

**KANSAS DEPARTMENT OF WILDLIFE AND PARKS
COMMISSION MEETING MINUTES
Thursday, June 29, 2006
William Carpenter 4-H Building, Scott City, Kansas**

Subject to
Commission
Approval

The department and Commission had a tour of Smoky Valley Ranch and Scott State Park.

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

The June 29 meeting of the Kansas Department of Wildlife and Parks Commission was called to order by Chairman John Dykes at 1:30 p.m. at the William Carpenter 4-H Building in Scott City. Chairman Dykes and Commissioners Jim Harrington, Kelly Johnston, Gerald Lauber, Frank Meyer, Doug Sebelius and Shari Wilson were present.

II. INTRODUCTION OF COMMISSIONERS AND GUESTS

The Commissioners and Department staff introduced themselves (Attendance roster - Exhibit A). Chairman Dykes introduced Senator Ostmeyer, Representative Beamer and Senator Powell and the new Commissioner Robert Wilson who will be starting on July 1. Chairman Dykes also welcomed Julian Efir, Principal Analyst Legislative Budget Office, and thanked him for joining us on the tour. Michelle Martin led the tour of the Smoky Valley Ranch and Rick Stevens provided the tour of Scott State Park, and the Chairman thanked them for taking the time to do that.

III. ADDITIONS AND DELETIONS TO AGENDA ITEMS

Move Department Awards to evening session and change presenter on "Fee Regulations" from Keith Sexson to Jerry Hover.

IV. APPROVAL OF THE March 16, 2006 MEETING MINUTES

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

Commission Recognition – Commissioner Harrington and Secretary Hayden presented a plaque to Commissioner Dykes as this is his last meeting. The plaque read: "Kansas Department of Wildlife and Parks, John Dykes, Commissioner, 1994 – 2006. In recognition and appreciation for contributions to the stewardship of natural resources and outdoor recreation, for the people of Kansas. The Kansas Department of Wildlife and Parks commends you for your efforts." Secretary Mike presented a commemorative knife to Chairman Dykes and commended him for his excellent service. Dykes is the third longest serving commissioner and the longest serving chairman. He served three Governors and four Secretaries in his time on the Commission and was appointed by Governors of both parties and is very fair to the public. Commissioner

Harrington thanked Chairman Dykes and spoke briefly of his tenure on the Commission – In 1905 the “Commission” was the Fish and Game Wardens, with three members; in 1925 it became Kansas Forestry, Fish and Game Commission with three members; in 1939 it became Kansas Fish and Game Commission with five members changing to six members in 1961; in 1987 Kansas Fish and Game and the Kansas Park Authority combined and became the Kansas Department of Wildlife and Parks and formed a seven-member commission. In 100 years, there have been 89 commissioners, Lee Larabee served 22 years, Jay Owens served 14 years and John Dykes 12 years. I spoke with the Governor’s office, and she felt he had done the best job but believes in rotating positions for new ideas. I lobbied to keep you. We have put a fund in Wildscape in John’s name, if you want to contribute or have questions contact Commissioner Shari Wilson. John you are irreplaceable. From all of us, thank you. Chairman Dykes – It has been a treat to serve and I had no idea I would be here three Governors and four Secretaries later. This is a professional organization (KDWP) and I don’t believe you get the recognition you deserve. This Commission will move forward under your leadership.

V. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

Stacy Hoeme, Scott City, Farmer/Rancher – commented on the change for opening day of pheasant season. We don’t seem to have a concern with landowners and a lot of crops will still be in the field that won’t be harvested. Mostly it is just my family and friends on opening day weekend and it is going to be more of a heartache now that it is going to be November 4. This year with drought we planted late, so we will be harvesting late. It is sad that we moved this direction, we don’t mind nonresidents but the one extra weekend is a concern because we have one CO who covers three counties. I never had a complaint of trespassers until this last year. There is a grassroots deal going on to have landowners not open their property until the second weekend for hunting. Our concern is with wildlife and landowners, not tourists. We would like that to be addressed. Chairman Dykes – As you know it was a hotly debated issue and we discussed it for two years before we actually changed it. I’m sure there will be opportunities to change that, but not for this year. I cast the deciding vote on that and we considered the weather, temperatures and it came down to providing more opportunity to Kansas hunters because we were adding time to a season that could stand the pressure. Also, it almost certainly guarantees it is open for Veteran’s Day, which is a holiday for a lot of people.

VI. DEPARTMENT REPORT

A. Secretary’s Remarks

1. 2006 Legislation – Chris Tymeson, Chief Legal Counsel, presented this report to the Commission (Exhibit C). I will go only go over the bills that were passed this year even though I provided a list of the bills that were not passed.

SB 62 - Child support enforcement, no regulatory action is needed and is effective July 1, 2006. Restricts purchase of licenses, permits, stamps, tags or other issues of the KDWP by applicant if they owe child support. Before automated system we could not comply. Chairman Dykes – What about the complaints from people who have to give social security number? Tymeson – That ties directly to this bill. Commissioner Johnston – Are there also restrictions on drivers licenses? Tymeson – That is in another bill. Once their social security number is given they will be given a

unique identifier number in our system so they don't have to give their social security number again to buy licenses.

SB 417 - Boating law enhancements -- no regulatory action is needed and is effective January 1, 2007. Updates boating laws to conform with federal laws which drive our boating laws. Also deals with new statutes to deal with marine theft.

SB 553 - Land acquisition restrictions and sale restrictions -- no regulatory action is needed and is effective upon publication in the Kansas Register so it has been effective for slightly over a month. The department has to comply with several things to remain compliant.

SB 578 - Possession of certain regulated animals -- This is the only bill that will require regulatory action to be completed at the October meeting and is effective July 1, 2006. Six major cats, wolves, bears and non-native venomous snakes are included in the statute. APHIS regulations go into affect October 1, and permitted facilities can't breed animals unless licensed with APHIS. There are five counties that have set restrictions already.

HB 2432 - Liability of landowners adjacent to recreational trails -- no regulatory action is needed. It is effective July 1, 2006 and provides additional protection for adjacent landowners. An amendment allows lawsuits to occur by private citizens against trail operators.

HB 2899 - Feral swine -- no regulatory action is needed and is effective July 1, 2006. Outlaws hunting of feral swine and increases fines for importation and live possession. It is a statute under purview of Animal Health Department and Livestock Commissioner.

Steve Sorensen, Kansas Wildlife Federation – On 2899 a landowner can designate an agent to shoot the feral hog? Tymeson – Yes. Sorensen – And the landowner can utilize the feral hog in any method he wants? Tymeson – I believe that is correct. The agent does have to be registered with the Animal Health Department, Livestock Commissioner. Sorensen - APHIS is doing a lot of feral hog hunting in the state. Does the department receive a report on their efforts and success and are those reports available? Tymeson – APHIS has done some control work on feral swine through the Animal Health Department and I believe that information was provided to us and I think Michael Pearce did write an article for the Wichita Eagle detailing the number of swine that were taken so far. Sorensen – On the land acquisition bill, if I want to sell a piece of property to the department I have to hire a broker? Tymeson – No, those seven items only refer to KDWP selling the property. Commissioner Sebelius – A session or so ago the legislature passed a bill that ramped up the penalties for many of the wildlife and parks violations plus put us in the Compact and that legislation had that snafu in it which caused a problem with 32-1002 penalties. Did we get that fixed in one of the bills this year? Tymeson – It was missing a comma which caused an issue, particularly in the county where you prosecute and it is proposed to get fixed next year. Commissioner Sebelius – Was that a Committee problem? Tymeson – That bill was introduced by a coalition of folks who support stronger penalties on wildlife violators. As it moved through the process it was amended several times and somehow in transition when a balloon amendment was drafted in Committee, a comma didn't get inserted. Commissioner Sebelius – In terms of getting it taken care of, are we going to leave that to one of the committees? Tymeson – No, I will bring it forward this year for introduction.

2. FY 2007 Budget – Dick Koerth, Assistant Secretary of Administration, gave this report to the Commission (Exhibit D). Since the last commission meeting the legislature has completed their work including the Omnibus Appropriation Bill for FY 2006 and FY 2007 and the governor has signed the bill. For FY 2006, the governor recommended a budget of approximately \$60.2

million with \$18 million being for capital improvements including: funding authority to repay the state for a loan to construct a new campground at Tuttle Creek State Park and to repair the dam at Leavenworth SFL; reduced salaries and wages for salary shrinkage; and requested the KDWP review the number of pickup trucks and cars utilized by the department and to prepare a plan to delete 25 vehicles. The legislature approved budget provides for expenditures of \$60.4 million of which \$18 million is for capital improvements; restored the salary shrinkage; and “shifted” \$200,000 of SGF from National Guard license reimbursement to state park operations and provided that any unspent balance of that amount would be re-appropriated to FY 2007 for the same purpose. The legislature also included a proviso stating that KDWP could not delete any vehicles from the existing number used by the agency, the governor vetoed that, but is allowing the KDWP to utilize a portion of the vehicles to be deleted until September 1, 2006 so we can use them during our busy season. For FY 2007, the Governor’s Budget Report (GBR) included increased funding to allow for additional land acquisition; operations of the Prairie Spirit Rail Trail 3rd stage and one FTE; funding of the Almena Irrigation District payment from the State Water Plan Fund; funds to replace 42 vehicles other than state parks; salary increases for all employees; expansion of WIHA; a replacement backhoe; archery in the schools; fisheries programs; and a state buoy plan, which were all approved by the legislature. The governor also recommended an amount of \$1,000,000 as a transfer from the State Highway Fund to KDWP to finance state parks operations in FY 2007 which was amended by the legislature to provide the additional funding from the SGF rather than a transfer from KDOT. On April 17, 2006, the governor amended her budget to provide for “Open access to state parks” effective January 1, 2007. The governor’s proposal was to eliminate the vehicle access fee for state residents and to replace the reduced revenue from vehicle access fees with a SGF appropriation of \$1,250,000. The proposal was intended to complement SB 583 that would have provided permanent gaming revenue to the state parks and local grants. The legislature did not concur with the governor’s budget amendment and instead provided for a half-price vehicle access fee for all park visitors effective January 1, 2007. To replace the revenue lost to the Park Fee Fund from the reduced pricing, SGF appropriations of \$800,000 for FY 2007 and \$800,000 for FY 2008 were provided. SB 583 was passed by the Senate but died in the House Committee on Appropriations (all of calendar year 2007). The legislature also provided for the following actions: appropriated \$85,000, SGF, for five replacement state park vehicles; appropriated \$66,700, including \$12,000 SGF, for replacement vehicles at the Pratt Operations Office; appropriated a total of \$2.2 million, SGF, for state parks major maintenance capital improvement projects; appropriated \$1.25 million SGF, for state parks operations expenses with a significant amount for replacement trucks and tractors; shifted \$80,000 of operating expenses for the Prairie Spirit Rail Trail from the Park Fee Fund to the SGF and eliminating the use of the Park Fee Fund for financing trail operations; and included a proviso that would have prohibited KDWP from pumping groundwater for playas and wetlands unless private donations were used. The governor vetoed this proviso. The legislature also included four other provisos which are in the approved appropriation bill: notification procedures for development of river access projects; no acquisition of the Circle K Ranch without legislative approval; prohibition against KDWP developing Park 24 without legislative approval; and legislative approval is required prior to any state park closure. The legislature approved FY 2007 capital improvements (C/I) budget totals \$7.4 million. This amount is in addition to SGF appropriations for state parks major maintenance. The amount provided for Parks was significant so we appreciate the support.

3. FY 2008 Capital Improvement Projects – Dick Koerth, Assistant Secretary of Administration gave this report to the Commission (Exhibits E, F). The FY 2008 capital improvement (C/I) budget request totals \$7,687,200 and is comparable to the legislative approved total for FY 2007. The C/I request includes an amount of \$730,000 from the State General Fund (SGF) which is a significant reduction from the \$2.2 million approved for FY 2007. However, KDWP is still pursuing a permanent long-term funding source for state parks that will address issues such as major maintenance of facilities. The SGF request will be used to assist in financing projects to renovate the Pratt Operations Office; develop State Park No. 24; and major maintenance for state parks. The FY 2008 C/I request includes an amount of \$745,000 to begin development of State Park No. 24 - roadway improvements, \$325,000, development of a railroad crossing, \$250,000 a boat ramp, \$100,000, and design costs, \$75,000. In addition, the FY 2008 C/I request includes \$400,000 to assist in the acquisition of the Circle K Ranch if it becomes available during the fiscal year. Another major initiative included in the FY 2008 request is an amount of \$1,598,000 for renovations at the state fish hatcheries. Of this amount, \$1,183,000 will be for major maintenance to the raceways and the water supply system at Milford; \$240,000 for a new fish house at Meade; \$125,000 for fish kettles at Farlington; and \$50,000 for a fish house drain line at Pratt. The majority of the costs for these projects will be funded from the Wildlife Conservation Fund by lapsing funds appropriated for a new water supply line at Milford. This project was approved for FY 2004 and KDWP funding was to match federal funds from the U.S. Army Corps of Engineers. The federal funds are not available and the department has other needs that must be funded. The Pratt Operations Office renovation project is to provide for re-roofing of the building and other smaller needs. The new classroom at the Milford Education Center, \$75,000, will be a mobile classroom type structure to provide additional space. As in prior years, the FY 2008 C/I request will include a funding request for land and wetlands acquisition; public lands major maintenance; motorboat access facilities; road and bridge maintenance; river access; boat storage facilities; and parks major maintenance. These projects are ongoing and will continue to be a need addressed by KDWP.

