

**KANSAS DEPARTMENT OF WILDLIFE AND PARKS
COMMISSION MEETING MINUTES FOR
Thursday, January 19, 2006
Cabela's, Kansas City**

Subject to
Commission
Approval

The following corrections were made at the March 16, 2006 meeting:

Commissioner Johnston – I have a correction, under KAR 115-25-5, second full page, add “P” in front of “can’t” and “quiet” instead of “quite”. Chairman Dykes – Correct spelling of “Hilderbrand”, not Hildebrand and George Taulman is spelled several different ways, (correct version is “Taulman”). Commissioner Wilson – “Janis Lee” correct spelling is “Janis” not “Janice”. Also, could you add page numbers to the briefing book or at least to the minutes. Commissioner Meyer moved to accept minutes as corrected, Commissioner Johnston second. All approved.

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

The January 19 meeting of the Kansas Department of Wildlife and Parks Commission was called to order by Chairman John Dykes at 1:32 p.m. at Cabela's in Kansas City. Commissioners Jim Harrington, Kelly Johnston, Gerald Lauber, Frank Meyer, Doug Sebelius and Shari Wilson were present.

II. INTRODUCTION OF COMMISSIONERS AND GUESTS

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

Chairman John Dykes presented a gift to Sheila Kemmis for her service to the Commission.

Keith Sexson explained that the Commissioner Permit System allowed one permit to any one organization with each chapter being a separate application. The Commission will issue seven permits, one elk, one antelope, and the remaining five could be deer; or all seven could be deer. As presented in the briefing book, we are recommending one any-elk permit (Fort Riley laws would apply); one antelope; five any deer and that would qualify as that person's permit for the year. Elk are an once-in-a-lifetime permit. In the case of antelope and deer, the Commissioner Permit would count as the holder's permit for the year. Organizations drawing permits pay the highest value of the permit to KDWP and then can dispose of the permit by any legal means (i.e. raffle or auction). If Farmers and Hunters Feeding the Hungry (FHFH) is successful in the drawing, 15 percent of what the organization makes on the resale of the permit must come back to be used on department projects, according to the statute. Other conservation organizations must return 85 percent of the proceeds for department projects. Each Commissioner drew a number which coincided with an application for the Commissioner permits. Successful applicants were:

Chairman Dykes – Kansas Friends of NRA, Greenwood Chapter (Deer Permit)

Commissioner Harrington – Rocky Mountain Elk Foundation, Wichita Chapter (Elk Permit)
Commissioner Johnston – Kansas Friends of NRA, Nemaha Valley Chapter (Deer Permit)
Commissioner Lauber – Rocky Mountain Elk Foundation, Greater Kansas City (Deer Permit)
Commissioner Meyer – Ducks Unlimited, South Central Kansas (Deer Permit)
Commissioner Sebelius – Quail Forever, State Chapter (Deer Permit)
Commissioner Wilson – Kansas Friends of NRA, Flint Hills Chapter (Deer Permit)

Six deer and one elk permit were awarded, giving every group either its first or second choice.

III. ADDITIONS AND DELETIONS TO AGENDA ITEMS

Added a correction to past Secretary's Order on fishing to be discussed at the beginning of the evening session under Secretary's Remarks section.

IV. APPROVAL OF THE October 20, 2005 MEETING MINUTES

Commissioner Wilson moved to accept minutes, Commissioner Lauber second. **All approved.** (Minutes - Exhibit B).

V. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

None

VI. DEPARTMENT REPORT

A. Secretary's Remarks

Keith Sexson, Assistant Secretary of Operations, announced that a preliminary positive test for chronic wasting disease (CWD) was received yesterday. The sample was taken from an adult whitetail doe killed in Unit 1. Staff is trying to pinpoint the exact site and to contact the hunter. Nebraska, Colorado and Wyoming have been dealing with CWD for a long time and it was expected to eventually show up in northwest Kansas. The sample has been forwarded to APHIS lab in Iowa for verification within the next week. While this a first for Kansas, it's not too surprising since 10 other states have CWD. Bob Mathews, Chief of Education Section, will be the point of communication for all inquiries. I do want to emphasize that this is a preliminary test.

1. 2006 Legislation – Chris Tymeson, Chief Legal Counsel, presented this report to the Commission. We have started the 2006 legislative session and there are several bills left over from last year that we are still keeping an eye on as well as some new bills that have already been introduced. The department is requesting the introduction of only one new bill this session and that deals with boating. That is the same bill that died on the House side last year. I requested introduction this morning and we should be seeing that bill draft out soon. The list of bills that the department still supports or opposes is:
SB 87 – Is the \$4 registration recreation fee, attached to motor vehicle registrations to fund State Parks and the Local Outdoor Recreation Grant Program, is still in the Senate, but has been referred to the Senate Ways and Means Committee, off the calendar.

SB 228, which the department opposed – Dealt with the release of water from Cedar Bluff Reservoir. I don't anticipate any movement this session.

SB 395 (came out in calendar this morning) – Deals with hunting and fishing licenses for disabled veterans which would allow them not to have a license and it would give a motor vehicle entrance permit to any member of the military for state parks.

HB 2115 – Repeal of archery management units for deer. There was a hearing last year in the Senate Natural Resources Committee where that bill remains.

HB 2122 – Deals with misdemeanor threshold for certain crimes (like theft) and we have one statute that has that misdemeanor threshold in there and this raises it from \$500 to \$1,000 and there is a corresponding increase in the dollar values assigned to wildlife; remains in Conference Committee where it went last year, after being amended.

HB 2210 – Exemption from hunter education for certain current or former members of the Armed Forces, the department opposes this bill, but it is set for a hearing this Wednesday in Wildlife, Parks and Tourism Committee at 3:30 pm.

HB 2226 – Land acquisition restrictions, has fairly onerous restrictions on the department's ability to acquire land by gift of lease or purchase and the department is going to continue to oppose that bill.

HB 2393 – Also deals with the controlled water from Cedar Bluff Reservoir, it is a corresponding bill to the Senate bill and we don't anticipate any movement this year.

HB 2459 – Transfer of an antelope permit by a landowner or tenant to a resident or nonresident. The department opposed this bill last year, but it did have a hearing in the Wildlife, Parks and Tourism Committee.

HB 2517 (introduced late in the session last year) – Farm and ranch land protection, which is essentially a Conservation Easement bill. There has been a new version introduced this year, HB 2556 this year and the department is going to support that bill.

HB 2558 – Deals with encroachment districts and essentially protects military lands, state park lands, and wildlife lands. If you want an additional explanation, Amy has been following that bill and has done the legal analysis on that and will be happy to answer any questions you might have. It does have a hearing at 3:30 this afternoon and possible action next week.

HB 2561 – Deals with the appointment of Commissioners. It would terminate each Commissioner's appointment as of July 1 and require the reappointment of Commissioners with staggered terms and specific geographic locations. The bill is not drafted very well and there are a couple of things that are unclear and the department is going to oppose the bill.

There are some other potential topics that we have not heard bill introductions on yet: wild hogs; Deer Management Working Group concepts (which Mike Miller will talk about later today and we are going to present to the Wildlife, Parks and Tourism Committee on February 1 and the Senate Natural Resources Committee on February 2); naming Park 24 (now that we have the land donation); a spotlighting bill; Circle K Ranch; and an amendment to an enforcement statute that deals with shooting from a trailer.

Commissioner Wilson – Talk a little bit more about SB 395 which would essentially allow members of the military to enter State Parks with a Kansas license tag, is that correct? Tymeson – It would give free hunting and fishing licenses to disabled veterans and would allow any member of the military a free vehicle entrance pass to State Parks, and it is not limited to just Kansas residents who are in the military so it could have broad impact. It is not limited to the

National Guard or the Reserves. As you recall we have a program where State General Fund (SGF) is provided to the agency and we are allowed to issue permits to members of the Kansas National Guard. Commissioner Wilson – I am wondering if there are funds attached to this that will reimburse the department for those potential losses? Tymeson – I didn't see anything initially in my first run through the bill.

Chairman Dykes – Will the department be posting a listing of these bills on the website with a brief summary of what they are about and the progress being made? Tymeson – Yes, in similar fashion to what we did in previous years. Because of timing of the session I didn't have a briefing book item for you, but it is not completely updated yet since the session just started.

2. FY 2007 Budget - Dick Koerth, Assistant Secretary of Administration, presented this report to the Commission (Exhibit C). The department's recommendation from the governor's FY 2006 budget report was approximately \$60.2 million of which \$18 million was capital improvements. As in prior years the department has a large roll-over of unfinished capital improvement projects and this shows that; normally our capital improvements are about \$5 - \$6 million a year. The Governor's Budget Report (GBR) does delete approximately \$188,000 for salary shrinkage of which \$55,000 was State General Fund (SGF). Our capital improvements including the "rolled-over" projects: \$404,000 from the Wildlife Fee Fund to repair the dam at Leavenworth SFL; and \$500,000 for debt service on the new campground at Tuttle Creek State Park financed with a loan from the state to be repaid with federal mitigation funds from the U.S. Army Corps of Engineers. For FY 2007 the GBR is recommending \$48.3 million, with \$5.2 million for capital improvements. We are authorized a total of 407.5 positions, an increase of 1.0 from prior fiscal years. The State General Fund (SGF) appropriation is \$3.6 million and includes continuation of the National Guard program Chris mentioned earlier. The major item in the FY 2007 GBR is a recommendation to partially finance operations of the Parks Division with monies provided from the State Highway Fund for road maintenance. As discussed previously, for FY 2006 the budget includes \$300,000 from the road fund, transferred from the State Highway Fund, to fund park operations in addition to using bridge money in FY 2006. For FY 2007, the Governor has included an amount of \$1 million in addition to the \$1.5 million that we have received for a number of years for road improvements at our facilities. This is not intended as a long-term method of financing the state parks, but is a temporary solution until an appropriate long-term funding source can be determined. The proposal considered during the 2005 Legislative session to provide a long-term funding source for the state parks is not being considered at this time. As Chris mentioned Senate Bill 87 is being referred back to the Senate Ways and Means Committee. The FY 2007 GBR has numerous recommendations to enhance KDWP and its employees: a 2.5 percent COLA is included for all employees, in addition there is an adjustment for our maintenance people statewide, called a trades adjustment for plumbers, electricians, etc., who are falling behind the normal pay for those kinds of positions in the private sector; \$65,000 SGF is included for 1.0 FTE for operations at the Prairie Spirit Rail Trail, stage III which is now being worked on and will be completed next year; the annual payment of \$120,000 to the Almena Irrigation District to maintain recreational opportunities at Sebelius Reservoir will be financed from the State Water Plan Fund rather than agency special revenue funds (the first two years of this payment came out of the wildlife fee fund, boat fee fund and park fee fund, but will come out of the State Water Plan fund for FY 2007); replacement backhoe; \$300,000 for expansion of the WIHA program; STWD buoy plan; urban fisheries/genetic fisheries management; Archery in the Schools, a new program Keith will talk about later; increase of \$250,000 in Land Acquisition funds to continue our efforts to provide

more public access; and another payment on the Tuttle Creek Mitigation. The FY 2007 GBR does include budget for replacement vehicles. The state had a two year moratorium on replacement of vehicles and on November 1 we started replacing vehicles. There is a catch 22 here though, we have the funds to replace vehicles, but the Governor wants us to reduce the size of our fleet by 25 vehicles in the current year (this is statewide, not just us). The FY 2007 GBR provides for \$5.2 million for capital improvements for continuation of ongoing programs with an increase in land acquisition. The agency has a hearing next week in front of the Sub-Committee on Appropriations to discuss various issues of concern to that Sub-Committee and then on February 7 we have our budget hearing with that same Sub-Committee.

Chairman Dykes – Where is the new position? Koerth – At Prairie Spirit Rail Trail, part of the Parks Department to help Trent down there. It is just too big for one person. Chairman Dykes – Will removing 25 vehicles hurt the agency? Koerth – Depends on who you talk to, but the Governor has made an effort to reduce the size of the state fleet, for all agencies, not just us.

Commissioner Johnston – On the \$300,000 for WIHA expansion, is that expanding the number of acres in the program or is that expanding the program in some other respect? Koerth – It will expand the number of acres and get more urban acres. It is a combination of expanding acres and addressing needs in urban areas which will cost more.

Chairman Dykes – Is there a budget item for the expansion of Walk-In Fishing? Koerth – That is part of the WIHA I think. Sexson – We will continue to enhance that program.

Commissioner Wilson – On the monies being provided from the State Highway Fund for road maintenance are to partially finance the parks division, are these monies being set aside for parks road maintenance within the parks or just road maintenance all over the state? Koerth –

Traditionally we have received an amount of \$1.5 million that is transferred from the State Highway Fund for road maintenance, primarily in state parks because we have more roads that we try to maintain than in our public land areas or hunting and fishing areas. We have also done road work at our fish hatcheries, but primarily it does go to state parks. Commissioner Wilson – So in essence we are taking road maintenance monies to fund state park operations? Koerth – Let me clarify that, we have received \$1.5 million for a number of years and we are still getting that, the \$1 million for FY 2007 is an addition to that to be used for park operations. Commissioner Wilson – My concern is that we are going to take so much out of our road maintenance just to operate the parks that eventually the roads will fall apart because we don't have any money for that. Koerth – That is a concern we have, but right now our primary issue is to maintain the parks at the level we currently have them. This is a short-term solution; there still is a need for long term funding. As you are aware the interim committee last summer asked us to come back with some alternatives for long term funding. The Sub-Committee we are going to meet with next week wants to discuss long term park funding, so there is an awareness in the legislature of the need to find some way of doing it, but they are not ready at this point to tackle SB 87 or any kind of dedicated fund like Missouri has.

Commissioner Meyer – A comment to the audience, if you would contact your legislator and tell them that borrowing from the future, like we have done for the last several years, is not a good idea. To say they are not raising taxes is borrowing from the future in a lot of other ways than just ours and it is going to have to be paid back, plus interest and that is not a good way to run a company or a state.

3. Status of Deer Task Force - Chairman Dykes – For today's purposes this is an overview of the work that the Task Force has done and is a report on the procedures they are going to

follow going forward to make these details available to the public and to solicit input from the public, at these Commission meetings and public meetings around the state. We are not going to open the floor to questions at this time, possibly a few questions from Commissioners.

