

**Kansas Department of Wildlife and Parks
Commission Meeting Minutes
KDWP Region 4 Office
6232 E 29th St N, Wichita, KS**

Approved
6/23/11

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

The April 21, 2011 meeting of the Kansas Wildlife and Parks Commission was called to order by Chairman Kelly Johnston at 1:30 p.m. at the Great Plains Nature Center auditorium (KDWP Region 4 Office), Wichita. Chairman Johnston and Commissioners 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 Don Schroeder, Augusta.

III. ADDITIONS AND DELETIONS TO AGENDA ITEMS

Sheila Kemmis - Revised agenda – changed presenter for general discussion No. 2, fishing regulations, Kyle Austin will be the presenter; added evening presentation under general discussion No. 7, Jake George presenter; and rearranged general discussion items being presented by Faye McNew to put all of hers together; and in the public hearing section this evening Kyle Austin will be presenting No. 3, KAR 115-7-9.

Assistant Keith Sexson presented Sheila Kemmis with 20-year certificate and pin; and Kevin Jones with 10-year pin.

IV. APPROVAL OF THE March 10, 2011 MEETING MINUTES

Commissioner Frank Meyer moved to approve the minutes, Commissioner Kelly Johnston second. Approved. (Minutes – Exhibit B).

V. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

None

VI. DEPARTMENT REPORT

A. Secretary's Remarks

1. 2011 Legislature – Chris Tymeson, chief legal counsel, gave this report to the

Commission. We have two representatives here; Representative Dan Kerschen is also in the audience. Chairman Johnston – Welcome Representative Kerschen. Tymeson – This is first year of the two-year cycle on bills and it has been relatively quiet for the agency. SB 120, vessel titling act, stayed in House; SB 123, cabin, passed out of Senate and House, amendment (HB 2149) added to bill, compromise in conference, KDWP currently can purchase 640 acres, this would reduce it to 320 acres without legislative approval, 640 if under appraised value, everything else requires legislative approval; passed House, expect out of Senate next week. SB 152, concealed carry – can carry while hunting and use suppressors for hunting, passed both houses and signed by Governor on March 23. HB 2013 – this bill would repeal a law that restricts the purchase and sale of firearms from contiguous states, rifles and shotguns now can be purchased if legal in both states, signed by the Governor. HB2089, this bill allows retrieval of hunting dogs from posted land without permission, no hearing. HB 2052, criminal code violation, rerouted to House Appropriations, probably dead for rest of year. HB 2168, would waive state park entrance fees for veterans, but it's probably dead for rest of year. HB 2095, deer bill, routed to subcommittee, tabled, hearing in House. We will have discussion tonight on deer proposals, but I don't expect this bill to be going anywhere rest of this year. Late bill on feral swine, which are not regulated by us, but by the Department of Agriculture, amending definition and increase penalty to criminal misdemeanor and will include European boar. House Current Resolution 5017 -- Watercraft taxation, never passed by both houses, don't expect movement rest of year would be on ballot and allow legislators to change taxation level. ERO 136 will require action opposing or it goes into effect. There has been no opposition, so Division of Travel and Tourism will be transferred to Wildlife and Parks. The deadline was March 29. On July 1 Travel and Tourism will be transferred. Chairman Johnston – Call from constituent who understood we were issuing permits for silencers. Tymeson – Suppressors, that is a federal law, they must go through a background check and pay a tax stamp, regulated by federal government.

Steve Sorensen – What is bill number to feral hog legislation? Tymeson – It is HB 2398.

Chairman Johnston – Everyone wishing to speak, please come forward and use microphone for web streaming.

Agency and State Fiscal Status – Dick Koerth, assistant secretary of Administration presented this update to the Commission (Exhibit C). Due to the numerous changes by the Legislature since the issuance of the Commission Briefing Book, the presentation was significantly different from the handout included in the briefing book. The KDWP will receive additional funding requested for repair of the dam at Clark State Fishing Lake and for installation of a sewer line for the Pratt Operations Office. The Legislature has begun the process to approve a FY 2012 appropriation bill and will need to adjust for a reduction of approximately \$31.7 million in State General Fund (SGF) revenue for the next fiscal year. The reduction in SGF will require the Senate to make additional reductions to obtain a positive balance in the fund. The House will have a positive balance with the reduction. The House and Senate have conferred on the FY 2012 appropriation bill and have concurred on the following items: no pay reduction for appointed officials; an across the board reduction of 1.193 percent in all funds, which for KDWP will mean a total reduction of \$721,000 of which \$60,000 would be from the SGF; require hunting licenses and park permits to allow for a \$2 or more check-off for the cost of such licenses issued to

Kansas National Guard members and disabled veterans; and to allow KDWP to use non-completive bidding for tourism promotion contracts. The items which the House and Senate have not concurred on at this time include the following: reduction in cell phone usage of up to 50 percent; reduction in funds used for employee longevity payments, SGF only or all funds, (employees will still receive the longevity payments); 5 percent surcharge on state employee health insurance premiums; 10 percent reduction in IT expenditures; funding source to finance \$175,000 for feral swine eradication; restriction of budget salary funds for that use only without ability to address other needs; reduction in SGF amount for bottled water and office supplies (\$270,000 all agencies); and deletion of SGF funding for subscriptions and membership dues. The appropriation conference committee will meet again on April 27, 2011. Commissioner Shari Wilson – Voluntary contribution of \$2 or more, wasn't a bill required for FHFH, concern of adding to license fees, won't that cause a problem? Koerth – This is different, this is a legislative fund, which will reimburse KDWP for lost revenue. Commissioner Shari Wilson – This will encourage people to help us. Koerth – Right. Commissioner Meyer – Will there be different funding source for Tourism? Koerth – Yes, accounting and personnel will be paid for by all divisions to avoid diversion. Steve Sorensen, KWF, Valley Center – Budget of salaries used only for salary with unused SGF back to the SGF, does that include Wildlife Fee Fund (WFF) salaries? Koerth – No. Sorensen – Amount of funding for water and office supplies, WFF? Koerth – No, SGF only.