4. Kansas Wetlands Education Center (Cheyenne Bottoms) - Dick Koerth, Assistant Secretary of Administration, presented this report to the Commission (Exhibit G). Recognize Cris Collier, City of Great Bend who is here today and has been a great partner as well as her Chamber staff. (see report). Chairman Dykes – Has Fort Hays involvement been approved by the Board of Regents? Secretary Hayden – Approved by the Board of Regents and the governor. Commissioner Wilson – Would you keep the Commission informed of the groundbreaking? Collier – Waiting for word from the governor on the day and they will put the word out.

B. General Discussion

1. U.S. Fish and Wildlife Service Update – Keith Sexson introduced Mitch King who is the U.S. Fish and Wildlife Service (USFWS) Region 6 Director. Thanks to Commission for giving me the opportunity to get out of Denver. It has been a treat for me to get in touch with western Kansas resources and meet with you. I want to introduce myself and tell you I feel it is important to form a close relationship with state wildlife agencies. My door is open if you need to get in touch with me if there is anything I can do to help. I am the regional director for the Mountain Prairie region of the U.S. Fish and Wildlife Service. I have eight states in my region, which includes several national wildlife refuges, national fish hatcheries, our ecological services

offices, including an office here in Manhattan. Endangered species issues and federal assistance programs are part of my responsibility. I would like to mention that the USFWS and the Department of Interior have had leadership changes, the new Director of the USFWS is Dale Hall. He is a top notch. Governor Kempthorne from Idaho is our new Secretary of the Interior, and everything I have heard about him has been positive. Chairman Dykes – I assume the work that is being done in with the refuge areas in extreme western Missouri overlaps with our operations in extreme eastern Kansas, that would fall to another regional director. Is that right? King – The refuges that are over in that area, Flint Hills and Marais des Cygnes are both in my area. There is some overlap across the river boundaries. Chairman Dykes – I thought there was some coal mining property along the Kansas/Missouri border that is being accumulated and was going to be placed into a large refuge about the same latitude as the Marias des Cygnes and it was a national project that the Service was involved in? I was wondering if Mitch was involved in that or if that fell to some other regional director? Secretary Hayden – Missouri is in a different region and that is one of the difficulties and when we did acquire Marais des Cygnes in 1992. We only acquired on the Kansas side. At that time Senator Bond in Missouri wasn't interested in the property in Missouri. Since then that coal company liquidated to private owners and investors, however their continues to be strong interest in expanding into Missouri because of the unique ecosystem of the Missouri Valley and there is some willingness on the part of landowners to sell, and I think there is a strategic plan for the Marais des Cygnes Refuge that calls for expansion from willing sellers. It is difficult when you go across region lines because you are dealing with two different sets of administrators. That is one of the reasons why we drew the line at the state line in 1992. I think there continues to be interest in the community and interest in the ecological community in acquiring property from willing sellers. The Marais des Cygnes is truly unique habitat. King – I appreciate that bit of background and I will go back and ask. We can overcome any kind of problems as far as administration in two different regions of the USFWS, but what I can't overcome is congressional issues of two different sides of a state line. I will get some more information and pass it back to Keith.

1. Status of Deer Working Group and public comment – Mike Miller, special assistant and Task Force Chairman, presented this report to the Commission (Exhibit H). We met on June 20 in Topeka so we could visit with George Teagarden, Livestock Commissioner and Animal Health Department Vet, Sam Graham. We have had some concerns regarding deer and captive cervid operations. So we wanted to talk to them about opening the lines of communication and possibly an MOU between our organizations. It was a good starting point. Members of the committee are concerned about marking animals in pens, which is required by law. We are concerned about movement of animals within the state and would like to see testing of animals that are killed. If an animal is slaughtered it is tested and some are doing voluntary Chronic Wasting Disease testing, but some animals are not tested. We have a concern about shooting pens, where a deer may be purchased and put into an 80-acre pen and a hunter will shoot that animal. Those animals are regulated by the Livestock Commission and we have some real concerns with spreading of diseases by movement of those animals. They seem to be willing to work with us and support us if we make recommendations where we need regulations or statutory changes. Currently there are about 85 captive cervid operations in the state and we have concerns with the health of our wild deer. Lloyd is working on drawing 8,000 names from our automated license database to send the survey to. We can have the names separated into 16 groups and we are asking them specific questions and the way Lloyd designed the survey was: strongly agree; agree; neutral; disagree; or strongly disagree and those types of ratings on

questions about seasons to hunt deer; simple regulations versus specific regulations; units to hunt deer in; transferable permits; opportunity versus quality; the health of our deer herd; cost and conservation; and crop and vehicle damage. This will be the first survey we do and we will also be working with outside organizations on surveying non-hunting public and work with Ag Statistics on surveying landowners that aren't surveyed within this survey. We hope to get responses from this survey by the end of July and then we will work on the non-hunting public and the survey of landowners. Our Administrative Assistant, Teri Simpson, has been lining up meetings and I have given each of you a handout. It is not permanent yet, but we are getting there. We are lining up meetings in 14 locations and we are still trying to finalize all of the venue agreements. I will email each of the commissioners and organizations around the state as soon as we get these in concrete. Also, we will put a front page on the website, make local contacts at each of these areas prior to these meetings and try and get some newspaper coverage. At the meetings we will provide an overview of the recommendations with some of the rationale behind them and then we will be open to public comment. Still getting a couple of phone calls a week and about five emails a week. It has been a positive experience in most instances. The process is continuing. Chairman Dykes – Even though the locations aren't nailed down, are the dates? Miller – They are intertwined. We are working on finalizing this, but we may add a meeting somewhere. Commissioner Lauber – Are there some themes and concerns you are hearing more often than others? Miller – The two main themes I get is opportunity -- if we increase access to permits, will we reduce opportunities; and quality, if we increase the number of permits will our trophy deer numbers go down. Commissioner Lauber – Primarily from residents? Miller – Yes. Concern about leasing, opportunity for residents and the fear if we increase opportunity will we have a dramatic increase in the number of nonresident hunters. We looked at trends and demands and no one knows what will happen if you increase those numbers. Chairman Dykes – Lloyd sent me a copy of the survey on Monday and when you see a copy you will find it interesting to look over. There is a lot of interest among people who want to attend these meetings and it is very important to get the word out. Miller – I want that exchange of information statewide and locally. Commissioner Lauber – How do you mechanically go about notifying people? Do you give press releases to all of the papers? Miller – Yes, we will do a statewide news release which is done primarily through email and goes to all the dailys and weeklies in the state, we will post it on our website and I will make calls to local papers and talk to them personally a week before meetings. Chairman Dykes – I recommend that you go onto the Kansas Bowhunters conference website where you can post these dates. Miller – I have talked to Drew about getting this in some of their news letters and I will email this entire list to him. Chairman Dykes – I would put it on that website too. Drew McCartney – Have there been any changes made to the recommendations since we met? Miller – Nothing has changed since we met. Any modifications will be done after the public meetings and will be done through the Task Force, the department's Management Team and then through the Commission before we go with the department's final recommendation the beginning of January.

3. Spring Turkey Season – Jim Pitman, wildlife research biologist, presented this report to the Commission (Exhibit I). The first spring harvest was in 1974 when 400 permits were issued and 123 birds were harvested during a nine-day season. At present time, there are four turkey hunting units in Kansas and an initial turkey permit can be purchased over-the-counter for all units except Unit 4 (southwest Kansas). A total of 200 permits are issued for Unit 4 through a pre-season drawing, of which 125 permits are designated for the regular draw and 75 are

designated for a drawing of applicants 16 years of age or younger. In addition to the initial spring turkey permit, a second turkey game tag has been offered for certain hunting units since 1990. Because the turkey population continues to grow in most parts of the state, the department believes it is time to provide additional hunter opportunity. We are considering recommending an early archery-only season beginning April 1 and running through the regular spring turkey season opener. We are also considering a change in unit boundaries to provide additional opportunity in portions of central and north central Kansas. The department turkey committee was provided with three options for boundary changes. Twelve of the 14 committee members provided rankings of these options and option 1 was most preferred by the group. Any changes to spring unit boundaries will also result in a recommendation to create corresponding fall units. At this time, the department is not considering any changes to bag limits, permit allocation, or regular season dates for the spring turkey season. Commissioner Johnston – I understand generally what the goal is of redefining the boundaries, but not sure what the rationale is of the different options or why option 1 is preferred. Pitman – The options are a mixture of different philosophies from the field. Commissioner Johnston – Option 3 seems to be the one that includes the least amount of land in Unit 4. Is there any reason why that was viewed as the second option? Unit 4 provides the least turkey hunting opportunity in the state, so in trying to narrowly define that area that has the fewest opportunities for turkey hunters, one of the objectives was redefining these boundaries? Pitman – No, we are actually trying to provide more opportunity and I feel the population can sustain a little more harvest, particularly in spring when only males are harvested. By shrinking that Unit 4 we are not considering changes to permit allocations and there would still be 200 permits available in a much smaller area. Keith Sexson – The difference I see is highway boundaries in option 1 and county boundaries in option 3. Is there some reason why highway boundaries might be better than county lines? Pitman – There are some public properties west of those highways our staff felt couldn't sustain the pressure and Law Enforcement felt it would be more enforceable if highway lines are used as opposed to county lines. Commissioner Lauber – In the eastern part of the state was there any consideration given to changing the harvest from 2 to 3 for spring? Pitman – We did not discuss that. We were more interested in getting this additional opportunity in central and north central Kansas, however I do receive comments from the public and staff about that being something we should possibly consider in the future. Chairman Dykes – Who is on Turkey Committee? Pitman – There are 14 members: Larry Stones, Jim Pitman, Aaron Deters, Brad Odle, Brad Rueschhoff, Brandon Houck (Turkey Federation), Brent Konen, Charlie Swank, Darin Porter, Dave Adams, Jon Zuercher, Michael Zajic, Randy Whiteaker and Tom Glick. It is a mixture of private and public lands staff and myself. Commissioner Harrington – I would like to address my question to Kevin. In your opinion, which do you think is easiest to enforce highway or county boundaries? Kevin Jones – In my opinion, highway is much easier because there are not roads or markers on county lines.

Steve Sorensen, Valley Center – Representing Steve Sorensen. The big difference in the determination of the boundaries is not necessarily whether it is a county or a highway, but what you are going to do within that unit and there are no comments about how you are going to change management, permit numbers and tag availability in the different units. I have land just west of 81 in Cloud County, which is one permit and there are a lot of landowners in that area and further west that have asked for additional permits in the spring. But just changing the boundary and calling it Unit 3 instead of Unit 1 doesn't give us any idea as to how that is going to impact our availability to permits and hunting opportunity. Pitman – I guess I should have

made that a little more clear. By changing those boundaries, in affect we are adding a second spring bird into those central and north central counties that will be added to Unit 3. The first permit will be as it is now, unlimited and you will be able to buy a second game tag valid in Unit 2 or 3, which would provide the second bird. We will still have the draw system for Unit 4.

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4. Lesser Prairie Chicken Update – Randy Rodgers, wildlife research biologist, presented this report to the Commission (Exhibit J, PowerPoint – Exhibit J-2). In 1995, the U.S. Fish and Wildlife Service was petitioned to list the lesser prairie chicken as “Threatened” under provisions of the Endangered Species Act, but in 1996 listed it as “warranted but precluded” by higher priorities. This prompted a lot of research. Lesser prairie chickens are on three different types of habitat in Kansas: sand sage prairie; sand prairies; and the most abundant, mixed-grass prairies and we are finding the birds are using CRP quite a bit. The historic range of lesser prairie chickens in Kansas basically extends north to Smoky Hill River drainage and basically down to South Hutchinson. At the outset of the Conservation Reserve Program (CRP) in the mid-1980s, the Kansas decision to primarily utilize native grass mixtures in CRP seedings has produced great benefits for the lesser prairie chickens. The species has expanded its range extensively, particularly in west-central Kansas. There was only a couple of places north of the Ark River prior to CRP that had lesser prairie chickens. Both species have expanded their range and we have about a 40-mile overlap of greater prairie chickens and lesser prairie chickens and some mixed leks. There is also a modest occurrence of hybrids. We have done quite a bit of research in southwestern Gove County and learned the value of CRP to the species, which makes up less than 10 percent of the test area and 2/3 of the birds are nesting there. Research was done in 2002, the driest; and 2003, the hottest, so the numbers were down, but brood production was good. We are trying to get more broadleaf and forbs interseeded into CRP in several counties. Alfalfa is most prominent species showing up out there. The brood aspect is the most critical and most limiting in Kansas. The alfalfa provides a structural diversity out there. Domestic alfalfa is available in seed, wild alfalfa is not. Working with NRCS and FSA to get seeding mixtures changed has really increased the quality of these stands. Because the decision was made in Kansas to use only warm season grass mixtures, we have had a good response from wildlife species. Other states that used non-native species were not so successful. Good decisions made 20 years ago have made good decisions down the line. We have been working the farm bill to increase the number of CRP acres. In sign-up 26 we were able to get more than 100,000 acres in six counties, more than some entire states, in 2004, and then Kiowa County was dropped. In last sign-up we got 21,500 acres in those five counties and 200,000 acres in the state, which more than doubles the next highest amount of CRP in any other state. We attempted to get better handle on not only lesser prairie chickens, but greater prairie chickens also, by physically being out there and polling law enforcement (LE) and biologists and other sources outside the agency. The majority of lesser prairie chicken range is in Kansas. Commissioner Johnston – Are the populations in eastern Colorado or the Oklahoma panhandle increasing or spreading? Rodgers – Eastern Colorado is seeing some response to CRP, but Oklahoma put in Old World Bluestems and has not seen any response at all. Oklahoma is getting eaten up by tree invasions and they are not in very good shape. Commissioner Johnston – What about New Mexico? Rodgers – New Mexico has the strongest population outside of Kansas and had steady increases for about seven or eight years now. They have also seen some of those areas north of the main area in New Mexico showing some responses to reserve grasslands that are more native mixtures. We finished a series of surveys in the state in 15 areas, covering 279 square

