

**KANSAS DEPARTMENT OF WILDLIFE AND PARKS
COMMISSION MEETING MINUTES FOR
Thursday, October 28, 2004
Atchison Heritage Conference Center, Mercantile Ball Room
710 S 9th, Atchison, Kansas**

Subject to
Commission
Approval

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

The October 28, 2004 meeting of the Kansas Department of Wildlife and Parks Commission was called to order by Chairman John Dykes at 1:32 p.m. at the Atchison Heritage Conference Center in Atchison. Chairman Dykes and Commissioners John Fields, Jim Harrington, Kelly Johnston, Frank Meyer, Doug Sebelius, and Shari Wilson were present.

II. INTRODUCTION OF COMMISSIONERS AND GUESTS

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

Mayor Dan Garrity welcomed everyone to Atchison and spoke about riverfront project.

III. ADDITIONS AND DELETIONS TO AGENDA ITEMS

Commission secretary Sheila Kemmis added Workshop item No. 8. Department legal counsel Chris Tymeson added workshop item No. 6, fiber optics additions and also third pole permit item, to be presented by Kevin Jones and Mike Miller (Agenda - Exhibit B).

IV. APPROVAL OF THE AUGUST 26, 2004 MEETING MINUTES

Commissioner Johnston moved to accept minutes, Commissioner Meyer second. All approved. (Minutes - Exhibit C).

V. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

None

VI. DEPARTMENT REPORT

A. Secretary's Remarks

1. 2005 Potential Legislation - Chris Tymeson, legal counsel, presented this report to the Commission. Potential legislation has been through an internal classification and items have been narrowed it down to five from a long list. None have been drafted or presented to the Governor's office yet. 1) Park funding from a \$5 vehicle license registration fee with \$1.00 going to the local recreation grant program and the other \$4.00 going to parks. This will allow anyone with a Kansas license plate to get in the state parks free. 2) Wildlife Violator Compact

will be presented again this year. It has been revised. 3) Boating updates, some of which were passed last year, will be presented again. 4) A bill to create a conservation easement program with dedicated funding will be proposed. 5) And finally, legislation will be introduced that will protect the department's federal funding.

2. FY 2006 Budget - Dick Koerth, assistant secretary, presented this report to the Commission (Exhibit D). The FY 2006 budget request is for a total of \$46,560,352 and 408.5 positions, an increase of two positions (one for Park 24 and one for Circle K Ranch). The amount of State General Fund (SGF) expenditure requested is \$4,218,624. The revised FY 2005 budget totals \$56,601,492, of which \$3,399,386 is from the SGF. The large amount of expenditures for FY 2005 includes re-appropriated capital improvement projects from prior years. The status of the SGF supplemental request will not be known until Governor Sebelius submits the FY 2006 budget recommendations in January 2005. On September 16, 2004, the department requested State Finance Council approval for an \$800,000 increase in the expenditure limitation for the Wildlife Fee Fund. The additional funding will be used to finance the Community Fisheries Assistance Program which will enhance public fishing access to community lakes and use local government expenditures as the required match for federal reimbursement. The State Finance Council approved the request on October 13, 2004. The FY 2006 budget request continues current operations for the department at the previously approved levels with 406.5 positions. Included in the current operations request is \$266,000 in SGF appropriations to continue the program providing active Army and Air National Guard members with free hunting or fishing licenses, or free annual vehicle permits to state parks. Also, \$120,000 is included as the second payment to the Almena Irrigation District for maintaining a minimum water level in the Sebelius Reservoir. For FY 2006, the department has requested the following enhancements: a request to expend \$233,000 from the Wildlife Fee Fund and 1.0 FTE to provide for management of the Circle K Ranch; and a SGF appropriation of \$103,505 and 1.0 FTE to provide for management of Park No. 24 in Shawnee County. In addition, an amount of \$957,000 has been requested to replace 48 pickup trucks for various divisions. The department has not been able to acquire replacement vehicles for the last two fiscal years, and it should be noted that the "backlog" of vehicles projected for replacement totals approximately 95 vehicles. The Commission has previously been provided information on the FY 2006 Capital Improvement request submitted by the department. Chairman Dykes asked when the purchase of Circle K would occur. Secretary Hayden it could happen by July 1, 2005, adding that it would be paid for out of the Water Authority fund for debt service.

Commissioner Wilson asked about the \$5.00 vehicle registration fee proposal, noting that it was \$4.50 when presented to the Commission in August. Secretary Hayden said that the Department of Revenue has a minimum of \$5.00 for issuing refunds and since an optional refund is part of the program it was changed to \$5. Now \$1.00 of that money will go to the local parks (instead of \$.50) and \$4.00 will go to the state parks.

B. General Discussion

1. Wildscape Projects in the Atchison Area - Hank Booth, Wildscape Executive Director, presented this report to the Commission (Tuttle Creek Cabin Photo - Exhibit E). "Build it and they will come", four cabins are up at Tuttle Creek and they are full already. The cabins cost between \$26,000 and \$27,000 each and will pay for themselves in a few years. Parks Division Director Jerry Hover will designate where the next four will be built this spring. Booth

thanked Hover, Secretary Hayden and legal counsel Amy Thornton for their work on the cabins Kansas Wildscape LLC has been formed to allow purchases. If critical property comes up for sale Wildscape will be able to purchase it and allow the department pay Wildscape back after the state gets the appropriate funding Booth announced some personnel changes at Wildscape and a new website www.kansaswildscape.com. The OK Kids program at conducted at Holton was a large event. He thanked Bass Pro and Capitol Federal Savings and others who help sponsor OK Kids events, and he also thanked the bank that helped fund the four cabins.

2. State Comprehensive Wildlife Plan - Ken Brunson, wildlife diversity coordinator and Laurie Yasui, planner, presented this report to the Commission (Exhibit F), after being introduced by assistant secretary Keith Sexson. Sexson explained that the department began developing a comprehensive plan and that public meetings were part of the process. He wanted to update the Commission, as well as the public on the plan's progress. Brunson explained that the plan was a requirement of a federal program that allows states to apply for wildlife grants. This funding provided new federal dollars to prevent additional species from becoming endangered. This year, through State Wildlife Grants, Kansas will receive about \$800,000. The Comprehensive Wildlife Conservation Plan has the long-term goal of keeping common species common. The Teaming with Wildlife (TWW) program originally sought to create an excise tax on outdoor products to fund nongame projects, but it failed to pass in congress. The Conservation and Reinvestment Act (CARA) sought to supply funding for wildlife through offshore oil lease money. This plan failed at the last minute in 2000. The new plan is the State Wildlife Grants and is a 50/50 match program. One challenge will be to receive spending authority to spend the money.

Yasui explained that a planning group had been hired and had already met with assistant secretary Sexson and the federal government. Priority species and habitats of greatest conservation need as well as actions necessary to keep our state's fish and wildlife healthy will be identified in the comprehensive plan. And parameters will be established to guide spending of future grant funds. Partners and cooperators will also be identified. The plan will also be used to justify continuation of funding for identified conservation actions that can be undertaken by a wide array of public and private natural resource organizations in Kansas, and will be Kansas' contribution to a nation-wide overview. After internal meetings next spring, the plan will be presented to the public.