B. General Discussion

1. Vehicles on the Ice – Brad Simpson, public lands section chief, presented this report to the Commission (Exhibit D) - At the March Commission meeting, the Commission requested the Department review the regulations regarding the use of motor vehicles on department lands, in particular, all-terrain vehicles (ATVs) on ice. KAR 115-8-13 states motorized vehicles and aircraft; authorized operation (a) states the motorized vehicles shall be operated only on department roads and parking areas, except as otherwise established by posted notice. The term “motorized vehicle” includes all-terrain vehicles. This regulation only pertains to department-owned or managed lands which, as defined in KAR 115-1-1, includes state parks, state fishing lakes, and wildlife areas; not federal areas. Currently, there are no designated areas that allow the use of motorized vehicles on ice by posted notice on state fishing lakes or other bodies of water. Icefishing on state fishing lakes has been limited, depending on location. State fishing lakes are relatively small in size with relatively good public access surrounding them, allowing icefisherman access by foot. Three possible options: 1) maintain current regulations, which prohibit ATVs on ice unless otherwise allowed; 2) open all department managed lands and waters to allow ATVs on ice by regulation and restrict certain locales as adopted by reference in the “KDWP fisheries and wildlife division public land special use restrictions” document and posted notice accordingly; or 3) open just state fishing lakes to allow ATVs on ice by regulation and restrict certain locales as adopted by reference in the “KDWP fisheries and wildlife division public land special use restrictions” document and posted notice accordingly. If options 2 or 3 are pursued, other considerations would need to be made: 1) which bodies of water need additional restriction; 2) point of entry/exit (boat ramps); 3) purpose/intent of use (ice fishing only); and 4) operational periods (sunrise to sunset). Commissioner Meyer – Who would be responsible for thickness of ice? Simpson – At anglers’ discretion and risk. Commissioner Lauber – I am

strongest proponent, like option No. 2 and considerations I think restricted areas should be marshes; like point of entry to be boat ramps; don't allow recreational boating on SFLs now so that would be consistent to only allow for ice fishing. This is not new concept. We don't regulate how thick ice is any more than telling someone they can't go out on a boat because the wind is too high. We have no control over federal property. We sell lot of out-of-state fishing permits, and we should be consistent with other states that have ice fishing. It can be rewarding, and I think we should try and pursue it. Commissioner Shari Wilson – This is not a new idea, and it is done in northern states, but the weather is different here. It can be cold then warm all winter long. From a safety point of view, what do other states do as far as tools they have to see how thick ice is? Commissioner Lauber – I have used ATVs and snowmobiles for 20 years on ice. The Corps of Engineers' website has a link that shows how much ice is safe for type of vehicle. Anglers can go to a shallow area and drill a hole to check thickness. Not very many novices engaging in this sport. Used more on federal reservoirs. It's easier to haul equipment on ATV, and this is something that has been going on for a long time anyway. Chairman Johnston – Operational period, is there much ice fishing at night in Kansas? Commission Lauber – Not necessarily, but anglers do try to be on ice at sunrise and sunset, and ice is no less safe, not go pleasure riding in the dark, not much after-hours usage. Chairman Johnston – Would it be consistent to establish half hour before sunrise and half hour after sunset? Commissioner Lauber – Constituents I know would have no problem with that. Doug Phelps, Manhattan – Any exception to regulation to operating motorized vehicle or vessel on department waters. I understand they have to be permitted and display numbers, if using ATV should they have to fall under same restrictions as motorized boats? Who is responsible for determining thickness of ice, who responsible for retrieving if accident? Commissioner Lauber – Not worried about safety, if we eliminate boating in the state there would be a whole lot less drowning in state if limiting fisherman. As far as numbers of people who ice fish, I have no response to that. Chairman Johnston – Move ahead with particular idea, agree with option 2 and give consideration to similar rules on ATVs on life preservers, at least for minors. Commissioner Robert Wilson – Agree with option 2, should be some restrictions like you said. Chairman Johnston – Move ahead on those general lines.

2. Fishing Regulations – Kyle Austin, fisheries management specialist, presented this report to the Commission (Exhibit E) – At this time we have no proposed changes for statewide regulations, but do have some for individual waters. We have 26 federal reservoirs, 55 state fishing lakes (SFL) and over 200 community fishing lakes, so there is actually only a small number of changes when you look at that. Majority of changes are community lakes enrolled in CFAP program and have been approved with local authorities. Moving to second page there is a typo, should be 2012, not 2011. One new trout stocking location at Colby, Villa High Lake, two acres near the community college. It would require a trout permit October 15 to April 15. In addition, the 3,000-acre Grand Osage Wildlife Area near Parsons has 10-12 small ponds, and we'd like to open to access. But before we do, we want regulations in place to protect those small bodies of water. Commissioner Lauber – Are Type 2 waters those that require permit for all fishing and Type 1 a permit is required for trout only? Austin – Correct.

3. Park Regulations – Linda Lanterman, assistant Parks Division director, presented this report to the Commission (Exhibit F). Each year at this time we look at regulations for parks. The changes may include: 1) K.A.R. 115-2-3 for camping, utility, and other fees; our last large

increase was in 2009 (1995 before that) when we went up \$1. In 2003 and 2006 went up 50 cents each time. However utilities have increased by about 80 percent. A recommendation is to analyze utility usage to see if we are subsidizing utilities at the current rate. If so, we may consider a recommendation to raise each utility. 2) K.A.R. 115-2-5, trail access pass, (a) add for Bob Green Family Trail in Pratt. This property was leased through the National Recreation Trails Grant. It provides both motorized and non-motorized trails. (a) Consider charging a trail access fee for those that access our trails without vehicle permits (i.e. biking and walking). Chairman Johnston – Propose fees for people walking and biking? Lanterman – Off path location. We have an office there and want to know who is out there. We charge all the same. It is a motorized trail, but we don't discriminate in some of other areas. Commissioner Lauber – Can these be bought on KOALS system? Lanterman – Yes and we have self-pay stations, as well. 3) K.A.R. 115-8-9 on camping. Adding appropriate language to allow persons who have a reservation to forgo the requirement for camping units to be occupied in a 24-hour time period. Those with reservation will have provided information to our database and can be called or notified. 4) K.A.R. 115-8-10b3 has to do with pets in cabins. Add the words allowing pets in “selected department operated rental cabins” not all of them, for an additional fee. Currently, pets are not permitted inside department-operated rental cabins, however, pets are allowed in privately owned cabins on department controlled lands. Commissioner Lauber – Utility fees, don't have meter, do we get a bid for year for all you want? Explain how we buy power. Lanterman – Some state parks have mini-meters, each of those of meters charge and rate is determined at highest use, determined for all year, like July. Lauber – How are we charged if campground not used? Lanterman – Pay base fee no matter if used or not. Our utilities are high. Alan Stark – Because we have so many different types of suppliers – we are charged for what we use on West Star -- rural suppliers charge demand charge and usually base on Fourth of July weekend or something like that, and weekend readings and pay higher percentage above that. Each meter has different charge, depending on when it was installed. Lanterman - Possible legislative actions: 1) K.S.A. 32-901. Additional Vehicle Permit. Consider removing the additional vehicle permit. Wait until end of March. Anyone should be able to buy one without certificate of title holder; but for reduced permits prove certificate-of-title and possibly remove second additional permit. Only selling annual vehicle permits. K.A.R. 115-9-6 would need to be changed. 2) Remove the wording “certificate of titleholder” to allow annual permits to be purchased by someone other than the titleholder of a vehicle for which the permit is being purchased. However, add “proof of registration” for additional vehicle permit purchased in the annual vehicle permit name at the reduced rate. Also, add “proof of registration” for any discounted permit like senior permits or qualifying disability permits. Seek input from the Commission and the public concerning regulations specific to State Parks and their operations. Department recommendations will be brought back to the Commission during a scheduled workshop and future public hearing. Commissioner Lauber – Cost? Lanterman - \$12.20 off season and \$14.70 for prime season. Chairman Johnston – I just bought two, had to bring registration for both vehicles. Lanterman – I would not be able to buy one as a gift for someone, if buying second at same time you would need proof of both. Commissioner Shari Wilson – Go with person rather than the vehicle? Lanterman – No, goes to you and your family on that vehicle. Commissioner Shari Wilson – Doesn't have to prove for which vehicle? Lanterman – Unless buying for second vehicle. We have to get your name, etc. There are fewer than 20,000 second permits. We've talked about this for years, but never done. Look at Park Fee Fund (PFF) balance each year. Doesn't provide

