

AGENDA
KANSAS DEPARTMENT OF WILDLIFE, PARKS & TOURISM
COMMISSION MEETING AND PUBLIC HEARING
Thursday, March 21, 2013
Kansas Historical Society History Center
6425 SW 6th Ave, Topeka, 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 January 10, 2013 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. 2013 Legislature (Chris Tymeson)**
 - 3. Recreational Access to Kansas Waterways (Chris Tymeson)**
 - B. General Discussion**
 - 1. Presentation of an Outstanding Sportfish Restoration Award for 2012 (Mike Stone, American Fisheries Society)**
 - 2. Recognition of Service for K-9 Rex (Kevin Jones)**
 - 3. Tourism 2012 Year in Review (Becky Blake)**
 - 4. Roadside Maintenance for Wildlife (Roger Wolfe, KDWPT; Scott Shields, KDOT)**
 - 5. Webless Migratory Birds (Rich Schultheis)**
 - 6. Early Migratory Bird Seasons (Tom Bidrowski)**
 - 7. Furharvester Regulations (Matt Peek)**
 - 8. Fort Riley Deer and Other Considerations (Lloyd Fox)**
 - 9. Lesser Prairie Chicken Federal Listing Update (Keith Sexson and Jim Pitman)**
 - C. Workshop Session**
 - 1. Upland Bird Regulations (Jim Pitman)**

2. **Public Land Regulations (Brad Simpson)**
3. **Camping and Utility Fees (Rick Martin)**
4. **Antelope and Elk 25-Series Regulations (Matt Peek)**
5. **Agritourism Regulations (Chris Tymeson)**

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. **K.A.R. 115-2-1. Amount of fees. (Lloyd Fox)**
2. **K.A.R. 115-4-4. Big game; legal equipment and taking methods. (Lloyd Fox)**
3. **K.A.R. 115-18-7. Use of permits for big game hunting by persons with disabilities; application, permit, and general provisions. (Lloyd Fox)**
4. **K.A.R. 115-25-9. Deer; open season, bag limit and permits. (Lloyd Fox)**
5. **Secretary's Orders for Deer (Lloyd Fox)**
6. **K.A.R. 115-4-4a. Wild turkey; legal equipment and taking methods. (Jim Pitman)**
7. **K.A.R. 115-25-5. Turkey; open season, bag limit, and permits. (Jim Pitman)**

XII. OLD BUSINESS

XIII. OTHER BUSINESS

A. Future Meeting Locations and Dates

XIV. ADJOURNMENT

If necessary, the Commission will recess on March 21, 2013, to reconvene March 22, 2013, 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, April 25, 2013 at Great Plains Nature Center, Wichita, KS.

**Kansas Department of Wildlife, Parks and Tourism
Commission Meeting Minutes
Thursday, January 10, 2013
Butler County Community College
Clifford/Stone Community Room, 901 S Haverhill Rd, El Dorado** Subject to
Commission
Approval

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

The January 10, 2013 meeting of the Kansas Wildlife, Parks and Tourism Commission was called to order by Chairman Gerald Lauber at 1:30 p.m. at Butler County Community College, El Dorado. Chairman Lauber and Commissioners Debra Bolton, Don Budd, Randy Doll, Tom Dill, Roger Marshall and Robert Wilson were present.

II. INTRODUCTION OF COMMISSIONERS, STAFF AND GUESTS

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

III. ADDITIONS AND DELETIONS TO AGENDA ITEMS

Sheila Kemmis – Rick Martin will be presenting Workshop Session item No. 2 instead of Linda Lanterman.

IV. APPROVAL OF THE October 18, 2012 MEETING MINUTES

Commissioner Roger Marshall, moved to approve the minutes as presented, Commissioner Randy Doll, second. Approved. (Minutes – Exhibit B).

V. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

Carla Fisher, Interim President, Butler County Community College – We built this facility two years ago for this reason, to invite people to campus. From Noah: don't miss the boat; all in the same boat; plan ahead; stay fit; don't listen to critics; build future on high ground; for safety travel in pairs; don't have to be fast; arc was built by amateurs, Titanic by professionals; and always rainbows. Thanks for coming here.

Gary Ball – farm northeast of lake – Not 65, but glad for new bill that says I only have to buy one combo for revenue, good thing for state. Crossbows, had injury in stand with compound bow, appreciate law, great thing for me. Introduced crossbow to seniors, family and youth; expect a couple of them to take up deer hunting now. Would like to see younger people, especially women, given a chance to shoot a crossbow because they aren't as strong. Coyote hunters, I don't hunt coyotes, but friends do, saw people shooting out of vehicle window. Like to see no coyote hunting year-round any more. Like to see rifles cased while in the pickup for all seasons. Like to see five feeders on lake within casting distance of the shore, will increase

revenue and bring in more anglers. Can catch two walleye over 21 inches, very difficult because of white perch, change to either two fish limit on walleye with slot limit of 15-21 inches. I know they want big fish to eat white perch; or maybe five fish 15-21, keep four and one over 21 inches. Crappie should have 10-inch limit, hard to clean anything smaller than that. New law on convicted poachers a big thing, but besides punishment don't allow them to be with youth hunting.

Ken Kreif – Zebra mussel control (handout – Exhibit C). Did chemical and biological warfare in military and looked at decontamination of zebra mussels. They continue to contaminate lakes, clean, drain and dry is best message and should apply to any body of water. Contamination increased in Kansas over the years. Found new rule on bluegills and sunfish, as long as caught in non-designated water. If not named contaminated, but is, can spread contamination through the water. Other states understand the moving of water. Using baitfish where taken is a great idea, now allowing bluegills and sunfish. Lake Kahola has own rules to not bring in fish or water from anywhere else. Don't allow any fish transported. Villagers can stay alive 21 days. Doug Nygren – Allow bluegill and sunfish because of private water impoundments, so have no authority to stop that; have 8,000 lakes that we don't even check. Villagers can be moved by water from lake to lake, that is true. Chairman Lauber – Sometimes not practical. We know villagers can be transported in water, but don't know how much coming from water or how much from boats, do we? Nygren – Can also be transported on equipment working in the streams, livestock watering, trying to teach public about dangers of moving water from point A to point B. Commissioner Budd – What if you put boat in water, drain boat when you come out, but don't get one gallon dumped, can pass through that into the next lake? Nygren – Yes. There are safe ways to move water from point A to point B. Kreif – Idaho inspects boats being brought across their borders to make sure, clean, drained and dry. Hot weather will kill them when out of the water. Boats cannot go on Lake Kahola until inspected, and sealed, otherwise put into quarantine. Can stop the spread, but may be uncomfortable to do it. Council Grove infestation plugged water lines to the city, so more than just fishing issue. Commissioner Budd – Expect to deal with this again in the future. Can you work with Doug on that? Kreif – Sure, work with Jason already.

VI. DEPARTMENT REPORT

A. Secretary's Remarks

1. Agency and State Fiscal Status – Robin Jennison, secretary, presented this update to the Commission. Recap of previous meeting, presented budget, asked to take off 10 percent of EDIF funds which go to parks and tourism, took totally out of parks for 2014 fiscal year. Our hope is park passport will increase revenues to parks. Some changes, states fiscal picture is better than anticipated, revenues in December may have been because of potential federal tax increases. More importantly Governor is most likely to propose, similar to last year, revenue neutral package. Take away tax credits and expect revenue hole that was projected to not happen; should know next week at Governor's state of the state. Park passports are working fairly well so far, hope to meet our projections of 10 percent of cars and light trucks. If you compare this fiscal year to last year, going into this period with \$400,000 to \$500,000 in reserve and not counting potential money in cabin fee fund. Had to borrow from road fund last year and hope to not have to do that this year. Think we have done something significant with the parks. Hope to add

revenue from 65 and over hunters. Also, looking at ways to market licenses (not increase fees), make easier to buy, like an affinity card, and smart phones.

2. 2013 Legislative Update – Chris Tymeson, chief legal counsel, presented this update to the Commission. Monday will start 2013, beginning of two-year cycle so bills that don't make it out will be alive next year. One bill about vessel registration caps, that didn't make it last year. Number one item, constitutional item that passed in November, so vessel taxation comes due in January; now 30 percent, hope to decrease, next year 20 percent, then 10 percent then zero. Fiscal impact based on those in regards to school finance. Time limitation on blood alcohol changed, proposing three-hour period instead of two-hours. Boating education now has grandfather clause date, it says, January 1, 1989, but those over 21 don't have to have it; remove over 21 from bill and just leave date, so that anyone born on or after Jan. 1, 1989 would need to have boater education. Have deer hunter youth hunt of a lifetime permits, but have received a number of requests for disabled combat veterans permit, proposing setting aside 10 for those, as well. Potential of regulation captive cervids again; department wants captive cervids, Animal Health controls them and wants to cooperate with us on enforcement of the program, have concerns with the spread of CWD to wild deer herd. Model language on constitution hunt, fish and trap, proposal submitted to me, expect to be placed on ballot in November 2014. Also threatened and endangered species act possible changes. Commissioner Bolton – What does constitutional right to hunt, fish and trap look like? Chairman Lauber – Reaffirmation that basic right in Kansas, makes it harder for non-hunting groups to come in. Tymeson – Statutory right to hunt now, standard of how you have to pass regulations currently, don't know if passing constitutional right would change that and if it is least restrictive. Commissioner Doll – Who is bringing this forward? Tymeson – NRA, but is a national effort. A wave that is coming and it depends on how you write it and how court system interprets it. Commissioner Doll – What is department's position? Tymeson – Suggested revisions and if that is done, we could support.

Doug Phelps, Manhattan – Wildlife Violator Compact, concern if made constitutional could compromise state's rights? Tymeson – Rights can be restricted.

Ron Klataske – On threatened and endangered (T&E) changes, more about that and what is reason for it? Tymeson – Deals with permits and mitigation and primarily two areas: metropolitan areas moving into critical habitat and nexus that brings in our dept, we comment on and only time we comment on T&E, some feel mitigation is excessive; last year in Johnson County, red-bellied snake habitat and in the southwest a lagoon project required mitigation. So mitigation is the issue. Klataske – Is mitigation really ominous or people just don't want to slow down? Tymeson – Johnson County was more governmental issue, but no good answer to your question. Klataske – Need more detail to argue in legislature. If mitigation has worked out, or become win/win. Greater concern is if that goes into legislature, risk is that the whole T&E act will be eviscerated. Tymeson – Six to eight years ago there was an attempt to do that; should be well discussed. Klataske – Hope Commission proactively discusses this. Chairman Lauber – We haven't been asked to take a position? Tymeson – Not until an actual bill is introduced. Chairman Lauber – Ron has good point, stay on top of this.

Tim Donges, Quality Deer Management (QDM) – One issue of road hunting problem, any intention of something to help us in field with law enforcement? Tymeson – Discussed last year, new ways to combat poaching, department has authority on coyote hunting as discussed earlier, other things being discussed internally on some of these items and expect on next commission

agenda as general discussion item. Donges – Look forward to discussing this problem we are having, don't forget about these items.

Commissioner Wilson – On vessel registration tax, mentioned at 30 percent, then 20 percent, then 10 percent, ever see it ever going to zero? Tymeson – That is our proposal in 2016 to be zero. Commissioner Wilson – Legislature won't pass zero will they? Tymeson - Expect counterproposals. Commissioner Wilson – What would replace this if revenue is taken away from counties? Tymeson – Talking about \$130 a boat to county, percentage of overall budget that makes a difference on. Commissioner Wilson – What about length of vessel for taxation purposes? Tymeson – Potential option, but Department of Revenue would like as simple as possible. Counter-proposals could come up. Commissioner Budd – About \$1.6 million in revenue? Tymeson – That is \$1.6 million in school revenue, \$10 million in statewide tax. Commissioner Doll – Spread out now? Tymeson – Spread over 105 counties. Commissioner Doll – How can revenue be offset? Tymeson – If we do not take to zero; if competitive those registering out of state, could come back and even buy new boats. Chairman Lauber – No new revenue, but get sales tax from sale of boats. Commissioner Doll – How many vessels? Tymeson – About 10,000, Oklahoma has about 5,000; don't know exact number from Missouri.

Doug Phelps – Department have any projection on increased registration and federal funds? Tymeson – Department gets federal funding for coast guard on number of boats registered, 50/50 match. Don't have projection on that, have to have increased registration fees or increased registration of boats registered in other states. Encourage people to do what is legal. Secretary Jennison – Could make more revenue for some counties, if not zero; but expect to sell more boats and have more boats on our lakes. It will be doing something positive to Kansas economy. Also, what service is local government doing for boats? And that is what we are going to be talking about. There are positive things that will happen if zero tax on boats.

B. General Discussion

1. Commissioner Permit Update and Drawing – Keith Sexson, assistant secretary, presented this report to the Commission (Exhibit D). We will draw for permits when this is over, but give update first. This is eighth year we have held drawing for Commission Big Game Permits since that first drawing in 2006. There can be one elk, one antelope or up to seven deer permits issued with a limit of seven total permits. Once issued, the organizations can then sell or auction the permits off as fundraising efforts. After the permits are sold by the organization, 15 percent can be spent at the organization's discretion and 85 percent of the proceeds are sent to KDWPT to be used on approved projects. After the projects are approved, the money is sent back to the organization. Qualified applicants include local chapters of nonprofit organizations based or operating in Kansas that actively promote wildlife conservation and the hunting and fishing heritage. An organization or chapter is eligible to receive a permit only once in a three-year period. Since 2006, permits sold for \$218,705.56 with 699 eligible applicants. Last January, one elk and six deer permits were issued to two National Wild Turkey Federation (NWTF) chapters, two Ducks Unlimited chapters, two National Rifle Association chapters, and one Rocky Mountain Elk Foundation chapter. For the 2013 permits, 86 eligible applications were received. Drawing Winners (Exhibit E):

Commissioner Robert Wilson – (1) – #83 Friends of NRA Douglas County #27, deer.

Commissioner Roger Marshall – (2) – #20 NWTF Northeast Kansas, elk.

Commissioner Tom Dill – (3) – #15 NWTF Beloit, deer.

Chairman Gerald Lauber – (4) – #60 Quail & Upland Wildlife Federation Jayhawk Chapter, antelope.

Commissioner Randy Doll – (5) – #35 KAWS State Chapter, deer.

Commissioner Don Budd – (6) – #33 NWTf Chisholm Trail, deer.

Commissioner Debra Bolton – (7) – #66 Crawford County 4-H Shooting Sports, deer.

Mike Pearce, Wichita Eagle – In some states funding goes to conservation for that state, for instance big horn sheep in Montana goes to big horn sheep conservation. Anything like that?

Sexson – Use for approved projects. Pearce – Can we provide list of winners? Sheila – I provide to information services for website or anyone can call me to see who the winners are.

2. Public Land Regulations – Brad Simpson, public lands section chief, presented this report to the Commission (Exhibit F). Under no alcohol restrictions: remove Rocky Ford Fishing Area; and add LaCygne Lake and WA. Non-toxic shot – statewide add designated dove fields. Under No Motorized Boats, error, don't remove Elk City WA-Widgeon and Simmons Marshes, but add Housemound Marsh. KAR 115-8-23 bait, hunting – definition of baiting - A possible issue is the department-managed dove fields under the current definition; and KAR 115-8-2 blinds, tree stands, and decoys - clarifying or defining stands and blinds, current regulation refers to only tree stands. Commissioner Wilson – On 8-23, is problem because you scatter seeds? Simpson – Yes, scatter sunflower heads.

C. Workshop Session

1. Agritourism Regulations – Chris Tymeson, legal counsel, presented this report to the Commission (Exhibit G). Discussed before, but when Governor issued ERO #36 in 2011, and authority in SB 316, which merged the Division of Travel and Tourism into our agency, an oversight left out agritourism, which was not technically part of tourism. With agritourism there are a lot of duties and liabilities that come with that. Statutes are renumbered and cleaned up and we will be presenting those regulations to you for your review and approval. Basically clean up issue.

2. Camping and Utility Fees – Rick Martin, state park manager, presented this report to the Commission (Exhibit H). KAR 115-2-3, subsection h, looking at short-term storage. Selected five state parks for pilot program; charging \$50 per month at each of these locations for storage. Trying to provide customer service to more remote areas, customers can leave boats and RVs in these storage locations. No storage facilities within five miles except North Shore bait shop at Webster and we have spoken to them and they are not upset with this. Commissioner Budd – What about Kanopolis and Glen Elder? Martin – No problem at Kanopolis, I didn't talk to Glen Elder owner. Don't want to hurt private enterprise. Commissioner Doll – What is \$125 listed in regulation? Martin – Statute allows up to \$125, but that is too high. Commissioner Budd – How do we plan on storing these? Martin – Gravel, fenced in area. Don't expect 100 percent occupancy. Commissioner Budd – Have locations at all five places? And costs? Martin – Yes. Cost about \$3,000 for gravel and fence. Commissioner Doll – No lights or security fences? Do you think people will leave unprotected property? Martin – They do now. Pearce – Why is this called short-term parking? Martin – That is the way it is listed in the regulation. Commissioner Budd – Take \$15,000 fiscal risk for potential of \$99,000 a year? Commissioner Dill – Do nine

months a year or year-long storage? Martin – Expect year-round. Commissioner Doll – As long as we don't compete against private individuals, have no problem with this. Worked on lease agreement yet? Martin – No, gave Chris language. Commissioner Doll – Put in something about cost of hauling it off if they don't pay.

3. Deer 25-Series Regulations - Lloyd Fox, big game research biologist, presented this report to the Commission (Exhibit I). The regulation (115-25-9) contains season dates. One item this year, from SB 314, the department has been directed to develop a pre-rut white-tailed deer antlerless-only season. Season dates suggested for deer hunting during 2013-14 are as follows: Youth and Disability - September 7-15, 2013; Early Muzzleloader - September 16-29, 2013; Archery - September 16-December 31, 2013; Pre-Rut WAO - October 12-13, 2013; Regular Firearms - December 4-15, 2013; Extended WAO- January 1-12, 2014; Special Extended WAO- January 13-19, 2014; and Extended Archery (DMU 19) - January 20-31, 2014. Eliminated early deer management season in DMU 19 and in order to allow same number of deer days included DMU under special extended WAO-firearms. Not considering any additional units to include more than one antlerless permit other than ones last year. Chairman Lauber – On pre-rut, are we using existing game tags? Fox – Yes, use permits they have, special permits are use it or lose it permit, but decided to allow them to use any permit they have to take antlerless whitetail, for better flexibility of hunter. Chairman Lauber – How many years mandated to have this season? Fox – Two years I believe, 2013/2014 will be first year of pre-rut hunt. Chairman Lauber – Figure out area where mandated area might work? Fox – It will be statewide in 2013. Commissioner Dill – Can hunt with firearm with archery tag in this pre-rut season? Fox – That is correct. Commissioner Dill – Why that weekend? Fox – Moved archery opener in 2008. Tried to find weekend when there was a break in system. Felt October 12 and 13 were best dates. Confusion before change made in 2008, during review process in 2006 and 2007, cleaned up and started archery season same time as early muzzleloader season. Commissioner Budd – Any idea what drought is doing to deer herd? Fox – Using spotlight surveys and KDOT information and asked personnel for information on populations, so expect data from those before this comes back to you in March and will have preliminary estimates on deer harvest. Appears EHD has spotty distribution; effect of drought even harder to estimate, fawn recruitment is best place to pick that up. Commissioner Budd – Not affect entire unit, maybe part of unit? Drought statewide and more or less of a problem than EHD? Fox – Yes, parts of unit. On drought, just don't know. Deer move a great deal more than in other parts of North America and move to water, food and cover. Commissioner Budd – Suggest tourism promote “toughest deer in country.” Commissioner Doll – Matt Bain sent email said he requested deer committee meeting minutes and got BG report? Fox – Don't know, expect got big game report. Expect refers to 4-4 in next regulation. Those are long in-house discussions. Isn't deer committee all KDWPT staff? Fox – Ten employees from law enforcement, fish and wildlife and administrators. Secretary Jennison – Deer committee and staff recommendations, same, but deer committee looks at it, then staff managers makes recommendations. Fox – Matt has what came from deer committee, but staff recommendation comes from whole department after going through managers. Commissioner Marshall – What is goal of deer management in state? Would like to have 10-15 minute presentation on deer management, with bullet points. Fox – Have had decades of strategic planning on big game objectives, spelled out in older publications, now strategic plan is broader. Maintain healthy population, surviving in habitat and at level people will accept. That is why we run human dimension surveys. Done since 1965, a consistent program.

