

AGENDA
KANSAS DEPARTMENT OF WILDLIFE, PARKS & TOURISM
COMMISSION MEETING AND PUBLIC HEARING
Thursday, August 23, 2012
Kansas Wetlands Education Center
592 NE K156 Hwy, Great Bend, Kansas

(Tour Cheyenne Bottoms 9:00 AM – meet at Wetlands Ed Center)

- I. CALL TO ORDER AT 1:30 p.m.**
- II. INTRODUCTION OF COMMISSIONERS AND GUESTS**
- III. ADDITIONS AND DELETIONS TO AGENDA ITEMS**
- IV. APPROVAL OF THE June 21, 2012 MEETING MINUTES**
- V. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS**
- VI. DEPARTMENT REPORT**
 - A. Secretary's Remarks**
 - 1. Agency and State Fiscal Status (Robin Jennison)**
 - 2. 2013 Legislature (Chris Tymeson)**
 - B. General Discussion**
 - 1. Feral Swine Control Efforts in Kansas (APHIS Wildlife Services)**
 - 2. Tourism Briefing (Linda Craghead)**
 - 3. Waterfowl Management Briefing (Brad Simpson & Others)**
 - 4. Cheyenne Bottoms Signage Project (Manuel Torres)**
 - 5. Big Game Permanent Regulations (Lloyd Fox)**
 - C. Workshop Session**
 - 1. Fishing Regulations (Doug Nygren)**
 - 2. Spring Turkey Regulations (Jim Pitman)**
 - 3. Park Fees (Linda Lanterman)**
 - 4. Alcohol on KDWPT Property (Linda Lanterman)**
 - 5. Scoring methods for poaching penalty (Kevin Jones)**
 - 6. Senior hunt-fish licenses/pass pricing (Mike Miller)**

7. Agritourism regulations (Linda Craghead)

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 115-14-1. Falconry; federal regulations. – to be revoked (Mike Mitchener)**
- 2. KAR 115-14-2. Falconry permits. – to be revoked (Mike Mitchener)**
- 3. KAR 115-14-3. Falconry permit classes and requirements. – to be revoked (Mike Mitchener)**
- 4. KAR 115-14-4. Examination. – to be revoked (Mike Mitchener)**
- 5. KAR 115-14-5. Facilities and inspection. – to be revoked (Mike Mitchener)**
- 6. KAR 115-14-6. Equipment. – to be revoked (Mike Mitchener)**
- 7. KAR 115-14-8. Reports. – to be revoked (Mike Mitchener)**
- 8. KAR 115-14-9. Acquisition of raptors. – to be revoked (Mike Mitchener)**
- 9. KAR 115-14-10. Other provisions. – to be revoked (Mike Mitchener)**
- 10. KAR 115-14-11. Falconry; general provisions. (Mike Mitchener)**
- 11. KAR 115-14-12. Falconry; permits, applications, and examinations. – new regulation (Mike Mitchener)**
- 12. KAR 115-14-13. Falconry; facilities, equipment, care requirements, and inspections. – new regulation (Mike Mitchener)**
- 13. KAR 115-14-14. Falconry; taking, banding, transporting, and possessing raptors. – new regulation (Mike Mitchener)**
- 14. KAR 115-14-15. Falconry; transfers, trading, and sale of raptors. – new regulation (Mike Mitchener)**
- 15. KAR 115-18-1. Wildlife rehabilitation permit; application, reporting and general provisions. – new regulation (Mike Mitchener)**
- 16. Late Migratory Bird Seasons (Tom Bidrowski)**

XII. OLD BUSINESS

XIII. OTHER BUSINESS

A. Future Meeting Locations and Dates

XIV. ADJOURNMENT

If necessary, the Commission will recess on August 23, 2012, to reconvene August 24, 2012., at 9:00 a.m., at the same location to complete their business. Should this occur, time will be made available for public comment.

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

The next commission meeting is scheduled for Thursday, October 18, 2012 at Flint Oaks, 2639 Quail, Fall River, KS 67047.

**Kansas Department of Wildlife, Parks and Tourism
Commission Meeting Minutes
June 21, 2012
Cabela's, 10300 Cabela Drive, Kansas City, Kansas**

Subject to
Commission
Approval

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

The June 21, 2012 meeting of the Kansas Wildlife, Parks and Tourism Commission was called to order by Chairman Gerald Lauber at 1:30 p.m. at Cabela's, Kansas City, Kansas. Chairman Lauber and Commissioners Debra Bolton, Don Budd, Randy Doll, Tom Dill, Frank Meyer, and Robert Wilson were present.

II. INTRODUCTION OF COMMISSIONERS, STAFF AND GUESTS

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

Chairman Lauber - Welcome State Representative Stan Frownfelter and Wyandotte County Commissioner Mike Kane.

III. ADDITIONS AND DELETIONS TO AGENDA ITEMS

Sheila Kemmis – Under general discussion, item 1 “Tourism Briefing” Linda Craghead will be presenting and introducing Richard Smalley and Bridgett Jobe. Mike Mitchener will present general discussion item number 3, “Animal Damage Control Briefing” and introduce additional speakers. Possible amendments for KAR 115-25-1 and 115-25-9a in public hearing this evening.

IV. APPROVAL OF THE April 26, 2012 MEETING MINUTES

Commissioner Randy Doll moved to approve the minutes, Commissioner Debra Bolton second. Approved. (Minutes – Exhibit B).

V. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

Mike Whitfield, Kansas City – On Neosho public maps, is property owned on the other side of river? Brad Simpson – We do own land on other side of the river. Whitfield – There are no boundary markers. Commissioner Wilson – We will check and find out, and mark if it needs to be.

VI. DEPARTMENT REPORT

Commissioner Frank Meyer Thank you Plaque – Chairman Lauber – This is Commissioner Meyer's last meeting. He was here when I came. He has been helpful, insightful and there are many statewide items he has done in his own free time. (Presented plaque) (Photo – Exhibit C)

Statewide Habitat Conservation Award – Jake George – Each year private lands wildlife biologists work with landowners to develop wildlife habitat on private land – the landowners do it willingly. To thank the landowners, biologists nominate a landowner. This year, Dave Webber was selected. Randy Whitaker was the nominating biologist. Randy Whitaker – I started working with Dave in early to mid-1990s. Since then, there's been quite a transformation on this property (Power Point presentation – Exhibit D). Aerial photo shows Dave's property with Missouri River beside it, about 160 acres, three miles south of Wathena. The property includes 60 acres of woodland with about 100 acres of CRP. Management includes burning, planting food plots and habitat breaks and shrub plots. It is textbook quail habitat and was all row-cropped prior to 1993. Other species have benefited, other than game species. He keeps legumes and cuts woody draws back every 2-3 years. The nest box program included bluebird boxes, wood ducks boxes, goose nesting structure and keeps fish food plots and bat roosting box. Completed shrub planting in 2011 and has stake at each food plot explaining what and when it was planted and weed control used. He also planted fruit trees for deer plots. Dave shares with other people and allows young people to hunt there. (Secretary Jennison, and Randy presented plaque and print to Dave Webber – Exhibit E).

Chairman Lauber – Welcome Wyandotte County Commissioner Ann Murguia who is also here.

A. Secretary's Remarks

1. Agency and State Fiscal Status – Robin Jennison, secretary, presented this update to the Commission. More specifics at next meeting on budgets. Working on 2014 budget right now, but its two years away and does create some challenges. We will wrap up and get prepared for the Governor. Since not I was not at last meeting, I'll mention that we had a good legislative session. It was a big agenda and got it passed, but it did take some compromises. Some will fiscally impact the department, but not until January 2013. Impact for Parks is parks pass, which will be available in January. Michigan was only state with this type of program and they got 28 percent of cars and light truck owners to select their pass option. If we even get 10 percent, that will be a significant amount. We plan to pay off Wildscape for cabins in parks, and then we will get 90 percent of the cabin fee fund for parks, additional revenue of about \$850,000, a no limit fund which we can use for cabins and state park operations. This is the best January through May period that parks has ever had. I'd like to say it's because of management, but it is because of weather, this will be a decent year. On fee side for wildlife – we got licenses passed for 65 and over, compromise half price for 65 to 74 or \$40 for lifetime. Seniors are paying federal excise tax and we can't show them as a hunter. Kansas was one of only 14 states not charging those seniors, so a disproportionate amount of federal money went to those other states. Commissioner Bolton – On park pass, how will you educate the people that possibility is out there? Secretary Jennison – Tourism will help us, talked point of sale. Linda Craghead – Recognize that access is available to them. Department of Motor Vehicles had a tough time recently changing over to new system, but we did work before they went into new system and gave them option that they can take 50 cents when they issue one. Hope to see healthy campaign at the end of this calendar year. Commissioner Meyer – On cabins, questioned success in the beginning, but it has been great; we camp at Fort Scott, glad those are successful. Commissioner Wilson – The senior hunting license

goes into effect January 2013? Secretary Jennison – It has to be one-eighth the value of lifetime hunting permit, we will make a dollar, but will level the tables on federal funding. Commissioner Doll - \$40 is the minimum? Secretary Jennison – Yes, take \$5 to issue license if put in modest interest account, average life expectancy is 78 years. Commissioner Doll – With no arbitrage right? Secretary Jennison – We can invest it. Oklahoma does it, could not amortize what you were getting for license but feds have changed the rules and are looking again. Commissioner Budd – Will we know if they are? Secretary Jennison - One state has gotten audited, and we may not know if they are going to change it or not.

2. 2012 Legislative Update – Chris Tymeson, chief legal counsel, presented this update to the Commission (Exhibit F). This was the second year of two-year cycle and a contentious one with some success this year. Seven major initiatives were put out by the Governor's office among all of the things departments wanted to do. Medicaid reform, KPERS reform (which passed), tax code overhaul (passed), water reform (passed), school financial, budget, judicial reform and redistricting (passed). There are usually three budget bills: supplemental (which is current year), mega bill and omnibus bill. The last several years there has been an agreement on the supplemental or the mega bill and it all went to omnibus this year and this year was the same. We did end up with an \$800,000 supplemental to help us through this year in the parks division because we took a hit last year with blue-green algae, flooding and a number of other items. We did get \$1.7 million to pay off the cabins in the mega bill. Department had six initiatives and got five out of the six, which was pretty successful. Last year got four items: **Executive Reorganization Order No. 36** -- Renaming the Department of Wildlife and Parks as the Department of Wildlife, Parks and Tourism. Neither House passed a resolution opposing it therefore ERO No. 36 became effective July 1. **HB2013** -- This bill repealed laws that restricted the sale and delivery of rifles and shotguns to or from residents of states that are contiguous to Kansas. In 1986 there was a reform bill at the federal level and Kansas never kept up with. **SB123** -- This bill allowed cabin fees to be established by the department Secretary with consideration of the Kansas Wildlife and Parks Commission, streamlining the process of adjusting fees for existing cabins and setting fees for new cabins coming on line. Included an amendment on land acquisitions which restricts us to 320 or less without prior legislative approval or 640 acres or less if under appraised value. **SB152** -- This bill allows a person with a concealed carry permit to carry a concealed handgun while legally hunting, fishing or furharvesting and it also allows any person who lawfully possesses a firearm suppressing device to use that device in conjunction with lawful hunting, fishing and furharvesting. This bill passed and was signed by Governor. This year: **SB314** -- This bill Robin talked about and became an omnibus bill. It started out as 65 and older requiring hunting and fishing licenses, an amendment in the Senate for half price age 65-74 or a one-time lifetime combination hunting/fishing license at a certain amount. House amendments included provisions from HB2295 including some deer issues and a law enforcement issue we will discuss later. When a bill differs from Senate to House, it goes to a Conference Committee where the differences are hashed out. Then it goes back to Senate and House and onto Governor for signature. Conference Committee took out law enforcement issue, at our request, which was mandatory check of 25 percent of all landowner or landowner/tenant permits, which would have taken about 10 percent of all law enforcement time. We are checking those, but not at that level. Included provisions of HB 2709 which increases penalties on violators, and there will be some regulatory work in relation to that. Bill did include pre-rut antlerless season starting in 2013 and combination antlered/antlerless combo permit starting in 2013 and crossbows starting this year in a four-unit pilot program, which will require

some regulatory work. The Wildlife Violators Compact provisions become effective January 1, 2013, as well as senior provisions. **SB316** – A clean up bill to clean up statutes to reflect Executive Reorganization Order 36 creating the Kansas Department of Wildlife, Parks and Tourism. Effective July 1, 2012. Have to do some regulatory work as we picked up some items from Department of Commerce. **HB2491** - Not a department initiative, but deals with carrying handgun in equipment restricted season, like archery. This issue came to the Commission in January with a related item and proponents weren't satisfied with our answer and introduced the bill. Passed the House and Senate and was signed by the governor and is effective July 1, 2012. **HB2596** – Not a department bill, but something I watch – I track about 150 bills every session and this is one of them. Deals with hunting feral swine and changes the definition to include Russian boar and razor backs and prohibits hunting feral swine on a contained hunting preserve. The bill jumped four different bill numbers, was passed and signed by the Governor. **HB2689** – Third rendition of alcohol on KDWP property. It was a department initiative which started as SB313 and would allow department to control alcohol on our property subject to regulation. Current law restricts alcohol to 3.2 percent, basically beer. Staff wanted a more modern approach to allow what we want and restrict by regulation. Passed late in session and signed by the Governor, but lumped into a bill with 11 or 12 other alcohol bills. Concern in legislature about opening up sale of liquor in grocery stores and that prevented individual bills from going through, so it passed as a compromise bill. Effective January 1, 2013. **HB2729** – This was a department initiative and would establish an annual vehicle state park permit that would set a price and allow us to come back later in regulations. This is the park pass we talked about and sets the fee at \$15. Effective January 1, 2013. **House Concurrent Resolution No. 5017** – Department initiative that passed the House last year. This is constitutional amendment and has to pass both Houses, sent to voters in November and if passed would allow the legislature to come back and set a different level of taxation of boats. It is felt that this would increase number of boats, update fleet of boats and prevent people from going out of state to register their boats. **House Concurrent Resolution No. 6015** - This resolution commemorates the 75th anniversary of the Wildlife and Sport Fish Restoration Program, which is where we get our federal funding. There were a number of bills that didn't pass: **SB120** - Vessel titling act which would have required titles on boats. **SB348** – Would have taxed people avoiding tax by keeping boat out of state even though registered in Kansas. **SB380** – Would have allowed full inclusion of crossbows during big game archery season. **SB447** – The department initiative we didn't get passed; to raise the cap on the fee for registration of motorized or sail-propelled vessels. We proposed raising the cap to \$60 for a three-year registration. The fee is currently \$30 and has been since 2006. According to my research it took us from 1991 to hit \$30. **HB2089** - Would allow a licensed hunter to retrieve their hunting dog from posted land without permission. **HB2152** - Increased penalties for boating under the influence. **HB2168** - This would have given free park permits to any person honorably discharged resident of Kansas. **HB2295** – A mega-deer bill with multiple parts and ultimately a substitute came out as pre-rut antlerless and combination permit, which we saw come back in SB314. **HB2432** - This bill would establish a Ducks Unlimited license plate. It got lumped in with a number of other license plate initiatives and didn't make it out of the Conference Committee **HB2452** - This bill would allow 12 big game permits to be issued by the Governor. The department opposed the bill, and it had no further action. **HB2551** - This bill was the original bill on the fee on vessel registration that went down. **HB2709** - Was anti-poaching bill that came out early, then substitute bill that passed House, went to Senate too late for them to take action. Convinced Conference Committee to include in. **HB2735** - Would hold the trail

operator of a rail banked right-of-way responsible for property taxes. Commissioner Wilson – On crossbow for 2012 season what we passed? Tymeson – Pilot project in four units and be an amendment tonight in KAR 115-25-9a. Will be in effect for a two-year period, 2012 to 2014 then report to legislature. Chairman Lauber – The one the Commission passed on youth permits also goes into effect in 2012. The one the legislature passed also goes into effect, but they have no age restrictions and only four pilot units. Commissioner Budd – Will we combine those two? Tymeson – Compromise of what we passed and what legislature passed, anyone in those four units will get to use a crossbow and the rest of the units will be what you passed. Commissioner Budd – What we are looking at is tonight is the first time we have seen it and will vote on it tonight? Tymeson – That is correct; timeliness of the legislature and the uniqueness of the situation is why we ended up with that. Commissioner Doll – You said department received \$800,000 supplemental, is that state tax money that comes from governor? Tymeson – Department budgets we are talking about now are 2014, legislature passed 2013 and they also looked at 2012. Last summer we took a big hit in parks so we asked for \$1.2 million supplemental in the Governor’s budget. We received \$800,000, which will be out of state general fund, starting July 1 our budget shifts to EDIF, which is economic development initiative funds, so we will be out of state general funds, which is a good thing for the department. Commissioner Doll – Restrictions on what you spend money on. Tymeson – Passed for intended purpose and if you don’t use for that you could end up with problems with the law; that money is for Parks. Secretary Jennison – It was for park office salaries. We have already spent it and used road money to get through end of year and then will have to put that back. Cindy Livingston – Already done. Commissioner Bolton – On HB2709 what was reason for color change from purple to orange? Tymeson – Came from legislators, essentially because they wanted to increase penalties and this was suggested. Wide variance across the states, those people thought blaze orange would be more visible, no advance discussion with farm groups prevented it from changing.

B. General Discussion

1. Tourism Briefing – Linda Craghead, assistant secretary for Tourism and Parks, presented this report to the Commission. Will be able to renew licenses online with parks pass. Revenues are strong this year in state parks. New technology starting with series of e-blasts to purchase annual permits. We did see increase in annual park permits. Implemented partnership with Reserve America, reservations were available online through agency website, now national online reservation system; can reserve campsites and cabins there. Implemented smart phone application, Pocket Ranger can reserve cabin or campsite, find out what fish you just caught and many other things; it was ranked 34th in download applications. Management team has done a phenomenal job in state parks. Key developments in Tourism: Flint Hills Nature Trail (PowerPoint presentation - Exhibit G, Exhibit H). Frank Meyer has been working on this trail for 10 years, one of longest rails to trails, 117 miles long when done. Commissioner Meyer – Seventh largest in nation, done totally with volunteer labor and donated money, just less than \$1 million collected. Craghead – First Flint Hills Freedom Ride, 400 bikers and started on south steps of capitol and ended in Wamego along Native Stone Byway; raised approximately \$50,000. Commissioner Dill – Get email blasts, if you don’t get those sign up, they give a lot of information quickly, www.ksoutdoors.com is the website. Craghead - Proud partner with Cabela’s and thank them for their participation in Fishing for Millions, really can win \$1 million dollars, log on and go to state parks.

Richard Smalley, marketing manager for Tourism (Exhibit I). Marketing Recap – Television (only done with eight partners or couldn't do): The TV ad campaign started May 7 in 15 markets and runs for four weeks. The 2012 media buy provided an extra 5 million impressions over the initial plan. On-Line: Display ads included rich media, pre-roll video, and standard banner ads. Our negotiated buy includes over 6 million impressions in 11 targeted markets. Year to date traffic to TravelKS.com is up 7 percent over the same period last year. We are currently working on the new site with plans to launch at the tourism conference in October. Print: The newspaper insert was included in 15 markets including Wichita, Topeka and Kansas City. Ads placed in April and May issues include 17 publications from Midwest Living to American Cowboy. 2013 Travel Guide. We met with Madden Media to plan the editorial outline of the guide. Ad sales are well under way. Projected completion is November. Marketing Road Show: This summer the tourism staff is conducting four marketing workshops around the state.

Bridgett Jobe, Executive Director of Visitors Bureau and KCK Tourism – Welcome to Kansas City. Linda asked me to give quick update. We've had great success since opening of Kansas speedway. We welcome over 10 million visitors a year. Interest is outdoors, at first glance don't think of us as that, but our bread and butter is mom and dad and kid. We see ourselves as gateway to Kansas, many first stops are right here. Take that role seriously and feel part of outdoor experience for visitors. (Visitor Guides (Exhibit J). Tourism game changers had many of those, Speedway, Village West and live strong, new sporting park and new casino. Host other events because of these game changers. Richard mentioned partnering he does with us, value for us too and we do partner with the state on several things, couldn't do radio and TV and other things without the state either. Items that happen on Missouri side also affects us and we have been able to partner with Kansas City MO CVB, too. It took us two years to figure out that challenge, but now have commercials that cover us both. Wyandotte County fairgrounds is new location, and there will be shooting range that will host professional and novice events as well as hunter education, another game changer. See Kansas River as untapped resource for us, three access points and host several events on river right now. Have Blues Fest annually at Kaw Point. Thank you for being here. Jimmy Lopez with Cabela's is my road chair and they understand their role with us.

2. Spring Turkey Regulations – Jim Pitman, small game biologist, presented this report to the Commission (Exhibit K). The number of permits and game tags issued for the spring 2012 season was 63,928 (includes 22,052 game tags), similar to last three years, but roughly 2,500 permits below the peak that occurred in 2010. Preliminary results indicate that hunter success was again greater than 60 percent across the state this past spring. The statewide harvest for 2012 was likely in the ballpark of 34,000-36,000, which is the range in which harvest has fallen for each of the last seven years. Final estimates for the spring 2012 season will be available later this summer. Over the last year, the wild turkey breeding population took a dip in the southcentral and southwestern portion of the state due to poor production last summer brought about by the drought. The population also declined substantially over the last year in parts of north-central and northeastern Kansas as a result of two consecutive Junes with above average precipitation. Wild turkey numbers remained fairly stable near the regional high in northwestern Kansas and slightly increased in southeastern Kansas due to more favorable conditions for reproduction in those regions over the last couple of summers. The department is recommending new spring hunting units that correspond to the new fall units that were recently adopted. The following

changes were proposed by the department turkey committee. They are also being considered for formal recommendations at the next commission meeting. 1) Increasing the season bag from 1 to 2 for Unit 1 (NW Kansas); 2) Making Unit 4 permits valid in adjacent units but keeping a quota of 500 and still issuing them through a pre-season drawing; and 3) Moving the start of the archery-only season to the Monday following the first full weekend in April and leaving the timing of the youth/disabled season unchanged. This change would give the youth/disabled hunters at least one full weekend without any competition from archery hunters (2-8 days total depending on calendar year). As the archery-only season has become more popular, competition has become an issue on some properties where KDWPT sponsored youth-hunts occur; especially wildlife areas. The proposed change would result in four 9-day archery-only seasons and six 2-day archery-only seasons over the next 10 years. Triggers that would result in recommended changes to bag limits within a hunt unit: 1) The percentage of active resident hunters harvesting at least one bird must be equal to or greater than 60 percent for each of the previous three years, and the percentage of the total harvest composed of jakes must average less than 25 percent over the same period before upward movement would be recommended. 2) The percentage of active resident hunters who harvest at least one bird must be equal to or less than 55 percent for two consecutive years before downward movement would be recommended. Commissioner Budd – What are you asking of the Commission? Pitman - Looking for guidance on youth season and reduce overlap somehow, delay start of archery season to allow youth and disabled to hunt by themselves. Chairman Lauber – It is April 1 no matter what day the season starts on? Pitman – Yes, starts second Wednesday, sometimes as short as a week. If delay, will reduce archery-only 6 out of 10 years. Commissioner Budd – Discussed what they want? Pitman – Worked through department committees. Commissioner Dill – How often does turkey committee get together? Pitman – Twice a year. Commissioner Bolton – What is consequence if we do this? Pitman – Positive to youth and disabled, but not to archers. Commissioner Budd – Easy way to do this? Pitman – Had a lot of discussion on this. WIHA doesn't open until April 1, so too difficult to fix all contracts to change that. Chairman Lauber – Staff recommendations make the most sense. Have representative feedback from guides who take the youth out. Struggle to find areas to take them. Pitman – That is what I am hearing from department-sponsored youth hunts. Commissioner Dill – April 1 next year is a Monday. Pitman – Six out of 10 years would be 10 days archery-only and four years would be 9 days. Helps get youth hunting. Commissioner Doll – Conflict is competition between disabled and able-bodied hunter? Pitman – Youth guided hunts seems to be a problem. Been coming up for last 3-4 years, can't quantify but increase is a real problem. Commissioner Budd – Encourage youth hunting, if you feel your recommendation does that then I agree. Steve Letcher – Number of archers as youth? Pitman – Archery hunters is about 7,000; youth is about 4,000. In 2006 and 2007, roughly 3,000 archery hunters. Letcher – Did you consider first weekend? Pitman – Decided on delayed season. Commissioner Bolton – Have regular season, stop for two days on weekend and start again, nightmare for law enforcement? Pitman – We could do that. Jared McJunkin, NWTF – Have position on wild turkey committee, volunteers in department youth hunt, supportive of what state is trying to do and realize some compromise in there. Board is supportive of what department is trying to do. Dave Weber, Wathena – Have long list of what we love about Kansas and what we do right. One of things I love is archery turkey season. Is there major hunter interference on public lands? Pitman – Some on leasing of private lands too. Weber – March 25 opener, but understand WIHA areas aren't open, just on public land areas and closed on WIHA. Love two weeks out there. Just

close certain areas. In Doniphan County only couple of WIHA areas and no public land areas, don't interfere with us private landowners.