burden for anyone. Commissioner Sebelius – Significant question, have several friends who buy 3-4 every year and would probably cut back to one, generate more trade if we have it in the system. Hate to have loss under current circumstances. Fees were raised on camping overall, but not on utilities? Wouldn't those spill over? Lanterman – Every 3-4 years we increase utilities and did not touch daily camp. With current situation with PFF balance, most logical of all considerations. Have figures to substantiate increase in utilities because we have good figures on that. Commissioner Shari Wilson – Any way to negotiate with utility companies? Paying for a lot of utility use that neither we, nor our campers, are using. Lanterman – Acting Secretary Jennison has already discussed that and we are looking into that. Chairman Johnston – Pets proposal, when people reserve cabins online, I would think they would want to know which ones are pet cabins? Lanterman – Absolutely. Chairman Johnston – Is there demand for that? Lanterman – There is a group of public who want to bring their pets and they are not all hunting dogs. Chairman Johnston – Not searching for new people for cabins. Commissioner Meyer – Sasha would bite me if I didn't vote for this. Commissioner Sebelius – Agree about pets, but thing I have noticed is people tie up their pets outside and cause damage and then they are barking. On 115-8-9, exempt from 24-hour rule, don't they have to write down all of that? Lanterman – Don't for daily camp at this point, very few people fill that out. Commissioner Sebelius – Make it the same. Lanterman – Benefit to those using reservation system. Chairman Johnston – Go forward, like to see details.

4. Falconry Regulations – Mike Mitchener, Wildlife Section chief, presented this report to the Commission (Exhibit G). This was brought to you last year and tabled because of additional information that was needed from U.S. Fish and Wildlife Service (USFWS). Falconry is the sport 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 train the raptors they use in the sport. They start out as Apprentice Falconers and can use kestrels and red-tailed hawks and work their way up to peregrine falcons and golden eagles as Master Falconers. Falconry was implemented in Kansas in 1991, and there are currently 74 permitted falconers. Due to changes in federal regulations, the states have been asked to revise their regulations to meet minimum standards by January 1, 2014, as set forth by federal regulations. As soon as a state is certified that they meet minimum 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 USFWS standards. State regulations may be more restrictive than these federal standards but may not be less restrictive. 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. To get certified as a state we must provide: a copy of the state's Apprentice Falconer examination, which at a minimum must cover laws and regulations, raptor biology, raptor identification, trapping methods, facilities requirements, care of raptors held for falconry, 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 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. In talking with George Allen, USFWS, and Kansas Hawking Club, we've decided that only two people in department will have access to that database, so all falconers can do electronic

entry of 3-186A form. Department staff have been in consultation with officers of the Kansas Hawking Club, which is an affiliated member of NFA (National Falconry Association), 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, which went into effect 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 age for falconry classes, requires signature of parent or guardian; indoor and outdoor falconry holding facilities need to be constructed and inspected prior to issuance of falconry permit; falconry equipment (hoods, jesses, etc.) 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; and raptors taken under a depredation or special purpose federal permit may be used by General and Master falconers, which are typically golden eagles, but some western states may allow bald eagles in depredation issues. Commissioner Shari Wilson – From Apprentice to General to Master, are there certain number of years involved, certain number of hours involved in sport? Mitchener – Have to work with these birds almost full time, it is a lifestyle even more than bird dog training. Apprentices are working with their sponsor to learn what they need to and after two years they can move to General and move to Master after five more years. Commissioner Shari Wilson – Apprentice falconers have bird at their home and are learning how to take care of it? Mitchener – Yes. Chairman Johnston – Move forward with it.

Break

5. Late Migratory Bird Seasons - Faye McNew, waterfowl biologist, presented this report to the Commission (Exhibit H). Late season waterfowl frameworks include maximum bag, possession limits and season length, and earliest opening and latest closing dates and are established annually by the U.S. Fish and Wildlife Service (USFS). 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. Currently, habitat conditions are very good and wet so we expect good numbers. We do not anticipate major changes in the frameworks for geese. We anticipate that the season length for Canada geese will 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 2011. 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 Adaptive Harvest Management regulatory packages allowed,

depending on pond numbers and breeding bird surveys are: liberal package – 74-day Low Plains season, 97-day High Plains Season, (package selected since 1997) with daily bag limit of six 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; or restrictive package – 39-day Low Plains season, 51-day High Plains season, daily bag limit of three birds with various species restrictions. 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. Commissioner Lauber – Do wet conditions contribute? McNew – Yes. Commissioner Lauber – Fargo flood will make it a good number? McNew – I expect so. Tom Bidrowski will do next presentation.

6. K.A.R. 115-16-3. Nuisance bird control permit; application, provisions and requirements – Tom Bidrowski, waterfowl biologist, presented this report to the Commission (Exhibit I). KAR 115-16-3 allows for the take of certain species under a nuisance bird control permit. The nuisance birds may be controlled when found depredating or about to depredate upon ornamental or shade trees, agricultural crops, livestock, or wildlife, or when concentrated in such numbers and manner as to constitute a health hazard or other nuisance. The regulation lists the species allowed for take under the permit, application requirements and general provisions. Many of the species on the list are jointly regulated by the U.S. Fish and Wildlife Service (USFWS). In December 2010, the USFWS published a final decision in the Federal Register (Vol. 75, No. 231) that removed the Mexican crow and the rusty blackbird from the list of species that may be controlled under the depredation order, 50 CFR 21.43. This was due to long-term population declines throughout much of these two species' ranges. In addition to this ruling, the USFWS also required nontoxic shot or bullets in most cases when a firearm is used to control any species listed under the order to prevent toxicity hazards to other wildlife. This federal regulation was effective on January 3, 2011. The Mexican crow is an endemic species in the Tamaulipan Brushlands of Mexico with a small resident population near Brownsville, Texas. Rusty blackbirds breed in boreal portions of Canada and Alaska and winter distribution encompasses the eastern United States, including the eastern portion of Kansas. Their removal from the nuisance bird list should not have a significant impact as neither species congregates in significant numbers or causes frequent depredation problems in Kansas. We recommend we amend KAR 115-16-3 as to disallow the take of rusty blackbird and the Mexican crow based on this regulation, identify other species (primarily nonnative as defined in the Migratory Bird Treaty Reform Act of 2004 and 50 CFR 10.13) allowed for take, and require the use of nontoxic shot when taking nuisance birds (except if using an air rifle, an air pistol, or a .22 caliber rimfire firearm). Commissioner Lauber – Do we have Mexican crows? Bidrowski – No, they are smaller. Kemmis – Did you say January 13, briefing book says January 3? Bidrowski – It is the third.

