

**KANSAS DEPARTMENT OF WILDLIFE AND PARKS
COMMISSION MEETING MINUTES
Thursday, October 26, 2006
Neosho Community College
Sanders Auditorium, Chanute, Kansas**

Subject to
Commission
Approval

The department and Commission toured the Safari Museum, Historical Museum and downtown Chanute.

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

The October 26 meeting of the Kansas Department of Wildlife and Parks Commission was called to order by Chairman Jim Harrington at 1:30 p.m. at the Neosho Community College Auditorium, Chanute. Chairman Harrington and Commissioners Kelly Johnston, Gerald Lauber, Frank Meyer, Doug Sebelius, Shari Wilson and Robert Wilson were present.

II. INTRODUCTION OF COMMISSIONERS AND GUESTS

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

III. ADDITIONS AND DELETIONS TO AGENDA ITEMS

Changed order of agenda and handed out a revised agenda.

IV. APPROVAL OF THE August 17, 2006 MEETING MINUTES

Commissioner Shari Wilson – On the bottom of Page 1, under comments on non-agenda items, change “Dykes” to “Dykstra” right after “(Exhibit C)”. Commissioner Shari Wilson moved to accept minutes as corrected, Commissioner Johnston second. **All approved.** (Minutes - Exhibit B).

V. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

None

VI. DEPARTMENT REPORT

A. Secretary’s Remarks

1. Proposed Legislation for FY 2007 Legislative Session – Chris Tymeson, legal counsel, gave this report to the Commission. There are five areas we plan to cover this session: 1) legislative fixes – need to add a comma to a criminal statute causing consternation with some county attorneys; illegal commercialization raised the value of misdemeanor/felony thresholds

and did not raise the wildlife value; 2) deer; 3) park funding; 4) bowhunter education disparity between bowhunter education and hunter education age; get rid of hunter education crash course and go with adult/apprentice license, a “try it before you buy it” one-time license; and 5) water assurance -- try to add government entities to the group. More topics will come up during the session and the Commission will be informed at that time. Commissioner Sebelius – If you had a failure to comply clause that would give us more teeth. I would also like to bar the hunters from hunting in other states not just Kansas. Legislatively we could make it a new offense and automatic suspension. Tymeson – It would go in with automatic suspensions. Commissioner Meyer – Is there anything coming up that we ought to be aware of? Tymeson – These will pretty much cover that, but the NRA is also pushing no net-loss public land and right to hunt issues; and Cedar Bluff water rights issues. Also could see rights for military be an issue again depending on the election.

2. FY 2008 Budget – Dick Koerth, Assistant Secretary of Administration could not be here. Mike Hayden, Secretary gave this report to the Commission (Exhibit C - handout; and Exhibit D - correction). We are in good shape on Wildlife Fee Fund (WFF) and Boat Fee Fund (BFF), but the challenge is on Park Fee Fund (PFF) side. We spoke to Governor about finding a permanent source of funding for parks. On FY 2008, items of interest are a three-year lease on Sebelius Reservoir that is expiring and we are going for a more permanent solution -- a 99-year lease for minimum pool. We hope it will be in the Governor’s Budget Recommendation. Look for this to happen July 1, 2007 if a 99-year lease is signed. This is a great step forward and will lay the groundwork for us to work with the other water districts in southwest Kansas. Also, we are having difficulty around borders of our parks and state lakes. It is attractive to live around our facilities and people are developing ranchettes around our areas. There is a 20-acre sub-development going in across from one of our state parks and the only road into is through our park. We are looking for legislation to protect our borders because we need to protect our own assets. We have the money in the wildlife fee fund to purchase areas, but we have to get legislative approval to spend it. We are asking for three new positions next year, two are existing non-classified positions and one is a park manager for Park 24. There are a lot of issues in the budget, most of them are not controversial, but continuations of ongoing efforts. Commissioner S. Wilson – The classroom at MILH, is that Milford Nature Center? Hayden – Yes. Commissioner S. Wilson – Is that a new building or addition to an existing building? Hayden – We have temporary buildings there and we want to put in a permanent building for that classroom.

Steve Sorensen, Kansas Wildlife Federation – I would like to commend the department for requesting money for shooting range development, but there was no request in [waterfowl](#). Is that because there is no money or no requests? Hayden – I will have to find out. Sorensen – You said WFF money would be used to protect the borders of state parks? Hayden – State General Fund money to protect parks and WFF to protect State Fishing Lakes.

B. General Discussion

1. Commissioner’s Forum Report – Commissioners R. Wilson and Meyer gave this report to the Commission. Commissioner R. Wilson – There were 20 commissioners from other states who went to this meeting in Colorado. Several people from KDWP were also present. Commissioner Meyer – The organizer of this forum asked that states invite their commissioners again next year. One of the beneficial things for me was visiting with other states and seeing

what their problems are. Delaware has problems around their parks also because they are such a small state. Wyoming and other western states have a huge amount of open ground and don't have that problem. I encourage other Commissioners to attend in the future as it was very beneficial.

2. Commissioner Permits – Keith Sexson, Assistant Secretary for Operations, presented this report to the Commission (Exhibit E). In January 2006 Wildlife and Parks held the first drawing for Commissioner permits. The first winner was the Rocky Mountain Elk Foundation, Wichita Chapter, which chose the one elk permit and Rocky Mountain Elk Foundation Greater Kansas City Chapter chose a deer permit, as did the other five winners. No antelope permit was selected 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. Six of the seven permits have been sold so far. Rocky Mountain Elk Foundation sold 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 that money into Wildtrust to be used for department-sponsored or approved projects. Also, the Friends of the NRA (Greenwood Chapter; Nemaha Valley Chapter; and Flint Hills Chapter) have sold all three deer permits for \$3,500 each however they have not made arrangements on their 85 percent yet (\$2,975 per permit - \$8,925) but plan to use the funds on education projects. The Salina Ducks Unlimited chapter sold its permit for \$2,500 and used their 85 percent (\$2,125) at McPherson Wetlands. Quail Forever has not sold its deer permit at this time, but plans to use the 85 percent on forbs seeds for the Sunflower Electric land going into WIHA near Garden City. A total of \$36,550 is specifically for conservation projects. Statute 32-970 does authorize the commission to offer seven permits, one elk; one antelope; and up to seven deer permits (all 7 could be deer). The permit has to go to non-profit organizations. Each chapter of an organization can apply separately. Those chapters who received one this year can not apply or receive another permit for three years. We require applicants to provide their 501(c)(3) and article of incorporation or mission statement and they are asked to market the permit to the public. Organizations are awarded permit vouchers by random draw. Eighty-five percent of the proceeds from the sale, minus the cost of the permit, is supposed to come back to department; however, Farmers and Hunters Helping the Hungry is treated different in the statute, (if they are awarded a permit) KDWP would only get 15 percent. We are planning to hold the random drawing at the January 11, 2007 Commission meeting, so we are aiming for an application deadline of January 5. We will issue vouchers to the winning organizations, which individuals who buy the permits must send in for the actual permit to be issued in their name. The deer permit is any deer, any season, any legal equipment. Elk was essentially the same, but Fort Riley rules have to be adhered to when hunting on the Fort. We need a consensus from the Commission to proceed. Commissioner Johnston – I am confused by information in the briefing book. The Elk Foundation money was sent back, but not the other organizations' money. What money goes where and how is it decided how to use it? Sexson – It is supposed to be mutually agreed on programs. We did not make it clear this year and in the case of Friends of NRA. They are using the money on their hunter education programs, and in the case of the money being spent at McPherson Wetlands by the DU fund, that money never actually came to us, but the money was spent there. This year we will make it clear that they will need to actually transmit the money to the department to be placed in Wildtrust and then we will distribute it back out to the organizations. Commissioner Johnston – In order to clean this up are there any changes that

need to be made? Tymeson – Just procedural no regulatory changes need to be made. Commissioner S. Wilson – If the organization that has not sold it doesn't, what happens? Sexson – We need to make it clear that they paid for the permit up front, but not the percent of the sale of the permit. Sheila Kemmis – The other organization, Quail Forever said they sold their permit, but had not received the money. Commissioner S. Wilson – Is the organization receiving the fee before we receive the money? Sexson – We received the fee for the permit, but not the conservation money before the person buying it received the permit. We can clean that up and clarify it for the next draw. Commissioner S. Wilson – I think that would be a good idea. Tymeson – We need to change the price of the antelope permit from \$40 to \$200 because the statute says that it is the highest price permit of that type and we now have a nonresident archery antelope permit. I need a consensus from the Commission to proceed? *Commissioners voiced no opposition.*

3. Status of Deer Working Group and public comment – Mike Miller, special assistant and Task Force Chairman, presented this report to the Commission. We completed 14 public meetings, had about 600 people attend. Still have the blog site active and have received about 300 posts so far, as well as 70 emails and two dozen phone calls. This has been an interesting process, some opposition but a lot of positives. The Task Force efforts have been characterized as liberalizing deer hunting and accommodating nonresidents, but I would like to clarify that. We will bring the entire package to the legislature, which addresses constituent concerns, mostly residents. Our goals are to simplify the deer-related statutes so that changes can be made through the regulatory process. The Task Force is meeting again and we took the original recommendations and are going over those and incorporating comments from what we heard. In mid-November we will give the draft report to the department then Chris Tymeson will start working on something to take to the legislature. For resident hunters we are proposing, statewide any season either sex whitetail permits; any deer in western units limited draw, two units, over-the-counter any deer muzzleloader permits in two units in western Kansas; hunt-own-land permits available to landowners' lineal family members, two generations up or down, 80 acres needed for each permit; whitetail antlerless permits still available in 19 deer management units (DMU). We plan to maintain 18 units for nonresidents, and we are talking about setting quotas in each unit to meet demand. We are looking at hunter designate permits -- rather than having a set number of archery, firearms or muzzleloader permits, there would be a set number of whitetail either sex permits in each unit and the hunter would choose which method they want. There will be a limited number of any deer archery and muzzleloader any deer permits available to nonresidents. Looking at 2008 season for implementation. Lloyd will look at ways to develop a model to be used to determine nonresident permit quotas and we will conduct a landowner deer survey this fall. We are still talking to the Docketing Institute about a survey of the non-hunting public. Mid-November is the deadline for the Management Team to have it ready for 2007 legislative session. Commissioner Meyer – How many units on rifle? Miller – There are 18, 19 with the special unit. Commissioner Meyer – Not two? Miller – No. Commissioner Johnston – Are we going to eliminate the transferable permits and specify 100 permits per unit? Miller – No, we haven't set the numbers yet for the units, one number of permits for a unit for all methods of take. Commissioner Johnston – Are you setting a cap? Miller – Residents are over-the-counter. Commissioner Johnston – In 18 units? Commissioner Lauber – You plan to determine demand and make that amount available which voids going unlimited and eliminates concern, because the demand will still be able to be met? Miller – This will take 6,900 landowner transferable permit applications out of the mix, how that will affect demand overall was a question we had.

The Task Force feels we can set the numbers in the units to meet the demand and this will make it easier for people to plan ahead. Commissioner R. Wilson – Are there residents this season that did not draw a tag? Miller – Any deer permits, yes, there were some. Commissioner Robert Wilson – In eastern Kansas? Miller – No, resident whitetail permits are sold over the counter. Commissioner Johnston – We want to have a copy of the draft before it goes to the legislature. Miller – We will make it as public as possible. Steve Sorensen – Will there be another public comment period once the recommendations are made? Miller – At the January meeting. Sorensen – Will this be 15 percent of firearms permits? Miller – Right now we set cap numbers based on previous year sales. Sorensen – And that is a bad thing? Miller – It can be. Sorensen – Don't see nonresident demand outstripping resident permits? Miller – No, private land and access are limiting factors. Brandon Houck, Allen – Are you still planning on having the muzzleloader season occur in October? Is that still a consideration? Miller – Yes it is, we would open the youth season earlier and bump up the muzzleloader season. Houck – In 2008? Miller – Yes. Commissioner Meyer – Miller and Fox have put a lot of work into this and it will not do what everybody wants, but they have tried to accommodate as many people as possible. I hope everybody involved will understand that we are not going to make everybody happy, but to get it by the legislature we need to work together.

