

AGENDA
KANSAS DEPARTMENT OF WILDLIFE AND PARKS
COMMISSION MEETING AND PUBLIC HEARING
Thursday, August 6, 2009
Peoples Bank, Sunflower Room, 117 S Main
Medicine Lodge, Kansas

Tour: Rangeland cedar control areas and Barber SFL; leaving from Pratt.

- I. CALL TO ORDER AT 1:30 p.m.**
- II. INTRODUCTION OF COMMISSIONERS AND GUESTS**
- III. ADDITIONS AND DELETIONS TO AGENDA ITEMS**
- IV. APPROVAL OF THE June 25, 2009 MEETING MINUTES**
- V. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS**
- VI. DEPARTMENT REPORT**
 - A. Secretary's Remarks**
 - 1. Agency and State Fiscal Status (Dick Koerth)**
 - 2. Lesser Prairie Chicken Petition for State Listing (Chris Tymeson and Keith Sexson)**
 - B. General Discussion**
 - 1. Big Game Permanent Regulations (Lloyd Fox)**
 - 2. Shawnee Mission Park Deer Management Update (Lloyd Fox)**
 - 3. Elk and Deer Commissioner Permits (Keith Sexson)**
 - 4. Wind Energy Update (Eric Johnson)**
 - 5. Hunter/Angler Recruitment Efforts (Mike Miller and Doug Nygren)**
 - 6. Intro to KDWP Website (Jon Henry)**
 - C. Workshop Session**
 - 1. Spring Turkey Season (Jim Pitman)**
 - 2. Fee Regulation – Spring Turkey Permits (Mike Miller)**
 - 3. Cabin Fee Regulations (Mark Stock)**
 - 4. Fishing Regulations (Doug Nygren)**

5. Doves – Legal Equipment (Kevin Jones)
VII. RECESS AT 5:00 p.m.

VIII. RECONVENE AT 7:00 p.m.

IX. RE-INTRODUCTION OF COMMISSIONERS AND GUESTS

X. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

XI. DEPARTMENT REPORT

D. Public Hearing

1. Late Migratory Bird Seasons (Faye McNew)

2. KAR 115-5-1. Furbearers and coyotes; legal equipment, taking methods and general provisions. (Matt Peek)

3. KAR 115-5-2. Fubearers and coyotes; possession, disposal and general provisions. (Matt Peek)

4. KAR 115-6-1. Fur dealers license; application, authority, possession of furs, records, and revocation. (Matt Peek)

XII. OLD BUSINESS

XIII. OTHER BUSINESS

A. Future Meeting Locations and Dates

XIV. ADJOURNMENT

If necessary, the Commission will recess on August 6, 2009, to reconvene August 7, 2009, at 9:00 a.m., at the same location to complete their business. Should this occur, time will be made available for public comment.

If notified in advance, the department will have an interpreter available for the hearing impaired. To request an interpreter call the Kansas Commission of Deaf and Hard of Hearing at 1-800-432-0698. Any individual with a disability may request other accommodations by contacting the Commission Secretary at (620) 672-5911.

The next commission meeting is scheduled for Thursday, October 15, 2009 at the VFW, 610 Walnut, Sedan, KS.

**Kansas Department of Wildlife and Parks
Commission Meeting Minutes
Thursday, June 25, 2009
Morris County 4-H Building, 512 E. Hwy 56
Council Grove, Kansas**

Subject to
Commission
Approval

Commissioners toured the Tall Grass Prairie Preserve, near Strong City at 9:00 am.

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

The June 25, 2009 meeting of the Kansas Department of Wildlife and Parks Commission was called to order by Chairman Kelly Johnston at 1:38 p.m. at the Morris County 4-H Building, Council Grove. 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).

III. ADDITIONS AND DELETIONS TO AGENDA ITEMS

None

IV. APPROVAL OF THE APRIL 16, 2009 MEETING MINUTES

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

V. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

Robert Robel, Manhattan – Several years ago you implemented a plan to build shooting ranges across the state, started with Fancy Creek, but the multipurpose part of the range is not completed. Activity is extremely good; usage increased 34 percent and they have 1,000 more shooters a year, who all have to buy a park permit, and who pay PR taxes. We have 4-H shooting programs and women’s programs. We encourage you to continue the process. I know budgets are tight. Also, begin to build other ranges across the state. Chairman Johnston – Commissioners encourage the department to continue those programs, budget permitting.

VI. DEPARTMENT REPORT

A. Secretary’s Remarks

1. 2009 Legislature - Chris Tymeson, chief counsel, gave this report to the Commission (Exhibit C). We covered all of the items at the last meeting. Very little activity since then. *SB 51* got gutted on House side and is dead. Tried to get requirements passed in another bill, but were

unsuccessful. *Concurrent Resolution 1611* will go to voters in August primary in 2010, and changes the right to bear arms to an individual right from collective right. HB 2172 was vetoed in tax bills.

Sebelius – Where is *Concurrent Resolution 1602* going to go? Is there much support? Chris – That resolution allows the legislature to change taxation on watercraft, would need to pass two bills. Didn't think it had any forward motion due to current fiscal condition of the state, and would cost \$89 million to local governments. Passed out of Senate at end of the session, likelihood it will pass, but compensation will go to local governments.

Steve Sorensen – What is *1611* going to do? Chris – I don't think there will be any impact on us, like a constitutional right to hunt and fish would.

2. Agency and State Fiscal Status – Dick Koerth, assistant secretary of Administration, gave this report to the Commission (Exhibit D, E). Two handouts: briefing book handout and letter to the Director of Budget. The last act of the session that impacted KDWP was the passage of the Omnibus Appropriation bill. This bill included several major amendments to the appropriations previously approved and provided to the Commission. Attached are the approved amounts for FY 2010 at the current time. As mentioned at the last Commission meeting, the major area of reductions for the department for FY 2010 is in capital improvements at the state parks. For FY 2010, the amount of \$680,186 for State General Fund (SGF) Park capital improvements was recommended. FY 2010 capital improvement projects are listed. The Omnibus reduced the amount for Parks Division capital outlay items by \$590,134, leaving an amount of \$197,566 for equipment replacement in FY 2010. The Legislature deleted any authority for a cost of living increase in FY 2010, but did approve the second year of the five-year plan to improve employee salaries to market level. The funds provided allow increases of 2.5 percent to 10 percent for four office administrative classes. The Legislature authorized the payment of longevity bonuses to employees, but deleted the funding, which will require the department to finance from remaining funds. The status of the SGF is still unstable. The receipts to the SGF in May 2009 were \$101 million below the estimate developed the previous month. The concern is that actual revenue to the SGF will continue to decrease, resulting in further reductions to the FY 2010 budget currently approved. Due to state laws on maintaining an adequate balance in the SGF, Governor Parkinson may need to resort to additional expenditure reductions through an allotment process. This process would reduce the approved budget and restrict expenditures to a defined amount. The reductions would be effective upon implementation of the allotments. The department has initiated the development of the FY 2011 budget, started in February. The request for capital improvements is due on July 1, 2009. At this time, the request will not include any new major initiatives and will include a SGF request of \$1.5 million. We have not yet received the FY 2011 SGF allocation from the State Division of the Budget. The department will make every effort to minimize the impact to state operations. This will have an impact on the infrastructure of the state parks as capital improvement funds are reduced or deleted. However, adjustments to capital improvement funding are considered a better alternative than reductions in operations. The CI table requests \$7.8 million, with \$1.5 million from SGF. [Read letter to Duane Goossen, Director of Division of Budget (Exhibit E).]

Commissioner Shari Wilson – On Kaw River State Park, is that a new building or an existing building? Koerth – No, that is a new shop building beside the office. We have an agreement with Washburn and have a fence up. Shari Wilson – What process is the Region 2 building in? Koerth – It is bought and paid for. Chairman Johnston – There was an article in the Wichita Eagle about the City of El Dorado and Butler County to bus inmates back to the facility there to do work they

were doing there. Koerth – Jerry Hover was involved in those discussions. Hover – There was an agreement signed between the Department of Corrections, El Dorado, Butler County, KDWP and the American Legion to bus 40 inmates from Winfield facility to El Dorado, hire two bus drivers (two because they would need a backup driver) working four, ten-hour days. They are limited to 999 hours per year, and the current agreement goes to September 10 in order to get it off the ground and running. We are using a school bus. The City and County are purchasing a suitable bus. We will get 20 inmates, Jerry Clark will keep five, the City gets three to four inmates, and the county gets three to four inmates, depending on how many come out on any given day.

Chairman Johnston – At the last meeting, we toured the facility where park cabins are built. Because of budget cuts, furniture construction was going to be transferred to El Dorado. What is the status of the cabin construction program? Koerth – Ongoing, but slowing down. Also, investigating manufactured housing industry without too big of cost differential. There is one company in Hutchinson and one in Yoder.

B. General Discussion

1. Historical Council Grove - TinaRae Scott, Council Grove/Morris County Chamber of Commerce and Tourism presented this report to the Commission. On behalf of my office, thank you for coming here. Also, welcome on behalf of Morris County and Council Grove. Cindy Roberts is also here from Herington. We share a lot of events because we share the airport, while it is in Herington, it is in Morris County. This is a historic site: during WWII, this location was used as a prisoner of war camp; and up the road is a stone barn, built by Seth Hays; dinner tonight is at the Hays House, which was also built by him. We are on the Santa Fe Trail and tourism is our number one industry here. Best crappie and walleye fishing in the state is also here. On August 10, 1825, Osage Indians and government agents met here and gave us our name. At that time, safe passage could be bought on the Santa Fe Trail for \$500 in trinkets or trade goods. We have provided a bag, including (Exhibit F): scenic byways of Kansas; walking tour brochure; historic trees brochure; Terwilliger House; shopping brochure, with shops still in the same buildings that were here during those days, also there are still some track ruts outside of town; part of the Flint Hills Heritage Guide (which is included) to shop regionally; street maps; statues downtown include the “Guardian of the Grove” Indian statue and Madonna, a DAR monument dedicated to the women who walked on the Santa Fe trail; and Kanza Heritage Trail, a Kaw Mission walking tour. Also, included information on the Tall Grass Prairie Preserve, lodging, a Calendar of Events, and an invitation to our third annual “grillin’ in the grove” BBQ contest. Thanks for what you do in our community. Brent Konen (KDWP area manager) is a great asset to the community.

2. Trails Update – Commissioner Frank Meyer presented this report to the Commission (Exhibits G, H, I). In late 1990s the United States passed the rail banking law. In Kansas, abandoned railways revert back to landowners. However, those still belonging to railroads, the deeds are given to us, then in an emergency, railroads can take them back and put rails on them. Rail beds followed creeks and rivers, but now run straight through. We may lose what is on top, but will probably retain those along creeks and rivers. No motorized vehicles are allowed on trails in Kansas, but we are working on getting that law overthrown to go with the federal law. Slides (Exhibit G) show an abandoned rail bed that reverted back to a landowner so he could farm it, but he is just using it to store junk on. We want to be able to bring people out into the wilderness. Herington is an old railroad town. A truck takes 15 HP per ton, but a train only takes

1.5 HP per ton. We need to keep these rail beds preserved. Trails connect communities. Primarily we are working east of Highway 75 because that is where the people are. We use strictly volunteer labor. Kansas state law discourages building trails, but it is a great place for deer and other wildlife. Limestone screening costs about \$7,000 a mile and we are required by state law to keep fences up, which we are trying to get changed. Built walking trail in Herington thanks to grant from Jerry Hover. We had bid for bridge for \$7,000, but I built it for \$900. Gave Sheila wrong information which was included in the briefing book (Exhibit H), but you have a new handout (Exhibit I) on statutes on rail trails.

Commissioner Shari Wilson – I want to thank Frank and Shirley for all the work you have done on trails throughout the state. We couldn't get things done without people like you.

3. Results of Bait Users Survey - Jason Goeckler, fisheries biologist, presented this report to the Commission (Exhibits J, K). PowerPoint presentation. KDWP's mission is to protect and conserve fish and wildlife and their associated habitats while providing for the wise use of these resources and providing associated recreational opportunities. KDWP's underlying philosophy is to manage natural systems properly by striking a balance between natural resource integrity and human benefits. A major concern of the agency is the movement of aquatic nuisance species (ANS) via angler transport of wild-caught baitfish. It is well known that problems arise when undesirable fish, invertebrates, plants, or pathogens are introduced. The discovery of an aquatic species in waters where it was previously absent has been attributed to bait bucket transfer on several occasions. To protect the natural resources of Kansas and to prevent the spread of ANS through public uses of these resources, KDWP is interested in addressing the spread of ANS by recreational boaters and baitfish collection, transport, and use. In an effort to better understand the public's values associated with baitfish collection, transport, and use, acceptance of KDWP action to prevent ANS spread, and to inform future decision making and planning by the Department, a human dimension project was initiated in 2007. The survey was done to determine: who uses live bait; where anglers get bait, what species of bait are used, impact of collection on listed species, recognition of Kansas baitfish, and support of KDWP action. We surveyed 5,000 randomly-selected 2006 Kansas licensed anglers; stratified by license type, that is resident, non-resident, or lifetime. Survey conducted online with paper option. Anglers were first notified by postcard, followed by paper survey. Twenty-one percent (N=1,065) of the anglers solicited responded to the request. Of that total, 1,033 surveys were complete and used in the analysis. Survey results indicate 61 percent (n=635) of respondents use live fish as bait. Of those respondents who used live baitfish, only 29 percent (n=185) frequently collected it from the wild. Respondents were more likely to fish reservoirs (n=555, 54 percent) over Kansas rivers and streams (n=463, 45 percent) or state fishing lakes (n=455, 44 percent). Ninety-six percent of reservoir anglers (n=533) used live baitfish but few collected it locally (n=163, 31 percent). Respondents who fished state fishing lakes (n=455) were slightly more likely to use locally collected baitfish (n=129, 28 percent) compared to the river and stream anglers (n=125, 27 percent). Data analyzed with SPSS v12.0. 68 percent (n=431) of respondents who use live fish for bait indicated that they release their baitfish into the water where fishing at the end of the trip. KAR 115-8-6 reads, "Fishing minnows and other fishing bait may be taken for use as fishing bait only on a noncommercial basis and may be used only in the department-managed water where taken". Species most often used included: fathead minnow; gizzard shad; golden shiner; red shiner; bluegill; green sunfish and goldfish. When asked about the acceptability of a restriction on the use of wild-caught baitfish to the water where collected, 59 percent (N=607) of respondents indicated that the aforementioned restriction is acceptable. Angler's top three fish are: channel catfish; white bass and white crappie. When asked their

opinion about the likelihood that collection of baitfish from the wild would cause the accidental movement of ANS, 63 percent (n=653) of survey respondents indicated some likelihood of spread. Sensitive species include: Asian carp, white perch, and Neosho madtom. **Despite the existence of K.A.R. 115-8-12, which says, wildlife may be released on department lands or waters only as authorized by: written agreement; permit; department-approved management plan; rules and regulations; or by posted notice.** When asked their opinion about the likelihood that draining water from boats and other equipment after use in zebra mussel infested waters would prevent zebra mussel spread, 70 percent (n=722) of respondents indicated some likelihood that the prevention of zebra mussel spread could be attained through the draining of water. How should KDWP address the spread of ANS? Prohibit the use of wild-caught baitfish, anglers would have to purchase baitfish from a commercial dealer; restrict the transport of wild-caught baitfish; anglers use baitfish only in the water where collected or purchase from dealer; run an extensive educational campaign using KDWP resources to widely distribute ANS materials; or take no action and KDWP would not address the spread of ANS. A second component of this survey was an optional fish identification exercise. Pictures of 20 species of Kansas fish were presented and the respondents were asked to match the picture with the correct common name; 904 people opted to complete the exercise. Results indicate that Kansas anglers have a difficult time identifying common Kansas fish with an approximate error rate of 25 percent. Summary: Could wild-caught bait be a vector for ANS spread? Kansas anglers: majority use live fish as bait; 71 percent purchase their baitfish; 68 percent release unused baitfish; and most have trouble identifying common Kansas fish. They believe: zebra mussel spread can be prevented by draining boats and equipment; the collection of baitfish can contribute to ANS spread; KDWP should address ANS spread; and approve of restrictions on baitfish collection and an educational campaign to prevent ANS spread. They also believe KDWP should: assume about 25 percent error in angler identification; evaluate the effectiveness of 'list' regulations; address commercial bait dealer practices-ensure 'ANS free'; emphasize current ANS regulations; consider restriction on transport of live fish and water; and paramount to continue to educate anglers about spread/prevention techniques and the importance of fish identification

Commissioner Lauber – How effective is not transporting the water on zebra mussel spread?
Goeckler – Concerned about large volumes of water, likelihood is low, but if you get enough.
Commissioner Lauber – How many bait dealers do we have? Goeckler – About 300.
Pearce – Is the number of Asian carp increasing? Up and down the river from Lawrence?
Goeckler – Yes, but congregating around the mouth of the Kansas River.