Jimmy Lopez – Want to let Commission recognize weather, best season happened early. April 1 is concrete and well known, move youth and disabled into March. Chairman Lauber – If more normal temperature year, wouldn't that be more disappointing with weather? Pitman – Didn't want to move youth to March because of weather and no WIHA. Chairman Lauber – Consider a possible amendment for first weekend, Commission wants to see what is best for youth. Can still hunt with bow in regular season. Pitman – Just out for discussion at this point. Chairman Lauber – Tinker with first weekend without making it a couple of paragraphs long and see if that will work. Pitman – Will explore possibility with Kevin and Chris and if not feasible will move forward with my recommendation.

Break

3. Animal Damage Control Briefing – Mike Mitchener, wildlife section chief, presented this briefing to the Commission. I've been asked to do short program, and I've also invited Charlie Lee, K-State Extension and Tom Bidrowski to talk about migratory bird depredation (PowerPoint presentation – Exhibit L). Wildlife is a shared public resource, and we use extension approach – provide education, implement approach with partnerships with other state agencies, federal agencies and KSU Extension. Contacts come from phone calls, walk-in traffic or email, and then we try to determine type of damage, species causing damage, recommend or refer and issue department permits if necessary. Resource materials include information on department website, and a link to University of Nebraska of up-to-date information on species and types of damage that can occur and how to alleviate damage, which is a great way for public to look up information themselves. Types of permits: prairie dog permits issued for fumigants only, nuisance bird control, deer depredation control, nuisance wildlife damage control cooperators and migratory bird depredation. Prairie dog permit is required for poisonous gas or smoke, not for above ground toxicants, application required is required which requires legal land description, cannot be used if black-footed ferrets are present and is good for only 120 days. Nuisance bird control permit can be issued when birds are depredating on ornamental or shade trees, agricultural crops, livestock or wildlife, or when concentrated in high numbers. Application is required with legal description of land, method of control, permit not to exceed one year; operating under federal depredation order for blackbirds and lethal take must be reported to USFWS. Permit is not required for non-lethal methods of control. Deer damage control permit can be obtained by landowners. It is the biggest program, site specific assistance available from department biologists or NRO; permits authorize lethal control emphasizing taking antlerless deer. Outline of how we issue permits: landowner contact, staff contact within five working days, inspect area, take antlerless deer, possession tags assigned, landowner issue without cost, can designate agent to take deer but must be Kansas resident and have Kansas hunting license. Landowner required to follow prescribed procedures, file final report, allow firearms deer hunting on property at landowner's discretion. The department maintains 800-number for complaints and hunter referral program. Nuisance wildlife damage control cooperators are private individuals or pest control businesses trained by KSU Extension must apply annually, pass test and submit annual report; and may charge for their services.

Charlie Lee – 22 years with KSU, six years with KDWP, currently extension wildlife specialist (PowerPoint presentation – Exhibit M). Work in wildlife damage control. KSU is Land

Grant University with three branches: teaching, research and extension. It encompasses five colleges and 23 departments, but I am only wildlife specialist. History of KSU is long, first it was a wildlife specialist to help with prairie dogs and pocket gophers and we still deal with those issues today. In 1972, legislation passed that required wildlife damage specialist to instruct farmers and ranchers on effective techniques. Information I hand out is on our website and not reprinted like in the past. Cooperate with partners, work under MOU with KDWPT, research projects with FWS and work with USDA-Wildlife Services and provide statewide training with many groups. Most common problem species: moles, voles, pocket gophers, birds, skunks, coyotes, prairie dogs, deer and snakes. Research problems are nuisance bird control at feedlots such as feed loss, disease transmission and general nuisance. Small rodent damage is caused because they eat seeds right after planted, working on new repellent. Working on prairie dog and cattle competition issue, applications are sent to KDWPT and assistant secretary decides whether to issue permits or not. Predation on livestock takes a lot of time (calves, goats or sheep) sometimes dogs, usually requires on-site visit and have about 75-100 of those complaints a year. Most of work done to get people to recognize species responsible, understand wildlife biology, know management alternatives, and follow local, state and federal laws.

Tom Bidrowski, migratory bird specialist – (PowerPoint presentation – Exhibit N). What makes the management of migratory birds different is their protection under federal law. However, states play a major role in migratory bird management, through the flyway system, and we're often the first means of contact for those experiencing wildlife damage and likely resolve issues at the local level. Shared resources, managed for all users. KDWPT attempts to manage geese with great consideration among all user groups and values. Three main species or groups of birds that KDWPT receives annual requests for assistance: waterfowl, sandhill cranes and Mississippi kites. Mostly large flocks of geese feeding on crops, affecting water quality and aircraft safety. When hunting is not an option work on hazing and work through Central Flyway on management plans. Resident waterfowl are here from March 11 to August 31 and complaints include: crop/turf damage, nuisance, and water quality. Use abatement such as hunting, education, hazing or habitat modification, egg addling and relocation. Resident geese are also managed by the Central Flyway Management Plan and the Kansas Management Plan. Sandhill cranes cause crop damage. States can haze or hunt and management is done through Mid-Continent Management Plan and Whooping Crane Recovery Plan. Mississippi kites moving northward, aggressive in nesting season. Most calls during late spring use hazing and issue USFWS depredation permits. There is no management other than encouraging moving the structure that is attracting them. Commissioner Bolton – By pigeons, do you mean rock doves? Mitchener – Yes. Chairman Lauber – Starlings eat how much grain? Lee – Two pounds out of feed bunk in a month.

4. Legislative Regulation Changes – Chris Tymeson, chief legal counsel, presented this update to the Commission (Exhibit O). Department goes above and beyond legally required process with general discussion, workshop and public hearing, only required to hold public hearing. Idea of schedule, more will be brought up later on these issues: 1) In SB314 – crossbows - amendment 115-25-9a tonight to include 4 units with two-year pilot project effective this season; required report to legislature after pilot; 2) Also, in SB314 - pre-rut antlerless only rifle season-effective for 2013 season, two-year sunset, March vote, Lloyd would handle; 3) Combination antlered/antlerless permits-effective for 2013 season, March vote, Lloyd would handle; 4) Scoring methods for wildlife violator restitution - four new regulations, scoring

system will be in regulation, October vote to be effective January 1; 5) Senior hunting and fishing license fees, senior pass-amend 115-2-1, effective 2013, and will have to set fees for half price and develop new regulation with parameters for purchase, October vote; 6) Park entrance fees-amend 115-2-2, effective 2013, October vote, Linda Lanterman will be at next meeting; and 7) Agritourism regulations-six new regulations, not part of original ERO, October vote. Commissioner Doll – Is pre-rut coming from legislature? Tymeson – Coming from SB314, was part of HB2295. Harvest more antlerless deer prior to the rut. Commissioner Dill – No length of time was dictated? Tymeson – A couple of days was first dictated, but are able to leave that up to Lloyd and what he dictates. These will come back as workshop items.

C. Workshop Session

1. Fishing Regulations – Doug Nygren, fisheries section chief, presented this report to the Commission (Exhibit P). There are changes to reference document since we printed this: Lake Shawnee in Topeka has largemouth bass virus, change to 18-inch length limit; Osage SFL change walleye from 18 inches to 15 inches. Another proposal deals with the crappie fishery at Glen Elder Reservoir to reduce creel from 50-a-day to 20-a-day. The lake refilled after being low for several years ago. In 2008, biologists caught 900 crappie per trap instead of 40 or 50, which is normal. In 2010 the catch rate was lower, but it was better in 2011. Considering this proposal, not coming forward with this recommendation, but plan to do some public meetings with anglers that use that lake, possibly set length limit or creel limit or combination of the two; also not ready with language for Attorney General at this time. There could be an 18 to 25 percent reduction in harvest with 20-a-day limit according to computer model. Length and Creel Limits for Coffey County Lake: The following changes are being proposed: 1) change to a 21-inch minimum length limit on walleye; 2) change to an 18-inch minimum length limit on smallmouth bass; 3) change to an 18-inch minimum length limit and a 2/day creel limit on largemouth bass; and 4) no trot lines or set lines will be allowed. Add to 115-1-1 definitions of artificial lure – manmade fish-catching device used to mimic a single prey item (like Alabama rig). Artificial lures may be constructed of natural non-edible (e.g. including hair, fur, etc.) or synthetic materials. Multiple hooks, if present on an artificial lure are counted as a single hook. Change 115-18-18, on handfishing permit; requirements, restrictions, and permit duration. A mandatory questionnaire to be completed by each holder of a handfishing permit is no longer needed. We believe that practicing good survey techniques will allow us to get voluntary responses from permit holders. We propose removing the requirement under 115-18-18(d). Change 115-25-14 to include two new locations for trout stockings. Great Bend-Stone Lake and Cherryvale City Lake (Tanko) will both be added to the list of Type 2 Waters, which require a trout permit only for trout anglers from November 1 through April 15. Jason Goeckler – Discussed wild-caught and movement through bait trade. Been successful, developed a booklet outlining the details of bait rules, and has cleared up a lot of issues. Personally visiting each bait dealer that has applied to make sure they understand rules, visited 70 of 230 so far; four bait shops had to be revisited, but seems to be working smoothly. Had some issues, growing pains, adjusting to new changes, no tickets written at bait shops so far. Some frustration on receipts originally provided 500 receipts to each dealer. Nygren – Wild-caught bait is more controversial side (Handout – Exhibit Q). The principles behind the regulatory changes follow the longstanding CLEAN, DRAIN and DRY recommendations. The goal is to prevent the spread of ANS while allowing for the safe utilization of our aquatic resources. Package proposal and generally speaking these rule changes

are: 1) to allow anglers to use bait in the water where caught (cannot control from private water fishing impoundment which are exempt from our regulation); 2) to require the draining of untreated water when leaving. ANS spread can be prevented when the water is eliminated prior to transport; 3) to disallow the dumping of fish and bait into waters in which they did not originate; 4) to prevent ANS transport when departing ANS designated waters; 5) to ensure bait shops to be ANS and disease free; and 6) to facilitate adherence to the regulatory intent. We propose the following rule clean-up to fix these gaps: Gap: Water can be transported in all non-boating containers. Gap: Fish cannot be captured in the stream/river and used in the immediate downstream reservoir. Gap: Commercial bait dealers are required to provide receipts. Anglers are not required to provide origin documentation when transporting bait. Gap: Wild-caught, out-of-state bait. Gap: 115-17-15 cites locations where crayfish may be harvested. Concern has been raised as to what are department lands and waters and federal and state sanctuaries. Gap: Wildlife may be stocked into all streams other than KDWPT lands/waters, federal reservoirs, and the 3 navigable rivers. We need to modify 115-8-12 to disallow unauthorized stocking of all waters other than Private Water Fishing Impoundments. Staff will have additional information prepared by the date of the meeting detailing options to address the gaps identified above.

Commissioner Doll – On first one – use of bluegill and green sunfish, flesh that out? Nygren – Can get bluegill out of private farm pond not connected with waters of the state, we have no way to prevent that. Official ANS water, we maintain and is potential that we don't know about it, can transfer from private water impoundments. Commissioner Doll – Is showing up on private land? Goeckler – Small sample of private land, but white perch is prevalent. Chairman Lauber – Solves a lot of issues and also downstream solves issues that constituents have brought to me. Any time you make a major change in reformatted approach take several steps forward and a few back, but minimal damage and important PR-wise. Commissioner Bolton – What about proof for neighboring state? Nygren – Can permit vendor outside state of Kansas. Goeckler – Attempted to address that in gap above that, requiring receipt. Commissioner Dill – Receipts seems to be an issue, also have to put an expiration date, will have to be manual. Nygren – Providing paper receipt at no cost. Goeckler – Mark next to what was sold, those that printed had difficulty. Commissioner Wilson – Bait dealers thought we were going to continue providing those. Goeckler – We sent two letters that said we wouldn't, so don't know why there was confusion. Commissioner Wilson – Considered bluegill and green sunfish before and are going to allow these from non-ANS waters? Petition was handed out in Wichita; 800 plus signatures on this and over-65 hunting issue. Don't know what their next plan is, this may loosen that up some. Believe they understand senior issue as a way to receive federal money. Commissioner Doll – How will you know if from non-ANS designated water? Goeckler – Can enforce if caught at ANS water, easily recognized species by our staff and anglers, still potential of water being moved, but Asian carp still not moved. Commissioner Doll – Can lie and say they didn't move from ANS water. Commissioner Dill – Controversial, things to correct and glad to see them addressed. Asked if bait dealer input or public input? Goeckler – As new Commissioner you missed all that, did years of research. Full representative of angling public and consulted with Kansas Aquaculture Association and general public. Felt what we brought forward was the best. Identified catfish anglers on rivers to be most impacted by not using the bluegill and green sunfish and I can provide that information if you want it. Commissioner Doll – About 78 percent purchase their bait, so knew about 30,000 who wouldn't like what we were proposing. Chairman Lauber – Public willing to make sacrifices then got down to “didn't know you meant that”. Goeckler –

Used scenarios and gave them four options. Went with use it where you can catch it and that is what they supported. Used Colorado State University human dimensions department. Chatt Martin – Discuss Glen Elder, guide but also crappie fisherman. Understand what we have at Glen Elder and want to keep as long as we can, 50 fish is ridiculous number. Seen lakes come and go, know good years and bad years. No way a person can keep 50 fish alive on a stringer so they die and they throw them away. Fish cleaning stations have long lines. Can't eat that many fish and possession limit is three times that or 150 fish and 12-inch length limit. Don't know that 20-fish is magic number. Perry was one of top five lakes until 1992, said flood of 1993 took them out, but I don't believe it. Wish whole state would change creel limit to statewide limit. Don't want to see those fish disappear. Nygren – Will discuss proposal with Director Kramer, Assistant Secretary Sexson and Secretary Jennison. Believe 800,000 crappie were harvested in one year from that lake; always concern to do something, best crappie fishery ever seen. Commissioner Wilson – On gap regulations, come back with regulation? Tymeson – Amendment to current regulations in October. Nygren – Most current is new handout.

2. Late Migratory Bird Seasons - Tom Bidrowski, migratory bird biologist, presented this report to the Commission (PowerPoint – Exhibit R, Exhibit S, T, U). Late-season waterfowl frameworks are established annually by the U.S. Fish and Wildlife Service (Service). These frameworks establish the limits that states must operate within and are published in mid-August, after results from the May Breeding Duck Survey and recommendations from flyway councils are available. The results of the May Breeding Duck Survey, which includes duck abundance as well as pond numbers, will not be available until late July; however, we do not anticipate any major changes in the frameworks. Water conditions in prairie potholes for ducks is one of the greatest determining factors for upcoming 2012-13 waterfowl seasons. It still early but based on indicators, we anticipate no major changes in the federal frameworks for ducks this upcoming season. Early reports from the prairies have noted that despite below normal snow melt runoff, residual moisture from the 2011 flooding has maintained conditions for larger wetlands. Production will likely be down from last year's record counts, but is still expected to produce healthy populations for most species. Last year's flooding may have negatively impacted nesting habitat conditions for some diving duck species that nest over water. Since 1997, the Central Flyway has remained in the liberal package for ducks, which allows outside dates between September 22 and January 27 (last Saturday in September and last Sunday in January). Season length frameworks allow 97 days in the High Plains Unit with the last 23 days starting no earlier than December 8 and 74 days in the Low Plains Unit. Bag limit frameworks allow six ducks, including five mallards (no more than two of which may be females), two redheads, two scaup, three wood ducks, two pintails, and one canvasback; five mergansers, only two of which may be hooded mergansers (states do have the option to include mergansers in the duck daily bag limit); and 15 coots. Shooting hours are one-half hour before sunrise to sunset. Zones: High Plains – no zones and up to two segments; Low Plains – three zones with each having up to two segments. Due to goose life histories (long-lived), populations do not fluctuate greatly or vary from year to year. Timing of snowmelt in the arctic has greatest affect on production. As such, traditional management strategies for geese rarely change from year to year. Most goose populations are healthy and in the Central Flyway, Canada and light geese are at the maximum season length of 107 days allowed by Migratory Bird Treaty Act. Greater white-fronted season similarly will likely be unchanged with a 74-day season. Recommendations: Recommendations are to adopt federal frameworks for daily bag limit, possession limit and shooting hours; adopt a 74-day

season length in the Low Plains Unit and adopt a 96-day season length in the High Plains Unit. Recommended season dates for ducks, mergansers and coots: High Plains Unit: Oct. 8 – Jan. 2 and Jan. 21-29; Low Plains Early Zone: Oct. 8 –Dec. 4 and Dec. 17 - Jan. 1; Low Plains Late Zone: Oct. 29 - Jan. 1 and Jan. 21-29; and Low Plains Southeast Zone: Nov. 5- Jan. 8 and Jan. 21-29.

Showed historic perspective chart showing opening and closing dates from 1970 to 2012. Asked wildlife area managers for perspective and plotted hunter number and harvest for last five seasons. At Marais des Cygnes – 10 percent decline in annual harvest, 12 percent decline in hunter participation; at Neosho WA – smaller, but similar declines. Another important tool in developing season is the use of human dimension surveys. We conducted surveys in 2010 and 2012 to gain insight into hunter preferences. This gave us a before and after shot. There were two main questions from the 2010 survey. From graph, we can see there is polarization among hunters (those wanting early and those who prefer later opening days). Majority chose after Nov 17; fewer before Nov 12; and some with no preference. Mailed out 6,000 surveys, 47 percent said season just right, 28 percent said too early, and 8 percent had no preference. Preferred dates were Nov 3-Jan 6 and Jan19-27 (27.7 percent). Two consecutive days per duck-hunting zone, designated as “Youth Waterfowl Hunting Days,” and must be held outside any regular duck season on a weekend, holiday, or other non-school day when youth hunters would have the maximum opportunity to participate. The days may be held up to 14 days before or after any regular duck-season frameworks or within any split of a regular duck season, or within any other open season on migratory birds. Youth hunters must be 15 years of age or younger and an adult at least 18 years of age must accompany youth hunter. Adults may not duck hunt but may participate in other seasons that are open on the special youth day. Recommendations are to adopt federal frameworks for daily bag limit, possession limit, and shooting hours.

Recommended season dates for the special youth waterfowl hunting days: High Plains Unit: Oct. 1 and Oct. 2; Low Plains Early Zone: Oct. 1 and Oct 2; Low Plains Late Zone: Oct 22 and Oct 23; and Low Plains Southeast Zone: Oct 22 and Oct 23. Federal Frameworks – Geese: Dark Geese (Canada, White-fronted, and Brant) – Between the Saturday nearest September 24 (September 24) and the Sunday nearest February 15 (February 12); Light geese (Ross’s and Snow) between the Saturday nearest September 24 (September 24) and March 10. Season Lengths and Limits: Dark Geese - Canada geese: 107 days with a daily bag limit of 3. White-fronted geese: Option A: 74 days with a bag limit of 2; Option B: 88-day season with a bag limit of 1. Light Geese: 107 days with a daily bag limit of 20 with no possession limit.

Recommendations are to adopt federal frameworks for season length, daily bag limit, possession limit and shooting hours for dark (Option A for white-fronted geese) and light geese.

Recommended season dates for dark and light geese: White-fronted Geese: Oct. 29 – Jan. 1 and Feb. 4-12; Canada Geese: Oct. 29 – Nov. 6 and Nov. 9 – Feb. 12; Light Geese: Oct. 29 – Nov. 6 and Nov. 9- Feb. 12; and Light Goose Conservation Order: Feb. 13-April 30. Falconry –

Dedicated but small group and season follows waterfowl seasons. Recommendations: adopt federal falconry regulations. High Plains Unit: Oct. 8 – Jan. 2 and Jan. 21-29; Low Plains Early Zone: Oct. 8 –Dec. 4 and Dec. 17 - Jan. 1; Low Plains Late Zone: Oct. 29 - Jan. 1 and Jan. 21-29; and Low Plains Southeast Zone: Nov. 5- Jan. 8 and Jan. 21-29. Extended Falconry Seasons: High Plains Unit Extended Seasons: None; Low Plains Early Zone Extended Seasons: Feb. 25 – March 10; Low Plains Late Zone Extended Seasons: Feb. 25 – March 10; and Low Plains Southeast Zone Extended Seasons: Feb. 25 – March 10. Although too early to predict with certainty, we anticipate no major changes in frameworks regarding season length, bag and

possession limits and opening/closing dates from previous year for the general duck and goose seasons; July 15-20, Central Flyway Council Meeting; July 25-26, Service Regulation Committee; and vote on regulations at August 23 KDWPT Commission Meeting.

Commissioner Budd – Lot of people here interested in ducks (large number raised hands); asked how many wanted earlier season (shown by raised hands); staff recommendations or compromise (shown by raise of hands). Commissioner Wilson – Had gentleman earlier who asked about south unit of Neosho wildlife area and that they hadn't pumped any water into that corn field; what is the reason for that? Bidrowski – I will have Brad Simpson answer that. We will have public land managers at August meeting giving a presentation. Brad Simpson – Are you referring to last year? Commissioner Wilson – Yes. Simpson – Last year was a dry year and we intended to pump it but got into some stream flow issues in the Neosho River. In fact had trouble pumping the main unit and we were in constant contact with the Division of Water Resources and the Kansas Water Office on meeting minimum stream flow. They did give us a two week window to pump, there were also some maintenance issues with the pump and Monty was short handed so it was a combination of issues, but mainly because of stream flow in river. Intend to pump this year if minimum stream flows are met, with priority on main unit. Monty has proposed a capital improvement project to put in a submersible pump in south unit, try to obtain easement through private property and this will give us more flexibility and efficiency, but it will be 2014 before it is completed. Commissioner Wilson – Do you apply for GRDA or something like that, they release water into the river at Burlington? Simpson – We do not do that. Commissioner Wilson – Could you do that? Simpson – I don't know. We have pumping rights, but it is restricted, they read them above Neosho and down at Parsons, if stream flow is low at Parsons they shut us off. Commissioner Wilson – Where did water come from that came into the river when you initially pumped? Simpson – Based off releases up river. Corps control releases at reservoirs. Don't remember what their release rates were last year, but Division of Water Resource and Kansas Water Office are involved in stream flows in all rivers throughout the state, in coordination with the Corps. Commissioner Wilson – Still not guaranteeing water in south unit? Simpson – Monty plans on pumping that unit. Commissioner Wilson – Bought that in conjunction with Ducks Unlimited (DU) and we would like to see water if possible. Had gentleman (Michael Shropp) approach us last year in duck season and he had some issues with the season at Inman Lake, are you familiar with that? Bidrowski – Last year when we changed the Low Plains late boundary to include all of McPherson Wetlands into the low plains, in doing that his wetland reserve program (WRP) marsh was included in low plains and his preference would have been to stay in low plains late. Since we had already finalized our zone boundaries with the Fish and Wildlife Service as of April 1 this year we were not able to accommodate any more changes. We have had contact with him and U.S. Fish and Wildlife Service and the Central Flyway representative and those zone boundaries are set until the 2014 season.

Dennis Harris, Attorney in WY County for 40 years and passionate waterfowl hunter -Volunteer for DU for years. Haven't been able to attend Commission meetings in the past, but watched August meeting last year. You need to move that around to other parts of state rather than just Great Bend. Appreciate Commission passed southeast zone, good movement for waterfowl and waterfowl hunters, but disappointed in season date only 3-4 days from what opening was the year before, wanted November 17. Hunted public and private lands in south zone and around Kansas City, in south zone ducks arrive around time commercial turkeys arrive for Thanksgiving. That area ties more in Grand Lake and other areas down in Oklahoma as far as arrival of waterfowl. Daughters come back during Thanksgiving and Christmas seasons, and I

would like to see one more week later. Would agree to compromise with just one more week later. Watched meeting in Wichita and saw article an outdoor writer wrote in the Wichita Eagle Beacon about comments on a 200-yard distance between hunting groups at public hunting areas. I think it is an excellent idea, but understand staff would have problems with enforcement. I could copy that regulation and keep copy in my pocket and share other hunters if in place. When I started hunting at Perry Reservoir back in the late 1960s; I got there early in the morning and had my decoys out and I had three hunters move in on my hunt, 50-yards away, so I picked up my decoys and left. Had there been some type of regulation I could have advised them, with a written copy, that they needed to move 200 yards away. Reporter in Wichita in error of that assessment of that recommendation and would ask that the Commission reconsider that.

Bob Beachey, Lawyer from Prairie Village – Helped found DU in Shawnee district in 1979, hunting Marias des Cygnes since 1961 and belong to a duck club and we keep records of our duck harvest. Last year heard there might be a southeast zone and some of us were anxious about that. Very few people I know received the survey, we are shallow marsh hunters at Marais des Cygnes and it is 60 miles to Kansas City. We called department and talked to the lady who was the waterfowl biologist and she said there would be no southeast zone this year, feds screwed it up and there won't be time to put notices out; and the next thing we knew we had a southeast zone. Neosho needs that, but Marias des Cygnes should have never been in that zone. Fact is it is a done deal, it is a five-year thing, but we want staff recommendation because that is the best thing for us, that time is best for us. You have bad dilemma here. In 1970s Bill Anderson, who was one of you commissioners, started Marais des Cynges Valley Waterfowl Association to organize hunters to fight Wichita duck hunters because they wanted a ridiculously early season and we had a 39-day season then and weren't days to go around. Now don't want to push seasons back that far. Dennis hunts deep water, we could be frozen up by Christmas and season is over, ducks may come back in January if it frees up. Commissioner Budd – Mostly members of Hillcrest which is traditional club? Beachey – About six of us are. Commissioner Budd – Would you be opposed to a compromise? Beachey – I can only speak for me and as I lawyer that is what I do, compromise. Budd has worked his tail off on this issue and has talked to everybody that would talk to him about it and has done a spectacular job. Problem with November 10 is; am I going to open the pheasant season or the duck season? Would rather see duck season week before pheasant season and then I can do both. Commissioner Budd – Come a long way because first communication I had with Marais des Cygnes group I expected to be strung up. Beachey – Don't think it was the Commission, feel there was active good communication, but feel we were mislead, maybe not intentionally.