C. Workshop Session

1. Early Migratory Bird Seasons - Faye McNew, waterfowl biologist, presented this report to the Commission (Exhibit J) - Frameworks allow hunting a season between September 1 and September 30, 2011, 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. In 2010, blue-winged teal breeding population was 6.3 million and we won't know this year's population until June, but expect the same. The department's recommendation is: High Plains Zone - A bag and possession limit of 4 and 8, respectively, with the following season dates: a 9-day season running September 17 through September 25, 2011 with regular season 96 days. Low Plains Zones - A bag and possession limit of 4 and 8, respectively, with the following season dates: a 9-day season running September 17 through September 25, 2011; or, a 16-day season running September 10 through September 25, 2011. Shooting hours and bag limits have not changed. Webless migratory bird season: considering changes on sandhill crane restrictions, in discussion with USFWS. Also, on Mexican crow and rusty blackbird. Commissioner Lauber – Why not want 16-day season, rather than 9 or 8 in the High Plains? McNew – Only allowed 107 days for total seasons.

2. Duck Zone Regulations 2011 through 2015 - Faye McNew, waterfowl biologist, presented this report to the Commission (Exhibit K) – Zones are different than season frameworks. We can make adjustments to zones at five-year intervals and this is the year we can make changes. Options: split into high plains and low plains zones using the 100th meridian, which goes down Highway 283, Early Zone has Cedar Bluff Reservoir and we want to move that into the High Plains Zone. The basic option is a statewide season with one zone and two splits (three segments); alternative options, which must be selected during the five-year open window period, include: two zones with one split, two segments; three zones with no splits (continuous season in each zone); and for 2011 the following two options may be available: three zones, plus the High Plains Zone, with the option for one split (two segments) in each zone; and four zones, plus the High Plains Zone, with no splits. Three zone boundary changes today: add Cedar Bluff to Early Zone, 6-mile change, not expecting overall harvest to go up much, but it could provide opportunities; second change is Early Zone boundary -- put all of McPherson Wetlands in Early Zone, current zone creates LE issue; third recommendation is third zone pending approval of new option. We conducted public meetings across state and later opener would be detrimental and lose days to ice to create southeast zone. If denied by the USFS, we will defer to the original map. If it doesn't go through this year, there may be a chance to change it next year. Commissioner Lauber – Any reason USFS would disallow Southeast Zone? McNew – We're still in negotiation. Commissioner Lauber – Will it create undue harvest? McNew – There isn't potential for an unlimited number of zones. We have been asking for this zone for 15 years. They published EA, and we are working on this. Only Colorado and Kansas have expressed interest in additional zone, so won't cause continental change in population.

3. Furbearer Regulations – Matt Peek, wildlife biologist, presented this report to the Commission (Exhibit L). We have completed draft text of a brochure to better inform hunters of trapping and how to release dogs from traps. Proposed changes: 1) a request was made to the Commission to allow .17 cal rimfire rifles to take trapped or treed furbearers with the aid of light, currently only allow .22 calibers. 2) Traps must currently be “tagged with the user's name and address” so that the user may be identified. Trappers have occasionally requested that they be allowed to tag traps with a unique identification number in order to protect their identity from the general public, while allowing them to be identified by any KDWP employee and would uniquely identify each furharvester, and any department employee with access to KOALS could identify the trap user. 3) specify that foothold traps must be smooth jawed, and establish a

maximum jaw spread allowable in non-water sets. This would eliminate the use of serrated or tooth-jawed traps, which are basically obsolete today, and establish a maximum jaw spread in non-water sets. Many new beaver traps have a jaw spread of more than 7 inches, but there are larger traps on the market. It is unnecessary to use such large traps to capture terrestrial furbearers or coyotes, and injury to target and nontarget captures, as well as public perception become concerns when using such large traps in land sets. 5) currently, “water set” is defined as: “any trapping device that has the gripping portion placed or set in flowing or pooled water and remains in contact with the flowing or pooled water.” Requiring water set to be half submerged would reduce the likelihood that size 280 or 330 body gripping traps could be used in terrestrial animal sets. Though few problems of this type have occurred, there seems to be a potential for nontarget capture, particularly during years with low water levels. This change will not significantly affect one’s ability to trap beaver, as in most cases, 5 inches of water will be available in which to make the set. Fluctuating water levels will have to be taken into consideration, but this is already the case. In most cases, the rivets where the jaws of a body gripping trap pivot would be underwater if the trap was half submerged – making this easily measureable for the trapper and enforceable for law enforcement. This regulatory change should prevent a dog from being captured in a water-set, which happened at Kanopolis last year. In addition to this change, the department intends to increase signage near public access points, particularly in those areas with established public trails, to better notifying the public that trapping is allowed on wildlife areas. Open first four items for discussion then go to river otters. 4) River otters, historically ranged through most of U.S., but were gone from Midwest. We are proposing a statewide season even though the current range is mainly the southeast part of state. With an estimated population of 1,400, the recommendation would allow 100 to be taken for the season, two per trapper. Pelts have to be tagged through CITES just as bobcats, and a 24-hour report would be required with four days to present skinned pelt to a department employee for to be tagged. Information would be collected to track harvest, and examining the carcass would provide evidence of whether the animal was reproductively active. The trapper would four days to bring the pelt and carcass in, which will ensure that it won’t be decayed. Commissioner Shari Wilson – How do you know quota has been reached? Peek – We are proposing an 800 number for trappers to call, an update on our website and we are still looking into other ways. Commission Shari Wilson – On other furbearer changes, did you get feedback from furharvester community? I haven’t heard anything? Peek – I asked in survey, hope to be able to present at next meeting and they are positive or neutral in all cases. Commissioner Lauber – Concerns I have heard are on waterset. Trappers are willing to accept some restrictions to keep trapping open. Would the trap have to be submerged at all times? Peek – Set and remain in contact with flowing or pooled water. It has to be half submerged at all times. It is that way right now. Have to be able to foresee that. If set fully submerged requires 10 inches, to half would be 5 ½ inches leeway. Chairman Johnston – Quota, 100 otters or 72-hour grace period. Peek – Up to end of 72-hours. Incidental take or trapper wasn’t aware that quota was reached. Will be some responsibility of furharvester to check up on that, but we’re giving them a 3-day period. Chairman Johnston – Would assume you considered that there would be additional otters taken after 100-otter count was reached, since 24-hour period to contact. How many expected to be taken in those four days? Peek – We were conservative, not expect over additional 30 to 40 otters, still only 10 percent of 1,400 otters. We don’t really expect trappers to target otters until later in the season when pelts are prime. Commissioner Lauber – Do we have incidental take

records from past years? Peek – Average is about 27 to 28. Last year we had 15, including road kills. Chairman Johnston – Not disagreeing with otter season, questioning language of 100 otters, talking about 100, plus grace period, plus incidentals. Peek – Our feeling is that most will be taken later in year when people are beaver trapping. We don't know how many will go out and target them. Taken throughout the season, make them part of legal harvest, not separate from incidentals. Not looking at two things separately. Commissioner Meyer – May have to adjust one way up or down next year since this is our first year. Quota is based on calling in, but need to let them know how to let us know, like email, in addition to phone number. Commissioner Lauber – All states required to have CITES tag on river otters? Peek – Yes. Commissioner Lauber – No way to go to other state and gather pelts? Peek – Could take across another state illegally; we've had cases of that with bobcats.

