

**Kansas Department of Wildlife and Parks
Commission Meeting Minutes
Thursday, March 12, 2009
Dillon House
404 SW 9th, Topeka, Kansas**

Subject to
Commission
Approval

I. CALL TO ORDER AT 2:00 p. m.

The March 12, 2009 meeting of the Kansas Department of Wildlife and Parks Commission was called to order by Chairman Kelly Johnston at 2:00 p.m. at the Dillon House, Topeka. Chairman Johnston and Commissioners Gerald Lauber, Frank Meyer, Doug Sebelius, Debra Bolton, Robert Wilson, and Shari Wilson were present.

II. INTRODUCTION OF COMMISSIONERS, STAFF AND GUESTS

The Commissioners and Department staff introduced themselves (Attendance roster - Exhibit A). The meeting began later than normal to accommodate the lunch reception for legislators sponsored by Kansas conservation organizations.

III. ADDITIONS AND DELETIONS TO AGENDA ITEMS

Sheila Kemmis - Revised agenda: moving Agency and State Fiscal Status (#2) under Secretary's Remarks from the evening session back to the afternoon session; and added Early Migratory Birds (#5) under General Discussion to the evening session; Jake George and Matt Smith will be giving a presentation before Secretary Hayden and Chairman Johnston present the Private Lands Habitat Award this evening. Also, there was a mistake in the briefing book, the wrong extended deer season map was included, revised maps are on the handout table and at the Commissioners table.

Chairman Johnston asked everyone to please sign in on the sign-in sheet in the lobby.

IV. APPROVAL OF THE January 8, 2009 MEETING MINUTES

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

V. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

Al Glotzbach, Shawnee County (northwest) – I remember one horse or two horse power. To make a point, I belong to greatest generation, but I think elders should be heard once in a while.

Our history shows that there were no deer, turkey, or walleye when I was a boy; bobcat made headlines and so did fox. Everything remained status quo until WWII, then things started to change and deer and turkey numbers were brought back up and that made Kansas an ideal place to live. We promoted wildlife and game and brought in things that hadn't been here before -- spent tax payer money on that. One piece of puzzle is still missing: jackrabbits. There are none from Salina east and they are fading in western Kansas. Settlers lived off them and every pasture had 1-2 pairs for every 80 acres. In the middle of January, you could shoot six jackrabbits and make chili. This is our heritage and we need to bring them back. We brought back several other things, but need to bring back jackrabbits. I was here five years ago and made a pitch and was told by one Commissioner that we would be laughed out of town if we stocked them. We have deer/vehicle accidents on the rise; turkeys are picking cornfields clean; but we need jackrabbits back before they go completely away. I know you are strapped for money, and you have done a tremendous job. We need publicity on the demise of jackrabbits because there are a lot of us who want to contribute to bringing the jackrabbits back. Their demise is because we took out hedgerows and their habitat has changed and we let predators grow and now they are gone. We have a lot of CRP so there is more habitat for them now. Studies should be made on what it takes to bring them back. They should be, will be, and must be, brought back. People in my category (age) need to have a little money spent on them. Need public awareness and ask for contributions from your tax base and you will find people who will contribute. Commissioner Meyer – I am looking at our threatened and endangered species list and I don't see jackrabbits on it. Do we have any statistical information on the jackrabbit population? Jim Pitman – Mail carrier survey is primary method of how we count them, which we have been doing since back in the 1960s. In the eastern one-third we have seen some monumental declines in the last 20 or 30 years. I suspect that they require early succession grassland shrub habitat much like quail, many of our songbirds and cottontails and we have seen declines in all of those species as well. Those declines are due to the major shift of the landscape in eastern Kansas. I have talked about some of these reasons before, woody encroachment, increase in forest cover, urban development, and conversion of native grasses to cool season grasses, primarily fescue and brome. I suspect those are the same reasons that have lead to the decline of jackrabbits. In the western part of the state where we have put two to three million acres of CRP in the last 20 years we have actually seen some increases in jackrabbits, according to our surveys. I suspect what we are doing to benefit quail will benefit jackrabbits to a certain degree. I will be happy to chat with any of you later or do some more digging. Glotzbach – One more thing, in the study you do, there may need to be some predator control in these areas where you stock the jackrabbits.

Chairman Johnston – I would like to welcome Representative John Grange to our meeting this afternoon.

Doug Whitehead – I am the Kansas State Rep for Bowfishing Association of America, and I am here representing them and the bowfisherman of the state. Thanks for all the work you do for the wildlife and fish. Consider adding catfish to legal species of take with bow and arrow. I have bowfished for the last 20 years and spend about one-third to half of my summer on the water. I get about a dozen chances each summer to harvest a catfish. I get thanked from other fishermen and KDWP for taking the trash fish from the water, and as a reward I would like to see us legalize catfish for these anglers for taking trash fish to put table fair on their tables. There are

about 15 states that allow bowfishing for catfish, and I don't see any impact on resource, we have legalized hand fishing and this is just one more resource opportunity because this is growing sport. Chairman Johnston – Joe, has this subject been considered before? Kramer – No, it has not. We have made quite a few changes recently but that has never been suggested before as far as I know. Chairman Johnston – My suggestion would be that you exchange phone numbers and communicate with each other and perhaps the department can give some thought to that.

VI. DEPARTMENT REPORT

A. Secretary's Remarks

1. 2009 Legislature - Chris Tymeson, chief counsel, gave this report to the Commission. I want to point out that Representative John Grange was recognized by the Kansas Wildlife Federation as the Conservation Legislator of the year (applause). There are quite a few bills that impact the department, and we usually put about 15 bills that impact our constituents on the website and then I track another 60 per session. This is the first year of a two-year cycle for the House, so bills are alive for this year and next year. *SB 51* is a department initiative and deals with clothing requirements for hunting deer or elk. At Fort Riley we have an overlap with elk firearms season and deer archery season and also in Unit 19, between Topeka and Kansas City in January season when elk season goes statewide. According to the statute archers hunting in those areas have to wear blaze orange and Fort Riley approached us, and the department agrees, that the risk is minimal and we have requested a change to the statute. That did go through the Senate quickly and the House had a hearing last week and we expect movement by the end of March. If it doesn't move in the next couple of weeks we might have to hold off until next year. *SB 100* deals sales tax exemptions for guided and non-guided hunts and the sale of game birds. It is not a direct impact, but it is a topic that many of our constituents follow. The bill had a hearing in the Senate Tax Committee and was placed on Senate General Orders but has ridden low on the calendar for a month. It does have a fiscal impact, so I don't think it will get much movement. *SB 189* dealt with an outfitters license. There was an attempt to create an outfitter license again. It had a hearing in the Senate a month ago and has been tabled, and I don't anticipate it move this session. *SB 286* would repeal existing statutes dealing with prairie dogs. It was introduced at the end of February and has not had a hearing yet. It is getting a little late, but there is the potential for a hearing. It came out of an exempt committee; therefore it is not subject to the normal rules for movement. *SB 287* deals with prairie dog management, control and conservation and is similar to a bill introduced two years ago and similar to a bill that the department introduced. Rather than mandatory eradication, it deals with voluntary practices that landowners could do in order to keep prairie dogs on their property. Once again it came out at the end of February and is not subject to the same rules for movement in the Senate. I don't know if it will get a hearing. *Senate Concurrent Resolution 1602* is a constitutional amendment that would authorize the legislature to classify taxation for watercraft. Watercraft are currently taxed at a high rate. In order to change that rate of taxation, there would have to be a constitutional amendment, therefore it is a Senate concurrent resolution, and it would go to the House, and if it passed it would go before the voters to make that change. There was an attempt in 2000 to do

that, and it failed. It also included aircraft at that time and came out of the Senate Tax Committee. This has ridden very low on the calendar and once again it is going to have a fiscal impact, and this is a difficult year. *Senate Concurrent Resolution 1611* is a constitutional amendment on an individual right to bear arms. This is an NRA initiative that was introduced in the beginning of March. Currently, through case law, your right to possess firearms in the state of Kansas is a collective right, much similar to prior to the Heller case that went to the Supreme Court in DC and their ruling, would be to change this from a collective right to an individual right for possession of firearms. One reason we are following it is because it deals with firearms, but number two is that it is using hunting as one of the rationales for individual possession of a firearm. I haven't seen the language yet. *HB 2049* is hunter education in the schools. IT had a hearing in the end of January and this is also an NRA initiative. Currently, hunter education in the schools is a voluntary program and we have about 18 schools involved. The bill had a hearing and there was some concern about unfunded mandates for educational systems, and I think the bill is tabled. However I did see some movement. It has been routed to a committee and back. It has been blessed, so it is not subject to the same movement rules. *HB 2064* deals with reducing light pollution and would impose on the Department of Health and Environment a requirement to reduce light pollution over time for certain areas, state parks being one of them, and a couple of other areas that are specifically mentioned like Cheyenne Bottoms, so we are following that. It had a hearing, went to a subcommittee, which recommended it unfavorable for passage, so I think it has been tabled for the rest of this year. *HB 2254* dealt with lifetime licenses, particularly for military members, and it would have allowed nonresident military members to purchase lifetime licenses if they met certain requirements, which is an issue of residency, which would make them residents, not nonresidents, therefore the bill is not going anywhere. *HB 2296* imposition of conservation fees on Department of Wildlife and Parks permits and licenses and put those proceeds into the State Water Plan Fund. The department opposed that bill because it basically would have tacked on \$5 to every nonresident permit or stamp or issue and taken that money, which is a diversion of license dollars, loss of control for the department. The bill had a hearing, but I doubt it is going anywhere. Obviously the impact would be that it would generate about \$1 million for the State Water Plan Fund, but would have cost us about \$11 million in federal aid. *HB 2342* would establish a special season for archery hunting of deer within Shawnee Mission Park in Johnson County. It had a hearing on March 10 and the department testified as neutral. Clearly the department is supportive of using archery as a means to harvest those deer, but it is a local access issue so we try to respect that as well. It was sent to a subcommittee and they had a hearing yesterday and their recommendation was to table the bill. Johnson County Parks and Rec. did testify that they are moving toward a biodiversity plan and they expect to have it out shortly. It includes the potential for harvesting deer, and they will have it out this fall. Legislature is taking a "wait and see" attitude. *HB 2346* has a sales tax exemption for Hunters Feeding the Hungry, which is a feed the hungry program using deer and we will talk about that because there is another bill. This bill was introduced, but didn't go anywhere. *HB 2362* however is the omnibus deer bill and it would extend all seasons, for the taking of antlerless deer, an additional 60 days at the end of every season and in every unit. Obviously the department opposes that because it would dramatically impact the age structure of our herd because as you know bucks shed their antlers later in January and if we were shooting antlerless deer we could be harvesting shed bucks instead of does. It also has some provisions for transferable permits and the department opposes that. Clearly we have only had one season

under our new deer management program. The bill would also impose a \$5 fee on nonresident deer permits to go to Feed the Hungry Fund, which we oppose because it is a diversion of our license fees; two issues, whether that is part of our management program and second transferring those funds outside of the department. Also, there is more than one organization providing this service in the state, and if we are going to fund a program like that it is a social service program, it just happens to be run with deer. We are not taking a dollar from every rancher who raises a cow to feed the hungry. Let's use State General Fund, which is what we have been advocating for. There are two concurrent resolutions in the House: *HB5012 and HB5013*. One is urging the Corps of Engineers to look at the Pick-Sloan Act, which manages the Kansas and the Missouri River systems and the dams; and one is about extending the productive lives of our reservoirs in Kansas. Both had hearings and are on the House floor on general orders. There has been some movement on finances and Dick will talk about that next.