Mike Miller, special assistant and Task Force Chairman presented this report to the Commission (Exhibit D). As Chris mentioned there was a Deer Task Force Committee assembled last fall at the request of the House's Wildlife, Parks, and Tourism Committee to examine our deer-related statutes and bring any recommendations for changes to them. The Task Force was assembled and then asked to look at ways to simplify regulations, maintain or improve hunting opportunities, protect the resource, and consider the long-term impacts of current programs and proposals. A ten-person group made up of KDWP personnel from all across the state began meeting last November and met almost weekly until early January. We identified some issues associated with deer hunting, management and permitting and also identified some possible solutions. We will provide a status report to the Legislature on February 1, and February 2, but we have asked that final recommendations not be made until the 2007 legislative session and that is also when we would bring any regulatory recommendations after it goes through Administration. These changes would not occur until 2007. We are beginning a process right now to gain as much public input as we can on these issues. We will use the agency's website, a comment option on one of our news releases, a blog site, Commission meeting public forum and we also will set up public meetings across the state. We have already started; there was an article in last Sunday's Wichita Eagle with my email and phone number included and I have gotten about 21 emails and about 10 phone calls so I am starting the process of gathering information. The Task Force members were concerned about distribution and how to obtain permits. One of the most common complaints that members have heard over the years were problems with the transferable permit program. As we discussed that we began looking at supply and demand of nonresident permits and in some of the eastern units we were meeting or exceeding demand. So we began some cautious discussion about our caps on nonresident permits. If there were areas where we could remove those caps, it would make transferable permits unnecessary. There was concern about units in western Kansas where deer resources are much more limited and the Task Force favored a more conservative approach. Conserving the deer resource, especially mule deer was a prominent discussion item. The group favors allocations of white-tailed antlerless permits adjusted by the 19 management units as we currently do, but they also favored the any-deer permit, which is in place right now in the mule deer units. Currently about 50 percent of the Any Deer permit holders take whitetails. That would be a limited draw permit for those units. Other topics that need further discussion, as far as the resource, include animal health issues on domestic cervid operations and private deer farm hunting operations. That is something that the agency and the Commission has not been very involved with and there is some concern about how these operations are administered and what types of safeguards there are. Growing the deer hunting tradition is a priority, and restrictions, complexity and limitations has probably kept the Kansas deer hunting tradition from growing to its potential. We want to provide better hunting opportunities and find out what our hunters want. One idea that has been kicked around over the years has been an any-season whitetail permit. We talked about half price youth permits across the board. Removing some of the complexity of applying for a permit, consolidation of some of our management units has been discussed. One idea would be for whitetail hunting to have two units, east and west which would provide hunters greater latitude to explore new areas. For mule deer management we would propose two units in the western part of the state, for any deer permit distribution and a third permit option, which would be an archery-only statewide any deer permit. Reducing the layers of the types of permits could also make the permitting process a little

easier to understand and we thought we could do a little better job of explaining our permit types. Better opportunities can be obtained with input from our hunters maybe by timing of the seasons. One of the things discussed was moving the muzzleloader season to start late in September. No changes in firearms or archery permit seasons is being discussed at this time. Recommend keeping 19 units for white-tailed antlerless season. After responding to the legislature February 1, we will respond to direction given and put as much information out as we can through our webpage, through our blog site and accept as much input as we can and then begin to put together public meetings. We have a long road ahead, but hope to have recommendations by late 2006 and to the legislature by the beginning of the 2007 session. Commissioner Wilson – Would you send all of us a copy of the report being presented February 1 and also let us know when public meetings will be held and where.

Commissioner Lauber – Do transferable permits get triggered only if there is not enough permits available for nonresidents? If demand was met with the drawing under the current status there would still be transferable permits available? Mike Miller – We have about 254 left over in the eastern half of the state this year. 50 percent are set aside for landowner transferables and 50 percent for nonresidents. Commissioner Lauber – The purpose of the transferable permits was to meet what was perceived as a shortage of nonresident permits right? Miller – No, it was to give landowners an opportunity to apply for and receive those permits and then resell them. It didn't have any impact on our total number of permits. That was done by statute and right now 16 percent of what we sell to residents is available to nonresidents in each unit for firearms tags and 50 percent of those are set aside for nonresident transferables. Commissioner Lauber – Do you know how many transferable permits remained untransferred at the end of the season? Miller – 600. Chairman Dykes – How many total? Miller – We had a little over 10,000 nonresident permits, and half of those were transferable.

4. Free Park Entrance Days and Free Fishing Days

Secretary Hayden presented this report to the Commission (Exhibit E) – In the past we have always done uniform days statewide for park entrance, but last year, because of the centennial, each Park had different days and they requested that again for this year since that was so successful. Those dates are listed on the resolution. Chairman Dykes – But the free fishing days well be June 3 and 4, 2006 and the last date for park entrance is November 4. ***All Commissioners approved.***

B. General Discussion

1. Electronic Licenses and Permits - System Update – Keith Sexson – I have to publicly say that we are getting through the knot hole and it will be great when this is completely in place. I want to take this opportunity to thank Karen and her staff for working night and day, seven days a week, for getting the system up and running, dealing with the public and for holding it all together.

Karen Beard, Chief of Licensing, Administrative Services Division, presented this report to the Commission (Exhibit F). Went online with our internet and phone sales in June 2005 live with our WebPOS vendors in August 2005, and live with full POS vendors in September 2005. Some of the problems we have had with the system was the delayed implementation schedule of different pieces of equipment and different vendors coming on at different times. Some of the other problems with the system is a halt or delay in sales for specific privileges. We had

controlled shooting area licenses go down on us right during peak sales. We had nonresident bobcat tags go down right before the first of the year. We sold absolutely no deer, no big game, and no doe tags the first day and a half of the January season. We also had fall turkey permits go down right after the big game permits went off sale. The system is just full of tables, the back end and front end are full of tables and if there is a wrong setting on either end, or the front end doesn't agree with the back end, it is going to result in a failed transaction or the privilege won't even be available for sale. Any time we do a major roll with specific dates there is a possibility that there is going to be a complication in a table. It is fairly easy to fix and I can fix the back end if I know the problem is there, but ALS has to fix the front end. If you hear of sales going down, hopefully the 1-800 Help Desk can help, and if they can't fix it they are to contact the state or Central Bank and we will fix the problem quickly. We are having problems with people giving their social security numbers, and I am sure we haven't heard the end of that. We have 160,000 customers in our database so far. I did a report showing the top 20 vendors as of June 2005 and a couple of other quick reports to show some of the other reports possible. We could use this as a marketing initiative, for informational brochures rather than doing mass marketing to their homes. I did a quick report on ACHs, another major advantage to our system, we cut off sales Sunday at midnight, and transfer the money to the bank on Thursday. We had a couple \$1 million weeks. We not only know who our customers are, but we can track their buying trends. As the schedule continues, we will be rolling out spring turkey applications this week. You will now be able to apply for all draw permits over the internet and in February, spring turkey permits. We are ready now with WebPOS, but POS is lagging behind in schedule again so we decided not to roll part of the vendors again. Continue to test the rest of the big game apps and draws. We have a couple of change orders in for the Bank to change for us, one of them is an enhancement to the back end in reporting procedures for our offices and another is for our sandhill crane permits and the online test requirement, which is being set up similar to hunter education requirement, the system will ask for the number you are given when you take the test before a permit can be issued. This will be a required field.

Commissioner Johnston – Have you been able to determine whether compared to 2004, if there was a drop off in numbers of permits sold in any particular classification? Karen – No, for deer permits and such, in fact we were up. We were down on (antlerless) deer tag sales, but that was because of the buck tag requirement.

Commissioner Wilson – I have had a couple of calls from people who were concerned with the style of the new deer tags and that they are difficult to attach to the deer compared to the old ones. Have you received any complaints about attaching the tags? Beard – I haven't. I have had complaints about the small printing. Commissioner Wilson – Apparently you have to carry something with you to attach the tag and this person was concerned that people would not do that or the tag would fall off. Beard – We started last year with our first tie on tags and we had trouble with that material, they would come off, but this is a lot more durable material, but I had not heard that this year. The other states that are automated use this type of material.

Secretary Hayden – When we changed over, the old system had self adhesive and that is impossible over the internet. It is true that it is more awkward and it is true that you have to have something to attach it, but the tags themselves are quite durable. If you print out at home on your own printer with your own paper, it is best to put it in a plastic bag or something like that.

Commissioner Johnston – Is there any plan to make the tags a little more legible next year. Beard – Bigger printing? Commissioner Johnston – Yes. Beard – We could look at that. We already don't print season information. It is the bare minimum, sign here and the legal stuff. I would need to get law enforcement involved and look and see what is on there so that we can increase

that font size. Commissioner Johnston – Maybe change part of the font, not all of it, so you don't have to get a flashlight out in low light conditions to figure out which is which. There might be another way to do that rather than changing the font size. I had trouble reading them. Beard – I will work on that.

Commissioner Wilson – When we met in October you were getting ready to go to a meeting with our vendor to discuss some of the issues that had happened with the roll out and the delay. I am just wondering if that was all resolved to your satisfaction as far as the department is concerned?

Secretary Hayden – Karen, Keith and Doug did a real good job on that. What we did was got an agreement from the vendor and their subcontractor to pay the department \$20,000 in cash and another \$30,000 in future credits because of their tardiness. As Karen said about 95 percent of everything is up and running good and we did collect the penalty from them.

Ken Corbet – On the social security number is that by law or by statute? Beard – We are federally mandated to collect that because of the Social Reform Act of 1996 and we didn't fall under that statute until we automated.

2. Video Presentation on PWT Championship and Partnering for Success at Kansas Lakes - Rick Dykstra, Geary County Convention and Visitors Bureau (CVB). Brought in structures from Memphis, TN and put in the parking lot at Milford with help of Flint Hills Job Corps. (Showed video).

Brad Meyers, U.S. Army Corps of Engineers presented this report to the Commission – Transferred over to Missouri recently, but care about Kansas outdoors and still bleed K-State purple. I want to talk about how to enhance and promote outdoor recreation opportunities. Kansas has some great fisheries that the rest of the country doesn't know about and Kansas lakes are a great way to get tourism. Unfortunately the Corps of Engineers, like everyone else, has been faced with limited budgets. I would like to share some ideas that we have done at Milford Lake over the last 10 or 15 years on ways to stretch those dollars and resources. Some partnering ideas: Section 1135 wetland project, the Milford Wetland was a \$4-\$5 million project that was developed over the past 10 years or so, started working on that actually about 15 years ago and the construction part is just about complete, but we still have the access and development of the recreation opportunities associated with wetlands to do. There are a lot of other informal partnerships and one of my favorite was the family fishing project. Below the dam is 110 acre lake and that lake had very limited access to it, but we had 13 partners come together and develop that into a great recreational fisheries down there. We built fishing piers and jetties for easy access. ORB (bike) areas give people a place to go. Use volunteers for all kinds of projects out at the lake. Trail development has been a fantastic success story and now we have a 20-plus-mile interconnecting trail system that was mostly done through partnerships and volunteers. Other things include: a physically challenged deer hunt; eagle programs; Eco-Meets (which is a high school program where high schools compete against other schools for scholarships); and Kansas birding festival. Promotion is a great way to get the word out. We partner at boat shows, and fishing tournaments is a great way to get the word out and this program was shown nationwide. Have a combined lake map available; Corps, State, Milford Lake Association and Geary County CVB were all producing maps of their own and they came together and produced a map that is cheaper because of the quantities. One of the new things I have learned since going to Missouri is that Missouri Department of Conservation is working together with Corps on an area at Palmyra Lake. (Handouts – Exhibit G).

Rick Dykstra – Passion for Kansas, need to do a better job within our state to advertise the outdoors. Thank Parks Division for understanding tourism and thank Secretary for allowing KDWP to attend trade shows, hope Becky Blake, new head of Travel and Tourism, will see the value in attending trade shows. We have had a 27 percent increase in our transient guest tax in our area and there is no doubt that this is due to the outdoors. In 2005, hosted Cabela's King Kat National; have convinced K-State University into doing a fishing tournament of their own for scholarships. Bass folks from Florida called me last year and told me they wanted to bring two tournaments to Milford Lake, there are now three lakes in Kansas that they come to. Encourage KDWP to be creative and actively seek partnerships to better outdoors of Kansas. Kansas Bass Chapter Federation has most of their tournaments out of state and we need to be a little more creative and keep them here. In 2007, we will host national catfish championship for Cabela's, the King Kat Regional Qualifier, KSU Tournament, Wildscape Tournament, Make-A-Wish Tournament and the ESPN Bass Master Series and all of those fish go back in the lake. Kansas has more Corps lakes than most other states. According to Travel Industry of America (TIA), camping is the number one activity out there and we need to support our state parks. Please support the Senate bill because we can not afford to not have state parks.

3. Wyandotte County Projects – Commissioner Shari Wilson thanked everyone for coming to Wyandotte County and all who attended the tour this morning. Very urban county and growing like wildfire. If you step outside of Cabela's you will see change every day. Wyandotte County had 53 parks and all of them are small and with their own challenges. There is a new park at the confluence of Kansas and Missouri rivers at Kaw Point. Getting ready to do another phase of construction on that park. One of the only places in the metro area where you can see the confluence and actually put your toe in the water, if you are brave enough. Appreciate department's partnership in stocking some of our lakes. Held first Eco-Meet at Wyandotte County Park and seven high schools competed. Students learned a lot and the potential for that to grow is very good. Hope you all will come back.

4. River Access Update - Keith Sexson, Assistant Secretary for Operations – Have a couple of PowerPoint presentations. Tom Swan will talk about Arkansas (Ark) River and Roger Wolfe will talk about Missouri/Kansas (Kaw) River projects.