miles. We started with only three survey areas originally in Cloud, Morton and Meade counties active for 41 years. We have had eight routes that have been done for 23 years, if you excluded Pratt Sandhills numbers from those survey numbers we would be back up where they were because we have completely lost prairie chickens from the Pratt Sandhills. We have 10 routes that have been run for 16 years. We have 15 all together, but those are more recent and haven't provided long-term trends yet. Land cover data from GAP data was used to determine what habitats are on survey areas and compared with what is throughout the entire range. The bottom line is we can take the survey data from 2006 (1,540 birds) and use that process to get high and low estimate to show that we have between 20,000 and 31,000 breeding lesser prairie chickens in Kansas this spring. The greatest current threat to lesser prairie chickens in Kansas is tree invasion of prairies, especially in the Red Hills region (Barber, Comanche and Kiowa counties) because of predator prevalence such as the magpie and mammalian predators. We are working with several agencies to help whip tree invasion. Several positive factors are occurring; one issue is the development of the Patch Burning / Patch Grazing system (to emulate fire/bison grazing impact) which has potential to benefit lesser prairie chickens in the Red Hills region and GPC in Flint Hills. Nesting birds avoid human developments. Siting of wind farms are a concern. One of the things that caused the greatest decline of lesser prairie chickens in Kansas was the development of center-pivot irrigation. One good thing that has happened recently is the Sunflower Electric Plant had to acquire water rights to put additional plants at their existing site and they purchased additional land under Wheatland Electric and are putting those back to grass. We are advising them on seeding mixture for 43 square miles. Also, the proposed Conservation Reserve Enhancement Program (CREP) which could result in taking large areas out of center-pivot irrigation back into grassland. Gene Brehm and I corroborated for two years on putting together a video which addresses conservation issues throughout the range, not just Kansas. We have distributed about 1,000 copies in Kansas. Commissioner Johnston – What has been your experience so far in receiving cooperation from wind power project developers in Southwest Kansas? Rodgers – The oldest site is Montezuma, which is not a threat because it is on cropland. The most recent site that was selected by Kansas City Power and Light, they had a choice of about 15 different locations and chose the one north of Spearville which is all on cropland. I believe the contacts made a difference. One other I am aware of is northeast of Hugoton, the Conestoga Wind Project, and we met with them back in January and we expressed our concerns and did a fairly intensive search for chickens in that area and did not find any. We do not have any regulatory authority with these things unless the state threatened and endangered species comes into play.

Chairman Dykes – Would you take a minute to talk to us about the pheasant initiative. Rodgers – We've always felt like best opportunities with the pheasant initiative were to do things associated with the farm bill -- all of the federal USDA programs primarily. We have done a great deal in the original pilot area, Thomas, Logan, Gove and Sheridan counties, particularly in interseeding CRP. We pushed for buffer practices and the agency has strongly supported getting USDA to put in buffer coordinators in 30 or 40 counties to promote buffers. More recently the pheasant initiative funds have been distributed amongst Region 1, 2, 3 and 4 and I am using my end of it for educational purposes and research. One bit of research that is being funded is a student out of Fort Hays State University, Ben Wheeler, who is looking at buffers in grass terraces and relative abundance of pheasants, quail and various songbirds, comparing fields with buffers to fields without buffers. He's finding a seven-fold difference (in bird numbers) in fields with buffers and that buffer may only take up 5 or 6 percent of the field. A lot of pheasant initiative money has been used in interseeding CRP, and I think this is where we can have the greatest affect. I have stressed the importance of wheat in pheasant production, but the good things we have done in CRP are mitigating the tough situation

with wheat we are having this year. Look around and you will see that a lot of CRP has a good complement of forbs now. I think even in a tough year like this, we are going to see CRP is going to produce reasonably well. Last year we came into this breeding season, expecting best year in 20 years, we had good carry over through the winter and crowing surveys showing this spring, as well as general observation, have shown that we have had the best breeding since our crowing survey began. In the western 1/3 of state, there has been no moisture over winter, little in spring, wheat crop failed (matured quickly and harvest was early) and gives birds a smaller window of time to successfully nest in there. Don't see good production in western Kansas, but could have a decent population because we had a lot of adults this spring, but not what it was last year. In central Kansas, they picked up a lot more rain and I think north central Kansas has an opportunity of improving numbers over last year.

5. Hispanic Hunter Education Efforts – Manuel Torres, wildlife biologist, presented this report to the Commission. (Exhibit K – PowerPoint Presentation). In looking at populations in southwest Kansas, tools used for estimating populations weren't accurate because people will not answer doors. Our early Mexican residents were seasonal, and census is not completed every year. School systems are a better way to look at populations. School numbers better represent the population trends because parents feel safe with kids in school settings while they are at work. Student counts are done on a yearly basis for school funding. The Mexican people are no longer seasonal and are no longer the minority in southwest schools. In Garden City public schools in 1995, 53 percent of students were white, but by 2005 there was a major shift in populations with Mexicans and other groups making up 69 percent of the student body. There are also large Mexican populations in Emporia (a little above 40 percent), Liberal (63 percent) and Kansas City (31 percent). Commissioner Wilson – What are the “other” populations? Torres – The other represents Blacks, Asians and others. Joe Kramer – That is Kansas City, Kansas only? Torres – Yes. Considering population trends, we need to reach out to the Spanish community. Early programs in southwest started with fishing and hunting talks at the adult learning center. Then after 2 or 3 years, we incorporated fishing clinics in Garden City. The number of people on a yearly basis I contacted was from 400 to 500 people per year. This was great, but it was hard to measure success. New Spanish programs include: 2003 translated Hunter Education test into Spanish and scheduled first Spanish Hunter Education class; and in 2004 held second Spanish Hunter Ed, followed by Spanish article in newspaper. There was a total of thirteen students, but was it successful? On opening weekend of pheasant season stopped 11 of out 13 students. Hunting licenses, guns and ammo, dogs and etc. were purchased. The 2004 program included a “Wing Shoot” and 38 individuals showed up for this part of the program. In 2005 advertised in newspaper again, but also broadcast on a Spanish radio station. I got an overwhelming response. The goal was about 20 students, but we closed registration at 60 and ended up with 65 students. People traveled from Ulysses, Scott City, and Great Bend and six people from Liberal canceled due to the distance. Again incorporated the “Wing Shoot” and we had no breaks because people would swarm around me wanting more information. We wanted to start the wing shoot at around 9:00 am and most of them starting showing up around 7:30 am. Only five owned any type of gun. We had a good response but now we wanted to spread the word on what we were doing by putting an article in the Wichita Eagle and an article in the Kansas City Star. We would like to start targeting Spanish groups and community leaders to recruit people to help with these programs. The bottom line is that we are losing people who are hunting and we have a variety of other programs available such as handicap hunts and Becoming an Outdoors Woman. We are

sitting on a goldmine, this is instant recruitment and we are giving people the ability to start their own traditions. They are no different than us, past generations used to hunt. We took it a step further this year and KDWP has translated the Fishing Regulations into Spanish. We are also talking about starting to translate the hunting regulations. We took a group of 10 Spanish individuals and let them tell me what the regulations meant. Commissioner Wilson – Are most of the people coming to your clinics men? Torres – There is not very many women, but of this group I had five women and one kid. We will have another Spanish hunter education class in early August. We are currently contacting those 65 people who took the class to see who went out and purchased a license and so far it is about 50/50. Commissioner Johnston – You indicated earlier that the next step was to recruit people to conduct Spanish language hunter education classes. I am curious how that is going? Torres – I recruited four out of this class, but we won't know how successful I am until August when we see if they show up to teach. If we can start that now we have biologists and myself doing that now but we would like to get this program going outside of the department. Commissioner Johnston – Is there anyone in south-central Kansas that is talking about doing a program of this nature? Torres – No, not that I know of. What I would like is to get a total of about five people helping me. I have talked to COs in Great Bend and I will go around teaching some of those individuals. I don't know how we certify them and that is a problem so an instructor will have to be onsite. Commissioner Johnston – I am really excited about what you are doing and hope we could help in some way to promote that project to Emporia, Wichita and Kansas City where there are huge population numbers. Torres – There is a large population and you can go to the school websites and see how fast the numbers are growing. Hays is going to make a big jump in the next few years. I want to thank the department for their support in doing this. Chairman Dykes – Do we know how many Hispanics hold hunting licenses? Torres – I know 69 do. I'm not sure if we can track that data. The only thing I will be able to find out is the groups that I have taught. My success is that I still communicate with those I trained. I would be pleased if 75 percent were out in the field. Chairman Dykes – Do we have any way of tracking that in our surveys? Torres – Maybe in our automated system. Chairman Dykes – I don't think we ask those types of questions. Karen Beard – No, we don't ask those types of questions. Chairman Dykes – But maybe on a survey we could ask those types of questions. Sexson – Could do that in a harvest survey. Torres – The initial thought was they don't want to hunt and it is going to take an effort overall with LE and communication. Chairman Dykes – Now would be the time to put the tools in place to measure your success as you move forward. Torres – It is doable, but will need more support from office staff. It is a new program. The reality is, I called Texas, Colorado and New Mexico thinking they were the leaders in this and they are not, we are actually ahead with literature. I thought Texas would be leading this and they are not. Kramer – Their angling is better than ours because of the waters they have and they have had a significant marketing campaign. Torres – Their angling programs are out there, but we don't have the water in south west Kansas. I went to Coldwater about three weeks ago to talk about fishing and I saw four groups with brand new boats that didn't know anything about boating and they are looking for those kinds of resources. Chairman Dykes – I think this is a terrific initiative and would hope that the agency would get behind it and begin planning how you might maximize your effectiveness of meeting the need here. We heard at the lake this morning that their use of the lake and campground is increasing and that their use of those facilities was beginning to change from day trips to camp outs. Commissioner Johnston – For an example, getting our hunting regulations as well as whatever other materials translated are essential to a hunter to legally hunt and know what the rules are. It seems to be imperative to me. I am happy to see the fishing regulations are this far along, but the hunting regulations ought to

be quickly following (Exhibit L – Copy of Spanish fishing regulations). Torres – That is our next step. In this copy you will see we did some things with fish identification, we left those in English and the description is in English, but those are in the works of being translated. We will leave the fish names in English. It is an ongoing effort and we are taking the right step. Chairman Dykes – The great thing is that you not only have the interest and population but there is more public access in this part of the state than anywhere else. So you have a ready made resource for the Hispanics to take advantage of if you can get them interested. Torres – The walk-in access program is probably our number one. Two things I have advertised with it is that it is free and is free access. Commissioner Wilson – I'm not sure I understand what you are talking about in terms of certifying the instructors in Spanish? Can't you just do it in the same process you do English? Torres – To have an instructor they have to take a test and to get recertified they have to go and take classes and to do that in Spanish it would be difficult because who is going to teach them. If any of you have contact with community leaders and can come up with 20 or 30 students I will make arrangements where I can go and give a hunter education class. I am more than willing to do that. I would like to expand this to central Kansas. Commissioner Harrington – How many have you done in Liberal? Torres – None so far, my office is in Garden City so I started there, but if you can get me with somebody I would be more than happy to. Commissioner Harrington – I can put 20 Spanish speaking individuals in front of you in a heartbeat. Torres – We will call and set up some dates.

6. Landowner Incentive Program and Playa Lakes – Brad Simpson, wildlife biologist, presented this report to the Commission (PowerPoint Presentation - Exhibit M). Landowner Incentive Program (LIP) was originally a state program in Texas when President Bush was in Texas and he made it into a federal program when he went to Washington DC. It is a competitive grant and all states that are interested prepare a proposal, they are scored and ranked and funded based on criteria. A Tier 1 grant is \$180,000 limit which can be used for staff and general program coordination. Tier 2 is for on-the-ground habitat project improvement and used to be around \$1 million, but now is around to \$500,000. In Kansas we received Tier 1 funding in 2004 and 2005 (which carries on through March 2007) and with that money we have hired three unclassified employees, one Program Coordinator in Pratt, which is currently vacant, two field biologists in Dodge City and Colby. We have a partnership with Kansas Alliance for Wetlands and Streams and we focused our LIP program on protection, restoration and enhancement of playa lakes. Playa Lakes are round, shallow, depressional wetlands that average 17 acres in size nationally. In Kansas they are about 7-10 acres, some playas can go up to several hundred acres. There are more than 50,000 in the western Great Plains region, over 10,000 in Kansas, 99 percent are on private land and 8 percent are currently enrolled in CRP in Kansas. They support over 37 mammal species, 200 birds, 13 amphibians, 124 aquatic invertebrates, and over 340 plant species. They are the primary source of recharging the Ogallala Aquifer and are important for migratory birds. They are round and very shallow, less than 3 feet in depth, and are in western Kansas and are very dependent on rainfall. One of the major problems is they are often found in cropland and are very difficult to farm around. What is interesting is they will remain dry for years and all of a sudden you will get a rainfall and in weeks you can go out there and find all kinds of aquatic life. There is a Playa Lakes Joint Venture which includes six states and Kansas has been part of that since its beginning and their main focus in the beginning was playa lakes restoration and protection. Since then the Joint Venture efforts have expanded to an all bird species approach. We have two state programs that we administer in the department, a Playa

Lakes Improvement Program and Playa Lakes Incentive Program. If the playa doesn't have a buffer around it they can be difficult to farm, but placing a buffer that squares it off makes it easier to farm around plus the farmer doesn't have to worry about planting it and rainfall coming and flooding his crop. We received a Playa Lakes Joint Venture (PLJV) grant a couple of years ago and we use this money to put buffers around the playas and we have a 10-year lease agreement on these buffers and pay the landowner \$40 a year per acre and currently we have used about \$142,000 on 24 playas encompassing 357 acres. Our PLSIP program is an offshoot of a federal program administered by USDA. It was a newly funded Continuous CRP practice in 2005 and is an incentive for landowners to enroll wetlands outside the 100 year floodplain, which is CP23A. CP23 is in the floodplain. 11,000 acres were allocated in Kansas and we received another grant from PLJV to pay the landowners another \$15 per acre one-time payment when they enrolled in the program. Besides enhancing and providing wildlife habitat they recharge the aquifer, restore and enhance water quality and filter run off and reduce sedimentation. Reducing sedimentation is one of biggest issues in playa lakes, especially since they are in crop fields and they tend to fill in with silt from the field. Those buffers keep that silt from filling them up. Our LIP results since 2004 is that we have been responsible of restoring and protecting over 1,000 wetlands. We promote and encourage landowners to enroll in the Wetland Reserve Program (WRP), farmable Wetlands Program, and Wetland Restoration, which are all federal programs administered by USDA. Through KAWS chapters we have been working with them to coordinate their wetland, stream, and riparian projects and we spend a great deal of time on education and outreach on wetlands and playa lakes just to get people familiar with what a playa is and how it functions. We applied for Tier II funding this year and hope to hear something soon. We could receive up to \$500,000 that would translate into \$650,000 for on-the-ground projects when you include the cost share. We had to establish some priority areas when we submitted the proposal and they pretty much mimic Randy's prairie chicken areas. Any landowner in the PLJV region will be eligible to apply for Tier II funding. We think this program fits well into our other private lands programs, our Pheasant and Quail Initiatives, our statewide Wildlife Habitat Improvement Program (WHIP), our federal Wildlife Habitat Incentive Program (WHIP), our Walk-in Hunting Access Programs (WIHA) and other Farm Bill programs. In our private lands section we deal with a great variety of federal programs, NRCS, FSA, USFWS, NGOs, PF and Kansas Alliance of Wetlands and Streams, hunters, landowners and PLJV.