Nick Smith, Neosho County Kansas native – Born and raised near Neosho Wildlife Area and appreciate southeast zone. Commissioner Budd has contacted several of us in the area with input and realize there may have to be a compromise. From PowerPoint saw that there are certain stipulations that feds give us on number of zones. When waterfowl arrives, distance between us and Marais des Cygnes group, but we would like to maximize harvest potential and if we could delay a week for opener that would benefit us. Mr. Silovsky has done some fabulous projects in south unit and DU has contributed a lot of money to that. Hunt private land, but unit brings in afternoon refuge factor, like to see water and would be willing to contribute to it and would help Monty with hands or whatever we need to do. Been sprayed in eyes so would like to see 200-yard distance.

Pat Farrington – I too hunt Marais des Cygnes valley, hunt off creek downstream of power plant and don't see early ducks. We fight spring flooding, later crop planting and crops don't mature

until late October or early November and we are fighting water issues all of the time. Don't have water available to pump and we tried to start pumping last year as early as September and we had one marsh available for opening day. See shift in weather patterns in last few years pumped up until end of year. See majority of mallards after Thanksgiving, first part of December. Need good data for hunting in January. If you look at trend, see October as traditional opening date, now into November; maybe trend needs to continue even later. Youth opener is two weeks before regular season when hardly any ducks out there for them to shoot. Assume that is tied to goose season opener? Bidrowski – Tied with Low Plains late youth season. Farrington – Last two years lowest harvest on opening day on record. Bidrowski – Option to move week later, set for ease of regulations. Farrington – Seeing warmer temperature, seems silly to create new zone and only move it by one week. Chairman Lauber – The southeast zone was designed as a means to compromise, this is not the first year groups are split on days and we can't have every county with their own hunting season. Under frameworks had to create a new zone which was discussed for two years or more and was an effort to compromise. Have to try and figure out who to help or penalize, don't know what answer is, but someone close to where you hunt feels the other way. The southeast zone was a means that the U.S. Fish and Wildlife Service would use to accommodate primarily the Neosho group. Appreciate everything Commissioner Budd has done, but there are no private discussions as a commission like was mentioned. Commissioner Budd – Would you agree with second week of November opener? Farrington – No, the closer to Thanksgiving the better. Commissioner Wilson – Ever shoot any ducks on feed fields later on? Farrington – Hunted on ice before, not opposed to that. Commissioner Budd – I don't think anybody here on Commission is here to penalize anyone because of a zone that was created. I think we need to give everybody that is passionate about this an opportunity and not penalize one or the other, objective is compromise, which is a good thing. My opinion is a later opener is better; would hurt Marais des Cygnes valley, no I don't believe so. As Commissioners we are supposed to make end users happy. Chairman Lauber – I feel the other way, date as it is now is a result of compromise and concur staff did what is in the best interest of entire zone. Commissioners understand the issue, vote for later opening or same opening as last year. Commissioner Doll – How is November 3 on the Low Plains southeast a compromise date? Chairman Lauber – Whole southeast zone was a compromise. Outside of mallards, lots of woodducks are harvested. Pulled part of Low Plains late into area with more January days. Lot of state has duck hunting besides down at Neosho. Commissioner Wilson – We understand that, but this is about the southeast zone. Those people aren't here and weren't represented last August either. Beachey – We were told we didn't have to be that the southeast zone was not going through. Commissioner Wilson – Then you should have talked to someone on the Commission. The waterfowl biologist makes the recommendations, we make the rules. Chairman Lauber – Quite a few of people said they weren't included in the survey, but majority of survey respondents agree. Commissioner Wilson - I never spoke to anyone who received the survey. Bidrowski – On January 2012 6,516 surveys were sent out. We received 67 percent return. Names came from HIP that had zip codes in southeast zone and surrounding areas such as Wichita and Kansas City. A normal survey, for instance small game survey, gets a response rate of about 25 percent that shows a lot of people have a stake in this. Commissioner Budd – Have a lot more information I would like to share with Commission, but since this is Frank's last meeting we are going to do something for him and if anyone has any questions come talk to me. Chairman Lauber - Continue at 7:00.

VII. RECESS AT 5:35 p.m.

VIII. RECONVENE AT 7:00 p.m.

IX. RE-INTRODUCTION OF COMMISSIONERS AND GUESTS

Chairman Lauber – Welcome Shari Wilson, former Commissioner.

XI. DEPARTMENT REPORT

C. Workshop Session (continued)

2. Late Migratory Bird Seasons – (continued) Commissioner Meyer – Explain what each side wants. Commissioner Budd – Part of guys in Marais des Cygnes valley want the season to open the first week in November; north end of southeast zone; the south end of the southeast zone wants it to open the third week in November. Commissioner Meyer – Two weeks difference? Commissioner Budd – Yes. I have met with most of these guys over the past year and had numerous conversations, heated on both sides. I see these waterfowl hunters all year because I hunt a lot. After two weeks of talking everybody was pretty much in agreement to compromise and split the difference for the second week in November. Even though it was going to be on pheasant opener, 99 percent of the guys said they would go pheasant hunting when they want to and waterfowl hunt when they want to, whichever they prefer first. Commissioner Meyer – From drift of conversation this afternoon, it's obvious we are not going to make everybody happy so I think it is time to make everybody a little bit mad and split the difference, call it good and go home. Is everybody good with that? Chairman Lauber – Marais des Cygnes wants first weekend, which is recommended, and Neosho wants later so we are supposed to decide which of those two duck clubs win. I think rest of southeast zone, that represents about 25 percent of the state is made up by more average hunters of which 3,000 sent back a survey, with over 1,000 in agreement to leave it the way it is because they sense, as do I, that the southeast zone, in and of itself, was an attempt to compromise. Commissioner Wilson – Not by the Commission. Commissioner Meyer – For the benefit of the folks that called Emporia, this was not on the agenda but came up somewhere in the U.S. Fish and Wildlife Service, so don't blame Emporia. Let's split the difference and get on with the agenda. Chairman Lauber – We don't vote tonight and this discussion is going to come up because of the southeast zone. Faye McNew talked to us in this Commission for a long time about setting up the southeast zone and it wasn't a fast thing and the Commission did approve the southeast zone and feel this commission did approve these changes. We have two competing interests who have monopolized the issue, lot of waterfowl hunters not here who have the right to be considered. I am one vote and there are seven votes. In August, follow staff recommendation or come up with a compromise. Commissioner Meyer – What is the staff recommendation? Chairman Lauber – To keep the season we had last year and this year. Commissioner Meyer – That would make one-half happy and one-half mad. Commissioner Wilson – Correct. Commissioner Budd – Passed out pamphlet put out by Delta Waterfowl which is a duck migration study. The survey was done by Season's End, which is a bipartisan policy center. Look at it and see what they are saying about climates, the way seasons have changed, weather patterns have changed and duck migration patterns have changed. The disappointing thing to me is we have a diverse commission and all of us have a little expertise in

some field of the outdoors and when we are talking about fishing I will look to you, Mr. Chairman and Robert because you know more about fishing than I do; and when we look to duck hunting, not that I am an expert by any means, but I'd appreciate the same consideration or it is difficult for me to give you that consideration. I believe that staff, as much as staff across the country in government agencies does, wants to do things like we did it 100 years ago and I don't believe in that. We created a new zone in the state of Kansas and it makes no sense to make it 3 to 5 days different than the rest of the state. When the end user is standing up here and saying they both want something different and they are willing to compromise on this, I don't believe we should put personal opinions in this; my personal opinion is third week of November. I believe we need to make both parties as happy or unhappy as we can. We will talk about this again in August. Chairman Lauber – Shot ducks for 45 years or more, but don't hunt as much as you do and do fish more. I do know a tremendous amount of people who hunt smaller lakes, waterfowl areas and public areas throughout the southeast zone and they rely on enjoyment of resource by hunting earlier ducks like woodducks, gadwalls and widgeons, non-mallards species which do migrate later. Small ducks out earlier and mallards come later. Something that would make more sense is to maybe have a bigger split at the end, more January and less December time possibly, but don't know if the U.S. Fish and Wildlife Service will let us. We all know the issues, will vote in August and get guidance from staff. Commissioner Doll – Is the southeast zone boundary created by the feds or is that something we do? Chairman Lauber – We asked for it to be created, they have to approve it and we can't change it without their approval. Commissioner Doll – For a certain number of years? Chairman Lauber – In this case until 2014. Commissioner Wilson – But we asked for where it stands today? Chairman Lauber – Right. Commissioner Wilson – Those people in the north part of that didn't want to be in that zone like Mr. Beachey that was here before. Commissioner Meyer – We have established we can't change the zone. Commissioner Doll – How many more years on this map? Tymeson – Four more years. Commissioner Doll – In four years you can change it to fit so there is a long term solution. Commissioner Dill – This is staff's recommendation and that is what is going to come to a vote. Can we change the date at that time or do we need an alternative amendment? Tymeson – Communicate with me and I will work with waterfowl staff to come up with other options come that you can see in front of you rather than coming up with it in meeting. Would like to see draft regulation to split date in middle and have that available in August. Commissioner Doll – One more week would be November 10 as an alternative amendment. That is how I am leaning too. Commissioner Dill – Have not made up my mind, but rehashing the same issue and that would be a good compromise to have alternative amendment drafted and go on.

3. Falconry Regulations – Mike Mitchener, wildlife section chief, presented this report to the Commission (Exhibit V). – Regulations are finalized and submitted to the Attorney General's office, published in Kansas register and plan is to vote on them in August.

X. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

Brad Kilpatrick, President and Founder of Kansas City Catfish and Dave Studebaker, Owner and Founder of Catfish Chasers Tournament Club in northeast Kansas – Get you to consider slight alteration to transporting of water law which is geared towards baitfish. But when we do tournaments, we allow trailering to any ramp on the lake for safety reasons and convenience for the fishermen. With water law the way it is I can't in good conscience tell them to bring back

their fish back to the weigh-in without taking off from that ramp because they have to carry the water to keep the fish alive, which is one of the rules we have so we can release them. Like to see, for event permit or something of that nature or an amendment so that during that event the operator could be sure the livewells were dry and empty when coming to the lake and empty when they leave, they would be allowed to transport water in livewells to bring fish to weigh-in site, not dumping water anywhere, release after fish released. On multiple occasions, on Milford Lake in particular, strong winds become a safety issue and jeopardizes welfare of the fish because you are out there bouncing on 6-foot waves it jars those fish around. As a group we applaud conservation efforts in trying to eliminate invasive species. As organization with an event, would like to see something similar to bass pass where they are given permission to catch sub-legal fish for that particular event. For safety of my fishermen, looking for a way I can get fish back to weigh-in and not worry about their safety. Asking for permission to trailer boat from weigh-in site and move to another ramp on the same lake. Chairman Lauber – Is departure from department waters, is that from leaving state park gate facilities or when you pull it up on a ramp? Studebaker – As rule reads, once you enter a state Highway then you are breaking the law. Tymeson – That is the direction Kevin has given his folks, once you get on the public road, we are giving some leeway because the technical term would be you can't leave the water; some discretion for cleaning fish and weigh-in. Kevin Jones – Rule says when leave body of water, but realize people come up to campsite or up to fish cleaning station, directed officers to ticket if they leave property, like Corps or state park gate, that is a definable line. If just going down shore of lake, still within boundary of reservoir, allow people to move in a reasonable manner. Studebaker – That is possible on a few lakes, but not possible at Milford, have to get on state highway to get to state park. Chairman Lauber – Have bass pass, tournament pass may allow you to move some fish. See your point. As we evolve understanding we would like to encourage this type of thing. Need to think about it. Commissioner Wilson – After you weigh fish in do you release those fish or some people take them? Studebaker – They are the property of the club and are revived and released. Kilpatrick – I don't allow stringered fish, my guys have to have livewells. The largest fish we have weighed in to date was an 83-pound blue catfish and largest stringer was at Milford and was 186. Studebaker – The safety of our fishermen is number one issue. Commissioner Budd – Is Milford your major problem? Studebaker – No, Tuttle Creek, Milford and Perry because of the way the wind tunnels through the lakes and because of size of lake. Some with only one ramp are no problem. Also, fish Melvern. Commissioner Budd – Put you with Doug Nygren and law enforcement. Doug Nygren – Have conversation for sure. Commissioner Meyer – Make sure people don't haul water in livewell. Want to protect our waterways and if we can do that. Kilpatrick – Agree with what Commission is doing. Nygren – Have contacted other states and can have conversations on what we can do.

Brian Rhodd – Too many deer and a few years ago you created the Unit 19 management zone. I am a whitetail hunter, archery hunter and happen to be a law enforcement officer and see lots of car/deer accidents every year. (Provided handout – Exhibit W). Handout is a proposal of how we might reduce some of these car/deer accidents. State has a great resource in whitetail deer, but too many deer around Topeka, Lawrence, Kansas City and Leavenworth areas. Idea is incentive to shoot one whitetail antlered buck. I will take one doe for meat, but go somewhere else for another buck. Shoot deer and give to feeding the hungry programs. In that zone have an extra antlered buck tag if they shoot a doe; Illinois has a similar bill going through the legislature. Give me an incentive to shoot two more deer, a doe and then shoot another buck in that unit. The only

county with significant decrease of car/deer accidents was in Atchison County. Not getting worse, but not better either. Help protect resource, tax payers, businesses and law enforcement. Chairman Lauber – Will give handout to deer study group to review and take it under consideration. Commissioner Bolton – You say you shoot buck and doe for meat, don't eat the buck? Rhodd – Yes I do. I have the right to buy at least four more doe tags, but with time constraints I go out of state to kill another buck. Commissioner Bolton – The science is shooting more does is helping the herd. Rhodd – I can shoot the does, but people are not doing it. Chairman Lauber – He is saying if people had the opportunity to earn another buck permit he would be incented to shoot another doe to get that. Unit 19 is a complicated issue.

James Gray – Represent group who wants to change regulation for using handgun to hunt deer. (Handout – Exhibit X). Current law requires handgun with case length of 1.28 inches and caliber of .24 which allows for several common calibers to be used, but were developed 50 years ago. In recent decades there have technological developments that have led to improvements in caliber and shorter case length cartridges could be used to hunt deer. More options tailored to his age. First research led us to Colorado and Nebraska, 550 foot-pounds of energy at 50 yards. Hunters' responsibility to carry documentation that cartridges carry that. Feedback from Mr. Fox and deer committee suggested added based on .91 case length, to achieve same result. Commissioner Meyer – How long have these cartridges been around? Gray – Last 20 years, some 5-6 years. Commissioner Meyer – Lloyd, when was this regulation last written and approved? Lloyd Fox – Handguns about four years ago. Commissioner Meyer – Give us time to take another look and see what we think.

XI. DEPARTMENT REPORT

D. Public Hearing

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

Brad Simpson - Tom mentioned that we are planning on doing public lands/waterfowl briefing for you in August, let me know what you want included in the recommendation.

1. KAR 115-8-2. Blinds, and tree stands, and decoys. - Brad Simpson, public lands section chief presented this report to the Commission (Exhibit Z). These include the use of tree stands and portable ground blinds and waterfowl decoys. Agency recommendation: 1) tree stands shall be limited to two per person on all department-managed lands. All tree stands must be marked with name and address or KDWPT number of owner when used on department-managed lands. This would still not allow exclusive use, meaning that anyone may use an unoccupied tree stand on department-managed lands. 2) portable ground blinds cannot be left unattended and shall be removed at the end of each day on department-managed lands. In addition, portable ground blinds shall be marked with owners' names and addresses or KDWPT number. Commissioner Budd –I did some research on some states. All those states have a regulation on distances. It's a matter of public safety. Some of them have a regulation of 200 yards, including South Carolina. They also have some areas where the 200 yards didn't apply so they made it 100 yards in that area. This is something that is common sense. I think we have to

take public safety first and the recommendations nationally of 300 yards. I think we have compromised a lot with 200 yards when you are looking at the ballistics of these shotgun shells. Do you have possible amendment to include 200-yard safety zone? Commissioner Meyer – How many yards apart are blinds at Cheyenne Bottoms? Simpson – About 300 yards, but they are no longer usable. These blinds used to be drawn but we have done away with that system so they are just open. Commissioner Meyer – Lawyer who spoke this afternoon, recognized what he said. Chairman Lauber – I saw it as an ethics issue more than a safety issue; 200 yards is almost 27 acres, trying to regulate ethics and common courtesy. We don't have regulations for hunting distances for other game birds. If we agree to adopt this standpoint, how could we do that? Could people agree to hunt closer? Don't think it is necessary, but understand your point. Department doesn't support it. Make motion on regulation and see if this amendment has a second.

Commissioner Budd – Difference from waterfowl, sitting still and setting up in one area. This does not comparing apples to apples in upland bird hunting. It's a completely different hunting scenario. Want to make sure waters are safe, fish are safe but we don't care about the hunters? Commissioner Bolton – Have statistics to show any hunting accidents from hunting too close? Commissioner Budd – No statistics. Kevin Jones – We compile incidents on hunting accidents, hunter education keeps stats on that and look at information in regards to waterfowl hunting. There are incidents that do occur. We have had officers do investigations and reports on them. Commissioner Budd – Kevin, if you had a set of waterfowl hunters 100 yards apart shooting back and forth from same duck blind, what do you think? Jones – Logical and ethical, no potential harm from an individual. Commissioner Budd – Most of accidents that happen, didn't know he was that close or didn't know it was loaded. Jones – Swinging on game is biggest issue. Chairman Lauber – Kevin, do you see need for this regulation? Jones – See issue with physical evidence, blind sight to blind sight, decoys spread becomes more problematic as in how big is the decoy spread, boats and drifting and things of that nature. When does an officer approach if there is a boundary concern? Chairman Lauber – Good faith attempt to regulate ethics, I understand why it is there. Commissioner Dill – Do you remember any waterfowl incidents reported in last year or two? Jones – One or two possibly in last couple of years. Commissioner Budd – If I amended amendment to read no individual shall hunt waterfowl within 200 yards of the nearest hunter. Commissioner Doll – Department does not support amendment, why? Simpson – Enforceability, will limit hunting opportunity. If this is an issue, teach hunter ethics if this is an issue. It will limit the number of hunters able to use our public hunting areas. Commissioner Doll – Small areas compared to larger areas such as Cheyenne Bottoms. Simpson – Small area with small cells that are a few acres in size. Commissioner Doll – What is impact in numbers? Simpson – Texas Lake, McPherson, Jamestown will definitely limit the number of hunters– Hunting acres availability due to water acres available. Commissioner Doll – How do we measure 200 yards? Simpson – Hard to tell. Commissioner Doll – Going after safety issue or ethics? Commissioner Budd – Why didn't you come up with areas and how they would be impacted, then come back with a possible solution for each? Chairman Lauber – Policy adjustment on all of my public lands? Commissioner Budd – How many commissioners does it take to direct staff? Secretary Jennison – Don't think Commission does direct staff, management has to direct staff. Chairman Lauber – By policy not involved in staff issues, not as individuals supposed to do that. Commissioner Budd – Asked for direction on turkey this afternoon, have to wait until asked. Commissioner Meyer - Take vote and see where it lands. Steve Ledger – Hunter education instructor, most accidents happen when hunting game. One Ly Cygnes five years ago, one guy hit with one pellet and tried to file assault charges. Not know when someone was in an

area in the fog when you come in and set up. Who has to move and who doesn't. Can't regulate ethics and in my opinion an unenforceable law. It is self-regulating, hard to have open hunting for everyone. How would you constitute a group? It would be a nightmare for law enforcement. Could easily be in violation without any intent.

Commissioner Frank Meyer moved to approve KAR 115-8-2 before the Commission. Commissioner Tom Dill seconded.

Commissioner Don Budd moved to amend KAR 115-8-2 to include language on 200-yard minimum, Robert Wilson seconded – Commissioner Doll – Brad, are you familiar with Cheyenne Bottoms and the goose firing line on the highway? How far apart are those hunters? Brad Simpson – Those hunters regulate themselves. If there are not very many there, they spread out but if the geese are coming out they want to be there in the flight pattern so they generally stack up. Commissioner Doll – So those geese are coming out in the same direction? And this would cover goose hunting also. Sheila Kemmis – I just want a clarification on this so you are saying your friend in the same hunting party has to set up 200 yards away from you because it says specifically an individual? Commissioner Budd – I will withdraw this amendment to seek legal counsel on exact wording. Commissioner Doll – Can we pass this another way without passing a law, maybe by posting some signage. Recommended distance posted as 200 yards. Is that something to think about? Commissioner Doll – Purpose in the safety makes sense but drafting it last minute doesn't, without looking at each potential area without exceptions made, just uncomfortable with but do not want to drop the safety issue. Commissioner Budd – So the suggestion has been made to put signage up now. Commission Meyer – Following Robert's Rules of Order, you have to vote on that amendment. We cannot amend the amendment. **No vote as motion was withdrawn.** Commissioner Budd – Would like make a new amendment that we put recommended distance on signs at waterfowl hunting spots. Commissioner Lauber – Don't see an issue with putting out a sign about being courteous to other hunters with suggestions for distance. Commissioner Bolton – I would like to see the economic impact of putting out signs.

The roll call vote on KAR 115-8-2 as recommended was as follows (Exhibit CC):

Commissioner Bolton	Yes
Commissioner Budd	No
Commissioner Dill	Yes
Commissioner Doll	Yes
Commissioner Meyer	Yes
Commissioner R. Wilson	No
Commissioner Lauber	Yes

The motion as presented KAR 115-8-2 passed 5-2.

Secretary Jennison – The recommendation to the Department is signage before the opening of the waterfowl season but which areas, what the signage is going to be and a variety of other issues. Commissioner Lauber – Staff come back with recommendations for signage and which waterfowl areas to put them on. Commissioner Doll – This item needs to be on the agenda for the next meeting. Brad Simpson – At our next meeting since we are doing a waterfowl/ public

lands/wetlands briefing, we will have some samples of the signs. Will get with our information/services section. Bring some templates at that time.

2. KAR 115-8-23. Bait; hunting. - Brad Simpson, public lands section chief presented this report to the Commission (Exhibit AA). 3) Waterfowl decoys shall be removed at the end of each day on department-managed lands and waters. 4) No person shall place, deposit, expose, distribute, or scatter bait while hunting or preparing to hunt on department lands. The definition of "bait" is considered to be grain, fruit, vegetables, nuts, hay, salt, sorghum, feed, or other mineral or food that is capable of attracting wildlife. Liquid scents and sprays are not considered bait. Only state in Midwest that allows unrestricted baiting. Steve Ledger – Concerns about areas where private land borders public land. Undue burden on hunters who hunt on public land. Not fair and equal for all the people. Does department lands include walk in hunting areas? Brad Simpson – At this time it does not. Bait piles have to be on private lands.

Commissioner Debra Bolton moved to approve KAR 115-8-23 before the Commission. Commissioner Robert Wilson seconded.

The roll call vote on KAR 115-8-23 as recommended was as follows (Exhibit CC):

Commissioner Bolton	Yes
Commissioner Budd	Yes
Commissioner Dill	Yes
Commissioner Doll	Yes
Commissioner Meyer	Yes
Commissioner R. Wilson	Yes
Commissioner Lauber	Yes

The motion as presented KAR 115-8-23 passed 7-0.

3. KAR 115-8-24. Commercial guiding on department lands. - Brad Simpson, public lands section chief presented this report to the Commission (Exhibit BB). 5) A permit will be required for all guiding/outfitting for hunting on department-managed lands and waters. Permits will be issued after Guide/Outfitter (permittee) completes a short application process. Permittee will be required to provide an annual report by July 1 of each year. Talked about non-toxic shot, still considering that but will bring forth in January of next year for September 2013 season. Steve Ledger – At previous meeting page 14, wildlife must intensely managed in a way that provides fair and equitable access for all. I think by allowing guides to take people on public ground with no charge, it looks like taxpayers are subsidizing their business and paying for improvements on their ground. Hunters cannot compete with the sheer size of outfitter businesses.

Commissioner Frank Meyer moved to approve KAR 115-8-24 before the Commission. Commissioner Don Budd seconded.

The roll call vote on KAR 115-8-24 as recommended was as follows (Exhibit CC):

Commissioner Bolton	Yes
Commissioner Budd	Yes

Commissioner Dill	Yes
Commissioner Doll	Yes
Commissioner Meyer	Yes
Commissioner R. Wilson	Yes
Commissioner Lauber	Yes

The motion as presented KAR 115-8-24 passed 7-0.

