

**Kansas Department of Wildlife, Parks & Tourism
Commission Meeting Minutes
Thursday, November 14, 2019
William Carpenter 4-H Building
608 Fairground Rd, Scott City, Kansas**

Approved Subject to
01/09/20 Commission
Approval

The November 14, 2019 meeting of the Kansas Wildlife, Parks and Tourism Commission was called to order by Chairman Gerald Lauber at 1:30 p.m. at the William Carpenter 4-H Building, Scott City, Kansas. Chairman Lauber and Commissioners Emerick Cross, Gary Hayzlett, Aaron Rider, Warren Gfeller, Lauren Sill and Troy Sporer were present.

II. INTRODUCTION OF COMMISSIONERS AND GUESTS

The Commissioners and department staff introduced themselves (Attendance Roster – Exhibit A).

III. ADDITIONS AND DELETIONS TO AGENDA ITEMS

Sheila Kemmis – No changes (Agenda – Exhibit B).
Chairman Lauber – reverse order of 115-25-5 and 25-6

IV. APPROVAL OF THE September 19, 2019 MEETING MINUTES

Sheila – Page 8, 11th line, persadae should be spelled percidae family (Ark Darter family).
Commissioner Gary Hayzlett moved to approve the minutes, Commissioner Lauren Queal Sill second. *Approved* (Minutes – Exhibit C).

V. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

Aaron Simons, Wichita County farmer and rancher – Regarding nuisance wildlife control permits, coyote predation and use of thermal equipment for coyotes killing calves. Thermal equipment would be effective tool, use currently on feral hogs on farms in Texas. Technology has advanced dramatically and no problem identifying what we see at night. Current laws and regulations are not clear if using thermal equipment at night while using nuisance permit is illegal? Asking for permission to use thermal equipment in order to help our ranchers save their livestock. Chairman Lauber – Thermal imaging differs from night vision? Night vision allows you to see through binoculars or scope and thermal imaging shows animal a different way?
Simons – I am no expert, but night vision reflects, thermal just picks it up.
Robbie Berning – We have a friend that is in the Department of Defense and he does actual testing on thermal. He explained to me that thermal is a radiation detector that projects radiation into computer and onto a screen in high definition black and white; it does not project light, does not gather light the way that night vision does; a completely different spectrum through heated radiation. Commissioner Gfeller – Does it simply detect a warm body, or does it actually

identify? Berning – We have used in Texas for four or five years. Equipment we are running is like looking at high definition tv screen, shows grass, divots in the ground and everything. We leave it in Texas because we know we cannot use it here in Kansas. We don't call them there, we walk through the herd. Simons – Not trying to get this for recreational use but for nuisance use. Commissioner Rider – Would you use the same method here as in Texas or be stationary and call those coyotes into where you are? Berning – In Texas we go into the herd, we don't use a call and when we have eliminated the coyotes coming into the herd we may venture out two miles from that group and call them, but only in surrounding area. We are doing a service, not recreational hunting. We would gladly pay a permit fee, love to get nuisance permit but it is not black and white to use thermal technology, it says optics or other sights. Not asking to use night vision, that is old technology; not illegal to hunt coyotes at night in Kansas, but dangerous at night without using what we are using; not going to shoot cattle trying to kill coyotes, without seeing them. Commission Sporer – Chris, how does regulation read about hunting coyotes at night? Chris Tymeson – The one they referenced, there is the ability for the department to authorize thermal imaging on a nuisance animal damage control permit. The regulation that generally deals with coyotes does not allow light amplified or infrared light amplified, so couldn't use either night vision or thermal without a permit. Commissioner Sporer – What are you asking for? Berning – Clarification if we get a nuisance permit, can we hunt coyotes at night legally; not in black and white in regulation. Commissioner Sporer – Wanting to hunt coyotes? Berning - Not recreational, want to shoot coyotes out of cattle with thermal technology. Permission to do that with permission from the landowner. Chairman Lauber – I have been contacted by groups such as yourselves who have been contacting Kansas legislators, issue simmering below the surface for a long time. Law Enforcement, with good intentions, say it may enhance poaching, particularly for deer and expressed reluctance to have this passed. Once legislature gets involved it will come up and I want this agency to get ahead of this. If vote today, recreationally with restrictions I expect it would go through our Commission today. Every time the legislature starts creating statutory rules and regulation rather than the ones we make it turns into a mess. We should seriously consider making it available for animal control and recreation. One guy who contacted me who hunts on the King ranch said they notify them when they are going to be hunting at night; don't know if could be as simple as using iSportsman to notify when shooting at night. If not our own regulation it might have weird appendages and we may have to oppose it. Not talking about spotlighting, but night vision or thermal imaging, which is technology that is not going away, and eventually will have to make it available. Secretary Loveless – Discussed in the department, follow up conversations from a few meetings ago, based on our understanding of what other states are doing and uses of technology. We make our best decisions when we have a well-thought-out process that includes input from the public, other states and technology experts and our staff; we need to evaluate this and start the process, which will take some time. In the interim, Chris, can we do anything in the meantime? Tymeson – On the nuisance animal damage permit we could allow as special condition. Berning – How would be go about applying for that permit? Jake George – Make request when you send in nuisance animal damage permit application. Secretary Loveless – We have the flexibility to use judgment and allow that and then if we can start the process to do full evaluation with your input. Not first state to talk about this, have benefit of others' experience to look at and figure out best steps for Kansas. Worried about misuse, one boundary we talked about was restrict this equipment to outside of deer season, so it becomes a non-issue. Do you have experience with that? Berning – In Texas open year-round; they have some of the strictest deer hunting laws because of leasing.

Landowners self-regulate, they catch you shooting a deer you are going to jail. Poachers are poachers and they are probably using technology to do what they do and you changing laws, or laws in place, will not stop them. We need to make public more aware to self-regulate here and inform law enforcement when they see something going on. Chairman Lauber – Having restriction of not allowing in firearm deer season would not be considered unreasonable. We are appointed not elected and it takes us six months or more to put a regulation out; need public comment, so we can get started now on this process. Asst. Secretary Miller – Started discussions internally, especially in wildlife division, need more discussions on law enforcement side. Chairman Lauber – Start discussion at next meeting to possibly be in effect next year. Secretary Loveless – We like that idea.

Keith Houghton – Nice to see progress being made. Our family and staff just completed 35 years of operating Ringneck Ranch controlled shooting area near Tipton. I would like to provide an opportunity for commissioners to get exposure to that facet, don't feel a lot of you have been around those operations. I have been Kansas Sporthunting Association officer since its inception in 1991, an organization that represents game bird producers, controlled shooting area operators and supporting industry that goes along with that. Lucille Heller, Mitchell County travel and tourism was going to be here but could not come. Would like to invite commission to see the operation, we have worked to set ourselves apart from what has been known as suburban preserves, our endeavor to expose commissioners to these operations could be rewarding for everyone involved. This would be in Mitchell County, Beloit. Secretary Loveless – Never been there but impressive operation, heard about it for years; when Tourism did survey of most well-visited outdoor venues in the state, they came in number one. Appreciate invitation.

VI. DEPARTMENT REPORT

A. Secretary's Remarks

1. Agency and State Status Report – Brad Loveless, Secretary, presented this update to the Commission – Finished submitting 2021 budget, Department of Budget reviewed our budget and made their budget, the only adjustment was supplemental for Law Enforcement to move from KPERS to KP&F, which Chris will talk about later; they removed it as it needs legislative approval. EDIF apportionment the same, just over \$5 million. Wildlife, parks and tourism will hold budget static, barring need for supplemental money for flooding repairs. There was a committee established that included me to get input from state and federal agencies about effects of prolonged flooding, Linda Lanterman presented on behalf of parks and Colonel Ott on behalf of Law Enforcement. The message we sent was, we are continuing to monitor cost and impact to revenues as well as impact to maintenance, as water goes down and we are able to evaluate what needs repaired. It is an ongoing process. We are not giving out a number yet because it's not final. We still have high lake levels and significant costs we can't evaluate around road conditions, working with KDOT on parking areas and roads to help us understand what didn't survive; can't just look visually, have to have a more sophisticated analysis to see what has to be removed and replaced. That is a lot of money, so still in that process. May need to give the legislature a number sometime in the future, which will be our best estimate. Park Fee Funds (PFF) are down nine percent from 2018, big hit in June. Since then parks have done remarkably well, numerous stories of how aggressive our folks were at getting out, removing debris and

opening up sites and cabins as soon as possible; remarkable how little impact on revenues since big hit in June. Proud of work done in parks division. Overall cash balance in PFF is down \$1.5 million. Cabin revenue was down 60 percent, which was weather related. Wildlife Fee Fund (WFF) up 1.3 percent compared to last year, balance \$14.7 million, a little higher than October last year. Status of federal funds, Steve Adams indicated Pitman Robertson (PR) fund expected to be down 15 percent as a result of lower sales in ammunition, guns and those types of things. Dingle Johnson (DJ) expected to be up three percent. Don't expect changes until after first of next year. Chairman Lauber – Our people got out as soon as they could, we still have damage that we don't know about in Kansas with two reservoirs still not able to have public access in those areas. Hats off to our staff. Commissioner Sporer – What are water levels from Bureau or Corps? Secretary Loveless – Linda, please update them on that. Challenge is what is going on downstream and we continue to struggle with that. Linda Lanterman – Still high at main reservoirs, Tuttle, Milford, and down the line to Clinton, Perry and Hillsdale. Waverly Missouri is the town they use as gauge; still high for a while, still letting water out but concern is when we are not below the flood pool that reservoirs were designed for and this spring we could have more rain and could still be flooded. They are letting it down and the Corps of Engineers is managing it the best they can. Cheney area is still saturated, it is wet, and people are still using their sump pumps in their houses. Trying to figure out a solution for that. Still high. Didn't notice in August and September, because our visitation was down overall but people came back, and revenue still looks pretty good. The cost will come from repairs. Chairman Lauber – The Corps has used Waverly, Missouri as their biggest concern. Is that a confluence of two rivers or just an add place where we just happen to flow in there? Lanterman – It starts at the north part of the United States and comes down and we just happen to flow into that part of the Missouri River. Chairman Lauber – We usually worry about us and not who is downstream. Lanterman – I get it because it was devastating. This was the worst flood ever in Kansas and the most widespread. Secretary Loveless – We have had conversations directly with the colonel over the Kansas City district of Corps of Engineers. One of the questions I asked was about Waverly. All summer long we heard they couldn't go above a certain level, then in the fall they allowed themselves to go up higher and we released more water to do that. I asked if that meant fields in Waverly Missouri were flooding and they said no, but what it did was remove their margin, so greater risk of flooding in that area; it is just a bench mark. If anyone questions Corps desire to get rid of water faster, you don't need to, they are scared to death about being ready for next spring. The only thing worse than floods like this is two flood years in a row. They are working as aggressively as they can to get rid of water in reservoirs to prepare for next year. Lanterman – Missouri and Arkansas flooded too, not just Kansas.

2. 2020 Legislature – Chris Tymeson, chief legal counsel, presented this update to the Commission – Second year of two-year cycle starting in January. Six bills on website last year, anticipate we will work on three plus one other this year. SB 49, cabin pricing, dynamic pricing for cabins and camp sites, passed Senate, passed out of House committee and when it got to House floor was routed to appropriations, which bottled it up; need to figure out strategy going forward. SB 50, fee caps, many of our fees are capped in statute and you set fees by regulation; bill is sitting where introduced in Senate Natural Resources. HB 2099, which Secretary referenced, Kansas Police and Fire (KP&F) and law enforcement officers in three divisions moving into that retirement program. Had a hearing, moved out of committee and did not make it above the line, which meant it was killed so we will have to reintroduce it. There was an interim

committee hearing last week. Secretary Loveless – We sought advice on how to strategize differently and be successful this year. One input was, have the Governor put it in her budget, that wasn't hard to do, she agreed and that made her support clear. We got more active and visible on this, I went in front of that committee and presented this last Monday, optimistic as there were no critical questions about it. Other entities who also want their personnel in this retirement program, but they were both asking for general fund money and all of the people they were asking to include were not necessarily law enforcement. All of our folks are certified law enforcement across the state, and we were providing the money for them to be in there. With Governor's support and clear message from the agency, we are optimistic. Tymeson – Also, looking at land transaction in Kingman, as soon as we get the details that will be our other initiative. There were three other bills, deer transferable that got gutted and became something else as it passed through the House; HB 2397, dangerous regulated animals that did not get a hearing, we have regulations related to that, caging requirements and such; and HB 2062 that dealt with rail trails. The last thing I heard, which has been brought up already, thermal imaging related to feral swine in Missouri; they are in in process of authorizing use on private lands, hunting feral swine on public land is prohibited; we are ahead of that curve in Kansas on feral swine but that brought forth predators and thermal imaging. Hopefully action we are proposing and discussing to take will stave that off. Chairman Lauber – Dangerous wildlife, is that part of Captive Wildlife Safety Act several years ago? Tymeson – Yes, it goes back to 2005 and 2006 when the legislature passed those provisions in only a few days and we subsequently had to enact regulations. This would modify that to add primates and wolves. Wolves is difficult topic with delineation of DNA and what is actually a true wolf versus a hybrid and other complications. Chairman Lauber – It would add primates and wolves to regulated animals. Tymeson – Yes.

