

**KANSAS DEPARTMENT OF WILDLIFE AND PARKS  
COMMISSION MEETING MINUTES  
Thursday, August 16, 2007  
Bass Pro Shops  
Olathe, Kansas**

Subject to  
Commission  
Approval

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

The August 16, 2007 meeting of the Kansas Department of Wildlife and Parks Commission was called to order by Chairman Kelly Johnston at 1:30 p.m. at Bass Pro Shop, Olathe. Chairman Johnston and Commissioners Debra Bolton, Gerald Lauber, Frank Meyer, Doug Sebelius, Robert Wilson, and Shari Wilson were present.

**II. INTRODUCTION OF COMMISSIONERS AND GUESTS**

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

Chairman Johnston welcomed Representatives Terrie Huntington and Stan Frownfelter and Senator Marci Francisco.

**III. ADDITIONS AND DELETIONS TO AGENDA ITEMS**

*None*

**IV. APPROVAL OF THE June 21, 2007 MEETING MINUTES**

Commissioner Frank Meyer moved to accept the minutes as printed, second by Commissioner Shari Wilson (Exhibit B).

**V. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS**

Richard Riedel – Just a reminder of the invitation to come to Tonganoxie.

**VI. DEPARTMENT REPORT**

**A. Secretary's Remarks**

1. Budget Status Report – Dick Koerth, Assistant Secretary of Administration, gave this report to the Commission (Exhibit C). We are pleased to announce we finished the year in the black. Department operating expenditures totaled \$46,264,862 of which \$6,582,334 was from the State General Fund (SGF) with the remaining expenditures from fee funds, federal funds, and other funding sources. During FY 2007, KDWP completed the third stage of the Prairie Spirit Rail Trail. In addition, a contract was awarded (\$2,458,000) for the construction of the Kansas Wetlands Education Center at Cheyenne Bottoms Wildlife Area, but the start of this project has

been delayed due to flooding at the Bottoms. The ending balance in the Wildlife Fee Fund (WFF) was \$8,891,197. This amount will be reduced during FY 2008. KDWP has spent more than collected in revenue for FY 2007. If this trend continues, a fee increase may be necessary within the next few years. The last fee increase was effective January 1, 2002. That increase raised the fee for hunting or fishing licenses to \$18. State law allows for a maximum fee of \$25. The Park Fee Fund (PFF) ending balance was \$869,938, an increase of 40 percent to the prior fiscal year. The PFF balance has been increasing and it appears the half-price vehicle fee has generated increased visitation to the state parks. The recent flooding, especially in southeast Kansas will have an impact on future receipts to this fund. It should be noted that most of the eastern parks have had some degree of flood damage. You will be presented a list of flood damages to all department facilities later and that may require the department to request additional funding in FY 2008 for repairs. Cheyenne Bottoms is still under water, as well as Marais des Cygnes and other state parks and wildlife areas. KDWP has been requested to appear at the September 18, 2007 meeting of the Legislative Budget Committee to discuss flood damage. In addition, the December meeting of the Legislative Building Committee will also discuss flood damage to department facilities. We spent \$16 million in the early 1990s on renovation at Cheyenne Bottoms. Staff has also spent a significant amount of time on disaster areas. Secretary Hayden will discuss that with that legislative committee next week. For FY 2009, the KDWP Operations budget is still being developed. KDWP will fund the FY 2009 Capital Improvement (CI) request from existing funding without a fee increase. The ending balance in the WFF will be reduced to approximately \$2 million. The SGF allocation was the same as approved for FY 2008 and will allow for continued operations of the state parks. KDWP is considering a budget submission including additional FTE positions for FY 2009. We received three new positions in 2008. With the expansion of the Jamestown Wildlife Area, the continued expansion of state park services and other needs within the agency, the need for additional positions has become necessary.

Mike Pearce, Wichita Eagle – How much was the renovation on Cheyenne Bottoms? Koerth – About \$16 million. Commissioner Shari Wilson – What about the Cheyenne Bottoms visitor's center? Koerth – The site is not under water, but parking lots may be.

Ron Nicholson – How bad is damage on lakes down there? Is it to the extent it was in 1993?

Koerth – Not as bad as 1993, but that will be discussed later in the agenda. There is significant damage at Elk City.

Chairman Johnston – I would like a Wildlife Fee Fund explanation. How probable is that increase and how much is a few years? Koerth – Depends on programs and license buying. We can't give you an exact year when those will increase. We have a fully funded professional staff with some things funded, but at some point there may be a need for an increase.

## **B. General Discussion**

1. KDWP Flood Damage Assessment – Brad Simpson, Public Lands Section chief, presented this report to the Commission (Exhibit D, E). There is a total of \$718,000 of damage from flooding in June and July and \$687,100 damage from tornados and flooding in May. We are meeting with FEMA now and will have a firm grip later. Most of the minor items, under \$10,000, have been taken care of already. When we start doing dirt work, it is hard to know what the expenses will be until we get into that. Total cost so far is over \$397,700. Cheyenne Bottoms is expected to be over \$500,000. We planted millet to try and salvage the waterfowl season, but we expect \$1.4 million in damage total. Chairman Johnston – What is the estimated time to get this done? Simpson – It is significant. Also these figures do not include our time. Chairman

Johnston – Are we waiting for FEMA funds to do repairs? Simpson – It is on a reimbursement basis, we will have to do the repairs first then get reimbursed.

Jerry Hover, Parks Division Director, presented this report to the Commission (Exhibit F). Last time we met we only had six parks damaged and now have several more affected by the storms. Very few buildings were damaged extensively. One at Elk City will need to be replaced and the office at Crawford will also. We are working with FEMA. Most damages are not covered by FEMA because they are on Corps areas and due to flooding and a clause on the agreements with the Corps, it says they can flood the areas without remuneration. Most damages were done by high winds and rain, prior to the flooding event, but we may end up with very little. The bridge over Pottawatomie Creek on Prairie Spirit Rail Trail (PSRT) will cost \$500,000 to \$1 million to replace. It is 250 feet long and 50 feet in the air. Water levels came up 55 feet according to KDOT. Elk City is still closed, but we may have part of it open by Labor Day weekend. It is still 40 percent water covered and the electrical system there needs to be replaced. We are in the process of reopening areas and we are losing money and people, in addition to the loss of resources. We are trying to get the areas open as soon as possible. Immediate safety needs have been addressed by temporary fixes or barriers. Commissioner Lauber – At Clinton, the \$350,000 for rip-rap where was that needed? Hover – Near the west boat ramp along the shoreline where the parking areas are. The water ate into the asphalt 5-6 feet in some areas, 30 percent of the parking lot was removed and it is a straight drop off. We have barriers up in that area. Chairman Johnston – Elk City State Park is still closed, are any other portions of state parks still closed? Hover – El Dorado Blue Stem area has 200 campsites closed and it is questionable whether they will be open for Labor Day. Also, portions of Cross Timbers and Fall River, although 80 percent of Fall River is now open. Hillsdale water is still high. Pearce – What are the water levels at Elk City, Toronto and Fall River? Hover – Elk City was 22 feet above, now 11 feet; Kanopolis was hit three times this year and over 14 feet above. Kanopolis has taken it hard, but right now is only 6 feet above normal pool and the park will be open there. I don't know the levels at Toronto and Fall River. Commissioner Bolton – In terms of lost revenue, do you have an estimate? Hover – Elk City around \$1,000 a day, but not quite as much at other parks. I would guess it will be in excess of \$1,500 to \$2,000 a day statewide.