4. KAR 115-17-6. Commercial mussel fishing license; mussel salvage permits; license or permit application and requirements, authority, reports, general provisions, and license or permit revocation. – Ed Miller, research biologist presented this report to the Commission (Exhibit DD). This is a topic we haven’t thought about for ten years because there has been a 10-year moratorium on commercial mussel harvest and expires this year and we are asking for another 10 years. Four factors: freshwater mussels low demand, low price, China flooded market and don’t need Kansas nuclei, one permit sold in Oklahoma, no commercial mussel harvest north except in Mississippi River proper; zebra mussel affects native mussels, lower density; one of three species protected has not rebounded from heavy harvest, three ridge, down to about 2 percent, 43 percent in Marais des Cygnes only where there is no harvest; and trespass complaints and tied up law enforcement. Continue to monitor sites, look at sites every 5-6 years, would allow salvage operations to occur if needed. Would have no problem making zebra mussels a commercial species.

Change date to 2022 (10 additional years) under (b); under (b)(5) and (D)(6) add word “relevant”; and other clean-up language.

Commissioner Don Budd moved to approve KAR 115-17-6 before the Commission. Commissioner Debra Bolton seconded.

The roll call vote on KAR 115-17-6 as recommended was as follows (Exhibit GG):

Commissioner Bolton	Yes
Commissioner Budd	Yes
Commissioner Dill	Yes
Commissioner Doll	Yes
Commissioner Meyer	Yes
Commissioner R. Wilson	Yes
Commissioner Lauber	Yes

The motion as presented KAR 115-17-6 passed 7-0.

5. KAR 115-17-7. Commercial harvest of mussels; legal species, seasons, size restrictions, daily limits, and possession limits. – Ed Miller, research biologist presented this report to the Commission (Exhibit EE). Change date to 2022 (10 additional years); and other clean-up language.

Commissioner Frank Meyer moved to approve KAR 115-17-7 before the Commission. Commissioner Don Budd seconded.

The roll call vote on KAR 115-17-7 as recommended was as follows (Exhibit GG):

Commissioner Bolton	Yes
Commissioner Budd	Yes
Commissioner Dill	Yes
Commissioner Doll	Yes
Commissioner Meyer	Yes
Commissioner R. Wilson	Yes
Commissioner Lauber	Yes

The motion as presented KAR 115-17-7 passed 7-0.

6. KAR 115-17-8. Commercial harvest of mussels; legal equipment, taking methods, and general provisions. – Ed Miller, research biologist presented this report to the Commission (Exhibit FF). Change “department” to “secretary”; and other clean-up language.

Commissioner Don Budd moved to approve KAR 115-17-8 before the Commission. Commissioner Tom Dill seconded.

The roll call vote on KAR 115-17-8 as recommended was as follows (Exhibit GG):

Commissioner Bolton	Yes
Commissioner Budd	Yes
Commissioner Dill	Yes
Commissioner Doll	Yes
Commissioner Meyer	Yes
Commissioner R. Wilson	Yes
Commissioner Lauber	Yes

The motion as presented KAR 115-17-8 passed 7-0.

7. KAR 115-17-9. Commercial mussel fishing; open areas. – Ed Miller, research biologist presented this report to the Commission (Exhibit HH). Change date to 2022 (10 additional years); and other clean-up language.

Commissioner Debra Bolton moved to approve KAR 115-17-9 before the Commission. Commissioner Don Budd seconded.

The roll call vote on KAR 115-17-9 as recommended was as follows (Exhibit II):

Commissioner Bolton	Yes
Commissioner Budd	Yes
Commissioner Dill	Yes
Commissioner Doll	Yes
Commissioner Meyer	Yes
Commissioner R. Wilson	Yes
Commissioner Lauber	Yes

The motion as presented KAR 115-17-9 passed 7-0.

8. KAR 115-20-7. Doves; legal equipment, taking methods, and possession. - Tom Bidrowski, migratory bird manager, presented this report to the Commission (Exhibit JJ). This proposal would require that doves be taken only while in flight similarly to the method of take required for other state game birds like pheasants and quail. The basis of this proposal is to ensure safety and reduce any potential damage to property or loss of services (high lines).

Commissioner Don Budd moved to approve KAR 115-20-7 before the Commission. Commissioner Tom Dill seconded.

The roll call vote on KAR 115-20-7 as recommended was as follows (Exhibit KK):

Commissioner Bolton	Yes
Commissioner Budd	Yes
Commissioner Dill	Yes
Commissioner Doll	Yes
Commissioner Meyer	Yes
Commissioner R. Wilson	Yes
Commissioner Lauber	Yes

The motion as presented KAR 115-20-7 passed 7-0.

9. KAR 115-25-20. Sandhill crane; management unit, hunting season, shooting hours, bag and possession limits, and permit validation. - Tom Bidrowski, migratory bird manager, presented this report to the Commission (Exhibit LL). Kansas is one of nine states that allow sandhill crane hunting in Central Flyway (NE is only state that does not). Kansas has often been more restrictive than federal sandhill crane hunting frameworks, and the current limited shooting hours were implemented in 2005 to reduce the chance for misidentification of whooping cranes. This proposal would change the current legal shooting hours for sandhill cranes to sunrise to sunset for the entire season. The proposed regulation change will reduce regulation complexity, improving hunter participation and satisfaction while maintaining safeguards to prevent accidental take of whooping cranes. Lisa Stickler – Audubon of Kansas, Director of AoK unable to make it to meeting. Policies and procedures for hunting one species should not be detrimental to another species. Changes to policies regarding sandhill cranes removes safeguards, which were put in place to protect whooping cranes, an endangered species. Critical habitat for whooping cranes, two out of four of these critical habitats exist in Kansas. May require special management or consideration. Mentions two, possibly three whooping cranes killed by sandhill crane hunters in November 2004. Ask for vote to maintain current regulations to protect whooping cranes. Matthew Keenan – Sandhill crane hunter for the last 20 years. Agrees with reasonable accommodation of moving shooting hours. Commissioner Bolton – Clarification on this. Commissioner Lauber – We agreed to ½ hour after to sunrise. We chose to go sunrise to sunset.

Commissioner Frank Meyer moved to approve KAR 115-25-20 before the Commission. Commissioner Randy Doll seconded.

The roll call vote on KAR 115-25-20 as recommended was as follows (Exhibit MM):

Commissioner Bolton	No
Commissioner Budd	No
Commissioner Dill	Yes
Commissioner Doll	Yes
Commissioner Meyer	Yes
Commissioner R. Wilson	Yes
Commissioner Lauber	Yes

The motion as presented KAR 115-25-20 passed 5-2.

10. Early Migratory Bird Seasons – Tom Bidrowski, migratory bird manager presented this report to the Commission (Exhibit NN). September Teal Season is designed to provide harvest opportunities on teal that normally migrate through Kansas prior to general waterfowl season. Season lengths are based on breeding teal population estimates that are not available until June. The final Federal Frameworks will not be set until the June 21 USFWS Service Regulatory Committee Meeting. However, based on last year’s blue-winged teal breeding population of 9 million and spring habitat conditions in the Prairie Pothole Region (which has good carry-over from 2011), the 2012 count is expected to allow for a 16-day season, September 8-23 in Low Plains Unit. In developing season dates it is important to note that only eight days will be available in the High Plains due to 107-day limit on hunting of any one species set by the Migratory Bird Treaty Act. The regular High Plains duck season of 97 days is allowed under the regular season liberal package, and with two days of youth hunting leaves only eight days to reach the 107-day total; September 15-23 in the High Plains Unit. **Consensus.**

11. KAR 115-25-1. Prairie chickens; open seasons, bag limits, and possession limits; permit. – Jim Pitman, wildlife biologist, presented this report to the Commission (Exhibit OO). There are two species of prairie chicken in Kansas: the greater prairie chicken (GPCH) and the lesser prairie chicken (LPCH) and they both occur in landscapes dominated by native grasslands. Currently, the department regulates harvest of prairie chickens within three hunt units. The most liberal harvest regulations exist in the eastern half of the state, and more restrictive regulations are in place for western Kansas. Current estimates of harvest and hunter effort are mapped through a post-season mail survey to a random selection of small game license holders. This method only provides coarse estimates for prairie chickens because only 3 percent and 1 percent of small game license holders pursue GPCH and LPCH, respectively. Thus, we receive relatively few completed questionnaires from chicken hunters, greatly reducing the precision of our estimates compared to other more commonly pursued species. Recommend southern boundary of NW unit, currently I-70, recommend 96, Great Bend west of Scott City to Colorado line. We are also recommending a mandatory permit for prairie chicken hunters through the KOALS system. We have the science to recommend increased harvest in that area. September 15 – October 15, third sat in November to end of January. Mandatory permit for prairie chicken at \$2.50 which is minimum amount we can charge with KOALS. Possible amendment: amend proposed subsections (b) and (c) to change interstate highway I-70 to read “state highway K-96 to its junction with federal highway US-56, then east on federal highway US-56”.

Commissioner Randy Doll moved to bring KAR 115-25-1 before the Commission. Commissioner Frank Meyer seconded.

Commissioner Don Budd moved to amend KAR 115-25-1, Commissioner Robert Wilson seconded.

The roll call vote on KAR 115-25-1 as recommended was as follows (Exhibit PP):

Commissioner Bolton	Yes
Commissioner Budd	Yes
Commissioner Dill	Yes
Commissioner Doll	Yes
Commissioner Meyer	Yes
Commissioner R. Wilson	Yes
Commissioner Lauber	Yes

The motion as presented KAR 115-25-1 passed 7-0.

The roll call vote on regulation KAR 115-25-1 as amended was as follows (Exhibit PP):

Commissioner Bolton	Yes
Commissioner Budd	Yes
Commissioner Dill	Yes
Commissioner Doll	Yes
Commissioner Meyer	Yes
Commissioner R. Wilson	Yes
Commissioner Lauber	Yes

The motion as presented KAR 115-25-1 passed 7-0.

12. KAR 115-25-9a. Deer; open season, bag limit, and permits; additional considerations; Fort Riley. - Lloyd Fox, big game wildlife biologist, presented this report to the Commission (Exhibit QQ). Similar to 25-9, but this deals with just Fort Riley. Everything we talked about for March we included in the document. Possible amendment: amend proposed subsection (g) and renumber original (g) to subsection (h). New subsection (g): Any person with a deer permit valid in deer management units 1, 12, 15, and 19 during an archery season, regardless of that person's age, may use a crossbow in those units during the archery season if the crossbow meets the minimum equipment requirements specified in K.A.R. 115-4-4(a)(3). Each person between 16 years of age and 54 years of age shall obtain a free crossbow hunter survey number from the department before hunting with a crossbow during an archery season.

Commissioner Don Budd moved to bring KAR 115-25-9a before the Commission. Commissioner Frank Meyer seconded.

Commissioner Don Budd moved to amend KAR 115-25-9a, Commissioner Frank Meyer seconded.

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

Commissioner Bolton	No
Commissioner Budd	Yes

Commissioner Dill	Yes
Commissioner Doll	Yes
Commissioner Meyer	Yes
Commissioner R. Wilson	Yes
Commissioner Lauber	Yes

The motion as presented KAR 115-25-9a passed 6-1.

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

Commissioner Bolton	No
Commissioner Budd	Yes
Commissioner Dill	Yes
Commissioner Doll	Yes
Commissioner Meyer	Yes
Commissioner R. Wilson	Yes
Commissioner Lauber	Yes

The motion as presented KAR 115-25-9a passed 6-1.

XII. Old Business

XIII. Other Business

Commissioner Dill – The Department has a lot of different committees that meet like Turkey, Deer, Waterfowl, just wanted to ask the Secretary if we could have two commissioners, no more than two, but if there are some commissioners that would like to be on these committees if they may attend the committee meetings. Secretary Jennison – I would like to think about it. I might hold out a possibility of ex-officio. I think it is a chance for the Department to work out options. I will report back to you.

A. Future Meeting Locations and Dates

August 23 – Great Bend (Wetland Education Center)

October 18 – Fall River (Flint Oak Ranch)

January 10, 2013 - Butler Community College new facility, El Dorado

Invitation to come to Manhattan.

XIV. ADJOURNMENT

The meeting adjourned at 9:00 p.m.

(Exhibits and/or Transcript available upon request)

Secretary's Remarks

**Agency and State Fiscal Status
2013 Legislature**

No briefing book items – possible handout at meeting

General Discussion

Feral Swine Control Efforts in Kansas
Tourism Briefing
Waterfowl Management Briefing
Cheyenne Bottoms Signage
No briefing book items – possible handout at meeting

Big Game Permanent Regulations.

All permanent regulations dealing with big game will be discussed together at this meeting. In recent years these regulations have been brought forward in the General Discussion portion of the Commission Meeting in August to allow public comments and to determine if further review was needed.

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

Background

This regulation contains the following items:

- Information that must be included on the carcass tag
- Registration (including photo check) needed to transport certain animals
- Procedures for transferring meat to another person
- Procedures for possessing a salvaged big game carcass
- Who may assist a big game permittee and how they may assist, including the provisions for designated individuals to assist disabled big game permittees.

Discussion

A photo check deer registration system was initiated for the 2010 seasons and modified for the 2012 season to allow people to process their deer in the field and transport it without the head being attached if the hunter had photos necessary for completing the photo check system. No comments from staff or public were received on this regulation last year.

Recommendation

No change is proposed for this regulation and it is not scheduled for further review this year.

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

Background

This regulation contains the following items:

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

Discussion

An individual contacted the department two years ago and again last year with a request to change this regulation so that a device he is building could be used to aid hunters in the recovery of archery wounded deer. His device uses a transmitter attached to an arrow. The miniature transmitter remained attached to the deer even if the arrow passed through or fell off. A petition signed by 60 people has been received by the department that favored allowing this type of a device for deer hunting. The Archery Trade Association also contacted the department to tell us that they supported the concept of such a device as equipment that could be used by bowhunters.

At this time no working device has been presented for evaluation. A review of regulations in Midwest states revealed that the topic of transmitters on arrows is seldom specifically addressed. Regulations in five states (i.e., Iowa, Illinois, Kansas, Minnesota and North Dakota), prohibited electronic devices attached to an arrow. Regulations in five other states (i.e. Indiana, Nebraska, Ohio, South Dakota, and Wisconsin), had regulations written in such a way that transmitters on arrows were not prohibited and therefore were considered legal.

The concept of this type of equipment has been reviewed by the KDWPT deer committee but has not received majority approval. Their review process continues. A production model of the device may not be available for their review by January of 2013.

Another individual contacted the department to request changes in this regulation to allow additional calibers of handguns to be used for deer hunting. Restrictions on handguns for deer hunting in this regulation have not changed since 1985. New bullets, powders and calibers of handguns have been marketed since 1985. A current list of calibers of handguns with their ballistic characteristics was reviewed by the KDWPT deer committee. Various options to change this regulation were discussed by the committee; however, no option obtained majority approval.

The deer committee will continue to review this regulation. Their goal will be to develop a comprehensive regulation that is substantially simpler than the current regulation. Wherever possible the regulation will allow maximum personal discretion on equipment. This will allow a hunter to select equipment based on their abilities and their knowledge of equipment performance. Department evaluations of new equipment will be minimized and the frequency that this regulation will need to be modified in the future will be reduced.

Recommendation

Additional review is necessary on this regulation. It will be brought back for a Workshop Session in October. Because of the current complexity of this regulation it is assumed that additional Workshop sessions in January and March may be necessary and it may be April or June before a final regulation recommendation will be submitted for a Public Hearing.

- c) **K.A.R. 115-4-6. Deer; firearm management units.**

Background

This regulation established the boundaries for the 19 Deer Management Units in Kansas.

Discussion

No changes in deer management unit boundaries are currently being discussed within the department, or have been requested by the public.

Recommendation

No change is proposed for this regulation and it is not scheduled for further review this year.

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

Background

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

Discussion

No changes in the application process of big game or wild turkey permits are currently being discussed within the department. No requests for change in this regulation were received from department staff or from the public.

Recommendation

No change is proposed for this regulation and it is not scheduled for further review this year.

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

Background

This regulation contains the following items:

- Creates permit types that includes:
 - White-tailed deer, either sex (WTES) permit or white-tailed deer antlerless only (WTAO) permit for residents of Kansas. These permits are valid during all seasons with equipment authorized for that season.
 - White-tailed deer, either sex permit for non-residents that are valid for one equipment type and one unit. Non-resident hunters may designate one adjacent unit where they may hunt.

- Either species, either sex permit are restricted to a season or seasons and units where they may be used by resident and non-resident deer hunters.
- Hunt-on-your-own-land permits, including resident HOYOL, non-resident HOYOL, and special HOYOL permits for certain direct relatives of the landowner or tenant.
- Each deer permit is valid only for the species and antler category specified on the permit.
- Antlerless deer are defined as a deer without a visible antler plainly protruding from the skull.

Discussion

SB 314 passed last legislative session and it states:

(n) (1) Prior to April 30, 2013, the secretary shall develop and implement a combination antlered and antlerless deer permit and adopt rules and regulations for the administration thereof.

The department conducted public meetings and opinion surveys last year on various aspects of a combination permit for deer hunters. Combination permits with multiple tags have been reviewed by department staff. Experience with the resident combination permit for turkey has shown that an optional combination permit at a reduced fee may not generate sufficient interest by additional hunters to generate the same revenue as a system with separate permits at the regular price. Creating an optional combination permit that contained two carcass tags, (one carcass tag valid for either sex of deer and one carcass tag restricted to an antlerless-only white-tailed deer) adds additional complexity for deer hunters. Replacing all existing either-sex permits to a 2-tag combination permit has been linked to over-hunting in localized areas of other states in the Midwest. Such a dramatic change is not recommended in a statewide manner for all hunters in Kansas.

Combination permits might be established based on conversion of an existing either-sex permit type to a 2-tag permit. A conversion of a permit type to a 2-tag permit does not increase the level of permit complexity in our permit system that an optional combo permit would. If the change was limited to only certain permit types the adverse consequences of local over-harvest would be minimized. Permits that might be considered for this change include youth permits, Hunt-On-Your-Own-Land permits, and non-resident either-sex permits. There were 8,160 youth permits, 9,178 HOL permits and 21,105 non-resident either-sex permits in 2011.

Non-resident deer hunters frequently complain that the cost of an antlerless-only permit in Kansas is excessive. As a result they do not purchase antlerless-only permits at as high a frequency as residents (a white-tailed deer antlerless-only permit cost a non-resident \$50 whereas it cost a general resident of Kansas \$15 and a resident landowner \$7.50).

Non-resident leasing of deer hunting lands in Kansas combined with their low participation in antlerless deer harvesting is frequently mentioned as a key factor leading to localized over abundance of deer and is often associated with crop damage caused by deer to an adjacent landowners.

A promising procedure for a combination deer permit in Kansas is to limit the change to just non-residents with an either-sex permit. To emphasize that the combination permit is being developed for deer herd management, the price the new permit could be either revenue neutral for the department, or the combination permit could be the same price as the current either-sex permit and we could anticipate the reduction in revenue based on which permit types were converted.

Limiting the combination permit to just non-residents with an either-sex permit would increase by approximately 16,000 the number of white-tailed deer antlerless-only tags in the hands of non-residents. It is anticipated that approximately 6,500 more white-tailed antlerless deer would be taken than the current level of 3,000 on the non-resident WAO permits. The majority of that increase in harvest of white-tailed deer would be taken on private properties where the harvest of antlerless deer in recent years had been inadequate.

Recommendation

Additional review is necessary on this regulation. It is recommended that this regulation be brought back to the Commission in October in a Workshop Session.

Workshop Session

2013 Reference Document Proposed Changes for Special Length and Creel Limits:

- Eureka City Lake -- add 15-inch minimum length limit on channel catfish.
- Lyon State Fishing Lake -- add 15-inch minimum length limit on channel catfish.
- Fall River State Park Kid's Pond -- add 15-inch minimum length limit on channel catfish.
- Howard-Polk Daniels Lake -- add 15-inch minimum length limit on channel catfish.
- Madison City Lake -- add 15-inch minimum length limit on channel catfish.
- Moline New City Lake -- add 15-inch minimum length limit on channel catfish.
- Moline Old City Lake (South) -- add 15-inch minimum length limit on channel catfish.
- Olpe City Lake -- add 15-inch minimum length limit on channel catfish.
- Olpe-Jones Park Pond -- add 15-inch minimum length limit on channel catfish.
- Sedan New City Lake (South) -- add 15-inch minimum length limit on channel catfish.
- Sedan Old City Lake (North) -- add 15-inch minimum length limit on channel catfish.
- Severy City Lake -- add 15-inch minimum length limit on channel catfish.
- Prescott City Lake -- add 15-inch minimum length limit on channel catfish.
- Douglas County-Lonestar Lake -- change to a 13- to 18-inch slot length limit and a 5/day creel limit on largemouth bass.
- Glen Elder Park Pond -- change to an 18-inch minimum length limit on largemouth and smallmouth bass.
- Horton-Mission Lake -- change to an 18-inch minimum length limit on largemouth bass.
- Paola (Lake Miola) -- change to a 13- to 18-inch slot length limit and a 5/day creel limit on largemouth bass.
- Marion County Lake -- add 15-inch minimum length limit on channel catfish.
- Lebo City Lake -- change to an 18-inch minimum length limit on largemouth bass.
- Lebo Kid's Pond - add 2/day creel limit and 18-inch minimum length limit on largemouth bass and add 2/day creel limit on channel catfish.
- Olathe-Lake Olathe -- change to 5/day creel limit on channel catfish.
- John Redmond Reservoir -- remove 5/day creel limit on wiper.
- Troy-4-H Lake -- change to a 13- to 18-inch slot length limit and a 5/day creel limit on largemouth bass.
- Atchison City Lake #7 -- add 18-inch minimum length limit on wiper.
- Buhler City Pond -- add 2/day creel limit on channel catfish and 18-inch minimum length limit and 2/day creel limit on largemouth bass.
- Mulvane Sports Complex -- Change name to Mulvane-Cedar Brook Pond.
- Sedgwick County Lake Afton -- Remove the 21-inch minimum length limit on wiper.
- Haysville-South Hampton -- Remove (no longer open to public fishing).
- Emporia-Camp Alexander Ponds -- Remove (no longer open to public fishing).

- Rose Hill-School Street Pond -- add 2/day creel limit and 18-inch minimum length limit on largemouth bass and add 2/day creel limit and 15-inch minimum length limit on channel catfish.
- Shawnee County-Lake Shawnee -- change to an 18-inch minimum length limit on largemouth bass.
- Osage State Fishing Lake -- remove the 18-inch minimum length limit on walleye.
- Glen Elder Reservoir – change to a 20/day creel limit on crappie.

Length and Creel Limits for Coffey County Lake:

The following changes are being proposed.

- Change to a 21-inch minimum length limit on walleye.
- Change to an 18-inch minimum length limit on smallmouth bass.
- Change to an 18-inch minimum length limit and a 2/day creel limit on largemouth bass.
- In addition, no trotlines or setlines will be allowed.

Other Proposed 2013 Fishing Regulation Changes.

Add to 115-1-1 Definitions.

Artificial Lure – Manmade fish catching device used to mimic a single prey item. Artificial lures may be constructed of natural non-edible (e.g. including hair, fur, etc.) or synthetic materials. Multiple hooks, if present on an artificial lure are counted as a single hook.

Change 115-18-18. Hand fishing permit; requirements, restrictions, and permit duration.

A mandatory questionnaire to be completed by each holder of a hand fishing permit is no longer needed. We believe that practicing good survey techniques will allow us to get voluntary responses from permit holders. We propose removing the requirement under 115-18-18(d).

Change 115-25-14 to include two new locations for trout stockings.

Great Bend-Stone Lake and Cherryvale City Lake (Tanko) will both be added to the list of Type 2 Waters, which require a trout permit only for trout anglers from November 1 through April 15.

Changes to Commercial and “Wild-Caught” Bait Regulations Approved in 2012.

The principles behind the 2012 regulatory changes follow the longstanding CLEAN, DRAIN, DRY recommendations. The goal is to prevent the spread of ANS, while allowing for the safe utilization of our aquatic resources. Generally speaking these rule changes are:

- To allow anglers to use bait in the water where caught.
- To require the draining of untreated water when leaving. ANS spread can be prevented when the water is eliminated prior to transport.
- To disallow the dumping of fish and bait into waters in which they did not originate.
- To prevent ANS transport when departing ANS designated waters.
- To assure bait shops to be ANS and disease free.

Despite staff effort to develop regulations that were effective, understandable, consistent, and enforceable, the 2012 adopted regulations were met with difficulty. To facilitate adherence to the regulatory intent, adjust for current interpretation and expressed angler dissatisfaction, we propose the following rule clean-up recommendations.

Required modifications to link rule with current interpretation, with constraints.

Gap: Fish can be transported from certain waters.

Possible Solution: Allow the use of bluegill and green sunfish only from non-ANS designated waters.

Gap: Fish cannot be captured in the stream/river and used in the immediate downstream reservoir.

Possible Solution: Except for designated aquatic nuisance waters, live bait fish may be caught and used as bait within the common drainage of where caught, provided that such live bait shall not be transported and used above an upstream dam or barrier that would prohibit the normal passage of fish. Live bait fish collected from designated aquatic nuisance waters may only be possessed or used as bait while on that water and shall not be transported from such waters alive.