4. Spring Turkey Season - Jim Pitman, wildlife biologist, presented this report to the Commission (Exhibit L). There are four turkey hunting units in Kansas and an initial turkey permit can be purchased over-the-counter for all units except Unit 4 (southwest Kansas). A total of 325 permits are now issued for Unit 4 through a pre-season drawing, of which 125 permits are designated for general residents, 125 for landowner/tenants, and 75 for youth age 16 or younger. The department sold 62,788 permits, up from 08, and 18,800 game tags. The most current harvest information we have is from 2008. An estimated 40,992 hunters actively pursued turkeys and harvested more than 35,000 birds during the 2008 season. Approximately 65 percent of active hunters harvested at least 1 bird. Only 21.2 percent of all active hunters (8,690) filled both their initial permit and a game tag during the spring 2008 season. Preliminary figures for 2009 indicate that the permit sales were similar to the 2008 numbers. Survey results for the eastern half of the state indicate that the turkey population has declined up to 50 percent since 2004. This decline is due primarily to four consecutive years of average (2006) or poor (2005, 2007, & 2008) production. The decline in turkey numbers has been the most dramatic in southeast

Kansas. Heavy rain and flooding occurred across southeast Kansas during each of the last two summers. Production in 2008 was only slightly better and was the second worst productivity on record for the region. Hunting in southeast Kansas was reported to be difficult in 2008 and even worse this past spring. The number of mature gobblers available to hunters will remain low for 2010. The department is considering a change to permitting for Unit 4. We have been gradually increasing the quota in Unit 4 for the last several years and we have been concurrently monitoring harvest rates using banded and radio-marked birds. For spring 2009, we received 510 applicants for the 325 permits that were available. There were 27 youth, 19 landowner/tenants, and 139 general residents that did not draw permits this spring. We believe that we can meet more of the demand because harvest rates have remained low across most of the unit. We are considering a recommendation that would make youth permits available over-the-counter for Unit 4. This change would allow us to meet demand for landowner/tenant permits too and result in about 100 more hunters in Unit 4 assuming the number of applicants remains relatively constant. We would likely still have some general residents (less than 100) who would not be able to draw a permit.

Chairman Johnston – Can you predict when there will be over-the-counter license sales in Unit 4? Pitman – We’re conducting survey now -- maybe in a couple years, we will consider that.

Break

5. Fee Regulation – Spring Turkey Permits - Mike Miller, presented this report to the Commission (Exhibit M). This topic is to get discussion started on recommendation from the Marketing Task Force. The task force has been discussing things we could do to increase revenues such as incentive-based differential permit pricing. The Fish and Wildlife division has sent out postcards to lapsed turkey hunters and anglers to encourage license purchase. Analysis of the KOALs data has shown that a large number of turkey hunters purchase a permit just once every three years. Many hunters wait until the last minute to purchase a permit, and some may not purchase one at all if they get busy, the weather is poor, or time just gets away from them. This past spring, post cards were mailed to lapsed turkey hunters reminding them to purchase their permits. For 2010, the task force recommends establishing an incentive to encourage early purchase. The incentive would be a price break for purchasing a turkey permit/turkey game tag package before March 16 or some other date in March. For example, a general resident now buys a permit for \$20 and \$10 for game tag, but could purchase the two-permit package for \$25 rather than the \$30 it would normally cost.

Commissioner Shari Wilson – This is what we intended when we started the KOALs system, fee packages. I am happy to see us moving forward with this and basing it on real data. Great idea, hope you continue to pursue it.

Pearce – Will this start January 1? Miller – It will take affect then, for sale in February. We may change the deadline date in March back a little. Pearce – Are you expecting to bring similar proposals for deer this fall? Miller – We will try this first. There is an amazing amount of information on buying patterns. We will talk about other options. Pearce – Can’t say one way or another on fall permits? Miller – I can’t. In the near future, we could look at other recommendations, depending on data and turkey results.

Commissioner Bolton – You can buy Unit 17 in December? Miller – This is specifically for the spring season, but can buy regular and second game tag in Units 2 and 3, but not in your Unit.

Chairman Johnston – Would be interested in what other kinds of combinations of permits and licenses we might be able to create for the consuming public. Interested in how this goes and

other ideas. Miller – Will keep you abreast of what the committee talks about in the next few months.

6. Cabin Fee Regulations - Jerry Hover, Parks Division Director, presented this report to the Commission (Exhibit N). You might even see cabin nights and turkey permit package or something else combined with cabin nights. I hope to only have to go over this regulation once a year. Set reasonable fees based on location, amenities, quality, demand and local area prices for comparable facilities. The amendment will be workshopped at the August commission meeting and prepared for a public hearing and Commission action during the October meeting. We are getting requests for television and internet in the cabins, which is not provided at this time. Something we might need to consider, but we would have to charge for that additional service. Also, there are new cabins continually coming online.

Commissioner Shari Wilson – Comment on internet and television connects, that seems counter productive to getting kids outside. Worked with the Governor to get the Kids Bill of Rights Outdoors program. Is it an easy way for parents to watch their kids, by placing them in front of a TV. Counter to what we are trying to promote and getting families to spend time together outside. Get trapped by TV, don't like to see our department become part of that, whether wired or wireless. Knowing about adverse weather conditions could be handled in some other way. Commissioner Sebelius – I don't disagree with Shari, but we could set the price for a whole year, each stay would have to pay for a whole year, then that shows we are willing to do it, but for a pretty heavy price.

Chairman Johnston – Not sure what kind of headaches this would cause Parks staff. If we are going to be the ones called when something doesn't work, I think we should consider that. We don't have to do it in all of our cabins, but maybe in a couple of parks where it is the least expensive to provide, or in areas where cabin demand is low.

Commissioner Bolton – There are weather radios you can buy for \$30 if watching the weather is the issue.

Commissioner Lauber – I disagree, I think it will enhance demand. I have stayed in a lot of units here and in Missouri and it would be appealing to folks who aren't sure how much they want to rough it. Not sure how much it will affect the kids, because they will have hand-held games or phones if they want that.

Pearce – Does this have to be approved by the Commission or is this something the department can do? Hover – The department can do it, but Commission would have to approve additional fees.

Commissioner Shari Wilson – What is our demand, I thought most of the cabins were full.

Hover – Not during the off season, but very much in demand in the popular season.

Chairman Johnston – You have a consensus to explore possibilities.

C. Workshop Session

1. Fishing Regulations – Doug Nygren, fisheries section chief, gave this report to the Commission (Exhibit O). An item not in the briefing book is an issue where people are cutting tails off walleye when they release them so other people cannot keep them when they catch them. Recently 109 were caught with cropped tails. Spoke to Chris Tymeson about the possibility of passing a regulation on this. Tymeson – We are still assessing that. Commissioner Lauber – Besides the fact of harming the fish, is it to create short fish? Nygren – It seems they are trying to catch as many fish as possible before tournaments so they can't keep the fish and

bring them into the weigh-in. They (tournaments) release all their fish, so I am not sure what their motivation is. We may be coming back with a regulation on that issue.

The reference document has the special regulations that are different than the statewide length and creel limits and is where most of the changes will be proposed. One thing we have been successful at is establishing blue catfish populations in a lot of the reservoirs where they did not exist and one of those lakes is Perry Reservoir. We have a change for a minimum length limit and a change to 5/day creel limit to help get that population established. Perry was recently infested with zebra mussels and blue catfish eat them. Other proposed changes are listed in the briefing book. Also, looking at using some baitfish species greater than 12 inches; and allowing bowfishing as a legal method for taking channel catfish, still working on details for that. There is a new reservoir, Kritzer Reservoir near Marais des Cygnes. Changes to paddlefish snagging, on Neosho River near Iola and on Marais des Cygnes at our wildlife area and the federal wildlife area on riffles, most of ours are below low-water dams. Oklahoma is concerned about overharvest on Grand Lake and the Neosho River drainage, so we are looking at our regulations and are considering changes at Burlington and Chetopa such as catch and release and going back to barbless hooks. Changes at Osawatomie Dam on the Marais des Cygnes River include adding a 34-inch length limit and having downstream boundary listed as posted. The other paddlefish area is Browning Oxbow Lake, and there are no changes there.

Commissioner Lauber – Are our fish the same fish as in Oklahoma or in the river? Nygren – Those are river fish. Mosher – Haven't sampled any at Iola.

Chairman Johnston – Bowfishing for channel catfish is not allowed right now and you can't keep channel catfish on hand fishing. Nygren – It is easy to distinguish between blue catfish and channel catfish while hand fishing. Commissioner Lauber – This is not because of a shortage of channel catfish? Nygren – Right. It is not very often you could see a catfish in a Kansas river, so chances are very likely low.

Doug Whitehead, Bowfish of Kansas and Bowfish of America – We see more flathead than channel catfish. You are limiting areas to where? Nygren – On areas where there are length limits on blue catfish. Whitehead – I don't think there is any problem with identification. I look at it differently than you. If in doubt you don't shoot, have a little trust in sportsmen. It would be nice to have something else to fish. We take several thousand pounds of rough fish out of the lakes each year.

Carson Mansfield – I bowfish every weekend, any number of catfish at all is so small that there would be no impact in numbers. We shoot a couple dozen fish each time we fish; it would be nice to once in a while get something to eat.

2. Furbearer Regulations – Matt Peek, wildlife biologist, gave this report to the Commission (Exhibit P). The following revisions are recommended for KAR 115-5-1 - furbearers and coyotes; legal equipment, taking methods, and general provisions: terminology used to describe trapping equipment needs to be modified so that “live trap” is replaced by “cage trap” and “colony trap” needs to be added. This would clarify and more accurately describe which equipment may be used. The following revisions are recommended for KAR 115-5-2 - furbearers and coyotes; possession, disposal, and general provisions: a) eliminate possession periods which were intended to discourage out-of-season harvest and to aid law enforcement in prosecuting those who harvested fur out of season. Basically most furbearers are of little value outside current possession periods so there is little incentive to harvest fur outside of them, so it causes hardship for taxidermy or tanning. b) Eliminate the requirement to skin furbearers within 48 hours of the close of the season. This regulation was intended to aid law enforcement in prosecuting those who harvested fur out of season. The level of deterrent this regulation presents

to those who may harvest out of season is questionable, such that this regulation has become an unnecessary hardship for legal furharvesters who freeze furbearers whole and put up fur after the season or those wishing to maintain furbearers for taxidermy. Elimination of this regulation would simplify furharvesting regulations and help eliminate confusion that has occurred between dates required for skinning, pelt tagging, and possession for the different species. For KAR 115-6-1 - Fur dealers license; application, authority, possession of furs, records and revocation: a) removing a couple of dates; and b) Include swift fox along with bobcat in reference to requiring these species to be tagged in order for a fur dealer to purchase or acquire. On KAR 115-25-series – no changes recommended. Commissioner Lauber – Are you still tagging bobcats? Peek – The U.S. Fish and Wildlife Service is likely to announce a change to tagging bobcats as they leave the country instead of in individual states, so we stopped requiring that when we found out it would be changed.

(Exhibit Q) The use of body-gripping traps are permitted on department lands, open on areas managed by public lands section for wildlife and hunting, not generally on state parks. Most of camping, picnicking and hike and bike trails are on state parks, not on public lands. This narrows the areas in question. Dogs must be leashed on park lands and body-gripping traps don't pose a problem to people, so focus on the subject is narrow. Focus is on hunting dogs on hunting lands. The department met (17 employees) after the incident with the dog at Kanopolis. The purpose was to review regulations, with particular interest on public lands and discuss the department's course of action. We are not recommending any regulatory changes at this time. We are planning to produce information and education on use of body-gripping traps similar to what the state of Wisconsin has developed on set techniques and reemphasize where they are being set. The first draft of this publication is nearly complete. Department is also developing an online furharvester education course as the current course is outdated, so we will modernize that. The process is underway on a survey, asking: if we restrict these, how would trappers be restricted. We know trappers prefer kill traps, but not sure how trappers are using them on public lands. In the next WIHA atlas we will clarify trapping. The group's perception on number of incidents is few. We can tolerate a small number. We could enact some restrictions and be back here next year because of one incident. There was a strong contingent of public lands people at this meeting concerned about regulatory changes on one isolated incidence. We are taking an information and education approach and working on some well-defined recommendations. Next year we will be presenting bobcat regulations, so consensus was to go with this option. Considered body-gripping trap and snare separately. Also, restricting dryland or body gripping trap use on public lands only after upland bird season, but dog use continues after that. Considered increasing signage on wildlife areas and putting information in the regulation summary. **Logistically it is not feasible to reach the one.**

Commissioner Shari Wilson – On March 25 meeting, was any trapping public present? Peek – No, just agency personnel. Commissioner Shari Wilson - Misunderstanding on what private land representatives are? Peek – Those are agency people. Talked about restricting in certain ways, but most cases where conflicts occurred were not next to a trail or parking area; it restricts itself in that respect, because that is not where trappers set their traps.

Commissioner Robert Wilson – Is there a requirement to walk dog on a lease? Peek – Yes. Robert – They were walking dog on public land and let him run, wasn't that the case in that incidence? Peek – He was hunting. Not on law abiding people, focus on trappers and hunting dogs. That is where potential occurs. If not hunting, dog has to be on a leash.

