom Bidrowski, waterfowl biologist, presented this report to the Commission (Exhibits G, H, and PowerPoint – Exhibit I). Two items to discuss, sandhill cranes and doves. Sandhill Cranes – Kansas is one of nine states that allow sandhill crane hunting in Central Flyway (NE is only state does not). Kansas has often been more restrictive than federal sandhill crane hunting frameworks and the current limited shooting hours were implemented in 2005 to reduce the chance for misidentification of whooping cranes.

This proposal would change the current legal shooting hours for sandhill cranes to sunrise to sunset for the entire season. The proposed regulation change will reduce regulation complexity, improving hunter participation and satisfaction while maintaining safeguards to prevent accidental take of whooping cranes.

Doves - This proposal would require that doves being taken only while in flight similarly to the method of take required for other state game birds like pheasants and quail. The basis of this proposal to ensure safety and reduce any potential damage to property or loss of services.

3. Early Migratory Bird Seasons – Tom Bidrowski, waterfowl biologist, presented this report to the Commission (Exhibit J, and PowerPoint – Exhibit I). September teal season is designed to provide harvest opportunities on teal that normally migrate through Kansas prior to general waterfowl season. Season lengths are based on breeding teal population estimates that are not available until June. The final federal frameworks will not be set until the June 21 USFWS Service Regulatory Committee Meeting. However, based on last year's blue-winged teal breeding population of 9 million and spring

habitat conditions in the Prairie Pothole Region (which has good carry-over from 2011), the 2012 count is expected to allow for a 16-day season. In developing season dates, it is important to note that only eight days will be available in the High Plains (West of Highway 283) due to 107-day limit on hunting of any one species set by the Migratory Bird Treaty Act. The regular High Plains duck season of 97 days is allowed under the regular season liberal package, and with two days of youth hunting that leaves only eight days to reach the 107-day total. As we are still in the scoping process, staff recommendations for the September teal season will be presented at the April Commission meeting. Chairman Lauber – How long does a teal live? Bidrowski – One of the shortest-lived species -- only about a year and a half for a blue-winged or green-winged, but they have a high breeding propensity.

4. Commercial Mussel Harvest – Ed Miller, environmental biologist, presented this report to the Commission (Exhibit K, PowerPoint – Exhibit L). This is a topic we haven't thought about for 10 years because there has been a 10-year moratorium on commercial mussel harvest. Most freshwater mussels in Kansas are in southeast Kansas in the rivers, especially the Neosho, Verdigris, Spring and Marais des Cygne. These rivers have gravel beds unlike the shifting-sand rivers of western Kansas. The watershed is one of the best in the nation and some of the best mussel beds in the nation are found in southeast Kansas. The source is the Flint Hills, which also provides the gravel. In the Verdigris River there are 23 species in an area about the size of this room. In Kansas there are about 40 species of mussels. These are long-lived species, they live as long as humans, some even longer. There was commercial harvest for the cultured pearl industry and in the 1990s the Japanese were importing these for cultured pearl implants or nuclei for pearl oysters. Freshwater mussel shells were cut and milled into spheres to be implanted into pearl oysters, usually at the Sea of Japan. Pearls were once a symbol of wealth and status. Things have changed in the last decade and the Chinese have come into the market big time, which pushed the Japanese out of the market. The economy has changed, they have discovered they don't need to implant our mother-of-pearl they can implant a piece of mantle tissue and sometimes harvest up to 30 cultured pearls from one freshwater mussel. They have been producing tons each year, which has pushed the market way down. Freshwater mussels have a lot of history, used for buttons from 1890-1940. One plant in Iowa produced up to 30 tons of buttons in one week.

In 2010, there was an archeological dig on the Verdigris River and the dig discovered a mussel cook-out site dated from 2,200 years ago and species that were found we still have today. Over time our regulations on mussels have gotten more and more stringent: in 1992, limited to four mussel species (threeridge, monkeyface, mapleleaf, and bleuffer), allowed only four rivers to be harvested and established refuges. In 2003, a 10-year moratorium was imposed, which was a suspension of all commercial harvest activity. From 1992 to 2002, there were 1.3 million pounds of mussels removed from these rivers, 82 percent of those were threeridge and they have yet to rebound. The threeridge comes mostly from the Neosho and Verdigris rivers, over 1 million pounds were sold and exported to Japan. The best mussel beds are the riffles where the water is shallow and gravel beds are nearby. When water is low in the summer they are easily exploited and even the refuges were often violated. In the Verdigris River in 1982, threeridge made up 32 percent of the mussels, in 2010 they made up only 2 percent and in the Neosho River the same thing. But if you look at the Marais des Cygnes, which was not harvested, they make up about 43 percent. Also, the density has dropped. We have looked at and surveyed over 30,000 mussels in the last ten years. These species have a complex life cycle and need exacting conditions to reproduce. There are males and females, the female releases glochidium, which attaches to fish hosts where they stay for 3-4 weeks and drop off where they continue into the juvenile stage. This is the only means for them to disperse upriver. The mapleleaf has one host, the flathead catfish; the bleuffer has one host, the freshwater drum; but the threeridge has several hosts so

that was not a reason for its significant decline. In the U.S., freshwater mussels are considered one of the most imperiled groups: there are 297 species, with 72 percent of those imperiled. We have 40 species in Kansas, four are on the endangered list and the feds are looking at listing two of those as federally endangered. We are better off than most states due to our water conditions in the Kansas rivers and watershed. Freshwater mussels provide ecosystem services, much more than just rocks swimming at the bottom of the riverbed. They are filter feeders and remove and consume algae, bacteria and organic matter from the water. One large mussel, in the summer, can siphon and filter eight gallons of water per day. In our beds in the Verdigris River, there are beds with an estimated 80,000 to 150,000 mussels in about the length of a football field. They are a prey item to raccoons, river otters, muskrats, common map turtles, and freshwater drum. They are small and translucent and basically anything that can get hold of them will eat them. They are pollution sensitive so are good indicators of ammonia, lead, zinc, cadmium, copper and some pesticides. Even their physical structure in the riverbed has proven to be helpful because it stabilizes substrate and shells providing hiding places for small catfish and insect larvae. Freshwater mussels do not reproduce every year, usually a good year is when low water levels occur in the spring, which doesn't happen very often. Some universities have come up with a way to propagate mussels and release them back into areas. Working on releasing the Neosho mucket into the Cottonwood River where it once was the most common mussel, but due to high ammonia spikes from 1960s feedlot pollution, they disappeared, and we think the water quality is good enough now to reintroduce them. The last value of mussels is the educational value. Commissioner Dill – On commercial harvest was that mechanical or by hand? Miller – By hand in Kansas. On the Mississippi River, they used bars they drag across the bottom and pick them up with hooks. Commissioner Budd – When was last big harvest in Kansas? Miller – It was 1995, 1996 and that was a spike in the exports also. The demand went up and the price went up, the best price came from mapleleaf out of the Verdigris River at \$4.40 a pound with a 5-gallon bucket weighing over 50 pounds. Commissioner Budd – Was decline because of cost or because we regulated them? Miller – Both. We recommend moratorium for another 10 years and offer some options for the Commission to consider. We will discuss more in workshop. Commissioner Budd – Were the harvesters Kansas companies, or did they come from across the country? Miller – We had Kansas residents and nonresidents harvesting mussels; permit cost \$1,000 for nonresidents, \$75 for residents. Budd – Zebra mussels? Miller – Don't know of their affect on river mussels, but expect it won't be good. They do attach to native mussels and will out-compete them. Chairman Lauber – Don't believe we have any interest in allowing harvest, but will discuss at another meeting.

5. Prairie Chicken Seasons – Jim Pitman, wildlife biologist presented this report to the Commission (Exhibit M). There are two species of prairie chicken that occupy Kansas: the greater prairie-chicken (GPCH) and the lesser prairie-chicken (LPCH) and they both occur in landscapes dominated by native grasslands. Generally, the GPCH occupies the eastern and northern portion of the state, while the LPCH occupies the south-central and southwestern regions. However, there is a substantial area in west-central Kansas that is occupied by both species. Currently, the occupied range is considered to be core habitat for both species. Recent prairie chicken population densities and trends have varied greatly across the state. The greatest breeding population densities during 2011 and most recent years have occurred in north-central and west-central Kansas increasing over the past 15 years and surpassing their historic distribution in many areas. The highest density of chickens now occurs in areas where they were not known to exist as recently as 15 years ago. In Kansas, the most imperiled chicken populations occur within the southern Flint Hills where GPCH have been declining steadily since the early 1980s. They have been completely extirpated from some regions of the eastern Flint

Hills, which once harbored the most robust chicken population in the state, but a major shift in the prevailing range management practices resulted in inadequate burning and grazing regimes over the last 30 years. The LPCH is currently listed as a candidate species for federal protection under the Endangered Species Act, and Kansas is the only state throughout their five-state range that still permits regulated harvest. Harvest of LPCH can be justified in Kansas because populations in our state have remained fairly stable or increased since the species was first petitioned for listing in 1995. A long-term research project in southwest Kansas found that hunter harvest of LPCH was an insignificant source of mortality; with another study of LPCH further north in the Kansas LPCH range (Gove County) also found hunter harvest to be negligible, as did a recent study of GPCH in the Flint Hills, where chicken populations are struggling the greatest in our state. Researchers and management agencies have consistently pointed toward poor recruitment of young as the primary reason for prairie chicken population declines where they are occurring. The U.S. Fish and Wildlife Service even acknowledged in their most recent species assessment that, "Given the low number of LEPCs harvested per year in Kansas relative to the population size, the statewide harvest is probably insignificant at the population level." Currently, the department regulates harvest of prairie chickens within three hunt units. The most liberal harvest regulations exist in the eastern half of the state, and more restrictive regulations are in place for western Kansas. Current estimates of harvest and hunter effort are mapped through a post-season mail survey to a random selection of small game license holders. This method only provides coarse estimates for prairie chickens because only three percent and one percent of small game license holders pursue GPCH and LPCH, respectively. Thus, we receive relatively few completed questionnaires from chicken hunters greatly reducing the precision of our estimates compared to other more commonly pursued species. The department is planning to recommend an increase in the season length and/or bag limits for portions of western Kansas where our chicken populations are the most robust. The specific recommendation has not yet been formulated, but it could include changes to the current unit boundaries in western Kansas. Maintaining and expanding recreational hunting opportunity helps to ensure financial and political support for conservation programs that address the habitat degradations known to be responsible for declining populations. Recreational hunting is also a tool that enhances landowner interest in conservation and this is particularly important for restoration of species that occur almost exclusively on private land. For these reasons, sustainable harvest of game species should always be encouraged. The KDWPT is also planning to recommend a mandatory registration for people planning to hunt prairie chickens. The department is considering two options for the mandatory chicken hunter registration, which include: 1) a required privilege that could be issued through our automated licensing system (requires a minimum fee of \$2.50) or 2) a free online registration outside of our automated licensing system. In either case, the hunter would be required to have the privilege or verification number in possession before a chicken could legally be harvested. Looking for guidance from Commission and public and which of those two routes might be better. Commissioner Doll – Hunted GPCH since 1980, saw flocks of 50-100, but rarely see more than a dozen birds. Decline primarily due to grazing and burning? Pitman – Inadequate burning. Commissioner Doll – Do we communicate to larger landowners on burning? Pitman – Just started research project in a few counties and one year of data shows that patch burning leads to better hatch. I have those landowners tied into this research. Commissioner Doll – How are they hunting them? Pitman – Not sure, but expect walking them up. Commissioner Lauber – Expect best practice for burning, but unfortunately not best for grazing. Long seasons are suspected of poor numbers so have to continue to educate. Best practice for prairie chickens is not best practice for grazing. KOALS is not best when charging \$2 every time. Better to do something outside of that. Don't want to eliminate opportunistic harvest, may not get verification if they go outside of KOALS. Chairman Lauber – If population can stand more harvest, do it. Upland

birds do not have a long life-cycle. Don't like \$2. Commissioner Budd – Require another stamp or green piece of paper, could be enforcement issue and people could get caught up in it. Pitman – Could provide prairie chicken number on license. Commissioner Budd – Understand being able to track it, my suggestion would be when they get their license. Pitman – Great need to have this data if we want to continue hunting prairie chickens; have to provide information to the USFWS. Commissioner Wilson – How many prairie chicken hunters? Pitman – About 10,000 GPCH hunters and 500 LPC, variable numbers, could be 2,000 to 3,000 more, because don't get enough numbers. Commissioner Wilson – Anything we could tie to that to make sure they turn that back in? Tymeson – Statutorily have to turn in deer survey, don't know if we have prosecuted anybody, but could or could prohibit getting a license the next year if they don't turn it in, but won't catch lifetime hunting license owners. Chairman Lauber – Could offset respondents? Pitman – Only get 30 percent no matter what. Chairman Lauber – Pamphlet at all license vendors about why we are doing this for prairie chickens I think would get good compliance rate. Most don't have in their area? Commissioner Budd – Could combine with HIP stamp? Pitman – That is federal stamp and this is state species. Chairman Lauber – Pursue both recommendations and rely on staff recommendations on whether we go outside the KOALS system or not.

Mike Pearce – How is sandhill crane set up? Tymeson – Permit is in KOALS and test is on website. License costs, but test is free. Pearce – Won't you be limiting the number of people hunting them? Pitman – If we could we would offer it for free, but can't within KOALS. Need the data we will get from this. Pearce – Is there something a hunter could give you to determine whether lesser or greater in fringe areas? Pitman – Could possibly provide an envelope for a wing. Commissioner Doll – Fee is \$2.50? Cindy Livingston - \$1.00 vendor fee and \$1.50 contract fee. Commissioner Doll – Is there a way to get money from some other pool to pay the fee? Chairman Lauber – Don't want the money, it is an online fee. We get no money for this, we just get databank. Commissioner Doll – I understand that we want to do right thing, but are we creating a problem. Can we pay fee out of another fund? Tymeson – Could be paying a lot of money. Commissioner Budd – Could we attach to some other type of state issue, like waterfowl/chicken stamp. Pitman – Point is to narrow down constituent pool. Pitman – Will discuss again next month. Sexson – We get the message and we will take this under advisement. Chairman Lauber – Understand what everybody is saying, we recommend two recommendations in general, but need input.

Doug Phelps, Manhattan – My take on this, if you market at convenience fee, get resistance, maybe misrepresentation to market as prairie chicken research fee. May agree to paying into something that funds research. Chairman Lauber – See what we can do. Tymeson – Didn't hear any opposition from Commission. Chairman Lauber – Concerns? *Commissioners – In favor.*

6. Outdoor Recreation Management System (ORMS) Update - Linda Lanterman, assistant Parks division director presented this report to the Commission (Exhibit N). On April 17, 2012, the Kansas Department of Wildlife, Parks and Tourism will launch our new Outdoor Recreation Management system (ORMS), hosted by Reserve America. We currently have cabin online reservations now, but people will be able to reserve campsites. Most importantly, our visitors can reserve their site in advance and rest assured they will have a place when they arrive.

This new system will help us enhance customer service, better manage its facilities, prevent double-booking, assist in emergency response, improve accounting accuracy and money-handling in the field, help staff better understand our constituents' needs, improve internal reporting and provide more accurate visitor information. Fifty percent of sites will be in system, the rest will be walk-in. It helps get money out of the field and into the online system. Active Works Outdoors, web-based, 2004 first client was New York, now 44 states use. Sites are marked "to be reserved". Commissioner Dill – How far out

can you reserve? Lanterman – One year, only April through September the rest of the year will be all walk-in. Commissioner Dill – What data do you hope to collect? Lanterman – Utility information, etc.

