

AGENDA
KANSAS DEPARTMENT OF WILDLIFE AND PARKS
COMMISSION MEETING AND PUBLIC HEARING
Thursday, April 27, 2006
Courtyard Marriott, Junction City

Tour Milford Hatchery, Milford Nature Center and Milford State Park (bus will leave Marriott at 8:30 am – open to public)

- I. CALL TO ORDER AT 1:30 p.m.**
- II. INTRODUCTION OF COMMISSIONERS AND GUESTS**
- III. ADDITIONS AND DELETIONS TO AGENDA ITEMS**
- IV. APPROVAL OF THE March 16, 2006 MEETING MINUTES**
- V. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS**
- VI. DEPARTMENT REPORT**
 - A. Secretary's Remarks**
 - 1. 2006 Legislation (Chris Tymeson)**
 - 2. FY 2006/FY 2007 Budgets (Dick Koerth)**
 - B. General Discussion**
 - 1. Status of Deer Working Group and public comment (Lloyd Fox)**
 - 2. Parks Division Awards (Jerry Hover)**
 - 3. Park Regulations (Jerry Hover)**
 - 4. Fishing Regulations (Doug Nygren)**
 - 5. Late Migratory Bird Seasons (Marvin Kraft)**
 - 6. Avian Influenza Update (Marvin Kraft)**
 - 7. Crane Test Information (Helen Hands)**
 - 8. Senate Bill 578 – Exotic Animals (Kevin Jones)**
 - C. Workshop Session**
 - 1. KAR 115-25-19. Dove, management, hunting season, shooting hours, and bag and possession limits – banding and November season. (Helen Hands)**
 - 2. Early Migratory Bird Seasons (Marvin Kraft)**
 - 3. Duck Hunting Zones (Marvin Kraft)**
- VII. RECESS AT 5:00 p.m.**

VIII. RECONVENE AT 7:00 p.m.

IX. RE-INTRODUCTION OF COMMISSIONERS AND GUESTS

X. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

XI. DEPARTMENT REPORT

D. Public Hearing

1. **KAR 115-4-4. Big game; legal equipment and taking methods. (Lloyd Fox)**
2. **KAR 115-25-9. Deer; open season, bag limit and permits. (Lloyd Fox)**
3. **Secretary's Orders for Deer Permits (Lloyd Fox)**
4. **KAR 115-25-7. Antelope; open season, bag limit and permits. (Matt Peek)**
5. **KAR 115-25-8. Elk; open season, bag limit and permits. (Matt Peek)**

XII. OLD BUSINESS

XIII. OTHER BUSINESS

A. Future Meeting Locations and Dates

XIV. ADJOURNMENT

If necessary, the Commission will recess on April 27, 2006, to reconvene April 28, 2006, at 9:00 a.m., at the same location to complete their business. Should this occur, time will be made available for public comment.

If notified in advance, the department will have an interpreter available for the hearing impaired. To request an interpreter call the Kansas Commission of Deaf and Hard of Hearing at 1-800-432-0698. Any individual with a disability may request other accommodations by contacting the Commission Secretary at (620) 672-5911.

The next commission meeting is scheduled for Thursday, June 29, 2006, at the William Carpenter 4-H Building, Scott City.

**KANSAS DEPARTMENT OF WILDLIFE AND PARKS
COMMISSION MEETING MINUTES FOR
Thursday, March 16, 2006
Kansas History Center, Topeka**

Subject to
Commission
Approval

The Department and Commission hosted a lunch for the legislators at the Capitol building from 11:30 am to 1:00 pm.

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

The March 16 meeting of the Kansas Department of Wildlife and Parks Commission was called to order by Chairman John Dykes at 1:34 p.m. at the Kansas History Center Museum in Topeka. 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).

III. ADDITIONS AND DELETIONS TO AGENDA ITEMS

Sheila Kemmis, Commission secretary asked that Rocky Mountain Elk Foundation be added to the agenda so the organization could present a check to the department for the two Commissioner Permits (one elk and one deer) they auctioned off. This presentation will be after the National Wild Turkey Federation's presentation.

The second item under General Discussion needs to be deleted because Mitch King of the U.S. Fish and Wildlife Service was unable to attend.

Cindy Livingston will present the 2007 budget item in place of Dick Koerth.

IV. APPROVAL OF THE January 19, 2006 MEETING MINUTES

Commissioner Johnston – I have a correction, under KAR 115-25-5, second full page, add “T” 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.** (Minutes - Exhibit B).

V. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

Chris Gehring – I am a radiology student at Hutchinson Community College and I am here with

my father, Mike Gehring and grandfather, Jim Graber and friend Don Kaufman. We have come to ask you to legalize noodling (hand fishing) which is illegal in Kansas and looked at by some as a type of poaching. In Missouri they implemented a season last year that runs June 1 to July 15, they require a separate permit of \$7.00, a fish must be 22 inches long to keep, but you can keep five fish per day. Oklahoma has no regulations, it is legal to do it whenever. The best route to take, to suit the fishermen and Wildlife and Parks would be to pass a regulation like Missouri's. Hand fishing is no easy task and can be extreme which is what makes it such a great sport. We would like to see mid-May to end of September or October season; have people buy a separate permit, say \$10; add regulations of 22-inch length limit; and three fish per day. One magazine ranked hand fishing with bull fighting and skiing Mount Everest. Those of us who do this are often thought as crazy or "two McNuggets short of a happy meal", but we would like you to consider this. Chairman Dykes – Who presented that at a past meeting? Wasn't there a group called Noodler's Anonymous? Commissioner Lauber – Do we know how many states it is legal in and is it damaging to a population of fish? When and why is it illegal? Joe Kramer – It could be detrimental to populations in river systems, there are only three navigable streams and on the other streams a person would have to get permission from the landowners to do that, so there is limited access. On the reservoirs we own the land. It certainly could be a catch and release, or 1 or 2 fish limit. Dr. Puckett from K-State is doing a big river research project on flatheads for the department so we can study and understand a little bit more about flatheads. We have discussed noodling with some of these people and others and there are some concerns about law enforcement and stream depredation. We do know there are people who want to do this. Also, we haven't checked with the other states to see if it is legal. Gehring – There are 11 other states where it is legal. Kramer – I believe it is legal in mostly southern states. Commissioner Lauber – Why was it made illegal? Kramer – I don't know. Mike Gehring – I talked to the Oklahoma people on the phone and they said they have always had it because native fisherman did it that way and it was never on the books that you couldn't do it. Oklahoma did a study on a lake, but not a stream, but they said they didn't have a problem with noodling. They are having a fishing tournament there once a year and they feel they are drawing too much attention and too many people and that is causing a problem. It is a real thrill. Chairman Dykes – How is access in other states? Gehring – It is private land there also where you need to get permission from landowners. Commissioner Lauber – I have no problem looking into this further, if it doesn't have any detrimental affects, I don't see a problem. Never participated in it myself but am not opposed to looking into it, but I don't know if we have the time or resources to do much study on it at this point. Chairman Dykes – Were you at the meeting where Noodlers Anonymous came? Gehring – No. Chairman Dykes – We will ask the department to look into it a little further.

Connie Hall, Geary County Convention and Visitors Bureau – I would like to thank Commissioner Meyer for coming to our office to discuss a tour for the April meeting which will be held on April 27 at Courtyard Marriott Geary County Convention Center. We have put together an agenda (Exhibit C). We plan to board a bus that morning to see the Milford Fish Hatchery in action, see Sportsman's Acres and the new horse facility at Milford State Park. During this time the nature center will be having a program with the Triple E Kids (Environmental Education Enhancement) program which has been conducted every year for 20 years where 600 children out of 5th grade in USD 475 do four programs, one involving the hatchery, the education center (an indoor program studying water and an outdoor program

building birdhouses). You will be able to have lunch with them, then come back for the meeting. We felt it was important that you visited Fort Riley on Friday with transportation being provided by Fish and Wildlife Conservation Restoration Branch out of Fort Riley. When you are there you will see prairie chickens booming; the elk herd (hopefully); a driving tour of the historic part of the Fort and U.S. Calvary Museum; and a site visit of the proposed boat ramp on the Republican River. Lunch would be on your own, but we have made plans for the afternoon to do “Close Combat Tactical Trainer Tour” where you can ride in a tank. That evening you can attend the Kansas State University Cabela’s Ahern Scholarship fishing tournament pre-meeting and be able to talk to the fishermen. Also, have Ed Augustine and Alan Hynek here if you have questions.

Bill Long, Manhattan – We would like to ask the Commission to correct the Rocky Ford Fishing area problem. The Geary County Commission is looking at legal actions to block the sale and would like the Commission to use their influence to turn that property back to the public.

Chairman Dykes – The Commission doesn’t have any legal involvement in real estate issues, but are interested in what takes place. Long – Talked to County Commissioners this morning and the quit claim deed you are proposing is not satisfactory, it includes property out of lot 17 which was the major river lot which we thought was settled 30 years ago and they are prepared to take eminent domain if that is not corrected. Working on putting a County Park in that area.

Secretary Hayden – The County Commission has eminent domain authority and we have that authority also and we regard that as a very serious issue and only use it in the rarest of occasions as a last resort and would never flaunt it or threaten anyone with it. We don’t feel it is necessary with Rocky Ford. Of the 9 ½ acres that we didn’t intend transferred, 9 acres have been transferred back to the department. We have now 57 ½ acres more than when the project began and we would not recommend eminent domain.

Chairman Dykes – Is the Riley County Commission aware of that? Long – They are aware of what they have done and I have a map if you would like to see it. That quit claim deed did not just include lots 18 and 19, it also included the west end of the Rocky Ford dam fishing area, which is the primary access area. Access was cut off about 30 years ago with the department’s acquiescence.

Secretary Hayden – It was not cut off with any acquiescence on the department, in fact the local neighbors filed an injunction against the department for the use of that property for a fishermen parking lot and fish cleaning station and that injunction still remains in place today, even against the new owner.

Long – I have fished there for about 50 years and I was involved when we couldn’t get the County Commission to do something about the problem 30 years ago. I have to disagree with you.

Secretary Hayden – The court record is clear, you can get a copy of the injunction filed by your neighbors.

Long – I would like to ask the Commission to do what they can to clear up an unpleasant situation that is giving the department and the Commission a black eye. We don’t know what other property in that area might disappear on us.

Commissioner Lauber – I would like to reiterate what I believe are the facts: two lots were sold which were appraised according to requirements and a clerical error was made that included an additional meets and bounds description. A transaction was made and some land was sold that was not intended to be sold and a lot of hoopla was raised and we bargained with the individual for the 9 ½ acres, we have gotten 9 acres back. Unless the County wants to attempt eminent domain against the State of Kansas (this agency) there is only a half acre of land available to bring back in.

Secretary Hayden – The County has threatened eminent domain on the two lots that were sold fairly at the appraised price and the additional half acre.

Commissioner Lauber – I took a tour up there and there are “no parking” signs that exist about every 30 feet, which makes me question the welcome of the community. We have some

responsibility from a safety perspective if someone decided to scale that wall and was hurt I suppose we have liability or had an obligation to provide safer access. I am sorry that people feel it is a big loss. If we get the river access back I don't see that the fishermen are out that much.

Secretary Hayden – We have a task force working on a master plan which includes fishermen access and parking from the west bank as well as the east bank. The only thing that is holding that up is the title searches to make sure any property we would use for that access that we hold the deed.

Commissioner Meyer – I want to point out that we have purchased all the way from the road that goes down to the Rocky Ford road, all of the riverbank from the road back down on the east side and north side. On the south side we have plans to provide access and west side where a trail comes down where they used to access a river irrigation pipe pump. We sold two lots that due to an injunction from the court, we couldn't use. I talked to the Corps of Engineers and asked them about water releases and up to three times a year they have up to eight feet of water going over that dam which would wash away anything we put down on the riverbank. There are huge boulders down there and if we removed those so that area could be used by fishermen, the next time they released water it would be washed away and possibly cause a cave in on that west side. We have given up two lots and less than 100 yards of access to the bank and we have gained 2 miles of access to that river for anglers and hikers and we have put in a water line to provide potable water over to Tuttle Creek State Park from the city water line. That sounds like a good deal to me. Take a look at it from a reasonable perspective and look at what we gained.

Long – I don't know where you are getting your facts, but those boulders were put in there by the railroad. You have a problem on the property sale, it was done in secret, no public notice. Part of the property that was in this last quit claim deed was not assessed as part of the sale and is a violation of statute as we understand it.

Commissioner Lauber – The Commission didn't have anything to do with the sale, but we (the department) have tried to correct the mistake that was made and we acknowledge that and have tried to correct the mistake through negotiation. I have had some mild discussions with the legal department and we will review and enhance some of the protocols in our liquidation of real estate when it so rarely occurs. It is difficult for us to acquire property and other than us making insignificant swaps we very rarely make a sale and somebody let the legal description that gets attached to a deed go through with the meets and bounds thing on the deed. Once we became aware of it we tried to correct it. As far as it being secret, we have certain responsibilities, we have to have an appraisal, but I don't think we have to post it to the highest bidder as that is not always in the best interest of the department. It is my understanding that there was a real estate agent involved and it was listed and we achieved fair market value.

Long – It is against statute to sell it without public notice.

Commissioner Lauber – We can't have made it not have happened.

Long – Look at the other evidence as to what has occurred, not from just one side and see what needs to be done.

Commissioner Meyer – I spent Tuesday out there and spoke to anglers, folks from K-State, Wildlife and Parks folks, and Corps folks and my advice would be that if the County can get the court injunction lifted and we cannot, and we have tried on two occasions to get a parking lot up there, if the County wants it I'd say have at it. We have increased the size of the fishing opportunities and provided some areas for walking trails. I understand there is going to be a public meeting on the 23rd.

Long – Understand that from the town standpoint they feel they have hit a brick wall trying to communicate or coordinate with the department.

Luke George, Manhattan – I have attended several meetings, all we want is the land back the way it was before the sale, and it is that simple. If it isn't, I don't understand eminent domain, but they will exercise that option.

VI. DEPARTMENT REPORT

National Wild Turkey Federation (NWTF) Presentation - Brandon Houck, NWTF, introduced Norm Bramlett (Treasurer) and Phil Rockers (Regional Director) (Handout – Exhibit D). We would like to make a symbolic check presentation on behalf of our 29 local chapters in the state. This check represents 2006 funds we plan to spend on partnership projects with the department, primarily habitat management on wildlife management areas. In addition, there are funds, for the first time this year, to help support and expand the spring walk-in-hunting areas. Also, poaching rewards and other miscellaneous expenses. This is in addition to the money we spend on our own outreach programs like 4-H shooting; Women in the Outdoors; Jakes; publications; and that type of thing. *Norm presented check for \$32,450 to Chairman Dykes and Secretary Hayden. Photo included Houck and Rockers.*

Rocky Mountain Elk Foundation (RMEF) Presentation - Bruce Gollnick, State Chair introduced lead volunteer Todd Ackerman from Marysville. I have three checks to present. The first check is PAC (Project Advisory Committee) money -- \$20,737; the second check is the Commission Deer permit sold at our National Convention in Reno for \$5,950 (sold for \$7,000); and the third check for the Commission Elk permit also sold at Reno for \$18,550 (sold for \$23,000). *Presented checks three checks to Chairman Dykes and Secretary Hayden.*

Chairman Dykes – I would like to thank representatives who manned booths at the luncheon at the capital today. This is turning out to be a very successful annual luncheon. I would like to read the names of the organizations (Exhibit E) and have those of you here stand and be recognized at the end. The Kansas Buffalo Association; The Kansas Canoe and Kayak Association; Kansas City Chapter of Safari Club International; Kansas Ducks Unlimited; Kansas Furharvesters Association; Kansas Hunter Education Instructors Association; Kansas Outfitters Association; Kansas Pheasants Forever/Quail Forever; Kansas Recreation and Parks Association; Kansas Sport Hunting Association; Kansas Trails Council; Kansas Wildlife Federation; KANROCKS Recreation Association; National Wild Turkey Federation; Ninnescah Sailing Association; and Rocky Mountain Elk Foundation.

A. Secretary's Remarks

1. 2006 Legislation – Chris Tymeson, Chief Legal Counsel, presented this report to the Commission. We are over half way through the legislative session. There have been over 1,000 bills introduced in the House over the past two months and over 600 in the Senate. We have 35 bills to briefly discuss.

SB 87 – Is the \$5 registration added to motor vehicle registrations to fund State Parks and allow anyone with a Kansas license plate into the parks for free. Introduced last year and referred to the Senate Ways and Means Committee, off the calendar back into Committee the second week of this year.

SB 228 – Dealt with the release of water from Cedar Bluff Reservoir. Did not move out of Committee.

SB 395 – Deals with hunting and fishing licenses for disabled veterans and park entrance permit to the military for state parks. Did not move. It has a substantial fiscal note attached to it.

SB 402 – Not on our website, but dealt with cruelty to animals, making it a felony, has an exemption for chapter 32 series laws (wildlife and parks laws).

SB 417 – Boating law changes, new statutes deal with marine theft, passed out of Senate 38 to 2 and passed to consent calendar, expect it will be moved to normal calendar soon.

SB 459 – Restrictions on hunting and fishing licenses for a person in child support arrears when those children get Title 4D federal funding through the state. Bill started in the Senate and we supported it, made it out of Senate and into House Committee and an amendment was made about a week and a half ago which would change the name of Park 24 to the Oregon Trail Kaw River State Park. Passed out of Committee and is on House general orders.

SB 483 – Prescribes procedures for acquisition of land by the department. Received hearing in Ways and Means and there has been no action.

SB 526 – Sale of over-the-counter deer tags. It would require, if residents get over-the-counter deer tags for antlerless permits, nonresidents would also. The issue is in relation to antlerless provision in KAR 115-25-9 so the bill as drafted would have no affect. Hearing is set for March 17, at 8:30 am.

SB 534 – Windpower generation facilities and the standards for operation. It would require guidelines that the department has drafted. Received no hearing and is not moving at this time.

SB 561 – Allowing all terrain vehicles in state parks. Referred to Natural Resources and did not receive a hearing.

SB 570, 571 and 573 – Appropriations bills and are in Senate and set for hearing March 17 at 10:30 am.

SB 575 – Not on website, just watching this bill. Topeka and Shawnee County riverfront authority act. Reintroduced this year, passed Senate yesterday.

SB 578 – Regulation on exotic animals (lions, tigers and animals we have been discussing). Had a hearing earlier this week in Senate Ways and Means, there were some amendments and passed out of Committee this morning.

SB 583 – Economic Development Initiatives Fund transfer for Parks of \$4 million and \$1 million for Local Government Outdoor Recreation Grant Program (LGORGP), passed out of Senate Ways and Means this morning.

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 – Increased misdemeanor felony threshold for the one statute we have, KSA 32-1005 from \$500 to \$1,000 along with a lot of other statutes. Remains in Conference Committee where it went last year.

HB 2210 – Exemption from hunter education for current or former members of the Armed Forces, introduced last year but did not receive a hearing. Received a hearing this year and was tabled in Committee.

HB 2226 – Land acquisition restrictions passed out of House last year and was referred to Ways and Means, received a hearing and remains in Committee.

HB 2393 – Release of water from Cedar Bluff Reservoir, received a hearing last year and has not moved.

HB 2432 – Not on website, liability of property owners adjacent to recreation trails. It would provide them broader immunity from civil action if people strayed off the trail. No hearing last year, had a hearing this year, passed out of the House and there is going to be an amendment to the bill that we have to pay some attention to as a responsible party for a trail.

HB 2459 – Transfer of an antelope permit by a landowner or tenant to a resident or nonresident. Did not move out of Committee.

HB 2476 – Imposition of transient guest tax on cabins owned by the department. No movement from Committee last year, attempt to amend on House Floor this year, which did not pass.

HB 2561 – Deals with the appointment of Commissioners. Came out of Committee in a substitute form which said on July 1 of this year there would be a member from each of the Fish and Wildlife administrative regions on the Commission. Amended on the House floor to strike any educational requirements of the Secretary and another amendment which would make lifetime licenses half price for individuals under 25. The bill has been referred to Senate Ways and Means Committee where it remains.

HB 2778 – Preservation of Cedar Bluff Reservoir and has not moved out of the Appropriations Subcommittee.

HB 2782 and 2783 – Both dealt with prairie dog management, one would strike the old statutes and one dealt with the management plans and control by townships and counties. HB 2783 did receive a hearing in the House agriculture, but did not move.

HB 2817 – Land acquisition bill in Appropriations Subcommittee. Had a hearing last week and is being worked today with some amendments.

HB 2846 – Renaming of State Park No. 24 which was amended into SB 459.

HB 2894 – Free hunting and fishing for veterans. Received hearing in select committee on Veterans Affairs and there is possible action on that bill but we haven't been notified at this time.

HB 2896 – Customer information and NRO's (Conservation Officers). Long and convoluted bill, don't expect action this year.

HB 2899 – Feral swine restrictions and penalties. Would strengthen authority of Animal Health Department and prohibits sport hunting. It is set to be worked Tuesday morning in Senate Ag.