Ron Nicholson – In 1993, we lost trees at Webster and Cedar Bluff. Are these lakes going to have all the dead trees also? Hover – At Elk City possibly, not as bad as 1993, but at Webster the water was up for 6 months in 1993 and it is only 3 months now. Other parks will lose some smaller trees, but not the larger ones, we hope.

2. Hunt of a Life-time Deer Permits for Disabled or Life-threatened Youth – Keith Sexson, Assistant Secretary for Operations, presented this report to the Commission. Senate bill 192 authorized the Youth Hunt of a Lifetime deer permits for nonprofit organizations operating in Kansas. We have had some hunts in the state already, and they were making use of transferable landowner permits, but it was becoming more difficult to accommodate those types of hunts. I want to remind the Commissioners of what is in the bill and how we are issuing these permits. There can not be more than 10 permits issued in any calendar year and they are not included in quotas nor do they reduce quotas. These are basically nonresident permits because residents can buy permits over-the-counter. The Hunt of a Lifetime Permits will be issued through application made by qualified organizations. They are required to have nonprofit status similar to requirements for the Commissioner permits. We'll do a random draw if we get more than 10 applications. Recipients will pay price established by highest value (\$322.15), the same as

Commissioner permits. Permits will be issued in name of recipient because transfer would be close to time of the hunt because there are situations where they might not make it to the state. We will not require any organizations to pay up front, but payment would be done at time the permit is issued. These permits are subject to restrictions of season, type, equipment and units, and are good during regular firearms season in unit of choice or any unit in the state. A report of the results of the hunt will be required 30 days after the hunt. This puts us in the position to work with the groups that accommodate these types of hunts.

Pearce – Can maximum of 10 be raised by the Commission or does that have to be raised by legislature? Sexson – That was set by the legislature. Pearce – These kids can't travel in one or two days. Sexson – We are limited, but we will accommodate the recipient as close to season as we can. They can purchase the license (with the transfer voucher) at any one of our offices. Groups didn't want to have to transfer the vouchers too far out. Pearce – If you have to go down to number 11 or 12 because one of the children can't come a couple of days before the hunt, those out-of-state kids will not be able to make it. Sexson – We realize that and are trying to be as accommodating as we can. Buckmasters and Hunt-of-a-Lifetime do these hunts now in Kansas. The guidelines don't set the time when this can be used, but we expect it will be used during the regular firearms season, but that could change later. We will see where we will go with this program in the future.

Chairman Johnston – I would like to welcome Representatives Margaret Long and Ron Worley.

3. Syracuse Sand Park – Status of Department Review – Jim Hays, Environmental Services Section (ESS) chief, presented this report to the Commission (PowerPoint - Exhibit G). We reviewed this site under the Kansas Nongame and Endangered Species Act of 1975. Two visits have been made to the site, the first on June 27. At that time we did a site review and spoke to their committee and got details on design plans. The last meeting was last Thursday. There was more vegetation last week than the first time we were there. The park is somewhat open already. There is a trail clear around the property and they do ride the boundary daily to be sure they are not encroaching on the neighbors. It is continuous sandsage prairie for quite a distance. The project impacts 5 miles of trails, 6 feet wide (3 acres) and 780 acres of open riding area which is where we have some concern. For a total of 783 acres of impact to sandsage prairie and 1,300 total acres in the park. Sandsage prairie species include: 21 species of amphibians, reptiles and turtles; 27 species of mammals; and numerous bird species (more than 20) including lesser prairie chicken. Review results conclude that this is critical habitat for state threatened longnose snake and western hognose (SINC), glossy snake (SINC) is also found here. What will happen over time is that vegetation will be eliminated. This is critical for longnose snake and should federal funds be used on the project an action permit will be required. Commissioner Lauber – Are those threatened and SINC snakes? Hays – The Endangered Species Act protects endangered and threatened species, but not SINC. SINC is species in need of conservation and means they are likely to occur. Commissioner Lauber – Are the sponsors aware of your findings? Hays – The letter went out yesterday. Commissioner Lauber – Are they using open areas right now? Hays – They are already using that and the city allows it. What triggered this review was the possible use of federal funds. Commissioner Lauber – Can they do whatever they wish, if local funds are used? Hays – Yes, if federal or state funds, no, but not sure about local funds. Chairman Johnston – Of the 783 acres, you mentioned ~~vista shots, and~~ uninterrupted sandsage prairie. Do you know what the approximate size of uninterrupted prairie is? Hays – No, but it runs from eastern Colorado to Garden City, in a narrow band, not as large as Flint Hills tallgrass

prairie or Smokey Hills mid-grass prairie. It is not that wide. Pitman – Most of it is south of the Arkansas River in Finney, Kearney and Hamilton counties. Commissioner Lauber – We were asked to assist in funding, if you preclude us from funding that, is that basically correct? Keith Sexson – What Jim is saying is we are early in the review process and the application we have is for use of trail grant funds. If we are going to put state funds in they would come under the same consideration as federal funds. ESS works very closely with habitat. There are mechanisms on how they might mitigate our losses that are going to occur. We are not going to shut anybody out until we work with the developer and can mitigate for the losses. This has been determined to be high quality sandsage prairie even with some grazing. We had the impression that this was sand dunes with not much cover, but that is not the way it is at all. We will continue to work with this group to see how we can work with them to mitigate. They may chose not to go ahead with the grant because of what they would need to do, but we don't know what they can do with county or city funds, but private developers can do whatever they want. We want to work with them because this is good habitat. Commissioner Sebelius – The map shows property north of Arkansas River owned by the County commission, 30 to 40 acres, did you look at any other land owned by other organizations? Hays – No, there is a park there already. Everything is south of River Road and west of the highway. The main area of riding would be west. Commissioner Sebelius – Were you asked to do anything about fishing or camping? Hays – The Lake is an old mining area and there is no adverse impact. Commissioner Shari Wilson – The location and range of the sandsage prairie, is it in middle of the strip? Hays – To the west of the middle. Pitman – A little to the west, but basically center. Commissioner Shari Wilson – If we degrade the environment that is there now, how does that impact movement of lesser prairie chicken? Pitman – I spent four years there and that is the core lesser prairie chicken area in the state. Research on lesser prairie chickens show that they avoid any kind of manmade structure, so this will severely impact movement. Commissioner Shari Wilson – I have a problem with that, but the developers have not had a chance to respond. The park is already open and only when they ask for state or federal money can we do anything. For economic development it is great for that part of the state, but there is not that much lesser prairie chicken habitat as it is. It is also critical habitat for a state threatened species, the longnose snake. There are limitations placed on developers if local funds are used. Hays – We don't have a lot of experience dealing with local dollars. It would be good for us to look at that a little closer. Tymeson – This is private, nonpublic funds and this will hinge on that. Our work is on state and federal funds only. Commissioner Lauber – Our role has changed. Two months ago we were the developing partner, now our role is as a protector and I think how we view unencumbered development will determine if this can go on. It is a good economic opportunity, but not without severe habitat destruction. It hinges on how we choose to define private money and this is our opinion. Chairman Johnston – Following up on comments from Wilson and Lauber, non-public money is not the same as city or county money. The project is going forward without mitigation to environmental impacts whether the department is going to be comfortable with it or not. It may not be a Commission decision, but I echo the concerns. Commissioner Lauber – I agree with that. I don't know how aggressive a stand we should take. There are more aggressive protectors than us out there and I think the torch will be carried anyway. Commissioner Shari Wilson – I am comfortable saying I have a concern and leaving it to the department to work with the developers. Commissioner Meyer – I worked 15 years with economic development and the biggest concern is the western half of the state. They found a group of enthusiastic individuals trying to bring millions of dollars into the state and the area we are looking at is ideal for what they are trying to do. It has been a wet year and you are not seeing the true picture of what it