Tom Swan, Region 4 Fish and Wildlife regional supervisor – Toured a couple of sites on the Kansas River this morning. (PowerPoint Presentation – Exhibit H) - Arkansas River is one of the few navigable rivers in Kansas (open to public from shore to shore), heads up about Leadville, Colorado and courses about 415 miles through Colorado, Kansas, Oklahoma and Arkansas and enters the Mississippi River about 50 miles north of the Louisiana border. Arkansas River bed enters Kansas near Coolidge, in western Kansas, but the water doesn't show up until the middle of the state somewhere. Somewhere in the vicinity of Raymond we start picking up water that would float a canoe, most of the year. From there it is about 150 miles of river to the Oklahoma border. In Kansas it drops about 4.6 feet per mile, which isn't too bad. (Showed pictures of river in different areas - Rice County, below Lincoln Street dam in Wichita). As far as official public access there isn't too much. There are six access sites in Rice County that partnered with County Commission and are all at bridges, all county except one state bridge. The sites are not marked very well, but are public. Other access points include two official sites in Wichita – one ramp behind Gander Mountain and the second one was just completed in 2004 at Garvey Park, about \$300,000 worth, flush toilets and paved parking lot, but no boat ramp. Has a switch back trail

down to the river, but getting down there is a little steep. It is a nice site, but obscure, no signs, so it is hidden in there. There are a few sites along the river that the City owns that you can get a boat in, but they are not really official sites. The next official one is at Oxford, north of the old mill on Hwy 160, which was a rest area turned over to the City and it has an upper/lower level with flush toilets and the lower level has an access road that gets to a boat ramp. It needs some work. Talked to them about getting CFAP money to fix the ramp and get an access road. The last one in Kansas is at the Kaw Wildlife Area and is managed by our department and there is a boat ramp there. There are numerous unofficial access points along the river, bridges and from private land so there is a fair amount of recreation going on the river and once they are on the river they are legal. Our involvement in Region 4 was when the City of Wichita came to us about land they owned down on 71st Street South; 158 acres called the Arkansas River greenway, and they were talking about how they were going to develop that and we had some conversations about making that a river access site, more of a park type, wildlife, river access point. Ken McCloskey, district fisheries biologist for this area, has worked with the City of Wichita on urban fishing and asked how we could help and that is how we got involved. The greenway is straight west of Derby. The City of Wichita is pretty close to having a design plan done for river access at that spot. Wichita has been our key player. We put up \$30,000 and the City of Wichita put up \$30,000 and our intent was to do a study of that entire corridor from the Reno/Rice County line all the way to Oxford and get an actual plan for river access development along that entire stretch. Current participants include: Kansas Department of Wildlife and Parks; City of Wichita; Sedgwick County (\$10,000); and the City of Oxford (\$500). The City of Wichita is going to hold the funds and do the requests for proposals. Reno County just signed on for \$5,000 and we are pretty sure the City of Hutchinson will match it. We are up to about \$80,000 now and the coalition will pay for a study of the corridor. Each entity will have input to study design and work to obtain support from their constituencies. The study objectives are: human dimensions - hold public meetings, help with information flow, help resolve landowner conflicts, help resolve recreational user conflicts, and illuminate obstacles. The next category is functional (the kinds of things we want to learn from the study) - create a realistic timeline, detail land ownership, determine types of sites needed, determine best access locations, do preliminary engineering of sites, construction cost estimates, site maintenance estimates, and identify future funding sources. Someone said this morning that they wanted an access point every 10 miles on the Kansas River. Our initial goal was five miles, even though we know we probably won't be able to do that, but we are going to use that as a guide. There are a lot of different types of recreation out there: fishing; and there is a lot of land exposure that is public and good deer and turkey country through there; also waterfowl. We feel if we can get people down to the river and a place to park that it will be a lot more beneficial.

Someone from Audience – When are you going to get water from Colorado coming into the River? Swan – Defer to Agency Attorney.

Roger Wolfe, Region 2 Fish and Wildlife regional supervisor (PowerPoint Presentation – Exhibit I) - Access sites are established only on the Kansas, Missouri or Arkansas Rivers. A number of sites were constructed in the early 1970s on the Kansas River, renewed interest recently. Efforts are made to get local government partnerships for development and maintenance. There was a renewed interest and emphasis on river access in the 1990s and on Missouri River prior to Lewis and Clark celebrations. Almost \$500,000 has been committed to river access since 2002. Projects aren't cheap, but very beneficial when up and running. The Missouri River has four access sites

currently developed and in use, but no new sites are currently planned. Access to the Missouri River was improved before the Lewis and Clark Celebration in 2004. Current Missouri River Sites include: White Cloud; Elwood; Atchison; Leavenworth; and Kaw Point (which is access for both the Missouri and the Kansas Rivers). All except for Leavenworth are department emphasized. At White Cloud they put the ramp in and we built the restroom facilities and parking lot. At Atchison they had an existing ramp that was in use consistently since the 1950s, before Lewis and Clark the department made a significant contribution to their river front development to the tune of about \$300,000. Leavenworth has a nice riverfront park. The Missouri River, unlike the Arkansas River has flows in it and it is not a canoeing site, but at Atchison they actually use it for other water sports like water skiing. Atchison's interest was actually to get a second boat ramp. Because of Lewis and Clark there was renewed interest in the Missouri River and considerable grants were available. On the Kansas River there are about eight sites currently in use with four additional projects under construction or design and three other sites that are top priority for development. Current Kansas River sites include: Kaw Point (Kansas City), which was a Lewis and Clark project on the confluence of the Missouri and Kansas Rivers, was primarily funded by local efforts and was completed in 2004; the Eudora site is located on the Wakarusa River, is a cooperative project between KDWP and local government for O&M done in 1970s and is maintained by Eudora; Lawrence has two sites which are maintained by the City of Lawrence, were developed in the 1970s and provides access above and below the Bowersock Dam (no easy way to get watercraft over that dam); Topeka site (also a 1970s project) is located at the east edge of Topeka on Seward Avenue (notch in bank), and is maintained by the City of Topeka; and is 30 miles away from a new one at Lecompton; no developed access is available upstream until St. George which was 60 miles away (before Lecompton site), St. George was completed in 2003 and the Friends of the Kaw was the primary force in getting this site constructed with assistance from KDWP, Green Team and local efforts; Manhattan has currently one site at the mouth of the Blue River, maintained by the City of Manhattan with a second site being developed at K-177 bridge. This is the farthest upstream developed access. The department has identified the need for sites every 10 to 15 miles and we are starting to fill the need in the lower river, but not in the upper stretch. Projects in progress include: Manhattan- (K177 Bridge) - \$40,000 KDWP grant to Riley County, completion expected in 2006; Edwardsville - Friends of Kaw project, \$10,000 KDWP grant, plan on pouring the slab this weekend (Edwardsville is building it and hopefully will take ownership, unlike the one we built in the 1970s that after the 1993 flood was completely silted over); Desoto - Friends of Kaw project, \$10,000 KDWP grant, (also building their own and will take ownership); and Wamego, working on early design and permit process there. Potential Projects include: Park No. 24 site in Topeka - KDWP now owns property so potential is great for this to happen; Ogden - waiting on KDOT, working on K-18 project completion. KDWP has been working with KDOT and landowners to explore options; and Junction City - Grant Avenue at confluence of Republican (where Kaw begins); working with Ft. Riley to make sure access does not cause security concerns. Areas of need include: no access currently available between Topeka and St. George (60 miles); desirable to have access every 10-15 miles; Wamego and Topeka (Park #24) would solve part of the gap; need access sites in the Willard/Maple Hill vicinity; and currently KDWP has two F.I.S.H. (Walk In Fishing) properties in this area that provide limited access (nothing developed).

Chairman Dykes – Where is funding coming from? Koerth – Primarily boat fee fund money. Wolfe – We have \$100,000 that will be available for river access starting July 1, all of our current money is committed. Legislatively, river access money has been taken out of the budget

several times and that has slowed this process down by five to 10 years. The simplest project probably costs about \$100,000; it is very expensive to do these types of things.

5. Archery in the Schools - Keith Sexson, Assistant Secretary for Operations, presented this report to the Commission. This was just an opportunity to let you know of another program we are going to implement in Kansas. This is a national program that brings Olympic-style archery shooting into the schools in a strict method. In 33 states so far. We are wrestling with a way to work with the schools and to find someone who is knowledgeable about archery to run the program. When this article ran we were surprised with the number of calls and we were surprised how many schools had archery in their physical education programs. We have a grant to get ten schools going, \$20,000, this will give us some Genesis bows and some basic equipment and training of teachers. Overland Park said they would supply all ten schools, but we had interest from schools in Wichita and some smaller schools and have had offers to help fund the program in their schools. We hoped to have a coordinator on board in January, but that time frame is slipping away from us. There is some question as to whether we can get it done by the end of the spring semester, but hope to have it up and running by fall semester. We want to introduce students to the sport of archery and life skills and it is a small step from there to an interest in bowhunting and hopefully other types of hunting.

Ed Augustine, Hunter Ed Instructor – The hunter education program uses volunteer hours to support the department. This is the first time the department is entering a competitive event. I think this is a good program, but I have done some research and my question is whether there is going to be a real benefit. Served on NRA national board and my question is whether kids who are in the program really become bowhunters. Those who tote the program say 58 percent become bowhunters, but didn't 100 percent have an interest when they came into the program? My concern is that this does not end up in the hunter education budget. In Nebraska it was taken from the hunter education budget to the tune of \$60,000. Missouri could fund it, and there is some participation, but they don't fund it. My concern is where the money will come from after the pilot is done. I don't want to see money coming from the Kansas hunter education budget.

Chairman Dykes – How are we funding this? Sexson – Have \$20,000 in budget his year and have a bowhunter coordinator who is working on this. Chairman Dykes – What about after this year? Sexson – The National Wild Turkey Federation (NWTf) offers their support as well as Bowhunter Association. A school system can not take the program on without some endorsement from the state's conservation organization. Some states have found other ways to do the coordination and that is what we are doing. The schools were seeing this program and asking how they could get in it. In the end the real financing and continued endorsement will have to come from the school district level. If there is a benefit to the students then they have a stake in it as well. If we can get the student doing archery rather than hitting golf balls then maybe we have helped bring the students over to the hunting end of this. Some teachers are bowhunter or hunter education instructors already.

Commissioner Wilson – Great program, glad it will be in our state, but need evaluation perspective in place. Even if kids don't go on to bow hunt, it is a good way to talk about hunting ethics and opportunities. There is a lot of value in that. It may be a foot in the door, but a good start and I am glad to know that we have some potential partners. Sexson – We do. Through the hunter education program, Monica Bickerstaff, Bowhunter Coordinator, is working with a task force to see how this can be done. We are not setting aside or substituting this for other programs in our hunter education program. Commissioner Sebelius – When you put together this task force

have you thought about how Boy Scouts and Girl Scouts could be a part of this? Sexson – There is a whole curriculum that you have to meet core guidelines just to get it in the education system. This preliminary task force has several educators on it and they are helping us figure out how this fits within the core curriculum of the schools.

6. Wind Energy – Mitigation Task Force - Steve Adams, Natural Resources Coordinator, presented this report to the Commission (Exhibit J). Wind energy has proposed development in Kansas for several years. Staff from KDWP has been working with some wind development companies and the department brought the issue to the Natural Resource Sub Cabinet and a committee was formed to work on this issue. The State has no authority to require mitigation of habitat on the sites. Guidelines were set up and are intended to assist local governments and wind energy companies. Habitat mitigation guidelines would also be complementary to KEC Siting Guidelines. Also, there is the need for mitigation guidelines to be applicable to other structures, not just wind turbines and points of contact should be designated within local governments and other agencies to assist developers. Chairman Dykes – Basically this group is in place to help local governments with mitigation? Adams – The majority of the work that is going on now is gathering information on existing mitigation guidelines from other states.

7. Field Trials on Public Lands - Keith Sexson, Assistant Secretary for Operations, presented this report to the Commission. Responding to an October letter from Don Kimball, asking questions about field trial facilities and allowing field trials on public land. We responded to that letter and are looking at possibilities and feel field trials should not be precluded from public lands. We think there are some possibilities within our state park systems where we have horse facilities for equestrian events or areas where this could adjoin public lands. We need a little time to see how these facilities can accommodate them.

John Harrington, Leavenworth – Belong to the Rod and Gun Club and I want to thank the department for what you do. I use your facilities and encourage people new to the club to use them. Recently got a grant to run a youth hunt at Leavenworth in conjunction with the Pass It On program and I match up the kids with gun dog people. I use 24 to 28 bird dogs when we run that event each year. The point I want to make is that we support this. I have field trialed my dogs in Nebraska and Missouri and would like to be able to do that here. The other states are drawing the field trial people into their states.

8. KNWAC Commission Representation - Keith Sexson, Assistant Secretary for Operations, presented this report to the Commission. KNWAC stands for the Kansas Nongame Wildlife Advisory Council which acts in an advisory capacity on nongame issues to the department. Lori Hall was the last Commissioner who was appointed and served on that Council, so we thought rather than the department appointing someone, we thought we would leave it to you to designate someone.

Chairman Dykes – How often do they meet? Sexson – Every 4 to 6 months, in the Secretary's Office and they kick around any type of issue, from whooping cranes to whatever we might have an issue with. This came about in the days of the Nongame Species Act and having a cross section of those interest groups in the state. Chairman Dykes – We will talk about it and let you know.

C. Workshop Session

Chairman Dykes - Need to add KAR 115-2-1. Chris Tymeson – KAR 115-2-1 sets the fee schedule for various issuances of the department. We are setting an antelope price in KAR 115-25-7 and thought it would be a prudent time to take amendments from deer working group at the same time. Changes were Hunt-own-land (HOL) and landowner tenant deer, elk, and antelope permits and make fee structure the same. Also, in relation to those permits for deer, youth permits (under 16 years old and qualify for landowner tenant) would be half the price of the fee category listed to try and encourage more participation. In addition, it was felt the same concept should apply to wild turkey permits, so the recommendation would be that the youth permit would also be half price for those permits. Commissioner Wilson – To clarify, this would apply to deer, antelope and wild turkey? Tymeson – Deer, antelope, elk and wild turkey.