B. General Discussion

1. Recovering America's Wildlife Act – Daren Riedel, wildlife diversity coordinator, presented this update to the Commission (Exhibit D). In 2016 a blue-ribbon panel was put together on sustaining America's wildlife resources and they were tasked to put together recommendations to build mechanisms to fund conservation for all fish and wildlife. Their first recommendation was that Congress dedicate up to \$1.3 billion annually in existing revenue from the Treasury to the wildlife conservation and restoration program. On October 20, 2016, I presented to this commission and we had a similar resolution that the commission supported, findings of the Blue Ribbon Panel. Since then a bill has been developed, Recovering America's Wildlife Act, introduced into Congress in July of this year as a bipartisan bill introduced by Representatives Debbie Dingell (D-MI), and Jeff Fortenberry (R-NE). Since introduction it has gained 151 total sponsors including Roger Marshall from Kansas. Under this bill, HR 3742, it will provide \$1.397 billion to be allocated annually to states, tribes and territories. This allocation would equal roughly \$19 million annually for Kansas as a sub-account under the Pittman-Robertson (PR) Act. These funds would be for implementation of our state wildlife action plans; these are legislatively mandated plans that all state wildlife agencies have to have to promote proactive conservation to preclude federal listing of species through habitat improvement, research, monitoring and other things we do now. This is currently funded under the state wildlife grant program; our annual appropriation is roughly \$700,000. This would be a huge increase in funding. I mentioned the State Wildlife Action Plan, I gave you a copy (Exhibit E). There are some additional activities that would be supported under this bill: a minimum of 10

percent of funds to go to recovery of current species listed as T&E under federally Endangered Species Act; up to 15 percent of fund can be spent on wildlife-related education and recreation activities including nature center programs, trails, community-based programs; and there is also a law enforcement component where funds can be used for law enforcement activities directly related to Kansas State Wildlife Action Plan. In support of this bill and working within the Association of Fish and Wildlife Agencies' campaign for Recovering America's Wildlife Act, states are being asked to revisit and update resolutions in support. I have presented a resolution (Exhibit F) and if you approve, Chairman Gerald Lauber would sign and then Secretary Loveless. Chairman Lauber – A good idea and I support it. Can we provide a resolution without public hearing? Commissioners read this and before the meeting is over we could handle it by voice vote? Tymeson – Just a consensus is needed. Chairman Lauber – Ready to sign? Commissioner Gfeller – Out of \$1.4 billion, Kansas gets \$19 million annually, how is that allocation derived? Riedel – It is part population, part land area, similar to PR funds. Chairman Lauber – Does staff recommend this? Secretary Loveless – Yes. Chairman Lauber – Any objections? Commissioner Gfeller – The resolution just encourages support. Secretary Loveless – The Governor also has a letter we are asking her to sign to send to our delegation. Chairman Lauber – I will sign and give to Brad to sign.

2. Little Jerusalem Grand Opening Update – Linda Lanterman, Parks Division director, presented this regulation to the Commission (PP - Exhibit G). Nice job Daren, \$19 million. Our team worked tirelessly to get that open, a great job. Have a lot of west region folks here: Luke and Wes from Prairie Dog, Alex from Meade, Phil, Sarah Kay, Greg and Steve, you are awesome. Nadia thank you, we had most impressions of a state park ever, social media wise and Jason Dickson thank you for help on getting information out on Little Jerusalem. Greg will talk about grand opening.

Greg Mills – Little Jerusalem Badlands State Park is located 23 miles south of Oakley or 21 miles north of Scott City, go to Gold Road, 2 ½ miles west, and north on 400. Little Jerusalem is owned by The Nature Conservancy (TNC) and part of Smoky Valley Ranch; agency signed a 20-year agreement to manage as a state park. It is a Niobrara chalk formation deposited between 82- to 87-million years ago during late Cretaceous Period and was part of western interior seaway. It is rich in fossils with the majority being clams, oysters and squid. It is 330 acres with two hiking trails, a 1,200-foot interpretive trail and a 3,700-foot single-track trail, a large parking area with a turn-around, a modern restroom, automated cantilever gate, which opens at sunrise and closes at sunset and a ramada with interpretive signing. On May 8, 2018 it became a state park. The first thing we did was have the Kansas Travel Guide have a photo shoot, took about 3,000 photos. Not everyone gets to build a state park from the beginning. First thing we did, Steve Seibel deserves credit for this, we went out with story board and shot elevation and we set stakes. West Star Energy Green Team and Secretary Loveless assisted us in setting all of the limestone posts to cow-proof the parking lot, starting last October. Westar helped install two self-closing pedestrian gates and cattle guards. TNC hired a contractor out of Colorado to install single-track trail. Built parking lot, brought in blue shale and asphalt on top of asphalt millings; shout out to KDOT, they brought out a packer/roller to help. Our staff built 1,200-foot interpretive trail, removed dirt and laid down rock; at end of trail is over-look to look at formations. Concrete work and parking areas completed. Invited to go to the Capitol for Trails Appreciation Day and were inundated with questions about Little Jerusalem. Met out there with local emergency personnel to tour property in case there ever is an emergency so they would know the layout.

Built ramada and bathroom base and set bathroom with a crane. We had one chance to drill a water well for bathroom, unfortunately we had water for about 15 seconds, and it went away, we did get with local landowner and have tapped into his line; opening day we ran out of water pressure so unfortunately we had to close the bathroom down that evening. Installed 12 interpretive sign panels along the trail. Built directional sign at Gold Road and 400 to direct traffic in, Sarah Kay routed that by hand; installed cantilevered gate and built block wall wrapped with stone veneer for the sign; poured cap for the block wall in the shop and placed on top. Put up sign day before the grand opening. The entrance sign is phenomenal and sits on a concrete slab; our guest book was three big hunks of limestone for people to carve their name into to get it out of their system; Governor Kelly attended grand opening and signed the guest book. Ramada was delivered last week, built in Ellis and was five pieces, it was brought out and put together on site, added a couple of benches. We had about 25 tours on opening day; Sarah, do you know how many tours total? Sarah Kay – Through October we have done 20 more tours since opening day. Greg – Expected this to be a popular park, but not this popular, a lot of traffic and self-pay iron ranger has been packed. Commissioner Sporer – Does it take a park permit to get in? Mills – Yes. Commissioner Sporer – Problem with people coming off the highway to visit? Mills – Have a self-pay station at the entrance, there is always a couple of people who try to take a chance, the same at every state park; have had good compliance. We did have a vehicle get broken into one day, had window smashed and wallet stolen; looking into cameras. Asst. Secretary Miller – The two trails you showed are open for people to walk and it is the interior where you get a guided tour? Mills – Yes. Working on schedule for summer guided tours, busiest times will be weekends; right now, tours on Tuesdays, thinking about switching to Fridays off season so people can still come out. We get 20 phone calls a day, phone is crazy with people calling about this place. Secretary Loveless – When we were building a fence, someone told us to turn limestone so that fossils pointed towards the parking lot. Got a compliment about that on opening day. Detail is amazing. People in parks are electricians, construction managers and do all sorts of stuff, and I had no idea before I took this position; they contract out some, but it is amazing the amount of work they do themselves to save the state money; very impressive. Commissioner Sill – Heard feedback from the family that donated the property and are they pleased and satisfied with what they have seen and how it is being handled? Lanterman – They were there and couldn't have been prouder, and we let them speak; they are part of it, and we expect them to be part of it. It was an agency effort, the new Secretary let us continue to do the work and didn't pressure us to open too soon and we appreciate that. Tourism and everybody helped us get this open.

3. Scott Riffle Beetle – Jordan Hofmeier, environmental services biologist, presented this update to the Commission (PP - Exhibit H). Start with conservation history of the species: It was first discovered in 1978, after being described as a new species it was listed as state threatened. In 1980s, Dr. Leonard Ferrington did a population study to get a handle on population. In 1990, Kansas Biological Survey did a distributional survey looking for other locations; at the time Scott State Park was the only place we knew the species occurred; surveyed sites and springs in other states, found close relatives, but only place this exists is in a small area in Scott State Park. Species was up-listed to state endangered because it is an isolated species. Recovery plan was developed in 2002. Species was most recently listed for federal listing, and because life history is largely unstudied we did more surveys; following surveys, as part of listing procedure, a species status assessment (SSA) was done by USFWS. They came out with

their listing decision this year and we haven't heard what that is yet. The only place the Scott riffle beetle occurs is in a small spring in Scott State Park, a unique area in western Kansas and has remained stable for the beetle. The SSA process looks at species' current conditions; what resources and threats are and does forecasting, and based on plausible scenarios, looks at potential future conditions. One part is identifying threats, one was non-native species, shocked fish below the habitat that were non-native including a giant goldfish. Fish can't access the area where beetles are so not much of a concern but keeping an eye on that. Habitat degradation and people getting into the spring could affect the beetle; there are signs up to tell people not to do that and park staff drive past this area 30 times a day, so not much concern. Ground water quality, since they rely on water from the spring there is the potential dewatering of Ogallala aquifer is a concern. Photos compare the spring in 1947 compared to 2016; concrete has been broken out, habitat has changed but species still exists there. Ogallala aquifer has been heavily used, fortunate where Scott State Park sits, there is a geological feature, Scott County trough, an area of deeper aquifer that is less utilized and has better ground water resource. Another threat was potential for drought and if it affected the species, looked at our study compared to 1980; species experienced a number of droughts, but spring habitat has been stable for the species. We compared our data to 1980 data and found that population numbers statistically insignificant, showing population has remained stable. We looked at what conservation actions can we complete to make more resilient. Installed remote water quality monitoring station, it is solar powered, takes a sample every hour, operates all year long and we can pull up water quality data 180 miles away in Pratt, which lets us know what is going on in the spring and lets us know what is going on in the habitat. We look at a number of different things, from dissolved oxygen to nitrates. The species is thriving. USFWS news release based on their listing decision, basically they decided not to list based on stability over time and our department's efforts to take care of species. Good affirmation of species resiliency and ability of department to manage the species at the state level. Credit to parks staff who have been managing the habitat. Working with Greg to establish a management plan, mostly things he is already doing, just getting it in writing for future staff. There are trees growing up in spring area that are drawing water. Still on our list and will keep eye on it for foreseeable future. Chairman Lauber – When this was petitioned for listing, who was petitioner? Hofmeier – Wild Earth Guardians; part of giant petition. Chairman Lauber – Pleased it turned out that way. In 1978, how did this come up? Hofmeier – Story goes that there was a class out there for a field trip, an Entomology field trip, who collected specimens and took them back, I think to OU. David White was the guy who described it, a leading expert in riffle beetles, noticed it was different species. Greg Graff – (*did not come to mic, not clear on comments*) Do you monitor the surface water; have four to six monitors just upstream from this, if we see something we place it on the GMB website. Hofmeier – We have pressure transducer to monitor surface water. Graff – On our radar too, managing better, match data and get aquifer sustainable. Aware of what we are doing at GMB. Let us know if something we can do to address it.