HB 2917 – Over-the-counter sales of archery deer permits. No movement this year.

HB 2930 – Eliminate education requirements for Secretary of KDWP. Amended into HB 2561 which is in Senate Natural Resources, received hearing in House Committee where it was tabled and shortly after was amended on the floor.

HB 2957 and 2958 – Appropriations bills which are on House general orders and will be worked today.

House Concurrent Resolution 5034 – Deals with declaring Cheyenne Bottoms the migratory bird capital of Kansas which has passed out of the House and has been referred to the Senate Natural Resources where it sits.

Commissioner Lauber – On SB 578 which is about exotic cats that is very similar to what we have been working on. Will that preclude the need for our bill to come out? Tymeson – The main thrust of that bill is the Minnesota bill which passed in 2003 or 2004. It is much more of a local state partnership in regulation of these species. The regulatory authority given to the department in the bill deals with a state registration system, determining caging requirements and items that are more technical in nature. The local authority would be the actual animal control. We would not need our regulation in its current form if that bill passed but would be required to pass other regulations that would cover caging requirements. Commissioner Wilson – Today the insurance requirement was taken out of that bill. Is there anything in the bill that precludes the Commission from requiring that as part of our regulatory process? Tymeson – I don't believe we could do that if the bill passed in its current form. That has been a matter of contention in the legislative process as to the availability of insurance policies for these species. As I understand it they are

available, but expensive and politically that was why that amendment was made. Commissioner Meyers – The bill allows local communities to be more stringent, so local communities could put that in. I feel insurance should be part of it. Chairman Dykes – What are the prospects for 2561? Tymeson – At this point I don't think the bill is moving. Chairman Dykes – What about the educational requirement for the Secretary? Tymeson - I believe all committees are done meeting by Wednesday of this week and that is in the Senate Natural Resources which only has one more day.

2. FY 2007 Budget – Cindy Livingston, Administrative Division Director presented this report to the Commission (Exhibit F). The commission was provided information on the FY 2007 Governor's Budget Report for the Kansas Department of Wildlife and Parks (KDWP) at the January 19, 2006 meeting. The House Committee on Appropriations has made the following adjustments to the governor's recommendations: 1) shifted \$1 million of parks financing from the State Highway Fund to the State General Fund. In addition, the house committee recommended an interim study during 2006 on the topic of state parks funding; 2) shifted \$80,000 of financing to operate the Prairie Spirit Rail Trail from the Park Fee Fund to the State General Fund. The governor's recommendation for additional expenditures of \$65,000 and 1.0 FTE were approved; 3) deleted \$781,125 for vehicle acquisitions funded from the Wildlife Fee Fund and the Boating Fee Fund. This item will be reviewed during the Omnibus Session; 4) deleted \$553,365 in salary increases recommended by the governor pending review during the Omnibus Session; 5) added a proviso for FY 2006 and FY 2007 that KDWP will not pump groundwater for playa lakes or wetland properties operated by the department; 6) added a proviso that KDWP will not construct any new river access on the Kansas River without obtaining certain approvals from adjacent landowners or cities; 7) added a proviso that no funds will be spent for operation or acquisition of the Circle K ranch without legislative approval; 8) added a proviso that KDWP shall not acquire any additional property for State Park No. 24 or spend any funds for operation or maintenance of the park without legislative approval; 9) added a proviso that KDWP will not close any state park without notification to the legislature. In addition, the department must certify monthly to the Division of Accounts and Reports that it has not closed a park without notification to the legislature or no expenditures will be approved to operate the state parks. In addition they will review royalty revenues from oil and gas activities, reciprocal park admission agreements with other states and agency policy for providing employee housing. The House committee did not amend capital improvements. The Senate Ways and Means Committee has some similarities to the house recommendations: 1) reduced the FY 2006 State General Fund available for the National Guard program for reimbursement of license fees by \$200,000 that is "shifted" to operations of the state parks. The recommendation will still provide an amount of \$257,649 for the program; 2) the \$200,000 in SGF from the item above is available for FY 2006, if needed, however, the intent of the committee is to use the funds in FY 2007 and replace the Road Funds recommended by the governor; 3) restore \$188,456 in shrinkage from salaries recommended by the governor for FY 2006; 4) delete the \$1.0 million recommended by the governor from the Road Fund for Parks Operations and instead use \$800,000 from the SGF plus the \$200,000 described above that is reappropriated from FY 2006; 5) add \$97,000 in SGF for state park replacement vehicles. The Senate Committee does not delete the vehicles recommended by the governor. They are meeting today on that. Commissioner Wilson – Would like to know on provisos, do we think we can be successful in eliminating most, if not all of these which are very detrimental to some programs that do a lot of

good for our department and are causing us extra paperwork and staff work when we already don't have the staff to do what is needed? Secretary Hayden – The Senate did not adopt any of these provisos, but the House usually operates through provisos and they only last for one year. For instance in the case of Circle K, we don't plan to do anything next year anyway. The Playa lakes are very important in the migratory route north and south, we have the water rights and these kinds of provisos fly in the face of what the department's mission is. The House always gives us grief on river access. We don't have any problems with the ones within cities because we always work with the cities, but the problems come when we own property in the rural areas. They try to stop us from building boat ramps by requiring that we have permission from adjacent landowners, when they know some of those landowners are opposed to river access. It is terrible policy and hopefully our friends in the Senate can negotiate some of these onerous provisions away. Commissioner Wilson – I understand that this is the way these things work downtown, but I am especially disturbed about the proviso that the department can not pump groundwater into playa lakes, especially when we are very careful to have the water rights in place to do that. Also, we are actively encouraging, through state and federal programs, private landowners to be taking caring and conserving of these important properties, wetlands, playa lakes and then we see things like this that try to tie our own hands in being model stewards of the land which is part of our mission. Commissioner Lauber – I share Commissioner Wilson's concerns, especially on playa lakes. Do we have any recourse? Secretary Hayden – The Governor does have line item veto power over provisos, so even if the legislature does pass it we have one option to appeal to her. The real thing that is onerous is that they are singling us out, but also they are second guessing the Chief Engineer of the Water Office and they are saying this in spite of that. It is a dangerous precedent because if they can do it for our department there is no limit to when they might do it for a private citizen or any other state agency. Commissioner Lauber – Hypothetically, could we lease the management of the playa lakes' water rights or is that dangerous ground? Secretary Hayden – The lease option on water rights is not one we have pursued so it would be plowing new ground for us. Commissioner Wilson – Could you let us know who the conferees are on the budget and let us know what happens to this? Secretary Hayden – The conferees on the part of the House are Chairman Neufeld; Representative Landwehr; and Representative Feuerborn. On the part of the Senate it will definitely be Senators Umbarger and Barone, and I am not sure if the third Senator will be Senator Emler or Senator Morris. I would say we know five of the six today.

3. Revision of Secretary's Resolution – Change of Free Park Entrance Days Cheney State Park – Jerry Hover, Parks Division Director, presented this report to the Commission (Exhibit G). In setting these free park entrance days, Cheney State Park staff requested April 15 and 16 which is Easter weekend and they have requested that we move it back one weekend to April 8 and 9 at the request of new partners who are scheduling events for free entrance days. Motion by Commissioner Wilson, second by Commissioner Johnston, ***all Commissioners approved.*** Commissioner Wilson – I had the opportunity recently to attend the annual luncheon of Kansas Recreation and Parks Association in Overland Park and two of our own state parks were given awards for their OK Kids Day celebrations, Wilson and Meade State Parks. I would like to congratulate them for a job well done and the whole department for that.

Break

B. General Discussion

1. Kansas Wildscape Video Presentation – Mike Vineyard, Wildscape liaison to Wildlife and Parks presented this report to the Commission (Video - Exhibit H). Over 15 years ago when Secretary Hayden was known as Governor Hayden, Bob Meinen directed the department and Commissioner Bill Anderson sat in one of those chairs, they conceived the opportunity for a private, not-for-profit foundation, to work on the private side and complement the department. Kansas Wildscape Foundation was born from that idea and I have served on the board for 15 years. We have developed a video presentation that we use in fund raising and in presentation of events around the state. *Showed a six minute video about Wildscape.* [From Video - Wildscape created to solve problem of small amount of public land. Wildscape Foundation is dedicated to conserving and maintaining the land, the wild species and the rich beauty of Kansas for the use and enjoyment of all and encourages conservation and responsible use of natural resources by promoting positive outdoor ethic. Since 1991, Wildscape has led the way in more than 40 projects, developed several youth programs, and raised over \$2 million to create and develop outdoor opportunities. Outdoor for Kansas (OK) Kids program encourages children to get involved in outdoor activities as an alternative to sedentary life style. We've worked with KDWP and Kansas Recreation and Parks Association to provide opportunities to enjoy city and state parks. We support Friends groups to raise private funding to improve state parks and public lands; hold an Annual Governor's Fishing Classic as a fundraiser that highlights dedication to kids and community involvement; partner with KDWP in an ongoing project to build cabins in state parks; restoration of Milford Wetlands is largest fundraising project to date -- created an additional 2,300 acres of controlled wetland acres around Milford Reservoir providing habitat, provided privately raised funds of over \$1 million to match \$4 million in federal funds; and are currently working with KDWP, Fort Hays University and other organizations to raise money to build National Wetlands Educational Center at Cheyenne Bottoms. Wildscape is a 501(c)(3) organization formed in 1991 by Governor Mike Hayden and has 24 board members from different venues (business and civic leaders). All board members serve without compensation or reimbursement. Two annual fund raisers and membership contributions support operating activities and salaries of two professional staff members in Lawrence, making 95 percent of money raised going directly to the projects. Will Rogers said, "Invest in land, they don't make it anymore".

Vineyard – The OK Kids program last summer had 13,000 to 15,000 kids and their parents in our state parks, Meade State Park (SP) had over 1,200 kids. Our focus currently is providing cabins at state parks and we are currently working on three right now, one at Cross Timbers SP and two at Perry SP (\$100,000). Our goal is to put 15 to 20 cabins in state parks this year which means we need to raise about a quarter of a million dollars. We use our umbrella and financing vehicle to leverage these to accelerate the pace of cabins going in and we feel people of Kansas can really benefit from these cabins. Chairman Dykes – How long have you had that video? Vineyard – About four days now. We will be sending DVDs to each of you. Chairman Dykes – You deserve a pat on the back because I believe OK Kids was your brainchild. Vineyard – Someone had to do it. We had a vision of 5,000 kids and we are a product of our own success because we are outgrowing our sponsors and are out beating the bushes.

2. U.S. Fish and Wildlife Service Region 6 – Mitch King, U.S. Fish and Wildlife Service, presented this report to the Commission. Mitch King was unable to come, **CANCELLED**.

3. Early Migratory Bird Seasons – Marvin Kraft, waterfowl research biologist, presented this report to the Commission (Exhibit I). These are seasons that occur prior to October 1. At this time we expect the proposed early season frameworks to be published sometime during mid-July. Expect frameworks same as last year for rail, snipe and woodcock and dove as well, which is handled in a different regulation. There is a change in the regulation for the September Canada goose season. For Canada geese, Kansas allows a 15-day season during the first 15 days of September to help control depredation and nuisance animals. We can set a season from September 16 through the end of September if we conduct an experiment to prove that we are not harvesting a significant number of migratory Canada geese. The recommendation will be to adopt a 10-day Canada goose season running from September 16 through September 25, with a bag limit of 3 and 6 respectively. We are also recommending a considerable increase in the amount of the state that will be open to this season. Basically, we are going to go statewide with the exception of the southwest corner of the state which would be the area south of Highway 96 and west of Highway 183. The population indices from our resident geese has held steady for a number of years and we have decided that we could apply some additional harvest pressure to those birds. We will watch it closely and if those indices start to decline we will have to back off of this large area. Our intent is to match the September goose season with the teal season and we really don't have an idea of what the teal season will be at this time so I may be coming back to the next meeting with a different set of dates for this season. The teal season recommendation will be determined by the number of teal observed on the main production survey for ducks and other factors. In the High Plains the number of days is affected by whether we have a liberal season, 97 days. Chairman Dykes – Are we seeing any increase in interest in the September Canada Goose season? Kraft – Some interest, but not a big harvest. In fact, it is so low that it doesn't even show up on federal harvest season, it bounces back and forth between 1,500 and zero. I do have about 15 slides to show at this time which shows some distribution of geese that we have trapped and transplanted (Exhibit J). Mike Pearce – What have you heard about the overall condition of the water up north, snow pack and such? Kraft – In December, when we talked to the Canadians it was classified as good, but they have not been getting a lot of precipitation in the last few months so it is declining. I am expecting another liberal option. Pearce – Do you have any information on the die off of sandhill cranes? Kraft – I have been out of state so I had not heard about that. Pearce – On March 9, Dave Hilley was out and saw two cranes and one of the birds was using its bill for balance. Then they saw five different groups of bald eagles around eating on carcasses. They went and searched the salt marsh and found 40 untouched carcasses and the remains of about 60 others that had already been hit. When they did the basic check there they found peanuts in the gullet and they suspect that the birds had gotten into mildewed peanuts in Texas, and it takes about 24 hours for the toxin to kick in and they figured that was about how long they had to get up to Quivira. No whoopers were seen in either area. They are waiting for results from a federal lab in Wisconsin. Dave said from the way the birds were walking around it was partial paralysis that was going on; at least that is what they were hoping it was and that the birds weren't picking it up in Kansas. Kraft – I would be shocked if it was Avian Influenza as it hasn't shown up in the states at this time. The other possibility is botulism or cholera or something like that. If they had peanuts in their craw that would be a good indication because Oklahoma and Texas have a history of losses of birds from the micro toxins in peanuts.

Showed slides (Exhibit J). Treatment of problem Canada Geese 2001-2004: in Wichita and Kansas City in late June and July; transported to Cedar Bluff; held flightless wing-clipped birds in pens until late September; in late September, stubs pulled, banded, neck collared and transported to Reservoirs in NW region and released. Only adults were banded, 1,007 banded and 713 neck-collared. Recovery distribution slide showed that they didn't go back to Wichita or Kansas City in large numbers and were providing a significant hunting opportunity. These are dead recoveries and not that many birds were recovered, but 66 percent were recovered in the NW region of the state where they were released. Showed tables of sightings in the state also. Going back 1991-2005, including birds from Colorado, banded and released in Region 1 from May to October, both adults and immatures, roughly 4,500 were banded and 22 percent were recovered. Dead recoveries showed them going north and back to Colorado. Of birds banded from all across the state, roughly 20,000 birds were banded, 4,500 were recovered, about 25 percent. A lot of recoveries in state of Kansas, many went back to Minnesota, South Dakota and Canada. South Dakota is one of the states we never got a single goose from during our restoration program. Those birds are probably going up there to get away from Kansas heat and to molt. South Dakota has taken as many as 45,000 birds in their September season and they have a huge depredation problem. North Dakota also has a large population which is climbing at a tremendous rate.

Commissioner Wilson – Thank you for presentation. For myself I enjoy hearing about studies like this that the department is involved in. What we are basing some of our decisions on and this it is extremely beneficial to me as we go along. This gives us time to chew on something, not just when we are voting on it.

4. Duck Hunting Zone – Marvin Kraft, waterfowl research biologist, presented this report to the Commission (Exhibit K). Every five years the U.S. Fish and Wildlife Service allows states to change the type of duck season option they want. There are three alternatives that we have. The basic option is a statewide season with one split (two segments) and no zones. This is considered a fall back option. Alternative options must be selected during the open window period and include: 1) no more than three zones with no splits (continuous season in each zone); 2) a statewide season with two splits (three segments), we had this for about 14 years before we went to zones; or 3) two zones, plus the High Plains area of Kansas (three zones total), with the option for one split in each zone. This is the option that Kansas has utilized the past ten years. The recommendation is to maintain the current duck hunting zones with two minor boundary modifications. One of the modifications is southwest of Great Bend where we have extended the late zone southwest to take in the Arkansas River which provides more late hunting opportunity. The other is right next to the High Plains boundary near Dodge City where we have extended the early zone a little bit to include some playa lakes because they tend to provide early hunting opportunity. In staff's opinion it probably does the best job providing a fair distribution of hunting opportunity in the state. It does have some negative aspects, the confusion of boundaries that you always have, but after the first year I have received almost no comments or concerns regarding the zones. In the past when we had the double split season, where you had three segments some of our surveys strongly showed folks did not like the number of splits and the short segments on either end.

Commissioner Lauber – How many days are we allowed now? Kraft – Last year we were in the liberal package which allows 74 days in Low Plains and 97 days in the High Plains. The moderate package would be 60 days in the Low Plains and the restrictive package would be 39

days in the Low Plains. Commissioner Lauber – You will know more after the Council meets? Kraft – The Council meets next week, but most of what they will be discussing will be the early migratory seasons. It will be mid-July before we know what package we will get this coming year. Commissioner Lauber – Do you expect a more modified or restricted package? Kraft – The best bet is that we will be in the liberal package again this year. If you have been paying attention to the politics of agricultural legislation, CRP in the Dakotas is looking a little tough up there. If CRP goes away on the breeding grounds it will have a tremendous negative affect on duck production. Canada has been dry for several years, but seems to be getting wet again. It remains to be seen if they can pick up the production again. Expect liberal package for another year. It takes two things to produce ducks: a good quality wetlands and associated upland habitat. Commissioner Lauber – I misunderstood, CRP is positive? Kraft – Right. In the legislation that is being tossed around, I expect a shift from the Dakotas in our CRP acreage to other parts of the nation and that will have a negative impact on duck production.

5. KAR 115-25-19. Dove, management, hunting season, shooting hours, and bag and possession limits - Marvin Kraft, waterfowl research biologist, presented this report to the Commission (Exhibit L). No changes in this regulation are proposed at this time. The current regulation allows an aggregate bag of 15 doves. Species included in the aggregate bag include mourning dove, white-winged dove, Eurasian collared dove and ringed turtle dove. The season is split, with the first segment opening on the first day of September and continues for 44 days. The second segment opens on the first day of November and continues for 16 days. Haven't received much comment regarding this season. Most harvest occurs during the first half of September. However, the current season structure allows hunters to take dove incidentally during the early portion of the upland game seasons, when many hunters are in the field. No negative comments on last year's seasons. Kansas historically ranks among the highest in the nation in doves heard per mile during the annual Call Count Survey. The number of calls heard in Kansas increased from 2004 to 2005, and during the last 10 years. The department is participating in a nationwide dove banding program to obtain harvest rate and survival information. So far we have banded roughly 5,000 doves during the first three years and Helen Hands (wildlife biologist) will show more at the next meeting on that. Nationwide totals being between 20,000 and 30,000 annually, expect closer to 60,000. The issue of lead poisoning in mourning doves is gaining attention. Recent studies suggest that lead poisoning is a significant cause of dove mortality. The International Association of Fish and Wildlife Agencies has recommended a National Conservation Need for funding for priority research directed at the dove lead poisoning issue. Chairman Dykes – How do they think the lead poisoning is occurring? Kraft – During feeding, just like waterfowl, but unlike waterfowl doves die almost immediately and the lead is not showing up in harvested birds because they don't last long enough to be harvested. Chairman Dykes – I would expect the availability of lead being able to be picked up would be so dispersed. Kraft – I think doves are a lot like waterfowl and you tend to have traditional shooting areas and it depends on soil types. When I did the programs on lead shot for waterfowl I had a video of an area in New Mexico that was a dove shooting area, they called it a tank (a pond that was used traditionally to hunt doves) and you could pick up lead shot by the teaspoon or tablespoon, so it does accumulate over time. Joe Kramer, Fisheries and Wildlife Division Director asked Kraft to touch base on wing bees that we co-host. Kraft – In about 1993, the Central Flyway Waterfowl Wing Bee was moved from Santa Fe, New Mexico to the USFWS headquarters at Hartford, Kansas. Wing envelopes are sent out in the mail and are returned to Hartford and once a year, the

second or third week of February, individuals from the Flyway, North Dakota to Texas, come for a week to Hartford and we work 24,000-25,000 duck wings and goose tails. This year the “parts” were down to about 18,000-19,000. It is a fun week and it is good time to learn. Good time to tell stories, once you learn how you can carry on conversation and do your job at the same time.

Kramer – Good training ground for field biologists and law enforcement to learn how to identify waterfowl. Kraft - We send 5 to 9 individuals from our department and with folks from other states there are usually about 40 individuals. Chairman Dykes – How many envelopes are sent out? Kraft – I don’t know. They change the sampling rate by state from year to year. If a state starts coming up short in responses they increase the number of envelopes sent out. You would get a postcard first asking if you hunted and how many birds you got and if you responded positively then the next year you would get the envelope.

Ed Augustine – Are you suggesting that at some point you won’t be able to use lead shot for doves? Kraft – Not suggesting that at all. Don’t want to get into the same problem we had with steel shot and waterfowl. Need to convince the guys on the ground, the hunters, to do that.