Chairman Johnston – Know from our own publications, that every State Park has public trails on them except one. I don't know how many public trails in public hunting areas have trails? Peek – I don't know how many? There are a small number. Brad Simpson – Only a few. Chairman

Johnston – Six or less? Simpson – Yes. Chairman Johnston – On the second page, item two, set techniques less likely to harm a dog, what are those? Peek – Snare set ups that are meant to restrain, instead of kill, so that refers to snares. Just because a dog sets off a conibear trap, doesn't mean he will be caught. Chairman Johnston – A bucket set more likely to attract a curious dog and that is why they are used for wild animals. Peek – Probably something to that. They are not attracted to bucket, but what is in the bucket. We can make scents used less attractive to canines, but it would also be less attractive to the animal you are trying to catch. It is up to the trapper to use the sets we recommend. Chairman Johnston – After the incident with Mr. Mansfield's dog at Kanopolis, bucket sets are less than admired in the trapping industry. Peek – Widely accepted within trapping community, but good for trapping raccoons. Dissention is trappers don't support others trapping in an area where they are more likely to kill a dog. Chairman Johnston – Are they more likely to kill without a bucket? Peek – There are a lot of different scenarios. A bucket set is in an isolated area, where a trail set could be where a beagle might run.

Commissioner Sebelius – Your summary says your group opted against any type of additional signage. Will hunters know that is something they could run into? Peek – It is posted in several locations on kiosks, but it could be vague. Commissioner Sebelius – I didn't intend to imply that a manager couldn't post a trail, but the group didn't decide to put signs at every parking area. I am not saying they can't or shouldn't.

Commissioner Bolton – Thank you and the group for doing this, it looks thorough.

Commissioner Shari Wilson – When will the survey be completed? Peek – We need to do some follow-up assessment of responses. Commissioner Shari Wilson – How long, 3-6 months? Peek –

The survey will be done in a month or so, possibly report at October meeting. Commissioner Shari Wilson – Is there anything in the WIHA atlas at this time? Peek – Fringe to public land issue, no trapping allowed could be misconstrued to public trapping allowed, but person could get permission from the landowner to do those things, also like camping and horseback riding.

Commissioner Lauber – This is bad for trapping in general. It was a safe benign sport so we need to be cautious of what we do. I am not insensitive to the gentleman who lost his dog, but I do think it is rare.

W.R. Brecheisen – The trapping survey is only online, is that correct? Peek – We sent out a paper follow-up. Brecheisen – What percentage responded? Peek – About 15 percent online and 17 percent from paper. Brecheisen – Were there questions on there about dog kills? Had dog killed last year, how often does that happen? Peek – The Kanopolis dog and one the year before in body-gripping trap, talked to both hunter and trapper on that. Also, there was one the year before that. I have been the furbearer biologist since 2001, nothing before that, but we were not keeping track. Brecheisen – Restricting conibear size, what is catch ratio on restricted versus non-restricted? Peek – No survey done, but there is some degree of decline according to best management practice (BMP) data. Brecheisen – Wisconsin thought there was about a 20 percent decline. As President of the Kansas Furharvesters I would work together on education. Most states that have larger dog populations have all dealt with this for years. Disagree with Matt on not printing brochure I gave him from Wisconsin, turn trap 90 percent and dog can live. I think we do need to educate the hunters. It is on page 34 of the Minnesota regulations and I think we should print it. We will help any way we can.

Carson Mansfield, Salina – This is all interesting thing for me. Like the idea that conibear traps on dryland could be prevented. I read and knew how to get that trap off, but I think there are a lot of people out there who don't know about that. If your dog sticks his head in a bucket and the trap sets, there are a ton of things that prevent you from getting your dog out of the trap. My friend is a vet and he looked at the dog, but the dog's neck was not broke. I am asking for one

small thing to be printed in the regulation. Less than 2 percent of the land is public and it is a small thing that I am trying to get done. I didn't know WIHA got a lot of traffic either. There is another assumption that if you get the dog out it will live. One of my dogs got caught the year before on the leg, but I got it out and didn't report it. I don't know if you know how many dogs are getting trapped because it is self-reporting. Not a human safety issue, not a big issue. The only trail I know of is at Kanopolis and I see people out there all the time hiking.

Bob Redeker – Furharvester and Hunter Education Instructor – It was an accident there was no malicious intent. The dog lost its life, but ironically people lose their lives each year. Public land is common ground and for everyone to use. The real tragedy is that Mr. Mansfield was not able to get the dog out of that trap. I don't want the perception of furharvesting to be dead dogs in conibear traps.

Chairman Johnston – I think we have not heard this afternoon that the KDWP has two public land use policies, at least, that are at issue here; one is public hunting and we cherish what little we have; but public land being used for people to hike on trails. And possibly six of our public land areas with hiking trail on them. There is something on back of the State Park guide bout hiking benefits, but we don't have any regulations on not having traps close to trails. Even dogs on leashes potentially face risks. I would support a regulatory change of not using bucket traps on public lands. I don't know how it would be worded, but my impression is that use of the bucket enhances interest of the dog and wild animal to find out what is inside. It seems like a small change and small impact on furharvesters that use public lands and would reduce the risk.

Peek – It is not the bucket that is attractive, it is the bait, so that is what we would need to change, but a baited set is preferred over a non-baited set.

Redeker – If you are talking about a bucket set, you are talking about a cubby set, same scenario using other sets.

Pearce – Confused, are we talking about state parks or state wildlife areas? You asked about state wildlife areas. Is trapping allowed on state parks? Peek – No.

Commissioner Meyer – Why make a regulation that would reduce something that doesn't happen. Chairman Johnston – Not known rate of which these incidents occur, but unreliable if that is accurate.

Commissioner Lauber – About 15 years ago when PETA went after Eddie Bauer, there was big internal debate, but then another step. It is a small percentage of public lands, but hate to see it restricted. I see it as a slippery slope because trapping is seen as bad, hate to see trapping stopped on all public lands.

Commissioner Shari Wilson – One thing that keeps coming back in my mind is proximity to a parking lot, where even a dog on a leash could get into it. I would like the group to talk about that issue more and see some follow-up with furharvesters if that is happening. Not the most productive place to put the trap. Talking about conflicts about different types of uses; the one place, parking lots, trails and public roads would be where people are using those areas. We need a better picture.

Commissioner Lauber – Can't envision parking lots having trap sets. Not sure I can get a conibear off my dog either, but I am not going to set my trap where someone can steal it any way.

Russell Voelker, Valley Falls – Do some trapping. Six to seven years ago attended some of these meetings when talked about opening trapping season earlier. Commission commented that they had seen too many raccoons dead on the road. Now you are talking about restricting trapping. Some of you were on the Commission at that time. Opened trapping November 10 or 11, but raccoons are not prime until Nov. 16 or 17 and that was a waste of a natural resource.

Steve Sorensen, Valley Center – KWF – We are sliding into boogey man in the bush. No trapper is going to set near a parking lot and the dog has to be on a 10-foot leash. Coons are not attracted to the buckets and you are trying to split the sportsmen. Trapping is under a bad light to some people, and we are going to add to that situation. Take the number of dog days on public lands and divide it a thousand times of losing dogs, the exposure is just not there. To restrict bucket sets, you have to restrict cubby sets and box sets. I don't want to see banners saying there is trapping when it may not be there at all. Should put it in the regulation where people can regulate themselves. Also, it would be tough to enforce if they have to be set a certain distance from certain areas.

Pearce – How are wildlife areas funded? Do furharvesting permit fees go to wildlife areas? Peek – Yes, there are other ways, but that is one of them.

Officer Benteman – I have been a law enforcement officer for 24 years, in Chase, Morris and Wabaunsee counties, and I have not seen cubby or box sets near parking areas. Furharvesters set their sets farther back. A normal dog with a long snout is not going to be caught, but shorter snout dogs could. It is tragic when someone loses their dog, but you can lose a dog in a 330 set, or the dog could drown when I waterfowl hunt. Furharvesters are great at taking predators that take your quail eggs, which would decrease wild birds and pheasants also. For me to enforce a trail would be difficult. You would have to define a trail.

Mansfield – You can go on the internet and find a list of animals killed, put in “non-target list covering United States and Canada.” Look at lethal ones and most of them are conibears. Both of my dogs were caught within several 100 yards of where I parked.

Brecheisen – Get online on all anti-websites, not sure how many of those are true.

Commissioner Shari Wilson – I am not against trapping, appreciate what we do on public and private lands. I'm not interested in the website, but what is on our survey and having the group talk about it again and monitor the situation. I am not a trapper, and I am asking questions to figure out what is going on.

3. Late Migratory Bird Seasons – Faye McNew, waterfowl research biologist, gave this report (Exhibit R). Late migratory bird seasons include duck and goose seasons. The frameworks are controlled by the U.S. Fish and Wildlife Service (Service) and the states have to work within these frameworks. The frameworks are published in August, and based on the May Breeding Duck Survey and recommendations from the Flyway Councils in late July. We don't anticipate changes in the frameworks for geese and we expect 107 days again. Also, expect to be working within the Adaptive Harvest Management system for ducks which provides three packages based on mallard population and Canadian May pond counts. The liberal package includes a 74-day Low Plains season; moderate package, a 60-day season; and restrictive allows 39 days. The 2008/09 hunting season was the last year of the three-year Hunter's Choice Experiment. We don't know if we will continue with Hunter's Choice or go back to the original frameworks. If Hunter's Choice becomes operational we will continue with the five duck limit: two scaup or redhead; three wood duck; and only one duck from the following group: hen mallard, mottled duck, pintail or canvasback. Within the restrictive package it would be three ducks: two scaup, redhead and wood duck; and only one duck from the following group: hen mallard, mottled duck, pintail, and canvasback. The possession limit shall be twice the daily bag under all regulatory alternatives. If Hunter's Choice is not operational, we will go to six ducks again.

VII. RECESS AT 4:55 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

D. Public Hearing

Notice and Submission Forms; Kansas Legislative Research Department letter (Exhibit S).

1. Early Migratory Birds – Faye McNew, waterfowl research biologist, gave the report on teal (Exhibit T). The hunting season framework is September 1 and September 30, 2009; not to exceed: 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 won't know the 2009 population until July. Preliminary reports indicate that we'll be allowed 16 days. In the Low Plains Zone we are recommending a 16-day season running September 12 through September 27, 2009 and an eight-day season for the High Plains Zone running September 19 through September 26, 2009. Shooting hours are expected to be a half-hour before sunrise to sunset. *Commission consensus.*

2. KAR 115-25-19. Doves; management unit, hunting season, shooting hours, and bag and possession limits - Helen Hands, wildlife biologist, gave the report on doves (Exhibit U).

For the past 25 years 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. During the past several years, the three dove technical committees have been developing a mourning dove harvest strategy. We have three management units for mourning doves based on their migration patterns instead of the four flyways for ducks. We are in Central Management Unit; thereby we have a Central Management Unit Technical Committee. For the past several years, the three dove technical committees have been developing a mourning dove harvest strategy which outlines the decision-making criteria for the federal frameworks. Based on an analysis of the harvest information program data for mourning doves, changes in the bag limit have more of an affect in harvest than changes in season length. For consistency the Harvest Strategy has set the season length at 70 days and based on the population trend they may or may not change the bag limits. The harvest strategy goes into affect in 2009 and the current population of mourning doves is high enough for us to be in the moderate package with a 15-bird bag limit. That strategy goes into affect, so we can implement a 70-day season with the bag limit set by the harvest strategy which is most likely to be 15. The recommendation is that the first segment will run from September 1 through October 30, and the second segment will open on the first Saturday of November and remain open for nine days. We considered two alternatives for allocating the remaining nine days. The first was to open the season on the first Saturday in November and the second option was to open the second segment on the second Saturday in November. We selected the first option 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.

Commissioner Frank Meyer moved to bring KAR 115-25-19 before the Commission. Commissioner Shari Wilson seconded.

The roll call vote on KAR 115-25-19 as recommended was as follows (Exhibit V):

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

The motion as presented KAR 115-25-19 passed 7-0.

3. KAR 115-15-1. Threatened and endangered species; general provisions - Ed Miller, wildlife biologist, gave this report to the Commission (Exhibit W). This process began a year ago. Recommendations were made by the T&E Committee including: William Busby, Mark Eberle, Elmer Finck, Edwin Miller, Tom Mosher, Daniel Mulhern, and Bryan Simmons. There have been several steps, but final recommendations are to delist the bald eagle from threatened list; peregrine falcon from the endangered list; two species of fish that are to be added to the threatened list - shoal chub, and plains minnow; and add the delta hydrobe snail to the threatened list.

Commissioner Shari Wilson moved to bring KAR 115-15-1 before the Commission. Commissioner Debra Bolton seconded.

The roll call vote on KAR 115-15-1 as recommended was as follows (Exhibit X):

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

The motion as presented KAR 115-15-1 passed 7-0.

4. KAR 115-15-2. Nongame species; general provisions Ed Miller, wildlife biologist, gave this report to the Commission (Exhibit Y). Listing species on the Species in Need of Conservation, or SINC, involves the same process as that for the threatened and endangered list, but SINC is a watch list. Listing a species here improves probability of funding, research and conservation. Recommendations are all fish species and include: bigeye shiner, redbfin darter, lake sturgeon, striped shiner, common shiner, southern redbelly dace, cardinal shiner, and Johnny darter. Also, there is a proposed amendment to change the specific name on nightsnake (Exhibit Z).

**Commissioner Debra Bolton moved to bring KAR 115-15-2 before the Commission.
Commissioner Frank Meyer seconded.**

Commissioner Shari Wilson moved to amend KAR 115-15-2. Commissioner Doug Sebelius seconded.

The roll call vote on KAR 115-15-2 to amend was as follows (Exhibit AA):

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

The motion as presented KAR 115-15-2 passed 7-0.

The roll call vote on KAR 115-15-2 as amended was as follows (Exhibit AA):

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

The motion as presented KAR 115-15-2 passed 7-0.

5. 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 BB). Three items: 1) firearm seasons specified in KAR 115-25-9, the open firearm season for the taking of deer in the Fort Riley subunit shall be November 27, 2009 through November 29, 2009, December 18, 2009 through December 22, 2009, and December 26, 2009 through December 29, 2009. In addition to the archery seasons specified in KAR 115-25-9, the open archery season for the taking of deer in the Fort Riley subunit shall be September 1, 2009 through September 20, 2009. 2) Any other permits authorized by KAR 115-25-9, any individual may obtain an antlerless-only either-species deer permit valid in Unit 3, subject to the number of antlerless-only permits authorized for the unit. 3) Unfilled deer permit valid in Units 7 and 8 shall be valid in a special extended firearm antlerless-only season in Units 7 and 8. The special extended firearm season shall be January 4, 2010 through January 10, 2010. The bag limit shall be one antlerless deer per permit for the species of deer as specified on the permit. This regulation shall be effective on and after July 1, 2009, and shall have no force and effect on and after March 1, 2010.

As a result of internal department comment and legislative comment the department suggests that the following amendment be made to the version of the regulation submitted for public comment. Amend proposed subsection (c) to read as follows: Any unfilled deer permit valid in units 7, and 8, and 15 shall be valid in a special extended firearm antlerless-only season in units

7, and 8, and 15. The special extended firearm season shall be January 11, 2010 through January 17, 2010. The bag limit shall be one antlerless deer per permit for the species of deer as specified on the permit.

Commissioner Shari Wilson – Shouldn't you strike out 4, where it is replaced by 11? Tymeson – It is.

**Commissioner Shari Wilson moved to bring KAR 115-25-9a before the Commission.
Commissioner Frank Meyer seconded.**

Commissioner Frank Meyer moved to amend KAR 115-25-9a. Commissioner Debra Bolton seconded.