Commissioner Johnston asked what species might be covered. Brunson said all species on Threatened and Endangered and SINC lists are eligible, except federally recognized species. This will target the species not covered by other federal funding.

Commissioner Wilson asked if education programs were included. Yasui said there was no funding at this point, but that the International Association of Fish and Wildlife Agencies (IAFWA) is working to have education included. Education is in the Kansas plan even though it will not be funded.

3. Proposed 2005 Recreational Trail Grant Applications - Jerry Hover, Parks Division director, presented this report to the Commission (Exhibit G). In 1992, the Recreation Trail Grants Program was funded minimally, and then not funded until 1996, when the Department of Transportation provided funding. The Transportation Enhancement Program did pass congress last year. The department is operating under the 2003 authorization. About \$450,000 of projects will be funded. A total of \$4.8 million was requested, and the advisory board pared that down to \$4.3 million. Projects have been prioritized and there is \$220,000 left from last year. Thirty percent of the total must be spent on non-motorized trails, 30 percent on

motorized trails and the other 40 percent is split up on administration and a combination of trails. Not all of the motorized trail money was used last year. The top 10 projects are: 1) Rock Creek Valley Historical Society trail in Westmoreland; 2) Pratt USD 382 trail; 3) City of Wellington trail; 4) KDWP Cross Timbers and Fall River trail equipment; 5) City of Lansing trail; 6) City of Wakeeney trail; 7) City of Anthony trail; 8) City of Jetmore Kenyou Nature Parkway; 9) KDWP Prairie Spirit Rail Trail brush chipper; and 10) Fort Scott Community College trail. Other possible uses for department funds will be Circle K motorized and non-motorized trails. Also, some funding to the Prairie Spirit Rail Trail. Those projects not approved were: City of Valley Falls trail; City of Argonia trail enhancements; City of Cheney trail; City of Wichita Chisholm Park Trail; and Jefferson County Conservation District trail.

Chairman Dykes asked about money earmarked for motorized trail projects while most of the mentioned projects are not motorized. Hover said that fewer motorized projects are proposed and that money can be moved from one project to another. Commissioner Johnston asked if the acronym HA meant handicapped accessible. Hover said all trails must be handicapped accessible.

4. KDWP Private Land Programs - Joe Kramer, Fish and Wildlife Division director, presented this report to the Commission (Exhibit H). PowerPoint presentation (Exhibit I). In 1973 the Kansas Department of Wildlife and Parks (KDWP) Private Lands Program was created. Kansas has 80,000 square miles and 6 percent is public land, so most programs are done on private lands. In 1988 our department reorganized and biologists who spent their time on public land moved to private land. A memorandum of agreement signed in 1994 with the Natural Resource Conservation Service (NRCS) and the Wildlife Management Institute (WMI) allowed the department to hire six wildlife biologists (bio-techs) to work in the NRCS district offices and promote wildlife-friendly Farm Bill programs. In 1995, the Walk-In Hunting Area (WIHA) program was created. Today, WIHA leases more than one million acres of private land for public hunting access. More than 50 percent of WIHA acres are enrolled in CRP, and most are in the western two-thirds of the state. WIHA has been a very positive program for the department and is popular with hunters and landowners. KDWP has been a leader among Midwest states as far as access programs. With the 2002 Farm Bill, KDWP signed another cooperative agreement with NRCS which allowed five department biologists to work in NRCS offices and KDWP hired additional bio-techs. The agreement allowed KDWP wildlife private land biologists to implement the federal WHIP program. The six new KDWP bio-techs (12 total) assist the department's 14 private land wildlife biologists. In the first year, under the federal WHIP program, 267 applications were received, covering 31,924 acres. One hundred and forty-eight contracts were approved covering 17,914 acres for a total of \$593,861. KDWP has provided \$150,000 a year for four years to assist county conservation districts to hire staff to promote and develop conservation buffers. This program should improve as time goes on. The department's private land tool box includes programs such as: the quail (5 years) and pheasant initiatives (3 years); 5 regional game bird plans (2 years); farm bill programs; and the Landowner Incentive Program (LIP) grant. Tier 1 USFWS federal grant in 2003, an agreement was signed with KAWS that will protect wildlife species in need of conservation in the playa lakes area of Kansas, which includes the western two thirds of the state and provides funding for three positions (coordinator and two biologists) in the target area. Statewide pheasant and quail initiatives include five regional upland game bird private land plans that involve all current private land programs available to department. Those programs and partners include: Farm Bill; KDWP's Wildlife Habitat Improvement Program; Pheasants Forever; Quail Unlimited; Kansas Alliance for Wetlands and Streams; Playa Lakes Joint Venture; Ducks Unlimited North

American Waterfowl Conservation Act; Upper Mississippi Grant Lakes Joint Venture; U.S. Fish and Wildlife Service; NRCS Buffer Initiative; more. In the future, the department will include agritourism in its tool box. A new cooperative agreement with NRCS will protect, develop, and enhance more wetland habitat acres through the current Wetland Reserve Program (WRP, as well as increase participation in the Farm and Ranch Lands Protection Program (FRPP) and Grassland Reserve Programs (GRP). The LIP program Tier 2 grant would hire four new KDWP bio-techs to assist with programs above. Department staff has been working with Senator Pat Roberts and Representative Jerry Moran to enhance current Farm Bill programs and get legislative backing. Conservation Practice 33 is the first CRP practice established exclusively to provide wildlife habitat and provides financial incentives to landowners who are already implementing good conservation practices. And finally, the goal for WIHA is 1.5 million acres by 2008, which will require additional funding. However, the program is federally reimbursable, for every dollar the department spends it gets \$.75 back.

Chairman Dykes asked how the department helped biologists prioritize their attention when dealing with programs that involve KDWP, NRCS and USDA. Kramer said that the amount of money the USDA starts the process. Biologists have been told to spend half of their time on federal WHIP. Commissioner Fields asked about the approximate cost of WIHA. Kramer said the department pays \$1.26 an acre for rental only. The program cost is about \$2.00 per acre after atlas is printed.

Commissioner Wilson mentioned that she attended the CSP playa lakes kickoff on Tuesday and complimented staff on the presentation.

5. Cooperative Efforts with Department of Commerce - LeAnn Schmitt, special assistant to the Secretary and Commissioner Shari Wilson, presented this report to the Commission (Exhibit J). Schmitt said that she, Bob Matthews, and Commissioner Shari Wilson began working with the Kansas Department of Commerce's Travel and Tourism Division director Scott Allegrucci on a number of marketing efforts. The projects include: 1) Developing an outdoor media kit and strategy plan as a guinea pig project for start of 2005 state legislative session, which will prioritize the market and opportunities, create working relationships, set a budget for outdoor media relations, and set joint procedures for how to handle outdoor media inquiries. 2) Development and marketing of the 2005 Getaway Guide, which is nearly finalized and will include an Outdoor Recreation section that captures the breadth of outdoor recreation opportunities in the state. This may become a stand-alone piece that both KDWP and KDOC can use for general marketing purposes. The Guide looks great and I can't wait for you to see it. 3) Research related to outdoor recreation customers and identifying what research both agencies already have to help us do more targeted marketing by identifying what information we still need; and planning how to obtain that information. KDOC has a contract with data marketing company that we may be able to utilize in the future. 4) In coordination with Kansas Department of Commerce (KDOT), review current highway signage and related policies, and develop policies and action plan to be coordinated between KDOC, KDWP, and KDOT. Schmitt said she is on the Agritourism Advisory Council, which was formed at the beginning of this year. There will be an agritourism conference in Great Bend November 3-4 and with an expected 400 people present... Schmitt will also represent the department on the Governor's Council on Travel and Tourism, which is developing a comprehensive statewide strategic plan for tourism. Commissioner Wilson added that she was appointed a tourism liaison in March 2004 by the Commission (Exhibit K). She also serves on the Scenic Byways Committee, the Film Commission and the Travel Industry Association of Kansas (TIAK). She has attended some conferences so far and is trying to get geared up on these committees. She said she recently

attended a TIAK conference.
Chairman Dykes thanked them both.