Everybody wants to move cautiously. Augustine – What would be alternatives to that? Kraft – need better information to be sure lead is killing doves and other waterfowl, then do a much better job of convincing our constituents. Augustine – I’m concerned with the alternative. Is there a population affective thing happening now? Kraft – There is only one individual working on that now. The speculation is that there is just as many doves being killed by lead shot as hunting. Augustine – We would like you to consider moving dove hunting into August. Kraft – Would need a Treaty modification and 10 or so years of study to do that. We were sued several years ago for early season hunting. I wouldn’t hold my breath for a dove season in August.

Status of Deer Working Group and public comment – Mike Miller, special assistant and Task Force Chairman presented this report to the Commission (Exhibit M). *Showed PowerPoint of figures shown to the legislature.* This is a brief review of the report given to legislature in February. The Work Group was established back in October at the request of the 2005 legislature to look at deer related statutes and come to them with recommendations. A 10 member-group began meeting weekly to examine current strategies to control deer numbers, minimize crop damage and vehicle accidents, while considering the long-term biological, social, economical and political impacts of these recommendations. We knew we weren’t going to go back to the legislature or Commission with changes in statutes and regulations unless we had a good package. Total number of deer permits sold last year was about 97,000, but these figures give you an idea of figures for resident, general resident, landowner/tenant, any deer permits and any game tags. Again, in 2005 you had to possess an antlered deer before you could buy an antlerless game tag or permit, so that did change the numbers on some of the antlerless permits. Nonresident permits in 2005, were based on 16 percent of what was issued to residents in 2004, nonresident archery was based on 21 percent of what was issued to resident archery hunters in 2004. This is based on statute and 50 percent of the nonresident permits are set aside for landowners and if they draw them they can transfer them. We had 9,700 applications, 7,500 from landowners and after the initial drawing 1,249 were left over, primarily in the eastern units. There were 600 landowner transferable tags that never were transferred. We don’t have figures from 2005 yet, but in 2004, 77,000 deer were harvested, archery average success is about 45 percent, any deer permit holders for either species was 62 percent and the whitetail either sex permit holders average about 52 percent success rate. We decided to establish issues and then come up with recommendations to address those issues. Issues are based on opinions and ideas

that were brought before members of this Committee over the years from hunters and constituent groups. The first issue was that permit allocation and distribution should be function of the department and the opportunity to obtain them should be fair and equitable. Comments received over the years indicated an overwhelming dislike for the transferable permit system. The deer resource, especially mule deer in the west must be conserved, maintain deer populations that are sustainable within human tolerances and address animal health as it pertains to wild deer and captive cervid operations. Kansas deer hunting tradition must grow. We believe the complexity and restrictive nature of our current program has prohibited growth. Want stakeholder input. Permitting and hunting regulations can be simplified, and hunting opportunities can be improved. When we started looking at these we started to come up with justifications so we looked at the trends of nonresident permit demands. In 2004 the demand leveled off and then dropped off but there was a considerable increase in cost in 2005, from \$200 to \$300 so that could be a reason. When we got to looking at these we decided there might be areas that we have been meeting demand, or exceeding demand where we had leftovers, and if we could meet the demand then we could justify the elimination of transferable permits. If we remove the caps or raise them on nonresident permits we don't know what impact that taking landowner applications out of the picture will have. We came up with draft recommendations for the eastern part of the state to make nonresident permits unlimited and in the western part of the state, where the resources are more limited, we recommended a 25 percent cap based on a first come first served basis. To simplify things we recommended consolidating deer management units from 19 to 2 for white-tailed either-sex permits and maintain 19 management units for antlerless harvest and other harvest considerations. We made a draft recommendation for establishing a whitetail either-sex any season permit. If we can provide that permit we would reestablish the statewide archery permit. Establish two units for either species permits in western part of state (the any deer permit). We did recommend keeping the any deer permit rather than separating mule deer and whitetail because currently 52 percent of the any deer permit holders harvest whitetails, but we may change the name of the permit to either species, either sex. To get rid of the transferable hunt-own-land permit we recommend allowing landowner's immediate family to qualify for hunt-own-land permits regardless of whether they live in the house (regardless of residency). Currently, for each 80 acres every person in the house can obtain a permit and transfer them to linier or collateral relatives and law enforcement says it is almost impossible to enforce this. Provide half-price youth permits. To improve opportunities, we would like to open a special muzzleloader season later in September, the Monday after youth/disabilities season for two weeks and open the archery season the same day and run it concurrently through December 31. We would keep regular firearms season as it is now. *Showed draft graphics of the east and the west unit, using current highway designations. Also showed draft mule deer units west and east any deer units.* After January meeting we presented these draft recommendations to the House's Wildlife, Parks and Tourism Committee and then to the Senate Natural Resources Committee in early February and asked to delay recommendations until 2007 legislative session. We told them we would bring back both regulatory and statutory recommendations to simplify this process. We ran news releases on our home page, an article in the Wichita Eagle and email comment from news release and I received 66 emails. We started an agency blog in mid-February and had 204 blog posts and I received about 15 or 16 phone calls. I spoke to Kansas Outfitters Association, Kansas Bowhunters Association and will continue dialogue at Commission meetings. We are looking at late summer for public meetings. Comments I received covered entire spectrum - bring back statewide archery; move muzzleloader season later; and establish

two whitetail units were issues I received quite a few positive comments on. Main concerns were: nonresident permits will increase leasing; hurt deer numbers and quality deer; reduce resident opportunities; and don't like guides and outfitters leasing. The Task Force is going to continue to meet and decide on public meetings and continue to listen to the public. Also need to address issues on animal health, captive cervid operations, feeding, baiting, and penned hunt operations. Recommendations will be given to Management Team next fall and final department recommendations to Commission and legislature in January 2007. We are working on doing some type of a survey of our deer hunters in general. Chairman Dykes – Could we get schedules of public meetings for around the state at the April Commission meeting? Miller – We could give you a start. We will probably hold meetings where there is a high interest and have a venue. Chairman Dykes – How many meetings do you anticipate holding? Miller – A minimum of five, one in each region and I expect myself, Lloyd Fox and most of the Committee members will plan on attending. Commissioner Lauber – A lot of items the Task Force is trying to correct was forced on us by legislative mandate. Have adversarial groups weighed in on any of these particular issues? Miller – Committee would like to see a package deal, something put in place and kept consistent. Commissioner Lauber – Specifically, transferable permits were forced on us by agricultural economic benefits, will this be something that will be forced on us later? Miller – I think we will get an indication at the public meetings. Chairman Dykes – Will you be reporting to the interim committee this summer? Secretary Hayden – Not currently, the hearings won't be until fall. Commissioner Johnston – If the two unit plan would fly, results could be the elimination of the January season? Miller – We recommend keeping the 19 management units for the antlerless harvest and that type of thing. Commissioner Johnston – Based on contacts I have had, especially the last couple of years, I anticipate if the Task Force final recommendations include a provision for unlimited nonresident deer permits in the eastern part of the state there will be considerable backlash and I am not sure that is wise. Miller – That is why we are having the public meetings, so we can have the backlash before the final recommendation. The Committee's stance is we are not going to try and limit leasing opportunities for private landowners, which is in a sense what we would be asked to do is to limit nonresident permits so people wouldn't be able to lease their land and we are not going to deal with that in our recommendations. Secretary Hayden – When we went through a similar situation a decade or so ago, we went from limited resident permits to over-the-counter permits for Kansas residents which are by far the bulk of the hunters, at that time many people predicted the sky would fall and the deer population would be annihilated. Still to this day, with over-the-counter unlimited permits we don't even harvest 20 percent of the deer annually in this state. Commissioner Lauber – I think Kelly has a point. It is going to be difficult to sell that concept. The nonresident demand has been met and if we keep the price up for nonresidents where it is fairly expensive to protect the residents, I think a good case can be made that we have already met the nonresident demand. I think you will have a sales job to try and do that. Leasing is about as popular as aids. There is resident and nonresident leasing going on and we can't get involved in telling a landowner they can't lease. Miller – There has to be some benefits to everyone or it is not going to fly. The latest surveys we did, 58 percent of the people who hunted on leased land were residents and 42 percent were nonresidents. Leasing may be a function of urbanization of our population.

Ron Klataske – Philosophically I question whether you can call something a Task Force if you only have staff members who like to hunt on it. I think there should be much greater diversity on it. Specifically, I would like to comment from the standpoint of the landowner. There is an

overwhelming dislike for transferable permits according to the Task Force. There are a lot of landowners who find these to be valuable. I tend to think the dislike for transferable permits is misdirected and there isn't sufficient thought within the Task Force to think in terms of landowner perspectives. You mentioned doing a survey with deer hunters, but how about doing a survey with landowners who have transferable permits. I was talking to Mike Beam with the Kansas Livestock Association recently and a few years ago many landowners were negative on deer hunting and deer and that has transformed now that they see a value in it. I think there should be landowner transferable permits for pronghorns and we need to work with Mark Smith at Wallace and others. On deer, talk about changing hunt-on-own land permit to be the same as hunter/tenant can hunt in same area is sending the wrong signal, not even giving them \$5 less for their permit. Give more thought to that subject. Commissioner Lauber – I don't agree with you on transferable permits, I fail to see where the landowner is the greater beneficiary, the intermediary outfitter or third party is benefiting. It is a parasitical layer that gets involved. The public comments that I have received has been almost overwhelming against transferable permits. The agricultural element of the state will always be able to sell access and should be. Klataske – I agree with you, I said transferable permits should only be used on land owned by the landowner that way it doesn't become a scalping operation. How can you underscore the department's interest in landowners to preserve habitat and preserve resources and make that available? I think by tying it to their specific land is the best way to do it. Commissioner Lauber – I happen to be a landowner and hunter and my father is still active in agriculture and I understand the need to maintain a relationship, but there are a lot of unintended consequences as a result of transferable permits.

VII. RECESS AT 4:45 p.m.

VIII. RECONVENE AT 7:02 p.m.

IX. RE-INTRODUCTION OF COMMISSIONERS AND GUESTS

X. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

Terry Tracy – I am a 4th generation Kansan, and the first one without a farm interest, but I have lived here long enough to know that you better pay attention to farm economy. Last month I heard on the news that the Kansas Farm Bureau had a convention in Hutchinson and the only news item that came out of that was that there was a 43 percent reduction in the number of farmers in the state. The number one reason cited was the inability of these farmers to acquire the land they need for a successful farm operation. The reason they couldn't acquire it was because they had to compete against guides and outfitters. Given that we are so dependent on the farm economy in this state, anything that hurts that group hurts all of us. I would like to remind the Secretary that he is not the Governor any more and remind him that he is not a farmer and leave agriculture to the people whose business it is. Shocked when I heard that news so I checked on the internet and found the story on the Hutchinson news and those facts are accurate. Everyone of us needs to pay attention to that.

Doug Wilson – That man makes good sense. We are headed down the wrong road and some of the things we tried to head off with unit archery, unlimited eastern Kansas permits are going to promote.

B. General Discussion (continued)

7. CWD Status Report - Lloyd Fox, wildlife research biologist, Emporia, presented this report to the Commission (Exhibit N). Chronic Wasting Disease (CWD) is a fatal neurological disease of mule deer, white-tailed deer, elk and moose. Although it is a member of a group of similar prion diseases called transmissible spongiform encephalopathy, it is unique and there is no documented connection with cases in humans and livestock. Animal Health officials will tell you that animals that test positive for this disease should not be consumed by people and at the same time the test we use to test for CWD is not an approved test for food safety. So we have different information that is out there. The epidemiology is poorly understood. We do know it affects older animals and may take a year and a half to five years before it develops clinical signs. The disease moves slowly through the landscape and populations and we are not anticipating a substantial change in deer density as a result of CWD at least in initial stages. Long-term implications are much more difficult to predict, it may affect age and sex structure of populations. We have a relatively long history for monitoring for the disease -- started in 1996 and we have tested 7,759 deer and elk and only one of those animals has been positive. I have provided some information on funding and how we have run our tests over the years to provide background on how difficult it is to collect samples that has the proper number of animals and proper distribution. The question is, how will you continue to monitor for a disease that occurs at relatively low numbers? We have tried numerous different techniques to gather samples, from sending a letter to each hunter, working with locker plants and check stations over the years. Now we have a confirmed positive case taken in Cheyenne County, an adult whitetail doe. The department instituted our contingency plan and collected 52 additional animals and they were tested and none of those animals were positive. This may indicate that the disease is recent in the state as opposed to when Wyoming found CWD in a new area. When they went back and found an additional hot spot and decided it had been there for many years undetected. After our testing of the animals, we went back to contingency plan and looked at what we should do. The plan said we should come up with recommendations, went through a review process, looked at most recent publications and decided we can put out information and education on this disease. Our plan is to go into DMU 1 and collect 500 samples from animals from hunters in that area. We will use our USDA APHIS Vet service grant to enter into contracts with veterinarians, taxidermists, locker plant operators, sportsmen and hunting organizations in that area to help us contact the hunters and collect the samples. We will try to have one person in each county to help with that collection. We do not propose continuing check stations. They are an inconvenience to hunters. The purpose of the check stations was merely to provide ports to collect samples, not designed to collect samples from each animal. The information we would like to provide to hunters is: 1) do not harvest deer or elk that appear to be in poor physical condition or animals that show symptoms of late stage CWD; 2) do not eat venison from deer or elk that have been tested and determined to be positive for CWD; 3) do not transport any carcass of a deer or elk killed in DMU 1 to any location outside of DMU; 4) take all waste from deer and elk to an approved landfill; 5) report sick or dead deer to KDWP or local CWD contractors; 6) refrain from feeding deer or creating situations that artificially concentrate deer; and 7) harvest

an adequate number of deer from the areas where they have access. We have funding for testing on 500 specimens. With the grant we currently have, we would be able to pay the lab fees, but additional specimens collected would be put in storage. We would encourage hunters and landowners to refrain from feeding and concentrating deer in an artificial manner. Currently we don't have proven techniques to control the spread or halt the prevalence of this disease. One suggested way is to keep population levels low, but may not be all that successful. We will provide information and gather support before making a recommendation for regulation change. We will probably be part of a large multi-state research project. I have a map of distribution of where we are going to collect our samples for 2006 and that shows a concentration in NW corner and two other generalized areas. Chairman Dykes – Have we talked to the hunter who harvested the doe, was there any symptoms? Fox – No, this was a healthy appearing animal with good fat reserves and a normal acting deer. Chairman Dykes – Age? Fox – A 3 ½ year-old white-tailed doe. Chairman Dykes – Were there any mule deer taken in the sample? Fox – Yes, more than half of the animals were whitetail. Dykes – Are there any captive elk herds in DMU 1? Fox – Yes, but we have no authority on captive deer and elk facilities. Chairman Dykes – Does that get monitored in any way? Fox – Through the Kansas Animal Health program through the Livestock Commissioner. They have a voluntary program if they wish to import or export animals they must be part of a certified farm program and must do testing on adult animals that die or are harvested from their farm to maintain CWD accreditation. This is a disease that won't honor fences. Commissioner Lauber – Is CWD in the eastern part of United States too or is it primarily a high plains disease? Fox – First found on the front range in Colorado and Wyoming and this has been the core area for the disease, first case in elk was in the 1980s, first case for deer was 1990s, and the first case for moose was this last year. One case in 2001 on an elk purchased from a game farm in Colorado and shipped to Kansas and the game farm in Colorado tested positive and they traced the animal here and tested it and it was positive and they euthanized the animal. Similar events occurred in other states as well. CWD is in wild populations in Illinois, Wisconsin and recently in West Virginia and New York and in southern New Mexico which is separate from this core area. Commissioner Lauber – Suspect captive game farms represent high risk areas and have some history of transmission and it was our efforts initially to monitor this that they were taken out of our jurisdiction. Fox – At this time we don't have the authority to monitor deer and elk farms. The Deer Working Group will address this and may be part of their recommendations. Commissioner Lauber – What year did the department lose jurisdiction? Fox – I believe 1987 or 1988. Chairman Dykes – Can we check their records to see if they are complying? Fox – Our personnel are not involved in that. There have been other states that have done audits. Michigan did an audit with their Department of Ag in a joint group monitoring effort and cost it them nearly half a million dollars and they found problems in the operations. Chairman Dykes – Is there something we should be doing? Fox – Working with George Teagarden, the Livestock Commissioner and they worked with us in the early years when we were collecting samples as did USDA APHIS. Personally I would like to see more control and monitoring now that we have a confirmed positive animal in the wild populations. The future will undoubtedly be different because of this disease. Commissioner Johnston – The way the briefing book reads I can't tell if there is significant doubt or not whether USDA APHIS funds are going to be available to finance this monitoring program. Can you clarify that? Fox – No, I can't. We won't know until budgets come out and program are approved later in the summer. We are in the 3rd year of a grant process with USDA APHIS, but it is a year to year basis. It is a program that does not require matching state funds. Commissioner Johnston – Do we have a

contingency plan if these funds are not available? Fox – We have met recently in Pratt, but have not budgeted for it at this time. The CWD monitoring program will continue, at least in the short term. The question is what will happen in the long term. Commissioner Johnston – What was the harvest in Unit 1 this last year? Fox – We had 341 adult male whitetail deer, 89 adult female whitetail deer, 358 mule deer bucks and 29 mule deer does, with less than 100 fawns reported. In the five units where we had check stations both years, the difference between last year and this year was 4,136 in 2004 and 4,260 this year, a 3 percent increase from last year. Commissioner Johnston – It sounds like less than 900 deer were harvested in Unit 1 this past season, and given that this is going to be a program that the hunters are not required to do anything, is it reasonable to expect 500 deer will voluntarily get tested? Fox – Part of that will be media and getting the information out. Part of it will be changes in the hunters' attitudes. I expect a fairly good number from hunters. The numbers I gave you were just from the firearms season and did not include other death methods. Commissioner Johnston – I was concerned about the ratio, so how many deer were harvested by bowhunters? Fox – This last year we did not have check stations during that time, they were only during the firearms 12-day season. We have a PDF report on our website that shows the breakdown by hunting season with the check stations. The estimate of the harvest was very similar to our paper report card survey. Chairman Dykes – Why was National Byproducts opposed to having contracts with locker plants that submitted samples? Fox – They are collecting carcasses and are rendering those and making products and what they were trying to protect themselves from was the period of time it takes to get the test results back and they were worried that they would have products produced before they found out the results of the animals. It did cause some difficulties for us. Chairman Dykes – The rendering process doesn't cause the disease to be void? Fox – There are so many unknowns and the rendering system should not allow material from ruminant animals used in feed for ruminant animals. In other words, the materials should not go from deer back to cattle. The concern is similar to what happened in the United Kingdom where beef rendered products were being recycled back through their herd and accentuated the bovine spongiform encephalopathy and resulted in a huge amplification of that disease. We don't understand all of these prions.

Bill Fields, Topeka – If I go to western Kansas and harvest deer and bring it back here and butcher it and dump the carcass are you telling me that our deer might get that disease from those remains? Fox – Yes. Fields – You better get some tight regulations on it then. I don't know if I will ever hunt again, I am scared to death of this thing. If you would test my deer and tell me it was good eating, otherwise I am not feeding it to my wife and grandkids. Fox – I tried to explain this to the Commissioners as well, that this disease has not been connected in any way to a disease in humans or livestock. It is a disease of deer and elk. It does scare many people. The test we are using to test the animal is not an approved food safety test. We can't test your animal and tell you the animal is safe to consume. We can test some animals and tell if they are positive for the disease and then the Center for Disease Control's recommendation is to not consume those animals and that is erring on the cautious side. Commissioner Harrington – To put this into prospective, if you eat a bird that has avian flu you are a goner because that is a virus and it can mutate and affect our own cells and DNA. The type of prion we are talking about here is a DNA specific disease and at this point in time it is unknown and undocumented that it can affect a human being. It is a totally different disease. If you come in contact with a person who has Jakob Creutzfeldt disease, which is the human form of this prion disease, that would be a really bad deal. It is species specific so if you accidentally eat a deer with CWD you are probably not going

to have any problems with it. Fields – It is the “probably” I am worried about. You tell us to wear rubber gloves when we clean a deer, etc, how come? Fox – The recommendation on rubber gloves is very good general safety even where CWD does not occur because of other diseases and bacteria that might be associated with raw meat. The recommendations we have in our brochure on cleaning venison are in general good techniques to follow in the cleaning of any game animal.

C. Workshop Session

1. KAR 115-4-4. Big game; legal equipment and taking methods. - Lloyd Fox, wildlife research biologist, Emporia, presented this report to the Commission (Exhibit O). Personnel from Fort Riley have requested that the regulation be changed to allow shotgun slugs for elk hunting. They have specific areas that are restricted to muzzleloaders or shotgun slugs. We do have a revision of this regulation prepared that would allow the use of shotgun slug as legal equipment for elk hunting in the firearms season. We will bring this back in April.