The roll call vote on KAR 115-25-9a to amend was as follows (Exhibit CC):

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

The motion as presented KAR 115-25-9a passed 7-0.

The roll call vote on KAR 115-25-9a as amended was as follows (Exhibit CC):

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

The motion as presented KAR 115-25-9a passed 7-0.

6. KAR 115-25-9b. Deer; nonresident limited quota antlered permit application period - Lloyd Fox, big game wildlife research biologist, gave this report to the Commission (Exhibit DD). This is a new regulation which would read: (a) Applications for nonresident limited-quota antlered deer permits for the 2010-2011 deer hunting seasons shall be accepted in the Pratt office from the earliest date that applications are available through April 30, 2010. Applications with a postmark date of not later than April 30, 2010 shall also be accepted. (b) This regulation shall be effective on and after January 1, 2010, and shall have no force and effect on and after June 1, 2010.

**Commissioner Robert Wilson moved to bring KAR 115-25-9b before the Commission.
Commissioner Debra Bolton seconded.**

The roll call vote on KAR 115-25-9b as recommended was as follows (Exhibit EE):

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

The motion as presented KAR 115-25-9b passed 7-0.

XII. Old Business

Pearce – The draw is complete and there are 4,000 permits leftover. Will those be sold and when? Hayden – Yes, they will go on sale in about two weeks. Pearce – To apply, get application now, or do you have to wait? Livingston – First come, first serve, there is no application. Pearce – Can you get them online? Hayden – Yes, in about two weeks from now.

XIII. Other Business

A. Future Meeting Locations and Dates

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

October 15, 2009 - VFW, 610 Walnut, Sedan.

January 7, 2010 – Education Center at Cheyenne Bottoms, near Great Bend.

XIV. ADJOURNMENT

The meeting adjourned at 7:23 p.m.

(Exhibits and/or Transcript available upon request)

Secretary's Remarks

1. Agency and State Fiscal Status – Handouts at meeting only.

Petition to State List the Lesser Prairie Chicken

By letter dated July 6, 2009 (attached), the Secretary of Kansas Department of Wildlife and Parks was presented a petition to list lesser prairie chicken (LPC) as “threatened” in Kansas. The Kansas Ornithological Society was named as the lead petitioner on behalf of seven other avian related organizations (all named in the attached letter).

The Commission just completed the required five-year review process ending in passing of Endangered / Threatened / SINC regulation changes at the June Commission meeting. Relative to the lesser prairie chicken petition, options for action by the Secretary, as provided in the state statute supported “nongame and endangered species conservation act,” are currently under consideration and response to the petitioner will be forthcoming. This response will likely not be drafted before the August 6, 2009 Commission meeting.

Kansas Ornithological Society



Nancy Leo, President
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Phone: Phone: 913-432-0414 (H); 913-205-8847 (cell)
E-Mail: njleo@earthlink.net

6 July 2009

Mike Hayden, Secretary
Kansas Department of Wildlife and Parks
1020 Sth Kansas, RM 200
Topeka, KS 66612-1327

Edwin J. Miller
T & E Program Coordinator
Kansas Department of Wildlife and Parks
5089 CR 2925
Independence, KS 67301

Dear Secretary Hayden and Mr. Miller:

Every five years Kansas Department of Wildlife and Parks (KDWP) is responsible for reviewing the listing of rare species of fauna as Endangered, Threatened, or Species-in-Need-of-Conservation as required by Kansas statute (K.S.A. 32-960). A Threatened and Endangered Species Task Committee (Committee) oversees the process and makes listing recommendations to the Secretary of KDWP. The recommended changes must then be approved by the KDWP Commission. In 2008, the Committee solicited input from other entities regarding listing, delisting, uplisting, or downlisting of Kansas wildlife as part of the review process. The Lesser Prairie-Chicken (*Tympanuchus pallidicinctus*), hereafter LPC, was not petitioned for listing. The US Fish and Wildlife Service (USFWS) completed a review of the LPC in November 2008 to reassess its candidate status. The USFWS review was completed after solicitation and review of petitions received by KDWP. Moreover, recent published data underscores the vulnerability of the species rangewide.

As such, new data on potential threats to existing populations of LPCs in Kansas necessitates the enclosed emergency petition, pursuant to the authority under K.S.A. 32-960, for the Secretary of KDWP to consider the LPC as a "threatened" species in Kansas. Therefore, the Kansas Ornithological Society as lead petitioner, and Kansas Birds Records Committee, Wichita Audubon Society, Jayhawk Audubon Society, Northern Flint Hills Audubon Society, Burroughs Audubon Society, Topeka Audubon Society, and Smoky Hills Audubon Society, collectively as co-petitioners, request your review and action on the attached emergency petition that we believe warrants emergency State listing of the LPC as "threatened" in Kansas.

On behalf of the petitioners, the point of contact's for all technical aspects related to this petition include:

Mark B. Robbins
Ornithology Division
University of Kansas Natural History Museum & Biodiversity Institute
1345 Jayhawk Boulevard, Lawrence, KS 66045.
Phone: 785-864-3657. E-mail: mrobbins@ku.edu;

and

Eugene Young
Editor, Kansas Ornithological Society Bulletin
Northern Oklahoma College
1220 E. Grand, PO Box 310
Tonkawa, OK 74653-0310
Office Phone: 580-628-6482; Cell Phone: 620-441-8056. FAX: 580-628-6209. E-mail: Eugene.Young@north-ok.edu;

while general correspondence can be directed to the lead petitioner, the Kansas Ornithological Society.

We look forward to any inquiries you have in regards to this action and are willing to answer any questions regarding the listing of the LPC. Thank you for your consideration on this matter.

Respectfully Submitted;

Nancy J. Leo, President
Kansas Ornithological Society

Co-Petitioners:

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General Discussion

Big Game Permanent Regulations

All permanent regulations dealing with big game will be discussed together at this meeting. The regulations are brought forward in the General Discussion portion of the Commission Meeting to allow public comments on future changes in these regulations.

Background

a) K.A.R. 115-4-2. Big game; general provisions.

The regulation contains the following items:

- ▶ Information that must be included on the carcass tag
- ▶ Procedures for transferring meat to another person
- ▶ Procedures for possessing a salvaged big game carcass
- ▶ Who may assist a big game permittee and how they may assist, including the provisions for designated individuals to assist disabled big game permittees

2. K.A.R. 115-4-4. Big game; legal equipment and taking methods.

The regulation contains the following items:

- ▶ Specific equipment differences for hunting various big game species
- ▶ Specifications for bright orange colored clothing, which must be worn when hunting during certain big game seasons
- ▶ Accessory equipment such as calls, decoys, and blinds
- ▶ Shooting hours
- ▶ Special restrictions on the use of horses or mules to herd or drive elk

3. K.A.R. 115-4-6. Deer; firearm management units.

This regulation established the boundaries for the 19 deer management units in Kansas.

4. K.A.R. 115-4-11. Big game and wild turkey permit applications.

This regulation describes general application procedures, including the establishment of priority drawing procedures when the number of applicants exceeds the availability of authorized permits. The regulation also authorizes hunters to purchase a preference point for future applications.

5. K.A.R. 115-4-13. Deer permits; descriptions and restrictions.

The regulation contains the following items:

- ▶ Creates permit types that includes:
 - ▶ White-tailed deer, either sex permit and white-tailed deer antlerless only permit for residents of Kansas. These permits are valid

- statewide and during all seasons with equipment authorized for that season.
- ▶ White-tailed deer, either sex permit for nonresidents that are valid for one equipment type and one unit. Nonresident hunters may designate one adjacent unit where they may hunt.
 - ▶ Either species, either sex permit and the restrictions on seasons and units where they may be used by resident and nonresident deer hunters.
 - ▶ Hunt-own-land permits, including resident HOL, nonresident HOL, and special HOL permits for certain direct relatives of the landowner or tenant.
- ▶ Each deer permit or game tag shall be valid only for the species and antler category specified on the permit or game tag.
- ▶ Antlerless deer are defined as a deer without a visible antler plainly protruding from the skull.

Discussion

Significant changes were initiated during the 2008 season. This will be the second year for those changes. The changes included an expansion in the equipment that could be used to hunt deer (e.g., muzzleloader with telescopic site during the early muzzleloader season and knapped broad heads during archery hunting). The permit types were also changed, creating greater hunting opportunities for more hunters (e.g. white-tailed deer either sex permit valid statewide for residents and during all seasons with the equipment authorized during those seasons).

Few problems have been encountered since the changes in the regulations; however, further review of these regulations will be made this year. Input from department personnel will be requested during the upcoming deer hunting seasons.

One special area of concern is regulations dealing with carcass transport, especially interstate transport. Chronic Wasting Disease continues to expand and increase in prevalence. No technique is available to wildlife managers that will prevent this disease; however, some techniques may reduce some aspects known to be potential sources of infection in the spread of the disease. Long distance movements of intact deer carcasses with improper disposal of waste may contribute to the spread of CWD. Thirty-five states currently regulate movement of deer carcasses. Inconsistencies among states can result in confusion and difficulties for hunters. Deer legally taken in Kansas and transported through other states were confiscated last year.

Recommendation

Recommendations are not proposed at this time.

Shawnee Mission Park Deer Management

Background

Shawnee Mission Park is a multi-use public park owned and managed by Johnson County in the Kansas City area. It is the largest park in Johnson County, approximately 2,230 acres, and is the most heavily used public park in the state. The headquarters of the park are at 7900 Renner Road, Shawnee, KS 66219 and information about the park and its facilities is available at http://jcprd.com/parks_facilities/shawnee_mission.cfm and (913) 888-4713.

The park was purchased in 1956 and contains a 120-acre lake and marina, shelters and camp sites, a dog-off-leash area, and various hiking trails. Adjacent to the park is a public golf course and a horse stable.

Deer populations associated with the park grew through the years. Much of this population growth was predictable from the management on the park and in the adjacent cities of Lenexa and Shawnee where deer hunting was prohibited. The distribution of some deer may have resulted in higher local deer densities as a result of habitat changes in the neighborhood as various developments occurred. Surveys of deer abundance at the park were conducted in November of 2007 and 2008 with results indicating a density of approximately 200 deer per square mile. Similar surveys conducted at Perry, Hillsdale and Clinton wildlife areas showed densities of approximately 12 deer per square mile over the last three years.

The high deer densities at Shawnee Mission Park are resulting in excessive browsing and damage to habitat and probably population consequences for other species of wildlife. High deer populations are also causing difficulties for people living adjacent to the park (mostly damage to ornamental plantings) or for people driving highways near the park. At this time there is not a disease problem in the deer population at the park, and we do not know of specific herd health issues due to low nutrition levels. However, tick burdens at the park have been extremely high with infestation levels resulting in blinding of some fawns and occasionally deaths. The deer population has reached a level where malnutrition and/or disease may soon cause a dramatic herd health event.

Discussion

The Johnson County Park and Recreation District spent considerable time and effort to gather public input and develop a deer management plan. They obtained input from a variety of people with experience in deer management in urban and park situations. They also held public meetings for input and information.

The Johnson County Park and Recreation District has requested a herd reduction permit from KDWP for the Shawnee Mission Park. They prepared a deer management plan is part of the district's Biodiversity Policy and Resource Management Plan. The initial plan calls for reducing the population density of deer at the park with a population goal to maintain a deer density near 50 deer per square mile. The plan includes the following approaches:

- Park police and local police department officers trained to be sharpshooters.
 - Limited to three or four nights in October with emphasis to minimize disruption of normal park uses while obtaining rapid herd reduction.

- Culling limited to baited sites developed in advance.
- Operation conducted at night when park is closed to the public.
- Special equipment used, such as spotlight, suppressed high powered rifles, and elevated mobile stands.
- Meat processed in a manner to benefit homeless and/or needy people within the community.
- Public bowhunters trained and instructed to remove deer at the park.
 - Hunts conducted in November, December and January during established deer seasons by people with regular deer permits.
 - Participants required to successfully complete special training to meet standards for bow hunting safety and shooting proficiency.
 - Limited number of people authorized to use elevated stands installed by district park staff.
 - Established zones to maximize public safety.

Recommendation

KDWP staff will evaluate the deer management plan submitted by Johnson County Parks and Recreation District. Consideration will be given for a special herd reduction permit.

Commission Permits – Elk, Deer and Antelope

The Commission Permit Program was established to provide a unique opportunity for non-profit organizations to obtain the big game permits and offer those permits for sale to the highest “bidder.” Funds raised from these permits have been used for approved projects and programs that benefit the wildlife conservation and hunter /angler heritage in Kansas. To accomplish this funding objective, the permits offer more liberal hunting opportunity compared to those big game permits issued via the standard issuance process.

State statute KSA 32-970 allows the department to issue up to seven commission permits to include no more than 1 elk, 1 antelope, or 7 deer if elk or antelope are not offered or selected.

Outlined below are considerations that could enhance the value of the commission permits and are offered for Commission consideration and guidance.

ELK:

KDWP regulation 115-4-11 (d) limits an individual to receiving only one “any-elk” or “bull only” elk permit in their lifetime. The 2009 Commissioner Elk Permit was purchased by an individual who purchased the Commissioner Elk Permit in 2007. It was an oversight on our part that these restrictions were not communicated to the organization receiving the permit so that those bidding or offering to purchase the permit could determine their eligibility for legally holding and using the permit.

This issue is being presented to the Commission to determine if it is in the best interest of the Commission Permit Program to provide an exception in the regulation that would exclude the Commissioners Elk Permit from the current regulation that limits an individual to only one “any-elk” or “bull only” permit in their lifetime. This exclusion would provide eligibility for an individual to purchase the Commissioners Elk Permit without restriction to the “one in a lifetime” provision.

Making this change should provide for a continued pool of “bidders” who have a special interest in hunting elk in Kansas and contributing to important programs benefiting from this program.

This consideration does not effect the current regulations pertaining to limited quota elk permits as administered through the application and draw system.

DEER, ANTELOPE and ELK:

KDWP regulation 115-4-11 (a) (1) states “that an individual shall not apply for or obtain more than one antlered or horned big gamepermit for each big game species.....”. Big game in this instance refers to deer, antelope and elk.

In the case of Commission Permits, should an individual who purchases the Commission Permit be excluded from having a non-commission antlered or horned big game permit. In essence, separating the Commission Permit from regulations pertaining to the non-commission permits would allow an individual to potentially hold two any-deer permits, two any elk permits, and two any antelope permits.

Since there are at least five deer permits made available, and it could be up to seven, the question of how many Commission Deer Permits could any one individual hold in their name should probably be limited to one, otherwise one individual could purchase five to seven permits and harvest five to seven antlered deer. This does not preclude one individual from purchasing the permits and providing them to another individual for use.

Again these permits potentially have greater value when offering the unique opportunity to take more than one antlered or horned animal for each of the big game species in Kansas. The greatest interest in this scenario would be the unique opportunity to take both a white-tailed deer and a mule deer in Kansas in the same year; the white-tailed deer being taken on a draw or over the counter sale of a non-commission permit and the mule deer being taken using a commission permit.

The greatest value of the commission deer permits likely lies with the opportunity to hunt mule deer in any unit, during any season with legal equipment. Permits to hunt mule deer in Kansas are highly sought by both residents and non-residents.