5. Fall Turkey Season – Jim Pitman, wildlife research biologist, presented this report to the Commission (Exhibit F). I am providing a discussion topic for fall turkey season, KAR 115-25-5 but before I do that I wanted to give a little background. The first modern fall turkey season was in 1979 for archery only and lasted only 16 days. Because of expanding turkey populations we have come a long way. We have four fall turkey hunting units in which three are open for fall turkey hunting. Fall turkey season runs from October 1 through the end of January in three separate segments. As of right now we have 103 days making Kansas' fall season the third longest behind Texas and Montana. In the 2005/2006 season, we sold 16,010 permits and game tags and for the tenth consecutive year this was a record number from the previous year. There were an estimated 10,119 active hunters who harvested more than 5,700 birds of which 67 percent are males. Last January at the Commission meeting in Kansas City we brought up the discussion of eliminating the segments of fall turkey season to run concurrent with regular firearms deer and the late antlerless season. The topic was tabled with the suggestion that we bring it up again this fall. When I put the materials together for the briefing book I put down some of the positive and negative ramifications associated with such a change. Positives would include: providing an additional 19 days of fall turkey hunting opportunity; and simplifying fall turkey regulations by eliminating segments. Potential negatives would be: it might compromise safety of turkey hunters because they would be fully camouflaged and in the woods at the same time as firearm deer hunters; fall turkey hunters might have to wear hunter orange which has been shown to substantially decrease turkey hunter success; might increase the temptation for firearms deer hunters to illegally shoot a turkey with a rifle; and could also increase hunter interference during firearm deer seasons due to a greater number of hunters in the woods. At this time we are just bringing this up for discussion and are not providing any type of recommendation. Commissioner Meyer – I opposed this to begin with, but since then have gathered information talking to people in my area. When I go turkey hunting I wouldn't go into deer areas down on creeks and rivers. In driving around I see a lot of Walk In Hunting Areas that are stated for turkey hunting only and also see a lot of turkey up away from deer areas. So I think these 19 days would be a little bit limited for the turkey hunters for the areas they want to go

into. There is a lot of areas in my area, near Herington, that you find turkeys where there are no deer so I think you are expanding the opportunity for turkey hunters so I am in favor of this at this point. Commissioner Lauber – I've heard a lot more opposition than positive. I am not sure I am ideologically opposed, but this came up at a previous meeting and there was pretty limited support from National Wild Turkey Federation (NWTf) people objecting to it. My only thought is listen to proponents and opponents, bearing in mind that proponents tend to say less than opponents. Brandon Houck, Allen, wildlife biologist NWTf – Appreciate the chance to comment on this for the third year in a row. NWTf is opposed to this idea. As a point of correction, last year the Commission asked for this to be brought back if the potential that some of the deer committee's recommendations would be enacted in 2007 allowing a muzzleloader season in October which could in fact take away days from turkey season and that is obviously not the case after hearing Mike Miller. I respectfully disagree with Commissioner Meyer, conversely wherever you find turkeys you will find deer, not everywhere you find deer will you find turkeys so if you are out hunting turkeys you will be associated with a woodland because they are woodland creatures because they have to roost in the trees in the evening and morning and there will be deer around so there will be potential conflict there. The two positives that Jim pointed out, the 19 days additional hunting time, we already have over 150 days to hunt turkeys in Kansas when you combine spring and fall. More than twice the days than you can hunt any other major species. As far as simplifying turkey regulations I don't think that is a big deal, people know they can hunt most of the fall and all of the winter except during deer season, so I think that is already pretty simple. I think the department and Commission try to follow staff regulations on this and for three years the Department of Wildlife and Parks wild turkey committee has unanimously objected this proposal when it has come to them so that is reflected in the minutes of that committee. I sit on that committee as a liaison to NWTf as a non-voting member. Commissioner Johnston – I would like to thank you for your letter of October 17. I appreciated the information. Steve Swaffar, Kansas Farm Bureau – From our landowner perspective there are many of them experiencing high turkey populations and damage from those populations. They would be appreciative of any sort of regulatory changes that you could make to help control those populations. Perhaps another way to control those populations is to designate areas where there are high turkey populations and allow it in those areas. We are sensitive to the safety issues that may be caused by allowing this but we do have landowners who have expressed displeasure with the amount of turkeys on their land and they are allowing hunting to control them. We submitted a letter last spring with our concerns regarding turkey populations in the state. Commissioner Johnston – Is it possible within our current regulatory framework to get depredation permits for turkey? Pitman – No. There have been at least five scientific studies that have looked specifically at whether turkeys are causing crop depredation and none of those five studies have ever found it to be fact. It is usually that turkey are seen in the fields in daylight hours and they assume the turkeys are causing the depredation when in fact it is other critters at night. Hayden – I appreciate the Commission considering this and I think we should continue to consider it. Our wild turkey population continues to increase and our number of turkey hunters, unlike our number of deer hunters, is continuing to increase. I am a member of NWTf and I respectfully disagree with a couple of the points they raised that I don't believe are pertinent to Kansas, but are in other states. They say they are worried about us allowing rifle hunting for turkey like in the west and have been in fall turkey seasons and we are not going to allow that in Kansas. Also, they think we will require mandatory hunter orange for turkey hunters which is actually in place in some eastern states and some others have tried it and abandoned it. We studied it long and hard and aren't going to mandate hunter orange, we don't

even mandate it for pheasant and quail hunters even though we highly recommend it. It is really a question of the conflict between deer hunters and turkey hunters. Are we going to provide the maximum opportunity, especially if we believe the public safety question is a major factor and there is no indication that these 19 days will lead to injury or death in any way. I think we need to continue to think about providing additional opportunity. It is tough in this society to get people out to fish and hunt and the more opportunity we can provide while maintaining the resource and maintaining public safety, we ought to try and provide that. Steve Sorensen, Kansas Wildlife Federation – We support NWTf comments brought up by Brandon and the negatives outweigh the positives. If we are concerned about turkey populations, depredation and reduction it seems to me those 19 days are not going to provide a benefit if the permit holder has already filled his permit in October or November. If you want to eliminate turkeys, issue more permits or issue more second tags and get those active hunters more opportunity to kill something then maybe they would need more days to hunt. If you only have one permit, or one permit and one game tag in those areas that have high bird populations the 19 days aren't going to make much difference. That would be a better approach. We are concerned with the safety factor and always have been. Pitman – The initial permit and first game tag in Unit 2 make up 87.2 percent of the harvest. Right now the third game tag is only 4 percent of the harvest so increasing game tag numbers is probably only going to have a minimal affect on harvest figures. We are at the point now where we are exceeding demand in most cases. Sorensen – When are the tags filled? Pitman – Prior to the regular firearms season. Commissioner Johnston – I don't like this idea, I don't mind discussing it and reconsidering it, but I don't agree with this idea. Even though we may not realistically be talking about seeing some kind of spike in injuries or fatalities in the overlapping season, as a deer hunter myself I am not sure I want to hunt in an area that is open to the public for rifle hunting. If I am not sure that there is nobody else in there, like turkey hunters, it is going to discourage rifle hunters. I see NWTf as an advocate for turkey hunters and I don't know why we are feeling the need to push the overlapping season if the advocates for turkey hunters don't see the need. Commissioner S. Wilson – The communications I received have all been opposed. I was opposed last year and would still be opposed. Pitman – I would like to know if the Commission feels this is something we should pursue and develop regulations for. Commissioner Lauber – I am on the fence and I don't think it hurts to discuss it some more. Chairman Harrington – The majority is opposed to this and we should drop the consideration at this point. Tymeson – This regulation is still going to come up because we have to realign the turkey boundaries like we did for the spring. Lauber – The more depredation studies we could make available the better because there is a lot of confusion and a lot of people blame turkeys for a lot of stuff. I tend to agree that a lot of the damage is nocturnal when the turkeys are in the trees roosting and I think the more we can provide education the better we will be. Chairman Harrington – I concur with Commissioner Lauber and we might also consider having some statistics relating to deer/turkey hunter potential firearm accidents.

Break

6. Deer Regulations – Lloyd Fox, wildlife research biologist, presented this report to the Commission (Exhibit G). KAR 115-25-9 establishes season dates; equipment types; provisions when seasons may occur on military subunits; dates for urban firearm deer season and extended archery seasons; dates of deer seasons for designated persons, disability and youth permits; dates and units when extended firearms seasons will be authorized; permit application dates and

procedures; reclassification of permits issued as leftover permits; and limitations in obtaining multiple permits. We annually adjust season and application dates based on the calendar and have had consistent season dates for many years. Population indices will be examined and public input will continue to be collected to develop a list of units where extended firearms seasons and antlerless white-tailed deer game tags will be authorized. We will be looking at western units, specifically Units 1 and 2, which have been closed to game tags since 2003. We have a population of deer that is developing on and around Cedar Bluff and reaching some relatively high densities and will be looking at the possibility of issuing game tags for those units and possibly opening use of game tags on a public hunting area. This is still in discussion among staff. Input from staff indicates that consideration should be made to restrict game tags to people who possess an either sex deer permit and we will talk about that a little bit later. The department recommends the following season dates: Early Muzzleloader - September 15, 2007 to September 28, 2007; Youth and Disability - September 29, 2007 to September 30, 2007; Archery - October 1, 2007 to December 31, 2007; Early Firearms (DMU 19) - October 13, 2007 to October 21, 2007; Regular Firearms - November 28, 2007 to December 9, 2007; Extended Whitetail Antlerless Only - January 1, 2008 to January 6, 2008; and the Extended Archery (DMU 19) - January 7, 2008 to January 31, 2008. The recommendation for the deadline for applications is: Nonresident - May 31, 2007 (basically the month of May); Resident Drawing - July 14, 2007 (may be typo and might be July 13 – I will check with Karen Beard on that); and unlimited availability - December 30, 2007. We would continue to have permit availability for white-tailed antlerless permits and game tags through January. That would allow individuals that do not have a permit that allows them to take an antlered deer to come in and purchase a game tag and hunt during the antlerless season. This is an issue that we have run into in a couple of areas and have had legislator's comments on that. We will continue to look at where we will allow the extended seasons and game tags and are seeking additional public input on this. Commissioner Lauber – How much inconvenience would it be to have a “stand alone” game tag for \$75, where you didn't have to have a regular permit or any deer permit and you could get a game tag? This would be targeted for the nonresidents who want to come in and hunt doe only and decided too late for the draw. It would solve some of the issues we had with legislators. If we were to do it might alleviate some of law enforcement's concerns. Would that be easy to administer or make more problems than it was worth? Fox – It might be fairly easy to administer, but we would require a regulation change. Tymeson – Would have to change three regulations to accommodate that. You could set an antlerless only permit which wouldn't require a state law change, but the three regulations would need to be changed. Alan Hynek, Fort Riley – I would ask the Commission and KDWP to consider allowing Fort Riley to select dates later in the year. Currently we have to select those in January and it is hard to pick days that wouldn't conflict. If we could pick those in August, prior to the season, because we can only see the training schedule about four months in advance that would help. This year in particular it looks like the second segment of our season, there is going to be about five days that is going to have very limited areas for rifle hunting. If we adjusted those by a few days we could have probably got most of the areas open but right now as it stands it will be very limited. If we were able to select our days later in the year it would be very helpful to us. Commissioner S. Wilson – Is it possible? Fox – We currently set that regulation in April and will have a draft due in the middle of March. Tymeson – Depending on the complexity of the regulation to set a season date, it usually takes 30 days public notice in the Kansas register and we have to have it in two weeks before that. It also takes about two weeks to get it through the Attorney General's (AGs) office and the Department of Administration. So two months is what it takes to set the regulation, specifically

in regards to Alan's question I think it is possible if you wanted to create another regulation and remove Fort Riley from 25-9 and put it in 25-whatever and vote in August, which would require setting the date sometime in June. That would be the latest you could recommend dates because you couldn't set it in October meeting because that would be too late. Fox – We also need to publish this in our hunting and furharvesting brochure and again we do have some deadlines that would occur and they are pushing us pretty hard by the middle of July to have everything written. Hynek – A few months later would certainly help us. Fox – For this year would you like us to consider bringing out a separate regulation for Fort Riley? Does the Commission want us to consider a separate regulation? We haven't discussed this in staff yet. Commissioner Meyer – The Fort Riley situation is definitely different than the civilian population in other parts of the state and in light of the situation I think any accommodation we could give them to let them enjoy harvesting the deer herd up there. I would definitely be in favor of it. Commissioner Johnston – I agree with Frank that we should explore our ability to accommodate this request. We still have other considerations, the Attorney General's office doesn't have a spokesperson here, and everything has to go through them and we have to be sure we can accommodate the request with the current frameworks. I think it is worth looking at. We need to get feedback from Chris and Amy and other members of the staff to see whether we can do this or not. Chairman Harrington – Is there any Commissioners opposed to us investigating possibly instituting this potential change? *No opposition from Commission.* We would like to see you investigate this. Commissioner Meyer – Have we accommodated the request from Fort Leavenworth that was made about a year ago? Fox – Yes, we took care of that this year by moving them into the urban sub-unit which allows them to have additional days and additional game tags.

7. Recommended Recreational Trails Grants - Jerry Hover, Parks Division Director, presented this report to the Commission (Exhibit H). Parks Division staff is charged with administering the federal funds that come through the Federal Highway Administration in the form of Recreational Trails Fund Act. The program provides 80 percent reimbursable of the total approved projects. Each year we solicit funding requests from the general public and local communities. On October 3 our statewide advisory board met and reviewed all of those projects. This started about 10 years ago and at that time we had trouble getting enough applicants to take all of the money, about \$300,000. Now we have \$1.2 million available and have six times that amount in applications. Thirty percent of the total amount must go to non-motorized trail projects, 30 percent to motorized trail projects, and the remaining 40 percent is comprised of a little bit of administration, a little bit of education, or a combination of motorized and non-motorized trails. We gave you a list of applicants (\$5.8 million in total projects) and a list of those we are recommending. We are asking for a consensus and additional input from Commission and public. Those recommended are: Kiowa \$28,800; Prairie Dog State Park \$43,000; Elk City State Park \$20,000; Tuttle Creek State Park \$70,000; Wilson State Park \$41,800; Pratt County \$37,700; Skyline Public Schools, just outside of Pratt \$50,000; Barton County Community College Camp Aldrich \$93,200; Prairie Spirit Rail Trail \$15,000; Clinton State Park \$6,000 for a backhoe attachment which will also be used on the Corps of Engineers lands; Clinton State Park bicycle trail \$2,000; Johnson County \$100,000 (first time applied); City of Hutchinson \$100,000 (first time applied); Cross Timbers State Park \$4,000; Perry State Park \$40,000; Sand Hills State \$60,675; Kansas Trails Council \$18,377. Those are all non-motorized and combined use non-motorized. We are recommending the Saline County Expo Center Trail for motorized activities for ATVs, 4x4s and off-road dirt bikes, \$700,000. Last year we had the

requirement for motorized trails the same as this year and we did not get any applications, so we had approximately \$350,000 held over until this year, which together with this year's \$350,000 is about \$700,000. Also, there was a little bit left over from fiscal year 2005. The bottom part of the list are educational projects: City of Wichita for educational signing \$10,000; Perry State Park for trail brochures \$10,000; Tuttle Creek State Park \$10,000; and Kansas Trails Council \$35,000. Commissioner S. Wilson – I have a general question on the education grant category. Do you ever receive applications for grants for any kind of educational other than printing brochures? Are there any community activities or anything that might involve more than printing? Hover – We had one application this year that was listed under KDWP trail brochure that was not recommended for funding here, but I do have some funds from unused projects that was left over from projects in the past and I intend to fund that particular one out of those funds. It is an educational program that will be in the schools, in primarily the 4th grade, using parks and trails as part of history and education for environmental education. Commissioner S. Wilson – I think that is great. I think the informational brochures are important to let people know you have trails, but it would be nice to see activities that would encourage people to go out to the trail and get more involved in being on the trail and I didn't know if your guidelines for your grants would encourage people to consider those types of things as well as brochures. Hover – Yes it can. We are limited on staff, but we do what we can and it is available.