2. KAR 115-25-9. Deer; open season, bag limit and permits. - Lloyd Fox, wildlife research biologist, Emporia, presented this report to the Commission (Exhibit P). We have been trying for a couple of years to simplify the regulations and last year was the first year we ran archery season through the regular firearm season dates. Before last year, a person with a firearms permit could use archery equipment during those days, but a person with an archery permit could not hunt. No significant problems occurred this past season. 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 in the northern parts of Units 7 and 8 and also in Unit 12 where we had tried to intensify deer harvest in a relatively small area. Again we are not aware of any problems. Standard recommendations for season dates follow the same frameworks we have been on for a number of 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 whitetail antlerless season: 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. This year we will put the season dates for military areas in as part of this regulation. The nonresident draw application deadline is May 31, 2006 and resident any deer permits, either sex, either species applications would be due by July 15, 2006. The resident whitetail either sex permit could be purchased up until December 30, 2006 and then the rest of the resident permits and game tags (including some nonresident tags) would go until January 6, 2007. We did some changing last year resulting in a requirement for a hunter to have a permit that allowed them to take an antlered deer before they could purchase an antlerless only permit or the game tags. We have a recommendation for a system where a hunter could purchase those antlerless only permits and game tags as their only permit or tag after December 30, 2006. We are also recommending we stop the check stations that we have had difficulties in getting adequate operating hours and other difficulties with. Chairman Dykes – We are recommending a continuation of the policy of not being able to purchase game tags without having a primary permit? Commissioner Lauber – Until after December 30. Chairman Dykes – The deadline for

antlerless whitetail either sex just means the deadline for purchasing a permit over-the-counter?
Fox – Yes, there isn't an application, it is over-the-counter.

Kenny Ray – Did I understand that the transferable tags for nonresident deadline is July 14? Fox – The nonresident permit application is available in May and due by May 31. The transferable, Kansas landowner nonresident permit. Ray - What was July 14 date then? Fox – For residents of Kansas that are applying for an either sex, either species permit. Those are the permits used in western Kansas which lets a hunter take a mule deer. Ray – One point of concern is that the May 31 date, with muzzleloader season September 9 and people needing to make plans to come into the state, it is the end of June before we know and 8 weeks is a tight schedule for people to come in from out-of-state to hunt. It is very difficult for us trying to bring people in. Maybe this date could be moved forward. A lot of companies require their employees to put in for vacation at the beginning of the year. On the antlerless deer season is that going to stay status quo? Fox – The extended season is January 1 to January 7. Ray - Are we doing any kind of monitoring on DMU 19 to what the status is coming from Units 9, 10, 11 and 14? I am seeing the very fringes of Unit 19 getting pounded. Deer populations are almost extinct, but in the middle of Unit 19 there is a lot of population. Have we looked at that unit as a whole and evaluated what we you are going to do year to year? Fox – We have some population monitoring surveys we are using up there. It is very difficult to monitor deer populations in parts of a county. I am doubtful that we would ever be able to afford those types of surveys. We manage based on 19 units and averages within those units not on smaller parts of those units. Ray - With late season, January 1, has anyone ever addressed how many antlered deer are being killed? It is a fact that the biggest bucks lose their antlers first. I have personally found 180 class sheds on January 5 on an upland game bird hunt. Fox – We have monitored the harvest going back to Unit 12 when we had seasons that went into February. We had check stations operated by department personnel and we looked at the portion of the population that was adult antlerless adult deer and monitored through locker plants and surveyed hunters. The results invariably come back about the same -- it is less than 5 percent of the harvest that occurs during those antlerless seasons that are adult males that have dropped antlers. In most cases it is substantially below that 5 percent. Ray - That 5 percent we are killing is the top 1 percent of the matured antlered deer in that area. I think we really need to take a look at that because we are taking some of our trophy animals, even if it is only 5 percent. Fox – We have looked at distribution and age of these animals and have dealt with some people who have operated experimental herds and in general, I know it is a fairly common statement that hunters consider that the largest animals' drop their antlers first, but that does not appear to be supported by the observation information. The people who run experimental herds, and have followed individual animals for many years, determine the date they shed their antlers about the same date every year. An individual animal may have a shed date of January 15 or March 15. Part of what we are doing in deer management is finding ways for the deer herd to be at a level that the community supports. In Unit 19 hunters have limited access to places to hunt and we have formulated this approach to give more days, more opportunity, to take deer in that area to let hunters reduce the population to reduce conflicts with the rest of the people.

Randy Hiddel, Kansas Muzzleloading Association District 4 Rep – We had a question about the early muzzleloader season. Would you ever entertain changing this season to later in the year? It is a very early time of year and we feel it would be better for our sport if it was later in the year. Chairman Dykes – The short answer is yes. Hiddel – How late? Chairman Dykes – Right now

the Deer Task Force is considering late September, early October. Secretary Hayden – I believe the current draft calls for the youth season on the last weekend of September and the muzzleloader season to start the next day and run for two weeks. Hiddel – During muzzleloader primitive season I have seen instances of people not knowing that primitive does not include optic enhancement. I have seen this and reported it and we need some way to take care of this. Possibly educate the public that this is truly a primitive season and is not an optically enhanced season. Maybe you need stronger teeth in your laws.

Kenny Ray – Agree with gentleman, that the muzzleloader season could be moved back and that would help the hunters because it is so hot. Getting back to his optics, I agree we need a stiffer rule on that, but we have turned it into a seeing eye game and have muzzleloaders now that will shoot 200 yards and 75 percent of the public knows that and they have those weapons available. This takes nothing away from the gentlemen that has a true flintlock percussion cap gun that will only shoot 60 yards, but you take a 70 year old gentleman that just goes out and buys a new inline gun, he knows it will shoot 200 yards and he is shooting iron sites at a deer at 150 yards. Probably $\frac{3}{4}$ of the people in this room can't take an iron site shot at 150 yards and take an animal down in a safe and humane manner. We need to take a look at it and the argument becomes strictly being able to see and being humane to the animal.

Chris Tymeson - Senate Bill 578 dealing with exotic animals passed out of the House, went to the Senate floor, passed on general orders and was amended to put back in the insurance provision and AZOA accreditation, which is another zoological association, for future facilities and passed unanimously on Senate final action tonight. Now it goes to the House.

3. KAR 115-25-8. Elk; open season, bag limit and permits. - Matt Peek, wildlife research biologist, Emporia, presented this report to the Commission (Exhibit Q). What we would like to propose is that we make elk permits valid statewide and make hunt-own-land permits available statewide. We have had several people voice concerns on animals at Cimarron National Grasslands, expect most of the hunting pressure to occur on the Fort, but we would consider excluding Morton County if you so desire. We would also like to require elk hunters to contact the department to coordinate sample collections from those animals as they are harvested. We have dealt with known captive escapees recently and animals can move great distances. The elk season ended yesterday and we recommend 15 any elk and 15 antlerless elk permits be considered for the next season. This recommendation is based on the elk herd at Fort Riley. Expect elk harvested off the Fort will occur on hunt-own-land permits. Season date recommendations are the same as past years. Commissioner Harrington – Can we leave Morton County out this year and see what happens and change it if we have damage complaints? Peek – Morton County is not one of the counties where we have had damage complaints in recent times. The department would be supportive of that. Commissioner Wilson – I missed the explanation of why you are doing this with Morton County? Commissioner Harrington – There is a small herd of elk in Colorado that roams into Morton County and the Grasslands wants to encourage the herd. Peek – We have reintroduced elk there on the Grasslands and at one time there were 150 animals and they have been there since 1981. They are primarily on the Grasslands and we have not had damage complaints there. Commissioner Lauber – How many are there? Peek – About 50 or 60 animals, most of them are in Colorado and Oklahoma most of the time. A person would have difficulty going into the Grasslands and finding elk. Commissioner Lauber – If landowners

are engaging in a positive elk effort I think I agree with Commissioner Harrington that if the department doesn't see any reason to include it, I don't see any problem. Commissioner Johnston – In the past hunters were able to harvest animals in Morton County? Peek – When the elk herd increased to over 100 animals we did get a bunch of crop damage complaints and then in a short period of time that herd was reduced pretty drastically and after the 1995 season the elk basically left the state, so at that time the season was ended. Commissioner Johnston – How long has it been since they could hunt in Morton County? Peek – Since 1995. Chairman Dykes – Is it ok to exclude Morton County? ***Commissioners agreed to exclude Morton County.*** Tymeson – What about the requirement about contacting the department on harvest? Chairman Dykes – Yes, on CWD samples. Lloyd, I would like you go back to the Department of Ag and see about what we can do cooperatively to monitor compliance on those penned elk in Unit 1. Maybe we could work together with the Kansas Livestock Association for a change.

4. KAR 115-25-7. Antelope; open season, bag limit and permits. - Matt Peek, wildlife research biologist, Emporia, presented this report to the Commission (Exhibit R). The department proposes that we offer unlimited archery permits to residents and nonresidents without having a significant impact on pronghorn populations. On Table 1 in the briefing book, it includes some information from Kansas and neighboring states and we anticipate selling less than 50 of these permits and considering the archery success rates to be around 10-12 percent. The recommendation would address political pressure the department has faced to allow some sort of nonresident pronghorn hunting. Completed aerial pronghorn surveys since our last meeting and recommend for Unit 2, 100 firearms permits and 26 muzzleloader permits; for Unit 17, 30 firearms permits and 10 muzzleloader permits; and for Unit 18, 8 muzzleloader permits. This is the same allocation for 17 and 18 that we had last year and an increase in Unit 2 of 10 firearms permits and 6 muzzleloader permits. Season dates include the extended archery season which picks up after firearms season and runs through October 31. Commissioner Harrington – Why the increase in Unit 2? Peek – Reproduction has been good the last few years in that area. Commissioner Wilson – I tend to agree that opening pronghorn hunting to nonresidents probably won't impact the herd, but I am concerned about impacting the opportunity for our resident hunters. How much access to hunting land do they have? Peek – I can only speculate on that, but typically leasing is a concern when we talk about competition amongst hunters and there are vast acreages in western states on public land and far more pronghorn than we have in Kansas so I would not anticipate leasing for pronghorn to become an issue. Commissioner Lauber – I understand we heard a lot of loud visceral at the January meeting and the gentleman who addressed the group earlier was complaining that the leasing and nonresident transferable permits were driving farmers out of their ability to own land. But it is the same group that is trying to create political pressure trying to make this happen. I think we are going to be giving up very little and will gain some political points on the other end. I would rather fight the nonresident battles on something else other than antelope which probably will have a half a dozen hunters. I don't think we will have very many people come in and lease very much. I understand the principle because it puts nonresidents ahead of residents and I don't like that, but I think I would rather give on this one and not have it crammed down our throats by politicians and then stand up and fight on something that will affect a greater number of Kansas sportsmen. Commissioner Johnston – I am also concerned as is Commissioner Wilson about the possibility of resident access to land being affected by this proposal. I was persuaded by discussion at the last meeting that there are enough unique facts about the pronghorn hunt and population to be willing to

support this. I do want to state that this is a one year trial basis and I will be very interested in seeing what the experiences are for our resident hunters and what the numbers of licenses sold are and the success rate. I am comfortable with this for one year. Commissioner Harrington – In a way wouldn't this be like offering unlimited archery permits for cougars and mountain lions because there is just about as much chance of getting one of those as an antelope with archery and then wanting to lease vast amounts of ground for that purpose. Peek – They will kill some pronghorn and I don't think they would kill any cougars, so I wouldn't go that far. Because the success rates are low and based on the number of nonresident hunters we can anticipate the harvest rates will be low, the number of animals harvested will be few. Commissioner Harrington – Not enough that they are going to go out and lease thousands of acres of land. Peek – I think people tend to get deer and antelope confused when it comes to interest in leasing and interest in acquiring a trophy. There is interest in hunting trophy antelope, but typically it is not to the same degree and typically they are not found in Kansas. We have very few Boone and Crockett entries (antelope). The trophy hunter, or the person who is going to pay a lot of money to hunt pronghorns, is going to be in Arizona or New Mexico. Commissioner Wilson – What would the cost of the permit for nonresidents be? Peek – The recommendation is \$200, and that is in KAR 115-2-1, which is coming up to be voted on. Nebraska charges \$130 and they have twice as many animals to hunt and a four times longer season there and they only sold 55 permits.

D. Public Hearing

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

1. KAR 115-2-4. Boat Fees – duplicates - Kevin Jones, Law Enforcement Division Director, presented this report to the Commission (Exhibit T). 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. The duplicate boat registration takes the same amount of time and labor to issue, so it is recommended that the fee for a duplicate boat registration be raised to \$10.00.

Commissioner Lauber moved to bring KAR 115-2-4 before the Commission. Commissioner Harrington seconded.

The roll call vote to approve KAR 115-2-4 as recommended was as follows (Exhibit U):

Commissioner Harrington

Yes

Commissioner Johnston

Yes

Commissioner Lauber

Yes

Commissioner Meyer

Yes

Commissioner Sebelius

Yes

Commissioner Wilson

Yes

Commissioner Dykes

Yes

The motion to approve KAR 115-2-4, passed 7-0.

2. KAR 115-2-1. Amount of Fees - Lloyd Fox, wildlife research biologist, Emporia, presented this report to the Commission (Exhibit V). You have a copy of the proposed regulation that was taken before the Attorney General, but staff does not feel we can get those half price licenses changed in time for this year due to difficulties with the online sales system. The possible amendment (Exhibit W) would strike five areas, which all read the same, "Youth permits (under 16 years of age) for any permit category specified in this paragraph.....1/2 price of the fee listed for that permit category". The main regulation would raise resident hunt-own-land deer permit values to the same level as resident landowner/tenant deer permits (\$15 as opposed to \$10); would raise hunt-own-land elk permits to the same level as landowner/tenant elk permits (\$30 to \$50); would raise hunt-own-land antelope permits to the same level as landowner/tenant antelope permits (\$10 to \$20); would raise the hunt-own-land deer permit (\$10 to \$15); would raise the special hunt-own-land deer permit (\$10 to \$15); would raise nonresident hunt-own-land deer permits (\$50 to \$75); would raise nonresident antlerless deer permits (\$50 to \$75); and would establish a nonresident archery antelope permit price of \$200. Other minor changes, which are readjusting of comments, have been made on your copy of the proposed regulation. Chairman Dykes – The regulation remains the same as what was workshopped and discussed at prior meetings, but the amendment would remove the half price permits because we can't accommodate it with the electronic licensing system. Commissioner Harrington – The reason we can't do this is because of difficulty with computers? Fox – Yes, because we couldn't get it done in this time frame. Mike Pearce – Is there a chance down the road to get the computer fixed where we can give the kids the half price? Secretary Hayden – We fully intend to implement the half price, just not this year. It takes 66 changes in the computer program to make these changes and we are just not going to get this done by May 1 because we are relying on a private contractor. We will get the half price, just not in 2006. Chairman Dykes – The next time this comes up we will make sure we can make the computers work.

Commissioner Meyer moved to bring KAR 115-2-1 before the Commission. Commissioner Harrington seconded.

Commissioner Meyer moved to amend KAR 115-2-1 before the Commission. Commissioner Harrington seconded.

The roll call vote to amend KAR 115-2-1 as recommended was as follows (Exhibit):

Commissioner Harrington

Yes

Commissioner Johnston

Yes

Commissioner Lauber

Yes

Commissioner Meyer

Yes

Commissioner Sebelius

Yes

Commissioner Wilson

Yes

Commissioner Dykes

Yes

The motion to amend KAR 115-2-1, passed 7-0.

The roll call vote on amended KAR 115-2-1 was as follows (Exhibit):

Commissioner Harrington

Yes

Commissioner Johnston

Yes

Commissioner Lauber

Yes

Commissioner Meyer

Yes

Commissioner Sebelius

Yes

Commissioner Wilson

Yes

Commissioner Dykes

Yes

The motion to approve KAR 115-2-1 as amended, passed 7-0.

3. KAR 115-4-6. Deer; firearm management units. - Lloyd Fox, wildlife research biologist, Emporia, presented this report to the Commission (Exhibit Y). This is a very minor change, simply inserting the word “urban” on page 5 to allow Fort Leavenworth to become a subunit and allow an additional firearm season in this area to be included in the current urban unit 19 (DMU 19). Commissioner Harrington – This is verbiage and no significant change? Fox – It is verbiage, the significant change is that it allows the personnel at Fort Leavenworth to have additional seasons, additional game tags and those types of operations.

**Commissioner Harrington moved to bring KAR 115-4-6 before the Commission.
Commissioner Johnston seconded.**

The roll call vote to approve KAR 115-4-6 as recommended was as follows (Exhibit Z):

Commissioner Harrington

Yes

Commissioner Johnston

Yes

Commissioner Lauber

Yes

Commissioner Meyer

Yes

Commissioner Sebelius

Yes

Commissioner Wilson

Yes

Commissioner Dykes

Yes

The motion to revoke KAR 115-4-6, passed 7-0.

XII. OLD BUSINESS

Commissioner Wilson – I was wondering if we could have an update on the Archery in Schools program and if we have hired a coordinator? Keith Sexson – We went through the State of Kansas and an RFP is out there and open and we have directed people to that website where they can pick that up and send their proposal to the Division of Purchasing. The proposal is how much they think they would have to have in salary and travel and that sort of thing to run the program. The program is pretty much set as I told you last time. I don’t know when that closes, but I guess around April 1. We have moved our training for the first group of instructors to June 1 with the national program coming to Kansas to do the training. They train the first 10 instructors who become “train the trainer” instructors. We are moving forward. Kansas Bowhunters Association

has indicated a great deal of interest in the program too and others are watching this closely. Commissioner Wilson – Is it going to be a private contractor who would contract with the state to operate the program? Sexson – That is exactly right, it would be a contract and it is going through the whole RFP so it is quite a process. The job we are asking for is not that complicated, but it does take a commitment and they would have to bid on it. We would select the top three and go from there. It is a one-year contract to get us off the ground and get something up and going.

XIII. OTHER BUSINESS

A. Future Meeting Locations and Dates

April 27, 2006, Courtyard Marriott, Junction City with a tour planned.

June 29, 2006, William Carpenter 4-H Building, Scott City with a tour of Scott State Park in the morning.

Tymeson – We need to set the date for August now, but not the location. Bob Mathews – If possible we would like you to consider as early in August as possible to get the WIHA and hunting regulations out by the first part of September. Chairman Dykes – Doesn't that cause problems for Marvin? Tymeson – It does cause complications for Marvin. We have August 17, 24 or 31. Chairman Dykes – Obviously not the 31st, but what does the 24th do for you? Mathews – Would like it earlier if possible. Chairman Dykes – Since Marvin is not here we will make it the 17th.

August 17, 2006 set for summer meeting.

XIV. ADJOURNMENT

Commissioner Harrington moved Commissioner Meyer seconded to adjourn.

The meeting adjourned at 8:48 p.m.

(Exhibits and/or Transcript available upon request)

Kansas Outfitters Association Brochure
2005 Junction City Map
U.S. Calvary Museum, Ft. Riley, Kansas Brochure
Fort Riley Outdoor Recreation and Fuelwood Cutting Map and Regulations Brochure
Kansas State University Cabela's Ahern Scholarship Fishing Tournament Brochure
Geary County, Junction City, Kansas Brochure

General Discussion

Deer Task Force Committee Update

The KDWP Deer Task Force Committee met on April 13, 2006 to discuss public meetings, surveys and deer health issues.

A goal for the public meetings is to have results of scientifically designed preference surveys available for review. Public preference surveys will be designed to obtain input from deer hunters, landowners, KDWP employees, and nonhunting residents of Kansas. It was felt that results of surveys of deer hunters and employees could be completed by early August.

Tentative dates and locations for public meetings were proposed as follows:

August 7 – Goodland	August 8 – Phillipsburg
August 9 – Hays	August 10 – Salina
August 14 – Manhattan	August 15 – Topeka
August 16 – Seneca	August 17 – Kansas City
August 21 – Wichita	August 22 – Hutchinson
August 23 – Winfield	August 28 – Emporia
August 29 – Iola	August 30 – Independence
August 31 – Pittsburg	Sept. 5 – Dodge City
Sept. 6 – Scott City	Sept. 7 – Liberal
Sept. 8 – Pratt	

This list is considered to be preliminary. There will likely be meeting dates and locations arranged by organizations and communities that wish to cosponsor the meetings. Staff availability may also dictate changes.

There will be a core set of questions that deal with the committee's draft recommendations. They will be asked of all participants in the surveys. However, each different group could have custom questions to provide information about that particular constituency.

The surveys to deer hunters and KDWP employees should go out by June 1. Final results and analysis would be needed by July 30. A survey of landowners will need to be conducted through some other agency, such as the Kansas Agricultural Statistics and probably cannot be completed before December. A survey of the nonhunting public may require a contract with another organization and will probably not be completed until December.

Animal health issues were discussed. Privately owned captive herds of deer and elk and publicly owned free ranging deer and elk share common animal health issues. The task force will recommend that KDWP staff meet with the Livestock Commissioner to develop strong lines of communication and data exchange on deer health issues. Fencing requirements and pen security to prevent escapes of captive animals and to prevent ingress of wild deer and elk are examples of shared concerns. A program to permanent mark captive animals is essential in maintaining adequate records of ownership and shipments.