This raises the last question for consideration. Should the commission deer permits be limited to mule deer only? They are currently either species and leave the choice of species to the hunter. Under the current system, it would allow the hunter who prefers to take a mule deer the opportunity to take the whitetail buck if all else fails or the “record- breaking” whitetail becomes available to the hunter.

Provided is a copy of state statute KSA 31-970 for your information.

FYI, applications for 2010 Commissioner Permits are available with final drawing at January commission meeting.

Position of the Kansas Department of Wildlife and Parks Regarding Wind Power and Wildlife Issues in Kansas

Wind power is the fastest growing form of renewable or "green" energy in the United States, and Kansas has been ranked third in the nation for its potential wind resources. Power companies have adopted renewable energy portfolios. Federal and state tax incentives, along with advances in technology, have improved the competitive position of wind power relative to conventional energy production. These factors have created a highly competitive environment in Kansas for the location and development of commercial wind power facilities.

The Kansas Department of Wildlife and Parks (KDWP) supports the concept of renewable energy. Wind energy appears to offer a potential source of electricity that is nearly emission free and requires minimal use of other resources, such as water and fossil fuels, compared to traditional forms of electrical generation. While recognizing the benefits of a renewable energy supply, KDWP also recognizes that energy conservation and efficiency are the most environmentally benign means of freeing up energy availability for the future.

Superficially, wind energy appears less likely to generate some of the more obvious environmental consequences associated with electrical generation from fossil fuel combustion. On this basis alone, many conservation and environmental organizations have supported its expansion. Early concerns for wildlife relative to wind energy centered mainly on bird mortality from collisions with wind turbines and power lines. Research indicates that bird collisions are not as significant of a mortality factor as originally anticipated (Johnson et al., 2002). The risk for collisions has been reduced through changes in turbine design, including elimination of lattice towers, and burying power lines within the wind facility. Recent research indicates that bats might be at greater risk from flying into wind turbines than birds, especially when turbine arrays are sited along bat migration corridors. The trend for larger turbines might pose an increased collision risk to night-migrating birds, particularly where placed on high ridges.

Siting of wind power facilities on native intact prairie appears likely to cause avoidance or complete abandonment of otherwise suitable habitats by some grassland birds. The actual footprint or area of physical disturbance affected by the construction of turbines, roads, transmission line connections, and other infrastructure of wind facilities is small compared to overall project areas. However, behavioral avoidance of these facilities by sensitive grassland birds has the potential to expand negative effects over the entire project (generally thousands of acres). Research at a Minnesota wind facility found nesting densities of grassland birds four times greater in grasslands that were 180 meters from wind turbines compared to grasslands within 80 meters of turbines (Leddy et al., 1999). Studies in Europe have also documented bird avoidance of wind power facilities (Winkelman, 1990; Pedersen et al., 1991). Though not specifically associated with a wind facility, a six-year study in southwest Kansas showed that Lesser Prairie-chicken hens seldom nest or raise their broods within a mean buffer of 1,191 feet from electrical transmission lines, 581 feet from oil and gas wellheads, 4,114 feet from buildings, 1007 feet from center-pivot irrigation systems, and 2,579 feet from either side of improved roads (Pitman et al., in review). The behavioral response of the Greater Prairie-chicken is similar to that of the Lesser Prairie-chicken, and it is predicted that nesting and brood-rearing hens of both

species will avoid large wind turbines (1.5 MW models; 350 feet tall) by at least a one-mile radius (Robel et al., 2004). In its Briefing Paper regarding prairie grouse leks and wind turbines, the U.S. Fish and Wildlife Service recommends a 5-mile buffer between occupied prairie grouse leks and wind power facilities (Manville, 2004).

Many native prairie regions in Kansas are known to have high wind power potential. The juxtaposition of this wind potential and Kansas' remaining intact prairie habitat is a source of major concern, particularly considering the declining status of many grassland birds (Knopf, 1994). Numerous resident and migratory wildlife species depend upon native prairie habitats. These habitats are used by prairie species for many phases of their life cycles including courtship, nesting, brood-rearing, foraging, roosting, loafing, winter cover, and migratory corridors.

In addition to forcing habitat abandonment, commercial wind power facilities could effectively fragment native prairie habitats. Declining populations of Lesser Prairie-chickens have been shown to be strongly affected by broad spatial changes to landscape structure (Woodward et al., 2001; Fuhendorf et al., 2002). Large numbers of wind turbine arrays might act as dispersal barriers thus affecting some species at a landscape scale. Also, little is known about the potential of cumulative effects to other species of wildlife that inhabit native prairie habitats including small mammals, fish, amphibians, and reptiles. These species are important parts of the prairie and disruptions to their behaviors and habitats could affect overall function and health of this ecosystem.

It is the duty of KDWP to protect the wildlife resources of the state for all Kansans and, consequently, the agency considers it critically important to protect the integrity of remaining intact prairie habitats in Kansas. Thus, it is the position of KDWP:

- (1) That wind power facilities should be sited on previously altered landscapes, such as areas of extensive cultivation or urban and industrial development, and away from extensive areas of intact native prairie, important wildlife migration corridors, and migration staging areas.
- (2) To recommend adherence to the siting guidelines for wind power projects *Siting Guidelines for Windpower Projects in Kansas* produced by the Kansas Renewable Energy Working Group (www.kansasenergy.org/documents/KREWGSitingGuidelines.pdf).
- (3) To support the study of and establishment of standards for adequate inventory of plant and animal communities before wind development sites are selected, during construction, and after development is completed (Manes et al., in review). The resultant improvement in available knowledge of wind power and wildlife interactions obtained through research and monitoring should be used to periodically update guidelines regarding the siting of wind power facilities.
- (4) That mitigation is appropriate only if significant ecological harm from wind power facilities cannot be adequately addressed through proper siting.
- (5) To support the establishment of processes to ensure a comprehensive and consistent method in addressing proposed wind power developments.

(6) To advocate the direct coupling of energy conservation and efficiency programs with any new measures aimed at increasing energy supply whether renewable or conventional.

Currently, wind power projects are statutorily subject to KDWP regulatory purview if they are publicly funded, state or federally assisted, or require a permit from another state or federal government agency to protect species listed as threatened or endangered as designated by the *Kansas Nongame and Endangered Species Conservation Act of 1975*. Kansas statutes and regulations require the issuance of special action permits from KDWP for activities that affect listed species before such activities may proceed. Questions regarding potential permitting or formal review requests should be forwarded the Environmental Services Section at the KDWP Operations Office in Pratt.

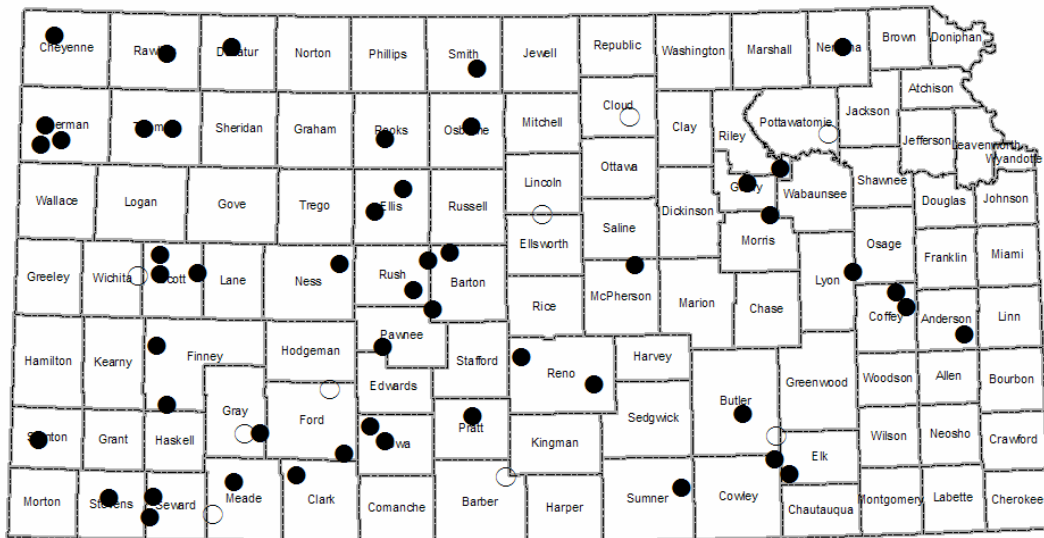
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Existing and Proposed Wind Energy Facilities (May 2009).

- Existing
- Proposed



Hunter Recruitment and Retention: “Pass It On”

The Pass It On program was developed in 2001 when a committee made up of department and non-department members developed a plan to reverse the trend in declining resident hunting license sales. The comprehensive plan was one of the first developed by state agencies and has served as a model for other states. Kansas resident hunting license sales have been historically driven by the upland bird hunting. License sales peaked in 1982 (252,569), a year when Kansas hunters recorded the best small game harvests on record. In 1984, after severe winter weather reduced bird numbers, resident license sales dropped 20 percent. However, when pheasant numbers began to recover in subsequent years, license sales didn't follow.

Pass It On has focused on youth recruitment through awareness, hands-on outdoor skills training, youth seasons and hunts, and a mentor program in coordination with Big Brothers Big Sisters. Because Hunter Education (HE) has evolved to more of an initiation event for hunters, the two programs work closely together on education/recruitment/awareness efforts. In addition to joint programs and equipment purchases, many HE volunteers and department staff have received training to improve their outdoor skills teaching abilities.

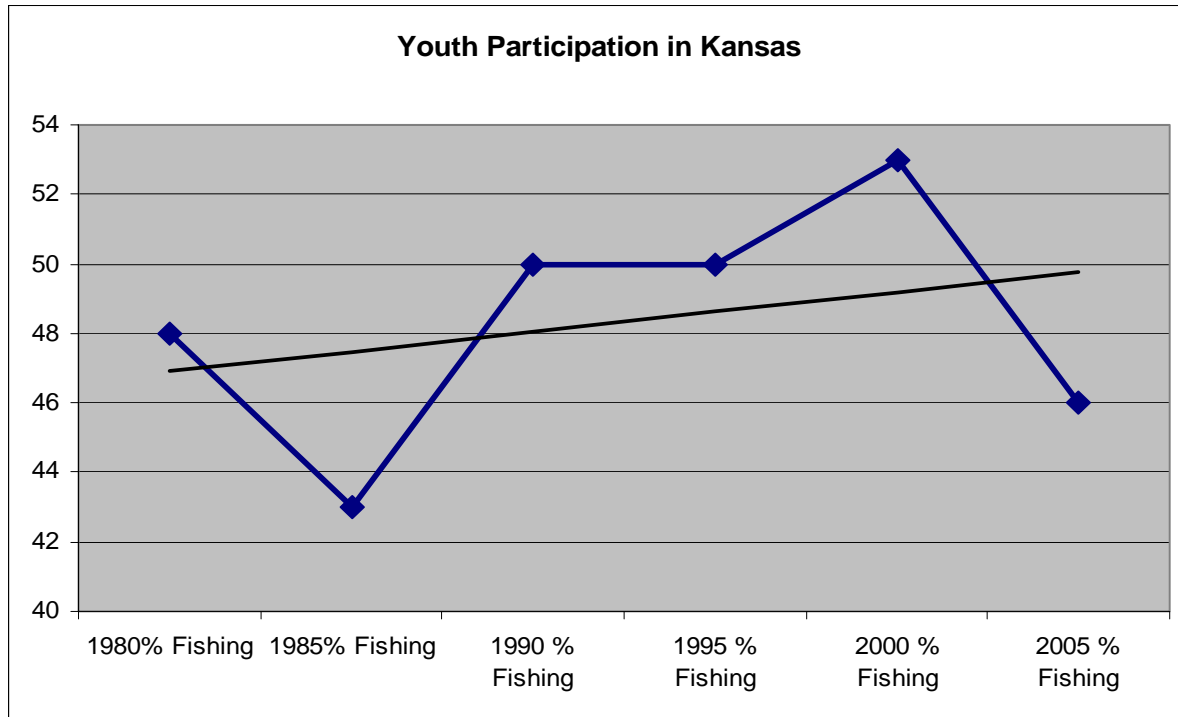
Over the past 8 years, Pass It On and HE purchased more than 50 shotguns, 23 .243 rifles, 30 target launchers, 250,000 targets, 300,000 shotgun shells, archery equipment, .22 rifles, 30 cargo trailers to haul and store gear, and numerous other pieces of equipment. The Hunter Education Instructors Association purchased and maintains five pellet gun ranges, and volunteer instructors travel with the ranges, setting them up when shotgun or .22 live-fire aren't feasible. Last year, two part-time wingshooting instructors taught nearly 1,000 students. More clinics are scheduled for this year. Other part-time instructors travel with Lasershot simulated hunting systems, reaching more than 22,000 students last year. Half of the hunter education classes now include live-fire as part of the class, reaching about 3,500 students. Currently, 29 middle schools offer HE as a part of the curriculum, and Pass It On instructors are helping to provide live-fire for those courses.

Other skills events, including Becoming An Outdoors-Woman, Women On Target, Women in the Outdoors, 4-H Shooting Sports, Outdoor Adventure Camp, as well as other gun club youth programs received assistance in the form of shells, targets, loaner equipment, and instructors. More than 20 county 4-H clubs received a supply of shells and targets through Pass It On this past year.

Department staff, including wildlife biologists, fisheries biologists, law enforcement, area managers, and park managers conduct annual youth hunts each fall and spring. Last year there were youth hunts for dove, waterfowl, upland birds, deer and turkeys. Each of these events is a community effort, working with local civic and conservation organizations, as well as landowners and community leaders. In addition to the benefits of introducing more than 2,000 youth to hunting and hunting skills, these events produce excellent local public relations for the department. Law enforcement and public lands staff comment on the impact these events have on their relationship with the community and their ability to perform their jobs. All of these events are done by staff who have a full plate of “regular” duties that may not include hunter recruitment. However, the dedication of KDWP staff to preserving our hunting heritage must be recognized and applauded.

Angler Recruitment and Retention Efforts

Kansas ranks number three in the nation in the most recent national survey of fishing participation for children age 6-15. Forty-six percent of Kansas children were reported to have fishing during 2005 survey year.



The Fisheries and Wildlife Division has several programs that are designed to impact angler participation. The Urban Fishing Program provides close to home fishing in all metropolitan areas with a human population over 40,000. The CFAP program has removed financial barriers to participation by leasing local government waters so they no longer impose additional local fees to fish from a boat or the shore. Kansas removed the requirement for children under 16 to have trout permit as another tool to increase opportunity for youth.

The Division conducts hundreds of aquatic education and fishing clinics events each year, reaching thousands of students. We are tracking people that have been exposed to our aquatic education events to see if they become license buyers subsequently. This effort will require several years of data collection and will connect aquatic education participants with the KOALS data.

For the past two years we have partnered with the Recreational Boating and Fishing Foundation to apply direct marketing techniques to casual anglers. Casual anglers are those who don't buy a license in three of the past three years.

We continue to evaluate our programs and seek to use best management practices to impact angling participation for both casual anglers and to recruit new ones.