Steve Sorensen, Valley Center, Kansas Wildlife Federation – Would that be implemented this year? Tymeson – In 2006. Sorensen – Before you even go to meetings and get public input? The Commission just learned of this with no details and now you are talking about bringing this back in April and voting on it. The way it sounds a landowner nonresident transferable permit would be half price for a kid 16 and under who qualifies as a landowner. Tymeson – A nonresident landowner permit for youth. Not the transferable. Sorensen – You just said every youth that qualifies for a deer permit would be half price. As a tenant, if my boy decides to apply for one, would it be half price? Tymeson – No, a nonresident youth permit, half price. If your son applies as a landowner and gets a nonresident transferable permit, that is a full price permit. Sorensen – Just because he is 16 doesn't mean that he can. Tymeson – The permit is paid for before it is issued. Sorensen – That was unclear. The biggest fear that some people have is that on February 1 and 2 and you are going to be supplying details of the committee's report to the Legislature and you are already implying that you are going to implement some of those recommendations before going to the public for their input and discussion. Is the Legislature going to have that same approach and implement some things we hadn't heard about yet? Tymeson – This is a change the department had anticipated implementing prior to this year. It just so happened that it was discussed at length within the deer management working group.

Chairman Dykes – This is just an amendment to an existing regulation. Sorensen – In the past you let us see this in advance. Chairman Dykes – That is a good point and one thing I would ask is what sort of time constraints you are under to get this regulation approved? Could we workshop this again in March and have some briefing materials? Tymeson - It has been published for public comment for a 60 day period, which is required by law, to be able to vote in March. It was intended to be in the briefing book this time, but I don't know where the confusion came, but when I looked at the agenda today it was not on there. To change the date of vote we would need to republish this. ***Commissioners stated they would like to see this in writing before voting.***

Commissioner Johnston – From legal counsel's opinion and questions from the Chair, in my opinion this is something we ought to do today. Tymeson – This is not up for vote today, it is up for vote in March. Chairman Dykes – This will be in the briefing book in March and we can vote at that time and make an amendment if we want to.

1. KAR 115-2-4. Boat Fees – duplicates - Kevin Jones, Law Enforcement Division Director, presented this report to the Commission (Exhibit K). A recent review of fees charged

for duplicate licenses, permits and registrations revealed the fee charged for issuing a duplicate boat registration is different than the fee charged for all other duplicates. Currently, a duplicate boat registration costs \$5.00, while all others, such as hunting and fishing licenses, and camping permits, cost \$10.00. The Department issues between 1,100 and 1,200 duplicate boat registrations per year and the time and labor involved is the same, it is recommended that the fee for a duplicate boat registration be raised to \$10.00.

2. State Law Action Pertaining to Exotic Cat, Mountain Lion, Bear and Wolf Ownership - Review of regulation - Kevin Jones, Law Enforcement Division Director, presented this report to the Commission (Exhibit L). Chairman Dykes - Chris Tymeson and I talked about this outside the meeting and this regulation has been discussed now for two years. There are no details provided and the department would like to hold off on having this potential regulation workshopped until Chris can get feed back from the Attorney General's office on the language we have developed so far and what will be acceptable. It is on the agenda and we are going to invite public comment, but we are not going to take this up in any detail. I hope we can have a draft form of the regulation in April for review and discussion for a possible vote in June on a formal regulation. Commissioner Lauber – I think that not having this in here does not indicate that the Commission has had any change of heart relative to our feelings about these items. I spoke outside with some family members of the young lady, who was killed, and we don't have a change of heart, but it has to be worded correctly. Tymeson – My concern is continuing at this point to discuss details, I have enough direction on where the Commission wants to go. The Attorney General's Office and the Department of Administration, which the regulation has to go through, are somewhat back logged and I don't control their schedule. I am hoping that we will be close in April and be able to vote in June. Chairman Dykes – It is very unlikely that we are going to have a perfect regulation. I think it is more important that we agree fundamentally on what this regulation should look like and think about improving it down the road if we need to. Let's get it on the books and think about improving it and covering all the bases as the Commission works forward down the road. Otherwise we are caught in the revolving door with the AG's office. It has been very frustrating to Chris and Kevin to come up with something the AG's office can provide an opinion on and then we can come back and act on. Please keep that in mind as we move this forward and closer to getting something in place to remedy the problems we all agree are out there. Tymeson – As you know we did the rehabilitation process and it took almost two years and I don't think that rewrite was substantial compared to this one, but it was fairly substantial to make an amendment to an existing regulation is fairly easy, 180 to 190 days. Whereas, when you have an extensive rewrite or codification of what you want in that regulation, it takes a substantial amount of time just to get to this point. Hopefully with the direction I have gotten now we are getting closer.

Dr. Raymond Pierotti, Professor Biological Sciences, University of Kansas – One of my areas of research is looking at the evolutionary relationship of dogs and wolves. Something that would make this simpler is to remove wolves from this regulation for the simple reason that it is almost impossible to figure out what that means. I have been called to be an expert witness in about 20 different court cases and testified in front of a couple of state legislatures. The ultimate problem is that in the 1990s it was clearly established that domestic dogs are a group of organisms which has originated from different types of wolves over time. As a consequence, the scientific community decided that the text on *Canis familiaris* (domestic dog) no longer exists that everything now *Canis lupus* (wolf). So every dog, in terms of its scientific classification, is

considered a wolf. The problem arises when you get to wolf-like dogs, such as Huskies, German Shepherds and others, especially if you get crosses between breeds; it is difficult to define a dog and a wolf in passing regulations like this. If you eliminate this group you would relieve some of the heartache from this regulation. If anyone has a pure wolf they need a permit from the U.S. Fish and Wildlife Service, but there are thousands of dogs that people claim to have wolf ancestry. We are stepping into a bog of potential court cases where people get hauled into court and they make the argument that they don't have a wolf. I have been an expert witness on two cases in Missouri and three in Kansas and there is no test to tell where that boundary lies between dogs and wolves. You are on the right track with the other organisms on this list.

Rozella Sherman, Udall – When I was teaching in Indiana one of the professors with a similar title he did extensive lecturing on the risk of the mixture wolves and the backgrounds of different canines. I would oppose what the gentleman is saying; you never breed out the difficulty of a wolf in your canine. I would keep wolves in there. You can also have your enactment consider other dangerous animals.

Mike Good – On behalf of my wife Rhonda - We lost our daughter five months ago to the tiger in Mound Valley. Here to express my concern that I know you have been working on this for the last two years, but the last five months have felt like a lot longer to us. I spoke in Kinsley in October and felt you were on the right track and we are very discouraged to find out that this was going to be a workshop item instead of action today and to find out that it is being moved off the calendar for the next meeting. I understand how legislation works and that it can be slow. I would like to hear that we are still on the same page, that private ownership should be very restricted or banned all together. Would encourage that you define what a sanctuary is, possibly along the lines of the Captive Wildlife Safety Act definition, which prohibits any public contact, prohibits breeding and the sale of animals. Need to get this under control as soon as possible. Concerned that it is taking so long. Accredited people do not come in contact with these animals so to let a person who owns one in their backyard doesn't make sense. I could put up a 10 foot fence in my yard and call it a sanctuary, but that doesn't make it one. Would like to know how we are going to enforce this. Some counties and cities have bans on the ownership of these animals. In our situation the accident happened at a "sanctuary," but in our opinion it was by no means a sanctuary, it was just a place with a tall fence.

Chairman Dykes – I think we are on the same page, but I would suggest that you meet with Chris after the meeting and ask him what the language is that he is working on.

Good – I know you are receiving input, but there is not a public draft that people have access to, is that correct? Chairman Dykes – Not at the moment. Good – We have been pretty quiet about the whole situation. Do we need to let you know how we feel about this?

Commissioner Lauber – Most of the direction Chris has received has basically come from our Commission discussions. There has been public input to us, but the direction is coming from the Commission.

Robert Gardner, Miami County – Second what Mr. Good said. State of Kansas has known for years that these are dangerous animals. There is plenty of excellent information through American Zoo and Aquarium (AZA) Association on definitions and it is time that the state of Kansas stepped up to the plate and moved on. I am not concerned with you getting it perfect, but getting a tough regulation in place that can be enforced and one agency responsible for enforcing

it. Haley's death should never have happened. There needs to be strong regulation on the safety of the public. The USDA and their APHIS requirements don't address that issue. They address the safety of the animal, not the safety of the public. Most of the local agencies, counties and cities don't have a clue. These sanctuaries and backyard zoos still have people who stand in the pen with the animals and tell you that they are just pets. The other issue is that local agencies are having to address these issues because the feds and the states don't, and don't enforce what they do have. No consistent strong effort to do something. Keep this on the agenda and take public input, don't take it off the table. It seems a shame that farmers need to have their individual animals tagged so they can be tracked and yet we have tigers, lions and bears available on the internet. Leaving you a paper called "Zoo Animals on the Go". Some reputable people out there take care of the animals and the safety of the public, but there are more who don't. I checked with our County Clerk and they do have a required license, \$5, just come in and tell them what you have, pay the money and you are legal as far as they are concerned. In Miami County we have a timber wolf, 2 bobcats, 4 mountain lions, 6 Bengal tigers, and 2 Siberian tigers and we have fought hard and long to get facilities that meet some standards and a double fence to keep the public away from those cages. Statistics from 1990 to present on big cats in the United States: 196 incidents, 12 adult deaths, 119 adult injuries, 4 child deaths, 52 child injuries, 70 animals killed as a result; a total of 16 deaths and 171 injuries in 15 years. In Kansas: 14 incidents, 3 adult injuries, 1 child death, 4 child injuries for a total of 1 human death, 7 injuries and 7 cats destroyed.

Bill ~~Hildebrand~~ [Hilderbrand](#), Udall – I have been working on this situation ever since my granddaughter's death. Cowley County Commission passed a moratorium three weeks ago prohibiting moving animals in or out of our county because of our laws being so lax. Since November 1, we have 30 more exotic animals in Cowley County and more coming. We have been talking about this for two years. I lost a granddaughter, who else are we going to lose before we do something. Udall passed an ordinance banning these animals. Arkansas passed a law banning these animals as personal pets and private ownership. Several other states have passed these laws. Florida got so strict that a gentleman moved his animals from Florida to Cowley County and he is going to move more and we are going to wait until June to do something.

Randy ~~Hildebrand~~ [Hilderbrand](#), Haley's father – I reiterate everything that has been said. Don't know why you have not done anything; we were assured in Kinsley that you were going to act on this in a timely manner. I get calls from big news agencies every week wanting to know what you guys are doing and I have told them you are working on it, but I don't know any more if you are or not. Last week in Chanute a bear got loose and they haven't found it yet. Two tiger cubs, weighing 100 pounds apiece were found roaming. I know someone who said he saw two big cats and Kansas has denied that we have big cats, but people have turned these loose. In Labette County last week a big black cat has been spotted twice. Two of the cats spotted were right outside Wichita, a Cayman alligator was caught in Wichita this summer. If something happens between now and when the law is passed, every one of us will be responsible. I hope we don't take five more months.

Matt Baker – Events that have been talked about here and the numbers are very important, but in the drafting of the laws you need to acknowledge that there are responsible private owners out there that do look out for the public safety and everyone's rights don't need to be taken away. The utmost importance is people's safety and the second is the animal's welfare.

Jerry Carson, Labette County Commissioner – From the county where this accident occurred. Frustrated because I came up here today with the thought that this would be workshopped. If we go back to the basics, in many places certain breeds of dogs are outlawed by ownership of individuals. You have to have a drivers license and pass a test to drive a car; a professional has to pass tests to become a doctor, a lawyer or CPA and you have to continue to have education on an ongoing basis, but individual owners of these animals don't have the funds or the ability to obtain the education, do not have the ability to buy insurance that protects somebody after a family member is killed. Why would we consider letting any of these people own these animals. There are rules and regulations that need to be adopted controlling these sanctuaries and private ownership has to happen. There should not be any exceptions or grandfathering people in just because they say they have the ability to control that animal. Look at Las Vegas, two professionals who had handled animals for years successfully and one day one of the cats turned. There is no person in this world that can control a wild animal when it decides it is going to be wild. I understand as a County Commissioner the difficulty of establishing rules, regulations and legislation, but if the Labette County Commission took three years to develop a regulation I would be really upset with my peers. Please move on this. How many more Haley's do you want on any of our hands?

Suzanne Winsor – In the past we have talked to you about Florida regulations and fees and we didn't have that information with us, but we have it today. They are good regulations that keep the people safe and don't allow contact unless the animals are very small. USDA has good regulations too. What are you going to do with these cats if you ban them, are you going to go out and shoot them, you can't do that, it is against the law because they are federally protected. You can't kill the cat for just existing.

Vicky Harvey - In these Florida regulations, maybe those people who moved to Kansas is because they didn't build the type of pens to house these animals. I agree we need regulations. I don't want a large cat in my back yard that is not housed properly. I don't believe that they need to be banned from the private sector. If the private sector has enough money to build one of these cages, with double door enclosures and would properly house the animal. I don't think that right should be taken away; we are taking away too many rights in America.

Suzanne Winsor – All we really want are regulations. We know these animals are exotic and know they are deadly. An incident can happen. We just need some good, stringent regulations and USDA and Florida have some and we would appreciate it if you would take a look at those.

Mike Good – I don't believe that any state or federal constitution guarantees the right for anyone to own an exotic animal. So rights is not the issue here, it is public safety. I believe public safety overrides any individual rights. To say an individual has the right to own an exotic animal I don't think can be supported anywhere. Putting the public in danger overrides the individual rights. We need to not consider if we are stepping on somebody's rights when it comes to our public safety.

Matt ~~Hildebrand~~ Hilderbrand, Haley's Uncle – Reiterate what Mike said, public safety does overrides it, like driving a car or anything else, this is not a right, but a privilege, something you pay for and something you need to take care of. For anything that involves regulations it is that

way. I want to make another point that in your deliberations for this, please emphasize that this program needs to be fully funded because one thing politicians love to do is pass laws that make everybody feel good, or feel safe, but then not adequately fund them. We want to make sure that if owners are allowed to keep these animals that there is a funding structure behind it and a structure that makes sure they are taken care of immediately, in a timely fashion and that those people who do not adhere to the regulations are also taken care of quickly. We don't want a situation a few years down the road where we have passed a law and then something else happens and some person sitting down the line, making \$30,000 a year is blamed for something that went on for a job that he wasn't adequately funded or trained to do. We need to move on the regulations, but we need to make sure that it is properly funded and carried out.

