

REVISED AGENDA
KANSAS DEPARTMENT OF WILDLIFE AND PARKS
COMMISSION MEETING AND PUBLIC HEARING
Thursday, April 22, 2010
Great Plains Nature Center
6232 E. 29th St. N., Wichita, Kansas

Tour Skyline Manufacturing, Arkansas City, 9:00 AM

- 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 March 11, 2010 MEETING MINUTES**
- V. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS**
- VI. DEPARTMENT REPORT**

Special Award Presentation to the Higgins Family (Jerry Hover)

A. Secretary's Remarks

- 1. Agency and State Fiscal Status (Dick Koerth)**
- 2. 2010 Legislature (Chris Tymeson)**

B. General Discussion

- 1. Kansas Involvement in the National GIS database and Resulting Benefits to Agencies (Jerry Hover)**
- 2. Fishing Regulations (Doug Nygren)**
- 3. Chronic Wasting Disease (CWD) Update and Contingency Plan (Shane Hesting)**
- 4. Deer Season Structure – Pre-Rut Rifle Season (Lloyd Fox)**
- 5. Report on Lead Reduction in ammunition and Lead Ingestion (Lloyd Fox)**
- 6. Concealed Carry, Open Carry, and Use of Sound Suppressors (Kevin Jones)**
- 7. Late Migratory Bird Seasons (Faye McNew)**

C. Workshop Session

- 1. Early Migratory Bird Seasons (Faye McNew)**

2. **KAR 115-25-9a. Deer; open season, bag limit, and permits; additional considerations. (Lloyd Fox)**
3. **KAR 115-25-9b. Deer; nonresident limited-quota antlered permit application period. (Lloyd Fox)**
4. **KAR 115-8-1. Hunting; furharvesting, and discharge of firearms. (Brad Simpson)**
5. **KAR 115-14-Series - Falconry Regulations (Mike Mitchener)**
6. **KAR 115-2-1. Amount of fees. (to set price for elk landowner/tenant HOL) (Matt Peek)**

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. **KAR 115-4-4. Big game; legal equipment and taking methods. (Lloyd Fox)**
2. **KAR 115-4-4a. Wild turkey; legal equipment and taking methods. (Lloyd Fox)**
3. **KAR 115-18-7. Use of crossbows for big game hunting by persons with disabilities; application, permit, and general provisions. (Lloyd Fox)**
4. **KAR 115-25-9. Deer; open season, bag limit and permits. (Lloyd Fox)**
5. **KAR 115-25-7. Antelope; open season, bag limit and permits. (Matt Peek)**
6. **KAR 115-25-8. Elk; open season, bag limit and permits. (Matt Peek)**

XII. OLD BUSINESS

XIII. OTHER BUSINESS

A. Future Meeting Locations and Dates

XIV. ADJOURNMENT

If necessary, the Commission will recess on April 22, 2010, to reconvene April 23, 2010, 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, June 24, 2010 at the Herington Community Building, 810 S. Broadway, Herington, KS

**Kansas Department of Wildlife and Parks
Commission Meeting Minutes
Thursday, March 11, 2010
Holiday Inn Holidome
605 Fairlawn Road, Salon C, Topeka, Kansas**

Subject to
Commission
Approval

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

The March 11, 2010 meeting of the Kansas Wildlife and Parks Commission was called to order by Chairman Kelly Johnston at 1:30 p.m. at the Holiday Inn Holidome, Topeka, Kansas. Chairman Johnston and Commissioners Debra Bolton, Gerald Lauber, Frank Meyer, Doug Sebelius, 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).

Chairman Johnston welcomed Representative Mitch Holmes to the meeting.

III. ADDITIONS AND DELETIONS TO AGENDA ITEMS

Sheila Kemmis - We have added an agenda item to the Workshop (#5) – KAR 115-2-1 regarding fees for HOL elk permits. Matt Peek will present it. Items 5-9 have been renumbered. Also, evening stewardship presentation has been deleted.

IV. APPROVAL OF THE January 7, 2010 MEETING MINUTES

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

V. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

Steve Sorensen, Conservation Vice President, Kansas Wildlife Federation – I have provided you with the new Kansas Wildlife Federation newsletter. On page 10, Shari Wilson was selected as the Conservation Educator of the Year for 2009 (Exhibit C). Presented her with a trophy whitetail award at our annual meeting on February 27. Chairman Johnston – Congratulations. Commissioner Shari Wilson – Thanks to the Kansas Wildlife Federation for the award. It is an honor to be in the company of great people doing great conservation work in our state.

Bill Long, representative of Friends of Fancy Creek ShootingRange – I have provided you with brochures about our range and want to make you aware of our upcoming Women on Target days

and Kid's Day (Exhibit D). The range gets a lot of usage, and we would like to welcome you to come out on open range dates. Also we can schedule special events.

Brandon Houck, National Wild Turkey Federation, Allen, Kansas – I wanted to report on the big game Commission permits we received this year. We sold the any deer for \$5,500 and the elk for \$9,500. Thank you for that opportunity.

Cris Collier, Great Bend Convention and Visitors' Bureau – Sorry I missed you in Great Bend, I was in Texas representing byways and refuges at the Snowbird Convention. Weather hasn't cooperated with the self-guided tour on the byway, so I wanted to stop by and give you a DVD of the GPS tour. KDWP helped put this together with the help of Dr. Ted Cable, K-State, who wrote copy (Exhibit E).

Representative Mitch Holmes – (Exhibit F – handouts from today's presentation, original proposal and testimony). I represent Pratt and I am proud of Wildlife and Parks and what the people do. There is some frustration among landowners with cougars. I did introduce a bill earlier this year to start a dialog on legalizing hunting cougars. KDWP opposed the bill. I was hoping KDWP would come up with an amendment for the bill, but instead your attorney, Chris Tymeson, suggested I come here to this meeting. Landowners would like to be able to hunt cats, tag them and be allowed to keep the cat. I live among people who are outside every day, and I believe they are credible witnesses. When I went to committee I thought I was going to have to establish the fact that they exist, but the Ag Committee said they do exist. I have visited with employees and past employees and nobody denies they are here, but the department could do better PR on them. I respectfully ask the Commission to consider this proposal. Commissioner Meyer – I have been gathering information and as a commissioner I need more information before I can vote on this. I do admit last summer seeing something that looked like a cougar, but couldn't find any tracks or scat or anything. We have to have positive proof before we can say. Not sure they are as thick as some people think. Representative Holmes – I have no expectation of voting today, I just wanted to start a dialog. Secretary Hayden – We appreciate Representative Holmes coming before the Commission and agree it is better to handle this with the Commission rather than legislative action. It does warrant thorough biological review and thought by the Commission. Chairman Johnston – What would be the standard time to consider a proposal? Tymeson – Matt Peek would gather data. We would have general discussion, workshop and then vote; it can take up to 180 days. It takes 60 days from publication in the federal register. Commissioner Sebelius – I read your bill and I understand you are going away from allowing residents to hunt without a license? Rep Holmes – I believe this is the best route. Commissioner Bolton – Have any trappers caught cougars? Representative Holmes – I believe there have only been two sightings in the state. Matt Peek – None have been trapped. The bigger issue is livestock depredation and there has been none that we have been able to identify. We investigate, but it seems most often it turns out to be something else. We allow depredation permits to take animals in livestock depredation and Charlie Lee from K-State works with this and he has not seen any. We need to document that a problem is occurring on the landscape. Commissioner Meyer – Was the one at Wakeeney wild or captive bred? Peek - I assume it was wild. Chairman Johnston – How many times in the last ten years have we documented black bears? Matt Peek – In the last 20 years, three, all in southwest Kansas, which we believe came from Colorado, New

Mexico or Arizona. Commissioner Lauber – I am one of a shrinking number of Kansans who have never seen a mountain lion. I think part of the problem is the department is getting a black eye for not jumping on the band wagon and saying there are lots of mountain lions. We are being accused of being sneaky and evasive. We have all heard about mountain lions with secret radio chips, which tend to occur in nearly every state that has a potential for mountain lions. A lot of good citizenry are concerned about mountain lions who are concerned about their safety. Representative Holmes is not alone in believing we should protect the livestock. I'm not sure we should dismiss this, but I would prefer, if a political reality, that we should consider something rather than have a statute proposed. I would like to have time to look this over, and I believe there are more expectations than there will be harvested cats. One out of every ten deer hunters has a deer cam and there is no documentation. This may buy us some good will. Commissioner Meyer – Thank you for bringing this to the forefront, now we can do a scientific study and we can clear the smoke. We will work on this. Chairman Johnston – Speaking for myself, I agree with Commissioner Lauber that we should not dismiss your topic. We need to look at facts and consider the subject. Biologists need to consider calendar dates for seasons and if the population is viable to maintain a healthy population, etc. We need to collect data to discuss with the Commission. I believe dogs are used to hunt mountain lions. Over the last several years we have heard negative comments from landowners about coyote hunters with dogs and running them across people's property. We need to carefully study this. Representative Holmes – I appreciate the dialog and I am encouraged you want to deliberate and study over this. This proposal was bigger than what I first thought. My first thought was to protect landowners who have had livestock killed. We can get testimony, and I will be available for comments. Also, I will be watching over the next 180 days. Ron Klataske, Executive Director, Audubon of Kansas – I gave you a packet of rare species in Kansas and one of the ones listed was mountain lions. We had a considerable number of people who contacted me and none who wanted to kill them off. We need to develop a conservation plan and protocol for mountain lions that might cause damage. Other states have this, such as Nebraska. Once they are confirmed then we would have a process to deal with that. It is unnecessary to kill mountain lions in Kansas just because they might be here unless we can see a viable hunting population. I believe it is ill-founded, but good opportunity to deal with this issue. In parallel to Representative Holmes, we should pursue considering mountain lions as an at-risk species; better to justify that than killing them. They are hard to hunt if you don't use dogs, and it would be pretty easy to wipe out whatever population we do have in the state. They are mostly transient, like those from South Dakota. In the Black Hills of South Dakota they have about 200 animals and have a huntable population. But they've never had a threat to human lives, according to their biologists. Deer cause more damage, but we don't want to wipe them out either. Don't go out and kill them, but capture them and put radio callers on them. I believe Representative Holmes would justify funds for that. Another protocol could be to establish amnesty to people who have killed mountain lions in the past. I know of two killed in the state by hunters. The department may have heard about those, but it is a small number. It would create ridicule for the department as it has for the legislature. The Kansas City Star draws strong issue with the legislature trying to wipe out a very rare species. We are lucky to have deer, elk and other species that were once extinct here. Commissioner Meyer – If mountain lion is imminent danger to you then you can shoot them now. Matt Peek – Yes, in 32-1002 you can protect yourself. Chairman Johnston – But, you cannot keep the fur or the skull? Matt Peek – Correct. Commissioner Lauber – We have no extra money at this time, we could

allow a season, but I might change my mind when the second lion comes in. This agency doesn't enjoy a high popularity factor. Commissioner Shari Wilson – What species was most recently made legal to hunt in our state? Secretary Hayden – Eurasian doves. Commissioner Shari Wilson – We made that decision on some basic conservation principles, and I don't feel we have any of that information right now. Saying we will have a season when we don't know how many animals we have is not the way to do it. We base deer units on information using scientific principles. It is premature to talk about seasons. I realize we get a black eye, but we need to follow procedures we followed with other species. Commissioner Lauber – You are talking about a no-closed season, not a season, like gophers and moles. It is a waste of money to consider that. Commissioner Shari Wilson – This is different from our regular protocol. Steve Sorensen – I'm not sure the mere presence of cougars in Kansas warrants its extermination. We hear horror stories in California, but so far no one has complained about cougars. We need to consider an open season when we have as many mountain lions as coyotes. We only see bobcats occasionally and I am concerned with the same situation. Mr. Klataske and I have investigated cases and there is so much mistaken identification. Allow landowners to protect their property, but not turn loose a bunch of hunters. Commissioner Lauber – Wildlife biology is not necessarily an ingredient in the legislative arena. We don't want to fight with the legislature over something like this. Sorensen – We can set season for mountain lions right now, and it is not going to make us better off with the legislature. We allowed them to take over deer management and lived to regret it. A lot is going on, and you can't appease the legislature. The department is getting a black eye from sportsmen because of some issues. Commissioner Sebelius – We have a wildlife task force and should have them advise us. Chairman Johnston – I am questioning the wisdom of allowing landowner to retain skull or hide if they kill an animal.

Marty Birrell (accompanied by Dennis ?? – did not sign in) (Exhibit G) – Open study on public health issue. I trained as a biologist and work as conservation educator. I am a deer hunter and have been alerted to the awareness of high velocity lead ammunition. I found lead shrapnel in meat I got back from the locker. I am a licensed wildlife rehabilitator and recently received an eagle that was suffering from lead poisoning. One was also received into another group in December. Eagles are a good indicator of wildlife health, such as was the case when DDT was banned. Recent studies indicate good possibilities of lead poisoning. No documentation of acute lead poisoning, but long-term exposure of lead is what we are concerned about. At of recent conference of the U.S. Fish and Wildlife Service (USFWS), the Center for Disease Control and hunters from North Dakota had elevated levels of lead. Lead and hypertension have been linked as well as lower IQ and other health problems in humans. Another study was done by the big game coordinator in Minnesota. He euthanized 50 sheep by shooting them, then studied them and found the bullet went far deeper than expected and found lead in about 35 percent of the meat. A lot of lead ammunition is being used in big game hunting. We don't want to put that meat on our table. Ask you to undertake a study to examine this and read the research. Lead is a problem, and it is a toxic heavy metal. The question is what kind of public health risk is it to hunters, families and people who consume the meat shot with lead ammunition. Fourteen states are undertaking regulations controlling this ammunition. Chairman Johnston – I appreciate your presentation. Commissioner Meyer – My son used copper bullets. They mushroom and don't fragment so there is ammunition available that will do a good job. Birrell – This year I also used copper and harvested two deer. This year was a wake up call and we should raise the public

awareness on this issue. Chairman Johnston – Could someone in the department look at this issue and inform us on it? Secretary Hayden – Joe and his staff can. We have been looking at other lead issues. We will prepare status and trends of lead reduction that is happening.

VI. DEPARTMENT REPORT

1. American Fisheries Society (AFS) Award for Outstanding Wallop-Breaux for CFAP - Bob Curry, president, AFS Fisheries Administrators Section, presented this award to the Fisheries Section. It is my pleasure to be here today. I have the pleasure to recognize your agency for a significant program that you have. AFS was established in 1970 and we have 9,000 members. We highlight the importance and effectiveness of fishing. We are funded through Dingle-Johnson and Wallop-Breaux monies allocated to states to enhance fishing and boating opportunities. Since 1950 over \$3 billion has been raised. There is ongoing scrutiny and those funds are up for reauthorization this year. We recognize and showcase outstanding programs such as the Community Fishing Access Program (CFAP) in Kansas. The CFAP is a remarkable program that has greatly improved fisheries and access for citizens. There are more people in urban areas and this program is eliminating barriers. I will take it back to North Carolina to see how we can implement this in our program. *Presented award to Chairman Johnston. Picture with Hayden, Nygren, Curry and Johnston.* Chairman Johnston – We are proud of this program, its success and acceptance by communities around the state.

A. Secretary's Remarks

1. Agency and State Fiscal Status – Dick Koerth, assistant secretary of Administration, gave this report to the Commission (Exhibit H). The following report is an update on issues impacting the FY 2010 and FY 2011 budgets since January 7, 2010 Commission meeting. The amounts authorized for FY 2010 have not been amended since the last meeting, but this does not mean that further adjustments will not occur. As of February 28, 2010, receipts to the SGF from taxes were \$106 million below the estimate. On March 5, 2010, Governor Parkinson announced a budget balancing plan to address the shortfall SGF receipts which don't directly impact KDWP. The State Consensus Revenue Estimating Group will meet the first part of April, 2010 to determine the amount of revenue available for FY 2010 and FY 2011. Additional reductions to the budget may occur if revenue estimates continue to decline. For FY 2011 the Governor has recommended a total budget of \$59.6 million and 416.5 FTE positions. The SGF expenditures would be \$5.5 million which is approximately the same as last year. The Governor's recommendations for FY 2011 are: no cost of living increase for state employees, GBR includes funds for longevity payments and does not include any furloughs; no additional FTE positions, KDWP had requested seven new positions including a position for managing the Parsons Army Ammunition Plant land anticipated to be acquired prior to June 30, 2010; funding for 40 replacement vehicles, \$848,030; funding for a maintenance building at the Kaw River State Park to be financed from Federal LWCF and the Wildlife Fee Fund, \$500,000; shift of funding to delete SGF from state park operations and use \$250,000 State Agricultural Fund, \$250,000 Cabin Revenue Fund, and about \$1 million Road Fund; reduce amount available for park road maintenance from \$1.6 million to \$637,000; and include \$2.1 million for land acquisition. These recommendations will allow KDWP to continue existing operating expenditures for state parks

and other programs. The Legislative subcommittees have completed their review of the FY 2010 and FY2011 budgets. For FY 2010 the only adjustment to the GBR was by the House subcommittee which added language requiring us to open the west gate at Tuttle Creek State Park by May 1, 2010 with cost to be financed from existing funds. For FY 2011, the House would reduce the SGF appropriation recommended by the Governor by \$414,000, and the Senate would reduce the SGF amount by \$527,000 to equal a reduction of 2.5 percent from the FY 2010 level. The Senate recommendation is a 9.5 percent reduction to the FY 2011 SGF amount recommended in the GBR. Both subcommittees will allow flexibility to increase park fees, if necessary, to continue operations of all state parks. Any fee increases will require the approval of the Commission and will be limited to certain fees, but the department does not intend to increase the fee for vehicle access. The House version increases the FY 2011 expenditure limitation on the Park Fee Fund by \$1 million and the Senate version increases the limitation on the Park Fee Fund by \$200,000. The House subcommittee report includes \$84,000 from special revenue funds and an additional one FTE for an additional NRO I to be located in Osage County. The Senate does not include this position. KDWP has advised the Commission on the possible need to increase the fees for hunting and fishing in order to maintain the fiscal stability of the Wildlife Fee Fund. After further review, we are not recommending that at this time. The department will continue to monitor the status of the fund and advise the Commission as necessary. Chairman Johnston – Pleased to hear there will be no recommendation to increase in license fees. Steve Sorensen – You are taking \$250,000 out of state agriculture (Ag) funds and using for state parks operations. How are those funds generated? Koerth – The state Ag funds have two components: one part wildlife areas leased to private farmers and one part is in park lands with the same type of situation. We will use the park Ag fund for state parks which generates only \$80,000. We will not use the funds generated from the wildlife generated funds on state parks, so essentially what you have is a \$160,000 cut to state parks. Sorensen – The one about maintenance building for Kaw River State Park is also coming out of wildlife fee fund. Koerth – That area is used by both the state park and two wildlife areas, one next to History Center and one downtown which is maintained as public land areas, so it is appropriate to do that building that way. Commissioner Shari Wilson – Can you explain the Tuttle Creek State Park gate issue? Tymeson – I can address that during my legislation talk because it is a bill as well. Koerth – Commissioners are included in the 5 percent pay cut.