Gap: Commercial bait dealers are required to provide receipts. Anglers are not required to provide origin documentation when transporting bait.

Possible Solution: Require anglers to carry a receipt from a permitted bait dealer that includes expiration date. Copies are to be held by the commercial bait dealer.

Gap: Out-of-state bait.

Possible Solution: Out-of-state bait must be only from a permitted bait dealer in compliance with Kansas commercial bait species and standards.

KAR 115-25-6. Turkey; spring season, bag limit, permits, and game tags

Background

Hunters can currently purchase over-the-counter permits for Units 1, 2, and 3 and a second permit (i.e. game tag) for units 2 and 3 (Figure 1). A limited quota of 500 permits is available to general residents and landowners/tenants for Unit 4 through a pre-season drawing (youth permits are valid statewide). The number of permits and game tags issued for the spring 2012 season was 63,928 (includes 22,052 game tags). Total permit sales have declined slightly each of the last two years, and the 2012 sales are roughly 2,500 permits below the peak that occurred in 2010. The spring 2012 harvest was estimated at 31,239 birds and overall hunter success was 60 percent. Those figures are similar to the 2011 estimates but slightly below the peaks that were observed in the mid 2000s (greater than 35,000 bird harvest and hunter success greater than 65 percent).

Population Status and Productivity

Over the last year, the wild turkey breeding population took a dip in the southcentral and southwestern portion of the state due to poor production last summer brought about by the drought (Figure 2). The population also declined substantially over the last year in parts of northcentral and northeastern Kansas as a result of two consecutive Junes with above average precipitation. Wild turkey numbers remained fairly stable near the regional high in northwestern Kansas and slightly increased in southeastern Kansas due to more favorable conditions for reproduction in those regions over the last couple of summers.

Recommendations

- **Spring hunting units that correspond to the new fall units that were recently adopted (Figure 3)** - The new units will facilitate the implementation of an adaptive harvest strategy that will allow us to better use our data to guide harvest recommendations for both the spring and fall seasons (see appendix 1).
- **Increase the season bag from 1 to 2 for Unit 1 (NW Kansas)** – The increased bag limit would provide additional hunter opportunity where the turkey population is still growing.
- **Allow Unit 4 draw permits to be valid in adjacent units** – This change would provide residents with the opportunity to hunt in Unit 4 without giving up their ability to hunt in adjacent unit with their initial permit. We are still recommending that Unit 4 permits be limited to a quota of 500 issued through a pre-season drawing

Figure 1. Current spring wild turkey hunting units for Kansas.

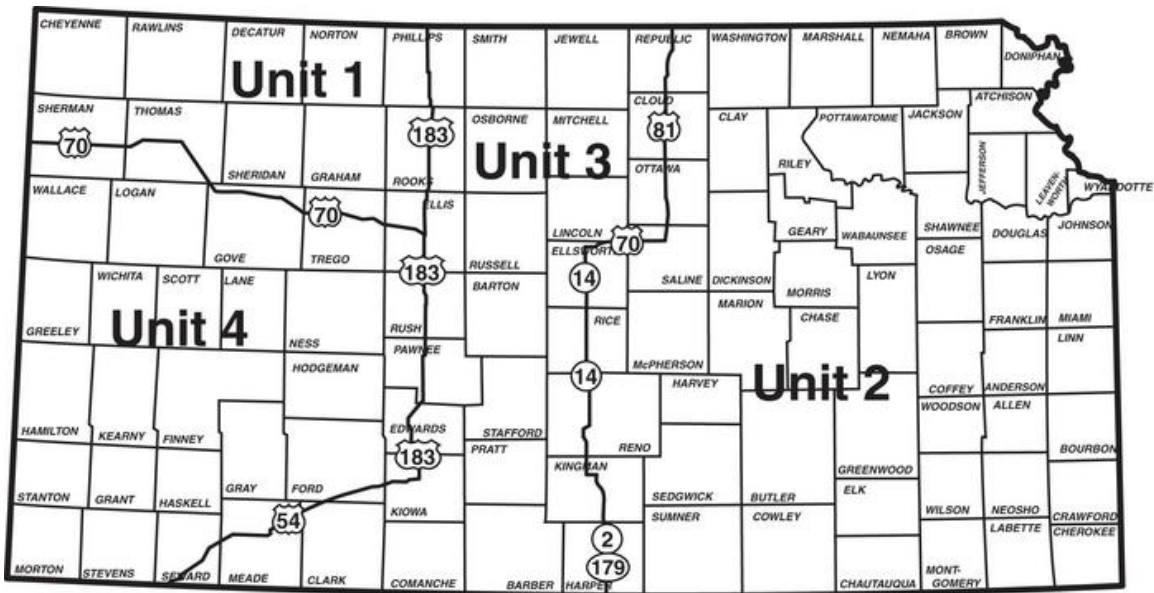


Figure 2. Regional indices (birds/100 mi.) to Kansas' wild turkey population derived from the April rural mail carrier survey, 1986-2012.

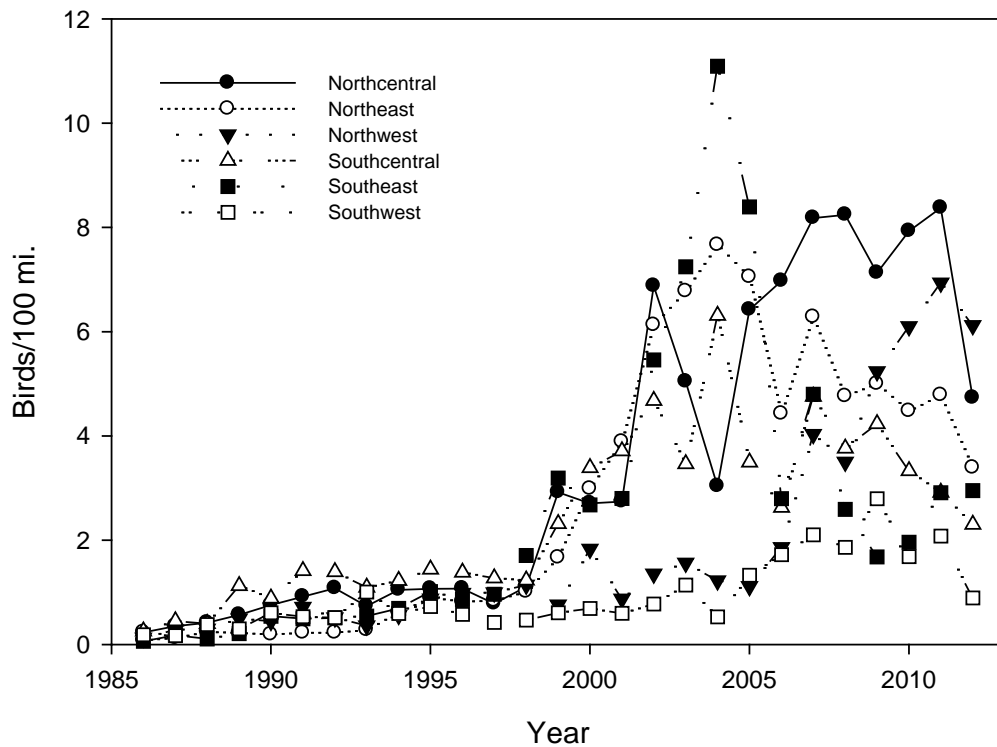
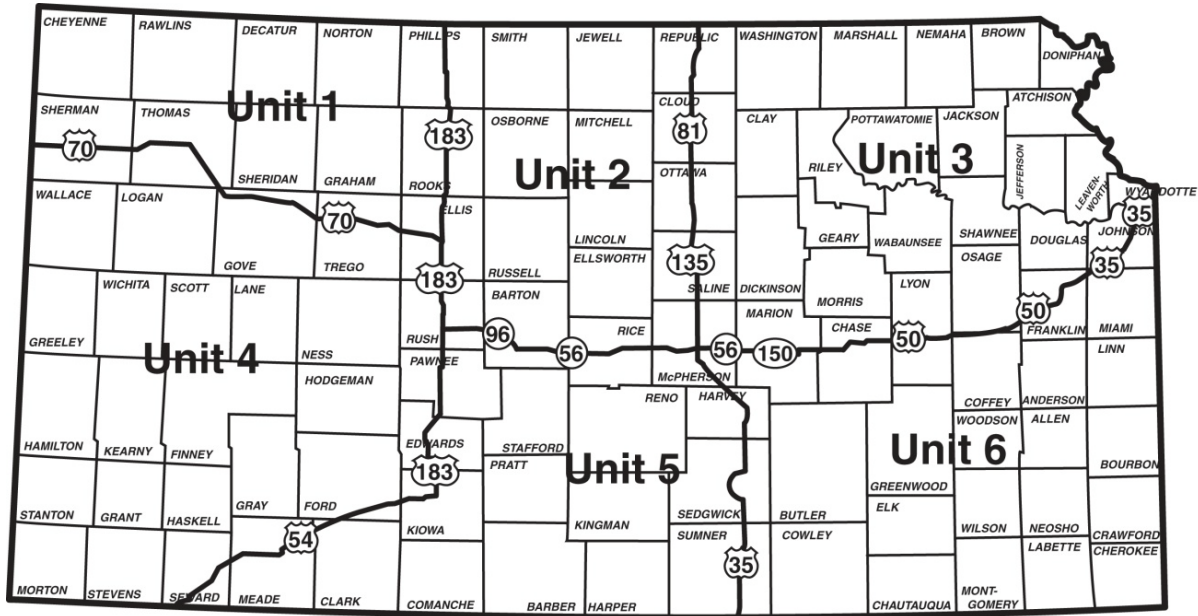


Figure 3. Proposed spring wild turkey hunting units for the 2013 season.



Appendix 1. Adaptive harvest strategy that would be used to guide recommended changes to fall and spring wild turkey bag limits if the new hunt units are adopted.

<u>Bag Limit Hierarchy</u>	<u>Hunt Unit (proposed unit numbers)</u>
A.) 3 spring and 4 fall	
B.) 2 spring and 4 fall	2, 3, 5, 6
C.) 2 spring and 1 fall (most liberal package for Units 1 & 4)	1 (proposed)
D.) 2 spring and no fall or 1 spring and 1 fall	
E.) 1 spring and no fall	
F.) Resident-only limited draw spring (moving down) Quota Increase (moving up)	4
G.) Quota Reductions (moving down) Resident-only limited draw spring	

Triggers that would result in recommend changes to bag limits within a hunt unit

1. The percentage of active resident hunters harvesting at least one bird must be equal to or greater than 60 percent for each of the previous three years, and the percentage of the total harvest composed of jakes must average less than 25 percent over the same period before upward movement would be recommended.
2. The percentage of active resident hunters who harvest at least one bird must be equal to or less than 55 percent for two consecutive years before downward movement would be recommended.

2013 Park Pass Regulation Change Recommendation: Effective Calendar Year 2013 Permit Sales

Background:

The Park Pass was introduced into the Kansas Legislature and passed on May 3, 2012 to allow park visitors to purchase a discounted annual park vehicle permit when they register or re-register their vehicles. The discounted park pass will cost \$15.00, plus a \$.50 service fee to the county. The lower-price annual permit will only be available at the time the vehicle is registered. Owners of vehicles not registered in Kansas will be required to pay the full price for the annual or daily permits.

Regular annual vehicle permits will be available at state park offices and local vendors for those who do not purchase a park pass at registration. This permit will increase to \$25.00.

The daily vehicle permit will increase to \$5 at the gate.

Senior Permits will still be discounted. The senior/disabled annual vehicle permit will cost \$13.75 at state park and regional offices or local vendors. The daily senior/disabled vehicle permit will cost \$3.25 at the gate. These permits are not available through the Department of Motor Vehicles.

Seasonal pricing has been eliminated with the new park pass opportunity.

Recommendations:

Amend the regulation to conform with the new statutes.

2013 Alcohol on KDWPT Properties Effective Calendar Year 2013

Background:

This initiative passed the legislature to modernize the alcohol laws and allow state parks to stay competitive with federal parks, neighboring states, and attract new business opportunities. This would remove the restriction allowing only cereal malt beverages unless posted otherwise on KDWPT lands or restricted by the KDWPT public lands reference document. KDWPT will still maintain regulatory control of alcohol on specific state park or wildlife areas and will not allow kegs.

Recommendations:

Amend the regulations to conform with the new statutes.

Scoring of Big Game Antlers and Horns for Restitution Purposes

Background:

The passage of Senate Bill 314, and its becoming law, requires that the restitution value of big game animals taken in violation of the law be determined through a formula based on the gross score of the animal's antlers or horns. The new law establishes a minimum score for the restitution value to be considered under the formula. The minimum gross score for whitetail or mule deer is 125 inches; an elk is 250 inches and a pronghorn 75 inches. The formula varies, depending on the species of animal, but it is basically the gross score of the animal in inches minus a constant value for that species. This number is then squared and then multiplied by \$2 to arrive at the value. The Secretary is directed by this legislation to develop a method to measure antlers and horn for establishing the gross score that is used in the formula.

Discussion:

Several organizations have established methods for assessing and assigning a score value to antlers and horns. The score is usually based in inches derived from measuring a variety of lengths and circumferences from the antlers or horns. Probably one of the most recognized methods is used by the Boone and Crockett Club. Each species of animal has a specific set of measurements to be taken and when added together constitute the gross score for that animal.

The Department proposes to use the Boone and Crockett Club method of scoring to establish the gross score for the animal in question. While this measuring process is copyrighted by the Boone and Crockett Club, permission has been granted to the Department to use their method.

Draft regulations describing the measuring process have been drafted and being reviewed by the Attorney General's office.

Senior Hunt-Fish licenses/Pass Pricing

Background

Senate Bill 314 was a department-sponsored bill that proposed eliminating the hunting and fishing license exemption for Kansans 65 and older. This age group is the fastest growing among hunters and anglers, and this bill was introduced to broaden the funding base for fish and wildlife programs, as well as to capture Wildlife and Sport Fish Restoration funds that Kansas currently loses as a result of the exemption. The bill was amended and passed in a form that allows Kansans 65 and older to purchase a resident combination hunting and fishing pass. The bill requires the fee for the pass to not exceed one-eighth the fee for a general combination lifetime hunting and fishing license (\$880). The bill also provides residents 65 and older half-price annual fishing, hunting and hunting/fishing combination licenses. Current price for annual hunting and fishing license is \$18. An annual hunt/fish combination is \$36. (Fees don't include \$2.50 vendor and automation fees.) The bill exempts all residents 75 and older from the hunting and fishing requirement.

Discussion

As the bill took shape in its final form, staff discussed potential fees and the impact on federal aid. While the bill would allow a fee of \$110 for the senior hunting/fishing combination pass, staff have indicated that a fee of \$40 would be adequate to ensure federal aid and to provide Kansans an affordable, value-added license while still contributing to the cost of providing wildlife and fishery programs. Under the current federal aid formula, the purchase of this pass would allow Kansas to collect Wildlife and Sport Fish Restoration Program funds for 14 years after purchase. Currently, Kansas receives approximately \$25 for each hunting/fishing combination license sold. The fee for a half-price annual hunting or fishing license would be \$9 and for a hunt/fish combination half-price is \$18.

Agritourism Regulations

Background

In 2011, Governor Brownback issued Executive Reorganization Order Number 36, which merged the Division of Travel and Tourism of the Department of Commerce with the Department of Wildlife and Parks (KDWPT). The ERO created a new Assistant Secretary for Parks and Tourism, and it created the Tourism Division within KDWPT.

In 2012, the Legislature passed Senate Bill 316 in response to ERO 36. SB 316 is commonly known as the trailer bill, which transfers the statutory authorities of the former Division of Travel and Tourism to the Department of Wildlife, Parks and Tourism. Trailer bills also provide opportunities to address any unanticipated issues with ERO. EROs, while specific to the topic, are generally generic in nature. Trailer bills are very specific and address items like name changes in the statutes.

Discussion

The Department of Commerce has several regulations in place that deal with agritourism. Since the agritourism duties have been transferred to the KDWPT, the regulations should at some point be brought into the Department's regulation numbering system and the statutory references updated. We anticipate that this change will occur in January or March of next year, once the new statute numbers have been assigned.

Public Hearing

Document No. _____

KANSAS REGISTER
SUBMISSION FORM

Agency Number -- 710-01

Agency Name -- Kansas Department of Wildlife, Parks and Tourism

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

Topeka, Kansas 66612-1233

Title of Document -- Public Hearing

Desired Date of Publication - June 21, 2012

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, Parks, and Tourism Commission

Wildlife, Parks, and Tourism Commission

Notice of Public Hearing

A public hearing will be conducted by the Wildlife, Parks, and Tourism Commission at 7:00 p.m., Thursday, August 23, 2012 at the Kansas Wetlands Education Center, 592 NE K-157 Highway, Great Bend, Kansas, to consider the approval and adoption of proposed regulations of the Kansas Department of Wildlife, Parks, and Tourism.

A regulatory hearing on business of the Wildlife, Parks, and Tourism Commission will begin at 7:00 p.m., August 23 at the location listed above. There will be public comment periods at the beginning of the evening meeting 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. August 24 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 for the Deaf and Hard of Hearing at 1-800-432-0698 to request special accommodations.

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

All interested parties may submit written comments prior to the hearing to the Chairman of the Commission, Kansas Department of Wildlife, Parks, and Tourism, 1020 S. Kansas Ave, Suite 200, Topeka, KS 66612 or to sheila.kemmis@ksoutdoors.com 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. 115-14-1. This permanent regulation establishes falconry federal regulation adoption by reference. The regulation is proposed for revocation.

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

K.A.R. 115-14-2. This permanent regulation establishes falconry permits. The regulation is proposed for revocation.

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

K.A.R. 115-14-3. This permanent regulation establishes falconry permit classes and requirements. The regulation is proposed for revocation.

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

K.A.R. 115-14-4. This permanent regulation establishes falconry examination requirements. The regulation is proposed for revocation.

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

K.A.R. 115-14-5. This permanent regulation establishes falconry facilities and inspection. The regulation is proposed for revocation.

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

K.A.R. 115-14-6. This permanent regulation establishes falconry equipment requirements. The regulation is proposed for revocation.

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

K.A.R. 115-14-8. This permanent regulation establishes falconry reporting requirements. The regulation is proposed for revocation.

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

K.A.R. 115-14-9. This permanent regulation establishes requirement for acquisition of raptors. The regulation is proposed for revocation.

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

K.A.R. 115-14-10. This permanent regulation establishes other provisions related to falconry. The regulation is proposed for revocation.

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

K.A.R. 115-14-11. This new permanent regulation establishes general provisions for falconry. The regulation includes provisions from both federal regulation and state regulations that are proposed for revocation. The provisions include hunting license requirements, take of certain species, abatement activities, feather disposal, carcass disposal, conservation education programs, rehabilitation, and hunting seasons.

Economic Impact Summary: The proposed regulation is not anticipated to have any

appreciable negative economic impact on the department, other agencies, small businesses or the public.

K.A.R. 115-14-12. This new permanent regulation establishes permits, applications, and examinations for falconry. The regulation includes provisions from both federal regulation and state regulations that are proposed for revocation. The provisions include application provisions, dates permits are valid, transfer of raptors into the state, lapsed permits, temporary permits, permit levels and permit denial, suspension or revocation.

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

K.A.R. 115-14-13. This new permanent regulation establishes facilities, equipment, care requirements and inspections for falconry. The regulation includes provisions from both federal regulation and state regulations that are proposed for revocation. The provisions include facility definitions, minimum facility requirements, transport requirements, minimum equipment requirements, temporary facilities, training and facility inspections.

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

K.A.R. 115-14-14. This new permanent regulation establishes taking, banding, transporting, and possessing raptors for falconry. The regulation includes provisions from both federal regulation and state regulations that are proposed for revocation. The provisions include hunting license requirements, capture devices, permission from the landowner, number of raptors that may be taken, threatened or endangered species, reporting take of raptors, recapture of raptors, identification of raptors taken, and release of raptors.

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

K.A.R. 115-14-15. This new permanent regulation establishes transfers, trading and sale of raptors for falconry. The regulation includes provisions from both federal regulation and state regulations that are proposed for revocation. The provisions include transfer of raptors, prohibiting sale of wild-caught raptors, marking of transferred raptors, and reporting of transferred raptors.

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

K.A.R. 115-18-1. This permanent regulation establishes the application, reporting and general provisions for a wildlife rehabilitation permit. The proposed amendment is to extend the possession period for rehabilitation to coordinate with falconry regulations.

Economic Impact Summary: The proposed amendment is 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.kdwpt.state.ks.us, or by calling (785) 296-2281.

Gerald Lauber, Chairman



STATE OF KANSAS
OFFICE OF THE ATTORNEY GENERAL

DEREK SCHMIDT
ATTORNEY GENERAL

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

June 7, 2012

Chris Tymeson
Chief Legal Counsel
Kansas Department of Wildlife, Parks and Tourism
1020 S. Kansas Ave., Suite 200
Topeka, KS 66612-1327

**RE: K.A.R. 115-14-1 through 115-14-6 and K.A.R. 115-14-8 through 115-14-10
(revocations); K.A.R. 115-14-11 through 115-14-15; K.A.R. 115-18-1**

Dear Chris:

Pursuant to K.S.A. 77-420(b), we have determined that the above-referenced regulations are within the statutory authority of the agency and do not present any other legal issues of concern. We have therefore approved the regulations for legality. The regulations are stamped and enclosed with this letter.

The originals are enclosed herein.

Sincerely,

OFFICE OF THE ATTORNEY GENERAL
DEREK SCHMIDT

A handwritten signature in cursive script, appearing to read "Sarah Fertig".

Sarah Fertig
Assistant Attorney General

Enclosures

cc: Sen. Vicki Schmidt, Chair, Joint Committee on Rules and Regulations
Rep. Carl Holmes, Vice Chair, Joint Committee on Rules and Regulations
Rep. Janice Pauls, Ranking Minority Member, Joint Committee on Rules and Regulations
Raney Gilliland, Legislative Research, State Capitol, Room 545N
Kenneth Wilke, Revisor of Statutes, State Capitol, Ste. 24-E

STATE OF KANSAS

RANEY L. GILLILAND
Interim Director
J.G. SCOTT
Chief Fiscal Analyst
Amy Deckard
Assistant Director for Information Management



STAFF
LEGISLATIVE COORDINATING COUNCIL
INTERIM COMMITTEES
STANDING COMMITTEES
LEGISLATIVE INQUIRIES

KANSAS LEGISLATIVE RESEARCH DEPARTMENT

Room 68-West — State Capitol Building — 300 SW Tenth Avenue — Topeka, Kansas 66612-1504
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INTERNET: <http://www.kslgislature.org/krlrd> E-MAIL: kslegres@krlrd.ks.gov

July 31, 2012

Mr. Robin Jennison, Secretary
Kansas Department of Wildlife, Parks and Tourism
1020 S. Kansas Ave., Room 200
Building Mail

Dear Secretary Jennison:

At its meeting on July 23, 2012, the Joint Committee on Administrative Rules and Regulations reviewed for public comment rules and regulations concerning falconry, general provisions; falconry, permits, applications, and examinations; falconry, facilities, equipment, care requirements, and inspections; falconry, taking, banding, transporting, and possessing raptors; falconry, transfers, trading, and sale of raptors; wildlife rehabilitation permit, application, reporting and general provisions; and revocations regarding falconry. After discussion, the Joint Committee had no comment.

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

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

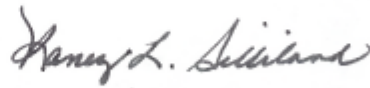
To assist in that final review:

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

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

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

Sincerely,



Raney L. Gilliland
Interim Director

RLG/db

115-14-1. This regulation shall be revoked on and after December 31, 2012. (Authorized by K.S.A. 32-807; implementing K.S.A. 32-807 and K.S.A. 32-1002; effective Nov. 12, 1991; amended Aug. 15, 1994; revoked P-_____.)

ECONOMIC IMPACT STATEMENT

K.A.R. 115-14-1. Falconry; federal regulations.

DESCRIPTION: This administrative regulation adopts by reference several federal regulations. The regulation is proposed for repeal and the provisions are being placed into a new regulation.

FEDERAL MANDATE: The practice of falconry and the management of raptors as migratory species is governed by the U.S. Fish and Wildlife Service. Any state falconry program must be approved by the USFWS and must operate within federal limits. Kansas has had a federally-approved program since 1988. The opportunity exists to move from a dual management system to a state-only managed system with federal oversight.

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

ALTERNATIVES CONSIDERED: None.

115-14-2. This regulation shall be revoked on and after December 31, 2012. (Authorized by K.S.A. 32-807; implementing K.S.A. 32-807, K.S.A. 32-1001 and K.S.A. 32-1002; effective Nov. 12, 1991; amended Aug. 15, 1994; amended Oct. 5, 2001; revoked P-_____.)

ECONOMIC IMPACT STATEMENT

K.A.R. 115-14-2. Falconry permits.

DESCRIPTION: This administrative regulation defines requirements and time periods for falconry permits. The regulation is proposed for repeal and the provisions are being placed into a new regulation.