7. Otter Season Update – Matt Peek, wildlife biologist, presented this report to the Commission (Exhibit O). Initiated first river otter harvest season, in modern times, November 16, 2011 which runs until March 31, 2012 (concurrent with beaver) or until 100 otter season quota is met. Otters captured within three days of quota are also authorized. There was a 2-otter bag limit and trappers were required to contact the department within 24 hours of harvest. They had four days to present the pelt for tagging (CITES pelt tag) and to relinquish skinned carcass to the department. Initial records indicate the 100 otter quota was reached February 2, 2012 and the three-day grace period ended February 5, with an additional 13 otters being harvested. Tagging collection turned up another eight otters that were not counted, five were road kills, one illegal that did not count towards quota and four incidentally taken since season ended bringing the total to 121 otters. Taken from Washington, Marshall, Doniphan, Atchison, Jefferson, Douglas, Johnson, Miami, Coffey, Allen, Chautauqua, Anderson, Linn, Bourbon, Neosho, Crawford, Labette and Cherokee counties. Otters were taken with foothold traps, body-gripping traps, cage, snare and one other. Processing of carcasses is currently underway and lower canine teeth are being collected and sent to Matson's Lab to be aged. Female productive tracts are being collected to assess reproductive output. Stomachs are being collected and contents analyzed. Several otters are being submitted to the Sternberg Museum mammal collection. Age information should be available in October and at that time the department will reevaluate the status and regulations for the 2013-14 season. Regulations and quota will remain the same for the 2012-13 season. Commissioner Doll – Prior to this it was illegal to take otters? Peek – Those taken intentionally, but if taken accidentally we took the pelt. Chairman Lauber – How much for pelts? Peek – At NAFA auction, about \$100, prior to that about \$40.

C. Workshop Session

1. Falconry Regulations – Mike Mitchener, wildlife section chief, presented this report to the Commission (Exhibit P). – This was brought to you several times in the past and have been working diligently to get these regulations finalized and to the Attorney Generals office. Our drop dead date is September 2013 to vote on these and send to USFWS to be implemented by January 2014. Half of states have completed revision of falconry regulations. Members of Kansas Hawking Club, Tim Kimmel who was instrumental in helping getting regulations in Kansas will present. He is one of leading experts in the country.

Kansas Hawking Club – (Handout – Exhibit Q, PowerPoint presentation – Exhibit R). – Passed out handout with details in it, impress sport of falconry to us, national and international and global hunters. Strictly a hunting sport, represents cooperative relationship between human, bird and dog. It is master and servant relationship and is regulated by national and international treaties. Quote by Aldo Leopold – said perfect hobby, but falconers view it as more than that; it is a pure form of hunting. Roger Tory Peterson called falconry “the ultimate form of bird watching” and a great way to see birds up close. *The Arte of Falconry*, 1248 book by Emperor Fredrick II of Hohenstaufen (Germany) is still being used as an ornithology textbook. Falcons are raptors in tip-top shape. Dealing with a sport that is 4,000 years old, from central Asia, an area like central Kansas. Spread to the Middle-East, to Europe, then to Northern Africa and finally to North America (NA). Regulated activity in NA because of Migratory Bird Treaty (U.S. and Great Britain), before 1972 considered vermin until amendment included raptors. Federal government in 1976 came up with permit requirements. Kansas became falconry state in 1990. Falconry

had no impact on raptor or game populations; in fact it is positive because of outreach type of activities. Revised in 2008, with deregulation because falconry was recognized as tangible cultural heritage. Value of Kansas falconry: considered premier state; mid-latitude not too cold or too hot; low human density; abundant small game; history of excellent regulation friendly state; and good access to private and public land. Only state where you can hunt GPCH and LPCH. Kansas Hawking Club holds several meets a year, with some in conjunction with Oklahoma. Five national meets (5-6 days each) here in last 20-25 years. Estimated income of about \$180,000 with 400 participants at each meet. Future in Kansas – hope secure, but need to pass regulations; there is a limited window of opportunity to implement reasonable regulations. We stand ready to assist, and want to maintain open dialog to improve draft regulations and be sure process continues so it happens in time. If you want data, can place box on nonresident license asking if they are licensed falconer or not?

2. Public Land Regulations - Brad Simpson, public lands section chief presented this update to the Commission (Exhibit S). – The Public Lands Section manages more than 335,000 acres of land and water for public hunting and angling opportunities. Although this is a small percentage of the total land base in Kansas, these areas provide thousands of user days for hunting, angling, and other public use opportunities. Because of the high use of and demand, wildlife and their habitats must be intensively managed, and public access must be controlled in a way that provides fairness and opportunity for all. Regulations have been established to manage public use, protect the resources, as well as our property and infrastructure. Regulations that primarily pertain to public lands fall under KAR 115-8 series. Recent developments and issues on public lands, which are not covered in these regulations, have been identified, discussed and working on determining how to appropriately address them. Two items involving hunting equipment were identified as issues in regards to opportunity and fairness. These include the use of tree stands and portable ground blinds and waterfowl decoys. Agency recommendations: 1) Tree stands shall be limited to two per person on all department-managed lands. All tree stands must be marked with name and address or KDWPT number of owner when used on department-managed lands. This would still not allow exclusive use, meaning that anyone may use an unoccupied tree stand on department-managed lands. 2) Portable Ground Blinds cannot be left unattended and shall be removed at the end of each day on department-managed lands. In addition, portable ground blinds shall be marked with owners' name and address or KDWPT number. 3) Waterfowl decoys shall be removed at the end of each day on department-managed lands and waters. Not an equipment issue but - 4) No person shall place, deposit, expose, distribute, or scatter bait while hunting or preparing to hunt on department lands. Not just a CWD issue, it is a disease issue, habitat issue and several other issues. Kansas is only state that allows baiting. The definition of "bait" is considered to be grain, fruit, vegetables, nuts, hay, salt, sorghum, feed, or other mineral or food that is capable of attracting wildlife. Liquid scents and sprays are not considered bait. Another issue is guiding and outfitting on public lands - 5) A permit will be required for all guiding/outfitting for hunting on department-managed lands and waters. Permits will be issued after Guide/Outfitter (Permittee) completes application process. Permittee will be required to provide an annual report by July 1 of each year. Failure to provide annual report or comply with terms and conditions of permit may result in non-renewal of permit. Asked by Commission at last meeting to consider 200-yard distance between waterfowl hunters, but we are not bringing forth any recommendation for that at this time. We also talked about non-toxic shot. We are still considering that, but will bring forth in January of next year for September 2013 season. Commissioner Wilson – Nontoxic shot only on public lands? Simpson – Yes. Commissioner Budd – Appreciate considering 200-yards, and I want you to reconsider that. Agree with guiding and outfitting, but they are guiding for revenue. If they are doing it on public lands, they should

pay a fee. If it's not considered right now, it should be consider in the future because we are letting a small group of people profit from that land. Commissioner Doll – On guiding and outfitting, there is no fee now? Tymeson – It's a legal issue, authorized fee at their cost, without statute we can't charge them. We can go back to legislature at some point to attach fees. Regulated from 1990 to 2005 and legislature took that authority away. Proposal meets legal standard and political standard. Tread lightly until we have data. Commissioner Budd – One more issue in front of legislature won't hurt. Chairman Lauber – See how many using public lands before we go ahead. Commissioner Doll – Estimate of guides or outfitters in Kansas? Tymeson – Last we knew, when we regulated, had about 400. In 1990, 17 or 18 and ramped up from there and there were exemptions for landowners. Philosophically could regulate our own property. No idea how many are out there. Commissioner Doll – Understand Commissioner Budd's point about making profit from our property. Mike Pearce – Does not include WIHA? Simpson – Just public lands we own or manage. Pearce – I was here when you permitted guides, and saw legislators systematically take it apart.

Tim Donges – QDM – Two stands per wildlife area? Simpson – Yes. Donges – Archery hunter so set up stands for wind directions. Are you including tree steps that have to be removed with portable stands? Also, hang stands with hooks. Simpson – This regulation only deals with tree stand itself, not steps. Donges – Remove blinds every day, why not remove tree stand every day? Simpson – Considered, but reconsidered because of safety standpoint of removing treestand every day. Feel two treestands is more acceptable. Donges – I would consider tree steps as marking your territory so don't distinguish the difference. Agree with no baiting on public lands, but look at limiting baiting on other land in future.

VII. RECESS AT 5:30 p.m.

VIII. RECONVENE AT 7:00 p.m.

IX. RE-INTRODUCTION OF COMMISSIONERS AND GUESTS

X. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

None

XI. DEPARTMENT REPORT

C. Workshop Session (continued)

3. KAR 115-25-7. Antelope; open season, bag limit and permits – Matt Peek, wildlife biologist, presented this report to the Commission (Exhibit T). Proposed antelope permits for 2012 season: Unit 2 – 100 firearms permits and 26 muzzleloader permits; Unit 17 – 40 firearms permits and 12 muzzleloader permits; Unit 18 – 10 firearms permits and 8 muzzleloader permits (decrease of 6). Commissioner Meyer – Look at deer, antelope and elk. Peek – Ok. Chairman Lauber – Fawn production, weather a factor? Peek – No, pronghorn survive much harder winter conditions in Wyoming Montana and North Dakota. While they may congregate around food sources, Kansas winters aren't a factor.

4. KAR 115-25-8. Elk; open season, bag limit and permits Matt Peek, wildlife biologist, presented this report to the Commission (Exhibit U). It is recommended that 10 any elk permits and 15

antlerless elk permits be authorized for Units 2 and 3.

5. KAR 115-25-5. Turkey; fall season, bag limit and permits – Jim Pitman, wildlife biologist, presented this report to the Commission (Exhibit V). We sold 12,913 permits last fall, 10,025 individual hunters, 36.6 percent success rate with strongest population in the east. The department is recommending six fall hunting units, which would require bag limit changes for some portions of the state. The proposed Units 2 and 5 will encompass the bulk of central Kansas where a fall bag limit of one currently exists. However, the eastern boundaries of those two proposed units would also encompass portions of Kansas where the fall bag limit is currently four. Thus, it would be necessary for the fall bag limit to change for portions of the state that would be included in those two new units. The new units will facilitate the implementation of an adaptive harvest strategy that will allow us to better use our data to guide harvest recommendations for both the spring and fall seasons. The harvest strategy was developed by the department turkey committee over the course of a couple of years and mimics similar guidelines already in use in several states. The strategy establishes standard criteria that would be used as a guide to help us determine when and how changes to bag limits should be recommended for each hunt unit. For the plan to be implemented, it is essential for static hunt units and corresponding management units to be established, and that is the purpose of the recommended boundary change. If new fall units are adopted, the department would be recommending a change to corresponding spring hunt units at the next opportunity. Commissioner Budd – How many last year? Pitman – Four; first permit is valid in any unit, except Unit 4 that has closed season during the fall. Dan Rudman – Encourage more shooting of the hens in fall, gobblers are in groups. Pitman – Allowed to shoot hens now. Perceived damage is crop damage. Not a lot of fall turkey hunters regardless. Rudman – Should increase price. Pitman – Have turkey committee, and I will add it to our list. Mike Pearce – Is Unit 4 still draw this year? Does number of applicants meet demand? Pitman - 500 permits, 80 leftover. Based on hunt success, expect over-the-counter in Unit 4 in the future.

6. KAR 115-25-9. Deer; open season, bag limit and permits - Lloyd Fox, big game wildlife biologist, presented this report to the Commission (Exhibit W). Similar to 25-9, but this deals with just Fort Riley. Requested regular archery season dates and regular muzzleloader season dates as listed in KAR 115-25-9 and have requested extended firearms season dates for the taking of antlerless white-tailed deer listed in KAR 115-25-9, note that this does not include the additional week allowed in DMU 7, 8 and 15 for the special extended season. They have also requested additional days for designated persons from October 5, 2012 through October 8, 2012. Requested season dates for firearms: November 23, 2012 through November 25, 2012, and December 15, 2012 through December 23, 2011; additional firearms hunting days in January when individuals authorized by Fort Riley to hunt and take antlered deer, January 19, 2013 through January 21, 2013. Additional archery hunting days before the regular archery season and also in January when individuals authorized by Fort Riley to hunt and take antlered deer, September 1, 2012 through September 16, 2012 and from January 14, 2013 through January 31, 2013. Input and comments on this regulation are being sought from the public and the Commission. Commissioner Doll – Usage on Fort Riley? Fox – Same permit, no permit specific to whitetail. Shawn Stratton, Fort Riley Conservation – Last year 763 deer hunters on installation, 354 deer harvested. Commissioner Meyer – All soldiers considered to be residents? Fox – Yes. Commissioner Budd – What is reason for gun season for November 23-25? Stratton – Around training holidays. Commissioner Budd – Opposed to making that an antlerless-only season? Stratton – Yes, we've have had it for 10 years or so. Commissioner Budd – Thought this was new. Fox – No.

D. Public Hearing

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

1. KAR 115-4-2. Big game and wild turkey; general provisions - Lloyd Fox, big game wildlife biologist, presented this report to the Commission (Exhibit Y). Changes as discussed in previous workshops. Carcass tag applied in visible manner. Changed a few years ago when we started photo registration system and some minor difficulties were encountered and corrected by the department's IT staff, for electronic registration. Additional modifications of the regulation may be needed for hunter convenience in situations where hunters lack adequate communications equipment or service to the Internet. One potential modification would be to allow hunters to carry the required photos to photo check a deer while they transported meat from an antlerless big game animal. Problem with carcass tag and deer permit were attached to each other. With current system, was corrected in another part, but now corrected in this permit. No reproductions of carcass tags. Chairman Lauber – Shoot turkey in field, lay signed carcass tag that can prove sex of turkey and take a picture, then bone it and take breast. Fox – Bird with beard attached and register it after the fact, but would allow you to take it out of the field.

**Commissioner Frank Meyer moved to approve KAR 115-4-2 before the Commission.
Commissioner Robert Wilson seconded.**

The roll call vote on KAR 115-4-2 as recommended was as follows (Exhibit Z):

Commissioner Bolton	Yes
Commissioner Budd	Yes
Commissioner Dill	Yes
Commissioner Doll	Yes
Commissioner Meyer	Yes
Commissioner R. Wilson	Yes
Commissioner Lauber	Yes

The motion as presented KAR 115-4-2 passed 7-0.