Break

4. Duck Hunting Zone Boundaries – Tom Bidrowski, migratory gamebird program manager, presented this regulation to the Commission (Exhibit I). Every five years the USFWS opens the frameworks for duck zone guidelines. Changes for the 2021/2022 season, must be submitted by May 1, 2020. Zoning is simply the establishment of independent seasons in two or

more areas within a state for the purpose of providing equitable distribution of harvest opportunities. Zoning enhances state's ability to match season dates with available habitat types, migration chronology, and season preferences of duck hunters in specific areas. Guidelines and zone options are listed in briefing item. Zoning only applies to Kansas low plains zone. The high plains unit in western third of Kansas boundaries is not part of this process. Zones have to be contiguous and zone split configurations must conform to one of the options listed. Since 1972, Kansas waterfowl seasons have had zones or splits with late zone being added in 1996 and southeast zone in 2011. Zones and splits are partly based off hunter preference and the department integrates hunter feedback in decision making process. Six public meetings were held in August to garner waterfowl hunter input and we are currently conducting a survey of Kansas waterfowl hunters. Although zone boundaries are in place for five years, season dates and bag limits may be adjusted annually. If no changes are adopted the zones will remain the same as they have been since 2016. Commissioner Sporer – Was there a federal meeting you went to? Bidrowski – In October the USFWS Regulatory Committee (SRC) met and they are the ones who review the state or Flyway recommendations for frameworks. SRC developed overall federal frameworks, which are then refined by the USFWS Secretary, and we can develop our seasons from those frameworks. Commissioner Sporer – Did they have any changes? Bidrowski – Regarding zone splits there was a three-Flyway recommendation to do away with continuous boundary requirement and three segments, but the USFWS chose not to. Commissioner Sporer – Why? Bidrowski – One is complexity of regulations, even though zone boundaries are already complex, part of that and how it would monitor changes in distribution or hunter participation in the process. Commissioner Sporer – One of the issues I have with zoning is the early zone where you have to track clear up to Jamestown. Do you see any way of being able to surround Jamestown, you have to get McPherson, the Bottoms and Texas Lake and some of them and then zone goes clear up to Jamestown; what that does, between 183 and 281 highways is gets people in trouble with hunting day. Bidrowski – We did make that carve out in 2015 to allow Cedar Bluff. Kansas presented to the Central Flyway and petitioned other Flyways to make that recommendation, mostly because of Jamestown. The Pacific Flyway gave good argument for their mountain areas and valleys, basically setting a season based off of habitat type, not off what a state wants. Chairman Lauber – You were saying it was suggested that, lack of necessity of being contiguous was presented and the USFWS said no. Bidrowski – Correct. Chairman Lauber – I could see if we could have Jamestown as a separate zone it would make it easier. The recommendation you are going to have is no changes and we will have the same boundaries for another five years? Bidrowski – We're still in the decision-making process with ongoing survey that will be completed in December. That is what we will use to develop our regulations. During our public feedback from meetings we did not hear a large call for zone boundary changes. Commissioner Sporer – At public meetings people were talking about later season dates? Bidrowski – No, but for a number of years there is a contingent of hunters preferring late season dates. The January 31 is another indicator that there will probably be a lot of hunters wanting later dates and we are looking at options to accommodate that. Commissioner Sporer – Wanted to move a week ahead on starting date for low plains late season. I mentioned that and carry through the holidays, complained about not being able to hunt January 1 through those holidays. My point is in current Wildlife and Parks summary of reports of duck counts, November 12 Cedar Bluff season opened, October 26 there were 7,000 ducks at Cedar Bluff, 10,000 at Glen Elder, Jamestown had 3,000, Lovewell had 6,000. Would you agree that those counts will be significantly higher in later December and January? Bidrowski – Depending on the area. We

have had two freezes this year on wildlife areas, but that doesn't affect large reservoirs but does affect smaller areas particularly for dabbling duck species. Commissioner Sporer – If you look at south central Kansas, the current report, Cheyenne Bottoms on November 14 had less than 2,000 ducks. Bidrowski – They had two inches of ice. Commissioner Sporer – Isabel 150 ducks, Texas Lake had none. Bidrowski – Again, under ice. Commissioner Sporer – I would like to revisit those counts in December and January and show there are more waterfowl in Kansas at later dates. Bidrowski – Depends on type of hunting you are doing. Commissioner Sporer – It is something that is a trend. If we could get the feds to give us 10 more days, that would solve our problems and we could probably do away with the zones. Bidrowski – One of options they are looking at with mid-continent mallard adaptive harvest management plan. Other species like pintails, wood ducks, scaups and restrictions that are impacted when you start adding days. Commissioner Sporer – Was there any talk at this meeting of adding more days? Bidrowski – Yes, looped to adaptive harvest management.

5. Webless Migratory Bird Regulations – Richard Schultheis, migratory game bird biologist, presented this regulation to the Commission (Exhibit J). One pending change to federal frameworks for 2020/21 season; an extension of later season dates for rail season to January 31, similar to what we have seen for duck seasons. However, that change is not likely to affect permanent regulations or statutes for rail season, we close before that in early November. One regulation staff is considering changes to, 115-25-20, pertaining to sandhill crane hunting and seasons in Kansas. Federal frameworks allow different zones, so we could work area open to crane hunting into different zones and add different season dates within those zones, which we are considering for upcoming season. Recommendations from staff will be presented at January commission meeting. Table provided at end of briefing book item summarizes bag and possession limits and season dates. Chairman Lauber – Do we count webless migratory birds? Schultheis – Sandhill cranes, but not on a regular basis for the majority of others, but we could do estimates for mourning doves. Difficult to do Virginia rail survey. Chairman Lauber – When I used to hunt a lot of quail we would see a lot of woodcocks, but don't see woodcocks now and don't know if there is any way to see if there are more or less of them. Schultheis – Most of the information for a lot of these species and monitoring programs, birds that migrate, every species the USFWS places recommendations on. For example, woodcock has to do with breeding colony survey and that occurs in northern states; similar to waterfowl, population estimates are done on breeding grounds. Part of the issue is we don't have breeding populations in Kansas compared to northern states.

C. Workshop Session

1. Big Game Regulations – Levi Jaster, big game biologist, presented this regulation to the Commission (Exhibit K). KAR 115-4-2, general provisions; discussing carcass movement restriction for big game carcasses. Put into recommendation to allow cleaned antlers and clean antlers attached to skull plate, hide without meat or skull attached, finished taxidermy mounts or boned out meat or quartered carcasses without the head and spinal column. Also allowing tissues needed for disease sampling. Looked at other states that have detected CWD (chronic wasting disease) (Exhibit L – PP slides), to make comparisons. Oklahoma has not set any regulations specific to this, they do have a no dumping carcasses regulation, but that relates to water sources and human inhabited dwellings. Nebraska also has nothing in regulation, but they do recommend

following Best Management Practices (BMPs) of leaving head and spine or deboning entirely. Colorado has the same thing. Missouri has regulations about movement within and importing carcasses within the state, it follows what we have in ours, as far as deboned meat, quarters without spine and head, antlers, antlers attached to skull plate, finished taxidermy and they do have some exceptions, if carcass is being taken to a licensed taxidermist or processor; and exception for head with cape attached going directly to taxidermists and processors. Arkansas has similar rules within their CWD zones and deer coming into state, no exceptions for taxidermists and processors. Wyoming – Includes regulations doing the same thing, could take whole carcass provided you remove the spinal column at site of the kill or take to a landfill, deboned meat, cleaned hide BMPs. They also include a regulation that you can't actually take animals outside the state. North Dakota has similar within state and importing, and they allow exception for carcasses going through the state, so a hunter that has killed an animal outside the state passing through the state to another state, can take whole carcasses through, as long as no part is left. Texas has zones and for importing animals, those same BMP mentioned before although they have a head waiver form that hunter has to register that it is going to a taxidermist. Commissioner Gfeller – States with regulations, are they recent regulations or been around a long time? Jaster – Some have been around for a few years and some are going to be in place for this upcoming season. Commissioner Gfeller – The ones that have been around for a while, have they noticed impact on CWD? Jaster – Hard to see, don't show much positive but sure see negative when we don't have regulations. The majority of hunters are willing to comply, but some folks ignore regulations. We had an incident where a deer left Kansas and went to Ohio even though they had implemented their ban and it was well-publicized. It is to curb the ones that will comply. Chairman Lauber – Missouri and Minnesota are going into effect now. Two things different about them, the restrictions occur within CWD management zones. In our case, that would be counties with a previous positive test, not statewide and that is a big difference. Jaster – It is within their zones, but they are small and in many cases smaller than our units. Their zones are staggered around the state where they have detected it. Most states are following BMPs; in Dakotas you can move carcasses within zones adjacent to each other. Illinois only has a ban on importing carcasses. Iowa only has a ban on importing. Ohio is one of the states that has not yet detected it, so they are only looking at importing. Minnesota allows within the zones. Wisconsin allows carcasses to go directly to taxidermists or processors, but you have to register to do that. Michigan allows carcasses within the zones and can register ahead to go outside those. Mississippi doesn't allow any exceptions. New Mexico only within their state. Montana is also within, but regulations say no brain or spinal cord tissue can be possessed. Tennessee has within zones, go from low risk zone into high risk zone, but not from high risk zone out. Virginia and West Virginia import only. Similar across the states with a few differences within them. Not in recommendation listed in the briefing book, but we would like to consider changing proof of sex regulation to allow for quartering carcasses without having to do photo check by maintaining part of the hide attached to quarter that has genitalia on it. That would allow hunters to do this on a voluntary basis. We have not received input expected from this potential change. Opportunity, in discussions with counterparts outside the state, to align state to state to follow regulations from state to state to make easier for hunters to handle. We would not recommend carcass restriction at this time, we will take more time to investigate it. Putting together a task force to bring in processors and taxidermists to gather more input. This gives us more time to solve the issue of the European mounts and in looking through other state regulations, most of them have not had an adequate solution to that either. Chairman Lauber – Is regulation in briefing book the current

recommendation or backed off? Jaster – A little bit, last paragraph that talks about proof of sex, that is what we are moving forward with. Chairman Lauber – What about carcass movement, is that not in recommendation at this time? Jaster – At this time we want to step back so we can gather better evidence and look at that. Chairman Lauber – I have talked to a couple of processors, all who want to help CWD problem, but ask for scientific explanation and no one can give much. Not ready for heavy restrictions on carcass movement outside of CWD zones. The reason you are not getting input is people don't know this is happening. Jaster – That is another reason, to get the more publicized. Chairman Lauber – The legislature will understand it. If we were to work with locker plants that deal with deer I think we can get compliance. Missouri has language that if you are in a designated zone there is a designated landfill. I asked a meat processor if he knew where his designated landfill was, and he had no idea. National by-products charge them a fee. Wyoming will put in roll off containers out for people. If we can figure out a way to help people, but we would have to be involved, if no carcass movement. Jaster – That gives us more time, but we have started discussions and that is what is important. Chairman Lauber – Continue discussions because this won't go away. Jaster – Some states have exceptions for animals going to taxidermists or processors, but most of those states their state agency regulates those. We could look at potentially some way to assist with that. A lot of those states it has to go to a landfill or renderer too. Chairman Lauber – Go to renderer now, but they don't want potential of CWD in by-product. When I take a deer in they require you sign this has not been tested, that is only place meat processors have. I estimate we have 35,000 to 40,000 deer processed professionally each year out of 80,000. They want to work with them, and we don't want to push them out of business. Jaster – Many of those folks have different requirements; some require no spine, want quartered or deboned meat only. Chairman Lauber – I believe you, but I don't know of anyone who won't take whole carcass. Commissioner Sporer – Any updates on test methods, getting more accurate or quicker? Jaster – Nothing right now. There are a few different groups talking about working on quicker tests. Current timeframe in Kansas, including shipping, turned around in two weeks from K-State diagnostic lab. Commissioner Sporer – I have problem with whole concept, definition of clean skull and making regulations and putting law enforcement in charge, a huge mistake to put LE in charge of somebody who may move a carcass a mile or two outside the boundaries. I think education is best way to go, maybe go back to check stations, more accurate testing and get publications out, and get people thinking about it. Problem for state, for industry and law enforcement. Understand we need to do something. Commissioner Gfeller – How many cases of CWD verified annually? Jaster – About 400 since we started testing. Commissioner Gfeller – Since when? Seeing more signs of it? Jaster – Since 2005. Not easy to go with what is detected annually because we have changed our disease zones, so for instance in northwest zone where it started, we are going to get a lot more detections. Commissioner Gfeller – Trying to gauge sense of urgency. Jaster – Slow moving provided we don't help it. Chairman Lauber – Are we doing more testing? Jaster – Trying to. Most of what we get outside of number we need to conduct our prevalence analysis, private submission stuff; in discussions on research project to get better handle on CWD as far as more detailed sampling and collecting more. Commissioner Gfeller – Deer hunters I have talked to believe CWD is serious problem and they are willing to do whatever it takes. It would be nice if we could see from other states that they are beginning to get a handle on it to stop the spread and getting control; where they have the regulations so we can have a relationship between regulations. Jaster – In middle of human dimensions survey where we are questioning those agencies about what they have done, whether or not they have measured, how regulations have impacted what is