really looks like. Our main concern is fur, feather and fins, but we need to think about the people. It is good for the area and the state. If we don't provide an area for these recreational vehicles they are going to run them someplace. At least medical folks will be available and they will be safe, but they are going to ride it somewhere. When I drive across eastern Kansas I see houses go up in good deer habitat and we can't stop that. Commissioner Lauber – That is a good point, from capitalist perspective, I agree with that. Our mission statement does not lend itself to commercial enhancement to increase states T&P or income. We are here more to protect the wildlife, and in this particular case, game birds. Coming from a small town I realize things are just dying. This is just a postage stamp, but strategically placed, and we need more protective efforts. Chairman Johnston – At the last meeting, Mr. Meyer and I were impressed by the positive impacts being projected, but I don't think anyone here is saying anything different. The Commission as a whole is concerned, we need to protect and find a medium to not get in the way of the city. I don't anticipate the Commission making any decisions on this. Commissioner Meyer – We are Wildlife and Parks, and we need to think about the parks in other areas, we have a dual role.

4. Big Game Permanent Regulations – Mike Mitchener, Wildlife Section chief, presented this report to the Commission (Exhibit H). We are discussing this earlier than we normally do, but we thought that since we were doing a lot of changes it was better to bring it to the Commission here in August and have some opportunity for public comment prior to the next meeting in October where we will actually be bringing the drafts of proposals. We will be discussing KAR 115-4-2, big game, general provisions; KAR 115-4-4, big game, legal equipment and taking methods; KAR 115-4-6, deer, firearm management units, which we want to revoke; KAR 115-4-6a, deer, archery management units; KAR 115-4-13, deer permits, descriptions and restrictions; and KAR 115-4-14, landowner deer program, implementation, application, selection, property requirements, deer permitting, property posting, evaluation, renewal, and other provisions which we also want to revoke. There are no recommendations at this time. Commissioner Shari Wilson – When will we see the recommendations? Mitchener – In October, we are working on them now.

5. Prairie Chicken Status and Mortality from Hunting – Jim Pitman, wildlife biologist, presented this report to the Commission (Exhibit I and PowerPoint - Exhibit J). This is not easy to address; college curriculums usually spend whole semesters on this topic. I am going to discuss two species: greater prairie chicken and lesser prairie chicken. The range map was put together using information from survey data and field staff data. Evidence of hybridization was discovered in the last 5-10 years. We do an annual lek (where males gather for mating in the spring) survey to develop an index. It is an 11-mile route with one-mile listening intervals and covers 11 square miles. The problem with lek surveys is that there were only a handful of routes in the beginning, but new routes have been added which makes old information invalid. The survey was established in 1963. Now in northwest Kansas where no routes were located, the Flint Hills, western croplands area and lesser prairie chickens in southwest, trends go back to 1980s. In the Flint Hills numbers are declining, but that is not true in western croplands. Both areas are under the same general hunting restrictions, but are being impacted differently. We are looking at harvest compared to index. In the 1990s when numbers were declining, harvest was declining, but when numbers began coming back up harvest remained low. Over the last decade numbers are increasing in southwest part of the state, but declining in the rest of the state. There is more grass in southwest Kansas, because of CRP or more grazing because of declining levels

of Ogallala Aquifer. For greater prairie chickens, when populations bottomed out, harvest did also. What is the percentage of population being harvested is the real question, but with rough calculations there is no reliable method to estimate. We have valid data, but assumptions were made and we erred on the side of caution. Kansas Remote Sensing Lab helped with this (habitat surveys) and we eliminated small patches of grassland (less than 1,000 acres) and in the end came up with estimates. Fall estimates for greater prairie chickens are 4,950-7,420 per square mile (of suitable habitat), lesser prairie chickens is 2,145-3,215 per square mile; breeding populations for greater prairie chickens is 24,750-37,100; lesser prairie chickens is 10,510-15,750; for total fall population estimates of 49,400-74,200 greater prairie chickens and 21,020-31,500 for lesser prairie chickens. Harvest estimates averaged over the last five years, 11,267 greater and 278 lessers with minimum fall populations of 49,400 greater and 21,020 lessers. Maximum harvest was 22.8 percent of greater prairie chicken total population and 1.3 percent of lesser chicken population. Harvest is low on lesser -- not more than 500 birds. Sustainable harvest rates for other grouse species are 20-50 percent harvest. Chairman Johnston – What about compared to habitat? Pitman – The biggest impact is isolated fragments of habitat and remnant populations, but there are no facts to support that. No ability to develop harvest estimates. Not easy to answer, because this is all ~~antidotal~~ anecdotal. Chairman Johnston – What is the definition of big impact? Pitman – The cause of decline in the Flint Hills is not harvest, but woody encroachment, which has increased 23 percent according to Emporia State and research shows lesser prairie chickens avoid structures including trees, but trees also displace grasslands. Trees are a benefit to turkey, squirrels and deer. The other thing is annual spring burns and livestock stocking, we know it takes 20 inches of residual grass cover to rear chicks and spring burning doesn't allow that. Nesting success is less than 15 percent now. Studies from 1950s to 1980s showed 25-50 percent success rate, which is the ballpark figure needed to sustain them. Commissioner Lauber – That is not due to burning though? Pitman – Looking at prairie chicken populations where burning is common, in Oklahoma and Kansas, populations are not stable; but are stable in same time period in Nebraska and South Dakota where no burning occurs. There may be some impact, and in my opinion, substantial. In conclusion, harvest rates compared to harvest data, less impact and maximum harvest rates are below sustainable levels of other species of grouse and production drives. Removal of secure nesting and brood rearing cover is detrimental. Commissioner Lauber – Does early season have any affect? Pitman – Less than later season. The later in the season the more likely you are to shoot birds that would survive to the next season. Chairman Johnston – The uncertainty I have with the conclusion has to do with harvest rates, in 25 percent of range, whether that rate allows for sustainable population. I am concerned with greater prairie chickens; percentages that these studies determined did not access consideration of nesting success or loss of habitat. Pitman – They did, we looked at year to year success, at 25-30 percent assuming everything remained the same. Chairman Johnston – Let me make sure I understand the assumptions that go into this conclusion. Not impacting sustainable populations, conclusions come from those six studies. You concluded we produced sustainable populations where nesting success was less. Pitman – Removing hunting will not affect nesting success, they will continue to decline. Commissioner Lauber – I concur with opinions. In southeast Kansas if we reduced harvest, people feel if we would have 23 percent more chickens in the spring, everyone we save might be more nesting, that is a common opinion. That is one of the reasons I wanted to see this presentation. Pitman – We manage deer populations through harvest, but can't manage upland birds the same. Prairie chickens survive at only 40-50 percent. Consider the fact that deer have a low reproductive rate, only one to two fawns, but birds have 10-20 eggs a year, so there are more birds. Reproduction plays such a large role. To change