4. Quail Research Project and SE Kansas Quail Initiative – Tom Glick, wildlife biologist, presented this report to the Commission (Exhibit I; PP – Exhibit J). Public meetings were held in Iola and at Pittsburg State to identify reasons for and solutions to the bobwhite's decline. The Iola meeting sought input from landowners, hunters, and general public and the Pittsburg State meeting was geared more toward professionals (FSA, NRCS, Extension, NGO's, US F&W, KDWP, MDOC, and PSU). From these meetings we came up with Southeast Kansas Quail Working Group which included members from Kansas Department of Wildlife and Parks; Kansas Farm Bureau; See-Kan RC&D; NRCS; Pittsburg State University; Kansas State University Extension; Quail Unlimited; and private landowners. The First counties selected were Bourbon, Allen, Crawford, and Neosho. Quail Initiative (QI) practices include: establishment of prairie; disturbance of stagnant stands of vegetation; renovation of over-mature hedgerows; conservation headlands; food plots; shrub establishment; livestock management; livestock exclusion; and meadow management. To kick off the program we produced a brochure; held introductory meetings in each QI county; produced placemats for restaurants; produced a video; hosted two quail symposiums; presented talks; made SE Kansas QI hats; and provided signs for cooperators. Establishment of prairie is planting grass and killing fescue and no-till drilling. We had 107 contracts replacing fescue and 59 contracts on non-fescue areas for a total of 219 acres in FY 2006. Renovation of over-mature hedgerows was because they have become overgrown and have a lot of biomass at the top, we cut them down to stumps and after four years the hedgerows have come back. We had 26 contracts covering 160 acres with a total of 28 acres being treated in FY 2006. Disturbance of stagnant vegetation is strip disking of CRP which allows bugging areas; and early burning, which we had 19 contracts on; 17 strip disking contracts. We had 330 food plots totaling 613.6 acres, last year 44 plots on about 100 acres. We had 8,020 feet of plow/perch on two contracts and 66,306 shrubs planted on 39 contracts. In livestock management the biologist selects the grazing rate, season and these are multi-year contracts in consultation with K-State. We had 28 contracts in FY 2005, our most popular program with over 5,000 acres and last fiscal year we had three additional contracts. Livestock exclusion is paying somebody to move their fence row in that allows them to do wildlife

management without regard to cows and allows a lot of opportunities in the inside also. More often the individual also fences out a fence row and these coupled together would make it a quail mecca. We built 13.25 acres of fence, essentially a half acre of cover. In meadow management the biologist also selects the mowing date (July 1 to July 20), pattern (back and forth), mowing height (6 to 8 inches), and a burning schedule. These are multi-year contracts. We had 27 covering 667 acres. Brush management succession is the natural change in the plant community over time, beginning with bare soil and progressing towards a climax community (mature forest). We had 13 contracts on a little over 200 acres with two new contracts of 55 acres in FY 2006. Complementary programs helped us out this year such as the Bobwhite Initiative Conservation Priority Area (CPA); Wildlife Habitat Incentives Program (Federal WHIP); and CP-33; "Bobwhite Buffers." The CPA allows all cropland, farmed four of the six years, between 1996 and 2001 to qualify for the Conservation Reserve Program (CRP) without regard to erosion indices. There were no CRP areas in SE Kansas and on behalf of QI department biologists completed all of the applications and got two additional counties into CRP. The first general sign-up for CRP was this fall with another sign-up coming this spring. WHIP is an NRCS federal cost-share program with a 75 percent cost-share match, making QI's commitment 25 percent. The CP-33 buffers essentially allows placement of 30- to 120-foot wide native grass perimeter strips around any crop field (like a picture frame around the field). There is a \$100 sign up bonus, annual rental and maintenance payments and it is a 90 percent cost-share for the establishment and is potentially the most important USDA program to enhance bobwhite habitat. To promote this we went around and had a bunch of dinner meetings in every county explaining the program and telling them what financial benefits they could have and what kind of yields they would have to have on CP-33 to break even. The meetings were all co-sponsored by the Farm Service Agency (FSA). They provided us a list of every landowner in their county and gave us labels and we sent a written invitation to every landowner, nine counties in all. Other partners include NRCS; Quail Unlimited; Midwestern Hunters Association; Delange Seed; and Kansas Association Conservation Districts. Lance and I came up with a bobwhite buffer bonus bucks and when someone came to these meetings we would give them bonus bucks which would essentially pay for the other 10 percent of the cost so it would cost them nothing to get into the program. We have since put these out in the papers to try and get more sign ups and will put them in the FSA newsletter. We have 270 QI contracts, 16,363 acres and have committed \$423,000. We have actually paid out \$205,000 and the rest of that money is encumbered. We have 37 buffer buck payments -- a little over \$6,000. We have taken spring whistle counts from before we started through every year and we have two demonstration areas in southwestern Bourbon County and one in Allen County. We have spots that we stop and listen for five minutes to see how many whistling cocks there are and we do that twice on each site each year and put that data together and the demonstration areas are climbing steeper than the control area. In essence what we are talking about is the future. Commissioner S. Wilson – I was the one who asked for this presentation a while back and I want to thank you for providing the presentation and I hope we can keep it up for a while longer.

8. Kansas Paddlefish Project – Tom Mosher, fisheries research biologist, presented this report to the Commission (Exhibit K; PP – Exhibit L). Kansas has a fairly unique fishery in this part of the state that a lot of other states don't have. I would like to talk about where we stand with our population and paddlefish research in the country. There are only two types of paddlefish: Chinese paddlefish and North American paddlefish. Chinese paddlefish only inhabit

the Yangtze River and are slightly different from our paddlefish. It is a predator fish and has a cone-shaped rostrum rather than the flat rostrum. These are bigger and can grow as long as seven feet and weigh as much as 700 pounds, but those reports are unconfirmed. This species is very rare because of habitat degradation and development of many dams. They are more endangered in China than the giant panda. The North American paddlefish has enjoyed resurgence in the last several years and research indicates it is doing quite well in some areas. The original distribution of this fish was in all of the major river systems in the Mississippi drainage and Mobile Bay in Alabama and along the coast in Texas. This fish can sustain itself in minor salt areas and can travel along the inter-coastal waterways of Texas. We have found some fish tagged in the interior of Texas in the Mississippi River and we didn't realize they would do that. They feed primarily on zooplankton and will occasionally eat small fish. They spawn in water temperature between 50 to 55 degrees in rapidly flowing water over clean gravel; usually late March to June; males mature at 4-9 years, 15-20 pounds, and females mature at 6-12 years, 29-39 pounds. In Kansas we have two major populations: Chetopa Dam on the Neosho River (thanks to Grand Lake in Oklahoma where it spawns naturally); and Osawatomie Dam on the Marais des Cygnes River (after development of Truman Dam that population waned because that dam and reservoir flooded many of spawning areas. Missouri stocks them). The population at Chetopa Dam varies quite a bit because of stream flow. The biggest catch was in 1999, when we had about 2,010 fish harvested. All of the fish had to be tagged and the biologists were running out of tags because usually we use 400-500 tags in a good year. The slow years, like 2001 when we only had 38 fish is because it was extremely dry. The fishery at Osawatomie Dam is not as good as Chetopa but they also had their biggest year in 1999, about 457 fish caught and it has been slow since then. There were no fish tagged in 2001 and 2005. There was a change in the regulation in 2001 at Osawatomie because Missouri asked us to put a 34-inch length limit on the fish to help conserve the fishery. We measure the fish from the front of eye to fork of the tail rather than the overall length. In 2006 we added the 34-inch length limit to Chetopa as well. The department has sponsored paddlefish stocking efforts at John Redmond and Tuttle Creek reservoirs with limited success. We tried stocking paddlefish on Arkansas River, in cooperation with Oklahoma, to develop a population at Kaw Reservoir that would come up to Tunnel Dam in Winfield and provide a fishery there. We did open that for a few years but got very little return and it was closed last year because we couldn't find someone to tag fish there. Doug will provide a proposal later on what we would like to do with paddlefish. Several years ago we entered into a cooperative study with the Mississippi Interstate Cooperative Resources Association (MICRA) to study fish throughout the drainage. Primarily in response to an individual in North Dakota who wanted the paddlefish listed as endangered. In 1994, we started tagging paddlefish with micro-coded wire which are very small and are placed in the nose and are binary coded so you can look in microscope to figure out the number on them. We provided signs to let anglers know we were conducting this survey and the tags could be returned to us. We asked anglers to cut the rostrums off and send them to us because there was no way the angler could find the tags themselves. The rostrums were turned into a tagging center in Illinois and now in Columbia, Missouri and are removed in a sterile situation and picked up with magnets. The tags are read with a microscope with a jig on it to hold the tags. The codes are indicative of the state where they were stocked and the number of the fish. Most of the tag returns have come from the Gavins Point area on the Missouri River at the junction of Nebraska and South Dakota, just west of Yankton. The tags are received from anglers and biologists. Of 180 tags done in Kansas, 149 were recovered at Gavins Point; 12 from the Milford Dam spillway; 8 from the Kansas River; 8 from the Missouri River in Iowa; 2 from the Indian Hills area on the Smokey Hill River in

Salina; and one was found in the Mississippi River in southeastern Missouri. In addition one fish came from South Dakota to live at Milford Reservoir. Tagged in September of 1991, found in 2000, a trip of at least 590 miles. The fish would have had to come through at least two dams on the Missouri River, Fort Randall and Gavins Point and cross two weirs, the Johnson County Weir and the Bowersock Dam at Lawrence. This fish probably came across Bowersock Dam in one of the flood years, 1993, 1996 or 1998. The biggest threats are dams and changing of river patterns and resulting channelization within rivers that prevent the habitat they need. The second threat is the development of exotic species that feed on the zooplankton that paddlefish require. Additional threats are pollution; overharvest; and poaching for the caviar trade. Since the closure of the Caspian Sea sturgeon populations for caviar because of CITES treaties, there are people who are actively seeking paddlefish roe and are cutting paddlefish open just to take the eggs out. The eggs can bring anywhere from \$55 to \$120 a pound and a mature paddlefish can have well over a million eggs. The unfortunate thing is they cut them open to take the eggs out and return the fish to the wild with a big gapping hole in their side. Also, people who don't know what they are doing will even rip open male fish because they can't distinguish between the two. The current state record paddlefish was caught at Atchison City Lake. It was disallowed as a world record because the angler was helped by his brother, who ran out into the water and helped roll the fish into the shoreline. It was caught on 8- or 10-pound test and we feel it was put in lake by an angler who caught it from the Missouri River or something like that. Commissioner Johnston – What are current plans for stocking operations in Kansas? Mosher – At the present time we are not going to stock Tuttle Creek anymore, but at present we have stocked John Redmond for three years and are going to investigate what has happened to that population and possibly continue stocking that. Commissioner Johnston – What about the Arkansas River? Mosher – That population has been very slow in responding and we think it is doing a little better in Kaw Reservoir and we haven't been talking to Oklahoma too much about it recently. We may talk to them again to see how they are doing there. Populations seem to do better in Oklahoma Reservoirs because they are bigger and have more flow in them. I don't know what we have for gravel bars on the Ark River that can help us with the production there. Commissioner Lauber – Do paddlefish go upstream to look for ideal locations to spawn or seek out where it was born? Mosher – They typically seem to go upstream when flow is appropriate and that was why we were so surprised when so many went downstream in the Blue River and left Tuttle Creek rather than going upstream.