4. Deer Permanent Regulations - Lloyd Fox, big game research biologist, presented this report to the Commission (Exhibit J). KAR 115-4-2, KAR 115-4-6 deer and KAR 115-4-11, have no change recommendations. We will have changes to KAR 115-4-4 big game; legal equipment and taking methods, which is still in discussion phase. Attempting to make regulation broad enough to not have to come back every year with changes. In review process, look at draw weights and restrictions on archery and crossbows and felt we could remove those restrictions. Looking at allowing archers to use mouth tab or other body parts to allow them to draw the bow. Lot of input on crossbows, pilot program required by state legislature, put in four of our deer management units and have surveyed those people; 72 percent completed survey from January 1 to today. Most information was positive. Have results, but bottom line is people using crossbows are both firearm and compound bow users prior to this year; 71 percent used firearms, and 60 percent used compound bows. Of those, 89 percent took deer with firearm first time in their life; 75 percent had taken deer with compound bow. And 30 percent went out and bought a crossbow in last 12 months. Majority indicated they would use crossbows in future and indicated that it would be preferred deer hunting weapon. Also, ran resident deer hunting survey on archery deer permit or any-season permit and history of using archery. One question was if crossbows were detrimental to their season: 46 percent indicated it would probably not be detrimental to their hunting and 37 percent said it would be. In 4-4 recommending significant change for use in big game archery seasons, not restricted to a particular age or disability. Also, looking at simplification of muzzleloader specifications, minimum size of 0.40 inches in diameter. With shotgun and slug, allowing all gauges of shotguns with a slug for taking big game animals. Simplification would allow use of .410 for big game hunting, which is similar to smaller muzzleloader. These changes allow hunter to choose option on equipment they will use. Removed section on possession of equipment and most restrictive big game permit the person had. Clarified language on sound suppression and possession of handguns to fit state law on concealed carry and possession of handguns. Similar to allowing field points even though it is prohibited to deer hunt with them. Still a restriction of sights that magnified thermal energy as means of detecting target and cleaned up language to make easier to understand. Allow greater flexibility of equipment to use. Allowing range finders, film and video cameras, and radio frequency device to help retrieve wounded deer. Chairman Lauber – Would eliminate caliber limitation? Fox – Yes, would allow centerfire rifles. Pearce – Any centerfire? Fox – Yes. Pearce – For this fall? Fox – Yes, this fall. Some states have made the change already to allow all centerfire rifles. To minimize and simplify, hunters select equipment that will be best for their use, they don't select inferior equipment; places burden of decision on them. Commissioner Budd – Controversial no matter what you do, but simplifies for law enforcement, don't have to check bullet and size of caliber. Hunters will pick best caliber and equipment for them. Good job of simplifying. Feel at disadvantage, when refer to survey would like to have copy of the survey, number of who responded and who came up with questions; just a summary in front of us. Fox - Can provide results to Sheila and she can provide to you or put results on website. Pearce – Chris, where are we at in process? Recommend, discussion in March? Tymeson – March will be vote on this regulation. Chairman Lauber – Controversy at previous meetings is unlimited use of crossbows and allowing smaller caliber rifles. Also, gadgets attached to arrows were less controversial. Doug Phelps – On crossbow, are you eliminating draw weight, or are there any restrictions on crossbow now? Fox – Currently have restriction on draw length and length of arrow. Phelps – They make a crossbow pistol that will draw 20- to 30-pounds, needs to be full

scale crossbow, not those. On firearms, any restriction on bullet construction in regulations, like military balls? Fox – In 4-4, has to be expanding-type of bullet or soft-class lead. Chairman Lauber – I could hunt with .25 caliber pistol legally, but I wouldn't do that; understand the issues, but new ballistics are continually coming out. Chairman Lauber – Simplification could be problematic, but positive reasons to support and propose this regulation. Commissioner Doll – How many states have caliber definition? Fox – Don't know. Chairman Lauber – About half centerfire and half caliber restrictions, I think. Commissioner Marshall – How did you decide to extend season on crossbows? Fox – Public desire to use new types of equipment; ease of use; accuracy; longer. Commissioner Marshall – Why recommending it? Secretary Jennison – If you would ask staff if they personally agreed with every one of these, they won't. Why agency did it - primary reason is we're losing hunters and anglers and need to get people outdoors, new hunters, give older people and young children chance to hunt. Type of weapon you use is your personal ethic, not our job to tell you what your personal ethic should be. Most of our hunters know their abilities. Need to show confidence in our constituents and feel they will pick proper weapon for their skill level. Don't think it will harm our natural resources. Some regulations are so closely defined and new equipment comes in every year and we have to adjust regulations to fit. Crossbow is another tool to get someone out hunting. Chairman Lauber – Last year in January decided not to allow crossbows, almost crammed down our throats legislatively. Need to deal with it ourselves. Pearce – You said that last year, why you wanted it limited to 55. Chairman Lauber – Felt 55 would fit constituents; decided to do nothing and had to do something to avoid legislative statute. Commissioner Marshall – What do bowhunters think? Marvin Whitehead, President of Bowhunter Association – Deep down, don't want crossbows, but feel there is a place for them. There are a lot of youngsters who don't belong in the woods yet. Did you ask any hunters if this was their first year hunting? Fox – Did recruit some new. Commissioner Marshall – How would this be detrimental to bowhunters? Whitehead – More for guys limited to public hunting areas. I have a few acres of private hunting ground to hunt on. Commissioner Marshall – Does crossbow have unfair advantage over compound bow? Whitehead – Have never shot one so don't know. Phelps – Biggest advantage, cock crossbow on Friday and shoot it on Sunday, not a compound bow. Also, can shoot from solid rest. While making it easier; have devalued the hunting permit product. Commissioner Marshall – Any fear detriment of trophy class herd? Whitehead – Not that big of a detriment, people will do what law will allow. Chairman Lauber – What relayed over last several years, easier to use and easier to become proficient at; also felt more competition in archery season. Commissioner Budd – Mandated to a point by legislature, shot crossbow first time this year, easier to learn, but heavier and more cumbersome, for me personally more comfortable with compound bow. No downside to harvest or detriment to population. We need to do whatever we can do to encourage youth to hunt. If we simplify equipment may not get involvement of legislature. Fox – Didn't see any detriment this year at all, took more antlerless deer than antlered and about same success rate. About 3 percent were new of 345 people (about 11 people). Ron Klataske – As landowner, concern about poaching because of silence factor. Chairman Lauber – Can poach with crossbow now. Commissioner Dill – Least efficient way to poach. Bob Griffith, Lebo – Bowhunting since 1996, on public hunting, did not see one mature doe this year, only two bucks, small ones. Already issues of doe harvest and access on public grounds, will create more issues; not near as much on private grounds. Chairman Lauber – There are 2-3 items that will come up at March meeting. Tymeson – Had someone weigh in on centerfire, in favor of it. Expect grassroots bill will be presented again this year. Tenor of legislature has shifted this year. Don't want statutory

mandates that we couldn't pull back from ourselves. Commissioner Wilson – Spoke to Missouri hunters, went through all of this and now hunt with rifles during rut. Going on so long now, it is a culture commissioners don't know how to change. If being pushed by industry and legislature; will end up hunting rifle season in rut, they didn't think it would happen, but it did.

Commissioner Marshall – Why not make some compromise of season, why jump from nothing to whole archery season? Fox – Trying to keep it simple, to not cause problems. Don't feel crossbow will change harvest or quality of the deer. Commissioner Budd – Regulation 4-4 will be voted on as one vote in March. Potential of a lot of amendments because of so many items.

Tymeson – Can make motion to amend, regulations were turned in today to Kansas register, best option it to let me know in advance. Can make at meeting, but make specific as possible, some legal constraints were passed by legislature a few years ago. Commissioner Bolton – Like idea and flexibility for hunters to choose equipment. Commissioner Marshall keeps talking about trophies' going down; I only shoot does, but didn't hear you mention trophy numbers going down. Phelps – What is difference of pilot program being thrown under the bus and go with this recommendation? Didn't even take one year of pilot program and already developed strategy to go beyond that. Commissioner Dill – An emotional issue and prefer proactive instead of reactive.

Like to simplify regulations, bottom line is not limiting anyone's choice, whether you personally do or don't. Phelps – Drawing conclusions that may or may not be correct. Chairman Lauber –

Not hurting resource, but whether sociological acceptable or not is question. Phelps – I am saying we don't know. Not limiting discussion, but being repetitive. Pearce - Why making everything legal, less and less in regulatory process, Robert may be right. Worried about what legislature is going to say. Asked people for years to come and get involved and don't see the reason for that with passing everything. Commissioner Budd – What would you suggest? Where is the line? Pearce – Frustrating to see department go one way and then one year later, flips. I hear from people that you shouldn't go to the meetings, because their minds are already made up.

Commissioner Marshall – Not true, my mind is not made up. Commissioner Budd – Dealing with several moving parts in one regulation, don't expect it passing as recommended. Personally would like email or call on suggestion they would like to see; got to deal with reality. Chairman Lauber – Our job is to recommend or approve and most of these are vetted by full-time staff.

Staff has spent a fair amount of time trying to figure out what to do to create opportunity. I am motivated by what legislature is going to do, would rather vote for it myself. Some of these items have a lot more thought than just what comes out here, we can't call each other and talk about it.

Commissioner Bolton – Trying to balance science, politics and what people want and trying to be fair. Pearce – But politics wins. Secretary Jennison – It troubles me if you think legislative

politics is guiding this commission or it doesn't do any good for people to come address this commission. Important to bring up political issues, don't rubber stamp this and staff makes recommendations. Don't think it is the case to not have constituents come. Fox – Discussed 4-13, legislature in SB 314 directed secretary to come up with combination antlered/antlerless permit and have recommendations and legal counsel has determined it can be handled in 115-2-1 so we will close 115-4-13.

Tymeson - Representative John Grange is here and he has been a true friend to the department, ran for Senate and not elected.

5. Antelope and Elk 25-Series Regulations – Matt Peek, furbearer biologist, presented this report to the Commission (Exhibit K). This regulation (KAR 115-25-7) Surveys scheduled

for next week, nothing new for Commission.

Elk (Exhibit L): This regulation (115-25-8) waiting on surveys, January 18 is scheduled Fort Riley survey. Sold 40 permits in addition to 25 Fort Riley permits. No substantial changes to season structure or regulation from previous years.

6. Fall Turkey – Jim Pitman, small game biologist, presented this report to the Commission (Exhibit M). We are recommending to increase consistency in the fall turkey season dates from one year to the next and minimize confusion. Currently, the fall turkey season is closed during the regular firearm deer season and the extended firearm deer season; it is open during the early firearm deer season (DMU 19) and the special extended firearm deer season and has created confusion.

Pitman - In April or June need to discuss 115-4-11, application deadlines needs to be updated to add new units that were added.

7. Turkey Permanent Regulations – Jim Pitman, small game biologist, presented this report to the Commission (Exhibit N). The regulation contains the following items: legal equipment for hunting wild turkey; accessory equipment such as calls, decoys, and blinds; shooting hours; special restrictions prohibiting shooting at turkeys while they are in a tree; and the use of dogs while hunting turkey during the fall turkey season. The department is recommending that the definition of legal equipment be expanded to include all shotguns and muzzleloading shotguns of not less than .410 bore diameter. Currently, not less than 20 gauge are legal equipment. Chairman Lauber – Any controversy on using 410? Pitman – Discussed for years and pretty good support internally so that is why we are discussing.

Pearce – Altering youth when season opened on public areas? Pitman - Decided to handle by doing it by posted notice on public hunting areas.

VII. RECESS AT 5:20 p.m.

VIII. RECONVENE AT 7:00 p.m.

IX. RE-INTRODUCTION OF COMMISSIONERS AND GUESTS

Chairman Lauber – Welcome former commissioner and new Representative Will Carpenter. Will Carpenter – Thanks for coming to El Dorado and Butler County.

XI. DEPARTMENT REPORT

X. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

Ernie Condon – During any species hunt, went to Colby, got three deer. Got stopped by game warden and got outside of Great Bend, highway patrol did game check, antlerless only tag, put wrong tag on deer. Had me remove deer from truck, loaded it up and gave me receipt in case I wanted to pick it up. Looked in wallet, had HIP stamp, several tags, a pocket full of green tags. I was wrong, tried to get this resolved, could never get appointment with prosecuting attorney;

\$500 fine and \$1,300 grand total, \$200 was for diversion. Felt like a criminal, had no intent to break the law; tried to hire a defense attorney, \$1,000 up front and didn't want to take the gamble. My issue, you bear responsibility for this also, called Pratt and talked to person responsible for the tags; the fine print is hard to read. Tymeson – Some information is required to be there by regulations, size of paper and font don't know. Commissioner Marshall – Can make an effort to improve them. Tymeson – Need to talk to licensing. Cindy Livingston – Set field size on form. Secretary Jennison – Will take a look at it and see if there is a better way.

XI. DEPARTMENT REPORT

B. General Discussion (continued from afternoon)

3. Lesser Prairie Chicken Federal Listing Briefing – Keith Sexson, assistant secretary, presented this update to the Commission (Exhibit O). Here to update you on status of lesser prairie chicken (LEPC) listing and range-wide management plan being worked on by the five states (Colorado, Kansas, Texas, New Mexico and Oklahoma). The final rule will be announced on September 30, 2013. As the result of the listing proposal, public hearings are being held with the next one on Thursday, February 7, 2013, 6:30 p.m. – 8:30 p.m. at the Garden City Community College, 801 N. Campus Drive, Garden City. This plan will be presented to the USFWS in March 2013, so that it can be considered before a final listing is announced. Jim Pitman, Mike Houts and Eric Johnson have been working pretty hard on this and the other states equally as hard.

Jim Pitman, small game biologist, presented this report to the Commission (Exhibits P, Q). Service proposed threatened rule, comments in 90-day period, due March 2013. Deadline at end of March plan is due to be complete. If final ruling in September, statutes will take effect 30 days later. First objective is to secure future of LEPC through voluntary efforts. Coordinated by lesser prairie chicken working group, each of the five states has a member. Contractor coming out of Montana to write the plan. Three working groups: science, voluntary off-set committee; and conservation banking committee. Had team meeting in Kansas to involve NGOs, landowners, etc. Will manage species on larger scale once this is all complete. Soliciting public comment. Major products that will come out of plan: range-wide population and habitat goals, best location for conservation and energy development, consistent method to quantify habitat to estimate losses and gains; and fill research gaps. Set population goal at 66,000 birds, estimated population is 37,000; drought is significant factor in decreased population. To support population goals: focal areas set to target voluntary conservation; and set priority areas for energy development. Followed guidelines to keep birds outside focal areas as well as within the focal areas; may use eco-regional areas to maintain densities. Considered existing populations; high potential restoration areas; and avoided energy development conflicts. Reviewed and modified by state implementation team and made presentation at public meetings. Need 6.3 million acres, but have selected 8.9 million areas; will shrink areas. Have 5.5 million acres in Kansas, may need to increase in other states. Connectivity zones will bridge gaps between focal areas; maintain 40 percent of suitable habitat. Need to quantify habitat, so worked with science team to come up with set of metrics to do that; identify baseline acres, apply buffers to energy features and other negative features, calculate acres not affected to come up with baseline. Apply multiplier to habitat units to downgrade: ecological site description; vegetation quality; and result in

unweighted habitat units. Landscape position used to weight habitats by conservation priorities. Fourth thing to apply would be duration multiplier to further weight for impacts; will guide conservation efforts to protect species. Commissioner Bolton – Do you think LEPC should be listed? Pitman – Think it would be a detriment to the species. Commissioner Marshall – What is detriment? Pitman – To whom? Could hurt energy, but don't know how it would impact landowners. Tymeson – Federally funded project or one funded by another agency could result in litigation. 4D rules, can have incidental take. Commissioner Dill – Listing was more to slow down oil and gas industry. Chairman Lauber – Encouraged from environmental interests. Pitman – Some of those environmental entities are who got the petition going to get this listed. Tymeson – Two major groups that do endangered species litigation entered settlements; suing Service on two issues. There are 250 species including three game species. Suit went away in Colorado. Chairman Lauber – Do we assume they will be listed? Pitman – Hope not. Chairman Lauber – Not that great of decline in Kansas? Pitman – Look back to 1997, increase north of Ark River, same in central, declined in sandsage prairie. Chairman Lauber – Can we get left off this? Tymeson – Depending on 4D rules, it would be difficult. Commissioner Doll – How did they go from 8 to 2, states disagree with that? Pitman – What is driving it is wind and oil and gas production. Commissioner Doll – Working with wind companies, receptive or not receptive? Pitman – Working pretty well with us, rather do voluntarily than have to work with the feds. Ron Klataske – Saw opinion piece in Wall-Street Journal. Can't speak for groups that brought action, but have broad knowledge and motive is concern that species heading towards being biologically endangered. Don't want LEPC to go same way as Atwater Chickens. Greatest benefit of attention to species is management and conservation plans being put together and NRCS working with landowners. Devoted to habitat needs. Chairman Lauber – Kansas is not same as other states. Klataske – Not increasing, expect CRP numbers to drop. Plans may help to retain priorities, not waste of resources. Mike Pearce – Mentioned special habitat programs that some are trying to encourage landowners, correct? Pitman – NRCS second year of program and Farm Service working on CRP.

4. Upland Bird Regulations – Jim Pitman, small game biologist, presented this report to the Commission (Exhibit R). The intent of this discussion will be to provide some information about how a listing of the lesser prairie-chicken as a federally threatened species might affect prairie chicken hunting regulations for the state. Specific items that will be discussed include how a federal listing might affect our ability to hunt populations of solely lesser prairie-chickens and populations where both prairie chicken species co-exist. The U.S. Fish and Wildlife Service is scheduled to release their final ruling on the listing status of the species by the end of September 2013, but there is a possibility for a six-month extension on that decision. May have to delineate greater and lesser prairie chicken habitats.

D. Public Hearing

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

1. KAR 115-9-8. Migratory bird harvest information program; requirements, exemptions – Mike Miller information production chief, presented this report to the Commission (Exhibit T). SB 314, changed exemption age for senior licenses. HIP stamp required by anyone

who needs to have hunting license, related back to statute and cleaned up, not stamp so changed wording. If hunting migratory birds required to have HIP stamp, duck stamp and license.

**Commissioner Debra Bolton moved to approve KAR 115-9-8 before the Commission.
Commissioner Don Budd seconded.**

The roll call vote on KAR 115-9-8 as recommended was as follows (Exhibit U):

Commissioner Bolton	Yes
Commissioner Budd	Yes
Commissioner Dill	Yes
Commissioner Doll	Yes
Commissioner Marshall	Yes
Commissioner Wilson	Yes
Commissioner Lauber	Yes

The motion as presented KAR 115-9-8 passed 7-0.

2. KAR 115-14-14. Falconry; taking, banding, transporting, and possessing raptors. – Mike Mitchener, wildlife section chief, presented this report to the Commission (Exhibit V). Issue with one of new falconry regulations that was in conflict; voting on this to clean that up. The issue deals with banding and marking of required to be placed on captive bred raptors. Ron Klataske – On behalf of Audubon of Kansas, need to put new provision that allows and directs KDWP to manage raptor species by species and not put in one big group. Some species are in jeopardy that we are allowing falconers to take; ferruginous hawks, close to extinction as nesting species in state of Kansas. At one point there were 26 nesting sites in Wallace County, now all gone because prairie dogs are gone. The department doesn't know what birds are being taken or by who. Beneficial to put it in there to manage species. Nine states list as SINC and six list as imperiled. No allowance of golden eagles being taken, but should close door on that. Chairman Lauber – Why would someone from Indiana come to take a ferruginous hawk? Klataske – Can't get them there, also one of the biggest hawks. Not opposed to falconry but don't want to see it imperiling species. Chairman Lauber – Vote, but look at this; rules written to go with federal ruling. Mitchener – Average between 20-30 falconry trapping permits and do send a report card with those permits and get back as much information as we can. Commissioner Marshall – Anyone trap ferruginous hawk that you are aware of? Mitchener – One from Iowa; some came from Indiana but don't know if they were successful. Commissioner Bolton – Can report. Klataske – Filed freedom of information act and it said unknown species. Need to be interested in being best stewards we can be. Move on this and take a look at it over next few months or so. Mitchener – Believe people that trap, do federal report and one of features in new regulation is new online federal data base (federal 3186a forms).