6. Lewis and Clark Commemoration Summary - Jeff Bender, Pomona State Park manager, presented this report to the Commission (Exhibit L). Bender has been active in Lewis and Clark re-enactment at commemorative celebrations. He said the organizers refer to the events as the Corps of Discovery Tour instead of the Lewis and Clark Expedition. The national program officially runs from 2003 to 2006. There is a real spirit of discovery and there were many cultural benefits that came from Lewis and Clark's efforts. The trip happened because President Jefferson had a great interest in the West and he wanted to beat the British to the west and the fur trade. Jefferson had three goals: democracy, diplomacy, and geography. There were about 50 people originally on the expedition when they left St. Louis. The trip began in August 1803, and they returned home on September 23, 1806. The trail covers 28 states. The Corps of Discovery encountered 178 species and subspecies of plants, 122 species of animals that they listed, and they brought back specimens. Most of the plant specimens still exist. The specimens were given to scientists in Philadelphia and were exhibited in a museum there. Plant specimens were given to Jefferson and he gave them mostly to a German botanist who took a lot of the specimens to England, where they were auctioned off later and brought back to the U.S. Bird and mammal specimens were sold in 1848 by the Peel family, most went to Kimble's Museum in Boston and American Museum in New York, owned by P.T. Barnum, the museum burned and the specimens were lost. Atchison was the place to be last year as we kicked off the project. Paired up with several public and private organizations and municipalities and tribes (7 total). June 28 to July 4 was the signature program. A lot of projects are still going on. The national celebration goes on until 2006, and projects will continue long after that. The trails are a big part of this.

Karen Seaburg, Atchison Committee Chair, thanked KDWP, and Secretary Hayden in particular, for helping with the state projects. KDWP helped with the \$4.2 million river front project, moving a railroad line, updating two boat ramps, and other improvements. Without KDOT, KDWP, the Water Office and others it would never have gotten done.

Showed seven-minute video.

Break

C. Workshop Session

1. State Law Action Pertaining to Exotic Cat Ownership - Kevin Jones, Law Enforcement Division director, presented this report to the Commission (Exhibit M). At the January 2004 Commission meeting the department was directed to review and make recommendations concerning the ownership and possession of large cats, shortly after the passage of the Captive Wildlife Safety Act by Congress and concerns expressed by local government entities and general public. Several meetings have occurred between the department, the Governor's Office, the Secretary of State's office, other governmental agencies, zoological facilities and private citizens. It is recommended that KAR 115-18-10 be amended as follows: 1) The list of animals that are prohibited from importation, possession or release in the state be expanded to include tigers, leopards, cheetahs, jaguars, cougars and lions, or any hybrid of these animals, all bears, wolves and non-human primates and most recently non-native venomous reptiles. 2) Create a provision that any of the above listed animals currently in possession in the state must be reported to the department and a possession permit issued. An application and

permitting period will be provided (roughly one year's time), and upon completion of this period, no additional permits will be issued, except as provided for specific, limited circumstances, such as educational or scientific purposes as provided by statute. Possession permits shall expire and possession of any of these animals in the state shall be prohibited after January 1, 2010. 3) Provisions will be created exempting accredited zoos, schools and universities, circuses, or federally allowable transportation of these animals. 4) Any person applying for the limited time possession permit, or desiring to establish a zoo-type facility (term used broadly) will be required to secure the appropriate permissions or permits from the appropriate federal, state and local government agencies. 5) Reporting requirements will be established requiring that the department be notified of the death, transfer or exportation of any animals permitted under this regulation. 6) The allowable activities for all other exotic animals will be moved to this regulation. In addition to the amendments to KAR 115-18-10, the following regulations would be affected as follows: KAR 115-20-3 would be repealed and the necessary provisions added to KAR 115-18-10; and KAR 115-20-4 would be repealed because the possession permit requirements for mountain lions, bears and wolves would be completely covered in KAR 115-18-10. KAR 115-12-3 would remove mountain lions, bears and wolves removed from game breeder. KAR 115-18-1 would include the definition of exotic animals.

Commissioner Johnston said that the proposal mentioned hybrids, meaning cats, but he wondered about wolves. Jones said it was difficult to define wolf hybrids. Commissioner Johnston asked Jones to clarify non-native. Jones said that it meant not native to the state of Kansas.

(Handouts from Speakers - Exhibit N)

Carol Asresras, owner of a facility for unwanted animals in San Antonio, Tex., said her facility had 700 animals. She encouraged the department to grandfather the animals already owned, otherwise there will be too many animals that need special care. Most of these animals live anywhere from 26 to 50 years.

Josephine Wood, IFAW Representative, Massachusetts, said her organization supported this bill and amendments but said it needed to grandfather in existing animals.

Susan Windsor and Vickie Harvey, National Simeon Society, Kansas City, Missouri, gave a booklet of information to Commissioners. They said an all out ban will not benefit anyone, and would create an underworld for those animals. The NSS has been in affect since 1946, and members would be happy to help the department to set up regulations. Florida has specific regulations for primates, and there are USDA regulations that might help. A ban could be very costly. The NSS is hosting a class in Kansas City on clinical capture in case an animal should escape, if anyone is interested in attending. Also, there are several qualified people available that are already trained in capture.

Chairman Dykes asked how many primates are owned in Kansas. Windsor said possibly 250 primates in the state.

Janell Knutsen, Liberal, said she had 47 primates (10 species) on 160 acres. She said she also had several different exotic species and belonged to several different organizations. It is a known fact that 10 percent of exotic animals are being bred in zoos, the rest are produced in private hands and it will be the same in some of these other species. She said that the bad exotic owners could be controlled through regulations and asked the department not take her animals away.

Commissioner Johnston asked Windsor and Harvey about a comment they made about states where bans have lead to disaster. He asked for specific information. Harvey said that owners have gone underground and the animals are not getting the proper care and a black market was created. Some of these animals are very social, and if one dies and can't be replaced, more than likely the one left will die. Commissioner Johnston asked what kind of fee they would accept for

regulation. Harvey said that \$150 for 10 primates was normal in most states. Windsor added that the fees vary. Harvey said that Florida has had regulations in place for the longest time.