2. KAR 115-4-4. Big game; legal equipment and taking methods - Lloyd Fox, big game wildlife biologist, presented this report to the Commission (Exhibit AA). Proposals are to delete subsection (3) For any individual possessing a youth big game permit or any individual 55 years of age or older, crossbows of not less than 125 pounds of draw weight, using arrows not less than 16 inches in length that are equipped with broadhead points incapable of passing through a ring with a diameter of three-quarters of an inch when fully expanded. A big game hunter using crossbow equipment may possess non-broadhead-tipped arrows while hunting if the arrows are not used to take or attempt to take big game animals.; (d)(1)(B) change wording to "at least" instead of "a minimum of"; and delete subsection (e) Big game permittees shall possess hunting equipment while hunting only as authorized by this regulation and by the most restrictive big game permit in possession while hunting. Possible amendment is to not amend proposed subsection (e) and re-alphabetize as original. Chairman Lauber – Amendment issue, Chris explain? Tymeson – Proponents of legislation want us to strike this, but we recommend to amend it back in. Need to put back in to not allow AR-15, for instance while bowhunting. Commissioner Doll – When is crossbow allowed? Fox – For an individual who has youth big game permit or is 55 or

older. Commissioner Doll – When? Fox – During standard archery season. Commissioner Meyer – See that as 65, but not 55. Commissioner Dill – Chris, want to do it to add back in because we had to strike from the one we sent in for approval? Tymeson – Used to be able to amend on fly, but can't anymore. Commissioner Dill – Believe 16 and under and over 55 makes sense, retain as many aging sportsmen as we can and recruit youth. I sat through one Senate bill hearing to regulate crossbows. Chairman Lauber – Agree, we will have crossbows for anyone, possibly more liberal than we want. Think some may have underestimated amount of momentum crossbows have in this area. Want to be able to control our destiny to some extent. Commissioner Dill – Still might have all-inclusive no matter what. Dennis Karnine – Understand compromise. Understand 55, get disability permit to hunt with crossbow. If those under 16 buys a crossbow, spend \$1,000, they'll want to use it in a few years and it could come back on us. Commissioner Meyer – Could still use in rifle season. Chairman Lauber – Understand your logic, but not a good idea to exclude youth from this because we want to recruit young hunters and feel it would be politically unpalatable. As restrictive as we should try to vote for. Karnine – What about lowering to age 12 like we used to have. Feel they will come back in a few years. Chairman Lauber – Hope to slow this down. Can watch and determine. More of an emotional fair chase sporting issue. Karnine – Teaching archery in the schools and now letting them use crossbow. Marvin Whitehead, Kansas Bowhunting Association – After listening to comments and possible legislative action, we're tired of compromising. It will be better to compromise than to be force-fed in a few days. No matter what happens here, if you are not talking crossbows again in next few years I will eat my dirty camo hat. Commissioner Budd – Think about kids, spending money on sports uniforms, money is not an issue, but getting kids involved is. Bob Griffin, Lebo – Watching affects of crossbows, affect on deer herd. How will we be able to tell where deer are taken from or what equipment they are using? Chairman Lauber – Lloyd Fox has data. Fox – About 350 animals out of about 94,000 were taken with crossbow. Chairman Lauber – Expect that to increase, but not sure how much before he has to eat his hat. Will have opportunity to get reasonable fix on how many people are using crossbows. Griffin – Understand where deer are coming from and manage our resource. Commissioner Budd – How many in your Association? Griffin – About 575 in Association. Commissioner Budd – Any use crossbow? Griffin – None that I know of. Commissioner Budd – Is your fear that rifle hunters will pick up crossbow and hunt in archery season? Griffin – Absolutely and they will be allowed opportunity to hunt the rut. Then if they don't get a deer can hunt in rifle season too. Commissioner Budd – Expect minimal number of new crossbow hunters. Fox – Will have figures on 55 and older and 16 and under in addition to what are already using them. Commissioner Budd – Will have more information to work with. Griffin – Voicing my concerns and want to protect the resource. Dennis Karnine, Tonganoxie – Hunted with crossbow after I tore rotator cuff. Concern is rifle hunters will jump in rut and hunt. Most crossbows don't shoot any faster than a compound bow does. I don't think as big of impact as you think. My worry is youth. Al Ward – Recently purchased crossbow, cost me about \$500, not deer hunter I am turkey hunter. If concerned about loss of deer population, do something about bobcats and coyotes. Doug Peterman, Topeka – I shoot a crossbow, but I shot compound bow for 30 plus years. I still have to control scent, watch sound, wind and do all of the things I did when I compound bow hunted. I miss it, but have fiber mialga, no strength and can't draw back bow. Have not harvested a trophy deer, harvested two antlered deer over past 5-6 years and several does. Several attachments you can put on compound bow now. Don't know what the fear is. I am certainly not thinning down the herd. I have to do everything the regular archery hunters do. Don't see fear of crossbows, but saw fear of compound bows when they first came out.

Tim Donges, ElDorado, QDMA – Most important thing is maintain future of deer hunting and properly manage it and have to have good statistics from Mr. Fox.

Mike Pearce – Not currently legal to use crossbow in muzzleloader season if no special permit?

Confused on youth season? Tymeson – If you have a youth permit you can hunt with a crossbow.

Commissioner Tom Dill moved to bring KAR 115-4-4 before the Commission. Commissioner Don Budd seconded.

Commissioner Tom Dill moved to amend KAR 115-4-4, Commissioner Frank Meyer seconded.

The roll call vote on KAR 115-4-4 as recommended was as follows (Exhibit BB):

Commissioner Bolton	Yes
Commissioner Budd	Yes
Commissioner Dill	Yes
Commissioner Doll	Yes
Commissioner Meyer	Yes
Commissioner R. Wilson	Yes
Commissioner Lauber	Yes

The motion as presented KAR 115-4-4 passed 7-0.

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

Commissioner Bolton	Yes
Commissioner Budd	Yes
Commissioner Dill	Yes
Commissioner Doll	Yes
Commissioner Meyer	Yes
Commissioner R. Wilson	Yes
Commissioner Lauber	Yes

The motion as presented KAR 115-4-4 passed 7-0.

3. KAR 115-4-4a. Wild turkey; legal equipment and taking methods - Lloyd Fox, big game wildlife biologist, presented this report to the Commission (Exhibit CC). Same as under section (3), only item d.

Commissioner Tom Dill moved to bring KAR 115-4-4a before the Commission. Commissioner Don Budd seconded.

Commissioner Frank Meyer moved to amend KAR 115-4-4a, Commissioner Don Budd seconded.

The roll call vote on KAR 115-4-4a as recommended was as follows (Exhibit DD):

Commissioner Bolton	Yes
Commissioner Budd	Yes
Commissioner Dill	Yes
Commissioner Doll	Yes

Commissioner Meyer	Yes
Commissioner R. Wilson	Yes
Commissioner Lauber	Yes

The motion as presented KAR 115-4-4a passed 7-0.

The roll call vote on regulation KAR 115-4-4a as amended was as follows (Exhibit DD):

Commissioner Bolton	Yes
Commissioner Budd	Yes
Commissioner Dill	Yes
Commissioner Doll	Yes
Commissioner Meyer	Yes
Commissioner R. Wilson	Yes
Commissioner Lauber	Yes

The motion as presented KAR 115-4-4a passed 7-0.

4. KAR 115-25-9. Deer; open season, bag limit and permits - Lloyd Fox, big game wildlife biologist, presented this report to the Commission (Exhibit EE). The archery season dates shall be September 17, 2012 through December 31, 2012 valid statewide, with nonresident archery deer permits valid in only two adjacent deer management units designated at the time of application and unit 19. All archery deer permits also shall be valid during the portion of the extended firearm season beginning on January 1, 2013 and extending through the last open day in units open during an extended firearm season and shall be valid with any legal equipment authorized during a firearm season, but shall be valid only for antlerless white-tailed deer during those dates. The urban antlerless-only white-tailed deer archery season shall begin on January 14, 2013 and extend through January 31, 2013 in all units designated as an urban deer management unit. Firearm season in the Fort Leavenworth subunit shall be November 17, 2012 through November 18, 2012, November 22, 2012 through November 25, 2012, December 1, 2012 through December 2, 2012, December 8, 2012 through December 9, 2012, and December 15, 2012 through December 16, 2012; in the Smoky Hill Air National Guard subunit, the firearm season dates shall be November 20, 2012 through December 1, 2012. The regular firearm season dates in all other deer management units shall be November 28, 2012 through December 9, 2012. Both 12-day seasons, just broken up differently. The urban firearm deer season in all units designated in KAR 115-4-6 as an urban deer management unit shall be October 13, 2012 through October 21, 2012. White-tailed either-sex deer permits issued for a deer management unit adjacent to or encompassing an urban deer management unit shall be valid only in the urban deer management unit during the urban firearm deer season. During the regular and extended firearm deer seasons, white-tailed either-sex deer permits issued for a deer management unit adjacent to or encompassing an urban deer management unit shall be valid in both the designated unit and the urban deer management unit. The muzzleloader-only season in all deer management units shall be September 17, 2012 through September 30, 2012. Muzzleloader deer permits shall also be valid during established firearm seasons using muzzleloader equipment, except that during the portion of the extended firearm season beginning on January 1, 2013 and extending through the last open day in units open during an extended firearm season, these permits shall be valid with any legal equipment authorized during a firearm season. During an extended firearm season, only muzzleloader deer permits for deer management units open during these dates shall be valid, and only for antlerless white-tailed deer. The season for youth and disabled persons to hunt deer

shall be September 8, 2012 through September 16, 2012 in all deer management units. Rest is similar to past year. The special extended firearm season shall be January 14, 2013 through January 20, 2013 statewide. Only antlerless white-tailed deer may be taken. Permits restricted to a specific unit shall remain restricted to that unit during the extended firearm season. One antlerless white-tailed deer permit shall be valid statewide, on lands not managed by the department, except Cedar Bluff, Glen Elder, Kanopolis, Kirwin, Lovewell, Norton, Webster, and Wilson Wildlife Areas. Three antlerless white-tailed deer permits shall be valid in units 1, 2, 3, 4, 5, 7, 8, 11, 12, 13, 15, 16, and 19 on lands not managed by the department, except Cedar Bluff, Glen Elder, Kanopolis, Kirwin, Lovewell, Norton, Webster, and Wilson Wildlife Areas. Misspelling in regulation on Kanopolis and has been corrected in Secretary's Orders that will come out after this. Have maps showing where these permits can be used.

**Commissioner Frank Meyer moved to approve KAR 115-25-9 before the Commission.
Commissioner Tom Dill seconded.**

**Commissioner Debra Bolton moved to amend KAR 115-25-9 to fix misspelled word,
Commissioner Robert Wilson seconded.**

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

Commissioner Bolton	Yes
Commissioner Budd	Yes
Commissioner Dill	Yes
Commissioner Doll	Yes
Commissioner Meyer	Yes
Commissioner R. Wilson	Yes
Commissioner Lauber	Yes

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

The roll call vote on regulation KAR 115-25-9 as amended was as follows (Exhibit FF):

Commissioner Bolton	Yes
Commissioner Budd	Yes
Commissioner Dill	Yes
Commissioner Doll	Yes
Commissioner Meyer	Yes
Commissioner R. Wilson	Yes
Commissioner Lauber	Yes

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

5. Secretary's Orders for Deer - Lloyd Fox, big game wildlife biologist, presented this report to the Commission (Exhibit GG). Recommending an additional 926 nonresident deer permits. Increases vary six units with no increase; four units will have a 5 percent increase; five units will have a 10 percent increase; and three units have a 15 percent increase. Those are based on changes in the deer population and other management factors. We have not changed any of the other numbers. Open availability for either sex deer for residents and a variety of different ways a hunter may pick there one permit which will allow them to take an antlered deer. We have some values in here also, the same

numbers for either-species either-sex deer permits for residents and same numbers as we had last year for the either-species antlerless-only deer permits and corresponding nonresident either-species antlerless-only permits which are generally 20 percent of the general residents. Chairman Lauber – Which unit had biggest increase in nonresident permits? Fox – The three units that had 15 percent were: Unit 1, Unit 3 and Unit 7.

Chairman Lauber – The one I get most of the letters and calls on is Unit 16, did we have a significant increase there? Fox – Five percent increase in DMU 16. Chairman Lauber – Don't vote on this, it is for informational purposes and if someone has a complaint they can contact Secretary Jennison.

Commissioner Budd – As a new Commissioner I want to thank Lloyd for making a complicated process uncomplicated.

XII. Old Business

XIII. Other Business

A. Future Meeting Locations and Dates

April 26 – Wichita (GPNC)

June 21 – Kansas City (Cabela's)

August 23 – Great Bend (Wetland Education Center)

October 18 – Fall River (Flint Oak Ranch)

Invitation to come to Manhattan.

XIV. ADJOURNMENT

The meeting adjourned at 8:13 p.m.

(Exhibits and/or Transcript available upon request)

Secretary's Remarks

Agency and State Fiscal Status
2012 Legislative Update
No briefing book items – possible handout at meeting

General Discussion

Pass It On Update

KDWPT's hunter recruitment and retention program, Pass It On, was established in 2000 after more than a year of work with internal and external committees appointed to address declining numbers of Kansans who hunted. The Pass It On plan included education and awareness, outdoor mentors, youth hunts, retention and access. The emphasis on Pass It On has focused on getting young people in the field through outdoor skills events, special youth seasons and special youth hunts. An outdoor mentor portion was established through Big Brothers Big Sisters.

In 2011, KDWPT's Pass It On program's four wingshooting instructors conducted more than 50 basic wingshooting clinics, teaching approximately 1,500 beginning shooters. Some events were sponsored by KDWPT staff, and others were conducted by conservation organizations, local gun clubs, 4-H clubs, Women On Target, Women in the Outdoors, Becoming An Outdoors-Woman, OK Kids Day events and Big Brothers Big Sisters. In addition, instructors also conducted live-fire portions of hunter education field days, giving an additional 3,500 students shooting instruction.

Pass It On provided grants of shells and targets to 25 ongoing youth shooting sports programs sponsored by 4-H clubs, Boy Scouts, gun clubs, high schools and colleges.

Pass It On funds helped purchase equipment and supplies for a variety of KDWPT-sponsored youth hunts. Equipment purchased included pop-up blinds, chairs, shooting sticks, shotguns, rifles, calls, vests, and hats. These special hunts provided access and guiding to selected youth, who are accompanied by a parent or guardian. Approximately 200 young hunters participated in these hunts for upland birds, deer, turkey, and waterfowl. Since it began in 2000, the program has purchased 80 Remington 1100, Beretta 391 and Tristar 20 gauge youth and adult model shotguns, 23 model 770 .243s for youth deer hunts, 30 target launchers, 25 youth Genesis bows and safety equipment for youth events. The program has 12 cargo trailers stationed around the state at various wildlife areas and state parks. Each contains target launchers, targets, shells, shotguns and safety equipment. Local staff use the equipment for their youth programs, and many check them out to local conservation groups and hunter education instructors for use. (Hunter Education also has shooting trailers in the field.)

In 2011 more than 100,000 shotgun shells and 54,000 clay targets were purchased through the Pass It On program and provided to youth shooting programs.

Pass It On also works with the Hunter Education Program to provide the Lasershot hunting simulator system for recruitment events.

2013 Reference Document Proposed Changes for Special Length and Creel Limits:

- Eureka City Lake -- add 15-inch minimum length limit on channel catfish.
- Lyon State Fishing Lake -- add 15-inch minimum length limit on channel catfish.
- Fall River State Park Kid's Pond -- add 15-inch minimum length limit on channel catfish.
- Howard-Polk Daniels Lake -- add 15-inch minimum length limit on channel catfish.
- Madison City Lake -- add 15-inch minimum length limit on channel catfish.
- Moline New City Lake -- add 15-inch minimum length limit on channel catfish.
- Moline Old City Lake (South) -- add 15-inch minimum length limit on channel catfish.
- Olpe City Lake -- add 15-inch minimum length limit on channel catfish.
- Olpe-Jones Park Pond -- add 15-inch minimum length limit on channel catfish.
- Sedan New City Lake (South) -- add 15-inch minimum length limit on channel catfish.
- Sedan Old City Lake (North) -- add 15-inch minimum length limit on channel catfish.
- Severy City Lake -- add 15-inch minimum length limit on channel catfish.
- Prescott City Lake -- add 15-inch minimum length limit on channel catfish.
- Douglas County-Lonestar Lake -- change to a 13- to 18-inch slot length limit and a 5/day creel limit on largemouth bass.
- Glen Elder Park Pond -- change to an 18-inch minimum length limit on largemouth and smallmouth bass.
- El Dorado Reservoir -- remove 35-inch minimum length limit on blue catfish.
- Horton-Mission Lake -- change to an 18-inch minimum length limit on largemouth bass.
- Paola (Lake Miola) -- change to a 13- to 18-inch slot length limit and a 5/day creel limit on largemouth bass.
- Marion County Lake -- add 15-inch minimum length limit on channel catfish.
- Lebo City Lake -- change to an 18-inch minimum length limit on largemouth bass.
- Olpe-Jones Park Pond -- add 2/day creel limit and 18-inch minimum length limit on largemouth bass.
- Lebo Kid's Pond - add 2/day creel limit and 18-inch minimum length limit on largemouth bass and add 2/day creel limit on channel catfish.
- Olathe-Lake Olathe -- change to 5/day creel limit on channel catfish.
- John Redmond Reservoir -- remove 5/day creel limit on wiper.
- Troy-4-H Lake -- change to a 13- to 18-inch slot length limit and a 5/day creel limit on largemouth bass.
- Atchison City Lake #7 -- add 18-inch minimum length limit on wiper.
- Buhler City Pond -- add 2/day creel limit on channel catfish and 18-inch minimum length limit and 2/day creel limit on largemouth bass.
- Mulvane Sports Complex -- Change name to Mulvane-Cedar Brook Pond.
- Sedgwick County Lake Afton -- Remove the 21-inch minimum length limit on wiper.
- Haysville-South Hampton -- Remove (no longer open to public fishing).
- Emporia-Camp Alexander Ponds -- Remove (no longer open to public fishing).

- Rose Hill-School Street Pond -- add 2/day creel limit and 18-inch minimum length limit on largemouth bass and add 2/day creel limit and 15-inch minimum length limit on channel catfish.

Length and Creel Limits for Coffey County Lake:

The following changes are being proposed.