**Commissioner Roger Marshall moved to approve KAR 115-14-14 before the Commission.
Commissioner Tom Dill seconded.**

The roll call vote on KAR 115-14-14 as recommended was as follows (Exhibit W):

Commissioner Bolton	Yes
Commissioner Budd	Yes

Commissioner Dill	Yes
Commissioner Doll	Yes
Commissioner Marshall	Yes
Commissioner Wilson	Yes
Commissioner Lauber	Yes

The motion as presented KAR 115-14-14 passed 7-0.

XII. Old Business

None

XIII. Other Business

A. Future Meeting Locations and Dates

Commissioner Doll - Invited to Winfield to Southwestern College. Chairman Lauber - Would like to go to Yates Center.

March 21, 2013 – Topeka (History Center)

April 25, 2013 – Wichita – (GPNC)

June 27, 2013 – Garden City (Lee Richardson Zoo)

August 1, 2013 – Great Bend (Cheyenne Bottoms)

October 17, 2013 – Hutchinson to have Tourism element

Possibly January 2014 – Yates Center

Possibly June 2014 - Winfield

Commissioner Marshall – Why mow right-of-ways? Chairman Lauber – Not our issue. Bob Griffith – Work for KDOT and it is a visibility issue. Secretary Jennison – Will get you a report which was put together by Secretary Deb Miller. Ron Klataske – Article in current magazine on that, Sec Deb Miller organized Esthetics Task Force, there are 212 management units in KDOT. Commissioner Dill – Can we change meeting times? Tymeson – Okay if we hadn't posted March meeting in federal register already. Keith Sexson – Can set aside some of briefings and address true issues.

XIV. ADJOURNMENT

The meeting adjourned at 7:32 p.m.

(Exhibits and/or Transcript available upon request)

Exhibit X – Audubon of Kansas Prairie Wings magazine – Winter 2012/Spring 2013

Secretary's Remarks

Agency and State Fiscal Status

No briefing book items – possible handout at meeting

2013 Bills as of March 5, 2013

SB49 (KDWPT initiative)--Current law makes it unlawful to operate a vessel with a blood or breath alcohol concentration of .08 at the time of or within two hours of operating a vessel. This bill would increase the time period from two hours to three hours after operation of a vessel, making it consistent with state DUI laws for motor vehicles. This bill had a hearing on Wednesday, Feb. 6, 2013, and passed out of committee. This bill passed the Senate 39-0 and has been received and introduced in the House. **This bill has been referred to the House Committee on Corrections and Juvenile Justice.**

SB50 (KDWPT initiative)--This bill would require anyone born on or after Jan. 1, 1989 to complete an approved boater education course before operating a vessel without supervision. Current law exempts anyone 21 or older from education requirements. This bill was referred to the Senate Natural Resources Committee. **This bill had a hearing Jan. 24.**

SUB SB57 -- Under statute, anyone possessing domesticated deer must be permitted under the Kansas Department of Agriculture. This bill would amend that statute to allow the Department of Agriculture to request assistance from the Kansas Department of Wildlife, Parks and Tourism in implementing and enforcing laws governing domesticated deer. This bill had a hearing for opponents on Wednesday, Feb. 6, 2013. This bill had a hearing for proponents on Feb. 13, and was scheduled for Committee Final Action on Feb. 25. **The bill passed the Senate 40-0 and has been referred to House Ag and Natural Resources.** The department supports provisions of this bill related to domestic deer.

SB74 -- This bill would prohibit the Department of Corrections from producing modular homes, including KDWPT cabins. The bill had a hearing on Thursday, Feb. 7. KDWPT requested an exemption to allow DOC to produce the cabins being placed in state parks, state fishing lakes and wildlife areas. This bill was amended to protect the KDWPT cabin program and the department supports the bill as amended. **The bill passed the Senate 36-4 and has been referred to the House Committee on Commerce, Labor and Economic Development.**

SB94 -- This bill deals with certain crimes and punishments and amends the definition of a firearm to exempt antique firearms including matchlock, flintlock and percussion cap muzzleloaders, making it consistent with the federal definition of firearms.

SB223 -- This bill would authorize use of a crossbow by all hunters during big game archery season. **The bill has been referred to the Committee on Natural Resources.**

HB2030 (KDWPT initiative)--This bill would allow the department to issue 10 "Wounded Warrior Deer Permits" to disabled veterans who sustained injuries in combat and have a service-connected disability of not less than 30 percent. This bill had a hearing Tuesday, Jan. 29, 2013. **This bill passed as amended out of committee and passed the House 115-0. It has been referred to the Senate Committee on Natural Resources.**

HB2052 -- This bill creates the crime of unlawful discharge of a firearm within or into the corporate limits of any city. However, it allows the discharge of a firearm to lawfully take wildlife, including nuisance wildlife, if approved by the KDWPT and the governing body of the city. This bill had a hearing on Feb. 7. **The bill is on House General Orders.**

HB2076 -- This bill would exempt any honorably discharged veteran who resides in Kansas and has a service connected disability equal to or greater than 30 percent from all hunting and fishing license/permit requirements and fees. The department opposes this bill. This bill had a hearing Tuesday, Jan. 29, 2013. **The bill was tabled in committee on Wednesday, February 6, 2013.**

HB2244 (KDWPT initiative) -- This bill was introduced as a result of the ballot issue which passed in November 2012 allowing the state constitution to be amended and a change to the way watercraft are taxed in the state. This bill would gradually reduce the percentage of appraised value used to assess property tax on a watercraft to 20 percent in 2014, 10 percent in 2015, then exempting watercraft from taxation for tax year 2016 and thereafter. **This bill had a hearing on February 18 and has been referred to a sub-committee for further discussion.**

HB2362 -- This bill would amend provisions of the nongame and endangered species conservation act, specifically redefining critical habitat as it relates to a threatened and endangered species, as well as significantly changing how species are designated threatened or endangered in Kansas. The department opposes the bill, which was referred to the Committee on Agriculture and Natural Resources. **This bill had a hearing on February 25.**

Senate Resolution 1711 -- This resolution opposes the black-footed ferret programmatic harbor agreement and environmental assessment drafted by the U.S. Fish and Wildlife Service, which involves black-footed ferrets that were reintroduced into Logan County in 2007. This resolution was referred to the Senate Committee on Natural Resources. **This resolution passed the Senate as amended 31-9.**

Recreational Access to Waterways in Kansas Outline

A. Two Types of Waters

1. Navigable
2. Non-navigable

B. Navigable

1. Meek v. Hays-Defines
 - a. Kaw or Kansas
 - b. Missouri
 - c. Ark or Arkansas
2. AG Opinions
 - a. Traverse
 - b. Ordinary high-water mark

C. Non-navigable

1. Everything else
2. Requires permission of the underlying landowner

General Discussion



Mike Stone
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Phone: 307.635.7795
mdsfish@gmail.com

October 26, 2012

Doug Nygren
Fisheries Section Chief
Kansas Department of Wildlife,
Parks & Tourism
512 SE 25th Ave.
Pratt, KS 67124-8174

Dear Doug,

On behalf of the Fisheries Administration Section, I am very pleased to inform you that the Kansas Department of Wildlife, Parks and Tourism's *Fishing Impoundments and Stream Habitats "FISH" Program* has been selected to receive the 2012 Sport Fish Restoration Outstanding Project award in the category of *Sport Fishery Development and Management: Access*. The annual Sport Fish Restoration Outstanding Project awards, given by the Fisheries Administration Section of the American Fisheries Society, are intended to both highlight the importance and effectiveness of the Sport Fish Restoration program and recognize excellence in fisheries management, research, and education.

Award winners receive a plaque honoring their achievement. The Section wishes to present this award at an appropriate public venue in your state. If you or a staff member would contact me regarding your desires for a presentation, one of the Section officers will travel to a location of your choice for the presentation.

Again, please accept our congratulations on this award and the recognition of the outstanding efforts of your fisheries program.

Sincerely,

Mike Stone, President-Elect
AFS Fisheries Administration Section
2012 Sport Fish Restoration Awards Program Chair

CC: Gus Rassam, AFS Executive Director



Updated: 2/13/13

Kansas Department of Wildlife, Parks and Tourism

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K-9 OFFICER RETIRES AFTER DECADE OF EXEMPLARY SERVICE

Feb. 7, 2013

Rex, a Kansas Department of Wildlife, Parks and Tourism K-9, retires from unit

PRATT – After 10 years of faithful service, K-9 "officer" Rex retired from the Kansas Department of Wildlife, Parks and Tourism (KDWPT) Law Enforcement K-9 unit. Owner and program supervisor Lt. Jason Sawyers has been partners with Rex since the program's inception in 2002.

During their initial training in Indiana with the Indiana Department of Natural Resources, Sawyers and Rex were educated in tracking, wildlife detection and evidence recovery.

"When I first met Rex, it was actually in Indiana," said Sawyers. "My previous dog wasn't performing well after the first few days, so I decided to try our back up dog, Rex." Sawyers explained that Rex immediately exhibited the energy and drive he was looking for. "I knew right then that we were going to be a team," added Sawyers.

One of five teams throughout the state, Jason and Rex played a pivotal role in the enforcement of game-related laws and the conservation of our resources.

"Our dogs allow us and other officers to make cases they wouldn't have made before," said Sawyers. "Rex has recovered items including guns, spotlights, shell casings, knives, wallets, cell phones and various game." Sawyers added that Rex even found evidence that led to the apprehension of an individual suspected of shooting another man.

In an attempt to spread the conservation message throughout the state, the KDWPT K-9 unit is often used in public programs and demonstrations.

"Even if we aren't around, they're a big deterrent. The public knows we have dogs and it helps to keep them honest," said Sawyers. "I think Rex and the entire K-9 unit have really been positive for the law enforcement division. We couldn't do it without them."

Start up costs for the program were funded by private donations, including the dogs. Like many of his K-9 officer counterparts, Rex, a labrador retriever, was obtained from an animal shelter.

Rex is 11 years old and will remain at home with Sawyer's family.

For more information on the KDWPT K-9 unit, visit www.ksoutdoors.com and click "[Services/Law Enforcement/K-9 Unit](#)."





2011 – Kansas Tourism Satellite Account: Key Highlights

- In 2011, Kansas received 32 Million visitors generating tourism expenditures of \$8 Billion in 2011. This represents an increase of 3.4% in visitation from 2010, and a 9.0% growth in visitor spending.
 - 2011 average per visitor spending: \$236
 - Each visitor adds approximately \$182 to the Gross State Product (GSP) and \$105 in wages paid to workers directly employed in tourism.
 - Kansas' share of total US tourism grew by 2.0% from 2010 to 2011.
- In terms of jobs, tourism is the third largest industry in the state employing approximately 10% of the population.
 - Tourism is responsible for 148,228 jobs in the state, and \$2.5B in wages and salaries.
 - Only 217 visitors are required to create a new job in Kansas.
 - 320 visitors will pay for one year of education for a Kansas public school student.¹
- Tourism is responsible for 4.4% of the total Kansas GSP; yet, tourism activity provides 14.4% of all state and local tax receipts.
 - Accordingly, tourism provides \$917 in tax relief to each Kansas Household.
 - State and local per visitor tax receipts: \$32
 - State and local tax receipts in 2011 were over \$1B, with \$850M coming from indirect business tax receipts.

Measurement	2011	2010	2009	Growth '10-'11	Growth '09-'10	Perspective
Visitation and Expenditures						
• Total Person-Stays*	32.11 M	31.05 M	30.21 M	3.4 %	2.8 %	*Since '09, spending growth has outpaced visitation growth, resulting in strong per/person spending increases
• Total Tourism Expenditures	\$8.03 B	\$7.79 B	\$7.06 B	3.1 %	10.4 %	
Economic Value (GSP)						
• Core Tourism (direct)	\$4.52 B	\$4.15 B	\$4.02 B	9.0%	3.0%	* In 2011, Kansas GSP grew by 3.8%
• Total Impact (direct+indirect)	\$5.83 B	\$5.60 B	\$5.17 B	4.0%	8.4%	
Wages & Salaries						
• Core Tourism (direct)	\$2.55 B	\$2.34 B	\$2.31 B	9.2%	1.3%	* In 2011, average annual total tourism wages were nearly \$23,000
• Total Impact (direct+indirect)	\$3.36 B	\$3.27 B	\$3.01 B	2.7%	8.6%	
Employment ('000)						
• Core Tourism (direct)	128.65	119.99	119.92	7.2%	0.1%	* 1 out of every 10 workers in Kansas owes their job to the tourism industry
• Total Impact (direct+indirect)	148.23	143.04	117.53	3.6%	4.0%	

¹ Per student expenditure taken from the Federal Education Budget Project.

Kansas Travel Division 2012 Ad Effectiveness Study

Marketing Investment

- The Kansas Tourism Division invested \$915.4k toward marketing travel in the State of Kansas in 2012, down \$250k (-22%) from the \$1.17 million spent in 2009 which was the last year for which a comparable ad effectiveness study had been conducted.
- This year's investment was spread across four marketing tiers that included Colorado (Tier 1), Iowa and St. Louis (Tier 2), Missouri (Tier 3) and Arkansas, Oklahoma and Nebraska (Tier 4). Overall, the target market consisted of 5.7 million households—about 10% fewer than in 2009.
- Nearly half (49%) of the \$915.4k was invested in television ads, nearly one third went to print ads and approximately 18% was invested in digital advertising.

Ad Campaign Reach

- Overall, nearly one-third (32%) of travelers across the region recalled seeing at least one of Kansas' advertisements. This is down slightly from 2009's 36% awareness, but it also includes new markets in Tiers 1 and 2 that were not part of the previous assessment. Awareness among existing markets averaged 41%.
- Extrapolated across the total number of travelers in the region, it is estimated that KTD's ad campaign reached 1.84 million travelers this year, down 19% from the 2.27 million recorded in 2009.
- As a result, however, Kansas spent only \$0.50 per aware traveler household which is down \$0.01 from 2009. Contextually, anything under \$1.00 is considered an efficient ad buy.

Level of Visitation

- Kansas attracted more than 23% of traveler households across its targeted trade area. This group of travelers includes a 14% penetration of Tier 1 households, 11% among those in Tier 2, 40% in Tier 3 and 23% in Tier 4.
- Altogether, this equates to more than 1.3 million traveler households who visited the state in 2012 from these target markets.

Advertising Evaluation

- The majority (70%) of respondents indicated that KTD's advertisements were appealing, and more than four out of five (82%) felt the ads were relevant to their needs.
- Overall, respondents found the ads easy to understand and believable. Perhaps more importantly, nearly 70% said the information contained in the ads provided new information on the state of Kansas.
- And, more than half (53%) said the ads motivated them to want to find out more about visiting Kansas.

Incremental Spending

- Reaching more than 32% of travelers across the region and generating a positive reaction to the ads are very important considerations, but to be effective the ad campaign must also drive

travelers to Kansas who would not have otherwise visited. Kansas' 2012 advertisements once again delivered well in this area.

- The 2012 campaign generated 133.4k *incremental* trips to the state and produced \$73.5 million in incremental travel spending. This is down from the \$104.5 million generated in 2009 but is still considerably higher than the \$50M generated in 2008 and \$34M from 2007. Hence, the campaign effectively and efficiently reached travelers in 2012—generating incremental visits for the state.

Advertising ROI

- Despite generating slightly fewer incremental visits than in 2009 (-48.4k), Kansas' \$915k ad investment produced more than \$73.5 million in incremental visitor spending which equates to a return on investment of \$80. (That is \$80 of incremental travel spending for every \$1 invested in advertising.) This is considered very good by industry norms and, more importantly, outperformed Kansas' own historical average of \$70.
- Even if travelers' spending on transportation is removed making the estimate somewhat more conservative, the ROI is still a healthy \$67.

Kansas Visitors

- Compared to non-visitors, both Kansas' visitors and the travelers targeted in the media plan had higher levels of education and earned higher average household incomes.
- Interestingly, more than one-third of Kansas' 2012 visitors from these markets were under 35 years of age, and 39% reported having a child living at home.
- Likewise, the average visitor reported having a household income of \$55.5K, 11% higher than non-visitors. However, this is substantially lower than that of those in the target market.

Executive Report of Findings

Roadside Aesthetics Task Force

2008



Kansas Department of Transportation
700 SW Harrison Street
Topeka, Kansas 66603-3745
(785) 296-0853

Secretary Miller convened a taskforce to examine KDOT's approach to aesthetic treatments along Kansas roadsides, review current roadside management practices, and recommend changes. The goals were to showcase native grasses and wildflowers, with initial emphasis within the Flint Hills area; and also to improve plant diversity, promote wildlife habitat, provide flowering plants for pollinators, enhance erosion control, and broaden an appreciation for native plants in the landscape. This report reviews the findings and recommendations of the Task Force.

**EXECUTIVE REPORT OF FINDINGS
ROADSIDE AESTHETICS TASK FORCE
KANSAS DEPARTMENT OF TRANSPORTATION**

(October 10, 2008)

Prepared by Richard Ross
and
Clay Adams

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EXECUTIVE SUMMARY

Roadside Aesthetics Task Force-

At the direction of the Secretary of Transportation, twenty one participants representing ten agencies and organizations were selected by her staff for a multi-discipline task force to study the issues in roadside management. Six meetings have been held, starting March 17, 2008.

Task Force Concerns with Roadside Management-

The Task Force voiced their expectations and identified specific concerns as representative of their organizations and expertise for effective native plant management. These concerns, and those presented by the Secretary, were effectively summed up into 6 major categories for consideration and review by the task force:

1. Establish enhancement areas in prominent locations to showcase native prairie plants.
2. Establish immediate and sustainable vegetative cover in areas of new construction.
3. Improve management of existing roadsides.
4. Develop more native plant diversity in those roadsides.
5. Limit mowing and chemical control usage, especially in rural areas.
6. Develop an overall educational plan of action.

Recommendations for Policy/Program Change-

1. **Develop Demonstration/Enhancement native plant beds** at significant interchanges and other prominent sites within the Flint Hills. These would attract the traveler's attention and promote an awareness and appreciation for prairie plants. Planting beds would include a selection of native wildflowers and grasses for a show of colorful blooms throughout the growing season.

Four (4) pilot projects have been completed. The areas seeded included approximately 10 acres. It is expected that additional enhancement areas could be added on a regular (annual) basis using the resources available in each district. Eight sites have been earmarked by the committee as potential future projects. Larger projects could be planned for contract, using funding from other available programs.

2. **Restrict Mowing on Rural Roadsides.** Recommended changes to the mowing policy would **discontinue all mowing**, except for urban areas, shoulders, medians, and safety zone mowing for sight distance. Areas outside the shoulders would only be mowed out as required to control woody tree seedlings, noxious weeds, or other undesirable growth. The committee strongly recommends that limits be placed on haying permits, including total permits, restricted locations, total acreage, and dates for mowing.

3. **Develop an Enduring Overall Management Plan.** This plan should set priorities and goals relating to aesthetics, plant diversity, erosion protection, wildlife habitat, cost containment, safety, and the promotion of partnerships with local communities. In order to succeed, the plan must be supported by KDOT, top to bottom.
4. **Develop new Standards for New Construction.** Identify existing native prairie and other desirable vegetation during the design stage for protection from disturbance during construction.

Existing topsoil should be stockpiled where practicable and redistributed prior to seeding & erosion control. Stronger specifications for Contractor Furnished Topsoil are also recommended.

New requirements for Seeding Contractors should be implemented to assure completion of seeding contracts during the seeding season, and to promote staged permanent seeding of final graded backslopes and outer disturbed R/W as they are completed.

Seed mixtures have already been changed at the advice of the committee, including an increase of forbs in the mixture, the complete removal of brome and fescue seed from all mixes except urban mixes, and additional quick developing species to better control erosion and protect storm water runoff during the establishment period.

The use of hydromulch and/or tackifier should be increased. Additional measures are also needed to improve oversight of seeding and mulching operations, including the internal training of inspectors.

5. **Develop a Public Relations Plan.** In order to implement the above changes, it is necessary to consider and plan for issues such as public response (complaints), media relations, community involvement, crisis management, as well as institutional thinking and personnel turnover of KDOT maintenance forces.