Deer baiting and feeding was discussed as it relates to the potential to spread diseases such as CWD and tuberculosis. Members will review available research, and other states' laws.

The task force will meet again in May to review survey questionnaires.

Parks Division Awards

Outstanding Employee Award, Doyle Niemeyer: Doyle is lucky enough to have two parks within 12 miles of each other to run. Yet he manages to keep both thriving, and is always volunteering to do more. He was instrumental in securing recognition for the ancient trees in the Cross Timbers region, and in bringing cabins to Cross Timbers State Park.

Merit Award, Willie Helms: Willie is a tireless public servant, as head of EMS for Meade County as well as Administrative Assistant for years at Meade State Park. Everyone knows that if you ask Willie for support, you get it.

Director's Award, Walt and Pat Trollope: Walt and Pat have been volunteer camp hosts for El Dorado State Park for the past 17 years. Besides hosting, they are active members of the friends group. Walt has donated his time and expertise as an electrician to construct 50 amp campsites and Pat has always been available to clean cabins as needed. They are invaluable ambassadors to the park.

Director's Award, Amy Thornton: Amy has been a tremendous help to the Division this past year in working with a wide variety of contracts and negotiations. However, she also donates a great deal of time on behalf of trail enthusiasts in the state through her work with the Kansas Trails Council.

Director's Award, Greg Mills: Greg is not only half of the full-time law enforcement complement at Scott State Park, he is also the coordinator of the Division's solar energy grant. This involves keeping track of a lot of paper and reports.

Public Service Award, Mike O'Hare: Mike and Paul are two of the reasons Doyle is able to accomplish so much at Cross Timbers State Park. As Facility Maintenance Supervisor at CTSP, Mike lends his enthusiasm and expertise to a wide variety of projects.

Public Service Award, Paul Hughes: Paul, as long-time GMRT Senior, is an integral part of the Cross Timbers Team. His talents are varied, as well. Paul and Mike also learned the techniques for installing the rubberized playground surfacing and have taken that expertise on the road to assist other parks with their installations, as well.

Team Award, NASPD board meeting team: As a precedent to the 2006 NASPD full convention that Kansas is hosting in September, we hosted the NASPD board members last spring. The members of this team put together an outstanding event, with tours of department properties and local businesses, a reception, entertainment and outstanding meals. This award is shared by Rick Martin, Wendy Bowles, Linda Kootz, Jeremy Zimmerman, Mike Rader, Ellen Rader, Todd Lovin, Joyce Dixon, the Tuttle Creek AmeriCorps team, Alan Stark, Bill Porter, Linda Lanterman and Kathy Pritchett. And, oh yeah, the past president of NASPD, Jerry Hover.

Fishing Regulation Changes for 2007

The Fisheries and Wildlife Division's Fishing Regulation Review Committee has been very active over the past 18 months. The committee was charged with improving the public presentation of fishing regulations in the Fishing Regulation Summary and on signs posted at public waters.

Also, they were charged to completely review the existing regulations. The committee has proposed six regulation changes. Those proposals are going to be presented to anglers for comment. Staff will conduct a series of public meetings around the state this spring to hear comments on several fishing regulation changes under consideration. The meetings will also include discussion of several fishing-related issues which have been proposed by the public but are not yet assembled in draft recommendation form.

Public participation is encouraged, since it will help refine recommendations and guide development of future regulations. Draft recommendations to be discussed include changes in regulations governing fishing tournaments, trout permitting, paddlefish snagging, and bait fish.

Meeting dates and locations include the following:

- April 25, Iola, Allen County Community College auditorium, 7 - 9 p.m.
- May 1, Salina, Kansas Highway Patrol Training Center, 2019 East Iron Ave., 7 - 9 p.m.
- May 2, Hays, Fort Hays State University, Black and Gold Room, 7 - 9 p.m.
- May 3, Wichita, Great Plains Nature Center auditorium, 7 - 9 p.m.
- May 4, Dodge City, Dodge City Community College, Student Union Santa Fe Room, 7 - 9 p.m.
- May 8, Topeka, KDWP Region 2 office, 300 SW Wanamaker Road, 7 - 9 p.m.
- May 9, Kansas City, Cabela's Meeting Room, 6:30 - 9 p.m.
- May 10, Junction City, Convention Center at Courtyard by Marriott, 310 Hammons, 7 - 9 p.m.

Background information and draft recommendations are summarized below.

FISHING TOURNAMENTS

Minimum length limits of more than 15 inches on largemouth and smallmouth bass have made it difficult for tournament organizers to hold weigh-in tournaments. Current regulations prohibit possession of any fish shorter than the minimum length, allowing a tournament participant who catches one large fish an advantage over a participant who catches several smaller fish (which may not be kept) under the length limit. As a result, tournament organizers often feel compelled to conduct their tournaments at lakes which have shorter length limits, placing excessive pressure on those lakes.

To protect the fisheries resource, as well accommodate tournament anglers, the committee is proposing the following guidelines and requirements:

- Allow tournament anglers to possess two bass over 15 inches but less than existing length limit, on waters with length limits greater than 15 inches, during a registered tournament.
- Fish under the normal length limit must be released immediately after weigh-in.
- Implement a tournament registration process that makes available a “Tournament Bass Pass” (proposed fee of \$10) purchased by individual participants for use only during registered events and valid for the calendar year in which it is purchased.
- Registered tournaments could only occur September 1 through June 15 (no registered events during the heat of summer, to minimize fish mortality).
- Catch information must be reported by Dec. 31 to retain registration eligibility for the next year.
- Tournament Bass Pass is only valid for tournament participants during registered tournaments.

PADDLEFISH

Paddlefish are caught by snagging, primarily during spawning season at a few designated locations in eastern Kansas. Snagging areas in Kansas are located below the Chetopa dam on the Neosho River, below the Osawatomie dam on the Marais des Cygnes River, and in the Browning Oxbow Lake in Brown County.

Paddlefish do not reach sexual maturity until eight years of age, when they travel upriver to spawn, making them available to anglers at low-water dams along those rivers. At that age, a paddlefish typically has attained a weight of about 40 pounds, providing a unique opportunity for anglers.

To protect the paddlefish resource, reduce crowding at snagging areas, and provide equitable opportunity for anglers, the committee is recommending limiting the number of paddlefish an individual angler could harvest per year by requiring a \$10 permit which includes six carcass tags. The current check station requirement would no longer be in effect, and all locations would conform to a daily creel limit of 2 and length limit of 34 inches.

TROUT PERMITS

The department began the trout program in Kansas in 1994, stocking trout in designated waters around the state for the Oct. 15 through April 15 trout fishing season. Current regulations allow anglers to catch and release trout without purchasing a trout permit.

That regulation was established to allow non-trout anglers to forego purchasing that permit to fish trout-stocked waters, some of which provide significant winter fishing opportunities for other fish species. However, catch and release anglers still have an effect on the mortality of trout, since not all fish caught and released survive. Since 1999, when almost 11,000 trout permits were purchased, permit sales have declined to the current level of about 7,000 permits sold annually. Increasing energy costs are driving up the cost of acquiring and delivering stocked trout, and other fisheries programs in the state are competing for limited federal aid revenues.

To accommodate those considerations, the committee is recommending development of two types of designated trout waters. “Type 1” waters, which comprise the majority of trout fishing locations in Kansas, would require all anglers during the trout season to have a trout permit in

their possession, whether they were fishing for trout or any other species. In “Type 2” waters, which contain significant winter fishing opportunities for species other than trout, anglers would need a trout permit to fish for and possess trout.

BAITFISH

Current regulations allow for some confusion on legal collection and use of baitfish. Some fish species, for example, fall under legal definitions of both “baitfish” and “non-sportfish.” There also is some confusion among anglers in determining the difference between “department managed” and “department owned” waters, as currently defined in regulation.

SETTING LENGTH AND CREEL LIMITS BY REGULATION INSTEAD OF BY SECRETARY’S ORDER.

In an effort to improve prosecution of length and creel limit violations in the county court systems, it is the recommendation of the committee that a set of regulations for all length and creels be developed. This would combine the existing statewide length and creel limits already in regulation with the Secretary’s Orders for special length and creel limits.

OTHER ISSUES

In addition to the draft recommendations summarized above, department staff at the upcoming public meetings will lead preliminary discussion of a variety of other issues which may be developed as draft regulations in the future. Among those issues, which include public requests for changes to existing regulations, are the following:

- Length and creel limits changes on smallmouth bass and largemouth bass, and clarification of black bass special regulations and individual black bass species regulations;
- crappie creel limits;
- wipers/stripers limits;
- scuba diving;
- spear fishing;
- gigging; and
- hand fishing.

2006 LATE MIGRATORY BIRD SEASONS

Background

Late season waterfowl frameworks (maximum bag, possession limits and season length, and earliest opening and latest closing dates) are established annually by the U.S. Fish and Wildlife Service (Service). These frameworks establish the limits which states must operate within when establishing waterfowl seasons. These frameworks are published around August 15, after results from the May Breeding Duck Survey and recommendations from Flyway Councils are available.

Discussion

We do not anticipate major changes in the frameworks for geese, although there is a possibility that the season length for Canada geese will be lengthened from 95 days to 107 days, the maximum allowed by frameworks. Should season length be increased to 107 days we would be required to address the question of whether to continue youth hunt days for Canada geese and the Special September Canada Goose Seasons. To continue these hunts would require use of regular season days (if the regular season length is increased to 107 days).

At this time there is little information upon which to base speculation concerning the duck season frameworks for 2006. The May Breeding Duck Survey, which provides duck abundance as well as pond numbers, has not been completed. However, wetland conditions are presently in relatively good shape for this time of year, particularly in some parts of Saskatchewan and Alberta, so we are optimistic that we will experience another year of liberal duck regulations.

The three current Adaptive Harvest Management regulatory packages include the following:

Liberal package - 74 day Low Plains Season, 97 day High Plains Season, (package selected since 1997)

Moderate package - 60 day Low Plains Season, 83 day High Plains Season

Restrictive package - 39 day Low Plains Season, 51 day High Plains Season

A change in the 2006 bag limits from recent years has been requested by the Central Flyway Council to facilitate the evaluation of the "Hunters Choice Proposal", and we anticipate this request to be granted by the Service.

The requested change would apply to the states of North Dakota, South Dakota, Wyoming, Kansas, and Texas. In these states, within the Liberal and Moderate regulatory alternatives, **the daily bag limit shall be 5 ducks, with species and sex restrictions as follows:**

scaup, redhead and wood duck – 2

only 1 duck from the following group – hen mallard, mottled duck, pintail, canvasback.

Within the Restrictive regulatory alternative, **the daily bag limit shall be 3 ducks, with species and sex restrictions as follows:**

scaup, redhead and wood duck – 2

only 1 duck from the following group – hen mallard, mottled duck, pintail, canvasback.

The possession limit shall be twice the daily bag under all regulatory alternatives.

In summary, goose frameworks and resulting recommended regulations are expected to change little from last year. It is too early to predict which regular season duck regulatory package will be included in the frameworks, although we are hopeful that the liberal package will again be adopted.

Highly Pathogenic Avian Influenza H5N1

The emergence and rapid spread of Highly Pathogenic Avian Influenza (HPAI) H5N1 across Asia and much of Europe during the past year has elevated concerns about the spread of this virus to North America, and the impacts it might have. At this time HPAI H5N1 has not yet been detected in North America.

The current HPAI H5N1 virus is pathogenic to some birds, particularly domestic poultry, but to this point is not easily transmitted to people. It is primarily a bird disease that has infected approximately 200 people, of which 109 have died.

Most human cases of H5N1 infection have been the result of close contact with domestic poultry. In one instance individuals are believed to have become infected with the virus while gathering down or feathers from dead swans.

Migratory birds are natural reservoirs for 144 subtypes of avian influenza, and may function as agents in the spread of HPAI H5N1. However, in nearly all cases of the recent expansion in Eurasia, movements of poultry and poultry products are suspected as the primary vehicle. If migratory birds are the transport vehicle of H5N1 into North America, the fall migrations of 2006 and 2007 are likely periods when this could occur.

The Kansas Department of Wildlife and Parks (KDWP) is a member of the Central Flyway Council, which recently adopted a Surveillance Plan for the Early Detection of Avian Influenza in Migratory birds. Under this plan, the primary function of wildlife agencies, including KDWP, is surveillance of our wild bird populations for the presence of HPAI H5N1. The 10 states of the Central Flyway will collect about 7,750 samples from migratory birds this coming year. These will be forwarded to certified labs for analysis. Funding for this work will be provided by the U.S. Department of Agriculture (USDA), Animal and Plant Health Inspection Service (APHIS), at an estimated rate of about \$100 per sample. Samples will consist of cloacal swabs obtained from hunter killed birds, live trapped birds, birds found dead, and collected birds. In Kansas, samples will be collected from about 25 species of ducks, geese, cranes, and shorebirds. These species were selected based on the likelihood of contact with birds from Asia and the ability to obtain a sufficiently large sample.

In addition to the samples collected by state agencies within the Central Flyway, the USDA/APHIS, will be collecting an additional 8,000 bird and 10,000 environmental (water/fecal) samples within the Central Flyway.

An Avian Influenza Surveillance Meeting was held March 24 in Topeka. The meeting was attended by representatives of KDHE, KAHD, KDWP, KDA, KSU-CVM, USDA/APHIS, USDA/WS. Discussions included preliminary thoughts and questions regarding the health and safety issues for workers, when to accept and test dead birds reported by the public, what to test, and public communications needs. Next meeting of this group is tentatively planned for late May.

KDWP personnel have also met with USDA Wildlife Services to initiate development of a work plan and coordinate surveillance activities for the H5N1 virus which are scheduled to begin during the summer of 2006.

Sandhill Crane Test

Background

At the August 2005 Commission meeting, KAR 115-25-20 was modified to require all sandhill crane hunters to pass an online sandhill crane test annually before purchasing a Kansas-validated sandhill crane permit. This portion of the regulation will go into effect on September 1, 2006.

Discussion

The online crane test was completed and made available to the public on November 1, 2005. Everyone who took the test in 2005 did so voluntarily. Approximately 580 individuals passed the test through December 14.

The test consists of 20 questions, most of which relate to identification of sandhill cranes, whooping cranes, and look-alike species. Before most questions, the hunter is asked to read some information relating to the status of whooping cranes, how sandhill crane hunting regulations were developed to minimize the chance of a hunter accidentally shooting a whooping crane, or how to distinguish between a sandhill crane and a whooping crane. The hunter must answer each question correctly before he/she can continue to the next question. At the end of the test, the hunter is given a confirmation number and is asked to print a certificate with that number. The hunter must carry that certificate when crane hunting as proof of completion of the test.

Recommendations

For those crane hunters who do not have access to the internet, staff will provide alternative delivery of the crane test. Hunters can arrange to come into a Department office and take the test on a Department computer, or the hunter could be provided a paper copy of the test.

Senate Bill 578 – Exotic Animals

Governor Kathleen Sebelius signed Senate Bill 578 into law on April 17, 2006. This new law, which places limitations on the ownership and possession of six species of large cats, bears and non-native venomous snakes, takes effect on July 1, 2006.

The law allows individuals possessing any of the effected animals at the time of the law's enactment the ability to annually register the animal with the local animal control authority, chief law enforcement authority or sheriff, as the situation may dictate. As a condition of the registration process, the local authority may charge fees for registration and facility inspection. There is a requirement that the registered owner must acquire and maintain a minimum of \$250,000 of liability insurance. No new animals may be acquired by the individual and the breeding of registered animals is prohibited.

The law provides that any person possessing a license issued by the U.S. Department of Agriculture for dealership or exhibition purposes at the time of the law's enactment may continue to operate in the state. This would apply to zoos and animal exhibits currently in existence in the state. Annual registration with the local authorities would be required along with the requirement of a minimum of \$250,000 liability insurance. Registered facilities maintaining their licensing through USDA are allowed to acquire and breed animals to maintain their operations. Any facility currently accredited by either the American Zoo and Aquarium Association, or the Zoological Association of America is exempt from the registration and reporting requirements.

Any person who is not registered with the local authority by October 1, 2006 shall be in unlawful possession of the animal and subject to criminal prosecution and seizure of the animal. After July 1, 2006, any person desiring to start a new zoo or animal exhibit must be accredited through either an American Zoo and Aquarium Association or the Zoological Association of America.

Among the other provisions set forth in the new law, the Secretary is directed to establish regulations concerning the caging and confinement standards for these animals; establish training, experience and ability requirements for persons desiring to be registered designated handlers; and provide training programs for local animal control authority personnel concerning the provisions of the act and handling of these animals.

As part of these statutory requirements, the Department will be drafting the appropriate regulations. The Department will seek consultation and input from both the American Zoo and Aquarium Association and the Zoological Association of America in developing these regulations. Because of time considerations, it is anticipated that these regulations will be placed on the workshop agenda for the June 2006 Commission meeting, with final action occurring in August 2006.

Workshop Session

Status of Mourning Dove Banding

Background

Declining trends from the Mourning Dove Call Count Survey prompted the U.S. Fish and Wildlife Service in 1998 to request each of the three Dove Management Units to develop a harvest management strategy. Each management unit responded that insufficient data were available to develop such a strategy. In 1999, the Central Management Unit held a workshop to discuss information needs to better manage harvest of mourning doves. In 2001, a National Mourning Dove Planning Committee was formed to continue work toward acquiring the information needed to improve harvest management of mourning doves. This committee completed the Mourning Dove National Strategic Harvest Management Plan, which was endorsed by the three Dove Management Units in 2003. The first task identified by the Plan was to initiate a 3-year pilot mourning dove banding project in 2003. The objectives of this banding project were:

1. estimate age-specific band reporting rates and harvest rates,
2. to establish protocols, training, and cost estimates for a future coordinated nationwide banding program designed to monitor harvest and survival rates,
3. provide information on geographical distribution of harvest, and
4. provide initial estimates of annual survival and breeding site fidelity.

Discussion

Kansas is one of 30 states that volunteered to participate in the pilot mourning dove banding project. Doves were banded during July and August. During the past three years, 4,107 mourning doves have been banded in Kansas at seven banding stations scattered throughout the state. Banding has been done primarily by - area managers, district wildlife biologists, and the two migratory game bird biologists.

Of the 4,107 doves banded, 142 have been recovered (i.e., shot by hunters or found dead). Most (75 percent) of these recoveries have been in Kansas. Kansas-banded doves have also been recovered in Texas, Missouri, Oklahoma, Mexico, and four other states.

Recovery rate (percent of banded doves reported to the Bird Banding Lab) was 2.3 percent to 3.0 percent during 2003-2005. Reporting rate (percent of banded doves that were recovered and reported to the Bird Banding Lab) was 61 percent in 2004 and 53 percent in 2005. Calculation of the recovery rate and reporting rate allow estimation of the harvest rate (proportion of the population shot by hunters), which was estimated to be 3.7 percent and 4.4 percent in 2004 and 2005, respectively. State estimates of recovery, reporting, and harvest rates should be viewed cautiously because this banding project was designed to estimate these rates at the Dove Management Unit level, not the state level. However, management unit estimates were not available when this report was written.

Recommendations

It is anticipated that mourning dove banding will continue as an annual survey to estimate annual harvest and survival rates. During the next 12 months or so, the three Dove Management Units will work together to develop a Banding Needs Document that will outline how banding data will be used in the future and set state banding quotas. Discussions at the March 2006 Central Management Unit meeting indicated that future banding quotas may require the states to band at a relatively high level for seven weeks, rather than banding only until a certain numeric quota is reached. For Kansas, this means that future banding is likely to be more labor intensive than it has been during the last three years.

RECOMMENDATIONS FOR 2006 "EARLY" MIGRATORY BIRD SEASONS

INTRODUCTION AND BACKGROUND

The U.S. Fish and Wildlife Service annually develops frameworks for migratory bird seasons. These frameworks establish the most liberal seasons that will be allowed on a particular species or group of species. States may always adopt more restrictive regulations than those allowed in the frameworks, but they may not adopt seasons more liberal than stated in the frameworks. At this time we expect the proposed early season frameworks to be published sometime during mid-July.

The following season dates are recommended for approval by the Commission, with authorization for the Secretary to make any adjustments required as a result of unforeseen framework changes.

EXPECTED FRAMEWORKS AND RECOMMENDATIONS

DOVE:

Dove regulations are now set by KAR 115 – 25 – 19, rather than annual Commission approval.

RAIL (Sora and Virginia):

Framework - Hunting season not exceeding 70 days between September 1, 2006 and January 20, 2007. Daily bag of 25 and possession limit of 25, singly or in aggregate, of sora and Virginia rail.

Recommendation - Season running September 1 through November 9, 2006 with a bag and possession limit of 25 and 25, respectively. There is no open season on king rail, common moorhen, and purple gallinule.

SNIPE:

Framework - Hunting season not exceeding 107 days between September 1, 2006 and February 28, 2007. Season may be split once. Daily bag and possession limit not to exceed 8 and 16, respectively.

Recommendation - Season running September 1 through December 16, 2006 with bag and possession limit of 8 and 16, respectively.