7. Update on Sale of Commission Permits – Keith Sexson, Assistant Secretary for Operations, presented this report to the Commission (Exhibit N). Winners of the permits were: Quail Forever State Chapter, Salina; Ducks Unlimited, South Central Kansas Chapter, Rose Hill; Rocky Mountain Elk Foundation drew two, Wichita Chapter and Greater Kansas City Chapter; and Kansas Friends of the NRA drew three, Greenwood Chapter, Nemaha Valley Chapter and Flint Hills Chapter. The first winner was the Rocky Mountain Elk Foundation, Wichita Chapter which chose the one elk permit and the other six winners chose deer permits. No antelope permit was chosen this year. Each winner sent in the fee for their perspective permit and was given a voucher to give to the person who bought that permit. The organization could auction the permit off to the highest bidder, raffle it off or just sell it. Five of the seven permits have been sold so far. Rocky Mountain Elk Foundation sold both of theirs, the elk permit sold for \$23,000 at their national convention and the deer permit sold for \$7,000. They have sent in a check for \$25,500 for their 85 percent and KDWP has deposited it into Wildtrust to be used for department-sponsored or approved projects. Also, the Friends of the NRA have sold all three of their permits

for \$3,500 each however they have not made arrangements on their 85 percent yet (\$2,975 per permit or \$8,525) that we would be receiving from them. Quail Forever and Ducks Unlimited have not sold their permits at this time; they have received their vouchers but have not sold their permits at this time. So far our share would be about \$34,425 from the five permits sold.

8. Fee Regulations – Jerry Hover, Parks Division Director, presented this report to the Commission (Exhibit O). We are not talking about raising fees, but reducing fees. Due to passage of provisos in budget package, motor vehicle permit fees for admission to the parks will be half price in 2007. KAR 115-2-3, camping, utility, and other fees, will not change and are not affected by this legislation. The half-price park admission goes into effect January 1, 2007 and will only be in effect during calendar year 2007 which will affect KAR 115-2-2. Over the last few years we have been moving more aggressively towards providing cabins or alternative camping facilities within our state parks and public lands. We have accelerated that program through a partnership with Wildscape and the Department of Corrections and a private company called Greenbush (a limited liability company). What we will be doing is to add a number of cabins each year over the next several years that are constructed by inmates starting out first with the facility in Hutchinson and then expanding into Ellsworth and Norton to produce these cabins. What we need to do is add those new cabins and their prices into the regulation, which is KAR115-2-3a. They will be similar prices to where we are at now we are not proposing to increase any of the current prices. Chairman Dykes – How far does the \$800,000 appropriation come to covering the loss of revenue by reducing that? Hover – It is difficult to tell. If you just do the simple math it would pretty much cover what the loss would be if you did it from a simple standpoint, but we normally sell 80-85 percent of motor vehicle fees within the first six months of the calendar year or the last half of fiscal year. We bring in an average of about \$3 million so, \$1.5 million split in two fiscal years, we may end up short from that standpoint if sales stay at the same rate that they currently are. Some of the theory behind reducing that fee is to increase the number of people and the number of permits that will be sold. If that occurs we could either maintain our current revenues or even increase from that? Overall we feel it is a fair way to do things.

9. Archery in the Schools - Keith Sexson, Assistant Secretary for Operations, presented this report to the Commission (Exhibit P). We are the 38th state to become involved in Archery in the Schools Program. We had our training for our teacher/trainers on June 3 and 4, 2006 at Bonner Springs and on June 5, 2006 trained eight pilot schools teachers who will carry the program forward. We were eligible for 10 pilot schools and two of the schools, the one from Longton and Olathe did not send their teachers so we have two pilot schools that we could get trained. With a pilot school you get a kit that is about \$2,300 worth of bows and arrows and targets to get started. So we need to find two other pilot schools who could take advantage of that program. We essentially have 13 trainers now scattered around the state and all but one of those comes from within the department. It was easiest in the beginning go around and get department people and we have one KBA member who was also trained. We can and will get more trainers over time. The program is off and running and the schools are listed in the briefing book. Alaine Hudlin who is in our office in Kansas City, the Information Education employee there has really grabbed hold of this, as well as a temporary we hired to help her carry this forward. She has done a great job and has a lot of contacts with school systems and particularly the knowledge of the in-service training that teachers need to have. In November there will be a State Physical Education

Conference in Emporia and we will go to that conference. We are starting slow intentionally but we have a lot of interest from outside groups who want to help fund their local schools. The whole intent is to target archery in junior high through senior high school levels in a physical education setting who may take it up as a life sport and hopefully grow into bowhunting. When these things get growing there are after school programs, clubs and competitions between schools. Chairman Dykes – What state has the most advanced program? Sexson – Kentucky as that is where the program was launched. Nearly every school has the program and there are some statewide competitions and there are some national competitions that could come of this as well. Commissioner Wilson – This program is paid for from the Wildlife Fee Fund (WFF)? Sexson – The money we put in is WFF. Commissioner Wilson – I noticed that the Kansas Bowhunter Association is listed as one of the sponsors? Sexson – They have expressed an interest and two of their members were in Kansas City when we had the coordinator come and talk about the program and they have expressed an interest in getting involved, not only in training level, but potentially at helping schools getting programs started. The nice thing is you've got organizations like that, you've got the National Wild Turkey Federation who has made a commitment at the national level, we have the Kansas Wildlife Officers Association that is committed (we actually have some money in the bank from them to sponsor some programs). When you spread these people across the state you have a core of people who either know somebody or maybe have a family member in the school system, so you make that tie. We will probably see it grow pretty rapidly but we do need to maintain some control to do it right. Commissioner Wilson – So you are looking for two pilot schools in addition to Elk Valley and Olathe? Sexson – No, we will go back to them first to see if they want to get a teacher trained. We also have industry retailers at local levels that have called and indicated that they would help purchase the kits to help get it started in their schools. I have approached Wildscape as a possibility as a program they might help find donors or sponsors for. It is not so much that we help a school 100 percent, but we could certainly assist with grants.

10. Stream Survey Update – Mark VanScoyoc, Stream Program Coordinator, presented this report to the Commission (Exhibit Q, PowerPoint Presentation Exhibit R). I was recently hired as the Stream Coordinator in January and I have taken it upon myself to increase awareness of the stream survey program. In the 1970s the comprehensive statewide stream survey was done on every flowing stream in the state. Over 134,000 river and stream miles and 450 sites were surveyed. Basic assessments were done to assess fish potential. Information was used for project reviews, and water quality standards. Species distribution was primarily fish species of threatened, endangered, and SINC species. The program was revived in 1992 in the Environmental Services Section because of a need for up-to-date stream information. Comments for DWR and COE permit notices. Focus of these surveys were: stream fish communities; aquatic macroinvertebrates; and physical and chemical parameters. Funding was unavailable in 1992, but KDWP was awarded a grant late in 1993 from EPA and REMAP (Regional Environmental Monitoring & Assessment Program) was started. The State Water Plan was a three year survey of the Neosho river basin done from 1995-1997; sportfish grant money added the Kansas Lower Republican river from 1996-1998; more EPA funding was added to the State Conservation Commission for Geomorphic assessment; and more REMAP funding from EPA was awarded in 2000. Current funding comes from U.S. Fish and Wildlife Service (USFWS) 75:25 matching grant. Statewide surveys of rare fish and mussels have been done and a survey of Marais des Cygnes and the Missouri river basins. Various groups were brought together to develop establish procedures or protocols for stream survey. These groups included: Kansas

Department of Health and Environment; Kansas Biological Survey; the University of Kansas; and the United States Geological Survey. Procedures include testing water chemistry for dissolved oxygen, conductivity, turbidity, TDS, pH, total alkalinity, chlorides, ammonia, nitrates, phosphorus; and testing discharge by measuring of CFS (cubic feet per second). Also look at physical habitat assessments like substrate evaluations; bank measurements; fish cover; canopy cover; visual riparian estimates; depth profiles; woody debris assessments; and collections of aquatic macroinvertebrates. We transect sampling into three macrohabitat types (riffle, run, pool) and do a visual search of the area for freshwater mussels (live, recent, weathered shells) and document it. Fish community sampling includes electrofishing with a tote barge and backpack units; and seining with flat and bag seines (as big as 30 foot). Fish data collection is used to measure/release larger fish using the Gablehouse length classification system. We count smaller specimens that people usually refer to as bait, where we release the majority but preserve some voucher specimens to minimize the impact to threatened and endangered species. Our objective is to survey the 12 river basins, over 134,000 miles of rivers and streams and some of them are intermittent. What we have accomplished by the end of the summer will be over 1,200 sites surveyed in 12 years; approximately 1.1 million fish surveyed; and over 250,000 aquatic macroinvertebrates. Data uses are to collect species information about threatened and endangered (T/E) and SINC species. Intra agency ESS project reviews are done on fish kills; to collect statewide gamefish information; and movement of aquatic nuisance species such as white perch. Interagency and others include KDOT, USFWS, and KAWS. Consulting firms who are acting on the behalf of developers are coming to us for information. KDHE's Aquatic Life Use Attainability Analysis is surveys done on classified streams (those streams currently protected under the KS Surface Water Quality Standards) with a flow of less than 1 cubic foot per stream (cfs). Can these streams support aquatic life? Are they an important aquatic life resource? Once removed from the list of classified streams, difficult to return it. A four-part test for classification is done: streams greater than 1 cfs; are T/E aquatic species present; streams with a NPDES discharge (National Pollutant Discharge Elimination System); and streams less than 1 cfs and aquatic life present and a cost/benefit analysis performed. We would like to continue working with KDHE on this and do some joint efforts and maintain communications. They have been charged with surveying over 600 streams by the end of 2007. (We have done 1,200 streams in 12 years, and I don't think they are going to be able to do it.) Based on survey results the red shiner is a hardy fish, followed by the stoneroller. In the top ten species the only sportfish is the green sunfish, a very hardy fish. The red shiner is referred to as bait, but is a hardy fish and you will find him in nearly every waterway throughout the state. Some of the sportfish collected include green sunfish, channel catfish, bluegill, orangespotted sunfish, longear sunfish, common carp, largemouth bass and others. You will see a trend of a lot of sunfish in this top list of sportfish. I want to include some chemical data and one thing is total dissolved solids (TDS) means the more minerals dissolved into the water, the higher the TDS which means bad tasting water. For drinking water, 500 mg or less TDS is desirable. From 1995 to 2000 we have levels of TDS around 400 mg per liter. From 2000 to 2005 you are looking at over 600 mg per liter. Not necessarily something we need to be concerned about but this data is an excellent indicator of what direction we should be looking at. Chairman Dykes – Could that be related to the drought? VanScoyoc – Yes, and it could be related to whether it was a rainy day when we sampled because the more TDS the more minerals or sediment. Challenges facing our streams and rivers are dewatering issues in western Kansa, the continued threat to native species as well as game fish, and delisting of classified streams. Once we do get a high water even coming through, what

implication does that have in the future? Landowner access is always going to be an issue to us. The private landowner is important to all aspects of the department because he is the individual who lets us on his ground to survey those areas and without him our program would not exist. Out of the over 1,100 we have to date, over 90 percent of those are performed on private land. Aquatic Nuisance Species (ANS) is the displacement of native species by introduced species is a growing concern. Information and Education is the key through public education by letting the public know what we are all about and perhaps what they can do and how they can participate. We employ a lot of College students with our stream survey programs and that's how I got my start. We like to involve youth at grade schools and high schools because there is nothing more rewarding than to have about 20 or 30 kindergarten or grade school students crowding around you and asking what kind of bug they are holding. Another issue involves private watersheds. A lot of the watershed boards have been trying to educate landowners to let them know what their practices are doing downstream from them. Joint efforts with other agencies and entities is important to us. Anytime anyone wants us to put on a program, we will try to accommodate them, as well as letting them know what information is readily available to the public. My goal is to get the information on our own website as well as the KAWS website. The Comprehensive Wildlife Conservation Plan (CWCP) is available on the website and is about keeping common species common and was developed by over 200 experts and individuals from various fields. We are trying to prevent additional listings of threatened/endangered species or to get species off the list by trying to keep common species common throughout the state. This resource is well worth the effort. Chairman Dykes – What is status of the Topeka Shiner? VanScoyoc – We just had a discussion with the USFWS and in other states it is a lot more robust than previously thought. In Kansas, we can't find it in the Willow Creek population, doing well in Flint Hills as long as it has suitable habitat. Commissioner Lauber – How often are you finding White Perch? VanScoyoc – Not as often as you might think. A lot of people were asking about Kingman State Fishing Lake because they were found there so we have done some extensive surveys of the South Fork Ninescah because it runs adjacent to it. We have surveyed some of those areas just east of Kingman where we found it in a place called Murdock and we did find it there, but there are several cut off structures right next to the town where we haven't been able to find any. Hopefully some of those structures are keeping it from migrating west. Commissioner Lauber – What do you mean by cut off structures? VanScoyoc – It is a low head dam and it would be difficult for it to get over that.