EXECUTIVE REPORT OF FINDINGS ROADSIDE AESTHETICS TASK FORCE

(October 10, 2008)

Introduction-

In a weekly report to the Governor, the Secretary of Transportation stated, "As a result of concerns expressed by other State agencies regarding mowing and planting policy, interest from the Audubon Society and other stakeholders, and the Secretary's travel in other States, KDOT will form a task force to examine our approach to aesthetic treatments along roadsides." Due to the increased publicity and visibility of the Flint Hills in publications such as National Geographic Magazine, as well as tourist oriented sites such as the Tallgrass National Prairie Preserve and the Nationally designated Flint Hills Scenic Byway, it is the Department's desire that the task force focus initially on improvements in and around the Flint Hills area of Kansas. The Task Force study would include a review of current KDOT roadside management practices, offer guidance to potential changes that might enhance sustainability and economy of maintaining vegetative cover, and provide a design framework for using native plants that are attractive and matched to the Kansas prairie environment. The task force would also research other State's practices, funding sources, and potential partnerships with other agencies and community groups.

All levels of government as well as many highway travelers are interested not only with safety and efficiency of the highway system, but more recently with issues of maintaining our roadsides in a manner that promotes beauty and wildlife habitat. The roadside environment naturally aids in preserving the road and roadside surfaces while providing safety for vehicles and travelers. At a time of increasing gas prices and reduced budgets, however, this agency must consider reducing maintenance needs and costs, limiting liability, and maintaining good public relations. Perhaps in spite of this economic climate, we can also improve the overall driving experience for tourists and citizens alike.

"Years of beautification experience have yielded valuable knowledge. For instance, the most effective roadside horticulture mimics nature. Plantings of single species don't do well. Roadsides are most stable when natural combinations of grasses, legumes and wildflowers are encouraged. In subtle symbiosis, the varieties complement each other, form better ground cover, and are healthier, hardier and more drought resistant. The result is beauty by the mile."

Wildflowers of Texas, Texas Dept. of Transportation

Background History of Roadside Management in Kansas-

The settlement of the Kansas territory created an economic environment based on agriculture, which changed the Kansas landscape from a vast treeless prairie to extensive cropland. With ever advancing cultivation and development, untouched prairie has shrunk to a fraction of its original size, and now encompasses primarily that area within the Flint Hills where shallow topsoil over layers of limestone discouraged cultivation, yet provided an abundance of native grasses and forbs to support the cattle industry. Meanwhile, the planting of cool season turf grasses became popular in the 30's for hay forage and residential yards. Their use was also recommended for erosion control and included in highway construction; adapting the concept of a mowed "front yard" to a well-maintained roadside. Naturally that concept has now become embedded into the public's thinking, and institutionalized in the agency responsible for our roadsides. Any notion of changing the concept or definition of "well-maintained" roadsides becomes a controversial issue, both internally within the KDOT and externally with public perception.

In February of 2000, a meeting occurred between the Audubon of Kansas Board of Directors, the Assistant Secretary and State Transportation Engineer, and KDOT Staff. During that meeting and subsequent meetings, with discussion and recommendations by Audubon of Kansas, it was determined that it was appropriate to develop a partnership with KDOT in order to promote and maintain native prairie habitat on the State's highway rights-of-way for purposes of reducing maintenance, providing a more effective erosion control, roadside beautification, and enhanced wildlife habitat (such as food and nesting cover for game birds).

As a result, the concept of Integrated Roadside Vegetation Management (IRVM) was developed, based on its use in other States--notably Minnesota, Wisconsin, Iowa, Pennsylvania, Maine, Florida, Washington, and Oregon. IRVM requires an integrated approach incorporating the needs of local communities and users with a broad knowledge of plant ecology and natural processes, design, construction, and maintenance; monitoring and evaluation procedures; government statutes and regulations; and technology. It combines a variety of techniques to effectively manage roadside vegetation in a safe, efficient, and cost effective manner. It is designed to work with nature to promote a stable, diverse native plant community by minimizing disturbances. In Kansas, prairie is (or was) the dominant vegetation type.

In 2001, a citizen workshop was held, in which ten pilot project sites were selected in four districts to be used as a testing model for IRVM in Kansas. Combined Citizen and KDOT groups were selected for each project site, with a Steering committee that would develop and implement 3-year and 5-year IRVM action plans with specific recommendations and goals. A training program was initiated for KDOT personnel to become acquainted with IRVM and to identify native plants. The pilot sites were inventoried by KDOT staff and recommendations formulated to improve the management of the segments. Unfortunately, not enough citizen interest could be generated and no further management enhancements were made at the sites.

At about the same time period, interest in the use and appreciation of natives on our roadsides increased through federally sponsored programs like the Scenic Byway Program, the Transportation Enhancement Program, and Prairie Passage. Other initiatives already in place included the mandate contained in Section 130 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (STURAA), that at least one-quarter of one percent of funds expended for a landscaping project must be used to plant native wildflowers. The Federal Highway Administration (FHWA) has also administered a voluntary, cooperative program titled, "Operation Wildflower" with the National Council of State Garden Clubs and State highway agencies since 1973. Recently, special emphasis by FHWA nationally has been given to States with native enhanced roadsides, through the presentation of special awards, publicity, and featured articles in newsletters. In fact, the Kansas DOT was a recipient of such an award for "Exemplary Ecosystem Initiatives," which highlighted their progress shown in IRVM through new seeding and erosion control practices, reduced mowing, brochures and video production, and the distribution of information through public radio along the Flint Hills Scenic Byway.

Current Roadside Management-

Over time many improvements have been incorporated into the KDOT roadside maintenance policy for the benefit of establishing natives on our roadsides, some that were initiated under these previous programs:

- Seeding Mixes have been modified to develop native grasses and wildflowers on the rights-of-way. Brome and Fescue have been completely eliminated, except for urban plantings and shoulder mixes. Since the 2006 Construction Season, the results of these changes are now starting to show up.
- Specifications have been changed to begin the use of certified (Prairie Hay) mulch, meeting the North American Weed Free Forage Standards, which disallows noxious and invasive weed forage.
- Mowing standards have been modified to generally allow only one side of the roadway to be mowed out every three years for the promotion of forbs and the control of woody plants; and dates for mowing have been adjusted to allow the development of seed source and the culmination of game bird nesting.
- Chemical spraying is accomplished by certified sprayers approved by the Department of Agriculture, and usually consists of contractual arrangements with the weed control departments of the Counties involved.
- Visual aids, posters and brochures are available covering our mowing policy and native plant identification; and a video was produced through the Scenic Byway Program, explaining IRVM in Kansas.
- Native vegetation management training is available from ESS staff, and has been included in several training sessions in all district areas.

Roadside Aesthetics Task Force-

At the direction of the Secretary of Transportation, twenty one participants were selected by her staff for a multi-discipline task force to study the issues in roadside management. These participants represented the following agencies and organizations:

- Federal Highway Administration (FHWA)
- Kansas Department of Transportation (KDOT)
- Audubon of Kansas
- The Flint Hills Tourism Coalition
- The Grassland Heritage Foundation
- Kansas Department of Wildlife and Parks (KDWP)
- Kansas Native Plant Society (formerly the Kansas Wildflower Society)
- Kansas Wildlife Federation
- Natural Resources Conservation Service (NRCS), USDA
- Society of Range Management – Kansas Chapter
- Local Citizen

Many of the participants belong to two or more of the above organizations. Several organizations, in turn, have two or more representatives, either attending or trading off duties as necessary.

The first working session was held March 17, 2008, with subsequent meetings at two to three week intervals; the latest held June 6, 2008. The Task Force remains intact and on-call until released by Secretary Miller.

Mission Statement-

Because of the “task” set forth by the Secretary for this committee, a mission statement was developed which helped to keep the task force directed to specific goals:

Examine KDOT’s approach to aesthetic treatments of roadsides, initially focusing on improvements to the Flint Hills highway corridors and interchanges; then studying other corridors and how KDOT might partner with communities to allow them to improve entrances to their communities. With an eye toward sustainability, there should be an emphasis on identifying and using plantings that are attractive and matched to the Kansas Prairie environment while requiring limited maintenance.

Initial Concerns of Roadside Management-

The task force voiced their expectations for the deliberations and identified specific concerns as representative of their organizations and expertise for effective native plant management:

- The primary interest of the task force is to develop ecological integrity on the roadsides through the use of a diversity of native prairie plants vs. exotics. This would promote wildlife habitat, provide flowering plants for pollinators, provide superior erosion control, and broaden an appreciation for natives in the landscape. This should be a statewide focus, rather than just the Flint Hills.
- There needs to be an enduring overall management plan, with immediate vs. long range goals. The plan should set priorities and goals, including testing concepts, monitoring the results, determining best practices, then expanding the plan. Typical goals would relate to erosion control, aesthetics, safety of the traveling public, wildlife habitat, and cost efficiency.
- There needs to be a top to bottom support in KDOT for the management program in order for these policies to succeed. This includes support for policies that are already in place. Regular training, availability of guidance documents, and annual roadside conferences would assist in the long-term continuity of the program.
- There needs to be better public awareness of roadside management through the use (and wide circulation) of publications, videos, reprinting and updating brochures, wildflower poster, news releases, signage, and youth education. Publications should be available in rest areas, kiosks, and tourism sites.
- Fescue and smooth brome grass are highly invasive and oppressive to native grass and forbs, and therefore needs to be completely removed from seeding mixes, except for developed urban neighborhoods. Consideration also needs to be made for gradually removing these grasses from established roadsides in selected areas (i.e. Scenic Byways). Any hope of establishing a sustainable mix of native forbs and grasses hinges on removing these cool season turf grasses.
- Mowing schedules (other than shoulders) should be further restricted to a minimum of every three or four years without fail, starting in November after mature plants have set seed. Inappropriate mowing is extremely detrimental to the sustainability of native forbs and wildflowers. Haying on the right-of-way should be restricted or terminated altogether. Although periodic burning of prairie grasses is by far the best management, the committee recognizes the liability issues involved for burning the roadsides.
- Wildflower mixes should be selected on a district basis rather than east, central, and west regions. Only carefully selected mixes of high quality native grasses and forbs should be considered for show, such as Black-eyed Susan, Grey Headed Coneflower, and Partridge Pea; but the subtle beauty of diverse, all-native roadside plants is a far more attractive objective. Select for sustainability and ease of maintenance.

- The committee supports the use of topsoil, mulch, and other amendments for all new construction, especially in areas planned for visual appeal or focal points along the roadsides. Poor construction administration practices which alter designed plans with little consideration of the final outcome, should be eliminated. A worst case example is the east Topeka interchange, where excessive mining of topsoil left unsuitable areas for ground cover of any kind, much less wildflower and native grass development

These concerns, and those presented by the Secretary, were effectively summed up into 6 major categories for consideration and review by the task force:

7. Establish enhancement areas in prominent locations which showcase native grasses and wildflowers. This would help facilitate an immediate appreciation of prairie plants by the traveling public as well as highlight management recommendations to be presented by the task force.
8. Establish immediate and sustainable vegetative cover in areas of new construction for the purposes of erosion control and protection of storm water runoff.
9. Improve management of existing roadsides which already have some native grasses and wildflowers present.
10. Develop more native diversity in those roadsides that consist of mostly Smooth Brome or other exotic grasses.
11. Limit mowing and chemical control usage, especially in rural areas.
12. Develop an overall educational plan of action to include the public and legislative representatives, as well as agency personnel responsible for roadside management. It is the opinion of the Task Force that institutional thinking is one of the biggest stumbling blocks to any broad-based planning changes.

ENHANCEMENT AREAS

Description and Criteria-

This category is primary in the minds of the Secretary and executive staff. The Task Force concurred that it is important that sites be selected for visibility and planned for enhancement in order to showcase the native prairie landscape found in the Flint Hills Region. It is expected that these enhancement areas would provide a colorful display for much of the growing season, attract attention, and promote an awareness and appreciation for prairie plants, while clearly reflecting KDOT as a sensitive and eco-friendly agency. Therefore, these selected sites should be treated separately, with emphasis, as opposed to general right-of-way maintenance.

With this in mind, a list of criteria was developed for the selection of enhancement sites:

- Flint Hills corridors.
- High visual impact areas
 1. Traffic speeds (slow down areas)
 2. Interchanges
 3. Natural driver “magnets”
 4. Rest areas
- Traffic counts—enhancement sites should be available to a high percentage of travelers.
- Areas with high visitation (and appreciation), such as the Tallgrass Prairie Preserve, the Konza Prairie, the Flint Hills Byway, etc.
- Decision points, such as key interchanges and intersections.
- Areas adjacent to the “Welcome to the Flint Hills” monument markers.
- Community entries (gateways) with interest from those communities to be involved.
- Rural areas as opposed to Urban areas.
- Physical characteristics, such as road cuts, soil and rock qualities.
- Unsightly areas such as the mixing strip at US-50 and K-177 Jct. or highly eroded areas should be ignored.
- Low maintenance vs. high maintenance areas.
- Current site/soil conditions and likelihood of success
- Relieve visual monotony
- Take advantage of opportunities, such as resource availability or funding windows.

Using the above criteria, twelve enhancement sites were selected, with eight others as alternate or future enhancements:

1. I-70/M.P.303/Ogden Exit
2. I-70/M.P.304/Humboldt Creek Rd.(W.Flint Hills Monument)
3. I-70/M.P.311/Konza Prairie Exit

4. I-70/M.P.313/K-177/Manhattan Exit
5. I-70/M.P.316/Deep Creek Rd.
6. I-70/M.P.318/Frontage Rd.
7. I-70/M.P.328/K-99/Alma Exit
8. I-70/M.P.337/Paxico Safety Rest Area
9. K-177/Overlook So. Of Manhattan
10. K-177/Tallgrass Prairie Preserve (Flint Hills Scenic Byway)
11. K-177/US-50 Jct. West of Strong City (FHSB)
12. K-177/Overlook So. Of Cottonwood Falls (FHSB)

Alternates

1. K-99/N & S Alma Gateway (Native Stone Scenic Byway)
2. K-99/K-4 Jct. So. of Alma (NSSB)
3. K-177/S. Manhattan Gateway/Deep Creek Rd.
4. K-177/N & S Council Grove Gateway (FHSB)
5. K-177/N. Cottonwood Falls Bates Park Gateway (FHSB)
6. I-70/M.P.355/I-470/Topeka and I-70/K-4 Interchange/east Topeka Gateways
7. I-70/M.P.362A & 362B/6th to 10th St./Topeka
8. US-50 Historical Marker East of Strong City

Pilot Projects-

A window of opportunity for the task force occurred when Mr. Clay Adams, District I Engineer, indicated that he had a drill available and some money that could be spent on seed this year. It was decided that four pilot projects would be selected out of the above list, a seed mix



developed, and planting accomplished as soon as practicable and prior to June 1. These projects were selected on the basis of a visual analysis of the existing conditions, as well as being in prominent locations: These enhancement sites would then be capable of maturing a full year in advance of other planned areas, and monitoring the development and sustainability of the planted area could be accomplished quicker. These projects included:

1. I-70/M.P.303/Ogden Exit
2. I-70/M.P.313/Manhattan Exit (SE Quadrant)
3. I-70/M.P.328/K-99/Alma Exit
4. I-70/M.P.337/Paxico Rest Area (Three Locations)

Photo by C. Dunn, 9/16/2008, Manhattan Exit

Photo by C. Dunn, 7/23/2008, Ogden Exit

The interseeding of these areas (approximately 10 acres) was completed May 8, 2008, by Mr. Jay Nuzum, Supervisor of the Alma Sub-Area Shop. The areas were seeded directly into existing vegetation, with the exception of two areas, the S.E. quadrant of the Manhattan Exit and the I-70/Ogden Interchange, which were treated with Roundup a week prior to planting. The expenditure for these four sites was approximately \$2700 for seed plus 24 manhours (3 personnel) plus the use of a truck, trailer, tractor, and drill for one day. The photos depict some early results of this effort.



Site Renovation (Enhancement) Checklist-

The selected enhancement sites generally exist in two conditions. 1)The sites have an abundance of cool season (Brome & Fescue) grasses and 2)The sites have a fair to good diversity of natives. The second category primarily includes the overlook sites and that area along K-177 adjacent to the Tallgrass National Prairie Preserve.

Type 1 (Brome & Fescue) sites should include the following procedures:

1. Mow **September 1 to October 1** to reduce cover and encourage new growth.
2. Spray glyphosate (Roundup) **October 1 to November 1** to suppress established smooth brome.
3. Do not mow after herbicide application that fall and winter prior to replanting.
4. Prescribed Burn – **February 1 to March 1** – (See Footnote #1)
5. Follow up with glyphosate treatment around **April 1 to April 15** if smooth brome remains.
6. Plant native grass and forb mix **April 15 – May 15**, ¼" to ¾" deep (see Footnote #2).
7. **Maintenance 1st year** – When necessary for weed control, mow above desired plants (8" min.). Do not mow if ground is wet or tracking will occur. Some weeds and shade are desirable.
8. Spot spray noxious weeds, no general spraying.
9. Evaluate outcome (**October/November**) each year after planting until planting is established.
10. After establishment, **no haying of plantings** should be allowed.

11. Mow out every 3-4 years, only after heavy freeze (**November 15**).
12. Prescribed Burn for maintenance – **March 15 to April 15 (3 year intervals)**.
13. Evaluate established plantings every fifth year to determine renovation needs.

Footnote #1 – If prescribed burning is not possible, close mowing is acceptable.

Footnote #2 – Seed mix should be reviewed for each planting site. Significant site differences may require use of other adapted species (i.e. – wet areas). Native grasses* can be added to the forb mix for additional diversity. The resulting planting should be approximately 50/50 mix of forbs and grass based on 50 seeds/square foot.

Type 2 (native grass) sites should include the following procedures:

1. Prescribed Burn – **February 1 to March 1** (see Footnote #1)
2. Suppress vigor of established native grass with light mechanical tillage – **March 1 to April 1**.
3. Plant native forb seed mix **April 1 to May 15**, using 50% seeding rate, 1/4" to 3/4" deep (see Footnote #2).
4. **Maintenance 1st year** – When necessary for weed control, mow above desired plants (8" min.). Do not mow if ground is wet and tracking will occur.
5. Spot spray noxious or invasive weeds, no general spraying.
6. Evaluate outcome (**October/November**) each year after planting until established.
7. After establishment, **no haying of plantings** should be allowed.
8. Mow out every 3 to 4 years, only after heavy freeze (**November 15**).
9. Prescribed Burn for maintenance – **March 15 – April 15** (recommended every 3rd year).
10. Evaluate established plantings every fifth year to determine renovation needs.

Footnote #1 – If prescribed burning is not possible, close mowing is acceptable.

Footnote #2 – Seed mix should be reviewed for each planting site. Significant site differences may require use of other adapted species (i.e. wet areas).

The seed mix for enhancement areas could include Grama grasses, Little Bluestem, Big Bluestem, Indian grass, and Junegrass, in addition to forbs for showcasing a more prairie-like planting. Forbs could include Black-eyed Susan, Coreopsis (reddish colors), upright Coneflowers such as the Grayhead Coneflower, Purple Prairie Clover, Partridge Pea, and Illinois Bundleflower. Rates should allow 20 to 40 seeds per square foot.

No amendments (Topsoil, fertilizer, compost, mulch, etc.) are necessary or desired for native seeding. Watering could be accomplished on small demo projects, but would be unrealistic on large projects.

Enhancement areas should be documented as to size, location, procedure taken, and species planted. They should be monitored periodically, but no more than on a 5-year basis, for maturity of development, invasive species, and sustained diversity. An inventory of plants that

persist from year to year as compared with the original seed mix would assist in determining any maintenance modifications, future plantings, or necessary renovations.

Additional enhancement areas in the Flint Hills area could include long stretches of roadsides, particularly along the Flint Hills Scenic Byway. An example might be similar to an area in NW Nebraska called "The Miracle Mile," which showcases native grasses and wildflowers for a continuous length of roadside. Enhancements may include major new plantings at the important highway entry points to the State as well as its communities. Creative and artistic design solutions should be sought for these improvements.

The implementation of small scale enhancement plans should be accomplished wherever practicable by KDOT forces in each district, as the budget allows. Each District now has two seed drills available. It is, however, understood that where projects get to be large in scale, contract seeding would be necessary.