2. 2010 Legislature – Chris Tymeson, chief legal counsel, gave this report to the Commission. We are past turn-around which means bills not out of House are basically dead, but can be put into another bill. Nothing moving on last year's bills. SB380 – cabin fee regulation, had a hearing, bill is in House committee. It started in Senate; had a hearing and no action since then. A bill that dealt with controlled substances which would have impacted park property has been withdrawn from calendar. On the House side a lot of action, HB2434, department supported, naming Prairie Spirit Rail Trail State Park, was amended to open the west entrance of Tuttle Creek SP, which came from HB2606, which did not make it out of committee so that was added to this one. Tuttle creek's west entrance was closed in 2007 because of renovations to the dam, and stayed closed in order to streamline operations. Commissioner Lauber – How far apart are the entrances? Tymeson – About 1.7 miles apart. It did get into HB2434, which has a hearing tomorrow morning. HB2457 would have exempted nonresidents under age 16 from needing a hunting license and allow nonresidents to hunt coyotes without a hunting license. HB2458 would

require bowhunters to take a doe before a buck. Department opposed both bills and they failed in committee. HB2459 deregulated harvest of rattlesnakes and would not allow us to license for rattlesnake roundup. HB2571 exempting POWs from paying license and permit fees; no hearing scheduled. HB2606 was the Tuttle Creek gate proposal and got on as amendment in HB2434. HB2611 would allow someone assisting a disabled hunter to be a mile away. HB 2639 would allow hunting of mountain lions and wolves without a hunting license. HB2646 blaze orange bill dealing with hunting deer or elk, basically dealing with Fort Riley, trying to get statute changed, Bill was gutted last year, reintroduced this year, and had a hearing on Monday. If it doesn't move bill out of committee, it will not see action this year. HB2649, little bluestem as state grass, did get a hearing, passed House. It had a hearing yesterday and was placed on consent calendar, but pulled off today. One other bill introduced this week would repeal education requirement of department KDWP Secretary, introduced by Sub-Committee on Appropriations. Commissioner Shari Wilson – Do we know how much it will cost us to open the west gate at Tuttle Creek? Tymeson – About \$46,000. That amendment barely made it out of the House. We'll see tomorrow when we have a hearing. Sorensen – What is the number on the new bill regarding education of the Secretary? Tymeson – It just came out, should be numbered on Monday. Bill Long – Present at that public meeting about Tuttle Creek. The department got a PR black eye, because they are not listening; 1.7 miles is not far, but it is over the dam and a safety issue is involved. You need to meet the public half way and open a new entrance. Chairman Johnston – What is the safety issue? Long – It is a temporary road. The proposal made was to come down to a central entrance. Commissioner Lauber – Any safety issues ever come up? Tymeson – I was not at that public meeting but did listen to the concern of the citizens. But to spend \$46,000 to open an entrance, looking at central entrance, some statistics came out about public safety. Long – One issue is ambulance accessibility. Tymeson – We have not precluded those issues. Commissioner Lauber – How many state funded parks are in that area of the state? Hover – There are four parts of that park, all north of the river pond. Talking about river pond area. Proposal, looking at an additional road to come in at some point in time, but there is no money. Long – The old road could be re-established. Hover – On the east entrance, working with KDOT and that will be taken care of, but there are some issues on west entrance, as well. Commissioner Lauber – Are there commercial interests? Hover – A bait dealer. That entrance is in Riley County and most of the park is in Pottawatomie County. Commissioner Shari Wilson – Have we gone to a single entrance in all of our state parks? Tymeson – That is our long-term goal.

Break

B. General Discussion

1. Early Migratory Bird Seasons – Faye McNew, waterfowl biologist, presented this update to the Commission (Exhibit I). The framework is for an early teal hunting season between September 1 and September 30, 2010, not exceeding: 1) 16 days if the blue-winged teal breeding population is above 4.7 million, or 2) 9 days if the breeding population is between 3.3 - 4.6 million. The daily bag and possession limit would be 4 and 8, respectively. Last year's (2009) blue-winged teal breeding population was 7.4 million. The 2010 blue-winged teal breeding population total will not be known until June. It is possible that only 8 days will be available for the September Teal Season in the High Plains. Season recommendation for the High Plains Zone

is a bag and possession limit of 4 and 8, respectively, with the following season date possibilities: 9-day season running September 18 through September 26, 2010; or, a 16-day season running September 11 through September 26, 2010; or, an 8-day season running September 18 through September 25, 2010. This potential restriction on the High Plains Teal Season is due to the 107-day annual limit (by treaty) on hunting of any one species. A regular High Plains duck season of 97 days allowed under the regular season liberal package, plus 2 days of youth hunting leaves only 8 days to reach the 107-day total. For the Low Plains Zone a bag and possession limit of 4 and 8, respectively, with the following season date possibilities: 9-day season running September 18 through September 26, 2010; or, a 16-day season running September 11 through September 26, 2010. Shooting hours allowed by the frameworks are ½ hour before sunrise to sunset. Chairman Johnston – I received a letter from Jerry Erwin, complimentary to the department on the 2009 and 2010 season, which I passed on to Faye.

2. Deer Management Status Report – Lloyd Fox, big game wildlife biologist, presented this report to the Commission (Exhibit J, PowerPoint – Exhibit K). Deer attract a great deal of attention and issues include: deer habitat, hunting trends, public acceptance, quality, economics and policy. Agency policy is to protect, provide and improve outdoor recreation and natural resources in the state. The KDWP Mission statement from the 2005 strategic plan has three components: conserve and enhance Kansas natural heritage, its wildlife and its habitats to assure future generations the benefits of the state's diverse, living resources; provide the public with opportunities for the use and appreciation of the natural resources of Kansas consistent with the conservation of those resources; and inform the public of the status of the natural resources of Kansas to promote understanding and gain assistance in achieving this mission. With the strategic plan, we will manage deer populations compatible with their habitat and as acceptable. There are healthy deer living across the state in stable habitats. Mechanisms to improve habitat, include cost shares on tree planting, CRP has been outstanding to provide fawn rearing areas and protective cover, and as a result Kansas has magnificent animals. We have deer in backyards in cities and deer damage to crops. When problems occur in agricultural areas, problems occur in natural habitat. Deer have a profound influence on vegetative communities. Took this picture on private land in northcentral Kansas, showing a browse line that is very impressive; no leaves grow below the line and leaves are not able to develop. There are concentrations of deer because of weather conditions and other factors. We have been doing landowner tolerance studies since the 1960s using human dimensions surveys. We hit the wall in 1999, 5-6 percent say damage is severe, distributed across state in a spotty fashion. In the landowner deer survey, we asked how many deer they preferred. In the late 1990s, very few wanted more. What an acceptable hazard level on our highways is has increased. Deer vehicle accidents peaked in late 1990s and since then have stabilized. Reports come from Kansas Department of Transportation (KDOT) on official reports to law enforcement. In 1973, when speed limits were reduced, a reduction in deer accidents occurred. In 1996 and 1997 we went to higher posted speed limits, and that has had an influence. Opportunities have substantially changed. In 1965, we offered a 5-day season. Now the season starts in early to mid-September and lasts until the end of January, with different seasons, as well as antlerless only. From the beginning, we have worked on deer management with a unit concept, monitoring populations and looking at other factors related to ecological areas of the state. In 1997 or 1998, the deer population tipped over, in upward growth, but since then the population has been stable or slightly declining through seasons and permits and

assistance of hunters. We allowed additional permits, whitetail antlerless-only or game tags. Through time, resident and nonresident permits have changed. Resident hunter numbers have jumped substantially and archery hunter numbers have dropped. Hunters are using multiple equipment and many now use the whitetail either-sex, any season permit. We think about how deer influence the economy and deer hunters. A study in 1996 shows expenditures on hunting equipment, access to land and a small portion on licenses on permits, but drives a great deal of wildlife conservation in America. Retail sales in 1996 generated \$139 million, \$236 million total affect and about 2,800 jobs were created. We expect \$319 million in recent years. Numbers of people watching wildlife has increased to 787,000 residents and 29,000 nonresidents. Watching wildlife generates about \$95 million in economic impact. Access for hunters can be a problem. According to a landowner survey, 25 percent don't allow anyone, 80 percent allow relatives, and 10-20 percent are leasing their land. Kansas has been known as trophy or quality deer state. Kansas has more Boone and Crockett (B&C) entries than all of the states along the Atlantic coast. We produce a lot of high quality deer. Has quality declined? We feel confident it has not. The graph shows year of harvest for top 100 typical and top 100 non-typical in Pope and Young system. In 2007, highest year ever, top three typical with archery in this decade. Changes since 1999: open availability to white-tailed either sex permit for residents; up to five whitetail antlerless only permits per hunter; extended seasons for antlerless deer; and special units, more seasons, more permits. Effects since 1999: stabilized deer population, no longer growing at rate it has been; maintained age structure and quality; have increased competition among hunters; increased restrictions by landowners, especially requirement to pay lease; decline in hunter success rates and satisfaction have developed; and spotty distribution of deer in state. Deer are keystone species that influence habitat and public debate. Managed deer populations flourish and remain a vital part of Kansas heritage. There are a variety of benefits and they require continued monitoring. There is inappropriate harvest on whitetail antlerless deer and some hunted too much and in other areas not harvested at sufficient level and problems are occurring with adjacent landowners. This is exacerbated by leasing and feeding and baiting. We have issues to address on damage control and are being pressured by individuals leasing property. They have someone to take care of antlered deer, but want someone else to take care of antlerless deer problems. Chairman Johnston – Location of 2009 confirmed positive CWD tests in Kansas – we have seen data in three counties never before seen and saw a report farther east and south than ever before. I received a contingency plan from you and Shane, and I would like you to address that in a separate meeting. Fox – We can do that. We have brought up the contingency plan before. Ron Klatske – Size of deer population demonstrates we have a place for predators. People who are advocating for extermination of mountain lions should have statistics on deer populations. Chairman Johnston – Would like to consider for 2011/2012 a separate short rifle season before the rut, perhaps consistent with the schedule for Unit 19. Contacted by some citizens and would like a discussion on that subject. Mike Pearce – Not sure what you are wanting? Chairman Johnston – We had a 10-day rifle season in December for a long time, want a pre-rut season 3-4 days long on a weekend.

3. KAR 115-25-9b. Deer; nonresident limited-quota antlered permit application period – Lloyd Fox, big game wildlife biologist, presented this report to the Commission (Exhibit L). This regulation was established last year and sets the stage for an earlier application deadline for

nonresidents applying for a deer permit as April 30. We will workshop in April and hold public hearing in June.

C. Workshop Session

1. KAR 115-8-1. Hunting; furharvesting, and discharge of firearms - Brad Simpson, public lands section supervisor, presented this update to the Commission (Exhibit M). This is the 2010 public land special regulations for state fishing lakes and wildlife areas that will be changed and adopted by reference to 115-8-1. We will workshop these in April and will provide a complete set of proposed changes. One of the things we are working on is a complete review of the Refuge Section so it is not so complicated. Commissioner Meyer – There was a request in information on .17 gauge rimfire at a previous meeting. Have you done any looking at that? Tymeson – The issue was .17 caliber HMR rifles in relation to furbearers, which isn't in relation to this regulation he is discussing. Matt, have we proposed anything at this time? Matt Peek – No.

2. Falconry Regulations – Mike Mitchener, wildlife section chief, presented this report to the Commission (Exhibit N). The sport of falconry is the practice of hunting with raptors. It was first allowed in Kansas in 1991, and now we have 74 falconers. The reason we are bringing this forward is because there has been a change in federal regulations. The U.S. Fish and Wildlife Service (USFWS) currently also permits falconry, so a person who wants to practice falconry has to have a state and a federal permit. The USFWS is going to get out of the permitting part of the program and allow states to be the only permit required. To do this, states must meet certain basic requirements. The USFWS published their final regulations in October 2008. Minimum standards are set forth that all states that are going to have a falconry program must have completed by January 1, 2014. The state that wishes to allow falconry must establish laws and regulations that meet the standards established by the USFWS before they end their permitting program. At that time, all federal falconry permits and the federal permitting program will end. State regulations can be more restrictive, but not less restrictive. Items required by USFWS for certification of state falconry permit include: a copy of state's Apprentice Falconer exam which at a minimum must cover laws and regulations, raptor biology and raptor identification, trapping methods, facilities requirements, care of raptors held for falconry, and diseases and health problems of raptors, and training methods; copies of the laws and regulations governing falconry of the state and certification that the laws and regulations meet the requirements of this section; and an electronic reporting system for reporting take (3-186a), transfers, and loss of falconry birds that is fully operational. This is currently a paper system and they are moving to an online database. Department staff have met with members and officers of the Kansas Hawking Club, which is an affiliated member of the National Falconry Association (NAFA), to review current state regulations and determine what kind of revisions are needed to make our regulations meet the new federal regulations. In general, we agree that adoption of the new federal regulations in 50 C.F.R 21.29, which went into effect on October 8, 2008, will be sufficient. There are, however, certain requirements that our staff and officers of the Kansas Hawking Club feel should be more restrictive than federal regulations. Recommendations are: a lapsed permit may be reinstated at the previous level without retaking the examination in accordance with federal regulations of not having lapsed for more than five years (to take into

account reasonable circumstances that may occur when an individual may not be able to renew permit or keep birds, such as military deployment); Apprentice Falconers can possess only wild-caught kestrels, red-tailed hawks, and red-shouldered hawks; adopt the lowered minimum age for falconry classes -- Apprentice would go down to 12 years of age, and General Class would go down to 16 -- currently those are 14 and 18; indoor and outdoor falconry holding facilities need to be constructed and inspected prior to issuance of falconry permit; falconry equipment as outlined by federal regulations shall be possessed by each applicant before the issuance or renewal of a falconry permit; adopt federal regulations on types of raptors and when they can be taken, but require a valid Kansas hunting license to take raptors from the wild; no species listed as Kansas threatened or endangered can be taken; each item of equipment used to capture raptors shall be tagged with permittees' name and falconry permit number; and raptors taken under a depredation or special purpose federal permit may be used by General and Master Falconers. Typically these raptors would be golden eagles, for example recently in Wyoming they have been doing depredation permitting on golden eagles and a lot of times falconers can capture those under those depredation orders under APHIS. Commissioner Meyer -- I thought red-shouldered hawks were listed? Mitchener -- No they are not. Chairman Johnston -- Is it permitted between licensees, for people who have falconry permits to sell raptors? Mitchener -- They can sell pen-raised or gift or give wild-caught birds.

3. KAR 115-25-7. Antelope; open season, bag limit and permits -- Matt Peek, wildlife biologist, presented this report to the Commission (Exhibit O). We have completed winter aerial surveys and are recommending 138 firearms and 46 muzzleloader permits, an increase of 8 firearm and 2 fewer muzzleloader permits from last year's quota. The break down by unit is: Unit 2 -- 94 firearm and 24 muzzleloader; Unit 17 - 36 firearm and 12 muzzleloader; Unit 18 - 8 firearm and 10 muzzleloader. In Unit 18, this is the first year firearm permits have been authorized because of interest from the public and our survey indicates the population will withstand this small amount of additional harvest. Firearm and muzzleloader permits are restricted to residents with half assigned to landowner/tenants. Archery permits are authorized for both residents and nonresidents on an unlimited basis. Chairman Johnston -- Is the population increasing or staying the same? Peek -- Slightly increasing throughout the range.

4. KAR 115-25-8. Elk; open season, bag limit and permits -- Matt Peek, wildlife biologist, presented this report to the Commission (Exhibit P). We are recommending unlimited, over-the-counter off Fort Riley elk permits. For the past ten years, the department has been expanding elk hunting opportunities on private land through increased season lengths, increased permit availability and increased area of land to the point that we have a six-and-a-half-month-long season. Permits are available statewide with the exception of Morton County. We already offer unlimited antlerless hunt-own-land permits, so we are already fairly liberal. Elk have continued to expand, particularly in southwest Kansas, and this is one way we are going to try increase pressure in the area. We want to continue to manage Cimarron and Fort Riley herds as sustainable, but allow the potential for landowners to control populations and people out west to obtain permits. The more hunting opportunity we provide landowners, the more incentive landowners have to have elk on their property. We are proposing three permit types: limited number of statewide, except for Morton County, mainly on Fort Riley -- 12 either-sex and 15 antlerless; unlimited over-the-counter statewide, except for Morton, Riley, Clay, and Geary

counties, which would provide a buffer around the Fort Riley and Cimarron populations, available for antlerless and either-sex; and antlerless HOL available statewide, and we are adding HOL either-sex. This is why 115-2-1 was added to establish an either-sex hunt-own-land fee for that. Statewide limited draw will be divided between military and nonmilitary applicants as in the past. Chairman Johnston – How do we distinguish between Kansas landowners and out-of-state landowners? Tymeson – This is a complex issue, landowners are defined under big game statutes as residents, but there are non-resident landowners who are not offered the same permits. Basically they are swearing that they are a landowner in that unit and it is a process like any other and they are swearing whether resident or nonresident.

5. KAR 115-2-1. Amount of fees (to set price for elk landowner/tenant HOL) - Matt Peek, wildlife biologist, presented this report to the Commission. We currently have a hunt-own-land antlerless elk permit which is \$50, the same price as landowner/tenant antlerless-only elk permit. We are proposing establishing a hunt-own-land either-sex permit, which we propose at the same price as landowner/tenant either-sex permit which is already in this regulation at \$125. This is half the price of the general resident either-sex permit. The framework is consistent with what we do with deer, there is a general resident fee, then the landowner/tenant fee is half that and the hunt-own-land fee is the same as the landowner/tenant fee.

6. KAR 115-25-9. Deer; open season, bag limit and permits – Lloyd Fox, big game wildlife biologist, presented this report to the Commission (Exhibit Q). Since the last meeting we have changed one item for your consideration, an extended firearms season for all units. Chairman Johnston – There becomes no distinction between extended and special extended season? Fox – No, this is the extended season which is January 1 to January 9. The special extended season is covered under an additional regulation and is only in DMUs 7, 8 and 15 and one additional week. Statewide would be the extended season -- January 1, 2011 to January 9, 2011 and only in those other three units would the additional seven days occur. Commissioner Robert Wilson – On the extended whitetail antlerless-only season, the number of permits, would the number of permits be one? Fox – You would be able to use two permits in Unit 1, one is good statewide, including all lands managed by the department; and the second antlerless permit would be valid in all DMUs except 17 and 18. The additional three permits would only be valid in units 7, 8, 12, 13, 15, 16, and subunit 19, the same as last year. The western units would be opened for the extended season.

7. KAR 115-25-9a. Deer; open season, bag limit and permits; additional considerations – Lloyd Fox, big game wildlife biologist, presented this report to the Commission (Exhibit R). Shawn Stratton from Fort Riley is in the audience today. There are changes from the briefing book, and I will go through each of those. First, Fort Riley is not asking for additional days for archery, so it would be the same as the rest of the state; they would like a season for people with disabilities and youth from October 8-11, 2010; and the firearm deer season would be different from those listed in the briefing book. The first segment is the same: November 26-28, 2010; second segment, December 18-22, 2010; and third, December 26-29, 2010. This regulation also covers either-species, antlerless-only permits. Last year they were only authorized in Unit 3 and after additional conversations and examination of the data, we are recommending a limited number of permits in DMUs 1, 2, 3, 4, 5, 17 and 18 (not in Units 7, 8). We would go from 100

for residents up to 500 in all of the units combined and go from 20 to 100 for nonresidents. This is the regulation where we establish the special extended whitetail antlerless-only season and that is in Units 7, 8, and 15 and the dates are January 10, 2010 through January 16, 2010. We will bring this back again as workshop in April and public hearing in June.