going on and that is in the process. Chairman Lauber – They don't know, like Minnesota and Missouri it hasn't even taken effect in their states yet. Letting areas with positive tests bear the brunt while other people can see it and go to great lengths to not have it show up in their states. Secretary Loveless – Point is, trying to avoid the jumping, this will leapfrog, it takes one carcass to leapfrog and then the whole picture in Kansas changes. Keep it at slow expansion that would be success. To Commissioner Gfeller's question, can you give numbers; can you give percentages of deer that are affected as you look at zone out west? Jaster – In core zone, looking at 15- to 20-percent, potentially 30 percent prevalence rate. From limited info the last couple of years; back in there for first time from five years ago, sampling this year so will have better idea with more data; expect to see that increase this year since it has been five years. There was a recent study that shows if we can keep prevalence rates below 10 percent, then our deer herd can maintain at least stability, if not still be able to increase, but if above that they start seeing some pretty good population declines. Chairman Lauber – Are we seeing those declines in those areas as high as 25 percent yet? Jaster – Up in those areas there is some decline over last few years but has been thankfully slow. In year where we do population sampling spotlight surveys. Chairman Lauber – Any indication deer can test positive and not die from it? Jaster – Yes, in fact, usually what happens is they don't die from CWD, but it puts them in such a poor body condition that they will die from pneumonia or some other infection. Chairman Lauber – Can they be a carrier? Jaster – A normal deer can carry it for 12-18 months and without displaying any outward symptoms until the last couple of months of life. Chairman Lauber – There are a variety of diseases where cattle are carriers but never really transmit it or have any externalized symptoms. Do we know whether deer can do that? Twenty-five percent seems high and it seems like after a few years, with 25 percent of herd dying annually and hunting pressure, you would really begin to drop numbers. Jaster – Hunting removes a lot of positive animals. One of the recommendations is to move hunting seasons later. Most states are talking about moving hunting seasons, they are talking about November and our rifle season is already in December. A lot of animals that may have been recently infected are removed because they may be more vulnerable and maybe not as aware as healthy deer potentially. Some animals will die sooner, with being able to live through 18 months they can get through a whole breeding cycle and have fawns. Chairman Lauber – Can you pass disease on from doe to fawn? Jaster – Yes. Commissioner Sporer – You mentioned you were testing in northwest Kansas, what is testing method? Jaster – We use retropharyngeal lymph node in the neck behind the skull or obex, which is the brain stem; taken out and put in jar of formalin and our samples go to Kansas State Vet Lab. If a hunter wants to do that they can do a private submission, get on K-State vet lab website or call them and get a kit sent to them. In the zone where we are there are certain taxidermists listed in our regulation summary that are cooperating and collecting samples for us or contact our staff for assistance to get that done, if within the zone, before we reach our 450-sample-limit we will cover that. Commissioner Sporer – Are you going into locker plants? Where are you getting deer? Jaster – Mostly it is being done through taxidermists and our staff in the field, there are a few locker plants that do it themselves too. Commissioner Sporer – Would a conservation officer be able to do it? Jaster – Yes. Commissioner Sill – Carcass management is one piece of this. Are we just taking one piece at a time or is there a more comprehensive plan to deal with the reduction in concentrations? Jaster – Building a more complex plan, but this is the first step in process. There will other things that can be implemented quickly but getting into consideration for short distance movement you have to consider leapfrog long distance movement first. Chairman Lauber – Lauren has a good point, issues of feeding, baiting, captive cervids; probably

carcass movement human assistance is biggest way to get it to jump around. Other things out there that have additive effect. Commissioner Sill – In August while out birdwatching at Rocky Mountain arsenal and I couldn't tell you how many mule deer we saw that were not normal, CWD infected, that visual struck home to me. I am avid deer hunter and passionate enough to figure out way to make it happen, but reality was in October, we had two deer down on the ground I started thinking, what if I had to do that. I took them to a processor in Pratt County in Unit 16; while I was there I mentioned regulation and possible restriction of movement, asked what would happen for them in their business, in Unit 16, corner of Unit 15 is 100 yards down the road, they said their business would be cut in half and they couldn't stay in business. Proposal to throw out of conversation at least, appreciate idea of task force, but have to get public buy in and support and avoid some of the potential irritation of legislators. If we make drastic moves there is potential of legislative reaction that lacks solid biology and solid sociology, a worse problem. My thoughts on one place to start, is start large collaborative group including meat processors, taxidermists, KDHE, NGOs like KHFH, Department of Ag, a legislator, hunters, outfitters, department representative, federal agencies like USFWS because of federal refuges. If you have isolated populations, evidence of CWD goes up. Questions to Mr. Secretary. Is that not a reasonable way to find collaboration and consensus on best approaches and get public education going and buy-in so we have a large process and not just hitting this piecemeal? Secretary Loveless – Great thought because we know we make better decisions when we include stakeholders but would caution if organizing a group of that size; what I would do is recommend, doing some of that outreach already, whether sitting in same room or not, like getting all of meat processors together at one time to develop a consensus, or whatever we do. You make a great point, we need to be intentional in getting their input, informing them fully while pursuing these things based on the best science and experience from other states. Reach out to those folks and be intentional about it. How we format that we would have to talk about that and how we could be most efficient but end result in getting input from critical stakeholders is important and a great idea. Chairman Lauber – Happy backing off this carcass movement for now, if that was coming to us for a vote I'm not sure we would have been successful at getting it through. This administration and previous administration have a keen focus on rural economic development; meat packer or processing plants could have \$75,000 cash injection during firearm deer season; salaries, a boost for locker plants and if that goes away we are going to have to explain why we didn't think about that. I wish we had done something earlier, which is why we are scrambling trying to get something done now. Commissioner Gfeller – Sense of urgency, if we let disease get out of hand it will damage hunting experience and economic viability of the process. We need to move forward with some speed but do something we can pass. If processor is largest component to the problem, why not have movement zones around the processors? Jaster – That is something we are looking at; if zones are set up in the best way. What had been proposed was to mitigate having to change zones each year as the disease moves. Using zones is what hunters are familiar with as far as boundaries for units, so to work within that they don't have to learn a different line they can or can't cross. Chairman Lauber – Discourage using boundaries of deer management units and consider counties to deal with it. Warren, I don't know if problem is packing plants so much but no place to put the carcass; during regular season have a place to dump carcasses and we would see to it that they got put into a proper landfill, that is best possible outcome, right now paying somebody else to take them because they don't know what to do with them.

Stacy Hoeme, Scott City – I farm and ranch in five counties and Levi did deer study on some of our property. How many animals have we lost to CWD? Jaster – Out of that project, 10 out of 120 or so. Hoeme – Talking about public knowledge, two weeks ago I watched a guy shoot a mule deer buck, drove down and talked to him to see where he was from; he was out of Topeka, he was quartering it out and I asked him if he was taking skull with him and he said yes. I told him to get it checked for CWD because it was in the county and he said it was northwest of here, we were in Gove County. Asked him why hunting there and not near Topeka, he said they used to hunt southern counties, but deer numbers keep falling off so camp up north. Same instance, deer shot on WIHA, tracked onto our property, game warden and I helped him find the deer. He was taking it back to Wisconsin. You definitely have to worry about traveling. Our numbers are dropping off, mule deer are harder to find, fallen off from just last year. Chairman Lauber – Do you have mule deer and whitetail and are both dropping off? Hoeme – Yes, don't notice whitetail as much because you just don't see them like you see the mule deer. You have to work for whitetail out here, they have learned to hide. We had one on the deer study die on our ranch on fence line and it was CWD, another one a mile south of our ranch. We are near pyramid monument rocks, no results back on that one. We appreciate you looking at this. Last year saw guy shoot deer, throw it on top of his minivan and drove it back to Kansas City, he said he was going to drive it back and show fireman buddies. They do a lot of traveling here, so concern on that and I would hate to see them in eastern Kansas too.

115-4-4, legal equipment. Seeking input on proposed option to remove prohibition on devices that lock the bow at partial or full draw. Commissioner Sill – Received any? Jaster – Other than here at a meeting, no. Chairman Lauber – Wouldn't know device unless you pointed it out to me. Can't see a lot different than a trigger on a crossbow other than it may not be as accurate. Some people with age or handicap might see as benefit. Don't see a down side. Is there a down side? Jaster – Potentially less accurate because you don't have the tension. In some ways considered a safety device for youth archery, won't them accidentally release an arrow before they are ready. Haven't heard anything. Chairman Lauber – Nothing but ethical argument. Looking for proposed option. Anyone here with objection? Asst. Secretary Miller – We are asked this question all the time, if I can use a crossbow why can't I use a draw lock? You can with a special permit, but not a high demand, it just seems inconsistent in our regulations. Chairman Lauber – My input is to allow it. Commissioner Rider – When did we put in crossbows? Jason Ott – 2011. Commissioner Sill – Out of respect to folks who have spoken to us, hate to override negative comments even though not much input. Chairman Lauber – Their only consideration was it is cheating, not traditional. Commissioner Sill – I felt they were emphasizing it was not as accurate, which leads to ethics of clean kill. Commissioner Rider – Crossbows are very easy almost like shooting a gun, not the same. I am on traditional side, have hesitation and doing this with vertical bows causes me hesitation as well. At what point do we keep technology in a traditional way and keep archery and advancements in archery separate, where do we draw line on technology. More of a traditional hunter. Chairman Lauber – You don't think we should remove the restriction? Commissioner Rider – I would like more input from someone else. Commissioner Gfeller – What motivated you to consider this in the first place? Jaster – Previous commissioner asked us to look into it and a concern about consistency of regulations. Commissioner Gfeller – What is your practice when you have public hearings and you have no input? Do you go forward with recommendation? Jaster – It depends on what commission wants to do. Chairman Lauber – Ideal situation for a staff recommendation. Commissioner Rider – Crossbows have gotten youth

involved and this might do that with youth and get more outdoors. Chairman Lauber – One person pointed out not as accurate. Will leave on staff recommendations.

115-4-6, deer firearm management units. Had a request in urban deer Unit 19 to change boundary to be more consistent. There is a section in Unit 10 that only allows one antlerless deer tag and is surrounded by an area that allows up to five. We are proposing to change the boundary of Unit 19 where it meets Johnson County 199 Street and Interstate 35, follow 35 south and west to junction with Highway U.S. 75 and follow that north to junction at Shawnee County SW 93. The north boundary has been difficult for hunters to follow so looking at trying to simplify that. Starting in the west where NW Rossville Road meets NE 62 Street, follow that to Kansas Highway 4, follow that to Kansas Highway 92 to 207 Street where it meets up with original boundary. Chairman Lauber – Do we have another workshop? Jaster – Yes, one more workshop.