upland game from one year to the next would increase cover, but not reduce harvest. Commissioner Meyer – What about impacts in the future, grain alcohol which is a dumb thing to do to take food out of people’s mouths to put in the gas tank, and changing to switch grass and other grain residues, will that impact prairie chicken populations? K-State is encouraging burning later and later and we need their cooperation to move it back. They are doing it for weed control. Pitman – I agree, one ray of hope is a new grazing program Oklahoma State is studying, called patch grazing/patch burning, but we are not seeing the results yet. This type of management in the Flint Hills will make a bigger impact. Commissioner Lauber – This impacts states where tracts are smaller. It is harder for an individual to trisect their property to burn it in sections, we would need natural barriers. Pitman – Right, there are some flaws, but it is applied in some parts of the state already. Commissioner Meyer – You need to prove economic benefit. Pitman – Or no impact.

Representative Margaret Long – Why burn at all? Pitman – No burning at all, rather than rotational; burning every year in some parts of state; or not at all in other parts, but both of those are bad.

*Break*

### **C. Workshop Session**

1. Spring Turkey Season (KAR 115-25-6) – Jim Pitman, wildlife biologist, presented this report to the Commission (Exhibit K). I don’t have the final numbers for spring 2007 season, but harvest was about 36,000 birds. We sold 64,000 game tags, an increase, and hunters had a 60 percent harvest success. With this spring’s rain and flooding, turkey production will be poor for the third year in eastern part of the state. Good reports from western and central Kansas. Results from the first archery season looks like our bow harvest doubled. The overlapping archery-only and the youth/disability seasons resulted in some competition for property access between those two groups. To try and minimize competition the department recommends that the archery-only season and youth/disabled season run concurrently. We would also like to increase the permit quota in SW Kansas, currently 200. There is a high ratio of adult gobblers and they can sustain more pressure and meet hunter demand. There were 289 applicants in Region 4, which we would like to raise to 325. Chairman Johnston – You have a consensus from the Commission to move forward. Tymeson – We will vote next month on this topic.

2. Fishing Issues and Regulations – Doug Nygren, fisheries section chief, presented this report to the Commission (Exhibit L). We have a few items to bring up on fees in KAR 115-2-1. We are recommending that the 24-hour fishing license be decreased to \$3.00 and add a paddlefish youth permit for \$5.00. This counts towards federal aid certification which brings in \$10 per angler.

1) To prevent viral hemorrhagic septicemia from entering into Kansas, we will be moving toward regulation to protect native fishes from this threat. Currently the department permits one of the likely pathways: bait dealers. However, we do not have the necessary authority over other pathways such as aquaculture and the pet trade. Staff recommends that bait fishes that come into the state have a health certificate stating they are VHS and Spring Viremia of Carp virus free. Commissioner Shari Wilson – What would be the benefit of the certificate? Nygren – If no certificate, they can’t bring it into the state. 2) Weigh-in requirements for tournaments using the



Bass Pass Program, which should have included all tournaments. We left out “black bass” from the regulation last year and we want to put that back in. 3) Regulation 115-18-12 on trout, working with adding Shawnee County at Lake Shawnee; and Tuttle Creek State Park-Willow Lake was designated as a year-round trout fishery and we are recommending that they be removed from that year-round requirement. There has been internal discussion on how the department can boost “young angler” participation in our trout program. Most feel that a reduced price of a trout permit for those anglers under 16 would increase participation. Staff recommends no permit requirement for youth under 16, with a daily creel limit of two trout. Anglers under 16 who wish to purchase a trout permit will still be able to keep a full daily creel of five trout and will not need to be in the presence of a permitted adult. 4) On invasive species issues, we are seeing Asian Carp in rivers. By stocking sterile grass carp, the risk of establishing a population in non-target waters is greatly reduced. Move away from using diploid and use triploid, or sterile grass carp and require private individuals to not sell anything but triploids by putting diploids on the prohibited species list. We spoke with Kansas Aquaculture Association about this. Commissioner Lauber – Do the carp need flooded rivers to spawn? Nygren – When the water is out of its banks they could, but they are big river fish. They came from Mirror River in China, which is about the same size as the Mississippi. Commissioner Lauber – If they escape, are they too small to survive in ponds? Nygren – We saw small grass carp in Kansas River last year. 5) On paddlefish, we need to delineate where upstream and downstream areas are on Burlington and Chetopa city dams and make snagging illegal. The law is currently unenforceable. Make that enforceable all the way from Burlington Dam to the Oklahoma border. The 34-inch length limit is unnecessary on the Neosho River, and we want to do away with the requirement for barbless hooks. Also, we are recommending a half-price paddlefish license for children. Commissioner Robert Wilson – From law enforcement standpoint, what does the regulation say about helping a child land that fish? Nygren – If the adult is permitted there is no problem, but if not then it could be a problem. 6) Snagging and gigging in regulation are legal methods of take only in waters listed in regulation 115-25-14 (“Kansas Special Size Limits, Creel Limits, and Bait Restriction Tables” – Exhibit M). We want to separate snagging and leave gigging (for the taking of rough fish) and add it to the list of legal equipment and methods for taking non-sport fish (Regulation 115-7-1). 7) Staff recommends that in addition to the statewide creel limit of two striped bass hybrids we allow our biologists an option of five-per-day. Striped bass hybrids are much easier for our biologists to obtain now because we have our own breeding stock. Also in the reference document: add Coldwater City Lake, Lonestar Lake, John Redmond Reservoir, Leavenworth State Fishing Lake, Lake Miola and Lake Shawnee under wiper creel limit.

