

**Kansas Department of Wildlife and Parks
Commission Meeting Minutes
Thursday, January 8, 2009
Best Western Hospitality House
3021 W Hwy 50, Emporia, Kansas**

Subject to
Commission
Approval

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

The January 8, 2009 meeting of the Kansas Department of Wildlife and Parks Commission was called to order by Chairman Kelly Johnston at 1:30 p.m. at the Best Western Hospitality House, Emporia. Chairman Johnston and Commissioners Gerald Lauber, Frank Meyer, Doug Sebelius, Robert Wilson, and Shari Wilson were present. Commissioner Debra Bolton was absent.

II. INTRODUCTION OF COMMISSIONERS AND GUESTS

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

III. ADDITIONS AND DELETIONS TO AGENDA ITEMS

Sheila Kemmis – Under general discussion, added “Lake and Reservoir Mapping”, number 5, see the revised agenda.

IV. APPROVAL OF THE October 23, 2008 MEETING MINUTES

Kemmis – On page 2, half way down, after Parsons Ammunition Plant change the word “ability” to “responsibility” and on page 3, third line, change “nongame” to nonresidents”.

Commissioner Shari Wilson moved to approve the minutes, Commissioner Frank Meyer second as edited. *Approved.* (Minutes – Exhibit B).

V. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

Ron Klataske, executive director, Audubon of Kansas, Manhattan – The department needs to pursue the need to implement more aspects of black-tailed prairie dog plan implemented in 2002 to avert potential listing of the prairie dog. Recently there was successful litigation of the U.S. Fish and Wildlife Service (USFWS), and it is listed as a candidate species again. Poisoning campaigns are still extensive; sylvatic plague is a huge problem, and many states have no conservation plans. We need to work together on aspects of the conservation plan. One of the goals of the plan was to have one prairie dog complex of 5,000 acres or more. There is one on private land of Larry and Betty Haverfield; Gordon and Martha Barnhardt and Maxine Blank

who have a complex of about 10,000 acres. I think it would be appropriate for the Commission and department to send a letter thanking them for fulfilling one of the primary goals outlined in this conservation plan. Commissioner Lauber – How long ago was that developed? Klataske – That was completed the summer of 2002. Commissioner Lauber – Was that before the last battle regarding prairie dogs on that particular land? Klataske – Yes. The problem is there are two conflicting sets of statutes: one that requires landowners to eradicate prairie dogs developed in 1904; and one that protects them. Other statutes make it important to protect T&E and nongame species in the state. The dispute on that particular land is one county commissioner who wants all prairie dogs eradicated from that county. It is important that the department acknowledge they are doing what was on that plan. Secretary Hayden – The USFWS was petitioned in 2002, and the prairie dog was potentially listed, a number of groups got together to change that old statute which is 105 years old and designed to annihilate prairie dogs, gophers, moles and the like. We tried to get the legislature to change it, but we were not successful. The Service said prairie dogs were warranted as a threatened species, but they precluded it (warranted but precluded) and they took no action at that time. That took the heat off the legislature to change that statute. There has been a new filing that has taken place to list black-tailed prairie dogs as threatened species. We are working with the 11 states involved in the conservation plan and the USFWS. There will be new administration in Washington and we will have new people examining this question and they will render a decision by November 30. Commissioner Lauber – Have we formally commented? Secretary Hayden – We are working through the Association of Fish and Wildlife Agencies (AFWA) with the 11 states. There will be a lot of problems if the species is listed and we do feel the statute is outdated; there should be no annihilation, but control. We are working with Farm Bureau and others. If it is listed, not only will there be no hunting, but there will be no control methods at all, which would be jeopardy for everyone involved landowners and the agency. These people are trying to do what they feel is right with their own land. We need large complexes, but I don't think it is well advised at this time to throw the agency or Commission into the fray at this point. We will work with KLA and Audubon and try to get the statute changed, but I'm not overly optimistic -- it is the same legislature. We could get it through the Senate, but have I have doubts on getting it through the House. Commissioner Lauber – I agree, it is best avoided by our agency. This is a landowner's rights statute and we could get someone mad at us. Klataske – We believe what is important is for states to be proactive to achieve conservation plans and work with entities like these landowners, then the prairie dogs are less likely to be listed. Regarding the agency being involved, we differ on that. This is a state conservation agency and should not be afraid to say what they do and what these landowners are doing is important. Commissioner Shari Wilson – On conservation plan, what goals were set and where are we with regards to that plan? Chairman Johnston – We can talk about this at a subsequent meeting. Secretary Hayden - Let us get you a copy of the plan for your review and then we can have someone talk to you about it. Commissioner Sebelius – I am interested in knowing what data there is about the population in Kansas -- where they are and where they used to be? I have worked with county commissioners for 26-28 years, and they really don't have any business making this type of decision. The department may be looked to for changes, and we have a permit system and that would be a better way to handle this rather than basing the decision on a political basis. Chairman Johnston – We will look at this issue in greater detail later.

Bill Long, Friends of Fancy Creek Range, Manhattan – (Gave handout – Exhibit C) I have brought Ernie Peck and Rick Scheidt who are board members of the Friends group. The range is in the Manhattan area, and we have been advocating for it since the early to mid-1990s, and finally got it funded and constructed. It was dedicated in 2002 and has been in use ever since. It is in the Fancy Creek area of Tuttle Creek State Park. However, we didn't complete the 50-meter part of range. We did obtain donations for concrete on a shooting shed and range baffles, but we can only use the 50-meter range for limited shotgun orientation for youth groups and Women on Target. Our major goal is to complete the 50-meter range. This is owned by department, on Corps property and run by the Friends group. All shooting is conducted under NRA range safety officers (RSO), who are volunteers. We are open scheduled days, the first and third full weekend of each month and the fourth Thursday, from 10 a.m. to 4 p.m., except for October and November when we are open all Sundays. We don't close in the winter unless weather conditions prohibit us from getting there. We provide a predictable schedule so people can come and find us open and provide a place to shoot safely. You have to have eye and ear protection and know what you are doing and we provide safety guidance. We also hold special events such as hunter education classes, Boy Scout troop training, Women on Target events (two last year), 4-H state shooting championships, and the state national Wild Turkey Federation shoot for the fifth year. We have changed the plans for the 50-meter range from the original to provide a more multipurpose range. We can't do any prone shooting and that eliminates three-position shooting, and we would like to provide that and that would also help with overflow for handgun shooters. We will need additional baffles. Chairman Johnston – I know you said you did not want to sound like you were complaining, but what are you requesting? Long – We submitted an application last year to finish that 50-meter range, and we are trying to make you aware of what the situation is. The state is getting pressure for shooting ranges and we are aware of the financial issues you are having this year. Dr. Tom Warner, one of your former commissioners, is trying to get a new K-State curriculum set up. Chairman Johnston – Could someone address the budget issues? Secretary Hayden – We are supportive of shooting ranges and do from time to time provide money for that, however we don't have any money this year, but that doesn't diminish our support. We want to give additional support. We will talk about this in future budgets. We think it is a great thing, but not able to get grants for local shooting ranges. Long – Thank you for listening. Chairman Johnston – Thank you for the work you do out there.

Charles Gardner, Emporia – I have heard rumors about changing regulations on open hunting on public places, especially in the Hartford area. Are you going to discuss that today? Chairman Johnston – I don't recognize that as being an agenda item. Tymeson – Brad Simpson will talk about public land, but I am not sure Hartford will be discussed that is a U.S. Fish and Wildlife Service area. Gardner – We appreciate what you have done for the walk-in hunting program. I am an avid hunter and outdoors person and have four kids. They are starting to put some restrictions on what we can and can't do. In the spring we look for deer sheds and access to public hunting is important to us. My understanding is that the Hartford Refuge has said we can't look for sheds or camp down there. We are concerned that we had no comment on that. Commissioner Lauber – Is the land you are talking about managed by KDWP or federal authorities? Gardner – I am not sure. I am just here as a concerned citizen because it is hard for me to get around anyplace. Tymeson – Talk to Brad, our public land supervisor, and he will put you in touch with the right folks and find out if it is a rumor. Gardner – My question is, I pay my

taxes and what can we do to keep from losing land, I understand the farmers can do what they want with their land, but I am losing something I love and so are my kids. I love walk-in hunting. Phil Taunton is a great advocate of trying to get kids out their hunting and it is your responsibility to take care of that. Chairman Johnston – You are doing what you can by being here and addressing your concerns, but we don't have a right to override or ignore federal authority. Tymeson – We work with those folks so if you have specific requests we will try to help you with that.