Commissioner Meyer – Can we add onto that river bill that all Kansas rivers are public access?
Tymeson – It is a concurrent resolution, but there is a case from 1990, called *Mick V. Hayes* and that really is the where the issue of whether or not rivers are traversable comes from. Basically the Supreme Court of Kansas ruled that there were three public rivers. It would take an act of the legislature and perhaps the people to amend the Constitution such as Missouri had done. To answer your question, no, we can't add it to that, but there is a way to get it done.
Commissioner Meyer – I maintain that the water of Kansas belongs to the people of Kansas. If I am on the water and step out of the canoe and my feet are wet then I am still on my own property.
Tymeson – I can't provide you legal advice, but you might just want to do that on the three navigable rivers for now.
Commissioner Shari Wilson – If the Johnson County Parks does decide to allow hunting by any means in the Shawnee Mission park, does the department have any involvement at that point?
Tymeson – We have personnel standing by and ready to assist in developing a program. There are several templates available; Leavenworth, for example and right across the border in Missouri, they have been running hunting in their parks system for a long time. The department has also made changes to regulations, so Unit 19 we allow six permits to be filled and allowed other means like the crossbow during firearms season.

2. Agency and State Fiscal Status – Dick Koerth, Assistant Secretary of Administration, gave this report to the Commission. Due to timing of events, we do not have a handout to put in front of you. Gone through House Committee on Appropriations, subcommittee and full committee, also yesterday they approved the report which still has basically three things; 1) uniform reduction to all agencies on benefits for contributions to the state health plan and for death/disability moratorium (the state had paid into those accounts more than necessary, so the Governor's recommendation was to not make payments to those two items in 2010); 2) added money back into 2010 budget to compensate for reductions made in 2009 as part of SB23, referred to as the cut bill, also included a 1.25 percent reduction in State General Fund (SGF) for all agencies, that is continued in 2010 also and is about \$125,000 in SGF that was deleted; 3) as discussed in January, the Governor's recommendation on the FY 2010 budget took about \$1 million of what had traditionally gone to road money for state park roads and moved to state park operations to fund salaries, wages, and operating costs. That reduced the amount available from road money to about \$600,000. The House Committee on Appropriations added that money back in, so we now have the \$1.6 million back and still have the \$1 million in the state park operations, so the amount of money transferred from KDOT to us has gone up to \$2.6 million,

rather than \$1.6. We appreciate the support of the House Committee, as those roads are important to us to maintain. If they are not, they can deteriorate pretty fast. The Committee also included a paragraph on our cabin program. They commended the agency on the success of the program, which is unusual and we appreciate that support also. The Senate Ways and Means Committee started their work yesterday afternoon and haven't completed their work and have asked us for more information on projections, fund balances and budget cuts, which we will provide to them today so they can work on it this weekend and meet again next Monday. The Senate Ways and Means Subcommittee on capital improvements met at lunch and added \$1.5 million in road funds back to us on the parks side, so now we have the \$1 million road money in park operations, \$2.1 million for road money to maintain our park roads, so we appreciate their support. The other part of my report deals with general fund, which is very confusing. At the start of the legislative process, there was a lot of talk about a billion dollar deficit that was based on estimates made earlier. The legislature had a reduction bill called SB23, which took out money in the current year to help alleviate the problem. By the time that bill was done the estimate was down to \$44.5 million for FY2010. This still creates a problem for them because technically the law says you have a 7.5 percent positive balance, not a negative, so obviously there is still some need to work on the budget. The Governor has submitted a GBA1 on the budget stimulus bill. If that is adopted by the legislature that puts a positive balance back into the general fund, but has not been acted on yet. Committees are trying to make reductions to ensure adequate funding for this year and next year. We are worried about the continuing decline in SGF receipts, which have gone down every month since November. In January, it was only \$12 million, which was less than the previous month, so it is on a downward trend. On April 17 the group will meet again and revise the estimates and there is some concern that will be down also, which could mean further reductions in the Omnibus session that occurs at the end of April.

B. General Discussion

1. GPS Video Tour Guide – Cris Collier, Great Bend Convention and Visitors Bureau, showed this video to the Commission. First I wanted to tell you that the Wings and Wetlands birding festival coming up at the end of April for Cheyenne Bottoms and Quivira; applications are available (handout- Exhibit C). Currently we have 17 states registered to attend and we received our first registration from Canada. We will also be doing the grand opening for Kansas Wetlands Education Center on that Friday. We have a new project we are working on through the Convention and Visitors Bureau. We applied for an attraction development grant through Travel and Tourism to secure GPS video tour guides for our scenic byway and specifically for Cheyenne Bottoms. We felt it would be helpful for people to get a nice interpretive flow of the Bottoms, and it seems like the more people that visit from the metropolitan areas; they get inside the Bottoms and get a little intimidated by where they are and if they can find their way out. This will be the first in the state and Travel and Tourism is delighted to give this a try. Mainly these were developed for zoo tours, but I think we are the second byway currently working on one. I don't know of any in a wildlife area or wildlife refuge. But these are triggered by GPS coordinates and one of the things we have determined on Cheyenne Bottoms, because there are so many entrances into Bottoms, it has to be a random tour, but it doesn't matter where they enter, it will give a welcome introduction and driving from the opposite direction it will give a thank you for visiting at all of the entrances. These will be available in Great Bend at the Raptors

Center and at some of our area motels for check out. We hope to have this project done by the end of this year. Our timing is about 60 minutes of content for Cheyenne Bottoms, but we don't know if that will break down to about 20 three-minute segments or 30 two-minute segments talking about interpretation. We are working with Ted Cable at K-State to do the interpretive writing and have also contacted just about every agency or organization that has an interest or a stake in Cheyenne Bottoms and letting them know we are working on this and asking them if they have an input for story ideas and locations. Wildlife and Parks staff have offered to be available with some of the video and still photography that will go into these. While these are hand held, we did order car chargers so they can sit on the dash and come out through the speakers in the car. This is about a \$100,000 grant (total project) and we are partnering with the City of Great Bend. Commissioner Meyer – I would like to make a comment. If you want something done, tell her it can't be done and it will be. Collier – We are excited to see the Wetlands Education Center opening. Commissioner Bolton – Did you mail out the brochures to a lot of people? Collier – Yes, those went in mail this week, and we have a database of about 1,000 people that have expressed interest in birding and have advertised in several bird magazines. Chairman Johnston – How many GPS devices will your grant pay for? Collier – Right now we are looking to purchase ten that will be in five separate locations. Where they will set will have a computer screen and the plug-in for the unit, and we will have the monitoring computer in our office, so we can plug in special activities into those so they are very current in the calendar of events and e-bird trail tracking.

2. Kansas Prairie Dog Plan and USFWS Black-footed Ferret Reintroduction – Mike Mitchener, wildlife section chief, gave a portion of the prairie dog report to the Commission (Exhibit D). You received copies of the management plan and petition after the last meeting. The USFWS petitioned to list black-tailed prairie dogs as threatened in 1998. They were listed as “warranted but precluded” in February 2000. At that time the Statewide Prairie Dog Workgroup was formed which consisted of ag/landowner and wildlife/environmental interests. The state plan was completed in 2002 and prairie dogs were delisted in 2004. The goal of the plan is to maintain biologically viable populations of black-tailed prairie dogs at selected sites across the historical range in Kansas, which is being met. Black-tailed prairie dogs are maintaining a viable population across the historic range in Kansas. In fact, it appears that acreage is increasing. The objective of the plan was to establish a statewide black-tailed prairie dog work group and conservation strategy to determine and monitor species distribution and status. We established regulatory protection to identify, maintain, and promote existing and additional suitable prairie dog habitats. We used education and outreach to identify, prioritize, and implement research needs; and implemented the State Conservation Strategy. Initial work was completed at time of plan completion and additional work is ongoing. Changes in statute have been introduced previously and failed in legislature. Black-tailed prairie dogs remain wildlife in Kansas and under the authority of KDWP to regulate hunting, and use of fumigants. However, the Legislature removed the requirement for residents to have a hunting license to shoot them last year. Prairie dog habitat has been identified and staff promotes control rather than eradication methodology wherever appropriate. Some educational articles and information have been produced, but more effort may be necessary. Research into control methods and grazing impacts of prairie dogs has been conducted through KSU Extension and various universities in Kansas. Kansas' Conservation Strategy is to maintain at least current acreage of

130,000 acres of black-tailed prairie dogs in Kansas; maintain distribution over 80 percent of their historic range (west of the Flint Hills); maintain one complex greater than 5,000 acres; and maintain 10 percent of acres in complexes of greater than 1,000 acres; with a 10-year goal of increasing black-tailed prairie dog acreage to 150,000 acres (1 percent of suitable land) by 2012 if appropriate landowner incentive programs are developed at the federal level. All strategies are being met at this time. USFWS listing criteria is stated as: the present or threatened destruction, modification, or curtailment of its habitat or range; or there is over-utilization for commercial, recreational, scientific, or educational purposes. Factors include: disease and predation; inadequacy of existing regulatory mechanisms; and other natural or manmade factors affecting continued existence. USFWS 90-day finding in November 2008 was that the species “may be warranted” for listing. This initiates a 12-month status review and solicitation of scientific and commercial information pertaining to their status. Results are due in November 2009. KDWP has provided comment through WAFWA Grassland Shrub Steppe conservation committee to USFWS in February on current status of the species in Kansas.