- Change to a 21-inch minimum length limit on walleye.
- Change to an 18-inch minimum length limit on smallmouth bass.
- Change to an 18-inch minimum length limit and a 2/day creel limit on largemouth bass.
- In addition, no trot lines or set lines will be allowed.

Minimum length limit options for blue catfish. We are considering other minimum length limit options for blue catfish. Currently, we have a 35-inch minimum length limit option, which was originally imposed to protect newly-established blue catfish populations until they could naturally reproduce and to provide for extra predation on expanding white perch and zebra mussel populations. We have documented natural reproduction in Milford and El Dorado reservoirs and will likely see this trend in other reservoirs in the future. A minimum length limit of 24 inches would allow anglers the opportunity to harvest fish in our expanding populations, yet still afford protection for some sexually mature fish.

Other Proposed 2013 Fishing Regulation Changes.

Add to 115-1-1 Definitions.

Artificial Lure – Manmade fish catching device used to mimic a single prey item. Artificial lures may be constructed of natural non-edible (e.g. including hair, fur, etc.) or synthetic materials. Multiple hooks, if present on an artificial lure are counted as a single hook.

Change 115-18-18. Hand fishing permit; requirements, restrictions, and permit duration.

A mandatory questionnaire to be completed by each holder of a hand fishing permit is no longer needed. We believe that practicing good survey techniques will allow us to get voluntary responses from permit holders. We propose removing the requirement under 115-18-18(d).

Changes to Commercial and “Wild-Caught” Bait Regulations Approved in 2012.

The principles behind the regulatory changes follow the longstanding CLEAN, DRAIN, DRY recommendations. The goal is to prevent the spread of ANS while allowing for the safe utilization of our aquatic resources. Generally speaking these rule changes are:

- To allow anglers to use bait in the water where caught.
- To require the draining of untreated water when leaving. ANS spread can be prevented when the water is eliminated prior to transport.
- To disallow the dumping of fish and bait into waters in which they did not originate.
- To prevent ANS transport when departing ANS designated waters.
- To assure bait shops to be ANS and disease free.

To facilitate adherence to the regulatory intent, we propose the following rule clean-up.

Gap: Fish can be transported from Private Water Fishing Impoundments.

Gap: Water can be transported in all non-boating containers.

Gap: Fish cannot be captured in the stream/river and used in the immediate downstream reservoir.

Gap: Commercial bait dealers are required to provide receipts. Anglers are not required to provide origin documentation when transporting bait.

Gap: Wild-caught, out-of-state bait.

Gap: 115-17-15 cites locations where crayfish may be harvested. Concern has been raised as to what are department lands and waters and federal and state sanctuaries.

Gap: Wildlife may be stocked into all streams other than KDWPT lands/waters, federal reservoirs, and the 3 navigable rivers. We need to modify 115-8-12 to disallow unauthorized stocking of all waters other than Private Water Fishing Impoundments.

Handfishing Update

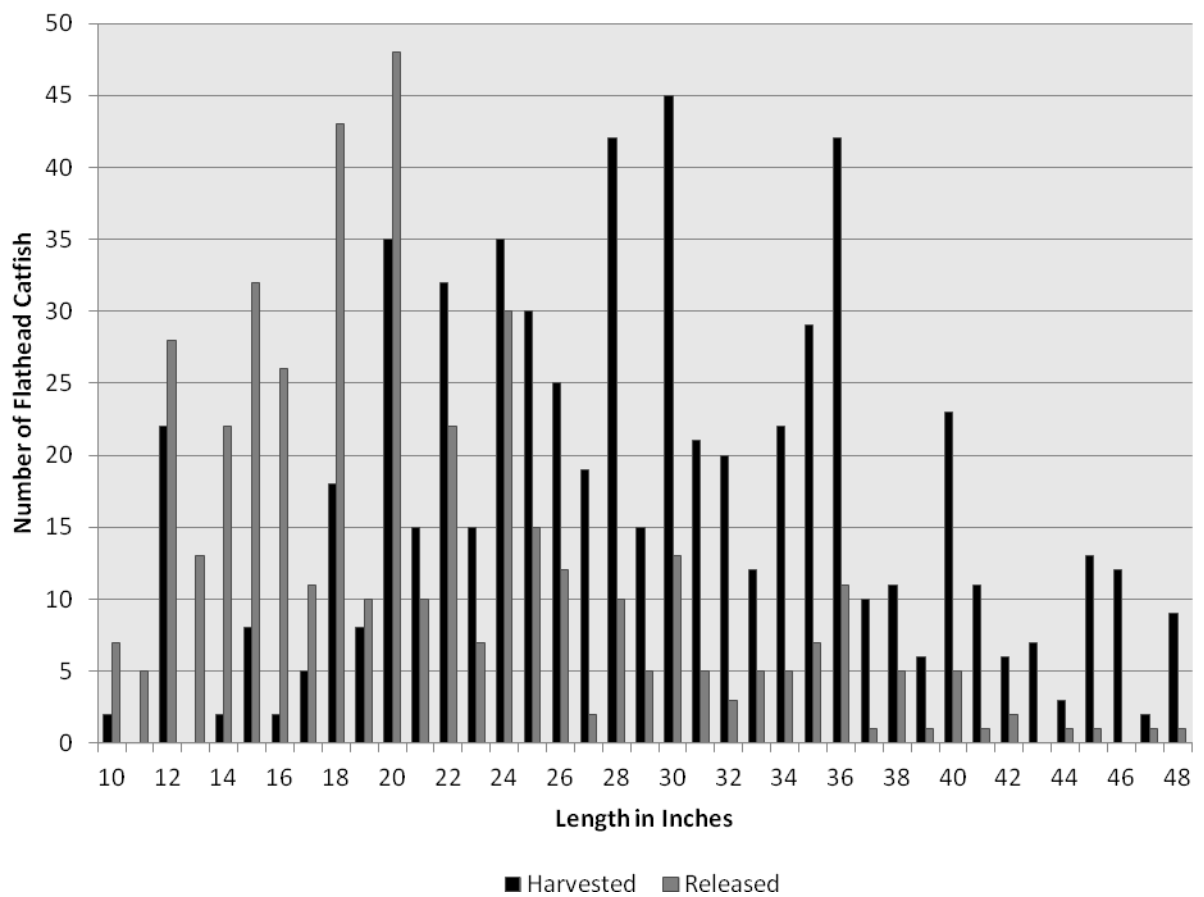
Background

The Kansas Department of Wildlife, Parks and Tourism (KDWPT) has offered handfishing for flathead catfish *Pylodictis olivaris* since 2007. The handfishing season runs from June 15 to August 31. From 2007 to 2010, handfishing was allowed in the Kansas River from its origin downstream to its confluence with the Missouri River and the Arkansas River downstream from the John Mack Bridge in Wichita to the Oklahoma border. Since 2011, handfishing was expanded to the entire length of the Arkansas River in Kansas and all federal reservoirs from beyond 150 yards of the dam to the upper end of the federal property. Anglers who participated in handfishing were required to purchase the handfishing permit for \$27.50 in addition to a valid Kansas fishing license (if a fishing license was required). Handfish anglers could not use hooks, snorkeling or SCUBA gear, or possess any fishing gear except a stringer. Man-made objects, such as barrels, boxes, or bathtubs, could not be used to attract fish. There was a statewide creel limit of five flathead catfish. Handfishing permit holders were required to submit a questionnaire within 30 days after the season closed for KDWPT to estimate flathead catfish harvest. Supplemental information, including participation and trip characteristics, was requested in the 2011 handfishing season questionnaire.

Summary of the 2011 Handfishing Season

A total of 363 anglers purchased a permit in 2011. Of those who returned surveys, 153 (80 percent) participated in handfishing during the 2011 season. The projected number of handfish anglers was 289. A total of 722 flathead catfish were reported harvested, and the projected harvest was 1,084 flathead catfish. A total of 483 flathead catfish were reported released and the projected number of flathead catfish released was 763. Flathead catfish reach sexual maturity between 20 and 22 inches. Results from the 2011 survey indicated anglers start to harvest flathead catfish around 21 inches (Figure 1). In every inch group above 21 inches, anglers keep more flathead catfish than they release. Sixty-six percent (66%), or 100 anglers, reported catching and releasing blue catfish *Ictalurus furcatus* and channel catfish *I. punctatus* while handfishing. The average party size for typical handfishing trips was three people. Nearly 40 percent of fish “got away” while handfishing, indicating that not every attempt to grab a fish was successful. Handfish anglers used a boat 20 percent of the time to get to their handfishing locations, indicating most locations were accessed by shore. Fifteen percent (15%) of respondents were checked by a KDWPT natural resource officer during the 2011 season. The Arkansas River and Perry Reservoir were the two most mentioned handfishing locations. Drought and low water conditions, especially in the Arkansas River, may have allowed handfish anglers to be more successful at catching flathead catfish than in previous years.

Figure 1. Length-frequency graph of flathead catfish harvested and released in the Arkansas River during the 2011 handfishing season from June 15 to August 31, 2011.



Potential Changes in Deer Regulation 2013.

Background

Annual reviews of deer seasons and regulations are made at KDWPT Commission Meetings. Historically the process started in October with final action being taken in April. However, in recent years the process has become drawn out to the point that it is nearly a year-long process. Without periodic review and re-evaluation, there will be people who believe their wishes and desires are not being given adequate consideration.

Public comments are frequently received by the department from individuals, groups and companies about regulations dealing with deer hunting. Many of those comments and desires have been raised in the past and considered. However, the topics are often brought up again with the hope that recent changes may result in new opportunities to change the particular regulation.

Many of our current regulations were written after lengthy review processes. Those regulations were formulated with an eye open for compromises, which could satisfy the most people without being either detrimental to natural resource management or causing undo hardships on any segment of deer hunters. To re-evaluate those issues after that process often reopens old controversies.

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. Last year an extensive review process was conducted.

Discussion

Last year, the department conducted an extensive review of some issues in the deer regulations. In addition to regular KDWPT Commission meetings a series of public meetings were held to gather public input. As a result, KAR 115-4-4 and KAR 115-4-4a were changed to allow additional people to use crossbow equipment to hunt deer during an archery deer season. None of the other topics discussed during 2011 resulted in regulation changes.

An opinion survey was conducted in conjunction with the post season harvest survey of deer hunters to determine deer hunter opinions on issues of deer seasons and regulations. The potential changes in the deer hunting seasons that were considered included:

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 two 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.

Other than the crossbow issue, the following issues dealing with potential changes in the deer hunting regulations included:

1. The development of a combo (2 tag) deer permit
 - a. Price considerations for residents
 - b. Price considerations for non-residents.
2. Antler tagging and deer registration
 - a. Photo registration of each buck
 - b. Photo registration of just trophy bucks
 - c. Antler tagging
 - d. Antler tagging and registration
3. Open availability for firearms deer permit valid for either species for resident youth.
4. A gun case requirement for the transportation of firearms on a public highway during a firearm deer season.
5. Techniques and equipment to recover wounded deer
 - a. Transmitter arrows
 - b. Trained trailing dogs
 - c. Infrared detectors
 - d. Other new techniques

A short presentation with results of the deer hunter opinion survey will be shown at the meeting.

Recommendation

A survey of landowners shall be conducted during 2012 to determine their desires on various deer management issues.

No recommendations for changes in the deer seasons or regulations are currently being proposed. In order to allow the Deer Committee adequate time to review topics in the permanent or 4-Series regulations, it is recommended that any proposed change should be submitted to them by September 30 of the year before the change may occur. At this time only the transmitter arrow to help recover wounded deer is being reviewed for this year.

2012-2013 Late Migratory Bird Seasons

Background

Late season waterfowl frameworks (maximum bag, possession limits and season lengths, 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 state-specific waterfowl seasons. These frameworks are published in mid-August, after results from the May Breeding Duck Survey and recommendations from flyway councils are available.

Discussion

At this time, there is little information upon which to base speculation concerning federal frameworks for the 2012-2013 waterfowl seasons. The results of the May Breeding Duck Survey, which includes duck abundance as well as pond numbers, will not be available until late July; however, we do not anticipate any major changes in the frameworks.

Since 1995, Adaptive Harvest Management (AHM) has been used for setting duck hunting regulations in the United States. The AHM approach provides a framework for making objective decisions through three regulatory packages:

- **Liberal package**
 - Season Length: 74-day Low Plains Season, 97-day High Plains Season
 - Daily bag limit: 6 birds with various species restrictions.
- **Moderate package**
 - Season Length: 60-day Low Plains Season, 83-day High Plains Season
 - Daily bag limit: 6 birds with various species restrictions.
- **Restrictive package**
 - Season Length: 39-day Low Plains Season, 51-day High Plains Season
 - Daily bag limit: 3 birds with various species restrictions.

Anticipated Duck, Merganser, and Coot Federal Frameworks: Liberal Package

- **Outside Dates:** Between the Saturday nearest September 24 (September 25) and the last Sunday in January (January 27).
- **Season Length:**
 - High Plains Unit: 97 days. The last 23 days may start no earlier than the Saturday nearest December 10 (December 10).
 - Low Plains Unit: 74 days.

- **Duck Bag Limits:** The daily bag limit is 6 ducks, with species and sex restrictions as follows: 5 mallards (no more than 2 of which may be females), 2 redheads, 2 scaup, 3 wood ducks, 2 pintails, and 1 canvasback.
- **Merganser Bag Limits:** The daily bag limit is 5 mergansers, only 2 of which may be hooded mergansers. In states that include mergansers in the duck daily bag limit, the daily limit may be the same as the duck bag limit, only two of which may be hooded mergansers.
- **Coot Bag Limits:** The daily bag limit is 15 coots.
- **Shooting hours:** One-half hour before sunrise to sunset.
- **Zones:** High Plains – no zones and up to 2 segments. Low Plains – 3 zones with each having up to 2 segments.

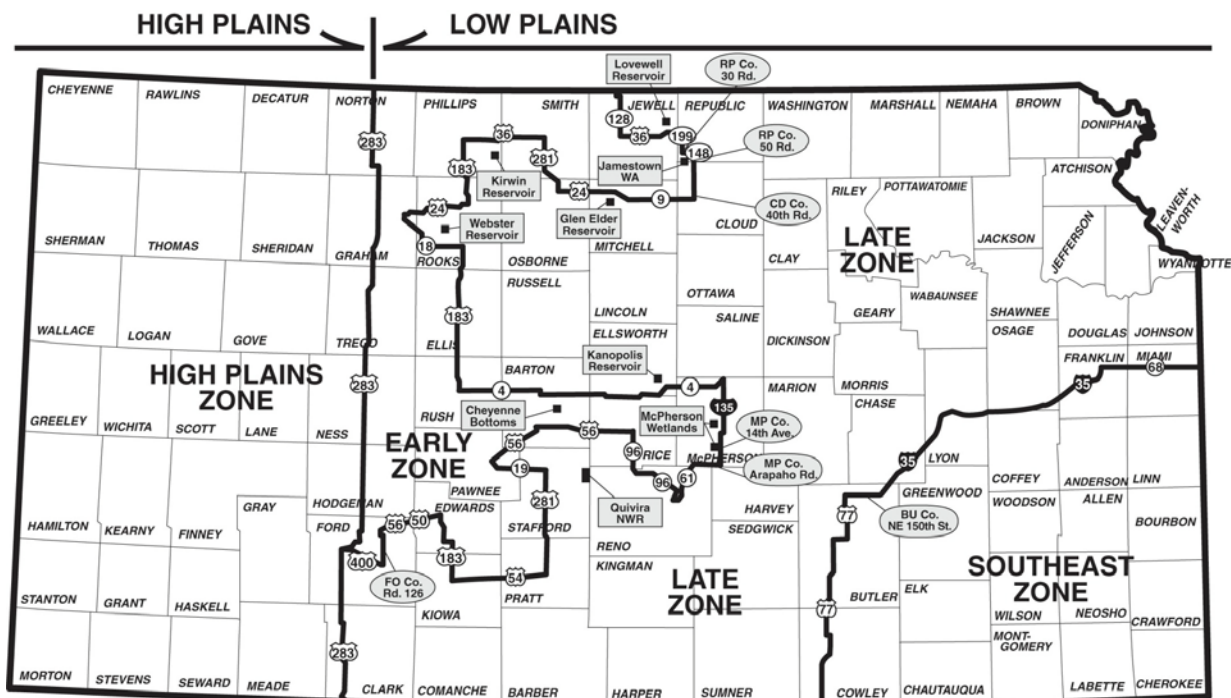
Last year (2011-2012 season), Kansas was permitted to add an additional zone to its Low Plains Unit in the southeast portion of the state. In addition, the boundary for the Low Plains Early/ Low Plains Late was modified to include all of the McPherson Wetland Complex into the Early Zone (see map provided). This was to satisfy local waterfowl hunters' preferences in those areas. The Service reviews duck zones every five years. Season dates can change annually, but Kansas is locked into the three zones (plus the High Plains Unit) until the 2015-2016 season.