Gabrielle Collins – As an exotic owner, and on behalf of a lot of responsible exotic owners, most are willing to work with regulations. We also agree that it is too easy for people to get animals, especially the larger animals. All responsible owners of any kind of animal would be very willing to work with regulations such as USDA licensing. They are decent regulations and do address public safety as well.

3. KAR 115-4-4a. Wild turkey; legal equipment and taking methods. - Mike Mitchener, Wildlife Division Section Chief, presented this report to the Commission (Exhibit M). Staff feels that the current equipment and methods of take are adequate and no additions or deletions are required at this time.

John Moore, El Dorado – I would like you to consider the use of 410 shotguns on turkeys at some point in time. I realize people feel that they just get wounded with a smaller gauge gun, but there are some professionals who enjoy the challenge of a smaller shotgun and also kids can handle those better.

4. KAR 115-25-5. Turkey; fall season, bag limit and permits. - Mike Mitchener, Wildlife Division Section Chief, presented this report to the Commission (Exhibit N). The current season runs from October 1 through January 31 except it is closed during firearm deer seasons. Permits and game tags are currently available to residents and nonresidents. Hunters may harvest either male or female turkeys in the fall. No fall harvest is allowed in Unit 4 in southwest Kansas and unlimited permits are issued in Unit 1 in the northwest Unit 3 in the south central and Unit 2 in the east. Up to 3 additional game tags are available in Unit 2. Dogs may be used during the fall season. Fall turkey season length is deemed adequate at this time. The department has in recent years expanded the length of the season and given the opportunity to harvest more turkeys in the area of the state with the highest populations. There is, however, some interest expressed in opening the fall turkey season during firearms deer seasons that occur between October 1 and January 31 and the department recommends this change. No changes are recommended to the current bag limits or permit limits. Chairman Dykes – Wasn't this discussed last year, but I don't think we took it past the discussion stage. So is there something that has changed in the department's opinion? Mitchener – There is some feeling that there would be some more opportunity. Chairman Dykes – How many fall turkey hunters do we have now? Mitchener – Don't have that number right now. We just hired a new small game coordinator and he has not worked out data from last season yet. Chairman Dykes – We are talking about fall turkey season running concurrently with deer season, will turkey hunters be required to wear blaze orange? Mitchener – No, turkey hunters would not be required to wear orange. Commissioner Meyer – I

don't think that is a good idea. Secretary Hayden – You asked if anything had changed and in fact it has, you will remember that we used to prohibit bow archery season during the rifle season. We decided that was not the best use of the resource, no biological reason to do it, so we looked at the public safety and it was decided we would allow them to run concurrently, but we would require blaze orange on the part of archery hunters and last year was the first time we did that. There were no incidents and in fact reports are that numerous archery hunters did bag their deer during the firearms season. It is a fine balance. We have 103 day season and we are talking about 20 days, so it has no biological implication. The whole question is of public safety and hunter interference. We felt that wasn't a big issue between archery and firearms and allowed them to coexist. As this regulation is written it doesn't require blaze orange and that is one option for the Commission to consider. I called the National Wild Turkey Federation (NWTf) and asked them about their experience with requiring blaze orange for turkey hunters and they advised against blaze orange, but some states require it in certain portions of the turkey hunting. In Pennsylvania, for instance, you have to wear it while moving; you can take it off once you are sitting down. NWTf advised against blaze orange, particularly in the spring because it might contribute to more accidents because turkey hunters look for red, white and blue, the color of a gobblers head in the woods. One other option to consider, a compromise that is not listed in this regulation, would be to continue to prohibit turkey hunting during the firearms season in November, but then allow it to occur concurrently in the January season. Clearly we want to maintain public safety and biologically on a sound basis, but want to provide maximum opportunity. Commissioner Lauber – Had a lot of contact in disfavor of this, hunter interference seemed to be an issue. Think it would be reduced during doe season, but see some risk and interference during regular deer season. Secretary Hayden – We allow waterfowl, pheasant, prairie chicken, quail and other hunting during deer season. The only reason we haven't had turkey season is because their season came along last, after the other hunting seasons were already in place. We have only had a fall turkey season for a short period of time. We haven't had any hunters in full camo shot by deer hunters. There is no data that shows it is a serious problem on safety.

Chris Tymeson – You asked about numbers, based on the timing of the regulation and when I have to have it submitted for publication. We had a close number around January 1 and it was estimated at about 15,500 fall tags - 9,500 resident tags; 4,500 second tags or additional tags; and about 1,500 nonresidents. About 11,000 hunters and the additional tags.

Dan Rudman, Douglas Co. – Wonder about hunter interference even though I understand what you are saying about giving other people the opportunity to hunt. Can't imagine trying to shoot a turkey wearing orange and the law enforcement issue would be difficult because you don't allow high powered rifles to shoot turkeys. What about the cost of fall turkey tags, it would help if you could make it more affordable, say \$20 for the first tag and \$30 for the other 3 game tags. From what I understand, in a lot of areas we are having are getting overloaded with turkeys so I think it would help if it was more affordable. The other thing to consider is not allowing long beards to be shot in the fall and only allow shooting of hens and pullets.

Mike Pearce – Secretary Hayden had asked me about squirrel hunters who out there running trap lines without wearing camo and if there was ever an incident where a squirrel hunting who was shot during deer season. I don't think we have deer hunters shooting guys in camo. In my years

of coverage I am not aware of any accidents. Commissioner Harrington – We had three or four gun shot wounds in Seward County and every one of them was a handling the weapon error or something like that. There was no mistaken target identification or anything like that. Most gunshot wounds occur as technical handling of the gun. I have been an Orthopedic Surgeon for 25 years and I have never seen one. I have seen zillions of hunting gun shot wounds, but never one that occurred in the field.

John Moore, El Dorado - I represent the little less than 4,000 members of the NWTF here in Kansas (Exhibit O). We have some real issues with this and safety is one. Granted we may not have a documented gun shot problem, but you are asking for it, this is bad legislation. If you are going to allow turkey hunters to run around without hunter orange, why do you make the deer hunters wear it. We are adamantly against this proposal. You can't really compare fall turkey hunters to a duck hunter; we are in the same woods together. There are some squirrel hunters out there, but not very many. Feel this is inherently dangerous and some of us hunt with dogs and I just don't see a good situation there. If you want to regulate with hunter orange, you are not going to get very close to a turkey wearing hunter orange, they can see color and you would be asking for failure. Chairman Dykes – Has the National organization (NWTF) taken a position on this? Brandon Houck, NWTF – Yes, the National organization is opposed to this. Moore – As far as national statistics, twelve times more people are killed in the woods with a rifle than a shotgun. There is only a 3 percent fatality rate nationwide as far as gun shots. There is no other state around us that does this. Secretary Hayden – There are at least 10 states that have concurrent seasons and our data indicates that Oklahoma is one of those, but it is not the whole state, just certain units.

Brandon Houck, National Wild Turkey Federation – In Oklahoma they have two days of overlap and it is with their primitive firearms, muzzleloader season. They do not have any overlap with general firearms rifle seasons that we are discussing here.

John Moore – Kansas has the third longest fall turkey season as it is and we are grateful we have an extended season in January. We did discuss this a year ago and it didn't get past this meeting and the obvious reason why is we think it is dangerous. There are 4,000 turkey hunters in our group and we are not for it and we probably are the ones that would be benefiting or not benefiting from this and we are not for this legislation. We are happy the way it is now. Don't want to risk anyone's life. Commissioner Meyer – You wouldn't mind making the turkey season shorter so it doesn't overlap? Moore – It doesn't overlap now. Commissioner Meyer – So you are saying leave it the way it is? Moore – Yes.

Norman Bramlett – Problem with having a deer hunter out there when I am sitting out there with decoys and some deer hunter hasn't gotten his deer and I am trying to get some turkeys out that I have scattered, I don't want someone 200 yards away popping a dead turkey of mine. We don't need the other 10 days of turkey season and we don't need the extra income. If anyone is out upland game hunting without orange they have half a brain, there are probably more accidents during that season. Any of us have had pellets fly at us if you are out there bird hunting.

Secretary Hayden – Brandon talked about the muzzleloader season and one of the reasons you want to think about this policy is because the Deer Working Group hasn't come forward with their proposals yet and we are going to have a whole year to study that. One of the big pressures

we are getting is to move the muzzleloader season later, but if you move later you are going to move it into turkey season. It runs right up to turkey season now, or nearly so. If you go a weekend later you are going to be in turkey season. You are going to be dealing with this question, are you going to move the muzzleloaders forward and give them a better season, or are you going to kick the turkey hunters out. There are a lot of ramifications to this, not just today or next year, but when the recommendations come in a year from now, we will have the question of overlap with the deer hunters. We are not voting on anything today, this is just a workshop, but we want to think about all of the aspects of it. We want to provide maximum opportunity as long as it is safe and biologically sound.

Commissioner Johnston – I can't imagine how we can require bowhunters to wear blaze orange during the rifle season, but not turkey hunters. Both styles of hunting require the hunters to be in the woods or on the edges, both require the hunters to be still or quite quiet which is the reason why pheasant hunters aren't a problem, you can see them a long ways away generally. I can't find a rationale to justify that inconsistency. I agree that the experience of other states ought to be something we look at and obviously what we do with muzzleloader season should be considered, but right now I can't get past that inconsistency. Secretary Hayden – These studies that NWTF and other states have conducted on the use of blaze orange, Brandon and John are right, it does reduce hunter success substantially, by 2/3, and only 1/3 of hunters is likely to get a turkey dressed in blaze orange. So it substantially reduced harvest and virtually all of those studies were done in the spring season and virtually none of them were done shooting from stands. Fall turkey hunting has the aspect of shooting from stands. In my opinion, if we do require blaze orange during these days, which I don't think necessarily is a bad idea. Turkey hunters are innovative, they will in fact use stands if they are required to wear blaze orange. A turkey can still see you on your deer stand, even if you don't have blaze orange on, they have very good eye sight, but by using the stand you increase your opportunity dramatically, especially if you have blaze orange on. There is a lot of data on blaze orange and turkey hunters, but almost all of it is done in the spring and in states much more wooded than Kansas. Very little, or none of it is done shooting from stands so that data is important and valuable, but I am not sure it equates exactly to our situation in Kansas. Your idea of being consistent with the bowhunters is not necessarily a bad idea for us. Commissioner Johnston – I would be willing to look at something like that.

Chairman Dykes – The agency is contemplating making dramatic changes to deer hunting and it would seem to me to make sense, rather than pursuing this regulation this year, we wait to see what the deer regulations look like when they start to take shape next year and work it all together with the deer. *Other Commissioners concurred.* Chairman Dykes – We frequently hear complaints that we don't treat the rifle hunter's right in Kansas, that they get the short end of the deal and in terms of time to pursue their game, they do. I am sensitive to the idea and support increased opportunity, but I see possible conflicts. To me those guys (deer hunters) deserve, since they only have 12 days to do it, the best opportunity they can get to be successful. They don't need a bunch of turkey hunters out in blaze orange. My advice is to table this and take it up next year when we begin to get some definitive ideas together about what the deer regulations are going to look like. Commissioner Meyer – I do realize that there are places around where I live, wooded areas and upland areas, and grain fields where turkey are feeding where there are no deer. I can see that there might be a time, if I was a turkey hunter, that I might be dumb enough to go out there and hunt them during rifle season. I think we should consider everything

at the same time, like you said. Secretary Hayden – I think that is prudent. The reason we brought this up now is because most of the things that will come out of the Deer Working Group will be statutory changes, this is just regulatory, because it doesn't require legislation and that is why we brought it to you separate. There is a lot of prudence in waiting if we are possibly going to change the muzzleloader season. We just don't want to push the turkey hunters out, that is what concerns me the most. Commissioner Meyer – In visiting with legislators and turkey hunters there will be a move if we do overlap, that the legislators might step into our shoes and force us to do something and I don't want to see that happen. I see too much of that, those folks who really don't have the expertise come in start and to set regulations for us. Secretary Hayden – We do have four units and right now we have one season with no hunting season and the others we run uniformly. There is a great difference between hunting in St. Francis and hunting in Pittsburg and maybe some of these units could run concurrently as some states do and other units should not. There are ways to think about compromise that maximizes opportunity while still providing public safety. Chairman Dykes – Table this until next January.

VII. RECESS AT 5:52 p.m.

VIII. RECONVENE AT 7:00 p.m.

IX. RE-INTRODUCTION OF COMMISSIONERS AND GUESTS

X. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

Eric Stone, Overland Park, Kansas Bass Chapter Federation President – Spoke to you last January. We have 37 clubs and we host about 300 events in Kansas. We have 581 adult members, 145 youth members (last year we had about 30), so we are really growing. I want to highlight the Mr. Bass event at Melvern that we expect about 25 clubs to appear at, 50 people with 5 support staff, which is about \$5,000 for Melvern in one day. Possible 20 events before Mr. Bass that will be done by the 37 clubs so they can practice for that event, 10 people per event, 200 visitors, that is a possible \$20,000 for Melvern this year. Want to commend you on your Community Fisheries Access Program (CFAP) that was outstanding. We got into a lot of areas that we weren't able to get into before and we appreciate that. Look forward to that program continuing. In 2010, we are going to have a divisional, where the top 108 anglers from around the nine states come in and we are working with the department right now. Just came back from Florida, National Bass in two or three years they are adding another tournament with the top six teams from each club, which means we are going to have another large tournament with 216 guys in it. While I was in Florida you wouldn't believe all the comments I heard about Cedar Bluff, they are still talking about it. Appreciate the new website, we use most of our data off your website when we go and talk at meetings.