3. Park Regulations – ADA access issue – Jerry Hover, Parks Division Director, presented this report to the Commission (Exhibit N). KAR 115-8-13 currently does not allow anyone to use unregistered vehicles on KDWP property. We occasionally receive requests from handicapped individuals to use all-terrain vehicles, scooters, and other vehicles not capable of being legally registered and we wish to amend the current regulation to allow this type of vehicle to operate on department lands under certain conditions -- by, or for, handicapped individuals meeting certain requirements. KDWP also wishes to clarify the current regulation to specifically prohibit unauthorized use of unregistered motor vehicles including, but not limited to, four-wheelers, other all-terrain vehicles, golf carts, go carts and any two-wheeled vehicle that is propelled by an electric or gasoline powered motor which is not a moped, registered motorcycle, or motorized bicycle as defined by law. Amending the current regulation would provide a clear definition for courts when a Notice to Appear in court is presented; many courts have requested a clear

definition. Amending the current regulation would also allow the department to more fully comply with current ADA requirements and make department lands more accessible to handicapped individuals while maintaining good safety practices and resource protection. We are still in the research gathering and draft development stages. A workshop session of the draft amendment is planned for the October Commission meeting and the public hearing is scheduled for January. Commissioner Sebelius – Do our regulations make a specific description of what a motor vehicle is or do you utilize the state definition so everybody knows what we are talking about? Is that the one we use? Tymeson – We reference back to the traffic statutes, however there are some differences for registration for traffic laws so it has taken some time to come up with something that fits. Commissioner Sebelius – Motorized vehicle is a very broad description. Commissioner Lauber – Will this just be used in handicapped areas or certain handicap people can take golf carts to the shoreline? Hover – That is possible. Commissioner Lauber – I received a letter from a fisherman who was concerned the shorelines would be littered with golf carts, ATVs and scooters and I am conflicted on how we want to take care of that. Those that truly need the assistance, I see a benefit for them, but we need to think about this.

4. Cabin Rental Fees – Jerry Hover, Parks Division Director presented this report to the Commission (Exhibit O). KAR 115-2-3a establishes fees by locations for cabin camping within the state parks, state fishing lakes, and wildlife areas. We just passed a fee last time and will probably do another one in March. We have a few adjustments needed for January 1. Current demand for cabins is exceeding our expectations. At Cedar Bluff SP cabins 1 and 2, we want to increase \$10 per night. These are older primitive cabins that are in the process of being completely updated to current standards; Cheney SP cabins 1-8, increase \$10 per night and add cabin 9 pricing to that, which is a new and larger cabin on the East Shore; Eisenhower SP cabin 1 and yurt 1 and 2, adding a three-night and weekly package price; Glen Elder SP cabins 1-4, deleting current multiple pricing schedule and implementing a year-round standard price per night and weekly rate; Kanopolis SP cabins 1-5, increase \$10 per night; Scott SP cabins 1 and 2, adding a year-round weekly rate; and Webster SP cabin 1, decreasing nightly rate \$10-\$15 to stimulate occupancy as this is below estimates due in-part to low reservoir water levels. Commissioner Shari Wilson – Has there been a reaction to fee changes we have made? Hover – No reaction one way or the other. Most of the ones we just did are cabins just coming online. Commissioner Shari Wilson – Will we be adding more yurts to other parks? Hover – As we have funding available.

5. Fee Changes for 2008 – Mike Miller, magazine editor and special assistant, presented this report to the Commission (Exhibit P). I am presenting these because they are part of the final recommendations provided by the Deer Task Force. Part of the final recommendations focused on permit prices of big game and turkey permits for youth hunters. The final recommendations included provisions for half-price deer, antelope, elk and turkey permits for all resident hunters under the age of 16. Accommodating this recommendation requires changes to KAR 115-2-1, amount of fees. Changes will be: general resident youth (under 16 years of age): either sex elk permit – (from \$250) to \$125; general resident youth (under 16 years of age): antlerless only elk permit – (from \$100) to \$50; general resident youth (under 16 years of age): deer permit - \$15; general resident youth (under 16 years of age): antlerless only deer permit - \$7.50; general resident youth (under 16 years of age): antelope permit - \$20; and general resident youth (under 16 years of age): turkey permit (1-bird limit) - \$10. Other changes to the deer permit fees to be implemented for the 2008 season include the elimination of the whitetail antlerless-only deer

game tag (\$10) and the whitetail antlerless only permit (\$30) and replacing them with an antlerless-only permit for \$15. A Special Hunt-Own-Land permit will be available to a landowner's siblings, lineal ascending or descending relatives and their spouses, regardless of residence, one per 80 acres owned or operated for \$30. A nonresident mule deer stamp will also be available. Nonresidents who apply for a whitetail either sex muzzleloader or archery permit in one of the nine DMUs where mule deer permits are available will have the opportunity to apply for a mule deer stamp. The stamps will be limited issue and if drawn will make the permit an any deer, either species, either sex permit. Upon application, an additional fee of \$100 is recommended, refundable if the applicant is unsuccessful in the mule deer stamp draw. Other recommended amendments to this regulation, as mentioned earlier by Doug Nygren, include a change in the 24-hour fishing license from \$5 to \$3, and a youth paddlefish permit for anglers under 16 years of age for \$5 (half-price). Pearce – On the mule deer stamp \$100 fee, if they are not drawn for the mule deer stamp are they stuck with no permit? Miller – They will get a whitetail deer permit.

Doug Phelps – On the mule deer stamp application fee, why \$100? Miller – The \$100 fee was worked out through regulation. Phelps – Are you going to assign preference points? Miller – We haven't worked through that yet. Chairman Johnston – Is it your conclusion that these fee changes are going to produce a positive economic impact or a net revenue loss? Miller – Chris did an economic impact summary and I think it is a wash. Tymeson – It will increase revenue, but that is offset by the fishing fee decrease in the dailies. We figure it will cost about \$90,000 to issue half-price youth for the first time, but the second year will only be \$20,000 for all changes, fishing and hunting.

Pearce – Secretary Hayden, are there any states where the youth cut off age is higher and senior citizens pay? My son is going to college and he can't get friends to go because they can't afford it; 21 and younger could afford permits better. Secretary Hayden – That was attempted in Washington State, changing the age from 16 to 21 for fishing and I don't believe that was successful. Their legislature never adopted it. There is a lot of talk because of increasing longevity, is 65 a valid age any more? But, I don't know of any state that has successfully raised the 65 or 16 age limits, attempted, but no successes. Nygren – Ten states have reduced youth for anglers for age 16 to 22 and it is a good tool. Chairman Johnston – Has experience been positive in those states? Nygren – Yes. Commissioner Shari Wilson – I would like to ask the department to look into that and see if that is an option for our state? Chairman Johnston – Excellent request, we will look at that for a future meeting.