Kansas has a diverse landscape that offers a variety of different waterfowling opportunities. Staff recommendations are an attempt to match season dates with available habitat types, migration chronology, and season preferences of duck hunters for specific areas. Staff recommendations are derived through a KDPWT waterfowl working group, public feedback (not only through casual hunter feedback from waterfowl hunters but also large-scale waterfowl hunter opinion surveys), and public meetings. Waterfowl hunters are passionate about their craft and KDWPT received very strong sentiment on both sides of this issue. Kansas waterfowl hunters are just as diverse as Kansas waterfowl hunting opportunities. Annual adoption of season regulation for individual zones and splits are one tool that helps to serve a broad constituent base and a variety of waterfowl hunting opportunities.

Special Youth Waterfowl Hunting Days:

States may select two consecutive days per duck-hunting zone, designated as “Youth Waterfowl Hunting Days,” in addition to their regular duck seasons. The days must be held outside any regular duck season on a weekend, holiday, or other non-school day, when youth hunters would have the maximum opportunity to participate. The days may be held up to 14 days before or after any regular duck-season frameworks, or within any split of a regular duck season, or within any other open season on migratory birds.

- **Daily Bag Limits:** The daily bag limits may include ducks, geese, mergansers, and coots and would be the same as those allowed in the regular season.
- **Shooting Hours:** One-half hour before sunrise to sunset.



Workshop Session

September Teal Season

Background

Blue-winged teal are one of the earliest of the migratory waterfowl with most passing through Kansas from late August through September, prior to the opening of the regular duck season. Green-winged teal are also early migrants and many arrive in September and October, but many remain in the state throughout the winter, depending on weather conditions. Special seasons were initiated to provide harvest opportunities on blue-winged and green-winged teal. As long as teal populations are above 3.3 million (on the May survey), a 9-day teal season can be held. If the blue-winged teal breeding population exceeds 4.7 million, a 16-day season can be offered. The 2012 blue-winged teal breeding population total will not be known until June, but based on last year's (2011) blue-winged teal breeding population of 9 million and spring habitat conditions in the Prairie Pothole Region, the 2012 count is expected to allow for a 16-day season.

Anticipated U.S. Fish & Wildlife Service Frameworks*

Season Dates: September 1 and September 30, 2011, not exceeding:
- 16 days if blue-winged teal breeding population is above 4.7 million
- 9 days if the breeding population is between 3.3 - 4.6 million
Bag Limit: 4 daily, 8 in possession (any combination of teal)
Shooting Hours: One-half hour before sunrise to sunset for all seasons

* Final Federal Frameworks will not be set until the June 21st at the USFWS Service Regulatory Committee Meeting.

Staff Recommendations

Season Dates:

Low Plains Zones

9-day season running September 15 through September 23, 2012

16-day season running September 8 through September 23, 2012

High Plains Zone**

9-day season running September 15 through September 23, 2012

16-day season running September 8 through September 23, 2012

8-day season running September 15 through September 22, 2012

** It is possible that only 8 days will be available for the September Teal Season in the High Plains Zone (West of Highway 283). This potential restriction on the High Plains Teal Season is due to the 107-day annual limit on hunting of any one species set by the Migratory Bird Treaty Act. 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.

Bag Limit: 4 daily, 8 in possession (any combination of teal)
Shooting Hours: One-half hour before sunrise to sunset

Table 1. Kansas September Teal Season Dates and Harvest (1999-2011) Based on the Harvest Information Program (HIP).

Year	High Plains Season Dates	Low Plains Season Dates	Green-winged Teal	Blue-winged Teal	Total Harvest
2011	Sept. 17-25	Sept. 10-25	NA*	NA*	NA*
2010	Sept. 18-26	Sept. 11-26	1,812	16,829	18,641
2009	Sept. 19-26	Sept. 12-27	2,775	15,165	17,940
2008	Sept. 13-20	Sept. 13-28	7,200	15,120	22,320
2007	Sept. 15-22	Sept. 8-23	4,534	25,582	30,116
2006	Sept. 16-23	Sept. 9-24	4,733	23,664	28,397
2005	Sept. 17-24	Sept. 17-25	2,200	10,387	12,587
2004	Sept. 18-25	Sept. 18-26	2,901	19,173	22,074
2003	Sept. 20-27	Sept. 13-28	9,024	21,393	30,417
2002	Sept. 14-22	Sept. 14-22	3,783	8,723	12,506
2001	Sept. 15-22	Sept. 15-30	1,790	10,741	12,531
2000	Sept. 9-16	Sept. 9-24	4,621	27,724	32,345
1999	Sept. 11-19	Sept. 11-26	3,052	28,022	31,074

* Harvest Data is not available until July.

Webless Migratory Birds

115-20-7. Doves; legal equipment, taking methods, and possession

Background

Current Kansas regulation requires that game birds shall be shot only while the bird is in flight (KAR 115-3-1). However, game birds in Kansas are defined as “any grouse, partridge, pheasant, prairie chicken or quail” (KSA 32-701 h). Doves and other migratory game birds are defined as “those species covered under the migratory bird treaty act” (16 USCA 703-711) under KSA 32-1008.

As a federally-defined migratory bird, dove (excluding exotic dove species) methods of illegal take are stated in 50 CFR 20.21. In that regulation, there is no federal provision that prevents the take of migratory game birds while on the ground, perched, swimming, flying, or otherwise in a state of motion or rest. In addition KAR 115-20-7 designates legal equipment, taking methods and possession of doves, none of which addresses shooting doves on the ground or perched (i.e. utility wires or trees).

Discussion

Utility wires (power, telephone, cable, etc.) are preferred perches for doves as they provide safe loafing sites well above ground predators and good visibility to detect avian predators. Many times the habitats around these wires are attractive to doves (early succession plant communities and gravel roads). Many dove hunters select sites within close proximity of such sites, and a small minority take advantage of this loafing behavior to take birds while perched on wires. Many in the hunting community and the general public may view the take of doves while stationary as unsporting, while others may deem it acceptable practice to harvest a bird that is known for its difficult “wingshooting.”

The shooting of doves while perched may cause damage to utility wires. This can lead to loss of electrical service, loss of communication, and other hazards associated with downed utility lines. The cost of repair, loss of services, damage of personal property and other safety and potential risks (i.e. fire, electrocution, and etc) by shooting could lead to significant impacts. Damages and subsequent inconveniences caused while attempting to take doves while perched on utility wires may affect public relations/image of hunters with utility providers, consumers and general public.

Recommendation

Amend KAR 115-20-7as to allow the take of doves only while the doves are in flight.

Webless Migratory Birds

KAR 115-25-20. Sandhill crane; management unit, hunting season, shooting hours, bag and possession limits, and permit validation

Background

Kansas is one of nine U.S. states and two Canadian provinces in the Central Flyway that has a hunting season for sandhill cranes. Kansas is also an important migration stop for endangered whooping cranes. As such, sandhill crane regulations are designed to provide recreational opportunities and relief from crop depredation while continuing whooping crane conservation. Kansas has taken several conservative measures to meet these objectives such as delayed season dates, mandatory annual crane identification testing for all sandhill crane hunters, and limited shooting hours.

Discussion

Sandhill cranes that migrate through Kansas are part of the Mid-Continent Population (MCP), the most abundant of all North American crane populations. MCP numbers have been relatively stable since the early 1980s. The 2011 index for sandhill cranes was 600,892. This is well above the established population-objective range of 349,000-472,000 cranes set in the MCP Cooperative Flyway Management Plan.

The U.S. Fish and Wildlife Service (USFWS) provides the basic frameworks for sandhill crane hunting in the United States from which individual states can develop state specific regulations. States can opt for more restrictive measures than those of the USFWS. Generally, the federal frameworks follow the guidelines set forth in the 2006 Cooperative Management Plan for the MCP of sandhill cranes. The current federal frameworks for the hunting of sandhill cranes for Kansas allows up to 58 consecutive days of hunting, which must be held between September 1 and February 2. In addition, only that part of Kansas west of the line formed by U.S. 81, Interstate 135, and Interstate 35 and the daily bag limit can be up to three sandhill cranes with six in possession, and shooting hours a half hour before sunrise to sunset.

Hunting for sandhill cranes in Kansas is regulated by KAR 115-25-20. This authorizes an open season for the taking of sandhill cranes beginning on the Wednesday after the first Saturday in November and continuing for 58 days, including the opening day. It establishes the area open for the taking of sandhill cranes during the established hunting season (that part of Kansas bounded by a line from the junction of interstate highway I-35 and the Oklahoma-Kansas state line, then north on interstate highway I-35 to its junction with interstate highway I-135, then north on interstate highway I-135 to its junction with interstate highway I-70, then north on federal highway US-81 to its junction with the Nebraska-Kansas state line, then west on Nebraska-Kansas state line to its junction with the Colorado-Kansas state line, then south on the Colorado-Kansas state line to its junction with the Oklahoma-Kansas state line, and then east on the Oklahoma-Kansas state line to its junction with interstate highway I-35, except federal and state sanctuaries). This regulation also limits shooting hours from the opening day through November 30 as one-half hour after sunrise until 2:00 p.m., and shooting hours from December 1 through the close of the season shall be from sunrise until 2:00 p.m. The daily bag limit is three sandhill cranes and the possession limit shall be six sandhill cranes. Each person hunting sandhill cranes in Kansas must possess a federal sandhill crane hunting permit that has been issued through and validated

by the department. Each person desiring to hunt sandhill cranes in Kansas is required to pass an annual, on-line sandhill crane identification examination before acquiring a permit.

Seasons dates, bag limits and shooting hours have been more restrictive than federal frameworks allowed due to the importance of Kansas as a migration stopover for endangered whooping cranes. For example, in the inaugural 1993 season only portions of 17 counties were open to sandhill crane hunting but by 2003 the area was expanded to 62 counties. Kansas has taken extra caution in response to the illegal takes of three whooping cranes in Kansas prior to the opening of the 2004 season. This included increased educational efforts including the mandatory crane test for all sandhill crane hunters and reduced shooting hours.

Although the federal frameworks for sandhill crane hunting seasons permit hunting seasons to begin as early as September and sandhill cranes begin arriving in Kansas by mid-September and a substantial portion of the sandhill crane population has passed through the state by the first week in November, KDWPT has elected to delay the opening to allow most whooping cranes to migrate through Kansas before the sandhill crane hunting season would start. However, in recent years both sandhill cranes and whooping cranes have been migrating in Kansas later into November. Kansas and Texas are currently the only two states that delay the opening of sandhill crane season for the benefit of whooping cranes. They are also the only states that limit shooting hours for sandhill cranes to a daytime period excluding sunrise and sunset to allow hunters a better chance of differentiating whooping cranes.

All migratory bird hunting regulations must undergo Biological Opinion for Section 7 Consultation by the USFWS to ensure there are no undo impacts to endangered and threatened species. In addition, the USFWS and the states within the whooping crane distribution developed a federal-state cooperative contingency plan for the protection of whooping cranes. Components of this plan have specific guidelines for important staging areas as Quivira NWR and Cheyenne Bottoms WA. The federal-state plan provides guidelines for reporting whooping crane sightings; responses to exposure of whooping cranes to hazards from disease, contaminants, and shooting; and responding to sick, dead, or injured whooping cranes. Quivira NWR is closed to sandhill crane hunting and when whooping cranes are present, the entire refuge is closed to hunting for all species. When whooping cranes are present at Cheyenne Bottoms, the goose hunting zones are closed to sandhill crane and light goose (snow and Ross') hunting and the pool the whooping cranes are using is closed to all activities (e.g., hunting, wildlife photography, and birding). Blaze orange signs are posted at Quivira and Cheyenne Bottoms to inform visitors about these closures. Visitors are also informed of closures via telephone message machines at Cheyenne Bottoms, websites and news releases.

In 1941 there was an estimated 21 whooping cranes in the wild. After 50 years of conservation efforts, their numbers have grown to over 400 in the wild and 165 in captivity, including the 278 of the Wood Buffalo-Aransas flock that utilizes the marshes of Kansas. This flock passes through Kansas on its annual migration from the boreal forest of northern Alberta/southwestern Northwest Territories near Wood Buffalo National Park to its wintering area in the Texas Gulf Coast near Port Aransas National Wildlife Refuge. Quivira National Wildlife Refuge (NWR) and Cheyenne Bottoms Wildlife Area (WA) are two of the four migration stopover areas designated as Whooping Crane Critical Habitat in the U.S. Quivira NWR receives more whooping crane use in migration than any spot in North America. For fall usage, Quivira NWR ranked first and Cheyenne Bottoms WA third for both whooping crane use days and total birds. For example in fall 2004, 62 different whooping cranes (28.6 percent of the flock) were

documented at Quivira. Whooping cranes use Quivira and Cheyenne Bottoms primarily for loafing and roosting. During the day, whooping cranes may fly out to surrounding areas to feed. This high usage calls for special measures to better ensure the protection of whooping cranes during stopovers in Central Kansas.

Hunting the Mid-Continent Population is a biologically justified activity. Population and harvest surveys for this population are some of the best for all migratory birds. Hunting of sandhill cranes in the Central Flyway has occurred over a 40-year period and the population has increased. If the Kansas hunting season were to be closed, the approximately 200,000 sandhill cranes in the Stafford-Barton county area would likely generate substantially more complaints of crop depredation. Although sandhill crane numbers and length of stay in central Kansas has increased since 1993, crop depredation seems to be at manageable levels. Hunting activity moves sandhill cranes and other migratory game birds around central Kansas so that they distribute their feeding in numerous crop fields, rather than concentrating in a few fields.

Whooping cranes would still be exposed to hunting hazards even if the sandhill crane hunting season in Kansas were closed. The number of hunters and hunting days for ducks and geese in Kansas are far higher than those for sandhill cranes. Furthermore, whooping cranes would still be exposed to sandhill crane hunting almost entirely through their migration corridor. Hunting occurs in all of the Central Flyway states except Nebraska.

As with any harvest management considerations, any changes to the sandhill crane season should be biologically sound for both sandhill and whooping crane populations, and regulations should not be unreasonably burdensome (overly complicated or unnecessarily reducing opportunity) while protecting hunters from making a life-changing mistake (up to 1 year in jail and up to \$100,000 fine for killing a whooping crane).

Participation in sandhill crane hunting in Kansas has remained relatively low. Most cranes are taken opportunistically by waterfowl hunters. However, there is a small faction of dedicated sandhill crane hunters. In Kansas' 11 hunting seasons, a total of 4,284 hunters have hunted 15,269 days and bagged 10,908 sandhill cranes (means per year are 438, 1,388, and 992, respectively).

Recommendation

Amend Kansas Administrative Regulation (KAR 115-25-20) to permit the taking from sunrise to sunset.

To safeguard from accidental take of whooping cranes, KDWPT will still implement its delayed opener (Wednesday after the first Saturday in November) to allow passage of whooping cranes prior to the Kansas sandhill crane season. KDWPT will remain committed to adhere to the guidelines set in the Aransas-Wood Buffalo Population Whooping Crane Contingency Plan. This includes the closure of hunting in areas where whooping cranes are present. KDWPT will also continue its education effort including mandatory testing of sandhill crane hunters as well other educational and outreach efforts to improve crane identification and whooping crane conservation efforts.