VI. DEPARTMENT REPORT

A. Secretary's Remarks

1. Agency and State Fiscal Status - Dick Koerth, assistant secretary of administration, gave this report to the Commission (Exhibit D). We have submitted our FY 2010 budget request to the Governor and are awaiting her recommendations, which will be next Monday. KDWP has four major funds that are considered interchangeable in regards to financing activities related to wildlife; these four funds are the Wildlife Fee Fund (WFF), Wildlife Fee Fund – Federal (WFF-F), Wildlife Conservation Fund (WCF), and the Wildlife Conservation Fund – Federal (WCF-F). I have provided a table listing these four funds with actual and future estimated revenues and expenditures by fiscal year. The bottom two lines indicate total balances, and expenditures exceed revenue with the current fee structure. As shown by the end of FY 2011 (June 30, 2011), the Wildlife Fee Fund and the four funds totaled together will be in a deficit condition. These estimates are based on the agency revenue history and assume a 2.5 percent growth in expenditures. The decreasing wildlife funds availability is due to several factors. The numbers of resident hunting and fishing licenses have decreased significantly since 1987 and continue to decrease. For example in FY 2001, KDWP issued 136,960 resident hunting licenses and 230,541 resident fishing licenses. For FY 2010, the department is estimating that 107,000 resident hunting licenses and 200,000 resident fishing licenses will be issued. The increase in nonresident hunting licenses and big game permits has provided revenue to supplement the loss in resident licenses. However, these increases have not been adequate to maintain a revenue base capable of funding existing agency activities. The future funding for the state parks is also a concern at this time. I have provided another table with actual and estimated park funding that indicates by the end of FY 2011, at the current level of expenditures, the Park Fee Fund will also be in a deficient condition. The majority of the park expenditures are financed from the State General Fund (SGF), which at this time faces uncertainties regarding future funding at the existing level. The second factor that has impacted the revenue base has been increases in expenditures. Since FY 2001, the total operating expenditures for the department has increased by 43 percent. These increases have provided more services for our constituents such as expansion of WIHA, increased law enforcement, and the KOALS online licensing system. These costs are in addition to increases in operating costs for items such as fuel and supplies. The expenditures for salaries have increased by 42 percent due to factors such as additional positions (9.0 FTE), cost of living salary increases, reclassification of positions, and implementation of the new state pay plan. Some of these things are beyond our control. We will propose revenue and expenditure initiatives to the Commission that will be presented by Secretary Hayden. It should be noted that the department has taken several actions in the current fiscal year to reduce expenditures: we will

not fill vacant positions until the last quarter of the fiscal year depending on fiscal resources which includes permanent and temporary positions; and out of state travel is being suspended until further notice. The bottom line is that without revenue adjustments we cannot maintain our existing level of services to the public for wildlife programs. The latest SGF projection for FY 2010 estimates a deficit of \$1.021 billion. This is after an estimated deficit of \$141.2 million for FY 2009. If the estimated expenditures from the SGF for FY 2010, \$6.662 billion, were reduced by the estimated deficit, it would require an “across the board” reduction of 15.3 percent from all agencies, which would be a reduction of approximately \$1.3 million for FY 2010. It should be noted that aid to K-12 schools and human services caseloads are approximately 63.4 percent of the estimated budget for FY 2010, and if these two categories were not included, the necessary reduction to the balance of the SGF would be approximately 40 percent to 45 percent. We anticipate significant adjustments to the FY 2010 budget submitted by the department on September 15, 2008. The Governor will provide her recommendations on Monday, and the Legislature will conduct their review for the next several months. The Commission will be informed of the Governor’s FY 2010 Budget Recommendations by separate mailing. The final budget for FY 2010 may not be known until the middle of May 2009. Chairman Johnston – Pertaining to the 2.5 percent cost increase assumption and uncertainty of legislature, how confident are we that these are going to be enough? Koerth – We are still considering what we will do as agency. Somewhere down the road, we need to push it forward. However, we don’t know about the Parks side or SGF. Chairman Johnston – On fee increases, what mathematical formulas were used to formulate the fee changes? Koerth – Our intent was a target to have no further fee increases for 4-5 years. Keith also worked on this table. Chairman Johnston – I don’t understand what assumptions or equations were used other than the bottom line? Sexson – The Secretary will go through these in detail in the next part of the program. There is no increase in fishing licenses because we know that the resistance factor would make it a no-gain situation. It is not rocket science or a solid model and that is why “Preliminary” is bolded at the top of the table, because this is our first look at this and there will be a considerable amount of work and public input on reviewing those figures before this summer.

Steve Sorensen, Kansas Wildlife Federation (KWF), Valley Center – You mentioned the department had a \$1.33 million budget cut. Is that overall or just SGF? Koerth – That is just the SGF portion. We get about \$9 million a year from SGF.

2. Revenue and Budget Initiatives to Meet Agency Fiscal Needs – Mike Hayden, Secretary, gave this report to the Commission (PowerPoint Exhibit D; Exhibits E, F). This is a follow up of what Dick spoke about and the future of those funds that finance the operation of the agency. This is the balance and projection of the Wildlife Fee Fund (WFF). In 2008 ended last July 1, our fiscal year, we had about \$5.5 million which is healthy, not excessive. Based on what we know and what has been approved for 2009, we will have about \$3 million in the fund on July 1, which is okay, but we want to try and keep \$2 million in budget to cover cash flow. However if you look ahead at the planning cycle we are working on now (2010), we will drop to \$1 million and that is only half of what we regard to be adequate balances. This is based on conservative expenditure growth and if you carry that out we would be a minus \$1.5 million and in 2012 to a minus \$4.6 million. So obviously we are going to have to take some action, like reducing our expenditures or increasing our income or a combination of both. The fund hasn’t

been below \$2 million in a long time. In the next 8-10 months we will try to correct the situation. If we reduced expenditures, I have an example of impacts, pay attention only to the dollar amounts to keep balances we need. In 2011, to keep a \$2 million balance we would need to eliminate the OWLS program, \$40,000; eliminate Community Fishery Assistance (CLAP) grants, \$300,000; eliminate the KDWP magazine, \$280,000; and reduce land acquisitions by \$400,000; salaries by \$1.88 million and would have to hold positions open to do that as they become vacant; and have a no replacement vehicle policy which would be about \$600,000; for a total reduction of \$3.5 million. If we put it solely on reducing programs this gives you an idea of the type of reductions we would have to make. These are only examples, no one is recommending that these be the programs we target, but it gives you an example of the dollars we would have to save if we didn't have increased revenues. On the other side, each of you have a copy of what would happen if we increased fees (Exhibit F), effective for calendar year 2010, which means we would have to take action in the next six months in order to put these fee increases in place. All of these proposed increases are within the statutory limits, which the Commission has authorized. Keith referred to a \$5 increase in resident hunting; which is the real backbone of the program, along with resident annual fishing licenses. This proposal suggests we leave fishing licenses unchanged, but increase resident hunting by \$5. The result of that would be a \$268,000 increase on that one item alone. We would also suggest an increase on nonresident hunting license. The number of resident hunters and fishermen has declined, but the increasing numbers of nonresident hunters has kept us afloat because they pay more. That has been a significant contribution, and if we raise nonresident hunting \$25 to \$95 that would produce \$876,000, or four times as much as we would be asking our residents to provide. The rest of the recommendations are on the list and are preliminary suggestions or ideas. It shows the change it would make and some are no change at all. For example nonresident furharvesters would go up \$50 from \$250 to \$300, and that would be the largest change and if we institute those changes for calendar year 2010 that would increase revenues by \$1.5 million. On the turkey and antelope page, you see a \$5 increase in turkey permits for residents and \$20 for nonresidents. On antelope, very few permits are issued and as you can see, it doesn't raise any money, only about \$1,000. Turkey increases would be \$470,000 and well over half of that would be on nonresidents. On deer, again \$5 increase for general residents, from \$30 to \$35, resident antlerless, \$15 to \$20; and nonresidents from \$300 to \$320. All together \$627,000 on deer permit changes. The biggest change would be the nonresident hunt own land (HOL), which would be double the fee, from \$75 to \$150; resident HOL would only be going up \$2.50, from \$15 to \$17.50. On lifetime licenses, currently individually are each \$440, or combination hunting and fishing is \$880 and we would raise them to \$500 and \$1,000. All totals would raise an additional \$2.7 million. Assuming 2.5 percent expenditure growth in 2012 we would be \$4 million to the good instead of \$4 million in the hole and never do we drop below the \$2 million in the fund. Commissioner Shari Wilson – On proposed increases for resident deer permits, I have concerns about that. I have been getting more calls from frustrated hunters that can't access land and are close to throwing in the towel. I am concerned that any fee increase means we would lose more people from buying a permit at all. I know we need to find the revenue and we may hear from the legislature that you have to raise more money on your end before we can give you more SGF to help with your programs. I know you told us to not look at specific programs on the expenditure list, but I am really concerned about eliminating the OWLS grant program because I know that is very valuable for schools, but I realize \$40,000 could pay a staff person and