Dennis Clark, Leavenworth – One of my questions was going to be about boat ramps and river access, but I see you covered that earlier on your agenda. Is it possible to get some information? Chairman Dykes – We have copies of the PowerPoint slides given. Another thing I was going to ask about was walk in hunting (WIHA). I have had a lot of conversations with friends and people we meet when out hunting for WIHA areas and it seems there are a lot of 120 acres of nothing. People wonder how the land is chosen, what the requirements are and why there seems to be so much that is vacant and unhuntable. Chairman Dykes – What do you call nothing? Clark – Silage

ground, bare dirt, absolutely nothing there, no tree rows, no grass, no watershed, just seems to be pretty unusable ground. Secretary Hayden – You need to check the book and check the species because that might be excellent for goose hunting if you are setting up decoys. Each one of the properties are different, some do have good habitat for pheasant, quail, deer or turkey or all of them, but some of those may not appear attractive for some of those types of hunting. Another thing that happens in these negotiations, a landowner may have 480 of real good habitat, but he won't lease to us unless we take the other 120 acres, so we have to ask ourselves if it is worth that to get the good 480. Each of these negotiations is a separate deal and when the resource managers go out and negotiate with the landowners they are trying to get the suitable habitat and sometimes we turn it down. Also, times change, it might look real good in spring, but drought comes and the farmer may plow it under, but we already signed an agreement with him. There is a lot of factors why one piece of ground may not look as attractive to you. Our folks are making the best judgment we can. Clark – I still contend that I personally have driven a lot of miles driving to a spot on the map to an area and I have looked at the back to see what was huntable and you go there and it is bare dirt. Hayden – What counties are you concerned about? Clark – Atchison primarily and some in Jefferson County. Commissioner Meyer – Most farmers rotate there crops and you might be out there during the fallow period and it might be bare, but next year it might be great. Clark – How long does a contract last? Hayden – We have two basic kind in the fall, one that runs from September 1 to January 31 and one that runs from November 1 to January 31. We also have a spring turkey contract and a walk in fishing (FISH) contract. When we do go out and establish a relationship with a landowner we try not to look at it on a one year basis. We would like to, and do in about 95 percent of the cases, reenroll people. We look at it in the long term. Clark – Has there been any talk in the past about having the landowner leave a few rows of crop around the edge or in the middle? Joe Kramer – In some counties we actually have row crops that we lease. A lot of our WIHA is associated with grain, but a lot of the wildlife species can do good without grain. Clark – My question is what good is some of that? Kramer – One thing that Secretary Hayden forgot to mention was sometimes we get that land for free to get it posted. Clark – I am in favor of the program.

Steve Sorensen, Valley Center, President of Kansas Wildlife Federation – We are concerned about the sale of Rocky Ford fishing access area. A lot of our members are extremely concerned, this afternoon you showed that you are going to spend \$100,000 on stream access and you sold the number one access use site in the state. In December, Secretary Hayden told the Kansas Nongame Wildlife Advisory Council that it wasn't a big deal and then the story came out about 10 days ago in the Manhattan Mercury and it seems it is a pretty big deal. We have sold off 60 percent of the weir that we put in 10 years ago to gain fishermen access, it goes to the center of the river. Is the department going to pursue some avenue to reacquire that land, or at least the stream access part? Chairman Dykes – Wasn't the Rocky Ford transaction, seems that it was arising because of conflicts on the west bank between the two landowners on the west bank? Sorensen – Correct. The problem is that it would have been fine to sell the chunk of ground that is up on the top of the bank, but when finally someone surveyed the property, the property runs to the middle of the river and so many of my members who lived in the area and fished on the west side and on the weir are complaining that we have lost a pretty significant piece of public property. What are you going to do to pursue that chunk that we need back? Secretary Hayden – One thing that Steve didn't mention was that we bought 55 new acres on east bank, in fact $\frac{3}{4}$ of a mile of river frontage, so we have expanded our acreage considerably there. We fully intended to

sell the two lots because they had been a huge problem of conflict in the neighborhood even so far as that the neighbors got an injunction against us for putting in fisherman parking or anything else in the neighborhood. The one lot that is in question is still in doubt. I say that because that river bottom had not been surveyed since 1895, so where the line is, is not known at this time. There is speculation, but until the survey is completed it is only speculation. Once the survey is completed, because that river has had a lot of accretion over time, the descriptions that go back to 1895 are no longer valid today because the river has changed a lot, the course has changed, a lot of the banks have caved away. The surveyor will make the determination of where the line is. If that line presents a problem, we have a number of options. One is we could offer to buy some of it back; two, we have the power of eminent domain, we could condemn some of it back; we could enroll some of it the fish access program and pay him for fish access; and we also have a unique circumstance in that we clearly still own the gates, so we can control the flow of the river and direction of that flow and so if we had to or needed to we could run all of that water at medium and low flows on our side of the river. We have a number of options and we clearly intend and we have invested a lot of money in those 55 acres and a new waterline and \$80,000 worth of rock to riprap those shoreline. We not only intend to maintain Rocky Ford as a public fishing spot, but actually to improve it significantly. Commissioner Lauber – Were these lots residential, or platted lots? Secretary Hayden – Two of them were, clearly in a residential neighborhood and they were clearly platted. Those two are not really in contention, some people didn't want us to sell them, but the truth is they were a terrible thorn in our side and we had them appraised and sold them for about \$10,000 a piece and used that money on the improvements. The other lot is the one in contention, as to its boundary, we intended to sell it, but there is some dispute as to where the boundary line is because the river has changed channels so many times and that is what the surveyor is attempting to determine. We hope the survey will be done no later than Tuesday of next week. Commissioner Meyer – My understanding was that there is an abandoned rail bed on the west side, at the base of that cliff and the land on the east side of the river came to us and on the west side to that property owner, but you are saying that might not be the boundary? Secretary Hayden – That is correct, it may not be and that is why it is so important not to jump to any conclusions until the survey is done. One of the things that adds to this dispute is that many of the landowners, either erroneously believed that they owned the land all the way to the river, in fact some of them came in my office and told me that their Real Estate agent told them they owned it when they bought it and clearly they never owned it and couldn't produce any title to it. In fact, when you examined their abstracts they clearly didn't own it. So one of the reasons a bunch of the people in the neighborhood were upset is they assumed they owned part of the river bank or at least owned access to it. Commissioner Meyer – I had a couple calls and I went into a map of the area and an individual told me that we had sold everything and didn't own anything and that the parking lot and everything was gone, so that was incorrect? Secretary Hayden – Of course not. We put a restroom in there a few years ago; we are putting in hiking trails right now that tie it into Tuttle Creek State Park so people who camp in the park can walk down to Rocky Ford and fish. We have just spent tens of thousands of dollars to put a new waterline in, so we are doing nothing but improving the facilities.

Mike Pearce – Who do I contact in Topeka to find out what the state can sell and what they can't, because you have to have permission from the legislature before you can buy something. Secretary Hayden – No, we don't, what we have to have from the legislature is the appropriation; you have to have the money. So there were times that the legislature didn't want us to buy land, they didn't prohibit that, but what they did was refuse to appropriate. We don't need permission

to buy or sell, it does say when we buy we have to have the appropriation and we have to have it appraised, so we did that in this case, when we sold and sold it for the appraised value. Commissioner Meyer – Last year there was a bill, and it is up again I guess, where they were going to severely restrict our ability to buy land and we would have had to have permission to purchase land, but when it was explained to them that when land is up for sale, it might be for sale for three or four weeks, if this happened in September or October, or when the legislature was not in session, are they going to call a special session of the legislature, the last one cost \$500,000, to give us permission to buy a piece of ground. They decided that was not a good idea, the bill was killed and now it is up again and we will fight it again the same way we did last year, because we need more public land in Kansas. We have a lot of you folks who don't have a place to go hunting, fishing, or whatever so we will not give up on that, but we need your help.

XI. DEPARTMENT REPORT

A. Secretary's Remarks (continued)

5. Secretary's Orders 2006 – Fishing Correction – Chris Tymeson, Legal Counsel, presented this report to the Commission. This isn't in your briefing book, but you have copies. It is a minor clean up. There was an error in the Secretary's Orders submitted in October. On 25-14-17: Fishing regulations for Pratt Backwaters, Pratt Centennial Pond and Pratt Kids' Fishing Pond there was a typographical error that listed KAR 115-25-14-17, which doesn't exist and should be just KAR 115-25-14. *Commission agreed with the correction.*

C. Workshop Session (continued)

5. KAR 115-25-7. Antelope; open season, bag limit and permits. - Matt Peek, Wildlife Research Biologist, Emporia, presented this report to the Commission (Exhibit Q). Since 1990 we have been issuing unlimited archery pronghorn hunting permits to residents, about 115 of these in recent years. With only a 10-12 percent success rate, we have been able to offer this opportunity on an unlimited basis without having a significant impact on pronghorn populations. The department feels that unlimited pronghorn archery permits could also be made available to nonresidents without impacting the pronghorn population or the resident hunters. The recommendation would address pressure the department has faced to allow some sort of nonresident pronghorn hunting. On Table 1 in the briefing book, it includes some information from Kansas and neighboring states. Kansas pronghorn are not the same as Kansas deer in terms of demand. We have one of the smaller pronghorn populations in the country. Our archery season, even with the extension last year, is shorter than what most seasons allow and our success rate is also not that high. If you directly compare us to Nebraska, they have 3-3 ½ times as many pronghorn, have a three times longer season and similar success rate. They charge \$130 for their permit our asking price is going to be about \$200. They only sold 55 permits last year. The point I am trying to make is that I don't think we are going to be overrun with nonresident pronghorn hunters, but it is an opportunity we can provide them the same as our residents have the opportunity to hunt other states. We can provide that without negative impact. Our recommendation is to allow nonresident hunting, issue unlimited resident and nonresident archery permits, but firearm and muzzleloader permits will remain restricted to residents only. Season dates and everything else would remain the same. Commissioner Lauber – We are being

sued by George Talbot of New Mexico, is antelope part of that or is he strictly focusing on mule deer? Tymeson – Antelope is not part of the basis. Commissioner Lauber – Do we gain any litigation points by allowing this or is it just a good will gesture that really doesn't cost us much? Tymeson – We don't get anything in the litigation. Secretary Hayden – There has been pressure in the legislature to mandate nonresident antelope hunting and we have resisted that pressure because we feel that should reside with the Commission and the department. There have been bills introduced and there has been pressure from the legislative standpoint. We feel this is one way to provide some opportunity for nonresidents and for Kansas landowners who have antelope to profit from that without negative impacts on the population. Commissioner Johnston – My concern is that the department doesn't believe there will be a negative impact on resident hunting opportunity. What is the basis for that conclusion? Peek – Again, I tried to establish some of that with this table. If I can go to South Dakota and hunt two pronghorn in a state that has 20 times more pronghorn than Kansas has, for the same price I can hunt one pronghorn here. Kansas is not high up on the list in terms of states where pronghorn hunters want to go. There have been very few Boone and Crockett quality animals come out of Kansas. When nonresident hunting opportunity is brought up, leasing is a huge concern. I have never heard of huge pronghorn leases because a great portion of the western states are public land, so who is going to pay a huge amount of money for a Kansas pronghorn lease when they can go to Wyoming and hunt public land and they have over 400,000 pronghorn. We don't feel it is something that nonresidents are going to come here and lease land for just that in numbers that are going to impact the way our resident hunters hunt, especially during archery season. Commissioner Johnston – What is different about Kansas versus South Dakota and Wyoming is that we only have 2,000 animals and they are confined to a small part of the state and I don't know what the distribution of those 2,000 animals is. My concern is that it might not take very many landowners who perceive an opportunity to open up their land to only nonresidents to severely impact the opportunity for residents if those animals are relatively confined geographically. Especially if unlimited nonresident permits versus 50 or something like that. What is the distribution of these animals in that corner of the state? Peek – From Morton County, the southwestern most county in the state, up to I-70, basically along the Colorado border and then they come over a couple of tiers into Kansas. The prime hunting counties are Wallace and Logan and then Hamilton, Gove and Greeley. It is over numerous counties. Commissioner Lauber – It is almost all private property hunting and the problem may be that those few landowners who happen to have a resident herd are wanting to market that herd and they are probably the ones pressuring their representatives to introduce something. I am never all that sympathetic to nonresidents, but we may get this one shoved down our throat. It sounds like we are offering a lot when in fact we are not. I can only shudder thinking about hunting antelope with a bow, but it might be possible. Commissioner Meyer – I have spent a fair amount of time driving around out in that country and have never seen what I would call a herd, maybe a few individuals. You would have to lease a ton of land to be able to get enough to hunt. It is a few animals spread out. Commissioner Harrington – No one is going to lease huge amounts of those counties out there when they are so plentiful in New Mexico. What if they harvest 120 instead of 15 or 20, we can change this next year, right? Tymeson – That is correct. Commissioner Lauber – If we are being pressured to do this I would rather save my battle for something else because I am not sure we are going to be giving up all that much. I would fight landowner pressure through the legislature on something that affects a larger number of resident hunters. Commissioner Johnston – How many square miles do antelope range in? Peek – Many. Historically, a lot of them were probably migratory, but now

there are very few migratory pronghorn left in the country. The pronghorn out there certainly go back and forth into Colorado at times and range over multiple counties.