6. Intro to KDWP Website – No handouts, presentation at meeting only.

Workshop Session

SPRING TURKEY SEASON (K.A.R. 115-25-6)

Season, units, bag limits, permits, and game tags

Background

There are four turkey hunting units (Figure 1) in Kansas, and an initial turkey permit can be purchased over-the-counter for all units except Unit 4 (southwest Kansas). In addition to the initial spring turkey permit, a second turkey game tag has been offered for certain hunting units since 1990. Hunters can currently purchase a game tag for use only in Unit 2 (eastern Kansas) or Unit 3 (central Kansas). A total of 325 permits are now issued for Unit 4 through a pre-season drawing, of which 125 permits are designated for general residents, 125 for landowner/tenants, and 75 for youth age 16 or younger.

The department sold 62,788 permits (43,978 initial permits & 18,810 game tags) for the spring 2009 season. Those totals were similar to the 2008 sales. The harvest estimates have not yet been calculated for the 2009 season but they should be available by early August. For 2008, an estimated 40,992 hunters actively pursued turkeys and harvested more than 35,000 birds. Approximately 65 percent of active hunters harvested at least one bird and only 21.2 percent (8,690) filled both their initial permit and a game tag.

Survey results for the eastern half of the state indicate that the turkey population has been declining since 2004. This decline is due primarily to four consecutive years of average (2006) or poor (2005, 2007, & 2008) production. The decline in turkey numbers has been the most dramatic in southeast Kansas. Heavy rain and flooding occurred across southeast Kansas during each of the last two summers. At the time of these weather events, many hens were still incubating nests and many recently hatched poults were still incapable of flight and regulation of their body temperature. Undoubtedly, the flooding destroyed many nests and numerous poults likely drowned or died from exposure. As a result of the wet weather turkey production indices in southeast Kansas were at all-time lows in 2007. Production in 2008 was only slightly better and was the second worst productivity on record for the region. Hunting in southeast Kansas was reported to be difficult in 2008 and even worse this past spring. The number of mature gobblers available to hunters will remain low for 2010. Turkey numbers in other parts of the state are either slowly increasing or beginning to stabilize.

Recommendations

At this time the department is not considering any changes to spring bag limits or season dates. The recent population declines in eastern Kansas have been due to terrible production as a result of unusually wet summer weather. The number of hunters and harvest in the affected area has already declined in proportion to the population. When hunting becomes difficult, fewer people participate and because of this behavior, the hunters actually somewhat regulate harvest themselves. The department is concerned about the severe declines, but at this time we don't believe any changes to regulations would help to alleviate the problem. The population will recover on its own given a couple of years of favorable summer weather.

The department is recommending a change to permitting for Unit 4. We have been gradually increasing the quota in Unit 4 for the last several years, and we have been concurrently monitoring harvest rates using banded and radio-marked birds. For spring 2009, we received 510

applicants for the 325 permits that were available (Table 1). There were 27 youth, 19 landowner/tenants, and 139 general residents who did not draw permits this spring. We believe that we can meet more of the demand because harvest rates have remained low across most of the unit. We are recommending that all youth permits be available over-the-counter and valid in any unit. This change would also allow us to meet demand for landowner/tenant permits in Unit 4 and probably result in fewer than 100 additional hunters in the unit. We would likely still have some general residents (less than 100) that would not be able to draw a permit in Unit 4.

Figure 1. Current spring wild turkey hunting units in Kansas. The initial permit is valid within Units 1, 2, & 3 and can be purchased over-the-counter. A pre-season drawing is used to issue the 325 permits allocated for Unit 4. An additional spring game tag can be purchased over-the-counter and it is valid only within Units 2 & 3.

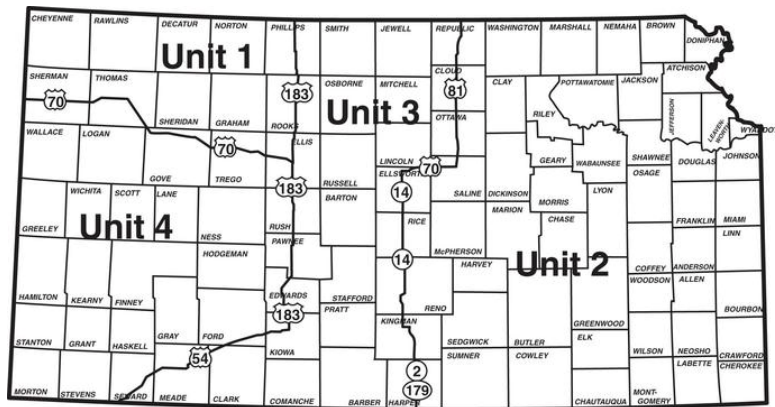


Table 1. Hunt unit 4 permit allocation for Kansas' spring 2009 turkey season.

Permit Type	Applicants	Available Permits	Unsuccessful Applicants
General Resident	264	125	139
Landowner/Tenant	142	125	19
Youth	102	75	27
Total	510	325	185

Fee Regulation – Spring Turkey Permits

The KDWP Marketing Task Force has recommended incentive-based differential permit pricing for the 2010 spring turkey season. Analysis of the KOALs data has shown that a large number of turkey hunters purchase a permit just once every three years. It's evident that many hunters wait until the last minute to purchase a permit, and some may not purchase one at all if they get busy, the weather is poor, or time just gets away from them. This past spring, post cards were mailed to lapsed turkey hunters reminding them to purchase their permits to reduce this churn. For 2010, the task force recommends establishing an incentive to encourage early purchase. The incentive would be a price break for purchasing a turkey permit/turkey game tag package before March 16. For example, a general resident could purchase the two-permit package for \$25 rather than the \$30 it would normally cost, as long as it was purchased before March 16. A nonresident would pay \$45 instead of \$50.

Game tag sales will need to increase by 5 percent to 10 percent to eclipse the money lost by giving people a \$5 discount. An examination of 2009 sales show that it's possible bring in an additional \$10,000-\$15,000 – not a huge increase in revenue, but it may encourage a few people to hunt a little longer chasing a second bird. The spring turkey season appears to be ideal for this experiment because even in the worst-case scenario, it will be unlikely to cost the department more than a few thousand dollars. If the price break does increase game tag sales and reduce churn rates, then the same logic could be applied to other permit combinations that are much more widely purchased. Additional value-added combinations such as deer/fall turkey, spring/fall turkey, and others will be considered by the marketing task force.

2009 Spring Turkey Permit Facts:

- Only 17,408 of 41,550 (41.9 percent) turkey hunters purchased both permits through May 20. Those percentages were 44.8 percent, 45.7 percent, and 43.9 percent for 2008, 2007, and 2006, respectively.
- Only 9,821 of 29,786 (33.0 percent) resident hunters bought both permits. Those other 20,000 hunters are the low hanging fruit that a price break might influence to buy 2 permits.
- Of the 11,764 nonresident hunters, 7,586 (64.5 percent) bought both permits. Potential for revenue with nonresidents is minimal even if all of them bought two permits because with the price break, only about \$80,000 of additional revenue would be raised, and that doesn't account for the money lost by giving some of them discounts.
- 17,408 hunters purchased both permits and 15,906 (91.4 percent) bought both on the same day.
- 9,821 residents bought both permits and 8,729 (88.9 percent) bought them on the same day
- 7,586 nonresidents bought both permits, and 7,177 (94.6 percent) bought them on the same day.
- 1,034 (5.9 percent) of those purchasing two permits purchased them both prior to March 16.

Proposed Amendment to *K.A.R. 115-2-3a Cabin camping permit fees*

Description: This regulation establishes fees for cabin camping by location at state parks, state fishing lakes and wildlife areas. As the program continues to grow, these regulations require modification to reflect the addition of new cabins or changes in fees for existing cabins. Since the fees must be established in this regulation prior to the collection of said fees, the department must anticipate the actual cabin schedule at least a year in advance. Therefore, some of the cabins anticipated in regulation may not actually be placed into service within the next year, but the department must be prepared to collect the fees should that event occur. The proposed changes outlined below are in accordance with the KDWP Cabin Plan as developed at the Cabin Summit held last December.

The department currently has 73 cabins in 20 locations available for the public to use. Another twelve cabins are in various stages of construction at the three correctional facilities (Hutchison, Ellsworth and Norton).

The proposed amendment will:

1. Add technical changes to formatting and numbering,
2. Change the fees for the Cedar Bluff State Park Cabins 6 and 7 from \$70.00 per night to \$45.00 per night,
3. Add four cabins to Clinton State Park and set fees,
4. Increase the fees for the Crawford State Park Cabins 1 and 2 by \$5.00 per night and adjust the weekly rates accordingly,
5. Add an cabin to Cross Timbers State Park and set fees,
6. Add three cabins to Eisenhower State Park and set fees,
7. Add two cabins for Elk City State Park and set fees,
8. Add two cabins to Fall River State Park and set fees,
9. Add six cabins to Hillsdale State Park and set fees,
10. Add two cabins to Kanopolis State Park and set fees,
11. Add a net change of two additional cabins to Lovewell State Park by reducing the current listing of cabins by two from eight cabins to a total of six cabins at the current fee, and add a new group of four cabins and set fees,
12. Add three cabins to Milford State Park and set fees,
13. Add four cabins to Perry State Park and set fees,
14. Delete fee for additional adults (after first two adults) at Prairie Dog State Park for Cabins 1 and 2, add one additional cabin and increase fees for Cabins 3 and 4 by \$5.00 per night from \$65.00 per night to \$70.00 per night and adjust the weekly rate accordingly,
15. Add two cabins to Tuttle Creek State Park and set fees,
16. Increase the fees for the Webster State Park Cabin 1 by \$10.00 per night (Sun – Thurs from \$50.00 per night to \$60.00 per night; Fri & Sat from \$70.00 per night to \$80.00 per night) and adjust the weekly rate accordingly; add one additional cabin and set fees,
17. Add one cabin to Wilson State Park and set fees,

18. Add one cabin to Atchison State Fishing Lake and set fees,
19. Add two cabins for Benedictine Wildlife Area and set fees,
20. Add one cabin to Jamestown Wildlife Area and set fees, and
21. Add one cabin to Kingman State Fishing Lake and set fees.

2010 Reference Document Proposed Changes for Special Length and Creel Limits:

- Perry Reservoir - add 35-inch minimum length limit and change to 5/day creel limit on blue catfish.
- Douglas SFL - change to 5/day creel limit on channel catfish.
- Kanopolis Reservoir - change to 5/day creel limit on blue catfish.
- Kanopolis Seep Stream (Sand Creek) – Artificial bait only (lures or fly fishing) at power poles number 9 through number 16.
- Coffey County Lake - change to 18-inch to 24-inch slot length limit on walleye.
- Prescott City Lake - change to 5/day creel limit on channel catfish.
- Uniontown School Pond - add 18-inch minimum length limit and 2/day creel limit on largemouth bass and add 15-inch minimum length limit and 2/day creel limit on channel catfish.
- Carbondale East Lake, Blue Mound City Lake, Bourbon Co. Cedar Creek, Bourbon Co. Elm Creek Lake, Fort Scott-Lake Ft. Scott, Fort Scott Community College Lakes, Linn Co. Strip Pits, Mound City, Parker City Lake, and Richmond City Lake - remove the 10-inch minimum length limit and the 10/day creel limit on crappie.
- Crawford SFL - add 18-inch minimum length limit on striped bass.
- Pittsburg - Lincoln Park Pond, and Wilderness Pond - add 15-inch minimum length limit and 2/day creel limit on channel catfish and largemouth bass.
- Pittsburg-Lakeside Park Lake - add 15-inch minimum length limit on channel catfish, change to 2/day creel limit on channel catfish, and change to 2/day creel limit on largemouth bass.
- Hutchinson-Carey Park Lagoon & Pond - change to 5/day creel limit on channel catfish.

Other 2010 Fishing Regulation Changes under consideration.

Change 115-7-3 to accommodate the use of gizzard shad greater than 12 inches in size as baitfish.

Allow bow fishing as a legal method of take for channel catfish.

Change paddlefish snagging locations - We want to expand snagging opportunities to the Neosho River at Iola and to the Marais des Cygnes River on the Marais des Cygnes WA. This change would require a slight modification to the reference document that deals with Kansas Special Size Limits, Creel Limits, and Bait Restriction Tables.

Change existing paddlefish snagging regulations - The State of Oklahoma is worried about overharvest of paddlefish on the Neosho River drainage. To help address those concerns, the

following paddlefish regulations are being considered at our Burlington and Chetopa snagging sites on the Neosho River.

- Continue with six tags per permit.
- Creel of two fish/day.
- Catch and release is allowed, but once a fish is on the stringer it is part of the creel (no culling).
- Must stop fishing once daily creel is kept.
- Use barbless hooks (or barbs can be broken off or crimped down).

The following changes are being considered for the Osawatomie Dam snagging site on the Marias des Cygnes River.

- Add a 34-inch minimum length limit, measuring from the eye to middle of the fork in the tail.
- Omit the reference to Old KC Road as being the downstream boundary and insert as posted by KDWP, to allow staff a chance to expand opportunity and legal access to this stretch of the river.
- No changes needed concerning barbless hooks or creel and possession limits.

The current paddlefish regulations covering the Kansas-Missouri River boundary waters, which includes the Browning Oxbow will not change.

We need to increase acreage of regulation *115-8-6* for the use of setlines and trotlines from 500 to 1,201. This would allow the regulation to cover all CFAP lakes.

We want to develop a regulation that prohibits the unauthorized clipping of fish fins. As fin clipping is a standard method of marking fish for mark-recapture studies, the unauthorized clipping of fins could confound study results.

Doves – Legal Equipment

Background

The hunting of migratory doves is controlled by federal regulations established in accordance with the Migratory Bird Treaty Act. The State of Kansas, through K.S.A. 32-1008, adopts the federal Act and uses those provisions to control, among other things, the legal equipment for hunting migratory doves (mourning doves and white-winged doves). On June 26, 2003 the Commission passed dove hunting regulations establishing a statewide hunting unit, season dates, and bag and possession limits. This regulation was established within the requirements of the overarching federal regulations and was created to provide an opportunity for hunters to harvest exotic doves.

The new state regulation included two species of exotic doves, Eurasian collared-doves and the ringed turtle doves. Because the federal regulations apply only to migratory doves, the inclusion of the exotic species within the state regulation allowed hunters to take them during the season. (Kansas law prohibits the taking of any wildlife unless specifically allowed by law, rule or regulation.)

An omission of legal equipment requirements for exotic dove hunting was recently discovered during the hunting regulation review process. While migratory doves are controlled by the federal regulations which specify what the minimum legal requirements for hunting equipment are, exotic doves are not covered by these same regulations. Just as the state had to adopt a regulation to allow the hunting of exotic doves, the state is required to establish what hunting equipment is legal in order to provide a means for harvesting exotic doves.

Recommendation

In order to maintain consistency throughout all dove hunting seasons, it is recommended that state regulations, consistent with the federal requirements for hunting migratory doves, be adopted for both migratory and exotic dove hunting.

Public Hearing

Document No. _____

KANSAS REGISTER
SUBMISSION FORM

Agency Number -- 710-01

Agency Name -- Kansas Department of Wildlife and Parks

Agency Address - 1020 S. Kansas Ave., Suite 200

Topeka, Kansas 66612-1233

Title of Document -- Public Hearing

Desired Date of Publication - May 21, 2009

ITEMS SUBMITTED IN DUPLICATE

CERTIFICATION

I hereby certify that I have reviewed the attached documents, and that they conform to all applicable Kansas Register publication guidelines and to the requirements of K.S.A. 75-431, as amended. I further certify that submission of these items for publication is a proper and lawful action of this agency, that funds are available to pay the publication fees and that such fees will be paid by this agency on receipt of billing.