between that and the magazine those are two things that we do that really help educate the public that are not yet hunters or anglers because they are still kids or members who are adults that may not hunt or fish, but are conservationists or have interests and want to support the department, and this is a way we can keep them informed. With hunters and anglers decreasing we need to find supporters from the rest of the public and these are two things that help us with that. Maybe we could move that into the private sector or have another organization take them over. Thank you for all of your work on these, we realize it isn't an easy thing to do. Commissioner Robert Wilson – On nonresident hunting licenses, raising that \$25, from \$70 to \$95, how does that compare to Nebraska? Secretary Hayden – I can speak personally on South Dakota because I hunted there. It is \$101, and it is not good for the whole season, it was only good for two 5-day periods during the season. We have one of the longest seasons in the nation and we have one of the most generous bag limits on pheasants. We would be below South Dakota, but I don't know about Nebraska. Sexson – Nebraska is \$81, Oklahoma \$137, and Missouri is \$80. We have compared our fee increases to adjoining states and we are right in the ballpark. Some of them would be cheaper and some higher, but some states you need habitat stamps and access stamps that are added to that, so it is not a clean comparison.

Jim Rogers, Lebo – Over the last few years we don't have the hunters coming in and if you raise the fees I won't be buying a license and I know a lot of them won't. In Missouri you can buy a combination for \$18. I think we are barking up the wrong tree. I haven't heard anyone say that we should cut the politician's salaries.

Commissioner Sebelius – What is CLAP? Secretary Hayden – That is the Community Lake Assistance Program where we give money to local communities to assist with local township, county or city lake.

Charles Gardner, Emporia – Fees are going up and that is understandable. Have you looked at how much money is generated by the pay-to-hunt programs? You are looking at millions of dollars that farmers are getting from leasing. Have you ever tapped into that revenue? Maybe get 10 percent of that income and there is your deficit. I'm sure some of these people are making \$1,000 to \$5,000 a gun, and they have ten hunters on there that is \$50,000. Those people leasing the land up don't particularly care about a \$5 increase in the fee because they are going to spend \$5,000 to hunt that weekend? Could we work with gun clubs and people who are leasing the land up, maybe get five to ten percent in the form of a tax or something like that. Most of the land around Emporia is leased. Walk-in is good, some good land and some not. The bass pass is a great program. I don't know why we have to raise rates. The cities are getting bigger and the country is getting smaller. I am 38 and my son is 9 and I bought him a bow and gun and it is not looking good for him.

Steve Sorensen, KWF – Keith made a statement that the department has made the determination that increases fishing license fees is going to result in resistance. I am assuming you did a study that shows that raising hunting licenses \$5 is not going to? Sexson – The fishing thing was where we actually showed that raising a fee by so much was going to result in a negative situation. Built into these figures is about a five percent resistance factor. We did figure that no matter where you raise fees there is going to be about five percent may resist the first year or two.

Secretary Hayden – Where that came from was actual results from the last time we raised fees. Sorensen – My recollection we took a hit the first year, but we regained it the second year. So it seems illogical to me to leave anglers out of the budget deficit. I assume they are part of the deficit, but it is not logical to leave them off. The vast majority of the increases are all hunters and that seems to me to be unfair and unbalanced. If you want to charge \$20 for fishing license and \$23 for a hunting license that seems fair. You need a better balance.

Commissioner Meyer – When was last time we raised fees? Secretary Hayden – In 2003, next January it will be 7 years. Chairman Johnston – I understand these are preliminary, but I would like to ask when the fee regulations are brought to us for action that the graph include the percentage of increase as well as the actual dollars. Sexson – In answer to Frank’s question, in the case of deer permits it has been over 20 years since we last messed with those.

3. 2009 Legislature – Chris Tymeson, chief counsel, gave this report to the Commission. We expect a light session as far as substantive bills. We have had one request from the conservation officials at Fort Riley on blaze orange. Essentially we have an overlap of elk firearms and deer archery season. Never ask a question you don’t want the answer to and we have been requested to give an opinion on whether the archers on Fort Riley needed to wear blaze orange during the firearms season and the answer was yes. We don’t feel that is a danger, but we don’t feel the statute has kept up because we have had dramatic expansion of both of those seasons since 1989. This is a clarification, if you are hunting elk during an elk firearm deer season or hunting deer during a deer firearm season that you would be required to wear blaze orange. That is our only initiative we are going to pursue this year. As far as general topics: potential for constitutional initiative for right to hunt, fish and trap; prairie dogs and black-footed ferrets; watercraft taxation, high rate in Kansas and people register outside the state, given SGF, that is property tax and don’t expect much play this year; guide licenses could come up again, proposal would require license under Commerce; and possibly deer. Commissioner Lauber – Is it possible to tap into guide license fees to help us? Tymeson – It is a fee funded program the same as theirs and our position is that you should regulate all or none and the purpose of a guide license is to protect the consumer and the individual they are guiding is paying the fee to harvest the animal which is what the state places the value on. I am not sure in policy or principle that charging someone just to make money when you are actually getting the money from the guy doing the hunting, is not good policy. Commissioner Lauber – I’m not sure it is good policy but there are those who have no place to hunt who wouldn’t might tapping a fee on them. One other thought, the merger of various agencies that is going to take place. Are there any of those we care about? Tymeson – We should wait for the Governor’s State of the State before we comment on that and see if that actually happens. Commissioner Meyer – Tax on leasing of land would be an exercise in futility, game belongs to us, but land belongs to the landowner. Might be something we look at. Tymeson – Texas has a permit system that landowner has to buy a leasing permit. I don’t know if it is in force or even constitutional. Access is the key in a private land state, but I don’t know if we can. Commissioner Meyer – We obviously are not going to increase the volume of hunters, but if we can increase the margin. That is the two keys of business, increase margin or volume. Cutting programs that are holding our volume up is counter productive.

B. General Discussion

1. Commissioner Permit Drawing - Keith Sexson, assistant secretary for Operations, gave this report to the Commission (Exhibits G, H). This is the fourth year of this program. In the last three years \$80,000 has went to department programs, \$49,000 in 2006, \$27,000 in 2007, and \$24,000 in 2008. The Commissioners also have a table that shows what projects the money is being spent on. Drawing – Chairman Johnston - #94, Friends of NRA Tallgrass Chapter 22, elk; Commissioner Shari Wilson - #86, Friends of NRA SW Kansas Chapter 9, deer; Commissioner Sebelius - #11, Colby Community College, deer; Commissioner Lauber - #70, Ducks Unlimited NW Kansas Chapter, deer; Secretary Hayden for Commissioner Bolton - #66, Pheasants Forever Sunflower Chapter 445, deer; Commissioner Meyer - #68, Ducks Unlimited Kaw River Chapter 97, antelope; and Commissioner Robert Wilson - #56, Pheasants Forever Smoky Hill Chapter, deer (Exhibit I). Chairman Johnston – Is the number of Commissioner permits set by statute? Sexson – Yes. Chairman Johnston – Since this is such a successful program, could we increase that number? Tymeson – The money does not go into the WFF, but is spent on joint projects, so that would not help the bottom line. Chairman Johnston – So the revenue might not have any budget impact.