Joe Matzeder, Jr., Leavenworth – I have never hunted antelope, but I like to hunt deer. What is the benefit of having nonresidents come in when some residents will lose their places to hunt, it is a guarantee. What is the benefit to resident hunters? Are we going to make a ton of money and buy more property for resident hunters? Chairman Dykes – While this may not help us on the lawsuit that has been filed over the mule deer situation. Matzeder – What is the lawsuit on? Chairman Dykes – An out-of-stater owns land in Kansas and he has filed a lawsuit against the agency because we don't currently allow nonresident mule deer hunting. So while we may not score points on that particular issue, we may avoid a lawsuit from anybody who wants to bring a comparable action against us because we don't allow any nonresidents to allow antelope. Matzeder -- Is that the only reason we are thinking about this? Chairman Dykes – No. We are all in this together; I go to Wyoming to hunt. Matzeder – I understand that, but Kansas has the least amount of public hunting ground in the country. Commissioner Lauber – The problem I see is Kansas being such a private owned state, several years ago we had a lot of ranchers and trade associations pushing for some sort of transferable permit and the department resisted, we fought back, and we got it crammed down our throats any way. Personally, I like to pick my battles and I would rather fight on some deer issue. Matzeder – The deer issue is bad. Right now where we live we know a farmer who has leased his property out to two guys from Pennsylvania to come back and hunt deer because the biggest deer in Leavenworth County was gotten just down the road. They pay this farmer enough to pay his property taxes which knocked out whoever else was hunting in there. Once we start it, its never going to end and I can't afford to compete. Commissioner Lauber – I don't like it either, but it is already started and didn't start because our agency wanted to do it. It started because of legislative mandate and I'm concerned that if we don't at least allow some level of archery permit that we probably have it pushed down our throats again. Matzeder – I would rather fight than not and that is what you guys are here for, to fight for us residents. You guys work for us, the people that hunt, fish and recreate on public land. Chairman Dykes – You are over simplifying the whole issue. It is a trend that is likely to get worse. We are all very sympathetic. Commissioner Lauber – Along that line, the state of Arizona was sued by the same fellow and he got some federal legislation and case law that leans towards his position and Arizona decided to fight and had to pay this guy \$330,000 in attorney fees. I don't like it at all, but the Commission tries to utilize the practical constraints we have and sometimes the best we can do is minimize the encroachment of the wealthy on our land. I don't know what else we can do. Matzeder - You guys are going to have to fight it. There are us guys out there that don't get to come to these. I found out about this meeting today at 2:00 and I don't know how many other guys didn't know about it and don't get to voice their opinion. You say there are only 2,000 antelope, what about the outfitter who leases up 10,000 acres, whether there is one antelope or 200 on it. What is he, or the landowner going to charge? He will sell it to the highest bidder from out-of-state. It is a bad deal for resident hunters, especially if you have kids and want to hunt. The places you do have to hunt are crowded or have so many restrictions on it and the private land is not there because the outfitters are leasing it or it is getting encroached on by houses. It is a battle. Commissioner Lauber – We hear you and am glad you feel comfortable talking in front of the group, but you need to talk to as many politicians as you can. We live in a state that is 98 percent privately owned and we have an opportunity to buy a piece of property out near Kinsley, basically a ranch, that the federal government will pay most of the cost on and

give us an opportunity for some public hunting and the whining and complaining on behalf of competitive groups about the state should not own private land and the school finance to think about, none of this has any rational association, but I don't know what to tell you to do. I empathize with you. Once you have access I don't see how you can go back to being without it, like electricity.

Joe Matzeder, Sr. – Got a map from an outfitter in Missouri that says he has 143,679 acres leased in Kansas (Exhibit R) and for \$1,200 a year to start with, you can hunt all this land and every year after that I can pay \$800. I really can't afford it. How much land is taken over by guides in western Kansas for deer hunters today? Plus the 150,000 acres here that Missouri leases. You have guys out there that lease from other farmers. Have any of you ever hunted in Texas?

Secretary Hayden – The last study that we did on leasing, which was a couple of years ago, showed that even if we counted the million acres of WIHA, that we lease for public access, only 8 percent of the surface acres of Kansas, at that time, were leased for hunting. Matzeder – How much of that 92 percent wasn't huntable.

Secretary Hayden – Obviously some of it is not huntable, in fact we are in Wyandotte County where it is against the law to discharge a firearm, but that is the only county in the state that way. Certainly some of it is not huntable, but it is a very small percentage.

Chairman Dykes – You are raising good points, but we are getting way off track. These kinds of questions and issues come up at every meeting, but right now we are talking about antelope. We are going to meet in Topeka in March and you are welcome to come there.

Matzeder - We didn't even know about this meeting, I heard about it from a friend, I didn't see it in the Kansas City Star or our paper so I called Pratt this afternoon about 3:00 and they said they would get back to me and no one called back. I called the Kansas City Star, Brent Frazee,

and he said he didn't know much about it. Sheila Kemmis – We send out news releases to all of the major papers, whether they pick them up or not is up to them. They all know about the meeting. The whole agenda is put on the news release we send out and also our website has the whole agenda and it is there a good month before the meeting. We do the best we can to get the word out.

Matzeder – You would think you really don't want people to show up. Kemmis – Sir, if you would give me your name and address I will send you an agenda for every meeting.

Doug Wilson – I have hunted antelope in the state for three years now and I run into other bowhunters regularly and I was wondering if we have to open it to unlimited nonresidents. Could we make it a draw, maybe a 100, 50 or 25? On the leasing issue with the antelope, I have gotten permission to hunt on ground leased by USO, we all know who they are, they leased it for deer hunting purposes and they had no problem with me going out there antelope hunting. If they had the opportunity to sell antelope hunts they would. The herd is not that big, I have hunted for three years and finally got one this year. You are chasing six animals, the success rate is not going to go up that much, but the competition will.

Mike Beam, Kansas Livestock Association – We would encourage the Commission to pursue this. We were part of the effort to get landowners who can get half the permits to allow them to transfer those to residents or nonresidents. Of course that didn't prevail. This doesn't go to that direction with firearms, it is my understanding that it would be for archery. That is a step in the right direction. There are some ranchers that I work with that are faced with increased taxes, health insurance, etc. and would like to bring people in for this purpose. It is all a matter of perspective and we encourage you to pursue this.

Dave Easton, Pottawatomie County – Apparently everyone is running scared of being sued by George ~~Talman~~ Taulman or USO. Can you tell me what the Reed Stevens bill did? Didn't the federal bill take care of that? Tymeson – Your assessment is erroneous. What we are being sued for is a violation of the privileges and immunities clause and of the equal protection clause and we were getting sued for the commerce clause. The Reed Stevens bill knocked out the commerce clause litigation all across the United States. It does not preclude the rest of the suit. Easton – So he has changed his suits now? Tymeson – We are the first in line. Easton – So no one yet is being sued under this part? Tymeson – No, we are currently. This was filed in the federal district court in Wichita, last April. You can get all the information from the court, ~~Talman~~ Taulman versus Hayden. Easton – Everyone I know says that ~~Talman~~ Taulman had his teeth pulled by the Reed Stevens bill. Tymeson – Not in the case of the Kansas lawsuit. Easton – So we need to go back to the lawyers in DC. Tymeson – I don't think you can do that. You can exempt out commerce clause, it is fairly complex process, but it was done back in the 1940s, which is the model that all states put together to combat commerce clause litigation. All of the states combined, rallied Senators and Representatives to pass this bill. The equal protection clause and the privileges and immunities clauses you cannot exempt yourself from litigation on that. It is a very complex issue.

Jerry Florea (sp.? – did not sign roster), Topeka – I have hunted antelope in Kansas for the last two years, mostly in the counties you mentioned and the landowners in those areas are pretty friendly about allowing hunters access, but they also own large quantities of land. If you allow unlimited access to nonresidents there is definitely going to be competition as far as crowded areas. I actually bumped into the gentleman back there on a hunt last year; we were hunting the same area and didn't even know it. Out-of-staters are going to be looking for trophy animals and there are very few of those here in Kansas.

Commissioner Wilson – Chris, what is our obligation with nonresidents versus residents? Do we have to provide equal opportunity or could we offer a limited number of permits and see what the demand would be and then possibly increase it later. Or do we have to offer exactly the same thing. Tymeson – I would prefer not to discuss potential litigation in a public forum. If you want to set a limit that is permissible. The reason I think Matt is suggesting unlimited is because we don't anticipate that we would even reach a cap. Commissioner Lauber – I tend to agree, you might get a dozen nonresident hunters, but if you are a resident, unlimited sounds like a lot of competition.

Peek – Did you want to proceed with that? Chairman Dykes – Yes.

5. KAR 115-25-8. Elk; open season, bag limit and permits. - Matt Peek, Wildlife Research Biologist, Emporia, presented this report to the Commission (Exhibit S). Most of our elk hunting opportunity and harvest has occurred on Fort Riley. Our emphasis is on maintaining or protecting that herd on the Fort. We have had lengthened seasons and hunt-own-land permits off base in certain units since 1999 and added units 14 and 6 in 2003. We had hunting on Cimarron National Grasslands in Morton County from 1987 to 1995. The department has received complaints about free-ranging elk in several parts of the state that are not currently open to elk hunting. If you look at the map, there is a population of 20 or so elk in Unit 17, close to Colorado in Hamilton County. We know of a herd of elk in Unit 11 that are thought to be the stock of

captive or released animals. We have had three elk (the briefing book mistakenly says four) road killed in the Colby area, Unit 1 and 2, in Thomas County. We also had several elk poached up there. We have also had elk issues in Reno County, in Unit 15. What we would like to propose is that we make elk permits valid statewide and make hunt-own-land permits available statewide. Also, several of the animals we have dealt with have been ear tagged, or we have had other indication that we are dealing with captive escapees; we do have a high level of concern about these free ranging elk in terms of disease threats. We would also like to require elk hunters to contact the department to coordinate sample collections from those animals as they are harvested. Other season structures would remain the same. There would be a shorter 3 month season on Fort Riley; and on private land off the Fort, including on public lands, a 6 ½ month season. For the most part there is not elk hunting opportunity on our public wildlife management areas.

Dusty Dark, Douglas County – Lets get this all out so that we can let the nonresidents come in and hunt our elk herd too, we don't have many of those either, but it would only be fair (being sarcastic).

Chairman Dykes – We are going to handle deer items 7, 8, 9, 10 and 11 together. Fox – Not item 8 (4-4). I will combine 4-2; 4-6a; and 4-13 together and cover 4-4, 4-6 and 25-9 separately.

7. KAR 115-4-2. Big game; general provisions. - Lloyd Fox, Wildlife Research Biologist, Emporia, presented this report to the Commission (Exhibit T). Three regulations 4-2; 4-6a and 4-13 we provided background information on and no specific difficulties have been reported during the past year so no changes are being proposed at this time. Further review of all deer regulations may be proposed at a later date after a department committee develops recommendations for changes in statutes dealing with big game.

10. KAR 115-4-6a. Deer; archery management units. - Lloyd Fox, Wildlife Research Biologist, Emporia, presented this report to the Commission (Exhibit U). See #7.

11. KAR 115-4-13. Deer permits; descriptions and restrictions. - Lloyd Fox, Wildlife Research Biologist, Emporia, presented this report to the Commission (Exhibit V). See #7.

Doug Wilson, Emporia – Thank Commission for support last year in trying to do away with the archery units. This bill is still in the legislature and in fact passed the House with tremendous support and was basically railroaded in the Senate by trying to attach it to two other bills. So it didn't even come to a vote in the Senate. Is the department still in support of doing away with the unit archery tags? Approach antelope problem cautiously, we have a lot of things that have backfired in the past.

8. KAR 115-4-4. Big game; legal equipment and taking methods. - Lloyd Fox, Wildlife Research Biologist, Emporia, presented this report to the Commission (Exhibit W). This regulation always has some new gadget or device that comes up or that we have overlooked in the past on equipment. One of the things we had suggested since our last workshop on this was that shotgun and slug are currently not authorized for elk hunting in Kansas. Personnel from Fort Riley have requested that the regulation be changed to allow shotgun and slug for elk hunting. They have specific areas that are restricted to muzzleloaders or shotgun and slug. We do have a revision of this regulation prepared that would allow the use of shotgun and slug as legal equipment for elk hunting in the firearms season. Commissioner Lauber – There is no

recommendation at this time to allow slugs? Fox – The briefing book says that no changes are being proposed, I am sorry about that. It has changed since this was printed. So to make the time deadline we need to make this recommendation so that we can post this. Commissioner Lauber – Is the Fort requesting this? Fox – Yes, the natural resource management staff at Fort Riley.

Alan Hinek, Fort Riley – There are certain areas on the Fort where shotgun and slug is the only legal equipment and it is areas that have elk and there are just certain times of the year that it could be utilized. It would provide more opportunities, currently you can hunt with a muzzleloader only. Fox – Came in after our last discussion on this topic. Commissioner Lauber – What is the differential between muzzleloader and a shotgun with slugs? Tymeson – Ballistics have improved dramatically over the past five years on shotgun slugs and the distances they can range out to. I am not sure I know the difference between a 50 caliber muzzleloader and a shotgun with a slug, but the regulation draft says a 12 gauge shotgun slug at a minimum. Commissioner Lauber – I think we should try to accommodate the Fort.

9. KAR 115-4-6. Deer; firearm management units. - Lloyd Fox, Wildlife Research Biologist, Emporia, presented this report to the Commission (Exhibit X). A request has been received from natural resource personnel at Fort Leavenworth to become a subunit declared an urban unit and thus allow this adjacent area to be included in the current urban unit 19 (DMU 19), which would provide additional firearm and archery hunting dates and the use of additional game tags. A change in this regulation is being prepared that will designate the Fort Leavenworth subunit as an urban deer management unit. Chairman Dykes – Season dates will mirror Unit 19? Fox – Yes, it will expand DMU 19 into what used to be called Unit 10a. Chairman Dykes – There will be an early October firearms season as well as the traditional firearms season, longer antlerless archery season and four game tags. Fox – Yes. Commissioner Meyer – I would support it.

Dennis Clark – What would be the process to go on Fort Leavenworth? Fox – They have a program restricted to base personnel (military and civilian) only and there is currently no procedure like Fort Riley where citizens of Kansas and nonresidents can hunt. It is not open. Dennis Clark – Then why are you talking about this? Fox – This would allow Fort Leavenworth to contribute to deer population control in the Leavenworth city area and vicinity. They do have a deer population that contributes to the overall population in that urban area.