Matt Peek, furbearer research biologist, gave a portion of the prairie dog report to the Commission (Exhibit D). I coordinate the surveys so I will talk about prairie dog status and the conservation strategy that Mike mentioned. The area in question is what is considered the historic range. The last range-wide surveys were done in 2000 and 2001. In 2006, we reinitiated surveys in an effort to determine survey techniques that would be used in the future. So we conducted several different techniques independently over this area in northwest Kansas. From 2000 to 2006 the number of colonies has decreased by 38 percent; but colony area increased by 33 percent; from 60,000 acres to 81,000 acres based on the aerial line transect survey, which is an aerial survey in a fixed-wing airplane. This was the technique used in 2000, so that was the 2006 survey data to estimate the change in colony acreage and number. If we apply those changes in percentage to the 2000 survey we would come up with statewide estimates of 3,030 colonies and almost 174,000 acres of prairie dogs in Kansas. The more realistic estimate of the number of prairie dogs on the ground actually turns out to be higher than what we used in the estimate. Based on the other surveys we compared to we came up with a correction factor and the line transect survey alone underestimated the number out there. In fact the 173,000 acres and 3,000 colonies is probably an underestimate. However, the eastern colonies in Kansas are more susceptible to extermination. Relative to the conservation strategy, we needed to maintain at least the current acreage of 130,000 acres of black-tailed prairie dogs in Kansas. We are doing that without question, we believe there are nearly 90,000 acres in northwest quadrant only. The 10-year goal of having 150,000 acres appears to be met based on the fact that there are 70,000 acres in the remaining three quadrants, so it appears we are meeting that objective as well. There are five complexes that are over 1,000 acres and the sum of those five complexes is 15,000 acres, which is 12 percent of the total estimated acres within the range in Kansas. So we are achieving the one 5,000-acre complex and 10 percent of 1,000-plus acre complexes. However there is a problem with this figure; the aerial line transect survey uses north/south transects and we spot and identify in one mile buffers, a spotter on each side of the plane looking out a half mile. The point is the transect lines are four miles apart so you are only surveying one-fourth of the area, so that previous data ignored all of the colonies between the transect lines. A complex is a group of consecutive prairie dog colonies that are within 7 kilometers of each other. A definition the Black-tailed Prairie Dog Interstate Conservation Team came up with. It is based on the greatest

nightly movement of a ferret in Wyoming. In fact, prairie dogs are capable of moving farther than that. So the 7-kilometer rule is conservative. The previous survey used a 3.5 kilometer buffer around each colony so two of them side-by-side, if they are 7 kilometers apart, are included within the same complex. However it didn't take into account only a quarter of the area was surveyed. We can account for this by multiplying the buffer by four and use a 14-kilometer buffer or a more conservative approach would be to use average dispersal distance of prairie dogs, which is five kilometers, so using a radius of 2.5 kilometer buffer and multiplying that times four you get a 10-kilometer buffer. Using the 10-kilometer buffer in the 2000 range-wide data, you have a single complex of over 1,000 acres in Kansas, but that single complex includes over 1,100 colonies and over 30,000 acres that were identified and since the survey only identified a quarter of the colonies the actual number in this complex is more like 120,000 acres and 4,500 colonies. If we look at the 2006 data, with the 10-kilometer buffer, we have a single complex of nearly 20,000 acres. In fact there is only one colony we identified that does not fall within the complex rule. These figures do not take into account features on the landscape, for example, rivers with water in them would be a barrier to movement. In conclusion, prairie dogs appear numerous in Kansas relative to the goals set forth in the state plan and most appear to be associated rather than isolated. Statewide surveys are underway, so the 174,000 acres statewide estimate was just based on one quarter of the range, and we will have range-wide estimates in the very near future.

Chairman Johnston – What are the consequences of federal listing if that would happen?

Mitchener – Good questions, Mike (LeValley) might be able to expand more on this when he gets up here, but we don't know because there are different facets that might go into potential listing based on those five criteria that the USFWS has to look at, so it is difficult to say what the impact would be. Chairman Johnston – Is there a range of potential limitations that listing would impose? Mitchener – The most impact would be on federal properties or any project that included public funds. Private landowners, as far as specific instances on their property, may not see a tremendous amount of impact. There are rules that are written when listings are made that may be different species to species. It is hard to say exactly what the impacts may be.

Commissioner Shari Wilson – Mike, you mentioned additional education efforts may be needed. How will we know if they are needed or not and what are those efforts? Mitchener – They're not identified at this time. We produced some posters with Chickadee Check-off funds and things like that that get distributed, but there is information on benefits of prairie dogs that needs to get out. We will be working with our I&E folks and other interested parties like KACEE, for example, to try and determine what kind of information may be needed. Commissioner Shari Wilson – Those posters very popular with teachers. What other universities have been doing work on prairie dogs or ferrets beyond K-State? Mitchener – I believe Fort Hays has been doing some work too.

Ron Klatske – Thanks for scheduling this. Touch on the importance of prairie dogs beyond prairie dogs themselves as prey and predators. They are important to burrowing owls, ferruginous hawks and golden eagles. Rozal poisoning takes 1-3 weeks for the animal to die, and animals feeding on them will also die. Appreciate efforts at looking at plan and what elements still need to be looked at. One objective was to create a prairie dog working group and that was accomplished in 2002. I felt good about the conservation strategy. Identify, maintain and

promote and fall below goal on promotion. On education and outreach, there is more we can do, and I hope we can partner with the department on that. Implement state conservation strategy, only accomplishments have been a few landowners and efforts of prairie dogs themselves. Nothing has been done except at three state parks. We need to do more to work with landowners who want to maintain prairie dogs for conservation purposes. Black-tailed prairie dog historic range is devoid of prairie dogs in some areas. Complexes over 5,000; only one is Haverfield/Barhardt/Blank so we should underscore the value of that property. Since surveys were done in 2006, elimination of prairie dogs has occurred since then, within three miles of that complex. Logan County is trying to eliminate the population completely. Development of management incentives, promoted in the plan, don't have state or federal incentives. You could acknowledge and compliment landowners who are willing to have these prairie dogs on their land. A letter from the Commission or individual commissioners would be good. We should partner with landowners and others to develop a protection area. Education and outreach could be enhanced if a letter was sent to Logan County Commissioners and other county commissions to outline benefits of prairie dogs. We can lose species in a hurry when mandatory eradication is in affect and that can be devastating to wildlife. It is important for the state to say that we don't want to have to list species and proactive is the best defense. In regards to 7 kilometers, I don't think that is something the working group endorsed, defining what a complex meant and five kilometers being average dispersal. K-State suggests immediate land, could be invalid if that is their average dispersal. I think that was an error statement. Commissioner Lauber – I would be disappointed if prairie dogs were listed; but I don't agree with Ron on getting involved in the battles in Logan County. That is an issue of landowner rights. The black-footed ferret recovery effort is not our initiative, and I don't think we want to make it our issue. I question promoting this because of far-reaching consequences. Also, we are in litigation with some of these people at this point. Tymeson – That is correct. Commissioner Lauber – How do you engage in litigation and offer congratulatory comments? I want to participate on our nickel with USFWS participation so no confusion as to our intent. I would like us to stay neutral. What the department has done has been reasonably thorough, goals have been met and we are doing our part. Commissioner Sebelius – Counter point; it is important and it is an issue for our department to be involved in or we wouldn't have the presentation we just had and know where the colonies are. We are involved because of black-tailed prairie dogs, but encouragement of introduction of ferrets has heightened awareness. Logan County can't change their name now, felt violation of plan because livestock was brought in. Ferrets are there and if responsible action doesn't get taken, they are in jeopardy. Recommend following USFWS or get action permit to do anything that would affect the ferrets. Haven't heard about litigation, but Mr. Klataske's statement is well taken. Why wait until they are threatened? I encourage the department to send a statement of recommendation to the County Commission. Our opinion should count for something. Peek – The Interstate Working Group set 7 kilometer rule and 5 kilometer rule is from literature. Chairman Johnston – Whatever the department should or should not do must be considered by legal staff. It is appropriate that be considered first before anything else is done. Klataske – The litigation is about allowing phostoxin to be used by a vendor. It started on Labor Day weekend, filed injunction to stop that issuance of permits for phostoxin. Don't know if any other issues. Chairman Johnston – Don't know what the issues are in that litigation and this is not the place to discuss that in detail.

Mike LeValley, US Fish and Wildlife Service, gave the report on black-footed ferret reintroduction. Do you want me to answer the question of what listing might mean on black-tailed prairie dogs? Chairman Johnston – That was my question, and I would like to hear the presentation first. LeValley - In fall 2005, USFWS contacted by two landowners about having their properties evaluated for reintroduction trials. One had been catering to shooters for black-tailed prairie dogs and the other individual was interested in ferrets and intensive cell rotation grazing. One contacted USFWS in the mid-1990s, but at that time we felt we needed to concentrate on 10,000-acre to 20,000-acre areas and felt they were too small to justify the project. Both properties were greater than 9,000 acres and the USFWS black-footed ferret coordinator and Kansas field office personnel met with landowners and toured properties in November 2005. The USFWS was running out of public land in the west to reintroduce the colonies on and was having continuing problems with sylvatic plague, which is transmitted by fleas. The disease came on ships and prairie dogs and ferrets are very susceptible to that. Landowners presented letter formally requesting evaluation of their properties for ferret reintroduction. Met with landowners and learned the Nature Conservancy's (TNC) Smokey Valley Ranch in Logan County was managing prairie dogs as part of their management goals and asked them for information on colony sizes and densities. TNC had been keeping prairie dogs on their properties and were paying for control on surrounding neighbors prior to ferret reintroduction. Began meeting with TNC, KDWP, landowners and other interested parties and later with county commissioners, local legislators, etc. to discuss project needs and coordination. The main concerns were: presence of endangered species and potential restrictions on non-participating lands, as well as emigration of prairie dogs from reintroduction sites onto surrounding lands where they are not desired. In July 2006, a multi-agency crew assessed habitat for ferrets by measuring active prairie dog burrow densities. As a result of the July 2006 surveys, USFWS entered into cooperative agreements with five landowners on three sites and a reintroduction plan was formed. In November 2006, the FWS completed a draft environmental assessment on a proposal to experimentally reintroduce ferrets into Logan County prairie dog colonies. We also held a public meeting in the county, to inform residents of the plan and obtain their feedback. Although not required, we developed draft environmental assessment and held a public meeting because of high public interest and request from local legislators. Concerns expressed were the same as those heard earlier: presence of endangered species will restrict property rights, and prairie dogs needed to support ferrets will emigrate onto surrounding lands. One property was determined not suitable due to size; another decided to drop out for personal reasons. Section 10(a)(1)(A) scientific recovery permit was used to comply with ESA. The permit was issued to the Kansas field office by the Region 6 regional office. Section 10(a)(1)(A) was used previously at two sites in South Dakota (Brule and Wind Cave) and was more flexible (to protect non-participating landowners), less costly, and less time-consuming than section 10(j) experimental population process. Section 10(a)(1)(A) process was used to exempt prohibition against take of an endangered species off of the reintroduction sites from normal farming and ranching activities, including prairie dog poisoning. On sites, incidental take of ferrets is allowed on up to 12 percent of population annually to cover take from normal farming and ranching activities and other otherwise lawful activities. Action was delayed for 11 months and got go-ahead in October 2007 and had 30-day public comment period and got over 16,000 favorable (from all over the country) and 120 opposed (which came from Logan County area). Ten ferrets went to TNC and 14 went to the other ranches. Ahead of the release USFWS entered into