VII. RECESS AT 3:53 p.m.

VIII. RECONVENE AT 7:00 p.m.

IX. RE-INTRODUCTION OF COMMISSIONERS AND GUESTS

Chairman Johnston – Please come to microphone to address us for the live web stream.

X. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

None

XI. DEPARTMENT REPORT

B. General Discussion (continued)

7. Private Lands Statewide Habitat Award - Jake George, wildlife biologist, presented this award (Exhibit M-1). The Kansas Wildlife Habitat Conservation Award is a statewide award modeled after the county-level soil conservation awards, which focus on the recognition of farmers and ranchers who have completed projects designed to improve environmental quality on their properties. The purpose of this award is to stimulate interest in wildlife management by means of recognizing an individual who has exhibited outstanding progress in the development and stewardship of wildlife resources on their property. Nominations for this award are accepted from biologists from across the state, reviewed by committee, and a winner selected based on overall habitat quality, quantity, maintenance, and enhancement on the property. Additionally, as the criteria are met, the state wildlife habitat conservation award winner is nominated for the Association of Fish and Wildlife Agencies National Private Lands Fish and Wildlife Stewardship Award. I would like to bring up Chris Berens, the biologist who nominated this year's award winner. After which Secretary Jennison and Chairman Johnston will present the award. Chris Berens (PowerPoint – Exhibit M-2) – Thank you Jake, Chairman and Commissioners. This year's successful nominees are Ted and Brian Alexander of the Alexander Ranch located in Barber County, in the Red Hills also known as Gyp Hills. The ranch dates back to 1900s and it was owned by H.W. Skinner, Ted's great grandfather. In 1984, Ted Alexander gained control of

the property. Shortly after acquiring the ranch he began extensive land management. He was joined by his son Brian in 2006 after he served nine years in the military. The land is divided into many paddocks to give each piece a 45-day rest before grazing again. In 1984, the property was less than desirable to run as a cattle operation because eastern red cedar tree encroachment reached 70 percent to 75 percent canopy cover. A systematic approach of prescribed burning and mechanical tree removal was used in conjunction with a planned grazing system to facilitate the distribution of grazing, reduce the nonproductive cedar trees, and enhance habitat for nesting, roosting, and brood rearing for wildlife. First burn controlled 50 percent to 60 percent of cedar encroachment and has been burned 6-8 times in last 24 years. As the competition from cedar trees was eliminated, growth from desirable perennial forages was stimulated. By 1987, with more ground cover, the amount of water infiltration increased, the once dry springs became active, and the creeks flowed more water. Today, the cedar tree canopy cover is about 10 percent and mainly confined to steep slopes and draws on the property. The prescribed burning regime has been reduced from once every 3-5 years to once every 10 years, and advanced grazing management techniques are used to control young brush establishment during winter months. Through the years, Ted has partnered with the Natural Resource Conservation Service, U.S. Fish and Wildlife Service, and the Kansas Department of Wildlife and Parks, among others, implementing practices which enhanced water developments, incorporated native forbs on once cropped areas, and expanded the grazing system on the ranch. These improvements allow for better grazing distribution and better interspersions of habitats required for nesting, roosting, and brood rearing cover for grassland birds such as the lesser prairie chicken and bobwhite quail. Fire is making a difference, riparian areas are formed and the Arkansas Darter is present; and increased biodiversity and 46 percent of Kansas known amphibians and reptiles and 155 plant species can be found there. He has allowed surveys, through NRCS and group from Wyoming and KDWP does research on Steward Creek. Also several other surveys have been done on reptiles and amphibians; plants; nesting birds; and bats. Planned demonstration with USFWS on watershed study, month after cutting trees, had a wildfire, and then a flood pushed trees down into riparian area. Conservation accomplishments: 2007 Environmental Stewardship award from National Cattleman's Beef Association; 2003 Grassland Committee award from Kansas Association of Conservation Districts; 2001 Wildlife Conservationist of the year from Kansas Wildlife Federation; 1998 Barber County Banker's Conservation award; and 1987 Excellence in Grazing Management award from Society of Range Management. He is willing to do anything to educate the public. Helped form and serves on Comanche Pool board, a non-profit organization to teach best management practices, which has \$1.8 million for improvement on local ranches. Ted never misses a mentoring opportunity or opportunity to teach. His favorite quote by Michelangelo – "Ancora Imparo" ("I am still learning"). He is always willing to try new things. Acting Secretary Robin Jennison and Chairman Johnston made presentation to Ted Alexander.

8. Potential Changes in Deer Regulations 2012 - Lloyd Fox, big game wildlife biologist, presented this report to the Commission (Exhibit N). We had major changes in our deer management system instituted in 2008. Among the changes were additional days of hunting during the archery, muzzleloader and season for youth and people with disabilities. We created a new permit type, the "Any-Season" white-tailed deer permit for residents. Since that time have had additional public comments, indicating that additional deer hunting opportunities are desired by deer hunters. Parents have advocated for changes that would allow their children to hunt deer