2. Cabin Summit Update - Mark Stock, special assistant to the Secretary, gave this report to the Commission (Exhibit J). The KDWP Cabin Program began in 1993 when a primitive cabin was made out of a mushroom shelter at Cedar Bluff State Park. Following that primitive cabins were developed at El Dorado with funding from their friends group. We have of about 69 cabins online and available that range from a deluxe cabin with all of the amenities such as heat and air conditioning, furnished kitchen, separate bedrooms, etc; to sleeping cabins that are basically four walls, a roof, a floor and a bed; and some in between. About half of the cabins are ADA accessible. Most of them sleep 4 to 6, some more than that. The rates vary depending upon season and types of amenities. The first page of the handout shows where they are located. In 2005, the department developed a partnership with the Kansas Wildscape Foundation (KWF), the Kansas Department of Corrections (KDOC) and the Southeast Kansas Education Service Center (Greenbush). The KWF borrows money to buy materials, which Greenbush uses to construct the cabins. The revenues from the cabin rentals pay off that loan. Additionally, the KWF receives donations, which help pay down that loan amount and will be in the name of the sponsor through that donation. To help in that effort, the KWF was recently awarded \$150,000 of tax credits from the Kansas Department of Commerce. These tax credits will leverage \$300,000 of private donations. One of the important aspects of the cabin program is inmate rehabilitation, but the three correctional facilities in Hutchinson, Ellsworth and Norton will take inmates and train them in craft skills through Greenbush and they will build the cabins. Also, some of the furniture and cabinetry is built by the inmates. Upon graduation from that program the inmates receive a nationally recognized certified education which helps them on post-release to find a job in the private sector. About 100 inmates graduate per year from this program. One of the initiatives our department undertook last fall was to review the cabin plan to decide cabin locations and the appropriate type of cabins for each location. As we started doing that, we decided to bring in all the entities and organized a Cabin Summit which was held December 15 – 16 in Salina and were pleased to have Commissioners Frank Meyer and Robert Wilson join us. We had about 85 people from our department and partners to discuss the cabin

program. Most of the comments that I have received from public land and park managers was positive. We came up with a 10-year plan where the department would operate approximately 200 cabins in 23 state parks and 20 public lands wildlife areas. Now we are refining that plan, based off that Cabin Summit. We'll take that final plan to our partners, get their endorsement and proceed with implementation. Commissioner Meyer – I thoroughly enjoyed being there and listening to everything. I think with the foresight of the department and the work you and the park managers are doing on that, we are providing something that is appreciated and needed by folks that use our parks. This is a great success story, and I want to give a vote of thanks to Secretary Hayden and Jerry Hover.

3. Kansas Coalition for Children in Nature and Executive Order - Jerry Hover, Parks Division director, gave this report to the Commission (Exhibits K, L). This program started two years ago with the Kansas Outdoors Summit. This October was the second summit with the third summit already being planned for next year. The plan of action is to share information and knowledge on developing and expanding natural resource education and recreation opportunities for children and their families; to engage other federal, state, local, tribal, and non-government partners in shared technology and interactive programs and problem solving activities to achieve mutually agreed upon goals to connect children and nature; promote a national campaign to recognize the importance of connecting children and families to nature; join together in a continuing dialogue to discuss common issues and implement solutions to create a seamless system of services; and focus on individual initiatives to increase the public's awareness and value of connecting children in nature toward a goal of improving the knowledge of our nation's natural resources and the health and welfare of the present and future generations of the nation's young Americans. Plans are in progress for adoption of a Kansas joint legislative resolution and formal adoption by Governor Sebelius. This is a golden opportunity for national, state and local agencies to collaborate to better link children and families to nature. Focus is being placed more on parents this year to discuss common dialog. We continue to reach out to other partners, so we will be adding additional groups for this October. One of the things that came out of this was the Kansas Children's Outdoor Bill of Rights was adopted by all members of the Kansas Outdoor coalition which reads: Every child should have the opportunity to: walk in the footsteps of Kansas History; access a natural environment; camp under the stars; explore nature; learn to swim; play on a team; follow a trail; participate in the shooting sports; catch fish and harvest game; and play in a safe environment (Exhibit L). This has also been adopted by Kansas Recreation and Parks Association. It is becoming a large coalition. We invite the KDWP Commission and public to join in advancing the mutual goals of these organizations and others to connect the nation's children and their families to outdoors and an opportunity to rediscover their natural and cultural heritage. Commissioner Shari Wilson – Are you asking the Commission to formally express its' support? Can I make a motion? Chairman Johnston – Yes. *Commissioner Shari Wilson made motion to support this program, Commissioner Doug Sebelius second. Approved.* Commissioner Shari Wilson – The “No Child Left Inside” federal bill passed the House last September and is going to the Senate soon. This should bring stronger support for conservation education in our schools. Kansas would be in line to get as much as \$50,000 to \$200,000 a year in funding from that federal program. You can go online and Google that and talk to our legislators. It is important to keep this front and center.

Break

4. Public Lands Regulations - Brad Simpson, Public Lands Section chief, gave this report to the Commission (Exhibit M). Changes under consideration include changing the definition of a youth and novice hunter to anyone from 16 to 18 years of age and younger, and the rest of the changes are additions or restrictions. Commissioner Shari Wilson – Are these changes to the reference document that we just approved earlier? Simpson – Yes.

5. Lake and Reservoir Mapping – Dr. Mark Jakubauskas, Kansas Biological Survey, Associate Professor, Kansas University, gave this report to the Commission (PowerPoint - Exhibit N). I was asked to describe work that has been ongoing on the Applied Science and Technology for Reservoir Assessment (ASTRA) initiative. The Kansas Biological Survey (KBSI) is a non-regulatory agency of the state of Kansas, but it is a research and service unit of Kansas University (KU). Currently we do bathymetric (lake depth) mapping; lake bottom classification; sediment thickness mapping; and reservoir information system database. We plan to add submerged aquatic vegetation mapping and fisheries acoustics for fish surveys. We use a high-end acoustics echosounder where the sensor sends out calibrated sound pulses and from the ping, we determine the depth of the lake, where fish are and even go through sedimentation to find the original lake bottom. This program was created in 2006 with funding from the Kansas Water Office (KWO) to gather statewide information about lakes and reservoirs and is a five-year program. First we do an air photo to use as a guide; then we use the echogram (a graphical depiction of the received acoustic signal) as we move along; and use GPS coordinates to do a predetermined survey of thousands of points along set lines recording location, depth and other information at each point. As we move along the lake, we take five echosoundings per second. We produce a series of maps that can be downloaded and each shows how much water is in the lake at each level (area-volume-depth charts). The master plan includes four federal reservoirs per year and several smaller lakes, which are being generated for the KWO. We also did a couple of lakes that were not on the original plan. We create lake bottom maps, but can do lake bottom classification (for example whether the bottom is rock or mud) and produce a map to show that (the first one we did was Carbondale Lake); we can look at fish habitat, identify potential zebra mussel habitat and others; do sedimentation assessments, with some areas silting in fast and some slow. The high frequency reflects off the bottom, low frequency reflects off the original bottom and we compare. The third method is to drive a three-inch aluminum tube into the lake bed and see how much sediment has actually accumulated, and to calibrate that with what we did with the map and echosounder. We have not done aquatic vegetation tests in Kansas, but if you measure it you disturb it, so sonar is the advisable way to test for that. Also, of interest to you might be fish acoustics. Fish reflect sound off their swim bladder, the bigger the fish the more energy they produce and we use a very narrow beam width of sound. An example from Lone Star Lake shows where the fish were in the water column and the size of the fish and we can even show where they are hiding. We haven't experimented here in Kansas beyond these pilot shots.

Chairman Johnston – Before we go to questions I would like to welcome Representative Don Hill from Emporia.