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

Steve Sorensen – As president of the Kansas Wildlife Federation I want to go on record as thanking Commissioner Dykes for his 12 years of service to the natural resources and outdoor recreation in the state of Kansas. We haven't always agreed eye to eye on everything but I figured you were allowed one or two mistakes in your 12-year career. We appreciate what you have done and look forward to seeing you around.

B. General Discussion (continued)

11. Kansas State Historical Society El Cuartelejo Ruins - Amy Thornton, Assistant Legal Counsel, presented this report to the Commission (Exhibit S). (PowerPoint Presentation – Exhibit T). Steele’s donated the property the ruins sit on to the Daughters of the American Revolution (DAR) and they are working on a new campaign to protect the ruins from the elements. They working to raise \$1 million and so far have raised \$10,000. They only need to raise \$500,000 because the other \$500,000 will be in the form of a match from the Save America’s Treasures grant. El Cuartelejo is the northern-most pueblo ruins and dates back to around the mid 16th century. Artifacts from the ruins are located around the state and the hopes are to have them back on site once the building is built. I have supplied a brochure with an artist’s rendition of what the building will look like. The Pueblo band is the same as the Picuris. Archeologists came out here (Williston and Martin) in 1898 and excavated this sight. Mr. Steele invited people to come look at the site when he found some burnt corn in the area which led to the excavation. There has been an attempt to try and bring the respective tribes who used the pueblo into the final collaborations of the building. The Kansas State Historical Society has been charged with upkeep of the building once it is built. The proposed building will house the ruins and will have windows along the side to look in and a walk around the site and there will be room for artifacts. We don’t want to restore the ruins, but protect them. The ruins are going to continue to weather and the initiative is to find protection for the moment until the funding can be raised for the building. DAR, the Kansas State Historical Society and KDWP have formed a project group to work on this.

Marilyn Miller, Scott County Historical Society President – We are very interested in El Cuartelejo and my concern is that we seem to be left out of the planning. We have no information and are not included in discussions and informed of what is happening and would like to be included. Thornton – I have only been involved in this on the peripheral, but Rick is involved. It was my understanding that Robert did a presentation at the museum. Miller – Yes, he did, with the DAR. Thornton – So your concern is being even more involved in that? We would like to have some of the artifacts too and provide tours and a number of things we feel we can do to enhance this whole thing but we have never been asked. Thornton – Get me your name and number after this meeting and I will see that he contacts you. I will say that this is in it’s infancy and so it is all determined on whether we get funding or not so some of the specifics have not been worked out yet. Rick Stevens – The DAR are the owners and they are in charge. Miller – I think we could help them. Stevens – The trouble with the DAR is that the president’s change every so often. This is the first time since I have been here that discussions on this have gone this far. They are talking about funding, a building and have a drawing. Obviously there are a lot of entities involved in this. I would suggest that an email is the best way to do this. Thornton – I will get the information and email it to Robert. It was never anyone’s intention to leave anyone who potentially has an interest, out.

12. Smoky Valley Ranch Management Programs - Rob Manes, The Nature Conservancy, presented this report to the Commission. I am going to forego my PowerPoint all together in the interest of time. I want to say to John, congratulations, but I am sad to see you go. It has been a pleasure working with you over the years. You have done great things for wildlife and natural resources in the state. Many of you were on the Smoky Valley Ranch this morning which is owned and managed by The Nature Conservancy who employs me. I think Michelle, your tour guide this morning, discussed with you a little bit about our goal with regard to managing prairie dogs there and a little bit about black-footed ferrets. I want to fill in a few details because they have some important policy implications for the department and because they have some important natural resource stewardship implications that reach a long way into the future for KDWP. First off TNC’s goal at Smoky Valley Ranch is to present a healthy shortgrass prairie ecosystem with all of the critters that belong there. Everything from prairie dogs to burrowing

owls to mule deer to antelope, whatever should be in a shortgrass prairie. But our goal isn't just to manage Smoky Valley Ranch as a postage stamp in the middle of this chalk bluffs eco-region, our goal is to work with our neighbors so that the ecological health of that entire region is anchored by private landowners. There is no way that TNC or KDWP can do that. That can only be done by people who own land there and they are interested in doing that, but also interested in making a living and we are interested in working with them commensurate with good farm and ranch management. One of our objectives is to maintain about 2,000 acres of prairie dog colonies. When we bought the ranch in 1999 there were about 256 acres of prairie dogs and before we started control measures this last winter there were over 2,500 acres of prairie dogs. There populations have increased over 50 percent a year since we bought the ranch. We want that 2,000 acres of prairie dogs there because one of our goals is to present a healthy shortgrass ecosystem out there that includes black-footed ferrets that don't eat anything but prairie dogs. Burrowing owls and some others are also associated with prairie dog colonies. That list is fairly long. The black-footed ferret is the rarest mammal in North America and were pushed nearly to extinction by the eradication of prairie dogs, and a couple of diseases like distemper and silvatic plague which can wipe out acres of prairie dog colonies in the blink of an eye and they don't come back quickly from that. One of the important things about Smoky Valley Ranch is it is east of a line that runs down the Colorado and Kansas border where silvatic plague has not occurred. So you don't have to be a biologist to figure out that you can get healthy numbers of prairie dogs and black-footed ferrets in an area where you remove the single biggest disease threat. There has been silvatic plague in the southwest corner of Kansas so I don't want to misrepresent that. This involves our neighbors, the U.S. Fish and Wildlife Service (USFWS), county governments, KDWP and us. The issue is not an easy one in terms of controversy. Any time you mention prairie dogs in grazing country somebody is going to get mad and then you start talking about bringing in a species that is protected under the Endangered Species Act, somebody is going to get nervous and then mad. Grazers don't want prairie dogs and they feel they have a right not to have them. There are also landowners in the area, including TNC who want prairie dogs. I would argue that TNC has the right to manage our land any way we want to also. Kansas has a statute that allows the county to pass an ordinance to require the poisoning of prairie dogs under certain conditions and for good measure you can throw in some animal rights interests also. It can get very interesting in a hurry. When I came on with TNC, my first task was to do something about the prairie dogs and they are no different than whitetailed deer, if you want some you got to kill some. TNC started managing prairie dogs on our perimeter two years ago, aggressively this year. Based on some science and some conjecture and a lot of sociology we elected to eradicate any prairie dog colony on our neighbors contiguous with us, also noncontiguous colonies within a mile of our boundary and within a ¼ mile buffer on our land. We will be back killing prairie dogs again next year. If we can give our neighbors and the county the assurance that we will take care of their problems that we. We think we can get along and support a couple thousand acres of prairie dogs. The USFWS is sufficiently confident of that so they have requested black footed ferrets for reintroduction into the area. We don't know how and when that is going to unfold yet, but it looks very promising. If you look at all the historic records of where black footed ferrets occur, Kansas, where there have been none for decades, was the epicenter. They are an important part of our heritage. We have a couple of hurdles to getting there and that is we have to satisfy the county that we can control the prairie dogs and take care of our neighbors. Another hurdle is how we control the prairie dogs. This year we used a compound called clorofacinone (or rozol), and we used it because it is least likely to kill non-target species. The problem with it is it does have the capacity to be passed through a dead prairie dog into a ferret, so the USFWS is not going to let us do that, so we have to find another compound. The only other compound legal in Kansas that doesn't kill everything in the burrow is zinc phosphate. It is a legal issue and zinc phosphate can only be used by spreading it on the surface of the ground and TNC is not going to do that where birds might eat it. We are working through the manufacturer to get zinc phosphate labeled to put it only in the burrow where only prairie dogs are going to eat it. The ferrets won't

eat it because it is on oats and they only eat meat. There is a third hurdle where some people have said that the real answer to this is to simply change the state law that allows counties to exercise home rule and require the killing of prairie dogs. I think the word “simply” in that phrase is a silly one. We have generations of landowners whose great grandfathers fought prairie dogs and that isn’t a simple issue. The pragmatic way is to do away with some of the hurdles on the ground and leave the law as it is for now. That doesn’t mean it couldn’t be changed later and we would support that. Policy implications for KDWP: if we are successful, as I believe we are going to be, there will be a role in the reintroductions in monitoring and research. There may also be some statutory issues raised. The USFWS has no problem issuing air-tight assurances that if a ferret wanders off Smoky Valley Ranch or one of the other ranches where they have been reintroduced and somebody’s dog kills one or they eat somebody else’s poison or get backed over by a tractor there is no implication of the Endangered Species Act. A lot of people were worried about that. This is a complex issue, one that I am certain is important to KDWP and the wildlife heritage of the state and it is one that is going to take the partnership of KDWP. For now the department will let TNC move ahead with this and when the time is right, KDWP will help us. Commissioner Harrington – I have never heard of silvatic plague? What is that? Manes – It is similar, some argue identical, to bubonic plague spread by fleas. I don’t know of any records where it has ever been transferred to humans, so it is not identical. Commissioner Harrington – So it is a bacterial plague. Can the aerosol form of clorofacinone be used? Manes – There are fumigants legal in the state and I mentioned that those compounds kill everything in the burrow and we don’t want to do that. Even if it was available, we probably wouldn’t use it.

C. Workshop Session

1. Fishing Regulations – Doug Nygren, Fisheries Section Chief, presented this report to the Commission (Exhibit U, PowerPoint – Exhibit U-2). We put a Committee together 18 months ago to look at our fishing regulations and coordinated with other divisions. We held eight public meetings (Exhibit V) and I gave you copies of four recommendations and I have a fifth one that I am not comfortable coming forward with a recommendation on, but I would like to talk to you about bait fish. We have draft recommendations for studying length and creel limit by regulation; fishing tournament registration and Bass Pass; trout permit requirements; carcass tags for paddlefish; and get some thoughts from you on the bait fish issue. The fishing regulation improvement through setting length and creel limit by regulations as opposed to Secretary’s Order is tied by to conversations with law enforcement regarding the enforceability and prosecution. We do have some jurisdictions where the district attorneys and county judges are reluctant to prosecute based on a Secretary’s Order. Currently we have 14 species and 30 Secretary’s Orders for those species. What we would do is create a separate regulation for each species which would then have the length and creel limit options for that species and the lakes that have that option would be listed in the regulation. It would take about 17 or 18 regulations, depending on whether we stick with regulations on yellow perch. We are contemplating maybe dropping yellow perch and bluegill 8” length limit then we would only have 16 regulations. If we do it this way, it would come to you for a vote each year or whenever we needed to change the length or creel limit. Chairman Dykes – The reason to do this is because of county prosecutors’ unwillingness to prosecute? Nygren – There is a significant number of prosecutors and/or judges who didn’t think it was constitutional. We feel this would give the law enforcement officers a better tool in terms of enforcement and successful prosecution. Chairman Dykes – I understand that, but we have been approving this by Secretary’s Orders of years and this is just now coming up? Nygren – I would have to defer to Kevin if he wants to talk about what his folks have run

into. It has been an issue for a long time in some areas. We did a survey of the Law Enforcement Division asking them if they were having problems with district attorneys or judges as it relates to enforcing Secretary's Orders, and about 30-40 percent said they have encountered that.