agreement with KSU Extension Wildlife in 2006 to study effectiveness of 90-foot vegetative border surrounding the larger complex and recolonization rates on treated lands surrounding the complex (out to 3 miles). Treatment of lands out to 3 miles surrounding both sites began in the fall of 2007 and continued in 2008. TNC continued to pay for treatments on their neighbors during 2007. USFWS, KDWP, and TNC entered into an agreement with USDA Aphis-Wildlife Services in 2008 to conduct prairie dog control surrounding both complexes for duration of experiment (through December, 2012). A full-time employee began work in August 2008. The next steps are to continue to monitor the status of released animals, and we may release more ferrets if necessary. A spotlight over-winter survival survey was done in March 2008 and confirmed eight different animals still alive on the release properties. A mix of females and males provided optimism for litters to be produced. We expected 60 percent to 70 percent annual mortality and had only 33 percent. In August 2008 a productivity survey with live-traps was done to capture ferrets for identification and also for veterinary examination, vaccinations, and micro-chipping. August surveys identified four distinct ferret litters, with a minimum population of nine kits and six adults. In October and November 2008, 50 more ferrets (not as many as we asked for) were released, 34 to Haverfield complex and 16 to TNC. Starting next week we will have another team of volunteers help us do our next over-winter survival survey. Commissioner Bolton – How is TNC managing their prairie dogs? LeValley – They set a management target of 2,000 acres of prairie dogs and the ranch is substantially larger than the other complex. So they are trying to, through selective or strategic elimination or poisoning of prairie dogs on peripheral of the ranch, force their colony more into the center of the ranch where they are not as prone to get off onto the neighbors. Commissioner Bolton – What are they using for the poison? LeValley - This year they used zinc phosphide, which is less of a secondary poisoning hazard to non-target animals, especially mammals. There is no silver bullet though, zinc phosphide is toxic to carnivorous birds and in fact was implicated in the turkey deaths in Logan County this past winter. Chairman Commissioner Robert Wilson – How many states do this? LeValley – South Dakota, Wyoming, Montana, Colorado, Kansas, New Mexico and Arizona; Mexico; and Saskatchewan, Canada this year or next if we can get some of the international stuff worked out. We have them in every state that was in the historic range except North Dakota, Oklahoma, Nebraska and Texas. Chairman Johnston – Would you please address the consequences of listing (prairie dogs). LeValley – I don't think it would be a good thing because it would reduce flexibility for all involved. If a species is listed as threatened, that allows the Service to write special rules to allow take of a listed species. Section 9 of the ESA strictly prohibits take of a federally listed species unless it is covered by an incidental take statement and a biological permit or you have a Section 10 permit to take them. We have a species right now, a Utah prairie dog, a sub-species of the white-tailed prairie dog, that is federally listed as threatened and that allowed special rules to be written, so that people, up to a limit, can poison and control Utah prairie dogs where they are a problem. The other implication is if there was any federally funded or permitted projects where you have prairie dogs; like a transmission line that went through a colony; they couldn't be taken unless they were covered by a permit, if that transmission line had federal money in it, which would trigger a review of the project by my office. If there is no federal handle, then somebody who needed to take prairie dogs in the absence of a special rule under threatened status would need what is called a Habitat Conservation Plan to allow you to take the species and not violate Section 9.

Klataske – I want to mention that many people appreciate what the USFWS has been doing with this project. Think they are really going to great lengths to work with landowners on both sides of the fence and subsidizing control on areas surrounding the sites at their own expense. There were also a lot of favorable comments within Kansas and Logan County in favor of the reintroduction. While you may have considered not complimenting the landowners, I think it would be nice for the department to thank the USFWS for bringing a native species back to Kansas. One more pitch for the Haverfield complex: it may be the only viable site in the state where they are viable. TNC is good, but is only 2,000 acres. Commissioner Shari Wilson – You mentioned a multi-agency review in 2006, what were the other agencies? LeValley – We had K-State University Extension Wildlife, TNC, Turner Ranch, and KDWP.

Break

3. Update on laws and regulations pertaining to coyote hunting – Kevin Jones, Law Enforcement Division director, gave this report to the Commission (Exhibits F, G, H). The laws and regulations controlling the take of coyotes in Kansas are included in statutes 32-701. Wildlife is a broad definition containing all animals in the animal kingdom, with exception of livestock and domestic animals and includes anything from earthworms to elephants. Coyotes are defined as wildlife and do not have any other classification such as furbearer or game animal; and includes live animal, dead body, or parts thereof. Take means a lot of things in the state including: harm, harass, pursue, shoot, wound, kill, molest, trap, capture, collect, catch, possess or the attempt to do any of those actions. Furharvest and hunt are two terms you need to take careful consideration of, furharvest deals with furbearing animals, but also deals with the trapping or the attempt to trap any coyote; hunting means take in any manner other than by trapping, any coyote. Article 10 deals with unlawful acts and in 32-1001 basically says if a license is required, a person has to have that license in order to hunt in the state and that requirement is in state statute. In 32-1006 subsection (a) except as provided by subsection (b), it is lawful for a person to take coyotes in this state at any time if such person holds a valid license to hunt or furharvest, as the case may be. There is also a notation about moles and gophers. But, this is one where it specifically says if you hold a hunting or furharvesting license you can take a coyote. In subsection (b) is a point that came up the January meeting about the closure of coyote season during the firearms deer season. It is unlawful to take coyotes during that firearm deer season. From the information I received relative to this, from 1978 to 1985, the taking of coyotes during the firearm deer season was prohibited; in 1986 and 1987 there were modifications made to the regulation that closed the coyote season the first two days of the firearms deer season; then in 1988 season that regulation was put into place that basically opens coyote season during the firearms deer season. This was the direct action the Secretary's regulations that opens coyote season during the firearms deer season. In 32-1002 it talks about: unless and except as permitted by law or rules and regulations it is unlawful for a person to do a number of things concerning wildlife and that is in part to hunt or furharvest or take any wildlife by any means or manner. We talk about possession; purchase or sale; take for sale, exchange or other commercial purposes; and use of a coyote during field trials or training of dogs. So the law basically says you can't do anything to wildlife unless we allow it to happen by law of statute or regulation. The next statute, 32-1003 in subsection (a)(1) they make specific reference to motorized vehicles, airplanes, land and water vehicles to prohibit the take of game animals and furbearing animals. There is no

mention of wildlife in general; subsection (2) talks about the use radios or other mechanical device to talk about where animals are; but again is specific about game animals and furbearing animals. However, I will remind you in the previous statute it says you can't do anything or take by any means unless allowed by law and this basically reemphasizes what 1002 does, but more specific to game and furbearing animals. In subsection (7) it says it is unlawful to spotlight or use artificial light or cast those rays upon the land, fields or woodland of the state for spotting or taking any wildlife. So this is where it says you can't use artificial light to take coyotes, except for the provision which talks about using that spotlight for conducting surveillance, actively caring for agricultural equipment or livestock or conducting activities described in subsection (c)(2) of KSA 32-1002 and amendments thereto, when on land under the person's control, if the person owns such land. 32-1002 talks about the prevention of damage to property; (c)(2) talks about the owners or legal occupants of land killing any animals when found in or near buildings on their premises or when destroying property, subject to the following: and it talks about taking into consideration the threatened and endangered species act; unlawful to use, or possess with intent to use, any such animal killed unless authorized by rules and regulations of the secretary; and such owners or legal occupants shall make reasonable efforts to alleviate their problems with any such animals before killing them. So a landowner can take a coyote that is depredating livestock or something like that. Article five of our regulations deals with trapping and Furharvesting and 115-5-1 deals with furbearers and coyotes and legal equipment and methods. Subsection (a) talks about hunting equipment for hunting coyotes and talks about: firearms; archery equipment; crossbows; and that optical scopes or sights may be used that project no visible light toward the target and do not electronically amplify visible or infrared light. If you recall, 32-1006 says that coyotes can be taken at any time, so if you put that statute and this regulation together you could kill coyotes at night, but you can't use artificial light, except when you are trapping, as we will see in a little bit, or you can't use a laser or night vision scope or something like that. It is conceivable that you could kill a coyote at night on a clear night. When you go to subsection (b) it talks about trapping coyotes and a list of legal equipment. In subsection (c) it says calls may be used; and handheld, battery-powered flashlights, hat lamps or something of that nature while checking traps; it also allows them to carry .22 caliber rimfire rifles and handguns to dispatch those coyotes while carrying the handheld light so that is the only exception to the use of artificial light. Jumping to subsection (5) it talks about the use of lures, baits, and decoys; (6) the use of horses and mules; (7) is in reference to 32-1002, where it says unless we allow it, it is prohibited, here is where we allow the use of motor vehicles for the taking of coyotes; also allow (8) the use of radios in land or water vehicles for taking coyotes; and allow (9) the use of dogs for hunting for furbearers and coyotes. Under subsection (13) all trapping devices shall be tagged with the user's name and address. Trespass laws are germane to the taking of coyotes, so 21-3728 is the criminal hunting statute and it goes beyond just hunting, but it does talk about hunting, shooting, fur harvesting, or pursuing any animal, or fishing upon any land or non-navigable body of water without first having obtained permission of the owner; or upon or from any public road, public road right-of-way or railroad right-of-way that adjoins occupied or improved premises without having that permission. So they cannot just drive down and road and shoot coyotes unless they have permission from that landowner that adjoins that public roadway or have permission to be on that land they are hunting. Combined with this statute we have a statute under Wildlife and Park law, 32-1013 that says any land that is posted as being "by written permission only", then a person much have written permission in their

immediate possession while hunting on that property. In summary: a hunting license is required to hunt coyotes; a furharvesting license is required to trap coyotes. Coyotes may be taken at any time. Currently the regulations allow coyote hunting during the firearms deer season. Coyotes may be hunted at night, but artificial light, night-scopes, and laser-sights may not be used (hunting not trapping). Artificial light may be used to check traps at night, but the light must be “hand-held” and battery powered and only a .22 caliber rimfire rifle or handgun may be used. Lures, baits and decoys are allowed. Horses and mules may be used for hunting, trapping or running coyotes. The use of motor vehicles is allowed. The use of two-way radios is allowed. The use of dogs for hunting and running is allowed. To avoid trespass, the hunter or trapper must have permission from the landowner or person in possession of the land and this includes hunting from a public road or highway and includes lands where dogs are turned out or run.