Chairman Johnston – I recall you using a phrase “reservoirs in trouble” and wondered if you could elaborate if you have identified any of those? Jakubauskas – There are no lakes in Kansas as a reservoir scientist would define it only man-built reservoirs, no natural lakes. A natural lake would be created by nature and may be thousands to tens of thousands of years old. In Kansas, we have reservoirs that were built in hostile areas so they have a 50- to 100-year expected life span and some of them are silting in very rapidly. Two of the biggest examples are: Perry Reservoir which was constructed in late 1960s. It has lost about 1,000 acres of surface area, somewhere around 100,000 cubic yards has silted into that lake; the other lake is Mission Lake near Horton, built in the 1920s, originally was about 160 acres now is about 124 acres. We went up there with our sediment coring boat, took out cores and in some places we pulled out 10 feet of sediment in seven feet of water. Now the state and the town are jointly working on a dredging project for Mission Lake to try and restore it as a water source and fishery and are looking at taking out about 1 million yards of silt. Commissioner Meyer – Most of our reservoirs are over 50 years old. Is there any projection that the government will build new ones as these fill up? Jakubauskas – For federal reservoirs there are sites in Kansas that are identified, but never built. Hillsdale was the most recent reservoir built in the early 1980s. You have several options when it comes to reservoirs, you can let it fill in; you can raise the dam height; raise the conservation pool; build a second dam in front of the old dam which acts as silt trap to protect the new dam; or you can build new reservoirs but most of the good spots have already been taken. There are more challenges to building large reservoirs now than in the 1950s and 1960s. Commissioner Lauber – Will dredging solve the problem? Jakubauskas – It depends on the lake, at Mission Lake it is feasible (sinking \$6 million), but not feasible for all of our lakes. The solution may be selective dredging in certain parts. Commissioner Shari Wilson – Mark, I requested a presentation on this after I got an email about what was going on. It is fascinating and amazing what you can do from one set of data points and seems very efficient as well. Thank you for coming and making this presentation to us.

Charles Gardner – Is this information something I can access as a fisherman? Jakubauskas – We are posting our maps on our website as we generate them. What we ultimately would like to do is provide that information not only in PDF or hard copy, but in digital form that you could potentially pull into your GPS. Garmin has asked us for a lot of our data, so we have passed it on to them. Gardner – Have you looked at giving maps to KDWP? Jakubauskas – They are welcome to all of this data. I asked Doug Nygren to give me all the lakes within an hour’s drive of Lawrence that weren’t on our list that we could use for training exercises and we have picked off a couple of those, but I am limited on what I can do. When at a boat ramp we get two questions: what are you doing with that; and where can I get those maps. Gardner – I would pay a \$5 fee to get those maps. If you could give them to them, there could be some extra money for Wildlife and Parks.

6. Fishing Participation Marketing Program - Tom Lang, CFAP coordinator and Fisheries Section program specialist, gave this report to the Commission (PowerPoint - Exhibit O). I want to update you on a project I spoke to you about last April. We are one of 35 agencies that are taking part in this project. I will give you year one results; year two plans of attack; and year three ideas because this Angler Marketing Campaign is a three-year project. We applied business intelligence to our project and used new SAS data mining software to mine KOALS

data and identified targets as annual fishing license buyers and used SAS to evaluate impacts. This campaign has a national ad support, "TakeMeFishing" campaign. We advertised on 31 radio stations ran 2,976 radio spots for the main six weeks our campaign occurred; used online and print ads; and had a Kansas-specific "TakeMeFishing" website. The first year strategy was mailing postcards. Mail dates coincided with previous years' casual angler peak license sales dates, April 14; and follow-up postcard was sent May 20 to anglers that did not buy a license after receiving the first postcard or only bought a 24-hour license. We used two different card styles, one for minorities. Sample sizes included: 36,000 casual anglers in a treatment of 50,000; casual anglers purchased 24-hour, 5-day fish, annual fishing, annual combo, trout permits, and handfishing permits. Included Sportfish Restoration (SFR) dollars in the economic evaluation and had 23.6 percent response; 2.3 percent increase; 11,424 unique anglers; for an increase in revenue of \$27,711.92. Overall response on first card of 11.4 percent; follow-up increased response to 23.5 percent, so follow-up card was well worth sending. Overall had 11,507 of 50,050 bought 11,776 licenses; 23.5 percent response (third best nationally); a 2.3 percent lift over control; revenue increase of \$28,215.41. Project cost \$44,000 of which half was KDWP and half was RBFF funding, which cost us \$22,000 so we made some money (about \$6,000). We had a decrease in 24-hour and 5-day licenses; biggest increase was annual fishing, about 1,091; increased number of anglers by 870 and increased number of licenses sold by 1,132. First year lessons: imagery should be tailored to targets; make sure your materials reach their targets; revenue increase not limited to this year; incentives can increase response; and controls are very important for learning and making your efforts better. For year two we will employ the same postcard/postcard strategy; use SAS business intelligence (BI) to identify targets which will target past annual fishing license buyers; better utilize national campaign by working with RBFF; build upon what we learned in year one; use controls to keep learning; and leverage our campaign. Increasing return on investment by employing email this year; cut cost on printing (only one side glossy); use in-house address labeling; cut cost on postage by using partial first class and the rest at standard or non-profit rate (save 8-15 cents); and invest savings into larger sample. Again two cards, but instead of minorities we will have a card targeting males and one for females; mail side of first card and follow up card; same design of cards on our fishing regulations and male card. Last year, 80,771 fishing privileges were purchased at 25 different locations, 21 of them are Wal-Mart stores. That is where anglers are purchasing. We should be there to remind them to buy. Hang banners over sporting goods counters, like "Don't Forget To Purchase Your FISHING LICENSE Today." Incentives will help increase response, but must be economically sound so we are looking for partners that can help us. We have learned from what other states did in year one of the campaign. Potential incentives include: at-purchase discounts on other goods; possible free issue of "In-Fisherman," maybe a couple of Kansas articles; and "I'd rather be fishing" bumper sticker.

7. Meade Bass Propagation Facility – Doug Nygren, Fisheries Section chief, gave this report to the Commission (PowerPoint Exhibit P). I want to go into why we thought we needed a Bass Propagation facility in Kansas. Largemouth bass are the most preferred species by Kansas anglers, but most reservoirs are limited on recruitment and are not reaching potential. Water levels are stable to declining; lack aquatic vegetation; spawn too late for offspring to feed on gizzard shad (bass spawn around May 10, gizzard shad around May 4); and bass that are not in good body condition won't survive first winter. In 2008, Dr. Hal Schramm, MSU did a study of

spawning across the country. At Hillsdale Reservoir, young of the year (YOY) bass lengths from shoreline seining samples from 1997 through 2007 show that the earlier a bass hatches the more likely it is that they feed on gizzard shad all year. The later a bass hatches, the less likely that they will grow more than three inches long and survive the winter. Stocked bass are spawned about a month earlier and grow much bigger than naturally spawned bass. A potential solution would be to stock early spawned hatchery bass one month ahead of natural spawn. How can we get bass to spawn early in our hatcheries? By tricking them into thinking it is May in March; bring brood stock into climate controlled building in February; keep males and females in separate tanks where we would acclimate them to an accelerated photo period and water temperature regime to promote an early spawn and once they are acclimated, place males and females in a raceway with spawning mats. Meade Hatchery is the smallest of our four hatcheries and only has two staff, but is home to all of the pure strain northern largemouth bass brood stock and has produced 2 million largemouth bass since 1998. The brooders are kept in earthen ponds and have traditionally been spawned in the ponds, but are at the mercy of the weather. The young bass are only about one inch long by June 1, which is too late to feed on gizzard shad in a reservoir when released. We had 16 ponds available that we traditionally produced bass in, but we needed something different, some type of facility where we could actually manipulate the climate. We want to spawn our bass at the same time as southern Texas' wild spawn, April 7 – 14. The new Meade Hatchery bass propagation facility has walls up and the roof on, and we are starting to set raceway tanks now, and the plumbing and heating people are in there. We are prepared to do testing in early February and bring our fish in by February 20. The site is near the existing adobe near the hatchery headquarters on the upper end of Meade State Fishing Lake. Inside the 55-foot by 72-foot building, the round tanks will be the acclimation tanks with ten males in each tank on the left and ten females in each tank on the right. After they are ready, we will move the males and females to the big raceways on the right and place the spawning mats in there and let them do their thing naturally. After they spawn, we will pick the spawning mats up and hang them in the four hatching troughs below the raceways. When the bass hatch, they will follow the bottom and when they swim up about seven days later they will be netted and moved to the other two tanks where they will be fed live brine shrimp for about five days. The life history of a bass in the wild is: the male prepares the nest; attracts the female; she lays eggs; he fertilizes them and guards them through the egg hatching, development and fry stage. The male then abandons the fry and leaves them to their own devices. Our fish will be protected until that point of independence. We have two stocking strategies we are going to try and employ: use advanced fry (about 20-day-old fish, about the same time the male would abandon the fish), stock them at Hillsdale Reservoir starting at the upper, warmer parts of the lake and as the season goes on the last ones will go in the lower parts of the lake, about seven rounds of stocking in all; we'll stock fingerlings at Cedar Bluff (50,000 to 75,000 early spawn) and see if we can bolster the population. That way we can evaluate two different sizes and strategies in year one, and we will have a stocking evaluation to determine how successful we have been and continue to monitor fish through successive years. We don't think we will have to mark them because the hatchery fish will be seven inches in October as opposed to about four inches if spawned naturally. The hype (just a dream), hope (getting hopes up for nothing), or reality, which I believe it is a real solution. The production of early spawned bass and the stocking success of these fish are experimental. It may take several years to refine the production process, and it may take several years to determine the correct size and number needed to impact a large reservoir.