8. KAR 115-4-4. Big game; legal equipment and taking methods – Lloyd Fox, big game wildlife biologist, presented this report to the Commission (Exhibit S). We will cover three regulations at the same time as the changes will be the same in all three. The proposal is to change the diameter of the broadhead from thirteen-sixteenths of an inch (13/16-inch) to three-quarters of an inch (3/4-inch). This will be easier for our field employees to measure as they have equipment to measure that. We feel that is still an adequate size. Bowhunters frequently use their archery equipment for target practice while they are in the field, and the current regulation restricts deer bowhunters to carry a broadhead with a diameter of 13/16 inches and no exception is included in the regulations that would allow hunters to possess non-broadhead arrows. Our recommendation is to allow hunters to possess non-broadhead arrows while hunting deer and wild turkey hunting, but they could not use that type of arrow for the hunting of big game or turkey. This would change the language in all three of those regulations: the big game equipment; the wild turkey equipment; and the crossbow hunting by persons with disabilities. The equipment would be standard.

Jordan Austin, National Rifle Association, based out of Fairfax, Virginia – Kansas is one of the states in my region. An issue was brought up that we want to comment on is concealed carry while bowhunting and the possession of firearms while in the woods. We think it is important to allow bowhunters to be afforded this protection while in the field with concealed carry. It seems unfair to deprive them of basic self-defense rights based on what equipment they will be using. People are vulnerable to 2-legged and 4-legged predators while in the field. There are not typically instances of hunters taking down an animal with a sidearm and it is unfair to punish the law-abiding citizen. Another issue is the use of suppressors, one of the most common concerns or arguments from people who oppose hunting is noise. People feel if they can hear gun shots they are in danger. There is no reason to believe it would be used for poaching. It protects hunters and their hearing. So suppressors can be used in a beneficial way to protect the public at large. A hunter could fire a shot to kill a coyote that might scare the deer away. Urge you to support these issues. Commissioner Lauber – Doesn't a suppressor have to have an extra level of supervision to obtain one? Austin – Yes, there is a background check you have to go through because they fall in the Title II classification. Also, they have to obtain a costly stamp to possess these. Commissioner Meyer – We allow concealed carry in Kansas with proper accreditation. Tymeson – Generally speaking there has been a long-standing exemption in statute for hunters and anglers to carry concealed while hunting. It is a general exemption from concealed carry prohibitions. We have regulations or statutes that prohibit, in some cases, the carry of any sort of firearm while you are bowhunting or spotlighting. Those regulations supersede that general exemption that allows people to carry concealed. Jordan Austin, representing the NRA got the concealed carry laws passed four years ago and at that time, I requested an Attorney General's opinion as to whether the concealed carry process with a permit superseded our specific prohibitions under regulation and the Attorney General's opinion, which is not legally binding, but persuasive, says that our regulations do prohibit a person with a concealed carry permit from carrying a firearm

concealed while bowhunting deer, for example. That is the bottom line of where we are starting from and I believe Jordan, since that opinion, has received comments, as well as the department, requesting an exemption in our regulations under 4-4, to allow the carrying of concealed firearms if you have a permit. Commissioner Meyer – What about open carry? Tymeson – That is not allowed, it is prohibited under our current regulation. There are a number of ways to approach this: do nothing; allow a person with a concealed carry permit to carry concealed; or do away with the prohibition of carrying a firearm which would allow open carry. Commissioner Lauber – These prohibitions in our regulations precede state being a conceal carry state? Tymeson – That is correct. It is not a prohibition against conceal carry, it is a prohibition against carrying a firearm. Commissioner Bolton – Are there statistics to show the number of bowhunters that were out hunting and were assaulted and not able to protect themselves because they didn't have a concealed weapon. Austin – I don't have anything with me, but we have done articles in our magazine and been approached by bowhunters in states where this prohibition exists. Being a hunter myself and hunting in northern states where you have bears and other wild animals. These statistics don't always get reported or communicated because people don't talk about where they feared for their lives or don't know where to report those things. I can dig up some information and provide the Commission with as much information I can gather on this. Permit holders have gone through significant background checks and are accurate to get this permit. I will try to get those statistics to you. Chairman Johnston – Wonder about safety of conservation officers, hearing gun shots helps them locate where hunters are. Tymeson – One other background on the use of suppressors, came up last year because for the first time in Kansas suppressors were allowed, previously prohibited in Kansas. Have had recent inquires on small game, but not on big game. We did a survey of states and of the 25 that responded, half allowed and half did not. Commissioner Meyer – I live within 50 yards of some prime deer hunting land and if someone is out there shooting I want to hear it. Austin – These suppressors are regulated and if this is allowed it is not going to be something that records of numbers of people will be going out and buying them. There are individuals who have financial means to possess these (are costly), but it should be up to hunter on public hunting to protect their own hearing. Robert Robel, Manhattan – Point of information, the United Kingdom has very restricted firearms regulations and about six years ago they allowed suppressors to be used on rifles for safety considerations. They allowed them from the health issue standpoint. Commissioner Meyer – There is a Supreme Court case in Massachusetts, to control rights to bear arms, which is challenging concealed carry, open carry, trigger locks, and all types of things. Commissioner Bolton – If you are going to promote suppressors as a health issue for the hunter, I am a deer hunter and I wear ear plugs and have never felt the need for a suppressor. Austin – The court case is McDonald versus the City Chicago and is coming on the heels of the Heller decision, which gave us the individual right to keep and bear arms. This case would apply that to all 50 states and there will be a lot of challenges to the more restrictive gun regulations, but we will see a lot of things in return. I don't see Wild West situations and shootouts everywhere. Since the concealed carry has been in affect there has not been a single instance of conceal carry permit holding using their firearm violently or in any illegal way. These are trustworthy citizens and we have seen a lot more law enforcement groups say they were wrong and they can be trusted. Ruling will have significant impact and will apply in all 50 states. It will not change everyone's attitude, but will provide us with a blanket of reassurance. Commissioner Lauber – The issue of suppressors will be statistically insignificant, not many people will use them. It is not a silencer, there is some noise,

but it reduces that noise. Conceal carry will be a bigger issue for us. Not sure we want to make some statement one way or the other. Chairman Johnston – Have regulations before us on broadhead arrows and other types of arrows. I see no reason why we can't consider both of these topics and recommend we do so after further study. Tymeson – We have published these regulations for vote next month. If you want to further discuss those topics we can prepare an amendment, or bring this up in general discussion as a separate item. Chairman Johnston – That is my recommendation.

9. KAR 115-4-4a. Wild turkey; legal equipment and taking methods – Lloyd Fox, big game wildlife biologist, presented this report to the Commission (Exhibit S). Same as KAR 115-4-4.

10. KAR 115-18-7. Use of crossbows for big game hunting by persons with disabilities; application, permit, and general provisions – Lloyd Fox, big game wildlife biologist, presented this report to the Commission (Exhibit S). Same as KAR 115-4-4.

VII. RECESS AT 4:40 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; and Attorney General Letter (Exhibit T).

1. KAR 115-4-2. Big game and wild turkey; general provisions – Lloyd Fox, big game wildlife biologist, presented this report to the Commission (Exhibit U). We have a regulation and it has an additional section that would allow an individual to electronically register their deer and transport deer without the head attached. There is also some clean-up language on hunting assistance. Tymeson – There was a proposed amendment in the book and every regulation has to go before the Rules and Regulation Committee and they make comments on it. I saw no problem with the proposed change and put it in the briefing book as we had not received our letter from the Rules and Regulation Committee. However, they don't always agree with the Department of Administration who has to approve the regulations. When I took the proposed amendment over to be preauthorized by the Department of Administration, after it was in the briefing book, they said they would not approve that change, so there is no proposed amendment despite what is in the briefing book.

**Commissioner Frank Meyer moved to bring KAR 115-4-2 before the Commission.
Commissioner Shari Wilson seconded.**

The roll call vote on KAR 115-4-2 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 115-4-2 passed 7-0.

2. KAR 115-4-6. Deer; management units – Lloyd Fox, big game wildlife biologist, presented this report to the Commission (Exhibit W). We are moving the boundaries of the deer units back to where they were before 2005, the original regular 18 DMUs. We have been issuing permits for 18 units for nonresidents, not DMU 19 and everybody who got a unit adjacent to Unit 19 got Unit 19 as well. The problem was with individuals who owned land in Unit 19 or had land in two units caused some hardship so we moved it back. We have created the 18 units and then we still have Unit 19 for the purpose of additional seasons or permits. It will not be one of the units to get a permit in directly. In this regulation we have a section that will not include land managed by the department in Unit 19, which is basically Clinton Wildlife Area so there would be no early firearm season or the extended archery season that goes to the end of January (on this public land). Basically this gets us back to where we were prior to 2005.

**Commissioner Debra Bolton moved to bring KAR 115-4-6 before the Commission.
Commissioner Shari Wilson seconded.**

The roll call vote on KAR 115-4-6 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 115-4-6 passed 7-0.

3. Secretary's Orders for Deer - Lloyd Fox, big game wildlife biologist, presented this report to the Commission (Exhibit Y). This is the annual deer permit quotas which are brought before the Commission for your review. We have increased the number of either-sex, antlerless-only permits in western Kansas, from 100 available for residents to 500 and increased the number of units from one to seven of the nine western units. It will place a small amount of additional pressure on mule deer does. That is available for residents and nonresidents, who will go from 20 to 100 permits, compared to last year. The other change is the number of nonresident whitetail either-sex permits, six DMUs with no change at all from last year. The rest have

increases up to about two percent over last year. In all, 192 additional permits will be available for nonresidents compared to last year. One other change is the firearm either-species, either-sex, one of our premier permits, and we decreased the number from 1,200 to 1,000 this year. We are attempting to take pressure off mule deer bucks and put more pressure on does. That also decreased the number of mule deer stamps available for nonresidents in proportion to what we decreased for residents. Chairman Johnston – We had a fair amount of debate over how many permits were allocated to Unit 16 last year and there are five additional permits from last year? Fox – No, I believe there should be the same number of whitetail either-sex permits as last year. There will be fewer mule deer stamps in Unit 16. Mike Pearce – How many permits did we have leftover last year after the first draw? Fox – A couple thousand. Pearce – Than why are we increasing if we had permits left over? Fox – When those permits were reauthorized, they were used very rapidly, and I believe all but one DMU had all the permits used. We met the demand for people applying, but did not meet the total demand out there. Pearce – How many total nonresident deer permits you are offering this year? Fox – About 21,000, up 192 from last year. Pearce – Can I get those figures later? Fox – Yes. *Commission Consensus.*

4. KAR 115-7-1. Fishing; legal equipment, methods of taking, and other provisions – Doug Nygren, Fisheries Section chief, presented this report to the Commission (Exhibit Z). We needed to tweak this regulation from the last meeting to clarify some language to make it more enforceable. We want to standardize language to restrict the use of optical scopes for sights on bows similar to what we have for terrestrial on page 4. There was some wording on what type of length limits dealing with paddlefish and bowfishing for catfish that we wanted to correct.

**Commissioner Frank Meyer moved to bring KAR 115-7-1 before the Commission.
Commissioner Doug Sebelius seconded.**

The roll call vote on KAR 115-7-1 as recommended 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 115-7-1 passed 7-0.

5. KAR 115-25-14. Fishing; creel limit, size limit, possession limit, and open season – Doug Nygren, Fisheries Section chief, presented this report to the Commission (Exhibit BB). This is another adjustment to what we brought before having to do with paddlefish. We are looking at limiting the number of paddlefish tags to six per year. There is some language in the reference document, which is a companion document, on clarification of the boundaries of where the snagging can occur.

**Commissioner Shari Wilson moved to bring KAR 115-25-14 before the Commission.
Commissioner Gerald Lauber seconded.**

The roll call vote on KAR 115-25-14 as recommended 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 115-25-14 passed 7-0.

Chairman Johnston welcomed Representative John Grange to the meeting.

XII. Old Business

XIII. Other Business

A. Future Meeting Locations and Dates

April 22, 2010 – Wichita, Great Plains Nature Center

June 24, 2010 – Herrington, Herrington Community Building

August 12, 2010 – Mankato, Community Center

October 14, 2010 – Goodland, location to be determined.

XIV. ADJOURNMENT

The meeting adjourned at 7:20 p.m.

(Exhibits and/or Transcript available upon request)

Secretary's Remarks

No handouts for Secretary's Remarks

1. Agency and State Fiscal Status (handout at meeting only)
2. 2010 Legislature (no handout)

General Discussion

Kansas Involvement in the National GIS Database and Resulting Benefits to Agencies

Kansas has played a lead role in development of the National GIS database, aided by Kansas Recreation and Parks Association (KRPA) and its grant from the Sunflower Foundation. National Recreation and Parks Association (NRPA) piloted a program during the summer and wants to take the process nationwide soon. Dr. Stevenson and several KRPA GIS specialists will present highlights from the Kansas data set and highlight its uses in planning and benchmarking, as well as update you on what we all need to do next.

Proposed Fishing Regulation Changes for 2011

The following items are recommendations from the Fisheries and Wildlife Division staff. We are continuing to assess additional issues, but need to wait for fish sampling and creel data that will be collected throughout 2010 to finalize the proposed changes.

2011 Reference Document Proposed Changes for Special Length and Creel Limits:

- Perry Reservoir – add 18-inch minimum length limit on smallmouth bass.
- Nebo SFL – add 18-inch minimum length limit and 2/day creel limit on saugeye.
- Sabetha City Lake – add 18-inch minimum length limit and 2/day creel limit on saugeye.
- Perry Reservoir – Change to 18-inch minimum length limit on sauger, saugeye, and walleye.
- Topeka – Lauren’s Bay Lake – add 2/day creel limit on channel catfish.
- Andale – Renwick USD 267 Pond – add 18-inch minimum length limit and 2/day creel limit on largemouth bass and add 2/day creel limit on channel catfish.
- Valley Center – Arrowhead Park Lake – add 18-inch minimum length limit and 2/day creel limit on largemouth bass.
- **Length and Creel Limits for the Missouri River (Kansas-Missouri Boundary Waters).** The following changes are needed to comply with current Missouri regulations.
 - Add 5/day creel limit on blue catfish and flathead catfish.
 - Add 15-inch minimum length limit and 5/day creel limit on channel catfish.
 - Add 15-inch minimum length limit on sauger and walleye.
 - Change Morone sps. (yellow bass, white perch, striped bass, white bass, and their hybrids; single species or in combination) daily creel limit to 15 fish.
 - Add 2/day creel limit on paddlefish.
 - Add 6/day creel limit on black bass (largemouth, spotted, and smallmouth bass).

Other Proposed 2011 Fishing Regulation Changes.

Change 115-25-14 to include four new locations for trout stockings. Holton-Elkhorn Lake, Atchison City Lakes, Syracuse-Sam’s Pond, and Belleville City Lake (Rocky Pond) will be added to the list of Type 2 Waters, which require a trout permit for each individual who wants to fish for and possess trout from October 15 through April 15. In addition, the Cimarron Grasslands Pits will change from a Type 1 Water to a Type 2 Water.

Change 115-25-14 to allow for additional handfishing opportunity during the open season from June 15 through August 31. This change would expand handfishing sites to include the entire length of the Arkansas River (not just from the John Mack Bridge in Wichita to the Oklahoma border) and would allow handfishing on all federal reservoirs (the upper end boundary being the public wildlife area). Handfishing would not be allowed within 150 yards of any dam, to be

consistent with our trotline, setline, and floatline regulations. All other existing handfishing regulations stay the same. This proposal comes after the three-year pilot handfishing study.

Combining 115-7-8 and 115-7-9. Both of these regulations deal with weigh-in bass fishing tournaments and the use of the tournament black bass pass (TBBP). Both of these regulations have identical weigh-in requirements with minimum fish handling procedures needed to make sure fish are taken care of properly. This proposal would keep the TBBP, abolish the lengthy registration and mandatory reporting process, and combine both regulations to require all weigh-in tournaments (whether they are using the TBBP or not) to abide by our minimum fish handling procedures.

2010 LATE MIGRATORY BIRD SEASONS

Background

Late season waterfowl frameworks (maximum bag, possession limits and season length, and earliest opening and latest closing dates) are established annually by the U.S. Fish and Wildlife Service (Service). These frameworks establish the limits which states must operate within when establishing waterfowl seasons. These frameworks are published around August 15, after results from the May Breeding Duck Survey and recommendations from Flyway Councils are available.

Discussion

We do not anticipate major changes in the frameworks for geese. We anticipate that the season length for Canada geese will be again be 107 days, the maximum allowed by Migratory Bird Treaty Act.

At this time there is little information upon which to base speculation concerning the duck season frameworks for 2010. The results of the May Breeding Duck Survey, which provides duck abundance as well as pond numbers, will not be available until late July.

The three current Adaptive Harvest Management regulatory packages include the following:

Liberal package – 74-day Low Plains Season, 97-day High Plains Season, (package selected since 1997): Daily bag limit of 6 birds with various species restrictions.

Moderate package – 60-day Low Plains Season, 83-day High Plains Season: Daily bag limit of 6 birds with various species restrictions.

Restrictive package – 39-day Low Plains Season, 51-day High Plains Season: Daily bag limit of 3 birds with various species restrictions.

We will not know if Hunter's Choice will be operational for the 2010-11 duck season until August.

If Hunter's Choice becomes operational, **the daily bag limit for the liberal and moderate alternatives shall be 5 ducks, with species and sex restrictions as follows:**

**scaup, redhead – 2
wood duck - 3**

only 1 duck from the following group – hen mallard, mottled duck, pintail, canvasback.

Within the Restrictive regulatory alternative, **the daily bag limit shall be 3 ducks, with species and sex restrictions as follows:**

scaup, redhead and wood duck – 2

only 1 duck from the following group – hen mallard, mottled duck, pintail, canvasback.

The possession limit shall be twice the daily bag under all regulatory alternatives.

If Hunter's Choice does not become operational, the bag limits will revert to the federal frameworks.

In summary, goose frameworks and resulting recommended regulations are expected to change little from last year. It is too early to predict which regular season duck regulatory package will be included in the frameworks, although we are hopeful that the liberal package will again be adopted.

2009-2010 KANSAS CWD UPDATE

HISTORY OF CWD IN KANSAS

1. 2001 – Captive elk, Harper County
2. 2005 – 1 Free-ranging white-tailed deer, Cheyenne County
3. 2006 – No CWD detected in Kansas deer/elk
4. 2007 – 3 White-tailed deer, Decatur County
5. 2008 – 10 White-tailed deer: Cheyenne (1), Rawlins (2), Decatur (5), Sheridan (2)
6. 2009 – 11 White-tailed deer: Decatur (5—one currently presumptive), Rawlins (2), Thomas (1), Sheridan (1), Graham (1), Logan (1) = All white-tailed bucks 2.5 years-old and older.