during holidays when they are out of school or home from college. Military personnel have advocated for lengthening of various seasons to accommodate deploying and returning soldiers. State legislators have advocated for additional control on deer populations and expanding the harvest of white-tailed antlerless deer. Whereas the current dates for the white-tailed antlerless-only firearms season continue to draw criticism from people who are concerned that this season late in the year may result in the taking of mature deer that has shed their antlers. Earlier season dates would be preferred by those people. Nonresident deer hunters and land managers catering to non-resident hunters frequently voice concerns that the hunters are unwilling to purchase antlerless-only permits at the current price range and having trouble obtaining sex ratio they desire. An annual review of deer seasons and regulations is made at the Kansas Wildlife and Parks Commission meetings. Although those meetings are open to the public for comments, few people have attended those meetings in recent years. This year we are starting this item earlier, and I have provided background information for you. Some potential changes in the deer hunting seasons that might be considered include: 1) change current nine-day season for youth and people with disabilities to two four-day seasons with the first season starting on the Friday before Labor Day and the second season starting on the Friday before Columbus Day. Each season would run for four days and include two weekend days and one holiday; 2) change the dates of the traditional 12-day firearm deer hunting season and start it seven days earlier, moving it from the Wednesday after Thanksgiving to the Wednesday before Thanksgiving (thus including 2 days of holiday and four weekend days); 3) change the beginning date of the white-tailed deer antlerless-only season from January 1 to the Friday before Christmas and continue for 17 days. That season would have no fewer than six weekend days and would include both Christmas and New Year's holiday; 4) initiate a two-day pre-rut white-tailed antlerless-only season for the last weekend in September; 5) expand the season dates for bowhunting with the season beginning on the Tuesday after Labor Day and ending on January 31. During the archery season, hunters would be prohibited from taking an antlered deer during any dates open for antlerless-only deer hunting with a firearm; and 6) expand the muzzleloader season to include the 14 days in September, the period prior to the last weekend in September, and seven days in December following the 12-day firearms season. I have included an attachment showing the history of permit fees. Some potential changes in permit fees and permit types that might be considered include: 1) develop a nonresident deer permit that includes two tags. One tag would allow the hunter to take a deer of either sex while the other tag would restrict the hunter to an antlerless white-tailed deer. The fee for this new permit would be less than the current fee for an either-sex permit plus the price of a white-tailed deer antlerless-only permit; and 2) develop a resident deer permit that included two tags. One tag would allow the hunter to take a deer of either sex while the other tag would restrict the hunter to an antlerless white-tailed deer. The fee for this new permit would be the same as the current fee for an either-sex deer permit and half the price of a current white-tailed deer antlerless-only permit for a general resident. This permit would only be available until the drawing ended for limited quota permits for resident deer hunters (mid July). At this time we have no recommendations for changes in the deer seasons or regulations are currently proposed, however, a course of action is proposed for the review process for the seasons and regulations in 2012. Input and comments on deer season dates and regulations will continue to be sought at KDWP Commission Meetings. We will go back out with deer information meetings at several locations this fall. Also a survey of landowners shall be conducted after July 2011 to determine their desires for changing the current deer seasons. We may also need to survey turkey, waterfowl

and upland game hunters about changes in deer seasons because we could potentially have a conflict (like dove hunting, teal hunts and upland game). This will be complicated and involved discussion. Some legislators have asked for comments back from us so we are going to provide that information as well as provide these public surveys. Commissioner Lauber – First Commission meeting, changed opening day of pheasant season and didn't take me long to regret that decision. One item that is not popular is opening season before Thanksgiving. No particular biology or conservation issues, but there is some political pressure to eliminate deer in some areas. I think in some cases we expand antlerless season to avoid unbearable political pressure. Open for Christmas to provide opportunities for kids who come home for the holidays could provide the greater harvest of antlerless deer. Providing antlerless enhancements may be the wrong message. Changing of traditional dates is going to have negative reaction.

Richard Schowalter, Holyrood, represent Kansas Bowhunters Association – (read letter from KBA – Exhibit O). Thank you very much. Commissioner Meyer – Thank you for having this in writing. Dan Kisner, Arkansas City – Great if kids have a chance to hunt, doe season during Christmas would be great. Patrick Murphy, Wichita – Comments same as a year ago. I'm not a KBA member, but have hunted deer for 25 years. Hunt white-fronts, etc. Hunted breaks in home town of Great Bend, and we can hunt every game on Thanksgiving, literally everything. I'm not in favor of moving rifle deer back another week. There are traditions of using that weekend for pheasant hunting. I have enjoyed bowhunting and rifle hunting. Have four children, two boys 10 and 12, applied for special permits and took older son for that. Don't have that much time to hunt, but not in favor of changes, Columbus Day in October. I am a purist, and bowhunting is a real season. I'm against January changes. Deer population is an isolated problem around suburban areas. Don't cover whole state because of a lot of deer and vehicle accidents in one area. Go back to the way it was in 1992. It was great and why everyone wants to come here. What can we do to move deer management back to 1980s and early 1990s? Mike Pearce – Proposed antlerless-only, white-tailed or mule deer? Fox – Not recommendation, only proposals and that was whitetail antlerless-only. Jeremiah Miller – Difficult job and commend you for what you do and understand staff has difficult time. I grew up in Missouri, and tradition in seasons is the way to go. That is something we are aware of and need to embrace. We have lot of time to hunt as it is, and I agree with earlier gentleman, we have everything in Kansas to hunt on Thanksgiving. Not having rifle season not during Thanksgiving gives you opportunity to enjoy Kansas for what it is. John Whitaker, Andover – I am a bowhunter, and I've been in tree during that early September, and you sweat and the deer smell you. Muzzleloader season basically they are a high-powered rifle with inline and rifling. Antlerless-only was \$10 when it first came out. Go back to lower rate or combine 2-for-1, no reason to keep raising price if you want to get rid of the does. Chairman Johnston – I'm finishing my eighth year on Commission and have heard of every type of problem for getting hunters to take does. I think 2-day pre-rut for antlerless deer is an excellent idea. Give people who don't bowhunt an opportunity to take Kansas deer. Don't like moving season in front of Thanksgiving. Thought it might help residents, but don't feel it is going to hurt or help access. I've had emails about moving that season also. Some thought might be moving it up to Saturday. I am a rifle hunter and not a bowhunter and have some bias. Some have the idea that moving rifle season earlier is going damage harvest, but I don't believe that. Would be some shift to harvest being taken; expect bucks taken more by rifle hunters than bowhunters. I don't believe biologists will allow damage to deer herd by shifting seasons. I will not be around for these decisions to be made and am happy to entrust those decisions to staff and

Commission. Mike Pearce – October season in Unit 19, is it very well utilized? Fox – It is a small portion of harvest. Pearce – How many days? Fox – Nine. Many of those deer are taken with archery. The problem is access. We provide opportunity, but that is all we can do. Pearce – Can take a buck during that season? Fox – That is correct. Commissioner Lauber – We attempt to control gripping coming from those areas. Fox – We’re making headway in those areas. Some local communities are changing ordinances, and we are making small footsteps and changes in those areas. Chris Roberts, Derby – On youth, I have son 14 and have taken him since he was 2. People will make time to do it in the season that is there. Also, in regards to college students; most get out in the middle of December and don’t have to go back until third week of January and that gives you plenty of time if doe season is lengthened. Any-season, any-tag is premium, put premium price on it, or put triple price on it. If you want to do that, they are going to spend the money. Steve Sorensen – Proposing 11-day instead of 12? Fox – Items for discussion only, it is a 12-day season, starting seven days earlier.