FEDERAL MANDATE: The practice of falconry and the management of raptors as migratory species is governed by the U.S. Fish and Wildlife Service. Any state falconry program must be approved by the USFWS and must operate within federal limits. Kansas has had a federally-approved program since 1988. The opportunity exists to move from a dual management system to a state-only managed system with federal oversight.

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

ALTERNATIVES CONSIDERED: None.

115-14-3. This regulation shall be revoked on and after December 31, 2012. (Authorized by K.S.A. 32-807; implementing K.S.A. 32-807 and K.S.A. 32-1002; effective Nov. 12, 1991; amended August 1, 1997; amended Oct. 5, 2001; revoked P-_____.)

ECONOMIC IMPACT STATEMENT

K.A.R. 115-14-3. Falconry permit classes and requirements.

DESCRIPTION: This administrative regulation defines requirements for permit classes for falconry. The regulation is proposed for repeal and the provisions are being placed into a new regulation.

FEDERAL MANDATE: The practice of falconry and the management of raptors as migratory species is governed by the U.S. Fish and Wildlife Service. Any state falconry program must be approved by the USFWS and must operate within federal limits. Kansas has had a federally-approved program since 1988. The opportunity exists to move from a dual management system to a state-only managed system with federal oversight.

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

ALTERNATIVES CONSIDERED: None.

115-14-4. This regulation shall be revoked on and after December 31, 2012. (Authorized by K.S.A. 1990 Supp. 32-807; implementing K.S.A. 1990 Supp. 32-807, K.S.A. 1990 Supp. 32-1001; effective Nov. 12, 1991; revoked P-_____.)

ECONOMIC IMPACT STATEMENT

K.A.R. 115-14-4. Examination.

DESCRIPTION: This administrative regulation defines requirements for the state administered falconry permit examination. The regulation is proposed for repeal and the provisions are being placed into a new regulation.

FEDERAL MANDATE: The practice of falconry and the management of raptors as migratory species is governed by the U.S. Fish and Wildlife Service. Any state falconry program must be approved by the USFWS and must operate within federal limits. Kansas has had a federally-approved program since 1988. The opportunity exists to move from a dual management system to a state-only managed system with federal oversight.

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

ALTERNATIVES CONSIDERED: None.

115-14-5. This regulation shall be revoked on and after December 31, 2012. (Authorized by K.S.A. 32-807; implementing K.S.A. 32-807, K.S.A. 32-1002; effective Nov. 12, 1991; amended Oct. 5, 2001; revoked P-_____.)

ECONOMIC IMPACT STATEMENT

K.A.R. 115-14-5. Facilities and inspection.

DESCRIPTION: This administrative regulation defines requirements for facilities used to house raptors for falconry. The regulation is proposed for repeal and the provisions are being placed into a new regulation.

FEDERAL MANDATE: The practice of falconry and the management of raptors as migratory species is governed by the U.S. Fish and Wildlife Service. Any state falconry program must be approved by the USFWS and must operate within federal limits. Kansas has had a federally-approved program since 1988. The opportunity exists to move from a dual management system to a state-only managed system with federal oversight.

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

ALTERNATIVES CONSIDERED: None.

115-14-6. This regulation shall be revoked on and after December 31, 2012. (Authorized by K.S.A. 32-807; implementing K.S.A. 32-807, K.S.A. 32-1002; effective Nov. 12, 1991; amended Oct. 5, 2001; revoked P-_____.)

ECONOMIC IMPACT STATEMENT

K.A.R. 115-14-6. Equipment.

DESCRIPTION: This administrative regulation defines requirements for minimum levels of equipment for falconry. The regulation is proposed for repeal and the provisions are being placed into a new regulation.

FEDERAL MANDATE: The practice of falconry and the management of raptors as migratory species is governed by the U.S. Fish and Wildlife Service. Any state falconry program must be approved by the USFWS and must operate within federal limits. Kansas has had a federally-approved program since 1988. The opportunity exists to move from a dual management system to a state-only managed system with federal oversight.

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

ALTERNATIVES CONSIDERED: None.

115-14-8. This regulation shall be revoked on and after December 31, 2012. (Authorized by K.S.A. 32-807; implementing K.S.A. 32-807, K.S.A. 32-1001, and K.S.A. 32-1002; effective Nov. 12, 1991; amended Aug. 15, 1994; revoked P-_____.)

ECONOMIC IMPACT STATEMENT

K.A.R. 115-14-8. Reports.

DESCRIPTION: This administrative regulation defines reporting requirements for falconers. The regulation is proposed for repeal and the provisions are being placed into a new regulation.

FEDERAL MANDATE: The practice of falconry and the management of raptors as migratory species is governed by the U.S. Fish and Wildlife Service. Any state falconry program must be approved by the USFWS and must operate within federal limits. Kansas has had a federally-approved program since 1988. The opportunity exists to move from a dual management system to a state-only managed system with federal oversight.

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

ALTERNATIVES CONSIDERED: None.

115-14-9. This regulation shall be revoked on and after December 31, 2012. (Authorized by K.S.A. 32-807; implementing K.S.A. 32-807, K.S.A. 32-919, and K.S.A. 32-1002; effective Nov. 12, 1991; amended Aug. 15, 1994; amended August 1, 1997; amended Oct. 5, 2001; revoked P-_____.)

ECONOMIC IMPACT STATEMENT

K.A.R. 115-14-9. Acquisition of raptors.

DESCRIPTION: This administrative regulation defines requirements for acquiring raptors. The regulation is proposed for repeal and the provisions are being placed into a new regulation.

FEDERAL MANDATE: The practice of falconry and the management of raptors as migratory species is governed by the U.S. Fish and Wildlife Service. Any state falconry program must be approved by the USFWS and must operate within federal limits. Kansas has had a federally-approved program since 1988. The opportunity exists to move from a dual management system to a state-only managed system with federal oversight.

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

ALTERNATIVES CONSIDERED: None.

115-14-10. This regulation shall be revoked on and after December 31, 2012. (Authorized by K.S.A. 32-807; implementing K.S.A. 32-807, K.S.A. 32-1001, K.S.A. 32-1002 and K.S.A. 32-1047; effective Nov. 12, 1991; amended Aug. 15, 1994; amended Oct. 5, 2001; revoked P-_____.)

ECONOMIC IMPACT STATEMENT

K.A.R. 115-14-10. Other provisions.

DESCRIPTION: This administrative regulation defines other provisions for raptors. The regulation is proposed for repeal and the provisions are being placed into a new regulation.

FEDERAL MANDATE: The practice of falconry and the management of raptors as migratory species is governed by the U.S. Fish and Wildlife Service. Any state falconry program must be approved by the USFWS and must operate within federal limits. Kansas has had a federally-approved program since 1988. The opportunity exists to move from a dual management system to a state-only managed system with federal oversight.

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

ALTERNATIVES CONSIDERED: None.

115-14-11. Falconry; general provisions. (a) Each falconer hunting or trapping raptors in Kansas shall possess any current hunting license, unless exempt pursuant to K.S.A. 32-919 and amendments thereto, and any other state or federal stamp, permit, certificate, or other issuance that may be required for hunting the species that the falconer is hunting. In addition, each nonresident falconer shall possess a current nonresident hunting license while participating in a falconry field trial or a department-approved special event.

(b) Any falconry raptor may kill wildlife, including animals killed outside the established hunting season, if it was not the intent of the falconry permittee to kill the wildlife. The falconry raptor may be allowed to feed on the wildlife, but the permittee shall not take the wildlife, or any part of the wildlife, into possession.

(1) The falconry permittee shall report the take of any federally listed threatened or endangered species to the ecological services field office of the United States fish and wildlife service and provide the location where the take took place.

(2) The falconry permittee shall report the take of any wildlife designated as endangered or threatened in K.A.R. 115-15-1 or as a species in need of conservation as listed in K.A.R. 115-15-2 to the environmental services section of the department and provide the location where the take took place.

(c) Any falconry permittee may take nuisance and depredating birds with a falconry raptor in accordance with K.A.R. 115-16-3 if the permittee is not paid for that individual's services.

(d) Any falconry permittee may conduct commercial abatement activities in accordance with the following provisions:

(1) Any master falconer may conduct commercial abatement activities with permitted falconry raptors if the master falconer possesses a special purpose abatement permit issued by the United States fish and wildlife service.

Any master falconer, general falconer, or apprentice falconer may conduct commercial abatement activities as a subpermittee of a properly permitted master falconer.

(2) Any falconry permittee holding a special abatement permit may receive payment for that individual's commercial services.

(e) Feathers molted by a falconry raptor shall be possessed or disposed of in accordance with the following provisions:

(1) Any falconry permittee may possess flight feathers for each species of raptor legally possessed or previously held for the duration of time the permittee holds a valid falconry permit.

(A) The permittee may receive feathers for imping from other permitted falconers, wildlife rehabilitators, or propagators in the United States. The permittee may give feathers for imping to other permitted falconers, wildlife rehabilitators, or propagators in the United States.

(B) It shall be unlawful to buy, sell, or barter the feathers.

(2) Any permittee may donate feathers from a falconry raptor, except golden eagle feathers, to any person or institution with a valid permit to possess the feathers issued by the United States fish and wildlife service or to any persons exempted by federal regulation from having the permit.

(3) Except for the primary or the secondary flight feathers and the retrices from a golden eagle, a falconry permittee shall not be required to gather feathers that are molted or otherwise lost by a falconry bird. These feathers may be left where they fall, stored for imping, or

destroyed. All molted flight feathers and retrices from a golden eagle shall be collected by the permittee and, if not kept for imping, shall be sent to the national eagle repository.

(4) Each falconry permittee whose permit expires or is revoked shall donate the feathers of any species of falconry raptor, except a golden eagle, to any person or institution exempted from federal possession permit requirements or to any person or institution authorized by federal permit to acquire and possess the feathers. If the feathers cannot be donated, they shall be burned, buried, or otherwise destroyed.

(f) The carcass of each falconry raptor shall be disposed of in accordance with the following provisions:

(1) The entire body of each golden eagle, including all feathers, talons, and other parts, shall be sent to the national eagle repository.

(2) The body or feathers of any species of falconry raptor, excluding a golden eagle, may be donated to any person or institution exempted from federal possession permit requirements or to any person or institution authorized by federal permit to acquire and possess the body or feathers.

(3) The body of any falconry raptor, other than a golden eagle, that was banded or was implanted with a microchip before its death may be kept by the falconry permittee in accordance with the following provisions:

(A) The feathers from the body may be used for imping.

(B) The body may be prepared and mounted by a taxidermist. The mounted body may be used by the permittee as part of a conservation education program.

(C) If the raptor was banded, the band shall remain on the body. If the raptor was implanted with a microchip, the microchip shall remain implanted in place.

(4) The body or feathers of any raptor that is not donated or retained by the permittee shall be burned, buried, or otherwise destroyed within 10 days of the death of the bird or after final examination by a veterinarian to determine the cause of death.

(5) The carcass of each euthanized raptor shall be disposed of in a manner that prevents the secondary poisoning of eagles or other scavengers.

(6) For any falconry raptor other than a golden eagle, if the body or feathers are not donated or mounted by a taxidermist as authorized by this subsection, the falconry permittee may possess the raptor for as long as the permittee maintains a valid falconry permit. The falconry permittee shall keep all the paperwork documenting the acquisition and possession of the raptor.

(g) A falconry raptor may be used in conservation education programs presented in public venues in accordance with the following provisions:

(1) Any general falconer or master falconer may conduct or participate in such a program without the need for any other type of permit. Any apprentice falconer may conduct or participate in such a program while under the direct supervision of a general falconer or master falconer during the program.

The falconer presenting the program shall be responsible for all liability associated with falconry and conservation education activities for which the falconer is the instructor.

(2) The raptor shall be used primarily for falconry.

(3) A fee may be charged for the presentation of a conservation education program. However, the fee shall not exceed the amount required to recoup the falconer's costs for presenting the program.

(4) The presentation shall address falconry and conservation education. The conservation education portion of the program shall provide information about the biology,

ecological roles, and conservation needs of raptors and other migratory birds. However, not all of these topics shall be required to be covered in every presentation.

(h) Falconry raptors may be photographed, filmed, or recorded by similar means for the production of movies or other sources of information on the practice of falconry or on the biology, ecological roles, and conservation needs of raptors and other migratory birds in accordance with the following provisions:

(1) Any general falconer or master falconer may conduct or participate in such an activity without the need for any other type of permit. Any apprentice falconer may conduct or participate in such an activity while under the direct supervision of a general falconer or master falconer during the activity.

(2) The falconer shall not receive payment for the falconer's participation.

(3) Falconry raptors shall not be used to make movies or commercials or be used in other commercial ventures that are not related to falconry. Falconry raptors shall not be used for any of the following:

(A) Entertainment;

(B) advertisements, promotion, or endorsement of any products, merchandise, goods, services, meetings, or fairs; or

(C) the representation of any business, company, corporation, or other organization.

(i) Any general falconer or master falconer may assist a permitted migratory bird rehabilitator ("rehabilitator") to condition raptors in preparation for their release to the wild in accordance with the following provisions:

(1) The rehabilitator shall provide the falconer with a letter or form that identifies the bird and explains that the falconer is assisting in the bird's rehabilitation. The raptor undergoing

rehabilitation shall not be transferred to the falconer but shall remain under the permit of the rehabilitator.

(2) The falconer shall not be required to meet the rehabilitator facility standards. The falconer shall maintain that individual's facilities in accordance with K.A.R. 115-14-13.

(3) The falconer, in coordination with the rehabilitator, shall release all raptors that are able to be released to the wild or shall return any such bird that cannot be permanently released to the wild to the rehabilitator for placement within the 180-day time frame in which the rehabilitator is authorized to possess the bird, unless the rehabilitator receives authorization to retain the bird for longer than the 180-day period. Any rehabilitated bird may be transferred to the falconer in accordance with K.A.R. 115-14-15.

(j) When flown free, a hybrid raptor shall have at least two attached radio transmitters to aid the falconry permittee in tracking and locating the bird. The term "hybrid raptor" shall mean the offspring of two different species of raptor.

(k) The statewide season for taking game birds by falconry shall be September 1 through March 31. Any falconer may possess hen pheasants that are incidentally taken by falconry means during the established falconry game bird season. Each falconer shall possess no more than two hen pheasants per day.

This regulation shall be effective on and after December 31, 2012. (Authorized by and implementing K.S.A. 32-807; effective P-_____.)

ECONOMIC IMPACT STATEMENT

115-14-11. Falconry; general provisions.

DESCRIPTION: This new administrative regulation sets general provisions for falconry. The provisions contained in the previous regulation as well as provisions from federal regulations are included in the new regulation. The provisions include hunting license requirements, take of certain species, abatement activities, feather disposal, carcass disposal, conservation education programs, rehabilitation, and hunting seasons.

FEDERAL MANDATE: The practice of falconry and the management of raptors as migratory species is governed by the U.S. Fish and Wildlife Service. Any state falconry program must be approved by the USFWS and must operate within federal limits. Kansas has had a federally-approved program since 1988. The opportunity exists to move from a dual management system to a state-only managed system with federal oversight.

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

ALTERNATIVES CONSIDERED: None.

115-14-12. Falconry; permits, applications, and examinations. (a) Except as provided in this regulation, any individual engaged in falconry who possesses a current Kansas falconry permit or a current falconry permit from another state may engage in falconry activities as authorized by law or regulation. The permittee shall be in the immediate possession of the permit while trapping, transporting, working with, or flying a falconry raptor. Each falconer wanting to capture a raptor from the wild shall comply with K.A.R. 115-14-14. The permittee shall not be required to have immediate possession of the falconry permit while the raptor is located on the permitted premises of the falconry facility but shall produce the permit upon request for inspection by any law enforcement officer authorized to enforce the provisions of this regulation.

(b) Each individual wanting to engage in falconry shall submit an application to the secretary for the appropriate permit, on forms provided by the department. The application shall require at least the following information to be provided:

- (1) The applicant's name;
- (2) the applicant's address;
- (3) the address of the facilities where the raptors are to be kept;
- (4) the species and number of raptors to be permitted in accordance with the limitations specified in this regulation;
- (5) the applicant's date of birth;
- (6) the applicant's social security number;
- (7) the level of falconry permit being applied for; and
- (8) any additional relevant information that may be required for the type of permit as described within this regulation.

(c) Each falconry permit shall be valid from the date of issuance through December 31 in the third calendar year after issuance. A falconry permit may be renewed without the examination otherwise required by this regulation if the permit is renewed before the current permit expires.

(d) Each individual holding a current valid falconry permit from another state, moving to Kansas with the intent to establish residency, and wanting to bring that individual's legally permitted raptors into the state shall meet the following requirements:

(1) The individual shall apply for the appropriate level of Kansas falconry permit within 30 days after moving into the state. The determination of which level of falconry permit is appropriate for the applicant shall be based on the requirements of subsections (j), (k), and (l).

(2) The individual shall not be required to take the department's falconry examination specified in paragraph (j)(3).

(3) The individual shall notify the state where the individual formerly resided of the individual's move, within 30 days of moving to Kansas.

(4) Any falconry birds held by the individual under the former permit may be retained during the permit application and issuance process in Kansas if the birds are kept in an appropriate facility as specified in K.A.R. 115-14-13.

Each permanent facility to house falconry birds possessed under this subsection shall be constructed, inspected, and approved in accordance with K.A.R. 115-14-13 before the issuance of the Kansas falconry permit.

(e) Each individual whose permit has lapsed shall be allowed to reinstate that individual's permit in accordance with this subsection.

(1) Any individual whose Kansas falconry permit has lapsed for fewer than five years may be reinstated at the level previously held if the individual submits a complete application and provides proof of the previous level of certification. Each of the individual's facilities shall pass the inspection requirements in K.A.R. 115-14-13 before the individual may be allowed to possess a falconry raptor.

(2) Each individual whose Kansas falconry permit has lapsed for five years or more shall be required to correctly answer at least 80 percent of the questions on the department's falconry examination specified in paragraph (j)(3). Upon passing the examination, the individual's falconry permit shall be reinstated at the level previously held. Each of the individual's facilities shall pass the inspection requirements in K.A.R. 115-14-13 before the individual may be allowed to possess a falconry raptor.

(f) Any individual whose falconry permit has been revoked or suspended may apply for that individual's permit to be reinstated after the suspension period or revocation. In addition to submitting a completed application to the department, the individual shall be required to correctly answer at least 80 percent of the questions on the department's falconry examination specified in paragraph (j)(3). Upon passing the examination, the individual's falconry permit shall be reinstated at the level previously held. Each of the individual's facilities shall pass the inspection requirements in K.A.R. 115-14-13 before the individual may be allowed to possess a falconry raptor.

(g) Any individual residing in Kansas who is not a citizen of the United States, has practiced falconry in the individual's home country, and has not been previously permitted for falconry in another state may apply for a temporary falconry permit. Each temporary falconry permit shall be valid from the date of issuance through December 31 in the third calendar year

after issuance. The level of permit issued shall be consistent with the level of permit types specified in subsections (j), (k), and (l). In addition, the applicant shall meet the following provisions:

(1) Any individual covered under this subsection may apply for and receive a temporary falconry permit in accordance with the following provisions:

(A) The individual applying for the temporary permit shall correctly answer at least 80 percent of the questions on the department's falconry examination specified in paragraph (j)(3).

(B) Upon passing the examination, a temporary permit for the appropriate level shall be issued by the department, based on the individual's documentation of experience and training.

(C) The individual holding the temporary permit may possess raptors for falconry purposes if the individual has falconry facilities approved in accordance with K.A.R. 115-14-13. The individual holding a temporary permit may fly raptors held for falconry by another permitted falconer. The individual holding a temporary permit shall not take raptors from the wild for falconry purposes.

(2) Any individual holding a temporary permit in accordance with this subsection may use any bird for falconry that the individual legally possessed in the individual's country of origin for falconry purposes if the importation of that species of bird into the United States is not prohibited and the individual has met all permitting requirements of the individual's country of origin.

(A) The individual shall comply with all requirements for practicing falconry in the state. The individual shall acquire all permits and comply with all federal laws concerning the importation, exportation, and transportation of falconry birds; the wild bird conservation act; the

endangered species act; migratory bird import and export permits; and the endangered species convention.

(B) Each falconry bird imported into the state under this subsection shall be exported from the state by the temporary permittee when the permittee leaves the state, unless a permit is issued allowing the bird to remain in Kansas. If the bird dies while in the state, the permittee shall report the loss to the department before leaving the state.

(C) When flown free, each bird brought into the state under the provisions of this subsection shall have attached to the bird two radio transmitters that allow the permittee to locate the bird.

(h) Each individual who holds a current, valid Kansas falconry permit and resides in another state, territory, or tribal land different from the individual's primary Kansas residence for more than 120 consecutive days shall provide the location of the individual's falconry facilities in the other jurisdiction to the department. This information shall be listed on the individual's Kansas falconry permit.

(i) Falconry permits shall be issued for the following levels of permittees: apprentice falconer, general falconer, and master falconer. Each applicant for a specific level shall meet the requirements of subsection (j), (k), or (l).

(j) An "apprentice falconer" shall mean an individual who is beginning falconry at an entry level, has no prior permitted falconry experience, and meets the following requirements:

(1) The applicant shall be at least 12 years of age. The application of any applicant under 18 years of age shall be signed by a parent or legal guardian, who shall be legally responsible for the applicant's activities.

(2) The applicant shall have secured a written sponsor agreement either from a general falconer with at least two years of falconry experience as a general falconer or from a master falconer, stating that the falconer has agreed to mentor the applicant for the duration of the apprentice permit.

(A) The sponsor agreement shall include a statement from the general falconer or master falconer specifying that the sponsor shall mentor the applicant in learning the husbandry and training of raptors for falconry, learning relevant wildlife laws and regulations concerning the practice of falconry, and deciding what species of raptor is appropriate for the applicant to possess while practicing falconry at the apprentice level.

(B) If the general falconer or master falconer is not able to fulfill the sponsor agreement to mentor the apprentice falconer, the apprentice shall secure a sponsor agreement from another falconer with the necessary qualifications and notify the department within 30 days of the change. The falconer sponsoring the apprentice falconer shall notify the department in writing within 30 days of withdrawing the falconer's mentorship.

(3) Each applicant for an apprentice falconry permit shall be required to correctly answer at least 80 percent of the questions on the department's falconry examination. The examination shall cover the following topics:

(A) The care and handling of falconry raptors;

(B) federal and state laws and regulations relating to falconry; and

(C) other relevant subject matter relating to falconry, including diseases and general health.

(4) Any applicant failing the examination may reapply after 90 days.

(5) An apprentice falconer shall not possess more than one raptor. Each apprentice falconer shall be restricted to taking not more than one wild-caught raptor from one of the following species:

- (A) American kestrel (*Falco sparverius*);
- (B) red-tailed hawk (*Buteo jamaicensis*); or
- (C) red-shouldered hawk (*Buteo lineatus*).

(6) A raptor acquired by an apprentice falconer shall not have been taken from the wild as an eyas or have become imprinted on humans. Any wild-caught raptor may be transferred to the apprentice falconer by another properly permitted falconry permittee.

An apprentice falconer shall not acquire more than one replacement raptor during any 12-month period.

(7) The facilities used to house and keep the raptor shall meet the requirements in K.A.R. 115-14-13.

(k) A “general falconer” shall mean an individual who has been previously permitted as an apprentice falconer and meets the following requirements:

(1) The applicant shall be at least 16 years of age. The application of any applicant under 18 years of age shall be signed by a parent or legal guardian, who shall be legally responsible for the applicant’s activities.

(2) Each application shall be accompanied by a letter from general falconer or a master falconer stating that the applicant has practiced falconry with wild raptors at the level of apprentice falconer, or its equivalent, for at least two years, including maintaining, training, flying, and hunting the raptor for at least four months in each year. This time may include the

capture and release of falconry raptors. A school or education program in falconry shall not be substituted to shorten the required two years of experience at the level of apprentice falconer.

(3) A general falconer may take and use any species of *Accipitriform*, *Falconiform*, or *Strigiform*, including wild or captive-bred raptors and hybrid raptors, as defined in K.A.R. 115-14-11, for falconry, with the following exceptions:

- (A) Golden eagle (*Aquila chrysaetos*);
- (B) bald eagle (*Haliaeetus leucocephalus*);
- (C) white-tailed eagle (*Haliaeetus albicilla*); and
- (D) Steller's sea eagle (*Haliaeetus pelagicus*).

(4) A general falconer shall possess no more than three raptors at any one time, regardless of the number of state, tribal, or territorial falconry permits the general falconer possesses.

(1) A "master falconer" shall mean an individual who has been previously permitted at the level of general falconer and meets the following requirements:

(1) The applicant shall have practiced falconry with that individual's own raptor as a general falconer for at least five years.

(2) A master falconer may take and use any species of *Accipitriform*, *Falconiform*, or *Strigiform*, including wild or captive-bred raptors and hybrid raptors for falconry, with the following exceptions:

- (A) A bald eagle (*Haliaeetus leucocephalus*) shall not be possessed.
- (B) Golden eagles (*Aquila chrysaetos*), white-tailed eagles (*Haliaeetus albicilla*), or Steller's sea eagles (*Haliaeetus pelagicus*) may be possessed if the permittee meets the following requirements:

(i) The permittee shall not possess more than three raptors of the species listed in paragraph (1)(2)(B).