Commissioner Lauber – I see no problem in doing it this way. The lack of prosecution has an accumulative effect, as it happens more and more then COs may have some hesitancy. Chris Tymeson – In KAR 115-25-14 where creel limits are currently set, make an a, b, c, and d for each species. It does require less time than a normal regulatory process and there is a little more flexibility. Nygren – We will be getting the regulations drafted before next meeting. The next item is the fishing tournament registration and the bass pass to deal with the conflict that has been going on for a long time between length limits over 15 inches and the desire for individuals to hold weigh-in tournaments. I agree that length limits greater than 15 inches make it impractical in most cases to hold a weigh-in tournament because of the fact that so few fish are caught and that means that in most lakes $\frac{3}{4}$ of the anglers will come in at the end of the day with nothing to weigh-in. The one that wins is the angler lucky enough to catch one or two over the length limit. That has hampered weigh-in tournament opportunities across the state. Also, we have not regulated tournaments differently than anyone else, but as a result the tournament organizers have been forced to go west to hold their tournaments. Over the last 10 years the pressure has shifted to primarily Cedar Bluff, Wilson and Sebelius and some of the other western reservoirs when they had water in them. With the declining water levels the Region 1 waters are becoming less of an option. We only have three lakes left with a 15-inch length limit, Milford, Wilson and El Dorado. The other ones that have 15-inch length limits don't have very good bass fisheries. This leads to tournament organizers feeling limited to hold their tournaments at lakes which have shorter length limits, placing excessive pressure on those lakes. Based on data from tournament organizations in our tournament monitoring program, on 15-inch length limits lakes the catch rate is about one bass per every four hours (.022) and then the average number of fish brought in is 1.8 fish; the 18-inch lakes you go from .022 to .04 and one out of four anglers will have a fish at the end of the day; and if you go out to the 21-inch lakes it drops off even more and probably would have no one turn in a fish. The tournament anglers have asked us to be able to weigh-in fish that are 15 inches or larger even on lakes that have an 18-inch length limit. If we go to the bass pass idea you would more than double the catch rate of 15-inch fish caught on the 18-inch lake and it doesn't really even approach the catch rates on the 15-inch lakes. Even if we allowed short fish the catch rate would only be about one bass per hour. At Big Hill (21-inch Lake) the catch rate would go up to about 1.6 which is similar to the catch rate at the 15-inch lakes. The department staff supports a system that would provide incentives for any tournament organizer to the best they can for taking care of those fish. We would like to see more rigid regulations to make sure the fish are taken care of. If they could keep two short fish a successful event could be held on the lakes with larger length limits and it would minimize the delayed mortality. We would like to improve the reporting of the tournament organizations. We are only getting about 25 percent of the tournament reports we used to get when we had a waiver in place to waive the special event fee in the state parks in exchange for the data being turned in. We no longer waive the fee, and the voluntary reporting has dropped off. This is good supplemental information to our electrofishing, sampling and creel survey efforts. The department recommends allowing tournament anglers to possess two bass over 15 inches during a registered tournament competition held on waters with length limits greater than the 15 inches. Fish under the normal length limit must be released immediately after the tournament weigh-in. The program includes the development of a tournament registration process along with the availability of a "tournament bass pass" purchased by individual participant, using the KOALS

system, for use only during registered events. We would like to do this on a one-year trial to evaluate how it is accepted by the public and how it works in terms of impacts to the resource. Permission from the facility manager (state park manager, local recreation manager or wildlife area manager) must be obtained first. Application for registration must be made at Pratt. Registered events will be posted on the website. Each tournament organizer would receive a certificate of registration, registered event guidelines, waterproof tournament participant cards, and catch reporting forms to be filled out by the organizer and returned to the department. Registration of tournaments would only be available September 1 through June 15 (no registered events during the heat of the summer) and changes in location or date must be provided to the department six days before the event. Minimum weigh-in procedures: we'll be using a BASS book called "Keeping Bass Alive" and would include stipulations of functionality of the live-well as well as how the fish are handled. This will be required of tournament organizers and catch reports must be turned in within 30 days of the event. All tournaments, regardless of targeted species, are encouraged to register with the department. Tournament organizers must provide and require all contestants to possess a tournament ID card in conjunction with their bass pass from the KOALS system. No fee will be required for registration of tournament events, but the cost of the bass pass will be \$10.00. A few years back we increased the creel limit on reservoirs from 5 a day to 6 a day to be able to continue to fish with a limit of five fish rather than have to stop when they reached their creel limit for the day. What we are proposing is to drop the creel limit from six to five and give them permission to cull with a full creel of five. That way we don't end with different creel limits on different lakes. The tournament boats will be clearly marked as being in a registered event. Commissioner Harrington – A tremendous amount of work has been put into this trying to satisfy both sides. Commissioner Lauber – As I understand it is only two fish? Nygren – Yes, two fish and it is not less than 15 inches either, if they are on an 18-inch lake they can have two fish 15 inches or larger in addition to three over the 18 inches. Commissioner Lauber – Most lakes where bass is truly harvested, to keep eat and clean, probably are a 15-inch limit anyway. From the practical standpoint the person who is meat fishing for largemouth bass is probably going to have the same advantage. Nygren – Our creel surveys show that about 91 percent of the people fishing for bass release all of their bass regardless of what the creel limit is. We feel this would be beneficial to spread tournament pressure out. We don't think it will increase the number of tournaments, but distribute pressure. Commissioner Johnston – During the public hearings was their a majority of comments pro or con? Nygren – The tournament organizations, particularly BASS, were in support of this. There was significant opposition in Kansas City and Junction City, which was more sociological than biological; anglers not happy that bass tournament fishermen could have something they could not. Commissioner Johnston – At this point I agree, not doubtful that the recommendations will add adverse biological impact, but I am concerned about the sociological or public relations impact of these proposals. It doesn't matter how you dice this you are giving one class of angler privileges in the law that rank-in-file anglers do not have and I am very concerned that is a bad precedent. I am undecided at this point whether I can support this or not. Commissioner Lauber – I think it will create resentment, probably unfounded and initially I didn't like it because it had an elitist smell to it but as I think about it everyone has the same opportunity and we can mandate minimum catch and release standards. I'm not so sure that this has a real down side to it. Other than if you were to go out and pluck 10 anglers off the dam they would oppose it, but if you talk to people who fish tournaments, they would be the other way. Chairman Dykes – Could the sociological aspect of this be diminished by the department charging a larger fee?

Commissioner Johnston – That still creates in the law, in my opinion, a situation where one class of anglers perhaps better off, have privileges in the law that others do not. Just because someone is able to pay more money for these privileges I don't think meets the objection. Commissioner Harrington – So if I pay more money to drive my racecar 100 miles an hour then it is going to cause sociological disapproval? Commissioner Johnston – We are not talking about private impoundments either. Commissioner Lauber – I think Kelly makes a good point. I was against the thing at first because of precisely that reason and I think it is the same constituency that feels we are tilting constantly towards the rich people, the nonresidents. I think in this instance it very clearly is not going to damage the resource and I just can't come up with a logical reason to not go along with it today, but I see Kelly's point and there will be people that have some comments. Nygren – We have two different types of requirements for permitting for trout and I've got some background information. Trout permit sales have dropped off significantly from a high in 1999 by 4,000 permits in 2004. We are not sure why but a large part of it is that people have learned that if you don't keep them you don't have to have the permit. To catch and release all you need is your license because the law says, "to fish for and possess." We are proposing two types of trout waters: Type 1 would require anglers during trout season to have a trout permit in their possession whether they were fishing for trout or for some other species. Type 2 would remain as currently required and would require a permit to fish for and possess trout. Type 2 waters are those that have significant winter fishing opportunities for species other than trout. We have gone through the list and there are not very many Type 2 waters: Great Bend; Hutchinson Dillon Nature Center; Moon Lake on Ft. Riley; Lakewood Lake in Salina; Scott State Fishing Lake; and Sherman County Smoky Gardens. On the rest of those you are there to primarily fish for trout so they would be Type 1 waters. Paddlefish are caught by snagging primarily during spawning season from areas we have open by posted notice. Paddlefish may be taken year-round when hooked in the mouth, but this catch method is usually an accident. Females don't sexually mature until they are near 30 pounds and eight years old so they are a long-lived fish. The current statewide creel limit is two per day except on the Neosho River where we have a Secretary's Order for one a day. Paddlefish are truly a big-game fish in Kansas and deserve a different status. We are proposing carcass tags like we have for deer. Our snagging areas are on the Chetopa Dam on the Neosho River; below the Osawatimie dam on the Marais de Cygnes River; and in the Browning Oxbow Lake in Doniphan County; and we may be putting one at Burlington again because we have a population building up in the Neosho River between Chetopa and below John Redmond Reservoir. When the spawning season is on it is crowded and we have a lot of people trying to fish in a very small area. One of our goals is to move as many people through as possible. Right now after you catch your fish you have to take it to a check station where data is taken and they are tagged. Under the current scenario if a person fished the entire season, 30 days, one individual could legally take 60 fish with a biomass of 1,800 pounds just for the cost of an annual fishing license. We would never do that for deer so we are proposing a paddlefish permit which comes with six carcass tags, at the cost of \$10.00. We would do away with the check stations and go to a email survey or paper survey similar to what we do with deer. The limit would be six paddlefish per year and the creel limit would be 2 per day statewide with barbless hooks and a 34-inch length limit and no culling. This is a long-lived fish that deserves a big game status. We have never done this with any fish species in Kansas before. There were not many comments on this in the public meetings. Commissioner Lauber – The limit is 34 inches, we are protecting those under 34 and if you hook one you have to let it go. Nygren – If it is under 34 inches, if it is over 34 inches you have to keep it. Bob Murphy – I'm not much of a fisherman, but like one of you said, you are leaning toward rich people, we can't afford to go fishing,

hunting or out to the state parks now. The common folk around this town can't do anything because you are pricing us out. Secretary Hayden – The gentleman who spoke wasn't here this afternoon but in fact we are reducing the price of going to the state parks on January 1 to 50 percent of the current price. On your vehicle tag, whether you buy daily or yearly, starting on January 1 there will be a 50 percent reduction in fee to enter a state park. Murphy – Where are you going to make that money up? You are going to add it to deer hunting or some place else and the common man can't do that. Secretary Hayden – Actually the legislature provided that money out of the State General Fund (SGF) to make up that difference. That means everybody in the state pays, not just the people who hunt or fish or use the parks. The people who use the parks are getting quite a deal because everybody is helping to pay that entrance fee including the people who never go. Murphy – What about the older ladies and gentleman and those on welfare or a fixed income. Secretary Hayden – Senior citizens already get a 50 percent discount to enter the state parks and with this discount will be getting a 75 percent discount. We already are considerate of our senior citizens and we already give them half price. We hear what you are saying and we try to set the fees so they are fair. Nygren – We just leased 14,000 acres of community lakes that were in many cases charging exorbitant fees to fish and boat on those and we removed those fees by leasing them. We didn't up the cost of the license or charge any additional fee to do that and that is over 200 bodies of water that you don't have to pay any additional fees on. In addition to that we have our FISH Access program where we lease private ponds and we have over 100 ponds and 80 miles of stream at no additional fees. Not everything we do is to get the money. We have been trying to do everything we can to improve opportunity and that is what this is about. To get people in and out and share that paddlefish resource and elevate the status of this fish to more than just a fish you take 50 or 60 of in a day that takes eight years to get to a harvestable size. Commissioner Johnston – During the public hearings there was discussion about legalizing hand fishing. I'm curious if that is still on the drawing board? Nygren – We did not come forward with a recommendation to legalize hand fishing at this time. Internally we have had quite a few discussions and weren't comfortable with making a recommendation to move ahead with hand fishing in Kansas. It doesn't mean it won't happen down the road. The hand fisherman did show up at some of the public meetings. There were two groups that petitioned us, Noodlers Anonymous and the family group from Salina, so I would like to hear from you on what you would like us to do. Commissioner Lauber – Don't see much difference between hand fishing and paddlefish snagging. I guess I tend to not see a problem with hand fishing. I think it is one of those things that is probably done any way and this might increase it a little bit, but only if you feel flatheads might be injured or habitat destroyed. I have an interest of looking into it a little more. Commissioner Johnston – I do too and I think the family group that came to the meeting in Wichita were very earnest about being willing to accept any set of regulations, at any cost, just to have a chance to legally do this. I don't want there to be an adverse biological impact either. Nygren – Missouri was forced into it and last year and they had three rivers that they opened and the last legislative session they added six additional locations and now will have nine rivers open to hand fishing. They only sold about 100 permits and they only reported catching 25 flatheads. If we had a similar result I don't see a biological impact if that is the kind of permit sales we would have. We are conducting a flathead research project on the Kansas River with Dr. Craig Paukert out of Kansas State University and mortality on flatheads is very low. He has tagged several hundred fish and only had three or four returns from any type of fishing. Commissioner Sebelius – Is it species specific? Is it just catfish? Nygren – Yes, they are willing to make it just flathead catfish. I would be opposed to Blue

catfish. We have been petitioned by the state's foremost ichthyologist asking for us to put Blue catfish as a SINC species. In the river systems Blue catfish are hard to come by and I think the Stream Survey crew can attest to that but on some of our reservoirs we have done very well with the stocking program. On rivers the numbers are very low and I would not support harvesting Blue catfish. They don't really want to hand fish channel catfish either. Commissioner Harrington – I agree with pursuing it.