What is CWD? CWD is a disease of the family of diseases commonly referred to as TSEs, or transmissible spongiform encephalopathies. It was first recognized as a disease in Colorado in 1967, but wasn't recognized as a TSE until the early 1980s. CWD is the cervid form of TSE; BSE or mad cow disease is the bovine form; TME is the mink form; and CJD is the human form. BSE jumped to humans in the form of CJDv (variant). CJDv has a different appearance when viewed through a microscope, thus, is easily distinguished from normal, sporadic CJD in humans. Similar differences are expected if CWD "jumps" to humans. (Currently there is no evidence linking CWD to humans.)

Basically, abnormal prions accumulate in the brain, causing brain matter to degrade, leaving holes or a sponge-like appearance. Shortly before death, the infected animal will stagger, exhibit listlessness and lethargy, have little fear of people, drool or salivate, have extreme thirst, and will appear malnourished or emaciated--wasting away. A TSE is always fatal to the infected individual. There is no cure or vaccine.

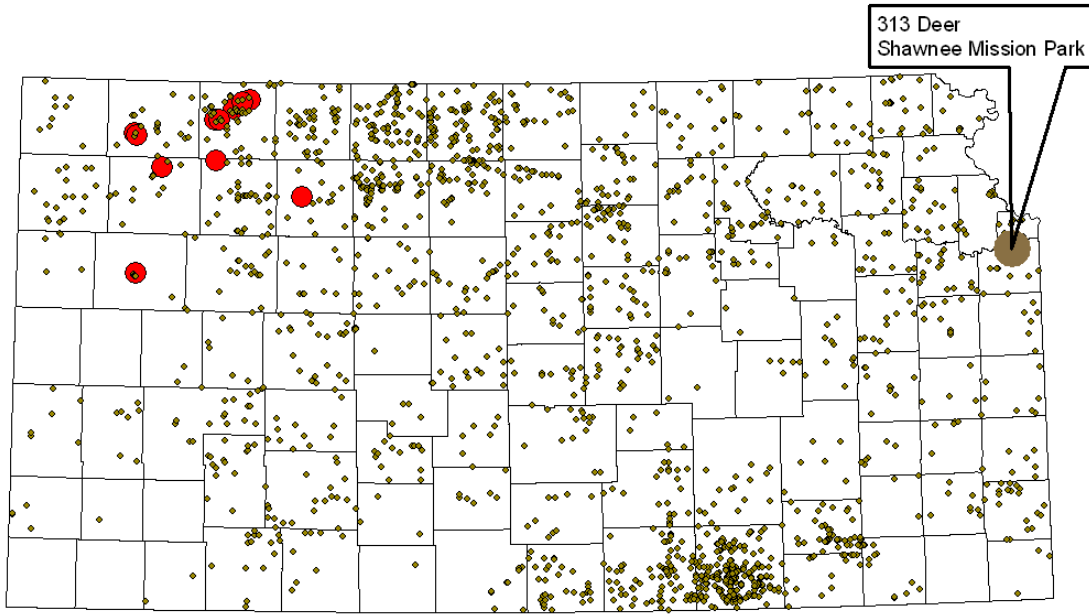
TSEs are caused by abnormal, infectious prions. The infectious prions cause normal prions (PrP) to change to the infectious form (PrP_{cwd}). The infectious prions accumulate in the infected animal because they are resistant to enzymatic breakdown. Prions are technically not alive, with no nucleus containing DNA or RNA. They are proteins. Prions are very stable structures, which resist deactivation due to heat and environmental degradation, very much unlike bacteria and viruses. Therefore, animals can become infected by other animals AND by a contaminated environment. Prions can and do remain in soil for years as documented by Colorado State University. In addition, recent research has shown that infected deer will excrete or shed as many infectious prions in their lifetime as they will accumulate in their brains and nervous tissue at the time of death.

Timing of infection during an animal's life is important to determining when clinical symptoms of the disease will start to show. Incubation periods may be three years or longer until clinical signs are evident. For the first time in Kansas CWD surveillance history, two of the 2009 CWD positive deer in Kansas exhibited clinical symptoms at the time they were killed.

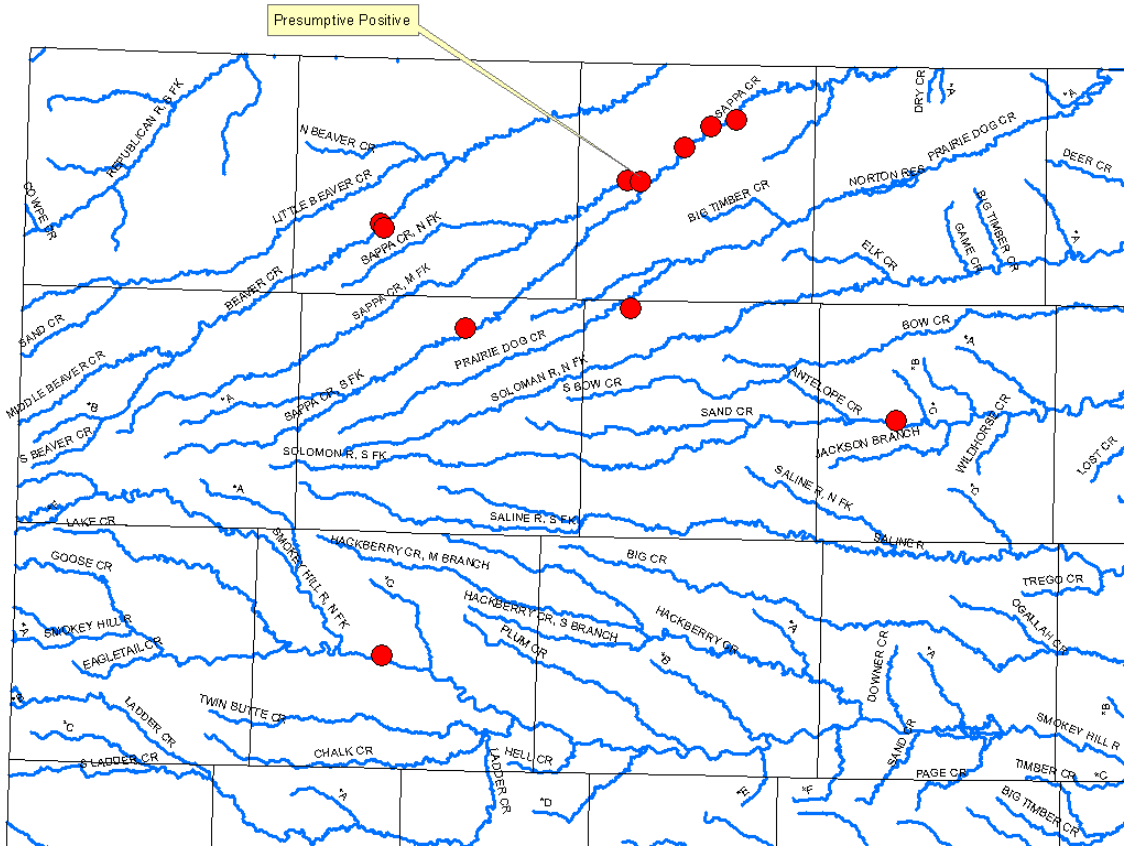
CURRENT STATUS OF CWD IN KANSAS

- Deer/elk herd currently monitored using \$215,000 U.S. Department of Agriculture, Animal and Plant Health Inspection Service, Veterinary Services (USDA-APHIS-VS) grant to cover contractor /staff sampling, lab testing, supply, travel, and associated costs.
- Current grant period runs 8/1/09 to 7/31/10
- Current infected counties include: Cheyenne, Rawlins, Decatur, Sheridan, Thomas, Graham, and Logan---all in the northwest corner of the state. Thomas, Graham, and Logan represent counties where CWD had not previously been detected before this year.
- Drainages where infected deer have been detected include: South Fork of Republican River, Beaver Creek, Sappa Creek, South Fork of Sappa Creek, North Fork of Solomon River, South Fork of Solomon River, Prairie Dog Creek, and Smoky Hill River.
- 2,706 samples were collected during the survey period beginning 8/1/09.
- Suspect (sick) animals are tested throughout the year.
- Current sampling is set up to detect a 1 percent infection rate (prevalence) with 99 percent confidence in five surveillance zones: Northwest Assessment, Southwest, Northcentral, Southcentral, and Eastern.
- Targeted surveillance is also now used in conjunction with random hunter harvest surveillance. Targeted surveillance targets animals killed by vehicles and taxidermy animals. There is a greater statistical chance of detecting CWD in 1) animals which may not be acting normally and get killed by vehicles and in 2) older animals--the ones that most often show up at a taxidermist shop.
- Public is encouraged not to transport carcasses out of the endemic area into currently unaffected areas.
- Public is encouraged not to bring carcasses from other states' endemic areas to Kansas.
- Due to lack epidemiological information about CWD and other TSEs, it is highly recommended CWD infected deer are not consumed by people. As of now, there is no evidence people can contract CWD. We (scientists) have a lot to learn about TSEs.
- The public is encouraged not to transport captive cervids around the state or in from other states unless their herd has been certified CWD-Free. Transportation regulations and laws apply to transport of captive cervidae.

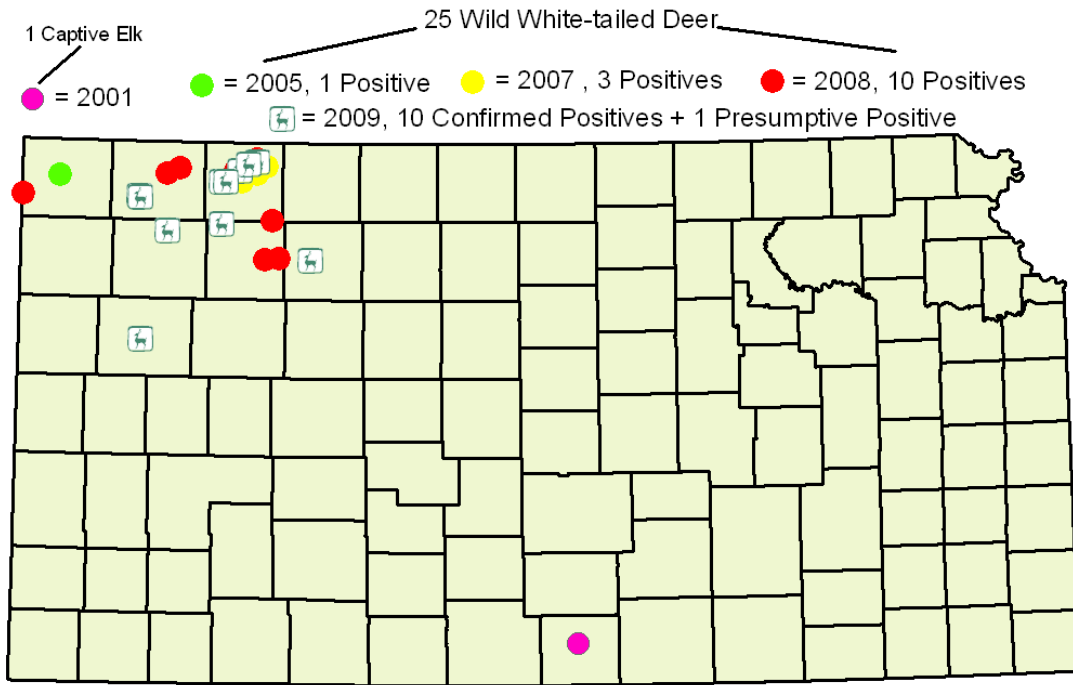
In nature, CWD spreads at a fairly slow rate throughout a population, but assisted by people, CWD can spread many times faster.



Red indicates CWD Positives. Brown dots represent samples which tested "Not Detected for CWD." Note: 313 Shawnee Mission deer tested "Not Detected for CWD."



2009-2010 Positives in Relation to Drainages



History of CWD in Kansas

2009 KANSAS CWD CONTINGENCY PLAN

KDWP has practiced active surveillance to monitor CWD status in Kansas since 1996. This plan formalizes the continuation of that action. It describes a plan for personnel and resources which could be used if elevated surveillance is warranted. This plan includes five categories: Management, Education, Surveillance/Testing, Notification, and Media Relations, which can be referenced when needed.

This plan is intended to be a reference guide for KDWP. It follows an adaptive strategy of disease management in areas where CWD has been detected, i.e., as the knowledge about CWD changes, actions will be adjusted to adapt to new information.

MANAGEMENT

The Kansas Department of Wildlife and Parks (KDWP) may direct agency personnel to facilitate targeted surveillance of deer and elk exhibiting symptoms similar to those described for CWD.

KDWP may authorize the use of department staff to sample ungulate populations, consistent with disease management, research and/or unit plans, where such efforts are determined to be necessary to manage or research CWD.

KDWP may authorize the use of non-agency sharpshooters in the event an adequate, necessary population reduction or sample size is unattainable using hunters and/or department staff.

KDWP recognizes that effective big game management requires the cooperation of private landowners, sportsmen and outdoor enthusiasts of Kansas. Big game hunters shall be key components in big game population control activities.

KDWP supports the prohibition of translocation of cervid species for the purposes of reestablishing and/or augmenting wild populations in Kansas, until such time CWD is controlled nationwide or a live animal test is available. Furthermore, KDWP recognizes the potential disruptive characteristics of intentional or unintentional dispersion of CWD in Kansas and encourages cooperation between KDWP law enforcement officers, US Fish and Wildlife Service Agents, and federal and state livestock authorities to maintain a cooperative surveillance network on the translocation of cervids.

KDWP is opposed to captive cervid farming, but currently supports the Kansas Animal Health Department's (KAHD) voluntary CWD testing/certification program and would support a mandatory testing/certification program. Additionally, KDWP would support regulation which mandates a visible, permanent tagging program for captive cervids.

KDWP recognizes injured and orphaned deer and elk reared at rehabilitation centers are a means by which CWD can be spread through a wild population. Until a live test for CWD can be performed on live deer and elk, it is KDWP policy that injured/orphaned cervids not be rehabilitated. Rehabilitators are required to euthanize injured or orphaned deer and elk.

Agency personnel will encourage the public to report sick deer exhibiting the symptoms of CWD.

The agency may cooperate with United States Department of Agriculture Animal and Plant Health Inspection Service Veterinarian Services (USDA APHIS VS) and The Kansas Animal Health Department (KAHD) in random herd health checks.

KDWP discourages practices which artificially concentrate deer, and will continue to evaluate if a need exists for regulation pertaining to the feeding and baiting of deer.

KDWP discourages moving carcasses from known CWD areas, and will continue to evaluate the need for more intense regulation pertaining to the transport of deer and elk carcasses.

KDWP will encourage county landfills to accept deer and elk carcasses and inform the public of cooperating landfills. KDWP encourages all agencies and individuals to dispose of deer and elk carcasses by burying them or taking them to an approved landfill.

KDWP will cooperate and participate in interstate and national research and management efforts to address CWD.

KDWP will cooperate with public health officials and livestock authorities and consider relevant policy changes on public use of venison, if credible evidence reveals a significant threat of the transmissibility of CWD to people or livestock.

KDWP will continue four population assessments in the northwest endemic area, using distance sampling.

EDUCATION

Agency personnel shall inform citizens of the symptoms of CWD and encourage them to report sick deer.

KDWP discourages practices which artificially concentrate deer, and will continue to educate the public on the dangers of feeding and baiting of wildlife.

KDWP discourages moving carcasses from known CWD areas and will continue to educate the public about proper burial and disposal of carcasses.

KDWP will encourage county landfills to accept deer and elk carcasses and inform the public of cooperating landfills. KDWP encourages all agencies and individuals to dispose of deer and elk carcasses by burying them in an environmentally approved manner or taking them to an approved landfill.

KDWP will inform the public of findings related to possible CWD transmissibility to people and livestock.

KDWP will inform the public of the disease risks involved with rehabilitating orphaned or injured fawns.

SURVEILLANCE AND TESTING

Continued funding provided by USDA-APHIS-Veterinary Services or other funding source is critical to the ongoing surveillance of CWD in Kansas. Currently, without federal funding, efforts to monitor the disease would be limited due to restricted state budgets.

Federally funded surveillance in Kansas will continue to monitor the spread of CWD, using samples from older animals (hunter harvested animals for processing and/or taxidermy), vehicle-killed animals, and sick/suspect animals.

Surveillance will be conducted in such a way to detect the presence of CWD at 1 percent prevalence with 99 percent confidence in the endemic assessment zone and in each of four zones outside the endemic area (Figure 1). Currently, the entire state is sampled for CWD. In the future it may be necessary to rotate areas of testing each year if funding is reduced. For example, Nebraska currently uses a rotational method of testing.

The Assessment Zone in the northwest will be expanded to include counties with CWD-positive detections outside the northwest, 12-county corner.

Samples will continue to be tested using ELISA (Enzyme-linked immunosorbent assay), IHC (Immunohistochemistry), or other recognized diagnostic tests at Kansas State University Veterinary Diagnostic Laboratory and/or other certified laboratories. Reactive samples will continue to be considered presumptive positive and submitted to the National Veterinary Services Laboratories (NVSL) in Ames, Iowa for confirmatory testing; only then will the sample be classified as a confirmed CWD positive.