(ii) The permittee shall provide documentation to the department of the permittee's experience in handling large raptors, including information about the species handled and the type and duration of the activity in which the experience was gained.

(iii) The permittee shall provide the department with at least two letters of reference from people with experience in handling or flying large raptors including eagles, ferruginous hawks (*Buteo regalis*), goshawks (*Accipiter gentilis*), or great horned owls (*Bubo virginianus*). Each letter shall contain a concise history of the author's experience with large raptors, which may include the handling of raptors held by zoos, rehabilitating large raptors, or scientific studies involving large raptors. Each letter shall also assess the permittee's ability to care for eagles and fly them for falconry purposes.

(C) The possession of a golden eagle, white-tailed eagle, or Steller's sea eagle shall count as one of the wild raptors that the permittee is allowed to possess.

(D) A master falconer may possess wild or captive-bred raptors or hybrid raptors of the species allowed by this subsection.

(E) A master falconer shall possess no more than five wild-caught raptors, including golden eagles, regardless of the number of state, tribal, or territorial falconry permits the falconer possesses.

(F) A master falconer may possess any number of captive-bred raptors. However, the raptors shall be trained to pursue wild game and shall be used for hunting.

(m) A falconry permit may be denied, suspended, or revoked by the secretary for any of the following reasons:

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

(2) The applicant does not meet the qualifications specified in this regulation.

(3) The applicant has failed to maintain or to submit required reports.

(4) The applicant has been convicted of violating department laws or regulations relating to hunting or the practice of falconry or has had any other department license or permit denied, suspended, or revoked.

(5) Issuance of the permit would not be in the best interests of the public, for reasons including complaints or inappropriate conduct while holding a previous falconry permit.

This regulation shall be effective on and after December 31, 2012. (Authorized by and implementing K.S.A. 32-807; effective P-_____.)

ECONOMIC IMPACT STATEMENT

115-14-12. Falconry; permits, applications, and examination.

DESCRIPTION: This new administrative regulation details permit classes, the application process and the examination for falconry. The provisions contained in the previous regulations as well as provisions from federal regulations are included in the new regulation. The provisions include the provisions of the application, dates permits are valid, transfer of raptors into the state, lapsed permits, temporary permits, permit levels and permit denial, suspension or revocation.

FEDERAL MANDATE: The practice of falconry and the management of raptors as migratory species is governed by the U.S. Fish and Wildlife Service. Any state falconry program must be approved by the USFWS and must operate within federal limits. Kansas has had a federally-approved program since 1988. The opportunity exists to move from a dual management system to a state-only managed system with federal oversight.

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

ALTERNATIVES CONSIDERED: None.

115-14-13. Falconry; facilities, equipment, care requirements, and inspections. (a) Each individual keeping raptors shall maintain the facilities in accordance with this regulation.

(1) “Primary facility” shall mean the principal place and structures where the raptor is normally provided care and housing. This term shall include indoor facilities and outdoor facilities.

(2) “Temporary facility” shall mean a place and structure where a raptor is kept during the raptor’s time away from the primary facility, including during transportation and while hunting or attending an event. This term shall include a place and structure where a raptor is kept for a limited time period while the primary facility is not available.

(b) All primary facilities used to house and keep raptors shall be inspected and approved by the department before the issuance of a Kansas falconry permit. Thereafter, all primary facilities used to house and keep raptors shall be inspected and approved before the issuance or renewal of a Kansas falconry permit. All primary facilities shall meet the following standards:

(1) All indoor areas of the primary facility, which are also known as “mews,” and all outdoor areas of the primary facility, which are also known as “weathering areas,” shall protect raptors from the environment, predators, and domestic animals.

(2) The indoor area of the primary facility shall have a perch for each raptor and at least one opening for sunlight.

(3) Two or more raptors may be housed together and untethered if the birds are compatible with each other. Each raptor shall have an area large enough to allow the raptor to fly if it is untethered or, if tethered, to fully extend its wings to bate or attempt to fly while tethered without damaging its feathers or contacting other raptors.

(4) Each raptor shall have a pan of clean water available.

(5) Each indoor area of the primary facility shall be large enough to allow easy access for the care and feeding of the raptors kept there.

(6) Each indoor area of the primary facility housing untethered raptors shall have either solid walls or walls made with vertical bars spaced narrower than the width of the body of the smallest raptor being housed, heavy-duty netting, or other similar materials covering the walls and roof of the facility. All windows shall be protected on the inside by vertical bars, spaced at intervals narrower than the width of the raptor's body.

(7) The floor of the indoor area of the primary facility shall consist of material that is easily cleaned and well drained.

(8) Each indoor area of the primary facility shall include shelf-perch enclosures where raptors are tethered side by side. Other housing systems shall be acceptable if they afford the enclosed raptors with protection and maintain healthy feathers.

(9) A falconry raptor, or raptors, may be kept inside the permittee's residence if a suitable perch, or perches, are provided. Windows and other openings in the residence structure shall not be required to be modified. All raptors kept in the residence shall be tethered when the raptors are not being moved into or out of the location where they are kept.

(10) Each outdoor area of the primary facility shall be totally enclosed and shall be made of heavy-gauge wire, heavy-duty plastic mesh, slats, pipe, wood, or other suitable material.

(11) Each outdoor area of the primary facility shall be covered and have at least a covered perch to protect a raptor held in the facility from predators and weather. Each outdoor area of the primary facility shall be large enough to ensure that all the raptors held inside cannot strike the enclosure when flying from the perch.

(12) Any new design of primary facility may be used if the primary facility meets the requirements of this subsection and is approved in writing by the department.

(c) Falconry raptors may be kept outside, including in a weathering yard at a falconry meet, if the raptors are under watch by the permittee or a designated individual.

(d) The permittee may transport any permitted raptor if the bird is provided with a suitable perch and is protected from extreme temperatures, wind, and excessive disturbance. A giant hood or similar container may be used for transporting the bird or for housing it while away from the primary facility.

(e) The permittee shall inform the department of any change of location of the primary facility within five business days of the move to the new location.

(f) The property where the primary facility is located may be owned by the permittee or another person and may be at the residence of the permittee or at a different location.

The permittee shall submit to the department a signed and dated statement showing that the permittee agrees that the primary facility, equipment, all falconry-related facilities, equipment, records, and raptors may be inspected without advance notice by department authorities at any reasonable time on any day of the week if the inspections are in the presence of the permittee. If the property is not owned by the permittee, the actual property owner shall also sign the statement acknowledging the inspection allowance.

(g) The permittee shall provide and maintain the following equipment during the term of the permit:

(1) At least one pair of Aylmeri jesses, or jesses of a similar type, constructed of pliable, high-quality leather or a suitable synthetic material. The jesses shall be used when any raptor is flown free. Traditional one-piece jesses may be used on raptors when not being flown;

(2) at least one flexible, weather-resistant leash and one strong swivel of acceptable falconry design;

(3) at least one suitable bath container for each raptor. Each container shall be at least two to six inches deep and wider than the length of the raptor; and

(4) a reliable scale or balance that is suitable for weighing the raptors and is graduated to increments of not more than ½ ounce (15 grams).

(h) A permittee may house a raptor in temporary facilities for no more than 120 consecutive days if the bird is provided with a suitable perch and protection from predators, domestic animals, extreme temperatures, wind, and excessive disturbance.

(i) A permittee may allow a raptor to be temporarily cared for and possessed by another falconry permittee in accordance with the following requirements:

(1) The raptor shall be kept at the permittee's primary facility or at the permitted primary facility of the other permittee.

(2) The raptor shall be cared for by the other permittee for no more than 120 consecutive days, unless the department provides a written extension of time for extenuating circumstances that may include illness, military service, or a family emergency. Extenuating circumstances may be considered by the secretary on a case-by-case basis.

(3) The permittee shall provide the other permittee with a signed, dated statement authorizing the temporary possession. The statement shall include information specifying the time period during which the temporary care and possession are allowed and what activity is allowed. The permittee providing the temporary care may fly the raptor as authorized in the statement, including hunting, if the permittee providing the temporary care holds the appropriate

level of falconry permit. The raptors being provided temporary care shall not count against the possession limit of the permittee providing the care.

(4) The permittee shall provide a copy of the United States fish and wildlife service form 3-186A showing that permittee as the possessor of the raptor to the other permittee providing the temporary care.

(j) Any permittee may allow a raptor to be temporarily cared for by an individual who does not possess a falconry permit in accordance with the following provisions:

(1) The raptor shall not be removed from the permittee's facility during the time of temporary care. The person caring for the raptor shall not fly the raptor for any reason.

(2) The raptor may be cared for by another person for no more than 45 consecutive days, unless the department provides a written extension of time for extenuating circumstances that may include illness, military service, or a family emergency. Extenuating circumstances may be considered by the secretary on a case-by-case basis.

(3) The raptor shall remain on the permittee's falconry permit.

(k) Falconry raptors may be trained or conditioned in accordance with the following provisions:

(1) Equipment or techniques acceptable for falconry practices including or similar to any of the following may be used:

(A) Tethered flying, which is also known as flying with a creance;

(B) lures made from animal parts;

(C) balloons;

(D) kites; or

(E) remote-control airplanes.

(2) The following species of live wildlife may be used:

(A) Rock dove or domestic pigeon;

(B) European starling;

(C) house sparrow;

(D) Hungarian partridge;

(E) Chukar partridge; and

(F) any small game, as defined by K.S.A. 32-701 and amendments thereto, during the established hunting seasons for the small game.

(l) All facilities and equipment shall be properly maintained and cleaned during the term of the permit.

(m) Mistreatment of any raptor shall be grounds for revocation of the falconer's permit and for confiscation of any raptors in possession of the falconer. "Mistreatment" shall be defined as any of the following:

(1) Having physical custody of a raptor and failing to provide food, potable water, protection from the elements, opportunity for exercise, and other care as is needed for the health and well-being of the raptor;

(2) abandoning or leaving any raptor in any place without making provisions for its proper care; or

(3) failing to meet the requirements of this regulation.

This regulation shall be effective on and after December 31, 2012. (Authorized by and implementing K.S.A. 32-807; effective P-_____.)

ECONOMIC IMPACT STATEMENT

115-14-13. Falconry; facilities, equipment, care requirements and inspections.

DESCRIPTION: This new administrative regulation details facility, equipment and care requirements as well as inspections for falconry facilities. The provisions contained in the previous regulations as well as provisions from federal regulations are included in the new regulation. The provisions include facility definitions, minimum facility requirements, transport requirements, minimum equipment requirements, temporary facilities, training and facility inspections.

FEDERAL MANDATE: The practice of falconry and the management of raptors as migratory species is governed by the U.S. Fish and Wildlife Service. Any state falconry program must be approved by the USFWS and must operate within federal limits. Kansas has had a federally-approved program since 1988. The opportunity exists to move from a dual management system to a state-only managed system with federal oversight.

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

ALTERNATIVES CONSIDERED: None.

115-14-14. Falconry; taking, banding, transporting, and possessing raptors. (a) Each person taking a raptor from the wild for falconry purposes shall possess a current, valid hunting license pursuant to K.S.A. 32-919, and amendments thereto, and meet the requirements for hunter education certification pursuant to K.S.A. 32-920, and amendments thereto.

(b) Each falconer shall apply for and receive a permit from the department before attempting to take a raptor from the wild in Kansas.

(c) Each capture device used to capture raptors shall have a tag attached showing the permittee's name, address, and current falconry permit number.

(d) The permittee shall acquire permission from the landowner or the person controlling any private land before taking or attempting to take any wild raptor for falconry purposes.

(e) Wild raptors may be taken for falconry purposes if the species is approved by the department to be taken by the permittee and is allowed under the level of falconry permit possessed by the permittee in accordance with K.A.R. 115-14-12.

(1) A permittee shall not intentionally take a raptor species that the permittee is prohibited from possessing by the permittee's classification level.

(2) If a permittee captures a prohibited bird, the permittee shall immediately release it.

(f) A permittee shall take no more than two raptors from the wild each year to use in falconry in accordance with the permit level limitations specified in K.A.R. 115-14-12. The take shall be further restricted by the following provisions:

(1) Passage and haggard raptors may be taken by apprentice falconers, general falconers, and master falconers year-round.

(2) Raptors less than one year of age may be taken only by a general falconer or master falconer and may be taken year-round.

(3) No more than two eyases may be taken by a general falconer or a master falconer per calendar year. At least one eyas shall be left in the nest when an eyas is taken.

An apprentice falconer shall not take an eyas raptor from the wild.

(4) The following raptors may be taken from the wild, but only during the specified stages of development:

(A) Red-tailed hawk (*Buteo jamaicensis*) in the eyas and passage stages;

(B) American kestrel (*Falco sparverius*) in all stages; and

(C) great horned owl (*Bubo virginianus*) in all stages.

(5) Any other species of raptor in the eyas or passage stage of development may be taken by general falconers and master falconers.

(6) The recapture of a falconry bird that has been lost by a falconry permittee shall not be considered to be the capture of a wild raptor to be counted against the annual limit.

(g) Except as provided by this subsection, no species designated by the United States or in K.A.R. 115-15-1 as endangered or threatened shall be taken from the wild.

(1) A general falconer or master falconer may obtain a permit to take one wild raptor listed by federal law as threatened for falconry purposes.

(2) (A) The permittee shall submit an application and receive a federal endangered species permit before taking the bird.

(B) The permittee shall submit an application and receive approval and a permit from the department before taking the bird.

(h) Each raptor taken from the wild shall always be considered a wild bird.

(i) Each raptor taken from the wild in a calendar year by a permittee and then transferred to a second permittee shall count as one of the raptors allowed to be taken by the first permittee

who took the raptor from the wild. The raptor transferred to the receiving permittee shall not count against the limit of wild raptors that may be taken in the calendar year by the receiving permittee.

(j) Each raptor taken from the wild shall be reported as follows:

(1) The permittee who is present and takes possession of a wild raptor at the capture site shall file the required report information within 10 calendar days of the capture by submitting the information to the electronic database of the United States fish and wildlife service.

(2) Any permittee may enlist the assistance of another person to take a wild raptor if the permittee is at the exact location of the capture and takes immediate possession of the bird.

(3) Any permittee who does not take immediate possession of a wild raptor at the exact location of the capture may acquire a wild raptor from a general falconer or master falconer, as defined in K.A.R. 115-14-12, in accordance with the following reporting requirements:

(A) The general falconer or master falconer who takes the raptor from the wild shall report the capture in accordance with paragraph (j)(1).

(B) The permittee receiving the wild raptor from the general falconer or master falconer shall report the transfer of the bird within 10 calendar days of the transfer by submitting the information to the electronic database of the United States fish and wildlife service.

(4) Any permittee who has a long-term or permanent physical impairment that prevents the individual from being present at the exact location of the capture and taking immediate possession of a wild raptor that may be used by the permittee for falconry purposes may acquire a bird by the following means:

(A) Any general falconer or master falconer, as defined by K.A.R. 115-14-12, may capture the wild raptor.

This capture shall not count against the general falconer's or master falconer's calendar-year limit for the take of wild raptors. However, this capture shall count against the calendar-year limit for wild raptors of the permittee with the long-term or permanent physical impairment.

(B) The permittee with the long-term or permanent physical impairment shall file the capture report in accordance with paragraph (j)(1).

(C) The permittee with the long-term or permanent physical impairment shall confirm the presence of the impairment and the need to report in accordance with this subsection at the time of application for the capture permit.

(k) A master falconer may be authorized by permit to possess not more than three eagles, including golden eagles, white-tailed eagles, or Steller's sea eagles, for falconry in accordance with the following provisions:

(1) Each eagle possessed shall count against the possession limit for the permittee.

(2) A golden eagle may be taken in a location declared by the wildlife services of the United States department of agriculture or in an area within a state that has been established as a livestock depredation area in accordance with the following provisions:

(A) An immature or a subadult golden eagle may be taken in a livestock depredation area while the depredation area is in effect.

(B) A nesting adult golden eagle, or an eyas from its nest, may be taken in a livestock depredation area if a biologist that represents the agency responsible for establishing the depredation area has determined that the adult eagle is preying on livestock.

(C) The permittee shall notify the regional law enforcement office of the United States fish and wildlife service of the capture plan before any trapping activity begins. Notification

shall be submitted in person, in writing, or by facsimile or electronic mail at least three business days before the start of trapping.

(l) Any raptor wearing falconry equipment or any captive-bred raptor may be recaptured at any time by any permittee in accordance with the following provisions:

(1) The permittee may recapture the raptor whether or not the permittee is allowed to possess that species.

(2) The recaptured bird shall not count against the permittee's possession limit. This take from the wild shall not count against the capture limit for the calendar year.

(3) The permittee shall report the recapture to the department within five working days of the recapture.

(4) The disposition of any recaptured bird shall be as follows:

(A) The bird shall be returned to the person who lost it, if that person may legally possess the bird and chooses to do so. If the person who lost the bird either is prohibited from taking or chooses not to take the bird, the permittee who captured the bird may take possession of the bird if the permittee holds the necessary qualifications for the species and does not exceed the permittee's possession limit.

(B) The disposition of a recaptured bird whose legal ownership cannot be ascertained shall be determined by the department.

(m) Each goshawk, Harris's hawk (*Parabuteo unicinctus*), peregrine falcon (*Falco peregrinus*), or gyrfalcon (*Falco rusticolus*) taken from the wild or acquired from a rehabilitator by a falconry permittee shall be identified by one or more of the following means:

(1) The bird shall be banded with a black nylon, permanent, nonreusable, numbered falconry registration leg band from the United States fish and wildlife service. The bands shall

be made available through the department. Any permittee may request an appropriate band before any effort to capture a raptor.

(2) In addition to the band specified in paragraph (m)(1), the permittee may purchase and have implanted in the bird a 134.2 kHz microchip that is compliant with the requirements of an international organization for standardization. All costs associated with the implantation of a microchip shall be the responsibility of the permittee.

(3) The permittee shall report the take of any bird within 10 days of the take by submitting the required information, including the band number or the microchip information, or both, to the electronic database of the United States fish and wildlife service.

(4) The permittee shall report to the department the loss or removal of any black nylon, nonreusable leg band within five days of the removal or notice of loss.

(A)(i) When submitting the report, the permittee shall submit a request for a black, nylon, nonreusable leg band to the United States fish and wildlife service.

(ii) The permittee may purchase and implant a 134.2 kHz microchip that is compliant with the requirements of an international organization for standardization, in addition to using the black, nylon, nonreusable leg band for rebanding.

(B) The permittee shall immediately submit the required information relating to the rebanding or the implanting of a microchip by submitting the information to the electronic database of the United States fish and wildlife service.

(n) Each raptor bred in captivity either shall be banded with a seamless metal falconry registration band provided by the United States fish and wildlife service or shall have implanted a 134.2 kHz microchip that is compliant with the requirements of an international organization for standardization.

The permittee shall report to the department the loss or removal of any seamless band within 10 days of the removal or notice of loss.

(1)(A) When submitting the report, the permittee shall submit a request for a yellow, nylon, nonreusable leg band to the United States fish and wildlife service.

(B) The permittee may purchase and implant a 134.2 kHz microchip that is compliant with the requirements of an international organization for standardization, in addition to using the seamless leg band for rebanding.

(2) The permittee shall immediately submit the required information relating to the rebanding or the implanting of a microchip by submitting the information to the electronic database of the United States fish and wildlife service.

(o) A falconry registration band shall not be altered, defaced, or counterfeited. However, the rear tab on a falconry registration band used to identify a raptor taken from the wild may be removed and any imperfect surface may be smoothed if the integrity of the band and the numbering on the band are not affected.

(p) The falconry registration band requirement may be waived by the secretary and the removal of a registration band may be allowed in order to address a documented health or injury problem caused to a raptor by the registration band in accordance with the following provisions:

(1) The permittee shall be required to carry a copy of the exemption paperwork at all times while transporting or flying the raptor.

(2) A microchip compliant with the requirements of an international organization for standardization and provided by the United States fish and wildlife service shall be used to replace the registration band causing the health or injury problem on a wild-caught goshawk, Harris's hawk, peregrine falcon, or gyrfalcon.

(q) A wild-caught falcon shall not be banded with a seamless numbered band.

(r) Any permittee, with prior authorization, may take a wild raptor, including a wild raptor that has been banded with an aluminum band from the federal bird-banding laboratory of the United States fish and wildlife service, during the legal season using legal methods and equipment, in accordance with the following provisions:

(1) Each captured raptor that has any band, research marker, or transmitter attached to it shall be immediately reported to the federal bird-banding laboratory of the United States fish and wildlife service. The reported information shall include any identifying numbers, the date and location of capture, and any other relevant information.

(2) A peregrine falcon that is banded with a research band or has a research marking attached to the bird shall not be taken from the wild and shall be immediately released.

(3) A captured peregrine falcon that has a research transmitter attached to the bird may be kept by the permittee not more than 30 days if the federal bird-banding laboratory of the United States fish and wildlife service is immediately contacted after the capture. The disposition of the captured peregrine falcon shall be in accordance with the directions provided by the federal bird-banding laboratory or its designee.

(4) Any raptor, other than a peregrine falcon, that has a transmitter attached to it may be possessed by the permittee who captured the bird for not more than 30 days in order to contact the researcher, or the researcher's designee, to determine if the transmitter should be replaced.

(A) The temporary, 30-day possession of the bird shall not count against the permittee's possession limit for falconry raptors.

(B) If the permittee who captured the raptor wishes to possess the bird for falconry purposes, the disposition of the bird shall be at the discretion of the researcher and the secretary

if the species of the bird is allowable under the classification level of the permittee and the permittee's possession of the captured bird does not exceed the established possession limit.

(s) Each raptor, including a peregrine falcon, that is captured and found with a seamless metal band, a transmitter, or any other item identifying it as a falconry bird attached to it shall be reported to the department within five days of capture.

(1) Each such falconry raptor shall be returned to the person who lost the raptor.

(2) If the person who lost the bird is prohibited from possessing the bird or does not wish to possess the bird, the permittee who captured the bird may keep the bird if the permittee holds the necessary qualifications for the species and does not exceed the permittee's possession limit.

(3) If the permittee who captured the bird is prohibited from possessing the bird, the disposition of the bird shall be at the discretion of the secretary.

(4) The recaptured falconry bird shall not count against the possession limit or the calendar-year limit of wild birds that may be taken by the permittee during the time the recaptured bird is being held pending final disposition.

(t) Each raptor that is injured during trapping activities shall be handled in accordance with the provisions of this subsection. It shall be the permittee's responsibility to address any injury occurring to a raptor during trapping activities in one of the following ways:

(1) The permittee may take the raptor into possession and apply it to the permittee's possession limit if the raptor is of a species allowed to be possessed and the permittee's possession limit is not exceeded.

(A) The take shall be reported in accordance with subsection (j).

(B) The raptor shall be treated by a veterinarian or a permitted wildlife rehabilitator. The cost for the care and treatment of the raptor shall be the responsibility of the permittee.

(2) The raptor may be turned over directly to a veterinarian, a permitted wildlife rehabilitator, or a department employee, and the raptor shall not be counted against the permittee's allowable take or possession limit. The permittee shall be responsible for the costs relating to the care and rehabilitation of the bird.

(u)(1) The permittee shall report each raptor that dies or is acquired, transferred, rebanded, implanted with a microchip, lost to the wild and not recovered within 30 calendar days, or stolen by submitting the information to the electronic database of the United States fish and wildlife service.

(2) In addition to submitting the report required in paragraph (u)(1), the permittee shall file a report of the theft of a raptor with the department and the appropriate regional law enforcement office of the United States fish and wildlife service within 10 calendar days of the theft.

(3) The permittee shall keep copies of all electronic database submissions documenting the take, transfer, loss, theft, rebanding, or implanting of microchips of each falconry raptor for at least five years after the bird has been transferred, released to the wild, or lost, or has died.

(v) The intentional release to the wild of any falconry raptor shall be in accordance with the following requirements:

(1) A species of raptor that is not native to Kansas shall not be released to the wild. Any such bird may be transferred to another falconry permittee if the permittee receiving the bird is authorized to possess the age and species of raptor and the transfer does not exceed the possession limit of the permittee receiving the bird.

(2) Any species of raptor that is native to Kansas and is captive-bred may be released to the wild according to the following requirements:

(A) The permittee shall obtain the department's permission to release the bird to the wild before the actual release. The time of year and the location where the release shall take place shall be specified by the department.

(i) The release of a raptor on department lands or waters shall meet the requirements of K.A.R. 115-8-12.

(ii) The permittee shall acquire verbal permission from the landowner or person in control of the private land before the release of the raptor.

(B) The permittee shall remove any tag, transmitter, or nonreusable falconry band, if present, before release. All falconry identification bands, tags, or markers shall then be surrendered to the department within 10 calendar days of the release.

(C) The permittee shall report the release of the bird within 10 calendar days of the release by submitting the required information to the electronic database of the United States fish and wildlife service.

(3) Any species of raptor that is native to Kansas and was taken from the wild may be released to the wild according to the following requirements:

(A) The permittee may release the bird to the wild year-round.

(i) Each release of a raptor on department lands or waters shall meet the requirements of K.A.R. 115-8-12.

(ii) The permittee shall acquire verbal permission from the landowner or person in control the private land before the release of the raptor.