Christopher J. Tymeson
Liaison officer's typed name

Liaison officer's signature

Department Attorney
Title

(785) 296-2281
Phone

This space for Register office use only
Wildlife and Parks Commission

Notice of Hearing of Proposed Administrative Regulations

A public hearing will be conducted by the Wildlife and Parks Commission at 7:00 p.m., Thursday, August 6, 2009 at the People's Bank, Sunflower Room, 117 S. Main, Medicine Lodge, Kansas, to consider the approval and adoption of proposed administrative regulations of the Kansas Department of Wildlife and Parks.

A workshop meeting on business of the Wildlife and Parks Commission will begin at 1:30 p.m., August 6 at the location listed above. The meeting will recess at 5:30 p.m. then resume at 7:00 p.m. at the same location for the regulatory hearing. There will be public comment periods at the beginning of the afternoon and evening meetings for any issues not on the agenda and additional comment periods will be available during the meeting on agenda items. Old and new business may also be discussed at this time. If necessary to complete the hearing or other business matters, the commission will reconvene at 9:00 a.m. August 7 at the location listed above.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statements in an accessible format. Requests for accommodation to participate in the hearing should be made at least five working days in advance of the hearing by contacting Sheila Kemmis, Commission secretary, at (620) 672-5911. Persons with a hearing impairment may call the Kansas Commission of Deaf and Hard Hearing at 1-800-432-0698 to request special accommodations.

This 60-day notice period prior to the hearing constitutes a public comment period for the purpose of receiving written public comments on proposed administrative regulations.

All interested parties may submit written comments prior to the hearing to the Chairman of the Commission, Kansas Department of Wildlife and Parks, 1020 S. Kansas Ave, Suite 200, Topeka, KS 66612 or to sheilak@wp.state.ks.us if electronically. All interested parties will be given a reasonable opportunity at the hearing to express their views orally in regard to the adoption of the proposed regulations. During the hearing, all written and oral comments submitted by interested parties will be considered by the commission as a basis for approving, amending and approving, or rejecting the proposed regulations.

The regulations that will be heard during the regulatory hearing portion of the meeting are as follows:

K.A.R. 115-5-1. This permanent regulation designates legal equipment, taking methods and general provisions for furbearers and coyotes. The proposed amendments would change descriptive terminology to reflect modern usage.

Economic Impact Summary: The proposed amendments are not anticipated to have any appreciable negative economic impact on the department, other agencies, small businesses or the public.

K.A.R. 115-5-2. This permanent regulation designates possession, disposal and general provisions for furbearers and coyotes. The proposed amendments would remove skinning and possession periods.

Economic Impact Summary: The proposed amendments are not anticipated to have any appreciable negative economic impact on the department, other agencies, small businesses or the public.

K.A.R. 115-6-1. This permanent regulation establishes application, authority, possession of furs, records and revocation for fur dealer licensing. The proposed amendments would remove a provision that is no longer applicable and clarify that swift foxes must have a department export tag prior to purchase or acquisition.

Economic Impact Summary: The proposed amendments are not anticipated to have any appreciable negative economic impact on the department, other agencies, small businesses or the public.

Copies of the complete text of the regulations and their respective economic impact statements may be obtained by writing the chairman of the Commission at the address above, electronically on the department's website at www.kdwp.state.ks.us, or by calling (785) 296-2281.

Kelly Johnston, Chairman



STATE OF KANSAS
OFFICE OF THE ATTORNEY GENERAL

STEPHEN N. SIX
ATTORNEY GENERAL

120 SW 10TH AVE., 2ND FLOOR
TOPEKA, KS 66612-1597
(785) 296-2215 • FAX (785) 296-6296
WWW.KSAG.ORG

May 8, 2009

Chris Tymeson, Legal Counsel
Kansas Department of Wildlife and Parks
1020 S Kansas Avenue, Suite 200
Topeka, Kansas 66612

Re: **K.A.R. 115-5-1, 15-5-2 and 115-6-1**

Dear Mr. Tymeson:

We have reviewed the above-referenced regulations for legality pursuant K.S.A. 77-420, finding no issues of concern, have approved them.

Sincerely,

OFFICE OF THE ATTORNEY GENERAL
STEVE SIX

Camille Nohe
Assistant Attorney General

CN:cn

Enclosure: Original document

cc: Rep. Carl Holmes, Chair, Joint Committee on Rules and Regulations
Senator Vicki Schmidt, Vice Chair, Joint Committee on Rules and Regulations
Rep. Janice L. Pauls, Ranking Minority Member, Joint Committee on Rules and Regulations
Raney Gilliland, Legislative Research

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STATE OF KANSAS

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J.G. SCOTT
Chief Fiscal Analyst
MARY K. GALLIGAN
Assistant Director for Information Management



STAFF
LEGISLATIVE COORDINATING COUNCIL
INTERIM COMMITTEES
STANDING COMMITTEES
LEGISLATIVE INQUIRIES

KANSAS LEGISLATIVE RESEARCH DEPARTMENT

Room 010-West — State Capitol Building — 300 SW Tenth Avenue — Topeka, Kansas 66612-1504
PHONE (785) 296-3181 ♦ FAX (785) 296-3824 ♦ TTY (785) 296-3677
INTERNET: <http://www.kslegislature.org/kldr> E-MAIL: kslegres@kldr.state.ks.us

July 9, 2009

Michael Hayden, Secretary
Kansas Department of Wildlife and Parks
1020 S. Kansas Avenue
BUILDING MAIL

Dear Secretary Hayden:

At its meeting on July 6, 2009, the Joint Committee on Administrative Rules and Regulations reviewed for public comment rules and regulations concerning furbearers and coyotes, legal equipment, taking methods, and general provisions; furbearers and coyotes, possession, disposal, and general provisions; fur dealer license, application, authority, possession of furs, records, and revocation. After discussion, the Committee had the following comment.

- KAR 115-6-1. Please review this and any other regulation which requires the "residential address" of the applicant for a license. Please consider the use of "physical address" since the residential address could be a post office box number which is not sufficient in order to obtain departmental licenses.

Prior to filing with the Secretary of State, review the history sections of the rules and regulations to update them to the most recent statutory citations, making certain the citations for authorizing and implementing statutes are correct and complete. Please indicate your agency's website address in the filing notice where proposed regulations can be located. In addition, if your agency accepts written comments by e-mail include this information in the public notice. Further, e-mail requests for public accommodation should be included as a part of the notice. Finally, verify that the adoption by reference of any materials included in the regulations is properly completed as prescribed in the *Policy and Procedure Manual for the Adoption of Kansas Administrative Regulations*.

Please make this letter a part of the public record on these regulations. The Committee will review the regulations, which the agency ultimately adopts, and reserves any expression of legislative concern to that review.

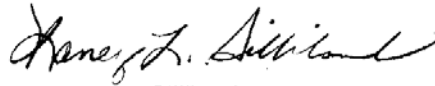
To assist in that final review:

- Please inform the Joint Committee and me, in writing, at the time the rules and regulations are adopted and filed with the Secretary of State, of any and all changes which have been made following the public hearing.

- Please notify the Joint Committee and me, in writing, when your agency has adopted the regulations as permanent; delayed implementation of the regulations; or decided not to adopt any of the regulations.
- Also, please indicate separately to the Joint Committee and me, any changes made to the proposed regulations reviewed by the Committee.

Based upon direction from the Committee, failure to respond to each and every comment contained in this letter may result in the request that a spokesperson from your agency appear before the Committee to explain the agency's failure to reply.

Sincerely,



Raney L. Gilliland
Assistant Director for Research

RLG/ji

RECOMMENDATIONS FOR 2009 WATERFOWL SEASONS

Introduction and Background

The process of establishing hunting regulations for waterfowl is conducted annually. The process involves a number of scheduled meetings in which the status of waterfowl is presented, recommendations by flyway councils (representing the states) are developed, and then forwarded to the U.S. Fish and Wildlife Service (USFWS). Waterfowl season frameworks are established by the USFWS, which set the limits under which states must establish waterfowl seasons. States may establish regulations more restrictive than allowed in the frameworks but cannot adopt regulations more liberal than allowed in the frameworks.

The fundamental considerations that influence department recommendations for waterfowl seasons include: 1) maximizing hunter opportunity and harvest; 2) sound management of migratory bird resources; and 3) restrictions imposed by the Migratory Bird Treaty Act.

The department adopted the zoning option for duck hunting for years 2006-2010. Although the zone boundaries are locked in place for five years, the season dates within each zone may be changed annually.

Number of Zones for 2006-2010 Seasons

Kansas is divided into three zones: “**High Plains**”, “**Early Zone**” and “**Late Zone**”.

Zone Boundaries

High Plains Zone - That area of Kansas west of U.S. 283.

Early Zone - That area of Kansas east of U.S. 283, and generally west of a line beginning at the Junction of the Nebraska border and KS 28; south on KS 28 to U.S. 36; east on U.S. 36 to KS 199; south on KS 199 to Republic Co. Road 563; south on Republic Co. Road 563 to KS 148; east on KS 148 to Republic Co. Road 138; south on Republic Co. Road 138 to Cloud Co. Road 765; south on Cloud Co. Road 765 to KS 9; west on KS 9 to U.S. 24; west on U.S. 24 to U.S. 281; north on U.S. 281 to U.S. 36; west on U.S. 36 to U.S. 183; south on U.S. 183 to U.S. 24; west on U.S. 24 to KS 18; southeast on KS 18 to U.S. 183; south on U.S. 183 to KS 4; east on KS 4 to I-135; south on I-135 to KS 61; southwest on KS 61 to KS 96; northwest on KS 96 to U.S. 56; southwest on U.S. 56 to KS 19; east on KS 19 to U.S. 281; south on U.S. 281 to U.S. 54; west on U.S. 54 to U.S. 183; north on U.S. 183 to U.S. 56; southwest on U.S. 56 to Ford Co. Road 126; south on Ford Co. Road 126 to U.S. 400; northwest on U.S. 400 to U. S. 283.

Late Zone - The remainder of Kansas.

“EXPECTED” 2009 DUCK, COOT, AND MERGANSER FRAMEWORKS

Shooting Hours

Shooting hours for all species and seasons may extend from ½ hour before sunrise until sunset.

Daily Bag and Possession Limits

The daily bag limit shall be 5 ducks, which may include no more than one scaup; two redhead; three wood ducks; or one duck from the following group - hen mallard, mottled duck, pintail, canvasback.

A daily bag limit for mergansers of five, which may include no more than two hooded mergansers.

The daily bag limit for coots may be no more than 15.

The possession limit for all species may be no more than twice the legal daily bag.

Outside Dates

Seasons may begin no earlier than the Saturday nearest September 24 (September 26, 2009), or extend beyond the last Sunday in January (January 31, 2010).

Season Length

Early and Late Zones (portion of Kansas east of U.S. 283), maximum 74 days.

High Plains Zone (portion of Kansas west of U.S. 283), maximum 97 days.

Youth Waterfowl Hunt Day

1. States may select two consecutive “Youth Waterfowl Hunting Days,” in addition to their regular duck seasons.
2. The youth hunt days must be held outside of any regular duck season on either a weekend or holiday when youth hunters would have the maximum opportunity to participate.
3. The days may be held up to 14 days before or after any regular duck season framework, or within any split of a regular duck season.
4. The daily bag limit may include ducks, geese, mergansers and coots, the same as allowed in the regular season. Canvasback and pintail are allowed in the bag
5. Youth hunters must not yet have reached their sixteenth birthday.
6. An adult at least 18 years of age must accompany the youth hunter into the field. This adult may not hunt waterfowl.

DUCK COOT AND MERGANSER SEASON RECOMMENDATIONS

Statewide Bag & Possession Limits and Shooting Hours

A daily bag limit of five ducks, which may include no more than one scaup; two redhead; three wood ducks; or one duck from the following group - hen mallard, mottled duck, pintail, canvasback.

A daily bag limit for coots of 15, and a daily bag limit for mergansers of five, which may include no more than two hooded mergansers. Both the coot and merganser seasons shall run concurrent with the regular duck season in the respective zones.

Possession limit for all species (ducks, coots and mergansers) shall be double the daily bag.

Shooting hours for all species shall be one-half hour before sunrise to sunset.

Season Dates (Seasons in all three zones split once)

HIGH PLAINS ZONE (West of U.S. 283)

1st Segment - Open October 10, 2009 and close January 5, 2010

2nd Segment - Open January 23 and close January 31, 2010

EARLY ZONE

1st Segment - Open October 10, 2009 and close December 6, 2009

2nd Segment - Open December 19, 2009 and close January 3, 2010

LATE ZONE

1st segment - Open October 31, 2009 and close January 3, 2010

2nd segment - Open January 23 and close January 31, 2010

Discussion

Recommended duck season structure for all three zones (High Plains, Late Duck Zone and Early Zone) is unchanged from those adopted last year. Very little comment has been received regarding the timing of 2008 duck seasons, suggesting a general satisfaction with the adopted dates.

Other Discussion - Waterfowl managers have been concerned about the pressure that “Seasons within Seasons” (SWAS), adopted for pintail and canvasback during recent years, imposes on hunters. Closing the season on a brown duck such as the hen pintail, while the regular season continues, introduces the complexity of another opening and/or closing date, likely results in illegal kill of pintail, impacts the harvest of other brown ducks such as gadwall, wigeon, shoveler, and in general require the identification of brown ducks under hunt conditions which can be difficult for even experienced hunters.

Analysis of the three-year Hunter’s Choice experiment is expected in mid-August. If the experiment is not accepted by the USFWS, the bag limit will revert back to the original framework of six birds per day.

YOUTH WATERFOWL HUNT DAY RECOMMENDATION

Season Dates - Adopt the following Youth Waterfowl Hunt Days:

High Plains Zone	October 3 and 4, 2009
Early Zone	October 3 and 4, 2009
Late Zone	October 24 and 25, 2009

Bag Limit

The bag limit for ducks, **all** geese, coots and mergansers during the Youth Waterfowl Hunt Day will be the same as established for these species during the 2009 regular seasons in Kansas.

Other Restrictions

Youth hunters must not yet have reached their sixteenth birthday. The adult accompanying the youth hunter **may not** hunt waterfowl. Adults accompanying youth, and non-resident youth, are not required to possess licenses and state and federal duck stamps required for them to hunt waterfowl.

Discussion

The recommended youth seasons and regulations are similar to last year.

CANADA GOOSE FRAMEWORKS

Season Length and Bag Limit for Canada Geese

Kansas may select a season of 107 days, with a daily bag of not more than three Canada geese. The season may be split twice (three segments).

Outside Dates for Canada Geese

The dark goose season may begin no earlier than September 26, 2009 and end no later than February 14, 2010.

Possession Limits for Canada Geese

Possession limit may be no more than twice the legal daily bag.

CANADA GOOSE SEASON RECOMMENDATIONS

Season Dates and Bag & Possession Limits

Adopt a split Canada goose season with a bag limit of three, a possession limit of double the daily bag, and with the following dates:

1st segment - October 31 and Nov. 1, 2009

2nd segment - November 4, 2009 through February 14, 2010

WHITE-FRONTED GOOSE FRAMEWORKS

Season Length and Bag Limit

Kansas has two options for season length and bag limit. These options include:

Option 1 - a season of 72 days with a daily bag limit of 2 white-fronted geese,

Option 2 - a season of 86 days with a daily bag limit of 1 white-fronted goose.