Lynn Culver, Feline Conservation Federation, Arkansas, said she was interested in the private land program, which talked about protecting species and that is something that the organization talks about a lot. There are 38 species of cats and many of them are very endangered. The private sectors have many species of cats that do not exist in zoos in the U.S. There are financial incentives to help wildlife. There should be incentives to perpetuate gene pools of captive animals. She did not like the program that would ban these species by 2010. She said the regulation mentioned 6 species of large cats, but there are cats that weigh only 6-8 pounds. Her group has been in existence since 1956. She didn't deny that there is a problem in some areas because people can't take care of their animals. The problem has created a sanctuary industry that is run on the generosity of Americans. The goal of the Captive Wildlife Safety Act was to stop state to state transportation. There is an overload of tigers since 1998 law which was misinterpreted. She didn't believe the department needed to participate in the bandwagon to prohibit captive animals. There is nothing wrong with the animals, but there is something wrong with some of the owners. A ban would take animals away from the good people as well as the bad. Consider going back to the drawing board and preserve the captive breeding. These animals provide economic benefit.

Commissioner Fields asked if there was an animal called a jaguarondi. Culver said there was and it was once native to Texas.

Commissioner Wilson asked how organizations accredited facilities. Culver said the accreditation was a new program and has not accredited anyone yet. It will be a five-member board that will assure public safety and animal welfare.

Commissioner Johnston said he read the article Culver wrote about gene pools and he wondered if there was another way of preserving these gene pools. Culver said there were liquid oxygen tanks in big zoos with eggs and sperm but she worried what would happen if electricity was lost. Zoos can't even do old fashioned breeding and there are only 175 zoos. Commissioner Johnston asked if those zoos preserving species and subspecies that Culver was talking about. Culver said they only work on species they have. She said some might call these animals pets, but she likes to call them individual ambassadors. She hoped all of these species will be here in 20 years.

Commissioner Wilson mentioned that a variety of habitats needed to be preserved. Culver said zoos are not conducive to breeding. When zoos want animals they come to private breeders. She said she sells to private individuals also. Commissioner Wilson said she wanted to protect all of them. Culver said all animals in captivity are confined, but she had outdoor areas for her animals. Zoos spend \$1-\$3 million on habitats for their animals. We don't want animals in bare cages or in houses.

Jeannie Baker, Atchison, said that captive breeding provides a fresh gene pool. The clouded leopard is one example and the zoos have had trouble getting these bred.

Clay Walker, Mulvane, said he has had a licensed facility for over 20 years, and wondered what he would do with these cats if they were banned. He didn't sell them as pets, but he needs to keep them so they don't become extinct.

Arnold Thomas, Fall River, said he had a couple of monkeys and their life expectancy is far longer than the five years proposed before the ban. He keeps them in his house and takes good care of them. If one dies, the other one will die from loneliness. We take them to the doctor annually. If they are banned after five years, he wondered how they would be removed from homes. The animals will go underground; it is not a good situation. Chairman Dykes asked Thomas if he was a member of the Simian society. Thomas said he was.

Matt Baker, Atchison, said he has a licensed game breeder facility and has heard a lot of reasons why the animals shouldn't be banned. The reason this all came about was because of public endangerment. Chairman Dykes said there was also a concern for the proper care of the animals. Baker said if the animals go underground, they will not be cared for properly. He felt that fees could be set up so that facilities could be inspected. His are inspected at least four times a year. If people want to take on these animals they need to be able to care for the animals, if people want to buy a Mercedes they have to be able to pay the insurance.

Chairman Dykes said the agency has some flexibility in what an accredited facility will be and the agency is working on those issues now. Baker said he doubted very many of the people here were against regulations, but they don't want them banned completely. Chairman Dykes said his feeling was that in five years people will have to register their animals and the animals have to be in an accredited facility. The Commission needs to figure out what an accredited facility is. Harvey said he didn't think people would register animals if they think the department will ban them in five years.

Tom Harvey, exotic park owner from Caney, said he added big cats to his park in 1999. The plight of these animals doesn't look very good. Started facility in 1989. When people go through the facility they learn about conservation. He did not want them banned, but regulated. It is important to look at freedom of choice and it has already been taken away in so many cases. There were eight subspecies of tigers, but now there are only 5. There are 4.7 million dog and cat bites in the U.S. each year. There are a few bad people in any bunch, but doesn't necessarily represent all exotic animal owners. His facility has 29 big cats, primates and other types of animals and hosts 12,000 to 15,000 visitors a year. Look at what Charlie Walker in Salina has been able to do with species. Don't do a complete ban, but allow us to propagate responsibly. Chairman Dykes asked how large Harvey's facility was. Harvey said it was 10 acres.

Irene Satterfield, Olathe, said she was not a cat owner, but I have looked at several facilities and said these cats are better cared for than domestic dogs and cats. She said she asked the public how they feel about the animals and received signatures from more than 100 people saying they don't want a ban.

Debbie Barnett, primate owner, licensed veterinary technician, said she has had animals for over 10 years and wanted the best care for these animals. She said she was ashamed to see some of the zoos and the way they take care of their animals.

Noreen Overeem, veterinarian from Kansas City, said she owned wolf dogs which couldn't be distinguished from wolves. She said if a ban is passed, she would not be able to care for them, and that she was in favor of regulation.

Vicki Harvey added that many there were worried about being turned over to animal extremist groups, but they came anyway because this is so important.

2. Unit Archery Permitting - Lloyd Fox, wildlife biologist, presented this report to the Commission (Exhibit O). Senate Bill No. 363 was passed and signed during the 2004 legislative session. It is the recommendation of the staff to create 10 archery deer management units using the existing boundary lines of firearm management units. The units would be created by combining some adjacent firearms management units and by using the same boundaries as firearms units. Each resident archery deer hunter would be authorized to designate two of these units when they purchased their archery permit. They would also be authorized to hunt in the suburban deer management unit (DMU 19). Nonresident deer permits for 2006 would be allocated based on the number of resident bowhunters that designated each unit. The total number of nonresident bowhunters would be no more than the maximum established in K.S.A. 32-937. Nonresident bowhunters who obtained an archery permit through the drawing would be

allowed to select a second archery deer management unit, and they would also be authorized to bowhunt in the suburban deer management unit. Half of the nonresident archery permits in each archery deer management unit would be available for Kansas landowners to obtain and transfer. The transferred archery deer permits would be restricted to no more than two counties where the landowner possessed 80 acres or more of agricultural lands. Resident bowhunters will need to designate the units where their permit will be valid during the 2005 archery season. Permit authorizations for nonresident bowhunters during the 2005 season will be based on a survey of resident bowhunters to determine the firearm units that they used during the 2004-05 season. A new regulation would need to be prepared for the archery deer management units. Changes in KAR 115-25-9 would be necessary to establish a system where archery permits were restricted to a specific management unit.

Commissioner Fields asked if game tags were good. Fox said that this would not affect the way the game tags or firearms permits would work. This deals with archery permits only.

Commissioner Wilson asked about the units. Fox said they would be the same as shown in August.

Doug Wilson, Emporia, as about the transferable permits. Fox said that transferable permits would still be valid in the county where the landowner qualified.

Dave Easton, Pottawatomie County, said felt bowhunters and the department had been railroaded into this proposal and it has taken deer management away from the department. He said he researched other states and found that some require nonresidents to select units while allowing residents to hunt statewide. Wyoming has resident archery tags that are statewide and nonresidents have to choose a unit and they are considering this for elk. North Dakota has only two units. He thought Kansas could do the same.