(B) The permittee shall remove any tag, transmitter, or nonreusable falconry band, if present, before the release. All falconry identification bands, tags, or markers shall then be surrendered to the department within 10 calendar days of the release.

(C) The permittee shall report the release of the bird within 10 calendar days of the release by submitting the required information to the electronic database of the United States fish and wildlife service.

(4) No hybrid raptor, as defined in K.A.R. 115-14-11, shall be intentionally released to the wild permanently.

(5) Hacking, which means temporarily releasing a falconry raptor to the wild for conditioning, shall be permissible.

This regulation shall be effective on and after December 31, 2012. (Authorized by and implementing K.S.A. 32-807; effective P-_____.)

ECONOMIC IMPACT STATEMENT

115-14-14. Falconry; taking, banding, transporting, and possessing raptors.

DESCRIPTION: This new administrative regulation details taking, banding, transporting and possessing raptors. The provisions contained in the previous regulations as well as provisions from federal regulations are included in the new regulation. The provisions include hunting license requirements, capture devices, permission from the landowner, number of raptors that may be taken, threatened or endangered species, reporting take of raptors, recapture of raptors, identification of raptors taken, and release of raptors.

FEDERAL MANDATE: The practice of falconry and the management of raptors as migratory species is governed by the U.S. Fish and Wildlife Service. Any state falconry program must be approved by the USFWS and must operate within federal limits. Kansas has had a federally-approved program since 1988. The opportunity exists to move from a dual management system to a state-only managed system with federal oversight.

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

ALTERNATIVES CONSIDERED: None.

115-14-15. Falconry; transfers, trading, and sale of raptors. (a) The number of transactions transferring a falconry raptor between permittees shall not be restricted if the permittee taking possession of the raptor does not exceed the possession limit in K.A.R. 115-14-12.

(b) Upon the death of a falconry permittee, the surviving spouse, executor, administrator, or other legal representative of the deceased falconry permittee may transfer any raptor held by the permittee to another authorized permittee within 90 days. After 90 days, the disposition of any raptor held under the permit shall be at the discretion of the secretary.

(c) No wild-caught raptor shall be sold or purchased, bartered, or traded, whether or not the raptor has been transferred or held in captivity for any period.

(d) A wild-caught raptor may be transferred to another falconry permit holder in accordance with the following requirements:

(1) The transferor shall report the transfer within 10 calendar days by submitting the information to the electronic database of the United States fish and wildlife service.

(2) Upon transfer to another properly permitted falconer, the raptor shall not count toward the number of wild raptors that may be taken from the wild by the receiving falconer.

(e) A wild-caught raptor may be transferred to the holder of a raptor propagation permit in accordance with the following provisions:

(1) A falconry raptor shall be transferred to a properly permitted captive propagation permittee if the raptor is used for propagation purposes for more than eight months.

(A) The individual holding the raptor propagation permit may be the same individual holding the falconry permit or a different person.

(B) Each raptor that is transferred shall have been used for falconry for at least two calendar years, except that the following raptor species shall have been used for falconry for at least one calendar year:

(i) Sharp-shinned hawk (*Accipiter striatus*);

(ii) Cooper's hawk (*Accipiter cooperii*);

(iii) merlin (*Falco columbarius*); and

(iv) American kestrel (*Falco sparverius*).

(C) The falconry permittee shall report the transfer within 10 calendar days by submitting the information to the electronic database of the United States fish and wildlife service.

(D) The transferred bird shall be banded with a black nylon, nonreusable, numbered band issued by the United States fish and wildlife service.

(2) A falconry raptor may be temporarily transferred to a permitted captive propagation permittee for propagation purposes in accordance with the following provisions:

(A) The individual holding the raptor propagation permit may be the same individual holding the falconry permit or a different person.

(B) A falconry raptor shall not be used for captive propagation for more than eight months in a calendar year.

(C) The permittee shall notify the department in writing of the dates on which the bird begins and ends captive propagation activity.

(3) A falconry raptor may be permanently transferred to the holder of a permit type other than a falconry permit or captive propagation permit in accordance with the following provisions:

(A) The transfer may occur regardless of the time during which the wild-caught bird has been used for falconry purposes.

(B) The bird shall have been injured and a veterinarian or wildlife rehabilitator shall have determined that the bird shall no longer be flown for falconry.

(C) The falconry permittee shall report the transfer within 10 calendar days by submitting the information to the electronic database of the United States fish and wildlife service. The falconry permittee shall also provide a copy of the certification from the veterinarian or wildlife rehabilitator stating that the bird cannot be used for falconry to the regional migratory bird permit office of the United States fish and wildlife service within 10 calendar days of the transfer.

(f) Any captive-bred falconry raptor may be transferred to another falconry permit holder. The transferor shall report the transfer within 10 calendar days by submitting the transfer report to the electronic database of the United States fish and wildlife service.

(g) A captive-bred falconry raptor may be transferred to the holder of a permit type other than falconry. The transferor shall report the transfer within 10 calendar days to the electronic database of the United States fish and wildlife service.

(h) Any permittee may acquire a raptor for falconry purposes from a permitted rehabilitator if all of the following requirements are met:

(1) The raptor shall be of an age and species allowed under the permittee's classification level.

(2) The acquisition shall not place the permittee in excess of the possession limit.

(3) The transfer from the rehabilitator to the permittee shall be at the discretion of the rehabilitator.

(4) Each raptor acquired by transfer from a rehabilitator shall count as one of the raptors that the permittee is allowed to take from the wild for that calendar year.

(5) The permittee shall report each raptor acquired by transfer from a rehabilitator within 10 days of the transfer by submitting the required information to the electronic database of the United States fish and wildlife service.

This regulation shall be effective on and after December 31, 2012. (Authorized by and implementing K.S.A. 32-807; effective P-_____.)

ECONOMIC IMPACT STATEMENT

115-14-15. Falconry; transfers, trading, and sale of raptors.

DESCRIPTION: This new administrative regulation details transfers, trading and sale of raptors. The provisions contained in the previous regulations as well as provisions from federal regulations are included in the new regulation. The provisions include transfer of raptors, prohibiting sale of wild-caught raptors, marking of transferred raptors, and reporting of transferred raptors.

FEDERAL MANDATE: The practice of falconry and the management of raptors as migratory species is governed by the U.S. Fish and Wildlife Service. Any state falconry program must be approved by the USFWS and must operate within federal limits. Kansas has had a federally-approved program since 1988. The opportunity exists to move from a dual management system to a state-only managed system with federal oversight.

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

ALTERNATIVES CONSIDERED: None.

115-18-1. Wildlife rehabilitation permit; application, reporting and general provisions. (a)

Each application for a wildlife rehabilitation permit shall be submitted on a form provided by the department. Each applicant shall provide the following information:

- (1) The name of applicant;
- (2) the applicant's address;
- (3) the location or address of the applicant's facilities if different from the applicant's address;
- (4) the name of each assisting subpermittee;
- (5) the type of wildlife rehabilitation service to be provided;
- (6) a description of the applicant's available facilities;
- (7) the applicant's qualifications to provide the services specified;
- (8) the name of each assisting veterinarian; and
- (9) other relevant information as required by the secretary.

(b) (1) A wildlife rehabilitation permit shall be issued only to each individual who meets the following qualifications:

- (A) Is 18 years of age or older;
- (B) has 100 hours of experience in the handling and care of wildlife acquired over the course of one calendar year. Up to 20 hours of this 100-hour requirement may be fulfilled by successful completion of a training course provided by either the international wildlife rehabilitation council (IWRC) or the national wildlife rehabilitators' association (NWRA);
- (C) submits letters of recommendation regarding the applicant's knowledge of wildlife rehabilitation from three persons who have known the applicant for at least two years. The letters of recommendation shall be from any of the following:

(i) A wildlife professional, which may include a biologist employed by a state or federal wildlife agency, the curator or manager of a zoo or wildlife sanctuary, or other person professionally engaged in wildlife management or care;

(ii) a department conservation officer;

(iii) a Kansas-licensed veterinarian; or

(iv) a permitted wildlife rehabilitator; and

(D) has obtained one of the following:

(i) A certificate of completion of a training course offered by the international wildlife rehabilitation council (IWRC) within the preceding three years;

(ii) a certificate of completion of a training course offered by the national wildlife rehabilitators' association (NWRA) within the preceding three years; or

(iii) a test score of at least 80 percent on a department-administered wildlife rehabilitation examination at a department office location. Each applicant who fails the examination shall wait a minimum of 30 days before retaking the examination. The test may be taken only twice during each calendar year. The test shall not be returned to applicants at any time.

(2) A total of eight hours of continuing education or training every three years from a department-approved program shall be required for the renewal of a permit.

(c) Each applicant or permittee shall allow an inspection of the rehabilitation facilities to be made by a department official. A permit shall not be issued until the rehabilitation facilities have been approved by the inspecting official. All facilities shall be subject, during reasonable hours of operation, to inspection by the department to determine compliance with the provisions of the permit and the provisions contained in this regulation. Each facility shall be inspected by a department official once during the permit period and upon each change in facility location.

Each subpermittee authorized to care for wildlife at a site other than the primary permittee's facility shall have those facilities annually inspected and approved by a department official.

(d) Permits issued shall be valid through December 31.

(e) A permittee may provide for subpermittees to operate under the authority of the permit during the effective period of the permit upon approval of the secretary or designee, based on the following requirements:

(1) Each permittee shall submit the name of each individual for whom the designation of subpermittee is requested. The permittee shall be notified by the department in writing of the approval or denial of each request. The permittee shall notify the department in writing of any approved subpermittee whose services with the permit holder are terminated.

(2) Each subpermittee shall be 18 years of age or older and have experience in handling and caring for animals during the previous two years.

(3) Each wildlife rehabilitation permittee shall be responsible for ~~insuring~~ ensuring that each subpermittee meets all requirements of the rehabilitation permit.

(4) Each subpermittee needing to care for wildlife in need of rehabilitation at a site other than the primary permittee's facility shall have that site inspected and approved according to the standards ~~set forth~~ specified in subsection (g) before holding any wildlife at that site.

(5) Each subpermittee holding wildlife at a site different from the primary permittee's facility shall comply with the conditions ~~set forth~~ specified in the primary permittee's permit.

(f) The rehabilitation activities authorized by each permit issued under this regulation shall be performed only by the permittee or subpermittee specified on the permit. Volunteers may assist in rehabilitation activities only in the presence and under the direction of a permittee or subpermittee. Each permittee utilizing volunteers shall keep on file at the permitted facility a

current record of all volunteers working at the facility. At no time shall volunteers be allowed to remove wildlife from the permitted facility, except as provided in subsection (1).

(g) Wildlife rehabilitation care and treatment shall be provided in accordance with the following provisions:

(1) All rehabilitation of wildlife shall be performed in consultation, as necessary, with a licensed veterinarian named on the rehabilitator's permit or with veterinarians on staff at the Kansas State University veterinary hospital.

(2) Individual caging requirements may be specified by the secretary or designee based on the size, species, condition, age, or health of the wildlife under care.

(3) Clean water shall be available at all times except when medical treatment requires the temporary denial of water.

(4) Cages shall be cleaned on a daily basis and disinfected using nonirritating methods.

(5) A person authorized by permit shall observe and provide care for wildlife at least once daily unless otherwise specified by the permit.

(6) Wildlife shall be kept in an environment that minimizes human contact and prevents imprinting and bonding to humans.

(7) Wildlife possessed under a rehabilitation permit shall not be allowed to come into contact with any person other than a permit holder, subpermittee, volunteer, licensed veterinarian, animal control specialist, law enforcement officer, or wildlife professional from the department.

(8) Wildlife shall be housed separately from domestic animals, unless domestic animals are being used for bonding or surrogate parenting.

(9) Public viewing, exhibition, or display of any kind to the public, including electronic viewing, shall be prohibited, unless specifically authorized in writing by the secretary or designee.

(h) Wildlife held under the authority of a rehabilitation permit shall not be sold, bartered, or exchanged for any consideration. A permit issued under this regulation shall not authorize a person, firm, or corporation to engage in the propagation or commercial sale of wildlife.

(i) Wildlife held under the authority of a rehabilitation permit may be transferred from one permittee to another permittee if all of the following conditions are met:

(1) The permittee receiving the wildlife holds all the proper permits and authorizations necessary for that species of wildlife.

(2) The transfer is necessary for the proper treatment or care of the wildlife.

(3) The transfer is properly recorded in both permittees' operational records.

(4) The transfer is approved in writing by the secretary or designee.

(j) The secretary or designee shall be notified within 48 hours if the permittee receives for transport or care an endangered species, threatened species, or species in need of conservation, as identified in K.A.R. 115-15-1 and K.A.R. 115-15-2. Permission for treatment and care by the requesting permittee may be granted by the secretary or designee, or an alternate course of action may be specified by the secretary or designee.

(k) No permittee shall perform any of the following acts, unless the permittee possesses, in advance, an amended permit authorizing this activity from the secretary or designee:

(1) Change the facility location, consulting veterinarian, or subpermittees;

(2) receive previously unauthorized species; or

(3) conduct previously unauthorized activities.

(1) Sick, orphaned, displaced, or injured wildlife may be possessed, transported, or treated in accordance with the following provisions:

(1) Any person may temporarily possess and transport sick, orphaned, displaced, or injured wildlife within the state to a person authorized to perform wildlife rehabilitation services or initial treatment. Possession of an individual animal for transportation to initial treatment shall not exceed one day.

(2) Wildlife in need of rehabilitation treatment or care may be provided emergency medical care and stabilization by any of the following individuals or institutions not holding a rehabilitation permit for 48 hours, after which time the wildlife shall be transferred to a permitted rehabilitator:

(A) Accredited zoological parks;

(B) nature centers;

(C) department wildlife professionals; or

(D) licensed veterinarians.

Any wildlife requiring extensive medical care and recovery may remain under the care of a licensed veterinarian beyond the 48-hour restriction, subject to subsection (g).

(3) Any person authorized by permit to perform wildlife rehabilitation services or exempt by law from the requirement to possess a wildlife rehabilitation permit may possess individual animals for treatment purposes on a temporary basis. Possession of an individual animal for treatment purposes shall not exceed ~~420~~ 180 days, unless an extension has been approved by the secretary or designee.

(4) Rehabilitation treatment or care shall not be provided to the following species of wildlife:

(A) European starlings;
(B) English or house sparrows;
(C) feral pigeons; and
(D) any wildlife species listed in K.A.R. 115-18-10, except as authorized in writing by the secretary.

(m) Each permittee shall maintain current records of wildlife rehabilitation services provided under the permit on report forms provided by the department. The records shall be maintained at the designated facility, be made available to department officials for inspection purposes, and include the following information:

- (1) The name of the permittee;
- (2) the permittee contact information;
- (3) the name and address of the facility;
- (4) the wildlife rehabilitation permit number;
- (5) the date on which any wildlife is received for treatment;
- (6) the species of wildlife received for treatment;
- (7) the suspected or known cause for treatment;
- (8) the date and disposition of the wildlife at the conclusion of treatment; and
- (9) other relevant information as required by the secretary.

(n) Each permittee shall submit the true and accurate, original report required in subsection (m) to the department on or before January 31 of the year following the permitted activity. The permittee may retain a copy of the report for the permittee's records.

(o) Any person authorized by permit to perform wildlife rehabilitation services or exempt by law from the requirement to possess a wildlife rehabilitation permit may temporarily possess

and transport wildlife to another location within the state for the purposes of providing treatment, releasing wildlife in its natural habitat, or transporting wildlife to an approved temporary or permanent holding facility. Possession of wildlife for transportation to another location shall not exceed 48 hours.

(p) Wildlife no longer in need of rehabilitation treatment or care shall be handled in accordance with the following requirements:

(1) All wildlife determined to be capable of survival in the wild shall be released to the wild. Each individual releasing wildlife in accordance with this subsection shall ensure that the following conditions are met:

(A) The animal is released in an area consistent with the animal's normal habitat.

(B) The animal is released only on land, including both public and private properties, if written permission has been granted by the person in legal possession of the land where the release is to be made.

(C) The animal is not released in a location so close to human dwellings that the release is likely to result in nuisance, health, or safety problems.

(D) The animal is not released within the limits of any municipality without prior written approval from the appropriate municipal authority.

(2) Wildlife that cannot be rehabilitated and released to the wild shall be euthanized unless a written request, specifying an alternate course of action, is approved by the secretary or designee. Each course of action requiring the wildlife to remain in captivity shall be approved only if the wildlife is transferred from the permittee providing the rehabilitation services to an accredited zoological facility, or a scientific or educational permit holder in accordance with subsection (i). Each transfer shall be allowed only for educational programs or fostering or

socialization purposes, and no transfer shall take place unless the secretary or designee has approved the request in writing.

(3) All euthanized wildlife and wildlife that have died shall be buried, incinerated, or transferred to a person or facility possessing a valid department scientific, educational, or exhibition permit. All federally permitted wildlife shall be disposed of in accordance with the terms of any federal permit. Any deceased wildlife may be disposed of on private property with the prior written permission of the person in legal possession of the private property. Deceased wildlife shall not be disposed of within the limits of any municipality without the prior written permission of the municipality.

(q) Any permittee may continue to possess a permit if all of the following conditions are met:

- (1) The permit application is complete.
- (2) The permit application contains no false information.
- (3) The permittee meets the permit requirements and does not violate the permit conditions.
- (4) The permittee has not been convicted of violating local, state, or federal laws relating to the care, treatment, possession, take, or disposal of wildlife or domestic animals within the previous five years.
- (5) The permit has not expired.

The permittee shall be notified, in writing, of the cancellation of the permit by the secretary or designee. The permittee shall be provided by the secretary or designee with the opportunity to respond, in writing, within 10 days of receipt of the cancellation.

(r) Any provision of this regulation may be temporarily waived by the secretary or designee during a wildlife health crisis for the protection of public or wildlife health.

(s) This regulation shall be effective on and after ~~January 1, 2006~~ December 31, 2012.

(Authorized by and implementing K.S.A. 32-807, K.S.A. 32-953, and K.S.A. 32-961;
~~implementing K.S.A. 32-807, K.S.A. 32-953, K.S.A. 32-961, K.S.A. 2003 Supp. 32-1001, and~~
~~K.S.A. 32-1002~~; effective Jan. 1, 1990; amended Jan. 1, 2006; amended P-_____.)

ECONOMIC IMPACT STATEMENT

K.A.R. 115-18-1. Wildlife rehabilitation permit; application, reporting and general provisions.

DESCRIPTION: This permanent regulation establishes requirements for wildlife rehabilitation permits. The proposed amendment results from coordinating the rehabilitation regulation provisions with the proposed changes in falconry regulations, specifically related to changing possession requirements for treatment for injured animals.

FEDERAL MANDATE: None.

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

ALTERNATIVES CONSIDERED: None.

2012-2013 LATE MIGRATORY BIRD SEASONS

August 23, 2012

BACKGROUND

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

Kansas has a diverse landscape that offers a variety of different waterfowling opportunities. Staff recommendations are an attempt to match season dates with available habitat types, migration chronology, and season preferences of duck hunters for specific areas. Staff recommendations are derived through a KDPWT waterfowl working group, public feedback (not only through casual hunter feedback from waterfowl hunters but also large-scale waterfowl hunter opinion surveys), and public meetings. Waterfowl hunters are passionate about their craft, and KDPWT receives very strong sentiment on both sides of an issue. Kansas waterfowl hunters are just as diverse as Kansas waterfowl hunting opportunities. Annual adoption of season regulation for individual zones and splits helps to serve a broad constituent base and a variety of waterfowl hunting opportunities.

DISCUSSION

Since 1995, Adaptive Harvest Management (AHM) has been used for setting duck hunting regulations in the United States. The AHM approach provides a framework for making objective decisions through three regulatory packages:

- Liberal package
 - Season Length: 74-day Low Plains Season, 97-day High Plains Season
 - Daily bag limit: 6 birds with various species restrictions.
- Moderate package
 - Season Length: 60-day Low Plains Season, 83-day High Plains Season
 - Daily bag limit: 6 birds with various species restrictions.
- Restrictive package
 - Season Length: 39-day Low Plains Season, 51-day High Plains Season
 - Daily bag limit: 3 birds with various species restrictions.

2012-13 Duck, Merganser, and Coot Federal Frameworks: Liberal Package

- *Outside Dates:* Between the Saturday nearest September 24 (September 22, 2012) and the last Sunday in January (January 27, 2013).
- *Season Length:*
 - High Plains Unit: 97 days. The last 23 days may start no earlier than the Saturday nearest December 10 (December 8, 2012).
 - Low Plains Unit: 74 days.
- *Bag Limits:* The daily bag limit is 6 ducks, with species and sex restrictions as follows: 5 mallards (no more than 2 of which may be females), 3 wood ducks, 2 pintails, 2 redheads, and 1 canvasback.
- *Merganser Limits:* The daily bag limit is 5 mergansers, only 2 of which may be hooded mergansers. States have the option to include mergansers as part of the duck daily bag limit.
- *Coot Limits:* The daily bag limit is 15 coots.
- *Shooting hours:* ½ hour before sunrise to sunset
- *Units and Zones:*
 - High Plains Unit – no zones and up to two segments.
 - Low Plains Unit* – 3 zones with each having up to two segments.

* The USFWS reviews duck zones every five years. In 2011 Kansas was permitted to add an additional zone to its Low Plains Unit in the Southeast portion of the state. In addition, the boundary for the Low Plains Early/ Low Plains Late was modified to include all of the McPherson Wetland Complex into the Early Zone (see map provided). This was to attempt satisfy local waterfowl hunters' preferences in those areas. Season dates can change annually, but Kansas is locked into the three Low Plains zones until the 2015-2016 season.

2012-13 Goose Federal Frameworks

- *Outside Dates:*
 - Dark Geese (Canada, White-fronted, and Brant) - between the Saturday nearest September 24 (September 22, 2012) and the Sunday nearest February 15 (February 17, 2013).
 - Light geese (Ross's and Snow), between the Saturday nearest September 24 (September 22, 2012) and March 10.
- *Season Lengths and Limits:*
 - Dark Geese: States may select a season for Canada geese (or any other dark goose species except white-fronted geese) not to exceed 107 days with a daily bag limit of 3. For white-fronted geese, States may select either a season of 74 days with a bag limit of 2 or an 88-day season with a bag limit of 1.
 - Light Geese: States may select a light goose season not to exceed 107 days. The daily bag limit for light geese is 20 with no possession limit.

2012-13 Special Youth Waterfowl Hunting Days

States may select two consecutive days per duck-hunting zone, designated as “Youth Waterfowl Hunting Days,” in addition to their regular duck seasons. The days must be held outside any regular duck season on a weekend, holiday, or other non-school day when youth hunters would have the maximum opportunity to participate. The days may be held up to 14 days before or after any regular duck-season frameworks or within any split of a regular duck season, or within any other open season on migratory birds.

- *Daily Bag Limits:* The daily bag limits may include ducks, geese, mergansers, and coots and would be the same as those allowed in the regular season
- *Shooting Hours:* One-half hour before sunrise to sunset
- *Participation Restrictions:* Youth hunters must be 15 years of age or younger. In addition, an adult at least 18 years of age must accompany the youth hunter into the field. This adult may not waterfowl hunt but may participate in other seasons that are open on the special youth day.

STAFF RECOMMENDATIONS

Ducks, Mergansers and Coots - Adopt federal frameworks for daily bag limit, possession limit, and shooting hours. Adopt a 74 day season length in the Low Plains Unit and adopt a 96 day season length in the High Plains Unit. *

- High Plains Unit: Oct. 6 – Dec. 30, 2012 and Jan. 19-27, 2013
- Low Plains Early Zone: Oct. 6 – Dec. 2 and Dec. 15 - Dec 30, 2012
- Low Plains Late Zone: Oct. 27 - Dec 30, 2012 and Jan. 19-27, 2013
- Low Plains Southeast Zone: Nov. 3, 2012- Jan. 6, 2013 & Jan. 19-27, 2013

* The Migratory Bird Treaty Act limits the season for any one species to 107 days. With a 9 day September Teal Season and a 2 day special youth season, permits only 96 duck hunting days in Kansas's High Plains Unit.

Geese - Adopt federal frameworks for season length, daily bag limit, possession limit and shooting hours for dark and light Geese.

- White-fronted Geese: Oct 27 – Dec 30, 2012 and Feb 2-10, 2013
- Canada and Brant Geese:** Oct. 27 – Nov. 4, and Nov. 7, 2012 – Feb. 10, 2013
- Light (Ross's and Snow) Geese:** Oct. 27 – Nov. 4, and Nov. 7, 2102 – Feb. 10, 2013
- Light Goose Conservation Order: Feb. 11 – Apr. 30, 2013

** The Migratory Bird Treaty Act limits the season for any one species to 107 days. With the 2 day special youth season, permits only 105 hunting days for Canada and Light geese.

Special Youth Waterfowl Hunting Days - Adopt federal frameworks for the special youth waterfowl hunting days.

- High Plains Unit: Sept. 29 – 30, 2012
- Low Plains Early Zone: Sept. 29 – 30, 2012
- Low Plains Late Zone: Oct 20 – 21, 2012
- Low Plains Southeast Zone: Oct 20 – 21, 2012

Figure 1. Kansas Duck Hunting Zones