Commercial Mussel Harvest Moratorium

In the last few decades, the demand for freshwater mussel shells has been driven by the cultured pearl industry in Japan and China. Freshwater mussel shells were cut and milled into spheres to be implanted into pearl oysters. In time, these are harvested and sold as cultured pearls. The market for freshwater mussels peaked in 1996. In that year, 209 individual commercial mussel harvest permits were sold and 721,000 pounds of shell were harvested from Kansas waters. These shells were then sold for export and valued at \$620,000.

Prior to 1992, there were no refuge, size, or species restrictions on freshwater mussels, although a permit was required. Regulations regarding commercial mussel harvest became more stringent in 1992. Harvest was restricted to four native species (threeridge, monkeyface, mapleleaf, and bleufer) and size restrictions were imposed with the idea that mussels could be protected until they had a chance to spawn. Designated harvest and refuge reaches were described in the regulation and on each permit issued. Threeridge mussels were the mainstay of the harvest because they were relatively large, locally abundant, and easily harvested in Kansas streams. However, these regulations were not sufficient to protect the threeridge population, which declined dramatically and has not recovered to former levels in the rivers open to harvest.

Because of the declining population of threeridge mussels, a 10-year moratorium was imposed in 2003. The 10-year moratorium that ended the issuance of commercial mussel harvest permits will sunset December 31, 2012. The recommendation from KDWPT field personnel is to extend this moratorium for another 10 years for the following reasons.

1. The most heavily harvested species of the 1990s, threeridge, has not recovered from the depletion caused by commercial harvest in the Verdigris, Fall, Elk, and Neosho rivers.
 - From 1992-2002, there were over 700,000 pounds of threeridge harvested from the Verdigris River and over 600,000 pounds harvested from the Neosho River. Threeridge dominated the river harvest of mussels and accounted for 81 percent of the total yield from 1992-2002.
 - The relative abundances of threeridge at mussel sampling sites in the Verdigris and Neosho rivers reveal far fewer threeridge than previously documented. For example, recent sampling shows that threeridge make up only 2 percent to 3 percent of the relative abundance of native mussels in the Verdigris River. A 1982 survey of Verdigris River sampling sites documented that threeridge made up 32 percent of the total.
 - Moreover, in unharvested streams, the threeridge made up 43 percent of the native mussels in the Marais des Cygnes River, 58 percent in the Marmaton River, 51 percent in Pottawatomie Creek, and 55 percent in Grouse Creek.
 - Since 1991, over 16,000 mussels were examined from sampling sites in the Verdigris River. Over that time, the threeridge has shown a significant decline and no recovery since the 2003 moratorium, meanwhile, seven other species have shown significant increases in number at the same survey sites (two of these are on the Kansas Threatened and Endangered Species List).
2. An exotic invasive species, zebra mussel, has been documented in the Neosho Basin and will probably expand to other southeast Kansas rivers.

- The effect of zebra mussels on native mussel populations in streams is unknown. However, zebra mussels have been shown to compete with native mussels in reservoir environments.
- 3. The demand for commercial shells remains low and is reflected in the low market prices.
 - Commercial mussel harvest is legal in Oklahoma; however, in the last three years (2009-2011) only one permit was sold.
 - It is unknown when the demand might peak again, and current populations may not withstand harvest pressure.
- 4. Healthy native freshwater mussel populations provide ecosystem services that are probably more valuable to Kansans than their commercial value.
 - Freshwater mussels are an important part of the food web and filter bacteria and plankton from the water column. Excessive bacterial counts reveal one of the major pollutant problems identified in Kansas waters. Mussels also clarify water by removing suspended organic and inorganic material. One large mussel is capable of siphoning and filtering eight gallons of water per day.
 - Freshwater mussels are eaten by waterbirds, turtles, fish, and mammals.
 - Mussel beds stabilize the substrate.
 - Mussels indicate water quality because they are sensitive to ammonia, heavy metals, and some pesticides.
- 5. Freshwater mussels do not recover quickly from population depletion.
 - In the United States, freshwater mussels are one of the most imperiled groups of aquatic organisms due to dams, river manipulation, pollution, and invasive species.
 - Freshwater mussels require proper fish hosts and hydrology to successfully reproduce.
 - Although freshwater mussels have long reproductive lives, they may go several years without successfully reproducing because of adverse water conditions.
- 6. Administrative, monitoring, and law enforcement costs to the department outweigh revenue from permit fees.
- 7. Trespass and refuge violations were a problem during the 1990s.
 - In 1996-1997 over 100 citations were written for illegal mussel harvest activity.
 - Landowners complained of trespass violations as mussel harvesters sometimes drove over cropland to access rivers. A petition was originated to close the commercial harvest on mussels in one county.
- 8. With the regulations remaining on the books, limited harvest or salvage harvest would be an option.
 - During low water levels at Toronto Reservoir in 2011, a shell-salvage was requested and harvest of exposed dead mussels was allowed. After staff preparation and review, the permittee never acted on this permit.
 - There may be instances in the future due to droughts or pollution events that a salvage operation for freshwater mussels would be feasible.

Recommendation:

Extend the moratorium on commercial freshwater mussel harvest in Kansas for another decade. This will allow staff to monitor populations and flexibility to manage populations.

Alternatives:

- a. Allow the moratorium to expire with no action. This would allow harvest to resume with the possibility that threeridge populations could be depleted further.
- b. Restrict harvest to only reservoirs where threeridge populations are unlikely to be affected. This creates a law enforcement issue and makes it difficult to regulate harvest.
- c. Permanently close all commercial harvest for mussels in Kansas. This removes future options for mussel harvest without major regulatory action changes.
- d. Remove threeridge mussels from the list of legally harvested mussels. Because of their high demand, this option creates a possible problem for law enforcement and disturbance of riverine mussel beds.

Prairie Chicken Seasons

Distribution and Status

There are two species of prairie chicken that occupy Kansas. Those species are the greater prairie-chicken (GPCH) and the lesser prairie-chicken (LPCH), and they both occur in landscapes dominated by native grasslands. Generally, the GPCH occupies the eastern and northern portion of the state while the LPCH occupies the southcentral and southwestern regions (Figure 1). However, there is a substantial area in westcentral Kansas that is occupied by both species. Currently, the occupied range in Kansas is considered to be core habitat for both species.

The greatest breeding population densities during 2011 and most recent years have occurred in northcentral and westcentral Kansas (Figure 2). Over the past 15 years, the distribution and density of chickens have both greatly increased in those regions of the state; beyond their historic distribution in many areas. In fact, the highest density of chickens in the state now occurs in areas where they were not known to exist as recently as 15 years ago. In Kansas, the most imperiled chicken populations occur within the southern Flint Hills where GPCH have been declining steadily since the early 1980s. They have been completely extirpated from some regions of the eastern Flint Hills. The Flint Hills once harbored the most robust chicken population in the state, but a major shift in the prevailing range management practices resulted in inadequate burning and grazing regimes over the last 30 years.

The LPCH is currently listed as a candidate species for federal protection under the Endangered Species Act, and Kansas is the only state throughout their five-state range that still permits regulated harvest. Harvest of LPCH can be justified in Kansas because populations in our state have remained fairly stable or increased since the species was first petitioned for listing in 1995. Additionally, a long-term research project in southwest Kansas found that hunter harvest of LPCH was an insignificant source of mortality (Hagen et al. 2009). Another study of LPCH farther north in the Kansas LPCH range (Gove County) also found hunter harvest to be negligible (Fields 2004), as did a recent study of GPCH in the Flint Hills where chicken populations are struggling the greatest in our state (McNew 2010). Researchers and management agencies have consistently pointed toward poor recruitment of young as the primary reason for prairie chicken population declines where they are occurring (Davis et al. 2008, Hagen et. al 2004, McNew et al. 2011, Pitman et al. 2005, Pitman et al. 2006).

Current Harvest Management

Currently, the Kansas Department of Wildlife, Parks, and Tourism (KDWPT) regulates harvest of prairie chickens within three hunt units (Figure 2). The most liberal harvest regulations exist in the eastern half of the state, and more restrictive regulations are in place for western Kansas. The KDWPT currently estimates harvest and hunter effort through a post-season mail survey to a random selection of small game license holders. This method only provides coarse estimates for prairie chickens because only 3 percent and 1 percent of small game license holders pursue GPCH and LPCH, respectively. Thus, we receive relatively few completed questionnaires from chicken hunters, which greatly reduces the precision of our estimates compared to other more commonly pursued species.

Recommendations

The KDWPT is recommending that the early season and two-bird bag be added to the existing northwest hunting unit (Table 1). The department is also recommending a prairie chicken license that hunters would be required to purchase prior to hunting chickens. The proposed license would be issued through the Kansas Outdoors Automated Licensing System (KOALS) and the cost would be the minimum possible amount, which is a \$2.50 processing fee. The mandatory license would give the KDWPT the ability to target post-season harvest surveys to a much smaller pool of potential chicken hunters, which would greatly improve the accuracy and precision of our harvest estimates. The results from a more targeted survey would allow us to more accurately delineate the occupied range of each species and better assess the impacts of hunter harvest on prairie chicken populations. These pieces of information would improve our ability to target conservation programs and justify the continuation of sustainable hunter harvest.

Literature Cited

- Davis, D. M., R. E. Horton, R. D. R. E. A. Odell, and H. A. Whitlaw. 2008. Lesser prairie-chicken conservation initiative. Colorado Division of Wildlife. Lesser prairie-chicken interstate working group. Unpublished report. Fort Collins, Colorado, USA.
- Fields, T. L. 2004. Breeding season habitat use of conservation reserve program (CRP) land by lesser prairie-chickens in west central Kansas. MS Thesis, Colorado State University, Fort Collins, Colorado, USA.
- Hagen, C. A., B. E. Jamison, K. M. Giesen, and T. Z. Riley. 2004. Guidelines for managing lesser prairie-chicken populations and their habitats. *Wildlife Society Bulletin* 32: 69-82.
- Hagen, C. A., B. K. Sandercock, J. C. Pitman, R. J. Robel, and R. D. Applegate. 2009. Spatial variation in lesser prairie-chicken demography: a sensitivity analysis of population dynamics and management alternatives. *Journal of Wildlife Management* 73: 1325-1332.
- McNew, L. B. 2010. An analysis of greater prairie-chicken demography in Kansas: the effects of human land use on the population ecology of an obligate grassland species. Dissertation, Kansas State University, Manhattan, Kansas, USA.
- McNew, L. B., A. J. Gregory, S. M. Wisely, and B. K. Sandercock . 2011. Reproductive biology of a southern population of greater prairie-chickens. Pages 209-221 *in* Ecology, Conservation, and Management of Grouse. (B. K. Sandercock, K. Martin, and G. Segelbacher, editors) A Publication of The Cooper Ornithological Society, University of California Press, Berkely, CA, USA.
- Pitman, J. C., C. A. Hagen, B. E. Jamison, R. J. Robel, T. M. Loughin, and R. D. Applegate. 2006. Survival of juvenile lesser prairie-chickens in Kansas. *Wildlife Society Bulletin* 34: 675-681.
- Pitman, J. C., C. A. Hagen, R. J. Robel, T. M. Loughin, and R. D. Applegate. 2005. Location and success of lesser prairie-chicken nests in relation to vegetation and human disturbance. *Journal of Wildlife Management* 69: 1259-1269.

Figure 1. The estimated occupied ranges of greater and lesser prairie-chickens in Kansas, 2011.

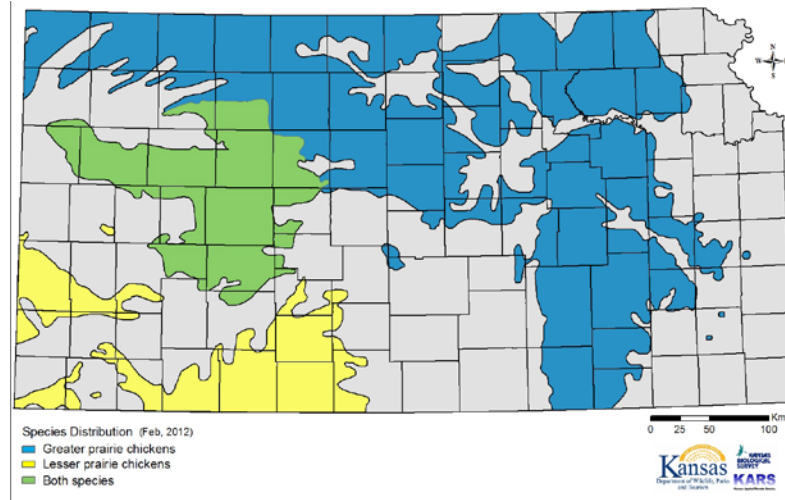


Figure 2. Estimated spring breeding density (birds/mi.²) throughout the known range of greater and lesser prairie-chickens in Kansas, 2011. Density was estimated within standardized KDWPT survey areas and interpolated across the known range. The current hunting units are also depicted.

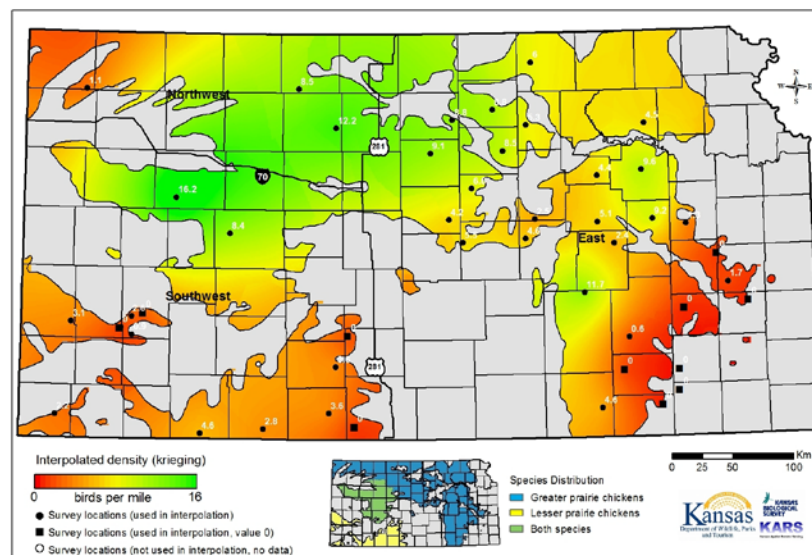


Table 1. Current and proposed season dates and bag limits for each of the three prairie chicken hunting units in Kansas.

Hunt Unit	Current Regulations		Proposed Regulations	
	Season Dates	Daily Bag	Season Dates	Daily Bag
East	Sept. 15 – Oct. 15 and third Saturday in Nov. through Jan. 31	2	Sept. 15 – Oct. 15 and third Saturday in Nov. through Jan. 31	2
Northwest	Third Saturday in Nov. through Jan. 31	2	<i>Sept. 15 – Oct. 15</i> and third Saturday in Nov. through Jan. 31	2
Southwest	Third Saturday in Nov. through Dec. 31	1	Third Saturday in Nov. through Dec. 31	1

**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.

Potential Changes For Public Lands Regulations 2012

Background:

The Public Lands Section, in the Fisheries and Wildlife Division, manages more than 335,000 acres of land and water for public hunting and angling opportunities. Although this is a small percentage of the total land base in Kansas, these areas provide thousands of user days for hunting, angling, and other public use opportunities. Because of the high use of and demand for this limited land base, wildlife and their habitats must be intensively managed, and public access must be controlled in a way that provides fairness and opportunity for all.

The combination of a limited land base and high use can result in user conflicts, which may limit opportunities. Regulations have been established to manage public use, protect the resources, as well as KDPWT property and infrastructure. Regulations that primarily pertain to public lands fall under KAR 115-8 series.

Recent developments and issues on KDWPT public lands, which are not covered in these regulations, have been identified. Public Lands staff have discussed these issues and thoroughly reviewed the public lands regulations in order to determine how to appropriately address them. Two items involving hunting equipment were identified as issues in regards to opportunity and fairness. These include the use of tree stands and portable ground blinds and waterfowl decoys. Baiting, which is currently allowed on public lands, was identified as a potential biological issue.

To determine how users perceived these issues, a survey of hunters was completed after the 2010-2011 fall hunting seasons.