Chairman Dykes said it could be done, but there was a law passed that says we have to put units in place for archery. Fox said thee wasn't wording in place for residents or nonresidents, it just says nine units. Tymeson said the statute read "bowhunting units," resident or non-residents. Chairman Dykes said it was written clearly. Commissioner Meyer said it was best to obey the law, but laws can be changed. He felt the best course was to get the legislature to change this next year. He didn't want to defy the legislature this year. Easton said Commissioners must feel they have some flexibility because they are considering two units. Chairman Dykes said they weren't even sure they could do that. Commissioner Fields said the Legislature could say not the two unit regulation. Chairman Dykes said he didn't think legislators could change that for 2005. Tymeson said the Attorney General could, though.

3. T&E and SINC Species Regulations - Chris Tymeson, Legal Council - Made appropriate drafts of 115-15-1 and 1115-15-2 as proposed at the last meeting and the Attorney General has approved that (Exhibit P).

4. KAR 115-18-1. Wildlife Rehabilitation Permit; Application, Reporting and General Provisions - Kevin Jones, Law Enforcement Division director, presented this report to the Commission (Exhibits Q, R). This regulation has undergone extensive review and re-writing to raise the operational standards for wildlife rehabilitation. This work has been done through the combined efforts of Commissioners, department personnel, and permitted rehabilitation professionals. Through the process, many modifications have been requested and accommodated, causing several re-writes of this regulation and a prolonged review process. When brought before the Commission at the August meeting in Great Bend, amendments were brought forward a permitted rehabilitator. Due to the numerous amendments brought forth, the Commission opted to postpone action on the regulation so the suggested amendments could be

reviewed. Department staff and legal counsel have reviewed the suggested amendments and are prepared to offer appropriate amendments for consideration by the Commission. Because of legal filing requirements, final action on this regulation will be at the January 2005 Commission meeting in Topeka. Tymeson said that because of the constraints of getting this published again, it is the exact same one that was sent to the Attorney General's office in August with amendments.

5. Regulations per Wild Turkey Split from Big Game - Roger Applegate, wildlife biologist, presented this report to the Commission (Exhibit S). Through the approval of Senate Bill 364 in the past legislative session, amended KSA 32-701 to eliminate wild turkey from the definition of big game species. All regulations that pertain to big game and turkeys must be looked at. 115-2-1 fees, 115-4-2, 115-4-4, and 115-4-11 will be covered later in the agenda. Also, some changes to 115-4-2 which deals with CSAs and 115-25-6 we will be offering an amendment pertaining to these issues. Tymeson said items pertaining to these will be seen throughout several regulations, so it doesn't need to be discussed again. Applegate added that the electronic system was used to send emails on October 20 to 1,637 people who purchased permits online. The email reminded them that fall turkey season had started and linked them to our site to purchase permits and other links. Of those 171 came back undeliverable, there were 266 hits on all three links provided, 114 hits on fall permit link, 74 hits on upland game forecast link, and 75 hits on the WIHA atlas link.

Added to agenda

Kevin Jones, Law Enforcement Division director, presented the night scope issue. KAR 115-3-2, 115-5-1, 115-20-1, 115-20-2, and 115-18-7 will be affected by language on night scope technology. This language is identical to language in KAR 115-4-4 (Exhibit T). Chairman Dykes asked if this was in the briefing book. Tymeson said it wasn't because the timing was wrong, but that it went through Attorney General's office, and it can be voted on in January.

Moved from evening session

6. Revenue Task Force Recommendation - Mike Miller, magazine editor and special assistant to the assistant secretary for Operations, presented this report to the Commission (Exhibit U). The following recommendations for fee increases are the result of the Revenue Task Force report that was presented at the August Commission meeting. The recommendations are: 1) Nonresident Deer Permits - currently, nonresident Whitetail Either Sex firearms and Archery permits, and muzzleloader Any Deer permits are priced at \$221, including a \$20 nonrefundable application fee. In addition to a deer permit, a nonresident hunting license is required. With the \$71 nonresident hunting license, the total cost is \$292. KDWP staff recommends increasing the price of the nonresident deer permit to \$300 (the statutory cap is \$400, KSA 32-988). This would bring the total cost for license and permit to \$392 (\$301 permit + \$20 application fee + \$71 nonresident hunting license, which includes \$1 issuance fees). 2) Nonresident Trophy Bobcat Permit. To harvest a bobcat a nonresident must currently possess a \$250 nonresident furharvester license. This recommendation would establish a \$100 Trophy Bobcat Permit for nonresidents. The permit would allow the harvest of one bobcat during the furbearer hunting season. Nonresident hunters born on or after July 1, 1966 would also be required to have completed an approved furharvester education course. 3) Lifetime Hunting and Fishing License. The formula for claiming federal aid does not allow the agency to capture funds accurately. Currently, a lifetime hunting or fishing license is \$300, and a combination lifetime hunting/fishing license is \$600. This proposal would increase that fee to \$440 for either a lifetime hunting or fishing

license, and \$880 for a combination license. The statutory cap for a lifetime fishing or hunting license is \$500, or \$1,000 for a combination (KSA 32-988). The formula for claiming federal aid based on license sales allows the department to claim that license holder for 12 years for a \$300 license (figured from a ratio of annual license fee versus lifetime license fee). By increasing the price of the lifetime license to \$450, the department could claim those license holders for 24 years. 4) Third Fishing Rod Stamp - current fishing laws allow an angler to use two rods, in addition to setlines or a trotline. Colorado allows an angler to use only one rod, but offers a second rod stamp that is popular with anglers. This proposal would establish a \$4 Third Fishing Rod stamp that anglers who wanted the option to fish with more than two attended rods could purchase. Also, it is proposed to establish a \$5 application fee for elk permits, and \$5 preference point service charge fees for resident Any Deer permit and resident Unit 4 Spring Turkey permit applicants.

Doug Phelps, Manhattan, asked if this would allow someone to buy a preference point without applying for the permit. Tymeson said that this was for a charge for service for keeping track of preference points, but that a separate proposal will allow applicants to purchase a preference point only.

Doug Wilson said he didn't like the nonresident trophy fee. He felt it left residents at a disadvantage. Miller said a resident still has the advantage, since they can buy a furharvester license for \$15. Tymeson explained that the nonresident permit would have to be purchased prior to hunting, not after a bobcat had been harvested. Tymeson also added that KAR 115-7-2, the third pole permit, has to be an amendment.

VII. RECESS AT 5:40 p.m.

VIII. RECONVENE AT 7:00 p.m.

IX. RE-INTRODUCTION OF COMMISSIONERS AND GUESTS

X. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

John Goodman, Leavenworth assistant city manager, said that his community has a deer problem and they have authorized hunting in the city limits and in Unit 19. The problem is that a part of the city is not included in DMU 19. The governing body has passed a regulation asking that you change the boundary to Metropolitan Avenue which is on the north side of the city (Exhibit V). Chairman Dykes asked if Goodman was talking about bowhunting within city limits. Goodman said he was. Fox said that KAR 115-4-6 would be discussed later this evening. Chairman Dykes said that nothing could be done for this season.