12. KAR 115-25-9. Deer; open season, bag limit and permits. - Lloyd Fox, Wildlife Research Biologist, Emporia, presented this report to the Commission (Exhibit Y). Last year was the first year we ran archery season through the regular firearm season dates and there was some concern when we proposed that. I am not aware of any significant problems that occurred as a result of allowing archery hunters to hunt through the firearms season dates wearing blaze orange. We also had a simplification of our system in the extended deer season, we got away from some of the small subunits that had different boundaries and season dates. Went to standard extended season and again not aware of any problems. Each permit and tag issued in Kansas since 1998 has allowed the holder to take an antlerless white-tailed deer. We have had some problems and issues about who can obtain an antlerless deer permit and we have had people come before the Commission in the past. In 2001, we changed our system to allow a hunter to purchase a game tag without obtaining a primary permit first. Last year we reversed our direction and we required

hunters to purchase that permit that required them to have a permit where they could have taken an antlered deer before they could qualify to get these bonus or additional antlerless-only tags. It did cause some problems and there were some issues that developed. Some of our personnel are concerned about the difficulty in explaining the average person that comes in January that the person needs to buy an either sex permit to hunt during an antlerless season. We have a recommendation for a proposal for 2006 which would allow hunters to purchase a game tag or antlerless-only permit as the hunter's first or only tag after December 30, 2006. We have also had experience with check stations for the last two years and the check stations were useful and served a purpose to funnel deer through specific sites and allowed us to collect samples for monitoring for chronic wasting disease (CWD), but they also created difficulties for some hunters and have generated some complaints. As a result of some of the difficulties in finding sufficient check stations, with adequate operating hours, so it is the staff recommendation to remove the section dealing with check stations that require a hunter to bring their deer to a check station if they take a deer in some of those deer management units. Standard recommendations for these regulations are season dates and we have those listed for the 2006-2007. They follow the standard format we have used for many years now: Early Muzzleloader: September 9, 2006 – September 22, 2006; Youth and Disability: September 23, 2006 – September 24, 2006; Archery: October 1, 2006 – December 31, 2006; Early Firearms (DMU 19): October 14, 2006 – October 22, 2006; Regular Firearms: November 29, 2006 – December 10, 2006; Extended WAO: January 1, 2007 – January 7, 2007; and Extended Archery (DMU 19): January 8, 2007 – January 31, 2007. Recommendations for the deadline for applications are: Nonresident - May 31, 2006; Resident Drawing - July 15, 2006; and Unlimited Availability - January 30, 2007. Karen Beard has brought to our attention, that with our new system, in future years we could move the nonresident application period earlier in the season and there would be some advantages and I would appreciate input on that as a suggestion. Chairman Dykes – The change in the availability of antlerless only game tags, allowing them to be purchased, without having to have an either sex permit, after December 31, does not address the issues that were raised last summer and fall by those who were upset about nonresidents coming into the state who did not draw a permit or did not purchase a transferable permit. We talked about rethinking this and one way of diminishing the impact that poachers were having by buying the cheap antlerless permits. We talked about considering raising the cost of these antlerless permits. Are we going to have a problem with Janice Janis Lee again? Secretary Hayden – Certainly Senator Lee was upset and I can't say whether she will be upset or not. It was a surprise last time, they hadn't paid attention and hadn't noticed it and went to buy a permit and it wasn't available. Now, at least, they are forewarned, but I don't know whether or not that is going to mitigate any legislation. Chairman Dykes – She is possibly the most prominent, but not the only person I heard from. Commissioner Harrington – At the last meeting, Representative Beamer was also in opposition to the way it was. Commissioner Lauber – I recall the same thing you did. I think this is making a move towards that and this is helping in an area where we need the greatest reduction. We are going to have the deer regulations reviewed in the upcoming year. Every consideration that this Commission gives to nonresidents creates some irritant, sometimes rational, sometimes not and I would rather leave it the way it is and not offer any other considerations to nonresidents at this point. This is going to come up again because of the study group. Chairman Dykes – I am sensitive to this, because we told Senator Lee that we did not intend to preclude nonresidents to come in and participate in the firearms deer season. Commissioner Lauber – Part of that was a law enforcement concern. We did tell her we would look into it. Chairman Dykes – There were side discussions that took place following that meeting, kicking around ideas of how we might get at this without opening

the flood gates again. One way I thought made some sense was to raise the price of the antlerless permit. Commissioner Lauber – A nonresident antlerless permit was discussed at an increased price. Commissioner Meyer – I was in that committee room and gave testimony on this issue and Senator Lee was satisfied that the Task Force was going to recommendations for changes in the overall deer hunting structure. Lets proceed with what we are doing. I see no reason to change anything at this point. Commissioner Johnston – I agree with you, Mr. Chairman, I thought we discussed compromise on a couple of different grounds. I am not sure what the best compromise is, but if I was Senator Lee or Representative Beamer it wouldn't placate me that we are still going to take care of it, but another year down the road. I would like us to solve that problem, if there is a way to solve the poaching problem, that we unintentionally encouraged but can do so in a way that makes sense and doesn't create a law enforcement problem. I am not satisfied to just wait until 2007. Commissioner Harrington – I agree with Kelly, we need to look at this a little harder. I don't think disregarding this at this point would satisfy them. Chairman Dykes – I have heard it from other people too, not just Senators and Representatives; they felt they were unfairly penalized. Commissioner Lauber – This amplifies the problem that Commissioners tried to point out, that every time we do something that precludes nonresidents we have to fear political backlash. My position, given the general flavor of this meeting, is that I am comfortable with not having any more nonresident favors. Commissioner Johnston – I am finding myself on many fronts that we have gone too far in the direction of advantaging nonresident hunting, but this is a slightly different situation, in my opinion, we are just talking about selling some doe permits to nonresidents. We are not talking about giving them antlered permits. Commissioner Lauber – You have raised the price to poach to \$50 instead of \$20. That is a significant dollar amount. Secretary Hayden – One possible compromise would be to authorize a nonresident antlerless permit at \$75 and that will keep the \$10 game tag people home, but if you have a legitimate desire to hunt, you are going to spend a lot more than \$75 to get here. Commissioner Lauber – If you are going to be willing to pay \$75, you will have the foresight to apply for a nonresident permit that is not being totally utilized anyway. Secretary Hayden – That's right, remember we had leftover permits last year. The only difficult thing was they were almost all in the northeast. Each year we have more and more leftover permits. If we offer it for \$75 no one can say you turned your back on us, but we put the price high enough where abuse will be minimized.

Mike Pearce – If your proposal goes through with the January change to where somebody can buy the game tag with a permit. Would nonresidents be able to do that as well as residents? Fox – Yes, the proposal would be for both resident and nonresidents could purchase this as their first and only permit or game tag or whitetailed antlerless-only permit if they wanted to hunt on public hunting areas. Pearce – This year they would have access and a season they could come and utilize. Are you going to go back and address the check stations? Commissioner Johnston – I've got a question on that too. Chairman Dykes – We are going to go back to that.

Doug Phelps, Manhattan – This whole issue about game tags is primarily a nonresident issue, but by no means is the resident factor left out of it. If you boil it down it is about the misuse of that tag and we are looking at ways to prevent that by denying tags to people, but unfortunately with situations like this the honest sportsmen gets pulled in right along with the unscrupulous ones. Maybe we ought to take a different approach to this and look at the penalty aspect of this. Some legislators want this reversed, if they want to make it available to nonresidents, maybe they should pass a bill that significantly increases the penalty for misuse of this permit. Double the

maximum, or deny privileges if they are caught using a game tag on an antlered deer. That is not going to have a negative affect on the honest sportsmen, resident or nonresident. I disagree with the \$75, maybe you are keeping some people out, but you are still talking 25 percent of a nonresident any-deer permit. Down in Barber County a few years ago, a nonresident was caught poaching and was fined \$185, he saved \$25 over buying a permit. Don't see it being a solution. Chairman Dykes – Chances of someone being caught and prosecuted are small. Phelps – We made ground with legislators and need meaningful penalties.

Doug Wilson, Emporia – I don't like to archery hunt during firearms season, it is just an additional stress on the resource because I hunt the same place the rifle hunters hunt and we get along fine, but now you get a conflict. One of the best things you did to resident hunters in the recent past was not selling the game tags to nonresidents. I am not against nonresidents or against nonresident antelope tags, just not sure about the way you are approaching it. What it has done is relieved pressure and opened things back up to residents that was not open in the past. I think you are addressing it well with what Gerald said that nonresidents can come in and hunt during the antlerless only season with his family members, which you can transfer to a lateral or collateral family member if it is a landowner issue and one of my beefs is that is unenforceable, that should be limited to one or two degrees of kinship. I think opening it up after the first of the year will mitigate some of the issues with the nonresidents. I understand the nonresident issue, I am a nonresident every where I go except Kansas.

Ed Augustine – You have addressed all of the permits and tags except one, and that was the confusing thing you did about doe tags on public wildlife areas. You could get a doe tag to hunt on a public wildlife area if you had a primary permit and paid the primary price for the doe tag. I didn't know that and if it hadn't been for the person selling me the primary permit and asking me if I was going to use the doe tag on a public hunting area I wouldn't have known. That is an element of confusion. Regarding the opening day of firearms seasons, for years we had traditional day according to calendar days between archery and firearms, but now with you merging the archery with the firearms I would like you to think about moving the opening day of firearms season into the Thanksgiving vacation period. Perhaps that would be another way of encouraging people who might not have another opportunity to hunt.

Steve Sorensen, Kansas Wildlife Federation – We would like to ask you again to consider to allow youth 15 and under to buy a doe permit without having to buy the regular permit first. It is easier for them to get into the sport buying a \$10 permit rather than a \$30 permit. Tymeson – That is specifically why we addressed that in the fee regulation earlier, the youth permit for half price. Sorensen – If they want to kill a doe they still have to buy a \$15 any-deer tag, right? Instead of going out and buying a \$10 game tag? It is still simpler if you just slipped in the words 16 and older.

Doug Simpson, Fort Scott – It was announced earlier today that we found a doe with CWD? Was that found at a check station? Fox – The deer was taken in Deer Management Unit (DMU) 1 and it did go through a check station. We have a preliminary positive, not a confirmed positive CWD case at this time. Our proposal is to eliminate the check stations in the six DMUs in the west for hunter convenience and because of the problems we had in finding locations with sufficient hours for the hunters. That means I will have to come up with some other means of sampling deer. Simpson – If that is where we caught the preliminary possibility I just don't feel it is a good

idea to do away with that. Commissioner Lauber – The value of the check station and the grant that helped fund that, is reduced dramatically once we have the first CWD deer in Kansas. Sportsmen out in the western part of the state really had a problem finding a check station and I received a lot of complaints. A check station does not keep CWD out of the state. I understand what you are saying, but I am not sure it is worth all of the expense and the trouble the hunters went through. Chairman Dykes – Without the check stations we would not know about the one case we have. What is the value if we were to continue the check stations to determine how localized it is? Is there anything to be gained? Fox – The question is, do we have a monitoring program, can you collect sufficient animals and know where they were taken so you can monitor trends through time and space and as to what is happening with a disease or other issues. Check stations are one way and they helped us in that western area where there is a low density of deer and there aren't a lot of locker plants. This funneled deer through some key places and assisted us. It did cause some confusion and conflicts. What we will have to do is develop some other system. We have gone with the voluntary systems (barrel drops, mailings, etc.) and they did not work. We need to come up with an alternative method of monitoring the distribution and prevalence of a disease. Chairman Dykes – Wouldn't you have come up with that if there was another way viable. Fox – Check stations were the cheapest way, but caused conflicts with hunters and with our own personnel. Commissioner Lauber – Is it possible to buy enough heads from plants in the western half of the state? Could you acquire 1,000 heads if you bought a lot of by product, buy that raw material? Fox – Then you have the price of disposing of the waste and that can be substantial. We have looked at these. There are some options available and over the summer we are going to try to develop this new technique. Part of it will be cooperation with taxidermists, part of it will be contract work with existing locker plants and part will be all together new that we haven't developed yet. Chairman Dykes – What do you think people's reactions will be when they find out there is a possible CWD case? Don't you think the attitudes towards check stations will change? Fox – CWD is not the huge fear it was in 1996, 1997 or 1998. We know more about the differences and people have lived with CWD in their environment. If this is truly positive, we don't anticipate a huge ground swell of hunters wanting their deer tested. Keith Sexson – Given the circumstances that have occurred we probably need to go back home and rethink this sampling situation before March. We have a protocol for CWD, some of that involves additional sampling in the area it was found. We will likely go back there with some specialized sampling to try and determine how wide-range it is. I am not sure we are going to completely rule out check stations. We need to sit down with staff and discuss this. Chairman Dykes – If you are going to come back with doing away with check stations then you need to have a proposal on how we are going to reliably sample deer harvest in western Kansas. Simpson – You made a comment about no accidents during the archery season that was still open during rifle season, I would like to point out that I know of very few bowhunters who went out during the firearms season.

Dennis Clark, Leavenworth – I would like to see you consider maintaining a constant opening day for firearms season so that people can put in for their vacations. Chairman Dykes – Don't think we have changed anything for 2006. Clark – The game tag and antlerless tags seems to be confusing for what you can buy, how many you can buy, for what areas you can buy them. I was at the Overland Park office to get my first tags and the lady who was there was from Topeka, I think she said, and she was really confused and I had no idea what I could buy so I quit with the initial either sex and one antlerless. Why do we have an antlerless and a game tag, and I realize

one lets you hunt private ground and one public, and that there are two different fees. Will Unit 19 stay or go into 10 like it did the first year you did Unit 19? Fox – On game tags each hunter may purchase up to four game tags and only one can be used in DMU 10 or in a series of other units. There are other units, like DMU 19 and 12 where you can buy four and use all four of them there. Clark – It is really confusing.

Dale Larson, Olsburg – I think the validity of a check station is very important to begin with. I have had an opportunity to hunt other states and see what they are doing. For example, Colorado on CWD, it is mandatory to check in your animal. Their agency doesn't put much effort into it, they provide a refrigerated trailer, some means of decapitating the animal and you deposit the head along with your tag and ID. As far as having manpower to perform the check stations, Illinois uses an online system. Within 24 hours you have to notify them by phone or online of your harvest. They also collect a certain amount of data at that time so that might be another option. On nonresident doe tags, when we did away with those, it did slow down the number of nonresident hunters hunting bucks with doe tags. Chairman Dykes – Would a higher price help? Larson – No, they have the money and they already have the ground leased.

Chairman Dykes – Public hearing in March or April? Tymeson – Either. Chairman Dykes - We could workshop it again in March and Lloyd could come back with some thoughts on check stations and other ways of addressing this.

D. Public Hearing

None

XII. OLD BUSINESS

None

XIII. OTHER BUSINESS

A. Future Meeting Locations and Dates

March 16, 2006, Kansas History Museum, Topeka, with lunch planned at the Capitol at 11:30.

April 27, 2006, Junction City

June 29, 2006, Scott City

XIV. ADJOURNMENT

Commissioner Johnston moved Commissioner Wilson seconded to adjourn.

The meeting adjourned at 9:10 p.m.

(Exhibits and/or Transcript available upon request)