WOODCOCK:

Framework - Season not exceeding 45 days between September 21, 2006 and January 31, 2007. Season may be split. Daily bag and possession limit of 3 and 6, respectively.

Recommendation - Season running October 14 through November 27, 2006 with a bag and possession limit of 3 and 6, respectively.

TEAL SEASON:

Framework - Hunting season between September 1 and September 30, 2006, not exceeding: 1) 16 days if the blue-winged teal breeding population is above 4.7 million, or 2) 9 days if the breeding population is between 3.3 - 4.6 million, with a daily bag and possession limit of 4 and 8 teal, respectively. Last years (2005) blue-winged teal breeding population was 4.6 million. The 2006 blue-winged teal breeding population total will not be known until June.

It is possible that only 8 days will be available for the September Teal Season in the High Plains. This potential restriction on the High Plains Teal Season is due to the 107-day annual limit (by treaty) on hunting of any one species. A regular High Plains duck season of 97 days allowed under the regular season liberal package, plus 2 days of youth hunting leaves only 8 days to reach the 107 day total.

Recommendation:

High Plains Zone - A bag and possession limit of 4 and 8, respectively, with the following season date possibilities:

A 9-day season running September 16 through September 24, 2006,

or, a 16-day season running September 9 through September 24, 2006,

or, an 8-day season running September 16 through September 23, 2006

Low Plains Zones - A bag and possession limit of 4 and 8, respectively, with the following season date possibilities:

A 9-day season running September 16 through September 24, 2006,

or, a 16-day season running September 9 through September 24, 2006.

SEPTEMBER CANADA GOOSE SEASON:

Background - Kansas is allowed a maximum of 15 days of Canada goose hunting during the first 15 days of September to assist with the control of nuisance Canada geese. The season may be set during the last 15 days of September on an experimental basis, provided a study to evaluate harvest characteristics is approved by the Service.

The bag limit may not exceed 5 Canada geese, and there is no possession limit.

KDWP staff expects regular dark goose season frameworks will allow a 95-day season on Canada geese. These 95 days, plus the two-day youth hunt, utilizes 97 of the possible 107 days of Canada goose hunting allowed by treaty, leaving 10 days available for the September season.

Recommendation - Adopt a 10-day Canada goose season, running September 16 through September 25, 2006, with a bag and possession of 3 and 6 respectively.

The area open to Canada goose hunting during the September Season shall be that area of Kansas east of U.S. 183 and north of KS 96 (southwest corner of Kansas remain closed).

Discussion – Based on indices from the Kansas Resident Canada Goose Survey, numbers of nesting Canada geese have remained relatively stable since 1996 when the survey was initiated. The “Pairs per Mile” index has varied from 0.25 to 0.35, and was 0.33 in 2005.

Although Kansas hunters account for the major portion of the harvest, distribution of band recoveries suggests that a number of resident geese from Kansas are being harvested in states north of Kansas during the September period.

The recommendation of staff is to allow some additional harvest pressure on the Kansas resident Canada goose flock, and closely monitor the population status with the March/April Kansas Resident Canada Goose Survey. Should the indices develop a declining trend the September season could again be restricted to the Wichita, Topeka, Lawrence and Kansas City area zones.

Due to the limited number of wetlands, and isolated nature of Canada goose flocks in the southwest area of Kansas, staff believes that an open season in that area of the state, when local geese are the only geese present, could jeopardize the future of those flocks.

SHOOTING HOURS FOR ALL EARLY SEASONS:

Framework-Shooting hours frameworks are expected to be ½ hour before sunrise to sunset for all seasons.

Recommendation-Adopt maximum shooting hours allowed in the frameworks, probably ½ hour before sunrise to sunset.

RECOMMENDED KANSAS DUCK ZONE BOUNDARIES FOR YEARS 2006 THROUGH 2010

Every five years the U.S. Fish and Wildlife Service (Service) allows states to change the type of duck season “**Option**” which they utilize. This “open window” period is this spring, 2006. The available options include different types of “zones” or “split seasons” for duck hunting, but do not include the actual season dates. Season dates have been, and will continue to be, set annually by the Commission at its August meeting.

The **Basic Option** is a statewide season with one split (two segments) and no zones. This is considered a “fall back” option that a state may utilize at any time during the five year period in the event that the alternative option selected during the “open window” proves to be unacceptable.

Alternative Options must be selected during the open window period and include:

- 1) No more than three zones with no splits (continuous season in each zone).
- 2) A statewide season with two splits (three segments)
- 3) Two zones, plus the High Plains area of Kansas (three zones total), with the option for one split in each zone. This is the option that Kansas has utilized the past ten years.

Although the zone boundaries are permanent for five years, the season dates and bag limits may be adjusted annually.

RECOMMENDATION:

KDWP staff recommendation is to maintain the current duck hunting zones (Alternative Option 3), with two minor boundary modifications.

Number of Zones

Kansas will be divided into three zones: “**High Plains**”, “**Early Zone**” and “**Late Zone**”.

Zone Boundaries

High Plains Zone - That area of Kansas west of U.S. 283.

Early Zone - That area of Kansas east of U.S. 283, and generally west of a line beginning at the Junction of the Nebraska border and KS 28; south on KS 28 to U.S. 36; east on U.S. 36

to KS 199; south on KS 199 to Republic Co. Road 563; south on Republic Co. Road 563 to KS 148; east on KS 148 to Republic Co. Road 138; south on Republic Co. Road 138 to Cloud Co. Road 765; south on Cloud Co. Road 765 to KS 9; west on KS 9 to U.S. 24; west on U.S. 24 to U.S. 281; north on U.S. 281 to U.S. 36; west on U.S. 36 to U.S. 183; south on U.S. 183 to U.S. 24; west on U.S. 24 to KS 18; southeast on KS 18 to U.S. 183; south on U.S. 183 to KS 4; east on KS 4 to I-135; south on I-135 to KS 61; southwest on KS 61 to KS 96; northwest on KS 96 to U.S. 56; southwest on U.S. 56 to KS 19; east on KS 19 to U.S. 281; south on U.S. 281 to U.S. 54; west on U.S. 54 to U.S. 183; north on U.S. 183 to U.S. 56; southwest on U.S. 56 to Ford Co. Road 126; south on Ford Co. Road 126 to U.S. 400; northwest on U.S. 400 to U.S. 283.

Late Zone - The remainder of Kansas.

DISCUSSION:

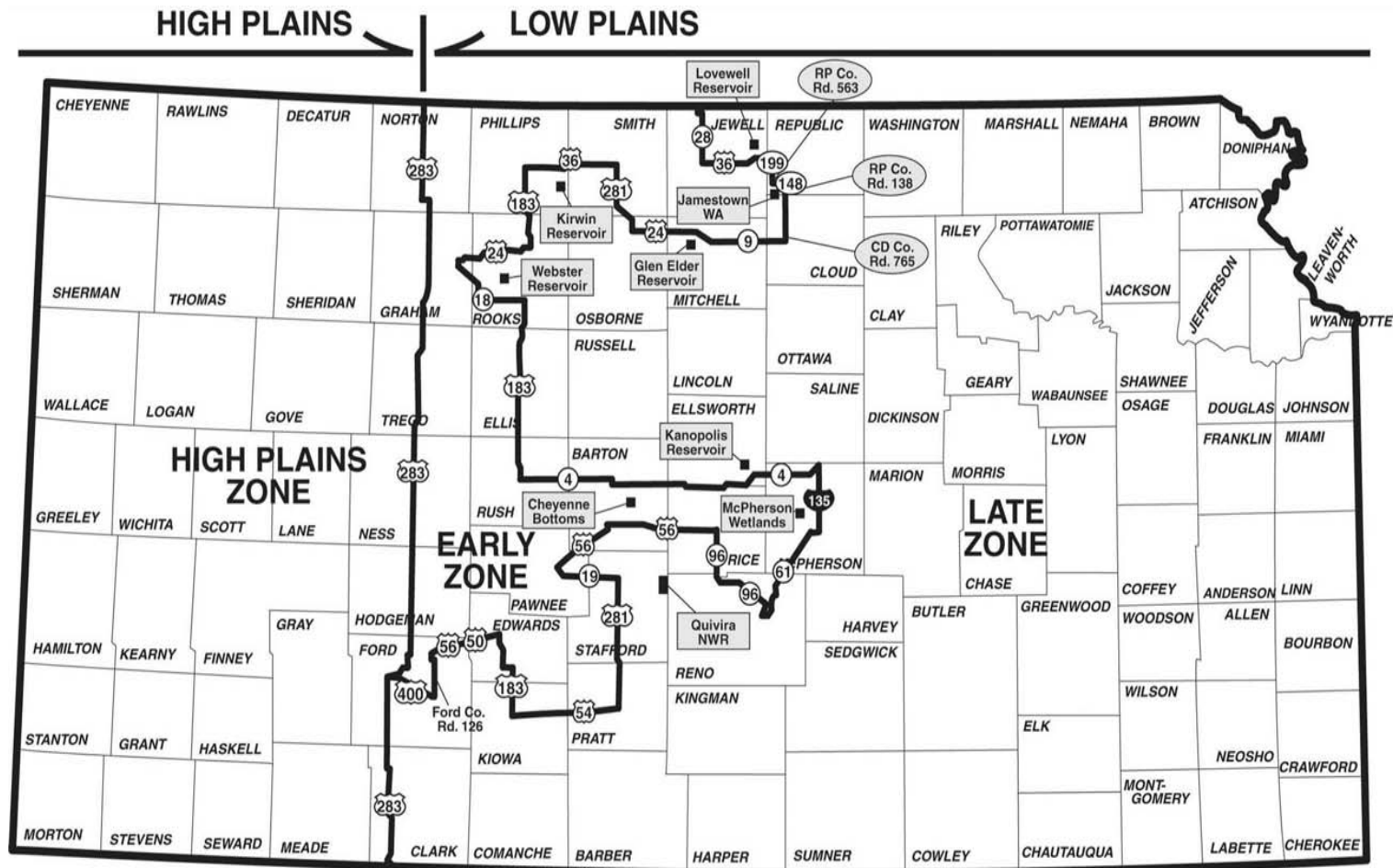
Although zone boundaries can confuse some hunters for a period of time, the result of zoning for duck hunting should be greater hunter opportunity. Zoning enhances the state's ability to match season dates with migration chronology and season preferences of duck hunters in specific areas. Finally, zoning effectively increases season length for hunters willing to travel.

There are two minor proposed changes from the zones adopted the past five years. One would move a small area southwest of Great Bend from the Early Zone to the Late Zone in order to provide late hunting opportunity on the Arkansas River.

The second involves placing a small area east of Dodge City, which has been in the Late Zone, into the Early Zone in order to better match the hunt season with the waterfowl use of several playas located in that area. These changes were supported by individuals and agency staff from those areas of the state.

The alternative option that was given consideration was the statewide two splits "three segment" season (Alternative Option 2) which was adopted in Kansas from 1982 through 1995. However, in the past Kansas hunters expressed strong dislike for the short hunt season segments, particularly during seasons with restricted season length, as well as the confusion created with multiple splits.

Proposed 2006 Waterfowl Zones



Public Hearing

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

(1) Archery equipment.

(A) Each bow shall be hand-drawn.

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

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

(D) No bow shall have any electronic or chemical device attached to the bow or arrow, with the exception of lighted pin, dot, or holographic sights.

(E) Each arrow used for hunting shall be equipped with a nonbarbed broadhead point with all-metal cutting edges.

(F) Each arrow used for hunting shall be at least 20 inches in length.

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

(H) Range-finding devices may be used or attached to the bow if the system does not project visible light toward the target.

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

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

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

(1) Firearms season equipment authorized for all big game species:

(A) Archery equipment as authorized in subsection (a);

(B) optical scopes or sights that project no visible light toward the target and do not electronically amplify visible or infrared light; and

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

(2) Firearms season equipment authorized for deer and antelope:

(A) Centerfire rifles that are not fully automatic and that fire a bullet larger than .23 inches in diameter, while using only soft point, hollow point, or other expanding bullets;

(B) muzzleloading rifles and muskets that can be loaded only through the front of the firing chamber with separate components and that fire a bullet of .39 inches in diameter or larger;

(C) centerfire handguns that are not fully automatic, fire a bullet larger than .23 inches in diameter, and use a cartridge case that is 1.280 inches or more in length, while using only soft point, hollow point, or other expanding bullets;

(D) single barrel muzzleloading pistols .45 caliber or larger that have a barrel length of 10 inches or greater and can be loaded only through the front of the barrel with separate components. Only conical lead or sabot bullets weighing 210 grains or greater shall be used with muzzleloading pistols; and

(E) shotguns using only slugs of 20 gauge or larger.

(3) Firearms season equipment authorized for elk:

(A) Centerfire rifles as authorized in paragraph (b)(2)(A), but only if firing a bullet larger than .25 inches in diameter and using a cartridge greater than 2.5 inches in length; ~~and~~

(B) muzzleloading rifles and muskets as authorized in paragraph (b)(2)(B), but only if firing a bullet of .49 inches in diameter or larger; and

(C) shotguns using only slugs of 12 gauge or larger.

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

(1) Muzzleloader-only season equipment authorized for deer and antelope:

(A) Muzzleloading rifles and muskets as authorized in paragraph (b)(2)(B), but only if using only open or peep sights that do not magnify the target, project visible light, or electronically amplify visible or infrared light; and

(B) muzzleloading pistols as authorized in paragraph (b)(2)(D), but only if using only open or peep sights that do not magnify the target, project visible light, or electronically amplify visible or infrared light.

(2) Muzzleloader-only season equipment authorized for elk:

(A) Muzzleloading rifles and muskets as authorized in paragraph (b)(3)(B), but only if using only open or peep sights that do not magnify the target, project visible light, or electronically amplify visible or infrared light; and

(B) archery equipment as authorized in subsection (a).

(d) Accessory equipment.

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

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

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

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

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

(e) Big game permittees shall possess hunting equipment while hunting only as authorized by this regulation and by the most restrictive big game permit or game tag in possession while hunting.

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

(g) Horses and mules may be used while hunting big game, except that horses and mules shall not be used for herding or driving elk. (Authorized by K.S.A. 32-807 and K.S.A. ~~2003~~ 2005 Supp. 32-937, ~~as amended by L. 2004, Ch. 99, Sec. 5~~; implementing K.S.A. 32-807, K.S.A. ~~2003~~ 2005 Supp. 32-937, ~~as amended by L. 2004, Ch. 99, Sec. 5~~, K.S.A. 2005 Supp. 32-1002, and K.S.A. 32-1015; effective June 1, 2001; amended April 19, 2002; amended April 22, 2005, amended P-_____.)

ECONOMIC IMPACT STATEMENT

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

DESCRIPTION: This regulation establishes legal equipment and taking methods for big game species. The proposed amendment would allow the use of shotguns with slugs for the firearms elk season to accommodate areas on Fort Riley which only allow the use of shotguns and muzzleloaders for big game hunting.

FEDERAL MANDATE: None.

ECONOMIC IMPACT: These amendments are not anticipated to have any appreciable economic impact on the department, other agencies, or the public.

ALTERNATIVES CONSIDERED: None.

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

(1) Archery season.

(A) The archery season dates shall be October 1, 2006 through December 31, 2006.

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

However, archery deer permits shall be valid in only two archery deer management units in addition to archery deer management unit 19, as specified in K.A.R. 115-4-6a.

(C) All archery deer permits also shall be valid during the portion of the extended firearm season beginning on January 1, 2007 and extending through the last open day in units open during an extended firearm season and shall be valid with any legal equipment authorized during a firearm season, but shall be valid only for antlerless white-tailed deer during those dates and valid only in firearms management units that are contained within the archery management units recorded on the archery deer permit and open to the extended firearms season.

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

(E) The urban antlerless-only white-tailed deer archery season shall begin on January 9, 2007 and extend through January 31, 2007 in all units designated as an urban deer management unit.

(2) Firearm season.

(A) In the Fort Leavenworth subunit, the firearm season dates shall be November 18, 2006 through November 19, 2006, November 23, 2006 through November 26, 2006, December 2, 2006 through December 3, 2006, December 9, 2006 through December 10, 2006, and December 16, 2006 through December 17, 2006. In the Fort Riley subunit, the firearm season dates shall be November 24, 2006 through November 26, 2006, December 16, 2006 through December 20, 2006, and December 27, 2006 through December 30, 2006. In the Smoky Hill Air National Guard subunit, the firearm season

dates shall be November 21, 2006 through December 2, 2006. The regular firearm season dates in all other deer management units shall be November 29, 2006 through December 10, 2006.

(B) The urban firearm deer season in all units designated in K.A.R. 115-4-6 as an urban deer management unit shall be October 14, 2006 through October 22, 2006. White-tailed either-sex firearm permits issued for a deer management unit adjacent to an urban deer management unit shall be valid only in the urban deer management unit during the urban firearm deer season.

(C) During the regular and extended firearm deer seasons, white-tailed either-sex firearm deer permits issued for a deer management unit adjacent to an urban deer management unit shall be valid in both the designated unit and the urban deer management unit.

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

(3) Muzzleloader-only season.

(A) The muzzleloader-only season in all deer management units shall be September 9, 2006 through September 22, 2006. Muzzleloader deer permits shall also be valid during established firearm seasons using muzzleloader equipment, except that during the portion of the extended firearm season beginning on January 1, 2007 and extending through the last open day in units open during an extended firearm season, these permits shall be valid with any legal equipment authorized during a firearm season. During an extended firearm season, only muzzleloader deer permits for units open during these dates shall be valid, and only for antlerless white-tailed deer.

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

(4) Season for designated persons.

(A) The season for designated persons to hunt deer shall be September 23, 2006 through September 24, 2006 in all deer management units.

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

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

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

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

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

(5) Extended firearm seasons.

(A) Any unfilled firearm, muzzleloader, or archery permit or antlerless white-tailed deer game tag valid in unit 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, or 19, as applicable, shall be valid during the extended firearm season beginning January 1, 2007 and extending through January 7, 2007 in those units.

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

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

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

(b) Unlimited resident hunt-on-your-own-land, special hunt-on-your-own-land, and nonresident hunt-on-your-own-land deer permits shall be authorized for all units. These permits also shall be valid during the portion of the extended firearm season beginning on January 1, 2007 and extending through the last open day in units open during an extended firearm season, but shall be valid only for antlerless white-tailed deer during an extended firearm season.

(c) Permit applications.

(1) Applications for resident any-deer permits shall be accepted in the Pratt office from the earliest date that applications are available through July 14, 2006. Applications with a postmark date of not later than July 14, 2006 shall also be accepted.

(2) Applications for resident firearm white-tailed deer permits shall be accepted at designated locations from the earliest date that applications are available through December 30, 2006.

(3) The following types of deer permits may be purchased at designated locations from the earliest date that applications are available through January 6, 2007:

- (A) Resident archery deer permits;
- (B) antlerless white-tailed deer permits;
- (C) antlerless white-tailed game tags; and
- (D) hunt-on-your-own-land deer permits.

(4) Applications for nonresident antlered deer permits shall be accepted in the Pratt office from the earliest date that applications are available through May 31, 2006. Applications with a postmark date of not later than May 31, 2006 shall also be accepted.

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

(1) Any individual may apply for or obtain no more than one deer permit that allows the taking of an antlered deer.

(2) Any individual may obtain no more than one antlerless white-tailed deer permit and no more than four antlerless white-tailed deer game tags, except that any individual may obtain no more than one antlerless white-tailed deer game tag that may be used in units 3, 4, 5, 6, 9, 10, 11, and 14. Antlerless white-tailed deer game tags shall not be valid in units 1, 2, 17, and 18.

(3) Any resident may obtain no more than one any-deer permit through the application period described in paragraph (c)(1).

(4) Nonresidents shall be eligible to obtain antlerless white-tailed deer permits and antlerless white-tailed deer game tags. Otherwise, a nonresident shall be eligible to apply for and obtain only those permits designated as nonresident deer permits.

(5) No resident or nonresident shall purchase any deer permit or game tag that allows the taking of antlerless-only deer without first having obtained a deer permit that allows the taking of antlered deer, unless the antlerless-only deer permit or game tag is purchased after December 30, 2006.

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

(f) No deer permit or deer game tag issued pursuant to this regulation shall be valid after January 31, 2007.

(g) This regulation shall be effective on and after May 1, 2006, and shall have no force and effect on and after March 1, 2007. (Authorized by K.S.A. 32-807 and K.S.A. 2005 Supp. 32-937; implementing K.S.A. 32-807, K.S.A. 2005 Supp. 32-937, and K.S.A. 2005 Supp. 32-1002.)

ECONOMIC IMPACT STATEMENT

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

DESCRIPTION: The proposed exempt regulation establishes hunting bag limits, application periods and season dates for the 2006-2007 firearm, muzzleloader and archery deer seasons. There are three main changes from the 2005-06 seasons. First, the extended firearm season for antlerless white-tailed deer in January is shortened to seven days. In 2005-06, the season was a total of eight days. Second, antlerless permits or game tags may be purchased after December 30 without a requiring an antlered permit. Finally, no checkstations will be required this fall. Otherwise, the proposal merely changes dates to fit the 2006-2007 calendar.