6. Public Lands Regulations – Brad Simpson, chief of Public Lands Section, presented this report to the Commission (Exhibit Q). I was optimistic that I would have a draft by this meeting, but we are still in the process of working on that. Hopefully you will see it at the next meeting. Chairman Johnston – Explain what this effort is. Simpson – We use posted notice to prohibit or permit certain things on public lands. We are putting together a reference document that will be included with our regulations as well as posted notice so that someone can see what is allowed or not allowed at a certain area, before they get there.

Tymeson – Typically we go from general discussion to workshop to vote but some items will not be ready. We will be voting on spring turkey; 10 fishing items; cabins; and fee changes at the next meeting in October. We will still be working on VHS, so that will not be voted on until at least January. Also ATV and public land regulations will be voted on in January.

**VII. RECESS AT 5:00 p.m.**

**VIII. RECONVENE AT 7:00 p.m.**

**IX. RE-INTRODUCTION OF COMMISSIONERS AND GUESTS**

**V. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS**

*None*

Commissioner Lauber – Is our agency responsible for high fence operations or is that the Livestock Association? Tymeson – After they push all native species out, enclose the area and put in captive cervids then it is the Animal Health Department’s responsibility. Commissioner Lauber – I had people ask me about that.

**VI. DEPARTMENT REPORT**

**D. Public Hearing**

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

1. Late Migratory Bird Seasons – Faye McNew, waterfowl biologist, presented this report to the Commission (Exhibit S). Good news, there are 41 million ducks in the prairie regions, a 14 percent increase and 7.8 million ponds so we are in the liberal package. Recommended season dates are: Duck, Coot and Merganser – High Plains Zone, first segment -- October 6, 2007 through January 1, 2008, second segment -- January 19 through 27, 2008; Early Zone -- first segment, October 13 through December 9, 2007, second segment -- December 15 through 30, 2007; and Late Zone first segment -- October 27 through December 30, 2007, second segment, January 19 through 27, 2008; Youth - High Plains Zone, September 29 and 30, 2007; Early Zone, October 6 and 7, 2007; and Late Zone, October 20 and 21, 2007; Canada goose, first segment -- October 27 and 28, 2007, and second segment -- November 7, 2007 through February 17, 2008; white-fronted goose season first segment -- October 27 and 28, 2007, second segment - - November 7 through January 6, 2008, and third segment -- February 9 through 17, 2008; light goose, first segment -- October 27 and 28, 2007; and second segment -- November 7, 2007 through February 17, 2008; dark geese for the Southeast Unit is the same as statewide recommended seasons. We are recommending that the Marais des Cygnes Unit be eliminated. Falconry seasons for migratory game birds will run concurrently with all established hunting seasons for those species and an extended falconry season for ducks, mergansers, and coots will run: High Plains Zone -- no days available; Early Zone -- February 25 through March 10, 2008; and Late Zone -- February 25 through March 10, 2008. The extended falconry seasons allow additional opportunity for falconers at a time when the regular season is closed, reducing the risk of conflict with firearms migratory bird hunters. All species of migratory game birds for which a regular season is permitted, including ducks, coots and mergansers, may be taken during the September teal and regular duck seasons and during the selected “special falconry seasons.” Daily bag limits for regular ducks – 5, with no more than two scaup; two redhead; two wood ducks; or one hen mallard, mottled duck pintail, or canvasback; Canada geese – 3; white-fronted – 2; and light geese – 20. Possession limits on late migratory birds are twice the daily bag for

waterfowl except rail which is 25; and light geese - no possession limit. The shooting hours are one-half hour before sunrise to sunset. We should also be aware of the pilot program that is allowing nine states sell federal duck stamps through their online license system.

2. KAR 115-8-7. Boating and general restrictions – Dan Heskett, Boating Law Enforcement, presented this report to the Commission (Exhibit T). This regulation conforms to parts of 115-30-10, the proposed changes will bring the two regulations into conformity with each other. There is a list of items that the operator of a vessel shall do and one is to operate the vessel at no-wake speeds of five miles per hour or less when within 200 feet of the nine listed areas.

**Commissioner Shari Wilson moved to bring KAR 115-8-7 before the Commission.  
Commissioner Debra Bolton seconded.**

**The roll call vote on KAR 115-8-7 as recommended was as follows (Exhibit U):**

<b>Commissioner Bolton</b>	<b>Yes</b>
<b>Commissioner Lauber</b>	<b>Yes</b>
<b>Commissioner Meyer</b>	<b>Yes</b>
<b>Commissioner Sebelius</b>	<b>Yes</b>
<b>Commissioner R. Wilson</b>	<b>Yes</b>
<b>Commissioner S. Wilson</b>	<b>Yes</b>
<b>Commissioner Johnston</b>	<b>Yes</b>

**The motion as presented KAR 115-8-7 passed 7-0.**

3. KAR 115-30-1. Display of identification number and decal – Dan Heskett, Boating Law Enforcement, presented this report to the Commission (Exhibit V). There is a federal mandate approved numbering system, which coincides with CFR and was approved. Under a-1, found in federal mandate 173.27 and under 174.13 and another under section a-5, the hyphen or space is also in the language and a-6 has been added to place the validation decals in line within three inches of the registration number, which is federal mandate 174.15 that has validation within six inches. Three inches in line is either way of the number and was chosen because of personal watercraft (PWC). Commissioner Lauber – If the boat already has a decal on it, will they have to move it? Dan – No.

**Commissioner Frank Meyer moved to bring KAR 115-30-1 before the Commission.  
Commissioner Shari Wilson seconded.**

**The roll call vote on KAR 115-30-1 as recommended was as follows (Exhibit U):**

<b>Commissioner Bolton</b>	<b>Yes</b>
<b>Commissioner Lauber</b>	<b>Yes</b>
<b>Commissioner Meyer</b>	<b>Yes</b>
<b>Commissioner Sebelius</b>	<b>Yes</b>
<b>Commissioner R. Wilson</b>	<b>Yes</b>
<b>Commissioner S. Wilson</b>	<b>Yes</b>
<b>Commissioner Johnston</b>	<b>Yes</b>

**The motion as presented KAR 115-30-1 passed 7-0.**

4. KAR 115-30-5. Boating: capacity plate and operation – Dan Heskett, Boating Law Enforcement, presented this report to the Commission (Exhibit W). This regulation adds calculation of a boat’s capacity. The purpose is because on older vessels may not have a capacity plate. It is illegal by federal standards to remove, deface, replace or alter the capacity plate, but it is not illegal to possess a boat that doesn’t have one. Using the following formula: 1) Multiply the length of the vessel, in feet, by the width of the vessel, in feet; and 2) divide the product, calculated in paragraph (c)(1), by 15.