9. Marais des Cygnes – Waterfowl Area and National Refuge – Karl Karrow, wildlife area manager and Ryan Frohling, national refuge manager, presented this report to the Commission. Karl Karrow – (Exhibit M; PP – Exhibit N) Marais des Cygnes Wildlife Area (MDCWA) is the second oldest public wildlife area in the state, after Cheyenne Bottoms. Initial purchases were made in the 1950s and purchases have continued to the present. We purchased a small parcel this year and a pretty good sized parcel a year ago. In contrast to a lot of our other wildlife areas, the property is held in fee title by the department, not Corps of Engineers or Bureau of Reclamation. It includes more than 7,600 acres located in east-central Kansas, 45 miles south of the Kansas City metro area and its primary mission is to manage wetlands and bottomland forest. Management objectives are: wetland; waterfowl; bottomland hardwood protection and restoration (2,500 acres); and recreation opportunities (mainly waterfowl hunters). Our partners are: the Marais des Cygnes National Wildlife Refuge (NWR) which shares about a three-mile boundary (established in 1992); private duck clubs (45 in the valley totaling about 7,000 acres of

land with hunters who harvest about 3,000 ducks a year). Many duck clubs and state wildlife areas are dry this year. The other partner is the Missouri Department of Conservation with four significant conservation areas which are waterfowl oriented. If you drew a 30-mile radius, all of those areas would be within that radius. From the regional perspective the combined partners are pretty important. Projects include a million dollar project done in four phases (about 10 years ago) which reduced our water demand, increased shallow-water habitat and allowed a 50 percent increase in annual waterfowl harvest. Another project is the renovation of Unit B, which is the refuge pool and I can find documentation back to 1987 that identifies this as a critically needed improvement. It is a \$500,000 project but because of partners and grants the actual out-of-pocket cost to the department is about \$40,000. The project subdivides this refuge pool to provide an additional 200 acres of shallow habitat and provides a water supply from pumped water from the Marais des Cygnes unit. We removed stumps, improved the spillway and the project is about 98 percent complete. Projects that are just getting started are access on the Marias des Cygnes River, a \$100,000 concrete boat ramp at Boicourt which is in the middle of the wildlife area. The project has been let but construction has not started. The Marais des Cygnes is a tremendous catfish river, big blues, big flatheads and smaller, but abundant channel catfish. The ramp will be the first improved access into the river and provide 16 miles of public river access and an additional 7 on NWR and there is currently a proposed boat ramp on the NWR that will allow float-through use. Highway 69 bisects the wildlife area (the wetland units on the south) and the Kansas Department of Transportation (KDOT) is upgrading the highway to a four-lane limited-access highway. The department has been working with KDOT for almost 10 years now trying to minimize the negative impacts and maximize the opportunities for good things to happen. We are involved in nine different cooperative projects with KDOT and four of those projects are nearly complete (mostly administrative). One of the remaining projects is providing fill material for the highway, which will require 1 million cubic yards of fill, a \$43 million project. We had hoped to provide a lot of this borrow off of the wildlife area to enhance wetlands but it is going to be much more modest than we hoped. We are in the process of signing a contract for the first 60,000 cubic yards which will yield an excavated 14-acre wetland. Currently we are considering that to be a youth hunting area. There will be more opportunities as the project progresses. Also, we are replacing aging water structures from the late 1950s and early 1960s and a number of these will be replaced with the highway project -- in the neighborhood of \$100,000 of benefit at KDOT's expense. Access improvements (before construction of the four-lane, hunters could stop along the highway anywhere and access the area) now KDOT will fund two parking lots, two boat ramps and an access lane to mitigate for the loss of access (\$60,000 grant). Walk-in access will be reduced but small duck boat access will improve. The next project is a rest area at the junction of US Hwy 69 and K52 which borders both the refuge and us and will have indoor and outdoor interpretive displays for both areas. The area will have a marsh display, including boardwalks to go down into the areas. This site is designed to accommodate a visitor center later. The conceptual design was done at KDOT's expense. It has a lobby with two wings. The lobby would be a place to greet visitors; one wing would hold administrative offices for USFWS and the department; and the other wing would include an auditorium, display areas and classrooms. Through the lobby would be a deck area with a trail up to a scenic overlook of the Marais des Cygnes valley. This is not funded at this time, but neither agency is in a situation to make a commitment to keep the visitor center running. The last project is the mitigation wetlands where KDOT did all of the mitigation in one location, north of Louisburg to the Oklahoma border and pulled it into one single location and purchased a 97-acre site that has been deeded to KDWP in trade for 40 acres on the south end that is being taken for right-of-way. This is the first time

where KDOT went in and did condemnation to get a suitable site for wetland mitigation. All of the work is done at KDOT expense. The wetlands will be 6 acres of unconsolidated bottom; 22 acres of emergent wetlands, one acre of scrub shrub and 46 acres of forested wetland. There will be 1,400 container trees (8-10 feet tall) planted on this area. The excavated wetlands yielded about 30,000 acres of material and we let them put that dirt on our land in a long linear design with a 10-foot top and 10-to-1 side slopes encompassing about a 35-acre area. This is a win/win situation and has created some tremendous opportunities. Commissioner S. Wilson – I know that KDOT is spending a lot of money on this area but their success with mitigation wetlands has not always been great. Is someone responsible for monitoring the wetland after the construction is finished to make sure it is functioning the way we hope it will? Karrow – The Corps and EPA have contracts with KDOT that they have to achieve certain parameters, for example, a certain amount of survival on the trees, before they will be released from their obligations. Also, the fact that it is being deeded over to Wildlife and Parks is a long-term assurance of how those wetlands will be cared for in perpetuity. In previous wetland mitigations those are quite often turned over to private landowners at the end of the project and may or may not have good stewardship from that point on. As dry as this fall has been, we had a little rain about four weeks ago and the unconsolidated portion of that wetland ponded up some water and there were frogs and shorebirds on it immediately. Commissioner S. Wilson – I was through there last week and I was looking at the staging area they are using along 69. Is that their property or ours and who is responsible for cleaning that mess up? Karrow – Most of the staging area is on private land just south of the wildlife area and my impression is they are anxious to work with us on this. This has been a tremendous working together effort and both should be better off at the end of project. Commissioner S. Wilson – I think it sounds like it could set a new precedent for the way they work with partners, and I am really glad to see that and it sounds like they are saving money too which is a good thing. Karrow – I won't say that there hasn't ever been a fist pounded on the table but by in large it has been very cooperative.

Ryan Frohling – (Exhibit O; PP – Exhibit P) Marais des Cygnes National Wildlife Refuge (Refuge). I grew up in northeastern South Dakota so I am a prairie guy at heart, then Montana (plains areas) and have been here 2 ½ years and this is the first place I have been where you don't cut down every tree you see. The NWR was established in 1992 for the protection of bottomland hardwood forest in Linn County, a little different mission statement than the state wildlife area. We own, in fee title, about 2,300 acres which are forested and we have approval to buy up to 9,500 acres within that boundary. There are about 2,000 acres of private inholdings in the refuge. We are adjacent to the Marais des Cygnes Wildlife Area and together we protect about 15,000 acres of habitat along the Marais des Cygnes River. We do have a lot of resource issues and public hunting in common. Our USFWS region consists of mostly prairie states and this is a pretty unique area for us and Kansas. These areas are dominated by red oak species like pin oak, shumard, some pecans, some hickory and some burr and white oaks down in the bottom. Most of our non-mature stands are dominated by hackberry, ash and those types of trees. In addition to the bottomland hardwood forest, we have upland hardwood forest which are more fire tolerant species such as most of the white oak family and tend to be found on the rockier sites. The management of the refuge consists of about 200 acres of wetlands and these are a combination of restored wetlands. The majority of the refuge was purchased from P&M Coal Company, a subsidiary of Shell and very little of it was actually mined. We do have some strip pits but we have "W" ditches and most of the wetland is floodplain area of the Marais des Cygnes River. We went in 3-5 years ago and put plugs in those ditches which has resulted in

about 200 acres of fairly shallow water which is in one of the closed areas of the refuge and gives the waterfowl a resting place where they can forage away from the hunting pressure. We do have about 1,000 acres of cropland which has decreased significantly since the beginning of the refuge partly because of an administrative standpoint. The majority of it is corn, beans, winter wheat and a little bit of milo. We use fire as a very important tool -- the system is adapted to fire and we burn both our upland and our forested areas. Our goal is to open the understory up to give oaks and those species that are being out-competed by hackberry and ash time to grow and give them a chance to germinate. We do collect our seed and last year we sent burr oak, white oak, swamp white and walnuts to Forest Keeling in Missouri and they will grow those for us for two years and then we can buy them back at a significantly reduced rate. Another special part of the refuge is 130 acres of true tall grass native prairie and we are trying to buffer those areas with more grass plantings. Some of our challenges with native prairie is cedar invasion. Only one corner of the refuge touches Highway 69 and we divested about 3 acres and KDOT bought 20 acres of upland and bottomland forest that lied between the refuge boundary and the state area boundary. We are trying to remove some of the cedars off there and give that grass a chance to take off. A huge concern for us is sericea lespedeza and hedge removal. We are getting rid of trees, but not the shrub because we understand their importance to quail and other grassland birds. Our biggest public use is hunting, with limited deer and spring turkey hunting, squirrel, rabbit, quail and waterfowl; fishing, we have good bass populations; and wildlife observation is allowed. Another cooperative project is the state line boat ramp which will improve river access. The easternmost stretch of the river in the refuge is non-motorized and we have worked with Karl to put a boat ramp in there and we have agreed that the initial ramp will be non-motorized, but for emergency situations we can put a motorized boat on the river by law enforcement or us or if regulations change. KDWP will construct it and we will agree on the design and USFWS will maintain it. Another big project is the Missouri expansion. About four or five years ago we began looking at expanding the refuge into Missouri and we are proceeding with this. Some of the land in the original proposal was owned by the P&M Coal Company on the Missouri side and was just dropped for some reason. Bruce Freske, the previous refuge manager, began this project before he left and did about 90 percent of the work. We are trying to get approval to acquire land from willing landowners on that side. It is about 10,000 acres and the EA is done, so our NEPA part is done and we are briefing the Regional Director and then it must be approved by the USFWS Director. We have no money to buy the land but are just getting approval at this point. Listed species on the refuge is Meads milkweed found on three sites. Secretary Hayden – What month do you do woodland burning? Frohling – It varies, but it depends on where it is at and what our goals are. We did a big one in March 2005 and then another one on the other side of the river in November 2006. If we wait until spring it is a cooler fire, the leaves will pack down well and you don't do as much damage to trees that are marginal. If we do it in the fall it is a hotter fire and we can do a better job of getting rid of some of that canopy and gets rid of some under story brushy stuff that inhibits some of the germination. So, sometime between after the leaves fall, but before green up, or whenever we get an opportunity.

C. Workshop Session

1. Big Game Permanent Regulations – Lloyd Fox, wildlife research biologist, presented this report to the Commission (Exhibit Q). These are permanent regulations that we bring forward every year dealing with big game and I will be consolidating all of them together except 115-4-4 and 115-4-4a will be discussed separately. The Deer Task Force is currently reviewing all

aspects of the deer management program and will not be completed in 2007 so no current proposals are being made on these regulations at this time: KAR 115-4-2, big game; general provisions; KAR 115-4-6, deer; firearm management units; KAR 115-4-6a, deer; archery management units; KAR 115-4-11, big game and wild turkey permit applications; and KAR 115-4-13 deer permits; descriptions and restrictions.

The department asked us to take a look at KAR 115-4-4, big game: legal equipment and taking methods and this is one of the regulations that come up more than any other regulation that I deal with. Recently we have had a piece of equipment come forward -- lighted arrow nocks, which are currently not legal under our system. They are a piece of equipment that aids the bowhunter in identifying the path of the arrow after it is shot, but they do not aid the bowhunter in the actual shooting and staff is not opposing any change in this regulation if the Commission and the public desire to have it go forward. There are two sentences out of line in the briefing book. KAR 115-4-4 is big game, but 4-4a is wild turkey legal equipment and taking methods.

Commissioner Lauber – I hate to open the door to battery operated attachments for archery and then subsequently firearms. These are not fiber optics like we have allowed on muzzleloaders, but have a battery that is activated when pulled tight. They are quite interesting when you are trying to film a production of deer hunting because you can see the arrow fly and they don't give any undue advantage to the archer. I hate to start allowing mechanical lighted devices to be legal because the next time there will be a lighted arrow nock that shoots a beam down the arrow shaft. It is just a slight modification to what we already have and will make it more difficult to prevent what may become an unfair advantage.

Steve Sorensen asked for an update on the civil rights complaint of discrimination filed by North American Muzzleloader Hunting Association to the Department of Interior and the 15 states that don't allow scopes on muzzleloaders during muzzleloader-only season. Chairman Harrington – I'm sorry Steve, I fail to see how this is relevant to the arrow nocks. Sorensen – It is equipment for the seasons. Tymeson – Toby Bridges has filed a complaint with the Department of Interior on those 15 states, Kansas being one, and the Department of Interior has asked for responses from the 15 states by November 11, 2006 and that is where it sits.

Chairman Harrington – We know how Gerald stands on the situation, are there any other Commissioners opposed to the lighted arrow nocks? Fox – Do you wish to have us come forward with this later on? We would need one more meeting to enact this regulation, March or April and we need indication of whether to go forward or drop all of these. Chairman Harrington – Do the Commissioners have any objections to anything that was recommended? There is one opposed to the nock and the rest of us are in favor of the regulations as recommended. Fox – We will bring forward an example of 4-4 and 4-4a at a future meeting.

2. KAR 115-18-10. Add white perch and edit bighead carp in prohibited species list – Doug Nygren, Fisheries Section chief, presented this report to the Commission (Exhibit R). We have a prohibited species list in KAR 115-18-10 and have brought before you a proposal to make a couple of changes to that regulation. One would be to add white perch to the prohibited species list in an effort to prevent their spread across the state. On the back page you will see a housekeeping item, the taxonomists have changed the scientific name of bighead carp and we would like to change the regulation to reflect the correct scientific name.

Commissioner Johnston – On the white perch proposal, I am curious as to how it would read because it appears to be, in the introduction of the subject, to be on the list means possession is illegal, but later on it says they can be used as dead bait? Nygren – Possession of a live animal is

illegal. Commissioner Johnston – So if there was any interest in allowing white perch to be used on water at Cheney and possessed while on the water only, how could that be done while keeping them on prohibitive species list? Nygren – I don't think it could be. That is the reason they are not on the list now. When we came to you several years ago on the white perch problem, the concern was people wanted to be allowed to use them for bait. We have a law that says you can't stock unauthorized releases into the wild so there is already a law in place that prevents a person from taking white perch from Point A and releasing them at Point B. The problem is we can't arrest the angler for it until they have already done it. You have to catch them in the act, so this way it takes all doubt out. If the law enforcement officer comes across somebody and they have live white perch in their bait bucket or livewell then they would be in violation of the prohibited species act. They could dispatch those fish, take them home and eat them, put them on ice or use dead bait or cut bait at Wilson or Cheney. We really don't know how else we could do that. There is a concern out there from anglers who want to use those for bait where they exist, but there is also a concern if someone has them in their possession there is the inadvertent chance somebody could transport them somewhere else or decide that they work good for bait and take them somewhere else. We do already have a population in Kingman State Fishing Lake as a result of that. They also have white perch in a small pond adjacent to the Ninescah River in Kingman, in the city park, that more than likely came from the river backing up, but the Kingman population has not made it above the low-water dam in the City of Kingman and we have been monitoring their movement. Commissioner Lauber – Based on a discussion from a previous Commission meeting I am inclined to ask, how dead is dead? Nygren – We could require some kind of lethal wound be addressed because obviously if you just stuck them in an ice chest they could survive for some time. Commissioner Lauber – Are you just talking about knocking them in the head? Nygren – Right, or a stab wound of some type. If you catch a lake trout at Yellowstone you are required to euthanize that critter right on the spot and that is similar to what you would have to do here if you wanted to use them for bait or take them home and eat them. Chairman Harrington – That is the only problem I see, ma and pa going fishing and throwing the white perch in there to keep them alive until they take them home and clean them. Nygren – There certainly would need to be an educational effort, posting things at the lakes, at the boat ramps, etc. Keith has a Task Force working on doing a better job of informing people when they are launching boats. Things like rules and regulations and encouraging them to use life jackets and to put information about invasive species on some kiosks right at the boat ramps in the next year or two. This would certainly be an education effort on lakes that are already infested. Is this something you want us to move ahead with or look for an alternative method? Chairman Harrington – Any opposition to having them added to the prohibited species list? *No opposition from Commission.* Nygren – We will come back for a hearing. Mike Pearce – When will the public hearing be? Nygren – At the next Commission meeting. It is going to put us in a little bit of a bind in getting this into the next fishing regulations summary because it really needed to be up for hearing today. We will have to work with Bob Mathews shop to see how we can get the word out or put this in the regulations assuming that everything will be in place.