But we feel confident that this is the best path to take to improve bass fishing in Kansas' large reservoirs. Additional uses for the new building will be to rear brown trout, produce and certify triploid grass carp, as a holding facility for other fish, storage for equipment, future experimentation of sterile Florida strain northern strain largemouth bass production for release in some of our power plant lakes, and production of coy for forage for bass brood stock. Right now we feed them primarily pellets and want to enhance their diet. Commissioner Lauber – Would this hatchery be able to keep up with two or three lakes or have the potential of keeping up with half the lakes in Kansas? Nygren – Limited by number of females we have. If advanced fry technique is successful, we could provide three lakes, but the architecture firms designed the building so that we can easily double the size of building at a fairly inexpensive cost and double our production. If we have to go into fingerling production we not only need a bigger fish house, but more ponds to rear them. Commissioner Lauber – Is there always enough gizzard shad young-of-the-year or can you out-prey them? Nygren – Generally our lakes are very productive. Commissioner Lauber – Is there another species that might be adversely affected by suddenly a new class of super-predator? Nygren – If we overdo it, we can back off on stocking, as opposed to a wild situation where we are at the mercy of Mother Nature. That would be a nice problem to have.

Charles Gardner, Emporia – I love the idea because I am a tournament director. Bass fishing is one of the biggest industries. My biggest question is why can't you work with Corps on water levels? Raise a lake another foot or so and that might decrease the amount of sediment. Water level determines a lot of things. It is two months out of the year. Nygren – We do prepare water level management plans with Corps and the KWO annually; however the Corps hands are tied because they have to maintain flood pool. So they are very reluctant in the spring when we really need to flood that vegetation above conservation pool to provide nursery habitat for bass. They are reluctant to keep those lakes high at all. Water has become a scarce commodity and is very valuable and reservoir water has been sold. If we could do that we could produce good bass. Gardner – One foot could make a big difference, but that is something they can't do? Nygren – At John Redmond we have a drawdown every three years and there are certain safeguards in place. We have to have certain amount of flow coming in to rule out a pending drought situation and the Corps has allowed us to keep it a couple feet above conservation pool for a short time. The water at Clinton is totally appropriated, there is not a drop to be let go. We can't manipulate where we can make a difference. Gardner – Bass fishermen will help with funding, and we appreciate the bass pass.

8. State T&E Review Status – Ed Miller, nongame wildlife research biologist, gave this report to the Commission (Exhibit Q). KDWP by statute is required to evaluate the threatened and endangered (T&E) and species-in-need-of-conservation (SINC) list every five years. The Task Force charged with doing this consists of William Busby, Mark Eberle, Elmer Finck, myself, Tom Mosher, Daniel Mulhern and Bryan Simmons. The process started last February when we opened and advertised for petitions from individuals, scientists, and people with interest and knowledge on the status of species in Kansas. We had 21 petitions and of those the Committee decided to further review nine of those for listing to, or delisting from, the T&E status. The bald eagle was ruled to be removed from the threatened list because it is one bird of prey that has increased greatly. In fact it is second in success only to the wild turkey. The

peregrine falcon was also recommended to be taken from threatened list. The broadhead skink is to remain unchanged on the threatened list, but recommend further studies on its genetics and whether the peripheral population is different and its habitat use. The American eel was recommended as endangered but it will remain unlisted. The shoal chub was petitioned to the threatened list, and the Committee recommended that. It is one that was a victim of taxonomic change. In the past it was listed as the speckled chub and divided into two species, so we are doing some work to get it back on the list again because the name has changed. The bigeye shiner is a species petitioned to threatened and we recommend it to the SINC list. The SINC list is the watch list where we do not have regulatory review, but do gather data and possibly can fund research on that species. The redbelly darter was petitioned to threatened, and we think it should go on the SINC list. The plains minnow is currently SINC and was petitioned to threatened, and we recommend that. The delta hydrobe, a small aquatic snail, is a good indicator of water quality and lives in Chase County on Cedar Creek. The next closest location is in Missouri, over 200 miles away. It is gone from Nebraska, not found in Illinois or Iowa in years, found in only two of 800 sites searched for in Missouri, so because of its rarity we recommend threatened for that species. There were six species recommended to the SINC list: striped shiner; common shiner; southern redbelly dace; cardinal shiner; and Johnny darter. The remainder of the petitions we did not recommend any change. I would like to thank that Committee for helping to come up with these recommendations.

Klataske – Explain how the regulatory process works. Miller – The actions that are regulated are ones that pertain to tax funded or projects that trigger some state or federal permit. We don't regulate on private land or actions of private landowners. Klataske – But they have to be tax funded, so if there is some kind of governmental entity involved then your review is made. Correct? Miller – That is right. Klataske – That can be state, federal, county or city? Miller – I believe so.

Chairman Johnston – We have a sign-in sheet on the back table that we encourage you all to sign in on.

VII. RECESS AT 4:45 p.m.

VIII. RECONVENE AT 7:00 p.m.

IX. RE-INTRODUCTION OF COMMISSIONERS AND GUESTS

X. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

Gale Wendell, Olpe – I represent several farmers in my area. We have been having a terrible problem with deer hunters. I spoke to each one of you during hunting season, with the exception of Shari Wilson. What can we do to get coyote hunting stopped during deer season and to regulate where these people can hunt? With the coyote season open, it is an open invitation and I know of people who said if they shot a deer they would go get a permit, tag it and take it home later. We have had nightmare problems with livestock the last six to seven years with deer hunting, poaching and shooting around the cattle. We spend the whole season fixing fences, rounding up cattle and hauling off dead and crippled animals. Is there something we can do to