Commissioner Meyer – The Secretary could, by regulation, not allow coyote during the deer season? Jones – Yes, you could change that in 115-25-12. You could close it entirely or for a portion of the season. If you repeal entire regulation then the statute would take precedence, which would close it. Chairman Johnston – I am more interested in your appraisal of the extent of the problem such as come to our attention during the last rifle season and whether this is an isolated problem or a trend? Jones – If referring to comments at last Commission meeting, I have been in the state for a little over nine years and have heard concerns from officers in the state about people using this as an excuse to not buy a deer license. In the last two or three years have had more calls in Pratt. In trying to find history of this issue, from 1978 to 1985 coyote hunting was prohibited during firearms deer hunting and sometime during that time the issue came up with a number of landowners having concerns because they couldn’t kill coyotes when they saw them or were having problems with them. Also, there were concerns from trappers and other people who wanted to hunt coyotes during that time. It also would prohibit a deer hunter from killing a coyote if he saw one while hunting. For whatever reason the rules changed, so the first two days it was closed then it was open and then that went away. No clear cut answer. If you have a law that may take away an excuse, not preclude person from carrying gun during that time. Tried before in this state, but changed and now allows hunting during firearms deer season.

Commissioner Meyer – If you are driving down the road you have to have permission from the landowner to can shoot a coyote? Jones – Absolutely. This is a complex issue, from law enforcement perspective we have to build a case to prove guilt beyond reasonable doubt.

Commissioner Meyer – What do you think the reaction of the general public, livestock organizations, or whatever would be if we would disallow hunting during the deer season? Jones – You would see a mixture of emotions. The gentleman from the last Commission meeting was a livestock producer. Commissioner Meyer – He also told me he went to two farm organizations and was told they didn’t want coyote hunting season closed and they refused to back him up. If he could get those organizations to come to us, we will do it and that didn’t happen. Mike Pearce – You are saying, if the organization asked you to close the season you could get the Commission to do it? Commissioner Meyer – I would vote for it, but I am not the Secretary.

Ron Klataske – Are there certain elements, in terms of regulations, influencing the approach of certain things allowed, less than closing the whole season. For example, method of take, not drive around and use radios to flush out coyotes, so they can’t use vehicle off-road for coyotes. Might improve the ethics of hunting and might be okay for stationary hunter or landowner using a vehicle if he is on his own land, but no outside people.

Alan Fine, Quenemo – I am a coyote hunter and we do hunt them from vehicle and off-road,

which is the most efficient way of keeping the coyote population down. We are doing it for a sport, not making any money at \$3 a coyote. During the deer season, I don't think that would hurt us a lot, but that is taking our sport away from us. I am also a deer hunter and enjoy hunting coyotes when we are deer hunting. With the prices of fur, not many people are taking coyotes and they are getting to be a problem, so there could be a lot of disease. I have heard different opinions, like keeping your guns cased and not shooting from vehicles and all of that. I wouldn't be here right now if the law stood in Kansas of having your gun cased. I have pictures, if I would have had my gun cased; I wouldn't have stepped out of the truck, one foot out when a bullet went right over the steering wheel and right into the seat where I was sitting and out the back window. If my gun had been cased I would have been trying to get it out and have been sitting in that seat. It was a foolish mistake by one of the individuals in our hunting party that shot at a deer. Commissioner Meyer – The legitimate coyote hunters, your blood runs pretty hot, and two of friends have been killed and it is pretty intense. The problem is those who are not legitimate hunters and not true sportsmen. Jones – In regards to Mr. Klataske's comments, some other states have approached this from a different angle. All of the states surrounding us, Oklahoma, Colorado, Nebraska, Missouri and Iowa regulate what types of weapons can be in the field being used for hunting during the firearms deer season or you have to be in possession of a deer permit if you are in the field. Not a clear cut issue. There other things other states have implemented restricting the carrying of firearms to shotguns with shot shells or rimfire rifles during the firearms deer season.

Kerwin Nichols, Carbondale – When it was shut down first time, was there any significant difference in hunting the coyotes from then to now? Was there more illegal activity then or now?

Jones – I'm not sure I can answer that as I was not here during that time frame.

Rick Campbell, CO, Wamego – When hunters came out of the field with centerfire rifles when deer season was over and told us they were coyote hunting. It eliminated group hunting because they had no excuse to be there. Now they say they are coyote hunting and use their vehicles more now then they did then. There is a lot of difference with behavior of firearms deer hunters.

Nichols – What about the guy hunting with dogs? Campbell – Closing may not be the answer, but modifications could be made. Nichols – Bird hunting could be used as an excuse too.

Chairman Johnston – I am not sure how significant and widespread of a problem this is and I don't think I have heard enough yet to change the rules, but if Cattlemen's Association or Farm Bureau told us they were in favor of it, maybe. Want to be kept aware of what is going on with this.

4. Furbearer Regulations – Matt Peek, furbearer research biologist, gave this report to the Commission (Exhibit I). In 2008 we were at a 20-year high relative to furharvester license sales. The market crashed this year so I expect that will continue for the next few years. Furbearer regulations were last considered in 2002. Recommended changes for 115-5-1 are minor, would not have brought forward alone, but in regards to live trap terminology because any number of devices can be used as a live trap so we would change live trap to include cage trap and colony trap. A colony trap is not a live trap, but has been included under the box trap terminology in the past, so this is a clarification. In KAR 115-5-2, 1) eliminate possession periods; and 2) eliminate the requirement to skin furbearers within 48 hours of the close of the season. The purpose of these is a round-about way to allow law enforcement to better enforce the seasons as they currently stand. There have been some issues in terms of people being able to follow the

regulations appropriately. For example, we have possession periods that differ for species depending on whether or not there is a running season and then we have a 48-hour skinning requirement and bobcat pelt tagging requirements. There are a series of different dates that people are having a hard time following. In KAR 115-6-1 pertains to fur dealers and fur dealer licenses and there are minor changes. No changes to recommend to open season and bag limit regulation or coyote season (KAR 115 25-11, KAR 115 25-12). Commissioner Lauber – I was contacted by gentlemen at the end of furbearer season who was trying to lawfully tag a bobcat within 48 hours and I didn't know who to have him contact so any flexibility there might help with compliance. Peek – They have seven days to get a bobcat tagged and there are approximately 135 employees or offices within the department that tag bobcats. Commissioner Lauber – They were afraid that by Monday it would be beyond that time. Peek – Contact information is in numerous department publications.

Carson Mansfield, Salina – I have a narrow focus, don't understand why we are allowing conibear traps, which are kill traps, on land that is hunted by bird hunters, or areas that are controlled by the state that allow bird hunting. There has to be more bird hunters and other hunters who use dogs than people who trap. I am not against trapping, but against kill traps that are used in ground sets. I have had dogs caught in leg traps, which is no big deal, you just let them out. You are out hunting, everything is fine and the dog looks at a bucket and it is over with. I knew that trapping season was on and I got up that morning and looked to see if it was over and saw there was another day to go (February 14), so I stayed away from the creeks thinking that would keep me away from the traps. Saw a leghold trap and didn't think about a bucket. I had looked up conibears and thought I could undo them. I knew how they worked and I knew you were supposed to use a belt or shoelace or something like that. I heard my dog scream and I went over and I could see his neck was caught and then I realized he was trapped in a conibear trap. I thought I knew what to do, I have seen people die in my work because I am a police officer and I can stay calm. So I depressed the spring to try and get her some air and she is depending on me to get her out and I can't find the clips, she was starting to die, so I wedged my chin in the trap trying to give her some air and this goes on for about six minutes, but eventually she died. The point is I am looking for a narrow restriction. I don't think it makes much sense to allow traps for a few people on public areas. I have talked to the Salina Journal and they are going to write an article on it and I am doing everything I can. I appreciate you listening to me. Chairman Johnston – Matt, tell us about conibear traps. Peek – A conibear is a brand name of a body gripping trap used to trap raccoons. The department is extremely concerned about events of this nature that occur on public land. We monitor this situation and our conclusion is this is an isolated incident. The potential for conflict exists out there but it hasn't happened with any level of frequency. We will be discussing this more, but we didn't bring this forth with any recommended changes. Chairman Johnston – How prevalent are the use of these types of traps versus others and do they have a particular utility that is not available in other traps? Peek – They kill the animal, so that is considered beneficial in some cases. The advantage on a wildlife area is the animal is not moving around or prone to theft and the 220, in particular, is considered easier in a lot of cases for a furharvester to set so in some regard it is preferred. I can't answer the question as to how frequently they are used. We don't have information that information and would be impossible to obtain. Chairman Johnston – As it relates to other states' experiences, are conibear traps legal in most states? Peek – The 220 is legal in 31 of approximately 45 states that allow trapping. In the Midwest most of them do with the exception of Ohio. All allow 220 on dry

land. Some states have exemptions, for example Missouri has the most severe where you can't use this trap anywhere in the state except in elevated in buildings, for taking problem animals. Other states like Indiana, Illinois, Iowa, basically are like we are as far as being able to use it. Nebraska allows it, but not on public lands. So there are a wide range of regulations out there. Commissioner Shari Wilson – My understanding that this trap was not tagged. Could you refresh our memory if people trapping on public lands have to, beyond getting their furbearer license, have to register or let anyone at our areas know they are trapping on public lands. Peek – At the current time they do not and trapping is not allowed on state park. Commissioner Shari Wilson – I think trapping is different than hunting in that the trap is left there. When you are hunting you have your gun with you and when you leave your gun leaves. I know the regulation requires that the trap be checked every day, but the person is not there all the time. I think we need to consider this because we are getting more use of our public lands by people who are walking their dogs, watching wildlife, or strolling with their kids and I think that is more the trend. I don't believe we are getting more trappers. I think the potential for this to happen more is definitely there. Mr. Mansfield made a good point about people out walking their dog or just out walking and not everyone will think to look on the internet and research the possible kinds of traps they might run into and how they might release a dog or kid from one of them. Commissioner Lauber – This is the second time since the first of the year that I am aware of dog being killed in a conibear bucket trap. The other one was on private land. I feel bad for people who have lost their dogs. To start restricting trapping, maybe we should consider conibear or kill traps, but it is a very strong statement for this group to start restricting trapping. That is a slippery slope. Trapping is as much of our heritage as jackrabbits. I have concerns when you do that because of animal rights radicals who would love to push one step past kill traps to leg traps and cage traps. We should review on whether we do it on public lands or not, but strong statement if we start changing trapping laws. Mansfield – I see where you are coming from, but I will say that Wildlife and Parks says what species you can kill when hunting, they say how you can hunt it and they even say what sex it can be in some cases and I don't think a reasonable limitation on trapping is any different than a reasonable limitation on hunting.