Discussion:

Tree Stands/portable ground blinds - The use of tree stands and portable ground blinds is addressed in KAR 115-8-2. This regulation addresses the duration and removal requirements and makes it clear that a stand or ground blind doesn't provide exclusive use. Many areas have been inundated with tree stands placed by a few individuals, and in some cases stands were never removed. The use of portable ground blinds on public lands has increased significantly in recent years. It can be difficult to determine if a ground blind is occupied or unattended without approaching it. Survey results indicated that the majority of respondents feel the number of tree stands should be limited and that some form of identification should be required.

The use of decoys, in particular, waterfowl decoys is not addressed in the public lands regulations series. Leaving waterfowl decoys unattended has been identified as an issue because hunters encountering the unattended spread may believe the area is occupied. The practice of leaving unattended waterfowl decoys in the water has been increasing on some areas, providing exclusive use for those leaving them. Public lands survey respondents indicated they are opposed to unattended decoys.

At the KDWPT Commission meeting on Jan. 5, 2012 and again on March 22, 2012, a request was made by the Commission for staff to consider a 200-yard minimum distance requirement between waterfowl hunters for safety reasons. After reviewing the hunting incident reports from 1988 to present, there have been 623 reported incidents, with 21 occurring while waterfowl hunting, which is less than 3 percent. However, all but two of the accidents were self-inflicted, and had no relationship to distance. After

further consideration, no recommendation requiring a minimum distance is being brought forward. There are several factors and issues with establishing a predetermined distance or separation between waterfowl hunters, including enforcement and limited hunting opportunities. A minimum distance requirement would be difficult to enforce and regulate. In addition, it will limit hunting opportunities by creating unnecessary restrictions on areas that could accommodate hunting groups within a 200-yard minimum distance.

The popularity of baiting or artificial feeding, primarily used to attract deer or turkeys to a particular area, has rapidly increased across the state. This practice is used primarily to increase harvest success. At the time most public lands regulations were adopted, this practice was not as popular as it is today, therefore it is not addressed in public lands regulations. Baiting is controversial, and the ethical, biological and ecological issues surrounding its use have been debated. It has long been considered that baiting increases the potential for disease transmission, and aggression, injury, and habitat damage have been observed at bait sites. Currently, Kansas is the only state in the Midwest that allows unrestricted baiting. Surveys indicate that most hunters support the prohibition of baiting on public lands.

Another item under review is commercial activity on public lands, in particular, guiding/outfitting for hunting and fishing. KAR 115-8-19 addresses personal conduct on department lands and waters. An item under consideration is requiring a permit authorizing commercial guiding and outfitting on department managed lands.

Recommendations:

Tree Stands

Tree stands shall be limited to two per person on all department-managed lands. All tree stands must be marked with name and address or KDWPT number of owner when used on department-managed lands. This would still not allow exclusive use, meaning that anyone may use an unoccupied tree stand on department-managed lands.

Portable Ground Blinds

Portable ground blinds shall be removed at the end of each day on department-managed lands. In addition, portable ground blinds shall be marked with owners' names and addresses or KDWPT numbers. This would still not allow exclusive use, meaning that anyone may use an unoccupied tree stand on department-managed lands.

Waterfowl Decoys

Waterfowl decoys shall be removed at the end of each day on department-managed lands and waters.

Baiting

No person shall place, deposit, expose, distribute, or scatter bait while hunting or preparing to hunt on department lands. The definition of bait is considered to be grain, fruit, vegetables, nuts, hay, salt, sorghum, feed, or other mineral or food that is capable of attracting wildlife. Liquid scents and sprays are not considered bait. Nothing in this regulation shall prohibit hunting or taking of wildlife over standing crops, grain crops properly shucked on the field where grown, grain found scattered solely as the result of normal agricultural operations, or grain found scattered solely as the result of normal weather conditions.

Guiding/Outfitting

A permit will be required for all guiding/outfitting for hunting on department-managed lands and waters. Permits will be issued after guide/outfitter (permittee) completes application process. Permittee will be required to provide an annual report by July 1 of each year. Failure to provide annual report or compile with terms and conditions of permit may result in non-renewal of permit.

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

Background

A General Discussion of this regulation was presented at the March Commission Meeting.

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

Discussion

Fort Riley personnel have requested regular archery season dates and regular muzzleloader season dates listed in K.A.R. 115-25-9.

Fort Riley personnel have requested an extended firearms season dates for the taking of antlerless white-tailed deer listed in K.A.R. 115-25-9, note that this does not include the additional week allowed in DMU 8 for the special extended season.

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 5, 2012 through October 8, 2012.

Fort Riley personnel have requested season dates for firearms deer hunting at Fort Riley to be from November 23, 2012 through November 25, 2012, and December 15, 2012 through December 23, 2011.

Fort Riley personnel have requested additional firearms hunting days in January when individuals authorized by Fort Riley to hunt and take antlered deer. The days requested are January 19, 2013 through January 21, 2013.

Fort Riley personnel have requested additional archery hunting days before the regular archery season and also in January when individuals authorized by Fort Riley to hunt and take antlered deer. The days requested are from September 1, 2012 through September 16, 2012 and from January 14, 2013 through January 31, 2013.

Recommendation

Input and comments on this regulation have been received from staff at Fort Riley. A regulation has been prepared based on that input and comments from the public and the Commission. A public hearing is scheduled for June.

Public Hearing

Document No. _____

KANSAS REGISTER
SUBMISSION FORM

Agency Number -- 710-01

Agency Name -- Kansas Department of Wildlife, Parks and Tourism

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

Topeka, Kansas 66612-1233

Title of Document -- Public Hearing

Desired Date of Publication - March 22, 2012

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, Parks, and Tourism Commission

Notice of Public Hearing

A public hearing will be conducted by the Wildlife, Parks, and Tourism Commission at 7:00 p.m., Thursday, April 26, 2012 at the Great Plains Nature Center Auditorium, 6232 East 29th Street North, Wichita, Kansas, to consider the approval and adoption of proposed regulations of the Kansas Department of Wildlife, Parks, and Tourism.

A regulatory hearing on business of the Wildlife, Parks, and Tourism Commission will begin at 7:00 p.m., April 26 at the location listed above. There will be public comment periods at the beginning of the evening meeting 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 27 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 for the Deaf and Hard of Hearing at 1-800-432-0698 to request special accommodations.

This 30-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, Parks, and Tourism, 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. 115-25-5. This exempt regulation establishes the open season, bag limit and permits for fall turkey. The proposed version addresses changes in management unit boundaries from 4 to 6 units.

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. 115-25-7. This exempt regulation establishes the open season, bag limit and permits for antelope. The proposed version addresses updates in season dates and slightly reduces the number of permits in Unit 18.

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 addresses updates in season dates.

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.kdwpt.state.ks.us, or by calling (785) 296-2281.

Gerald Lauber, Chairman



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, 2012

Chris Tymeson
Chief Legal Counsel
Kansas Department of Wildlife, Parks and Tourism
1020 S. Kansas Ave., Suite 200
Topeka, KS 66612-1327

**RE: K.A.R. 115-20-7; K.A.R. 115-25-5; K.A.R. 115-25-7; K.A.R. 115-25-8;
K.A.R. 115-25-20**

Dear Chris:

Pursuant to K.S.A. 77-420(b), we have determined that the above-referenced regulations are within the statutory authority of the agency and do not present any other legal issues of concern. We have therefore approved the regulations for legality. The regulations are stamped and enclosed with this letter.

The originals are enclosed herein.

Sincerely,

OFFICE OF THE ATTORNEY GENERAL
DEREK SCHMIDT

A handwritten signature in cursive script, appearing to read "Sarah Fertig", is written over the typed name.

Sarah Fertig
Assistant Attorney General

Enclosures

cc: Sen. Vicki Schmidt, Chair, Joint Committee on Rules and Regulations
Rep. Carl Holmes, Vice Chair, Joint Committee on Rules and Regulations
Rep. Janice Pauls, Ranking Minority Member, Joint Committee on Rules and Regulations
Raney Gilliland, Legislative Research, State Capitol, Room 545N
Kenneth Wilke, Revisor of Statutes, State Capitol, Ste. 24-E

115-25-5. Turkey; fall season, bag limit, and permits. (a) The open fall season for the taking of turkey shall be the first day of October through the day before the first day of the regular deer firearms season as specified in K.A.R. 115-25-9 and shall reopen on the day following the last day of the regular deer firearms season through the last day in December. The open fall season shall reopen again on the day following the last day of the extended firearms season as specified in K.A.R. 115-25-9 through the last day in January. Any equipment that is legal during an archery or fall firearm turkey season shall be permitted during this season.

(b) The units and the number of permits authorized for the taking of turkey during the established seasons shall be as follows:

(1) Unit 1. Unit 1 shall consist of that area bounded by a line from the Nebraska-Kansas state line south on federal highway US-183 to its junction with interstate highway I-70, and then west on interstate highway I-70 to the Colorado-Kansas state line, then north along the Colorado-Kansas state line to its junction with Nebraska-Kansas state line, and then east along the Nebraska-Kansas state line to its junction with federal highway US-183, except federal and state sanctuaries. An unlimited number of permits shall be authorized for unit 1.

(2) Unit 2. Unit 2 shall consist of that area bounded by a line from the Nebraska-Kansas state line south on federal highway US-81 to its junction with interstate highway I-135, then south on interstate highway I-135 to its junction with federal highway US-56, then west on federal highway US-56 to its junction with state highway K-96, then west on state highway K-96 to its junction with federal highway US-183, then north on federal highway US-183 to its junction with the Nebraska-Kansas state line, and then east along the Nebraska-Kansas state line to its junction with federal highway US-183, except federal and state sanctuaries. An unlimited number of permits and game tags shall be authorized for unit 2.

(3) Unit 3. Unit 3 shall consist of that area bounded by a line from the Nebraska-Kansas state line south on federal highway US-81 to its junction with interstate highway I-135, then south on interstate highway I-135 to its junction with federal highway US-56, then east on federal highway US-56 to its junction with state highway K-150, then east on state highway K-150 to its junction with federal

highway US-50, then east on federal highway US-50 to its junction with interstate highway I-35, then northeast on interstate highway I-35 to its junction with the Missouri-Kansas state line, then north along the Missouri-Kansas state line to its junction with Nebraska-Kansas state line, and then west along the Nebraska-Kansas state line to its junction with federal highway US-81, except federal and state sanctuaries. An unlimited number of permits and game tags shall be authorized for unit 3.

(4) Unit 4. Unit 4 shall consist of that portion of the state bounded by a line from the Kansas-Colorado state line east on interstate highway I-70 to its junction with federal highway US-183, then south on federal highway US-183 to its junction with federal highway US-54, then southwest on federal highway US-54 to the Oklahoma-Kansas state line, then west along the Oklahoma-Kansas state line to its junction with the Colorado-Kansas state line, and then north along the Colorado-Kansas state line to its junction with interstate highway I-70, except federal and state sanctuaries. No permits shall be authorized in unit 4.

(5) Unit 5. Unit 5 shall consist of that portion of the state bounded by a line from the Oklahoma-Kansas state line north on interstate highway I-35 to its junction with federal highway US-56, then west on federal highway US-56 to its junction with state highway K-96, then west on state highway K-96 to its junction with federal highway US-183, then south on federal highway US-183 to its junction with federal highway US-54, then southwest on federal highway US-54 to the Oklahoma-Kansas state line, and then east along the Oklahoma-Kansas state line to its junction with interstate highway I-35, except federal and state sanctuaries. An unlimited number of permits and game tags shall be authorized for unit 5.

(6) Unit 6. Unit 6 shall consist of that portion of the state bounded by a line from the Oklahoma-Kansas state line north on interstate highway I-35 to its junction with federal highway US-56, then east on federal highway US-56 to its junction with state highway K-150, then east on state highway

K-150 to its junction with federal highway US-50, then east on federal highway US-50 to its junction with interstate highway I-35, then northeast on interstate highway I-35 to its junction with the Missouri-Kansas state line, then south along the Missouri-Kansas state line to its junction with the Oklahoma-Kansas state line, and then west along the Oklahoma-Kansas state line to its junction with interstate highway I-35, except federal and state sanctuaries. An unlimited number of permits and game tags shall be authorized for unit 6.

(c) The bag limit for the open fall season shall be one turkey of either sex for each permit or game tag.

(d) An individual shall not apply for or obtain more than one turkey permit and three turkey game tags for the open fall season. Only an individual who has purchased a turkey permit shall be eligible to purchase a turkey game tag.

(e) Turkey permits and turkey game tags shall be valid only for the unit or units designated on the turkey permit or turkey game tag.

(f) This regulation shall be effective on and after May 1, 2012. (Authorized by and implementing K.S.A. 32-807 and K.S.A. 2011 Supp. 32-969.)

Figure 1. Current fall wild turkey hunting units for Kansas.

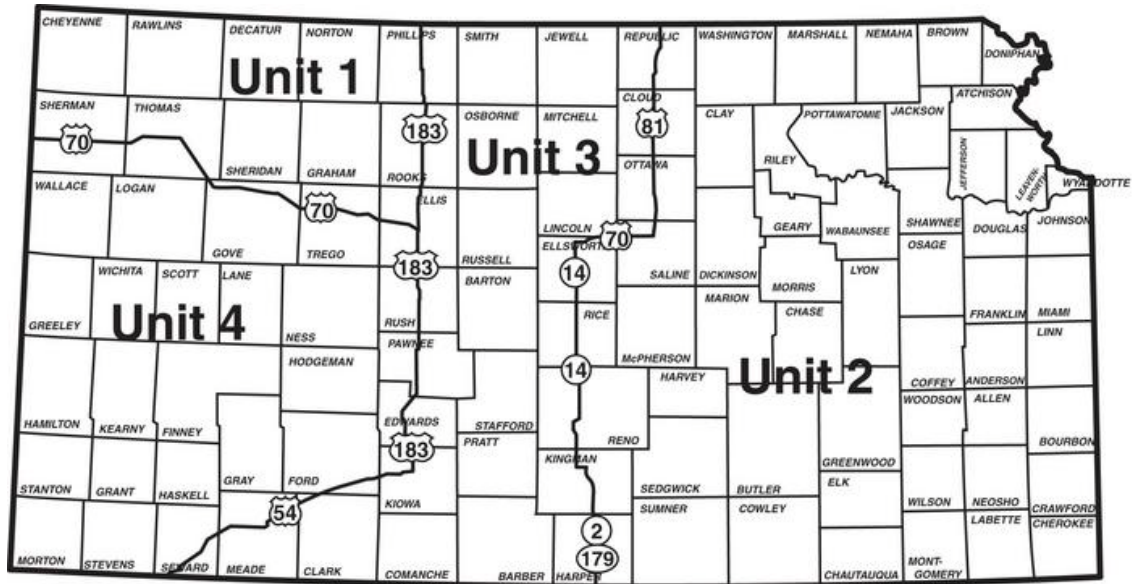


Figure 2. Regional indices (birds/100 mi.) to Kansas' wild turkey population derived from the April rural mail carrier survey, 1986-