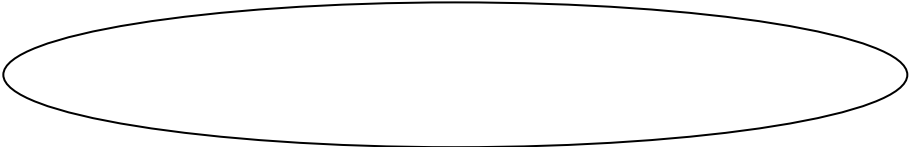
NOTIFICATION

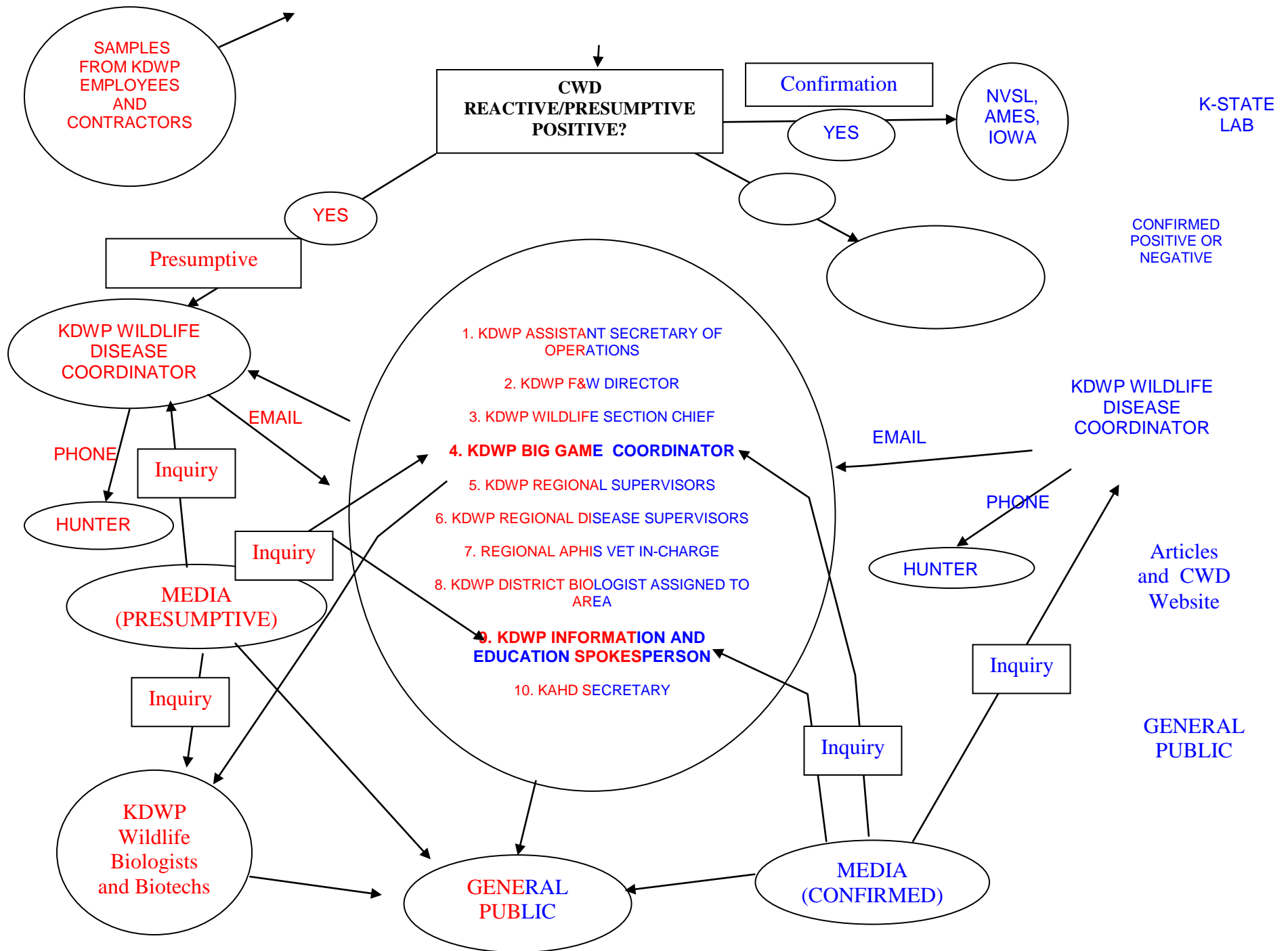
Clear and proactive communication will be essential to maintain public cooperation. Various potential actions will need public cooperation and support. Internal communications are essential in maintaining agency efficiency while conducting CWD operations. See Figure 2, which outlines an organized flow of information in the event of a positive CWD detection.

Figure 1. CWD Surveillance Zones and Sample Size Goals



Figure 2. Communications Flowchart





MEDIA RELATIONS

The Information Services Division (IS) of KDWP will be responsible for most contacts, formal interviews, and current CWD information transfers with the media. The KDWP Big Game Coordinator and Wildlife Disease Coordinator will also receive calls from the media and answer questions related to current status of CWD in Kansas. Field staff will use best judgment and refer media personnel to the Chief of IS, if they determine the need exists.

News releases and articles will be prepared by IS based on information provided by the Big Game Coordinator and/or the Wildlife Disease Coordinator, and interviews with experts at other wildlife agencies and diagnostic labs. Information will be disseminated via:

- A. Newspapers
- B. Radio
- C. Television
- D. Direct notification to sportsmen organizations
- E. Agency news releases
- F. Agency magazine article

Deer Season Structure Pre-Rut Rifle Season

Background

A survey of states and provinces is currently being conducted to determine the timing and extent of firearms deer seasons. Results of that survey will be presented at the Commission Meeting. Figures and tables will be presented at that time.

Discussion

Season dates for deer hunting are established based on biological and social factors. Seasons have generally been liberalized as deer populations increased. Local traditions also play heavily in the demand for season dates and structures.

Some states have experimented with new deer hunting season structures to address deer population controls. Examples of those changes include antlerless-only deer seasons. Nebraska may be the leader in this regard. They recently initiated a pre-rut antlerless-only firearms deer season. Pennsylvania and Wisconsin attempted to increase pressure on antlerless deer to reduce deer densities over wide areas only to be confronted by angry deer hunters opposed to those practices.

Deer hunting season traditions once established are frequently difficult to change. On the other hand, attempts to get back to a former structure, or to one considered an improved season structure are sometimes met with strong opposition by the hunters that benefited from the current season structure. This has been seen in other states that have attempted to move the firearms hunting season out of the peak of the rut time period. In states with heavy hunting pressure and a deer herd dominated by young deer, there have been attempts to shift hunting pressure out of peak rut time periods that failed because of lack of acceptance by hunters. Another example of the tradition obstacle is seen in feeding and baiting regulations. Approximately half of the states allow baiting and half do not. In states where baiting is prohibited, there is generally hunter acceptance to that prohibition. In areas where baiting has been allowed for a few years, it has been nearly impossible to restrict or prohibit that activity, even when many people desired the change. Even when biological factors such as the spread of diseases should tip the scale of social pressure, such as an introduction of tuberculosis that is facilitated by concentrating deer at feeding sites, the pressure from hunters conditioned to hunt over bait, and economical factors raised by the producers of bait and feeders overrides the biological considerations.

Hunting during the period that hunters consider the peak of the rut frequently dominates the discussion of deer hunting season structures. That discussion also may create conflicts between hunters.

Recommendation

No recommendation for change is currently being proposed in the dates for firearms deer seasons. Input and comments are being sought from the public and the Commission.

Report on Lead Reduction in Ammunition and Lead Ingestion

Background

Lead is a naturally occurring metal in the environment. Lead ore is mined and smelted, and lead has been used by people for a wide variety of purposes for thousands of years. It is estimated that approximately 6-8 million tons of lead are produced each year, about half comes from recycled lead products. It is estimated that American hunters use approximately 3,000 tons of lead shot each year. For many years lead shot and bullets have been the standard for firearms ammunition. Lead has excellent ballistic characteristics. It is easy to obtain and work with and it is relatively inexpensive. Lead shot and lead bullets have allowed thousands of people to participate in shooting sports, and those people and the money they provide, including federal excise taxes on ammunition, have been a cornerstone of wildlife conservation in North America.

Lead is a substance that does not appear to have any beneficial value to biological organisms. Lead is also one of the toxic metals and has been documented for centuries as the cause of various ailments. It is relatively stable in the environment but under some circumstances may be dissolved and precipitated in forms that may be taken up by plants and animals. In the digestive tract, lead can be absorbed and at high enough levels may cause a lead-induced anemia. Even at low levels in a body, the substance may cause behavioral and developmental damage. Many of the sources of lead that might affect people have been banned or regulated, for example lead in paints, as additives in gasoline and as solder used for food containers.

A growing body of scientific information has documented a hazard to certain species of wildlife from spent lead shot, fishing tackle lost in the environment, and fragments of lead bullets in meat and carcasses of animals. The most serious of these problems have been with waterfowl picking up spent shot while they feed in marsh sediments. Raptors and scavengers also consume lead fragments while they eat carcasses and offal from hunter-killed game. The most serious of those problems has been documented with the endangered California condor.

Hunter practices can also be instrumental in minimizing lead consumption problems by scavengers. Concern is currently given to the movement and disposal of deer and elk carcasses because of the potential for the spread of disease. Hunters in some areas are being encouraged to bury, or transport the carcass and offal to an approved landfill. If conservation organizations were able to convince hunters of the importance of that practice, they would not only minimize a potential transmission of disease but would reduce the potential for scavengers to consume lead fragments.

Ballistics influences the potential for lead fragments to be made available for scavengers. The greater the mass and/or the slower the velocity of the bullet, the less likely that the bullet will fragment into particles that could be consumed by a scavenger. Lead slugs used in shotguns and bullets used in muzzleloaders would have less potential to produce lead fragments compared to high-velocity, small-diameter bullets. Certain designs of bullets are made to retain mass while other bullets are designed to fragment. Lead fragments have been found several inches from the wound channel in deer-sized animals. Lead fragments have also been detected in a significant portion of ground meat samples from hunter-killed deer. These fragments are often too small to be seen or felt while preparing the meat or eating. As a result, there is a potential for people to consume lead while eating venison taken with lead bullets.

Discussion

Alternatives to lead shot, lead bullets and lead fishing weights are available. Some of these products perform as good as or better than the traditional lead-based product. However, public acceptance of these alternatives is currently weak with 70 percent to 85 percent of hunters opposed to additional regulations requiring non-toxic ammunition. There is need for education on this subject.

Foremost conservation organizations, such as The Wildlife Society (TWS), have reviewed available data on lead used in hunting and fishing. They have summarized scientific articles and developed position statements on the subject. While TWS advocates for the replacement of lead-based ammunition and fishing tackle, they also recognize that long-term elimination of lead from outdoor recreational activities will require collaboration among affected stakeholders, a series of incremental regulations, and explicit and targeted educational strategies. Outdoor sporting goods manufacturers need assurance from regulators that consistent regulations and practices will be developed within established timelines before they can convert their production to non-toxic alternatives. For those regulations to be most beneficial, they need to be similar among states and provinces. The Association of Fish and Wildlife Agencies has a committee working on this issue. They will be a key source of direction for state wildlife agencies.

Sportsmen are leaders in natural resource conservation in North America. Through the years, they have incorporated new ideas and techniques. They have adapted to the needs and desires of society. The issue of spent lead shot, lost lead fishing tackle, and fragments of lead bullets in meat and animal carcasses are issues that sportsmen will evaluate based on the best scientific information and the guidance of leaders in conservation.

Recommendation

No recommendation for change is currently being proposed on the use of lead bullets for firearms deer seasons. Input and comments are being sought from the public and the Commission.

Although lead can be harmful to humans, even in very low amounts, there are few examples that link consumption of game to lead poisoning in humans. Children under 6 years and pregnant women are at the greatest risk from lead exposure. Approximately 500,000 children under 6 years old were tested for lead poisoning in Iowa since 1992, and no elevated blood lead levels were attributed to venison or consumption of any other wild game.

The following suggestions can minimize potential exposure to lead in venison:

- Practice marksmanship and outdoor skills to make lethal shots away from major muscle areas. (Don't shoot at running deer.)
- Consider alternative non-lead ammunition such as copper or others that have high-weight retention.
- Lead fragments in meat may be too small to be seen or felt, so trim a generous distance away from the wound channel and discard any meat that is bruised, discolored, or

contains hair, dirt or bone fragments. Remind your meat processor to do the same if you have you deer processed commercially.

- Clean and check meat grinders to ensure that lead fragments are not present.
- Do not use vinegar or marinates with a high acid level on meat that might contain lead fragments.

Concealed Carry, Open Carry, and Use of Sound Suppressors

Background

K.S.A. 32-1002 (a) (1) states, “(u)nless and except as permitted by law or rules and regulations adopted by the secretary in accordance with K.S.A. 32-805 and amendments thereto, it is unlawful for any person to... (h)unt, fish, furharvest or take any wildlife in this state by any means or manner”. Two regulations control the legal means and manner for taking big game animals and wild turkey. Big game is controlled by K.A.R. 115-4-4 and wild turkey is controlled by K.A.R. 115-4-4a. Both regulations have a provision stating that permittees shall only possess hunting equipment that is authorized by regulation and limited by the most restrictive permit in the hunter’s possession while hunting. Additionally, K.A.R. 115-25-5 and 115-25-6 establish the fall and spring wild turkey hunting seasons and K.A.R. 115-25-9 sets the big game seasons. Within these season setting regulations, certain seasons are established that allow the taking of big game or wild turkey by specific types of weapons including archery equipment, muzzleloading firearms, shotguns or general firearms.

Two questions have arisen concerning the possession or use of certain firearms or firearm accessory equipment. The first question is whether a permittee should be allowed to carry a firearm during certain restricted seasons, such as an archery-only season. The second question relates to the use of a silencer or sound suppression device while hunting. Each issue shall be discussed in the following section.

Discussion

Current Kansas law prohibits a hunter from carrying a firearm while hunting during certain seasons, while possessing certain permits in the field, or, when hunting on certain lands. The following situations are the limitations placed on the possession and use of firearms in given situations.

1. Carrying a firearm is prohibited during an archery-only season or while possessing an archery-only permit while hunting.
2. Carrying a center-fire firearm is prohibited during a muzzleloader-only season or while in possession of a muzzleloader permit while hunting.
3. Carrying a rifle or handgun is prohibited while hunting wild turkey.
4. The use of some or all types of firearms may be prohibited on certain department properties.

In 2007 the Department requested the Kansas Attorney General to review the laws restricting the possession of a firearm by a hunter during an archery or muzzleloader season and the law allowing the concealed carry of a firearm by a permitted person. After reviewing the laws, and other available case law, the Attorney General rendered an opinion that the Department does have the ability to restrict the possession of firearms during these seasons.

The members of the National Association of Conservation Law Enforcement Chiefs (NACLEC) were asked whether the possession of firearms during an archery season was allowed in their state. Of the thirty jurisdictions responding, 17 allow the possession of firearms while archery hunting. Of these 17 states, 12 limit possession to a person licensed to carry a concealed firearm for personal protection purposes. The remaining five states, Alaska, Colorado, Montana, Wisconsin and Wyoming, allow the carry of firearms during an archery season by anyone. The state of Washington was proposing to change the limitation from concealed carry permittees only

to also allowing the general open carry of handguns during an archery season. Of the 13 states that did not allow the carry of firearms during an archery season, Missouri was proposing to change their law to allow the carrying of firearms.

Recently, a question arose over whether silencers or sound suppression devices should be allowed to be used for hunting. The current hunting regulations do not specifically allow the use of silencers or sound suppression devices; therefore they may not be used for hunting. The possession of silencers or sound suppression devices for firearms was formerly prohibited by Kansas law. In 2008 Kansas law was changed, allowing individuals holding a class three Federal Firearms License to legally deal in and possess silencers for firearms, shotguns with barrels less than 18 inches long, and automatic weapons. The supplemental information on the bill made no mention that the intention of this legislation was to impact hunting equipment in Kansas.

NACLEC members were asked if silencers or sound suppression devices may be used for hunting in their jurisdictions. Twenty-one states responded, with 13 stating that these devices were not allowed.

Hunting is a highly-regulated activity, and regulating the possession and use of equipment is consistent with applying the management strategy to a given situation. Regulations should provide clear direction about the equipment that may be possessed and used for hunting, defining the limitations placed on the activity and help reduce the opportunity for the regulation to be violated. The equipment allowed for hunting should be limited to meet the need and desired outcome for the management program. Consideration should be given as to whether the equipment is practical, functional, meets the standards of fair chase, and does not lend itself to violating other laws.

Regulations must be enforceable. Regulations that are vague, confusing or unclear have little value in achieving their intended purpose for wildlife management. While it is important that individuals maintain their rights as citizens, it is also important that the harvest of wildlife is controlled in a manner that is consistent with the management goals.

Workshop Session

Recommendations for 2010 "EARLY" Migratory Bird Seasons

EARLY TEAL SEASON:

Framework - Hunting season between September 1 and September 30, 2010, not exceeding: 1) 16 days if the blue-winged teal breeding population is above 4.7 million, or 2) 9 days if the breeding population is between 3.3 - 4.6 million, with a daily bag and possession limit of 4 and 8 teal, respectively. Last year's (2009) blue-winged teal breeding population was 7.4 million. The 2010 blue-winged teal breeding population total will not be known until June.

It is possible that only 8 days will be available for the September Teal Season in the High Plains. This potential restriction on the High Plains Teal Season is due to the 107-day annual limit (by treaty) on hunting of any one species. A regular High Plains duck season of 97 days allowed under the regular season liberal package, plus 2 days of youth hunting leaves only 8 days to reach the 107-day total.

Recommendation:

High Plains Zone - A bag and possession limit of 4 and 8, respectively, with the following season date possibilities:

A 9-day season running September 18 through September 26, 2010,

or, a 16-day season running September 11 through September 26, 2010,

or, an 8-day season running September 18 through September 25, 2010

Low Plains Zones - A bag and possession limit of 4 and 8, respectively, with the following season date possibilities:

A 9-day season running September 18 through September 26, 2010,

or, a 16-day season running September 11 through September 26, 2010.

SHOOTING HOURS FOR ALL EARLY SEASONS:

Framework-Shooting hours frameworks are expected to be ½ hour before sunrise to sunset for all seasons.

Recommendation-Adopt maximum shooting hours allowed in the frameworks, probably ½ hour before sunrise to sunset.

KAR 115-25- 9a.

Deer; open season, bag limit, and permits; additional considerations.

Background

The regulation contains the following items:

- The Fort Riley Deer season dates.
- Either species antlerless deer permits.
- Season dates for a special extended white-tailed deer antlerless only season.

Discussion

The proposed season dates for firearms deer hunting at Fort Riley are proposed to be from November 26, 2010 through November 28, 2010, December 18, 2010 through December 22, 2010, and December 26, 2010 through December 29, 2010. The proposed season dates for designated persons includes the dates established in K.A.R. 115-25-9 plus the dates of October 8, 2010 through October 11, 2011.

Either species antlerless-only permits are used in areas where additional herd control on mule deer is desired. These permits are available in limited numbers for units specified in the Secretary's Orders. They are available on a first come basis after the drawings for either sex limited quota deer permits.

A special extended firearm antlerless-only season is proposed for units 7, 8, and 15, and the dates for that season would be from January 10, 2010 through January 16, 2010

Recommendation

Input and comments on this regulation are being sought from the public and the Commission. Final action on this regulation will be taken at the June Commission Meeting.

KAR 115-25- 9b.**Deer; nonresident limited-quota antlered deer application period.****Background**

This regulation establishes the application period for 2011-12 seasons for certain types of nonresident deer permits. The permits are available in a limited-quota allocation system, requiring an application process and drawing. These permits allow a nonresident deer hunter to obtain a permit to hunt for an antlered deer.

Most application periods for deer permits are established in K.A.R. 115-25-9. That regulation has traditionally been addressed at the April Commission Meeting. In recent years an effort has been made to conduct the nonresident application earlier in the year, thus requiring this separate regulation to be created.

Discussion

The deadline for the application period for nonresident deer hunters seeking a limited-quota antlered deer permit use to be May 31st. That deadline was changed for the 2009-10 season to April 30th.

Recommendation

The deadline for 2011-12 applications by nonresidents for a limited-quota antlered deer permit is proposed for April 30, 2011. Input and comments on this regulation are being sought from the public and the Commission. A Public Hearing on this regulation is scheduled for the June Commission meeting.