My last topic was discussed at public meetings, bait fish (Exhibit W) but there is some confusion currently because we have a legal definition of bait fish but some of those fish fall into more than one category. We are interested in improving the language for using fish for bait, but don't want to open the opportunity for people to move aquatic nuisance species into places where we don't want them. It may be misidentification or may be an aquatic nuisance species in the water that they can't see with their eyes that when they take bait from one body of water and move it to another, there is the potential for the aquatic nuisance species to be moved manually. This also goes down to spring viremia carp viruses and things like golden algae that are out there that could be potential problems. We also have our statewide comprehensive goal which is to keep common species common. That plan is designed to prevent species from going downhill so that they don't have to be listed as T&E or SINC. In addition, when somebody goes out into a river and seines most people couldn't tell you a threatened and endangered species in that seine from a legal bait species. Even some of our people can't tell the difference between a red shiner and an Ark River shiner and it would be difficult for our officers to enforce. I thought I would talk about what other states are doing (Exhibit X). In Alaska and Idaho no live baitfish are allowed. In Iowa, no transports, you have to use it where you catch it and some species are prohibited as bait and other states that have no restrictions. There are a lot of different strategies, one I found interesting is Montana where there are three different districts and have different bait regulations depending on what part of the state you are in. Based on that I gave you a draft recommendation (Exhibit W) put together by a group from law enforcement, from the stream survey crew, from fisheries management and fisheries research. We would eliminate the definition of baitfish and create a list of fish that would be legal to use as baitfish. Right now we have a list with what are baitfish but some of those fish fall into other categories, like game fish and the other legal definitions. Only species of fish listed to be used legally as bait can be used. Prohibit seining and cast nets in small impoundments of less than 500 surface acres. Currently you can't seine in a state fishing lake now but you can use a cast net. We would modify KAR 115-18-8 to cover game fish for wanton waste. Right now the wording could be interpreted as only wildlife is protected not fish. Another recommendation would be that aquatic nuisance species (ANS) can not be used as bait and may not be returned to the water alive. That is a pretty common technique. We would add to KAR 115-7-3 that fish designated by regulation for use as bait may be taken by legal means and used downstream of the nearest upstream dam. Any fish designated by regulation for use as bait shall not be transported to another stream or body of water or transported above an upstream dam. Basically that says you can use it where you catch it or where it can get to on its own, which means it can go downstream but not up. (Showed a video of the Kansas River two days ago and the invasion of Asian carp, you will only see the silver carp because they jump but for every one of those you see there are probably 10 bigheads and grass carp under the surface.) That shows why we need to prevent aquatic species from being moved above a barrier such as a dam or a natural barrier. We don't want those in Milford Reservoir. There is a lot of debate on whether they could reproduce if they got in the reservoir and nobody knows for sure because so far they haven't gotten out of river systems. They are all the way from

Gavin's Point on the Missouri River all the way down to the mouth of the Mississippi River and all the way up and down the Mississippi. They have moved up the Illinois River and are taking over the big rivers in the United States. An expert, Dr. Duane Chapman of Columbia University in Missouri was concerned because he fertilized some bighead carp eggs, put them on a jar on a shelf in his office and they hatched out. It was thought they needed moving water to hatch. That is why we don't want people going out into the Kansas River or any tributaries that they can be in and getting the small ones that look just like a gizzard shad and taking them and using them in the reservoir. I do have a list of recommended bait fish (13 or 14 fish) including the sunfish, but we have put a length limit on the sunfish of 5 inches. As long as we have the regulations we have now we have no way of preventing people from taking and using T&E or SINC species as bait fish. We are also worried about the aquatic nuisance species. Maybe it is not necessary to have the length limit on sunfish and we might be open to white perch for bait if they are dead, but no live fish because they could move them somewhere else. That happened at Kingman State Fishing Lake and we have been monitoring the movement of white perch up the Ninescah River and they haven't got above Kingman's low water dam yet. Also, the allowing of seining and cast nets in waters under 500 acres; some people think that is too restrictive and people feel maybe we should open that up because we are going to be restricting them to using the bait where they catch it. Commissioner Harrington – Suppose a friend went seining for minnows and went fishing on a pond, is that legal right now? Nygren – Yes, as long as they knew what he had and he didn't have any threatened and endangered species. Commissioner Johnston – On the handout and the species legal to be used as bait, are there any species often used as bait in Kansas that are not on this list? Nygren – Currently there are people that use crappie and they are not on the list and some people want to use white perch. Commissioner Johnston – Are there other species of shad? Nygren – No just gizzard shad. Commissioner Johnston – What about warmouth? Nygren – It is not on the list and is found in the southeast part of the state. I wouldn't have a problem with adding it. It is very similar to a green sunfish. Commissioner Johnston – On the subject of white perch, I don't see problem with allowing them if they are used dead. I'm thinking of Cheney and I have caught stripers and wipers on dead shad but I imagine you could catch them on dead white perch as well although probably not as easily. Is there a rationale the department has that makes that not a good idea? Nygren – We could work with that. If you look at the handout on North Dakota says, "Fish which have been preserved by freezing, salting, or otherwise treated to inactivate sexual products are considered legal bait." I wouldn't have a problem with that if we are sure they are dead or that their sexual products aren't viable. The bottom line is we want to keep it as simple as possible. The use of white perch alive is something that people at Wilson and Cheney cherish and they have been the most vocal at these meetings. They don't think they are going to cause a problem and I am not concerned about the guy who doesn't know what they have in the bucket, or doesn't care. If they seine and put everything in their bucket and put them in their bucket the law enforcement officer doesn't know if they are going to another location on the lake or somewhere else. Then the officer has to follow them and wait for them to dump them to get them for unauthorized stocking and then it is too late. It is much more enforceable if they are not allowed to have them at all and it is a violation. Commissioner Harrington – I noticed you quoted Oklahoma and Texas, and I am wondering about states north of the Mason-Dixon line? Nygren – I don't have Missouri's on here, but look at Arizona, they have a fairly sophisticated law and in Minnesota they don't let you use aquatic nuisance species except in waters where they exist, which is opposite of what we are saying. Our problem is we have already had the problem where someone has taken white perch from Cheney

to Kingman and they are reproducing. Those are the things we didn't feel comfortable nailing down until we talked to you and Secretary Hayden a little more. Commissioner Lauber – I think this is extremely serious, and I think we should pursue that staff has suggested, but I would be hesitant to say “no live bait,” but I cringe at the thought of someone bringing bighead carp or other species up there. Chairman Dykes – What if we require people to buy live bait from bait dealers. Commissioner Lauber – Bait is expensive and you have a monopoly. We need to go ahead and allow it, but stop nuisance species and don't seine in a stilling basin to go up to the lake. Nygren – The last time we did stilling basin salvage below Clinton, bighead carp were competing for the biomass on the Wakarusa. Commissioner Lauber – The dam at Lawrence and Clinton have kept them from moving forward and some of them will probably get over the Bowersock Dam. Nygren – They already have. Bigheads and one silver carp has been taken above the Bowersock Dam. Commissioner Lauber – Back in the late 1980s we were trying to keep bighead out of the state and they were saying that they use them in other states and they weren't a problem, then in 1993 all of those fish got out into the wild fish and created a real mess. Nygren – Also, the Black carp has escaped some aquaculture operations in Arkansas and if that one gets loose it is going to be more devastating but they eat mussels and we already have a lot of native mussels in trouble. Commissioner Lauber – I would suggest we try to move on this issue fairly rapidly. Chairman Dykes – Is this up for public hearing in August? Tymeson – The timing is October, but we could try to push bait up possibly. Commissioner Lauber – I think the bait issue is more important than any of the others. Nygren – I would have to agree. If we walk away today with how you would like these issues worded then we could move ahead. Commissioner Harrington – I hate to see more regulations imposed on people and I am not saying we don't have to, but I agree with Gerald and see the scenario that if we want to use a live minnow having to all of a sudden pay \$50 a piece for them. I am also opposed to a person taking a bucket of minnows from the Ninescah and dumping them in Cheney Lake. I also don't have a problem with a person seining in a river adjacent to some property and using it on a private pond. Nygren – Theoretically if that pond is in the same drainage that the fish were taken out of and would not have the ability to move upstream then that wouldn't be a problem. The problem is explaining this to the public. Commissioner Lauber – Could you not include private ownership impoundments. Nygren – Mike Miller has a friend in Kiowa County who had a fish kill when the pond went dry and we found a bighead that had come in with a load of commercially purchased catfish. So there are other avenues, more effective regulation of the bait industry and the aquaculture industry. This just deals with the use of bait by the public. Commissioner Lauber – At a minimum moving from below to above streams is the most important and possession of nuisance species. It is easier if we could do this all at once, but if we want to try to deal with private ponds and adjacent creeks, maybe we need to resolve those later. We need to secure the bodies of water so we don't have any more transports and then deal with phase two later. Commissioner Johnston – I suggest we remove the length limits on perch as bait. Nygren – We can do that. What about the use of ANS dead for bait? What about seining in waters under 500 acres? Commissioner Lauber – I would remove that. Nygren – Currently you can use a throw net on a SFL and it is up to a community lake if they want to restrict it more than we have. The reason we don't allow seining on our state lakes is a people management issue because people think they should be able to swim if we are allowing someone in the water to seine. Hard to explain why they can cast net but not seine. If we were to go back to saying that it was legal to seine and cast net in waters less than 500 acres, our public lands guys are not going to be happy if they have a lot of people management problems. Commissioner Lauber – Is it legal now? Nygren – Cast net can, seine no. Commissioner Lauber – Can we leave it the way it is now?

Nygren – You can. We just have to go through the extra step of explaining why they can do one and not the other. Chairman Dykes – Depending on how valuable these waters are to you, I think we are naïve to think we are going to regulate the use of live bait and protect these impoundments. I don't think it is going to happen, most people can't tell the difference between legal and illegal species. Nygren – They can tell from this list better than what we currently have. Chairman Dykes – That is true, but this is just a band aid over a serious wound. Commissioner Lauber – Most of it will be stopped by the transportation above from below. I worry about ruining another fishery. Chairman Dykes – I don't think people are going to abide by that kind of rule. It is pretty technical and I don't think people are going to care. Some of the states that have made live bait illegal are probably recognizing the importance of maintaining the fisheries. You either eliminate it all together or regulate it at the source. Commissioner Lauber – You are right and I have fished in areas where live bait is illegal and I have used frozen salty minnows. I think that would be an impossible fight to tell Kansans they can't seine bait. I think we can make a good faith effort in stopping the transportation of nuisance species and have a very strict rule on moving anything you catch below a dam up above. I also agree with Kelly about taking away the length limit on sunfish. Commissioner Johnston – I agree with John to some extent that prohibiting white perch from being used as live bait anywhere is one thing we have to do, but the regulation of moving fish from below a dam to above is a little more complicated and is going to require a little more education. As far as white perch is concerned, I agree we have to inconvenience all those people at Cheney Reservoir if we are going to take a shot at stopping the invasion of species. There is not a lot we can do about Zebra mussels but we can do something about this and I think we should try. Commissioner Lauber – I think anglers can figure out the concept of moving fish from below a dam to above a dam. I don't think that is as confusing as you might think. Maybe I am naïve but I think people can understand, they may not want to do it and may not like it. Commissioner Johnston – The person who goes fishing once a year may not be aware of the regulation. Commissioner Lauber – But the person who goes fishing once a year doesn't go out seining either. Commissioner Johnston – But they could catch some fish in the spillway and take it somewhere else and not know what they are doing. Commissioner Lauber – I think the average person is just going to go buy minnows. Chairman Dykes – We know how white perch got introduced to Cheney but it could have been introduced just as easily as bait fish. Nygren – Nobody knows for sure that they came in with the stocking. There are white perch in Nebraska that were intentionally stocked so it is possible that someone could bring them from there and release them. Chairman Dykes - But the end result is the same. Nygren – We have done everything we can to minimize their impact. We have had two different experiences, at Wilson with the good water quality and good predation, white perch have been held in check and people actually want to fish for them; at Cheney it has been exactly the opposite, it has had significant impacts on walleye year classes, white bass and crappie; and at turbid impoundments they can get out of control. Commissioner Lauber – What would be the next step to get some regulations on some of the more important issues and work through Chris' time table? Is there a way we could attack some of these things at the next meeting? Tymeson – Looking at the timeline, there are about 30 or 32 regulations and I started on some of those, but due to technical difficulties and timing issues some of that information I don't have. I don't have a direction yet from Doug or the Secretary. I can prioritize these, we won't be able to vote in August, but perhaps October if you select this package of regulations. If you want to make these a priority I need to know now, but by the time I have to have them in the Register it happens to be the same day as our next Commission meeting so I will have to have them drafted based on your direction

tonight and we could still make changes in October if that is what you want to do. I will need to know on this package of eight items, what you want to move forward with. Chairman Dykes – I don't know that I heard a lot of disagreement with the department's recommendations until we got to the bait fish. Commissioner Lauber – On the bait fish, probably the more restrictive options are not politically expedient. I see a consensus on nuisance species and I am trying to make enough noise on seining. I would have no problem if you have no seining on the Wakarusa as Secretary's Order as that is the greatest risk. People are not going to be seining much in October. Nygren – We need to try and get these regulations out by January 1 if possible. Commissioner Lauber – I would like to see some recommendations and if there is something the staff has problems with, provide us with a couple of alternatives. We have to rely on the experts. That is a lot of biomass kicking around in the Kansas River. Chairman Dykes – I heard that there is a consensus for all of the proposals up to bait fish, with the exception of Kelly not being comfortable with sociological issue of the tournaments lower length limits. I don't sense any other opposition other than Kelly. Commissioner Sebelius – I agree. I am with you 100 percent on the recommendations and if there is a problem when we start debating then we can discuss it at that time. Chairman Dykes – On the baitfish issue, I think Gerald is saying, its not perfect, but this is a step in right direction and lets accept the department's recommendation on excluding certain types of baitfish, including some others with minor restrictions on some species and lets go ahead with that. Commissioner Wilson – When we were talking about allowing dead ANS for bait you indicated you didn't see a problem with that with regard to the resource yet you didn't include it. Nygren – It seems the only ANS species are willing to use for bait is the white perch and maybe if you wanted the ability to use dead white perch we could, but coming up with some sort of enforceable definition of what dead means. It doesn't mean it is just in a freezer, you need to make sure it is dead, that becomes more difficult. It might become something as simple as you have to puncture the vital organs of fish or something like that. Chairman Dykes – On baitfish, I am in the position Kelly was is on bass tournaments in that I don't think you are not doing enough to protect the impoundments. I don't think anything short of eliminating live bait or regulating use of live bait through bait shops is going to get it done. I think I am in the minority, so I think we can give Doug direction to move ahead. Nygren – Move ahead with all eight? Chairman Dykes – I think so. Tymeson – We will move ahead with all of the department recommendations and if there is a modification it will occur in October. Steve Sorensen – You are not skipping the workshop items in August are you? You are going to have it printed out because you have certain items but we don't have anything regarding the bait. Nygren – I have copies for anyone that wants it but we didn't come forward with this as a formal recommendation. Sorensen – You will workshop in August and vote in October? Chairman Dykes – Yes.