**Commissioner Shari Wilson moved to bring KAR 115-30-5 before the Commission. Commissioner Gerald Lauber seconded.**

**The roll call vote on KAR 115-30-5 as recommended was as follows (Exhibit U):**

<b>Commissioner Bolton</b>	<b>Yes</b>
<b>Commissioner Lauber</b>	<b>Yes</b>
<b>Commissioner Meyer</b>	<b>Yes</b>
<b>Commissioner Sebelius</b>	<b>Yes</b>
<b>Commissioner R. Wilson</b>	<b>Yes</b>
<b>Commissioner S. Wilson</b>	<b>Yes</b>
<b>Commissioner Johnston</b>	<b>Yes</b>

**The motion as presented KAR 115-30-5 passed 7-0.**

5. KAR 115-30-7. Boating: steering and sailing requirements – Dan Heskett, Boating Law Enforcement, presented this report to the Commission (Exhibit X). After working water for many years and realizing guidance for operating and steering vessels is very lax I took on this project. This is basically what you need to do to prevent a collision on the water. The U.S. Coast Guard adopted the Colregs and amended it in 1980 for inland waters. These rules are in effect on the Missouri and Kansas Rivers. Some people would argue that the Arkansas River would also qualify, but that is truly not navigable any more. This comes from rule 9. Section b) is and rule 14, how two vessels should meet if coming head on; section c) is rule 13, is overtaking rule; d) is rule 15; e) is rule 18; f) is a new addition. My main goal for this whole deal was to change the terminology. Normally somebody was at fault because they failed to maintain a proper lookout and there are no brakes and is rule 5; g) is rule 6. Put in written form this is a very important factor, h) is rule 7, if you have radar on board and didn’t use it, that is a cause or turning your boat lights off at night is a cause, if they fail to use technology they have on board; i) is rule 8, action that motor boat operator should use which does not tell them how to run their vessels, but how to avoid collision -- broken down into three simple rules, alter course; pass at a safe distance of at least 100 feet, and gives some guidance as most people can judge that distance; and third reduce speed or stopping or reversing to avoid the collision. It sounds simple, but you would be amazed at how many people don’t realize that. j) and k) aren’t covered by the Cole Act, those are our own. Navigational buoys move because people tie off to them. Chairman Johnston – On b, c and e, the operating mandates require an operator to operate in such a manner to not endanger another vessel, on 115-30-10 on page 2, subsection 5, the word endanger is modified. Heskett – Part of that philosophy is prohibited operation, thinking that negligence would be covered under the statute. I didn’t see reason to put verbiage into it. It does not change the meaning if we did. Tymeson – There have been a series of discussions this week on that

issue, 115-11-25, it says to endanger life of person, don't see any reason not to add that in. Commissioner Sebelius – Reasonably endanger? Heskett – Where this is going to be utilized, if the boat threw wake and endangered someone enough to complain, then they felt in danger. If there is a collision that is pretty much unreasonable either way. Chairman Johnston – Confusion for purpose for language or not, have just word endanger, is a foregone conclusion. Unreasonably allows for relevance of driving behavior. I see no reason for difference. Heskett – I missed that, you bring up a good point, and that was one reason for combining 8-7 and 30-10, I agree we need the same language. We can take it out of 30-10. Chairman Johnston – It makes more sense to delete it from 30-10. Tymeson – It conforms to statutes then. Chairman Johnston – On subsection i), I talked to Chris and Commissioner Sebelius about this. It is designed to apply to a situation where this regulates the conduct of a person finding themselves in an emergency situation. Generally speaking, it is a fair statement that you are using rules of road. As long as a driver doesn't place themselves or others in danger that is not generally sanctioned by rules of the road. Telling people, "if you don't do this" is unfair. On side note, subsection g) sounds like i-3. Heskett – Comparing rules of the road on traffic and vessels. We have rules of road you must abide by, staying between lines, etc. so in fact we do regulate how people drive their vehicle. When passing a vehicle you have 15 feet between you and it. On the water, there are no boundary lines and if you do see that you are about to risk a collision, both parties should abide by the rules of the road. There shouldn't be collision if both parties abide. We are comparing apples to oranges. Chairman Johnston – Can we regulate conduct of people and how they instinctively react to an emergency situation? There is more surface area on a lake, but that still doesn't alleviate proposing to place into laws that second guess how people react. Heskett – This is not for ticketing, but how a person should act. It is guidelines to follow on how to react. There are three piloting rules -- crossing, head on and overtaking, stand-on and give-way vessel. This leaves a lot of discrepancy on how people operate their vessels. Determining fault, assisting insurance companies and these rules have been placed internationally since 1970 and 1980s inland. They are in place on navigable waters. Commissioner Sebelius – I think you articulated what Kelly, Chris and I have been thinking -- to help insurance companies, but it doesn't belong here. Failure to look out is not unreasonable. Leave it under careless and heedless operations which gives me a whole bunch of things. Don't lock officers in to looking at things one way. Chris has an amendment where he has reminded us to go back to statute, careless and heedless and Chris prefers to keep this with statute. I agree with Kelly a little bit, we don't need (i) in here, you know when people are boating too fast. I'm concerned about something we don't plan on citing somebody with. Tymeson – There are three amendments, the first two you asked me to draft. The first one is unnecessary now; amendment two was striking subsection (i); and amendment three was making some changes to (g) and striking (h) and leaving in (i). Commissioner Sebelius – I prefer amendment 2. Tymeson – No problem, education, not in regulation. Commissioner Sebelius - Amendment 3, describes reasonable or prudent standard, there are a lot of standards and (h) is vague and covered by other standards, it is more a clean up request. Chairman Johnston – In (f) on the previous page. Heskett – After reading (f) I will agree that is covered under that.

**Commissioner Debra Bolton moved to bring KAR 115-30-7 before the Commission.  
Commissioner Doug Sebelius seconded.**

**Commissioner Kelly Johnston moved to amend KAR 115-30-7 with amendment number two, deleting subsection (i). Commissioner Robert Wilson seconded.**

**The roll call vote on to amend KAR 115-30-7 as recommended was as follows (Exhibit BB):**

<b>Commissioner Bolton</b>	<b>Yes</b>
<b>Commissioner Lauber</b>	<b>Yes</b>
<b>Commissioner Meyer</b>	<b>No</b>
<b>Commissioner Sebelius</b>	<b>Yes</b>
<b>Commissioner R. Wilson</b>	<b>Yes</b>
<b>Commissioner S. Wilson</b>	<b>Yes</b>
<b>Commissioner Johnston</b>	<b>Yes</b>

**The motion as presented KAR 115-30-7 passed 6-1.**

**Commissioner Doug Sebelius moved to amend KAR 115-30-7 with amendment number three, changing subsection (g) to say reasonable and prudent and deleting subsection (h). Commissioner Kelly Johnston seconded.**

**The roll call vote on to amend KAR 115-30-7 as recommended was as follows (Exhibit BB):**

<b>Commissioner Bolton</b>	<b>Yes</b>
<b>Commissioner Lauber</b>	<b>Yes</b>
<b>Commissioner Meyer</b>	<b>No</b>
<b>Commissioner Sebelius</b>	<b>Yes</b>
<b>Commissioner R. Wilson</b>	<b>Yes</b>
<b>Commissioner S. Wilson</b>	<b>Yes</b>
<b>Commissioner Johnston</b>	<b>Yes</b>