FEDERAL MANDATES: None

ECONOMIC IMPACT: If the economic impact to the department, the general public, and other agencies from the 2006-07 seasons were to be similar to the estimate for the 2005-2006 seasons, total revenue to the department from the sale of all resident, nonresident, and landowner/tenant deer permits and game tags is estimated to be approximately \$5,000,000.

Approximately 415,000 days of hunting activity by 83,000 hunters are anticipated. A 2001 survey conducted by the U.S. Fish and Wildlife Service estimated that big game hunters spent approximately \$512 per year on trip and equipment expenditures, thus the 2006 deer seasons in Kansas are anticipated to generate approximately \$42.5 million worth economic benefit to businesses providing big game goods and services. No other economic impact to state agencies is anticipated.

ALTERNATIVES CONSIDERED: None

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

As a result of internal Department review of the proposed regulation, the Department suggests that the following amendment be made to the version of the regulation submitted for public comment.

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

1. Amend proposed subsection (a)(1)(E) as follows:

(E) The urban antlerless-only white-tailed deer archery season shall begin on January 9 ~~8~~, 2007 and extend through January 31, 2007 in all units designated as an urban deer management unit.

2. Amend proposed subsection (c)(1) as follows:

(1) Applications for resident firearms and muzzleloader any-deer permits shall be accepted in the Pratt office from the earliest date that applications are available through July 14, 2006.

Applications with a postmark date of not later than July 14, 2006 shall also be accepted.

3. Amend proposed subsection (c)(2) as follows:

(2) Applications for resident firearm white-tailed either-sex deer permits, resident archery deer permits, and hunt-on-your-own-land deer permits shall be accepted at designated locations from the earliest date that applications are available through December 30, 2006.

4. Amend proposed subsection (c)(3) as follows:

(3) The following types of deer permits may be purchased at designated locations from the earliest date that applications are available through January 6 ~~30~~, 2007:

(A) ~~Resident archery deer permits;~~

~~(B)~~ Antlerless white-tailed deer permits; and

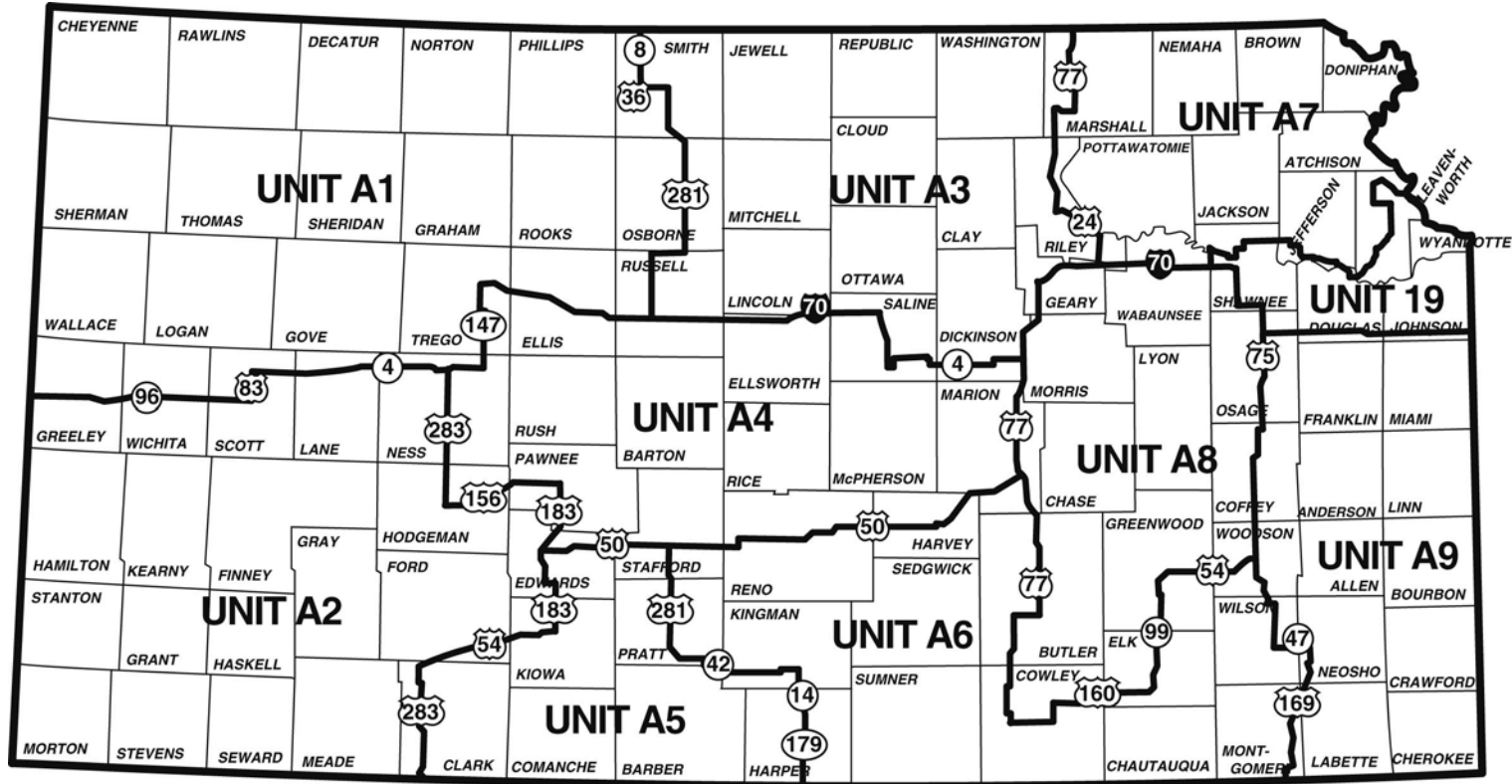
~~(C)~~ (B) antlerless white-tailed game tags; ~~and,~~

~~(D) hunt on your own land deer permits.~~

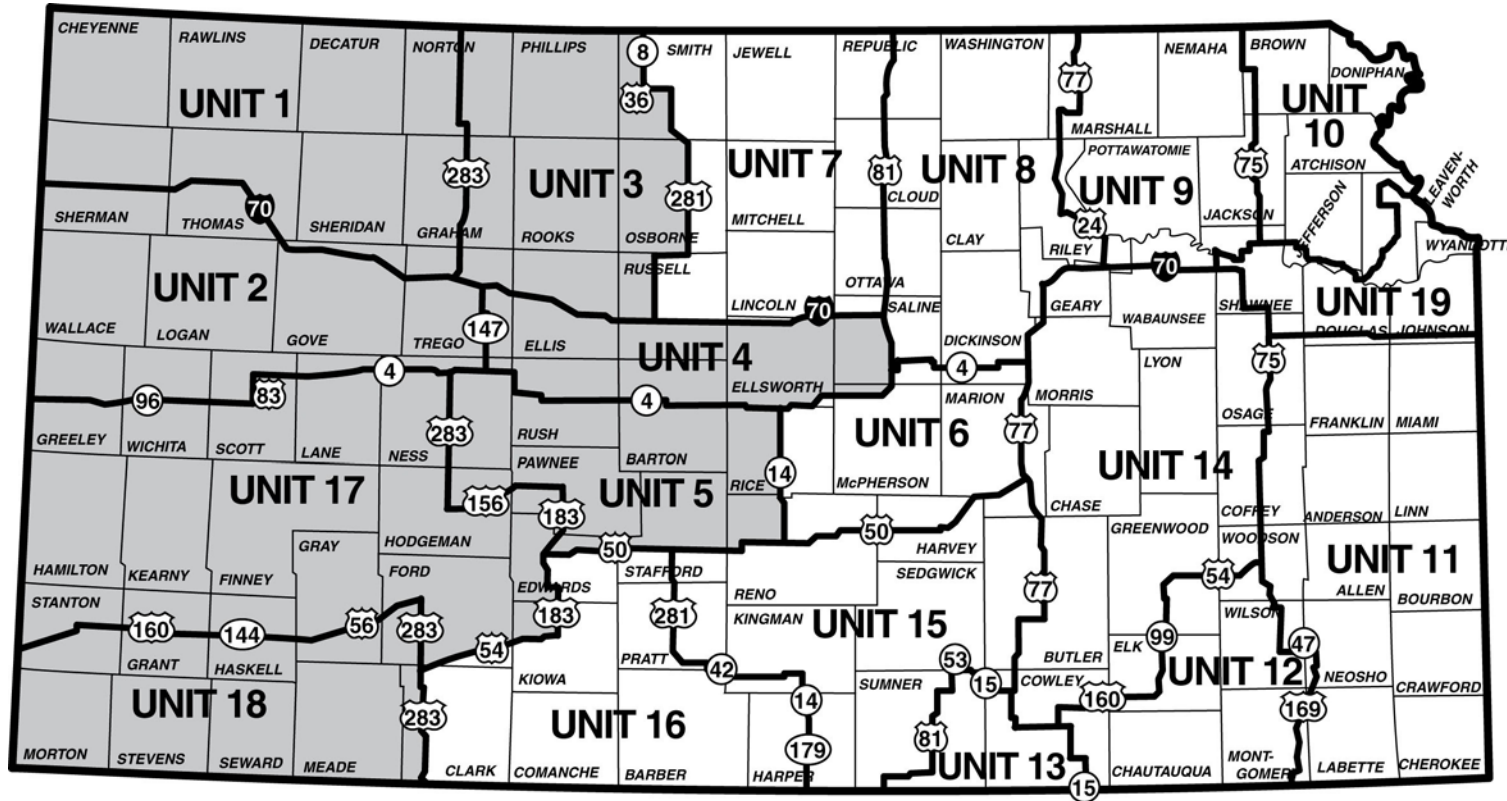
5. Amend proposed subsection (d)(2) as follows:

(2) ~~Any individual may obtain no more than one antlerless white-tailed deer permit and no more than four antlerless white-tailed deer game tags, except that any individual may obtain no more than one antlerless white-tailed deer game tag that may be used in units 3, 4, 5, 6, 9, 10, 11, and 14. Antlerless white-tailed deer game tags shall not be valid in units 1, 2, 17, and 18.~~ Any individual may obtain no more than one antlerless white-tailed deer permit and four antlerless white-tailed deer game tags. One antlerless white-tailed deer game tag shall be valid statewide, except that no antlerless white-tailed deer game tags shall be valid in units 1, 2, 17 and 18. Up to three additional antlerless white-tailed deer game tags shall be valid in subunit 10a and in units 7, 8, 12, 13, 15, 16 and 19.

Current Archery Deer Management Units



Extended Season Deer Management Units

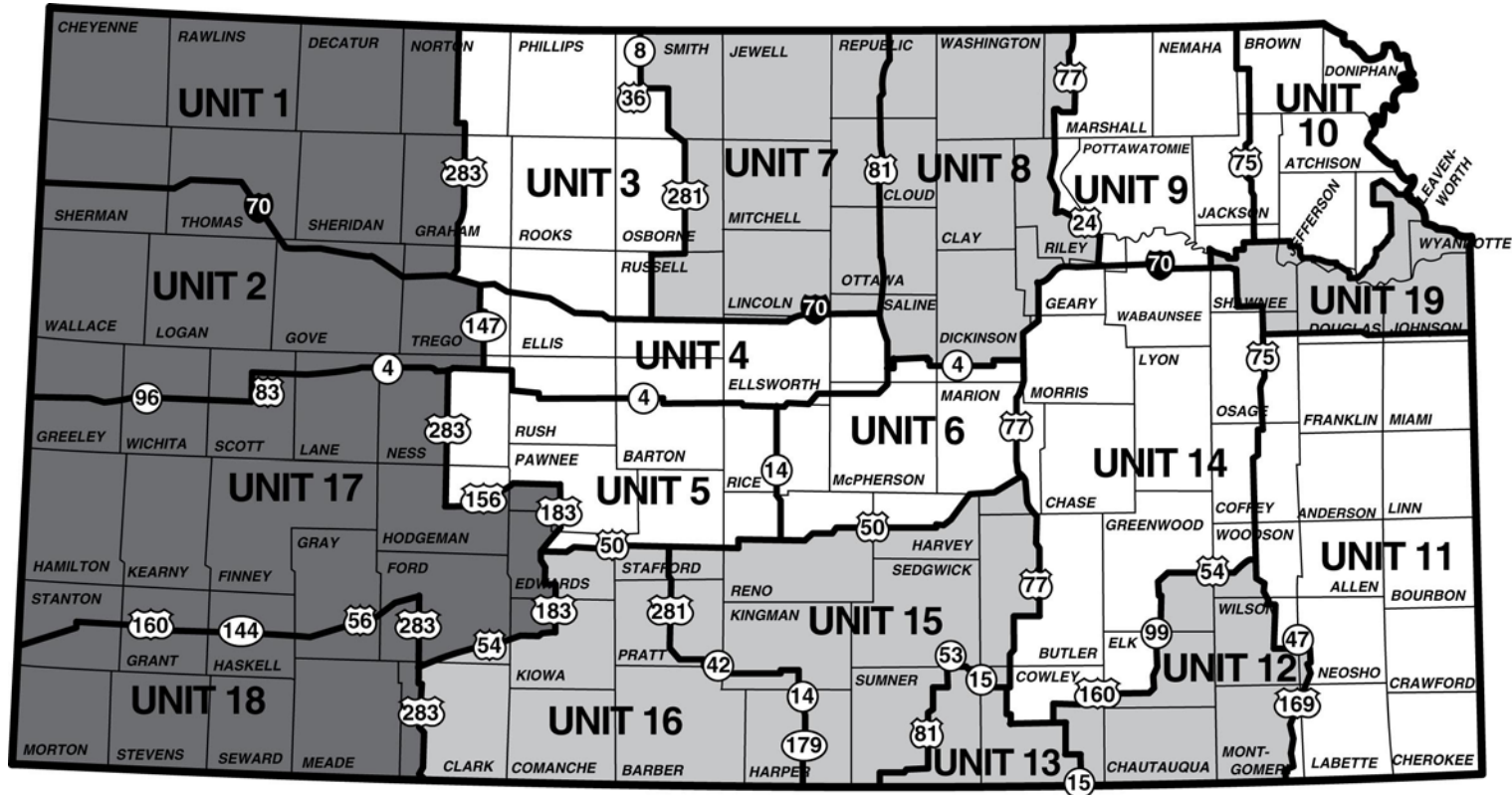


No Extended Season



Extended Season

Game Tag Deer Management Units



No Game Tags



4 Game Tags



1 Game Tag

SECRETARY'S ORDERS
2006 DEER SEASON PERMIT QUOTAS

The Secretary of the Kansas Department of Wildlife and Parks, as authorized by K.A.R. 115-25-9, hereby establishes the 2006 deer season permit quotas in the following deer management units:

2006 DEER SEASON PERMIT QUOTAS, KANSAS RESIDENTS

HIGH PLAINS; UNIT 1:

Any Deer 540
Muzzleloader Any Deer 225
Whitetail Either Sex one per hunter
Whitetail Antlerless Only one per hunter

SMOKY HILL; UNIT 2:

Any Deer 330
Muzzleloader Any Deer 150
Whitetail Either Sex one per hunter
Whitetail Antlerless Only one per hunter

KIRWIN-WEBSTER; UNIT 3:

Any Deer 450
Muzzleloader Any Deer 200
Whitetail Either Sex one per hunter
Whitetail Antlerless Only one per hunter
Antlerless Only Deer Tags *^b

KANOPOLIS; UNIT 4:

Any Deer 150
Muzzleloader Any Deer 50
Whitetail Either Sex one per hunter
Whitetail Antlerless Only one per hunter
Antlerless Only Deer Tags *^b

PAWNEE; UNIT 5:

Any Deer 100
Muzzleloader Any Deer 75
Whitetail Either Sex one per hunter
Whitetail Antlerless Only one per hunter
Antlerless Only Deer Tags *^b

MIDDLE ARKANSAS; UNIT 6:

Whitetail Either Sex one per hunter
Whitetail Antlerless Only one per hunter
Antlerless Only Deer Tags *^b

SOLOMON; UNIT 7:

Any Deer 250
Muzzleloader Any Deer 75
Whitetail Either Sex one per hunter
Whitetail Antlerless Only one per hunter
Antlerless Only Deer Tags *^a

REPUBLICAN; UNIT 8:

Whitetail Either Sex one per hunter
Whitetail Antlerless Only one per hunter
Antlerless Only Deer Tags *^a

TUTTLE CREEK; UNIT 9:

Whitetail Either Sex one per hunter
Whitetail Antlerless Only one per hunter
Antlerless Only Deer Tags *^b

KAW; UNIT 10:

Whitetail Either Sex one per hunter
Whitetail Antlerless Only one per hunter
Antlerless Only Deer Tags *^{ab}

^a A maximum of four game tags per hunter may be used within the area of DMUs 7, 8, 10A, 12, 13, 15, 16, and 19.

^b A maximum of one game tag may be used within the area of DMUs 3, 4, 5, 6, 9, 10, 11, and 14.

OSAGE PRAIRIE; UNIT 11:

Whitetail Either Sex.....one per hunter
 Whitetail Antlerless Onlyone per hunter
 Antlerless Only Deer Tags.....*^b

CHAUTAUQUA HILLS; UNIT 12:

Whitetail Either Sex.....one per hunter
 Whitetail Antlerless Onlyone per hunter
 Antlerless Only Deer Tags.....*^a

LOWER ARKANSAS; UNIT 13:

Whitetail Either Sex.....one per hunter
 Whitetail Antlerless Onlyone per hunter
 Antlerless Only Deer Tags.....*^a

FLINT HILLS; UNIT 14:

Whitetail Either Sex.....one per hunter
 Whitetail Antlerless Onlyone per hunter
 Antlerless Only Deer Tags.....*^b

NINNESCAH; UNIT 15:

Whitetail Either Sex.....one per hunter
 Whitetail Antlerless Onlyone per hunter
 Antlerless Only Deer Tags.....*^a

RED HILLS; UNIT 16:

Any Deer200
 Muzzleloader Any Deer.....125
 Whitetail Either Sex..... one per hunter
 Whitetail Antlerless Only one per hunter
 Antlerless Only Deer Tags.....*^a

WEST ARKANSAS; UNIT 17:

Any Deer300
 Muzzleloader Any Deer200
 Whitetail Either Sex..... one per hunter
 Whitetail Antlerless Only one per hunter

CIMARRON; UNIT 18:

Any Deer120
 Muzzleloader Any Deer 100
 Whitetail Either Sex..... one per hunter
 Whitetail Antlerless Only one per hunter

BROUGHAM & KIMPLE LDMP

Whitetail Either Sex (Public Draw)3
 Whitetail Either Sex (LDMP Client)21
 Whitetail Antlerless Only (LDMP Client).....31

KANSAS CITY URBAN; UNIT 19:

Antlerless Only Deer Tags.....*^a

HUNT-ON-YOUR-OWN-LAND;

UNITS 1-19:

Any Deer..... one per hunter

ARCHERY; CHOICE OF TWO ARCHERY UNITS:

Any Deer..... one per hunter

^a A maximum of four game tags per hunter may be used within the area of DMUs 7, 8, 10A, 12, 13, 15, 16, and 19.

^b A maximum of one game tag may be used within the area of DMUs 3, 4, 5, 6, 9, 10, 11, and 14.

2006 NONRESIDENT DEER SEASON PERMIT QUOTAS

Secretary's Orders

2006 Deer Season Permit Quotas

Page three

HIGH PLAINS; UNIT 1:

Muzzleloader Any Deer	40
Whitetail Either Sex	128
Whitetail Antlerless Only	one per hunter

SMOKY HILL; UNIT 2:

Muzzleloader Any Deer	28
Whitetail Either Sex	110
Whitetail Antlerless Only	one per hunter

KIRWIN-WEBSTER; UNIT 3:

Muzzleloader Any Deer	36
Whitetail Either Sex	262
Whitetail Antlerless Only	one per hunter
Antlerless Only Deer Tags	* ^b

KANOPOLIS; UNIT 4:

Muzzleloader Any Deer	8
Whitetail Either Sex	234
Whitetail Antlerless Only	one per hunter
Antlerless Only Deer Tags	* ^b

PAWNEE; UNIT 5:

Muzzleloader Any Deer	14
Whitetail Either Sex	248
Whitetail Antlerless Only	one per hunter
Antlerless Only Deer Tags	* ^b

^a A maximum of four game tags per hunter may be used within the area of DMUs 7, 8, 10A, 12, 13, 15, 16, and 19.

^b A maximum of one game tag may be used within the area of DMUs 3, 4, 5, 6, 9, 10, 11, and 14.