Alternative funding for larger scale projects could be accomplished in several ways: State contract maintenance funds, federal Transportation Enhancement funds, and other federal funding as included in Section 6006 of SAFETEA-LU, the new surface transportation act, which makes activities for the control of noxious weeds and the establishment of native species eligible for funding under the NHS and the STP. Available TE grants are becoming smaller in amounts, while applications are staying strong in numbers (\$20M in applications vs \$3M in available funds in the last annual cycle). Other options might include assembling a group of protagonists to lobby the legislature for funding as other States have done; initiating programs such as license tags earmarked for specific programs such as wildflowers, setting up living trust funds, or creating other perpetual funding sources.

NEW CONSTRUCTION

Discussion-

New construction and its associated removal of existing vegetation through grading provide an excellent opportunity for the development of desirable native plant communities. Although erosion and pollution control objectives should continue to be a priority in the planning and design of construction projects, the establishment of native grasses and forbs should be carefully incorporated into the procedures of erosion control planning.

Technical guidelines, standards, manuals, and training for erosion control are already in place, with the Environmental Section of KDOT providing oversight. Of primary importance to any erosion control plan is the development of a cover crop as soon as practicable in order to limit storm water runoff and its associated erosion. . In fact, temporary seeding and erosion control techniques are the most important steps in establishing permanent native vegetation. Because most natives require several seasons to germinate and mature, a temporary “nurse” crop is necessary for immediate cover and to provide favorable conditions for the natives to develop.

Although not directly discussed by the committee, the seeding contracts should include additional provisions to allow (or force) completion earlier in the project, and stricter penalties for non-performance within the specified seeding time periods. A major and ongoing problem with the seeding and erosion control contracts on major grading and surfacing projects is related to the lengthy time period for completion. Temporary seeding is left on site for several years, an expected performance which temporary annual grass is not capable of fulfilling. Routinely, the seeding contractor waits until project completion, then requests extensions of planting dates, the approval of which almost guarantee that erosion will occur and permanent seeding will not respond as expected. The seeding contractor then has to deal with (or ignore) eroded areas after the grading contractor is gone. On the other hand, if additional time is not awarded the seeding contractor, then the project remains minimally protected for another year.

Recommendations:

- The seeding contracts should include additional provisions, when the majority of grading on backslopes and outer right-of-way has been complete, to allow (or force) partial completion earlier in the project; and stricter penalties for non-performance within the specified seeding time periods.
- Oversight of seeding and mulching needs to be improved, including the internal training of inspectors.
- The use of hydromulch and mulch tackifier should be increased, especially in areas that are difficult to produce adequate cover, such as steep slopes, highly erodible soils, or water courses not protected by erosion control blankets..

- Existing topsoil should be stockpiled where practicable as the first step in the grading process, and redistributed prior to seeding & erosion control. Also, upgrading of Contractor Furnished Topsoil specifications is recommended.
- Native Forbs (Wildflowers) should be increased from 28% to as much as 40% of total mix. At the same time, the number of seeds per square foot should be reduced from 260 to about 65.
- Design for more color in order to get the public's attention. Consider using Black-eyed Susan, Grey Headed Coneflower, and Partridge Pea for easily established splashes of color.
- Consider "punching up" selected areas in construction projects with more than normal forbs (both in numbers of species and percentage of seed), even though this may increase costs per acre. (As a side note, per acre costs of wildflowers have been declining due to recent increases in PLS rates, thereby reducing the number of seeds required per acre.) Construction projects may be the only way to get native plant communities started, depending on future funding, and these are only a one-time opportunity.
- Consider developing more opportunities for the use of local ecotype seed in contracts.
- **Remove all fescue from all mixes (including shoulder).** The opinion of the committee is that there is no use in doing any of these improvements if fescue or brome remains anywhere close to the project. Replace with early germination grasses such as gramas.
- Identify existing native prairie and other desirable vegetation during the design stage for protection from disturbance during construction. Preserving remnant prairies within the acquisition area should be a goal when there are no compelling reasons why the area has to be excavated or damaged.
- Investigate procedures during the certification process for Prairie Hay Mulch to limit or disapprove materials that include old world bluestems, a highly invasive weed in native prairies.

MANAGING RURAL ROADSIDES

Current Practices-

The current management practices for roadsides are found in Chapter four of the KDOT Maintenance Manual. It includes all activities necessary to keep the roadside clean, neat, attractive, and reasonably safe for the motoring public. Each District Engineer, however, has some latitude in interpreting the policy and adjusting specific requirements.

In general, all rural roadsides are treated in a similar manner, with safety (sight triangles), shoulder strip, transition, and medians mowed on a regular basis as determined by the District Engineer; and areas outside the shoulder and shoulder slopes scheduled on a regular three year rotation. This is equally directed to Interstate, US routes, and local two-lane highways, including Scenic Byways.

Weed control is accomplished under the general direction of a Certified Sprayer, often a contractor; however knowledge of specific weeds targeted seems to be lacking at times. Some contractors are inclined to broadcast spray and apply herbicides to many areas that do not have invasive weeds, rather than to limit their operations to spot spraying of specific invasive weeds or other plants identified for control in the designated sections of highway roadsides contracted. Some contractors are not sufficiently aware of the objectives of the KDOT to establish and maintain native forbs and, in some locations, native shrubs. See also Mowing & Chemical Control Section below.

Haying permits are allowed (and encouraged) by KDOT, but in those areas where it is regularly practiced, little control is followed as to when and how many acres (miles per side) are allowed per permittee. In the past, mowing out most of the roadsides was the norm; therefore it made sense to seek help from landowners.

Many of the maintenance practices appear to be related to the number of complaints received about when to mow and how to mow. Unfortunately, numbers of complaints, rather than the expertise of the caller, rules. This understandably is a significant problem with any policy changes or even conforming to those policies already in place.

Management Priorities-

A Long-Range Management Plan should be developed to promote the diversity of prairie plants on our roadsides, through techniques such as limited mowing, limited herbicide usage, and the suppression and/or eradication of established brome and fescue plant communities. Typical goals should relate to aesthetics, increased erosion protection, wildlife habitat, cost effectiveness, and safety for the traveling public. In order to succeed, the plan must be supported by KDOT, top to bottom.

The committee understands however, that “one size doesn’t necessarily fit all.” Therefore the plan should set overall priorities and goals, yet be flexible and sensitive to the needs of regional areas, districts, and even specific sections of roadsides. It might (and should) also include developing partnerships with local communities, adjacent landowners, and other interested parties to meet the needs of specific areas, in a similar manner as the IRVM effort. Interest in said partnerships has already been communicated to the committee from the city of Onaga.

A priority system of maintenance should be developed, using data accumulated from a level of inventory/survey and mapping of the roadsides, noting those with cool season (bromegrass/fescue) vegetation, those with a medium to high diversity of native species, and any chronic problems associated with each segment such as soil type, erosion, and weed or woody seedling proliferation. An opportunity to then vary management techniques could be based on that knowledge. For example, a high priority should be placed on identifying those roadsides and enhancement areas with good diversity of natives; then limiting maintenance activities which suppress their sustainability such as haying, mowing, and broadcast chemical control.

The Committee generally recommends that KDOT adopt a “No Hay Harvesting” policy similar to that long established and maintained in Nebraska. Understandably, any limitations to historically popular mowing permits may be met with much criticism. As a minimum, however, the KDOT should review the haying permits policy in light of its effort to enhance roadways. More accountability on the part of the land owner and more monitoring on the part of KDOT is necessary to assure that mowing and herbicide applications by landowners don’t retard the natural redevelopment of native plants on roadsides.

The Committee also recommends that KDOT revisit a partnership program to encourage establishment of living snow fences (field border strips of native grasses, forbs and shrubs) on private lands adjacent to major highways in areas of the State where blowing and drifting snow occasionally or frequently extends out on the roadway and/or diminishes visibility.

To assist in these endeavors, additional training should be available for maintenance personnel to be able to identify differences in vegetation type and communicate goals for achieving native plant communities. Fact sheets with pictures should be available to determine, for example, “What is a weed?” and “What is a wildflower?”

Reseeding of existing Roadsides-

District IV is considering a process of converting some of their roadsides to native grass in an effort to suppress Johnsongrass, Bindweed, and Canada Thistle. They are working directly with an extension specialist from Kansas State University for guidance in implementing a plan. Although the majority of the committee does not advocate converting or restoring all roadsides (due to costs), a selection of our most degraded sections, as well as designated scenic byways, should be considered for restoration as necessary for enhancement purposes or for the suppression of noxious weeds.

MOWING & CHEMICAL CONTROL

Mowing Policy-

Although mowing and chemical control should be an integral part of the overall management plan, the subject was considered so important to the development of native species on the right-of-way, that it was treated and discussed separately by the committee.

Section 4.40 of the Maintenance Manual contains the general guidelines for the KDOT mowing policy, last updated in December 2003. The mowing standards were modified to generally allow only one side of the roadway to be mowed out every three years for the promotion of forbs and the control of woody plants; and dates for mowing were adjusted to allow the development of seed source and the culmination of game bird nesting.

It is the general consensus of the Task Force that the policy as written is not followed uniformly throughout the State. There seems to be entirely too much mowing in most areas and both sides of the highway are rarely left unmowed at the same time.

As written, the mowing policy requires mow out every 3-4 years, to the jeopardy of wildflowers that may have been planted or introduced naturally from adjacent pastures. Regular mowing is one of the most limiting factors in the sustainability of native forbs on the right of way. Although some forbs may tolerate some mowing, the majority of native plants do not. The KDOT cannot have a fully successful wildflower enhancement program without changing the mow out provisions of the mowing policy to largely eliminate most mowing outside the shoulders and safety zones, and specifically late summer and early fall mowing. Many of the most showy native prairie wildflowers bloom in late summer. Cutting the plants just prior to or at blooming time eliminates one of the two most spectacular seasonal displays of wildflowers.

Mowing native grasses and forbs is generally unnecessary, except for the control of invasive weeds (including brome and fescue) and woody plants in specific areas. Steve Holland, Iowa DOT, states that “they have roadsides that haven’t been mowed in 15 years, and the natives are doing well.” Although they seldom mow, its use is primarily to help control brome and fescue.

At the request of the Task Force Coordinator, the District One Maintenance Engineer provided mowing expense data and found that a 3-year average fiscal year expenditure for KDOT mowing statewide was **\$6,608,868**, and that the average annual area mowed was **316,907.9 acres**. On the basis of expenditures alone, a significant amount of savings could occur in this area; especially in light of the dramatic increases in fuel costs recently.

Benefits and Concerns for Limited Mowing-

Limited mowing will save financial resources that can be used to lower tax burdens, help KDOT address higher priority needs, or the savings can be used to invest in enhancement of roadside areas with supplemental native grass and forb plantings.

Limited mowing can become part of the State’s energy conservation plan by limiting fossil fuel consumption through reduced miles driven/hours of operation for tractors and support trucks..

Limited mowing will result in enhancement of State roadsides for the display of native grasses and wildflowers throughout much of Kansas—a *Prairie State*—and the enjoyment of the traveling public, both residents and visitors.

Limited mowing will result in enhancement of roadside habitat for numerous species of birds and beneficial pollinating insects, including butterflies and bees.

Limited mowing practices and the planting of native grasses and forbs on roadsides serve as filter strips and buffer areas, which help to remove pollutants from roadside runoff and help to keep many kinds of litter from washing into nearby streams, rivers and lakes. Allowing deep-rooted native plants to mature also help to prevent ditch erosion and bank slides.

Comments are regularly received from the field that mowing needs to be accomplished prior to snowfall, and that areas prone to drifting need to be mowed out to “allow the snow to blow across the road.” It has generally been proven that mowing for snow control is not only unnecessary, but may be exacerbating the problem of drifting on road surfaces. Natives left at their natural height actually collect and hold snow in the manner of living snow fences, rather than allowing it to drift across the highway surfaces.

Other comments include the attraction of deer and the obstruction of visibility for deer when the roadside is left in its natural state. Arguments include the fact that newly mown roadsides promote a lush growth that actually attracts deer. Some biologists, and at least one other State Department of Transportation, believe that unmowed ROW vegetation may provide deer and other wildlife with a greater sense of security, leading them to be less likely under some circumstances to bolt across the highway when vehicles approach. The truth is that there is no definitive proof either way. Experts, including Lloyd Fox, KDWP, believe that the natural migration of deer from one foraging range to another overrides most other factors at highway crossings. Deer are edge browsers, and highway rights-of-way provide an abundance of edge with superior forage, whether mowed or not.

The task force recognizes the fact that regional differences across the State have a direct impact on the treatment of roadsides, especially during the establishment period. Where the establishment of grass may occur relatively quickly in the eastern part of the State, woody seedlings and other undesirable growth also develop rapidly. The western part of the State may take years to develop any kind of permanent cover, allowing undesirable weeds to proliferate. On the other hand, once mature stands are achieved in the western part of the State, many roadsides may rarely need mowing. The ATF believes, however, that mowing on a 4-year cycle is beneficial to natives, replicating somewhat thatch removal by fire. It is suggested that normal scheduling should include:

- Year 1 – East side of all north/south roadways
- Year 2 – North side of all east/west roadways
- Year 3 – West side of all north/south roadways
- Year 4 – South side of all east/west roadways

This policy will encourage regrowth, control trees and shrubs, and be the simplest to implement.

One of the biggest problems with changing to a policy of limited mowing or “no-mow” is dealing with citizen complaints. All of the issues mentioned above which deal with aesthetics, pest control, deer interactions, and others should be dealt with in a uniform manner as discussed later.

Mowing Recommendations-

Recommended changes to the mowing policy would **reduce or limit all mowing to a 4-year cycle**, except for shoulders, safety zone mowing for sight distance, and for the control of undesirable weeds and woody tree seedlings. When mowing is necessary or scheduled in areas outside the shoulders, it should **not occur between April 15 and November 1** due to the sustainability of native grasses, wildflowers, and the protection of ground nesting wildlife, unless specific problems need to be addressed. It is anticipated that most areas in the western part of the State would rarely need mowing. An exception would allow mowing in urban and developed areas adjacent to residences or cemeteries as requested or supported by the local governmental entity, or where mowing will reduce or eliminate a known fire hazard.

Any necessary or scheduled mowing of areas outside the shoulder should be accomplished in the late fall or early spring. **A 4-year cycle of mowing should be implemented.** Newly seeded areas during a 1-3 year establishment period may be mowed as required for the control of weeds. Mow at a minimum of 8” to promote growth of germinating seed.

Shoulder strip mowing should be confined to one mower width (about 10-15’) adjacent to the paved shoulder or edge of roadway. Medians should not be mowed out, but should receive the same shoulder strip mowing as the outside of traveled lanes.

Development of trees and shrubs should be encouraged in areas where they will not be detrimental to the reasonable safety or economical maintenance of the highway.

Established native grass and wildflower areas, including enhancement areas by KDOT or others through local partnerships may be mowed as needed between November 15 and April 15.

Although haying permits are not addressed in the mowing policy, and are discussed in the management section above, the committee again emphasizes that permits not be allowed in designated enhancement areas, and that they be limited wherever possible. At a minimum, publicizing the program should be discontinued, and additional limits placed on the permits relating to locations, total acreage (miles per side) and dates of mowing.

Chemical Spraying-

Chemical spraying is accomplished by certified sprayers approved by the Department of Agriculture, and usually consists of contractual arrangements with the weed control departments of the Counties involved.

There are three general types of chemical spraying being accomplished by the KDOT. 1) Guardrails, bridge ends, and delineators are spot sprayed by KDOT personnel with training and certification in the use of chemical herbicides. 2) Noxious weed spraying is accomplished with

the Counties having first option. 3) If the County declines or is unable to support KDOT, contract spraying is required.

Typical contract spraying is paid based on labor hours plus price per ounce of chemicals. Contracts are not paid by the acre. As commented in the Management section above, some contractors are inclined to broadcast spray and apply herbicides to many areas that do not have invasive weeds, rather than to limit their operations to spot spraying of specific invasive weeds or other plants identified for control in the designated sections of highway roadsides contracted.

Chemical Control Recommendations-

Limit all spraying to selected target weeds only, and in accordance with the recommendations of the Board of Agriculture. Broadcast spraying should be limited to only those areas where it is not effective to perform spot spraying for specific noxious weeds. Native forbs cannot be sprayed. Guidelines should be developed to better identify problem weeds, and their approved treatment.

PUBLIC RELATIONS PLAN

Discussion-

A major difficulty of changing roadside management practices is dealing with a variety of audiences, such as homeowners and adjacent property owners; the media; and legislative agenda. It is necessary to consider issues such as public complaints, media relations, community involvement, crisis management, as well as institutional thinking and personnel turnover of within the KDOT.

The number 1 issue voiced by KDOT representatives on the committee is how to respond to complaints. Most complaints (relating to the roadsides) question, "Why are you not mowing the weeds?" "You are harboring snakes and rodents, and attracting deer." Although there may be supporters of native grass and wildflowers in the public arena, you rarely, if ever, hear from them. One phone call from the public, heeded by an area supervisor, could jeopardize years of progress in roadside development. . A public relations plan is necessary to resolve complaints and manage crises, while protecting the program from budget cuts by selling its advantages to the public, the KDOT, and the legislature.

Recommendations-

The KDOT needs to create an intense and varied program of education, using a variety of approaches: media messages, website information with links to other sites, legislative awareness, community/organizational partnerships, handouts to be used to respond to complaints, KDOT staff education and training, including guidance documents and annual roadside conferences, wide distribution of brochures, pamphlets, and films describing the new policies, and reasons behind them such as fuel savings, erosion control, wildlife habitat, cleaner water (as related to watersheds and streams), and perpetuating the prairie heritage of the State.

In addition, KDOT roadside managers should become acquainted with national roadside organizations such as the National Roadside Vegetation Management Association (NRVMA) and the roadside maintenance committee of the Transportation Research Board (TRB), in order to keep abreast of the activities, technological improvements, and research of other States.

KDOT's "Kansas Wildflowers, Native Grasses & Shrubs" publication has been extraordinarily effective and popular as a positive PR and educational publication. Tourism folks and virtually all of the federal, state and local agencies interested in nature and native plants use it. It has done a lot to instill appreciation for roadside opportunities. The committee recommends that KDOT reprint the publication and continue to make it widely available, with appropriate revisions to reflect any new KDOT initiatives resulting from the Task Force and implementation of new policies.

Implementation of public outreach is one of the areas where Task Force members can continue to play an active role in statewide outreach to build public support for KDOT roadside management improvements.

FINAL COMMENTS

Discussion-

The above recommendations were presented to the Secretary of Transportation in a progress review meeting, July 21, 2008, receiving favorable comments. The Task Force Chair and Coordinator was asked to keep the Task Force intact for periodic review and consultation during the implementation of these recommendations. To that end, the KDOT staff, spearheaded by the Environmental Services Section and the District I Engineer, will initiate plans for any policy changes necessary to implement this roadside enhancement program for the State of Kansas.

It should be noted that participants of the Task Force have expressed on numerous occasions that whatever comes out of these proceedings, it is with extreme appreciation that the Governor, the Secretary and other KDOT staff are willing to consider eco-friendly alternatives to the present status of our roadside management.

KANSAS DEPARTMENT OF WILDLIFE, PARKS & TOURISM BRIEFING ITEM
Webless Migratory Game Bird Seasons
March 21, 2013

Background

Although webless migratory birds are subject to the same federal framework process with the U.S. Fish and Wildlife Service as waterfowl, stability in season dates and bag limits allows the inclusion of webless regulations, bag limits, and season dates as permanent regulations. Webless game bird regulations are summarized below.

Species	Regulation	Regulation Summary
Crow	KAR 115-25-16	Crows; open season, bag limit, and possession limit
Dove	KAR 115-25-19	Doves; management unit, hunting season, shooting hours, and bag and possession limits
	KAR 115-20-7	Doves; legal equipment, taking methods, and possession
Sandhill Crane	KAR 115-25-20	Sandhill crane; management unit, hunting season, shooting hours, bag and possession limits, and permit validation
Snipe, Rail, & Woodcock	KAR 115-25-21	Snipe, rail, and woodcock; management unit, hunting season, shooting hours, and bag and possession limits

Staff Recommendation

NO CHANGES RECOMMENDED FOR WEBLESS GAME BIRDS REGULATIONS FOR THE 2013/2014 SEASON.