Mike Pearce – Matt, have you had any people complain about their dogs run into snares on public lands? Peek – Of course last year there was the issue that where the individual wrote into the magazine and we had two incidents last year that I documented and neither dog was injured in any way. This year, two dogs have been killed in conibears on private land and one on public land that I am aware of. Pearce – But you have heard no complaints on snares? Peek – I haven't documented any this year and we do hear things after the fact on occasion, but not on public land. The department is not in support of trapping to the extreme at the expense of dog owners or that is not our intent. Our belief is that it does not happen very often.

W.R. Brecheisen, Chanute – I think we need to work more on educating the public and hunters on the traps we use. I have a brochure put out by the Wisconsin Trapping Association and their DNR on how to remove your dog from a body gripping trap. We, as Kansas Furharvesters Association, are looking into making that available to the public. Also, speaking for myself, I would like to see a short 15-minute demonstration at the end of every hunter education course where a trapper could come in and show hunters the type of traps we use and how to remove their dogs from them. I think this would help. It is a sad thing that the gentlemen had to lose his dog, but I think with a little more education he could have removed his dog from the trap.

Dan Barrow, Denison – I am a rancher, farmer and in the fur business. First, on conibears, I have asked a couple of different agents this year, one in Jackson County and one in Jefferson County about the use of traps on walk-in hunting. It says right on the sign that there is no trapping allowed. The first one told me you could trap on walk-in hunting and then he said I am the one who puts signs up and he looked at the sign and he said, you are right, you are not supposed to trap on walk-in hunting. A week later I had another agent at my business and so I asked him and he said you could. Both of these guys are my neighbors and friends and I am not saying anything bad about anybody, but there is a vague place in interpretation in the law on what you can and can't do on walk-in hunting. The issue to be is I was informed that you can trap on walk-in hunting land leased by Wildlife and Parks if you have permission from the landowners. I am dog hunter and if I go to a piece of ground that is walk-in hunting and I read a sign that says no trapping allowed and turn my dog loose, I don't want to see traps. I've made my livelihood from fur business for over 40 years. Who is responsible if a dog gets caught in a trap on a piece of ground leased by Wildlife and Parks and the sign says there is no trapping on that ground. Is it legal to trap if you have permission of the landowner? Peek – Yes, it is. Tymeson – Our contract is with the landowner to lease the hunting rights. If they give permission to an individual or they trap themselves the department has no control over that activity. The no trapping is to let people know we are not leasing the trapping rights. Barrow – It doesn't say that. The point I am trying to make is that I would have no idea if I went to turn my bird dog or coon dog loose in front of a sign that said no trapping. I think those signs need to be changed, that sign doesn't mean what it says. I have a list of other things on regulations. I have a lot of respect for Matt and enjoyed working with him. I would like to see pre-trapping kill season for dog hunters like in state of Nebraska where there is a season from the first day of October to the first day of November, then I could hunt that dog 30 nights if I wanted to. I could hunt that dog and not worry about getting him in a conibear or a snare. I don't think the average people who would hunt in this pre-season time are going out to kill a lot of coons they are doing it for the sport, not for the money. I would like to see a season like that. Coon calling is a new thing in this state and I am opposed to it as a fur buyer and as a conservationist. I don't like the idea of being able to call five coons out of a tree, shoot all of them, but only kill two and wound three, I am opposed to that. It is a waste and will have an impact on what we can pay a coon hunter. Good coons are getting hard to find. No problem with the population of coons, early season would kill young, middle is males and females, and late in season is females. Snares and conibears that are set in a fence along a roadway should be set only by landowners or their agents. Who is an agent? Jones – That would be someone who can speak on behalf of the landowner or is authorized by the landowner. Anyone who has permission from landowner then they are an agent of the landowner. Barrow – Bobcat tagging is probably the biggest complaint and getting them tagged. Some states, like Texas, let the fur dealers do the tagging and that eliminates the problem. If you do something wrong with the tagging that is a federal violation, so you aren't going to do something wrong. Chairman Johnston – Matt, this 48-hour rule you are proposing to modify, is that what he is talking about? Peek – No, he is talking about who has the ability to put the tag on the bobcat. Right now the department does all of the tagging. We might discuss some of those issues in the department in the near future, but I don't think that is a regulatory issue. Jones – No, it says presented to the department. Barrow – Throughout the state there is a lot of difference in what the individual conservation officer will let fur dealers do. Some places allow several people to leave animal at fur dealer with information and the CO comes in and tags for four or five people,

it varies from one place to another. I like possession period the way it has been, that way they have to get the stuff in and skinned in certain period of time. If they just keep dragging in and it will make a difference on the fur prices. Peek – In regards to Mike’s question on snare incidents this year, I was thinking in terms of legal traps and whatnot. There was a high profile incident where a dog was snared and the guy didn’t check his snare for two weeks and he got a ticket. Pearce – Was that on public or private land? Peek – Private land. Chairman Johnston – I assume you need some consensus from us to go ahead with the proposals you have made. Commissioner Robert Wilson – When they started tagging bobcats, did they do that as a study to see how many kittens were having and stuff? Peek – We used to collect the whole cat to collect some biological data. Bobcats are tagged because they are considered a look-a-like species under an international treaty so it has nothing to do with the abundance of bobcats. It has to do with the U.S. Fish and Wildlife Service carrying out an agreement that our federal government made to tag bobcats to control international trade in other spotted cats that may be endangered that may look like them. Chairman Johnston – Are we in agreement with recommendation of staff? *Consensus*. I am not sure how widespread this problem is becoming, but I think this is another subject the Commission would like to be kept aware of (public land incidents and dogs being caught). Also, I am personally concerned about this signage question that has come up. Barrow – I am not opposed to trapping or hunting, but the major issue to have signs out that says there is no trapping when there can be trapping.

Moved rest of afternoon items to evening session.

VII. RECESS AT 5:35 p. m.

VIII. RECONVENE AT 7:00 p. m.

IX. RE-INTRODUCTION OF COMMISSIONERS AND GUESTS

X. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

None

XI. DEPARTMENT REPORT

Chairman Johnston – I would like to propose that we do General Discussion item #7 – the habitat award first. *Commission consensus*.

7. Private Lands Statewide Habitat Award – Jake George, Private Lands Coordinator – This is the second year for the Kansas Wildlife Habitat Conservation Award. It is a statewide award modeled after the county awards for Soil Conservation, which focus on recognition of farmers and ranchers who have completed projects designed to improve environmental quality or conserve natural resources such as soil, water or energy. The purpose of this award is to stimulate interest in wildlife management in Kansas by recognizing individuals who have exhibited outstanding progress in development and stewardship of wildlife resources. The nominations for the award are accepted from biologists across the state and are reviewed by

Committee and a winner is selected based on overall habitat quantity, quality, maintenance and enhancement on the property. Additionally the award winner will be nominated for the Association of Fish and Wildlife Agencies national private lands fish and wildlife stewardship award. Matt Smith will be introducing this year's recipient.

Matt Smith (PowerPoint - Exhibit J) – I am pleased to be here and part of this award that recognizes the efforts that farmers and ranchers make toward developing habitat on their land. In a state that is over 97 percent in private ownership, it is very important that we have landowners like Mr. Wallace. This award goes to Wallace Weber of Russell County. Known as the land of the post rock because when first settlers settled that land there was very few trees, but there was a lot of rock, not too far under the ground and not too hard to get to. They used it for building materials, and fence posts are the most common thing you see. Some of those fence posts are over eight feet long and weigh up to 100 pounds per foot, so you have to give credit to those pioneers. All of the pictures are on Mr. Weber's property. There are remnants of stone houses, some still lived in. It is a permanent and daily reminder that people were here before us. They also used rock for churches, which were known for their fantastic craftsmanship. The church at Dubuque was built 100 years ago and is still in use. There was a young man that came from the country of Luxembourg, Nicholas Weber who settled for a time in Dubuque, Iowa and came west and he started a little post office and founded the town of Dubuque in 1879. He and his wife had 14 children, the youngest being Frank, Wallace's father. The land is on the county line between Russell and Barton counties. Frank Weber ranched and farmed in that area and was a baseball player and traveled the country playing amateur baseball. He had two children, Cheryl and Wallace, who was born in 1943. He grew up in the house he lives in today. He spent 31 years in the U.S. Army and served nine years of active duty in Desert Storm. He founded Heartland Dermatology Center and sold the practice in 2005 and is retired. He is a lifelong outdoorsman who has been farming and ranching on his property since 1987. Wallace has done countless numbers of conservation projects on his property and he has taken advantage of a lot of programs that are out there to help landowners do that. He has used the Wildlife Habitat Incentive Program and the Conservation Reserve program and many others. He started a wetland project about a year ago that is starting to come along. He has planted numerous trees and shrubs, put may acres back to grass that were marginal farmland, and have done prescribed burning. The overall driving force is that he wants to meld wildlife practices with agriculture practices. Russell County is good prairie chicken land. Mr. Weber donated his 1,783 acres to Pheasants Forever and Quail Forever, the largest single donation in their 26-year history. He wants to see the land stay together and be managed as a wildlife habitat demonstration site and have several groups come through. This legacy he is leaving behind will last like the limestone rock in the area.

Secretary Mike Hayden and Chairman Kelly Johnston presented a plaque and a framed print to Mr. Weber.

Wallace Weber – I am honored and awed to be here. My sister couldn't be here, she left today with her husband and adopted daughter for a week in New York City. When she found out about this she wanted to be here, but even though she doesn't own the ground now, we both emotionally own it and she is as much a donor in that as I am. It is not about me, but you have

really honored me with value added. Thank you. Hopefully it will be a guide for some other people for legacy things that we can do for other people beyond ourselves. (*Applause*).

Chairman Johnston – We will return to where we left off in our afternoon session.