2010 Public Lands Reference Document Proposed Changes

KAR 115-8-1. Hunting, furharvesting and discharge of firearms

Access Restrictions

Region 1

Saline SFL – open to vehicle traffic 6 AM to 10 PM from 3/1 to 9/30 – ADD

Region 3

Playa Lakes (Herron, Stein & Wild Turkey) – Closed to all activities from February 1 through August 31. Open until noon for migratory bird seasons from September 1 through November 22. Open all day during designated youth upland bird season. Open to all hunting all day November 23 through January 31. – ADD

Age Restrictions

Region 1

Jamestown WA – Ringneck and Puddler Marshes, ~~novice~~/mentor area – all species, all seasons
Glen Elder WA – Walnut Creek area, ~~novice~~/mentor area – all species, all seasons

Region 2

Hillsdale WA – Big Bull wetland area, ~~novice~~/mentor area – all species, all seasons
Milford WA – West Broughton area, ~~youth~~/mentor area hunting – all species, all seasons

Region 5

Melvern WA – designated area, youth/mentor hunting/ – ADD fishing – all species, all seasons
Neosho SFL kids pond – youth/mentor – ADD

Alcohol – No cereal malt beverages.

Region 2

Osawatomie Dam/Parking Area – ADD

Boating Restrictions

No Wake

The following lakes require all motorized vessels to be operated at no wake speeds.

Region 3

Scott SFL – ADD – in designated area

Closed to All Hunting

Region 1

Saline SFL – ADD

Region 5

Montgomery SFL – ADD

Neosho SFL – ADD

Equipment Restrictions (Hunting)

No Centerfire Rifles

Region 2

Kansas River WA – ADD

Region 3

Meade WA – REMOVE

Shotgun & Archery Only

Region 1

Saline SFL – REMOVE

Region 5

Wilson SFL – ADD

Shotgun, Archery and Muzzleloader Only

Region 2

Jeffery Energy Center WA Area #2 – ADD--(except for special draw youth hunts)

Shot Shell Limit

Region 3

Cheyenne Bottoms WA – 12 shot shell limit in possession for goose hunting zones – REMOVE

Handicap Accessible Hunting

Region 2

Milford WA – REMOVE

Region 3

Hodgeman WA – REMOVE

Meade WA – REMOVE

Pratt Sandhills WA – REMOVE

No Swimming

Region 5

Mined Land WA – ADD

Melvern WA – Quarry pond – ADD

Refuges

The following properties have portions of the area designated as a refuge during specific periods of the year, or year-round. Access and activity restrictions are for refuge management, special hunts, or special permits.

Refuge Area Closed to Hunting Year Round Open to All Other Legal Activities

Region 1

Rooks SFL

Sheridan SFL

Ottawa SFL

Region 4

Kingman WA – waterfowl refuge

Refuge Area Closed to Hunting Year Round Open to all other legal activities 3/1 to 9/30

Region 4

Cheney WA

Marion WA

Refuge Area Closed to Hunting Year Round Open to all other activities 4/1 to 8/31

Region 5

Elk City WA

Neosho WA

Refuge Area Closed to All Activities Year Round

Region 1

Cedar Bluff WA

Region 2

Benedictine WA

Jeffery Energy Center – Area #3

Milford WA – Steve Lloyd refuge area

Region 3

Cheyenne Bottoms WA – Pool 1

Region 4

McPherson Wetlands – South Refuge

Region 5

Fall River WA

Marais des Cygnes WA

Mined Land WA – Bison Pen located on Unit 1

Mined Land WA – portions of Units 28 and 29

Refuge Area Closed to All Activities 10/1 through 1/15

Region 2

Clinton WA

Perry WA

Hillsdale WA

Region 5

Melvern WA

Refuge Area Closed to All Activities 10/1 to 1/31

Region 1

Cedar Bluff WA

Lovewell WA

Jamestown WA

Brzon WA

Smoky Hill WA

Ottawa SFL

Refuge Area Closed to All Activities 11/1 to 1/31

Region 1

Norton WA
Webster WA
Wilson WA
Cedar Bluff WA
Glen Elder WA

Boating Restrictions

No Motorized Boats

Region 1

Jamestown WA – portions of Marsh Creek – ADD – and Buffalo Creek Marshes

Special Permits (Daily/ Use* Hunt Permits)

Region 1

Francis Wachs WA – REMOVE
Sherman WA – REMOVE

Region 2

Tuttle Creek WA – REMOVE
Clinton WA – ADD – waterfowl only

Region 4

Kingman SFL – REMOVE
Byron Walker WA – REMOVE

No Shooting from Dikes or Levees

Region 5

Neosho WA – ADD – no shooting from designated dikes and levees

Shooting Area (Ranges)

Region 4

Kingman SFL – CHANGE TO Byron Walker WA

Species Restrictions (Hunting) – REMOVE

Definitions: – REMOVE

Novice/Mentor Only – A novice hunter is anyone 18 years of age and younger, or persons who have not possessed an annual hunting license in the past three years. A mentor must meet the necessary age requirements and supervise a minimum of one novice to participate.

Youth/Mentor Only – Both the youth and mentor must meet the necessary age requirements for the hunting season in which they wish to participate

**K.A.R 115-14-2, 115-14-3, 115-14-4, 115-14-5, 115-14-6,
115-14-8, 115-14-9, 115-14-10.
Falconry Regulations**

Background

The sport of Falconry is the practice of hunting and taking game with raptors. To be permitted to practice falconry individuals go through a lengthy process of learning how to properly care for and how to train the raptors they use in the sport. There are three classes in the falconry permit structure that have requirements with regard to age, knowledge, and proficiency. Each class allows for different numbers and species of raptors to be handled in the sport, beginning with kestrels and red-tailed hawks for Apprentice class falconers all the way to peregrine falcons and golden eagles for Master Falconers. Apprentice, General, and Master falconry classes are recognized in Kansas. In order to become an Apprentice Falconer, a test must be successfully passed that demonstrates the applicant's knowledge of basic biology, diseases, care and handling of raptors, literature, law, regulations and other appropriate subject matter relating to falconry and raptors. The apprentice must also be mentored by a sponsor who is either a General or Master falconer. An Apprentice must be permitted as an Apprentice for at least two years and receive a recommendation from their sponsor to move to the next class, General Falconer. After practicing falconry for at least five years, a falconer can move to the Master Falconer class. Falconry regulations were implemented in Kansas in 1991. There are currently 74 permitted falconers in Kansas.

Discussion

Due to changes in federal regulations, the states have been asked to revise their regulations to meet minimum standards as set forth by federal regulations by January 1, 2014. As soon as a state meets minimum US Fish and Wildlife Service (USFWS) standards for falconry, federal falconry permits will no longer be required in that state.

A state that wishes to allow falconry must establish laws and regulations that meet the standards established by the USFWS. The director of the US Fish and Wildlife Service must determine that a state falconry permitting program meets the standards established by the USFWS no later than January 1, 2014. At that time, all Federal falconry permits and the federal permitting program will end. Falconry will not be permitted in a state after this date until the state develops a permitting program the Director of USFWS certifies to be in compliance with these regulations. State regulations may be more restrictive than federal standards but may not be less restrictive. State regulations must be consistent

with the terms contained in any convention between the United States and any foreign country for the protection of raptors and the Migratory bird Treaty Act.

Items required by USFWS for certification of state falconry permit:

- A copy of the state's apprentice falconer examination, which at a minimum must cover laws and regulations, raptor biology and raptor identification, trapping methods, facilities requirements, care of raptors held for falconry, and diseases and health problems of raptors, and training methods.
- Copies of the laws and regulations governing falconry of the state, and certification that the laws and regulations meet the requirements of this section.
- Electronic reporting - the state must work with the USFWS to ensure that the electronic 3-186A reporting system for reporting take, transfers, and loss of falconry birds is fully operational for residents of the state.

When the USFWS concurs that the regulations and examination meet the requirements set forth by USFWS, they will publish a rule in the Federal Register adding the state to the list of those approved for allowing the practice of falconry. USFWS will terminate federal falconry permitting in any state certified under these regulations on January 1 for the calendar year following publication of the rule.

Recommendations

Department staff has been in consultation with officers of the Kansas Hawking Club, which is an affiliated member of National Falconry Association (NAFA), to review federal regulations and existing state regulations to best determine how to revise the KDWP regulations to meet the new federal requirements.

In general we agree that adoption of the new federal regulations 50 C.F.R 21.29 which went into effect on October 8, 2008 will be sufficient. There are, however, certain requirements that KDWP staff and officers of the Kansas Hawking Club feel should be more restrictive than federal regulations.

Following are staff recommendations for consideration for the KDWP Falconry Regulations:

- Lapsed permits may be reinstated at previously existing level without requirement to retake examination in accordance with federal regulations of not having lapsed for more than five years.

This is to take into account reasonable circumstances that may occur that an individual may not be able to renew permit or keep birds such as military deployment.

- Apprentice falconers can possess only wild caught kestrels, red-tailed hawks, and red shouldered hawks.
- Adopt the lowered minimum ages for falconry classes; Apprentice 12 years of age, General Class, 16 years of age.
- Indoor and Outdoor falconry holding facilities need to be constructed and inspected prior to issuance of falconry permit.
- Falconry equipment, as outlined by federal regulations, shall be possessed by each applicant before the issuance or renewal of a falconry permit.
- Adopt federal regulations on types of raptors and when they can be taken but require a valid Kansas hunting license to take raptors from the wild.
- No species listed as threatened or endangered in Kansas can be taken.
- Each item of equipment used to capture raptors shall be tagged with permittee's name and falconry permit number.
- Raptors taken under a depredation or special purpose federal permit may be used by General and Master falconers. These raptors are typically golden eagles.

**KAR 115-2-1
Amount of fees**

Background and Discussion

This regulation specifies the cost of various hunting licenses and permits.

The Department wishes to establish a hunt-own-land either-sex elk permit. As is the case with deer, we would like the cost of hunt-own-land and landowner tenant permits to be the same, and equal half that of the equivalent general resident permits. The proposed hunt-own-land either-sex elk permit fee is provided below, along with other elk permit fees already established in K.A.R. 115-2-1 for comparison.

Recommendations

General resident: either-sex elk permit	250.00
General resident: antlerless-only elk permit	100.00
General resident youth (under 16 years of age): either-sex elk permit.....	125.00
General resident youth (under 16 years of age): antlerless-only elk permit	50.00
Landowner/tenant: either-sex elk permit	125.00
Landowner/tenant: antlerless-only elk permit	50.00
<u>Hunt-on-your-own-land: either-sex elk permit.....</u>	<u>125.00</u>
Hunt-on-your-own-land: <u>antlerless-only</u> elk permit	50.00

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 - February 18, 2010

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 Public Hearing

A public hearing will be conducted by the Wildlife and Parks Commission at 7:00 p.m., Thursday, April 22, 2010 at the Great Plains Nature Center, 6232 East 29th St. North, Wichita, Kansas, to consider the approval and adoption of proposed regulations of the Kansas Department of Wildlife and Parks.

A general discussion and workshop meeting on business of the Wildlife and Parks Commission will begin at 1:30 p.m., April 22 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 more business and 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 business matters, the Commission will reconvene at 9:00 a.m. April 23 at the location listed above.

Any individual with a disability may request accommodation in order to participate in the public meeting and may request the meeting materials in an accessible format. Requests for accommodation to participate in the meeting should be made at least five working days in advance of the meeting 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 30-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.

In addition to any previously published regulations, the regulations that will be heard during the regulatory hearing portion of the meeting are as follows:

K.A.R. 115-25-9. This exempt regulation establishes the open season, bag limit and permits for deer. The proposed amendments would expand the January antlerless-only season statewide.

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. 115-25-8. This exempt regulation establishes the open season, bag limits and permits for elk. The proposed amendments would allow either-sex HOYOL permits and a new unlimited permit would be available for use statewide, except in a few limited counties.

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. 115-25-7. This exempt regulation establishes the open season, bag limit and permits for antelope. The proposed amendments would allow the issuance of eight additional firearms permits.

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

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 - March 11, 2010

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

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Wildlife and Parks Commission

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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. 115-4-4. This permanent regulation establishes legal equipment and taking methods for big game. The proposed amendment would clarify that archery and crossbow big game hunters could possess non-broadhead-tipped arrows as long the arrows are not used to take big game.

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. 115-4-4a. This permanent regulation establishes legal equipment and taking methods for wild turkeys. The proposed amendment would clarify that archery and crossbow wild turkey hunters could possess non-broadhead-tipped arrows as long the arrows are not used to take wild turkeys.

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. 115-18-7. This permanent regulation establishes use of crossbows and locking draws for big game and wild turkey hunting by persons with disabilities. The proposed amendment would clarify that crossbow big game and wild turkey hunters could possess non-broadhead-tipped arrows as long the arrows are not used to take big game and wild turkeys.

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

STEVE SIX
ATTORNEY GENERAL

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

February 3, 2010

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

Re: K.A.R. 115-4-4, 115-4-4a and 115-18-7

Dear Mr. Tymeson:

We have reviewed the above-referenced regulations for legality, and finding no issues of concern, have approved them.

Sincerely,

OFFICE OF THE ATTORNEY GENERAL
STEVE SIX

A handwritten signature in cursive script that reads "Camille Nohe".

Camille Nohe
Assistant Attorney General

CN:cn

Enclosure: Original document

Cc: Senator Vick Schmidt, Chair, Joint Committee on Rules and Regulations
Representative Carl Holmes, Vice Chair, Joint Committee on Rules and Regulations
Representative Janice Pauls, Ranking Minority Member, Joint Committee on Rules and Regulations
Raney Gilliland, Legislative Research

Regulations/KDWP/115-4-4



STATE OF KANSAS
OFFICE OF THE ATTORNEY GENERAL

STEVE SIX
ATTORNEY GENERAL

February 22, 2010

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

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

Re: K.A.R. 115-2-1, 115-25-7, 115-25-8, 115-25-9, 115-25-9a and 115-25-9b

Dear Mr. Tymeson:

We have reviewed the above-referenced regulations for legality, and finding no issues of concern, have approved them.

Sincerely,

OFFICE OF THE ATTORNEY GENERAL
STEVE SIX

Camille Nohe

Camille Nohe
Assistant Attorney General

CN:cn

Enclosure: Original document

cc: Senator Vick Schmidt, Chair, Joint committee on Rules and Regulations
Representative Carl Holmes, Vice Chair, Joint Committee on Rules and Regulations
Representative Janice Pauls, Ranking Minority Member, Joint Committee on Rules and Regulations
Raney Gilliland, Legislative Research

Regulations/KDWP/115-2-1

115-4-4. Big game; legal equipment and taking methods. (a) Hunting equipment for the taking of big game during a big game archery season shall consist of the following:

(1) Archery equipment.

(A) Each bow shall be hand-drawn.

(B) No bow shall have a mechanical device that locks the bow at full or partial draw.

(C) Each bow shall be designed to shoot only one arrow at a time.

(D) No bow shall have any electronic device attached to the bow or arrow, with the exception of lighted pin, dot, holographic sights, or illuminated nocks.

(E) Each arrow used for hunting shall be equipped with a broadhead point incapable of passing through a ring with a diameter of ~~thirteen-sixteenths~~ three-quarters of an inch when fully expanded. A big game hunter using archery equipment may possess non-broadhead-tipped arrows while hunting if the arrows are not used to take or attempt to take big game animals.

(F) No bow with less than 50 pounds of draw weight shall be used to archery hunt for elk.

(2) Crossbows and locking draws as authorized under K.A.R. 115-18-7.

(b) Hunting equipment for the taking of big game during a big game muzzleloader-only season shall consist of the following:

(1) Archery equipment as authorized in subsection (a);

(2) muzzleloading rifles and muskets that can be loaded only through the front of the firing chamber with separate components and that fire a bullet of .39 inches in diameter or larger, except for the hunting of elk, which shall require a bullet of .49 inches in diameter or larger; and

(3) single barrel muzzleloading pistols .45 caliber or larger that have a barrel length of 10 inches or greater and can be loaded only through the front of the barrel with separate components, except for the hunting of elk, which shall require a bullet of .49 inches in diameter or larger. Only hard-cast solid lead, conical lead, or sabot bullets shall be used with muzzleloading pistols.

(c) Hunting equipment for the taking of big game during a big game firearm season shall consist of the following:

(1) Archery equipment as authorized in subsection (a);

(2) muzzleloader-only season equipment as authorized in subsection (b);

(3) centerfire rifles and handguns that are not fully automatic, that fire a bullet larger than .23 inches in diameter, and that use a cartridge case that is 1.280 inches or more in length, while using only hard-cast solid lead, soft point, hollow point, or other expanding bullets, except for the hunting of elk, which shall require a bullet larger than .25 inches in diameter and a cartridge case that is 1.75 inches or more in length;

(4) shotguns using only slugs of 20 gauge or larger, except that the hunting of elk shall require a slug of 12 gauge or larger; and

(5) crossbows of not less than 125 pounds of draw weight, using arrows not less than 16 inches in length that are equipped with broadhead points incapable of passing through a ring with a diameter of ~~thirteen-sixteenths~~ three-quarters of an inch when fully expanded. A big game hunter using archery equipment may possess non-broadhead-tipped arrows while hunting if the arrows are not used to take or attempt to take big game animals.

(d) Accessory equipment.

(1) Each individual hunting deer or elk during a firearms deer or elk season and each individual assisting an individual hunting deer or elk as authorized by K.A.R. 115-4-2 or K.A.R. 115-18-15 during a firearms deer or elk season shall wear clothing of a bright orange color having a predominant light wavelength of 595-605 nanometers, commonly referred to as daylight fluorescent orange, hunter orange, blaze orange, or safety orange. This bright orange color shall be worn as follows:

(A) A hat with the exterior of not less than 50 percent of the bright orange color, an equal portion of which is visible from all directions; and

(B) a minimum of 100 square inches of the bright orange color that is on the front of the torso and is visible from the front and a minimum of 100 square inches that is on the rear of the torso and is visible from the rear.

(2) Nonelectric calls, lures, and decoys, except live decoys, shall be legal while hunting big game.

(3) Any individual may use blinds and stands while hunting big game.

(4) Optical scopes or sights that project no visible light toward the target and do not electronically amplify visible or infrared light may be used.

(5) Any range-finding device, if the device does not project visible light toward the target, may be used.

(6) Devices capable of dispensing chemicals to take big game animals shall not be used.

(e) Big game permittees shall possess hunting equipment while hunting only as authorized by this regulation and by the most restrictive big game permit in possession while hunting.

(f) Shooting hours for deer, antelope, and elk during each day of any deer, antelope, or elk hunting season shall be from one-half hour before sunrise to one-half hour after sunset.

(g) Horses and mules may be used while hunting big game, except that horses and mules shall not be used for herding or driving elk. (Authorized by K.S.A. 32-807 and K.S.A. ~~2007~~ 2009 Supp. 32-937; implementing K.S.A. 32-807, K.S.A. ~~2007~~ 2009 Supp. 32-937, K.S.A. ~~2007~~ 2009 Supp. 32-1002, and K.S.A. 32-1015; effective June 1, 2001; amended April 19, 2002; amended April 22, 2005; amended June 2, 2006; amended April 13, 2007; amended April 11, 2008; amended P-_____.)

ECONOMIC IMPACT STATEMENT

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

DESCRIPTION: This regulation establishes legal equipment and taking methods for big game species. The proposed amendment would clarify that archery and crossbow big game hunters could possess non-broadhead-tipped arrows as long the arrows are not used to take big game.

FEDERAL MANDATE: None.

ECONOMIC IMPACT: The proposed amendment is not anticipated to have any appreciable negative economic impact on the department, other agencies, small businesses or the public.

ALTERNATIVES CONSIDERED: None.