VII. RECESS AT 5:25 p.m.

VIII. RECONVENE AT 7:04 p.m.

IX. RE-INTRODUCTION OF COMMISSIONERS AND GUESTS

Chairman Harrington – I would like to recognize Representative Otto. Also, Mike and Ronda Good, parents of Haley Hildebrand, who are responsible for the creation of the animal safety laws.

X. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

Hugh Clare, Wichita – Looking into the regulations I found that lighted arrow nocks are illegal in this state and I haven't found where that goes against fair chase and I was hoping the Commission would consider changing that. Tymeson – That was on the agenda this afternoon and the Commission moved forward for changes for 2007 to approve lighted arrow nocks. Clare – I am glad I drove out here.

Michael Pearce, Wichita Eagle – There was a lot of debate on nonresident archery antelope permits and I was wondering if anybody could give me an idea of how many of those were sold this year? Keith Sexson – So far, five.

D. Public Hearing

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

1. KAR 115-2-2. Motor vehicle permit fees – Jerry Hover, Parks Division Director, presented this report to the Commission (Exhibit T). Due to passage of provisos in the budget package, motor vehicle permit fees for admission to the parks will be half price in 2007. There are two pages and the first page is the original regulation as we marked it up for approval and each of those was cut directly in half. As we looked into it there is also a law that cuts senior citizens, which are Kansas residents' age 65 or older or disabled, in half. So when you cut down to a quarter we ended up dealing with pennies for change and we didn't want to do that and are proposing the possible amendment on the next page. What that does is lower the current fee to an even cut. What we are proposing, starting January 1, 2007, which actually goes into effect December 16, 2006 when the permits go on sale. For January 1, 2007 through March 31, 2007: a one day motor vehicle permit of \$2.20; an annual motor vehicle permit \$17.20; and an additional annual motor vehicle permit \$9.70. For April 1 through September 30 the fees go up a little bit: a one-day temporary motor vehicle permit \$2.70; an annual motor vehicle permit \$22.20; and an additional annual motor vehicle permit \$12.20. On October 1 it would drop down to the same as it was January through March.

Commissioner Meyer moved to bring KAR 115-2-2 before the Commission. Commissioner S. Wilson seconded.

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

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

**Commissioner Johnston
Commissioner Lauber**

**Yes
Yes**

Commissioner Meyer	Yes
Commissioner Sebelius	Yes
Commissioner R. Wilson	Yes
Commissioner S. Wilson	Yes
Commissioner Harrington	Yes

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

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

Commissioner Johnston	Yes
Commissioner Lauber	Yes
Commissioner Meyer	Yes
Commissioner Sebelius	Yes
Commissioner R. Wilson	Yes
Commissioner S. Wilson	Yes
Commissioner Harrington	Yes

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

2. KAR 115-2-3a. Cabin camping permit fees – Jerry Hover, Parks Division Director, presented this report to the Commission (Exhibit V; Amendment – Exhibit W). We have underlined what we are adding to this regulation and there are no fees reduced. The fees are consistent with the area and the market. They vary in price based on the time of year, the amenities offered. The new ones we are adding are ones that we plan on adding in 2007 and 2008. The possible amendment is the addition of one more cabin at Clark State Fishing Lake. Commissioner S. Wilson – Mr. Chairman, do we have copies of the amendment? Sheila Kemmis – I will get you copies from the back table. Hover – I will go through the amendment while we are waiting for those. Sunday through Thursday, April 1 through September 30 is \$65 per night; Sunday through Thursday, October 1 through March 31 is \$55 per night; Friday and Saturday, April 1 through September 30 is \$85 per night; Friday and Saturday, October 1 through March 31, is \$75 per night; April 1 through September 30 is \$450 per week; and October 1 through March 31 is \$375 per week. Chairman Harrington – Basically the same as it is for the other cabins? Tymeson – It is exactly the same at Woodson, the other State Fishing Lake that is being added to this regulation.

**Commissioner S. Wilson moved to bring KAR 115-2-3a before the Commission.
Commissioner Johnston seconded.**

**Commissioner S. Wilson moved to amend KAR 115-2-3a before the Commission.
Commissioner Meyer seconded.**

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

Commissioner Johnston	Yes
Commissioner Lauber	Yes
Commissioner Meyer	Yes
Commissioner Sebelius	Yes

Commissioner R. Wilson	Yes
Commissioner S. Wilson	Yes
Commissioner Harrington	Yes

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

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

Commissioner Johnston	Yes
Commissioner Lauber	Yes
Commissioner Meyer	Yes
Commissioner Sebelius	Yes
Commissioner R. Wilson	Yes
Commissioner S. Wilson	Yes
Commissioner Harrington	Yes

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

3. KAR 115-16-5. Wildlife control permit; operational requirements Kevin Jones, Law Enforcement Division Director, presented this report to the Commission (Exhibit Y). The provision that is being addressed in this regulation is the addition of wording to allow a wildlife control permittee to hire temporary help to assist in a wildlife control operation. These individuals would not need to be permitted if they were working under the constant and direct supervision of that permittee. The rest of the regulation remains unchanged. The focus of this allows a permittee to acquire required help when a large number of animals is being dealt with, such as moving geese and things like that.

**Commissioner S. Wilson moved to bring KAR 115-16-5 before the Commission.
Commissioner Johnston seconded.**

The roll call vote to approve KAR 115-16-5 as recommended was as follows (Exhibit Z):

Commissioner Johnston	Yes
Commissioner Lauber	Yes
Commissioner Meyer	Yes
Commissioner Sebelius	Yes
Commissioner R. Wilson	Yes
Commissioner S. Wilson	Yes
Commissioner Harrington	Yes

The motion to approve KAR 115-16-5 passed 7-0.

4. KAR 115-25-6. Turkey; spring season, bag limit, permits, and game tags Jim Pitman, wildlife research biologist, presented this report to the Commission (Exhibit AA). Because of increases in population the department is recommending an early archery-only season beginning April 1 and running through the second Tuesday in April, the day prior to the opening of the regular spring firearms turkey season. We are also recommending a change in unit boundaries to

provide additional opportunity in portions of central and north central Kansas. The new unit boundaries, in affect, is an extension of Unit 3 northward, which would allow for hunters in the added area to buy a permit over-the-counter, plus a second turkey game tag. Some of the areas that would be included are areas that are currently in Unit 4 which are required to draw for a permit and some areas in Unit 1 where only one gobbler is currently allowed.

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

The roll call vote to approve KAR 115-25-6 as recommended was as follows (Exhibit BB):

Commissioner Johnston	Yes
Commissioner Lauber	Yes
Commissioner Meyer	Yes
Commissioner Sebelius	Yes
Commissioner R. Wilson	Yes
Commissioner S. Wilson	Yes
Commissioner Harrington	Yes

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

5. KAR 115-20-5. Dangerous regulated animals; primary caging requirements - Kevin Jones, Law Enforcement Division Director, presented this report to the Commission (Exhibit CC). This is a new regulation brought about by the passage of Senate Bill 578 (Exhibit DD) setting forth the primary caging requirements for people who want to possess a dangerous regulated animal in Kansas. This regulation deals with the possession of large cats, bears and non-native venomous snakes. This regulation was developed in consultation with members of American Zoological and Aquarium Association and the Zoological Association of America. Commissioner S. Wilson – In the briefing of the bill there is a requirement that local animal authorities provide a report to the department by April 1? Jones – That is correct. Commissioner S. Wilson - I would like to see a summary of that report. I am still concerned about how well this is going to be enforced at the local level. I would like to know what they are reporting to you, if you feel what we have in place is adequate and get a chance to see what they are doing. I guess August might be the first opportunity? Jones – Possibly the April or June meeting. We can do this. Commissioner Meyer – Does Item C on Page 5 refer to all cages of all large animals? Jones – No, that item deals specifically with bears. Commissioner Meyer – Couldn't that also apply for the ones on Page 3? Jones – No, the members of the group I was consulting with did not feel a barred structure as described in that section should be applied towards large cats, only to bears. Commissioner Meyer – I had sent you a copy of an amendment on welder qualifications (Exhibit FF). Did you have any comments on that? Jones – The concern we had with that is that the Attorney General's office often times has raised some questions about reference to another entity authorizing or controlling the ability of the regulation. By what was provided to us we are referencing standards of approval that are outside our purview to be qualified under. It is not to say that we couldn't come back and amend this regulation if it was so desired by the Commission. Because of the turn-around time we didn't have time to consult with the Attorney General to see if that could be accomplished. Commissioner Meyer – So we could amend it later? Jones – Certainly it could be brought back at a later time if those certification standards

could be approved by the Attorney General’s office. Commissioner Meyer – I really feel there should be some qualifications and certifications for somebody who does that. Chairman Harrington – You might tell people what you recommended so they know what you are talking about. Commissioner Meyer – My recommendation is that at some suitable point in KAR 115-20-5, we should add “All welding operators shall be certified as meeting the qualification requirements of ANSI/AWS D1.1 – (the current or any superseded Code) Structural Welding Code – Steel” which would require anybody doing welding on these dangerous animal cages be certified to the welding operation they are doing so we have some assurance that they are qualified. It is similar to the electrical codes, plumbing codes or any building codes that most communities have. It is just a certification of the qualifications of the operator.

**Commissioner S. Wilson moved to bring KAR 115-20-5 before the Commission.
Commissioner Johnston seconded.**

The roll call vote to approve KAR 115-20-5 as recommended was as follows (Exhibit EE):

Commissioner Johnston	Yes
Commissioner Lauber	Yes
Commissioner Meyer	Yes
Commissioner Sebelius	Yes
Commissioner R. Wilson	Yes
Commissioner S. Wilson	Yes
Commissioner Harrington	Yes

The motion to approve KAR 115-20-5 passed 7-0.

6. KAR 115-20-6. Dangerous regulated animals; registered designated handler - Kevin Jones, Law Enforcement Division Director, presented this report to the Commission (Exhibit GG). This regulation, under the statute, defines the individual who is assisting the owner in the care and maintenance of those animals. This regulation sets forth age requirements and limits of 200 hours of training and experience in care, feeding and handling and submitting that documentation to the local animal authority in order to receive a permit and be allowed to work as a registered designated handler for these facilities. Commissioner S. Wilson – The people applying to be the registered designated handler, they are applying through the department? Jones – They would be applying through the local animal authority. Tymeson – This is not the owner, just somebody who is going to handle on behalf of the owner. Commissioner S. Wilson – I understand.

**Commissioner Meyer moved to bring KAR 115-20-6 before the Commission.
Commissioner Johnston seconded.**

The roll call vote to approve KAR 115-20-6 as recommended was as follows (Exhibit EE):

Commissioner Johnston	Yes
Commissioner Lauber	Yes
Commissioner Meyer	Yes

Commissioner Sebelius	Yes
Commissioner R. Wilson	Yes
Commissioner S. Wilson	Yes
Commissioner Harrington	Yes

The motion to approve KAR 115-20-6 passed 7-0.

7. KAR 115-7-8. Bass fishing tournament – Doug Nygren, Fisheries Section Chief, presented this report to the Commission (Exhibit HH). Tonight’s hearing is a combination of a couple of years of work by department staff taking a hard look at fishing regulations and making proposals. Some of the regulations overlap so we are going to take these in an order that makes sense so we don’t have to backtrack. The first proposal has to do with the concern that some of our tournament anglers have about the length limits being too high and as a result have impacted the ability to hold tournaments on many Kansas waters. Also, you are familiar with the bass pass idea where if a tournament becomes registered with the department that the tournament participants can have two short bass in their creel, up until the weigh-in time and continue to fish once they reach their daily limit. Which currently is not allowed, once you reach your limit you are done fishing for the day. The original agenda had these in a slightly different order so I hope you have the revised agenda. As you recall this has the weigh-in requirements that the anglers would have to live up to. Tournaments would not be allowed to hold short fish in the heat of the summer and a variety of things that are designed to reduce mortality to make this as minimal of impact on the fish population as possible.

Commissioner Lauber moved to bring KAR 115-7-8 before the Commission. Commissioner S. Wilson seconded.

The roll call vote to approve KAR 115-7-8 as recommended was as follows (Exhibit II):

Commissioner Johnston	Yes
Commissioner Lauber	Yes
Commissioner Meyer	Yes
Commissioner Sebelius	Yes
Commissioner R. Wilson	Yes
Commissioner S. Wilson	Yes
Commissioner Harrington	Yes

The motion to approve KAR 115-7-8 passed 7-0.