C. Workshop Session

1 Fish and Wildlife License/Permit Fee Regulations – Mike Hayden, Secretary, gave this report to the Commission. At the last meeting we brought you a proposal to begin to look at fee increases for next year and you gave us some instructions and comments. That was before we had the Governor's recommendations and revenues, particularly in November, had really fallen off so we were quite concerned that we needed to seriously consider an increase in fees in order to keep funding the agency. Since that time a couple of things have happened. The good part is the revenues rebounded in December, January and February and that is good because if you look at other state receipts, they started sliding in October and November and are still sliding. In addition to that, because of the recession, the Governor has had a conservative approach to budgeting and she reduced our recommended budget. Given the combination of the fact that revenues right now don't look as bad as they did the last time we met and the fact that we are going to take a more conservative approach to spending, I think we can delay this (fee increases). In addition, Mike Miller is heading up a committee that is looking at possible packaging of licenses and marketing to help us increase sales as well. They are just beginning their work. If you take those three things combined into consideration, it is best advised to delay further discussion on any fee increase until next December. We have enough money to get through the current fiscal year and the next now that we have a pretty good picture of spending because we not only got the Governor's recommendations, but we have been before the House and in the process of going through the Senate. Suspend this until December and look at it again. Then we can consider a fee increase if needed. Chairman Johnston – Thank you for some wonderful news. Commissioner Shari Wilson – Does that include spending at the same levels as in the past and keeping current programs? Hayden – We will have to reduce expenditures a little. Most of the reductions however are going to occur on the park side because that is where the pressure is on the general fund. As you will remember we didn't bring you any park fee increases in the last proposal so that portion wouldn't have impacted the decisions you would have had to make. We are going to have to cut back on the parks so we are preparing for that. We are going to have a little more conservative approach on wildlife side, but we will have the same number of employees and virtually continue the same programs. The Governor didn't recommend any vehicle replacements so we will have to make some adjustments like that. Mike Pearce – You are going to bring this back up in December and that would mean it would be the June meeting before it would be voted on? Hayden – Either June or August. Pearce – When, if they approve fee increases, would that take effect? Hayden – In 2011.

2. KAR 115-25-7. Antelope; open season, bag limit and permits - Matt Peek, furbearer research biologist, gave this report to the Commission (Exhibit K). We are recommending a total of 130 firearms permits and 48 muzzleloader permits. By unit that would be: Unit 2 – 94 firearms permits and 24 muzzleloader permits, an increase in total permits of ten; Unit 17 - 36 firearms permits and 12 muzzleloaders, an increase of 12 permits from last year; and Unit 18 -

12 muzzleloader permits, up from eight permits. Season dates are same as past years.

3. KAR 115-25-8. Elk; open season, bag limit and permits - Matt Peek, furbearer research biologist, gave this report to the Commission (Exhibit L). The recommended season and bag limits would be similar to previous years, but the September season on Fort Riley would run through October 4, 2009. The other thing we are proposing is eight any-elk and 15 antlerless elk permits be authorized. Pearce – Matt, how does those numbers compare to last year for those permits? Peek - Last year it was ten any-elk and 15 antlerless. I mentioned at the Emporia meeting the possibility of reduced permits based on comments, but when we flew the Fort we saw a lot more out there than hunters had reported. The numbers were good and the bull quality from what we saw was pretty good, as well so the cut was minor. Pearce – I heard somewhere that there was going to be a change in the application period like you would get a bonus point? Peek – Lloyd is going to talk about that.

4. Public Lands Regulations - Brad Simpson, Public Lands Section chief, gave this report to the Commission (Exhibit M). Workshop session for special regulations under posted notice on state wildlife areas and state fishing lakes. Changes in the briefing book are changes to the existing reference document we passed in April 2008. This is the same proposal as in the last briefing book. These will be adopted in KAR 115-8-1 series, under public lands regulations.

5. State T&E Review Status – Ed Miller, nongame wildlife research biologist, gave this report to the Commission (Exhibit N). This has been a long process looking at the five-year review of threatened and endangered (T&E) species in Kansas. We will not have a public hearing on this until the June meeting because we are currently in a 90-day comment period that was just published in the Kansas register. Over a year ago we started this process and we looked at 21 petitions and the Task Committee recommended that there should be no action on eight of those; eight should be listed as species-in-need-of-conservation (SINC); and five would be changes to the T&E list. The proposed changes are: for delisting the peregrine falcon from threatened list; delisting the bald eagle from the threatened list; and listing three aquatic species to the threatened list – the plains minnow; the shoal chub; and the delta hydrobe. In addition, eight fish species are recommended for SINC list, our watch list where we collect data on sightings and also we can target conservation programs and funding to hopefully prevent future listing to the T&E list. Those fish are: bigeye shiner; redbfin darter; lake sturgeon; striped shiner; common shiner; southern redbelly dace; cardinal shiner; and Johnny darter. As far as feedback I did get a letter of support for listing of the fish species from the Arkansas River Coalition (Exhibit O) and they sighted Haslouer et al's 2005 paper on the current status of native fishes in Kansas, and I also cooperated with three newspaper reporters on bald eagle sightings and nesting data in Kansas.

B. General Discussion (continued)

Chairman Johnston – Just as a reminder, please sign in and let us know where you are from.

5. Early Migratory Birds – Helen Hands, wildlife biologist, gave the report on doves (Exhibit P). Since 1983 the federal frameworks for mourning doves have provided an option of

either a 60-day season and a 15-bird bag limit or a 70-day season and a 12-bird bag limit. Kansas has opted for the 60-day, 15-bird bag limit for at least 20 years. Since 2002 we have provided a split season, and we have had a few different variations of that. During the past several years the three dove technical committees have been developing a mourning dove harvest strategy. The three dove technical committees are based on the three dove flyways, which are different from the duck and geese flyways. We have the western management unit, the central management unit and the eastern management unit. These are based on banding just like ducks, but the dove migration routes did not fit the four flyways. About 10 years ago the U.S. Fish and Wildlife Service (USFWS) said that we needed to develop mourning dove harvest strategies which are trigger points where if the population is increasing at a certain rate, what kind of decision does that mean you have to make in terms of the frameworks of the season or if the population is declining at a certain rate what is the trigger for you to change those regulations. We have finally completed an interim harvest strategy that has been approved by the USFWS and each of the three dove technical committees has its own harvest management strategy. As part of this we did an analysis of the harvest information program harvest statistics and what they found from that was that you will have more of an influence on the total harvest if you change the bag limit versus changing the seasons. Because they want to learn more about the affect of changing the bag limit on the harvest and eventually the population, they wanted to make the season length standardized. The season they chose was 70 days. The harvest strategy goes into affect this year and the USFWS will be changing the federal frameworks for doves to a 15-bird bag limit and 70-day season. The 15-bird bag limit indicates the population is stable, if it was increasing we could potentially have a 22-bird bag limit; if declining, an eight-bird bag limit. The recommendation is the 70-day season with the first segment running from September 1 through October 30; and the second segment opening on the first Saturday of November and remaining open for 9 days. We considered a couple of options for the split, but chose the first Saturday because it would allow dove hunting during the opening weekend of the upland bird season and allow the second segment to close before the exotic dove season opens on November 20. If the dove season overlapped with the exotic dove season, it would unnecessarily complicate the regulations and enforcement because a HIP stamp is not required during the exotic dove season. Chairman Johnston – As I understand it, the reason you are recommending the first Saturday in November is so there is no overlap with exotic dove season? Hands – That is correct.

Faye McNew, Waterfowl Research Biologist, gave the report on teal (Exhibit P). The hunting season framework is September 1 and September 30, 2009. We can be allowed either: 1) sixteen days if the blue-winged teal breeding population is above 4.7 million; or 2) nine days if the breeding population is between 3.3 and 4.6 million. Bag limit is 4 and possession limit is 8. Last year's blue-winged teal breeding population was 6.6 million and we had a 16-day season. The 2009 blue-winged teal season is unknown. There is still snow so we probably won't know until probably July. Right now the habitat conditions are looking favorable for another 16-day season. The Dakotas got a lot of snow this year so hopefully that will break the drought trend. For the High Plains if we have a liberal regular duck season, we will only be allowed an eight-day season. So there are three options. We are recommending a nine-day season to run September 19 through September 27, 2009 for both the High Plains and the Low Plains zones; and a 16-day season running September 12 through September 27, 2009; and for the eight-day High Plains Zone, September 19 through September 26, 2009. The shooting hours are expected to be a half hour before sunrise to sunset.

6. Archery in the Schools – Gary Keehn, Archery in the Schools Coordinator, gave this report to the Commission (PowerPoint - Exhibit Q; Exhibits S, T). This is the third year since Kansas Wildlife and Parks established the program here, and I have been fortunate enough to be involved the last two years. I would like to present a PowerPoint that shows new data and end with some information about Kansas. They have about \$100,000 donation for this survey. Basically National Archery in the Schools (NASP) is to promote an international-style of archery for in-school curriculum that provides educational, performance and participation in the shooting sports for students in grades 4-12. In Kansas, one of our mission statements is to teach target archery as part of school curriculum. An objective at the national level was: 1) implement in 120 Kentucky schools by March 3, 2005, achieved by April 2003; 2) implement in 25 states by December 31, 2008, achieved by May 2008; and 3) maintain program's standard and canned approach. Have 4.6 million students, with one million this year with 5,000-plus schools. We have 46 states; and Victoria, Australia; Nova Scotia, Canada; Saskatchewan, Canada; South Africa; New Zealand; and Alberta, Canada in May; and British Columbia, Canada in August. During the survey, teachers were asked about the effectiveness of the program, 93 percent effective; 84 percent increased confidence; 78 percent increased motivation; 76 percent helped attention on range and in classroom; 74 percent better behavior; 73 percent better attitudes; 40 percent better attendance; 40 percent said kids would move onto other outdoor sports; and kids say "I can do this!". The teachers are trained for eight hours and by the end of the day the teachers are wondering why they never tried it before. Students surveyed said: 80 percent like NASP; 77 percent had no prior archery; 70 percent like their teacher better; 65 percent shoot after NASP; 51 percent shoot with their dad (mother or family member); 59 percent want a club in their area; 53 percent like themselves better; and 37 percent are willing to start a club themselves. NASP kids also buy equipment: 21 percent who took NASP this year; and 26 percent who took NASP a year or more ago. Seventy-nine percent of NASP graduates do target archery and 56 percent go bowhunting. The culminating event was the sixth annual NASP Nationals last year had 2,856 student archers. The goal is 3,600 in 2009; 39 percent female participation; and \$14,000 in scholarships was awarded. Teams are 14 in a team and you have to have at least five members of the opposite gender on the team. In the packet (Exhibit S) there is a two-page summary from a 40-page study that went on. In Kansas, we have over 100 schools and 200-plus teachers involved with the program. We were ranked 25th in the world, now we are ranked 15 or 16 in participation numbers. NASP is trying to promote competition shooting and finding out that most states don't have a state tournament, some of that is funding, and some is getting groups to do it. We are getting more interest in dual competitions. Roy Grimes called Monday and they are inviting three states to do an online NASP state tournament. They have invited New Mexico, South Dakota and Kansas. I told them we would be more than willing to work that program. I would take some time contacting all of the schools. They have a month to do competition in their own school (relying on their honesty), and then individuals and teams can qualify kids for nationals. There would be no cost for our state and would open us up to other grants. If this works, they will go nationwide and worldwide with it and hope to have over a million kids involved in some type of virtual contest. Things we have changed: this program is designed for grade schools and high schools and we see a need to get colleges involved. In the past year, Highland Community College, Colby Community College and Fort Hays State have trained pre-service teachers. We are also working with other