115-4-4a. Wild turkey; legal equipment and taking methods. (a) Hunting equipment for the taking of wild turkey during a wild turkey archery season shall consist of the following:

(1) Archery equipment.

(A) Each bow shall be hand-drawn.

(B) No bow shall have a mechanical device that locks the bow at full or partial draw.

(C) Each bow shall be designed to shoot only one arrow at a time.

(D) No bow shall have any electronic device attached to the bow or arrow, with the exception of lighted pin, dot, holographic sights, or illuminated nocks.

(E) Each arrow used for hunting shall be equipped with a broadhead point incapable of passing through a ring with a diameter of ~~thirteen-sixteenths~~ three-quarters of an inch when fully expanded. A wild turkey hunter using archery equipment may possess non-broadhead-tipped arrows while hunting if the arrows are not used to take or attempt to take wild turkeys.

(2) Crossbows and locking draws as authorized under K.A.R. 115-18-7.

(b) Hunting equipment for the taking of wild turkey during a wild turkey firearm season shall consist of the following:

(1) Archery equipment as authorized in subsection (a);

(2) shotguns and muzzleloading shotguns not less than 20 gauge and using only size two shot through size nine shot; and

(3) only during the spring wild turkey firearm season, crossbows of not less than 125 pounds of draw weight, using arrows not less than 16 inches in length that are equipped with broadhead points

incapable of passing through a ring with a diameter of ~~thirteen-sixteenths~~ three-quarters of an inch when fully expanded. A wild turkey hunter using crossbow equipment may possess non-broadhead-tipped arrows while hunting if the arrows are not used to take or attempt to take wild turkeys.

(c) Legal accessory equipment for the taking of wild turkey during any wild turkey season shall consist of the following:

- (1) Nonelectric calls, lures, and decoys, except live decoys;
- (2) blinds and stands;
- (3) range-finding devices, if the devices do not project visible light toward the target; and
- (4) optical scopes or sights that project no visible light toward the target and do not electronically amplify visible or infrared light.

(d) Each wild turkey permittee shall possess hunting equipment while hunting only as authorized by this regulation and by the most restrictive wild turkey permit or game tag in possession while hunting.

(e) Shooting hours for wild turkey during each day of any turkey hunting season shall be from one-half hour before sunrise to sunset.

(f) Each individual hunting turkey shall shoot or attempt to shoot a turkey only while the turkey is on the ground or in flight.

(g) Dogs may be used while hunting turkey, but only during the fall turkey season. (Authorized by K.S.A. 32-807 and K.S.A. ~~2006~~ 2009 Supp. 32-969; implementing K.S.A. 32-807, K.S.A. ~~2006~~ 2009

Supp. 32-969, and K.S.A. ~~2006~~ 2009 Supp. 32-1002; effective April 22, 2005; amended April 13, 2007;
amended April 11, 2008; amended P-_____.)

ECONOMIC IMPACT STATEMENT

K.A.R. 115-4-4a. Wild turkey; legal equipment and taking methods.

DESCRIPTION: This regulation establishes legal equipment and taking methods for wild turkeys. The proposed amendment would clarify that archery and crossbow wild turkey hunters could possess non-broadhead-tipped arrows as long the arrows are not used to take wild turkeys.

FEDERAL MANDATE: None.

ECONOMIC IMPACT: The proposed amendment is not anticipated to have any appreciable negative economic impact on the department, other agencies, small businesses or the public.

ALTERNATIVES CONSIDERED: None.

115-18-7. Use of crossbows and locking draws for big game and wild turkey hunting by persons with disabilities; application, permit, and general provisions. (a) Each permanently disabled person qualified to hunt deer, antelope, elk, or wild turkey with a crossbow and desiring to obtain a crossbow and locking draw permit shall apply to the secretary on forms provided by the department. Each applicant shall provide the following information:

(1) Name of applicant;

(2) address;

(3) a physician's signed report, on forms provided by the department, describing the permanent disability and certifying the applicant physically incapable of using a bow; and

(4) other relevant information as required by the secretary.

(b) Each person with a temporary disability who would be qualified to hunt deer, antelope, elk, or wild turkey with a crossbow if the disability were permanent and who desires to obtain a temporary crossbow and locking draw permit shall apply to the secretary on forms provided by the department.

Each applicant shall provide the following information:

(1) Name of applicant;

(2) address;

(3) a physician's signed report, on forms provided by the department, describing the disability, certifying the applicant physically incapable of using a bow, and estimating the time period that the person is likely to be subject to the disability; and

(4) other relevant information as required by the secretary.

Each temporary permit shall expire no more than three years from the date of issuance and shall state the expiration date on the face of the permit.

(c) Any applicant may be required by the secretary to obtain, at the department's expense, a report from a second physician chosen by the secretary.

(d) A crossbow and locking draw permit or temporary permit may be refused issuance or may be revoked by the secretary for any of the following reasons:

(1) The disability does not meet qualifications for the permit.

(2) The application is incomplete or contains false information.

(3) The disability under which the permit was issued no longer exists.

(e) A crossbow and locking draw permit or temporary permit shall be valid statewide.

(f) Any crossbow and locking draw permittee may use a crossbow or bow equipped with a locking draw for hunting deer, antelope, elk, or wild turkey during any archery season established by the secretary for the big game species or wild turkey being hunted by the permittee. This provision shall be subject to the applicable regulations governing archery hunting of that big game species or wild turkey, including possession of a valid hunting permit issued by the department for that big game species or wild turkey, if required.

(g) Legal equipment for hunting any big game or wild turkey by crossbow shall consist of the following:

(1) Crossbows of not less than 125 pounds of draw weight;

(2) arrows not less than 16 inches in length, equipped with broadhead points incapable of

passing through a ring with a diameter smaller than ~~thirteen-sixteenths~~ three-quarters of an inch when fully expanded;

(3) lighted pin, dot, or holographic sights attached to the bow, but no other electronic or chemical device attached to the crossbow or arrow;

(4) optical scopes or sights that project no visible light toward the target and do not electronically amplify visible or infrared light; and

(5) range-finding devices, if the system does not project visible light toward the target.

(h) Legal equipment for hunting any big game or wild turkey using a bow equipped with a locking draw shall consist of legal archery equipment as specified in K.A.R. 115-4-4, except that the bow may have a mechanical device that locks the bow at full or partial draw.

(i) Any person may assist the holder of a crossbow permit or a temporary crossbow permit during the permittee's hunting activity. A person assisting a holder of a permit shall not perform the actual shooting of the crossbow for the permittee.

(j) A big game or wild turkey hunter using crossbow equipment may possess non-broadhead-tipped arrows while hunting if the arrows are not used to take or attempt to take wild turkeys or big game animals. (Authorized by K.S.A. 32-807, K.S.A. 2009 Supp. 32-919, and K.S.A. ~~2006~~ 2009 Supp. 32-932; implementing K.S.A. ~~2006~~ 2009 Supp. 32-932; effective Oct. 30, 1989; amended, T-115-9-9-97, Sept. 9, 1997; amended Dec. 29, 1997; amended Oct. 1, 1999; amended April 19, 2002; amended Feb. 18, 2005; amended April 11, 2008; amended P-_____.)

ECONOMIC IMPACT STATEMENT

K.A.R. 115-18-7. Use of permits for big game hunting by persons with disabilities; application, permit, and general provisions.

DESCRIPTION: This regulation provides for the issuance of a permit to any person with a qualifying disability allowing the use of a crossbow to hunt big game. The proposed amendment would clarify that crossbow big game and wild turkey hunters could possess non-broadhead-tipped arrows as long the arrows are not used to take big game or wild turkeys.

FEDERAL MANDATE: None.

ECONOMIC IMPACT: The proposed amendment is not anticipated to have any appreciable negative economic impact on the department, other agencies, small businesses or the public.

ALTERNATIVES CONSIDERED: None.

115-25-9. Deer; open season, bag limit, and permits. (a) The open season for the taking of deer shall be as follows:

(1) Archery season.

(A) The archery season dates shall be September 20, 2010 through December 31, 2010.

(B) The entire state shall be open for the taking of deer during the archery deer season.

However, nonresident archery deer permits shall be valid in only two adjacent deer management units designated at the time of application and unit 19.

(C) All archery deer permits also shall be valid during the portion of the extended firearm season beginning on January 1, 2011 and extending through the last open day in units open during an extended firearm season and shall be valid with any legal equipment authorized during a firearm season, but shall be valid only for antlerless white-tailed deer during those dates and valid only in deer management units open to the extended firearms season.

(D) The number of archery deer permits based on a review of deer population indices, biological and ecological data, history of permit use and harvest rates, public input, and other relevant information shall be as established by the secretary with the concurrence of the commission.

(E) The urban antlerless-only white-tailed deer archery season shall begin on January 10, 2011 and extend through January 31, 2011 in all units designated as an urban deer management unit.

(2) Firearm season.

(A) In the Fort Leavenworth subunit, the firearm season dates shall be November 20, 2010 through November 21, 2010, November 25, 2010 through November 28, 2010, December 4, 2010 through December 5, 2010, December 11, 2010 through December 12, 2010, and December 18, 2010 through December 19, 2010. In the Smoky Hill Air National Guard subunit, the firearm season dates shall be November 23, 2010 through December 4, 2010. The regular firearm season dates in all other deer management units shall be December 1, 2010 through December 12, 2010.

(B) The urban firearm deer season in all units designated in K.A.R. 115-4-6 as an urban deer management unit shall be October 9, 2010 through October 17, 2010. White-tailed either-sex deer permits issued for a deer management unit adjacent to or encompassing an urban deer management unit shall be valid only in the urban deer management unit during the urban firearm deer season.

(C) During the regular and extended firearm deer seasons, white-tailed either-sex deer permits issued for a deer management unit adjacent to or encompassing an urban deer management unit shall be valid in both the designated unit and the urban deer management unit.

(D) The number of firearm deer permits for each management unit based on a review of deer population indices, biological and ecological data, history of permit use and harvest rates, public input, and other relevant information shall be as established by the secretary with the concurrence of the commission.

(3) Muzzleloader-only season.

(A) The muzzleloader-only season in all deer management units shall be September 20, 2010 through October 3, 2010. Muzzleloader deer permits shall also be valid during established firearm seasons using muzzleloader equipment, except that during the portion of the extended firearm season beginning on January 1, 2011 and extending through the last open day in units open during an extended firearm season, these permits shall be valid with any legal equipment authorized during a firearm season. During an extended firearm season, only muzzleloader deer permits for deer management units open during these dates shall be valid, and only for antlerless white-tailed deer.

(B) The number of muzzleloader deer permits issued for each management unit based on a review of deer population indices, biological and ecological data, history of permit use and harvest rates, public input, and other relevant information shall be as established by the secretary with the concurrence of the commission.

(4) Season for designated persons.

(A) The season for designated persons to hunt deer shall be September 11, 2010 through September 19, 2010 in all deer management units.

(B) Only the following persons may hunt during this season:

(i) Any person 16 years of age or younger, only while under the immediate supervision of an adult who is 18 years of age or older; and

(ii) any person with a permit to hunt from a vehicle issued according to K.A.R. 115-18-4 or a disability assistance permit issued according to K.A.R. 115-18-15.

(C) All resident and nonresident deer permits shall be valid during this season.

(D) All persons hunting during this season shall wear blaze orange according to K.A.R. 115-4-4.

(5) Extended firearm seasons.

(A) Any unfilled deer permit valid in unit 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, or 19, as applicable, shall be valid during the extended firearm season beginning January 1, 2011 and extending through January 9, 2011 in those units.

(B) Only antlerless white-tailed deer may be taken.

(C) Permits restricted to a specific unit shall remain restricted to that unit during the extended firearm season.

(D) Equipment legal during a firearm season shall be authorized with any permit.

(b) Unlimited resident hunt-on-your-own-land, special hunt-on-your-own-land, and nonresident hunt-on-your-own-land deer permits shall be authorized for all units. These permits also shall be valid during the portion of the extended firearm season beginning on January 1, 2011 and extending through the last open day in units open during an extended firearm season, but shall be valid only for antlerless white-tailed deer during an extended firearm season.

(c) Permit applications.

(1) Applications for resident firearms either-species, either-sex permits shall be accepted at designated locations from the earliest date that applications are available through July 9, 2010.

Applications with a postmark date of not later than July 19, 2010 shall also be accepted.

(2) Applications for resident any-season white-tailed either-sex deer permits, resident archery deer permits, resident muzzleloader either-species, either-sex permits and hunt-on-your-own-land deer permits shall be accepted at designated locations from the earliest date that applications are available through December 30, 2010.

(3) Applications for antlerless white-tailed deer permits shall be accepted at designated locations from the earliest date that applications are available through January 30, 2011.

(4) Applications for nonresident antlered deer permits 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.

(5) Nonresident applicants may select, at the time of application, one deer management unit and up to one adjacent management unit where their permit shall be valid.

(6) Resident applicants for either-species, either-sex muzzleloader or firearm deer permits shall select, at the time of application, the unit where their permit shall be valid. The west unit permit shall be valid in units 1, 2, 17, and 18. The east unit permit shall be valid in units 3, 4, 5, 7, and 16.

(d) Any individual may apply for and obtain multiple deer permits, subject to the following limitations:

(1) Any individual may apply for or obtain no more than one deer permit that allows the taking of an antlered deer, except when the individual is unsuccessful in a limited quota drawing and alternative permits for antlered deer are available at the time of subsequent application.

(2) Any individual may obtain no more than five antlerless white-tailed deer permits. One antlerless white-tailed deer permit shall be valid statewide, including lands managed by the department. One antlerless white-tailed deer permit shall be valid in units 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 10a, 11, 12, 13, 14, 15, 16, and 19 on lands and waters not managed by the department, except Cedar Bluff Wildlife Area. Up to three additional antlerless white-tailed deer permits shall be valid in subunit 10a and in units 7, 8, 12, 13, 15, 16 and 19 on lands and waters not managed by the department.

(3) Any resident may obtain no more than one either-species, either-sex permit through the application period described in paragraphs (c)(1) and (c)(2).

(4) Nonresidents shall be eligible to obtain antlerless white-tailed deer permits. Otherwise, a nonresident shall be eligible to apply for and obtain only those permits designated as nonresident deer permits.

(5) No resident or nonresident shall purchase any deer permit that allows the taking of antlerless-only deer without first having obtained a deer permit that allows the taking of antlered deer, unless the antlerless-only deer permit is purchased after December 30, 2010.

(e) The bag limit for each deer permit shall be one deer, as specified on the permit issued to the permittee.

(f) No deer permit issued pursuant to this regulation shall be valid after January 31, 2011.

(g) This regulation shall be effective on and after May 1, 2010, and shall have no force and effect on and after March 1, 2011. (Authorized by K.S.A. 32-807 and K.S.A. 2009 Supp. 32-937; implementing K.S.A. 32-807, K.S.A. 2009 Supp. 32-937, and K.S.A. 2009 Supp. 32-1002.)

ECONOMIC IMPACT STATEMENT

K.A.R. 115-25-9. Deer; open season, bag limit, and permits.

DESCRIPTION: The proposed exempt regulation establishes hunting bag limits, application periods and season dates for the 2010-2011 firearm, muzzleloader and archery deer seasons. There are few changes from 2009-2010 seasons. First, season dates are adjusted to coincide with the calendar. Second, the extended season for antlerless white-tailed deer is expanded to include five additional units from the previous season so the antlerless season in January will now be statewide.

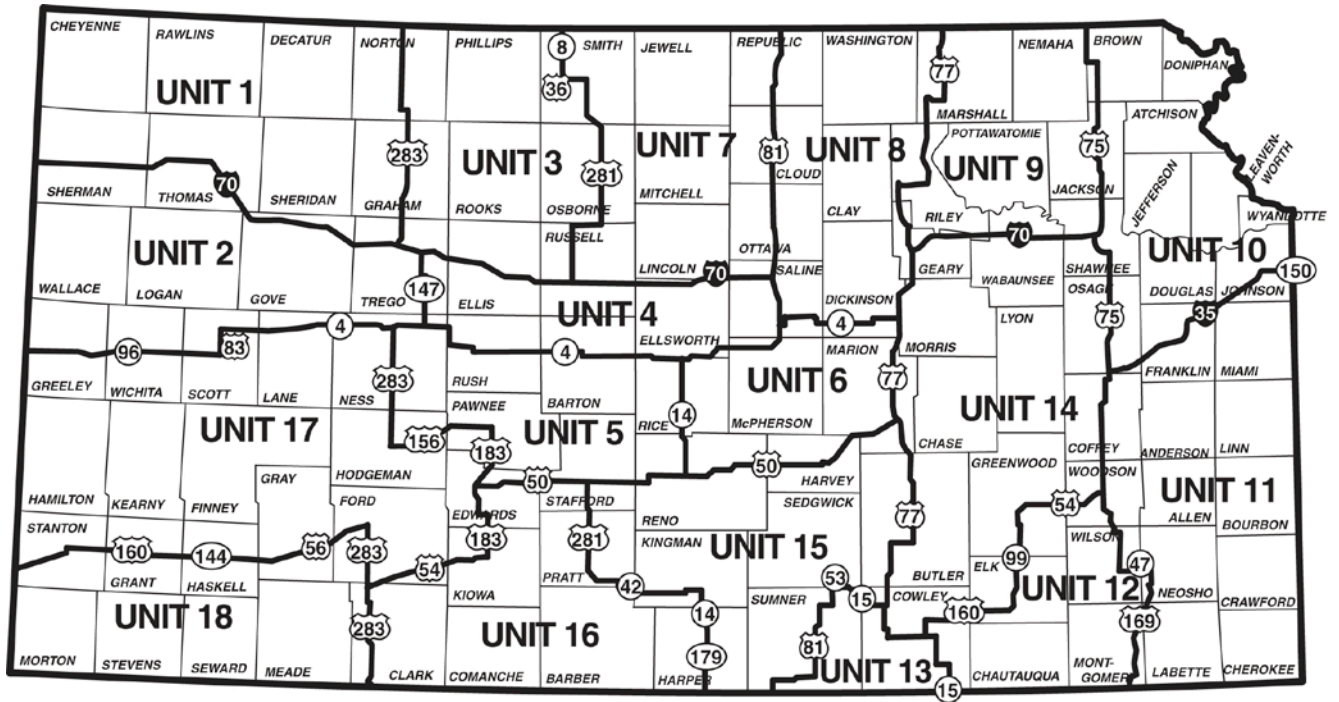
FEDERAL MANDATES: None

ECONOMIC IMPACT: If the economic impact to the department, the general public, small business and other agencies from the 2010-11 seasons were to be similar to the estimate for the 2009-2010 seasons, total revenue to the department from the sale of all resident, nonresident, and landowner/tenant deer permits is estimated to be approximately \$8,000,000.