8. KAR 115-18-20. Tournament bass pass; requirements, restrictions, and permit duration – Doug Nygren, Fisheries Section Chief, presented this report to the Commission (Exhibit JJ). Since that passed, this regulation deals with the tournament bass pass that anglers would have to have in their possession to have the ability to keep two short fish and to cull with a full creel limit. The proposal will be dealt with in the fee structure later if this passes and will be a \$10 permit that is good for a calendar year and can be used on any registered events during that entire calendar year. Commissioner Johnston – I ~~would tend~~ **intend** to vote against this for reasons I have explained before but don’t intend to reiterate at this time. Commissioner Lauber – The one thing of greatest concern to me is whether the agency or any staff felt it was going to have any

negative impact on bass populations? I can't see where it does and have heard lots of comments on both sides.

**Commissioner Lauber moved to bring KAR 115-18-20 before the Commission.
Commissioner Meyer seconded.**

The roll call vote to approve KAR 115-18-20 as recommended was as follows (Exhibit II):

Commissioner Johnston	No
Commissioner Lauber	Yes
Commissioner Meyer	Yes
Commissioner Sebelius	Yes
Commissioner R. Wilson	Yes
Commissioner S. Wilson	No
Commissioner Harrington	Yes

The motion to approve KAR 115-18-20 passed 5-2.

9. KAR 115-18-12. Trout permit; requirements, restrictions, and permit duration – Doug Nygren, Fisheries Section Chief, presented this report to the Commission (Exhibit KK). This is a proposal to designate two types of trout waters: Type 1 would require anglers fishing during the trout season to have a trout permit in their possession whether they were fishing for trout or for some other species (primarily trout waters that have no other winter fishing opportunities); Type 2 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 will discuss the permit later on when we get to the designated trout waters that are in a different regulation. This is just some clean up language to the existing regulation that establishes the trout permit. Chairman Harrington – This is just pretty much verbiage? Nygren – Correct. Jinz Zaleski, Parsons - Does this affect trout pit 30? Nygren – Yes it would. If you are fishing there during trout season, which is year-round, you would have to have the trout permit in your possession to fish there at all.

**Commissioner Johnston moved to bring KAR 115-18-12 before the Commission.
Commissioner S. Wilson seconded.**

The roll call vote to approve KAR 115-18-12 as recommended was as follows (Exhibit LL):

Commissioner Johnston	Yes
Commissioner Lauber	Yes
Commissioner Meyer	Yes
Commissioner Sebelius	Yes
Commissioner R. Wilson	Yes
Commissioner S. Wilson	Yes
Commissioner Harrington	Yes

The motion to approve KAR 115-18-12 passed 7-0.

10. KAR 115-18-18. Hand fishing permit; requirements, restrictions, and permit duration – Doug Nygren, Fisheries Section Chief, presented this report to the Commission (Exhibit MM). This would set up a handfishing opportunity for flathead catfish in the Kansas River and the Arkansas River from the Broadway Bridge down stream to the state line. This would require a \$25 permit which will be dealt with in another regulation. This is a one-year pilot project and we would survey those who buy the permit to find out how many fish they harvested so we can assess the long-term impact on our fish populations across the state before expanding it.

Commissioner R. Wilson – After we gather information and find out how it impacted the fish, is there a possibility that down the road we could expand this to another river? Nygren – Yes, that is the whole intent. That is the way that Missouri has approached it. They started off with three streams and I think they are going to expand to another six this summer for a total of nine. We were contemplating including the Missouri River on here but right now Missouri doesn't allow handfishing on that part of the river we share and we are trying to keep our regulation on that stretch of water the same to eliminate problems for law enforcement. We picked the two because they are navigable streams, have free access to the public and there wouldn't be any concerns about trespass on private property. If you open it up to non-navigable streams you open up another problem. Commissioner Johnston – I know this isn't covered by 18-18 but I am not sure where it is covered so I thought I would ask. What is going to be the limit on catching flatheads this way? Nygren – It would be the same as anybody else, five a day, no length limit.

Commissioner Johnston – Is there going to be a possession limit as well? Nygren – Yes, three times the daily creel. If you were to do it differently then it becomes a law enforcement problem. That may be one of the changes that come out of this if we decide to expand it elsewhere. Mike Pearce – Did you give a season when this is going to open? Nygren – Yes, June 15 to August 31. Pearce – It is flatheads only? Nygren – Yes, we didn't want to include blue catfish because we have been petitioned by ichthyologists and the major universities to consider putting blue catfish on the SINC list because they are concerned about the declining numbers on the rivers. We've got stocking programs that have been successful in some of our reservoirs, but in our river system they are pretty hard to come by. We can't stop someone from reaching into a hole and coming out with a blue catfish, but they would have to release it. Commissioner Sebelius – Isn't this usually done in groups, maybe a couple of guys just for safety? What if the second guy helping doesn't have a license or a permit? Nygren – I would have to defer to law enforcement. Jones – He is in the act of taking the fish, so yes he would need a license.

**Commissioner Johnston moved to bring KAR 115-18-18 before the Commission.
Commissioner Meyer seconded.**

The roll call vote to approve KAR 115-18-18 as recommended was as follows (Exhibit NN):

Commissioner Johnston	Yes
Commissioner Lauber	Yes
Commissioner Meyer	Yes
Commissioner Sebelius	Yes
Commissioner R. Wilson	Yes
Commissioner S. Wilson	Yes
Commissioner Harrington	Yes

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

11. KAR 115-18-19. Paddlefish permit; requirements, restrictions, and permit duration – Doug Nygren, Fisheries Section Chief, presented this report to the Commission (Exhibit OO). This permit would be purchased and they would get six carcass tags and by doing this we would eliminate the need to have the check stations. The people would put the carcass tag on the fish immediately after taking it into their possession just like we do with deer and other big game animals currently. This would be a pilot project where we could survey the folks that a purchased a paddlefish permit at the end of the first year and poll them to see how many fish they harvested. Also, this puts an upper limit on how many paddlefish an individual can take in any one calendar year, which would be six.

**Commissioner Johnston moved to bring KAR 115-18-19 before the Commission.
Commissioner S. Wilson seconded.**

The roll call vote to approve KAR 115-18-19 as recommended was as follows (Exhibit PP):

Commissioner Johnston	Yes
Commissioner Lauber	Yes
Commissioner Meyer	Yes
Commissioner Sebelius	Yes
Commissioner R. Wilson	Yes
Commissioner S. Wilson	Yes
Commissioner Harrington	Yes

The motion to approve KAR 115-18-19 passed 7-0.

12. KAR 115-25-14. Fishing; creel limit, size limit, possession limit, and open season – Doug Nygren, Fisheries Section Chief, presented this report to the Commission (Exhibit QQ). This regulation has quite a few changes in it as a result of all of the different things we have been considering here tonight. This has, in paragraph two, implications on setting the handfishing season from June 15 to August 31. In 115-18-12 this sets the trout seasons and designated trout waters in paragraph (3) (b). This requires a trout permit to fish on the first list of waters, starting with Cedar Bluff and going down to item (c) which would be the waters that you have to have the permit only if you wanted to fish for and harvest trout, which is Great Bend; Hutchinson; Kanopolis; Moon Lake located at Fort Riley; Salina Lakewood Lake; Scott State Fishing Lake; Scott State Park on down to the Solomon River below Webster Reservoir (which we are not stocking currently but if we get some rain back out there can start again at some point). We are going to go over to page 4 and talk about the change in the total creel limit per calendar year would be limited under this regulation to six, which is three daily creel limits. It talks about a new technique which we were talking about doing away with, the Secretary's Orders on length and creel limits and switching over to a system where length and creel limits would be adopted by a reference document (which is in your briefing book – Exhibit RR; and is titled "Kansas Special Size Limits, Creel Limits, and Bait Restriction Tables). Basically what we have done is rolled all of the Secretary's Orders and rolled them into this reference document for the length and creel limit options and also we had some special Secretary's Orders dealing with the Pratt

backwaters and Centennial Pond; length and creel limits for Coffey County Lake. Also, in the past we have set the paddlefish snagging locations just by posted notice and this would actually put those locations by regulation by becoming a part of this reference document. Commissioner S. Wilson – Is the document we have part of this regulation or a separate part? Tymeson – You don't vote on that, you vote on the regulation which is adopting the document that has been presented by the department. It is the same thing as essentially the Secretary's Orders. Nygren – I have one other thing. This afternoon Alan from Fort Riley asked me if we could add Cameron Springs Lake into designated trout waters as a Type 1. It is one they stocked trout in since 1965 but because of construction we haven't been doing it since we took over their trout program. They want to try and open that back up for trout fishing again and this would have to be voted on as an amendment to this regulation as it currently sits. Tymeson – Joe Kramer said that Woodson State Fishing Lake, in the adoption document should be two catfish instead of five. Commissioner Johnston – Are you proposing to make these changes orally? Tymeson – Yes. Unknown comment from audience (can not hear on tape). David Miller, Yates Center – I would like to discuss the creel limit on Woodson County State Lake. It has been drawn down 14-15 feet for reconstruction of the overflow and it receives a tremendous amount of fishing pressure and I have several names of business people and fisherman in Woodson County and the creel limit should remain the same at two instead of five. Nygren – The five in the document was a mistake that should not have been presented here. It was intended to have been presented as two which is what it has been for the past few years. Lee Gumfory, Iola – We represent a bunch of southeast Kansas fisherman who are really unhappy with so many lakes being two fish, 15-inch length limits. Around Iola there is only one lake, within 30 miles, that you can catch five fish and that would be Wilson and you still have to measure. I will have my daughter present for me. Debra Clark – I will present this on his behalf. They are concerned about the two fish limit and measuring for 15 inches is too critical now days. They are wanting to have it changed and are proposing five fish and no measuring. Within a 30-mile radius of Iola there is only one lake that they can catch five and they still have to be measured. They are concerned about the fish that die and the mortality rate of throwing them back. So many of them are just floating off and they feel if they could keep them you would be saving a lot more. Gumfory – We feel that is a lot more drastic than people think. We see a lot of channel cat that don't quite measure 15 inches throwed back belly up. I think more than anybody realizes. Clark – They think it would be easier for game wardens because they wouldn't have to worry about measuring the lengths. It is difficult to measure them 15 inches out there. We feel that Region 5 has been hit unfairly with far too many two-fish, 15-inch limits. We also find there is quite a few five fish, no measure, lakes across the state. We propose a five fish, no measure limit would help within this area. We are deeply concerned that there is no consideration for the elderly and handicapped. It is hard to measure any channel catfish, with the elderly and handicapped it is impossible. Gumfory – You have to realize we get old and most of our fishing population in our area are old. There are certain lakes we can go to and a lot of lakes we don't go to because we can't get access to them. We are not asking for access or handicap ramps or none of that, but we do think maybe we ought to get a break on some of this measuring stuff. It is pretty hard to measure a channel cat when you get up in years. Clark – “Any individual with a disability may request accommodation in order to participate in a public hearing and may request that proposed regulations and economic impact statements in a an assessable format.” Gumfory – That is the first sentence in the third paragraph of your notice of this meeting. We read that and the old and the handicapped are totally forgotten. Clark - All of the facts above can be confirmed by the Kansas Fishing Regulation Summary. Due to the price of gasoline people are less likely to

fish as much and we also feel this will help with the younger population not fishing nowadays. We have over 450 names on a petition. Gumfory - 484 now. Clark – They feel you should increase the limit and do away with the measurement. The high cost of keeping boats, campers and fishing tackle can not be justified by a two fish limit policy. We agree with the limits of Region 3, once more we feel the mortality rate of minimum length fish is terrible. Gumfory – It ended up being that we are requesting 50 percent of what the 10 limit used to be. All of our lakes used to be 10 and we are just asking for 50 percent of what it used to be. We hate to see these guys throwing the fish back dead. I know they save the turtles and all of that but those turtles will make it. You throw back a 14 ¾ inch fish that possibly very well may die and a lot of them do die and that don't benefit nobody. I feel we got the short end of the stick on this and we sure would appreciate if you would do some studying on this. But don't take too long because some of us old timers won't be around if you take too long on this thing. We've got good backing, approximately 484 signatures and we have fished these lakes for years. I fished on these lakes for 65 years when you could catch 10. There was always fish in these lakes. Some lakes I can get to, I take two props with me, but the rocky lakes is the stuff I can go to. What really irritates me is when they put this little lake two blocks away that all old people fish. I have even seen people in wheelchairs fishing it and you slap this two fish, 15-inch limit on it, right here in Chanute City Park. We think we can do better than this and would sure appreciate your consideration on this. Clark - Also, on the petition the survey that was sent out from Pratt, we recognize that it said 15 percent of licensed fishermen were sent a survey. But also if it reads like we understood it to read, it was sent out only to licensed fishermen in the year 2006 and then senior citizens like him that don't have to buy a license, they wouldn't have been sent a survey out to have their opinion. Also the ones that buy a lifetime license they probably weren't included in on it unless they bought in the year of 2006. My husband got one and it stated licensed fisherman of 2006 and he is not required to get a license anymore (Gumfory). Gumfory – This fishing generation is absolutely getting old. In fact it makes me sick because I see so few young people fishing. Surely we can help this out. You go fishing to catch fish that is why they call it fishing. If I forget my ruler I might as well go back home. I can forget my pole, but I better not forget my ruler. I'm conservative and I hate to see fish throwed back dead, that don't benefit nobody, no way and I sure hope you give some consideration on this. We are only asking for 50 percent of what used to be the 10 limit everywhere. We can't go to one lake and fish two and another lake and fish two because you don't want to end up with four fish. See what I mean? We've got boys that are driving past three lakes, driving 20 miles further to go down to Buffalo, what you call Wilson, so they can have a chance to catch five fish. They will drive right past three lakes, two in Yates Center and Woodson County. Doug reminded us of all the lakes we have around, we've got a lot of lakes and we are blessed with good lakes, we've got Redmond and we've got Melvern, but a few weeks ago we were paying \$3.09 a gallon for gas. Not so bad for Iola we are 40 miles away, but if you are down in Savonburg, Elsmore, Stark, you are 60 and 80 miles away. It gets rather expensive. Chairman Harrington – It is obvious that you have made a real effort to communicate this to us and I'm sure I speak on behalf of all of the Commissioners who really appreciate you imparting this information on us and we will certainly take it under advisement. Thank you very much. Gumfory – We appreciate it and like I say, the handicap, it is kind of ironic if you take a look at that sentence in your notes where you are going to treat that handicap guy just because he goes to the meeting but you are going to put the whammy on him when he goes fishing because we don't care a bit about him. I wish you would really consider that.