**The motion as presented KAR 115-30-7 passed 7-0.**

**The roll call vote on KAR 115-30-7 as amended was as follows (Exhibit BB):**

<b>Commissioner Bolton</b>	<b>Yes</b>
<b>Commissioner Lauber</b>	<b>Yes</b>
<b>Commissioner Meyer</b>	<b>Yes</b>
<b>Commissioner Sebelius</b>	<b>Yes</b>
<b>Commissioner R. Wilson</b>	<b>Yes</b>
<b>Commissioner S. Wilson</b>	<b>Yes</b>
<b>Commissioner Johnston</b>	<b>Yes</b>

**The motion as presented KAR 115-30-7 passed 7-0.**

6. KAR 115-30-8. Boating: accident reports – Dan Heskett, Boating Law Enforcement, presented this report to the Commission (Exhibit CC). An approved numbering system must have an approved accident reporting system, which is through U.S. Coast Guard. Boat accidents should be reported immediately to a commissioned law enforcement officer. KDWP doesn't always have department officers available so it is unfair to a boater in areas where there is no department officer. CFR spells out language "immediately" for fatality or severe injury accident, and part of that conflicts on coastal waters because it takes time to report, so if you wait five days people procrastinate and sometimes forget to report it and we lose that information.

Commissioner Lauber – Is it the Coast Guard who requests propeller damage? I have a serious



problem with what we have on the books. Part of the reason is that we can't put that in there \$2,000 damaged, because if the prop and lower unit get damaged, it can't be exempt because it might cost \$2,000 and that is the reasoning from them.

**Commissioner Gerald Lauber moved to bring KAR 115-30-8 before the Commission.  
Commissioner Debra Bolton seconded.**

**The roll call vote on KAR 115-30-8 as recommended was as follows (Exhibit DD):**

<b>Commissioner Bolton</b>	<b>Yes</b>
<b>Commissioner Lauber</b>	<b>Yes</b>
<b>Commissioner Meyer</b>	<b>Yes</b>
<b>Commissioner Sebelius</b>	<b>Yes</b>
<b>Commissioner R. Wilson</b>	<b>Yes</b>
<b>Commissioner S. Wilson</b>	<b>Yes</b>
<b>Commissioner Johnston</b>	<b>Yes</b>

**The motion as presented KAR 115-30-8 passed 7-0.**

7. KAR 115-30-10. Personal watercraft: definition, requirements, and restrictions – Dan Heskett, Boating Law Enforcement, presented this report to the Commission (Exhibit EE). We need a separate regulation for items that are different. Under b-4 we need to change the wake speed distance from 100 feet to 200 feet to place that in conformity with public managed areas and reservoirs and add h) and i) to read the same as 115-8-7. Under section 5, we discussed striking the word “unreasonably or unnecessarily” and we no longer need section 8 and parts of section 9. KSA 32-1139, boating education rules covers that and we don't need it in here. The purpose for leaving what was in here when this was drafted is because people under 17, but born before 1989 were required to have boater education and now the law fits the time period. We are striking it out because it is causing mass confusion. Amendment.

**Commissioner Robert Wilson moved to bring KAR 115-30-10 before the Commission.  
Commissioner Shari Wilson seconded.**

**Commissioner Debra Bolton moved to amend KAR 115-30-10 adding section (b)(5),  
Commissioner Doug Sebelius seconded.**

**The roll call vote on to amend KAR 115-30-7 as recommended was as follows (Exhibit DD):**

<b>Commissioner Bolton</b>	<b>Yes</b>
<b>Commissioner Lauber</b>	<b>Yes</b>
<b>Commissioner Meyer</b>	<b>No</b>
<b>Commissioner Sebelius</b>	<b>Yes</b>
<b>Commissioner R. Wilson</b>	<b>Yes</b>
<b>Commissioner S. Wilson</b>	<b>Yes</b>
<b>Commissioner Johnston</b>	<b>Yes</b>

**The motion as presented KAR 115-30-10 passed 7-0.**

**The roll call vote on KAR 115-30-10 as amended was as follows (Exhibit DD):**

<b>Commissioner Bolton</b>	<b>Yes</b>
<b>Commissioner Lauber</b>	<b>Yes</b>
<b>Commissioner Meyer</b>	<b>Yes</b>
<b>Commissioner Sebelius</b>	<b>Yes</b>
<b>Commissioner R. Wilson</b>	<b>Yes</b>
<b>Commissioner S. Wilson</b>	<b>Yes</b>
<b>Commissioner Johnston</b>	<b>Yes</b>

**The motion as presented KAR 115-30-10 passed 7-0.**

8. KAR 115-30-12. Marine sanitation devices; vessel requirements – Dan Heskett, Boating Law Enforcement, presented this report to the Commission (Exhibit FF). This is covered under the code of federal regulations, basically states “when operating...on body of water, must secure type three device...” KSA 32-1152 through KSA 32-1155 says it is illegal to put vessel on the water if there is no onshore pump out facility. Type three is the only one that is legal. Several vessels that have type-three holding tanks, have holding tank, but also overboard pump out capabilities. This was brought on by several legislators at Perry, so we inspected vessels and are trying to get this corrected. We want the law to say they can’t pump in out into the water. They have to have the tank secure and in a closed position, but right now we can’t do re-inspections to see if people are complying. Basically this regulation allows the re-inspection of these vessels and gives a person guidelines to notify us when they do repair work. Then we can do another inspection and secure it for them. It only takes one person dumping in the water to make it a health and environmental issue.

**Commissioner Gerald Lauber moved to bring KAR 115-30-12 before the Commission. Commissioner Robert Wilson seconded.**

**The roll call vote on KAR 115-30-12 as recommended was as follows (Exhibit DD):**

<b>Commissioner Bolton</b>	<b>Yes</b>
<b>Commissioner Lauber</b>	<b>Yes</b>
<b>Commissioner Meyer</b>	<b>Yes</b>
<b>Commissioner Sebelius</b>	<b>Yes</b>
<b>Commissioner R. Wilson</b>	<b>Yes</b>
<b>Commissioner S. Wilson</b>	<b>Yes</b>
<b>Commissioner Johnston</b>	<b>Yes</b>

**The motion as presented KAR 115-30-12 passed 7-0.**

### **XIII. OTHER BUSINESS**

#### **A. Future Meeting Locations and Dates**

October 18, 2007, Colby Community Center, 285 E. 5<sup>th</sup> St., Colby.  
 January 10, 2008, Independence Memorial Hall, Independence.

Secretary Hayden – Turn around for the legislature is the 5<sup>th</sup> and we are looking at holding it the second Thursday of March. Mitchener, will we have conservation award ready by then?

Mitchener – Yes. Secretary Hayden – We will need to work with the Governor on her availability so she can present that. Let’s set the date for March 13 in Topeka.

#### **XIV. ADJOURNMENT**

The meeting adjourned at 8:14 p.m.

(Exhibits and/or Transcript available upon request)

Exhibit GG – Kansas Hunting Regulations Preview.