Outside Dates

The white-fronted goose season may begin no earlier than September 26, 2009, and end no later than February 14, 2010. The season may be split twice.

Possession Limit for White-fronted Geese

The possession limit shall be no more than twice the legal daily bag.

WHITE-FRONTED GOOSE SEASON RECOMMENDATIONS

Season Dates and Bag & Possession Limits

Select a 72 day season with two splits (three segments), a bag limit of two, and season dates being:

1st segment - October 31 and Nov. 1, 2009

2nd segment - November 4, 2009 through, January 3, 2010

3rd segment - February 6 through February 14, 2010

Possession limit of double the daily bag.

LIGHT (SNOW & ROSS') GOOSE FRAMEWORKS

Season Length and Bag Limit

Kansas may select a season of 107 days with a daily bag of 20 light geese.

Possession Limit for Light Geese

There is no possession limit for light geese.

Outside Dates and splits/zones allowed

The season may begin no earlier than September 26, 2009 and end no later than March 10, 2010.

Kansas may split the season twice. There is no limit on the number of zones.

LIGHT GOOSE SEASON RECOMMENDATIONS

Season Dates and Bag & Possession Limits

Adopt a split light goose season with a bag limit of 20, no possession limit, and the following dates:

1st segment - October 31 and Nov. 1, 2009

2nd segment - November 4 through February 14, 2010

Discussion

All goose seasons open for two days on October 31 and then close until Wednesday, November 4. The second segment of the light goose and Canada goose seasons runs to February 14.

The 105-day regular season for light geese and Canada geese, plus the two days of youth hunting, use 107 days, the maximum allowed by treaty. By coincidence, a 105-day season allows the use of split seasons and weekend openers/closers, plus one Wednesday opener.

A double split (three segments) season is recommended for white-fronted geese. The timing of the first segment of the season, as well as the opening date of the second segment, is identical to the light goose and Canada goose opening dates. However, this year the recommendation calls for nine days to be split from the second segment and moved to the end of the allowed framework. Hunters have noted the presence of white-fronted geese during this late period, and this recommendation will allow hunters to take all species of geese during the last nine days of the season.

The Conservation Order for light geese will automatically open on the day following the close of the goose seasons, February 15, 2010.

FRAMEWORKS FOR 2008 MIGRATORY BIRD FALCONRY SEASONS

Eligible Species: All species of migratory game birds for which a regular season is permitted, including ducks, coots and mergansers, may be taken during the September teal and regular duck seasons and during the selected “special falconry seasons.” Falconers may take any migratory game species, including dove, rails and snipe, during any open gun season on those species.

Daily Bag and Possession Limits: Falconry daily bag and possession limits for all permitted migratory game birds shall not exceed three and six birds, respectively, singly or in the aggregate, during both regular hunting seasons and extended falconry seasons.

Framework Dates: Falconry seasons must fall between September 1, 2009 and March 10, 2010.

Season Length: Total season length for all hunting methods combined may not exceed 107 days for any species (or groups of species) in a geographical area.

MIGRATORY BIRD FALCONRY SEASON RECOMMENDATION

Falconry seasons for migratory game birds will run concurrently with all established hunting seasons for those species.

Daily bag and possession limits for falconers shall be three and six respectively, for all migratory game birds in aggregate (e.g., one dove and two ducks).

In addition, extended falconry seasons for ducks, mergansers, and coots will run:

High Plains Zone

No days available.

Early Zone

One Segment - February 24 through Saturday, March 10, 2009

Late Zone

One Segment - February 24 through Saturday, March 10, 2009

Discussion

The extended falconry seasons allow additional opportunity for falconers at a time when the regular season is closed, thereby reducing the risk of conflict with firearms migratory bird hunters.

Because of the 107-day hunting limit imposed by treaty and the increased length of the September teal season (nine to sixteen days), there are seven fewer days left for falconers in the Early and Late Zones. No days remain available for falconers in the High Plains Zone.

115-5-1. Furbearers and coyotes; legal equipment, taking methods, and general provisions. (a)

Hunting equipment permitted during furbearer hunting seasons and during coyote hunting seasons shall consist of the following:

- (1) Firearms, except fully automatic firearms;
- (2) archery equipment;
- (3) crossbows; and
- (4) optical scopes or sights that project no visible light toward the target and do not electronically amplify visible or infrared light.

(b) Trapping equipment permitted during furbearer and coyote trapping seasons shall consist of the following:

- (1) Foothold traps;
- (2) body-gripping traps;
- (3) box traps;
- (4) live cage traps;
- (5) colony traps;
- (6) snares; and
- ~~(6)~~ (7) deadfalls.

(c) The following general provisions shall apply to the taking of furbearers and coyotes:

- (1) Calls may be used in the taking of furbearers and coyotes.
- (2) Handheld, battery-powered flashlights, hat lamps, and handheld lanterns may be used while

trapping furbearers or coyotes or while running furbearers.

(3) Any .22 caliber rimfire ~~rifles and handguns~~ rifle or handgun may be used to take trapped furbearers or trapped coyotes when using a light to check traps.

(4) Any .22 caliber rimfire ~~rifles and handguns~~ rifle or handgun may be used while using a handheld, battery- powered flashlight, hat lamp, or handheld lantern to take furbearers treed with the aid of dogs.

(5) Lures, baits, and decoys may be used in the taking of furbearers and coyotes.

(6) The use of horses and mules shall be permitted while hunting, trapping, or running furbearers and coyotes.

(7) The use of motor vehicles for taking coyotes shall be permitted while hunting coyotes.

(8) The use of radios in land or water vehicles shall be permitted for the taking of coyotes.

(9) The use of dogs for hunting and during running seasons shall be permitted.

(10) ~~Any~~ Each conibear-type, body-gripping trap with a jawsread of eight inches or greater shall be used only in a water set.

(11) Only landowners or tenants of land immediately adjacent to the right-of-way of a public road, or their immediate family members or authorized agents, may set slide-locking wire or snare-type cable traps as dryland sets within five feet of a fence bordering a public road or within 50 feet of the outside edge of the surface of a public road. Only these landowners or tenants, or their immediate family members or authorized agents, may possess the fur, pelt, skin, or carcass of any furbearer or coyote removed from these devices located within these specified limits.

(12) A person shall not have in possession any equipment specified in subsection (a) while

pursuing or chasing furbearers with hounds during the running season.

(13) All trapping devices included in subsection (b) shall be tagged with the user's name and address and shall be tended and inspected at least once every calendar day. (Authorized by K.S.A. 32-807; implementing K.S.A. 32-807, K.S.A. 2008 Supp. 32-1002, and K.S.A. 2008 Supp. 32-1003; effective March 19, 1990; amended Nov. 15, 1993; amended July 19, 2002; amended Feb. 18, 2005; amended P-_____.)

ECONOMIC IMPACT STATEMENT

K.A.R. 115-5-1. Furbearers and coyotes; legal equipment, taking methods, and general provisions.

DESCRIPTION: This administrative regulation establishes legal equipment, taking methods, and general provisions for the taking of furbearers and coyotes. The proposed amendments would change descriptive terminology to reflect modern usage.

FEDERAL MANDATE: None.

ECONOMIC IMPACT: The proposed amendments are not anticipated to have any appreciable economic impact on the department, other agencies, or the public.

ALTERNATIVES CONSIDERED: None.

115-5-2. Furbearers and coyotes; possession, disposal, and general provisions. (a) Legally taken raw furs, pelts, ~~or skins, carcasses, or meat~~ of furbearers may be possessed ~~for the shorter of the following time periods:~~

~~(1) Not more than 30 days following the closing of the season in which that species of furbearer may legally be taken; or~~

~~(2) until the day before the beginning of the running season in which that species of furbearer may legally be run without limit in time.~~

~~(b) Requests to possess raw furs, pelts, or skins beyond the possession period as specified in subsection (a) shall be submitted to the department and, if granted, shall be authorized in writing by the secretary. Each request shall specify the number of each species of furbearers possessed and the applicant's name, address, and furharvester license number.~~

~~(c) Live furbearers legally taken during a furbearer season may be possessed only through the last day of the season in which taken.~~

~~(d) Unskinned carcasses of furbearers, except bobcat and swift fox carcasses, may be possessed for not more than 48 hours following the closing of the season in which that species of furbearer may legally be taken. Skinned carcasses and meat of furbearers may be possessed without limit in time.~~

~~(e) (c) Legally acquired skinned carcasses and meat of furbearers may be sold or given to and possessed by another, and legally acquired raw furs, pelts, and skins of furbearers may be given to and possessed by another, if a written notice that includes the seller's or donor's name, address, and~~

furharvester license number accompanies the carcass, pelt, or meat. A bobcat or swift fox tag as described in subsection ~~(h)~~ (f) shall meet the requirements of written notice.

~~(f)~~ (d) Legally taken raw furs, pelts, skins, or carcasses of coyotes or legally taken live coyotes may be possessed without limit in time.

~~(g)~~ (e) Any person in lawful possession of raw furbearer or coyote furs, pelts, skins, or carcasses may sell or ship or offer for sale or shipment the same to licensed fur dealers or any person legally authorized to purchase raw furbearer or coyote furs, pelts, skins, or carcasses.

~~(h)~~ (f) Any bobcat or swift fox pelt legally taken in Kansas may be sold to any fur dealer or shipped from the state for the purpose of selling if an export tag provided by the department has been affixed to the pelt.

(1) The pelt of any bobcat or swift fox taken in Kansas shall be presented to the department for tagging within seven days following closure of the bobcat or swift fox hunting and trapping season.

(2) Each pelt presented for tagging shall be accompanied by the furharvester license number under which the pelt was taken.

~~(i) Bobcat or swift fox pelts tagged by the department may be possessed without limit in time.~~

~~(j)~~ (g) Properly licensed persons may legally salvage furbearers and coyotes found dead during the established open seasons for hunting or trapping of furbearers or coyotes. Salvaged furbearers and coyotes may be possessed or disposed of as authorized by this regulation. (Authorized by K.S.A. 32-807 and K.S.A. 32-942; implementing K.S.A. 32-807, K.S.A. 32-942, and K.S.A. 2008 Supp. 32-1002; effective March 19, 1990; amended Oct. 17, 1994; amended Nov. 29, 1999; amended July 19, 2002;

amended P-_____.)

ECONOMIC IMPACT STATEMENT

K.A.R. 115-5-2. Furbearers and coyotes; possession, disposal, and general provisions.

DESCRIPTION: This administrative regulation establishes general requirements for possession and disposal of furbearers and coyotes. The proposed amendments to the regulation would remove skinning and possession periods following the close of the furbearer seasons.

FEDERAL MANDATE: None.

ECONOMIC IMPACT: The proposed amendments are not anticipated to have any appreciable economic impact on the department, other agencies, or the public.

ALTERNATIVES CONSIDERED: None.

115-6-1. Fur ~~dealers~~ dealer license; application, authority, possession of furs, records, and

revocation. (a) ~~Applications~~ Each application shall be submitted on ~~forms~~ a form provided by the department. Each applicant shall provide the following information:

(1) Name of applicant;

(2) residential address;

(3) the address of each business ~~locations~~ location;

(4) an inventory of raw furs, pelts, skins, and carcasses of furbearing animals and coyotes on hand at time of application; and

(5) any other relevant information as required by the secretary.

(b) ~~A~~ Each fur dealer license shall expire on June 30, ~~except any fur dealer's license issued for the calendar year 1990 shall not expire until June 30, 1991~~ following the date of issuance.

(c) ~~Each~~ Each fur ~~dealers~~ dealer shall deal ~~with~~ only with properly licensed persons and only at authorized fur dealer business locations.

(d) ~~Any~~ Any fur ~~dealers~~ dealer may buy, purchase, or trade in the furs, pelts, skins, or carcasses of coyotes.

(e) ~~Each~~ Any fur dealer may possess legally acquired furs, pelts, skins, or carcasses of furbearing animals for no more than 30 days after the expiration date of the fur dealer's license. Coyote furs, pelts, skins, or carcasses may be possessed without limit in time.

(f) Each fur dealer shall purchase or acquire only those bobcat and swift fox pelts that have been tagged with a department export tag or with the official export tag provided by the wildlife agency of another state.

(g) Each fur dealer shall maintain a furharvester record book and a fur dealer book provided by the department. Entries shall be made in the appropriate record book whenever receiving, shipping, or otherwise disposing of furs, pelts, skins, or carcasses of furbearing animals or coyotes. Each record book, all receipts, and all furs, pelts, skins, and carcasses in the fur dealer's possession ~~of the fur dealer~~ shall be subject to inspection upon demand by any conservation officer. Each record book and all receipts shall be subject to copying upon demand by any conservation officer. Each fur dealer shall forward all record books ~~annually~~ to the department annually on or before April ~~first~~ 1. ~~The furharvester record book and the fur dealer record book shall include the following information:~~

(1) The furharvester record book shall include the following information:

- (A) The name of fur dealer;
- (B) residential address;
- (C) fur dealer license number;
- (D) the date of each receipt of furs, pelts, skins, or carcasses;
- (E) name, address, and license number of each person from whom furs, pelts, skins, or carcasses were acquired;
- (F) name of the state where the furs, pelts, skins, or carcasses were harvested;

(G) number of each species of furs, pelts, skins, or carcasses acquired; and

(H) any other relevant information as required by the secretary.

(2) The fur dealer record book shall include the following information:

(A) The name of fur dealer;

(B) residential address;

(C) fur dealer license number;

(D) date of each receipt or disposal of furs, pelts, skins, or carcasses;

(E) name, address, and fur dealer license number of each fur dealer from which furs, pelts, skins, or carcasses are acquired or to which they are sold;

(F) number and species of furs, pelts, skins, or carcasses acquired or sold; and

(G) any other relevant information as required by the secretary.

(h) In addition to other penalties prescribed by law, a fur dealer's license may be refused issuance or revoked by the secretary ~~may refuse to issue or may revoke a fur dealer's license if~~ under any of the following circumstances:

(1) The application is incomplete or contains false information;

(2) The fur dealer fails to meet reporting requirements;

(3) The fur dealer violates license conditions. (Authorized by ~~L. 1989, Chapter 118, section 9~~

K.S.A. 32-807 and K.S.A. 32-163, as amended by L. 1989, Chapter 118, section 73 32-942;

~~implementing L. 1989, Chapter 118, section 9; K.S.A. 32-163, as amended by L. 1989, Chapter~~

~~118, section 73; and L. 1989, Chapter 118, section 14~~ K.S.A. 32-807 and K.S.A. 32-942;

effective March 19, 1990; amended P-_____.)

ECONOMIC IMPACT STATEMENT

K.A.R. 115-6-1. Fur dealers license; application, authority, possession of furs, records, and revocation.

DESCRIPTION: This administrative regulation establishes the fur dealer license, application, authority, possession of furs, records and revocation. The proposed amendments would remove a provision that is no longer applicable and clarify that swift fox pelts may only be acquired if tagged with a department export tag or the export tag of another state's wildlife department.

FEDERAL MANDATE: None.

ECONOMIC IMPACT: The proposed amendments are not anticipated to have any appreciable economic impact on the department, other agencies, or the public.

ALTERNATIVES CONSIDERED: None.