Kyle Kinzle – I am 18 years old and this man has caught more fish than I have ever dreamed of catching. He has probably caught more fish than anybody else in this building combined. He is like a channel cat and my dad even told me he looks like a channel cat. He's got a point. I fish every day, I work full time during the summer and I catch fish all of the time. Even with a little bitty channel catfish no bigger than your hand he swallows it on a good day. You could either pull the hook out of his mouth when he swallowed it, pull the guts into his mouth and kill him or he could bite the hook and the hook might rust out, it might not. So he's got a good point about that. The second point is that you don't see but one or two young kids here. With the gas prices and everything like that parents my parents feel there ain't no need in going fishing, it costs too much. It takes affect. In my case it has cut into time with me and my dad and I go even though I am wasting my time, he says, but it don't bother me none. That is one of the problems around, prices and parents feel they ain't got the money or don't have the high paying jobs that everybody wants, me in particular. I think it cuts into time and that is why younger people aren't here. I only know five young people in Iola that fish all the time. I think he has a point that should be taken into consideration.

Art Macanovy (spelling unknown, did not sign roster) - I would like to back up his comments. I travel all over southeast Kansas and every where I went to get petitions signed, half of them I didn't get because I didn't have my book with me or it was in the other car. Everybody I talked to in southeast Kansas had that same idea we had.

Richard Brooks (did not sign roster) – I hold fishing licenses in Kansas, Oklahoma and Missouri and a permit for Yates Center Lake. I have fished Grand Lake a lot, and it has hurt Grand Lake the declining population of channel. They have a fish the game wardens call blue catfish, but it looks like the Mississippi whites, it has a hump in the back and they have went to town the last 10 years. I have fished Grand Lake 28 years and maybe this is something you ought to look at. If the channel catfish population is really going down maybe we ought to talk to Oklahoma people about this fish that is taking hold of Grand Lake. It is very aggressive and very good eating. The meat might even be a little better. When we went down there and first started catching them we swore they were Mississippi whites but the game wardens say there are none in Grand Lake, they are not the blue cats we used to know that look like the yellow cats with blue skin. They have a fin on the top and they call them blue cats. It is unbelievable, you can go down there on a weekend and catch 200 or 300. I fished down there for 20 years and all of the guys that I fished with either died or got so old they couldn't fish so I started fishing with another guy. When we first got down there we always caught channels, but then we started catching Mississippi whites.

Chairman Harrington – We will have our biologists look into that. Nygren – I can shed some light on that. We just released 152,000 blue catfish in several reservoirs just last week that were raised at Farlington Hatchery. We have raised blue catfish for some time, on and off. We have established an outstanding population up at Milford Reservoir, through stocking up there for 8 years. Part of the problem we have is coming up with the culture techniques to be successful. This year was the best success ever, we had a 65 percent return and produced 152,000 and that is a news release that Bob Mathews is going to be putting out next week talking about our blue catfish stocking program.

Ruben Culp – On the fishing creel limit size. On your paper it says 115-25-14, on page 3, starting Sedgwick County Park waters. And they have four lakes there that they have catfish, channel catfish and blue catfish, 10 limit no size. Why should they have that and we only have two catfish that we have to have the 15-inch limit. Nygren – You are referring to Sedgwick County, you are reading the tail end of the previous section that is Type 2 trout waters. You are looking at section (d) and that refers to section (c) which is for trout. Culp – Why should they

have different catfish though, I am not interested in the trout, I am interested in the catfish? Nygren – They don't. They have two a day on channel catfish. Culp – It says here 10? Nygren – No, you are looking at the wrong place. You are looking at the trout designation. Culp – I am looking at the creel limit and it says channel catfish or blue catfish, 10. Nygren – That is the statewide length limits that apply unless we do something special through this reference document to change it. If you go back into the special size limits and creel limits and look under channel catfish, two per day, I believe you will find Sedgwick County waters listed there. It is either two or five a day, I can't remember which. It is five a day there. Culp – Why should they be allowed five and we are only allowed two? Nygren – There is about an even split. Culp – There is so many different lakes and we are only allowed two in all of them but one. Nygren – If you would like I can shed some light on that. I went through the Secretary's Orders as they sit right now and in Region 5 there are 15 small impoundments that we stock (not big reservoirs, they are all 10 a day) that are 15-inch, 5-a-day; there are 26 lakes that have 15-inch, 2-a-day; and 9 lakes that have no length limit and 5-a-day. There is a bit of a mix there but geographically Allen County is the only county in eastern Kansas where there is no public lakes at all. So folks in Allen County are going to have to drive unless they fish in the river. Gumfory – These are fairly large size lakes you are talking about, not little puddle holes. Nygren – I am not referring to everything that is stocked with channel catfish annually through our put-grow and take program. Commissioner Lauber – My feeling is I wish we had enough fish and opportunity to where we could liberalize the limits, but I don't think these limits were set just arbitrarily. We do a certain amount of studies and look at fishing pressure. Regulations like this are meant to make a fair distribution of the harvest and if we had extremely liberal limits you could, under certain circumstances, have a very negative impact on the fishery. I'm sorry but I think these are made with good faith recommendations and I don't know exactly what we can do. I suppose we can continue to throw in more fish to be taken back out quicker. Nygren – I can explain to you what the scenario is with the three different length and creel limit combinations that are used on the small impoundments. It is the 15-inch and 5-a-day; the 15-inch, 2-a-day; and the no length limit, 5-a-day. I've got a little chart (Exhibit TT) and at the bottom of the page, the bottom line is, if you have 15 and 2, even with a creel of 2-a-day only one out of ten anglers is going to catch their limit of two. Of those fish over about 11 percent of them will be over 24 inches long, a six pound catfish, one out of 10. The average size of a fish harvested on a lake with that regulation is 17 inches and 1 ³/₄ pounds. The average angler is going to catch less than 1-a-day, so a lot of anglers are going to be going home with nothing and only one out of ten going home with their limit of two. The next step up in regulations, towards more liberalized, the 15-inch, 5-a-day, again there is less than one fish harvested per angler per day and still the average length is 17 inches which is largely due to the 15-inch length limit. About 7.2 percent of the fish will be over 22 inches, a six pound, but only about 5.6 percent of the anglers will catch their creel of five under that scenario. If you drop down to what Mr. Gumfory is asking for, which is no length limit and 5-a-day, then anglers could expect again to only harvest one fish a day on the average, the fish would be much smaller only 13 inches, weighing about .6 pounds and only one out of a hundred would be over 24 inches. Only about 2.3 percent of the anglers who fish on a lake with no length limit and 5-a-day will have a limit of five. The question here is perception. If you have a 5-a-day creel limit there will be a few people that make that goal, but buy in large, under any of these scenarios, 90 percent of the people are going to go home without a limit of fish. That is just the facts and is based on six years of creel surveys on channel catfish populations in Kansas lakes. These are people fishing specifically for catfish. You can have it that way, we can manage it that

way, we have some lakes that are managed that way, and some lakes that are managed 10-a-day, no length limit on small impoundments, but the bottom line is the intent of the 15-inch length limit, 2-a-day is that it provides a fish that is three times the size that you would have under the no length limit, 5-a-day. If people are willing to harvest an average fish that is about .6 pounds and very few fish over 24 inches and have 97 percent of them go home at the end of the day with less than five that is what you will end up with. It depends on what the fishermen want. We did a survey, which you will see on the last page. Using the KOALS system we went down to licensing and got a list of all of the Allen and Neosho county anglers and did a quick survey to see what the anglers said they wanted. One thing that we have known for years is that not all anglers are created equally -- they have different goals and expectations. It is almost an even split for licensed anglers in this two county area that say our creel limits are appropriate -- 52 percent; 47 percent said they were too restrictive and only 1/2 percent who said we weren't strict enough. If you go down the page we had another question we asked back in 1995 in a licensed angler survey on what people would prefer: to have a chance to catch big fish, but fewer fish; or to have more, but smaller fish; or had no preference at all. Our respondents said, in this area, that 32 percent would prefer a management scheme where they could catch more big fish but fewer fish; 42 percent said they would prefer us to manage for more fish, but smaller; and 26 percent didn't care either way. It is a big split and we are never going to be able to satisfy everybody at an individual body of water. You can take a look around and decide if you want to split the management schemes up and geographically distribute the more restrictive creel and length limits because this area in southeast Kansas does have more 15 and 2 than some other areas of the state. The bottom line is that it is your call and we are turning this over to you for the first time (Commissioners). You will be voting on length and creel limits. It is not going to be done by Secretary's Orders this year. I guess we are here to provide you with the information and I hope that this sheet is helpful to you in analyzing the impacts. I don't know that everybody understands that if you go to no length limit and 5-a-day that the quality of their catfish, the average size, is going to be one-third of what it would be with the more restrictive limits and I don't think they realize how few people are going to catch a full creel of five, only 2.3 percent will get their limit. Gumfory -- Comments from audience (couldn't hear). Chairman Harrington -- Sir, would you and Doug discuss this after the meeting. We appreciate your comments. Ruben Culp -- On what he was saying, me and my brother both went to three different lakes, three different days and between us we caught eight catfish and they were anywhere from an inch to 1/2 inch too small so we had to turn them lose. If they would just lower the size of it that would help because you go fishing for a day and you don't catch anything worth taking home. Jim Baker - Who passed the three pole limit, this Commission here? Commissioner Johnston -- Yes. Baker -- Why did you pass a three pole limit if you can only catch two fish? Which one of you is going to pay that game warden back there when I got three poles and by a stroke of luck I caught three fish and you can only have two? Nygren -- It is not a violation until you possess them. Baker -- I would say somebody is violating something here because that don't make no sense to me. Nygren - You can catch and release as many as you want to as long as you don't go over your daily creel limit. Baker -- If you got them in your possession it was my understanding that you couldn't just turn one back because it was smaller. Nygren -- You can't cull, but if you have three on your line at one time you can catch and release them if you immediately release them. Baker -- Then what did I pay that \$5 for then? It don't make sense to me. Nygren -- It just increases your odds of catching some keepers. Bakers -- It just increases the odds of getting that game warden after me. Ninety percent of the time you go fishing you are not going to catch two fish. If you drive a long ways it makes a lot of difference. Maybe up here everybody has a lot of

money that it don't matter, but I don't. I bought that third pole permit because I was supposed to be able to use three poles and I am not supposed to catch three fish.

Leland Humphrey (did not sign roster) – I am like everybody else I am getting pretty old, but I have been fishing since I was 12 and I don't know where you guys come up with this. In the last three or four years, I fish for recreation, but also I fish to catch something to eat, but you talk about the bigger fish and I must be awfully poor because I don't ever catch the bigger fish. Very seldom in my lifetime, and I fish a lot and consider myself probably about as good of channel cat fisherman as there is in the state of Kansas. In my whole life I have caught one 22-pound channel catfish, about 15 that weighed 10 pounds and the rest was in the range of nothing to 2 pounds. You just talked about everybody wanting bigger fish and everybody catching bigger fish. Most people that go fishing don't catch nothing and very seldom do you catch in the range of 10 pounds or seven pounds. I go fishing a lot but I like to take home a mess of fish. There is just me and my wife in my family and if I catch two 15-inch fish, cut off two inches off the tail and two inches of his head that leaves me somewhere around 11 inches. When filet them out I have four 11-inch filets and I can eat that many so my wife has to go hungry. If you fish for something to eat then two fish is ridiculous. If you fish for recreation like I do then it is all right. The other day I went fishing over to Buffalo (Wilson SFL) and I caught seven fish, I threw six of them back and didn't even take the one home because it was only 15 inches and it wouldn't have fed nobody. Out of that five or six I threw back I bet I killed all of them. I don't know if you guys channel catfish or not but when your are fishing on liver, 95 percent of them swallow it so you yank your hook out or cut your hook out and I don't generally give my fish many hooks because they cost me money and the fish don't cost me nothing. So there I have killed a whole bunch of fish and didn't even keep it because you have to realize that when you spend the money to go fishing and you don't even bring home enough for both of you to eat it is pretty discouraging. Chairman Harrington – Thank you very much. I will say one thing your household is totally different than mine, because if I only brought home enough fish for one of us to eat, I would be the one not eating the fish.

Doug Barlett, Pleasanton (did not sign roster) – I'm passing out a photo of a fish my son caught at our small little lake west of town (Exhibit UU) that has been managed by Wildlife and Parks. I think they are doing a wonderful job. The fish weighed out at 10 pounds and he had to have a little bit of help because after a little while he got tired and said if I didn't come over there he was going to let go of the pole. We got the fish in and he caught another one that evening that was 8 pounds. We had a wonderful time. I appreciate the work that Wildlife and Parks is doing keeping that lake good. There are people out there fishing all of the time. It is a very small lake and I feel if you increase it from the limit of two we are not going to be able to go out and catch fish like that. I encourage you to keep it like it is. You folks know how these lakes need to be managed so we can come out and catch fish when we want to. It is a mile from town and young kids who can't drive get on their bikes and I see them with their fishing poles going out there. It is fun to be able to go out there and catch those fish and I appreciate it. Thank you.

Randy Hegwald – I work for the Yates Center parks department and I am out there quite a bit and one of the biggest things people say out there is that they like the quality of fishing and the two limit is the reason why they have it. You pay biologists, they are the ones that suggest these limits. If you go with fishermen you can fire biologists because you don't need them because they are wasting their time trying to control the populations of fish. We enjoy the quality of fishing in Woodson County and the two limit is the reason we have it, we believe.