2. Deer 25-Series Regulations – Levi Jaster, big game biologist, presented this regulation to the Commission (Exhibit M). We are considering issuing a few either-species antlerless-only permits in Unit 1 where we have had complaints of damage. This will be done through Secretary's Orders; asking for input and that will be highly contingent on current year deer survey. Chairman Lauber – Are current year deer surveys generally showing stability or slight increases? Jaster – In Unit 1 they are stable. Chairman Lauber – Statewide? Jaster – We have had some minor increases mostly in southern and southeast Kansas; across northern and northwest, fairly stable and indicating some decline. Season dates follow tradition except extended whitetail antlerless-only seasons in January, adding more days to hunt and more weekend days. Looking at population indices we are looking at three different lengths of January season; 10 days, 17 days and 24 days. Beginning for youth and disabled, September 5-13, 2020; early muzzleloader, September 14-27, 2020; archery and muzzleloader would run concurrently and then archery would continue to December 31, 2020 (September 14 – December 31, 2020); three-day pre-rut whitetail antlerless only (WAO) firearm season that falls on Columbus Day weekend, October 10-12, 2020; traditional regular firearm would start the Wednesday after Thanksgiving on December 2 and run through December 13; for first extended season January 1-10, 2021; for second season, January 1-17, 2021; and third season, January 1-24, 2021; and in Unit 19, the antlerless archery extended season would run January 25-31, 2021. Chairman Lauber – A year ago someone came from KLA to complain about not enough days, this will solve this issue? Jaster – Yes. Commissioner Sill – How does hunter participation comparing October antlerless season to late season antlerless-only? Jaster – Some participation in October, higher percentage of residents versus nonresidents; residents utilize that the most. Stacy Hoeme – On mule deer either-sex tag, is that just Unit 1? Jaster – Yes. Hoeme – We used to have it in Unit 2 and 17, but they said we were the core area, now one core area. Is that one person complaining about deer? Jaster – It is a few comments. Hoeme - Can I cancel him out? Jaster – Also looking at deer damage complaints. Hoeme – On deer damage, some people complain because you give them doe permits and they want buck permits too. Commissioner Sporer – How many extra permits are you talking about in Unit 1? Jaster – That would be dependent on population survey. It wouldn't not be as many as we previously gave which was almost 100. Commissioner Sporer – Displeasure in youth season starting September 5, think it needs to be moved later in the fall to gather more success, lot of crops in September.

3. Public Lands Regulations – Stuart Schrag, public lands division director, presented this regulation to the Commission (Exhibit N). At last month's meeting mentioned review of our

KAR 8-series public land regulations. We conducted internal review and as part of that we reached out to Kansas Chapter of Backcountry Hunters and Anglers to ask for independent, external review. They complied, we met and discussed findings. Based on that we have no proposed changes or amendments at this time. However, items listed in briefing book are dynamic topics that continually evolving on a national scale, so will continue to monitor and conduct further research on those. A prime example would be non-toxic ammo, the last time we made proposed changes to that regulation it garnished controversy from NRA and ammunition manufacturers so want to do due diligence and make sure we are keeping up with trends before specific proposed changes.

4. Antelope 25-Series Regulations – Matt Peek, wildlife biologist, presented this regulation to the Commission (Exhibit O). Pronghorn antelope (KAR 115-25-7) season ended at end of October, still collecting harvest reports to complete final harvest analysis. Heard from several archery hunters who indicated population was down in Unit 2; however preliminary success rates of all three equipment types are at, or above, what they normally are. Wait for rest of harvest reports before assessing that. Conducting January aerial surveys in a couple of the units and will use those, as well as success rates, to come back with permit allocations. No changes recommended to season structure, bag limit or permits. Archery permits are unlimited and available over-the-counter for residents and nonresidents and good in all three units; firearm and muzzleloader permits are good in one of the three units with Units 2, 17 and 18 open to hunting; with firearm and muzzleloader permits, half of the permits are allocated to landowner/tenant and other half are allocated to general residents. Proposed hunting season dates are provided in the briefing book and are standard. Population survey and harvest reports are posted on the internet and always available to see the type of data we collect. Commissioner Sporer – Stacy, are antelope down in Unit 2? Hoeme – Yes. We operate around 23,000 acres and we used to have 50-70 antelope. It is all grass, and the most I counted was 41 head, seem to be down in Unit 2. In 17, still have a few. Peek – We survey same areas every year, techniques in Unit 2 have changed some in recent years but the other units we survey twice a year and that is part of basis and always looking at success rates by hunters. Hoeme – What is age of antelope? There are success rates. Hunted seven years. Peek – Collecting teeth for a long time, use as representative for an age class. Weighing possibility of using horn length. That is what hunters are after. Had that changed or declined over time? Started asking hunters to take two measurements on harvest reports; collecting that data since 2009. Horn length and circumference have hardly changed at all; steady and stable along with success rates and along with surveys. Sometimes I hear from hunters who say they have declined in certain areas and it doesn't match up with data. Don't doubt they have declined in some areas, especially Unit 2, but have hard figuring out at larger scale, how significant changes have occurred for the population and data we collect hasn't shown any change at all. Greg Graff – Same as Stacy, hunt northern part of 17, saw significant difference in numbers. Herds had moved 5-10 miles from where they were before, and herds were smaller than last two years. Support Stacy on mule deer, we should counteract complainer.

5. Elk 25-Series Regulations – Matt Peek, wildlife biologist, presented this regulation to the Commission (Exhibit P). KAR 115-25-8 is open season, bag limits and permits. Current season is ongoing and so far 10 of 30 permits valid on Fort Riley have harvested elk and a couple of additional elk have been taken around Fort Riley. Have not seen harvest reports from hunters

in other parts of the state. We don't anticipate changes to season structure, bag limits or permit types. Unit boundaries are defined in KAR 115-4-6b and Units 2 and 3 are open to hunting. Unit 1 encompasses Cimarron National Grassland in southwest Kansas. On Fort Riley, the season is broken into one-month segments and September is an archery and muzzleloader season and all Fort Riley permit holders can hunt during that time. October, November and December are one-month segments in which one-third of the antlerless-only permits are valid during each segment and any-elk permits are valid during all three of those segments with any legal equipment. On the Fort at various times they may have equipment restrictions. On private land, elk seasons correspond with deer seasons, with equipment restrictions. The main difference is the elk season starts August 1 with a month-long firearm season intended to allow private landowners to address damage issues. There is also an extended elk season that runs January 1 through March 15, extending well beyond open deer seasons; otherwise similar to deer seasons off of Fort Riley. Elk permits are available to residents only and permit applications are separated into military and non-military applicants. Weighted to allow military applicants an advantage to hunt on Fort Riley. Unit 2 permit allocations determined at a later date as we hear more about this hunting season and after aerial surveys in January on the Fort; not expecting big changes. In Unit 2, an unlimited number of hunt-on-your-own-land antlerless-only and either-sex elk permits are authorized. In Unit 3, those permits are authorized, as well as unlimited general resident permits.

VII. RECESS AT 4:31 p.m.

VIII. RECONVENE AT 6:30 p.m.

IX. RE-INTRODUCTION OF COMMISSIONERS AND GUESTS

X. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

None

VI. DEPARTMENT REPORT

D. Public Hearing

Notice and Submission Forms, Attorney General letters and KLRD report dated October 21. (Exhibit Q).

1. KAR 115-9-9. Electronic licenses, permits, stamps, tags, and other issues of the department; other requirements – Mike Miller, assistant secretary, presented this regulation to the Commission (Exhibit R). Clean up that differentiates between electronic and hard copy licenses. In section c, when anyone has an electronic version of a department issue they shall attest that the information is true and correct which is basically an electronic signature, which will allow someone to have a pdf on their phone or mobile devices that will count as their license. Still working with vendor to get the app. It would have a billfold file where you could keep issuances. Commissioner Sporer – When is it going to happen? Miller – I think it will be ready to go after the first of the year for license tag part. The next regulation for electronic tagging by turkey season. Don't know about the app.

Commissioner Warren Gfeller moved to approve KAR 115-9-9 as presented to the Commission. Commissioner Gary Hayzlett second.

The roll call vote on to approve was as follows (Exhibit S):

Commissioner Cross	Yes
Commissioner Gfeller	Yes
Commissioner Hayzlett	Yes
Commissioner Rider	Yes
Commissioner Sill	Yes
Commissioner Sporer	Yes
Commissioner Lauber	Yes

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

2. KAR 115-4-2. Big game; general provisions (electronic licensing) – Mike Miller, assistant secretary, presented this regulation to the Commission (Exhibit T). This is electronic tagging and we have talked about this on numerous occasions and how we want it to work. You will see how it will work in the b section. We've seen what Oklahoma has, similar to that but we are going to ask for a picture. We have done electronic deer check-in and if someone wanted to bone out a doe our regulations say you have to keep the head attached, they can electronically check that in with a picture of the animal and they will get a confirmation number. We will ask for that on deer, turkey and elk and it will give us real time harvest information and see what is being harvested. Commissioner Sill – How does it work when you have no tag to leave with processor? Miller – You will be issued a confirmation number that you have to leave with the processor. Commissioner Sporer – Without a tag? Miller – You will be texted or emailed a confirmation number, write it down and keep with the deer. Commissioner Sporer – You have to attach that to the animal somehow? Miller – You don't have to. If you get stopped by Game Warden and have a deer in the back, the confirmation number is on your phone. At processor, write number down and keep it with the deer. Commissioner Sporer - What about old guys not capable of this technology? Miller – There will be paper tags available at Walmart or you can print them out. Talked to law enforcement and they support hunters choosing one or the other, they can't have both. This is soft launch so we will have paper tags. Chairman Lauber – Will department continue to offer paper tags? Miller – Yes. Under current contract we have we will always have tags you can print out on computer. If we go to another license vendor we may go to straight to paper. Can print off computer, but not have to have Tyvek which is expensive. Chairman Lauber – Electronic carcass tag is on his phone? Miller – Yes, in your billfold you would you're your electronic license and deer permit and within that deer permit would be the electronic carcass tag. Commissioner Sporer – What about electronic federal duck stamps? Miller – Not yet, some states have allowed duck stamps with confirmation number to not have stamp. If you buy state stamp and hip stamp and federal stamp and it lists you purchased state stamp, it will be listed the same electronically. But right now, we don't have ability to. Chairman Lauber – Didn't realize you could get electronic stamp. Miller – They have allowed some states to go electronic. Tymeson – Have to make application to federal government, turned down eight years ago. Schultheis – You can buy electronically online but still get the stamp mailed to you. Commissioner Sporer – Can still buy the stamp? Schultheis – It is my

understanding that you could by the stamp through another state, such as Colorado and that electronic version would be legal.

Commissioner Aaron Rider moved to approve KAR 115-4-2 as presented to the Commission. Commissioner Troy Sporer second.

The roll call vote on to approve was as follows (Exhibit U):

Commissioner Cross	Yes
Commissioner Gfeller	Yes
Commissioner Hayzlett	Yes
Commissioner Rider	Yes
Commissioner Sill	Yes
Commissioner Sporer	Yes
Commissioner Lauber	Yes

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

3. KAR 115-15-1. Threatened and Endangered species; general provisions – Ed Miller T&E biologist, presented this regulation to the Commission (Exhibit V). Chairman Lauber – Tell me what a mucket is? Miller – A mucket is a freshwater mussel. Two species in Kansas, one is just mucket found on the Marais des Cygnes River basin and the Neosho mucket found in the Neosho River basin. Chairman Lauber – Both are on the list? Miller – Yes. Finally, at culmination of long process of five-year review we are required to do on threatened, endangered and species in need of conservation (SINC). Began process with petitions, which were evaluated by scientific Task Committee, and it also identified a panel of experts and had them fill out a numerical review, held informational meetings around the state, published in the Kansas Register, had press releases and notified surrounding states and governors, workshopped in Commission meetings, and provided public comment periods. The process took about 18 months. These lists have been around for 40 years, so we look at this as fine tuning. In 115-15-1 there are both threatened and endangered species listed. We recommended two changes; add cylindrical papershell to endangered list because range and population appear to be in serious decline. It is found in the Smoky Hill and Saline rivers only. The other species showed improvement and we are suggesting it come off the threatened species list, the Arkansas Darter, which is a small fish, because population is robust and resilient to known stresses. Also, nomenclature housekeeping changes, every five years, due to genetic research, changing scientific and/or common names.

Commissioner Lauren Sill moved to approve KAR 115-15-1 as presented to the Commission. Commissioner Warren Gfeller second.

The roll call vote on to approve was as follows (Exhibit W):

Commissioner Cross	Yes
Commissioner Gfeller	Yes
Commissioner Hayzlett	Yes
Commissioner Rider	Yes
Commissioner Sill	Yes

Commissioner Sporer Yes
Commissioner Lauber Yes

The motion as presented on KAR 115-15-1 passed 7-0.