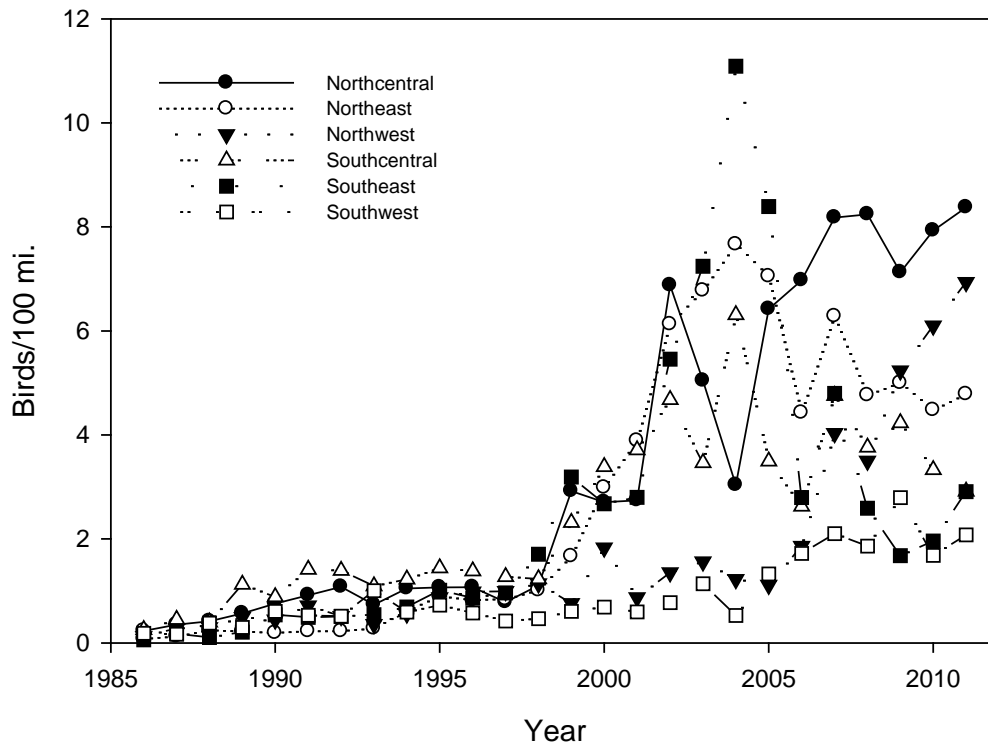
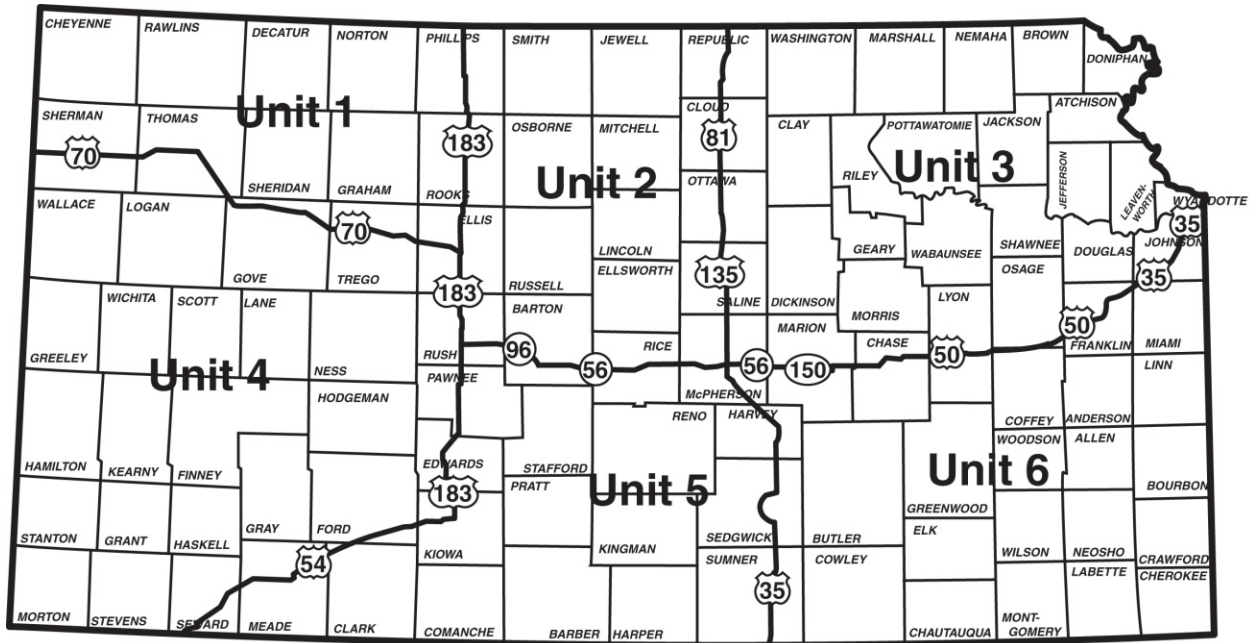


Figure 3. Proposed fall wild turkey hunting units for the 2012-2013 season.



ECONOMIC IMPACT STATEMENT

K.A.R. 115-25-5 Turkey; open season, bag limit, and permits

DESCRIPTION: This proposed exempt regulation establishes hunting unit boundaries, bag limit and season dates for the 2011 fall wild turkey seasons. The proposed changes would change management units from 4 units to 6 units. Otherwise, the regulation would be unchanged from previous seasons.

FEDERAL MANDATE: None

ECONOMIC IMPACT: It is anticipated that 15,150 fall turkey hunting permits and tags will be issued in 2012. This total includes 7500 resident permits, 2700 second turkey game tags and 2000 nonresident permits. Estimated revenue if all permits are issued would be \$220,000. That amount represents an equal expenditure for those individuals desiring to participate in the fall turkey hunting season. Administrative costs associated with the season are borne by the department.

The department estimates over 24,000 days of hunting activity will occur, thus providing economic benefit to businesses providing goods and services. No other economic impact on the general public or on other state agencies is anticipated.

ALTERNATIVES CONSIDERED: None.

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 22, 2012 through September 30, 2012 and October 15, 2012 through October 31, 2012.

(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 5, 2012 through October 8, 2012.

(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: Ten resident firearms permits shall be authorized for the unit.

(3) Muzzleloader-only season.

(A) The muzzleloader-only season dates shall be October 1, 2012 through October 4, 2012.

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.

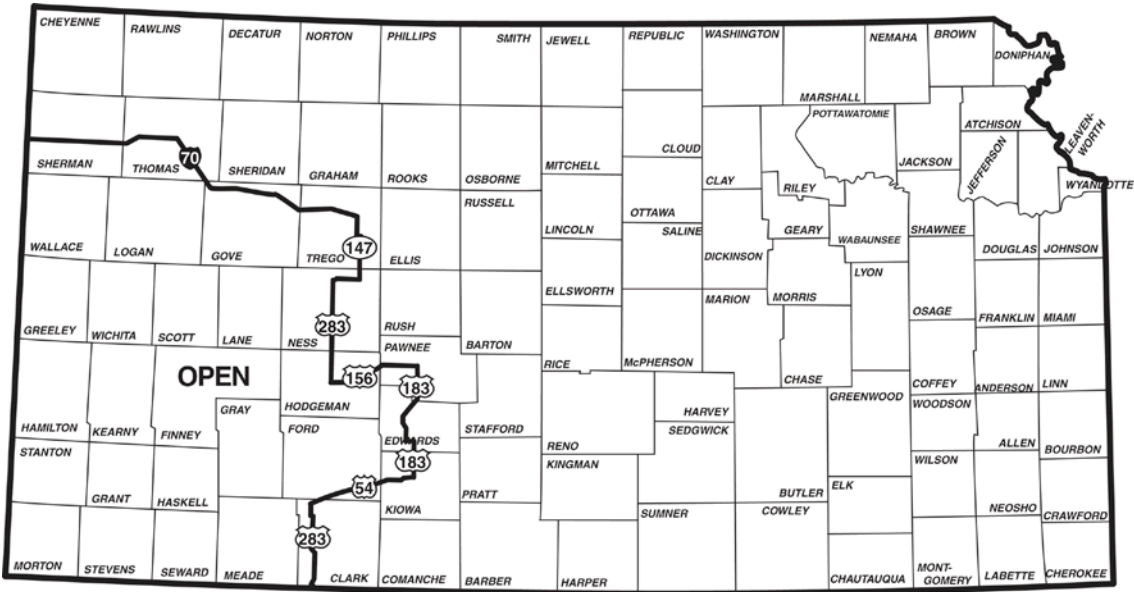
(ii) West Arkansas, unit 17: Twelve resident muzzleloader permits shall be authorized for the unit.

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

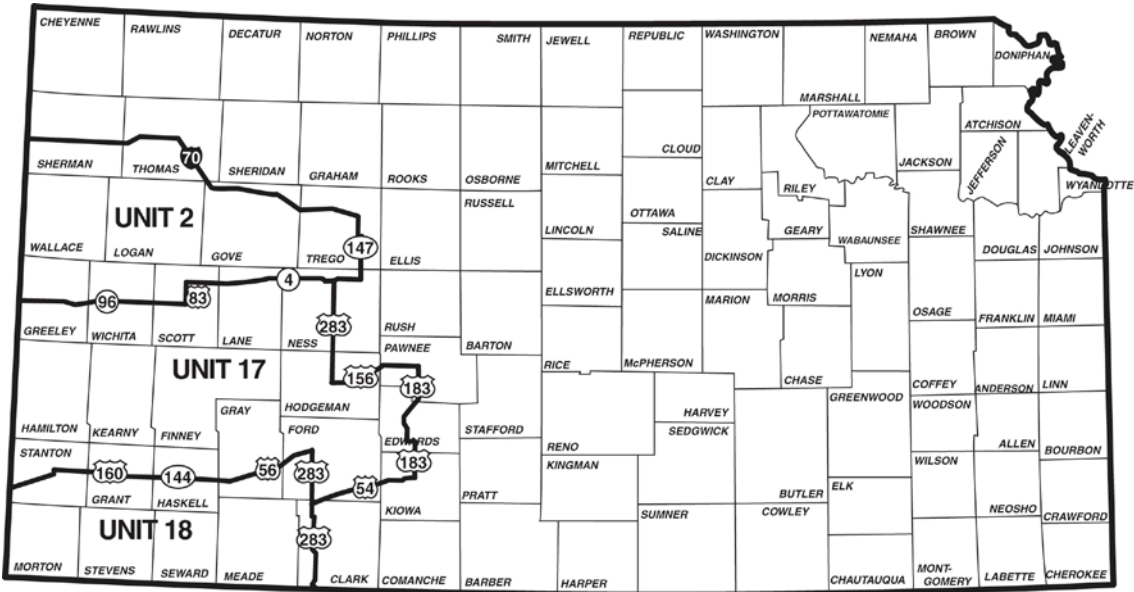
(b) The bag limit for each archery, firearm, and muzzleloader permit shall be one antelope of either sex.

(c) This regulation shall be effective on and after May 1, 2012, and shall have no force and effect on and after March 1, 2013. (Authorized by and implementing K.S.A. 32-807 and K.S.A. 2011 Supp. 32-937.)

Antelope Pronghorn Unit



Firearm, Muzzleloader Pronghorn Units



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 2012 firearm, muzzleloader, and archery antelope seasons. The hunting units include all of the area included during the 2012 season. An unlimited number of archery permits are authorized, however, recent trends indicate that about 250 people may apply for these permits for residents. 4 nonresident archery permits were issued in 2011 and it is anticipated that a like number will be issued in 2012.

The proposed unit boundaries for the 2011 firearm hunting season are the same as the 2011 unit boundaries. A total of 150 firearms permits are proposed in three management units as follows: Unit 2-100 permits, Unit 17-40 permits, and Unit 18-10 permits, a decrease of 4 permits from the previous season. In addition, 46 muzzleloader permits are proposed in three management units as follows: Unit 2-26 permits, Unit 17-12 permits, and Unit 18-8 permits, a decrease of 2 permits from the previous season.

FEDERAL MANDATE: None.

ECONOMIC IMPACT: It is anticipated that 460 antelope hunting permits will be authorized. Estimated revenue if all permits are issued would be approximately \$14,380. 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.

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 17, 2012 through December 31, 2012.

(B) Fort Riley, subunit 2a: September 1, 2012 through September 30, 2012.

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

(A) Statewide, except Fort Riley, subunit 2a, and unit 1: November 28, 2012 through December 9, 2012 and January 1, 2013 through March 15, 2013.

(B) Fort Riley, subunit 2a:

(i) First segment: October 1, 2012 through October 31, 2012.

(ii) Second segment: November 1, 2012 through November 30, 2012.

(iii) Third segment: December 1, 2012 through December 31, 2012.

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

(A) Statewide, except Fort Riley, subunit 2a, and unit 1: September 1, 2012 through September 30, 2012.

(B) Fort Riley, subunit 2a: September 1, 2012 through September 30, 2012.

(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, 2012 through September 30, 2012 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.

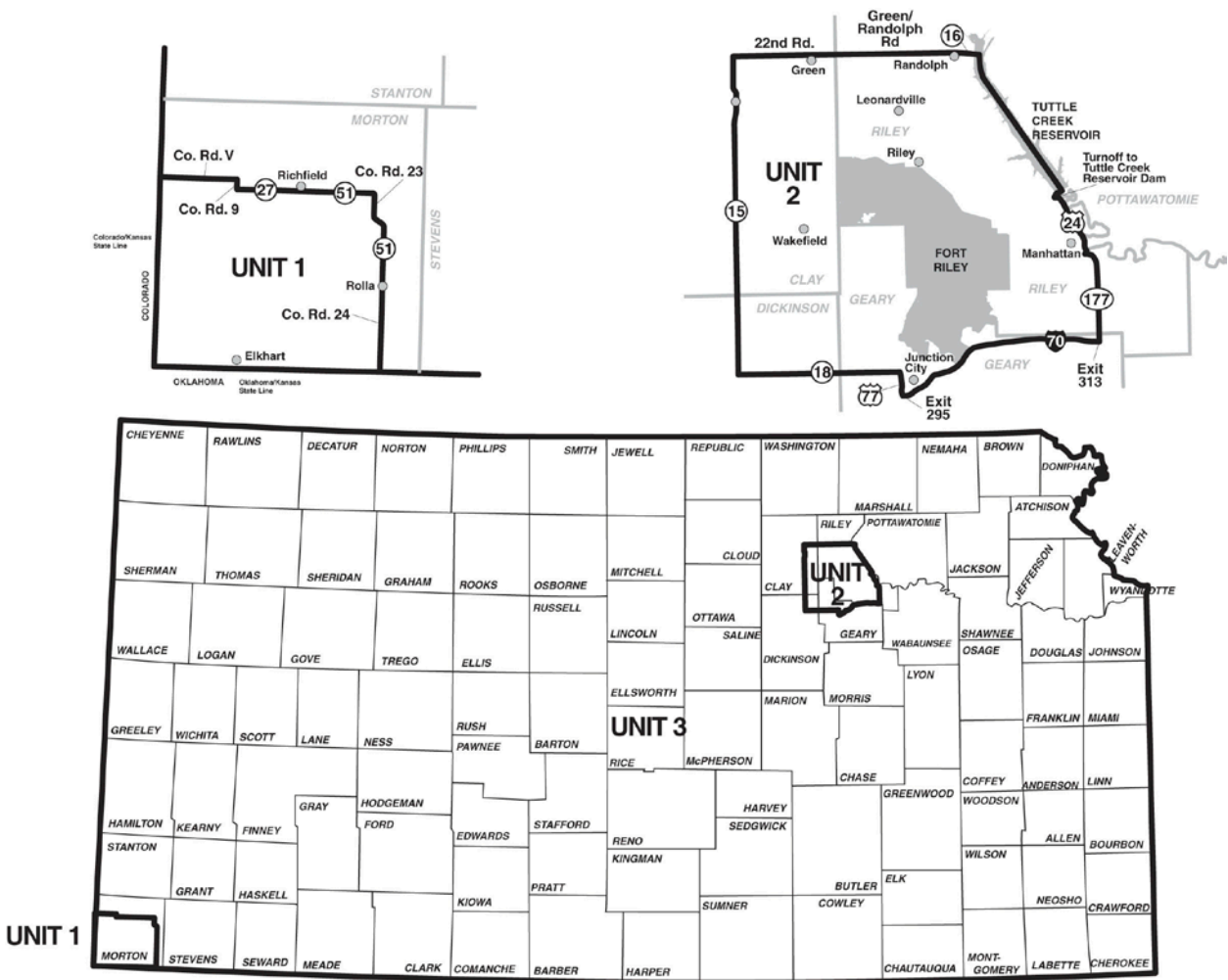
(g) An unlimited number of over-the-counter antlerless-only elk permits and either-sex elk

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, 2013. (Authorized by and implementing K.S.A. 32-807 and K.S.A. 2011 Supp. 32-937.)

Elk Units



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 2012-2013 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, 2012 through March 15, 2013 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, 2012 through October 31, 2012; November 1, 2012 through November 30, 2012; and December 1, 2012 through December 31, 2012). Ten limited-quota either-sex elk permits would be valid from September 1, 2012 through December 31, 2012 on subunit 2a and from September 1, 2012 through March 15, 2013 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 no change from the 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 2011 numbers, it is estimated that at least another 20 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