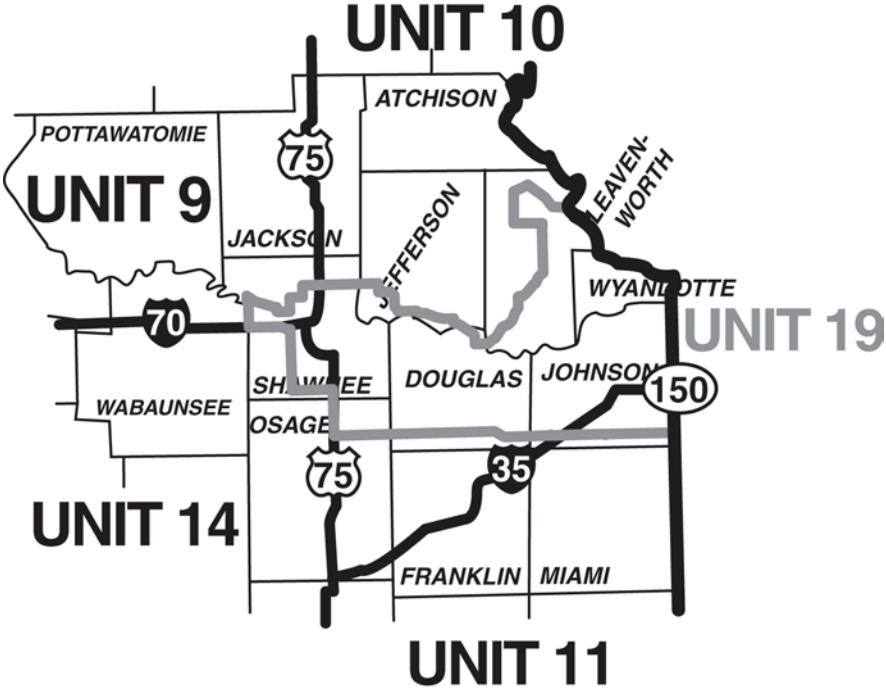
Approximately 575,000 days of hunting activity by 115,000 hunters are anticipated. A 2006 survey conducted by the U.S. Fish and Wildlife Service estimated that big game hunters spent approximately \$1100 per year on trip and equipment expenditures, thus the 2009 deer seasons in Kansas are anticipated to generate approximately \$126.5 million worth economic benefit to businesses providing big game goods and services. No other economic impact to state agencies, small businesses, or other individuals is anticipated.

ALTERNATIVES CONSIDERED: None.

Proposed Deer Management Units



Proposed Deer Management Units with Sub-Unit 19



115-25-7. Antelope; open season, bag limit, and permits. (a) The open season for the taking of antelope shall be as specified in this subsection. The unit designations in this subsection shall have the meanings specified in K.A.R. 115-4-6.

(1) Archery season.

(A) The archery season dates shall be September 18, 2010 through September 26, 2010 and October 9, 2010 through October 31, 2010.

(B) The taking of antelope during the established archery season shall be authorized for Smoky Hill, unit 2; West Arkansas, unit 17; and Cimarron, unit 18. Unlimited archery permits for residents and nonresidents shall be authorized for the area.

(2) Firearm season.

(A) The firearm season dates shall be October 1, 2010 through October 4, 2010.

(B) The open units for the taking of antelope during the established firearm season and the number of permits authorized shall be as follows:

(i) Smoky Hill, unit 2: Ninety-four resident firearm permits shall be authorized for the unit.

(ii) West Arkansas, unit 17: Thirty-six resident firearm permits shall be authorized for the unit.

(iii) Cimarron, unit 18: Eight resident firearms permits shall be authorized for the unit.

(3) Muzzleloader-only season.

(A) The muzzleloader-only season dates shall be September 27, 2010 through October 4, 2010.

Muzzleloader permits also shall be valid in the unit for which the permit is authorized during the

established firearm season dates.

(B) The open units for the taking of antelope during the established muzzleloader-only season and the number of permits authorized shall be as follows:

(i) Smoky Hill, unit 2: Twenty-four resident muzzleloader permits shall be authorized for the unit.

(ii) West Arkansas, unit 17: Twelve resident muzzleloader permits shall be authorized for the unit.

(iii) Cimarron, unit 18: Ten resident muzzleloader permits shall be authorized for the unit.

(b) The bag limit for each archery, firearm, and muzzleloader permit shall be one antelope of either sex.

(c) Applications for resident firearm and muzzleloader permits shall be accepted in the Pratt office from the earliest date that applications are available through June 11, 2010. Applications with a postmark date of not later than June 11, 2010 shall also be accepted. Applications for resident and nonresident archery permits shall be accepted where issued from the earliest date that applications are available through October 30, 2010. If there are any unfilled permits after all timely applications have been considered, the application period may be extended by the secretary. Any applicant unsuccessful in obtaining a permit through a drawing may apply for any permit made available during an extended application period, or any other permit that is available on an unlimited basis.

(d) This regulation shall be effective on and after May 1, 2010, and shall have no force and

effect on and after March 1, 2011. (Authorized by K.S.A. 32-807 and K.S.A. 2009 Supp. 32-937; implementing K.S.A. 32-807, K.S.A. 2009 Supp. 32-937, and K.S.A. 2009 Supp. 32-1002.)

ECONOMIC IMPACT STATEMENT

K.A.R. 115-25-7. Antelope; open season, bag limit, and permits.

DESCRIPTION: This proposed exempt regulation establishes hunting unit boundaries, bag limit, application periods and season dates for the 2010 firearm, muzzleloader, and archery antelope seasons. The hunting units include all of the area included during the 2009 season. An unlimited number of archery permits are authorized, however, recent trends indicate that about 250 people may apply for these permits for residents. 4 nonresident archery permits were issued in 2009 and it is anticipated that a like number will be issued in 2010.

The proposed unit boundaries for the 2010 firearm hunting season are the same as the 2009 unit boundaries. A total of 138 firearms permits are proposed in three management units as follows: Unit 2-94 permits, Unit 17-36 permits, and Unit 18-8 permits, an increase of 8 permits from the previous season. In addition, 48 muzzleloader permits are proposed in three management units as follows: Unit 2-24 permits, Unit 17-12 permits, and Unit 18-12 permits, the same number of permits from the previous season.

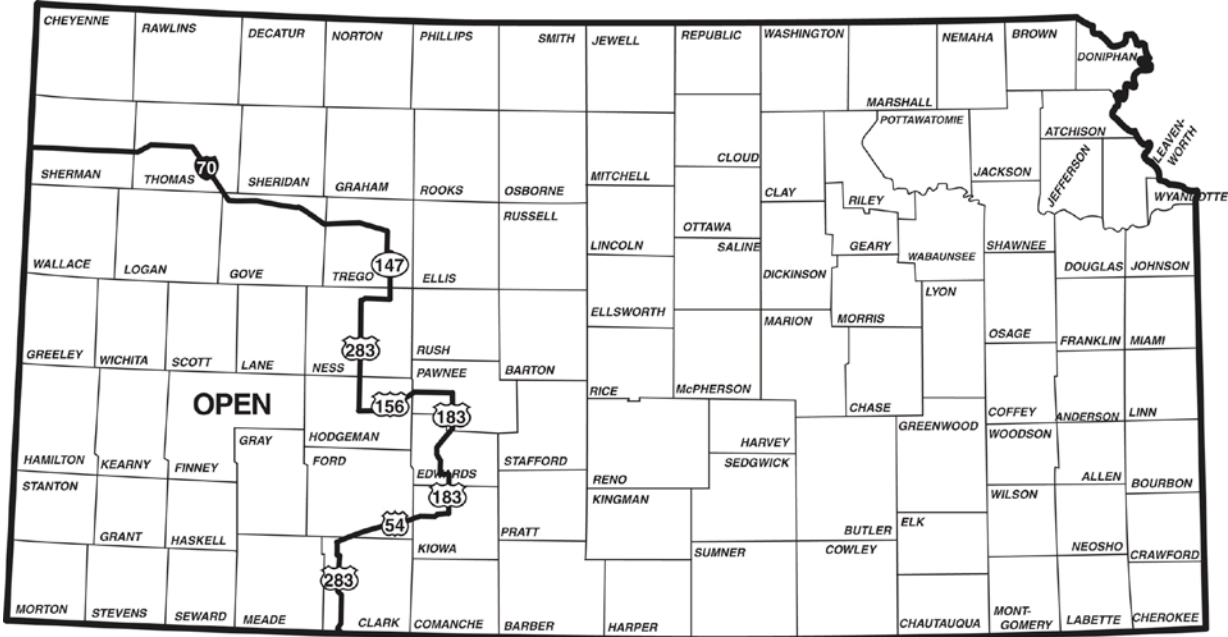
FEDERAL MANDATE: None.

ECONOMIC IMPACT: It is anticipated that 428 antelope hunting permits will be authorized. Estimated revenue if all permits are issued would be approximately \$13,720. That amount represents equal participation in the antelope season by landowner/tenants and general residents, as well as nonresident participation. Approximately 1150 people will apply for an antelope permit or preference point. A \$5 nonrefundable application fee from all applicants will generate an additional \$5,575. Other administrative costs associated with the season are borne by the Department.

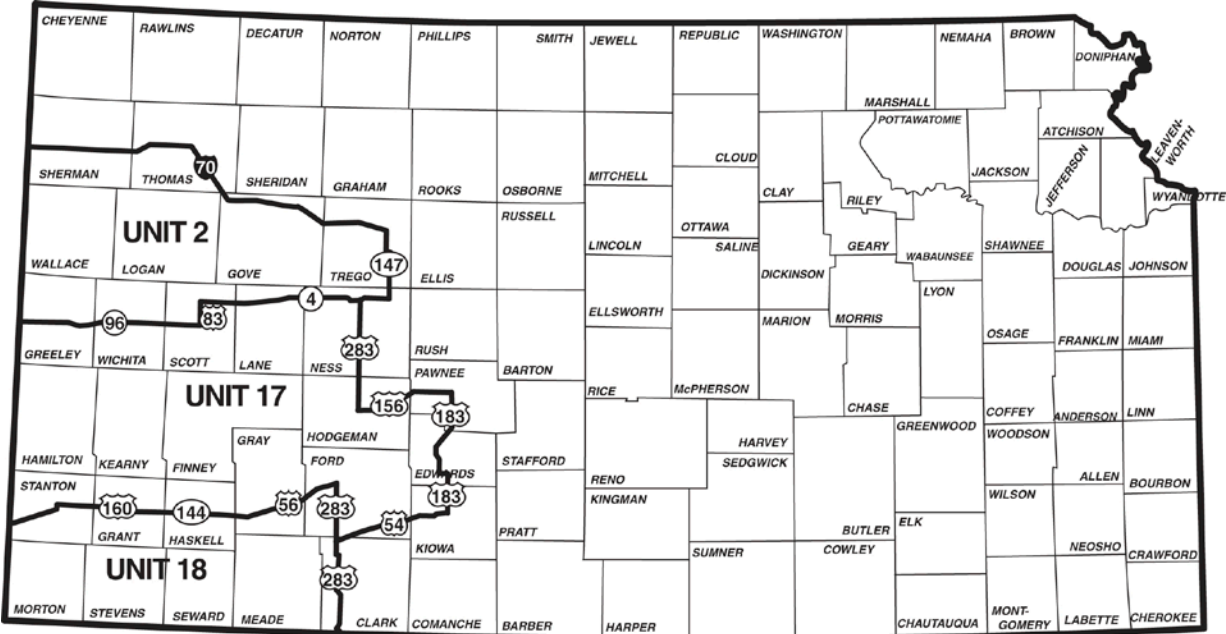
Approximately 2140 days of hunting activity will occur. The national survey of fishing, hunting, and wildlife associated recreation conducted by the U.S. Fish and Wildlife Service estimated that an average big game hunter spent more than \$1100 per season, thus the antelope season may generate \$470,800 in direct economic benefits to businesses providing goods and services. There will be no other economic impact on the general public, small businesses or on other state agencies.

ALTERNATIVES CONSIDERED: None.

Antelope Unit Area



Antelope Units (using existing Deer Management Units)



115-25-8. Elk; open season, bag limit and permits. (a) The unit designations in this regulation shall have the meanings specified in K.A.R. 115-4-6, except that the area of Fort Riley, subunit 8a, shall not be included as part of Republican, unit 8.

(b) The open seasons for the taking of elk shall be as follows:

(1) The archery season dates and units shall be as follows:

(A) Statewide, except Fort Riley, subunit 8a, and Morton County, a portion of unit 18: September 20, 2010 through December 31, 2010.

(B) Fort Riley, subunit 8a: September 1, 2010 through October 3, 2010.

(2) The firearm season dates and units shall be as follows:

(A) Statewide, except Fort Riley, subunit 8a, and Morton County, a portion of unit 18: December 1, 2010 through December 12, 2010 and January 1, 2011 through March 15, 2011.

(B) Fort Riley, subunit 8a:

(i) First segment: October 1, 2010 through October 31, 2010.

(ii) Second segment: November 1, 2010 through November 30, 2010.

(iii) Third segment: December 1, 2010 through December 31, 2010.

(3) The muzzleloader season dates and units shall be as follows:

(A) Statewide, except Fort Riley, subunit 8a, and Morton County, a portion of unit 18: September 1, 2010 through October 3, 2010.

(B) Fort Riley, subunit 8a: September 1, 2010 through October 3, 2010.

(c) A limited-quota either-sex elk permit shall be valid during any season using equipment authorized for that season. Twelve either-sex elk permits shall be authorized.

(d) A limited-quota antlerless-only elk permit shall be valid during any season using equipment authorized for that season, except that a limited-quota antlerless-only elk permit shall be valid on Fort Riley, subunit 8a, only as follows:

(1) A first-segment antlerless-only elk permit shall be valid on Fort Riley, subunit 8a, only during the first segment. Five first-segment antlerless-only elk permits shall be authorized.

(2) A second-segment antlerless-only elk permit shall be valid on Fort Riley, subunit 8a, only during the second segment. Five second-segment antlerless-only elk permits shall be authorized.

(3) A third-segment antlerless-only elk permit shall be valid on Fort Riley, subunit 8a, only during the third segment. Five third-segment antlerless-only elk permits shall be authorized.

(4) All antlerless-only elk permits shall be valid on Fort Riley, subunit 8a, during the September 1, 2010 through October 3, 2010 archery and muzzleloader seasons.

(e) The bag limit shall be one elk as specified on the permit issued to the permittee.

(f) Limited-quota antlerless-only elk permits and limited-quota either-sex elk permits shall be awarded from a pool of applicants who are Fort Riley military personnel and applicants who are not Fort Riley military personnel.

(g) An unlimited number of hunt-on-your-own-land antlerless-only elk permits and either-sex elk permits shall be authorized statewide, except Morton County, a portion of unit 18. A hunt-on-your-own-land permit shall be valid during any open season. The bag limit for each hunt-on-your-own-land elk permit shall be one elk as specified on the permit. Applications for hunt-on-your-own-land elk permits shall be accepted at available permit vendor locations from the earliest date that applications are available through March 14, 2011.

(h) An unlimited number of over-the-counter antlerless-only elk permits and either-sex elk permits shall be authorized statewide, except that the permits shall not be valid on Fort Riley, subunit 8a, or in Clay County, a portion of unit 8, Geary County, a portion of units 8 and 14, Morton County, a portion of unit 18, or Riley County, a portion of units 8 and 9. The bag limit for each unlimited over-the-counter elk permit shall be one elk as specified on the permit. Applications for unlimited over-the-counter elk permits shall be accepted at available permit vendor locations from the earliest date that applications are available through March 14, 2011.

(i) Applications for limited-quota antlerless-only elk permits and limited-quota either-sex elk permits shall be accepted at designated locations from the earliest date that applications are available through July 9, 2010. Applications with a postmark date of not later than July 9, 2010 shall also be accepted.

(j) If there are leftover limited-quota antlerless-only elk permits or limited-quota either-sex permits after all timely applications have been considered, the application periods for those permits may

be reopened by the secretary. Leftover permits shall be drawn and issued on a daily basis for those application periods reopened by the secretary. Any applicant unsuccessful in obtaining a permit through a drawing may apply for any leftover permit or any other permit that is available on an unlimited basis.

(k) Each permit holder shall, upon harvest of an elk, contact designated department staff within two calendar days to arrange for collection of biological data and tissue samples.

(l) Any individual may apply for or obtain no more than one permit that allows the taking of an elk, unless the individual is unsuccessful in a limited-quota drawing and alternative permits for elk are available at the time of subsequent application or the individual obtains a commission permit pursuant to K.A.R. 115-4-11.

(m) This regulation shall have no force and effect on and after April 1, 2011. (Authorized by K.S.A. 32-807 and K.S.A. 2009 Supp. 32-937; implementing K.S.A. 32-807, K.S.A. 2009 Supp. 32-937, and K.S.A. 2009 Supp. 32-1002.)

ECONOMIC IMPACT STATEMENT

K.A.R. 115-25-8. Elk; open season, bag limit and permits.

DESCRIPTION: This proposed exempt regulation establishes hunting unit boundaries, bag limit, application periods and season dates for the 2010-2011 muzzleloader, archery, and firearm seasons for elk. The units allow for statewide use for limited-quota permits, except in Morton County. Limited-quota elk and unlimited hunt-on-your-own-land (HOYOL) hunters would be allowed to hunt during any open season with the equipment that was allowed during that season. Unlimited general either-sex and antlerless-only permits would allow the use of the permits in all units but would exclude certain counties (Morton, Geary, Riley and Clay). Unlimited HOYOL either-sex and antlerless-only permits would be allowed statewide, except Morton County. The proposed regulation would allow elk hunting from September 1, 2010 through March 15, 2011 statewide (outside Fort Riley, except Morton County). Fifteen limited-quota antlerless permits would also be valid during a September muzzleloader and archery equipment season on Fort Riley. However, only five limited-quota antlerless-only elk permits at a time would be made available for use during each of three seasons on subunit 8a (Fort Riley) (October 1, 2010 through October 31, 2010; November 1, 2010 through November 30, 2010; and December 1, 2010 through December 31, 2010). Twelve limited-quota either-sex elk permits would be valid from September 1, 2010 through December 31, 2010 on subunit 8a and from September 1, 2010 through March 15, 2011 in the remainder of the state, except Morton County. Fort Riley military personnel would continue to control access to the military grounds for the purpose of elk hunting, and are expected to provide hunting access only during a portion of the available days during the open seasons. The seasons are intended to provide increased opportunity for those hunters drawing elk permits, and increased flexibility to address elk that may disperse off the Fort as well as those animals beginning to appear within other locations in the State. This represents an increase of 4 total limited-quota permits for 2010.

FEDERAL MANDATE: None

ECONOMIC IMPACT: It is anticipated that 27 limited-quota elk permits will be issued. Based on 2009 numbers, it is estimated that at least another 20 HOYOL permits will be issued and as this is the first year, it is unknown the number of unlimited general permits that will be issued. In addition, it is estimated that 980 of people will apply for the drawing permits or bonus points and those individuals pay a \$5 nonrefundable application fee. The application fee generates \$4900. Estimated revenue if all permits are issued would be approximately \$7500. Administrative costs associated with the season are borne by the Department. Approximately 235 days of hunting activity may occur, thus providing \$51,700 economic benefit to businesses providing goods and services. To the extent the expanded unit, seasons, and permit numbers help prevent dispersal of elk onto private land, and therefore help prevent occurrence of damage from dispersed elk, there may be some positive economic impact to the general public. No other economic impact on the general public, small businesses, or on other state agencies is anticipated.

ALTERNATIVES CONSIDERED: None

Elk Management Units