4. KAR 115-15-2. Nongame species; general provisions – Ed Miller T&E biologist, presented this regulation to the Commission (Exhibit X). Less serious list and the agency tries to collect data on these to keep track of species and trends, usually appear here before being up listed or taken off list. That will occur with one species. Three species changes on this list. Move cylindrical papershell that was here you just voted to up list to endangered list. Move Wabash pigtoe is doing well enough to be removed from this list. Add Arkansas Darter, which was threatened to down list to SINC list. Nomenclature changes here too; those changes are ones we take from website NatureServe.org, a publically searchable website that keeps tabs on all species in North America.

Commissioner Troy Sporer moved to approve KAR 115-15-2 as presented to the Commission. Commissioner Gary Hayzlett second.

The roll call vote on to approve was as follows (Exhibit Y):

Commissioner Cross Yes
Commissioner Gfeller Yes
Commissioner Hayzlett Yes
Commissioner Rider Yes
Commissioner Sill Yes
Commissioner Sporer Yes
Commissioner Lauber Yes

The motion as presented on KAR 115-15-2 passed 7-0.

5. KAR 115-7-1. Fishing; legal equipment, methods of taking, and other provisions – Doug Nygren, fisheries division director, presented this regulation to the Commission (Exhibit Z). To protect against spread of invasive species we want to make sure that anyone who attaches a float when fishing, that they have a closed system that can't contain water; we want to apply same requirements to trotlines and setlines. This would standardize use of floats so anyone fishing with passive gear using a float of some kind would have to use a float that has closed-cell foam or could not contain water to reduce the risk of spreading invasive species. Float lines are jug fishing.

Commissioner Emerick Cross moved to approve KAR 115-7-1 as presented to the Commission. Commissioner Lauren Sill second.

The roll call vote on to approve was as follows (Exhibit AA):

Commissioner Cross Yes
Commissioner Gfeller Yes
Commissioner Hayzlett Yes
Commissioner Rider Yes

Commissioner Sill	Yes
Commissioner Sporer	Yes
Commissioner Lauber	Yes

The motion as presented on KAR 115-7-1 passed 7-0.

6. KAR 115-7-3. Fish; taking of bait fish or minnows – Doug Nygren, Fisheries Division director, presented this regulation to the Commission (Exhibit BB). Currently, regulations ban movement of wild caught bait from one body of water to another with exception of bluegill and green sunfish. Would like to expand that to include crayfish, leeches, amphibians and mussels and prevent the movement of those. The same issue, you could be transporting zebra mussels or some other invasive species or disease by movement of wild caught animals from one location to the other.

Commissioner Emerick Cross moved to approve KAR 115-7-3 as presented to the Commission. Commissioner Lauren Sill second.

The roll call vote on to approve was as follows (Exhibit CC):

Commissioner Cross	Yes
Commissioner Gfeller	Yes
Commissioner Hayzlett	Yes
Commissioner Rider	Yes
Commissioner Sill	Yes
Commissioner Sporer	Yes
Commissioner Lauber	Yes

The motion as presented on KAR 115-7-3 passed 7-0.

7. KAR 115-7-4. Fish; processing and possession – Doug Nygren, Fisheries Division director, presented this regulation to the Commission (Exhibit DD). To take advantage of new e-license system to make it possible to issue paddlefish carcass tags electronically or on paper, they would have to make a choice of which one. A convenience for anglers and push folks in that direction. Commissioner Gfeller – Tag is required now? Nygren – Yes, you get tags when you purchase your paddlefish permit. Commissioner Gfeller – Like big game if they choose not to do it electronically they can use paper? Nygren – Yes. Commissioner Rider – Would they need to take a picture? Nygren – No, don't need it because we are not trying to distinguish the sex.

Commissioner Gary Hayzlett moved to approve KAR 115-7-4 as presented to the Commission. Commissioner Emerick Cross second.

The roll call vote on to approve was as follows (Exhibit EE):

Commissioner Cross	Yes
Commissioner Gfeller	Yes
Commissioner Hayzlett	Yes
Commissioner Rider	Yes
Commissioner Sill	Yes

Commissioner Sporer Yes
Commissioner Lauber Yes

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

8. KAR 115-7-10. Fishing; special provisions – Doug Nygren, Fisheries Division director, presented this regulation to the Commission (Exhibit FF, Kansas Aquatic Nuisance Species Designated Waters – Exhibit GG). We have revised ANS designated waters list. Recently we discovered zebra mussels in Lyon State Fishing Lake, so we want to add it to the list. One more came in recently after flood, white perch in South Lake in Wichita. We will post it online, but not put in this document until next year. Posting and treating as such, but not on list until next year.

Chairman Lauber – What did it have? Nygren – White perch. It is close to some small streams and we think they flooded into the lake.

Commissioner Warren Gfeller moved to approve KAR 115-7-10 as presented to the Commission. Commissioner Gary Hayzlett second.

The roll call vote on to approve was as follows (Exhibit HH):

Commissioner Cross Yes
Commissioner Gfeller Yes
Commissioner Hayzlett Yes
Commissioner Rider Yes
Commissioner Sill Yes
Commissioner Sporer Yes
Commissioner Lauber Yes

The motion as presented on KAR 115-7-10 passed 7-0.

9. KAR 115-25-14. Fishing; creel limit, size limit, possession limit, and open season – Doug Nygren, Fisheries Division director, presented this regulation to the Commission (Exhibit II, Kansas Special Size Limits, Creel Limits, and Bait Restriction Tables – Exhibit JJ). Allows us to set special regulations different than regular length and creel limits. I will go over a few of these that are more controversial. Craig Johnson presentation on 21-inch minimum length limit on Marion reservoir, we would implement it now and a few years down the line back that off to 18 inches to allow some harvest; hoping for better reproduction and increasing size of the fish. On Wilson Reservoir, proposal to establish a 32- to 40-inch slot length limit with a two-a-day creel for blue catfish and no more than one fish over 40 inches long. At John Redmond minimum length limit on blue catfish. In Mined Land area remove minimum length limit and one-a-day creel on brown trout. We were stocking brown trout in hopes of getting over-summer survival, and due to changes in water quality we don't feel confident browns will make it, so going back to same regulation we have on rainbow trout for them. Most of the others are small changes on smaller impoundments. Commissioner Sporer – How come never interested in a slot for walleye? Nygren – Walleye are different in Kansas because we have excellent growth on them. Slot length limits work well when you are trying to remove some of the fish above and below the slot so the ones in the slot grow faster and have more food available. Walleye in

Kansas not having trouble foraging and therefore minimum length limits is the best way to deal with them.

Commissioner Troy Sporer moved to approve KAR 115-25-14 as presented to the Commission. Commissioner Gary Hayzlett second.

The roll call vote on to approve was as follows (Exhibit KK):

Commissioner Cross	Yes
Commissioner Gfeller	Yes
Commissioner Hayzlett	Yes
Commissioner Rider	Yes
Commissioner Sill	Yes
Commissioner Sporer	Yes
Commissioner Lauber	Yes

The motion as presented on KAR 115-25-14 passed 7-0.

Chairman Lauber – Kent, we want to start with 115-25-6, spring season and then do fall turkey as the second one.

11. KAR 115-25-6. Turkey; spring season, bag limit, permits and game tags – Kent Fricke, small game research biologist, presented this regulation to the Commission (Exhibit LL, Additional Information – Exhibit MM). Summary of turkey harvest and production overall. Had exceptionally heavy rainfall in 2019, which will likely have repercussions for turkey population. Heavy rainfall in addition to low production is big concern for coming years. In addition to overall decline, across the Midwest U.S., turkey production has been an issue and concern among turkey biologists. Summarizes in graphs the overall turkey abundance statewide and in hunt units, shows declines since peak in 2000s, most severe in eastern part of state and we’ve not seen recovery. Graphs on production are from rural mail carrier surveys (RMCS); statewide estimates show we are at an all-time low and especially in north central and eastern portions of the state took hits. This is poult per adult - we have gone from two or more poults per hen, on average, to less than one-half poult per hen. Severe declines so we are concerned about recovery. Declines, some of hunt units are going to have interesting time recovering. That translates to spring harvest; I use spring because biologists across the country use spring harvest as abundance of turkeys on the landscape. We dropped off, curious about where we bottom out and how we manage for that. Based on all of this and guided by adaptive harvest strategy we have in place we made recommendations we have talked about. No changes for season structure for spring, but recommend removal of game tags, the second permit, in Units 3, 5 and 6, northeast, south central and southeast; based on adaptive harvest strategy (AHS) and in conjunction with recommendations for fall season. Chairman Lauber – How long have we had adaptive harvest strategy? Fricke – Data going into the strategy since 2004, strategy in place since 2011 and have made adjustments up to 2016. Chairman Lauber – Have triggers been adjusted? Fricke – Triggers in form of resident hunter success? Chairman Lauber – Triggers that trigger the recommendations. Fricke – As I have said in the past, not have modified those, have considered options; however, have not seen any data to better inform that decision. Even if we drop it 10 percent, from 55- to 45-percent threshold, we would still be talking about recommending

changes for eastern part of state. Given weather this year, this is appropriate recommendation from our standpoint. To your point, what you are asking is, we are looking at methods of modifying the strategy and looking at putting research in place to help inform decision moving forward. We struggle without a bottom point, we only have the feet but not the bottom, so hard to make recommendation. Chairman Lauber – I understand, AHS makes sense in principle, but triggers are basically based on unachievable results and is part biology and part mathematics. The way we use it to manage the recommendation is to ration turkey harvest to keep more turkeys on the landscape and to enhance hunter success. You are not saying this will create more turkeys; it just slows down harvest of a bird that lives longer than upland game. Fricke – Goal of harvest strategy is to maintain relatively robust turkey populations and maintain relatively high turkey hunter satisfaction. Chairman Lauber – Based on spring hunts? Fall turkey hunts, other than elimination is not considered part of AHS or any of its management? Fricke – I don't consider that, the fall season, in terms of overall hunter satisfaction, is not included in specific harvest strategy. The harvest strategy is using resident hunter success in spring for turkey abundance on the landscape. Commissioner Gfeller – No changes in season or bag for spring? Fricke – No. Chairman Lauber – Still hunt two birds in one part of the state; we have a combination permit. Are you going to put signs up in areas to let people know that they can no longer use bonus or extra tag? I realize there will be a few hunters who may use two, open in one unit? Fricke – Two units. Chairman Lauber – Most of the hunters who hunt in areas where most of the hunters hunt, how will you deal with people that are used to buying two tags and can't use the second one? Fricke - I believe you can buy two tags everywhere in the state, but the second tag will have written on it that it is only good in Units 1 and 2. Chairman Lauber – You don't think there will be confusion? Commissioner Sporer – You are talking about two tags for Units 1 and 2? Which units are you allowing two tags? Fricke – Units 1 and 2, northwest and north central, which are currently two; and recommending dropping Units 3, 5 and 6 - northeast, south central and southeast, to only one permit and not allowing game tag. Unit 4 would stay the same; it is a limited draw. Chairman Lauber – I don't think elimination of game tags will make any real difference, but it might; probably 8,000 to 10,000 turkeys harvested that would be pushed over into the next year conceivably. I don't think closing fall season makes any difference, it might make some difference to reduce availability to use a game tag and I am going to propose we do that. This will aggravate a lot of people and people will be confused. I think some newspapers have been covering this okay and we've got public comment going both ways. I will reluctantly recommend we do what you suggest. Can't make more turkeys. A lot of other states dealing with same thing, and we are taking a much more aggressive approach here. It will take two or three years of only having one bird lawfully harvested to see if it makes any difference. Commissioner Rider – If we harvest 7,000 and 10,000 with game tags and take that off, what is mortality rate of those toms for next year? How many of those would survive another year? Fricke – I think pretty good, overall turkeys are relatively long-lived bird, talking three to four years. Hens have lower survival longevity, but overall good all over. Commissioner Rider – Most of 7,000 to 10,000 would survive? Fricke – I think so. Commissioner Rider – Obviously weather conditions and other things apply. Fricke – Which is one of the key differences between turkeys and upland game where you don't have that roll over. More toms for sure and potentially more hens as well. Chairman Lauber – The unenlightened hunter gets confused as to turkey and quail; I received emails to do something because we didn't want the turkeys to go the same way as the quail. Another one told me we haven't lowered bag limit on quail but taking away second turkey tag; there is a difference. With reluctance, consider trying your recommendation. Be prepared to

defend AHS if people get upset and explain to them how this makes more turkeys; just rationing the ones we have.