2013-14 Webless Migratory Game Bird Bag Limits and Season Dates
(as prescribed by current regulations)

Species	Bag/Possession Limits	Season Dates
Crow	none	November 10, 2013 - March 10, 2014
Dove	Migratory - 15/30 Exotic – none	September 1 - October 31, 2013 & November 2 - November 10, 2013
Extended Exotic Dove	none	November 20, 2013 - February 28, 2014
Sandhill Crane	3/6	November 6, 2013 - January 2, 2014
Snipe	8/16	September 1 - December 16, 2013
Rail	25/25	September 1 - November 9, 2013
Woodcock	3/6	October 12 - November 25, 2013

KANSAS DEPARTMENT OF WILDLIFE, PARKS & TOURISM BRIEFING ITEM
September Teal Season
March 21, 2013

Background

The U.S. Fish and Wildlife Service (USFWS) annually develops the frameworks for states to establish migratory game bird hunting seasons. Frameworks are published in late-June, after results from the May Breeding Duck Survey and recommendations from Flyway Councils are completed.

Blue-winged teal are one of the earliest migrating waterfowl, with most passing through Kansas from late August through September, prior to the opening of the general duck season. Green-winged teal are also early migrants, and many arrive in September and October, but they are commonly found in Kansas throughout the winter, depending on weather conditions. Cinnamon teal are occasionally found mixed with flocks of blue-winged teal in Kansas.

Special teal seasons were initiated to provide additional harvest opportunities on blue-winged and green-winged teal. As long as the blue-winged teal May breeding population index (BPI) is above 3.3 million, a 9-day teal season can be held. If the blue-winged teal BPI exceeds 4.7 million, a 16-day season can be allowed. The 2013 blue-winged teal breeding population total will not be known until late June, but based on last year's (2012) blue-winged teal breeding population of 9.2 million and spring habitat conditions in the Prairie Pothole Region, the 2013 BPI is expected to allow a 16-day season.

In the High Plains Unit of Kansas (West of Highway 283), the liberal package framework allows for 97 days of general duck season. Coupled with 2 youth hunting days, the addition of a 9- or 16-day teal season would exceed the Migratory Bird Treaty Act imposed maximum allowable annual hunting days for any one species of 107. Thus, when the liberal package for the regular duck season is available and a teal season can be held, it is necessary to reduce the High Plains Unit teal season to 8 days, or reduce days in the High Plains Unit general duck season as not to exceed 107 hunting days. For the past three seasons, a nine-day teal season with 96 day regular duck season has been selected in the High Plains Unit to satisfy this criteria.

Anticipated U.S. Fish and Wildlife Service Frameworks*

Season Dates:	Between September 1 and September 30, 2013
Season Length:	16 days if blue-winged teal BPI is above 4.7 million 9 days if blue-winged teal BPI is between 3.3 - 4.7 million
Bag Limit:	4 daily, 8 in possession (any combination of teal)
Shooting Hours:	One-half hour before sunrise to sunset

* Final federal frameworks will not be set until the June 20, 2013 USFWS Service Regulatory Committee Meeting.

Table 1. Kansas September Teal Season Dates and Harvest (1999-2012) Based on the Harvest Information Program (HIP).

Year	High Plains Season Dates	Low Plains Season Dates	Green-winged Teal	Blue-winged Teal	Total Harvest
2012	Sept. 15-23	Sept. 8-23	NA*	NA*	NA*
2011	Sept. 17-25	Sept. 10-25	1,748	22,562	24,310
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 late July.

Furbearer Regulations

KAR 115-5-Series. Furbearers; KAR 115-6-Series. Furdealers; KAR 115-25-11. Furbearers; open seasons and bag limits; and 115-16-5. Wildlife Control Permit; operational requirements.

Background:

These regulations referencing furbearers are permanent regulations that are not considered every year. Most of these were last in front of the Commission in 2011, and it is anticipated they will be back in front of the Commission in 2015.

Discussion and Recommendations:

The following changes to the furbearer regulations are being considered by the Department. At time of briefing book publication, the decision of whether the Department will move forward with each of these items as recommendations has not yet been made. Additional information is being collected on several of these items prior to this decision.

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

- Delete “conibear-type” from 115-5-1(c)(10) as per request from Victor trap manufacturer. The “conibear” name is trademarked.
- Two years ago, we specified that foothold traps must be smooth-jawed (115-5-1(b)(1)). This applied to both land and water sets. Since then, some trappers have complained about the inability to use toothed traps such as No. 14 jump traps and modified No. 4 longspring traps on beavers. Their argument is based on two things. One is that by holding the trapped foot stable, trap related injuries may actually be reduced (this is true in wolf research). The other is that smaller toothed traps are used as an alternative to larger smooth-jawed traps. We could make the “smooth-jawed” foothold trap requirement apply to all sets except water sets to accommodate these individuals.
- The authorization to hunt coyotes from vehicles and with radios is provided in 115-5-1(c)(7)&(8). We are considering whether to allow these activities except during the primary 12-day firearm deer season.

K.A.R. 115-5-2. Furbearers and coyotes; possession, disposal, and general provisions.

- Currently only bobcats to be sold or shipped from the state must be tagged (111-5-2(f)(2)). To avoid confusion, the tagging requirement could be applied to all bobcats.

K.A.R. 115-6-1. Fur dealer license; application, authority, possession of furs, records, and revocation.

- Add otter to 116-6-1(f), which specifies that furdealers may purchase only bobcats and swift foxes that have been pelt tagged.
- Furdealers must turn in record books by April 1 (116-6-1(g)). By changing this due date to May 1, most dealers would have liquidated their fur, and be able to zero out their books. Several have requested this in the past to simplify their book keeping.
- A dealer's application may be refused or revoked for failure to comply with or violating licensing conditions (115-6-1(h)(1-3)). This could be expanded to include violation of Department laws or regulations, or suspension or revocation of any other Department license or permit.

K.A.R. 115-16-5. Wildlife Control Permit; operational requirements.

- Add otter to 115-16-5(g), which subjects bobcat and swift fox to furharvesting tagging requirements.
- Allow KDWPT No. to be used in 115-16-5(d)(1) as an alternative to user's name and address.

K.A.R. 115-25-11. Furbearers; open seasons and bag limits.

- Trappers have often requested an alternative to discarding incidentally taken muskrats during beaver season (when muskrat season is closed). We are considering options for allowing them to keep these incidentally taken rats, perhaps including a limit of 10 (115-25-11).
- Extend furbearer running season closure from Nov. 1 to Nov. 8 (115-25-11(e)). The running season currently ends on Nov. 1. Harvest season opens Nov. 12-18, depending on the year. Early November is an excellent time of year for hunting, and two weeks most years is an unnecessarily lengthy closure. We've had requests from houndsmen to alter the field trial permit so they can hold events between running season and harvest season (115-13-4(h)). Extending running season for all is a better alternative. As an alternative to Nov. 8, we could close it a week before the harvest opener (the Wednesday after the first Saturday in November).

Otter season changes being considered:

- Eliminate the 100 otter season quota (115-25-11(d)).
- Eliminate requirement to contact the Department within 24 hours of harvest (115-25-11(d)).
- Eliminate requirement to present pelt for tagging within four days of harvest. Instead require pelt to be tagged within seven days of season (like bobcat -115-5-2(f)(2)).

- Eliminate requirement to turn in carcass to the Department. Instead, require lower canine teeth to be turned in at time of tagging (115-5-2(f)(2)).
- Maintain the 2 otter quota (115-25-11(d)).

Explanation of changes: All indications are the population is healthy, reproducing well, and gradually expanding in range into central Kansas - though in pretty low numbers outside of southeast Kansas. We can be a little less conservative than we are now without eliminating limits altogether. We're working on a modeling technique to come up with a population estimate. This is a five-year project, after which we would expect to stop collecting teeth or at least go to voluntary compliance. Eliminating the quota while retaining the two otter bag limit is the next logical step in relaxing take. It will better tell us how many people want to trap otters, as everyone will have the opportunity to do so (i.e. no season-ending quota). It will allow trappers to take otters when they want as opposed to when they have to due to fear of season end, and it will allow isolated incidentals to be kept by trappers during the beaver season.

B. General Discussion

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

Background

K.A.R 115-25-9a lists additional deer hunting days available only on the Fort Riley subunit. It will be brought back in a Workshop Session in April.

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 or the pre-rut white-tailed deer antlerless only firearm 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 11, 2013 through October 14, 2013.

Fort Riley personnel have requested season dates for firearms deer hunting at Fort Riley to be from November 29, 2013 through December 1, 2013, and December 14, 2013 through December 22, 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, 2013 through September 15, 2013 and from January 13, 2014 through January 31, 2014.

Recommendation

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

Lesser Prairie Chicken Federal Listing Briefing

Significant declines in lesser prairie chicken (LEPC) populations and their range were cause enough for the U.S. Fish and Wildlife Service (USFWS) to list the species as “warranted but precluded from listing” in 1996. This simply meant that it deserved a review for listing under the Endangered Species Act, but that a review would not take place because there were higher priority species. However, recently the priority status for LEPC review went from a level 8 to a level 2 and as such, a preliminary review was accomplished. After a 60-day extension for a proposed ruling, on November 30, 2012, the USFWS announced the proposed listing for the LEPC as threatened. The final rule will be announced on September 30, 2013. As the result of the listing proposal, public hearings are being held by the USFWS in four of the five states (KS, OK, TX and NM) for the purpose of gathering public comments.

It was anticipated that the proposed rule would be to list the species, and therefore the Five-state LEPC Interstate Working Group (Kansas, Colorado, Oklahoma, New Mexico, and Texas) and its partners initiated and have continued to develop a range-wide conservation plan. If this plan can show with certainty that the number of birds and their habitats can be managed to levels that provide for a viable and stable population throughout the LEPC’s range, it could influence the USFWS’s final decision. This plan was presented to the USFWS in March 2013, so that it can be considered before a final listing is announced.

The presentation at the March 2013 Commission meeting is intended to brief the Commission and others of the current status of this planning effort since it has been moving forward rapidly since our briefing in October 2012.

Workshop Session

XI. DEPARTMENT REPORT

C. Workshop Session

1. K.A.R. 115-25-1. Prairie Chickens; seasons, bag limits & possession limits

DISCUSSION

The intent of this item will be to provide some information about how a listing of the lesser prairie-chicken as a federally threatened species might affect prairie chicken hunting regulations for the state (Figure 1). Specific items that will be discussed include how a federal listing might affect our ability to hunt populations of solely lesser prairie-chickens and populations where both prairie chicken species co-exist (Figure 1). More detailed information will be presented or distributed at the meeting. The U.S. Fish and Wildlife Service is scheduled to release their final ruling on the listing status of the species by the end of September, 2013.

Figure 1. Prairie chicken hunting units, season dates, and bag limits in Kansas, 2012-2013.

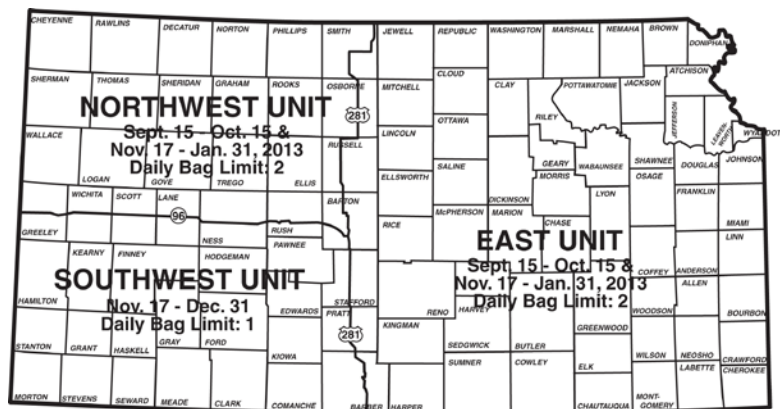
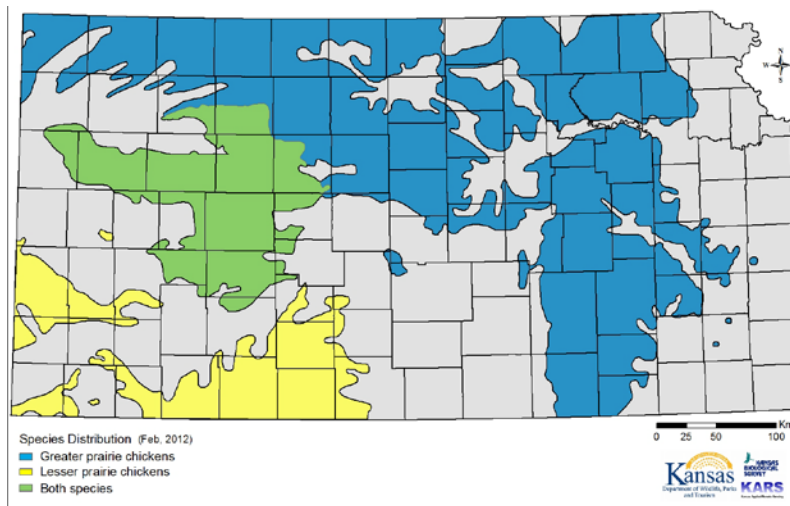


Figure 2. Current distributions of greater and lesser prairie-chicken in Kansas, 2011.



2013 Public Lands Regulations Reference Document Changes under consideration

Access Restrictions

Region 3

Playa Lakes (Herron, Stein & Wild Turkey) Closed to all activities from February 1 through August 31. Open till noon for migratory bird seasons from September 1 through November 22. Open all day during designated youth upland bird season. Open to all hunting all day November 23 through January 31. – REMOVE

Region 5

Grand Osage WA – Access by special permit ~~or Army authorization only~~

Age Restrictions

Region 1

Glen Elder WA- Walnut Creek area, mentor area-all species, all seasons - REMOVE
Glen Elder WA- Granite Creek area, youth/mentor area-all species, October 1 – January 31 – ADD

Region 2

Milford WA-West Broughton area, youth/mentor area hunting-all species, all seasons - ADD

No alcohol

Region 2

Rocky Ford Fishing Area – REMOVE

Region 5

LaCygne Lake & WA- ADD

Non Toxic Shot – designated dove fields - ADD

Region 1

Jamestown WA
Glen Elder WA
Ottawa SFL
Smoky Hill WA
Wilson WA

Region 2

Kansas River WA
Tuttle Creek WA
Clinton WA

Perry WA
Milford WA
Noe WA
Hillsdale WA

Region 4

Cheney WA
El Dorado WA
Marion WA

Region 5

Dove Flats WA
Elk City WA
Fall River WA
La Cygne WA
Mined Land WA
Spring River WA
Toronto WA
Woodson WA

Boating Restrictions

No Motorized Boats

Region 5

Elk City WA-Widgeon, Simmons, and House Mound Marshes --ADD

Refuges

Refuge Area Closed to All Activities Year Round

Region 5

Mined Land WA-portions of Units 28 & 29-REMOVE

Shooting Hours Restrictions -REMOVE

The following properties have shooting hour restrictions that are more restrictive than statewide regulations. These restrictions may be species specific and regulated only on portions of the property.

Shooting Hours End 1 PM - REMOVE

Region 5

Neosho WA-South Unit for waterfowl – REMOVE

Special Permits (Daily/ Use* Hunt Permits)

Region 1

Glen Elder WA – Granite Creek Area during youth/mentor seasons - ADD

KAR 115-8-23. Bait, hunting – definition of baiting. Clarify definition that follows federal regulations in regards to hunting over manipulated crops for waterfowl and other migratory game birds.

KAR 115-8-2. Blinds, tree stands, and decoys. Remove “tree” in reference to stands. This will clarify the use of portable stands for the purposes of hunting.

**Camping and Utility Fees
(2013 Recreation Vehicle Short-Term Parking
Effective Calendar Year 2013)**

Background: This initiative is in an effort to respond to the many requests for offering competitive short-term RV and boat parking fees in state parks. Currently, our short-term parking is \$125.00 per month. An inventory of area storage businesses has been completed for each state park. Many areas do not have local businesses offering this service. We would like to offer this service at a competitive rate for our customers to mitigate the high cost of fuel used in transporting campers and boats to our recreational areas.

Regulation: 115-2-3 (h)

Recommendations: To adjust pricing per location.

KAR 115-25-7

Antelope; open season, bag limit and permits

Background

This regulation pertains to seasons, bag limits, unit boundaries, permits and tags for pronghorn antelope.

Western Kansas pronghorn antelope populations have supported a hunting season since 1974. The firearm pronghorn season has been four days long since 1990, starting on the first Friday in October. The archery pronghorn season was nine days long from 1985 to 2004, and included the two weekends prior to the firearm season. Since 2005, the archery season has reopened on the Saturday following the firearm season and continued through the end of October. A muzzleloader season was initiated in 2001. It has begun immediately after the archery season and ran for eight days, the last four of which overlap with the firearm season.

Discussion & Recommendations

No changes are recommended for season structure, unit boundaries, bag limits, or permits.

We propose unlimited archery permits be allocated for both residents and nonresidents. Firearm and muzzleloader permits will remain restricted to residents, with half assigned to landowner/tenants and the remainder awarded to general residents. One hundred forty-two firearm permits and 42 muzzleloader permits are proposed in the three management units as follows:

Unit 2 – 96 firearm permits and 24 muzzleloader permits
Unit 17 – 36 firearm permits and 10 muzzleloader permits
Unit 18 – 10 firearm permits and 8 muzzleloader permits

Unit boundaries are proposed to coincide with firearm deer management units defined in K.A.R. 115-4-6, with units 2, 17, and 18 being open. The proposed season dates are:

September 21, 2013 through September 29, 2013 and October 12, 2013 through October 31, 2013 for the archery season.
September 30, 2013 through October 7, 2013 for the muzzleloader season.
October 4, 2013 through October 7, 2013 for the firearm season.

A map of Kansas showing its 105 counties. Major highways are marked with their route numbers: 70, 147, 283, 156, 183, 54, and 183. The word "OPEN" is written in large, bold, black capital letters in the central part of the state, specifically over the counties of Scott, Lane, and Ness. The map also shows the state's borders with Nebraska to the north, Oklahoma to the south, Colorado to the west, and Missouri to the east.

[illegible]

KAR 115-25-8

Elk; open season, bag limit and permits

Background

This regulation pertains to seasons, bag limits, unit boundaries, permits and tags for elk hunting.

Elk hunting on and around Fort Riley was initiated in 1990, and most of the hunting opportunity in the state occurs on the Fort. However, elk do exist on private lands, though unpredictably in most of the state, with parts of southwest Kansas being the main exception. Elk also occur in the vicinity of Cimarron National Grasslands, but these elk are primarily found in neighboring states, and the Grasslands haven't been open to elk hunting since 1995, following several years of herd reduction.

Since 1999, longer seasons and less restrictive permitting options have been authorized except near Fort Riley and the Grasslands. This framework is intended to allow for elk that may be causing crop damage or other conflicts on private land to be harvested, and for landowners to have the opportunity to maintain elk at desirable numbers on their own property while at the same time allowing the Fort Riley and Cimarron herds to be maintained.

Discussion & Recommendations

No changes are recommended for season structure, unit boundaries, or permits.

Unit boundaries are defined in K.A.R. 115-4-6b. Units 2 and 3 will be open to hunting.

The proposed season dates on Fort Riley are:

- a) September 1, 2013 through September 30, 2013 for a season in which both muzzleloader and archery equipment may be used.
- b) October 1, 2013 through December 31, 2013 for the firearm season with one-third of the antlerless only permits valid during each of the following segments:
 - 1) First segment: October 1, 2013 through October 31, 2013.
 - 2) Second segment: November 1, 2013 through November 30, 2013.
 - 3) Third segment: December 1, 2013 through December 31, 2013.
- c) October 1, 2013 through December 31, 2013 for a firearm season for all holders of any-elk permits.

The proposed season dates outside the boundaries of Fort Riley are:

- a) September 1, 2013 through September 30, 2013 for the muzzleloader season.
- b) September 16, 2013 through December 31, 2013 for the archery season.
- c) December 4, 2013 through December 15, 2013, and January 1, 2014 through March 15, 2014 for the firearms seasons.

It is recommended that 10 any-elk permits and 15 antlerless elk permits be authorized for Units 2 and 3. An unlimited number of hunt-on-your-own-land antlerless only and hunt-on-your-own-land either-sex elk permits will also be authorized in Units 2 and 3. An unlimited number of general resident and

Elk permits will be available only to Kansas residents, and permit applications will be separated into military and nonmilitary applicants. The bag limit shall be one elk as specified on the permit.