Greg Marcowitz, Onaga, wanted to discuss deer archery management units. He said he understood it was legislation, but the Commission needed to consider how the mandate was implemented. If a single unit is implemented it will hurt the landowner who lives in one unit and owns land in another. Bowhunters will do whatever they can to get this law changed. Implement regulation that allows residents to harvest bucks or does in two units and let them choose. Chairman Dykes apologized for cutting Marcowitz short, but explained that the Commission was required by statute to create these archery units. It is felt that the legislation planned one unit, but the Commission is kicking around allowing two units. Marcowitz said he appreciated the consideration. His second concern concerned the long-term future of hunting in Kansas, which was losing participants because of access. He said he wasn't against guides and outfitters or

nonresidents, but disagreed with nonresidents getting preferential treatment. Commission has to be sure residents get preference and guides and outfitters get what is left over. Commissioner Meyer asked him to leave his notes with the Commission and the would pass them to the legislature.

XI. DEPARTMENT REPORT

C. Workshop Session (continued)

7. Big game regulations - Lloyd Fox, big game biologist, presented this report to the Commission (Exhibit W). Recommendations include: 1) KAR 115-4-2, Big game; general provisions: changes be made to refer to "big game species and wild turkey" wherever the phrase "big game species" currently is used. Changes are also recommended to address procedural changes as a result of the automated license procedures: add a requirement on all permits where the hunter signs to attest that all information is true and correct; add a requirement for the hunter to include a time of kill on the carcass tag when the hunter signs the tag; remove the requirement for the carcass tag to stay attached to the big game permit; and add a section to the regulation that designates the carcass tag is invalidated if signed and not attached to a carcass. The carcass tag will be printed with a bold warning on the signature line indicating; "DO NOT SIGN UNTIL KILL HAS BEEN MADE". 2) KAR 115-4-4 legal equipment and taking methods. All sections that deal with wild turkey should be removed. They will be added to a new regulation dealing with equipment for hunting turkey. It is recommended that section (d)(1) be changed from KAR 115-4-12 to KAR 115-4-2. No changes are being proposed for this regulation this year for the equipment that may be used to hunt big game. This will be brought back again in 2005 to gather additional comments before bringing a recommendation on changes made to the Commission. Chairman Dykes asked Fox what he was bringing up. Fox said he wanted public comments. Michael Pearce, Wichita Eagle asked about the special restriction on turkey hunting if it wasn't already illegal. Fox said it was but that will be taken out completely and put in another regulation. 3) KAR 115-4-6 Deer; management units. It is recommended that the title of this regulation be changed to "Deer; firearms management units" and be modified to exclude areas in the Landowner Deer Management Program (regulation KAR 115-4-14) from the firearm management units. That would be done in each section that describes a unit boundary. It is proposed that the phrase "except federal and state sanctuaries" be changed to "except federal and state sanctuaries and areas enrolled in the landowner deer management program". A new regulation is recommended to create archery management units. That regulation will be KAR 115-4-6A and refer to sections in KAR 115-4-6 to combine some firearm management units to create a single archery management area. A change in DMUs 10 and 19 will also be brought back.

Garry Cook, Wichita, asked if the deer management thing wouldn't increase the amount of land being leased. Fox said he wasn't sure what would happen in those areas, and he said 115-4-14 would be discussed that later. If 4-14 goes through there will be a portion of those hunters in a draw. 4) KAR 115-4-11, permit application. It is recommended that changes be made to this regulation to refer to "big game species and wild turkey" wherever the phrase "big game species" currently is used. A section needs to be added that would allow people to purchase a preference point during years that they did not desire to be included in a drawing for a permit. This was also covered in the fee structure. Chairman Dykes asked if people would be restricted to buying one preference point. Tymeson said they would be limited to one per year. 5) KAR 115-4-13, permit descriptions and restrictions. No changes are being proposed for this regulation

this year. It is proposed that a review will occur this year on the issue of separate systems for mule deer and white-tailed deer. 6) KAR 115-25-9, open season, bag limit, and permits and is the one we change annually. Section (a)(1)(B) will need to be changed from statewide to archery unit(s) designated on the permit. After additional data comes in extended firearms seasons and deer game tags will be considered. The vote on this should be in April. Additional public input is desired on the issue of requiring a hunter to purchase a deer permit before they may purchase a deer game tag. Commissioner Wilson thanked Fox for organizing the report the way it was, with bullet points. Commissioner Fields asked if purchasing a deer permit before purchasing a game tag had already been covered. Fox said that currently a hunter can buy a game tag without purchasing another permit first. This would change that so you would have to have another permit first.

Added to agenda

Fort Riley fish stocking presented by Doug Nygren, Fisheries Section chief. Reworked KAR 115-25-14 not too long ago, but the lake at Fort Riley needs to be added to the trout stocking permit (Exhibit X). Chairman Dykes asked about access to the lake Nygren said some changes being made on the north side of the base will allow easier access. On the other side you will have to go through the base gate. Pearce asked if this was effective January 1. Nygren said it would, that after that, a state fishing license will be all that's needed for fishing access.

D. Public Hearing

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

1. KAR 115-2-2. Motor vehicle permit fees - Jerry Hover, Parks Division director, presented this report to the Commission (Exhibits Z, AA). Over the last six months staff and Commissioners have been working on park fee increase proposals. In April, a fee schedule was presented to the Commission. As a result of input that fee schedule, a new proposal will be presented that eliminates some of the suggested increases in park fees. Funds are still needed, but the public has spoken and they have told the Governor that parks should continue to receive some State General Fund money. The Governor has stated they would supplement parks the rest of this year and next year if needed. They also like the vehicle tag idea. It is proposed that no changes be made to this regulation on fees, but propose effective dates to 2005. Annual motor vehicle permits shall not be valid during designated special events and move to current subsection (c) to subsection (d). Chairman Dykes asked if Hover was proposing the amendment. Hover said yes. Tymeson explained that this would leave all the fees as they currently are except during special events. Commissioner Sebelius asked if the current fee was \$35.50. Hover said it was \$34.40 plus a \$1.00 issuance fee.

**Commissioner Harrington moved to bring KAR 115-2-2 before the Commission.
Commissioner Johnston seconded.**

Commissioner Johnston moved to amend KAR 115-2-2. Commissioner Wilson seconded.

The roll call vote to amend KAR 115-2-2 was as follows (Exhibit BB):

Commissioner Dykes	Yes
Commissioner Fields	Yes
Commissioner Harrington	Yes

Commissioner Johnston	Yes
Commissioner Meyer	Yes
Commissioner Sebelius	Yes
Commissioner Wilson	Yes

The motion to amend KAR 115-2-2 as presented, passed 7-0.

**Commissioner Johnston moved to approve amended KAR 115-2-2 as proposed.
Commissioner Wilson seconded.**

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

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

The motion to approve KAR 115-2-2 as amended, passed 7-0.