instructors who are working with youth programs, like 4-H leaders, church groups, boy scouts, girl scouts and KACEE, to keep programs going and kids interested outside of school. This fall hope to work with annual physical education conference in Pittsburg and put on a training day the day before or the day after. We are trying to get more teachers involved in a district because if something would happen to that one teacher the program could be lost, so the last three training sessions in the last two months, we trained four districts with six to nine teachers from each district. Also, we are working with small districts to rotate kits because they can't afford the \$3,000 alone. Trainers are trying to keep in touch with schools. We have already trained to see if they need anything. We have sixteen KDWP employees and six non-department who have gone through the training to become facilitators (BAIT – Basic Archery Instructor Trainers), for a total of 22 BAITs. This summer Roy Grimes came in and did a program in Salina and trained Dave Adams, Bob Funke and myself as BAIT Specialists, which means we are certified to provide necessary training for future BAIT instructor (only 20 in the world). Also, I worked with Roy Grimes for three days to put on a video, which was shot in Salina. We have 250 teachers and 100-plus schools involved, which puts us 18th in the world, which is low because when we train college students they don't unless they contact us if the program is going on. Some of the challenges include funding and getting the kids to the schools and we are trying to work with National Wild Turkey Federation and Kansas Bowhunter Association and other organizations that might be willing to help. Chairman Johnston – You are doing a great job and it is a pleasure to see a presentation like this and the impact on the kids. Keehn – It is hard to tell the exact number of kids, but it is phenomenal. Commissioner Shari Wilson – KACEE has really enjoyed working with this program and with Gary. He has made presentations at our annual conference that have been very well attended and had a lot of interest. Looking forward to continuing that in the future and hope this program continues. I think there are a lot of kids in outdoor sports that probably would have never had the opportunity to learn about it.

C. Workshop Session (continued)

6. KAR 115-25-9. Deer; open season, bag limit and permits - Lloyd Fox, big game wildlife research biologist, gave this report to the Commission (Exhibit T). We are set to vote on this regulation in April. There has been a substantial amount of legislative input recently. One item we may bring forward would be a change in the extended whitetail antlerless season. We were recommending three days and now we may be looking at an amendment of January 1 through January 10 -- two weekends. Another item that is new this year is deer management units where we have extended seasons. We are considering including Units 4 and 5, in addition to the units we have had for the last five or six years. It is recommended that deer hunters be authorized to purchase up to five white-tailed deer antlerless-only permits and allow them to use one statewide, including public lands. The second antlerless-only white-tailed deer permit would be valid on private land in all but units 17 and 18 and would also be valid at Cedar Bluff WA. The last three antlerless-only white-tailed deer permits would be valid only in Units 7, 8, 12, 13, 15, 16, and 19. We are moving forward with an idea to move our application date earlier in the year to allow nonresidents, guides, outfitters and other people longer to prepare and to know earlier so they can try and go some other place. One comment from legislators was to move our application date the other way in the hopes that more permits might be available later in the season. I don't think we communicate back and forth and I think there are some

misunderstandings on what the basic needs and wants of the hunters and resource really are. Commissioner Shari Wilson – Did you say Units 4 and 5 were also being proposed for the extended season? Fox – Yes. Commissioner Shari Wilson – The map we have tonight doesn't show Units 4 and 5. Fox – You have two maps, one is just the deer management units and the other is the special extended season. You don't have a map with the Units that have one, two or five whitetail antlerless permits. Units 17 and 18 are the only two units that have just one; the rest allow two; Units 7, 8, 12, 13, 15, 16, 19 and 10a are all units where you can have three additional permits. Commissioner Bolton – Why isn't Unit 17 included in the antlerless-only season? Fox – Deer densities are lower in the western part of the state. Staff has recommended against a January antlerless season. Chairman Johnston – The department is moving in the direction of developing an earlier application period? Fox – Yes we are, but not for this year, for next year so we can notify them in the regulations this year. Steve Sorensen – On the map included, with the extended seasons, Unit 7 is labeled wrong. Does that mean I get to hunt both sides of 281 this year? Fox – We have a corrected map on the table and that map actually goes with 115-25-9a (Exhibit V).

7. KAR 115-25-9a. Deer; open season, bag limit, and permits; additional considerations - Lloyd Fox, big game wildlife research biologist, gave this report to the Commission (Exhibit U). This will be brought forward for public hearing at the June Commission meeting. This regulation originally started as the Fort Riley season regulation and has become a catch-all for late recommendations and has three components to it. One is the Fort Riley season recommendations; antlerless-only permits for either species (mule deer doe permits) and the licensing and permitting section would like to offer these on a first come, first serve basis, but our regulations require that a hunter have an antlered deer permit before they can obtain an antlerless permit, so they are recommending that we not come forward with this until after the non-resident deer permit drawing; and the special extended season where in the past we had an additional one-week season extension in the whitetail antlerless season in northern portions of DMUs 7 and 8. There has been a lot of concern about deer numbers and the ability of hunters to control deer numbers. We have consistently mentioned that this is an access issue, but we are getting pressure to keep the deer herd lowered or to bring it to a lower level and we have looked at this and recommend including a complete DMU as opposed to subdividing and have additional confusion (Map – Exhibit V). We may change all of our whitetail antlerless extended seasons to the same as was in the northern portions of DMUs 7 and 8, which would do away that particular aspect. We would have consistency across all units. We are getting substantial emphasis to reduce the deer herd, especially in Unit 15, the Wichita and Hutchinson area. We are considering various options to address this. One would be similar to what we did by creating an urban deer management unit like we did in Unit 19 or to maintain full DMUs 6 and 15 completely. It becomes difficult when you start realigning your units because you lose your historical trend information, so we have been hesitant to subdivide or realign deer management units unless we considered it permanent and essential. We are in a state of flux on this and are waiting for additional information and input. We are going to run ideas through our field personnel and may bring this forward as an amendment. Pearce – You are considering changes in Unit 15 and what other one? Fox – Unit 6, the Hutchinson, Newton area and also from Wichita south. Pearce – In Unit 6 you have been pretty conservative on antlerless-only permits and have been for years. Fox – The area east of Hutchinson has had high deer numbers and low

hunter access. It has a lot of ranchette-style subdivisions, excellent cover for deer and has had high deer/vehicle accidents. The Wellington to McPherson area is an eco-region with excellent habitat. We would look at a suburban corridor that would include: Hutchinson, Newton, Wichita and south of Wichita. When we starting drawing those lines, we start subdividing and it gets really messy in a hurry. Consideration is the key word. Pearce – Were these considerations before the recent happenings up here? Fox – Yes and no, we have considered a Wichita urban deer zone in the past, but the key is finding the right roads.

8. KAR 115-4-11. Big game permit applications – Lloyd Fox, big game research biologist, presented this report to the Commission (Exhibit W). We thought this one would be easy and we would avoid all of the 4-series this year. We will bring forward at the April meeting, KAR 115-4-11 and in this we will have a recommendation for a change in the preference point and drawing system for elk. A person would be entered into the drawing as many times as they had applied and been unsuccessful. Even a first time applicant will have an opportunity of being drawn with a system like that, but people who have been applying for many years will be given additional opportunities and a higher probability of getting drawn. Another item for review will be the problem in our system dealing with one application per hunter and we want to clear up the language in the regulation to make sure that hunters who are unsuccessful in a drawing will have an opportunity to obtain a permit that is still available over the counter or left-over for either sex type of permit. Also we are working on clarifying the language to minimize problems with hunt-own-land, landowners, tenants and limited liability corporations. This will also be an amendment if we can develop the language. The other item in the permanent regulation is the Hutchinson/Wichita area, if we go forward with an urban deer unit; we would need to change regulation KAR 115-4-6 so we would not be able to act on that until the June Commissioner meeting. Pearce – Is the elk preference point retroactive or would that start now? Fox – Good question, not sure if we can make it retroactive at this point. I don't know if we can go back and figure it out, but we may be able to through the KOALS system, but not sure if that will be possible. Tymeson – No, we can't. Pearce – Why not? Tymeson – In the sense of fairness everybody needs to start from square one.

XI. DEPARTMENT REPORT

D. Public Hearing

None

Notice and Submission Forms (Exhibit X).

XII. Old Business

None

XIII. Other Business

Commissioner Shari Wilson – I wanted to bring to everyone's attention a group called the

Outdoor Foundation, which recently released the 2008 outdoor recreation participation report. This report surveys Americans ages six and older and covers 114 outdoor activities. They found that overall participation had increased over 2007, with more than 138.4 people getting outdoors. The more alarming end of that was that outdoor participation for children ages 6 to 17 declined more than 11 percent, with the greatest declines occurring between the ages of 6 and 12. For the first time, the declines were greater for girls than boys. We have talked a lot about the need to get more kids outside including efforts such as: National Archery in the Schools, Kansas Children's Outdoor Bill of Rights, and Kansas Outdoor Summit. We are seeing more evidence to continue these efforts and create as many new ones as we can. I got this information from the National Wildlife Federation. They have a policy bulletin on connecting children with nature, and I received this at the end of February.

Commissioner Sebelius – I had questions from a couple of people, who made a good point, about the material we use for our permits and the quality of the paper and have seen it in some of the cases I have had and tried to enforce wildlife and parks violations. For instance, those that have failed to tag or are being accused of it and paper isn't conducive to writing clearly or is more conducive to smudging. I know that people have used that as an excuse to make it vague as to when they actually completed their permit. Do we have any thoughts of shifting to a different kind of paper or system or cut outs for dates when the tag is filled? I have seen it so I was wondering if it was showing up elsewhere or any thoughts of getting a different vendor for that. Cindy Livingston – The paper comes with the KOALS system. We would have to check about changing the paper and style and every time we change something, for instance if we do the cut outs, we get charged for it. We did have something come about the fact that if they are printed at our offices they tend to stay better printed and don't smudge as much, but if printed at a store that doesn't have the ribbon, some of those don't stay near as long. I know Kevin has had that issue with his officers. We can talk to them and see what other options we have. When we went into the contract they already have a lot of rolls of permits printed up with out name on the back.

A. Future Meeting Locations and Dates

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

June 25, 2009, 4-H Building, Fairgrounds, 612 E Hwy 56, Council Grove

August 6, 2009, The Peoples Bank, Sunflower Room, 117 S. Main, Medicine Lodge.

October 15, 2009, Sedan, TBD.

XIV. ADJOURNMENT

The meeting adjourned at 8:28 p. m.

(Exhibits and/or Transcript available upon request)

Exhibit Y – Friends of Fancy Creek Range Brochure

Exhibit Z – Article “Show-Me State Shows the Way with Range Success”

Exhibit AA – The Hunter's Journal, February 2009; from Safari Club International

Exhibit BB – “Kansas Wind Energy Development: avoiding special places” map