The image contains three maps of Kansas. The top-left map is a detailed view of Unit 1, showing its location in the northwest corner of the state, bounded by the Colorado/Kansas State Line to the west and north, and the Oklahoma/Kansas State Line to the south. It includes major roads like Co. Rd. V, Co. Rd. 9, Co. Rd. 23, Co. Rd. 24, and Co. Rd. 51, and towns such as Richfield, Rolla, and Elkhart. The top-right map is a detailed view of Unit 2, located in the northeast, showing its proximity to Fort Riley and the Tuttle Creek Reservoir. It includes major roads like 22nd Rd., 15, 16, 177, 70, 18, 77, and 24, and towns like Leonardville, Riley, Wakefield, Junction City, and Manhattan. The bottom map is a map of the entire state of Kansas, with county names labeled. Unit 1 is highlighted in the northwest, and Unit 2 is highlighted in the northeast, near Fort Riley. The map also shows the location of Doniphan County, which is partially in Unit 2 and partially in Missouri.

Agritourism Regulations

Background

In 2011, Governor Brownback issued Executive Reorganization Order No. 36, which merged the Division of Travel and Tourism of the Department of Commerce with the Department of Wildlife and Parks. The ERO created a new Assistant Secretary for Parks and Tourism, and it created the Tourism Division within the Kansas Department of Wildlife, Parks and Tourism (KDWPT).

In 2012, the Legislature passed Senate Bill 316 in response to ERO 36. SB 316 is commonly known as the trailer bill, which transfers the statutory authorities of the former Division of Travel and Tourism to KDWPT. Trailer bills also provide opportunities to address any unanticipated issues with ERO. EROs, while specific to the topic, are generally generic in nature. Trailer bills are very specific and address items like name changes in the statutes.

Discussion

The Department of Commerce has several regulations in place that deal with agritourism. Since the agritourism duties have been transferred to the KDWPT, the regulations should at some point be brought into the Department's regulation numbering system and the statutory references updated. We anticipate that this change will occur in January or March of next year, once the new statute numbers have been assigned.

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 - January 17, 2013

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, March 21, 2013 at Kansas Historical Museum, 6425 SW 6th Ave, Topeka, Kansas, to consider the approval and adoption of proposed regulations of the Kansas Department of Wildlife, Parks, and Tourism.

A general discussion and workshop meeting on business of the Wildlife, Parks, and Tourism Commission will begin at 1:30 p.m., March 21 at the location listed above. The meeting will recess at approximately 5:30 p.m. then resume at 7:00 p.m. at the same location for the regulatory hearing and more business. There will be public comment periods at the beginning of the afternoon and 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. March 22 at the location listed above.

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

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

All interested parties may submit written comments prior to the hearing to the Chairman of the Commission, Kansas Department of Wildlife, 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. 115-2-1. This permanent regulation establishes the price of the nonresident antlered and antlerless deer combination permit as directed by the Legislature.

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

K.A.R. 115-4-4. This permanent regulation establishes the legal equipment and taking methods for big game. The proposed amendments remove some archery equipment restrictions, allow the use of crossbows by all individuals in the archery deer season, remove restrictions on elk muzzleloader equipment, allow the use of centerfire cartridges in firearms season, remove shotgun slug gauge restrictions in firearms season, update the regulation for statutory changes and remove restrictions related to possessing certain equipment for the permit type possessed.

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. 115-4-4a. This permanent regulation establishes the legal equipment and taking methods for wild turkeys. The proposed amendments would remove restrictions on archery equipment to coincide with changes in archery deer season, allow the use of crossbows by all individuals in the spring and fall archery season, remove gauge restrictions on shotguns, update the regulation as to statutory changes and remove restrictions related to possessing certain equipment for the permit type possessed.

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. 115-18-7. This permanent regulation establishes the use of crossbows and locking draws for big game and wild turkey hunting for persons with disabilities. The proposed amendments would coincide with the above listed proposed equipment changes for big game hunting equipment related to crossbows.

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. 115-25-5. This exempt regulation establishes the fall season, bag limits and permits for turkey hunting. The proposed change would only close the fall turkey season during the regular firearms deer season.

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

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 - February 14, 2013

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, March 21, 2013 at Kansas Historical Museum, 6425 SW 6th Ave, Topeka, Kansas, to consider the approval and adoption of proposed regulations of the Kansas Department of Wildlife, Parks, and Tourism.

A general discussion and workshop meeting on business of the Wildlife, Parks, and Tourism Commission will begin at 1:30 p.m., March 21 at the location listed above. The meeting will recess at approximately 5:30 p.m. then resume at 7:00 p.m. at the same location for the regulatory hearing and more business. There will be public comment periods at the beginning of the afternoon and 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. March 22 at the location listed above.

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

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

K.A.R. 115-25-9. This permanent regulation sets the open season, bag limits, and permits for deer.

Economic Impact Summary: The proposed amendment is 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.AG.KS.GOV

February 1, 2013

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. 115-25-9

Dear Chris:

Pursuant to K.S.A. 2012 Supp. 77-420(b), we have determined that the above-referenced regulation is within the statutory authority of your agency and does not present any other legal issues of concern. We have therefore approved the regulation for legality. The regulation is stamped and enclosed with this letter.

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

Enclosure

cc: Chair, Joint Committee on Rules and Regulations
Vice Chair, Joint Committee on Rules and Regulations
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



STATE OF KANSAS
OFFICE OF THE ATTORNEY GENERAL

DEREK SCHMIDT
ATTORNEY GENERAL

MEMORIAL HALL
120 SW 10TH AVE., 2ND FLOOR
TOPEKA, KS 66612-1597
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WWW.AG.KS.GOV

December 19, 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. 115-2-1; K.A.R. 115-4-4; K.A.R. 115-4-4a; K.A.R. 115-18-7; K.A.R. 115-25-5

Dear Chris:

Pursuant to K.S.A. 2011 Supp. 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.

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 68-W
Kenneth Wilke, Revisor of Statutes, State Capitol, Ste. 24-E

115-2-1. Amount of fees. The following fees shall be in effect for the following licenses, permits, and other issues of the department: (a) Hunting licenses and permits.

Resident hunting license	\$18.00
Resident senior hunting license (annual purchase, 65 years of age through 74 years of age)	9.00
Resident hunting license (one-time purchase, valid from 16 years of age through 20 years of age)	40.00
Nonresident hunting license	70.00
Nonresident junior hunting license (under 16 years of age)	35.00
Resident big game hunting permit:	
General resident: either-sex elk permit	250.00
General resident: antlerless-only elk permit	100.00
General resident youth (under 16 years of age): either-sex elk permit	125.00
General resident youth (under 16 years of age): antlerless-only elk permit	50.00
Landowner/tenant: either-sex elk permit	125.00
Landowner/tenant: antlerless-only elk permit	50.00
Hunt-on-your-own-land: either-sex elk permit	125.00
Hunt-on-your-own-land: antlerless-only elk permit	50.00
General resident: deer permit	30.00
General resident youth (under 16 years of age): deer permit	15.00

General resident: antlerless-only deer permit	15.00
General resident youth (under 16 years of age): antlerless-only deer permit	7.50
Landowner/tenant: deer permit	15.00
Hunt-on-your-own-land: deer permit	15.00
Special hunt-on-your-own-land: deer permit	30.00
General resident: antelope permit	40.00
General resident youth (under 16 years of age): antelope permit	20.00
Landowner/tenant: antelope permit	20.00
Hunt-on-your-own-land: antelope permit	20.00
Antelope preference point service charge	5.00
Any-deer preference point service charge	5.00
Application fee for elk permit.....	5.00

Wild turkey permit:

General resident: turkey permit (1-bird limit)	20.00
General resident youth (under 16 years of age): turkey permit (1-bird limit)	10.00
Landowner/tenant: turkey permit (1-bird limit)	10.00
Nonresident: turkey permit (1-bird limit)	30.00
Resident: turkey preference point service charge	5.00

Wild turkey game tag:

Resident: turkey game tag (1-bird limit)	10.00
--	-------

Nonresident: turkey game tag (1-bird limit)	20.00
Spring wild turkey permit and game tag combination (2-bird limit, must be purchased before April 1 of year of use):	
General resident: turkey permit and game tag combination (2-bird limit)	25.00
General resident youth (under 16 years of age): turkey permit and game tag combination (2-bird limit)	15.00
Landowner/tenant: turkey permit and game tag combination (2-bird limit)	15.00
Nonresident: turkey permit and game tag combination (2-bird limit)	45.00
Nonresident big game hunting permit:	
Nonresident hunt-on-your-own-land: deer permit	75.00
Nonresident: deer permit (antlered deer)	300.00
Nonresident: deer permit (antlerless only)	50.00
Nonresident: combination 2-deer permit (antlered deer and antlerless white-tailed deer)....	
.....	315.00
Nonresident: antelope permit (archery only)	200.00
Nonresident: deer permit application fee	20.00
Nonresident: mule deer stamp	100.00
48-hour waterfowl hunting permit	25.00
Field trial permit: game birds	20.00
Lifetime hunting license	440.00

or eight quarterly installment payments of	60.00
Migratory waterfowl habitat stamp	5.00
Special dark goose hunting permit	5.00
Sandhill crane hunting permit: validation fee	5.00
Disabled person hunt-from-a-vehicle permit	0

(b) Fishing licenses and permits.

Resident fishing license	18.00
Resident senior fishing license (annual purchase, 65 years of age through 74 years of age)	9.00
Resident fishing license (one-time purchase, valid from 16 years of age through 20 years of age)	40.00
Nonresident fishing license	40.00
24-hour fishing license	3.00
Three-pole permit.....	4.00
Tournament bass pass	10.00
Paddlefish permit (six carcass tags).....	10.00
Paddlefish permit youth (under 16 years of age) (six carcass tags).....	5.00
Hand fishing permit	25.00
Floatline fishing permit.....	0
Lifetime fishing license	440.00

or eight quarterly installment payments of	60.00
Five-day nonresident fishing license	20.00
Institutional group fishing license	100.00
Special nonprofit group fishing license	50.00
Trout permit	10.00

(c) Combination hunting and fishing licenses and permits.

Resident combination hunting and fishing license	36.00
Resident senior combination hunting and fishing license (annual purchase, 65 years of age through 74 years of age)	18.00
Resident combination hunting and fishing license (one-time purchase, valid from 16 years of age through 20 years of age)	70.00
Resident lifetime combination hunting and fishing license	880.00
or eight quarterly installment payments of	120.00
Resident senior lifetime combination hunting and fishing license (one-time purchase, valid 65 years of age and older)	40.00
Nonresident combination hunting and fishing license	110.00

(d) Furharvester licenses.

Resident furharvester license	18.00
Resident junior furharvester license	10.00
Lifetime furharvester license	440.00

or eight quarterly installment payments of	60.00
Nonresident furharvester license	250.00
Nonresident bobcat permit (1-bobcat limit per permit)	100.00
Resident fur dealer license	100.00
Nonresident fur dealer license	400.00
Field trial permit: furbearing animals	20.00

(e) Commercial licenses and permits.

Controlled shooting area hunting license	15.00
Resident mussel fishing license	75.00
Nonresident mussel fishing license	1,000.00
Mussel dealer permit	200.00
Missouri river fishing permit	25.00
Game breeder permit	10.00
Controlled shooting area operator license	200.00
Commercial dog training permit	20.00
Commercial fish bait permit	20.00
Commercial prairie rattlesnake harvest permit (without a valid Kansas hunting license)	20.00
Commercial prairie rattlesnake harvest permit (with a valid Kansas hunting license or exempt from this license requirement)	5.00
Commercial prairie rattlesnake dealer permit.....	50.00

Prairie rattlesnake round-up event permit25.00

(f) Collection, scientific, importation, rehabilitation, and damage-control permits.

Scientific, educational, or exhibition permit10.00

Raptor propagation permit0

Rehabilitation permit0

Wildlife damage-control permit0

Wildlife importation permit10.00

Threatened or endangered species: special permits0

(g) Falconry.

Apprentice permit75.00

General permit75.00

Master permit75.00

Testing fee50.00

(h) Miscellaneous fees.

Duplicate license, permit, stamp, and other issues of the department10.00

Special departmental services, materials, or supplies At cost

Vendor bond

For bond amounts of \$5,000.00 and less50.00

For bond amounts of more than \$5,000.0050.00

plus \$6.00 per additional \$1,000.00 coverage or any fraction thereof.

~~This regulation shall be effective on and after January 1, 2013.~~ (Authorized by and implementing K.S.A. 32-807, as amended by L. 2012, Ch. 47, Sec. 25, L. 2012, Ch. 154, Sec. 1, and K.S.A. 2011 Supp. 32-988, as amended by L. 2012, Ch. 154, Sec. 7; effective Dec. 4, 1989; amended Sept. 10, 1990; amended Jan. 1, 1991; amended June 8, 1992; amended Oct. 12, 1992; amended April 11, 1994; amended Aug. 29, 1994; amended June 5, 1995; amended Aug. 21, 1995; amended Feb. 28, 1997; amended July 30, 1999; amended Jan. 2, 2002; amended Jan. 1, 2003; amended Jan. 1, 2004; amended Feb. 18, 2005; amended Jan. 1, 2006; amended May 1, 2006; amended Jan. 1, 2007; amended Jan. 1, 2008; amended Jan. 1, 2009; amended Jan. 1, 2010; amended Aug. 1, 2010; amended Jan. 1, 2011; amended Jan. 1, 2012; amended Jan. 1, 2013; amended P-_____.)

ECONOMIC IMPACT STATEMENT

K.A.R. 115-2-1. Amount of fees.

DESCRIPTION: This permanent regulation establishes fish and wildlife-related license and permit fees. The proposed amendments would establish fees for combination nonresident antlered and antlerless deer permits as directed by the Legislature.

FEDERAL MANDATE: None.

ECONOMIC IMPACT: The fee structure that is proposed will result in no fiscal gain to the department. No other appreciable negative economic impact is anticipated for other agencies, small businesses, or the public.

ALTERNATIVES CONSIDERED: None.

115-4-4. Big game; legal equipment and taking methods. (a) Hunting equipment for the taking of big game during a big game archery season shall consist of the following:

(1) Archery equipment.

~~(A) Each bow shall be hand-drawn.~~

~~(B)~~ No bow shall have a mechanical device that locks the bow at full or partial draw.

~~(C) Each bow shall be designed to shoot only one arrow at a time.~~

~~(D)~~ (B) No bow or arrow shall have any electronic device attached to the bow or arrow, ~~with the exception of~~ that controls the flight of the arrow. Devices that may be attached to a bow or arrow shall include lighted pin, dot, or holographic sights, ~~or~~ illuminated nocks; rangefinders; film or video cameras; and radio-frequency location devices.

~~(E)~~ (C) Each arrow used for hunting shall be equipped with a broadhead point incapable of passing through a ring with a diameter of three-quarters of an inch when fully expanded. A big game hunter using archery equipment may possess non-broadhead-tipped arrows while hunting if the arrows are not used to take or attempt to take big game animals.

~~(F) No bow with less than 50 pounds of draw weight shall be used to archery hunt for elk.~~

(2) Crossbows and locking draws as authorized under K.A.R. 115-18-7.

(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.

No crossbow or arrow shall have any electronic device attached to the crossbow or arrow that controls the flight of the arrow. Devices that may be attached to a crossbow or arrow shall include lighted pin, dot, or holographic sights; illuminated nocks; rangefinders; film or video cameras; and radio-frequency location devices.

(b) Hunting equipment for the taking of big game during a big game muzzleloader-only season shall consist of the following:

(1) Archery and crossbow equipment as authorized in subsection (a); and

(2) muzzleloading rifles, pistols, and muskets that can be loaded only through the front of the firing chamber with separate components and ~~that fire a bullet of .39~~ are .40 inches in diameter bore or larger; ~~except for the hunting of elk, which shall require a bullet of .49 inches in diameter or larger; and~~

~~(3) single barrel muzzleloading pistols .45 caliber or larger that have a barrel length of 10 inches or greater and can be loaded only through the front of the barrel with separate components, except for the hunting of elk, which shall require a bullet of .49 inches in diameter or larger.~~ Only hard-cast solid lead, conical lead, or sabot bullets shall be used with muzzleloading rifles, pistols, and muskets.

(c) Hunting equipment for the taking of big game during a big game firearm season shall consist of the following:

(1) Archery and crossbow equipment as authorized in subsection (a);

(2) muzzleloader-only season equipment as authorized in subsection (b);

(3) centerfire rifles and handguns that are not fully automatic, ~~that fire a bullet larger than .23 inches in diameter, and that use a cartridge case that is 1.280 inches or more in length,~~ while using only hard-cast solid lead, soft point, hollow point, or other expanding bullets, ~~except for the hunting of elk, which shall require a bullet larger than .25 inches in diameter and a cartridge case that is 1.75 inches or more in length; and~~ and

(4) shotguns using only slugs ~~of 20 gauge or larger, except that the hunting of elk shall require a slug of 12 gauge or larger; and~~

~~(5) 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) Accessory equipment.

(1) Each individual hunting deer or elk during a firearms deer or elk season and each individual assisting an individual hunting deer or elk as authorized by K.A.R. 115-4-2 or K.A.R. 115-18-15 during a firearms deer or elk season shall wear outer clothing of a bright orange color ~~having a predominant light wavelength of 595-605 nanometers,~~ commonly referred to as daylight fluorescent orange, hunter orange, blaze orange, or safety orange. This bright orange color shall be worn as follows:

(A) A hat with the exterior of not less than 50 percent of the bright orange color, an equal portion of which is visible from all directions; and

(B) at least 100 square inches of the bright orange color that is on the front of the torso and is visible from the front and at least 100 square inches that is on the rear of the torso and is visible from the rear.

(2) ~~Nonelectric calls, Lures, and decoys,~~ except live decoys, and nonelectric calls shall be legal while hunting big game.

(3) Any individual may use blinds and stands while hunting big game.

(4) Optical scopes or sights that project no visible light toward the target and do not electronically amplify visible light or detect infrared light or thermal energy may be used.

(5) Any range-finding device, if the device does not project visible light toward the target, may be used.

(6) Devices capable of dispensing lethal, debilitating, or immobilizing chemicals to take big game animals shall not be used.

~~(c) 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.~~

~~(f)~~ Shooting hours for deer, antelope, and elk during each day of any deer, antelope, or elk hunting season shall be from one-half hour before sunrise to one-half hour after sunset.

~~(g)~~ (f) Horses and mules may be used while hunting big game, except that horses and mules shall not be used for herding or driving ~~elk~~ big game.

(g) Firearm report-suppressing devices may be used.

(h) Handguns may be possessed during all big game seasons. However, no handgun shall be

used to take deer except as legal equipment specified in subsection (c) during a big game firearms season. (Authorized by and implementing K.S.A. 32-807, as amended by L. 2012, Ch. 47, Sec. 25, and K.S.A. 2011 Supp. 32-937, as amended by L. 2012, Ch. 154, Sec. 6; effective June 1, 2001; amended April 19, 2002; amended April 22, 2005; amended June 2, 2006; amended April 13, 2007; amended April 11, 2008; amended May 21, 2010; amended April 20, 2012; amended P-_____.)

ECONOMIC IMPACT STATEMENT

K.A.R. 115-4-4. Big game; legal equipment and taking methods.

DESCRIPTION: This regulation establishes legal equipment and taking methods for big game species. The proposed amendments would remove some archery equipment restrictions, allow the use of crossbows by all individuals in the archery deer season, remove restrictions on elk muzzleloader equipment, allow the use of centerfire cartridges in firearms season, remove shotgun slug gauge restrictions in firearms season, update the regulation for statutory changes and remove restrictions related to possessing certain equipment for the permit type possessed.

FEDERAL MANDATE: None.

ECONOMIC IMPACT: The proposed amendment is not anticipated to have any appreciable negative economic impact on the department, other agencies, small businesses or the public.

ALTERNATIVES CONSIDERED: None.

115-18-7. Use of crossbows and locking draws for big game and wild turkey hunting by persons with disabilities; application, permit, and general provisions. (a) Each permanently disabled person qualified to hunt deer, antelope, elk, or wild turkey with a crossbow and desiring to obtain a crossbow and locking draw permit shall apply to the secretary on forms provided by the department. Each applicant shall provide the following information:

- (1) Name of applicant;
- (2) address;
- (3) a physician's signed report, on forms provided by the department, describing the permanent disability and certifying the applicant physically incapable of using a bow; and
- (4) other relevant information as required by the secretary.