2. KAR 115-2-3. Camping, utility, and other fees - Jerry Hover, Parks Division director, presented this report to the Commission (Exhibits CC, DD). This proposal would increase peak season rate of 14-day camping from \$75 to \$99. During the October 1 through December 31 season, adding an annual camping permit fee of \$249, deleting the April 1 effective fee of \$150. The October 1 through December 31 season on 14-day camping would be increased from \$65 to \$85. And add fees for recreational vehicle long-term camping permit (includes utilities)--per month (up to six month stay), per unit (annual camping permit and annual vehicle permit required): one utility - \$200.00; two utilities - \$260.00; and three utilities - \$320.00; and recreational vehicle short-term parking, \$125 per month. This proposal would also delete cabin camping fees and put them into a new regulation, KAR 115-2-3a. The proposed amendments may increase FY2005 revenues to the Park Fee Fund by approximately \$311,700, and FY2006 revenues by approximately \$623,400. As a result of internal department and public comment the department suggests that the following amendments be made. Amend proposed subsection (h) to leave permit fees the same as current levels for annual camping permit at \$150.00 year-round as well as prime camping area permit at \$2.00 but enact the remainder of the changes. This also changes the effective dates. Commissioner Sebelius asked if the long-term camping is a park by park decision. Hover said it depends on the park. Ten percent of the sites, not including prime sites, can be used for long-term camping. Also, looking at possibly changing entire loops to long-term camping. Commissioner Sebelius said he could see some problems from the public if they feel they can come in and demand certain sites.

**Commissioner Sebelius moved to bring KAR 115-2-3 before the Commission.
Commissioner Meyer seconded.**

Commissioner Johnston moved to amend KAR 115-2-3. Commissioner Meyer seconded.

The roll call vote to amend KAR 115-2-3 was as follows (Exhibit EE):

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

The motion to amend KAR 115-2-3 as presented, passed 7-0.

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

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

The motion to approve KAR 115-2-3 as amended, passed 7-0.

3. KAR 115-2-3a. Cabin camping permit fees - Jerry Hover, Parks Division director, presented this report to the Commission (Exhibits FF, GG). This is a new regulation that covers all camping fees at each of the parks that have cabins. The fees are broken up in several different ways including: Sunday through Thursday, April 1 through September 30; Sunday through Thursday, October 1 through March 31, per night; Friday and Saturday, April 1 through September 30; Friday and Saturday, October 1 through March 31, per night; April 1 through September 30; October 1 through March 31 at some parks and at other parks: year-round, per night; year-round, per week; or year-round, per month rates. Each park has different rates for the options they have. The proposed regulation is simply replacing current pricing practice through the use of special camping permits. As a result of internal department comment, the department suggests that the following amendments be made. Amend proposed subsection (a)(11) to add Prairie Dog State Park Cabin 1, and renumber the sections accordingly, with the pricing as follows: Cabin 1 (fee covers two adults; add \$5.00 for each additional adult): Year-round, per night - \$45.00; Replace proposed subsection (a)(12), regarding cabin 1 at Webster State Park, with the pricing as follows: Cabin 1: Sunday through Thursday, year-round, per night - \$65.00, Friday and Saturday, year-round, per night - \$80.00, and Year-round, per week - \$450.00.

**Commissioner Meyer moved to bring KAR 115-2-3a before the Commission.
Commissioner Harrington seconded.**

Commissioner Meyer moved to amend KAR 115-2-3a as proposed. Commissioner Harrington seconded.

The roll call vote to amend KAR 115-2-3a was as follows (Exhibit HH):

Commissioner Dykes	Yes
Commissioner Fields	Yes

Commissioner Harrington	Yes
Commissioner Johnston	Yes
Commissioner Meyer	Yes
Commissioner Sebelius	Yes
Commissioner Wilson	Yes

The motion to amend KAR 115-2-3a as presented, passed 7-0.

The roll call vote on amended KAR 115-2-3a was as follows (Exhibit HH):

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

The motion to approve KAR 115-2-3a as amended, passed 7-0.

4. KAR 115-4-14. Landowner deer management program; implementation, application, selection, property requirements, deer permitting, property posting, evaluation, renewal, and other provisions - Lloyd Fox, big game biologist, presented this report to the Commission (Exhibits II, JJ). The Landowner Deer Management Program (LDMP) is a new approach in deer management in Kansas, one that will create a contract between a landowner and the department for deer permits. There is also a possible amendment to this regulation. It is a three-year pilot program, one pilot in each of the five administrative regions, unless there isn't an applicant in one of the regions, and there will be no more than 20,000 acres in each unit. This program could include several landowners working together. Under the management plan the landowner will specify the number of permits allocated to their clients and randomly selected public applicants and this will be one of the criteria we use and how the area is selected. Habitat protection and enhancement, conservation programs, public access programs (other than deer hunting) will also be selection criteria. Lands eligible will be lands owned in simple fee title by Kansas landowners. In Deer Management Units (DMUs) 1, 2, 3, 4, 5, 7, 16, 17 and 18 - 10,000 acres each management area, and the rest of the state, only 3,000 acres per management area. Permits issued as client permits to the LDMP manager should be nonresident permits and thus could be transferred to either a resident or nonresident while the permits issued in the public drawing should be resident deer permits. Each permit with its carcass tag should be issued from the Pratt office by the licensing section. Resident permits would be available in the resident draw with an application deadline in mid-July. The permits would be valid during any season with equipment legal during that season. The proposal would not use transferable permits. The landowner would receive a certain number of certificates and the person who receives that certificate would file for the permit. The client-type permits would be on nonresident fee and general permits would be at the resident fee. The application for the general public hunt would be on the regular application and hunters could use their preference points. Evaluations will be done of the landowners and the hunters. Deer permits for a LDMP could be based on the size of the holding, and the average deer harvest density and hunter success rates in the DMU where the property occurs. By knowing those three factors the number of permits a typical area within each unit could support could be calculated. Each application and management plan would be

submitted to the regional wildlife supervisor. Each region would assign employees to a review committee, and a community advisory panel may also be selected. The regional review committee will rank the application packages submitted in their area and forward them with their recommendation to statewide selection panel for final review.

The first amendment would be on page two, section (f) to provide copies of agricultural leases extending five years from the date of application if property to be included in the program is not owned in fee simple. Then renumber sections F-I to G-J and add item K (new) a \$100 application nonrefundable application fee. Also, to eliminate Section (A) and change designation of B and C. In section (3)(d)(1) add "fee simple ownership of real property to be enrolled in the program..." Commissioner Johnston asked if on Page 3 the proposal was to use fee simple language. Fox said it was, under item (3). If someone were to apply and not all of their land was under fee simple ownership, the committee could vote on whether to allow that landowner or not. Commissioner Johnston asked if there was a regulation on the types of people who can apply. Tymeson said that it lists landowner and landowner is listed as an owner with fee simple title. Commissioner Johnston said he thought the Commission was considering land that could not be held by corporations, etc. Tymeson said that was originally proposed, but that is what this amendment is about. Chairman Dykes asked Lloyd to go over the three amendments again and asked if the \$100 fee applied per landowner or per application. Fox said it was per application.

Audrey Boos, Denton, asked what the definition of agricultural lease was and if farming was required. Fox said that it could also include some type of ranching operation.

Doug Wilson said that in minutes of last meeting, it was stated that the legislation could not superseded. Tymeson stated that he was not at the last meeting and he felt the Commission could add fee simple ownership. Commissioner Johnston asked if it would allow corporations.

Tymeson said that corporations are not allowed in regulation to get a permit, so they do not qualify. Steve Swaffar, Farm Bureau, mentioned that FB had been involved in this from the beginning (Exhibit KK) and he wanted to talk about the proposed amendment. Data on deer trends that are different than what is in the deer management unit. He then asked if the department would provide information on that or will the landowner have to come up with that information. He also recommended looking for other application options. Lease agreements are a standard in Kansas and in combination with the contiguous acre limitation that will limit who can apply. This amendment will increase the quality and quantity of applications. Item 5 requires an average score of 5 to renew the application. He asked if that meant yearly or at the end of the three-year pilot. Chairman Dykes commented that the real questions are on first and third amendments. Fox explained that evaluations are the final evaluation, and that the department would provide feedback annually, and the score would be awarded at the end of three years.