stop some of these problems? Chairman Johnston – You and I spoke, and you talked about your attempts at remedying this through law enforcement. Could you tell us about that? Wendell – I have two of the game wardens and everybody in the area on speed dial and so do eight or 10 of the other farmers in the area. On our farm alone I can walk you to three deer shot prior to season, and we still have a dead doe lying in the wheat field that was shot at night. We are coming to the conclusions that most of the big deer are shot before season. A game warden in the area has had dummies down, in fact he pulled a few guys over on a couple of farms and they didn't have a gun so they couldn't do anything. These guys run around in groups of eight to 10, and they say they are coyote hunting. If you would stop coyote hunting during the deer season, they wouldn't have that excuse any more. Chairman Johnston – It would be helpful for me to know how long we have had coyote hunting open during deer season? Sexson – There was a short period of time when it was closed and then we heard from the landowners who said they couldn't take care of their coyote problems during that period of time so it was opened back up. Chairman Johnston – How long ago? Sexson – I can't say how long, but quite a while. Mike Pearce – It was in the early to mid-70s because I was in high school. Chairman Johnston – Kevin, is this a problem your officers have told you about? Jones – Yes, my officers have mentioned concerns with coyote season running during deer season in the last two years especially. Chairman Johnston – Has staff considered closing coyote season during rifle deer season? Jones – We could discuss this, but as assistant secretary Sexson indicated, you get a revolving door syndrome going. On one side some want it closed and on the other they want it open. There is no answer that serves both sides equally. Commissioner Lauber – Have you made insurance claims? Wendell – You can not insure for that. Commissioner Lauber – These seem to be more than hunting infractions, has the local sheriff been contacted? Wendell – Many times. The only time we ever have trouble is the deer season. Commissioner Meyer – I was born and raised on a farm and when the deer hunters are out and the coyotes get stirred up it is a good time to be hunting coyotes. I feel for you, but I think a couple of the groups that didn't like the idea of not allowing coyote hunting during this prime time was KLA and Farm Bureau and are the ones that would have the argument against this. If you could go to them and we could work together that would be helpful. Wendell – Leave it open so only the landowners can hunt the coyotes and that eliminates the pickups running everywhere. The majority of farmers, if they have a problem with a coyote they are going to shoot it. It isn't going to make a difference if the season is open or not. Just eliminate the people from town coming out because it gives them a place to go. Chairman Johnston – I think there is willingness to discuss this again, especially since the last time it was tried was 40 years ago. KDWP could just as easily reach out to KLA and Farm Bureau and see what their thoughts were on something like this. I think all of the Commissioners have also heard from another gentleman from a different part of the state a few days ago who is having the same problem. Lawbreakers are going to be lawbreakers, and there is only a certain amount we can do to reduce the incentives. Wendell – The last weekend of deer season I can name seven guys that had pens of cattle scattered and they were all either coyote or deer hunters. I can get you a list of 17 or 18 guys. Something needs to be done, whether more law enforcement or change of permits or something. Commissioner Meyer – Lets work together and come up with a solution. Wendell – Two guys who hunt on me got their deer 45 minutes after season started. Chairman Johnston – We will consider your ideas and we appreciate you coming and telling us about the problem.

Steve Sorensen, KWF – I talked to several people earlier and I would suggest this legislative

season we try to get poacher stamp enacted. It would be very similar to the drug stamp where poachers would need to have one in possession while poaching and if they don't they would pay a big fine. I don't see why it wouldn't work. They found the drug stamp constitutional and they do the same thing. Then Kevin's guys would have a list of people. I told Chris we will work on it this spring. Chairman Johnston – Interesting idea. Commissioner Meyer – Kevin's department is totally understaffed, and each one would have to drive 25,000 to 30,000 miles a year just to cover every country road in his area so we rely on the public to give us a call.

Randy Smith, Americus – In hearing Mr. Wendell speak it brought up the same idea I wanted to talk about. A good friend of mine was shot and killed a year ago, December 15, by someone who tried to use the alibi of coyote hunting. My solution would be to take away the part of the regulation that allows using motorized vehicles for coyote hunting and they wouldn't have that excuse anymore. Please consider that.

XI. DEPARTMENT REPORT

C. Workshop Session

1. KAR 115-25-5. Turkey; fall season, bag limit and permits - Jim Pitman, small game wildlife research biologist, gave this report to the Commission (Exhibit R). We have four turkey units open to turkey hunting, with three open for fall. We offer over-the-counter permits for Units 1, 2, and 3, which is everywhere except for southwest Kansas. We offer game tags which allows the taking of three additional birds in Unit 2. In 2007 we issued 15,066, including 3,769 game tags. Fall harvest was about 4,700 birds and was down substantially from the previous two years, when we shot about 6,000. The vast majority of the decline in harvest was in the southeastern part of the state. Of those 4,700 birds, about 36 percent, or 1,700, are hens, and only a couple hundred of those are taken with game tags. As I mentioned, harvest in the southeastern portion of the state was down substantially and has been going down for about four years due to poor production. This is due to extreme rain and flooding, especially in 2007 and 2008. I expect hunting success to decline in the next few years. We calculate a poult to hen ratio as our index to production, and in 2007 that ratio was only .5 poult per hen compared to other parts of the state where that is typically over three. We did consider recommending some changes to the fall season to address the declines, but when you consider, for example, that eliminating game tags in the southeast would reduce harvest of hens by less than 100 for the entire region. If production continues to decline, we will consider reductions in fall harvest, but we are not making any recommendations to seasons or bag limits at this time. I should mention that in the rest of the state, the turkey population is doing really well and even increasing in western Kansas.

2. KAR 115-25-7. Antelope; open season, bag limit and permits - Matt Peek, furbearer research biologist, gave this report to the Commission (Exhibit S). At the last Commission meeting, Chairman Johnston asked a question about the discrepancy between the firearms and muzzleloader permits issued and the demand for these permits. I responded to the question at the meeting, but since I don't have any recommendations for change I thought I would go over that a bit further. Permit numbers are based on a variety of factors, including buck:doe ratios obtained

during summer aerial surveys and are expressed as the number of bucks per 100 does. Our objective is made to manage the herd within each unit at levels between maximum trophy potential which is 50 bucks per 100 does and for maximum hunter opportunity based on pronghorn reproductive potential which is 25 bucks per every 100 does. Most hunters are interested in harvesting adult bucks, which constitutes about 90 percent of the total harvest. Therefore as buck ratios decline, hunters generally become less satisfied, though we are able to issue more permits under that situation. On the other hand, in order to maintain higher buck ratios, we have to issue fewer permits and hunters generally report higher satisfaction. In recent years, our objective has been a buck:doe ratio of 35 to 40 bucks per 100 does. Our five-year average based on summer production surveys has been 39 bucks per 100 does so we are within that goal area. Archery success rates are low so we are able to issue unlimited archery permits without impacting buck ratios. Firearm and muzzleloader pronghorn hunters have higher success rates and therefore we limit them in order to maintain buck ratios that allow most hunters to have a satisfactory hunt when after four to eight years of applications they finally draw a permit. I will come back with permit recommendations after the winter surveys in February.

3. KAR 115-25-8. Elk; open season, bag limit and permits - Matt Peek, furbearer research biologist, gave this report to the Commission (Exhibit T). One minor change is that last season was the first season an archery and muzzleloader season was initiated on Fort Riley from September 1 through September 30 to allow hunters the opportunity to hunt on post at a time when elk are in rut. This year we would like to extend that season a couple of days to make it consistent with muzzleloader deer and elk seasons off Fort Riley. Our recommended season would be September 1, 2009 through October 4, 2009. The other seasons are one month segments beginning October 1, 2009 through December 31, 2009. Antlerless only permits are allowed and one-third of them are allocated for each of the three one-month segments and the any elk permits are valid for the entire three-month season. The season dates off of Fort Riley are consistent with deer seasons where possible. The current season is still going on. Last year we issued 10 any elk permits plus the one Commissioner permit and the last day of season on Fort Riley the last two of those permit holders harvested bull elk, so out of those 11 hunters there were nine adult bulls, one spike and one cow were taken. So that was a very successful season. All of them were harvested on Fort Riley with the exception of one six-by-six bull harvested in Gray County. After a landowner complaint, we were able to put a hunter in contact with the landowner and he was able to kill the elk during archery season. Fifteen antlerless elk permits were issued last year with seven of those hunters being successful. Also, we have issued seven landowner tenant permits and to my knowledge none of those have harvested an elk yet. Fort Riley has an aerial survey scheduled for January 16 and shortly after that we will have permit recommendations for the coming season. Commissioner Meyer – In how many of the 19 units were elk taken? Peek – As far as I am aware, only on Fort Riley and Gray County, between Garden City and Dodge City. I expect some of the landowner permit holders, especially those around Fort Riley will harvest elk. We have also had elk harvested in Hamilton County and Ford County the last couple of years. Commissioner Meyer – Do you feel the elk are more numerous in Kansas? Peek – They may be down on the Fort, but more frequent on private land in areas where they haven't been for some time. Don Cook, Emporia – I've got concerns with the numbers of elk that we are taking on Fort Riley. I have been involved heavily there for a long time since the animals were put there, but I'm not seeing the number of animals we used to see,

or bulls. I wish I was going to be at the meeting in March, but I can't; however I would like to see the number of tags reduced because we are over-harvesting them. I understand there are more animals showing up out west, but I wish you would evaluate that. Chairman Johnston – What is your impression regarding population numbers on the Fort? Peek – That is definitely the consensus right now, especially relative to bull quality. With a once-in-a-lifetime permit like this, it is nice to give guys a chance to kill a mature elk, and that is a sentiment that a lot of people have expressed. It wasn't that long ago that we were looking at a ratio of seven bulls to ten cows. It was very high. There had been some poaching and some bull elk found dead out there the last couple of years, and it does look like we are poised to cut back on the bull permits. Cow harvest has been light. This is about as many elk as we have harvested on Fort Riley for several years. In 2006, for example out of 15 hunters, only three of them harvested cow or antlerless elk on the Fort. When the Fort does their aerial survey hopefully I will be flying with them, and we will be taking into account the hunter comments prior to making recommendations.