(b) Each person with a temporary disability who would be qualified to hunt deer, antelope, elk, or wild turkey with a crossbow if the disability were permanent and who desires to obtain a temporary crossbow and locking draw permit shall apply to the secretary on forms provided by the department. Each applicant shall provide the following information:

- (1) Name of applicant;
- (2) address;
- (3) a physician's signed report, on forms provided by the department, describing the disability, certifying the applicant physically incapable of using a bow, and estimating the time period that the person is likely to be subject to the disability; and
- (4) other relevant information as required by the secretary.

Each temporary permit shall expire no more than three years from the date of issuance and shall state the expiration date on the face of the permit.

(c) Any applicant may be required by the secretary to obtain, at the department's expense, a report from a second physician chosen by the secretary.

(d) A crossbow and locking draw permit or temporary permit may be refused issuance or may be revoked by the secretary for any of the following reasons:

- (1) The disability does not meet qualifications for the permit.
- (2) The application is incomplete or contains false information.
- (3) The disability under which the permit was issued no longer exists.

(e) A crossbow and locking draw permit or temporary permit shall be valid statewide.

(f) Any crossbow and locking draw permittee may use a crossbow or bow equipped with a locking draw for hunting deer, antelope, elk, or wild turkey during any archery season established by the secretary for the big game species or wild turkey being hunted by the permittee. This provision shall be subject to the applicable regulations governing archery hunting of that big game species or wild turkey, including possession of a valid hunting permit issued by the department for that big game species or wild turkey, if required.

(g) Legal equipment for hunting any big game or wild turkey by crossbow shall consist of the following:

- (1) ~~Crossbows of not less than 125 pounds of draw weight;~~
- (2) ~~Arrows not less than 16 inches in length,~~ equipped with broadhead points incapable

of passing through a ring with a diameter smaller than three-quarters of an inch when fully expanded;

~~(3)~~ (2) if attached to the bow, any lighted pin, dot, or holographic sights attached to the bow, but no other electronic or chemical device attached to the crossbow or arrow; illuminated nocks; rangefinders; film or video cameras; and radio-frequency location devices;

~~(4)~~ (3) optical scopes or sights that project no visible light toward the target and do not electronically amplify visible light or detect infrared light or thermal energy; and

~~(5)~~ (4) range-finding devices, if the system does not project visible light toward the target.

(h) Legal equipment for hunting any big game or wild turkey using a bow equipped with a locking draw shall consist of legal archery equipment as specified in K.A.R. 115-4-4, except that the bow may have a mechanical device that locks the bow at full or partial draw.

(i) Any person may assist the holder of a crossbow permit or a temporary crossbow permit during the permittee's hunting activity. A person assisting a holder of a permit shall not perform the actual shooting of the crossbow for the permittee.

(j) A big game or wild turkey hunter using crossbow equipment may possess non-broadhead-tipped arrows while hunting if the arrows are not used to take or attempt to take wild turkeys or big game animals.

(k) No bow, crossbow, or arrow shall have any electronic device attached to the bow, crossbow, or arrow that controls the flight of the arrow.

(l) No device capable of dispensing lethal, debilitating, or immobilizing chemicals to take wild turkeys or big game animals shall be used. (Authorized by K.S.A. 32-807, as amended by L. 2012, Ch. 47, Sec. 25, K.S.A. 2009 2011 Supp. 32-919, as amended by L. 2012, Ch. 154, Sec.

5, and K.S.A. ~~2009~~ 2011 Supp. 32-932, as amended by L. 2012, Ch. 47, Sec. 48; implementing K.S.A. ~~2009~~ 2011 Supp. 32-932, as amended by L. 2012, Ch. 47, Sec. 48; effective Oct. 30, 1989; amended, T-115-9-9-97, Sept. 9, 1997; amended Dec. 29, 1997; amended Oct. 1, 1999; amended April 19, 2002; amended Feb. 18, 2005; amended April 11, 2008; amended May 21, 2010; amended P-_____.)

ECONOMIC IMPACT STATEMENT

K.A.R. 115-18-7. Use of permits for big game hunting by persons with disabilities; application, permit, and general provisions.

DESCRIPTION: This regulation provides for the issuance of a permit to any person with a qualifying disability allowing the use of a crossbow to hunt big game. The proposed amendments would coincide with proposed equipment changes for big game hunting equipment.

FEDERAL MANDATE: None.

ECONOMIC IMPACT: The proposed amendment is not anticipated to have any appreciable negative economic impact on the department, other agencies, small businesses or the public.

ALTERNATIVES CONSIDERED: None.

115-25-9. Deer; open season, bag limit, and permits. (a) The open season for the taking of deer shall be as follows:

(1) Archery season.

(A) The archery season dates shall be September 16, 2013 through December 31, 2013.

(B) The entire state shall be open for the taking of deer during the archery deer season.

However, nonresident archery deer permits shall be valid in only two adjacent deer management units designated at the time of application and unit 19.

(C) All archery deer permits also shall be valid during the portion of the extended firearm season beginning on January 1, 2014 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.

(D) The number of archery deer permits based on a review of deer population indices, biological and ecological data, history of permit use and harvest rates, public input, and other relevant information shall be as established by the secretary with the concurrence of the commission.

(E) The urban antlerless-only white-tailed deer archery season shall begin on January 20, 2014 and extend through January 31, 2014 in all units designated as an urban deer management unit.

(2) Firearm season.

(A) In the Fort Leavenworth subunit, the firearm season dates shall be November 23, 2013 through November 24, 2013, November 28, 2013 through December 1, 2013, December 7, 2013 through December 8, 2013, December 14, 2013 through December 15, 2013, and

December 21, 2013 through December 22, 2013. In the Smoky Hill Air National Guard subunit, the firearm season dates shall be December 4, 2013 through December 15, 2013. The regular firearm season dates in all other deer management units shall be December 4, 2013 through December 15, 2013.

(B) The pre-rut white-tailed deer antlerless-only season in all deer management units shall be October 12, 2013 through October 13, 2013.

(C) 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.

(D) The number of firearm deer permits for each management unit based on a review of deer population indices, biological and ecological data, history of permit use and harvest rates, public input, and other relevant information shall be as established by the secretary with the concurrence of the commission.

(3) Muzzleloader-only season.

(A) The muzzleloader-only season in all deer management units shall be September 16, 2013 through September 29, 2013. 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, 2014 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.

(B) The number of muzzleloader deer permits issued for each management unit based on

a review of deer population indices, biological and ecological data, history of permit use and harvest rates, public input, and other relevant information shall be as established by the secretary with the concurrence of the commission.

(4) Season for designated persons.

(A) The season for designated persons to hunt deer shall be September 7, 2013 through September 15, 2013 in all deer management units.

(B) Only the following persons may hunt during this season:

(i) Any person 16 years of age or younger, only while under the immediate supervision of an adult who is 18 years of age or older; and

(ii) any person with a permit to hunt from a vehicle issued according to K.A.R. 115-18-4 or a disability assistance permit issued according to K.A.R. 115-18-15.

(C) All resident and nonresident deer permits shall be valid during this season.

(D) All persons hunting during this season shall wear blaze orange according to K.A.R. 115-4-4.

(5) Extended firearm seasons.

(A) Each unfilled deer permit valid in unit 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, or 19, as applicable, shall be valid during the extended firearm season beginning January 1, 2014 and extending through January 12, 2014 in those units.

(B) Each unfilled deer permit valid in units 7, 8, 10A, 15, and 19 shall be valid in a special extended firearm antlerless-only season in units 7, 8, 10A, 15, and 19. The special extended firearm season shall be January 13, 2014 through January 19, 2014. The bag limit shall be one antlerless deer.

(C) Only antlerless white-tailed deer may be taken.

(D) Permits restricted to a specific unit shall remain restricted to that unit during the extended firearm season.

(E) Equipment legal during a firearm season shall be authorized with any permit.

(b) Unlimited resident hunt-on-your-own-land, special hunt-on-your-own-land, and nonresident hunt-on-your-own-land deer permits shall be authorized for all units. These permits also shall be valid during the portion of the extended firearm season beginning on January 1, 2014 and extending through the last open day in units open during an extended or special extended firearm season, but shall be valid only for antlerless white-tailed deer during an extended or special extended firearm season.

(c) Any individual may apply for and obtain multiple deer permits, subject to the following limitations:

(1) Any individual may apply for or obtain no more than one deer permit that allows the taking of an antlered deer, except when the individual is unsuccessful in a limited quota drawing and alternative permits for antlered deer are available at the time of subsequent application.

(2) Any individual may obtain no more than five antlerless white-tailed deer permits. One antlerless white-tailed deer permit shall be valid statewide, including lands managed by the department. 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, 10A, 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.

(3) Any resident may obtain no more than one either-species, either-sex permit through

the application period described in K.A.R. 115-4-11.

(4) Nonresidents shall be eligible to obtain antlerless white-tailed deer permits.

Otherwise, a nonresident shall be eligible to apply for and obtain only those permits designated as nonresident deer permits.

(5) No resident or nonresident shall purchase any deer permit that allows the taking of antlerless-only deer without first having obtained a deer permit that allows the taking of antlered deer, unless the antlerless-only deer permit is purchased after December 30, 2013.

(6) Any individual may obtain one antlerless-only either-species deer permit, subject to the number of antlerless-only either-species deer permits authorized.

(d) The bag limit for each deer permit shall be one deer, as specified on the permit issued to the permittee.

(e) No deer permit issued pursuant to this regulation shall be valid after January 31, 2014.

(f) This regulation shall be effective on and after May 1, 2013, and shall have no force and effect on and after March 1, 2014. (Authorized by and implementing K.S.A. 2012 Supp. 32-807 and K.S.A. 2012 Supp. 32-937.)

ECONOMIC IMPACT STATEMENT

K.A.R. 115-25-9. Deer; open season, bag limit, and permits.

DESCRIPTION: The proposed exempt regulation establishes hunting bag limits, application periods and season dates for the 2013-2014 firearm, muzzleloader and archery deer seasons. There are very few changes from 2012-2013 seasons. Season dates are adjusted to coincide with the calendar and some public lands where additional white-tailed antlerless deer may be taken have been added to the regulation. Additionally, the pre-rut antlerless season as directed by the Legislature was added.

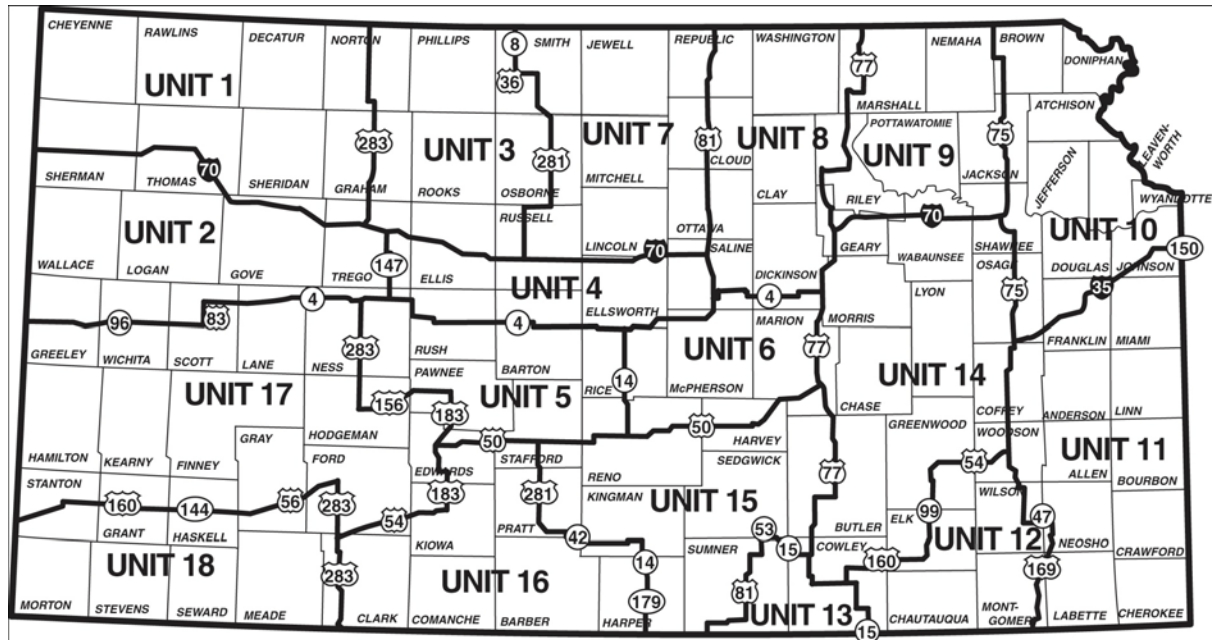
FEDERAL MANDATES: None

ECONOMIC IMPACT: If the economic impact to the department, the general public, small business and other agencies from the 2013-14 seasons were to be similar to the estimate for the 2013-2014 seasons, total revenue to the department from the sale of all resident, nonresident, and landowner/tenant deer permits is estimated to be approximately \$10,045,760.

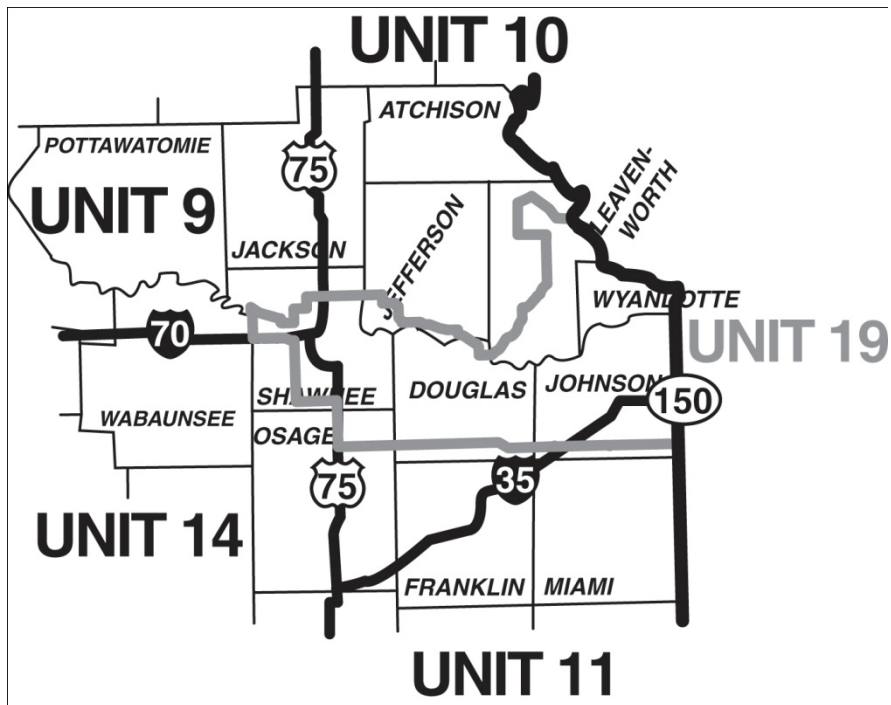
Approximately 575,000 days of hunting activity by 115,000 hunters are anticipated. A 2006 survey conducted by the U.S. Fish and Wildlife Service estimated that big game hunters spent approximately \$1100 per year on trip and equipment expenditures, thus the 2013-14 deer seasons in Kansas are anticipated to generate approximately \$126.5 million worth of direct economic benefit to businesses providing big game goods and services. No other economic impact to state agencies, small businesses, or other individuals is anticipated.

ALTERNATIVES CONSIDERED: None.

Deer Management Units



Deer Management Units with Sub-Unit 19



Secretary's Orders

No briefing book items – possible handout at meeting

115-4-4a. Wild turkey; legal equipment and taking methods. (a) Hunting equipment for the taking of wild turkey during a wild turkey archery season shall consist of the following:

(1) Archery equipment.

(A) ~~Each bow shall be hand-drawn.~~

~~(B)~~ No bow shall have a mechanical device that locks the bow at full or partial draw.

~~(C)~~ ~~Each bow shall be designed to shoot only one arrow at a time.~~

~~(D)~~ (B) No bow or arrow shall have any electronic device attached to the bow or arrow, with the exception of that controls the flight of the arrow. Devices that may be attached to a bow or arrow shall include lighted pin, dot, or holographic sights, ~~or~~ illuminated nocks; rangefinders; film or video cameras; and radio-frequency location devices.

~~(E)~~ (C) Each arrow used for hunting shall be equipped with a broadhead point incapable of passing through a ring with a diameter of three-quarters of an inch when fully expanded. A wild turkey hunter using archery equipment may possess non-broadhead-tipped arrows while hunting if the arrows are not used to take or attempt to take wild turkeys.

(2) Crossbows and locking draws as authorized under K.A.R. 115-18-7.

(3) ~~For any individual possessing a youth wild turkey 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 wild turkey hunter using crossbow equipment may possess non-broadhead-tipped arrows while hunting if the arrows are not used to take or attempt to take wild turkeys.

No crossbow or arrow shall have any electronic device attached to the crossbow or arrow that controls the flight of the arrow. Devices that may be attached to a crossbow or arrow shall

include lighted pin, dot, or holographic sights; illuminated nocks; rangefinders; film or video cameras; and radio-frequency location devices.

(b) Hunting equipment for the taking of wild turkey during a wild turkey firearm season shall consist of the following:

(1) Archery and crossbow equipment as authorized in subsection (a); and

(2) shotguns and muzzleloading shotguns ~~not less than 20 gauge and using~~ only size two shot through size nine shot; ~~and~~

~~(3) only during the spring wild turkey firearm season, 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 wild turkey hunter using crossbow equipment may possess non-broadhead tipped arrows while hunting if the arrows are not used to take or attempt to take wild turkeys.~~

(c) Legal accessory equipment for the taking of wild turkey during any wild turkey season shall consist of the following:

(1) ~~Nonelectric calls, Lures, and;~~ decoys, except live decoys; and nonelectric calls;

(2) blinds and stands;

(3) range-finding devices, if the devices do not project visible light toward the target; and

(4) optical scopes or sights that project no visible light toward the target and do not electronically amplify visible light or detect infrared light or thermal energy.

~~(d) Each wild turkey permittee shall possess hunting equipment while hunting only as authorized by this regulation and by the most restrictive wild turkey permit or game tag in possession while hunting.~~

~~(e)~~ Shooting hours for wild turkey during each day of any turkey hunting season shall be from one-half hour before sunrise to sunset.

~~(f)~~ (e) Each individual hunting turkey shall shoot or attempt to shoot a turkey only while the turkey is on the ground or in flight.

~~(g)~~ (f) Dogs may be used while hunting turkey, but only during the fall turkey season.

(g) Firearm report-suppressing devices may be used.

(h) Handguns may be possessed during all wild turkey seasons. However, no handgun shall be used to take wild turkeys. (Authorized by and implementing K.S.A. 32-807, as amended by L. 2012, Ch. 47, Sec. 25, and K.S.A. 2011 Supp. 32-969; effective April 22, 2005; amended April 13, 2007; amended April 11, 2008; amended May 21, 2010; amended April 20, 2012; amended P-_____.)

ECONOMIC IMPACT STATEMENT

K.A.R. 115-4-4a. Wild turkey; legal equipment and taking methods.

DESCRIPTION: This regulation establishes legal equipment and taking methods for wild turkeys. The proposed amendments would remove restrictions on archery equipment to coincide with changes in archery deer season, allow the use of crossbows by all individuals in the spring and fall archery season, remove gauge restrictions on shotguns, update the regulation as to statutory changes and remove restrictions related to possessing certain equipment for the permit type possessed.

FEDERAL MANDATE: None.

ECONOMIC IMPACT: The proposed amendment is not anticipated to have any appreciable negative economic impact on the department, other agencies, small businesses or the public.

ALTERNATIVES CONSIDERED: None.

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 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, 2013. (Authorized by and implementing K.S.A. 32-807, as amended by L. 2012, Ch. 47, Sec. 25, and K.S.A. 2011 Supp. 32-969.)

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 2013 fall wild turkey seasons. The proposed change would allow the fall turkey season to be open during all firearms deer seasons except for the regular firearms deer season. Otherwise, the regulation would be unchanged from previous seasons.

FEDERAL MANDATE: None

ECONOMIC IMPACT: It is anticipated that 12,500 fall turkey hunting permits and tags will be issued in 2013. This total includes 7500 resident permits, 3000 turkey game tags and 2000 nonresident permits. Estimated revenue if all permits are issued would be \$255,000. 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, small businesses or on other state agencies is anticipated.

ALTERNATIVES CONSIDERED: None.