Chairman Dykes wondered if legislation allowed this program to continue, would it continue on a three year basis. Fox said that was the intention. In other states it has been five to eight years. If the legislation extends this, modifications will be proposed after the three years are over.

Answering Swaffar's question about permit numbers, Fox explained that the applicant would have a certain number of permits for that area. If the landowner wants permits over that number, they would have to provide supporting data and the regional committee would evaluate that.

Swaffar asked if would the applicant be allowed to do some surveys and spotlighting as the department does. Fox said they would if they notified the appropriate law enforcement personnel first. Mike Beam, Kansas Livestock Association voiced support for this concept. He added that he came before the Commission on June 24, and raised several concerns and was happy with amendment on fee simple. Those applicants with the most attractive proposal will be adopted. Chairman Dykes asked if there were any applications received yet. Tymeson said they had not. Doug Wilson, Emporia, wondered what Kansas hunting will look like if we go past five years.

And he asked if Wildlife and Parks will be needed if hunting is privatized. He felt like this program was giving the right to sell permits to the individuals. This program has a lot of things that looked good to start with, like additional land. But he asked if the department wanted to sell the public's right to sell permits. The landowner has rights to say who can hunt there, but should have the right to sell the permits. This will allow a different class of people, the ones with money. He asked if there were royalty in this country and if only allow landowners were allowed to vote. Future generations are at stake here, and he felt that other ways to reward the landowner should be explored.

Commissioner Meyer to bring KAR-115-4-14 before the Commission. Commissioner Harrington seconded.

Commissioner Meyer moved to amend KAR 115-4-14 as proposed. Commissioner Harrington seconded.

The roll call vote on amended KAR 115-4-14 was as follows (Exhibit LL):

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

The motion to approve KAR 115-4-14, passed 4-3.

The roll call vote on the amended KAR 115-4-14 was as follows (Exhibit LL):

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

The motion to approve KAR 115-4-14, passed 4-3.

5. KAR 115-7-1. Fishing; legal equipment, methods of taking, and other provisions - Doug Nygren, Fisheries Section chief, presented this report to the Commission (Exhibit MM). This permanent regulation establishes legal equipment, methods of taking and other provisions with regard to fishing. The proposed amendments would require the use of barbless hooks while fishing for paddlefish on the Neosho River. Catch and release of paddlefish currently is not permitted. Under this proposed change, paddlefish could be released back into the water immediately after being caught, unless kept for the daily limit. Requiring barbless hooks will help prevent excessive mortality of released fish. Paddlefish held in possession must still be tagged immediately and cannot be released (no culling). Anglers must stop snagging when a daily limit of paddlefish is taken into possession. These proposed regulations are very similar to

the regulations in place in Oklahoma on this shared fishery. The season would still be opened by posted notice on the current season dates of March 15 - May 15 and all harvested fish would be required to be tagged.

Commissioner Harrington moved to approve KAR 115-7-1 as proposed. Commissioner Johnston seconded.

The roll call vote on proposed KAR 115-7-1 was as follows (Exhibit NN):

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

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

6. Secretary's Orders - Fishing - Doug Nygren, Fisheries Section chief, presented this report to the Commission (Exhibit OO). Each year department fisheries biologists monitor fish populations to assess the recreational fishing opportunities of public fisheries. One task is to determine what, if any, special fishing regulations changes could be employed to meet management goals. After sampling fish populations and reviewing other information such as creel surveys, stocking success, and habitat conditions, recommendations are made for changes in existing creel and length limits. Reviewed additions and deletions of waters covered by last year's Secretary's Orders include: a controversial 20 crappie per day limit at some lakes. This is not supported biologically; channel catfish length limit at Chetopa; and a combination of barbless hooks and length limit for paddle fish that will put us in step with Oklahoma regulations. There are two new Secretary's Orders on Yates Center for yellow perch and the introduction of blue catfish at El Dorado Reservoir to help control zebra mussels. Commissioner Fields mentioned that he had caught yellow perch back east and they were wormy. Nygren said that it was due to aquatic vegetation, and that any fish can get wormy. Michael Pearce, Wichita Eagle, asked what lakes would be affected by 20 crappie per day, and when it would take effect. Nygren said it would take effect July 1, 2005 at Melvern, Council Grove, Hillsdale, Perry and Clinton Reservoirs. **Commissioners approved.**

7. KAR 115-18-14. Nontoxic shot; statewide - Kevin Jones, Law Enforcement Division director, presented this report to the Commission (Exhibit PP). The amendment to KAR 115-18-14 adds tungsten-bronze shot; tungsten-iron shot; and tungsten-tin-bismuth shot to the list of allowed shot for hunting waterfowl, coot, rail, snipe, and sandhill crane. These types of shot recently received federal approval, but use of the new shot type is solely at the hunter's discretion.

Commissioner Johnston moved to approve KAR 115-18-14 as proposed. Commissioner Meyer seconded.

The roll call vote to proposed KAR 115-18-14 was as follows (Exhibit QQ):

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

The motion to approve KAR 115-18-14, passed 7-0.

8. KAR 115-25-6. Turkey; spring season bag limit, permits, and game tags - Roger Applegate, Wildlife Biologist, presented this report to the Commission (Exhibits RR, SS). This proposal was to increase the permit allocation in Unit 4 to 200 permits and increase youth permits to 75 permits. No other economic impact on the general public or on other state agencies is anticipated. As a result of internal department review of the wild turkey legislation that passed earlier this year, the department suggests that the following amendment be made to the version of the regulation submitted for public comment. 1) Strike proposed subsection (g) as follows: (g) An unlimited number of hunt-on-your- own-land turkey permits shall be authorized; and 2) Re-alphabetize subsections (h), (i), (j) and (k).

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

Commissioner Johnston moved to amend KAR 115-25-6. Commissioner Harrington seconded.

The roll call vote to amend KAR 115-25-6 was as follows (Exhibit TT):

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

The motion to amend KAR 115-25-6 as presented, passed 7-0.

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

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

The motion to approve KAR 115-25-6 as amended, passed 7-0.

XII. OLD BUSINESS

XIII. OTHER BUSINESS

A. Future Meeting Locations and Dates

Commissioner Johnston would like to schedule a meeting in Wichita next year.

There have been requests from Beloit, Wichita and Liberal.

The March meeting is in Beloit, and the April meeting is in Pittsburg. August was discussed for Wichita.

March 24, 2005 in Beloit. April 21, 2005 in Pittsburg.

The next meeting is scheduled for January 20, 2005 at Memorial Hall Auditorium, Topeka, Luncheon in Capitol Building, 2nd Floor Rotunda.

XIV. ADJOURNMENT

Commissioner Harrington moved, Commissioner Wilson second to adjourn.

The meeting adjourned at 8:55 p.m.

(Exhibits and/or Transcript available upon request)

Exhibit UU - Atchison Completes \$4.1 Million Riverfront Development Project

Exhibit VV - Kansas Traveler Fall 2004 Newsletter