C. Workshop Session (continued)

4. 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 P). This is the deer season on Fort Riley. Many of these items we were just discussing. They would like additional days; archery - September 1-18; firearms October 7-10 for youth and people with disabilities; November 25-27 and one additional December 15-23. Also January 7 and 8 for personnel returning; and January 12-31 for archery. Commissioner Lauber – Is there public hunt on Fort Riley? Fox – Yes, general resident, non-residents, military and non-military personnel. Chairman Johnston – Heard from Mr. Tymeson this afternoon on effort to allow veterans access to state parks. Is department amenable to these proposals? Fox – Ask for Smoky Hill, Fort Riley and Fort Leavenworth for input into these seasons and often accept their proposals. We have approved through staff discussions. Chairman Johnston – Any expectation of hurting deer herd on Fort Riley. Fox – No. We have worked with their biologists, and they have a great deal of control. Have trophy management system in place, which may or may not be the way to go, just trying to provide opportunity and high quality experience. With seasons and their history, they have been extremely successful at maintaining deer and elk herds. Patrick Murphy, Wichita – Love military and have great sympathy, keenly in favor of special items, but don’t see this as being anything special. I can drive to the Fort. See similarities, my deer season shouldn’t expand because I hunted up on that area. If this is special dates to soldiers, I am in favor of it. I see this as a fore plan for the rest of Kansans, but if just for soldiers, okay. Fox – Must obtain permission and access permit from Fort Riley. They control who goes in. Limit number of people, limited residents and nonresidents. Chairman Johnston – What kind of numbers? Fox – They gave us their information: the majority is military personnel and non-military employees and military personnel from other bases, but they do allow some general residents and non-residents. Commissioner Robert Wilson – Can we apply for deer permit for that unit? Fox – You would need permit valid for that unit, or have statewide either-sex permit, but a hunter needs access permission from Fort. They run a daily check station during firearm season. Chairman Johnston – Proceed with recommendation.

5. ANS/Bait Regulations – Jason Goeckler, aquatic nuisance specialist, presented this

report to the Commission (Exhibit Q, PowerPoint – Exhibit R). In providing recommendations, we go back to KDWP mission. There is a conundrum to wisely protect and conserve Kansas natural resources from ANS while providing recreational opportunity. There are two areas of attention, commercial bait, which was presented in January and wild-caught bait, which was presented last month. I'll keep them separate, but those will work together. When we deal with recreation and sportsmen, this is a Kansas issue and water issue. As a result of invasive nuisance species, we have seen increases in water fees for the Wichita area. There are a lot of knowns, but a lot of unknowns also. Zebra mussels can be spread s juveniles, through movement of water in boats and equipment. White perch, Asian carp and other species are being moved around as bait. We don't want to see white perch or Asian carp in other lakes here in Kansas. We know non-native organisms and diseased fish may be sold as bait. We can address potential bait problems. Concern of sale of non-native and diseased bait from producer, shop, wholesaler and hauler; in wild-caught movement of species, release of live, spread of water-born contaminates and transport of aquatic plants which are not controlled by us. In 2006, started to discuss how to address this, but we're still seeing populations grow and spread. Recommendations have been vetted through several groups. Regulations that may need modification include 115-17-1, 2, 3, 4 and 5. Issues: 1) Sale of non-native species - recommend that 115-17-2 provide a list of species legal for sale as live aquatic bait to limit the likelihood of the introduction of non-native aquatic species through the use of commercially acquired bait. Proposed list: Fish - black bullhead; bluegill and their hybrids; common carp (includes koi); fathead minnow (includes 'rosy reds'); golden shiner such as goldfish (includes black saltys); green sunfish; and yellow bullhead. Crayfish - virile crayfish; calico crayfish; and white river crayfish. Annelids – which are freshwater leeches (63 species), basically come from one distributor in Midwest, which is basically one species. 2) Sale of diseased bait - recommend that all live aquatic baits for commercial sale be certified pathogen free to prevent the introduction of dangerous diseases into the waters of Kansas. The American Fisheries Society Bluebook standards will be utilized to establish guidelines for certification. Certified free of spring viremia of carp virus; infectious pancreatic necrosis virus; viral hemorrhagic septicemia virus; and infectious hematopoietic necrosis virus. This does not address parasites or other pathogens that have been issues for many bait dealers. We will need to establish an accounting/reporting mechanism to track fish shipment and sale that may require inspections for in-state producers. See attached Arkansas Rules for example. 3) Unsecure bait shop/wholesaler/hauler water sources - recommend that all aspects of the commercial sale of baitfish utilize a secure (ANS free) water source such as well or treated water. Inspections may be required for implementation. Special outreach emphasis on control of contaminated equipment entering retail location will be required. 4) Incomplete application requirements - recommend that 115-17-3 require disclosure of personal identification information (social security number, date of birth and driver's license or federal identification number). Potential impacts: anglers – increase in cost of bait, species no longer available, and assured clean product, showed slide showed most often used species (listed left to right) most allowed, slide show how bait obtained, increase in river and stream fisherman (most impact); commercial bait dealers: white suckers, mud puppies, frogs, various other species of crayfish not available, increased cost, facility improvement, site inspections, layer of protections for business, level playing field, decrease in losses due to sick fish, clear line of what is legal for sale; agency – clarity or enforcement, accounting/reporting mechanism, demand on staff productions, and increase outreach. Wild-caught bait – currently, KDWP has regulations (KAR 115-18-10, 115-8-

12, 115-20-3, 115-8-6) that could be used to curb the spread of ANS. Compliance with these regulations is limited and special emphasis to clarify and improve the aforementioned regulations and the addition of new regulations is necessary to effectively manage ANS in Kansas. We believe anglers share our view of how problems are moved through wild-caught bait. Issues: 1) Movement of wild-caught aquatic baits - recommend that the transport of live fish for bait on a public road be prohibited except baitfish may be caught from and used as bait within the pool of a lake or impoundment where taken, or within a 1-mile segment of the immediate location of collection of the same stream, except that no live baitfish may be transported across a dam or natural barrier. There is an issue with collection and transport of bait from an impoundment and transported on a public road to a location within the same impoundment (i.e. collected along the dam and then drive to an upstream site of the reservoir). Documentation of proof of fish origin (receipt) may be necessary for enforcement. Similar regulation is KAR 115-8-6, department-managed water. Change focus and increase outreach (pros and cons). Impacts those collecting from farm ponds (like Asian carp found in Greensburg). There are only a few counties that don't have bait dealers, but there are 206 registered bait dealers in Kansas. 2) Release of live aquatic baits – similar to 115-8-12, which explicitly prohibits the disposal of aquatic baits into the wild. The deployment of approved bait disposal units would assist compliance. 3) Spread of ANS or water-borne diseases - recommend that any person leaving any waters of the state shall drain all bait containers, livewells and bilges, other boating or fishing-related equipment holding water excluding marine sanitary systems, by removing the drain plug before transporting the vessel and associated equipment on any public road. This would affect those who haul fish home to eat in water or those who want to save bait for later use. When we asked anglers, they believe draining will help stop the spread. Majority of anglers use live fish and purchase commercial bait. It's time to change this vector because we know it is out there. Commissioner Robert Wilson – What is purpose of 1-mile on transporting bait. Goeckler – For enforcement, basically for use on rivers or streams. One mile is arbitrary figure and can be changed. Commissioner Robert Wilson – How difficult would it be to do that? I don't see that as viable. Don't know of any instance I have done that. Goeckler – Based on survey that is correct, but we don't want collection somewhere else. Dan Kisner, Arkansas City – We catch flatheads using green perch. If you pass this, the price for bait will go up to about \$20 a dozen because of demand for them. We catch black perch (you call green perch); if this passes a lot of fisherman won't fish. Poor men can't fish. Ticket those who are moving them. It's getting to the point that we need to carry regulations with us to fish; you've got to be lawyer to fish in Washington because of regulations. I understand we have a problem. Everyone who fishes for flatheads knows a black perch when they see one. John Petersen, Wichita – Belong to Wilson Fish Association – use shad to get striped bass but we can't catch shad at Wilson. We can catch shad on Milford, and we haul our shad from rivers, ponds and lakes and wherever. I am an avid fisherman for stripers. If I have to go looking for bait, that may take all day and I'll have no time to fish. It is so expensive to buy bait; a lot of people will quit fishing if you can't do this. It will hurt fishing. You need big bait to catch big fish. Chairman Johnston – Staff and Mr. Goeckler need our guidance. There is no surer way to destroy sport fishing than to let our waters, through our negligence, be infested by Asian carp. If this species would find it way into our lakes, it could destroy 50 percent of the biomass. This is an action we need to take. As he concluded it is necessary to preserve our resources, and I intend to vote in favor of some of what he proposes because the consequences would be devastating. These regulations are designed to protect those fisheries for us, our children and grandchildren; inaction