2. Late Migratory Bird Seasons - Marvin Kraft, waterfowl research biologist, presented this report to the Commission (Exhibit Y). Frameworks establish the waterfowl seasons. The late seasons are the seasons that begin no earlier than October 1, and are quite often called the regular goose or regular duck season. We do not anticipate major changes in the frameworks for geese. The goose populations are at, or well above, population objectives. The Central Flyway Council did pass a recommendation that would increase the season length for Canada geese from 95 days to 107 days, which is the maximum allowed by Treaty. If this is allowed it would preclude any September hunt. We don't expect frameworks until August concerning the duck season frameworks, which are influenced by the number of ducks observed in the May Breeding Duck Survey as well as the Canadian ponds that are reported during that survey. At this time we expect

the liberal package again next year. Water conditions in Canada the last several years are probably some of the best they have been in many years, so we should have good pond counts from Canada. The three current Adaptive Harvest Management regulatory packages include the following: liberal package, 74-day Low Plains season, 97-day High Plains season; moderate package, 60-day Low Plains season, 83-day High Plains season; or restrictive package, 39-day Low Plains season, 51-day High Plains season. I'm hopeful we'll be in liberal package again. One change we expect to see is bag limit, hunter's choice which reduces bag to five and takes canvasback and pintail and throws them into an aggregate bag category with the hen mallard where you can have one of that group (four drakes and one hen or four drakes and one pintail, but no more than one of that group). Tymeson – On the hunter's choice where they have five ducks, it says two scaup, two redhead, and two wood duck, are those the most liberal or is that our recommendation within the package. Kraft – That would be the most liberal, the frameworks. Tymeson - It isn't a choice of us being more restrictive. Kraft – We could be more restrictive. If we fall into the liberal package or the moderate package, the frameworks for Kansas will say that we have this hunter's choice bag limit. We will not be forced to take a 39-day season within a season for pintail and canvasback. This will be in place of that. Tymeson – Out of the five, if we stayed like we did last year this is what the feds will allow? Recommending going with the federal frameworks? Kraft – We're not at that point yet because we haven't received the frameworks, but yes, staff recommendation would be to take the maximum allowed. In summary I would expect things to be similar to last year with the possible exception change in the season length for Canada geese and a change in the bag limits for ducks.

Forest Goth – I visited with Marvin on the phone on crane season and I got on the federal registry last year and there is no federal mandate for season opener. Kraft – The crane season is set separate by a separate regulation and is set already. When we set the first season in Kansas that was an agreement we reached with those opposed to the hunt. It was a compromise to get the hunt implemented. We could start it earlier if we wanted to utilize what is available in the frameworks. Goth – I assume pheasant season is moving up a week this year, so what that does, if you are going to hunt cranes, is there won't be much hunting. The way it was set before you open the same time as your dark goose and it is about a nine-day window to shoot cranes in Quivira and Cheyenne Bottoms and then due to upland pressure those cranes would leave. By moving the pheasant season back that will eliminate the crane season. It is a pressure deal with the cranes. Kraft – You might be right, but it remains to be seen what that pheasant hunter activity will do to crane use in Stafford County. Chairman Dykes – Please talk to Marvin about this later, crane or pheasants are not being discussed right now. Steve Sorensen – Do you have to accept hunter's choice this year or could you go with the six bag limit and the 39-day pintail, canvasback? Kraft – If the frameworks develop as I expect we will have to accept them. This is part of an experiment and the Service was not really excited about this approach to the bag limit. One of the requirements was that the Central Flyway conduct an experiment to make sure that the reduction in harvest of canvasback and pintail, under this hunter's choice approach, would be the same or more than it is with the season within a season. What we have done is paired up states according to pintail harvest characteristics and Kansas was paired with Nebraska and they will stay with season within a season and we will go with the hunter's choice if that develops.

3. Senate Bill 578 – Exotic Animals - Kevin Jones, Law Enforcement Division Director, presented this report to the Commission (Exhibit Z). This is a brief run down on Senate Bill 578 which has helped tremendously in dealing with exotic animals, most notably large species of cats

and bears and now non-native venomous snakes. As a part of this legislative action there are two items that the Commission needs to take up. One is to establish a regulation prescribing caging and confinement standards for these animals and to set up minimum qualifications for a person classified as a registered designated handler (someone who assists the owner in the care of these animals). In following that mandate I met with members of the American Zoo and Aquarium Association (AZA) and the Zoological Association of America (ZAA) and the point of the meeting was to discuss various components of this set of regulations. After a lengthy meeting talking about all the different types of permutations of caging that commonly occur that are acceptable within that industry I came back and drafted a set of proposals and forwarded them back to the members of this work group who reviewed them, made further comment and adjustments and we have put together a set of draft regulations concerning caging standards. Basically these standards would prescribe the general design features like size limitations for housing the animals, requirements for ship cages, dual gated entrances, provisions to prevent accidental release or contact with the public that is prohibited under the law. Also included are, provisions for transport, quarantine medical care of these animals and what kind of caging facilities they would be held in. Along with that we also talked about the designated handler provision which is a little more difficult because there really is no course out their for animal handling. We did look at several states that do prescribe qualifications for handlers and basically went with what Florida had prescribed and modified ours from that. We came up with what we felt to be a practical approach and that would mean the designated handler would have to be at least 18 years of age and have at least 200 hours of direct practical hours in handling and care of these animals provided that was under the direct supervision and in the presence of the owner or another designated handler. We also added a provision to allow a person to become trained to become a designated handler under this supervision and be qualified to be registered with the local government authorities that are responsible for administrating this act. At the present time we have forwarded these regulations for review by the Department of Administration and the Attorney General's office and we are waiting to see what comments they have before we can bring them back for a formal proposal. We will provide copies after we get their response and get it published in the Kansas Register so we can take action on it. Chairman Dykes – We haven't seen this regulatory language yet have we? Jones – No, we have just written them and submitted them and are waiting to see if there were any major issues. Tymeson – Workshop in August and vote in October. Commissioner Wilson – Where did we end up with regard to breeding? Jones – Private individuals that are not licensed by the U.S. Department of Agriculture (USDA) cannot breed the animals. Those organizations or groups licensed under USDA or APHIS permits are issued to exhibit, deal or broker animals. Commissioner Wilson - I guess I was thinking that the Commission said we didn't want to allow breeding. Am I wrong? Jones – Under the statute this is allowed because this allows the Great Bend Zoo, for instance, to breed animals and maintain their stock and supply in their zoo to perpetuate that. It is also allowable practice under the Captive Wildlife Safety Act provision strictly on cats. Commissioner Lauber – Actually, this isn't our law anyway we were preempted by the legislature, but we are required to provide input on a couple of items. Tymeson – Also, currently there are only 17 APHIS facilities in the state and most of those are zoos. Jones – I think that is right. Commissioner Wilson – Can these people sell the animals and transport across state lines? Jones – If they are licensed by the USDA, yes they can. Commissioner Wilson – If we wanted to change that we would have to go to the legislature and do that? Jones – That would be correct. Mindful of the fact that when you go to USDA and sale there are exemptions for AZA and ZAA facilities, but when you talk about USDA in general you are talking about all of the other types of municipal zoos and private zoos

such as Rolling Hills that are in operation right now. They would have to be licensed by USDA on or before July 1, 2006. Commissioner Wilson – If we have 17 now and no one else gets registered in the next two days then that is all there will be. Jones – The only provision in this is if someone wanted to come in and establish a zoo, for instance a year from now. If they built a facility that was in compliance with the accreditation standards of the AZA or ZAA they would be allowed to build that facility and operate, but simply having a USDA license after July 1 and acquire animals, they have to be AZA or ZAA to be a new facility. Commissioner Wilson – I have never really been concerned with the zoos on this issue it is the private groups that want to come in and have a “educational facility” and what they really want to do is breed and sell animals. But, this catches those folks. Jones – We are talking about a grandfathering clause to deal with existing facilities and as long as they remain USDA approved they can continue to operate, however once they get rid of animal, by it dying or placing it in a proper facility, that is the one and only animal they can have and they can’t acquire another animal.

4. Park Regulations – Jerry Hover, Parks Division Director, presented this report to the Commission. At this time there are no recommendations for additions, deletions or corrections. The purpose for this session on the agenda is to give the Commission and public to make recommendations. We are beginning a process to review all regulations concerning parks where there happens to be a clause that allows “by posted notice”. We will be reviewing those to see how we can strengthen them to avoid certain problems that may occur. It probably will be six months before we have recommendations on that.

D. Public Hearing

Kansas Legislative Research Department and Attorney General’s office comments (Exhibit AA).

1. Early Migratory Bird Seasons - Marvin Kraft, waterfowl research biologist, presented this report to the Commission (Exhibit BB). The early migratory bird seasons refer to the ones that occur in September and because of the uncertainty in what is going to happen in the High Plains teal season and the September Canada goose season I think you need to remember that when you adopt these regulations you authorize the Secretary to make any adjustments as a result of what happens with the late season frameworks and their impact on this season. I will address rail, snipe, woodcock and teal to begin. The rail season will run September 1 through November 9, 2006 with a bag and possession limit of 25 and 25, respectively. The season on king rail, common moorhen, and purple gallinule will remain closed. The season on snipe will run September 1 through December 16, 2006 with bag and possession limit of 8 and 16, respectively. For woodcock the season recommendation is a season running October 14 through November 27, 2006 with a bag and possession limit of 3 and 6, respectively. For teal we can make a recommendation for the Low Plains portion of the state and that is a 16-day season running September 9 through September 24, 2006. The number on the breeding population was 5.4 million which put us into this 16-day category. On the High Plains we have to wait and see if we are going to have the liberal package, which would be a 97-day season. If that occurs, that plus the youth hunt means we only have an 8-days remaining out of the 107 days maximum. For September Canada goose, we are allowed 15-days during September and since this briefing was put together things have changed slightly. The Service has dropped the experimental activities so that is no longer a problem and we can set our 15 days anytime during the month of September

with a maximum bag of five and no possession limit. The other complicating factor is that there is a possibility that the Canada goose regular season will be extended to 107 days and if that occurs we will have to make a choice whether we want to utilize some of those days in September or utilize all of them in the late season. The recommendation of the staff at this time is, if that occurs, that we utilize all of those days in the late season because it is simpler, temperatures are cooler and we will have greater utilization of those days. If the regular season length for geese remains unchanged the recommended September season would be to open September 16 and run through September 25 with a bag and possession limit of 3 and 6 respectively which is less than allowed by frameworks but similar to what we had during the regular season. Commissioner Wilson – How many rail hunters do we have? Kraft – Not very many, we should be getting better information from the HIP survey information comes in. Commissioner Wilson – Fewer than 100? Kraft – I think so but it depends on our sample and the harvest is like our September Canada goose, it bounces from a few up to several thousand. **Commissioners approved.**

2. Duck Hunting Zones - Marvin Kraft, waterfowl research biologist, presented this report to the Commission (Exhibit CC). Every five years the U.S. Fish and Wildlife Service allows states to change the duck season option they are currently in. We have basically four alternatives: a statewide season with one split and no zones and is a fallback option that a state can go to anytime during a five-year period; no more than three zones with no splits; a statewide season with two splits (three segments); or two zones, plus the High Plains area of the state (three zones total), with the option for one split in each zone. This last option is the one we have had in the past. The recommendation is to remain with the current two zones plus the High Plains with some minor modifications to the zone boundaries. One is an area southwest of Great Bend where we move part of the Arkansas River from the early zone to the late zone and the second is a small triangular area east of Dodge City where we move some area from the late zone to the early zone to allow hunting on some playa lakes. I have received almost no comment, one comment from a gentleman near Dodge City, who was concerned about the change near Dodge City. He was concerned that we were going to put some of the Arkansas River in the early zone and when I explained that wasn't going to occur he seemed satisfied. **Commissioners approved.**

XIII. OTHER BUSINESS

Department Award moved from morning session. Keith Sexson gave a 15-year service award to Sheila Kemmis. Dick Koerth gave Robert (Bob) Ahrens his 20-year pin and service award. Jerry Hover gave Rick Stevens his 30-year service award.

Steve Sorensen – Could you give us a quick status update on the Rocky Ford fishing area. Secretary Hayden – Roger Wolfe is in charge of the committee developing a long-range plan for Rocky Ford and it is about ready to go out for public comment. We have had several meetings with the University to figure out the best way for access on the south side. In those negotiations we had to do some land title searches and there is great cooperation with the University and I think we are going to be able to come to an agreement about access down there. On the two lots we sold we have a public easement across those lots. We hold that easement so public access is available. The County has notified the current owner that they intend to condemn that property and under county law you have a 60-day public notice period. I think it was about three weeks ago that they notified the landowner they intended to condemn them. We are just waiting to see

if that goes through or if they settle on a price in exchange for the property. Since we have access across the property, a public trail, there is no access issue as far as we are concerned. It will be out for public comment.

A. Future Meeting Locations and Dates

August 17, 2006 – Pratt Community College Auditorium

October 26, 2006, Neosho Community College, Chanute with tour of Safari Museum in morning and lunch at College at noon.

January 18, 2006, Sheila will find a location. **(DATE CHANGED TO January 11, 2006)**

Commissioner Wilson – I would like to commend Wilson State Park for their very fun BBQ contest two weekends ago. My husband and I went and it was very nicely done. So I want to commend them for trying something new and making it succeed. Also, after our last Commission meeting I stayed for Women in the Outdoors out at Rock Springs and I had a wonderful time. It is very professionally run and I would encourage you to send spouses, friends, sisters, aunts to those events because they are really a lot of fun.

XIV. ADJOURNMENT

Commissioner Harrington moved Commissioner Meyer seconded to adjourn.

The meeting adjourned at 8:35 p.m.

(Exhibits and/or Transcript available upon request)

Exhibit DD – Smoky Valley Ranch map

Exhibit EE – Scott State Fishing Lake handout on Lake Stocking

Exhibit FF – *Kansas Heritage* Spring 2006 magazine with article on El Cuartelejo at Scott SP