Commissioner Warren Gfeller moved to approve KAR 115-25-6 as presented to the Commission. Commissioner Lauren Sill second.

The roll call vote on to approve was as follows (Exhibit NN):

Commissioner Cross	Yes
Commissioner Gfeller	Yes
Commissioner Hayzlett	Yes
Commissioner Rider	Yes
Commissioner Sill	Yes
Commissioner Sporer	Yes
Commissioner Lauber	Yes

The motion as presented on KAR 115-25-6 passed 7-0.

10. KAR 115-25-5. Turkey; fall season, bag limit and permits – Kent Fricke, small game research biologist, presented this regulation to the Commission (Exhibit OO). Same population metrics we discussed earlier applies for fall as well. Current recommendation is no change on fall season structure or length. In same units, 3, 5 and 6, northeast, south central and southeast, suspend fall season in those units. Chairman Lauber – That is where most of the people hunt, so while some units would be open it wouldn't benefit most of the hunters. I don't think closing the fall season will make any difference, not harvesting enough birds, it is insignificant. Harvesting some toms, 440 hens in the entire state. This year turkey numbers are down and are more scare people will harvest less. There is no question that turkey numbers are down, they are down everywhere but 42 states still maintain the fall season. There are some cultural and social benefits to have fall season, it is a real sport and has been around as long as spring season. If it gets closed because of AHS, we have triggers that are unachievable, so it will never change and will be closed forever, and I can't accept that. I have provided an amendment (Exhibit PP) showing spirit of compromise. We have 123-day season, less firearm deer season, and I propose keep we fall turkey season open but reduce by two-thirds to a 41-day season. Season length has some affect sometimes and it may, or may not, have any affect. All we are wanting to do is constrict and hamper harvest. It does indicate some degree of compromise. The biggest difference will occur in the motion we passed earlier as to whether it will hold off harvest of non-producing toms and give more body weight and longer beards for next year and maybe reduce satisfaction. Don't see any reason to close fall season and would like to us take up the amendment as presented. Fricke – In terms of AHS, for last four years we have looked at it and looked at ways to modify it as we get more information. We have research happening right now that will help inform that, but staff are working on this as we can. We will have more information in the near future. Not made its way into AHS yet. Chairman Lauber – Four years ago when AHS first started, the first response to triggers was to close the fall season. Afraid it will never open again. That has been recommendation since day one. We may want to start over with the AHS, I don't know what the number is, but we do have to pass regulations today to go forward. Commissioner Gfeller – National Wild Turkey Federation (NWTF) says it is a benefit. So, isn't the issue the hens? Toms can cover multiple hens and if long-lived they produce hens,

who then produce hens, and it is geometric, and it would be nice to see some scientific discussion of that. If hens are the issue, why do we allow hens to be harvested in the fall, why not have male harvest? Fricke – Several states have bearded-only fall season, but traditional or opportunistic fall doesn't sit well with traditional hunting methods for fall harvest. The traditional fall hunter breaks up the flock, especially any upland bird hunters who are opportunistic or bird dog that might point a turkey. Chairman Lauber – If we were harvesting thousands a year that would be an issue, but when harvesting 400 a year and they are averaging a half a bird, that doesn't make any difference. Commissioner Gfeller – Geometric calculation, doubles or triples every year potentially in terms of survival rate of poults and how many of them survive. The average life of the hen is two to three years, then she would have three generations of offspring producing birds. I don't see any facts behind it, I see input from NWTF that makes a little sense. See problem with taking away the season too. If the issue is to protect the hens why not allow the fall season with no hens. Would that change the experience for fall turkey hunter? If wrong, we continue to allow it and numbers continue to decline. Chairman Lauber – Based on declines we have had now, it is not because of what we have been harvesting in the fall, but because of nesting conditions. Fricke – We have had significant declines in production, down to half a poult per hen, but potential difference is extreme, we could be talking about 2-3 poults per hen; this is extreme year for rainfall and how it is the exception, not the rule; but last 10 years of data don't show us that, it shows decline. My real concern is when we have good years that we won't have the number of hens to try and bring it back. Chairman Lauber – But if we start having 2-3 poults per hen the number of insignificant hens we harvest in the fall isn't going to make any difference. It won't take very many hens to start building the population up. If we reduce the harvest that will have greatest effect on hunter satisfaction. I am going to propose we keep the fall season and propose shorten it by 2/3. I don't know if that will make a difference or not, it will have some effect on incidental take where people shoot a bird in the fall because it came under their treestand. The true turkey hunter wants that serious experience and he will go one way or the other and make it in those 40 days. As long as AHS is around we are going to have this discussion every year. We can see what sort of harvest takes place next fall and see if they make a difference. I hate to do both things right now. Commissioner Sporer – How many turkeys are going to be saved by going to one per person in spring season? Fricke – About 7,000 to 10,000. Commissioner Sporer – How many turkeys are harvested in the entire state in fall season? Fricke – In briefing book. Chairman Lauber – Last year 1,275. Commissioner Sporer – How many turkeys harvested in the proposed units that are going to be closed? Fricke – In those six weeks, for past five years, which is primary time we were at one bird rather than four, approximately 35- to 45-percent of harvest happens in first six weeks. Expect hunters to move their harvest into this time period. Chairman Lauber – I don't think that will change, will affect incidental take but early part of October is the times you want to break up little flocks and call them back together, much later and they are already grouping up into big flocks and then just birds of opportunity. The true fall turkey hunter won't be chasing at that time, they aren't ready to be called and you don't have young birds learning, it will drop quite a bit, but don't know if more than 50 percent. If what you say is correct than we will harvest 500 birds next year. Might be a few more who hunt in the fall but most of true fall hunters do it already in early part of the year. Fricke – Approximately half of turkey hunters in the fall are opportunistic hunters. Chairman Lauber – I would like to see the fall turkey season stay, have hunted it most of my life and want to pass on to my grandchildren. Commissioner Sporer – Opportunistic, you mean hunting quail and shoot a turkey? Fricke – We have two types of opportunistic fall turkey

hunters, one is archery deer hunter sitting in a stand with a tag in their pocket and the other is upland bird hunters who have a turkey tag. Commissioner Sporer – How do you hunt them Gerald? Lauber – Break up the flocks of 10-25 birds, in different groups scattered throughout the landscape, flush all those birds and then call them back in. Hens don't gobble like toms, but they are very vocal and exciting hunt to call them back. Some hunt toms when they group up late in the winter, but for most of the turkey hunters who intentionally go after turkey as the target game, they hunt early. The incidental harvest will be down dramatically. Maybe I am wrong, and we will be back here next year; but it has been open as long as the spring season. Commissioner Cross – A complex issue, with variables that go into this equation tough to sit through and anecdotal information I get. I solicited information from my people in Unit 3 and they are seeing a lot of birds out there; so, to me subjective, maybe it is patchy, depending on where you are at and what you are around and can see. Giving up one in spring is a major step towards what we are trying to achieve here, and I think I could get behind this shortening of the fall season and leaving opportunity for harvest. Commissioner Gfeller – How much revenue would we be giving up if eliminate in effective units? Tymeson – It is in our briefing book, some. Commissioner Gfeller – Don't see it, but we would be giving up revenue if we eliminate the fall season. I would still like to know more about the hens, but the argument does make sense that there are not very many birds harvested in the fall. So, I don't see value in eliminating the season to keep a few hens alive. Anything we can do to help the hen survive is probably worth doing in face of decline. Not compelling enough to eliminate revenue source and upset hunters, maybe not a lot, but enough and may not be worthwhile. If we approve as amended and decide we still need to do something different how soon can this be reconsidered? In time for next season or five years or what? Fricke – Current recommendation would be to put it in place for next season, starting October 2020. Like other big game regulations, it is revisited every year. We do have AHS to help inform those decisions and if, for example, we were to stick strictly with that if in effect for one year, stuck to that it would be for two consecutive years, potentially 2022 or 2023 and recommendation for 2024. Chairman Lauber – Review this every year. Chris, make sure I am doing this properly. I would like to have 115-25-5 moved and seconded, then pass the amendment and then vote on the regulation with amendment. Tymeson – Close.

Commissioner Aaron Rider moved to bring forth KAR 115-25-5 as presented to the Commission. Commissioner Warren Gfeller second.

Tymeson – Now you have to bring the amendment before the commission. *Discussion on procedure.*

Commissioner Gary Hayzlett moved to bring proposed amendment before the Commission. Commissioner Emerick Cross second.

Commissioner Sporer – You are talking about shortening the season and also talking about moving boundaries? Tymeson – The amendment changes the number of permits offered. For the boundaries, the language that exists currently, it would strike at the bottom of first page “No permits shall be authorized in unit 3” and change it to unlimited number of permits in Unit 3. That changes it back to open those units back up to hunt. Commissioner Sporer – Really it is just about the days. Chairman Lauber – About the days and same as it was this current year but shortened to a 41-day season. Tymeson – Correct. Commissioner Sporer – I was prepared to vote

with staff recommendations, but I guess the shortened season is a partnering effort. Chairman Lauber – From my perspective, yes. Fricke – Is amendment for statewide, not just recommended units? Chairman Lauber – Yes. Commissioner Rider – Does that mess with Unit 4, closed as it always has been. Fricke – No, because Unit 4 is closed in the fall.

Don Erbert, Iola – I am Kansas state chapter president for NWTF. Turkey hunting for 40 years, business guy and leader for NWTF and I let experts lead you in what you need to do. What I am hearing is questions, like the one from Mr. Cross. I see a lot of turkeys because I go out where they are. Turkey numbers in eastern half of state are plummeting. I have conversed with Jim Pitman, Jared McJunkin and Dr. James Earl Kennamer who explained to me why these numbers are plummeting. It is not all due to hunting, it has to do with weather, and we have to figure out how to stop it. Four times a year visit with Mr. Fricke, he is eloquent and has done his job and yet the last few years when he comes to recommend the fall season you have turned it down.

The numbers keep dropping so whatever you are voting on apparently isn't working. I recommend you follow what biologists are telling you because they know what is going on, the most intelligent thing you can do is listen to the experts, they study it and know what is going on. I have visited with Kent, Jim, Jared, Dr. Kennamer. What they are telling you is correct.

Chairman Lauber, you have thrown a lot of stuff out here, saying that what is recommended won't do certain things, what are you basing that on? Chairman Lauber – I base it on that I don't think the turkey numbers are plummeting. The last four years we voted against the experts but that is not why the turkey numbers are down, we haven't harvested enough hens in last four years to make a difference and I am not sure AHS is something that is used by any other states, so consequently I don't know if it is the best expert matrix to use. What we had tonight was recommendations to encumber and restrict harvest. Erbert – what are you basing that on?

Chairman Lauber – What I consider some common sense and my best judgement. Erbert – I have common sense and good judgement, but I listen to these guys because they are the ones you need to be listening to. On AHS, I sent you a letter and you understand our position. You keep turning them down and numbers keep going down. Chairman Lauber – I don't think numbers are going down because we had a fall season. Are you saying that? Erbert – I'm saying they won't recover with a fall season; they are telling you it will help, and I think you need to listen to them.

Jim Pitman, Biologist with NWTF – Reiterate what Erbert is trying to tell you. We support the staff recommendations in full. We appreciate the commission's willingness to approve part of that with dropping spring permits from two to one. We believe the fall season is the more important portion of that recommendation. As turkey populations have, or any game species, has declined the importance of the females and reproductive output potential they provide becomes more and more important. I disagree with that the Chairman has said about 400 birds being insignificant. When there are hundreds of thousands of turkeys out there that is true but when numbers are really low the production of those 400 hens and potential to produce is very substantial. Over time there is a cumulative effect, so those 400 birds over a couple of good productivity could turn into a lot of turkeys in a few years. NWTF is opposed to the amendment that is being recommended for a couple of reasons. First of all, shortened season don't have that much of an impact on harvest and impact they do have is difficult to predict; for a manager in Kent's position makes it difficult for him to manage the population. Secondly, we don't support that shortened season is a statewide recommendation. There is no reason why you would want to limit opportunities in north central and northwest Kansas where the population is still doing relatively well. We don't support taking away that opportunity. Commissioner Gfeller – How do you feel about eliminating taking of hens in fall harvest? Pitman – The hens are the most

substantial force of that fall harvest in terms of population control so if you were going to do something intermediate that would be a better position than shortening the season. However, not particularly supportive of that either; support department recommendation in full or do nothing at all. Commissioner Gfeller – Represent a lot of turkey hunters. How do you think they will react to elimination of the fall season? Pitman – Some will be upset, but majority are supportive of staff recommendation. They recognize there is a problem and recognize part of the solution is keeping as many hens as possible on the landscape to maximize productivity. Chairman Lauber – Jim, you wrote AHS, how many other states use that? Pitman – It was based off of Michigan, but South Dakota, Arizona and Utah and have something, several states do something similar. There are several states now looking to Kansas as a model on how to manage turkey populations. I think the commission should stick with that AHS and see how it plays out in a few years. We recognize that 55 percent trigger may not be something the department would want to continue to use in the future, but the ultimate goal is stabilizing turkey population. Once you get to that point then the department can start looking at whether that trigger could be adjusted or not. We have every confidence in Kent and the turkey committee will do that. We are not concerned about losing fall season forever, most concerned about stabilizing the population and we think the staff recommendation in full is the best way to do that.