4. KAR 115-25-9. Deer; open season, bag limit and permits - Lloyd Fox, big game wildlife research biologist, gave this report to the Commission (Exhibits U, V). We are still working on population indices and still collecting information from field staff and the public. We are looking at additional input on our extended white-tailed antlerless-only (WAO) season. Traditionally that has been from January 1 through the first weekend in January. This next year that would only be three days. There was concern by people, especially from people in the northern part of deer management units (DMUs) 7 and 8 for a longer WAO season, and we created a special extended season (an additional seven days or one more weekend). One of the questions I am putting forward for public input and Commission comments is to simplify this procedure and have one statewide extended season. Go to one season that is nine days long from January 1 through January 9. The other option is to leave it as it is with two extended seasons. We do have some items up for change and one of them is for an earlier application period for nonresident deer hunters and an earlier opportunity for them to find out if they were successful or not. We would need to move slowly on that and announce it at least one year in advance. At this time we are considering moving that application period up one month and also suggesting having a standard closing date for resident applications such as the second Friday in July as opposed to setting it each year. We are looking at additional units where the extended season would be authorized and also at the number of units that would have one additional white-tailed antlerless permit being valid; two; and all five. Chairman Johnston – I would like clarification on considering a statewide antlerless season nine days long in January. Is that correct? Fox – No, right now it is not a statewide season. It isn't open in our western units except DMUs 7 and 16, it doesn't include 1, 2, 3, 4, 5, 17 and 18. The eastern part open from January 1 and the proposal would be for three days, to end January 3; then we have a special extended season in the northern part of DMUs 7 and 8, which is an added confusion. One of the options to be considered is to try and get this back to one single extended season, where we had an extended season before, have that be, for example, nine days long from January 1 through the first and second weekend. Then we will also look at introducing additional DMUs, for example Units 4 and 5 are potential units that we might consider bringing into that WAO season in January. Those are decisions we will make after seeing more information from the population indices and gathering more input from our staff. The question is, should we try to consolidate those two

seasons into one? Commissioner Lauber – I tend to agree with that, but is the primary reason for increased hunter opportunity or increased antlerless harvest? Fox – Both, in the past approximately 10 percent of the white-tailed antlerless harvest occurs during that extended season and is an added time period for hunters to participate and time when conflicts between hunters and landowners occurs. We do need white-tailed antlerless harvest to maintain our deer population in a stable situation since 1999 or 2000. On the negative side we are getting fewer people buying the antlerless permits and participating in the harvest of the antlerless deer. If we had more days, we probably could get more hunter participation, but if we give too many days, you actually get less participation. Mike Pearce – On the move of the nonresident application period, you said at least one year, so the soonest that could be would be 2010? Fox – That is correct. If we go ahead with that we would announce it this year in our brochures so we would prepare the nonresident hunters so this is not a surprise for them. Chairman Johnston – From previous discussions, I stated it was a good idea to move up the application period. My only question about the WAO season, it has been an opportunity for a number of years and as interest is waning, thought should be given to doing something different to encourage antlerless harvest such as moving that season to late October or before the general rifle season. I don't have any general opposition to nine day extended season, but am dubious it will bring a spike in interest. The 10 percent of our harvest figure you cited in the WAO season, is that adequate harvest from the standpoint of what needs to happen? Fox – It appears to be. We have stabilized the deer herd. On the other hand, the WAO season receives quite a lot of hunter opposition to the harvest of does.

5. Big Game Permanent Regulations – Lloyd Fox, big game research biologist, presented this report to the Commission (Exhibit W). No changes are currently being proposed by department staff for the big game permanent regulations (KAR 115-4-series) and I am not sure we will even bring them back again. Chris explained the blaze orange situation on Fort Riley which would be a law that would have to be addressed at the state legislature level. Commissioner Shari Wilson – On 115-4-11, where it is suggested to create a preference system in the elk permit system, I received a letter from a constituent in support of that proposal. Fox – Matt has been bringing that issue forward for some time and is a different option for setting up preference system. Commissioner Robert Wilson – I would also support the preference system for the elk draw if the department came up with that.

XI. DEPARTMENT REPORT

D. Public Hearing

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

1. Free Park Entrance Days and Free Fishing Days - Jerry Hover, Parks Division director, gave this report to the Commission (Exhibits X, Y). On an annual basis the department offers two free fishing days and two free park entrance days, which used to be the same days. About four or five years ago we changed the park entrance days to individual days scattered throughout the year to increase participation. The Secretary's Resolution for 2009 Kansas free fishing days is June 6 and 7, 2009, and all persons may fish in the waters of the state, by legal

means, without a valid fishing license on these dates. All residents and visitors to the state of Kansas are encouraged to use this opportunity to enjoy our outdoor recreational resources. The Secretary's Resolution for 2009 Kansas free park entrance days are designed in chronological order with special events planned. There are some that are not two consecutive dates such as Pomona which has two special days planned, one earlier in the year and one later, so both days are Saturdays. All persons may enter any of the above Kansas state parks and Prairie Spirit Rail Trail (on designated days) free-of-charge. All residents and visitors to the state of Kansas are encouraged to use this opportunity to enjoy our outdoor recreational resources. *Consensus to approve by Commission.*

XII. Old Business

None

XIII. Other Business

A. Future Meeting Locations and Dates

Chairman Johnston - Sheila distributed new color meeting maps with locations where we have and have not had meetings.

March 12, 2009, Dillon House, 404 SW 9th, Topeka, meeting starts at 2:00 pm

April 16, 2009, Logan Courthouse Basement, 710 W. 2nd, Oakley

June 25, 2009, Council Grove, TBD

August 6, 2009, (internal discussion) Barber County in Medicine Lodge.

October 15, 2009, Chautauqua County in Sedan.

Don Cook, Emporia – I was here this afternoon and went home and was trying to digest the summary of preliminary fee increases. There was some discussion on increases for nonresidents for deer and turkey. I went home and made comparisons to other states. I think we are selling ourselves short on our budget by not increasing these nonresident tags more than what you are looking at. With the increase you are looking at you are going to be \$1 above what Colorado charges for a deer tag. Right now Colorado is in the process of setting their structure up for the coming year, and I assure you there will be a significant increase. I don't feel that an increase \$20 is sufficient -- you need to be looking at \$50 to \$100. The nonresidents who come to Kansas after deer are after our trophy whitetails. They are buying land here and coming here with outfitters. I am not opposed to out of state hunters, because I go to a lot of other states, but when I go, I pay for it. I think Kansas is selling itself short on helping out our budgetary problems. The other states have habitat stamps to help fund kids' programs, and we need to look at that as a resource. Chairman Johnston – Just speaking for myself, since these were only preliminary numbers I felt it premature to discuss these line item by line item, but we will have a healthy discussion later on this subject. Cook – There are some state's deer tags that are from \$400 to \$700.

Sorensen – What is process that we are going to go through this fee increase? When are you

going to vote on it? Chairman Johnston – First we will have to have proposal. Sexson – We will workshop this in March and April and vote in June or August, to have this passed to make the information available by January 2010. There will be a lot of chance for input.

XIV. ADJOURNMENT

Commissioner Frank Meyer moved to adjourn, Commissioner Robert Wilson second. The meeting adjourned at 7:59 p.m.

(Exhibits and/or Transcript available upon request)