MIDDLE ARKANSAS; UNIT 6:

Whitetail Either Sex	370
Whitetail Antlerless Only	one per hunter
Antlerless Only Deer Tags	* ^b

SOLOMON; UNIT 7:

Muzzleloader Any Deer	14
Whitetail Either Sex	550
Whitetail Antlerless Only	one per hunter
Antlerless Only Deer Tags	* ^a

REPUBLICAN; UNIT 8:

Whitetail Either Sex	802
Whitetail Antlerless Only	one per hunter
Antlerless Only Deer Tags	* ^a

TUTTLE CREEK; UNIT 9:

Whitetail Either Sex	624
Whitetail Antlerless Only	one per hunter
Antlerless Only Deer Tags	* ^b

KAW; UNIT 10:

Whitetail Either Sex	952
Whitetail Antlerless Only	one per hunter
Antlerless Only Deer Tags	* ^{a b}

OSAGE PRAIRIE; UNIT 11:

Whitetail Either Sex	1926
Whitetail Antlerless Only	one per hunter
Antlerless Only Deer Tags	* ^b

CHAUTAUQUA HILLS; UNIT 12:

Whitetail Either Sex	666
Whitetail Antlerless Only	one per hunter
Antlerless Only Deer Tags	* ^a

LOWER ARKANSAS; UNIT 13:

Whitetail Either Sex 228
Whitetail Antlerless Only one per hunter
Antlerless Only Deer Tags *^a

FLINT HILLS; UNIT 14:

Whitetail Either Sex 1012
Whitetail Antlerless Only one per hunter
Antlerless Only Deer Tags *^b

NINNESCAH; UNIT 15:

Whitetail Either Sex 772
Whitetail Antlerless Only one per hunter
Antlerless Only Deer Tags *^a

RED HILLS; UNIT 16:

Muzzleloader Any Deer 22
Whitetail Either Sex 370
Whitetail Antlerless Only one per hunter
Antlerless Only Deer Tags *^a

WEST ARKANSAS; UNIT 17:

Muzzleloader Any Deer 36
Whitetail Either Sex 206
Whitetail Antlerless Only one per hunter

CIMARRON; UNIT 18:

Muzzleloader Any Deer 18
Whitetail Either Sex 106
Whitetail Antlerless Only one per hunter

KANSAS CITY URBAN; UNIT 19:

Antlerless Only Deer Tags *^a

HUNT-ON-YOUR-OWN-LAND;

UNITS 1-19:

Any Deer one per hunter

WHITE-TAILED EITHER SEX ARCHERY:

ARCHER UNIT A1 296
ARCHER UNIT A2 150
ARCHER UNIT A3 464
ARCHER UNIT A4 402
ARCHER UNIT A5 188
ARCHER UNIT A6 708
ARCHER UNIT A7 518
ARCHER UNIT A8 726
ARCHER UNIT A9 776

^a A maximum of four game tags per hunter may be used within the area of DMUs 7, 8, 10A, 12, 13, 15, 16, and 19.

^b A maximum of one game tag may be used within the area of DMUs 3, 4, 5, 6, 9, 10, 11, and 14.

_____ Secretary

_____ Date

115-25-7. Antelope; open season, bag limit, and permits. (a) The open season for the taking of antelope shall be as specified in this subsection. The unit designations in this subsection shall have the meanings specified in K.A.R. 115-4-6.

(1) Archery season.

(A) The archery season dates shall be September 23, 2006 through October 1, 2006 and October 14, 2006 through October 31, 2006.

(B) The taking of antelope during the established archery season shall be authorized for Smoky Hill, unit 2; West Arkansas, unit 17; and Cimarron, unit 18. Unlimited archery permits for residents and nonresidents shall be authorized for the area.

(2) Firearm season.

(A) The firearm season dates shall be October 6, 2006 through October 9, 2006.

(B) The open units for the taking of antelope during the established firearm season and the number of permits authorized shall be as follows:

(i) Smoky Hill, unit 2: One hundred resident firearm permits shall be authorized for the unit.

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

(3) Muzzleloader-only season.

(A) The muzzleloader-only season dates shall be October 2, 2006 through October 9, 2006.

Muzzleloader permits also shall be valid in the unit for which the permit is authorized during the established firearm season dates.

(B) The open units for the taking of antelope during the established muzzleloader-only season and the number of permits authorized shall be as follows:

(i) Smoky Hill, unit 2: Twenty-six resident muzzleloader permits shall be authorized for the unit.

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

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

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

(c) Applications for resident firearm and muzzleloader permits shall be accepted in the Pratt office from the earliest date that applications are available through June 9, 2006. Applications with a postmark date of not later than June 9, 2006 shall also be accepted. Applications for resident and nonresident archery permits shall be accepted where issued from the earliest date that applications are available through October 30, 2006. If there are any unfilled permits after all timely applications have been considered, the application period may be extended by the secretary. Any applicant unsuccessful in obtaining a permit through a drawing may apply for any permit made available during an extended application period, or any other permit that is available on an unlimited basis.

(d) This regulation shall be effective on and after May 1, 2006, and shall have no force and effect on and after March 1, 2007. (Authorized by K.S.A. 32-807 and K.S.A. 2005 Supp. 32-937; implementing K.S.A. 32-807, K.S.A. 2005 Supp. 32-937, and K.S.A. 2005 Supp. 32-1002.)

ECONOMIC IMPACT STATEMENT

K.A.R. 115-25-7. Antelope; open season, bag limit, and permits.

DESCRIPTION: This proposed exempt regulation establishes hunting unit boundaries, bag limit, application periods and season dates for the 2006 firearm, muzzleloader, and archery antelope seasons. The hunting units include all of the area included during the 2005 season. An unlimited number of archery permits are authorized, however, recent trends indicate that about 125 people may apply for these permits for residents. New for this year is the addition of unlimited nonresident archery antelope permits. It is anticipated that demand for those permits will be low.

The proposed unit boundaries for the 2006 firearm hunting season are the same as the 2005 unit boundaries. A total of 130 firearms permits are proposed in two management units as follows: Unit 2 - 100 permits and Unit 17 - 30 permits, an increase of 12 total permits from 2005. In addition, 44 muzzleloader permits are proposed in three management units as follows: Unit 2 - 26 permits, Unit 17 - 10 permits, and Unit 18 - 8 permits, an increase of 6 total permits from 2005.

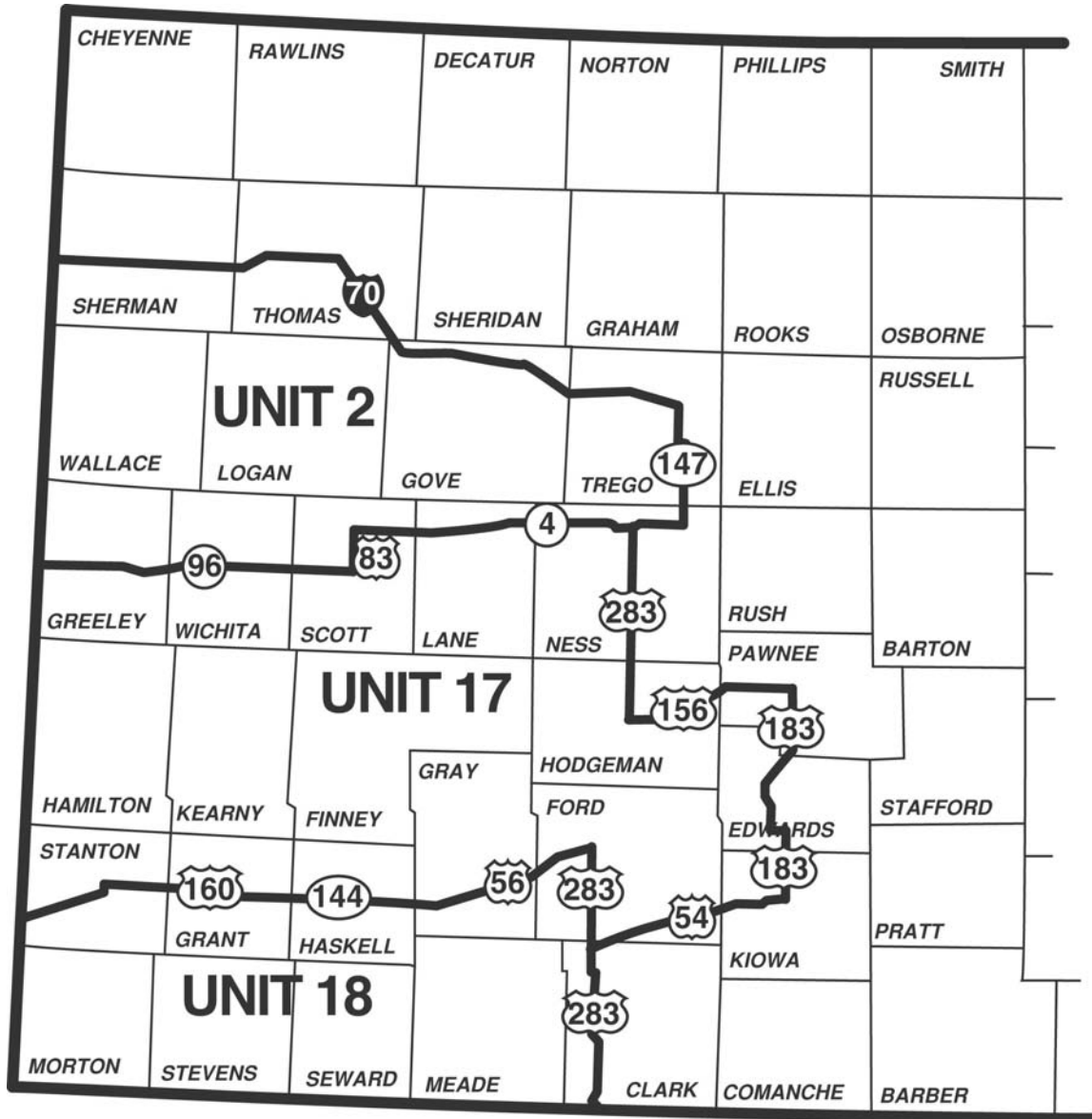
FEDERAL MANDATE: None.

ECONOMIC IMPACT: It is anticipated that 309 antelope hunting permits will be authorized. Estimated revenue if all permits are issued would be \$12,500. That amount represents equal participation in the antelope season by landowner/tenants, general residents and nonresidents. Approximately 1100 people will apply for an antelope permit. A \$5 nonrefundable application fee from all applicants will generate an additional \$5,500. Other administrative costs associated with the season are borne by the Department.

Approximately 800 days of hunting activity will occur. The national survey of fishing, hunting, and wildlife associated recreation conducted by the U.S. Fish and Wildlife Service estimated that an average big game hunter spent more than \$512 per season, thus the antelope season may generate \$158,208 in economic benefits to businesses providing goods and services. There will be no other economic impact on the general public or on other state agencies.

ALTERNATIVES CONSIDERED: None.

Antelope Units



115-25-8. Elk; open season, bag limit and permits. (a) The unit designations in this regulation shall have the meanings specified in K.A.R. 115-4-6, except that the area of Fort Riley, subunit 8a, shall not be included as part of Republican, unit 8.

(b) The open seasons for the taking of elk shall be as follows:

(1) The archery season units shall be statewide, except Fort Riley, subunit 8a. The archery season dates shall be October 1, 2006 through December 31, 2006.

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

(A) Statewide, except Fort Riley, subunit 8a: November 29, 2006 through December 10, 2006 and January 1, 2007 through March 15, 2007.

(B) Fort Riley, subunit 8a:

(i) First segment: October 1, 2006 through October 31, 2006.

(ii) Second segment: November 1, 2006 through November 30, 2006.

(iii) Third segment: December 1, 2006 through December 31, 2006.

(3) The muzzleloader units shall be statewide, except Fort Riley, subunit 8a. The muzzleloader season dates shall be September 1, 2006 through September 30, 2006.

(c) An any-elk permit shall be valid during any season using equipment authorized for that season. Fifteen any-elk permits shall be authorized.

(d) An antlerless-only elk permit shall be valid during any season using equipment authorized for that season, except that an antlerless-only elk permit shall be valid on Fort Riley, subunit 8a, only as follows:

(1) A first-segment antlerless-only elk permit shall be valid on Fort Riley, subunit 8a, only during the first segment. Five first-segment antlerless-only elk permits shall be authorized.

(2) A second-segment antlerless-only elk permit shall be valid on Fort Riley, subunit 8a, only during the second segment. Five second-segment antlerless-only elk permits shall be authorized.

(3) A third-segment antlerless-only elk permit shall be valid on Fort Riley, subunit 8a, only during third segment. Five third-segment antlerless-only elk permits shall be authorized.

(e) The bag limit shall be one elk as specified on the permit issued to the permittee.

(f) Antlerless-only elk permits and any-elk permits shall be awarded from a pool of applicants who are Fort Riley military personnel and applicants who are not Fort Riley military personnel.

(g) An unlimited number of hunt-on-your-own-land elk permits shall be authorized statewide. A hunt-on-your-own-land permit shall be valid during any open season. The bag limit for each hunt-on-your-own-land elk permit shall be one antlerless elk. Applications for hunt-on-your-own-land elk permits shall be accepted at the Pratt office from the earliest date that applications are available through March 14, 2007.

(h) Applications for antlerless-only elk permits and any-elk permits shall be accepted in the Pratt office from the earliest date that applications are available through July 14, 2006.

Applications with a postmark date of not later than July 14, 2006 shall also be accepted.

(i) If there are leftover antlerless-only elk permits or any-elk permits after all timely applications have been considered, the application periods for those permits may be reopened by the secretary. Leftover permits shall be drawn and issued on a daily basis for those application periods reopened by the secretary. Any applicant unsuccessful in obtaining a permit through a drawing may apply for any leftover permit or any other permit that is available on an unlimited basis.

(j) This regulation shall have no force and effect on and after April 1, 2007. (Authorized by K.S.A. 32-807 and K.S.A. 2005 Supp. 32-937; implementing K.S.A. 32-807, K.S.A. 2005 Supp. 32-937, and K.S.A. 2005 Supp. 32-1002.)

ECONOMIC IMPACT STATEMENT

K.A.R. 115-25-8. Elk; open season, bag limit and permits.

DESCRIPTION: This proposed exempt regulation establishes hunting unit boundaries, bag limit, application periods and season dates for the 2006-2007 muzzleloader, archery, and firearm seasons for elk. The units would be expanded from previous seasons to statewide use. Elk hunters would be allowed to hunt during any open season with the equipment that was allowed during that season. The regulation would allow elk hunting from September 1, 2006 through March 15, 2007 statewide (outside Fort Riley). However, only five antlerless-only elk permits at a time would be made available for use during each of three seasons on subunit 8a (Fort Riley) (October 1, 2006 through October 31, 2006; November 1, 2006 through November 30, 2006; and December 1, 2006 through December 31, 2006). Fifteen any-elk permits would be valid from October 1, 2006 through December 31, 2006 on subunit 8a and from September 1, 2006 through March 15, 2007 in the remainder of the state. In addition, an unlimited number of hunt-on-your-own-land (HOYOL) antlerless-only elk permits would be made available, to be used during any open season. Fort Riley military personnel would continue to control access to the military grounds for the purpose of elk hunting, and are expected to provide hunting access only during a portion of the available days during the open seasons. The seasons are intended to provide increased opportunity for those hunters drawing elk permits, and increased flexibility to address elk that may disperse off the Fort.

FEDERAL MANDATE: None

ECONOMIC IMPACT: It is anticipated that 45 elk permits may be issued, including 25 available non-HOYOL permits. Estimated revenue if all permits are issued would be approximately \$8,000. Administrative costs associated with the season are borne by the Department. Approximately 500 days of hunting activity may occur, thus providing economic benefit to businesses providing goods and services. To the extent the expanded unit, seasons, and permit numbers help prevent dispersal of elk onto private land, and therefore help prevent occurrence of damage from dispersed elk, there may be some positive economic impact to the general public. No other economic impact on the general public or on other state agencies is anticipated.

ALTERNATIVES CONSIDERED: None

K.A.R. 115-25-8.
Elk; open season, bag limit and permits.
POSSIBLE AMENDMENT

As a result of internal Department comment and relayed to the Commission at the last meeting, the Department suggests the following amendment be made to the version of the regulation submitted for public comment.

115-25-9. Elk; open season, bag limit and permits.

1. Amend proposed subsection (b)(1) to read as follows:

(1) The archery season units shall be statewide, except Fort Riley, subunit 8a, and Morton County, a portion of unit 18. The archery season dates shall be October 1, 2006 through December 31, 2006.

2. Amend proposed subsection (b)(2)(A) to read as follows:

(A) Statewide, except Fort Riley, subunit 8a, and Morton County, a portion of unit 18: November 29, 2006 through December 10, 2006 and January 1, 2007 through March 15, 2007.

3. Amend proposed subsection (b)(3) to read as follows:

(3) The muzzleloader units shall be statewide, except Fort Riley, subunit 8a, and Morton County, a portion of unit 18. The muzzleloader season dates shall be September 1, 2006 through September 30, 2006.

4. Amend proposed subsection (g) to read as follows:

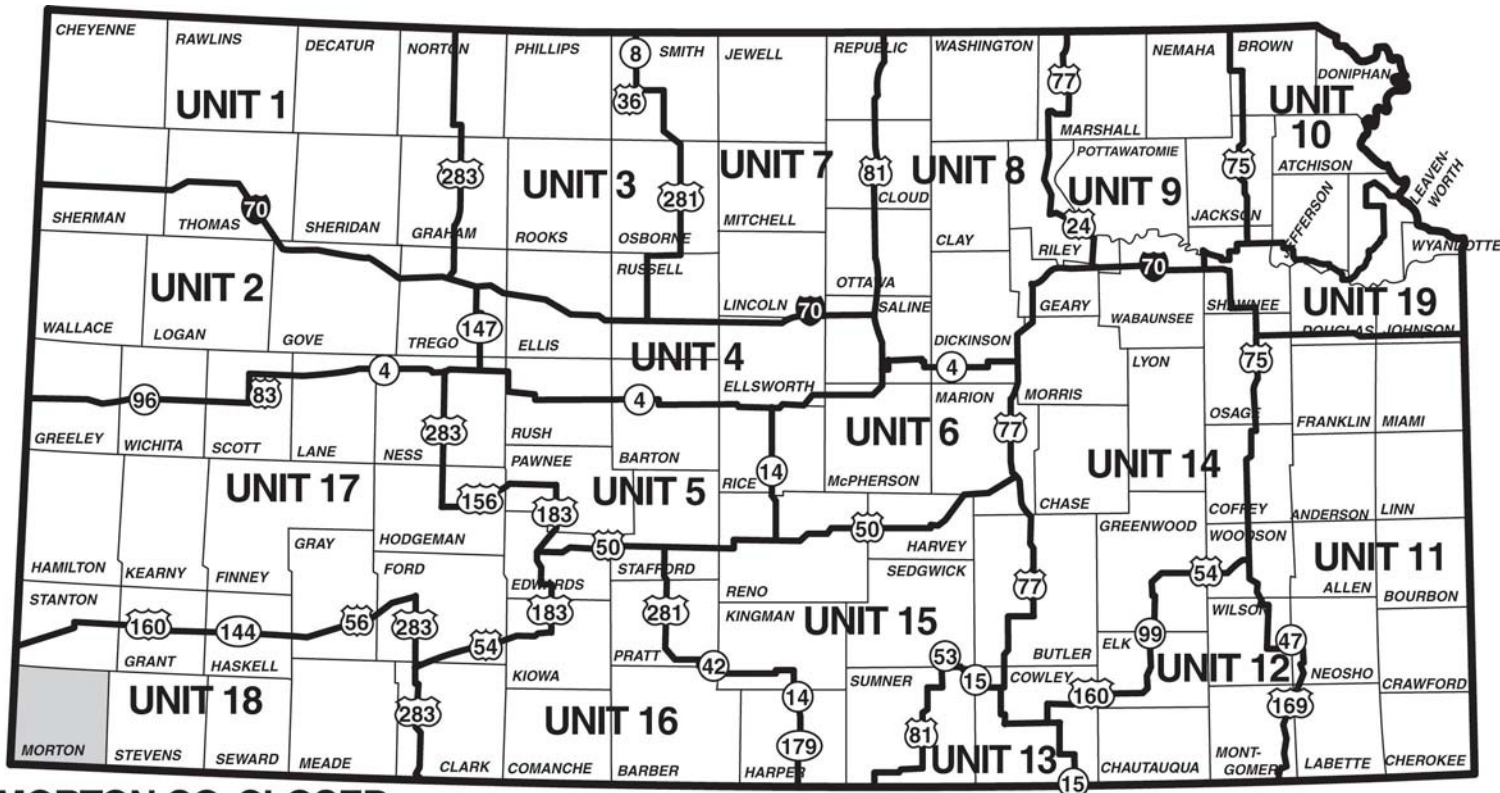
(g) An unlimited number of hunt-on-your-own-land elk permits shall be authorized statewide, except Morton County, a portion of unit 18.

5. Add new language to subsection (j) to read as follows:

(j) Any permit holder shall, upon harvest of an elk, contact designated department staff within two calendar days to arrange for collection of biological data and tissue samples.

6. Re-alphabetize the last section accordingly.

**Elk Units (all permits open
statewide – except Morton County)**



MORTON CO. CLOSED