is not an option. Commissioner Shari Wilson – I echo that. The consequences are so great and all it takes is one person. Money spent to address that problem would be tremendous and lost opportunity would truly be lost. I sympathize with anglers, my father is an angler, but this is bigger than any of this. I will also be voting in favor. Commissioner Meyer – Research raising bait fish and make available to public at reasonable price. Commissioner Lauber – I'm terribly conflicted. Green sunfish are superior bait for flatheads. Public collecting fish by common names to them, but correct identification is a problem. I see restriction as imperative, but I wish we could figure out a way for some exemption. Shad is greatest likelihood of misidentification, and will probably be confused with Asian carp. See no option, other than some sort of restriction. Commissioner Sebelius – I am sympathetic, Kansas is far too complicated. This is something that needs to be done, and this is simple and uncomplicated and the best way to do that is to say you can't move the bait. Easiest way is to put in black in white. Hate to try and put in distinction. John Petersen – Say we transport bait, use chemicals in tank. We catch wipers on shad. William Rice – On crawfish, what can't you use? Goeckler – Our recommendations allow three species to be sold. Right now there are other species out there being sold. Rice – I can transfer them? Goeckler – Don't want to see any bait moved. Rice – So I can't take from a slew and use them anywhere else? Where is bad crawdad? He is going to die if he isn't any good. Can't see them and they aren't transferring any type of disease. They are costly to buy. I can't understand why crawdads are on that list. Commissioner Lauber – Problem is rusty crawdad. Goeckler – Yes. It's not found in state, but in surrounding states. Goeckler – Rusty crawfish is more aggressive. Pearce – Can't transport dead either? Goeckler – Yes you can, dead in dry cooler or on ice. Chairman Johnston – I'm unsure of option 2 or 3. No criticism for commercial bait, but wild-caught bait. Commissioner Wilson – Not sure audience is aware we have any other options available to use. Chairman Johnston – Four options available (listed). We have reluctant consensus on 2 or 3; those are the ones we are going to consider. Goeckler – For clarity, we had four options. We made recommendation of number 2 as explained today or option four, with limitation of four species. Chairman Johnston – We have problems with not only bait, but other items like zebra mussels. There is a problem with regulating water transportation if we go with option number 3. Tymeson – We'll vote in August at Cheyenne Bottoms.

D. Public Hearing

Notice and Submission Forms; Kansas Legislative Research Letter and Attorney General Letter (Exhibit S).

1. KAR 115-25-7. Antelope; open season, bag limit and permits – Matt Peek, wildlife biologist, presented this report to the Commission (Exhibit T). You've heard this proposal. There are no changes to season structure or season dates. Unlimited archery for residents. Allocations: The recommendation is to go from 138 to 154 firearms and from 36 to 48 for muzzleloader permits. Kyle Evans, Wichita – Buck to doe ratio in 2008 was 47 to 100; 49/100, 49/200; harvest has gone up, but buck/doe ratio has gone down. I don't see adding 18 additional permits is beneficial. I don't see numbers of pronghorns. I think we should make sure numbers support what is out there. I bow hunt, but that is minimal. Peek – From literature, maximum productivity is based on 20-25 bucks per 100 does or 50/100. Lot of people want trophy bucks, but people are applying for firearms permits and waiting 6-8 years to draw. Increase permits to meet firearm

demand. We realize buck numbers will fall.

Commissioner Frank Meyer moved to bring KAR 115-25-7 before the Commission. Commissioner Robert Wilson seconded.

The roll call vote on KAR 115-25-7 as recommended was as follows (Exhibit W):

Commissioner Bolton	Absent
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 115-25-7 passed 6-0.

2. KAR 115-25-8. Elk; open season, bag limit and permits - Matt Peek, wildlife biologist, presented this report to the Commission (Exhibit U). Season dates and structure are standard. Proposing 10 any elk permits be allocated in Units 2 and 3, typically known as Fort Riley permits, down from 12 last year and 15 antlerless-only, the same as last few years, also valid in Units 2 and 3. In Units 2, hunt-own-land available in addition and in Unit 3, general resident and hunt-on-your-own-land available. Still asking successful hunters to contact the department.

Commissioner Robert Wilson moved to bring KAR 115-25-8 before the Commission. Commissioner Shari Wilson seconded.

The roll call vote on KAR 115-25-8 as recommended was as follows (Exhibit W):

Commissioner Bolton	Absent
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 115-25-8 passed 6-0.

3. KAR 115-7-9. Weigh-in black bass fishing tournaments – Kyle Austin, fisheries biologist, presented this report to the Commission (Exhibit V) – I know Doug Nygren covered this well at last meeting. We revoked 115-7-8 and need to take some of that language and move it to 115-7-9, “Only fish that meet the special length limit for the specific body of water where the weigh-in tournament is being conducted may be weighed within the period beginning June 16 and ending August 31”. This is so fish cannot be weighed in heat of the year, so needed to workshop so we can vote at the next meeting. This corrects that oversight.

Commissioner Doug Sebelius moved to bring KAR 115-7-9 before the Commission. Commissioner Shari Wilson seconded.

The roll call vote on KAR 115-7-9 as recommended was as follows (Exhibit W):

Commissioner Bolton	Absent
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 115-7-9 passed 6-0.

XII. Old Business

Commissioner Shari Wilson – Like to mention last Saturday was official opening of 8 wonders of Kansas in Abilene; also new guidebook out that includes all of these and remaining 16 finalists; addressing categories of architecture, art, commerce, cuisine, customs, geography, history, people and overall. Several KDWP properties were nominated. Thank Linda Craghead for attending opening and saying a few words.

XIII. Other Business

A. Future Meeting Locations and Dates

June 23, 2011 – Norton Community High School Auditorium, Norton

August 11, 2011 – Wetlands Education Center, Great Bend

October 13, 2011 – Pratt, location TBA

XIV. ADJOURNMENT

The meeting adjourned at 9:25 p.m.

(Exhibits and/or Transcript available upon request)