Leonard Barnett – I run West Side Bait in Iola and have for 27 years so I get to talk to a few fishermen around the area. I also have run a little bit of a petition and in four days there is about 55 signatures here that would like to see the limits stay low, like they are now. There are a substantial number of people that like a quality fishery. A few other random thoughts here. If you are a farmer and want to raise bigger cows you don't kill them at 800 pounds you put them in a feedlot and grow them a little bit. What the fisheries biologists are doing here is pouring the fish feed to the fish and growing fish. Twenty years ago you didn't hear about 20 pound channel cat. It is not uncommon for me to hear about a dozen fish a week over 20 pounds now. Most of which are coming out of two fish limit lakes. So it is working, there is absolutely no doubt. If you want to catch more fish and you don't want to drive, the river is a mile west of Iola. You don't have to drive very far to be in a 10 fish unit. If you want a 5 fish one, go to Buffalo (Wilson SFL), catch your five fish, they will be small, but you can catch them. If you want to catch big fish you are going to fish Fegan (Woodson SFL) or Yates Center or some restrictive lake. It is a pretty simple program. It comes down to, do you want quality or do you want quantity, because you can't have both. If we go to a five fish limit all of the fish that are weighing 20-25 pounds, it takes 8-10 years to grow them. I have no doubt that we can wipe them out in one season. It won't take long to destroy that fishery it took ten years to build. I think that we have probably the very best put and take channel cat fishery right here in Kansas. Our biologists have done an extremely good job of rearing channel cat. The other thing I would like to mention is there should be a no cull limit. A lot of people put a fish on a stringer and decide later that they want to turn him loose. That fish is probably the one that is going to die. People are worried about deep hooking, maybe they need to consider cutting the line and instead of saving a 10-cent hook, save a fish that is worth several dollars. Another thought might be barbless hooks because you do a lot less damage pulling barbless hooks. As an example of restrictive fisheries at work look at the Red River in Canada. They are growing on 500 miles of river and a six million acre lake and they have a one fish limit and they have a lot of big channel cat. As far as petitions go, I would like to see the people that sign petitions all be licensed fishermen.

Danny Coltrane – I am here representing me, my family and kids and I agree with the two fish limit. I currently fish Buffalo (Wilson) and Fegan (or Woodson as you would call it) and I just had a couple of facts. Your biologists reiterated that your bigger fish come from the two fish limits and I would like to keep the current regulations the way they are. This year alone, not just me but other fishermen have caught over 300 fish out of Fegan (Woodson SFL) and Buffalo (Wilson SFL), over 90 percent out of Fegan (Woodson SFL). I practice catch and release methods and we don't have any problem catching them in the mouth and releasing them. The ones we do keep are the deep hooked ones, when they start bleeding we release them, but I have taken over 15 different people fishing there this year and 12 of them have caught the biggest fish of their life at Fegan (Woodson SFL). Of those, 10 of those fish were 16-25 pounds. We fished one night and caught 25 fish and seven of those were 18-25 pounds and we released every one of those. The current two creel limit is phenomenal. I fish Buffalo (Wilson SFL), my kids don't want to go there because we catch small fish. They want to go to Fegan (Woodson SFL). There is nothing more exciting than watching your 5, 7 and 8 year old kid bring in a 10-20 pound fish and we have done it time after time. Some may say the numbers I am giving you aren't true but I can give you 15 people who say they are there and pictures to back them up. I would like to encourage you to leave them where they are.

Gumfory – I talked to Bait and Tackle in Chanute and he is just exactly opposite as what that guy said. There is no consideration at all for handicapped or elderly persons. Chairman Harrington – If you have an exception with the group I suggest you have a discussion with the group.

Lewis Clark – Before all of the two fish came into effect, how many years did it go 10? A lot of years and a lot of fish were caught. When this went into effect I sit on the banks and watch them guys catch those two fish and they weren't 15 inches they would take them off and throw them behind them. Dead fish all over the place. We want to catch five and they want to catch two that is fine, but the length limit has to go because I catch a fish and it is 1/8 of an inch away from 15 inches. What is the fine, \$100? So I take that fish and have to get rid of it, that is a shame. We would like to catch five, if they want to catch two that is fine. There is some lakes right now that you can catch ten right? Nygren – Reservoirs in the state. Clark – So you've got 10, 5 and 2 so lets make it five all the way through. Chairman Harrington – Thanks for your suggestion.

Unknown audience – If someone wants to buy a permit and catch two let them buy a permit to catch two, if they want to buy a permit to catch five let them pay extra for it.

Humphrey – I am 75 years old and I go fishing more than all of these young guys and would like for them to come up and show me how they catch four or five big fish. Chairman Harrington – I recommend that you have a discussion with them afterwards and also I might tell you how to set the hook faster rather than letting them swallow it.

Gumfory – I just hope you take this into consideration.

Barnett – If you take off the length limit then there are no small fish to grow into big fish anymore. Chairman Harrington – Is there anyone else who has something new to comment on?

John Milburn – This has to do with crossing border restrictions on some of the lakes being low. Does Kansas Wildlife and Parks shock fish and take them out of these lakes when it is really low? Nygren – If there is a situation where a lake is getting low where we think there is going to be a fish kill we do try to go in and salvage fish or remove the length limits and liberalize the creel limits to make sure they don't go to waste. Milburn – Like at Coffey County, does the state go in and shock fish and take them out and stock them somewhere else? Nygren – No, not at all. We operate that lake in conjunction with the nuclear operating corporation there and they are really the ones that have biologists on staff and make the recommendations on what the length and creel limits are. Then we bring that back to the Commission. They are doing their management to be sure the gizzard shad populations are held in check so that don't cause the plant to have clogging of the intakes. So they are very restrictive. Milburn – So the new city lake they don't take out of it either? Nygren – From time to time if the biologist needs to find some adult fish for management purposes we have moved fish from one lake to another. We do not routinely. We sample and release them back where they came from as a way to get a handle on what the fish population is doing. Milburn – How many adult fish would you say you take out of a lake, like the Chanute City Lake? Nygren I don't know that we have ever taken any out of Chanute. Milburn – Where have you taken channel catfish from? Nygren – We have never had to take channel catfish out to move them somewhere else. We have moved largemouth bass around if we have a lake that we have renovated and we need to get some larger bass in there to prevent carp and other things from taking hold. I don't recall ever moving channel catfish for that purpose.

Barnett - One more comment. I think we have biologists that are paid to take care of these lakes and could we hear from them please? Chairman Harrington – We have a lot of lakes and for him to be precise on each location would require a great deal of time. If you have one particular lake. Barnett – I was thinking about Yates Center or some of those right here that are being contested

tonight. Chairman Harrington – Do you have that information Doug? Nygren – I have Leonard Jirak, the District Biologist sitting in the audience and I think that is who he is referring to. Chairman Harrington – Could you ask the district biologist after the meeting what those numbers are please? Barnett – Yes I can do that. Nygren – We need a motion to amend to add Cameron Springs to the Type 1 trout waters and to change Woodson from 5 to 2. It should have been listed as a 2-a-day catfish lake, I don't know how it got in the other one.

**Commissioner Johnston moved to bring KAR 115-25-14 before the Commission.
Commissioner Meyer seconded.**

**Commissioner Johnston moved to amend KAR 115-25-14 before the Commission.
Commissioner Meyer seconded.**

The roll call vote to amend KAR 115-25-14 as recommended was as follows (Exhibit SS):

Commissioner Johnston	Yes
Commissioner Lauber	Yes
Commissioner Meyer	Yes
Commissioner Sebelius	Yes
Commissioner R. Wilson	Yes
Commissioner S. Wilson	Yes
Commissioner Harrington	Yes

The motion to amend KAR 115-25-14 passed 7-0.

The roll call vote on amended KAR 115-25-14 was as follows (Exhibit SS):

Commissioner Johnston	Yes
Commissioner Lauber	Yes
Commissioner Meyer	Yes
Commissioner Sebelius	Yes
Commissioner R. Wilson	Yes
Commissioner S. Wilson	Yes
Commissioner Harrington	Yes

The motion to approve KAR 115-25-14 as amended passed 7-0.

13. KAR 115-7-1. Fishing; legal equipment, methods of taking, and other provisions – Doug Nygren, Fisheries Section Chief, presented this report to the Commission (Exhibit VV). This includes the information on handfishing for flatheads, as far as a legal method of take. It talks about not being able to use hooks or any kind of snorkel gear or other manmade devices. They cannot possess anything other than a stringer while engaging in handfishing. The intent is that they don't go in and hook the fish and drag it out with some of the techniques that are legal in some states. They can only use natural objects to take the fish from. You can't put out an artificial structure to bait the fish into, like a milk can, crate or upside down bathtub. You can't destroy any habitat like moving logs around and disrupting the habitat as it is in the wild. On item (d) we are going to be making a change relating to paddlefish. To be included in the creel

and possession limit during snagging requires them to sign and put a carcass tag on them recording the county, date, and time of harvest and attach that carcass tag to the lower jaw immediately upon taking that fish into possession. Commissioner Johnston – On (5)(A), the clause that says “or other man-made devices while engaged in hand fishing” how would that apply to a headlamp? Nygren – I don’t think we intended that to mean any type of lighting you have to be able to see in the dark. This has to do primarily with limiting them, to some degree, to making it a sporting effort as opposed to be able to get into places they wouldn’t be able to get without scuba gear or taking a grab hook in with them. Commissioner Johnston – I understand your intent, but as this is written, any other man-made device is a pretty broadly written. That could be interpreted to apply to a set of scales you take with you to weigh the fish. Tymeson – You can’t use it to take the fish that is the key point. Not the scales or the boat you go there in, it is the device you use to actually harvest the fish.

**Commissioner S. Wilson moved to bring KAR 115-7-1 before the Commission.
Commissioner Meyer seconded.**

The roll call vote to approve KAR 115-7-1 as recommended was as follows (Exhibit WW):

Commissioner Johnston	Yes
Commissioner Lauber	Yes
Commissioner Meyer	Yes
Commissioner Sebelius	Yes
Commissioner R. Wilson	Yes
Commissioner S. Wilson	Yes
Commissioner Harrington	Yes

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

14. KAR 115-7-4. Fish; processing and possession – Doug Nygren, Fisheries Section Chief, presented this report to the Commission (Exhibit XX). This regulation has to do with cleaning up an existing regulation that prohibits people from processing or filleting fish while they are still on the water. That would make it difficult for law enforcement officers to identify the species and the length that fish was to make sure it was legally taken. What we had in the past was that the regulation simply stated that if there was a length limit on that lake it would require that they couldn’t filet fish on the water. Virtually all lakes now have some length limit on it so we are saying that you just can’t filet fish on the water any more. Pearce – How would that affect the cleaning fish stations if they are out over the water or on the water? Nygren – That is really on a dock and I don’t see a problem with that. I don’t think the officer would see that as on the water actively pursuing additional fish. They have ended their trip and are at the fish cleaning station cleaning their fish. I would defer that to law enforcement or our agency attorney.

**Commissioner Johnston moved to bring KAR 115-7-4 before the Commission.
Commissioner Sebelius seconded.**

The roll call vote to approve KAR 115-7-4 as recommended was as follows (Exhibit YY):

Commissioner Johnston	Yes
Commissioner Lauber	Yes
Commissioner Meyer	Yes
Commissioner Sebelius	Yes
Commissioner R. Wilson	Yes
Commissioner S. Wilson	Yes
Commissioner Harrington	Yes

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

15. KAR 115-2-1. Amount of fees – Tournament Bass Pass and Paddlefish Permit – Doug Nygren, Fisheries Section Chief, presented this report to the Commission (Exhibit ZZ; amendment - Exhibit 3a). This has to do with things you passed earlier and new fees that would be imposed as a result of the actions that have been taken. Primarily it would be the tournament bass pass added at \$10; the paddlefish permit which would be \$10; and the hand fishing permit which is not on here because it was not on this document when it went to the Attorney General so would have to be treated as an amendment, for \$25. Commissioner S. Wilson – I am going to vote for this although I am not in favor of the bass pass at \$10 for an entire year. That is why I voted against the regulation earlier. I am going to go ahead and vote for this, but wanted to get my objection on the record. Chairman Harrington – What would be your preference? Is the \$10 too much or not enough? Commissioner S. Wilson – I don't think it is enough. Chairman Harrington – Do you have a recommendation? Commissioner S. Wilson – No, I don't.

**Commissioner Sebelius moved to bring KAR 115-2-1 before the Commission.
Commissioner Gerald Lauber seconded.**

**Commissioner Kelly Johnston moved to amend KAR 115-2-1 before the Commission.
Commissioner Gerald Lauber seconded.**

The roll call vote to amend KAR 115-2-1 as recommended was as follows (Exhibit 3b):

Commissioner Johnston	Yes
Commissioner Lauber	Yes
Commissioner Meyer	Yes
Commissioner Sebelius	Yes
Commissioner R. Wilson	Yes
Commissioner S. Wilson	Yes
Commissioner Harrington	Yes

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

The roll call vote on amended KAR 115-2-1 was as follows (Exhibit 3b):

Commissioner Johnston	Yes
Commissioner Lauber	Yes
Commissioner Meyer	Yes
Commissioner Sebelius	Yes
Commissioner R. Wilson	Yes

Commissioner S. Wilson
Commissioner Harrington

Yes
Yes

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

XIII. OTHER BUSINESS

A. Future Meeting Locations and Dates

January 11, 2007, Southwestern College, Wroten Hall, Winfield

March 15, 2007, Kansas History Center and Museum, Topeka

April – to be set in January.

XIV. ADJOURNMENT

Commissioner Frank Meyer moved Commissioner S. Wilson seconded to adjourn.

The meeting adjourned at 8:54 p.m.

(Exhibits and/or Transcript available upon request)

Exhibit 3c – “Concerns of fishermen in southeast Kansas of Region 5, concerning channel catfish limits”

Exhibit 3d – Pratt County letter, “Consideration for a National Trails Grant for the Pratt County Veterans Memorial Lake”