Commissioner Sporer – I want to go back to the money, by getting rid of the game tags we will lose \$243,000? Tymeson – That is spring season. Commissioner Sporer – What are we going to lose in eliminating fall season? Commissioner Rider - \$82,000 and \$5.3 million from Kansas overall economy. Commissioner Sporer – I keep thinking about quail hunters and that population has been horrible, but we still maintain quail and pheasants and it just goes back to habitat.

Erbert – Different bird though. Chairman Lauber – The one thing that Jim says that does make a point; my theory was to just shorten the season statewide because of those areas. Shortening the season is going to reduce incidental take of fall birds and I think if 35 percent of the birds are taken in the first 40 days of season, I don't think that will go up much. We will bring this up again next year and have same recommendation. I think we will see less hens harvested as a result of 40-day season and apparently that is what we want, less hens harvested. Appreciate things Jim and others have said, one vote but go back to see if this passes. The amendment is before you with a motion and a second. Commissioner Sill – Has this same recommendation to discontinue the fall season come up the past several years? Declined every year? Fricke – In 2015, according to the strategy we went from potential to buy four turkey tags in the fall down to one. The subsequent recommendations after continued declines from that, was to suspend fall season. Commissioner Sill – You have brought that to the commission several years in a row now?

Fricke – Yes. Commissioner Gfeller – Is there any possibility we could consider eliminating hens from fall harvest? Chairman Lauber – We could, but I would like to see if shortened season makes any difference. Commissioner Sporer – The reason the hens are available in fall is because upland game guys shoot them? Fricke – I don't think so, traditionally. Commissioner Sporer – You can't tell if it is a tom? Chairman Lauber – I think the poult, which may be male or female, may not be identifiable yet, so any poult harvested as a hen, half of them by be toms. Big birds are not as responsive to calls as little one is the group. Commissioner Rider – I would like to see hens not taken. Chairman Lauber – That is not how this amendment is. Commissioner Gfeller – Depending on the outcome of the vote on the amendment, how long would it take to reconsider a different approach? Chairman Lauber – Six months to a year. Tymeson – It depends on what we are talking about. All of the things we talked about is a logical outgrowth of the discussion, so it has been discussed previously about hens, while we don't have a written

amendment, which is the preferable method, we could have an amendment on the regulation to eliminate hens, if that was the case. Could be offered tonight.

The roll call vote on to approve proposed amendment was as follows (Exhibit QQ):

Commissioner Cross	Yes
Commissioner Gfeller	No
Commissioner Hayzlett	Yes
Commissioner Rider	Yes
Commissioner Sill	Yes
Commissioner Sporer	Yes
Commissioner Lauber	Yes

The proposed amendment as presented on KAR 115-25-5 passed 6-1.

Tymeson- Discussion about elimination of hens, now would be the appropriate time to discuss that and it would need a motion and a second. Commissioner Gfeller – I thought we had to defeat that one? Tymeson – The shortened season is now part of the regulation. Now if there is an additional amendment it could occur at this point. Commissioner Gfeller – I represent a unit that is not going to be affected by this, but it is a statewide issue. If it is possible to offer an amendment to eliminate hens from fall harvest I would like to propose that. Tymeson – On a statewide basis? Commissioner Gfeller – Yes.

Commissioner Warren Gfeller moved to bring second amendment to hunt bearded turkeys only in Units 3, 5 and 6 before the Commission. Commissioner Aaron Rider second.

Stacy Hoeme – At one time we didn't have birds on Pyramid Ranch; they brought in 14 birds, 4 jakes and 10 hens, and in three years we had over 120 birds, but zero ten years before that. Now the numbers have dropped to about 30 birds, but more birds in other parts of the county that probably came off that area. The hens are worth protecting.

Pitman – Why proposal to reduce hen harvest and shorten season in north central and northwest where turkey populations are doing relatively well? You are just taking away opportunity.

Commissioner Sporer – I represent the northwest and I talked to numerous turkey hunters that don't fall turkey hunt and no one cared about a fall turkey season. Pitman – There are several that do you just haven't run into them. To reduce their opportunity is unfair. Commissioner Sporer – From those I did, fall turkey season not that important. Pitman – Less important than spring season but those that do fall hunt, like the Chairman, it is very important. I urge you to not reduce opportunity. Commissioner Gfeller – If reading graphs right, there is a decline in all units just not as severe in some? Fricke – Correct. And we haven't hit those triggers in terms of AHS within those two units. That is getting away from unit-by-unit management, which has been the goal of turkey management in Kansas for quite a while. Commissioner Sporer – Kent, would you say turkey numbers are down in northwest Kansas, so you don't have the hunters harvesting?

Fricke – We don't have level of harvest for sure. As we move into western Kansas we get into a little bit more than ideal situation, in terms of populations in western Kansas moderated more by weather, which historically was statewide, especially in eastern portion and a little in central part, we haven't seen that moderation. In good years haven't seen the bounce back. Haven't seen big bounce back in western part of state either but not as many birds on the landscape to rebound.

We do see more cyclical population cycles in relation to weather. In eastern part we haven't seen that. Even regardless of the harvest strategy, we have concerns in eastern part of state, less concerns statewide, but don't see as much in the west. We don't have as many turkey hunters in spring or fall in the west, so harvest does diminish some. Chairman Lauber – If you are going to eliminate hens from the fall hunt, why not eliminate all together because tradition and culture behind the fall hunt is not taking toms. I think if you do that, you changed to point that fall turkey hunters hunt. It is something, but not the same. Erbert – Fall harvest is least resistance, basically zero. Chairman Lauber – Because not a lot of them. Commissioner Sporer – How many dollars is the fall tag? Tymeson - \$82,000 is what we estimated if we passed what was proposed. Chairman Lauber – We don't want to make our decisions based on the money. Commissioner Rider – Jim, you would be okay with harvesting hens in units 1 and 2? Pitman – Support AHS and staff recommendation (*could not hear all of his comments*). Commissioner Rider – In other units, hens are critical? Pitman – Correct. They recover at a much quicker rate in the west (*could not hear all of his comments*). Chairman Lauber – Due to hen harvest or weather? Pitman – It is both; weather....good reproductive years....stabilizing population (*could not hear all of his comments*). Chairman Lauber – We have a motion, an amendment, and another amendment, with second amendment not voted on. Commissioner Gfeller – If commission agrees with input I would amend to just units 3, 5 and 6. Commissioner Sporer – How does that complicate things? Tymeson – It is getting more complex, that is why it is always best to have written amendments. Commissioner Sporer – I like simplicity, don't like complicated regulations. Pitman – NWTF not in favor of hens only. Our preference is to accept full recommendation or no changes. Commissioner Gfeller – My thought was, not sure eliminating the season is the answer, eliminating hens from taking to me is an answer on the numbers. It might change the experience a little bit for a year or two if it works and then we can go back. We've got to do something. If staff believes this will stabilize populations, and I understand numbers well, not biology very well; if it is cumulative a little can become a lot at some point and I feel like we have to save the hens. Fricke – From staff standpoint, during last four years and as part of the strategy we don't have tom-only season as package because of complexity; we don't talk about shortened seasons, or one sex versus the other; we either have season in the unit or don't. Commissioner Rider – you are in agreement with Jim? Fricke – Yes, it goes back to original recommendation from staff, keep as a whole or eliminate it. Commissioner Sill – What if we suspend it, what are chances that season will come back in those units 2, 3 or 4 years down the road? Fricke – From my perspective as turkey biologist for the state and chair of state turkey committee; state biologists come together to discuss these things twice a year. As a committee we have heartburn on all of these things too and talk about this for days on end. The benefit of AHS is that it doesn't disappear but moves one notch down and have potential to move one notch back up. We continue to look at thresholds and triggers that help us decide when and how to move through those steps, but it stays on rung of seven different options we have to work from. Chairman Lauber – From practical standpoint, once season is suspended or eliminated, it is difficult to move bureaucratic system to get it back. Fricke – I believe it is the same process we are following right now. Chairman Lauber – Except staff wouldn't recommend it, don't see it ever being included again. Fricke – As biologist for the state I would not rule that out. Chairman Lauber – We have an amendment, one that Jim says he wouldn't support, he wants all of the staff recommendation or none of it. We have to get the second amendment on or off the table.

The roll call vote on to approve second amendment was as follows (Exhibit QQ):

Commissioner Cross	No
Commissioner Gfeller	Yes
Commissioner Hayzlett	No
Commissioner Rider	No
Commissioner Sill	Yes
Commissioner Sporer	Yes
Commissioner Lauber	No

The second amendment as presented on KAR 115-25-5 failed 3-4.

Chairman Lauber – Now we have a motion and the original written amendment with a shortened season and brought back fall season in those three units. Tymeson – Voting on regulation as amended.

The roll call vote on to approve KAR 115-25-5 as amended was as follows (Exhibit QQ):

Commissioner Cross	Yes
Commissioner Gfeller	Yes
Commissioner Hayzlett	Yes
Commissioner Rider	Yes
Commissioner Sill	No
Commissioner Sporer	Yes
Commissioner Lauber	Yes

The motion as presented on KAR 115-25-5 passed 6-1.

12. KAR 115-18-6a. Motor vehicle permits; school exemption for state parks and other areas requiring motor vehicle permits – Linda Lanterman, Parks Division director, presented this regulation to the Commission (Exhibit RR). Allow school districts to come in without requirement of park pass or vehicle permits. We have fishing tournaments and days when kids come out for fun day and we want to accommodate them. For private schools we will do those the same but through a special event form. Want to make this clean for law enforcement and let schools know we want them out there.

Commissioner Lauren Sill moved to approve KAR 115-18-6a as presented to the Commission. Commissioner Warren Gfeller second.

The roll call vote on to approve was as follows (Exhibit SS):

Commissioner Cross	Yes
Commissioner Gfeller	Yes
Commissioner Hayzlett	Yes
Commissioner Rider	Yes
Commissioner Sill	Yes
Commissioner Sporer	Yes
Commissioner Lauber	Yes

The motion as presented on KAR 115-18-6a passed 7-0.

13. Free Park Entrance and Free Fishing Days by Secretary's Orders – Linda Lanterman, Parks Division director, presented this regulation to the Commission (Exhibit TT). Secretary's Resolution for free days for next year, one free day for all state parks - May 2, 2020 to kick off beginning of camping season; Let's Camp America is a national event. Also have opt outside, usually referred to as black Friday, we have fun events where we allow people to take photos in state parks and post them on social media and we do a drawing for cabin stays or something; to get people outside instead of shopping. Then we allow state parks all across state a free day in their own park for whatever event they have. Free fishing day, always first weekend in June, June 6 and 7.

No Vote Required.

XII. OLD BUSINESS

XIII. OTHER BUSINESS

A. Future Meeting Locations and Dates

January 9, 2020 – Iola, Riverside Park Community Building

March 26, 2020 – Topeka, Kansas Historical Society

April 23, 2020 – Hutchinson, Hutchinson Zoo

June 25, 2020 – New Strawn (Burlington), New Strawn Community Center

August 20, 2020 – Meet in Beloit, tour Ring Neck Ranch in morning as invited this afternoon

XIV. ADJOURNMENT

Adjourned at 8:25 pm.